

IN THE SUPREME COURT OF THE STATE OF NEVADA

Supreme Court Case No. 80508

Electronically Filed
Mar 05 2020 07:35 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

HELIX ELECTRIC OF NEVADA, LLC,

Appellant,

v.

APCO CONSTRUCTION, INC., A NEVADA CORPORATION,

Respondent.

**APPENDIX TO DOCKETING STATEMENT
Volume XI**

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Attorneys for Appellant
Helix Electric of Nevada, LLC

<u>Exhibit</u>	<u>Description</u>	<u>Bates Range</u>	<u>Volume</u>
A	Court Docket for Case No. 09A587168	Helix000001 – Helix000044	I
B	Notice of Entry of Order to Consolidate	Helix000045 – Helix000053	I
C	Consolidated Case List	Helix000054 – Helix000062	I
D			
D-1	Pleadings Related to Accuracy	Helix000063 - Helix000066	I
	Complaint Re Foreclosure filed by Accuracy Glass & Mirror Company	Helix000067 – Helix000103	I
	First Amended Complaint Re: Foreclosure	Helix000104 – Helix000119	I
	APCO's Answer to Accuracy's First Amended Complaint Re: Foreclosure	Helix000120 – Helix000135	I & II
	CAMCO's Answer and Counterclaim	Helix000136 – Helix000155	II
	Accuracy's Answer to CAMCO's Counterclaim	Helix000156 – Helix000160	II
D-2	Pleadings Related to Helix Electric of Nevada, LLC d/b/a Helix Electric	Helix000161 – Helix000163	II
	Helix Electric's Amended Statement of Facts Constituting Lien and Third-Party Complaint	Helix000164 – Helix000179	II

	APCO's Answer to Helix's Amended Statement of Facts Constituting Notice of Lien and Third-Party Complaint	Helix000180 – Helix000195	II
	CAMCO and Fidelity's Answer and CAMCO's Counterclaim	Helix000196 – Helix000211	II
	Notice of Entry of Granting Helix's Motion for Fees, Interest and Costs	Helix000212 – Helix000220	II
	Notice of Entry of Judgment	Helix000221 – Helix000240	II
	Notice of Entry of Judgment [As to the Claims of Helix and National Wood Products Against APCO]	Helix000241 – Helix000251	II & III
	Findings of Fact and Conclusions of Law and Order as to the Claims of Helix and Cabenotec Against APCO	Helix000252 – Helix000323	III
D-3	Pleadings Related to WRG Design, Inc.	Helix000324 – Helix000326	III
	WRG's Amended Statement of Facts Constituting Notice of Lien and Third-Party Complaint	Helix000327 – Helix000343	III
	APCO's Answer to Helix's Amended Statement of Facts Constituting Notice of Lien and Third-Party Complaint	Helix000344 – Helix000359	III
	CAMCO & FDCM's Answer and CAMCO's Third-Party Complaint	Helix000360 – Helix000380	III & IV
	Notice of Entry of Stipulation and Order of Dismissal	Helix000381 – Helix000388	IV

	WRG's Answer to CAMCO's Counterclaim	Helix000389 – Helix000393	IV
D-4	Pleadings Related to Heinaman Contract Glazing	Helix000394 – Helix000396	IV
	Heinaman's Amended Statement of Facts Constituting Notice of Lien and Third-Party Complaint	Helix000397 – Helix000409	IV
	CAMCO and FDCM's Answer to Heinaman's Statement of Facts and CAMCO's Counterclaim	Helix000410 – Helix000430	IV
	Notice of Entry of Order	Helix000431 – Helix000439	IV
	Notice of Entry of Judgment	Helix000440 – Helix000462	IV
	Heinaman's Answer to CAMCO's Counterclaim	Helix000463 – Helix000467	IV
D-5	Pleadings Related to Bruin Painting Corporation	Helix000468 – Helix000469	IV
	Bruin Painting's Amended Statement of Facts Constituting Amended Notice of Lien and Third-Party Complaint	Helix000470 – Helix000482	IV
	CAMCO's Answer and Counterclaim	Helix000483 – Helix000503	IV & V
	Voluntary Dismissal	Helix000503 – Helix000505	V

D-6	Pleadings Related to HD Supply Waterworks, LP	Helix000506 – Helix000508	V
	HD Supply's Amended Statement of Facts Constituting Notice of Lien and Third-Party Complaint	Helix000509 – Helix000526	V
	APCO's Answer to Amended Statement of Facts Constituting Notice of Lien and Third-Party Complaint	Helix000527 – Helix000541	V
	Amended Answer to HD Supply & Waterworks, LP's Statement of Facts Constituting Lien and CAMCO's Third-Party Complaint	Helix000542 – Helix000548	V
	Jeff Heit Plumbing and Old Republic's Answer to HD Supply's Amended Statement of Facts Constituting Notice of Lien and Third-Party Complaint	Helix000549 – Helix000558	V
	Stipulation and Order to Dismiss E&E Fire Protection	Helix000559 – Helix000569	V
	Voluntary Dismissal of Platte River Insurance	Helix000570 – Helix000577	V
	Scott Financial's Answer to HD Supply's Amended Statement of Facts Constituting Notice of Lien and Third-Party Complaint	Helix000578 – Helix000601	V
E	Accuracy Glass & Mirror Company's Complaint Re: Foreclosure	Helix000602 – Helix000638	V & VI

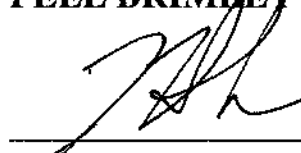
F	Accuracy Glass & Mirror Company's First Amended Complaint Re: Foreclosure	Helix000639 – Helix 000654	VI
G	Bruin Painting	Helix000655- Helix691	VI
H	HD Supply	Helix000692 – Helix000785	VI & VII
I	Heinaman	Helix000786 – Helix000857	VII & VIII
J	WRG	Helix000858 – Helix000925	VIII & IX
K	131 Nev Advance Opinion	Helix000926 – Helix000943	IX
L	Notice of Entry of Order Granting Plaintiff's Motion to Dismiss	Helix000944 – Helix000950	IX
M	Notice of Entry of Judgment [As to the Claims of Helix Electric of Nevada, LLC and Plaintiff in Intervention National Wood Products, Inc.'s Against APCO Construction, Inc.	Helix000951 – Helix961	IX
N	Notice of Entry of Judgment [As to the Claims of Helix Electric of Nevada, LLC Against CAMCO Construction Co., Inc.]	Helix000962 – Helix000981	IX
O	Notice of Entry of Judgment [As to the Claims of Heinaman Contract Glazing Against CAMCO Construction Co., Inc.)	Helix000982 – Helix001004	IX & X

P	Order Dismissing Appeal (NV Supreme Court Case No. 76276)	Helix001005 – Helix001008	X
Q	Notice of Entry of Granting Helix Electric of Nevada's Motion for Rule 54(b) Certification	Helix001009 – Helix001017	X
R	Notice of Appeal	Helix001018 – Helix1607	X & XI & XII & XIII

Dated this 5th day of March, 2020.

PEEL BRIMLEY LLP

Bar # 14377



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Attorneys for Appellant

Helix Electric of Nevada, LLC

CERTIFICATE OF SERVICE

Pursuant to Nev. R. App. P. 25(b) and NEFCR 9(f), I certify that I am an employee of **PEEL BRIMLEY, LLP**, and that on this 3rd day of March, 2020, I caused the above and foregoing document, **APPENDIX TO DOCKETING STATEMENT**, to be served as follows:

- ☐ by placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada; and/or
- ☒ pursuant to NEFCR 9, upon all registered parties via the Nevada Supreme Court's electronic filing system;
- ☐ pursuant to EDCR 7.26, to be sent **via facsimile**;
- ☐ to be hand-delivered; and/or
- ☐ other _____

to the attorney(s) and/or party(ies) listed below at the address and/or facsimile number indicated below:

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- and -

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*Attorneys for Respondent/Cross-Appellant
APCO Construction, Inc.*

Settlement Judge:

Stephen E. Haberfeld
8224 Blackburn Ave, Suite 100
Los Angeles, CA 90048







An employee of **PEEL BRIMLEY, LLP**

DISTRICT COURT
CASE SUMMARY
CASE NO. 08A571228










01/09/2014	 Miscellaneous Filing Filed by: Plaintiff Apco Construction <i>Notice of Screening Device</i>
03/18/2014	 Consent to Service By Electronic Means Filed By: Plaintiff Apco Construction <i>Consent to Service By Electronic Means</i>
03/18/2014	 Notice Filed By: Counter Defendant Uintah Investments LLC <i>Notice of Change of Handling Attorney</i>
04/22/2014	 Notice of Substitution of Parties Filed By: Intervenor Plaintiff S R Bray Corp <i>Substitution of Real Party in Interest</i>
04/30/2014	 Transcript of Proceedings <i>Portion of Transcript: Scott Defendants' Motion to Lift Stay, Allow Sale to Proceed with Deposit of Funds Pending Further Court Order, and for Posting of Bond, July 2, 2012</i>
04/30/2014	 Transcript of Proceedings <i>Transcript of Proceedings: Evidentiary Hearing, July 9, 2012</i>
04/30/2014	 Transcript of Proceedings <i>Transcript of Proceedings: Evidentiary Hearing, July 10, 2012</i>
05/28/2014	 Motion Filed By: Intervenor Insulpro Projects Inc <i>Insulpro Projects, Inc.'s Motion to Lift Stay</i>
06/16/2014	 Opposition to Motion Filed By: Plaintiff Apco Construction <i>APCO Construction's Opposition to Insulpro Project, Inc.'s Motion to Lift Stay</i>
06/18/2014	 Stipulation and Order Filed by: Plaintiff Apco Construction <i>Stipulation and Order to Continue the Hearing on Insulpro Projects Inc.'s Motion to Lift Stay</i>
06/19/2014	 Notice of Entry of Order Filed By: Plaintiff Apco Construction <i>Notice of Entry of Stipulation and Order to Continue Hearing on Insulpro Projects Inc.'s Motion to Lift Stay</i>
06/20/2014	 Opposition Filed By: Defendant Scott Financial Corporation <i>Opposition of Scott Financial Corporation to Insulpro Project, Inc.'s Motion to Lift Stay</i>
06/20/2014	 Reply to Opposition Filed by: Intervenor Plaintiff Inquipco <i>Insulpro Projects, Inc.'s Reply to Apco Construction's Opposition to Motion to Lift Stay</i>
06/23/2014	 Opposition

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Filed By: Counter Claimant Camco Pacific Construction Co Inc
Camco Pacific Construction Company, Inc.'s Opposition to Insulpro Projects, Inc.'s Motion to Lift Stay

07/02/2014	 Reply to Opposition Filed by: Intervenor Insulpro Projects Inc <i>Insulpro Projects, Inc.'s Reply to Camco Pacific Construction Company, Inc.'s Opposition to Motion to Lift Stay</i>
07/15/2014	 Motion (9:00 AM) (Judicial Officer: Scann, Susan) <i>Insulpro Projects, Inc.'s Motion to Lift Stay</i> Denied; <i>Denied</i>
07/28/2014	 Order Denying Filed By: Plaintiff Apco Construction <i>Order Denying Insulpro Projects Inc.'s Motion to Lift Stay</i>
07/29/2014	 Notice of Entry of Order Filed By: Plaintiff Apco Construction <i>Notice of Entry of Order Denying Insulpro Projects Inc.'s Motion to Lift Stay</i>
03/11/2015	 Opposition Filed By: Consolidated Case Party Cisneros, Selina <i>Opposition to Affidavit of Renewal of Judgment</i>
07/13/2015	 Motion to Withdraw As Counsel Filed By: Intervenor Plaintiff Northstar Concrete, Inc. <i>Motion to Withdraw as Counsel of Record For Northstar Concrete, Inc.</i>
08/19/2015	 Motion to Withdraw as Counsel (3:00 AM) (Judicial Officer: Scann, Susan) <i>The Law Firm of Pezzillo Lloyd's Motion to Withdraw as Counsel of Record For Northstar Concrete, Inc.</i> Minute Order - No Hearing Held; <i>Minute Order - No Hearing Held</i>
08/31/2015	 Order Granting Motion Filed By: Counter Defendant Northstar Concrete Inc <i>Order Granting Motion to Withdraw as Counsel of Record For Northstar Concrete, Inc.</i>
08/31/2015	 Notice of Entry of Order <i>Notice of Entry of Order Granting Motion to Withdraw as Counsel of Record for Northstar Concrete Inc.</i>
10/07/2015	 Notice of Hearing <i>Notice of Hearing for Status Check</i>
10/21/2015	 Status Check (9:30 AM) (Judicial Officer: Denton, Mark R.) 10/21/2015, 04/21/2016 <i>Status Check: Disbursement of Sale Proceeds & any other Matters Remaining following the S. CT. Decision 131Nev., Adv. Op. 70</i> Matter Continued; Attorney /Judge Conflict -Dept.15 Matter Heard; Matter Continued; Attorney /Judge Conflict -Dept.15

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





	Matter Heard; <i>Matter Continued</i>
11/05/2015	 Substitution of Attorney Filed by: Intervenor Plaintiff Las Vegas Pipeline LLC <i>Substitution of Attorney</i>
03/14/2016	 Notice of Department Reassignment <i>Notice of Department Reassignment</i>
03/14/2016	Case Reassigned to Department 15 <i>Reassigned From Judge Susan Scann - Dept 29</i>
03/28/2016	 Motion Filed By: Intervenor Defendant Club Vista Financial Services LLC <i>Motion for Order Shortening Time for Hearing on Joint Motion to Release Sale Proceeds from Court-Controlled Escrow Account</i>
03/28/2016	 Motion Filed By: Intervenor Defendant Club Vista Financial Services LLC <i>Joint Motion to Release Sale Proceeds from Court Controlled Escrow Account on Order Shortening Time</i>
04/05/2016	 Notice of Appearance Party: Plaintiff Apco Construction <i>Notice of Appearance</i>
04/14/2016	 Notice of Entry of Order Filed By: Intervenor Defendant Club Vista Financial Services LLC <i>Notice of Entry of Order Releasing Sale Proceeds from Court-Controlled Escrow Account</i>
04/14/2016	 Motion to Release Funds (9:00 AM) (Judicial Officer: Denton, Mark R.) <i>Club Vista Financial Services, LLC. and Tharaldson Motels II, Inc.'s Motion for Order Shortening Time for Hearing on Joint Motion to Release Sale Proceeds from Court-Controlled Escrow Account</i> Matter Resolved; <i>Matter Resolved</i>
04/14/2016	 Order Filed By: Intervenor Defendant Club Vista Financial Services LLC <i>Order Releasing Sale Proceeds from Court-Controlled Escrow Account</i>
05/06/2016	 Order <i>Order RE: Status Check</i>
05/09/2016	 Motion Filed By: Plaintiff Apco Construction <i>Motion to Appoint Special Master</i>
05/18/2016	 Opposition to Motion Filed By: Third Party Plaintiff Insulpro Projects Inc <i>Insulpro Project's Limited Opposition to Apco Construction's Motion to Appoint Special Master</i>
05/18/2016	 Motion for Summary Judgment

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


Filed By: Third Party Plaintiff Insulpro Projects Inc
Renewed Motion for Partial Summary Judgment

05/18/2016	 Application Filed By: Intervenor Plaintiff Las Vegas Pipeline LLC <i>Application for Order Shortening Time Re: Motion to Withdraw</i>
05/18/2016	 Motion to Withdraw As Counsel Filed By: Intervenor Plaintiff Las Vegas Pipeline LLC <i>Motion to Withdraw</i>
05/20/2016	 Order Shortening Time Filed By: Intervenor Plaintiff Las Vegas Pipeline LLC <i>Order Granting Movant's Application for Order Shortening Time on its Motion to Withdraw</i>
05/23/2016	 Notice of Entry of Order Filed By: Intervenor Plaintiff Las Vegas Pipeline LLC <i>Notice of Entry of Order Granting Movant's Application for Order Shortening Time on its Motion to Withdraw</i>
05/24/2016	 Certificate of Service Filed by: Intervenor Plaintiff Las Vegas Pipeline LLC <i>Certificate of Service - Notice of Entry of Order Granting Movant's Application for Order Shortening Time on its Motion to Withdraw</i>
05/25/2016	 Opposition to Motion Filed By: Intervenor Plaintiff Cactus Rose Construction Inc <i>Peel Brimley Lien Claimants' Limited Opposition to APCO's Motion to Appoint Special Master</i>
05/31/2016	 Joinder Filed By: Intervenor Steel Structures Inc <i>Joinder to Peel Brimley Lien Claimants' Limited Opposition to APCO's Motion to Appoint Special Master</i>
05/31/2016	 Opposition to Motion Filed By: Counter Defendant Zitting Brothers Construction Inc <i>Zitting Brothers Construction, Inc.'s Joinder to Peel Brimley Lien Claimants' Limited Opposition to APCO's Motion to Appoint Special Master</i>
05/31/2016	 Reply in Support Filed By: Plaintiff Apco Construction <i>APCO Construction's Reply in Support of Motion to Appoint Special Master</i>
05/31/2016	 Joinder to Motion For Partial Summary Judgment Filed By: Counter Defendant Zitting Brothers Construction Inc <i>Zitting Brothers Construction, Inc.'s Joinder to Insulpro Projects, Inc.'s Renewed Motion for Partial Summary Judgment</i>
06/01/2016	 Initial Appearance Fee Disclosure Filed By: Counter Defendant Zitting Brothers Construction Inc <i>Fee Disclosure for Zitting Brothers Construction, Inc.'s Joinder to Insulpro Projects, Inc.'s Renewed Motion for Partial Summary Judgment</i>
06/02/2016	

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


	 Notice of Entry of Order Filed By: Plaintiff Apco Construction <i>Notice of Entry of Order Granting Movant's Motion to Withdraw</i>
06/02/2016	 Opposition to Motion For Summary Judgment Filed By: Defendant Scott Financial Corporation <i>Scott Financial Corporation's Limited Opposition to Lien Claimant Insulpro's Projects, Inc.'s Renewed Motion for Partial Summary Judgment</i>
06/02/2016	Status Check (9:00 AM) (Judicial Officer: Denton, Mark R.) Matter Heard; <i>Matter Heard</i>
06/02/2016	Motion to Withdraw as Counsel (9:00 AM) (Judicial Officer: Denton, Mark R.) <i>Smith & Shapiro, PLLC's Motion to Withdraw</i> Granted; <i>Granted</i>
06/02/2016	 All Pending Motions (9:00 AM) (Judicial Officer: Denton, Mark R.) Matter Heard; <i>Matter Heard</i>
06/02/2016	 Order to Withdraw as Attorney of Record Filed by: Intervenor Plaintiff Las Vegas Pipeline LLC <i>Order Granting Movant's Motion to Withdraw</i>
06/06/2016	 Opposition and Countermotion Filed By: Plaintiff Apco Construction <i>APCO's Opposition to Renewed Motion for Partial Summary Judgment and Joinder thereto; and Countermotion to Dismiss and/or for Summary Judgment Against Insulpro</i>
06/06/2016	 Opposition Filed By: Counter Claimant Camco Pacific Construction Co Inc <i>Camco's Opposition to Insulpro's Renewed Motion for Partial Summary Judgment</i>
06/07/2016	 Initial Appearance Fee Disclosure Filed By: Plaintiff Apco Construction <i>Initial Appearance Fee Disclosure</i>
06/09/2016	 Motion (9:00 AM) (Judicial Officer: Denton, Mark R.) <i>Plaintiff's Motion to Appoint Special Master</i> Motion Granted; <i>Motion Granted</i>
06/09/2016	 Order Appointing Special Master Filed By: Plaintiff Apco Construction <i>Order: Appointing Special Master</i>
06/13/2016	 Notice of Entry of Order Filed By: Plaintiff Apco Construction <i>Notice of Entry of Order</i>
06/15/2016	 Reply in Support Filed By: Intervenor Insulpro Projects Inc <i>Reply in Support of Renewed Motion for Partial Summary Judgment Re: Apco Opposition</i>

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06/15/2016	 Reply in Support Filed By: Intervenor Insulpro Projects Inc <i>Reply in Support of Renewed Motion for Partial Summary Judgment re: Camco Opposition</i>
06/20/2016	Motion for Partial Summary Judgment (9:00 AM) (Judicial Officer: Denton, Mark R.) <i>Renewed Motion for Partial Summary Judgment</i> Referred; <i>Referred</i>
06/20/2016	Joinder (9:00 AM) (Judicial Officer: Denton, Mark R.) <i>Zitting Brothers Construction, Inc.'s Joinder to Insulpro Projects, Inc.'s Renewed Motion for Partial Summary Judgment</i> Referred; <i>Referred</i>
06/20/2016	Opposition and Countermotion (9:00 AM) (Judicial Officer: Denton, Mark R.) <i>APCO's Opposition to Renewed Motion for Partial Summary Judgment and Joinder Thereto; and Countermotion to Dismiss and/or for Summary Judgment Against Insulpro</i> Referred; <i>Referred</i>
06/20/2016	 All Pending Motions (9:00 AM) (Judicial Officer: Denton, Mark R.) Matter Heard; <i>Matter Heard</i>
06/22/2016	 Notice of Special Master Hearing Filed By: Special Master Hale, Floyd, ESQ <i>Notice of Special Master Hearing</i>
06/28/2016	 Notice of Special Master Hearing Filed By: Special Master Hale, Floyd, ESQ <i>Notice of Rescheduled Special Master Hearing</i>
07/01/2016	 Notice of Entry of Order Filed By: Plaintiff Apco Construction <i>Notice of Entry of Order</i>
07/01/2016	 Order Denying Motion Filed By: Plaintiff Apco Construction
07/11/2016	 Recorders Transcript of Hearing <i>Recorder's Transcript of Proceedings Bench Trial: APCO Construction and Ready Mix, Inc., October 30, 2012</i>
08/02/2016	 Notice of Special Master Hearing Filed By: Special Master Hale, Floyd, ESQ <i>Notice of Special Master Hearing</i>
08/08/2016	 Special Master Recommendation and District Court Order Filed by: Special Master Hale, Floyd, ESQ <i>Special Master Report, Recommendation, and District Court Order</i>
08/23/2016	 Notice of Appearance Party: Counter Defendant Uintah Investments LLC

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Notice of Appearance of Counsel for Plaintiff Uintah Investments, LLC dba Sierra Reinforcing

08/31/2016	 Disclosure of Documents and Witnesses Pursuant to NRCP 16.1 Filed By: Counter Claimant Camco Pacific Construction Co Inc <i>Camco's 16.1 Disclosure</i>
09/01/2016	 Special Master Order Filed By: Special Master Hale, Floyd, ESQ <i>Special Master Order Requiring Completion of Questionnaire</i>
09/22/2016	 Notice of Compliance Party: Intervenor E & E Fire Protectiong LLC <i>E&E Fire Protection, LLC's Notice of Compliance</i>
09/23/2016	 Response Filed by: Intervenor National Wood Products, Inc.'s <i>National Wood Products Incs Response to Special Master Questionnaire</i>
09/26/2016	 Response Filed by: Other United Subcontractors Inc <i>United Subcontractors, Inc. DBA Skyline Insulation's Special Master Questionnaire Response</i>
09/27/2016	 Disclosure of Documents and Witnesses Pursuant to NRCP 16.1 Filed By: Other United Subcontractors Inc <i>United Subcontractors, Inc. DBA Skyline Insulation's Consolidated Disclosure Pursuant to NRCP 16.1 and Special Master Order</i>
09/30/2016	 Request Filed by: Intervenor National Wood Products, Inc.'s <i>Request for Leave to Special Master for Approval of Late Filing and Service of Rule 16.1 Disclosures by National Wood Products, Inc., Judgment Creditor and Intervenor of Claimant Cabinetec, Inc.</i>
10/03/2016	 Special Master Order Filed By: Special Master Hale, Floyd, ESQ <i>Special Master Order authorizing NATIONAL WOOD PRODUCTS, INC., Intervenor of Cabinetec, Inc. to File and Serve its NRCP 16.1 Disclosures within Ten Days</i>
10/07/2016	 Special Master Order Filed By: Special Master Hale, Floyd, ESQ <i>Special Master Order Authorizing United Subcontractors, Inc. dba Skyline Insulation to File and Serve NRCP 16.1 Disclosures</i>
10/07/2016	 Special Master Recommendation and District Court Order Filed by: Special Master Hale, Floyd, ESQ <i>Special Master Report Regarding Remaining Parties to the Litigation, Special Master Recommendation and District Court Order Amending Case Agenda</i>
10/12/2016	 Disclosure of Documents and Witnesses Pursuant to NRCP 16.1 Filed By: Other United Subcontractors Inc <i>United Subcontractors, Inc. DBA Skyline Insulation's Re-filed, Supplemented and Consolidated Disclosure Pursuant to NRCP 16.1 and Special Master Order</i>
01/06/2017	

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	 Substitution of Attorney Filed by: Intervenor Plaintiff Interstate Plumbing & Air Conditioning Inc <i>Substitution of Attorney</i>
01/09/2017	 Proof of Service Filed by: Plaintiff Apco Construction <i>Proof of Service</i>
01/13/2017	 Motion for Order to Show Cause Filed By: Intervenor Defendant Club Vista Financial Services LLC <i>Motion for Order to Show Cause Why Grubb & Ellis, Now Known As Newmark Grubb, Should Not be Held in Contempt of Court</i>
01/24/2017	 Certificate of Service Filed by: Other United Subcontractors Inc <i>Certificate of Service (United Subcontractors, Inc. dba Skyline Insulation's Responses to APCO Construction's First Request for Production of Documents)</i>
01/30/2017	 Certificate of Service Filed by: Other United Subcontractors Inc <i>Certificate of Service (United Subcontractors, Inc. dba Skyline Insulation's Responses to APCO Construction's First Set of Interrogatories)</i>
01/30/2017	 Order Setting Civil Non-Jury Trial <i>Order Setting Civil Non-Jury Trial And Calendar Call</i>
02/02/2017	 Motion to Associate Counsel <i>Motion to Associate Counsel</i>
02/03/2017	 Proof of Service by Mail Filed by: Other Chapter 7 Trustee <i>Certificate of Service</i>
02/14/2017	 Stipulation and Order Filed by: Counter Claimant Club Vista Financial Seviles LLC <i>Stipulation and Order for Amended Briefing Schedule and to Continue Hearing on Motion for Order to Show Cause</i>
02/15/2017	 Motion to Withdraw As Counsel Filed By: Intervenor Defendant Gemstone Development West Inc <i>Motion to Withdraw</i>
02/16/2017	 Notice of Special Master Hearing Filed By: Special Master Hale, Floyd, ESQ <i>Notice of Special Master Hearing</i>
02/16/2017	 Notice of Entry of Stipulation and Order Filed By: Plaintiff Apco Construction <i>Notice of Entry of Stipulation and Order for Amended Briefing Schedule and to Continue Hearing on Motion for Order to Show Cause</i>
02/21/2017	 Certificate of Service Filed by: Plaintiff Apco Construction <i>Certificate of Service</i>

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02/23/2017	 Opposition Filed By: Consolidated Case Party Newmark Grubb Knight Frank <i>Opposition to Motion for Order to Show Cause</i>
02/27/2017	 Special Master Order Filed By: Special Master Hale, Floyd, ESQ <i>Special Master Report Regarding Remaining Parties to the Litigation and Discovery Status</i>
02/28/2017	 Notice of Motion Filed By: Consolidated Case Party Cisneros, Selina <i>Notice of Motion for Hearing</i>
02/28/2017	 Motion Filed By: Consolidated Case Party Cisneros, Selina <i>Plaintiff Motion to Set Aside Judgment</i>
03/01/2017	 Reply in Support Filed By: Counter Claimant Tharaldson Motels II Inc <i>Reply in Support of Motion for Order to Show Cause why Grubb & Ellis, now known as Newmark Grubb, Should not be Held in Contempt of Court</i>
03/06/2017	Motion for Order (9:00 AM) (Judicial Officer: Denton, Mark R.) <i>Club Vista Financial Services, LLC and Tharaldson Motels II, Inc.'s Motion for Order to Show Cause Why Grubb & Ellis, Now Known As Newmark Grubb, Should Not be Held in Contempt of Court</i> MINUTES Denied; <i>Denied</i>
03/06/2017	Motion to Associate Counsel (9:00 AM) (Judicial Officer: Denton, Mark R.) <i>Plaintiff's Motion to Associate Counsel - Jonathan S. Dabbieri, Esq.</i> MINUTES Granted; <i>Granted</i> SCHEDULED HEARINGS CANCELED Status Check (04/03/2017 at 9:00 AM) (Judicial Officer: Denton, Mark R.) <i>Vacated</i> <i>Status Check Re: SCR 42 Compliance (Jonathan S. Dabbieri, Esq.)</i>
03/06/2017	 All Pending Motions (9:00 AM) (Judicial Officer: Denton, Mark R.) Matter Heard; <i>Matter Heard</i>
03/15/2017	 Decision and Order <i>Decision and Order</i>
03/15/2017	 Decision (11:45 AM) (Judicial Officer: Denton, Mark R.) Decision Made; <i>Decision Made</i>
03/17/2017	 Motion for Summary Judgment Filed By: Plaintiff Apco Construction

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CASE NO. 08A571228











Plaintiff APCO Construction's Motion for Summary Judgment Against Uintah Investments LLC dba Sierra Reinforcing

03/20/2017	 Motion to Withdraw as Counsel (9:00 AM) (Judicial Officer: Denton, Mark R.) <i>Monica J. Caffaratti, Esq.'s Motion to Withdraw</i> Granted; <i>Granted</i>
03/29/2017	 Order Admitting to Practice Filed By: Other Chapter 7 Trustee <i>Order admitting to Practice</i>
03/29/2017	 Request Filed by: Intervenor Defendant Gemstone Development West Inc <i>Request to Submit proposed Order</i>
03/29/2017	 Notice of Entry Filed By: Consolidated Case Party Newmark Grubb Knight Frank <i>Notice of Entry of Decision and Order</i>
03/30/2017	 Notice of Entry of Order Filed By: Other Chapter 7 Trustee <i>Notice of Entry of Order Approving Motion to Associate Counsel</i>
04/03/2017	 Opposition to Motion For Summary Judgment Filed By: Counter Defendant Uintah Investments LLC <i>Uintah Investments LLC dba Sierra Reinforcing's Opposition to APCO Construction's Motion for Summary Judgment</i>
04/03/2017	 Motion (9:00 AM) (Judicial Officer: Denton, Mark R.) <i>Notice of Motion for Hearing on Motion to Set Aside</i> MINUTES Denied; <i>Denied</i>
04/03/2017	CANCELED Status Check (9:00 AM) (Judicial Officer: Denton, Mark R.) <i>Vacated</i> <i>Status Check Re: SCR 42 Compliance (Jonathan S. Dabbieri, Esq.)</i>
04/07/2017	 Reply in Support Filed By: Plaintiff Apco Construction <i>Plaintiff APCO Construction's Reply In Support of its Motion for Summary Judgment Against Uintah Investments LLC dba Sierra Reinforcing</i>
04/14/2017	 Stipulation and Order Filed by: Intervenor Steel Structures Inc <i>Stipulation and Order to Continue Hearing on APCO Construction's Motion for Summary Judgment Against Uintah Investments, LLC dba Sierra Reinforcing</i>
04/17/2017	 Notice of Entry of Order Filed By: Intervenor Steel Structures Inc <i>Notice of Entry of Stipulation and Order to Continue Hearing on APCO Construction's Motion for Summary Judgment Against Uintah Investments, LLC dba Sierra Roofing</i>
04/18/2017	 Minute Order (2:00 PM) (Judicial Officer: Denton, Mark R.)

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	Decision Made; <i>Decision Made</i>
04/20/2017	 Notice of Bankruptcy Filed By: Intervenor Defendant Accuracy Glas & Mirror Company Inc <i>Notice of Bankruptcy of Accuracy Glass & Mirror Co.</i>
04/27/2017	 Notice of Deposition Filed By: Other United Subcontractors Inc <i>United Subcontractors, Inc. d/b/a Skyline Insulation's Notice of 30(b)(6) Deposition of APCO Construction</i>
04/27/2017	 Notice of Deposition Filed By: Other United Subcontractors Inc <i>United Subcontractors, Inc. d/b/a Skyline Insulation's Notice of 30(b)(6) Deposition of CAMCO Pacific Construction Co. Inc.</i>
04/27/2017	 Motion to Associate Counsel Filed By: Intervenor National Wood Products, Inc.'s <i>Motion to Associate Counsel</i>
04/28/2017	 Motion for Withdrawal Filed By: Adverse Party Accuracy Glass & Mirror Co. <i>Motion to Withdraw as Counsel for Accuracy Glass & Mirror Co. and for Order Shortening Time</i>
05/01/2017	 Notice of Deposition Filed By: Other United Subcontractors Inc <i>United Subcontractors, Inc. d/b/a Skyline Insulation's Amended Notice of 30(b)(6) Deposition of APCO Construction</i>
05/08/2017	 Special Master Order Filed By: Special Master Hale, Floyd, ESQ <i>Special Master Order</i>
05/08/2017	 Special Master Order Filed By: Special Master Hale, Floyd, ESQ <i>Special Master Report Regarding Discovery Status</i>
05/11/2017	 Motion to Withdraw as Counsel (9:00 AM) (Judicial Officer: Denton, Mark R.) <i>Eric B. Zimbelman, Esq.'s Motion to Withdraw as Counsel for Accuracy Glass & Mirror Co and for order Shortening Time</i> Granted; <i>Granted</i>
05/11/2017	 Order to Withdraw as Attorney of Record Filed by: Adverse Party Accuracy Glass & Mirror Co. <i>Order Granting Motion to Withdraw as Counsel for Accuracy Glass & Mirror Co. and for Order Shortening Time</i>
05/12/2017	 Notice of Entry of Order Filed By: Adverse Party Accuracy Glass & Mirror Co. <i>Notice of Entry of Order</i>
05/15/2017	Motion for Summary Judgment (9:00 AM) (Judicial Officer: Denton, Mark R.) <i>Plaintiff APCO Construction's Motion for Summary Judgment Against Uintah Investments</i>

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	<i>LLC dba Sierra Reinforcing</i> Granted; <i>Granted</i>
05/25/2017	 Order Filed By: Plaintiff Apco Construction <i>Order</i>
05/25/2017	 Notice of Entry of Order Filed By: Plaintiff Apco Construction <i>Notice of Entry of Order</i>
05/25/2017	Summary Judgment (Judicial Officer: Denton, Mark R.) Debtors: Uintah Investments LLC (Counter Defendant) Creditors: APCO Construction (Counter Claimant) Judgment: 05/25/2017, Docketed: 06/01/2017
05/30/2017	 Motion to Associate Counsel (9:00 AM) (Judicial Officer: Denton, Mark R.) <i>Intervenor, National Wood Products INC's Motion to Associate Counsel</i> MINUTES Granted; <i>Granted</i> SCHEDULED HEARINGS  Status Check (07/31/2017 at 9:00 AM) (Judicial Officer: Denton, Mark R.) <i>Status Check Re: SCR 42 Compliance (S. Judy Hirahara, Esq.)</i> <i>Matter Heard</i>
06/09/2017	 Substitution of Attorney Filed by: Plaintiff Apco Construction <i>Substitution of Attorneys</i>
06/14/2017	 Order Denying <i>Order Denying Defendant's Motion to Set Aside Judgment</i>
06/16/2017	 Order Admitting to Practice Filed By: Intervenor National Wood Products, Inc.'s <i>Order Admitting to Practice</i>
06/19/2017	 Stipulation and Order for Dismissal With Prejudice Filed By: Plaintiff Apco Construction <i>Stipulation and Order for Dismissal With Prejudice of Insulpro Projects, Inc.</i>
06/19/2017	Order of Dismissal With Prejudice (Judicial Officer: Denton, Mark R.) Debtors: Insulpro Projects Inc (Counter Defendant) Creditors: APCO Construction (Counter Claimant) Judgment: 06/19/2017, Docketed: 06/20/2017
06/20/2017	 Notice of Entry of Stipulation & Order for Dismissal Filed By: Plaintiff Apco Construction <i>Notice of Entry of Stipulation and Order</i>
06/21/2017	 Order Denying Motion Filed By: Counter Defendant APCO Construction <i>Order Denying Defendant's Motion to set aside Judgment</i>

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06/26/2017	 Notice of Entry of Order Filed By: Intervenor National Wood Products, Inc.'s <i>Notice of Entry of ORder</i>
06/26/2017	 Motion To Dismiss - Alternative Motion For Summary Judgment Filed By: Plaintiff Apco Construction <i>APCO Construction's Motion to Dismiss or for Summary Judgment on Lien Claimants' NRS Ch 108 Claim for Foreclosure of Mechanic's Lien</i>
06/26/2017	 Motion Filed By: Intervenor Nevada Prefab Engineers Inc; Intervenor Steel Structures Inc; Counter Defendant Uintah Investments LLC <i>Motion to Substitute</i>
06/28/2017	 Order to Withdraw as Attorney of Record <i>Order Granting Monica Caffaratti's Motion to Withdraw at Attorney</i>
07/05/2017	 Stipulation and Order for Dismissal With Prejudice Filed By: Intervenor Insulpro Projects Inc <i>Stippulation and Order for Dismissal With Prejudice of Insulpro Projects, Inc.</i>
07/05/2017	Order of Dismissal With Prejudice (Judicial Officer: Denton, Mark R.) Debtors: Camco Pacific Construction Co Inc (Third Party Defendant) Creditors: Insulpro Projects Inc (Third Party Plaintiff) Judgment: 07/05/2017, Docketed: 07/12/2017
07/14/2017	 Motion to Continue Filed By: Counter Defendant Zitting Brothers Construction Inc <i>Joint Motion to Continue Hearing on APCO Construction's Motion to Dismiss or for Summary Judgment on Lien Claimant's NRS CH 108 Claim for Foreclosure of Mechanics Lien on Order Shortening Time (First Request)</i>
07/24/2017	 Motion to Continue (9:00 AM) (Judicial Officer: Denton, Mark R.) <i>Joint Motion to Continue Hearing on APCO Cosntructions Motion to Dismiss or for Summary Judgment on Lien Claimants NRS Ch 108 Claim for Foreclosure of Mechanics's Lien on Order Shortening Time</i> Granted; <i>Granted</i>
07/25/2017	 Minute Order (5:35 PM) (Judicial Officer: Denton, Mark R.) Minute Order - No Hearing Held; <i>Minute Order - No Hearing Held</i>
07/26/2017	 Opposition to Motion For Summary Judgment <i>Peel Brimley Lien Claimants' Opposition to APCO's Motion for Summary Judgment Re: Lien Claims</i>
07/26/2017	 Joinder to Opposition to Motion <i>1. Joinder of Interstate Plumbing & Air Conditioning, LLC to Opposition of Helix Electrical of Nevada, LLC to APCO Construction s Motion to Dismiss or for Summary Judgment on Lien Claimants NRS CH 108 Claim for Foreclosure of Mechanic s Lien</i>
07/26/2017	 Opposition Filed By: Counter Defendant Zitting Brothers Construction Inc <i>Zitting Brothers Construction, Inc.'s Opposition to APCO Construction's Motion to</i>

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Dismiss or For Summary Judgment on Lien Claimant's NRS CH 108 Claim For Foreclosure of Mechanic's Lien

07/27/2017	CANCELED Motion (9:00 AM) (Judicial Officer: Denton, Mark R.) <i>Vacated - per Judge</i> <i>Gerdau Reinforcing Steel's Motion to Substitute</i>
07/31/2017	 Status Check (9:00 AM) (Judicial Officer: Denton, Mark R.) <i>Status Check Re: SCR 42 Complaine (S. Judy Hirahara, Esq.)</i> Matter Heard; Notice of Compliance filed 8/7/17 <i>Matter Heard</i>
07/31/2017	 Motion for Partial Summary Judgment Filed By: Counter Defendant Zitting Brothers Construction Inc <i>Zitting Brothers Construction, Inc. s Motion For Partial Summary Judgment Against APCO Construction</i>
08/01/2017	 Order Granting Motion Filed By: Counter Defendant Uintah Investments LLC <i>Order Granting Gerdau Reinforcing Steel's Motion to Substitute</i>
08/01/2017	 Reply in Support Filed By: Plaintiff Apco Construction <i>Apco Construction's Reply in Support of Motion to Dismiss or for Summary Judgment on Lien Claimants' NRS Ch. 108 Claim for Foreclosure of Mechanic's Lien</i>
08/01/2017	 Notice of Entry Filed By: Counter Defendant Gerdau Reinforcing Steel <i>Notice of Entry of Order Granting Gerdau Reinforcing Steel's Motion to Substitute</i>
08/02/2017	 Motion for Partial Summary Judgment <i>Peel Brimley Lien Claimants' Motion for Partial Summary Judgment Precluding Defenses Based on Pay-if-Paid Agreements and Ex-Parte Application for Order Shortening Time</i>
08/03/2017	 Joinder to Motion For Partial Summary Judgment Filed By: Counter Defendant Zitting Brothers Construction Inc <i>Zitting Brothers Construction, Inc.'s Joinder to Peel Brimley Lien Claimants' Motion for Partial Summary Judgment Precluding Defenses Based on Pay-If-Paid Agreements</i>
08/03/2017	 Joinder Filed By: Intervenor Nevada Prefab Engineers Inc; Intervenor Steel Structures Inc; Counter Defendant Gerdau Reinforcing Steel <i>Joinder to Peel Brimley Lien Claimants' Opposition to Apco's Motion for Summary Judgment Re: Lien Claims</i>
08/03/2017	 Joinder Filed By: Intervenor Nevada Prefab Engineers Inc; Intervenor Steel Structures Inc; Counter Defendant Gerdau Reinforcing Steel <i>Joinder to Peel Brimley Lien Claimants' Motion for Partial Summary Judgment Precluding Defenses Based on Pay-If_Paid Agreements and Ex Parte Application for Order Shortening Time</i>
08/04/2017	 Initial Appearance Fee Disclosure Filed By: Intervenor Nevada Prefab Engineers Inc; Intervenor Steel Structures Inc; Counter Defendant Gerdau Reinforcing Steel <i>Initial Appearance Fee Disclosure</i>

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08/04/2017	 Joinder to Motion For Partial Summary Judgment Filed By: Other Chapter 7 Trustee <i>Joinder of Interstate Plumbing & Air Conditioning, LLC to Peel Brimley Lien Claimants' Motion for Partial Summary Judgment Precluding Defenses Based on Pay-If-Paid Agreements</i>
08/07/2017	 Notice Filed By: Intervenor National Wood Products, Inc.'s <i>Pro Hac Vice Applicant S. Judy Hirahara's Notice of Compliance with SCR 42</i>
08/07/2017	 Notice of Entry of Order <i>Notice of Entry of Order</i>
08/07/2017	 Joinder to Motion For Partial Summary Judgment Filed By: Counter Defendant Zitting Brothers Construction Inc <i>Zitting Brothers Construction, Inc.' Joinder to Peel Brimley Lien Claimants' Opposition to APCO's Motion for Summary Judgment</i>
08/07/2017	 Motion to Associate Counsel Filed By: Intervenor National Wood Products, Inc.'s <i>Motion to Associate Counsel</i>
08/07/2017	 Joinder Filed By: Intervenor National Wood Products, Inc.'s <i>National Wood Products, Inc.'s Joinder to Peel Brimley Lien Claimants' Motion for Partial Summary Judgment Precluding Defenses Based on Pay-If-Paid Agreements and Ex Parte Application Shortening Time; and Memorandum of Points and Authorities in Support Thereof</i>
08/08/2017	 Joinder Filed By: Third Party Plaintiff E & E Fire Protection LLC <i>E & E Fire Protection, LLC's Joinder to Peel Brimley Lien Claimants' Motion for Partial Summary Judgment Precluding Defenses Based on Pay-if-Paid Agreements</i>
08/09/2017	 Initial Appearance Fee Disclosure Filed By: Intervenor National Wood Products, Inc.'s <i>Initial Appearance Fee Disclosure</i>
08/09/2017	 Initial Appearance Fee Disclosure Filed By: Intervenor National Wood Products, Inc.'s <i>Initial Appearance Fee Disclosure to Join Motion for Partial Summary Judgment</i>
08/10/2017	 Motion to Dismiss (9:00 AM) (Judicial Officer: Denton, Mark R.) <i>APCO Construction's Motion to Dismiss or for Summary Judgment on Lien Claimants' NRS Ch 108 Claim for Foreclosure of Mechanic's Lien</i> Denied Without Prejudice; <i>Denied Without Prejudice</i>
08/10/2017	 Initial Appearance Fee Disclosure Filed By: Third Party Plaintiff E & E Fire Protection LLC <i>Initial Appearance Fee Disclosure (NRS Chapter 19)</i>
08/11/2017	 Pre-Trial Disclosure <i>Pre-Trial Disclosures of Interstate Plumbing & Air Conditioning, LLC Pursuant to Rule</i>











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16(a)(3) of the Nevada Rules of Civil Procedure

08/11/2017	 Pre-Trial Disclosure Party: Other Chapter 7 Trustee <i>Amended Pre-Trial Disclosures of Interstate Plumbing & Air Conditioning, LLC Pursuant to Rule 16(a)(3) of the Nevada Rules of Civil Procedure</i>
08/11/2017	 Joinder to Motion For Partial Summary Judgment Filed By: Other United Subcontractors Inc <i>United Subcontractors, Inc. dba Skyline Insulation's Joinder to Peel Brimley Lien Claimants' Motion for Partial Summary Judgment Precluding Defenses Based on Pay-If-Paid Agreements</i>
08/11/2017	 Joinder to Motion For Partial Summary Judgment Filed By: Other United Subcontractors Inc <i>United Subcontractors, Inc. dba Skyline Insulation's Joinder to Peel Brimley Lien Claimants' Motion for Partial Summary Judgment Precluding Defenses Based on Pay-If-Paid Agreements</i>
08/11/2017	 Pre-Trial Disclosure Party: Intervenor National Wood Products, Inc.'s <i>Plaintiff in Intervention National Wood Products, Inc.'s Pre-Trial Disclosure Pursuant to NRCP 16.1(a)(3)</i>
08/17/2017	 Opposition Filed By: Intervenor Defendant Fidelity & Deposit Company Of Maryland; Third Party Defendant Camco Pacific Construction Co Inc <i>Camco's Opposition to Lien Claimants' Motion for Partial Summary Judgment</i>
08/21/2017	 Notice <i>Notice of Scheduling Settlement Conference</i>
08/21/2017	 Opposition Filed By: Plaintiff Apco Construction <i>APCO Construction's Opposition to Peel Brimley Lien Claimants' Partial Motion for Summary Judgment Precluding Defenses Based on Pay if Paid Agreements</i>
08/21/2017	 Opposition to Motion Filed By: Plaintiff Apco Construction <i>APCO Construction's Opposition to Zitting Brothers Construction Inc.'s Partial Motion for Summary Judgment</i>
08/22/2017	 Ex Parte Application Party: Intervenor National Wood Products, Inc.'s <i>Ex Parte Application for Order Shortening Time on Motion to Associate Counsel</i>
08/30/2017	 Order Denying Motion <i>Order Denying APCO Construction's Motion for Partial Summary Judgment re: Lien Foreclosure Claims</i>
08/30/2017	 Notice of Entry of Order <i>Notice of Entry of Order</i>
08/31/2017	 Order Shortening Time Filed By: Intervenor National Wood Products, Inc.'s

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Order Shortening Time on Hearing for Motion to Associate Counsel

08/31/2017	 Stipulation and Order Filed by: Counter Defendant Zitting Brothers Construction Inc <i>Stipulation and Order to Continue September 5, 2017 Hearing on Motions for Partial Summary Judgment</i>
09/01/2017	 Notice of Entry of Stipulation and Order Filed By: Counter Defendant Zitting Brothers Construction Inc <i>Notice of Entry of Stipulation and Order to Continue September 5, 2017 Hearing on Motions for Partial Summary Judgment</i>
09/05/2017	 Motion to Associate Counsel (9:00 AM) (Judicial Officer: Denton, Mark R.) <i>Intervening Plaintiff, National Wood Products, Inc.'s Order Shortening Time on Hearing for Motion to Associate Counsel (John B. Taylor)</i> MINUTES Granted; <i>Granted</i> SCHEDULED HEARINGS CANCELED Status Check (10/05/2017 at 9:00 AM) (Judicial Officer: Denton, Mark R.) <i>Vacated</i> <i>Status Check Re: SCR 42 Compliance (John B. Taylor, Esq.)</i>
09/05/2017	 Calendar Call (2:00 PM) (Judicial Officer: Denton, Mark R.) MINUTES Vacate; <i>Vacate</i> SCHEDULED HEARINGS Status Check (10/05/2017 at 9:00 AM) (Judicial Officer: Denton, Mark R.) <i>Status Check Re: Resetting Trial</i> <i>Matter Heard</i>  Hearing (09/11/2017 at 9:00 AM) (Judicial Officer: Denton, Mark R.) <i>Oral Motion to Dismiss</i> <i>Granted</i>
09/06/2017	 Notice of Entry of Order Filed By: Intervenor National Wood Products, Inc.'s <i>Notice of Entry of Order</i>
09/06/2017	 Order Admitting to Practice Filed By: Intervenor National Wood Products, Inc.'s <i>Order Admitting to Practice</i>
09/06/2017	 Notice of Entry of Order Filed By: Intervenor National Wood Products, Inc.'s <i>Notice of Entry of Order Shortening Time on Hearing for Motion to Associate Counsel</i>
09/06/2017	 Notice of Entry of Order Filed By: Intervenor National Wood Products, Inc.'s <i>Notice of Entry of Order Admitting to Practice</i>
09/07/2017	 Pre-trial Memorandum Filed by: Other United Subcontractors Inc

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	<i>United Subcontractors, Inc. d/b/a Skyline Insulation's Pre-Trial Statement/Memorandum</i>
09/11/2017	CANCELED Motion to Associate Counsel (9:00 AM) (Judicial Officer: Denton, Mark R.) <i>Vacated - Duplicate Entry</i> <i>National Wood Products Inc Motion to Associate Counsel</i>
09/11/2017	 Hearing (9:00 AM) (Judicial Officer: Denton, Mark R.) <i>Oral Motion to Dismiss</i> <i>Granted;</i> <i>Granted</i>
09/12/2017	CANCELED Bench Trial (9:00 AM) (Judicial Officer: Denton, Mark R.) <i>Vacated - per Judge</i>
09/20/2017	 Order Granting Motion Filed By: Plaintiff Apco Construction <i>Order Granting Plaintiff's Motion to Dismiss</i>
09/20/2017	 Notice of Compliance Party: Intervenor National Wood Products, Inc.'s <i>Pro Hac Vice Applicant John B. Taylor's Notice of Compliance with SCR 42</i>
09/20/2017	 Stipulation and Order for Dismissal <i>Stipulation and Order of Dismissal of All Claims Relating to Cardno WRG, Inc.</i>
09/21/2017	 Settlement Conference (9:00 AM) <i>Not Settled;</i> <i>Not Settled</i>
09/21/2017	 Notice of Entry of Order Filed By: Plaintiff Apco Construction <i>Notice of Entry of Order</i>
09/21/2017	 Notice of Entry of Stipulation & Order for Dismissal <i>Notice of Entry of Stipulation and Order for Dismissal</i>
09/28/2017	 Reply to Opposition <i>Peel Brimley Lien Claimants' Reply to Oppositions to Motion for Partial Summary Judgment Precluding Defenses Based on Pay-If-Paid Agreements</i>
09/29/2017	 Notice of Association of Counsel Filed By: Plaintiff Apco Construction <i>Notice of Association of Counsel</i>
09/29/2017	 Notice of Appearance Party: Plaintiff Apco Construction <i>Notice of Appearance and Request for Notice</i>
09/29/2017	 Reply in Support Filed By: Counter Defendant Zitting Brothers Construction Inc <i>Zitting Brothers Construction, Inc.'s Reply In Support of Motion for Partial Summary Judgment Against APCO Construction</i>
10/05/2017	Motion for Partial Summary Judgment (9:00 AM) (Judicial Officer: Denton, Mark R.) 10/05/2017, 11/16/2017

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Zitting Brothers Construction Inc's Motion for Partial Summary Judgement Against APCO Construction

MINUTES

Continued;
Granted;
Continued;
Granted;
Continued

10/05/2017 **Motion for Summary Judgment (9:00 AM)** (Judicial Officer: Denton, Mark R.)
10/05/2017, 11/16/2017

Peel Brimley Lien Claimants' Motion for Partial Summary Judgment Precluding Defenses Based on Pay-If-Paid Agreements and Ex Parte Application for Order Shortening time

MINUTES

Continued;
Granted;
Continued;
Granted;
Continued

10/05/2017 **Joinder (9:00 AM)** (Judicial Officer: Denton, Mark R.)
10/05/2017, 11/16/2017

Zitting Brothers Construction, Inc.'s Joinder to Peel Brimley Lien Claimants' Motion for Partial Summary Judgment Precluding Defenses Based on Pay-If-Paid Agreements

MINUTES

Continued;
Granted;
Continued;
Granted;
Continued

10/05/2017 **Opposition and Counter-motion (9:00 AM)** (Judicial Officer: Denton, Mark R.)
10/05/2017, 11/16/2017

Steel Structures, Inc., Nevada Prefab Engineering, and Gerdau Reinforcing Steel's Joinder to Peel Brimley Lien Claimants' Opposition to Apco's Motion for Summary Judgment Re: Lien Claims

MINUTES

Continued;
Under Advisement;
Continued;
Under Advisement;
Continued

10/05/2017 **Joinder (9:00 AM)** (Judicial Officer: Denton, Mark R.)
10/05/2017, 11/16/2017

William A. Leonard, Jr.'s Joinder of Interstate Plumbing and Air Conditioning LLC to Peel Brimley Lien Claimants' Motion for Partial Summary Judgment Precluding Defenses Based on Pay-If-Paid Agreements

MINUTES

Continued;
Granted;
Continued;
Granted;
Continued

10/05/2017 **Joinder (9:00 AM)** (Judicial Officer: Denton, Mark R.)
10/05/2017, 11/16/2017

National Wood Products Inc's Joinder to Peel Brimley Lien Claimants Motion for Partial

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Summary Judgment Precluding Defenses Based on Pay If Paid Agreements and Ex Parte Application Shortening Time; and Memorandum of Point and Authorities in Support Thereof

MINUTES

Continued;
Granted;
Continued;
Granted;
Continued

10/05/2017 **Joinder** (9:00 AM) (Judicial Officer: Denton, Mark R.)

10/05/2017, 11/16/2017

E & E Fire Protection, LLC's Joinder to Peel Brimley Lien Claimants' Motion for Partial Summary Judgment Precluding Defenses Based on Pay-if-Paid Agreements

MINUTES

Continued;
Granted;
Continued;
Granted;
Continued

10/05/2017 **Joinder** (9:00 AM) (Judicial Officer: Denton, Mark R.)

10/05/2017, 11/16/2017

United Subcontractors, Inc. dba Skyline Insulation's Joinder to Peel Brimley Lien Claimants' Motion for Partial Summary Judgment Precluding Defenses Based on Pay-If-Paid Agreements

MINUTES

Continued;
Granted;
Continued;
Granted;
Continued

10/05/2017 **Joinder** (9:00 AM) (Judicial Officer: Denton, Mark R.)

10/05/2017, 11/16/2017

United Subcontractors, Inc. dba Skyline Insulation's Joinder to Peel Brimley Lien Claimants' Motion for Partial Summary Judgment Precluding Defenses Based on Pay-If-Paid Agreements

MINUTES


Continued;
Granted;
Continued;
Granted;
Continued

10/05/2017 **Status Check** (9:00 AM) (Judicial Officer: Denton, Mark R.)

Status Check Re: Resetting Trial
Matter Heard;
Matter Heard

10/05/2017 **CANCELED Status Check** (9:00 AM) (Judicial Officer: Denton, Mark R.)

Vacated
Status Check Re: SCR 42 Compliance (John B. Taylor, Esq.)

10/05/2017  **All Pending Motions** (9:00 AM) (Judicial Officer: Denton, Mark R.)











Matter Heard;
Matter Heard

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10/13/2017	 Order Setting Civil Non-Jury Trial and Calendar Call <i>Order Setting Civil Non- Jury Trial and Calendar Call</i>
10/26/2017	 Motion to Withdraw As Counsel Filed By: Counter Defendant Buchele Inc <i>Motion to Withdraw as Counsel for Buchele, Inc. and for Order Shortening Time</i>
10/26/2017	 Order Filed By: Plaintiff Apco Construction <i>Order</i>
10/30/2017	 Notice of Entry of Order Filed By: Plaintiff Apco Construction <i>Notice of Entry of Order</i>
11/06/2017	 Supplement to Opposition Filed By: Plaintiff Apco Construction <i>Supplemental Briefing in Opposition to Zitting Brothers Construction, Inc.'s Motion for Partial Summary Judgment Against Apco Construction, Inc.</i>
11/06/2017	 Motion in Limine Filed By: Counter Defendant Helix Electric of Nevada LLC <i>Helix Electric of Nevada's Motions in Limine Nos. 1-4 (Against APCO Construction)</i>
11/06/2017	 Motion in Limine Filed By: Counter Defendant Zitting Brothers Construction Inc <i>Zitting Brothers Construction, Inc.'s Motion In Limine To Limit The Defenses of APCO Construction To The Enforceability of Pay-If-Paid Provision</i>
11/06/2017	 Omnibus Motion In Limine Filed by: Plaintiff Apco Construction <i>APCO Construction Inc.'s Omnibus Motion in Limine</i>
11/06/2017	 Notice of Hearing Filed By: Counter Defendant Helix Electric of Nevada LLC <i>Notice of Hearing on Helix Electric of Nevada's Motions in Limine Nos. 1-4 (Against APCO Construction)</i>
11/06/2017	 Notice of Hearing Filed By: Counter Defendant Fast Glass Inc; Counter Defendant Helix Electric of Nevada LLC; Counter Defendant Heinaman Contract Glazing; Intervenor Plaintiff Cactus Rose Construction Inc <i>Notice of Hearing on Peel Brimley Lien Claimants' Motions in Limine Nos. 1-6 (Against Camco Pacific Construction, Inc.)</i>
11/06/2017	 Motion in Limine Filed By: Counter Defendant Fast Glass Inc; Counter Defendant Helix Electric of Nevada LLC; Counter Defendant Heinaman Contract Glazing; Intervenor Plaintiff Cactus Rose Construction Inc <i>Peel Brimley Lien Claimants' Motions in Limine Nos. 1-6 (Against Camco Pacific Construction, Inc.)</i>
11/06/2017	 Motion in Limine Filed By: Intervenor National Wood Products, Inc.'s <i>Plaintiff In Intervention, Natioinal Wood Products, Inc.'s Motion in Limine to Exclude</i>

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Evidence Testimony, Documents and Things not Properly Produced by Defendant APCO Construction in Discovery; Declaration of S.Judy Hirahara; and Memorandum of Points and Authorities in Support Thereof

- | | |
|------------|--|
| 11/07/2017 |  Notice of Hearing
Filed By: Intervenor National Wood Products, Inc.'s
<i>Notice of Hearing on Plaintiff-In-Intervention,National Wood Products, Inc.'s Motion In Limine to Exclude Evidence, Testimony, Documents and Things Not Properly Produced by Defendant APCO Construction in Discovery; Declaration of S. Judy Hirahara; and Memorandum of Points and Authorities in Support Thereof</i> |
| 11/13/2017 |  Notice of Deposition
Filed By: Intervenor National Wood Products, Inc.'s
<i>Plaintiff In Intervention National Wood Products, Inc.'s Notice of Deposition of Deposition of Nicholas Cox, Cabinetec's Representative</i> |
| 11/13/2017 |  Notice of Deposition
Filed By: Intervenor National Wood Products, Inc.'s
<i>Notice of Deposition of Kurt Micek, National Wood Products, Inc.'s Person Most Knowledgeable</i> |
| 11/14/2017 |  Objection
Filed By: Plaintiff Apco Construction
<i>Apco Construction's Objections to National Wood Products, Inc.'s November 13, 2017 Notices of Depositions</i> |
| 11/14/2017 |  Notice of Change of Address
Filed By: Plaintiff Apco Construction
<i>Notice of Change of Address</i> |
| 11/14/2017 |  Opposition to Motion in Limine
Filed By: Intervenor National Wood Products, Inc.'s
<i>National Wood Products, Inc.'s Opposition to APCO Construction's Omnibus Motion In Limine Nos. 3, 6 and 7A</i> |
| 11/14/2017 |  Opposition
Filed By: Plaintiff Apco Construction
<i>Apco Construction, Inc.'s Opposition to Helix Electric of Nevada, LLC's Motions in Limine Nos. 1-4 (Against Apco Construction)</i> |
| 11/14/2017 |  Opposition
Filed By: Plaintiff Apco Construction
<i>Apco Construction's Opposition to Zitting Brothers Construction, Inc.'s Motion in Limine to Limit the Defenses of Apco Construction to the Enforceability of a Pay-If-Paid Provision</i> |
| 11/14/2017 |  Opposition
Filed By: Plaintiff Apco Construction
<i>Apco Construction, Inc.'s Opposition to Plaintiff-In-Intervention, National Wood Products, Inc.'s Motion in Limine to Exclude Evidence, Testimony, Documents and things not Properly Produced by Defendant Apco Construction in Discovery</i> |
| 11/14/2017 |  Opposition to Motion
Filed By: Counter Defendant Zitting Brothers Construction Inc
<i>Zitting Brothers Construction, Inc.'s Opposition to APCO Construction's Omnibus Motion in Limine</i> |

DISTRICT COURT
CASE SUMMARY
CASE NO. 08A571228

11/14/2017	 Joinder Filed By: Counter Defendant Fast Glass Inc; Counter Defendant Helix Electric of Nevada LLC; Counter Defendant Heinaman Contract Glazing; Counter Defendant Buchele Inc; Intervenor Plaintiff Cactus Rose Construction Inc; Intervenor Plaintiff SWPPP Compliance Solutions LLC <i>Peel Brimley Lien Claimants' Joinder to Oppositions to APCO Construction's Omnibus Motion in Limine</i>
11/14/2017	 Opposition to Motion in Limine Filed By: Counter Defendant Buchele Inc <i>Buchele, Inc.'s Opposition to APCO Construction's Omnibus Motion in Limine</i>
11/14/2017	 Opposition to Motion in Limine Filed By: Doing Business As Helix Electric <i>Helix Electric of Nevada's Opposition to APCO Construction's Omnibus Motion in Limine</i>
11/14/2017	 Joinder Filed By: Counter Claimant Camco Pacific Construction Co Inc <i>Camco's Joinder to Apco's Objections t National Wood Products, Inc.'s Notices of Deposition</i>
11/14/2017	 Opposition to Motion in Limine Filed By: Counter Claimant Camco Pacific Construction Co Inc <i>Camco's Opposition to Lien CLaimants' Motions in Limine Nos. 1-6</i>
11/15/2017	 Reply in Support Filed By: Plaintiff Apco Construction <i>Apco Construction, Inc.'s Reply in Support of its Omnibus Motion in Limine</i>
11/15/2017	 Joinder Filed By: Counter Defendant Zitting Brothers Construction Inc <i>Zitting Brothers Construction, Inc.'s Joinder To Other Lien Claimants' Opposition To APCO Construction's Omnibus Motion in Limine</i>
11/15/2017	 Joinder Filed By: Counter Defendant Zitting Brothers Construction Inc <i>Zitting Brothers Construction, Inc.'s Joinder To Other Lien Claimants' Motions In Limine Against APCO Construction</i>
11/16/2017	Motion to Withdraw as Counsel (9:00 AM) (Judicial Officer: Denton, Mark R.) Events: 10/26/2017 Motion to Withdraw As Counsel <i>Eric B. Zimbelman, Esq.'s Motion to Withdraw as Counsel for Buchele, Inc. and for Order Shortening Time</i> Granted; <i>Granted</i>
11/16/2017	Motion in Limine (9:00 AM) (Judicial Officer: Denton, Mark R.) Events: 11/06/2017 Motion in Limine <i>Zitting Brothers Construction, Inc.'s Motion in Limine to Limit the Defenses of Apco Construction to the Enforceability of Pay-If-Paid Provision</i> MINUTES Granted; <i>Granted</i>
11/16/2017	Omnibus Motion in Limine (9:00 AM) (Judicial Officer: Denton, Mark R.) Events: 11/06/2017 Omnibus Motion In Limine <i>Apco Construction, Inc.'s Omnibus Motion in Limine</i>

DISTRICT COURT
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CASE NO. 08A571228

MINUTES



Omnibus Motion In Limine

Filed by: Plaintiff Apco Construction

APCO Construction Inc.'s Omnibus Motion in Limine

Granted in Part;

Granted in Part

11/16/2017

Motion in Limine (9:00 AM) (Judicial Officer: Denton, Mark R.)

Events: 11/06/2017 Notice of Hearing

Helix Electric of Nevada's Motions in Limine Nos. 1-4 (Against APCO Construction)

MINUTES

Granted in Part;

Granted in Part

11/16/2017

Motion in Limine (9:00 AM) (Judicial Officer: Denton, Mark R.)

Events: 11/06/2017 Notice of Hearing

Peel Brimley Lien Claimants' Motions in Limine Nos. 1-6 (Against Camco Pacific Construction, Inc.)

MINUTES

Granted;

Granted

11/16/2017

Motion in Limine (9:00 AM) (Judicial Officer: Denton, Mark R.)

Plaintiff In Intervention, Natoinal Wood Products, Inc's Motion in Limine to Exclude Evidence Testimony, Documents and Things not Properly Produced by Defendant APCO Construction in Discovery; Declaration of S.Judy Hirahara; and Memorandum of Points and Authorities in Support Thereof

MINUTES

no Notice of Motion provided by filer

Granted;

Granted

11/16/2017

Motion in Limine (9:00 AM) (Judicial Officer: Denton, Mark R.)

Events: 11/06/2017 Motion in Limine

Helix Electric of Nevada's Motion in Limine Nos. 1-4 Against APCO Construction

11/16/2017



All Pending Motions (9:00 AM) (Judicial Officer: Denton, Mark R.)

Matter Heard;

Matter Heard

11/16/2017



Supplement to Response and Opposition

Filed By: Counter Defendant Zitting Brothers Construction Inc

Zitting Brothers Construction, Inc. s Response To APCO Construction s Supplemental Opposition To Zitting Brothers Construction, Inc. s Motion For Partial Summary Judgment

11/16/2017



Reply in Support

Filed By: Counter Defendant Zitting Brothers Construction Inc

Zitting Brothers Construction, Inc s Reply In Support Of Motion In Limine To Limit The Defenses Of APCO Construction (APCO) To The Enforceability Of Pay-If-Paid Provision

11/20/2017














Calendar Call (2:00 PM) (Judicial Officer: Denton, Mark R.)

Vacated and Reset;

Vacated and Reset

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11/27/2017	 Decision <i>Decision</i>
11/27/2017	 Decision <i>Decision</i>
11/28/2017	CANCELED Bench Trial (9:00 AM) (Judicial Officer: Denton, Mark R.) <i>Vacated - per Judge</i>
11/29/2017	CANCELED Motion to Compel (9:30 AM) (Judicial Officer: Bulla, Bonnie) <i>Vacated - On in Error</i> <i>Plaintiff's Second Motion to Compel Discovery</i>
11/30/2017	 Order Setting Civil Non-Jury Trial <i>Order Setting Civil Non-Jury Trial and Calendar Call</i>
12/05/2017	 Minute Order (5:03 PM) (Judicial Officer: Denton, Mark R.) Minute Order - No Hearing Held; <i>Minute Order - No Hearing Held</i>
12/05/2017	 Minute Order (5:03 PM) (Judicial Officer: Denton, Mark R.) Minute Order - No Hearing Held; <i>Minute Order - No Hearing Held</i>
12/05/2017	 Minute Order (5:03 PM) (Judicial Officer: Denton, Mark R.) Minute Order - No Hearing Held; <i>Minute Order - No Hearing Held</i>
12/05/2017	 Minute Order (5:03 PM) (Judicial Officer: Denton, Mark R.) Minute Order - No Hearing Held; <i>Minute Order - No Hearing Held</i>
12/05/2017	 Minute Order (5:03 PM) (Judicial Officer: Denton, Mark R.) Minute Order - No Hearing Held; <i>Minute Order - No Hearing Held</i>
12/05/2017	CANCELED Minute Order (5:03 PM) (Judicial Officer: Denton, Mark R.) <i>Vacated - Duplicate Entry</i>
12/06/2017	 Motion Filed By: Plaintiff Apco Construction <i>Apco Construction, Inc.'s Motion to Request Buchele, Inc. Comply with EDCR 7.42 on Order Shortening Time</i>
12/07/2017	CANCELED Minute Order (5:03 PM) (Judicial Officer: Denton, Mark R.) <i>Vacated</i>
12/18/2017	 Certificate of Service Filed by: Plaintiff Apco Construction <i>Certificate of Service</i>
12/21/2017	 Motion (9:00 AM) (Judicial Officer: Denton, Mark R.) <i>Apco Construction, Inc.'s Motion to Request Buchele, Inc. Comply with EDCR 7.42 on Order Shortening Time</i> Granted;

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Granted

12/28/2017	 Order Granting Motion Filed By: Counter Defendant Fast Glass Inc; Counter Defendant Helix Electric of Nevada LLC; Counter Defendant Heinaman Contract Glazing; Intervenor Plaintiff Cactus Rose Construction Inc; Intervenor Plaintiff SWPPP Compliance Solutions LLC <i>Order Granting Peel Brimley Lien Claimants' Motions in Limine Nos. 1-6 (Against Camco Pacific Construction, Inc.)</i>
12/28/2017	 Order Filed By: Counter Defendant Helix Electric of Nevada LLC <i>Order Granting in Part and Denying in Part Helix Electric of Nevada, LLC's Motions in Limine (Against APCO Construction)</i>
12/28/2017	 Order Filed By: Counter Defendant Helix Electric of Nevada LLC <i>Order Granting in Part and Denying in Part APCO Constructions's Omnibus Motion in Limine</i>
12/29/2017	 Notice of Entry of Order Filed By: Counter Defendant Helix Electric of Nevada LLC <i>Notice of Entry of Order</i>
12/29/2017	 Notice of Entry of Order Filed By: Counter Defendant Helix Electric of Nevada LLC <i>Notice of Entry of Order</i>
12/29/2017	 Notice of Entry of Order Filed By: Counter Defendant Fast Glass Inc; Counter Defendant Helix Electric of Nevada LLC; Counter Defendant Heinaman Contract Glazing; Intervenor Plaintiff Cactus Rose Construction Inc; Intervenor Plaintiff SWPPP Compliance Solutions LLC <i>Notice of Entry of Order</i>
12/29/2017	 Findings of Fact, Conclusions of Law and Order Filed By: Counter Defendant Zitting Brothers Construction Inc <i>Findings of Fact, Conclusion of Law, and Order Granting Zitting Brothers Construction, Inc.'s Motion for Partial Summary Judgment Against Apco</i>
12/29/2017	Partial Summary Judgment (Judicial Officer: Denton, Mark R.) Debtors: APCO Construction (Counter Claimant) Creditors: Zitting Brothers Construction Inc (Counter Defendant) Judgment: 12/29/2017, Docketed: 01/18/2018 Total Judgment: 750,807.16 Comment: Certain Cause
01/02/2018	 Calendar Call (2:00 PM) (Judicial Officer: Denton, Mark R.) Trial Date Set; <i>Trial Date Set</i>
01/02/2018	 Recorders Transcript of Hearing <i>Recorders Transcript of Hearing Re: All Pending Motions, October 5, 2017</i>
01/02/2018	 Recorders Transcript of Hearing <i>Recorder's Transcript of Hearing Re: All Pending Motions, November 16, 2017</i>
01/02/2018	 Order Granting Motion








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Order Granting Peel Brimley Lien Claimants' Motion for Partial Summary Judgment Precluding Defenses Based on Pay-If-Paid Agreements

01/02/2018	 Notice of Entry <i>Notice of Entry of Findings of Fact, Conclusion of Law, and ORder Granting Zitting Brothers Construction, Inc.'s Motion for Partial Summary Judgment Against Apco Construction</i>
01/03/2018	 Notice of Entry of Order Filed By: Counter Defendant Fast Glass Inc; Counter Defendant Helix Electric of Nevada LLC; Counter Defendant Heinaman Contract Glazing; Intervenor Plaintiff Cactus Rose Construction Inc; Intervenor Plaintiff SWPPP Compliance Solutions LLC <i>Notice of Entry of Order</i>
01/04/2018	 Amended Order Filed By: Intervenor National Wood Products, Inc.'s <i>Amended Nunc Pro Tunc Order Regarding Apco Construction, Inc.'s Omnibus Motion in Limine - Motion in Limine No. 7</i>
01/04/2018	 Motion <i>Motion for Reconsideration of Court's Order Granting Peel Brimley Lien Claimants' Partial Motion for Summary Judgment to Preclude Defenses Based on Pay if Paid Provisions on an Order Shrotening Time</i>
01/04/2018	 Notice of Entry of Order Filed By: Intervenor National Wood Products, Inc.'s <i>Notice of Entry of Order on Amended Nunc Pro Tunc Order Regarding Apco Construction, Inc.'s Omnibus Motion in Limine - Motion in Limine No. 7</i>
01/08/2018	 Joinder To Motion Filed By: Counter Claimant Camco Pacific Construction Co Inc; Intervenor Defendant Fidelity & Deposit Company Of Maryland <i>Camco's Joinder in Apco's Motion for Reconsideration</i>
01/08/2018	 Notice of Attorney Lien Filed By: Counter Claimant Camco Pacific Construction Co Inc; Intervenor Defendant Fidelity & Deposit Company Of Maryland <i>Notice of Attorney's Lien</i>
01/08/2018	 Motion Filed By: Plaintiff Apco Construction <i>Motion for Reconsideration of Court's Order Granting Zitting Brothers Construction, Inc.'s Partial Motion for Summary Judgment and Ex Parte Application for Order Shortening Time and to Exceed Page Limit</i>
01/09/2018	CANCELED Non-Jury Trial (9:00 AM) (Judicial Officer: Denton, Mark R.) <i>Vacated - per Judge</i>
01/09/2018	 Opposition to Motion Filed By: Intervenor National Wood Products, Inc.'s <i>Plaintiff in Intervention, National Wood Products, Inc.s Opposition to APCO Construction's Motion for Reconsideration of the Court's Order Granting Peel Brimley Lien Claimants' Motion for Partial Summary Judgment to Preclude Defenses of Pay if Paid Provisions</i>
01/09/2018	 Opposition to Motion Filed By: Counter Defendant Fast Glass Inc; Counter Defendant Helix Electric of







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Nevada LLC; Counter Defendant Heinaman Contract Glazing; Intervenor Plaintiff Cactus Rose Construction Inc; Intervenor Plaintiff SWPPP Compliance Solutions LLC
Peel Brimley Lien Claimants' Opposition to APCO Construction's Motion for Reconsideration of Order Granting Partial Summary Judgment Precluding Defenses Based on Pay-if-Paid Agreements

01/09/2018	 Order Granting Motion Filed By: Intervenor National Wood Products, Inc.'s <i>Order Granting Plaintiff In Intervention, National Wood Products, Inc.'s Motion In Limine</i>
01/10/2018	 Reply in Support Filed By: Plaintiff Apco Construction <i>Reply in Support of Motion for Reconsideration of Court's Order Granting Peel Brimley Lien Claimants' Partial Motion for Summary Judgment to Preclude Defenses Based on Pay-If-Paid Provisions on an Order Shortening Time</i>
01/10/2018	 Opposition to Motion <i>Zitting Brothers Construction, Inc.'s Opposition to APCO Construction, Inc.'s Motion for Reconsideration of Court's Order Granting Zitting Brothers Construction's Partial Motion for Summary Judgment</i>
01/10/2018	 Notice of Entry of Order Filed By: Intervenor National Wood Products, Inc.'s <i>Notice of Entry of Order Granting Plaintiff In Intervention National Wood Products, Inc.'s Motion In Limine</i>
01/11/2018	Motion For Reconsideration (9:00 AM) (Judicial Officer: Denton, Mark R.) <i>Plaintiff's Motion for Reconsideration of Courts Order Granting Peel Brimley Lien Claimants Partial Motion for Summary Judgment to Preclude Defenses Based on Pay if Paid Provisions on and Order Shortening Time</i> Denied; <i>Denied</i>
01/11/2018	Joinder (9:00 AM) (Judicial Officer: Denton, Mark R.) <i>Camco's Joinder to APCO's Motion for Reconsideration of Court's Order Granting Peel Brimley Lien Claimant's Partial Motion for Summary Judgment to Preclude Defenses Based on Pay if Paid Provisions</i> Denied; <i>Denied</i>
01/11/2018	Motion For Reconsideration (9:00 AM) (Judicial Officer: Denton, Mark R.) <i>Plaintiff's Motion for Reconsideration of Court's Order Granting Zitting Brothers Construction, Inc.'s Partial Motion for Summary Judgment and Ex Parte Application for Order Shortening Time and to Exceed Page Limit</i> Denied; <i>Denied</i>
01/11/2018	 All Pending Motions (9:00 AM) (Judicial Officer: Denton, Mark R.) Matter Heard; <i>Matter Heard</i>
01/11/2018	 Motion to Stay Filed By: Plaintiff Apco Construction <i>Plaintiff's Motion to Stay Pending Entry of Final Judgment Pursuant to NRCP 62(B) and (62(H) on Order Shortening Time</i>
01/11/2018	 Pre-trial Memorandum Filed by: Third Party Plaintiff E & E Fire Protection LLC

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E&E Fire Protection, LLC's Pretrial Memorandum

01/12/2018	 Joint Pre-Trial Memorandum Filed By: Plaintiff Apco Construction <i>Joint Pre-Trial Memorandum (for APCO Construction, Inc., the Peel Brimley Lien Claimants, and National Wood Products, LLC Only)</i>
01/16/2018	 Motion to Stay (9:00 AM) (Judicial Officer: Denton, Mark R.) 01/16/2018, 01/19/2018 <i>Plaintiff's Motion to Stay Pending Entry of Final Judgment Pursuant to NRCP 62(B) and (62(H) on Order Shortening Time</i> Continued; Denied Without Prejudice; Continued; Denied Without Prejudice; <i>Continued</i>
01/16/2018	 Order Granting Filed By: Plaintiff Apco Construction <i>Order Granting Apco Construction, Inc.'s Motion to Request Buchele, Inc. Comply with EDCR 7.42 on Order Shortening Time</i>
01/16/2018	 Notice of Entry Filed By: Plaintiff Apco Construction <i>Notice of Entry of Order Granting Apco Construction, Inc.'s Motion to Request Buchele, Inc. Comply with EDCR 7.42 on Order Shortening Time</i>
01/16/2018	 Trial Brief Filed By: Plaintiff Apco Construction <i>Apco Construction, Inc.'s Trial Brief</i>
01/17/2018	 Bench Trial (10:00 AM) (Judicial Officer: Denton, Mark R.) 01/17/2018-01/19/2018, 01/23/2018-01/24/2018, 02/06/2018 Trial Continues; Day 1 Trial Continues; Day 2 Trial Continues; Day 3 Trial Continues; Day 4 Trial Continues; Day 5 Trial Continues; Day 6 Trial Continues; Day 1 Trial Continues; Day 2 Trial Continues; Day 3 Trial Continues; Day 4 Trial Continues; Day 5 Trial Continues; Day 6 Trial Continues; Day 1 Trial Continues; Day 2 Trial Continues; Day 3 Trial Continues; Day 4 Trial Continues; Day 5 Trial Continues; Day 6 Trial Continues; Day 1 Trial Continues; Day 2 Trial Continues; Day 3 Trial Continues; Day 4 Trial Continues; Day 5 Trial Continues; Day 6 Trial Continues; Day 1









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	Trial Continues; Day 2 Trial Continues; Day 3 Trial Continues; Day 4 Trial Continues; Day 5 Trial Continues; Day 6 Trial Continues; Day 1 Trial Continues; Day 2 Trial Continues; Day 3 Trial Continues; Day 4 Trial Continues; Day 5 Trial Continues; Day 6 <i>Trial Continues</i>
01/17/2018	 Trial Brief Filed By: Intervenor National Wood Products, Inc.'s <i>Plaintiff In Intervention National Wood Products, Inc.'s Trial Brief</i>
01/18/2018	 Opposition Filed By: Counter Defendant Zitting Brothers Construction Inc <i>Zitting Brothers Construction, Inc.'s Opposition To Motion To Stay Pending Entry Of Final Judgment Pursuant To NRCP 62(B) and 62(H)</i>
01/18/2018	 Stipulation and Order <i>Stipulation and Order Regarding Trial Exhibits Admitted into Evidence</i>
01/18/2018	 Notice of Entry of Stipulation and Order Filed By: Plaintiff Apco Construction <i>Notice of Entry of Stipulation and Order Regarding Trial Exhibits Admitted into Evidence</i>
01/19/2018	Minute Order (3:00 AM) (Judicial Officer: Williams, Timothy C.)
01/19/2018	 Order Denying Motion Filed By: Counter Defendant Helix Electric of Nevada LLC <i>Order Denying APCO Construction's Motion for Reconsideration of Order Granting Partial Summary Judgment Precluding Defenses Based on Pay-if-Paid Agreements</i>
01/19/2018	 Notice of Entry of Order Filed By: Counter Defendant Helix Electric of Nevada LLC <i>Notice of Entry of Order</i>
01/25/2018	 Notice of Change Filed By: Other United Subcontractors Inc <i>Notice of Change of Firm Affiliation and Address</i>
01/25/2018	 Order Denying Motion <i>Oder Denying APCO Construction, Inc.'s Motion for Reconsideration of Court's Order Granting Zitting Brothers Construction, Inc.'s Partial Motion for Summary Judgment</i>
01/29/2018	 Memorandum of Costs and Disbursements Filed By: Counter Defendant Zitting Brothers Construction Inc <i>Zitting Brothers Construction, Inc.'s Verified Memorandum of Costs</i>
01/29/2018	 Memorandum Filed By: Counter Defendant Zitting Brothers Construction Inc <i>Memorandum In Support of APCO Construction, Inc.'s Payment of Attorneys' Fees, Costs, and Interest to Zitting Brothers Construction, Inc.</i>

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01/31/2018	 Notice of Entry of Order <i>Notice of Entry of Order Denying APCO Construction, Inc.'s Motion for Reconsideration of Court's Order Granting Zitting Brothers Construction, Inc.'s Partial Motion for Summary Judgment</i>
01/31/2018	 Recorders Transcript of Hearing <i>Recorders Transcript of Hearing Re: Bench Trial - Day One, January 17, 2018</i>
01/31/2018	 Recorders Transcript of Hearing <i>Recorders Transcript of Hearing Re: Bench Trial - Day Two, January 18, 2018</i>
01/31/2018	 Recorders Transcript of Hearing <i>Recorders Transcript of Hearing Re: Bench Trial - Day Three, January 19, 2018</i>
01/31/2018	 Recorders Transcript of Hearing <i>Recorders Transcript of Hearing Re: Bench Trial - Day Five, January 24, 2018</i>
02/05/2018	 Stipulation and Order for Dismissal Filed by: Plaintiff Apco Construction <i>Stipulation and Order to Dismiss Third Party Complaint of Interstate Plumbing & Air Conditioning, LLC Against Apco Construction, Inc. with Prejudice</i>
02/15/2018	 Recorders Transcript of Hearing <i>Recorders Transcript of Hearing Re: Bench Trial - Day Six, February 6, 2018</i>
02/16/2018	 Notice of Appeal Filed By: Plaintiff Apco Construction <i>Notice of Appeal</i>
02/16/2018	 Case Appeal Statement Filed By: Plaintiff Apco Construction <i>Case Appeal Statement</i>
02/16/2018	 Opposition Filed By: Plaintiff Apco Construction <i>Apco Construction, Inc.'s Opposition to Zitting Brothers, Inc.'s Memorandum In Support of Apco Construction, Inc.'s Payment of Attorneys' Fees, Costs and Interest to Zitting Construction Brothers, Inc.</i>
02/26/2018	 Reply in Support Filed By: Counter Defendant Zitting Brothers Construction Inc <i>Zitting Brothers Construction, Inc.'s Reply in Support of Its Memorandum in Support of APCO Construction, Inc.'s Payment of Attorneys' Fees, Costs, and Interest</i>
02/28/2018	 Stipulation and Order Filed by: Plaintiff Apco Construction <i>Stipulation and Order to Extend Deadline to file Proposed Findings of Fact, Conclusions of Law and Post-Trial Briefs</i>
02/28/2018	 Finding of Fact and Conclusions of Law Filed By: Third Party Plaintiff E & E Fire Protection LLC <i>(Proposed) E&E Fire Protections, LLC's Findings of Facts and Conclusions of Law - Proposed</i>


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02/28/2018	 Notice of Entry of Stipulation and Order Filed By: Plaintiff Apco Construction <i>Notice of Entry of Stipulation and Order to Extend Deadline to File Proposed Findings of Fact, Conclusions of Law and Post-Trial Briefs</i>
03/01/2018	 Hearing (9:00 AM) (Judicial Officer: Denton, Mark R.) <i>Hearing Re: ZBCI Attorney's Fees and Costs</i> Granted in Part; <i>Granted in Part</i>
03/08/2018	 Trial Brief Filed By: Intervenor National Wood Products, Inc.'s <i>Plaintiff In Intervention, National Wood Products, Inc.'s Post Trial Brief</i>
03/08/2018	 Trial Brief Filed By: Plaintiff Apco Construction <i>Apco Construction, Inc.'s Post-Trial Brief</i>
03/08/2018	 Trial Brief Filed By: Counter Claimant Camco Pacific Construction Co Inc; Intervenor Defendant Fidelity & Deposit Company Of Maryland <i>Camco's Post Trial Brief</i>
03/23/2018	 Respondent's Answering Brief Filed by: Intervenor National Wood Products, Inc.'s <i>Plaintiff in Intervention, National Wood Products, Inc.'s Response to CAMCO Pacific Construction Company, Inc.'s Post-Trial Brief</i>
03/23/2018	 Respondent's Answering Brief Filed by: Intervenor National Wood Products, Inc.'s <i>Plaintiff in Intervention, National Wood Products, Inc.'s Response to APCO Construction, Inc.'s Post-Trial Brief</i>
03/23/2018	 Response Filed by: Counter Defendant Helix Electric of Nevada LLC <i>Helix Electric of Nevada, LLC's Response to APCO Construction's Post-Trial Brief</i>
03/23/2018	 Response <i>Peel Brimley Lien Claimants' Response to Camco's Post-Trial Brief</i>
03/23/2018	 Opposition to Motion Filed By: Plaintiff Apco Construction <i>APCO Construction, Inc.'s Opposition to Camco Pacific Construction Company's Post-Trial Brief</i>
03/27/2018	 Decision <i>Decision</i>
04/25/2018	 Findings of Fact, Conclusions of Law and Order <i>Findings of Fact and Conclusions of Law as to the Claims of Helix Electric and Cabenetec Against APCO</i>
04/26/2018	 Finding of Fact and Conclusions of Law


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Filed By: Plaintiff Apco Construction
Findings of Fact and Conclusion of Law Re Camco


04/26/2018  Finding of Fact and Conclusions of Law
Filed By: Plaintiff Apco Construction
Findings of Fact and Conclusions of Law as to the Claims of Fast Glass, INC.


04/26/2018  Finding of Fact and Conclusions of Law
Filed By: Plaintiff Apco Construction
Findings of Fact and Conclusions of Law as to the Claims of Cactus Rose Construction CO.,INC.


04/26/2018  Finding of Fact and Conclusions of Law
Filed By: Plaintiff Apco Construction
Findings of Fact and Conclusions of Law as to the Claims of Heinaman Contract Glazing


04/26/2018  Finding of Fact and Conclusions of Law
Filed By: Plaintiff Apco Construction
Findings of Fact and Conclusions of Law as to the Claims of Helix Electric of Nevada, LLC Against Camco Pacific Construction Inc.


04/26/2018  Finding of Fact and Conclusions of Law
Filed By: Plaintiff Apco Construction
E&E Fire Protection,LLC'S Findings of Fact and Conclusions of Law


04/26/2018  Finding of Fact and Conclusions of Law
Filed By: Plaintiff Apco Construction
Findings of Fact and Conclusions of Law as to the Claims of SWPPP Compliance Solutions Inc.


04/26/2018  Order
Filed By: Plaintiff Apco Construction
Order Re Submission of Proposed Judgments

05/01/2018  Memorandum of Costs and Disbursements
Filed By: Third Party Plaintiff E & E Fire Protection LLC
E&E Fire Protection's Memorandum of Costs and Disbursements

05/03/2018  Memorandum of Costs and Disbursements
Filed By: Counter Defendant Helix Electric of Nevada LLC
Memorandum of Costs and Disbursements (Helix Electric of Nevada, LLC)

05/03/2018  Memorandum of Costs and Disbursements
Filed By: Counter Defendant Heinaman Contract Glazing
Memorandum of Costs and Disbursements (Heinaman Contract Glazing)

05/03/2018  Memorandum of Costs and Disbursements
Filed By: Counter Defendant Fast Glass Inc
Memorandum of Costs and Disbursements (Fast Glass, Inc.)

05/03/2018  Memorandum of Costs and Disbursements
Filed By: Intervenor Plaintiff Cactus Rose Construction Inc
Memorandum of Costs and Disbursements (Cactus Rose Construction, Inc.)







05/03/2018

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	 Memorandum of Costs and Disbursements Filed By: Intervenor Plaintiff SWPPP Compliance Solutions LLC <i>Memorandum of Costs and Disbursements (SWPPP Compliance Solutions, LLC)</i>
05/03/2018	 Memorandum of Costs and Disbursements <i>Apco Construction, Inc.'s Memorandum of Costs and Disbursements (Against Helix Electric of Nevada, LLC and Plaintiff in Intervention National Wood Products, LLC)</i>
05/04/2018	 Order <i>Order Regarding Plaintiff's Motion to Stay Pending Entry of Final Judgment Pursuant to NRCP 62(B) and 62(H) on Order Shortening Time</i>
05/04/2018	 Motion for Attorney Fees Filed By: Third Party Plaintiff E & E Fire Protection LLC <i>E&E Fire Protection's Motion for Attorney Fees Against Camco Pacific Construction Company</i>
05/08/2018	Order (Judicial Officer: Denton, Mark R.) Debtors: APCO Construction (Counter Claimant) Creditors: Zitting Brothers Construction Inc (Counter Defendant) Judgment: 05/08/2018, Docketed: 05/08/2018 Total Judgment: 185,443.95
05/08/2018	 Order <i>Order Determining Amount of Zitting Brothers Construction, Inc's Attorney's Fees, Costs, and Prejudgment Interest</i>
05/08/2018	 Motion to Retax Filed By: Intervenor National Wood Products, Inc.'s <i>Plaintiff In Intervention, National Wood Products, Inc.'s Notice of Motion and Motion to Retax Costs Re: Defendant APCO Construction's Memorandum of Costs and Disbursements Against Plaintiff In Intervention National Wood Products, Inc.</i>
05/08/2018	 Joinder To Motion Filed By: Intervenor National Wood Products, Inc.'s <i>Plaintiff In Intervention National Wood Products, Inc.'s, Joinder to Helix Electric of Nevada, LLC's Motion to Retax Costs Re: Defendant APCO Construction's Memorandum of Costs and Disbursements</i>
05/08/2018	 Motion to Retax Filed By: Counter Defendant Helix Electric of Nevada LLC <i>Helix Electric of Nevada, LLC's Motion to Retax Costs re: Defendant APCO Construction's Memorandum of Costs and Disbursements</i>
05/08/2018	 Joinder To Motion Filed By: Counter Defendant Helix Electric of Nevada LLC <i>Helix Electric of Nevada, LLC's Joinder to National Wood's Motion to Retax Costs re: Defendant APCO Construction's Memorandum of Costs and Disbursements</i>
05/08/2018	 Motion for Attorney Fees and Costs Filed By: Plaintiff Apco Construction <i>Apco Construction, Inc.'s Motion for Attorney's Fees and Costs against Helix Electric of Nevada, LLC and Plaintiff in Intervention National Wood Products, Inc.</i>
05/11/2018	 Notice of Entry of Order <i>Notice of Entry of Order Determining Amount of Zitting Brothers Construction, Inc.'s</i>


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CASE NO. 08A571228

Attorney's Fees, Costs, and Prejudgment Interest

05/16/2018	Judgment Plus Interest (Judicial Officer: Denton, Mark R.) Debtors: Camco Pacific Construction Co Inc (Third Party Defendant) Creditors: E & E Fire Protection LLC (Third Party Plaintiff) Judgment: 05/16/2018, Docketed: 05/16/2018 Total Judgment: 6,481,088.31
05/16/2018	Judgment (Judicial Officer: Denton, Mark R.) Debtors: Fidelity & Deposit Co Of Maryland (Third Party Defendant) Creditors: E & E Fire Protection LLC (Third Party Plaintiff) Judgment: 05/16/2018, Docketed: 05/16/2018 Total Judgment: 50,000.00
05/16/2018	 Judgment Filed By: Third Party Plaintiff E & E Fire Protection LLC <i>Judgment in Favor of E&E Fire Protection and Against CAMCO Pacific Construction Company, Inc. and Fidelity and Deposit Company of Maryland</i>
05/17/2018	 Notice of Entry of Judgment Filed By: Third Party Plaintiff E & E Fire Protection LLC <i>Notice of Entry of Judgment in Favor of E&E Fire Protection and Against Camco Pacific Construction Company, Inc. and Fidelity and Deposit Company of Maryland</i>
05/21/2018	 Notice of Appearance Party: Intervenor Defendant Fidelity & Deposit Company Of Maryland <i>Notice of Appearance</i>
05/23/2018	Judgment Plus Interest (Judicial Officer: Denton, Mark R.) Debtors: APCO Construction (Counter Claimant) Creditors: Zitting Brothers Construction Inc (Counter Defendant) Judgment: 05/23/2018, Docketed: 05/24/2018 Total Judgment: 2,623,309.38
05/23/2018	 Judgment <i>Judgment in Favor of Zitting Brothers Construction, Inc.</i>
05/24/2018	 Notice of Entry of Judgment <i>Notice of Entry of Judgment in Favor of Zitting Brothers Construction, Inc.</i>
05/25/2018	Order of Dismissal With Prejudice (Judicial Officer: Denton, Mark R.) Debtors: Nevada Prefab Engineers Inc (Intervenor), Steel Structures Inc (Intervenor), Gerdau Reinforcing Steel (Counter Defendant) Creditors: Apco Construction (Plaintiff) Judgment: 05/25/2018, Docketed: 05/25/2018
05/25/2018	 Stipulation and Order for Dismissal With Prejudice Filed By: Plaintiff Apco Construction <i>Stipulation and Order for Dismissal with Prejudice</i>
05/25/2018	 Notice of Entry of Stipulation and Order Filed By: Plaintiff Apco Construction <i>Notice of Entry of Stipulation and Order</i>
05/25/2018	 Motion to Withdraw As Counsel Filed By: Counter Claimant Camco Pacific Construction Co Inc; Third Party Defendant Fidelity & Deposit Co Of Maryland

DISTRICT COURT
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Motion to Withdraw as Counsel of Record And For Entry of Final Judgment for Fees and Costs

05/26/2018	 Supplemental Points and Authorities <i>APCO Construction, Inc.'s Supplement to its Motion for Attorneys Fees and Costs Against Helix Electric of Nevada, LLC and National Wood Products, Inc.</i>
05/29/2018	 Substitution of Attorney Filed by: Intervenor Defendant Fidelity & Deposit Company Of Maryland <i>Substitution of Attorneys</i>
05/30/2018	 Stipulation and Order Filed by: Counter Defendant Helix Electric of Nevada LLC <i>Stipulation and Order to Continue Hearings and Extend Briefing Deadlines</i>
05/30/2018	 Notice of Entry of Stipulation and Order Filed By: Counter Defendant Helix Electric of Nevada LLC <i>Notice of Entry of Stipulation and Order</i>
05/30/2018	Judgment (Judicial Officer: Denton, Mark R.) Debtors: Camco Pacific Construction Co Inc (Intervenor Defendant) Creditors: SWPPP Compliance Solutions LLC (Intervenor Plaintiff) Judgment: 05/30/2018, Docketed: 05/31/2018
05/30/2018	Judgment (Judicial Officer: Denton, Mark R.) Debtors: Camco Pacific Construction Co Inc (Counter Claimant) Creditors: Fast Glass Inc (Counter Defendant) Judgment: 05/30/2018, Docketed: 05/31/2018
05/30/2018	Judgment (Judicial Officer: Denton, Mark R.) Debtors: Camco Pacific Construction Company Inc (Counter Claimant) Creditors: Helix Electric of Nevada LLC (Counter Defendant), Helix Electric (Doing Business As) Judgment: 05/30/2018, Docketed: 05/31/2018
05/30/2018	Judgment (Judicial Officer: Denton, Mark R.) Debtors: Camco Pacific Construction Inc (Counter Defendant) Creditors: Cactus Rose Construction (Counter Claimant) Judgment: 05/30/2018, Docketed: 05/31/2018
05/30/2018	Judgment (Judicial Officer: Denton, Mark R.) Debtors: Camco Pacific Construction Company Inc (Counter Claimant) Creditors: Heinaman Contract Glazing (Counter Defendant) Judgment: 05/30/2018, Docketed: 05/31/2018
05/30/2018	 Judgment Filed By: Intervenor Plaintiff SWPPP Compliance Solutions LLC <i>Judgment [As to the Claims of SWPPP Compliance Solutions, Inc. Against Camco Construction Co., Inc.]</i>
05/30/2018	 Judgment Filed By: Counter Defendant Fast Glass Inc <i>Judgment [As to the Claims of Fast Glass, Inc. Against Camco Construction Co., Inc.]</i>
05/30/2018	 Judgment Filed By: Counter Defendant Helix Electric of Nevada LLC <i>Judgment [As to the Claims of Helix Electric of Nevada Against Camco Construction Co.,</i>


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Inc.]

05/30/2018	 Judgment Filed By: Intervenor Plaintiff Cactus Rose Construction Inc <i>Judgment [As to the Claims of Cactus Rose Construction Co., Inc. Against Camco Construction Co., Inc.]</i>
05/30/2018	 Judgment Filed By: Counter Defendant Heinaman Contract Glazing <i>Judgment [As to the Claims of Heinaman Contract Glazing Against Camco Construction Co., Inc.]</i>
05/30/2018	 Order Shortening Time Filed By: Counter Claimant Camco Pacific Construction Co Inc; Intervenor Defendant Fidelity & Deposit Company Of Maryland <i>Order Shortening Time for Hearing on Motion to Withdraw</i>
05/31/2018	Judgment (Judicial Officer: Denton, Mark R.) Debtors: Helix Electric of Nevada LLC (Counter Defendant), National Wood Products, Inc.'s (Intervenor) Creditors: APCO Construction (Counter Claimant) Judgment: 05/31/2018, Docketed: 05/31/2018
05/31/2018	 Judgment Filed By: Plaintiff Apco Construction <i>Judgment [As to the Claims of Helix Electric of Nevada LLC and Plaintiff in Intervention National Wood Products Inc's Against Apco Construction Inc]</i>
05/31/2018	 Notice of Entry of Judgment Filed By: Intervenor Plaintiff Cactus Rose Construction Inc <i>Notice of Entry of Judgment</i>
05/31/2018	 Notice of Entry of Judgment Filed By: Counter Defendant Fast Glass Inc <i>Notice of Entry of Judgment</i>
05/31/2018	 Notice of Entry of Judgment Filed By: Counter Defendant Helix Electric of Nevada LLC <i>Notice of Entry of Judgment</i>
05/31/2018	 Notice of Entry of Judgment Filed By: Counter Defendant Heinaman Contract Glazing <i>Notice of Entry of Judgment</i>
05/31/2018	 Notice of Entry of Judgment Filed By: Intervenor Plaintiff SWPPP Compliance Solutions LLC <i>Notice of Entry of Judgment</i>
05/31/2018	 Opposition to Motion Filed By: Counter Defendant Helix Electric of Nevada LLC <i>Peel Brimley Lien Claimants' Limited Opposition to Motion of Camco Counsel to Withdraw and for Judgment on Attorney's Lien</i>
05/31/2018	 Motion to Enforce Filed By: Other United Subcontractors Inc











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United Subcontractors, Inc. dba Skyline Insulation's Motion to Enforce Settlement Agreement and Enter Judgment











05/31/2018	 Opposition and Countermotion Filed By: Third Party Defendant Fidelity & Deposit Co Of Maryland <i>Fidelity and Deposit Company of Maryland's Opposition to Motion to Withdraw as Counsel of Record and for Entry of Final Judgment For Fees & Costs and Countermotion for Sanctions</i>
06/01/2018	 Notice of Entry of Judgment Filed By: Plaintiff Apco Construction <i>Notice of Entry of Judgment</i>
06/01/2018	 Motion for Attorney Fees and Costs Filed By: Counter Defendant Helix Electric of Nevada LLC <i>Helix Electric of Nevada, LLC's Motion for Attorney's Fees, Interest and Costs</i>
06/01/2018	 Motion for Attorney Fees and Costs Filed By: Counter Defendant Heinaman Contract Glazing <i>Heinaman Contract Glazing's Motion for Attorney's Fees, Interest and Costs</i>
06/01/2018	 Motion for Attorney Fees and Costs Filed By: Intervenor Plaintiff SWPPP Compliance Solutions LLC <i>SWPPP Compliance Solution Inc.'s Motion for Attorney's Fees, Interest and Costs</i>
06/01/2018	 Motion for Attorney Fees and Costs Filed By: Counter Defendant Fast Glass Inc <i>Fast Glass, Inc.'s Motion for Attorney's Fees, Interest and Costs</i>
06/01/2018	 Motion for Attorney Fees and Costs Filed By: Intervenor Plaintiff Cactus Rose Construction Inc <i>Cactus Rose Construction Co., Inc.'s Motion for Attorney's Fees, Interest and Costs</i>
06/04/2018	Motion for Attorney Fees (9:00 AM) (Judicial Officer: Denton, Mark R.) <i>E&E Fire Protection's Motion for Attorney Fees Against Camco Pacific Construction Company</i> Granted; <i>Granted</i>
06/04/2018	Motion to Withdraw as Counsel (9:00 AM) (Judicial Officer: Denton, Mark R.) <i>Motion to Withdraw as Counsel of Record And For Entry of Final Judgment for Fees and Costs</i> Granted in Part; <i>Granted in Part</i>
06/04/2018	Opposition and Countermotion (9:00 AM) (Judicial Officer: Denton, Mark R.) <i>Fidelity and Deposit Company of Maryland's Opposition to Motion to Withdraw as Counsel of Record and for Entry of Final Judgment For Fees & Costs and Countermotion for Sanctions</i> Denied; <i>Denied</i>
06/04/2018	 All Pending Motions (9:00 AM) (Judicial Officer: Denton, Mark R.) Matter Heard; <i>Matter Heard</i>
06/04/2018	 Order Granting Motion

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Filed By: Third Party Plaintiff E & E Fire Protection LLC
Order Granting E&E Fire Protection's Motion for Attorney Fees Against CAMCO Pacific Construction Company, Inc.

06/04/2018	 Notice of Entry of Order Filed By: Counter Defendant E & E Fire Protection LLC <i>Notice of Entry of Order Granting E&E Fire Protection's Motion for Attorney Fees Against Camco Pacific Construction Company</i>
06/04/2018	Judgment (Judicial Officer: Denton, Mark R.) Debtors: Camco Pacific Construction Co Inc (Third Party Defendant) Creditors: E & E Fire Protection LLC (Third Party Plaintiff) Judgment: 06/04/2018, Docketed: 06/06/2018 Total Judgment: 66,421.16
06/07/2018	 Motion Filed By: Intervenor Defendant Fidelity and Deposit Company of Maryland <i>Fidelity and Deposit Company of Maryland's Motion to Deposit Bond Penal Sum with Court, Exoneration of Bond, and Dismissal</i>
06/08/2018	 Amended Notice of Appeal <i>Amended Notice of Appeal</i>
06/08/2018	 Amended Case Appeal Statement <i>Amended Case Appeal Statement</i>
06/08/2018	 Motion Filed By: Plaintiff Apco Construction <i>Plaintiff's Motion for 54(b) Certification and for Stay Pending Appeal on Order Shortening Time</i>
06/11/2018	 Response Filed by: Third Party Plaintiff E & E Fire Protection LLC <i>E&E Fire Protection's Response to Fidelity and Deposit Company of Maryland's Motion to Deposit Bond Penal Sum with Court, Exoneration of Bond and Dismissal; and E&E Fire Protection's Motion to Disburse Funds to E&E Fire Protection</i>
06/14/2018	 Response Filed by: Counter Defendant Fast Glass Inc; Counter Defendant Helix Electric of Nevada LLC; Counter Defendant Heinaman Contract Glazing; Intervenor Plaintiff Cactus Rose Construction Inc; Intervenor Plaintiff SWPPP Compliance Solutions LLC <i>The PB Judgment Creditors' Response to Fidelity's Motion to Interplead Bond Proceeds and Objection to E&E Fire's Response</i>
06/15/2018	 Declaration Filed By: Intervenor National Wood Products, Inc.'s <i>Declaration of S. Judy Hirahara</i>
06/15/2018	 Request Filed by: Plaintiff Apco Construction <i>Request for Transcript of Proceedings</i>
06/15/2018	 Opposition Filed By: Counter Defendant Helix Electric of Nevada LLC <i>Helix Electric of Nevada's Opposition to APCO Constructions Motion for Attorney's Fees and Costs</i>

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06/15/2018	 Opposition <i>Apco Construction, Inc.'s Opposition to Helix Electric of Nevada, LLC and Plaintiff in Intervention National Wood Products, Inc.'s Motions to Retax Costs</i>
06/15/2018	 Opposition to Motion Filed By: Intervenor National Wood Products, Inc.'s <i>Plaintiff-In-Intervention National Wood Products, Inc.'s Opposition to APCO Construction's Motion for Attorneys' Fees and Costs</i>
06/18/2018	 Joinder to Opposition to Motion Filed by: Intervenor National Wood Products, Inc.'s <i>Plaintiff In Intervention, National Wood Products, Inc.'s Joinder to Helix Electric of Nevada, LLC's Opposition to APCO Construction's Motion for Attorney's Fees and Costs</i>
06/19/2018	 Opposition Filed By: Counter Defendant Zitting Brothers Construction Inc <i>Zitting Brothers' Construction, Inc.'s Limited Opposition to APCO Construction, Inc.'s Motion for 54(b) Certification and for Stay Pending Appeal on Order Shortening Time</i>
06/21/2018	 Motion (9:00 AM) (Judicial Officer: Denton, Mark R.) <i>Plaintiff's Motion for 54(b) Certification and for Stay Pending Appeal on Order Shortening Time</i> Motion Granted; <i>Motion Granted</i>
06/21/2018	 Notice of Non Opposition Filed By: Intervenor Plaintiff SWPPP Compliance Solutions LLC <i>SWPPP Compliance Solution Inc.'s Notice of Non Opposition to Its Motion for Attorney's Fees, Interest and Costs</i>
06/21/2018	 Notice of Non Opposition Filed By: Intervenor Plaintiff Cactus Rose Construction Inc <i>Cactus Rose Construction Co., Inc.'s Notice of Non Opposition to Its Motion for Attorney's Fees, Interest and Costs</i>
06/21/2018	 Notice of Non Opposition Filed By: Counter Defendant Helix Electric of Nevada LLC <i>Helix Electric of Nevada, LLC's Notice of Non Opposition to Its Motion for Attorney's Fees, Interest and Costs</i>
06/21/2018	 Notice of Non Opposition Filed By: Counter Defendant Heinaman Contract Glazing <i>Heinaman Contract Glazing's Notice of Non Opposition to Its Motion for Attorney's Fees, Interest and Costs</i>
06/21/2018	 Notice of Non Opposition Filed By: Counter Defendant Fast Glass Inc <i>Fast Glass, Inc.'s Notice of Non Opposition to Its Motion for Attorney's Fees, Interest and Costs</i>
06/26/2018	 Recorders Transcript of Hearing <i>Recorders Transcript of Hearing Re: All Pending Motions, January 11, 2018</i>
06/26/2018	 Recorders Transcript of Hearing

DISTRICT COURT
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Recorders Transcript of Hearing Re: Plaintiff's Motion For 54(b) Certification And For Stay Pending Appeal On Order Shortening Time, June 21, 2018












06/28/2018	 Notice of Appeal Filed By: Counter Defendant Helix Electric of Nevada LLC <i>Notice of Appeal</i>
06/28/2018	 Case Appeal Statement Filed By: Counter Defendant Helix Electric of Nevada LLC <i>Case Appeal Statement</i>
06/29/2018	 Reply to Motion Filed By: Counter Defendant Helix Electric of Nevada LLC <i>Helix Electric of Nevada, LLC's Reply Re: Motion to Retax Costs</i>
06/29/2018	 Reply to Motion Filed By: Intervenor National Wood Products, Inc.'s <i>National Wood Products, Inc.'s Reply in Support of its Motion to Retax Costs</i>
06/29/2018	 Case Appeal Statement Filed By: Intervenor National Wood Products, Inc.'s <i>National Wood Products, Inc.'s Case Appeal Statement</i>
06/29/2018	 Reply in Support Filed By: Plaintiff Apco Construction <i>Apco Construction, Inc.'s Reply in Support of its Motion for Attorney's Fees and Costs Against Helix Electric of Nevada, LLC and Plaintiff in Intervention National Wood Products, Inc.</i>
06/29/2018	 Notice of Appeal Filed By: Intervenor National Wood Products, Inc.'s <i>National Wood Products, Inc.'s Notice of Appeal</i>
07/02/2018	Motion to Enforce (9:00 AM) (Judicial Officer: Denton, Mark R.) <i>United Subcontractors, Inc. dba Skyline Insulation's Motion to Enforce Settlement Agreement and Enter Judgment</i> Granted; <i>Granted</i>
07/02/2018	Motion for Attorney Fees and Costs (9:00 AM) (Judicial Officer: Denton, Mark R.) <i>Helix Electric of Nevada, LLC's Motion for Attorney's Fees, Interest and Costs</i> Granted; <i>Granted</i>
07/02/2018	Motion for Attorney Fees and Costs (9:00 AM) (Judicial Officer: Denton, Mark R.) <i>Heinaman Contract Glazing's Motion for Attorney's Fees, Interest and Costs</i> Granted; <i>Granted</i>
07/02/2018	Motion for Attorney Fees and Costs (9:00 AM) (Judicial Officer: Denton, Mark R.) <i>Swapp Compliance Solution Inc's Motion for Attorney's Fees and Costs</i> Granted; <i>Granted</i>
07/02/2018	Motion for Attorney Fees and Costs (9:00 AM) (Judicial Officer: Denton, Mark R.) <i>Fast Glass, Inc.'s Motion for Attorney's Fees, Interest and Costs</i> Granted; <i>Granted</i>

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07/02/2018	Motion for Attorney Fees and Costs (9:00 AM) (Judicial Officer: Denton, Mark R.) <i>Cactus Rose Construction Co., Inc.'s Motion for Attorney's Fees, Interest and Costs</i> Granted; <i>Granted</i>
07/02/2018	 All Pending Motions (9:00 AM) (Judicial Officer: Denton, Mark R.) Matter Heard; <i>Matter Heard</i>
07/02/2018	Judgment Plus Interest (Judicial Officer: Denton, Mark R.) Debtors: Camco Pacific Construction Co Inc (Counter Claimant) Creditors: Heinaman Contract Glazing (Counter Defendant) Judgment: 07/02/2018, Docketed: 07/02/2018 Total Judgment: 262,010.64 Comment: a571228
07/02/2018	Judgment Plus Interest (Judicial Officer: Denton, Mark R.) Debtors: Camco Pacific Construction Co Inc (Counter Claimant) Creditors: Cactus Rose Construction (Counter Claimant) Judgment: 07/02/2018, Docketed: 07/02/2018 Total Judgment: 326,244.84 Comment: a571228
07/02/2018	Judgment Plus Interest (Judicial Officer: Denton, Mark R.) Debtors: Camco Pacific Construction Co Inc (Counter Claimant) Creditors: Fast Glass Inc (Counter Defendant) Judgment: 07/02/2018, Docketed: 07/02/2018 Total Judgment: 280,927.71 Comment: A571228
07/02/2018	Judgment Plus Interest (Judicial Officer: Denton, Mark R.) Debtors: Camco Pacific Construction Co Inc (Counter Claimant) Creditors: Helix Electric of Nevada LLC (Counter Defendant) Judgment: 07/02/2018, Docketed: 07/02/2018 Total Judgment: 1,277,601.82
07/02/2018	Judgment Plus Interest (Judicial Officer: Denton, Mark R.) Debtors: Camco Pacific Construction Co Inc (Intervenor Plaintiff) Creditors: SWPPP Compliance Solutions LLC (Intervenor Plaintiff) Judgment: 07/02/2018, Docketed: 07/02/2018 Total Judgment: 157,846.63 Comment: a571228
07/02/2018	 Order Granting Motion Filed By: Counter Defendant Heinaman Contract Glazing <i>Order Granting Heinaman Contract Glazing's Motion for Attorney's Fees, Interest and Costs</i>
07/02/2018	 Order Granting Motion Filed By: Intervenor Plaintiff Cactus Rose Construction Inc <i>Order Granting Cactus Rose Construction Co., Inc.'s Motion for Attorney's Fees, Interest and Costs</i>
07/02/2018	 Order Granting Motion Filed By: Counter Defendant Fast Glass Inc <i>Order Granting Fast Glass, Inc.'s Motion for Attorney's Fees, Interest and Costs</i>
07/02/2018	 Order Granting Motion

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Filed By: Counter Defendant Helix Electric of Nevada LLC
Order Granting Helix Electric of Nevada, LLC's Motion for Attorney's Fees, Interest and Costs

07/02/2018	 Order Granting Motion Filed By: Intervenor Plaintiff SWPPP Compliance Solutions LLC <i>Order Granting SWPPP Compliance Solution Inc.'s Motion for Attorney's Fees, Interest and Costs</i>
07/02/2018	 Notice of Entry of Order Filed By: Intervenor Plaintiff SWPPP Compliance Solutions LLC <i>Notice of Entry of Order</i>
07/02/2018	 Notice of Entry of Order Filed By: Counter Defendant Helix Electric of Nevada LLC <i>Notice of Entry of Order</i>
07/02/2018	 Notice of Entry of Order Filed By: Counter Defendant Heinaman Contract Glazing <i>Notice of Entry of Order</i>
07/02/2018	 Notice of Entry of Order Filed By: Counter Defendant Fast Glass Inc <i>Notice of Entry of Order</i>
07/02/2018	 Notice of Entry of Order Filed By: Intervenor Plaintiff Cactus Rose Construction Inc <i>Notice of Entry of Order</i>
07/03/2018	 Notice of Posting Bond Filed By: Intervenor National Wood Products, Inc.'s <i>Notice of Posting and Acceptance of Appeal Bond</i>
07/03/2018	 Notice of Posting of Cost Bond Filed By: Counter Defendant Helix Electric of Nevada LLC <i>Helix Electric of Nevada, LLC's Notice of Filing Cash Bond</i>
07/05/2018	CANCELED Motion for Attorney Fees and Costs (9:00 AM) (Judicial Officer: Denton, Mark R.) <i>Vacated - On in Error</i> <i>Helix Electric of Nevada, LLC's Motion for Attorney's Fees, Interest and Costs</i>
07/06/2018	 Memorandum of Costs and Disbursements Filed By: Intervenor National Wood Products, Inc.'s <i>Memorandum of Costs and Disbursements (National Wood Products, Inc.)</i>
07/11/2018	 Motion for Order Filed By: Third Party Plaintiff E & E Fire Protection LLC <i>Motion for Order Approving Distribution of Fidelity and Deposit Company of Maryland's Bond</i>
07/11/2018	 Ex Parte Motion Filed By: Third Party Plaintiff E & E Fire Protection LLC <i>E&E Fire's Ex Parte Motion for Order Shortening Time to Hear Motion for Order Approving Distribution of Fidelity and Deposit Company of Maryland's Bond</i>












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07/12/2018	 Joinder To Motion Filed By: Counter Defendant Fast Glass Inc; Counter Defendant Helix Electric of Nevada LLC; Counter Defendant Heinaman Contract Glazing; Intervenor Plaintiff Cactus Rose Construction Inc; Intervenor Plaintiff SWPPP Compliance Solutions LLC <i>Peel Brimley Judgment Creditors' Joinder to E&E's Motion to Disburse Funds</i>
07/12/2018	 Judgment Filed By: Intervenor National Wood Products, Inc.'s <i>Judgment [as to the Claim of National Wood Products, Inc. against CAMCO Construction Company, Inc. and Gemstone Development West, Inc.]</i>
07/17/2018	 Ex Parte Motion Filed By: Intervenor National Wood Products, Inc.'s <i>National Wood Products, Inc.'s Ex Parte Motion for Order Shortening Time to Hear Motion for Order Permitting Leave to File Surreply to APCO Construction's Reply to National Wood Products, Inc.'s Opposition to Motion for Attorneys' Fees and Costs</i>
07/17/2018	 Motion for Leave to File Party: Intervenor National Wood Products, Inc.'s <i>National Wood Products, Inc.'s Motion for Order Permitting Leave to File Surreply to APCO Construction's Reply to National Wood Products, Inc.'s Opposition to Motion for Attorneys' Fees and Costs</i>
07/19/2018	Motion to Retax (9:00 AM) (Judicial Officer: Denton, Mark R.) <i>Plaintiff In Intervention, National Wood Products, Inc.'s Notice of Motion and Motion to Retax Costs Re: Defendant APCO Construction's Memorandum of Costs and Disbursements Against Plaintiff In Intervention National Wood Products, Inc.</i> Granted in Part; <i>Granted in Part</i>
07/19/2018	Motion to Retax (9:00 AM) (Judicial Officer: Denton, Mark R.) <i>Helix Electric of Nevada, LLC's Motion to Retax Costs re: Defendant APCO Construction's Memorandum of Costs and Disbursements</i> Granted in Part; <i>Granted in Part</i>
07/19/2018	Joinder (9:00 AM) (Judicial Officer: Denton, Mark R.) <i>Helix Electric of Nevada, LLC's Joinder to National Wood's Motion to Retax Costs re: Defendant APCO Construction's Memorandum of Costs and Disbursements</i> Granted in Part; <i>Granted in Part</i>
07/19/2018	Joinder (9:00 AM) (Judicial Officer: Denton, Mark R.) <i>Plaintiff In Intervention National Wood Products, Inc.'s, Joinder to Helix Electric of Nevada, LLC's Motion to Retax Costs Re: Defendant APCO Construction's Memorandum of Costs and Disbursements</i> Granted in Part; <i>Granted in Part</i>
07/19/2018	Motion for Attorney Fees and Costs (9:00 AM) (Judicial Officer: Denton, Mark R.) <i>Apco Construction, Inc.'s Motion for Attorney's Fees and Costs against Helix Electric of Nevada, LLC and Plaintiff in Intervention National Wood Products, Inc.</i> Granted; <i>Granted</i>
07/19/2018	Motion (9:00 AM) (Judicial Officer: Denton, Mark R.) <i>Fidelity and Deposit Company of Maryland's Motion to Deposit Bond Penal Sum with Court, Exoneration of Bond, and Dismissal</i> Granted;

DISTRICT COURT
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	<i>Granted</i>
07/19/2018	Motion (9:00 AM) (Judicial Officer: Denton, Mark R.) <i>Motion for Order Approving Distribution of Fidelity and Deposit Company of Maryland's Bond</i> <i>Granted;</i> <i>Granted</i>
07/19/2018	Joinder (9:00 AM) (Judicial Officer: Denton, Mark R.) <i>Peel Brimley Judgment Creditors' Joinder to E&E's Motion to Disburse Funds</i> <i>Granted;</i> <i>Granted</i>
07/19/2018	Motion (9:00 AM) (Judicial Officer: Denton, Mark R.) <i>National Wood Products, Inc.'s Ex Parte Motion for Order Shortening Time to Hear Motion for Order Permitting Leave to File Surreply to APCO Construction's Reply to National Wood Products, Inc.'s Opposition to Motion for Attorneys' Fees and Costs</i> <i>Granted;</i> <i>Granted</i>
07/19/2018	 All Pending Motions (9:00 AM) (Judicial Officer: Denton, Mark R.) <i>Matter Heard;</i> <i>Matter Heard</i>
07/19/2018	 Notice of Entry of Judgment Filed By: Intervenor National Wood Products, Inc.'s <i>Notice of Entry of Judgment [as to the claim of NATIONAL WOOD PRODUCTS, INC. against CAMCO CONSTRUCTION COMPANY, INC., and GEMSTONE DEVELOPMENT WEST, INC>]</i>
07/19/2018	 Order Granting Motion Filed By: Third Party Defendant Fidelity & Deposit Co Of Maryland <i>Order Granting Motion to Deposit Bond Penal Sum with Court, Exoneration of Bond, and Dismissal</i>
07/19/2018	 Notice of Entry of Order Filed By: Third Party Defendant Fidelity & Deposit Co Of Maryland <i>Notice of Entry of Order Granting Motion to Deposit Bond Penal Sum with Court, Exoneration of Bond, and Dismissal</i>
07/19/2018	 Reply to Opposition Filed by: Intervenor National Wood Products, Inc.'s <i>Plaintiff in Intervention National Wood Products, Inc.'s Surreply to APCO Construction's Reply to Plaintiff in Intervention National Wood Products, Inc.'s Opposition to Motion for Attorneys Fees and Costs</i>
07/26/2018	 Order Approving Filed By: Intervenor Defendant E & E Fire Protection LLC <i>Order Approving Distribution of Fidelity and Deposit Company of Maryland's Bond</i>
07/27/2018	 Notice of Entry Filed By: Third Party Plaintiff E & E Fire Protection LLC <i>Notice of Entry of Order Approving Distribution of Fidelity and Deposit Company of Maryland's Bond</i>
07/30/2018	 Notice of Deposit Filed By: Third Party Defendant Fidelity & Deposit Co Of Maryland <i>Notice of Deposit and Compliance with Court's Order Dated July 19, 2018</i>

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07/30/2018	 Order Granting Motion Filed By: Plaintiff Apco Construction <i>Order Granting Motion for 54(b) Certification and for Stay Pending Appeal</i>
07/30/2018	Partial Summary Judgment (Judicial Officer: Denton, Mark R.) Debtors: APCO Construction (Counter Claimant) Creditors: Zitting Brothers Construction Inc (Counter Defendant) Judgment: 07/30/2018, Docketed: 08/01/2018 Total Judgment: 1,516,723.46
07/31/2018	 Notice of Entry of Order Filed By: Plaintiff Apco Construction <i>Notice of Entry of Order</i>
08/08/2018	 Decision and Order <i>Decision and Order</i>
08/08/2018	 Motion for Attorney Fees Filed By: Intervenor National Wood Products, Inc.'s <i>National Wood Products, Inc.'s Motion for Attorneys' Fees and Costs</i>
08/08/2018	 Amended Notice of Appeal Party: Plaintiff Apco Construction <i>Second Amended Notice of Appeal</i>
08/08/2018	 Amended Case Appeal Statement Party: Plaintiff Apco Construction <i>Second Amended Case Appeal Statement</i>
08/23/2018	Judgment Plus Interest (Judicial Officer: Denton, Mark R.) Debtors: Camco Pacific Construction Co Inc (Counter Claimant) Creditors: Steven L Morris Ltd (Other) Judgment: 08/23/2018, Docketed: 08/23/2018 Total Judgment: 193,612.39
08/23/2018	 Order Filed By: Counter Claimant Camco Pacific Construction Co Inc <i>Order Granting Motion to Withdraw as Counsel of Record and Entry of Final Judgement for Fees & Costs</i>
08/30/2018	 Notice of Non Opposition Filed By: Intervenor National Wood Products, Inc.'s <i>National Wood Products, Inc.'s Notice of Non Opposition by CAMCO Pacific Construction Company, Inc. to its Motion for Attorney's Fees and Costs</i>
09/10/2018	 Motion for Attorney Fees and Costs (9:00 AM) (Judicial Officer: Denton, Mark R.) <i>National Wood Products, Inc.'s Motion for Attorneys' Fees and Costs</i> Granted; <i>Granted</i>
09/11/2018	 Notice of Posting Bond <i>Apco Construction, Inc.'s Notice of Posting Supersedeas Bond</i>
09/19/2018	 Order to Statistically Close Case

DISTRICT COURT
CASE SUMMARY
CASE NO. 08A571228

Civil Order to Statistically Close Case

09/19/2018	 Notice of Posting Bond <i>Apco Construction, Inc.'s Notice of Posting Signed Supersedeas Bond</i>
09/19/2018	 Order Granting Motion Filed By: Intervenor National Wood Products, Inc.'s <i>Order Granting National Wood Products, Inc.'s Motion for Attorneys' Fees and Costs</i>
09/20/2018	 Notice of Entry of Order Filed By: Intervenor National Wood Products, Inc.'s <i>Notice of Entry of Order Granting National Wood Products, Inc.'s Motion for Attorneys' Fees and Costs</i>
09/27/2018	 Order Filed By: Plaintiff Apco Construction <i>Order (1) Granting Apco Construction, Inc. Motion for Attorneys Fees and Costs (2) Granting Apco Construction, Inc.'s Memorandum of costs in Part (3) Granting Helix Electric of Nevada LLC's Motion to Retax in Part and Denying in Part (4) Granting Plaintiff in Intervention National Wood Products LLC's Motion to Retax in Part and Denying in Part and (5) Granting National Wood Products, Inc.'s Motion to file a Surreply</i>
09/27/2018	Order (Judicial Officer: Denton, Mark R.) Debtors: Helix Electric of Nevada LLC (Counter Defendant) Creditors: Apco Construction (Plaintiff) Judgment: 09/27/2018, Docketed: 09/27/2018 Total Judgment: 103,307.54 Debtors: National Wood Products, Inc.'s (Intervenor) Creditors: Apco Construction (Plaintiff) Judgment: 09/27/2018, Docketed: 09/27/2018 Total Judgment: 78,307.54
09/28/2018	 Notice of Entry <i>Notice of Entry of Order (1) Granting Apco Construction Inc. Motion for Attorneys Fees and Costs (2) Granting Apco Construction, Inc.'s Memorandum of Costs in Part (3) Granting Helix Electric of Nevada LLC's Motion to Retax in Part and Denying in Part (4) Granting Plaintiff Intervention National Wood Products LLC's Motion to retax in Part and Denying in Part and (5) Granting National Wood Products, Inc. Motion to File a Surreply</i>
10/25/2018	 Amended Case Appeal Statement Party: Counter Defendant Helix Electric of Nevada LLC <i>Amended Case Appeal Statement</i>
10/25/2018	 Amended Notice of Appeal Party: Counter Defendant Helix Electric of Nevada LLC <i>Amended Notice of Appeal</i>
10/26/2018	 Notice of Appeal Filed By: Plaintiff Apco Construction <i>Notice of Cross-Appeal</i>
10/26/2018	 Case Appeal Statement Filed By: Plaintiff Apco Construction <i>Case Appeal Statement</i>

DISTRICT COURT
CASE SUMMARY
CASE NO. 08A571228

10/30/2018	 Notice of Posting of Cost Bond Filed By: Plaintiff Apco Construction <i>Notice of Posting Bond for Costs on Appeal</i>
01/24/2019	 Recorders Transcript of Hearing <i>Recorder's Transcript of Hearing Re: All Pending Motions, July 19, 2018</i>
01/25/2019	 Notice of Appearance Party: Plaintiff Apco Construction <i>Notice of Appearance</i>
01/30/2019	 Substitution of Attorney Filed by: Plaintiff Apco Construction <i>Substitution of Counsel</i>
01/30/2019	 Consent Filed By: Plaintiff Apco Construction <i>Consent to Substitution of Counsel</i>
02/14/2019	 Amended Judgment Filed By: Intervenor National Wood Products, Inc.'s <i>Amended Judgment [as to the Claim of National Wood Products, Inc. against CAMCO Construction Company, Inc. and Gemstone Development West, Inc.]</i>
02/14/2019	 Stipulation and Order Filed by: Intervenor National Wood Products, Inc.'s <i>Stipulation and Order to Vacate APCO Construction, Inc.'s Judgment and Order for Attorney's Fees and Costs against National Wood Products, Inc. Only - and- Dismissal of Cabinetec, Inc.'s Action as to Apco Construction, Inc. Only with Prejudice</i>
03/07/2019	 Request Filed by: Plaintiff Apco Construction <i>Request for Transcript of Proceedings</i>
05/31/2019	 Motion Filed By: Plaintiff Apco Construction <i>Motion for Determination of Potential Attorney Conflict on an Order Shortening Time</i>
06/04/2019	 Opposition to Motion Filed By: Counter Defendant Zitting Brothers Construction Inc <i>Zitting Brothers Construction, Inc.'s Opposition to APCO Construction's Motion for Determination of Potential Attorney Conflict on Order Shortening Time</i>
06/05/2019	 Reply in Support Filed By: Plaintiff Apco Construction <i>Reply in Support of Motion for Determination of Potential Attorney Conflict on an Order Shortening Time</i>
06/05/2019	 Opposition Filed By: Counter Defendant Helix Electric of Nevada LLC <i>Helix Electric of Nevada, LLC's Opposition and Joinder to Zitting Brothers Construction, Inc.'s Opposition to Motion for Determination of Potential Attorney Conflict on an Order Shortening Time</i>
06/06/2019	 Motion (9:00 AM) (Judicial Officer: Denton, Mark R.)

DISTRICT COURT
CASE SUMMARY
CASE NO. 08A571228

Motion for Determination of Potential Attorney Conflict on an Order Shortening Time
Motion Granted;
Motion Granted

06/26/2019



Findings of Fact, Conclusions of Law and Order

Filed By: Plaintiff Apco Construction

Findings of Fact, Conclusions of Law, and Order Granting Fennemore Craig, P.C.'s Motion for Determination of Potential Conflict

06/26/2019



Notice of Entry of Order

Filed By: Plaintiff Apco Construction

Notice of Entry of Order

07/25/2019



Notice of Appeal

07/25/2019



Case Appeal Statement

Case Appeal Statement

08/05/2019



Notice of Cost Bond

Notice of Cost Bond

08/06/2019



Motion

Filed By: Counter Defendant Helix Electric of Nevada LLC

Helix Electric of Nevada, LLC's Motion to (I) Re-Open Statistically Closed Case, (II) Dismiss All Unresolved Claims and/or, (III) in the Alternative, for a Rule 54(B) Certification as to Helix and APCO

08/06/2019



Exhibits

Filed By: Counter Defendant Helix Electric of Nevada LLC

Exhibit 10 (Part One) to Helix Electric of Nevada, LLC's Motion to (I) Re-Open Statistically Closed Case, (II) Dismiss All Unresolved Claims and/or, (III) in the Alternative, for a Rule 54 (B) Certification as to Helix and APCO

08/06/2019



Exhibits

Filed By: Counter Defendant Helix Electric of Nevada LLC

Exhibits 11-16 to Helix Electric of Nevada, LLC's Motion to (I) Re-Open Statistically Closed Case, (II) Dismiss All Unresolved Claims and/or, (III) in the Alternative, for a Rule 54 (B) Certification as to Helix and APCO

08/06/2019



Exhibits

Filed By: Counter Defendant Helix Electric of Nevada LLC

Exhibit 10 (Part Two) to Helix Electric of Nevada, LLC's Motion to (I) Re-Open Statistically Closed Case, (II) Dismiss All Unresolved Claims and/or, (III) in the Alternative, for a Rule 54 (B) Certification as to Helix and APCO

08/06/2019



Clerk's Notice of Hearing

Notice of Hearing

08/09/2019



NV Supreme Court Clerks Certificate/Judgment - Dismissed

Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Dismissed

08/09/2019

Clerk's Certificate (Judicial Officer: Denton, Mark R.)










Debtors: Helix Electric of Nevada LLC (Counter Defendant)

Creditors: APCO Construction (Counter Claimant)

Judgment: 08/09/2019, Docketed: 08/09/2019


Comment: "Supreme Court No. 76276 " Appeal Dismissed"

DISTRICT COURT
CASE SUMMARY
CASE NO. 08A571228


08/15/2019	 Recorders Transcript of Hearing <i>Recorders Transcript of Hearing Re: Motion for Determination of Potential Attorney Conflict of an Order Shortening Time, June 6, 2019</i>
08/15/2019	 Request <i>Request for Transcript of Proceeding</i>
08/16/2019	 Opposition Filed By: Plaintiff Apco Construction <i>APCO Construction's Opposition to Helix Electric of Nevada LLC's Motion to (I) Re-Open Statistically Closed Case, (II) Dismiss All Unresolved Claims and/or, (III) in the Alternative, for a Rule 54(B) Certification as to Helix and APCO</i>
08/29/2019	 Reply to Opposition Filed by: Counter Defendant Helix Electric of Nevada LLC <i>Helix Electric of Nevada, LLL s Reply to APCO s Opposition to Motion to (i) Re-Open Statistically Closed Case, (ii) Dismiss All Unresolved Claims and/or, (iii) In the Alternative, for a Rule 54(B) Certification as to Helix and APCO</i>
09/09/2019	 Motion (9:00 AM) (Judicial Officer: Denton, Mark R.) <i>Helix Electric of Nevada, LLC's Motion to (I) Re-Open Statistically Closed Case, (II) Dismiss all Unresolved Claims and/or, (III) in the Alternative, for a Rule 54(B) Certification as to Helix and APCO</i> Granted in Part; <i>Granted in Part</i>
12/10/2019	 Motion to Amend Judgment Filed By: Intervenor National Wood Products, Inc.'s <i>National Wood Products, Inc.'s Motion to Amend Judgment as to the Claim of National Wood Products, Inc. against Camco Pacific Construction Company, Inc. and Gemstone Development West, Inc. Due to Clerical Error on an Order Shortening Time</i>
12/19/2019	 Motion to Amend Judgment (9:00 AM) (Judicial Officer: Denton, Mark R.) <i>National Wood Products, Inc.'s Motion to Amend Judgment as to the Claim of National Wood Products, Inc. against Camco Pacific Construction Company, Inc. and Gemstone Development West, Inc. Due to Clerical Error on an Order Shortening Time</i> Granted; <i>Granted</i>
12/19/2019	 Amended Judgment Filed By: Intervenor National Wood Products, Inc.'s <i>Second Amended Judgment [As to the Claim of National Wood Products, Inc. against Camco Pacific Construction Company, Inc. and Gemstone Development West, Inc.</i>
12/19/2019	Amended Judgment Plus Interest (Judicial Officer: Denton, Mark R.) Debtors: Gemstone Development West Inc (Intervenor Defendant), Camco Pacific Construction Co Inc (Intervenor Defendant) Creditors: National Wood Products, Inc.'s (Intervenor) Judgment: 12/19/2019, Docketed: 08/01/2018 Total Judgment: 1,184,820.77 Debtors: Camco Pacific Construction Co Inc (Intervenor Defendant) Creditors: National Wood Products, Inc.'s (Intervenor) Judgment: 12/19/2019, Docketed: 09/20/2018 Total Judgment: 68,865.86
12/20/2019	 Notice of Entry of Order


DISTRICT COURT
CASE SUMMARY
CASE NO. 08A571228


Filed By: Intervenor National Wood Products, Inc.'s
Notice of Entry of Second Amended Judgement [as to the Claim of National Wood Products, Inc. against Camco Pacific Construction Company, Inc. and Gemstone Development West, Inc.]

12/26/2019  NV Supreme Court Clerks Certificate/Judgment - Dismissed
Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Dismissed

12/26/2019 **Clerk's Certificate** (Judicial Officer: Denton, Mark R.)
Debtors: Zitting Brothers Construction Inc (Counter Defendant)
Creditors: Fennemore Craig P C (Other)
Judgment: 12/26/2019, Docketed: 01/02/2020
Comment: Supreme Court # 79301 - Appeal Dismissed

01/03/2020  Order
Filed By: Counter Defendant Helix Electric of Nevada LLC
Order Granting Helix Electric of Nevada's Motion for Rule 54(b) Certification

01/03/2020  Notice of Entry of Order
Filed By: Counter Defendant Helix Electric of Nevada LLC
Notice of Entry of Order

01/29/2020  Notice of Appeal
Filed By: Counter Defendant Helix Electric of Nevada LLC
Notice of Appeal

01/29/2020  Case Appeal Statement

CIVIL COVER SHEET

Clark County, Nevada

Case No. _____

(Assigned by Clerk's Office)

A571 228
xvi

I. Party Information

Plaintiff(s) (name/address/phone):

APCO Construction

Attorney (name/address/phone):

Gwen Rutar Mullins

3800 Howard Hughes Pkwy., Suite 1400

Las Vegas, NV 89169

Defendant(s) (name/address/phone):

Gemstone Development West, Inc.

Attorney (name/address/phone):

II. Nature of Controversy (Please check applicable bold category and applicable subcategory, if appropriate)

☐ Arbitration Requested

Civil Cases

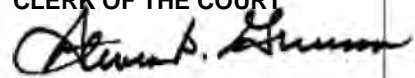
Real Property	Torts	
<input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Title to Property <input type="checkbox"/> Foreclosure <input type="checkbox"/> Liens <input type="checkbox"/> Quiet Title <input type="checkbox"/> Specific Performance <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property <input type="checkbox"/> Partition <input type="checkbox"/> Planning/Zoning	<input type="checkbox"/> Negligence <input type="checkbox"/> Negligence – Auto <input type="checkbox"/> Negligence – Medical/Dental <input type="checkbox"/> Negligence – Premises Liability (Slip/Fall) <input type="checkbox"/> Negligence – Other	<input type="checkbox"/> Product Liability <input type="checkbox"/> Product Liability/Motor Vehicle <input type="checkbox"/> Other Torts/Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Torts/Defamation (Libel/Slander) <input type="checkbox"/> Interfere with Contract Rights <input type="checkbox"/> Employment Torts (Wrongful termination) <input type="checkbox"/> Other Torts <input type="checkbox"/> Anti-trust <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Insurance <input type="checkbox"/> Legal Tort <input type="checkbox"/> Unfair Competition
Probate	Other Civil Filing Types	
<input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside Estates <input type="checkbox"/> Trust/Conservatorships <input type="checkbox"/> Individual Trustee <input type="checkbox"/> Corporate Trustee <input type="checkbox"/> Other Probate	<input type="checkbox"/> Construction Defect <input type="checkbox"/> Chapter 40 <input type="checkbox"/> General <input checked="" type="checkbox"/> Breach of Contract <input checked="" type="checkbox"/> Building & Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Other Contracts/Acct/Judgment <input type="checkbox"/> Collection of Actions <input type="checkbox"/> Employment Contract <input type="checkbox"/> Guarantee <input type="checkbox"/> Sale Contract <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Civil Petition for Judicial Review <input type="checkbox"/> Other Administrative Law <input type="checkbox"/> Department of Motor Vehicles <input type="checkbox"/> Worker's Compensation Appeal	<input type="checkbox"/> Appeal from Lower Court (also check applicable civil case box) <input type="checkbox"/> Transfer from Justice Court <input type="checkbox"/> Justice Court Civil Appeal <input type="checkbox"/> Civil Writ <input type="checkbox"/> Other Special Proceeding <input type="checkbox"/> Other Civil Filing <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Conversion of Property <input type="checkbox"/> Damage to Property <input type="checkbox"/> Employment Security <input type="checkbox"/> Enforcement of Judgment <input type="checkbox"/> Foreign Judgment – Civil <input type="checkbox"/> Other Personal Property <input type="checkbox"/> Recovery of Property <input type="checkbox"/> Stockholder Suit <input type="checkbox"/> Other Civil Matters

III. Business Court Requested (Please check applicable category; for Clark or Washoe Counties only.)

- | | | |
|---|--|---|
| <input type="checkbox"/> NRS Chapters 78-88 | <input type="checkbox"/> Investments (NRS 104 Art. 8) | <input type="checkbox"/> Enhanced Case Mgmt/Business |
| <input type="checkbox"/> Commodities (NRS 90) | <input type="checkbox"/> Deceptive Trade Practices (NRS 598) | <input type="checkbox"/> Other Business Court Matters |
| <input type="checkbox"/> Securities (NRS 90) | <input type="checkbox"/> Trademarks (NRS 600A) | |

9-9-08
Date

Signature of Initiating party or representative



JUDG
SPENCER FANE LLP
John H. Mowbray, Esq. (Bar No. 1140)
John Randall Jefferies, Esq. (Bar No. 3512)
Mary E. Bacon, Esq. (Bar No. 12686)
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RJJefferies@spencerfane.com
MBacon@spencerfane.com
Attorneys for Apco Construction, Inc.

DISTRICT COURT
CLARK COUNTY, NEVADA

APCO CONSTRUCTION, a Nevada
corporation,

Plaintiff,

v.

GEMSTONE DEVELOPMENT WEST, INC., A
Nevada corporation,

Defendant.

Case No.: A571228

Dept. No.: XIII

Consolidated with:

A574391; A574792; A577623; A583289;
A587168; A580889; A584730; A589195;
A595552; A597089; A592826; A589677;
A596924; A584960; A608717; A608718; and
A590319

JUDGMENT

**[AS TO THE CLAIMS OF HELIX
ELECTRIC OF NEVADA, LLC AND
PLAINTIFF IN INTERVENTION
NATIONAL WOOD PRODUCTS, INC.'S
AGAINST APCO CONSTRUCTION, INC.]**

AND ALL RELATED MATTERS

This matter having come on for a non-jury trial on the merits on January 17-19, 23,
24 and February 6, 2018, APCO Construction, Inc. ("APCO"), appearing through Spencer
Fane, LLP and Marquis & Aurbach; Camco Construction, Inc., ("Camco") through Grant
Morris Dodds; National Wood Products, Inc. ("National Wood" or "CabineTec") through
Cadden & Fuller LLP and Richard L. Tobler, Ltd.; United Subcontractors, Inc. through
Fabian Vancott; and Helix Electric of Nevada, LLC ("Helix"), SWPP Compliance
Solution, Cactus Rose Construction, Inc., Fast Glass, Inc., Heinaman Contract Glazing all

1 through Peel Brimley; and, the Court having heard the testimony of witnesses through
2 examination and cross-examination by the parties' counsel, having reviewed the evidence
3 provided by the parties, having heard the arguments of counsel, and having read and
4 considered the briefs of counsel, the parties' pleadings, and various other filings, and good
5 cause appearing; the Court hereby makes the following:

6 The Court having taken the matter under consideration and advisement;

7 The Court having entered its April 25, 2018 Findings of Fact and Conclusions of
8 Law as to the Claims of Helix Electric and CabineTec against APCO, incorporated
9 herein by this reference ("the APCO FFCL");

10 The Court enters the following Judgment as to the claims of Helix and National
11 Wood against APCO;

12 IT IS ORDERED, ADJUDGED, AND DECREED that, as set forth on the APCO
13 FFCL, judgment is to be entered in favor of APCO and against Helix and National Wood
14 on all of Helix's and National Wood's claims against APCO and that (i) Helix's April 14,
15 2009 Statement of Facts Constituting Notice of Lien and Third-Party Complaint, (ii)
16 Helix's June 24, 2009 Amended Statement of Facts Constituting Notice of Lien and Third-Party
17 Complaint and (iii) CabineTec's February 6, 2009 Statement of Facts Constituting Lien
18 Claim and Complaint in Intervention shall be dismissed with prejudice, but only to the
19 extent they state claims against APCO.

20 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Court may
21 issue an amended judgment after the Court has heard and decided APCO's Motion for
22 Attorney's Fees and Costs Against Helix and National Wood and any related motion to

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1 determine APCO's costs, currently pending before the Court.¹

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3 Dated this 29th day of May, 2018.

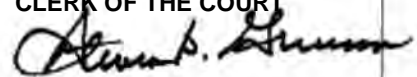
4 
5 DISTRICT COURT JUDGE

6
7 Respectfully submitted by:

8 SPENCER FANE LLP

9 
10 John H. Mowbray, Esq. (Bar No. 1140)
11 John Randall Jefferies, Esq. (Bar No. 3512)
12 Mary E. Bacon, Esq. (Bar No. 12686)
13 300 S. Fourth Street, Suite 950
14 Las Vegas, NV 89101
15 Attorneys for Apco Construction, Inc.

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28 ¹ The amended judgment will be in accordance with the court's decisions on the pending motion for attorney's fees and any motion/pleadings for costs.



1 **NJUD**
2 SPENCER FANE LLP
3 John H. Mowbray, Esq. (Bar No. 1140)
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11 RJJefferies@spencerfane.com
12 MBacon@spencerfane.com
13 Attorneys for APCO Construction, Inc.

8 **DISTRICT COURT**
9 **CLARK COUNTY, NEVADA**

10 APCO CONSTRUCTION, a Nevada
11 corporation,

12 Plaintiff,

13 v.

14 GEMSTONE DEVELOPMENT WEST, INC., A
15 Nevada corporation,

16 Defendant.

Case No.: A571228

Dept. No.: XIII

Consolidated with:

A574391; A574792; A577623; A583289;
A587168; A580889; A584730; A589195;
A595552; A597089; A592826; A589677;
A596924; A584960; A608717; A608718; and
A590319

NOTICE OF ENTRY OF JUDGMENT

**[AS TO THE CLAIMS OF HELIX
ELECTRIC OF NEVADA, LLC AND
PLAINTIFF IN INTERVENTION
NATIONAL WOOD PRODUCTS, INC.'S
AGAINST APCO CONSTRUCTION, INC.]**

20 AND ALL RELATED MATTERS

22 PLEASE TAKE NOTICE that a JUDGMENT [AS TO THE CLAIMS OF HELIX
23 ELECTRIC OF NEVADA, LLC AND PLAINTIFF IN INTERVENTION NATIONAL WOOD
24 PRODUCTS, INC.'S AGAINST APCO CONSTRUCTION, INC.] was filed on May 31, 2018, a


25 ///

27 ///

1 copy of which is attached as **Exhibit A**.

2
3 Dated this 1st day of June, 2018.

4 SPENCER FANE LLP

5 
6 John H. Mowbray, Esq. (Bar No. 1140)
7 John Randall Jefferies, Esq. (Bar No. 3512)
8 Mary E. Bacon, Esq. (Bar No. 12686)
9 300 S. Fourth Street, Suite 950
10 Las Vegas, NV 89101
11 *Attorneys for APCO Construction, Inc.*
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CERTIFICATE OF SERVICE

I hereby certify that I am an employee of Spencer Fane LLP and that a copy of the foregoing **NOTICE OF ENTRY OF JUDGMENT [AS TO THE CLAIMS OF HELIX ELECTRIC OF NEVADA, LLC AND PLAINTIFF IN INTERVENTION NATIONAL WOOD PRODUCTS, INC.'S AGAINST APCO CONSTRUCTION, INC.]** was served by electronic transmission through the E-Filing system pursuant to NEFCR 9, NRCP 5(b) and EDCR 7.26 or by mailing a copy to their last known address, first class mail, postage prepaid for non-registered users, on this 1st day of June, 2018, as follows:

Counter Claimant: Camco Pacific Construction Co Inc

Steven L. Morris (steve@gmdlegal.com)

Intervenor Plaintiff: Cactus Rose Construction Inc

Eric B. Zimbelman (ezimbelman@peelbrimley.com)

Intervenor Plaintiff: Interstate Plumbing & Air Conditioning Inc

Jonathan S. Dabbieri (dabbieri@sullivanhill.com)

Intervenor: National Wood Products, Inc.'s

Dana Y Kim (dkim@caddenfuller.com)

Richard L Tobler (rltldck@hotmail.com)

Richard Reincke (rreincke@caddenfuller.com)

S. Judy Hirahara (jhirahara@caddenfuller.com)

Tammy Cortez (tcortez@caddenfuller.com)

Other: Chapter 7 Trustee

Elizabeth Stephens (stephens@sullivanhill.com)

Gianna Garcia (ggarcia@sullivanhill.com)

Jennifer Saurer (Saurer@sullivanhill.com)

Jonathan Dabbieri (dabbieri@sullivanhill.com)

Plaintiff: Apco Construction

Rosie Wesp (rwesp@maclaw.com)

Third Party Plaintiff: E & E Fire Protection LLC

TRACY JAMES TRUMAN (DISTRICT@TRUMANLEGAL.COM)

Other Service Contacts

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"Cori Mandy, Legal Secretary" . (cori.mandy@procopio.com)
"Donald H. Williams, Esq." . (dwilliams@dhwlawlv.com)
"Marisa L. Maskas, Esq." . (mmaskas@pezzilloloyd.com)
"Martin A. Little, Esq." . (mal@juww.com)
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Debbie Rosewall . (dr@juww.com)
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Depository . (Depository@litigationsservices.com)
District filings . (district@trumanlegal.com)
Donna Wolfbrandt . (dwolfbrandt@dickinsonwright.com)

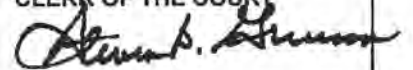
1 Douglas D. Gerrard . (dgerrard@gerrard-cox.com)
2 E-File Desk . (EfileLasVegas@wilsonelser.com)
3 Elizabeth Martin (em@juww.com)
4 Eric Dobberstein . (edobberstein@dickinsonwright.com)
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7 Floyd Hale . (fhale@floyd hale.com)
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EXHIBIT A



JUDG
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DISTRICT COURT
CLARK COUNTY, NEVADA

APCO CONSTRUCTION, a Nevada
corporation,

Plaintiff,

v.

GEMSTONE DEVELOPMENT WEST, INC., A
Nevada corporation,

Defendant.

Case No.: A571228

Dept. No.: XIII

Consolidated with:

A574391; A574792; A577623; A583289;
A587168; A580889; A584730; A589195;
A595552; A597089; A592826; A589677;
A596924; A584960; A608717; A608718; and
A590319

JUDGMENT

AS TO THE CLAIMS OF HELIX
ELECTRIC OF NEVADA, LLC AND
PLAINTIFF IN INTERVENTION
NATIONAL WOOD PRODUCTS, INC.'S
AGAINST APCO CONSTRUCTION, INC.]

AND ALL RELATED MATTERS

This matter having come on for a non-jury trial on the merits on January 17-19, 23,
24 and February 6, 2018, APCO Construction, Inc. ("APCO"), appearing through Spencer
Fane, LLP and Marquis & Aurbach; Camco Construction, Inc., ("Camco") through Grant
Morris Dodds; National Wood Products, Inc. ("National Wood" or "CabineTec") through
Cadden & Fuller LLP and Richard L. Tobler, Ltd.; United Subcontractors, Inc. through
Fabian Vancott; and Helix Electric of Nevada, LLC ("Helix"), SWPP Compliance
Solution, Cactus Rose Construction, Inc., Fast Glass, Inc., Heinaman Contract Glazing all

1 through Peel Brimley; and, the Court having heard the testimony of witnesses through
2 examination and cross-examination by the parties' counsel, having reviewed the evidence
3 provided by the parties, having heard the arguments of counsel, and having read and
4 considered the briefs of counsel, the parties' pleadings, and various other filings, and good
5 cause appearing; the Court hereby makes the following:

6 The Court having taken the matter under consideration and advisement;

7 The Court having entered its April 25, 2018 Findings of Fact and Conclusions of
8 Law as to the Claims of Helix Electric and CabineTec against APCO, incorporated
9 herein by this reference ("the APCO FFCL");

10 The Court enters the following Judgment as to the claims of Helix and National
11 Wood against APCO;

12 IT IS ORDERED, ADJUDGED, AND DECREED that, as set forth on the APCO
13 FFCL, judgment is to be entered in favor of APCO and against Helix and National Wood
14 on all of Helix's and National Wood's claims against APCO and that (i) Helix's April 14,
15 2009 Statement of Facts Constituting Notice of Lien and Third-Party Complaint, (ii)
16 Helix's June 24, 2009 Amended Statement of Facts Constituting Notice of Lien and Third-Party
17 Complaint and (iii) CabineTec's February 6, 2009 Statement of Facts Constituting Lien
18 Claim and Complaint in Intervention shall be dismissed with prejudice, but only to the
19 extent they state claims against APCO.

20 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Court may
21 issue an amended judgment after the Court has heard and decided APCO's Motion for
22 Attorney's Fees and Costs Against Helix and National Wood and any related motion to

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1 determine APCO's costs, currently pending before the Court.¹


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Dated this 29th day of May, 2018.

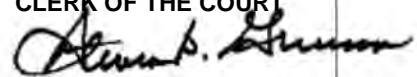

DISTRICT COURT JUDGE

Respectfully submitted by:

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28 ¹ The amended judgment will be in accordance with the court's decisions on the pending motion for attorney's fees and any motion/pleadings for costs.



ODR

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Attorneys for APCO Construction

DISTRICT COURT

CLARK COUNTY, NEVADA

APCO CONSTRUCTION, a Nevada
corporation,

Plaintiff,

vs.

GEMSTONE DEVELOPMENT WEST, INC., A
Nevada corporation,

Defendant.

Case No.: A571228
Dept. No.: XIII

Consolidated with:

A574391; A574792; A577623; A583289;
A587168; A580889; A584730; A589195;
A595552; A597089; A592826; A589677;
A596924; A584960; A608717; A608718 and
A590319

ORDER:

**(1) GRANTING APCO CONSTRUCTION,
INC. MOTION FOR ATTORNEYS FEES
AND COSTS**

**(2) GRANTING APCO CONSTRUCTION,
INC.'S MEMORANDUM OF COSTS IN
PART**

**(3) GRANTING HELIX ELECTRIC OF
NEVADA LLC'S MOTION TO RETAX IN
PART AND DENYING IN PART**

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DISTRICT COURT DEPT#13

**(4) GRANTING PLAINTIFF IN
INTERVENTION NATIONAL WOOD
PRODUCTS LLC'S MOTION TO RETAX
IN PART AND DENYING IN PART**

-AND-

**(5) GRANTING NATIONAL WOOD
PRODUCTS, INC.'S MOTION TO FILE A
SURREPLY**

AND ALL RELATED MATTERS

On July 19, 2018, the Court heard the following motions: (1) APCO Construction Inc.'s Motion for Attorneys Fees and Costs; (2) APCO Construction, Inc.'s Memorandum of Costs [Against Helix Electric of Nevada, LLC and Plaintiff in Intervention National Wood Products, Inc.]; (3) Plaintiff in Intervention National Wood Products, Inc.'s Motion to Retax Costs Re: Defendant APCO Construction, Inc.'s Memorandum of Costs and Disbursements Against Plaintiff in Intervention National Wood Products, Inc. with Joinder by Helix Electric of Nevada, LLC, (4) Helix Electric of Nevada, LLC's Motion to Retax Costs Re: Defendant APCO Construction, Inc.'s Memorandum of Costs and Disbursements with Joinder by Plaintiff in Intervention National Wood Products, Inc., and (5) National Wood Products, Inc.'s Ex Parte Motion for Order Shortening Time to Hear Motion for Order Permitting Leave to File Surreply to APCO Construction's Reply to National Wood Products, Inc.'s Opposition to Motion for Attorneys' Fees and Costs.

John Randall Jefferies, Esq. and Mary Bacon, Esq. of the law firm of Spencer Fane appeared on behalf of APCO Construction, Inc. ("APCO"); Eric Zimbleman, Esq. of the law firm of Peel Brimley appeared on behalf of Helix Electric of Nevada, LLC ("Helix"), and John Taylor, Esq. and S. Judy Hirahara, Esq. of the law firm of Cadden Fuller and Richard Tobler, Esq. of the law firm Richard Tobler, Ltd. appeared on behalf of Plaintiff in Intervention National Wood Products, Inc. ("National Wood"), the Court having heard oral argument and examined the records and documents on file in the above-entitled matter and being fully advised on the premises, hereby ORDERS as follows, having rendered its Decision filed on August 8, 2018:

1 **1. APCO Construction, Inc.'s Motion for Attorneys Fees and Costs Against**
2 **Helix Electric of Nevada, LLC and Plaintiff in Intervention National Wood Products, Inc.**
3 **and APCO Construction, Inc.'s Memorandum of Costs and Disbursements [Against Helix**
4 **Electric of Nevada, LLC and Plaintiff in Intervention National Wood Products, Inc.].**

5 APCO requested attorney's fees from Helix and National Wood pursuant to the
6 subcontracts at issue and pursuant to APCO's November 13, 2018 offers of judgment. APCO
7 also sought an award of attorney's fees against Helix pursuant to NRS 108.237(3). The Court
8 finds that although there are certainly viable bases supporting APCO's contention that
9 contractual provisions in the repesective subcontracts and equitable estoppel can support an
10 award of attorney's fees going back in time to a point long before making of the November 13,
11 2018 offers of judgment, the Court determines, in the context of this complex case, involving
12 multiple parties and claims and consolidation of cases and periodic party alignments and
13 realignments and contractual reconfigurations, that the best basis for attorney fee awards is
14 NRCP 68.

15 NRCP 68 provides in part that at "any time more than 10 days before trial, any party may
16 serve an offer in writing to allow judgment to be taken in accordance with its terms and
17 conditions."¹ "If the offer is not accepted within 10 days after service, it shall be considered
18 rejected by the offeree and deemed withdrawn by the offeror."² And "[i]f the offeree rejects an
19 offer and fails to obtain a more favorable judgment, (1) the offeree cannot recover any costs or
20 attorney's fees and shall not recover interest for the period after the service of the offer and
21 before the judgment; and (2) the offeree shall pay the offeror's post-offer costs, applicable
22 interest on the judgment from the time of the offer to the time of entry of the judgment and
23 reasonable attorney's fees, if any be allowed, actually incurred by the offeror from the time of
24 the offer."³

25 The purpose of NRCP 68 is to promote and encourage settlement and save time and
26 money for the court system, the parties, and the taxpayers.⁴ It rewards a party who makes a

27 ¹ NRCP 68(a).

28 ² NRCP 68(e).

29 ³ NRCP 68(f).

30 ⁴ *Muije v. A N. Las Vegas Cab Co.*, 106 Nev. 664, 667, 799 P.2d 559, 561 (1990).

1 reasonable offer to settle a lawsuit and punishes the party who refuses to accept such an offer.⁵
2 “NRCp 68 encourages the settlement of lawsuits by raising the stakes for a litigant who receives
3 an offer of judgment. An offeree must balance the uncertainty of receiving a more favorable
4 judgment against the risk of receiving a less favorable judgment and being forced to pay the
5 offeror's costs and attorney's fees.”⁶ In reviewing an application for an award of attorney’s fee
6 pursuant to NRCp 68, “the trial court must carefully evaluate the following factors: (1) whether
7 the plaintiff's claim was brought in good faith; (2) whether the defendants' offer of judgment was
8 reasonable and in good faith in both its timing and amount; (3) whether the plaintiff's decision to
9 reject the offer and proceed to trial was grossly unreasonable or in bad faith; and (4) whether the
10 fees sought by the offeror are reasonable and justified in amount.”⁷ “After weighing the
11 foregoing factors, the district judge may, where warranted, award up to the full amount of fees
12 requested.”⁸ An award will not be disturbed if the record is clear that the district court
13 considered the factors and the court’s award is not arbitrary or capricious.⁹ No single factor
14 under *Beattie* is determinative. The district court has broad discretion to grant the request as long
15 as all appropriate factors are at least considered.¹⁰

16 On November 13, 2018, APCO made an offer of judgment to Helix for \$25,000 and an
17 offer of judgment to National Wood for \$35,000. Neither party accepted APCO’s offer.

18 Preliminarily, APCO’s offers were timely.¹¹ Helix and National Wood argued that the
19 November 13, 2018 offers of judgment were untimely because (i) in 2012 the Court (per Judge
20 Susan Scann) issued an Order, which was prepared and submitted by and at the behest of APCO,
21 by and through its then-attorneys, that “[t]rial of this consolidated matter commenced on October
22 30, 2012,” and (ii) this action has never been bifurcated or de-consolidated. However, the Court
23

24 ⁵ *Dillard Dep’t Stores, Inc. v. Beckwith*, 115 Nev. 372, 382, 989 P.2d 882, 888 (1999).

25 ⁶ *Bergmann v. Boyce*, 109 Nev. 670, 678, 856 P.2d 560, 565 (1993).

26 ⁷ *Beattie v. Thomas*, 99 Nev. 579, 588–89, 668 P.2d 268, 274 (1983)

27 ⁸ *Beattie v. Thomas*, 99 Nev. 579, 588–89, 668 P.2d 268, 274 (1983)

28 ⁹ *Uniroyal Goodrich Tire Co. v. Mercer*, 111 Nev.
318, 324, 890 P.2d 785, 789 (1995), superseded by statute on other grounds as stated in *RTTC*

Comm’ns, LLC v. Saratoga Flier, Inc., 121 Nev. 34, 41–42 & n. 20, 110 P.3d 24, 29 & n. 20 (2005).

¹⁰ *Arnoult*, 114 Nev. at 252 n.16, 955 P.2d at 673 n.16.

¹¹ *Allianz Ins. Co. v. Gagnon*, 109 Nev. 990, 994–95, 860 P.2d 720, 724 (1993).

1 is persuaded by APCO's contention that its offers of judgment were timely relative to the
2 applicability of NRCP 68 and *Allianz Ins. Co. v. Gagnon*, 109 Nev. 990, 994–95, 860 P.2d 720,
3 724 (1993).

4 The Court assesses the *Beattie* factors as follows:

- 5 • Helix's and National Wood's (CabineTec's) claims were brought in good faith.
- 6 • APCO's offers were reasonable and in good faith in both timing and amount.
- 7 • Helix's and National Wood's decisions to reject the offers and proceed to trial against
8 APCO were not grossly unreasonable or in bad faith.
- 9 • The fees sought by APCO are reasonable,¹² *Brunzell v. Golden Gate Nat'l Bank*, 85 Nev.
10 345, 349, 455 P.2d 31, 33 (1969), but an order that Helix and National Wood pay them in
11 their entirety would not be justified given the balancing of the *Beattie* factors.

12 Accordingly, APCO's Motion for Attorney's Fees and Costs is GRANTED pursuant to
13 NRCP 68 with an award of attorneys' fees against Helix in the sum of \$85,000.00, and an award
14 of attorneys' fees against National Wood in the sum of \$60,000.00.

15 APCO requested \$57,228.89 in costs, the Court GRANTS APCO's Motion for Costs and
16 Memorandum for Costs subject to the following deductions: \$3,942.38 for travel and lodging,
17 \$6,013.42 for photocopies¹³ and \$10,500 related to an accounting audit.¹⁴ In total, APCO is
18 awarded a total of \$36,615.08 in costs; \$18,307.54 due from Helix and \$18,307.54 due from
19 National Wood.

20 In total, APCO is awarded a total of \$103,307.54 in fees and costs against Helix and a total
21 of \$78,307.54 in fees and costs against National Wood.

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24 ¹² APCO's post-offer fees attributable to Helix total \$130,933.73 and APCO's post-offer fees attributable
25 to National Wood total \$106,882.23.

26 ¹³ Spencer Fane initially asked for \$15,013.42 for photocopies and reproductions for trial. With the \$6,013.42
deduction, APCO is awarded \$9,000 for photocopies and reproductions for trial.

27 ¹⁴ For the sake of judicial efficiency, the Court incorporates APCO's briefing on its costs from its 05/26/2018 *APCO*
28 *Construction, Inc.'s Supplement to its* of its Motion for Attorneys' Fees, APCO Construction, Inc. 06/29/2018 Reply
in Support of its Motion for Attorney's Fees and related briefing.

1 2. Plaintiff in Intervention National Wood Products, Inc.'s Motion to Retax
2 Costs Re: Defendant APCO Construction, Inc.'s Memorandum of Costs and
3 Disbursements Against Plaintiff in Intervention National Wood Products, Inc. with Joinder
4 by Helix Electric of Nevada, LLC

5 National Wood asserted various reasons for retaxing certain costs. National Wood's
6 Motion to Retax is granted in part as follows: First, the Court retaxes and reduces \$3,942.38 of
7 APCO's expenses related travel and lodging since these amounts were not incurred for
8 depositions. Since only half of the total travel costs were initially allocated to National Wood,
9 the Court retaxes and reduces the \$1,971.19 that APCO initially attributed to National Wood to
10 \$0.00 (zero dollars). Next, the court retaxes \$6,013.42 of the \$15,013.42 APCO requested for
11 photocopies and reduces the same to \$9,000.00. Again, because APCO only asked for half of the
12 total \$15,013.42 in photocopies against National Wood, the Court retaxes and reduces these
13 amounts as to National Wood to \$4,500.00

14 In total, APCO is awarded \$18,307.54 in costs against National Wood.

15 3. Helix Electric of Nevada, LLC's Motion to Retax Costs Re: Defendant APCO
16 Construction, Inc.'s Memorandum of Costs and Disbursements with Joinder by Plaintiff in
17 Intervention National Wood Products, Inc.

18 Helix's Motion to Retax Costs is also granted in part. First, Helix is entitled to the same
19 deductions awarded to National Wood such that (i) the Court retaxes and reduces the \$1,971.19
20 that APCO initially attributed to Helix to \$0.00 (zero dollars) and (ii) the court retaxes \$6,013.42
21 of the \$15,013.42 APCO requested for photocopies and reduces Helix's portion of the same to
22 \$4,500.00. In addition, the Court will retax \$10,500 of accounting costs.

23 APCO is awarded \$18,307.54 in costs against Helix.

1 **4. National Wood Products, Inc.'s Ex Parte Motion for Order Shortening Time to**
2 **Hear Motion for Order Permitting Leave to File Surreply to APCO Construction's Reply**
3 **to National Wood Products, Inc.'s Opposition to Motion for Attorneys' Fees and Costs.**

4 APCO did not oppose National Wood's Motion for Order Shortening Time to Hear
5 Motion for Order Permitting Leave to File Surreply to APCO Construction's Reply to National
6 Wood Products, Inc.'s Opposition to Motion for Attorneys' Fees and Costs. As such, the Motion
7 is granted.

8 IT IS SO ORDERED.

9 DATED this 25th day of September, 2018.

10 
11 DISTRICT COURT JUDGE

12 Respectfully submitted by:

13 **SPENCER FANE LLP**

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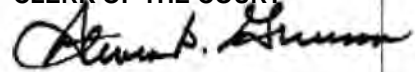
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Attorneys for Apco Construction, Inc.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

APCO CONSTRUCTION, a Nevada
corporation,

Plaintiff,

v.

GEMSTONE DEVELOPMENT WEST,
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Defendant.

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A596924; A584960; A608717; A608718;
and A590319

NOTICE OF ENTRY OF ORDER (1)
GRANTING APCO CONSTRUCTION,
INC. MOTION FOR ATTORNEYS FEES
AND COSTS (2) GRANTING APCO
CONSTRUCTION, INC.'S
MEMORANDUM OF COSTS IN PART
(3) GRANTING HELIX ELECTRIC OF
NEVADA LLC'S MOTION TO RETAX
IN PART AND DENYING IN PART (4)
GRANTING PLAINTIFF

**INTERVENTION NATIONAL WOOD
PRODUCTS LLC'S MOTION TO
RETAX IN PART AND DENYING IN
PART AND (5) GRANTING NATIONAL
WOOD PRODUCTS, INC.'S MOTION
TO FILE A SURREPLY**

AND ALL RELATED MATTERS

TO: All parties herein and their respective counsel:

YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that on the 27th day of September, 2018, a **ORDER (1) GRANTING APCO CONSTRUCTION, INC. MOTION FOR ATTORNEYS FEES AND COSTS (2) GRANTING APCO CONSTRUCTION, INC.'S MEMORANDUM OF COSTS IN PART (3) GRANTING HELIX ELECTRIC OF NEVADA LLC'S MOTION TO RETAX IN PART AND DENYING IN PART (4) GRANTING PLAINTIFF INTERVENTION NATIONAL WOOD PRODUCTS LLC'S MOTION TO RETAX IN PART AND DENYING IN PART AND (5) GRANTING NATIONAL WOOD PRODUCTS, INC.'S MOTION TO FILE A SURREPLY** was entered in the above case. A copy is attached.

DATED: September 28, 2018.

SPENCER FANE LLP

By: /s/ Mary E. Bacon

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Attorneys for Apco Construction, Inc.

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of SPENCER FANE LLP and that a copy of the foregoing **NOTICE OF ENTRY OF ORDER (1) GRANTING APCO CONSTRUCTION, INC. MOTION FOR ATTORNEYS FEES AND COSTS (2) GRANTING APCO CONSTRUCTION, INC.'S MEMORANDUM OF COSTS IN PART (3) GRANTING HELIX ELECTRIC OF NEVADA LLC'S MOTION TO RETAX IN PART AND DENYING IN PART (4) GRANTING PLAINTIFF INTERVENTION NATIONAL WOOD PRODUCTS LLC'S MOTION TO RETAX IN PART AND DENYING IN PART AND (5) GRANTING NATIONAL WOOD PRODUCTS, INC.'S MOTION TO FILE A SURREPLY** was served by electronic transmission through the E-Filing system pursuant to NEFCR 9, NRCP 5(b) and EDCR 7.26 or by mailing a copy to their last known address, first class mail, postage prepaid for non-registered users, on this 28th day of September, 2018, as follows:

Counter Claimant: Camco Pacific Construction Co Inc

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Intervenor Plaintiff: Cactus Rose Construction Inc

Eric B. Zimbelman (ezimbelman@peelbrimley.com)

Intervenor Plaintiff: Interstate Plumbing & Air Conditioning Inc

Jonathan S. Dabbieri (dabbieri@sullivanhill.com)

Intervenor: National Wood Products, Inc.'s

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1 **Plaintiff: Apco Construction**

2 Rosie Wesp (rwesp@maclaw.com)

3 **Third Party Plaintiff: E & E Fire Protection LLC**

4 TRACY JAMES TRUMAN (DISTRICT@TRUMANLEGAL.COM)

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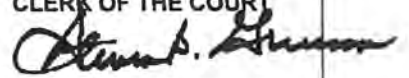
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Attorneys for APCO Construction

DISTRICT COURT

CLARK COUNTY, NEVADA

APCO CONSTRUCTION, a Nevada
corporation,

Plaintiff,

vs.

GEMSTONE DEVELOPMENT WEST, INC., A
Nevada corporation,

Defendant.

Case No.: A571228
Dept. No.: XIII

Consolidated with:

A574391; A574792; A577623; A583289;
A587168; A580889; A584730; A589195;
A595552; A597089; A592826; A589677;
A596924; A584960; A608717; A608718 and
A590319

ORDER:

**(1) GRANTING APCO CONSTRUCTION,
INC. MOTION FOR ATTORNEYS FEES
AND COSTS**

**(2) GRANTING APCO CONSTRUCTION,
INC.'S MEMORANDUM OF COSTS IN
PART**

**(3) GRANTING HELIX ELECTRIC OF
NEVADA LLC'S MOTION TO RETAX IN
PART AND DENYING IN PART**

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DISTRICT COURT DEPT#13

1 (4) GRANTING PLAINTIFF IN
2 INTERVENTION NATIONAL WOOD
3 PRODUCTS LLC'S MOTION TO RETAX
4 IN PART AND DENYING IN PART

5 -AND-

6 (5) GRANTING NATIONAL WOOD
7 PRODUCTS, INC.'S MOTION TO FILE A
8 SURREPLY

9 AND ALL RELATED MATTERS

10 On July 19, 2018, the Court heard the following motions: (1) APCO Construction Inc.'s
11 Motion for Attorneys Fees and Costs; (2) APCO Construction, Inc.'s Memorandum of Costs
12 [Against Helix Electric of Nevada, LLC and Plaintiff in Intervention National Wood Products,
13 Inc.]; (3) Plaintiff in Intervention National Wood Products, Inc.'s Motion to Retax Costs Re:
14 Defendant APCO Construction, Inc.'s Memorandum of Costs and Disbursements Against
15 Plaintiff in Intervention National Wood Products, Inc. with Joinder by Helix Electric of Nevada,
16 LLC, (4) Helix Electric of Nevada, LLC's Motion to Retax Costs Re: Defendant APCO
17 Construction, Inc.'s Memorandum of Costs and Disbursements with Joinder by Plaintiff in
18 Intervention National Wood Products, Inc., and (5) National Wood Products, Inc.'s Ex Parte
19 Motion for Order Shortening Time to Hear Motion for Order Permitting Leave to File Surreply
20 to APCO Construction's Reply to National Wood Products, Inc.'s Opposition to Motion for
21 Attorneys' Fees and Costs.

22 John Randall Jefferies, Esq. and Mary Bacon, Esq. of the law firm of Spencer Fane
23 appeared on behalf of APCO Construction, Inc. ("APCO"); Eric Zimbleman, Esq. of the law
24 firm of Peel Brimley appeared on behalf of Helix Electric of Nevada, LLC ("Helix"), and John
25 Taylor, Esq. and S. Judy Hirahara, Esq. of the law firm of Cadden Fuller and Richard Tobler,
26 Esq. of the law firm Richard Tobler, Ltd. appeared on behalf of Plaintiff in Intervention National
27 Wood Products, Inc. ("National Wood"), the Court having heard oral argument and examined the
28 records and documents on file in the above-entitled matter and being fully advised on the
29 premises, hereby ORDERS as follows, having rendered its Decision filed on August 8, 2018:

1 **1. APCO Construction, Inc.'s Motion for Attorneys Fees and Costs Against**
2 **Helix Electric of Nevada, LLC and Plaintiff in Intervention National Wood Products, Inc.**
3 **and APCO Construction, Inc.'s Memorandum of Costs and Disbursements [Against Helix**
4 **Electric of Nevada, LLC and Plaintiff in Intervention National Wood Products, Inc.].**

5 APCO requested attorney's fees from Helix and National Wood pursuant to the
6 subcontracts at issue and pursuant to APCO's November 13, 2018 offers of judgment. APCO
7 also sought an award of attorney's fees against Helix pursuant to NRS 108.237(3). The Court
8 finds that although there are certainly viable bases supporting APCO's contention that
9 contractual provisions in the repesective subcontracts and equitable estoppel can support an
10 award of attorney's fees going back in time to a point long before making of the November 13,
11 2018 offers of judgment, the Court determines, in the context of this complex case, involving
12 multiple parties and claims and consolidation of cases and periodic party alignments and
13 realignments and contractual reconfigurations, that the best basis for attorney fee awards is
14 NRCP 68.

15 NRCP 68 provides in part that at "any time more than 10 days before trial, any party may
16 serve an offer in writing to allow judgment to be taken in accordance with its terms and
17 conditions."¹ "If the offer is not accepted within 10 days after service, it shall be considered
18 rejected by the offeree and deemed withdrawn by the offeror."² And "[i]f the offeree rejects an
19 offer and fails to obtain a more favorable judgment, (1) the offeree cannot recover any costs or
20 attorney's fees and shall not recover interest for the period after the service of the offer and
21 before the judgment; and (2) the offeree shall pay the offeror's post-offer costs, applicable
22 interest on the judgment from the time of the offer to the time of entry of the judgment and
23 reasonable attorney's fees, if any be allowed, actually incurred by the offeror from the time of
24 the offer."³

25 The purpose of NRCP 68 is to promote and encourage settlement and save time and
26 money for the court system, the parties, and the taxpayers.⁴ It rewards a party who makes a

27 ¹ NRCP 68(a).

28 ² NRCP 68(e).

29 ³ NRCP 68(f).

30 ⁴ *Muije v. A N. Las Vegas Cab Co.*, 106 Nev. 664, 667, 799 P.2d 559, 561 (1990).

1 reasonable offer to settle a lawsuit and punishes the party who refuses to accept such an offer.⁵
2 “NRCP 68 encourages the settlement of lawsuits by raising the stakes for a litigant who receives
3 an offer of judgment. An offeree must balance the uncertainty of receiving a more favorable
4 judgment against the risk of receiving a less favorable judgment and being forced to pay the
5 offeror's costs and attorney's fees.”⁶ In reviewing an application for an award of attorney's fee
6 pursuant to NRCP 68, “the trial court must carefully evaluate the following factors: (1) whether
7 the plaintiff's claim was brought in good faith; (2) whether the defendants' offer of judgment was
8 reasonable and in good faith in both its timing and amount; (3) whether the plaintiff's decision to
9 reject the offer and proceed to trial was grossly unreasonable or in bad faith; and (4) whether the
10 fees sought by the offeror are reasonable and justified in amount.”⁷ “After weighing the
11 foregoing factors, the district judge may, where warranted, award up to the full amount of fees
12 requested.”⁸ An award will not be disturbed if the record is clear that the district court
13 considered the factors and the court's award is not arbitrary or capricious.⁹ No single factor
14 under *Beattie* is determinative. The district court has broad discretion to grant the request as long
15 as all appropriate factors are at least considered.¹⁰

16 On November 13, 2018, APCO made an offer of judgment to Helix for \$25,000 and an
17 offer of judgment to National Wood for \$35,000. Neither party accepted APCO's offer.

18 Preliminarily, APCO's offers were timely.¹¹ Helix and National Wood argued that the
19 November 13, 2018 offers of judgment were untimely because (i) in 2012 the Court (per Judge
20 Susan Scann) issued an Order, which was prepared and submitted by and at the behest of APCO,
21 by and through its then-attorneys, that “[t]rial of this consolidated matter commenced on October
22 30, 2012,” and (ii) this action has never been bifurcated or de-consolidated. However, the Court
23

24 ⁵ *Dillard Dep't Stores, Inc. v. Beckwith*, 115 Nev. 372, 382, 989 P.2d 882, 888 (1999).

25 ⁶ *Bergmann v. Boyce*, 109 Nev. 670, 678, 856 P.2d 560, 565 (1993).

26 ⁷ *Beattie v. Thomas*, 99 Nev. 579, 588–89, 668 P.2d 268, 274 (1983)

27 ⁸ *Beattie v. Thomas*, 99 Nev. 579, 588–89, 668 P.2d 268, 274 (1983)

28 ⁹ *Uniroyal Goodrich Tire Co. v. Mercer*, 111 Nev.

29 318, 324, 890 P.2d 785, 789 (1995), superseded by statute on other grounds as stated in *RTTC*
30 *Comm'n's, LLC v. Saratoga Flier, Inc.*, 121 Nev. 34, 41–42 & n. 20, 110 P.3d 24, 29 & n. 20 (2005).

¹⁰ *Arnoult*, 114 Nev. at 252 n.16, 955 P.2d at 673 n.16.

¹¹ *Allianz Ins. Co. v. Gagnon*, 109 Nev. 990, 994–95, 860 P.2d 720, 724 (1993).

1 is persuaded by APCO's contention that its offers of judgment were timely relative to the
2 applicability of NRCP 68 and *Allianz Ins. Co. v. Gagnon*, 109 Nev. 990, 994-95, 860 P.2d 720,
3 724 (1993).

4 The Court assesses the *Beattie* factors as follows:

- 5 • Helix's and National Wood's (CabineTec's) claims were brought in good faith.
- 6 • APCO's offers were reasonable and in good faith in both timing and amount.
- 7 • Helix's and National Wood's decisions to reject the offers and proceed to trial against
8 APCO were not grossly unreasonable or in bad faith.
- 9 • The fees sought by APCO are reasonable,¹² *Brunzell v. Golden Gate Nat'l Bank*, 85 Nev.
10 345, 349, 455 P.2d 31, 33 (1969), but an order that Helix and National Wood pay them in
11 their entirety would not be justified given the balancing of the *Beattie* factors.

12 Accordingly, APCO's Motion for Attorney's Fees and Costs is GRANTED pursuant to
13 NRCP 68 with an award of attorneys' fees against Helix in the sum of \$85,000.00, and an award
14 of attorneys' fees against National Wood in the sum of \$60,000.00.

15 APCO requested \$57,228.89 in costs, the Court GRANTS APCO's Motion for Costs and
16 Memorandum for Costs subject to the following deductions: \$3,942.38 for travel and lodging,
17 \$6,013.42 for photocopies¹³ and \$10,500 related to an accounting audit.¹⁴ In total, APCO is
18 awarded a total of \$36,615.08 in costs; \$18,307.54 due from Helix and \$18,307.54 due from
19 National Wood.

20 In total, APCO is awarded a total of \$103,307.54 in fees and costs against Helix and a total
21 of \$78,307.54 in fees and costs against National Wood.

22
23
24 ¹² APCO's post-offer fees attributable to Helix total \$130,933.73 and APCO's post-offer fees attributable
25 to National Wood total \$106,882.23.

26 ¹³ Spencer Fane initially asked for \$15,013.42 for photocopies and reproductions for trial. With the \$6,013.42
27 deduction, APCO is awarded \$9,000 for photocopies and reproductions for trial.

28 ¹⁴ For the sake of judicial efficiency, the Court incorporates APCO's briefing on its costs from its 05/26/2018 *APCO*
29 *Construction, Inc.'s Supplement to its* of its Motion for Attorneys' Fees, APCO Construction, Inc. 06/29/2018 Reply
30 in Support of its Motion for Attorney's Fees and related briefing.

1 **2. Plaintiff in Intervention National Wood Products, Inc.'s Motion to Retax**
2 **Costs Re: Defendant APCO Construction, Inc.'s Memorandum of Costs and**
3 **Disbursements Against Plaintiff in Intervention National Wood Products, Inc. with Joinder**
4 **by Helix Electric of Nevada, LLC**

5 National Wood asserted various reasons for retaxing certain costs. National Wood's
6 Motion to Retax is granted in part as follows: First, the Court retaxes and reduces \$3,942.38 of
7 APCO's expenses related travel and lodging since these amounts were not incurred for
8 depositions. Since only half of the total travel costs were initially allocated to National Wood,
9 the Court retaxes and reduces the \$1,971.19 that APCO initially attributed to National Wood to
10 \$0.00 (zero dollars). Next, the court retaxes \$6,013.42 of the \$15,013.42 APCO requested for
11 photocopies and reduces the same to \$9,000.00. Again, because APCO only asked for half of the
12 total \$15,013.42 in photocopies against National Wood, the Court retaxes and reduces these
13 amounts as to National Wood to \$4,500.00

14 In total, APCO is awarded \$18,307.54 in costs against National Wood.

15 **3. Helix Electric of Nevada, LLC's Motion to Retax Costs Re: Defendant APCO**
16 **Construction, Inc.'s Memorandum of Costs and Disbursements with Joinder by Plaintiff in**
17 **Intervention National Wood Products, Inc.**

18 Helix's Motion to Retax Costs is also granted in part. First, Helix is entitled to the same
19 deductions awarded to National Wood such that (i) the Court retaxes and reduces the \$1,971.19
20 that APCO initially attributed to Helix to \$0.00 (zero dollars) and (ii) the court retaxes \$6,013.42
21 of the \$15,013.42 APCO requested for photocopies and reduces Helix's portion of the same to
22 \$4,500.00. In addition, the Court will retax \$10,500 of accounting costs.

23 APCO is awarded \$18,307.54 in costs against Helix.
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APCO did not oppose National Wood's Motion for Order Shortening Time to Hear Motion for Order Permitting Leave to File Surreply to APCO Construction's Reply to National Wood Products, Inc.'s Opposition to Motion for Attorneys' Fees and Costs. As such, the Motion is granted.

DATED this _____ day of _____, 2018.

Respectfully submitted by:

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Page 7 of 7

1 **4. National Wood Products, Inc.'s Ex Parte Motion for Order Shortening Time to**
2 **Hear Motion for Order Permitting Leave to File Surreply to APCO Construction's Reply**
3 **to National Wood Products, Inc.'s Opposition to Motion for Attorneys' Fees and Costs.**

4 APCO did not oppose National Wood's Motion for Order Shortening Time to Hear
5 Motion for Order Permitting Leave to File Surreply to APCO Construction's Reply to National
6 Wood Products, Inc.'s Opposition to Motion for Attorneys' Fees and Costs. As such, the Motion
7 is granted.

8 IT IS SO ORDERED.

9 DATED this 25th day of September, 2018.

10 
11 DISTRICT COURT JUDGE

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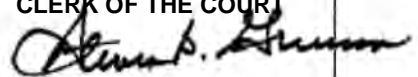
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8 **DISTRICT COURT**

9 **CLARK COUNTY, NEVADA**

10 APCO CONSTRUCTION, a Nevada
11 corporation,

12 Plaintiff,

13 vs

14 GEMSTONE DEVELOPMENT WEST, INC.,
15 Nevada corporation; NEVADA
16 CONSTRUCTION SERVICES, a Nevada
17 corporation; SCOTT FINANCIAL
18 CORPORATION, a North Dakota
19 corporation; COMMONWEALTH LAND
20 TITLE INSURANCE COMPANY; FIRST
21 AMERICAN TITLE INSURANCE
22 COMPANY and DOES I through X,

23 Defendants.

24 AND ALL RELATED MATTERS.

CASE NO.: A571228

DEPT. NO.: XIII

Consolidated with:
A571792, A574391, A577623, A580889,
A583289, A584730, and A587168

**ORDER GRANTING HELIX
ELECTRIC OF NEVADA'S MOTION
FOR RULE 54(b) CERTIFICATION**

25 This matter came on for hearing September 9, 2019, before the Honorable Mark Denton
26 in Dept. 13 on the Motion of Helix Electric of Nevada, LLC ("Helix") to (I) Re-Open
27 Statistically Closed Case, (II) Dismiss all Unresolved Claims and/or, (III) in the Alternative, for
28 a Rule 54(B) Certification as to Helix and APCO Construction ("APCO"). Helix appeared
through Eric Zimbelman, Esq. of Peel Brimley LLP and APCO appeared through Christopher
H. Byrd, Esq. of Fennemore Craig, P.C. Having received and reviewed Helix' Motion, APCO's
Opposition and Helix's Reply, and having heard argument of counsel the Court finds that no
just reason for delay exists to certify the Judgments set forth below as final and for good cause

Helix001278

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DISTRICT COURT DEPT# 13

1 shown:

2 IT IS HEREBY ORDERED ADJUDGED AND DECREED that Helix's Motion for
3 NRCP 54(b) Certification is GRANTED;

4 IT IS FURTHER ORDERED that because no just reason for delay exists, and with
5 respect to the claims and defenses of Helix and APCO, this Court enters an express direction for
6 the entry of judgment as to the Judgment [as to the Claims of Helix Electric of Nevada, LLC
7 and Plaintiff in Intervention National Wood Products, Inc's (sic) against APCO Construction,
8 Inc.] filed May 31, 2018 and entered June 1, 2018, which incorporated by reference the
9 Findings of Fact, Conclusions of Law and Order as to the Claims of Helix Electric and
10 Cabinetec Against APCO filed April 25, 2018, and which Judgment is hereby certified as final
11 pursuant to NRCP 54(b);

12 IT IS FURTHER ORDERED that because no just reason for delay exists, and with
13 respect to the claims and defenses of Helix and APCO, this Court enters an express direction for
14 the entry of judgment as to the Order filed September 27, 2018 and entered September 28, 2018
15 (1) Granting APCO Construction, Inc. (sic) Motion for Attorneys Fees and Costs, (2) Granting
16 APCO Construction, Inc.'s Memorandum of Costs in Part, (3) Granting Helix Electric of
17 Nevada LLC's Motion to Retax in Part and Denying in Part, (4) Granting Plaintiff in
18 Intervention National Wood Product LLC's Motion to Retax in Part and Denying in Part, and
19 (5) Granting National Wood Products, Inc's Motion to File a Surreply, which is hereby certified
20 as final pursuant to NRCP 54(b).

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26 ///

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1 IT IS FURTHER ORDERED that Helix shall have thirty days from the notice of entry
2 of this Order to post a bond for the full amount of the Judgment in favor of APCO, \$103,307.54,
3 whereupon execution of said Judgment shall be stayed pending appeal.

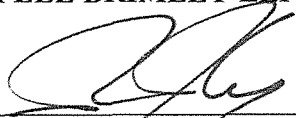
4 IT IS SO ORDERED this 17th day of December, 2019.

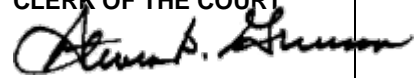
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DISTRICT COURT JUDGE

Respectfully submitted by:

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DISTRICT COURT

CLARK COUNTY, NEVADA

APCO CONSTRUCTION, a Nevada
corporation,

Plaintiff,

vs

GEMSTONE DEVELOPMENT WEST, INC.,
Nevada corporation; NEVADA
CONSTRUCTION SERVICES, a Nevada
corporation; SCOTT FINANCIAL
CORPORATION, a North Dakota corporation;
COMMONWEALTH LAND TITLE
INSURANCE COMPANY; FIRST
AMERICAN TITLE INSURANCE
COMPANY and DOES I through X,

Defendants.

AND ALL RELATED MATTERS.

CASE NO.: A571228

DEPT. NO.: XIII

Consolidated with:

A571792, A574391, A577623, A580889,
A583289, A584730, and A587168

NOTICE OF ENTRY OF ORDER

PLEASE TAKE NOTICE that an *Order Granting Helix Electric of Nevada's Motion for Rule 54(b) Certification* was filed on **January 3, 2020**, a copy of which is attached as Exhibit 1

DATED this 3rd day of January 2020.

PEEL BRIMLEY LLP

/s/ Eric Zimbelman

ERIC B. ZIMBELMAN,
Nevada Bar No. 9407
RICHARD L. PEEL, ESQ.
Nevada Bar No. 4359
3333 E. Serene Avenue, Suite 200
Henderson, NV 89074-6571
Attorneys for Helix Electric of Nevada, LLC

PEEL BRIMLEY LLP
3333 E. SERENE AVENUE, STE. 200
HENDERSON, NEVADA 89074
(702) 990-7272 ♦ FAX (702) 990-7273

CERTIFICATE OF SERVICE

Pursuant to NRCF 5(b), I certify that I am an employee of PEEL BRIMLEY LLP and that on this 3rd day of January 2020, I caused the above and foregoing document entitled

NOTICE OF ENTRY OF ORDER to be served as follows:

- ☐ by placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada; and/or
- ☒ pursuant to NEFCR 9, upon all registered parties via the Court's electronic filing system;
- ☐ pursuant to EDCR 7.26, to be sent **via facsimile**;
- ☐ to be hand-delivered; and/or
- ☐ other _____

to the attorney(s) and/or party(ies) listed below:

Apco Construction:

Rosie Wesp (rwesp@maclaw.com)

Camco Pacific Construction Co Inc:

Steven Morris (steve@gmdlegal.com)

Camco Pacific Construction Co Inc:

Steven Morris (steve@gmdlegal.com)

Fidelity & Deposit Company Of Maryland:

Steven Morris (steve@gmdlegal.com)

E & E Fire Protection LLC:

Tracy Truman (district@trumanlegal.com)

Interstate Plumbing & Air Conditioning Inc:

Jonathan Dabbieri (dabbieri@sullivanhill.com)

National Wood Products, Inc.'s:

Richard Tobler (rltldck@hotmail.com)

Tammy Cortez (tcortez@caddenfuller.com)

S. Judy Hirahara (jhirahara@caddenfuller.com)

Dana Kim (dkim@caddenfuller.com)

Richard Reincke (rreincke@caddenfuller.com)

Chaper 7 Trustee:

Jonathan Dabbieri (dabbieri@sullivanhill.com)
Jennifer Saurer (Saurer@sullivanhill.com)
Gianna Garcia (ggarcia@sullivanhill.com)
Elizabeth Stephens (stephens@sullivanhill.com)

United Subcontractors Inc:

Bradley Slighting (bslighting@fabianvancott.com)

Other Service Contacts not associated with a party on the case:

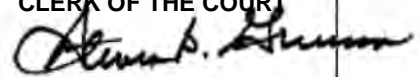
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22 Richard Tobler (rltldck@hotmail.com)
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24 S. Judy Hirahara (jhirahara@caddenfuller.com)
25 Sarah A. Mead (sam@juww.com)
26 Steven Morris (steve@gmdlegal.com)
27 Tammy Cortez (tcortez@caddenfuller.com)
28 Taylor Fong (tfong@marquisaurbach.com)
Timothy E. Salter (tim.salter@procopio.com)
Wade B. Gochnour (wbg@h2law.com)
Elizabeth Martin (em@juwlaw.com)
Mary Bacon (mbacon@spencerfane.com)
John Jefferies (rjefferies@spencerfane.com)
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John Mowbray (jmowbray@spencerfane.com)
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/s/ Amanda Armstrong

An employee of **PEEL BRIMLEY, LLP**

Exhibit 1



1 **ORDR**
2 ERIC B. ZIMBELMAN,
3 Nevada Bar No. 9407
4 RICHARD L. PEEL, ESQ.
5 Nevada Bar No. 4359
6 **PEEL BRIMLEY LLP**
7 3333 E. Serene Avenue, Suite 200
8 Henderson, NV 89074-6571
9 Telephone: (702) 990-7272
10 Fax: (702) 990-7273
11 ezimbelman@peelbrimley.com
12 rpeel@peelbrimley.com
13 *Attorneys for Various Lien Claimants*

8 **DISTRICT COURT**

9 **CLARK COUNTY, NEVADA**

10 APCO CONSTRUCTION, a Nevada
11 corporation,

12 Plaintiff,

13 vs

14 GEMSTONE DEVELOPMENT WEST, INC.,
15 Nevada corporation; NEVADA
16 CONSTRUCTION SERVICES, a Nevada
17 corporation; SCOTT FINANCIAL
18 CORPORATION, a North Dakota
19 corporation; COMMONWEALTH LAND
20 TITLE INSURANCE COMPANY; FIRST
21 AMERICAN TITLE INSURANCE
22 COMPANY and DOES I through X,

23 Defendants.

24 AND ALL RELATED MATTERS.

CASE NO.: A571228

DEPT. NO.: XIII

Consolidated with:
A571792, A574391, A577623, A580889,
A583289, A584730, and A587168

**ORDER GRANTING HELIX
ELECTRIC OF NEVADA'S MOTION
FOR RULE 54(b) CERTIFICATION**

25 This matter came on for hearing September 9, 2019, before the Honorable Mark Denton
26 in Dept. 13 on the Motion of Helix Electric of Nevada, LLC ("Helix") to (I) Re-Open
27 Statistically Closed Case, (II) Dismiss all Unresolved Claims and/or, (III) in the Alternative, for
28 a Rule 54(B) Certification as to Helix and APCO Construction ("APCO"). Helix appeared
through Eric Zimbelman, Esq. of Peel Brimley LLP and APCO appeared through Christopher
H. Byrd, Esq. of Fennemore Craig, P.C. Having received and reviewed Helix' Motion, APCO's
Opposition and Helix's Reply, and having heard argument of counsel the Court finds that no
just reason for delay exists to certify the Judgments set forth below as final and for good cause

Helix001286

PEEL BRIMLEY LLP
3333 E. SERENE AVENUE, STE. 200
HENDERSON, NEVADA 89074
(702) 990-7272 ♦ FAX (702) 990-7273

RECEIVED
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DISTRICT COURT DEPT# 13

1 shown:

2 IT IS HEREBY ORDERED ADJUDGED AND DECREED that Helix's Motion for
3 NRCP 54(b) Certification is GRANTED;

4 IT IS FURTHER ORDERED that because no just reason for delay exists, and with
5 respect to the claims and defenses of Helix and APCO, this Court enters an express direction for
6 the entry of judgment as to the Judgment [as to the Claims of Helix Electric of Nevada, LLC
7 and Plaintiff in Intervention National Wood Products, Inc's (sic) against APCO Construction,
8 Inc.] filed May 31, 2018 and entered June 1, 2018, which incorporated by reference the
9 Findings of Fact, Conclusions of Law and Order as to the Claims of Helix Electric and
10 Cabinetec Against APCO filed April 25, 2018, and which Judgment is hereby certified as final
11 pursuant to NRCP 54(b);

12 IT IS FURTHER ORDERED that because no just reason for delay exists, and with
13 respect to the claims and defenses of Helix and APCO, this Court enters an express direction for
14 the entry of judgment as to the Order filed September 27, 2018 and entered September 28, 2018
15 (1) Granting APCO Construction, Inc. (sic) Motion for Attorneys Fees and Costs, (2) Granting
16 APCO Construction, Inc.'s Memorandum of Costs in Part, (3) Granting Helix Electric of
17 Nevada LLC's Motion to Retax in Part and Denying in Part, (4) Granting Plaintiff in
18 Intervention National Wood Product LLC's Motion to Retax in Part and Denying in Part, and
19 (5) Granting National Wood Products, Inc's Motion to File a Surreply, which is hereby certified
20 as final pursuant to NRCP 54(b).

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PEEL BRIMLEY LLP
3333 E. SERENE AVENUE, STE. 200
HENDERSON, NEVADA 89074
(702) 990-7272 ♦ FAX (702) 990-7273

1 IT IS FURTHER ORDERED that Helix shall have thirty days from the notice of entry
2 of this Order to post a bond for the full amount of the Judgment in favor of APCO, \$103,307.54,
3 whereupon execution of said Judgment shall be stayed pending appeal.


4 IT IS SO ORDERED this 17th day of December, 2019.

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DISTRICT COURT JUDGE

Respectfully submitted by:

PEEL BRIMLEY LLP

 **BAR 12723**
FEL
ERIC B. ZIMBELMAN,
Nevada Bar No. 9407
RICHARD L. PEEL, ESQ.
Nevada Bar No. 4359
3333 E. Serene Avenue, Suite 200
Henderson, NV 89074-6571
Attorneys for Helix Electric of Nevada, LLC.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

May 12, 2009

08A571228 Apco Construction, Plaintiff(s)
 vs.
 Gemstone Development West Inc, Defendant(s)

May 12, 2009 9:00 AM Motion to Amend

HEARD BY: Walsh, Jessie **COURTROOM:** RJC Courtroom 14B

COURT CLERK: Teri Berkshire

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- There being no opposition, COURT ORDERED motion GRANTED.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

May 20, 2009

08A571228 Apco Construction, Plaintiff(s)
 vs.
 Gemstone Development West Inc, Defendant(s)

May 20, 2009 3:00 AM Motion to Intervene

HEARD BY: Walsh, Jessie **COURTROOM:** RJC Courtroom 14B

COURT CLERK: Teri Berkshire

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- There being no opposition, COURT ORDERED, motion GRANTED.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

June 03, 2009

08A571228 Apco Construction, Plaintiff(s)
vs.
Gemstone Development West Inc, Defendant(s)

June 03, 2009 9:00 AM All Pending Motions

HEARD BY: Walsh, Jessie **COURTROOM:** RJC Courtroom 14B

COURT CLERK: Susan Todd

RECORDER: Victoria Boyd

REPORTER:

PARTIES

PRESENT:	Craft, Christopher	Attorney
	Gochmour, Wade B.	Attorney
	Jones, Mark Merrill	Attorney
	Meier, Glenn F	Attorney
	Pintar, Becky	Attorney
	Woods, Anjuli	Attorney

JOURNAL ENTRIES

- Mr. Gochmour argued the case needs to be consolidated to determine the appropriate lien priority among the lien claimants and to ensure all parties and entities are in the case. Mr. Jones argued consolidating the cases is premature and will only complicate issues with the sub-contractors and their mechanics liens, although this case would be appropriate for Business Court. Further, Mr. Jones argued the issue of trial is another complex issue, as his client has a clause in the contract stating matters to be handled by a non-jury trial and if the other parties demand a jury in the consolidation of the cases now, this would only increase the complexity. Mr. Meier argued the oppositions filed are by those companies who issues are not complex; however, these are complex issues and should all stay together. Ms. Woods and Mr. Dachelet opposed the consolidation of their cases. Further arguments by counsel. COURT ORDERED, Motion GRANTED IN PART as follows, the following cases shall be CONSOLIDATED; A574391, A574792, A577623, A583289, A584730, and A587168 and DENIED as to case A579963. FURTHER ORDERED, all cases TRANSFERRED to Business Court.

08A571228

CLERK'S NOTE: Corrected case # from A571792 to A574792, Susan C. Todd/06/24/09.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court**COURT MINUTES****July 06, 2009**

08A571228 Apco Construction, Plaintiff(s)
 vs.
 Gemstone Development West Inc, Defendant(s)

July 06, 2009 9:00 AM All Pending Motions

HEARD BY: Denton, Mark R. **COURTROOM:** RJC Courtroom 12A

COURT CLERK: Susan Burdette

RECORDER: Cynthia Georgilas

REPORTER:

PARTIES

PRESENT:	Maskas, Marisa	Attorney
	Morris, Steven L.	Attorney
		Attorney
	Perkins, Robin E.	Attorney

JOURNAL ENTRIES

- Hydropressure Cleaning's Motion to Intervene ... Tri-City Drywall's Joinder in Hydropressure Cleaning's Motion to Intervene and Tri-City Drywall's Request to Intervene ... The Masonry Group Nevada's Motion to Intervene ... Defts Camco Pacific Construction and Fidelity and Deposit Co of Maryland's Motion to Dismiss the Third Party Complaint of David Peterson Framing

Becky Pintar, Esq., also present on behalf of Masonry Group.

Court stated he has a note that counsel for Fennemore Craig called and stated this would be continued.

As to Hydropressure Cleaning's Motion to Intervene and Tri-City Drywall's Joinder in Hydropressure Cleaning's Motion to Intervene and Tri-City Drywall's Request to Intervene: Ms. Maskas noted that Tri-City Drywall filed a joinder in the Motion to Intervene and has not received an Opposition; noted Tri-City Drywall filed their Statement of Facts in February, and joined the Motion to Intervene. Ms. Perkins stated she does not have any information to be heard. COURT ORDERED,

Joinder Motion GRANTED.

As to The Masonry Group Nevada's Motion to Intervene: Ms. Pintar referred to the Motions to Intervene; noted that on June 29, Department X issued an Order as to filing a Complaint for Intervention; and stated her Motion to Intervene can be taken off calendar as it appears that Department X granted that as to all parties. COURT ORDERED, motion MOOT.

As to Defts Camco Pacific Construction and Fidelity and Deposit Co of Maryland's Motion to Dismiss the Third Party Complaint of David Peterson Framing: Court noted no one is here from Fennemore Craig. Arguments by counsel as to there being no contract; letter dated December 8, 2008, by Janet Griffith; Affidavit from Peter Smith; and no claims against the project nor against Gemstone themselves. COURT ORDERED, matter taken UNDER ADVISEMENT to review the briefs.

Mr. Morris stated he renoticed the motion after the consolidation; noted there were other motions that were filed; and referred to the calendar. Following further colloquy, COURT ORDERED ruling RESCINDED; motion CONTINUED given the circumstances as to someone calling that this would be continued; and noted that if the Court decides to give it a special time, counsel will be notified by fax. Upon Court's inquiry, Mr. Morris stated it should not take long to argue. COURT ORDERED, rulings on the other motions to STAND.

07-27-09 9:00 AM Defts Camco Pacific Construction and Fidelity and Deposit Co of
Maryland's Motion to Dismiss the Third Party Complaint of David Peterson Framing

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court**COURT MINUTES****July 20, 2009**

08A571228 Apco Construction, Plaintiff(s)
 vs.
 Gemstone Development West Inc, Defendant(s)

July 20, 2009	9:00 AM	Motion for Default Judgment	Harsco Corporation's Motion for Default Judgment
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HEARD BY: Denton, Mark R.**COURTROOM:** RJC Courtroom 12A**COURT CLERK:** Carol Donahoo**RECORDER:** Cynthia Georgilas**REPORTER:****PARTIES**

PRESENT:	Meier, Glenn F	Attorney
	Williams, Donald H	Attorney
		Attorney

JOURNAL ENTRIES

- Mr. Williams advised he would like to WITHDRAW his Motion for Default Judgment. There being no opposition, COURT ORDERED, matter OFF CALENDAR.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court**COURT MINUTES****July 27, 2009**

08A571228 Apco Construction, Plaintiff(s)
 vs.
 Gemstone Development West Inc, Defendant(s)

July 27, 2009	9:00 AM	Motion to Dismiss	Third Party Defts Camco Pacific Construction and Fidelity and Deposit Co of Maryland's Motion to Dismiss the Third Party Complaint of David Peterson Framing
----------------------	----------------	--------------------------	---

HEARD BY: Delaney, Kathleen E.**COURTROOM:** Phoenix Building Courtroom -
11th Floor**COURT CLERK:** Susan Todd
Lorraine Williams**RECORDER:****REPORTER:****PARTIES**

PRESENT:	Dixon, Stephen M.	Attorney
	Meier, Glenn F	Attorney
	Morris, Steven L.	Attorney
		Attorney

JOURNAL ENTRIES

- Mr. Sheryl T. Parker, Esq., Attorney for Plaintiff. Zittig Brothers Construction, Inc.

Colloquy regarding motions to intervene. Arguments by counsel regarding alleged contract between Camco and Gemstone. There being questions of fact whether contract existed, COURT ORDERED, motion DENIED WITHOUT PREJUDICE; summary judgment will not be considered at this time.

Mr. Dixon requested a Rule 16 Conference. COURT FURTHER ORDERED, this department to SET Rule 16 Conference at a later time. Mr. Meier to prepare order, and opposing counsel to approve as to form and content.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court**COURT MINUTES****October 12, 2009**

08A571228 Apco Construction, Plaintiff(s)
vs.
Gemstone Development West Inc, Defendant(s)

October 12, 2009	9:00 AM	All Pending Motions	DEFT SCOTT FINANCIAL CORPORATION'S MOTION TO DISMISS CLUB VISTA FINANCIAL SERVICES AND THARALDSON MOTELS II'S COUNTERCLAIM... DEFT SCOTT FINANCIAL CORP'S MOTION TO DESIGNATE THIS ACTION AS COMPLEX PURSUANT TO NRCP 16.1(f), AND MOTION TO SET A DISCOVERY CONFERENCE PURSUANT TO NRCP 16
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HEARD BY: Bonaventure, Joseph T.**COURTROOM:** Phoenix Building Courtroom -
11th Floor**COURT CLERK:** Lorraine Williams**RECORDER:****REPORTER:****PARTIES**

PRINT DATE: 01/30/2020

Page 10 of 204

Minutes Date: May 12, 2009

PRESENT:	Carter, Matthew S.	Attorney
	CAWLEY, REUBEN	Attorney
	Gochmour, Wade B.	Attorney
		Attorney
	Koch, Richard Allen	Attorney
	Meier, Glenn F	Attorney
	Morris, Steven L.	Attorney
		Attorney
	Perkins, Robin E.	Attorney
	Williams, Donald H	Attorney
		Attorney
		Attorney

JOURNAL ENTRIES

- Brian K. Berman, Esq., present on behalf of Pltf. Ready Mix Inc.

As there were no objections and there being good cause, COURT ORDERED, Motion to Deem Case as Complex GRANTED; matter SET for Rule 16 Conference.

COURT FURTHER ORDERED, Motion to Dismiss CONTINUED.

Mr. Meier to prepare Order.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court**COURT MINUTES****October 19, 2009**

08A571228

Apco Construction, Plaintiff(s)

vs.

Gemstone Development West Inc, Defendant(s)

October 19, 2009**9:00 AM****Motion for Sanctions**

**DEFT NEVADA
CONSTRUCTION
SERVICES MOTION
FOR SANCTIONS
PURSUANT TO
NRCP 11**

HEARD BY: Delaney, Kathleen E.**COURTROOM:** Phoenix Building Courtroom -
11th Floor**COURT CLERK:** Lorraine Williams**RECORDER:****REPORTER:****PARTIES****PRESENT:**

Morris, Steven L.

Attorney

Attorney

Vlastic, Charles

Attorney

Williams, Donald H

Attorney

Attorney

JOURNAL ENTRIES

- Arguments by counsel regarding number of allegations that are "wrong-doing," lack of written findings, and number of requests to look at Nevada Construction Services' books.

As Rule 11 was NOT violated, COURT ORDERED, motion DENIED.

Mr. Morris to prepare Order.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

October 26, 2009

08A571228 Apco Construction, Plaintiff(s)
vs.
Gemstone Development West Inc, Defendant(s)

October 26, 2009 9:00 AM All Pending Motions

HEARD BY: Delaney, Kathleen E. **COURTROOM:** Phoenix Building Courtroom - 11th Floor

COURT CLERK: Lorraine Williams
Melissa Benson

RECORDER:

REPORTER: Brenda Schroeder

PARTIES

PRESENT:	Blake, David	Attorney
	Carter, Matthew S.	Attorney
	CAWLEY, REUBEN	Attorney
	Craft, Christopher	Attorney
	Dixon, Stephen M.	Attorney
	Dobberstein, Eric	Attorney
	Gochmour, Wade B.	Attorney
		Attorney
	Gutke, John H.	Attorney
	Meier, Glenn F	Attorney
	Muckleroy, Martin A.	Attorney
	Perkins, Robin E.	Attorney

JOURNAL ENTRIES

- Christine Taradash, Esq., present Pro Hac Vice on behalf of Counter Claimants Gary Tharaldson, Tharaldson Motels II and Club Vista Financial Services.

Ms. Taradash advised she is waiting only on Order to appear pro hac vice and requested he be allowed to proceed as such; COURT SO ORDERED. As to Deft. Scott Financial's Motion to Dismiss

PRINT DATE: 01/30/2020

Page 13 of 204

Minutes Date: May 12, 2009

Helix001301

and all related: Arguments by counsel regarding compulsory counter claim and priority of liens. COURT ORDERED, Motion to Dismiss and all joinders GRANTED.

As to Deft. Camco's renewed Motion for Clarification: Arguments by counsel regarding contractual and procedural issues, bond requirements and need for evidentiary hearing. COURT FURTHER ORDERED, Motion for Clarification/Reconsideration CONTINUED. Fraud claims will not be undone; anything relating to counterclaim is STRICKEN.

Mr. Meier to prepare detailed Order so there will be no room for confusion.

11/03/09 9:00 AM DEFT CAMCO'S RENEWED MTN FOR CLAIFICATION OR RECONSIDERATION OF 4/66/09 RULING RE: EXEC PLASTERIN'S APPLICATION FOR ORDER TO SHOW CAUSE WHY PREJUDGEMENT WRIT OF ATTACHMENT & WRIT OF GARNISHMENT SHOULD NOT ISSUE AFTER NOTICE...ALL JOINDERS...CONTINUED

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court**COURT MINUTES****November 03, 2009**

08A571228 Apco Construction, Plaintiff(s)
vs.
Gemstone Development West Inc, Defendant(s)

November 03, 2009	9:00 AM	Motion to Reconsider	DEFT CAMCO'S RENEWED MTN FOR CLARIFICATION OR RECONSIDERATIO N OF ARIL 6, 2009 RULING RE: EXECUTIVE PLASTERING'S APPLICATION FOR ORDER TO SHOW CAUSE WHY PREJUDGMENT WRIT OF ATTACHMENT & WRIT OF GARNISHMENT SHOULD NOT ISSUE AFTER NOTICE (CONSOLIDATED CASE)
--------------------------	----------------	-----------------------------	--

HEARD BY: Delaney, Kathleen E.**COURTROOM:** Phoenix Building Courtroom -
11th Floor**COURT CLERK:** Lorraine Williams
Melissa Benson**RECORDER:****REPORTER:**

PRINT DATE: 01/30/2020

Page 15 of 204

Minutes Date: May 12, 2009

Helix001303

PARTIES

PRESENT: Blake, David Attorney

JOURNAL ENTRIES

- Mr. Blake advised he sent a letter and has had no response.

As there are concerns of how this case was handled, COURT ORDERED, motion GRANTED;
Prejudgment Writ of Attachment STRICKEN.

COURT NOTED, there was no bond filed. Mr. Blake to prepare Order.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court**COURT MINUTES****November 19, 2009**

08A571228 Apco Construction, Plaintiff(s)
 vs.
 Gemstone Development West Inc, Defendant(s)

**November 19, 2009 10:00 AM Mandatory Rule 16
 Conference**

HEARD BY: Delaney, Kathleen E.**COURTROOM:** Phoenix Building Courtroom -
11th Floor**COURT CLERK:** Lorraine Williams**RECORDER:****REPORTER:** Brenda Schroeder**PARTIES**

PRESENT:	Craft, Christopher	Attorney
	Dobberstein, Eric	Attorney
	Gemstone Development West Inc	Defendant
		Intervenor Defendant
	Gochmour, Wade B.	Attorney
		Attorney
	Gutke, John H.	Attorney
	Meier, Glenn F	Attorney
	Muckleroy, Martin A.	Attorney
	Pawlowski, Matthew P.	Attorney
	Perkins, Robin E.	Attorney
	Pintar, Becky	Attorney
	Rycraft Jr., Dale R.	Attorney
	Vlastic, Charles	Attorney
	Walters, Brian K.	Attorney

JOURNAL ENTRIES

- Colloquy regarding missing consolidated cases and 06/29/09 consolidation Order. COURT NOTED the following cases were missed from consolidation into this case: A584960, A590319,

A596924, A597089, and A592826. Further colloquy regarding discovery.

COURT ORDERED Mr. Meier to amend his proposed Order in section 4 to also require that all lenders produce all documents by deadline; trial will be set for sometime during January, 2012; Court will fill in all discovery deadlines upon receipt of Order.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court**COURT MINUTES****November 23, 2009**

08A571228 Apco Construction, Plaintiff(s)
vs.
Gemstone Development West Inc, Defendant(s)

November 23, 2009	9:00 AM	Motion to Withdraw as Counsel	KOCH'S MOTION TO WITHDRAW AS COUNSEL OF RECORD FOR REPUBLIC CRANE SERVICES LLC
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HEARD BY: Delaney, Kathleen E.**COURTROOM:** Phoenix Building Courtroom -
11th Floor**COURT CLERK:** Lorraine Williams**RECORDER:****REPORTER:****PARTIES****PRESENT:** Koch, Richard Allen Attorney

JOURNAL ENTRIES

- Mr. Koch advised he will submit a file stamped copy of Errata that has Affidavit with last known address and phone number of Republic Crane Services.

COURT ORDERED, motion CONDITIONALLY GRANTED; Mr. Koch to submit proposed order with file stamped copy of Errata.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court**COURT MINUTES****December 07, 2009**

08A571228

Apco Construction, Plaintiff(s)

vs.

Gemstone Development West Inc, Defendant(s)

December 07, 2009**9:00 AM****Motion to Withdraw as
Counsel**

**WATKINS'
MOTION TO
WITHDRAW AS
ATTORNEY OF
RECORD FOR
INTERVENOR/LIEN
CLAIMANT
CABINETEC, INC**

HEARD BY: Delaney, Kathleen E.**COURTROOM:** Phoenix Building Courtroom -
11th Floor**COURT CLERK:** Lorraine Williams**RECORDER:****REPORTER:****PARTIES****PRESENT:** Watkins, Justin L.

Attorney
Attorney

JOURNAL ENTRIES

- As Mr. Watkins' client failed to pay fees owed and failed to communicate, COURT ORDERED, motion GRANTED; Mr. Watkins to prepare Order and submit within 10 days.

Mr. Watkins advised an amended Affidavit with his client's last known telephone number was e-Filed this day.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court**COURT MINUTES****December 08, 2009**

08A571228 Apco Construction, Plaintiff(s)
 vs.
 Gemstone Development West Inc, Defendant(s)

December 08, 2009	9:00 AM	Motion to Amend Complaint	HARSCO CORP'S MOTION FOR SECOND AMENDED COMPLAINT IN INTERVENTION
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HEARD BY: Delaney, Kathleen E.**COURTROOM:** Phoenix Building Courtroom -
11th Floor**COURT CLERK:** Lorraine Williams**RECORDER:****REPORTER:****PARTIES**

PRESENT: Williams, Donald H Attorney
 Attorney

JOURNAL ENTRIES

- As there was no Opposition, COURT ORDERED, motion GRANTED; Selina Cisneros to be added to Complaint.

Mr. Williams to prepare Order.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court**COURT MINUTES****December 23, 2009**

08A571228

Apco Construction, Plaintiff(s)

vs.

Gemstone Development West Inc, Defendant(s)

December 23, 2009**9:00 AM****Motion to Withdraw as
Counsel**

**CALLISTER'S
MOTION TO
WITHDRAW AS
COUNSEL OF
RECORD FOR PLTF
EXECUTIVE
PLASTERING INC**

HEARD BY: Delaney, Kathleen E.**COURTROOM:** Phoenix Building Courtroom -
11th Floor**COURT CLERK:** Lorraine Williams**RECORDER:****REPORTER:****PARTIES****PRESENT:** Pawlowski, Matthew P. Attorney**JOURNAL ENTRIES**

- As there was no opposition, COURT ORDERED, motion CONDITIONALLY GRANTED; Mr. Pawlowski to submit with proposed Order a file stamped copy of Errata for the Affidavit that includes the last known telephone number of Executive Plastering.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court**COURT MINUTES****January 25, 2010**

08A571228 Apco Construction, Plaintiff(s)
 vs.
 Gemstone Development West Inc, Defendant(s)

**January 25, 2010 9:00 AM Motion to Withdraw as
 Counsel**

HEARD BY: Delaney, Kathleen E. **COURTROOM:** Phoenix Building Courtroom -
 11th Floor

COURT CLERK: Susan Botzenhart

RECORDER:

REPORTER:

PARTIES

PRESENT:	CAWLEY, REUBEN	Attorney
	Dixon, Stephen M.	Attorney
	Oblad, John T.	Attorney
	Routheaux, Jenny	Attorney

JOURNAL ENTRIES

- Additional appearance made by counsel: Brian Berman, Esq.: for Pltf. Ready Mix Inc. in case 08A577623.

There being no opposition, COURT ORDERED, Motion GRANTED. Mr. Berman advised he is appearing on behalf of Southwest, and to also monitor on the aspect of this matter as a business entity cannot represent itself in proper person. Colloquy. COURT ORDERED, matter SET for status check on confirmation of counsel.

2/22/10 9:00 AM STATUS CHECK: CONFIRMATION OF COUNSEL FOR DEFTS. GEMSTONE DEVELOPMENT WEST INC, GEMSTONE DEVELOPMENT LLC, AND EDELSTEIN

*****THIS IS A LEAD CASE CONSOLIDATED WITH 08A574391, 08A574792, 08A577623, 09A580889, 09A583289, 09A584730, 09A584960, 09A587168, 09A589195, 09A590319, 09A592826, 09A596924, AND

08A571228

09A597089*****

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court**COURT MINUTES****February 22, 2010**

08A571228

Apco Construction, Plaintiff(s)

vs.

Gemstone Development West Inc, Defendant(s)

February 22, 2010**9:00 AM****Status Check**

**STATUS CHECK:
CONFIRMATION
OF COUNSEL FOR
DEFTS GEMSTONE
DEVELOPMENT
WEST INC,
GEMSTONE
DEVELOPMENT
LLC, AND
EDELSTEIN**

HEARD BY: Delaney, Kathleen E.**COURTROOM:** Phoenix Building Courtroom -
11th Floor**COURT CLERK:** Lorraine Williams
Dawn Jackson**RECORDER:****REPORTER:****PARTIES
PRESENT:**

JOURNAL ENTRIES

- Brian K. Berman, Esq., present on behalf of Pltf. Ready Mix Inc. Reuben Cawley, Esq., present on behalf of Pltf. Zitting Brothers Construction Inc.

Colloquy regarding possible Order to Show Cause. Counsel advised Deft. Gemstone Development faxed a letter to all parties stating they do not have money to hire counsel.

COURT NOTED it will not issue Default against Deft. Gemstone at this time, but counsel may take

appropriate measures as Deft. Gemstone fails to participate.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court**COURT MINUTES****March 09, 2010**

08A571228

Apco Construction, Plaintiff(s)

vs.

Gemstone Development West Inc, Defendant(s)

March 09, 2010**9:00 AM****Show Cause Hearing**

**HEARING RE:
SHOW CAUSE WHY
LIENHOLDERS
NOT
PARTICIPATING IN
CONSOLIDATED
ACTION SHOULD
NOT BE HELD IN
CONTEMPT**

HEARD BY: Delaney, Kathleen E.**COURTROOM:** Phoenix Building Courtroom -
11th Floor**COURT CLERK:** Lorraine Williams**RECORDER:****REPORTER:** Brenda Schroeder**PARTIES****PRESENT:**

CAWLEY, REUBEN

Attorney

Meier, Glenn F

Attorney

Muckleroy, Martin A.

Attorney

JOURNAL ENTRIES

- John Gruel, owner of Freedom Fire Prevention, also present.

Mr. Meir advised Proofs were filed. Counsel all submitted on pleadings.

As 25 parties did not comply with Court's Order and submit necessary pleadings by 03/01/10,
COURT FINDS those 25 parties in contempt; therefore, COURT ORDERED Motion GRANTED; 25
Liens of non-responsive parties EXPUNGED.

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Minutes Date: May 12, 2009

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Colloquy regarding Mr. Gruel's presence. Mr. Meir further advised he will work with Mr. Gruel regarding this issue.

COURT'S PREVIOUS RULING STRICKEN. COURT FINDS 24 parties in contempt; therefore COURT ORDERED Motion GRANTED as to 24 parties; 24 Liens of non-responsive parties EXPUNGED (Freedom Fire now excluded as well).

Colloquy regarding counsel for Freedom Fire.

COURT FURTHER ORDERED Freedom Fire to have 10 DAYS to file into this case.

Mr. Meier to prepare Order.

CLERK'S NOTE: Pursuant to Order Granting Deft. Scott Financial Corp's Application for Order to Show Cause (signed 03/25/10), COURT ORDERED THIS MINUTE ORDER VACATED in its ENTIRETY. LMW 03/25/10

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court**COURT MINUTES****March 30, 2010**

08A571228 Apco Construction, Plaintiff(s)
 vs.
 Gemstone Development West Inc, Defendant(s)

March 30, 2010	9:00 AM	Motion for Partial Summary Judgment	Pltf. Ahern Rentals Inc.'s Motion for Partial Summary Judgment Against Deft. Edelstein Only
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HEARD BY: Delaney, Kathleen E.**COURTROOM:** Phoenix Building Courtroom -
11th Floor**COURT CLERK:** Lorraine Williams**RECORDER:****REPORTER:****PARTIES**

PRESENT:	Caffaratti, Monica	Attorney
	Meier, Glenn F	Attorney
	Muckleroy, Martin A.	Attorney
	Perkins, Robin E.	Attorney

JOURNAL ENTRIES

- Martin I. Melendrez, Esq., present on behalf of Pltf. HD Supply Construction Supply Inc.

Ms. Perkins advised Counter-Deft. Ahern Rentals is NOT attempting to foreclose on lien and that her motion is limited to Intervenor Deft. Edelstein ONLY. Colloquy. Ms. Caffaratti advised Intervenor Deft. Edelstein does NOT deny liability, only amounts owed. Arguments by counsel regarding what Counter-Deft. Ahern Rentals provided as proof and the Intervenor Deft. Edelstein s failure to provide any contradictory evidence to amounts owed.

COURT ORDERED motion GRANTED IN PART as to liability ONLY; DENIED WITHOUT PREJUDICE as to damages.

Ms. Perkins to prepare Order, and present counsel to approve as to form and content.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court**COURT MINUTES****April 05, 2010**

08A571228

Apco Construction, Plaintiff(s)

vs.

Gemstone Development West Inc, Defendant(s)

April 05, 2010**9:00 AM****Motion for Partial
Summary Judgment**

**Pltf. Atlas
Construction Supply,
Inc.'s Motion for
Partial Summary
Judgment Against
Gemstone
Development West,
Inc.**

HEARD BY: Delaney, Kathleen E.**COURTROOM:** Phoenix Building Courtroom -
11th Floor**COURT CLERK:** Lorraine Williams**RECORDER:****REPORTER:****PARTIES****PRESENT:**

CAWLEY, REUBEN

Attorney

Dachelet, David W

Attorney

Dobberstein, Eric

Attorney

Gebhart, Michael T.

Attorney

Meier, Glenn F

Attorney

Williams, Donald H

Attorney

Attorney

JOURNAL ENTRIES

- Dana Howell, Esq., present on behalf of Intervenor Cell-Crete Fireproofing of Nevada Inc. and PCI Group LLC.

Mr. Dachelet advised Discovery ends this day. Arguments by counsel regarding lien claimants,

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08A571228

Gemstone's failures to appear and obtain counsel, priority, and unjust enrichment claims.

COURT ORDERED matter CONTINUED for further discussion.

CONTINUED TO: 04/13/10 9:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court**COURT MINUTES****April 13, 2010**

08A571228

Apco Construction, Plaintiff(s)

vs.

Gemstone Development West Inc, Defendant(s)

April 13, 2010**9:00 AM****All Pending Motions**

Hearing Re: Show Cause Why Liens Should Not Be Expunged (Jensen Enterprises Inc., Paramount Scaffold Inc., Carpets-N-More, Nedco Supply, Anthony Vizl/SWPPP Compliance Solutions LLC, Sacramento Insulation Contractors Inc., Eastridge Personnel of Las Vegas, Westward Ho LLC, Larry Methvin Installation Inc., Interstate Plumbing & Air Conditioning, S R Bray Corp Power Plus, Sunstate Equipment Company LLC, Sunstate Companies Inc., Towey Equipment Company Inc., Geotek Inc., Superior Traffic Services, Summit Sand & Gravel Inc., K & G Construction Inc., Tiberti Company,

and Design Space
Modular Buildings
Inc.)...Pltf. Atlas
Construction Supply,
Inc.'s Motion for
Partial Summary
Judgment Against
Gemstone
Development West,
Inc.

HEARD BY: Delaney, Kathleen E.

COURTROOM: Phoenix Building Courtroom -
11th Floor

COURT CLERK: Lorraine Williams

RECORDER:

REPORTER:

PARTIES

PRESENT:	CAWLEY, REUBEN	Attorney
	Clifford, David S	Attorney
		Attorney
	Dachelet, David W	Attorney
	Dobberstein, Eric	Attorney
	Gebhart, Michael T.	Attorney
	Meier, Glenn F	Attorney
	Peel, Richard L.	Attorney
	Reade, Robert C.	Attorney
	Williams, Donald H	Attorney
		Attorney

JOURNAL ENTRIES

- Gary Hayes, Esq., present on behalf of Lien Claimant Sunstate Companies Inc. Anthony Vizl, President, present as representative of Lien Claimant Anthony Vizl/SWPPP Compliance Solutions LLC. Dennis Kersee, Credit Manager, present as representative of Lien Claimant S R Bray Corp Power Plus. Brian Keith Berman, Esq., present on behalf of Pltf. Ready Mix Inc.

Colloquy regarding both lien claimants now present who were not present at last hearing and those that were present last hearing who are not present this time. Mr. Hayes advised he will E-file a Notice of Appearance for his client in this matter. COURT NOTED to all present in Proper Person

that it cannot give legal advice of any kind or answer any legal questions. Colloquy regarding length of time needed for lien claimants to file any necessary documents.

COURT ORDERED lien claimants present on this matter have until 04/23/10 by 5:00 p.m. to file Statement of Claims and take any other appropriate action, otherwise claims will be DISMISSED; ALL liens from lien claimants named that were not present this day are EXPUNGED for failure to appear.

Mr. Meier to prepare Order with all affected entities listed.

COURT FURTHER ORDERED lien claimants present are responsible for preparing case management order. MATTER TRAILED.

MATTER RECALLED: Mr. Reade advised A584960 was not properly consolidated into the lead case (A571228) as it is not a lien claim and requested matter be deconsolidated. Colloquy.

As A584960 was consolidated into A571228 in ERROR, COURT ORDERED, A584960 DECONSOLIDATED and REMANDED back to its original department. MATTER TRAILED.

MATTER RECALLED: Mr. Dachelet now present. Arguments by counsel as to whether Pltf. Atlas Construction possesses the correct set of circumstances to not follow case management order because they were just the equipment renter. Mr. Berman requested Court order Gemstone to appear for issue of Summary Judgment as they are necessary. Further arguments by counsel regarding lien perfection, whether evidence exists to challenge amounts owed, and discovery.

COURT ORDERED Motion for Partial Summary Judgment GRANTED IN PART as to issues of lien perfection, unjust enrichment, and amounts ONLY; DENIED as to priority; Order to Show Cause to ISSUE against Gemstone Development Inc.

COURT NOTED it does not believe all lien claimants will have good reason for Summary Judgment as Atlas Construction did here, but depending on what happens next in this matter, the Case Management Order may need to be amended.

Mr. Dachelet to prepare Findings of Fact and Conclusions of Law for Summary Judgment. Colloquy regarding N.R.C.P. 60.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court**COURT MINUTES****May 03, 2010**

08A571228 Apco Construction, Plaintiff(s)
vs.
Gemstone Development West Inc, Defendant(s)

May 03, 2010	9:00 AM	Motion for Substitution	LIEN CLAIMAINT ARCH ALUMINUM AND GLASS COMPANY'S MOTION TO SUBSTITUTE PROPER PARTY PURSUANT TO NRCP 25
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HEARD BY: Delaney, Kathleen E.**COURTROOM:** Phoenix Building Courtroom -
11th Floor**COURT CLERK:** Lorraine Williams**RECORDER:****REPORTER:****PARTIES****PRESENT:** Wittig, Donna Attorney

JOURNAL ENTRIES

- As Court was absent during the scheduled time for hearing and as matter was unopposed, COURT ORDERED, motion GRANTED.

Ms. Wittig to submit Order.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court**COURT MINUTES****May 05, 2010**

08A571228

Apco Construction, Plaintiff(s)

vs.

Gemstone Development West Inc, Defendant(s)

May 05, 2010**9:00 AM****Show Cause Hearing**

Hearing Re: Show Cause Why Default Judgment Should Not be Entered Against Gemstone Development West Inc. Pursuant to EDCR 7.60, for Failure to Give Reasonable Attention to Matters, and for Failure to Obtain New Counsel Pursuant to EDCR 7.42(b)

HEARD BY: Delaney, Kathleen E.**COURTROOM:** Phoenix Building Courtroom - 11th Floor**COURT CLERK:** Lorraine Williams**RECORDER:****REPORTER:** Brenda Schroeder**PARTIES****PRESENT:**

Caffaratti, Monica

Attorney

Gebhart, Michael T.

Attorney

Smith, P. Kyle

Attorney

JOURNAL ENTRIES

- Kyle Smith, Esq., was present on behalf of Intervenor Deft. Alex Edelstein.

Ms. Caffaratti Advised she will be withdrawing as counsel for Gemstone Development. COURT NOTED Ms. Caffaratti never formally appeared for either Defts. Gemstone Development or Alex Edelstein. Mr. Smith advised Deft. Gemstone Development has no intent on obtaining new counsel for this matter.

COURT ORDERED matter CONTINUED; counsel to prepare Order to move all outstanding Motions for Summary Judgment and related Joinders with this Show Cause Hearing.

COURT FURTHER NOTED if no Opposition is received from Deft. Gemstone Development, it is likely any and all Motions for Summary Judgment against them will be granted at next hearing.

CONTINUED TO: 05/17/10 9:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court**COURT MINUTES****May 17, 2010**

08A571228

Apco Construction, Plaintiff(s)

vs.

Gemstone Development West Inc, Defendant(s)

May 17, 2010**9:00 AM****All Pending Motions**

**Lien Claimant Fast
Glass Inc.'s Motion
for Summary
Judgment Against
Gemstone
Development West
Inc Interstate
Plumbing & Air
Conditioning LLC's
Motion for Partial
Summary Judgment
Against Gemstone
Development West
Inc Buchele Inc.'s
Motion for Partial
Summary Judgment
Against Gemstone
Development West
Inc Accuracy Glass &
Mirror Company
Inc.'s Motion for
Partial Summary
Judgment Against
Gemstone
Development West
Inc SWPP
Compliance
Solutions' Motion for
Partial Summary
Judgment against
Gemstone
Development West
Inc Bruin Painting
Corporation's Motion**

for Partial Summary
Judgment Against
Gemstone
Development West
Inc Cactus Rose
Construction Inc.'s
Motion for Partial
Summary Judgment
Against Gemstone
Development West
Inc HD Supply
Waterworks LP's
Motion for Summary
Judgment Against
Gemstone
Development West
Inc Heinaman
Contract Glazing's
Motion for Partial
Summary Judgment
Against Gemstone
Development West
Inc S.R. Bray Corp's
Motion for Partial
Summary Judgment
Against Gemstone
Develop

HEARD BY: Delaney, Kathleen E.

COURTROOM: Phoenix Building Courtroom -
11th Floor

COURT CLERK: Lorraine Williams

RECORDER:

REPORTER: Brenda Schroeder

PARTIES

PRESENT:	CAWLEY, REUBEN	Attorney
	Gebhart, Michael T.	Attorney
	Gochmour, Wade B.	Attorney
		Attorney
	Koch, David	Attorney
	Meier, Glenn F	Attorney

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Parry, Zachariah	Attorney
Peel, Richard L.	Attorney
Reade, Robert C.	Attorney
Williams, Donald H	Attorney
	Attorney
Wittig, Donna	Attorney

JOURNAL ENTRIES

- Kyle Smith, Esq., present on behalf of Deft. Alex Edelstein.

Colloquy regarding previous hearing on new counsel for Gemstone Development. COURT NOTED no appearance on behalf of Gemstone Development and no indication there would be representation for Gemstone Development.

As Gemstone Development failed to obtain counsel and failed to proceed, COURT ORDERED, Gemstone Development's Answer STRICKEN and DEFAULT entered. Court will prepare Order.

Colloquy regarding perfection of liens and Erratas to be filed by SWPPP Compliance Solutions and Cactus Rose Construction. Mr. Peel advised the Notice of Lien did not record fast enough for it to be included with filing.

COURT ORDERED Mr. Peel to file Supplement with actual recorded document.

Mr. Meier argued that parties should have opportunity to litigate as evidence shows instead of just turning over bills. Further arguments by counsel regarding discovery and claim amounts. COURT NOTED priority does NOT have to be done first.

As there was NO issue as to perfection, COURT ORDERED, Motions and Joinders for Summary Judgment GRANTED IN PART; GRANTED as to Perfection; DENIED WITHOUT PREJUDICE as to Amounts; Matter SET for Status Check to set a date certain for Mr. Meier to challenge amounts pursuant to NRS 108.2275.

COURT NOTED Motions for Summary Judgment and any related Joinders will be considered as Oppositions should Deft. Scott Financial proceed with challenging amounts. Colloquy regarding Status Check setting.

Mr. Peel to prepare Joint Order for all Motions that includes Status Check setting.

06/16/10 9:00 AM STATUS CHECK: SET DATE CERTAIN (AMOUNT CHALLENGES)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court**COURT MINUTES****June 14, 2010**

08A571228

Apco Construction, Plaintiff(s)

vs.

Gemstone Development West Inc, Defendant(s)

June 14, 2010**9:00 AM****Motion for Partial
Summary Judgment****Pltf. Selectbuild
Nevada Inc.'s Motion
for Partial Summary
Judgment Against
Defendant Gemstone
Development West
Inc.****HEARD BY:** Delaney, Kathleen E.**COURTROOM:** Phoenix Building Courtroom -
11th Floor**COURT CLERK:** Lorraine Williams**RECORDER:****REPORTER:** Brenda Schroeder**PARTIES****PRESENT:**

Meier, Glenn F

Attorney

Walters, Brian K.

Attorney

Wittig, Donna

Attorney

JOURNAL ENTRIES

- COURT NOTED it did not receive Opposition until this morning. Ms. Wittig advised she was prepared to proceed, however, if certain issues were to arise, she would request time to file Reply Brief. Colloquy regarding continuing matter.

COURT ORDERED Motion CONTINUED to Wednesday, 06/16/10; future date to be determined at that time.

CONTINUED TO: 06/16/10 9:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court**COURT MINUTES****June 16, 2010**

08A571228

Apco Construction, Plaintiff(s)

vs.

Gemstone Development West Inc, Defendant(s)

June 16, 2010**9:00 AM****All Pending Motions**

**Pltf. APCO
Construction's
Motion to
Consolidate A608717
Into
A571228...Defendant/
Counterclaimant
Camco Pacific
Construction Inc. and
Fidelity and Deposit
Company of
Maryland's Motion to
Consolidate Case No.
A09-606730 and Case
No. A10-608718 With
Pending
Action...Status Check:
Set Date
Certain...Pltf.
Selectbuild Nevada
Inc.'s Motion for
Partial Summary
Judgment Against
Defendant Gemstone
Development West
Inc.**

HEARD BY: Delaney, Kathleen E.**COURTROOM:** Phoenix Building Courtroom -
11th Floor**COURT CLERK:** Lorraine Williams**RECORDER:**

REPORTER: Brenda Schroeder

PARTIES

PRESENT:	Albregts, Jeffrey Richard	Attorney
	CAWLEY, REUBEN	Attorney
	Gebhart, Michael T.	Attorney
	Gochnour, Wade B.	Attorney
		Attorney
	Haze, Airene	Attorney
	Howell, Dana Lee	Attorney
	Meier, Glenn F	Attorney
	Perkins, Robin E.	Attorney
	Shapiro, James E.	Attorney
	Walters, Brian K.	Attorney
	Wittig, Donna	Attorney

JOURNAL ENTRIES

- Martin I. Melendrez, Esq., was present on behalf of Pltf. HD Supply Construction Supply Inc. Robert B. Ziems, Esq., was present on behalf of Pltf. Wiss Janney Elstner Associates Inc. Michael D. Rawlins, Esq., present on behalf of Pltf. United Subcontractors Inc. Zachariah Parry, Esq., present telephonically on behalf of Counter-claimant Camco Pacific Construction Company Inc.

Mr. Gochnour advised Pltf. Apco Construction had no opposition to the Motion to Consolidate. Mr. Rawlins noted his limited Opposition. Colloquy regarding extending discovery for Pltf. United Subcontractors Inc.

COURT ORDERED both Motions to Consolidate GRANTED; A606730, A608717, and A608718 CONSOLIDATED into lead case A571228.

Mr. Gochnour to prepare Order.

Zachariah Parry, Esq., now present telephonically. Mr. Parry apologized for being late as he thought the matter was at 11:00 a.m. Court informed Mr. Parry of its earlier decision granting the Motions to Consolidate. Mr. Walters advised he had not received documents from Mr. Meier. Colloquy regarding documents, whether there will be any challenges to the Notice or amounts, and materials being moved from the site. Arguments by counsel regarding how soon case will be ready for trial and whether summary judgment was appropriate.

COURT ORDERED Motion for Summary Judgment CONTINUED; briefing schedule SET: all Supplemental Briefs DUE 07/06/10.

COURT FURTHER ORDERED ALL Summary Judgment Motions RESET to 07/12/10 at 10:00 a.m.;

08A571228

any forthcoming Motions for Summary Judgment may be filed with Orders Shortening Time.

CONTINUED TO: 07/12/10 10:00 AM

CLERK S NOTE: All future minutes will be entered into lead case A571228 ONLY. LMW

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

July 27, 2010

08A571228 Apco Construction, Plaintiff(s)
vs.
Gemstone Development West Inc, Defendant(s)

July 27, 2010 10:00 AM All Pending Motions

HEARD BY: Delaney, Kathleen E.

COURTROOM: Phoenix Building Courtroom -
11th Floor

COURT CLERK: Nicole McDevitt

RECORDED:

REPORTER: Brenda Schroeder

PARTIES

PRESENT:	Albregts, Jeffrey Richard	Attorney
		Attorney
	Berman, Brian Keith	Attorney
	CAWLEY, REUBEN	Attorney
	Dachelet, David W	Attorney
	Dobberstein, Eric	Attorney
	Dreitzer, Richard I	Attorney
	Fisher, Mindy C.	Attorney
	Gebhart, Michael T.	Attorney
	Gochmour, Wade B.	Attorney
		Attorney
	Haze, Airene	Attorney
	Maskas, Marisa	Attorney
	Meier, Glenn F	Attorney
	Melendrez, Martin I.	Attorney
	Muckleroy, Martin A.	Attorney
	Parry, Zachariah	Attorney
	Reade, Robert C.	Attorney
	Sechrist, Jared M.	Attorney
	Shapiro, James E.	Attorney
	Truman, T. James	Attorney

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Walters, Brian K.
Williams, Donald H

Attorney
Attorney
Attorney
Attorney

JOURNAL ENTRIES

- CUSTOM SELECT BILLINGS, INC.'S MOTION FOR SUMMARY JUDGMENT AGAINST DEFENDANT GEMSTONE DEVELOPMENT WEST, INC. OR, ALTERNATIVELY, MOTION FOR PERMANENT WRIT OF POSSESSION AND FOR CERTIFICATION OF FINAL JUDGMENT PURSUANT TO NRCP 54(B)...HYDROPRESSURE CLEANING, INC.'S MOTION FOR SUMMARY JUDGMENT AGAINST DEFENDANT GEMSTONE DEVELOPMENT WEST, INC. AND FOR CERTIFICATION OF FINAL JUDGMENT PURSUANT TO NRCP 54(B)... ZITTING BROTHERS CONSTRUCTION, INC.'S MOTION FOR SUMMARY JUDGMENT AGAINST GEMSTONE DEVELOPMENT WEST, INC. AND FOR CERTIFICATION OF FINAL JUDGMENT PURSUANT TO NRCP 54(B)...ATLAS CONSTRUCTION SUPPLY, INC.'S MOTION FOR SUMMARY JUDGMENT REGARDING THE COMMENCEMENT OF WORK AND PRIORITY OF ITS MECHANIC'S LIEN...FERGUSON FIRE & FABRICATION, INC'S MOTION FOR PARTIAL SUMMARY JUDGMENT REGARDING PERFECTION, VALIDITY, AND PRIORITY OF ITS MECHANIC'S LIEN... INSULPRO PROJECTS, INC.'S MOTION FOR PARTIAL SUMMARY AGAINST GEMSTONE DEVELOPMENT, INC., APCO CONSTRUCTION AND CAMCO PACIFIC CONSTRUCTION CO., INC...LIEN CLAIMANT/PLAINTIFF CELL CRETE FIREPROOFING OF NEVADA, INC'S MOTION FOR PARTIAL SUMMARY JUDGMENT AGAINST GEMSTONE DEVELOPMENT WEST INC., ON ISSUE OF LIEN PERFECTION...SCOTT FINANCIAL CORPORATION'S MOTION FOR PARTIAL SUMMARY JUDGMENT AS TO PRIORITY OF LIENS...PLAINTIFF-IN-INTERVENTION, TRI-CITY DRYWALL, INC.'S MOTION FOR SUMMARY JUDGMENT AGAINST GEMSTONE DEVELOPMENT WEST, INC...LAS VEGAS PIPELINE'S MOTION FOR SUMMARY JUDGMENT AGAINST GEMSTONE DEVELOPMENT WEST, INC...ARCH ALUMINUM AND GLASS LLC'S MOTION FOR PARTIAL SUMMARY JUDGMENT REGARDING PRIORITY AMONG LIEN CLAIMANTS ORDER SHORTENING TIME...HARSCO CORPORATION, EZA, P.C., DBA OZ ARCHITECTURE OF NEVADA, AND PATENT CONSTRUCTION SYSTEMS, A DIVISION OF HARSCO CORPORATION'S JOINDER TO APCO'S MOTION FOR SUMMARY JUDGMENT ON PRIORITY...APCO'S MOTION FOR SUMMARY JUDGMENT ON PRIORITY...ATLAS CONSTRUCTION SUPPLY, INC.'S JOINDER TO APCO'S MOTION FOR SUMMARY JUDGMENT ON PRIORITY...GRANITE CONSTRUCTION COMPANY'S JOINDER TO APCO'S MOTION FOR SUMMARY JUDGMENT ON PRIORITY...FERGUSON FIRE AND FABRICATION, INC.'S JOINDER TO APCO'S MOTION FOR SUMMARY JUDGMENT ON PRIORITY...PLAINTIFF/LIEN CLAIMANT SELECTBUILD NEVADA, INC.'S JOINDER TO APCO CONSTRUCTION'S MOTION FOR SUMMARY JUDGMENT ON PRIORITY...PLAINTIFF/LIEN CLAIMANT HD SUPPLY CONSTRUCTION SUPPLY, L.P. D/B/A WHITE CAP CONSTRUCTION SUPPLY, INC.'S JOINDER TO APCO'S MOTION FOR SUMMARY JUDGMENT ON PRIORITY...FAST GLASS, INC.'S JOINDER TO APCO'S MOTION FOR SUMMARY JUDGMENT ON PRIORITY...LAS VEGAS PIPELINE'S JOINDER IN APCO'S MOTION FOR SUMMARY JUDGMENT ON PRIORITY...CAMCO'S JOINDER

TO APCO'S MOTION FOR SUMMARY JUDGMENT ON PRIORITY...LIEN CLAIMANT/PLAINTIFF CELLCRETE FIREPROOFING OF NEVADA INC.'S JOINDER TO PLAINTIFF APCO CONSTRUCTION INC.'S MOTION FOR PARTIAL SUMMARY JUDGMENT ON LIEN PRIORITY AS AGAINST ALL LENDER PARTIES...PLAINTIFF, WISS, JANNEY, ELSTNER ASSOCIATES, INC.'S JOINDER TO APCO'S MOTION FOR SUMMARY JUDGMENT ON PRIORITY...GRAYBAR ELECTRIC COMPANY'S JOINDER TO APCO'S MOTION FOR SUMMARY JUDGMENT ON PRIORITY...NORTHSTAR CONCRETE, INC.'S JOINDER TO APCO'S MOTION FOR SUMMARY JUDGMENT ON PRIORITY...DAVE PETERSON FRAMING, INC., E&E FIRE PROTECTION, LLC, NOORDA SHEET METAL COMPANY, THE PRESSURE GROUT COMPANY AND PROFESSIONAL DOORS AND MILLWORKS, LLC'S NOTICE OF JOINDER IN APCO'S MOTION FOR SUMMARY JUDGMENT ON PRIORITY...PLTF. SELECTBUILD NEVADA INC.'S MOTION FOR PARTIAL SUMMARY JUDGMENT AGAINST DEFENDANT GEMSTONE DEVELOPMENT WEST INC...RENAISSANCE POOLS AND SPAS S JOINDER TO APCO S MOTION FOR SUMMARY JUDGMENT ON PRIORITY...ZITTING BROTHERS CONSTRUCTIN, INC.'S JOINDER TO APCO CONSTRUCTION'S MOTION FOR PARITAL SUMMARY JUDGMENT AS TO PRIORITY OF LIENS...INSULPRO PROJECTS, INC.'S JOINDER TO APCO'S MOTION FOR SUMMARY JUDGMENT ON PRIORITY...STEEL STRUCTURES, INC. AND NEVADA PREFAB ENGINEERS, INC.'S JOINDER TO APCO CONSTRUCTION'S MOTION FOR SUMMARY JUDGMENT ON PRIORITY...APCO'S OPPOSITION TO INSULPRO PROJECTS, INC.'S MOTION FOR PARTIAL SUMMARY JUDGMENT AND COUNTERMOTION FOR SUMMARY JUDGMENT...STATUS CHECK: PRIOR HEARINGS

John Moshier, Pro Hoc also present. Following arguments by counsel, Court stated it would like to review this matter further and ORDERED, matter TAKEN UNDER ADVISEMENT until 7/28/2010.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

August 30, 2010

08A571228 Apco Construction, Plaintiff(s)
vs.
Gemstone Development West Inc, Defendant(s)

August 30, 2010 9:00 AM All Pending Motions

HEARD BY: Delaney, Kathleen E. **COURTROOM:** Phoenix Building Courtroom - 11th Floor

COURT CLERK: Sylvia Courtney

RECORDED:

REPORTER:

PARTIES

PRESENT: Muckleroy, Martin A. Attorney
Oblad, John T. Attorney

JOURNAL ENTRIES

- CLUB VISTA FINANCIAL SERVICES, THARALDSON MOTELS II INC AND GARY D.
THARALDSON'S MOTION TO ASSOCIATE COUNSEL ... MOTION TO ASSOCIATE COUNSEL

Court noted no opposition filed. Mr. Muckleroy appeared by telephone conference. Court stated rules have been complied with and therefore, COURT ORDERED, motions to associate counsel, Stephanie M. Samuels and K. Layne Morrill, GRANTED; Mr. Muckleroy to prepare order.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court**COURT MINUTES****September 08, 2010**

08A571228

Apco Construction, Plaintiff(s)

vs.

Gemstone Development West Inc, Defendant(s)

September 08, 2010**9:00 AM****All Pending Motions**

**E&E Fire Protection's
Motion for Partial
Summary Judgment
Against Gemstone
Development West,
Inc...Professional
Doors and
Millworks' Motion
for Partial Summary
Judgment Against
Gemstone
Development West,
Inc.**

HEARD BY: Delaney, Kathleen E.**COURTROOM:** Phoenix Building Courtroom -
11th Floor**COURT CLERK:** Billie Jo Craig**RECORDER:****REPORTER:****PARTIES****PRESENT:**

JOURNAL ENTRIES

- E&E FIRE PROTECTION'S MOTION FOR PARTIAL SUMMARY JUDGMENT AGAINST
GEMSTONE DEVELOPMENT WEST, INC...PROFESSIONAL DOORS AND MILLWORKS'
MOTION FOR PARTIAL SUMMARY JUDGMENT AGAINST GEMSTONE DEVELOPMENT WEST,
INC

Mr. Truman and Mr. Oblad present.

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Minutes Date: May 12, 2009

Court noted its Law Clerk advised there was opposition. Colloquy regarding status of case. COURT ORDERED, matter UNDER ADVISEMENT.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

November 02, 2010

08A571228 Apco Construction, Plaintiff(s)
vs.
Gemstone Development West Inc, Defendant(s)

November 02, 2010 9:00 AM All Pending Motions

HEARD BY: Delaney, Kathleen E.

COURTROOM: Phoenix Building Courtroom -
11th Floor

COURT CLERK: Sylvia Courtney

RECORDED:

REPORTER: Brenda Schroeder

PARTIES

PRESENT:	Berman, Brian Keith	Attorney
	Cawley, Reuben	Attorney
	Dobberstein, Eric	Attorney
	Fisher, Mindy C.	Attorney
	Maskas, Marisa	Attorney
	Meier, Glenn F	Attorney
	Miller, William	Attorney
	Muckleroy, Martin A.	Attorney
	Parry, Zachariah	Attorney
	Pintar, Becky	Attorney
	Rutar Mullins, Gwen	Attorney
		Attorney
	Williams, Donald H	Attorney
		Attorney
	Ziems, Robert B.	Attorney

JOURNAL ENTRIES

- INSULPRO PROJECTS INC'S JOINDER TO SCOTT FINANCIAL CORPORATION'S MOTION TO STAY FURTHER ACTIVITY IN THIS CASE UNTIL THE ISSUE OF PRIORITY ISSUE HAS BEEN RESOLVED . . . SCOTT FINANCIAL CORPORATION'S MOTION TO STAY FURTHER ACTIVITY

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IN THIS CASE UNTIL THE ISSUE OF PRIORITY ISSUE HAS BEEN RESOLVED

Court noted multiple joinders have been filed and all do not appear in Odyssey as yet; and it appears no one is opposed to stay in this case; the matters are well briefed. Court acknowledged there are still matters under advisement, and intends to issue a decision by 11/08/10; COURT ORDERED, motion and joinder GRANTED; status check set on pending matters.

12/09/10 09:00 AM STATUS CHECK: MATTERS UNDER ADVISEMENT

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court**COURT MINUTES****November 22, 2010**

08A571228 Apco Construction, Plaintiff(s)
 vs.
 Gemstone Development West Inc, Defendant(s)

November 22, 2010	9:00 AM	Motion to Withdraw as Counsel	Shumway, Van & Hansen, CHTD's Motion To Withdraw As Attorney Of Record for HA Fabricators, Inc.
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HEARD BY: Delaney, Kathleen E.**COURTROOM:** Phoenix Building Courtroom -
11th Floor**COURT CLERK:** Susan Botzenhart**RECORDER:****REPORTER:**

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Robert Ryan, Esq., appeared on behalf of Michael Van, Esq., (Shumway, Van & Hansen) (Movant) for HA Fabricators, Inc.

There being no opposition, COURT ORDERED, Motion GRANTED. Order SIGNED IN OPEN COURT.

***** THIS IS A LEAD CASE CONSOLIDATED WITH 08A574391, 08A574792, 08A577623, 09A580889, 09A583289, 09A584730, 09A587168, 09A589195, 09A589677, 09A590319, 09A592826, 09A596924, 09A597089, 09A606730, A-10-608717 and A-10-608718. *****

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

December 09, 2010

08A571228 Apco Construction, Plaintiff(s)
vs.
Gemstone Development West Inc, Defendant(s)

December 09, 2010 9:00 AM Status Conference

HEARD BY: Delaney, Kathleen E.

COURTROOM: Phoenix Building Courtroom -
11th Floor

COURT CLERK: Sylvia Courtney

RECORDED:

REPORTER:

PARTIES

PRESENT:	Berman, Brian Keith	Attorney
	Cawley, Reuben	Attorney
	Dobberstein, Eric	Attorney
	Gebhart, Michael T.	Attorney
	Haze, Airene	Attorney
	Lloyd-Robinson, Jennifer R.	Attorney
		Attorney
	Meier, Glenn F	Attorney
	Muckleroy, Martin A.	Attorney
	Rutar Mullins, Gwen	Attorney
		Attorney
	Sechrist, Jared M.	Attorney
	Shapiro, James E.	Attorney
	Williams, Donald H	Attorney
		Attorney

JOURNAL ENTRIES

- Court addressed matters under advisement, specifically for today, the outcome of the priority issue for Scott Financial. COURT FINDS, Scott Financial has standing to dispute mechanics' lien motions, amounts and priorities; its interests are adverse to lien claimants and all opposition has been taken

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into account; as for the competing motions for summary judgment on priority, the decision in Bratcher v. Buckner, 90 Cal.App. 4th 1177 (2001) is not persuasive and Court does find Apco's argument persuasive that Mezzanine deeds of trust are behind the construction deeds; Court is not persuaded that partial subordination is operative. The lien claimants are in first priority and the basis will be spelled out in Court's written decision, which will also set forth amounts in detail. Mr. Meier requested the Court to set a status check after the Court's written decision has been issued. Mr. Gebhart raised the issue that there are motions which have been previously decided and other motions still pending; Court stated written decision will clarify those matters as they preceded the decision on Scott's standing to oppose; Court will include next status check date in the written order.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

November 09, 2011

08A571228 Apco Construction, Plaintiff(s)
vs.
Gemstone Development West Inc, Defendant(s)

November 09, 2011 9:00 AM All Pending Motions

HEARD BY: Scann, Susan

COURTROOM: Phoenix Building Courtroom -
11th Floor

COURT CLERK: Larry Snyder

RECORDER: Angie Calvillo

REPORTER:

PARTIES

PRESENT:	Carter, Matthew S.	Attorney
	Cawley, Reuben	Attorney
	Dachelet, David W	Attorney
	Dobberstein, Eric	Attorney
	Gebhart, Michael T.	Attorney
	Gochmour, Wade B.	Attorney
		Attorney
	Jones, Jon Randall	Attorney
	Kessler, Andrew J., ESQ	Attorney
	Maskas, Marisa	Attorney
	Meier, Glenn F	Attorney
	Sechrist, Jared M.	Attorney
	Shapiro, James E.	Attorney
	Walters, Brian K.	Attorney
	Williams, Donald H	Attorney
		Attorney

JOURNAL ENTRIES

- APCO'S MOTION FOR ISSUANCE OF AN ORDER ON PRIORITY ON ORDER SHORTENING TIME...APCO CONSTRUCTION'S RENEWED MOTION TO CONSOLIDATE CASE NO.

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A579963...HYDRO PRESSURE CLEANING, INC.'S JOINDER TO APCO'S MOTION FOR ISSUANCE OF AN ORDER ON PRIORITY ON ORDER SHORTENING TIME...CUSTOM SELECT BILLING, INC.'S JOINDER TO APCO'S MOTION FOR ISSUANCE OF AN ORDER ON PRIORITY ON ORDER SHORTENING TIME...TRI-CITY DRYWALL, INC. AND NORTH STAR CONCRETE, INC.'S JOINDER IN APCO'S MOTION FOR ISSUANCE OF AN ORDER ON PRIORITY ON ORDER SHORTENING TIME...LIEN CLAIMANT/ PLAINTIFF CELL-CRETE FIREPROOFING OF NEVADA, INC.'S JOINDER IN SUPPORT OF PLAINTIFF APCO CONSTRUCTION INC.'S MOTION FOR AN ORDER OF PRIORITY ON ORDER SHORTENING TIME...ARCH ALUMINUM AND GLASS, LLC JOINDER IN APCO'S MOTION FOR ISSUANCE OF AN ORDER ON PRIORITY ON ORDER SHORTENING TIME...THE MASONRY GROUP NEVADA, INC.'S JOINDER TO APCO'S MOTION FOR ISSUANCE OF ORDER ON PRIORITY...JOINDER TO APCO'S RENEWED MOTION TO CONSOLIDATE CASE NO. A579963...CUSTOM SELECT BILLING, INC.'S JOINDER TO APCO CONSTRUCTIONS' RENEWED MOTION TO CONSOLIDATE CASE NO. A579963...HYDRO PRESSURE CLEANING, INC.'S JOINDER TO APCO CONSTRUCTION'S RENEWED MOTION TO CONSOLIDATE CASE NO. A579963...ARCH ALUMINUM AND GLASS, LLC'S JOINDER IN APCO'S RENEWED MOTION TO CONSOLIDATE CASE NO. A579963...INSULPRO PROJECT, INC.'S JOINDER IN APCO'S MOTION FOR ISSUANCE OF AN ORDER ON PRIORITY ON ORDER SHORTENING TIME

Attorney Rachel Bickel-Stone, Bar No. 11057, appearing for Wiss, Janney, Elstner Associates, Inc.

Attorney David Merrill, Bar No. 6060, present for Alexander Edelstein.

Attorneys James Shapiro and Andrew Kessler participated telephonically through CourtCall.

Attorney Rachel Donn, Bar No. 10568, also appearing with Attorney Meier for the Defendant.

Court ADVISED, Judge Delaney is signing today the proposed original Findings and Order that APCO submitted, which was attached to the Motion. Attorney Gochnour stated he will deliver the Order to Judge Delaney's Chambers today. Judge Delaney will do some annotations and additional findings. COURT ORDERED, the issue of the priorities between the Lien Claimant and the lender's side of the traction will be CONSOLIDATED into this Department, but the cases will NOT BE Consolidated.

Statements by Attorney Jones questioning Defendant Tharaldson being a party in this case. Court STATED, Defendant Tharaldson is listed as a Counter Claimant in the Caption of this case. Counsel questioned if Judge Delaney would be addressing the perfection issues and the amounts of the liens. Court INFORMED Counsel that it was told Judge Delaney would be getting those Orders out. Attorney Gochnour advised that Scott financial Corporation is the lender for all of the loans. Attorney Meier requested a continuance until after the parties review Judge Delaney's Order. COURT ORDERED, Motions regarding Priority are CONTINUED. Court STATED, a new 16.1 Conference will need to be set next date. Attorney Reuben Cawley requested that his Motion For Summary Judgment also be set for next date, and the COURT SO ORDERED. Court SUGGESTED

that Counsel submit a list of any outstanding issues.

11/15/11 10:00 AM APCO'S MOTION FOR ISSUANCE OF AN ORDER ON PRIORITY ON ORDER SHORTENING TIME...HYDRO PRESSURE CLEANING, INC.'S JOINDER TO APCO'S MOTION FOR ISSUANCE OF AN ORDER ON PRIORITY ON ORDER SHORTENING TIME...CUSTOM SELECT BILLING, INC.'S JOINDER TO APCO'S MOTION FOR ISSUANCE OF AN ORDER ON PRIORITY ON ORDER SHORTENING TIME...TRI-CITY DRYWALL, INC. AND NORTH STAR CONCRETE, INC.'S JOINDER IN APCO'S MOTION FOR ISSUANCE OF AN ORDER ON PRIORITY ON ORDER SHORTENING TIME...LIEN CLAIMANT/ PLAINTIFF CELL-CRETE FIREPROOFING OF NEVADA, INC.'S JOINDER IN SUPPORT OF PLAINTIFF APCO CONSTRUCTION INC.'S MOTION FOR AN ORDER OF PRIORITY ON ORDER SHORTENING TIME...ARCH ALUMINUM AND GLASS, LLC JOINDER IN APCO'S MOTION FOR ISSUANCE OF AN ORDER ON PRIORITY ON ORDER SHORTENING TIME...THE MASONRY GROUP NEVADA, INC'S JOINDER TO APCO'S MOTION FOR ISSUANCE OF ORDER ON PRIORITY... INSULPRO PROJECT, INC.'S JOINDER IN APCO'S MOTION FOR ISSUANCE OF AN ORDER ON PRIORITY ON ORDER SHORTENING TIME...ZITTING BROTHERS CONSTRUCTION, INC'S MOTION FOR SUMMARY JUDGMENT

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

November 15, 2011

08A571228 Apco Construction, Plaintiff(s)
vs.
Gemstone Development West Inc, Defendant(s)

November 15, 2011 10:00 AM All Pending Motions

HEARD BY: Scann, Susan

COURTROOM: Phoenix Building Courtroom -
11th Floor

COURT CLERK: Carol Foley

RECORDER: Angie Calvillo

REPORTER:

PARTIES

PRESENT:	Cawley, Reuben	Attorney
	Dachelet, David W	Attorney
	Dobberstein, Eric	Attorney
	Dreitzer, Richard I	Attorney
	Ferrario, Mark E., ESQ	Attorney
	Gochmour, Wade B.	Attorney
		Attorney
	Jones, Jon Randall	Attorney
	Maskas, Marisa	Attorney
	Reade, Robert C.	Attorney
	Sechrist, Jared M.	Attorney
	Tharaldson Motels II Inc	Counter Claimant
	Tharaldson, Gary D	Counter Claimant
	Walters, Brian K.	Attorney

JOURNAL ENTRIES

- Counsel on speakerphone: James Shapiro for Las Vegas Pipeline, and Andrew Kessler for Uintah Investments.

Counsel also present: Morgan Shah for Alexander Edelstein.

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APCO'S MOTION FOR ISSUANCE OF AN ORDER ON PRIORITY ON ORDER SHORTENING TIME...THE MASONRY GROUP NEVADA, INC.'S JOINDER TO APCO'S MOTION FOR ISSUANCE OF ORDER ON PRIORITY...ARCH ALUMINUM AND GLASS, LLC'S JOINDER IN APCO'S MOTION FOR ISSUANCE OF AN ORDER ON PRIORITY... CELL-CRETE FIREPROOFING OF NEVADA, INC.'S JOINDER IN SUPPORT OF APCO CONSTRUCTION INC.'S MOTION FOR AN ORDER OF PRIORITY...TRI-CITY DRYWALL, INC. AND NORTHSTAR CONCRETE, INC.'S JOINDER IN APCO'S MOTION FOR ISSUANCE OF AN ORDER ON PRIORITY. ..CUSTOM SELECT BILLING, INC.'S JOINDER TO APCO'S MOTION FOR ISSUANCE OF AN ORDER ON PRIORITY...HYDROPRESSURE CLEANING, INC.'S JOINDER TO APCO'S MOTION FOR ISSUANCE OF AN ORDER ON PRIORITY ...INSULPRO PROJECTS, INC'S JOINDER IN APCO'S MOTION FOR ISSUANCE OF AN ORDER ON PRIORITY...ZITTING BROTHERS CONSTRUCTION, INC'S MOTION FOR SUMMARY JUDGMENT

Court gave Mr. Gochnour Judge Delaney's Decision and Order regarding priority. Mr. Gochnour requested a Rule 16.1 conference to get discovery back on track. Mr. Gochnour noted there was a stay pending issuance of this order and that will have to be lifted.

Mr. Gochnour noted he has the order granting consolidation and it was submitted to counsel. Mr. Gochnour provided it to Court. Court reviewed it and returned it to Mr. Gochnour to resubmit after adding that the remainder of case stays in front of Judge Denton.

Court noted there are a number of summary judgment motions brought by lien claimants for perfection and amounts that it is her understanding Judge Delaney will be issuing orders granting: Custom Select Billings, Hydropressure Cleaning, Zitting Brothers, Insulpro Projects, CellCrete Fireproofing, Tri-City Drywall, Selectbuild Nevada, Las Vegas Paving, and Ferguson Fire and Fabrication. Mr. Shapiro asked if it is Las Vegas Pipeline instead of Las Vegas Paving. Mr. Gochnour noted Las Vegas Paving is not in this case. Court noted her list indicates Las Vegas Paving, but it probably should be Las Vegas Pipeline.

Court noted there are other outstanding motions regarding rank among lien claimants that may be re-filed in this department. COURT ORDERED, new 16.1 conference set. Deadlines will be coordinated then. Mr. Kessler asked if counsel is required to appear. Court noted it would be a good idea.

12/1/11 9:30 AM MANDATORY RULE 16 CONFERENCE

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court**COURT MINUTES****December 01, 2011**

08A571228 Apco Construction, Plaintiff(s)
 vs.
 Gemstone Development West Inc, Defendant(s)

**December 01, 2011 9:30 AM Mandatory Rule 16
 Conference**

HEARD BY: Scann, Susan**COURTROOM:** Phoenix Building Courtroom -
11th Floor**COURT CLERK:** Larry Snyder**RECORDER:** Angie Calvillo**REPORTER:****PARTIES**

PRESENT:	Berman, Brian Keith	Attorney
	Cawley, Reuben	Attorney
	Dachelet, David W	Attorney
	Dobberstein, Eric	Attorney
	Dreitzer, Richard I	Attorney
	Ferrario, Mark E., ESQ	Attorney
	Gochmour, Wade B.	Attorney
		Attorney
	Haze, Airene	Attorney
	Kessler, Andrew J., ESQ	Attorney
	Maskas, Marisa	Attorney
	Meier, Glenn F	Attorney
	Morris, Steven L.	Attorney
		Attorney
	Sechrist, Jared M.	Attorney
	Shapiro, James E.	Attorney
	Williams, Donald H	Attorney
		Attorney
	Wittig, Donna	Attorney

JOURNAL ENTRIES

- Attorney David Merrill, Bar No 6060, present for Alexander Edelstein.

Attorney Bradley Slighting, Bar No. 10225, appearing for United Subcontractors Inc.

Attorney Jon Carlston, Bar No. 10869, appearing for Cell Crete Fireproofing Of NV Inc.

Attorney Robert Domico, Bar No. 6272, present for Selectbuild Nevada Inc..

Attorney Michael Ernst, Bar No. 11957, present for Counter Defendant.

Colloquy regarding current case status including the previous Case Management Order of 1/28/10, the Stay that should be lifted, and Summary Judgments which are still Under Submission. COURT ORDERED, you now have a Priority Decision, and the STAY is hereby LIFTED. Attorney Dachelet explained that Summary Judgment has been Granted to some parties, and they should be allowed to limit future expenses, and only deal with the issue that was not resolved, the priorities amongst the Lien Claimants themselves. Discussion regarding Discovery, current condition of the property, possible sale of the property with the preference of a marketable sale. Attorney Ferrario suggested that what is needed is to figure out an orderly way for the Lien Claimants to prove their case, and set up a Discovery Schedule.

COURT FURTHER ORDERED, Statement Claims by anyone making a Counterclaim against the lender, that has not already filed in some form, has until 1/13/12 to do so, and the deadline for any responses is 2/17/12. Court and Counsel determined new Case Management dates. COURT ADDITIONALLY ORDERED, matter SET for Trial.

COURT ORDERED, a Status Check SET, only the parties that have Summary Judgments Under Submission need to attend. Lien Claimants may also submit a proposed Order. Attorney Gochnour to prepare the new Case Management Order.

1/11/12 10:00 AM STATUS CHECK: PARTIES WITH SUMMARY JUDGMENTS UNDER SUBMISSION

4/3/12 10:30 AM CALENDAR CALL

4/8/12 10:30 AM BENCH TRIAL

January 11, 2012

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

January 25, 2012

08A571228 Apco Construction, Plaintiff(s)
vs.
Gemstone Development West Inc, Defendant(s)

January 25, 2012 9:00 AM All Pending Motions

HEARD BY: Scann, Susan

COURTROOM: Phoenix Building Courtroom -
11th Floor

COURT CLERK: Larry Snyder

RECORDER: Angie Calvillo

REPORTER:

PARTIES

PRESENT:	Berman, Brian Keith	Attorney
	Carter, Matthew S.	Attorney
	Cawley, Reuben	Attorney
	Dachelet, David W	Attorney
	Dobberstein, Eric	Attorney
	Ferrario, Mark E., ESQ	Attorney
	Gochmour, Wade B.	Attorney
		Attorney
	Maskas, Marisa	Attorney
	Meier, Glenn F	Attorney
	Shapiro, James E.	Attorney
	Truman, T. James	Attorney
		Attorney
	Walters, Brian K.	Attorney

JOURNAL ENTRIES

- DEFENDANT'S MOTION FOR RECONSIDERATION OF FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER GRANTING APCO CONSTRUCTION'S MOTION FOR SUMMARY JUDGMENT ON PRIORITY; AND DENYING SCOTT FINANCIAL CORPORATION'S MOTION FOR PRIORITY OR IN THE ALTERNATIVE MOTION FOR A RE-HEARING...BRAD J. SCOT'S

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JOINDER TO SCOTT FINANCIAL CORPORATION'S MOTION FOR RECONSIDERATION OR IN
THE ALTERNATIVE, MOTION FOR RE-HEARING

Attorney James Shapiro participated telephonically.

Attorney Rachel Donn, Bar No. 10568, appearing for the Defendant.

Attorney Michael Ernst, Bar No. 11957, present for Counter Defendant Steel Structures Inc.

Attorney Adam Graff, Bar No. 11806, present for Counter Defendant Cellcrete Fireproofing of Nevada Inc.

Attorney Morgan Shah, Bar No. 12490, present for Defendant Alexander Edelstein.

Attorney Rachel Bickle-Stone, Bar No. 11057, present for Wiss Janney Elstner Associates Inc.

Attorney Jennifer Hostetler, Bar No. 11994, appearing for Bank of Oklahoma.

Attorney Bradley Slighting, Bar No. 10225, present for United Subcontractors Inc.

Court read the "standard" for Reconsideration in Open Court. Statements by Attorney Meier in support of the relief requested, advising the Court could just start over. Statements by Attorney Carter in support of his Joinder to Defendant's Motion. Opposition by Attorney Gochnour and Attorney Berman. Attorney Meier cited NRS 54(b) which gives the Court discretion to start over. Further statements by Attorney Ferrario. Court FINDS, it will review NRS 54(b), and will issue a written Decision. COURT ORDERED, matter taken UNDER ADVISEMENT. COURT FURTHER ORDERED, matter SET for a Hearing regarding the Court's Decision, Counsel not to be present.

2/1/12 9:00 AM HEARING: DECISION

UNDER ADVISEMENT

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

February 01, 2012

08A571228 Apco Construction, Plaintiff(s)
vs.
Gemstone Development West Inc, Defendant(s)

February 01, 2012 9:00 AM Hearing

HEARD BY: Scann, Susan

COURTROOM: Phoenix Building Courtroom -
11th Floor

COURT CLERK: Larry Snyder

RECORDER: Angie Calvillo

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- No parties present.

COURT ORDERED, Motion To Reconsider is GRANTED pursuant to NRCP 54(b). COURT FURTHER ORDERED, the moving parties to combine and submit one package to the Court of any briefs that have been filed on behalf of the moving parties plus a summary of the Joinders, due by 2/15/12; Any parties opposing, to submit a combined brief by 2/29/12; a combined Reply is due 3/7/12. COURT ADDITIONALLY ORDERED, matter is SET for a Hearing on 3/14/12 for Argument. The Court is not directing anyone to file new points and authorities, just to organize what has been filed, to be provided as courtesy copies. Supplements may be filed by the dates set herein.

3/14/12 10:00 AM HEARING: ARGUMENT / MOTION FOR SUMMARY JUDGMENT

**DISTRICT COURT
CLARK COUNTY, NEVADA****Business Court****COURT MINUTES****February 15, 2012**

08A571228 Apco Construction, Plaintiff(s)
 vs.
 Gemstone Development West Inc, Defendant(s)

February 15, 2012 10:00 AM Status Check

HEARD BY: Scann, Susan

COURTROOM: Phoenix Building Courtroom -
11th Floor

COURT CLERK: Larry Snyder
Nancy Tibbetts

RECORDER: Angie Calvillo

REPORTER:

PARTIES

PRESENT: Gochnour, Wade B. Attorney
 Attorney
 Shapiro, James E. Attorney

JOURNAL ENTRIES

- Mr. Bradley Slighting Esq., Bar No. 10225, also present.

COURT NOTED, case is under submission and no progress to report. Court SUGGESTED, matter be reheard in this Court. Mr. Gochnour concurred that it would make the most sense for matter to heard in this Court. Colloquy regarding what Court needed for a rehearing. Mr. Gochnour requested clarification on new briefing. Court answered briefing would be held to what has already been filed.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

March 07, 2012

08A571228 Apco Construction, Plaintiff(s)
vs.
Gemstone Development West Inc, Defendant(s)

March 07, 2012 9:00 AM All Pending Motions

HEARD BY: Scann, Susan

COURTROOM: Phoenix Building Courtroom -
11th Floor

COURT CLERK: Larry Snyder

RECORDER: Angie Calvillo

REPORTER:

PARTIES

PRESENT:	Cawley, Reuben	Attorney
	Dobberstein, Eric	Attorney
		Attorney
	Ferrario, Mark E., ESQ	Attorney
	Gochmour, Wade B.	Attorney
		Attorney
	Meier, Glenn F	Attorney
	Morris, Steven L.	Attorney
		Attorney

JOURNAL ENTRIES

- DEFENDANT ALEXANDER EDELSTEIN'S MOTION TO DISMISS...APCO'S OBJECTION TO AND MOTION TO STRIKE SCOTT FINANCIAL CORPORATION'S SUPPLEMENT TO MOTION FOR SUMMARY JUDGMENT AS TO PRIORITY OF LIENS, FILED FEBRUARY 15, 2012...GRANITE CONSTRUCTION COMPANY'S JOINDER TO APCO'S OBJECTION TO AND MOTION TO STRIKE SCOTT FINANCIAL CORPORATION'S SUPPLEMENT TO MOTION FOR SUMMARY JUDGMENT AS TO PRIORITY OF LIENS, FILED FEBRUARY 15, 2012, AND REQUEST FOR ORDER SHORTENING TIME...JOINDER TO APCO'S OBJECTION TO AND MOTION TO STRIKE SCOTT FINANCIAL CORPORATION'S SUPPLEMENT TO MOTION FOR SUMMARY JUDGMENT AS TO PRIORITY OF LIENS, FILED FEBRUARY 15, 2012, AND REQUEST FOR ORDER SHORTENING

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TIME

Attorney Bradley Slighting, Bar No. 10225, also present for United Subcontractors Inc.

Attorney David Merrill, Bar No. 6060, and Attorney Morgan Shah, Bar No. 12490, present for Defendant Alexander Edelstein.

COURT ORDERED, Defendant Alexander Edelstein's Motion To Dismiss is GRANTED WITHOUT PREJUDICE. Attorney Morris noted for the record he did file a Limited Opposition. Statements by Attorney Meier in support of the Supplement To Motion For Summary Judgment As To Priority Of Liens, Filed 2/15/12. Argument by Attorney Gochmour in opposition to the Supplement, and in support of his Motion To Strike. Attorney Gochmour stated the Defendant is now trying to put in an Affidavit that should have been done in 2010, and advised that this is not a time to be adding new facts.

COURT FURTHER ORDERED, APCO's Objection To And Motion To Strike Scott Financial Corporation's Supplement To Motion For Summary Judgment As To Priority Of Liens, filed February 15, 2012 is DENIED, along with the Joinders thereto. COURT ADDITIONALLY ORDERED, it will allow additionally briefing before the Hearing on the Motion For Summary Judgment. Additional briefs to be filed by 3/15/12, and any Reply due by 3/19/12. COURT ORDERED, matters currently set for 3/13/12 are CONTINUED until 3/21/12.

3/21/12 10:00 AM HEARING: ARGUMENT - MOTION FOR SUMMARY JUDGMENT...
STEEL STRUCTURES, INC.'S MOTION FOR PARTIAL SUMMARY JUDGMENT...
NEVADA PREFAB ENGINEERS, INC.'S MOTION FOR PARTIAL SUMMARY JUDGMENT

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

March 21, 2012

08A571228 Apco Construction, Plaintiff(s)
vs.
Gemstone Development West Inc, Defendant(s)

March 21, 2012 10:00 AM All Pending Motions

HEARD BY: Scann, Susan

COURTROOM: Phoenix Building Courtroom -
11th Floor

COURT CLERK: Larry Snyder

RECORDER: Angie Calvillo

REPORTER:

PARTIES

PRESENT:	Berman, Brian Keith	Attorney
	Carter, Matthew S.	Attorney
	Cawley, Reuben	Attorney
	Dobberstein, Eric	Attorney
		Attorney
	Ferrario, Mark E., ESQ	Attorney
	Gochmour, Wade B.	Attorney
		Attorney
	Jones, Jon Randall	Attorney
	Kessler, Andrew J., ESQ	Attorney
	Little, Martin A.	Attorney
	Maskas, Marisa	Attorney
	Meier, Glenn F	Attorney
	Pintar, Becky	Attorney
	Sechrist, Jared M.	Attorney
	Shapiro, James E.	Attorney
	Walters, Brian K.	Attorney
	Williams, Donald H	Attorney
		Attorney

JOURNAL ENTRIES

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- NEVADA PREFAB ENGINEERS, INC.'S MOTION FOR PARTIAL SUMMARY JUDGMENT...
STEEL STRUCTURES, INC.'S MOTION FOR PARTIAL SUMMARY JUDGMENT... HEARING:
ARGUMENT - MOTION FOR SUMMARY JUDGMENT

Attorney Bradley Slighting, Bar No. 10225, also present for United Subcontractors Inc.

Attorney Morgan Shah, Bar No. 12490, present for Defendant Alexander Edelstein.

Attorney Dana Kim, Bar No. 8826, appearing for National Wood Products, and participating telephonically.

Attorney Andrew Kessler also participated telephonically.

Attorney Rachel Donn, Bar No. 10568, also appearing for the Defendant.

Attorney Jennifer Hostetler, Bar No. 11994, present for the Bank of Oklahoma.

Attorney Jay Shafer, Bar No. 9184, present for Cell-Crete Fireproofing of Nevada Inc.

Attorney Anthony Ager, Bar No. 7969, appearing for Atlas Construction Supply Inc.

Attorney Ronald Thompson, Bar No. 5524, appearing for Tru Lite Illumination.

There being no opposition, COURT ORDERED, Nevada Prefab Engineers, Inc.'s Motion For Partial Summary Judgment is GRANTED. COURT FURTHER ORDERED, Steel Structures, Inc.'s Motion For Partial Summary Judgment is GRANTED.

Statements by Attorney Meier giving a history of the case, citing "Bratcher," noting nothing in the agreement was intended to benefit the lien claimants. Attorney Gochnour supplied the Court with a demonstrative document/time-line showing recording dates. Attorney Gochnour argued that there is no ambiguity in the Subordination Agreement, and stating the Defendants are trying to find a way around the Nevada Mechanic Lien Law. Attorney Carter advised the Notes were restructuring not refinancing. Statements by Attorney Berman citing NRS Chapter 108. Further argument by Counsel.

COURT FURTHER ORDERED, matter taken UNDER ADVISEMENT. COURT ADDITIONALLY ORDERED, matter SET for Decision.

4/4/12 11:00 AM DECISION

March 22, 2012

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

April 04, 2012

08A571228 Apco Construction, Plaintiff(s)
vs.
Gemstone Development West Inc, Defendant(s)

April 04, 2012 11:00 AM Decision

HEARD BY: Scann, Susan

COURTROOM: Phoenix Building Courtroom -
11th Floor

COURT CLERK: Larry Snyder

RECORDER: Angie Calvillo

REPORTER:

PARTIES

PRESENT:	Dobberstein, Eric	Attorney
		Attorney
	Gebhart, Michael T.	Attorney
	Gochmour, Wade B.	Attorney
		Attorney
	Kessler, Andrew J., ESQ	Attorney
	Meier, Glenn F	Attorney
	Sechrist, Jared M.	Attorney
	Shapiro, James E.	Attorney

JOURNAL ENTRIES

- Attorney Morgan Shah, Bar No. 12490, present for Defendant Alexander Edelstein.

Attorney Dana Y Kim, Bar No. 8826, appearing for National Wood Products. .

Attorney Jay Shafer, Bar No. 9148, present for Cellcrete Fireproofing of Nevada.

Attorney Robert Spear, Bar No. 8672, appearing for multiple Counter Defendants.

Attorney Dobberstein, Attorney Shapiro, Attorney Kim, and Attorney Kessler participated

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telephonically per CourtCall.

DECISION

As threshold, there are no genuine issues of material fact.

Facts:

1. Original Senior, Junior and Third Trust Deeds were recorded before any work began on the property on 7/5/06.
2. Work commenced 4/07.
3. Junior Trust Deed and Third Trust Deed amended 5/22/07 & 10/24/07.
4. Senior and Jr. Trust Deeds amended and renamed Mezzanine Trust Deeds 2/7/08.
5. Participation agreement provided the new money, not a new loan, always same lender, Scott Financial Corporation (SFC).
6. Subordination agreement signed to accommodate \$110 million construction funding.
7. Original Trust Deeds never released or reconveyed.

In all amendments to the Trust Deeds, the effectiveness of the original Trust Deeds was affirmed.

All notes and Trust Deeds were amended, not replaced.

The Subordination agreement is made only by the one and only lender, SFC and references only the borrower, Gemstone Development. There is no mention of the lien claimants or any other entity; they are not parties to it. The express purpose of the Subordination Agreement is to place the \$110 million Trust Deeds above the Mezzanine Trust Deeds in priority. The in all respects language in paragraph 1, page 2 modifies and references the \$110 million Trust Deeds in reference to the Mezzanine Trust Deeds, nothing else. The sub agreement pays the \$110 million note before anything on the Mezzanine notes.

Reasons:

Per NRS 108.225, priority of liens gives priority to mechanic's liens behind those recorded before commencement of construction. \$38 mil in TDs was so recorded-first.

The fact that SFC obtained title insurance is not significant, this is a normal part of transaction.

Construing the subordination agreement on its own terms reveals no intent to do anything other than prefer the \$110 million Trust Deeds to the Mezzanine Trust Deed, original, Trust Deeds for payment. That intent would be contradicted by placing mechanic's liens in higher priority than the Construction Trust Deed. No intent to benefit a third party is expressed. The Scott affidavit is not necessary to reach this conclusion, the language of the agreement and the fact that substantial

construction financing was being brought in leads to this conclusion.

The Court adopts the reasoning of Bratcher v. Buckner. The lien claimants' priority is unchanged by the sub. agreement. This is both logical and fair. They were behind \$38 million when started their work and still are. To interpret the agreement otherwise would be to provide them with a windfall. They are not parties to the subordination agreement. They received the benefit of the construction funding.

Amsouth relies on the definition of subordination, saying it does not contemplate raising a lien in priority. The Bratcher case more accurately describes the problem as a circuitry of liens in that, discussing A, B, and C in order of priority, subordinating A to C does not result in subordinating A to B. Rather, A and C have switched places in priority but only to the amount of A's lien. B is neither benefitted nor burdened by this result. This reasoning was adopted by neighboring AZ in 2002 in Price Waterhouse v. Decca. This appears to be the majority view.

COURT ORDERED, Scott Financial's Reconsidered Motion For Partial Summary Judgment as to Priority of Liens is GRANTED. COURT FURTHER ORDERED, accordingly, Scott Financial Corporation's \$110,000,000.00 is in first position in the amount of \$38,000,000.00 only, the mechanic's liens are in second position, the remainder of Scott Financial Corporation's \$110,000,000.00 Trust Deed is in third position, and the Mezzanine Deeds of Trust are in fourth position.

At the request of Counsel, COURT ADDITIONALLY ORDERED, a STAY is GRANTED pending a Writ Petition to the Supreme Court, no Bond is required. COURT ORDERED, matter SET for a Status Check.

5/9/12 10:00 AM STATUS CHECK: CURRENT CASE STATUS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court**COURT MINUTES****April 05, 2012**

08A571228	Apco Construction, Plaintiff(s) vs. Gemstone Development West Inc, Defendant(s)
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April 05, 2012	3:00 AM	Motion to Withdraw as Counsel
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HEARD BY: Scann, Susan**COURTROOM:** Phoenix Building Courtroom -
11th Floor**COURT CLERK:** Larry Snyder**RECORDER:** Angie Calvillo**REPORTER:****PARTIES****PRESENT:**

JOURNAL ENTRIES

- There being no opposition, COURT ORDERED, Motion To Withdraw As Attorney Of Record For Atlas Construction Supply, Inc. And Order Shortening Time is GRANTED, Attorney Anthony Ager, Bar No. 7969, to prepare the order within 10 days and distribute a filed copy to all parties involved in this matter. The order must include last known addresses and all future scheduled court dates.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

May 09, 2012

08A571228 Apco Construction, Plaintiff(s)
vs.
Gemstone Development West Inc, Defendant(s)

May 09, 2012	10:00 AM	Status Check: Status of Case
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HEARD BY: Scann, Susan

COURTROOM: Phoenix Building Courtroom -
11th Floor

COURT CLERK: Larry Snyder

RECORDER: Angie Calvillo

REPORTER:

PARTIES

PRESENT:	Berman, Brian Keith	Attorney
	Carter, Matthew S.	Attorney
	Cawley, Reuben	Attorney
	Dobberstein, Eric	Attorney
		Attorney
	Gochmour, Wade B.	Attorney
		Attorney
	Maskas, Marisa	Attorney
	Meier, Glenn F	Attorney
	Morris, Steven L.	Attorney
		Attorney
	Reade, Robert C.	Attorney
	Shapiro, James E.	Attorney
	Walters, Brian K.	Attorney

JOURNAL ENTRIES

- Attorney Bradley Slighting, Bar No. 10225, also present for United Subcontractors Inc..

Attorney Dana Kim, Bar No. 8826, appearing for National Wood Products, and participating

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telephonically.

Attorney Rachel Donn, Bar No. 10568, also appearing for the Defendant.

Attorney David Merrill, Bar No. 6060, present for Intervenor Alex Edelstein.

Attorney Dobberstein participated telephonically through CourtCall.

Upon the Court's inquiry, Attorney Gouchnour advised everything is on track proceeding to Trial. Colloquy regarding pending Writ regarding the Decision of Priority Liens before the Supreme Court. COURT ORDERED, matter CONTINUED until 11/7/12, unless the Supreme Court comes back sooner, and Counsel wants to set something on Calendar.

11/7/12 9:00 AM STATUS CHECK: STATUS OF CASE

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

June 06, 2012

08A571228 Apco Construction, Plaintiff(s)
vs.
Gemstone Development West Inc, Defendant(s)

June 06, 2012 9:00 AM Motion

HEARD BY: Scann, Susan

COURTROOM: Phoenix Building Courtroom -
11th Floor

COURT CLERK: Carol Foley

RECORDER: Angie Calvillo

REPORTER:

PARTIES

PRESENT:	Domina, Cary	Attorney
	Ferrario, Mark E., ESQ	Attorney
	Gochmour, Wade B.	Attorney
		Attorney
	Jones, Jon Randall	Attorney
	Jones, Mark Merrill	Attorney
	Maskas, Marisa	Attorney
	Meier, Glenn F	Attorney
	Peel, Richard L.	Attorney
	Scott, Bradley J	Defendant
	Zimbelman, Eric B.	Attorney

JOURNAL ENTRIES

- Counsel also present: Brian Berman for Ready Mix, Inc., and David Merrill for Alexander Edelstein.
Counsel on speakerphone: Eric Dobberstein for Insulpro Projects, Inc.

Counsel specially appearing today: David Carroll present for WGH Acquisitions, Jeff Steffan for Bond Rok, and Daniel Polsenberg for writ issues of various lien claimants represented by Peel Brimley.

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Mr. Zimbelman noted his concern regarding prejudice of hearing matter on shortened time. Argument by Mr. Jones regarding urgency. Arguments by counsel. Court noted it agrees more information and authority and an evidentiary hearing is necessary. Discussion regarding available dates. Counsel agreed on 7/2 and the afternoon of 7/3 if necessary. Mr. Gochnour requested two two-hour depositions. Court granted the request.

7/2/12 9:30 AM EVIDENTIARY HEARING: SCOTT DEFENDANTS' MOTION TO LIFT STAY, ALLOW SALE TO PROCEED WITH DEPOSIT OF FUNDS PENDING FURTHER COURT ORDER, AND FOR POSTING OF BOND

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

July 02, 2012

08A571228 Apco Construction, Plaintiff(s)
vs.
Gemstone Development West Inc, Defendant(s)

July 02, 2012 9:30 AM Evidentiary Hearing

HEARD BY: Scann, Susan

COURTROOM: Phoenix Building Courtroom -
11th Floor

COURT CLERK: Larry Snyder

RECORDER: Angie Calvillo

REPORTER:

PARTIES

PRESENT:	Berman, Brian Keith	Attorney
	Carter, Matthew S.	Attorney
	Cawley, Reuben	Attorney
	Ferrario, Mark E., ESQ	Attorney
	Gebhart, Michael T.	Attorney
	Gochmour, Wade B.	Attorney
		Attorney
	Jones, Jon Randall	Attorney
	Kessler, Andrew J., ESQ	Attorney
	Meier, Glenn F	Attorney
	Peel, Richard L.	Attorney
	Scott, Bradley J	Defendant

JOURNAL ENTRIES

- Attorney Andrew Kessler participated telephonically through CourtCall.

Attorney Michael Ernst, Bar No. 11957, appearing for Nevada Prefab Engineers.

Attorney David Carroll, Bar No. 7643, present for WGH Acquisitions.

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Attorney Rebecca Mastrangelo, Bar No. 5417, appearing for Grubb & Ellis Co.

Court convened for the scheduled Evidentiary Hearing. Opening arguments by Counsel. Testimony and exhibits presented (see worksheets). Due to time restraints, COURT ORDERED, matter CONTINUED.

7/3/12 1:00 PM EVIDENTIARY HEARING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

July 09, 2012

08A571228 Apco Construction, Plaintiff(s)
vs.
Gemstone Development West Inc, Defendant(s)

July 09, 2012 9:30 AM Evidentiary Hearing

HEARD BY: Scann, Susan

COURTROOM: Phoenix Building Courtroom -
11th Floor

COURT CLERK: Larry Snyder

RECORDER: Angie Calvillo

REPORTER:

PARTIES

PRESENT:	Berman, Brian Keith	Attorney
	Carter, Matthew S.	Attorney
	Cawley, Reuben	Attorney
	Ferrario, Mark E., ESQ	Attorney
	Gochmour, Wade B.	Attorney
		Attorney
	Jones, Jon Randall	Attorney
	Meier, Glenn F	Attorney
	Williams, Donald H	Attorney
		Attorney
	Zimbelman, Eric B.	Attorney

JOURNAL ENTRIES

- Attorney David Carroll, Bar No. 7643, present for WGH Acquisitions.

Attorney Jeffrey Steffen, Bar No. 9912, also present.

Court convened for the continuation of the Evidentiary Hearing. Testimony and exhibits presented (see worksheets). COURT ORDERED, matter CONTINUED for Closing Arguments.

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08A571228

7/10/12 2:00 PM EVIDENTIARY HEARING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

July 10, 2012

08A571228 Apco Construction, Plaintiff(s)
vs.
Gemstone Development West Inc, Defendant(s)

July 10, 2012 2:00 PM Evidentiary Hearing

HEARD BY: Scann, Susan

COURTROOM: Phoenix Building Courtroom -
11th Floor

COURT CLERK: Larry Snyder

RECORDER: Angie Calvillo

REPORTER:

PARTIES

PRESENT:	Berman, Brian Keith	Attorney
	Ferrario, Mark E., ESQ	Attorney
	Gochmour, Wade B.	Attorney
		Attorney
	Meier, Glenn F	Attorney
	Peel, Richard L.	Attorney
	Zimbelman, Eric B.	Attorney

JOURNAL ENTRIES

- Attorney David Carroll, Bar No. 7643, present for WGH Acquisitions.

Attorney Rebecca Mastrangelo, Bar No. 5417, appearing for Grubb & Ellis Co.

Attorney Jeffrey Steffen, Bar No. 9912, present for Bond Rok.

Following closing arguments by Counsel, COURT ORDERED, the following:

An Order To Show Cause Hearing shall ISSUE, to have the lien claimants appear. Pursuant to NRS 108.239, a schedule shall be SET on how to proceed, and hear all claims in a summary way. Attorney Gochnour has agreed to prepare the Order, with a Court date of 7/18/12, and the time will be

determined later. Counsel, parties, and principles are to be present. COURT FURTHER ORDERED, any party not appearing for the Hearing, shall be deemed consenting to a sale.

Court needs the information from Counsel regarding what the lender's Deed of Trust says as to the appointment of a Receiver, and the selling of the property pursuant to the Deed of Trust. Attorney Meier to submit the information to Chambers. Court is contemplating entering an Order of Sale.

COURT ADDITIONALLY ORDERED, Motion To Sale is DENIED WITHOUT PREJUDICE at this point. Court FINDS, there is waste on this property. Attorney Peel, on behalf of his clients, may submit in camera their proposal regarding the sale.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

July 18, 2012

08A571228 Apco Construction, Plaintiff(s)
vs.
Gemstone Development West Inc, Defendant(s)

July 18, 2012 2:00 PM Show Cause Hearing

HEARD BY: Scann, Susan

COURTROOM: Phoenix Building Courtroom -
11th Floor

COURT CLERK: Phyllis Irby

RECORDER: Angie Calvillo

REPORTER:

PARTIES

PRESENT:	Berman, Brian Keith	Attorney
	Dobberstein, Eric	Attorney
		Attorney
	Dreitzer, Richard I	Attorney
	Ferrario, Mark E., ESQ	Attorney
	Gochmour, Wade B.	Attorney
		Attorney
	Hayes, Garry L.	Attorney
	Haze, Airene	Attorney
	Jones, Jon Randall	Attorney
	Kessler, Andrew J., ESQ	Attorney
	Little, Martin A.	Attorney
	Maskas, Marisa	Attorney
	Meier, Glenn F	Attorney
	Morris, Steven L.	Attorney
		Attorney
	Peel, Richard L.	Attorney
	Reade, Robert C.	Attorney
	Shapiro, James E.	Attorney
	Truman, T. James	Attorney
		Attorney

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Varricchio, Philip Thomas	Attorney
Walters, Brian K.	Attorney
Williams, Donald H	Attorney
	Attorney

JOURNAL ENTRIES

- Attorney Mr. Andrew J. Kessler bar No. 10640 participated by Court Call.

COURT NOTED, last week at the evidentiary hearing the Court determined the property which is incomplete is suffering waste, the longer the time that goes on because its a incomplete property the worse it will get. Mr. Jones brought the motion because he had a buyer for the property that was willing to pay \$18,000,050.00 and we had testimony from another interested party he was willing to pay \$21,000,000.00 Various arguments have been made if its possible to sell the property until a judgment has been made in the case. Court stated if the property is sold all the liens the claims will attach to the property, there is a appeal before the Supreme Court to determine who has priority in this case, the lien claimants or the lenders. Pending the determination by the Supreme Court, the proceeds from the sale of the property will be distributed to the successful party. In the meantime to have the property sit there subject to weather, vandalism its accumulating property taxes there is over \$1 Million in unpaid property taxes, the lenders have determine that since this case has been going on now for 4 years, they don't want to spend the money anymore to preserve the property; the property is now in offense condition. The property taxes isn't being paid, the insurance isn't being paid the collateral will not improve in a physical sense. In terms of fair market value, the appraiser testified the property is worth less than the amount of \$16,000,000.00 conclusion of the appraiser was he indicated this property will not improve in value, therefore, COURT ORDERED, SALE OF THE PROPERTY. rather to allow the determination to continue its better to sell the property now.

Mr. Berman stated there are reasons his clients are opposed to the sale, there are some lien claimants that are ready to take over this project. We would condition the approval of the sale, that is to be sent to a mandatory settlement conference. Mr. Berman suggested Senior Judge Stewart Bell for the settlement conference proceedings.

Mr. Meier stated they would be willing to participate in a settlement conference, that in order to have people ready to participate he will need 60 days.

Mr. Jones stated his client (Mr. Scott) is in favor of a settlement conference with the condition of an order from the Court it is going to sell this property in the near future. Mr. Ferrario stated he would agree to the sale of the property with the sale that was offered in court prior to this hearing taking place quickly, there is a buyer confirmed at \$21,500,000.00, we would also agree in the settlement conference and agree to Judge Bell presiding over the settlement conference. Further, Mr. Ferrario stated the process that was outlined in Mr. Jones motion is we would create the fund of \$21,500,000.00 and the liens would transfer to that fund.

Mr. Peel stated Apco's opposition to the sale going forward, the Court requested us to present a in-

camera review a proposal to the Court. Mr. Peel submitted in open court a copy of the proposal to the court. Mr. Peel advised his clients object to the sale of the property going forward the concerns are the process and the Court needs to follow the laws that exist in the mechanic's lien statute, we will agree to the sale subject to what is in the proposal.

Mr. Jones stated he is entitled to a copy of the proposal. Further, he understands the concerns of Mr. Peel to not publish the letter but, we need a copy and will keep it strictly confidential and not publish it to another party.

MATTER TRAILED.

MATTER RECALLED.

Mr. Peel stated he has had time to speak with his lien claimants and they are in the same position as stated in the proposal.

Mr. Gochnour stated we do not believe the Court has the authority to proceed with the sale of the property but will propose a settlement to allow a sale to go forward.

Mr. Peel stated what he presented to the Court was a confidential settlement proposal.

Mr. Kessler stated he also agrees with the terms of the proposal from the lien claimants.

Mr. Peel requested to have a Protective Order in place. COURT SO ORDERED. Mr. Peel to prepare Order.

FURTHER ORDERED, SETTLEMENT CONFERENCE. Parties to contact Judge Bell to start the process.

COURT ORDERED, STAY LIFTED, MATTER SET FOR HEARING.

7-26-12 2:00 PM HEARING: SALE OF PROPERTY (DEPT. XXIX)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

July 31, 2012

08A571228 Apco Construction, Plaintiff(s)
vs.
Gemstone Development West Inc, Defendant(s)

July 31, 2012 2:00 PM Hearing

HEARD BY: Scann, Susan

COURTROOM: Phoenix Building Courtroom -
11th Floor

COURT CLERK: Larry Snyder

RECORDER: Angie Calvillo

REPORTER:

PARTIES

PRESENT:	Berman, Brian Keith	Attorney
	Carter, Matthew S.	Attorney
	Cawley, Reuben	Attorney
	Ferrario, Mark E., ESQ	Attorney
	Gebhart, Michael T.	Attorney
	Gochmour, Wade B.	Attorney
		Attorney
	Haze, Airene	Attorney
	Jones, Jon Randall	Attorney
	Kessler, Andrew J., ESQ	Attorney
	Meier, Glenn F	Attorney
	Peel, Richard L.	Attorney
	Reade, Robert C.	Attorney
	Sechrist, Jared M.	Attorney

JOURNAL ENTRIES

- Attorney John Langeveld, Bar No. 11628, appearing for Accuracy Glass & Mirror Company Inc.

Attorney Michael Ernst, Bar No. 11957, present for Nevada Prefab Engineers Inc.

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Attorney Moorea Katz, Bar No. 12007, also present for Counter Claimant Tharaldson.

Attorney Bradley Slighting, Bar No. 10225, appearing for United Subcontractors Inc.

Attorney David Carroll, Bar No. 7643, present for WGH Acquisitions.

Attorney Andrew Kessler participated through CourtCall.

Attorney Jones provided the Court with an update, noting the parties have been working hard to get the matter resolved, advising principle parties met as late as last night. Attorney Ferrario stated he got a Bankruptcy Order and re-tooled it, has prepared a Sale Order, and it has been distributed for signatures. Attorney Gephart reiterated his ongoing objection, questioning the Court's authority to order a sale, and citing NRS 108. Attorney Peel concurred that the parties have been working together to get the matter resolved. Attorney Ferrario stated that within a week he will submit a Sale Agreement Order. Counsel questioned if forty-five days is the current status of the Court's Order. Court NOTED, it is inclined to keep the forty-five days, and if the time was extended, it would not be for ninety days, maybe just another fifteen. COURT ORDERED, parties to attend the Settlement Conference arranged by Attorney Gochnour. COURT FURTHER ORDERED, matter SET for a Status Check. COURT ADDITIONALLY ORDERED, any drafts of proposed orders to be presented before the Status Check.

8/10/12 3:00 PM STATUS CHECK: STATUS OF CASE

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

August 16, 2012

08A571228 Apco Construction, Plaintiff(s)
vs.
Gemstone Development West Inc, Defendant(s)

August 16, 2012 3:00 PM Status Check: Status of Case

HEARD BY: Scann, Susan

COURTROOM: Phoenix Building Courtroom -
11th Floor

COURT CLERK: Larry Snyder

RECORDER: Angie Calvillo

REPORTER:

PARTIES

PRESENT:	Cawley, Reuben	Attorney
	Ferrario, Mark E., ESQ	Attorney
	Jones, Jon Randall	Attorney
	Kessler, Andrew J., ESQ	Attorney
	Meier, Glenn F	Attorney
	Morris, Steven L.	Attorney
		Attorney
	Peel, Richard L.	Attorney
	Rutar Mullins, Gwen	Attorney
		Attorney

JOURNAL ENTRIES

- Attorney John Langeveld, Bar No. 11628, appearing for Accuracy Glass & Mirror Company Inc.

Attorney Michael Ernst, Bar No. 11957, present for Nevada Prefab Engineers Inc.

Attorney Moorea Katz, Bar No. 12007, also present for Counter Claimant Tharaldson.

Attorney Bradley Slighting, Bar No. 10225, appearing for United Subcontractors Inc.

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Attorney David Carroll, Bar No. 7643, present for WGH Acquisitions.

Attorney Mark Hawkins, Bar No. 5490, present for Bond Rok Partners.

Attorney Andrew Kessler participated through CourtCall.

Colloquy regarding pending Mediation before Judge Bell scheduled for 9/4/12. Counsel concurred they are willing proceed with the Mediation. Court NOTED, it received competing Orders for the sale. Discussion regarding paragraph 1, page 2, lines 5 and 22. Attorney Peel requested the language, "even though a majority of the line claimants have objected to the Court's authority to sell the property in the manner contemplated herein," be allowed, and the COURT SO ORDERED. Further discussion regarding page 3 line 6. Attorney Peel requested to strike the words, "involving lien priority," and the COURT FURTHER ORDERED. Court NOTED, some confusion with the wording on page 6 lines 11 and 12. Attorney Ferrario advised he would clean up the language. Court further CLARIFIED, a typo on page 7 line 14, should now be Courtroom 12B. Attorney Jones stated that on page 5 lines 9 through 11, it will now indicate Attorney Mark Hawkins' name. Attorney Ferrario advised he will make the changes to the Order and submit. COURT ADDITIONALLY ORDERED, sale date SET, approximately 45 days from the signing of the Order.

7/9/12 1:30 PM HEARING: MANHATTAN WEST AUCTION SALE

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court**COURT MINUTES****August 21, 2012**

08A571228	Apco Construction, Plaintiff(s)
	vs.
	Gemstone Development West Inc, Defendant(s)

August 21, 2012 10:00 AM Telephonic Conference**HEARD BY:** Scann, Susan **COURTROOM:** Phoenix Building Courtroom -
11th Floor**COURT CLERK:** Larry Snyder**RECORDER:** Angie Calvillo**REPORTER:****PARTIES**

PRESENT:	Carter, Matthew S.	Attorney
	Cowden, Tami D., ESQ	Attorney
	Gochmour, Wade B.	Attorney
		Attorney
	Meier, Glenn F	Attorney
	Peel, Richard L.	Attorney
	Rutar Mullins, Gwen	Attorney
		Attorney

JOURNAL ENTRIES

- Attorney Moorea Katz, Bar No. 12007, also present for Counter Claimant Tharaldson.

Attorney Mark Hawkins, Bar No. 5490, present for Bond Rok Partners.

All parties participated telephonically. Court QUESTIONED, bidding requirements, page 5 of Exhibit 1 to the Order, sub part iv. Attorney Katz advised she believed that in the purchase agreement there would be a forfeiture clause of the deposit. Attorney Peel stated he would like to see it addressed in the Order, and the Court AGREED. Colloquy regarding the Listing Agreement and Purchasing Agreement. Attorney Katz stated she is working on the Purchase Agreement, and will be circulating it amongst the parties. Court NOTED, it wants to see the Purchase Agreement. Court

QUESTIONED, Attorney Peel, asking if the Lien Claimants would be willing to sell the property at 23.1 Million, and he concurred. Court SUGGESTED, that Bond Rok consider that before the Purchase Agreement is finalized. Further discussion regarding the upcoming Mediation on 9/4/12, and the possibility of people being on vacation. Counsel suggested that maybe at the initial Mediation Conference, clients/party representatives be allowed to participate telephonically, and the COURT SO ORDERED. COURT ADDITIONALLY ORDERED, Counsel to submit the revised Bidding Procedures and the Contract as well.

10/9/12 1:30 PM MANHATTAN WEST AUCTION SALE

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court**COURT MINUTES****September 26, 2012**

08A571228 Apco Construction, Plaintiff(s)
 vs.
 Gemstone Development West Inc, Defendant(s)

September 26, 2012 2:00 PM Telephonic Conference

HEARD BY: Scann, Susan**COURTROOM:** RJC Courtroom 12B**COURT CLERK:** Tiffany Lawrence**RECORDER:** Angie Calvillo**REPORTER:****PARTIES**

PRESENT:	Carter, Matthew S.	Attorney
	Gochmour, Wade B.	Attorney
		Attorney
	Katz, Morrea	Attorney
	Meier, Glenn F	Attorney
	Peel, Richard L.	Attorney
	Scott, Bradley J	Defendant

JOURNAL ENTRIES

- Court noted she received the Order but not the proposed Purchasing Agreement. Colloquy regarding inability to qualify Bond Rock. Mr. Peel stated desire of counsel to evaluate the possibility of sale of the property at an acceptable price; request to vacate the auction and set a hearing on an order to show cause to approve or disapprove the sale. Colloquy regarding present parties being in accord with the request. Upon inquiry of Mr. Scott, counsel stated reluctance to mention the potential buyer(s) and/or possible purchase price on the record. Upon request of counsel, COURT ORDERED, Auction VACATED and matter SET; Mr. Gochmour to prepare the Order to Show Cause ("OSC") including notice to all parties and language, similar to the last OSC, advising that failure to appear would be deemed as consent and agreement to the sale.

Colloquy regarding expected outcome of the hearing; court advised she couldn't provide a preliminary ruling without hearing the argument; however, if the parties are agreeable to the sale the

08A571228

Court would be inclined to grant the request.

10/09/12 1:30 PM - HEARING: ORDER TO SHOW CAUSE

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court**COURT MINUTES****October 09, 2012**

08A571228 Apco Construction, Plaintiff(s)
 vs.
 Gemstone Development West Inc, Defendant(s)

October 09, 2012 1:30 PM Hearing

HEARD BY: Scann, Susan **COURTROOM:** RJC Courtroom 12B

COURT CLERK: Larry Snyder

RECORDER: Angie Calvillo

REPORTER:

PARTIES

PRESENT:	Berman, Brian Keith	Attorney
	Carter, Matthew S.	Attorney
	Ferrario, Mark E., ESQ	Attorney
	Gochmour, Wade B.	Attorney
		Attorney
	Haze, Airene	Attorney
	Katz, Morrea	Attorney
	Kessler, Andrew J., ESQ	Attorney
	Maskas, Marisa	Attorney
	Meier, Glenn F	Attorney
	Morris, Steven L.	Attorney
		Attorney
	Peel, Richard L.	Attorney
	Reade, Robert C.	Attorney
	Scott, Bradley J	Counter Defendant
	Truman, T. James	Attorney
		Attorney
	Walters, Brian K.	Attorney
	Zimbelman, Eric B.	Attorney

JOURNAL ENTRIES

- Attorney Bradley Slighting, Bar No. 10225, appearing for United Subcontractors Inc.

Attorney David Carroll, Bar No. 7643, present for WGH Acquisitions.

Attorney Andrew Kessler participated through CourtCall.

Attorney Jorge Rameriz, Bar No. 6787, appearing for Zitting Brothers Construction.

Attorney John Langeveld, Bar No. 11628, appearing for Las Vegas Pipeline LLC.

James Barker, representative of Las Vegas Paving Corp., present.

Stan Johnson, representative of Steel Structures Inc., also present.

Barbara Mendoza, office manager of Cellcrete Fireproofing of Nevada Inc., present.

Upon the Court's inquiry, Attorney Peel stated there was a Conference Call a couple of weeks ago that talked about having today be an Order To Show Cause Hearing in lieu of an auction. Attorney Peel advised WGH Acquisitions has offered to purchase the property for 20 Million Dollars, and it is an offer we should seriously look at. Attorney Peel further noted an Order To Show Cause was prepared which indicated that any Lien Claimant or person of interest should appear today to object or approve the sale. Attorney Peel advised an Order was circulated, and an amendment has been proposed between Scott Financial and WGH Acquisitions. Attorney Carter explained that difficulties were encountered with qualifying Bond Roc, document request were never followed up by Bond Roc. Attorney Carter stated the deal with WGH is a rock solid offer, and just waiting for a Court Order regarding the sale. Attorney Peel stated the basic terms are set, but there are few provisions that still need to be cleared up, noting the PSA was made void by the Court's prior Order, and the document will need to be reinstated by a new Court Order; the Amendment asks that a representative of the Lien Claimants sign the Amendment, and that is not going to happen; there is still contingency wording; and Scott Financial is signing as the First Priority Deed Of Trust Holder.

Attorney Meier further advised that it is the consensus of Counsel at the front tables, that there is not a reasonable likelihood that an auction would lead to a better offer. Attorney Ferrario indicated that the next step is to get in touch with the Title Company, and find out what they are going to require from the Court. Attorney Ferrario further advised they need to get a Title Commitment. Court ASKED of the parties present, if there were any objections to the sale proceeding. Attorney Berman and Stan Johnson stated they did not stipulate to the sale procedure, but want to go forward with the sale, and would not appeal a Court Order.

Attorney Peel addressed the Lien Claimants and parties off the record, and explained what has transpired,.

LATER: Hearing resumed. Attorney Gochmour requested a continuance to conduct more due

diligence, and make some direct inquiries.

Court CLARIFIED, it is not a question of are we going to sell the property, it is just "when" we are going to sell the property.

Attorney Meier stated that during the week, the Title issues could be addressed. Court ADVISED, it sees no need to put in the signature block Scott Financial being the first party lender. Court INVITED, anyone who had an objection to return next week, and anyone who sent a lawyer to speak on their behalf, does not need to be present next week. Colloquy regarding continuing the Mediation scheduled for Thursday. Attorney Meier advised there is a tentative replacement date of 11/28/12, and he will get Notice out to everyone about the Mediation not going forward on Thursday.

COURT ORDERED, matter CONTINUED.

10/16/12 1:30 PM HEARING: SALE OF THE PROPERTY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

October 16, 2012

08A571228 Apco Construction, Plaintiff(s)
vs.
Gemstone Development West Inc, Defendant(s)

October 16, 2012 1:30 PM Hearing

HEARD BY: Scann, Susan

COURTROOM: Phoenix Building Courtroom -
11th Floor

COURT CLERK: Carol Foley

RECORDER: Angie Calvillo

REPORTER:

PARTIES

PRESENT:	Berman, Brian Keith	Attorney
	Carter, Matthew S.	Attorney
	Cawley, Reuben	Attorney
	Ferrario, Mark E., ESQ	Attorney
	Gochmour, Wade B.	Attorney
		Attorney
	Haze, Airene	Attorney
	Katz, Morrea	Attorney
	Meier, Glenn F	Attorney
	Peel, Richard L.	Attorney
	Reade, Robert C.	Attorney
	Zimbelman, Eric B.	Attorney

JOURNAL ENTRIES

- Counsel also present: Bradley Slighting for United Subcontractors Inc., and Charles Michalek for Grubb and Ellis. Counsel on speakerphone: Dana Kim for National Wood Products.

Mr. Meier advised since they were last here parties exchanged copies of an amendment to the previous purchase and sale agreement, comments have gone back and forth, and they believe document is in status all of the parties in litigation agreed to. Mr. Meier noted the purchaser has

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