

IN THE SUPREME COURT OF THE STATE OF NEVADA

Supreme Court Case No. 77320
Consolidated with 80508

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Elizabeth A. Brown
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HELIX ELECTRIC OF NEVADA, LLC,

Appellant,

v.

APCO CONSTRUCTION, INC., A NEVADA CORPORATION,

Respondent.

JOINT APPENDIX
VOLUME 86

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CHRONOLOGICAL APPENDIX OF EXHIBITS

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¹ Filed January 31, 2018

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	Trial Exhibit 116 - Ratification and Amendment of Subcontract Agreement between Buchele and Camco	JA002546- JA002550	44
	Trial Exhibit 117 - C to the Ratification	JA002551- JA002563	44
	Trial Exhibit 118 - Q&A from Gemstone to subcontracts	JA002564- JA002567	44
	Trial Exhibit 119 - Check No. 528388 payable to APCO (\$33,847.55) – Progress Payment No. 8.1 and 8.2	JA002568- JA002571	44
	Trial Exhibit 120 - Tri-City Drywall Pay Application No. 7 to APCO as submitted to Owner. Show percentage complete for Zitting	JA002572- JA002575	44/45
	Trial Exhibit 127 - Photo of Video (Construction Project)	JA002576- JA002577	45/46
	Trial Exhibit 128 - Photo of Video (Construction Project)	JA002578- JA002579	46
	Trial Exhibit 129 - Photo of Video (Construction Project)	JA002580- JA002581	46

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	Trial Exhibit 138 - Memo from Scott Financial to Nevada State Contractors Board Re: Explanation of Project Payment Process	JA002582- JA002591	46
	Trial Exhibit 152 -Terms & Conditions modified by APCO, Invoices and Check Payment	JA002592- JA002598	46
	National Wood Products Related Exhibits:		
	Trial Exhibit 160 - Documents provided for settlement	JA002599- JA002612	46
	CAMCO Related Exhibits:		
	Trial Exhibit 163 - Camco Pay Application No. 12 to Gemstone	JA002613- JA002651	46/47
	Trial Exhibit 165 - Letter from D. Parry to A. Edelstein re: Gemstone losing funding for project	JA002652- JA002653	47
	Trial Exhibit 166 - Letter from D. Parry to G. Hall re: withdrawal of funding	JA002654 JA002656	47
	Helix Related Exhibits:		47
	Trial Exhibit 169 - Helix Exhibit to Standard Subcontract Agreement with Camco	JA 002665 JA002676	47/48
	Trial Exhibit 170 - Subcontract Agreement between Helix and Camco (unsigned)	JA002677- JA002713	48
	Trial Exhibit 171 - Work Order No. 100	JA002714- JA002718	48
	Trial Exhibit 172 - Letter from J. Griffith to Victor Fuchs Re: Gemstone's intention to continue retention of Helix w/copy of Ratification and Amendment of Subcontract Agreement	JA002719- JA002730	48

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	Trial Exhibit 173 - Helix Pay Application No. 16713-012 to Camco with proof of payment	JA002731- JA002745	48
	Trial Exhibit 174 - Helix Change Order Request No. 28	JA002746- JA002747	48
	Trial Exhibit 175 - Change Notice No. 41	JA002748- JA002751	48
	Trial Exhibit 176 - Helix Pay Application No. 16713-013 to Camco	JA002752- JA002771	48/49
	Trial Exhibit 177 - Helix Pay Application No. 16713-014 to Camco	JA002772- JA002782	49
	Trial Exhibit 178 - Camco's letter to Helix rejecting Pay Application No. 16713-015 with attached copy of Pay Application	JA002783 JA002797	49
	National Wood/Cabinetec Related Exhibits:		
	Trial Exhibit 184 - Ratification and Amendment of Subcontract Agreement between CabineTec and Camco (fully executed copy)	JA002798- JA002825	49
	General Related Exhibits:		
	Trial Exhibit 218 - Camco/Owner Pay Application No. 11 w/Backup	JA002826- JA003028	50/51/52
	Trial Exhibit 220 - Camco/Owner Pay Application No. 12 w/Backup	JA003029- JA003333	52/53/54/55
	Trial Exhibit 313 - Letter from A. Edelstein to R. Nickerl re: NRS 624 Notice	JA003334- JA003338	55
	Helix Trial Exhibits:		
	Trial Exhibit 501 - Payment Summary	JA003339 – JA003732	55/56/57 /58/59/60
	Trial Exhibit 508 – Helix Pay Application	JA003733- JA003813	60/61

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	Trial Exhibit 510 - Unsigned Subcontract	JA003814- JA003927	61/62
	Trial Exhibit 512 - Helix's Lien Notice	JA003928- JA004034	62/63
	Trial Exhibit 522 - Camco Billing	JA004035- JA005281	63/64/65 /66/67/ 68/69/70/ 71/72 /73/74/75 /76/77
01-19-18	Order Denying APCO Construction's Motion for Reconsideration of Order Granting Partial Summary Judgment Precluding Defenses Based on Pay-if-Paid Agreements	JA005282- JA005283	78
01-18-18	Transcript – Bench Trial (Day 2)²	JA005284- JA005370	78
	Trial Exhibit 535 – Deposition Transcript of Andrew Rivera (Exhibit 99) (<i>Admitted</i>)	JA005371- JA005623	78/79/80
01-19-18	Transcript – Bench Trial (Day 3)³	JA005624- JA005785	80
	Trial Exhibit 231 – Helix Electric's Amended Statement of Facts Constituting Notice of Lien and Third-Party Complaint (<i>Admitted</i>)	JA005786- JA005801	80
	Trial Exhibit 314 - Declaration of Victor Fuchs in support of Helix's Motion for Partial Summary Judgment against Gemstone (<i>Admitted</i>)	JA005802- JA005804	80

² Filed January 31, 201879

³ Filed January 31, 2018

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Trial Exhibit 320 – June-August Billings—not paid to APCO (<i>Admitted</i>)	JA005805	80
	Trial Exhibit 321 – Overpayments to Cabinetec (<i>Admitted</i>)	JA005806-	80
	Trial Exhibit 536 – Lien math calculations (handwritten) (<i>Admitted</i>)	JA005807- JA005808	80
	Trial Exhibit 804 – Camco Correspondence (<i>Admitted</i>)	JA005809- JA005816	80
	Trial Exhibit 3176 – APCO Notice of Lien (<i>Admitted</i>)	JA005817- JA005819	81
01-24-18	Transcript – Bench Trial (Day 5)⁴	JA005820- JA005952	81
03-08-18	Letter to Judge Denton submitting Helix Electric of Nevada, LLC’s (Proposed) Findings of Fact and Conclusions of Law	JA005953- JA005985	81
03-08-18	Letter to Judge Denton submitting APCO Construction, Inc.’s Proposed Findings of Fact and Conclusions of Law	JA005986- JA006058	8/821
03-08-18	APCO Construction Inc.’s Post-Trial Brief	JA006059- JA006124	82/83
03-23-18	APCO Opposition to Helix Electric of Nevada, LLC’s Findings of Fact and Conclusions of Law	JA006125- JA006172	83/84
03-23-18	Helix Electric of Nevada, LLC’s Responses to APCO Construction’s Post-Trial Brief	JA006173- JA006193	84
04-25-18	Findings of Fact and Conclusions of Law and Order as the Claims of Helix Electric and Cabinetec Against APCO	JA006194- JA006264	84/85

⁴ Filed January 31, 201883

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05-08-18	APCO Construction, Inc.'s Motion for Attorneys' Fees and Costs Against Helix Electric of Nevada, LLC and Plaintiff in Intervention National Wood Products, Inc.	JA006265- JA006284	85
	Exhibit 1 – Findings of Fact and Conclusions of Law as to the Claims of Helix Electric and Cabenetec Against APCO	JA006285- JA006356	85/86
	Exhibit 2 – National Wood Products, Inc.'s Notice of Motion and Motion to Intervene and Memorandum of Points and Authorities in Support Thereof	JA006357- JA006369	86
	Exhibit 3 – Plaintiff in Intervention, National Wood Products, Inc.'s Findings of Fact and Conclusions of Law (Proposed)	JA006370- JA006385	86/87
	Exhibit 4 – Plaintiff in Intervention, National Wood Productions, Inc.'s Findings of Fact and Conclusions of Law Re Camco	JA006386- JA006398	87
	Exhibit 5 – Offer of Judgment to Helix Electric of Nevada, LLC	JA006399- JA006402	87
	Exhibit 6 – Offer of Judgment to Plaintiff in Intervention National Wood Products, Inc.	JA006403- JA006406	87
	Exhibit 7 – Declaration of John Randall Jefferies, Esq. in Support of APCO Construction, Inc.'s Motion for Attorney's Fees and Costs	JA006407- JA006411	87
	Exhibit 7A – Billing Entries	JA006412- JA006442	87/88

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Exhibit 7B – Time Recap	JA006443- JA006474	88
	Exhibit 8 – Declaration of Cody S. Munteer, Esq. in Support of Motion for Attorney’s Fees and Costs	JA006475- JA006478	88
	Exhibit 9 – APCO Construction, Inc.’s Memorandum of Costs and Disbursements [Against Helix Electric of Nevada, LLC, and Plaintiff in Intervention National Wood Products, LLC]	JA006479- JA006487	88
	Exhibit 10 – Depository Index	JA006488- JA006508	88/89
05-08-18	Helix Electric of Nevada, LLC’s Motion to Retax Costs Re: Defendant APCO Construction’s Memorandum of Costs and Disbursements	JA006509- JA006521	89
05-31-18	Notice of Entry of Judgment [As to the Claims of Helix Electric of Nevada, LLC Against Camco Construction, Co., Inc.]	JA006522 JA006540	89
06-01-18	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.]	JA006541 JA006550	90
06-01-18	Helix Electric of Nevada, LLC’s Motion for Attorneys’ Fees, Interest and Costs	JA006551- JA006563	90
	Exhibit 1 – Findings of Fact and Conclusions of Law and Order as to the Claims of Helix Electric of Nevada, LLC Against Camco Pacific Construction, Inc.	JA006564- JA006574	90

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	Exhibit 2 – Memorandum of Costs and Disbursements (Helix Electric of Nevada, LLC)	JA006575- JA006580	90
	Exhibit 3 – Prime Interest Rate	JA006581- JA006601	90
	Exhibit 4 – Declaration of Eric B. Zimbelman in Support of Helix Electric of Nevada, LLC’s Motion for Attorneys’ Fees, Interest and Costs	JA006583- JA006588	90
	Exhibit 5 – Summary of Fees	JA006589- JA006614	90
06-15-18	APCO Construction, Inc.’s Opposition to Helix Electric of Nevada, LLC and Plaintiff in Intervention National Wood Products, Inc.’s Motions to Retax Costs	JA006615- JA006637	90/91
	Exhibit 1-A Declaration of Mary Bacon in Support of APCO’s Supplement to its Motion for Attorney’s Fees	JA006635 JA006638	91
	Exhibit 1-B – Declaration of Cody Munteer in Support of APCO’s Supplement to its Motion for Attorney’s Fees	JA006639- JA006916	91/92/93 94/95/96
06-15-18	Helix Electric of Nevada, LLC’s Opposition to APCO Construction’s Motion for Attorneys’ Fees and Costs	JA006917 – JA006942	96
	Exhibit 1 – Notice of Entry of Staying the Case, Except for the Sale of the Property, Pending Resolution of the Petition before the Nevada Supreme Court	JA006943- JA006948	96

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Exhibit 2 – Notice of Entry of Denying APCO Construction’s Motion for Partial Summary Judgment Re: Lien Foreclosure Claims	JA006949- JA006954	96
	Exhibit 3 – Supreme Court filing notification Joint Petition for Writ of Mandamus filed	JA006955- JA006958	96
	Exhibit 4 – Order Denying <i>En Banc</i> Reconsideration	JA006959- JA006963	96
	Exhibit 5 – Notice of Entry of Order Granting Peel Brimley Lien Claimants’ Motion for Partial Summary Judgment Precluding Defenses Based on Pay-if-Paid Agreements	JA006964- JA006978	96
	Exhibit 6A – Interstate Plumbing and Air Conditioning, LLC’s Response to Special Master Questionnaire	JA006977- JA006980	96
	Exhibit 6B – Nevada Prefab Engineers, Inc.’s Response to Special Master Questionnaire	JA006981- JA006984	96
	Exhibit 6C – Zitting Brothers Construction, Inc.’s Response to Special Master Questionnaire	JA006985- JA006993	96/97
	Exhibit 6D – Noorda Sheet Metal’s Notice of Compliance	JA006994 JA007001	97
	Exhibit 6 E – Unitah Investments, LLC’s Special Master Questionnaire	JA007002- JA007005	97
	Exhibit 7A – Motion to Appoint Special Master	JA007006- JA007036	97
	Exhibit 7B – Letter from Floyd A. Hale dated August 2, 2016	JA007037- JA007060	97

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Exhibit 7C – Special Master Report Regarding Remaining Parties to the Litigation, Special Master Recommendation and District Court Order Amended Case Agenda	JA007042- JA007046	97
	Exhibit 8 – Notice of Entry of Order Granting Plaintiff’s Motion to Dismiss	JA007047 JA007053	97
	Exhibit 9 – Stipulation and Order for Dismissal with Prejudice	JA007054- JA007056	97
	Exhibit 10 – Stipulation and Order to Dismiss Third-Party Complaint of Interstate Plumbing & Air Conditioning, LLC Against APCO Construction, Inc. with Prejudice	JA007057- JA007059	97
	Exhibit 11 – Notice of Entry of Order Granting in Part and Denying in Part APCO Construction’s Omnibus Motion <i>in Limine</i>	JA007060- JA007088	97
	Exhibit 12 – Notice of Entry of Order Granting in Part and Denying in Part Helix Electric of Nevada, LLC’s Motion in Limine (against APCO Construction)	JA007070- JA007078	97
	Exhibit 13 – Notice of Entry of Order Denying APCO Constructions’ Motion for Partial Summary Judgment Re: Lien Foreclosure Claims	JA007079- JA007084	97
	Exhibit 14 – Notice of Entry of Order Denying APCO Construction’s Motion for Reconsideration of Order Granting Partial Summary	JA007085- JA007087	97

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Judgment Precluding Defenses Based on Pay-if-Paid Agreements		
	Exhibit 15 – Notice of Association of Counsel	JA007088- JA007094	97
06-15-18	Plaintiff in Intervention National Wood Products, Inc.’s Opposition to APCO Construction’s Motion for Attorneys’ Fees and Costs	JA007095- JA007120	97/98
06-15-18	Declaration of S. Judy Hirahara in support of National Woods’s Opposition to APCO Construction’s Motion for Attorneys’ Fees and Costs	JA007121- JA007189	98
06-18-18	Plaintiff in Intervention National Wood Products, Inc.’s Joinder to Helix Electric of Nevada, LLC’s Opposition to APCO Construction’s Motion for Attorneys’ Fees and Costs	JA007190- JA007192	99
06-21-18	Helix Electric of Nevada, LLC’s Notice of Non-Opposition to its Motion for Attorney’s Fees, Interest and Costs	JA007193- JA007197	99
06-29-18	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.	JA007198- JA007220	99
	Exhibit 1 – Invoice Summary by Matter Selection	JA007221- JA007222	99
	Exhibit 2 – Marquis Aurbach Coffing Invoice to APCO dated April 30, 2018	JA007223- JA007224	99

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07-02-18	Notice of Entry of Order Granting Helix Electric of Nevada, LLC's Motion for Attorneys' Fees, Interest and Costs	JA007238- JA007245	100
07-19-18	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 Attorney's Fees and Costs	JA007246- JA007261	100
08-08-18	Court's Decision on Attorneys' Fees and Cost Motions	JA007262- JA007280	100
09-28-18	Notice of Entry of (1) Granting APCO Construction, Inc.'s 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	JA007281- JA007299	100
01-24-19	Transcript for All Pending Fee Motions on July 19, 2018	JA007300- JA007312	100/101
07-12-19	Order Dismissing Appeal (Case No. 76276)	JA007313- JA007315	101

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
08-06-19	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	JA007316- JA007331	101
	Exhibit 1 – Judgment [As to the Claims of Helix Electric of Nevada, LLC and Plaintiff in Intervention National Wood Products, Inc.'s Against APCO Construction, Inc.]	JA007332- JA007335	101
	Exhibit 2 – 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 and all related matters (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	JA007336- JA007344	101
	Exhibit 3 - Notice of Appeal	JA007345- JA007394	101/102
	Exhibit 4 – Amended Notice of Appeal	JA007395- JA007400	102
	Exhibit 5A – 5F -Notices of Entry of Order as to the Claims of Cactus Rose Construction, Fast Glass, Inc., Heinaman Contract Glazing, Helix Electric of Nevada, LLC, SWPPP Compliance	JA007401- JA007517	102/103

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Solutions, Inc., E&E Fire Protection		
	Exhibit 6 – Order Dismissing Appeal in Part (Case No. 76276)	JA007518- JA007519	103
	Exhibit 7 – Order to Show Cause	JA007520- JA007542	103
	Exhibit 8 -Order Dismissing Appeal (Case No. 76276)	JA007524- JA007527	103
	Exhibit 9 – Notice of Entry of Order to Consolidate this Action with Case Nos. A574391, A574792, A57623. A58389, A584730, A58716, A580889 and A589195	JA 007528- JA007541	103
	Exhibit 10 (Part One)	JA007537- JA007542	103
	Exhibit 10A – Docket 09A587168 (Accuracy Glass & Mirror v. APCO)	JA007543- JA007585	103
	Exhibit 10B -Docket 08A571228 (APCO v. Gemstone)	JA007586- JA008129	103/104/105 /106/107 /108/109
	Exhibit 10C – Notice of Entry of Order to Consolidate this Action with Cases Nos A57. 4391, A574792, A577623, A583289, A584730, A587168, A580889 and A589195	JA008130- JA008138	109
	Exhibit 10D – Notice of Entry of Joint Order Granting, in Part, Various Lien Claimants’ Motions for Partial Summary Judgment Against Gemstone Development West	JA008139- JA008141	109
	Exhibit 10 (Part Two)	JA008142- JA008149	109

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Exhibit 10E – 131 Nev. Advance Opinion 70	JA008150- JA008167	109
	Exhibit 10F – Special Master Report Regarding Remaining Parties to the Litigation and Discovery Status	JA008168- JA008170	109
	Exhibit 10EG – Notice of Entry of Granting Plaintiff’s Motion to Dismiss	JA008171- JA008177	109
	Exhibit 10H – Complaint re Foreclosure	JA008178- JA008214	109
	Exhibit 10I – First Amended Complaint re Foreclosure	JA008215- JA008230	109
	Exhibit 10J – APCO Construction’s Answer to Accuracy Glass & Mirror Company’s First Amended Complaint re Foreclosure	JA008231- JA008265	109/110
	Exhibit 10K – Answer to Accuracy Glass & Mirror Company, Inc.’s Complaint and Camco Pacific Construction, Inc.’s Counterclaim	JA008266- JA008285	110
	Exhibit 10L – Accuracy Glass & Mirror Company, Inc.’s Answer to Camco Pacific Construction Company’s Counterclaim	JA008286- JA008290	110
	Exhibit 10M – Helix Electric’s Amended Statement of Facts Constituting Lien and Third-Party Complaint	JA008291- JA008306	110
	Exhibit 10N – APCO Construction’s Answer to Helix Electric’s Amended Statement of Facts Constituting Lien and Third-Party Complaint	JA008307- JA008322	110
	Exhibit 10O – Answer to Helix Electric’s Statement of Facts	JA008323- JA008338	110

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Constituting Lien and Third-Party Complaint and Camco Pacific Construction Company Inc.'s Counterclaim		
	Exhibit 10P – Notice of Entry of Helix Electric of Nevada, LLC's Motion for Attorney's Fees, Interest and Costs	JA008339 JA008347	110
	Exhibit 10Q – Notice of Entry of Judgment [As to the claims of Helix Electric of Nevada, LLC Against Camco Construction Co., Inc.]	JA008348- JA008367	110
	Exhibit 10R – Notice of Entry of Judgment [As to the Claims of Helix Electric of Nevada, LLC and Plaintiff in Intervention National Wood Products, Inc. Against APCO Construction, Inc.]	JA008368- JA008378	110
	Exhibit 10S – Findings of Fact and Conclusions of Law and Order as to the Claims of Helix Electric and Cabenetec Against APCO	JA008379- JA008450	110/111
	Exhibit 10T -WRG Design, Inc.'s Amended Statement of Facts Constituting Notice of Lien and Third-Party Complaint	JA008451- JA008486	111
	Exhibit 10U – APCO Construction's Answer to WRG Design Inc.'s amended Statement of Facts Constituting Lien and Third-Party Complaint	JA008468- JA008483	111
	Exhibit 10V -Answer to WRG Design, Inc.'s Statement of Facts Constituting Lien, Third-Party Complaint and Camco Pacific Construction, Inc.'s Counterclaim	JA008484- JA008504	111

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Exhibit 10W – Notice of Entry of Stipulation and Order Dismissal	JA008505- JA008512	111
	Exhibit 10X – WRG Design, Inc.'s Answer to Camco Pacific Construction Company, Inc.'s Counterclaim	JA008513 JA008517	111
	Exhibit 10Y – Heinaman Contract Glazing's Amended Statement of Facts Constituting Lien and Third-Party Complaint	JA008518- JA008549	111
	Exhibit 10Z – Answer to Heinaman Contract Glazing's Statement of Facts Constituting Lien and Third-Party Complaint, and Camco Pacific Construction's Counterclaim	JA008531- JA008551	111
	Exhibit 10AA – Notice of Entry of Granting Heinaman Glazing's Motion for Attorneys's Fees, Interest and Costs	JA008552- JA008579	111/112
	Exhibit 10BB -Notice of Entry of Judgment [As to the Claims of Heinaman Contract Glazing Against Camco Construction Co., Inc.]	JA008561- JA008582	112
	Exhibit 10CC – Heinaman Contract Glazing's Answer to Camco Pacific Construction Company's Counterclaim	JA008583 JA008588	112
	Exhibit 10DD - Bruin Painting Corporation's Amended Statement of Facts Constituting Notice of Lien and Third-Party Complaint	JA008589- JA00861	112
	Exhibit 10EE – Answer to Bruin Painting Corporation's Amended Statement of Facts Constituting Notice of Lien and Third-Party	JA008602- JA008621	112

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Complaint and Camco Pacific Construction, Inc.'s Counterclaim		
	Exhibit 10FF – Voluntary Dismissal of Fidelity and Deposit Company of Maryland Only from Bruin Painting Corporation's Amended Statement of Facts Constituting Notice of Lien and Third-Party Complaint Without Prejudice	JA008622- JA008624	112
	Exhibit 10GG – HD Supply Waterworks' Amended Statement of Facts Constituting Lien and Third-Party Complaint	JA008625- JA008642	112
	Exhibit 10HH – APCO Construction's Answer to HD Supply Waterworks' Amended Statement of Facts Constituting Lien and Third-Party Complaint	JA008643- JA008657	112
	Exhibit 10II – Amended Answer to HD Supply Waterworks' Amended Statement of Facts Constituting Lien and Third-Party Complaint	JA008658- JA008664	112
	Exhibit 10JJ -Defendants Answer to HD Supply Waterworks' Amended Statement of Facts Constituting Lien and Third-Party Complaint	JA008665- JA008681	112
	Exhibit 10KK – Stipulation and Order to Dismiss E & E Fire Protection, LLC Only Pursuant to the Terms State Below	JA008682- JA008685	112
	Exhibit 10LL – HD Supply Waterworks, LP's Voluntary Dismissal of Platte River Insurance Company Only Without Prejudice	JA008686- JA008693	112

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Exhibit 10MM – Scott Financial Corporation’s Answer to HD Supply Waterworks’ Amended Statement of Facts Constituting Lien and Third-Party Complaint	JA008694- JA008717	112/113
	Exhibit 10NN-Notice of Appeal	JA008718 JA008723	113
	Exhibit 10OO – Amended Notice of Appeal	JA008724- JA008729	113
	Exhibit 10PP – Notice of Cross Appeal	JA008730- JA008736	113
	Exhibit 10QQ – Motion to Suspend Briefing Pending Outcome of Order to Show Cause in Supreme Court Case No. 76276	JA008737- JA008746	113
	Exhibit 11 – Order to Consolidate this Action with Case Nos. A574391, A574792, A57623. A58389, A584730, A58716, A580889 and A589195	JA008747- JA008755	113
	Exhibit 12 – Stipulation and Order to Dismiss Third-Party Complaint of Interstate Plumbing & Air Conditioning, LLC Against APCO Construction, Inc. with Prejudice	JA00875- JA008758	113
	Exhibit 13 – Stipulation and Order with Prejudice	JA008759- JA008780	113
	Exhibit 14 – Docket/United Subcontractors, Inc. dba Skyline Insulation’s Motion to Enforce Settlement Agreement and Enter Judgment	JA008762- JA008788	113
	Exhibit 15 – Notice of Entry of Order Granting Motion for 54(b) Certification and for Stay Pending Appeal	JA008789- JA008798	113

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Exhibit 16 – Notice of Appeal	JA008799- JA008810	113
08-16-19	APCO’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	JA008811- JA008821	114
	Exhibit 1 – Order to File Amended Docketing Statement	JA008822- JA008824	114
	Exhibit 2 – Order to Show Cause	JA008825- JA008828	114
	Exhibit 3 – Appellant/Cross-Respondent’s Response to Order to Show Cause	JA008829- JA008892	114/115/116
	Exhibit 4 – Order Dismissing Appeal	JA008893- JA008896	116
	Exhibit 5 – Chart of Claims	JA008897- JA008924	116
	Exhibit 6 – Answer to Helix Electric’s Statement of Facts Constituting Lien and Third-Party Complaint and Camco Pacific Construction Company, Inc.’s Counterclaim	JA008925- JA008947	116/117
	Exhibit 7 – Answer to Cactus Rose’s Statement of Facts Constituting Notice of Lien and Complaint and Camco Pacific Construction Company Inc.’s Counterclaim	JA008948- JA008965	117
	Exhibit 8 – Answer to Heinaman Contract Glazing’s Statement of Facts Constituting Lien and Third-Party Complaint and Camco	JA008966- JA008986	117/118

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
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	Exhibit 9 – Findings of Fact and Conclusions of Law as to the Claims of Helix Electric of Nevada, LLC Against Camco Pacific Construction, Inc.	JA008987- JA008998	118
	Exhibit 10 – Findings of Fact and Conclusions of Law as to the Claims of Cactus Rose Construction Co., Inc.	JA008998- JA009010	118
	Exhibit 11 – Findings of Fact and Conclusions of Law as to the Claims of Heinaman Contract Glazing	JA009011- JA009024	118
	Exhibit 12 – Notice of Entry of Decision, Order and Judgment on Defendant Scott Financial Corporation's Motion for Summary Judgment as to Priority of Liens	JA009025- JA009038	118
	Exhibit 13 – Findings of Fact and Conclusions of Law as to the Claims of Helix Electric and Cabenetec Against APCO	JA009039- JA009110	118/119
	Exhibit 14 – Order Granting Motion to Deposit Bond Penal Sum with Court, Exoneration of Bond and Dismissal	JA009111- JA009113	119
	Exhibit 15 – Order Approving Distribution of Fidelity and Deposit Company of Maryland's Bond	JA009114- JA009116	119
08-29-19	Helix Electric of Nevada LLC's Reply to APCO's Opposition to Helix Electric of Nevada LLC's Motion to (I) Re-Open Statistically Closed Case, (II)	JA009117- JA009123	119

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Dismiss All Unresolved Claims and/or (III) In The Alternative for a Rule 54(B) Certification as to Helix and APCO		
01-03-20	Notice of Entry of Order Granting Helix Electric of Nevada, LLC's Motion for Rule 54(b) Certification	JA009124- JA009131	119
01-29-20	Notice of Appeal	JA009132- JA009136	119/120
	Exhibit A – 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.]	JA009137- JA009166	120
	Exhibit [C] – Notice of Entry of Order Granting Helix Electric of Nevada's Rule 54(b) Certification	JA009148- JA009156	120
02-11-20	Case Appeal Statement	JA009157- JA009163	120
02-11-20	APCO's Notice of Cross Appeal	JA009164- JA010310	120
	Exhibit 1 – Notice of Entry of Order (1) Granting APCO Construction, Inc.'s Motion for Attorney's 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 Party (4) Granting Plaintiff-in-Intervention National Wood Productions, LLC's Motion to Retax in Part and Denying in Part and (5) Granting National Wood Products, Inc.'s Motion to File a Surreply	JA009168- JA009182	120

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Exhibit 2 – Notice of Entry of Order Granting Helix Electric of Nevada’s Motion for Rule 54(b) Certification	JA009183- JA00991	120

ALPHABETICAL APPENDIX OF EXHIBITS

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08-05-09	APCO's Answer to Helix's Amended Statement of Facts Constituting Notice of Lien and Third-Party Complaint	JA000016 – JA000030	1
05-08-18	APCO Construction, Inc.'s Motion for Attorneys' Fees and Costs Against Helix Electric of Nevada, LLC and Plaintiff in Intervention National Wood Products, Inc.	JA006265- JA006284	85
	Exhibit 1 – Findings of Fact and Conclusions of Law as to the Claims of Helix Electric and Cabenetec Against APCO	JA006285- JA006356	85/86
	Exhibit 2 – National Wood Products, Inc.'s Notice of Motion and Motion to Intervene and Memorandum of Points and Authorities in Support Thereof	JA006357- JA006369	86
	Exhibit 3 – Plaintiff in Intervention, National Wood Products, Inc.'s Findings of Fact and Conclusions of Law (Proposed)	JA006370- JA006385	86/87
	Exhibit 4 – Plaintiff in Intervention, National Wood Productions, Inc.'s Findings of Fact and Conclusions of Law Re Camco	JA006386- JA006398	87
	Exhibit 5 – Offer of Judgment to Helix Electric of Nevada, LLC	JA006399- JA006402	87
	Exhibit 6 – Offer of Judgment to Plaintiff in Intervention National Wood Products, Inc.	JA006403- JA006406	87
	Exhibit 7 – Declaration of John Randall Jefferies, Esq. in Support of APCO Construction, Inc.'s Motion for Attorney's Fees and Costs	JA006407- JA006411	87
	Exhibit 7A – Billing Entries	JA006412-	87/88

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		JA006442	
	Exhibit 7B – Time Recap	JA006443- JA006474	88
	Exhibit 8 – Declaration of Cody S. Mounter, Esq. in Support of Motion for Attorney’s Fees and Costs	JA006475- JA006478	88
	Exhibit 9 – APCO Construction, Inc.’s Memorandum of Costs and Disbursements [Against Helix Electric of Nevada, LLC, and Plaintiff in Intervention National Wood Products, LLC]	JA006479- JA006487	88
	Exhibit 10 – Depository Index	JA006488- JA006508	88/89
06-06-13	APCO’s Limited Motion to Lift Stay for Purposes of this Motion Only; (2) APCO’s Motion for Summary Judgment Against Gemstone Only; and (3) Request for Order Shortening Time	JA000044- JA000054	1
	Exhibit 1 – Affidavit of Randy Nickerl in Support of (I) APCO’s Limited Motion to Lift Sta for Purposes of this Motion Only; (2) APCO’s Motion for Judgment Against Gemstone Only	JA000055- JA000316	1/2/4/5/6
	Exhibit 2 – Findings of Fact and Conclusions of Law and Judgment in Favor of APCO Construction Against Gemstone Development West, Inc. Only	JA000317- JA000326	6
02-11-20	APCO’s Notice of Cross Appeal	JA009164- JA010310	120
	Exhibit 1 – Notice of Entry of Order (1) Granting APCO Construction, Inc.’s Motion for Attorney’s Fees and Costs; (2) Granting APCO Construction, Inc.’s Memorandum of Costs in Part (3) Granting Helix Electric of Nevada, LLC’s	JA009168- JA009182	114

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Motion to Retax in Party (4) Granting Plaintiff-in-Intervention National Wood Productions, LLC's Motion to Retax in Part and Denying in Part and (5) Granting National Wood Products, Inc.'s Motion to File a Surreply		
	Exhibit 2 – Notice of Entry of Order Granting Helix Electric of Nevada's Motion for Rule 54(b) Certification	JA009183- JA00991	120
11-06-17	APCO Construction, Inc.'s Omnibus Motion <i>in Limine</i>	JA000590 JA000614	9
	Exhibit 1 – Second Amended Notice of taking NRCP Rule 30(b)(6) Deposition of Person Most Knowledgeable for Zitting Brothers Construction, Inc.	JA000615- JA000624	9
	Exhibit 2 – Zitting Brothers Construction, Inc.'s Motion for Partial Summary Judgment Against APCO Construction	JA000625- JA000646	9
	Exhibit 3 – Excerpts from Samuel Zitting's Deposition Transcript taken October 27, 2017	JA000647- JA000678	9/10
	Exhibit 4 – Statement of Facts Constituting Lien on Behalf of Buchele, Inc.	JA000679- JA000730	10
	Exhibit 5 – Subcontract Agreement dated April 17, 2007	JA000731- JA000808	10/11
	Exhibit 6 – Subcontract Agreement dated April 17, 2007	JA000809- JA000826	11/12
	Exhibit 7 – Email from Mary Bacon dated October 16, 2017	JA000827- JA000831	12
	Exhibit 8 – Email from Mary Bacon dated October 17, 2017	JA000832- JA000837	12
	Exhibit 9 – Email from Eric Zimbelman dated October 17, 2017	JA000838- JA000844	12
	Exhibit 10 – Special Master Report, Recommendation and District Court Order	JA00845- JA000848	12

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Exhibit 11 – Plaintiff in Intervention, National Wood Products, Inc.’s Initial Disclosures Pursuant to NRCP 16.1	JA000849- JA000856	12
	Exhibit 12 – Plaintiff in Intervention, National Wood Products, Inc.’s First Supplemental Disclosures Pursuant to NRCP 16.1	JA000857- JA000864	12
	Exhibit 13 – Amended Notice of Taking NRCP Rule 30(b)(6) Deposition of Person Most Knowledgeable for Helix Electric of Nevada, LLC	JA000865- JA000873	12
	Exhibit 14 – Excerpts from Helix Electric of Nevada, LLC’s 30(b)(6) Witness Deposition Transcript taken July 20, 2017	JA000874- JA000897	12
03-23-18	APCO Opposition to Helix Electric of Nevada, LLC’s Findings of Fact and Conclusions of Law	JA006125- JA006172	83/84
08-16-19	APCO’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	JA008811- JA008821	114
	Exhibit 1 – Order to File Amended Docketing Statement	JA008822- JA008824	114
	Exhibit 2 – Order to Show Cause	JA008825- JA008828	114
	Exhibit 3 – Appellant/Cross-Respondent’s Response to Order to Show Cause	JA008829- JA008892	114/115/116
	Exhibit 4 – Order Dismissing Appeal	JA008893- JA008896	116
	Exhibit 5 – Chart of Claims	JA008897- JA008924	116
	Exhibit 6 – Answer to Helix Electric’s Statement of Facts Constituting Lien and Third-Party Complaint and Camco	JA008925- JA008947	116/117

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Pacific Construction Company, Inc.'s Counterclaim		
	Exhibit 7 – Answer to Cactus Rose's Statement of Facts Constituting Notice of Lien and Complaint and Camco Pacific Construction Company Inc.'s Counterclaim	JA008948- JA008965	117
	Exhibit 8 – Answer to Heinaman Contract Glazing's Statement of Facts Constituting Lien and Third-Party Complaint and Camco Pacific Construction's Counterclaim	JA008966- JA008986	117/118
	Exhibit 9 – Findings of Fact and Conclusions of Law as to the Claims of Helix Electric of Nevada, LLC Against Camco Pacific Construction, Inc.	JA008987- JA008998	118
	Exhibit 10 – Findings of Fact and Conclusions of Law as to the Claims of Cactus Rose Construction Co., Inc.	JA008998- JA009010	118
	Exhibit 11 – Findings of Fact and Conclusions of Law as to the Claims of Heinaman Contract Glazing	JA009011- JA009024	118
	Exhibit 12 – Notice of Entry of Decision, Order and Judgment on Defendant Scott Financial Corporation's Motion for Summary Judgment as to Priority of Liens	JA009025- JA009038	118
	Exhibit 13 – Findings of Fact and Conclusions of Law as to the Claims of Helix Electric and Cabenetec Against APCO	JA009039- JA009110	118/119
	Exhibit 14 – Order Granting Motion to Deposit Bond Penal Sum with Court, Exoneration of Bond and Dismissal	JA009111- JA009113	119
	Exhibit 15 – Order Approving Distribution of Fidelity and Deposit Company of Maryland's Bond	JA009114- JA009116	119

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	Exhibit 1-B – Declaration of Cody Mounteer in Support of APCO's Supplement to its Motion for Attorney's Fees	JA006639- JA006916	91/92/93 94/95/96
11-14-17	APCO Construction, Inc.'s Opposition to Helix Electric of Nevada, LLC's Motions in Limine Nos. 1-4	JA000929- JA000940	13/14
	Exhibit 1 – Excerpts from the Deposition Transcript of Mary Jo Allen taken July 18, 2017	JA000941- JA000966	14/15/16
	Exhibit 2 – Helix Electric's Manhattan West Billing/Payment Status through August 2008	JA000967- JA000969	16/17
	Exhibit 3 – Excerpts from the Deposition Transcript of Andrew Rivera taken July 20, 2017	JA000970- JA000993	17/18/19
08-21-17	APCO Construction's Opposition to Peel Brimley Lien Claimants' Partial Motion for Summary Judgment Precluding Defenses Based on Pay-if-Paid Agreements	JA000393- JA000409	6/7
	Exhibit A – Excerpt from 30(b)(6) Witness for Helix Electric of Nevada, LLC taken July 20, 2017	JA000410- JA000412	7
03-08-18	APCO Construction Inc.'s Post-Trial Brief	JA006059- JA006124	82/83
11-15-17	APCO Construction, Inc.'s Reply in Support of its Omnibus Motion in Limine	JA001133 JA001148	21

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	Exhibit 1 – Special Master Report Regarding Discovery Status	JA001149- JA001151	21
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06-29-18	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.	JA007198- JA007220	99
	Exhibit 1 – Invoice Summary by Matter Selection	JA007221- JA007222	99
	Exhibit 2 – Marquis Aurbach Coffing Invoice to APCO dated April 30, 2018	JA007223- JA007224	99
04-26-10	CAMCO and Fidelity’s Answer and CAMCO’s Counterclaim	JA000031- JA000041	1
11-14-17	Camco Pacific Construction Company, Inc.’s Opposition to Lien Claimants’ Motions in Limine Nos. 1-6	JA000898- JA000905	12
	Exhibit A – Nevada Construction Services Cost Plus GMP Contract Disbursement Agreement	JA000906- JA000907	12
	Exhibit B – Scott Financial Corporation’s April 28, 2009 letter to the Nevada State Contractor’s Board	JA000908- JA000915	2/13
	Exhibit C – E-mail from Alex Edelstein dated December 15, 2008 Re: Letter to Subs	JA000916- JA000917	13
	Exhibit D – Camco Pacific’s letter dated December 22, 2008	JA000918- JA000920	13
	Exhibit E – Order Approving Sale of Property	JA000921- JA000928	13
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06-15-18	Declaration of S. Judy Hirahara in support of National Woods's Opposition to APCO Construction's Motion for Attorneys' Fees and Costs	JA007121- JA007189	98
06-13-13	Docket Entry and Minute Order Granting APCO's Motion for Summary Judgment Against Gemstone	JA000327	6
04-25-18	Findings of Fact and Conclusions of Law and Order as the Claims of Helix Electric and Cabinetec Against APCO	JA006194- JA006264	84/85
11-06-17	Helix Electric of Nevada's Motion <i>in Limine</i> Nos. 1-4	JA000534- JA000542	8
	Exhibit 1 – Notice of Entry of Order	JA000543- JA000549	8
	Exhibit 2 – Helix Electric of Nevada, LLC's Amended Notice of 30(b)(6) Deposition of APCO Construction	JA000550 JA000558	8/9
	Exhibit 3 - Excerpts from Brian Benson Deposition Transcript taken June 5, 2017	JA000559 JA000574	9
	Exhibit 4 – Excerpts from Mary Jo Allen's Deposition Transcript taken July 18, 2017	JA000575- JA000589	9
06-01-18	Helix Electric of Nevada, LLC's Motion for Attorneys' Fees, Interest and Costs	JA006551- JA006563	90
	Exhibit 1 – Findings of Fact and Conclusions of Law and Order as to the Claims of Helix Electric of Nevada, LLC Against Camco Pacific Construction, Inc.	JA006564- JA006574	90
	Exhibit 2 – Memorandum of Costs and Disbursements (Helix Electric of Nevada, LLC)	JA006575- JA006580	90
	Exhibit 3 – Prime Interest Rate	JA006581- JA006601	90

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Exhibit 4 – Declaration of Eric B. Zimbelman in Support of Helix Electric of Nevada, LLC’s Motion for Attorneys’ Fees, Interest and Costs	JA006583- JA006588	90
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08-06-19	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	JA007316- JA007331	101
	Exhibit 1 – Judgment [As to the Claims of Helix Electric of Nevada, LLC and Plaintiff in Intervention National Wood Products, Inc.’s Against APCO Construction, Inc.	JA007332- JA007335	101
	Exhibit 2 – 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 and all related matters (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	JA007336- JA007344	101
	Exhibit 3 - Notice of Appeal	JA007345- JA007394	101/102
	Exhibit 4 – Amended Notice of Appeal	JA007395- JA007400	102
	Exhibit 5A – 5F -Notices of Entry of Order as to the Claims of Cactus Rose Construction, Fast Glass, Inc., Heinaman Contract Glazing, Helix Electric of	JA007401- JA007517	102/103

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	Exhibit 9 – Notice of Entry of Order to Consolidate this Action with Case Nos. A574391, A574792, A57623. A58389, A584730, A58716, A580889 and A589195	JA 007528- JA007541	103
	Exhibit 10 (Part One)	JA007537- JA007542	103
	Exhibit 10A – Docket 09A587168 (Accuracy Glass & Mirror v. APCO)	JA007543- JA007585	103
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	Exhibit 10C – Notice of Entry of Order to Consolidate this Action with Cases Nos A57. 4391, A574792, A577623, A583289, A584730, A587168, A580889 and A589195	JA008130- JA008138	109
	Exhibit 10D – Notice of Entry of Joint Order Granting, in Part, Various Lien Claimants’ Motions for Partial Summary Judgment Against Gemstone Development West	JA008139- JA008141	109
	Exhibit 10 (Part Two)	JA008142- JA008149	109
	Exhibit 10E – 131 Nev. Advance Opinion 70	JA008150- JA008167	109
	Exhibit 10F – Special Master Report Regarding Remaining Parties to the Litigation and Discovery Status	JA008168- JA008170	109

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	Exhibit 10H – Complaint re Foreclosure	JA008178- JA008214	109
	Exhibit 10I – First Amended Complaint re Foreclosure	JA008215- JA008230	109
	Exhibit 10J – APCO Construction’s Answer to Accuracy Glass & Mirror Company’s First Amended Complaint re Foreclosure	JA008231- JA008265	109/110
	Exhibit 10K – Answer to Accuracy Glass & Mirror Company, Inc.’s Complaint and Camco Pacific Construction, Inc.’s Counterclaim	JA008266- JA008285	110
	Exhibit 10L – Accuracy Glass & Mirror Company, Inc.’s Answer to Camco Pacific Construction Company’s Counterclaim	JA008286- JA008290	110
	Exhibit 10M – Helix Electric’s Amended Statement of Facts Constituting Lien and Third-Party Complaint	JA008291- JA008306	110
	Exhibit 10N – APCO Construction’s Answer to Helix Electric’s Amended Statement of Facts Constituting Lien and Third-Party Complaint	JA008307- JA008322	110
	Exhibit 10O – Answer to Helix Electric’s Statement of Facts Constituting Lien and Third-Party Complaint and Camco Pacific Construction Company Inc.’s Counterclaim	JA008323- JA008338	110
	Exhibit 10P – Notice of Entry of Helix Electric of Nevada, LLC’s Motion for Attorney’s Fees, Interest and Costs	JA008339 JA008347	110
	Exhibit 10Q – Notice of Entry of Judgment [As to the claims of Helix Electric of Nevada, LLC Against Camco Construction Co., Inc.]	JA008348- JA008367	110

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	Exhibit 10R – Notice of Entry of Judgment [As to the Claims of Helix Electric of Nevada, LLC and Plaintiff in Intervention National Wood Products, Inc. Against APCO Construction, Inc.]	JA008368- JA008378	110
	Exhibit 10S – Findings of Fact and Conclusions of Law and Order as to the Claims of Helix Electric and Cabenotec Against APCO	JA008379- JA008450	110/111
	Exhibit 10T -WRG Design, Inc.'s Amended Statement of Facts Constituting Notice of Lien and Third-Party Complaint	JA008451- JA008486	111
	Exhibit 10U – APCO Construction's Answer to WRG Design Inc.'s amended Statement of Facts Constituting Lien and Third-Party Complaint	JA008468- JA008483	111
	Exhibit 10V -Answer to WRG Design, Inc.'s Statement of Facts Constituting Lien, Third-Party Complaint and Camco Pacific Construction, Inc's Counterclaim	JA008484- JA008504	111
	Exhibit 10W – Notice of Entry of Stipulation and Order Dismissal	JA008505- JA008512	111
	Exhibit 10X – WRG Design, Inc.'s Answer to Camco Pacific Construction Company, Inc.'s Counterclaim	JA008513 JA008517	111
	Exhibit 10Y – Heinaman Contract Glazing's Amended Statement of Facts Constituting Lien and Third-Party Complaint	JA008518- JA008549	111
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	Exhibit 10BB -Notice of Entry of Judgment [As to the Claims of Heinaman Contract Glazing Against Camco Construction Co., Inc.]	JA008561- JA008582	112
	Exhibit 10CC – Heinaman Contract Glazing’s Answer to Camco Pacific Construction Company’s Counterclaim	JA008583 JA008588	112
	Exhibit 10DD - Bruin Painting Corporation's Amended Statement of Facts Constituting Notice of Lien and Third-Party Complaint	JA008589- JA00861	112
	Exhibit 10EE – Answer to Bruin Painting Corporation's Amended Statement of Facts Constituting Notice of Lien and Third-Party Complaint and Camco Pacific Construction, Inc.’s Counterclaim	JA008602- JA008621	112
	Exhibit 10FF – Voluntary Dismissal of Fidelity and Deposit Company of Maryland Only from Bruin Painting Corporation's Amended Statement of Facts Constituting Notice of Lien and Third-Party Complaint Without Prejudice	JA008622- JA008624	112
	Exhibit 10GG – HD Supply Waterworks’ Amended Statement of Facts Constituting Lien and Third-Party Complaint	JA008625- JA008642	112
	Exhibit 10HH – APCO Construction’s Answer to HD Supply Waterworks’ Amended Statement of Facts Constituting Lien and Third-Party Complaint	JA008643- JA008657	112
	Exhibit 10II – Amended Answer to HD Supply Waterworks’ Amended Statement of Facts Constituting Lien and Third-Party Complaint	JA008658- JA008664	112

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	Exhibit 10JJ -Defendants Answer to HD Supply Waterworks' Amended Statement of Facts Constituting Lien and Third-Party Complaint	JA008665- JA008681	112
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	Exhibit 10LL – HD Supply Waterworks, LP's Voluntary Dismissal of Platte River Insurance Company Only Without Prejudice	JA008686- JA008693	112
	Exhibit 10MM – Scott Financial Corporation's Answer to HD Supply Waterworks' Amended Statement of Facts Constituting Lien and Third-Party Complaint	JA008694- JA008717	112/113
	Exhibit 10NN-Notice of Appeal	JA008718 JA008723	113
	Exhibit 10OO – Amended Notice of Appeal	JA008724- JA008729	113
	Exhibit 10PP – Notice of Cross Appeal	JA008730- JA008736	113
	Exhibit 10QQ – Motion to Suspend Briefing Pending Outcome of Order to Show Cause in Supreme Court Case No. 76276	JA008737- JA008746	113
	Exhibit 11 – Order to Consolidate this Action with Case Nos. A574391, A574792, A57623. A58389, A584730, A58716, A580889 and A589195	JA008747- JA008755	113
	Exhibit 12 – Stipulation and Order to Dismiss Third-Party Complaint of Interstate Plumbing & Air Conditioning, LLC Against APCO Construction, Inc. with Prejudice	JA00875- JA008758	113
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<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Exhibit 14 – Docket/United Subcontractors, Inc. dba Skyline Insulation’s Motion to Enforce Settlement Agreement and Enter Judgment	JA008762- JA008788	113
	Exhibit 15 – Notice of Entry of Order Granting Motion for 54(b) Certification and for Stay Pending Appeal	JA008789- JA008798	113
	Exhibit 16 – Notice of Appeal	JA008799- JA008810	113
05-08-18	Helix Electric of Nevada, LLC’s Motion to Retax Costs Re: Defendant APCO Construction’s Memorandum of Costs and Disbursements	JA006509- JA006521	89
06-21-18	Helix Electric of Nevada, LLC’s Notice of Non-Opposition to its Motion for Attorney’s Fees, Interest and Costs	JA007193- JA007197	99
06-15-18	Helix Electric of Nevada, LLC’s Opposition to APCO Construction’s Motion for Attorneys’ Fees and Costs	JA006917 – JA006942	96
	Exhibit 1 – Notice of Entry of Staying the Case, Except for the Sale of the Property, Pending Resolution of the Petition before the Nevada Supreme Court	JA006943- JA006948	96
	Exhibit 2 – Notice of Entry of Denying APCO Construction’s Motion for Partial Summary Judgment Re: Lien Foreclosure Claims	JA006949- JA006954	96
	Exhibit 3 – Supreme Court filing notification Joint Petition for Writ of Mandamus filed	JA006955- JA006958	96
	Exhibit 4 – Order Denying <i>En Banc</i> Reconsideration	JA006959- JA006963	96
	Exhibit 5 – Notice of Entry of Order Granting Peel Brimley Lien Claimants’ Motion for Partial Summary Judgment	JA006964- JA006978	96

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	Exhibit 6B – Nevada Prefab Engineers, Inc.’s Response to Special Master Questionnaire	JA006981- JA006984	96
	Exhibit 6C – Zitting Brothers Construction, Inc.’s Response to Special Master Questionnaire	JA006985- JA006993	96/97
	Exhibit 6D – Noorda Sheet Metal’s Notice of Compliance	JA006994 JA007001	97
	Exhibit 6 E – Unitah Investments, LLC’s Special Master Questionnaire	JA007002- JA007005	97
	Exhibit 7A – Motion to Appoint Special Master	JA007006- JA007036	97
	Exhibit 7B – Letter from Floyd A. Hale dated August 2, 2016	JA007037- JA007060	97
	Exhibit 7C – Special Master Report Regarding Remaining Parties to the Litigation, Special Master Recommendation and District Court Order Amended Case Agenda	JA007042- JA007046	97
	Exhibit 8 – Notice of Entry of Order Granting Plaintiff’s Motion to Dismiss	JA007047 JA007053	97
	Exhibit 9 – Stipulation and Order for Dismissal with Prejudice	JA007054- JA007056	97
	Exhibit 10 – Stipulation and Order to Dismiss Third-Party Complaint of Interstate Plumbing & Air Conditioning, LLC Against APCO Construction, Inc. with Prejudice	JA007057- JA007059	97
	Exhibit 11 – Notice of Entry of Order Granting in Part and Denying in Part APCO Construction’s Omnibus Motion <i>in Limine</i>	JA007060- JA007088	97

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Exhibit 12 – Notice of Entry of Order Granting in Part and Denying in Part Helix Electric of Nevada, LLC’s Motion in Limine (against APCO Construction)	JA007070- JA007078	97
	Exhibit 13 – Notice of Entry of Order Denying APCO Constructions’ Motion for Partial Summary Judgment Re: Lien Foreclosure Claims	JA007079- JA007084	97
	Exhibit 14 – Notice of Entry of Order Denying APCO Construction’s Motion for Reconsideration of Order Granting Partial Summary Judgment Precluding Defenses Based on Pay-if-Paid Agreements	JA007085- JA007087	97
	Exhibit 15 – Notice of Association of Counsel	JA007088- JA007094	97
11-14-17	Helix Electric of Nevada’s Opposition to APCO Construction’s Omnibus Motion in Limine	JA000994- JA001008	20
	Exhibit 1 – Excerpts from the Deposition Transcript of Brian Benson taken June 5, 2017	JA001009- JA001042	20
	Exhibit 2 - Excerpts from the Deposition Transcript of Brian Benson taken June 5, 2017	JA001043- JA001055	20
	Exhibit 3 – Special Master Order Requiring Completion of Questionnaire	JA001056- JA001059	20
	Exhibit 4 – Excerpts from the Deposition Transcript of the 30(b)(6) Witness for Helix Electric of Nevada taken July 20, 2017	JA001060- JA001064	20
	Exhibit 5 - Excerpts from the Deposition Transcript of David E. Parry taken June 20, 2017	JA001065 JA001132	20/21
08-29-19	Helix Electric of Nevada LLC’s Reply to APCO’s Opposition to Helix Electric of Nevada LLC’s Motion to (I) Re-	JA009117- JA009123	119

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	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		
06-29-18	Helix Electric of Nevada, LLC's Reply Re: Motion to Retax	JA007225- JA007237	100
03-23-18	Helix Electric of Nevada, LLC's Responses to APCO Construction's Post-Trial Brief	JA006173- JA006193	84
06-24-09	Helix Electric's Statement of Facts Constituting Lien and Third-Party Complaint	JA000001- JA000015	1
01-12-18	Joint Pre-Trial Memorandum [for APCO Construction, Inc., the Peel Brimley Lien Claimants and National Wood Products, LLC ONLY]	JA001574- JA001594	27/28
	Exhibit 1 – Exhibit List APCO	JA001595- JA001614	28
	Exhibit 2 – Helix Trial Exhibits	JA001615- JA001616	28
	Exhibit 3 – Exhibit List Plaintiff in Intervention National Wood Products, Inc.	JA001617- JA001635	28
	Exhibit 4 – Cactus Rose Trial Exhibits	JA001636- JA001637	28
	Exhibit 5 – Heinaman Trial Exhibits	JA001638- JA001639	28
	Exhibit 6 – Fast Glass Trial Exhibits	JA001640- JA001641	28
	Exhibit 7 – SWPPP Trial Exhibits	JA001642- JA001643	28
	Exhibit 8 - Order Granting in Part and Denying in Part APCO Construction's Omnibus Motion <i>in Limine</i>	JA001644- JA001647	28

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Exhibit 9 - Amended <i>nunc pro tunc</i> order regarding APCO Construction, Inc.'s Omnibus Motion <i>in Limine</i> No. 7	JA001648- JA001650	28
	Exhibit 10 - Order Granting in Part and Denying in part Helix Electric of Nevada, LLC's Motions <i>in Limine</i> 1-4 (Against APCO Construction)	JA001651- JA001653	28
	Exhibit 11 - order granting Peel Brimley Lien Claimants' Motion in Limine Nos.1-6 (against Camco Pacific Construction, Inc.)	JA001654- JA001657	28
	Exhibit 12 - Order Granting Plaintiff in Intervention, National Wood Products, Inc.'s Motion <i>in Limine</i>	JA001658- JA001660	28
	Exhibit 13 - Order Granting Peel Brimley Lien Claimants' Motion for Partial Summary Judgment Precluding Defenses Based on Pay-if-Paid Agreements	JA001661- JA001667	28/9/29
03-08-18	Letter to Judge Denton submitting APCO Construction, Inc.'s Proposed Findings of Fact and Conclusions of Law	JA005986- JA006058	8/821
03-08-18	Letter to Judge Denton submitting Helix Electric of Nevada, LLC's (Proposed) Findings of Fact and Conclusions of Law	JA005953- JA005985	81
01-04-18	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 provision on an Order Shortening Time	JA001199- JA001217	22
	Exhibit 1 – Subcontract Agreement (Helix Electric of Nevada, LLC)	JA001218- JA001245	22/23/24
	Exhibit 2 – Subcontract Agreement (Zitting Brothers)	JA001246- JA001263	24

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Exhibit 3 – Subcontract Agreement (CabineTec)	JA001264- JA001281	24/25
	Exhibit 4 – Amended Notice of Lien	JA001282- JA001297	25
	Exhibit 5 - Amended NOL	JA001298- JA001309	25
	Exhibit 6 – Notice of Lien	JA001310- JA001313	25
	Exhibit 7 – Order Approving Sale of Property	JA001314- JA001376	25/26
	Exhibit 8 – Order Releasing Sale Proceeds from Court Controlled Escrow Account	JA001377- JA001380	26
	Exhibit 9 – Order Denying <i>En Banc</i> Reconsideration	JA001381- JA001385	26
	Exhibit 10 – Order Granting Peel Brimley Lien Claimants’ Motion for Partial Summary Judgment Precluding Defenses Based on Pay-if-Paid Agreements	JA001386- JA001392	26
	Exhibit 11 – Notice of Entry of Findings of Fact and Conclusions of Law and Judgment	JA001393- JA001430	26
	Exhibit 12 – Order Big D Construction Corp.’s Motion for Attorney’s Fees, Costs and Interest Pursuant to Judgment	JA001431- JA001435	26
	Exhibit 13 – Appellant’s Opening Brief (Padilla v. Big D)	JA001436- JA001469	26
	Exhibit 14 – Respondent’s Answering Brief	JA001470- JA001516	26/27
	Exhibit 15 – Appellant’s Reply Brief (Padilla v. Big D)	JA001517- JA001551	27
01-29-20	Notice of Appeal	JA009132- JA009136	119/120
	Exhibit A – Notice of Entry of Judgment [As to the Claims of Helix Electric of Nevada, LLC and Plaintiff in Intervention	JA009137- JA009166	120

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	National Wood Products, Inc.'s Against APCO Construction, Inc.]		
	Exhibit [C] – Notice of Entry of Order Granting Helix Electric of Nevada's Rule 54(b) Certification	JA009148- JA009156	120
05-31-18	Notice of Entry of Judgment [As to the Claims of Helix Electric of Nevada, LLC Against Camco Construction, Co., Inc.]	JA006522 JA006540	89
06-01-18	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.]	JA006541 JA006550	90
09-28-18	Notice of Entry of Order (1) Granting APCO Construction, Inc.'s 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	JA007281- JA007299	100
12-29-17	Notice of Entry of Order Granting in Part and Denying in Part APCO Construction's Omnibus Motion <i>in Limine</i>	JA001178- JA001186	22
07-02-18	Notice of Entry of Order Granting Helix Electric of Nevada, LLC's Motion for Attorneys' Fees, Interest and Costs	JA007238- JA007245	100
01-03-20	Notice of Entry of Order Granting Helix Electric of Nevada, LLC's Motion for Rule 54(b) Certification	JA009124- JA009131	119

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
01-03-18	Notice of Entry of Order Granting Peel Brimley Lien Claimants' Motion for Partial Summary Judgment Precluding Defenses Based on Pay-if-Paid Agreements	JA001187- JA001198	22
12-29-17	Notice of Entry of Order Granting in Part and Denying in Part Helix Electric of Nevada, LLC's Motion <i>in Limine</i> 1-4	JA001170- JA001177	22
12-29-17	Notice of Entry of Order Granting Peel Brimley Lien Claimants' Motion <i>in Limine</i> 1-6	JA001161- JA001169	22
01-19-18	Order Denying APCO Construction's Motion for Reconsideration of Order Granting Partial Summary Judgment Precluding Defenses Based on Pay-if-Paid Agreements	JA005282- JA005283	78
07-12-19	Order Dismissing Appeal (Case No. 76276)	JA007332- JA007334	101
07-02-10	Order Striking Defendant Gemstone Development West, Inc.'s Answer and Counterclaim and Entering Default	JA000042- JA000043	1
08-02-17	Peel Brimley Lien Claimants' Motion for Partial Summary Judgment Precluding Defenses Based on Pay-if-Paid Agreements and <i>Ex Parte</i> Application for Order Shortening Time	JA000328- JA000342	6
	Exhibit 1 – APCO Construction's Answers to Helix Electric of Nevada, LLC's First Request for Interrogatories	JA000343- JA000379	6
	Exhibit 2 – Camco Pacific Construction Company, Inc.'s Responses to Helix Electric of Nevada, LLC's Interrogatories	JA000380- JA000392	6
11-06-17	Peel Brimley Lien Claimants' Motion <i>in Limine</i> Nos. 1-6	JA000419- JA000428	7
	Exhibit 1 – Notice of Entry of Order	JA000429	7

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
		JA000435	
	Exhibit 2 – Amended Notices of 30(b)(6) Deposition of Camco Pacific Construction Company, Inc. from Cactus Rose Construction, Inc., Fast Glass, Inc.’s, Heinaman Contract Glazing, Inc. and Helix Electric of Nevada, LLC’s	JA000436- JA000472	7/8
	Exhibit 3 – Excerpt from David E. Parry’s Deposition Transcript taken June 20, 2017	JA000473 JA00489	8
	Exhibit 4 – Cactus Rose Construction, Inc.’s First Set of Request for Admissions to Camco Pacific Construction	JA00490 JA000500	8
	Exhibit 5 – Fast Glass, Inc.’s First Set of Request for Admissions to Camco Pacific Construction	JA000501- JA000511	8
	Exhibit 6 – Heinaman Contract Glazing, Inc.’s First Set of Request for Admissions to Camco Pacific Construction	JA000512- JA000522	8
	Exhibit 7 – Helix Electric of Nevada, LLC’s First Set of Request for Admissions to Camco Pacific Construction	JA000523- JA000533	8
09-28-17	Peel Brimley Lien Claimants’ Reply to Oppositions to Motion for Partial Summary Judgment Precluding Defenses Based on Pay-if-Paid Agreements	JA000413- JA00418	7
01-09-18	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	JA001552- JA001560	27
06-18-18	Plaintiff in Intervention National Wood Products, Inc.’s Joinder to Helix Electric of Nevada, LLC’s Opposition	JA007190- JA007192	99

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	to APCO Construction's Motion for Attorneys' Fees and Costs		
06-15-18	Plaintiff in Intervention National Wood Products, Inc.'s Opposition to APCO Construction's Motion for Attorneys' Fees and Costs	JA007095- JA007120	97/98
07-19-18	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 Attorney's Fees and Costs	JA007246- JA007261	100
01-10-18	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	JA001561- JA001573	27
01-18-18	Stipulation and Order Regarding Trial Exhibit Admitted into Evidence	JA002199- JA002201	36
	Exhibit 1 – Exhibit List APCO	JA002208- JA002221	36
	Exhibit 2 – Helix Trial Exhibits	JA002222- JA002223	36
	Exhibit 3 – Exhibit List Plaintiff in Intervention National Wood Products, Inc.	JA002224- JA002242	36/37
	APCO TRIAL EXHIBITS:		
	APCO Related Exhibits:		
	Trial Exhibit 7 - Letter from Scott Financial to APCO re: Loan Status	JA002243	37
	Trial Exhibit 8 - APCO Pay Application No. 10 as submitted to Owner	JA002244- JA002282	37/38
	Trial Exhibit 12 and 107 - Email from C. Colligan to Subcontractors re: Subcontractor Concerns	JA002283- JA002284	38

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Trial Exhibit 17 – Video (Construction Project)	JA002285	N/A
	Trial Exhibit 18 – Video (Construction Project)	JA002286	N/A
	Trial Exhibit 19 – Video (Construction Project)	JA002287	N/A
	Trial Exhibit 20 – Video (Construction Project)	JA002288	N/A
	Trial Exhibit 21 – Video (Construction Project)	JA002289	N/A
	Trial Exhibit 22 – Video (Construction Project)	JA002290	N/A
	Trial Exhibit 29 - Email from J. Robbins to Subcontractors re: Billing Cut-Off for August Billing	JA002285	39
	Trial Exhibit 30 - Camco Pay Application No. 11 NCS-Owner Approved with NCS Draw Request	JA002286- JA002306	39
	Trial Exhibit 32 and 125 - Photo re: Building 8 & 9, Interior (Showing drywall still not completed and no electrical trim or fixture installed)	JA002307- JA002308	39
	Trial Exhibits 33 and 126 - Photo re: Building 8 & 9, Interior (Showing drywall still not completed)	JA002309- JA002310	39
	Exhibit 34 and 128 - Photo re: Building 8 & 9, Interior (Showing drywall still not completed)	JA002311- JA002312-	40
	Trial Exhibit 35 - Photo re: Building 8 & 9, Interior (Showing drywall still not completed and no electrical trim or fixtures installed)	JA002313- JA002314	40
	Exhibit 36 and 130 -Photo re: Building 8 & 9, Interior (Showing drywall still not completed and no electrical trim or fixtures installed)	JA002315- JA002316	40

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Trial Exhibits 37 and 131 -Photo re: Building 8 & 9, Interior (Showing drywall still not completed and no electrical trim or fixtures installed)	JA002317- JA002318	40
	Trial Exhibits 38 and 132 - Photo re: Building 8 & 9, Interior (Showing drywall still not completed and no electrical trim or fixtures installed)	JA002319- JA002320	41
	Trial Exhibit 39 -Email from K. Costen to Subcontractors informing that Manhattan West Project no longer open	JA002321- JA002322	41
	Trial Exhibit 40- Letter from D. Parry to Subcontractors Re: Funding Withdrawn	JA002323 JA002326	41
	HELIX Related Exhibits:		41
	Trial Exhibit 46 - Helix Pay Application No. 16713-008R1 with Proof of Payment	JA002327- JA002345	41
	Trial Exhibit 47 - Helix Pay Application No. 16713-009R1 with Proof of Payment	JA002346- JA002356	41
	Trial Exhibit 48 - Email from R. Nickerl to B. Johnson Re: Work Suspension Directive	JA002357- JA002358	41
	Trial Exhibit 49 -Helix Pay Application No. 16713-010R2 with Proof of Payment	JA002359- JA002364	41/42
	Trial Exhibit 50 - Unconditional Waiver and Release re: Pay Application No. 8 with Copy of Payment	JA002365- JA002366	42
	Trial Exhibit 51 - Photo re: Building 8 & 9, South (No Exterior fixtures installed. Helix billed out at 90%)	JA002367- JA002368	42
	Trial Exhibit 52 -Photo re: Building 8 & 9, North (No Exterior fixtures installed. Helix billed out at 90%)	JA002369- JA002370	42
	Trial Exhibit 53 -Photo re: Building - 2 & 3, West (No Exterior fixtures installed. Helix billed out at 90%)	JA002371- JA002372	42

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Trial Exhibit 54 - Photo re: Building - 2 & 3, East (No Exterior fixtures installed. Helix billed out at 90%)	JA002373- JA002374	42
	Trial Exhibit 55 - Photo re: Building 2 & 3, East (No Exterior fixtures installed. Helix billed out at 90%)	JA002375- JA002376	42
	Trial Exhibit 56 - Photo re: Building 8 & 9, North (No Exterior fixtures installed. Helix billed out at 90%)	JA002377- JA002378	42
	Trial Exhibit 57 - Photo re: Building 2 & 3, and 8 & 9, North (No Exterior fixtures installed. Helix billed out at 90%)	JA002379- JA002381	42
	Trial Exhibit 58 - Helix Pay Application No. 16713-011R1 submitted to Owner	JA002382- JA002391	42
	Trial Exhibit 59 - Helix Pay Application No. 16713-011R1 given to Camco with Proof of Payment	JA002392- JA002405	43
	Trial Exhibit 60 - Helix Retention Rolled to Camco	JA002406- JA002415	43
	Trial Exhibit 61 - Unconditional Waiver and Release re: all Invoices through June 30, 2008 with Proof of Payment	JA002413- JA002415	43
	Trial Exhibit 62 - Photo re: Building 8 & 9, South	JA002416- JA002417	43
	Trial Exhibit 63 - Photo re: Building 2 & 3, West	JA002418- JA002419	43
	Trial Exhibit 64 - Photo re: Building 2 & 3, West	JA002420- JA002421	43
	Trial Exhibit 65 - Photo re: Building 2 & 3, South	JA002422- JA002423	43
	Trial Exhibit 66 - Letter of transmittal from Helix to APCO re: Helix Pay Application No. 16713-011R1	JA002424- JA002433	43
	Trial Exhibit 67 - Photo re: Building 8 & 9, West (No exterior fixtures installed. Helix billed out 90%)	JA002435- JA002436	43

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Trial Exhibit 68 -Photo re: Building 8 & 9, West (No exterior fixtures installed. Helix billed out 90%)	JA002437- JA002438	43
	Trial Exhibit 69 - Photo re: Building 2 & 3, East (No exterior fixtures installed. Helix billed out 90%)	JA002439- JA002440	43
	Trial Exhibit 70 - Photo re: Building 8 & 9, South (No exterior fixtures installed. Helix billed out 90%)	JA002441- JA002442	43
	Trial Exhibit 71 - Photo re: Building 8 & 9, West (No exterior fixtures installed. Helix billed out 90%)	JA002443- JA002444	43
	Trial Exhibit 72 - Photo re: Building 2 & 3, East (No exterior fixtures installed. Helix billed out 90%)	JA002445- JA002446	43
	Trial Exhibit 73 - Photo re: Building 8 & 9, West (No exterior fixtures installed. Helix billed out 90%)	JA002447- JA002448	43
	Trial Exhibit 74 - Photo re: Building 2 & 3, East (No exterior fixtures installed. Helix billed out 90%)	JA002448- JA002449	43
	Trial Exhibit 75 - Unconditional Release re: Pay Application No. 16713-011R1 with Proof of Payment	JA002450- JA002456	43
	Exhibit 77 - Helix Statement of Facts Constituting Notice of Lien and Third-Party Complaint	JA002457- JA002494	43
	Zitting Brothers Related Exhibits:		
	Trial Exhibit 100 - Check No. 14392 payable to Zitting (\$27,973.80); Progress Payment No. 7	JA002495- JA002497	44
	Trial Exhibit 101 - Email from R. Nickerl to R. Zitting re: Change Orders	JA002498- JA002500	44
	Trial Exhibit 102 -Email from L. Lynn to J. Griffith, et al. re: Change Order No. 00011 “pending”	JA002501- JA002503	44

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Trial Exhibit 103- Email from R. Zitting to R. Nickerl re: change orders adjusted to \$30 per hour	JA002504- JA002505	44
	Trial Exhibit 104 - Email from R. Zitting to R. Nickerl re: change orders adjusted to \$30 per hour with copies of change orders	JA002506- JA002526	44
	Trial Exhibit 105 - Ex. C to the Ratification – Zitting Quotes	JA002527- JA002528	44
	Trial Exhibit 106 - Unconditional Lien Release – Zitting (\$27,973.80)	JA002529	44
	Trial Exhibit 108 - Photo of Video (Construction Project)	JA002530- JA002531	44
	Trial Exhibit 109 - Photo of Video (Construction Project)	JA002532- JA002533	44
	Trial Exhibit 110 - Photo of Video (Construction Project)	JA002534- JA002535	44
	Trial Exhibit 111 - Photo of Video (Construction Project)	JA002536- JA002537	44
	Trial Exhibit 112 - Photo of Video (Construction Project)	JA002538- JA002539	44
	Trial Exhibit 113 -Photo of Video (Construction Project)	JA002550- JA002541	44
	Trial Exhibit 114 -Photo of Video (Construction Project)	JA002542- JA002543	44
	Trial Exhibit 115 - Progress Payment No. 9 Remitted to Zitting	JA002544- JA002545	44
	Trial Exhibit 116 - Ratification and Amendment of Subcontract Agreement between Buchele and Camco	JA002546- JA002550	44
	Trial Exhibit 117 - C to the Ratification	JA002551- JA002563	44
	Trial Exhibit 118 - Q&A from Gemstone to subcontracts	JA002564- JA002567	44
	Trial Exhibit 119 - Check No. 528388 payable to APCO (\$33,847.55) – Progress Payment No. 8.1 and 8.2	JA002568- JA002571	44

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Trial Exhibit 120 - Tri-City Drywall Pay Application No. 7 to APCO as submitted to Owner. Show percentage complete for Zitting	JA002572- JA002575	44/45
	Trial Exhibit 127 - Photo of Video (Construction Project)	JA002576- JA002577	45/46
	Trial Exhibit 128 - Photo of Video (Construction Project)	JA002578- JA002579	46
	Trial Exhibit 129 - Photo of Video (Construction Project)	JA002580- JA002581	46
	Trial Exhibit 138 - Memo from Scott Financial to Nevada State Contractors Board Re: Explanation of Project Payment Process	JA002582- JA002591	46
	Trial Exhibit 152 -Terms & Conditions modified by APCO, Invoices and Check Payment	JA002592- JA002598	46
	National Wood Products Related Exhibits:		
	Trial Exhibit 160 - Documents provided for settlement	JA002599- JA002612	46
	CAMCO Related Exhibits:		
	Trial Exhibit 163 - Camco Pay Application No. 12 to Gemstone	JA002613- JA002651	46/47
	Trial Exhibit 165 - Letter from D. Parry to A. Edelstein re: Gemstone losing funding for project	JA002652- JA002653	47
	Trial Exhibit 166 - Letter from D. Parry to G. Hall re: withdrawal of funding	JA002654 JA002656	47
	Helix Related Exhibits:		47
	Trial Exhibit 169 - Helix Exhibit to Standard Subcontract Agreement with Camco	JA 002665 JA002676	47/48
	Trial Exhibit 170 - Subcontract Agreement between Helix and Camco (unsigned)	JA002677- JA002713	48

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	Trial Exhibit 171 - Work Order No. 100	JA002714- JA002718	48
	Trial Exhibit 172 - Letter from J. Griffith to Victor Fuchs Re: Gemstone's intention to continue retention of Helix w/copy of Ratification and Amendment of Subcontract Agreement	JA002719- JA002730	48
	Trial Exhibit 173 - Helix Pay Application No. 16713-012 to Camco with proof of payment	JA002731- JA002745	48
	Trial Exhibit 174 - Helix Change Order Request No. 28	JA002746- JA002747	48
	Trial Exhibit 175 - Change Notice No. 41	JA002748- JA002751	48
	Trial Exhibit 176 - Helix Pay Application No. 16713-013 to Camco	JA002752- JA002771	48/49
	Trial Exhibit 177 - Helix Pay Application No. 16713-014 to Camco	JA002772- JA002782	49
	Trial Exhibit 178 - Camco's letter to Helix rejecting Pay Application No. 16713-015 with attached copy of Pay Application	JA002783 JA002797	49
	National Wood/Cabinetec Related Exhibits:		
	Trial Exhibit 184 - Ratification and Amendment of Subcontract Agreement between CabineTec and Camco (fully executed copy)	JA002798- JA002825	49
	General Related Exhibits:		
	Trial Exhibit 218 - Camco/Owner Pay Application No. 11 w/Backup	JA002826- JA003028	50/51/52
	Trial Exhibit 220 - Camco/Owner Pay Application No. 12 w/Backup	JA003029- JA003333	52/53/54/55
	Trial Exhibit 313 - Letter from A. Edelstein to R. Nickerl re: NRS 624 Notice	JA003334- JA003338	55
	Helix Trial Exhibits:		

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	Trial Exhibit 501 - Payment Summary	JA003339 – JA003732	55/56/57/ 58/59/60
	Trial Exhibit 508 – Helix Pay Application	JA003733- JA003813	60/61
	Trial Exhibit 510 - Unsigned Subcontract	JA003814- JA003927	61/62
	Trial Exhibit 512 - Helix's Lien Notice	JA003928- JA004034	62/63
	Trial Exhibit 522 - Camco Billing	JA004035- JA005281	63/64/65/66/6 7/ 68/69/70 /71/72 /73/74/75/ 76/77
01-17-18	Transcript Bench Trial (Day 1)⁵	JA001668- JA001802	29/30
	Trial Exhibit 1 - Grading Agreement (Admitted)	JA001803- JA001825	30
	Trial Exhibit 2 – APCO/Gemstone General Construction Agreement (Admitted)	JA001826- JA001868	30
	Trial Exhibit 3 - Nevada Construction Services /Gemstone Cost Plus/GMP Contract Disbursement Agreement (Admitted)	JA001869- JA001884	30
	Trial Exhibit 4 - APCO Pay Application No. 9 Submitted to Gemstone (Admitted)	JA001885- JA001974	30/31/32
	Trial Exhibit 5 - Letter from J. Barker to A. Edelstein re: APCO's Notice of Intent to Stop Work (Admitted)	JA001975- JA001978	32
	Trial Exhibit 6 - Letter from J. Barker to A. Edelstein re: APCO's Notice of Intent to Stop Work (Admitted)	JA001979- JA001980	32
	Trial Exhibit 10 - Letter from J. Barker to A. Edelstein Re: Notice of Intent to Stop Work (Second Notice) (Admitted)	JA001981- JA001987	32

⁵ Filed January 31, 2018

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Trial Exhibit 13 - Letter from A. Edelstein to Re. Nickerl Re: Termination for Cause (Gemstone) <i>(Admitted)</i>	JA001988- JA002001	32
	Trial Exhibit 14 - Letter from W. Gochmour to Sean Thueson Re: [APCO's] Response to [Gemstone's] Termination for Cause <i>(Admitted)</i>	JA002002- JA002010	33
	Trial Exhibit 15 - Letter from R. Nickerl to A. Edelstein Re: 48-Hour Notices <i>(Admitted)</i>	JA002011- JA002013	33
	Trial Exhibit 16 - Email from J. Horning to A. Berman and J. Olivares re: Joint Checks <i>(Admitted)</i>	JA002014	33
	Trial Exhibit 23 - APCO Subcontractor Notice of Stopping Work and Letter from J. Barker to A. Edelstein Re: Notice of Stopping Work and Notice of Intent to Terminate Contract <i>(Admitted)</i>	JA002015- JA002016	33
	Trial Exhibit 24 - Letter from R. Nickerl to Clark County re: Notification of APCO's withdrawal as General Contractor of Record <i>(Admitted)</i>	JA002017- JA002023	33
	Trial Exhibit 26 - Email from J. Gisondo to Subcontractors re: June checks <i>(Admitted)</i>	JA002024	34
	Trial Exhibit 27 - Letter from A. Edelstein to R. Nickerl re: June Progress Payment <i>(Admitted)</i>	JA002025- JA002080	34
	Trial Exhibit 28 - Letter from J. Barker to A. Edelstein Re: Termination of Agreement for GMP <i>(Admitted)</i>	JA002081	34
	Trial Exhibit 31 - Transmission of APCO's Pay Application No. 11 as Submitted to Owner <i>(Admitted)</i>	JA002082- JA002120	34/35
	Trial Exhibit 45 - Subcontractor Agreement <i>(Admitted)</i>	JA002121- JA002146	35

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Trial Exhibit 162 - Amended and Restated General Construction Agreement between Gemstone and CAMCO (<i>Admitted</i>)	JA002147- JA002176	35/36
	Trial Exhibit 212 - Letter from Edelstein to R. Nickerl re: NRS 624 Notice (<i>Admitted</i>)	JA002177- JA002181	36
	Trial Exhibit 215 - Email from C. Colligan to Subcontractors re: 48-hour Termination Notice (<i>Admitted</i>)	JA002182- JA002185	36
	Trial Exhibit 216 - Email from C. Colligan re: Meeting with Subcontractors (<i>Admitted</i>)	JA002186- JA002188	36
	Trial Exhibit 506 – Email and Contract Revisions (<i>Admitted</i>)	JA002189 – JA002198	36
01-18-18	Transcript – Bench Trial (Day 2)⁶	JA005284- JA005370	78
	Trial Exhibit 535 – Deposition Transcript of Andrew Rivera (Exhibit 99) (<i>Admitted</i>)	JA005371- JA005623	78/79/80
01-19-18	Transcript – Bench Trial (Day 3)⁷	JA005624- JA005785	80
	Trial Exhibit 231 – Helix Electric’s Amended Statement of Facts Constituting Notice of Lien and Third-Party Complaint (<i>Admitted</i>)	JA005786- JA005801	80
	Trial Exhibit 314 - Declaration of Victor Fuchs in support of Helix’s Motion for Partial Summary Judgment against Gemstone (<i>Admitted</i>)	JA005802- JA005804	80
	Trial Exhibit 320 – June-August Billings—not paid to APCO (<i>Admitted</i>)	JA005805	80
	Trial Exhibit 321 – Overpayments to Cabinetec (<i>Admitted</i>)	JA005806-	80

⁶ Filed January 31, 201879

⁷ Filed January 31, 2018

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Trial Exhibit 536 – Lien math calculations (handwritten) (<i>Admitted</i>)	JA005807- JA005808	80
	Trial Exhibit 804 – Camco Correspondence (<i>Admitted</i>)	JA005809- JA005816	80
	Trial Exhibit 3176 – APCO Notice of Lien (<i>Admitted</i>)	JA005817- JA005819	81
01-24-18	Transcript – Bench Trial (Day 5)⁸	JA005820- JA005952	81
01-24-19	Transcript for All Pending Fee Motions on July 19, 2018	JA007300- JA007312	100/101

⁸ Filed January 31, 2018

1 145. CabineTec understood the ratification to mean that "you guys [APCO] were
2 stepping out and Camco was stepping in."¹⁵⁶

3 146. CabineTec further clarified its understanding of the ratification agreement as
4 follows:

5 Q. Okay. Sir, but going forward from and after the point that
6 CabineTec signed the ratification agreement with Camco, you
7 knew and understood that Camco was going to be the
8 "contractor", as that term was used in the original subcontract
9 that Cabinetec had for the project, correct?

10 A. So APCO was going away and Camco was coming on. That's
11 what was happening.¹⁵⁷

12 147. In addition, the signed ratification agreement contained the following terms:

- 13 • "B. Subcontractor and Camco desire to acknowledge, ratify and agree to
14 the terms of the Subcontract Agreement, whereby Camco will replace
15 APCO as the "Contractor" under the Subcontract Agreement but, subject
16 to the terms of this Ratification, all other terms and conditions of the
17 Subcontract Agreement will remain in full force and effect."¹⁵⁸
- 18 • The ratification agreement acknowledged that \$264,395.00 of work
19 remained to be finished on Building 8 and \$264,395.00 on Building 9.¹⁵⁹
- 20 • "5. Ratification. Subcontractor and Camco agree that (a) the terms of the
21 Subcontract Agreement (as amended by this Ratification and including
22 all Amendments, Previously Approved Change Orders, and the Camco
23 Schedule) will govern their relationship regarding the Project, (b) Camco
24 will be the "Contractor" under the Subcontract Agreement, and (c)
25 Subcontractor and Camco agree to perform and fulfill all of the
26 executory terms, covenants, conditions and obligations required to be
27 performed and fulfilled thereunder by Subcontractor and Camco,
28 respectively."¹⁶⁰

29 Accordingly, all retention and future payments to CabineTec, which were executory
30 obligations, were Camco's responsibility.

31 ¹⁵⁵ Exhibit 3096; Testimony of Nicholas Cox (CabineTec) Day 3, p. 34;
32 Testimony of Mr. Thompson (CabineTec) Day 5, p. 60.

33 ¹⁵⁶ Testimony of Nicholas Cox (CabineTec) Day 3, p. 35.

34 ¹⁵⁷ Testimony of Nicholas Cox (CabineTec) Day 3, p. 36.

35 ¹⁵⁸ Exhibit 183-1.

36 ¹⁵⁹ Exhibit 183-2.

1 148. After Gemstone could no longer pay Camco, CabineTec filed a complaint
2 against APCO and Camco and alleged that it entered into a ratification agreement with Camco:

3 10. On or about August 26, 2008, pursuant to Gemstone's request
4 CABINETEC entered into a Ratification and Amendment of
5 Subcontract Agreement (the "Ratification") with CAMCO,
6 whereby CAMCO agreed to the terms of the APCO Subcontract
7 and to replace APCO as the "Contractor" under the APCO
8 Contract. . .

9 14. CABINETEC entered into the Ratification with CAMCO,
10 pursuant to Gemstone's request, wherein CAMCO agreed to pay
11 CABINETEC for the services and materials on the Project.

12 15. Pursuant to, and in reliance upon, the aforementioned
13 Subcontract, Ratification and representations, CABINETEC
14 performed the work of providing services and materials (the
15 "Work.")...¹⁶¹

16 APCO had no liability for the materials CabineTec provided to Camco and Gemstone after
17 termination.

18 149. The fact is, APCO paid (and even overpaid) CabineTec for materials delivered
19 to the Project while APCO was contractor.¹⁶²

20 150. CabineTec did not dispute this overpayment at trial.

21 151. CabineTec submitted two invoices while APCO was on the Project.¹⁶³

22 152. Exhibit 148 is CabineTec's first invoice to Camco for \$70,836.00.¹⁶⁴

23 153. CabineTec's second invoice is for \$72,540.00.¹⁶⁵

24 154. The total amount due to CabineTec, less retention, was \$129,038.40.¹⁶⁶

25 ¹⁶⁰ Exhibit 172-5.

26 ¹⁶¹ Exhibit 156 at ¶ 10-15.

27 ¹⁶² Testimony of Mary Jo Allen (APCO) Day 3, pp. 131-132.

28 ¹⁶³ Exhibits Nos. 148, 150, 151, and 320-321, Calculation of CabineTec
overpayment; Testimony of Mary Jo Allen (APCO) Day 3, p. 130.

¹⁶⁴ Testimony of Mary Jo Allen (APCO) Day 3, p. 130.

¹⁶⁵ Testimony of Mary Jo Allen (APCO) Day 3, p. 131.

¹⁶⁶ Testimony of Mary Jo Allen (APCO) Day 3, p. 131.

1 155. But APCO actually paid CabineTec a total of \$161,262.00 for these two
2 invoices.¹⁶⁷

3 156. As such, CabineTec was overpaid \$32,223.60 by APCO on the Project.

4 157. CabineTec did not submit a pay application for August 2008.¹⁶⁸

5 158. APCO is entitled to credit for this over payment.

6 J. CabineTec Claims retention against APCO.

7 159. When CabineTec originally filed suit CabineTec disclosed \$19,547.00 in
8 damages against APCO in its complaint:

9 "50. As a result of the foregoing, and in accordance with the
10 principles of equity and common law, CABINETEC is entitled to
11 judgment in its favor, and against APCO in the amount of
12 \$19,547.00, together with interest thereon at the highest legal
13 rate."¹⁶⁹

14 160. And, CabineTec's initial and first supplemental disclosures only disclosed
15 \$30,110.95 in damages against APCO: "...National Wood seeks to recover those damages
16 claimed by CabineTec in its complaint in intervention against APCO in the amount of
17 \$30,110.95 and CAMCO in the amount of \$1,125,374.94..."¹⁷⁰ The \$30,110.95 represented
18 \$19,547.00 in alleged retention, and \$10,563.95 in interest and fees.¹⁷¹

19 161. Those were the only two disclosures CabineTec made before the close of
20 discovery, as was extended by the Court. Then on the eve of trial, CabineTec attempted to
21 disclose and seek \$1,154,680.40 in damages against APCO.¹⁷²

22 ¹⁶⁷ Testimony of Mary Jo Allen (APCO) Day 3, p. 131.

23 ¹⁶⁸ Testimony of Mary Jo Allen (APCO) Day 3, p. 134.

24 ¹⁶⁹ Exhibit 156-8.

25 ¹⁷⁰ Exhibit 157 (CabineTec's Initial Disclosure); Exhibit 158 (CabineTec's First
26 Supplemental Disclosure), and Exhibit 159 (CabineTec's Second Supplemental
27 Disclosure).

28 ¹⁷¹ Compare Exhibit 156, CabineTec's Complaint to Exhibit 157, CabineTec's
Initial Disclosure.

¹⁷² Exhibit 159-6.

1 162. Aside from the late disclosure there is no basis for that amount as it is
2 undisputed that CabineTec was paid every dollar it billed APCO, less retention,
3 notwithstanding the overpayment.¹⁷³

4 K. Helix's claim for \$505,021.00 in retention.

5 163. Helix's designated PMK and Project Manager, Andy Rivera, confirmed that
6 Helix's only claim in this litigation against APCO was for the retention of \$505,021.00.¹⁷⁴

7 164. Helix's counsel admitted this limited claim in its opening statement.¹⁷⁵

8 165. And then at trial, Mr. Rivera confirmed Helix was only seeking retention and
9 not the unpaid invoices submitted to Camco:

10 Q. Sir, could you pull out Exhibit 44. And I want to make
11 sure my record's clear. Exhibit 44 that I marked is, in fact, the
12 same summary that was found in Exhibit 535, page 252, that you
and Mr. Zimbleman went over; is that—

13 A. Correct.

14 Q. Okay. And does Exhibit 44 represent the damages that
you are seeking from APCO in this matter?

15 A. Yes.

16 Q. And do you recall if you were designated as the person
most knowledgeable for one of the topics being the damages that
Helix was seeking from APCO in these proceedings, correct?

17 A. Correct.

18 Q. And would you agree that as the PMK, you identified a
figure of \$505,021 as the amount that Helix in this lawsuit claims
APCO owes it, correct?

19 A. Correct.

20 Q. And there are no other amounts that you identified in
your PMK depo as being APCO's liability on this Project,
correct?

21 A. Correct.

22 Q. Okay. And we are in agreement that the 505—that's
your handwriting, where you wrote: Retention?

23 A. Yes.

24 ¹⁷³ Exhibit 147 summarizing payments and releases.

25 ¹⁷⁴ Exhibit 279, Testimony of Andy Rivera (Helix) Day 2, pp. 63-65; Helix's
PMK Deposition at p. 52.

26 ¹⁷⁵ Testimony, Day 1 at p. 10. ("...Helix remains to be unpaid \$505,021, while
27 APCO was the general contractor. This is to say amounts still owing from pay
applications submitted to APCO, and yes, that is essentially our retention.").

1 Q. And would it be fair to conclude that that retention
2 represents retention that had been accounted for and accrued
3 while APCO was serving as the prime contract – prime contractor
4 on the Project?

5 A. Yes.

6 Q. Prior to today has Helix ever billed APCO for that
7 retention?

8 A. No. No. I'm sorry.

9 Q. Do you have any information to suggest that APCO
10 ever received Helix's retention from Gemstone?

11 A. I would not know.

12 Q. Okay. You don't have any information to suggest that
13 APCO has collected Helix's retention but not forwarded it on to
14 Helix, correct?

15 A. Correct.

16 Q. Okay. And in light of your summary within Exhibit 44,
17 would it be fair to conclude that all of the amounts that Helix
18 billed to APCO were, in fact, paid but for retention?

19 A. Yes.¹⁷⁶

20 166. Helix received direct payments from APCO through May 2008.¹⁷⁷

21 167. After May 2008, Helix received payment for its APCO billings directly from
22 NCS through joint checks to Helix and APCO, which APCO endorsed over to Helix.¹⁷⁸

23 168. Helix's first billing to Camco was on September 19, 2008.¹⁷⁹

24 169. Mr. Rivera admitted Helix is only seeking \$505,021.00 in retention from APCO,
25 which Helix never billed APCO.¹⁸⁰

26

27

28 ¹⁷⁶ Testimony of Andy Rivera (Helix) Day 2, pp. 73-75.

¹⁷⁷ Testimony of Andy Rivera (Helix) Day 2, p. 61.

¹⁷⁸ Testimony of Andy Rivera (Helix) Day 2, pp. 61-64

¹⁷⁹ Exhibit 508, p. 1; Testimony of Andy Rivera (Helix) Day 2 at p. 65.

¹⁸⁰ Testimony of Andy Rivera (Helix) Day 2, pp. 50 and 58. Exhibit 501, p. 393
is the spreadsheet Helix created of payments it applied for and received from APCO.
Helix's Mr. Rivera admitted Helix was paid a total of \$4,626,186.11 on the Project by
and through APCO, which reflected payment for work billed (and retention) through
August 31, 2008. Testimony of Andy Rivera (Helix) Day 2, pp. 58-59; Exhibits 46-47,

1 L. Retention never became due to Helix or CabineTec from APCO.

2 170. As noted above, both the Helix Subcontract and the CabineTec Subcontract
3 included an agreed upon retention payment schedule in Paragraph 3.8.

4 171. The evidence was undisputed, and even acknowledged by Helix and CabineTec,
5 that the level of completion and other preconditions of the retention payment schedule were not
6 met while APCO was the general contractor.

7 172. More specifically, Helix's Mr. Johnson admitted Helix did not meet the
8 preconditions in Section 3.8 of the Subcontract to be entitled to retention:¹⁸¹

9 Q. Well, let me ask it this way: Did Helix satisfy any of
10 these preconditions found in paragraph 3.8 while APCO was the
11 general contractor on the project?

12 A. Not to my knowledge.¹⁸²

13 173. CabineTec's Mr. Thompson admitted that the buildings had to be drywalled and
14 painted before the cabinets were installed¹⁸³ and he had no documentation (daily reports,
15 photographs, etc.) that would confirm that CabineTec ultimately installed cabinets in Phase 1
16 for APCO.¹⁸⁴

17 174. It is undisputed that neither Helix nor CabineTec presented *any* testimony that
18 they met the valid conditions precedent to payment to be entitled to retention.

19 175. *See Lucini-Parish Ins. v. Buck*,¹⁸⁵ (a party who seeks to recover on a contract has
20 the burden of establishing any condition precedent to the respective contract).

21 176. Instead, the Court saw pictures¹⁸⁶ and videos¹⁸⁷ confirming that Helix's and
22 CabineTec's work was not completed.

23 Helix May and June billings; Exhibit 49-50; APCO Checks to Helix, Exhibit 58, Exhibit
24 59, Exhibit 60, Exhibit 61, Exhibit 66, Exhibit 75.

25 ¹⁸¹ Testimony of Bob Johnson (Helix) Day 2, pp. 36-37.

26 ¹⁸² Testimony of Bob Johnson (Helix) Day 2, p. 19.

27 ¹⁸³ Testimony of Mr. Thompson (CabineTec) Day 5, p. 69.

28 ¹⁸⁴ Testimony of Mr. Thompson (CabineTec) Day 5, p. 69.

¹⁸⁵ 108 Nev. 617, 620, 836 P.2d 627, 629 (1992).

1 177. The Court also heard unrefuted testimony that APCO was never paid from
2 Gemstone for Helix's or CabineTec's retention.¹⁸⁸

3 178. The fact is APCO and its subcontractors never got to the point where they could
4 request retention while APCO was the contractor.¹⁸⁹

5 179. To that end, Helix's Mr. Johnson admitted that Helix did not present a claim to
6 APCO for any additional compensation for disputed claims or changes while APCO was on the
7 Project.¹⁹⁰

8 180. Helix's Mr. Rivera admitted Helix *has never* billed APCO for retention, and that
9 all amounts that Helix did bill APCO were paid, less retention.¹⁹¹

10 181. The fact that Helix did not bill retention confirms that Helix recognized that
11 retention never became due from APCO under the retention payment schedule which governed
12 the same.

13 182. Both Helix and CabineTec rolled their retention account over to Camco and
14 Gemstone in their post-APCO billings as it was truly a Project and Gemstone liability.¹⁹²

15 183. APCO's responsibility for retention under the subcontract's retention payment
16 schedule was governed by the same.

17 184. That is confirmed by Helix's and Camco's conduct at the Project level through
18 their pay applications.¹⁹³

19

20 ¹⁸⁶ Exhibit 32-38, 51-57, 108-114, 62-65, 67-74, 125-132, Pictures of Status of
21 Project; Testimony of Brian Benson (APCO) Day 3, pp. 53-71.

22 ¹⁸⁷ Exhibits 17-22, Videos of Project.

23 ¹⁸⁸ Testimony of Mary Jo Allen (APCO) Day 3, p. 144; Testimony of Joe Pelan
24 (APCO) Day 1, p. 26.

25 ¹⁸⁹ Testimony of Joe Pelan (APCO) Day 1, pp. 60 and 82; Testimony of Bob
26 Johnson (Helix) Day 2, pp. 36-37; Testimony of Joe Pelan (APCO) Day 3, p. 151.

27 ¹⁹⁰ Testimony of Bob Johnson (Helix) Day 2, p. 31.

28 ¹⁹¹ Testimony of Andy Rivera (Helix) Day 2, p. 74; Exhibits 43, 50, 61 and 75.

¹⁹² Exhibits 170-177, Helix billings to Camco and Exhibit 185, CabineTec's
billings to Camco; Testimony of Mary Jo Allen (APCO) Day 3, pp. 129-130; Testimony
of Andy Rivera (Helix) Day 2, p. 74.

1 M. Similarly, APCO never earned or received its retention.

2 185. Gemstone and/or its lender maintained the retention account.¹⁹⁴

3 186. APCO's August 2008 pay application did not bill Gemstone for APCO's
4 retention.¹⁹⁵

5 187. In fact, APCO never billed Gemstone for retention¹⁹⁶ because APCO had not
6 earned the retention and thus was not entitled to it.¹⁹⁷

7 188. And APCO never billed or received the retention funds from Gemstone for any
8 of the subcontractors.¹⁹⁸

9 189. APCO never received CabineTec's or Helix's retention from Gemstone.¹⁹⁹

10 190. Helix's Mr. Johnson admitted that Gemstone, not APCO, was holding its
11 retention.²⁰⁰

12 191. And Helix admitted it had no information to suggest that APCO was ever paid
13 Helix's retention.²⁰¹

14 192. Neither Helix nor CabineTec ever billed APCO for any of the materials or work
15 it performed after Camco signed its prime contract with Gemstone.²⁰²

16
17 ¹⁹³ Compare Exhibit 58, Helix's August 2008 pay application to APCO, to
18 reflecting \$513,120.71 in retention to Exhibit 173, Helix's September 2008 payment
19 application to Camco reflecting \$553,404.81 in retention. See also, Exhibit 151 pgs. 1, 2
20 CabineTec's last pay application to APCO for \$179,180.00 reflecting \$17,918.00 in
retention, to Exhibit-185, CabineTec's first payment application to Camco showing
approved amount of \$537,404.80 less \$53,740.48 in retention. See also Exhibit 30
(Camco's August 2008 draw request confirming retention was being held for the entire
project).

21 ¹⁹⁴ Testimony of Joe Pelan (APCO) Day 1, p. 30.

22 ¹⁹⁵ Exhibit 31; Testimony of Joe Pelan (APCO) Day 1, p. 45.

23 ¹⁹⁶ Testimony of Joe Pelan (APCO) Day 1, p. 30.

24 ¹⁹⁷ Testimony of Joe Pelan (APCO) Day 1, p. 83.

25 ¹⁹⁸ Testimony of Mary Jo Allen (APCO) Day 3, p. 128.

26 ¹⁹⁹ Testimony of Joe Pelan (APCO) Day 3, p. 150.

27 ²⁰⁰ Testimony of Bob Johnson (Helix) Day 2, p. 19.

28 ²⁰¹ Testimony of Bob Johnson (Helix) Day 2, p. 20.

²⁰² Testimony of Joe Pelan (APCO) Day 1, p. 97.

1 193. And notably, neither Helix nor CabineTec billed APCO nor submitted a claim
2 letter for the retention they now claim.²⁰³

3 194. In fact, CabineTec actually billed Camco for the retention it incurred under
4 APCO.²⁰⁴

5 N. Helix also entered into a ratification agreement with Camco.

6 195. Helix's Project Manager, Mr. Rivera understood that Gemstone purported to
7 terminate the Contract:

8 Q. Wouldn't it be fair to say that based on
9 communications, both written and verbal, that you received from
10 APCO and/or Gemstone, you knew that Gemstone had purported
to terminate APCO's prime contract?

11 A. We knew they were having issues.

12 Q. Okay. And those issues had culminated in APCO
purporting to terminate the prime contract and/or Gemstone
purporting to terminate the prime contract, correct?

13 A. Correct.²⁰⁵

14 196. In fact, during the August 2008 timeframe, Helix was getting information
15 directly from Gemstone.²⁰⁶

16 197. Mr. Rivera admitted Helix was copied on certain communications between
17 APCO and Gemstone:

18 Q. And wouldn't it be fair to say that you received copies
19 of certain communications from APCO to the owner, Gemstone,
20 whereby APCO indicated that we're having payment issues and
we're giving notice of our intent to exercise statutory rights to
suspend and/or terminate?

21 A. Something to that effect, yes.²⁰⁷

22
23 ²⁰³ Testimony of Joe Pelan (APCO) Day 1, p. 97; Testimony of Mary Jo Allen
(APCO) Day 3, p. 128 (as to CabineTec); Testimony of Joe Pelan (APCO) Day 3, p.
150.

24 ²⁰⁴ Exhibit 3103 confirming CabineTec billed Camco for its retention. Testimony
25 of Nicholas Cox (CabineTec) Day 3, p. 38-39.

26 ²⁰⁵ Testimony of Andy Rivera (Helix) Day 2, p. 75.

27 ²⁰⁶ Testimony of Andy Rivera (Helix) Day 2, p. 76.

28 ²⁰⁷ Testimony of Andy Rivera (Helix) Day 2, p. 76.

....
Q. Okay. But do you recall receiving APCO generated correspondence indicating to the owner, which was sent to subcontractors as well, that APCO was suspending and/or terminating its work, correct?

A. Correct.²⁰⁸

198. Mr. Rivera also admitted Helix was performing work under Gemstone's direction by August 26, 2008:

Q. And from and after about August 26, 2008, Helix was taking its direction from Gemstone and/or Camco, correct?

A. Gemstone.

Q. Okay. APCO was not directing, requesting any work on behalf of Helix after September 5, 2008, correct?

A. Correct.

Q. And based on your personal involvement with Gemstone and Camco, did you understand that, in fact, Camco was replacing APCO as the prime contractor?

A. At that time did not know exactly how that was—the agreement was going to be.

Q. Did you come to find out?

A. Yes.

Q. That was, in fact, the case?

A. Yes.²⁰⁹

199. Helix was directed to hook up power to the Camco trailer on August 26, 2008.²¹⁰

200. Gemstone provided Helix with the Camco subcontract and Camco pay applications,²¹¹ and directed Helix to start directing its payment applications to Camco.²¹²

201. On August 26, 2008 Camco sent Helix a checklist for starting work.²¹³ Among the provisions included:

- **RETENTION MONIES** Final retention monies will only be released to Camco Pacific from Owner when all Punch list

²⁰⁸ Testimony of Andy Rivera (Helix) Day 2, p. 77.

²⁰⁹ Testimony of Andy Rivera (Helix) Day 2, pp. 76-77. *See also* Testimony of Bob Johnson (Helix) Day 2, p. 25.

²¹⁰ Exhibit 171; Testimony of Bob Johnson (Helix) Day 2, p. 25.

²¹¹ Exhibit 170.

²¹² Testimony of Andy Rivera (Helix) Day 2, p. 66.

²¹³ Exhibit 170.

1 Items, Contract Items, and Close-Out Documents have been
2 fully completed and inspected by the owner. Any delay by a
3 single Subcontractor in completing this will delay the entire
4 project's final payment. PLEASE DO NOT DELAY IN
5 COMPLETING YOUR PUNCHLIST ITEMS. Exhibit 170-3.

- 6 ...
- 7 • **D. Final Payment** Subcontractor shall not be entitled to
8 payment of the balance of the Contract Price, including,
9 without limitation, the Retainage, until (1) the Contract Work
10 has been completed to the satisfaction of Contractor, (2)
11 Subcontractor has submitted to Contractor an invoice for the
12 final payment accompanied by (i) a final complete list of all
13 suppliers and subcontractors whose materials or services have
14 been utilized by Subcontractor, (ii) all closeout documents
15 including, warranties, guarantees, as-builts, drawings,
16 operating and maintenance manuals and such other items
17 required of Subcontractor have been provided and such have
18 been accepted by Owner, (iii) executed unconditional lien
19 releases and waivers from Subcontractor and all of its
20 mechanics, subcontractors, and suppliers for the Contract
21 Work covered by all preceding progress payments, and (iv)
22 executed unconditional lien releases and waivers upon final
23 payment from all mechanics, subcontractors, and suppliers
24 who have previously received final payment, and conditional
25 lien releases and waivers upon final payment from
26 Subcontractor and each mechanic, subcontractor, and supplier
27 from which an unconditional lien release and waiver upon
28 final payment has not been submitted to Contractor, (3)
Contractor has received the corresponding final payment
from Owner, (4) Contractor has received evidence of
Subcontractor's insurance required to be in place, (5) 45 days
have elapsed after a Notice of Completion has been recorded
or if a valid Notice of Completion is not recorded, upon
Subcontractor's receipt of a written notice of acceptance of
the Contract Work that shall be given by Contractor not later
than 91 days after Contractor determines in good faith that the
Contract Work has been performed completed and in
acceptable manner and (6) all outstanding disputes related to
the Project have been resolved, and any liens against the
Project have been removed.²¹⁴

²¹⁴ Exhibit 170-11, 170-12.

1 Having received these requirements, Helix continued on as the electrical subcontractor for
2 Camco after APCO's termination.

3 202. Helix's Andy Rivera admitted Helix's technical scope of work remained the
4 same under Camco:

5 Q. Would it be fair to conclude the technical scope of
6 work remained the same as you transitioned to work with
Camco—

7 A. Yeah.

8 Q. —for Helix?

8 A. Yes.²¹⁵

9 203. During the transition of APCO to Camco, Helix had a meeting with
10 Gemstone.²¹⁶

11 204. The purpose of that meeting was to: "represent that work was still proceeding,
12 nothing had changed with our contracts with the current APCO relationship, and that we were
13 to take direction for construction from Camco, and they wanted to negotiate a contract."²¹⁷

14 205. Helix never sent APCO a letter or requested that APCO clarify or provide any
15 information to Helix on the status of its relationship to the Project.²¹⁸

16 206. Camco presented Helix with a ratification agreement.²¹⁹

17 207. It was Camco's intent and understanding that it was replacing APCO in the
18 Helix-APCO subcontract.²²⁰

19 208. Helix had a copy of the ratification agreement by at least September 3, 2008.²²¹

22 ²¹⁵ Testimony of Andy Rivera (Helix) Day 2, p. 78.

23 ²¹⁶ Testimony of Bob Johnson (Helix) Day 2, p. 22.

24 ²¹⁷ Testimony of Bob Johnson (Helix) Day 2, pp. 22-23.

25 ²¹⁸ Testimony of Bob Johnson (Helix) Day 2, p. 23.

26 ²¹⁹ Testimony of Bob Johnson (Helix) Day 1, p. 124.

27 ²²⁰ Testimony of Steve Parry (Camco) Day 5, pp. 28, 29 and 60.

28 ²²¹ Exhibit 172. Testimony of Bob Johnson (Helix) Day 2, p. 27.

1 209. Helix understood the purpose of the ratification agreement as follows: "...they
2 [Camco] were stepping in as construction management for the project and that they were using
3 that agreement in order to proceed with – hold us as the subcontractor going forward."²²²

4 210. Camco's understanding was the same, i.e. the ratification agreement formed the
5 basis of Camco's agreement in allowing Helix to proceed on the Project.²²³

6 211. Helix continued working on the Project after receiving the ratification agreement
7 from Gemstone.²²⁴

8 212. Camco sent Helix the ratification agreement with a September 4, 2008 letter that
9 included the following representations: "The conditional acceptance of this work is based on
10 the execution of a standard Camco Pacific Ratification Agreement... We have provided you a
11 copy of the Camco Pacific Ratification Agreement for your review and acceptance."

12 213. The Ratification Agreement contained the following additional terms:

- 13 • "B. Subcontractor and Camco desire to acknowledge, ratify and agree to
14 the terms of the Subcontract Agreement, whereby Camco will replace
15 APCO as the "Contractor" under the Subcontract Agreement but, subject
16 to the terms of this Ratification, all other terms and conditions of the
17 Subcontract Agreement will remain in full force and effect."
18 • "5. Ratification. Subcontractor and Camco agree that (a) the terms of the
19 Subcontract Agreement (as amended by this Ratification and including
20 all Amendments, Previously Approved Change Orders, and the Camco
21 Schedule) will govern their relationship regarding the Project, (b) Camco
22 will be the "Contractor" under the Subcontract Agreement, and (c)
23 Subcontractor and Camco agree to perform and fulfill all of the
24 executory terms, covenants, conditions and obligations required to be
25 performed and fulfilled thereunder by Subcontractor and Camco,
26 respectively."²²⁵

27 ²²² Testimony of Bob Johnson (Helix) Day 1, p. 124.

28 ²²³ Exhibit 172. Testimony of Steve Parry (Camco) Day 5, p. 29.

²²⁴ Testimony of Bob Johnson (Helix) Day 2, p. 28.

²²⁵ Exhibit 172-5.

1 214. Helix admitted it entered into a ratification agreement with Camco on
2 September 4, 2008 to continue on and complete the APCO scope of work.²²⁶

3 215. Helix even added a document to the ratification entitled "Helix Electric's
4 Exhibit to the Ratification and Amendment."²²⁷

5 216. The Helix Exhibit to the Ratification and Amendment contained language
6 confirming that APCO was removed as the general contractor and that Helix submitted
7 \$994,025.00 in change orders to APCO prior to August 26, 2008, the date Camco was using for
8 its ratification agreement.²²⁸

9 217. Helix included a total contract price of \$5.55 million for the Project, which was
10 its original contract price with APCO for Phase 1, and added \$480,689.00 as approved change
11 orders under APCO to the total contract price.²²⁹

12 218. The proposed Helix Amendment to the ratification agreement also included the
13 following term: "All close out documents must be turned in before Camco Pacific can release
14 final payment."²³⁰

15 219. And although Helix has not produced a signed copy of the ratification
16 agreement, Helix has admitted entering into its ratification and amended subcontract agreement
17 in its complaint as follows:

18 18. On or about September 4, 2008, Helix entered into the
19 Ratification and Amendment of Subcontract Agreement ("CPCC
20 Agreement") with Camco who replaced APCO as the general
21 contractor on the Project, to continue the work for the Property
22 ("CPCC Work").

23 19. Helix furnished the CPCC Work for the benefit of and at the
24 specific instance and request of CPCC and/or Owner.

25 ²²⁶ Exhibit 77, Helix Complaint, ¶18.

26 ²²⁷ Exhibit 170; Testimony of Bob Johnson (Helix) Day 2, p. 42.

27 ²²⁸ Exhibit 170; Testimony of Bob Johnson (Helix) Day 2, pp. 42-43.

28 ²²⁹ Exhibit 170-54; Testimony of Bob Johnson (Helix) Day 2, p. 44; Exhibit 169-
8.

²³⁰ Exhibit 169-1.

1 20. Pursuant to the CPCC Agreement, Helix was to be paid an
2 amount in excess of Ten Thousand Dollars (\$10,000.00)
3 (hereinafter "CPCC Outstanding Balance") for the CPCC Work.
4 21. Helix furnished the CPCC Work and has otherwise performed
5 its duties and obligations as required by the CPCC Agreement.
6 22. CPCC has breached the CPCC Agreement...
7 CPCC breached its duty to act in good faith by performing the
8 Ratification Agreement in a manner that was unfaithful to the
9 purpose of the Ratification Agreement, thereby denying Helix's
10 justified expectations...²³¹

11 Helix's Mr. Johnson admitted that Exhibit 172, the Ratification Agreement, was the document
12 that Helix referenced in its complaint (Exhibit 77) as the Ratification.²³²

13 220. Helix sought \$834,476.45 against Camco.²³³

14 221. Helix also admitted it had a contract with Camco/Gemstone for \$8.6 million in
15 its lien documents.²³⁴

16 222. The scope of work that Helix and CabineTec undertook on the Project was the
17 same as each had previously contracted with APCO for.²³⁵

18 223. Helix did not have any further communication with APCO after Camco took
19 over the Project.²³⁶

20 224. That is because both knew that APCO was no longer involved and had no
21 further liability.

22 225. In fact, both Helix and CabineTec rolled their retention over into the Camco
23 billings.²³⁷

24 ²³¹ Exhibit 77.

25 ²³² Testimony of Bob Johnson (Helix) at Day 2, p. 28.

26 ²³³ Testimony of Joe Pelan (APCO) Day 1 at p. 10.

27 ²³⁴ Exhibit 512; Testimony of Bob Johnson (Helix) at Day 2, p. 29.

28 ²³⁵ Exhibit 314 and Testimony of Bob Johnson (Helix) Day 2, p. 10.

²³⁶ Testimony of Bob Johnson (Helix) Day 2, p. 14.

²³⁷ Compare Exhibit 58, Helix's last pay application to APCO to Exhibit 173, Helix's first payment application to Camco. See also Exhibit 176 and 177 showing Helix's retention rolled over. See also, Exhibit 150, CabineTec's last pay application to APCO, to Exhibit 185, CabineTec's first payment application to Camco showing

1 226. Helix's Andy Rivera specifically admitted that it rolled its \$505,000.00 in
2 retention billings over to Camco.²³⁸

3 227. After Helix and CabineTec went to work for Camco, neither sent APCO any
4 further pay applications or billings for work they performed on the Project.²³⁹

5 228. And it is undisputed that Helix submitted its September 2008 pay application
6 for \$354,456.90 to Camco.²⁴⁰

7 229. That pay application tracked Helix's full retainage of \$553,404.81 for the
8 Project, not just work completed under Camco.²⁴¹

9 230. Helix also submitted its October 2008 billing for \$361,117.44,²⁴² its
10 November 2008 pay application for \$159,475.68,²⁴³ and its December 2008 billing for
11 \$224,805.30 to Camco.²⁴⁴

12 **O. Camco never completed the Project.**

13 231. Camco never finished the Project²⁴⁵ and was never paid retention by
14 Gemstone.²⁴⁶

15 232. In its letter to the subcontractors dated December 22, 2008, Camco advised the
16 subcontractors as follows:

17 [I]t has come to Camco Construction, Inc.'s attention that
18 funding for the completion of the Manhattan West project (the

19 CabineTec's retention rolled over. See also, Exhibit 30 (Camco's August 2008 draw
20 request confirming retention was being held for the entire Project).

21 ²³⁸ Testimony of Andy Rivera (Helix) Day 2, p. 74.

22 ²³⁹ Testimony of Mary Jo Allen (APCO) Day 3, at pp. 127-128; Testimony of
23 Andy Rivera (Helix) Day 2, p. 76.

24 ²⁴⁰ Exhibit 173-1.

25 ²⁴¹ Exhibit 173-2

26 ²⁴² Exhibit 176-2.

27 ²⁴³ Exhibit 177-4.

28 ²⁴⁴ Exhibit 178-4.

²⁴⁵ Testimony of Steve Parry (Camco) Day 5, p. 36.

²⁴⁶ Testimony of Steven Parry (Camco) Day 5, p. 36.

1 "Project") has been withdrawn. Camco recently received the
2 following email from [Gemstone]...As a result, Gemstone does
3 not have funds sufficient to pay out the October draw or other
4 obligations...Based on the foregoing facts and circumstances,
5 Camco has no other alternative but to immediately terminate all
6 subcontracts on the Project, including the agreement with your
7 company... you have acknowledged that Camco is not liable to
8 you for payment unless and until Camco receives the
9 corresponding payment from the Owner...Camco's contract with
10 Gemstone is a cost plus agreement wherein the subcontracts and
11 supplies were paid directly by Gemstone and/or its agent, Nevada
12 Construction Services, based on the invoices and/or payment
13 applications submitted through voucher control... Therefore,
14 Camco has no contractual and/or statutory obligation to pay any
15 claim that may be alleged by any of the subcontractors and/or
16 suppliers on the Project... any claim for payment alleged against
17 Camco will result in additional fees, costs ...Therefore, all claims
18 for payment must be directed to and/or alleged against Gemstone
19 and the Project.²⁴⁷

20 233. Camco's Parry was not able to tell if CabineTec billed Camco in August 2008,
21 Exhibit 218 and Camco's first pay app to Gemstone.²⁴⁸

- 22 • Exhibit 220 is Camco's second pay application for the Project, through
23 September 30, 2008.²⁴⁹ That pay application accounted \$6,004,763.00 in
24 retention.²⁵⁰ Camco's Parry admitted that Exhibit 220 does include
25 billings from Helix to Camco that Camco was passing on to
26 Gemstone.²⁵¹
- 27 • Exhibit 221 is Camco's billing to Gemstone through October 31, 2008;
28 reflecting a total retention of \$6,928,767.84 in retention.
- Exhibit 163 is Camco's November 2008 billing, reflecting a total
retention of \$7,275,991.08.

20 234. Based on Camco's last billing,²⁵² Exhibit 163, Camco's best estimate of the
21 work completed on Phase 1 was 86%.²⁵³

22 ²⁴⁷ Exhibit 40 and Exhibit 39.

23 ²⁴⁸ Exhibit 218; Testimony of Steven Parry (Camco) Day 5, p. 34.

24 ²⁴⁹ Exhibit 220; Testimony of Steven Parry (Camco) Day 5, p. 32.

25 ²⁵⁰ Exhibit 220; Testimony of Steven Parry (Camco) Day 5, p. 32.

26 ²⁵¹ Exhibit 220; Testimony of Steven Parry (Camco) Day 5, p. 33.

27 ²⁵² Testimony of Steve Parry (Camco), Day 5, p. 36.

28 ²⁵³ Exhibit 163; Testimony of Steven Parry (Camco), Day 5, p. 36.

1 P. The litigation.

2 235. On September 9, 2008, APCO brought an action against Gemstone for breach of
3 Contract and nonpayment.²⁵⁴

4 236. Gemstone counterclaimed alleging that APCO breached the Contract.²⁵⁵

5 237. On November 4, 2008, the Project lender confirmed that it was reviewing
6 September's pay application, and confirmed that the subcontractors would be paid for the work
7 performed for Camco.²⁵⁶

8 238. In December 2008 Gemstone suspended work on the Project and advised Camco
9 and its various subcontractors that the lender was halting all financing for the Project.²⁵⁷

10 239. That led to the onslaught of liens and the related priority litigation.

11 240. On December 16, 2008, Camco officially terminated its prime contract with
12 Gemstone:

13 Pursuant to your notice to Camco on December 15, 2008,
14 Gemstone (a) has lost its funding for the ManhattanWest project
15 and (b) will be unable to meet its payment obligations pursuant to
16 Article VI of the Engagement Agreement. Furthermore,
17 Gemstone has failed to make payments to Camco pursuant to
18 Article VI of the Engagement Agreement for October 2008,
19 November 2008, and December 2008, and such failures are a
20 material breach of the Engagement Agreement. As Gemstone has
21 no means of curing such material breach in a timely manner, the
22 Engagement Agreement is terminated for cause, effective
23 December 19, 2008. Pursuant to our discussions, we understand
24 that you agree with the termination
25 and the effective date of termination.

26 ...

27 Pursuant to our discussions and with Gemstone's consent, Camco
28 will immediately send notices to all of the subcontractors to
29 terminate their subcontract agreements. In Camco's termination
30 notice, we will ask the subcontractors to submit their payment
31 applications to Camco. Camco will review the payment

32 ²⁵⁴ Exhibit 219.

33 ²⁵⁵ Exhibit 226.

34 ²⁵⁶ Exhibit 138.

35 ²⁵⁷ Exhibit 48; Exhibit 138.

1 applications and, if they appear proper, Camco will forward them
2 to Gemstone for payment.²⁵⁸

3 In response, Camco terminated the subcontracts with its subcontractors on December 22,
4 2008.²⁵⁹

5 241. On May 26, 2010, Judge Kathleen Delaney filed an Order Striking Defendant
6 Gemstone Development West, Inc.'s Answer and Counterclaims, and Entering Default for
7 failure to give reasonable attention to matters, failure to obtain new counsel, failure to appear at
8 hearings.²⁶⁰

9 242. On June 6, 2013, APCO filed a motion for summary judgment against
10 Gemstone. That Motion confirmed that APCO complied with all terms of the Agreement and
11 that Gemstone materially breached the Agreement by, among other things: (1) failing to make
12 payments due to APCO; (2) interfering with APCO's relationships with its subcontractors; (3)
13 refusing to review, negotiate, or consider change order requests in good faith; (4) removing
14 APCO from the Project without valid or appropriate grounds; and (5) otherwise breaching the
15 terms of the Agreement.²⁶¹

16 243. On June 13, 2013, the Court (Judge Susan Scann) granted that motion.²⁶² The
17 record does not reflect an order or judgment.

18 244. APCO did not receive any funds associated with its work from June, July or
19 August 2008 on the Project and never received its or any subcontractor's retention.

20 245. APCO did cooperate with Gemstone to see that all subcontractors, including
21 Helix and CabineTec were paid all progress payments that were billed and due while APCO
22 was in charge.

23 ²⁵⁸ Exhibit 165.

24 ²⁵⁹ Exhibit 166-2.

25 ²⁶⁰ Docket at May 26, 2010 Order Striking Defendant Gemstone Development
26 West, Inc.'s Answer and Counterclaims, and Entering Default.

27 ²⁶¹ Docket at June 6, 2013, Motion for Summary Judgment against Gemstone.

28 ²⁶² Docket at Minutes from June 13, 2013.

1 246. Despite APCO's efforts, Helix and CabineTec are seeking to hold APCO
2 responsible for retention.

3 247. Any of the foregoing findings of fact that would be more appropriately
4 considered conclusions of law should be deemed so.

5 FROM the foregoing Findings of Fact, the Court makes the following

6 **II. CONCLUSIONS OF LAW**

7
8 **Helix's Claims Against APCO**

9 **A. Breach of Contract**

10 1. In Nevada, there are four elements to a claim for breach of contract: "(1)
11 formation of a valid contract, (2) performance or excuse of performance by the plaintiff, (3)
12 material breach by the defendant, and (4) damages."²⁶³

13 2. Exhibit 45 is the Helix Subcontract, which represents the valid, final written
14 agreement between APCO and Helix.

15 3. Helix's claim against APCO is for \$505,021.00 in alleged retention.²⁶⁴ As a
16 condition precedent to payment for retention, the Helix Subcontract required Helix to properly
17 comply with the retention payment schedule in Section 3.8.²⁶⁵ Specifically, Section 3.8
18 required: (1) completion of the entire project, (2) owner acceptance, (3) final payment from
19 owner to APCO, (4) final as-built drawings, and (5) releases.²⁶⁶

20 4. A party who seeks to recover on a contract has the burden of establishing any
21 condition precedent to the respective contract.²⁶⁷

22 5. Parties can agree to a schedule of payments.²⁶⁸

23
24 ²⁶³ *Laguerre v. Nevada System of Higher Education*, 837 F.Supp.2d 1176, 1180
(D. Nev. 2011).

25 ²⁶⁴ Testimony of Andy Rivera (Helix) Day 2, pp. 73-75.

26 ²⁶⁵ Exhibit 45 at Section 3.8.

27 ²⁶⁶ Exhibit 45 at Section 3.8.

28 ²⁶⁷ *See Lucini-Parish Ins. v. Buck*, 108 Nev. 617, 620, 836 P.2d 627, 629 (1992).

- 1 6. Parties can agree to proper conditions precedent to payment.²⁶⁹
- 2 7. Under Nevada precedent and legislative action, acceptance provisions are valid
- 3 conditions precedent to payment when not combined with a waiver of a mechanic's lien rights.
- 4 270
- 5 8. NRS 624.624 was meant, *inter alia*, to ensure payment to subcontractors after
- 6 the owner paid the general for the subcontractor's work.²⁷¹
- 7 9. In the present action, the Helix Subcontract: (1) incorporated the Contract,²⁷² (2)
- 8 confirmed that the subcontractors would be bound to Gemstone to the same extent APCO
- 9 was,²⁷³ and (3) contained a schedule of payments for both retention and change orders with
- 10 preconditions before APCO had an obligation to pay the subcontractors.²⁷⁴
- 11 10. Only one of those preconditions involved Gemstone's payment of retention to
- 12 APCO. The others concerned the right to receive payment, not the fact of payment.
- 13 11. Pursuant to NRS 624.624(1)(a), payment was due to Helix in accordance with
- 14 the retention payment schedule or within 10 days after APCO received payment from
- 15 Gemstone:

16 **NRS 624.624 Payment of lower-tiered subcontractor;**

17 **grounds and procedure for withholding amounts from**

18

19 ²⁶⁸ NRS 624.624(1)(a).

20 ²⁶⁹ *Padilla Construction Company of Nevada v. Big-D Construction Corp*, 386

21 P.3d 982 (Nev. 2016) (unpublished) ("Because the parties' subcontract contained a

22 payment schedule that required that Padilla be paid within ten days after IGT accepted

23 Padilla's work and paid Big-D for that work and it is undisputed that IGT never

24 accepted Padilla's work . . . the district court correctly found that payment never

25 became due to Padilla under the subcontract or *NRS 624.624(1)(a)*; *see generally*,

26 *NRS 624.626*.

27 ²⁷⁰ *Id.*

28 ²⁷¹ *Padilla Construction Company of Nevada v. Big-D Construction Corp*, 386

P.3d 982 (Nev. 2016) (unpublished).

²⁷² Exhibits 45 and 149, Helix and CabineTec Subcontracts at Sections 1.1.

²⁷³ Exhibits 45 and 149, Helix and CabineTec Subcontracts at Sections 3.4.

²⁷⁴ *Id.* at Section 3.8 and Article 4.

1 payment; rights and duties after notice of withholding, notice
2 of objection or notice of correction.

3 1. Except as otherwise provided in this section, if a
4 higher-tiered contractor enters into:

5 (a) A written Contract with a lower-tiered
6 subcontractor that includes a schedule for payments, the
7 higher-tiered contractor shall pay the lower-tiered
8 subcontractor:

9 (1) On or before the date payment is due; or

10 (2) Within 10 days after the date the higher-tiered
11 contractor receives payment for all or a portion of
12 the work, materials or equipment described in a
13 request for payment submitted by the lower-tiered
14 subcontractor,

15 → whichever is earlier.

16 12. These provisions place a time obligation on a higher-tiered contract to make
17 payment, but they do not restrict the right of the lower-tiered contractor to receive payment if
18 the higher-tiered contractor has not been paid. Section 3.8 of the Helix Subcontract contained a
19 retention payment schedule that was acknowledged and affirmed by Helix and APCO at trial.
20 As such, Helix needed to show that applicable and enforceable conditions precedent were
21 satisfied before APCO had to pay retention. *See Lucini-Parish Ins. v. Buck*,²⁷⁵ (a party who
22 seeks to recover on a contract has the burden of establishing any condition precedent to the
23 respective contract).

24 13. Helix admitted that it did not comply with the applicable and enforceable
25 conditions precedent to be entitled to its retention payments from APCO.²⁷⁶

26 ²⁷⁵ 108 Nev. 617, 620, 836 P.2d 627, 629 (1992).

27 ²⁷⁶ See Testimony of Helix's Bob Johnson, Day 2 at pg. 19 ("Q. Well, let me ask
28 it this way: Did Helix satisfy any of these preconditions found in paragraph 3.8 while
APCO was the general contractor on the project? A. Not to my knowledge.")

1 14. Helix did not show: (1) completion of the entire Project, (2) final acceptance of
2 the Project by Gemstone, (3) receipt of final payment from Gemstone to APCO, (4) delivery of
3 all as-builts and close out document, and (5) delivery of all final waivers and releases.

4 15. Helix never sent APCO an invoice or billing for its retention.

5 16. Accordingly, Helix's retention payment was not due from APCO at the time
6 APCO was removed from the project.

7 17. As a result, Helix's first claim for relief for breach of contract for failing to pay
8 retention fails as a matter of law.

9 18. Lastly, there is no contractual obligation for APCO to pay Helix for the work it
10 performed for Gemstone and/or Camco after APCO left the Project. Helix knowingly replaced
11 APCO with Camco under the Helix Subcontract on all executory obligations, including
12 payment for future work and retention.

13 **B. Breach of the Implied Covenant of Good Faith and Fair Dealing**

14 19. Helix's second claim for relief for breach of the covenant of good faith and fair
15 dealing also fails.

16 20. In Nevada, "[e]very contract imposes upon each party a duty of good faith and
17 fair dealing in its performance and enforcement."²⁷⁷ This implied covenant requires that parties
18 "act in a manner that is faithful to the purpose of the contract and the justified expectations of
19 the other party."²⁷⁸

20 21. A breach of the implied covenant of good faith and fair dealing occurs when the
21 terms of a contract are complied with but one party to the contract deliberately contravenes the
22 intention of the contract.²⁷⁹

23
24 ²⁷⁷ *A.C. Shaw Cont., Inc. v. Washoe Cnty.*, 105 Nev. 913, 914, 784 P.2d 9, 9
(Nev. 1989) (quoting NRS 104.1203).

25 ²⁷⁸ *Morris v. Bank of Am. Nev.*, 110 Nev. 1274, 1278 n.2, 886 P.2d 454, 457 n.2
26 (Nev. 1994) (internal quotations omitted).

27 ²⁷⁹ See *Hilton Hotels v. Butch Lewis Prods.*, 107 Nev. 226, 232, 808 P.2d
28 919,923 (Nev. 1991).

1 22. To prevail on a theory of breach of the covenant of good faith and fair dealing, a
2 plaintiff must establish: (1) plaintiff and defendants were parties to a contract, (2) defendants
3 owed a duty of good faith to the plaintiff, (3) defendants breached that duty by performing in a
4 manner that was unfaithful to the purpose of the contract, and (4) plaintiff's justified
5 expectations were denied.²⁸⁰

6 23. The Nevada Supreme Court has held that good faith is a question of fact.²⁸¹

7 24. Helix claims APCO breached its duty of good faith and fair dealing by
8 "performing in a manner that was unfaithful to the purpose of the APCO Agreement."²⁸²

9 25. APCO acted in good faith with respect to Helix:

- 10 a. APCO paid Helix all sums Helix billed APCO through August 2008
11 (when APCO left the Project),²⁸³
12 b. APCO signed joint checks so that its subcontractors, including Helix,
13 would get paid, even though APCO was not getting paid,²⁸⁴
14 c. APCO pulled its general contractor permits so that Camco could get
15 permits for the Project and APCO's subcontractors could continue on
16 with the Project (less retention),²⁸⁵ and
17 d. APCO also financed the related appeal to obtain priority for Helix and
18 the other subcontractors once Gemstone shut the Project down.

19
20
21 ²⁸⁰ *Perry v. Jordan*, 111 Nev. 943, 948, 900 P.2d 335, 338 (Nev. 1995).

22 ²⁸¹ *Consolidated Generator-Nevada, Inc. v. Commins Engine Co., Inc.*, 114 Nev.
1304, 1312, 971 P.2d 1251, 1256 (Nev. 1998).

23 ²⁸² Exhibit 231, Helix's amended complaint at ¶ 27.

24 ²⁸³ Exhibit 26; Exhibit 152; Testimony of Joe Pelan, Day 1 at pg. 67; Testimony
of Mary Jo Allen (APCO), Day 3 pg. 127 (as to Helix) and Testimony of Mary Jo Allen
25 (APCO), Day 3 at pg. 128; Testimony of Joe Pelan (APCO), Day 1 at pg. 46; Testimony
of Joe Pelan (APCO), Day 1 at pg. 82.

26 ²⁸⁴ Exhibit 26. See also: Testimony of Joe Pelan (APCO), Day 1 at pg. 38;
Testimony of Joe Pelan (APCO), Day 1 at pg. 41.

27 ²⁸⁵ Testimony of Joe Pelan (APCO), Day 1 at pg. 100.

1 26. Helix failed to present any evidence that APCO failed to act in good faith under
2 the Helix Subcontract or these circumstances. While it is undisputed that APCO did not pay
3 Helix the retention, there is no evidence that this non-payment was in bad faith.

4 27. As a result, Helix's second claim for breach of the implied covenant of good
5 faith and fair dealing of the subcontract fails as a matter of law.

6 C. Unjust Enrichment/Quantum Meruit

7 28. Helix asserted breach of contract *and* unjust enrichment claims against
8 APCO.²⁸⁶

9 29. APCO had a subcontract with Helix, Exhibit 45. Helix admitted the same in its
10 complaints, at trial, and in its May 10, 2010 Motion for Partial Summary Judgment Against
11 Gemstone (and corresponding errata), on file with this Court.

12 30. An action based upon a theory of unjust enrichment is not available when there
13 is an express, written contract because no contract can be implied when there is an express
14 contract.²⁸⁷ However, frustration of an express contract's purpose can make unjust enrichment
15 an available remedy. *See e.g. Restatement, Contracts 2d*, §377.

16 31. Even if the Helix Subcontract did not preclude an unjust enrichment/*quantum*
17 *meruit* theory of recovery (which it does), APCO was not unjustly enriched by Helix's work.
18 The undisputed evidence confirms that APCO was not paid any amounts for Helix's work that
19 it did not transmit to Helix, and APCO did not get to keep the property. Instead, APCO remains
20 unpaid \$1,400,036.75 from the failed Project.²⁸⁸

21 32. As such, APCO was not unjustly enriched by Helix's work.

22

23

24

25 ²⁸⁶ See Exhibit 45, Helix Subcontract, and Exhibit 149, CabineTec Subcontract.

26 ²⁸⁷ *Leasepartner's Corp. v. Robert L. Brooks Trust*, 113 Nev. 747, 942 P.2d 182
(1997).

27 ²⁸⁸ Testimony of Mary Jo Allen (APCO), Day 3, p. 122.

28

1 D. Mechanic's Lien Foreclosure

2 33. Helix's fourth claim for relief was of a mechanic's lien foreclosure, which also
3 fails.

4 34. APCO was not the owner of the Project.

5 35. The Project has already been foreclosed upon and the proceeds were awarded to
6 the lender. The Nevada Supreme Court affirmed the decision of the trial court that the lender
7 was entitled to keep the Project and related proceeds, and the subcontractors (and APCO) were
8 left with nothing. Thus, Helix cannot foreclose upon the property.

9 36. APCO is not legally liable for any deficiency judgment because it is not the
10 party responsible for any deficiency.²⁸⁹

11 E. Violation of NRS 624.606 through 624.630 et seq.

12 37. NRS 624.624 is designed to ensure that general contractors promptly pay
13 subcontractors after the general contractor receives payment from the owner for the work
14 performed by the subcontractor.

15 38. Here, it is undisputed that Exhibit 45, the Helix Subcontract is a written
16 agreement between APCO and Helix and contained a retention payment schedule in Section
17 3.8. Accordingly, pursuant to NRS 624.624(1)(a) payment is due on the date specified in the
18 subcontract.

19 39. The Helix Subcontract confirmed that Helix would get paid retention after it
20 met the five conditions precedent in the retention payment schedule.

21 40. It is undisputed that Helix never met the five preconditions in the subcontract's
22 payment schedule.²⁹⁰ Accordingly, payment of retention to Helix never became due under NRS
23 624 and Helix's claim for a violation of NRS 624 fails.

24
25
26 ²⁸⁹ NRS 108.239(12); *Nev. Nat'l Bank v. Snyder*, 108 Nev. 151, 157, 826 P.2d
560, 563 (1992).

27 ²⁹⁰ Testimony of Bob Johnson (Helix) Day 2 at pg. 36 and 37

1 41. Additionally, Helix never billed APCO for its retention and APCO never
2 received Helix's retention from Gemstone.

3 **CabineTec's claims against APCO**

4 **A. Breach of Contract**

5 42. In Nevada, there are four elements to a claim for breach of contract: "(1)
6 formation of a valid contract, (2) performance or excuse of performance by the plaintiff, (3)
7 material breach by the defendant, and (4) damages."²⁹¹

8 43. Exhibit 149 is the CabineTec Subcontract, which represents the valid, final
9 written agreement between APCO and CabineTec.

10 44. Exhibit 156, CabineTec's Complaint (page 7, paragraph 50) confirms that
11 CabineTec's principal claim against APCO is for \$19,547.00 for retention.

12 45. As a condition precedent to payment for retention, the CabineTec Subcontract
13 required CabineTec to properly comply with the retention payment schedule in Section 3.8.²⁹²
14 Specifically, Section 3.8 required: (1) completion of the entire project, (2) owner acceptance,
15 (3) final payment from owner to APCO, (4) final as-built drawings, and (5) releases.²⁹³

16 46. A party who seeks to recover on a contract has the burden of establishing any
17 condition precedent to the respective contract.²⁹⁴

18 47. Parties can agree to a schedule of payments.²⁹⁵

19 48. Parties can agree to proper conditions precedent to payment.²⁹⁶

20
21 ²⁹¹ *Laguerre v. Nevada System of Higher Education*, 837 F.Supp.2d 1176, 1180
(D. Nev. 2011).

22 ²⁹² Exhibit 149, CabineTec Subcontract at Section 3.8.

23 ²⁹³ Exhibit 149, CabineTec Subcontract at Section 3.8.

24 ²⁹⁴ *See Lucini-Parish Ins. v. Buck*, 108 Nev. 617, 620, 836 P.2d 627, 629 (1992).

25 ²⁹⁵ NRS 624.624(1)(a).

26 ²⁹⁶ *Padilla Construction Company of Nevada v. Big-D Construction Corp.*, 386
27 P.3d 982 (Nev. 2016) (unpublished) ("Because the parties' subcontract contained a
28 payment schedule that required that Padilla be paid within ten days after IGT accepted
Padilla's work and paid Big-D for that work and it is undisputed that IGT never
accepted Padilla's work the district court correctly found that payment never became

1 49. Under Nevada precedent and legislative action, acceptance provisions are valid
2 conditions precedent to payment when not combined with a waiver of a mechanic's lien rights.

3 ²⁹⁷

4 50. NRS 624.624 was meant, *inter alia*, to ensure payment to subcontractors after
5 the owner paid the general for the subcontractor's work.²⁹⁸

6 51. In the present action, the CabineTec Subcontract: (1) incorporated the
7 Contract,²⁹⁹ (2) confirmed that the subcontractors would be bound to Gemstone to the same
8 extent APCO was,³⁰⁰ and (3) contained a schedule of payments for both retention and change
9 orders with preconditions before APCO had an obligation to pay the subcontractors.³⁰¹

10 52. Only one of those preconditions involved Gemstone's payment of retention to
11 APCO, which never occurred. The others concerned the right to receive payment, not the fact
12 of payment.

13 53. Pursuant to NRS 624.624(1)(a), payment was due to CabineTec in accordance
14 with the retention payment schedule or within 10 days after APCO received payment from
15 Gemstone:

16 **NRS 624.624 Payment of lower-tiered subcontractor;**
17 **grounds and procedure for withholding amounts from**
18 **payment; rights and duties after notice of withholding, notice**
19 **of objection or notice of correction.**

20 1. Except as otherwise provided in this section, if a
21 higher-tiered contractor enters into:

22 due to Padilla under the subcontract or *NRS 624.624(1)(a)*; *see generally*, NRS
23 624.626.

24 ²⁹⁷ *Id.*

25 ²⁹⁸ *Padilla Construction Company of Nevada v. Big-D Construction Corp*, 386
26 P.3d 982 (Nev. 2016) (unpublished).

27 ²⁹⁹ Exhibits 45 and 149, Helix and CabineTec Subcontracts at Sections 1.1.

28 ³⁰⁰ Exhibits 45 and 149, Helix and CabineTec Subcontracts at Sections 3.4.

³⁰¹ *Id.* at Section 3.8 and Article 4.

1 (a) A written Contract with a lower-tiered
2 subcontractor that includes a schedule for payments, the
3 higher-tiered contractor shall pay the lower-tiered
4 subcontractor:

5 (1) On or before the date payment is due; or

6 (2) Within 10 days after the date the higher-tiered
7 contractor receives payment for all or a portion of
8 the work, materials or equipment described in a
9 request for payment submitted by the lower-tiered
10 subcontractor,

11 → whichever is earlier.

12 These provisions place a time obligation on a higher-tiered contractor to make
13 payment but they do not restrict the right of a lower-tiered contractor to receive
14 payment if the higher-tiered contractor has not been paid.

15 54. Section 3.8 of the CabineTec Subcontract contained retention payment
16 schedules that were acknowledged and affirmed by CabineTec and APCO at trial. As such,
17 CabineTec needed to show that applicable and enforceable conditions precedent were satisfied
18 before APCO had to pay retention. See *Lucini-Parish Ins. v. Buck*,³⁰² (a party who seeks to
19 recover on a contract has the burden of establishing any condition precedent to the respective
20 contract).

21 55. CabineTec did not even attempt to show: (1) completion of the entire Project,
22 (2) final acceptance of the Project by Gemstone, (3) receipt of final payment from Gemstone to
23 APCO, (4) delivery of all as-builts and close out document, and (5) delivery of all final waivers
24 and releases.

25 56. CabineTec did not meet its burden of proof and APCO never received
26 CabineTec's retention to trigger the 10 day period.

27 57. Accordingly, CabineTec's retention payment never became due from APCO.

28
302 108 Nev. 617, 620, 836 P.2d 627, 629 (1992)

1 58. As a result, CabineTec's first claim for relief for breach of contract fails as a
2 matter of law.

3 59. There is no contractual obligation for APCO to pay CabineTec for the work it
4 performed for Gemstone and/or Camco after APCO left the Project. CabineTec knowingly
5 replaced APCO with Camco under the CabineTec Subcontract on all executory obligations,
6 including payment for future work and retention.

7 60. NRCP 16.1(a)(1)(c) requires that a plaintiff "**must, without awaiting a discovery**
8 **request, provide to other parties . . . [a] a computation of any category of damages claimed**
9 **by the disclosing party, making available for inspection and copying under Rule 34 of the**
10 **documents or other evidentiary matter... on which such computation is based, including**
11 **materials bearing on the nature and extent of injuries suffered...**"³⁰³

12 61. A plaintiff "is not excused from making its disclosures because it has not fully
13 completed its investigation of the case."³⁰⁴

14 62. NRCP 16.1(a)(c) requires that parties voluntarily disclose "[a] computation of
15 any category of damages claimed by the disclosing party" and documents to support the
16 computation.³⁰⁵

17 63. Under NRCP 26(e)(1), a plaintiff must immediately supplement its initial
18 damages computation if it "learns that in some material respect the information disclosed is
19 incomplete or incorrect."³⁰⁶ *See Keener v. United States*,³⁰⁷ (finding a second disclosure so
20 substantially different from the first that it could not qualify as a correction of an incomplete or
21 inaccurate expert report).

22
23
24 ³⁰³NRCP 16.1(a)(1)(c)(emphasis added).

25 ³⁰⁴*Id.*

26 ³⁰⁵NRCP 16.1(a)(1)(c).

27 ³⁰⁶NRCP 26(e)(1).

28 ³⁰⁷181 F.R.D. 639, 640 (D. Mont. 1998)

1 64. CabineTec's complaint alleged \$19,547.00 against APCO.³⁰⁸

2 65. CabineTec's initial, and first supplemental disclosures disclosed \$30,110.95 in
3 damages against APCO, which included interest and fees on the retention amount of
4 \$19,547.00.³⁰⁹

5 66. Those were the only disclosures that CabineTec made prior to the close of
6 discovery, as extended by the Court.

7 67. CabineTec's damage claims against APCO are limited to \$30,110.95.

8 68. National Wood's Second Supplemental Disclosure containing amended
9 damages was filed on November 13, 2017, two weeks before a November 28 trial date. This
10 supplement increases the damages from \$30,110.95 to \$1,154,680.40, a 3600% increase.

11 69. APCO has been prejudiced as a result of this late disclosure as APCO described
12 in its motion in limine, and National Wood's error in not disclosing its damages pursuant to
13 these rules was not harmless.

14 70. CabineTec/National Wood has no adequate justification for its repeated failure
15 to comply with Rule 16.1(a)'s disclosure requirements.

16 71. CabineTec did not present any testimony confirming it met any of the conditions
17 in Section 3.8. Instead, CabineTec's Mr. Thompson admitted that the buildings had to be
18 drywalled and painted before the cabinets were installed³¹⁰ and he had no documentation (daily
19 reports, photographs, etc.) that would confirm that CabineTec ultimately installed cabinets in
20 Phase I for APCO.³¹¹

21

22

23

24 ³⁰⁸ Exhibit 156-8.

25 ³⁰⁹ Exhibits 157 (CabineTec's initial disclosures); Exhibit 158 (CabineTec's First
26 Supplemental Disclosure), and Exhibit 159 (CabineTec's second supplemental
disclosure).

26 ³¹⁰ Testimony of Mr. Thompson (CabineTec) at Day 5 p. 69.

27 ³¹¹ Testimony of Mr. Thompson (CabineTec) at Day 5 p. 69.

28

MARK R. DENTON
DISTRICT JUDGE

DEPARTMENT THIRTEEN
LAS VEGAS, NV 89155

1 **B. Breach of the Implied Covenant of Good Faith and Fair Dealing**

2 72. In Nevada, “[e]very contract imposes upon each party a duty of good faith and
3 fair dealing in its performance and enforcement.”³¹² This implied covenant requires that
4 parties “act in a manner that is faithful to the purpose of the contract and the justified
5 expectations of the other party.”³¹³

6 73. A breach of the implied covenant of good faith and fair dealing occurs when the
7 terms of a contract are complied with but one party to the contract deliberately contravenes
8 the intention of the contract.³¹⁴

9 74. To prevail on a theory of breach of the covenant of good faith and fair dealing, a
10 plaintiff must establish: (1) plaintiff and defendants were parties to a contract, (2)
11 defendants owed a duty of good faith to the plaintiff, (3) defendants breached that duty by
12 performing in a manner that was unfaithful to the purpose of the contract, and (4) plaintiff’s
13 justified expectations were denied.³¹⁵

14 75. The Nevada Supreme Court has held that good faith is a question of fact.³¹⁶

15 76. APCO acted in good faith with respect to CabineTec:

- 16 a. APCO paid CabineTec all sums CabineTec billed APCO through August
17 2008 (when APCO left the Project),³¹⁷
18 b. APCO signed joint checks so that its subcontractors, including
19 CabineTec, would get paid, even though APCO was not getting paid,³¹⁸

20
21 ³¹² *A.C. Shaw Cont., Inc. v. Washoe Cnty.*, 105 Nev. 913, 914, 784 P.2d 9, 9
(Nev. 1989) (quoting NRS 104.1203).

22 ³¹³ *Morris v. Bank of Am. Nev.*, 110 Nev. 1274, 1278 n.2, 886 P.2d 454, 457 n.2
(Nev. 1994) (internal quotations omitted).

23 ³¹⁴ See *Hilton Hotels v. Butch Lewis Prods.*, 107 Nev. 226, 232, 808 P.2d
24 919,923 (Nev. 1991).

25 ³¹⁵ *Perry v. Jordan*, 111 Nev. 943, 948, 900 P.2d 335, 338 (Nev. 1995).

26 ³¹⁶ *Consolidated Generator-Nevada, Inc. v. Commins Engine Co., Inc.*, 114 Nev..
27 1304, 1312, 971 P.2d 1251, 1256 (Nev. 1998).

28 ³¹⁷ Exhibit 26; Exhibit 152; Testimony of Joe Pelan, Day 1, pp. 46, 67 and 82;
Testimony of Mary Jo Allen (APCO) Day 3, p. 128.

1 c. APCO pulled its general contractor permits so that Camco could get
2 permits for the Project and APCO's subcontractors could continue on
3 with the Project (less retention),³¹⁹ and

4 d. APCO also financed the related appeal to obtain priority for CabineTec
5 and the other subcontractors once Gemstone shut the Project down.

6 77. CabineTec failed to present any evidence that APCO failed to act in good faith
7 under the CabineTec Subcontract. While it is undisputed that APCO did not pay CabineTec the
8 retention, there is no evidence that this non-payment was in bad faith.

9 78. As a result, CabineTec's second claim for breach of the implied covenant of
10 good faith and fair dealing of the subcontract fails as a matter of law.

11 C. Unjust Enrichment/Quantum Meruit

12 79. CabineTec asserted breach of contract *and* unjust enrichment/ *quantum meruit*
13 claims against APCO.³²⁰

14 80. APCO had a subcontract with CabineTec, Exhibit 149.

15 81. An action based upon a theory of unjust enrichment is not available when there
16 is an express, written contract because no contract can be implied when there is an express
17 contract.³²¹ However, frustration of an express contract's purpose can make unjust enrichment
18 an available remedy. *See e.g. Restatement, Contracts 2d*, §377.

19 82. Even if the CabineTec Subcontract did not preclude an unjust
20 enrichment/*quantum meruit* theory of recovery (which it does), APCO was not unjustly
21 enriched by CabineTec's work. The undisputed evidence confirms that APCO was not paid any
22

23
24 ³¹⁸ Exhibit 26. See also: Trial Testimony of Joe Pelan (APCO) Day 1 at p. 38;
Testimony of Joe Pelan (APCO) Day 1 at p. 41.

25 ³¹⁹ Testimony of Joe Pelan (APCO) Day 1 at p. 100.

26 ³²⁰ See Exhibit 149, CabineTec Subcontract.

27 ³²¹ *Leasepartner's Corp. v. Robert L. Brooks Trust*, 113 Nev. 747, 942 P.2d 182
(1997).

1 amounts for CabineTec's work that it did not transmit to CabineTec, and APCO did not get to
2 keep the property. Instead, APCO remains unpaid \$1,400,036.75 from the failed Project.³²²

3 83. As such, APCO was not unjustly enriched by CabineTec's work.

4 **D. Violation of NRS 624.606 through 624.630 et seq.**

5 84. NRS 624.624 is designed to ensure that general contractors promptly pay
6 subcontractors after the general contractor receives payment from the Owner for the work
7 performed by the subcontractor.

8 85. Here, it is undisputed that Exhibit 149, the CabineTec Subcontract is a written
9 agreement between APCO and CabineTec and contained a retention payment schedule in
10 Section 3.8. Accordingly, pursuant to NRS 624.624(1)(a) payment is due on the date specified
11 in the subcontract.

12 86. The CabineTec Subcontract confirmed that CabineTec would get paid retention
13 after it met the five conditions precedent in the retention payment schedule.

14 87. It is undisputed that CabineTec never met the five preconditions in the
15 subcontract's payment schedule. Accordingly, payment of retention to CabineTec never
16 became due under NRS 624 and CabineTec's claim for a violation of NRS 624 fails.

17 88. Additionally, CabineTec never billed APCO for its retention and APCO never
18 received CabineTec's retention from the Owner. CabineTec rolled its retention over to Camco
19 as a Project liability, and actually billed its retention to Camco.

20 **E. Monies Due and Owing**

21 89. CabineTec has failed to prove that it is due monies from APCO.

22 90. "The word due always imports a fixed and settled obligation or liability."³²³

23 91. Exhibit 149 governed the relationship between the parties and it was subject to
24 the retention payment schedule in Section 3.8.

25
26 ³²² Testimony of Mary Jo Allen (APCO), Day 3, p. 122.

27 ³²³ *Black's Law Dictionary*, Sixth Edition, 1990.

1 92. Payment never became due under Section 3.8 for the reasons set forth above.
2 F. Account Stated
3 93. CabineTec's claim for account stated fails.
4 94. In Nevada, "[a]n account stated may be broadly defined as an agreement based
5 upon prior transactions between the parties with respect to the items composing the account and
6 the balance due, if any, in favor of one of the parties."³²⁴
7 95. "To effect an account stated, the outcome of the negotiations must be the
8 recognition of a sum due from one of the parties to the other with a promise, express or
9 implied, to pay that balance."³²⁵
10 96. "The genesis of an account stated is the agreement of the parties, express or
11 implied."³²⁶ APCO and CabineTec had an express written agreement that governed their
12 relationship.
13 97. APCO and CabineTec did not have any prior transactions with respect to the
14 items composing any account.
15 98. No evidence was presented that APCO agreed that any sum was due. Instead,
16 APCO disputed any payment obligation.
17 99. APCO and CabineTec have not agreed to any other payment provisions outside
18 of Exhibit 149 and this claim fails.

19
20 Helix and CabineTec ratified their subcontracts with Camco.

21 100. "Ratification of a contract occurs when one approves, adopts, or confirms a
22 contract previously executed by another..."³²⁷
23

24 ³²⁴ *Old W. Enterprises, Inc. v. Reno Escrow Co.*, 86 Nev. 727, 729, 476 P.2d 1, 2
25 (1970).

26 ³²⁵ *Id.*

27 ³²⁶ *Id.*

28 ³²⁷ *Id.*

1 101. Ratification may be express or implied by the conduct of the parties.³²⁸ The
2 party to be charged with ratification of such a contract must have acted voluntarily and with full
3 knowledge of the facts.³²⁹

4 102. "A person ratifies an act by manifesting assent that the act affects the person's
5 legal relations or conduct that justifies a reasonable assumption that the person so consents."³³⁰

6 103. "Any conduct which indicates assent by the purported principal to become a
7 party to the transaction or which is justifiable only if there is ratification is sufficient, and even
8 silence with full knowledge of the facts may operate as a ratification."³³¹

9 104. "If a person makes a manifestation that the person has ratified another's act and
10 the manifestation, as reasonably understood by a third party, induces the third party to make a
11 detrimental change in position, the person may be estopped to deny the ratification."³³²

12 105. "A valid ratification by the principal relieves the agent from any liability to the
13 principal which would otherwise result from the fact that the agent acted in an unauthorized
14 way or without authority."³³³

15 106. Helix legally admitted it ratified the Helix/APCO subcontract to the Court and to
16 APCO in its complaint, thereby replacing Camco for APCO in all executory obligations under
17 the Helix Subcontract, including payment for retention and future work.

18 107. CabineTec signed a ratification agreement with Camco.

19 108. After APCO left the Project, Helix and CabineTec took direction from
20 Gemstone or Camco, not APCO.

21
22
23 ³²⁸ 17A Am Jur 2d Contracts § 10.

24 ³²⁹ *Id.*

25 ³³⁰ 3 Am Jur 2d Agency § 169.

26 ³³¹ *Id.*

27 ³³² 3 Am Jur 2d Agency § 171.

28 ³³³ 2A C.J.S. Agency § 85.

1 109. Helix and CabineTec submitted billings to Camco including rolling over the
2 retention they now seek from APCO, and each performed work under the ratified original
3 scope of work.

4 110. None of the ongoing work was done for or on behalf of APCO and there is no
5 legal authority that would make APCO liable for their ongoing work on the Project, or the
6 Project retention.

7 111. Helix never billed APCO for retention because it never became due.³³⁴

8 112. Helix and CabineTec waived all claims against APCO by knowingly contracting
9 to work on the Project for Camco/Gemstone and rolling their retention over to Camco and
10 Gemstone.

11 113. When Helix and CabineTec ratified their subcontracts with Camco, they
12 replaced APCO. See *Foley Co. v. Scottsdale Ins. Co.*,³³⁵ ("The ratification, by subcontractor's
13 liability insurer, of its general agent's allegedly unauthorized placement of coverage released
14 the general agent from liability to the insurer."); *Brooks v. January*,³³⁶ (holding that because a
15 dissident faction of a church congregation ratified their pastor's unauthorized sale of property,
16 the pastor was relieved from liability to the church); *Southwest Title Ins. Co. v. Northland*
17 *Bldg.*,³³⁷ (holding that because the title insurance company ratified its agent's arguably
18 unauthorized actions, the agent could not be held liable to the title insurance company);
19 *Rakestraw v. Rodrigues*,³³⁸ (holding that because a wife ratified forgery of her name on a deed
20 of trust, the agent was relieved of liability to the principal).

21
22
23 ³³⁴ CabineTec admittedly sent one billing for the full amount of CabineTec's
delivered (but uninstalled) cabinets that incorrectly included retention. Retention clearly
was not due under the retention payment schedule.

24 ³³⁵ 28 Kan. App. 2d 219, 15 P.3d 353 (2000)

25 ³³⁶ 116 Mich.App. 15, 321 N.W.2d 823 (1982)

26 ³³⁷ 542 S.W.2d 436 (Tex.App.1976), *rev'd in part on other grounds* 552 S.W.2d
425 (Tex.1977)

27 ³³⁸ 8 Cal.3d 67, 104 Cal.Rptr. 57, 500 P.2d 1401 (1972)

1 114. CabineTec and Helix ratified their subcontracts with Camco and discharged
2 APCO.

3
4 The Subcontracts were assigned to Gemstone.

5 115. The following factors are relevant in determining whether an assignment of a
6 construction contract took place: which party was responsible for the administration of the
7 project, which party ensured the design was correctly carried out, who paid the subcontractors
8 and materialmen, which party answered questions from the owner, which parties were on the
9 job site, which party had ongoing involvement with the project, and which party was
10 corresponding with the owner.³³⁹

11 116. These factors weigh in APCO's favor. Each party's behavior is consistent with
12 the assignment of the Helix and CabineTec Subcontracts to Gemstone:

- 13 • **Gemstone:** Gemstone attempted to "terminate" the APCO/Gemstone prime
14 contract and stopped giving direction and/or orders to APCO. Gemstone told the
15 subcontractors to stop working for APCO and that their contracts would be
16 assumed by Camco. Gemstone also ordered APCO off the site.
- 17 • **Camco:** Camco started giving direction to the subcontractors and dictating their
18 work. Camco sent subcontracts and/or Ratification agreements to both Helix and
19 CabineTec. It engaged in negotiations of the respective subcontracts, and it
20 received billings directly from Helix and CabineTec, including the rollover of
21 their retention.
- 22 • **Helix:** Helix did not contact APCO after August 2008 and remained on-site
23 working directly for Gemstone and Camco. It engaged in subcontract
24 negotiations for the same scope of work as it had initially subcontracted for with
25 APCO with Camco, and took direction and performed work under Camco's and
26 Gemstone's direction. Helix submitted pay applications to Camco and even
27 rolled its retention account over to Camco billings. Helix also represented that it
28 signed a ratification Contract and subcontract with Camco in its complaint and
its amended complaint.
- **CabineTec:** CabineTec did not contact APCO after August 2008 and remained
on-site working for Camco. It engaged in subcontract negotiations for the same
scope of work as it had initially subcontracted for with APCO with Camco, and
took direction and performed work under Camco's direction. CabineTec

339 *J. Christopher Stuhmer, Inc. v. Centaur Sculpture Galleries, Ltd., Inc.*, 110
Nev. 270, 274, 871 P.2d 327, 330 (1994)

submitted pay applications to Camco including all retention. CabineTec also signed a ratification agreement with Camco.

• **APCO:** APCO was off-site and did not dictate or control the subcontractors' work. It did not have any communication with Gemstone or the subcontractors after August 2008. It did not participate in construction related meetings, did not receive billings from subcontractors, or submit payment applications on behalf of subcontractors. In fact, Helix never invoiced APCO for its retention.

117. The Contract contained a subcontract assignment provision that assigned Gemstone APCO's subcontracts upon termination of the Contract.³⁴⁰

118. The Contract was incorporated into the subcontracts.³⁴¹

119. Once APCO left the Project, the Helix and CabineTec Subcontracts were assigned to Gemstone per Gemstone's written notice to APCO.

120. Once Gemstone had those Subcontracts, it facilitated Camco's assumption of those subcontracts.³⁴²

121. After the subcontracts were assigned, Gemstone/Camco were responsible for all executory obligations including payments for retention and future work.³⁴³

122. An assignment took place thereby making Gemstone/Camco the party responsible for payment to the subcontractors.

Helix and CabineTec waived any right to pursue APCO.

123. "Waiver requires the intentional relinquishment of a known right."³⁴⁴

124. "If intent is to be inferred from conduct, the conduct must clearly indicate the party's intention."³⁴⁵

³⁴⁰ Exhibit 2 at 10.4.

³⁴¹ See Sections 1.1 of Helix and CabineTec subcontracts. Helix's Mr. Johnson admitted it was Helix's practice to request and review an incorporated prime contract. Testimony of Bob Johnson (Helix) Day 2, p.16.

³⁴² See Exhibit 170/169 Helix's subcontract and Helix Amendment with Camco; and Exhibit 184, CabineTec's subcontract with Camco.

³⁴³ See Exhibit 2, Section 10.4.

³⁴⁴ *Nevada Yellow Cab Corp. v. Eighth Judicial Dist. Court ex rel. Cty. of Clark*, 123 Nev. 44, 49, 152 P.3d 737, 740 (2007) (internal citations omitted).

125. “Thus, the waiver of a right may be inferred when a party engages in conduct so inconsistent with an intent to enforce the right as to induce a reasonable belief that the right has been relinquished.”³⁴⁶

126. In this case, CabineTec's and Helix's intent was clear: they understood that APCO left the Project. They entered into ratification agreements with Camco and continued working for Camco and Gemstone on the Project without any further dealings with APCO.

127. Helix and CabineTec did not negotiate entirely new contracts and their subsequent billings to Camco depicted their retention that was being held by Gemstone, not APCO. They took orders and direction from Camco employees. They sent billings to Camco. They submitted change orders to Camco. They showed up to the Project at Camco's direction and Camco ultimately informed them the Project had shut down. By pursuing this course of action, it was clear that none of the parties believed APCO was the general contractor on the Project. This conduct is entirely inconsistent with any claim that APCO was the general contractor and was responsible for retention or other future payments. APCO paid Helix and CabineTec all amounts due while APCO was the general contractor.

Any of the foregoing conclusions of law that would more appropriately be considered to be findings of fact shall be so deemed.

ORDER

NOW, THEREFORE, the Court hereby directs entry of the foregoing Findings of Fact and Conclusions of Law; and

IT IS FURTHER ORDERED that, based upon the foregoing Findings of Fact and Conclusions of Law, and those made regarding the other parties and claims involved in the

• • • • •

• • • • •

345 *Id.*

346 *Id.*

1 consolidated cases, the Court shall issue a separate Judgment or Judgments reflective of the
2 same at the appropriate time subject to further order of the Court.

3 DATED this 24th day of April, 2018.

4 
5 DISTRICT COURT JUDGE

6
7 CERTIFICATE

8 I hereby certify that on or about the date filed, this document was Electronically
9 Served to the Counsel on Record on the Clark County E-File Electronic Service List.

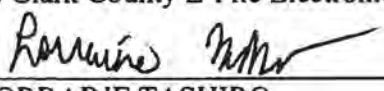
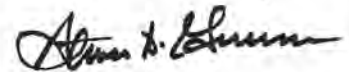
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12 Judicial Executive Assistant
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EXHIBIT 2



CLERK OF THE COURT

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DISTRICT COURT

CLARK COUNTY, NEVADA

APCO CONSTRUCTION, a Nevada corporation,
Plaintiff,

vs.

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

Defendants.

NATIONAL WOOD PRODUCTS, INC., a Utah
corporation,

Intervenor,

vs.

CABINETEC, INC., a Nevada corporation;
CAMCO PACIFIC CONSTRUCTION COMPANY,
INC., a California corporation; APCO
CONSTRUCTION, a Nevada corporation;
GEMSTONE DEVELOPMENT WEST, INC., a
Nevada corporation; DOES I through X; and ROE
CORPORATIONS I through X, inclusive,

Defendants in Intervention.

CASE NO. A571228
DEPT. NO.: XVI

**NATIONAL WOOD PRODUCTS,
INC.'S NOTICE OF MOTION AND
MOTION TO INTERVENE; AND
MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT
THEREOF**

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that at CHAMBERS a.m./p.m., on MARCH 22, 2012,
3 or as soon as the matter can be heard, in Department XVI of the Clark County District Court, located
4 at 200 Lewis Avenue, Las Vegas, NV 89155, intervenor, National Wood Products, Inc. ("National
5 Wood"), will move to intervene in the above-captioned action pursuant to Nevada Rule of Civil
6 Procedure ("NRCP") 24 on the grounds that: National Wood timely files the instant Motion to
7 Intervene in the CabineTec, Inc. v. Camco Pacific Construction Company, Inc., et al. matter as
8 judgment creditor, National Wood has a sufficient interest in all debts and credits due and owing to
9 CabineTec, Inc. ("CabineTec") to satisfy its judgment. As CabineTec has appeared to abandon its
10 claim, National Wood's interest is not currently being adequately represented by any remaining
11 parties to the action. Further, should the Court dismiss CabineTec's claim for failure to appear and
12 participate in litigation, National Wood would lose its only opportunity to satisfy its judgment as this
13 is the only viable personal asset that CabineTec currently owns.

14 This motion will be based upon this Notice of Motion, the files and records herein, the
15 attached Memorandum of Points and Authorities, and upon such further oral or documentary
16 evidence as the Court receives before ruling on this Motion.

17
18 DATED: February 14, 2012

CADDEN & FULLER LLP

19
20 By: 

21 Dana Y. Kim
22 Nevada Bar No. 008826
23 Cadden & Fuller LLP
24 114 Pacifica, Suite 450
25 Irvine, CA 92618
26 (949) 788-0827
27 Attorneys for Intervenor,
28 *NATIONAL WOOD PRODUCTS, INC., a
Utah corporation*

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I.**

3 **INTRODUCTION**

4 On January 21, 2010, National Wood Products, Inc. ("National Wood") filed a complaint
5 against CabineTec, Inc. ("CabineTec") for, among other things, breach of contract in the case
6 entitled National Wood Products, Inc., a Utah corporation v. CabineTec, Inc., a Nevada corporation.
7 et al., District Court of Clark County, Case No. A606716. On or about March 4, 2010, the court
8 entered CabineTec's default. Thereafter, National Wood obtained a default judgment against,
9 among others, CabineTec in an amount in excess of \$1,000,000.00 (the "Judgment"). (*See*
10 *Judgment attached as Exhibit "A" to the Declaration of S. Judy Hirahara filed concurrently*
11 *herewith.*)

12 As a judgment creditor, National Wood has an interest in and may execute on any debts and
13 credits due and owing to CabineTec to satisfy its judgment. National Wood learned that on
14 February 6, 2009, CabineTec filed a Complaint in Intervention in the above-captioned action
15 seeking damages in an amount no less than \$750,102.00 ("CabineTec Action"). Consequently,
16 National Wood has an interest in the disposition of the CabineTec Action as any judgment that
17 CabineTec may collect is subject to execution by National Wood to satisfy its judgment against
18 CabineTec. Moreover, as CabineTec has gone out of business, this is National Wood's only
19 opportunity to collect on its judgment. It appears, however, that CabineTec may have abandoned its
20 claim in the above-referenced action, thereby necessitating National Wood's intervention in the
21 CabineTec Action as the CabineTec Action is the only personal property that CabineTec owns that
22 National Wood may execute upon to satisfy its judgment.

23
24 **II.**

25 **ARGUMENTS**

26 Nevada Rules of Civil Procedure Rule 24 provides in pertinent part:

- 27 (a) Intervention of Right. Upon timely application anyone shall be
28 permitted to intervene in an action: (1) when a statute confers an

1 unconditional right to intervene; or (2) when the applicant claims an
2 interest relating to the property or transaction which is the subject of
3 the action and the applicant is so situated that the disposition of the
4 action may as a practical matter impair or impede the applicant's
5 ability to protect that interest, unless the applicant's interest is
6 adequately represented by existing parties.

7 ...

8 (c) Procedure. A person desiring to intervene shall serve a motion to
9 intervene upon the parties as provided in Rule 5. The motion shall
10 state the grounds therefor and shall be accompanied by a pleading
11 setting forth the claim or defense for which intervention is sought. The
12 same procedure shall be followed when a statute gives a right to
13 intervene.

14 There are four requirements that National Wood must meet to intervene in the CabineTec
15 Action: "(1) that it has a sufficient interest in the litigation's subject matter, (2) that it could suffer
16 an impairment of its ability to protect that interest if it does not intervene, (3) that its interest is not
17 adequately represented by existing parties, and (4) that its application is timely." American Home
18 Assurance Co. v. Dist. Ct., 122 Nev. 1229, 1238 (2006). For the reasons discussed below, National
19 Wood meets each of the four requirements.

20
21 **A. National Wood Has a Sufficient Interest in the Matter as National Wood Has a Right to**
22 **All Sums Due and Owing to CabineTec to Satisfy Its Judgment.**

23 Nevada Revised Statute ("NRS") 21.080(1) provides in pertinent part:

24 All goods, chattels, money and other property, real and personal, of
25 the judgment debtor, or any interest therein of the judgment debtor not
26 exempt by law, and all property and rights of property seized and held
27 under attachment in the action, are liable to execution. Subject to the
28 provisions of chapter 104 of NRS, shares and interests in any

corporation or company, and debts and credits and other property not capable of manual delivery, may be attached in execution in like manner as upon writs of attachments. . . .

Consequently, any debts and credits owing to CabineTec are liable to execution to satisfy National Wood's judgment against CabineTec, including any judgment CabineTec may receive from the CabineTec Action in its efforts to collect debts and credits owed to it.

B. National Wood Will Suffer an Impairment of Its Ability to Protect that Interest If It Does Not Intervene as It Appears CabineTec has Abandoned Its Lawsuit and National Wood Would Then Lose the Opportunity to Satisfy Its Judgment.

Counsel for CabineTec filed a motion to withdraw, which the Court granted on December 7, 2009 on the grounds that CabineTec failed to pay attorneys fees owed and failed to communicate with its counsel. To date, CabineTec has not retained new counsel to substitute in the CabineTec Action. Moreover, as CabineTec has gone out of business, National Wood has justifiable reasons to be concerned that CabineTec has abandoned its claim in the CabineTec and will no longer actively participate in litigation, subjecting the CabineTec Action to dismissal. Such disposition of the CabineTec Action would impair National Wood's ability to protect its only real and viable opportunity to satisfy its judgment.

Counsel for National Wood has made several attempts to contact CabineTec to satisfy the judgment and/or to request an assignment of all of its claims to National Wood, but CabineTec refuses to communicate with National Wood and/or its counsel. *See Declaration of S. Judy Hirahara, ¶¶ 3-4.* Consequently, unless National Wood intervenes in the CabineTec Action, National Wood would have no other alternative to execute on the debt owed to CabineTec from Camco Pacific Construction Company, Inc., Apco Construction and Gemstone Development West, Inc. to satisfy its judgment.

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1 **C. National Wood's Interest Is Not Adequately Protected as CabineTec has Abandoned Its**
2 **Lawsuit Subjecting It to Dismissal.**

3 Just as CabineTec has abandoned its business and refuses to make any efforts to satisfy its
4 debts, CabineTec has similarly appeared to have abandoned its claim in the CabineTec Action as it
5 has not filed a substitution of attorney and is not actively participating in the litigation. National
6 Wood has no other choice but to intervene in order to protect its interest as no other party in the
7 action will protect National Wood's interest in the debts owed to CabineTec.

8
9 **D. National Wood's Application is Timely as the Action as a Bench Trial Has Been Set for**
10 **April 18, 2013, Giving the Parties Sufficient Time to Conduct Discovery and File**
11 **Dispositive Motions.**

12 In determining whether an application to intervene pursuant to NRCP 24 is timely, the court
13 should consider "'the extent of the prejudice to the rights of the existing parties resulting from the
14 delay' [citation omitted] and then weighing that prejudice against any prejudice resulting to the
15 applicant if intervention is denied. Further, the timelessness of an application may depend on when the
16 applicant learned of its need to intervene to protect its interests. [Citation omitted.]" American
17 Home Assur. Co., 122 Nev. at 1244.

18 National Wood's application is timely as National Wood recently received the judgment
19 against CabineTec on November 17, 2011. Moreover, per the Court's docket, a bench trial in the
20 above-captioned matter is set for April 8, 2013. Consequently, there is no prejudice to the rights of
21 the existing parties as the parties will have sufficient time to conduct discovery and file dispositive
22 motions as trial is still over a year away. Should, however, the Court deny National Wood's motion
23 to intervene, National Wood will be greatly prejudiced as this is National Wood's only viable option
24 to satisfy its judgment.

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III.

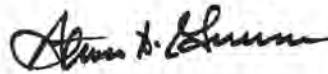
CONCLUSION

For all of the foregoing reasons, National Wood respectfully requests the Court grant its motion to intervene.

DATED: February 14, 2012

CADDEN & FULLER LLP

By: 
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Nevada Bar No. 008826
Cadden & Fuller LLP
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Attorneys for Intervenor,
*NATIONAL WOOD PRODUCTS, INC., a
Utah corporation*



CLERK OF THE COURT

ORDER

RICHARD L. TOBLER, LTD.

Richard L. Tobler, Esq.

Nevada Bar No.04070

3654 N. Rancho Drive, Suite 102

Las Vegas, Nevada 89130-3179

(702) 256-6000

Attorneys for Intervenor National Wood Products, Inc.

**PLEASE NOTE
DEPARTMENT CHANGE**

DISTRICT COURT

CLARK COUNTY, NEVADA

APCO CONSTRUCTION, a Nevada corporation,

Plaintiff,

vs.

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

Defendants.

Case No.: A571228

Dept. No.: ~~XVT~~ 29

**PLEASE NOTE
DEPARTMENT CHANGE**

**ORDER GRANTING NATIONAL
WOOD PRODUCTS, INC.'S MOTION
TO INTERVENE**

Hearing Date: March 22, 2012 (Chambers)

NATIONAL WOOD PRODUCTS, INC., a Utah
corporation,

Intervenor,

vs.

CABINETEC, INC., a Nevada corporation;
CAMCO PACIFIC CONSTRUCTION COMPANY,
INC., a California corporation; APCO
CONSTRUCTION, a Nevada corporation;
GEMSTONE DEVELOPMENT WEST, INC., a
Nevada corporation; DOES I through X; and ROE
CORPORATIONS I through X, inclusive,

Defendants in Intervention.

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ORDER

In the matter of Intervenor National Wood Products, Inc.'s ("National Wood") Motion to Intervene, having received and considered the moving papers and declarations submitted by and on behalf of the parties, there being no opposition, and good cause appearing therefore, the Court rules as follows: National Wood's motion to intervene is **GRANTED**.

Below are future hearing dates currently on calendar in the above-captioned matter:

April 4, 2012 at 11:00 a.m.

Hearing regarding the Court's ruling on Scott
Financial's Motion for Summary Judgment as to
Priority of Liens

May 8, 2013 at 10:30 a.m.

Pre-Trial Conference

May 15, 2013 at 10:30 a.m.

Calendar Call

May 20, 2013 at 10:30 a.m.

Jury Trial

A list of the last known addresses for all parties and/or their attorneys of record in the above-captioned action are attached hereto as Appendix A.

IT IS SO ORDERED this 10th day of April, 2012.



District Court Judge

Respectfully submitted by,

Richard L. Tobler, Ltd.

By: 

Richard L. Tobler, Esq.
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Attorneys for Intervenor National Wood Products, Inc.

APPENDIX A

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13	Construction Systems	
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20		Tharldson Motels, Inc., and Gary D.
21		Tharldson
22	Phillip S. Aurbach, Esq.	Kurt C. Faux, Esq.
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33	Attorney for Steel Structure, Inc., Nevada	
34	Prefab Engineers, Inc. and Pape Material	
35	Handling dba Pape Rent	
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37	Pezzillo Robinson	Hawkins Melendrez, P.C.
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41		Construction Supply, L.P. d/b/a White Cap
42		Construction Supply, Inc.
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44	Robin E. Perkins, Esq.	McCullough, Perez & Associates
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13	Attorneys for The Masonry Group Nevada,	Supply Network dba Viking Supplynet
14	Inc.	
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EXHIBIT 3

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17 Email: jhirahara@caddenfuller.com

18 Attorneys for Plaintiff-In-Intervention,
19 NATIONAL WOOD PRODUCTS, INC., a Utah corporation

20 DISTRICT COURT

21 CLARK COUNTY, NEVADA

22 APCO CONSTRUCTION, a Nevada
23 corporation,

24 Plaintiff,

25 vs.

26 GEMSTONE DEVELOPMENT WEST, INC., a
27 Nevada corporation; et al.,

28 Defendants.

) 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

) TRIAL DATE: JANUARY 17, 2018

29 AND ALL RELATED MATTERS.

30 **PLAINTIFF IN INTERVENTION, NATIONAL WOOD PRODUCTS, INC.'S**

31 **FINDINGS OF FACT AND CONCLUSIONS OF LAW (PROPOSED)**

32 The trial before this Court of plaintiff-in-intervention, National Wood Products, Inc.'s
33 ("National Wood") claims against APCO Construction, Inc. ("APCO"), Camco Pacific

1 Construction Company, Inc. ("CAMCO") and Gemstone Development West, Inc. ("Gemstone"),
2 commenced on January 17, 2018. The trial concluded on February 6, 2018. John B. Taylor and
3 S. Judy Hirahara with the law firm of Cadden & Fuller LLP represented National Wood.
4 John Randall Jeffries and Mary Bacon with the law firm of Spencer Fane LLP represented APCO.
5 Steven Morris of Grant Morris Dodds represented CAMCO.

6 The Court, having heard the testimony of the witnesses and having received and reviewed
7 the evidence presented at trial, makes the following findings of fact and conclusions of law.

8
9 **I.**

10 **FINDINGS OF FACT**

11 1. National Wood, a judgment creditor of plaintiff in intervention and lien claimant,
12 Cabinetec, Inc., a Nevada corporation ("Cabinetec"), intervened in Cabinetec's complaint in
13 intervention against Gemstone Development West, Inc. ("Gemstone"), APCO Construction, Inc.
14 ("APCO") and Camco Pacific Construction Company, Inc. ("CAMCO") pursuant to a court order
15 of April 12, 2012. Cabinetec has claims against APCO, CAMCO and Gemstone relating to the
16 work of construction known as Manhattan West Project ("Manhattan West Claims").

17 2. Cabinetec assigned all of its right, title and interest in the Manhattan West Claims to
18 National Wood on or about January 22, 2018. [NWP-TR-EX03177.]

19
20 **A. APCO CONTRACT**

21 3. On or about September 6, 2007, Gemstone and APCO entered into the Manhattan
22 West – General Construction Agreement for GMP ("Prime Contract"). [APCO-TR-EX0002.]
23 Under the Prime Contract, APCO served as the general contractor for the Manhattan West
24 Condominium Project ("Project") located at West Russell Road and Rocky Hill Street in Clark
25 County, Nevada, Assessor's Parcel Numbers: 163-32-101-003, 163-32-101-004, 163-32-101-005,
26 163-32-101-101, and 162-32-101-014 (the "Property" and/or "Project"), which was owned by
27 Gemstone.

28 ///

1 4. On or about April 28, 2008, Cabinetec and APCO entered into a Subcontract
2 Agreement ("APCO Contract") for furnishing and installing kitchen and bathroom cabinets for
3 Buildings 8 and 9 of the Project in the sum of \$528,790.00, with Building 7 added as a Change
4 Order for the sum of \$261,985.00 ("APCO Contract"). [NWP-TR-EX03002.]

5 5. The APCO Contract requires APCO to pay Cabinetec 100% of the value of the work
6 completed on a periodic basis – less 10% retention of the value ("Retention") – only after APCO
7 receives actual payments from Gemstone.

8 6. The APCO Contract requires APCO to pay Cabinetec the Retention amount upon
9 (a) Completion of the entire project described in the Contract Documents; (b) The approval and
10 final acceptance of the project Work by Owner; (c) Receipt of final payment by Contractor from
11 Owner; (d) Delivery to Contractor from Subcontractor all as-built drawings for its scope of work
12 and other close out documents; and (e) Delivery to Contractor from Subcontractor a Release and
13 Waiver of Claims from all of Subcontractor's laborers, material and equipment suppliers, and
14 subcontractors providing labor, materials or services to the Project.

15 7. Alternatively, if the Prime Contract is terminated, the APCO Contract requires
16 APCO to pay Cabinetec the amount due for Cabinetec's completed work after receipt of payment
17 from Gemstone.

18 8. The conditions precedent set forth in the APCO Contract requiring APCO's payment
19 to Cabinetec only upon receipt of payment from Gemstone constitute "pay-if-paid" provisions.

20 9. The APCO Contract only allows APCO to terminate upon written notice to
21 Cabinetec.

22 10. If any party to the APCO Contract "institute[s] a lawsuit . . . for any cause arising
23 out of the Subcontract . . .," the APCO Contract expressly authorizes the prevailing party to recover
24 "all costs, attorney's fee[s] and any other reasonable expenses incurred" in connection with the
25 lawsuit. The APCO Contract does not provide a rate of interest that would accrue on the amount
26 owed under the APCO Contract.

27 ///

28 ///

1 11. If any term of the APCO Contract is void under Nevada law, the APCO Contract
2 expressly provides that the void term would not affect the enforceability of the remainder of the
3 contract.

4
5 **B. CABINETEC'S WORK UNDER THE APCO CONTRACT**

6 12. In or around June and July 2008, Cabinetec commenced its scope of work under the
7 APCO Contract.

8 13. On August 1, 2008, Cabinetec delivered cabinets for the first floor of Building 8 and
9 9 on the Project, which were authorized by Joe with APCO. Gemstone and APCO acknowledged
10 receipt of the invoices for the cabinets for Building 8 and 9. [NWP-TR-EX03087-3088.]

11 14. On August 6, 2008, Cabinetec and APCO enter into a letter agreement regarding the
12 storage of cabinets at the Project. [NWP-TR-EX03089.]

13 15. On or about August 8, 2008, Cabinetec sent its first payment application ("First
14 Payment Application") to APCO for work completed as of July 31, 2008 in the total sum of
15 \$179,180.00 and conditional waivers and release upon progress payment. [NWP-TR-EX03090-92
16 and NWP-TR-EX03003-3082.]

17 16. The Prime Contract was terminated on or about August 15, 2008. [APCO-TR-
18 EX0013.]

19 17. On or about August 21, 2008, Cabinetec received a Notice to all Manhattan West
20 Subcontractors regarding APCO'S notice of stopping work and notice of intent to terminate
21 contract for nonpayment. This Notice informed the subcontractors that APCO has not terminated
22 its contract with Gemstone and that all subcontractors, until advised in writing by APCO, remain
23 under contract with APCO [NWP-TR-EX03093.]

24 18. APCO never provided Cabinetec with a written notice of termination.

25 19. Cabinetec never received written notice from APCO that it has terminated the APCO
26 Contract with Cabinetec.

27 20. The APCO Contract was never terminated.

28 ///

1 21. APCO never did anything to express to Cabinetec that it intended to cancel the
2 APCO Contract.

3 22. The APCO Contract remains in full force and effect. [Transcript 1/19/18 16:11-22
4 (Cox).]

5 23. On or about September 23, 2008, Nevada Construction Services issued a joint check
6 to APCO and Cabinetec in the amount of \$161,262.00 as Progress Payment No. 1 for the period
7 July 31, 2008, for a total sum of \$179,180.00 less ten percent (10%) retention of \$17,918.00.
8 [NWP-TR-EX03099.]

9 24. Cabinetec never received any additional payment due under to the First Payment
10 Application.

11 25. Cabinetec performed the work on the Project as required by the APCO contract.
12 [Transcript 1/17/18 86:20-24 (Pelan) and Transcript 1/18/18 97:2-6 (Benson).]

13 26. Cabinetec never received complaints regarding the quality of the materials provided
14 or work performed on the Project from Gemstone or APCO.

15
16 **C. APCO AND CAMCO CONTRACTS**

17 27. On or about August 25, 2008, CAMCO and Gemstone entered into the Amended
18 and Restated Manhattan West General Construction Agreement by which CAMCO became the
19 general contractor for the Project. [NWP-TR-EX03095.]

20 28. Thereafter, on or about December 1, 2008, Cabinetec and CAMCO entered into a
21 Ratification and Amendment of Subcontract Agreement ("CAMCO Contract" and together with
22 APCO Contract shall collectively be referred to as the "Contracts."). [NWP-TR-EX03096-03097.]

23 29. The CAMCO Contract specifically stated that it was ratifying the APCO Contract,
24 and affirmatively did not repudiate the APCO Contract or Cabinetec's rights vis-à-vis APCO.

25 30. The CAMCO Contract specifically provides that the APCO Contract as it existed as
26 of August 26, 2008 remains in full force and effect. [NWP-TR-EX03096-003, §7.]

27 31. APCO is not a party to the CAMCO Contract.

28 32. Neither CAMCO nor Cabinetec intended to extinguish APCO's obligations.

1 33. Cabinetec did not consent to a novation.

2
3 **D. CABINETEC'S WORK UNDER THE APCO AND CAMCO CONTRACTS**

4 34. On or about October 17, 2008, Cabinetec sent its invoice for unpaid retention and
5 conditional waiver and release upon progress payment. [NWP-TR-EX03103.]

6 35. Cabinetec never received payment from APCO, CAMCO or Gemstone.

7 36. On or about October 24, 2008, Cabinetec sent its second payment application
8 ("Second Payment Application") for work performed on the Project in August, September and
9 October 2008 in the total sum of \$598,475.00 and conditional waivers and release upon progress
10 payment. The payment application was approved for the sum of \$537,404.80 with retention of
11 \$53,740.48. [NWP-TR-EX03105-3140 and APCO-TR-0185-0001 and 0002.]

12 37. Cabinetec never received payment of \$537,404.80 or the retention amount of
13 \$53,740.48 for the sums due for the work on the Project pursuant to the Second Payment
14 Application from APCO, CAMCO or Gemstone.

15 38. On or about November 12, 2008, Cabinetec sent its third payment application
16 ("Third Payment Application") for work performed on the Project in October 2008 in the total sum
17 of \$88,735.00 and conditional waivers and release upon progress payment. [NWP-TR-EX03147-
18 3152.]

19 39. Cabinetec never received payment of \$79,861.50 or the retention amount of
20 \$8,735.50 for the sums due for the work on the Project pursuant to the Third Payment Application
21 from APCO, CAMCO or Gemstone.

22 40. Cabinetec performed work on the Project prior to the termination of the Prime
23 Contract.

24 41. The CAMCO Contract was not executed until after Cabinetec had completed its
25 work on the Project.

26 42. Cabinetec performed the work on the Project as required by the CAMCO contract.

27 43. Cabinetec never received complaints regarding the quality of the materials provided
28 or work performed on the Project by Gemstone, APCO or CAMCO.

IN THE SUPREME COURT OF THE STATE OF NEVADA

Supreme Court Case No. 77320
Consolidated with 80508

HELIX ELECTRIC OF NEVADA, LLC,

Appellant,

v.

APCO CONSTRUCTION, INC., A NEVADA CORPORATION,

Respondent.

JOINT APPENDIX
VOLUME 87

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CHRONOLOGICAL APPENDIX OF EXHIBITS

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
06-24-09	Helix Electric's Statement of Facts Constituting Lien and Third-Party Complaint	JA000001- JA000015	1
08-05-09	APCO's Answer to Helix's Amended Statement of Facts Constituting Notice of Lien and Third-Party Complaint	JA000016 – JA000030	1
04-26-10	CAMCO and Fidelity's Answer and CAMCO's Counterclaim	JA000031- JA000041	1
07-02-10	Order Striking Defendant Gemstone Development West, Inc.'s Answer and Counterclaim and Entering Default	JA000042- JA000043	1
06-06-13	APCO's Limited Motion to Lift Stay for Purposes of this Motion Only; (2) APCO's Motion for Summary Judgment Against Gemstone Only; and (3) Request for Order Shortening Time	JA000044- JA000054	1
	Exhibit 1 – Affidavit of Randy Nickerl in Support of (1) APCO's Limited Motion to Lift Sta for Purposes of this Motion Only; (2) APCO's Motion for Judgment Against Gemstone Only	JA000055- JA000316	1/2/4/5/6
	Exhibit 2 – Findings of Fact and Conclusions of Law and Judgment in Favor of APCO Construction Against Gemstone Development West, Inc. Only	JA000317- JA000326	6

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
06-13-13	Docket Entry and Minute Order Granting APCO's Motion for Summary Judgment Against Gemstone	JA000327	6
08-02-17	Peel Brimley Lien Claimants' Motion for Partial Summary Judgment Precluding Defenses Based on Pay-if-Paid Agreements and <i>Ex Parte</i> Application for Order Shortening Time	JA000328- JA000342	6
	Exhibit 1 – APCO Construction's Answers to Helix Electric of Nevada, LLC's First Request for Interrogatories	JA000343- JA000379	6
	Exhibit 2 – Camco Pacific Construction Company, Inc.'s Responses to Helix Electric of Nevada, LLC's Interrogatories	JA000380- JA000392	6
08-21-17	APCO Construction's Opposition to Peel Brimley Lien Claimants' Partial Motion for Summary Judgment Precluding Defenses Based on Pay-if-Paid Agreements	JA000393- JA000409	6/7
	Exhibit A – Excerpt from 30(b)(6) Witness for Helix Electric of Nevada, LLC taken July 20, 2017	JA000410- JA000412	7
09-28-17	Peel Brimley Lien Claimants' Reply to Oppositions to Motion for Partial Summary Judgment Precluding Defenses Based on Pay-if-Paid Agreements	JA000413- JA000418	7
11-06-17	Peel Brimley Lien Claimants' Motion in Limine Nos. 1-6	JA000419- JA000428	7

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Exhibit 1 – Notice of Entry of Order	JA000429 JA000435	7
	Exhibit 2 – Amended Notices of 30(b)(6) Deposition of Camco Pacific Construction Company, Inc. from Cactus Rose Construction, Inc., Fast Glass, Inc.’s, Heinaman Contract Glazing, Inc. and Helix Electric of Nevada, LLC’s	JA000436- JA000472	7/8
	Exhibit 3 – Excerpt from David E. Parry’s Deposition Transcript taken June 20, 2017	JA000473 JA00489	8
	Exhibit 4 – Cactus Rose Construction, Inc.’s First Set of Request for Admissions to Camco Pacific Construction	JA00490 JA000500	8
	Exhibit 5 – Fast Glass, Inc.’s First Set of Request for Admissions to Camco Pacific Construction	JA000501- JA000511	8
	Exhibit 6 – Heinaman Contract Glazing, Inc.’s First Set of Request for Admissions to Camco Pacific Construction	JA000512- JA000522	8
	Exhibit 7 – Helix Electric of Nevada, LLC’s First Set of Request for Admissions to Camco Pacific Construction	JA000523- JA000533	8
11-06-17	Helix Electric of Nevada’s Motion <i>in Limine</i> Nos. 1-4	JA000534- JA000542	8
	Exhibit 1 – Notice of Entry of Order	JA000543- JA000549	8
	Exhibit 2 – Helix Electric of Nevada, LLC’s Amended Notice of 30(b)(6) Deposition of APCO Construction	JA000550 JA000558	8/9

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Exhibit 3 - Excerpts from Brian Benson Deposition Transcript taken June 5, 2017	JA000559 JA000574	9
	Exhibit 4 – Excerpts from Mary Jo Allen’s Deposition Transcript taken July 18, 2017	JA000575- JA000589	9
11-06-17	APCO Construction, Inc.’s Omnibus Motion <i>in Limine</i>	JA000590 JA000614	9
	Exhibit 1 – Second Amended Notice of taking NRCB Rule 30(b)(6) Deposition of Person Most Knowledgeable for Zitting Brothers Construction, Inc.	JA000615- JA000624	9
	Exhibit 2 – Zitting Brothers Construction, Inc.’s Motion for Partial Summary Judgment Against APCO Construction	JA000625- JA000646	9
	Exhibit 3 – Excerpts from Samuel Zitting’s Deposition Transcript taken October 27, 2017	JA000647- JA000678	9/10
	Exhibit 4 – Statement of Facts Constituting Lien on Behalf of Buchele, Inc.	JA000679- JA000730	10
	Exhibit 5 – Subcontract Agreement dated April 17, 2007	JA000731- JA000808	10/11
	Exhibit 6 – Subcontract Agreement dated April 17, 2007	JA000809- JA000826	11/12
	Exhibit 7 – Email from Mary Bacon dated October 16, 2017	JA000827- JA000831	12
	Exhibit 8 – Email from Mary Bacon dated October 17, 2017	JA000832- JA000837	12
	Exhibit 9 – Email from Eric Zimbelman dated October 17, 2017	JA000838- JA000844	12
	Exhibit 10 – Special Master Report, Recommendation and District Court Order	JA00845- JA000848	12

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Exhibit 11 – Plaintiff in Intervention, National Wood Products, Inc.’s Initial Disclosures Pursuant to NRCP 16.1	JA000849- JA000856	12
	Exhibit 12 – Plaintiff in Intervention, National Wood Products, Inc.’s First Supplemental Disclosures Pursuant to NRCP 16.1	JA000857- JA000864	12
	Exhibit 13 – Amended Notice of Taking NRCP Rule 30(b)(6) Deposition of Person Most Knowledgeable for Helix Electric of Nevada, LLC	JA000865- JA000873	12
	Exhibit 14 – Excerpts from Helix Electric of Nevada, LLC’s 30(b)(6) Witness Deposition Transcript taken July 20, 2017	JA000874- JA000897	12
11-14-17	Camco Pacific Construction Company, Inc.’s Opposition to Lien Claimants’ Motions in Limine Nos. 1-6	JA000898- JA000905	12
	Exhibit A – Nevada Construction Services Cost Plus GMP Contract Disbursement Agreement	JA000906- JA000907	12
	Exhibit B – Scott Financial Corporation’s April 28, 2009 letter to the Nevada State Contractor’s Board	JA000908- JA000915	2/13
	Exhibit C – E-mail from Alex Edelstein dated December 15, 2008 Re: Letter to Subs	JA000916- JA000917	13
	Exhibit D – Camco Pacific’s letter dated December 22, 2008	JA000918- JA000920	13
	Exhibit E – Order Approving Sale of Property	JA000921- JA000928	13

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
11-14-17	APCO Construction, Inc.'s Opposition to Helix Electric of Nevada, LLC's Motions in Limine Nos. 1-4	JA000929- JA000940	13/14
	Exhibit 1 – Excerpts from the Deposition Transcript of Mary Jo Allen taken July 18, 2017	JA000941- JA000966	14/15/16
	Exhibit 2 – Helix Electric's Manhattan West Billing/Payment Status through August 2008	JA000967- JA000969	16/17
	Exhibit 3 – Excerpts from the Deposition Transcript of Andrew Rivera taken July 20, 2017	JA000970- JA000993	17/18/19
11-14-17	Helix Electric of Nevada's Opposition to APCO Construction's Omnibus Motion in Limine	JA000994- JA001008	20
	Exhibit 1 – Excerpts from the Deposition Transcript of Brian Benson taken June 5, 2017	JA001009- JA001042	20
	Exhibit 2 - Excerpts from the Deposition Transcript of Brian Benson taken June 5, 2017	JA001043- JA001055	20
	Exhibit 3 – Special Master Order Requiring Completion of Questionnaire	JA001056- JA001059	20
	Exhibit 4 – Excerpts from the Deposition Transcript of the 30(b)(6) Witness for Helix Electric of Nevada taken July 20, 2017	JA001060- JA001064	20
	Exhibit 5 - Excerpts from the Deposition Transcript of David E. Parry taken June 20, 2017	JA001065 JA001132	20/21
11-15-17	APCO Construction, Inc.'s Reply in Support of its Omnibus Motion in Limine	JA001133 JA001148	21

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Exhibit 1 – Special Master Report Regarding Discovery Status	JA001149- JA001151	21
	Exhibit 2 – Notice of Taking NRCP Rule 30(b)(6) Deposition of the Person Most Knowledgeable for Zitting Brothers Construction, Inc.	JA001152- JA001160	21
12-29-17	Notice of Entry of Order Granting Peel Brimley Lien Claimants’ Motion in <i>Limine</i> 1-6	JA001161- JA001169	22
12-29-17	Notice of Entry of Order Granting in Part and Denying in Part Helix Electric of Nevada, LLC’s Motion in <i>Limine</i> 1-4	JA001170- JA001177	22
12-29-17	Notice of Entry of Order Granting in Part and Denying in Part APCO Construction’s Omnibus Motion in <i>Limine</i>	JA001178- JA001186	22
01-03-18	Notice of Entry of Order Granting Peel Brimley Lien Claimants’ Motion for Partial Summary Judgment Precluding Defenses Based on Pay-if-Paid Agreements	JA001187- JA001198	22
01-04-18	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 provision on an Order Shortening Time	JA001199- JA001217	22
	Exhibit 1 – Subcontract Agreement (Helix Electric of Nevada, LLC)	JA001218- JA001245	22/23/24
	Exhibit 2 – Subcontract Agreement (Zitting Brothers)	JA001246- JA001263	24

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Exhibit 3 – Subcontract Agreement (CabineTec)	JA001264- JA001281	24/25
	Exhibit 4 – Amended Notice of Lien	JA001282- JA001297	25
	Exhibit 5 - Amended NOL	JA001298- JA001309	25
	Exhibit 6 – Notice of Lien	JA001310- JA001313	25
	Exhibit 7 – Order Approving Sale of Property	JA001314- JA001376	25/26
	Exhibit 8 – Order Releasing Sale Proceeds from Court Controlled Escrow Account	JA001377- JA001380	26
	Exhibit 9 – Order Denying <i>En Banc</i> Reconsideration	JA001381- JA001385	26
	Exhibit 10 – Order Granting Peel Brimley Lien Claimants’ Motion for Partial Summary Judgment Precluding Defenses Based on Pay-if-Paid Agreements	JA001386- JA001392	26
	Exhibit 11 – Notice of Entry of Findings of Fact and Conclusions of Law and Judgment	JA001393- JA001430	26
	Exhibit 12 – Order Big D Construction Corp.’s Motion for Attorney’s Fees, Costs and Interest Pursuant to Judgment	JA001431- JA001435	26
	Exhibit 13 – Appellant’s Opening Brief (Padilla v. Big D)	JA001436- JA001469	26
	Exhibit 14 – Respondent’s Answering Brief	JA001470- JA001516	26/27
	Exhibit 15 – Appellant’s Reply Brief (Padilla v. Big D)	JA001517- JA001551	27
01-09-18	Peel Brimley Lien Claimants’ Opposition to APCO Construction’s Motion for Reconsideration of Order	JA001552- JA001560	27

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Granting Partial Summary Judgment Precluding Defenses Based on Pay-if-Paid Agreements		
01-10-18	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	JA001561- JA001573	27
01-12-18	Joint Pre-Trial Memorandum [for APCO Construction, Inc., the Peel Brimley Lien Claimants and National Wood Products, LLC ONLY]	JA001574- JA001594	27/28
	Exhibit 1 – Exhibit List APCO	JA001595- JA001614	28
	Exhibit 2 – Helix Trial Exhibits	JA001615- JA001616	28
	Exhibit 3 – Exhibit List Plaintiff in Intervention National Wood Products, Inc.	JA001617- JA001635	28
	Exhibit 4 – Cactus Rose Trial Exhibits	JA001636- JA001637	28
	Exhibit 5 – Heinaman Trial Exhibits	JA001638- JA001639	28
	Exhibit 6 – Fast Glass Trial Exhibits	JA001640- JA001641	28
	Exhibit 7 – SWPPP Trial Exhibits	JA001642- JA001643	28
	Exhibit 8 - Order Granting in Part and Denying in Part APCO Construction's Omnibus Motion <i>in Limine</i>	JA001644- JA001647	28

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Exhibit 9 - Amended <i>nunc pro tunc</i> order regarding APCO Construction, Inc.'s Omnibus Motion <i>in Limine</i> No. 7	JA001648- JA001650	28
	Exhibit 10 - Order Granting in Part and Denying in part Helix Electric of Nevada, LLC's Motions <i>in Limine</i> 1-4 (Against APCO Construction)	JA001651- JA001653	28
	Exhibit 11 - order granting Peel Brimley Lien Claimants' Motion in Limine Nos.1-6 (against Camco Pacific Construction, Inc.)	JA001654- JA001657	28
	Exhibit 12 - Order Granting Plaintiff in Intervention, National Wood Products, Inc.'s Motion <i>in Limine</i>	JA001658- JA001660	28
	Exhibit 13 - Order Granting Peel Brimley Lien Claimants' Motion for Partial Summary Judgment Precluding Defenses Based on Pay-if-Paid Agreements	JA001661- JA00167	28/9/29
01-17-18	Transcript Bench Trial (Day 1)¹	JA001668- JA001802	29/30
	Trial Exhibit 1 - Grading Agreement (<i>Admitted</i>)	JA001803- JA001825	30
	Trial Exhibit 2 – APCO/Gemstone General Construction Agreement (<i>Admitted</i>)	JA001826- JA001868	30
	Trial Exhibit 3 - Nevada Construction Services /Gemstone Cost Plus/GMP Contract Disbursement Agreement (<i>Admitted</i>)	JA001869- JA001884	30

¹ Filed January 31, 2018

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Trial Exhibit 4 - APCO Pay Application No. 9 Submitted to Gemstone <i>(Admitted)</i>	JA001885- JA001974	30/31/32
	Trial Exhibit 5 - Letter from J. Barker to A. Edelstein re: APCO's Notice of Intent to Stop Work <i>(Admitted)</i>	JA001975- JA001978	32
	Trial Exhibit 6 - Letter from J. Barker to A. Edelstein re: APCO's Notice of Intent to Stop Work <i>(Admitted)</i>	JA001979- JA001980	32
	Trial Exhibit 10 - Letter from J. Barker to A. Edelstein Re: Notice of Intent to Stop Work (Second Notice) <i>(Admitted)</i>	JA001981- JA001987	32
	Trial Exhibit 13 - Letter from A. Edelstein to Re. Nickerl Re: Termination for Cause (Gemstone) <i>(Admitted)</i>	JA001988- JA002001	32
	Trial Exhibit 14 - Letter from W. Gochmour to Sean Thueson Re: [APCO's] Response to [Gemstone's] Termination for Cause <i>(Admitted)</i>	JA002002- JA002010	33
	Trial Exhibit 15 - Letter from R. Nickerl to A. Edelstein Re: 48-Hour Notices <i>(Admitted)</i>	JA002011- JA002013	33
	Trial Exhibit 16 - Email from J. Horning to A. Berman and J. Olivares re: Joint Checks <i>(Admitted)</i>	JA002014	33
	Trial Exhibit 23 - APCO Subcontractor Notice of Stopping Work and Letter from J. Barker to A. Edelstein Re: Notice of Stopping Work and Notice of Intent to Terminate Contract <i>(Admitted)</i>	JA002015- JA002016	33

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Trial Exhibit 24 - Letter from R. Nickerl to Clark County re: Notification of APCO's withdrawal as General Contractor of Record (<i>Admitted</i>)	JA002017- JA002023	33
	Trial Exhibit 26 - Email from J. Gisondo to Subcontractors re: June checks (<i>Admitted</i>)	JA002024	34
	Trial Exhibit 27 - Letter from A. Edelstein to R. Nickerl re: June Progress Payment (<i>Admitted</i>)	JA002025- JA002080	34
	Trial Exhibit 28 - Letter from J. Barker to A. Edelstein Re: Termination of Agreement for GMP (<i>Admitted</i>)	JA002081	34
	Trial Exhibit 31 - Transmission of APCO's Pay Application No. 11 as Submitted to Owner (<i>Admitted</i>)	JA002082- JA002120	34/35
	Trial Exhibit 45 - Subcontractor Agreement (<i>Admitted</i>)	JA002121- JA002146	35
	Trial Exhibit 162 - Amended and Restated General Construction Agreement between Gemstone and CAMCO (<i>Admitted</i>)	JA002147- JA002176	35/36
	Trial Exhibit 212 - Letter from Edelstein to R. Nickerl re: NRS 624 Notice (<i>Admitted</i>)	JA002177- JA002181	36
	Trial Exhibit 215 - Email from C. Colligan to Subcontractors re: 48-hour Termination Notice (<i>Admitted</i>)	JA002182- JA002185	36
	Trial Exhibit 216 - Email from C. Colligan re: Meeting with Subcontractors (<i>Admitted</i>)	JA002186- JA002188	36
	Trial Exhibit 506 – Email and Contract Revisions (<i>Admitted</i>)	JA002189 – JA002198	36

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
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	Exhibit 2 – Helix Trial Exhibits	JA002222- JA002223	36
	Exhibit 3 – Exhibit List Plaintiff in Intervention National Wood Products, Inc.	JA002224- JA002242	36/37
	APCO TRIAL EXHIBITS:		
	APCO Related Exhibits:		
	Trial Exhibit 7 - Letter from Scott Financial to APCO re: Loan Status	JA002243	37
	Trial Exhibit 8 - APCO Pay Application No. 10 as submitted to Owner	JA002244- JA002282	37/38
	Trial Exhibit 12 and 107 - Email from C. Colligan to Subcontractors re: Subcontractor Concerns	JA002283- JA002284	38
	Trial Exhibit 17 – Video (Construction Project)	JA002285	N/A
	Trial Exhibit 18 – Video (Construction Project)	JA002286	N/A
	Trial Exhibit 19 – Video (Construction Project)	JA002287	N/A
	Trial Exhibit 20 – Video (Construction Project)	JA002288	N/A
	Trial Exhibit 21 – Video (Construction Project)	JA002289	N/A
	Trial Exhibit 22 – Video (Construction Project)	JA002290	N/A

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Trial Exhibit 29 - Email from J. Robbins to Subcontractors re: Billing Cut-Off for August Billing	JA002285	39
	Trial Exhibit 30 - Camco Pay Application No. 11 NCS-Owner Approved with NCS Draw Request	JA002286- JA002306	39
	Trial Exhibit 32 and 125 - Photo re: Building 8 & 9, Interior (Showing drywall still not completed and no electrical trim or fixture installed)	JA002307- JA002308	39
	Trial Exhibits 33 and 126 - Photo re: Building 8 & 9, Interior (Showing drywall still not completed)	JA002309- JA002310	39
	Exhibit 34 and 128 - Photo re: Building 8 & 9, Interior (Showing drywall still not completed)	JA002311- JA002312-	40
	Trial Exhibit 35 - Photo re: Building 8 & 9, Interior (Showing drywall still not completed and no electrical trim or fixtures installed)	JA002313- JA002314	40
	Exhibit 36 and 130 -Photo re: Building 8 & 9, Interior (Showing drywall still not completed and no electrical trim or fixtures installed)	JA002315- JA002316	40
	Trial Exhibits 37 and 131 -Photo re: Building 8 & 9, Interior (Showing drywall still not completed and no electrical trim or fixtures installed)	JA002317- JA002318	40
	Trial Exhibits 38 and 132 - Photo re: Building 8 & 9, Interior (Showing drywall still not completed and no electrical trim or fixtures installed)	JA002319- JA002320	41

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Trial Exhibit 39 -Email from K. Costen to Subcontractors informing that Manhattan West Project no longer open	JA002321- JA002322	41
	Trial Exhibit 40- Letter from D. Parry to Subcontractors Re: Funding Withdrawn	JA002323 JA002326	41
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	Trial Exhibit 46 - Helix Pay Application No. 16713-008R1 with Proof of Payment	JA002327- JA002345	41
	Trial Exhibit 47 - Helix Pay Application No. 16713-009R1 with Proof of Payment	JA002346- JA002356	41
	Trial Exhibit 48 - Email from R. Nickerl to B. Johnson Re: Work Suspension Directive	JA002357- JA002358	41
	Trial Exhibit 49 -Helix Pay Application No. 16713-010R2 with Proof of Payment	JA002359- JA002364	41/42
	Trial Exhibit 50 - Unconditional Waiver and Release re: Pay Application No. 8 with Copy of Payment	JA002365- JA002366	42
	Trial Exhibit 51 - Photo re: Building 8 & 9, South (No Exterior fixtures installed. Helix billed out at 90%)	JA002367- JA002368	42
	Trial Exhibit 52 -Photo re: Building 8 & 9, North (No Exterior fixtures installed. Helix billed out at 90%)	JA002369- JA002370	42
	Trial Exhibit 53 -Photo re: Building - 2 & 3, West (No Exterior fixtures installed. Helix billed out at 90%)	JA002371- JA002372	42

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Trial Exhibit 54 - Photo re: Building - 2 & 3, East (No Exterior fixtures installed. Helix billed out at 90%)	JA002373- JA002374	42
	Trial Exhibit 55 - Photo re: Building 2 & 3, East (No Exterior fixtures installed. Helix billed out at 90%)	JA002375- JA002376	42
	Trial Exhibit 56 - Photo re: Building 8 & 9, North (No Exterior fixtures installed. Helix billed out at 90%)	JA002377- JA002378	42
	Trial Exhibit 57 - Photo re: Building 2 & 3, and 8 & 9, North (No Exterior fixtures installed. Helix billed out at 90%)	JA002379- JA002381	42
	Trial Exhibit 58 - Helix Pay Application No. 16713-011R1 submitted to Owner	JA002382- JA002391	42
	Trial Exhibit 59 - Helix Pay Application No. 16713-011R1 given to Camco with Proof of Payment	JA002392- JA002405	43
	Trial Exhibit 60 - Helix Retention Rolled to Camco	JA002406- JA002415	43
	Trial Exhibit 61 - Unconditional Waiver and Release re: all Invoices through June 30, 2008 with Proof of Payment	JA002413- JA002415	43
	Trial Exhibit 62 - Photo re: Building 8 & 9, South	JA002416- JA002417	43
	Trial Exhibit 63 - Photo re: Building 2 & 3, West	JA002418- JA002419	43
	Trial Exhibit 64 - Photo re: Building 2 & 3, West	JA002420- JA002421	43
	Trial Exhibit 65 - Photo re: Building 2 & 3, South	JA002422- JA002423	43

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	Trial Exhibit 66 - Letter of transmittal from Helix to APCO re: Helix Pay Application No. 16713-011R1	JA002424- JA002433	43
	Trial Exhibit 67 - Photo re: Building 8 & 9, West (No exterior fixtures installed. Helix billed out 90%)	JA002435- JA002436	43
	Trial Exhibit 68 -Photo re: Building 8 & 9, West (No exterior fixtures installed. Helix billed out 90%)	JA002437- JA002438	43
	Trial Exhibit 69 - Photo re: Building 2 & 3, East (No exterior fixtures installed. Helix billed out 90%)	JA002439- JA002440	43
	Trial Exhibit 70 - Photo re: Building 8 & 9, South (No exterior fixtures installed. Helix billed out 90%)	JA002441- JA002442	43
	Trial Exhibit 71 - Photo re: Building 8 & 9, West (No exterior fixtures installed. Helix billed out 90%)	JA002443- JA002444	43
	Trial Exhibit 72 - Photo re: Building 2 & 3, East (No exterior fixtures installed. Helix billed out 90%)	JA002445- JA002446	43
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	Exhibit 77 - Helix Statement of Facts Constituting Notice of Lien and Third-Party Complaint	JA002457- JA002494	43
	Zitting Brothers Related Exhibits:		
	Trial Exhibit 100 - Check No. 14392 payable to Zitting (\$27,973.80); Progress Payment No. 7	JA002495- JA002497	44
	Trial Exhibit 101 - Email from R. Nickerl to R. Zitting re: Change Orders	JA002498- JA002500	44
	Trial Exhibit 102 -Email from L. Lynn to J. Griffith, et al. re: Change Order No. 00011 “pending”	JA002501- JA002503	44
	Trial Exhibit 103- Email from R. Zitting to R. Nickerl re: change orders adjusted to \$30 per hour	JA002504- JA002505	44
	Trial Exhibit 104 - Email from R. Zitting to R. Nickerl re: change orders adjusted to \$30 per hour with copies of change orders	JA002506- JA002526	44
	Trial Exhibit 105 - Ex. C to the Ratification – Zitting Quotes	JA002527- JA002528	44
	Trial Exhibit 106 - Unconditional Lien Release – Zitting (\$27,973.80)	JA002529	44
	Trial Exhibit 108 - Photo of Video (Construction Project)	JA002530- JA002531	44
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	Trial Exhibit 112 - Photo of Video (Construction Project)	JA002538- JA002539	44
	Trial Exhibit 113 -Photo of Video (Construction Project)	JA002550- JA002541	44
	Trial Exhibit 114 -Photo of Video (Construction Project)	JA002542- JA002543	44
	Trial Exhibit 115 - Progress Payment No. 9 Remitted to Zitting	JA002544- JA002545	44
	Trial Exhibit 116 - Ratification and Amendment of Subcontract Agreement between Buchele and Camco	JA002546- JA002550	44
	Trial Exhibit 117 - C to the Ratification	JA002551- JA002563	44
	Trial Exhibit 118 - Q&A from Gemstone to subcontracts	JA002564- JA002567	44
	Trial Exhibit 119 - Check No. 528388 payable to APCO (\$33,847.55) – Progress Payment No. 8.1 and 8.2	JA002568- JA002571	44
	Trial Exhibit 120 - Tri-City Drywall Pay Application No. 7 to APCO as submitted to Owner. Show percentage complete for Zitting	JA002572- JA002575	44/45
	Trial Exhibit 127 - Photo of Video (Construction Project)	JA002576- JA002577	45/46
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	Trial Exhibit 138 - Memo from Scott Financial to Nevada State Contractors Board Re: Explanation of Project Payment Process	JA002582- JA002591	46
	Trial Exhibit 152 -Terms & Conditions modified by APCO, Invoices and Check Payment	JA002592- JA002598	46
	National Wood Products Related Exhibits:		
	Trial Exhibit 160 - Documents provided for settlement	JA002599- JA002612	46
	CAMCO Related Exhibits:		
	Trial Exhibit 163 - Camco Pay Application No. 12 to Gemstone	JA002613- JA002651	46/47
	Trial Exhibit 165 - Letter from D. Parry to A. Edelstein re: Gemstone losing funding for project	JA002652- JA002653	47
	Trial Exhibit 166 - Letter from D. Parry to G. Hall re: withdrawal of funding	JA002654 JA002656	47
	Helix Related Exhibits:		47
	Trial Exhibit 169 - Helix Exhibit to Standard Subcontract Agreement with Camco	JA 002665 JA002676	47/48
	Trial Exhibit 170 - Subcontract Agreement between Helix and Camco (unsigned)	JA002677- JA002713	48
	Trial Exhibit 171 - Work Order No. 100	JA002714- JA002718	48
	Trial Exhibit 172 - Letter from J. Griffith to Victor Fuchs Re: Gemstone's intention to continue retention of Helix w/copy of Ratification and Amendment of Subcontract Agreement	JA002719- JA002730	48

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	Trial Exhibit 173 - Helix Pay Application No. 16713-012 to Camco with proof of payment	JA002731- JA002745	48
	Trial Exhibit 174 - Helix Change Order Request No. 28	JA002746- JA002747	48
	Trial Exhibit 175 - Change Notice No. 41	JA002748- JA002751	48
	Trial Exhibit 176 - Helix Pay Application No. 16713-013 to Camco	JA002752- JA002771	48/49
	Trial Exhibit 177 - Helix Pay Application No. 16713-014 to Camco	JA002772- JA002782	49
	Trial Exhibit 178 - Camco's letter to Helix rejecting Pay Application No. 16713-015 with attached copy of Pay Application	JA002783 JA002797	49
	National Wood/Cabinetec Related Exhibits:		
	Trial Exhibit 184 - Ratification and Amendment of Subcontract Agreement between CabineTec and Camco (fully executed copy)	JA002798- JA002825	49
	General Related Exhibits:		
	Trial Exhibit 218 - Camco/Owner Pay Application No. 11 w/Backup	JA002826- JA003028	50/51/52
	Trial Exhibit 220 - Camco/Owner Pay Application No. 12 w/Backup	JA003029- JA003333	52/53/54/55
	Trial Exhibit 313 - Letter from A. Edelstein to R. Nickerl re: NRS 624 Notice	JA003334- JA003338	55
	Helix Trial Exhibits:		
	Trial Exhibit 501 - Payment Summary	JA003339 – JA003732	55/56/57 /58/59/60
	Trial Exhibit 508 – Helix Pay Application	JA003733- JA003813	60/61

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	Trial Exhibit 510 - Unsigned Subcontract	JA003814- JA003927	61/62
	Trial Exhibit 512 - Helix's Lien Notice	JA003928- JA004034	62/63
	Trial Exhibit 522 - Camco Billing	JA004035- JA005281	63/64/65 /66/67/ 68/69/70/ 71/72 /73/74/75 /76/77
01-19-18	Order Denying APCO Construction's Motion for Reconsideration of Order Granting Partial Summary Judgment Precluding Defenses Based on Pay-if-Paid Agreements	JA005282- JA005283	78
01-18-18	Transcript – Bench Trial (Day 2)²	JA005284- JA005370	78
	Trial Exhibit 535 – Deposition Transcript of Andrew Rivera (Exhibit 99) (<i>Admitted</i>)	JA005371- JA005623	78/79/80
01-19-18	Transcript – Bench Trial (Day 3)³	JA005624- JA005785	80
	Trial Exhibit 231 – Helix Electric's Amended Statement of Facts Constituting Notice of Lien and Third-Party Complaint (<i>Admitted</i>)	JA005786- JA005801	80
	Trial Exhibit 314 - Declaration of Victor Fuchs in support of Helix's Motion for Partial Summary Judgment against Gemstone (<i>Admitted</i>)	JA005802- JA005804	80

² Filed January 31, 201879

³ Filed January 31, 2018

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Trial Exhibit 320 – June-August Billings—not paid to APCO (<i>Admitted</i>)	JA005805	80
	Trial Exhibit 321 – Overpayments to Cabinetec (<i>Admitted</i>)	JA005806-	80
	Trial Exhibit 536 – Lien math calculations (handwritten) (<i>Admitted</i>)	JA005807- JA005808	80
	Trial Exhibit 804 – Camco Correspondence (<i>Admitted</i>)	JA005809- JA005816	80
	Trial Exhibit 3176 – APCO Notice of Lien (<i>Admitted</i>)	JA005817- JA005819	81
01-24-18	Transcript – Bench Trial (Day 5)⁴	JA005820- JA005952	81
03-08-18	Letter to Judge Denton submitting Helix Electric of Nevada, LLC’s (Proposed) Findings of Fact and Conclusions of Law	JA005953- JA005985	81
03-08-18	Letter to Judge Denton submitting APCO Construction, Inc.’s Proposed Findings of Fact and Conclusions of Law	JA005986- JA006058	8/821
03-08-18	APCO Construction Inc.’s Post-Trial Brief	JA006059- JA006124	82/83
03-23-18	APCO Opposition to Helix Electric of Nevada, LLC’s Findings of Fact and Conclusions of Law	JA006125- JA006172	83/84
03-23-18	Helix Electric of Nevada, LLC’s Responses to APCO Construction’s Post-Trial Brief	JA006173- JA006193	84
04-25-18	Findings of Fact and Conclusions of Law and Order as the Claims of Helix Electric and Cabinetec Against APCO	JA006194- JA006264	84/85

⁴ Filed January 31, 201883

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05-08-18	APCO Construction, Inc.'s Motion for Attorneys' Fees and Costs Against Helix Electric of Nevada, LLC and Plaintiff in Intervention National Wood Products, Inc.	JA006265- JA006284	85
	Exhibit 1 – Findings of Fact and Conclusions of Law as to the Claims of Helix Electric and Cabenetec Against APCO	JA006285- JA006356	85/86
	Exhibit 2 – National Wood Products, Inc.'s Notice of Motion and Motion to Intervene and Memorandum of Points and Authorities in Support Thereof	JA006357- JA006369	86
	Exhibit 3 – Plaintiff in Intervention, National Wood Products, Inc.'s Findings of Fact and Conclusions of Law (Proposed)	JA006370- JA006385	86/87
	Exhibit 4 – Plaintiff in Intervention, National Wood Productions, Inc.'s Findings of Fact and Conclusions of Law Re Camco	JA006386- JA006398	87
	Exhibit 5 – Offer of Judgment to Helix Electric of Nevada, LLC	JA006399- JA006402	87
	Exhibit 6 – Offer of Judgment to Plaintiff in Intervention National Wood Products, Inc.	JA006403- JA006406	87
	Exhibit 7 – Declaration of John Randall Jefferies, Esq. in Support of APCO Construction, Inc.'s Motion for Attorney's Fees and Costs	JA006407- JA006411	87
	Exhibit 7A – Billing Entries	JA006412- JA006442	87/88

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	Exhibit 7B – Time Recap	JA006443- JA006474	88
	Exhibit 8 – Declaration of Cody S. Munteer, Esq. in Support of Motion for Attorney’s Fees and Costs	JA006475- JA006478	88
	Exhibit 9 – APCO Construction, Inc.’s Memorandum of Costs and Disbursements [Against Helix Electric of Nevada, LLC, and Plaintiff in Intervention National Wood Products, LLC]	JA006479- JA006487	88
	Exhibit 10 – Depository Index	JA006488- JA006508	88/89
05-08-18	Helix Electric of Nevada, LLC’s Motion to Retax Costs Re: Defendant APCO Construction’s Memorandum of Costs and Disbursements	JA006509- JA006521	89
05-31-18	Notice of Entry of Judgment [As to the Claims of Helix Electric of Nevada, LLC Against Camco Construction, Co., Inc.]	JA006522 JA006540	89
06-01-18	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.]	JA006541 JA006550	90
06-01-18	Helix Electric of Nevada, LLC’s Motion for Attorneys’ Fees, Interest and Costs	JA006551- JA006563	90
	Exhibit 1 – Findings of Fact and Conclusions of Law and Order as to the Claims of Helix Electric of Nevada, LLC Against Camco Pacific Construction, Inc.	JA006564- JA006574	90

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	Exhibit 2 – Memorandum of Costs and Disbursements (Helix Electric of Nevada, LLC)	JA006575- JA006580	90
	Exhibit 3 – Prime Interest Rate	JA006581- JA006601	90
	Exhibit 4 – Declaration of Eric B. Zimbelman in Support of Helix Electric of Nevada, LLC’s Motion for Attorneys’ Fees, Interest and Costs	JA006583- JA006588	90
	Exhibit 5 – Summary of Fees	JA006589- JA006614	90
06-15-18	APCO Construction, Inc.’s Opposition to Helix Electric of Nevada, LLC and Plaintiff in Intervention National Wood Products, Inc.’s Motions to Retax Costs	JA006615- JA006637	90/91
	Exhibit 1-A Declaration of Mary Bacon in Support of APCO’s Supplement to its Motion for Attorney’s Fees	JA006635 JA006638	91
	Exhibit 1-B – Declaration of Cody Munteer in Support of APCO’s Supplement to its Motion for Attorney’s Fees	JA006639- JA006916	91/92/93 94/95/96
06-15-18	Helix Electric of Nevada, LLC’s Opposition to APCO Construction’s Motion for Attorneys’ Fees and Costs	JA006917 – JA006942	96
	Exhibit 1 – Notice of Entry of Staying the Case, Except for the Sale of the Property, Pending Resolution of the Petition before the Nevada Supreme Court	JA006943- JA006948	96

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Exhibit 2 – Notice of Entry of Denying APCO Construction’s Motion for Partial Summary Judgment Re: Lien Foreclosure Claims	JA006949- JA006954	96
	Exhibit 3 – Supreme Court filing notification Joint Petition for Writ of Mandamus filed	JA006955- JA006958	96
	Exhibit 4 – Order Denying <i>En Banc</i> Reconsideration	JA006959- JA006963	96
	Exhibit 5 – Notice of Entry of Order Granting Peel Brimley Lien Claimants’ Motion for Partial Summary Judgment Precluding Defenses Based on Pay-if-Paid Agreements	JA006964- JA006978	96
	Exhibit 6A – Interstate Plumbing and Air Conditioning, LLC’s Response to Special Master Questionnaire	JA006977- JA006980	96
	Exhibit 6B – Nevada Prefab Engineers, Inc.’s Response to Special Master Questionnaire	JA006981- JA006984	96
	Exhibit 6C – Zitting Brothers Construction, Inc.’s Response to Special Master Questionnaire	JA006985- JA006993	96/97
	Exhibit 6D – Noorda Sheet Metal’s Notice of Compliance	JA006994 JA007001	97
	Exhibit 6 E – Unitah Investments, LLC’s Special Master Questionnaire	JA007002- JA007005	97
	Exhibit 7A – Motion to Appoint Special Master	JA007006- JA007036	97
	Exhibit 7B – Letter from Floyd A. Hale dated August 2, 2016	JA007037- JA007060	97

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Exhibit 7C – Special Master Report Regarding Remaining Parties to the Litigation, Special Master Recommendation and District Court Order Amended Case Agenda	JA007042- JA007046	97
	Exhibit 8 – Notice of Entry of Order Granting Plaintiff’s Motion to Dismiss	JA007047 JA007053	97
	Exhibit 9 – Stipulation and Order for Dismissal with Prejudice	JA007054- JA007056	97
	Exhibit 10 – Stipulation and Order to Dismiss Third-Party Complaint of Interstate Plumbing & Air Conditioning, LLC Against APCO Construction, Inc. with Prejudice	JA007057- JA007059	97
	Exhibit 11 – Notice of Entry of Order Granting in Part and Denying in Part APCO Construction’s Omnibus Motion <i>in Limine</i>	JA007060- JA007088	97
	Exhibit 12 – Notice of Entry of Order Granting in Part and Denying in Part Helix Electric of Nevada, LLC’s Motion in Limine (against APCO Construction)	JA007070- JA007078	97
	Exhibit 13 – Notice of Entry of Order Denying APCO Constructions’ Motion for Partial Summary Judgment Re: Lien Foreclosure Claims	JA007079- JA007084	97
	Exhibit 14 – Notice of Entry of Order Denying APCO Construction’s Motion for Reconsideration of Order Granting Partial Summary	JA007085- JA007087	97

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
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	Exhibit 15 – Notice of Association of Counsel	JA007088- JA007094	97
06-15-18	Plaintiff in Intervention National Wood Products, Inc.’s Opposition to APCO Construction’s Motion for Attorneys’ Fees and Costs	JA007095- JA007120	97/98
06-15-18	Declaration of S. Judy Hirahara in support of National Woods’s Opposition to APCO Construction’s Motion for Attorneys’ Fees and Costs	JA007121- JA007189	98
06-18-18	Plaintiff in Intervention National Wood Products, Inc.’s Joinder to Helix Electric of Nevada, LLC’s Opposition to APCO Construction’s Motion for Attorneys’ Fees and Costs	JA007190- JA007192	99
06-21-18	Helix Electric of Nevada, LLC’s Notice of Non-Opposition to its Motion for Attorney’s Fees, Interest and Costs	JA007193- JA007197	99
06-29-18	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.	JA007198- JA007220	99
	Exhibit 1 – Invoice Summary by Matter Selection	JA007221- JA007222	99
	Exhibit 2 – Marquis Aurbach Coffing Invoice to APCO dated April 30, 2018	JA007223- JA007224	99

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
06-29-18	Helix Electric of Nevada, LLC's Reply Re: Motion to Retax	JA007225- JA007237	100
07-02-18	Notice of Entry of Order Granting Helix Electric of Nevada, LLC's Motion for Attorneys' Fees, Interest and Costs	JA007238- JA007245	100
07-19-18	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 Attorney's Fees and Costs	JA007246- JA007261	100
08-08-18	Court's Decision on Attorneys' Fees and Cost Motions	JA007262- JA007280	100
09-28-18	Notice of Entry of (1) Granting APCO Construction, Inc.'s 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	JA007281- JA007299	100
01-24-19	Transcript for All Pending Fee Motions on July 19, 2018	JA007300- JA007312	100/101
07-12-19	Order Dismissing Appeal (Case No. 76276)	JA007313- JA007315	101

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
08-06-19	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	JA007316- JA007331	101
	Exhibit 1 – Judgment [As to the Claims of Helix Electric of Nevada, LLC and Plaintiff in Intervention National Wood Products, Inc.'s Against APCO Construction, Inc.	JA007332- JA007335	101
	Exhibit 2 – 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 and all related matters (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	JA007336- JA007344	101
	Exhibit 3 - Notice of Appeal	JA007345- JA007394	101/102
	Exhibit 4 – Amended Notice of Appeal	JA007395- JA007400	102
	Exhibit 5A – 5F -Notices of Entry of Order as to the Claims of Cactus Rose Construction, Fast Glass, Inc., Heinaman Contract Glazing, Helix Electric of Nevada, LLC, SWPPP Compliance	JA007401- JA007517	102/103

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Solutions, Inc., E&E Fire Protection		
	Exhibit 6 – Order Dismissing Appeal in Part (Case No. 76276)	JA007518- JA007519	103
	Exhibit 7 – Order to Show Cause	JA007520- JA007542	103
	Exhibit 8 -Order Dismissing Appeal (Case No. 76276)	JA007524- JA007527	103
	Exhibit 9 – Notice of Entry of Order to Consolidate this Action with Case Nos. A574391, A574792, A57623. A58389, A584730, A58716, A580889 and A589195	JA 007528- JA007541	103
	Exhibit 10 (Part One)	JA007537- JA007542	103
	Exhibit 10A – Docket 09A587168 (Accuracy Glass & Mirror v. APCO)	JA007543- JA007585	103
	Exhibit 10B -Docket 08A571228 (APCO v. Gemstone)	JA007586- JA008129	103/104/105 /106/107 /108/109
	Exhibit 10C – Notice of Entry of Order to Consolidate this Action with Cases Nos A57. 4391, A574792, A577623, A583289, A584730, A587168, A580889 and A589195	JA008130- JA008138	109
	Exhibit 10D – Notice of Entry of Joint Order Granting, in Part, Various Lien Claimants’ Motions for Partial Summary Judgment Against Gemstone Development West	JA008139- JA008141	109
	Exhibit 10 (Part Two)	JA008142- JA008149	109

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Exhibit 10E – 131 Nev. Advance Opinion 70	JA008150- JA008167	109
	Exhibit 10F – Special Master Report Regarding Remaining Parties to the Litigation and Discovery Status	JA008168- JA008170	109
	Exhibit 10EG – Notice of Entry of Granting Plaintiff’s Motion to Dismiss	JA008171- JA008177	109
	Exhibit 10H – Complaint re Foreclosure	JA008178- JA008214	109
	Exhibit 10I – First Amended Complaint re Foreclosure	JA008215- JA008230	109
	Exhibit 10J – APCO Construction’s Answer to Accuracy Glass & Mirror Company’s First Amended Complaint re Foreclosure	JA008231- JA008265	109/110
	Exhibit 10K – Answer to Accuracy Glass & Mirror Company, Inc.’s Complaint and Camco Pacific Construction, Inc.’s Counterclaim	JA008266- JA008285	110
	Exhibit 10L – Accuracy Glass & Mirror Company, Inc.’s Answer to Camco Pacific Construction Company’s Counterclaim	JA008286- JA008290	110
	Exhibit 10M – Helix Electric’s Amended Statement of Facts Constituting Lien and Third-Party Complaint	JA008291- JA008306	110
	Exhibit 10N – APCO Construction’s Answer to Helix Electric’s Amended Statement of Facts Constituting Lien and Third-Party Complaint	JA008307- JA008322	110
	Exhibit 10O – Answer to Helix Electric’s Statement of Facts	JA008323- JA008338	110

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Constituting Lien and Third-Party Complaint and Camco Pacific Construction Company Inc.'s Counterclaim		
	Exhibit 10P – Notice of Entry of Helix Electric of Nevada, LLC's Motion for Attorney's Fees, Interest and Costs	JA008339 JA008347	110
	Exhibit 10Q – Notice of Entry of Judgment [As to the claims of Helix Electric of Nevada, LLC Against Camco Construction Co., Inc.]	JA008348- JA008367	110
	Exhibit 10R – Notice of Entry of Judgment [As to the Claims of Helix Electric of Nevada, LLC and Plaintiff in Intervention National Wood Products, Inc. Against APCO Construction, Inc.]	JA008368- JA008378	110
	Exhibit 10S – Findings of Fact and Conclusions of Law and Order as to the Claims of Helix Electric and Cabenetec Against APCO	JA008379- JA008450	110/111
	Exhibit 10T -WRG Design, Inc.'s Amended Statement of Facts Constituting Notice of Lien and Third-Party Complaint	JA008451- JA008486	111
	Exhibit 10U – APCO Construction's Answer to WRG Design Inc.'s amended Statement of Facts Constituting Lien and Third-Party Complaint	JA008468- JA008483	111
	Exhibit 10V -Answer to WRG Design, Inc.'s Statement of Facts Constituting Lien, Third-Party Complaint and Camco Pacific Construction, Inc.'s Counterclaim	JA008484- JA008504	111

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Exhibit 10W – Notice of Entry of Stipulation and Order Dismissal	JA008505- JA008512	111
	Exhibit 10X – WRG Design, Inc.'s Answer to Camco Pacific Construction Company, Inc.'s Counterclaim	JA008513 JA008517	111
	Exhibit 10Y – Heinaman Contract Glazing's Amended Statement of Facts Constituting Lien and Third-Party Complaint	JA008518- JA008549	111
	Exhibit 10Z – Answer to Heinaman Contract Glazing's Statement of Facts Constituting Lien and Third-Party Complaint, and Camco Pacific Construction's Counterclaim	JA008531- JA008551	111
	Exhibit 10AA – Notice of Entry of Granting Heinaman Glazing's Motion for Attorneys's Fees, Interest and Costs	JA008552- JA008579	111/112
	Exhibit 10BB -Notice of Entry of Judgment [As to the Claims of Heinaman Contract Glazing Against Camco Construction Co., Inc.]	JA008561- JA008582	112
	Exhibit 10CC – Heinaman Contract Glazing's Answer to Camco Pacific Construction Company's Counterclaim	JA008583 JA008588	112
	Exhibit 10DD - Bruin Painting Corporation's Amended Statement of Facts Constituting Notice of Lien and Third-Party Complaint	JA008589- JA00861	112
	Exhibit 10EE – Answer to Bruin Painting Corporation's Amended Statement of Facts Constituting Notice of Lien and Third-Party	JA008602- JA008621	112

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Complaint and Camco Pacific Construction, Inc.'s Counterclaim		
	Exhibit 10FF – Voluntary Dismissal of Fidelity and Deposit Company of Maryland Only from Bruin Painting Corporation's Amended Statement of Facts Constituting Notice of Lien and Third-Party Complaint Without Prejudice	JA008622- JA008624	112
	Exhibit 10GG – HD Supply Waterworks' Amended Statement of Facts Constituting Lien and Third-Party Complaint	JA008625- JA008642	112
	Exhibit 10HH – APCO Construction's Answer to HD Supply Waterworks' Amended Statement of Facts Constituting Lien and Third-Party Complaint	JA008643- JA008657	112
	Exhibit 10II – Amended Answer to HD Supply Waterworks' Amended Statement of Facts Constituting Lien and Third-Party Complaint	JA008658- JA008664	112
	Exhibit 10JJ -Defendants Answer to HD Supply Waterworks' Amended Statement of Facts Constituting Lien and Third-Party Complaint	JA008665- JA008681	112
	Exhibit 10KK – Stipulation and Order to Dismiss E & E Fire Protection, LLC Only Pursuant to the Terms State Below	JA008682- JA008685	112
	Exhibit 10LL – HD Supply Waterworks, LP's Voluntary Dismissal of Platte River Insurance Company Only Without Prejudice	JA008686- JA008693	112

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
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	Exhibit 10NN-Notice of Appeal	JA008718 JA008723	113
	Exhibit 10OO – Amended Notice of Appeal	JA008724- JA008729	113
	Exhibit 10PP – Notice of Cross Appeal	JA008730- JA008736	113
	Exhibit 10QQ – Motion to Suspend Briefing Pending Outcome of Order to Show Cause in Supreme Court Case No. 76276	JA008737- JA008746	113
	Exhibit 11 – Order to Consolidate this Action with Case Nos. A574391, A574792, A57623. A58389, A584730, A58716, A580889 and A589195	JA008747- JA008755	113
	Exhibit 12 – Stipulation and Order to Dismiss Third-Party Complaint of Interstate Plumbing & Air Conditioning, LLC Against APCO Construction, Inc. with Prejudice	JA00875- JA008758	113
	Exhibit 13 – Stipulation and Order with Prejudice	JA008759- JA008780	113
	Exhibit 14 – Docket/United Subcontractors, Inc. dba Skyline Insulation’s Motion to Enforce Settlement Agreement and Enter Judgment	JA008762- JA008788	113
	Exhibit 15 – Notice of Entry of Order Granting Motion for 54(b) Certification and for Stay Pending Appeal	JA008789- JA008798	113

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08-16-19	APCO’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	JA008811- JA008821	114
	Exhibit 1 – Order to File Amended Docketing Statement	JA008822- JA008824	114
	Exhibit 2 – Order to Show Cause	JA008825- JA008828	114
	Exhibit 3 – Appellant/Cross-Respondent’s Response to Order to Show Cause	JA008829- JA008892	114/115/116
	Exhibit 4 – Order Dismissing Appeal	JA008893- JA008896	116
	Exhibit 5 – Chart of Claims	JA008897- JA008924	116
	Exhibit 6 – Answer to Helix Electric’s Statement of Facts Constituting Lien and Third-Party Complaint and Camco Pacific Construction Company, Inc.’s Counterclaim	JA008925- JA008947	116/117
	Exhibit 7 – Answer to Cactus Rose’s Statement of Facts Constituting Notice of Lien and Complaint and Camco Pacific Construction Company Inc.’s Counterclaim	JA008948- JA008965	117
	Exhibit 8 – Answer to Heinaman Contract Glazing’s Statement of Facts Constituting Lien and Third-Party Complaint and Camco	JA008966- JA008986	117/118

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Pacific Construction's Counterclaim		
	Exhibit 9 – Findings of Fact and Conclusions of Law as to the Claims of Helix Electric of Nevada, LLC Against Camco Pacific Construction, Inc.	JA008987- JA008998	118
	Exhibit 10 – Findings of Fact and Conclusions of Law as to the Claims of Cactus Rose Construction Co., Inc.	JA008998- JA009010	118
	Exhibit 11 – Findings of Fact and Conclusions of Law as to the Claims of Heinaman Contract Glazing	JA009011- JA009024	118
	Exhibit 12 – Notice of Entry of Decision, Order and Judgment on Defendant Scott Financial Corporation's Motion for Summary Judgment as to Priority of Liens	JA009025- JA009038	118
	Exhibit 13 – Findings of Fact and Conclusions of Law as to the Claims of Helix Electric and Cabenetec Against APCO	JA009039- JA009110	118/119
	Exhibit 14 – Order Granting Motion to Deposit Bond Penal Sum with Court, Exoneration of Bond and Dismissal	JA009111- JA009113	119
	Exhibit 15 – Order Approving Distribution of Fidelity and Deposit Company of Maryland's Bond	JA009114- JA009116	119
08-29-19	Helix Electric of Nevada LLC's Reply to APCO's Opposition to Helix Electric of Nevada LLC's Motion to (I) Re-Open Statistically Closed Case, (II)	JA009117- JA009123	119

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	Dismiss All Unresolved Claims and/or (III) In The Alternative for a Rule 54(B) Certification as to Helix and APCO		
01-03-20	Notice of Entry of Order Granting Helix Electric of Nevada, LLC's Motion for Rule 54(b) Certification	JA009124- JA009131	119
01-29-20	Notice of Appeal	JA009132- JA009136	119/120
	Exhibit A – 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.]	JA009137- JA009166	120
	Exhibit [C] – Notice of Entry of Order Granting Helix Electric of Nevada's Rule 54(b) Certification	JA009148- JA009156	120
02-11-20	Case Appeal Statement	JA009157- JA009163	120
02-11-20	APCO's Notice of Cross Appeal	JA009164- JA010310	120
	Exhibit 1 – Notice of Entry of Order (1) Granting APCO Construction, Inc.'s Motion for Attorney's 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 Party (4) Granting Plaintiff-in-Intervention National Wood Productions, LLC's Motion to Retax in Part and Denying in Part and (5) Granting National Wood Products, Inc.'s Motion to File a Surreply	JA009168- JA009182	120

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Exhibit 2 – Notice of Entry of Order Granting Helix Electric of Nevada’s Motion for Rule 54(b) Certification	JA009183- JA00991	120

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08-05-09	APCO's Answer to Helix's Amended Statement of Facts Constituting Notice of Lien and Third-Party Complaint	JA000016 – JA000030	1
05-08-18	APCO Construction, Inc.'s Motion for Attorneys' Fees and Costs Against Helix Electric of Nevada, LLC and Plaintiff in Intervention National Wood Products, Inc.	JA006265- JA006284	85
	Exhibit 1 – Findings of Fact and Conclusions of Law as to the Claims of Helix Electric and Cabenetec Against APCO	JA006285- JA006356	85/86
	Exhibit 2 – National Wood Products, Inc.'s Notice of Motion and Motion to Intervene and Memorandum of Points and Authorities in Support Thereof	JA006357- JA006369	86
	Exhibit 3 – Plaintiff in Intervention, National Wood Products, Inc.'s Findings of Fact and Conclusions of Law (Proposed)	JA006370- JA006385	86/87
	Exhibit 4 – Plaintiff in Intervention, National Wood Productions, Inc.'s Findings of Fact and Conclusions of Law Re Camco	JA006386- JA006398	87
	Exhibit 5 – Offer of Judgment to Helix Electric of Nevada, LLC	JA006399- JA006402	87
	Exhibit 6 – Offer of Judgment to Plaintiff in Intervention National Wood Products, Inc.	JA006403- JA006406	87
	Exhibit 7 – Declaration of John Randall Jefferies, Esq. in Support of APCO Construction, Inc.'s Motion for Attorney's Fees and Costs	JA006407- JA006411	87
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	Exhibit 7B – Time Recap	JA006443- JA006474	88
	Exhibit 8 – Declaration of Cody S. Mounter, Esq. in Support of Motion for Attorney’s Fees and Costs	JA006475- JA006478	88
	Exhibit 9 – APCO Construction, Inc.’s Memorandum of Costs and Disbursements [Against Helix Electric of Nevada, LLC, and Plaintiff in Intervention National Wood Products, LLC]	JA006479- JA006487	88
	Exhibit 10 – Depository Index	JA006488- JA006508	88/89
06-06-13	APCO’s Limited Motion to Lift Stay for Purposes of this Motion Only; (2) APCO’s Motion for Summary Judgment Against Gemstone Only; and (3) Request for Order Shortening Time	JA000044- JA000054	1
	Exhibit 1 – Affidavit of Randy Nickerl in Support of (I) APCO’s Limited Motion to Lift Sta for Purposes of this Motion Only; (2) APCO’s Motion for Judgment Against Gemstone Only	JA000055- JA000316	1/2/4/5/6
	Exhibit 2 – Findings of Fact and Conclusions of Law and Judgment in Favor of APCO Construction Against Gemstone Development West, Inc. Only	JA000317- JA000326	6
02-11-20	APCO’s Notice of Cross Appeal	JA009164- JA010310	120
	Exhibit 1 – Notice of Entry of Order (1) Granting APCO Construction, Inc.’s Motion for Attorney’s Fees and Costs; (2) Granting APCO Construction, Inc.’s Memorandum of Costs in Part (3) Granting Helix Electric of Nevada, LLC’s	JA009168- JA009182	114

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Motion to Retax in Party (4) Granting Plaintiff-in-Intervention National Wood Productions, LLC's Motion to Retax in Part and Denying in Part and (5) Granting National Wood Products, Inc.'s Motion to File a Surreply		
	Exhibit 2 – Notice of Entry of Order Granting Helix Electric of Nevada's Motion for Rule 54(b) Certification	JA009183- JA00991	120
11-06-17	APCO Construction, Inc.'s Omnibus Motion <i>in Limine</i>	JA000590 JA000614	9
	Exhibit 1 – Second Amended Notice of taking NRCP Rule 30(b)(6) Deposition of Person Most Knowledgeable for Zitting Brothers Construction, Inc.	JA000615- JA000624	9
	Exhibit 2 – Zitting Brothers Construction, Inc.'s Motion for Partial Summary Judgment Against APCO Construction	JA000625- JA000646	9
	Exhibit 3 – Excerpts from Samuel Zitting's Deposition Transcript taken October 27, 2017	JA000647- JA000678	9/10
	Exhibit 4 – Statement of Facts Constituting Lien on Behalf of Buchele, Inc.	JA000679- JA000730	10
	Exhibit 5 – Subcontract Agreement dated April 17, 2007	JA000731- JA000808	10/11
	Exhibit 6 – Subcontract Agreement dated April 17, 2007	JA000809- JA000826	11/12
	Exhibit 7 – Email from Mary Bacon dated October 16, 2017	JA000827- JA000831	12
	Exhibit 8 – Email from Mary Bacon dated October 17, 2017	JA000832- JA000837	12
	Exhibit 9 – Email from Eric Zimbelman dated October 17, 2017	JA000838- JA000844	12
	Exhibit 10 – Special Master Report, Recommendation and District Court Order	JA00845- JA000848	12

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	Exhibit 12 – Plaintiff in Intervention, National Wood Products, Inc.’s First Supplemental Disclosures Pursuant to NRCP 16.1	JA000857- JA000864	12
	Exhibit 13 – Amended Notice of Taking NRCP Rule 30(b)(6) Deposition of Person Most Knowledgeable for Helix Electric of Nevada, LLC	JA000865- JA000873	12
	Exhibit 14 – Excerpts from Helix Electric of Nevada, LLC’s 30(b)(6) Witness Deposition Transcript taken July 20, 2017	JA000874- JA000897	12
03-23-18	APCO Opposition to Helix Electric of Nevada, LLC’s Findings of Fact and Conclusions of Law	JA006125- JA006172	83/84
08-16-19	APCO’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	JA008811- JA008821	114
	Exhibit 1 – Order to File Amended Docketing Statement	JA008822- JA008824	114
	Exhibit 2 – Order to Show Cause	JA008825- JA008828	114
	Exhibit 3 – Appellant/Cross-Respondent’s Response to Order to Show Cause	JA008829- JA008892	114/115/116
	Exhibit 4 – Order Dismissing Appeal	JA008893- JA008896	116
	Exhibit 5 – Chart of Claims	JA008897- JA008924	116
	Exhibit 6 – Answer to Helix Electric’s Statement of Facts Constituting Lien and Third-Party Complaint and Camco	JA008925- JA008947	116/117

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
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	Exhibit 8 – Answer to Heinaman Contract Glazing's Statement of Facts Constituting Lien and Third-Party Complaint and Camco Pacific Construction's Counterclaim	JA008966- JA008986	117/118
	Exhibit 9 – Findings of Fact and Conclusions of Law as to the Claims of Helix Electric of Nevada, LLC Against Camco Pacific Construction, Inc.	JA008987- JA008998	118
	Exhibit 10 – Findings of Fact and Conclusions of Law as to the Claims of Cactus Rose Construction Co., Inc.	JA008998- JA009010	118
	Exhibit 11 – Findings of Fact and Conclusions of Law as to the Claims of Heinaman Contract Glazing	JA009011- JA009024	118
	Exhibit 12 – Notice of Entry of Decision, Order and Judgment on Defendant Scott Financial Corporation's Motion for Summary Judgment as to Priority of Liens	JA009025- JA009038	118
	Exhibit 13 – Findings of Fact and Conclusions of Law as to the Claims of Helix Electric and Cabenetec Against APCO	JA009039- JA009110	118/119
	Exhibit 14 – Order Granting Motion to Deposit Bond Penal Sum with Court, Exoneration of Bond and Dismissal	JA009111- JA009113	119
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	Exhibit 1-B – Declaration of Cody Mounteer in Support of APCO's Supplement to its Motion for Attorney's Fees	JA006639- JA006916	91/92/93 94/95/96
11-14-17	APCO Construction, Inc.'s Opposition to Helix Electric of Nevada, LLC's Motions in <i>Limine</i> Nos. 1-4	JA000929- JA000940	13/14
	Exhibit 1 – Excerpts from the Deposition Transcript of Mary Jo Allen taken July 18, 2017	JA000941- JA000966	14/15/16
	Exhibit 2 – Helix Electric's Manhattan West Billing/Payment Status through August 2008	JA000967- JA000969	16/17
	Exhibit 3 – Excerpts from the Deposition Transcript of Andrew Rivera taken July 20, 2017	JA000970- JA000993	17/18/19
08-21-17	APCO Construction's Opposition to Peel Brimley Lien Claimants' Partial Motion for Summary Judgment Precluding Defenses Based on Pay-if-Paid Agreements	JA000393- JA000409	6/7
	Exhibit A – Excerpt from 30(b)(6) Witness for Helix Electric of Nevada, LLC taken July 20, 2017	JA000410- JA000412	7
03-08-18	APCO Construction Inc.'s Post-Trial Brief	JA006059- JA006124	82/83
11-15-17	APCO Construction, Inc.'s Reply in Support of its Omnibus <i>Motion in Limine</i>	JA001133 JA001148	21

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	Exhibit 1 – Special Master Report Regarding Discovery Status	JA001149- JA001151	21
	Exhibit 2 – Notice of Taking NRCP Rule 30(b)(6) Deposition of the Person Most Knowledgeable for Zitting Brothers Construction, Inc.	JA001152- JA001160	21
06-29-18	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.	JA007198- JA007220	99
	Exhibit 1 – Invoice Summary by Matter Selection	JA007221- JA007222	99
	Exhibit 2 – Marquis Aurbach Coffing Invoice to APCO dated April 30, 2018	JA007223- JA007224	99
04-26-10	CAMCO and Fidelity’s Answer and CAMCO’s Counterclaim	JA000031- JA000041	1
11-14-17	Camco Pacific Construction Company, Inc.’s Opposition to Lien Claimants’ Motions in Limine Nos. 1-6	JA000898- JA000905	12
	Exhibit A – Nevada Construction Services Cost Plus GMP Contract Disbursement Agreement	JA000906- JA000907	12
	Exhibit B – Scott Financial Corporation’s April 28, 2009 letter to the Nevada State Contractor’s Board	JA000908- JA000915	2/13
	Exhibit C – E-mail from Alex Edelstein dated December 15, 2008 Re: Letter to Subs	JA000916- JA000917	13
	Exhibit D – Camco Pacific’s letter dated December 22, 2008	JA000918- JA000920	13
	Exhibit E – Order Approving Sale of Property	JA000921- JA000928	13
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06-15-18	Declaration of S. Judy Hirahara in support of National Woods's Opposition to APCO Construction's Motion for Attorneys' Fees and Costs	JA007121- JA007189	98
06-13-13	Docket Entry and Minute Order Granting APCO's Motion for Summary Judgment Against Gemstone	JA000327	6
04-25-18	Findings of Fact and Conclusions of Law and Order as the Claims of Helix Electric and Cabinetec Against APCO	JA006194- JA006264	84/85
11-06-17	Helix Electric of Nevada's Motion <i>in Limine</i> Nos. 1-4	JA000534- JA000542	8
	Exhibit 1 – Notice of Entry of Order	JA000543- JA000549	8
	Exhibit 2 – Helix Electric of Nevada, LLC's Amended Notice of 30(b)(6) Deposition of APCO Construction	JA000550 JA000558	8/9
	Exhibit 3 - Excerpts from Brian Benson Deposition Transcript taken June 5, 2017	JA000559 JA000574	9
	Exhibit 4 – Excerpts from Mary Jo Allen's Deposition Transcript taken July 18, 2017	JA000575- JA000589	9
06-01-18	Helix Electric of Nevada, LLC's Motion for Attorneys' Fees, Interest and Costs	JA006551- JA006563	90
	Exhibit 1 – Findings of Fact and Conclusions of Law and Order as to the Claims of Helix Electric of Nevada, LLC Against Camco Pacific Construction, Inc.	JA006564- JA006574	90
	Exhibit 2 – Memorandum of Costs and Disbursements (Helix Electric of Nevada, LLC)	JA006575- JA006580	90
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<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Exhibit 4 – Declaration of Eric B. Zimbelman in Support of Helix Electric of Nevada, LLC’s Motion for Attorneys’ Fees, Interest and Costs	JA006583- JA006588	90
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08-06-19	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	JA007316- JA007331	101
	Exhibit 1 – Judgment [As to the Claims of Helix Electric of Nevada, LLC and Plaintiff in Intervention National Wood Products, Inc.’s Against APCO Construction, Inc.	JA007332- JA007335	101
	Exhibit 2 – 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 and all related matters (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	JA007336- JA007344	101
	Exhibit 3 - Notice of Appeal	JA007345- JA007394	101/102
	Exhibit 4 – Amended Notice of Appeal	JA007395- JA007400	102
	Exhibit 5A – 5F -Notices of Entry of Order as to the Claims of Cactus Rose Construction, Fast Glass, Inc., Heinaman Contract Glazing, Helix Electric of	JA007401- JA007517	102/103

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	Exhibit 9 – Notice of Entry of Order to Consolidate this Action with Case Nos. A574391, A574792, A57623. A58389, A584730, A58716, A580889 and A589195	JA 007528- JA007541	103
	Exhibit 10 (Part One)	JA007537- JA007542	103
	Exhibit 10A – Docket 09A587168 (Accuracy Glass & Mirror v. APCO)	JA007543- JA007585	103
	Exhibit 10B -Docket 08A571228 (APCO v. Gemstone)	JA007586- JA008129	103/104/105/ 106/107/108 109
	Exhibit 10C – Notice of Entry of Order to Consolidate this Action with Cases Nos A57. 4391, A574792, A577623, A583289, A584730, A587168, A580889 and A589195	JA008130- JA008138	109
	Exhibit 10D – Notice of Entry of Joint Order Granting, in Part, Various Lien Claimants’ Motions for Partial Summary Judgment Against Gemstone Development West	JA008139- JA008141	109
	Exhibit 10 (Part Two)	JA008142- JA008149	109
	Exhibit 10E – 131 Nev. Advance Opinion 70	JA008150- JA008167	109
	Exhibit 10F – Special Master Report Regarding Remaining Parties to the Litigation and Discovery Status	JA008168- JA008170	109

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	Exhibit 10H – Complaint re Foreclosure	JA008178- JA008214	109
	Exhibit 10I – First Amended Complaint re Foreclosure	JA008215- JA008230	109
	Exhibit 10J – APCO Construction’s Answer to Accuracy Glass & Mirror Company’s First Amended Complaint re Foreclosure	JA008231- JA008265	109/110
	Exhibit 10K – Answer to Accuracy Glass & Mirror Company, Inc.’s Complaint and Camco Pacific Construction, Inc.’s Counterclaim	JA008266- JA008285	110
	Exhibit 10L – Accuracy Glass & Mirror Company, Inc.’s Answer to Camco Pacific Construction Company’s Counterclaim	JA008286- JA008290	110
	Exhibit 10M – Helix Electric’s Amended Statement of Facts Constituting Lien and Third-Party Complaint	JA008291- JA008306	110
	Exhibit 10N – APCO Construction’s Answer to Helix Electric’s Amended Statement of Facts Constituting Lien and Third-Party Complaint	JA008307- JA008322	110
	Exhibit 10O – Answer to Helix Electric’s Statement of Facts Constituting Lien and Third-Party Complaint and Camco Pacific Construction Company Inc.’s Counterclaim	JA008323- JA008338	110
	Exhibit 10P – Notice of Entry of Helix Electric of Nevada, LLC’s Motion for Attorney’s Fees, Interest and Costs	JA008339 JA008347	110
	Exhibit 10Q – Notice of Entry of Judgment [As to the claims of Helix Electric of Nevada, LLC Against Camco Construction Co., Inc.]	JA008348- JA008367	110

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	Exhibit 10R – Notice of Entry of Judgment [As to the Claims of Helix Electric of Nevada, LLC and Plaintiff in Intervention National Wood Products, Inc. Against APCO Construction, Inc.]	JA008368- JA008378	110
	Exhibit 10S – Findings of Fact and Conclusions of Law and Order as to the Claims of Helix Electric and Cabenotec Against APCO	JA008379- JA008450	110/111
	Exhibit 10T -WRG Design, Inc.'s Amended Statement of Facts Constituting Notice of Lien and Third-Party Complaint	JA008451- JA008486	111
	Exhibit 10U – APCO Construction's Answer to WRG Design Inc.'s amended Statement of Facts Constituting Lien and Third-Party Complaint	JA008468- JA008483	111
	Exhibit 10V -Answer to WRG Design, Inc.'s Statement of Facts Constituting Lien, Third-Party Complaint and Camco Pacific Construction, Inc's Counterclaim	JA008484- JA008504	111
	Exhibit 10W – Notice of Entry of Stipulation and Order Dismissal	JA008505- JA008512	111
	Exhibit 10X – WRG Design, Inc.'s Answer to Camco Pacific Construction Company, Inc.'s Counterclaim	JA008513 JA008517	111
	Exhibit 10Y – Heinaman Contract Glazing's Amended Statement of Facts Constituting Lien and Third-Party Complaint	JA008518- JA008549	111
	Exhibit 10Z – Answer to Heinaman Contract Glazing's Statement of Facts Constituting Lien and Third-Party Complaint, and Camco Pacific Construction's Counterclaim	JA008531- JA008551	111

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Exhibit 10AA – Notice of Entry of Granting Heinaman Glazing’s Motion for Attorneys’s Fees, Interest and Costs	JA008552- JA008579	111/112
	Exhibit 10BB -Notice of Entry of Judgment [As to the Claims of Heinaman Contract Glazing Against Camco Construction Co., Inc.]	JA008561- JA008582	112
	Exhibit 10CC – Heinaman Contract Glazing’s Answer to Camco Pacific Construction Company’s Counterclaim	JA008583 JA008588	112
	Exhibit 10DD - Bruin Painting Corporation's Amended Statement of Facts Constituting Notice of Lien and Third-Party Complaint	JA008589- JA00861	112
	Exhibit 10EE – Answer to Bruin Painting Corporation's Amended Statement of Facts Constituting Notice of Lien and Third-Party Complaint and Camco Pacific Construction, Inc.’s Counterclaim	JA008602- JA008621	112
	Exhibit 10FF – Voluntary Dismissal of Fidelity and Deposit Company of Maryland Only from Bruin Painting Corporation's Amended Statement of Facts Constituting Notice of Lien and Third-Party Complaint Without Prejudice	JA008622- JA008624	112
	Exhibit 10GG – HD Supply Waterworks’ Amended Statement of Facts Constituting Lien and Third-Party Complaint	JA008625- JA008642	112
	Exhibit 10HH – APCO Construction’s Answer to HD Supply Waterworks’ Amended Statement of Facts Constituting Lien and Third-Party Complaint	JA008643- JA008657	112
	Exhibit 10II – Amended Answer to HD Supply Waterworks’ Amended Statement of Facts Constituting Lien and Third-Party Complaint	JA008658- JA008664	112

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Exhibit 10JJ -Defendants Answer to HD Supply Waterworks' Amended Statement of Facts Constituting Lien and Third-Party Complaint	JA008665- JA008681	112
	Exhibit 10KK – Stipulation and Order to Dismiss E & E Fire Protection, LLC Only Pursuant to the Terms State Below	JA008682- JA008685	112
	Exhibit 10LL – HD Supply Waterworks, LP's Voluntary Dismissal of Platte River Insurance Company Only Without Prejudice	JA008686- JA008693	112
	Exhibit 10MM – Scott Financial Corporation's Answer to HD Supply Waterworks' Amended Statement of Facts Constituting Lien and Third-Party Complaint	JA008694- JA008717	112/113
	Exhibit 10NN-Notice of Appeal	JA008718 JA008723	113
	Exhibit 10OO – Amended Notice of Appeal	JA008724- JA008729	113
	Exhibit 10PP – Notice of Cross Appeal	JA008730- JA008736	113
	Exhibit 10QQ – Motion to Suspend Briefing Pending Outcome of Order to Show Cause in Supreme Court Case No. 76276	JA008737- JA008746	113
	Exhibit 11 – Order to Consolidate this Action with Case Nos. A574391, A574792, A57623. A58389, A584730, A58716, A580889 and A589195	JA008747- JA008755	113
	Exhibit 12 – Stipulation and Order to Dismiss Third-Party Complaint of Interstate Plumbing & Air Conditioning, LLC Against APCO Construction, Inc. with Prejudice	JA00875- JA008758	113
	Exhibit 13 – Stipulation and Order with Prejudice	JA008759- JA008780	113

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	Exhibit 15 – Notice of Entry of Order Granting Motion for 54(b) Certification and for Stay Pending Appeal	JA008789- JA008798	113
	Exhibit 16 – Notice of Appeal	JA008799- JA008810	113
05-08-18	Helix Electric of Nevada, LLC’s Motion to Retax Costs Re: Defendant APCO Construction’s Memorandum of Costs and Disbursements	JA006509- JA006521	89
06-21-18	Helix Electric of Nevada, LLC’s Notice of Non-Opposition to its Motion for Attorney’s Fees, Interest and Costs	JA007193- JA007197	99
06-15-18	Helix Electric of Nevada, LLC’s Opposition to APCO Construction’s Motion for Attorneys’ Fees and Costs	JA006917 – JA006942	96
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	Exhibit 2 – Notice of Entry of Denying APCO Construction’s Motion for Partial Summary Judgment Re: Lien Foreclosure Claims	JA006949- JA006954	96
	Exhibit 3 – Supreme Court filing notification Joint Petition for Writ of Mandamus filed	JA006955- JA006958	96
	Exhibit 4 – Order Denying <i>En Banc</i> Reconsideration	JA006959- JA006963	96
	Exhibit 5 – Notice of Entry of Order Granting Peel Brimley Lien Claimants’ Motion for Partial Summary Judgment	JA006964- JA006978	96

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	Precluding Defenses Based on Pay-if-Paid Agreements		
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	Exhibit 6B – Nevada Prefab Engineers, Inc.’s Response to Special Master Questionnaire	JA006981- JA006984	96
	Exhibit 6C – Zitting Brothers Construction, Inc.’s Response to Special Master Questionnaire	JA006985- JA006993	96/97
	Exhibit 6D – Noorda Sheet Metal’s Notice of Compliance	JA006994 JA007001	97
	Exhibit 6 E – Unitah Investments, LLC’s Special Master Questionnaire	JA007002- JA007005	97
	Exhibit 7A – Motion to Appoint Special Master	JA007006- JA007036	97
	Exhibit 7B – Letter from Floyd A. Hale dated August 2, 2016	JA007037- JA007060	97
	Exhibit 7C – Special Master Report Regarding Remaining Parties to the Litigation, Special Master Recommendation and District Court Order Amended Case Agenda	JA007042- JA007046	97
	Exhibit 8 – Notice of Entry of Order Granting Plaintiff’s Motion to Dismiss	JA007047 JA007053	97
	Exhibit 9 – Stipulation and Order for Dismissal with Prejudice	JA007054- JA007056	97
	Exhibit 10 – Stipulation and Order to Dismiss Third-Party Complaint of Interstate Plumbing & Air Conditioning, LLC Against APCO Construction, Inc. with Prejudice	JA007057- JA007059	97
	Exhibit 11 – Notice of Entry of Order Granting in Part and Denying in Part APCO Construction’s Omnibus Motion <i>in Limine</i>	JA007060- JA007088	97

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	Exhibit 12 – Notice of Entry of Order Granting in Part and Denying in Part Helix Electric of Nevada, LLC’s Motion in Limine (against APCO Construction)	JA007070- JA007078	97
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	Exhibit 14 – Notice of Entry of Order Denying APCO Construction’s Motion for Reconsideration of Order Granting Partial Summary Judgment Precluding Defenses Based on Pay-if-Paid Agreements	JA007085- JA007087	97
	Exhibit 15 – Notice of Association of Counsel	JA007088- JA007094	97
11-14-17	Helix Electric of Nevada’s Opposition to APCO Construction’s Omnibus Motion in Limine	JA000994- JA001008	20
	Exhibit 1 – Excerpts from the Deposition Transcript of Brian Benson taken June 5, 2017	JA001009- JA001042	20
	Exhibit 2 - Excerpts from the Deposition Transcript of Brian Benson taken June 5, 2017	JA001043- JA001055	20
	Exhibit 3 – Special Master Order Requiring Completion of Questionnaire	JA001056- JA001059	20
	Exhibit 4 – Excerpts from the Deposition Transcript of the 30(b)(6) Witness for Helix Electric of Nevada taken July 20, 2017	JA001060- JA001064	20
	Exhibit 5 - Excerpts from the Deposition Transcript of David E. Parry taken June 20, 2017	JA001065 JA001132	20/21
08-29-19	Helix Electric of Nevada LLC’s Reply to APCO’s Opposition to Helix Electric of Nevada LLC’s Motion to (I) Re-	JA009117- JA009123	119

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06-29-18	Helix Electric of Nevada, LLC's Reply Re: Motion to Retax	JA007225- JA007237	100
03-23-18	Helix Electric of Nevada, LLC's Responses to APCO Construction's Post-Trial Brief	JA006173- JA006193	84
06-24-09	Helix Electric's Statement of Facts Constituting Lien and Third-Party Complaint	JA000001- JA000015	1
01-12-18	Joint Pre-Trial Memorandum [for APCO Construction, Inc., the Peel Brimley Lien Claimants and National Wood Products, LLC ONLY]	JA001574- JA001594	27/28
	Exhibit 1 – Exhibit List APCO	JA001595- JA001614	28
	Exhibit 2 – Helix Trial Exhibits	JA001615- JA001616	28
	Exhibit 3 – Exhibit List Plaintiff in Intervention National Wood Products, Inc.	JA001617- JA001635	28
	Exhibit 4 – Cactus Rose Trial Exhibits	JA001636- JA001637	28
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	Exhibit 6 – Fast Glass Trial Exhibits	JA001640- JA001641	28
	Exhibit 7 – SWPPP Trial Exhibits	JA001642- JA001643	28
	Exhibit 8 - Order Granting in Part and Denying in Part APCO Construction's Omnibus Motion <i>in Limine</i>	JA001644- JA001647	28

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	Exhibit 9 - Amended <i>nunc pro tunc</i> order regarding APCO Construction, Inc.'s Omnibus Motion <i>in Limine</i> No. 7	JA001648- JA001650	28
	Exhibit 10 - Order Granting in Part and Denying in part Helix Electric of Nevada, LLC's Motions <i>in Limine</i> 1-4 (Against APCO Construction)	JA001651- JA001653	28
	Exhibit 11 - order granting Peel Brimley Lien Claimants' Motion in Limine Nos.1-6 (against Camco Pacific Construction, Inc.)	JA001654- JA001657	28
	Exhibit 12 - Order Granting Plaintiff in Intervention, National Wood Products, Inc.'s Motion <i>in Limine</i>	JA001658- JA001660	28
	Exhibit 13 - Order Granting Peel Brimley Lien Claimants' Motion for Partial Summary Judgment Precluding Defenses Based on Pay-if-Paid Agreements	JA001661- JA001667	28/9/29
03-08-18	Letter to Judge Denton submitting APCO Construction, Inc.'s Proposed Findings of Fact and Conclusions of Law	JA005986- JA006058	8/821
03-08-18	Letter to Judge Denton submitting Helix Electric of Nevada, LLC's (Proposed) Findings of Fact and Conclusions of Law	JA005953- JA005985	81
01-04-18	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 provision on an Order Shortening Time	JA001199- JA001217	22
	Exhibit 1 – Subcontract Agreement (Helix Electric of Nevada, LLC)	JA001218- JA001245	22/23/24
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	Exhibit 4 – Amended Notice of Lien	JA001282- JA001297	25
	Exhibit 5 - Amended NOL	JA001298- JA001309	25
	Exhibit 6 – Notice of Lien	JA001310- JA001313	25
	Exhibit 7 – Order Approving Sale of Property	JA001314- JA001376	25/26
	Exhibit 8 – Order Releasing Sale Proceeds from Court Controlled Escrow Account	JA001377- JA001380	26
	Exhibit 9 – Order Denying <i>En Banc</i> Reconsideration	JA001381- JA001385	26
	Exhibit 10 – Order Granting Peel Brimley Lien Claimants’ Motion for Partial Summary Judgment Precluding Defenses Based on Pay-if-Paid Agreements	JA001386- JA001392	26
	Exhibit 11 – Notice of Entry of Findings of Fact and Conclusions of Law and Judgment	JA001393- JA001430	26
	Exhibit 12 – Order Big D Construction Corp.’s Motion for Attorney’s Fees, Costs and Interest Pursuant to Judgment	JA001431- JA001435	26
	Exhibit 13 – Appellant’s Opening Brief (Padilla v. Big D)	JA001436- JA001469	26
	Exhibit 14 – Respondent’s Answering Brief	JA001470- JA001516	26/27
	Exhibit 15 – Appellant’s Reply Brief (Padilla v. Big D)	JA001517- JA001551	27
01-29-20	Notice of Appeal	JA009132- JA009136	119/120
	Exhibit A – Notice of Entry of Judgment [As to the Claims of Helix Electric of Nevada, LLC and Plaintiff in Intervention	JA009137- JA009166	120

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	National Wood Products, Inc.'s Against APCO Construction, Inc.]		
	Exhibit [C] – Notice of Entry of Order Granting Helix Electric of Nevada's Rule 54(b) Certification	JA009148- JA009156	120
05-31-18	Notice of Entry of Judgment [As to the Claims of Helix Electric of Nevada, LLC Against Camco Construction, Co., Inc.]	JA006522 JA006540	89
06-01-18	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.]	JA006541 JA006550	90
09-28-18	Notice of Entry of Order (1) Granting APCO Construction, Inc.'s 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	JA007281- JA007299	100
12-29-17	Notice of Entry of Order Granting in Part and Denying in Part APCO Construction's Omnibus Motion <i>in Limine</i>	JA001178- JA001186	22
07-02-18	Notice of Entry of Order Granting Helix Electric of Nevada, LLC's Motion for Attorneys' Fees, Interest and Costs	JA007238- JA007245	100
01-03-20	Notice of Entry of Order Granting Helix Electric of Nevada, LLC's Motion for Rule 54(b) Certification	JA009124- JA009131	119

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01-03-18	Notice of Entry of Order Granting Peel Brimley Lien Claimants' Motion for Partial Summary Judgment Precluding Defenses Based on Pay-if-Paid Agreements	JA001187- JA001198	22
12-29-17	Notice of Entry of Order Granting in Part and Denying in Part Helix Electric of Nevada, LLC's Motion <i>in Limine</i> 1-4	JA001170- JA001177	22
12-29-17	Notice of Entry of Order Granting Peel Brimley Lien Claimants' Motion <i>in Limine</i> 1-6	JA001161- JA001169	22
01-19-18	Order Denying APCO Construction's Motion for Reconsideration of Order Granting Partial Summary Judgment Precluding Defenses Based on Pay-if-Paid Agreements	JA005282- JA005283	78
07-12-19	Order Dismissing Appeal (Case No. 76276)	JA007332- JA007334	101
07-02-10	Order Striking Defendant Gemstone Development West, Inc.'s Answer and Counterclaim and Entering Default	JA000042- JA000043	1
08-02-17	Peel Brimley Lien Claimants' Motion for Partial Summary Judgment Precluding Defenses Based on Pay-if-Paid Agreements and <i>Ex Parte</i> Application for Order Shortening Time	JA000328- JA000342	6
	Exhibit 1 – APCO Construction's Answers to Helix Electric of Nevada, LLC's First Request for Interrogatories	JA000343- JA000379	6
	Exhibit 2 – Camco Pacific Construction Company, Inc.'s Responses to Helix Electric of Nevada, LLC's Interrogatories	JA000380- JA000392	6
11-06-17	Peel Brimley Lien Claimants' Motion <i>in Limine</i> Nos. 1-6	JA000419- JA000428	7
	Exhibit 1 – Notice of Entry of Order	JA000429	7

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		JA000435	
	Exhibit 2 – Amended Notices of 30(b)(6) Deposition of Camco Pacific Construction Company, Inc. from Cactus Rose Construction, Inc., Fast Glass, Inc.’s, Heinaman Contract Glazing, Inc. and Helix Electric of Nevada, LLC’s	JA000436- JA000472	7/8
	Exhibit 3 – Excerpt from David E. Parry’s Deposition Transcript taken June 20, 2017	JA000473 JA00489	8
	Exhibit 4 – Cactus Rose Construction, Inc.’s First Set of Request for Admissions to Camco Pacific Construction	JA00490 JA000500	8
	Exhibit 5 – Fast Glass, Inc.’s First Set of Request for Admissions to Camco Pacific Construction	JA000501- JA000511	8
	Exhibit 6 – Heinaman Contract Glazing, Inc.’s First Set of Request for Admissions to Camco Pacific Construction	JA000512- JA000522	8
	Exhibit 7 – Helix Electric of Nevada, LLC’s First Set of Request for Admissions to Camco Pacific Construction	JA000523- JA000533	8
09-28-17	Peel Brimley Lien Claimants’ Reply to Oppositions to Motion for Partial Summary Judgment Precluding Defenses Based on Pay-if-Paid Agreements	JA000413- JA00418	7
01-09-18	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	JA001552- JA001560	27
06-18-18	Plaintiff in Intervention National Wood Products, Inc.’s Joinder to Helix Electric of Nevada, LLC’s Opposition	JA007190- JA007192	99

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07-19-18	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 Attorney's Fees and Costs	JA007246- JA007261	100
01-10-18	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	JA001561- JA001573	27
01-18-18	Stipulation and Order Regarding Trial Exhibit Admitted into Evidence	JA002199- JA002201	36
	Exhibit 1 – Exhibit List APCO	JA002208- JA002221	36
	Exhibit 2 – Helix Trial Exhibits	JA002222- JA002223	36
	Exhibit 3 – Exhibit List Plaintiff in Intervention National Wood Products, Inc.	JA002224- JA002242	36/37
	APCO TRIAL EXHIBITS:		
	APCO Related Exhibits:		
	Trial Exhibit 7 - Letter from Scott Financial to APCO re: Loan Status	JA002243	37
	Trial Exhibit 8 - APCO Pay Application No. 10 as submitted to Owner	JA002244- JA002282	37/38
	Trial Exhibit 12 and 107 - Email from C. Colligan to Subcontractors re: Subcontractor Concerns	JA002283- JA002284	38

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	Trial Exhibit 18 – Video (Construction Project)	JA002286	N/A
	Trial Exhibit 19 – Video (Construction Project)	JA002287	N/A
	Trial Exhibit 20 – Video (Construction Project)	JA002288	N/A
	Trial Exhibit 21 – Video (Construction Project)	JA002289	N/A
	Trial Exhibit 22 – Video (Construction Project)	JA002290	N/A
	Trial Exhibit 29 - Email from J. Robbins to Subcontractors re: Billing Cut-Off for August Billing	JA002285	39
	Trial Exhibit 30 - Camco Pay Application No. 11 NCS-Owner Approved with NCS Draw Request	JA002286- JA002306	39
	Trial Exhibit 32 and 125 - Photo re: Building 8 & 9, Interior (Showing drywall still not completed and no electrical trim or fixture installed)	JA002307- JA002308	39
	Trial Exhibits 33 and 126 - Photo re: Building 8 & 9, Interior (Showing drywall still not completed)	JA002309- JA002310	39
	Exhibit 34 and 128 - Photo re: Building 8 & 9, Interior (Showing drywall still not completed)	JA002311- JA002312-	40
	Trial Exhibit 35 - Photo re: Building 8 & 9, Interior (Showing drywall still not completed and no electrical trim or fixtures installed)	JA002313- JA002314	40
	Exhibit 36 and 130 -Photo re: Building 8 & 9, Interior (Showing drywall still not completed and no electrical trim or fixtures installed)	JA002315- JA002316	40

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	Trial Exhibit 39 -Email from K. Costen to Subcontractors informing that Manhattan West Project no longer open	JA002321- JA002322	41
	Trial Exhibit 40- Letter from D. Parry to Subcontractors Re: Funding Withdrawn	JA002323 JA002326	41
	HELIX Related Exhibits:		41
	Trial Exhibit 46 - Helix Pay Application No. 16713-008R1 with Proof of Payment	JA002327- JA002345	41
	Trial Exhibit 47 - Helix Pay Application No. 16713-009R1 with Proof of Payment	JA002346- JA002356	41
	Trial Exhibit 48 - Email from R. Nickerl to B. Johnson Re: Work Suspension Directive	JA002357- JA002358	41
	Trial Exhibit 49 -Helix Pay Application No. 16713-010R2 with Proof of Payment	JA002359- JA002364	41/42
	Trial Exhibit 50 - Unconditional Waiver and Release re: Pay Application No. 8 with Copy of Payment	JA002365- JA002366	42
	Trial Exhibit 51 - Photo re: Building 8 & 9, South (No Exterior fixtures installed. Helix billed out at 90%)	JA002367- JA002368	42
	Trial Exhibit 52 -Photo re: Building 8 & 9, North (No Exterior fixtures installed. Helix billed out at 90%)	JA002369- JA002370	42
	Trial Exhibit 53 -Photo re: Building - 2 & 3, West (No Exterior fixtures installed. Helix billed out at 90%)	JA002371- JA002372	42

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	Trial Exhibit 55 - Photo re: Building 2 & 3, East (No Exterior fixtures installed. Helix billed out at 90%)	JA002375- JA002376	42
	Trial Exhibit 56 - Photo re: Building 8 & 9, North (No Exterior fixtures installed. Helix billed out at 90%)	JA002377- JA002378	42
	Trial Exhibit 57 - Photo re: Building 2 & 3, and 8 & 9, North (No Exterior fixtures installed. Helix billed out at 90%)	JA002379- JA002381	42
	Trial Exhibit 58 - Helix Pay Application No. 16713-011R1 submitted to Owner	JA002382- JA002391	42
	Trial Exhibit 59 - Helix Pay Application No. 16713-011R1 given to Camco with Proof of Payment	JA002392- JA002405	43
	Trial Exhibit 60 - Helix Retention Rolled to Camco	JA002406- JA002415	43
	Trial Exhibit 61 - Unconditional Waiver and Release re: all Invoices through June 30, 2008 with Proof of Payment	JA002413- JA002415	43
	Trial Exhibit 62 - Photo re: Building 8 & 9, South	JA002416- JA002417	43
	Trial Exhibit 63 - Photo re: Building 2 & 3, West	JA002418- JA002419	43
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	Trial Exhibit 66 - Letter of transmittal from Helix to APCO re: Helix Pay Application No. 16713-011R1	JA002424- JA002433	43
	Trial Exhibit 67 - Photo re: Building 8 & 9, West (No exterior fixtures installed. Helix billed out 90%)	JA002435- JA002436	43

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	Trial Exhibit 69 - Photo re: Building 2 & 3, East (No exterior fixtures installed. Helix billed out 90%)	JA002439- JA002440	43
	Trial Exhibit 70 - Photo re: Building 8 & 9, South (No exterior fixtures installed. Helix billed out 90%)	JA002441- JA002442	43
	Trial Exhibit 71 - Photo re: Building 8 & 9, West (No exterior fixtures installed. Helix billed out 90%)	JA002443- JA002444	43
	Trial Exhibit 72 - Photo re: Building 2 & 3, East (No exterior fixtures installed. Helix billed out 90%)	JA002445- JA002446	43
	Trial Exhibit 73 - Photo re: Building 8 & 9, West (No exterior fixtures installed. Helix billed out 90%)	JA002447- JA002448	43
	Trial Exhibit 74 - Photo re: Building 2 & 3, East (No exterior fixtures installed. Helix billed out 90%)	JA002448- JA002449	43
	Trial Exhibit 75 - Unconditional Release re: Pay Application No. 16713-011R1 with Proof of Payment	JA002450- JA002456	43
	Exhibit 77 - Helix Statement of Facts Constituting Notice of Lien and Third-Party Complaint	JA002457- JA002494	43
	Zitting Brothers Related Exhibits:		
	Trial Exhibit 100 - Check No. 14392 payable to Zitting (\$27,973.80); Progress Payment No. 7	JA002495- JA002497	44
	Trial Exhibit 101 - Email from R. Nickerl to R. Zitting re: Change Orders	JA002498- JA002500	44
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	Trial Exhibit 104 - Email from R. Zitting to R. Nickerl re: change orders adjusted to \$30 per hour with copies of change orders	JA002506- JA002526	44
	Trial Exhibit 105 - Ex. C to the Ratification – Zitting Quotes	JA002527- JA002528	44
	Trial Exhibit 106 - Unconditional Lien Release – Zitting (\$27,973.80)	JA002529	44
	Trial Exhibit 108 - Photo of Video (Construction Project)	JA002530- JA002531	44
	Trial Exhibit 109 - Photo of Video (Construction Project)	JA002532- JA002533	44
	Trial Exhibit 110 - Photo of Video (Construction Project)	JA002534- JA002535	44
	Trial Exhibit 111 - Photo of Video (Construction Project)	JA002536- JA002537	44
	Trial Exhibit 112 - Photo of Video (Construction Project)	JA002538- JA002539	44
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	Trial Exhibit 114 -Photo of Video (Construction Project)	JA002542- JA002543	44
	Trial Exhibit 115 - Progress Payment No. 9 Remitted to Zitting	JA002544- JA002545	44
	Trial Exhibit 116 - Ratification and Amendment of Subcontract Agreement between Buchele and Camco	JA002546- JA002550	44
	Trial Exhibit 117 - C to the Ratification	JA002551- JA002563	44
	Trial Exhibit 118 - Q&A from Gemstone to subcontracts	JA002564- JA002567	44
	Trial Exhibit 119 - Check No. 528388 payable to APCO (\$33,847.55) – Progress Payment No. 8.1 and 8.2	JA002568- JA002571	44

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	Trial Exhibit 120 - Tri-City Drywall Pay Application No. 7 to APCO as submitted to Owner. Show percentage complete for Zitting	JA002572- JA002575	44/45
	Trial Exhibit 127 - Photo of Video (Construction Project)	JA002576- JA002577	45/46
	Trial Exhibit 128 - Photo of Video (Construction Project)	JA002578- JA002579	46
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	Trial Exhibit 138 - Memo from Scott Financial to Nevada State Contractors Board Re: Explanation of Project Payment Process	JA002582- JA002591	46
	Trial Exhibit 152 -Terms & Conditions modified by APCO, Invoices and Check Payment	JA002592- JA002598	46
	National Wood Products Related Exhibits:		
	Trial Exhibit 160 - Documents provided for settlement	JA002599- JA002612	46
	CAMCO Related Exhibits:		
	Trial Exhibit 163 - Camco Pay Application No. 12 to Gemstone	JA002613- JA002651	46/47
	Trial Exhibit 165 - Letter from D. Parry to A. Edelstein re: Gemstone losing funding for project	JA002652- JA002653	47
	Trial Exhibit 166 - Letter from D. Parry to G. Hall re: withdrawal of funding	JA002654 JA002656	47
	Helix Related Exhibits:		47
	Trial Exhibit 169 - Helix Exhibit to Standard Subcontract Agreement with Camco	JA 002665 JA002676	47/48
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	Trial Exhibit 172 - Letter from J. Griffith to Victor Fuchs Re: Gemstone's intention to continue retention of Helix w/copy of Ratification and Amendment of Subcontract Agreement	JA002719- JA002730	48
	Trial Exhibit 173 - Helix Pay Application No. 16713-012 to Camco with proof of payment	JA002731- JA002745	48
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	Trial Exhibit 175 - Change Notice No. 41	JA002748- JA002751	48
	Trial Exhibit 176 - Helix Pay Application No. 16713-013 to Camco	JA002752- JA002771	48/49
	Trial Exhibit 177 - Helix Pay Application No. 16713-014 to Camco	JA002772- JA002782	49
	Trial Exhibit 178 - Camco's letter to Helix rejecting Pay Application No. 16713-015 with attached copy of Pay Application	JA002783 JA002797	49
	National Wood/Cabinetec Related Exhibits:		
	Trial Exhibit 184 - Ratification and Amendment of Subcontract Agreement between CabineTec and Camco (fully executed copy)	JA002798- JA002825	49
	General Related Exhibits:		
	Trial Exhibit 218 - Camco/Owner Pay Application No. 11 w/Backup	JA002826- JA003028	50/51/52
	Trial Exhibit 220 - Camco/Owner Pay Application No. 12 w/Backup	JA003029- JA003333	52/53/54/55
	Trial Exhibit 313 - Letter from A. Edelstein to R. Nickerl re: NRS 624 Notice	JA003334- JA003338	55
	Helix Trial Exhibits:		

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Trial Exhibit 501 - Payment Summary	JA003339 – JA003732	55/56/57/ 58/59/60
	Trial Exhibit 508 – Helix Pay Application	JA003733- JA003813	60/61
	Trial Exhibit 510 - Unsigned Subcontract	JA003814- JA003927	61/62
	Trial Exhibit 512 - Helix's Lien Notice	JA003928- JA004034	62/63
	Trial Exhibit 522 - Camco Billing	JA004035- JA005281	63/64/65/66/6 7/ 68/69/70 /71/72 /73/74/75/ 76/77
01-17-18	Transcript Bench Trial (Day 1)⁵	JA001668- JA001802	29/30
	Trial Exhibit 1 - Grading Agreement (Admitted)	JA001803- JA001825	30
	Trial Exhibit 2 – APCO/Gemstone General Construction Agreement (Admitted)	JA001826- JA001868	30
	Trial Exhibit 3 - Nevada Construction Services /Gemstone Cost Plus/GMP Contract Disbursement Agreement (Admitted)	JA001869- JA001884	30
	Trial Exhibit 4 - APCO Pay Application No. 9 Submitted to Gemstone (Admitted)	JA001885- JA001974	30/31/32
	Trial Exhibit 5 - Letter from J. Barker to A. Edelstein re: APCO's Notice of Intent to Stop Work (Admitted)	JA001975- JA001978	32
	Trial Exhibit 6 - Letter from J. Barker to A. Edelstein re: APCO's Notice of Intent to Stop Work (Admitted)	JA001979- JA001980	32
	Trial Exhibit 10 - Letter from J. Barker to A. Edelstein Re: Notice of Intent to Stop Work (Second Notice) (Admitted)	JA001981- JA001987	32

⁵ Filed January 31, 2018

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Trial Exhibit 13 - Letter from A. Edelstein to Re. Nickerl Re: Termination for Cause (Gemstone) <i>(Admitted)</i>	JA001988- JA002001	32
	Trial Exhibit 14 - Letter from W. Gochmour to Sean Thueson Re: [APCO's] Response to [Gemstone's] Termination for Cause <i>(Admitted)</i>	JA002002- JA002010	33
	Trial Exhibit 15 - Letter from R. Nickerl to A. Edelstein Re: 48-Hour Notices <i>(Admitted)</i>	JA002011- JA002013	33
	Trial Exhibit 16 - Email from J. Horning to A. Berman and J. Olivares re: Joint Checks <i>(Admitted)</i>	JA002014	33
	Trial Exhibit 23 - APCO Subcontractor Notice of Stopping Work and Letter from J. Barker to A. Edelstein Re: Notice of Stopping Work and Notice of Intent to Terminate Contract <i>(Admitted)</i>	JA002015- JA002016	33
	Trial Exhibit 24 - Letter from R. Nickerl to Clark County re: Notification of APCO's withdrawal as General Contractor of Record <i>(Admitted)</i>	JA002017- JA002023	33
	Trial Exhibit 26 - Email from J. Gisondo to Subcontractors re: June checks <i>(Admitted)</i>	JA002024	34
	Trial Exhibit 27 - Letter from A. Edelstein to R. Nickerl re: June Progress Payment <i>(Admitted)</i>	JA002025- JA002080	34
	Trial Exhibit 28 - Letter from J. Barker to A. Edelstein Re: Termination of Agreement for GMP <i>(Admitted)</i>	JA002081	34
	Trial Exhibit 31 - Transmission of APCO's Pay Application No. 11 as Submitted to Owner <i>(Admitted)</i>	JA002082- JA002120	34/35
	Trial Exhibit 45 - Subcontractor Agreement <i>(Admitted)</i>	JA002121- JA002146	35

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Trial Exhibit 162 - Amended and Restated General Construction Agreement between Gemstone and CAMCO (<i>Admitted</i>)	JA002147- JA002176	35/36
	Trial Exhibit 212 - Letter from Edelstein to R. Nickerl re: NRS 624 Notice (<i>Admitted</i>)	JA002177- JA002181	36
	Trial Exhibit 215 - Email from C. Colligan to Subcontractors re: 48-hour Termination Notice (<i>Admitted</i>)	JA002182- JA002185	36
	Trial Exhibit 216 - Email from C. Colligan re: Meeting with Subcontractors (<i>Admitted</i>)	JA002186- JA002188	36
	Trial Exhibit 506 – Email and Contract Revisions (<i>Admitted</i>)	JA002189 – JA002198	36
01-18-18	Transcript – Bench Trial (Day 2)⁶	JA005284- JA005370	78
	Trial Exhibit 535 – Deposition Transcript of Andrew Rivera (Exhibit 99) (<i>Admitted</i>)	JA005371- JA005623	78/79/80
01-19-18	Transcript – Bench Trial (Day 3)⁷	JA005624- JA005785	80
	Trial Exhibit 231 – Helix Electric’s Amended Statement of Facts Constituting Notice of Lien and Third-Party Complaint (<i>Admitted</i>)	JA005786- JA005801	80
	Trial Exhibit 314 - Declaration of Victor Fuchs in support of Helix’s Motion for Partial Summary Judgment against Gemstone (<i>Admitted</i>)	JA005802- JA005804	80
	Trial Exhibit 320 – June-August Billings—not paid to APCO (<i>Admitted</i>)	JA005805	80
	Trial Exhibit 321 – Overpayments to Cabinetec (<i>Admitted</i>)	JA005806-	80

⁶ Filed January 31, 201879

⁷ Filed January 31, 2018

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Trial Exhibit 536 – Lien math calculations (handwritten) (<i>Admitted</i>)	JA005807- JA005808	80
	Trial Exhibit 804 – Camco Correspondence (<i>Admitted</i>)	JA005809- JA005816	80
	Trial Exhibit 3176 – APCO Notice of Lien (<i>Admitted</i>)	JA005817- JA005819	81
01-24-18	Transcript – Bench Trial (Day 5)⁸	JA005820- JA005952	81
01-24-19	Transcript for All Pending Fee Motions on July 19, 2018	JA007300- JA007312	100/101

⁸ Filed January 31, 2018

1 44. The Project shut down in December 2008.

2 45. Cabinetec was not advised that one of the problems with the Project was that the
3 lender was balking at paying for work that had been done.

4 46. Cabinetec was not informed that CAMCO was not acting the nature of a true general
5 contractor.

6 47. Instead of being incentivized to earn a profit for completing the project (like a true
7 general contractor), CAMCO was little more than a project supervisor paid \$100,000 per month to
8 oversee the work of others, whether the project was moving forward or not and whether the
9 subcontractors were being paid or not.

10

11 **E. CABINETEC'S NOTICE OF LIEN AND COMPLAINT IN INTERVENTION AGAINST APCO**
12 **CAMCO AND GEMSTONE**

13 48. As a result of not being paid the sums due for the materials provided and work
14 performed on the Project, on or about January 12, 2009, Cabinetec served a Notice of Intent to Lien
15 to Gemstone, APCO and CAMCO. The Notice of Intent to Lien specifically advised Gemstone
16 APCO and CAMCO that Cabinetec has not been paid for all work performed on the Project under
17 the Contracts in the sum of \$750,102.00. [NWP-TR-EX03171 and APCO-TR-EX0155-0003.]

18 49. In the Notice of Intent to Lien, Cabinetec itemized the sums due by Gemstone,
19 APCO and CAMCO, as follows:

20	"1. The Amount of the Original Contract:	<u>\$528,790.00</u>
21	2. The total amount of all changes and additions:	<u>\$382,574.00</u>
22	3. The total amount of all payments received to date:	<u>\$161,262.00</u>
23	4. The amount due and owing to the undersigned:	<u>\$750,102.00"</u>

24 That is, Cabinetec gave notice that it held Gemstone, APCO and CAMCO jointly liable for the full
25 claim. There was no attempt to split the claim into sub-parts.

26 50. When Cabinetec did not receive payment of \$750,102.00 from Gemstone, APCO or
27 CAMCO, Cabinetec recorded a Notice of Lien in the office of Clark County on February 2, 2009.
28 [NWP-TR-EX03172 and APCO-TR-EX0155.]

1 51. On February 6, 2009, Cabinetec filed its Statement of Facts Constituting Lien Claim
2 and Complaint in Intervention against Gemstone, APCO and CAMCO (“Complaint in
3 Intervention”). [NWP-TR-EX03173.]

4 52. In the Complaint in Intervention, APCO, CAMCO and Gemstone were put on notice
5 that they would be held jointly and severally liable for the sums due to Cabinetec for the work
6 performed on the Project under the Contracts. [See NWP-TR-EX03173-004, lines 14-21 and lines
7 26-27; NWP-TR-EX03173-005, lines 16-18, NWP-TR-EX03173-005, line 25 to 006; line 2; NWP-
8 TR-EX03173-007, lines 10-17; NWP-TR-EX03173-009, lines 20-22; and NWP-TR-EX03173-010,
9 lines 5-6.]

10 53. APCO and Gemstone filed answers to the Complaint in Intervention.

11 54. CAMCO filed an answer to the Complaint in Intervention and a Counterclaim
12 against Cabinetec for breach of contract and breach of covenant of good faith and fair dealing.

13 55. Cabinetec filed an answer to CAMCO’s Counterclaim.
14

15 **F. DEFENSES OF APCO AND CAMCO**

16 56. APCO maintains that it is not liable to Cabinetec for the amount claimed because
17 Cabinetec did not satisfy the conditions precedent for payment of the Retention. Moreover, APCO
18 maintains that it is not liable to Cabinetec for the amount claimed because the Contracts provide
19 that APCO is not liable to pay Cabinetec for the materials provided or work performed on the
20 Project unless and until it receives payment from Gemstone.

21 57. CAMCO maintains that it is not liable to Cabinetec for the amount claimed because
22 the Contracts provide that the parties assumed the risk that Gemstone may not pay CAMCO, that
23 the receipt of payment by CAMCO from Gemstone is a condition precedent to its obligation to pay
24 Cabinetec, and that CAMCO is not liable to pay Cabinetec for the materials provided or work
25 performed on the Project unless and until it receives payment from Gemstone.

26 58. Gemstone failed to appear at trial.

27 59. The Court’s January 2, 2018 Order Granting Peel Brimley Lien Claimants’ Motion
28 for Partial Summary Judgment Precluding Defenses Based on Pay-If-Paid Agreements (“Order”)

1 specifically provides that "APCO and Camco may not assert or rely upon any defense to their
2 payment obligations, if any, to the PB Lien Claimants and the Joining Subcontractors that is based
3 on a pay-if-paid agreement."

4 60. Any finding of fact herein that is more appropriately deemed a conclusion of law
5 shall be treated as such.

6
7 **II.**

8 **CONCLUSIONS OF LAW**

9
10 THE COURT HEREBY FINDS AS FOLLOWS AS A MATTER OF LAW:

11
12 **A. PLAINTIFF-IN-INTERVENTION, NATIONAL WOOD, HAS STANDING TO PURSUE THE CLAIMS**
13 **OF CABINETEC.**

14 1. National Wood has standing to pursue the claims of Cabinetec pursuant to the
15 April 12, 2012 Court Order and assignment executed by Cabinetec.

16
17 **B. BURDEN OF PROOF**

18 2. As plaintiff in this matter, National Wood bears the initial burden of proof to show
19 by a preponderance of the evidence that a valid and enforceable agreement existed between the
20 parties, APCO and CAMCO breached the Contracts, and National Wood is entitled to damages
21 resulting from such breaches.

22
23 **C. THE CONTRACTS ARE VALID AND ENFORCEABLE**

24 3. The Court finds that the Contracts, which were admitted as NWP-TR-EX03002 and
25 NWP-TR-EX03096, are valid and enforceable contracts between Cabinetec, on the one hand, and
26 APCO and CAMCO on the other hand.

27 ///

28 ///

1 **D. BREACH OF CONTRACT BY APCO AND CAMCO**

2 4. Under Nevada law, a claim for breach of contract requires National Wood to provide
3 admissible evidence to demonstrate (1) the existence of a valid contract, (2) breach by APCO and
4 CAMCO, (3) damages to Cabinetec as a result of the breaches by APCO and CAMCO. *See Saini v.*
5 *Int'l Game Tech.*, 434 F.Supp.2d 913, 919-920 (D. Nev. 2006) (citing *Richardson v. Jones*, 1 Nev.
6 405, 408 (1865)).

7 5. The Contracts between the respective parties are valid contracts. However, pursuant
8 to the Court's separate Decision filed on November 27, 2017 and Order regarding enforceability of
9 the Contracts' "pay-if-paid provisions" ("Court's Decision and Order"), the pay-if-paid provisions
10 are against public policy and are void and unenforceable under Nev. Rev. Stat. 624.628(3). The
11 remaining terms of the Contracts remain enforceable.

12 6. By the very terms of the Contracts themselves, the termination of the Contracts,
13 through no fault of Cabinetec, automatically entitles National Wood to payment of all sums,
14 including the retention, due under the Contracts for the completed work by Cabinetec on the
15 Project. [See Section 9.4 of the APCO Contract, NWP-TR-EX03002-009.] The language of the
16 Contracts, exclusive of the void pay-if-paid provisions, coincides with a prime contractor's
17 obligations to pay its subcontractors pursuant to Nev. Rev. Stat. 624.626(6).

18 7. In Nevada, compliance with a valid condition precedent requires only substantial
19 performance. *See, e.g., Laughlin Recreational Enterprises, Inc. v. Zab Dev. Co., Inc.*, 98 Nev. 285,
20 287 (1982). Cabinetec's substantial compliance with the conditions precedent for payment of the
21 retention entitles National Wood to payment of all sums due, including the retention, for the work
22 performed by Cabinetec under the Contracts. Furthermore, because the performance of these
23 conditions by Cabinetec have been rendered impossible through no fault of Cabinetec, but instead
24 by the actions of Gemstone, APCO and CAMCO in terminating the Project, APCO and CAMCO
25 may not refuse to pay Cabinetec for work performed on the basis of these conditions.

26 8. While Nevada case law does not address the issue, a widely-recognized case from
27 the New York Court of Appeals has directly considered this issue and held that a subcontractor is
28 entitled to any retention of payments for work completed after the subcontract has been terminated.

1 In Arc Elec. Const. Co. v. George A. Fuller Co., 24 N.Y.2d 99, 102 (1969), a contractor challenged
2 the award of its retention to a subcontractor that had completed a substantial amount of work on a
3 project before the subcontractor's contract was terminated. The contractor asserted that the release
4 of the retention on progress payments was conditioned upon approval of the work by the architect
5 on the project, which had not occurred. The Court disagreed, holding that the relevant provision of
6 the contract was the provision for payment for work completed, which contained no mention of any
7 retention. The court further explained that even if the conditions for release of the retention applied
8 to the post-termination payment provision, the contractor could still not enforce the conditions
9 because: "[T]he defendant cannot rely on [a] condition precedent . . . where the nonperformance of
10 the condition was caused or consented to by itself." There is no reason to think principles of
11 Nevada law would apply differently to the instant case.

12 9. Under Nevada law, "the party asserting novation has the burden of providing all
13 essentials of novation by clear and convincing evidence." *United Fire Ins. Co. v. McClelland*, 105
14 Nev. 504, 509 (1989). The elements which APCO must prove by clear and convincing evidence
15 are the following: "(1) there must be an existing valid contract; (2) all parties must agree to a new
16 contract; (3) the new contract must extinguish the old contract; and (4) the new contract must be
17 valid." *Id.* at 508.

18 10. APCO cannot satisfy its burden by clear and convincing evidence that there was a
19 novation because (1) APCO was a party to the CAMCO Contract; and (2) the CAMCO Contract
20 did not extinguish the APCO Contract and release APCO from its obligations thereunder since it
21 specifically stated that the APCO Contract as it existed as of August 26, 2008 remains in full force
22 and effect.

23 11. Cabinetec did not consent to novation since it had not been given full details
24 regarding the transaction. *See United Fire*, 105 Nev. At 509.

25 12. APCO, CAMCO and Gemstone are jointly and severally liable for the sums due to
26 Cabinetec for the work performed on the Project.

27 13. APCO and CAMCO have breached the Contracts by refusing to pay National Wood
28 all of the sums due, including the retention, for the work performed by Cabinetec on the Project.

1 As a result, National Wood is entitled to receive payment for the principal sum of \$705,128.00 from
2 APCO, CAMCO and Gemstone, who are jointly and severally liable.

3
4 **E. NATIONAL WOOD IS ENTITLED TO INTEREST, ATTORNEYS' FEES, AND COSTS**

5 14. National Wood is the prevailing party under the Contracts.

6 15. Pursuant to the Contracts, specifically Section 18.5 of the APCO Contract, National
7 Wood is entitled to all costs, attorney's fees and any other reasonable expenses incurred.

8 16. Pursuant to NRS 99.040(1), "When there is no express contract in writing fixing a
9 different rate of interest, interest must be allowed at a rate equal to the prime rate at the largest bank
10 in Nevada, as ascertained by the Commissioner of Financial Institutions, on January 1 or July 1, as
11 the case may be, immediately preceding the date of transaction, plus 2 percent, upon all money
12 from the time it becomes due, in the following cases: (a) Upon contracts, express or implied, other
13 than book accounts. . . ."

14 17. The prime rate as of July 1, 2008 was 5% as ascertained by the Commissioner of
15 Financial Institutions. Therefore, the applicable interest rate in this matter is 7% (i.e., prime rate of
16 5% plus 2%).

17 18. The interest that has accrued on the amount of \$17,918.00 due under the First
18 Payment Application at the rate of 7% per annum from July 8, 2008 through March 8, 2018, totals
19 \$12,113.06, plus daily interest in the amount of \$3.44 from March 9, 2018, until the date of entry of
20 judgment. Moreover, the interest that has accrued on the amount of \$598,475.00 due under the
21 Second Payment Application at the rate of 7% per annum from October 24, 2008 through March 8,
22 2018, totals \$392,763.57, plus daily interest of \$114.78 from March 9, 2018, through the date of
23 entry of judgment. Furthermore, the interest that has accrued on the amount of \$88,735.00 due
24 under the Third Payment Application at the rate of 7% per annum from November 12, 2008 through
25 March 8, 2018, totals \$57,911.14, plus daily interest of \$17.02 from March 9, 2018, through the
26 date of entry of judgment.

27 19. Any conclusion of law herein that is more appropriately deemed a finding of fact
28 shall be treated as such.

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III.

ORDER AND JUDGMENT

IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

Plaintiff-in-Intervention, National Wood Products, Inc., a Utah corporation, is entitled to judgment as against APCO Construction, Inc., a Nevada corporation, Camco Pacific Construction Company, Inc., a California corporation, and Gemstone Development West, Inc., a Nevada corporation, who are jointly and severally liable, for the principal sum of \$705,128.00, interest in the amount of \$462,787.76 as of March 8, 2018, for a total sum of \$1,167,915.76.

IT IS FURTHER ORDERED that counter-defendant, National Wood Products, Inc., a Utah corporation, is entitled to a defense judgment as against counterclaimant, Camco Pacific Construction Company, Inc., a California corporation.

IT IS FURTHER ORDERED that National Wood is awarded attorneys' fees and costs in an amount as the Court shall determine pursuant to a motion for attorneys' fees.

IT IS SO ORDERED.

Dated this _____ day of March, 2018.

DISTRICT COURT JUDGE

Submitted By:

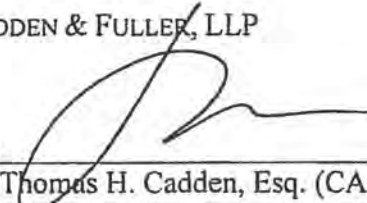
LAW OFFICES OF RICHARD L. TOBLER, LTD.

By: 

Richard L. Tobler, Esq.
Nevada Bar No. 004070
3654 N. Rancho Drive, Suite 102
Las Vegas, Nevada 89130-3179
Telephone No.: (702) 256-6000
Counsel for Plaintiff in Intervention,
National Wood Products, Inc.
Dated this 8th day of March, 2018

1 CADDEN & FULLER, LLP

2

3 By: 

Thomas H. Cadden, Esq. (CA SBN 122299)

4 John B. Taylor, Esq. (CA SBN 126400)

5 S. Judy Hirahara, Esq. (CA SBN 177332)

6 114 Pacifica, Suite 450

Irvine, California 92618

7 Telephone: (949) 788-0827

Counsel for Plaintiff in Intervention,
National Wood Products, Inc.

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1 **CERTIFICATE OF SERVICE**

2
3 I HEREBY CERTIFY that I am an employee of the Law Office of Richard L. Tobler, LTD,
4 and that on this 8th day of March, 2018 and pursuant NRCP 5, I caused to be serve a true and
5 correct copy of the foregoing **PLAINTIFF IN INTERVENTION, NATIONAL WOOD**
6 **PRODUCTS, INC.'S FINDINGS OF FACT AND CONCLUSIONS OF LAW (PROPOSED),**
7 in the following manner:
8

9 (ELECTRONIC SERVICE) Pursuant to Administrative Order 14-2, the above-referenced
10 document was electronically filed on the date hereof and served through the Notice of Electronic
11 Filing automatically generated by the Court's facilities to those parties listed on the Court's Master
12 Service List.
13

14
15 
16 Cheri Kremenek, an employee of
17 Richard L. Tobler LTD
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EXHIBIT 4

Steven D. Grierson

DISTRICT COURT
CLARK COUNTY, NEVADA

APCO CONSTRUCTION, a Nevada
corporation,

Plaintiff,

vs.

GEMSTONE DEVELOPMENT WEST, INC., a
Nevada corporation; et al.,

Defendants.

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*

TRIAL DATE: JANUARY 17, 2018

AND ALL RELATED MATTERS.

PLAINTIFF IN INTERVENTION, NATIONAL WOOD PRODUCTS, INC.'S

FINDINGS OF FACT AND CONCLUSIONS OF LAW RE CAMCO

The trial before this Court of plaintiff-in-intervention, National Wood Products, Inc.'s ("National Wood") claims against APCO Construction, Inc. ("APCO"), Camco Pacific Construction Company, Inc. ("CAMCO") and Gemstone Development West, Inc. ("Gemstone"), commenced on January 17, 2018. The trial concluded on February 6, 2018. John B. Taylor and S. Judy Hirahara with the law firm of Cadden & Fuller LLP represented National Wood. John Randall Jeffries and Mary Bacon with the law firm of Spencer Fane LLP represented APCO. Steven Morris of Grant Morris Dodds represented CAMCO.

The Court, having heard the testimony of the witnesses and having received and reviewed the evidence presented at trial, makes the following findings of fact and conclusions of law.

I.

FINDINGS OF FACT

1. National Wood, a judgment creditor of plaintiff in intervention and lien claimant, Cabinetec, Inc., a Nevada corporation ("Cabinetec"), intervened in Cabinetec's

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MARK R. DENTON
DISTRICT JUDGE

DEPARTMENT THIRTEEN
LAS VEGAS, NV 89155

1 complaint in intervention against Gemstone Development West, Inc. ("Gemstone"), APCO
2 Construction, Inc. ("APCO") and Camco Pacific Construction Company, Inc. ("CAMCO")
3 pursuant to a court order of April 12, 2012. Cabinetec has claims against APCO, CAMCO
4 and Gemstone relating to the work of construction known as Manhattan West Project
5 ("Manhattan West Claims").

6 2. Cabinetec assigned all of its right, title and interest in the Manhattan West
7 Claims to National Wood on or about January 22, 2018. [NWP-TR-EX03177.]

8 3. The Court has concurrently made "Findings of Fact and Conclusions of Law
9 as to the Claims of Helix Electric and Cabinetec Against APCO," which are hereby and
10 herein incorporated by reference insofar as they relate to National Wood's claims against
11 APCO.

12 A. APCO CONTRACT

13 4. On or about September 6, 2007, Gemstone and APCO entered into the
14 Manhattan West – General Construction Agreement for GMP ("Prime Contract"). [APCO-
15 TR-EX0002.] Under the Prime Contract, APCO served as the general contractor for the
16 Manhattan West Condominium Project ("Project") located at West Russell Road and Rocky
17 Hill Street in Clark County, Nevada, Assessor's Parcel Numbers: 163-32-101-003, 163-32-
18 101-004, 163-32-101-005, 163-32-101-101, and 162-32-101-014 (the "Property" and/or
19 "Project"), which was owned by Gemstone.

20 5. On or about April 28, 2008, Cabinetec and APCO entered into a Subcontract
21 Agreement ("APCO Contract") for furnishing and installing kitchen and bathroom cabinets
22 for Buildings 8 and 9 of the Project in the sum of \$528,790.00, with Building 7 added as a
23 Change Order for the sum of \$261,985.00 ("APCO Contract"). [NWP-TR-EX03002.]

24 6. The APCO Contract requires APCO to pay Cabinetec 100% of the value of
25 the work completed on a periodic basis – less 10% retention of the value ("Retention") –
26 only after APCO receives actual payments from Gemstone.

1 7. The APCO Contract requires APCO to pay Cabinetec the Retention amount
2 upon (a) Completion of the entire project described in the Contract Documents; (b) The
3 approval and final acceptance of the project Work by Owner; (c) Receipt of final payment by
4 Contractor from Owner; (d) Delivery to Contractor from Subcontractor all as-built drawings
5 for its scope of work and other close out documents; and (e) Delivery to Contractor from
6 Subcontractor a Release and Waiver of Claims from all of Subcontractor's laborers, material
7 and equipment suppliers, and subcontractors providing labor, materials or services to the
8 Project.

9 8. Alternatively, if the Prime Contract is terminated, the APCO Contract requires
10 APCO to pay Cabinetec the amount due for Cabinetec's completed work after receipt of
11 payment from Gemstone.

12 9. The conditions precedent set forth in the APCO Contract requiring APCO's
13 payment to Cabinetec only upon receipt of payment from Gemstone constitute "pay-if-paid"
14 provisions.

15 10. The APCO Contract only allows APCO to terminate upon written notice to
16 Cabinetec.

17 11. If any party to the APCO Contract "institute[s] a lawsuit . . . for any cause
18 arising out of the Subcontract . . .," the APCO Contract expressly authorizes the prevailing
19 party to recover "all costs, attorney's fee[s] and any other reasonable expenses incurred" in
20 connection with the lawsuit. The APCO Contract does not provide a rate of interest that
21 would accrue on the amount owed under the APCO Contract.

22 12. If any term of the APCO Contract is void under Nevada law, the APCO
23 Contract expressly provides that the void term would not affect the enforceability of the
24 remainder of the contract.

25 **B. CABINETEC'S WORK UNDER THE APCO CONTRACT**

26 13. In or around June and July 2008, Cabinetec commenced its scope of work
27 under the APCO Contract.
28

1 14. On August 1, 2008, Cabinetec delivered cabinets for the first floor of Building
2 8 and 9 on the Project, which were authorized by Joe with APCO. Gemstone and APCO
3 acknowledged receipt of the invoices for the cabinets for Building 8 and 9. [NWP-TR-
4 EX03087-3088.]

5 15. On August 6, 2008, Cabinetec and APCO enter into a letter agreement
6 regarding the storage of cabinets at the Project. [NWP-TR-EX03089.]

7 16. On or about August 8, 2008, Cabinetec sent its first payment application
8 ("First Payment Application") to APCO for work completed as of July 31, 2008 in the total
9 sum of \$179,180.00 and conditional waivers and release upon progress payment. [NWP-TR-
10 EX03090-92 and NWP-TR-EX03003-3082.]

11 17. The Prime Contract was terminated on or about August 15, 2008. [APCO-
12 TR-EX0013.]

13 18. On or about August 21, 2008, Cabinetec received a Notice to all Manhattan
14 West Subcontractors regarding APCO'S notice of stopping work and notice of intent to
15 terminate contract for nonpayment. This Notice informed the subcontractors that APCO has
16 not terminated its contract with Gemstone and that all subcontractors, until advised in writing
17 by APCO, remain under contract with APCO [NWP-TR-EX03093.]

18 19. On or about September 23, 2008, Nevada Construction Services issued a joint
19 check to APCO and Cabinetec in the amount of \$161,262.00 as Progress Payment No. 1 for
20 the period July 31, 2008, for a total sum of \$179,180.00 less ten percent (10%) retention of
21 \$17,918.00. [NWP-TR-EX03099.]

22 20. Cabinetec never received any additional payment due under the First Payment
23 Application.

24 21. Cabinetec performed work on the Project as required by the APCO contract.
25 [Transcript 1/17/18 86:20-24 (Pelan) and Transcript 1/18/18 97:2-6 (Benson).]

26 22. Cabinetec never received complaints regarding the quality of the materials
27 provided or work performed on the Project from Gemstone or APCO.
28

1
2 C. APCO AND CAMCO CONTRACTS

3 23. On or about August 25, 2008, CAMCO and Gemstone entered into the
4 Amended and Restated Manhattan West General Construction Agreement by which
5 CAMCO became the general contractor for the Project. [NWP-TR-EX03095.]

6 24. Thereafter, on or about December 1, 2008, Cabinetec and CAMCO entered
7 into a Ratification and Amendment of Subcontract Agreement ("CAMCO Contract" and
8 together with APCO Contract shall collectively be referred to as the "Contracts."). [NWP-
9 TR-EX03096-03097.]

10 25. The CAMCO Contract specifically stated that it was ratifying the APCO
11 Contract, and affirmatively did not repudiate the APCO Contract or Cabinetec's rights vis-à-
12 vis APCO.

13 26. The CAMCO Contract specifically provides that the APCO Contract as it
14 existed as of August 26, 2008 remains in full force and effect. [NWP-TR-EX03096-003,
15 §7.]

16 27. APCO is not a party to the CAMCO Contract.

17 28. Neither CAMCO nor Cabinetec intended to extinguish APCO's obligations.

18 29. Cabinetec did not consent to a novation.

19 D. CABINETEC'S WORK UNDER THE APCO AND CAMCO CONTRACTS

20 30. On or about October 17, 2008, Cabinetec sent its invoice for unpaid retention
21 and conditional waiver and release upon progress payment. [NWP-TR-EX03103.]

22 31. Cabinetec never received payment from APCO, CAMCO or Gemstone.

23 32. On or about October 24, 2008, Cabinetec sent its second payment application
24 ("Second Payment Application") for work performed on the Project in August, September
25 and October 2008 in the total sum of \$598,475.00 and conditional waivers and release upon
26 progress payment. The payment application was approved for the sum of \$537,404.80 with
27 retention of \$53,740.48. [NWP-TR-EX03105-3140 and APCO-TR-0185-0001 and 0002.]
28

1 33. Cabinetec never received payment of \$537,404.80 or the retention amount of
2 \$53,740.48 for the sums due for the work on the Project pursuant to the Second Payment
3 Application from APCO, CAMCO or Gemstone..

4 34. On or about November 12, 2008, Cabinetec sent its third payment application
5 ("Third Payment Application") for work performed on the Project in October 2008 in the
6 total sum of \$88,735.00 and conditional waivers and release upon progress payment. [NWP-
7 TR-EX03147-3152.]

8 35. Cabinetec never received payment of \$79,861.50 or the retention amount of
9 \$8,735.50 for the sums due for the work on the Project pursuant to the Third Payment
10 Application from APCO, CAMCO or Gemstone.

11 36. Cabinetec performed work on the Project prior to the termination of the Prime
12 Contract.

13 37. The CAMCO Contract was not executed until after Cabinetec had completed
14 its work on the Project.

15 38. Cabinetec performed the work on the Project as required by the CAMCO
16 contract.

17 39. Cabinetec never received complaints regarding the quality of the materials
18 provided or work performed on the Project by Gemstone, APCO or CAMCO.

19 40. The Project shut down in December 2008.

20 41. Cabinetec was not advised that one of the problems with the Project was that
21 the lender was balking at paying for work that had been done.

22 42. Cabinetec was not informed that CAMCO was not acting the nature of a true
23 general contractor.

24
25 **E. CABINETEC'S NOTICE OF LIEN AND COMPLAINT IN INTERVENTION AGAINST**
26 **APCO, CAMCO AND GEMSTONE**

27 43. As a result of not being paid the sums due for the materials provided and work
28 performed on the Project, on or about January 12, 2009, Cabinetec served a Notice of Intent

1 to Lien to Gemstone, APCO and CAMCO. The Notice of Intent to Lien specifically advised
2 Gemstone APCO and CAMCO that Cabinetec has not been paid for all work performed on
3 the Project under the Contracts in the sum of \$750,102.00. [NWP-TR-EX03171 and APCO-
4 TR-EX0155-0003.]

5 44. In the Notice of Intent to Lien, Cabinetec itemized the sums due by Gemstone,
6 APCO and CAMCO, as follows:

- 7 "1. The Amount of the Original Contract: \$528,790.00
8 2. The total amount of all changes and additions: \$382,574.00
9 3. The total amount of all payments received to date: \$161,262.00
10 4. The amount due and owing to the undersigned: \$750,102.00"

11 That is, Cabinetec gave notice that it held Gemstone, APCO and CAMCO jointly liable for
12 the full claim. There was no attempt to split the claim into sub-parts.

13 45. When Cabinetec did not receive payment of \$750,102.00 from Gemstone,
14 APCO or CAMCO, Cabinetec recorded a Notice of Lien in the office of Clark County on
15 February 2, 2009. [NWP-TR-EX03172 and APCO-TR-EX0155.]

16 46. On February 6, 2009, Cabinetec filed its Statement of Facts Constituting Lien
17 Claim and Complaint in Intervention against Gemstone, APCO and CAMCO ("Complaint in
18 Intervention"). [NWP-TR-EX03173.]

19 47. In the Complaint in Intervention, APCO, CAMCO and Gemstone were put on
20 notice that they would be held jointly and severally liable for the sums due to Cabinetec for
21 the work performed on the Project under the Contracts. [See NWP-TR-EX03173-004, lines
22 14-21 and lines 26-27; NWP-TR-EX03173-005, lines 16-18, NWP-TR-EX03173-005, line
23 25 to 006; line 2; NWP-TR-EX03173-007, lines 10-17; NWP-TR-EX03173-009, lines 20-
24 22; and NWP-TR-EX03173-010, lines 5-6.]

25 48. APCO and Gemstone filed answers to the Complaint in Intervention.
26
27
28

1 49. CAMCO filed an answer to the Complaint in Intervention and a Counterclaim
2 against Cabinetec for breach of contract and breach of covenant of good faith and fair
3 dealing.

4 50. Cabinetec filed a reply to CAMCO's Counterclaim.

5 **F. DEFENSES OF APCO AND CAMCO**

6 51. APCO maintains, *inter alia*, that it is not liable to Cabinetec for the amount
7 claimed because Cabinetec did not satisfy the conditions precedent for payment of the
8 Retention.

9 52. CAMCO maintains that it is not liable to Cabinetec for the amount claimed
10 because the Contracts provide that the parties assumed the risk that Gemstone may not pay
11 CAMCO, that the receipt of payment by CAMCO from Gemstone is a condition precedent to
12 its obligation to pay Cabinetec, and that CAMCO is not liable to pay Cabinetec for the
13 materials provided or work performed on the Project unless and until it receives payment
14 from Gemstone.

15 53. Gemstone failed to appear at trial.

16 54. The Court's January 2, 2018 Order Granting Peel Brimley Lien Claimants'
17 Motion for Partial Summary Judgment Precluding Defenses Based on Pay-If-Paid
18 Agreements ("Order") specifically provides that "APCO and Camco may not assert or rely
19 upon any defense to their payment obligations, if any, to the PB Lien Claimants and the
20 Joining Subcontractors that is based on a pay-if-paid agreement."

21 55. Any finding of fact herein that is more appropriately deemed a conclusion of
22 law shall be treated as such.

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26

1 FROM the foregoing Findings of Fact, the Court hereby makes the following

2 II.

3 CONCLUSIONS OF LAW

4
5 A. PLAINTIFF-IN-INTERVENTION, NATIONAL WOOD, HAS STANDING TO PURSUE THE
6 CLAIMS OF CABINETEC.

7 1. National Wood has standing to pursue the claims of Cabinetec pursuant to the
8 April 12, 2012 Court Order and assignment executed by Cabinetec.

9 B. BURDEN OF PROOF

10 2. As plaintiff in this matter, National Wood bears the initial burden of proof to
11 show by a preponderance of the evidence that a valid and enforceable agreement existed
12 between the parties, APCO and CAMCO breached the Contracts, and National Wood is
13 entitled to damages resulting from such breaches.

14 C. THE CONTRACTS ARE VALID AND ENFORCEABLE

15 3. The Court finds that the Contracts, which were admitted as NWP-TR-
16 EX03002 and NWP-TR-EX03096, are valid and enforceable contracts between Cabinetec,
17 on the one hand, and APCO and CAMCO on the other hand.

18 D. BREACH OF CONTRACT BY APCO AND CAMCO

19 4. Under Nevada law, a claim for breach of contract requires National Wood to
20 provide admissible evidence to demonstrate (1) the existence of a valid contract, (2) breach
21 by APCO and CAMCO, (3) damages to Cabinetec as a result of the breaches by APCO and
22 CAMCO. *See Saini v. Int'l Game Tech.*, 434 F.Supp.2d 913, 919-920 (D. Nev. 2006) (citing
23 Richardson v. Jones, 1 Nev. 405, 408 (1865)).

24 5. The Contracts between the respective parties are valid contracts. However,
25 pursuant to the Court's separate Decision filed on November 27, 2017 and Order regarding
26 enforceability of the Contracts' "pay-if-paid provisions" ("Court's Decision and Order"), the
27
28

1 pay-if-paid provisions are against public policy and are void and unenforceable under Nev.
2 Rev. Stat. 624.628(3). The remaining terms of the Contracts remain enforceable.

3 6. By the very terms of the Contracts themselves, the termination of the
4 Contracts, through no fault of Cabinetec, automatically entitles National Wood to payment of
5 all sums, including the retention, due under the Contracts for the completed work by
6 Cabinetec on the Project. [See Section 9.4 of the APCO Contract, NWP-TR-EX03002-009.]
7 The language of the Contracts, exclusive of the void pay-if-paid provisions, coincides with a
8 prime contractor's obligations to pay its subcontractors pursuant to Nev. Rev. Stat.
9 624.626(6).

10 7. In Nevada, compliance with a valid condition precedent requires only
11 substantial performance. See, e.g., *Laughlin Recreational Enterprises, Inc. v. Zab Dev. Co.,*
12 *Inc.*, 98 Nev. 285, 287 (1982).

13 8. CAMCO and Gemstone are jointly and severally liable for the sums due to
14 Cabinetec for the work performed on the Project.

15 9. CAMCO has breached the Contract by refusing to pay National Wood all of
16 the sums due, including the retention, for the work performed by Cabinetec on the Project.
17 As a result, National Wood is entitled to receive payment for the principal sum of
18 \$705,128.00 from CAMCO and Gemstone, who are jointly and severally liable.

19 **E. NATIONAL WOOD IS ENTITLED TO INTEREST, ATTORNEYS' FEES, AND COSTS**

20 10. National Wood is the prevailing party under the ratified Contract with
21 CAMCO.

22 11. Pursuant to the ratified Contracts with CAMCO, specifically Section 18.5
23 thereof, National Wood is entitled to all costs, attorney's fees and any other reasonable
24 expenses incurred.

25 12. Pursuant to NRS 99.040(1), "When there is no express contract in writing
26 fixing a different rate of interest, interest must be allowed at a rate equal to the prime rate at
27 the largest bank in Nevada, as ascertained by the Commissioner of Financial Institutions, on
28

1 January 1 or July 1, as the case may be, immediately preceding the date of transaction, plus 2
2 percent, upon all money from the time it becomes due, in the following cases: (a) Upon
3 contracts, express or implied, other than book accounts. . . .”

4 13. The prime rate as of July 1, 2008 was 5% as ascertained by the Commissioner
5 of Financial Institutions. Therefore, the applicable interest rate in this matter is 7% (i.e.,
6 prime rate of 5% plus 2%).

7 14. The interest that has accrued on the amount of \$17,918.00 due under the First
8 Payment Application at the rate of 7% per annum from July 8, 2008 through March 8, 2018,
9 totals \$12,113.06, plus daily interest in the amount of \$3.44 from March 9, 2018, until the
10 date of entry of judgment. Moreover, the interest that has accrued on the amount of
11 \$598,475.00 due under the Second Payment Application at the rate of 7% per annum from
12 October 24, 2008 through March 8, 2018, totals \$392,763.57, plus daily interest of \$114.78
13 from March 9, 2018, through the date of entry of judgment. Furthermore, the interest that
14 has accrued on the amount of \$88,735.00 due under the Third Payment Application at the
15 rate of 7% per annum from November 12, 2008 through March 8, 2018, totals \$57,911.14,
16 plus daily interest of \$17.02 from March 9, 2018, through the date of entry of judgment.

17 15. Any conclusion of law herein that is more appropriately deemed a finding of
18 fact shall be treated as such.

19 ORDER

20 NOW, THEREFORE, the Court hereby directs entry of the foregoing Findings of Fact
21 and Conclusions of Law; and

22 IT IS FURTHER ORDERED that, based upon the foregoing Findings of Fact and
23 Conclusions of Law, and those made regarding the other parties and claims involved in the
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MARK R. DENTON
DISTRICT JUDGE

DEPARTMENT THIRTEEN
LAS VEGAS, NV 89155

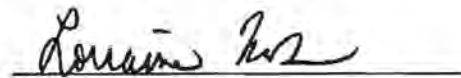
1 consolidated cases, the Court shall issue a separate Judgment or Judgments reflective of the
2 same at the appropriate time subject to further order of the Court.

3 DATED this 24th day of April, 2018.

4
5
6 
DISTRICT COURT JUDGE

7 CERTIFICATE

8 I hereby certify that on or about the date filed, this document was
9
10 Electronically Served to the Counsel on Record on the Clark County E-File Electronic Service
11 List.

12 
13 LORRAINE TASHIRO
14 Judicial Executive Assistant
15 Dept. No. XIII
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MARK R. DENTON
DISTRICT JUDGE

DEPARTMENT THIRTEEN
LAS VEGAS, NV 89155

EXHIBIT 5

1 **OOJ**

2 **SPENCER FANE LLP**

3 John H. Mowbray, Esq. (Bar No. 1140)

4 John Randall Jefferies, Esq. (Bar No. 3512)

5 Mary E. Bacon, Esq. (Bar No. 12686)

6 400 S. Fourth Street, Suite 500

7 Las Vegas, NV 89101

8 Telephone: (702) 408-3411

9 Facsimile: (702) 408-3401

10 E-mail: JMowbray@spencerfane.com

11 RJJefferies@spencerfane.com

12 MBacon@spencerfane.com

13 Attorneys for Apco Construction, Inc.

14 **DISTRICT COURT**

15 **CLARK COUNTY, NEVADA**

16 APCO CONSTRUCTION, INC., a Nevada
17 corporation,

18 Plaintiff,

19 v.

20 GEMSTONE DEVELOPMENT WEST, INC., A
21 Nevada corporation,

22 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

**OFFER OF JUDGMENT TO HELIX
ELECTRIC OF NEVADA, LLC**

23 AND ALL RELATED MATTERS

24 TO: HELIX ELECTRIC OF NEVADA, LLC

25 TO: Eric Zimbelman, Esq., Peel Brimley, its attorney.

26 Pursuant to N.R.C.P. Rule 68 and NRS 117.115, Plaintiff, APCO
27 CONSTRUCTION, INC., hereby offers to allow judgment to be taken against it in this
28 action in the total amount of TWENTY FIVE THOUSAND DOLLARS (\$25,000.00),
inclusive of all interest, attorneys' fees and costs accrued to date. This will resolve and
include all claims and counts that Helix Electric of Nevada, LLC has or could have
asserted in this matter.

1 This offer of Judgment is made for the purpose specified in N.R.C.P. Rule 68 and
2 N.R.S. 117.115 and is not construed either as an admission that APCO CONSTRUCTION,
3 INC. is in any way liable in this action.

4 DATED this 13th day of November, 2017.

5 SPENCER FANE

6 By: 

7 John H. Mowbray, Esq. (Bar No. 1140)
8 John Randall Jefferies, Esq. (Bar No. 3512)
9 Mary E. Bacon, Esq. (Bar No. 12686)
10 400 S. Fourth Street, Suite 500
11 Las Vegas, NV 89101
12 Telephone: (702) 408-3400
13 Facsimile: (702) 408-3401
14 Attorneys for Apco Construction, Inc.

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RECEIPT OF COPY

Receipt of Copy of the foregoing **OFFER OF JUDGMENT TO HELIX ELECTRIC**
OF NEVADA, LLC is hereby acknowledged on this 13th day of November, 2017.

PEEL BRIMLEY LLP

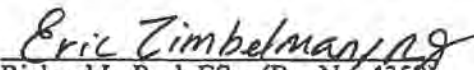

Richard L. Peel, ESq. (Bar No. 4350)
Eric B. Zimbelman, Esq. (Bar No. 9407)
3333 E. Serene Avenue, Suite 200
Henderson, NV 89074-6571
Attorneys for Helix Electric of Nevada, LLC

EXHIBIT 6

1 **OOJ**
2 **SPENCER FANE LLP**
3 John H. Mowbray, Esq. (Bar No. 1140)
4 John Randall Jefferies, Esq. (Bar No. 3512)
5 Mary E. Bacon, Esq. (Bar No. 12686)
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10 E-mail: JMowbray@spencerfane.com
11 RJJefferies@spencerfane.com
12 MBacon@spencerfane.com
13 Attorneys for Apco Construction, Inc.

14 **DISTRICT COURT**
15 **CLARK COUNTY, NEVADA**

16 **APCO CONSTRUCTION, INC., a Nevada**
17 **corporation,**

18 **Plaintiff,**

19 **v.**

20 **GEMSTONE DEVELOPMENT WEST, INC., A**
21 **Nevada corporation,**

22 **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

OFFER OF JUDGMENT TO PLAINTIFF IN
INTERVENTION NATIONAL WOOD
PRODUCTS, INC.

23 **AND ALL RELATED MATTERS**

24 **TO: NATIONAL WOOD PRODUCTS, INC.**

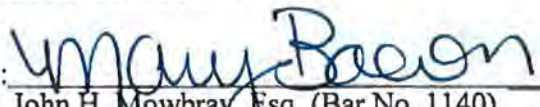
25 **TO: Richard L. Tobler, Esq., LAW OFFICES OF RICHARD L. TOBLER, LTD.**
26 **, its attorney.**

27 Pursuant to N.R.C.P. Rule 68 and NRS 117.115, Plaintiff, APCO
28 CONSTRUCTION, INC. hereby offers to allow judgment to be taken against it in this
action in the total amount of THIRTY FIVE THOUSAND DOLLARS (\$35,000.00),
inclusive of all interest, attorneys' fees and costs accrued to date. This will resolve and
include all claims and counts that National Wood Products, Inc., by and through
Cabinetec, Inc. has or could have asserted in this matter.

1 This offer of Judgment is made for the purpose specified in N.R.C.P. Rule 68 and
2 N.R.S. 117.115 and is not an admission that APCO CONSTRUCTION, INC. is in any way
3 liable in this action.

4 DATED this 13 day of November, 2017.

5 SPENCER FANE

6 By: 
7 John H. Mowbray, Esq. (Bar No. 1140)
8 John Randall Jefferies, Esq. (Bar No. 3512)
9 Mary E. Bacon, Esq. (Bar No. 12686)
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14 Attorneys for Apco Construction, Inc.

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**LAW OFFICES OF RICHARD L. TOBLER,
LTD.**

Richard L. Tobler / CLK
Richard L. Tobler, Esq. (Bar No. 4070)
3654 N. Rancho Drive, Suite 102
Las Vegas, NV 89130-3179
Attorneys for National Wood Products, Inc.

EXHIBIT 7

1 **DECLARATION OF JOHN RANDALL JEFFERIES, ESQ.**
2 **IN SUPPORT OF APCO CONSTRUCTION, INC.'S**
3 **MOTION FOR ATTORNEY'S FEES AND COSTS**

4 I, John Randall Jefferies, hereby declare as follows:

5 1. I am a partner at the law firm of Spencer Fane LLP duly licensed to practice
6 before the state courts located in the State of Nevada and together with Mary Bacon, Esq.
7 am one of the attorneys of record for APCO Construction, Inc. ("APCO"), in *APCO*
8 *Construction, Inc. v. Gemstone Development Wester, Inc. et. al*, Case no. 08A571228,
9 currently in the District Court of Clark County, Nevada.

10 2. I have personal knowledge of the pleadings and files herein and make these
11 statements based on my own personal knowledge, unless otherwise stated, in support of
12 APCO Construction, Inc.'s Motion for Attorneys' Fees and Costs (the "Motion").

13 3. This matter spanned approximately 9 years. During that time, APCO was
14 represented by: Howard & Howard, Marquis & Aurbach, and Spencer Fane LLP.

15 4. APCO's attorneys fees are itemized in the separate statements of Marquis &
16 Aurbach, **Exhibit A** and Spencer Fane, **Exhibit B**. The total fees charged to Helix and
17 National Wood total \$447,809.28 and were determined by multiplying the total hours
18 worked by the attorneys handling the file by the favorable rates granted to APCO by its
19 counsel.

20 5. The fees at Spencer Fane were incurred by John Mowbray, myself, Mary
21 Bacon, and paralegal Vivian Bowron.

22 6. I am a partner at Spencer Fane and have been practicing law in Nevada
23 since 1988. I received my J.D. from the University of Utah in 1987, where I was Order of
24 the Coif. I have an "AV" rating from Martindale Hubbell. In addition, I was named to
25 *Arizona's Top Lawyers®*, in the construction litigation category in the AZ Business
26 Magazine in 2014, *Southwest Super Lawyers®* in the construction litigation category from
27 2009-2016, *Best Lawyers in America®* for construction law in 2008, *Best Lawyers in*
28

1 *America*® for construction litigation from 2009-2016, *Best Lawyers in America*® for
2 commercial litigation, construction law, litigation-construction from 2005-2017 and *Best*
3 *Lawyers in America*® “Lawyer of the Year” in construction law for 2018. My practice
4 focuses on construction law and litigation. My billed rate to APCO is \$400 per hour.

5 7. Although I maintain offices in Nevada and Arizona, I reside in Arizona. For
6 this case, I traveled from Phoenix to Las Vegas for critical hearings and for trial. These
7 travel expenses were reasonable and necessary incurred to defend APCO in these
8 proceedings.

9 8. Ms. Bacon is an associate at Spencer Fane, and has been practicing law in
10 Nevada since 2013. She was recently been named as one of the “Best Up and Coming
11 Attorneys” by *Nevada Business Magazine*, and her billing rate is \$285 per hour.

12 9. Attached hereto as **Exhibit B** is an itemized statement of the fees for legal
13 services provided by Spencer Fane to APCO in this matter.

14 **Exhibit B** states the date on which the service was performed, the time devoted to the
15 services, a description of the service provided, and the identity of the person performing
16 such services. The information for **Exhibit B** was taken directly from Spencer Fane’s
17 billing records. These records were prepared from time records of the various
18 timekeepers identified therein, which were kept contemporaneously with the services
19 provided. In computing these billings, daily time was entered into each firm’s respective
20 billing program and turned over to the accounting department. Each attorney who
21 devoted time to the case, at or about the time the services were rendered, noted the time
22 spent, and prepared a description of the work completed. The time was submitted to the
23 accounting department to prepare monthly billing invoices. It is through this accounting
24 process that the total fee amount expended on this matter was reached.

25 I have reviewed and approved the time and charges set forth in **Exhibit B**. Each of
26 the tasks completed was reasonable and necessary in successfully defending the claims
27 against Helix and National Wood. The fees tracked on an hourly basis total \$443,369.08
28

1 which includes hundreds of hours of attorney and paralegal time. The fees were allocated
2 between Helix and National Wood based on specific descriptions of services or spent pro
3 rata for several services related to the remaining parties. For example, trial time was split
4 equally between National Wood and Helix.

5 10. In addition to the fees recorded in **Exhibit B**, I expect Spencer Fane to incur
6 approximately \$5,000 in additional fees in connection with preparing a reply in support of
7 the application for attorneys' fees and attending any necessary hearing.

8 11. In addition to attorneys' fees, Spencer Fane has incurred \$22,611.65 in
9 costs, which are set forth in **Exhibit 9**, APCO's Memorandum of Costs.

10 12. In my opinion, the costs and attorneys' fees for services were reasonably
11 and necessarily expended, and are reasonable in amount.

12 13. Spencer Fane's prevailing rates on this matter were: \$285 - \$400 per hour.

13 14. Upon information and belief, the hourly billing rate for attorneys in the Las
14 Vegas legal market of the caliber, and with the reputation, of APCO's counsel are at or in
15 excess of those billed by APCO's counsel in this matter.

16 15. Each of the attorneys working for Spencer Fane on this file only took those
17 actions throughout this case that were necessary to insure that APCO obtained a favorable
18 resolution in this matter.

19 16. Discrete tasks on this file were assigned to an attorney, law clerk, or
20 paralegal based on the experience level needed to achieve the desired result. This resulted
21 in a lowering of the fees expended on behalf of APCO, as attorneys with higher billing
22 rates were not employed to conduct tasks that could have been accomplished by an
23 attorney or employee with a lower hourly rate.
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17. In my professional opinion, the fees incurred by APCO and this office to achieve a successful result were both reasonable and necessary given the circumstances and the subject matter involved.

18. The foregoing is true and correct to the best of my knowledge and belief under penalty of perjury or the laws of the State of Nevada.

Dated this 8th day of May, 2018.

John R. Jefferies

JOHN RANDALL JEFFERIES, Esq.

EXHIBIT 7 A

Accounting Date	Attorney	Description	Hours	Amount	Allocated Amount to Helix	Allocated Amount to National Wood / Cabenlec
10/2/2015	MSE	Review Supreme Court order granting extension of time to file petition for rehearing. Draft email to [REDACTED] regarding same.	0.1	\$ 30.00	\$ 2.14	\$ 2.14
10/2/2015	AVK	Legal research for recent case law relying on or distinguishing Caterpillar case.	0.9	\$ 202.50	\$ 14.46	\$ 14.46
10/2/2015	AVK	Legal research on legislative history of NRS 108.225 for preparation of petition for rehearing.	1.8	\$ 405.00	\$ 28.93	\$ 28.93
10/5/2015	AVK	Legal research on equitable subrogation case law for preparation of arguments for petition for rehearing.	1.7	\$ 382.50	\$ 27.32	\$ 27.32
10/5/2015	AVK	Draft outline for Supreme Court petition for rehearing.	0.7	\$ 157.50	\$ 11.25	\$ 11.25
10/5/2015	MSE	Review results of legal research and evaluate likely strongest arguments for Supreme Court petition for rehearing.	0.8	\$ 240.00	\$ 17.14	\$ 17.14
10/5/2015	MSE	Begin reviewing Supreme Court briefs and main cases to articulate reasons for Supreme Court petition for rehearing.	1.5	\$ 450.00	\$ 32.14	\$ 32.14
10/8/2015	MSE	Finish reviewing Supreme Court briefs to refine issues for petition for rehearing.	2.4	\$ 720.00	\$ 51.43	\$ 51.43
10/8/2015	AVK	Review broader legislative history of mechanic's lien statute for development of arguments for rehearing.	2.2	\$ 495.00	\$ 35.36	\$ 35.36
10/8/2015	MSE	Telephone call with Wade Gochmour regarding proceedings in District Court and questions regarding Supreme Court petition for rehearing.	0.4	\$ 120.00	\$ 8.57	\$ 8.57
10/8/2015	MSE	Review NRS Chapter 104 and determine if any of the provisions deal with mechanic's liens.	1	\$ 300.00	\$ 21.43	\$ 21.43
10/8/2015	MSE	Perform legal research on case law discussing UCC liens to see if they have any bearing on mechanic's liens.	1.8	\$ 540.00	\$ 38.57	\$ 38.57
10/10/2015	MSE	Review and evaluate initial draft of Supreme Court petition for rehearing.	1	\$ 300.00	\$ 21.43	\$ 21.43
10/10/2015	MSE	Begin revising and drafting additional information into Supreme Court petition for rehearing.	3.5	\$ 1,050.00	\$ 75.00	\$ 75.00
10/12/2015	MSE	Finish revising and drafting additional information into Supreme Court petition for rehearing.	3.2	\$ 960.00	\$ 68.57	\$ 68.57
10/15/2015	MSE	Receive telephone call from Eric Zimbelman regarding numerous changes to draft of Supreme Court petition for rehearing.	0.3	\$ 90.00	\$ 6.43	\$ 6.43
10/15/2015	MSE	Receive additional telephone call from Wade Gochmour to review various additional changes to draft of Supreme Court petition for rehearing.	0.2	\$ 60.00	\$ 4.29	\$ 4.29
10/16/2015	MSE	Perform legal research on the doctrine of "equitable subordination" for potential application to the instant case.	1	\$ 300.00	\$ 21.43	\$ 21.43
10/17/2015	MSE	Make additional revisions to draft of Supreme Court petition for rehearing based upon comments from co-counsel.	1.5	\$ 450.00	\$ 32.14	\$ 32.14
10/19/2015	MSE	Search record and case law to make final additional points to be included in several final drafts of Supreme Court petition for rehearing.	3	\$ 900.00	\$ 64.29	\$ 64.29
10/20/2015	MSE	Review Dictor case and draft emails to client and co-counsel regarding status check hearing, law of the case doctrine, and bond issues that Scott Financial could raise.	0.5	\$ 150.00	\$ 10.71	\$ 10.71
10/21/2015	MSE	Review Awada case for procedural due process in making substantive decisions at status check hearings and draft email to co-counsel and client.	0.4	\$ 120.00	\$ 8.57	\$ 8.57
10/21/2015	MSE	Prepare for and attend status check hearing at courthouse. Briefly discuss strategy going forward with co-counsel.	1.5	\$ 450.00	\$ 32.14	\$ 32.14
11/24/2015	MSE	Review Supreme Court order denying petition for rehearing and draft email to client and all co-counsel regarding same.	0.3	\$ 90.00	\$ 6.43	\$ 6.43
11/25/2015	MSE	Review case law discussing standards for petition for en banc reconsideration and identify main issues for draft of an en banc petition.	1.5	\$ 450.00	\$ 32.14	\$ 32.14
11/30/2015	MSE	Review two Supreme Court orders granting extension to APCO and all petitioners to file petition for an en banc reconsideration. Draft email to client regarding same.	0.2	\$ 60.00	\$ 4.29	\$ 4.29
12/4/2015	MSE	Make initial revisions to Supreme Court petition for en banc reconsideration to adjust arguments in petition for rehearing to comply with NRAP 40A standard.	3.2	\$ 960.00	\$ 68.57	\$ 68.57
12/8/2015	MSE	Draft additional clarifying statements into draft of Supreme Court petition for en banc reconsideration for members of the Court unfamiliar with the background of the case.	2.8	\$ 840.00	\$ 60.00	\$ 60.00
12/8/2015	MSE	Review relevant authorities and portions of the record to support new clarifying statements added to draft of Supreme Court petition for en banc reconsideration.	1.5	\$ 450.00	\$ 32.14	\$ 32.14
12/8/2015	MSE	Make final edit to initial draft of Supreme Court petition for en banc reconsideration.	0.8	\$ 240.00	\$ 17.14	\$ 17.14
12/15/2015	MSE	Review proposed changes to draft of Supreme Court petition for en banc reconsideration.	0.4	\$ 120.00	\$ 8.57	\$ 8.57
12/15/2015	MSE	Make various edits to draft of Supreme Court petition for en banc reconsideration based upon proposed changes and review of certain portions of this record.	1	\$ 300.00	\$ 21.43	\$ 21.43
12/16/2015	MSE	Revise and finalization of table of contents and table of authorities for Supreme Court petition for en banc reconsideration.	0.2	\$ 60.00	\$ 4.29	\$ 4.29
12/18/2015	LAD	Make additional technical edits to petition for en banc reconsideration; mark all cited authorities for table of authorities; prepare table of contents and table of authorities; finalize petition.	1.4	\$ 175.00	\$ 12.50	\$ 12.50
12/22/2015	MSE	Review Nevada Prefab's joinder to Supreme Court petition for en banc reconsideration.	0.1	\$ 30.00	\$ 2.14	\$ 2.14
12/22/2015	MSE	Review Supreme Court order directing answer to petition for rehearing and draft email to client evaluating same.	0.2	\$ 60.00	\$ 4.29	\$ 4.29
1/5/2016	MSE	Review Scott Financial's motion to extend time to file response to petition for en banc reconsideration, and order granting same. Draft email to client regarding same.	0.4	\$ 120.00	\$ 8.57	\$ 8.57
1/21/2016	MSE	Review SFC's answer to petition for en banc reconsideration and draft email to client and counsel evaluating same.	1.2	\$ 360.00	\$ 25.71	\$ 25.71
2/19/2016	MSE	Review Supreme Court order denying en banc reconsideration. Telephone call with [REDACTED] regarding same.	0.3	\$ 90.00	\$ 6.43	\$ 6.43
2/22/2016	MSE	Draft detailed email outlining main issues on proceeding with litigation in the District Court.	0.5	\$ 150.00	\$ 10.71	\$ 10.71
2/22/2016	MSE	Telephone conference with client and co-counsel regarding strategies going forward in District Court litigation.	0.5	\$ 150.00	\$ 10.71	\$ 10.71
2/22/2016	AMH	Telephone conference with [REDACTED] regarding [REDACTED].	0.1	\$ 30.00	\$ 15.00	\$ 15.00
3/31/2016	CSM	Analysis and strategy regarding handling case and [REDACTED].	0.5	\$ 112.50	\$ 58.25	\$ 58.25
4/1/2016	MSE	Outline main issues to be addressed in District Court remand proceedings, as well as some of the main authorities for these issues.	1	\$ 300.00		
4/1/2016	CSM	Analysis and strategy regarding handling district court case moving forward, and research various pleading on the court's electronic filing system to acquire basic understanding of underlying facts and claims.	1.5	\$ 337.50	\$ 168.75	\$ 168.75
4/1/2016	CSM	Research and analysis of case law affecting the claims asserted in the instant action based upon the determination by the supreme court.	0.7	\$ 157.50	\$ 78.75	\$ 78.75
4/1/2016	AMH	Conference regarding strategy going forward.	0.3	\$ 90.00	\$ 45.00	\$ 45.00
4/4/2016	CSM	Assess, analyze, research and review operative pleadings from client, Harco, AAGC Steel Structures, NV Prefab, Cabenlec, Ahern, Tri-City, Noorda, and Cell-crete.	3.4	\$ 785.00	\$ 95.83	

Accounting Date	Attorney	Description	Hours	Amount	Allocated Amount to Helix	Allocated Amount to National Wood / Cabentec
4/5/2016	TF	Research regarding entity details of APCO Construction.	0.4	\$ 50.00	\$ 25.00	\$ 25.00
4/5/2016	TF	Research regarding entity details of [REDACTED]	0.4	\$ 50.00	\$ 25.00	\$ 25.00
4/5/2016	TF	Research regarding bonds held by APCO Construction.	0.4	\$ 50.00	\$ 25.00	\$ 25.00
4/5/2016	TF	Conference call with Nevada State Contractors Board regarding APCO Construction.	0.2	\$ 25.00	\$ 12.50	\$ 12.50
4/5/2016	CSM	Research and analysis regarding potential issues with [REDACTED], and assess, analyze and review documents received from same.	0.5	\$ 112.50	\$ 56.25	\$ 56.25
4/5/2016	CSM	Telephone call with client regarding case background and strategy moving forward.	0.3	\$ 67.50	\$ 33.75	\$ 33.75
4/5/2016	CSM	Assess, analyze and review various pleadings, motions and status check set by the Court to ensure coverage; telephone call to prior attorney to acquire hard file, and research consolidated case.	1.3	\$ 292.50	\$ 146.25	\$ 146.25
4/5/2016	CSM	Prepare and execute notice of appearance.	0.2	\$ 45.00	\$ 22.50	\$ 22.50
4/5/2016	CSM	Analysis and strategy regarding approaching settlement and [REDACTED] and telephone call to counsel regarding acquiring litigation file.	0.5	\$ 112.50	\$ 56.25	\$ 56.25
4/5/2016	AMH	Analyze [REDACTED] and viability of remaining claims, telephone conference with [REDACTED] regarding [REDACTED] Helix, etc.	0.3	\$ 90.00	\$ 90.00	
4/6/2016	TF	Conference call with Nevada State Contractors Board regarding [REDACTED]	0.2	\$ 25.00	\$ 12.50	\$ 12.50
4/7/2016	TF	Assess, analyze and review procedural history specifically history of claims made between parties.	1.8	\$ 200.00	\$ 100.00	\$ 100.00
4/7/2016	TF	Update and review matrix regarding universe of claims between parties.	0.6	\$ 75.00	\$ 37.50	\$ 37.50
4/7/2016	TF	Assess, analyze and review APCO Construction complaints and counterclaims filed in underlying matter.	0.8	\$ 100.00	\$ 50.00	\$ 50.00
4/11/2016	TF	Assess, analyze and review cross-claims made by APCO Construction and update matrix regarding universe of claims.	0.8	\$ 75.00	\$ 37.50	\$ 37.50
4/11/2016	CSM	Assess, analyze, research and review operative pleadings from Helix, Heineman, WRG, Buchele, CHT, TMG, and Cactus Rose to determine claims and pleadings against APCO, and prepare supplements to matrix regarding same.	2.2	\$ 495.00	\$ 82.50	
4/14/2016	JCJ	Appearance in court on court releasing sale proceeds to lender, post hearing discussions with co-counsel.	1	\$ 300.00	\$ 150.00	\$ 150.00
4/14/2016	CSM	Analysis and strategy regarding outcome of hearing; and telephone call with client regarding same and preparation of documents.	0.2	\$ 45.00	\$ 22.50	\$ 22.50
4/14/2016	CSM	Assess, analyze and review order from hearing to release funds.	0.1	\$ 22.50	\$ 11.25	\$ 11.25
4/15/2016	CSM	Communicate with client regarding meeting with counsel to acquire additional foundation on case and [REDACTED]	0.2	\$ 45.00	\$ 22.50	\$ 22.50
4/15/2016	CSM	Draft correspondence to counsel regarding meeting regarding pending issues in case.	0.1	\$ 22.50	\$ 11.25	\$ 11.25
4/18/2016	JCJ	Review communication from Wade, with staff on an issue raised in email, meet with Joe and Wade, assess information from same and status client.	1.5	\$ 450.00	\$ 225.00	\$ 225.00
4/18/2016	TF	Assess, analyze and review documents received from clients regarding summary of potential claims.	0.3	\$ 37.50	\$ 18.75	\$ 18.75
4/18/2016	CSM	Prepare for and meet with Joe and Wade regarding status of case and outlining potential subcontractors that may be still viable and prosecuting their claims.	1.5	\$ 337.50	\$ 168.75	\$ 168.75
4/19/2016	CSM	Analysis and strategy regarding meeting with counsel, documents we need to acquire, and [REDACTED]	0.5	\$ 112.50	\$ 56.25	\$ 56.25
4/19/2016	CSM	Assess, analyze and review additional documents provided from client regarding various signed contracts and ratification agreement; and assess, analyze and review various documents.	0.7	\$ 157.50	\$ 76.75	\$ 76.75
4/19/2016	CSM	Assess, analyze and review matrices provided from client regarding status on various subcontractors.	0.8	\$ 180.00	\$ 90.00	\$ 90.00
4/19/2016	CSM	Analysis and strategy regarding needed documents.	0.3	\$ 67.50	\$ 33.75	\$ 33.75
4/25/2016	CSM	Assess, analyze and review matrices provided from client against court pleadings in preparation for meeting with client.	0.8	\$ 180.00	\$ 90.00	\$ 90.00
4/25/2016	JCJ	Meet with client and strategy on things to do and related.	1.8	\$ 540.00	\$ 270.00	\$ 270.00
4/25/2016	JCJ	Evaluate and analyze possible use of special master and communicate with Wade.	0.7	\$ 210.00	\$ 105.00	\$ 105.00
4/25/2016	CSM	Conduct meeting with client regarding status of case, and to develop legal strategy.	1.8	\$ 405.00	\$ 202.50	\$ 202.50
4/25/2016	CSM	Assess, analyze and review correspondence from counsel regarding pending motions for summary judgment; and analysis and strategy regarding handling same.	0.2	\$ 45.00	\$ 22.50	\$ 22.50
4/25/2016	CSM	Develop legal strategy regarding documents that need to be acquired and reviewed, especially with regarding to status of case, pending motions, and potential defenses due to timing issues with liens.	0.5	\$ 112.50	\$ 56.25	\$ 56.25
4/25/2016	CSM	Assess, analyze and review various documents provided in binders from client to substantiate client's defense with regard to various contractors identified by client.	0.8	\$ 180.00	\$ 90.00	\$ 90.00
4/26/2016	TF	Assess, analyze and review procedural history regarding consolidation of various litigations.	0.4	\$ 50.00	\$ 25.00	\$ 25.00
4/26/2016	JCJ	Communicate with client and with Wade, review with staff on case procedural history and need to connect in dates of each claimant and from which consolidated case, formulate ways to manage case best for client, draft proposed case agenda.	2.3	\$ 690.00	\$ 345.00	\$ 345.00
4/26/2016	MSW	Assess, analyze and review case procedural history to locate all orders entered in this matter with specific attention to orders regarding stay of the matter.	2	\$ 250.00	\$ 125.00	\$ 125.00
4/26/2016	CSM	Continue to review supporting documents provided by client for determination of which contractors to bring various motions against.	0.8	\$ 180.00	\$ 90.00	\$ 90.00
4/26/2016	CSM	Analysis and strategy regarding appointing special master and case calendar.	0.3	\$ 67.50	\$ 33.75	\$ 33.75
4/26/2016	CSM	Assess, analyze and review correspondence from client and attached documents evidencing subcontractors who are no longer in operation.	0.3	\$ 67.50	\$ 33.75	\$ 33.75
4/27/2016	TF	Assess, analyze and review universe of orders regarding consolidation of various litigations. Itemize and prepare matrix regarding consolidation dates of the various litigations.	1.3	\$ 162.50	\$ 81.25	\$ 81.25
4/27/2016	TF	Assess, analyze and review summary of potential claims provided by client.	0.4	\$ 50.00	\$ 25.00	\$ 25.00
4/27/2016	TF	Compile and review procedural history of consolidated cases.	0.9	\$ 112.50	\$ 56.25	\$ 56.25
4/28/2016	TF	Continue to assess, analyze and review procedural history of subcontractors with potential claims.	1.3	\$ 162.50	\$ 81.25	\$ 81.25
4/28/2016	TF	Compile and review statement of claims made by subcontractors with potential claims.	1.1	\$ 137.50	\$ 68.75	\$ 68.75
4/28/2016	TF	Prepare and review matrix regarding timeline of consolidation of cases and association of subcontractors with various litigations.	0.8	\$ 100.00	\$ 50.00	\$ 50.00

Accounting Date	Attorney	Description	Hours	Amount	Allocated Amount to Helix	Allocated Amount to National Wood / Cabenec
4/28/2016	CSM	Assess, analyze and review correspondence from Wade regarding pleading index and APCO Gemstone discovery; and analysis of attached documents.	0.2	\$ 45.00	\$ 22.50	\$ 22.50
4/28/2016	CSM	Analysis and strategy regarding order acquired from paralegal with respect the application of the five year rule.	0.4	\$ 90.00	\$ 45.00	\$ 45.00
4/29/2016	TF	Continue to assess, analyze and review procedural history of consolidated matters and determine timeline of events.	1.2	\$ 150.00	\$ 75.00	\$ 75.00
4/29/2016	TF	Draft and prepare timeline regarding consolidation of cases.	0.5	\$ 62.50	\$ 31.25	\$ 31.25
4/29/2016	CSM	Analysis and strategy regarding prior case management order, and various responses to same from viable subcontractors, and direct paralegal to organize and prepare additional documents for review.	0.5	\$ 112.50	\$ 56.25	\$ 56.25
5/2/2016	JCJ	Review index from Wade, communicate with staff on same and review various documents in context of evaluating procedural history and motion for special master/case agenda.	1.4	\$ 420.00	\$ 210.00	\$ 210.00
5/2/2016	TF	Compile and review universe of case management orders.	0.8	\$ 100.00	\$ 50.00	\$ 50.00
5/2/2016	TF	Assess, analyze and review pleadings index received from Wade Gochnour for relevant filings.	0.3	\$ 37.50	\$ 18.75	\$ 18.75
5/2/2016	TF	Assess, analyze and review discovery index received from Wade Gochnour for relevant discovery.	0.3	\$ 37.50	\$ 18.75	\$ 18.75
5/2/2016	CSM	Assess, analyze and review correspondence from Mr. Gochnour regarding pleading and discovery indexes; and review attached indexes for various documents and status of discovery of case.	0.5	\$ 112.50	\$ 56.25	\$ 56.25
5/2/2016	CSM	Analysis and strategy regarding ratification agreements.	0.2	\$ 45.00	\$ 22.50	\$ 22.50
5/2/2016	CSM	Assess, analyze and review case management order and second amended case agenda.	0.3	\$ 67.50	\$ 33.75	\$ 33.75
5/2/2016	CSM	Draft status update to client regarding discovery and motion to appoint special master.	0.5	\$ 112.50	\$ 56.25	\$ 56.25
5/3/2016	MSW	Assess, analyze and review case files and begin to formulate a comprehensive organizational plan in which to effectively manage and work-up this matter.	4.2	\$ 200.00	\$ 100.00	\$ 100.00
5/3/2016	JCJ	Continue review of index from Wade, follow up with office of Wade on requested information, communicate with client on same.	0.5	\$ 150.00	\$ 75.00	\$ 75.00
5/3/2016	TF	Assess, analyze and review statement of claims made by subcontractors with potential claims.	0.5	\$ 82.50	\$ 31.25	\$ 31.25
5/3/2016	CSM	Assess, analyze and review correspondence from client regarding ratification agreements, and assess, analyze and review attached document.	0.1	\$ 22.50	\$ 11.25	\$ 11.25
5/4/2016	JCJ	Communicate with Wade and status client.	0.3	\$ 90.00	\$ 45.00	\$ 45.00
5/4/2016	NRP	Conduct legal research regarding Nevada standards to appoint a special master over a complex litigation involving various consolidated cases.	1.8	\$ 405.00	\$ 202.50	\$ 202.50
5/4/2016	NRP	Begin drafting the motion to appoint special master and to set case agenda.	1.2	\$ 270.00	\$ 135.00	\$ 135.00
5/5/2016	NRP	Draft motion to appoint special master and to set new case management order.	3.5	\$ 787.50	\$ 393.75	\$ 393.75
5/5/2016	NRP	Revise and finalize motion to appoint special master and to set new case management order.	0.6	\$ 135.00	\$ 67.50	\$ 67.50
5/5/2016	CSM	Analysis and strategy regarding scope of motion to appoint special master.	0.3	\$ 67.50	\$ 33.75	\$ 33.75
5/6/2016	JCJ	Revise and finalize motion for special master and status client.	0.5	\$ 150.00	\$ 75.00	\$ 75.00
5/6/2016	CSM	Assess, analyze and review detailed correspondence from client regarding motion to appoint special master; and draft response to same.	0.2	\$ 45.00	\$ 22.50	\$ 22.50
5/6/2016	JCJ	Communicate with Wade on still needed documents and same response on no lien claims.	0.2	\$ 60.00	\$ 30.00	\$ 30.00
5/6/2016	CSM	Assess, analyze and review case management order and analysis and strategy regarding motion for special master.	0.4	\$ 90.00	\$ 45.00	\$ 45.00
5/9/2016	CSM	Assess, analyze and review correspondence from court regarding setting status check with all parties.	0.2	\$ 45.00	\$ 22.50	\$ 22.50
5/9/2016	CSM	Analysis and strategy regarding dismissing lien claims due to sale and release of funds.	0.4	\$ 90.00	\$ 45.00	\$ 45.00
5/10/2016	JCJ	Follow up with Wade and communicate with client on documents and related.	0.4	\$ 120.00	\$ 60.00	\$ 60.00
5/10/2016	CSM	Assess, analyze and review documents received from client and Howard and Howard for determination of universe of additional documents required to motions to dismiss and motions for summary judgment.	1.2	\$ 270.00	\$ 135.00	\$ 135.00
5/11/2016	CSM	Communicate with Wade Gochnour regarding acquiring documents; and draft response to same.	0.2	\$ 45.00	\$ 22.50	\$ 22.50
5/12/2016	JCJ	Review various documents and information from client and formulate what is still needed to be done and information.	0.8	\$ 240.00	\$ 120.00	\$ 120.00
5/12/2016	CSM	Assess, analyze and review correspondence from Wade Gochnour regarding various documents, and draft response to same.	0.2	\$ 45.00	\$ 22.50	\$ 22.50
5/24/2016	CSM	Draft detailed status correspondence to client regarding oppositions to motion for appointment of special master and revised motion for summary judgment.	0.3	\$ 67.50	\$ 33.75	\$ 33.75
5/25/2016	TF	Format and prepare electronic pleading and discovery files received from counsel.	0.8	\$ 100.00	\$ 50.00	\$ 50.00
5/25/2016	JCJ	Receipt and review Peel Primley limited opposition to motion to appoint special master.	0.4	\$ 120.00	\$ 60.00	\$ 60.00
5/26/2016	TF	Assess, analyze and review universe of APCO 16.1 disclosures to determine produced documents to date.	1.1	\$ 137.50	\$ 68.75	\$ 68.75
5/27/2016	JCJ	Review with staff on what was produced from prior counsel and what is still missing, contact prior counsel on same and status client on same.	0.4	\$ 120.00	\$ 60.00	\$ 60.00
5/27/2016	TF	Conference call with Litigation Services regarding universe of documents disclosed by APCO and access to online database.	0.3	\$ 37.50	\$ 18.75	\$ 18.75
5/27/2016	CSM	Analysis and strategy regarding APCO's 16.1 disclosures through the fourth, for determination of additional required documents.	0.3	\$ 67.50	\$ 33.75	\$ 33.75
5/27/2016	CSM	Follow up with Litigation Services regarding documents depository data basis and disclosures filed by various parties.	0.2	\$ 45.00	\$ 22.50	\$ 22.50
5/31/2016	TF	Continue to assess, analyze and review universe of APCO Construction disclosures in preparation of meeting with clients.	0.8	\$ 75.00	\$ 37.50	\$ 37.50
5/31/2016	TF	Draft and prepare index regarding universe of APCO Construction document disclosures.	0.3	\$ 37.50	\$ 18.75	\$ 18.75
5/31/2016	TF	Email exchange with Litigation Services regarding universe of documents in depository and access to searchable database.	0.2	\$ 25.00	\$ 12.50	\$ 12.50
5/31/2016	TF	Assess, analyze and review universe of disclosures through Litigation Services IPRO software and determine universe of disclosed documents.	0.4	\$ 50.00	\$ 25.00	\$ 25.00
5/31/2016	JCJ	Follow up with Wade on missing 16.1 disclosure documents, draft response to appointment of special master, revise and finalize same, draft and finalize case agenda, draft and finalize order on special master, communicate with Peel's office on their claims.	2.7	\$ 810.00	\$ 405.00	\$ 405.00
5/31/2016	JCJ	Conference call with client on needed 16.1 documents and related.	0.3	\$ 90.00	\$ 45.00	\$ 45.00
5/31/2016	TF	Conference call with Litigation Services regarding depository and documents available via IPRO online database.	0.2	\$ 25.00	\$ 12.50	\$ 12.50
5/31/2016	CSM	Analysis and strategy regarding APCO's reply to limited oppositions to motion to appoint special master.	0.3	\$ 67.50	\$ 33.75	\$ 33.75

Accounting Date	Attorney	Description	Hours	Amount	Allocated Amount to Helix	Allocated Amount to National Wood / Cabentec
6/1/2016	TF	Assess, analyze and review universe of documents disclosed in APCO Construction's initial disclosures and prepare universe of electronic files for review.	0.8	\$ 100.00	\$ 50.00	\$ 50.00
6/1/2016	TF	Assess, analyze and review universe of documents disclosed in APCO Construction's first supplemental disclosures and prepare universe of electronic files for review.	0.7	\$ 87.50	\$ 43.75	\$ 43.75
6/1/2016	JCJ	Communicate with prior counsel on documents and related.	0.2	\$ 60.00	\$ 30.00	\$ 30.00
6/1/2016	CSM	Analysis and strategy regarding proposed order and authority provided to special master.	0.2	\$ 45.00	\$ 22.50	\$ 22.50
6/2/2016	JCJ	Prepare and organize for status hearing; appearance at status hearing and post-hearing meeting with sub counsel on various matters; communicate with client and review various documents from Wade.	2.4	\$ 720.00	\$ 360.00	\$ 360.00
6/2/2016	TF	Assess, analyze and review universe of documents disclosed in APCO Construction's second through fourth supplemental disclosures and prepare universe of electronic files for review.	0.6	\$ 75.00	\$ 37.50	\$ 37.50
6/2/2016	CSM	Communicate with depository regarding previously deposited documents and inform same anticipated new disclosure.	0.3	\$ 67.50	\$ 33.75	\$ 33.75
6/2/2016	CSM	Prepare monthly status report to client.	0.3	\$ 87.50	\$ 33.75	\$ 33.75
6/3/2016	BMV	Legal research regarding law of the case doctrine.	0.0	\$ 202.50	\$ 101.25	\$ 101.25
6/3/2016	JCJ	Communicate with Peel office on order on SM.	0.2	\$ 60.00	\$ 60.00	\$ -
6/6/2016	JCJ	Communicate with Wade on prior bench trial, 5 year rule discussed on the record during same and thus 5 year rule satisfied; communicate with staff on getting trial transcript and no claims against Camco.	0.4	\$ 120.00	\$ 60.00	\$ 60.00
6/8/2016	TF	Conference call with Department Thirteen's court reporters regarding transcript request for October 30, 2012 bench trial.	0.2	\$ 25.00	\$ 12.50	\$ 12.50
6/8/2016	TF	Email exchange with Wade Gochmour regarding universe of documents disclosed in APCO's 16.1 disclosures.	0.1	\$ 12.50	\$ 6.25	\$ 6.25
6/8/2016	TF	Assess, analyze and review January 2010 case management order regarding document production protocols.	0.4	\$ 50.00	\$ 25.00	\$ 25.00
6/8/2016	TF	Format and prepare universe of documents to be produced in APCO Construction's fifth supplemental disclosure of imaged documents.	0.4	\$ 50.00	\$ 25.00	\$ 25.00
6/8/2016	TF	Draft and prepare APCO Construction's fifth supplemental disclosure of imaged documents.	0.5	\$ 62.50	\$ 31.25	\$ 31.25
6/8/2016	TF	Conference call with Litigation Services regarding depository protocols.	0.2	\$ 25.00	\$ 12.50	\$ 12.50
6/8/2016	TF	Assess, analyze and review consolidated litigations regarding claims against Camco.	0.7	\$ 87.50	\$ 43.75	\$ 43.75
6/8/2016	NRP	Conduct legal research regarding [REDACTED]	1.5	\$ 337.50	\$ 168.75	\$ 168.75
6/8/2016	CSM	Prepare and finalize client's supplemental disclosure.	0.4	\$ 60.00	\$ 45.00	\$ 45.00
6/7/2016	JCJ	Review proposed revisions to SAC on SM from Peel, draft counter revisions and communicate with same on same.	0.5	\$ 150.00	\$ 150.00	\$ -
6/7/2016	JCJ	Draft letter to all counsel regarding 5 year rule satisfied.	0.3	\$ 90.00	\$ 45.00	\$ 45.00
6/7/2016	CSM	Analysis and strategy regarding language in order to appoint special master.	0.2	\$ 45.00	\$ 22.50	\$ 22.50
6/6/2016	JCJ	Communicate with Peel office on Order on SM, review proposed revisions and draft proposed letter to Judge on same.	0.8	\$ 240.00	\$ 240.00	\$ -
6/8/2016	JCJ	Communicate with Wade regarding letter on 5 year rule.	0.1	\$ 30.00	\$ 15.00	\$ 15.00
6/8/2016	CSM	Analysis and strategy regarding five year rule.	0.2	\$ 45.00	\$ 22.50	\$ 22.50
6/9/2016	JCJ	Appearance in court on hearing re SM, draft NOE, communicate with office of SM and status client.	2.3	\$ 690.00	\$ 345.00	\$ 345.00
6/9/2016	TF	Assess, analyze and review matrices received from client regarding subcontractor entity details.	0.4	\$ 50.00	\$ 25.00	\$ 25.00
6/8/2016	CSM	Analysis and strategy regarding hearing outcome on appointment of special master and discussions with opposing counsel.	0.3	\$ 87.50	\$ 33.75	\$ 33.75
6/10/2016	JCJ	Review with staff on document situation, what is still needed and communicate with Lit services on what they are missing and compare client chart with binder documents.	0.8	\$ 180.00	\$ 90.00	\$ 90.00
6/13/2016	JCJ	Communicate with office of SM on SM hearing.	0.2	\$ 60.00	\$ 30.00	\$ 30.00
6/13/2016	TF	Email exchange with department 13 clerk regarding transcript for October 30, 2012.	0.2	\$ 25.00	\$ 12.50	\$ 12.50
6/13/2016	CSM	Analysis and strategy regarding documents received from client and Bates stamping and producing newly received documents.	0.4	\$ 90.00	\$ 45.00	\$ 45.00
6/13/2016	CSM	Analysis and strategy regarding order to appoint special master and setting up initial special master hearing.	0.2	\$ 45.00	\$ 22.50	\$ 22.50
6/17/2016	CSM	Analysis and strategy regarding certain claims asserted by remaining contractors, and research contract issues in state statutes to support Nevada law and client's arguments.	0.6	\$ 202.50	\$ 101.25	\$ 101.25
6/20/2016	CSM	Analysis and strategy regarding order on hearing and strategy for submitting issues to special master for consideration.	0.4	\$ 90.00	\$ 45.00	\$ 45.00
6/22/2016	CSM	Follow up and analysis regarding client's additions to disclosure of documents.	0.3	\$ 87.50	\$ 33.75	\$ 33.75
6/22/2016	CSM	Follow up and analysis regarding hearing transcript and five year rule issues.	0.3	\$ 87.50	\$ 33.75	\$ 33.75
6/23/2016	JCJ	Review Peel request to push out July 11 initial SM meeting and communicate with SM on same.	0.3	\$ 90.00	\$ 45.00	\$ 45.00
6/23/2016	JCJ	Revise and finalize order denying the motion for summary judgments and draft letter to all counsel regarding same.	0.3	\$ 90.00	\$ 45.00	\$ 45.00
6/23/2016	TF	Email exchange with Department 13 court reporter regarding pending transcript requests.	0.2	\$ 25.00	\$ 12.50	\$ 12.50
6/23/2016	CSM	Assess, analyze and review correspondence from special master following motion for summary judgment hearings.	0.2	\$ 45.00	\$ 22.50	\$ 22.50
6/23/2016	CSM	Analysis and strategy regarding proposed order and correspondence to all counsel.	0.2	\$ 45.00	\$ 22.50	\$ 22.50
6/25/2016	JCJ	Communicate with Peel's office and special master regarding initial hearing.	0.2	\$ 60.00	\$ 60.00	\$ -
6/26/2016	CSM	Prepare follow up correspondence to all counsel regarding submitting proposed order to court.	0.3	\$ 87.50	\$ 33.75	\$ 33.75
6/28/2016	CSM	Communicate with various counsel and assistant to the special master regarding the upcoming special master hearing.	0.2	\$ 45.00	\$ 22.50	\$ 22.50
6/29/2016	CSM	Execute order on compelling motions for summary judgment and submit to court.	0.2	\$ 45.00	\$ 22.50	\$ 22.50
6/29/2016	CSM	Assess, analyze and review correspondence from special master regarding upcoming special master hearing.	0.2	\$ 45.00	\$ 22.50	\$ 22.50
6/29/2016	TF	Email exchange with Angie Calvito regarding October 30, 2012 transcript.	0.2	\$ 25.00	\$ 12.50	\$ 12.50
7/6/2016	CSM	Draft status update to client regarding upcoming dates and special master hearing.	0.4	\$ 90.00	\$ 45.00	\$ 45.00
7/8/2016	JCJ	Review various pleadings, orders and correspondences in context of things to do given current denial of all motions and upcoming special master hearing.	0.7	\$ 210.00	\$ 105.00	\$ 105.00
7/8/2016	JCJ	Review prior documents and progress of prior trial transcript in context of proof of 5 year rule satisfied.	0.5	\$ 150.00	\$ 75.00	\$ 75.00
7/14/2016	TF	Assess, analyze and review court records regarding minutes for October 30, 2012 hearing.	0.3	\$ 37.50	\$ 18.75	\$ 18.75

Accounting Date	Attorney	Description	Hours	Amount	Allocated Amount to Helix	Allocated Amount to National Wood / Cabentec
7/14/2016	CSM	Analysis and strategy hearing transcript for hearing conducted on October 30, 2012 for upcoming special master hearing.	0.3	\$ 87.50	\$ 33.75	\$ 33.75
7/22/2016	CSM	Follow up with office of special master regarding special master hearing and scope of same.	0.2	\$ 45.00	\$ 22.50	\$ 22.50
7/26/2016	CSM	Assess, analyze and review issues related to discovery schedule, 5 year rule; strategize regarding discovery schedule to propose to special master; and review matrix of parties who have recently re-appearing in action post appeal versus parties that may	1.1	\$ 247.50	\$ 123.75	\$ 123.75
8/1/2016	TF	Prepare and review documents in preparation for Special Master hearing.	0.2	\$ 25.00	\$ 12.50	\$ 12.50
8/1/2016	CSM	Assess, analyze and review transcript from Oct. 2012 hearing in preparation of handling five year rule issues at special master hearing.	0.4	\$ 90.00	\$ 45.00	\$ 45.00
8/1/2016	CSM	Assess, analyze and review various documents and prepare documents and arguments for special master hearing.	1.5	\$ 337.50	\$ 168.75	\$ 168.75
8/1/2016	CSM	Attend special master hearing with Floyd Hale and other legal counsel regarding discovery and pending motions and issues between the parties.	1.5	\$ 337.50	\$ 168.75	\$ 168.75
8/2/2016	CSM	Draft detailed correspondence to client with proposed discovery schedule and special master recommendations.	0.4	\$ 90.00	\$ 45.00	\$ 45.00
8/3/2016	CSM	Draft monthly status report to client.	0.2	\$ 45.00	\$ 22.50	\$ 22.50
8/3/2016	CSM	Assess, analyze and review correspondence from special master Hale to all counsel regarding discovery schedule.	0.2	\$ 45.00	\$ 22.50	\$ 22.50
8/3/2016	CSM	Follow up with special master regarding parties who appeared and special master hearing.	0.2	\$ 45.00	\$ 22.50	\$ 22.50
8/4/2016	CSM	Draft initial mediator's questionnaire; and provide it to opposing counsel for review.	1.4	\$ 315.00	\$ 157.50	\$ 157.50
8/5/2016	CSM	Communicate with opposing counsel regarding mediator's questionnaire; reviewed suggested changes; telephone call with client regarding same; and provide revised draft of questionnaire to opposing counsel.	1.4	\$ 315.00	\$ 157.50	\$ 157.50
8/5/2016	CSM	Assess, analyze and review correspondence from counsel for Helix regarding arbitration.	0.2	\$ 45.00	\$ 45.00	
8/9/2016	CSM	Assess, analyze and review correspondence from opposing counsel on revised language of mediator's questionnaire; review language in question, and draft response to same.	0.5	\$ 112.50	\$ 56.25	\$ 56.25
8/10/2016	CSM	Assess, analyze and review various documents provided from client with regard to subcontractors who appeared at special master hearing and begin preparing client's supplemental disclosure as ordered by the special master.	2	\$ 450.00	\$ 225.00	\$ 225.00
8/11/2016	CSM	Follow up with opposing counsel regarding revised language for mediator's questionnaire.	0.3	\$ 87.50	\$ 33.75	\$ 33.75
8/16/2016	CSM	Assess, analyze and review proposed revised language from opposing counsel; and conduct additional research regarding a defunct contractor maintaining claims post dissolution.	0.8	\$ 180.00		\$ 90.00
8/17/2016	CSM	Communicate with opposing counsel regarding special master questionnaire.	0.2	\$ 45.00	\$ 22.50	\$ 22.50
8/19/2016	CSM	Communicate with client regarding mediator questionnaire; and follow up with opposing counsel regarding same.	0.4	\$ 90.00	\$ 45.00	\$ 45.00
8/19/2016	CSM	Review prior disclosed documents for context of additional documents required to be disclosed and for client supplemental disclosure pursuant to special master order.	0.7	\$ 157.50	\$ 78.75	\$ 78.75
8/24/2016	CSM	Follow up with opposing counsel regarding submission of special master questionnaire.	0.3	\$ 87.50	\$ 33.75	\$ 33.75
8/26/2016	CSM	Follow up with opposing counsel regarding submitting special master questionnaire; and conduct telephone call with client regarding same.	0.4	\$ 90.00	\$ 45.00	\$ 45.00
8/26/2016	TF	Assess, analyze and review universe of documents provided by client to be produced in APCO's sixth supplemental disclosure.	0.8	\$ 100.00	\$ 50.00	\$ 50.00
8/26/2016	TF	Draft and prepare APCO's sixth supplemental disclosure.	0.6	\$ 75.00	\$ 37.50	\$ 37.50
8/26/2016	TF	Assess, analyze and review universe of documents produced by previous counsel.	0.4	\$ 50.00	\$ 25.00	\$ 25.00
8/29/2016	CSM	Assess, analyze and review APCO's prior disclosures and supplements thereto and continue to prepare client's fifth supplemental disclosure pursuant to special master's order.	1.2	\$ 270.00	\$ 135.00	\$ 135.00
8/30/2016	TF	Continue to prepare and review universe of documents to be produced in sixth supplemental production of documents.	1.8	\$ 200.00	\$ 100.00	\$ 100.00
8/30/2016	TF	Continue to draft and prepare APCO Construction's sixth supplemental disclosure of imaged documents.	0.8	\$ 75.00	\$ 37.50	\$ 37.50
8/30/2016	TF	Conference call with Litigation Services regarding universe of imaged searchable documents.	0.3	\$ 37.50	\$ 18.75	\$ 18.75
8/30/2016	CSM	Correspond with client regarding supplemental disclosure of documents; and research and provide client with statutory law possible arguments of subcontractor who are out of business to potentially keep claims alive in case; and follow up with special master.	0.8	\$ 180.00	\$ 90.00	\$ 90.00
8/31/2016	JCJ	Review with staff on progress and status of all documents against all adverse parties and client reasons for limiting to only those client believes at issue.	0.3	\$ 90.00	\$ 45.00	\$ 45.00
8/31/2016	TF	Continue to assess, analyze and review universe of subcontractor files to be disclosed in sixth supplemental disclosure.	1.7	\$ 212.50	\$ 106.25	\$ 106.25
8/31/2016	TF	Continue to draft and prepare APCO Construction's sixth supplemental disclosure of imaged documents.	0.9	\$ 112.50	\$ 56.25	\$ 56.25
8/31/2016	TF	Update sixth supplemental disclosure with previously disclosed witnesses.	0.5	\$ 62.50	\$ 31.25	\$ 31.25
8/31/2016	TF	Prepare and review universe of documents to be provided to Litigation Services.	0.4	\$ 50.00	\$ 25.00	\$ 25.00
8/31/2016	TF	Email exchange with Litigation Services regarding universe of documents produced in APCO Construction's sixth supplemental disclosure of witnesses and imaged documents.	0.2	\$ 25.00	\$ 12.50	\$ 12.50
8/31/2016	CSM	Draft monthly status correspondence to client.	0.3	\$ 87.50	\$ 33.75	\$ 33.75
8/31/2016	CSM	Assess, analyze and review supplemental disclosure of witnesses and documents pursuant to case management order from Helix Electrical; and draft additions to matrix regarding same.	0.3	\$ 87.50	\$ 87.50	
8/31/2016	CSM	Assess, analyze and review supplemental disclosure of witnesses and documents pursuant to case management order from CAMCO; and draft additions to matrix regarding same.	0.8	\$ 135.00	\$ 67.50	\$ 67.50
8/31/2016	CSM	Formulate and draft additions to litigation matrix and discovery matrix with regard to documents required to defend against various claims; and direct paralegal to identify APCO documents that support its defense against various subcontractors.	0.5	\$ 112.50	\$ 56.25	\$ 56.25
8/31/2016	CSM	Finalize and execute APCO's sixth supplemental disclosure of witnesses and documents.	0.2	\$ 45.00	\$ 22.50	\$ 22.50
9/1/2016	JCJ	Review differences in client documents versus subs/vendors at issue, PMRs for client listed by others and review with staff on how to resolve.	0.3	\$ 90.00	\$ 45.00	\$ 45.00
9/1/2016	TF	Assess, analyze and review case management order regarding discovery protocols.	0.3	\$ 37.50	\$ 18.75	\$ 18.75

Accounting Date	Attorney	Description	Hours	Amount	Allocated Amount to Helix	Allocated Amount to National Wood / Cabentec
9/1/2016	TF	Email exchange with Litigation Services regarding documents produced in APCO Construction's sixth supplemental disclosure.	0.2	\$ 25.00	\$ 12.50	\$ 12.50
9/1/2016	TF	Assess, analyze and review universe of disclosures made by various parties pursuant to Special Master order.	0.6	\$ 75.00	\$ 37.50	\$ 37.50
9/1/2016	TF	Draft and prepare matrix regarding Special Master questionnaire and universe of documents produced by all parties to date.	0.6	\$ 75.00	\$ 37.50	\$ 37.50
9/1/2016	TF	Assess, analyze and review documents received from Lisa Lynn to be produced in upcoming disclosures.	0.3	\$ 37.50	\$ 18.75	\$ 18.75
9/1/2016	CSM	Communicate with depository regarding client's disclosure.	0.2	\$ 45.00	\$ 22.50	\$ 22.50
9/1/2016	CSM	Begin preparing and comparing documents received from various responding subcontractors versus client's documents for entire universe, and draft additions to litigation matrix regarding same.	1.2	\$ 270.00	\$ 135.00	\$ 135.00
9/1/2016	CSM	Assess, analyze and review case management order, and follow up with depository regarding parties who failed to comply with CMO.	0.2	\$ 45.00	\$ 22.50	\$ 22.50
9/1/2016	CSM	Communicate with client regarding person most knowledgeable.	0.2	\$ 45.00	\$ 22.50	\$ 22.50
9/1/2016	CSM	Assess, analyze and review correspondence from Special Master regarding questionnaire to all parties.	0.1	\$ 22.50	\$ 11.25	\$ 11.25
9/1/2016	CSM	Review documents and claims for relief against APCO asserted by various parties (Accuracy, Cactus Rose, Cardno, Fast Glass, Heinaman, and Helix) responding to supplemental disclosures, and develop legal strategy regarding defending against same.	2.2	\$ 495.00	\$ 82.50	
9/2/2016	TF	Assess, analyze and review universe of disclosures made by all parties.	0.6	\$ 75.00	\$ 37.50	\$ 37.50
9/2/2016	TF	Conference call with Litigation Services regarding deposited documents by all parties.	0.2	\$ 25.00	\$ 12.50	\$ 12.50
9/9/2016	TF	Assess, analyze and review universe of documents disclosed by various parties in 16.1 disclosures pursuant to Special Master's order.	0.6	\$ 75.00	\$ 37.50	\$ 37.50
9/9/2016	TF	Update and format matrix regarding Special Master's questionnaire and universe of disclosed documents.	0.3	\$ 37.50	\$ 18.75	\$ 18.75
9/12/2016	CSM	Analysis and strategy of documents and items to complete; prepare strategy outline and instruct paralegal with regard to various items and documents in depository.	0.4	\$ 90.00	\$ 45.00	\$ 45.00
9/16/2016	CSM	Review client's disclosed documents and continue to identify pertinent documents on litigation matrix for subcontractor who provided supplemental disclosures.	0.6	\$ 135.00	\$ 67.50	\$ 67.50
9/20/2016	CSM	Communicate with counsel for Cabentec regarding various lien issues and documents.	0.4	\$ 90.00		\$ 90.00
9/22/2016	TF	Compile and review documents to support response to Special Master's questionnaire.	0.6	\$ 75.00	\$ 37.50	\$ 37.50
9/22/2016	TF	Assess, analyze and review responses to Special Master's questionnaire and update master matrix regarding subcontractors' claims.	0.6	\$ 75.00	\$ 37.50	\$ 37.50
9/22/2016	CSM	Prepare and finalize special master questionnaire for client.	0.6	\$ 180.00	\$ 90.00	\$ 90.00
9/23/2016	JCJ	Confirm questionnaire responses, formulate things to do regarding challenging those with deficient responses.	0.3	\$ 90.00	\$ 45.00	\$ 45.00
9/23/2016	TF	Prepare and review universe of documents in preparation for upcoming Special Master hearing.	0.6	\$ 75.00	\$ 37.50	\$ 37.50
9/23/2016	CSM	Assess, analyze and review Special Master questionnaires from Cardno Fast Glass, Heinaman, Helix, Interstate Plumbing, National Wood, Noorda, SWPPP, and Zitting, and begin to develop legal strategy for defense of claims from same.	2.3	\$ 517.50	\$ 86.25	\$ 86.25
9/23/2016	CSM	Begin researching pleadings, documents and drafting additions to litigation matrix regarding subcontractors who responded to special master questionnaire who assert to have claims against APCO; and begin preparing defense binders for each.	3.5	\$ 787.50	\$ 393.75	\$ 393.75
9/26/2016	TF	Assess, analyze and review universe of responses to Special Master questionnaires.	0.4	\$ 50.00	\$ 25.00	\$ 25.00
9/26/2016	NMS	Assess, analyze and review response to Special Master requests; update master index regarding the Special Master requests.	0.1	\$ 22.50	\$ 11.25	\$ 11.25
9/26/2016	NMS	Assess, analyze and review operative claims against APCO and update matrix.	0.5	\$ 112.50	\$ 56.25	\$ 56.25
9/26/2016	TF	Update and review matrix regarding responses to Special Master questionnaires.	0.4	\$ 50.00	\$ 25.00	\$ 25.00
9/26/2016	TF	Meeting to discuss responses to Special Master's questionnaire and claims made by various subcontractors.	0.3	\$ 37.50	\$ 18.75	\$ 18.75
9/26/2016	CSM	Assess, analyze and review late filed special master questionnaires, research various documents and pleading issues; and research various documents for determination of defense.	2	\$ 450.00	\$ 225.00	\$ 225.00
9/27/2016	NMS	Research and detail on matrix operative claims against APCO.	2.1	\$ 472.50	\$ 236.25	\$ 236.25
9/28/2016	JCJ	Review various information and charts on contractors; formulate with staff strategy and objections to same, actions to take at Special Master hearing and review various questionnaire response in context of same.	1	\$ 300.00	\$ 150.00	\$ 150.00
9/28/2016	CSM	Draft correspondence to Special Master objecting to various responses to the Special Master questionnaire for parties that did not properly allocate claims.	0.7	\$ 157.50	\$ 78.75	\$ 78.75
9/28/2016	TF	Meeting to discuss preparation for upcoming Special Master hearing and responses to questionnaires.	0.4	\$ 50.00	\$ 25.00	\$ 25.00
9/28/2016	TF	Assess, analyze and review universe of responses to Special Master questionnaires and update matrix regarding value of claims made by various subcontractors.	0.6	\$ 112.50	\$ 56.25	\$ 56.25
9/28/2016	TF	Prepare and review universe of documents in preparation for upcoming Special Master hearing.	0.6	\$ 100.00	\$ 50.00	\$ 50.00
9/28/2016	TF	Assess, analyze and review universe of disclosed documents by APCO for documents related to Helix Electric claims.	0.5	\$ 82.50	\$ 82.50	
9/28/2016	CSM	Research documents for various subcontractor for determine of universe of documents served by same; and develop legal strategy for potential question written discovery and depositions.	1.6	\$ 360.00	\$ 180.00	\$ 180.00
9/28/2016	TF	Assess, analyze and review procedural history and compile various complaints made by subcontractors with claims against APCO.	0.4	\$ 50.00	\$ 25.00	\$ 25.00
9/29/2016	TF	Prepare and review universe of documents in preparation for Special Master hearing.	0.6	\$ 100.00	\$ 50.00	\$ 50.00
9/29/2016	TF	Update and review litigation matrix regarding legal representation of various subcontractors and status of ratification agreements.	0.6	\$ 75.00	\$ 37.50	\$ 37.50
9/29/2016	CSM	Assess, analyze and review correspondence from Peel's office in response to APCO's objection.	0.2	\$ 45.00	\$ 45.00	\$ -
9/29/2016	CSM	Prepare for and attend Special Master hearing; conduct strategy meeting with counsel for Camco regarding defending various claims.	1.8	\$ 405.00	\$ 202.50	\$ 202.50
9/29/2016	JCJ	Communicate with counsel for Camco regarding common issues and joint strategy on common issues against subs.	0.5	\$ 150.00	\$ 75.00	\$ 75.00
9/30/2016	TF	Assess, analyze and review universe of disclosed documents regarding Cabentec.	0.4	\$ 50.00	\$ -	\$ 50.00

Accounting Date	Attorney	Description	Hours	Amount	Allocated Amount to Helix	Allocated Amount to National Wood / Cabentec
9/30/2016	TF	Meeting to discuss special master hearing and universe of documents to be compiled in preparation for upcoming hearings.	0.3	\$ 37.50	\$ 16.75	\$ 16.75
9/30/2016	CSM	Draft correspondence to client regarding Special Master hearing, case status, and provide same with litigation matrix identifying parties asserting claims in the action.	0.3	\$ 67.50	\$ 33.75	\$ 33.75
9/30/2016	CSM	Assess, analyze and review intervenor, National Wood Products supplemental disclosure pursuant to NRCP 18.1.	0.4	\$ 90.00	\$ -	\$ 90.00
9/30/2016	CSM	Research and identify limited production of documents from Cabentec based upon comments of Special Master regarding disclosures.	0.3	\$ 67.50	\$ -	\$ 67.50
9/30/2016	CSM	Review correspondence from Cabintec/National Wood Products regarding Special Master's approval of late filing of disclosure and Special Master questionnaire.	0.2	\$ 45.00	\$ -	\$ 45.00
10/3/2016	TF	Run searches in Litigation Services depository for relevant documents in preparation for upcoming evidentiary hearings.	1.1	\$ 137.50	\$ 68.75	\$ 68.75
10/3/2016	CSM	Assess, analyze and review correspondence from Special Master regarding National Wood.	0.1	\$ 22.50	\$ -	\$ 22.50
10/4/2016	TF	Continue to update and review litigation matrix regarding responses to Special Master questionnaire responses.	0.4	\$ 50.00	\$ 25.00	\$ 25.00
10/4/2016	TF	Assess, analyze and review database of documents for various subcontractor ratification agreements.	0.6	\$ 75.00	\$ 37.50	\$ 37.50
10/4/2016	TF	Prepare and review universe of documents in preparation for upcoming evidentiary hearings.	0.6	\$ 75.00	\$ 37.50	\$ 37.50
10/4/2016	CSM	Develop legal strategy regarding grouping various subcontracts pursuant to response to Special Master questionnaire and business status, begin preparing interrogatories to the various groups of subcontractors.	2.6	\$ 585.00	\$ 292.50	\$ 292.50
10/5/2016	NMS	Assess, analyze and review files to update operative complaints against APCO.	0.3	\$ 67.50	\$ 33.75	\$ 33.75
10/5/2016	NMS	Begin drafting interrogatories to all subs.	1.5	\$ 337.50	\$ 168.75	\$ 168.75
10/5/2016	TF	Continue to update and review matrix regarding responses to Special Master's questionnaire.	0.4	\$ 50.00	\$ 25.00	\$ 25.00
10/5/2016	TF	Assess, analyze and review litigation matrix regarding universe of claims against APCO.	0.4	\$ 50.00	\$ 25.00	\$ 25.00
10/5/2016	NMS	Draft requests for production.	0.8	\$ 180.00	\$ 90.00	\$ 90.00
10/5/2016	CSM	Develop legal strategy and review various documents for contractor litigation binders, draft correspondence to client regarding ratification agreements for Buchele, Cardno / WRG, Helix, Interstate Plumbing and Air Conditioning, National Wood Products, Noorda.	2.4	\$ 540.00	\$ 77.14	\$ 77.14
10/5/2016	TF	Continue to update and review matrix regarding universe of claims by various subcontractors.	0.4	\$ 50.00	\$ 25.00	\$ 25.00
10/6/2016	TF	Meeting to discuss status of litigation and universe of claims against APCO.	0.2	\$ 25.00	\$ 12.50	\$ 12.50
10/10/2016	CSM	Assess, analyze and review Special Master's report regarding remaining parties and recommendation amending case agenda.	0.3	\$ 67.50	\$ 33.75	\$ 33.75
10/10/2016	CSM	Assess, analyze, review, and draft additions to general interrogatories and requests for production of documents to all parties.	1.4	\$ 315.00	\$ 157.50	\$ 157.50
10/11/2016	NMS	Continue to draft supplements for interrogatories and requests for production to all subs.	2.2	\$ 495.00	\$ 247.50	\$ 247.50
10/17/2016	CSM	Assess, analyze and review correspondence and documents from client regarding National Wood Products; direct paralegal to add to litigation matrix and binder.	0.4	\$ 90.00	\$ -	\$ 90.00
10/17/2016	CSM	Telephone call with counsel (Peel) for various contractors regarding discovery issues and documents.	0.2	\$ 45.00	\$ 45.00	\$ -
10/18/2016	CSM	Communicate with client and analysis of ratification agreement issues.	0.4	\$ 90.00	\$ 45.00	\$ 45.00
10/18/2016	CSM	Draft additions to interrogatories to all parties who have claims against APCO.	0.8	\$ 180.00	\$ 90.00	\$ 90.00
10/18/2016	CSM	Draft additions to requests for production to all parties who have claims against APCO.	0.5	\$ 112.50	\$ 56.25	\$ 56.25
10/21/2016	NMS	Office conference regarding strategy and additional arguments for motion for summary judgment.	0.3	\$ 67.50	\$ 33.75	\$ 33.75
10/21/2016	NMS	Draft additions to client's interrogatories to all subs.	1.6	\$ 360.00	\$ 180.00	\$ 180.00
10/21/2016	TF	Update and review litigation matrix regarding universe of claims.	0.5	\$ 62.50	\$ 31.25	\$ 31.25
10/21/2016	CSM	Assess, analyze and review documents from National Wood and direct paralegal to prepare for litigation binders.	0.3	\$ 67.50	\$ -	\$ 67.50
10/21/2016	CSM	Research issues regarding subcontractors who have wound down their companies and are no longer in business.	0.4	\$ 90.00	\$ -	\$ 90.00
10/24/2016	CSM	Draft additions to fact section of client's motion for summary judgment regarding pay if paid language is in the contract to address concerns with new case law.	0.8	\$ 180.00	\$ 90.00	\$ 90.00
10/25/2016	TF	Assess, analyze and review operating complaints of subcontractors with claims against APCO.	1.7	\$ 212.50	\$ 106.25	\$ 106.25
10/25/2016	TF	Update and review litigation matrix regarding operating complaints of various subcontractors.	0.5	\$ 62.50	\$ 31.25	\$ 31.25
10/25/2016	TF	Prepare and review universe of documents to be used during upcoming evidentiary hearings.	0.7	\$ 87.50	\$ 43.75	\$ 43.75
10/28/2016	TF	Assess, analyze and review universe of documents in preparation for upcoming evidentiary hearings.	0.8	\$ 100.00	\$ 50.00	\$ 50.00
10/27/2016	TF	Assess, analyze and review universe of APCO disclosures for documents in preparation of upcoming evidentiary hearings.	0.8	\$ 100.00	\$ 50.00	\$ 50.00
10/27/2016	CSM	Review various Camco documents for arguments to support client's position that Camco had full control of site.	0.6	\$ 135.00	\$ 67.50	\$ 67.50
11/1/2016	CSM	Analysis and strategy regarding interrogatories to subcontractors who are out of business, draft supplements to same; and conduct research regarding same.	1	\$ 225.00	\$ -	\$ 112.50
11/2/2016	TF	Assess, analyze and review depository's database of documents in preparation for upcoming hearings.	0.8	\$ 112.50	\$ 56.25	\$ 56.25
11/3/2016	TF	Update and review litigation matrix regarding universe of late stamped documents to be referenced at upcoming hearings.	0.7	\$ 87.50	\$ 43.75	\$ 43.75
11/7/2016	TF	Draft and prepare seventh supplemental disclosure of imaged documents.	0.5	\$ 62.50	\$ 31.25	\$ 31.25
11/10/2016	CSM	Draft monthly status report to client.	0.3	\$ 67.50	\$ 33.75	\$ 33.75
11/10/2016	TF	Assess, analyze and review universe of documents loaded into lpro database for various subcontractor documents in preparation of upcoming evidentiary hearings.	1.1	\$ 137.50	\$ 68.75	\$ 68.75
11/15/2016	NMS	Update litigation matrix to reflect discovery responses.	0.2	\$ 45.00	\$ 22.50	\$ 22.50
11/15/2016	TF	Update and prepare litigation matrix regarding Special Master questionnaire responses.	0.3	\$ 37.50	\$ 18.75	\$ 18.75
11/17/2016	CSM	Begin outline of proof with regard to defenses for claims asserted by various subcontractors.	1.5	\$ 337.50	\$ 168.75	\$ 168.75
11/22/2016	CSM	Continue to prepare written discovery (requests for production and interrogatories) to subcontractors who asserted claims against APCO.	1.8	\$ 405.00	\$ 202.50	\$ 202.50
11/29/2016	TF	Assess, analyze and review universe of disclosed documents for ratification agreements for various subcontractors.	0.7	\$ 87.50	\$ 43.75	\$ 43.75
11/29/2016	TF	Update and review litigation matrix regarding ratification agreements.	0.3	\$ 37.50	\$ 18.75	\$ 18.75

Accounting Date	Attorney	Description	Hours	Amount	Allocated Amount to Helix	Allocated Amount to National Wood / Cabentec
11/29/2016	CSM	Draft monthly status report to client	0.2	\$ 45.00	\$ 22.50	\$ 22.50
12/1/2016	TF	Assess, analyze and review universe of documents produced by various subcontractors and compile relevant documents in preparation for upcoming evidentiary hearings.	1.3	\$ 182.50	\$ 81.25	\$ 81.25
12/1/2016	TF	Prepare and review documents in preparation for upcoming hearing.	0.6	\$ 75.00	\$ 37.50	\$ 37.50
12/6/2016	TF	Assess, analyze and review matrix received from client regarding ratification agreements with various subcontractors.	0.4	\$ 50.00	\$ 25.00	\$ 25.00
12/8/2016	TF	Conference call with Litigation Services regarding access to online database of disclosed documents.	0.3	\$ 37.50	\$ 18.75	\$ 18.75
12/8/2016	TF	Assess, analyze and review universe of disclosed documents and prepare various subcontractor documents for upcoming evidentiary hearings.	0.7	\$ 87.50	\$ 43.75	\$ 43.75
12/7/2016	TF	Assess, analyze and review universe of disclosed documents for subcontractor filed liens.	0.8	\$ 100.00	\$ 50.00	\$ 50.00
12/7/2016	TF	Update and review litigation matrix regarding filed lien amounts and ratification agreements.	0.6	\$ 75.00	\$ 37.50	\$ 37.50
12/13/2016	CSM	Assess, analyze and review various documents disclosed from National Wood, Interstate Plumbing, and Helix, with regard to asserted claims by same in operative third-party complaints; direct paralegal to research and prepare additional documents for litigation.	1.5	\$ 337.50	\$ 112.50	\$ 112.50
12/13/2016	CSM	Draft updates to litigation matrix regarding Accuracy, United Sub, Utah, Noorda, National Wood, Interstate Plumbing, and Helix.	0.5	\$ 112.50	\$ 16.07	\$ 16.07
12/14/2016	CSM	Review answer and draft supplement to same and affirmative defenses.	0.7	\$ 157.50	\$ 78.75	\$ 78.75
12/14/2016	TF	Assess, analyze and review litigation matrix and update regarding ratification agreements and universe of disclosed documents.	0.8	\$ 100.00	\$ 50.00	\$ 50.00
12/14/2016	TF	Draft and prepare seventh supplemental disclosure of witnesses and imaged documents.	0.6	\$ 75.00	\$ 37.50	\$ 37.50
12/14/2016	TF	Conference call with Litigation Services regarding electronic depository of produced documents.	0.2	\$ 25.00	\$ 12.50	\$ 12.50
12/15/2016	TF	Continue to prepare and review universe of documents in preparation of discovery responses.	0.6	\$ 75.00	\$ 37.50	\$ 37.50
12/15/2016	TF	Formal and prepare litigation matrix in preparation of status report.	0.5	\$ 82.50	\$ 31.25	\$ 31.25
12/16/2016	TF	Update and review litigation matrix regarding universe of relevant documents for various subcontractors.	0.4	\$ 50.00	\$ 25.00	\$ 25.00
12/16/2016	TF	Draft and prepare matrix regarding upcoming evidentiary hearings.	0.4	\$ 50.00	\$ 25.00	\$ 25.00
12/16/2016	CSM	Draft status correspondence to client.	0.3	\$ 67.50	\$ 33.75	\$ 33.75
12/16/2016	CSM	Draft supplements to all written discovery (request for production and interrogatories) to all subcontractors who have asserted claims.	0.8	\$ 180.00	\$ 80.00	\$ 90.00
12/20/2016	TF	Assess, analyze and review universe of disclosed documents regarding ratification agreements between various subcontractors.	1.6	\$ 200.00	\$ 100.00	\$ 100.00
12/21/2016	TF	Formal and prepare site map provided by client for review and discovery disclosures and responses.	0.3	\$ 37.50	\$ 18.75	\$ 18.75
12/21/2016	TF	Assess, analyze and review universe of liens filed by various parties.	0.7	\$ 87.50	\$ 43.75	\$ 43.75
12/22/2016	TF	Continue to assess, analyze and review universe of disclosed documents for relevant information in preparation of evidentiary hearings.	1.8	\$ 200.00	\$ 100.00	\$ 100.00
12/27/2016	TF	Formal and prepare serial maps to be used at upcoming hearings.	0.7	\$ 87.50	\$ 43.75	\$ 43.75
12/27/2016	CSM	Assess, analyze and review various operative complaints filed by subcontractors who have claims against APCO for determination of arguments for motion work and issues with transferring the project over to Camco.	1.2	\$ 270.00	\$ 135.00	\$ 135.00
12/28/2016	CSM	Review various documents responsive to National Wood's request for production of documents, request for admissions, and interrogatories to APCO; and begin preparing APCO response thereto.	2.2	\$ 495.00	\$ -	\$ 495.00
12/29/2016	CSM	Analysis and strategy regarding the form and style of discovery to both APCO and Camco; and draft correspondence to counsel for Camco to address discovery and motion for summary judgment issues.	0.3	\$ 67.50	\$ 33.75	\$ 33.75
12/28/2016	CSM	Assess, analyze and review Camco's disclosures of documents for determination of evidence required for motion summary judgment on time period regarding control of the project.	0.3	\$ 67.50	\$ 33.75	\$ 33.75
12/30/2016	TF	Meeting to discuss status of litigation and preparation of litigation binders.	0.3	\$ 37.50	\$ 18.75	\$ 18.75
12/30/2016	JCJ	Compare discovery requests to client versus those to Camco; formulate solution and best joint efforts; communicate with office of counsel for Camco re same.	0.7	\$ 210.00	\$ 105.00	\$ 105.00
1/2/2017	CSM	Analysis and strategy regarding National Wood's discovery responses to APCO's discovery and various arguments attempting to tie damages to both Camco and Apco.	0.8	\$ 180.00	\$ -	\$ 180.00
1/3/2017	JCJ	Review status with staff, formulate things to do, strategize on the 14 against APCO, how to attack the 3 only against client, best possible joint efforts with Camco on the 11 against both, review and analyze various documents in context of if pay if paid.	2.2	\$ 880.00	\$ 47.14	\$ 47.14
1/3/2017	KAW	Research procedural posture, intervenor, and issues with statement of claim; begin review of client file.	0.4	\$ 90.00	\$ 45.00	\$ 45.00
1/3/2017	TF	Assess, analyze and review universe of claims by various subcontractors against APCO and Camco.	0.8	\$ 112.50	\$ 56.25	\$ 56.25
1/3/2017	TF	Update and prepare index regarding universe of claims by various subcontractors.	0.5	\$ 82.50	\$ 31.25	\$ 31.25
1/3/2017	TF	Assess, analyze and review universe of depository documents regarding contracts, liens, and ratifications for various subcontractors.	1.4	\$ 175.00	\$ 87.50	\$ 87.50
1/3/2017	CSM	Research and analysis of claims asserted by subcontractors for determination of claims that have to be proved up by the respective subcontractor and determination of any need for an expert to address industry standards; and conduct telephone calls with Camco.	2.5	\$ 582.50	\$ 281.25	\$ 281.25
1/3/2017	CSM	Assess, analyze and review issues with claims from National Wood as an intervenor in the action, and direct associate to conduct research on various intervenor issues.	0.4	\$ 90.00	\$ -	\$ 90.00
1/3/2017	CSM	Assess, analyze and review various documents to prove up when Camco took official control of the project versus claims APCO remained in control past ratification date.	0.7	\$ 157.50	\$ 78.75	\$ 78.75
1/4/2017	KAW	Outline issues for memorandum regarding post-appeal intervenor and issues to look into.	0.3	\$ 87.50	\$ -	\$ 87.50
1/4/2017	TF	Assess, analyze and review universe of disclosed witnesses by all parties.	0.8	\$ 100.00	\$ 50.00	\$ 50.00
1/4/2017	TF	Prepare and review universe of documents in preparation of meeting with counsel for Camco.	0.5	\$ 62.50	\$ 31.25	\$ 31.25
1/4/2017	TF	Update and review matrix regarding various claims found in operating complaints.	0.4	\$ 50.00	\$ 25.00	\$ 25.00
1/4/2017	TF	Prepare and review universe of disclosed documents by all parties.	1.2	\$ 150.00	\$ 75.00	\$ 75.00
1/4/2017	TF	Create and review IPRO searches regarding ratification agreements and related documents.	0.6	\$ 75.00	\$ 37.50	\$ 37.50
1/4/2017	CSM	Draft detailed email to counsel for Camco regarding topics to cover in the forthcoming meeting.	0.4	\$ 90.00	\$ 45.00	\$ 45.00

Accounting Date	Attorney	Description	Hours	Amount	Allocated Amount to Helix	Allocated Amount to National Wood / Cabanlec
1/5/2017	TF	Assess, analyze and review universe of agreements between APCO and Gemstone Development West.	0.4	\$ 50.00	\$ 25.00	\$ 25.00
1/5/2017	TF	Assess, analyze and review universe of agreements between Camco and Gemstone Development West.	0.4	\$ 50.00	\$ 25.00	\$ 25.00
1/6/2017	KAW	Continue review of client file and court proceedings to ascertain information regarding National Wood Products, and the procedural posture of the case; organize information in outline.	0.6	\$ 180.00	\$ -	\$ 180.00
1/6/2017	KAW	Research Nevada Rule and case law regarding intervenors and potential options for opposing / dismissing an intervening party.	0.3	\$ 87.50	\$ -	\$ 87.50
1/6/2017	KAW	Begin more expansive research regarding intervenors and potential options for opposition or dismissal.	0.2	\$ 45.00	\$ -	\$ 45.00
1/6/2017	KAW	Begin research Nevada Law on statements of claims (as opposed to complaints).	0.2	\$ 45.00	\$ -	\$ 45.00
1/8/2017	CSM	Draft status email to client.	0.2	\$ 45.00	\$ 22.50	\$ 22.50
1/8/2017	CSM	Further analysis and strategy regarding claims and potential need for expert; and draft correspondence to client regarding same.	0.7	\$ 157.50	\$ 78.75	\$ 78.75
1/9/2017	KAW	Research issue regarding bankruptcy stay; research client documents to determine which parties are in bankruptcy.	0.3	\$ 87.50	\$ -	\$ 87.50
1/9/2017	KAW	Finish expansive research regarding intervenors and potential options for opposition or dismissal.	0.4	\$ 90.00	\$ -	\$ 90.00
1/9/2017	KAW	Finish researching Nevada Law on statements of claims (as opposed to complaints); research regarding waiver where no objection is made to statement of claims.	0.3	\$ 87.50	\$ -	\$ 87.50
1/9/2017	KAW	Research court website regarding additional documents.	0.2	\$ 45.00	\$ -	\$ 45.00
1/9/2017	KAW	Draft memorandum regarding issues identified by CSM, including intervenor, bankruptcy, and statement of facts.	1.6	\$ 360.00	\$ -	\$ 360.00
1/9/2017	KAW	Edit and finalize memorandum for submission to CSM.	0.3	\$ 87.50	\$ -	\$ 87.50
1/8/2017	TF	Compile and review operating complaints of various subcontractors.	0.7	\$ 87.50	\$ 43.75	\$ 43.75
1/10/2017	TF	Assess, analyze and review electronic depository regarding disclosures from various subcontractors.	1.6	\$ 200.00	\$ 100.00	\$ 100.00
1/10/2017	TF	Update and review claims matrix regarding operating complaints.	0.3	\$ 37.50	\$ 18.75	\$ 18.75
1/10/2017	CSM	Assess, analyze and review Helix's opposition to motion to dismiss; outline arguments for same; research case law; and direct associate to prepare initial argument.	1	\$ 225.00	\$ 225.00	
1/11/2017	TF	Update and review litigation matrix regarding subcontractor discovery disclosures.	0.4	\$ 50.00	\$ 25.00	\$ 25.00
1/11/2017	TF	Draft and prepare seventh supplemental disclosure of witnesses and imaged documents.	0.6	\$ 75.00	\$ 37.50	\$ 37.50
1/11/2017	TF	Prepare and review documents to be disclosed in seventh supplemental disclosure of witnesses and imaged documents.	0.7	\$ 87.50	\$ 43.75	\$ 43.75
1/11/2017	TF	Assess, analyze and review discovery disclosures by subcontractors.	0.4	\$ 50.00	\$ 25.00	\$ 25.00
1/11/2017	CSM	Telephone calls with counsel for Camco and National Wood regarding discovery responses.	0.4	\$ 90.00	\$ -	\$ 90.00
1/12/2017	CSM	Telephone call with client regarding asserted claims against APCO and client's decision that an expert is not needed to defend the asserted claims for damages.	0.3	\$ 87.50	\$ 33.75	\$ 33.75
1/13/2017	CSM	Draft status email to client.	0.2	\$ 45.00	\$ 22.50	\$ 22.50
1/16/2017	CSM	Communicate via email and telephone with Paul's office regarding dismiss various claims.	0.4	\$ 90.00	\$ 90.00	\$ -
1/17/2017	TF	Assess, analyze and review assessor's database for updated ownership details.	0.4	\$ 50.00	\$ 25.00	\$ 25.00
1/17/2017	TF	Assess, analyze and review universe of claims made by various subcontractors.	0.7	\$ 87.50	\$ 43.75	\$ 43.75
1/17/2017	TF	Assess, analyze and review discovery for references to expert designations.	0.4	\$ 50.00	\$ 25.00	\$ 25.00
1/16/2017	TF	Formal and prepare additional documents for discovery disclosures and responses.	0.6	\$ 75.00	\$ 37.50	\$ 37.50
1/19/2017	CSM	Follow up with counsel for Camco regarding support information and documents for motion for summary judgment on pay if paid issues.	0.2	\$ 45.00	\$ 22.50	\$ 22.50
1/20/2017	CSM	Draft status email to client.	0.2	\$ 45.00	\$ 22.50	\$ 22.50
1/24/2017	JCJ	Analyze contradictory response from various contractors and vendors on whether for APCO or Camco and things to do against same.	0.3	\$ 90.00	\$ 45.00	\$ 45.00
1/24/2017	TF	Assess, analyze and review universe of disclosed documents for plans of original structures.	0.5	\$ 62.50	\$ 31.25	\$ 31.25
1/24/2017	CSM	Review various claims based upon discovery response of certain subcontractors compared to time of control of the project and the work and supplies directed by Camco.	0.6	\$ 135.00	\$ 67.50	\$ 67.50
1/27/2017	TF	Meeting with JCJ and CSM to discuss status of litigation and preparation of documents for upcoming evidentiary hearings.	0.3	\$ 37.50	\$ 18.75	\$ 18.75
1/27/2017	TF	Update litigation matrix with status of various parties.	0.3	\$ 37.50	\$ 18.75	\$ 18.75
1/27/2017	CSM	Draft status email to client.	0.2	\$ 45.00	\$ 22.50	\$ 22.50
1/30/2017	CSM	Assess, analyze and review order setting trial from court.	0.2	\$ 45.00	\$ 22.50	\$ 22.50
2/1/2017	CSM	Communicate with counsel from Paul's office regarding discovery issues and remaining claims.	0.2	\$ 55.00	\$ 55.00	
2/2/2017	CSM	Telephone call and email exchange with counsel for National Wood Products regarding discovery issues and claims.	0.2	\$ 55.00	\$ -	\$ 55.00
2/7/2017	TF	Assess, analyze and review universe of documents for change orders regarding various subcontractors with claims.	0.6	\$ 112.50	\$ 56.25	\$ 56.25
2/8/2017	CSM	Communicate with counsel for National Wood regarding by what authority National Wood claims to sustain its claims in the action.	0.2	\$ 55.00	\$ -	\$ 55.00
2/8/2017	CSM	Assess, analyze and review Helix's responses to APCO's written discovery.	0.4	\$ 110.00	\$ 110.00	\$ -
2/10/2017	CSM	Draft status correspondence to client.	0.2	\$ 55.00	\$ 27.50	\$ 27.50
2/13/2017	CSM	Assess, analyze and review litigation and deposition binder including various documents to develop legal strategies to defend against claims from Helix, Insulpro, Interstate, National Wood, NV Prefab, Steel Structures.	2.2	\$ 805.00	\$ 100.63	\$ 100.63
2/14/2017	CSM	Research issues with regard to NRS 108 and pay-if-paid due to certain language in the subcontracts.	1	\$ 275.00	\$ 137.50	\$ 137.50
2/15/2017	TF	Continue to compile and review universe of change orders regarding various subcontractors.	1.3	\$ 162.50	\$ 81.25	\$ 81.25
2/16/2017	JCJ	Prepare and organize for special master hearing; attend same; pre and post-hearing discussions with adverse counsel on list, Camco, depositions, motions and related concerns.	2	\$ 600.00	\$ 42.88	\$ 42.88
2/16/2017	TF	Meeting to discuss status of litigation and upcoming discovery deadlines.	0.4	\$ 50.00	\$ 25.00	\$ 25.00
2/16/2017	TF	Calculate and review amount of claims by remaining subcontractors.	0.5	\$ 62.50	\$ 31.25	\$ 31.25
2/16/2017	TF	Update and review litigation matrix regarding amount of claims by various subcontractors.	0.3	\$ 37.50	\$ 18.75	\$ 18.75
2/16/2017	TF	Prepare and review universe of documents in preparation for meeting with Special Master.	0.4	\$ 50.00	\$ 25.00	\$ 25.00
2/16/2017	CSM	Email exchange and telephone call with counsel for Camco regarding special master hearing.	0.5	\$ 137.50	\$ 68.75	\$ 68.75

Accounting Date	Attorney	Description	Hours	Amount	Allocated Amount to Helix	Allocated Amount to National Wood / Cabanec
2/18/2017	CSM	Prepare documents and timeline for special master hearing.	0.5	\$ 137.50	\$ 68.75	\$ 68.75
2/16/2017	CSM	Attend special master hearing, and pre and post hearing discussions with opposing counsel regarding status of case and depositions.	2	\$ 550.00	\$ 275.00	\$ 275.00
2/17/2017	JCJ	Review potential witnesses to depose, current posture given recent dismissals, main parties to litigation and things to do in context of same.	0.4	\$ 120.00	\$ 60.00	\$ 60.00
2/17/2017	TF	Assess, analyze and review universe of disclosed documents for contracts, ratification agreements, lien documents, and various relevant documents regarding Helix Electric.	0.9	\$ 112.50	\$ 112.50	\$ -
2/17/2017	TF	Assess, analyze and review universe of disclosed documents for contracts, ratification agreements, lien documents, and various relevant documents regarding National Wood and Cabinetec.	0.9	\$ 112.50	\$ -	\$ 112.50
2/17/2017	TF	Draft and prepare index regarding universe of documents regarding Helix Electric.	0.4	\$ 50.00	\$ 50.00	\$ -
2/17/2017	TF	Draft and prepare index regarding universe of documents regarding National Wood and Cabinetec.	0.4	\$ 50.00	\$ -	\$ 50.00
2/17/2017	CSM	Draft status email to client.	0.2	\$ 55.00	\$ 27.50	\$ 27.50
2/21/2017	JCJ	Review and search for documents in context of ratifications, separate agreements with Camco, emails or other documents supporting same on various lien claims and subcontractors, handwritten revisions to 3.9 and related issues.	2	\$ 600.00	\$ 300.00	\$ 300.00
2/21/2017	TF	Prepare for meeting to discuss litigation strategy and universe of relevant documents.	0.8	\$ 100.00	\$ 50.00	\$ 50.00
2/21/2017	TF	Meeting to discuss litigation strategy and upcoming deadlines.	0.6	\$ 75.00	\$ 37.50	\$ 37.50
2/21/2017	TF	Prepare and review universe of litigation binders regarding relevant documents for various subcontractors.	1.6	\$ 200.00	\$ 100.00	\$ 100.00
2/22/2017	TF	Assess, analyze and review universe of disclosed documents for executed ratification agreements and contracts between Camco and Gemstone.	1.4	\$ 175.00	\$ 87.50	\$ 87.50
2/23/2017	JCJ	Review with staff documents still needed, missing ratifications for remaining subs and/or no separate agreement with Camco, need alternative documents if no such ratification and agreement, things to do and related concerns.	0.5	\$ 150.00	\$ 75.00	
2/23/2017	TF	Meeting to discuss litigation strategy and preparation for upcoming hearings.	0.5	\$ 62.50	\$ 31.25	\$ 31.25
2/23/2017	TF	Itemize and review universe of documents regarding Cabinetec and Nevada Wood Products to be referenced in response to request for production of documents.	0.7	\$ 87.50	\$ -	\$ 87.50
2/23/2017	TF	Continue to assess, analyze and review universe of documents for executed subcontractors with various subcontractors.	0.9	\$ 112.50	\$ 56.25	\$ 56.25
2/23/2017	CSM	Analysis and strategy regarding special master's letter, parties identified therein, and various motion work moving forward.	0.8	\$ 220.00	\$ 110.00	\$ 110.00
2/23/2017	CSM	Analysis and strategy regarding order of depositions.	0.3	\$ 82.50	\$ 41.25	\$ 41.25
2/23/2017	CSM	Research issues with regard to ratifications; and potential documents to support a defence of client where ratifications are not present.	0.8	\$ 220.00	\$ 110.00	\$ 110.00
2/23/2017	CSM	Assess, analyze and review National Wood's logs, request for production of documents, and admissions; analysis and strategy regarding answering same, and direct paralegal to prepare documents for response to request for production.	0.8	\$ 185.00	\$ -	\$ 185.00
2/24/2017	TF	Assess, analyze and review filings of Cabinetec and National Wood Products regarding claims against APCO.	0.6	\$ 75.00	\$ -	\$ 75.00
2/24/2017	JCJ	Evaluate SM list in context of who can also be dismissed due to no discovery responses and other reasons; formulate topics for lien claimant PMRs; evaluate target for Initial MSJ on using NRS 624.626 language as basis; search and review legislative history.	3.7	\$ 1,110.00	\$ 39.29	\$ 39.29
2/24/2017	TF	Assess, analyze and review universe of discovery requests and interrogatories to various subcontractors and verify responses and deadlines.	0.9	\$ 112.50	\$ 56.25	\$ 56.25
2/24/2017	TF	Assess, analyze and review universe of documents for additional supporting information to Camco contracts.	1.1	\$ 137.50	\$ 68.75	\$ 68.75
2/24/2017	TF	Update and review litigation matrix regarding contracts between Camco and various subcontractors.	0.5	\$ 62.50	\$ 31.25	\$ 31.25
2/24/2017	CSM	Conduct additional research regarding paid if paid language in the subcontractors, and bringing motion on NRS 108 first versus pay if paid issue due to certain language in subcontractors and NRS 624.	0.5	\$ 137.50	\$ 68.75	\$ 68.75
2/24/2017	CSM	Draft status letter to client.	0.2	\$ 55.00	\$ 27.50	\$ 27.50
2/24/2017	CSM	Assess, analyze and review correspondence from client regarding remaining subcontractors, and draft additional status clarifying additional progress on case.	0.4	\$ 110.00	\$ 55.00	\$ 55.00
2/24/2017	CSM	Begin preparing APCO's general objection, definitions, and outlining written discovery response to National Wood's request for production, request for admissions, and logs.	1.5	\$ 412.50	\$ -	\$ 414.50
2/24/2017	AMH	Review status of each claimant and strategize resolution to each one.	1.3	\$ 390.00	\$ 27.85	\$ 27.85
2/27/2017	JCJ	Communicate with Camco re common joint effort on various contractors, pay if paid and related; evaluate possible NSOS or NSCB way to knock subs; draft response to SM re knocking out contractors not responding to questionnaire and dismiss NRS Ch 108 claim.	1.8	\$ 540.00	\$ 38.57	\$ 38.57
2/27/2017	TF	Assess, analyze and review memorandum prepared by Steve Morris, Esq. regarding pay-if-paid clause.	0.5	\$ 62.50	\$ 31.25	\$ 31.25
2/27/2017	TF	Assess, analyze and review NRS 624.626 regarding pay-if-paid clause.	0.3	\$ 37.50	\$ 18.75	\$ 18.75
2/27/2017	TF	Continue to assess, analyze and review universe of contracts between Camco and various subcontractors.	1.2	\$ 150.00	\$ 75.00	\$ 75.00
2/27/2017	CSM	Telephone conference with client regarding status of case and strategy moving forward.	0.4	\$ 110.00	\$ 55.00	\$ 55.00
2/27/2017	CSM	Research NRS 624 and develop legal strategy regarding motion work and deposition issues.	0.4	\$ 110.00	\$ 55.00	\$ 55.00
2/28/2017	JCJ	Receipt and review Paul objection to Apco request for SM to recommend dismissal of NRS 108 claims and SM response that such matter should be made formally via motion to Judge.	0.3	\$ 90.00	\$ 45.00	\$ 45.00
2/28/2017	CSM	Research and analysis regarding motion to dismiss versus taking the deposition of various parties to determine whether various subcontractors still have standing to assert claims.	0.5	\$ 137.50	\$ 68.75	\$ 68.75
2/28/2017	CSM	Prepare monthly status letter to client.	0.2	\$ 55.00	\$ 27.50	\$ 27.50
3/1/2017	TF	Research regarding current entity details of subcontractors with claims against APCO.	1.3	\$ 162.50	\$ 81.25	\$ 81.25
3/1/2017	TF	Meeting to discuss entity details of various subcontractors.	0.3	\$ 37.50	\$ 18.75	\$ 18.75
3/1/2017	CSM	Analysis and strategy regarding remaining subcontractors in action for response to special master.	0.3	\$ 82.50	\$ 41.25	\$ 41.25
3/1/2017	CSM	Analysis and strategy regarding NRS 108 motion and subcontractor entity details; and direct paralegal to locate recent information on certain subcontractors.	0.3	\$ 82.50	\$ 41.25	\$ 41.25
3/1/2017	CSM	Assess, analyze and review National Wood's requests for admissions; and supplement APCO's objection and responses to same.	2.5	\$ 687.50	\$ -	\$ 687.50
3/1/2017	CSM	Draft objections and assess, analyze and review various documents responsive to National Wood's request for production of documents.	1	\$ 275.00	\$ -	\$ 275.00
3/2/2017	TF	Meeting to discuss documents to be referenced in response to Cabinetec's discovery requests.	0.3	\$ 37.50	\$ -	\$ 37.50

Accounting Date	Attorney	Description	Hours	Amount	Allocated Amount to Helix	Allocated Amount to National Wood / Cebentec
3/2/2017	TF	Assess, analyze and review universe of discovery between Cabinotec and APCO.	0.5	\$ 82.50	\$ -	\$ 82.50
3/2/2017	TF	Assess, analyze and review universe of disclosed documents regarding Cabinotec and Nevada Wood Products for references to work completed at buildings 8 and 9.	0.7	\$ 87.50	\$ -	\$ 87.50
3/2/2017	TF	Assess, analyze and review universe of disclosed documents for ratification agreements with Cabinotec or Nevada Wood Products.	0.4	\$ 50.00	\$ -	\$ 50.00
3/2/2017	TF	Assess, analyze and review universe of disclosed maps and plans for references to building designations.	0.4	\$ 50.00	\$ 25.00	\$ 25.00
3/2/2017	CSM	Assess, analyze and review various documents and invoicing compared to project timelines (buildings 8 and 9) and Camco taking over control of the project to respond to National Wood's written discovery.	1.2	\$ 330.00	\$ -	\$ 330.00
3/2/2017	CSM	Draft APCO's objections and responses to National Wood's interrogatories to APCO.	2.2	\$ 605.00	\$ -	\$ 605.00
3/3/2017	TF	Continue to compile and review universe of documents to be referenced in discovery responses to Nevada Wood Products.	0.8	\$ 100.00	\$ -	\$ 100.00
3/3/2017	TF	Assess, analyze and review universe of documents produced by CAMCO for contracts with Gematone.	0.4	\$ 50.00	\$ 25.00	\$ 25.00
3/3/2017	TF	Conference call with Litigation Services regarding depository documents.	0.3	\$ 37.50	\$ 18.75	\$ 18.75
3/3/2017	CSM	Telephone call with client regarding case status.	0.2	\$ 55.00	\$ 27.50	\$ 27.50
3/3/2017	CSM	Finalize and execute discovery responses re National Wood.	0.8	\$ 165.00	\$ -	\$ 165.00
3/8/2017	TF	Assess, analyze and review discovery responses received to date and update litigation matrix.	0.6	\$ 75.00	\$ 37.50	\$ 37.50
3/8/2017	CSM	Draft outline for 30(b)(6) depositions of subcontractors.	1.3	\$ 357.50	\$ 178.75	\$ 178.75
3/8/2017	CSM	Research issues, statutes and case law with regard to dissolved companies to determine arguments to counter issues raised by opposing counsel about timing of filing of case.	0.5	\$ 137.50		\$ 68.75
3/9/2017	TF	Assess, analyze and review research regarding five year rule.	0.4	\$ 50.00	\$ 25.00	\$ 25.00
3/9/2017	JCJ	Search and review case law and statutes of other states on if or when revoked company is prohibited from filing and defending suit and related issues; formulate idea or argument to achieve goal and using combination of NRS Ch 78 provisions; draft MSJ with.	2.6	\$ 840.00	\$ -	\$ 80.00
3/9/2017	CSM	Analysis and strategy regarding motion for summary judgment against National Wood and NRS 108 motion.	0.4	\$ 110.00	\$ -	\$ 110.00
3/9/2017	CSM	Assess, analyze and review issues with discovery deadlines and 5 year rule.	0.2	\$ 55.00	\$ 27.50	\$ 27.50
3/9/2017	CSM	Research and analysis regarding order of motions on pay if paid clause, and more specific, bring paid if paid motion in separate case first in effort to set precedence.	0.4	\$ 110.00	\$ 55.00	\$ 55.00
3/9/2017	CSM	Assess, analyze and review various documents for Helix on the project to determine motion work and build legal strategy.	0.4	\$ 110.00	\$ 110.00	\$ -
3/10/2017	TF	Research regarding entity status of subcontractors with viable claims against APCO.	1.5	\$ 187.50		\$ 93.75
3/10/2017	TF	Update and review litigation matrix regarding entity status of various subcontractors.	0.8	\$ 75.00	\$ 37.50	\$ 37.50
3/10/2017	CSM	Draft supplements to litigation matrix with information provided from client.	0.3	\$ 82.50	\$ 41.25	\$ 41.25
3/13/2017	TF	Continue research regarding entity status of various subcontractors with claims against APCO.	0.8	\$ 100.00	\$ 50.00	\$ 50.00
3/13/2017	TF	Update and review litigation matrix regarding entity details of subcontractors.	0.5	\$ 82.50	\$ 31.25	\$ 31.25
3/14/2017	TF	Meeting with JCJ to discuss status of litigation and strategy for upcoming motions.	0.4	\$ 50.00	\$ 25.00	\$ 25.00
3/14/2017	TF	Research and review universe of ratification agreements between subcontractors and Camco.	1.7	\$ 212.50	\$ 106.25	\$ 106.25
3/14/2017	TF	Draft and prepare litigation matrix regarding status of various ratification agreements.	0.8	\$ 75.00	\$ 37.50	\$ 37.50
3/15/2017	TF	Meeting with JCJ and CSM to discuss subcontractors with viable claims against APCO and preparation of upcoming motions.	0.7	\$ 87.50	\$ 43.75	\$ 43.75
3/15/2017	TF	Continue to assess, analyze and review universe of disclosed documents for contracts between Camco and various subcontractors.	1.1	\$ 137.50	\$ 68.75	\$ 68.75
3/15/2017	JCJ	Strategize with staff solution to client summaries not supported by client documents or no documents to support client assertions, possible NRS 108 motion, Brian as client's sole witness, formulate things to do; search various sub documents on context of.	1.3	\$ 390.00	\$ 195.00	\$ 195.00
3/15/2017	TF	Prepare and review universe of documents in preparation for meeting with clients.	0.4	\$ 50.00	\$ 25.00	\$ 25.00
3/15/2017	CSM	Assess, analyze and review detailed order from court regarding order to show cause for issues related to appeal and any NRS 108 issues for future motion.	0.4	\$ 110.00	\$ 55.00	\$ 55.00
3/16/2017	JCJ	Search and review history of NRS 108 for support on land gone results in no more valid NRS 108 claims and possible kill off of contract or related claims.	1.8	\$ 540.00	\$ 270.00	\$ 270.00
3/16/2017	TF	Assess, analyze and review universe of Helix documents for payment details to APCO and Camco.	0.8	\$ 100.00	\$ 100.00	\$ -
3/16/2017	TF	Update and review litigation matrix regarding universe of disclosed documents for various subcontractors.	0.4	\$ 50.00	\$ 25.00	\$ 25.00
3/16/2017	CSM	Draft status correspondence to client.	0.2	\$ 55.00	\$ 27.50	\$ 27.50
3/17/2017	JCJ	Communicate with Camco counsel on NRS 108, legislative intent related documents, Untel, National Wood, Insu/Pro, depositions of PMKs and related.	0.3	\$ 90.00	\$ -	\$ 30.00
3/20/2017	CSM	Assess, analyze and review language of NRS 108 and 824 for analysis of motion regarding to cut of various lien claims.	0.8	\$ 165.00	\$ 82.50	\$ 82.50
3/24/2017	TF	Meeting to discuss status of various subcontractors and their claims.	0.3	\$ 37.50	\$ 18.75	\$ 18.75
3/24/2017	TF	Update and review litigation matrix regarding subcontractors and active claims.	0.6	\$ 75.00	\$ 37.50	\$ 37.50
3/24/2017	TF	Prepare and review litigation binders with updated entity details and universe of relevant documents.	1.3	\$ 162.50	\$ 81.25	\$ 81.25
3/24/2017	JCJ	Follow up with Camco re NRS 108 and related issues.	0.2	\$ 60.00	\$ 30.00	\$ 30.00
3/24/2017	CSM	Draft weekly status correspondence to client; assess, analyze and review response to same; and draft detailed response with attached motions.	0.6	\$ 165.00	\$ 82.50	\$ 82.50
3/27/2017	TF	Calculate and review remaining active claims from various subcontractors.	0.6	\$ 75.00	\$ 37.50	\$ 37.50
3/27/2017	TF	Format and prepare litigation matrix regarding calculation of claims by various subcontractors.	0.4	\$ 50.00	\$ 25.00	\$ 25.00
3/28/2017	TF	Meeting to discuss status of litigation and updated value of claims of various subcontractors.	0.3	\$ 37.50	\$ 18.75	\$ 18.75
3/28/2017	CSM	Draft additions to deposition notes and documents list.	0.5	\$ 137.50	\$ 68.75	\$ 68.75
3/28/2017	CSM	Analysis and strategy regarding case be re-assigned to Judge Linda Bell.	0.2	\$ 55.00	\$ 27.50	\$ 27.50
3/28/2017	CSM	Analysis and strategy regarding deposition binders for Helix and Zitting Brothers.	0.3	\$ 82.50	\$ 41.25	\$ -
3/29/2017	TF	Continue to compile and review various subcontractor disclosures for documents and references to active claims against APCO.	1.8	\$ 225.00	\$ 112.50	\$ 112.50
3/29/2017	CSM	Draft supplements to scope of testimony and direct filing of notices of deposition for PMK witnesses for subcontractors remaining in litigation.	0.5	\$ 137.50	\$ 68.75	\$ 68.75

Accounting Date	Attorney	Description	Hours	Amount	Allocated Amount to Helix	Allocated Amount to National Wood / Cabinetec
3/30/2017	TF	Assess, analyze and review universe of Helix Electric of Nevada documents regarding claims.	0.8	\$ 100.00	\$ 100.00	\$ -
3/30/2017	TF	Meeting with JCI regarding litigation strategy against Nevada Prefab, Helix Electric, Accuracy Glass, and Interstate Plumbing.	0.4	\$ 50.00	\$ 12.50	\$ -
3/31/2017	TF	Email exchange with client regarding remaining subcontractors with active claims against APCO.	0.2	\$ 25.00	\$ 12.50	\$ 12.50
3/31/2017	TF	Prepare and review requested National Wood Product documents for review by client.	0.2	\$ 25.00	\$ -	\$ 25.00
3/31/2017	CSM	Telephone call with client regarding status of case.	0.2	\$ 55.00	\$ 27.50	\$ 27.50
3/31/2017	TF	Assess, analyze and review universe of Cabinetec documents for conditional waivers and releases.	0.7	\$ 87.50	\$ -	\$ 87.50
4/3/2017	TF	Email exchange with Joe Pelan regarding intervenor documents filed by National Wood Products.	0.2	\$ 25.00	\$ -	\$ 25.00
4/3/2017	TF	Prepare and review requested National Wood Products filings for review by Joe Pelan.	0.3	\$ 37.50	\$ -	\$ 37.50
4/3/2017	CSM	Communicate with client regarding issues with National Wood and documents needed to assist with defense of claims, and direct paralegal to prepare and provide client with various documents.	0.5	\$ 137.50	\$ -	\$ 137.50
4/4/2017	TF	Prepare and review universe of subcontractor documents in preparation for upcoming depositions.	0.8	\$ 100.00	\$ 50.00	\$ 50.00
4/4/2017	TF	Update and review litigation matrix in preparation for upcoming depositions.	0.4	\$ 50.00	\$ 25.00	\$ 25.00
4/4/2017	CSM	Draft email to client regarding remaining parties in the litigation.	0.2	\$ 55.00	\$ 27.50	\$ 27.50
4/4/2017	CSM	Draft monthly status correspondence to client.	0.3	\$ 82.50	\$ 41.25	\$ 41.25
4/5/2017	TF	Research regarding entity details of Cabinetec, Inc. and National Wood Products, Inc.	0.4	\$ 50.00	\$ -	\$ 50.00
4/5/2017	TF	Assess, analyze and review universe of documents disclosed in National Wood Product, Inc.'s first supplemental disclosures pursuant to NRCP 18.1	0.6	\$ 75.00	\$ -	\$ 75.00
4/5/2017	TF	Prepare and review universe of National Wood Product's documents in preparation for upcoming depositions.	0.8	\$ 100.00	\$ -	\$ 100.00
4/8/2017	TF	Calculate and update value of claims by various subcontractors in preparation for upcoming depositions.	0.6	\$ 75.00	\$ 37.50	\$ 37.50
4/8/2017	TF	Assess, analyze and review universe of documents provided by Joe Pelan for discovery disclosures.	0.6	\$ 75.00	\$ 37.50	\$ 37.50
4/8/2017	TF	Draft and prepare APCO Construction's seventh supplemental disclosure of Imaged documents.	0.7	\$ 87.50	\$ 43.75	\$ 43.75
4/8/2017	TF	Conference call with Litigation Services regarding availability of opposing counsel's discovery productions.	0.4	\$ 50.00	\$ 25.00	\$ 25.00
4/7/2017	TF	Continue to compile and prepare universe of documents to be disclosed in seventh supplemental disclosure of Imaged documents.	0.8	\$ 100.00	\$ 50.00	\$ 50.00
4/7/2017	CSM	Draft status correspondence to client.	0.3	\$ 82.50	\$ 41.25	\$ 41.25
4/7/2017	CSM	Assess, analyze and review various issues with Helix documents and research and analysis of various correspondence and unexecuted ratification agreements.	0.5	\$ 137.50	\$ 137.50	\$ -
4/11/2017	TF	Assess, analyze and review universe of executed ratifications and subcontractor agreements in preparation of upcoming depositions.	0.9	\$ 112.50	\$ 56.25	\$ 56.25
4/12/2017	TF	Continue to prepare and review documents regarding Zitting Brothers, Helix Electric, and Interstate in preparation for upcoming depositions.	1.1	\$ 137.50	\$ 45.83	\$ -
4/12/2017	TF	Update and review litigation matrix regarding executed ratification and subcontract details.	0.4	\$ 50.00	\$ 25.00	\$ 25.00
4/12/2017	CSM	Communicate with client regarding licence issue; conduct telephone calls regarding same, and draft detailed correspondence to client.	1.2	\$ 330.00	\$ 165.00	\$ 165.00
4/14/2017	CSM	Follow up with counsel for various subcontractors regarding available dates for depositions of their corporate representative.	0.5	\$ 137.50	\$ 68.75	\$ 68.75
4/14/2017	CSM	Assess, analyze and review Helix Electric of Nevada, LLC's first set of requests for admissions, first set of requests for production of documents, and first set of interrogatories to APCO Construction.	0.5	\$ 137.50	\$ 137.50	\$ -
4/14/2017	CSM	Review depository index for documents from Helix and Zitting.	0.4	\$ 110.00	\$ 55.00	\$ -
4/18/2017	MSE	Perform legal research on the possibility of resolving mechanic's liens through unjust enrichment theory.	0.3	\$ 90.00	\$ 45.00	\$ 45.00
4/19/2017	TF	Continue to prepare and review universe of National Wood Product and Skyline Insulation documents in preparation for upcoming depositions.	0.9	\$ 112.50	\$ -	\$ 56.25
4/19/2017	TF	Assess, analyze and review universe of liens and update litigation matrix.	0.7	\$ 87.50	\$ 43.75	\$ 43.75
4/19/2017	TF	Meeting with CSM to discuss status of litigation and preparation for upcoming depositions.	0.3	\$ 37.50	\$ 18.75	\$ 18.75
4/20/2017	TF	Prepare and review universe of Helix Electric documents for review by Brian Benson in preparation for his upcoming depositions.	0.8	\$ 100.00	\$ 100.00	\$ -
4/20/2017	TF	Assess, analyze and review universe of documents for agreements and contracts between Camco and Geraldine.	0.4	\$ 50.00	\$ 25.00	\$ 25.00
4/20/2017	TF	Assess, analyze and review universe of mechanic's liens.	0.4	\$ 50.00	\$ 25.00	\$ 25.00
4/20/2017	CSM	Review various documents produced by Helix in preparation of meeting with client and taking the deposition of Helix's corporate designee.	1.2	\$ 330.00	\$ 330.00	\$ -
4/20/2017	AMH	Review outstanding amounts to subcontractors.	0.3	\$ 90.00	\$ 45.00	\$ 45.00
4/21/2017	TF	Meeting to discuss status of litigation and preparation for upcoming depositions.	0.6	\$ 75.00	\$ 37.50	\$ 37.50
4/21/2017	TF	Draft and prepare subpoena duces tecum to Martin-Harris Construction regarding Helix Electric documents.	0.7	\$ 87.50	\$ 87.50	\$ -
4/21/2017	TF	Assess, analyze and review universe of lien documents disclosed by all parties.	0.8	\$ 100.00	\$ 50.00	\$ 50.00
4/21/2017	TF	Update and review litigation matrix with filed lien amounts.	0.4	\$ 50.00	\$ 25.00	\$ 25.00
4/21/2017	AMH	Strategize completion of remaining discovery: review defenses and any supporting documentation, strategize needed documentation and preparation for depositions, calculate balance of claims without attorneys fees; telephone conference with [REDACTED] regarding the same.	1.6	\$ 480.00	\$ 34.28	\$ 34.28
4/21/2017	CSM	Draft subpoena to Martin-Harris regarding Helix.	0.5	\$ 137.50	\$ 137.50	\$ -
4/21/2017	CSM	Draft weekly status letter to client.	0.3	\$ 82.50	\$ 41.25	\$ 41.25
4/21/2017	CSM	Telephone call with client, and send confirming email to Brian regarding meeting to discuss deposition preparation.	0.5	\$ 137.50	\$ 68.75	\$ 68.75
4/21/2017	CSM	Analysis and strategy regarding order and dates for upcoming depositions.	0.5	\$ 137.50	\$ 68.75	\$ 68.75
4/21/2017	CSM	Assess, analyze and review plaintiff in intervention National Wood Products Inc. notice of deposition of defendant in intervention APCO Construction and request for production of documents thereat; and strategy for handling of same.	0.3	\$ 82.50	\$ -	\$ 82.50
4/26/2017	CSM	Assess, analyze and review Helix Electric of Nevada, LLC's notice of 30(b)(6) deposition of APCO Construction and Zitting Brothers Construction, Inc.'s notice of deposition of APCO Construction pursuant to NRCP 30(b)(6).	0.4	\$ 110.00	\$ 110.00	\$ -
4/27/2017	TF	Conference call with Halo Discovery regarding documents needed for meeting with Brian Benson.	0.2	\$ 25.00	\$ 12.50	\$ 12.50
4/27/2017	TF	Calculate and review filed liens and update litigation matrix.	0.4	\$ 50.00	\$ 25.00	\$ 25.00
4/27/2017	TF	Prepare and review universe of documents in preparation of meeting with [REDACTED] and Brian Benson.	0.7	\$ 87.50	\$ 43.75	\$ 43.75

Accounting Date	Attorney	Description	Hours	Amount	Allocated Amount to Helix	Allocated Amount to National Wood / Cabentec
4/27/2017	JCJ	Strategize and review with staff what information and positions are needed from client in context of depositions, defenses and assertions of zero or nominal amount owed.	1	\$ 300.00	\$ 150.00	\$ 150.00
4/27/2017	TF	Meeting with JCJ and CSM to discuss status of litigation and preparation for upcoming depositions.	0.7	\$ 87.50	\$ 43.75	\$ 43.75
4/27/2017	TF	Meeting with [REDACTED] and Brian Benson regarding upcoming 30(b)(6) depositions and status of litigation.	2.8	\$ 350.00	\$ 175.00	\$ 175.00
4/27/2017	CSM	Prepare deposition outline questions; and prepare documents from Helix and Zitting for meeting with Brian Benson for deposition preparation.	2.2	\$ 605.00	\$ 302.50	\$ -
4/27/2017	CSM	Conduct final preparations for and conduct initial deposition preparation of Brian Benson.	2.8	\$ 770.00	\$ 385.00	\$ 385.00
4/28/2017	TF	Prepare and review requested documents for review by Brian Benson in preparation for upcoming depositions.	0.4	\$ 50.00	\$ 25.00	\$ 25.00
4/28/2017	TF	Update litigation matrix regarding universe of disclosed documents by various parties.	0.3	\$ 37.50	\$ 18.75	\$ 18.75
4/28/2017	TF	Format and prepare universe of Nevada Wood Product disclosed documents for review by Brian Benson in preparation for his upcoming depositions.	0.5	\$ 62.50	\$ -	\$ 62.50
4/28/2017	CSM	Assess, analyze and review correspondence from Brian Benson regarding documents; draft response to same; and direct paralegal to prepare and provide Brian with all documents produced for parties still in the litigation.	0.4	\$ 110.00	\$ 55.00	\$ 55.00
5/1/2017	TF	Prepare and review additional Helix Electric documents for review by Brian Benson in preparation for his upcoming depositions.	0.7	\$ 87.50	\$ 67.50	\$ -
5/1/2017	TF	Prepare and review additional National Wood Product documents for review by Brian Benson in preparation for his upcoming depositions.	0.8	\$ 100.00	\$ -	\$ 100.00
5/1/2017	JCJ	Review various documents of clients and subs, pay applications, emails and related concerns; analyze best use of same, what is still needed in context of defense and upcoming depositions, various legal assertions, possible ways to work down the claims.	4.6	\$ 1,380.00	\$ 170.00	\$ 170.00
5/1/2017	TF	Format and prepare exhibits for status letter to [REDACTED]	0.4	\$ 50.00	\$ 25.00	\$ 25.00
5/1/2017	CSM	Assess, analyze and review binders for Helix Electric, Zitting Brothers, and National Wood Product and direct paralegal to provide to client.	0.4	\$ 110.00	\$ 38.87	\$ 38.87
5/2/2017	TF	Assess, analyze and review universe of disclosures by previous counsel.	0.8	\$ 75.00	\$ 37.50	\$ 37.50
5/2/2017	TF	Conference call with Litigation Services regarding universe of deposited documents and index regarding disclosures.	0.3	\$ 37.50	\$ 18.75	\$ 18.75
5/2/2017	TF	Assess, analyze and review universe of disclosed documents for photo and video files of project.	0.7	\$ 87.50	\$ 43.75	\$ 43.75
5/2/2017	TF	Assess, analyze and review universe of deposition notices and update matrix regarding upcoming depositions.	0.4	\$ 50.00	\$ 25.00	\$ 25.00
5/2/2017	CSM	Meet with client regarding status of case and to acquire various documents.	0.5	\$ 137.50	\$ 68.75	\$ 68.75
5/2/2017	TF	Assess, analyze and review subcontractor files and universe of electronic data provided by Joe Pelan.	1.8	\$ 225.00	\$ 112.50	\$ 112.50
5/2/2017	TF	Meeting with JCJ and CSM to discuss status of litigation and preparation for upcoming depositions.	0.5	\$ 62.50	\$ 31.25	\$ 31.25
5/2/2017	JCJ	Review various documents of clients and subs, photos, videos, pay applications, emails and related issues; analyze best use of same, what is still needed in context of defense and upcoming depositions.	6.2	\$ 1,860.00	\$ 132.86	\$ 132.86
5/3/2017	JCJ	Review various documents of clients and subs, photos, videos, pay history, issues on payments, emails and related, analyze best use of same, what is still needed in context of defense and upcoming depositions.	5.6	\$ 1,680.00	\$ 120.00	\$ 120.00
5/3/2017	TF	Assess, analyze and review universe of disclosures for contracts and lien documents regarding United Subcontractors.	0.7	\$ 87.50	\$ 43.75	\$ 43.75
5/3/2017	TF	Draft and prepare seventh supplemental disclosure of imaged documents.	0.5	\$ 62.50	\$ 31.25	\$ 31.25
5/3/2017	TF	Format and prepare universe of video files provided by client for discovery disclosures and responses.	0.7	\$ 87.50	\$ 43.75	\$ 43.75
5/3/2017	CSM	Draft monthly status report to client.	0.2	\$ 55.00	\$ 27.50	\$ 27.50
5/3/2017	CSM	Assess, analyze and review various documents disclosed from client for remaining subcontractors regarding submittals, costs and scope of work performed toward the end of the project.	2.8	\$ 770.00	\$ 385.00	\$ 385.00
5/4/2017	TF	Email exchange with Litigation Services regarding deposit of video files in APCO's seventh supplemental disclosure of documents.	0.2	\$ 25.00	\$ 12.50	\$ 12.50
5/4/2017	CSM	Assess, analyze and review change orders, daily reports, liens, requests and project manual in preparation for deposition of various subcontractors' corporate designee.	2.6	\$ 715.00	\$ 357.50	\$ 357.50
5/4/2017	JCJ	Prepare and organize for special master hearing; attend hearing, post-hearing discussions with various sub counsel.	1.2	\$ 360.00	\$ 180.00	\$ 180.00
5/5/2017	CSM	Telephone call with client regarding document disclosure and depositions.	0.5	\$ 137.50	\$ 68.75	\$ 68.75
5/5/2017	CSM	Follow up regarding subpoena to Martin Harris.	0.2	\$ 55.00	\$ 55.00	\$ -
5/5/2017	TF	Finalize and prepare subpoena duces tecum to Martin-Harris Construction.	0.3	\$ 37.50	\$ 37.50	\$ -
5/5/2017	CSM	Draft weekly status correspondence to client.	0.2	\$ 55.00	\$ 27.50	\$ 27.50
5/5/2017	JCJ	Review various documents of clients and subs, photos, videos, pay history, issues on payments, emails and related; analyze best use of same, what is still needed in context of defense and upcoming depositions, various legal assertions, possible ways to work down the claims.	4.1	\$ 1,230.00	\$ 615.00	\$ 615.00
5/5/2017	TF	Assess, analyze and review prior discovery responses to Helix Electric.	0.3	\$ 37.50	\$ 37.50	\$ -
5/5/2017	CSM	Assess, analyze and review various documents disclosed from client on disc 2 with regard to construction control documents and communications with same, daily reports, and change orders.	2.7	\$ 742.50	\$ 371.25	\$ 371.25
5/5/2017	JCJ	Communicate with adverse sub counsel Eric re events of SM hearing.	0.2	\$ 60.00	\$ 60.00	\$ -
5/5/2017	TF	Continue to assess, analyze and review universe of documents in preparation for upcoming depositions for Helix Electric, Interstate Plumbing, Zitting Brothers, and United Subcontractors.	1.7	\$ 212.50	\$ 53.13	\$ -
5/8/2017	CSM	Assess, analyze and review various documents from disc 3 provided from client for determination and strategy of defense against remaining subcontractors, including, but not limited to, change orders, payment apps #9, #10, & #11, and accounting job site file.	3.6	\$ 1,045.00	\$ 522.50	\$ 522.50
5/8/2017	JCJ	Review owed amount chart of client, various documents of CAMCO, client and subs, photos, videos, pay history, issues on payments, emails and related; analyze best use of same, what is still needed in context of defense and upcoming depositions.	5.3	\$ 1,590.00	\$ 113.57	\$ 113.57
5/8/2017	TF	Meeting with CSM and JCJ to discuss litigation strategy and preparation for upcoming depositions of Brian Benson and various subcontractors.	0.4	\$ 50.00	\$ 25.00	\$ 25.00
5/8/2017	TF	Continue to prepare and review universe of documents for United Subcontractors, Helix Electric, Zitting Brothers, and Interstate Plumbing in preparation for upcoming depositions.	1.3	\$ 182.50	\$ 40.63	\$ -
5/8/2017	TF	Meeting with JCJ and CSM to discuss preparation for upcoming depositions.	0.3	\$ 37.50	\$ 18.75	\$ 18.75
5/8/2017	TF	Assess, analyze and review universe of pay applications, accounting documents, and job site files in preparation for upcoming depositions.	1.6	\$ 200.00	\$ 100.00	\$ 100.00

Accounting Date	Attorney	Description	Hours	Amount	Allocated Amount to Helix	Allocated Amount to National Wood / Cabinetec
5/8/2017	CSM	Analysis and strategy regarding notices of deposition and preparation, strategy and coverage for same.	0.3	\$ 82.50	\$ 41.25	\$ 41.25
5/8/2017	CSM	Draft correspondence to client regarding scope of requested documents.	0.1	\$ 27.50	\$ 13.75	\$ 13.75
5/8/2017	CSM	Assess, analyze and review matrix provided from client regarding values paid to subcontractors.	0.3	\$ 82.50	\$ 41.25	\$ 41.25
5/8/2017	CSM	Assess, analyze and review various releases and change orders; and assess, analyze and review correspondence from client regarding same.	0.4	\$ 110.00	\$ 55.00	\$ 55.00
5/8/2017	TF	Assess, analyze and review universe of disclosed documents regarding National Wood Products and prepare for upcoming depositions.	0.8	\$ 75.00	\$ -	\$ 75.00
5/9/2017	JCJ	Communicate with sub counsel on depo of APCO PMK, with SM Hale's office re same; draft letter to all parties on APCO's deposition per SM Hale; review disclosed documents of National Wood and related, owed amount chart of client, various documents of CAMCO	3.3	\$ 990.00	\$ 495.00	\$ 495.00
5/9/2017	TF	Conference call with Holo Discovery regarding preparation of deposition binders.	0.3	\$ 37.50	\$ 18.75	\$ 18.75
5/9/2017	TF	Meeting with Holo Discovery regarding preparation of deposition binders.	0.2	\$ 25.00	\$ 12.50	\$ 12.50
5/9/2017	CSM	Assess, analyze and review special master order on discovery issues.	0.1	\$ 27.50	\$ 13.75	\$ 13.75
5/10/2017	JCJ	Prepare and organize for National Wood depo of CAMCO, attend same and in context of what they will want from APCO, and post-deposition discussions with National Wood Cabinetec counsel regarding amounts, documents, pay applications and related.	2.4	\$ 720.00	\$ -	\$ 720.00
5/10/2017	TF	Calculate and review updated claim amounts made against APCO	0.8	\$ 75.00	\$ 37.50	\$ 37.50
5/10/2017	TF	Draft and prepare matrix regarding claim amounts to be provided to [REDACTED]	0.2	\$ 25.00	\$ 12.50	\$ 12.50
5/10/2017	TF	Continue to assess, analyze and review universe of pay applications and job site files previously produced by counsel.	1.2	\$ 150.00	\$ 75.00	\$ 75.00
5/10/2017	CSM	Assess, analyze and review draft correspondence to client; research and analysis of various exposure issues for letter requested by client; and draft supplements to same	1	\$ 275.00	\$ 137.50	\$ 137.50
5/10/2017	CSM	Communicate with client regarding deposition preparation.	0.2	\$ 55.00	\$ 27.50	\$ 27.50
5/10/2017	CSM	Analysis and strategy for each remaining subcontractors' estimated value of potential allocation between APCO and Camco.	0.5	\$ 137.50	\$ 68.75	\$ 68.75
5/11/2017	TF	Prepare and review universe of documents to be referenced in discovery responses	0.8	\$ 100.00	\$ 50.00	\$ 50.00
5/11/2017	JCJ	Review and search for emails and documents on problems with work, labor, materials or other ways to reject work or pay involving remaining subs, Gemstone pay history, delinquent and change orders of subcontractors in context of alleged claim amount.	3.8	\$ 1,140.00	\$ 570.00	\$ 570.00
5/11/2017	CSM	Assess, analyze and review various Helix documents to direct response to Helix's request for production of documents.	0.8	\$ 220.00	\$ 220.00	\$ -
5/11/2017	CSM	Assess, analyze and review amended notices of deposition from Zitting Brothers and National Wood for APCO's corporate designees.	0.1	\$ 27.50	\$ -	\$ 13.75
5/11/2017	CSM	Assess, analyze and review contractor jobsite files for Helix and Interstate.	1.7	\$ 467.50	\$ 233.75	\$ -
5/12/2017	CSM	Assess, analyze and review supreme court order and case law, and strategize regarding NRS 108 motion.	0.8	\$ 220.00	\$ 110.00	\$ 110.00
5/12/2017	TF	Assess, analyze and review documents regarding Nevada Construction Services.	0.4	\$ 50.00	\$ 25.00	\$ 25.00
5/12/2017	TF	Update and review litigation matrix regarding claims against APCO.	0.3	\$ 37.50	\$ 18.75	\$ 18.75
5/12/2017	TF	Assess, analyze and review universe of disclosed Helix Electric documents and itemize in preparation of discovery responses.	0.7	\$ 87.50	\$ 87.50	\$ -
5/12/2017	TF	Meeting with CSM to discuss universe documents to be referenced in discovery responses	0.3	\$ 37.50	\$ 18.75	\$ 18.75
5/12/2017	CSM	Draft status correspondence to client; assess, analyze and review correspondence from client, and respond to same.	0.3	\$ 82.50	\$ 41.25	\$ 41.25
5/12/2017	CSM	Research and analysis of case law with regard to NRS 108 rights being extinguished by judicial sale and priority issues.	0.6	\$ 165.00	\$ 82.50	\$ 82.50
5/12/2017	JCJ	Communicate with office of counsel for Helix on their upcoming depositions of CAMCO	0.2	\$ 60.00	\$ 60.00	\$ -
5/12/2017	JBL	Draft APCO's responses to Helix's first set of admissions.	0.6	\$ 135.00	\$ 135.00	\$ -
5/12/2017	NMS	Conduct research on whether a foreclosure sale wipes out mechanic's liens on a property.	1.4	\$ 315.00	\$ 157.50	\$ 157.50
5/15/2017	CSM	Assess, analyze and review various documents in preparation of supplementing discovery requests (requests for admissions, request for documents, and interrogatories) from Helix; and draft supplements to all responses to Helix's written discovery.	2.2	\$ 605.00	\$ 605.00	\$ -
5/15/2017	JCJ	Prepare and organize for Helix depo of CAMCO in context of APCO defense, appearance at same and communicate with staff of counsel for HELIX on their documents against APCO, change orders, their position on NRS 108 still alive, case law in context of same	1.4	\$ 420.00	\$ 420.00	\$ -
5/18/2017	JCJ	Communicate with Zitting regarding documents, depositions and related; communicate with counsel for HELIX; draft amended depo of Helix; communicate with Uinfex regarding order granting MSJ without prejudice.	0.5	\$ 150.00	\$ 75.00	\$ -
5/18/2017	CSM	Assess, analyze and review various payment documents from Helix and Interstate in preparation of deposition preparation of APCO's PMK.	0.5	\$ 137.50	\$ 137.50	\$ -
5/18/2017	CSM	Prepare for and participate in deposition preparation of client.	2.2	\$ 605.00	\$ 302.50	\$ 302.50
5/18/2017	TF	Prepare and review universe of documents in preparation of meeting with Brian Benson.	0.7	\$ 87.50	\$ 43.75	\$ 43.75
5/18/2017	CSM	Assess, analyze and review correspondence from counsel for Martin Harris regarding subpoenas for Helix documents; conduct telephone call with same; and correspond with counsel for Helix.	0.8	\$ 165.00	\$ 165.00	\$ -
5/18/2017	CSM	Assess, analyze and review photos provided from client; and direct paralegal to prepare for production.	0.8	\$ 165.00	\$ 82.50	\$ 82.50
5/18/2017	TF	Assess, analyze and review universe of pay applications for Cabinetec in preparation for upcoming depositions.	0.2	\$ 25.00	\$ -	\$ 25.00
5/18/2017	TF	Assess, analyze and review universe of pay applications for Helix Electric in preparation for upcoming depositions.	0.3	\$ 37.50	\$ 37.50	\$ -
5/19/2017	TF	Email exchange with Mary Jo Allen regarding documents for disclosure.	0.2	\$ 25.00	\$ 12.50	\$ 12.50
5/19/2017	TF	Assess, analyze and review additional universe of photos received from Brian Benson for discovery disclosures.	0.4	\$ 50.00	\$ 25.00	\$ 25.00
5/19/2017	CSM	Assess, analyze and review multiple amended notices for depositions, subpoenas, and new notices for client 30(b)(6) witnesses deposition.	0.8	\$ 165.00	\$ 82.50	\$ 82.50
5/19/2017	TF	Continue to assess, analyze and review universe of pay applications, accounting documents, and job site files in preparation for upcoming depositions.	1.3	\$ 162.50	\$ 81.25	\$ 81.25
5/22/2017	JCJ	Communicate with counsel for National Wood/Cabinetec re documents and depositions, communicate with Interstate counsel on no money owed to them; attempt contact with trustee for Accuracy; review with staff client documents regarding payments.	1.4	\$ 420.00	\$ -	\$ 140.00

Accounting Date	Attorney	Description	Hours	Amount	Allocated Amount to Helix	Allocated Amount to National Wood / Cabanec
5/22/2017	TF	Continue to draft and prepare seventh supplemental disclosure of imaged documents.	0.7	\$ 87.50	\$ 43.75	\$ 43.75
5/22/2017	TF	Continue to format and prepare video files to be disclosed in seventh supplemental disclosure of witnesses and imaged documents.	0.6	\$ 75.00	\$ 37.50	\$ 37.50
5/22/2017	TF	Assess, analyze and review universe of deposition notices and update litigation matrix.	0.2	\$ 25.00	\$ 12.50	\$ 12.50
5/22/2017	CSM	Analysis and strategy regarding scope of 30(b)(6) witnesses, which corporate designee will testify to various categories and analysis, assess and review correspondence from client and respond to same.	0.5	\$ 137.50	\$ 68.75	\$ 68.75
5/23/2017	TF	Assess, analyze and review universe of Cabanec change orders and prepare documents for upcoming depositions.	0.4	\$ 50.00	\$ -	\$ 50.00
5/23/2017	TF	Assess, analyze and review universe of Helix Electric change orders and prepare documents for upcoming depositions.	0.9	\$ 112.50	\$ 112.50	\$ -
5/23/2017	TF	Assess, analyze and review universe of accounting files for Accuracy Glass, Cabanec, Helix Electric, Interstate Plumbing, Nevada Prefab, Sierra Reinforcing Steel Structures, Skyline Insulation, Steel Structure, and Zitting Brothers in preparation for upcoming depositions.	1.8	\$ 225.00	\$ 11.25	\$ 11.25
5/23/2017	CSM	Communicate with client regarding binders of documents.	0.3	\$ 82.50	\$ 41.25	\$ 41.25
5/24/2017	TF	Assess, analyze and review universe of documents received from Martin Harris in response to subpoena duces tecum.	0.3	\$ 37.50	\$ 37.50	\$ -
5/24/2017	TF	Format and prepare universe of documents and videos provided by Martin Harris for discovery disclosures and responses.	0.6	\$ 75.00	\$ 75.00	\$ -
5/24/2017	TF	Continue to prepare and review universe of change orders, pay applications, accounting files, and job files for Cabanec, Helix Electric, Interstate Plumbing, and Nevada Prefab in preparation for upcoming depositions.	1.3	\$ 162.50	\$ 40.83	\$ 40.83
5/28/2017	TF	Continue to prepare and review universe of documents to be produced in seventh supplemental disclosure of imaged documents.	0.9	\$ 112.50	\$ 56.25	\$ 56.25
5/30/2017	CSM	Analysis and strategy regarding various deposition and settlement issues; and follow up regarding documents to be produced.	0.5	\$ 137.50	\$ 68.75	\$ 68.75
5/30/2017	JCJ	Communicate with Camco counsel re NRS 108 motion and they file motion on assumption of risk and related against subs.	0.3	\$ 90.00	\$ 45.00	\$ 45.00
5/30/2017	CSM	Assess, analyze and review correspondence from client regarding court order; and draft response to same.	0.2	\$ 55.00	\$ 27.50	\$ 27.50
5/30/2017	TF	Update and review litigation matrix regarding upcoming deposition schedule.	0.4	\$ 50.00	\$ 25.00	\$ 25.00
5/31/2017	CSM	Draft monthly status correspondence to client.	0.2	\$ 55.00	\$ 27.50	\$ 27.50
6/1/2017	TF	Assess, analyze and review discovery responses to Helix Electric.	0.3	\$ 37.50	\$ 37.50	\$ -
6/1/2017	TF	Assess, analyze and review universe of Helix Electric, Skyline Insulation, and Cabanec documents provided by client to be produced in discovery disclosures and responses.	0.6	\$ 75.00	\$ 25.00	\$ 25.00
6/1/2017	CSM	Assess, analyze and review various documents received from client; telephone call with client; analysis and strategy regarding deposition of APCO's PMK, Brian, assess, analyze and review correspondence from counsel for Helix regarding deposition and discovery.	1.5	\$ 412.50	\$ 412.50	\$ -
6/2/2017	JCJ	Communicate with adverse counsel re why client documents not fully deposited before first deposition; review with staff documents at depository recent events with client and action to take to solve same.	0.3	\$ 90.00	\$ 45.00	\$ 45.00
6/2/2017	TF	Draft and prepare APCO Construction's seventh supplemental disclosure of witnesses and imaged documents.	0.9	\$ 112.50	\$ 56.25	\$ 56.25
6/2/2017	TF	Assess, analyze and review universe of project documents provided by client to be disclosed in APCO Construction's seventh supplemental disclosure of witnesses and imaged documents.	1.8	\$ 225.00	\$ 112.50	\$ 112.50
6/2/2017	TF	Assess, analyze and review universe of documents for confidential and privileged information in preparation of APCO Construction's seventh supplemental disclosure of witnesses and imaged documents.	0.7	\$ 87.50	\$ 43.75	\$ 43.75
6/2/2017	TF	Conference calls with Joe Palan and Lisa Lynn regarding universe of documents to be produced in APCO Construction's seventh supplemental disclosure of witnesses and imaged documents.	0.3	\$ 37.50	\$ 18.75	\$ 18.75
6/2/2017	TF	Prepare and review universe of documents in preparation for the depositions of Brian Benson on June 5, 2017.	0.8	\$ 100.00	\$ 50.00	\$ 50.00
6/2/2017	TF	Conference call with Litigation Services regarding files to be deposited pursuant to APCO Construction's seventh supplemental disclosure of witnesses and imaged documents.	0.2	\$ 25.00	\$ 12.50	\$ 12.50
6/2/2017	CSM	Telephone call with client regarding deposition issues.	0.3	\$ 82.50	\$ 41.25	\$ 41.25
6/2/2017	CSM	Assess, analyze and review various documents provided from client for disclosure; communicate with Lisa regarding issues with same; and prepare client's 17th disclosure of documents for production.	2.5	\$ 887.50	\$ 343.75	\$ 343.75
6/2/2017	CSM	Analysis and strategy regarding client's upcoming deposition.	0.3	\$ 82.50	\$ 41.25	\$ 41.25
6/5/2017	JCJ	Communicate with Interstate counsel re their witness for depositions, documents and related; communicate with counsel for National Wood re their depositions and which documents alleged amount owed; prepare and organize to defend Brian Benson deposition.	7	\$ 2,100.00	\$ 150.00	\$ 150.00
6/5/2017	TF	Draft and prepare APCO Construction's eighth supplemental disclosure of witnesses and imaged documents.	0.8	\$ 75.00	\$ 37.50	\$ 37.50
6/5/2017	TF	Format and prepare universe of documents received from Martin Harris Construction in response to subpoena duces tecum to be produced in APCO Construction's eighth supplemental disclosure of witnesses and imaged documents.	0.8	\$ 100.00	\$ 100.00	\$ -
6/5/2017	TF	Conference call with Litigation Services regarding universe of documents produced in eighth supplemental disclosure.	0.2	\$ 25.00	\$ 12.50	\$ 12.50
6/5/2017	TF	Email exchange with Lisa Lynn regarding upcoming deposition of Helix PMK.	0.2	\$ 25.00	\$ 25.00	\$ -
6/6/2017	JCJ	Search and review various client documents re sub-contract drafts and related; communicate with Helix re their deposition; formulate things to do and options for client given deposition of Benson; status client re options and things to do.	2.8	\$ 840.00	\$ 840.00	\$ -
6/8/2017	TF	Prepare and review Helix Electric documents in preparation for meeting with Joe Palan.	0.5	\$ 62.50	\$ 62.50	\$ -
6/8/2017	TF	Format and prepare universe of Martin Harris documents for review by Joe Palan.	0.5	\$ 62.50	\$ 62.50	\$ -
6/8/2017	TF	Email exchange with Joe Palan regarding universe of Martin Harris documents.	0.2	\$ 25.00	\$ 25.00	\$ -
6/8/2017	CSM	Assess, analyze and review correspondence from client regarding Martin Harris documents; address issues with same; discuss same with client; and direct paralegal to provide to client.	0.5	\$ 137.50	\$ 137.50	\$ -
6/8/2017	CSM	Analysis and strategy regarding Mary Jo's deposition.	0.3	\$ 82.50	\$ 41.25	\$ 41.25
6/8/2017	CSM	Analysis and strategy regarding various potential settlement amounts.	0.2	\$ 55.00	\$ 27.50	\$ 27.50
6/7/2017	TF	Email exchange with Lisa Lynn regarding upcoming depositions.	0.2	\$ 25.00	\$ 12.50	\$ 12.50
6/7/2017	TF	Update and review deposition matrix regarding upcoming depositions.	0.3	\$ 37.50	\$ 18.75	\$ 18.75
6/8/2017	TF	Continue to prepare and review Helix Electric and Interstate Plumbing documents in preparation for meeting with Joe Palan.	0.5	\$ 62.50	\$ 31.25	\$ -

Accounting Date	Attorney	Description	Hours	Amount	Allocated Amount to Helix	Allocated Amount to National Wood / Cabinetc
8/9/2017	JCJ	Review documents of Accuracy and their procedural status in context of negating their claims going forward; communicate with client re depositions and related issues, review Camco discovery response to Helix.	1.1	\$ 330.00	\$ 330.00	\$ -
8/9/2017	TF	Update and review claim calculations pursuant to filed liens.	0.3	\$ 37.50	\$ 18.75	\$ 18.75
8/9/2017	CSM	Assess, analyze and review various notices of deposition and documents request made by National Wood.	0.2	\$ 55.00	\$ -	\$ 55.00
8/9/2017	CSM	Analyze and strategy regarding upcoming depositions.	0.2	\$ 55.00	\$ 27.50	\$ 27.50
8/9/2017	CSM	Assess, analyze and review discovery responses served by Camco to various contractors.	0.5	\$ 137.50	\$ 88.75	\$ 88.75
8/12/2017	JCJ	Communicate with Camco regarding what they have on Martin Harris in context of Helix, agreement on no more NRS 108 and related, review their discovery responses to several subs in context of APCO defense and related.	0.8	\$ 240.00	\$ 240.00	\$ -
8/12/2017	TF	Update and review deposition matrix regarding upcoming schedule depositions.	0.4	\$ 50.00	\$ 25.00	\$ 25.00
8/12/2017	TF	Email exchange with Lisa Lynn regarding upcoming deposition schedule and additional documents for discovery disclosures.	0.2	\$ 25.00	\$ 12.50	\$ 12.50
8/12/2017	TF	Assess, analyze and review Special Master orders regarding upcoming discovery deadlines.	0.2	\$ 25.00	\$ 12.50	\$ 12.50
8/12/2017	CSM	Communicate with client regarding upcoming depositions, special master order and documents to be disclosed.	0.5	\$ 137.50	\$ 68.75	\$ 68.75
8/15/2017	TF	Assess, analyze and review universe of documents received from Martin Harris in response to subpoena and compile contract documents between Helix Electric and Martin Harris Construction.	1.5	\$ 187.50	\$ 187.50	\$ -
8/15/2017	TF	Assess, analyze and review universe of documents disclosed by Helix Electric regarding contracts and agreements with Martin Harris Construction.	0.6	\$ 75.00	\$ 75.00	\$ -
8/15/2017	CSM	Analyze and strategy regarding NRS 108 motion for summary judgment.	0.2	\$ 55.00	\$ 27.50	\$ 27.50
8/16/2017	JCJ	Communicate with client re motions and related, review additional documents re Martin-Harris-Helix; communicate with Camco counsel re their PM testifying Helix fully paid for same work under Martin-Harris contract.	0.9	\$ 270.00	\$ 270.00	\$ -
8/16/2017	TF	Prepare and review additional universe of documents in preparation for upcoming depositions.	1.3	\$ 162.50	\$ 81.25	\$ 81.25
8/19/2017	JCJ	Receipt and review notice of new counsel for National Wood Cabinetc.	0.2	\$ 60.00	\$ -	\$ 60.00
8/19/2017	JCJ	Communicate with various subcounsel re NRS 108 fees survival even if lien knocked out and review case law re same; search and review court historical records and orders for supporting exhibits on NRS 108 motion; review case notes on NRC/P 12(b)(5) and 58 a.	3.2	\$ 980.00	\$ 480.00	\$ 480.00
8/19/2017	TF	Draft and prepare Index regarding Camco discovery responses in preparation for upcoming depositions.	0.5	\$ 62.50	\$ 31.25	\$ 31.25
8/19/2017	TF	Prepare and review documents in preparation for upcoming depositions.	0.6	\$ 75.00	\$ 37.50	\$ 37.50
8/19/2017	TF	Continue to assess, analyze and review Martin Harris disclosure for Helix Electric contract documents and prepare for upcoming depositions.	0.8	\$ 100.00	\$ 100.00	\$ -
8/20/2017	AMH	Strategize settlement options and amounts for Helix.	0.3	\$ 90.00	\$ 90.00	\$ -
8/20/2017	CSM	Review various documents from Martin Harris regarding Helix finishing the project.	1.5	\$ 412.50	\$ 412.50	\$ -
8/20/2017	CSM	Analyze and strategy of documents received from client, and upcoming deposition strategy.	0.8	\$ 220.00	\$ 110.00	\$ 110.00
8/20/2017	CSM	Telephone call with client regarding documents for various subcontractors for disclosure and pending issues.	0.3	\$ 82.50	\$ 41.25	\$ 41.25
8/21/2017	JCJ	Communicate with Interstate re APCO's documents and theme proceeding with CAMCO day two depositions.	0.2	\$ 60.00	\$ 30.00	\$ 30.00
8/21/2017	JCJ	Formulate breach of contract release or excuse; search and review possible local rulings and prior cases on force majeure as contract relief or performance excuse.	0.8	\$ 240.00	\$ 120.00	\$ 120.00
8/22/2017	JCJ	Attend 2nd deposition day of CAMCO; post-deposition discussions with CAMCO regarding force majeure, not know of defects or quality until the end and related issues; draft additional deposition points for Mary Jo; continue draft of motion on NRS 108.	3.8	\$ 1,140.00	\$ 81.43	\$ 81.43
8/22/2017	CSM	Email exchange and follow up telephone conference with client regarding documents and deposition issues.	0.4	\$ 110.00	\$ 55.00	\$ 55.00
8/22/2017	CSM	Draft supplements to status letter to client regarding case strategy and documents.	0.3	\$ 82.50	\$ 41.25	\$ 41.25
8/23/2017	JCJ	Revise and finalize motion NRS 108 and exhibits thereto; confirm with CAMCO re them not filing any motions as previously discussed.	1.4	\$ 420.00	\$ 210.00	\$ 210.00
8/23/2017	TF	Conference call with Litigation Services regarding universe of documents available in online depository.	0.3	\$ 37.50	\$ 18.75	\$ 18.75
8/23/2017	CSM	Analyze and strategy regarding outline for client's PMK deposition.	0.2	\$ 55.00	\$ 27.50	\$ 27.50
8/26/2017	TF	Assess, analyze and review additional documents received from client for discovery disclosures and responses.	0.8	\$ 75.00	\$ 37.50	\$ 37.50
8/26/2017	JCJ	Communicate with CAMCO re force majeure, with Zitting, National Wood/Cabinetc on no offer from client at this time and deposition; search and review case law and related re force majeure.	1.7	\$ 510.00	\$ -	\$ 170.00
8/26/2017	CSM	Analyze and strategy regarding upcoming depositions; and documents for same.	0.4	\$ 110.00	\$ 55.00	\$ 55.00
8/26/2017	CSM	Finalize and execute client motion to dismiss or in the alternative motion for summary judgment on NRS 108 claims.	0.3	\$ 82.50	\$ 41.25	\$ 41.25
8/27/2017	TF	Format and prepare documents to be produced in ninth supplemental disclosure of witnesses and imaged documents.	0.5	\$ 82.50	\$ 31.25	\$ 31.25
8/27/2017	TF	Draft and prepare ninth supplemental disclosure of witnesses and imaged documents.	0.6	\$ 75.00	\$ 37.50	\$ 37.50
8/27/2017	TF	Prepare and review universe of documents to be reviewed by Mary Jo Allen in preparation for her upcoming depositions.	1.3	\$ 162.50	\$ 81.25	\$ 81.25
8/27/2017	TF	Update and review litigation matrix regarding universe of disclosed documents.	0.4	\$ 50.00	\$ 25.00	\$ 25.00
8/27/2017	JCJ	Communicate with Zitting regarding depositions and with Helix on motion regarding NRS 108 claims; continue draft of outline for depo prep of Mary Jo and status client on all.	1.4	\$ 420.00	\$ 210.00	\$ -
8/27/2017	CSM	Assess, analyze and review client's outline for PMK, Mary Jo's, deposition and draft additions to same.	1	\$ 275.00	\$ 137.50	\$ 137.50
8/28/2017	TF	Assess, analyze and review universe of produced documents in preparation of upcoming deposition of Mary Jo Allen.	0.4	\$ 50.00	\$ 25.00	\$ 25.00
8/28/2017	TF	Assess, analyze and review universe of discovery responses.	0.8	\$ 75.00	\$ 37.50	\$ 37.50
8/28/2017	JCJ	Communicate with client re subs, claims, motions, fees and related.	0.3	\$ 60.00	\$ 45.00	\$ 45.00
8/28/2017	JCJ	Search and review various case law and legal re force majeure as defense when not specifically in agreement.	2.2	\$ 660.00	\$ 330.00	\$ 330.00
8/28/2017	CSM	Assess, analyze and review Helix documents provided from client.	0.6	\$ 185.00	\$ 185.00	\$ -
8/29/2017	JCJ	Analyze and review impact of revisions signed by parties to Helix contract with APCO to defense and claims.	0.8	\$ 240.00	\$ 240.00	\$ -
8/30/2017	TF	Draft and prepare email to Joe Pelen and Mary Jo Allen regarding discovery disclosures.	0.2	\$ 25.00	\$ 12.50	\$ 12.50

Accounting Date	Attorney	Description	Hours	Amount	Allocated Amount to Helix	Allocated Amount to National Wood / Cabenlec
8/30/2017	TF	Assess, analyze and review universe of documents to be disclosed in supplemental 18.1 disclosures.	0.5	\$ 82.50	\$ 31.25	\$ 31.25
8/30/2017	CSM	Telephone call with client regarding disclosure of documents.	0.3	\$ 82.50	\$ 41.25	\$ 41.25
8/30/2017	TF	Finalize and prepare APCO Construction's ninth supplemental disclosure of imaged documents.	0.8	\$ 100.00	\$ 50.00	\$ 50.00
8/30/2017	TF	Email exchange with Litigation Services regarding universe of documents to be produced in APCO Construction's ninth supplemental disclosure of imaged documents.	0.2	\$ 25.00	\$ 12.50	\$ 12.50
8/30/2017	TF	Email exchange with Joe Pelan regarding close of discovery and additional documents for supplemental disclosures.	0.2	\$ 25.00	\$ 12.50	\$ 12.50
8/30/2017	CSM	Assess, analyze and review client's 9th supplemental disclosure; and execute same.	0.2	\$ 55.00	\$ 27.50	\$ 27.50
7/3/2017	JCJ	Search, analyze and review case law and related on using force majeure to excuse contract terms.	1.7	\$ 510.00	\$ 255.00	\$ 255.00
7/3/2017	TF	Conference call with depository at Litigation Services regarding deposited documents from various parties.	0.3	\$ 37.50	\$ 18.75	\$ 18.75
7/5/2017	TF	Email exchange with Litigation Services depository regarding documents disclosed in APCO's ninth supplemental disclosure.	0.2	\$ 25.00	\$ 12.50	\$ 12.50
7/5/2017	TF	Conference call with Litigation Services regarding deposition transcript and admitted exhibits regarding David Parry.	0.3	\$ 37.50	\$ 18.75	\$ 18.75
7/5/2017	JCJ	Communicate with client re prep of Mary Jo.	0.1	\$ 30.00	\$ 15.00	\$ 15.00
7/5/2017	JCJ	Communicate with Esquire re depo prep in same room as actual deposition.	0.1	\$ 30.00	\$ 15.00	\$ 15.00
7/5/2017	CSM	Communicate with client regarding deposition preparation.	0.2	\$ 55.00	\$ 27.50	\$ 27.50
7/6/2017	JCJ	Continue to evaluate and analyze case law, while papers and the like re force majeure on the economy with no such contractual clause to excuse contractual performance.	1.8	\$ 540.00	\$ 270.00	\$ 270.00
7/6/2017	TF	Prepare and review universe of Helix Electric documents in preparation for the upcoming deposition of Mary Jo Allen.	1.6	\$ 200.00	\$ 200.00	\$ -
7/6/2017	CSM	Assess, analyze and review various contract amendments of initial contract with Helix.	0.3	\$ 82.50	\$ 82.50	\$ -
7/6/2017	CSM	Research issues with commercial frustration theory of defence of contract.	1	\$ 275.00	\$ 137.50	\$ 137.50
7/6/2017	CSM	Draft additions to deposition preparation outline for client PMK deposition and prepare for deposition preparation meeting with client.	1.2	\$ 330.00	\$ 165.00	\$ 165.00
7/6/2017	CSM	Attend deposition preparation meeting with client reviewing documents and topics that will likely be covered.	2.3	\$ 832.50	\$ 316.25	\$ 316.25
7/7/2017	TF	Prepare and review universe of documents in preparation for the upcoming deposition of Mary Jo Allen.	1.3	\$ 182.50	\$ 81.25	\$ 81.25
7/7/2017	CSM	Telephone call with client regarding upcoming PMK deposition.	0.5	\$ 137.50	\$ 68.75	\$ 68.75
7/7/2017	CSM	Draft detailed email to client regarding deposition topics and questions.	0.5	\$ 137.50	\$ 68.75	\$ 68.75
7/7/2017	CSM	Draft monthly status letter client.	0.3	\$ 82.50	\$ 41.25	\$ 41.25
7/10/2017	JCJ	Review of analogous ways to excuse performance besides force majeure and status client on same.	1.2	\$ 360.00	\$ 180.00	\$ 180.00
7/10/2017	JCJ	Communicate with various sub counsel on MTD NRS 108 and related.	0.3	\$ 90.00	\$ 45.00	\$ 45.00
7/10/2017	TF	Assess, analyze and review discovery responses from Helix Electric and prepare universe of documents in preparation for upcoming depositions.	0.8	\$ 100.00	\$ 100.00	\$ -
7/10/2017	TF	Conference call with Holo Discovery regarding universe of documents in preparation for upcoming depositions.	0.3	\$ 37.50	\$ 18.75	\$ 18.75
7/10/2017	CSM	Assess, analyze and review discovery responses from Helix Electric, assess, analyze and review specific documents from Martin Harris, and direct paralegal to prepare universe of documents in preparation for upcoming depositions.	0.7	\$ 192.50	\$ 192.50	\$ -
7/10/2017	CSM	Discuss with Holo regarding documents required to depositions and preparation for same.	0.2	\$ 55.00	\$ 27.50	\$ 27.50
7/11/2017	JCJ	Communicate with adverse counsel on motion regarding NRS 108 and related.	0.2	\$ 80.00	\$ 30.00	\$ 30.00
7/11/2017	TF	Assess, analyze and review universe of discovery responses from Helix Electric and Zitting Brothers.	0.4	\$ 50.00	\$ 25.00	\$ -
7/11/2017	TF	Prepare and review universe of Nevada Wood documents in preparation for the upcoming deposition of Mary Jo Allen.	0.8	\$ 100.00	\$ -	\$ 100.00
7/11/2017	CSM	Communicate with opposing counsel regarding briefing schedule on NRS 108 motion.	0.3	\$ 82.50	\$ 41.25	\$ 41.25
7/11/2017	CSM	Assess, analyze and review various documents from Helix, National Wood, Interstate, and Zitting, and documents provided from client with accounting calculations in preparation of client's deposition and the deposition of Helix's PMK; and draft additions.	2	\$ 550.00	\$ 123.50	\$ 123.50
7/12/2017	TF	Assess, analyze and review universe of documents for the preparation of the deposition of Mary Jo Allen.	0.8	\$ 100.00	\$ 50.00	\$ 50.00
7/12/2017	CSM	Assess, analyze and review various documents for Helix, Interstate, and Zitting in anticipation of upcoming depositions.	1.3	\$ 357.50	\$ 119.17	\$ -
7/12/2017	CSM	Continue to assess, analyze and review various documents from Helix, National Wood, Interstate, and Zitting in preparation of client's deposition and the deposition of Helix's PMK, and draft additions to deposition matrix.	2.4	\$ 660.00	\$ 165.00	\$ 165.00
7/13/2017	JCJ	Prepare and organize for practice depo of PMKs and practice depo of PMKs.	5.5	\$ 1,650.00	\$ 825.00	\$ 825.00
7/13/2017	TF	Assess, analyze and review disclosed pay application provided by Helix Electric.	0.8	\$ 75.00	\$ 75.00	\$ -
7/13/2017	TF	Assess, analyze and review disclosed pay applications of APCO Construction.	0.8	\$ 100.00	\$ 50.00	\$ 50.00
7/13/2017	TF	Assess, analyze and review universe of mechanic liens filed by APCO Construction and Helix Electric.	0.9	\$ 112.50	\$ 112.50	\$ -
7/13/2017	JCJ	Communicate with Helix re depositions, documents and related.	0.1	\$ 30.00	\$ 30.00	\$ -
7/13/2017	CSM	Participate in practice deposition of client's PMK.	2	\$ 550.00	\$ 275.00	\$ 275.00
7/13/2017	CSM	Review all notices of deposition for parties who have noticed APCO's PMK deposition for scope and to provide information to client regarding potential parties to prepare for who will appear at deposition of APCO's PMK.	0.5	\$ 137.50	\$ 68.75	\$ 68.75
7/14/2017	TF	Meeting with Joe Pelan and Lisa Lynn regarding universe of subcontractor documents and preparation for upcoming depositions.	0.8	\$ 100.00	\$ 50.00	\$ 50.00
7/14/2017	TF	Continue to prepare and review universe of disclosed APCO documents in preparation for the upcoming deposition of Mary Jo Allen.	0.9	\$ 112.50	\$ 58.25	\$ 58.25
7/14/2017	TF	Format and prepare electronic files for review by Joe Pelan and Lisa Lynn.	0.8	\$ 75.00	\$ 37.50	\$ 37.50
7/14/2017	TF	Draft and prepare email to Joe Pelan and Lisa Lynn regarding universe of documents for review in preparation for upcoming depositions.	0.1	\$ 12.50	\$ 8.25	\$ 8.25
7/14/2017	CSM	Analysis and strategy regarding hearing on APCO's motion regarding NRS 108.	0.2	\$ 55.00	\$ 27.50	\$ 27.50
7/14/2017	CSM	Meet with client, and review various disclosures from remaining subcontractors, and direct paralegal to compile same and provide entire universe to client.	1.5	\$ 412.50	\$ 206.25	\$ 206.25
7/15/2017	JCJ	Receipt and review follow up from adverse counsel re court's response.	0.2	\$ 60.00	\$ 30.00	\$ 30.00
7/17/2017	TF	Update and prepare litigation matrix in preparation for upcoming depositions.	0.4	\$ 50.00	\$ 25.00	\$ 25.00
7/17/2017	TF	Conference call with Joe Pelan regarding preparation for upcoming deposition.	0.2	\$ 25.00	\$ 12.50	\$ 12.50
7/17/2017	TF	Prepare and review universe of Helix documents in preparation for upcoming deposition of Helix's person most knowledgeable.	0.9	\$ 112.50	\$ 112.50	\$ -

Accounting Date	Attorney	Description	Hours	Amount	Allocated Amount to Helix	Allocated Amount to National Wood / Cabintec
7/17/2017	CSM	Assess, analyze and review various documents provided from client; conduct final preparations for client's PMK deposition and begin preparing for deposition of Helix's PMK.	2.5	\$ 887.50	\$ 887.50	\$ -
7/17/2017	CSM	Telephone call with multiple counsel regarding client's schedule for PMK deposition	0.3	\$ 82.50	\$ 41.25	\$ 41.25
7/18/2017	TF	Continue to prepare and review universe of documents in preparation for the deposition of Helix Electric's PMK.	0.8	\$ 100.00	\$ 100.00	\$ -
7/18/2017	TF	Draft and prepare index regarding universe of documents to be referenced at the deposition of Helix Electric's PMK.	0.3	\$ 37.50	\$ 37.50	\$ -
7/18/2017	TF	Assess, analyze and review pay applications and executed releases regarding Helix Electric.	0.3	\$ 37.50	\$ 37.50	\$ -
7/18/2017	TF	Assess, analyze and review universe of Helix documents disclosed to date	0.5	\$ 62.50	\$ 62.50	\$ -
7/18/2017	TF	Continue to prepare and review documents for the deposition of Mary Jo Allen	0.5	\$ 62.50	\$ 31.25	\$ 31.25
7/18/2017	TF	Assess, analyze and review exhibits referenced in the deposition of Mary Jo Allen as requested by Eric Zimbelman, Esq.	0.8	\$ 100.00	\$ 100.00	\$ -
7/18/2017	TF	Draft and prepare email to Eric Zimbelman, Esq. regarding exhibit break down referenced in the deposition of Mary Jo Allen	0.2	\$ 25.00	\$ 25.00	\$ -
7/18/2017	CSM	Prepare for and participate in deposition of client's PMK, Mary Jo	5.5	\$ 1,512.50	\$ 756.25	\$ 756.25
7/18/2017	CSM	Review exhibits attached to client's PMK deposition on day one for further preparation and use to develop strategy against opposing parties	0.8	\$ 220.00	\$ 110.00	\$ 110.00
7/18/2017	CSM	Communicate with counsel for Helix regarding documents that support Mary Jo's calculations, and direct paralegal to provide bates numbers to counsel for same	0.3	\$ 62.50	\$ 62.50	\$ -
7/19/2017	TF	Prepare and review universe of documents to be used at the deposition of Helix Electric's 30(b)(6) witness.	2.4	\$ 300.00	\$ 300.00	\$ -
7/19/2017	TF	Conference call with Mary Jo Allen regarding worksheets provided for discovery disclosure.	0.2	\$ 25.00	\$ 12.50	\$ 12.50
7/19/2017	TF	Assess, analyze and review Helix Electric's discovery responses in preparation for upcoming deposition of Helix Electric's 30(b)(6) witness	0.6	\$ 75.00	\$ 75.00	\$ -
7/19/2017	TF	Meeting with CSM to discuss preparation for the deposition of Helix Electric's 30(b)(6) witness	0.7	\$ 87.50	\$ 87.50	\$ -
7/19/2017	TF	Continue to assess, analyze and review universe of documents disclosed by Helix Electric in preparation for the deposition of their 30(b)(6) witness	0.8	\$ 100.00	\$ 100.00	\$ -
7/19/2017	TF	Finalize and prepare deposition exhibits for Helix Electric's 30(b)(6) witness.	0.8	\$ 100.00	\$ 100.00	\$ -
7/19/2017	CSM	Prepare for and participate in deposition of client's PMK, Mary Jo.	5.5	\$ 1,512.50	\$ 756.00	\$ 756.00
7/19/2017	CSM	Conduct deposition preparation by review of various documents; conduct calculations, and prepare exhibits for the deposition of Helix's PMK.	3.8	\$ 1,045.00	\$ 1,045.00	\$ -
7/20/2017	TF	Continue to prepare and review universe of documents to be used during the deposition of Helix Electric's 30(b)(6) witness.	0.6	\$ 75.00	\$ 75.00	\$ -
7/20/2017	CSM	Conduct final deposition preparation of document review and exhibit preparation; and conduct the deposition of Helix's PMK.	5	\$ 1,375.00	\$ 1,375.00	\$ -
7/21/2017	TF	Assess, analyze and review Supreme Court filings for references to retention.	0.8	\$ 75.00	\$ 37.50	\$ 37.50
7/24/2017	CSM	Attend hearing on joint motion regarding NRS 108 briefing schedule.	2	\$ 550.00	\$ 275.00	\$ 275.00
7/24/2017	CSM	Draft order on NRS 108 briefing schedule and motion.	0.3	\$ 82.50	\$ 41.25	\$ 41.25
7/24/2017	CSM	Research issues and case law around retention agreement and handling of same when projects are such down.	1	\$ 275.00	\$ 137.50	\$ 137.50
7/24/2017	CSM	Conduct additional research of appear documents with regard to any mention of retention issues.	0.5	\$ 137.50	\$ 68.75	\$ 68.75
7/25/2017	CSM	Assess, analyze and review note from Mary Jo; and direct assistant to prepare for production	0.2	\$ 55.00	\$ 27.50	\$ 27.50
7/25/2017	CSM	Email and telephone exchange regarding Apco's motion for summary judgment on NRS 108, and application of same to Cabintec.	0.3	\$ 82.50	\$ -	\$ 82.50
7/26/2017	TF	Assess, analyze and review Supreme Court filings and review for references to retention.	0.8	\$ 100.00	\$ 50.00	\$ 50.00
7/26/2017	CSM	Email and telephone exchange regarding Apco's motion for summary judgment on NRS 108, and application of same to Cabintec, and confirm Cabintec is not asserting any further NRS claims against Apco.	0.4	\$ 110.00	\$ -	\$ 110.00
7/26/2017	CSM	Assess, analyze and review minute order from court on hearing on NRS 108 motion briefing schedule	0.2	\$ 55.00	\$ 27.50	\$ 27.50
7/26/2017	CSM	Analysis and strategy regarding Helix's opposition to motion for summary judgment on NRS 108.	0.3	\$ 82.50	\$ 82.50	\$ 41.25
7/27/2017	JCJ	Receipt and review Helix's opposition to MTD NRS 108 claims. Zitting's opposition to MTD NRS 108 claims and Interstate joiners to all opposition and start draft of reply in support of MTD.	2.5	\$ 750.00	\$ 750.00	\$ -
7/27/2017	JCJ	Evaluate with staff recent events. Impact on case, formulate things to do and related concerns.	0.3	\$ 90.00	\$ 45.00	\$ 45.00
7/27/2017	CSM	Assess, analyze and review joiners to opposition to NRS 108 motions.	0.2	\$ 55.00	\$ 27.50	\$ 27.50
7/28/2017	JCJ	Confirmed with court no need for upcoming SCR hearing.	0.1	\$ 30.00	\$ 15.00	\$ 15.00
7/28/2017	JCJ	Review various case law and legislative history cited by adverse parties in opposition to MTD NRS 108 and continue draft of reply in support of MTD NRS 108.	1.8	\$ 540.00	\$ 270.00	\$ 270.00
7/31/2017	TF	Assess, analyze and review universe of documents disclosed to date	0.3	\$ 37.50	\$ 18.75	\$ 18.75
7/31/2017	TF	Assess, analyze and review deposition transcript of Brian Benson	0.4	\$ 50.00	\$ 25.00	\$ 25.00
7/31/2017	TF	Conference call with Esquire Solutions regarding pending deposition transcripts.	0.2	\$ 25.00	\$ 12.50	\$ 12.50
8/1/2017	TF	Create and review witness file for Brian Benson.	0.3	\$ 37.50	\$ 18.75	\$ 18.75
8/1/2017	TF	Create and review witness file for David Perry.	0.3	\$ 37.50	\$ 18.75	\$ 18.75
8/1/2017	TF	Assess, analyze and review Helix Electric's universe of filed liens.	0.4	\$ 50.00	\$ 50.00	\$ -
8/1/2017	JCJ	Continue draft of reply in support of MTD NRS 108; revise and finalize same.	1.1	\$ 330.00	\$ 165.00	\$ 165.00
8/1/2017	CSM	Communicate with Esquire regarding exhibits and the deposition of Mary Jo; assess, analyze and review email correspondence from same; and direct paralegal to prepare exhibit binder.	0.4	\$ 110.00	\$ 55.00	\$ 55.00
8/1/2017	CSM	Follow up with Esquire regarding depositions and exhibits for Brian Benson; and direct paralegal to save and prepare file.	0.3	\$ 82.50	\$ 41.25	\$ 41.25
8/2/2017	CSM	Analysis and strategy regarding client's reply in support of NRS 108 motion	0.2	\$ 55.00	\$ 27.50	\$ 27.50
8/2/2017	CSM	Assess, analyze and review documents received from client and prepare 10th supplemental disclosure.	0.4	\$ 110.00	\$ 55.00	\$ 55.00
8/2/2017	CSM	Assess, analyze and review motion for partial summary judgment from Helix and the Peel Brimely claimants regarding paid if paid defense	0.7	\$ 192.50	\$ 96.25	\$ 96.25
8/3/2017	JCJ	Review with staff things to do on MSJ to knock out pay if paid pay when paid clause, review case law, legislative intent on why such clauses are knocked out and formulate possible position to enforce here despite existing case law and present facts relat	1.7	\$ 510.00	\$ 255.00	\$ 255.00
8/3/2017	JCJ	Communicate with Camco re continuing briefing and hearing on MSJ re pay if and pay when paid clause	0.2	\$ 60.00	\$ 30.00	\$ 30.00
8/3/2017	TF	Assess, analyze and review universe of documents and prepare for upcoming trial	0.6	\$ 75.00	\$ 37.50	\$ 37.50

Accounting Date	Attorney	Description	Hours	Amount	Allocated Amount to Helix	Allocated Amount to National Wood / Cabentec
8/3/2017	JCJ	Conference call with Helix and other subs on APCO MSJ, Helix and subs MSJ, Camco's positions, pre-trial and related.	0.3	\$ 90.00	\$ 90.00	\$ -
8/3/2017	CSM	Communicate with client regarding Helix's motion for partial summary judgment.	0.4	\$ 110.00	\$ 110.00	\$ -
8/3/2017	CSM	Communicate with opposing counsel regarding stipulation to move all hearings on the same day.	0.2	\$ 55.00	\$ 27.50	\$ 27.50
8/3/2017	CSM	Analysis and strategy regarding trial stack and trial preparation deadlines.	0.3	\$ 82.50	\$ 41.25	\$ 41.25
8/4/2017	TF	Assess, analyze and review status of remaining subcontractors and prepare for upcoming trial.	0.8	\$ 100.00	\$ 50.00	\$ 50.00
8/4/2017	TF	Assess, analyze and review contract language in Helix Electric's subcontract agreement with APCO.	0.4	\$ 50.00	\$ 50.00	\$ -
8/4/2017	CSM	Draft weekly status correspondence to client providing recent pleadings.	0.2	\$ 55.00	\$ 27.50	\$ 27.50
8/4/2017	CSM	Conduct case law research and analysis regarding specific issues of retention when projects cease due to no fault of the general contractor.	1.5	\$ 412.50	\$ 206.25	\$ 206.25
8/4/2017	CSM	Outline counter arguments to Helix's motion for partial summary judgment.	1	\$ 275.00	\$ 275.00	\$ -
8/7/2017	CSM	Conduct additional research and case analysis regarding retention issues.	0.7	\$ 182.50	\$ 96.25	\$ 96.25
8/8/2017	MDM	Legal research in support of mechanic's lien pay when pay/pay for pay; in support of argument that each case is judged on the facts and circumstances specific to that case.	2.4	\$ 540.00	\$ 270.00	\$ 270.00
8/8/2017	JBL	Begin researching the retention issue.	0.3	\$ 87.50	\$ 33.75	\$ 33.75
8/8/2017	JCJ	Communicate with Camco and Helix on calendar call and upcoming motions.	0.3	\$ 90.00	\$ 90.00	\$ -
8/8/2017	TF	Assess, analyze and review county records regarding inspection reports.	0.7	\$ 87.50	\$ 43.75	\$ 43.75
8/8/2017	TF	Assess, analyze and review universe of disclosed documents for county records.	0.7	\$ 87.50	\$ 43.75	\$ 43.75
8/8/2017	CSM	Assess, analyze and review detailed correspondence from client regarding retention issue.	0.2	\$ 55.00	\$ 27.50	\$ 27.50
8/8/2017	CSM	Begin drafting introduction section of APCO's opposition to Helix's motion for partial summary judgment.	1.7	\$ 467.50	\$ 467.50	\$ -
8/9/2017	JCJ	Review with staff calendar call and trial related things to do and possible bifurcation of subs.	0.3	\$ 90.00	\$ 45.00	\$ 45.00
8/9/2017	JCJ	Meet and strategize with client re case in context of upcoming calendar call and trial date.	1	\$ 300.00	\$ 150.00	\$ 150.00
8/9/2017	JCJ	Meet and strategize with client on case in context of upcoming calendar call and trial date.	1	\$ 300.00	\$ 150.00	\$ 150.00
8/9/2017	CSM	Prepare for and participate in meeting with client to discuss issues and strategy moving forward.	1	\$ 275.00	\$ 137.50	\$ 137.50
8/9/2017	CSM	Prepare for and participate in meeting with client to discuss issues and strategy moving forward.	1	\$ 275.00	\$ 137.50	\$ 137.50
8/9/2017	CSM	Follow up with court regarding order of case on trial stack.	0.2	\$ 55.00	\$ 27.50	\$ 27.50
8/9/2017	CSM	Assess, analyze and review motion to associate counsel for Richard Tobler.	0.1	\$ 27.50	\$ -	\$ 27.50
8/9/2017	CSM	Assess, analyze and review National Wood Products, Inc.'s joinder to Pool Brimley Lion Claimants' motion for partial summary judgment precluding defenses based on pay-if-paid agreements and ex parte application shortening time.	0.1	\$ 27.50	\$ -	\$ 27.50
8/9/2017	CSM	Draft monthly status letter/matrix to client.	0.2	\$ 55.00	\$ 27.50	\$ 27.50
8/9/2017	CSM	Review various documents and draft APCO's controverted fact section of APCO's opposition to Helix's motion for partial summary judgment.	2	\$ 550.00	\$ 550.00	\$ -
8/10/2017	JCJ	Prepare and organize for hearing on MTD/MSJ NRS 108 claims, appear in court re same; pre and post hearing discussions with counsel for subs and CAMCO, status client re events of hearing and related issues; communicate with Helix and Camco re pre-trial fil.	4	\$ 1,200.00	\$ 1,200.00	\$ -
8/10/2017	JCJ	Formulate with staff ways to now argue for pay if paid and pay when paid defense or at least get into evidence on client's state of mind as defense against breach of contract, unjust enrichment and breach of good faith claims and documents potentially use.	2.3	\$ 690.00	\$ 345.00	\$ 345.00
8/10/2017	CSM	Assess, analyze and review APCO's pretrial disclosures; and strategize regarding same.	0.5	\$ 137.50	\$ 68.75	\$ 68.75
8/10/2017	CSM	Analysis and strategy regarding outcome of NRS 108 hearing; and strategize how to work in judges comments to opposition to Helix's and Zitting's motions for summary judgments.	0.5	\$ 137.50	\$ 68.75	\$ -
8/10/2017	CSM	Analysis and strategy regarding continuing trial and pushing for settlement conference with Helix and Zitting.	0.3	\$ 82.50	\$ 41.25	\$ -
8/11/2017	JCJ	Follow up with Helix and communicate with Zitting re mediation with [REDACTED] and with Interstate on face to face meeting with [REDACTED], communicate with CAMCO re getting trial kicked.	0.7	\$ 210.00	\$ 70.00	\$ 70.00
8/11/2017	CSM	Assess, analyze and review Helix Electric of Nevada, LLC's pre-trial disclosure.	0.2	\$ 55.00	\$ 55.00	\$ -
8/11/2017	CSM	Assess, analyze and review various other multiple contractors pretrial disclosure for determination of parties that are asserting claims verse parties who have been actively litigating case to further advise client on direction determined at client meeting.	0.8	\$ 185.00	\$ 82.50	\$ 82.50
8/13/2017	JBL	Conduct legal research on retainage issue (owner to prime contractor).	1.7	\$ 382.50	\$ 191.25	\$ 191.25
8/14/2017	JCJ	Communicate with Helix re mediation and status client.	0.2	\$ 60.00	\$ 60.00	\$ -
8/14/2017	JBL	Conduct legal research on retainage issue (prime to sub when owner never paid prime).	2.2	\$ 495.00	\$ 247.50	\$ 247.50
8/14/2017	CSM	Analysis and strategy regarding mediation with Helix and Zitting.	0.2	\$ 55.00	\$ 27.50	\$ -
8/14/2017	CSM	Telephone call with client regarding case status and oppositions to pending motions for summary judgment.	0.4	\$ 110.00	\$ 55.00	\$ 55.00
8/14/2017	CSM	Assess, analyze and review various case law and draft advisory opinion section of APCO's opposition to Helix's motion for partial summary judgment.	1.2	\$ 330.00	\$ 330.00	\$ -
8/15/2017	JCJ	Communicate with Helix and Zitting re upcoming schedules in context of possible mediation and related issues, status client.	0.3	\$ 90.00	\$ 45.00	\$ -
8/15/2017	JBL	Legal research on advisory opinions.	0.5	\$ 112.50	\$ 56.25	\$ 56.25
8/15/2017	TF	Assess, analyze and review universe of pre-trial disclosures.	0.6	\$ 75.00	\$ 37.50	\$ 37.50
8/15/2017	CSM	Assess, analyze and review correspondence from client regarding settlement conference with Zitting and Helix; and strategize regarding response to counsel for Helix and Zitting regarding same.	0.2	\$ 55.00	\$ 27.50	\$ -
8/15/2017	CSM	Conduct case law research and draft lack of evidence and unauthenticated document section of APCO's opposition to Helix's motion for partial summary judgment.	1.8	\$ 495.00	\$ 495.00	\$ -
8/15/2017	CSM	Draft pay if paid case law and analysis section of APCO's opposition to Helix's motion for partial summary judgment.	1.7	\$ 467.50	\$ 467.50	\$ -
8/16/2017	JCJ	Status client re recent events and things to do.	0.3	\$ 90.00	\$ 45.00	\$ 45.00
8/16/2017	JCJ	Communicate with court re settlement conference, review with staff things to do and priority of same.	0.2	\$ 60.00	\$ 30.00	\$ 30.00
8/16/2017	CSM	Assess, analyze and review status of settlement conference and contacting court to inform court that APCO, Helix and Zitting have agreed to a settlement conference.	0.2	\$ 55.00	\$ 27.50	\$ -

Accounting Date	Attorney	Description	Hours	Amount	Allocated Amount to Helix	Allocated Amount to National Wood / Cabenlec
8/18/2017	CSM	Assess, analyze and review various cases and documents; telephone call with client, assess, analyze, review and draft supplements to APCO's opposition to Helix's motion for partial summary judgment, and provide draft of opposition to client for review	1.7	\$ 487.50	\$ 487.50	\$ -
8/19/2017	CSM	Telephone call with counsel for Camco regarding oppositions to Helix's motion for partial summary judgment.	0.4	\$ 110.00	\$ 110.00	\$ -
8/17/2017	JCJ	Receipt and review from settlement program dates and times of [REDACTED] for settlement.	0.1	\$ 30.00	\$ 15.00	\$ 15.00
8/17/2017	JCJ	Communicate with Helix and Zitting re [REDACTED] settlement time.	0.3	\$ 80.00	\$ 45.00	\$ -
8/17/2017	JCJ	Status client re settlement and related issues.	0.1	\$ 30.00	\$ 15.00	\$ 15.00
8/17/2017	JCJ	Communicate with court re September date for settlement conference on Helix and Zitting.	0.2	\$ 60.00	\$ 30.00	\$ -
8/17/2017	JCJ	Receipt and review proposed order denying lien MSJ and status client.	0.1	\$ 30.00	\$ 15.00	\$ 15.00
8/17/2017	CSM	Assess, analyze and review Camco's opposition to lien claimants' motion for partial summary judgment.	0.4	\$ 110.00	\$ 55.00	\$ 55.00
8/17/2017	CSM	Telephone call with client regarding photographs of project that evidence lack of completion of shalrock scope of work.	0.3	\$ 82.50	\$ 41.25	\$ 41.25
8/21/2017	JCJ	Confirm client's approval of proposed order denying MSJ re NRS 108; communicate with Helix's counsel re same and September 21st date.	0.3	\$ 90.00	\$ 90.00	\$ -
8/21/2017	JCJ	Communicate with court re Helix and Zitting confirming settlement conference with APCO and things to do.	0.4	\$ 120.00	\$ 80.00	\$ -
8/21/2017	JCJ	Status client re settlement set up and related concerns.	0.1	\$ 30.00	\$ 15.00	\$ 15.00
8/21/2017	TF	Assess, analyze and review universe of documents disclosed by Camco and compile pay applications.	0.8	\$ 75.00	\$ 37.50	\$ 37.50
8/21/2017	TF	Email exchange with Litigation Services regarding Camco documents in depository.	0.2	\$ 25.00	\$ 12.50	\$ 12.50
8/21/2017	JCJ	Communicate with Helix re order by settlement court on settlement conference.	0.3	\$ 90.00	\$ 45.00	\$ 45.00
8/21/2017	JCJ	Communicate with Camco re [REDACTED]	0.2	\$ 60.00	\$ 30.00	\$ 30.00
8/21/2017	CSM	Telephone calls and emails with client regarding supplements to APCO's oppositions to pending motions for summary judgment.	0.8	\$ 165.00	\$ 82.50	\$ 82.50
8/21/2017	CSM	Assess, analyze and review notice of settlement conference from court; and strategize handling other counsel and parties that are not participating in settlement conference.	0.2	\$ 55.00	\$ 27.50	\$ 27.50
8/21/2017	CSM	Draft supplements to APCO's opposition to Helix's motion for partial summary judgment, finalize, and direct filing of same.	1.5	\$ 412.50	\$ 412.50	\$ -
8/22/2017	JCJ	Communicate with Camco and confirm their joint effort [REDACTED]	0.1	\$ 30.00	\$ 15.00	\$ 15.00
8/22/2017	TF	Format and prepare documents to be used as demonstrative exhibits in upcoming hearing for summary judgment.	0.4	\$ 50.00	\$ 25.00	\$ 25.00
8/22/2017	TF	Conference call with Holo Discovery regarding demonstrative exhibits.	0.3	\$ 37.50	\$ 18.75	\$ 18.75
8/22/2017	TF	Assess, analyze and review additional universe of documents provided by client for disclosures.	0.8	\$ 75.00	\$ 37.50	\$ 37.50
8/22/2017	CSM	Analysis and strategy regarding hearing on pending motions for summary judgment and demonstrative exhibits for same.	0.3	\$ 82.50	\$ 41.25	\$ 41.25
8/23/2017	TF	Conference call with Holo Discovery regarding demonstrative exhibits.	0.2	\$ 25.00	\$ 12.50	\$ 12.50
8/23/2017	CSM	Analysis and strategy regarding strategy posed at client meeting; settlement conference, and arguments to continue trial over non-participating subcontractors objections.	0.3	\$ 82.50	\$ 41.25	\$ 41.25
8/23/2017	CSM	Analysis and strategy regarding limited settlement briefs for Zitting and Helix; and trying to make offers prior to settlement conference to get the ball rolling.	0.3	\$ 82.50	\$ 41.25	\$ -
8/24/2017	JCJ	Prepare and organize for meeting with client; meet with client re options at this time and related.	1	\$ 300.00	\$ 150.00	\$ 150.00
8/24/2017	JCJ	Communicate with Helix's counsel re settlement conference.	0.2	\$ 60.00	\$ 60.00	\$ -
8/24/2017	TF	Assess, analyze and review procedural history for pleadings filed by Helix Electric regarding complaint in intervention.	0.6	\$ 75.00	\$ 75.00	\$ -
8/25/2017	JCJ	Review with staff things to do on license related and matrix/list of lien claimants in the APCO matter.	0.4	\$ 120.00	\$ 60.00	\$ 60.00
8/25/2017	TF	Format and prepare universe of requested documents for review by [REDACTED]	0.5	\$ 62.50	\$ 31.25	\$ 31.25
8/25/2017	JCJ	Communicate with National Wood/Cabenlec regarding first round of settlement is only Helix and Zitting.	0.1	\$ 30.00	\$ -	\$ 30.00
8/25/2017	CSM	Telephone call with counsel for National Wood regarding trial date, settlement conference with Helix and Zitting and pretrial disclosures and meet and confer obligations between the parties; assess, analyze and review confirming email from counsel for National Wood.	0.8	\$ 220.00	\$ -	\$ 73.33
8/25/2017	CSM	Draft status email to client.	0.2	\$ 55.00	\$ 27.50	\$ 27.50
8/25/2017	CSM	Analysis and strategy regarding index of parties, index of consolidated cases, and litigation matrix to be provided to potential [REDACTED] for client's consideration.	0.3	\$ 82.50	\$ 41.25	\$ 41.25
8/28/2017	JCJ	Communicate with Helix re their initial settlement position.	0.2	\$ 60.00	\$ 60.00	\$ -
8/28/2017	JCJ	Communicate with Camco re other subs in context of Helix and Zitting in agreement to kick out calendar call and trial.	0.1	\$ 30.00	\$ 15.00	\$ -
8/28/2017	JCJ	Communicate with client's other counsel and with staff re next steps given current sub posture.	0.3	\$ 90.00	\$ 45.00	\$ 45.00
8/29/2017	JCJ	Communicate with client re settlement.	0.1	\$ 30.00	\$ 15.00	\$ 15.00
8/29/2017	JCJ	Communicate with Helix, Zitting and Camco re continuing the subs MSJ on pay if paid to after settlement conference.	0.2	\$ 60.00	\$ 30.00	\$ -
8/30/2017	CSM	Telephone call with client regarding status of case and pending motions.	0.4	\$ 110.00	\$ 55.00	\$ 55.00
8/31/2017	JCJ	Communicate with Helix re settlement related issues.	0.2	\$ 60.00	\$ 60.00	\$ -
9/1/2017	CSM	Analysis and strategy regarding Stipulation and Order to Continue September 5, 2017 Hearing on Motions for Partial Summary Judgment.	0.2	\$ 55.00	\$ 27.50	\$ 27.50
9/5/2017	JCJ	Communicate with Helix and CAMCO on subs that need to be dismissed for no Pretrial and SM lien questionnaire.	0.2	\$ 60.00	\$ 60.00	\$ -
9/5/2017	JCJ	Prepare and organize for calendar call and presentation to Court to kick out same and September trial date to later October.	0.1	\$ 30.00	\$ 15.00	\$ 15.00
9/5/2017	TF	Assess, analyze and review universe of responses to Special Master questionnaires.	0.4	\$ 50.00	\$ 25.00	\$ 25.00
9/5/2017	TF	Assess, analyze and review universe of filed pre-trial disclosures.	0.4	\$ 50.00	\$ 25.00	\$ 25.00
9/5/2017	TF	Prepare and review universe of documents in preparation for calendar call.	0.7	\$ 87.50	\$ 43.75	\$ 43.75
9/5/2017	JCJ	Pre-calendar call meeting with Helix, Zitting and Camco, appearance in court on Calendar call to kick it out, continue trial and knock out non-complying subs, post-calendar call meeting with Helix and Camco on things to do from this point and status client.	1.7	\$ 510.00	\$ 255.00	\$ 255.00
9/5/2017	CSM	Assess, analyze and review file for various issues surrounding parties who filed pre-trial disclosures for arguments at calendar call.	0.8	\$ 220.00	\$ 110.00	\$ 110.00

IN THE SUPREME COURT OF THE STATE OF NEVADA

Supreme Court Case No. 77320
Consolidated with 80508

HELIX ELECTRIC OF NEVADA, LLC,

Appellant,

v.

APCO CONSTRUCTION, INC., A NEVADA CORPORATION,

Respondent.

JOINT APPENDIX
VOLUME 88

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CHRONOLOGICAL APPENDIX OF EXHIBITS

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
06-24-09	Helix Electric's Statement of Facts Constituting Lien and Third-Party Complaint	JA000001- JA000015	1
08-05-09	APCO's Answer to Helix's Amended Statement of Facts Constituting Notice of Lien and Third-Party Complaint	JA000016 – JA000030	1
04-26-10	CAMCO and Fidelity's Answer and CAMCO's Counterclaim	JA000031- JA000041	1
07-02-10	Order Striking Defendant Gemstone Development West, Inc.'s Answer and Counterclaim and Entering Default	JA000042- JA000043	1
06-06-13	APCO's Limited Motion to Lift Stay for Purposes of this Motion Only; (2) APCO's Motion for Summary Judgment Against Gemstone Only; and (3) Request for Order Shortening Time	JA000044- JA000054	1
	Exhibit 1 – Affidavit of Randy Nickerl in Support of (1) APCO's Limited Motion to Lift Sta for Purposes of this Motion Only; (2) APCO's Motion for Judgment Against Gemstone Only	JA000055- JA000316	1/2/4/5/6
	Exhibit 2 – Findings of Fact and Conclusions of Law and Judgment in Favor of APCO Construction Against Gemstone Development West, Inc. Only	JA000317- JA000326	6

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
06-13-13	Docket Entry and Minute Order Granting APCO's Motion for Summary Judgment Against Gemstone	JA000327	6
08-02-17	Peel Brimley Lien Claimants' Motion for Partial Summary Judgment Precluding Defenses Based on Pay-if-Paid Agreements and <i>Ex Parte</i> Application for Order Shortening Time	JA000328- JA000342	6
	Exhibit 1 – APCO Construction's Answers to Helix Electric of Nevada, LLC's First Request for Interrogatories	JA000343- JA000379	6
	Exhibit 2 – Camco Pacific Construction Company, Inc.'s Responses to Helix Electric of Nevada, LLC's Interrogatories	JA000380- JA000392	6
08-21-17	APCO Construction's Opposition to Peel Brimley Lien Claimants' Partial Motion for Summary Judgment Precluding Defenses Based on Pay-if-Paid Agreements	JA000393- JA000409	6/7
	Exhibit A – Excerpt from 30(b)(6) Witness for Helix Electric of Nevada, LLC taken July 20, 2017	JA000410- JA000412	7
09-28-17	Peel Brimley Lien Claimants' Reply to Oppositions to Motion for Partial Summary Judgment Precluding Defenses Based on Pay-if-Paid Agreements	JA000413- JA000418	7
11-06-17	Peel Brimley Lien Claimants' Motion in Limine Nos. 1-6	JA000419- JA000428	7

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Exhibit 1 – Notice of Entry of Order	JA000429 JA000435	7
	Exhibit 2 – Amended Notices of 30(b)(6) Deposition of Camco Pacific Construction Company, Inc. from Cactus Rose Construction, Inc., Fast Glass, Inc.’s, Heinaman Contract Glazing, Inc. and Helix Electric of Nevada, LLC’s	JA000436- JA000472	7/8
	Exhibit 3 – Excerpt from David E. Parry’s Deposition Transcript taken June 20, 2017	JA000473 JA00489	8
	Exhibit 4 – Cactus Rose Construction, Inc.’s First Set of Request for Admissions to Camco Pacific Construction	JA00490 JA000500	8
	Exhibit 5 – Fast Glass, Inc.’s First Set of Request for Admissions to Camco Pacific Construction	JA000501- JA000511	8
	Exhibit 6 – Heinaman Contract Glazing, Inc.’s First Set of Request for Admissions to Camco Pacific Construction	JA000512- JA000522	8
	Exhibit 7 – Helix Electric of Nevada, LLC’s First Set of Request for Admissions to Camco Pacific Construction	JA000523- JA000533	8
11-06-17	Helix Electric of Nevada’s Motion <i>in Limine</i> Nos. 1-4	JA000534- JA000542	8
	Exhibit 1 – Notice of Entry of Order	JA000543- JA000549	8
	Exhibit 2 – Helix Electric of Nevada, LLC’s Amended Notice of 30(b)(6) Deposition of APCO Construction	JA000550 JA000558	8/9

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Exhibit 3 - Excerpts from Brian Benson Deposition Transcript taken June 5, 2017	JA000559 JA000574	9
	Exhibit 4 – Excerpts from Mary Jo Allen’s Deposition Transcript taken July 18, 2017	JA000575- JA000589	9
11-06-17	APCO Construction, Inc.’s Omnibus Motion in Limine	JA000590 JA000614	9
	Exhibit 1 – Second Amended Notice of taking NRCPP Rule 30(b)(6) Deposition of Person Most Knowledgeable for Zitting Brothers Construction, Inc.	JA000615- JA000624	9
	Exhibit 2 – Zitting Brothers Construction, Inc.’s Motion for Partial Summary Judgment Against APCO Construction	JA000625- JA000646	9
	Exhibit 3 – Excerpts from Samuel Zitting’s Deposition Transcript taken October 27, 2017	JA000647- JA000678	9/10
	Exhibit 4 – Statement of Facts Constituting Lien on Behalf of Buchele, Inc.	JA000679- JA000730	10
	Exhibit 5 – Subcontract Agreement dated April 17, 2007	JA000731- JA000808	10/11
	Exhibit 6 – Subcontract Agreement dated April 17, 2007	JA000809- JA000826	11/12
	Exhibit 7 – Email from Mary Bacon dated October 16, 2017	JA000827- JA000831	12
	Exhibit 8 – Email from Mary Bacon dated October 17, 2017	JA000832- JA000837	12
	Exhibit 9 – Email from Eric Zimbelman dated October 17, 2017	JA000838- JA000844	12
	Exhibit 10 – Special Master Report, Recommendation and District Court Order	JA00845- JA000848	12

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	Exhibit 11 – Plaintiff in Intervention, National Wood Products, Inc.’s Initial Disclosures Pursuant to NRCP 16.1	JA000849- JA000856	12
	Exhibit 12 – Plaintiff in Intervention, National Wood Products, Inc.’s First Supplemental Disclosures Pursuant to NRCP 16.1	JA000857- JA000864	12
	Exhibit 13 – Amended Notice of Taking NRCP Rule 30(b)(6) Deposition of Person Most Knowledgeable for Helix Electric of Nevada, LLC	JA000865- JA000873	12
	Exhibit 14 – Excerpts from Helix Electric of Nevada, LLC’s 30(b)(6) Witness Deposition Transcript taken July 20, 2017	JA000874- JA000897	12
11-14-17	Camco Pacific Construction Company, Inc.’s Opposition to Lien Claimants’ Motions in Limine Nos. 1-6	JA000898- JA000905	12
	Exhibit A – Nevada Construction Services Cost Plus GMP Contract Disbursement Agreement	JA000906- JA000907	12
	Exhibit B – Scott Financial Corporation’s April 28, 2009 letter to the Nevada State Contractor’s Board	JA000908- JA000915	2/13
	Exhibit C – E-mail from Alex Edelstein dated December 15, 2008 Re: Letter to Subs	JA000916- JA000917	13
	Exhibit D – Camco Pacific’s letter dated December 22, 2008	JA000918- JA000920	13
	Exhibit E – Order Approving Sale of Property	JA000921- JA000928	13

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
11-14-17	APCO Construction, Inc.'s Opposition to Helix Electric of Nevada, LLC's Motions in Limine Nos. 1-4	JA000929- JA000940	13/14
	Exhibit 1 – Excerpts from the Deposition Transcript of Mary Jo Allen taken July 18, 2017	JA000941- JA000966	14/15/16
	Exhibit 2 – Helix Electric's Manhattan West Billing/Payment Status through August 2008	JA000967- JA000969	16/17
	Exhibit 3 – Excerpts from the Deposition Transcript of Andrew Rivera taken July 20, 2017	JA000970- JA000993	17/18/19
11-14-17	Helix Electric of Nevada's Opposition to APCO Construction's Omnibus Motion in Limine	JA000994- JA001008	20
	Exhibit 1 – Excerpts from the Deposition Transcript of Brian Benson taken June 5, 2017	JA001009- JA001042	20
	Exhibit 2 - Excerpts from the Deposition Transcript of Brian Benson taken June 5, 2017	JA001043- JA001055	20
	Exhibit 3 – Special Master Order Requiring Completion of Questionnaire	JA001056- JA001059	20
	Exhibit 4 – Excerpts from the Deposition Transcript of the 30(b)(6) Witness for Helix Electric of Nevada taken July 20, 2017	JA001060- JA001064	20
	Exhibit 5 - Excerpts from the Deposition Transcript of David E. Parry taken June 20, 2017	JA001065 JA001132	20/21
11-15-17	APCO Construction, Inc.'s Reply in Support of its Omnibus Motion in Limine	JA001133 JA001148	21

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	Exhibit 1 – Special Master Report Regarding Discovery Status	JA001149- JA001151	21
	Exhibit 2 – Notice of Taking NRCP Rule 30(b)(6) Deposition of the Person Most Knowledgeable for Zitting Brothers Construction, Inc.	JA001152- JA001160	21
12-29-17	Notice of Entry of Order Granting Peel Brimley Lien Claimants’ Motion in <i>Limine</i> 1-6	JA001161- JA001169	22
12-29-17	Notice of Entry of Order Granting in Part and Denying in Part Helix Electric of Nevada, LLC’s Motion in <i>Limine</i> 1-4	JA001170- JA001177	22
12-29-17	Notice of Entry of Order Granting in Part and Denying in Part APCO Construction’s Omnibus Motion in <i>Limine</i>	JA001178- JA001186	22
01-03-18	Notice of Entry of Order Granting Peel Brimley Lien Claimants’ Motion for Partial Summary Judgment Precluding Defenses Based on Pay-if-Paid Agreements	JA001187- JA001198	22
01-04-18	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 provision on an Order Shortening Time	JA001199- JA001217	22
	Exhibit 1 – Subcontract Agreement (Helix Electric of Nevada, LLC)	JA001218- JA001245	22/23/24
	Exhibit 2 – Subcontract Agreement (Zitting Brothers)	JA001246- JA001263	24

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Exhibit 3 – Subcontract Agreement (CabineTec)	JA001264- JA001281	24/25
	Exhibit 4 – Amended Notice of Lien	JA001282- JA001297	25
	Exhibit 5 - Amended NOL	JA001298- JA001309	25
	Exhibit 6 – Notice of Lien	JA001310- JA001313	25
	Exhibit 7 – Order Approving Sale of Property	JA001314- JA001376	25/26
	Exhibit 8 – Order Releasing Sale Proceeds from Court Controlled Escrow Account	JA001377- JA001380	26
	Exhibit 9 – Order Denying <i>En Banc</i> Reconsideration	JA001381- JA001385	26
	Exhibit 10 – Order Granting Peel Brimley Lien Claimants’ Motion for Partial Summary Judgment Precluding Defenses Based on Pay-if-Paid Agreements	JA001386- JA001392	26
	Exhibit 11 – Notice of Entry of Findings of Fact and Conclusions of Law and Judgment	JA001393- JA001430	26
	Exhibit 12 – Order Big D Construction Corp.’s Motion for Attorney’s Fees, Costs and Interest Pursuant to Judgment	JA001431- JA001435	26
	Exhibit 13 – Appellant’s Opening Brief (Padilla v. Big D)	JA001436- JA001469	26
	Exhibit 14 – Respondent’s Answering Brief	JA001470- JA001516	26/27
	Exhibit 15 – Appellant’s Reply Brief (Padilla v. Big D)	JA001517- JA001551	27
01-09-18	Peel Brimley Lien Claimants’ Opposition to APCO Construction’s Motion for Reconsideration of Order	JA001552- JA001560	27

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01-10-18	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	JA001561- JA001573	27
01-12-18	Joint Pre-Trial Memorandum [for APCO Construction, Inc., the Peel Brimley Lien Claimants and National Wood Products, LLC ONLY]	JA001574- JA001594	27/28
	Exhibit 1 – Exhibit List APCO	JA001595- JA001614	28
	Exhibit 2 – Helix Trial Exhibits	JA001615- JA001616	28
	Exhibit 3 – Exhibit List Plaintiff in Intervention National Wood Products, Inc.	JA001617- JA001635	28
	Exhibit 4 – Cactus Rose Trial Exhibits	JA001636- JA001637	28
	Exhibit 5 – Heinaman Trial Exhibits	JA001638- JA001639	28
	Exhibit 6 – Fast Glass Trial Exhibits	JA001640- JA001641	28
	Exhibit 7 – SWPPP Trial Exhibits	JA001642- JA001643	28
	Exhibit 8 - Order Granting in Part and Denying in Part APCO Construction's Omnibus Motion <i>in Limine</i>	JA001644- JA001647	28

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	Exhibit 9 - Amended <i>nunc pro tunc</i> order regarding APCO Construction, Inc.'s Omnibus Motion <i>in Limine</i> No. 7	JA001648- JA001650	28
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	Exhibit 11 - order granting Peel Brimley Lien Claimants' Motion in Limine Nos.1-6 (against Camco Pacific Construction, Inc.)	JA001654- JA001657	28
	Exhibit 12 - Order Granting Plaintiff in Intervention, National Wood Products, Inc.'s Motion <i>in Limine</i>	JA001658- JA001660	28
	Exhibit 13 - Order Granting Peel Brimley Lien Claimants' Motion for Partial Summary Judgment Precluding Defenses Based on Pay-if-Paid Agreements	JA001661- JA00167	28/9/29
01-17-18	Transcript Bench Trial (Day 1)¹	JA001668- JA001802	29/30
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	Trial Exhibit 2 – APCO/Gemstone General Construction Agreement (<i>Admitted</i>)	JA001826- JA001868	30
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¹ Filed January 31, 2018

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
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	Trial Exhibit 6 - Letter from J. Barker to A. Edelstein re: APCO's Notice of Intent to Stop Work <i>(Admitted)</i>	JA001979- JA001980	32
	Trial Exhibit 10 - Letter from J. Barker to A. Edelstein Re: Notice of Intent to Stop Work (Second Notice) <i>(Admitted)</i>	JA001981- JA001987	32
	Trial Exhibit 13 - Letter from A. Edelstein to Re. Nickerl Re: Termination for Cause (Gemstone) <i>(Admitted)</i>	JA001988- JA002001	32
	Trial Exhibit 14 - Letter from W. Gochmour to Sean Thueson Re: [APCO's] Response to [Gemstone's] Termination for Cause <i>(Admitted)</i>	JA002002- JA002010	33
	Trial Exhibit 15 - Letter from R. Nickerl to A. Edelstein Re: 48-Hour Notices <i>(Admitted)</i>	JA002011- JA002013	33
	Trial Exhibit 16 - Email from J. Horning to A. Berman and J. Olivares re: Joint Checks <i>(Admitted)</i>	JA002014	33
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	Trial Exhibit 27 - Letter from A. Edelstein to R. Nickerl re: June Progress Payment (<i>Admitted</i>)	JA002025- JA002080	34
	Trial Exhibit 28 - Letter from J. Barker to A. Edelstein Re: Termination of Agreement for GMP (<i>Admitted</i>)	JA002081	34
	Trial Exhibit 31 - Transmission of APCO's Pay Application No. 11 as Submitted to Owner (<i>Admitted</i>)	JA002082- JA002120	34/35
	Trial Exhibit 45 - Subcontractor Agreement (<i>Admitted</i>)	JA002121- JA002146	35
	Trial Exhibit 162 - Amended and Restated General Construction Agreement between Gemstone and CAMCO (<i>Admitted</i>)	JA002147- JA002176	35/36
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	Trial Exhibit 215 - Email from C. Colligan to Subcontractors re: 48-hour Termination Notice (<i>Admitted</i>)	JA002182- JA002185	36
	Trial Exhibit 216 - Email from C. Colligan re: Meeting with Subcontractors (<i>Admitted</i>)	JA002186- JA002188	36
	Trial Exhibit 506 – Email and Contract Revisions (<i>Admitted</i>)	JA002189 – JA002198	36

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	Exhibit 2 – Helix Trial Exhibits	JA002222- JA002223	36
	Exhibit 3 – Exhibit List Plaintiff in Intervention National Wood Products, Inc.	JA002224- JA002242	36/37
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	APCO Related Exhibits:		
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	Trial Exhibit 8 - APCO Pay Application No. 10 as submitted to Owner	JA002244- JA002282	37/38
	Trial Exhibit 12 and 107 - Email from C. Colligan to Subcontractors re: Subcontractor Concerns	JA002283- JA002284	38
	Trial Exhibit 17 – Video (Construction Project)	JA002285	N/A
	Trial Exhibit 18 – Video (Construction Project)	JA002286	N/A
	Trial Exhibit 19 – Video (Construction Project)	JA002287	N/A
	Trial Exhibit 20 – Video (Construction Project)	JA002288	N/A
	Trial Exhibit 21 – Video (Construction Project)	JA002289	N/A
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	Trial Exhibits 33 and 126 - Photo re: Building 8 & 9, Interior (Showing drywall still not completed)	JA002309- JA002310	39
	Exhibit 34 and 128 - Photo re: Building 8 & 9, Interior (Showing drywall still not completed)	JA002311- JA002312-	40
	Trial Exhibit 35 - Photo re: Building 8 & 9, Interior (Showing drywall still not completed and no electrical trim or fixtures installed)	JA002313- JA002314	40
	Exhibit 36 and 130 -Photo re: Building 8 & 9, Interior (Showing drywall still not completed and no electrical trim or fixtures installed)	JA002315- JA002316	40
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<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
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	Trial Exhibit 49 -Helix Pay Application No. 16713-010R2 with Proof of Payment	JA002359- JA002364	41/42
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	Trial Exhibit 51 - Photo re: Building 8 & 9, South (No Exterior fixtures installed. Helix billed out at 90%)	JA002367- JA002368	42
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<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
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	Trial Exhibit 55 - Photo re: Building 2 & 3, East (No Exterior fixtures installed. Helix billed out at 90%)	JA002375- JA002376	42
	Trial Exhibit 56 - Photo re: Building 8 & 9, North (No Exterior fixtures installed. Helix billed out at 90%)	JA002377- JA002378	42
	Trial Exhibit 57 - Photo re: Building 2 & 3, and 8 & 9, North (No Exterior fixtures installed. Helix billed out at 90%)	JA002379- JA002381	42
	Trial Exhibit 58 - Helix Pay Application No. 16713-011R1 submitted to Owner	JA002382- JA002391	42
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	Trial Exhibit 63 - Photo re: Building 2 & 3, West	JA002418- JA002419	43
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	Trial Exhibit 65 - Photo re: Building 2 & 3, South	JA002422- JA002423	43

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Trial Exhibit 66 - Letter of transmittal from Helix to APCO re: Helix Pay Application No. 16713-011R1	JA002424- JA002433	43
	Trial Exhibit 67 - Photo re: Building 8 & 9, West (No exterior fixtures installed. Helix billed out 90%)	JA002435- JA002436	43
	Trial Exhibit 68 -Photo re: Building 8 & 9, West (No exterior fixtures installed. Helix billed out 90%)	JA002437- JA002438	43
	Trial Exhibit 69 - Photo re: Building 2 & 3, East (No exterior fixtures installed. Helix billed out 90%)	JA002439- JA002440	43
	Trial Exhibit 70 - Photo re: Building 8 & 9, South (No exterior fixtures installed. Helix billed out 90%)	JA002441- JA002442	43
	Trial Exhibit 71 - Photo re: Building 8 & 9, West (No exterior fixtures installed. Helix billed out 90%)	JA002443- JA002444	43
	Trial Exhibit 72 - Photo re: Building 2 & 3, East (No exterior fixtures installed. Helix billed out 90%)	JA002445- JA002446	43
	Trial Exhibit 73 - Photo re: Building 8 & 9, West (No exterior fixtures installed. Helix billed out 90%)	JA002447- JA002448	43
	Trial Exhibit 74 - Photo re: Building 2 & 3, East (No exterior fixtures installed. Helix billed out 90%)	JA002448- JA002449	43

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	Trial Exhibit 75 - Unconditional Release re: Pay Application No. 16713-011R1 with Proof of Payment	JA002450- JA002456	43
	Exhibit 77 - Helix Statement of Facts Constituting Notice of Lien and Third-Party Complaint	JA002457- JA002494	43
	Zitting Brothers Related Exhibits:		
	Trial Exhibit 100 - Check No. 14392 payable to Zitting (\$27,973.80); Progress Payment No. 7	JA002495- JA002497	44
	Trial Exhibit 101 - Email from R. Nickerl to R. Zitting re: Change Orders	JA002498- JA002500	44
	Trial Exhibit 102 -Email from L. Lynn to J. Griffith, et al. re: Change Order No. 00011 “pending”	JA002501- JA002503	44
	Trial Exhibit 103- Email from R. Zitting to R. Nickerl re: change orders adjusted to \$30 per hour	JA002504- JA002505	44
	Trial Exhibit 104 - Email from R. Zitting to R. Nickerl re: change orders adjusted to \$30 per hour with copies of change orders	JA002506- JA002526	44
	Trial Exhibit 105 - Ex. C to the Ratification – Zitting Quotes	JA002527- JA002528	44
	Trial Exhibit 106 - Unconditional Lien Release – Zitting (\$27,973.80)	JA002529	44
	Trial Exhibit 108 - Photo of Video (Construction Project)	JA002530- JA002531	44
	Trial Exhibit 109 - Photo of Video (Construction Project)	JA002532- JA002533	44

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	Trial Exhibit 110 - Photo of Video (Construction Project)	JA002534- JA002535	44
	Trial Exhibit 111 - Photo of Video (Construction Project)	JA002536- JA002537	44
	Trial Exhibit 112 - Photo of Video (Construction Project)	JA002538- JA002539	44
	Trial Exhibit 113 -Photo of Video (Construction Project)	JA002550- JA002541	44
	Trial Exhibit 114 -Photo of Video (Construction Project)	JA002542- JA002543	44
	Trial Exhibit 115 - Progress Payment No. 9 Remitted to Zitting	JA002544- JA002545	44
	Trial Exhibit 116 - Ratification and Amendment of Subcontract Agreement between Buchele and Camco	JA002546- JA002550	44
	Trial Exhibit 117 - C to the Ratification	JA002551- JA002563	44
	Trial Exhibit 118 - Q&A from Gemstone to subcontracts	JA002564- JA002567	44
	Trial Exhibit 119 - Check No. 528388 payable to APCO (\$33,847.55) – Progress Payment No. 8.1 and 8.2	JA002568- JA002571	44
	Trial Exhibit 120 - Tri-City Drywall Pay Application No. 7 to APCO as submitted to Owner. Show percentage complete for Zitting	JA002572- JA002575	44/45
	Trial Exhibit 127 - Photo of Video (Construction Project)	JA002576- JA002577	45/46
	Trial Exhibit 128 - Photo of Video (Construction Project)	JA002578- JA002579	46
	Trial Exhibit 129 - Photo of Video (Construction Project)	JA002580- JA002581	46

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	Trial Exhibit 138 - Memo from Scott Financial to Nevada State Contractors Board Re: Explanation of Project Payment Process	JA002582- JA002591	46
	Trial Exhibit 152 -Terms & Conditions modified by APCO, Invoices and Check Payment	JA002592- JA002598	46
	National Wood Products Related Exhibits:		
	Trial Exhibit 160 - Documents provided for settlement	JA002599- JA002612	46
	CAMCO Related Exhibits:		
	Trial Exhibit 163 - Camco Pay Application No. 12 to Gemstone	JA002613- JA002651	46/47
	Trial Exhibit 165 - Letter from D. Parry to A. Edelstein re: Gemstone losing funding for project	JA002652- JA002653	47
	Trial Exhibit 166 - Letter from D. Parry to G. Hall re: withdrawal of funding	JA002654 JA002656	47
	Helix Related Exhibits:		47
	Trial Exhibit 169 - Helix Exhibit to Standard Subcontract Agreement with Camco	JA 002665 JA002676	47/48
	Trial Exhibit 170 - Subcontract Agreement between Helix and Camco (unsigned)	JA002677- JA002713	48
	Trial Exhibit 171 - Work Order No. 100	JA002714- JA002718	48
	Trial Exhibit 172 - Letter from J. Griffith to Victor Fuchs Re: Gemstone's intention to continue retention of Helix w/copy of Ratification and Amendment of Subcontract Agreement	JA002719- JA002730	48

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	Trial Exhibit 173 - Helix Pay Application No. 16713-012 to Camco with proof of payment	JA002731- JA002745	48
	Trial Exhibit 174 - Helix Change Order Request No. 28	JA002746- JA002747	48
	Trial Exhibit 175 - Change Notice No. 41	JA002748- JA002751	48
	Trial Exhibit 176 - Helix Pay Application No. 16713-013 to Camco	JA002752- JA002771	48/49
	Trial Exhibit 177 - Helix Pay Application No. 16713-014 to Camco	JA002772- JA002782	49
	Trial Exhibit 178 - Camco's letter to Helix rejecting Pay Application No. 16713-015 with attached copy of Pay Application	JA002783 JA002797	49
	National Wood/Cabinetec Related Exhibits:		
	Trial Exhibit 184 - Ratification and Amendment of Subcontract Agreement between CabineTec and Camco (fully executed copy)	JA002798- JA002825	49
	General Related Exhibits:		
	Trial Exhibit 218 - Camco/Owner Pay Application No. 11 w/Backup	JA002826- JA003028	50/51/52
	Trial Exhibit 220 - Camco/Owner Pay Application No. 12 w/Backup	JA003029- JA003333	52/53/54/55
	Trial Exhibit 313 - Letter from A. Edelstein to R. Nickerl re: NRS 624 Notice	JA003334- JA003338	55
	Helix Trial Exhibits:		
	Trial Exhibit 501 - Payment Summary	JA003339 – JA003732	55/56/57 /58/59/60
	Trial Exhibit 508 – Helix Pay Application	JA003733- JA003813	60/61

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	Trial Exhibit 510 - Unsigned Subcontract	JA003814- JA003927	61/62
	Trial Exhibit 512 - Helix's Lien Notice	JA003928- JA004034	62/63
	Trial Exhibit 522 - Camco Billing	JA004035- JA005281	63/64/65 /66/67/ 68/69/70/ 71/72 /73/74/75 /76/77
01-19-18	Order Denying APCO Construction's Motion for Reconsideration of Order Granting Partial Summary Judgment Precluding Defenses Based on Pay-if-Paid Agreements	JA005282- JA005283	78
01-18-18	Transcript – Bench Trial (Day 2)²	JA005284- JA005370	78
	Trial Exhibit 535 – Deposition Transcript of Andrew Rivera (Exhibit 99) (<i>Admitted</i>)	JA005371- JA005623	78/79/80
01-19-18	Transcript – Bench Trial (Day 3)³	JA005624- JA005785	80
	Trial Exhibit 231 – Helix Electric's Amended Statement of Facts Constituting Notice of Lien and Third-Party Complaint (<i>Admitted</i>)	JA005786- JA005801	80
	Trial Exhibit 314 - Declaration of Victor Fuchs in support of Helix's Motion for Partial Summary Judgment against Gemstone (<i>Admitted</i>)	JA005802- JA005804	80

² Filed January 31, 201879

³ Filed January 31, 2018

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Trial Exhibit 320 – June-August Billings—not paid to APCO (<i>Admitted</i>)	JA005805	80
	Trial Exhibit 321 – Overpayments to Cabinetec (<i>Admitted</i>)	JA005806-	80
	Trial Exhibit 536 – Lien math calculations (handwritten) (<i>Admitted</i>)	JA005807- JA005808	80
	Trial Exhibit 804 – Camco Correspondence (<i>Admitted</i>)	JA005809- JA005816	80
	Trial Exhibit 3176 – APCO Notice of Lien (<i>Admitted</i>)	JA005817- JA005819	81
01-24-18	Transcript – Bench Trial (Day 5)⁴	JA005820- JA005952	81
03-08-18	Letter to Judge Denton submitting Helix Electric of Nevada, LLC’s (Proposed) Findings of Fact and Conclusions of Law	JA005953- JA005985	81
03-08-18	Letter to Judge Denton submitting APCO Construction, Inc.’s Proposed Findings of Fact and Conclusions of Law	JA005986- JA006058	8/821
03-08-18	APCO Construction Inc.’s Post-Trial Brief	JA006059- JA006124	82/83
03-23-18	APCO Opposition to Helix Electric of Nevada, LLC’s Findings of Fact and Conclusions of Law	JA006125- JA006172	83/84
03-23-18	Helix Electric of Nevada, LLC’s Responses to APCO Construction’s Post-Trial Brief	JA006173- JA006193	84
04-25-18	Findings of Fact and Conclusions of Law and Order as the Claims of Helix Electric and Cabinetec Against APCO	JA006194- JA006264	84/85

⁴ Filed January 31, 201883

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05-08-18	APCO Construction, Inc.'s Motion for Attorneys' Fees and Costs Against Helix Electric of Nevada, LLC and Plaintiff in Intervention National Wood Products, Inc.	JA006265- JA006284	85
	Exhibit 1 – Findings of Fact and Conclusions of Law as to the Claims of Helix Electric and Cabenetec Against APCO	JA006285- JA006356	85/86
	Exhibit 2 – National Wood Products, Inc.'s Notice of Motion and Motion to Intervene and Memorandum of Points and Authorities in Support Thereof	JA006357- JA006369	86
	Exhibit 3 – Plaintiff in Intervention, National Wood Products, Inc.'s Findings of Fact and Conclusions of Law (Proposed)	JA006370- JA006385	86/87
	Exhibit 4 – Plaintiff in Intervention, National Wood Productions, Inc.'s Findings of Fact and Conclusions of Law Re Camco	JA006386- JA006398	87
	Exhibit 5 – Offer of Judgment to Helix Electric of Nevada, LLC	JA006399- JA006402	87
	Exhibit 6 – Offer of Judgment to Plaintiff in Intervention National Wood Products, Inc.	JA006403- JA006406	87
	Exhibit 7 – Declaration of John Randall Jefferies, Esq. in Support of APCO Construction, Inc.'s Motion for Attorney's Fees and Costs	JA006407- JA006411	87
	Exhibit 7A – Billing Entries	JA006412- JA006442	87/88

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Exhibit 7B – Time Recap	JA006443- JA006474	88
	Exhibit 8 – Declaration of Cody S. Munteer, Esq. in Support of Motion for Attorney’s Fees and Costs	JA006475- JA006478	88
	Exhibit 9 – APCO Construction, Inc.’s Memorandum of Costs and Disbursements [Against Helix Electric of Nevada, LLC, and Plaintiff in Intervention National Wood Products, LLC]	JA006479- JA006487	88
	Exhibit 10 – Depository Index	JA006488- JA006508	88/89
05-08-18	Helix Electric of Nevada, LLC’s Motion to Retax Costs Re: Defendant APCO Construction’s Memorandum of Costs and Disbursements	JA006509- JA006521	89
05-31-18	Notice of Entry of Judgment [As to the Claims of Helix Electric of Nevada, LLC Against Camco Construction, Co., Inc.]	JA006522 JA006540	89
06-01-18	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.]	JA006541 JA006550	90
06-01-18	Helix Electric of Nevada, LLC’s Motion for Attorneys’ Fees, Interest and Costs	JA006551- JA006563	90
	Exhibit 1 – Findings of Fact and Conclusions of Law and Order as to the Claims of Helix Electric of Nevada, LLC Against Camco Pacific Construction, Inc.	JA006564- JA006574	90

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Exhibit 2 – Memorandum of Costs and Disbursements (Helix Electric of Nevada, LLC)	JA006575- JA006580	90
	Exhibit 3 – Prime Interest Rate	JA006581- JA006601	90
	Exhibit 4 – Declaration of Eric B. Zimbelman in Support of Helix Electric of Nevada, LLC’s Motion for Attorneys’ Fees, Interest and Costs	JA006583- JA006588	90
	Exhibit 5 – Summary of Fees	JA006589- JA006614	90
06-15-18	APCO Construction, Inc.’s Opposition to Helix Electric of Nevada, LLC and Plaintiff in Intervention National Wood Products, Inc.’s Motions to Retax Costs	JA006615- JA006637	90/91
	Exhibit 1-A Declaration of Mary Bacon in Support of APCO’s Supplement to its Motion for Attorney’s Fees	JA006635 JA006638	91
	Exhibit 1-B – Declaration of Cody Munteer in Support of APCO’s Supplement to its Motion for Attorney’s Fees	JA006639- JA006916	91/92/93 94/95/96
06-15-18	Helix Electric of Nevada, LLC’s Opposition to APCO Construction’s Motion for Attorneys’ Fees and Costs	JA006917 – JA006942	96
	Exhibit 1 – Notice of Entry of Staying the Case, Except for the Sale of the Property, Pending Resolution of the Petition before the Nevada Supreme Court	JA006943- JA006948	96

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Exhibit 2 – Notice of Entry of Denying APCO Construction’s Motion for Partial Summary Judgment Re: Lien Foreclosure Claims	JA006949- JA006954	96
	Exhibit 3 – Supreme Court filing notification Joint Petition for Writ of Mandamus filed	JA006955- JA006958	96
	Exhibit 4 – Order Denying <i>En Banc</i> Reconsideration	JA006959- JA006963	96
	Exhibit 5 – Notice of Entry of Order Granting Peel Brimley Lien Claimants’ Motion for Partial Summary Judgment Precluding Defenses Based on Pay-if-Paid Agreements	JA006964- JA006978	96
	Exhibit 6A – Interstate Plumbing and Air Conditioning, LLC’s Response to Special Master Questionnaire	JA006977- JA006980	96
	Exhibit 6B – Nevada Prefab Engineers, Inc.’s Response to Special Master Questionnaire	JA006981- JA006984	96
	Exhibit 6C – Zitting Brothers Construction, Inc.’s Response to Special Master Questionnaire	JA006985- JA006993	96/97
	Exhibit 6D – Noorda Sheet Metal’s Notice of Compliance	JA006994 JA007001	97
	Exhibit 6 E – Unitah Investments, LLC’s Special Master Questionnaire	JA007002- JA007005	97
	Exhibit 7A – Motion to Appoint Special Master	JA007006- JA007036	97
	Exhibit 7B – Letter from Floyd A. Hale dated August 2, 2016	JA007037- JA007060	97

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Exhibit 7C – Special Master Report Regarding Remaining Parties to the Litigation, Special Master Recommendation and District Court Order Amended Case Agenda	JA007042- JA007046	97
	Exhibit 8 – Notice of Entry of Order Granting Plaintiff’s Motion to Dismiss	JA007047 JA007053	97
	Exhibit 9 – Stipulation and Order for Dismissal with Prejudice	JA007054- JA007056	97
	Exhibit 10 – Stipulation and Order to Dismiss Third-Party Complaint of Interstate Plumbing & Air Conditioning, LLC Against APCO Construction, Inc. with Prejudice	JA007057- JA007059	97
	Exhibit 11 – Notice of Entry of Order Granting in Part and Denying in Part APCO Construction’s Omnibus Motion <i>in Limine</i>	JA007060- JA007088	97
	Exhibit 12 – Notice of Entry of Order Granting in Part and Denying in Part Helix Electric of Nevada, LLC’s Motion in Limine (against APCO Construction)	JA007070- JA007078	97
	Exhibit 13 – Notice of Entry of Order Denying APCO Constructions’ Motion for Partial Summary Judgment Re: Lien Foreclosure Claims	JA007079- JA007084	97
	Exhibit 14 – Notice of Entry of Order Denying APCO Construction’s Motion for Reconsideration of Order Granting Partial Summary	JA007085- JA007087	97

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Judgment Precluding Defenses Based on Pay-if-Paid Agreements		
	Exhibit 15 – Notice of Association of Counsel	JA007088- JA007094	97
06-15-18	Plaintiff in Intervention National Wood Products, Inc.’s Opposition to APCO Construction’s Motion for Attorneys’ Fees and Costs	JA007095- JA007120	97/98
06-15-18	Declaration of S. Judy Hirahara in support of National Woods’s Opposition to APCO Construction’s Motion for Attorneys’ Fees and Costs	JA007121- JA007189	98
06-18-18	Plaintiff in Intervention National Wood Products, Inc.’s Joinder to Helix Electric of Nevada, LLC’s Opposition to APCO Construction’s Motion for Attorneys’ Fees and Costs	JA007190- JA007192	99
06-21-18	Helix Electric of Nevada, LLC’s Notice of Non-Opposition to its Motion for Attorney’s Fees, Interest and Costs	JA007193- JA007197	99
06-29-18	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.	JA007198- JA007220	99
	Exhibit 1 – Invoice Summary by Matter Selection	JA007221- JA007222	99
	Exhibit 2 – Marquis Aurbach Coffing Invoice to APCO dated April 30, 2018	JA007223- JA007224	99

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
06-29-18	Helix Electric of Nevada, LLC's Reply Re: Motion to Retax	JA007225- JA007237	100
07-02-18	Notice of Entry of Order Granting Helix Electric of Nevada, LLC's Motion for Attorneys' Fees, Interest and Costs	JA007238- JA007245	100
07-19-18	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 Attorney's Fees and Costs	JA007246- JA007261	100
08-08-18	Court's Decision on Attorneys' Fees and Cost Motions	JA007262- JA007280	100
09-28-18	Notice of Entry of (1) Granting APCO Construction, Inc.'s 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	JA007281- JA007299	100
01-24-19	Transcript for All Pending Fee Motions on July 19, 2018	JA007300- JA007312	100/101
07-12-19	Order Dismissing Appeal (Case No. 76276)	JA007313- JA007315	101

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
08-06-19	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	JA007316- JA007331	101
	Exhibit 1 – Judgment [As to the Claims of Helix Electric of Nevada, LLC and Plaintiff in Intervention National Wood Products, Inc.'s Against APCO Construction, Inc.	JA007332- JA007335	101
	Exhibit 2 – 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 and all related matters (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	JA007336- JA007344	101
	Exhibit 3 - Notice of Appeal	JA007345- JA007394	101/102
	Exhibit 4 – Amended Notice of Appeal	JA007395- JA007400	102
	Exhibit 5A – 5F -Notices of Entry of Order as to the Claims of Cactus Rose Construction, Fast Glass, Inc., Heinaman Contract Glazing, Helix Electric of Nevada, LLC, SWPPP Compliance	JA007401- JA007517	102/103

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Solutions, Inc., E&E Fire Protection		
	Exhibit 6 – Order Dismissing Appeal in Part (Case No. 76276)	JA007518- JA007519	103
	Exhibit 7 – Order to Show Cause	JA007520- JA007542	103
	Exhibit 8 -Order Dismissing Appeal (Case No. 76276)	JA007524- JA007527	103
	Exhibit 9 – Notice of Entry of Order to Consolidate this Action with Case Nos. A574391, A574792, A57623. A58389, A584730, A58716, A580889 and A589195	JA 007528- JA007541	103
	Exhibit 10 (Part One)	JA007537- JA007542	103
	Exhibit 10A – Docket 09A587168 (Accuracy Glass & Mirror v. APCO)	JA007543- JA007585	103
	Exhibit 10B -Docket 08A571228 (APCO v. Gemstone)	JA007586- JA008129	103/104/105 /106/107 /108/109
	Exhibit 10C – Notice of Entry of Order to Consolidate this Action with Cases Nos A57. 4391, A574792, A577623, A583289, A584730, A587168, A580889 and A589195	JA008130- JA008138	109
	Exhibit 10D – Notice of Entry of Joint Order Granting, in Part, Various Lien Claimants’ Motions for Partial Summary Judgment Against Gemstone Development West	JA008139- JA008141	109
	Exhibit 10 (Part Two)	JA008142- JA008149	109

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Exhibit 10E – 131 Nev. Advance Opinion 70	JA008150- JA008167	109
	Exhibit 10F – Special Master Report Regarding Remaining Parties to the Litigation and Discovery Status	JA008168- JA008170	109
	Exhibit 10EG – Notice of Entry of Granting Plaintiff’s Motion to Dismiss	JA008171- JA008177	109
	Exhibit 10H – Complaint re Foreclosure	JA008178- JA008214	109
	Exhibit 10I – First Amended Complaint re Foreclosure	JA008215- JA008230	109
	Exhibit 10J – APCO Construction’s Answer to Accuracy Glass & Mirror Company’s First Amended Complaint re Foreclosure	JA008231- JA008265	109/110
	Exhibit 10K – Answer to Accuracy Glass & Mirror Company, Inc.’s Complaint and Camco Pacific Construction, Inc.’s Counterclaim	JA008266- JA008285	110
	Exhibit 10L – Accuracy Glass & Mirror Company, Inc.’s Answer to Camco Pacific Construction Company’s Counterclaim	JA008286- JA008290	110
	Exhibit 10M – Helix Electric’s Amended Statement of Facts Constituting Lien and Third-Party Complaint	JA008291- JA008306	110
	Exhibit 10N – APCO Construction’s Answer to Helix Electric’s Amended Statement of Facts Constituting Lien and Third-Party Complaint	JA008307- JA008322	110
	Exhibit 10O – Answer to Helix Electric’s Statement of Facts	JA008323- JA008338	110

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Constituting Lien and Third-Party Complaint and Camco Pacific Construction Company Inc.'s Counterclaim		
	Exhibit 10P – Notice of Entry of Helix Electric of Nevada, LLC's Motion for Attorney's Fees, Interest and Costs	JA008339 JA008347	110
	Exhibit 10Q – Notice of Entry of Judgment [As to the claims of Helix Electric of Nevada, LLC Against Camco Construction Co., Inc.]	JA008348- JA008367	110
	Exhibit 10R – Notice of Entry of Judgment [As to the Claims of Helix Electric of Nevada, LLC and Plaintiff in Intervention National Wood Products, Inc. Against APCO Construction, Inc.]	JA008368- JA008378	110
	Exhibit 10S – Findings of Fact and Conclusions of Law and Order as to the Claims of Helix Electric and Cabenetec Against APCO	JA008379- JA008450	110/111
	Exhibit 10T -WRG Design, Inc.'s Amended Statement of Facts Constituting Notice of Lien and Third-Party Complaint	JA008451- JA008486	111
	Exhibit 10U – APCO Construction's Answer to WRG Design Inc.'s amended Statement of Facts Constituting Lien and Third-Party Complaint	JA008468- JA008483	111
	Exhibit 10V -Answer to WRG Design, Inc.'s Statement of Facts Constituting Lien, Third-Party Complaint and Camco Pacific Construction, Inc.'s Counterclaim	JA008484- JA008504	111

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Exhibit 10W – Notice of Entry of Stipulation and Order Dismissal	JA008505- JA008512	111
	Exhibit 10X – WRG Design, Inc.'s Answer to Camco Pacific Construction Company, Inc.'s Counterclaim	JA008513 JA008517	111
	Exhibit 10Y – Heinaman Contract Glazing's Amended Statement of Facts Constituting Lien and Third-Party Complaint	JA008518- JA008549	111
	Exhibit 10Z – Answer to Heinaman Contract Glazing's Statement of Facts Constituting Lien and Third-Party Complaint, and Camco Pacific Construction's Counterclaim	JA008531- JA008551	111
	Exhibit 10AA – Notice of Entry of Granting Heinaman Glazing's Motion for Attorneys's Fees, Interest and Costs	JA008552- JA008579	111/112
	Exhibit 10BB -Notice of Entry of Judgment [As to the Claims of Heinaman Contract Glazing Against Camco Construction Co., Inc.]	JA008561- JA008582	112
	Exhibit 10CC – Heinaman Contract Glazing's Answer to Camco Pacific Construction Company's Counterclaim	JA008583 JA008588	112
	Exhibit 10DD - Bruin Painting Corporation's Amended Statement of Facts Constituting Notice of Lien and Third-Party Complaint	JA008589- JA00861	112
	Exhibit 10EE – Answer to Bruin Painting Corporation's Amended Statement of Facts Constituting Notice of Lien and Third-Party	JA008602- JA008621	112

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Complaint and Camco Pacific Construction, Inc.'s Counterclaim		
	Exhibit 10FF – Voluntary Dismissal of Fidelity and Deposit Company of Maryland Only from Bruin Painting Corporation's Amended Statement of Facts Constituting Notice of Lien and Third-Party Complaint Without Prejudice	JA008622- JA008624	112
	Exhibit 10GG – HD Supply Waterworks' Amended Statement of Facts Constituting Lien and Third-Party Complaint	JA008625- JA008642	112
	Exhibit 10HH – APCO Construction's Answer to HD Supply Waterworks' Amended Statement of Facts Constituting Lien and Third-Party Complaint	JA008643- JA008657	112
	Exhibit 10II – Amended Answer to HD Supply Waterworks' Amended Statement of Facts Constituting Lien and Third-Party Complaint	JA008658- JA008664	112
	Exhibit 10JJ -Defendants Answer to HD Supply Waterworks' Amended Statement of Facts Constituting Lien and Third-Party Complaint	JA008665- JA008681	112
	Exhibit 10KK – Stipulation and Order to Dismiss E & E Fire Protection, LLC Only Pursuant to the Terms State Below	JA008682- JA008685	112
	Exhibit 10LL – HD Supply Waterworks, LP's Voluntary Dismissal of Platte River Insurance Company Only Without Prejudice	JA008686- JA008693	112

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Exhibit 10MM – Scott Financial Corporation’s Answer to HD Supply Waterworks’ Amended Statement of Facts Constituting Lien and Third-Party Complaint	JA008694- JA008717	112/113
	Exhibit 10NN-Notice of Appeal	JA008718 JA008723	113
	Exhibit 10OO – Amended Notice of Appeal	JA008724- JA008729	113
	Exhibit 10PP – Notice of Cross Appeal	JA008730- JA008736	113
	Exhibit 10QQ – Motion to Suspend Briefing Pending Outcome of Order to Show Cause in Supreme Court Case No. 76276	JA008737- JA008746	113
	Exhibit 11 – Order to Consolidate this Action with Case Nos. A574391, A574792, A57623. A58389, A584730, A58716, A580889 and A589195	JA008747- JA008755	113
	Exhibit 12 – Stipulation and Order to Dismiss Third-Party Complaint of Interstate Plumbing & Air Conditioning, LLC Against APCO Construction, Inc. with Prejudice	JA00875- JA008758	113
	Exhibit 13 – Stipulation and Order with Prejudice	JA008759- JA008780	113
	Exhibit 14 – Docket/United Subcontractors, Inc. dba Skyline Insulation’s Motion to Enforce Settlement Agreement and Enter Judgment	JA008762- JA008788	113
	Exhibit 15 – Notice of Entry of Order Granting Motion for 54(b) Certification and for Stay Pending Appeal	JA008789- JA008798	113

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Exhibit 16 – Notice of Appeal	JA008799- JA008810	113
08-16-19	APCO’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	JA008811- JA008821	114
	Exhibit 1 – Order to File Amended Docketing Statement	JA008822- JA008824	114
	Exhibit 2 – Order to Show Cause	JA008825- JA008828	114
	Exhibit 3 – Appellant/Cross-Respondent’s Response to Order to Show Cause	JA008829- JA008892	114/115/116
	Exhibit 4 – Order Dismissing Appeal	JA008893- JA008896	116
	Exhibit 5 – Chart of Claims	JA008897- JA008924	116
	Exhibit 6 – Answer to Helix Electric’s Statement of Facts Constituting Lien and Third-Party Complaint and Camco Pacific Construction Company, Inc.’s Counterclaim	JA008925- JA008947	116/117
	Exhibit 7 – Answer to Cactus Rose’s Statement of Facts Constituting Notice of Lien and Complaint and Camco Pacific Construction Company Inc.’s Counterclaim	JA008948- JA008965	117
	Exhibit 8 – Answer to Heinaman Contract Glazing’s Statement of Facts Constituting Lien and Third-Party Complaint and Camco	JA008966- JA008986	117/118

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Pacific Construction's Counterclaim		
	Exhibit 9 – Findings of Fact and Conclusions of Law as to the Claims of Helix Electric of Nevada, LLC Against Camco Pacific Construction, Inc.	JA008987- JA008998	118
	Exhibit 10 – Findings of Fact and Conclusions of Law as to the Claims of Cactus Rose Construction Co., Inc.	JA008998- JA009010	118
	Exhibit 11 – Findings of Fact and Conclusions of Law as to the Claims of Heinaman Contract Glazing	JA009011- JA009024	118
	Exhibit 12 – Notice of Entry of Decision, Order and Judgment on Defendant Scott Financial Corporation's Motion for Summary Judgment as to Priority of Liens	JA009025- JA009038	118
	Exhibit 13 – Findings of Fact and Conclusions of Law as to the Claims of Helix Electric and Cabenetec Against APCO	JA009039- JA009110	118/119
	Exhibit 14 – Order Granting Motion to Deposit Bond Penal Sum with Court, Exoneration of Bond and Dismissal	JA009111- JA009113	119
	Exhibit 15 – Order Approving Distribution of Fidelity and Deposit Company of Maryland's Bond	JA009114- JA009116	119
08-29-19	Helix Electric of Nevada LLC's Reply to APCO's Opposition to Helix Electric of Nevada LLC's Motion to (I) Re-Open Statistically Closed Case, (II)	JA009117- JA009123	119

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Dismiss All Unresolved Claims and/or (III) In The Alternative for a Rule 54(B) Certification as to Helix and APCO		
01-03-20	Notice of Entry of Order Granting Helix Electric of Nevada, LLC's Motion for Rule 54(b) Certification	JA009124- JA009131	119
01-29-20	Notice of Appeal	JA009132- JA009136	119/120
	Exhibit A – 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.]	JA009137- JA009166	120
	Exhibit [C] – Notice of Entry of Order Granting Helix Electric of Nevada's Rule 54(b) Certification	JA009148- JA009156	120
02-11-20	Case Appeal Statement	JA009157- JA009163	120
02-11-20	APCO's Notice of Cross Appeal	JA009164- JA010310	120
	Exhibit 1 – Notice of Entry of Order (1) Granting APCO Construction, Inc.'s Motion for Attorney's 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 Party (4) Granting Plaintiff-in-Intervention National Wood Productions, LLC's Motion to Retax in Part and Denying in Part and (5) Granting National Wood Products, Inc.'s Motion to File a Surreply	JA009168- JA009182	120

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Exhibit 2 – Notice of Entry of Order Granting Helix Electric of Nevada’s Motion for Rule 54(b) Certification	JA009183- JA00991	120

ALPHABETICAL APPENDIX OF EXHIBITS

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
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05-08-18	APCO Construction, Inc.'s Motion for Attorneys' Fees and Costs Against Helix Electric of Nevada, LLC and Plaintiff in Intervention National Wood Products, Inc.	JA006265- JA006284	85
	Exhibit 1 – Findings of Fact and Conclusions of Law as to the Claims of Helix Electric and Cabenetec Against APCO	JA006285- JA006356	85/86
	Exhibit 2 – National Wood Products, Inc.'s Notice of Motion and Motion to Intervene and Memorandum of Points and Authorities in Support Thereof	JA006357- JA006369	86
	Exhibit 3 – Plaintiff in Intervention, National Wood Products, Inc.'s Findings of Fact and Conclusions of Law (Proposed)	JA006370- JA006385	86/87
	Exhibit 4 – Plaintiff in Intervention, National Wood Productions, Inc.'s Findings of Fact and Conclusions of Law Re Camco	JA006386- JA006398	87
	Exhibit 5 – Offer of Judgment to Helix Electric of Nevada, LLC	JA006399- JA006402	87
	Exhibit 6 – Offer of Judgment to Plaintiff in Intervention National Wood Products, Inc.	JA006403- JA006406	87
	Exhibit 7 – Declaration of John Randall Jefferies, Esq. in Support of APCO Construction, Inc.'s Motion for Attorney's Fees and Costs	JA006407- JA006411	87
	Exhibit 7A – Billing Entries	JA006412-	87/88

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	Exhibit 7B – Time Recap	JA006443- JA006474	88
	Exhibit 8 – Declaration of Cody S. Mounter, Esq. in Support of Motion for Attorney’s Fees and Costs	JA006475- JA006478	88
	Exhibit 9 – APCO Construction, Inc.’s Memorandum of Costs and Disbursements [Against Helix Electric of Nevada, LLC, and Plaintiff in Intervention National Wood Products, LLC]	JA006479- JA006487	88
	Exhibit 10 – Depository Index	JA006488- JA006508	88/89
06-06-13	APCO’s Limited Motion to Lift Stay for Purposes of this Motion Only; (2) APCO’s Motion for Summary Judgment Against Gemstone Only; and (3) Request for Order Shortening Time	JA000044- JA000054	1
	Exhibit 1 – Affidavit of Randy Nickerl in Support of (I) APCO’s Limited Motion to Lift Sta for Purposes of this Motion Only; (2) APCO’s Motion for Judgment Against Gemstone Only	JA000055- JA000316	1/2/4/5/6
	Exhibit 2 – Findings of Fact and Conclusions of Law and Judgment in Favor of APCO Construction Against Gemstone Development West, Inc. Only	JA000317- JA000326	6
02-11-20	APCO’s Notice of Cross Appeal	JA009164- JA010310	120
	Exhibit 1 – Notice of Entry of Order (1) Granting APCO Construction, Inc.’s Motion for Attorney’s Fees and Costs; (2) Granting APCO Construction, Inc.’s Memorandum of Costs in Part (3) Granting Helix Electric of Nevada, LLC’s	JA009168- JA009182	114

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Motion to Retax in Party (4) Granting Plaintiff-in-Intervention National Wood Productions, LLC's Motion to Retax in Part and Denying in Part and (5) Granting National Wood Products, Inc.'s Motion to File a Surreply		
	Exhibit 2 – Notice of Entry of Order Granting Helix Electric of Nevada's Motion for Rule 54(b) Certification	JA009183- JA00991	120
11-06-17	APCO Construction, Inc.'s Omnibus Motion <i>in Limine</i>	JA000590 JA000614	9
	Exhibit 1 – Second Amended Notice of taking NRCP Rule 30(b)(6) Deposition of Person Most Knowledgeable for Zitting Brothers Construction, Inc.	JA000615- JA000624	9
	Exhibit 2 – Zitting Brothers Construction, Inc.'s Motion for Partial Summary Judgment Against APCO Construction	JA000625- JA000646	9
	Exhibit 3 – Excerpts from Samuel Zitting's Deposition Transcript taken October 27, 2017	JA000647- JA000678	9/10
	Exhibit 4 – Statement of Facts Constituting Lien on Behalf of Buchele, Inc.	JA000679- JA000730	10
	Exhibit 5 – Subcontract Agreement dated April 17, 2007	JA000731- JA000808	10/11
	Exhibit 6 – Subcontract Agreement dated April 17, 2007	JA000809- JA000826	11/12
	Exhibit 7 – Email from Mary Bacon dated October 16, 2017	JA000827- JA000831	12
	Exhibit 8 – Email from Mary Bacon dated October 17, 2017	JA000832- JA000837	12
	Exhibit 9 – Email from Eric Zimbelman dated October 17, 2017	JA000838- JA000844	12
	Exhibit 10 – Special Master Report, Recommendation and District Court Order	JA00845- JA000848	12

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
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	Exhibit 12 – Plaintiff in Intervention, National Wood Products, Inc.’s First Supplemental Disclosures Pursuant to NRCP 16.1	JA000857- JA000864	12
	Exhibit 13 – Amended Notice of Taking NRCP Rule 30(b)(6) Deposition of Person Most Knowledgeable for Helix Electric of Nevada, LLC	JA000865- JA000873	12
	Exhibit 14 – Excerpts from Helix Electric of Nevada, LLC’s 30(b)(6) Witness Deposition Transcript taken July 20, 2017	JA000874- JA000897	12
03-23-18	APCO Opposition to Helix Electric of Nevada, LLC’s Findings of Fact and Conclusions of Law	JA006125- JA006172	83/84
08-16-19	APCO’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	JA008811- JA008821	114
	Exhibit 1 – Order to File Amended Docketing Statement	JA008822- JA008824	114
	Exhibit 2 – Order to Show Cause	JA008825- JA008828	114
	Exhibit 3 – Appellant/Cross-Respondent’s Response to Order to Show Cause	JA008829- JA008892	114/115/116
	Exhibit 4 – Order Dismissing Appeal	JA008893- JA008896	116
	Exhibit 5 – Chart of Claims	JA008897- JA008924	116
	Exhibit 6 – Answer to Helix Electric’s Statement of Facts Constituting Lien and Third-Party Complaint and Camco	JA008925- JA008947	116/117

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
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	Exhibit 7 – Answer to Cactus Rose's Statement of Facts Constituting Notice of Lien and Complaint and Camco Pacific Construction Company Inc.'s Counterclaim	JA008948- JA008965	117
	Exhibit 8 – Answer to Heinaman Contract Glazing's Statement of Facts Constituting Lien and Third-Party Complaint and Camco Pacific Construction's Counterclaim	JA008966- JA008986	117/118
	Exhibit 9 – Findings of Fact and Conclusions of Law as to the Claims of Helix Electric of Nevada, LLC Against Camco Pacific Construction, Inc.	JA008987- JA008998	118
	Exhibit 10 – Findings of Fact and Conclusions of Law as to the Claims of Cactus Rose Construction Co., Inc.	JA008998- JA009010	118
	Exhibit 11 – Findings of Fact and Conclusions of Law as to the Claims of Heinaman Contract Glazing	JA009011- JA009024	118
	Exhibit 12 – Notice of Entry of Decision, Order and Judgment on Defendant Scott Financial Corporation's Motion for Summary Judgment as to Priority of Liens	JA009025- JA009038	118
	Exhibit 13 – Findings of Fact and Conclusions of Law as to the Claims of Helix Electric and Cabenetec Against APCO	JA009039- JA009110	118/119
	Exhibit 14 – Order Granting Motion to Deposit Bond Penal Sum with Court, Exoneration of Bond and Dismissal	JA009111- JA009113	119
	Exhibit 15 – Order Approving Distribution of Fidelity and Deposit Company of Maryland's Bond	JA009114- JA009116	119

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
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	Exhibit 1-B – Declaration of Cody Mounteer in Support of APCO's Supplement to its Motion for Attorney's Fees	JA006639- JA006916	91/92/93 94/95/96
11-14-17	APCO Construction, Inc.'s Opposition to Helix Electric of Nevada, LLC's Motions in <i>Limine</i> Nos. 1-4	JA000929- JA000940	13/14
	Exhibit 1 – Excerpts from the Deposition Transcript of Mary Jo Allen taken July 18, 2017	JA000941- JA000966	14/15/16
	Exhibit 2 – Helix Electric's Manhattan West Billing/Payment Status through August 2008	JA000967- JA000969	16/17
	Exhibit 3 – Excerpts from the Deposition Transcript of Andrew Rivera taken July 20, 2017	JA000970- JA000993	17/18/19
08-21-17	APCO Construction's Opposition to Peel Brimley Lien Claimants' Partial Motion for Summary Judgment Precluding Defenses Based on Pay-if-Paid Agreements	JA000393- JA000409	6/7
	Exhibit A – Excerpt from 30(b)(6) Witness for Helix Electric of Nevada, LLC taken July 20, 2017	JA000410- JA000412	7
03-08-18	APCO Construction Inc.'s Post-Trial Brief	JA006059- JA006124	82/83
11-15-17	APCO Construction, Inc.'s Reply in Support of its Omnibus <i>Motion in Limine</i>	JA001133 JA001148	21

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
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	Exhibit 2 – Notice of Taking NRCP Rule 30(b)(6) Deposition of the Person Most Knowledgeable for Zitting Brothers Construction, Inc.	JA001152- JA001160	21
06-29-18	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.	JA007198- JA007220	99
	Exhibit 1 – Invoice Summary by Matter Selection	JA007221- JA007222	99
	Exhibit 2 – Marquis Aurbach Coffing Invoice to APCO dated April 30, 2018	JA007223- JA007224	99
04-26-10	CAMCO and Fidelity’s Answer and CAMCO’s Counterclaim	JA000031- JA000041	1
11-14-17	Camco Pacific Construction Company, Inc.’s Opposition to Lien Claimants’ Motions in Limine Nos. 1-6	JA000898- JA000905	12
	Exhibit A – Nevada Construction Services Cost Plus GMP Contract Disbursement Agreement	JA000906- JA000907	12
	Exhibit B – Scott Financial Corporation’s April 28, 2009 letter to the Nevada State Contractor’s Board	JA000908- JA000915	2/13
	Exhibit C – E-mail from Alex Edelstein dated December 15, 2008 Re: Letter to Subs	JA000916- JA000917	13
	Exhibit D – Camco Pacific’s letter dated December 22, 2008	JA000918- JA000920	13
	Exhibit E – Order Approving Sale of Property	JA000921- JA000928	13
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06-15-18	Declaration of S. Judy Hirahara in support of National Woods's Opposition to APCO Construction's Motion for Attorneys' Fees and Costs	JA007121- JA007189	98
06-13-13	Docket Entry and Minute Order Granting APCO's Motion for Summary Judgment Against Gemstone	JA000327	6
04-25-18	Findings of Fact and Conclusions of Law and Order as the Claims of Helix Electric and Cabinetec Against APCO	JA006194- JA006264	84/85
11-06-17	Helix Electric of Nevada's Motion <i>in Limine</i> Nos. 1-4	JA000534- JA000542	8
	Exhibit 1 – Notice of Entry of Order	JA000543- JA000549	8
	Exhibit 2 – Helix Electric of Nevada, LLC's Amended Notice of 30(b)(6) Deposition of APCO Construction	JA000550 JA000558	8/9
	Exhibit 3 - Excerpts from Brian Benson Deposition Transcript taken June 5, 2017	JA000559 JA000574	9
	Exhibit 4 – Excerpts from Mary Jo Allen's Deposition Transcript taken July 18, 2017	JA000575- JA000589	9
06-01-18	Helix Electric of Nevada, LLC's Motion for Attorneys' Fees, Interest and Costs	JA006551- JA006563	90
	Exhibit 1 – Findings of Fact and Conclusions of Law and Order as to the Claims of Helix Electric of Nevada, LLC Against Camco Pacific Construction, Inc.	JA006564- JA006574	90
	Exhibit 2 – Memorandum of Costs and Disbursements (Helix Electric of Nevada, LLC)	JA006575- JA006580	90
	Exhibit 3 – Prime Interest Rate	JA006581- JA006601	90

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Exhibit 4 – Declaration of Eric B. Zimbelman in Support of Helix Electric of Nevada, LLC’s Motion for Attorneys’ Fees, Interest and Costs	JA006583- JA006588	90
	Exhibit 5 – Summary of Fees	JA006589- JA006614	90
08-06-19	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	JA007316- JA007331	101
	Exhibit 1 – Judgment [As to the Claims of Helix Electric of Nevada, LLC and Plaintiff in Intervention National Wood Products, Inc.’s Against APCO Construction, Inc.	JA007332- JA007335	101
	Exhibit 2 – 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 and all related matters (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	JA007336- JA007344	101
	Exhibit 3 - Notice of Appeal	JA007345- JA007394	101/102
	Exhibit 4 – Amended Notice of Appeal	JA007395- JA007400	102
	Exhibit 5A – 5F -Notices of Entry of Order as to the Claims of Cactus Rose Construction, Fast Glass, Inc., Heinaman Contract Glazing, Helix Electric of	JA007401- JA007517	102/103

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
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	Exhibit 6 – Order Dismissing Appeal in Part (Case No. 76276)	JA007518- JA007519	103
	Exhibit 7 – Order to Show Cause	JA007520- JA007542	103
	Exhibit 8 -Order Dismissing Appeal (Case No. 76276)	JA007524- JA007527	103
	Exhibit 9 – Notice of Entry of Order to Consolidate this Action with Case Nos. A574391, A574792, A57623. A58389, A584730, A58716, A580889 and A589195	JA 007528- JA007541	103
	Exhibit 10 (Part One)	JA007537- JA007542	103
	Exhibit 10A – Docket 09A587168 (Accuracy Glass & Mirror v. APCO)	JA007543- JA007585	103
	Exhibit 10B -Docket 08A571228 (APCO v. Gemstone)	JA007586- JA008129	103/104/105/ 106/107/108 109
	Exhibit 10C – Notice of Entry of Order to Consolidate this Action with Cases Nos A57. 4391, A574792, A577623, A583289, A584730, A587168, A580889 and A589195	JA008130- JA008138	109
	Exhibit 10D – Notice of Entry of Joint Order Granting, in Part, Various Lien Claimants’ Motions for Partial Summary Judgment Against Gemstone Development West	JA008139- JA008141	109
	Exhibit 10 (Part Two)	JA008142- JA008149	109
	Exhibit 10E – 131 Nev. Advance Opinion 70	JA008150- JA008167	109
	Exhibit 10F – Special Master Report Regarding Remaining Parties to the Litigation and Discovery Status	JA008168- JA008170	109

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Exhibit 10EG – Notice of Entry of Granting Plaintiff’s Motion to Dismiss	JA008171- JA008177	109
	Exhibit 10H – Complaint re Foreclosure	JA008178- JA008214	109
	Exhibit 10I – First Amended Complaint re Foreclosure	JA008215- JA008230	109
	Exhibit 10J – APCO Construction’s Answer to Accuracy Glass & Mirror Company’s First Amended Complaint re Foreclosure	JA008231- JA008265	109/110
	Exhibit 10K – Answer to Accuracy Glass & Mirror Company, Inc.’s Complaint and Camco Pacific Construction, Inc.’s Counterclaim	JA008266- JA008285	110
	Exhibit 10L – Accuracy Glass & Mirror Company, Inc.’s Answer to Camco Pacific Construction Company’s Counterclaim	JA008286- JA008290	110
	Exhibit 10M – Helix Electric’s Amended Statement of Facts Constituting Lien and Third-Party Complaint	JA008291- JA008306	110
	Exhibit 10N – APCO Construction’s Answer to Helix Electric’s Amended Statement of Facts Constituting Lien and Third-Party Complaint	JA008307- JA008322	110
	Exhibit 10O – Answer to Helix Electric’s Statement of Facts Constituting Lien and Third-Party Complaint and Camco Pacific Construction Company Inc.’s Counterclaim	JA008323- JA008338	110
	Exhibit 10P – Notice of Entry of Helix Electric of Nevada, LLC’s Motion for Attorney’s Fees, Interest and Costs	JA008339 JA008347	110
	Exhibit 10Q – Notice of Entry of Judgment [As to the claims of Helix Electric of Nevada, LLC Against Camco Construction Co., Inc.]	JA008348- JA008367	110

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Exhibit 10R – Notice of Entry of Judgment [As to the Claims of Helix Electric of Nevada, LLC and Plaintiff in Intervention National Wood Products, Inc. Against APCO Construction, Inc.]	JA008368- JA008378	110
	Exhibit 10S – Findings of Fact and Conclusions of Law and Order as to the Claims of Helix Electric and Cabenotec Against APCO	JA008379- JA008450	110/111
	Exhibit 10T -WRG Design, Inc.'s Amended Statement of Facts Constituting Notice of Lien and Third-Party Complaint	JA008451- JA008486	111
	Exhibit 10U – APCO Construction's Answer to WRG Design Inc.'s amended Statement of Facts Constituting Lien and Third-Party Complaint	JA008468- JA008483	111
	Exhibit 10V -Answer to WRG Design, Inc.'s Statement of Facts Constituting Lien, Third-Party Complaint and Camco Pacific Construction, Inc's Counterclaim	JA008484- JA008504	111
	Exhibit 10W – Notice of Entry of Stipulation and Order Dismissal	JA008505- JA008512	111
	Exhibit 10X – WRG Design, Inc.'s Answer to Camco Pacific Construction Company, Inc.'s Counterclaim	JA008513 JA008517	111
	Exhibit 10Y – Heinaman Contract Glazing's Amended Statement of Facts Constituting Lien and Third-Party Complaint	JA008518- JA008549	111
	Exhibit 10Z – Answer to Heinaman Contract Glazing's Statement of Facts Constituting Lien and Third-Party Complaint, and Camco Pacific Construction's Counterclaim	JA008531- JA008551	111

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Exhibit 10AA – Notice of Entry of Granting Heinaman Glazing’s Motion for Attorneys’s Fees, Interest and Costs	JA008552- JA008579	111/112
	Exhibit 10BB -Notice of Entry of Judgment [As to the Claims of Heinaman Contract Glazing Against Camco Construction Co., Inc.]	JA008561- JA008582	112
	Exhibit 10CC – Heinaman Contract Glazing’s Answer to Camco Pacific Construction Company’s Counterclaim	JA008583 JA008588	112
	Exhibit 10DD - Bruin Painting Corporation's Amended Statement of Facts Constituting Notice of Lien and Third-Party Complaint	JA008589- JA00861	112
	Exhibit 10EE – Answer to Bruin Painting Corporation's Amended Statement of Facts Constituting Notice of Lien and Third-Party Complaint and Camco Pacific Construction, Inc.’s Counterclaim	JA008602- JA008621	112
	Exhibit 10FF – Voluntary Dismissal of Fidelity and Deposit Company of Maryland Only from Bruin Painting Corporation's Amended Statement of Facts Constituting Notice of Lien and Third-Party Complaint Without Prejudice	JA008622- JA008624	112
	Exhibit 10GG – HD Supply Waterworks’ Amended Statement of Facts Constituting Lien and Third-Party Complaint	JA008625- JA008642	112
	Exhibit 10HH – APCO Construction’s Answer to HD Supply Waterworks’ Amended Statement of Facts Constituting Lien and Third-Party Complaint	JA008643- JA008657	112
	Exhibit 10II – Amended Answer to HD Supply Waterworks’ Amended Statement of Facts Constituting Lien and Third-Party Complaint	JA008658- JA008664	112

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Exhibit 10JJ -Defendants Answer to HD Supply Waterworks' Amended Statement of Facts Constituting Lien and Third-Party Complaint	JA008665- JA008681	112
	Exhibit 10KK – Stipulation and Order to Dismiss E & E Fire Protection, LLC Only Pursuant to the Terms State Below	JA008682- JA008685	112
	Exhibit 10LL – HD Supply Waterworks, LP's Voluntary Dismissal of Platte River Insurance Company Only Without Prejudice	JA008686- JA008693	112
	Exhibit 10MM – Scott Financial Corporation's Answer to HD Supply Waterworks' Amended Statement of Facts Constituting Lien and Third-Party Complaint	JA008694- JA008717	112/113
	Exhibit 10NN-Notice of Appeal	JA008718 JA008723	113
	Exhibit 10OO – Amended Notice of Appeal	JA008724- JA008729	113
	Exhibit 10PP – Notice of Cross Appeal	JA008730- JA008736	113
	Exhibit 10QQ – Motion to Suspend Briefing Pending Outcome of Order to Show Cause in Supreme Court Case No. 76276	JA008737- JA008746	113
	Exhibit 11 – Order to Consolidate this Action with Case Nos. A574391, A574792, A57623. A58389, A584730, A58716, A580889 and A589195	JA008747- JA008755	113
	Exhibit 12 – Stipulation and Order to Dismiss Third-Party Complaint of Interstate Plumbing & Air Conditioning, LLC Against APCO Construction, Inc. with Prejudice	JA00875- JA008758	113
	Exhibit 13 – Stipulation and Order with Prejudice	JA008759- JA008780	113

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	Exhibit 14 – Docket/United Subcontractors, Inc. dba Skyline Insulation’s Motion to Enforce Settlement Agreement and Enter Judgment	JA008762- JA008788	113
	Exhibit 15 – Notice of Entry of Order Granting Motion for 54(b) Certification and for Stay Pending Appeal	JA008789- JA008798	113
	Exhibit 16 – Notice of Appeal	JA008799- JA008810	113
05-08-18	Helix Electric of Nevada, LLC’s Motion to Retax Costs Re: Defendant APCO Construction’s Memorandum of Costs and Disbursements	JA006509- JA006521	89
06-21-18	Helix Electric of Nevada, LLC’s Notice of Non-Opposition to its Motion for Attorney’s Fees, Interest and Costs	JA007193- JA007197	99
06-15-18	Helix Electric of Nevada, LLC’s Opposition to APCO Construction’s Motion for Attorneys’ Fees and Costs	JA006917 – JA006942	96
	Exhibit 1 – Notice of Entry of Staying the Case, Except for the Sale of the Property, Pending Resolution of the Petition before the Nevada Supreme Court	JA006943- JA006948	96
	Exhibit 2 – Notice of Entry of Denying APCO Construction’s Motion for Partial Summary Judgment Re: Lien Foreclosure Claims	JA006949- JA006954	96
	Exhibit 3 – Supreme Court filing notification Joint Petition for Writ of Mandamus filed	JA006955- JA006958	96
	Exhibit 4 – Order Denying <i>En Banc</i> Reconsideration	JA006959- JA006963	96
	Exhibit 5 – Notice of Entry of Order Granting Peel Brimley Lien Claimants’ Motion for Partial Summary Judgment	JA006964- JA006978	96

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	Precluding Defenses Based on Pay-if-Paid Agreements		
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	Exhibit 6B – Nevada Prefab Engineers, Inc.’s Response to Special Master Questionnaire	JA006981- JA006984	96
	Exhibit 6C – Zitting Brothers Construction, Inc.’s Response to Special Master Questionnaire	JA006985- JA006993	96/97
	Exhibit 6D – Noorda Sheet Metal’s Notice of Compliance	JA006994 JA007001	97
	Exhibit 6 E – Unitah Investments, LLC’s Special Master Questionnaire	JA007002- JA007005	97
	Exhibit 7A – Motion to Appoint Special Master	JA007006- JA007036	97
	Exhibit 7B – Letter from Floyd A. Hale dated August 2, 2016	JA007037- JA007060	97
	Exhibit 7C – Special Master Report Regarding Remaining Parties to the Litigation, Special Master Recommendation and District Court Order Amended Case Agenda	JA007042- JA007046	97
	Exhibit 8 – Notice of Entry of Order Granting Plaintiff’s Motion to Dismiss	JA007047 JA007053	97
	Exhibit 9 – Stipulation and Order for Dismissal with Prejudice	JA007054- JA007056	97
	Exhibit 10 – Stipulation and Order to Dismiss Third-Party Complaint of Interstate Plumbing & Air Conditioning, LLC Against APCO Construction, Inc. with Prejudice	JA007057- JA007059	97
	Exhibit 11 – Notice of Entry of Order Granting in Part and Denying in Part APCO Construction’s Omnibus Motion <i>in Limine</i>	JA007060- JA007088	97

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	Exhibit 12 – Notice of Entry of Order Granting in Part and Denying in Part Helix Electric of Nevada, LLC’s Motion in Limine (against APCO Construction)	JA007070- JA007078	97
	Exhibit 13 – Notice of Entry of Order Denying APCO Constructions’ Motion for Partial Summary Judgment Re: Lien Foreclosure Claims	JA007079- JA007084	97
	Exhibit 14 – Notice of Entry of Order Denying APCO Construction’s Motion for Reconsideration of Order Granting Partial Summary Judgment Precluding Defenses Based on Pay-if-Paid Agreements	JA007085- JA007087	97
	Exhibit 15 – Notice of Association of Counsel	JA007088- JA007094	97
11-14-17	Helix Electric of Nevada’s Opposition to APCO Construction’s Omnibus Motion in Limine	JA000994- JA001008	20
	Exhibit 1 – Excerpts from the Deposition Transcript of Brian Benson taken June 5, 2017	JA001009- JA001042	20
	Exhibit 2 - Excerpts from the Deposition Transcript of Brian Benson taken June 5, 2017	JA001043- JA001055	20
	Exhibit 3 – Special Master Order Requiring Completion of Questionnaire	JA001056- JA001059	20
	Exhibit 4 – Excerpts from the Deposition Transcript of the 30(b)(6) Witness for Helix Electric of Nevada taken July 20, 2017	JA001060- JA001064	20
	Exhibit 5 - Excerpts from the Deposition Transcript of David E. Parry taken June 20, 2017	JA001065 JA001132	20/21
08-29-19	Helix Electric of Nevada LLC’s Reply to APCO’s Opposition to Helix Electric of Nevada LLC’s Motion to (I) Re-	JA009117- JA009123	119

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06-29-18	Helix Electric of Nevada, LLC's Reply Re: Motion to Retax	JA007225- JA007237	100
03-23-18	Helix Electric of Nevada, LLC's Responses to APCO Construction's Post-Trial Brief	JA006173- JA006193	84
06-24-09	Helix Electric's Statement of Facts Constituting Lien and Third-Party Complaint	JA000001- JA000015	1
01-12-18	Joint Pre-Trial Memorandum [for APCO Construction, Inc., the Peel Brimley Lien Claimants and National Wood Products, LLC ONLY]	JA001574- JA001594	27/28
	Exhibit 1 – Exhibit List APCO	JA001595- JA001614	28
	Exhibit 2 – Helix Trial Exhibits	JA001615- JA001616	28
	Exhibit 3 – Exhibit List Plaintiff in Intervention National Wood Products, Inc.	JA001617- JA001635	28
	Exhibit 4 – Cactus Rose Trial Exhibits	JA001636- JA001637	28
	Exhibit 5 – Heinaman Trial Exhibits	JA001638- JA001639	28
	Exhibit 6 – Fast Glass Trial Exhibits	JA001640- JA001641	28
	Exhibit 7 – SWPPP Trial Exhibits	JA001642- JA001643	28
	Exhibit 8 - Order Granting in Part and Denying in Part APCO Construction's Omnibus Motion <i>in Limine</i>	JA001644- JA001647	28

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	Exhibit 9 - Amended <i>nunc pro tunc</i> order regarding APCO Construction, Inc.'s Omnibus Motion <i>in Limine</i> No. 7	JA001648- JA001650	28
	Exhibit 10 - Order Granting in Part and Denying in part Helix Electric of Nevada, LLC's Motions <i>in Limine</i> 1-4 (Against APCO Construction)	JA001651- JA001653	28
	Exhibit 11 - order granting Peel Brimley Lien Claimants' Motion in Limine Nos.1-6 (against Camco Pacific Construction, Inc.)	JA001654- JA001657	28
	Exhibit 12 - Order Granting Plaintiff in Intervention, National Wood Products, Inc.'s Motion <i>in Limine</i>	JA001658- JA001660	28
	Exhibit 13 - Order Granting Peel Brimley Lien Claimants' Motion for Partial Summary Judgment Precluding Defenses Based on Pay-if-Paid Agreements	JA001661- JA001667	28/9/29
03-08-18	Letter to Judge Denton submitting APCO Construction, Inc.'s Proposed Findings of Fact and Conclusions of Law	JA005986- JA006058	8/821
03-08-18	Letter to Judge Denton submitting Helix Electric of Nevada, LLC's (Proposed) Findings of Fact and Conclusions of Law	JA005953- JA005985	81
01-04-18	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 provision on an Order Shortening Time	JA001199- JA001217	22
	Exhibit 1 – Subcontract Agreement (Helix Electric of Nevada, LLC)	JA001218- JA001245	22/23/24
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	Exhibit 4 – Amended Notice of Lien	JA001282- JA001297	25
	Exhibit 5 - Amended NOL	JA001298- JA001309	25
	Exhibit 6 – Notice of Lien	JA001310- JA001313	25
	Exhibit 7 – Order Approving Sale of Property	JA001314- JA001376	25/26
	Exhibit 8 – Order Releasing Sale Proceeds from Court Controlled Escrow Account	JA001377- JA001380	26
	Exhibit 9 – Order Denying <i>En Banc</i> Reconsideration	JA001381- JA001385	26
	Exhibit 10 – Order Granting Peel Brimley Lien Claimants’ Motion for Partial Summary Judgment Precluding Defenses Based on Pay-if-Paid Agreements	JA001386- JA001392	26
	Exhibit 11 – Notice of Entry of Findings of Fact and Conclusions of Law and Judgment	JA001393- JA001430	26
	Exhibit 12 – Order Big D Construction Corp.’s Motion for Attorney’s Fees, Costs and Interest Pursuant to Judgment	JA001431- JA001435	26
	Exhibit 13 – Appellant’s Opening Brief (Padilla v. Big D)	JA001436- JA001469	26
	Exhibit 14 – Respondent’s Answering Brief	JA001470- JA001516	26/27
	Exhibit 15 – Appellant’s Reply Brief (Padilla v. Big D)	JA001517- JA001551	27
01-29-20	Notice of Appeal	JA009132- JA009136	119/120
	Exhibit A – Notice of Entry of Judgment [As to the Claims of Helix Electric of Nevada, LLC and Plaintiff in Intervention	JA009137- JA009166	120

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	National Wood Products, Inc.'s Against APCO Construction, Inc.]		
	Exhibit [C] – Notice of Entry of Order Granting Helix Electric of Nevada's Rule 54(b) Certification	JA009148- JA009156	120
05-31-18	Notice of Entry of Judgment [As to the Claims of Helix Electric of Nevada, LLC Against Camco Construction, Co., Inc.]	JA006522 JA006540	89
06-01-18	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.]	JA006541 JA006550	90
09-28-18	Notice of Entry of Order (1) Granting APCO Construction, Inc.'s 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	JA007281- JA007299	100
12-29-17	Notice of Entry of Order Granting in Part and Denying in Part APCO Construction's Omnibus Motion <i>in Limine</i>	JA001178- JA001186	22
07-02-18	Notice of Entry of Order Granting Helix Electric of Nevada, LLC's Motion for Attorneys' Fees, Interest and Costs	JA007238- JA007245	100
01-03-20	Notice of Entry of Order Granting Helix Electric of Nevada, LLC's Motion for Rule 54(b) Certification	JA009124- JA009131	119

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01-03-18	Notice of Entry of Order Granting Peel Brimley Lien Claimants' Motion for Partial Summary Judgment Precluding Defenses Based on Pay-if-Paid Agreements	JA001187- JA001198	22
12-29-17	Notice of Entry of Order Granting in Part and Denying in Part Helix Electric of Nevada, LLC's Motion <i>in Limine</i> 1-4	JA001170- JA001177	22
12-29-17	Notice of Entry of Order Granting Peel Brimley Lien Claimants' Motion <i>in Limine</i> 1-6	JA001161- JA001169	22
01-19-18	Order Denying APCO Construction's Motion for Reconsideration of Order Granting Partial Summary Judgment Precluding Defenses Based on Pay-if-Paid Agreements	JA005282- JA005283	78
07-12-19	Order Dismissing Appeal (Case No. 76276)	JA007332- JA007334	101
07-02-10	Order Striking Defendant Gemstone Development West, Inc.'s Answer and Counterclaim and Entering Default	JA000042- JA000043	1
08-02-17	Peel Brimley Lien Claimants' Motion for Partial Summary Judgment Precluding Defenses Based on Pay-if-Paid Agreements and <i>Ex Parte</i> Application for Order Shortening Time	JA000328- JA000342	6
	Exhibit 1 – APCO Construction's Answers to Helix Electric of Nevada, LLC's First Request for Interrogatories	JA000343- JA000379	6
	Exhibit 2 – Camco Pacific Construction Company, Inc.'s Responses to Helix Electric of Nevada, LLC's Interrogatories	JA000380- JA000392	6
11-06-17	Peel Brimley Lien Claimants' Motion <i>in Limine</i> Nos. 1-6	JA000419- JA000428	7
	Exhibit 1 – Notice of Entry of Order	JA000429	7

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		JA000435	
	Exhibit 2 – Amended Notices of 30(b)(6) Deposition of Camco Pacific Construction Company, Inc. from Cactus Rose Construction, Inc., Fast Glass, Inc.’s, Heinaman Contract Glazing, Inc. and Helix Electric of Nevada, LLC’s	JA000436- JA000472	7/8
	Exhibit 3 – Excerpt from David E. Parry’s Deposition Transcript taken June 20, 2017	JA000473 JA00489	8
	Exhibit 4 – Cactus Rose Construction, Inc.’s First Set of Request for Admissions to Camco Pacific Construction	JA00490 JA000500	8
	Exhibit 5 – Fast Glass, Inc.’s First Set of Request for Admissions to Camco Pacific Construction	JA000501- JA000511	8
	Exhibit 6 – Heinaman Contract Glazing, Inc.’s First Set of Request for Admissions to Camco Pacific Construction	JA000512- JA000522	8
	Exhibit 7 – Helix Electric of Nevada, LLC’s First Set of Request for Admissions to Camco Pacific Construction	JA000523- JA000533	8
09-28-17	Peel Brimley Lien Claimants’ Reply to Oppositions to Motion for Partial Summary Judgment Precluding Defenses Based on Pay-if-Paid Agreements	JA000413- JA00418	7
01-09-18	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	JA001552- JA001560	27
06-18-18	Plaintiff in Intervention National Wood Products, Inc.’s Joinder to Helix Electric of Nevada, LLC’s Opposition	JA007190- JA007192	99

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06-15-18	Plaintiff in Intervention National Wood Products, Inc.'s Opposition to APCO Construction's Motion for Attorneys' Fees and Costs	JA007095- JA007120	97/98
07-19-18	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 Attorney's Fees and Costs	JA007246- JA007261	100
01-10-18	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	JA001561- JA001573	27
01-18-18	Stipulation and Order Regarding Trial Exhibit Admitted into Evidence	JA002199- JA002201	36
	Exhibit 1 – Exhibit List APCO	JA002208- JA002221	36
	Exhibit 2 – Helix Trial Exhibits	JA002222- JA002223	36
	Exhibit 3 – Exhibit List Plaintiff in Intervention National Wood Products, Inc.	JA002224- JA002242	36/37
	APCO TRIAL EXHIBITS:		
	APCO Related Exhibits:		
	Trial Exhibit 7 - Letter from Scott Financial to APCO re: Loan Status	JA002243	37
	Trial Exhibit 8 - APCO Pay Application No. 10 as submitted to Owner	JA002244- JA002282	37/38
	Trial Exhibit 12 and 107 - Email from C. Colligan to Subcontractors re: Subcontractor Concerns	JA002283- JA002284	38

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	Trial Exhibit 18 – Video (Construction Project)	JA002286	N/A
	Trial Exhibit 19 – Video (Construction Project)	JA002287	N/A
	Trial Exhibit 20 – Video (Construction Project)	JA002288	N/A
	Trial Exhibit 21 – Video (Construction Project)	JA002289	N/A
	Trial Exhibit 22 – Video (Construction Project)	JA002290	N/A
	Trial Exhibit 29 - Email from J. Robbins to Subcontractors re: Billing Cut-Off for August Billing	JA002285	39
	Trial Exhibit 30 - Camco Pay Application No. 11 NCS-Owner Approved with NCS Draw Request	JA002286- JA002306	39
	Trial Exhibit 32 and 125 - Photo re: Building 8 & 9, Interior (Showing drywall still not completed and no electrical trim or fixture installed)	JA002307- JA002308	39
	Trial Exhibits 33 and 126 - Photo re: Building 8 & 9, Interior (Showing drywall still not completed)	JA002309- JA002310	39
	Exhibit 34 and 128 - Photo re: Building 8 & 9, Interior (Showing drywall still not completed)	JA002311- JA002312-	40
	Trial Exhibit 35 - Photo re: Building 8 & 9, Interior (Showing drywall still not completed and no electrical trim or fixtures installed)	JA002313- JA002314	40
	Exhibit 36 and 130 -Photo re: Building 8 & 9, Interior (Showing drywall still not completed and no electrical trim or fixtures installed)	JA002315- JA002316	40

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	Trial Exhibit 39 -Email from K. Costen to Subcontractors informing that Manhattan West Project no longer open	JA002321- JA002322	41
	Trial Exhibit 40- Letter from D. Parry to Subcontractors Re: Funding Withdrawn	JA002323 JA002326	41
	HELIX Related Exhibits:		41
	Trial Exhibit 46 - Helix Pay Application No. 16713-008R1 with Proof of Payment	JA002327- JA002345	41
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	Trial Exhibit 48 - Email from R. Nickerl to B. Johnson Re: Work Suspension Directive	JA002357- JA002358	41
	Trial Exhibit 49 -Helix Pay Application No. 16713-010R2 with Proof of Payment	JA002359- JA002364	41/42
	Trial Exhibit 50 - Unconditional Waiver and Release re: Pay Application No. 8 with Copy of Payment	JA002365- JA002366	42
	Trial Exhibit 51 - Photo re: Building 8 & 9, South (No Exterior fixtures installed. Helix billed out at 90%)	JA002367- JA002368	42
	Trial Exhibit 52 -Photo re: Building 8 & 9, North (No Exterior fixtures installed. Helix billed out at 90%)	JA002369- JA002370	42
	Trial Exhibit 53 -Photo re: Building - 2 & 3, West (No Exterior fixtures installed. Helix billed out at 90%)	JA002371- JA002372	42

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	Trial Exhibit 55 - Photo re: Building 2 & 3, East (No Exterior fixtures installed. Helix billed out at 90%)	JA002375- JA002376	42
	Trial Exhibit 56 - Photo re: Building 8 & 9, North (No Exterior fixtures installed. Helix billed out at 90%)	JA002377- JA002378	42
	Trial Exhibit 57 - Photo re: Building 2 & 3, and 8 & 9, North (No Exterior fixtures installed. Helix billed out at 90%)	JA002379- JA002381	42
	Trial Exhibit 58 - Helix Pay Application No. 16713-011R1 submitted to Owner	JA002382- JA002391	42
	Trial Exhibit 59 - Helix Pay Application No. 16713-011R1 given to Camco with Proof of Payment	JA002392- JA002405	43
	Trial Exhibit 60 - Helix Retention Rolled to Camco	JA002406- JA002415	43
	Trial Exhibit 61 - Unconditional Waiver and Release re: all Invoices through June 30, 2008 with Proof of Payment	JA002413- JA002415	43
	Trial Exhibit 62 - Photo re: Building 8 & 9, South	JA002416- JA002417	43
	Trial Exhibit 63 - Photo re: Building 2 & 3, West	JA002418- JA002419	43
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	Trial Exhibit 66 - Letter of transmittal from Helix to APCO re: Helix Pay Application No. 16713-011R1	JA002424- JA002433	43
	Trial Exhibit 67 - Photo re: Building 8 & 9, West (No exterior fixtures installed. Helix billed out 90%)	JA002435- JA002436	43

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	Trial Exhibit 68 -Photo re: Building 8 & 9, West (No exterior fixtures installed. Helix billed out 90%)	JA002437- JA002438	43
	Trial Exhibit 69 - Photo re: Building 2 & 3, East (No exterior fixtures installed. Helix billed out 90%)	JA002439- JA002440	43
	Trial Exhibit 70 - Photo re: Building 8 & 9, South (No exterior fixtures installed. Helix billed out 90%)	JA002441- JA002442	43
	Trial Exhibit 71 - Photo re: Building 8 & 9, West (No exterior fixtures installed. Helix billed out 90%)	JA002443- JA002444	43
	Trial Exhibit 72 - Photo re: Building 2 & 3, East (No exterior fixtures installed. Helix billed out 90%)	JA002445- JA002446	43
	Trial Exhibit 73 - Photo re: Building 8 & 9, West (No exterior fixtures installed. Helix billed out 90%)	JA002447- JA002448	43
	Trial Exhibit 74 - Photo re: Building 2 & 3, East (No exterior fixtures installed. Helix billed out 90%)	JA002448- JA002449	43
	Trial Exhibit 75 - Unconditional Release re: Pay Application No. 16713-011R1 with Proof of Payment	JA002450- JA002456	43
	Exhibit 77 - Helix Statement of Facts Constituting Notice of Lien and Third-Party Complaint	JA002457- JA002494	43
	Zitting Brothers Related Exhibits:		
	Trial Exhibit 100 - Check No. 14392 payable to Zitting (\$27,973.80); Progress Payment No. 7	JA002495- JA002497	44
	Trial Exhibit 101 - Email from R. Nickerl to R. Zitting re: Change Orders	JA002498- JA002500	44
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	Trial Exhibit 104 - Email from R. Zitting to R. Nickerl re: change orders adjusted to \$30 per hour with copies of change orders	JA002506- JA002526	44
	Trial Exhibit 105 - Ex. C to the Ratification – Zitting Quotes	JA002527- JA002528	44
	Trial Exhibit 106 - Unconditional Lien Release – Zitting (\$27,973.80)	JA002529	44
	Trial Exhibit 108 - Photo of Video (Construction Project)	JA002530- JA002531	44
	Trial Exhibit 109 - Photo of Video (Construction Project)	JA002532- JA002533	44
	Trial Exhibit 110 - Photo of Video (Construction Project)	JA002534- JA002535	44
	Trial Exhibit 111 - Photo of Video (Construction Project)	JA002536- JA002537	44
	Trial Exhibit 112 - Photo of Video (Construction Project)	JA002538- JA002539	44
	Trial Exhibit 113 -Photo of Video (Construction Project)	JA002550- JA002541	44
	Trial Exhibit 114 -Photo of Video (Construction Project)	JA002542- JA002543	44
	Trial Exhibit 115 - Progress Payment No. 9 Remitted to Zitting	JA002544- JA002545	44
	Trial Exhibit 116 - Ratification and Amendment of Subcontract Agreement between Buchele and Camco	JA002546- JA002550	44
	Trial Exhibit 117 - C to the Ratification	JA002551- JA002563	44
	Trial Exhibit 118 - Q&A from Gemstone to subcontracts	JA002564- JA002567	44
	Trial Exhibit 119 - Check No. 528388 payable to APCO (\$33,847.55) – Progress Payment No. 8.1 and 8.2	JA002568- JA002571	44

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	Trial Exhibit 120 - Tri-City Drywall Pay Application No. 7 to APCO as submitted to Owner. Show percentage complete for Zitting	JA002572- JA002575	44/45
	Trial Exhibit 127 - Photo of Video (Construction Project)	JA002576- JA002577	45/46
	Trial Exhibit 128 - Photo of Video (Construction Project)	JA002578- JA002579	46
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	Trial Exhibit 138 - Memo from Scott Financial to Nevada State Contractors Board Re: Explanation of Project Payment Process	JA002582- JA002591	46
	Trial Exhibit 152 -Terms & Conditions modified by APCO, Invoices and Check Payment	JA002592- JA002598	46
	National Wood Products Related Exhibits:		
	Trial Exhibit 160 - Documents provided for settlement	JA002599- JA002612	46
	CAMCO Related Exhibits:		
	Trial Exhibit 163 - Camco Pay Application No. 12 to Gemstone	JA002613- JA002651	46/47
	Trial Exhibit 165 - Letter from D. Parry to A. Edelstein re: Gemstone losing funding for project	JA002652- JA002653	47
	Trial Exhibit 166 - Letter from D. Parry to G. Hall re: withdrawal of funding	JA002654 JA002656	47
	Helix Related Exhibits:		47
	Trial Exhibit 169 - Helix Exhibit to Standard Subcontract Agreement with Camco	JA 002665 JA002676	47/48
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	Trial Exhibit 172 - Letter from J. Griffith to Victor Fuchs Re: Gemstone's intention to continue retention of Helix w/copy of Ratification and Amendment of Subcontract Agreement	JA002719- JA002730	48
	Trial Exhibit 173 - Helix Pay Application No. 16713-012 to Camco with proof of payment	JA002731- JA002745	48
	Trial Exhibit 174 - Helix Change Order Request No. 28	JA002746- JA002747	48
	Trial Exhibit 175 - Change Notice No. 41	JA002748- JA002751	48
	Trial Exhibit 176 - Helix Pay Application No. 16713-013 to Camco	JA002752- JA002771	48/49
	Trial Exhibit 177 - Helix Pay Application No. 16713-014 to Camco	JA002772- JA002782	49
	Trial Exhibit 178 - Camco's letter to Helix rejecting Pay Application No. 16713-015 with attached copy of Pay Application	JA002783 JA002797	49
	National Wood/Cabinetec Related Exhibits:		
	Trial Exhibit 184 - Ratification and Amendment of Subcontract Agreement between CabineTec and Camco (fully executed copy)	JA002798- JA002825	49
	General Related Exhibits:		
	Trial Exhibit 218 - Camco/Owner Pay Application No. 11 w/Backup	JA002826- JA003028	50/51/52
	Trial Exhibit 220 - Camco/Owner Pay Application No. 12 w/Backup	JA003029- JA003333	52/53/54/55
	Trial Exhibit 313 - Letter from A. Edelstein to R. Nickerl re: NRS 624 Notice	JA003334- JA003338	55
	Helix Trial Exhibits:		

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Trial Exhibit 501 - Payment Summary	JA003339 – JA003732	55/56/57/ 58/59/60
	Trial Exhibit 508 – Helix Pay Application	JA003733- JA003813	60/61
	Trial Exhibit 510 - Unsigned Subcontract	JA003814- JA003927	61/62
	Trial Exhibit 512 - Helix's Lien Notice	JA003928- JA004034	62/63
	Trial Exhibit 522 - Camco Billing	JA004035- JA005281	63/64/65/66/6 7/ 68/69/70 /71/72 /73/74/75/ 76/77
01-17-18	Transcript Bench Trial (Day 1)⁵	JA001668- JA001802	29/30
	Trial Exhibit 1 - Grading Agreement (Admitted)	JA001803- JA001825	30
	Trial Exhibit 2 – APCO/Gemstone General Construction Agreement (Admitted)	JA001826- JA001868	30
	Trial Exhibit 3 - Nevada Construction Services /Gemstone Cost Plus/GMP Contract Disbursement Agreement (Admitted)	JA001869- JA001884	30
	Trial Exhibit 4 - APCO Pay Application No. 9 Submitted to Gemstone (Admitted)	JA001885- JA001974	30/31/32
	Trial Exhibit 5 - Letter from J. Barker to A. Edelstein re: APCO's Notice of Intent to Stop Work (Admitted)	JA001975- JA001978	32
	Trial Exhibit 6 - Letter from J. Barker to A. Edelstein re: APCO's Notice of Intent to Stop Work (Admitted)	JA001979- JA001980	32
	Trial Exhibit 10 - Letter from J. Barker to A. Edelstein Re: Notice of Intent to Stop Work (Second Notice) (Admitted)	JA001981- JA001987	32

⁵ Filed January 31, 2018

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Trial Exhibit 13 - Letter from A. Edelstein to Re. Nickerl Re: Termination for Cause (Gemstone) <i>(Admitted)</i>	JA001988- JA002001	32
	Trial Exhibit 14 - Letter from W. Gochmour to Sean Thueson Re: [APCO's] Response to [Gemstone's] Termination for Cause <i>(Admitted)</i>	JA002002- JA002010	33
	Trial Exhibit 15 - Letter from R. Nickerl to A. Edelstein Re: 48-Hour Notices <i>(Admitted)</i>	JA002011- JA002013	33
	Trial Exhibit 16 - Email from J. Horning to A. Berman and J. Olivares re: Joint Checks <i>(Admitted)</i>	JA002014	33
	Trial Exhibit 23 - APCO Subcontractor Notice of Stopping Work and Letter from J. Barker to A. Edelstein Re: Notice of Stopping Work and Notice of Intent to Terminate Contract <i>(Admitted)</i>	JA002015- JA002016	33
	Trial Exhibit 24 - Letter from R. Nickerl to Clark County re: Notification of APCO's withdrawal as General Contractor of Record <i>(Admitted)</i>	JA002017- JA002023	33
	Trial Exhibit 26 - Email from J. Gisondo to Subcontractors re: June checks <i>(Admitted)</i>	JA002024	34
	Trial Exhibit 27 - Letter from A. Edelstein to R. Nickerl re: June Progress Payment <i>(Admitted)</i>	JA002025- JA002080	34
	Trial Exhibit 28 - Letter from J. Barker to A. Edelstein Re: Termination of Agreement for GMP <i>(Admitted)</i>	JA002081	34
	Trial Exhibit 31 - Transmission of APCO's Pay Application No. 11 as Submitted to Owner <i>(Admitted)</i>	JA002082- JA002120	34/35
	Trial Exhibit 45 - Subcontractor Agreement <i>(Admitted)</i>	JA002121- JA002146	35

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Trial Exhibit 162 - Amended and Restated General Construction Agreement between Gemstone and CAMCO (<i>Admitted</i>)	JA002147- JA002176	35/36
	Trial Exhibit 212 - Letter from Edelstein to R. Nickerl re: NRS 624 Notice (<i>Admitted</i>)	JA002177- JA002181	36
	Trial Exhibit 215 - Email from C. Colligan to Subcontractors re: 48-hour Termination Notice (<i>Admitted</i>)	JA002182- JA002185	36
	Trial Exhibit 216 - Email from C. Colligan re: Meeting with Subcontractors (<i>Admitted</i>)	JA002186- JA002188	36
	Trial Exhibit 506 – Email and Contract Revisions (<i>Admitted</i>)	JA002189 – JA002198	36
01-18-18	Transcript – Bench Trial (Day 2)⁶	JA005284- JA005370	78
	Trial Exhibit 535 – Deposition Transcript of Andrew Rivera (Exhibit 99) (<i>Admitted</i>)	JA005371- JA005623	78/79/80
01-19-18	Transcript – Bench Trial (Day 3)⁷	JA005624- JA005785	80
	Trial Exhibit 231 – Helix Electric’s Amended Statement of Facts Constituting Notice of Lien and Third-Party Complaint (<i>Admitted</i>)	JA005786- JA005801	80
	Trial Exhibit 314 - Declaration of Victor Fuchs in support of Helix’s Motion for Partial Summary Judgment against Gemstone (<i>Admitted</i>)	JA005802- JA005804	80
	Trial Exhibit 320 – June-August Billings—not paid to APCO (<i>Admitted</i>)	JA005805	80
	Trial Exhibit 321 – Overpayments to Cabinetec (<i>Admitted</i>)	JA005806-	80

⁶ Filed January 31, 201879

⁷ Filed January 31, 2018

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Trial Exhibit 536 – Lien math calculations (handwritten) (<i>Admitted</i>)	JA005807- JA005808	80
	Trial Exhibit 804 – Camco Correspondence (<i>Admitted</i>)	JA005809- JA005816	80
	Trial Exhibit 3176 – APCO Notice of Lien (<i>Admitted</i>)	JA005817- JA005819	81
01-24-18	Transcript – Bench Trial (Day 5)⁸	JA005820- JA005952	81
01-24-19	Transcript for All Pending Fee Motions on July 19, 2018	JA007300- JA007312	100/101

⁸ Filed January 31, 2018

Accounting Date	Attorney	Description	Hours	Amount	Allocated Amount to Helix	Allocated Amount to National Wood / Cabanlec
9/5/2017	CSM	Conduct pre-calendar call meeting with Helix, Zitting and Camco, participate in calendar call to continue trial and knock out non-complying subs, and meet with Helix and Zitting following calendar call regarding mediation.	1.7	\$ 487.50	\$ 233.75	\$ 233.75
9/5/2017	CSM	Telephone call with client regarding calendar call and mediation.	0.4	\$ 110.00	\$ 55.00	\$ 55.00
9/5/2017	CSM	Draft monthly status report to client.	0.3	\$ 82.50	\$ 41.25	\$ 41.25
9/6/2017	TF	Prepare and review universe of requested documents for review by Joe Pelan.	0.3	\$ 37.50	\$ 18.75	\$ 18.75
9/8/2017	JCJ	Follow up with settlement judge clerk on other subcontractors joining in, receipt and review court minute order on which subs are out and still in, next hearing date and Interstate's pre-trial disclosure filing.	0.8	\$ 240.00	\$ 120.00	\$ 120.00
9/8/2017	JCJ	Continue draft of confidential settlement brief.	0.4	\$ 120.00	\$ 60.00	\$ 60.00
9/8/2017	CSM	Assess, analyze and review notice of entry of order on counsel associating in for National Wood.	0.2	\$ 55.00	\$ -	\$ 55.00
9/8/2017	CSM	Research issues based upon court ruling for past findings from special master and cutting off claims from subcontractors.	0.4	\$ 110.00	\$ 55.00	\$ 55.00
9/8/2017	CSM	Telephone call with client regarding court order, parties involved in case, and upcoming mediation.	0.5	\$ 137.50	\$ 68.75	\$ 68.75
9/8/2017	CSM	Assess, analyze and review minute order from court.	0.2	\$ 55.00	\$ 27.50	\$ 27.50
9/8/2017	CSM	Analysis and strategy regarding moving mediation and participation by other parties.	0.3	\$ 82.50	\$ 41.25	\$ 41.25
9/8/2017	CSM	Assess, analyze and review Notice of Entry of Order Shortening Time on Hearing for Motion to Associate Counsel.	0.1	\$ 27.50	\$ 13.75	\$ 13.75
9/8/2017	CSM	Draft supplements to litigation matrix for issues and filings by subcontractors based upon court order.	0.5	\$ 137.50	\$ 68.75	\$ 68.75
9/7/2017	TF	Email exchange with Lisa Lynn regarding upcoming hearings.	0.2	\$ 25.00	\$ 12.50	\$ 12.50
9/11/2017	JCJ	Appearance in court on oral motion to dismiss for lack of pre-trial disclosures and as to who is heading to settlement conference, post-hearing discussions with various sub counsel on settlement conference and related.	4	\$ 1,200.00	\$ 85.71	\$ 85.71
9/11/2017	TF	Assess, analyze and review universe of pre-trial disclosures filed by all participating parties.	0.4	\$ 50.00	\$ 25.00	\$ 25.00
9/11/2017	TF	Update and review litigation matrix regarding active parties pursuant to notice of settlement conference.	0.6	\$ 75.00	\$ 37.50	\$ 37.50
9/11/2017	TF	Assess, analyze and review universe of documents in preparation for upcoming settlement conference.	0.5	\$ 82.50	\$ 31.25	\$ 31.25
9/11/2017	TF	Conference call with [REDACTED] counsel regarding universe of filed pleadings for review.	0.2	\$ 25.00	\$ 12.50	\$ 12.50
9/11/2017	TF	Prepare and review universe of requested pleadings for review by [REDACTED]	0.9	\$ 112.50	\$ 56.25	\$ 56.25
9/11/2017	TF	Draft and prepare email to [REDACTED] regarding universe of requested pleadings for review.	0.2	\$ 25.00	\$ 12.50	\$ 12.50
9/11/2017	CSM	Assess, analyze and review various emails and issues surrounding additional parties participating in settlement conference and strategize regarding handling same.	0.5	\$ 137.50	\$ 68.75	\$ 68.75
9/11/2017	CSM	Assess, analyze and review various documents requested from [REDACTED] and direct paralegal to prepare documents and link for [REDACTED]	0.5	\$ 137.50	\$ 68.75	\$ 68.75
9/12/2017	JCJ	Communicate with counsel for various subs on settlement conference and related, with client other counsel on [REDACTED] coordinate with Settlement Judge Court clerk on all and communicate with client on all.	2	\$ 600.00	\$ 300.00	\$ 300.00
9/12/2017	TF	Assess, analyze and review universe of disclosed documents in preparation for upcoming settlement conference.	0.6	\$ 75.00	\$ 37.50	\$ 37.50
9/12/2017	TF	Update litigation matrix regarding parties participating in settlement conference.	0.3	\$ 37.50	\$ 18.75	\$ 18.75
9/12/2017	CSM	Analysis and strategy regarding subcontractors attending mediation a moving mediation to Esquire.	0.5	\$ 137.50	\$ 68.75	\$ 68.75
9/13/2017	JCJ	Communicate with counsel for Camco re no calendar call or no new trial date, continued draft of proposed order on dismissing for no pre-trial and letter to all counsel on same, communicate with various subs on their demands but settlement depends on APCO.	1.2	\$ 360.00	\$ 180.00	\$ 180.00
9/13/2017	CSM	Analysis and strategy regarding mediation brief and strategy with various grouping of subcontractors.	0.5	\$ 137.50	\$ 68.75	\$ 68.75
9/14/2017	JCJ	Communicate with Interstate and Helix on their demands, with settlement judge clerk on brief and with client on all and [REDACTED]	0.5	\$ 150.00	\$ 150.00	\$ -
9/14/2017	CSM	Communicate with Esquire regarding transcript issue and originals.	0.2	\$ 55.00	\$ 27.50	\$ 27.50
9/14/2017	CSM	Analysis and strategy regarding mediation brief, settlement authority, and preparation for mediation, and conduct telephone call with client regarding mediation.	0.6	\$ 165.00	\$ 82.50	\$ 82.50
9/15/2017	JCJ	Communicate with various subcontractors on revisions to proposed order for dismissal for no pre-trial and revise and finalize same.	0.3	\$ 90.00	\$ 45.00	\$ 45.00
9/15/2017	JCJ	Draft letter to Judge on proposed order.	0.2	\$ 60.00	\$ 30.00	\$ 30.00
9/15/2017	TF	Meeting to discuss status of litigation and preparation for upcoming settlement conference.	0.3	\$ 37.50	\$ 18.75	\$ 18.75
9/15/2017	JCJ	Communicate with client on status and things to do.	0.1	\$ 30.00	\$ 15.00	\$ 15.00
9/15/2017	CSM	Assess, analyze and review email from [REDACTED] regarding mediation; and develop strategy regarding same.	0.2	\$ 55.00	\$ 27.50	\$ 27.50
9/15/2017	CSM	Telephone conference with client regarding documents for mediation and strategy for same.	0.5	\$ 137.50	\$ 68.75	\$ 68.75
9/18/2017	JCJ	Respond to Settlement Judge Clerk and draft requested letter to settlement parties.	0.3	\$ 90.00	\$ 45.00	\$ 45.00
9/18/2017	AMH	Review settlement conference brief and strategize best posture at settlement conference.	0.2	\$ 60.00	\$ 30.00	\$ 30.00
9/18/2017	CSM	Assess, analyze and review various pleadings and documents to identify claims of remaining subcontractors for mediation.	1.3	\$ 357.50	\$ 178.75	\$ 178.75
9/18/2017	CSM	Follow up with paralegal regarding depositions and documents for client and associating counsel.	0.4	\$ 110.00	\$ 55.00	\$ 55.00
9/18/2017	CSM	Research and analysis of surrounding states' (CA, AZ, UT) case law to assist with lien issues and settlement conference.	0.8	\$ 247.50	\$ 123.75	\$ 123.75
9/19/2017	TF	Update and review litigation matrix in preparation for upcoming settlement conference.	0.4	\$ 50.00	\$ 25.00	\$ 25.00
9/19/2017	TF	Compile and review universe of pre-trial disclosures for client review.	0.6	\$ 75.00	\$ 37.50	\$ 37.50
9/19/2017	TF	Assess, analyze and review universe of document regarding Buchels, Gerdau, Helix, Interstate, National Wood, NV Prefab, Steel Structures, United Subcontractors, and Zitting Brothers in preparation for upcoming settlement conference.	1.9	\$ 237.50	\$ 28.38	\$ 28.38
9/19/2017	JCJ	Strategize with staff on things to do given client instructions on settlement conference and related, review documents of various subs in context of their claims and communicate with Helix on their demand.	0.4	\$ 120.00	\$ 120.00	\$ -
9/19/2017	CSM	Telephone call with client regarding strategy at upcoming mediation.	0.6	\$ 165.00	\$ 82.50	\$ 82.50

Accounting Date	Attorney	Description	Hours	Amount	Allocated Amount to Helix	Allocated Amount to National Wood / Cabentec
9/19/2017	AMH	Conference regarding client position and new strategy at mediation, revise email to client.	0.3	\$ 90.00	\$ 45.00	\$ 45.00
9/19/2017	CSM	Assess, analyze and review all remaining parties' pretrial disclosures for mediation.	0.3	\$ 82.50	\$ 41.25	\$ 41.25
9/19/2017	CSM	Draft detailed strategy correspondence to client regarding mediation.	0.5	\$ 137.50	\$ 68.75	\$ 68.75
9/20/2017	JCJ	Communicate with client on settlement related and with Esquire on parties and related.	0.4	\$ 120.00	\$ 60.00	\$ 60.00
9/20/2017	TF	Prepare and review settlement conference documents for various subcontractors.	0.9	\$ 112.50	\$ 56.25	\$ 56.25
9/20/2017	CSM	Telephone call with [REDACTED] regarding upcoming mediation.	0.2	\$ 55.00	\$ 27.50	\$ 27.50
9/20/2017	CSM	Analysis and strategy regarding [REDACTED] assess, analyze and review various documents provided from client and binders for subcontractors anticipated at mediation, and prepare for mediation against subcontractors who have purported claims against APCO.	2.5	\$ 687.50	\$ 49.11	\$ 49.11
9/21/2017	TF	Continue to review universe of documents in preparation for settlement conference.	0.8	\$ 100.00	\$ 50.00	\$ 50.00
9/21/2017	JCJ	Attend settlement conference; post-conference discussions with various subs, coordinate with [REDACTED] and status client on same and things to do, and further communications with client and [REDACTED] on all.	5.3	\$ 1,590.00	\$ 795.00	\$ 795.00
9/21/2017	CSM	Conduct final preparations for and attend mediation with client and subcontractors.	4	\$ 1,100.00	\$ 550.00	\$ 550.00
9/21/2017	CSM	Assess, analyze and review order on Pro Hac Vice Applicant John B. Taylor's Notice of Compliance with SCR 42.	0.1	\$ 27.50	\$ -	\$ 27.50
9/21/2017	CSM	Review [REDACTED] provided from bankruptcy attorney regarding claims estimation and claims rejection.	0.4	\$ 110.00	\$ 55.00	\$ 55.00
9/21/2017	CSM	Assess, analyze and review detailed correspondence from [REDACTED] regarding documents and pleadings needed to be including with bankruptcy file to dispute value of claims and set up the bankruptcy filing for APCO.	0.5	\$ 137.50	\$ 68.75	\$ 68.75
9/22/2017	TF	Assess, analyze and review litigation matrix and update active parties pursuant to pre-trial responses.	0.3	\$ 37.50	\$ 18.75	\$ 18.75
9/22/2017	JCJ	Communicate with client on status, things to do and related; review with staff on things to do given directional change in client decision and trial; and communicate with office of counsel for National Wood and Interstate on related.	1	\$ 300.00	\$ -	\$ 300.00
9/22/2017	AMH	Conference regarding trial preparation, settlement with various subcontractors, association of counsel, strategy for efficient preparation of case for trial, etc.	0.5	\$ 150.00	\$ 75.00	\$ 75.00
9/22/2017	CSM	Telephone call with client (Lisa) regarding various documents and moving forward with associated counsel.	0.3	\$ 82.50	\$ 41.25	\$ 41.25
9/22/2017	CSM	Analysis and strategy regarding taking the case to trial.	0.5	\$ 137.50	\$ 68.75	\$ 68.75
9/23/2017	JCJ	Analyze case posture and review various documents in context of trial related and defense.	1	\$ 300.00	\$ 150.00	\$ 150.00
9/25/2017	TF	Draft and prepare index regarding remaining claims by various subcontractors.	0.6	\$ 75.00	\$ 37.50	\$ 37.50
9/25/2017	TF	Email exchange with Lisa Lynn regarding discovery for review.	0.2	\$ 25.00	\$ 12.50	\$ 12.50
9/25/2017	TF	Assess, analyze and review universe of requested documents disclosed by APCO for review by Joe Pelan.	0.6	\$ 75.00	\$ 37.50	\$ 37.50
9/25/2017	TF	Email exchange with Lisa Lynn regarding written discovery by all parties and universe of produced documents.	0.2	\$ 25.00	\$ 12.50	\$ 12.50
9/25/2017	JCJ	Communicate with Interstate and National Wood regarding last chance on nominal amount settlement, start review of various documents in context of trial prep.	1.3	\$ 390.00	\$ -	\$ 196.00
9/25/2017	TF	Assess, analyze and review universe of admitted deposition exhibits for review by Joe Pelan.	0.3	\$ 37.50	\$ 18.75	\$ 18.75
9/25/2017	TF	Draft and prepare email to Lisa Lynn regarding admitted exhibits during the deposition of Mary Ann.	0.1	\$ 12.50	\$ 6.25	\$ 6.25
9/25/2017	TF	Assess, analyze and review universe of Helix Electric and Brian Benson deposition exhibits for review by Lisa Lynn.	0.5	\$ 82.50	\$ 82.50	\$ -
9/25/2017	CSM	Telephone call with client regarding trial strategy meeting and associating in counsel to assist with trial.	0.5	\$ 137.50	\$ 68.75	\$ 68.75
9/25/2017	CSM	Research various documents and instruct paralegal to provide same to client prior to strategy meeting.	0.5	\$ 137.50	\$ 68.75	\$ 68.75
9/25/2017	CSM	Analysis and strategy regarding various depositions; and direct paralegal to prepare same.	0.4	\$ 110.00	\$ 55.00	\$ 55.00
9/25/2017	CSM	Continue to prepare documents and outline for trial issues; also strategize regarding proof of claims outline.	1.5	\$ 412.50	\$ 206.25	\$ 206.25
9/25/2017	CSM	Research appeal issue that APCO's claims have consolidated subcontractor's claims, and order dismissing all NRS 108 claims leaving nothing for trial.	1.2	\$ 330.00	\$ 165.00	\$ 165.00
9/26/2017	TF	Conference call with Litigation Services regarding universe of depositions and corresponding exhibits.	0.3	\$ 37.50	\$ 18.75	\$ 18.75
9/26/2017	TF	Conference call with Esquire Solutions regarding universe of depositions and corresponding exhibits.	0.3	\$ 37.50	\$ 18.75	\$ 18.75
9/26/2017	TF	Assess, analyze and review universe of operating complaints and update matrix regarding remaining claims against APCO.	1.2	\$ 150.00	\$ 75.00	\$ 75.00
9/26/2017	TF	Prepare and review universe of documents in preparation of meeting with Joe Pelan.	0.5	\$ 82.50	\$ 31.25	\$ 31.25
9/26/2017	TF	Assess, analyze and review universe of admitted deposition exhibits for review by Lisa Lynn.	0.6	\$ 75.00	\$ 37.50	\$ 37.50
9/26/2017	CSM	Continue to review various case law associated with the subcontractors' claims for client's 7.27 brief, and outline various issues and claims.	1.5	\$ 412.50	\$ 206.25	\$ 206.25
9/26/2017	CSM	Prepare for client strategy meeting by reviewing claims, defenses, various contracts of remaining subcontractors.	1	\$ 275.00	\$ 137.50	\$ 137.50
9/26/2017	CSM	Participate in strategy meeting with client and co-counsel.	2.3	\$ 632.50	\$ 316.25	\$ 316.25
9/27/2017	TF	Conference call with Litigation Services regarding deposition transcripts of David Parry.	0.3	\$ 37.50	\$ 18.75	\$ 18.75
9/27/2017	TF	Email exchange with Litigation Services regarding universe of deposition exhibits.	0.2	\$ 25.00	\$ 12.50	\$ 12.50
9/27/2017	TF	Compile and prepare written discovery requested by Lisa Lynn for review.	0.8	\$ 100.00	\$ 50.00	\$ 50.00
9/27/2017	TF	Assess, analyze and review universe of subcontractor files for review by Joe Pelan and Lisa Lynn.	0.9	\$ 112.50	\$ 56.25	\$ 56.25
9/27/2017	JCJ	Follow up with Interstate and National Wood re their final number.	0.2	\$ 60.00	\$ -	\$ 30.00
9/27/2017	CSM	Telephone calls with client regarding status on settlement negotiations.	0.4	\$ 110.00	\$ 55.00	\$ 55.00
9/27/2017	CSM	Draft additions to client's 7.27 brief with regarding to NRS 108 claims being dismissed.	1	\$ 275.00	\$ 137.50	\$ 137.50
9/28/2017	TF	Follow up conference call with Esquire Solutions regarding deposition of David Parry and corresponding exhibits.	0.3	\$ 37.50	\$ 18.75	\$ 18.75
9/28/2017	TF	Prepare and review additional depositions and exhibits for review by Lisa Lynn.	0.3	\$ 37.50	\$ 18.75	\$ 18.75
9/28/2017	TF	Prepare and format universe of requested documents for review by co-counsel.	0.7	\$ 87.50	\$ 43.75	\$ 43.75
9/28/2017	TF	Draft and prepare email to Lisa Lynn regarding depositions and universe of admitted exhibits.	0.2	\$ 25.00	\$ 12.50	\$ 12.50

Accounting Date	Attorney	Description	Hours	Amount	Allocated Amount to Helix	Allocated Amount to National Wood / Cabentec
9/28/2017	JCJ	Follow up with National Wood re their final number, communicate with Interstate on their \$100k final number and status client.	0.3	\$ 90.00	\$ -	\$ 45.00
9/28/2017	TF	Assess, analyze and review universe of designated PMKs for remaining subcontractors.	0.5	\$ 82.50	\$ 31.25	\$ 31.25
9/28/2017	CSM	Draft additions to client's 7-27 brief with regard to various pay-if-paid issues based upon recent motions.	1	\$ 275.00	\$ 137.50	\$ 137.50
9/29/2017	CSM	Analysis and strategy regarding procedural rules to take against Peel defendants.	0.3	\$ 82.50	\$ 82.50	\$ -
9/29/2017	CSM	Assess, analyze and review Helix's reply to in support of its motion for summary judgment.	0.5	\$ 137.50	\$ 137.50	\$ -
9/29/2017	TF	Assess, analyze and review universe of disclosed documents for notice of liens and affidavits of service.	1.1	\$ 137.50	\$ 68.75	\$ 68.75
9/29/2017	JCJ	Follow up with National Wood, review disclosed lien related documents by various remaining subs and compare to questionnaire.	0.7	\$ 210.00	\$ -	\$ 105.00
10/2/2017	TF	Assess, analyze and review pre-trial disclosures and universe of produced documents of Buchala, Gardau Reinforcing, Helix Electric, and Interstate Plumbing for additional lien documents.	1.3	\$ 162.50	\$ 40.62	\$ -
10/2/2017	TF	Assess, analyze and review pre-trial disclosures and universe of produced documents of National Wood Products, Nevada Prefab, Steel Structures, United Subcontractors, and Zitting Brothers for additional lien documents.	1.6	\$ 200.00	\$ -	\$ 40.00
10/2/2017	TF	Meeting with JCJ to discuss status of litigation and preparation for upcoming trial.	0.5	\$ 62.50	\$ 31.25	\$ 31.25
10/2/2017	TF	Prepare and review universe of produced documents for review by co-counsel.	0.5	\$ 62.50	\$ 31.25	\$ 31.25
10/2/2017	TF	Prepare and review universe of pleadings and discovery for review by co-counsel.	0.6	\$ 75.00	\$ 37.50	\$ 37.50
10/2/2017	CSM	Assess, analyze and review pre-trial disclosures and highlighted references to lien documents.	1	\$ 275.00	\$ 137.50	\$ 137.50
10/3/2017	TF	Prepare and review additional universe of documents requested by John Mowbray, Esq.	0.5	\$ 62.50	\$ 31.25	\$ 31.25
10/3/2017	TF	Conference call with Mary Bacon, Esq. regarding universe of discovery and disclosed documents.	0.2	\$ 25.00	\$ 12.50	\$ 12.50
10/3/2017	TF	Assess, analyze and review pre-trial notices disclosed by subcontractors.	0.8	\$ 100.00	\$ 50.00	\$ 50.00
10/4/2017	TF	Assess, analyze and review procedural history of National Wood's motion to intervene.	0.5	\$ 62.50	\$ -	\$ 62.50
10/4/2017	TF	Assess, analyze and review universe of deposition notices and prepare for review by Mary Bacon, Esq.	0.5	\$ 62.50	\$ 31.25	\$ 31.25
10/4/2017	TF	Email exchange with Mary Bacon, Esq. regarding deposition notices.	0.2	\$ 25.00	\$ 12.50	\$ 12.50
10/4/2017	TF	Prepare requested ratification documents for review by Mary Bacon, Esq.	0.4	\$ 50.00	\$ 25.00	\$ 25.00
10/4/2017	TF	Conference call with Mary Bacon, Esq. regarding written discovery.	0.2	\$ 25.00	\$ 12.50	\$ 12.50
10/4/2017	TF	Prepare and compile documents in preparation for upcoming hearings.	0.4	\$ 50.00	\$ 25.00	\$ 25.00
10/4/2017	TF	Assess, analyze and review universe of disclosed documents in depository database.	0.4	\$ 50.00	\$ 25.00	\$ 25.00
10/4/2017	TF	Assess, analyze and review Camco's disclosures for documents requested by Mary Bacon, Esq.	0.5	\$ 62.50	\$ 31.25	\$ 31.25
10/4/2017	JCJ	Communicate with co-counsel re hearing, depositions, trial prep, things to do and related; review with staff things to do and responses from other subs on various matters; communicate with client re 2012 motion to Intervene by National Wood, and trial prep.	3.4	\$ 1,020.00	\$ -	\$ 340.00
10/4/2017	CSM	Assess, analyze and review various correspondence and conduct telephone calls with co-counsel regarding status check and motions for summary judgment.	0.5	\$ 137.50	\$ 68.75	\$ 68.75
10/4/2017	CSM	Assess, analyze and review both Zitting's and Helix's replies in support of their motions summary judgments, and draft outlines and prepare for oral argument.	2.4	\$ 660.00	\$ 330.00	\$ -
10/4/2017	CSM	Prepare and review various discovery documents and disclosures from all remaining parties for co-counsel.	0.8	\$ 220.00	\$ 110.00	\$ 110.00
10/5/2017	TF	Meeting with JCJ and CSM to discuss status of litigation and hearing regarding motions for summary judgment.	0.3	\$ 37.50	\$ 18.75	\$ 18.75
10/5/2017	JCJ	Prepare and organize for court appearance on various matters, in-hearing conference with counsel, post-hearing conference with various subs and client; draft proposed order and letter; formulate things to do and status client; revise and finalize court or	7.4	\$ 2,220.00	\$ 740.00	\$ 740.00
10/5/2017	CSM	Conduct preparation for hearings on Helix and Zitting's motions for summary judgment; attend hearing on moving trial and continuing hearings, and conduct post hearing conference with client and counsel.	3.8	\$ 1,045.00	\$ 522.50	\$ -
10/5/2017	CSM	Analysis and strategy regarding moving forward with deposition and communicate with co-counsel regarding claims and documents for remaining subcontractors.	0.8	\$ 220.00	\$ 110.00	\$ 110.00
10/5/2017	CSM	Assess, analyze, review various matrices, and begin analyzing documents required for deposition of remaining subcontractors.	1	\$ 275.00	\$ 137.50	\$ 137.50
10/6/2017	TF	Assess, analyze and review unconditional waivers and releases produced by APCO regarding various subcontractors.	1.3	\$ 182.50	\$ 81.25	\$ 81.25
10/6/2017	JCJ	Communicate with CAMCO re ratification and remaining subs, with client and co-counsel re various trial and discovery matters, with various adverse counsel on sub direct contact with Joe re resolution and on proposed order on deposition and trial; draft le	2	\$ 800.00	\$ 300.00	\$ 300.00
10/6/2017	CSM	Analysis and strategy regarding deposing Camco; and review various Camco documents.	0.7	\$ 192.50	\$ 96.25	\$ 96.25
10/6/2017	CSM	Analysis and strategy regarding the deposition and preparation for Joe Pelan's deposition.	0.2	\$ 55.00	\$ 27.50	\$ 27.50
10/6/2017	CSM	Communicate with opposing counsel regarding language in proposed order.	0.2	\$ 55.00	\$ 27.50	\$ 27.50
10/6/2017	CSM	Assess, analyze and review Gametone memorandum for potential defenses.	0.5	\$ 137.50	\$ 68.75	\$ 68.75
10/6/2017	CSM	Communicate with co-counsel regarding retention issues.	0.2	\$ 55.00	\$ 27.50	\$ 27.50
10/6/2017	JCJ	Trial prep, including contact counsel for remaining APCO subs on depositions times of their PMK/prove up witness; communicate with same re proposed order; search and review documents supporting National Wood and Cabentec claims are limited.	7.3	\$ 2,160.00	\$ 730.00	\$ 730.00
10/9/2017	TF	Meeting with JCJ to discuss status of litigation and preparation of meeting with clients.	0.3	\$ 37.50	\$ 18.75	\$ 18.75
10/9/2017	TF	Assess, analyze and review documents provided by client and compile summaries and assessments of various subcontractors.	0.8	\$ 100.00	\$ 50.00	\$ 50.00
10/9/2017	TF	Conference call with Mary Bacon, Esq. regarding Camco disclosures.	0.2	\$ 25.00	\$ 12.50	\$ 12.50
10/9/2017	TF	Assess, analyze and review responses to special master questionnaires of various subcontractors.	0.4	\$ 50.00	\$ 25.00	\$ 25.00
10/9/2017	TF	Email exchange with Mary Bacon, Esq. regarding responses to special master questionnaires.	0.2	\$ 25.00	\$ 12.50	\$ 12.50
10/9/2017	TF	Assess, analyze and review deposition transcripts regarding Helix PMK.	0.3	\$ 37.50	\$ 37.50	\$ -

Accounting Date	Attorney	Description	Hours	Amount	Allocated Amount to Helix	Allocated Amount to National Wood / Cabentec
10/9/2017	TF	Email exchange with Mary Bacon, Esq. regarding deposition transcript of Helix Electric PMK.	0.2	\$ 25.00	\$ 12.50	\$ 12.50
10/9/2017	CSM	Review various documents for the remaining subcontractors, telephone calls with co-counsel, draft additions to litigation matrix, and prepare for meeting with client and co-counsel.	3.5	\$ 982.50	\$ 481.25	\$ 481.25
10/9/2017	CSM	Attend meeting with client and co-counsel regarding discovery and trial prep meeting.	2.6	\$ 715.00	\$ 357.50	\$ 357.50
10/10/2017	TF	Email exchange with Mary Bacon, Esq. regarding Camco disclosures.	0.2	\$ 25.00	\$ 12.50	\$ 12.50
10/10/2017	TF	Assess, analyze and review universe of documents disclosed in Camco's disclosures.	0.6	\$ 75.00	\$ 37.50	\$ 37.50
10/10/2017	TF	Meeting with CSM to discuss status of litigation and preparation for upcoming discovery deadlines.	0.3	\$ 37.50	\$ 18.75	\$ 18.75
10/10/2017	CSM	Communicate with co-counsel regarding trial schedule.	0.4	\$ 110.00	\$ 55.00	\$ 55.00
10/10/2017	CSM	Assess, analyze and review correspondence from co-counsel regarding deposition to be scheduled, prepare list and available dates; telephone call with counsel; and draft response to correspondence.	0.7	\$ 182.50	\$ 96.25	\$ 96.25
10/10/2017	CSM	Analysis and strategy regarding settlement offers and response to National Wood.	0.3	\$ 82.50	\$ -	\$ 82.50
10/10/2017	CSM	Telephone call and email exchange with co-counsel regarding Camco documents, assess, analyze and review various documents; and direct paralegal to provide documents to co-counsel.	0.5	\$ 137.50	\$ 68.75	\$ 68.75
10/10/2017	CSM	Telephone call and email exchange with co-counsel regarding taking the deposition of Victor with Helix.	0.3	\$ 82.50	\$ 82.50	\$ -
10/10/2017	CSM	Telephone call with co-counsel regarding litigation matrices.	0.3	\$ 82.50	\$ 41.25	\$ 41.25
10/10/2017	CSM	Draft additions to litigation matrix and index of claims matrix.	0.7	\$ 182.50	\$ 96.25	\$ 96.25
10/10/2017	JCJ	Finalize order; communicate with adverse counsel and co-counsel re depositions, hearings and related issues.	0.5	\$ 150.00	\$ 75.00	\$ 75.00
10/11/2017	TF	Assess, analyze and review litigation and claims matrix for review by Mary Bacon, Esq.	0.6	\$ 75.00	\$ 37.50	\$ 37.50
10/11/2017	TF	Email exchange with Mary Bacon, Esq. regarding litigation spreadsheets.	0.2	\$ 25.00	\$ 12.50	\$ 12.50
10/11/2017	CSM	Communicate with co-counsel regarding strategy, questions, and arguments for the upcoming depositions; draft additions to depo question outline; provide deposition outline to co-counsel.	1.5	\$ 412.50	\$ 206.25	\$ 206.25
10/12/2017	TF	Assess, analyze and review universe of deposition notices for review by Mary Bacon, Esq.	0.4	\$ 50.00	\$ 25.00	\$ 25.00
10/12/2017	TF	Email exchange with Mary Bacon, Esq. regarding deposition notices.	0.2	\$ 25.00	\$ 12.50	\$ 12.50
10/12/2017	TF	Assess, analyze and review universe of subpoenas requested by Mary Bacon, Esq.	0.3	\$ 37.50	\$ 18.75	\$ 18.75
10/12/2017	TF	Email exchange with Mary Bacon, Esq. regarding subpoenas.	0.2	\$ 25.00	\$ 12.50	\$ 12.50
10/12/2017	TF	Prepare and review the requested pre-trial disclosures for review by Mary Bacon, Esq.	0.3	\$ 37.50	\$ 18.75	\$ 18.75
10/12/2017	CSM	Communicate with client regarding depositions taken in the matter and direct paralegal to provide all deposition to client and co-counsel.	0.5	\$ 137.50	\$ 68.75	\$ 68.75
10/12/2017	CSM	Assess, analyze and review correspondence and attached damage matrix for the remaining subcontractors.	0.3	\$ 82.50	\$ 41.25	\$ 41.25
10/12/2017	CSM	Multiple communications with co-counsel regarding deposition notices, claims, documents, and scope of work to be conducted over next week while co-counsel is out.	0.8	\$ 220.00	\$ 110.00	\$ 110.00
10/12/2017	CSM	Assess, analyze and review various pre-trial disclosures for remaining parties.	0.3	\$ 82.50	\$ 41.25	\$ 41.25
10/12/2017	CSM	Analysis and strategy regarding deposition topics with co-counsel; and assess, analyze and review various correspondence on same.	0.5	\$ 137.50	\$ 68.75	\$ 68.75
10/13/2017	CSM	Assess, analyze and review Order Setting Civil Non-Jury Trial and Calendar Call.	0.2	\$ 55.00	\$ 27.50	\$ 27.50
10/16/2017	TF	Assess, analyze and review emails received from Mary Bacon, Esq. regarding preparation of upcoming depositions.	0.2	\$ 25.00	\$ 12.50	\$ 12.50
10/16/2017	CSM	Assess, analyze and review multiple correspondences from co-counsel regarding various depositions and motions in limine.	0.8	\$ 185.00	\$ 82.50	\$ 82.50
10/16/2017	CSM	Telephone call with client regarding various litigation matrices, draft additions to consolidated case claims and litigation matrices, and provided same to client.	1	\$ 275.00	\$ 137.50	\$ 137.50
10/16/2017	CSM	Review retention information provided from client and discuss same and further underlying facts with co-counsel.	0.4	\$ 110.00	\$ 55.00	\$ 55.00
10/16/2017	CSM	Assess, analyze and review correspondence from co-counsel regarding timeline of events, telephone call with same, and assess, analyze and review timeline.	0.6	\$ 165.00	\$ 82.50	\$ 82.50
10/16/2017	CSM	Communicate with client regarding witness and damages from trial, and assess, analyze and review matrices provided from client.	0.4	\$ 110.00	\$ 55.00	\$ 55.00
10/16/2017	CSM	Assess, analyze and review detailed correspondence from co-counsel regarding status on each subcontractor; and detail additional items for certain subcontractors.	0.2	\$ 55.00	\$ 27.50	\$ 27.50
10/17/2017	TF	Email exchange with Mary Bacon, Esq. regarding deposition notices to various subcontractors.	0.3	\$ 37.50	\$ 18.75	\$ 18.75
10/17/2017	TF	Draft and prepare amended notice of taking NRCP rule 30(b)(6) deposition of PMK for Gerdau, Interstate Plumbing, National Wood, and Steel Structures.	1.4	\$ 175.00	\$ -	\$ 43.75
10/17/2017	TF	Email exchange with Mary Bacon, Esq. regarding scheduling of deposition notices.	0.2	\$ 25.00	\$ 12.50	\$ 12.50
10/17/2017	CSM	Telephone call with co-counsel regarding status of scheduling depositions.	0.2	\$ 55.00	\$ 27.50	\$ 27.50
10/17/2017	CSM	Assess, analyze and review subpoenas for all remaining subcontractors and draft supplements to same.	0.8	\$ 220.00	\$ 110.00	\$ 110.00
10/18/2017	TF	Email exchange with Mary Bacon, Esq. regarding updated deposition notices.	0.2	\$ 25.00	\$ 12.50	\$ 12.50
10/18/2017	TF	Meeting with CSM to discuss preparation for upcoming depositions and various settlement offers to subcontractors.	0.3	\$ 37.50	\$ 18.75	\$ 18.75
10/18/2017	TF	Draft and prepare email to Mary Bacon, Esq. regarding deposition notices for service.	0.2	\$ 25.00	\$ 12.50	\$ 12.50
10/18/2017	TF	Assess, analyze and review universe of disclosed Helix Electric documents in preparation for upcoming 30(b)(6) depositions.	0.5	\$ 82.50	\$ 82.50	\$ -
10/18/2017	TF	Assess, analyze and review universe of disclosed National Wood documents in preparation for upcoming 30(b)(6) depositions.	0.5	\$ 82.50	\$ -	\$ 62.50
10/18/2017	TF	Update and review litigation matrix regarding active subcontractors with claims against APCQ in preparation for upcoming depositions.	0.4	\$ 50.00	\$ 25.00	\$ 25.00
10/18/2017	CSM	Communicate with co-counsel regarding the deposition of National Wood.	0.2	\$ 55.00	\$ -	\$ 55.00
10/18/2017	CSM	Telephone call with client regarding settlement authority for National Wood; telephone call with counsel for National Wood; and update client and co-counsel regarding status of settlement offer and exchange with counsel.	1	\$ 275.00	\$ -	\$ 275.00
10/18/2017	CSM	Assess, analyze and review correspondence from counsel for Helix regarding pending order on status check.	0.2	\$ 55.00	\$ 55.00	\$ -
10/18/2017	CSM	Draft and execute notice of deposition for National Wood, and Skyline.	0.3	\$ 82.50	\$ -	\$ 41.25
10/19/2017	CSM	Telephone call with counsel for National Wood.	0.5	\$ 137.50	\$ -	\$ 137.50

Accounting Date	Attorney	Description	Hours	Amount	Allocated Amount to Helix	Allocated Amount to National Wood / Cabentec
10/19/2017	CSM	Communicate with co-counsel regarding Helix issues and prior testimony from APCO's PMs.	0.5	\$ 137.50	\$ 137.50	\$ -
10/20/2017	TF	Email exchange with Mary Bacon, Esq. regarding amended notice of taking deposition of National Wood Products.	0.2	\$ 25.00	\$ -	\$ 25.00
10/20/2017	TF	Draft and prepare second amended notice of taking NRCP rule 30(b)(6) deposition of person most knowledgeable for National Wood Products.	0.4	\$ 50.00	\$ -	\$ 50.00
10/20/2017	TF	Meeting with CSM regarding preparation for upcoming depositions.	0.3	\$ 37.50	\$ -	\$ 37.50
10/20/2017	CSM	Settlement discussions with National Wood.	0.5	\$ 137.50	\$ -	\$ 137.50
10/20/2017	CSM	Telephone call with co-counsel regarding issues with pending subcontractors; assess, analyze and review multiple email from client with attached documents; and assess, analyze and review various documents surrounding Owner/Contractor Contracts, APCO/Gemstone.	2.5	\$ 687.50	\$ 229.17	\$ 229.17
10/20/2017	CSM	Review and execute amended notice of deposition of National Wood.	0.1	\$ 27.50	\$ -	\$ 27.50
10/23/2017	TF	Meeting with CSM to discuss preparation for upcoming depositions.	0.3	\$ 37.50	\$ -	\$ 37.50
10/23/2017	TF	Conference call with Litigation Services regarding preparation for upcoming depositions.	0.3	\$ 37.50	\$ -	\$ 37.50
10/23/2017	CSM	Draft correspondence to client and co-counsel regarding depositions for Skyline, Zitting, and National Wood.	0.2	\$ 55.00	\$ -	\$ 18.34
10/23/2017	CSM	Telephone call with co-counsel regarding scope of depositions.	0.3	\$ 82.50	\$ -	\$ 82.50
10/24/2017	TF	Assess, analyze and review universe of National Wood documents in preparation for upcoming depositions.	0.8	\$ 100.00	\$ -	\$ 100.00
10/24/2017	TF	Draft and prepare index regarding universe of National Wood documents in preparation of upcoming depositions.	0.4	\$ 50.00	\$ -	\$ 50.00
10/25/2017	TF	Email exchange with Mary Bacon, Esq. regarding upcoming depositions.	0.2	\$ 25.00	\$ -	\$ 25.00
10/25/2017	TF	Conference call with Litigation Services regarding upcoming depositions.	0.2	\$ 25.00	\$ -	\$ 25.00
10/25/2017	TF	Assess, analyze and review National Wood change orders, pay applications, accounting files, and job files in preparation for upcoming deposition.	0.9	\$ 112.50	\$ -	\$ 112.50
10/25/2017	TF	Meeting with CSM to discuss preparation for the deposition of National Wood.	0.3	\$ 37.50	\$ -	\$ 37.50
10/25/2017	TF	Assess, analyze and review procedural history of motions filed by National Wood.	0.3	\$ 37.50	\$ -	\$ 37.50
10/25/2017	CSM	Assess, analyze and review executed ratification agreement for National Wood.	0.1	\$ 27.50	\$ -	\$ 27.50
10/25/2017	CSM	Draft outline of deposition questions for National Wood/Cabintec.	0.5	\$ 137.50	\$ -	\$ 137.50
10/28/2017	TF	Continue to prepare and review documents in preparation for the deposition of National Wood's PM.	0.8	\$ 100.00	\$ -	\$ 100.00
10/28/2017	TF	Meeting with CSM to discuss status of litigation and preparation for upcoming depositions.	0.3	\$ 37.50	\$ -	\$ 37.50
10/28/2017	CSM	Telephone call with co-counsel regarding status of motions, research and settlement with various subcontractors.	0.3	\$ 82.50	\$ 41.25	\$ 41.25
10/28/2017	CSM	Telephone call with lead counsel for National Wood regarding arguments in the case; potential settlement, and upcoming deposition.	0.8	\$ 185.00	\$ -	\$ 185.00
10/27/2017	TF	Continue to prepare and review deposition exhibits for the upcoming deposition of National Wood.	0.4	\$ 50.00	\$ -	\$ 50.00
10/27/2017	TF	Meeting with CSM to discuss preparation for the upcoming deposition of National Wood.	0.2	\$ 25.00	\$ -	\$ 25.00
10/27/2017	TF	Conference call with Litigation Services regarding updated deposition schedule.	0.2	\$ 25.00	\$ 12.50	\$ 12.50
10/27/2017	CSM	Telephone calls with counsel for National Wood regarding upcoming depositions, documents in case, and settlement; and prepare and execute notice of continued NRCP Rule 30(b)(6) deposition for the person most knowledgeable for National Wood Products, Inc.	0.7	\$ 192.50	\$ -	\$ 192.50
10/27/2017	CSM	Assess, analyze and review additional documents to provide to counsel for National Wood to assist with settlement issues.	0.7	\$ 192.50	\$ -	\$ 192.50
10/27/2017	CSM	Research and analysis regarding novation cases to support APCO's positions against National Wood.	0.8	\$ 220.00	\$ -	\$ 220.00
10/27/2017	CSM	Telephone call with co-counsel regarding motions and work to be completed for each subcontractor.	0.2	\$ 55.00	\$ 27.50	\$ 27.50
10/27/2017	CSM	Research and analysis of case law regarding document admitted for motions for summary judgment produced by an adverse party.	0.3	\$ 82.50	\$ 41.25	\$ 41.25
10/30/2017	TF	Email exchange with Mary Bacon, Esq. regarding answer to Cabintec's statement of facts constituting lien claim and complaint in intervention.	0.2	\$ 25.00	\$ -	\$ 25.00
10/30/2017	TF	Assess, analyze and review procedural history regarding National Wood Product and Cabintec, Inc.	0.4	\$ 50.00	\$ -	\$ 50.00
10/30/2017	CSM	Telephone call client and counsel regarding strategy and moving forward.	0.9	\$ 247.50	\$ 123.75	\$ 123.75
10/30/2017	TF	Prepare and review documents in preparation for conference call with Joe Polen and co-counsel.	0.3	\$ 37.50	\$ 18.75	\$ 18.75
10/30/2017	TF	Assess, analyze and review matrix regarding remaining claims and defenses.	0.3	\$ 37.50	\$ 18.75	\$ 18.75
10/30/2017	CSM	Telephone call and email exchange with co-counsel regarding MIL for National Wood.	0.4	\$ 110.00	\$ -	\$ 110.00
10/30/2017	TF	Email exchange with Mary Bacon, Esq. regarding universe of APCO disclosures.	0.2	\$ 25.00	\$ 12.50	\$ 12.50
10/30/2017	TF	Assess, analyze and review universe of 18.1 disclosures requested by Mary Bacon, Esq.	0.5	\$ 82.50	\$ 31.25	\$ 31.25
10/30/2017	CSM	Assess, analyze and review National Wood/Cabintec's complaint and APCO's response to same.	0.3	\$ 82.50	\$ -	\$ 82.50
10/30/2017	CSM	Telephone call with co-counsel regarding motion in limine against National Wood.	0.3	\$ 82.50	\$ -	\$ 82.50
10/30/2017	CSM	Assess, analyze and review case provided from co-counsel regarding retention issues.	0.8	\$ 165.00	\$ 82.50	\$ 82.50
10/30/2017	CSM	Assess, analyze and review correspondence from co-counsel regarding disclosed documents, and draft response to same.	0.2	\$ 55.00	\$ 27.50	\$ 27.50
10/31/2017	TF	Meeting with CSM to discuss status of litigation and preparation of supplemental discovery responses.	0.3	\$ 37.50	\$ 18.75	\$ 18.75
10/31/2017	TF	Assess, analyze and review universe of discovery disclosures made by previous counsel for review by Mary Bacon, Esq.	0.5	\$ 82.50	\$ 31.25	\$ 31.25
10/31/2017	TF	Email exchange with Mary Bacon, Esq. regarding universe of discovery disclosures.	0.2	\$ 25.00	\$ 12.50	\$ 12.50
10/31/2017	TF	Assess, analyze and review universe of discovery responses between APCO and Helix Electric.	0.4	\$ 50.00	\$ 50.00	\$ -
10/31/2017	TF	Assess, analyze and review universe of discovery responses between APCO and National Wood Products.	0.4	\$ 50.00	\$ -	\$ 50.00
10/31/2017	TF	Assess, analyze and review research regarding five year rule.	0.7	\$ 87.50	\$ 43.75	\$ 43.75
10/31/2017	CSM	Research 5 year rule issues and provide transcript of bench trial to co-counsel.	0.3	\$ 82.50	\$ 41.25	\$ 41.25
10/31/2017	CSM	Assess, analyze and review correspondence from co-counsel regarding Helix motion on retention issues; assess, analyze and review Helix's deposition; and provide response to co-counsel.	0.5	\$ 137.50	\$ 137.50	\$ -
11/1/2017	CSM	Telephone call with client regarding various issues with Helix, Zitting and National Wood.	0.2	\$ 55.00	\$ 18.33	\$ 18.33
11/1/2017	TF	Assess, analyze and review universe of orders regarding consolidation of various matters.	0.8	\$ 75.00	\$ 25.00	\$ 25.00

Accounting Date	Attorney	Description	Hours	Amount	Allocated Amount to Helix	Allocated Amount to National Wood / Cabentec
11/1/2017	TF	Assess, analyze and review deposition notices received from National Wood, Zitting Brothers, and Helix Electric.	0.5	\$ 82.50	\$ 31.25	\$ 31.25
11/1/2017	TF	Continue to assess, analyze and review active claims from Zitting Brothers, National Wood Products, and Helix Electric.	0.4	\$ 50.00	\$ 20.83	\$ 20.83
11/1/2017	TF	Assess, analyze and review documents to be prepared for supplemental discovery disclosures.	0.5	\$ 82.50	\$ 31.25	\$ 31.25
11/1/2017	CSM	Assess, analyze and review issues with consolidating actions; research and analyze various documents regarding the same; and provide documents to co-counsel.	0.8	\$ 220.00	\$ 110.00	\$ 110.00
11/1/2017	CSM	Analysis and strategy regarding deposing Camco.	0.2	\$ 55.00	\$ 27.50	\$ 27.50
11/1/2017	CSM	Analysis and strategy regarding supplemental document disclosure.	0.2	\$ 55.00	\$ 27.50	\$ 27.50
11/2/2017	CSM	Assess, analyze and review case law provided from co-counsel regarding application of NRS 824.	0.3	\$ 82.50	\$ 41.25	\$ 41.25
11/2/2017	CSM	Telephone call to National Wood to address settlement issues prior to client meeting.	0.5	\$ 137.50	\$ -	\$ 137.50
11/2/2017	CSM	Communicate with co-counsel on discovery issues; draft supplements to responses Helix and Zitting's discovery to APCO; and provide to co-counsel and client for review.	2.5	\$ 687.50	\$ 343.75	\$ -
11/3/2017	TF	Email exchange with Litigation Services regarding depository access and universe of disclosed documents.	0.2	\$ 25.00	\$ 12.50	\$ 12.50
11/3/2017	TF	Assess, analyze and review universe of requested documents for review by Mary Bacon, Esq.	0.3	\$ 37.50	\$ 18.75	\$ 18.75
11/3/2017	TF	Conference call with Mary Bacon, Esq. regarding five year rule and request for documents.	0.2	\$ 25.00	\$ 12.50	\$ 12.50
11/3/2017	TF	Prepare and review requested Zitting Brother, Helix Electric, and National Wood documents for review by Mary Bacon, Esq.	0.7	\$ 87.50	\$ 29.17	\$ 29.17
11/3/2017	TF	Assess, analyze and review universe of National Wood documents and prepare for upcoming deposition.	1.1	\$ 137.50	\$ -	\$ 137.50
11/3/2017	TF	Assess, analyze and review deposition transcript of Helix PMK.	0.3	\$ 37.50	\$ 37.50	\$ -
11/3/2017	CSM	Draft supplemental responses to National Wood's discovery, and communicate with co-counsel regarding same.	1.4	\$ 385.00	\$ 385.00	\$ -
11/3/2017	CSM	Communicate with counsel for National Wood regarding deposition issues; assess, analyze and review various documents, and draft detailed correspondence to counsel for National Wood detailing documents and video for review.	1	\$ 275.00	\$ -	\$ 275.00
11/3/2017	CSM	Prepare amended notices for the deposition of Cabentec and National Wood; and direct service of same.	0.2	\$ 55.00	\$ -	\$ 55.00
11/3/2017	CSM	Analysis and strategy regarding meet and confer obligations with each subcontractor for motions in limine.	0.3	\$ 82.50	\$ 41.25	\$ 41.25
11/3/2017	CSM	Assess, analyze and review various deposition statement for motions in limine against Helix; draft section of brief; and provide to co-counsel for insertion into brief.	2	\$ 550.00	\$ 550.00	\$ -
11/3/2017	CSM	Analysis and strategy regarding five year rule issue with co-counsel.	0.3	\$ 82.50	\$ 41.25	\$ 41.25
11/3/2017	CSM	Telephone call with counsel for Camco.	0.3	\$ 82.50	\$ 41.25	\$ 41.25
11/3/2017	CSM	Pull and review various documents from depository for use in motions and trial.	0.5	\$ 137.50	\$ 68.75	\$ 68.75
11/3/2017	CSM	Assess, analyze and review various documents and argument for APCO's motions in limine, and provide and communicate with co-counsel regarding same.	0.8	\$ 220.00	\$ 110.00	\$ 110.00
11/4/2017	CSM	Communicate with co-counsel on supplemental discovery issues and motion in limine arguments, and review various documents and testimony to support APCO's arguments.	0.8	\$ 220.00	\$ 110.00	\$ 110.00
11/6/2017	CSM	Prepare various deposition exhibits for the depositions of National Wood and Cabentec.	1.5	\$ 412.50	\$ -	\$ 412.50
11/6/2017	CSM	Telephone call with National Wood regarding motions in limine and settlement; and conduct follow up telephone calls with co-counsel and their client regarding strategy with National Wood to vacate deposition of National Wood and proceed with motions.	1.3	\$ 357.50	\$ -	\$ 357.50
11/6/2017	TF	Email exchange with Mary Bacon, Esq. regarding deposition of Helix Electric's PMK.	0.2	\$ 25.00	\$ 25.00	\$ -
11/6/2017	TF	Prepare and compile universe of exhibits to motions in limine requested by Mary Bacon, Esq.	1.3	\$ 162.50	\$ 81.25	\$ 81.25
11/6/2017	TF	Email exchange with Mary Bacon, Esq. regarding motions in limine.	0.2	\$ 25.00	\$ 12.50	\$ 12.50
11/6/2017	TF	Finalize and prepare exhibits to APCO Construction's omnibus motion in limine.	0.5	\$ 82.50	\$ 31.25	\$ 31.25
11/6/2017	TF	Prepare and review additional documents to be used at the deposition of National Wood Products.	0.3	\$ 37.50	\$ -	\$ 37.50
11/6/2017	CSM	Review and draft additions to release to circulate for review.	0.5	\$ 137.50	\$ 68.75	\$ 68.75
11/7/2017	TF	Assess, analyze and review universe of executed contracts with Zitting Brothers, Helix Electric, National Wood Products, and Buchele.	0.5	\$ 82.50	\$ 15.63	\$ 15.63
11/7/2017	TF	Assess, analyze and review motions in limine filed by opposing parties.	0.5	\$ 82.50	\$ 31.25	\$ 31.25
11/7/2017	TF	Finalize and prepare APCO's supplemental answers to Helix Electric's first requests for interrogatories.	0.4	\$ 50.00	\$ 50.00	\$ -
11/7/2017	TF	Assess, analyze and review Zitting Brothers, Helix Electric, and National Wood documents in preparation of trial exhibits.	0.9	\$ 112.50	\$ 37.50	\$ 37.50
11/7/2017	TF	Meeting with CSM to discuss status of litigation and preparation for trial.	0.3	\$ 37.50	\$ 18.75	\$ 18.75
11/7/2017	CSM	Draft status matrix to client.	0.2	\$ 55.00	\$ 27.50	\$ 27.50
11/7/2017	CSM	Assess, analyze and review correspondence from counsel for National Wood regarding depositions, forward to co-counsel and strategize a response to same.	0.3	\$ 82.50	\$ -	\$ 82.50
11/7/2017	CSM	Analysis and strategy regarding setting pretrial conference.	0.2	\$ 55.00	\$ 27.50	\$ 27.50
11/8/2017	TF	Assess, analyze and review universe of documents to be used as exhibits in opposition to motions in limine.	0.7	\$ 87.50	\$ 43.75	\$ 43.75
11/8/2017	TF	Assess, analyze and review universe of requested depositions and corresponding exhibits to be reviewed by Mary Bacon, Esq.	0.8	\$ 75.00	\$ 37.50	\$ 37.50
11/8/2017	TF	Email exchange with Mary Bacon, Esq. regarding universe of depositions and corresponding exhibits.	0.2	\$ 25.00	\$ 12.50	\$ 12.50
11/8/2017	TF	Prepare and review universe of requested National Wood and Helix Electric documents for review by Mary Bacon, Esq.	0.7	\$ 87.50	\$ 43.75	\$ 43.75
11/8/2017	TF	Conference call with Vivian Bowron regarding trial preparation and universe of depositions.	0.3	\$ 37.50	\$ 18.75	\$ 18.75
11/8/2017	CSM	Draft detailed correspondence to counsel for National Wood; analysis and strategy regarding pre-trial disclosures, assess, analyze and review MILs for Zitting, Helix, National Wood and Buchele; research and detailed documents and deposition testimony to op	4.3	\$ 1,182.50	\$ 295.63	\$ 295.63
11/9/2017	TF	Prepare and review additional requested National Wood documents for review by Randy Jefferson, Esq.	0.4	\$ 50.00	\$ -	\$ 50.00
11/9/2017	TF	Prepare and review requested depositions for review by Mary Bacon, Esq.	0.3	\$ 37.50	\$ 18.75	\$ 18.75
11/9/2017	TF	Assess, analyze and review Zitting Brothers, National Wood, and Helix Electric's deposition notices for referenced to defenses.	0.5	\$ 82.50	\$ 20.83	\$ 20.83

Accounting Date	Attorney	Description	Hours	Amount	Allocated Amount to Helix	Allocated Amount to National Wood / Cabenec
11/9/2017	TF	Email exchange with Mary Bacon, Esq. regarding deposition notices.	0.2	\$ 25.00	\$ 12.50	\$ 12.50
11/9/2017	TF	Assess, analyze and review universe of Zitting Brother, National Wood, and Helix Electric disclosures for review by Mary Bacon, Esq.	0.7	\$ 87.50	\$ 20.17	\$ 28.17
11/9/2017	CSM	Communicate with co-counsel regarding correspondence from National Wood and MILs, and draft emails to same detailing further information to include in oppositions to the same.	0.8	\$ 220.00	\$ -	\$ 220.00
11/10/2017	TF	Prepare and review additional National Wood Product documents in preparation for upcoming depositions.	0.5	\$ 62.50	\$ -	\$ 62.50
11/10/2017	TF	Assess, analyze and review universe of filed early case conference reports requested by Mary Bacon, Esq.	0.8	\$ 75.00	\$ 37.50	\$ 37.50
11/10/2017	TF	Email exchange with Mary Bacon, Esq. regarding upcoming deposition of National Wood Products.	0.2	\$ 25.00	\$ -	\$ 25.00
11/10/2017	TF	Email exchange with Mary Bacon, Esq. regarding early case conference reports.	0.2	\$ 25.00	\$ 12.50	\$ 12.50
11/10/2017	TF	Assess, analyze and review universe of disclosed APCQ videos provided by Brian Benson.	0.4	\$ 50.00	\$ 25.00	\$ 25.00
11/12/2017	CSM	Communicate with co-counsel regarding Helix's deposition regarding trying to explain away offsets.	0.3	\$ 82.50	\$ 41.25	\$ 41.25
11/13/2017	TF	Assess, analyze and review universe of documents disclosed in National Wood Product's second supplemental disclosures pursuant to NRCP 18.1.	0.4	\$ 50.00	\$ -	\$ 50.00
11/13/2017	TF	Assess, analyze and review universe of documents in preparation for pre-trial memorandum.	0.4	\$ 50.00	\$ 25.00	\$ 25.00
11/13/2017	TF	Assess, analyze and review procedural history for trial orders.	0.4	\$ 50.00	\$ 25.00	\$ 25.00
11/13/2017	TF	Email exchange with Mary Bacon, Esq. regarding trial orders.	0.2	\$ 25.00	\$ 12.50	\$ 12.50
11/13/2017	CSM	Assess, analyze and review detailed correspondence from National Wood regarding discovery and deposition issues; coordinate with co-counsel; and draft detailed response to same.	1	\$ 275.00	\$ -	\$ 275.00
11/13/2017	CSM	Communicate with counsel for Camco regarding hearing and oppositions; assess, analyze, review and draft supplements to MILs; communicate co-counsel regarding MIL issues and the upcoming hearing on all pending motions.	3.8	\$ 1,045.00	\$ 348.33	\$ 348.33
11/14/2017	TF	Prepare and review exhibits to APCQ's opposition to National Wood's motion in limine to exclude evidence, testimony, documents and things not properly produced by defendant.	0.8	\$ 100.00	\$ -	\$ 100.00
11/14/2017	TF	Email exchange with Mary Bacon, Esq. regarding exhibits to opposition to motions in limine.	0.2	\$ 25.00	\$ 12.50	\$ 12.50
11/14/2017	TF	Assess, analyze and review universe of admitted deposition exhibits.	0.4	\$ 50.00	\$ 25.00	\$ 25.00
11/14/2017	TF	Assess, analyze and review orders regarding discovery cut off dates.	0.7	\$ 87.50	\$ 43.75	\$ 43.75
11/14/2017	TF	Email exchange with Mary Bacon, Esq. regarding scheduling orders.	0.2	\$ 25.00	\$ 12.50	\$ 12.50
11/14/2017	CSM	Assess, analyze and review National Wood's supplemental disclosure.	0.4	\$ 110.00	\$ -	\$ 110.00
11/14/2017	CSM	Telephone calls with co-counsel regarding trial briefing and hearings.	0.5	\$ 137.50	\$ 68.75	\$ 68.75
11/14/2017	CSM	Assess, analyze and review various documents, deposition testimony and MIL oppositions and replies; draft various sections of replies, and coordinate with co-counsel regarding various trial documents, objection to deposition notices and pretrial memo.	5	\$ 1,375.00	\$ 687.50	\$ 687.50
11/15/2017	TF	Conference call with Litigation Services regarding universe of APCQ documents in depository.	0.2	\$ 25.00	\$ 12.50	\$ 12.50
11/15/2017	TF	Prepare and review universe of requested Helix Electric documents requested by Mary Bacon, Esq. in preparation of oppositions to motions in limine.	0.4	\$ 50.00	\$ 50.00	\$ -
11/15/2017	TF	Prepare and review universe of requested National Wood documents requested by Mary Bacon, Esq. in preparation of oppositions to motions in limine.	0.4	\$ 50.00	\$ -	\$ 50.00
11/15/2017	TF	Compile and review universe of documents in preparation for upcoming hearing regarding motions in limine.	0.5	\$ 62.50	\$ 31.25	\$ 31.25
11/15/2017	TF	Meeting with CSM to discuss status of litigation and preparation for upcoming hearings.	0.3	\$ 37.50	\$ 18.75	\$ 18.75
11/15/2017	CSM	Assess, analyze and review APCQ's reply in support of MILs, draft additions to same, assess, analyze and review documents and prepare for filing, and communicate and strategize with co-counsel.	2.5	\$ 887.50	\$ 343.75	\$ 343.75
11/15/2017	CSM	Research and communicate with co-counsel regarding novation issues.	0.3	\$ 82.50	\$ 41.25	\$ 41.25
11/15/2017	CSM	Draft outlines for MAC's share of each pending motion and prepare for oral arguments of pending motions.	3.8	\$ 1,045.00	\$ 522.50	\$ 522.50
11/16/2017	TF	Email exchange with Mary Bacon, Esq. regarding Cabenec disclosures.	0.2	\$ 25.00	\$ -	\$ 25.00
11/16/2017	TF	Prepare and review additional National Wood and Cabenec documents for review by Mary Bacon, Esq.	0.5	\$ 62.50	\$ -	\$ 62.50
11/16/2017	CSM	Conduct final preparations for and attend hearing on all pending motions.	2	\$ 550.00	\$ 275.00	\$ 275.00
11/16/2017	CSM	Strategize with co-counsel regarding various trial documents.	0.4	\$ 110.00	\$ 55.00	\$ 55.00
11/17/2017	CSM	Draft detailed status correspondence to client regarding hearing on MSJ and MILs.	0.5	\$ 137.50	\$ 68.75	\$ 68.75
11/17/2017	TF	Assess, analyze and review universe of disclosed documents in preparation for upcoming trial.	0.5	\$ 62.50	\$ 31.25	\$ 31.25
11/17/2017	TF	Email exchange with Vivian Bowron regarding universe of disclosed documents and preparation of trial binders.	0.2	\$ 25.00	\$ 12.50	\$ 12.50
11/17/2017	CSM	Review various documents from co-counsel and client for disclosure; verify documents have not been disclosed prior; and telephone calls with co-counsel.	1.2	\$ 330.00	\$ 165.00	\$ 165.00
11/17/2017	TF	Draft and prepare eleventh supplemental disclosure of witnesses and imaged documents.	0.8	\$ 75.00	\$ 37.50	\$ 37.50
11/17/2017	TF	Email exchange with Mary Bacon, Esq. regarding documents for disclosure.	0.2	\$ 25.00	\$ 12.50	\$ 12.50
11/17/2017	CSM	Begin to assess, analyze and review various trial documents; communicate with co-counsel regarding same; and begin preparing for pre-trial conference.	2	\$ 550.00	\$ 275.00	\$ 275.00
11/20/2017	CSM	Prepare for pre-trial conference with all counsel, and correspond with co-counsel regarding same.	1.8	\$ 495.00	\$ 247.50	\$ 247.50
11/20/2017	TF	Meeting with CSM to discuss status of litigation and preparation for calendar call and pretrial motions.	0.3	\$ 37.50	\$ 18.75	\$ 18.75
11/20/2017	TF	Continue to prepare and review universe of documents provided by Mary Bacon, Esq. for supplemental discovery disclosures.	0.5	\$ 62.50	\$ 31.25	\$ 31.25
11/20/2017	TF	Assess, analyze and review of trial exhibits received from Helix Electric.	0.7	\$ 87.50	\$ 87.50	\$ -
11/20/2017	TF	Draft and prepare email to clients and co-counsel regarding Helix Electric trial exhibits.	0.2	\$ 25.00	\$ 25.00	\$ -
11/20/2017	CSM	Prepare for and attend calendar call.	1.4	\$ 365.00	\$ 182.50	\$ 182.50
11/20/2017	CSM	Assess, analyze and review trial documents list; and communicate with co-counsel regarding same.	0.8	\$ 220.00	\$ 110.00	\$ 110.00
11/20/2017	CSM	Assess, analyze and review trial documents disclosed from Helix, direct paralegal to download same and provide to co-counsel and client; and discuss same with co-counsel.	0.7	\$ 192.50	\$ 192.50	\$ -
11/21/2017	TF	Assess, analyze and review Helix Electric trial exhibits.	0.3	\$ 37.50	\$ 37.50	\$ -
11/21/2017	TF	Assess, analyze and review universe of documents to be produced in APCQ's eleventh supplemental disclosure of witnesses and imaged documents.	0.8	\$ 75.00	\$ 37.50	\$ 37.50

Accounting Date	Attorney	Description	Hours	Amount	Allocated Amount to Helix	Allocated Amount to National Wood / Cabenlec
11/22/2017	TF	Draft and prepare APCO's eleventh supplemental disclosure of witnesses and imaged documents.	0.7	\$ 87.50	\$ 43.75	\$ 43.75
11/22/2017	TF	Format and prepare documents to be produced in APCO's eleventh supplemental disclosure of witnesses and imaged documents.	0.6	\$ 75.00	\$ 37.50	\$ 37.50
11/22/2017	TF	Conference call with Litigation Services regarding depository and forthcoming disclosures.	0.3	\$ 37.50	\$ 18.75	\$ 18.75
11/22/2017	TF	Prepare and review disclosed Zitting Brother and Helix Electric documents for upcoming trial.	0.6	\$ 75.00	\$ 37.50	\$ -
11/22/2017	CSM	Review various documents, draft supplements to APCO's 11th disclosure, and direct paralegal to finalize and serve.	0.8	\$ 220.00	\$ 110.00	\$ 110.00
11/26/2017	TF	Assess, analyze and review trial exhibit list provided by Mary Bacon, Esq.	0.4	\$ 50.00	\$ 25.00	\$ 25.00
11/26/2017	TF	Prepare and review universe of documents produced in APCO's eleventh supplemental disclosure for depository upload.	0.4	\$ 50.00	\$ 25.00	\$ 25.00
11/26/2017	TF	Email exchange with Litigation Services regarding APCO's eleventh supplemental disclosure.	0.2	\$ 25.00	\$ 12.50	\$ 12.50
11/27/2017	TF	Meeting with CSM to discuss status of litigation and preparation for upcoming trial.	0.3	\$ 37.50	\$ 18.75	\$ 18.75
11/27/2017	CSM	Communicate with opposing counsel regarding trial exhibit list.	0.2	\$ 55.00	\$ 27.50	\$ 27.50
11/27/2017	CSM	Conduct final review of supplements and direct filing of APCO's 11th disclosure.	0.2	\$ 55.00	\$ 27.50	\$ 27.50
11/27/2017	CSM	Assess, analyze and review orders from the court on Helix and Zitting's motions for summary judgment; communicate with co-counsel regarding same, and communicate with client regarding orders and potential strategy moving forward.	1	\$ 275.00	\$ 137.50	\$ 137.50
11/28/2017	CSM	Strategize with co-counsel regarding addressing orders on Zitting's and Helix's MSJ, and content of motion for reconsideration.	0.5	\$ 137.50	\$ 68.75	\$ 68.75
11/28/2017	AMH	Review order; analyze basis for writ and chances of success for motion for reconsideration.	0.5	\$ 150.00	\$ 75.00	\$ 75.00
11/30/2017	CSM	Communicate with co-counsel regarding procedural history of case and motion for reconsideration.	0.4	\$ 110.00	\$ 55.00	\$ 55.00
11/30/2017	TF	Assess, analyze and review universe of documents referenced in draft trial exhibit list.	0.4	\$ 50.00	\$ 25.00	\$ 25.00
12/1/2017	CSM	Assess, analyze and review order setting civil non-jury trial.	0.2	\$ 55.00	\$ 27.50	\$ 27.50
12/4/2017	TF	Email exchange with Litigation Services regarding universe of deposited documents.	0.2	\$ 25.00	\$ 12.50	\$ 12.50
12/4/2017	TF	Prepare and review universe of requested documents to be uploaded to electronic depository.	0.3	\$ 37.50	\$ 18.75	\$ 18.75
12/4/2017	CSM	Assess, analyze and review Special Master letter to all counsel.	0.1	\$ 27.50	\$ 13.75	\$ 13.75
12/6/2017	TF	Assess, analyze and review universe of Helix Electric trial exhibits.	0.6	\$ 75.00	\$ 75.00	\$ -
12/6/2017	TF	Prepare and review requested documents regarding motion for reconsideration for review by Mary Bacon, Esq.	0.6	\$ 75.00	\$ 75.00	\$ -
12/6/2017	TF	Email exchange with Mary Bacon, Esq. regarding motion for reconsideration.	0.2	\$ 25.00	\$ 25.00	\$ -
12/7/2017	TF	Assess, analyze and review universe of Special Master orders.	0.4	\$ 50.00	\$ 25.00	\$ 25.00
12/7/2017	TF	Meeting with CSM to discuss status of litigation and preparation for motion for reconsideration.	0.3	\$ 37.50	\$ 18.75	\$ 18.75
12/8/2017	TF	Email exchange with Mary Bacon, Esq. regarding motion for reconsideration.	0.2	\$ 25.00	\$ 25.00	\$ -
12/11/2017	CSM	Communicate with co-counsel regarding documents and strategy for motion for reconsideration; review various documents; review and supplement motion for reconsideration, and follow up on order status.	2.2	\$ 805.00	\$ 302.50	\$ 302.50
12/12/2017	CSM	Assess, analyze and review minute orders on motions in limine; analysis and strategy of motions for reconsideration; communicate with co-counsel, strategize with appellate counsel; communicate with client regarding same; analysis and research regarding r	2.7	\$ 742.50	\$ 371.25	\$ 371.25
12/13/2017	CSM	Communicate with co-counsel regarding order on Helix's MSJ and MILs, and analysis and strategy the pay-if-paid language and application.	0.8	\$ 220.00	\$ 220.00	\$ -
12/13/2017	CSM	Telephone call with NCS regarding procedural status of case.	0.4	\$ 110.00	\$ 55.00	\$ 55.00
12/14/2017	CSM	Telephone conference with co-counsel regarding motions for reconsideration.	0.3	\$ 82.50	\$ 82.50	\$ -
12/15/2017	CSM	Assess, analyze and review proposed order from Helix on its MSJ.	0.4	\$ 110.00	\$ 110.00	\$ -
12/18/2017	CSM	Assess, analyze and review correspondence from co-counsel with issues concerning Helix order; review same; follow up with appeal counsel; and communicate with co-counsel regarding the same.	0.5	\$ 137.50	\$ 137.50	\$ -
12/19/2017	CSM	Communicate with co-counsel on status of pending orders.	0.3	\$ 82.50	\$ 41.25	\$ 41.25
12/20/2017	MSE	Perform legal research on timing for motion for reconsideration prior to written order.	0.2	\$ 60.00	\$ 30.00	\$ 30.00
12/20/2017	CSM	Communicate with co-counsel regarding language of motions for reconsideration; research issues with procedural timing of filing motions for reconsideration; strategize with appeal counsel; and draft correspondence to co-counsel and client regarding the sa	1.1	\$ 302.50	\$ 302.50	\$ -
12/21/2017	TF	Assess, analyze and review universe of written discovery between APCO Construction and Helix Electric for review by Mary Bacon, Esq.	0.4	\$ 50.00	\$ 50.00	\$ -
12/21/2017	TF	Assess, analyze and review universe of written discovery between APCO Construction and Helix Electric prepared by previous counsel for review by Mary Bacon, Esq.	0.3	\$ 37.50	\$ 37.50	\$ -
12/21/2017	TF	Email exchange with Mary Bacon, Esq. regarding written discovery between APCO Construction and Helix Electric.	0.2	\$ 25.00	\$ 25.00	\$ -
12/21/2017	TF	Assess, analyze and review documents in support of declaration to motion for reconsideration.	0.4	\$ 50.00	\$ 25.00	\$ 25.00
12/21/2017	TF	Assess, analyze and review proposed trial exhibits provided by Vivian Bowron.	0.8	\$ 100.00	\$ 50.00	\$ 50.00
12/21/2017	TF	Assess, analyze and review documents received from Martin Harris in response to subpoenas in preparation of trial exhibits.	0.8	\$ 75.00	\$ 75.00	\$ -
12/21/2017	TF	Meeting with CSM to discuss trial exhibits.	0.3	\$ 37.50	\$ 18.75	\$ 18.75
12/21/2017	CSM	Assess, analyze and review trial exhibit lists for client, Helix, Zitting, and National Wood, and communicate with co-counsel regarding supplements to same.	2.2	\$ 805.00	\$ 201.67	\$ 201.67
12/22/2017	CSM	Telephone call with co-counsel on supplements to draft orders.	0.4	\$ 110.00	\$ 55.00	\$ 55.00
12/27/2017	TF	Assess, analyze and review universe of proposed trial exhibits provided by Mary Bacon, Esq.	0.6	\$ 75.00	\$ 37.50	\$ 37.50
12/27/2017	TF	Email exchange with Mary Bacon, Esq. regarding proposed trial exhibits.	0.2	\$ 25.00	\$ 12.50	\$ 12.50
12/27/2017	CSM	Assess, analyze and review minute order and proposed order on National Wood's MIL; and discuss the same with co-counsel.	0.4	\$ 110.00	\$ -	\$ 110.00
12/27/2017	CSM	Assess, analyze and review letter to Dept. 13 and proposed order granting Peel Brintley lien claimants' motion for partial summary judgment re: Pay-if-Paid.	0.2	\$ 55.00	\$ 55.00	\$ -
12/27/2017	CSM	Assess, analyze and review letter to Department 13 along with proposed order granting Peel Brintley lien claimants' motion for partial summary judgment re: Pay-if-Paid.	0.2	\$ 55.00	\$ 55.00	\$ -
12/28/2017	CSM	Communicate with co-counsel regarding trial preparation; and draft response to same.	0.3	\$ 82.50	\$ 41.25	\$ 41.25

Accounting Date	Attorney	Description	Hours	Amount	Allocated Amount to Helix	Allocated Amount to National Wood / Cabentec
12/28/2017	CSM	Assess, analyze and review correspondence from co-counsel regarding exhibits to motions, declarations, and trial exhibits; direct paralegal to prepare same review documents, and provide the same to co-counsel for use in motions for reconsideration.	0.5	\$ 137.50	\$ 68.75	\$ 68.75
12/28/2017	JSR	Review all APCO filings beginning in 2015 and list all attachments to APCO filings to trial exhibit list.	1	\$ 125.00	\$ 62.50	\$ 62.50
12/29/2017	CSM	Assess, analyze and review correspondence from co-counsel; review various discovery responses from remaining subcontractors; and provide same to co-counsel for trial exhibits.	1.2	\$ 330.00	\$ 165.00	\$ 165.00
12/29/2017	CSM	Review correspondence from National Wood regarding trial exhibits; and review attached list.	0.4	\$ 110.00	\$ -	\$ 110.00
12/29/2017	CSM	Review various orders on MILs; communicate with co-counsel concerning the same; review various notice of entry of order for determination of orders executed by Judge; and analysis of strategy regarding motions for reconsideration and trial preparation.	1.8	\$ 495.00	\$ 247.50	\$ 247.50
12/29/2017	CSM	Follow up on issues regarding noticed deposition by National Wood.	0.3	\$ 82.50	\$ -	\$ 82.50
1/2/2018	CSM	Assess, analyze and review various orders and timeline for draft orders and returning same counsel; telephone conference with co-counsel regarding calendar call; and prepare notes for same.	1	\$ 275.00	\$ 137.50	\$ 137.50
1/2/2018	CSM	Prepare for and participate in calendar call for trial, and post hearing discussions.	2	\$ 550.00	\$ 275.00	\$ 275.00
1/2/2018	CSM	Analysis and strategy regarding trial and trial error preservation with appeal counsel.	1	\$ 275.00	\$ 137.50	\$ 137.50
1/2/2018	MSE	Review procedural posture of case for possible error preservation and other appellate issues.	0.5	\$ 150.00	\$ 75.00	\$ 75.00
1/2/2018	CSM	Prepare and review various trial exhibits as requested by co-counsel; and conduct various telephone calls with co-counsel regarding appeal preservation on various issues during trial.	1.7	\$ 467.50	\$ 233.75	\$ 233.75
1/3/2018	MSE	Conference call with clients and co-counsel to discuss answers to questions in email on error preservation and other appellate issues.	0.8	\$ 240.00	\$ 120.00	\$ 120.00
1/3/2018	MSE	Review draft of APCO's motion for reconsideration as to Peel Brimley order.	0.4	\$ 120.00	\$ 120.00	\$ -
1/3/2018	CSM	Review orders on Zitting's and Helix's motion for summary judgment in preparation for conference call with client and co-counsel.	0.8	\$ 220.00	\$ 110.00	\$ -
1/3/2018	CSM	Participate in conference call with client and co-counsel on appeal issues.	0.8	\$ 220.00	\$ 110.00	\$ 110.00
1/3/2018	CSM	Assess, analyze and review motion for reconsideration with regard to National Wood; and conduct telephone call with co-counsel regarding application of same and alternative use as during or post trial motion.	0.8	\$ 220.00	\$ -	\$ 220.00
1/3/2018	CSM	Research and analysis of issues regarding Gemstones' bankruptcy and effect on APCO's claims.	0.5	\$ 137.50	\$ 68.75	\$ 68.75
1/3/2018	CSM	Research issues with default against Gemstone on third-party complaint in A590924 consolidated to main case as requested by co-counsel; and draft detailed email to co-counsel about same.	1.2	\$ 330.00	\$ 165.00	\$ 165.00
1/3/2018	CSM	Assess, analyze and review client's motion for reconsideration on Helix issues; draft supplements to same; and assist with preparing exhibits for same as requested by co-counsel.	1.1	\$ 302.50	\$ 302.00	\$ -
1/4/2018	CSM	Assess, analyze and review correspondence from co-counsel regarding order on judgment against Gemstone; research and analysis of same; and discuss same with co-counsel.	1.2	\$ 330.00	\$ 165.00	\$ 165.00
1/4/2018	CSM	Assess, analyze and review correspondence from court regarding trial dates and start time.	0.2	\$ 55.00	\$ 27.50	\$ 27.50
1/5/2018	CSM	Follow up with prior counsel and draft follow up email regarding Gemstone bankruptcy and order on judgment against Gemstone.	0.5	\$ 137.50	\$ 68.75	\$ 68.75
1/5/2018	CSM	Communicate with co-counsel on motion to exceed page limit and provide language to be added to motion.	0.3	\$ 82.50	\$ 41.25	\$ 41.25
1/5/2018	CSM	Assess, analyze and review minutes from hearing on APCO's motion to lift stay; and follow up with prior counsel regarding same and order on APCO's motion for judgment against Gemstone.	0.5	\$ 137.50	\$ 68.75	\$ 68.75
1/5/2018	CSM	Communicate with co-counsel regarding pre-trial disclosures; and provide co-counsel with requested documents.	0.4	\$ 110.00	\$ 55.00	\$ 55.00
1/5/2018	CSM	Assess, analyze and review correspondence from co-counsel regarding trial exhibit list; research and locate various documents and issues; and provide all requested information and documents to co-counsel for services of trial exhibits as directed by the court.	1.8	\$ 440.00	\$ 220.00	\$ 220.00
1/8/2018	CSM	Prepare for and participate in conference call with counsel to address trial procedural issues.	0.7	\$ 192.50	\$ 96.25	\$ 96.25
1/8/2018	CSM	Analysis and strategy regarding original deposition transcripts for trial and potential stipulation between counsel; and communicate with Litigation Services regarding same.	0.5	\$ 137.50	\$ 68.75	\$ 68.75
1/8/2018	CSM	Draft status correspondence to client.	0.5	\$ 137.50	\$ 68.75	\$ 68.75
1/8/2018	CSM	Communicate with co-counsel regarding various issues and facts for pre-trial memorandum; and research and respond to all requested issues and facts to include in the same.	1.5	\$ 412.50	\$ 206.25	\$ 206.25
1/8/2018	CSM	Assess, analyze and review correspondence from co-counsel regarding language in settlement agreement; and draft response to the same.	0.2	\$ 55.00	\$ 27.50	\$ 27.50
1/8/2018	CSM	Communicate with co-counsel regarding video exhibits.	0.3	\$ 82.50	\$ 41.25	\$ 41.25
1/9/2018	CSM	Communicate with co-counsel regarding supplement to joint pre-trial memorandum.	0.2	\$ 55.00	\$ 27.50	\$ 27.50
1/9/2018	CSM	Assess, analyze and review correspondence from co-counsel regarding joint pre-trial memorandum; assess, analyze and review the same; and conduct telephone conference with co-counsel.	1	\$ 275.00	\$ 137.50	\$ 137.50
1/9/2018	CSM	Assess, analyze and review correspondence from prior counsel regarding order on judgment against Gemstone.	0.2	\$ 55.00	\$ 27.50	\$ 27.50
1/9/2018	CSM	Assess, analyze and review APCO Construction's proposed exhibit for trial.	0.3	\$ 82.50	\$ 41.25	\$ 41.25
1/10/2018	CSM	Assess, analyze and review plaintiff's intervention, National Wood Products, Inc. a 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 def.	0.2	\$ 55.00	\$ 27.50	\$ 27.50
1/10/2018	CSM	Assess, analyze and review 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; communicate with co-counsel regarding motion.	2.8	\$ 715.00	\$ 357.50	\$ 357.50
1/10/2018	CSM	Assess, analyze and review correspondence from court regarding trial exhibits.	0.2	\$ 55.00	\$ 27.50	\$ 27.50
1/10/2018	CSM	Assess, analyze and review trial exhibit list and documents from Helix.	1	\$ 275.00	\$ 275.00	\$ -
1/11/2018	CSM	Prepare for and attend hearing on motions for reconsideration; and conduct post strategy meeting with co-counsel.	2.4	\$ 660.00	\$ 330.00	\$ 330.00
1/11/2018	CSM	Communicate with co-counsel on strategy moving forward regarding proposed order on judgment against Gemstone; and assess, analyze and review various documents surround prior proposed order.	0.7	\$ 192.50	\$ 96.25	\$ 96.25

Accounting Date	Attorney	Description	Hours	Amount	Allocated Amount to Helix	Allocated Amount to National Wood / Cabanac
1/11/2018	CSM	Assess, analyze and review various emails from opposing counsel regarding joint pre-trial memorandum; and communicate with co-counsel regarding same to meet court deadline.	0.8	\$ 165.00	\$ 82.50	\$ 82.50
1/11/2018	CSM	Assess, analyze and review attached proposed order denying APCO's motion for reconsideration re Pay-If-Paid, and communicate with co-counsel regarding same	0.2	\$ 55.00	\$ 27.50	\$ 27.50
1/12/2018	TF	Conference call with Litigation Services regarding universe of deposition transcripts in preparation for upcoming trial	0.3	\$ 37.50	\$ 18.75	\$ 18.75
1/12/2018	TF	Conference call with Esquire Solutions regarding universe of deposition transcripts in preparation for upcoming trial	0.3	\$ 37.50	\$ 18.75	\$ 18.75
1/12/2018	TF	Conference call with Mary Bacon, Esq. regarding joint pre-trial memorandum	0.3	\$ 37.50	\$ 18.75	\$ 18.75
1/12/2018	TF	Finalize and prepare exhibits to joint pre-trial memorandum.	0.4	\$ 50.00	\$ 25.00	\$ 25.00
1/12/2018	TF	Meeting with CSM to discuss preparation for trial	0.4	\$ 50.00	\$ 25.00	\$ 25.00
1/12/2018	CSM	Draft monthly status report to client.	0.2	\$ 55.00	\$ 27.50	\$ 27.50
1/12/2018	CSM	Communicate with co-counsel regarding APCO's motion to stay.	0.2	\$ 55.00	\$ 27.50	\$ 27.50
1/12/2018	CSM	Communicate with co-counsel regarding joint pre-trial memorandum; coordinate with opposing counsel; supplement same, address issues with Helix's suggested revisions, and finalize and file same with the court.	1.5	\$ 412.50	\$ 206.25	\$ 206.25
1/15/2018	CSM	Assess, analyze and review Helix's revised exhibit list for trial.	0.3	\$ 82.50	\$ 82.50	\$ -
1/16/2018	CSM	Assess, analyze and review trial bench memorandum; and communicate with counsel regarding same.	0.6	\$ 165.00	\$ 82.50	\$ 82.50
1/16/2018	CSM	Correspond with trial counsel for Helix and National Wood regarding witness and transcripts	0.4	\$ 110.00	\$ 55.00	\$ 55.00
1/16/2018	CSM	Communicate with co-counsel regarding deposition transcripts, trial exhibits, email with final preparation for trial, trial coverage, and communicate with client regarding trial coverage and associated issues	2.2	\$ 605.00	\$ 302.50	\$ 302.50
1/17/2018	CSM	Communicate with client regarding trial issues	0.3	\$ 82.50	\$ 41.25	\$ 41.25
1/18/2018	CSM	Communicate with co-counsel regarding trial issues related to NRS 108, provide relevant pleadings on point to client and co-counsel, and prepare list of relevant questions.	1.4	\$ 385.00	\$ 192.50	\$ 192.50
1/19/2018	CSM	Assess, analyze and review proposed order on APCO's motion for reconsideration, and discuss same with co-counsel.	0.3	\$ 82.50	\$ 41.25	\$ 41.25
2/6/2018	CSM	Draft monthly status report to client.	0.2	\$ 55.00	\$ 27.50	\$ 27.50
2/8/2018	CSM	Communicate with opposing counsel regarding trial briefing.	0.2	\$ 55.00	\$ 27.50	\$ 27.50
2/12/2018	CSM	Telephone call with client regarding status of case.	0.4	\$ 110.00	\$ 55.00	\$ 55.00
2/27/2018	CSM	Communicate with co-counsel regarding hearing coverage and post trial briefing, and draft correspondence to client regarding hearing coverage of settlement agreements	0.4	\$ 110.00	\$ 55.00	\$ 55.00
3/1/2018	CSM	Assess, analyze and review letter to Judge Donlon.	0.1	\$ 27.50	\$ 13.75	\$ 13.75
3/6/2018	TF	Email exchange with Mary Bacon, Esq. regarding declaration of Victor Fuchs.	0.2	\$ 25.00	\$ 25.00	\$ -
3/6/2018	TF	Assess, analyze and review procedural history regarding motions filed by Helix Electric with declaration made by Victor Fuchs for review by Mary Bacon, Esq.	0.5	\$ 82.50	\$ 82.50	\$ -
3/6/2018	CSM	Communicate with co-counsel regarding Victor Fuchs affidavit; pending pleadings before the court; and strategize regarding same	0.5	\$ 137.50	\$ 137.50	\$ -
3/7/2018	CSM	Communicate with co-counsel regarding draft statement of facts for post trial briefing and draft issues of law; draft supplements to same, and provide to co-counsel	2.2	\$ 605.00	\$ 302.50	\$ 302.50
3/8/2018	CSM	Communicate with co-counsel and address documents and issues for client's post trial briefing.	1	\$ 275.00	\$ 137.50	\$ 137.50
3/8/2018	CSM	Assess, analyze and review various correspondences between counsel and the court regarding findings of facts and conclusions of law.	0.5	\$ 137.50	\$ 68.75	\$ 68.75
3/9/2018	CSM	Draft monthly status report to client.	0.3	\$ 82.50	\$ 41.25	\$ 41.25
3/9/2018	CSM	Communicate with co-counsel regarding final issues with Apco Construction, Inc.'s post-trial brief.	0.5	\$ 137.50	\$ 68.75	\$ 68.75
3/23/2018	CSM	Assess, analyze and review APCO Construction, Inc.'s Opposition to National Wood Products, LLC's Proposed Findings of Fact and Conclusions of Law, APCO Construction, Inc.'s Opposition to Helix Electric of Nevada, LLC's Proposed Findings of Fact and Conclu	0.7	\$ 192.50	\$ 96.25	\$ 96.25
3/26/2018	CSM	Assess, analyze and review plaintiff's Intervention, National Wood Products, Inc.'s response to APCO Construction, Inc.'s post-trial brief.	0.2	\$ 55.00	\$ -	\$ 55.00
3/28/2018	CSM	Assess, analyze and review Helix Electric of Nevada, LLC's response to APCO Construction's post-trial brief.	0.2	\$ 55.00	\$ 55.00	\$ -
3/26/2018	CSM	Assess, analyze and review APCO Construction, Inc.'s Opposition to Camco Pacific Construction Company's post-trial brief.	0.2	\$ 55.00	\$ 27.50	\$ 27.50
3/30/2018	TF	Email exchange with Mary Bacon, Esq. regarding minute orders regarding pre-trial disclosures.	0.3	\$ 37.50	\$ 18.75	\$ 18.75
3/30/2018	TF	Assess, analyze and review universe of orders regarding pre-trial disclosures requested by Mary Bacon, Esq.	0.6	\$ 100.00	\$ 50.00	\$ 50.00
4/10/2018	CSM	Draft monthly status report to client.	0.3	\$ 82.50	\$ 41.25	\$ 41.25
4/26/2018	CSM	Assess, analyze and review order from court on outcome of trial; communicate with client and co-counsel regarding the same and motions for fees and costs; assess, analyze and review other orders regarding Helix and National Wood for determination of poten	2	\$ 550.00	\$ 275.00	\$ 275.00
4/27/2018	CSM	Communicate with co-counsel regarding fees and cost motions; follow up with accounting regarding the same; and begin to review costs for motion for costs.	1.2	\$ 330.00	\$ 165.00	\$ 165.00
				\$ 245,855.00	\$ 109,560.50	\$ 97,066.18

EXHIBIT 7 B

**APCO CONSTRUCTION
Time Recap**

Date Worked	Time Keeper	Description	Total Hours Billed	Total Amount Billed	Amount Allocated to Helix	Amount Allocated to National Wood
9/7/2017	JRJ	Telephone conference with Joe Pelan regarding status of the case (.3).	0.30	\$120.00	\$15.00	\$15.00
9/7/2017	JRJ	Telephone conference with Joe Pelan and Mark Mendenhall about the Helix litigation.	.40	\$160.00	\$160.00	\$0.00
9/24/2017	MEB	Research re: new Manhattan West case including court, dispositive motion hearings, status of case, and active defendants.	1.20	\$342.00	\$42.50	\$42.50
9/25/2017	JRJ	Telephone conference with Joe Pelan to discuss strategy for the meeting with Marquis lawyers and prepare related email about status to John Mowbray and Mary Bacon (.5); exchange email with Mary Bacon about the current pleadings and pending motions (.2).	0.70	\$280.00	\$35.00	\$35.00
9/25/2017	MEB	Exchange emails with R. Jefferies re: sending dispositive motions and trial timeline.	0.30	\$85.50	\$10.69	\$10.69
9/26/2017	JRJ	Review all of the pleadings related to the Peel claimants' motion to strike the prompt pay defenses (2.6); attend meeting at Apco's office with Apco representatives and counsel to discuss status and strategy (2.5).	5.10	\$2,040.00	\$255.00	\$255.00
9/26/2017	MEB	Research pay if paid provisions in preparation of APCO meeting.	0.80	\$228.00	\$28.50	\$28.50
9/26/2017	MEB	Travel to and participate in all hands meeting at APCO Construction.	2.50	\$712.50	\$89.06	\$89.06
9/27/2017	MEB	Analyze docket and case status, and begin analysis of potential motions and courses of action.	2.30	\$655.50	\$81.94	\$81.94
9/29/2017	MEB	Call with Joe Pelan re: filing notice of appearance and notice of association of counsel.	0.20	\$57.00	\$7.13	\$7.13

9/29/2017	MEB	Call to Judge Denton Law Clerk re: motion to associate and Judge Denton's JEA re: trial schedule.	0.40	\$114.00	\$14.25	\$14.25
10/4/2017	MEB	Call with Cody re: prepare for dispositive motion deadline.	0.50	\$142.50	\$17.81	\$17.81
10/4/2017	MEB	Start document review of APCO case documents.	6.70	\$1,909.50	\$238.69	\$238.69
10/4/2017	JHM	Conference with Mary Bacon regarding hearing before the Hon. Mark Denton; review email transmittals regarding scope of engagement for hearing; review docket.	0.50	\$262.50	\$32.81	\$32.81
10/5/2017	MEB	Prepare for and attend APCO summary judgment hearing; conference with Cody Munteer and Jack Juan before and after hearing.	3.20	\$912.00	\$114.00	\$114.00
10/5/2017	JHM	Attend status hearing with client before the Hon. Mark Denton.	1.70	\$892.50	\$111.56	\$111.56
10/6/2017	MEB	Status update call with R. Jefferies re: dispositive motions.	0.30	\$85.50	\$10.69	\$10.69
10/6/2017	MEB	Begin research on retainage.	2.60	\$741.00	\$92.63	\$92.63
10/7/2017	MEB	Continue research on retention after GC walks off job for non-payment.	3.20	\$912.00	\$114.00	\$114.00
10/8/2017	MEB	Continue APCO document review from of case documents from MAC.	5.20	\$1,482.00	\$185.25	\$185.25
10/9/2017	MEB	Meeting at APCO's offices with Lisa Lynn and Mary Jo to go over documents in binders APCO assembled (4.0), and attend strategy meeting with J. Juan and C. Munteer re: case moving forward (1.6).	5.60	\$1,596.00	\$199.50	\$199.50
10/10/2017	MEB	Work out of APCO offices reviewing documents.	8.20	\$2,337.00	\$292.13	\$292.13
10/11/2017	MEB	Continue document review at APCO offices (7.3), [REDACTED] (1.0), and revise list of motions in limine (1.3).	9.60	\$2,736.00	\$342.00	\$342.00

10/12/2017	MEB	Summarize brief NRS 624 research.	0.90	\$256.50	\$32.06	\$32.06
10/12/2017	MEB	Communication with opposing counsels to schedule depositions.	1.70	\$484.50	\$0.00	\$60.56
10/12/2017	MEB	Research NRS 624, including legislative history, and prior decisions (4.2), and [REDACTED] with NRS 624 (1.2).	5.60	\$1,596.00	\$199.50	\$199.50
10/13/2017	MEB	Continue researching retention (3.5), and start researching ratification (5.2).	8.70	\$2,479.50	\$309.94	\$309.94
10/15/2017	JRJ	Review and revise the draft list of PMK topics for the subcontractor depositions.	0.20	\$80.00	\$10.00	\$10.00
10/16/2017	MEB	Continue writing memo on factual status of case, incorporating timeline, ratification, retention, and draft memo re: same.	8.20	\$2,337.00	\$292.13	\$292.13
10/17/2017	MEB	Communication with all opposing counsel regarding deposition scheduling, producing a PMK, and list of PMK topics (1.8). Confirm each subcontractor's deposition time, and draft status update regarding depositions and settlement (0.9), calls with C. Mounter and J. Pelan (0.6).	3.80	\$1,083.00	\$0.00	\$467.40
10/18/2017	MEB	Read, review and respond to emails re: settlements, vacating depositions, and R. Jefferies deposition preparation.	1.30	\$370.50	\$0.00	\$216.60
10/20/2017	MEB	Coordinate moving National Wood's deposition per R. Reincke's request.	0.30	\$85.50	\$0.00	\$85.50
10/22/2017	MEB	Finish research and factual history memo and send to R. Jefferies.	3.70	\$1,054.50	\$351.33	\$351.33
10/25/2017	MEB	Start research and drafting omnibus motion in limine.	9.40	\$2,679.00	\$884.07	\$884.07
10/28/2017	JRJ	Consider additional motions to exclude evidence and exchange email with Mary and Joe regarding same (.3).	.30	\$120.00		
10/28/2017	JRJ	Email to Mary on strategy for dealing with Helix (.3); email to Helix's counsel enclosing the draft stipulation	.50	\$200.00	\$200.00	\$0.00

		(.2).				
10/30/2017	JRJ	Conference call with Joe, Mary and Cody to discuss status and strategies (.7); [REDACTED] (.3); telephone conference with Joe Pelan (.3).	1.30	\$520.00	\$171.60	\$171.60
10/30/2017	MEB	Status update call with R. Jefferies, C. Mounteer, J. Pelan and L. Lynn.	0.70	\$199.50	\$65.84	\$65.84
10/30/2017	MEB	Prepare for update call with APCO; create chart summarizing responsibilities.	0.40	\$114.00	\$37.62	\$37.62
10/30/2017	MEB	Research Helix Electric of Nevada LLC, and Helix Electric, Inc. on docket to determine if Helix Electric, Inc. is a party.	0.50	\$142.50	\$142.50	\$0
10/30/2017	MEB	Draft stipulation and order to dismiss unjust enrichment claim in Helix.	0.30	\$85.50	\$85.50	\$0
10/30/2017	MEB	Continue researching and drafting omnibus motion in limine.	7.60	\$2,166.00	\$714.78	\$714.78
10/30/2017	MEB	Research 5 year rule and review district court and supreme court docket.	3.20	\$912.00	\$300.96	\$300.96
10/31/2017	MEB	Calls with R. Jefferies (.5) and C. Mounteer (.3) re: 5 year rule.	0.80	\$228.00	\$75.24	\$75.24
10/31/2017	MEB	Continue research on applicability of 5 year rule.	1.40	\$399.00	\$131.67	\$131.67
10/31/2017	JRJ	Analyze the potential motions to exclude evidence (.2); telephone conference with Mary Bacon about the five-year rule and preparation of motions to exclude (.4); telephone conference with Cody M. about the supplemental discovery responses (.3); review and analyze emails from Mary and Cody and attach documents regarding the five-year rule (.2); exchange several email with Cody on the 5 year rule (.3); telephone conference with Joe Pelan about status (.3).	1.70	\$680.00	\$224.40	\$224.40

10/31/2017	JRJ	Review email from Joe Pelan with documents related to Helix Electric (.2); review the Helix deposition testimony on retention and email to Mary Bacon regarding same (.4).	.60	\$240.00	\$240.00	\$0.00
11/1/2017	JRJ	Review email and enclosed consolidation orders received from Cody regarding the five-year limitation (.4) telephone conference with Cody regarding the supplemental answers to discovery (.3) email to Mary Bacon regarding same (.1); email to Cody about further Camco depositions (.2).	1.0	\$400.00	\$132.00	\$132.00
11/1/2017	JAG	Review and analyze the district court docket to determine if the case has been active for more than five years.	3.15	\$945.00	\$311.85	\$311.85
11/1/2017	JRJ	Review the Helix deposition and the related exhibits.	2.2	\$880.00	\$880.00	\$0.00
11/2/2017	JAG	Continue to evaluate whether the five year rule precludes Plaintiffs' case.	0.69	\$207.00	\$68.31	\$68.31
11/3/2017	JAG	Continue to review and analyze the district court and supreme court dockets to determine the applicability of the five year rule.	1.31	\$393.00	\$129.69	\$129.69
11/4/2017	JRJ	Begin review and revision of the Apco motion in limine to exclude evidence (1.6); telephone conference with Mary Bacon regarding same (.2).	1.80	\$720.00	\$237.60	\$237.60
11/4/2017	JRJ	Review the supplemental answers to the Helix request for admissions prepared by Cody.	.5	\$200.00	\$200.00	\$0.00
11/5/2017	MEB	Finish omnibus MIL and send to R. Jefferies for review.	1.70	\$484.50	\$159.89	\$159.89

11/6/2017	JRJ	Review and revise the motion to exclude evidence; telephone conference with Cody about the National Wood claims (.3); telephone conference with Joe Pelan to discuss strategies for discovery (.3); conference call with Cody and counsel for National Wood (.3); lengthy telephone conference with Cody and Joe Pelan regarding status of National Wood and strategies for discovery (.9); telephone conference with Steve Morris about the Camco deposition and Claims (.2); telephone conference with Joe Pelan regarding same .2; final revisions to the motion in limine (.9);	3.10	\$1,240.00	\$409.20	\$409.20
11/6/2017	MEB	Finalize motions in limine with R. Jefferies, C. Munteer, and client edits and revisions (10.8). Conduct MIL meet and confers with Peel Brimley and Wilson Elser re: motions in limine (0.4). Communication with R. Jefferies, C. Munteer, and client regarding meet and confer (0.2).	11.40	\$3,249.00	\$1,072.17	\$1,072.17
11/7/2017	JRJ	Review and revise the supplemental answers to the Helix discovery requests (.6); email same to Cody (.1); telephone conference with Joe Pelan regarding same and Helix (.1); telephone conference with Cody to discuss the revisions (.1); telephone conference with Cody about the Helix supplemental answers (.2);	1.1	\$440.00	\$440.00	\$0.00
11/7/2017	JRJ	Review the Camco deposition (1.8); telephone conference with Joe Pelan regarding same (.2); review and respond to email from Cody about the National Wood depositions (.2).	2.2	\$880.00	\$290.40	\$290.40
11/7/2017	MEB	Start reviewing and organizing trial exhibits.	4.30	\$1,225.50	\$404.42	\$404.42

11/8/2017	JRJ	Review and revise the draft answers to National Woods discovery requests (.5); telephone conference with Mary Bacon about the motions to exclude filed by the subcontractors (.2); telephone conference with Joe Pelan regarding status and potential offers of judgment (.3); review the pretrial disclosure filed by MAC on Apco's behalf (.8); telephone conference with Cody about the pending motions to exclude evidence (.2); prepare email to Joe Pelan regarding same (.3); complete review of the Camco deposition transcript (.5); prepare email to Apco and Cody outlining the categories of exhibits to be marked for trial (.7); telephone conference with Mary Bacon and telephone conference with Joe Pelan and Lisa Lynn about the document review and exhibit designations (.8); review emailed document from Lisa relating to Gemstone's position on retention (2.4).	6.70	\$2,680.00	\$884.40	\$884.40
11/8/2017	MEB	Travel to and attend meeting at APCO's offices with R. Jefferies to select trial exhibits.	5.30	\$1,510.50	\$498.47	\$498.47
11/8/2017	MEB	Review and summarize defensive motions in limine from Helix, Zitting and National Wood.	2.60	\$741.00	\$244.53	\$244.53

11/8/2017	VLB	(Paralegal) Review Judge Denton's protocol and exhibit guidelines (.5); telephone conference with Mary Bacon and Lisa Lynn regarding trial preparation (.5); draft trial preparation/deadlines index (.5); create trial ShareFile folder link (.2); multiple email correspondence to T. Fong regarding official deposition transcripts and exhibits and other document issues (1.1); telephone call with T. Fong regarding same (.4); create trial/litigation folder on "F" drive and upload parties' pre-trial disclosures (.6); compose multiple email correspondence with R. Jefferies, M. Bacon and L. Lynn regarding trial preparation (.5); compose email correspondence to M. Knight (Clerk of the Court) regarding trial exhibit issues (.4); download deposition transcripts and exhibits provided by T. Fong (1.5); revise naming format of deposition exhibits to meet Trial Director requirements (.9).	7.10	\$1,562.00	\$515.46	\$515.46
11/9/2017	JRJ	Review and respond to email from Vivian about trial exhibits (.6); revise letter to all counsel about the scheduling conflicts (.3); review the letter from counsel for National Wood and prepare email to Joe regarding same (.3); review and respond to email from Cody about National's depositions (.2); telephone conference with Cody about National Wood (.3); telephone conference with Joe Pelan regarding National Wood (.5); telephone conference with counsel for National Wood (.3).	2.50	\$1,000.00	\$200.00	\$800.00
11/9/2017	MEB	Review Mary Jo and Brian Benson depositions for opposition to defensive motions in limine (4.8). Review case documents for APCO's disclosures, interrogatory answers, and other information re: APCO's potential defenses (3.6).	8.20	\$2,337.00	\$0	\$1,168.50

11/9/2017	VLB	(Paralegal) Review email correspondence from Randy Jefferies regarding exhibits and trial preparation; assemble National Wood documents provided by Taylor Fong for Randy Jefferies' review.	0.30	\$66.00	\$0	\$66.00
11/10/2017	JRJ	Begin review of the previously marked depo exhibits for potential trial exhibits (2.8); telephone conference with Judy S. about the National Wood depositions (.2); telephone conference with Tom C. about National Wood's Claims (.2); review termination documents received from Joe and email regarding same (.9).	4.10	\$1,640.00	\$640.00	\$1,000.00
11/10/2017	VLB	(Paralegal) Email correspondence with Judy Craig regarding TrialDirector for upcoming trial (.1); review email correspondence from Taylor Fong regarding deposition notes for National Wood (.1); begin drafting trial outline based on Randy Jefferies review out deposition transcripts (4.0).	4.20	\$924.00	\$304.92	\$304.92
11/11/2017	MEB	Research and start drafting APCO's opposition to Helix's motion in limine.	6.20	\$1,767.00	\$1,767.00	\$0.00
11/12/2017	JRJ	Review the motions in limine filed by Helix (.2); review and revise the draft response to the Helix MIL (1.0).	1.2	\$480.00	\$480.00	\$0.00
11/12/2017	JRJ	Review the motions in limine filed by National Wood (.2); review the various email from Mary Bacon to Cody regarding disclosure issues (.2).	.40	\$160.00	\$0.00	\$160.00
11/12/2017	MEB	Research and draft APCO's opposition to National Wood's motion in limine	8.30	\$2,365.50	\$0.00	\$2,365.50

11/13/2017	JRJ	Begin review of the Allen deposition (1.5); complete review of the Allen deposition (.4); telephone conference with Joe Pelan about offers of judgment to the remaining subcontractors (.3); review and revise the draft offer of judgment to National Wood (.3); review the response to National Wood MIL (.9); review and revise the draft email from Cody to National Wood's MIL (.5).	3.9	\$1,560.00	\$440.00	\$1,120.00
11/13/2017	MEB	Finalizing oppositions to MILS (7.3), making R. Jefferies, client, and co-counsel changes (1.8); calls with R. Jefferies, co-counsel and client (.6). Locate deposition citations for oppositions to motions in limine. Draft and send offers of judgment (1.0). Exhibit calls with V. Bowron and L. Lynn (.5).	11.20	\$3,192.00	\$1,053.36	\$1,053.36
11/13/2017	VLB	(Paralegal) Conference call with Mary Bacon and Lisa Lynn regarding trial exhibits preparation (.5); review documents uploaded by Lisa Lynn (.5); telephone conference with Josh Zepeda regarding potentially processing of Apco documents (.4); begin download of Apco documents from ShareFile (.4); review email correspondence from Lisa Lynn and video summary provided (.2); compose email correspondence to Lisa Lynn requesting summary of photos (.2).	2.20	\$484.00	\$159.72	\$159.72
11/13/2017	JRJ	Review and revise the response to Helix's MIL	2.1	\$840.00	\$840.00	\$0.00

11/14/2017	JRJ	Review and revise the response to the National Wood MIL (1.1); review and revise the objection to the National Wood deposition notices (.5); review email from Mary summarizing the positions on the various responses to APCO's MIL (.5).	2.1	\$840.00	\$120.00	\$720.00
11/14/2017	MEB	Collecting and finalizing exhibits to APCO's oppositions to Helix, Zitting and National Wood motions in limine. Implementing final changes.	3.70	\$1,054.50	\$347.99	\$347.99
11/14/2017	MEB	Read, review and summarize Zitting, Helix and National Wood oppositions to APCO's motions in limine (1.9). Start research and drafting APCO's reply in support of Motion in Limine (6.3).	8.20	\$2,337.00	\$771.21	\$771.21
11/14/2017	VLB	(Paralegal) Email correspondence with Marwanda Knight (Clerk of the Court) regarding exhibits (.2); email correspondence with Randy Jefferies regarding Apco's hot documents (Apco-General Documents) for review and outline of category of documents (.1); email correspondence with Lisa Lynn regarding Apco document and potential exhibits (.1).	0.40	\$88.00	\$29.04	\$29.04
11/15/2017	JRJ	Review documents for final selection of trial exhibits (3.6); review and revise the draft reply in support of the APCO motions in limine (.7); review the APCO motions in limine and the various responses to prepare for oral argument (3.0).	7.30	\$2,920.00	\$963.60	\$963.60
11/15/2017	MEB	Finish drafting replies in support of APCO's omnibus motion in limine; review with client; implement R. Jefferies edits.	6.30	\$1,795.50	\$592.52	\$592.52
11/15/2017	VLB	(Paralegal) Begin assembling potential Apco trial exhibits (6.7); multiple email correspondence exchanges with Randy Jefferies, Lisa Lynn and Mary Bacon regarding exhibits and trial preparation issues (1.1).	7.80	\$1,716.00	\$566.28	\$566.28

11/16/2017	JRJ	Prepare for and attend the oral argument on the pending motions (1.8); conference with Joe Pelan regarding status (1.0); telephone conference with Vivian about the document review and exhibit designations (.2); work on exhibits; return to Phoenix (2.0).	5.0	\$2,000.00	\$660.00	\$660.00
11/16/2017	VLB	(Paralegal) Continue assembling Apco trial exhibits (9.1); exchange of multiple email correspondence to Lisa Lynn, Randy Jefferies; Jim Holpuch and Josh Zepeda regarding trial exhibits, etc. (1.5); telephone conference with Randy Jefferies about the document review and exhibit designations (.2).	10.80	\$2,376.00	\$784.08	\$784.08
11/16/2017	JRJ	Conference with counsel for Helix about settlement.	.3	\$120.00	\$120.00	\$0.00
11/17/2017	JRJ	Review documents relating to Cabinetec for possible trial exhibits.	1.50	\$600.00	\$0.00	\$600.00
11/17/2017	VLB	(Paralegal) Finish compiling Apco's preliminary set of trial exhibits (6.4); upload to ShareFile folder; compose email correspondence to Lisa Lynn regarding same (.2).	6.60	\$1,452.00	\$479.16	\$479.16
11/18/2017	JRJ	Review the prior deposition exhibits to select trial exhibits.	1.50	\$600.00	\$198.00	\$198.00
11/19/2017	JRJ	Travel to Las Vegas for the final pretrial conference.	2.00	\$800.00	\$264.00	\$264.00
11/20/2017	JRJ	Conference call with Joe Pelan and Mary Bacon to discuss the information required by the rules for the pretrial conference (.5); attend the pretrial conference with all parties and trial counsel (1.2); review and revise the draft pleading summarizing the Big D decision (1.1); attend the calendar call for trial in front of Judge Denton (1.0); conference with Joe regarding same and return to Phoenix (2.2).	6.00	\$2,400.00	\$792.00	\$792.00

11/20/2017	VLB	Review email correspondence from Randy Jefferies regarding Helix trial exhibits.	.1	\$22.00	\$22.00	\$0.00
11/20/2017	MEB	Prepare for APCO's pre-trial conference.	2.40	\$684.00	\$225.72	\$225.72
11/20/2017	VLB	(Paralegal) Assemble additional Apco trial exhibits (2.5); continue drafting trial outline based on Randy Jefferies' review of deposition transcripts (2.6).	5.1	\$1,122.00	\$370.26	\$370.26
11/21/2017	VLB	(Paralegal) Begin assembling deposition exhibits identified as Randy Jefferies as potential trial exhibits.	3.0	\$660.00	\$217.80	\$217.80
11/21/2017	VLB	Compose email correspondence to Taylor Fong regarding status of disclosure of Apco documents and Helix exhibit list.	.2	\$44.00	\$44.00	\$0.00
11/22/2017	VLB	(Paralegal) Finish assembling identified deposition exhibits, adding to potential trial exhibits and updating trial exhibit index.	4.0	\$880.00	\$290.40	\$290.40
11/27/2017	JRJ	Telephone conference with Joe Pelan about status (.3).	.30	\$120.00	\$39.60	\$39.60
11/27/2017	JRJ	Telephone conference with Vivian about the Helix trial exhibits (.3);	.3	\$120.00	\$120.00	\$0.00
11/27/2017	MEB	Review and analyze Zitting's and Peel Brimley's order; conference calls with M&A, Spencer Fane, and client.	1.30	\$370.50	\$122.27	\$122.27

11/27/2017	VLB	(Paralegal) Conference call with Randy Jefferies regarding Helix exhibits (.3); assemble requested exhibits for R. Jefferies (.5); compose email correspondence to Terri Hartloff with link to specific Helix exhibits for R. Jefferies' review (.1); compose email correspondence to Josh Zepeda requesting copies of certain exhibits for R. Jefferies' review (.1); compose email correspondence to Lisa Lynn with link to Helix exhibits (.1); email correspondence with Lisa Lynn regarding Helix trial exhibits (.1).	1.20	\$264.00	\$264.00	\$0.00
11/28/2017	MEB	Call with Lisa Lynn re: orders and status of case.	0.80	\$228.00	\$75.24	\$75.24
11/28/2017	MEB	Analyze orders and send summary including impact on case, trial, and appeal to R. Jefferies (1.8); review motions for summary judgment (.2); send summary to R. Jefferies and client (.4).	2.40	\$684.00	\$342.00	\$0.00
11/28/2017	VLB	(Paralegal) Continue preparing trial outline based on Randy Jefferies' review of deposition transcripts.	2.6	\$572.00	\$188.76	\$188.76
11/29/2017	JRJ	Review and respond to email from Mary Bacon on the summary judgment orders.	0.20	\$80.00	\$40.00	\$0.00
12/1/2017	JAG	Review and analyze whether a trial date of January 15 affects the 5 year rule analysis.	1.09	\$327.00	\$163.50	\$163.50
12/1/2017	VLB	(Paralegal) Review order setting non-jury trial (.1); calculate related deadlines and add to master case deadlines index (.2); compose email correspondence to Randy Jefferies, Mary Bacon, Joe Pelan and Lisa Lynn regarding same (.1); update litigation folder with recent pleadings filed by the parties and orders/decisions issued by the court (.2).	0.60	\$132.00	\$66.00	\$66.00
12/6/2017	VLB	(Paralegal) Revise trial exhibit index (.5); compose email correspondence to L. Lynn regarding trial exhibits (.1).	.60	\$132.00	\$66.00	\$66.00

12/7/2017	VLB	(Paralegal) Conference call with Randy Jefferies and Mary Bacon regarding trial exhibits (.13); telephone call with Lisa Lynn regarding Apco trial exhibits (.05); upload Apco's revised trial exhibits to ShareFile (.1); compose email correspondence to Lisa Lynn regarding review and comparison of Helix and Apco trial exhibits (.05).	.33	\$72.50	\$36.25	\$36.25
12/7/2017	VLB	Telephone call with Lisa Lynn regarding Helix trial exhibits (.05); compose email correspondence to Lisa Lynn regarding review and comparison of Helix and Apco trial exhibits (.05).	1.0	\$220.00	\$220.00	\$0.00
12/8/2017	MEB	Begin research for APCO's pre-trial brief.	6.70	\$1,909.50	\$954.75	\$954.75
12/12/2017	JRJ	Review the court's rulings on the motions to exclude evidence and review and respond to email from Mary Bacon regarding the impacts of those rulings (.3); telephone conference with Cody about status (.2).	0.50	\$200.00	\$100.00	\$100.00
12/12/2017	VLB	Review email correspondence from Lisa Lynn regarding Helix documents (.1); replace certain Helix documents with clean copies (.2).	.30	\$66.00	\$66.00	\$0.00
12/14/2017	JRJ	Telephone conference with Mary Bacon about the trial calendar and motion for reconsideration.	0.30	\$120.00	\$60.00	\$0.00
12/18/2017	JRJ	Review and revise the draft order from Helix on pay if paid (.3); email to Joe and Cody regarding same (.2).	.5	\$200.00	\$200.00	\$0.00
12/19/2017	MEB	Research and draft APCO's motion for reconsideration of National Wood's motion in limine.	7.60	\$2,166.00	\$0.00	\$2,166.00
12/19/2017	MEB	Review and analyze draft order granting pay if paid MSJ (.6). Compare to original motion, opposition and reply briefs (.5). Draft comments and proposed revisions to order (.5), and draft competing order. Send to R. Jefferies for review (3.0).	4.60	\$1,311.00	\$1,311.00	\$0.00

12/20/2017	JRJ	Conference with Mary Bacon (.3) and review the draft orders received from Helix and the APCO order on its motions (1.5); telephone conference with Joe Pelan to discuss status (.5); review and respond to email from Vivian about the trial exhibits (.2).	2.50	\$1,000.00	\$1,000.00	\$0.00
12/20/2017	VLB	(Paralegal) Compose email correspondence to Mary Bacon regarding APCO's exhibits and exhibit index (.1); upload revised APCO exhibits to ShareFile folder (1.0); compose email correspondence to Randy Jefferies regarding status of APCO's exhibits (.1).	1.20	\$264.00	\$132.00	\$132.00
12/20/2017	MEB	Review and analyze draft orders granting and denying APCO's motions in limine (.8), and Helix's motions in limine (.3), and draft revisions thereto. Send draft comments to R. Jefferies (.7).	1.80	\$513.00	\$285.00	\$228.00
12/21/2017	JRJ	Email to Mary about [REDACTED] Helix.	0.20	\$80.00	\$80.00	\$0.00
12/21/2017	VLB	(Paralegal) Compose email correspondence to Josh Zepeda (Axion Discovery) regarding APCO's exhibits (.3); telephone conversation with J. Zepeda regarding instructions for branding exhibits, etc., per court's guidelines (1.5); compose email correspondence to opposing parties regarding APCO's exhibits and court guidelines regarding same (.6); review email from Eric Zimbelman regarding exhibits (.2); compose detailed email response to Mr. Zimbelman regarding APCO's exhibits, exhibit guidelines and desire to work on joint exhibits and exhibit lists (.6).	3.20	\$704.00	\$440.00	\$264.00
12/22/2017	TLT	Assist Ms. Bowron with preparing APCO Trial Exhibits binders for Mr. Jefferies.	1.20	\$144.00	\$72.00	\$72.00
12/26/2017	JRJ	Review the proposed form of order delivered by National Wood and email to Mary Bacon regarding same.	0.20	\$80.00	\$0.00	\$80.00

12/27/2017	JRJ	Review and respond to email from Mary Bacon about settling with National Wood (.2); prepare settlement email to National's counsel (.3).	0.50	\$200.00	\$0.00	\$200.00
12/27/2017	MEB	Review final exhibit list (3.3); create list of additional exhibits (.2); send to V. Bowron and R. Jefferies, call with C. Mounteer re: additional exhibits and reviewing discovery and previous exhibits to motions (1.6); email E. Zimbleman orders after reviewing with client and R. Jefferies (1.3).	6.70	\$1,909.50	\$1,140.00	\$769.50
12/28/2017	MEB	Review pleadings for APCO's motion for reconsideration of Peel Brimley's motion for summary judgment to preclude pay if paid provisions.	6.40	\$1,824.00	\$1,824.00	\$0.00
12/29/2017	MEB	Start drafting motion for reconsideration of Peel Brimley's MSJ on pay if paid provisions.	8.40	\$2,394.00	\$2,394.00	\$0.00
12/29/2017	VLB	(Paralegal) Download National Wood's trial exhibits onto F drive (.8); telephone conference with Mary Bacon and Randy Jefferies regarding trial exhibits (.3); begin assembling additional trial exhibits (3.1).	4.20	\$924.00	\$0.00	\$924.00
12/29/2017	JRJ	Telephone conference with Mary Bacon about the motion for reconsideration and APCO exhibits; (.4) telephone conference with Vivian Bowron regarding the preparation of trial exhibits (.3); review email from National Wood's counsel regarding the order on APCO's MIL (.3).	1.00	\$400.00	\$160.00	\$240.00
12/30/2017	MEB	Continue working on motion for reconsideration of Peel Brimley Lien Claimant's motion for summary judgment.	6.30	\$1,795.50	\$1,795.50	\$0.00
12/31/2017	MEB	Finalize APCO's motion for reconsideration of Peel Brimley MSJ and send to R. Jefferies.	4.30	\$1,225.50	\$1,225.50	\$0.00
1/1/2018	JRJ	Begin review of the APCO marked exhibits and begin preparing witness and cross examination outlines for the anticipated witnesses.	6.40	\$2,560.00	\$1,280.00	\$1,280.00
1/1/2018	MEB	Implement R. Jefferies changes to APCO's motion for reconsideration of Peel Brimley MSJ	3.90	\$1,111.50	\$1,111.50	\$0.00

1/2/2018	VLB	(Paralegal) Save court's recent orders on MIL rulings to litigation folder on the F drive (.8); begin assembling additional APCO exhibits, and revising exhibit index (2.5); telephone conference with Mary Jo Allen and Lisa Lynn regarding trial exhibits (.3).	3.60	\$792.00	\$396.00	\$396.00
1/2/2018	JRJ	Travel to Las Vegas and attend the calendar call (3.2); work on trial exhibits and return to Phoenix (2.0); prepare email to Cody about the claims against Gemstone (.3); email to Mary about the motions for reconsideration (.2).	5.7	\$2,280.00	\$1,200.00	\$1,080.00
1/2/2018	JRJ	Review and revise the draft motion for reconsideration on the Helix summary judgment on pay if paid (2.8);	2.8	\$1,120.00	\$1,120.00	\$0.00
1/2/2018	MEB	Prepare and confirm trial exhibits (.3), exchange emails with opposing counsel re: trial and pre-trial memo (.3) and continue drafting pre-trial memo(4.0).	4.60	\$1,311.00	\$655.50	\$655.50
1/2/2018	MEB	Finalize motion for reconsideration of Peel Brimley MSJ (incorporating client comments).	3.80	\$1,083.00	\$1,083.00	\$0.00
1/3/2018	VLB	Upload Helix exhibits to ShareFile folder (.4); compose email correspondence to Josh Zepeda (Axion Discovery) and Jim Holpuch (Holo Discovery) with instructions for printing Helix exhibits (.3);	.7	\$154.00	\$154.00	\$0.00
1/3/2018	VLB	(Paralegal) Continue assembling additional APCO exhibits, and revising exhibit index (2.9); upload National Wood exhibits to ShareFile folder (.4); compose email correspondence to Josh Zepeda (Axion Discovery) and Jim Holpuch (Holo Discovery) with instructions for printing National Wood exhibits (.3); begin assembling exhibits listed in Cody Mounter's exhibit list based on APCO motions filed (1.5); telephone conference with Vivian Bowron about the trial exhibits (.3).	5.40	\$1,188.00	\$550.00	\$638.00

1/3/2018	JRJ	Telephone conference with Vivian Bowron about the trial exhibits (.3); telephone conference with Joe Pelan about status and strategies for the motions for reconsideration (.5); review and revise the draft motion for reconsideration on the National Wood motion in limine (.9); telephone conference with Joe Pelan to discuss same and email to Mary confirming we are not filing that motion (.5); review the email from Cody with case history and [REDACTED] (.5); email to Joe Pelan regarding same (.2); review APCO exhibits for trial and prepare trial outlines (2.2).	5.10	\$2,040.00	\$760.00	\$1,280.00
1/3/2018	JRJ	Review and revise the draft Helix reconsideration motion (1.7)	1.7	\$680.00	\$680.00	\$0.00
1/3/2018	MEB	Continue drafting joint-pretrial memo (3.7), approve with R. Jefferies and client (1.3), send to opposing counsel (.1).	5.10	\$1,453.50	\$726.75	\$726.75
1/3/2018	TLT	Assist Ms. Bowron with preparing Trial Exhibits binders for Helix's documents.	1.0	\$120.00	\$120.00	\$0.00
1/3/2018	TLT	Assist Ms. Bowron with preparing Trial Exhibits binders for NWP documents.	1.00	\$120.00	\$0.00	\$120.00
1/4/2018	JRJ	Exchange email with Cody about [REDACTED] (.2); continue review of trial exhibits (2.5).	2.7	\$1,080.00	\$540.00	\$540.00

1/4/2018	VLB	(Paralegal) Finish assembling exhibits listed in Cody Munteer's index of documents attached to motions filed by APCO.	6.80	\$1,496.00	\$748.00	\$748.00
1/5/2018	JRJ	Telephone conference with Vivian Bowron about the additional exhibits (.2); review trial exhibits and prepare related outlines (.5); several telephone conferences with Vivian Bowron about the exhibit lists (.3); exchange email with opposing counsel regarding trial issues (.2).	1.2	\$480.00	\$240.00	\$240.00
1/5/2018	VLB	(Paralegal) Finish assembling APCO trial exhibits 209-309 (3.8); revise trial exhibit list (.99); telephone conference with Randy Jefferies about the additional exhibits (.2); several telephone conferences with Vivian Bowron about the exhibit lists (.3).	5.29	\$1,163.80	\$581.90	\$581.90
1/5/2018	MEB	Continue working on pre-trial brief.	6.90	\$1,966.50	\$983.25	\$983.25
1/6/2018	JRJ	Continue to review APCO trial exhibits and prepare direct and cross examination witness outlines (3.0); review the exhibits marked by National Wood and the original complaint filed by Cabinetec and prepare letter to National Wood's counsel about the merits of the claims (2.8).	5.8	\$2,320.00	\$0.00	\$2,320.00
1/6/2018	JRJ	Begin reviewing the exhibits marked by Helix Electric (1.5).	1.5	\$600.00	\$600.00	\$0.00

1/7/2018	JRJ	Continue review of the exhibits marked by Helix Electric (2.5); revise the Helix witness outlines (1.1); prepare email to Helix's counsel (.2).	3.8	\$1,520.00	\$1,520.00	\$0.00
1/7/2018	JRJ	Email to Joe Pelan about status (.2); review APCO's motion for judgment against Gemstone (.3).	.50	\$200.00	\$100.00	\$100.00
1/7/2018	MEB	Continue drafting pre-trial memo.	4.60	\$1,311.00	\$655.50	\$655.50
1/8/2018	VLB	(Paralegal) Continue working on additional trial exhibits (2.4); compose email correspondence to all parties with links to APCO trial video, and exhibits 209-309 (.3); telephone conversations with Lisa Lynn and Mary Jo Allen regarding additional APCO trial exhibits (.2).	2.90	\$638.00	\$319.00	\$319.00
1/8/2018	JRJ	Conference call with Mary Bacon about legal issues for the pretrial statement (.2); conference call with opposing counsel to discuss trial issues (.3); telephone conference with Eric Zimbelman about trial issues (.3); review and revise the pretrial statement (3.7).	4.50	\$1,800.00	\$960.00	\$840.00
1/8/2018	MEB	Conference with R. Jefferies about legal issues.	0.20	\$57.00	\$28.50	\$28.50
1/8/2018	MEB	Continue drafting issues of law section (ratification, novation, assignment, judicial admission) for pretrial memorandum.	14.80	\$4,218.00	\$2,109.00	\$2,109.00
1/9/2018	JRJ	Review email from Mary Jo Allen about Helix billings and prepare a response thereto.	.2	\$80.00	\$80.00	\$0.00

1/9/2018	VLB	(Paralegal) Assemble final set of APCO trial exhibits (4.6); upload to ShareFile (.4); compose email to Jim Holpuch and Josh Zepeda with detailed instructions with printing instructions, court copy of exhibits, etc. (.4); add APCO exhibits to "internal" copy of trial exhibit list and notate any previously marked as deposition exhibits (.5); revise APCO proposed trial exhibit list (.4); compose email correspondence to Court Clerk, providing copy of proposed trial exhibit list (.2); compose email correspondence to all litigants' counsel with final set of APCO trial exhibits and updated exhibit list (.3).	6.80	\$1,496.00	\$748.00	\$748.00
1/9/2018	JRJ	Prepare email to Joe Pelan about arguing the motion for reconsideration (.1); review and revise the draft pretrial statement (1.5); lengthy conference call with Joe, Lisa, and Mary Jo to discuss the over payment backcharges (.5); finalize pretrial statement comments (.5).	2.6	\$1,040.00	\$520.00	\$520.00
1/9/2018	MEB	Continue researching issues of law for APCO's pretrial brief.	4.60	\$1,311.00	\$655.50	\$655.50
1/9/2018	MEB	Draft reply in support of motion for reconsideration of pay-if-paid MSJ (Peel Brimley).	3.40	\$969.00	\$969.00	\$0.00
1/10/2018	JAG	Revise the Reply in Support of Motion for Reconsideration.	1.24	\$372.00	\$372.00	\$0.00
1/10/2018	MEB	Draft reply in support of National Wood's opposition to APCO's motion for reconsideration of the pay-if-paid MSJ.	5.80	\$1,653.00	\$0.00	\$1,653.00
1/10/2018	MEB	Continue drafting issues of law for joint pre-trial brief.	2.60	\$741.00	\$370.50	\$370.50
1/11/2018	JRJ	Review Helix changes to the pretrial statement (1.7).	.85	\$340.00	\$340.00	\$0.00

1/11/2018	JRJ	Review the draft stipulation with Interstate and email to Mary with comments (.3); review the email from Cody and Gwen Mullins and the prior form of order on Gemstone's default (.2); prepare email to Cody and Joe regarding same (.2); review National's changes to the pretrial statement (.85).	1.55	\$620.00	\$80.00	\$400.00
1/11/2018	MEB	Prepare for pay if paid motion for reconsideration	1.5	\$441.75	\$441.75	\$0.00
1/11/2018	MEB	Attend hearing and argue APCO's two motions for reconsideration.	2.10	\$598.50	\$299.25	\$0.00
1/11/2018	MEB	Continue drafting issues of law for joint pre-trial memo.	3.60	\$1,026.00	\$513.00	\$513.00
1/12/2018	JRJ	Review and revise the legal analysis for the pretrial statement and ultimately the pretrial brief (1.6); three telephone conferences with Mary Bacon to discuss the pretrial statement (.9); telephone conference with Joe Pelan regarding his trial preparation and the damages due to APCO (.5); review additionally marked exhibits for incorporation into the trial outlines; work on trial outlines (1.5).	4.50	\$1,800.00	\$900.00	\$900.00
1/12/2018	VLB	(Paralegal) Telephone call with Jennifer Gerod (court recorder) regarding trial (.2); compose email correspondence to Cole Mounteer regarding need for court reporter (.1); telephone conversation with Lorraine (Judge Denton's JDA) regarding availability for equipment testing prior to trial telephone conversation with Ken (court audio/visual department) regarding same (.2); telephone conversation with Lisa Lynn regarding equipment testing (.2); compose email correspondence to Ken regarding work order for equipment testing (.1).	0.80	\$176.00	\$88.00	\$88.00

1/12/2018	MEB	Finish drafting issues of law for joint pre-trial memo (10.1); incorporate opposing counsels' changes to joint pre-trial memo confirm changes with client, and file (5.2).	15.30	\$4,360.50	\$2,180.25	\$2,180.25
1/13/2018	JRJ	Continue review of final set of exhibits and revision of the trial outlines.	1.80	\$720.00	\$360.00	\$360.00
1/15/2018	JRJ	Work on the Pelan outline and email to Joe Pelan (1.6); telephone conference with Mary Bacon about the bench memo (.2); review Joe and Lisa's changes to the trial outline (.5); review and continue to work on the bench memo (1.9).	4.20	\$1,680.00	\$840.00	\$840.00
1/15/2018	VLB	(Paralegal) Prepare Andrew Rivera trial outline, and replace deposition exhibit citations with trial exhibit numbers.	6.60	\$1,452.00	\$1,452.00	\$0.00
1/15/2018	MEB	Continue drafting factual and legal sections of APCO's pre-trial brief.	8.50	\$2,422.50	\$1,211.25	\$1,211.25
1/16/2018	JRJ	Work on bench memo (.9); travel to Las Vegas and review outlines and exhibits to prepare for the trial against Helix and National Wood (7.7); telephone conference with Joe Pelan regarding his testimony (.2); exchange multiple emails with MaryJo Allen regarding the Helix and APCO damage calculations (.5).	9.30	\$3,720.00	\$1,960.00	\$1,760.00
1/16/2018	VLB	(Paralegal) Finish drafting A. Rivera trial outline (2.7); compose email correspondence to Randy Jefferies regarding deposition exhibit 91 not being marked as trial exhibit (.1).	2.80	\$616.00	\$616.00	\$0.00
1/16/2018	MEB	Day before trial preparation. Review trial outline while simultaneously confirming exhibit references (8.7); participate in tech check (1.3); multiple calls with client to confirm status of trial, order of witnesses, preparation of the same (.9); review documents to begin preparing M. Jo and B. Benson witness outlines (1.2)	12.10	\$3,448.50	\$1,724.25	\$1,724.25

1/17/2018	JRJ	Prepare for and attend the trial (7.5); conference with Mary Bacon to discuss trial preparation for the Helix cross and the MaryJo Allen examination (1.9).	9.40	\$3,760.00	\$2,240.00	\$1,520.00
1/17/2018	JAG	Research whether pleadings and discovery responses are admissible at trial.	1.15	\$345.00	\$345.00	\$0.00
1/17/2018	VLB	(Paralegal) Assemble, and upload various exhibits onto ShareFile, for Brian Benson, at the direction of Mary Bacon.	0.70	\$154.00	\$77.00	\$77.00
1/17/2018	MEB	Attend trial and prepare for second day of trial.	0.00	\$0.00		
1/18/2018	JRJ	Prepare for cross examination of Bob Johnson and Andy Rivera of Helix and Cox of Cabinetec (1.5); attend trial (7.0); conference with Joe Pelan to discuss the evidence related to the set off issues (.3); conference call with Joe and Mark Mendenhall about status (.3); review the prehearing bench memo and prepare for Joe Pelan's testimony on the rebuttal case (1.7).	10.80	\$4,320.00	\$2,200.00	\$2,120.00
1/18/2018	MEB	Prepare witness outlines for Mary Jo and Brian Benson (4.2); meet with Mary Jo to prepare for setoff testimony and create demonstratives for court (2.0).	6.20	\$1,767.00	\$1,197.00	\$570.00
1/19/2018	JRJ	Prepare for and attend trial; conference with Joe Pelan and conference call with Mark Mendenhall; travel to Phoenix (2.0)	13.50	\$5,400.00	\$2,700.00	\$2,700.00
1/19/2018	MEB	Prepare for and attend trial.	0.00	\$0.00		
1/22/2018	JRJ	Exchange several email with opposing counsel about the trial schedule (.5); telephone conference with John Taylor about Cabinetec's final witness and possible settlement (.3); prepare related email to all counsel (.3); telephone conference with Joe Pelan regarding status (.6); email to opposing counsel on closing statements (.2); email to Mary Bacon about assignments and issues for the closing arguments	2.50	\$1,000.00	\$440.00	\$560.00

		(.6).				
1/22/2018	MEB	Exchange emails with opposing counsel re: trial scheduling, order of witnesses, trial schedule, and closing arguments.	0.50	\$142.50	\$71.25	\$71.25
1/23/2018	JRJ	Telephone conference with Steve Morris about Camco's case at trial (.5); prepare related email to Joe Pelan and Mary Bacon regarding same (.4); email to Mary Bacon about the assignment of the subcontracts (.3); telephone conference with Steve Morris about the trial schedule (.3); review the Parry depositions and prepare a cross examination outline (2.0); travel to Las Vegas (2.0); review exhibits and prepare for the examination of David Parry (1.8); conference with Mary Bacon and work on outlines for closing argument (1.4); three telephone conferences with Joe Pelan to discuss tactical issues and strategies (.8).	9.50	\$3,800.00	\$1,900.00	\$1,900.00
1/23/2018	MEB	Attend trial (2.3), draft closing argument (6.8) and start drafting post-trial brief (2.4).	11.50	\$3,277.50	\$1,638.75	\$1,638.75
1/24/2018	JRJ	Prepare for and attend trial (6.5); return to Phoenix (2.0).	8.50	\$3,400.00	\$1,700.00	\$1,700.00
1/24/2018	MEB	Revise closing argument (2.3) and finalize exhibits (1.1).	3.40	\$969.00	\$484.50	\$484.50
1/25/2018	JRJ	Exchange email with counsel about the trial transcripts.	0.20	\$80.00	\$40.00	\$40.00

2/5/2018	JRJ	Review and analyze the testimony from Day 1 of the trial.	2.00	\$800.00	\$400.00	\$400.00
2/5/2018	MEB	Conference call with R. Jefferies re: post-trial brief.	0.10	\$28.50	\$14.25	\$14.25
2/7/2018	JRJ	Continue review of the trial transcripts for purposes of the post trial briefing.	6.30	\$2,520.00	\$1,260.00	\$1,260.00
2/8/2018	JRJ	Continue review of the trial transcripts.	1.20	\$480.00	\$240.00	\$240.00
2/8/2018	MEB	Status call with R, Jefferies re: post trial brief and findings of fact and conclusions of law.	0.20	\$49.45	\$24.73	\$24.73
2/9/2018	JRJ	Conclude review of the trial transcripts in order to prepare the post trial briefing.	2.50	\$1,000.00	\$500.00	\$500.00
2/11/2018	MEB	Continue adding text and references to trial transcript to post trial brief.	9.20	\$2,622.00	\$1,311.00	\$1,311.00
2/13/2018	MEB	Continue adding exhibit references into FFCL.	8.20	\$2,337.00	\$1,168.50	\$1,168.50
2/14/2018	MEB	Continue adding in exhibit references to FFCL.	4.30	\$1,225.50	\$612.75	\$612.75
2/18/2018	JRJ	Review and revise the draft post trial brief and statement of facts.	1.50	\$600.00	\$300.00	\$300.00
2/19/2018	MEB	Continue adding exhibits to findings of fact and conclusions of law.	2.30	\$655.50	\$327.75	\$327.75
2/19/2018	MEB	Call with R Jefferies on FFCL.	0.20	\$57.00	\$28.50	\$28.50
2/19/2018	MEB	Continue adding testimony in FFCL.	3.40	\$969.00	\$484.50	\$484.50
2/20/2018	MEB	Draft stip and order to extend deadlines for pretrial motion and for FFCL, call counsel to confirm stipulation.	0.40	\$98.89	\$49.45	\$49.45
2/28/2018	MEB	Continue adding exhibits to findings of fact and conclusions of law.	4.50	\$1,282.50	\$641.25	\$641.25
3/3/2018	JRJ	Review and revise the post hearing brief.	2.60	\$1,040.00	\$520.00	\$520.00

3/3/2018	MEB	Continue drafting APCO's Findings of Fact and conclusions of law.	6.20	\$1,532.86	\$766.43	\$766.43
3/5/2018	JRJ	Review and revise the post hearing brief, including the factual and legal sections.	6.50	\$2,600.00	\$1,300.00	\$1,300.00
3/5/2018	MEB	Continue drafting APCO's Post Trial Brief.	8.30	\$2,052.06	\$1,026.03	\$1,026.03
3/6/2018	JRJ	Continue review and revision of the post trial brief.	3.50	\$1,400.00	\$700.00	\$700.00
3/6/2018	MEB	Continue drafting APCO's post-trial brief.	3.20	\$791.16	\$395.58	\$395.58
3/7/2018	JRJ	Review and revise the legal section of the post-trial brief; continue review and revision of the factual section of the brief.	6.50	\$2,600.00	\$1,300.00	\$1,300.00
3/7/2018	MEB	Continue drafting APCO's post-trial brief.	9.60	\$2,373.47	\$1,186.74	\$1,186.74
3/8/2018	JRJ	Telephone conference with Mary Bacon about the trial brief and separate proposed findings of fact; review and revise the trial brief; review and revise the Helix conclusions of law; review and revise the draft conclusions of law and findings of fact.	7.60	\$3,040.00	\$1,520.00	\$1,520.00
3/8/2018	MEB	Continue drafting findings of fact and conclusions of law.	15.70	\$3,881.60	\$1,940.80	\$1,940.80
3/16/2018	JRJ	Review and analyze the post trial brief filed by Camco and the proposed findings of fact and conclusions of law filed by National Wood.	2.50	\$1,000.00	\$320.00	\$680.00
3/18/2018	MEB	Start drafting APCO's opposition to National Wood's proposed findings of fact and conclusions of law.	8.20	\$2,027.33	\$0.00	\$2,027.33
3/19/2018	JRJ	Review Joe's comments on the National Wood proposed findings of fact and conclusions of law.	.70	\$280.00	\$0.00	\$280.00
3/19/2018	MEB	Finish drafting opposition to National Wood's proposed findings of fact and conclusions of law	12.10	\$2,991.55	\$0.00	\$2,991.55
3/19/2018	JRJ	Review and analyze the proposed findings of fact and conclusions of law submitted by Helix.	2.1	\$840.00	\$840.00	\$0.00

3/20/2018	MEB	Start drafting opposition to Helix's proposed FFCL.	10.80	\$2,670.15	\$2,670.15	\$0.00
3/21/2018	JRJ	Review, draft, and revise the current version of the rebuttal to the National Wood proposed findings of fact and the proposed findings that Helix submitted to the court.	5.80	\$2,320.00	\$1,160.00	\$1,160.00
3/21/2018	MEB	Review and revise APCO's rebuttals to National Woods (2.1) and Helix's proposed Findings of Fact and Conclusions of Law (1.3).	3.40	\$840.60	\$321.41	\$519.19
3/21/2018	MEB	Continue drafting opposition to Helix's proposed FFCL.	7.90	\$1,953.16	\$1,953.16	\$0.00
3/22/2018	JRJ	Continue review and revision of the rebuttal to the National Wood proposed findings and the Helix proposed findings.	3.80	\$1,520.00	\$760.00	\$760.00
3/22/2018	MEB	Call Judge Denton's chambers to confirm extension.	0.20	\$49.45	\$24.73	\$24.73
3/22/2018	MEB	Continue draft APCO's opposition to Helix's Findings of Fact and Conclusions of Law (implementing research on impossibility to meet conditions precedent and distinguishing NY case on termination).	8.40	\$2,076.78	\$2,076.78	\$0.00
3/23/2018	JRJ	Review and revise the response to the Helix proposed findings of fact and conclusions of law.	3.1	\$1,240.00	\$1,240.00	\$0.00
3/23/2018	JRJ	Review and revise the response to the Camco trial brief.	1.00	\$400.00	\$200.00	\$200.00
3/23/2018	MEB	Make final R. Jefferies and J. Pelan changes to rebuttal filings.	1.60	\$395.58	\$197.79	\$197.79
3/23/2018	MEB	Finish rebuttal to Helix's proposed findings of fact and conclusions of law.	6.30	\$1,557.58	\$1,557.58	\$0.00
4/2/2018	MEB	Review status of case and draft email to R. Jefferies re: same.	.10	\$28.50	\$14.25	\$14.25

4/16/2018	MEB	Review status of case and draft email to R. Jefferies re: same.	.30	\$57.00	\$28.50	\$28.50
4/26/2018	JRJ	Review and analyze the court's decision on the Helix and Cabinet claims (1.3); telephone conference with Mary Bacon to discuss attorneys fee issues (.2); telephone conference with Joe Pelan regarding same (.2); preliminary review of the Spencer Fane attorneys fees and costs (.5); review the findings of fact regarding National Wood's claims against Camco (.3); prepare related email to Joe Pelan (.2); review the findings of fact entered by the court in the claims of Helix Electric asserted against Camco and prepare related email to Joe Pelan (.4); review [REDACTED] (.2); telephone conference with Lisa Lynn regarding the attorneys fees (.2); start review of fees (.4).	3.70	\$1,480.00	\$740.00	\$740.00
4/26/2018	MEB	Review and analyze court's multiple FFCL.	3.10	\$883.50	\$441.75	\$441.75
4/27/2018	MEB	Start drafting APCO's motion for attorney's fees	3.20	\$912.00	\$456.00	\$456.00
4/28/2018	JRJ	Review time entries for the fee application against Helix and National Wood.	1.30	\$520.00	\$260.00	\$260.00
4/28/2018	MEB	Continue drafting APCO's motion for attorney's fees	4.30	\$1,225.50	\$612.75	\$612.75
4/29/2018	MEB	Continue drafting APCO's motion for attorney's fees	1.50	\$4,275.00	\$2,137.50	\$2,137.50
4/30/2018	JRJ	Work on the fee application (.2); telephone conference with Joe Pelan (.3); exchange email with Cody and Lisa Lynn about the fee application.	.60	\$240.00	\$120.00	\$120.00
4/30/2018	MEB	Finish drafting form of motion for attorney's fees (with blanks for attorneys to fill in	2.10	\$598.50	\$299.25	\$299.25

		their segregated time)				
		Totals			\$129,990.03	\$111,193.09

EXHIBIT 8

DECLARATION OF CODY S. MOUNTEER, ESQ. IN SUPPORT OF MOTION FOR ATTORNEY'S FEES AND COSTS

CODY S. MOUNTEER, ESQ., declares as follows:

1. I am over the age of 18 years and have personal knowledge of the facts stated herein, except for those stated upon information and belief, and as to those, I believe them to be true. I am competent to testify as to the facts stated herein in a court of law and will so testify if called upon.

2. I am duly licensed to practice law in the State of Nevada and am a Partner at Marquis Aurbach Coffing ("MAC"), counsel for APCO Construction ("APCO").

3. I make this declaration in support of APCO's request for attorneys fees and costs.

4. From approximately October 2, 2015 through April 27, 2018, MAC's fees allocated to Helix Electric are \$109,560.50, and MAC's fees allocated to CabineTec/National Wood are \$97,066.16. An itemized redacted billing statement is attached hereto as **Exhibit 7A**.

5. From MAC, Cody S. Mounteer, Esq., Jack C. Juan, Esq., and Micah S. Echols, Esq. primary provided work on this case. When APCO initially retained MAC, we agreed to represent APCO on an hourly basis. The hourly rate for Jack C. Juan, Esq. is \$300 per hour, Micah S. Echols, Esq. is \$300 per hour, and Cody S. Mounteer, Esq. is \$275-\$300 per hour. These hourly rate are reasonable in light of the legal experience of each of the aforementioned attorneys. Further, associates have provided work and advice in this matter at a reduced rate. The hourly rates charged by MAC are below the average for comparably experienced attorneys in firms of comparable size, thus, providing further proof of the reasonableness of the amounts charged.

6. Based upon the factors set forth in Brunzell v. Golden Gate Nat'l Bank, 85 Nev. 345, 455 P.2d 31, the above attorneys fees are reasonable, and should be awarded to APCO. The enumerated Brunzell factors are as follows:

///

///

QUALITIES OF THE ADVOCATE

7. The quality of MAC as an advocate is well known within the Las Vegas legal community.

8. MAC is AV rated by Martindale-Hubbell and is listed in Martindale-Hubbell's registry of Preeminent Lawyers.

9. The counsel and supervising attorneys in this matter are Shareholders or Directors at MAC.

10. Jack C. Juan, Esq. is a Shareholder at Marquis Aurbach Coffing. As an experienced litigator, Mr. Juan has an excellent reputation in this community for competency in civil litigation and quality legal work over 20 years now. Mr. Juan's skills have been recognized as an AV Preeminent attorney, one of Nevada's Legal Elite, and a Mountain States Super Lawyer. His billed rate was \$300 per hour.

11. Micah S. Echols, Esq. is a director Shareholder at Marquis Aurbach Coffing. As the chair of the firm's Appellate Department, he focuses his practice on civil appeals, including state and federal appeals, writ petitions and petitions for judicial review of agency decisions. Mr. Echols has participated in the briefing or argument for over 200 appellate matters. He has argued cases in both the Nevada Supreme Court and the Ninth Circuit. Mr. Echols holds an AV Preeminent rating from Martindale-Hubbell and is also recognized by Super Lawyers for his appellate practice. His billed rate was \$300 per hour.

12. Cody S. Munteer, Esq. is a Director at Marquis Aurbach Coffing. As an experienced litigator, Mr. Munteer has an excellent reputation in this community for competency in civil litigation and quality legal work. Mr. Munteer's skills have been recognized as one of Nevada's Legal Elite in 2013, 2014, 2015, 2016 and 2018 by the Nevada Business Magazine, and a Mountain States Super Lawyer for 2017 and 2018. His billed rate was \$285-\$300 per hour.

13. All attorneys who provided services on behalf of APCO are skilled litigators with many of experience and have an excellent reputation in this community for competency in civil litigation and quality legal work.

1 14. The sum being sought is reasonable in light of the legal experience and the fees
2 generally charged in this community.

3 **CHARACTER OF THE WORK DONE**

4 15. The efforts in successfully litigating this matter included researching, drafting,
5 and revising briefs, client communications, preparing for and attending hearings, depositions,
6 and drafting motions. As such, the work was necessary to achieve the ultimate result of APCO
7 being the prevailing party.

8 16. None of the work performed by MAC on behalf of APCO has been done in a
9 cursory manner. Instead, all work was thoroughly researched, supported by applicable law and
10 evidence, and finalized after multiple drafts and iterations to reach a final product.

11 17. Moreover, each task performed by counsel was essential and was of the highest
12 character and caliber as it is anticipated that this Court would find for APCO.

13 **ACTUAL WORK PERFORMED**

14 18. The time recorded by MAC is reflected in the attached allocated invoice
15 maintained by the firm, which are provided in support of APCO's request for attorneys fees and
16 costs. See Exhibit 7A.

17 19. The billing statements establish that all legal services rendered were reasonable
18 and necessary in litigating the Action..

19 **THE RESULT**

20 20. It is apparent by this Court's ruling, that APCO was successful at trial and was the
21 prevailing party.

22 21. Pursuant to NRS 53.045, I declare under penalty of perjury under the laws of the
23 State of Nevada that the foregoing is true and correct.

24 Dated this 8th day of May, 2018.

25
26 
27 CODY S. MOUNTEER, ESQ.
28

EXHIBIT 9

1 **SPENCER FANE LLP**
John H. Mowbray, Esq. (Bar No. 1140)
2 John Randall Jefferies, Esq. (Bar No. 3512)
Mary E. Bacon, Esq. (Bar No. 12686)
3 300 S. Fourth Street, Suite 950
Las Vegas, NV 89101
4 Telephone: (702) 408-3411
Facsimile: (702) 408-3401
5 E-mail: JMowbray@spencerfane.com
RJefferies@spencerfane.com
6 MBacon@spencerfane.com

7 -and-

8
9 **MARQUIS AURBACH COFFING**
Cody S. Mounteer, Esq. (Bar No. 11220)
10 10001 Park Run Drive
Las Vegas, NV 89145
11 Telephone: 702.207.6089
12 Email: cmounteer@maclaw.com

13
14 *Attorneys for Apco Construction, Inc.*

15 **DISTRICT COURT**
16 **CLARK COUNTY, NEVADA**

17 **APCO CONSTRUCTION, a Nevada**
18 **corporation,**

19 **Plaintiff,**

20 **v.**

21 **GEMSTONE DEVELOPMENT WEST,**
22 **INC., A Nevada corporation,**

23 **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*

**APCO CONSTRUCTION, INC.'S
MEMORANDUM OF COSTS AND
DISBURSEMENTS
[AGAINST HELIX ELECTRIC OF
NEVADA, LLC, AND PLAINTIFF IN
INTERVENTION NATIONAL WOOD
PRODUCTS, LLC]**

26 **AND ALL RELATED MATTERS**
27
28

A. Spencer Fane, LLP's Costs

Messenger Services	\$995.64
Photocopies (NRS 18.005(13)); Reproductions for trial	\$14,346.31
Court Reporters/Witness fees (NRS 18.005(2))	\$1,143.39
Travel and lodging (NRS 18.005(15))	\$4,336.31
Reasonable and necessary expenses for computerized services for legal research	\$1,790
TOTAL:	\$22,611.65

These fees should be split equally between Helix Electric of Nevada, LLC ("Helix") and Plaintiff in Intervention National Wood Products, LLC ("National Wood"), meaning Helix and National Wood would each be responsible for **\$11,305.82** of these expenses. Upon information and belief, Helix is also liable for an additional **\$10,500.00** for a January 26, 2010 Nevada State Contractor Board required audit of APCO's finances, ordered as a result of Helix's claims against APCO in this matter.

B. Marquis Aurbach Coffing's Costs

1. Total Costs Allocated to Helix

Filing Fees (Complaint and E-Filing Fees)	\$445.25
Special Master Fees	\$1,539.34
Litigation Support	\$699.00
Transcripts	\$2,487.40
Professional Services (Larson & Zirzow)	\$1,275.00
County Bond (Filing)	\$250.00
Exhibit Notebooks	\$45.00
Exhibit Tabs	\$3.13
Long Distance	\$46.72
Flash Drives	\$22.19
Messenger Services	\$116.50
Parking Fees	\$83.00
Postage	\$14.66
NV Secretary of State	\$87.50
Westlaw Research	\$726.97
Copies	\$3,462.00
Scanning	\$313.75
Total	\$11,617.39

1 **2. Total Costs Allocated to National Wood**

2	Filing Fees (Complaint and E-Filing Fees)	\$445.25
	Special Master Fees	\$1,539.34
3	Litigation Support	\$699.00
	Transcripts	\$1,744.55
4	Professional Services (Larson & Zirzow)	\$1,275.00
	County Bond (Filing)	\$250.00
5	Exhibit Notebooks	\$45.00
	Exhibit Tabs	\$3.13
6	Long Distance	\$46.72
	Flash Drives	\$22.19
7	Messenger Services	\$116.50
	Parking Fees	\$83.00
8	Postage	\$14.66
	NV Secretary of State	\$87.50
9	Westlaw Research	\$726.97
10	Copies	\$3,462.00
	Scanning	\$313.75
11	Total	\$10,874.54

12
 13 As such, APCO Construction, Inc. ("APCO") requests \$33,423.31 in costs from
 14 Helix and \$22,180.36 in costs from National Wood, for a total of \$55,603.57 costs.

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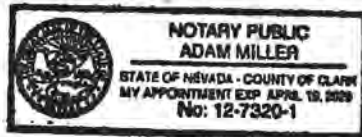
1 STATE OF NEVADA)
2 COUNTY OF CLARK)ss
3)

3 Mary E. Bacon, Esq., being duly sworn under penalty of perjury states: that Affiant is the
4 attorney for the APCO Construction, Inc. and has personal knowledge of the above costs and
5 disbursements expended under Subsection A- Spencer Fane's, LLPs Costs; that the items
6 contained in the above Memorandum of Costs and Disbursements are true and correct to the best
7 of this Affiant's knowledge and belief; and that the said disbursements have been necessarily
8 incurred and paid in this action.

9 Dated this 30 day of May, 2018.

10 Mary E. Bacon
11 MARY E. BACON, ESQ.

SUBSCRIBED and SWORN to before me
this 30 day of May, 2018.



13 Adam Miller
14 NOTARY PUBLIC in and for said County and State

15 STATE OF NEVADA)
16 COUNTY OF CLARK)ss
17)

17 Cody Mounteer, Esq., being duly sworn under penalty of perjury states: that Affiant is the
18 attorney for APCO Construction, Inc. and has personal knowledge of the above costs and
19 disbursements expended under Subsection B- Marquis Aurbach Coffing's Costs; that the items
20 contained in the above Memorandum of Costs and Disbursements are true and correct to the best
21 of this Affiant's knowledge and belief; and that the said disbursements have been necessarily
22 incurred and paid in this action.

23 Dated this 3rd day of May, 2018.

24 Cody Mounteer
25 CODY MOUNTEER, ESQ.

SUBSCRIBED and SWORN to before me
this 3rd day of May, 2018.



27 Javie-Anne Bauer
28 NOTARY PUBLIC in and for said County and State

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of Spencer Fane LLP and that a copy of the foregoing **APCO CONSTRUCTION, INC.'S MEMORANDUM OF COSTS** 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 3rd day of May, 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 (rltdck@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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11 Terri Hansen . (thansen@peelbrimley.com)
12 Timother E. Salter . (tim.salter@procopio.com)
13 Wade B. Gochmour . (wbg@h2law.com)
14

/s/ Adam Miller

an employee of Spencer Fane LLP

EXHIBIT 10



Depository Index

Page

1 of 20

Updated

5/8/2018 16:19

A571228 - APCO Construction vs. Gemstone Development West, Inc.

Special Master

E-Filed Documents

Document	Bates Range	Location	Received
Case Management Order	CMO-0001 to 0009	Pleadings	1/28/2010

Plaintiff

APCO Construction

Marquis, Aurbach & Coffing

E-Filed Documents

Document	Bates Range	Location	Received
10th Supplemental Disclosure of Imaged Documents			
Initial Disclosure of Witnesses and Notice of Imaged Documents	APCO-NOC-01-0001 to 0014	Pleadings	3/17/2010
1st Supplemental Disclosure of Witnesses and Notice of Imaged Documents	APCO-NOC-01-S-01-0001 to 0006	Pleadings	3/25/2010
2nd Supplemental Disclosure of Witnesses and Notice of Imaged Documents	APCO-NOC-01-S-02-0001 to 0009	Pleadings	7/28/2010
3rd Supplemental Disclosure of Witnesses and Notice of Imaged Documents	APCO-NOC-01-S-03-0001 to 0004	Pleadings	7/30/2010
4th Supplemental Disclosure of Imaged Documents	APCO-NOC-01-S-04-0001 to 0003	Pleadings	9/28/2010
5th Supplemental Disclosure of Imaged Documents	APCO-NOC-01-S-05-0001 to 0007	Pleadings	6/6/2016
6th Supplemental Disclosure of Imaged Documents	APCO-NOC-01-S-06-0001 to 0022	Pleadings	8/31/2016
7th Supplemental Disclosure of Imaged Documents	APCO-NOC-01-S-07-0001 to 0019	Pleadings	6/2/2017
8th Supplemental Disclosure of Imaged Documents	APCO-NOC-01-S-08-0001 to 0019	Pleadings	6/5/2017
9th Supplemental Disclosure of Imaged Documents	APCO-NOC-01-S-09-0001 to 0019	Pleadings	6/30/2017
11th Supplemental Disclosure of Imaged Documents	APCO-NOC-01-S-11-0001 to 0020	Pleadings	11/27/2017

JA006489



Depository Index

Initial Disclosure of Witnesses and Notice of Imaged Documents Documents

Document	Bates Range	Location	Received
Documents taken directly to Gemstone	APCO0000001 to 0001557	N/A	3/17/2010
AS-BUILT drawings	APCO0001558 to 0002074	DVD	3/17/2010
Permit drawings	APCO0002075 to 0002624	DVD	3/17/2010
Dust permit I	APCO0002625 to 0002729	DVD	3/17/2010
Gemstone Development I	APCO0002730 to 0002793	DVD	3/17/2010
Permit drawings	APCO0002794 to 0002889	DVD	3/17/2010
RFI - Volume I (1-100)	APCO0002890 to 0003346	DVD	3/17/2010
RFI - Volume II (101-149)	APCO0003347 to 0003623	DVD	3/17/2010
RFI - Volume III (150-200)	APCO0003624 to 0003879	DVD	3/17/2010
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IN THE SUPREME COURT OF THE STATE OF NEVADA

Supreme Court Case No. 77320
Consolidated with 80508

HELIX ELECTRIC OF NEVADA, LLC,

Appellant,

v.

APCO CONSTRUCTION, INC., A NEVADA CORPORATION,

Respondent.

JOINT APPENDIX
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CHRONOLOGICAL APPENDIX OF EXHIBITS

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	Exhibit 34 and 128 - Photo re: Building 8 & 9, Interior (Showing drywall still not completed)	JA002311- JA002312-	40
	Trial Exhibit 35 - Photo re: Building 8 & 9, Interior (Showing drywall still not completed and no electrical trim or fixtures installed)	JA002313- JA002314	40
	Exhibit 36 and 130 -Photo re: Building 8 & 9, Interior (Showing drywall still not completed and no electrical trim or fixtures installed)	JA002315- JA002316	40
	Trial Exhibits 37 and 131 -Photo re: Building 8 & 9, Interior (Showing drywall still not completed and no electrical trim or fixtures installed)	JA002317- JA002318	40
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	Trial Exhibit 39 -Email from K. Costen to Subcontractors informing that Manhattan West Project no longer open	JA002321- JA002322	41
	Trial Exhibit 40- Letter from D. Parry to Subcontractors Re: Funding Withdrawn	JA002323 JA002326	41
	HELIX Related Exhibits:		41
	Trial Exhibit 46 - Helix Pay Application No. 16713-008R1 with Proof of Payment	JA002327- JA002345	41
	Trial Exhibit 47 - Helix Pay Application No. 16713-009R1 with Proof of Payment	JA002346- JA002356	41
	Trial Exhibit 48 - Email from R. Nickerl to B. Johnson Re: Work Suspension Directive	JA002357- JA002358	41
	Trial Exhibit 49 -Helix Pay Application No. 16713-010R2 with Proof of Payment	JA002359- JA002364	41/42
	Trial Exhibit 50 - Unconditional Waiver and Release re: Pay Application No. 8 with Copy of Payment	JA002365- JA002366	42
	Trial Exhibit 51 - Photo re: Building 8 & 9, South (No Exterior fixtures installed. Helix billed out at 90%)	JA002367- JA002368	42
	Trial Exhibit 52 -Photo re: Building 8 & 9, North (No Exterior fixtures installed. Helix billed out at 90%)	JA002369- JA002370	42
	Trial Exhibit 53 -Photo re: Building - 2 & 3, West (No Exterior fixtures installed. Helix billed out at 90%)	JA002371- JA002372	42

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Trial Exhibit 54 - Photo re: Building - 2 & 3, East (No Exterior fixtures installed. Helix billed out at 90%)	JA002373- JA002374	42
	Trial Exhibit 55 - Photo re: Building 2 & 3, East (No Exterior fixtures installed. Helix billed out at 90%)	JA002375- JA002376	42
	Trial Exhibit 56 - Photo re: Building 8 & 9, North (No Exterior fixtures installed. Helix billed out at 90%)	JA002377- JA002378	42
	Trial Exhibit 57 - Photo re: Building 2 & 3, and 8 & 9, North (No Exterior fixtures installed. Helix billed out at 90%)	JA002379- JA002381	42
	Trial Exhibit 58 - Helix Pay Application No. 16713-011R1 submitted to Owner	JA002382- JA002391	42
	Trial Exhibit 59 - Helix Pay Application No. 16713-011R1 given to Camco with Proof of Payment	JA002392- JA002405	43
	Trial Exhibit 60 - Helix Retention Rolled to Camco	JA002406- JA002415	43
	Trial Exhibit 61 - Unconditional Waiver and Release re: all Invoices through June 30, 2008 with Proof of Payment	JA002413- JA002415	43
	Trial Exhibit 62 - Photo re: Building 8 & 9, South	JA002416- JA002417	43
	Trial Exhibit 63 - Photo re: Building 2 & 3, West	JA002418- JA002419	43
	Trial Exhibit 64 - Photo re: Building 2 & 3, West	JA002420- JA002421	43
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<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Trial Exhibit 66 - Letter of transmittal from Helix to APCO re: Helix Pay Application No. 16713-011R1	JA002424- JA002433	43
	Trial Exhibit 67 - Photo re: Building 8 & 9, West (No exterior fixtures installed. Helix billed out 90%)	JA002435- JA002436	43
	Trial Exhibit 68 -Photo re: Building 8 & 9, West (No exterior fixtures installed. Helix billed out 90%)	JA002437- JA002438	43
	Trial Exhibit 69 - Photo re: Building 2 & 3, East (No exterior fixtures installed. Helix billed out 90%)	JA002439- JA002440	43
	Trial Exhibit 70 - Photo re: Building 8 & 9, South (No exterior fixtures installed. Helix billed out 90%)	JA002441- JA002442	43
	Trial Exhibit 71 - Photo re: Building 8 & 9, West (No exterior fixtures installed. Helix billed out 90%)	JA002443- JA002444	43
	Trial Exhibit 72 - Photo re: Building 2 & 3, East (No exterior fixtures installed. Helix billed out 90%)	JA002445- JA002446	43
	Trial Exhibit 73 - Photo re: Building 8 & 9, West (No exterior fixtures installed. Helix billed out 90%)	JA002447- JA002448	43
	Trial Exhibit 74 - Photo re: Building 2 & 3, East (No exterior fixtures installed. Helix billed out 90%)	JA002448- JA002449	43

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	Exhibit 77 - Helix Statement of Facts Constituting Notice of Lien and Third-Party Complaint	JA002457- JA002494	43
	Zitting Brothers Related Exhibits:		
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	Trial Exhibit 101 - Email from R. Nickerl to R. Zitting re: Change Orders	JA002498- JA002500	44
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	Trial Exhibit 103- Email from R. Zitting to R. Nickerl re: change orders adjusted to \$30 per hour	JA002504- JA002505	44
	Trial Exhibit 104 - Email from R. Zitting to R. Nickerl re: change orders adjusted to \$30 per hour with copies of change orders	JA002506- JA002526	44
	Trial Exhibit 105 - Ex. C to the Ratification – Zitting Quotes	JA002527- JA002528	44
	Trial Exhibit 106 - Unconditional Lien Release – Zitting (\$27,973.80)	JA002529	44
	Trial Exhibit 108 - Photo of Video (Construction Project)	JA002530- JA002531	44
	Trial Exhibit 109 - Photo of Video (Construction Project)	JA002532- JA002533	44

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	Trial Exhibit 115 - Progress Payment No. 9 Remitted to Zitting	JA002544- JA002545	44
	Trial Exhibit 116 - Ratification and Amendment of Subcontract Agreement between Buchele and Camco	JA002546- JA002550	44
	Trial Exhibit 117 - C to the Ratification	JA002551- JA002563	44
	Trial Exhibit 118 - Q&A from Gemstone to subcontracts	JA002564- JA002567	44
	Trial Exhibit 119 - Check No. 528388 payable to APCO (\$33,847.55) – Progress Payment No. 8.1 and 8.2	JA002568- JA002571	44
	Trial Exhibit 120 - Tri-City Drywall Pay Application No. 7 to APCO as submitted to Owner. Show percentage complete for Zitting	JA002572- JA002575	44/45
	Trial Exhibit 127 - Photo of Video (Construction Project)	JA002576- JA002577	45/46
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	Trial Exhibit 138 - Memo from Scott Financial to Nevada State Contractors Board Re: Explanation of Project Payment Process	JA002582- JA002591	46
	Trial Exhibit 152 -Terms & Conditions modified by APCO, Invoices and Check Payment	JA002592- JA002598	46
	National Wood Products Related Exhibits:		
	Trial Exhibit 160 - Documents provided for settlement	JA002599- JA002612	46
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	Trial Exhibit 163 - Camco Pay Application No. 12 to Gemstone	JA002613- JA002651	46/47
	Trial Exhibit 165 - Letter from D. Parry to A. Edelstein re: Gemstone losing funding for project	JA002652- JA002653	47
	Trial Exhibit 166 - Letter from D. Parry to G. Hall re: withdrawal of funding	JA002654 JA002656	47
	Helix Related Exhibits:		47
	Trial Exhibit 169 - Helix Exhibit to Standard Subcontract Agreement with Camco	JA 002665 JA002676	47/48
	Trial Exhibit 170 - Subcontract Agreement between Helix and Camco (unsigned)	JA002677- JA002713	48
	Trial Exhibit 171 - Work Order No. 100	JA002714- JA002718	48
	Trial Exhibit 172 - Letter from J. Griffith to Victor Fuchs Re: Gemstone's intention to continue retention of Helix w/copy of Ratification and Amendment of Subcontract Agreement	JA002719- JA002730	48

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	Trial Exhibit 173 - Helix Pay Application No. 16713-012 to Camco with proof of payment	JA002731- JA002745	48
	Trial Exhibit 174 - Helix Change Order Request No. 28	JA002746- JA002747	48
	Trial Exhibit 175 - Change Notice No. 41	JA002748- JA002751	48
	Trial Exhibit 176 - Helix Pay Application No. 16713-013 to Camco	JA002752- JA002771	48/49
	Trial Exhibit 177 - Helix Pay Application No. 16713-014 to Camco	JA002772- JA002782	49
	Trial Exhibit 178 - Camco's letter to Helix rejecting Pay Application No. 16713-015 with attached copy of Pay Application	JA002783 JA002797	49
	National Wood/Cabinetec Related Exhibits:		
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	General Related Exhibits:		
	Trial Exhibit 218 - Camco/Owner Pay Application No. 11 w/Backup	JA002826- JA003028	50/51/52
	Trial Exhibit 220 - Camco/Owner Pay Application No. 12 w/Backup	JA003029- JA003333	52/53/54/55
	Trial Exhibit 313 - Letter from A. Edelstein to R. Nickerl re: NRS 624 Notice	JA003334- JA003338	55
	Helix Trial Exhibits:		
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	Trial Exhibit 510 - Unsigned Subcontract	JA003814- JA003927	61/62
	Trial Exhibit 512 - Helix's Lien Notice	JA003928- JA004034	62/63
	Trial Exhibit 522 - Camco Billing	JA004035- JA005281	63/64/65 /66/67/ 68/69/70/ 71/72 /73/74/75 /76/77
01-19-18	Order Denying APCO Construction's Motion for Reconsideration of Order Granting Partial Summary Judgment Precluding Defenses Based on Pay-if-Paid Agreements	JA005282- JA005283	78
01-18-18	Transcript – Bench Trial (Day 2)²	JA005284- JA005370	78
	Trial Exhibit 535 – Deposition Transcript of Andrew Rivera (Exhibit 99) (<i>Admitted</i>)	JA005371- JA005623	78/79/80
01-19-18	Transcript – Bench Trial (Day 3)³	JA005624- JA005785	80
	Trial Exhibit 231 – Helix Electric's Amended Statement of Facts Constituting Notice of Lien and Third-Party Complaint (<i>Admitted</i>)	JA005786- JA005801	80
	Trial Exhibit 314 - Declaration of Victor Fuchs in support of Helix's Motion for Partial Summary Judgment against Gemstone (<i>Admitted</i>)	JA005802- JA005804	80

² Filed January 31, 201879

³ Filed January 31, 2018

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Trial Exhibit 320 – June-August Billings—not paid to APCO (<i>Admitted</i>)	JA005805	80
	Trial Exhibit 321 – Overpayments to Cabinetec (<i>Admitted</i>)	JA005806-	80
	Trial Exhibit 536 – Lien math calculations (handwritten) (<i>Admitted</i>)	JA005807- JA005808	80
	Trial Exhibit 804 – Camco Correspondence (<i>Admitted</i>)	JA005809- JA005816	80
	Trial Exhibit 3176 – APCO Notice of Lien (<i>Admitted</i>)	JA005817- JA005819	81
01-24-18	Transcript – Bench Trial (Day 5)⁴	JA005820- JA005952	81
03-08-18	Letter to Judge Denton submitting Helix Electric of Nevada, LLC’s (Proposed) Findings of Fact and Conclusions of Law	JA005953- JA005985	81
03-08-18	Letter to Judge Denton submitting APCO Construction, Inc.’s Proposed Findings of Fact and Conclusions of Law	JA005986- JA006058	8/821
03-08-18	APCO Construction Inc.’s Post-Trial Brief	JA006059- JA006124	82/83
03-23-18	APCO Opposition to Helix Electric of Nevada, LLC’s Findings of Fact and Conclusions of Law	JA006125- JA006172	83/84
03-23-18	Helix Electric of Nevada, LLC’s Responses to APCO Construction’s Post-Trial Brief	JA006173- JA006193	84
04-25-18	Findings of Fact and Conclusions of Law and Order as the Claims of Helix Electric and Cabinetec Against APCO	JA006194- JA006264	84/85

⁴ Filed January 31, 201883

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05-08-18	APCO Construction, Inc.'s Motion for Attorneys' Fees and Costs Against Helix Electric of Nevada, LLC and Plaintiff in Intervention National Wood Products, Inc.	JA006265- JA006284	85
	Exhibit 1 – Findings of Fact and Conclusions of Law as to the Claims of Helix Electric and Cabenetec Against APCO	JA006285- JA006356	85/86
	Exhibit 2 – National Wood Products, Inc.'s Notice of Motion and Motion to Intervene and Memorandum of Points and Authorities in Support Thereof	JA006357- JA006369	86
	Exhibit 3 – Plaintiff in Intervention, National Wood Products, Inc.'s Findings of Fact and Conclusions of Law (Proposed)	JA006370- JA006385	86/87
	Exhibit 4 – Plaintiff in Intervention, National Wood Productions, Inc.'s Findings of Fact and Conclusions of Law Re Camco	JA006386- JA006398	87
	Exhibit 5 – Offer of Judgment to Helix Electric of Nevada, LLC	JA006399- JA006402	87
	Exhibit 6 – Offer of Judgment to Plaintiff in Intervention National Wood Products, Inc.	JA006403- JA006406	87
	Exhibit 7 – Declaration of John Randall Jefferies, Esq. in Support of APCO Construction, Inc.'s Motion for Attorney's Fees and Costs	JA006407- JA006411	87
	Exhibit 7A – Billing Entries	JA006412- JA006442	87/88

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Exhibit 7B – Time Recap	JA006443- JA006474	88
	Exhibit 8 – Declaration of Cody S. Munteer, Esq. in Support of Motion for Attorney’s Fees and Costs	JA006475- JA006478	88
	Exhibit 9 – APCO Construction, Inc.’s Memorandum of Costs and Disbursements [Against Helix Electric of Nevada, LLC, and Plaintiff in Intervention National Wood Products, LLC]	JA006479- JA006487	88
	Exhibit 10 – Depository Index	JA006488- JA006508	88/89
05-08-18	Helix Electric of Nevada, LLC’s Motion to Retax Costs Re: Defendant APCO Construction’s Memorandum of Costs and Disbursements	JA006509- JA006521	89
05-31-18	Notice of Entry of Judgment [As to the Claims of Helix Electric of Nevada, LLC Against Camco Construction, Co., Inc.]	JA006522 JA006540	89
06-01-18	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.]	JA006541 JA006550	90
06-01-18	Helix Electric of Nevada, LLC’s Motion for Attorneys’ Fees, Interest and Costs	JA006551- JA006563	90
	Exhibit 1 – Findings of Fact and Conclusions of Law and Order as to the Claims of Helix Electric of Nevada, LLC Against Camco Pacific Construction, Inc.	JA006564- JA006574	90

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Exhibit 2 – Memorandum of Costs and Disbursements (Helix Electric of Nevada, LLC)	JA006575- JA006580	90
	Exhibit 3 – Prime Interest Rate	JA006581- JA006601	90
	Exhibit 4 – Declaration of Eric B. Zimbelman in Support of Helix Electric of Nevada, LLC’s Motion for Attorneys’ Fees, Interest and Costs	JA006583- JA006588	90
	Exhibit 5 – Summary of Fees	JA006589- JA006614	90
06-15-18	APCO Construction, Inc.’s Opposition to Helix Electric of Nevada, LLC and Plaintiff in Intervention National Wood Products, Inc.’s Motions to Retax Costs	JA006615- JA006637	90/91
	Exhibit 1-A Declaration of Mary Bacon in Support of APCO’s Supplement to its Motion for Attorney’s Fees	JA006635 JA006638	91
	Exhibit 1-B – Declaration of Cody Munteer in Support of APCO’s Supplement to its Motion for Attorney’s Fees	JA006639- JA006916	91/92/93 94/95/96
06-15-18	Helix Electric of Nevada, LLC’s Opposition to APCO Construction’s Motion for Attorneys’ Fees and Costs	JA006917 – JA006942	96
	Exhibit 1 – Notice of Entry of Staying the Case, Except for the Sale of the Property, Pending Resolution of the Petition before the Nevada Supreme Court	JA006943- JA006948	96

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Exhibit 2 – Notice of Entry of Denying APCO Construction’s Motion for Partial Summary Judgment Re: Lien Foreclosure Claims	JA006949- JA006954	96
	Exhibit 3 – Supreme Court filing notification Joint Petition for Writ of Mandamus filed	JA006955- JA006958	96
	Exhibit 4 – Order Denying <i>En Banc</i> Reconsideration	JA006959- JA006963	96
	Exhibit 5 – Notice of Entry of Order Granting Peel Brimley Lien Claimants’ Motion for Partial Summary Judgment Precluding Defenses Based on Pay-if-Paid Agreements	JA006964- JA006978	96
	Exhibit 6A – Interstate Plumbing and Air Conditioning, LLC’s Response to Special Master Questionnaire	JA006977- JA006980	96
	Exhibit 6B – Nevada Prefab Engineers, Inc.’s Response to Special Master Questionnaire	JA006981- JA006984	96
	Exhibit 6C – Zitting Brothers Construction, Inc.’s Response to Special Master Questionnaire	JA006985- JA006993	96/97
	Exhibit 6D – Noorda Sheet Metal’s Notice of Compliance	JA006994 JA007001	97
	Exhibit 6 E – Unitah Investments, LLC’s Special Master Questionnaire	JA007002- JA007005	97
	Exhibit 7A – Motion to Appoint Special Master	JA007006- JA007036	97
	Exhibit 7B – Letter from Floyd A. Hale dated August 2, 2016	JA007037- JA007060	97

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Exhibit 7C – Special Master Report Regarding Remaining Parties to the Litigation, Special Master Recommendation and District Court Order Amended Case Agenda	JA007042- JA007046	97
	Exhibit 8 – Notice of Entry of Order Granting Plaintiff’s Motion to Dismiss	JA007047 JA007053	97
	Exhibit 9 – Stipulation and Order for Dismissal with Prejudice	JA007054- JA007056	97
	Exhibit 10 – Stipulation and Order to Dismiss Third-Party Complaint of Interstate Plumbing & Air Conditioning, LLC Against APCO Construction, Inc. with Prejudice	JA007057- JA007059	97
	Exhibit 11 – Notice of Entry of Order Granting in Part and Denying in Part APCO Construction’s Omnibus Motion <i>in Limine</i>	JA007060- JA007088	97
	Exhibit 12 – Notice of Entry of Order Granting in Part and Denying in Part Helix Electric of Nevada, LLC’s Motion in Limine (against APCO Construction)	JA007070- JA007078	97
	Exhibit 13 – Notice of Entry of Order Denying APCO Constructions’ Motion for Partial Summary Judgment Re: Lien Foreclosure Claims	JA007079- JA007084	97
	Exhibit 14 – Notice of Entry of Order Denying APCO Construction’s Motion for Reconsideration of Order Granting Partial Summary	JA007085- JA007087	97

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Judgment Precluding Defenses Based on Pay-if-Paid Agreements		
	Exhibit 15 – Notice of Association of Counsel	JA007088- JA007094	97
06-15-18	Plaintiff in Intervention National Wood Products, Inc.’s Opposition to APCO Construction’s Motion for Attorneys’ Fees and Costs	JA007095- JA007120	97/98
06-15-18	Declaration of S. Judy Hirahara in support of National Woods’s Opposition to APCO Construction’s Motion for Attorneys’ Fees and Costs	JA007121- JA007189	98
06-18-18	Plaintiff in Intervention National Wood Products, Inc.’s Joinder to Helix Electric of Nevada, LLC’s Opposition to APCO Construction’s Motion for Attorneys’ Fees and Costs	JA007190- JA007192	99
06-21-18	Helix Electric of Nevada, LLC’s Notice of Non-Opposition to its Motion for Attorney’s Fees, Interest and Costs	JA007193- JA007197	99
06-29-18	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.	JA007198- JA007220	99
	Exhibit 1 – Invoice Summary by Matter Selection	JA007221- JA007222	99
	Exhibit 2 – Marquis Aurbach Coffing Invoice to APCO dated April 30, 2018	JA007223- JA007224	99

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
06-29-18	Helix Electric of Nevada, LLC's Reply Re: Motion to Retax	JA007225- JA007237	100
07-02-18	Notice of Entry of Order Granting Helix Electric of Nevada, LLC's Motion for Attorneys' Fees, Interest and Costs	JA007238- JA007245	100
07-19-18	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 Attorney's Fees and Costs	JA007246- JA007261	100
08-08-18	Court's Decision on Attorneys' Fees and Cost Motions	JA007262- JA007280	100
09-28-18	Notice of Entry of (1) Granting APCO Construction, Inc.'s 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	JA007281- JA007299	100
01-24-19	Transcript for All Pending Fee Motions on July 19, 2018	JA007300- JA007312	100/101
07-12-19	Order Dismissing Appeal (Case No. 76276)	JA007313- JA007315	101

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
08-06-19	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	JA007316- JA007331	101
	Exhibit 1 – Judgment [As to the Claims of Helix Electric of Nevada, LLC and Plaintiff in Intervention National Wood Products, Inc.'s Against APCO Construction, Inc.	JA007332- JA007335	101
	Exhibit 2 – 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 and all related matters (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	JA007336- JA007344	101
	Exhibit 3 - Notice of Appeal	JA007345- JA007394	101/102
	Exhibit 4 – Amended Notice of Appeal	JA007395- JA007400	102
	Exhibit 5A – 5F -Notices of Entry of Order as to the Claims of Cactus Rose Construction, Fast Glass, Inc., Heinaman Contract Glazing, Helix Electric of Nevada, LLC, SWPPP Compliance	JA007401- JA007517	102/103

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Solutions, Inc., E&E Fire Protection		
	Exhibit 6 – Order Dismissing Appeal in Part (Case No. 76276)	JA007518- JA007519	103
	Exhibit 7 – Order to Show Cause	JA007520- JA007542	103
	Exhibit 8 -Order Dismissing Appeal (Case No. 76276)	JA007524- JA007527	103
	Exhibit 9 – Notice of Entry of Order to Consolidate this Action with Case Nos. A574391, A574792, A57623. A58389, A584730, A58716, A580889 and A589195	JA 007528- JA007541	103
	Exhibit 10 (Part One)	JA007537- JA007542	103
	Exhibit 10A – Docket 09A587168 (Accuracy Glass & Mirror v. APCO)	JA007543- JA007585	103
	Exhibit 10B -Docket 08A571228 (APCO v. Gemstone)	JA007586- JA008129	103/104/105 /106/107 /108/109
	Exhibit 10C – Notice of Entry of Order to Consolidate this Action with Cases Nos A57. 4391, A574792, A577623, A583289, A584730, A587168, A580889 and A589195	JA008130- JA008138	109
	Exhibit 10D – Notice of Entry of Joint Order Granting, in Part, Various Lien Claimants’ Motions for Partial Summary Judgment Against Gemstone Development West	JA008139- JA008141	109
	Exhibit 10 (Part Two)	JA008142- JA008149	109

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Exhibit 10E – 131 Nev. Advance Opinion 70	JA008150- JA008167	109
	Exhibit 10F – Special Master Report Regarding Remaining Parties to the Litigation and Discovery Status	JA008168- JA008170	109
	Exhibit 10EG – Notice of Entry of Granting Plaintiff’s Motion to Dismiss	JA008171- JA008177	109
	Exhibit 10H – Complaint re Foreclosure	JA008178- JA008214	109
	Exhibit 10I – First Amended Complaint re Foreclosure	JA008215- JA008230	109
	Exhibit 10J – APCO Construction’s Answer to Accuracy Glass & Mirror Company’s First Amended Complaint re Foreclosure	JA008231- JA008265	109/110
	Exhibit 10K – Answer to Accuracy Glass & Mirror Company, Inc.’s Complaint and Camco Pacific Construction, Inc.’s Counterclaim	JA008266- JA008285	110
	Exhibit 10L – Accuracy Glass & Mirror Company, Inc.’s Answer to Camco Pacific Construction Company’s Counterclaim	JA008286- JA008290	110
	Exhibit 10M – Helix Electric’s Amended Statement of Facts Constituting Lien and Third-Party Complaint	JA008291- JA008306	110
	Exhibit 10N – APCO Construction’s Answer to Helix Electric’s Amended Statement of Facts Constituting Lien and Third-Party Complaint	JA008307- JA008322	110
	Exhibit 10O – Answer to Helix Electric’s Statement of Facts	JA008323- JA008338	110

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Constituting Lien and Third-Party Complaint and Camco Pacific Construction Company Inc.'s Counterclaim		
	Exhibit 10P – Notice of Entry of Helix Electric of Nevada, LLC's Motion for Attorney's Fees, Interest and Costs	JA008339 JA008347	110
	Exhibit 10Q – Notice of Entry of Judgment [As to the claims of Helix Electric of Nevada, LLC Against Camco Construction Co., Inc.]	JA008348- JA008367	110
	Exhibit 10R – Notice of Entry of Judgment [As to the Claims of Helix Electric of Nevada, LLC and Plaintiff in Intervention National Wood Products, Inc. Against APCO Construction, Inc.]	JA008368- JA008378	110
	Exhibit 10S – Findings of Fact and Conclusions of Law and Order as to the Claims of Helix Electric and Cabenetec Against APCO	JA008379- JA008450	110/111
	Exhibit 10T -WRG Design, Inc.'s Amended Statement of Facts Constituting Notice of Lien and Third-Party Complaint	JA008451- JA008486	111
	Exhibit 10U – APCO Construction's Answer to WRG Design Inc.'s amended Statement of Facts Constituting Lien and Third-Party Complaint	JA008468- JA008483	111
	Exhibit 10V -Answer to WRG Design, Inc.'s Statement of Facts Constituting Lien, Third-Party Complaint and Camco Pacific Construction, Inc.'s Counterclaim	JA008484- JA008504	111

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Exhibit 10W – Notice of Entry of Stipulation and Order Dismissal	JA008505- JA008512	111
	Exhibit 10X – WRG Design, Inc.'s Answer to Camco Pacific Construction Company, Inc.'s Counterclaim	JA008513 JA008517	111
	Exhibit 10Y – Heinaman Contract Glazing's Amended Statement of Facts Constituting Lien and Third-Party Complaint	JA008518- JA008549	111
	Exhibit 10Z – Answer to Heinaman Contract Glazing's Statement of Facts Constituting Lien and Third-Party Complaint, and Camco Pacific Construction's Counterclaim	JA008531- JA008551	111
	Exhibit 10AA – Notice of Entry of Granting Heinaman Glazing's Motion for Attorneys's Fees, Interest and Costs	JA008552- JA008579	111/112
	Exhibit 10BB -Notice of Entry of Judgment [As to the Claims of Heinaman Contract Glazing Against Camco Construction Co., Inc.]	JA008561- JA008582	112
	Exhibit 10CC – Heinaman Contract Glazing's Answer to Camco Pacific Construction Company's Counterclaim	JA008583 JA008588	112
	Exhibit 10DD - Bruin Painting Corporation's Amended Statement of Facts Constituting Notice of Lien and Third-Party Complaint	JA008589- JA00861	112
	Exhibit 10EE – Answer to Bruin Painting Corporation's Amended Statement of Facts Constituting Notice of Lien and Third-Party	JA008602- JA008621	112

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Complaint and Camco Pacific Construction, Inc.'s Counterclaim		
	Exhibit 10FF – Voluntary Dismissal of Fidelity and Deposit Company of Maryland Only from Bruin Painting Corporation's Amended Statement of Facts Constituting Notice of Lien and Third-Party Complaint Without Prejudice	JA008622- JA008624	112
	Exhibit 10GG – HD Supply Waterworks' Amended Statement of Facts Constituting Lien and Third-Party Complaint	JA008625- JA008642	112
	Exhibit 10HH – APCO Construction's Answer to HD Supply Waterworks' Amended Statement of Facts Constituting Lien and Third-Party Complaint	JA008643- JA008657	112
	Exhibit 10II – Amended Answer to HD Supply Waterworks' Amended Statement of Facts Constituting Lien and Third-Party Complaint	JA008658- JA008664	112
	Exhibit 10JJ -Defendants Answer to HD Supply Waterworks' Amended Statement of Facts Constituting Lien and Third-Party Complaint	JA008665- JA008681	112
	Exhibit 10KK – Stipulation and Order to Dismiss E & E Fire Protection, LLC Only Pursuant to the Terms State Below	JA008682- JA008685	112
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	Exhibit 10NN-Notice of Appeal	JA008718 JA008723	113
	Exhibit 10OO – Amended Notice of Appeal	JA008724- JA008729	113
	Exhibit 10PP – Notice of Cross Appeal	JA008730- JA008736	113
	Exhibit 10QQ – Motion to Suspend Briefing Pending Outcome of Order to Show Cause in Supreme Court Case No. 76276	JA008737- JA008746	113
	Exhibit 11 – Order to Consolidate this Action with Case Nos. A574391, A574792, A57623. A58389, A584730, A58716, A580889 and A589195	JA008747- JA008755	113
	Exhibit 12 – Stipulation and Order to Dismiss Third-Party Complaint of Interstate Plumbing & Air Conditioning, LLC Against APCO Construction, Inc. with Prejudice	JA00875- JA008758	113
	Exhibit 13 – Stipulation and Order with Prejudice	JA008759- JA008780	113
	Exhibit 14 – Docket/United Subcontractors, Inc. dba Skyline Insulation’s Motion to Enforce Settlement Agreement and Enter Judgment	JA008762- JA008788	113
	Exhibit 15 – Notice of Entry of Order Granting Motion for 54(b) Certification and for Stay Pending Appeal	JA008789- JA008798	113

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
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	Exhibit 1 – Order to File Amended Docketing Statement	JA008822- JA008824	114
	Exhibit 2 – Order to Show Cause	JA008825- JA008828	114
	Exhibit 3 – Appellant/Cross-Respondent’s Response to Order to Show Cause	JA008829- JA008892	114/115/116
	Exhibit 4 – Order Dismissing Appeal	JA008893- JA008896	116
	Exhibit 5 – Chart of Claims	JA008897- JA008924	116
	Exhibit 6 – Answer to Helix Electric’s Statement of Facts Constituting Lien and Third-Party Complaint and Camco Pacific Construction Company, Inc.’s Counterclaim	JA008925- JA008947	116/117
	Exhibit 7 – Answer to Cactus Rose’s Statement of Facts Constituting Notice of Lien and Complaint and Camco Pacific Construction Company Inc.’s Counterclaim	JA008948- JA008965	117
	Exhibit 8 – Answer to Heinaman Contract Glazing’s Statement of Facts Constituting Lien and Third-Party Complaint and Camco	JA008966- JA008986	117/118

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
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	Exhibit 9 – Findings of Fact and Conclusions of Law as to the Claims of Helix Electric of Nevada, LLC Against Camco Pacific Construction, Inc.	JA008987- JA008998	118
	Exhibit 10 – Findings of Fact and Conclusions of Law as to the Claims of Cactus Rose Construction Co., Inc.	JA008998- JA009010	118
	Exhibit 11 – Findings of Fact and Conclusions of Law as to the Claims of Heinaman Contract Glazing	JA009011- JA009024	118
	Exhibit 12 – Notice of Entry of Decision, Order and Judgment on Defendant Scott Financial Corporation's Motion for Summary Judgment as to Priority of Liens	JA009025- JA009038	118
	Exhibit 13 – Findings of Fact and Conclusions of Law as to the Claims of Helix Electric and Cabenetec Against APCO	JA009039- JA009110	118/119
	Exhibit 14 – Order Granting Motion to Deposit Bond Penal Sum with Court, Exoneration of Bond and Dismissal	JA009111- JA009113	119
	Exhibit 15 – Order Approving Distribution of Fidelity and Deposit Company of Maryland's Bond	JA009114- JA009116	119
08-29-19	Helix Electric of Nevada LLC's Reply to APCO's Opposition to Helix Electric of Nevada LLC's Motion to (I) Re-Open Statistically Closed Case, (II)	JA009117- JA009123	119

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01-03-20	Notice of Entry of Order Granting Helix Electric of Nevada, LLC's Motion for Rule 54(b) Certification	JA009124- JA009131	119
01-29-20	Notice of Appeal	JA009132- JA009136	119/120
	Exhibit A – 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.]	JA009137- JA009166	120
	Exhibit [C] – Notice of Entry of Order Granting Helix Electric of Nevada's Rule 54(b) Certification	JA009148- JA009156	120
02-11-20	Case Appeal Statement	JA009157- JA009163	120
02-11-20	APCO's Notice of Cross Appeal	JA009164- JA010310	120
	Exhibit 1 – Notice of Entry of Order (1) Granting APCO Construction, Inc.'s Motion for Attorney's 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 Party (4) Granting Plaintiff-in-Intervention National Wood Productions, LLC's Motion to Retax in Part and Denying in Part and (5) Granting National Wood Products, Inc.'s Motion to File a Surreply	JA009168- JA009182	120

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Exhibit 2 – Notice of Entry of Order Granting Helix Electric of Nevada’s Motion for Rule 54(b) Certification	JA009183- JA00991	120

ALPHABETICAL APPENDIX OF EXHIBITS

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05-08-18	APCO Construction, Inc.'s Motion for Attorneys' Fees and Costs Against Helix Electric of Nevada, LLC and Plaintiff in Intervention National Wood Products, Inc.	JA006265- JA006284	85
	Exhibit 1 – Findings of Fact and Conclusions of Law as to the Claims of Helix Electric and Cabenetec Against APCO	JA006285- JA006356	85/86
	Exhibit 2 – National Wood Products, Inc.'s Notice of Motion and Motion to Intervene and Memorandum of Points and Authorities in Support Thereof	JA006357- JA006369	86
	Exhibit 3 – Plaintiff in Intervention, National Wood Products, Inc.'s Findings of Fact and Conclusions of Law (Proposed)	JA006370- JA006385	86/87
	Exhibit 4 – Plaintiff in Intervention, National Wood Productions, Inc.'s Findings of Fact and Conclusions of Law Re Camco	JA006386- JA006398	87
	Exhibit 5 – Offer of Judgment to Helix Electric of Nevada, LLC	JA006399- JA006402	87
	Exhibit 6 – Offer of Judgment to Plaintiff in Intervention National Wood Products, Inc.	JA006403- JA006406	87
	Exhibit 7 – Declaration of John Randall Jefferies, Esq. in Support of APCO Construction, Inc.'s Motion for Attorney's Fees and Costs	JA006407- JA006411	87
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	Exhibit 7B – Time Recap	JA006443- JA006474	88
	Exhibit 8 – Declaration of Cody S. Mounter, Esq. in Support of Motion for Attorney’s Fees and Costs	JA006475- JA006478	88
	Exhibit 9 – APCO Construction, Inc.’s Memorandum of Costs and Disbursements [Against Helix Electric of Nevada, LLC, and Plaintiff in Intervention National Wood Products, LLC]	JA006479- JA006487	88
	Exhibit 10 – Depository Index	JA006488- JA006508	88/89
06-06-13	APCO’s Limited Motion to Lift Stay for Purposes of this Motion Only; (2) APCO’s Motion for Summary Judgment Against Gemstone Only; and (3) Request for Order Shortening Time	JA000044- JA000054	1
	Exhibit 1 – Affidavit of Randy Nickerl in Support of (I) APCO’s Limited Motion to Lift Sta for Purposes of this Motion Only; (2) APCO’s Motion for Judgment Against Gemstone Only	JA000055- JA000316	1/2/4/5/6
	Exhibit 2 – Findings of Fact and Conclusions of Law and Judgment in Favor of APCO Construction Against Gemstone Development West, Inc. Only	JA000317- JA000326	6
02-11-20	APCO’s Notice of Cross Appeal	JA009164- JA010310	120
	Exhibit 1 – Notice of Entry of Order (1) Granting APCO Construction, Inc.’s Motion for Attorney’s Fees and Costs; (2) Granting APCO Construction, Inc.’s Memorandum of Costs in Part (3) Granting Helix Electric of Nevada, LLC’s	JA009168- JA009182	114

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Motion to Retax in Party (4) Granting Plaintiff-in-Intervention National Wood Productions, LLC's Motion to Retax in Part and Denying in Part and (5) Granting National Wood Products, Inc.'s Motion to File a Surreply		
	Exhibit 2 – Notice of Entry of Order Granting Helix Electric of Nevada's Motion for Rule 54(b) Certification	JA009183- JA00991	120
11-06-17	APCO Construction, Inc.'s Omnibus Motion <i>in Limine</i>	JA000590 JA000614	9
	Exhibit 1 – Second Amended Notice of taking NRCP Rule 30(b)(6) Deposition of Person Most Knowledgeable for Zitting Brothers Construction, Inc.	JA000615- JA000624	9
	Exhibit 2 – Zitting Brothers Construction, Inc.'s Motion for Partial Summary Judgment Against APCO Construction	JA000625- JA000646	9
	Exhibit 3 – Excerpts from Samuel Zitting's Deposition Transcript taken October 27, 2017	JA000647- JA000678	9/10
	Exhibit 4 – Statement of Facts Constituting Lien on Behalf of Buchele, Inc.	JA000679- JA000730	10
	Exhibit 5 – Subcontract Agreement dated April 17, 2007	JA000731- JA000808	10/11
	Exhibit 6 – Subcontract Agreement dated April 17, 2007	JA000809- JA000826	11/12
	Exhibit 7 – Email from Mary Bacon dated October 16, 2017	JA000827- JA000831	12
	Exhibit 8 – Email from Mary Bacon dated October 17, 2017	JA000832- JA000837	12
	Exhibit 9 – Email from Eric Zimbelman dated October 17, 2017	JA000838- JA000844	12
	Exhibit 10 – Special Master Report, Recommendation and District Court Order	JA00845- JA000848	12

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
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	Exhibit 12 – Plaintiff in Intervention, National Wood Products, Inc.’s First Supplemental Disclosures Pursuant to NRCP 16.1	JA000857- JA000864	12
	Exhibit 13 – Amended Notice of Taking NRCP Rule 30(b)(6) Deposition of Person Most Knowledgeable for Helix Electric of Nevada, LLC	JA000865- JA000873	12
	Exhibit 14 – Excerpts from Helix Electric of Nevada, LLC’s 30(b)(6) Witness Deposition Transcript taken July 20, 2017	JA000874- JA000897	12
03-23-18	APCO Opposition to Helix Electric of Nevada, LLC’s Findings of Fact and Conclusions of Law	JA006125- JA006172	83/84
08-16-19	APCO’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	JA008811- JA008821	114
	Exhibit 1 – Order to File Amended Docketing Statement	JA008822- JA008824	114
	Exhibit 2 – Order to Show Cause	JA008825- JA008828	114
	Exhibit 3 – Appellant/Cross-Respondent’s Response to Order to Show Cause	JA008829- JA008892	114/115/116
	Exhibit 4 – Order Dismissing Appeal	JA008893- JA008896	116
	Exhibit 5 – Chart of Claims	JA008897- JA008924	116
	Exhibit 6 – Answer to Helix Electric’s Statement of Facts Constituting Lien and Third-Party Complaint and Camco	JA008925- JA008947	116/117

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
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	Exhibit 7 – Answer to Cactus Rose's Statement of Facts Constituting Notice of Lien and Complaint and Camco Pacific Construction Company Inc.'s Counterclaim	JA008948- JA008965	117
	Exhibit 8 – Answer to Heinaman Contract Glazing's Statement of Facts Constituting Lien and Third-Party Complaint and Camco Pacific Construction's Counterclaim	JA008966- JA008986	117/118
	Exhibit 9 – Findings of Fact and Conclusions of Law as to the Claims of Helix Electric of Nevada, LLC Against Camco Pacific Construction, Inc.	JA008987- JA008998	118
	Exhibit 10 – Findings of Fact and Conclusions of Law as to the Claims of Cactus Rose Construction Co., Inc.	JA008998- JA009010	118
	Exhibit 11 – Findings of Fact and Conclusions of Law as to the Claims of Heinaman Contract Glazing	JA009011- JA009024	118
	Exhibit 12 – Notice of Entry of Decision, Order and Judgment on Defendant Scott Financial Corporation's Motion for Summary Judgment as to Priority of Liens	JA009025- JA009038	118
	Exhibit 13 – Findings of Fact and Conclusions of Law as to the Claims of Helix Electric and Cabenetec Against APCO	JA009039- JA009110	118/119
	Exhibit 14 – Order Granting Motion to Deposit Bond Penal Sum with Court, Exoneration of Bond and Dismissal	JA009111- JA009113	119
	Exhibit 15 – Order Approving Distribution of Fidelity and Deposit Company of Maryland's Bond	JA009114- JA009116	119

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
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	Exhibit 1-B – Declaration of Cody Mounteer in Support of APCO's Supplement to its Motion for Attorney's Fees	JA006639- JA006916	91/92/93 94/95/96
11-14-17	APCO Construction, Inc.'s Opposition to Helix Electric of Nevada, LLC's Motions in <i>Limine</i> Nos. 1-4	JA000929- JA000940	13/14
	Exhibit 1 – Excerpts from the Deposition Transcript of Mary Jo Allen taken July 18, 2017	JA000941- JA000966	14/15/16
	Exhibit 2 – Helix Electric's Manhattan West Billing/Payment Status through August 2008	JA000967- JA000969	16/17
	Exhibit 3 – Excerpts from the Deposition Transcript of Andrew Rivera taken July 20, 2017	JA000970- JA000993	17/18/19
08-21-17	APCO Construction's Opposition to Peel Brimley Lien Claimants' Partial Motion for Summary Judgment Precluding Defenses Based on Pay-if-Paid Agreements	JA000393- JA000409	6/7
	Exhibit A – Excerpt from 30(b)(6) Witness for Helix Electric of Nevada, LLC taken July 20, 2017	JA000410- JA000412	7
03-08-18	APCO Construction Inc.'s Post-Trial Brief	JA006059- JA006124	82/83
11-15-17	APCO Construction, Inc.'s Reply in Support of its Omnibus <i>Motion in Limine</i>	JA001133 JA001148	21

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	Exhibit 1 – Special Master Report Regarding Discovery Status	JA001149- JA001151	21
	Exhibit 2 – Notice of Taking NRCP Rule 30(b)(6) Deposition of the Person Most Knowledgeable for Zitting Brothers Construction, Inc.	JA001152- JA001160	21
06-29-18	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.	JA007198- JA007220	99
	Exhibit 1 – Invoice Summary by Matter Selection	JA007221- JA007222	99
	Exhibit 2 – Marquis Aurbach Coffing Invoice to APCO dated April 30, 2018	JA007223- JA007224	99
04-26-10	CAMCO and Fidelity’s Answer and CAMCO’s Counterclaim	JA000031- JA000041	1
11-14-17	Camco Pacific Construction Company, Inc.’s Opposition to Lien Claimants’ Motions in Limine Nos. 1-6	JA000898- JA000905	12
	Exhibit A – Nevada Construction Services Cost Plus GMP Contract Disbursement Agreement	JA000906- JA000907	12
	Exhibit B – Scott Financial Corporation’s April 28, 2009 letter to the Nevada State Contractor’s Board	JA000908- JA000915	2/13
	Exhibit C – E-mail from Alex Edelstein dated December 15, 2008 Re: Letter to Subs	JA000916- JA000917	13
	Exhibit D – Camco Pacific’s letter dated December 22, 2008	JA000918- JA000920	13
	Exhibit E – Order Approving Sale of Property	JA000921- JA000928	13
02-11-20	Case Appeal Statement	JA009157- JA009163	120

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08-08-18	Court's Decision on Attorneys' Fees and Cost Motions	JA007262- JA007280	100
06-15-18	Declaration of S. Judy Hirahara in support of National Woods's Opposition to APCO Construction's Motion for Attorneys' Fees and Costs	JA007121- JA007189	98
06-13-13	Docket Entry and Minute Order Granting APCO's Motion for Summary Judgment Against Gemstone	JA000327	6
04-25-18	Findings of Fact and Conclusions of Law and Order as the Claims of Helix Electric and Cabinetec Against APCO	JA006194- JA006264	84/85
11-06-17	Helix Electric of Nevada's Motion <i>in Limine</i> Nos. 1-4	JA000534- JA000542	8
	Exhibit 1 – Notice of Entry of Order	JA000543- JA000549	8
	Exhibit 2 – Helix Electric of Nevada, LLC's Amended Notice of 30(b)(6) Deposition of APCO Construction	JA000550 JA000558	8/9
	Exhibit 3 - Excerpts from Brian Benson Deposition Transcript taken June 5, 2017	JA000559 JA000574	9
	Exhibit 4 – Excerpts from Mary Jo Allen's Deposition Transcript taken July 18, 2017	JA000575- JA000589	9
06-01-18	Helix Electric of Nevada, LLC's Motion for Attorneys' Fees, Interest and Costs	JA006551- JA006563	90
	Exhibit 1 – Findings of Fact and Conclusions of Law and Order as to the Claims of Helix Electric of Nevada, LLC Against Camco Pacific Construction, Inc.	JA006564- JA006574	90
	Exhibit 2 – Memorandum of Costs and Disbursements (Helix Electric of Nevada, LLC)	JA006575- JA006580	90
	Exhibit 3 – Prime Interest Rate	JA006581- JA006601	90

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Exhibit 4 – Declaration of Eric B. Zimbelman in Support of Helix Electric of Nevada, LLC’s Motion for Attorneys’ Fees, Interest and Costs	JA006583- JA006588	90
	Exhibit 5 – Summary of Fees	JA006589- JA006614	90
08-06-19	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	JA007316- JA007331	101
	Exhibit 1 – Judgment [As to the Claims of Helix Electric of Nevada, LLC and Plaintiff in Intervention National Wood Products, Inc.’s Against APCO Construction, Inc.	JA007332- JA007335	101
	Exhibit 2 – 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 and all related matters (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	JA007336- JA007344	101
	Exhibit 3 - Notice of Appeal	JA007345- JA007394	101/102
	Exhibit 4 – Amended Notice of Appeal	JA007395- JA007400	102
	Exhibit 5A – 5F -Notices of Entry of Order as to the Claims of Cactus Rose Construction, Fast Glass, Inc., Heinaman Contract Glazing, Helix Electric of	JA007401- JA007517	102/103

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	Exhibit 6 – Order Dismissing Appeal in Part (Case No. 76276)	JA007518- JA007519	103
	Exhibit 7 – Order to Show Cause	JA007520- JA007542	103
	Exhibit 8 -Order Dismissing Appeal (Case No. 76276)	JA007524- JA007527	103
	Exhibit 9 – Notice of Entry of Order to Consolidate this Action with Case Nos. A574391, A574792, A57623. A58389, A584730, A58716, A580889 and A589195	JA 007528- JA007541	103
	Exhibit 10 (Part One)	JA007537- JA007542	103
	Exhibit 10A – Docket 09A587168 (Accuracy Glass & Mirror v. APCO)	JA007543- JA007585	103
	Exhibit 10B -Docket 08A571228 (APCO v. Gemstone)	JA007586- JA008129	103/104/105/ 106/107/108 109
	Exhibit 10C – Notice of Entry of Order to Consolidate this Action with Cases Nos A57. 4391, A574792, A577623, A583289, A584730, A587168, A580889 and A589195	JA008130- JA008138	109
	Exhibit 10D – Notice of Entry of Joint Order Granting, in Part, Various Lien Claimants’ Motions for Partial Summary Judgment Against Gemstone Development West	JA008139- JA008141	109
	Exhibit 10 (Part Two)	JA008142- JA008149	109
	Exhibit 10E – 131 Nev. Advance Opinion 70	JA008150- JA008167	109
	Exhibit 10F – Special Master Report Regarding Remaining Parties to the Litigation and Discovery Status	JA008168- JA008170	109

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Exhibit 10EG – Notice of Entry of Granting Plaintiff’s Motion to Dismiss	JA008171- JA008177	109
	Exhibit 10H – Complaint re Foreclosure	JA008178- JA008214	109
	Exhibit 10I – First Amended Complaint re Foreclosure	JA008215- JA008230	109
	Exhibit 10J – APCO Construction’s Answer to Accuracy Glass & Mirror Company’s First Amended Complaint re Foreclosure	JA008231- JA008265	109/110
	Exhibit 10K – Answer to Accuracy Glass & Mirror Company, Inc.’s Complaint and Camco Pacific Construction, Inc.’s Counterclaim	JA008266- JA008285	110
	Exhibit 10L – Accuracy Glass & Mirror Company, Inc.’s Answer to Camco Pacific Construction Company’s Counterclaim	JA008286- JA008290	110
	Exhibit 10M – Helix Electric’s Amended Statement of Facts Constituting Lien and Third-Party Complaint	JA008291- JA008306	110
	Exhibit 10N – APCO Construction’s Answer to Helix Electric’s Amended Statement of Facts Constituting Lien and Third-Party Complaint	JA008307- JA008322	110
	Exhibit 10O – Answer to Helix Electric’s Statement of Facts Constituting Lien and Third-Party Complaint and Camco Pacific Construction Company Inc.’s Counterclaim	JA008323- JA008338	110
	Exhibit 10P – Notice of Entry of Helix Electric of Nevada, LLC’s Motion for Attorney’s Fees, Interest and Costs	JA008339 JA008347	110
	Exhibit 10Q – Notice of Entry of Judgment [As to the claims of Helix Electric of Nevada, LLC Against Camco Construction Co., Inc.]	JA008348- JA008367	110

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Exhibit 10R – Notice of Entry of Judgment [As to the Claims of Helix Electric of Nevada, LLC and Plaintiff in Intervention National Wood Products, Inc. Against APCO Construction, Inc.]	JA008368- JA008378	110
	Exhibit 10S – Findings of Fact and Conclusions of Law and Order as to the Claims of Helix Electric and Cabenotec Against APCO	JA008379- JA008450	110/111
	Exhibit 10T -WRG Design, Inc.’s Amended Statement of Facts Constituting Notice of Lien and Third-Party Complaint	JA008451- JA008486	111
	Exhibit 10U – APCO Construction’s Answer to WRG Design Inc.’s amended Statement of Facts Constituting Lien and Third-Party Complaint	JA008468- JA008483	111
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	Exhibit 10W – Notice of Entry of Stipulation and Order Dismissal	JA008505- JA008512	111
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	Exhibit 10Y – Heinaman Contract Glazing’s Amended Statement of Facts Constituting Lien and Third-Party Complaint	JA008518- JA008549	111
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	Exhibit 10CC – Heinaman Contract Glazing’s Answer to Camco Pacific Construction Company’s Counterclaim	JA008583 JA008588	112
	Exhibit 10DD - Bruin Painting Corporation's Amended Statement of Facts Constituting Notice of Lien and Third-Party Complaint	JA008589- JA00861	112
	Exhibit 10EE – Answer to Bruin Painting Corporation's Amended Statement of Facts Constituting Notice of Lien and Third-Party Complaint and Camco Pacific Construction, Inc.’s Counterclaim	JA008602- JA008621	112
	Exhibit 10FF – Voluntary Dismissal of Fidelity and Deposit Company of Maryland Only from Bruin Painting Corporation's Amended Statement of Facts Constituting Notice of Lien and Third-Party Complaint Without Prejudice	JA008622- JA008624	112
	Exhibit 10GG – HD Supply Waterworks’ Amended Statement of Facts Constituting Lien and Third-Party Complaint	JA008625- JA008642	112
	Exhibit 10HH – APCO Construction’s Answer to HD Supply Waterworks’ Amended Statement of Facts Constituting Lien and Third-Party Complaint	JA008643- JA008657	112
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	Exhibit 10LL – HD Supply Waterworks, LP's Voluntary Dismissal of Platte River Insurance Company Only Without Prejudice	JA008686- JA008693	112
	Exhibit 10MM – Scott Financial Corporation's Answer to HD Supply Waterworks' Amended Statement of Facts Constituting Lien and Third-Party Complaint	JA008694- JA008717	112/113
	Exhibit 10NN-Notice of Appeal	JA008718 JA008723	113
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	Exhibit 10QQ – Motion to Suspend Briefing Pending Outcome of Order to Show Cause in Supreme Court Case No. 76276	JA008737- JA008746	113
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	Exhibit 2 – Notice of Entry of Denying APCO Construction’s Motion for Partial Summary Judgment Re: Lien Foreclosure Claims	JA006949- JA006954	96
	Exhibit 3 – Supreme Court filing notification Joint Petition for Writ of Mandamus filed	JA006955- JA006958	96
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	Exhibit 5 - Excerpts from the Deposition Transcript of David E. Parry taken June 20, 2017	JA001065 JA001132	20/21
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	Exhibit 2 – Helix Trial Exhibits	JA001615- JA001616	28
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	Exhibit 11 - order granting Peel Brimley Lien Claimants' Motion in Limine Nos.1-6 (against Camco Pacific Construction, Inc.)	JA001654- JA001657	28
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03-08-18	Letter to Judge Denton submitting APCO Construction, Inc.'s Proposed Findings of Fact and Conclusions of Law	JA005986- JA006058	8/821
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	Exhibit 10 – Order Granting Peel Brimley Lien Claimants’ Motion for Partial Summary Judgment Precluding Defenses Based on Pay-if-Paid Agreements	JA001386- JA001392	26
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09-28-18	Notice of Entry of Order (1) Granting APCO Construction, Inc.'s 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	JA007281- JA007299	100
12-29-17	Notice of Entry of Order Granting in Part and Denying in Part APCO Construction's Omnibus Motion <i>in Limine</i>	JA001178- JA001186	22
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01-19-18	Order Denying APCO Construction's Motion for Reconsideration of Order Granting Partial Summary Judgment Precluding Defenses Based on Pay-if-Paid Agreements	JA005282- JA005283	78
07-12-19	Order Dismissing Appeal (Case No. 76276)	JA007332- JA007334	101
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08-02-17	Peel Brimley Lien Claimants' Motion for Partial Summary Judgment Precluding Defenses Based on Pay-if-Paid Agreements and <i>Ex Parte</i> Application for Order Shortening Time	JA000328- JA000342	6
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	Exhibit 5 – Fast Glass, Inc.’s First Set of Request for Admissions to Camco Pacific Construction	JA000501- JA000511	8
	Exhibit 6 – Heinaman Contract Glazing, Inc.’s First Set of Request for Admissions to Camco Pacific Construction	JA000512- JA000522	8
	Exhibit 7 – Helix Electric of Nevada, LLC’s First Set of Request for Admissions to Camco Pacific Construction	JA000523- JA000533	8
09-28-17	Peel Brimley Lien Claimants’ Reply to Oppositions to Motion for Partial Summary Judgment Precluding Defenses Based on Pay-if-Paid Agreements	JA000413- JA00418	7
01-09-18	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	JA001552- JA001560	27
06-18-18	Plaintiff in Intervention National Wood Products, Inc.’s Joinder to Helix Electric of Nevada, LLC’s Opposition	JA007190- JA007192	99

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07-19-18	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 Attorney's Fees and Costs	JA007246- JA007261	100
01-10-18	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	JA001561- JA001573	27
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	Trial Exhibit 20 – Video (Construction Project)	JA002288	N/A
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	Trial Exhibit 32 and 125 - Photo re: Building 8 & 9, Interior (Showing drywall still not completed and no electrical trim or fixture installed)	JA002307- JA002308	39
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	Exhibit 34 and 128 - Photo re: Building 8 & 9, Interior (Showing drywall still not completed)	JA002311- JA002312-	40
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	Trial Exhibit 115 - Progress Payment No. 9 Remitted to Zitting	JA002544- JA002545	44
	Trial Exhibit 116 - Ratification and Amendment of Subcontract Agreement between Buchele and Camco	JA002546- JA002550	44
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	Trial Exhibit 118 - Q&A from Gemstone to subcontracts	JA002564- JA002567	44
	Trial Exhibit 119 - Check No. 528388 payable to APCO (\$33,847.55) – Progress Payment No. 8.1 and 8.2	JA002568- JA002571	44

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Trial Exhibit 120 - Tri-City Drywall Pay Application No. 7 to APCO as submitted to Owner. Show percentage complete for Zitting	JA002572- JA002575	44/45
	Trial Exhibit 127 - Photo of Video (Construction Project)	JA002576- JA002577	45/46
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	Trial Exhibit 138 - Memo from Scott Financial to Nevada State Contractors Board Re: Explanation of Project Payment Process	JA002582- JA002591	46
	Trial Exhibit 152 -Terms & Conditions modified by APCO, Invoices and Check Payment	JA002592- JA002598	46
	National Wood Products Related Exhibits:		
	Trial Exhibit 160 - Documents provided for settlement	JA002599- JA002612	46
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	Trial Exhibit 163 - Camco Pay Application No. 12 to Gemstone	JA002613- JA002651	46/47
	Trial Exhibit 165 - Letter from D. Parry to A. Edelstein re: Gemstone losing funding for project	JA002652- JA002653	47
	Trial Exhibit 166 - Letter from D. Parry to G. Hall re: withdrawal of funding	JA002654 JA002656	47
	Helix Related Exhibits:		47
	Trial Exhibit 169 - Helix Exhibit to Standard Subcontract Agreement with Camco	JA 002665 JA002676	47/48
	Trial Exhibit 170 - Subcontract Agreement between Helix and Camco (unsigned)	JA002677- JA002713	48

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Trial Exhibit 171 - Work Order No. 100	JA002714- JA002718	48
	Trial Exhibit 172 - Letter from J. Griffith to Victor Fuchs Re: Gemstone's intention to continue retention of Helix w/copy of Ratification and Amendment of Subcontract Agreement	JA002719- JA002730	48
	Trial Exhibit 173 - Helix Pay Application No. 16713-012 to Camco with proof of payment	JA002731- JA002745	48
	Trial Exhibit 174 - Helix Change Order Request No. 28	JA002746- JA002747	48
	Trial Exhibit 175 - Change Notice No. 41	JA002748- JA002751	48
	Trial Exhibit 176 - Helix Pay Application No. 16713-013 to Camco	JA002752- JA002771	48/49
	Trial Exhibit 177 - Helix Pay Application No. 16713-014 to Camco	JA002772- JA002782	49
	Trial Exhibit 178 - Camco's letter to Helix rejecting Pay Application No. 16713-015 with attached copy of Pay Application	JA002783 JA002797	49
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	Trial Exhibit 184 - Ratification and Amendment of Subcontract Agreement between CabineTec and Camco (fully executed copy)	JA002798- JA002825	49
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	Trial Exhibit 218 - Camco/Owner Pay Application No. 11 w/Backup	JA002826- JA003028	50/51/52
	Trial Exhibit 220 - Camco/Owner Pay Application No. 12 w/Backup	JA003029- JA003333	52/53/54/55
	Trial Exhibit 313 - Letter from A. Edelstein to R. Nickerl re: NRS 624 Notice	JA003334- JA003338	55
	Helix Trial Exhibits:		

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	Trial Exhibit 501 - Payment Summary	JA003339 – JA003732	55/56/57/ 58/59/60
	Trial Exhibit 508 – Helix Pay Application	JA003733- JA003813	60/61
	Trial Exhibit 510 - Unsigned Subcontract	JA003814- JA003927	61/62
	Trial Exhibit 512 - Helix's Lien Notice	JA003928- JA004034	62/63
	Trial Exhibit 522 - Camco Billing	JA004035- JA005281	63/64/65/66/6 7/ 68/69/70 /71/72 /73/74/75/ 76/77
01-17-18	Transcript Bench Trial (Day 1)⁵	JA001668- JA001802	29/30
	Trial Exhibit 1 - Grading Agreement (Admitted)	JA001803- JA001825	30
	Trial Exhibit 2 – APCO/Gemstone General Construction Agreement (Admitted)	JA001826- JA001868	30
	Trial Exhibit 3 - Nevada Construction Services /Gemstone Cost Plus/GMP Contract Disbursement Agreement (Admitted)	JA001869- JA001884	30
	Trial Exhibit 4 - APCO Pay Application No. 9 Submitted to Gemstone (Admitted)	JA001885- JA001974	30/31/32
	Trial Exhibit 5 - Letter from J. Barker to A. Edelstein re: APCO's Notice of Intent to Stop Work (Admitted)	JA001975- JA001978	32
	Trial Exhibit 6 - Letter from J. Barker to A. Edelstein re: APCO's Notice of Intent to Stop Work (Admitted)	JA001979- JA001980	32
	Trial Exhibit 10 - Letter from J. Barker to A. Edelstein Re: Notice of Intent to Stop Work (Second Notice) (Admitted)	JA001981- JA001987	32

⁵ Filed January 31, 2018

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Trial Exhibit 13 - Letter from A. Edelstein to Re. Nickerl Re: Termination for Cause (Gemstone) (<i>Admitted</i>)	JA001988- JA002001	32
	Trial Exhibit 14 - Letter from W. Gochmour to Sean Thueson Re: [APCO's] Response to [Gemstone's] Termination for Cause (<i>Admitted</i>)	JA002002- JA002010	33
	Trial Exhibit 15 - Letter from R. Nickerl to A. Edelstein Re: 48-Hour Notices (<i>Admitted</i>)	JA002011- JA002013	33
	Trial Exhibit 16 - Email from J. Horning to A. Berman and J. Olivares re: Joint Checks (<i>Admitted</i>)	JA002014	33
	Trial Exhibit 23 - APCO Subcontractor Notice of Stopping Work and Letter from J. Barker to A. Edelstein Re: Notice of Stopping Work and Notice of Intent to Terminate Contract (<i>Admitted</i>)	JA002015- JA002016	33
	Trial Exhibit 24 - Letter from R. Nickerl to Clark County re: Notification of APCO's withdrawal as General Contractor of Record (<i>Admitted</i>)	JA002017- JA002023	33
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	Trial Exhibit 27 - Letter from A. Edelstein to R. Nickerl re: June Progress Payment (<i>Admitted</i>)	JA002025- JA002080	34
	Trial Exhibit 28 - Letter from J. Barker to A. Edelstein Re: Termination of Agreement for GMP (<i>Admitted</i>)	JA002081	34
	Trial Exhibit 31 - Transmission of APCO's Pay Application No. 11 as Submitted to Owner (<i>Admitted</i>)	JA002082- JA002120	34/35
	Trial Exhibit 45 - Subcontractor Agreement (<i>Admitted</i>)	JA002121- JA002146	35

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	Trial Exhibit 212 - Letter from Edelstein to R. Nickerl re: NRS 624 Notice (<i>Admitted</i>)	JA002177- JA002181	36
	Trial Exhibit 215 - Email from C. Colligan to Subcontractors re: 48-hour Termination Notice (<i>Admitted</i>)	JA002182- JA002185	36
	Trial Exhibit 216 - Email from C. Colligan re: Meeting with Subcontractors (<i>Admitted</i>)	JA002186- JA002188	36
	Trial Exhibit 506 – Email and Contract Revisions (<i>Admitted</i>)	JA002189 – JA002198	36
01-18-18	Transcript – Bench Trial (Day 2)⁶	JA005284- JA005370	78
	Trial Exhibit 535 – Deposition Transcript of Andrew Rivera (Exhibit 99) (<i>Admitted</i>)	JA005371- JA005623	78/79/80
01-19-18	Transcript – Bench Trial (Day 3)⁷	JA005624- JA005785	80
	Trial Exhibit 231 – Helix Electric’s Amended Statement of Facts Constituting Notice of Lien and Third-Party Complaint (<i>Admitted</i>)	JA005786- JA005801	80
	Trial Exhibit 314 - Declaration of Victor Fuchs in support of Helix’s Motion for Partial Summary Judgment against Gemstone (<i>Admitted</i>)	JA005802- JA005804	80
	Trial Exhibit 320 – June-August Billings—not paid to APCO (<i>Admitted</i>)	JA005805	80
	Trial Exhibit 321 – Overpayments to Cabinetec (<i>Admitted</i>)	JA005806-	80

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⁷ Filed January 31, 2018

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
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	Trial Exhibit 804 – Camco Correspondence (<i>Admitted</i>)	JA005809- JA005816	80
	Trial Exhibit 3176 – APCO Notice of Lien (<i>Admitted</i>)	JA005817- JA005819	81
01-24-18	Transcript – Bench Trial (Day 5)⁸	JA005820- JA005952	81
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1st Supplemental Disclosure of Witnesses and Notice of Imaged Documents Documents

Document	Bates Range	Location	Received
Documents pertaining to the Pressure Grout Company's work on the Project ("imaged documents")	APCO0078838 to 0078992	CD ROM	3/25/2010

2nd Supplemental Disclosure of Witnesses and Notice of Imaged Documents Documents

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WRG - Documents	APCO0078993 to 0079005	CD ROM	7/28/2010
Drawings - Embarq	APCO0079006 to 0079008	CD ROM	7/28/2010
Drawings-Utility	APCO0079009 to 0079012	CD ROM	7/28/2010
Drawings-Fire Sprinkler-Type I	APCO0079013 to 0079021	CD ROM	7/28/2010
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Emails-Ashley Skarda	APCO0079235 to 0081857	CD ROM	7/28/2010
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Photos-Jeff Gahn 1	APCO0101789 to 0101840	CD ROM	7/28/2010
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Photos-Progress Photos 11/20/10	APCO0102719 to 0102770	CD ROM	7/28/2010
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Documents produced by Nevada Construction Services provided on a CD	APCONCS0013827	CD ROM	7/30/2010

4th Supplemental Disclosure of Imaged Documents Documents

Document	Bates Range	Location	Received
Gemstone Checks	APCO0102774 to 0102776	CD ROM	9/28/2010
Notice of Intent to Lien	APCO0102777 to 0102779	CD ROM	9/28/2010
Notice of Lien	APCO0102780 to 0102792	CD ROM	9/28/2010
Amended and Restated Notice of Lien	APCO0102793 to 0102827	CD ROM	9/28/2010
Change Order spreadsheet for Lien Amount	APCO0102828 to 0102829	CD ROM	9/28/2010
APCO Condo Purchase Agreement	APCO0102830 to 0103134	CD ROM	9/28/2010

5th Supplemental Disclosure of Imaged Documents Documents

Document	Bates Range	Location	Received
Insulpro Projects' Progress Payment Documents	APCO0103135 to 0103150	Electronic	6/6/2016

6th Supplemental Disclosure of Imaged Documents Documents

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Documents re Accuracy Glass	APCO0103151 to 0103348	Electronic	8/31/2016
Documents re Buchele	APCO0103349 to 0103365	Electronic	8/31/2016
Documents re Cabinetee	APCO0103366 to 0103370	Electronic	8/31/2016
Documents re Calico Construction	APCO0103371 to 0103372	Electronic	8/31/2016
Documents re Canyon Construction	APCO0103373 to 0103373	Electronic	8/31/2016
Documents re Carpets N More	APCO0103374 to 0103426	Electronic	8/31/2016
Documents re Cell Crete	APCO0103427 to 0103451	Electronic	8/31/2016
Documents re Concrete Visions	APCO0103452 to 0103455	Electronic	8/31/2016
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Documents re Dependable Glass and Mirror	APCO0103476 to 0103485	Electronic	8/31/2016
Documents re Distinctive Marble	APCO0103486 to 0103487	Electronic	8/31/2016
Documents re Executive Plastering	APCO0103488 to 0103505	Electronic	8/31/2016
Documents re Granite Construction	APCO0103506 to 0103555	Electronic	8/31/2016
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Documents re Republic Cane	APCO0103998 to 0104043	Electronic	8/31/2016
Documents re The Masonry Group Nevada	APCO0104004 to 0104137	Electronic	8/31/2016
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Documents re Sierra Reinforcing	APCO0104057 to 0104059	Electronic	8/31/2016
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Documents re Thyssen Krupp	APCO0104138 to 0104146	Electronic	8/31/2016
Documents re Tri-City Drywall	APCO0104147 to 0104164	Electronic	8/31/2016
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Documents re Zitting Construction	APCO0104200 to 0104234	Electronic	8/31/2016
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Documents re Graybar	APCO0104299 to 0104303	Electronic	8/31/2016
Documents re HD Waterworks Supply	APCO0104304 to 0104317	Electronic	8/31/2016
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Documents re Olson Precast	APCO0104326 to 0104330	Electronic	8/31/2016
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Documents re Patent Construction	APCO0104353 to 0104359	Electronic	8/31/2016
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7th Supplemental Disclosure of Imaged Documents Documents

Document	Bates Range	Location	Received
Videos from APCO regarding site walkthrough	APCO0104402 to 0104491	Electronic	6/2/2017
Progress Photos taken November 2008	APCO0104492 to 0104562	Electronic	6/2/2017
Project Documents re Accuracy Glass	APCO0104563 to 0104828	Electronic	6/2/2017
Project Documents re Cabinetec (National Wood)	APCO0104829 to 0104914	Electronic	6/2/2017
Project Documents re Helix Electric	APCO0104915 to 0105159	Electronic	6/2/2017
Project Documents re Interstate Plumbing (HVAC)	APCO0105106 to 0105361	Electronic	6/2/2017
Project Documents re Interstate Plumbing (Plumbing)	APCO0105362 to 0105597	Electronic	6/2/2017
Project Documents re Nevada Prefab	APCO0105598 to 0105972	Electronic	6/2/2017
Project Documents re Sierra Reinforcing (Unitah)	APCO0105973 to 0106034	Electronic	6/2/2017
Project Documents re Skyline Insulation	APCO0106035 to 0106106	Electronic	6/2/2017
Project Documents re Steel Structures	APCO0106107 to 0106160	Electronic	6/2/2017
Project Documents re Zitting Brothers	APCO0106161 to 0106288	Electronic	6/2/2017

8th Supplemental Disclosure of Imaged Documents Documents

Document	Bates Range	Location	Received
Documents and videos received from Martin Harris Construction in response to Subpoena Duces Tecum	MHC0000001 to 0005624	Electronic	6/5/2017

9th Supplemental Disclosure of Imaged Documents Documents

Document	Bates Range	Location	Received
Billing documents and Photographs re Helix Electric	APCO0106289 to 0106314	Electronic	6/30/2017

10th Supplemental Disclosure of Imaged Documents Documents

Document	Bates Range	Location	Received
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11th Supplemental Disclosure of Imaged Documents Documents

Document	Bates Range	Location	Received
Buchele, Inc. Entity Details	APCO0106322 to 0106322	Electronic	11/27/2017
Buchele, Inc. Nevada State Contractors Board Details	APCO0106323 to 0106323	Electronic	11/27/2017
Obituary re Thomas Buchele	APCO0106324 to 0106325	Electronic	11/27/2017
Subcontractor Payment Summary and supporting documents, dated August through September 2008	APCO0106326 to 0106336	Electronic	11/27/2017
Email from Roy Zitting to Lisa Lynn re Work and Change Orders, dated May 12, 2008	APCO0106337 to 0106337	Electronic	11/27/2017



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Email from Jennifer Griffith re Structural Change Order Comments and Dispositions, dated May 21, 2008	APCO0106338 to 0106343	Electronic	11/27/2017
Various Zitting Brother Change Orders	APCO0106344 to 0106351	Electronic	11/27/2017
Zitting Brother's Job Costing for July 1, 2008 through February 28, 2009	APCO0106352 to 0106355	Electronic	11/27/2017
Email from Randy Nickerl to Roy Zitting and Lisa Lynn re Change Orders, dated July 30, 2008	APCO0106356 to 0106357	Electronic	11/27/2017
Email from Lisa Lynn to Jennifer Griffith and Peter Smith re Change Order #11.1, dated August 7, 2008	APCO0106358 to 0106359	Electronic	11/27/2017
Email from Randy Nickerl to Brian Benson re Change Orders, dated April 14, 2016	APCO0106360 to 0106360	Electronic	11/27/2017
Email from Roy Zitting to Randy Nickerl re Change Orders with Attachments, dated August 8, 2008	APCO0106361 to 0106380	Electronic	11/27/2017
Letter from Wade Gochmour, Esq. to Sean Thueson, Esq. re Termination Letter, dated August 15, 2008	APCO0106381 to 0106388	Electronic	11/27/2017
Letter from Randy Nickerl to Alex Edelstein and Pete Smith re Termination Letter, dated August 19, 2008	APCO0106389 to 0106391	Electronic	11/27/2017
Questions and Answers from Gemstone to Subcontractors, dated August 26, 2008	APCO0106392 to 0106394	Electronic	11/27/2017
Email from Lisa Lynn to Roy Zitting re Final Accounting Statement, dated October 9, 2008	APCO0106395 to 0106397	Electronic	11/27/2017
Letter from Alex Edelstein to Subcontractors re Withdrawn Funding, dated December 22, 2008	APCO0106398 to 0106400	Electronic	11/27/2017
Notice of Lien filed by Buchele, Inc., dated December 30, 2008	APCO0106401 to 0106402	Electronic	11/27/2017

Third-Party

Accuracy Glass

Peel Brimley LLP

E-Filed Documents

Document	Bates Range	Location	Received
Initial Disclosures	AGM-ID-0001 to 0004	Pleadings	8/31/2016

Initial Disclosure Documents

Document	Bates Range	Location	Received
Accuracy hereby produces the following documents: Bates Numbers: AGM000001 - AGM00707 and can be accessed using the link: https://app.box.com/v/Accuracy	AGM0000001 to 0000707	Electronic	8/31/2016

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Buchele, Inc. Peel Brimley LLP

E-Filed Documents

Document	Bates Range	Location	Received
Initial Disclosures	BUCH-ID-0001 to 0004	Pleadings	8/31/2016

Initial Disclosures Documents

Document	Bates Range	Location	Received
Buchele hereby produces the following documents: Bates Numbers: BUCH00001 - BUCH00243 and can be accessed using the link below: https://app.box.com/v/Buchele	BUCH0000001 to 0000243	Electronic	8/31/2016

Cactus Rose Construction, Inc. Peel Brimley LLP

E-Filed Documents

Document	Bates Range	Location	Received
Initial Disclosures	CACTUS-ID-0001 to 0004	Pleadings	8/31/2016

Initial Disclosures Documents

Document	Bates Range	Location	Received
Cactus Rose hereby produces the following documents: Bates Numbers: CACTUS00001 - CACTUS00119 and can be accessed using the link below: https://app.box.com/v/CactusRose	CACTUS0000001 to 0000119	Electronic	8/31/2016

Cardno WRG fka WRG Design, Inc. Peel Brimley LLP

E-Filed Documents

Document	Bates Range	Location	Received
Initial Disclosures	WRG-ID-0001 to 0004	Pleadings	8/31/2016

Initial Disclosures Documents

Document	Bates Range	Location	Received
WRG hereby produces the following documents: Bates Numbers: WRG00001 - WRG01175 and can be accessed using the link below: https://app.box.com/v/CardnoWRG	WRG0000001 to 0001175	Electronic	8/31/2016



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Custom Select Building, Inc. Howard & Howard

E-Filed Documents

Document	Bates Range	Location	Received
Initial Disclosure of Witnesses and Notice of Imaged Documents	CSBI-ID-01-0001 to 0011	Pleadings	4/23/2010

Initial Disclosure of Witnesses and Notice of Imaged Documents Documents

Document	Bates Range	Location	Received
Deposited Documents	CSBI0000001 to 0000175	CD ROM	4/23/2010

Granite Construction Company Watt, Tieder, Hoffer & Fitzgerald, LLP

E-Filed Documents

Document	Bates Range	Location	Received
Disclosure of Witnesses and Notice of Imaged Documents pursuant to NRCP 16.1	GAR-NOC-01-0001 to 0011	Pleadings	4/7/2010

Disclosure of Witnesses and Notice of Imaged Documents pursuant to NRCP 16.1 Documents

Document	Bates Range	Location	Received
Grading agreement dated April 17, 2007 between Gemstone Development West, Inc. and Asphalt Products, Inc. dba APCO Construction ("APCO")	GRA0000001 to 0000022	CD ROM	4/7/2010
Limited notice to proceed dated April 23, 2007 between APCO and Granite Construction Company ("Granite")	GRA0000023 to 0000026	CD ROM	4/7/2010
Subcontract agreement dated April 17, 2007 between APCO and Granite	GRA0000027 to 0000045	CD ROM	4/7/2010
Job information sheet	GRA0000046	CD ROM	4/7/2010
Misc correspondence between APCO and Granite	GRA0000047 to 0000052	CD ROM	4/7/2010
Concrete Barrier rental invoices	GRA0000053 to 0000059	CD ROM	4/7/2010
Pay applications nos. 1, 2, 3, 4, 5 and 5r submitted by Granite to APCO	GRA0000060 to 0000086	CD ROM	4/7/2010
Granite's September 25, 2008 letter to APCO re final retention	GRA0000087 to 0000088	CD ROM	4/7/2010
Change order nos. 1, 2, 3 and 4 between Granite and APCO	GRA0000089 to 0000092	CD ROM	4/7/2010
Notice of termination of subcontract	GRA0000093	CD ROM	4/7/2010
Notice to owner of right to lien	GRA0000094 to 0000096	CD ROM	4/7/2010
Misc. property ownership information	GRA0000097 to 0000111	CD ROM	4/7/2010
15 day notice of intent to lien	GRA0000112 to 0000115	CD ROM	4/7/2010
Notice of lien	GRA0000116 to 0000124	CD ROM	4/7/2010



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Heinaman Contract Glazing, Inc. Peel Brimley LLP

E-Filed Documents

Document	Bates Range	Location	Received
Initial Disclosures	HCG-ID-0001 to 0004	Pleadings	8/31/2016

Initial Disclosures Documents

Document	Bates Range	Location	Received
Letter of Intent and Memorandum of Understanding	HCG0000001 to 0000002	Electronic	8/31/2016
Invoices and Payments	HCG0000003 to 0000012	Electronic	8/31/2016
Lien documents	HCG0000013 to 0000081	Electronic	8/31/2016
RFIs	HCG0000082 to 0000103	Electronic	8/31/2016
Proposals	HCG0000104 to 0000167	Electronic	8/31/2016
Billings and Vendor Correspondence	HCG0000168 to 0000273	Electronic	8/31/2016
Drawings and Shipping Manifests	HCG0000274 to 0001513	Electronic	8/31/2016
Field Reports and Minutes	HCG0001514 to 0001686	Electronic	8/31/2016
Liens	HCG0001687 to 0001813	Electronic	8/31/2016

Helix Electric of Nevada, LLC Peel Brimley LLP

E-Filed Documents

Document	Bates Range	Location	Received
Initial Disclosures	HELIX-ID-0001 to 0004	Pleadings	8/31/2016

Initial Disclosures Documents

Document	Bates Range	Location	Received
Helix hereby produces the following documents: Bates Numbers: HELIX000001 - HELIX01163 and can be accessed using the link below: https://app.box.com/v/Helix	HELIX0000001 to 0001163	Electronic	8/31/2016

Hydropressure Cleaning, Inc. Howard & Howard

E-Filed Documents

Document	Bates Range	Location	Received
Initial Disclosure of Witnesses and Notice of Imaged Documents	HCI-ID-01-0001 to 0010	Pleadings	4/23/2010

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Initial Disclosure of Witnesses and Notice of Imaged Documents Documents

Document	Bates Range	Location	Received
Deposited Documents	HCI0000001 to 0000120	CD ROM	4/23/2010

Insulpro Projects, Inc. Eric Dobberstein & Associates

E-Filed Documents

Document	Bates Range	Location	Received
1st Notice of Compliance	INSUL-NOC-01-0001 to 0002	Pleadings	4/7/2010
2nd Notice of Compliance	INSUL-NOC-02-0001 to 0002	Pleadings	8/8/2011
4th Notice of Compliance	INSUL-NOC-04-0001 to 0003	Pleadings	2/3/2011

1st Notice of Compliance Documents

Document	Bates Range	Location	Received
Insulpro Projects, Inc.'s Initial List of Witnesses and Documents pursuant to NRCP 16.1 (served on all parties 11/24/09)	INSUL0000001 to 0000132	CD ROM	4/7/2010
Subcontract agreements	INSUL0000133 to 0000236	CD ROM	4/7/2010
Invoices	INSUL0000237 to 0000311	CD ROM	4/7/2010
Payments	INSUL0000312 to 0000322	CD ROM	4/7/2010
Pre-lien notice, 15 day notice, lien and service by certified mail receipts	INSUL0000323 to 0000340	CD ROM	4/7/2010
Change orders	INSUL0000341 to 0000342	CD ROM	4/7/2010
Correspondence	INSUL0000343 to 0000378	CD ROM	4/7/2010
Wrap-up insurance program manual	INSUL0000379 to 0000454	CD ROM	4/7/2010

2nd Notice of Compliance Documents

Document	Bates Range	Location	Received
Fax Bid from Insulpro to APCO Construction c/o Shawn Bowne for Project: Manhattan West - Phase 1 dated February 14, 2008	INSUL0000455 to 0000458	Electronic	8/8/2011
Transmittal cover sheet from Shawn Bowne to Insulpro dated March 4, 2008 with remarks re: 3 copies of contracts	INSUL0000459	Electronic	8/8/2011

4th Notice of Compliance Documents

Document	Bates Range	Location	Received
E-mail correspondence between Insulpro and Apco	INSUL0000636 to 0000662	CD ROM	2/3/2011
E-mail correspondence between Insulpro and Gemstone	INSUL0000663 to 0000667	CD ROM	2/3/2011
Risk Management Assessment	INSUL0000668 to 0000675	CD ROM	2/3/2011
A/R Invoice Inquiry	INSUL0000677	CD ROM	2/3/2011



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Print-Outs from Secretary of State and Nevada Contractor's Board	INSUL0000678 to 0000686	CD ROM	2/3/2011
Fax Confirmation sheets from correspondence between Insulpro and Apco	INSUL0000687 to 0000689	CD ROM	2/3/2011
Manhattan Condos - Phase IV Permit Plan Discrepancies	INSUL0000690 to 0000728	CD ROM	2/3/2011
Pick-Up Delivery Requests	INSUL0000729 to 0000734	CD ROM	2/3/2011
New Job Coversheet	INSUL0000735	CD ROM	2/3/2011
Certificate of General Liability Insurance for period June 30, 2007 to June 30, 2008	INSUL0000736 to 0000737	CD ROM	2/3/2011
Fax Bid dated September 19, 2007	INSUL0000738	CD ROM	2/3/2011
Gemstone and Camco Pacific billing address information	INSUL0000739	CD ROM	2/3/2011
Missing daily's list	INSUL0000740	CD ROM	2/3/2011
Fax machine printout listing of sent and received faxes from May 2008	INSUL0000741	CD ROM	2/3/2011
Fax Cover Sheets	INSUL0000742 to 0000743	CD ROM	2/3/2011
Copy of certified mail envelope received by Insulpro	INSUL0000744	CD ROM	2/3/2011
Contract Analyst Memorandum	INSUL0000745	CD ROM	2/3/2011
Payment Application Fax Confirmation Sheet	INSUL0000746	CD ROM	2/3/2011

Interstate Plumbing and Air Conditioning, LLC

Peel Brimley LLP

E-Filed Documents

Document	Bates Range	Location	Received
Initial Disclosures	IPAC-ID-0001 to 0004	Pleadings	8/31/2016

Initial Disclosures Documents

Document	Bates Range	Location	Received
Interstate hereby produces the following documents: Bates Numbers: IPAC00001 - IPAC00373 and can be accessed using the link below: https://app.box.com/v/InterstatePlumbing	IPAC0000001 to 0000373	Electronic	8/31/2016

National Wood Products, Inc.

E-Filed Documents

Document	Bates Range	Location	Received
First Supplemental Disclosure	NWP-SUPP-01-0001 to 0007	CD ROM	8/13/2007



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Nevada Prefab Engineers, Inc. Jolley, Urga, Woodbury, Holthus & Rose

E-Filed Documents

Document	Bates Range	Location	Received
1st Notice of Deposit		Electronic	
First Supplemental Disclosure Statement	NVPE-DS-S-0001 to 0007	Pleadings	1/18/2017

1st Notice of Deposit Documents

Document	Bates Range	Location	Received
Subcontract Agreement between NV Prefab and APCO dated February 14, 2008	NVPE0000001 to 0000017	Electronic	
General Construction Agreement between APCO and Gemstone Development West dated September 6, 2007	NVPE0000018 to 0000060	Electronic	
Mechanic's Lien Notices, Confirmation of Delivery, and related documents	NVPE0000061 to 0000087	Electronic	
Accounting Information related to APCO	NVPE0000088 to 0000140	Electronic	
Payment Applications, Invoices, Releases related to APCO	NVPE0000141 to 0000197	Electronic	
Correspondence of various dates among Gemstone, APCO, and NV Prefab	NVPE0000198 to 0000271	Electronic	
Ratification Agreement	NVPE0000272 to 0000282	Electronic	
Camco Prelien Documents	NVPE0000283 to 0000303	Electronic	5/8/2018
Accounting and Billing documents related to Camco	NVPE0000304 to 0000318	Electronic	5/8/2018

First Supplemental Disclosure Statement Documents

Document	Bates Range	Location	Received
Additional payment applications, invoices, and backup related to NV Prefab's work on building 2 (APCO)	NVPE0000319 to 0000499	Electronic	1/18/2017
Additional payment applications, invoices, and backup related to NV Prefab's work on building 3 (APCO)	NVPE0000500 to 0000686	Electronic	1/18/2017
Additional payment applications, invoices, and backup related to NV Prefab's work on building 7 (APCO)	NVPE0000687 to 0000951	Electronic	1/18/2017
Additional payment applications, invoices, and backup related to NV Prefab's work on building 8 (APCO)	NVPE0000952 to 0000993	Electronic	1/18/2017
Additional payment applications, invoices, and backup related to NV Prefab's work on building 9 (APCO)	NVPE0000994 to 0001050	Electronic	1/18/2017
Additional payment applications, invoices, and backup related to NV Prefab's work for Camco	NVPE0001051 to 0001230	Electronic	1/18/2017

JA006504

SWPPP Compliance Solutions Peel Brimley LLP

E-Filed Documents

Document	Bates Range	Location	Received
Initial Disclosures	SWPPP-ID-0001 to 0004	Pleadings	8/31/2016

Initial Disclosures Documents

Document	Bates Range	Location	Received
SWPPP hereby produces the following documents: Bates Numbers SWPPP00001 - SWPPP00084 and can be accessed using the link below: https://app.box.com/v/SWPPPCompliance			

Uintah Investments LLC dba Sierra Reinforcing Jolley, Urga, Woodbury, Holthus & Rose

E-Filed Documents

Document	Bates Range	Location	Received
Initial Disclosures	SIERRA-ID-0001 to 0005	Pleadings	8/31/2016
Notice of Compliance	SR-NOC-0001 to 0006	Pleadings	3/20/2012

Notice of Compliance Documents

Document	Bates Range	Location	Received
Sierra Reinforcing Proposal & Contract	SR0000001 to 0000018	CD ROM	3/20/2012
Sierra Reinforcing Change Orders	SR0000019 to 0000066	CD ROM	3/20/2012
Invoice/Credit memos/Payment Applications	SR0000067 to 0000104	CD ROM	3/20/2012
Liens, Notice to Liens	SR0000105 to 0000133	CD ROM	3/20/2012
Proposal and work up	SR0000134 to 0000154	CD ROM	3/20/2012
Notice to Proceed & Subcontract	SR0000155 to 0000174	CD ROM	3/20/2012
Proposal and work up	SR0000175 to 0000190	CD ROM	3/20/2012
Sierra Reinforcing Change Orders	SR0000191 to 0000325	CD ROM	3/20/2012
Invoice/Credit Memos/Payment Applications/Releases	SR0000326 to 0000402	CD ROM	3/20/2012
Notices of Lien and Certified Mail backup	SR0000403 to 0000440	CD ROM	3/20/2012
Correspondence/Insurance Information	SR0000441 to 0000521	CD ROM	3/20/2012

Initial Disclosures Documents

Document	Bates Range	Location	Received
Sierra Reinforcing Proposal dated September 13, 2007	SIERRA0000001 to 0000001	Electronic	8/31/2016



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Subcontract Agreement between Uintah Investments, LLC dba Sierra Reinforcing and APCO Construction dated April 17, 2007	SIERRA0000002 to 0000019	Electronic	8/31/2016
Change Orders Documentation	SIERRA0000020 to 0000067	Electronic	8/31/2016
Invoice Register	SIERRA0000068 to 0000068	Electronic	8/31/2016
Credit Memos, Invoices and Applications for Payment	SIERRA0000069 to 0000077	Electronic	8/31/2016
Email from APCO Construction to Sierra dated July 18, 2008	SIERRA0000078 to 0000078	Electronic	8/31/2016
Invoices, Applications for Payment and Copies of Payment Checks	SIERRA0000079 to 0000105	Electronic	8/31/2016
Lien Documentation	SIERRA0000106 to 0000116	Electronic	8/31/2016
Various letters and notices from APCO Construction	SIERRA0000117 to 0000125	Electronic	8/31/2016
Fifteen Day Notice of Intent to Lien	SIERRA0000126 to 0000127	Electronic	8/31/2016
Additional letters and notices from APCO Construction	SIERRA0000128 to 0000133	Electronic	8/31/2016
Notice of Right to Lien and Request for Receipt of Notice of Completion	SIERRA0000134 to 0000134	Electronic	8/31/2016

United Subcontractors, Inc Dba Skyline Insulation

Bennett, Tueller, Johnson & Deere

E-Filed Documents

Document	Bates Range	Location	Received
Supplemental Initial Witness List and Documents Disclosure	SKY-ID-S-0001 to 0005	Pleadings	2/18/2011
Notice of Compliance	SKY-NOC-0001 to 0002	Pleadings	3/16/2012

Supplemental Initial witness List and Document Disclosure Documents

Document	Bates Range	Location	Received
Contracts, correspondence, notices, invoices, statements, payment applications, job reports and lien documentation relating to work done under contract with Apco Construction	SKYAP0000001 to 0000090	Electronic	2/18/2011
Contracts, correspondence, notices, invoices, statements, payment application, job reports, and lien documentation relating to work done under contract with Camco Construction	SKYCAM0000001 to 0000085	Electronic	2/18/2011

Zitting Brothers Construction

Wilson Elser Moskowitz Edelman & Dicker LLP



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E-Filed Documents

Document	Bates Range	Location	Received
Initial Early Case Conference List of Witnesses and Identification of Documents	ZBC-NOC-01-0001 to 0006	Pleadings	4/9/2010
Initial List of Witnesses and Production of Documents	ZBIC-ILW-IPOD-0001 to 0019	Pleadings	8/31/2016

Initial Early Case Conference List of Witnesses and Identification of Documents Documents

Document	Bates Range	Location	Received
Subcontract agreement	ZBC0000001 to 0000024	CD ROM	4/9/2010
Unconditional waiver and release upon final payment	ZBC0000025 to 0000167	CD ROM	4/9/2010
State of Nevada Contractor License, outstanding work orders and extras, correspondence, changes in plans, bids, WRAP insurance program manual, continuation sheet, E-mails, and other miscellaneous job file documents	ZBC0000168 to 0000296	CD ROM	4/9/2010
Plans/diagrams/drawings/specifications	ZBC0000297 to 0000342	CD ROM	4/9/2010
Payroll report	ZBC0000343 to 0000847	CD ROM	4/9/2010
Photographs of project	ZBC0000848 to 0000976	CD ROM	4/9/2010
Daily log	ZBC0000977 to 0001077	CD ROM	4/9/2010
Notice of Right to Lien	ZBC0001078 to 0001080	CD ROM	4/9/2010
Notice of Intent to Lien	ZBC0001081 to 0001089	CD ROM	4/9/2010
Notice of Lien	ZBC0001090 to 0001097	CD ROM	4/9/2010
Notice of Lis Pendens	ZBC0001098 to 0001099	CD ROM	4/9/2010
Affidavit of Publication	ZBC0001100 to 0001101	CD ROM	4/9/2010
Amended Notice of Lien	ZBC0001102 to 0001111	CD ROM	4/9/2010
Statement of account and invoicing	ZBC0001112 to 0001166	CD ROM	4/9/2010
Checks	ZBC0001167 to 0001176	CD ROM	4/9/2010
Change Orders	ZBC0001177 to 0001223	CD ROM	4/9/2010

Initial List of Witnesses and Production of Documents Documents

Document	Bates Range	Location	Received
Jeffrey J. Steffen letter to Lien Claimants regarding Sale of Manhattan West Property, dated May 24, 2012	ZBCI0000001 to 0000033	Electronic	8/31/2016
Christina M. Mamer letter to Mechanic's Lien Claimants, dated February 23, 2012	ZBCI0000034 to 0000045	Electronic	8/31/2016
Zitting Brothers Construction Change Order for \$14,777,065.55 regarding Manhattan West project, dated November 18, 2008	ZBCI0000046 to 0000046	Electronic	8/31/2016
J. Randall Jones letter to Lien Claimants regarding expiration date of building permits for Sale of Manahattan West Property, dated April 25, 2012	ZBCI0000047 to 0000051	Electronic	8/31/2016

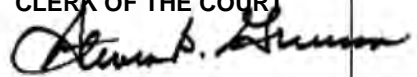


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J. Randall Jones letter to Lien Claimants regarding Letters of Intent received from Scott Financial, dated April 3, 2012	ZBCI0000052 to 0000066	Electronic	8/31/2016
Certificate of Liability Insurance, dated April 8, 2005	ZBCI0000067 to 0000067	Electronic	8/31/2016
Email correspondence regarding items needed for closing on Manhattan West, dated April 27, 2012	ZBCI0000068 to 0000072	Electronic	8/31/2016
Email correspondence regarding Manhattan West For Sale Press Release	ZBCI0000073 to 0000079	Electronic	8/31/2016
Email correspondence with partially executed Exclusive Sales Brokerage & Listing Agreement between Grubb & Ellis Company and Gemstone Development West, Inc. and Scott Financial regarding Manhattan West dated April 23, 2012	ZBCI0000080 to 0000088	Electronic	8/31/2016



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Henderson, NV 89074-6571
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rpeel@peelbrimley.com
Attorneys for Helix Electric of Nevada LLC

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

**HELIX ELECTRIC OF NEVADA,
LLC'S MOTION TO RETAX COSTS
RE: DEFENDANT APCO
CONSTRUCTION'S MEMORANDUM
OF COSTS AND DISBURSEMENTS**

Helix Electric of Nevada, LLC ("Helix") by and through its counsel of record, the
law firm of PEEL BRIMLEY LLP, hereby respectfully submits its Motion to Retax Costs
re: Defendant APCO Construction's ("APCO") Memorandum of Costs and Disbursements.

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///

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

This Motion to Retax Costs is made and based on the points and authorities provided below, the papers and pleadings on file herein, and any oral argument to be heard by this Court at the hearing on this matter.

Respectfully submitted this 8th day of May, 2018.

PEEL BRIMLEY LLP

 BAL 12723 FOR

ERIC B. ZIMBELMAN,
Nevada Bar No. 9407
RICHARD L. PEEL, ESQ.
Nevada Bar No. 4359
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rpeel@peelbrimley.com
Attorneys for Helix Electric of Nevada LLC

NOTICE OF MOTION

TO: ALL PARTIES AND THEIR ATTORNEYS OF RECORD

YOU AND EACH OF YOU WILL PLEASE TAKE NOTICE that the undersigned will bring the attached **MOTION TO RETAX COSTS** on for hearing before the Court on the 11 day of **JUNE**, 2018, at 9:00A a.m./p.m., or as soon thereafter as counsel may be heard.

Dated this ____ day of May, 2018.

PEEL BRIMLEY LLP

 BAL 12723 FOR

ERIC B. ZIMBELMAN,
Nevada Bar No. 9407
RICHARD L. PEEL, ESQ.
Nevada Bar No. 4359
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ezimbelman@peelbrimley.com
rpeel@peelbrimley.com
Attorneys for Helix Electric of Nevada LLC

1 MEMORANDUM OF POINTS AND AUTHORITIES

2 **I. STATEMENT OF FACTS**

3 APCO filed its Memorandum of Costs pursuant to NRS 18.110 on May 3, 2018 (see
4 pleadings on file herein). As more fully discussed below, APCO's Memorandum of Costs (i)
5 fails to provide proper, actual documentation of the costs incurred, (ii) includes amounts
6 incurred for categories of costs which are not properly included in a memorandum of costs
7 (including attorney's fees and alleged audit costs in an unrelated administrative/licensing
8 proceeding), and (iii) includes costs that are unreasonable on their face.

9 For the reasons set forth below, the costs requested in the Memorandum of Costs do not
10 meet the statutorily defined criteria and therefore all of the costs requested should be denied in
11 their entirety.

12 **II. LEGAL ARGUMENT**

13 **A. THE MEMORANDUM OF COSTS FAILS TO PROVIDE PROPER,**
14 **ACTUAL DOCUMENTATION THAT THE COSTS WERE INCURRED**
15 **AND WERE REASONABLE AND NECESSARY. THEREFORE, ALL OF**
16 **THE COSTS REQUESTED MUST BE DENIED.**

17 The Nevada Supreme Court has held that costs must be reasonable, necessary, and
18 actually incurred." *Cadle Co. v. Woods & Erickson, LLP*, 131 Nev. Adv. Op. 15, 345 P.3d
19 1049, 1054 (Nev. 2015). Importantly, a party must "demonstrate how such [claimed costs] were
20 necessary to and incurred in the present action." 345 P.3d at 1054 citing *Bobby Berosini, Ltd. v.*
PETA, 114 Nev. 1348 (1998).

21 The term "justifying documentation" must mean something more than a memorandum
22 of costs. *Cadle Co.*, 345 P.3d at 1054. In order to retax costs upon motion of the parties
23 pursuant to NRS 18.110, a district court must have before it evidence that the costs were
24 reasonable, necessary and actually incurred. *Id.* citing *Gibellini v. Klindt*, 110 Nev. 1201 (1994)
25 at 1206, 885 P.2d 540, 543. When a prevailing party requests an item of costs, the actual cost
26 must be properly documented; otherwise, the Court is unable to determine, as a matter of law,
27 whether the cost is both necessary and reasonable. *Bobby Berosini, Ltd.*, at 1353. In fact, a
28 Court that awards costs without sufficient supporting documentation abuses its discretion, and

1 the award of costs will be vacated on appeal. *Id.*

2 Because the district court in *Cadle Co.* lacked sufficient justifying documentation to
3 support the award of costs for photocopies, runner service and deposition transcripts, the
4 Nevada Supreme Court found that the district court erred in awarding those costs because no
5 evidence was presented showing that those costs were reasonable, necessary and actually
6 incurred.

7 In the instant matter, the Court also lacks sufficient justifying documentation to support
8 the award of costs for any of the costs in APCO's Memorandum of Costs. This alone is
9 sufficient grounds for rejecting APCO's Memorandum of Costs in its entirety.

10 As more specifically discussed below, APCO cannot, as a matter of law, recover the
11 costs specified in its Verified Memorandum of Costs ("Memorandum of Costs").

12 **B. APCO FAILED TO PROVE ITS ALLEGED COSTS WERE**
13 **REASONABLE AND NECESSARY.**

14 A request for a cost must be denied when the party requesting the cost fails to meet its
15 burden to prove those costs were reasonable and necessary. The Nevada Supreme Court has
16 held that a district court abused its discretion because it granted an award of costs based upon
17 the prevailing party's submission of itemized materials that did not show how the costs "were
18 necessary to and incurred in the present action." *Bobby Berosini, Ltd. v. PETA*, 114 Nev. 1348,
19 1352, 971 P.2d 383, 386 (1998).

20 Under *Bobby Berosini, Ltd.*, simply providing a line item list is insufficient. *Id.* Rather,
21 requesting parties must detail why each cost was reasonable and necessary for the action. *Id.*
22 That is, it is not enough to show the cost was helpful, rather it must show that it was necessary.
23 *Id.*

24 Justifying documentation is a threshold requirement; only after such documentation is
25 provided can the district court determine if the costs are reasonable. In *Village Builders 96 v. US*
26 *Laboratories*, 121 Nev. 261, 112 P.3d 1082 (2005), the Nevada Supreme Court reversed a
27 district court's order awarding costs to defendant US Laboratories. US Laboratories had
28 submitted itemized costs and argued that "[t]hose moving for costs should not be required to

1 provide justifying documentation for each copy made or each call placed to substantiate the
2 reason for the copy or call when the overall amount is obviously reasonable." Id. at 112 P.3d
3 1093, 121 Nev. 277-78. The Court found this argument unpersuasive and held that such
4 documentation is precisely what is required under Nevada law to ensure that the costs awarded
5 are only those costs actually incurred. Once such documentation is provided, it is then up to the
6 district court to determine if the amount spent is reasonable. Accordingly, the Nevada Supreme
7 Court found that the district court improperly awarded costs.

8 *Cadle Co. and Bobby Berosini, Ltd.* are precisely on point with the instant matter. Here,
9 APCO's Memorandum of Costs merely lists costs purportedly incurred by Spencer Fane, LLP
10 and Marquis Aurbach Coffing without providing any documentation showing that those costs
11 were "reasonable, necessary and actually incurred".

12 Moreover, APCO arbitrarily "splits" various costs between Helix and Plaintiff in
13 Intervention, National Wood, without citing either authority allowing it to do so or providing
14 any explanation or justification for doing so. As this Court is aware, there were at one time
15 dozens of parties asserting claims against APCO. APCO has identified no basis for seeking
16 recovery of all of its costs as against the two parties who stayed the course through trial.

17 *In the Matter of Dish Network*, 401 P.3d 1081 (2017), the Nevada Supreme Court held
18 that "justifying documentation" required to demonstrate how claimed costs were necessary to
19 and incurred in an action means something more than just a memorandum of costs. Moreover,
20 in *Dish Network*, the court held that even providing invoices for the cost of teleconferences
21 claimed in a moving party's memorandum of costs was not sufficient to support an award of
22 costs because the documentation did not demonstrate how such fees were reasonable and
23 necessary. 401 P.3d at 1083.

24 Because the Memorandum of Costs fails to provide proper, actual documentation that
25 the costs were incurred and that the costs were reasonable and necessary, all of the costs in the
26 Memorandum of Costs must be denied.

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C. **APCO SEEKS CATEGORIES OF COSTS THAT ARE NOT PERMITTED BY STATUTE.**

NRS 18.005 provides for the recovery of the following costs:

1. Clerks' fees.
2. Reporters' fees for depositions, including a reporter's fee for one copy of each deposition.
3. Jurors' fees and expenses, together with reasonable compensation of an officer appointed to act in accordance with NRS 16.120.
4. Fees for witnesses at trial, pretrial hearings and deposing witnesses, unless the court finds that the witness was called at the instance of the prevailing party without reason or necessity.
5. Reasonable fees of not more than five expert witnesses in an amount of not more than \$1,500 for each witness, unless the court allows a larger fee after determining that the circumstances surrounding the expert's testimony were of such necessity as to require the larger fee.
6. Reasonable fees of necessary interpreters.
7. The fee of any sheriff or licensed process server for the delivery or service of any summons or subpoena used in the action, unless the court determines that the service was not necessary.
8. Compensation for the official reporter or reporter pro tempore.
9. Reasonable costs for any bond or undertaking required as part of the action.
10. Fees of a court bailiff or deputy marshal who was required to work overtime.
11. Reasonable costs for telecopies.
12. Reasonable costs for photocopies.
13. Reasonable costs for long distance telephone calls.
14. Reasonable costs for postage.
15. Reasonable costs for travel and lodging incurred taking depositions and conducting discovery.
16. Fees charged pursuant to NRS 19.0335.
17. Any other reasonable and necessary expense incurred in connection with the action, including reasonable and necessary expenses for computerized services for legal research.

Here, APCO seeks, and should be denied, costs that are not allowed by NRS 18.110, discussed as more fully below.

1. APCO is not entitled Contractors Board audit expenses.

APCO seeks \$10,500.00 from Helix with respect to an alleged "January 26, 2010 Nevada State Contractor Board required audit of APCO's finances, ordered as a result of Helix's claims against APCO in this matter." Obviously, the costs of an administrative audit by a licensing board is not recognized as a recoverable cost under NRS 18.005. This "cost" item

1 should therefore be rejected without further analysis.

2 In addition, APCO provides absolutely no support for its contention that an
3 administrative audit conducted by the applicable licensing board was “ordered as a result of
4 Helix’s claims against APCO.” APCO also provides no back-up for the amount sought and it is
5 therefore impossible to know whether these alleged costs are, in fact, attorney’s fees and on
6 such grounds also not recoverable. This claim for costs is patently ridiculous and should be
7 denied.

8 2. APCO is not entitled to “litigation support costs.”

9 APCO seeks \$699.00¹ for vague and undefined “litigation support costs.” Costs incurred
10 from others whose labor contributes to the work product for which an attorney bills their client
11 should be included in a motion for attorneys’ fees, not in a memorandum of costs. *LVMPD v.*
12 *Yeghiazarian* at 312 P.3d 509-510. Moreover, because APCO did not provide any
13 documentation that these costs were actually incurred, reasonable and necessary, the \$699.00 in
14 litigation support costs must be denied.

15 3. APCO is not entitled to “professional services” as costs.

16 APCO seeks \$1,275.00 for “professional services” from the law firm of Larson &
17 Zirzow. To Helix’s knowledge, Larson & Zirzow’s only participation in this proceeding was to
18 appear uninvited at a mediation to attempt to scare the lien claimants into believing APCO
19 intended to file for bankruptcy as a means of coercing a settlement. In any event, these “costs”
20 are in fact attorney’s fees (though wholly unrelated to APCO’s defense of Helix’s claims in the
21 litigation) and are not recoverable as costs. *LVMPD v. Yeghiazarian* at 312 P.3d 509-510.

22 4. APCO is not entitled to “litigation support costs.”

23 APCO seeks \$250.00 for “county bond (filling)” (sic), apparently pursuant to NRS
24 18.005(9), APCO has provided no documentary evidence that the “County Bond” listed was a
25 “bond or undertaking required as part of the action.” Moreover, because APCO did not provide
26 any documentation that these costs were actually incurred, reasonable and necessary, the
27 \$250.00 County Bond filing fee must be denied.

28 ¹ Amounts identified refer to amounts APCO seeks from Helix, exclusive of amounts sought from national Woos.

1 5. APCO is not entitled to messenger fees.

2 APCO seeks costs of \$995.64 for messenger fees (see Memorandum of Costs, p.2:2-3),
3 which are not identified as recoverable costs in NRS 18.005. Messenger fees should be included
4 in a motion for attorneys' fees, not in a memorandum of costs (see *LVMPD v. Yeghiazarian*,
5 312 P.3d 503, 510, 129 Nev. 760, 769 (2013)). Moreover, because APCO did not provide any
6 documentation that these costs were actually incurred, reasonable and necessary the \$994.64 in
7 messenger fees must be denied.

8 6. APCO is not entitled to Secretary of State costs

9 APCO also seeks \$87.50 in unexplained Secretary of State costs. Such expenses are not
10 defined as a "cost" permitted in a memorandum of costs (see NRS 18.005, "Costs" defined.)
11 Moreover, because APCO did not provide any documentation that these costs were actually
12 incurred, reasonable and necessary the \$87.50 in Secretary of State costs must be denied.

13 7. APCO is not entitled to scanning costs.

14 APCO seeks costs of \$313.75 for "scanning." Scanning costs are not defined as a "cost"
15 permitted in a memorandum of costs (see NRS 18.005, "Costs" defined.) Moreover, since
16 APCO did not provide any documentation that these costs were actually incurred, reasonable
17 and necessary the \$313.75 in scanning costs must be denied.

18 8. APCO is not entitled to "Westlaw Research" or "computerized services for legal
19 research."

20 Notwithstanding NRS 18.005(17) ("expenses for computerized services for legal
21 research"), the Nevada Supreme Court has rejected fees paid for Westlaw and other legal
22 research activity on the grounds that "the expense is more closely related to the attorney's fee
23 than to the kinds of recoverable costs defined in NRS 18.005." *Gibellini v. Klindt*, 110 Nev. at
24 1204. The \$726.97 (APCO) and \$1,790.00 (Spencer Fane) APCO seeks in computerized legal
25 research costs must be denied.

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1 9. APCO is not entitled to travel and lodging costs.

2 While NRS 108.005(15) allows “reasonable costs for travel and lodging incurred taking
3 depositions and conducting discovery,” APCO has provided no support for the necessity of such
4 costs, if actually incurred, and no documentation that these costs were actually incurred. The
5 undersigned is aware of no depositions or discovery that was conducted out of state. Further,
6 because the costs are listed as an expense of APCO’s co-trial counsel, Spencer Fane, it is
7 presumed that such costs were incurred by lawyers for that firm. Moreover, since Spencer Fane
8 did not appear in this action until after discovery had concluded, that firm did not participate in
9 “taking depositions and conducting discovery” and such costs are therefore presumed to be
10 lodging and travel for counsel during trial.

11 While APCO is certainly entitled to hire counsel of its choosing, its decision to add
12 Arizona-based counsel to its trial team (on top of the attorneys at the local law firms of Howard
13 & Howard and Marquis Aurbach) does not mean that Helix should be obligated to pay the
14 lodging and travel costs of such out-of-state attorneys. Again, and as with all of APCO’s alleged
15 costs, APCO fails to provide any documentation to support the actual costs incurred. The
16 \$4,336.31 in travel and lodging expenses APCO seeks should be denied.

17 **D. APCO SEEKS COSTS THAT ARE UNREASONABLE.**

18 Some of the costs APCO seeks, in addition to being unsupported and unexplained, are
19 unreasonable on their face. Specifically, but without limitation, APCO seeks \$14,346.31 for
20 photocopies (allegedly incurred by Spencer Fane) and \$3,462.00 for “copies” (allegedly
21 incurred by APCO. While reasonable costs for photocopies are allowed by NRS 18.005(12), the
22 amount sought (more than \$17,000 from Helix and the same from National Wood) is
23 unreasonable on its face – i.e., more than \$35,000 in total copying expenses! APCO has made
24 no effort to explain how such an exorbitant cost could be justified, much less why it is taxable
25 as a cost to Helix. Having failed to provide any documentation that these costs were actually
26 incurred, reasonable and necessary the \$14,346.31 in photocopy and reproduction costs must be
27 denied.

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E. APCO MUST JUSTIFY REMAINING COSTS

As set forth above and as required by the Nevada Supreme Court, APCO must still justify all of the costs not otherwise specifically discussed herein. *See Bobby Berosini, Ltd.*, at 1353 (actual cost must be properly documented; otherwise, the Court is unable to determine, as a matter of law, whether the cost is both necessary and reasonable). Having failed to do so, APCO's request for costs must be denied. At a bare minimum, APCO must justify, explain and document these expenses and Helix must be given an opportunity to evaluate and, where appropriate, raise objections to the same.

III. CONCLUSION

Based on the foregoing, APCO respectfully requests that the Court deny APCO's request for costs in its entirety or, for the specific reasons identified herein, reject or reduce specific cost items. APCO's Memorandum of Costs should be re-taxed as discussed herein.

Respectfully submitted this 8th day of May, 2018.

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 BAC 12723
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CERTIFICATE OF SERVICE

Pursuant to Nev. R. Civ. P. 5(b), I certify that I am an employee of PEEL BRIMLEY LLP and that on this 8th day of May 2018, I caused the above and foregoing document entitled **HELIX ELECTRIC OF NEVADA, LLC'S MOTION TO RETAX COSTS RE: DEFENDANT APCO CONSTRUCTION'S MEMORANDUM OF COSTS AND DISBURSEMENTS** 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 to the party(ies) and/or attorney(s) listed below; and/or
- ☒ to registered parties via Wiznet, the Court's electronic filing system;
- ☐ pursuant to EDCR 7.26, to be sent **via facsimile**;
- ☐ to be hand-delivered; and/or
- ☐ other _____

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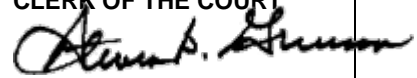
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DISTRICT COURT
CLARK COUNTY, NEVADA

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. : 08A571228

Dept. No. : XIII

Consolidated with:

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

NOTICE OF ENTRY OF JUDGMENT

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NOTICE OF ENTRY OF JUDGMENT

PLEASE TAKE NOTICE that a **JUDGMENT [AS TO THE CLAIMS OF HELIX ELECTRIC OF NEVADA, LLC AGAINST CAMCO CONSTRUCTION CO., INC.]** was filed on **May 30, 2018**, a copy of which is attached as Exhibit A.

DATED this 31st day of May, 2018.

PEEL BRIMLEY LLP

/S/ Eric B Zimbelman

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Attorneys for Helix Electric of Nevada LLC

CERTIFICATE OF SERVICE

Pursuant to Nev. R. Civ. P. 5(b), I certify that I am an employee of **PEEL BRIMLEY, LLP**, and that on this 31st day of May, 2018, I caused the above and foregoing document, **NOTICE OF ENTRY OF JUDGMENT** 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 _____

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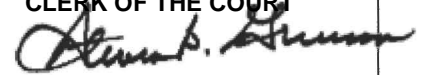
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/s/ Amanda Armstrong

An employee of **PEEL BRIMLEY, LLP**

Exhibit A



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Attorneys for Helix Electric of Nevada, LLC

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

JUDGMENT

**[AS TO THE CLAIMS OF HELIX
ELECTRIC OF NEVADA, LLC
AGAINST CAMCO CONSTRUCTION
CO., INC.]**

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

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DISTRICT COURT DEPT. 13

JA006528

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

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

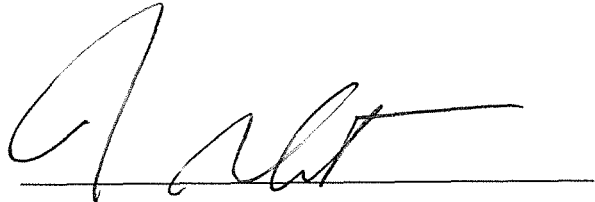
7 The Court having entered its April 26, 2018 Findings of Fact and Conclusions of Law
8 as to the Claims of Helix against Camco, incorporated herein by this reference and attached
9 hereto as Exhibit 1 ("the Helix FFCL");

10 The Court enters the following Judgment as to the claims of Helix against Camco;

11 IT IS ORDERED, ADJUDGED, AND DECREED that judgment is to be entered in
12 favor of Helix and against Camco as set forth on the Helix FFCL.

13 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Court may
14 issue an amended judgment after the Court has heard and decided upon Helix's Motion for
15 Attorney's Fees, Costs and Interest Against Camco currently pending before the Court.

16 Dated this 29th day of May 2018.

17
18
19 

20 DISTRICT COURT JUDGE

21 Respectfully submitted by:

22 **PEEL BRIMLEY LLP**

23  #11776 for
24 ERIC B. ZIMBELMAN,

25 Nevada Bar No. 9407

26 RICHARD L. PEEL, ESQ.

27 Nevada Bar No. 4359

28 3333 E. Serene Avenue, Suite 200

Henderson, NV 89074-6571

Attorneys for Helix Electric of Nevada, LLC

EXHIBIT 1

JA006530

Steven D. Grierson

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

**FINDINGS OF FACT AND
CONCLUSIONS OF LAW AS TO THE
CLAIMS OF HELIX ELECTRIC OF
NEVADA, LLC AGAINST CAMCO
PACIFIC CONSTRUCTION, INC.**

This matter came on for trial on January 17-19, 23-24, 31 and February 6, 2018,
before the Honorable Mark Denton in Dept. 13, and the following parties having appeared
through the following counsel:

<u>Party</u>	<u>Counsel for Party</u>
Apco Construction Co., Inc. ("Apco")	John Randall Jeffries, Esq. and Mary E. Bacon, Esq. of the Law Firm of Spencer Fane LLP
Camco Pacific Construction Co., Inc. ("Camco")	Steven L. Morris, Esq. of the Law Firm of the Law Firm of Grant Morris Dodds
Helix Electric of Nevada, LLC ("Helix")	Eric Zimbelman, Esq. and the Law Firm of Peel Brimley LLP
Heinaman Contract Glazing, Inc. ("Heinaman")	Eric Zimbelman, Esq. and the Law Firm of Peel Brimley LLP
Fast Glass, Inc. ("Fast Glass")	Eric Zimbelman, Esq. and the Law Firm of Peel Brimley LLP

CLERK OF THE COURT

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MARK R. DENTON
DISTRICT JUDGE

DEPARTMENT THIRTEEN
LAS VEGAS, NV 89155

JA006531

Case Number: 08A571228

Cactus Rose Construction Co., Inc. ("Cactus Rose")	Eric Zimbelman, Esq. and the Law Firm of Peel Brimley LLP
SWPPP Compliance Solutions, Inc. ("SWPPP")	Eric Zimbelman, Esq. and the Law Firm of Peel Brimley LLP
National Wood Products, LLC ("National Wood")	John B. Taylor, Esq. of the Law Firm of Cadden & Fuller LLP
E&E Fire Protection, LLC ("E&E").	T. James Truman, Esq. of the Law Firm of T. James Truman, & Associates

A. Procedural History.

1. This is one of the oldest cases on the Court's docket. This action arises out of a construction project in Las Vegas, Nevada known as the Manhattan West Condominiums Project ("the Project") located at West Russell Road and Rocky Hill Street in Clark County Nevada, APNs 163-32-101-003 through 163-32-101-005, 163-32-101-010 and 163-32-101-014 (the "Property" and/or "Project"), owned by Gemstone Development West, Inc. ("Gemstone" or "the Owner").

2. Gemstone hired APCO, and, subsequently, Camco as its general contractors, who in turn entered into subcontract agreements with various subcontractors. In December 2008 the Owner suspended the Project and advised the various contractors that Gemstone's lender did not expect to disburse further funds for construction. The Project was never completed. Numerous contractors, including the parties hereto, recorded mechanic's liens against the Property.

3. After several years of litigation and a Writ Action to determine the priority of the various lienors (during which the Property was sold, the proceeds of the same held in a blocked account and this action was stayed), the Nevada Supreme Court ruled that the Owner's lenders had priority over the proceeds of the sale of the Property, holding that the NRS Ch. 108 mechanic's liens were junior to the lenders' deeds of trust. The Court subsequently ordered the proceeds be released to the lenders. Thereafter, the stay was lifted and many of the trade contractors continued to pursue claims for non-payment from

1 APCO and Camco. The trial focused on these claims. The Court has separately treated
2 Helix's claims against APCO and has made or is making separate Findings of Fact and
3 Conclusions of Law regarding the same.

4 **B. Significant Pre-Trial Orders**

5 1. **Order Granting Partial Summary Judgment re: Pay-if-Paid.** On
6 January 2, 2018, this Court issued an Order granting a Motion for Partial Summary
7 Judgment brought by a group of subcontractors represented by the Peel Brimley Law Firm
8 (the "Peel Brimley Lien Claimants"¹) and joined in by others. Generally, but without
9 limitation, the Court concluded that, pursuant to NRS 624.624 and *Lehrer McGovern*
10 *Bovis, Inc. v. Bullock Insulation, Inc.*, 124 Nev. 1102, 1117-18, 197 P.3d 1032, 1042 (Nev.
11 2008), higher-tiered contractors, such as APCO and Camco, are required to pay their
12 lower-tiered subcontractors within the time periods set forth in NRS 624.626(1) and may
13 not fail to make such payment based on so-called "pay-if-paid" agreements ("Pay-if-Paid")
14 that are against public policy, void and unenforceable except under limited circumstances.
15 Accordingly, the Court ruled that APCO and Camco may not assert or rely on a defense to
16 their payment obligations to the party subcontractors that is based on a pay-if-paid
17 agreement.

18 2. **Order on Peel Brimley Lien Claimants' Motion in Limine Against**
19 **Camco.** On December 29, 2017 the Court issued an order on motions *in limine* brought by
20 the Peel Brimley Lien Claimants Against Camco. Specifically, the Court precluded Camco
21 from asserting or offering evidence that any of the Peel Brimley Lien Claimants' work on
22 the Project was (i) defective, (ii) not done in a workmanlike manner or (iii) not done in
23 compliance with the terms of the parties' agreement because Camco's person most
24 knowledgeable was not aware of, and Camco did not otherwise offer, any evidence to
25 support such claims. For the same reason, the Court also precluded Camco from asserting
26 or offering evidence at trial that the Peel Brimley Lien Claimants have breached their

27
28 ¹ The Peel Brimley Lien Claimants are: Helix, Heinaman, Fast Glass, Cactus Rose and SWPPP.

1 agreements other than with respect to pay-if-paid agreements, evidence and argument of
2 which is otherwise precluded by the Partial Summary Judgment discussed above. For the
3 same reason, the Court also precluded Camco from asserting or offering evidence at trial to
4 dispute the amounts invoiced, paid and that remain to be owed as asserted by the Peel
5 Brimley Lien Claimants in their respective Requests for Admission. For the same reason,
6 the Court also precluded Camco from asserting or offering evidence at trial that any liens
7 recorded by the Peel Brimley Lien Claimants were in any way defective or unperfected
8 and are otherwise valid and enforceable.

9 **C. Findings of Fact.**

10 Having received evidence and having heard argument of counsel, the Court makes
11 the following Findings of Fact:

12 1. The original general contractor on the Project was APCO. Gemstone and
13 APCO entered into the ManhattanWest General Construction Agreement for GMP (the
14 "APCO-Gemstone Agreement") on or about September 6, 2006. [See Exhibit 2].

15 2. After APCO ceased work on the Project, Gemstone hired Camco to be its
16 general contractor pursuant to an Amended and Restated ManhattanWest General
17 Construction Agreement effective as of August 25, 2008 ("the Camco-Gemstone
18 Agreement"). [See Exhibit 162].

19 3. Camco continued the same payment application format and numbering and
20 same schedule of values that APCO had been following. [See Exhibit 218; TR5-30:21-
21 31:4].² Like APCO before it, Camco compiled and included in its payment applications to
22 Gemstone the amounts billed by its subcontractors, including Helix. [See e.g., Exhibit
23 522-001-011]. Also like the APCO-Gemstone Agreement, the Camco-Gemstone
24 Agreement required Camco, upon receipt of a progress payment from Gemstone, to
25 "promptly pay each [subcontractor] the amount represented by the portion of the
26 Percentage of the Work Completed that was completed by such [subcontractor]." [Ex. 162-
27

28 ² Testimony of Dave Parry.

1 010, ¶7.03(e)].³ It is only after Gemstone announced that the Project would be suspended
2 that Camco asserted otherwise.

3 4. Camco's initial letter to subcontractors following Gemstone's
4 announcement demonstrates both that it believed it had subcontracts (because it purported
5 to terminate the same) and that it intended to continue to forward payment applications to
6 Gemstone. [See e.g., Exhibit 804-003-004]. Specifically, Camco wrote:

7 Camco is left with no choice but to terminate our agreement with Gemstone
8 and all subcontracts on the Project, including our agreement with your
9 company. Accordingly, we have terminated for cause our agreement with
10 Gemstone, effective December 19, 2008, and we hereby terminate for
11 convenience our subcontract with your company, effective immediately.

12 Please submit to Camco all amounts you believe are due and owing on your
13 subcontract. We will review and advise you of any issues regarding any
14 amounts you claim are owed. For all amounts that should properly be billed to
15 Gemstone, Camco will forward to Gemstone such amounts for payment y
16 Gemstone. If your claims appear to be excessive, we will ask you to justify
17 and/or revise the amount.

18 [See e.g., Ex. 804-003-004].

19 5. Camco quickly retracted its initial communication and replaced it with a
20 second letter [See e.g., Ex. 804-005-007] asking the subcontractors to "please disregard
21 previous letter which was sent in error." [See e.g., Ex. 804-005]. Among other things,
22 Camco's second letter:

- 23 • Deleted its statement that it had terminated the Camco-Gemstone
24 Agreement (while continuing to terminate the subcontractors);
- 25 • Asserts that the subcontractors agreed to Pay-if-Paid and accepted the risk
26 of non-payment from the owner (which is also Pay-if-Paid); and,
- 27 • Stated, inaccurately, that "Camco's contract with Gemstone is a cost-plus
28 agreement wherein the subcontractors and suppliers were paid directly by
Gemstone and/or its agent Nevada Construction Services." [See e.g., Ex.

³ Unlike APCO and the subcontractors, no retention was to be withheld from the contractor's fee to be paid to Camco (though retention continued to be withheld from subcontractors). [Ex. 162-010, ¶7.03(a)].

1 804-007].

2 While Gemstone eventually did make partial payment through NCS and not Camco [see
3 discussion, *infra*], the Camco-Gemstone Agreement expressly required Camco, upon
4 receipt of a progress payment from Gemstone, to "promptly pay each [subcontractor] the
5 amount represented by the portion of the Percentage of the Work Completed that was
6 completed by such [subcontractor]." [Ex. 162-010, ¶7.03(e)].

7 6. Some subcontractors stopped working after APCO left the Project. Others,
8 such as Helix, continued to work on the Project and began working for Camco as the
9 general contractor. Others, such as Heinaman, Fast Glass, Cactus Rose and SWPPP started
10 working on the Project only after APCO left and worked only for Camco.

11 7. Camco presented some subcontractors with a standard form subcontract
12 Agreement ("the Camco Subcontract"), a representative example of which is Camco's
13 subcontract with Fast Glass. [See Exhibit 801-007-040; TR5-57:8-16].⁴ Among other
14 provisions, the Camco Subcontract (consistent with the Camco-Gemstone Agreement),
15 requires Camco, no later than 10 days after receiving payment from Gemstone in response
16 to its payment applications, to "pay to Subcontractor, in monthly progress payments, 90%⁵
17 of labor and materials placed in position by Subcontractor during [the month preceding a
18 payment application]." [See Ex. 701-012, ¶ II(C)].

19 8. Despite and contrary to the payment provisions of the Camco-Gemstone
20 Agreement [see *supra* and Ex. 162-010, ¶7.03(e)] and the Camco Subcontract [See Ex.
21 701-012, ¶ II(C)], no monies were ever distributed to the subcontractors through Camco.
22 Instead, and until it ceased making payments, Gemstone released funds to NCS, which
23 issued checks "on behalf of Camco Pacific" to some of the subcontractors and/or joint
24 checks to the subcontractors and their lower tiers, including Helix and its lower tiers. [See
25 e.g., Exhibit 508-062 (NCS check no. 531544 to Helix and its lower tier, Graybar Electric
26 "on behalf of Camco Pacific.")].

27 ⁴ Testimony of Dave Parry.

28 ⁵ i.e., less retention.

1 9. Camco also presented subcontractors who had previously worked for
2 APCO, including Helix and Cabintec (National Wood), with a document titled Ratification
3 and Amendment of Subcontract Agreement ("the Camco Ratification"). [See e.g., Exhibit
4 3164].

5 10. Helix admitted in its Complaint and in its lien documents that it entered into
6 the Camco Subcontract and the Camco Ratification.

7 11. As it was instructed to do, Camco continued to perform the work it had
8 agreed to perform on the Project until Gemstone suspended work on December 15, 2008.
9 As it was also instructed to do, Helix submitted payment applications to Camco using the
10 same forms and same procedures as it had employed while APCO was still on the Project.
11 [See e.g., Ex. 508-067-074]. Camco in turn submitted its pay applications to Gemstone in
12 the same way, and using the same forms, as APCO had used. [See e.g., Ex. 522-001-011].

13 12. Helix submitted gross payment applications to Camco totaling
14 \$1,010,255.25 (i.e., inclusive of retention). [See Ex. 508-001-002; 037-038; 049; 068-
15 069].⁶ Helix was paid only \$175,778.80 and is owed the balance, \$834,476.45.

16 13. The Court finds that Helix and Camco entered into a
17 contractor/subcontractor relationship and agreement whereby they agreed on the material
18 terms of a contract – i.e., the work to be performed, the price for the work and Camco's
19 obligation to pay. The Court finds that Camco breached its obligation to pay Helix the sum
20 of \$834,476.45.

21 14. Helix provided undisputed testimony that the amounts it billed were
22 reasonable for the work performed. [TR2-71:22-72:3].⁷ Because (i) this testimony was
23 undisputed, (ii) Camco submitted these amounts on its certified pay applications to
24 Gemstone, and (iii) Helix was paid in part for these amounts, the Court finds that the
25 amounts Helix billed Camco for its work were reasonable for the work performed.

26
27 ⁶ See also summary document, Ex. 508-061, which does not include Pay Application No. 15. [See
TR3-68:17-69:7].

28 ⁷ Testimony of Andy Rivera.

1 15. Helix presented undisputed evidence, and the Court finds, that Helix timely
2 recorded a mechanic's lien, as amended ("the Helix Lien"), pursuant to NRS Chapter 108
3 and perfected the same. [See **Exhibit 512**]. The Helix Lien identified both APCO and
4 Camco as the "person by whom the lien claimant was employed or to whom the lien
5 claimant furnished or agreed to furnish work, materials or equipment." [See e.g., Ex. 512-
6 007, 009].

7 16. Any finding of fact herein that is more appropriately deemed a conclusion
8 of law shall be treated as such.

9 FROM the foregoing Findings of Fact, the Court hereby makes the following

10 **B. Conclusions of Law.**

11 1. "Basic contract principles require, for an enforceable contract, an offer and
12 acceptance, meeting of the minds, and consideration." *May v. Anderson*, 121 Nev. 668,
13 672, 119 P.3d 1254, 1257 (2005). A meeting of the minds exists when the parties have
14 agreed upon the contract's essential terms. *Roth v. Scott*, 112 Nev. 1078, 1083, 921 P.2d
15 1262, 1265 (1996). Which terms are essential "depends on the agreement and its context
16 and also on the subsequent conduct of the parties, including the dispute which arises and
17 the remedy sought." Restatement (Second) of Contracts § 131 cmt. g (1981). Whether a
18 contract exists is a question of fact and the District Court's findings will be upheld unless
19 they are clearly erroneous or not based on substantial evidence. *May*, 121 Nev. at 672-73,
20 119 P.3d at 1257.

21 2. The Court concludes that Camco and Helix entered into a contract whereby
22 they agreed on the material terms of a contract – i.e., the work to be performed, the price
23 therefore and Camco's obligation to pay. The Court further concludes that Camco failed to
24 pay Helix the undisputed sum of \$834,476.45 without excuse (other than Camco's reliance
25 on Pay-if-Paid, which the Court has previously rejected).

26 3. Camco did not dispute Helix's testimony that the amounts it billed were a
27 reasonable value for the work performed, and the reasonableness thereof was demonstrated

1 by Camco's payment in part and its inclusion of Helix's billings in its own payment
2 applications to Gemstone. The court therefore concludes that the unpaid value of Helix's
3 work while Camco was on site as the general contractor is \$834,476.45 and that Helix
4 should be awarded that principal amount against Camco for that principal amount.

5 4. The Court rejects Camco's argument that it is not liable to Helix (and other
6 subcontractors) because it never received payment from Gemstone who instead made
7 payments to subcontractors through the disbursement company, NCS. Camco's position
8 notwithstanding, both the Camco-Gemstone Agreement and the Camco Subcontract
9 demonstrate that (consistent with the APCO-Gemstone Agreement and the APCO
10 Subcontract) payments to subcontractors were intended to flow through the general
11 contractor. Camco presented no evidence that Helix or any other subcontractor consented
12 in advance to Gemstone's eventual decision to release payments (in part) through NCS and
13 not Camco.

14 5. Similarly, the Court rejects Camco's contention that the Court's decision on
15 Pay-if-Paid is inapplicable because it was "impossible" for Camco to have paid Helix and
16 other subcontractors. Camco presented no evidence that it, for example, declared
17 Gemstone to be in breach for failing to make payments through Camco rather than through
18 NCS. Instead, Camco appears to have acceded to Gemstone's deviation from the contract
19 and, at least until Gemstone announced that it was suspending construction, continued to
20 process subcontractor payment applications and submit them to Gemstone. Camco's
21 "impossibility" claim is, in any event, another form of Pay-if-Paid, against the public
22 policy of Nevada, void and unenforceable and barred by this Court's summary judgment.

23 6. Helix is entitled to the principal sum of \$834,476.45 against Camco which
24 will be the subject of a judgment to be entered by the Court.

25 7. The Court denies all of Camco's affirmative defenses.

26 8. Helix is entitled to prejudgment interest pursuant to NRS 108.237 and/or
27 NRS 17.130.

28

MARK R. DENTON
DISTRICT JUDGE

DEPARTMENT THIRTEEN
LAS VEGAS, NV 89155

JA006539

Page 9

9. Helix is the prevailing party and/or prevailing lien claimant as to Camco and Helix and is entitled to an award of reasonable attorney's fees pursuant to NRS 108.237 and/or the Camco Subcontract. Helix is granted leave to separately apply for the same.

10. As the prevailing party, Helix may also apply for an award of costs against Camco in accordance with the relevant statutes and for judgment as to the same.

11. Any conclusion of law herein that is more appropriately deemed a finding of fact shall be treated as such.

ORDER

NOW, THEREFORE, the Court hereby directs entry of the foregoing Findings of Fact and Conclusions of Law; and

IT IS FURTHER ORDERED that, based upon the foregoing Findings of Fact and Conclusions of Law, and those made regarding the other parties and claims involved in the consolidated cases, the Court shall issue a separate Judgment or Judgments reflective of the same at the appropriate time subject to further order of the Court.

DATED this 24th day of April, 2018,

DISTRICT COURT JUDGE

CERTIFICATE

I hereby certify that on or about the date filed, this document was Electronically Served to the Counsel on Record on the Clark County E-File Electronic Service List.

LORRAINE TASHIRO
Judicial Executive Assistant
Dept. No. XIII