

IN THE SUPREME COURT OF THE STATE OF NEVADA

Supreme Court Case No. 77320
Consolidated with 80508

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Clerk of Supreme Court

HELIX ELECTRIC OF NEVADA, LLC,

Appellant,

v.

APCO CONSTRUCTION, INC., A NEVADA CORPORATION,

Respondent.

**JOINT APPENDIX
VOLUME 94**

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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>
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
	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
	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

<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

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	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

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	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

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	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

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	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

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	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

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
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>
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

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
		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

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
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 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

<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
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

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
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

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Nevada, LLC, SWPPP Compliance 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
	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

<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

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Precluding Defenses Based on Pay-if-Paid Agreements		
	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
	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
	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

<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
	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

Larson & Zirzow, LLC

850 E. Bonneville Ave.
Las Vegas, NV 89101 USA

Ph:702-382-1170

Fax:702-382-1169

Privileged and Confidential

APCO Construction
44 W. Mayflower Ave.
North Las Vegas, NV
89030 USA

September 17, 2017

Attention: Joe Pelan

File #: 3441-001

Inv #: 1886

RE: Chapter 11 Pre-Petition

DATE	DESCRIPTION	HOURS	AMOUNT	LAWYER
Aug-24-17	Initial consult with client Jim Barker and MAC attorneys re: overview of bankruptcy process and chapter 11 plan of reorganization structure possibilities. NO CHARGE	1.00	N/C	MCZ
Aug-28-17	E-mail with J. Juan at MAC re: preparing for bankruptcy filing, no settlement, and preparing claim objections in aid to the bankruptcy court case.	0.20	100.00	MCZ
Sep-01-17	Performed Internet search for pending litigation. Review of several emails containing lien claimants. Began preparing bankruptcy petition re same.	1.20	210.00	CS
Sep-07-17	Telephone call with Joe Pelan re: answering questions on bankruptcy intake paperwork, timing of potential filing, and strategy for same.	0.20	100.00	MCZ
Sep-11-17	Telephone call with T. Fong at Marquis Aurbach Coffing re retrieval of case filings in district court consolidated matter.	0.20	35.00	CS
Sep-12-17	Retrieval and download of district court case filings of consolidated litigation.	1.00	175.00	CS
Sep-18-17	Attending settlement conference with MAC litigation counsel; discussions with friendly side and presentation to lien claimants	2.00	1,000.00	MCZ

JA006751

counsel on impact of potential chapter 11
bankruptcy filing and new value plan on
projected recovery.

Email to client re: documents and information
needed for bankruptcy filing. 0.10 50.00 MCZ

Email to MAC re: claim objections and
estimation preparation to be ready if bankruptcy
filing ensues. 0.10 50.00 MCZ

Reviewing and revising draft bankruptcy
schedules and statement of financial affairs
based on client intake information. 0.30 150.00 MCZ

Email to client re: discussion of claims issues,
voting requirements for confirmable chapter 11
plan, and timing of bankruptcy filing. 0.40 200.00 MCZ

Email to client re: timing of bankruptcy filing
and impact on waiting as to state court
litigation. 0.20 100.00 MCZ

Sep-21-17 Review of questionnaire packet from client;
began inputting for bankruptcy schedules and
statement of financial affairs. 0.50 87.50 CS

Receipt and preparation of multiple emails
to/from counsel re settlement conference. 0.10 17.50 CS

Sep-22-17 Telephone call with client J. Whelan re:
discussion of claims, classification and voting
requirements for confirmable chapter 11 plan of
reorganization. 0.20 100.00 MCZ

Continued inputting questionnaire for
bankruptcy schedules and statement of financial
affairs. 1.00 175.00 CS

Receipt and preparation of multiple emails
to/from Matt and Joe re APCO's creditors and
additional documents needed. 0.20 N/C CS

Totals 8.90 \$2,550.00

Total Fee & Disbursements \$2,550.00

Balance Now Due \$2,550.00

TAX ID Number 46-2689260

EXHIBIT L



PHONE (213) 249-9999

INVOICE

Invoice No.	Customer No.
000069208	210094
INVOICE DATE	Total Due
5/15/2016	

PLEASE MAKE REMITTANCE TO:

MARQUIS AURBACH COFFING
10001 Park Run Drive
Las Vegas, NV 89145
T (702) 382-0711

Nationwide Legal, LLC
1609 James M Wood Blvd
Los Angeles, CA 90015
TAX ID # 20-8284527

Invoice No.	Invoice No.	Invoice Date	Account No.	Page
210094	000069208	5/15/2016		56
Date	Type	Service Detail	Charges	Total
5/9/2016	Court Services	MARQUIS AURBACH COFFING 10001 Park Run Drive Las Vegas, NV 89145 Caller: Barb Frauenfeld Matter: 5161-19 Comments: DELIVERED/ROR 5-11 PM	CLARK COUNTY DISTRICT COURT 200 LEWIS AVENUE, 3RD FLOOR LAS VEGAS, NV 89155 BASE CHARGE : \$.00	.00
020 - STANDARD FILING - 4 HRS NV16727				
5/13/2016	Delivery Services	Howard & Howard 3800 Howard Hughes 1000 Las Vegas, NV 89169 Caller: Barb Frauenfeld Matter: 5161-19	MARQUIS AURBACH COFFING 10001 Park Run Drive Las Vegas, NV 89145 Base Charge : \$ 24.00	24.00
010 - STANDARD DELIVERY - 4 HRS NV17441				
Total Charges for reference: 5161-19: \$ 24.00				

INVOICE PAYMENT DUE UPON RECEIPT

JA006754



PHONE (213) 249-9999

INVOICE

Invoice No.	Customer No.
000074685	210094
INVOICE DATE	Invoice Due
5/31/2016	C [REDACTED]

PLEASE MAKE REMITTANCE TO:

MARQUIS AURBACH COFFING
10001 Park Run Drive
Las Vegas, NV 89145
T (702) 382-0711

Nationwide Legal, LLC
1609 James M Wood Blvd
Los Angeles, CA 90015
TAX ID # 20-8284527

Customer No.	Invoice No.	Invoice Date	Amount Due	Days
210094	000074685	5/31/2016	C [REDACTED]	66

Date	Type	Service Detail	Charge	Total
5/31/2016	Delivery Service	Howard & Howard 3800 Howard Hughes #1000 Las Vegas, NV 89169 Caller: Barb Frauenfeld Matter: 5161-19 Please ask for Wade Gochmour's	MARQUIS AURBACH COFFING 10001 Park Run Drive Las Vegas, NV 89145 Base Charge: \$ 32.00	32.00
012 - NOT DELIVERY - 2 HOUR NV19971				
Total Charges for reference: 5161-19: \$ 32.00				

INVOICE PAYMENT DUE UPON RECEIPT

JA006755



T (213) 249-9999 | F (213) 249-9990

INVOICE

Invoice No.	Customer No.
00000001013	210094
INVOICE DATE	Total Due
5/15/2017	

PLEASE MAKE REMITTANCE TO:

MARQUIS AURBACH COFFING
10001 Park Run Drive
Las Vegas, NV 89145
T (702) 382-0711

Nationwide Legal, LLC
1609 James M Wood Blvd.
Los Angeles, CA 90015
TAX ID # 20-8284527

Date	Order No.	Customer Name	Address	City	State	Zip	Phone	Fax	Email	Base Charge	Total
5/8/2017	NV75258	MARQUIS AURBACH COFFING	10001 Park Run Drive	Las Vegas, NV	89145					\$ 22.50	\$ 22.50
010 - STANDARD DELIVERY - 4 HRS		APCO Construction	44 W. Mayflower Ave.	North Las Vegas, NV	89030						
		Caller: Taylor Fong									
		Case Number: N/A									
		Case Title: APCO Construction vs. Gerstene									
		Client/Matter: 05161-019									
		Description: Deliver attached binder. Thanks!									
5/15/2017	NV74699	MARQUIS AURBACH COFFING	10001 Park Run Drive	Las Vegas, NV	89145					\$ 22.50	\$ 22.50
010 - STANDARD DELIVERY - 4 HRS		APCO Construction	44 W. Mayflower Ave.	North Las Vegas, NV	89030						
		Caller: Taylor Fong									
		Case Number: N/A									
		Case Title: APCO Construction vs. Gerstene									
		Client/Matter: 05161-019									
		Description: Please drop off Three Binders									
										05161-019 Total:	\$ 45.00

INVOICE PAYMENT DUE UPON RECEIPT

JA006756



PHONE (213) 249-9999

INVOICE

Invoice No	Customer No
00000001525	210094
INVOICE DATE	TO BE PAID
6/15/2017	

PLEASE MAKE REMITTANCE TO:

MARQUIS AURBACH COFFING
10001 Park Run Drive
Las Vegas, NV 89145
T (702) 382-0711

Nationwide Legal, LLC
1609 James M Wood Blvd
Los Angeles, CA 90015
TAX ID # 20-8284527

210094		00000001525		6/15/2017		37	
Date	Type	Description (Print)				Charges	Total
6/12/2017	NV81335	MARQUIS AURBACH COFFING					
010 - STANDARD DELIVERY - 4 HRS		10001 Park Run Drive					
		Las Vegas, NV 89145					
		Caller: Jennifer Case					
		Case Number: N/A					
		Case Title: Apco Construction vs. Gerastone					
		McCullough, DOberstein & Evans					
		601 S. Ranch Dr. #A-10					
		Las Vegas, NV 89106				Base Charge	\$ 16.50
		Client/Matter: 5161-019					
		Description: **ASK FOR CHRISTINE SPENCER** Please deliver check to Christine, have her sign the Original Receipt of Check (she can keep the copy) and she will give you a signed copy of the Stipulation and Order for Dismissal. Return to me, thank you.					
						5161-019 Total:	\$ 16.50

INVOICE PAYMENT DUE UPON RECEIPT

JA006757



T (213) 249-9999 | F (213) 249-9990

INVOICE

Invoice No.	Customer No.
00000002018	210094
INVOICE DATE	Total Due
7/15/2017	

PLEASE MAKE REMITTANCE TO:

MARQUIS AURBACH COFFING
10001 Park Run Drive
Las Vegas, NV 89145
T (702) 382-0711

Nationwide Legal, LLC
1609 James M Wood Blvd.
Los Angeles, CA 90015
TAX ID # 20-8284527

Invoice Summary		Invoice Details		Payment Information	
210094	00000002018	7/15/2017			1
Date	Order No.	Service Detail		Charges	Total
7/17/2017	NV86450	MARQUIS AURBACH COFFING			
010 - STANDARD DELIVERY - 4 HRS		APCO Construction		Base Charge: \$ 22.50	\$ 22.50
		10001 Park Run Drive			
		Las Vegas, NV 89145			
		Client: Taylor Fong			
		Case Number: N/A			
		Case Title: APCO Construction vs. Gemstone			
		Client/Matter: 05161-019			
		Description: Please deliver attached Binder. Thanks.			
				05161-019 Total:	\$ 22.50

INVOICE PAYMENT DUE UPON RECEIPT

JA006758



T (213) 249-9999 | F (213) 249-9990

INVOICE

Invoice No.	Customer No.
0000002849	210094
INVOICE DATE	Total Due
9/28/2017	

PLEASE MAKE REMITTANCE TO:

MARQUIS AURBACH COFFING
10001 Park Run Drive
Las Vegas, NV 89145
T (702) 382-0711

Nationwide Legal, LLC
1609 James M Wood Blvd.
Los Angeles, CA 90015
TAX ID # 20-8284527

		210094	0000002849	9/28/2017		
Date	Order No.	Service Detail			Charge	Total
9/28/2017	NV97971	MARQUIS AURBACH COFFING				
010 - STANDARD DELIVERY - 4 HRS		APCO Construction				
		10001 Park Run Drive				
		44 W. Mayflower Ave.				
		Las Vegas, NV 89145			Base Charge :	\$ 21.00
		North Las Vegas, NV 89030				
		Caller: Taylor Feng				
		Case Number: N/A				
		Client/Matter: 05161-019				
		Case Title: APCO Construction vs. Gemstone				
		Description: Please Deliver attached Flash Drive. Thank You!				
					05161-019 Total:	\$ 21.00

INVOICE PAYMENT DUE UPON RECEIPT

JA006759



PHONE (213) 249-9999

INVOICE

Invoice No.	Consumer No.
00000003018	210094
INVOICE DATE:	Total Due
10/15/2017	

PLEASE MAKE REMITTANCE TO:

MARQUIS AURBACH COFFING
10001 Park Run Drive
Las Vegas, NV 89145
T (702) 382-0711

Nationwide Legal, LLC
1609 James M Wood Blvd
Los Angeles, CA 90015
TAX ID # 20-8284527

Consumer No.		Invoice No.		Invoice Date		Invoice Time	
210094		00000003018		10/15/2017		45	
Date	Type	Service Detail				Charges	Total
10/3/2017	NV98638	MARQUIS AURBACH COFFING					
010 - STANDARD DELIVERY - 4 HRS		10001 Park Run Drive					
		Las Vegas, NV 89145					
		Caller: Taylor Fong					
		Case Number: N/A					
		Case Title: APCO Construction vs. Gemstone					
		Spencer Fane, LLP					
		400 S. Fourth Street Suite 500				Base Charge :	\$ 15.00
		Las Vegas, NV 89101					\$ 15.00
		Client/Matter: 5161-19					
		Description: Please delivered attached Flash Drive. Thank You!					
						5161-19 Total:	\$ 15.00

INVOICE PAYMENT DUE UPON RECEIPT

JA006760



T (213) 249-9999 | F (213) 249-9990

INVOICE

Invoice No.	Order No.
0000000156	210094
INVOICE DATE	Total Due
10/21/2017	

PLEASE MAKE REMITTANCE TO:

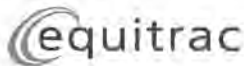
MARQUIS AURBACH COFFING
10001 Park Run Drive
Las Vegas, NV 89145
T (702) 382-0711

Nationwide Legal, LLC
1609 James M Wood Blvd.
Los Angeles, CA 90015
TAX ID # 20-8284527

Date	Order No.	Invoice Details	Charges	Total
9/28/2017	NV97971	MARQUIS AURBACH COFFING 10001 Park Run Drive Las Vegas, NV 89145 Caller: Taylor Fong Case Number: N/A Case Title: APCO Construction vs. Gemstone	APCO Construction 44 W. Mayflower Ave. North Las Vegas, NV 89030 Base Charge : \$ 21.00 Client/Matter: 05161-019 Description: Please Deliver attached Flash Drive. Thank You! 05161-019 Total:	\$ 21.00 \$ 21.00

INVOICE PAYMENT DUE UPON RECEIPT

JA006761



Generated

Wednesday, May 23, 2018

at 3:38:34PM

Disbursement By Account Detail

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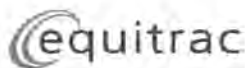
Starting Date: 10/19/2015

Ending Date: 5/25/2017

Number of Days:

585

<u>Date</u>	<u>Time</u>	<u>UserCode</u>	<u>User</u>	<u>Count</u>	<u>Amount</u>
Location: :					
Client: 5161:Las Vegas Paving Corporation					
Matter: 019:APCO - Manhattan West Mechanic's Lien Li					
10/19/2015	4:15:35PM	370	Steve Ries	4.00	\$7.44
12/17/2015	9:49:01AM	306		4.00	\$10.96
4/5/2016	4:19:32PM	370	Steve Ries	1.00	\$0.49
5/9/2016	3:41:40PM	370	Steve Ries	1.00	\$1.99
6/6/2016	12:59:38PM	370	Steve Ries	1.00	\$3.02
6/30/2016	4:14:51PM	370	Steve Ries	1.00	\$0.47
5/5/2017	11:38:30AM	280	Marita M. George	1.00	\$3.81
5/10/2017	11:43:14AM	370	Steve Ries	1.00	\$0.67
5/25/2017	1:53:27PM	370	Steve Ries	1.00	\$0.46
Totals for Matter: 019				15.00	\$29.31
Totals for Client: 5161				15.00	\$29.31
Totals for Location:				15.00	\$29.31



Generated

Wednesday, May 23, 2018

at 3:38:42PM

Disbursement By Account Detail

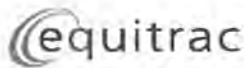
Client='5161' and Matter='019'

Starting Date: 10/19/2015

Ending Date: 5/25/2017

Number of Days: 585

<u>Date</u>	<u>Time</u>	<u>UserCode</u>	<u>User</u>	<u>Count</u>	<u>Amount</u>
<i>Report Totals:</i>				15.00	\$29.31



Generated

Wednesday, May 23, 2018

at 10:20:06AM

Telephone By Account Detail

Client='5161' and Matter='019'

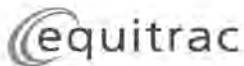
Starting Date: 2/24/2017

Ending Date: 1/8/2018

Number of Days:

319

Date	Time	Extension	Number	Destination	Duration	Amount
Location : :						
Account: 5161, Las Vegas Paving Corporation						
Sub-account: 019, APCO - Manhattan West Mechanic's Lien Li						
2/24/2017	9:39:00AM	140	1(775)525-9494	RENO NV	00:01:55	\$0.70
4/17/2017	3:08:00PM	140	1(619)595-3264	SNDG SNDG CA	00:00:39	\$0.35
8/21/2017	10:22:00AM	140	1(619)233-4100	SNDG SNDG CA	00:00:54	\$0.35
8/31/2017	9:27:00AM	140	1(206)795-7593	SEATTLE WA	00:03:19	\$1.40
9/19/2017	1:49:00PM	140	1(206)795-7593	SEATTLE WA	00:02:54	\$1.05
10/17/2017	3:54:00PM	415	1(949)788-0827	IRVINE CA	00:06:25	\$2.45
10/18/2017	1:43:00PM	415	1(949)788-0827	IRVINE CA	00:00:45	\$0.35
10/18/2017	3:35:00PM	415	1(949)788-0827	IRVINE CA	00:01:13	\$0.70
10/23/2017	11:28:00AM	415	1(602)618-1200	PHOENIX AZ	00:00:45	\$0.35
10/23/2017	1:40:00PM	415	1(602)618-1200	PHOENIX AZ	00:04:14	\$1.75
10/25/2017	11:10:00AM	415	1(949)788-0827	IRVINE CA	00:01:28	\$0.70
10/25/2017	4:51:00PM	415	1(949)788-0827	IRVINE CA	00:01:55	\$0.70
10/26/2017	8:40:00AM	415	1(949)788-0827	IRVINE CA	00:00:46	\$0.35
10/31/2017	1:47:00PM	415	1(949)230-6138	NEWPORTBCH CA	00:00:31	\$0.35
11/1/2017	1:57:00PM	415	1(949)788-0827	IRVINE CA	00:00:34	\$0.35
11/2/2017	9:27:00AM	415	1(949)788-0827	IRVINE CA	00:01:25	\$0.70
11/3/2017	10:22:00AM	415	1(949)788-0827	IRVINE CA	00:14:19	\$5.25
11/6/2017	9:46:00AM	415	1(602)618-1200	PHOENIX AZ	00:14:14	\$5.25
11/6/2017	10:21:00AM	415	1(602)618-1200	PHOENIX AZ	00:51:54	\$18.20
11/8/2017	11:24:00AM	179	1(602)333-5435	PHOENIX AZ	00:03:07	\$1.40
11/13/2017	8:42:00AM	415	1(202)640-3360	WASHINGTON DC	00:08:26	\$3.15
11/14/2017	8:30:00AM	415	1(202)640-3360	WASHINGTON DC	00:04:12	\$1.75
11/14/2017	9:59:00AM	415	1(202)640-3360	WASHINGTON DC	00:02:23	\$1.05
11/14/2017	1:43:00PM	415	1(202)640-3360	WASHINGTON DC	00:04:03	\$1.75



Generated

Wednesday, May 23, 2018

at 10:20:31AM

Telephone By Account Detail

Client='5161' and Matter='019'

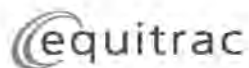
Starting Date: 2/24/2017

Ending Date: 1/8/2018

Number of Days:

319

<u>Date</u>	<u>Time</u>	<u>Extension</u>	<u>Number</u>	<u>Destination</u>	<u>Duration</u>	<u>Amount</u>
Location : :						
Account: 5161 , Las Vegas Paving Corporation						
Sub-account: 019 , APCO - Manhattan West Mechanic's Lien Li						
11/14/2017	3:23:00PM	415	1(202)640-3360	WASHINGTON DC	00:04:55	\$1.75
11/15/2017	7:52:00AM	415	1(202)640-3360	WASHINGTON DC	00:06:44	\$2.45
11/15/2017	4:22:00PM	415	1(202)640-3360	WASHINGTON DC	00:01:26	\$0.70
12/29/2017	10:51:00AM		1(949)788-0827	IRVINE CA	00:01:43	\$0.70
1/3/2018	11:19:00AM	415	1(650)479-3208	HALFMOONBY CA	00:45:05	\$16.10
1/8/2018	9:28:00AM	415	1(650)479-3208	HALFMOONBY CA	00:38:37	\$13.65
Totals for Sub-account: 019					03:50:50	\$85.75
Totals for Account: 5161					03:50:50	\$85.75
Totals for Location :					03:50:50	\$85.75



Generated

Wednesday, May 23, 2018

at 10:20:32AM

Telephone By Account Detail

Client='5161' and Matter='019'

Starting Date: 2/24/2017

Ending Date: 1/8/2018

Number of Days: 319

<u>Date</u>	<u>Time</u>	<u>Extension Number</u>	<u>Destination</u>	<u>Duration</u>	<u>Amount</u>
<i>Report Totals:</i>				03:50:50	\$85.75

EXHIBIT M

LVP-19
15241-12
LEWIS CENTER GARAGE
321 CASINO CENTER DR.
LAS VEGAS, NV

Rept# 16326
06/02/16 09:41 L# 4 AM 4 Trn# 40719
06/02/16 08:29 In 06/02/16 09:41 Out
Tkt# 624391
CASH PAID \$ 8.00-
PLEASE CALL FOR MONTHLY RATES
DOUGLAS PARKING
(702) 382-7988

VALET SERVICES AVAILABLE

① 9/21/16
JCT

096146 09/27 08:21 01 00 |

SEP 27 3:49
5/6/19
a.
cash


LEWIS STREET GARAGE
321 CASINO CENTER BLVD



INSERT
THIS END UP

CSM 5161-19

Hearing on Busch's
msJ

LEWIS CENTER GARAGE
321 CASINO CENTER DR
LAS VEGAS, NV

Rept# 1325

06/20/16 09:23 LE 3 A# 1 Lx# 4956

06/20/16 07:21 LE 06/20/16 09:25 JCL

LE# 628851

VISA \$ 12.00-

XXXXXXXXXXXX8493

Approval No.:020205

Reference No.:0027

PLEASE CALL FOR MONTHLY RATES

DOUGLAS PARKING

(702) 382-7988

VALET SERVICES AVAILABLE



CSM 5161-19

Hearing

DP LV 13 LEWIS ST - RAGE
321 CASINO CENTER DR
LAS VEGAS, NV 89101
(702) 382 7988

SAME

MID 5833 0001 Term 0007

REF# 00000003

Batch # 00000004 601317004082

CL: 10 092359

Trans ID 00000000000000000000

APPN CODE 000000

VISA

00000000000000000000

Chip

00000000000000000000

AMOUNT

\$12.00

APPROVED

VR: 00 RE: 00

AID: A000000000000000000000

TVR: 80 80

TSI: 00 00

CUST:

LEWIS CENTER GARAGE
321 CASINO CENTER DR
LAS VEGAS, NV

5161-19
JCJ

Rcpt# 2755
05/15/17 09:41 LH 4 AH 4 Txn# 6744
05/15/17 08:13 In 05/15/17 09:41 Out
CASH PAID \$ 9.00
PLEASE CALL FOR MONTHLY RATES
DOUGLAS PARKING
(702) 382-7988

VALET SERVICES AVAILABLE

5/15/17

Please Pay Auto Cashier
612669 04/14 08:48 01 00
03:59 01:17 03:17 F1 04
A004 \$ 11.10

5/11/14
L. P. S.
pg. 111
Manchester
news

LEWIS STREET GARAGE
321 CASINO CENTER BLVD.



INSERT
THIS END UP

5161-19

APCO-
LEWIS CENTER GARAGE
321 CASINO CENTER DR
LAS VEGAS, NV

Manhattan

WCS

Rcpt# 16900
06/09/16 09:20 LA # 4 TX# 41999
06/09/16 08:48 In 06/09/16 09:20 Out
Tkt# 626217
CASH PAID \$ 6.00-
PLEASE CALL FOR MONTHLY RATES
DOUGLAS PARKING
(702) 392-7988

VALET SERVICES AVAILABLE



5161-15 Hearing
CSM

DP LV 13 LEWIS ST GARAGE
321 CASINO CENTER DR
LAS VEGAS, NV 89101
(702) 382-7988

SALE

MID: 5833 Store 0001 Term: 0005
RFF# 00000020
Batch #: 05 RFF# 720516405162
07/24/17 09:25:08
Trans ID: 467205591081323
APPR CODE 024111
VISA Chip
*****6946 **/**

AMOUNT \$6.00

APPROVED

VISA CREDIT
AID: A0000000031010
TVR: 80 80 00 80 00
TSE: 68 00

P
7/24/17
4

JA006775



JA006776

5161-19 CSM
Hearing

DI LV 13 LEWIS ST GARAGE
321 CASINO CENTER DR
LAS VEGAS, NV 89101
(702) 382 7988

SALE

MID: 5832 Store: 0001 Term: 0007

REF#: 00000042

Batch #: 023 RRN: 727817605587

10/05/17 10:25:10

Trans ID: 467278627108718

APPR CODE: 005034

VISA

*****4415

Chip
/

AMOUNT

\$18.00

APPROVED

VISA CREDIT

AME: A000000000

TVR: 80 80

TST 68 00

10/5/17
9

097986 10/05 08:11 01 00



JA006777

5161-19 MSJ
CSM

DP LV 13 LEWIS S1
321 CASINO CENTER L1
LAS VEGAS, NV 89101
(702) 382-7988

SALE

MID: 5833 Store: 0001 Term: 0007
REF#: 00000024
Batch #: 131 RRN: 732018211960
11/16/17 10:04:08
Trans ID: 387320650487185
APPR CODE: 016192
VISA Chip
*****4415 **/**

AMOUNT

\$15.00

APPROVED

VISA CREDIT
AID: A0000000031010
TVR: 80 80 00 00 00
TS: 68 00

P
WV 11/17

JA006778

5161-76 C&M
Calculator C&M

DP LV 13 LEWIS ST L JE
321 CASINO CENTER DR
LAS VEGAS, NV 89101
(702) 382-7988

SALE

MID: 5833 Store: 0001 Term: 0007
REF#: 00000071

Batch #: 140 RRN: 732422204907
11/20/17 14:38:56

Trans ID: 307324815369910

APPR CODE 020282

VISA Chip
*****4415 ***

AMOUNT

\$9.00

APPROVED

VISA CREDIT

AID: A0000000031010

TVR: 80 80 00

TSI: 68 00



5161-19 ESSM
Motor Hearing

DP LV 13 LEWIS : GARAGE
321 CASINO CENTER DR
LAS VEGAS, NV 89101
(702) 382-7988

SALE

MID: 5833 Store: 0001 Term: 0007
REF#: 00000045
Batch #: 244 RRN: 801118007507
01/11/18 10:44:09
Trans ID: 388011674496157
APPR CODE 011984
VISA Chip
**** *4-11

AMOUNT \$12.00

APPROVED

VISA CREDIT
AID: A0000000031010
TMD. 20 20 00 80



JA006780

5161-19
MSE

LEWIS CENTER GARAGE
321 CASINO CENTER DR
LAS VEGAS, NV

Rcpt# 338
10/21/15 09:56 LH 4 AN 4 Txn# 589
10/21/15 08:49 In 10/21/15 09:56 Out
Tkt# 572908
VISA \$ 8.00- *pl*
XXXXXXXXXXXX7241
Approval No.:005747
Reference No.:0043
PLEASE CALL FOR MONTHLY RATES
DOUGLAS PARKING
(702) 382-7982

VALET SERVICES AVAILABLE



DOUGLAS PARKING
1721 WEBSTER STREET
OAKLAND, CALIFORNIA 94612-341

5/6/19 LVP

Manhaff

Paid \$ 00.00
JUN 20 9:47

Parking

Douglas Parking

Le Peaufl



Exhibit N

Account: MARQUIS & AURBACH, LAS VEGAS NV (1000030196)
Date Range: March 01, 2018 - March 31, 2018
Report Format: Detail-Account by Client by User by Day
Products: Westlaw, WestlawNext
Content Families: All Content Families

Account by Client by User by Day	Database Time	Transactions	Docs/Lines	Connect Time	Standard Charge	Special Pricing Charge	Total Charge
Client 05161-019							
User Name MOSER,JARED M (13395825)							
Day 03/29/2018							
Included							
MULTI-SEARCH DOCUMENT DISPLAYS		9			0.00 USD	0.00 USD	0.00 USD
MULTI-SEARCH TRANSACTIONAL SEARCHES		1			119.00 USD	11.77 USD	11.77 USD
Totals for Included		10			119.00 USD	11.77 USD	11.77 USD
Totals for Day 03/29/2018		10			119.00 USD	11.77 USD	11.77 USD
Totals for User Name MOSER,JARED M (13395825)		10			119.00 USD	11.77 USD	11.77 USD
Totals for Client 05161-019		10			119.00 USD	11.77 USD	11.77 USD



Client 5161-019

User Name KAROUM,ADELE V (14241316)

Day 01/18/2018

Included

MULTI-SEARCH DOCUMENT DISPLAYS	3	0.00 USD	0.00 USD	0.00 USD
MULTI-SEARCH TRANSACTIONAL SEARCHES	1	119.00 USD	9.85 USD	9.85 USD
Totals for Included	4	119.00 USD	9.85 USD	9.85 USD
Totals for Day 01/18/2018	4	119.00 USD	9.85 USD	9.85 USD
Totals for User Name KAROUM,ADELE V (14241316)	4	119.00 USD	9.85 USD	9.85 USD
Totals for Client 5161-019	4	119.00 USD	9.85 USD	9.85 USD✓

JA006785

Client 5161-19

User Name MOUNTEER,CODY S (9702841)

Day 11/14/2017

Included

MULTI-SEARCH TRANSACTIONAL
SEARCHES

1

99.00 USD

10.96 USD

10.96 USD

Totals for Included

1

99.00 USD

10.96 USD

10.96 USD

Totals for Day 11/14/2017

1

99.00 USD

10.96 USD

10.96 USD

Day 11/17/2017

Included

MULTI-SEARCH DOCUMENT DISPLAYS

1

0.00 USD

0.00 USD

0.00 USD

Totals for Included

1

0.00 USD

0.00 USD

0.00 USD

Totals for Day 11/17/2017

1

0.00 USD

0.00 USD

0.00 USD

Totals for User Name MOUNTEER,CODY S
(9702841)

2

99.00 USD

10.96 USD

10.96 USD

Totals for Client 5161-19

2

99.00 USD

10.96 USD

10.96 USD/

JA006787

Client 5161-019

User Name MAUPIN,MICHAEL D (14416115)

Day 08/08/2017

Included

MULTI-SEARCH DOCUMENT DISPLAYS	19	0.00 USD	0.00 USD	0.00 USD
MULTI-SEARCH TRANSACTIONAL SEARCHES	6	594.00 USD	50.95 USD	50.95 USD
Totals for Included	25	594.00 USD	50.95 USD	50.95 USD
Totals for Day 08/08/2017	25	594.00 USD	50.95 USD	50.95 USD
Totals for User Name MAUPIN,MICHAEL D (14416115)	25	594.00 USD	50.95 USD	50.95 USD
Totals for Client 5161-019	25	594.00 USD	50.95 USD	50.95 USD

Client 5161-19

User Name LEE,JONATHAN (11680864)

Day 08/08/2017

Included

MULTI-SEARCH TRANSACTIONAL SEARCHES	2	0.00 USD	0.00 USD	0.00 USD
Totals for Included	2	0.00 USD	0.00 USD	0.00 USD
Totals for Day 08/08/2017	2	0.00 USD	0.00 USD	0.00 USD
Day-08/09/2017				
Included				
MULTI-SEARCH DOCUMENT DISPLAYS	1	0.00 USD	0.00 USD	0.00 USD
Totals for Included	1	0.00 USD	0.00 USD	0.00 USD
Totals for Day 08/09/2017	1	0.00 USD	0.00 USD	0.00 USD

Day 08/13/2017				
Included				
MULTI-SEARCH KEYCITE	1	0.00 USD	0.00 USD	0.00 USD
MULTI-SEARCH DOCUMENT DISPLAYS	2	0.00 USD	0.00 USD	0.00 USD
MULTI-SEARCH TRANSACTIONAL SEARCHES	4	396.00 USD	33.97 USD	33.97 USD
Totals for Included	7	396.00 USD	33.97 USD	33.97 USD
Totals for Day 08/13/2017	7	396.00 USD	33.97 USD	33.97 USD
Day 08/14/2017				
Included				
MULTI-SEARCH KEYCITE	3	0.00 USD	0.00 USD	0.00 USD
MULTI-SEARCH DOCUMENT DISPLAYS	49	444.00 USD	38.09 USD	38.09 USD
MULTI-SEARCH TRANSACTIONAL SEARCHES	28	1,485.00 USD	127.39 USD	127.39 USD
Totals for Included	80	1,929.00 USD	165.47 USD	165.47 USD
Totals for Day 08/14/2017	80	1,929.00 USD	165.47 USD	165.47 USD
Day 08/15/2017				
Included				
MULTI-SEARCH DOCUMENT DISPLAYS	16	125.00 USD	10.72 USD	10.72 USD
MULTI-SEARCH TRANSACTIONAL SEARCHES	16	990.00 USD	84.92 USD	84.92 USD
Totals for Included	32	1,115.00 USD	95.65 USD	95.65 USD
Totals for Day 08/15/2017	32	1,115.00 USD	95.65 USD	95.65 USD
Day 08/17/2017				
Included				
MULTI-SEARCH DOCUMENT DISPLAYS	7	0.00 USD	0.00 USD	0.00 USD
MULTI-SEARCH TRANSACTIONAL SEARCHES	6	99.00 USD	8.49 USD	8.49 USD
Totals for Included	13	99.00 USD	8.49 USD	8.49 USD
Totals for Day 08/17/2017	13	99.00 USD	8.49 USD	8.49 USD
Totals for User Name LEE, JONATHAN (11680864)	135	3,539.00 USD	303.58 USD	303.58 USD
User Name MOUNTEER, CODY S (9702841)				
Day 08/04/2017				
Included				
MULTI-SEARCH DOCUMENT DISPLAYS	5	0.00 USD	0.00 USD	0.00 USD
MULTI-SEARCH TRANSACTIONAL SEARCHES	2	198.00 USD	16.98 USD	16.98 USD
Totals for Included	7	198.00 USD	16.98 USD	16.98 USD
Totals for Day 08/04/2017	7	198.00 USD	16.98 USD	16.98 USD
Day 08/07/2017				
Included				
MULTI-SEARCH KEYCITE	1	0.00 USD	0.00 USD	0.00 USD
MULTI-SEARCH DOCUMENT DISPLAYS	12	0.00 USD	0.00 USD	0.00 USD
MULTI-SEARCH TRANSACTIONAL SEARCHES	2	198.00 USD	16.98 USD	16.98 USD
Totals for Included	15	198.00 USD	16.98 USD	16.98 USD
Totals for Day 08/07/2017	15	198.00 USD	16.98 USD	16.98 USD
Totals for User Name MOUNTEER, CODY S (9702841)	22	396.00 USD	33.97 USD	33.97 USD
Totals for Client 5161-19	157	3,935.00 USD	337.55 USD	337.55 USD

Client 5161-19

User Name FONG,TAYLOR (8288556)

Day 07/03/2017

Included

MULTI-SEARCH KEYCITE	1	0.00 USD	0.00 USD	0.00 USD
MULTI-SEARCH DOCUMENT DISPLAYS	2	69.00 USD	9.68 USD	9.68 USD
MULTI-SEARCH TRANSACTIONAL SEARCHES	8	792.00 USD	111.16 USD	111.16 USD
Totals for Included	11	861.00 USD	120.85 USD	120.85 USD
Totals for Day 07/03/2017	11	861.00 USD	120.85 USD	120.85 USD

Day 07/10/2017

Included

MULTI-SEARCH DOCUMENT DISPLAYS	4	194.00 USD	27.23 USD	27.23 USD
MULTI-SEARCH TRANSACTIONAL SEARCHES	5	297.00 USD	41.69 USD	41.69 USD
Totals for Included	9	491.00 USD	68.92 USD	68.92 USD
Totals for Day 07/10/2017	9	491.00 USD	68.92 USD	68.92 USD

Day 07/11/2017

Included

MULTI-SEARCH TRANSACTIONAL SEARCHES	4	396.00 USD	55.58 USD	55.58 USD
Totals for Included	4	396.00 USD	55.58 USD	55.58 USD
Totals for Day 07/11/2017	4	396.00 USD	55.58 USD	55.58 USD
Totals for User Name FONG,TAYLOR (8288556)	24	1,746.00 USD	245.35 USD	245.35 USD

User Name MOUNTEER,CODY S (9702841)

Day 07/21/2017

Included

MULTI-SEARCH DOCUMENT DISPLAYS	2	0.00 USD	0.00 USD	0.00 USD
MULTI-SEARCH TRANSACTIONAL SEARCHES	2	198.00 USD	27.79 USD	27.79 USD
Totals for Included	4	198.00 USD	27.79 USD	27.79 USD
Totals for Day 07/21/2017	4	198.00 USD	27.79 USD	27.79 USD
Totals for User Name MOUNTEER,CODY S (9702841)	4	198.00 USD	27.79 USD	27.79 USD
Totals for Client 5161-19	28	1,946.00 USD	273.14 USD	273.14 USD

Client 5161-19

User Name SANSONE,NEIL M (15347118)

Day 05/12/2017

Included

MULTI-SEARCH KEYCITE	1	0.00 USD	0.00 USD	0.00 USD
MULTI-SEARCH DOCUMENT DISPLAYS	5	0.00 USD	0.00 USD	0.00 USD
MULTI-SEARCH TRANSACTIONAL SEARCHES	6	495.00 USD	63.79 USD	63.79 USD
Totals for Included	12	495.00 USD	63.79 USD	63.79 USD
Totals for Day 05/12/2017	12	495.00 USD	63.79 USD	63.79 USD
Totals for User Name SANSONE,NEIL M (15347118)	12	495.00 USD	63.79 USD	63.79 USD
Totals for Client 5161-19	12	495.00 USD	63.79 USD	63.79 USD ✓

JA006791

Client 5161-19

User Name FONG,TAYLOR (8288556)

Day 04/07/2017

Included

MULTI-SEARCH DOCUMENT DISPLAYS	7	125.00 USD	15.59 USD	15.59 USD
MULTI-SEARCH TRANSACTIONAL SEARCHES	4	297.00 USD	37.05 USD	37.05 USD
Totals for Included	11	422.00 USD	52.65 USD	52.65 USD
Totals for Day 04/07/2017	11	422.00 USD	52.65 USD	52.65 USD
Totals for User Name FONG,TAYLOR (8288556)	11	422.00 USD	52.65 USD	52.65 USD
Totals for Client 5161-19	11	422.00 USD	52.65 USD	52.65 USD

Client 5161-19

User Name FONG,TAYLOR (8288556)

Day 03/09/2017

Included

MULTI-SEARCH KEYCITE	1	0.00 USD	0.00 USD	0.00 USD
MULTI-SEARCH DOCUMENT DISPLAYS	6	194.00 USD	19.34 USD	19.34 USD
MULTI-SEARCH ONLINE IMAGES	1	114.00 USD	11.37 USD	11.37 USD
MULTI-SEARCH WEST REPORTER IMAGE	1	29.00 USD	2.89 USD	2.89 USD
MULTI-SEARCH TRANSACTIONAL	3	297.00 USD	29.61 USD	29.61 USD
SEARCHES	3	297.00 USD	29.61 USD	29.61 USD
Totals for Included	12	634.00 USD	63.21 USD	63.21 USD
Totals for Day 03/09/2017	12	634.00 USD	63.21 USD	63.21 USD
Totals for User Name FONG,TAYLOR (8288556)	12	634.00 USD	63.21 USD	63.21 USD
Totals for Client 5161-19	12	634.00 USD	63.21 USD	63.21 USD

JA006793

Client 5161-019

User Name WILDE,KATHLEEN A (15073906)

Day 01/06/2017

Included

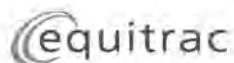
MULTI-SEARCH DOCUMENT DISPLAYS	3	69.00 USD	7.77 USD	7.77 USD
MULTI-SEARCH TRANSACTIONAL SEARCHES	2	198.00 USD	22.29 USD	22.29 USD
Totals for Included	5	267.00 USD	30.05 USD	30.05 USD
Totals for Day 01/06/2017	5	267.00 USD	30.05 USD	30.05 USD

Day 01/09/2017

Included

MULTI-SEARCH DOCUMENT DISPLAYS	8	69.00 USD	7.77 USD	7.77 USD
MULTI-SEARCH TRANSACTIONAL SEARCHES	3	297.00 USD	33.43 USD	33.43 USD
Totals for Included	11	366.00 USD	41.19 USD	41.19 USD
Totals for Day 01/09/2017	11	366.00 USD	41.19 USD	41.19 USD
Totals for User Name WILDE,KATHLEEN A (15073906)	16	633.00 USD	71.25 USD	71.25 USD
Totals for Client 5161-019	16	633.00 USD	71.25 USD	71.25 USD

Exhibit O



Generated

Wednesday, May 23, 2018

at 3:32:39PM

Copy By Account Detail

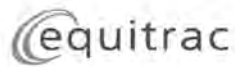
Client='5161' and Matter='019'

Starting Date: 5/24/2016

Ending Date: 1/10/2018

Number of Days: 597

Date	Time	UserCode	User	Count	Amount
Location: :					
Client: 5161: Las Vegas Paving Corporation					
Matter: 019: APCO - Manhattan West Mechanic's Lien Li					
5/24/2016	10:59:58AM	139	Barbara A. Frauenfeld	27	\$6.75
6/3/2016	9:06:19AM	139	Barbara A. Frauenfeld	2	\$0.50
6/6/2016	2:25:32PM	139	Barbara A. Frauenfeld	61	\$15.25
6/6/2016	3:21:40PM	199	Taylor Fong	6	\$1.50
6/9/2016	9:46:26AM	139	Barbara A. Frauenfeld	1	\$0.25
6/17/2016	8:15:39AM	300	Cody Mounteer	4	\$1.00
6/29/2016	9:09:31AM	139	Barbara A. Frauenfeld	4	\$1.00
8/9/2016	9:00:53AM	139	Barbara A. Frauenfeld	6	\$1.50
11/3/2016	2:49:28PM	386	Jennifer Case	3	\$0.75
1/3/2017	10:35:53AM	386	Jennifer Case	69	\$17.25
3/7/2017	10:43:49AM	386	Jennifer Case	2	\$0.50
3/20/2017	9:29:19AM	386	Jennifer Case	2	\$0.50
4/7/2017	2:18:01PM	386	Jennifer Case	2	\$0.50
4/12/2017	10:17:46AM	386	Jennifer Case	29	\$7.25
5/5/2017	11:15:09AM	386	Jennifer Case	6	\$1.50
5/5/2017	11:27:59AM	386	Jennifer Case	1	\$0.25
6/5/2017	7:58:21AM	386	Jennifer Case	20	\$5.00
6/27/2017	10:47:31AM	199	Taylor Fong	6	\$1.50
7/18/2017	9:52:34AM	199	Taylor Fong	580	\$145.00
10/2/2017	5:28:51PM	199	Taylor Fong	44	\$11.00
11/3/2017	3:35:52PM	199	Taylor Fong	730	\$182.50
11/8/2017	10:47:26AM	199	Taylor Fong	1	\$0.25
1/10/2018	2:04:24PM	720	Nancy Knilians	28	\$7.00
1/10/2018	5:04:08PM	293	Leah Dell	145	\$36.25
Totals for Matter: 019				1,779	\$444.75
Totals for Client: 5161				1,779	\$444.75
Totals for Location:				1,779	\$444.75



Generated

Wednesday, May 23, 2018
at 3:32:56PM

Copy By Account Detail

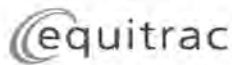
Client='5161' and Matter='019'

Starting Date: 5/24/2016

Ending Date: 1/10/2018

Number of Days: 597

<u>Date</u>	<u>Time</u>	<u>UserCode</u>	<u>User</u>	<u>Count</u>	<u>Amount</u>
<i>Report Totals:</i>				1,779	\$444.75



Generated

Wednesday, May 23, 2018
at 3:35:04PM

Print By Account Detail

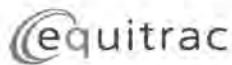
Client='5161' and Matter='019'

Starting Date: 10/12/2015

Ending Date: 5/21/2018

Number of Days: 953

Date	Time	UserCode	User	Size	Count	Amount
Location: :						
Client: 5161:Las Vegas Paving Corporation						
Matter: 019:APCO - Manhattan West Mechanic's Lien Li						
10/12/2015	5:42:42PM	293	Leah Dell	Letter	2	\$0.50
Microsoft Word - Motion for Extension of Time to File Petition for Rehearing Joint Lien Claimant Petitioners other than APCO						
10/19/2015	5:02:56PM	293	Leah Dell	Letter	24	\$6.00
Microsoft Word - 2632943_1						
10/19/2015	5:28:10PM	293	Leah Dell	Letter	96	\$24.00
Nevada Supreme Court Petition for Rehearing.pdf						
10/19/2015	5:29:03PM	293	Leah Dell	Letter	24	\$6.00
Microsoft Word - 2632943_1						
10/19/2015	5:36:31PM	293	Leah Dell	Letter	4	\$1.00
Microsoft Word - 2632943_1						
10/19/2015	5:36:56PM	293	Leah Dell	Letter	4	\$1.00
Microsoft Word - 2632943_1						
10/21/2015	9:22:36AM	293	Leah Dell	Letter	6	\$1.50
15-10-21 NV Prefab Joinder.pdf?pageAction=GetNotifierDocument¬ifierId=1116482¬ifierDocId=1165982&cmsDocId=309565&caseNumber=61131						
11/25/2015	10:11:51AM	361	Carolyn Hatfield	Letter	3	\$0.75
Scanned0.pdf?pageAction=GetNotifierDocument¬ifierId=1126416¬ifierDocId=1176725&cmsDocId=314320&caseNumber=61131						
11/30/2015	2:20:55PM	361	Carolyn Hatfield	Letter	2	\$0.50
Scanned0 (25).pdf						
11/30/2015	2:26:50PM	361	Carolyn Hatfield	Letter	2	\$0.50
Scanned0 (26).pdf						
12/4/2015	3:23:08PM	361	Carolyn Hatfield	Letter	1	\$0.25
Microsoft Word - 2670121_1						
12/14/2015	10:17:06AM	293	Leah Dell	Letter	68	\$17.00
https://www.clarkcountycourts.us/Anonymous/CaseDetail.aspx?Case						
12/16/2015	10:34:40AM	293	Leah Dell	Letter	25	\$6.25
Microsoft Word - 2670011_1						
12/16/2015	10:38:36AM	293	Leah Dell	Letter	2	\$0.50
Microsoft Word - Document2						
12/17/2015	9:26:54AM	293	Leah Dell	Letter	188	\$47.00
Petition for En Banc Reconsideration.pdf						
12/17/2015	9:28:20AM	293	Leah Dell	Com10 Env	1	\$0.25
Microsoft Word - Envelopes1						
12/17/2015	9:28:28AM	293	Leah Dell	Com10 Env	1	\$0.25
Microsoft Word - Envelopes1						
12/17/2015	9:28:40AM	293	Leah Dell	Com10 Env	1	\$0.25
Microsoft Word - Envelopes1						
12/17/2015	9:28:51AM	293	Leah Dell	Com10 Env	1	\$0.25
Microsoft Word - Envelopes1						
12/17/2015	9:29:06AM	293	Leah Dell	Com10 Env	1	\$0.25
Microsoft Word - Envelopes1						
12/17/2015	1:36:17PM	293	Leah Dell	Letter	1	\$0.25



Generated

Wednesday, May 23, 2018

at 3:35:13PM

Print By Account Detail

Client='5161' and Matter='019'

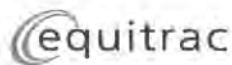
Starting Date: 10/12/2015

Ending Date: 5/21/2018

Number of Days:

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Matter: 019:APCO - Manhattan West Mechanic's Lien Li						
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Joinder to						
Petition.pdf?pageAction=GetNotifierDocument¬ifierId=1132972¬ifierDocId=1184043&cmsDocId=318036&caseNumber=61131						
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Motion for Extension - Rehearing Answer.PDF						
1/4/2016	9:11:22AM	293	Leah Dell	Letter	2	\$0.50
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1/21/2016	9:46:43AM	293	Leah Dell	Letter	29	\$7.25
Answer to Petition for						
Rehearing.PDF?pageAction=GetNotifierDocument¬ifierId=1140668¬ifierDocId=1192315&cmsDocId=321782&caseNumber=61131						
2/23/2016	11:03:03AM	293	Leah Dell	Letter	4	\$1.00
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2015-09-24 Opinion.pdf						
4/1/2016	3:02:57PM	300	Cody Munteer	Letter	10	\$2.50
Microsoft Word - Beazer Homes Nevada Inc v Eighth Judicial Dist Court ex rel County of Clark						
4/1/2016	3:03:15PM	300	Cody Munteer	Letter	14	\$3.50
Microsoft Word - Lehrer McGovern Bovis Inc v Bullock Insulation Inc						
4/1/2016	3:11:37PM	300	Cody Munteer	Letter	10	\$2.50
Microsoft Word - Beazer Homes Nevada Inc v Eighth Judicial Dist Court ex rel County of Clark						
4/1/2016	3:11:57PM	300	Cody Munteer	Letter	14	\$3.50
Microsoft Word - Lehrer McGovern Bovis Inc v Bullock Insulation Inc						
4/5/2016	10:41:05AM	199	Taylor Fong	Letter	5	\$1.25
Apco Construction - Entity Details.pdf						
4/5/2016	10:41:14AM	199	Taylor Fong	Letter	1	\$0.25
Apco Construction - NSCB Details.pdf						
4/5/2016	10:41:24AM	199	Taylor Fong	Letter	7	\$1.75
Las Vegas Paving - Entity Details.pdf						
4/5/2016	3:30:46PM	139	Barbara A. Frauenfeld	Letter	6	\$1.50
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Wednesday, May 23, 2018

at 3:35:14PM

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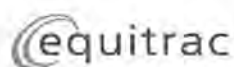
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Number of Days:

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Matter: 019:APCO - Manhattan West Mechanic's Lien Li						
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2731615_1.pdf						
4/6/2016	8:38:16AM	139	Barbara A. Frauenfeld	Letter	3	\$0.75
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4/6/2016	8:44:02AM	139	Barbara A. Frauenfeld	Letter	7	\$1.75
Microsoft Word - 2767037_1						
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E-File & Serve Case Contacts						
4/6/2016	8:45:54AM	139	Barbara A. Frauenfeld	Letter	5	\$1.25
Microsoft Word - Document1						
4/7/2016	1:34:29PM	199	Taylor Fong	Letter	30	\$7.50
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Statement_of_Facts_Constitut_Aacc.pdf						
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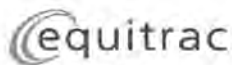
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Ending Date: 5/21/2018

Number of Days: 953

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Matter: 019:APCO - Manhattan West Mechanic's Lien Li						
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https://www.clarkcountycourts.us/Anonymous/Search.aspx?ID=400						
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Microsoft Office Outlook - Memo Style						
4/25/2016	9:47:10AM	300	Cody Munteer	Letter	1	\$0.25
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4/25/2016	12:18:56PM	300	Cody Munteer	Letter	2	\$0.50
08A571228-8107126_Service Only Letter to all counsel regarding status of .pdf						
4/26/2016	8:46:55AM	139	Barbara A. Frauenfeld	Letter	8	\$2.00
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4/26/2016	3:39:17PM	139	Barbara A. Frauenfeld	Letter	2	\$0.50
Microsoft Word - Labels2						
4/27/2016	3:36:58PM	139	Barbara A. Frauenfeld	Letter	1	\$0.25
Microsoft Word - 2784374_1						
4/28/2016	9:09:18AM	139	Barbara A. Frauenfeld	Letter	104	\$26.00
Motion to Dismiss (Out of Business) - Summary.PDF						
4/28/2016	9:09:42AM	139	Barbara A. Frauenfeld	Letter	4	\$1.00
https://lvjcpa.clarkcountynv.gov/Anonymous/CaseDetail.aspx?CaseID=10953999						
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2011-12-21 CMO.pdf						
5/2/2016	10:05:08AM	199	Taylor Fong	Letter	9	\$2.25
2010-01-28 Case Management Order.pdf						
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02-Las Vegas Paving Litigation Matrix-MAC cases-May 2016.xls						
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APCO_Construction_s_Renewed_Motion_to_Consolidate_Case_No_A579963_Mcsd.pdf						
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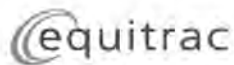
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Ending Date: 5/21/2018

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Joint Motion to Release Sale Proceeds from Court Controlled Escrow Account on Order Shortening Time Mot.pdf						
5/5/2016	10:21:51AM	367		Letter	8	\$2.00
Joint Motion to Release Sale Proceeds from Court Controlled Escrow Account on Order Shortening Time Mot.pdf						
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Microsoft Word - APCO Motion to Appoint Special Master and Set Case Agenda						
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Wednesday, May 23, 2018
at 3:35:15PM

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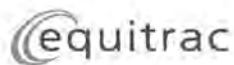
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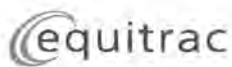
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Matter: 019:APCO - Manhattan West Mechanic's Lien Li						
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Microsoft Word - 2810798_1						
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Wednesday, May 23, 2018

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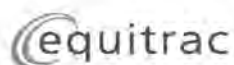
Starting Date: 10/12/2015

Ending Date: 5/21/2018

Number of Days:

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Matter: 019:APCO - Manhattan West Mechanic's Lien Li						
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2803506_1						
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for Partial Summary Ju.PDF						
6/2/2016	9:50:03AM	199	Taylor Fong	Letter	28	\$7.00
Insulpro's Responses to APCO's Interrogatories 4831-2449-5648.pdf						
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Insulpro's Responses to APCO's Request for Production of Documents						
4835-7138-7680.pdf						
6/2/2016	9:52:42AM	199	Taylor Fong	Letter	12	\$3.00
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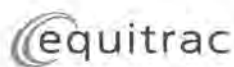
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from Court Contro.PDF						
6/2/2016	11:43:26AM	300	Cody Munteer	Letter	10	\$2.50
2012-07-26 Minutes of Hearing on Sale of Property (Parties to attend settlement						
conference and submi.PDF						
6/2/2016	11:49:18AM	300	Cody Munteer	Letter	3	\$0.75
2012-12-27 Motion to Set Hearing to DIscuss Order Approving Private Sale						
Purchase and Sale Agreemen (2).PDF						
6/2/2016	11:58:10AM	300	Cody Munteer	Letter	5	\$1.25
Order Approving Sale of Property_Ord (1).pdf						
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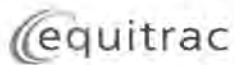
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Notice of Entry of Case Management Order Notc.pdf						
6/6/2016	1:20:38PM	199	Taylor Fong	Letter	3	\$0.75
2010-09-27 APCO's Fourth Supplemental Disclosure of Imaged Documents (e-served) 4846-2199-3248.pdf						
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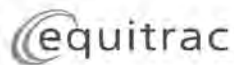
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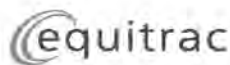
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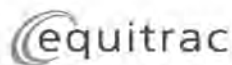
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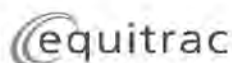
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7/15/2016	8:39:39AM	300	Cody Munteer	Letter	2	\$0.50
Microsoft Word - Background Info						
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Summerhays Contractors Board Complaint Form (2).pdf						
7/15/2016	9:54:29AM	300	Cody Munteer	Letter	5	\$1.25
INSTRUCTIONS FOR THE CRIMINAL COMPLAINT FORM.pdf						
7/19/2016	8:28:34AM	139	Barbara A. Frauenfeld	Letter	1	\$0.25
Microsoft Word - 2784374_1						
7/21/2016	10:13:37AM	300	Cody Munteer	Letter	4	\$1.00
NSCB Licensed Contractor Complaint Form - R. Abrams.PDF						
7/21/2016	10:14:32AM	300	Cody Munteer	Letter	1	\$0.25
Microsoft Word - Alarm - Park Run Alarm Instructions						
7/21/2016	11:05:42AM	300	Cody Munteer	Letter	4	\$1.00
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2836220_1.pdf						
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2012-10-30 Transcript.pdf						
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Documents 4839-7377-6928.pdf						
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Wednesday, May 23, 2018

at 3:35:21PM

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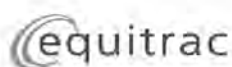
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Starting Date: 10/12/2015

Ending Date: 5/21/2018

Number of Days: 953

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2016-08-31 Letter to Special Master Hale from Peel Brimley with questionnaire.PDF						
8/31/2016	10:04:54AM	386	Jennifer Case	Letter	4	\$1.00
2016-08-31 Accuracy Glass List of Initial Disclosures Pursuant to 16.1.PDF						
8/31/2016	10:25:32AM	386	Jennifer Case	Letter	4	\$1.00
2016-08-31 Buchele, Incs Initial Disclosures Pursuant to NRCP 16.1.PDF						
8/31/2016	10:31:46AM	386	Jennifer Case	Letter	4	\$1.00
2016-08-31 Cactus Rose Construction Ins Initial Disclosures Pursuant to NRCP 16.1.PDF						
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2016-08-31 Heinaman contract Glazing, Inc. Initial Disclosures Pursuant to NRCP 16.1.PDF						
8/31/2016	10:43:51AM	386	Jennifer Case	Letter	4	\$1.00
2016-08-31 Helix Electric of Nevada LLCs Initial Disclosures Pursuant to NRCP 16.1.PDF						
8/31/2016	10:47:45AM	386	Jennifer Case	Letter	4	\$1.00
2016-08-31 Interstate Plumbing and Air Conditioning LLCs Initial disclosures Pursuant to NRCP 16.1.PDF						
8/31/2016	10:52:40AM	386	Jennifer Case	Letter	4	\$1.00
2016-08-31 SWPPP compliance Solutions LLCs Initial Disclosures Pursuant to NRCP 16.1.PDF						
8/31/2016	10:57:10AM	386	Jennifer Case	Letter	4	\$1.00
2016-08-31 Cardno WRG fka WRG Design Incs Initial Disclosures Pursuant to NRCP 16.1.PDF						
8/31/2016	12:03:00PM	386	Jennifer Case	Letter	5	\$1.25
2016-08-31 Uintah Investments LLC dba Sierra Reinforcing Initial Disclosures Pursuant to NRCP 16.1.PDF						
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Microsoft Word - Jenn Draft APCO Construction's Sixth Supplemental Disclosure of Imaged Documents						
8/31/2016	2:24:32PM	199	Taylor Fong	Letter	12	\$3.00
Microsoft Word - 2882862_2						
8/31/2016	3:00:29PM	199	Taylor Fong	Letter	12	\$3.00
Microsoft Word - 2882862_2						
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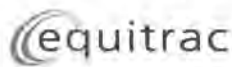
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Starting Date: 10/12/2015

Ending Date: 5/21/2018

Number of Days: 953

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2010-01-28 Case Management Order.PDF						
9/1/2016	11:45:19AM	386	Jennifer Case	Letter	198	\$49.50
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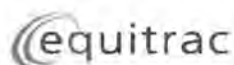
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Starting Date: 10/12/2015

Ending Date: 5/21/2018

Number of Days: 953

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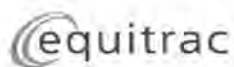
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Starting Date: 10/12/2015

Ending Date: 5/21/2018

Number of Days: 953

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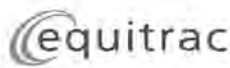
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Ending Date: 5/21/2018

Number of Days:

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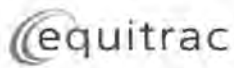
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Starting Date: 10/12/2015

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Number of Days: 953

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Matter: 019:APCO - Manhattan West Mechanic's Lien Li						
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2016-09-30 Request for Leave to Special Master for Approval of Late Filing and						
Service of Rule 16.1 Disclosures.PDF						
10/3/2016	2:07:12PM	386	Jennifer Case	Letter	1	\$0.25
2016-10-03 Special Master Order Authorizing National Wood Products Inc to File						
and Serve NRCP 16.1 Disclosures.PDF						
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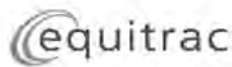
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Ending Date: 5/21/2018

Number of Days:

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2016-10-12 United Subcontractors Inc dba Skyline Insulations Refiled Supplemented and Consolidated Disclosure Pursuant to NRCP 16.1 and Special Master Order.PDF						
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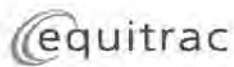
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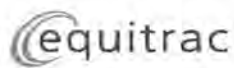
Starting Date: 10/12/2015

Ending Date: 5/21/2018

Number of Days:

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Number of Days:

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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
VOLUME 95

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cbyrd@fclaw.com
Attorneys for Respondent

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 NRCF 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>
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
	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
	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

<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

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	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

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	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

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	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

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	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

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	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

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
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>
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

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
		JA006442	
	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
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

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
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 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>
	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

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
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

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Nevada, LLC, SWPPP Compliance 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
	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

<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

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Precluding Defenses Based on Pay-if-Paid Agreements		
	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
	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 in Limine 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

<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
	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

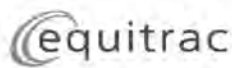
<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Trial Exhibit 162 - Amended and Restated General Construction Agreement between Gemstone and CAMCO (<i>Admitted</i>)	JA002147- JA002176	35/36
	Trial Exhibit 212 - Letter from Edelstein to R. Nickerl re: NRS 624 Notice (<i>Admitted</i>)	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



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Wednesday, May 23, 2018

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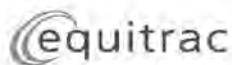
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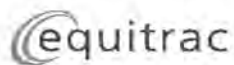
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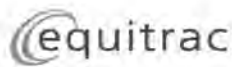
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Wednesday, May 23, 2018

at 3:35:29PM

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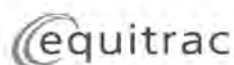
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Ending Date: 5/21/2018

Number of Days:

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2016-12-30 Plaintiff in Intervention, National Wood Products, Inc's Request for Admissions to CAMCO.PDF						
1/3/2017	8:44:06AM	386	Jennifer Case	Letter	11	\$2.75
08A571228-8935335_Service						
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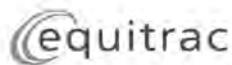
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22) APCO Contract.pdf						
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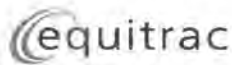
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003 2008-11-14 Steel Structure Lien.pdf						
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004 2009-03-20 Steel Structures Second Amended Statement of Facts Constituting Lien and Complaint in Int.PDF						
1/12/2017	3:22:19PM	199	Taylor Fong	Letter	3	\$0.75
005 2016-09-22 Steel Structures, Inc.'s Special Master Questionnaire.pdf						
1/12/2017	3:22:45PM	199	Taylor Fong	Letter	21	\$5.25
APCO 104083.pdf						
1/12/2017	3:24:25PM	199	Taylor Fong	Letter	1	\$0.25
APCO Subcontractor Index for Binders.xlsx						
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001 2007-04-17 Sierra Subcontract.pdf						
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003 2008-10-14 Lien - Sierra Reinforcing.pdf						
1/12/2017	3:25:04PM	199	Taylor Fong	Letter	7	\$1.75
004 2009-02-23 Unitah Complaint.pdf						
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005 2016-09-22 Unitah Investments LLCs Special Master Questionnaire.PDF						
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Sierra - APCO 104057.pdf						
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2016-08-31 Uintah Investments LLC dba Sierra Reinforcings Initial Disclosures Pursuant to NRCP 16.1a.PDF						
1/12/2017	4:32:31PM	199	Taylor Fong	Letter	1	\$0.25
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Wednesday, May 23, 2018

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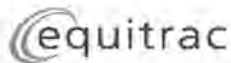
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Number of Days:

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004 2009-04-30 Zitting Brothers Construction, Inc.'s Complaint re Foreclosure.pdf						
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005 2016-09-23 Zitting Brothers Construction Inc_s Response to Special Master Questionnaire.PDF						
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Zitting - APCO 104200.pdf						
1/12/2017	4:45:43PM	199	Taylor Fong	Letter	19	\$4.75
2016-09-01 Zitting Brothers Initial List of Witnesses and Production of documents Pursuant to NRCP 1.PDF						
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APCO Subcontractor Index for Binders.xlsx						
1/17/2017	1:40:54PM	386	Jennifer Case	Letter	111	\$27.75
2017-01-13 Motion for Order to Show Cause Why Grubb & Ellis, Now Known As Newmark Grubb, should Not be Hold in Contempt of Court.PDF						
1/19/2017	8:22:51AM	386	Jennifer Case	Letter	7	\$1.75
2017-01-18 Steel Structures Incs First Supplemental Disclosure Statement (NV Prefab, Uintah).PDF						
1/19/2017	8:25:42AM	386	Jennifer Case	Letter	7	\$1.75
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Only Nevada Prefab Engineers_Inc_s First Supplemental Disclosure Statement.pdf						
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1/23/2017	9:04:51AM	300	Cody Munteer	Letter	1	\$0.25
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1/23/2017	9:08:17AM	300	Cody Munteer	Letter	7	\$1.75
2017-01-05 Sun West Custom Homes_s Petition for Preferential Summary Tri .pdf						
1/23/2017	2:16:24PM	386	Jennifer Case	Letter	10	\$2.50
2017-01-23 Nevada Prefab Engineers Incs answers to APCO Constructions First Set of Interrogatories.PDF						
1/23/2017	2:17:19PM	386	Jennifer Case	Letter	10	\$2.50
08A571228-9003894_Service						
Only Steel Structures_Inc_s Answers to APCO Construction_s First Set of Interrogat.pdf						
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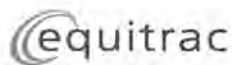
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APCO Construc.pdf						
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6385 Barn Mgmt Lease and To Do List R.pdf						
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2017-01-31 United Subcontractors Inc dba Skyline Insulations Responses to APCO						
Constructions first set of interrogatories.PDF						
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2/7/2017	1:50:22PM	386	Jennifer Case	Letter	10	\$2.50
2017-02-03 Certificate of Service.PDF						
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of Interrogatories.PDF						
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2017-02-08 Helix Electric of Nevada LLCs Answers to Apco Constructions First Set						
of Interrogatories.PDF						
2/8/2017	4:21:04PM	386	Jennifer Case	Letter	7	\$1.75
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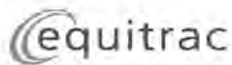
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LaTesoro Reserve Study 4-15-13.pdf						
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2017-02-15 Motion to Withdraw.PDF						
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2017-02-16 Letter from SM Hale to all counsel.PDF						
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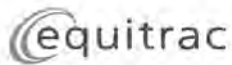
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002 Helix Exhibit to Ratification & Amendment of Subcontract Agreement plus						
Check List.pdf						
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003 2009-01-29 Amended Notice of Lien.pdf						
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004 2009-06-24 Helix's Amended Statement of Facts Constituting Lien and						
Third-Party Complaint.PDF						
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005 2016-09-22 Helix Electric of Nevada, LLC_s Response to Special Master						
Questionnaire.PDF						
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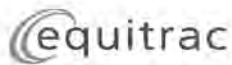
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Number of Days:

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003 2010-03-29 Notice of Lien.pdf						
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003 100329 Ntc of Lien - HVAC [Recorded].pdf						
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004 2010-04-05 Interstate Plumbing & Air Conditioning_s Statement of Facts Constituting Notice of Lien a.PDF						
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005 2016-09-22 Interstate Plumbing and Air Conditioning LLCs Response to Special Master Questionnaire.PDF						
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004 2009-02-06 Cabinetec's Statement of Facts Constituting Lien Claim and Complaint in Intervention.pdf						
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005 2016-09-23 National Wood Products Inc_s Response to Special Master Questionnaire.PDF						
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National - APCO 103366.pdf						
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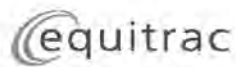
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004 TriCity Drywall's Statement of Facts Constituting Lien and Complaint in Intervention 4830-5155-6896.pdf						
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005 2016-11-15 Tri-City Response to Special Master Questionnaire.pdf						
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Tri-City - APCO 104147.pdf						
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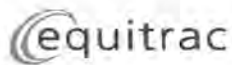
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120504 Order Granting National Wood Products' Motion to Intervene 4833-8362-2944.pdf						
2/24/2017	8:51:31AM	199	Taylor Fong	Letter	4	\$1.00
Order Granting Motion to withdraw as counsel - Justin Watkins for Cabinetec.pdf						
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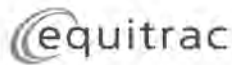
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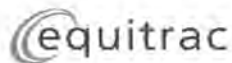
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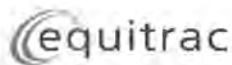
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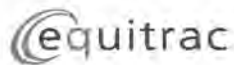
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Starting Date: 10/12/2015

Ending Date: 5/21/2018

Number of Days: 953

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2017-03-29 Order Admitting to Practice.PDF						
3/30/2017	8:40:10AM	386	Jennifer Case	Letter	19	\$4.75
2017-03-29 Notice of Entry of Decision and Order.PDF						
3/30/2017	10:12:10AM	199	Taylor Fong	Letter	20	\$5.00
001 Subcontract - Accuracy.pdf						
3/30/2017	10:14:08AM	199	Taylor Fong	Letter	57	\$14.25
002 080826 Ratification & Amdmnt of Subcon Agmnt Accuracy Glass and Mirror Company.pdf						
3/30/2017	10:15:57AM	199	Taylor Fong	Letter	12	\$3.00
Lien - Accuracy.pdf						
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004 2009-06-24 Accuracy Glass & Mirror's First Amended Complaint Regarding Foreclosure.PDF						
3/30/2017	10:21:31AM	199	Taylor Fong	Letter	3	\$0.75
005 2016-09-22 Accuracy Glass and Mirror Company Incs Response to Special Master Questionnaire.PDF						
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Wednesday, May 23, 2018

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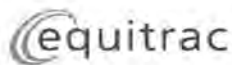
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Ending Date: 5/21/2018

Number of Days: 953

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	008 Interstate Plumbing & Air Conditioning, LLC - Revoked.pdf					
3/30/2017	10:56:21AM	199	Taylor Fong	Letter	38	\$9.50
	002 080826 Camco Subcontract [Signed].pdf					
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3/30/2017	11:30:53AM	199	Taylor Fong	Letter	4	\$1.00
	008 Helix Electric, Inc. -Active.pdf					
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	008 Nevada Prefab Engineers, Inc. - Active.pdf					
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	Accuracy Glass & Mirror Notice of BK Case Filing.pdf					
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Wednesday, May 23, 2018

at 3:35:39PM

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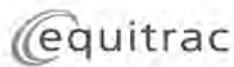
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Ending Date: 5/21/2018

Number of Days:

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1973.pdf						
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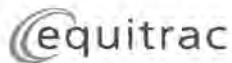
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Number of Days:

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008 National Wood Products, Inc. - Revoked.pdf						
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2006 Schedule E.PDF						
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Wednesday, May 23, 2018
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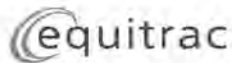
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Number of Days:

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2017-04-20 Notice of Bankruptcy of Accuracy Glass and Mirror co..PDF						
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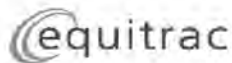
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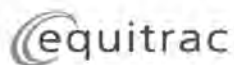
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Ending Date: 5/21/2018

Number of Days:

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Wednesday, May 23, 2018

at 3:35:42PM

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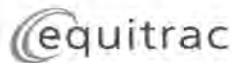
Ending Date: 5/21/2018

Number of Days:

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003 2010-04-07 Amended Notice of Lien.pdf						
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004 2009-04-30 Zitting Brothers Construction, Inc.'s Complaint re Foreclosure.pdf						
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005 2016-09-23 Zitting Brothers Construction Inc_s Response to Special Master Questionnaire.PDF						
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Zitting - APCO 104200.pdf						
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002 Helix Exhibit to Ratification & Amendment of Subcontract Agreement plus Check List.pdf						
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002 Ratification of Subcontract Agreement.pdf						
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003 2009-01-29 Amended Notice of Lien.pdf						
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004 2009-06-24 Helix's Amended Statement of Facts Constituting Lien and Third-Party Complaint.PDF						
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005 2016-09-22 Helix Electric of Nevada, LLC_s Response to Special Master Questionnaire.PDF						
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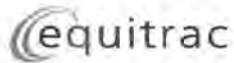
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APCO's Initial Disclosure of Witnesses and Notice of Imaged Documents 4839-7377-6928.pdf						
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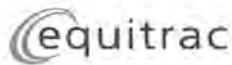
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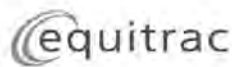
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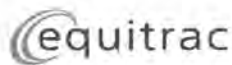
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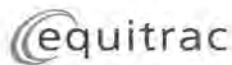
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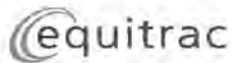
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Erickson Const Co v Nevada Nat Bank.pdf						
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Wednesday, May 23, 2018

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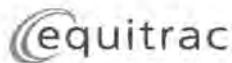
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Number of Days:

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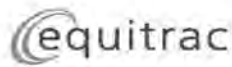
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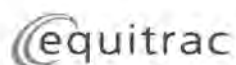
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Ending Date: 5/21/2018

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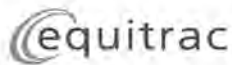
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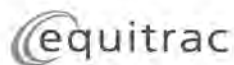
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Ending Date: 5/21/2018

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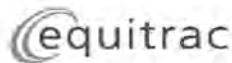
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Camcos Response to Cactus Rose Request for Admission.PDF						
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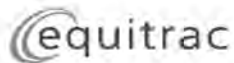
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2017-06-09 Camcos Responses to Heinamans Interrogatories.PDF						
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2017-06-09 Camcos Reply to Heinamans Request for Production of Documents.PDF						
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2017-06-09 Camcos Response to Interstate Plumbings Interrogatories.PDF						
6/12/2017	3:02:25PM	386	Jennifer Case	Letter	5	\$1.25
2017-06-09 Camcos Reply to Interstate Plumbings Request for Production of Documents.PDF						
6/19/2017	10:32:37AM	199	Taylor Fong	Letter	134	\$33.50
A9R226D.tmp.pdf						
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2014-04-16 Attachment B - Scope of Work - 1130008-006.pdf						
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2014-03-24 Attachment B - Scope of Work - 1130008-005.pdf						
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Attachment G - Supplement to Subcontract - Buildings 2 and 3.pdf						
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Attachment G - Supplement to Subcontract - Buildings 8 and 9.pdf						
6/19/2017	4:25:35PM	199	Taylor Fong	Letter	44	\$11.00
2014-03-24 Sub K Between MH and Helix 2.pdf						
6/19/2017	4:25:54PM	199	Taylor Fong	Letter	44	\$11.00
2014-03-24 Sub K Between MH and Helix.pdf						
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Exh to Subcontract.pdf						
6/20/2017	11:20:52AM	386	Jennifer Case	Letter	1	\$0.25
Filed SAO to Dismiss Insulpro.pdf						
6/20/2017	11:21:34AM	386	Jennifer Case	Letter	3	\$0.75
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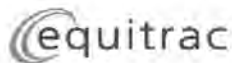
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Starting Date: 10/12/2015

Ending Date: 5/21/2018

Number of Days: 953

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FedEx Ship Manager - Print Your Label(s).pdf						
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Microsoft Office Outlook - Memo Style						
6/23/2017	2:34:39PM	300	Cody Munteer	Letter	2	\$0.50
Microsoft Word - 3121527_1						
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Microsoft Word - Document2						
6/26/2017	8:30:33AM	386	Jennifer Case	Letter	11	\$2.75
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6/26/2017	2:39:54PM	386	Jennifer Case	Letter	6	\$1.50
2017-06-26 Notice of Entry of ORder.PDF						
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Filed APCO's Motion to Dismiss or MSJ.pdf						
6/27/2017	9:02:50AM	386	Jennifer Case	Letter	208	\$52.00
Filed APCO's Motion to Dismiss or MSJ.pdf						
6/27/2017	9:24:38AM	386	Jennifer Case	Letter	2	\$0.50
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DisplayWorkorder.pdf						
6/27/2017	9:40:02AM	386	Jennifer Case	Letter	1	\$0.25
DisplayWorkorder.pdf						
6/27/2017	2:49:51PM	386	Jennifer Case	Letter	2	\$0.50
2017-06-27 Letter to All Counsel regarding Apco MSJ and moving hearing.PDF						
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2017-06-28 Order Granting Motion to Withdraw.PDF						
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Microsoft Word - 3123512_1						
6/30/2017	3:54:22PM	199	Taylor Fong	Letter	19	\$4.75
Microsoft Word - 3123512_1						
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Microsoft Word - OUTLINE OF PREPARATION FOR MARY JO FOR DEPOSITION						
7/3/2017	8:08:28AM	386	Jennifer Case	Letter	1	\$0.25
Filed APCO 9th disclsoure.pdf						
7/3/2017	8:18:53AM	386	Jennifer Case	Letter	46	\$11.50



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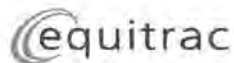
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2017-06-26 Motion to Substitute.PDF						
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ZBC002142-2167.pdf						
7/5/2017	1:42:24PM	300	Cody Mounteer	Letter	8	\$2.00
Microsoft Word - Membership Unit Purchase Agreement - with redline revisions						
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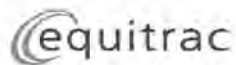
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2991372_1.PDF						
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Microsoft Word - 1171268 - Joint Motion to Continue MSJ Hearing						
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7/13/2017	11:04:03AM	199	Taylor Fong	Letter	2	\$0.50
Pay Application No. 2.pdf						
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Pay Application No. 3.pdf						
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Pay Application No. 4.pdf						
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Pay Application No. 5.pdf						
7/13/2017	11:04:57AM	199	Taylor Fong	Letter	2	\$0.50
Pay Application No. 6.pdf						
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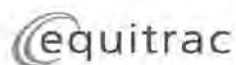
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Starting Date: 10/12/2015

Ending Date: 5/21/2018

Number of Days: 953

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APCO 105362 - 105597 INTERSTATE PLUMBING _ AIR (PLUMBING SCOPE).pdf						
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APCO 105598 - 105972 NEVADA PREFAB.pdf						
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2017-07-14 Joint Motion to Continue Hearing on APCO Construction Motion to Dismiss or for Summary Judgment on Lien Claimants NRS 108 Claim for Foreclosure of Mechanics Lien on Order Shortening Time.PDF						
7/17/2017	1:28:03PM	199	Taylor Fong	Letter	124	\$31.00
APCO 105973 - 106034 SIERRA REINFORCING (UNITAH INVESTMENTS).pdf						
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001 2007-04-17 Sierra Subcontract.pdf						
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003 2008-10-14 Lien - Sierra Reinforcing.pdf						
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004 2009-02-23 Unitah Complaint.pdf						
7/17/2017	1:53:01PM	199	Taylor Fong	Letter	3	\$0.75
005 2016-09-22 Unitah Investments LLCs Special Master Questionnaire.PDF						
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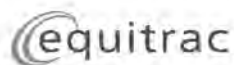
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Ending Date: 5/21/2018

Number of Days:

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2017-03-31 Uintah Investments LLC dba Sierra Reinforcing_s First Supplemental Disclosure Statement.PDF						
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DisplayWorkorder.aspx						
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008 Uintah Investments, LLC - Permantly Revoked.pdf						
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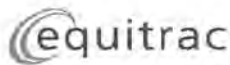
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Starting Date: 10/12/2015

Ending Date: 5/21/2018

Number of Days: 953

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Helix Exhibit to Subcontract Agreement.pdf						
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Helix Exhibit to Subcontract Agreement.pdf						
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7/19/2017	4:08:09PM	199	Taylor Fong	Letter	10	\$2.50
100506 Declaration of Victor Fuchs and exhibits.pdf						
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081217 Outstanding Accts. Payable Conti.pdf						
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081204 Ltr of Transmittal re Pay App 16713-014.pdf						
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080923 Payment.pdf						
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APCO 104915 - 105159 HELIX ELECTRIC.pdf						
7/19/2017	5:21:41PM	199	Taylor Fong	Letter	340	\$85.00
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7/19/2017	5:28:38PM	199	Taylor Fong	Letter	45	\$11.25
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Microsoft Word - 3141103_1						
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7/24/2017	8:06:33AM	284	Rosie Wesp	Unknown	18	\$4.50
3137256_1.pdf						
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Wednesday, May 23, 2018

at 3:35:56PM

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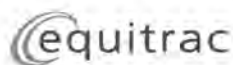
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Starting Date: 10/12/2015

Ending Date: 5/21/2018

Number of Days: 953

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2017-07-26 Minute Order re Uintahs Motion to Substitute.PDF						
7/27/2017	8:20:05AM	386	Jennifer Case	Letter	8	\$2.00
2017-07-26 Peel Brimley Lien Claimants Opposition to APCOs Motion for Summary Judgment claims.PDF						
7/27/2017	8:23:23AM	386	Jennifer Case	Letter	8	\$2.00
2017-07-26 Peel Brimley Lien Claimants Opposition to APCOs Motion for Summary Judgment claims.PDF						
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2017-07-26 Joinder of Interstate Plumbing and Air Conditionings Joinder to Opposition of Helix Electric.PDF						
7/27/2017	9:29:58AM	386	Jennifer Case	Letter	8	\$2.00
2017-07-26 Joinder of Interstate Plumbing and Air Conditionings Joinder to Opposition of Helix Electric.PDF						
7/27/2017	9:31:57AM	386	Jennifer Case	Letter	22	\$5.50
2017-07-26 Zitting Brothers Construction Incs Opposition to APCOs Motion to Dismiss or Summary Judgment.PDF						
7/30/2017	7:19:47AM	300	Cody Mounter	Letter	1	\$0.25
Microsoft Office Outlook - Memo Style						
7/30/2017	7:21:41AM	300	Cody Mounter	Letter	1	\$0.25
Microsoft Office Outlook - Memo Style						
7/30/2017	7:52:31AM	300	Cody Mounter	Letter	3	\$0.75
Microsoft Office Outlook - Memo Style						
7/30/2017	8:54:17AM	300	Cody Mounter	Letter	1	\$0.25
Microsoft Office Outlook - Memo Style						
7/30/2017	9:02:41AM	300	Cody Mounter	Letter	5	\$1.25
Microsoft Office Outlook - Memo Style						
7/30/2017	9:37:11AM	300	Cody Mounter	Letter	4	\$1.00
Microsoft Office Outlook - Memo Style						
7/30/2017	9:45:43AM	300	Cody Mounter	Letter	2	\$0.50
Microsoft Office Outlook - Memo Style						
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8/1/2017	9:14:17AM	199	Taylor Fong	Letter	26	\$6.50
3154396_1.PDF						
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3145568_1.PDF						
8/1/2017	9:47:03AM	386	Jennifer Case	Letter	128	\$32.00
05161-019 Combined Invoice 20170731.pdf						
8/1/2017	9:48:05AM	386	Jennifer Case	Letter	32	\$8.00



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Wednesday, May 23, 2018

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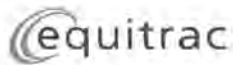
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Ending Date: 5/21/2018

Number of Days:

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Microsoft Word - 2784374_1						
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2017-08-01 Order Granting Gerdau Reinforcing Steels Motion to Substitute.PDF						
8/2/2017	8:23:48AM	386	Jennifer Case	Letter	1	\$0.25
APCOs Reply in support of motion to dismiss or msj.pdf						
8/2/2017	8:30:29AM	386	Jennifer Case	Letter	146	\$36.50
Filed APCOs Reply in support of motion to dismiss or msj.pdf						
8/2/2017	9:12:48AM	386	Jennifer Case	Letter	2	\$0.50
DisplayWorkorder.pdf						
8/2/2017	10:02:49AM	386	Jennifer Case	Letter	76	\$19.00
2017-07-31 Zitting Brothers Construction Incs Motion for Partial Summary Judgment Against APCO Construction.PDF						
8/2/2017	10:49:39AM	386	Jennifer Case	Letter	6	\$1.50
2017-08-01 Notice of Entry of Order GRanting Gerdau Reinforcing Stee;s Motion to Substitute.PDF						
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8/3/2017	4:27:01PM	300	Cody Mounteer	Letter	1	\$0.25
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2017-08-02 Peel Brimley Lien Claimants Motion for Partial Summary Judgm .pdf						
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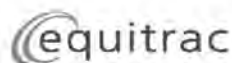
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Starting Date: 10/12/2015

Ending Date: 5/21/2018

Number of Days: 953

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California Appellate Court Rules On Pro... Faoro Attorneys San Mateo, California						
8/4/2017	4:56:24PM	300	Cody Mounter	Letter	5	\$1.25
Microsoft Word - Blois Construction Inc v FCIFluorParsons						
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Wednesday, May 23, 2018

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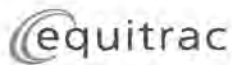
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Microsoft Word - Greg Opinski Const Inc v City of Oakdale						
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Claimants Motion for Partial Summary Judgment Precluding Defenses based on						
Pay if Paid Agreements.PDF						
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Opposition to APCOs Motion for Summary Judgment re Lien Claims.PDF						
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Copyright© 2018, Equitrac						Page 72

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Wednesday, May 23, 2018

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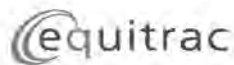
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Number of Days:

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Motio for Partial Summary Judgment Precluding Defenses Based on Pay if Paid						
Agreements.PDF						
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2017-08-11 SWPPP Compliance Solution LLCs Pre-Trial Disclosures.PDF						
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2017-08-11 Plaintiff in Intervention National Wood Product Incs Pre Trial						
Disclosure Pursuant to NRCP 16.1.PDF						
8/14/2017	10:22:00AM	386	Jennifer Case	Letter	4	\$1.00
2017-08-11 Camcos Pre-Trial Disclosures.PDF						
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2017-08-12 United Subcontractors Inc dba Skyline Insulations Pretrial						
Disclosures.PDF						
8/14/2017	11:19:07AM	386	Jennifer Case	Letter	6	\$1.50
2017-08-11 United Subcontractors Inc dba SKYline Insulations Joinder to Peel						
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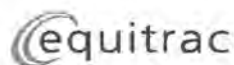
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2017-08-17 CAMCO Pacific Construction Companys Opposition to Lien Claimants						
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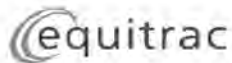
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Number of Days: 953

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Copyright© 2018, Equitrac						
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Wednesday, May 23, 2018
at 3:36:02PM

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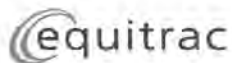
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Starting Date: 10/12/2015

Ending Date: 5/21/2018

Number of Days: 953

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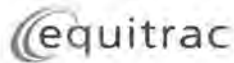
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Ending Date: 5/21/2018

Number of Days:

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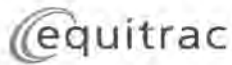
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Starting Date: 10/12/2015

Ending Date: 5/21/2018

Number of Days: 953

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at 3:36:04PM

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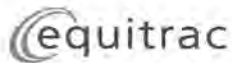
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Ending Date: 5/21/2018

Number of Days:

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Microsoft Word - McAndrew v Hazegh						
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Wednesday, May 23, 2018
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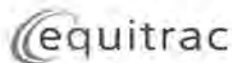
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Wednesday, May 23, 2018
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Ending Date: 5/21/2018

Number of Days: 953

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Wednesday, May 23, 2018
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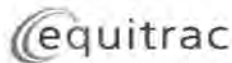
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Starting Date: 10/12/2015

Ending Date: 5/21/2018

Number of Days: 953

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OEM Termination Agreement - Fully Executed.pdf						
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Microsoft Office Outlook - Memo Style						
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RIO0288[1].pdf						
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10/1/2017	7:31:04PM	300	Cody Mounteer	Letter	1	\$0.25
Microsoft Office Outlook - Memo Style						
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Microsoft Office Outlook - Memo Style						
10/2/2017	9:09:16AM	284	Rosie Wesp	Letter	6	\$1.50
170928 RPY to OPP MPSJ - PBLLP.pdf						
10/2/2017	9:11:22AM	284	Rosie Wesp	Letter	6	\$1.50
Microsoft Office Outlook - Memo Style						
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Notice of Appearance.pdf						
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2885993_3.XLSX						
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081230 Notice of Lien.pdf						
10/2/2017	9:29:42AM	199	Taylor Fong	Letter	1	\$0.25
081217 Notice of Intent to Lien.pdf						
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081230 Notice of Lien-Recorded.pdf						
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Wednesday, May 23, 2018
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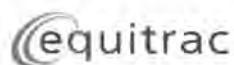
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Starting Date: 10/12/2015

Ending Date: 5/21/2018

Number of Days: 953

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003 2008-10-14 Lien - Sierra Reinforcing.pdf						
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2016-08-31 Uintah Investments LLC dba Sierra Reinforcings Initial Disclosures Pursuant to NRCP 16.1a.PDF						
10/2/2017	9:44:28AM	199	Taylor Fong	Letter	7	\$1.75
3167131_1.PDF						
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3187889_1.PDF						
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100311 15 day notice of intent to lien - Plumbing [Signed].pdf						
10/2/2017	10:04:04AM	199	Taylor Fong	Letter	25	\$6.25
100311 15 day notice of intento to lien - HVAC [Signed].pdf						
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100329 Ntc of Lien - Plumbing [Recorded].pdf						
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10/2/2017	10:26:51AM	199	Taylor Fong	Letter	138	\$34.50
2017-03-03 Plaintiff in Intervention National Wood Products, Inc.'s First Supplemental Disclosures Pursuant to NRCP 16.1.pdf						
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3169755_1.PDF						
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3189438_1.PDF						
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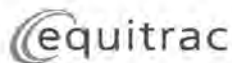
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Starting Date: 10/12/2015

Ending Date: 5/21/2018

Number of Days: 953

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Bate Stamped Docs ZBCI000001 - ZCBI000911.PDF						
10/2/2017	11:49:29AM	199	Taylor Fong	Letter	8	\$2.00
ZBCI0001965.pdf						
10/2/2017	11:49:57AM	199	Taylor Fong	Letter	11	\$2.75
ZBCI0001976.pdf						
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2016-09-01 Zitting Brothers Initial List of Witnesses and Production of documents Pursuant to NRCP 1.PDF						
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003 2010-04-07 Amended Notice of Lien.pdf						
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003 2008-12-23 Lien.pdf						
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Microsoft Word - Document2						
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3209235_1.pdf						
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2017-09-29 Zitting Brothers Reply In Support of Motion for Partial Summary Judgment Against APCO.PDF						
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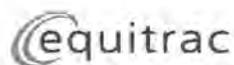
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Ending Date: 5/21/2018

Number of Days:

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2017-03-29 NOTICE OF TAKING NRCP RULE 30(B)(6) DEPOSITION OF PMK FOR Accuracy Glass.PDF						
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10/5/2017	7:40:16AM	284	Rosie Wesp	Letter	8	\$2.00
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2017-03-29 NOTICE OF TAKING NRCP RULE 30(B)(6) DEPOSITION OF PMK for Steel Structures.PDF						
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2017-03-29 NOTICE OF TAKING NRCP RULE 30(B)(6) DEPOSITION OF PMK for Nevada Prefab Engineers.PDF						
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2017-03-29 NOTICE OF TAKING NRCP RULE 30(B)(6) DEPOSITION OF PMK for Steel Structures.PDF						
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2017-03-29 NOTICE OF TAKING NRCP RULE 30(B)(6) DEPOSITION OF PMK for United Subcontractors.PDF						
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2017-03-29 NOTICE OF TAKING NRCP RULE 30(B)(6) DEPOSITION OF PMK for Zitting Bros.PDF						
10/5/2017	7:45:01AM	284	Rosie Wesp	Letter	8	\$2.00
2017-04-18 NOTICE OF TAKING NRCP RULE 30(B)(6) DEPOSITION OF PMK FOR Uintah Investments LLC dba Sierra Reinforcing.PDF						
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Wednesday, May 23, 2018

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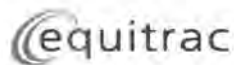
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Starting Date: 10/12/2015

Ending Date: 5/21/2018

Number of Days: 953

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Wednesday, May 23, 2018

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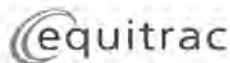
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Ending Date: 5/21/2018

Number of Days:

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Wednesday, May 23, 2018
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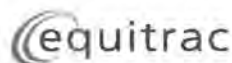
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Starting Date: 10/12/2015

Ending Date: 5/21/2018

Number of Days: 953

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IE Letter 10 9 17.pdf						
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Shell Contract Executed.pdf						
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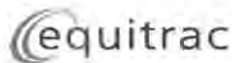
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Starting Date: 10/12/2015

Ending Date: 5/21/2018

Number of Days: 953

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10/13/2017	1:41:59PM	386	Jennifer Case	Letter	2	\$0.50
2017-10-13 Order Setting Civil Non Jury Trial and Calendar Call.PDF						
10/16/2017	2:46:30PM	300	Cody Munteer	Letter	5	\$1.25
20171016144017.pdf						
10/17/2017	3:20:22PM	284	Rosie Wesp	Letter	9	\$2.25
Microsoft Word - AMENDED NOTICE OF TAKING NRCP RULE 30_B_6_						
DEPOSITION OF PMK for Steel Structures						
10/17/2017	3:21:03PM	284	Rosie Wesp	Letter	9	\$2.25
Microsoft Word - AMENDED NOTICE OF TAKING NRCP RULE 30_B_6_						
DEPOSITION OF PMK for United Subcontractors						
10/17/2017	3:22:00PM	284	Rosie Wesp	Letter	9	\$2.25
Microsoft Word - AMENDED NOTICE OF TAKING NRCP RULE 30_B_6_						
DEPOSITION OF PMK for Steel Structures						
10/17/2017	3:22:22PM	284	Rosie Wesp	Letter	9	\$2.25
Microsoft Word - AMENDED NOTICE OF TAKING NRCP RULE 30_B_6_						
DEPOSITION OF PMK for United Subcontractors						
10/17/2017	3:22:30PM	284	Rosie Wesp	Letter	9	\$2.25
Microsoft Word - Second Amended NOTICE OF TAKING NRCP RULE 30_B_6_						
DEPOSITION OF PMK for Nevada Prefab Engineers						
10/17/2017	3:22:35PM	284	Rosie Wesp	Letter	9	\$2.25
Microsoft Word - AMENDED NOTICE OF TAKING NRCP RULE 30_B_6_						
DEPOSITION OF PMK FOR National Wood Products						
10/17/2017	3:22:40PM	284	Rosie Wesp	Letter	9	\$2.25
Microsoft Word - AMENDED NOTICE OF TAKING NRCP RULE 30_B_6_						
DEPOSITION OF PMK FOR Interstate Plumbing and Air						
10/17/2017	3:22:45PM	284	Rosie Wesp	Letter	9	\$2.25
Microsoft Word - NOTICE OF TAKING NRCP RULE 30_B_6_ DEPOSITION OF						
PMK FOR Buchele						
10/17/2017	3:22:49PM	284	Rosie Wesp	Letter	9	\$2.25
Microsoft Word - AMENDED NOTICE OF TAKING NRCP RULE 30_B_6_						
DEPOSITION OF PMK for Zitting Bros						
10/17/2017	3:23:57PM	300	Cody Munteer	Letter	1	\$0.25
Microsoft Word - Document1						
10/17/2017	3:25:08PM	300	Cody Munteer	Letter	1	\$0.25
Microsoft Word - Document1						
10/17/2017	3:49:05PM	300	Cody Munteer	Letter	1	\$0.25
Microsoft Office Outlook - Memo Style						
10/17/2017	3:51:43PM	300	Cody Munteer	Letter	4	\$1.00
Microsoft Office Outlook - Memo Style						
10/18/2017	8:42:00AM	300	Cody Munteer	Letter	1	\$0.25
171005 LTR frm MAC - Proposed Order.pdf						
10/18/2017	11:44:05AM	284	Rosie Wesp	Letter	9	\$2.25
Microsoft Word - 3224759_1						



Generated

Wednesday, May 23, 2018
at 3:36:13PM

Print By Account Detail

Client='5161' and Matter='019'

Starting Date: 10/12/2015

Ending Date: 5/21/2018

Number of Days:

953

Date	Time	UserCode	User	Size	Count	Amount
Location :						
Client: 5161:Las Vegas Paving Corporation						
Matter: 019:APCO - Manhattan West Mechanic's Lien Li						
10/18/2017	11:45:25AM	284	Rosie Wesp	Com10 Env	1	\$0.25
Microsoft Word - Envelopes1						
10/18/2017	1:25:01PM	284	Rosie Wesp	Com10 Env	1	\$0.25
Microsoft Word - Envelopes1						
10/18/2017	1:25:34PM	284	Rosie Wesp	Com10 Env	1	\$0.25
Microsoft Word - Envelopes1						
10/18/2017	1:31:30PM	284	Rosie Wesp	Letter	9	\$2.25
Microsoft Word - 3224759_1						
10/18/2017	1:41:37PM	300	Cody Mouteer	Letter	1	\$0.25
Microsoft Office Outlook - Memo Style						
10/18/2017	2:30:18PM	284	Rosie Wesp	Letter	6	\$1.50
Microsoft Office Outlook - Memo Style						
10/18/2017	2:30:38PM	284	Rosie Wesp	Unknown	1	\$0.25
5161-19 Amended Notice of 30(b)(6) Depo - Zitting Brothers Construction, Inc..pdf						
10/18/2017	2:31:04PM	284	Rosie Wesp	Letter	6	\$1.50
Microsoft Office Outlook - Memo Style						
10/18/2017	2:32:00PM	284	Rosie Wesp	Unknown	1	\$0.25
5161-19 Amended Notice of 30(b)(6) Depo - National Wood Products, Inc..pdf						
10/18/2017	2:47:21PM	284	Rosie Wesp	Letter	6	\$1.50
Microsoft Office Outlook - Memo Style						
10/18/2017	2:47:44PM	284	Rosie Wesp	Unknown	1	\$0.25
5161-19 Amended Notice of 30(b)(6) Depo - United Subcontractors, Inc..pdf						
10/19/2017	10:45:45AM	300	Cody Mouteer	Letter	2	\$0.50
Microsoft Word - 3222888_1						
10/20/2017	3:56:29PM	300	Cody Mouteer	Letter	2	\$0.50
20171004093452.pdf						
10/20/2017	4:02:35PM	300	Cody Mouteer	Letter	1	\$0.25
Microsoft Office Outlook - Memo Style						
10/20/2017	4:10:12PM	300	Cody Mouteer	Letter	1	\$0.25
Microsoft Office Outlook - Memo Style						
10/20/2017	4:10:59PM	300	Cody Mouteer	Letter	1	\$0.25
20171004150637 (2).pdf						
10/23/2017	9:46:50AM	284	Rosie Wesp	Letter	6	\$1.50
Microsoft Office Outlook - Memo Style						
10/23/2017	9:47:24AM	284	Rosie Wesp	Unknown	9	\$2.25
2017-10-20 Second Amended Notice of Taking NRC Rule 30(b)(6) Deposition of Person Most Knowledgeable for National Wood Products, Inc..pdf						
10/23/2017	11:03:14AM	300	Cody Mouteer	Letter	1	\$0.25
20171023110836452 pdf - Adobe Acrobat.pdf						
10/23/2017	4:57:31PM	199	Taylor Fong	Letter	72	\$18.00
APCO 106035 - 106106 SKYLINE INSULATION.pdf						
10/24/2017	9:48:31AM	300	Cody Mouteer	Letter	2	\$0.50
Microsoft Word - 3222888_1						
10/24/2017	10:20:22AM	300	Cody Mouteer	Letter	1	\$0.25
Microsoft Office Outlook - Memo Style						
10/24/2017	11:09:08AM	300	Cody Mouteer	Letter	2	\$0.50
Reina Davis Perez - a Ponce, Puerto Rico (PR) Law Firm						

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 96

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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 NRCF 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 <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
11-14-17	Helix Electric of Nevada's Opposition to APCO Construction's Omnibus Motion in <i>Limine</i>	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 <i>Limine</i>	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>
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
	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: <u>Billing Cut-Off</u> 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
	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

<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

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	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

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	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

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	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

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	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

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	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

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
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>
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

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
		JA006442	
	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
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

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
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 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

<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
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

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
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

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Nevada, LLC, SWPPP Compliance 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
	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

<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

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Precluding Defenses Based on Pay-if-Paid Agreements		
	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
	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
	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 in Limine 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

<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
	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

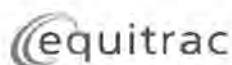
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	Trial Exhibit 162 - Amended and Restated General Construction Agreement between Gemstone and CAMCO (<i>Admitted</i>)	JA002147- JA002176	35/36
	Trial Exhibit 212 - Letter from Edelstein to R. Nickerl re: NRS 624 Notice (<i>Admitted</i>)	JA002177- JA002181	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



Generated

Wednesday, May 23, 2018

at 3:36:14PM

Print By Account Detail

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Ending Date: 5/21/2018

Number of Days: 953

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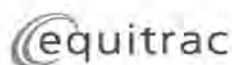
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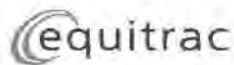
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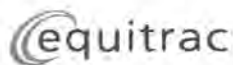
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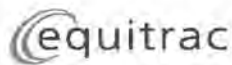
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171114 OPP Omnibus MIL - Helix (2).pdf						
11/14/2017	1:03:22PM	300	Cody Munteer	Letter	17	\$4.25
171114 OPP Omnibus MIL - Buchele.pdf						
11/14/2017	1:06:35PM	300	Cody Munteer	Letter	15	\$3.75
APCO's opposition to Zitting.pdf						
11/14/2017	1:09:48PM	300	Cody Munteer	Letter	8	\$2.00
Helix Opp.pdf						
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Opp to National Wood Products.pdf						
11/14/2017	3:55:50PM	300	Cody Munteer	Letter	15	\$3.75
Zitting Opp to APCO MIL.pdf.pdf						
11/14/2017	4:18:40PM	199	Taylor Fong	Letter	35	\$8.75
A9RAF51.tmp.pdf						
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Microsoft Word - 3249538_1						
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Microsoft Word - 3212479_1						
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Microsoft Word - Oppo to Helix MIL						
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Microsoft Word - National Wood MIL Oppo						
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Wednesday, May 23, 2018
at 3:36:18PM

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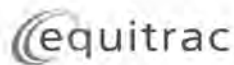
Starting Date: 10/12/2015

Ending Date: 5/21/2018

Number of Days:

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doc01798820171116144817.pdf						
11/17/2017	11:55:03AM	300	Cody Mounteer	Letter	1	\$0.25
Joint Case Conference Report 111717 (N0381635xD4B31).pdf						
11/17/2017	3:24:33PM	300	Cody Mounteer	Letter	1	\$0.25
Microsoft Word - Document23						
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Microsoft Word - Document23						
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Microsoft Word - Document23						
11/17/2017	4:57:24PM	300	Cody Mounteer	Letter	2	\$0.50
Microsoft Word - Document24						
11/19/2017	9:07:00AM	300	Cody Mounteer	Letter	5	\$1.25
Microsoft Office Outlook - Memo Style						
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6901100914US Acknowledgement.pdf						
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Microsoft Office Outlook - Memo Style						
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Microsoft Office Outlook - Memo Style						
11/20/2017	8:06:37AM	300	Cody Mounteer	Letter	16	\$4.00
Microsoft Word - Trial Exhibit List Internal Copy_2						
11/20/2017	8:09:49AM	300	Cody Mounteer	Letter	3	\$0.75
APCO - Current Claims and Defenses.xlsx						
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Microsoft Word - EXHIBIT GUIDELINES.061917						
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Allocation Worksheet.XLSX						
11/21/2017	8:28:32AM	300	Cody Mounteer	Letter	7	\$1.75
Microsoft Word - Document31						
11/21/2017	10:54:33AM	300	Cody Mounteer	Letter	3	\$0.75
Microsoft Word - 3254942_1						
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Microsoft Word - 3254942_1						
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Microsoft Word - 3253895_1						
11/22/2017	9:28:39AM	300	Cody Mounteer	Letter	4	\$1.00
Mechanics of Fitness Draft Settlement Agreement for Lisa Ball and Randy Golden						
11 1 17.pdf						
11/22/2017	9:29:06AM	300	Cody Mounteer	Letter	2	\$0.50
Mechanics of Fitness Confession of Judgment for Randy Golden and Lisa Ball 11						
1 1 17.pdf						
11/22/2017	9:29:26AM	300	Cody Mounteer	Letter	4	\$1.00
Mechanics of Fitness Draft Settlement Agreement for Melissa and Michael Ward						
11 1 17.pdf						
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Wednesday, May 23, 2018
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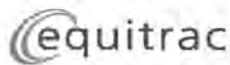
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Starting Date: 10/12/2015

Ending Date: 5/21/2018

Number of Days: 953

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Microsoft Office Outlook - Memo Style						
11/27/2017	2:55:01PM	386	Jennifer Case	Letter	3	\$0.75
2017-11-27 Decision.PDF						
11/27/2017	3:12:58PM	300	Cody Munteer	Letter	3	\$0.75
08AS71228.pdf						
11/27/2017	3:13:52PM	300	Cody Munteer	Letter	3	\$0.75
2017-11-27 Decision.PDF						
11/27/2017	4:16:56PM	300	Cody Munteer	Letter	4	\$1.00
Microsoft Office Outlook - Memo Style						
11/30/2017	11:47:57AM	300	Cody Munteer	Letter	8	\$2.00
Invoice- 331515_1_5161-019.pdf						
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Microsoft Office Outlook - Memo Style						
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Microsoft Office Outlook - Memo Style						
11/30/2017	3:12:28PM	300	Cody Munteer	Letter	1	\$0.25
Microsoft Office Outlook - Memo Style						
12/1/2017	9:40:50AM	300	Cody Munteer	Letter	6	\$1.50
Executed Memorandum of Settlement.pdf						
12/4/2017	2:14:33PM	386	Jennifer Case	Letter	1	\$0.25
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2017-12-04 Letter from Special Master Hale.PDF						
12/11/2017	12:51:43PM	300	Cody Munteer	Letter	9	\$2.25
3210301_1.PDF						
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12/12/2017	8:09:17AM	300	Cody Munteer	Letter	1	\$0.25
Apco 3.pdf						
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Apco 5.pdf						
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2017-12-11 Park Avenue Homeowners Association - Nevada Real Estate Division						
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Wednesday, May 23, 2018
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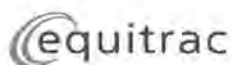
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Starting Date: 10/12/2015

Ending Date: 5/21/2018

Number of Days: 953

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12/12/2017	1:23:42PM	300	Cody Munteer	Letter	5	\$1.25
2017-09-07 Notice of Entry of Stipulation and Order (to Continue Trial P .pdf						
12/12/2017	3:14:12PM	300	Cody Munteer	Letter	2	\$0.50
Microsoft Word - 3273717_1						
12/13/2017	8:25:04AM	300	Cody Munteer	Letter	6	\$1.50
Microsoft Word - 3271682_1						
12/18/2017	1:07:18PM	300	Cody Munteer	Letter	4	\$1.00
Microsoft Office Outlook - Memo Style						
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Microsoft Word - 3278258_1						
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Microsoft Word - APCO's Motion for Reconsideration 12-19						
12/21/2017	9:42:51AM	300	Cody Munteer	Letter	13	\$3.25
NEW Agent application 1.pdf						
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Microsoft Office Outlook - Memo Style						
12/21/2017	12:31:42PM	300	Cody Munteer	Letter	18	\$4.50
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Microsoft Office Outlook - Memo Style						
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Microsoft Office Outlook - Memo Style						
12/21/2017	3:59:53PM	300	Cody Munteer	Letter	21	\$5.25
john.pdf						
1/3/2018	11:20:46AM	300	Cody Munteer	Letter	2	\$0.50
Microsoft Office Outlook - Memo Style						
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Microsoft Word - 1-3 Revised APCO motion for reconsideration of Peel Brimley MSJ						
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Microsoft Word - 1 - APCO's Motion for Reconsideration of Zitting's MSJ						
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Microsoft Word - Joint Motion to Extend Discovery _13913777_3_4_						
1/3/2018	4:09:34PM	300	Cody Munteer	Letter	15	\$3.75
Microsoft Word - REVISED TO CODY APCO motion for reconsideration of Peel Brimley MSJ						
1/4/2018	9:05:49AM	321	Julia Radionova	Letter	2	\$0.50
Microsoft Office Outlook - Memo Style						
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Microsoft Word - APCO Trial Exhibit List as of 12 29 17						



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Wednesday, May 23, 2018

at 3:36:20PM

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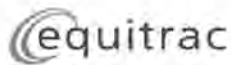
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Starting Date: 10/12/2015

Ending Date: 5/21/2018

Number of Days: 953

Date	Time	UserCode	User	Size	Count	Amount
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714 Lacy Ln - Google Maps						
1/9/2018	8:20:58AM	300	Cody Munteer	Letter	16	\$4.00
Microsoft Word - 1-8 Joint Pre-Trial Memorandum						
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Microsoft Word - 3283787_1						
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Microsoft Word - Settlement Agreement Release with AFE Re Water Leakam4						
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SAO to Continue Hearing.pdf						
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Microsoft Word - 1 18 18 - January agenda						
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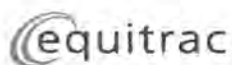
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Starting Date: 10/12/2015

Ending Date: 5/21/2018

Number of Days: 953

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Microsoft Word - APCO Notice of Appeal _2_						
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13952-010 Combined Invoice (2).pdf						
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17-18 PK Policy Copy.pdf						
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2018-03-27 Decision (from Court).PDF						
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Accrediting Commission International						
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List of Accreditation Agencies Used By Fake Colleges / GetEducated						



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Wednesday, May 23, 2018
at 3:36:22PM

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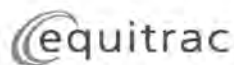
Client='5161' and Matter='019'

Starting Date: 10/12/2015

Ending Date: 5/21/2018

Number of Days: 953

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Matter: 019:APCO - Manhattan West Mechanic's Lien Li						
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Unrecognized, Fake and Dubious Online C...ncies - Employment Screening Resources						
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Recognition of Accreditation in the United States (March 2007)						
4/26/2018	8:45:33AM	300	Cody Munteer	Letter	71	\$17.75
A571228.pdf						
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A571228.pdf						
5/1/2018	7:21:54AM	300	Cody Munteer	Letter	116	\$29.00
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Microsoft Word - Declaration of Cody Munteer in Support of Motion for Attorney's Fees an						
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3167237_1.pdf						
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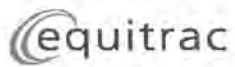
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Starting Date: 10/12/2015

Ending Date: 5/21/2018

Number of Days: 953

Date	Time	UserCode	User	Size	Count	Amount
Location: :						
Client: 5161:Las Vegas Paving Corporation						
Matter: 019:APCO - Manhattan West Mechanic's Lien Li						
CustInvc13316135.pdf						
5/9/2018	10:10:25AM	386	Jennifer Case	Letter	2	\$0.50
2018-5-9 Statement - APCO Construction.pdf						
5/9/2018	10:16:44AM	386	Jennifer Case	Letter	1	\$0.25
C20170404-1790-20170404133651.PDF						
5/9/2018	10:32:35AM	386	Jennifer Case	Letter	1	\$0.25
APCO Balance Detail.pdf						
5/9/2018	10:33:35AM	386	Jennifer Case	Letter	1	\$0.25
APCO Account Summary Statement.pdf						
5/9/2018	10:52:50AM	386	Jennifer Case	Letter	1	\$0.25
Microsoft Word - A571228 -- Apco vs Gemstone -- 10-30-12 -- Juan's Bill						
5/9/2018	11:00:03AM	300	Cody Munteer	Letter	4	\$1.00
20180509095042 (2).pdf						
5/9/2018	1:40:11PM	386	Jennifer Case	Letter	1	\$0.25
Microsoft Word - 3389329_1						
5/9/2018	1:40:44PM	386	Jennifer Case	Com10 Env	1	\$0.25
Microsoft Word - Envelopes1						
5/21/2018	9:44:26AM	300	Cody Munteer	Letter	1	\$0.25
Microsoft Office Outlook - Memo Style						
Totals for Matter: 019					26,274	\$6,568.50
Totals for Client: 5161					26,274	\$6,568.50
Totals for Location:					26,274	\$6,568.50



Generated

Wednesday, May 23, 2018
at 3:36:24PM

Print By Account Detail

Client='5161' and Matter='019'

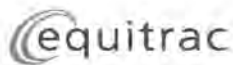
Starting Date: 10/12/2015

Ending Date: 5/21/2018

Number of Days: 953

<u>Date</u>	<u>Time</u>	<u>UserCode</u>	<u>User</u>	<u>Size</u>	<u>Count</u>	<u>Amount</u>
<i>Report Totals:</i>					26,274	\$6,568.50

EXHIBIT P



Generated

Wednesday, May 23, 2018
at 3:37:20PM

Scan By Account Detail

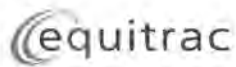
Client='5161' and Matter='019'

Starting Date: 12/17/2015

Ending Date: 5/23/2018

Number of Days: 889

Date	Time	UserCode	User	Count	Amount
Location: :					
Client: 5161:Las Vegas Paving Corporation					
Matter: 019:APCO - Manhattan West Mechanic's Lien Li					
12/17/2015	9:03:26AM	293	Leah Dell	22	\$5.50
Type	Unspecified		Destination		
4/5/2016	3:36:10PM	139	Barbara A. Frauenfeld	6	\$1.50
Type	Unspecified		Destination		
4/5/2016	3:46:20PM	139	Barbara A. Frauenfeld	6	\$1.50
Type	Unspecified		Destination		
5/5/2016	11:29:55AM	367		32	\$8.00
Type	Unspecified		Destination		
5/9/2016	9:49:16AM	139	Barbara A. Frauenfeld	30	\$7.50
Type	Unspecified		Destination		
5/9/2016	10:25:44AM	139	Barbara A. Frauenfeld	30	\$7.50
Type	Unspecified		Destination		
5/20/2016	3:07:04PM	139	Barbara A. Frauenfeld	2	\$0.50
Type	Unspecified		Destination		
5/31/2016	10:42:39AM	139	Barbara A. Frauenfeld	11	\$2.75
Type	Unspecified		Destination		
6/6/2016	1:36:34PM	199	Taylor Fong	33	\$8.25
Type	Unspecified		Destination		
6/6/2016	2:25:12PM	139	Barbara A. Frauenfeld	59	\$14.75
Type	Unspecified		Destination		
6/6/2016	2:57:04PM	139	Barbara A. Frauenfeld	7	\$1.75
Type	Unspecified		Destination		
6/6/2016	4:33:01PM	199	Taylor Fong	1	\$0.25
Type	Unspecified		Destination		
6/9/2016	9:45:57AM	139	Barbara A. Frauenfeld	3	\$0.75
Type	Unspecified		Destination		
6/9/2016	9:47:03AM	139	Barbara A. Frauenfeld	3	\$0.75
Type	Unspecified		Destination		
6/13/2016	8:49:52AM	139	Barbara A. Frauenfeld	9	\$2.25
Type	Unspecified		Destination		
6/20/2016	3:34:47PM	139	Barbara A. Frauenfeld	40	\$10.00
Type	Unspecified		Destination		
6/23/2016	10:40:09AM	139	Barbara A. Frauenfeld	3	\$0.75
Type	Unspecified		Destination		
6/28/2016	9:10:47AM	139	Barbara A. Frauenfeld	3	\$0.75
Type	Unspecified		Destination		
7/1/2016	10:02:44AM	139	Barbara A. Frauenfeld	2	\$0.50
Type	Unspecified		Destination		
7/1/2016	11:42:16AM	139	Barbara A. Frauenfeld	8	\$2.00



Generated

Wednesday, May 23, 2018
at 3:37:37PM

Scan By Account Detail

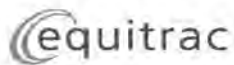
Client='5161' and Matter='019'

Starting Date: 12/17/2015

Ending Date: 5/23/2018

Number of Days: 889

Date	Time	UserCode	User	Count	Amount
Location: :					
Client: 5161:Las Vegas Paving Corporation					
Matter: 019:APCO - Manhattan West Mechanic's Lien Li					
Type	Unspecified		Destination		
8/9/2016	9:02:11AM	139	Barbara A. Frauenfeld	49	\$12.25
Type	Unspecified		Destination		
8/31/2016	3:52:13PM	199	Taylor Fong	16	\$4.00
Type	Unspecified		Destination		
8/31/2016	4:57:38PM	199	Taylor Fong	17	\$4.25
Type	Unspecified		Destination		
8/31/2016	5:10:38PM	199	Taylor Fong	12	\$3.00
Type	Unspecified		Destination		
9/22/2016	3:42:24PM	386	Jennifer Case	10	\$2.50
Type	Unspecified		Destination		
9/29/2016	8:09:23AM	386	Jennifer Case	2	\$0.50
Type	Unspecified		Destination		
11/3/2016	2:50:20PM	386	Jennifer Case	3	\$0.75
Type	Unspecified		Destination		
12/16/2016	9:26:26AM	386	Jennifer Case	11	\$2.75
Type	Unspecified		Destination		
12/16/2016	9:27:06AM	386	Jennifer Case	11	\$2.75
Type	Unspecified		Destination		
12/16/2016	9:27:39AM	386	Jennifer Case	11	\$2.75
Type	Unspecified		Destination		
12/16/2016	9:28:15AM	386	Jennifer Case	11	\$2.75
Type	Unspecified		Destination		
12/16/2016	9:28:55AM	386	Jennifer Case	11	\$2.75
Type	Unspecified		Destination		
12/16/2016	9:29:28AM	386	Jennifer Case	11	\$2.75
Type	Unspecified		Destination		
12/16/2016	9:29:59AM	386	Jennifer Case	11	\$2.75
Type	Unspecified		Destination		
12/16/2016	9:30:36AM	386	Jennifer Case	11	\$2.75
Type	Unspecified		Destination		
12/16/2016	9:31:09AM	386	Jennifer Case	11	\$2.75
Type	Unspecified		Destination		
12/16/2016	9:31:40AM	386	Jennifer Case	11	\$2.75
Type	Unspecified		Destination		
12/16/2016	9:32:13AM	386	Jennifer Case	11	\$2.75
Type	Unspecified		Destination		
12/16/2016	9:32:46AM	386	Jennifer Case	11	\$2.75
Type	Unspecified		Destination		
12/16/2016	9:33:19AM	386	Jennifer Case	11	\$2.75



Generated

Wednesday, May 23, 2018

at 3:37:37PM

Scan By Account Detail

Client='5161' and Matter='019'

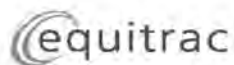
Starting Date: 12/17/2015

Ending Date: 5/23/2018

Number of Days:

889

Date	Time	UserCode	User	Count	Amount
Location: :					
Client: 5161:Las Vegas Paving Corporation					
Matter: 019:APCO - Manhattan West Mechanic's Lien Li					
Type	Unspecified		Destination		
12/16/2016	10:15:35AM	386	Jennifer Case	10	\$2.50
Type	Unspecified		Destination		
12/16/2016	10:16:18AM	386	Jennifer Case	10	\$2.50
Type	Unspecified		Destination		
12/16/2016	10:16:51AM	386	Jennifer Case	10	\$2.50
Type	Unspecified		Destination		
12/16/2016	10:17:22AM	386	Jennifer Case	10	\$2.50
Type	Unspecified		Destination		
12/16/2016	10:17:54AM	386	Jennifer Case	10	\$2.50
Type	Unspecified		Destination		
12/16/2016	10:18:24AM	386	Jennifer Case	10	\$2.50
Type	Unspecified		Destination		
12/16/2016	10:18:55AM	386	Jennifer Case	10	\$2.50
Type	Unspecified		Destination		
12/16/2016	10:19:25AM	386	Jennifer Case	10	\$2.50
Type	Unspecified		Destination		
12/16/2016	10:19:58AM	386	Jennifer Case	10	\$2.50
Type	Unspecified		Destination		
12/16/2016	10:20:32AM	386	Jennifer Case	10	\$2.50
Type	Unspecified		Destination		
12/16/2016	10:21:05AM	386	Jennifer Case	10	\$2.50
Type	Unspecified		Destination		
12/16/2016	10:21:36AM	386	Jennifer Case	10	\$2.50
Type	Unspecified		Destination		
12/16/2016	11:05:53AM	361	Carolyn Hatfield	10	\$2.50
Type	Unspecified		Destination		
2/21/2017	9:00:27AM	199	Taylor Fong	7	\$1.75
Type	Unspecified		Destination		
2/27/2017	10:44:10AM	386	Jennifer Case	13	\$3.25
Type	Unspecified		Destination		
3/3/2017	4:07:17PM	386	Jennifer Case	11	\$2.75
Type	Unspecified		Destination		
3/3/2017	4:08:44PM	386	Jennifer Case	23	\$5.75
Type	Unspecified		Destination		
3/3/2017	4:09:47PM	386	Jennifer Case	23	\$5.75
Type	Unspecified		Destination		
3/7/2017	10:44:17AM	386	Jennifer Case	2	\$0.50
Type	Unspecified		Destination		
3/14/2017	11:22:32AM	386	Jennifer Case	2	\$0.50



Generated

Wednesday, May 23, 2018

at 3:37:38PM

Scan By Account Detail

Client='5161' and Matter='019'

Starting Date: 12/17/2015

Ending Date: 5/23/2018

Number of Days:

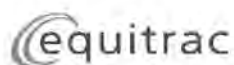
889

Date	Time	UserCode	User	Count	Amount
Location: :					

Client: 5161:Las Vegas Paving Corporation

Matter: 019:APCO - Manhattan West Mechanic's Lien Li

Type	Unspecified		Destination		
3/17/2017	8:23:58AM	386	Jennifer Case	25	\$6.25
Type	Unspecified		Destination		
4/3/2017	11:12:10AM	199	Taylor Fong	49	\$12.25
Type	Unspecified		Destination		
4/3/2017	11:13:00AM	199	Taylor Fong	36	\$9.00
Type	Unspecified		Destination		
4/3/2017	11:29:58AM	199	Taylor Fong	2	\$0.50
Type	Unspecified		Destination		
4/7/2017	1:46:18PM	386	Jennifer Case	17	\$4.25
Type	Unspecified		Destination		
4/7/2017	2:18:43PM	386	Jennifer Case	2	\$0.50
Type	Unspecified		Destination		
4/12/2017	10:16:04AM	386	Jennifer Case	7	\$1.75
Type	Unspecified		Destination		
4/12/2017	10:16:48AM	386	Jennifer Case	12	\$3.00
Type	Unspecified		Destination		
4/12/2017	10:17:23AM	386	Jennifer Case	10	\$2.50
Type	Unspecified		Destination		
4/12/2017	3:08:12PM	386	Jennifer Case	2	\$0.50
Type	Unspecified		Destination		
4/18/2017	11:15:54AM	386	Jennifer Case	8	\$2.00
Type	Unspecified		Destination		
5/5/2017	11:14:20AM	386	Jennifer Case	7	\$1.75
Type	Unspecified		Destination		
5/5/2017	1:41:50PM	386	Jennifer Case	10	\$2.50
Type	Unspecified		Destination		
5/9/2017	11:23:03AM	386	Jennifer Case	1	\$0.25
Type	Unspecified		Destination		
5/10/2017	10:45:24AM	386	Jennifer Case	7	\$1.75
Type	Unspecified		Destination		
5/12/2017	11:38:07AM	386	Jennifer Case	18	\$4.50
Type	Unspecified		Destination		
5/12/2017	11:38:50AM	386	Jennifer Case	17	\$4.25
Type	Unspecified		Destination		
5/12/2017	11:40:07AM	386	Jennifer Case	53	\$13.25
Type	Unspecified		Destination		
5/15/2017	4:10:12PM	386	Jennifer Case	36	\$9.00
Type	Unspecified		Destination		



Generated

Wednesday, May 23, 2018

at 3:37:39PM

Scan By Account Detail

Client='5161' and Matter='019'

Starting Date: 12/17/2015

Ending Date: 5/23/2018

Number of Days: 889

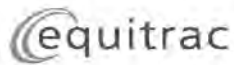
Date	Time	UserCode	User	Count	Amount
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Location: :

Client: 5161:Las Vegas Paving Corporation

Matter: 019:APCO - Manhattan West Mechanic's Lien Li

5/15/2017	4:11:06PM	386	Jennifer Case	15	\$3.75
Type	Unspecified		Destination		
5/15/2017	4:11:39PM	386	Jennifer Case	18	\$4.50
Type	Unspecified		Destination		
5/15/2017	4:12:28PM	386	Jennifer Case	11	\$2.75
Type	Unspecified		Destination		
5/15/2017	4:13:25PM	386	Jennifer Case	20	\$5.00
Type	Unspecified		Destination		
5/16/2017	3:47:33PM	386	Jennifer Case	8	\$2.00
Type	Unspecified		Destination		
5/16/2017	3:48:07PM	386	Jennifer Case	8	\$2.00
Type	Unspecified		Destination		
5/16/2017	3:48:36PM	386	Jennifer Case	8	\$2.00
Type	Unspecified		Destination		
5/16/2017	3:49:05PM	386	Jennifer Case	8	\$2.00
Type	Unspecified		Destination		
5/16/2017	3:49:34PM	386	Jennifer Case	8	\$2.00
Type	Unspecified		Destination		
5/19/2017	8:43:10AM	386	Jennifer Case	6	\$1.50
Type	Unspecified		Destination		
5/22/2017	3:57:27PM	386	Jennifer Case	1	\$0.25
Type	Unspecified		Destination		
5/22/2017	3:58:10PM	386	Jennifer Case	8	\$2.00
Type	Unspecified		Destination		
5/22/2017	3:58:40PM	386	Jennifer Case	8	\$2.00
Type	Unspecified		Destination		
5/22/2017	3:59:10PM	386	Jennifer Case	1	\$0.25
Type	Unspecified		Destination		
5/24/2017	1:20:56PM	386	Jennifer Case	2	\$0.50
Type	Unspecified		Destination		
5/24/2017	1:43:35PM	386	Jennifer Case	1	\$0.25
Type	Unspecified		Destination		
5/25/2017	1:10:43PM	386	Jennifer Case	3	\$0.75
Type	Unspecified		Destination		
5/25/2017	3:48:35PM	386	Jennifer Case	8	\$2.00
Type	Unspecified		Destination		
6/2/2017	4:02:46PM	199	Taylor Fong	19	\$4.75
Type	Unspecified		Destination		
6/5/2017	10:29:49AM	199	Taylor Fong	3	\$0.75



Generated

Wednesday, May 23, 2018

at 3:37:39PM

Scan By Account Detail

Client='5161' and Matter='019'

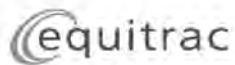
Starting Date: 12/17/2015

Ending Date: 5/23/2018

Number of Days:

889

Date	Time	UserCode	User	Count	Amount
Location: :					
Client: 5161:Las Vegas Paving Corporation					
Matter: 019:APCO - Manhattan West Mechanic's Lien Li					
Type	Unspecified		Destination		
6/5/2017	1:33:59PM	386	Jennifer Case	19	\$4.75
Type	Unspecified		Destination		
6/7/2017	11:10:14AM	386	Jennifer Case	1	\$0.25
Type	Unspecified		Destination		
6/7/2017	11:11:04AM	386	Jennifer Case	8	\$2.00
Type	Unspecified		Destination		
6/8/2017	2:50:51PM	386	Jennifer Case	3	\$0.75
Type	Unspecified		Destination		
6/12/2017	1:26:49PM	386	Jennifer Case	1	\$0.25
Type	Unspecified		Destination		
6/13/2017	3:43:23PM	386	Jennifer Case	1	\$0.25
Type	Unspecified		Destination		
6/13/2017	3:43:56PM	386	Jennifer Case	3	\$0.75
Type	Unspecified		Destination		
6/19/2017	3:19:15PM	386	Jennifer Case	3	\$0.75
Type	Unspecified		Destination		
6/20/2017	3:46:21PM	386	Jennifer Case	7	\$1.75
Type	Unspecified		Destination		
6/26/2017	9:00:33AM	386	Jennifer Case	104	\$26.00
Type	Unspecified		Destination		
6/27/2017	10:29:56AM	199	Taylor Fong	40	\$10.00
Type	Unspecified		Destination		
6/27/2017	10:34:37AM	199	Taylor Fong	2	\$0.50
Type	Unspecified		Destination		
6/30/2017	4:02:08PM	386	Jennifer Case	19	\$4.75
Type	Unspecified		Destination		
7/12/2017	8:18:53AM	386	Jennifer Case	13	\$3.25
Type	Unspecified		Destination		
7/18/2017	11:14:04AM	199	Taylor Fong	1	\$0.25
Type	Unspecified		Destination		
8/1/2017	2:38:03PM	386	Jennifer Case	73	\$18.25
Type	Unspecified		Destination		
8/7/2017	1:15:39PM	386	Jennifer Case	2	\$0.50
Type	Unspecified		Destination		
8/11/2017	1:03:29PM	386	Jennifer Case	9	\$2.25
Type	Unspecified		Destination		
8/21/2017	9:53:54AM	284	Rosie Wesp	29	\$7.25
Type	Unspecified		Destination		
8/21/2017	3:53:19PM	386	Jennifer Case	20	\$5.00



Generated

Wednesday, May 23, 2018

at 3:37:40PM

Scan By Account Detail

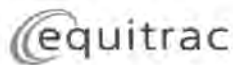
Client='5161' and Matter='019'

Starting Date: 12/17/2015

Ending Date: 5/23/2018

Number of Days: 889

Date	Time	UserCode	User	Count	Amount
Location: :					
Client: 5161:Las Vegas Paving Corporation					
Matter: 019:APCO - Manhattan West Mechanic's Lien Li					
Type	Unspecified		Destination		
8/21/2017	3:55:39PM	386	Jennifer Case	66	\$16.50
Type	Unspecified		Destination		
8/21/2017	4:01:24PM	386	Jennifer Case	20	\$5.00
Type	Unspecified		Destination		
8/30/2017	9:44:15AM	284	Rosie Wesp	25	\$6.25
Type	Unspecified		Destination		
8/30/2017	9:44:41AM	284	Rosie Wesp	1	\$0.25
Type	Unspecified		Destination		
9/6/2017	8:58:33AM	199	Taylor Fong	1	\$0.25
Type	Unspecified		Destination		
9/11/2017	2:40:54PM	386	Jennifer Case	1	\$0.25
Type	Unspecified		Destination		
9/13/2017	11:41:01AM	386	Jennifer Case	1	\$0.25
Type	Unspecified		Destination		
9/13/2017	11:42:16AM	386	Jennifer Case	3	\$0.75
Type	Unspecified		Destination		
9/13/2017	2:20:55PM	386	Jennifer Case	3	\$0.75
Type	Unspecified		Destination		
9/14/2017	11:50:41AM	386	Jennifer Case	4	\$1.00
Type	Unspecified		Destination		
9/14/2017	1:52:36PM	386	Jennifer Case	4	\$1.00
Type	Unspecified		Destination		
9/18/2017	8:48:47AM	386	Jennifer Case	3	\$0.75
Type	Unspecified		Destination		
9/19/2017	1:16:55PM	386	Jennifer Case	1	\$0.25
Type	Unspecified		Destination		
9/21/2017	8:48:20AM	386	Jennifer Case	6	\$1.50
Type	Unspecified		Destination		
10/5/2017	1:54:50PM	386	Jennifer Case	1	\$0.25
Type	Unspecified		Destination		
10/5/2017	3:14:56PM	386	Jennifer Case	3	\$0.75
Type	Unspecified		Destination		
10/6/2017	10:08:14AM	386	Jennifer Case	1	\$0.25
Type	Unspecified		Destination		
10/9/2017	10:32:21AM	199	Taylor Fong	90	\$22.50
Type	Unspecified		Destination		
10/12/2017	9:41:39AM	386	Jennifer Case	1	\$0.25
Type	Unspecified		Destination		
10/18/2017	1:42:11PM	284	Rosie Wesp	9	\$2.25



Generated

Wednesday, May 23, 2018
at 3:37:40PM

Scan By Account Detail

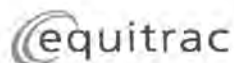
Client='5161' and Matter='019'

Starting Date: 12/17/2015

Ending Date: 5/23/2018

Number of Days: 889

Date	Time	UserCode	User	Count	Amount
Location: :					
Client: 5161:Las Vegas Paving Corporation					
Matter: 019:APCO - Manhattan West Mechanic's Lien Li					
Type	Unspecified		Destination		
10/18/2017	1:42:44PM	284	Rosie Wesp	9	\$2.25
Type	Unspecified		Destination		
10/18/2017	1:43:23PM	284	Rosie Wesp	9	\$2.25
Type	Unspecified		Destination		
10/23/2017	3:12:56PM	284	Rosie Wesp	9	\$2.25
Type	Unspecified		Destination		
10/23/2017	3:13:58PM	284	Rosie Wesp	9	\$2.25
Type	Unspecified		Destination		
10/24/2017	5:07:04PM	199	Taylor Fong	10	\$2.50
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Generated

Wednesday, May 23, 2018

at 3:37:41PM

Scan By Account Detail

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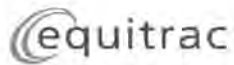
Starting Date: 12/17/2015

Ending Date: 5/23/2018

Number of Days:

889

Date	Time	UserCode	User		Count	Amount
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Generated

Wednesday, May 23, 2018

at 3:37:41PM

Scan By Account Detail

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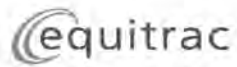
Starting Date: 12/17/2015

Ending Date: 5/23/2018

Number of Days:

889

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Matter: 019:APCO - Manhattan West Mechanic's Lien Li					
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Totals for Client: 5161				2,353	\$588.25
Totals for Location:				2,353	\$588.25



Generated

Wednesday, May 23, 2018

at 3:37:42PM

Scan By Account Detail

Client='5161' and Matter='019'

Starting Date: 12/17/2015

Ending Date: 5/23/2018

Number of Days: 889

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<i>Report Totals:</i>				2,353	\$588.25

Exhibit Q

Invoice Date: May 13, 2009
Invoice Number: 00130137
E.I. Number: 88-0265237
Client Number: 0000247 001

APCO Construction
4420 S. Decatur Boulevard
Las Vegas, NV 89103

For professional services rendered in connection with:

Preparation of reviewed financial statements and
supplemental information as of and for the two months
ended August 31, 2008

\$10,500.00

Total \$10,500.00

APCO Construction		
For: Heavy Contractors Board Claim		
PO#		
Vendor #	11132	
Job #	04	
Cost Code	64410	
Approved:	[Signature] RN Date	

PLEASE SEND THE ENCLOSED COPY OF THIS INVOICE WITH YOUR REMITTANCE

A finance charge of 1% per month will be added to all amounts not paid within 60 days.

Check#: 16225	Date: 06/29/2009	Vendor#: 11132 Piercy Bowler Taylor & Kern
Invoice#	Job/Description	Balance Retain Discount This Check
130136		16,700.00
130135		3,030.00
130137	OH 8/30/09 Financial Statem	10,500.00

ORIGINAL DOCUMENT PRINTED ON CHEMICAL REACTIVE PAPER WITH MICROPRINTED BORDER



APCO CONSTRUCTION
 3432 N. 5th Street • North Las Vegas, NV 89008
 Phone: (702) 734-0188 • Fax: (702) 734-0386
 E-mail: apcoconstruction.com • NGV 14563

Bank of America
 P.O. Box 98600
 Las Vegas, NV 89193-8600
 94-72/1224

06/29/2009 \$ *30,230.00

EXACTLY THIRTY THOUSAND TWO HUNDRED THIRTY DOLLARS DATE AMOUNT

PAY TO THE ORDER OF

Piercy Bowler Taylor & Kern
 6100 Elton Avenue
 Suite 1000
 Las Vegas NV 89107-0123

TWO SIGNATURES REQUIRED FOR AMOUNTS OVER \$10,000.00

DOCUMENT INCLUDES A HIDDEN WORD. DO NOT CASH IF THE WORD VOID IS VISIBLE. DOCUMENT ALSO CONTAINS HEAT SENSITIVE INK. TOUCH HERE - RED IMAGE DISAPPEARS WITH HEAT

Check#: 16225	Date: 06/29/2009	Amount: 30,230.00	Vendor: 11132 Piercy Bowler Taylor & Kern
Invoice#	Job/Description	Balance	Retain Discount This Check
		16,700.00	16,700.00
			3,030.00
130137	OH 8/30/09 Financial Statem	10,500.00	10,500.00

JIM GIBBONS
Governor

State Of Nevada



STATE CONTRACTORS BOARD

MEMBERS
Kevin E. Burke, Chairman
Donald L. Drake
Michael Efstratis
John C. Ellison
Nathaniel W. Hodgson, III
William "Bruce" King
Stephen P. Quinn

January 26, 2010

Reply To: Southern Nevada
2310 Corporate Circle, Suite 200
Henderson, Nevada 89074
(702) 486-1100
Fax (702) 486-1190
Investigations: (702) 486-1110

www.nscb.state.nv.us

Northern Nevada
9670 Gateway Dr., Ste. 100
Reno, Nevada 89511
(775) 688-1141
Fax (775) 688-1271
Investigations: (775) 688-1150

Howard & Howard
Wade B. Gochmour, Esq.
Wells Fargo Tower
3800 Howard Hughes Parkway, Suite #1400
Las Vegas, Nevada 89169

Re: Helix Electric vs. APCO
Case file #30017491

Dear Mr. Gochmour:


I would like to take this opportunity to thank you and your client for meeting with Mr. Hammack, Chief of Enforcement on January 20, 2010.

We hereby request your client to provide the below listed information to the Board office by February 23, 2010:

- An accounting of amount paid on the project.
- Copies of all change orders.
- Dates of all work performed on the project.
- Percentage of amount paid on the project.
- A current financial statement dated within the last six months.
- A letter indicating that you are pursuing with the liens against the owner.

If you have any questions please do not hesitate to contact Investigator Greg Welch at (702) 486-1100, extension 1143.

Sincerely,


Greg Welch
Investigator

For

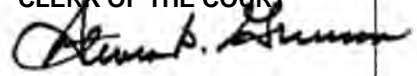
Daniel Hammack
Chief of Enforcement

cc: Inv. File #30017491/License File #14563

/js

Calendared
Date: 2/23/10

JA006916



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

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

10 APCO CONSTRUCTION, a Nevada
11 corporation,

12 Plaintiff,

13 vs

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

23 Defendants.

24 AND ALL RELATED MATTERS.

LEAD CASE NO.: A571228
DEPT. NO.: XIII

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

**HELIX ELECTRIC OF NEVADA'S
OPPOSITION TO APCO
CONSTRUCTION'S MOTION FOR
ATTORNEY'S FEES AND COSTS**

Hearing Date: July 19, 2018
Hearing Time: 9:00 A.M

25 ///

26 ///

27 ///

**HELIX ELECTRIC OF NEVADA'S OPPOSITION TO APCO
CONSTRUCTION'S MOTION FOR ATTORNEYS FEES AND COSTS**

HELIX ELECTRIC OF NEVADA, LLC ("Helix") does hereby submit the following Opposition to APCO Construction's ("APCO") Motion for Attorney's Fee and Costs ("Opposition"). This Opposition is based on the Memorandum of Points and Authorities in Support of this Opposition that follow, the pleadings and papers on file, and such matters as may be considered by the Court.

DATED this 15th day of June 2018.

PEEL BRIMLEY LLP



RICHARD L. PEEL, ESQ.

Nevada Bar No. 4359

ERIC B. ZIMBELMAN,

Nevada Bar No. 9407

3333 E. Serene Avenue, Suite 200

Henderson, NV 89074-6571

Telephone: (702) 990-7272

Fax: (702) 990-7273

ezimbelman@peelbrimley.com

rpeel@peelbrimley.com

Attorneys for Helix Electric of Nevada LLC

INTRODUCTION/SUMMARY OF ARGUMENT

As it pertains to Helix,¹ Helix opposes APCO's Motion for Attorney's Fee and Costs ("Motion"). Specifically, but without limitation, Helix opposes the Motion as it relates to costs on the grounds asserted in Helix's pending Motion to Re-Tax Costs and hereby adopts the arguments asserted by reference therein. As it relates to APCO's request for an award of attorney's fees, Helix opposes the Motion on the following grounds:

- At APCO's express urging, this Court concluded that the Subcontract Agreement between APCO and Helix dated April 17, 2007 (the "Subcontract"-- Trial Exhibit 45), upon which APCO relies in asserting

¹ Helix anticipates that National Wood Products ("NWP"), against whom APCO seeks similar relief, will also oppose the Motion on grounds that, at least in part, would apply equally or similarly to Helix. Helix anticipates joining in NWP's Opposition to the extent such Opposition relies on grounds applicable to the claims for relief against Helix.

1 its entitlement to an award of attorney's fees, was assigned to the owner,
2 Gemstone, and, later, to Camco after APCO left the Project in 2008. As
3 such, (i) APCO has voluntarily assigned, waived and relinquished any
4 rights it may have previously possessed to an award of attorney's fees,
5 (ii) APCO is not a party to the Subcontract and has no agreement upon
6 which it may seek an award of fees, and (iii) APCO is not the real party
7 in interest with regard to an award of fees and has no standing to seek the
8 same;

- 9 • By way of the express terms of a previous Order issued by Judge Scann
10 dated November 28, 2012 ("2012 Order"), and which APCO urged Judge
11 Scann to issue, trial in this consolidated matter commenced on October
12 30, 2012. Accordingly, APCO's Offer of Judgment (dated November 13,
13 2017)² was issued nearly five years too late and is therefore ineffective
14 and inapplicable. Even if APCO was entitled to make an Offer of
15 Judgment more than five years after trial commenced, APCO has failed
16 to identify, much less demonstrate, that the factors set forth in *Beattie v.*
17 *Thomas*, 99 Nev. 579, 588 (1983) favor an award of fees to APCO.
18 Among other things, and without limitation, Helix's claim was brought in
19 good faith, the Offer of Judgment was unreasonable in timing and
20 amount, and Helix's decision to reject the offer and proceed to trial was
21 not grossly unreasonable or made in bad faith;
- 22 • Under NRS 108.237(3), attorney's fees are not available to APCO
23 because this Court has made no finding that Helix pursued its notice of
24 lien "without a reasonable basis in law or fact," nor do the facts of this
25 case support any such post-trial finding (even if the same were
26 permitted). Moreover, APCO included in its notice of lien (which it
27 pursued through appeal before the Nevada Supreme Court) amounts
28 attributable to Helix' notice of lien; and
- If the Court nonetheless determines that APCO is entitled to an award of
attorney's fees and costs (despite the foregoing arguments and facts), any
such award should be drastically reduced from the nearly \$500,000
APCO seeks (collectively against Helix and NWP) because, among other
things, APCO unjustly seeks recovery of:
 - Attorney fees for legal work performed prior to the date this
matter was remanded by the Nevada Supreme Court (i.e., when
APCO and its subcontractors were united in their efforts to
recover on their respective notices of lien), especially where Helix
actively participated with APCO in pursuing the lien claimants'
priority to the property and proceeds;
 - Attorney fees that APCO failed to adequately apportion among
the more than 18 lien claimants that remained involved in this

² APCO's Motion incorrectly identifies the date of its Offer of Judgment as November 13, 2018 (an obvious impossibility).

consolidated proceeding after remand from the Nevada Supreme court, and instead and in most cases, asks this Court to order Helix to pay no less than 50% of APCO's attorney's fees;

- Attorney fees expended on APCO's unsuccessful motions and motions filed by Helix and others that APCO unsuccessfully challenged;
- Attorney fees for duplicative work and work performed by new counsel to "come up to speed" on the case;
- Attorney fees expended on unnecessary research and analysis regarding the Five-Year Rule when – at APCO's urging, by way of the 2012 Order which APCO's attorneys prepared more than five years before – the Court had already concluded that the Five-Year-Rule was "no longer applicable;"
- Attorney fees for counsel's "travel time" to and from his home in Arizona for a trial in Nevada arising out of a Nevada construction project; and
- Excessive attorney fees for time spent on post-trial briefing (more than 160 hours and nearly \$50,000 on these matters alone) and other matters generally.

MEMORANDUM OF POINTS AND AUTHORITIES

I. APCO HAS NO CONTRACTUAL BASIS FOR AN AWARD OF FEES.

It is settled law that attorney's fees are not recoverable absent a statute, rule or contractual provision to the contrary. *Locken v. Locken*, 98 Nev. 369, 650 P.2d 803 (1982); *Von Ehrensmann v. Lee*, 98 Nev. 335, 647 P.2d 377 (1982). Nevada's statutory provisions regarding attorney's fees provides in pertinent part that "the compensation of an attorney and counselor for his services is governed by agreement, express or implied, which is not restrained by law." NRS 18.010(1). In short, unless APCO has a contract that includes a provision entitling it to an award of attorney's fees, it must seek the same through some other means, if at all. As more fully discussed below, APCO has no contractual basis and no standing to seek an award of fees from Helix.

///

///

1 ///

2 Here, APCO argues that it is entitled to an award of attorney's fees as the prevailing
3 party pursuant to Paragraph 18.5 of the Subcontract (Trial Exhibit 45). However, APCO
4 waived, assigned and relinquished all rights arising or derived from the Subcontract, when it
5 knowingly acquiesced to the assignment of the Subcontract to Gemstone, then Camco. *See*
6 *Nevada Yellow Cab Corp. v. Eighth Judicial Dist. Court ex rel. Cty. of Clark*, 123 Nev. 44, 49,
7 152 P.3d 737, 740 (2007) (Waiver requires the intentional relinquishment of a known right).
8 The waiver of a right may be inferred when a party engages in conduct so inconsistent with an
9 intent to enforce the right as to induce a reasonable belief that the right has been relinquished.
10 *Id. citing Hudson v. Horseshoe Club Operating Co.*, 112 Nev. 446, 457, 916 P.2d 786, 792
11 (1996).

12 By way of the findings of fact and conclusions of law (that APCO urged the Court to
13 adopt for its express benefit), this Court determined that APCO is not and (since at least 2008)
14 has not been a party to the Subcontract because the Subcontract, and all of APCO's rights
15 thereunder (including a claim to entitlement to an award of attorney's fees) were assigned to the
16 project owner, Gemstone and, subsequently, to Camco. Specifically, but without limitation, this
17 Court found:³

- 18 • "[T]he Subcontracts were assigned to Gemstone." [*See Findings of Fact*
19 and *Conclusions of Law* ("FFCL") p. 68];
- 20 • Each party's behavior is consistent with the assignment of the Helix and
21 CabineTec Subcontracts to Gemstone" [*See Conclusion of Law* ("CL")
22 No. 116];
- 23 • "The [prime] Contract contained a subcontract assignment provisions that
24 assigned Gemstone APCO's subcontracts upon termination of the
25 Contract." [*See CL* No. 117];
- 26 • The Contract was incorporated into the subcontracts." [*See CL* No. 118];
- 27 • Once APCO left the Project, the Helix and Cabinetec Subcontracts were
28 assigned to Gemstone per Gemstone's written notice to APCO." [*See CL*

³ Helix disputed these contentions and still respectfully disagrees with the Court's conclusions. Nothing in this Opposition should be interpreted as Helix's agreement with these conclusions. Nonetheless, the Court must evaluate APCO's Motion consistent with Court's conclusions.

No. 119]; and

- Once Gemstone had those Subcontracts, it facilitated Camco's assumption of those subcontracts." [See CL No. 120].

An assignment of a right is a manifestation of the assignor's intent to transfer such right and the assignor's right to performance by the obligor is extinguished and the assignee acquires a right to such performance. Restatement (Second) of Contracts §317. An assignment is a transfer of **all the interests and rights** to the thing assigned. *Dept. of Rev. v. Bank of America*, 752 So.2d 637 (Fla. 1st DCA 2000) (emphasis added). Here, APCO argued, and this Court concluded, that APCO voluntarily and pursuant to its contractual obligations with Gemstone (that it entered into voluntarily), assigned the Subcontract, and all rights and remedies thereunder, when its contract with Gemstone ("Prime Contract") was terminated. APCO's actions in assigning the Subcontract plainly constitute a voluntary relinquishment of known rights. *See Nevada Yellow Cab Corp, supra*.

Stated more directly, APCO assigned to Gemstone and Camco all rights of contractual enforcement, including the attorney's fees provision. "An assignment vests in the assignee the right to enforce the contract, an **assignor retains no rights** to enforce the contract after it has been assigned." *Estate of Basile v. Famest, Inc.*, 718 So.2d 892 (Fla. 4th DCA 1998) (emphasis added). *See also Ryder Truck Rental, Inc. v. Transportation Equipment Co., Inc.*, 339 N.W.2d 283 (Neb., 1983) citing 6A C.J.S. Assignments § 96 (1975) (generally, an assignor retains only those rights which have not passed to the assignee by the assignment. The **assignor loses all right to control or enforce** an assigned right against the obligor) (emphasis added); *Imel v. Travelers Indem. Co.*, 281 N.E.2d 919, 921 (Ind.App. 1972) ("assignment is an **outright transfer of the claim**.")) (emphasis added); *Allstate Insurance Company v. Medical Lien Management, Inc.*, 348 P.3d 943, 947 (Colorado 2015) citing Corbin on Contracts, § 50.1, at 223 (an assignment "**extinguishes a contract right** in the assignor and recreates that right in the assignee") (emphasis added).

This universally accepted maxim that the assignor "deprives himself of all interest and control" over the assigned rights applies equally to a judgment for attorney's fees. *See Boarman*

1 v. *Boarman*, 556 S.E.2d 800, 804 (W.Va 2001). See also *Oral Roberts University v. Anderson*,
2 11 F.Supp.2d 1336 (N.D. OK 1997) (a party can assign away its contractual right to receive an
3 award of attorney's fees but cannot, by assignment, delegate the obligation away).

4 Here, and as requested and encouraged by APCO, the Court ruled that APCO's rights
5 and duties under the Subcontract were, in or about August 2008, voluntarily assigned to
6 Gemstone and Camco. As such, APCO has had no right to enforce any provisions of the
7 Subcontract since before this Action was commenced. Based on the Court's decision, APCO,
8 and not Helix, assigned away APCO's rights under the Subcontract. As a result, APCO has
9 waived, relinquished and forever assigned away all Subcontract rights and is therefore without
10 any contractual basis to recover attorney's fees from Helix.

11 **II. APCO HAS NO STANDING TO SEEK AN AWARD OF FEES UNDER THE**
12 **SUBCONTRACT AND IS NOT THE REAL PARTY IN INTEREST WITH**
13 **RESPECT TO THE SUBCONTRACT.**

14 The Nevada Supreme Court has held that an assignment of rights "eliminates the
15 standing of the assignor to pursue the litigation, and the assignee acquires standing instead."
16 *Manko Holdings Ltd. v. Reno Project Management, LLC*, 385 P.3d 43 (Unpublished Decision,
17 Docket No. 70525, September 27, 2016⁴) citing *Butwinick v. Hepner*, 128 Nev. 718, 721–22,
18 291 P.3d 119, 121 (2012); *Applied Medical Technologies, Inc. v. Eames*, 44 P.3d 699 (Utah
19 2002) (granting a defendant judgment creditor's motion to dismiss an appeal, after the
20 defendant purchased at a constable's sale claims asserted against him by the plaintiff judgment
21 debtor).

22 The inquiry into whether a party is a real party in interest overlaps with the question of
23 standing. *Arguello v. Sunset Station, Inc.*, 127 Nev. 365 (2011) citing *Szilagyi v. Testa*, 99 Nev.
24 834, 838, 673 P.2d 495, 498 (1983). NRCP 17(a) provides that "[e]very action shall be
25 prosecuted in the name of the real party in interest." A real party in interest "is one who
26 possesses the right to enforce the claim and has a significant interest in the litigation." *Id.* The
27 purpose of the rule, since it was amended in 1971 to conform to the federal rule, "was to make

28 ⁴ Pursuant to NRAP 36(c)(3), a party may cite an unpublished disposition of the Nevada Supreme Court
issued on or after January 1, 2016.

1 unmistakably clear that ‘the modern function of the [real party in interest] rule in its negative
2 aspect is simply to protect the defendant against a subsequent action by the party actually
3 entitled to recover, and to insure generally that the judgment will have its proper effect as res
4 judicata.’” *Easton Bus. Opp. v. Town Executive Suites*, 126 Nev. 119 (2010) citing Fed.R.Civ.P.
5 17(a) advisory committee’s note (1966).

6 Here, APCO seeks to enforce a right that – by virtue of the assignment - belongs to
7 another. Specifically, if Camco had prevailed in defending Helix’s contractual claims, it surely
8 would have asserted a right to an award of attorney’s fees with respect to the assigned
9 Subcontract. Such exposure to liability to both APCO and Camco arising out of the same
10 contractual provision is exactly what NRCP 17(a) is designed to prevent. *See Town Executive*
11 *Suites, supra*. Having voluntarily assigned away all its rights under the Subcontract, APCO is
12 not the real party in interest with respect to the Subcontract and has no standing to seek
13 recovery of its attorney’s fees based on rights derived from the Subcontract that were assigned
14 to and are owned by another.

15 **III. APCO IS NOT ENTITLED TO FEES OR COSTS PURSUANT TO RULE 68.**

16 APCO also incorrectly asserts entitlement to an award of fees and costs pursuant to
17 NRCP 68. Specifically, APCO seeks an award of fees and costs from the date of its November
18 13, 2017 Offer of Judgment. However, based upon the 2012 Order of this Court which was
19 made at APCO’s urging and more than five years prior, trial in this Action commended on
20 October 30, 2012. As such, APCO’s Rule 68 Offer of Judgment was issued more than five
21 years too late. Even if the Offer of Judgment were timely (which it plainly was not) APCO
22 has not proved, or even identified, the *Beattie* factors, which the Court must consider and
23 weigh before awarding attorney’s fees pursuant to NRCP 68.

24 **A. The Offer of Judgment was Untimely.**

25 NRCP 68 provides that an Offer of Judgment may be made “at any time more than 10
26 days before trial.” NRCP 68; *See also Palace Station Hotel & Casino, Inc. v. Jones*, 115 Nev.
27 162, 165, 978 P.2d 323, 325 (1999) (express language of NRCP 68 “expressly provides that
28 the offer of judgment must be made ‘more than 10 days before the trial begins,’ [and] the trial

1 date is the event from which the ten-day period begins to run.”).

2 In this consolidated action, and as expressly set forth in the 2012 Order of this Court
3 (per Judge Susan Scann), trial commenced on October 30, 2012. [See **Exhibit 1**]. Specifically,
4 the 2012 Order (which was prepared and submitted by and at the behest of APCO, by and
5 through its then-attorneys, Howard & Howard) provides:

6 3. **Trial of this consolidated matter commenced on October 30,**
7 **2012** upon the trial of the lien amount, lien validity and related claims of Ready
8 Mix, Inc., and therefore, the five year rule set forth in Nevada Rule of Civil
procedure 41(e) is no longer applicable.

9 [Ex. 1, emphasis added].

10 As the context of the 2012 Order makes clear, the parties (including APCO who
11 authored the 2012 Order) were concerned that the five-year rule might impact their respective
12 claims.⁵ Although some parties ceased to participate after the date of the 2012 Order, this
13 Action has never been bifurcated or de-consolidated. Accordingly, while the specific claims and
14 issues between APCO and Helix remained pending as of November 13, 2017, APCO’s Offer of
15 Judgment was not made “more than 10 days before the trial [began].” To the contrary, the Offer
16 of Judgment was made more than five years after trial commenced. Because the Offer of
17 Judgment was served more after trial had commenced, it is ineffective and not available to
18 APCO as a vehicle to recover attorney’s fees or costs.

19 **B. The Beattie Factors Do Not Support an Award of Fees to APCO.**

20 Even though, or perhaps because, APCO knows that (by virtue of it’s the 2012 Order) its
21 Offer of Judgment was untimely, APCO has not presented the Court with any analysis of the
22 *Beattie* factors,⁶ nor does it support an award in its Motion.

23 ///

24 ///

25 ///

26
27 ⁵ As of 2012, APCO was continuing to pursue its lien claim against the property and the proceeds. The
28 Nevada Supreme Court’s decision granting priority of those proceeds to the lenders was not issued and
final until February 2016.

⁶ *Beattie v. Thomas*, 99 Nev. 579, 588–89, 668 P.2d 268, 274 (1983).

In determining whether to award attorney fees in the context of a Rule 68 offer of judgment, the district court must consider and weigh the following factors:

- (1) whether the plaintiff's claim was brought in good faith;
- (2) whether the defendants' offer of judgment was reasonable and in good faith in both its timing and amount;
- (3) whether the plaintiff's decision to reject the offer and proceed to trial was grossly unreasonable or in bad faith; and
- (4) whether the fees sought by the offeror are reasonable and justified in amount.

Sands Expo & Convention Center, Inc. v. Bonvouloir, 385 P.3d 62 (Unpublished disposition, Docket No. 68091, October 6, 2016⁷) citing *Beattie*, 99 Nev. at 588–89. APCO's Motion failed to even identify, much less address the *Beattie* factors in support of its Motion. As such, the Court should summarily deny APCO's Motion for attorney's fees based on its Offer of Judgment.

To the extent the Court considers the *Beattie* factors irrespective of APCO's failure to brief the same,⁸ the Court should conclude that these factors weigh against, not for, an award of fees to APCO.

1. Helix's claims were made in good faith.

First, it cannot be seriously asserted that Helix did not bring its claims in good faith. Helix, along with APCO, asserted standard contractual and lien claims and for most of the 10 years that this Action has been pending, worked closely together in a concerted effort to collect monies owed from the sale proceeds of the real property. Thereafter, Helix survived APCO's pre-trial motion to dismiss its lien claim (and those of other lien claimants) and ultimately prevailed on its claims against Camco. While Helix disagrees with the Court's ultimate conclusion that APCO is not liable to Helix for the unpaid balance of the work, materials and equipment (collectively, "Work") it provided for the Project, Helix respectfully submits that to suggest that Helix's claims were brought in bad faith is absurd. This *Beattie* factor clearly favors Helix.

⁷ Pursuant to NRAP 36(c)(3), a party may cite an unpublished disposition of the Nevada Supreme Court issued on or after January 1, 2016.

⁸ Helix objects to any attempt APCO may make to brief the *Beattie* factors on Reply. Such an untimely analysis of critical factors that APCO has the burden of establishing in its motion is grossly unfair to Helix, who has no opportunity to respond to the same.

1 2. The offer of judgment was not reasonable in timing or amount.

2 In *Bonvouloir, supra*, the Nevada Supreme Court held that plaintiff's "decision to reject
3 the \$12,000 all-inclusive offer in the face of extensive anticipated damages and on-going
4 discovery does not appear grossly unreasonable." Here, more than 10 years after the project
5 collapsed and this consolidated Action commenced and nearly two years after this case had
6 been remanded from the Supreme Court (after years of united effort on the part of APCO and
7 Helix to collect monies owed from the sale proceeds of the real property), APCO offered Helix
8 the underwhelming sum of \$25,000 to walk away from more than \$1,400,000 in claims,
9 exclusive of interest and the costs and fees it had incurred (as of that date) in prosecuting those
10 claims. "While the purpose of NRCP 68 is to encourage settlement, it is not to force plaintiffs
11 unfairly to forego legitimate claims." *Beattie*, 99 Nev. at 588. Under the circumstances, APCO's
12 offer might as well have been \$1.00 because \$25,000, in the context of this Action, objectively
13 could not have encouraged settlement. Accordingly, APCO's Offer of Judgment was nothing
14 more than a fee-shifting mechanism and it is unsurprising that Helix declined to accept the
15 offer. This *Beattie* factor also favors Helix.

16 3. Helix's decision to proceed to trial was not grossly unreasonable or in bad
17 faith.

18 For the same reasons expressed above, it cannot be seriously argued that Helix's
19 decision to decline the Offer of Judgment and to proceed to trial was unreasonable or made in
20 bad faith. In addition to the issues discussed above with regard to the second *Beattie* factor,
21 Helix's claims against APCO and Camco (who made no settlement offer) were factually
22 intertwined. Furthermore, the Court had granted partial summary judgment with respect to Pay-
23 if-Paid, a critical issue in the case.⁹

24 Even if Helix had accepted APCO's miniscule offer it would have still been required to
25 proceed to trial against Camco and present most of the same facts. Indeed, Helix's proposed
26 findings of facts and conclusions of law ("FFCL") against Camco (most of which this Court
27 adopted) contain many of the same facts that were included in its proposed FFCL against

28 ⁹ Respectfully, Helix believes that the Court's trial decision is materially inconsistent with its ruling on Pay-if-Paid.

1 APCO. In short, Helix had almost nothing to gain, and nearly everything to lose, by accepting
2 APCO's pittance of an offer. The Third *Beattie* factor therefore also favors Helix.

3 4. Reasonableness of the Fees

4 Because the reasonableness of the fees is addressed in the alternative in more in-depth
5 detail below, Helix respectfully requests the Court to consider and apply the arguments set forth
6 below to the fourth *Beattie* factor. Accordingly, Helix respectfully submits that even the
7 attorney's fees sought after the date of the Offer of Judgment are unreasonable and excessive,
8 and therefore, the fourth *Beattie* factor also favors Helix.

9 **IV. APCO IS NOT ENTITLED TO ATTORNEY'S FEES PURSUANT NRS**

10 **108.237(3).**

11 APCO alternatively contends (incorrectly) that the Court should award it fees pursuant
12 to NRS 108.237(3). For the reasons discussed below, the Court should reject APCO's
13 arguments.

14 The Nevada legislature intentionally applied different standards for awarding attorney's
15 fees in a mechanic's lien action depending on which party prevails. Specifically, while it is
16 statutorily mandated that the court award a prevailing lien claimant its attorney's fees and costs
17 (see, NRS 108.237(1)), any award of attorney's fees and costs against the lien claimant is
18 purely discretionary and subject to specific factual findings that this Court has not made. NRS
19 108.237(3) provides as follows:

20 If the lien claim is not upheld, the court may award costs and reasonable
21 attorney's fees to the owner or other person defending against the lien claim if
22 the court finds that the notice of lien was pursued by the lien claimant without a
reasonable basis in law or fact.

23 NRS 108.237(3). At no time has this Court been asked to find, nor has it found that Helix' lien
24 was pursued "without a reasonable basis in law or fact". Moreover, even if the Court could—
25 after the conclusion of trial and submission of the evidence - now evaluate whether Helix
26 pursued its notice of lien without a reasonable basis in law of fact, the Court must reject any
27 such finding for the following reasons.

28 Importantly, NRS 108.237(3) does not permit the Court to award fees to APCO simply

1 because APCO successfully defended Helix's lien claim (among other causes of action). *See*
2 *Certified Fire Prot. Inc. v. Precision Constr.*, 128 Nev. 371, 384 (2012) citing *Rodriguez v.*
3 *Primadonna Company*, 125 Nev. 578, 588–89, 216 P.3d 793, 800–01 (2009) (“A party’s clam
4 may be reasonable despite losing.”). In *Precision Constr.*, the Court determined that the lien
5 claimant had a reasonable basis in law or fact, even though the district court, like this Court,
6 rejected the lien claimant’s legal theories based on express and implied contract and unjust
7 enrichment theories. 128 Nev. 371.

8 Before the Court may award APCO’s attorney’s fees (pursuant to NRS 108.237(3)), the
9 statute requires the Court to find that the notice of lien was pursued without a reasonable basis
10 in law or fact. Here, the court reached exactly one conclusion of law arguably relating to Helix’s
11 lien – that “APCO is not legally liable for any deficiency judgment because it is not the party
12 responsible for any deficiency.” [See Conclusion of Law ¶ 36]. In other words, rather than
13 determine that Helix’s notice of lien was made without a reasonable basis in law or fact, the
14 Court instead ruled against Helix on its contract claims, which therefore precluded any liability
15 against APCO on the lien.

16 Indeed, because APCO itself recorded a lien upon which it obtained a \$20 million
17 judgment [see Trial Exhibit 3176; Joint Pre-Trial Memorandum ¶ 16] and included in its lien
18 amounts attributable to Helix’ lien, APCO necessarily admits (in asserting that Helix’s notice of
19 lien was pursued without a reasonable basis in law or fact) that its own notice of lien was also
20 pursued without a reasonable basis in law or fact. Of course, APCO will not concede this point,
21 nor did it ever so contend the same against itself or Helix while counsel for Helix and the other
22 Peel Brimley Lien Claimants (by way of a united front) joined in the Writ Petition to the
23 Supreme Court, cooperated and assisted in its preparation and presentation, and joined APCO’s
24 counsel at counsel table during oral arguments.

25 It is also worth noting that APCO could have filed (but chose not to) a motion or petition
26 to expunge Helix’s notice of lien by way of NRS 108.2275. That statute allows the debtor of the
27 lien claimant or a party in interest who believes the notice of lien “is frivolous and was made
28 without reasonable cause” to apply to the Court for an order to show cause and to release the

lien.¹⁰ Tellingly, APCO never pursued that option even though (if successful) it would have been entitled to a mandatory award of fees (as would Helix for successfully defending such a motion). [See NRS 108.2275(6)(a), (c)].

APCO did, however, file a motion for summary judgment asking the Court to dismiss Helix's cause of action for lien foreclosure, which Helix and other lien claimants successfully defended and defeated. [See **Exhibit 2**]. Were the Court to conclude that Helix's lien was pursued without a reasonable basis in law or fact, that motion would have been an appropriate time to reach such a conclusion. Having instead denied APCO's motion for partial summary judgment, the Court certainly should not now conclude that Helix pursued its notice of lien without a reasonable basis in law or fact.

Despite the foregoing, should the Court nonetheless conclude that Helix pursued its notice of lien without a reasonable basis in law or fact, the extent of any attorney's fees awarded should not exceed the *de minimis* time necessary to draft Conclusion of Law ¶ 36.

V. APCO'S ATTORNEY FEE APPLICATION IS UNREASONABLE

If, despite the foregoing, the Court nonetheless determines that APCO is entitled to an award of attorney's fees and costs, any such award should be drastically reduced for the reasons set forth below.¹¹

A. APCO's Costs Are Overstated.

Pursuant to NRS 18.110(3), Helix filed a Motion to re-Tax Costs, which motion is pending and set for hearing (by stipulation of the parties) on the same date and time as APCO's present Motion. Helix has therein identified its specific objections to APCO's cost memorandum and incorporates the same (and any reply brief) herein by reference.

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///

¹⁰ NRS 108.2275(1) provides: "The debtor of the lien claimant or a party in interest in the property subject to the notice of lien who believes the notice of lien is frivolous and was made without reasonable cause, or that the amount of the notice of lien is excessive, may apply by motion to the district court for the county where the property or some part thereof is located for an order directing the lien claimant to appear before the court to show cause why the relief requested should not be granted."

¹¹ By critiquing the minutiae of APCO's time entries and fee requests, Helix in no way admits or agrees that APCO is entitled to any fees or costs. The following arguments are made out of an abundance of caution and in the alternative.

1 **B. APCO's Attorney's Fees Are Grossly Excessive and Should be**
2 **Substantially Reduced.**

3 In reviewing APCO's attorney's fee application, the Court must consider the *Brunzell*
4 factors. *Shuette v. Beazer Homes Holdings Corp.*, 121 Nev. 837, 865, (2005); *Schouweiler v.*
5 *Yancey Co.*, 101 Nev. 827 (1985) (reversing the district court's order awarding attorney fees and
6 remanding the issue to be evaluated under the *Brunzell* factors¹²); *see also Beattie v. Thomas*, 99
7 Nev. 579, 589 (1983) (noting that it is an abuse of discretion to award the full amount of
8 requested attorney fees without making "findings based on evidence that the attorney's fees
9 sought are reasonable and justified."). The Court's discretion should be tempered "by reason
10 and fairness." *Shuette*, 121 Nev. at 865. APCO has the burden of establishing that the *Brunzell*
11 factors support its application for fees but wholly fails to justify its application for such a
12 massive award.

13 Here, as between Helix and NWP, APCO seeks an award of attorney's fees of
14 \$447,809.98. As against Helix alone, APCO seeks an award of one-half this amount
15 (\$223,904.89) or, if fees are only awarded arising from APCO's Rule 68 Offer of Judgment,
16 \$113,622.77.¹³ As more fully discussed below, these astounding requests: (i) are grossly
17 excessive, (ii) improperly seek fees for legal work performed when APCO and Helix were
18 united, aligned, and actively cooperating in their mutual pursuit of claims against the property
19 and proceeds, (iii) fail to properly allocate the fees as to all subcontractors who were pursuing
20 claims against APCO and instead predominantly allocates to Helix and NWP on a 50/50 basis,
21 (iv) improperly seek recovery of attorney's fees unrelated to the claims on which APCO
22 prevailed or otherwise arising from APCO's unsuccessful motion practice, (v) absurdly ask
23 Helix to pay for APCO's counsel's "travel time" for a Nevada case involving a Nevada project,
24 (vi) seek recovery for redundant, excessive and otherwise unproductive and unnecessary work,

25 ¹² The *Brunzell* factors relevant to determining the reasonableness of an attorney fee award include: "(1)
26 the qualities of the advocate: his ability, his training, education, experience, professional standing and
27 skill; (2) the character of the work to be done: its difficulty, its intricacy, its importance, time and skill
28 required, the responsibility imposed and the prominence and character of the parties where they affect
the importance of the litigation; (3) the work actually performed by the lawyer: the skill, time and
attention given to the work; (4) the result: whether the attorney was successful and what benefits were
derived." *Brunzell v. Golden Gate Nat'l Bank*, 85 Nev. 345, 349 (1969).

¹³ Stated differently, APCO is seeking, from the period of November 13, 2017 through trial, more than
half the amount it is seeking for the entire duration of the case.

1 and (vii) are generally without merit.

2 Based on the following, if the Court is to grant any award of fees and costs, the amount
3 should be reduced by no less than 90%.

4 1. APCO is not entitled to fees before February 2016.

5 APCO seeks a significant amount of fees for work performed by its attorneys, Marquis
6 & Aurbach ("M&A")¹⁴ for the period prior to this case being remanded to the Court, following
7 the decision of the Nevada Supreme Court denying the Joint Writ Petition relating to priority
8 and entitlement to the proceeds of the sale of the real property that APCO, Camco, Helix and
9 dozens of other contractors and materials suppliers liened. As demonstrated by **Exhibit 3**, the
10 writ proceeding was a joint effort by APCO and the subcontractor parties represented by Peel
11 Brimley LLP at the time, including Helix,¹⁵ which efforts benefitted, or attempted to benefit,
12 every other lien claimant that chose to stay on the sidelines and freeload on these efforts.

13 At the expense of Helix and Peel Brimley Lien Claimants, the undersigned and others in
14 the Peel Brimley LLP firm spent countless hours working with APCO's counsel, drafting
15 portions of the Writ Petition and subsequent briefing, reviewing and revising briefs, preparing
16 for oral argument, appearing at and joining APCO's counsel at counsel table, and otherwise
17 consulting with and closely working with APCO's counsel for the mutual benefit of their
18 respective clients. Helix and the other Peel Brimley Lien Claimants only became actively
19 adverse¹⁶ to APCO after the Supreme Court rejected the Joint Petitioner's petition for *en banc*
20 reconsideration and the case was remanded to this Court on or about February 19, 2016. [See
21 **Exhibit 4**, Order Denying En Banc Reconsideration]. Despite this indisputably cooperative
22 relationship, APCO seeks, as part of the M&A fees more than \$12,500.00, for which credit
23

24 ¹⁴ It is worth noting that APCO's Exhibit 7A (the M&A fees) is in type so small that a magnifying glass
25 is required to read it, perhaps to discourage a careful review that would reveal the many problems with
this submission.

26 ¹⁵ At that time the so-called Peel Brimley Lien Claimants included Accuracy Glass & Mirro Company,
27 Inc., Buchele, Inc., Bruin Painting Corporation, Cactus Rose Construction, Inc., Fast Glass, Inc., HD
Supply Waterworks LP, Heinaman Contract Glazing, Helix electric of Nevada LLC, Interstate Plumbing
& Air Conditioning, SWPPP Compliance Solutions, and WRG Design, Inc.

28 ¹⁶ Obviously the Peel Brimley Lien Claimants, or at some of them, filed claims against APCO as early as
2009. The point is that until February 2016, these parties were cooperating closely to pursue the lien
claims against the owner and the property rather than aggressively working against one another.

1 should be given.¹⁷

2 2. APCO fails to properly allocate fees among the various claimants.

3 Even though there were no less than 18 claimants with claims, or potential claims,
4 against APCO throughout the post-Supreme Court period,¹⁸ APCO allocates the vast majority
5 of its time entries and fees to Helix and NWP on a 50/50 basis. With respect to the M&A Fees,
6 and beginning on or about February 22, 2016, APCO allocates more than 90% of its time entries
7 to Helix and NWP on a 50/50 basis. The few exceptions include time entries when specific
8 claimants are identified in the text of the time entry, including multiple entries attributed solely
9 or predominantly to Helix. By way of example only, M&A's entry on September 1, 2016
10 allocates to Helix 1/6th of the amount billed because the time entry reflects review of documents
11 and claims asserted by six identified parties. While this allocation is more appropriate, APCO
12 frequently miscounts or assigns a percentage of the fee to an inaccurate number of claimants.
13 For example, on September 23, 2016, APCO allocates 1/6th of the amount to Helix even though
14 nine claimants are referenced in the work. As another (of many) examples, APCO allocates
15 100% of a time entry on July 27, 2017 to Helix even though the entry clearly also relates to
16 opposition briefs filed by Zitting Brothers and Interstate Plumbing as well as work on a reply
17 brief for an unsuccessful APCO motion (discussed more fully below).

18 In addition, APCO frequently allocates to Helix all or most of the fees relating to
19 motions by or activities relating to all of the Peel Brimley Lien Claimants, of which Helix is but
20 one. For example, on October 5, 2017, APCO allocates 50% of a time entry to Helix for
21 "preparation for hearings on Helix and Zitting's motions for summary judgment." Yet the
22 motion apparently referred to was not just Helix's motion but rather the Peel Brimley Lien
23 Claimants (successful) motion for partial summary judgment regarding Pay-if-Paid in which
24 multiple others joined¹⁹ and that pertained to all of the subcontractor claims against APCO.

25 ¹⁷ As noted above, the type in the M&A fees is so small that a magnifying glass is required to read it. In
26 addition, Helix does not have the benefit of the digital spreadsheet that was used to prepare this exhibit
27 (or, for that matter, APCO's exhibit containing time entries and fee calculations for the Spencer Fane
28 law firm). Accordingly, to the extent there are any errors in the discussion of substance or amounts
relating to the M&A fees, the same is owing primarily to the condition of the raw materials provided in
APCO's motion.

¹⁸ Prior to the Supreme Court decision there were dozens of claimants.

¹⁹ See **Exhibit 5**, Entry of Order Granting Summary Judgment re: Pay-if-Paid.

Such shorthand allocation occurs throughout the M&A Fees and is grossly unfair to Helix who – APCO’s burden of proof notwithstanding – finds itself having to repeatedly prove a negative.

As another example, APCO allocates 50% of the M&A Fees on October 18, 2017 to “update and review litigation matrix regarding active subcontractors with claims against APCO in preparation for upcoming depositions.” Yet just one month earlier, on September 20, 2017, APCO allocates to Helix only 1/14th of its time entry to, among other things, “analyze and review various documents provided from client and binders for subcontractors who have purported claims against APCO.” Stated differently, ACPO allocates to Helix 50% of time entries “regarding active subcontractors” while in the same time frame it allocates only 1/14th of time entries relating to “subcontractors who have claims against APCO.” The 1/14th allocation is itself an admission that *there were no less than 14 subcontractors with claims or potential claims against APCO to whom the vast majority of time entries should have been allocated.*

In fact, and as evidenced by multiple letters and reports and recommendations of Special Master Floyd Hale, from the time of remand until (at the earliest) shortly before the trial of Helix’s claims against APCO in January 2018, there were as many as 14-35 subcontractors with claims or potential claims against APCO, many of whose claims were much larger than Helix’s. By way of example only, as demonstrated by their responses to the Special Master Questionnaire:

- Interstate Plumbing and Air Conditioning, LLC identified claims against APCO **in excess of \$4 million.** [Exhibit 6A];
- Nevada Prefab Engineers asserted a claim against APCO **in excess of \$1 million.** [Exhibit 6B];
- Zitting Brothers Construction, Inc. asserted a claim against APCO **in excess of \$750,000.** [Exhibit 6C];
- Noorda Sheet Metal Company asserted a claim against APCO **in excess of \$945,000.** [Exhibit 6D]; and
- Unitah Investments, LLC d/b/a Sierra Reinforcing asserted a claim against APCO **in excess of \$420,000.** [Exhibit 6E].

At the time the Special Master was appointed, the service list included more than 30 law

1 firms, some of whom represented multiple claimants (exclusive of APCO and Camco). [See
2 **Exhibit 7A**]. In his Report and Recommendation dated August 2, 2016, the Special Master
3 identified three parties who were withdrawing their claims, meaning that there no less than 21
4 and as many as 35 claimants at that time. [See **Exhibit 7B**]. In the Special Master's Report dated
5 October 7, 2016, Special Master Hale recommended, and this Court affirmed, that there were 18
6 remaining subcontractors (following submission of mandatory responses to the Special Master
7 Questionnaire). [**Exhibit 7C**].²⁰ By the time of this Court's Order dated September 19, 2017,
8 there were 14 subcontractors remaining. [See **Exhibit 8**]. While additional parties later withdrew,
9 failed to appear at calendar call, resolved their disputes or otherwise ceased to participate in the
10 litigation, some of them did not officially withdraw from the case until long after trial of the
11 Helix claims was completed. [See e.g., **Exhibit 9**, Stipulated Dismissal of Interstate Plumbing,
12 dated February 5, 2018; **Exhibit 10**, Stipulated Dismissal of Steel Structures, Gerdau
13 Reinforcing Steel, and Nevada Prefab Engineers, dated May 23, 2017].

14 In any event, M&A's occasional allocation to 14 claimants is a far more accurate
15 representation and admission of a proper allocation. Similarly, and while Spencer Fane's fee
16 record (APCO Ex. 7B) does a better job of allocating its fees, it too fails to fully allocate. For
17 example, there are a number of entries applicable to all claimants in which APCO allocates 1/8th
18 of the cost to Helix. See e.g., 10/5/2017 entry to "prepare for and attend APCO summary
19 judgment hearing."

20 Even if Helix's counsel had the time to do so, it would be impossible to accurately
21 deconstruct these improperly-allocated time records because the records themselves were
22 created by others and are not necessarily subject to after-the-fact interpretation. More to the
23 point, APCO bears the burden of establishing that it properly allocated and has badly failed to
24 do so. Accordingly, and without limitation to other deductions requested herein, Helix
25 recommends that the M&A fees be reduced such that no more than 1/14th of its total fees, or

26
27 ²⁰ The then-remaining subcontractors were: Helix Electric of Nevada, Inc., Fast Glass, Inc., Buchele,
28 Inc., Accuracy Glass & Mirror Co., Zitting Brothers Construction, Inc., Nevada Prefab Engineers, Inc.,
Noorda Sheet Metal, Insulpro Projects, Inc., Interstate Plumbing and Air Conditioning, LLC, Heinaman
Contact Glazing, Inc., Cardno WRG fka WRG Design, Inc., Cactus Rose Construction, Inc., National
Wood Products, Inc., and United Subcontractors dba Sky Line Insulation.

1 \$17,561.00, be allocated to Helix. The Spencer Fane Fees should also be reduced to align with
2 the 1/14th allocation of the M&A Fees such that no more that \$17,142.00 is allocated to Helix.

3 3. APCO should not receive an award for fees expended on unsuccessful motions
4 and related activities.

5 One of the *Brunzell* factors is: “whether the attorney was successful and what benefits
6 were derived.” Despite this, APCO seeks recovery of tens of thousands of dollars relating to
7 motions it unsuccessfully filed and its unsuccessful defense of motions by Helix and other
8 subcontractors. For example, APCO seeks recovery for multiple time entries and thousands of
9 dollars relating to its omnibus motions in limine. *See e.g.*, Spencer Fane time entries (APCO Ex.
10 7A) 10/22/17, 11/4/12, 11/6/17 totaling more than \$2,600.00 allocated to Helix alone. Despite
11 these efforts, this Court denied most of those motions. [See **Exhibit 11**]. Furthermore, only one
12 of APCO’s motions in limine directly related to Helix and that motion was denied (No. 4,
13 seeking to bar evidence of unjust enrichment damages that Helix asserted in the alternative).
14 Nonetheless, APCO asks Helix to pay no less than 1/3 of its fees relating to all of APCO’s
15 motions in limine. Similarly, APCO seeks recovery of fees expended in defending Helix’s
16 motions in limine even though the Court granted three of Helix’s four motions. [See **Exhibit**
17 **12**]. APCO’s fees relating to these matters (more than \$6,200.00 allocated to Helix) should
18 therefore be reduced by 75% - i.e., no less than \$4,650.00). In addition, APCO allocates to
19 Helix no less than \$3,000.00 from M&A’s billings relating to APCO’s motions in limine and
20 Helix is entitled to a reduction of no less than \$5,445.00.

21 APCO also allocates to Helix no less than \$10,300.00 of M&A billings in connection
22 with APCO’s unsuccessful (i) motion for partial summary judgment re: Lien Foreclosure
23 Claims [see **Exhibit 13**], (ii) opposition to the Peel Brimley Lien Claimants’ Motion for Partial
24 Summary Judgment re: Pay-if-Paid [see Ex.5] and (iii) motion for reconsideration of Order
25 Granting Partial Summary Judgment re: Pay-if-Paid [see **Exhibit 14**]. APCO should not be
26 awarded any of these fees. Similarly, APCO allocates no less than \$16,200.00 of Spencer Fane
27 billings to these same unsuccessful motions and oppositions for which APCO should receive no
28 recovery. APCO’s fees should therefore be reduced by another \$26,500.00.

APCO's attorneys also spent considerable time on other unproductive tasks and issues. For example, APCO allocates to Helix approximately \$1,000.00 for Spencer Fane and M&A to research and analyze possible Five-Year Rule defenses even though (as discussed in detail above) APCO itself proposed and prepared the November 28, 2012 Order deeming the trial commenced and the Five-Year Rule "no longer applicable." While these wasted efforts no doubt resulted from APCO's decision to hire three separate law firms to represent it in this case, Helix should not be made to incur the cost of such unnecessary redundancies.

APCO's decision in approximately September 2017 to hire the Spencer Fane firm as its third law firm engaged in this action carried with it significant redundancies and otherwise unnecessary "get up to speed" work. Indeed, nearly all of the Spencer Fane Fees in September 2017 (i.e., before it even appeared in the action) appear to be redundant catch-up work. See e.g., 9/7/17 (conference with clients "about the Helix litigation"); 9/26/17 ("review all pleadings" and "attend meeting at Apco's office with Apco representatives and counsel to discuss status and strategy"). Additionally, and even though Spencer Fane officially appeared on September 29, 2017 and it became evident that Spencer Fane would be APCO's trial lawyers, M&A continued to bill substantial amounts of time and dollars, approximately half of which APCO allocates to Helix. While APCO is certainly entitled to hire whomever it wishes as counsel, Helix should not be exposed to the duplicative efforts of multiple lawyers in multiple firms on a case that could and should have been handled by a single partner-level lawyer and, perhaps, an associate. While an exact reduction is difficult to assess, Helix recommends that APCO's fees be further reduced by no less than \$30,000.00 for such redundancies and inefficiencies.

4. "Travel time" is not compensable lawyer time.

APCO also allocates to Helix substantial "travel time" for its trial attorney to "travel to Las Vegas." See e.g. 1/16/18 ("travel to Las Vegas"); 1/19/18 ("travel to Phoenix"); 1/23/18 ("travel to Las Vegas"); 1/24/18 ("return to Phoenix"). While APCO is certainly entitled to hire counsel who resides out of state,²¹ Helix should not be responsible for that attorney's travel time

²¹ The undersigned also resides out of state and frequently commutes between Seattle and Las Vegas. However, he does not bill clients for travel between these cities for local work. This seems only reasonable. While APCO and their counsel are free to reach an alternative arrangement, Helix should not bear the brunt of that agreement.

1 to and from Las Vegas for a Las Vegas case involving a Las Vegas construction project and Las
2 Vegas-based parties (i.e., APCO and Helix). As it appears that APCO has allocated Helix
3 approximately 4 hours of travel time, any award to APCO should be reduced by another
4 \$1,600.00.

5 5. APCO billings relating to Martin Harris project should be deducted.

6 APCO seeks recovery of at least \$2,300.00 (*see e.g.* M&A Fees) relating to its spurious
7 contention – which it withdrew at trial – that Helix recovered some or all of its unpaid balance
8 by way of work it performed for general contractor Martin Harris Construction on the
9 Grammercy project. APCO very likely seeks recovery of additional time relating to these claims
10 that is embedded within other time entries (e.g., pre-trial memorandum, trial preparation). As
11 such, any
12 fee award to APCO should be further reduced by no less than \$4,000.00 relating to work on
13 this contention.

14 6. APCO's post-trial briefing is excessive.

15 APCO seeks recovery for more than 160 lawyer hours – more than \$50,000.00 total and
16 more than \$25,000.00 allocated to Helix- for post-trial briefing and preparation of findings of
17 fact and conclusions of law. While the parties' submissions were extensive, 160 hours is the
18 equivalent of 20 working days. 20 working days to prepare post-trial submissions arising from
19 four days of trial is plainly excessive. Helix respectfully suggests that any allocation to Helix for
20 these activities be reduced by \$15,000.00.

21 ///

22 ///

23 ///

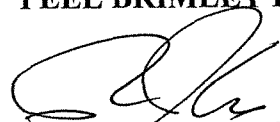
PEEL BRIMLEY LLP
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HENDERSON, NEVADA 89074
(702) 990-7272 ♦ FAX (702) 990-7273

CONCLUSION

Based on the foregoing, Helix respectfully requests that the Court deny APCO's motion for attorney's fees in its entirety and grant only those costs identified as reasonable and recoverable in Helix's Motion to Re-Tax Costs. To the extent the Court concludes that APCO has a legal basis for recovery of reasonable attorney's fees against Helix, the Court should allow no more than \$25,000.

DATED this 15th day of June 2018.

PEEL BRIMLEY LLP

 BAC 12723
For

RICHARD L. PEEL, ESQ.
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ezimbelman@peelbrimley.com
rpeel@peelbrimley.com
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 15th day of June, 2018, I caused the above and foregoing document, **HELIX ELECTRIC OF NEVADA'S OPPOSITION TO APCO CONSTRUCTION'S MOTION FOR ATTORNEY'S FEES AND COSTS** to be served as follows:

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

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

Apco Construction:

Rosie Wesp (rwesp@maclaw.com)

Camco Pacific Construction Co Inc:

Steven Morris (steve@gmdlegal.com)

Camco Pacific Construction Co Inc:

Steven Morris (steve@gmdlegal.com)

Fidelity & Deposit Company Of Maryland:

Steven Morris (steve@gmdlegal.com)

E & E Fire Protection LLC:

Tracy Truman (district@trumanlegal.com)

Interstate Plumbing & Air Conditioning Inc:

Jonathan Dabbieri (dabbieri@sullivanhill.com)

National Wood Products, Inc.'s:

Richard Tobler (rtltldck@hotmail.com)

Tammy Cortez (tcortez@caddenfuller.com)

S. Judy Hirahara (jhirahara@caddenfuller.com)

Dana Kim (dkim@caddenfuller.com)

Richard Reincke (rreincke@caddenfuller.com)

Chapter 7 Trustee:

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Jennifer Saurer (Saurer@sullivanhill.com)

Gianna Garcia (ggarcia@sullivanhill.com)

Elizabeth Stephens (stephens@sullivanhill.com)

United Subcontractors Inc:

Bradley Slighting (bslighting@fabianvancott.com)

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Eric Dobberstein (edobberstein@dickinsonwright.com)

Erica Bennett (e.bennett@kempjones.com)

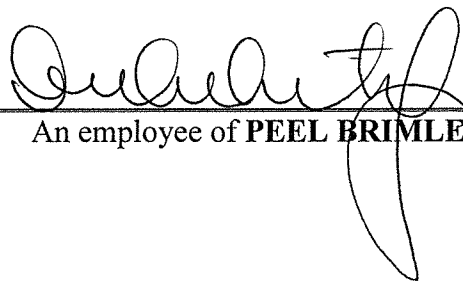
Floyd Hale (fhale@floydhale.com)

George Robinson (grobinson@pezzillolloyd.com)

Gwen Rutar Mullins (grm@h2law.com)

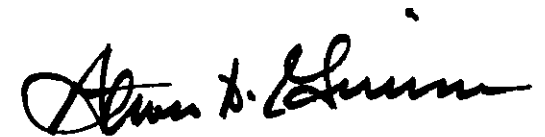
Hrustyk Nicole (Nicole.Hrustyk@wilsonelser.com)

1 I-Che Lai (I-Che.Lai@wilsonelser.com)
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3 Jennifer Case (jcase@maclaw.com)
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Adam Miller (amiller@spencerfane.com)
John Mowbray (jmowbray@spencerfane.com)
Vivian Bowron (vbowron@spencerfane.com)



An employee of **PEEL BRIMLEY, LLP**

Exhibit 1



CLERK OF THE COURT

1 **NEOJ**

2 Gwen Rutar Mullins, Esq.

3 Nevada Bar No. 3146

4 Wade B. Gochmour, Esq.

5 Nevada Bar No. 6314

6 **Howard & Howard Attorneys PLLC**

7 3800 Howard Hughes Pkwy., Suite 1000

8 Las Vegas, NV 89169

9 Telephone (702) 257-1483

10 Facsimile (702) 567-1568

11 E-Mail: grm@h2law.com

12 wbg@h2law.com

13 *Attorneys for APCO Construction*

14 **DISTRICT COURT**
15 **CLARK COUNTY, NEVADA**

16 In Re Manhattan Mechanic's Lien Litigation

17 CASE NO.: A571228

18 DEPT. NO.: XXIX

19 Consolidated with: 08A574391,
20 08A574792, 08A577623, 09A580889,
21 09A583289, 09A584730, 09A587168, A-09-
22 589195-C, A-09-589677-C, A-09-590319-C,
23 A-09-592826-C, A-09-596924-C, and A-09-
24 597089-C

25 **NOTICE OF ENTRY OF ORDER**
26 **STAYING THE CASE, EXCEPT FOR**
27 **THE SALE OF THE PROPERTY,**
28 **PENDING RESOLUTION OF THE WRIT**
PETITION BEFORE THE NEVADA
SUPREME COURT

29 **AND ALL RELATED CASES AND**
30 **MATTERS**

31 PLEASE TAKE NOTICE that an **ORDER STAYING THE CASE, EXCEPT FOR**
32 **THE SALE OF THE PROPERTY, PENDING RESOLUTION OF THE WRIT**
33 **PETITION BEFORE THE NEVADA SUPREME COURT** was entered herein on the 29th

1 day of November 2012, a copy of which is attached hereto and incorporated herein by this
2 reference.

3 DATED this 30th day of November 2012.

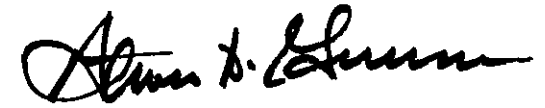
4 HOWARD & HOWARD ATTORNEYS PLLC

5
6 /s/ Wade B. Gochmour
7 Gwen Rutar Mullins, Esq.
8 Nevada Bar No. 3146
9 Wade B. Gochmour, Esq.
10 Nevada Bar No. 6314
11 3800 Howard Hughes Pkwy., Ste. 1000
12 Las Vegas, Nevada 89169-5914
13 *Attorneys for APCO Construction*

14
15 **CERTIFICATE OF SERVICE**

16
17 I do hereby certify that on the 30th day of November 2012, I served a copy of the
18 **NOTICE OF ENTRY OF ORDER STAYING THE CASE, EXCEPT FOR THE SALE**
19 **OF THE PROPERTY, PENDING RESOLUTION OF THE WRIT PETITION BEFORE**
20 **THE NEVADA SUPREME COURT** on all parties listed in the Master Service List in
21 accordance with the Electronic Filing Order entered in this matter.
22

23 /s/ Kellie Piet
24 An employee of Howard & Howard Attorneys PLLC
25
26
27
28



CLERK OF THE COURT

1 **ORDER**

2 Gwen Rutar Mullins, Esq.

3 Nevada Bar No. 3146

4 Wade B. Gochmour, Esq.

5 Nevada Bar No. 6314

6 **Howard & Howard Attorneys PLLC**

7 3800 Howard Hughes Parkway

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14 *Attorneys for APCO Construction*

15 **DISTRICT COURT**
16 **CLARK COUNTY, NEVADA**

17 In Re Manhattan Mechanic's Lien Litigation

18 CASE NO.: A571228

19 DEPT. NO.: XXIX

20 Consolidated with: 08A574391,
21 08A574792, 08A577623, 09A580889,
22 09A583289, 09A584730, 09A587168, A-09-
23 589195-C, A-09-589677-C, A-09-590319-C,
24 A-09-592826-C, A-09-596924-C, and A-09-
25 597089-C

26 **ORDER STAYING THE CASE, EXCEPT**
27 **FOR THE SALE OF THE PROPERTY,**
28 **PENDING RESOLUTION OF THE WRIT**
PETITION BEFORE THE NEVADA
SUPREME COURT

Date: November 6, 2012

Time: 10:00 a.m.

24 **AND ALL RELATED CASES AND**
25 **MATTERS**

1 **ORDER STAYING THE CASE, EXCEPT FOR THE SALE OF THE PROPERTY,**
2 **PENDING RESOLUTION OF THE WRIT PETITION**
3 **BEFORE THE NEVADA SUPREME COURT**

4 This matter having come before the Court upon the joint oral motion for a stay of the
5 case, except for any procedures necessary to complete the pending sale of the Property, made by
6 APCO Construction, the Peel Brimley Lien Claimants and Scott Financial, the Court having
7 heard no objections, and other good cause appearing:

8 **THE COURT FINDS AS FOLLOWS:**

9 1. A stay of the entire case, with the exception of any actions necessary for the sale
10 of the Property as previously ordered by the Court, pending resolution of the Writ Petition
11 currently before the Nevada Supreme Court, is appropriate pursuant to Nevada Rule of Civil
12 Procedure 62 and Nevada Rule of Appellate Procedure 8.

13 2. No bond is necessary as the real parties in interest have jointly moved for the
14 stay.

15 3. Trial of this consolidated matter commenced on October 30, 2012 upon the trial
16 of the lien amount, lien validity and related claims of Ready Mix, Inc., and therefore, the five-
17 year rule set forth in Nevada Rule of Civil Procedure 41(e) is no longer applicable.

18 4. To the extent that trial under Nevada Rule of Civil Procedure 41(e) has not
19 commenced, the stay pursuant to Nevada Rule of Appellate Procedure 8, tolls the five-year rule
20 of Nevada Rule of Civil Procedure 41(e).

21 Based upon the above findings by the Court and other good cause,

22 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that all causes of action,
23 counterclaims, third-party claims or otherwise are hereby stayed pending resolution of the Writ
24 Petition currently pending before the Nevada Supreme Court, except for any actions necessary
25 for the sale of the Property as previously ordered by this Court, and the establishment of an
26 account for the proceeds of the sale, to which all lien claims shall attach.

27 ///

28 ///

1 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that no bond shall be
2 required for the stay to become effective.

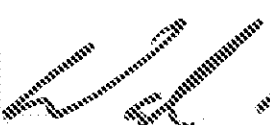
3 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that nothing herein
4 shall affect the on-going mediation of this case.

5 DATED this 28th day of November 2012.

6
7 
8 _____
DISTRICT COURT JUDGE 

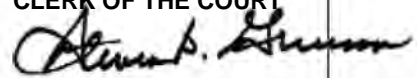
9 Submitted by:

10 **HOWARD & HOWARD ATTORNEYS PLLC**

11
12 
13 _____
Gwen Rutar Mullins, Esq.
14 Wade B. Gochnour, Esq.
15 3800 Howard Hughes Parkway, Suite 1000
16 Las Vegas, NV 89169
Telephone (702) 257-1483
Attorneys for APCO Construction

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Las Vegas, NV 89169
(702) 257-1483

Exhibit 2



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Nevada Bar No. 9407
RICHARD L. PEEL, ESQ.
Nevada Bar No. 4359
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ezimbelman@peelbrimley.com
rpeel@peelbrimley.com
Attorneys for Various Lien Claimants

DISTRICT COURT

CLARK COUNTY, NEVADA

APCO CONSTRUCTION, a Nevada
corporation,

Plaintiff,

vs

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

Defendants.

AND ALL RELATED MATTERS.

CASE NO.: A571228

DEPT. NO.: XIII

Consolidated with:

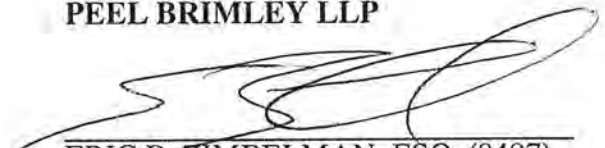
A571792, A574391, A577623, A580889,
A583289, A584730, and A587168

NOTICE OF ENTRY OF ORDER

PLEASE TAKE NOTICE that an Order Denying APCO Construction's Motion for
Partial Summary Judgment re: Lien Foreclosure Claims was filed on August 30, 2017, a copy
of which is attached as Exhibit A.

DATED this 30th day of August 2017.

PEEL BRIMLEY LLP



ERIC B. ZIMBELMAN, ESQ. (9407)
RICHARD L. PEEL, ESQ. (4359)
3333 E. Serene Avenue, Suite 200
Henderson, NV 89074-6571
Attorneys for Various Lien Claimants

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of PEEL BRIMLEY LLP and that on this 30th day of August, 2017, I caused the above and foregoing document entitled **NOTICE OF ENTRY OF ORDER** to be served as follows:

- ☐ by placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada to the party(ies) and/or attorney(s) listed below; 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 _____

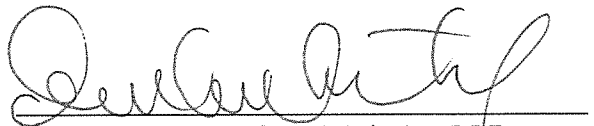
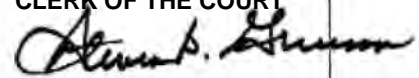

An Employee of Peel Brimley LLP

Exhibit A



ORDR
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rpeel@peelbrimley.com
Attorneys for Various Lien Claimants

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

**ORDER DENYING APCO
CONSTRUCTION'S MOTION FOR
PARTIAL SUMMARY JUDGMENT
RE: LIEN FORECLOSURE CLAIMS**

This matter came on for hearing August 10, 2017, before the Honorable Mark Denton in Dept. 13 on Apco Construction's ("APCO") Motion to Dismiss or for Summary Judgment on Lien Claimants' NRS CH 108 Claim for Foreclosure of Mechanic's Liens. Jack Juan, Esq. appeared for APCO; Eric Zimbelman, Esq. of PEEL BRIMLEY LLP appeared on behalf of Buchele Inc., Cactus Rose Construction, Fast Glass Inc., Heinaman Contract Glazing, Helix Electric of Nevada, LLC, SWPPP Compliance Solutions, LL.; and WRG Design Inc. and filed an Opposition on their behalf; I-Che Lai, Esq. appeared for Zitting Brothers, Inc. and filed an Opposition on its behalf; Elizabeth Stephens, Esq. appeared for Interstate Plumbing & Air

JA006953

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3333 E. SERENE AVENUE, STE. 200
HENDERSON, NEVADA 89074
(702) 990-7272 • FAX (702) 990-7273

DISTRICT COURT DEPT#13

AUG 21 2017

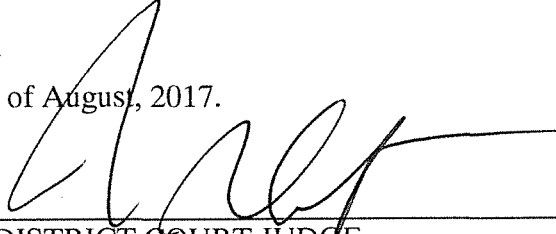

RECEIVED

1 Conditioning and filed a Joinder in support of the Oppositions; and Steven Morris, Esq.
2 appeared for Camco Pacific Construction, Inc.

3 Having reviewed the Motion, Opposition, Reply and Joinders and having heard
4 argument of counsel, the Court finds that genuine issue of material fact exist that preclude
5 summary judgment but denies the motion without prejudice to APCO to raise the issue again at
6 trial.

7 **IT IS THEREFOR ORDERED** that APCO's Motion to Dismiss or for Summary
8 Judgment on Lien Claimants' NRS CH 108 Claim for Foreclosure of Mechanic's Liens is
9 DENIED without prejudice.

10 **IT IS SO ORDERED** this 28th day of August, 2017.

11 
12 _____
13 DISTRICT COURT JUDGE
14 

14 Submitted by:

15 **PEEL BRIMLEY LLP**


16  #11776 for
17 ERIC B. ZIMBELMAN,
18 Nevada Bar No. 9407
19 RICHARD L. PEEL, ESQ.
20 Nevada Bar No. 4359
21 3333 E. Serene Avenue, Suite 200
22 Henderson, NV 89074-6571
23 *Attorneys for Various Lien Claimants.*
24
25
26
27
28

Exhibit 3

IN THE SUPREME COURT OF THE STATE OF NEVADA

**In Re Manhattan West Mechanic's Lien
Litigation**

No. 61131

ELECTRONICALLY SERVED
06/25/2012 02:10:58 PM

APCO CONSTRUCTION, INC., a Nevada
corporation, *et al.*,

Petitioners,

vs.

The Honorable Susan W. Scann, Judge,
Eighth Judicial District Court, Clark County,
Nevada,

Respondent,

and

SCOTT FINANCIAL CORPORATION, a
North Dakota Corporation, *et al.*,

Real Parties in Interest.

District Court No. 08A571228

Consolidated with:

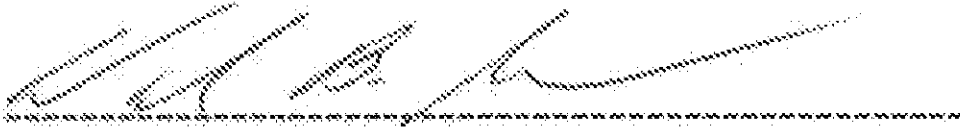
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08A574792	A-09-589677-C
08A577623	A-09-590319-C
09A579963	A-09-592826-C
09A580889	A-09-596924-C
09A583289	A-09-597089-C
09A584730	A-09-606730-C
09A587168	A-10-608717-C
	A-10-608718-C

TO ALL PARTIES IN THE ABOVE REFERENCED DISTRICT COURT

PROCEEDINGS:

Please take notice, pursuant to NRAP 21(a)(1), that on this date, June 25,
2012, there was filed in the Nevada Supreme Court in this matter a Joint Petition
for Writ of Mandamus or, in the Alternative, Prohibition, a copy of which is
attached hereto as Exhibit A.

DATED this 25th day of June, 2012



GWEN RUTAR MULLINS

Nevada Bar No, 3146

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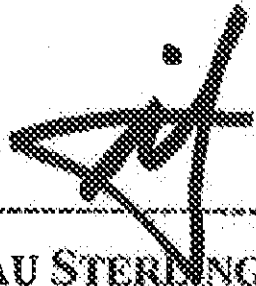
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DATED this 25th day of June, 2012



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Bruin Painting Corporation; Cactus Rose Construction; Fast Glass Inc.; HD
Supply Waterworks LP; Heinaman Contract Glazing; Helix Electric of Nevada ,
LLC; Interstate Plumbing & Air Conditioning; SWPPP Compliance Solutions
LLC; WRG Design Inc.*

Exhibit 4

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN RE: MANHATTAN WEST
MECHANIC'S LIEN LITIGATION

No. 61131

FILED

FEB 19 2016

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

APCO CONSTRUCTION, A NEVADA
CORPORATION; ACCURACY GLASS &
MIRROR COMPANY, INC.; BUCHELE,
INC.; BRUIN PAINTING
CORPORATION; CACTUS ROSE
CONSTRUCTION; FAST GLASS, INC.;
HD SUPPLY WATERWORKS, LP;
HEINAMAN CONTRACT GLAZING;
HELIX ELECTRIC OF NEVADA, LLC;
INTERSTATE PLUMBING & AIR
CONDITIONING; SWPPP
COMPLIANCE SOLUTIONS, LLC; AND
WRG DESIGN, INC.,

Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
SUSAN SCANN, DISTRICT JUDGE,
Respondents,

and

SCOTT FINANCIAL CORPORATION, A
NORTH DAKOTA CORPORATION;
AHERN RENTALS, INC.; ARCH
ALUMINUM AND GLASS CO.; ATLAS
CONSTRUCTION SUPPLY, INC.;
BRADLEY J. SCOTT; CABINETEC,
INC.; CELLCRETE FIREPROOFING OF
NEVADA, INC.; CAMCO PACIFIC
CONSTRUCTION CO., INC.; CLUB
VISTA FINANCIAL SERVICES, LLC;

CONCRETE VISIONS, INC.; CREATIVE HOME THEATRE, LLC; CUSTOM SELECT BILLING, INC.; DAVE PETERSON FRAMING, INC.; E&E FIRE PROTECTION, LLC; EZA, P.C.; FERGUSON FIRE AND FABRICATION, INC.; GEMSTONE DEVELOPMENT WEST, INC.; GRANITE CONSTRUCTION COMPANY; HARSCO CORPORATION; HYDROPRESSURE CLEANING; INQUIPCO; INSULPRO PROJECTS, INC.; JEFF HEIT PLUMBING, CO., LLC; JOHN DEERE LANDSCAPE, INC.; LAS VEGAS PIPELINE, LLC; NEVADA PREFAB ENGINEERS; NOORDA SHEET METAL COMPANY; NORTHSTAR CONCRETE, INC.; PAPE MATERIAL HANDLING; PATENT CONSTRUCTION SYSTEMS; PROFESSIONAL DOOR AND MILL WORKS, LLC; READY MIX, INC.; RENAISSANCE POOLS & SPAS, INC.; REPUBLIC CRANE SERVICE, LLC; STEEL ENGINEERS, INC.; SUPPLY NETWORK, INC.; SUNSTATE COMPANIES, INC.; THARALDSON MOTELS II, INC.; THE PRESSURE GROUT, COMPANY; TRI CITY DRYWALL, INC.; UINTAH INVESTMENTS, LLC; AND ZITTING BROTHERS CONSTRUCTION, INC.,
Real Parties in Interest.

ORDER DENYING EN BANC RECONSIDERATION

Having considered the petition on file herein, we have

concluded that en banc reconsideration is not warranted. NRAP 40A.
Accordingly, we

ORDER the petition DENIED.¹

Hardesty, A.C.J.
Hardesty

Douglas, J.
Douglas

Saitta, J.
Saitta

Gibbons, J.
Gibbons

Pickering, J.
Pickering

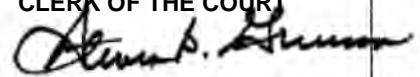
CHERRY, J., dissenting: I would grant reconsideration in this matter, for the reasons set forth in my previous dissents.

Cherry, J.
Cherry

¹The Honorable Ron Parraguirre, Chief Justice, did not participate in the decision of this matter.

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Premier Legal Group
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Eighth District Court Clerk

Exhibit 5



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8 **DISTRICT COURT**

9 **CLARK COUNTY, NEVADA**

10 APCO CONSTRUCTION, a Nevada
corporation,

11 Plaintiff,

12 vs.

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

18 Defendants.

19
20 AND ALL RELATED MATTERS.

CASE NO.: A571228

DEPT. NO.: XIII

Consolidated with:

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

NOTICE OF ENTRY OF ORDER

21
22 ///

23 ///

24 ///

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NOTICE OF ENTRY OF ORDER

PLEASE TAKE NOTICE that an Order Granting Peel Brimley Lien Claimants' Motion for Partial Summary Judgment Precluding Defenses Based on Pay-If-Paid Agreements was filed on January 2, 2018, a copy of which is attached as Exhibit A.

Dated this 3rd day of January, 2018.

PEEL BRIMLEY LLP



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Nevada Bar No. 4359

3333 E. Serene Avenue, Suite 200

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Attorneys for Various Lien Claimants

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 3rd day of January, 2018, I caused the above and foregoing document entitled **NOTICE OF ENTRY OF ORDER** to be served as follows:

- ☐ by placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada 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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Steven Morris (steve@gmdlegal.com)

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An Employee of Peel Brimley LLP

EXHIBIT A

JA006970

ORIGINAL

Steven D. Grierson

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13 *Attorneys for Various Lien Claimants*

8 **DISTRICT COURT**

9 **CLARK COUNTY, NEVADA**

10 APCO CONSTRUCTION, a Nevada
11 corporation,

12 Plaintiff,

13 vs.

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

23 Defendants.

24 AND ALL RELATED MATTERS.

CASE NO.: A571228

DEPT. NO.: XIII

Consolidated with:

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

**ORDER GRANTING PEEL BRIMLEY
LIEN CLAIMANTS' MOTION FOR
PARTIAL SUMMARY JUDGMENT
PRECLUDING DEFENSES BASED
ON PAY-IF-PAID AGREEMENTS**

25 This matter came on for hearing November 16, 2017, before the Honorable Mark
26 Denton in Dept. 13 on the Peel Brimley Lien Claimants' ("PB Lien Claimants")¹ Motion for
27 Partial Summary Judgment Precluding Defenses Based on Pay-if-Paid Agreements ("the
28 Motion"). Joinders were filed by Zitting Brothers, Construction, Inc., William A.
Leonard/Interstate Plumbing and Air Conditioning LLC, National Wood Products, Inc., E&E
Fire Protection LLC, and United Subcontractors, Inc. (collectively, "the Joining

¹ The Peel Brimley Lien Claimants are: Cactus Rose Construction, Fast Glass Inc., Heinaman Contract Glazing, Helix Electric of Nevada, LLC, SWPPP Compliance Solutions, LLC, and Buchele, Inc. The Peel Brimley law firm has since withdrawn from representation of Buchele, Inc.

JA006971

Case Number: 08A571228

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HENDERSON, NEVADA 89074
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RECEIVED

DEC 27 2017

DISTRICT COURT DEPT# 13

Subcontractors”) APCO Construction (“APCO”) and Camco Pacific Construction, Inc. (“Camco”) opposed the Motion. The issues having been well-briefed and argued and the Court being fully advised in the premises, the Court is persuaded that the Motion has merit and should be granted.

A. Findings of Fact.

Specifically, but without limitation, there are no genuine issues of material fact as follows:

1. 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. The Owner hired APCO and, subsequently, Camco as its general contractors, who in turn entered into subcontract agreements with various subcontractors including the PB Lien Claimants and the Joining Subcontractors. In December 2008 the Owner suspended the Project and advised the various contractors that the Owner’s lender did not expect to disburse further funds for construction. Numerous contractors, including the PB Lien Claimants, the Joining Subcontractors, APCO and Camco 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 lender. Thereafter, the stay was lifted and the PB Lien Claimants, Joining Subcontractors and others continued to pursue claims for non-payment from APCO and Camco.

///

///

1 4. APCO and Camco assert defenses to the various subcontractor claims based on
2 so-called "pay-if-paid agreements" (hereinafter referred to generally as "Pay-if-Paid").
3 Specifically but without limitation, APCO and Camco rely on language in the APCO
4 Subcontract Agreement that was adopted by way of a Ratification Agreement between Camco
5 and some of the subcontractors, that APCO and Camco have no obligation to pay the
6 subcontractors for the work materials and equipment they furnished to the Project ("the Work")
7 unless and until the Owner pays APCO and Camco for the Work. APCO and Camco claim that
8 they have not been paid, in whole or in part, for the Work and/or that the Owner by-passed them
9 by making or intending to make payments to subcontractors through a voucher control
10 company, Nevada Construction Services ("NCS"). Among other provisions, APCO and Camco
11 rely upon the following:

12 *3.4 Any payments to Subcontractor shall be conditioned upon receipt of the*
13 *actual payments by Contractor from Owner. Subcontractor herein agrees to*
14 *assume the same risk that the Owner may become insolvent that Contractor*
15 *has assumed by entering into the Prime Contract with the Owner.*

16 *3.5 Progress payments will be made by Contractor to Subcontractor within 15*
17 *days after Contractor actually receives payment for Subcontractor's work from*
18 *Owner. Any payments to Subcontractor shall be conditioned upon receipt of*
19 *the actual payments by Contractor from Owner. Subcontractor herein agrees*
20 *to assume the same risk that the Owner may become insolvent that Contractor*
21 *has assumed by entering into the Prime Contract with the Owner.*

22 *3.8 The 10 percent withheld retention shall be payable to Subcontractor upon,*
23 *and only upon the occurrence of all the following events, each of which is a*
24 *condition precedent to Subcontractor's right to receive final payment*
25 *hereunder and payment of such retention: ... (c) Receipt of final payment by*
26 *Contractor from Owner.*

27 *3.9 Subcontractor agrees that Contractor shall have no obligation to pay*
28 *Subcontractor for any changed or extra work performed by Subcontractor*
 until or unless Contractor has actually been paid for such Work by the owner.

4.2 The Owner's payment to Contractor of extra compensation for any such
 suspension, delay, or acceleration shall be a condition precedent to
 Subcontractor's right, if any, to receive such extra compensation from
 Contractor.

///

1 5. Each of these provisions represents or contains Pay-if-Paid such that, if enforced,
2 may allow APCO and Camco to deny payment to their subcontractors for work performed on
3 the grounds that APCO and Camco have not been paid.

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

6 **B. Conclusions of Law.**

7 As discussed below, Pay-if-Paid is void and unenforceable in Nevada and, as a result,
8 the Motion to Preclude Defenses based on Pay-if-Paid Agreements is GRANTED.

9 1. In 2008 the Nevada Supreme Court declared Pay-if-Paid void and unenforceable
10 as against Nevada's public policy because "Nevada's public policy favors securing payment for
11 labor and material contractors." *Lehrer McGovern Bovis, Inc. v. Bullock Insulation, Inc.*, 124
12 Nev. 1102, 1117-18, 197 P.3d 1032, 1042 (Nev. 2008). The *Bullock* Court noted that "because
13 a pay-if-paid provision limits a subcontractor's ability to be paid for work already performed,
14 such a provision impairs the subcontractor's statutory right to place a mechanic's lien on the
15 construction project." 124 Nev. at 1117 n. 51 (citing *Wm. R. Clarke Corp. v. Safeco Ins. Co.*, 15
16 Cal. 4th 882, 64 Cal. Rptr. 2d 578, 938 P.2d 372, 376 (Cal. 1997))

17 2. Nevada's statutory schemes designed to secure payment to contractors and
18 subcontractors in the construction industry as a whole are remedial. *See Hardy Companies, Inc.*
19 *v. W.E. O'Neil Const. Co.*, 245 P.3d 1149, 1155 (Nev. 2010) (citing *Las Vegas Plywood v. D &*
20 *D Enterprises*, 98 Nev. 378, 380, 649 P.2d 1367, 1368 (1982)). As stated in *Bullock*:

21 Underlying the policy in favor of preserving laws that provide contractors secured
22 payment for their work and materials is the notion that contractors are generally in a
23 vulnerable position because they extend large blocks of credit; invest significant time,
24 labor, and materials into a project; and have any number of workers vitally depend
25 upon them for eventual payment. *We determine that this reasoning is persuasive as it*
accords with Nevada's policy favoring contractors' rights to secured payment for
labor, materials, and equipment furnished.

26 *Bullock*, 124 Nev. at 1116 (emphasis added).

27 ///

28 ///

///

1 3. Despite the fact that the *Bullock* decision involved mechanic's liens, the Court
2 rejects as without merit the argument that the public policy rationale of *Bullock* is limited to the
3 concept of security or does not apply when there is no security such as in the present case, where the
4 Property has been sold and the proceeds have been released to senior lienors. Among other things,
5 the term "secured payment" utilized by *Bullock*, at 1116, uses "secured" as an adjective and
6 "payment" as a noun.

7 4. By way of a footnote, the *Bullock* Court noted that the Nevada Legislature
8 "amended NRS Chapter 624 to include the prompt payment provisions contained in NRS 624.624
9 through 624.626. Pay-if-paid provisions entered into subsequent to the Legislature's amendments
10 are enforceable only in limited circumstances and are subject to the restrictions laid out in these
11 sections." 124 Nev. at 1117 n. 50. No such "limited circumstances" exist in this case.

12 5. NRS 624.624(1) provides for the obligation of prompt payment by a higher-tiered
13 contractor (such as APCO and Camco) to a lower-tiered subcontractor (such as the PB Lien
14 Claimants), as follows:

15 Except as otherwise provided in this section, if a higher-tiered contractor enters into:

16 (a) A written agreement with a lower-tiered subcontractor that includes a schedule for
17 payments, the higher-tiered contractor shall pay the lower-tiered subcontractor:

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

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

22 ↪ whichever is earlier.

23 (b) A written agreement with a lower-tiered subcontractor that does not contain a
24 schedule for payments, or an agreement that is oral, the higher-tiered contractor shall
25 pay the lower-tiered subcontractor:

26 (1) Within 30 days after the date the lower-tiered subcontractor submits a
27 request for payment; or

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

↪ whichever is earlier.

NRS 624.624(1) (emphasis added).

///


///

6. Stated simply, if there is a “schedule of payments” in an otherwise enforceable written agreement, the higher-tiered contractor must pay the lower-tiered subcontractor – at the latest – on the date payment is due. If there is no enforceable written agreement containing a schedule of payments, the payment is due to the lower-tiered subcontractor – at the latest - within 30 days of its request for payment. Under either circumstance it has been approximately nine years since payments on the Project ceased to be made.

12 7. Any conclusion of law herein that is more appropriately deemed a question of
13 fact shall be treated as such.

15 1. The Peel Brimley Lien Claimants' Motion for Partial Summary Judgment
16 Precluding Defenses Based on Pay-if-Paid Agreements GRANTED; and
17 2. APCO and Camco may not assert or rely upon any defense to their payment
18 obligations, if any, to the PB Lien Claimants and the Joining Subcontractors that
19 is based on a pay-if-paid agreement.

ement.
y of December, 2017.


DISTRICT COURT JUDGE

26 ERIC B. ZIMBELMAN, ESQ. (9407)
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28 *Attorneys for Various Lien Claimants.*

Exhibit 6A

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Air Conditioning, 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

**INTERSTATE PLUMBING AND AIR
CONDITIONING, LLC'S RESPONSE TO
SPECIAL MASTER QUESTIONNAIRE**

Plaintiff/Lien Claimant INTERSTATE PLUMBING AND AIR CONDITIONING, LLC,
("Interstate") by and through its undersigned counsel, PEEL BRIMLEY LLP hereby submits its
Response to the Special Master's Questionnaire as follows:

SPECIAL MASTER QUESTIONNAIRE FOR
APCO CONSTRUCTION V. GEMSTONE DEVELOPMENT WEST, INC.

1. Party's name: **Interstate Plumbing and Air Conditioning, LLC**
2. Date range you worked on the Project: Start Approx. May 2007 End October 28,
2008.

- 1 3. Date of notice of lien, if one exists: **December 5, 2008; Amended February 2,**
2 **2009**
- 3 4. Purported amount of lien, if one exists: \$4,114,762.08
- 4 5. Purported amount of claim(s): \$4,114,762.08 plus interest, costs and attorney's
5 fees.
- 6 6. Please identify whether your asserted claims are against: APCO _____,
7 Camco _____, or both X (Both)
- 8 7. If your claims are asserted against both APCO and Camco, what value of the
9 claims do you allocate to each (preliminary estimated allocation):¹
- 10 a. APCO: 100%.
- 11 b. Camco: 100%.
- 12 8. Did you receive monies from Camco after September 1, 2008: Yes X (Yes)
13 No ____.
- 14 9. Have you and/or your parent or controlling company filed for bankruptcy
15 protection subsequent to your assertion of claim(s): Yes X (Yes) No ____
- 16 a. If you responded "Yes" to number 9 above, please detail whether the
17 Bankruptcy trustee owns, has abandoned, or is asserting the claim(s) on
18 your behalf: Trustee owns the claim

19 ***END OF QUESTIONNAIRE***

20 DATED this 22 day of September 2016.

21 PEEL BRIMLEY LLP

22  (A-10577)
23 ERIC B. ZIMBELMAN,

24 Nevada Bar No. 9407

25 RICHARD L. PEEL, ESQ.

26 Nevada Bar No. 4359

27 3333 E. Serene Avenue, Suite 200

28 Henderson, NV 89074-6571

 Attorneys for Interstate Plumbing and
 Air Conditioning, LLC

¹ This preliminary estimated allocation is for APCO's and Camco's exposure budgeting purposes only and shall not be deemed a waiver, election or bar to assertion of claims or allocation and may not be offered in evidence against any claimant.

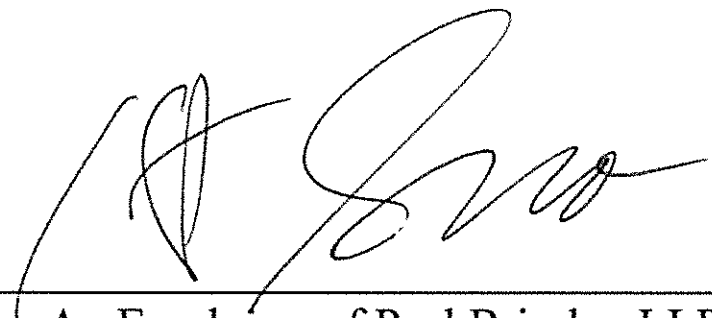
PEEL BRIMLEY LLP
3333 E. SERENE AVENUE, STE. 200
HENDERSON, NEVADA 89074
(702) 990-7272 ♦ FAX (702) 990-7273

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CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of PEEL BRIMLEY LLP and that on this 22nd day of September, 2016, I caused the above and foregoing document entitled **INTERSTATE PLUMBING AND AIR CONDITIONING, LLC'S RESPONSE TO SPECIAL MASTER QUESTIONNAIRE** 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 _____



An Employee of Peel Brimley LLP

Exhibit 6B

1 MARTIN A. LITTLE, ESQ.
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Email: mre@juww.com
4 SARAH A. MEAD, ESQ.
Nevada Bar No. 13725
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JOLLEY URG A WOODBURY & LITTLE
6 3800 Howard Hughes Pkwy., #1600
Las Vegas, Nevada 89169
7 Telephone: (702) 699-7500
Facsimile: (702) 699-7555
8 *Attorneys for Steel Structures, Inc.,*
Nevada Prefab Engineers, Inc.,
9 *and Unitah Investments LLC*

10 **DISTRICT COURT**

11 **CLARK COUNTY, NEVADA**

12 APCO CONSTRUCTION, a Nevada
corporation,

13
14 Plaintiff,

15 vs.

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

20 Defendants.

21 AND ALL RELATED MATTERS.
22

CASE NO.: A571228

DEPT. NO.: XIII

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

**NEVADA PREFAB ENGINEERS INC.'S
SPECIAL MASTER QUESTIONNAIRE**

Date of Hearing: September 29, 2016
Time of Hearing: 4:00 pm

23 Nevada Prefab Engineers, Inc. by and through its attorneys, Jolley Urga Woodbury &
24 Little, hereby submits its Special Master Questionnaire.
25

26 ///

27 ///

SPECIAL MASTER QUESTIONNAIRE
FOR
APCO CONSTRUCTION V. GEMSTONE DEVELOPMENT WEST, INC.

1. Party's Name: Nevada Prefab Engineers, Inc.
2. Date range you worked on the Project: Start 1-31-2008 End 10-22-2008
3. Date of notice of lien, if one exists: November 21, 2008
4. Purported amount of lien, if one exists: \$1,001,790.15
5. Purported amount of claim(s): \$857,367.71
6. Please identify whether your asserted claims are against: APCO _____,
Camco _____, or both ☒.
7. If your claims are asserts against both APCO and Camco, what value of the claims
do you allocate to each (preliminary estimated allocation):¹
 - a. APCO: \$601,790.15
 - b. Camco: \$255,577.56
8. Did you receive monies from Camco after September 1, 2008: Yes _____ No ☒.
9. Have you and/or your parent or controlling company filed for bankruptcy
protection subsequent to your assertion of claim(s): Yes _____ No _____.
 - a. If you responded "Yes" to number 9 above, please detail whether the
Bankruptcy trustee owns, has abandoned, or is asserting the claim(s) on
your behalf: _____

Dated this 22nd day of September, 2016.

JOLLEY URGAL WOODBURY & LITTLE

By: 

MARTIN A. LITTLE, ESQ.

MICHAEL R. ERNST, ESQ.

SARAH A. MEAD, ESQ.

*Attorneys for Steel Structures, Inc., Nevada
Prefab Engineering, Inc., and Unitah
Investments LLC*

¹ This preliminary estimated allocation is for APCO's and Camco's exposure budgeting purposes only and shall not be deemed a waiver, election or bar to assertion of claims or allocation and may not be offered in evidence against any claimant.

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This is to certify that on September 22nd 2016, I electronically served **NEVADA PREFAB ENGINEERS, INC.'S SPECIAL MASTER QUESTIONNAIRE** with the Clerk of Court using the CM/ECF system, which will cause the document to be served upon all current counsel of record.

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Exhibit 6C

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 97

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Facsimile: (702) 692-8099
rjefferies@fclaw.com
cbyrd@fclaw.com
Attorneys for Respondent

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 NRCF 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>
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
	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
	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

<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

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	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

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	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

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	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

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	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

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	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

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
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>
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

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
		JA006442	
	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
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

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
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 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>
	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

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
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

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Nevada, LLC, SWPPP Compliance 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
	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

<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

<u>Date</u>	<u>Description</u>	<u>Bates Number</u>	<u>Volume(s)</u>
	Precluding Defenses Based on Pay-if-Paid Agreements		
	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
	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
	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

<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
	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

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DISTRICT COURT
CLARK COUNTY, NEVADA

APCO CONSTRUCTION, a Nevada
corporation,

Plaintiff,

vs.

GEMSTONE DEVELOPMENT WEST, INC.,
a Nevada corporation,

Defendant.

CASE NO. A571228

DEPT. NO. XIII

Consolidated with:

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

AND ALL RELATED MATTERS

ZITTING BROTHERS CONSTRUCTION, INC.'S RESPONSE TO
SPECIAL MASTER QUESTIONNAIRE

Pursuant to Special Master Hearing on August 1, 2016, Zitting Brothers Construction, Inc. ("Zitting Brothers") by and through its undersigned counsel, Jorge A. Ramirez, Esq. and I-Che Lai, Esq. of Wilson Elser Moskowitz Edelman & Dicker LLP, hereby submits its Special Master Questionnaire.

...

1. Party's name: Zitting Brothers Construction, Inc.
2. Date range you worked on the Project: 11/19/2007 End 12/15/2008
Start
3. Date of notice of lien, if one 12/23/2008
exists:
4. Purported amount of lien, if one \$788,405.41 (exclusive of interest,
exists: attorney's fees, and costs)
5. Purported amount of claim(s): \$750,807.16 (exclusive of interest, attorney's
fees, and costs)
6. Please identify whether your asserted claims are against: APCO X,
Camco _____, or both _____.
7. If your claims are asserted against both APCO and Camco, what value
of the claims do you allocate to each (preliminary estimated
allocation):¹
a. APCO: _____,
b. Camco: _____.
8. Did you receive monies from Camco after September 1, 2008: Yes _____ No X.
9. Have you and/or your parent or controlling company filed for bankruptcy
protection subsequent to your assertion of claim(s): Yes _____ No X.
a. If you responded "Yes" to number 9 above, please detail whether the
Bankruptcy trustee owns, has abandoned, or is asserting the claim(s) on
your behalf: _____

Dated this 23rd day of September, 2016.

WILSON ELSEER MOSKOWITZ EDELMAN &
DICKER LLP


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Attorneys for Lien Claimant,
Zitting Brothers Construction, Inc.

¹ This preliminary estimated allocation is for APCO's and Camco's exposure budgeting purposes only and shall not be deemed a waiver, election or bar to assertion of claims or allocation and may not be offered in evidence against any claimant.

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of Wilson Elser Moskowitz Edelman & Dicker LLP, and that on this 23rd day of September, 2016, I served a true and correct copy of the foregoing **ZITTING BROTHERS CONSTRUCTION, INC.'S RESPONSE TO SPECIAL MASTER QUESTIONNAIRE** 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;
- ☒ via electronic means by operation of the Court's electronic filing system, upon each party in this case who is registered as an electronic case filing user with the Clerk;
- ☐ via hand-delivery to the addressees listed below;
- ☐ via facsimile;
- ☐ by transmitting via email the document listed above to the email address set forth below on this date before 5:00 p.m.

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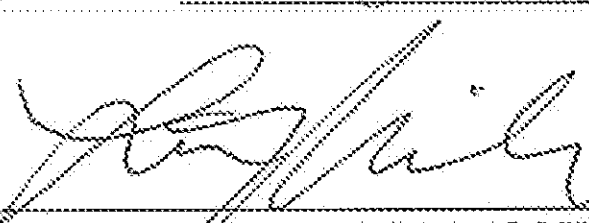
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BY: 

An Employee of WILSON ELSEER MOSKOWITZ
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Exhibit 6D

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9 *Attorneys for NOORDA SHEET METAL*

10 **DISTRICT COURT**

11 **CLARK COUNTY, NEVADA**

12 IN RE MANHATTAN WEST MECHANIC'S
13 LIEN LITIGATION,

Case No. A571228 (Consolidated with Case
Nos. A574391; A574792; A583289;
A587168; AF89195; A597089; A577623;
A584730; A580889; A571792)

Dept. No. 13
Hon. Judge Mark Denton


14 AND ALL RELATED CASES AND
15 MATTERS

**NOORDA SHEET METAL's
NOTICE OF COMPLIANCE**

16
17 PLEASE TAKE NOTICE that Lien Claimant, NOORDA SHEET METAL, by and through
18 its attorney of record, T. James Truman, Esq. of T. JAMES TRUMAN & ASSOCIATES, having
19 previously submitted its 16.1 Disclosures in this matter and hereby submits the Special Master
20 Questionnaire, in compliance with the Special Master Order entered on September 1, 2016, in the
21 above-entitled matter.

22 DATED this 22 day of September, 2016.

23 T. JAMES TRUMAN & ASSOCIATES

24
25 By: 
26 T. James Truman, Esq.
27 Nevada State Bar No. 003620
28 3654 N. Rancho Dr., Suite 101
Las Vegas, Nevada 89130
Attorneys for Lien Claimant,
NOORDA SHEET METAL

LAW OFFICES OF
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3654 NORTH RANCHO DRIVE
LAS VEGAS, NEVADA 89130
www.trumanlegal.com

SPECIAL MASTER QUESTIONNAIRE
FOR
APCO CONSTRUCTION v. GEMSTONE DEVELOPMENT WEST, INC.

1. Party's name: **NOORDA SHEETMETAL COMPANY**
2. Date range you worked on the Project: **Start August, 2008 End November 2008**
3. Date of notice of lien, if one exists: **January 8, 2009**
4. Purported amount of lien, if one exists: **\$945,351.40 (together with interest thereon, fees and costs).**
5. Purported amount of claim(s): **\$945,351.40 (together with interest thereon, fees and costs).**
6. Please identify whether your asserted claims are against: APCO _____
Camco _____, or both X
7. If your claims are asserted against both APCO and Camco, what value of the claims do you allocate to each (preliminary estimated allocation):¹ **Each Defendant is contractually obligated to pay the entire sum.**
 - a. APCO: _____
 - b. Camco: _____
8. Did you receive monies from Camco after September 1, 2008: Yes _____ No X
9. Have you and/or your parent or controlling company filed bankruptcy protection subsequent to your assertion of claim(s): Yes X No _____
 - a. If you responded "Yes" to number 9 above, please detail whether the Bankruptcy Trustee owns, has abandoned, or is asserting the claim(s) on your behalf: **The Trustee sold the claim to LaMar Noorda, who asserts the claim in these proceedings.**

***** END OF QUESTIONNAIRE *****

¹This preliminary estimated allocation is for APCO's and Camco's exposure budgeting purposes only and shall not be deemed a waiver, election or bar to assertion of claims or allocation and may not be offered in evidence against any claimant.

CERTIFICATE OF SERVICE

I, the undersigned, declare under penalty of perjury, that I am over the age of eighteen (18) years, and I am not a party to, nor interested in this action. On this date, I caused to be served a true and correct copy of the forgoing **NOORDA SHEET METAL's NOTICE OF COMPLIANCE** by the method indicated:

XXX by Court's Efile and Serve program
_____ by U.S. Mail
_____ by Facsimile Transmission
_____ by Overnight Mail
_____ by Federal Express
_____ by Electronic Service
_____ by Hand Delivery

and addressed to the following:

See Exhibit "1" attached hereto.

DATED this 22 day of September, 2016.

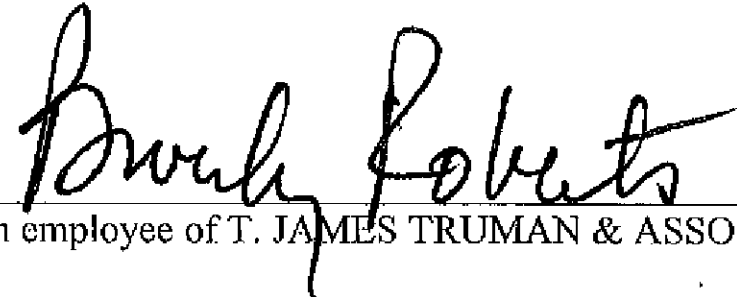

An employee of T. JAMES TRUMAN & ASSOCIATES

EXHIBIT "1"

E-Service Master List
For Case

null - Apco Construction, Plaintiff(s) vs. Gemstone Development West Inc, Defendant(s)

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Nevada Prefab Engineers, Inc.,
9 *and Unitah Investments LLC*

10 **DISTRICT COURT**

11 **CLARK COUNTY, NEVADA**

12 APCO CONSTRUCTION, a Nevada
corporation,

13
14 Plaintiff,

15 vs.

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

20 Defendants.

21 AND ALL RELATED MATTERS.
22

CASE NO.: A571228

DEPT. NO.: XIII

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

**UNITAH INVESTMENTS, LLC'S
SPECIAL MASTER QUESTIONNAIRE**

Date of Hearing: September 29, 2016
Time of Hearing: 4:00 pm

23
24 Unitah Investments LLC d/b/a Sierra Reinforcing, by and through its attorneys, Jolley
25 Urga Woodbury & Little, hereby submits its Special Master Questionnaire.

26 ///

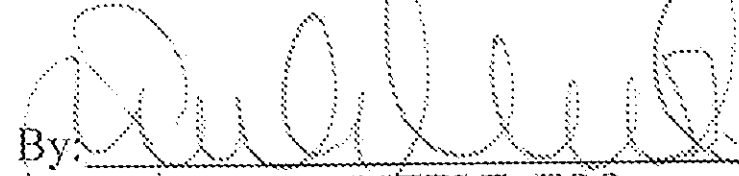
27 ///

SPECIAL MASTER QUESTIONNAIRE
FOR
APCO CONSTRUCTION V. GEMSTONE DEVELOPMENT WEST, INC.

1. Party's Name: Unitah Investments, LLC d/b/a Sierra Reinforcing.
2. Date range you worked on the Project: Start Approx. 4/2007 End 9/5/2008.
3. Date of notice of lien, if one exists: October 14, 2008.
4. Purported amount of lien, if one exists: \$420,157.90.
5. Purported amount of claim(s): \$420,157.90 plus applicable interest, costs and attorney's fees.
6. Please identify whether your asserted claims are against: APCO ✓, Camco _____, or both _____.
7. If your claims are asserts against both APCO and Camco, what value of the claims do you allocate to each (preliminary estimated allocation):¹
 - a. APCO: n/a.
 - b. Camco: n/a.
8. Did you receive monies from Camco after September 1, 2008: Yes _____ No ✓.
9. Have you and/or your parent or controlling company filed for bankruptcy protection subsequent to your assertion of claim(s): Yes _____ No _____.
 - a. If you responded "Yes" to number 9 above, please detail whether the Bankruptcy trustee owns, has abandoned, or is asserting the claim(s) on your behalf: _____.

Dated this 22nd day of September, 2016.

JOLLEY URG A WOODBURY & LITTLE

By: 

MARTIN A. LITTLE, ESQ.

MICHAEL R. ERNST, ESQ.

SARAH A. MEAD, ESQ.

*Attorneys for Steel Structures, Inc., Nevada
Prefab Engineers, Inc., and Unitah
Investments LLC*

¹ This preliminary estimated allocation is for APCO's and Camco's exposure budgeting purposes only and shall not be deemed a waiver, election or bar to assertion of claims or allocation and may not be offered in evidence against any claimant.

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CERTIFICATE OF SERVICE

This will hereby certify that I am employed in the County of Clark, State of Nevada, am over the age of 18 years and not a party to this action. My business address is that of Jolley Urga Woodbury & Little, 3800 Howard Hughes Parkway, 16th Floor, Las Vegas, Nevada 89169.

This is to certify that on September 27th 2016, I electronically served **UNITAH INVESTMENTS LLC'S SPECIAL MASTER QUESTIONNAIRE** with the Clerk of Court using the CM/ECF system, which will cause the document to be served upon all current counsel of record.

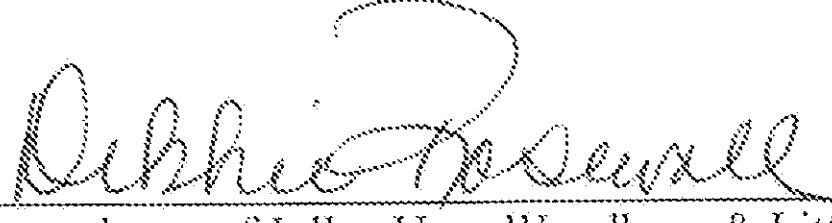
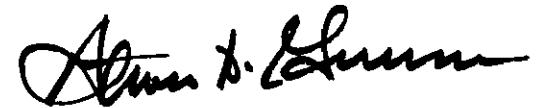

An employee of Jolley Urga Woodbury & Little

Exhibit 7A



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,

Defendant.

Case No.: A571228

Dept. No.: 13

Consolidated with:

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

AND ALL RELATED MATTERS

MOTION TO APPOINT SPECIAL MASTER

Plaintiff APCO Construction ("APCO"), by and through their counsel of record, Marquis Aurbach Coffing, file this MOTION TO APPOINT SPECIAL MASTER. This Motion is made and based on the papers and pleadings on file herein, the attached Memorandum of Points and Authorities, and any oral argument the Court may choose to entertain at the time of hearing.

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NOTICE OF MOTION

You and each of you, will please take notice that the MOTION TO APPOINT SPECIAL MASTER will come on regularly for hearing on the **09** day of **JUNE**, 2016, **9: 00AM** at the hour of ____m. or as soon thereafter as counsel may be heard, in Department 13 in the above-referenced court.

Dated this 9th day of May, 2016.

MARQUIS AURBACH COFFING

By 
Jack Chen Min Juan, Esq.
Cody S. Mounter, Esq.
Nikita R. Pierce, Esq.
10001 Park Run Drive
Las Vegas, Nevada 89145
Attorneys for APCO Construction

MEMORANDUM OF POINTS AND AUTHORITIES**I. INTRODUCTION**

After the appeal, the remaining portion of this complex litigation involves numerous contractors with respective claims and defenses against each other arising from the Manhattan West Mixed-Use Development Project (“Property”). There are voluminous numbers of pages of documents, countless witnesses and potential need for experts. With the case now coming out of the stay, the parties will be resuming their disclosure of documents, participating in discovery, setting a case agenda/case management and so forth. Odds are there will be the disputes over documents, witnesses and so forth. As such, APCO respectfully requests this Court appoint a Special Master¹ to set a case agenda/case management on the remaining claims, guide the parties in their dealings with each other and resolve any forthcoming disputes.

II. PROCEDURAL SUPPORT**A. 2012 STAY**

There was a stay ordered on the litigation when the mechanic lien claimants filed a Joint Petition for Writ of Mandamus or, in the Alternative, Prohibition on June 22, 2012 (the “Subcontractors’ Writ”). On or about September 24, 2015, the Nevada Supreme Court denied the Subcontractors’ Writ holding that the contractual partial subordination by the creditors of a common debtor did not subordinate the first priority lien.² Furthermore, the Court indicated that NRS 108.225 did not change the priority of the mechanic’s lien to a partially subordinated lien recorded before the mechanic’s lien.³ Accordingly, the Court held that the priority of the mechanic’s lien remained junior to the amount secured by the original senior lien holder – Scott Financial Corporation (“SFC”).

Thereafter, on or about October 19, 2015 the mechanic lien claimants petitioned the Nevada Supreme Court for a rehearing, which was denied on or about November 24, 2015.⁴ On or about December 17, 2015 the mechanic lien claimants then petitioned the Nevada Supreme

¹ APCO proposes Floyd Hale, Esq. as the Special Master.

² See *In re Manhattan W. Mechanic’s Lien Litig.*, 359 P.3d 125, 125 131 Nev. Adv. Op. 70 (2015).

³ *Id.*

⁴ See a copy of the Order Denying Rehearing attached as **Exhibit 1**.

1 Court for an en banc reconsideration, which was denied on or about February 16, 2016.⁵ Thus,
2 with this Litigation coming out of a stay, various parties will be resuming discovery, including
3 but not limited to, the disclosure of voluminous documents; propounding discovery requests;
4 conducting depositions; and potentially disclosing experts. This case is now in need of a Special
5 Master.

6 **B. THIS COURT PREVIOUSLY DEEMED THIS LITIGATION COMPLEX**
7 **AND ENTERED A CASE MANAGEMENT ORDER.**

8 This Court has already deemed the Litigation complex and entered into a Case
9 Management Order on or about January 28, 2010 in the lead case (“Case Management Order”).⁶
10 This Court identified that the purpose of the Discovery Plan and Case Management Order was to
11 hopefully reduce the costs of litigation as follows:

12 1.1 Purpose. This construction action *is deemed complex*, in that it *shall*
13 *involve a large number of parties and claims*, and trial, if it occurs, is likely to be
14 prolonged. This Case Management Order (“Order”) is entered to reduce the costs
15 of litigation, to *assist the parties in resolving their disputes if possible* and if not,
16 to reduce the costs and difficulties of discovery and trial.⁷

17 As the Court suspected, this Litigation necessitated the inclusion of countless subcontractors
18 with various mechanic lien claims against the Property. Notably, this Court identified that this
19 Litigation would require the consolidation of numerous lawsuits addressing mechanic’s lien
20 claims to the Property and additionally the joinder of parties with claims to the Property.⁸ Due to
21 the inevitable consolidation of numerous lawsuits and joinder of various parties, the Case
22 Management Order identifies procedures for discovery to hopefully reduce the costs and
23 difficulty of discovery and trial. However, all of those deadlines due to the Stay have passed.

24 Finally, the Case Management Order explicitly identifies that “[n]othing herein shall
25 prevent any party, upon a showing of good cause, from filing a motion to modify or amend any
26 provision of this Case Management Order.” As such, by this Motion APCO is seeking that his
27 Court not only enter a new case management order but also appoint a special master to guide the
28 Parties in their dealings with each other to resolve any forthcoming disputes.

⁵ See a copy of the Order Denying En Banc Reconsideration attached hereto as **Exhibit 2**.

⁶ See a copy of the Case Management Order attached hereto as **Exhibit 3**.

⁷ *Id.* at 1.1 (emphasis added).

⁸ *Id.* at 3.2 and 3.3.

III. THIS COURT SHOULD APPOINT A SPECIAL MASTER

The Nevada rules empower this Court to appoint a special master to guide the Parties in their dealings with each other to resolve any forthcoming disputes. Specifically, NRCP 53(a) allows for the appointment of special masters as follows:

(a) Appointment and Compensation.

(1) The court in which any action is pending may appoint a special master therein. As used in these rules the word “master” includes a referee, an auditor, an examiner and an assessor. The compensation to be allowed to a master shall be fixed by the court, and shall be charged upon such of the parties or paid out of any fund or subject matter of the action, which is in the custody and control of the court as the court may direct. The master shall not retain the master's report as security for the master's compensation; but when the party ordered to pay the compensation allowed by the court does not pay it after notice and within the time prescribed by the court, the master is entitled to a writ of execution against the delinquent party.

Additionally, NRS 108.239(7) permits the use of special masters in mechanics’ lien cases. It provides, in pertinent part, that “[t]he court shall ..., by decree, proceed to hear and determine the claims in a summary way, or may, if it be the district court, refer the claims to a special master to ascertain and report upon the liens and the amount justly due thereon.”⁹

The Nevada Supreme Court has appointed a special master in a similar litigation involving subcontractors’ claims on its mechanics’ liens to the subject property.¹⁰ The *CSA* Court identified that special masters are appointed to:

regulate all proceedings ... and ... do all acts and take all measures necessary or proper for the efficient performance of the master's duties under the order. NRCP 53(c). They are appointed when necessary and in matters of account and of difficult computation of damages ... upon a showing that some exceptional condition requires it. NRCP 53(b). In lien matters, the special master may only report on the liens and the amount due, whereas the district court determines the lien's validity.¹¹

In accordance with NRCP 53 and NRS 108.239(7), the district Court in *CSA* appointed a special master to resolve “the calculation, computation of damages, and amount owing, including principal, interest, attorney’s fees and lien costs, as to each lien claimant” and to further

⁹ See NRS 108.239(7).

¹⁰ See *CSA Service Center, LLC v. Air Design Systems, LLC*, 2013 WL 3272479 (2013).

¹¹ *Id.* at * 5 (internal quotations omitted).

1 determine the lien priority.¹² The Nevada Supreme Court determined that the CSA District Court
2 did not abuse its discretion in appointing a special master because complex civil matters with
3 various parties are:

4 exactly the type where it is proper to use a special master because litigation
5 involves matters of account that would reach substantial proportions and *would*
*potentially consume an inordinate amount of judicial resources.*¹³

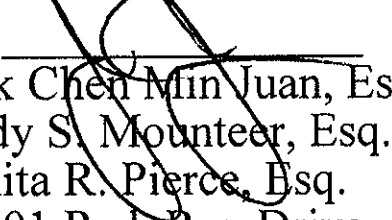
6 Like CSA, this Court should appoint a special master to carry out the normal duties and
7 obligations associated with special masters in complex construction defect cases. The parties
8 should equally share in the cost and expense of the special master. Ultimately, it would not be
9 improper for this Court to assign a special master in this consolidated complex case involving
10 various subcontractors with claims to the Property as it could potentially *consume inordinate*
11 *amount of judicial resources.*¹⁴

12 IV. CONCLUSION

13 Based on the above, APCO moves for a Special Master to guide the Parties in their
14 dealings with each other to resolve any forthcoming disputes.

15
16 Dated this 9th day of May, 2016.

17 MARQUIS AURBACH COFFING

18
19 By 
20 Jack Chen Min Juan, Esq.
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22 Nikita R. Pierce, Esq.
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24 Las Vegas, Nevada 89145
25 Attorneys for APCO Construction

26
27 ¹² *Id.* at * 6.

28 ¹³ *Id.* (internal quotations omitted) (*citing to Venetian Casino Resort, LLC v. Eighth Judicial District Ct.*,
118 Nev. 124, 41 P.3d 327 (2002)) (emphasis added).

¹⁴ *Id.*

CERTIFICATE OF SERVICE

I hereby certify that the foregoing MOTION TO APPOINT SPECIAL MASTER was submitted electronically for filing and/or service with the Eighth Judicial District Court on the 1st day of May, 2016. Electronic service of the foregoing document shall be made in accordance with the E-Service List as follows:¹⁵

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¹⁵ Pursuant to EDCR 8.05(a), each party who submits an E-Filed document through the E-Filing System consents to electronic service in accordance with NRCP 5(b)(2)(D).

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I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage prepaid, addressed to:

Northstar Concrete
5145 Rogers Street, Suite A
Las Vegas, NV 89118

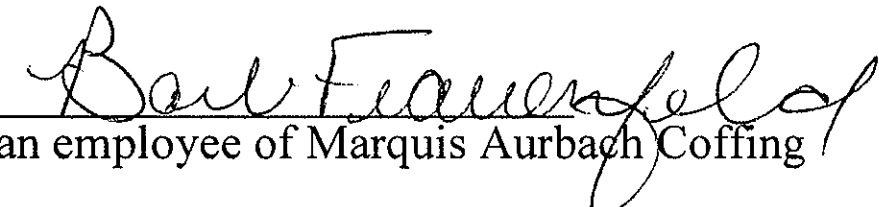

an employee of Marquis Aurbach Coffing

Exhibit 1

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN RE: MANHATTAN WEST
MECHANIC'S LIEN LITIGATION

No. 61131

FILED

NOV 24 2015

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
CHIEF DEPUTY CLERK

APCO CONSTRUCTION, A NEVADA
CORPORATION; ACCURACY GLASS &
MIRROR COMPANY, INC.; BUCHELE,
INC.; BRUIN PAINTING
CORPORATION; CACTUS ROSE
CONSTRUCTION; FAST GLASS, INC.;
HD SUPPLY WATERWORKS, LP;
HEINAMAN CONTRACT GLAZING;
HELIX ELECTRIC OF NEVADA, LLC;
INTERSTATE PLUMBING & AIR
CONDITIONING; SWPPP
COMPLIANCE SOLUTIONS, LLC; AND
WRG DESIGN, INC.,

Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
SUSAN SCANN, DISTRICT JUDGE,

Respondents,

and

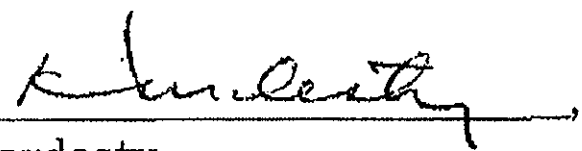
SCOTT FINANCIAL CORPORATION, A
NORTH DAKOTA CORPORATION;
AHERN RENTALS, INC.; ARCH
ALUMINUM AND GLASS CO.; ATLAS
CONSTRUCTION SUPPLY, INC.;
BRADLEY J. SCOTT; CABINETEC,
INC.; CELLCRETE FIREPROOFING OF
NEVADA, INC.; CAMCO PACIFIC
CONSTRUCTION CO., INC.; CLUB
VISTA FINANCIAL SERVICES, LLC;
CONCRETE VISIONS, INC.; CREATIVE
HOME THEATRE, LLC; CUSTOM
SELECT BILLING, INC.; DAVE
PETERSON FRAMING, INC.; E&E
FIRE PROTECTION, LLC; EZA, P.C.;
FERGUSON FIRE AND FABRICATION,

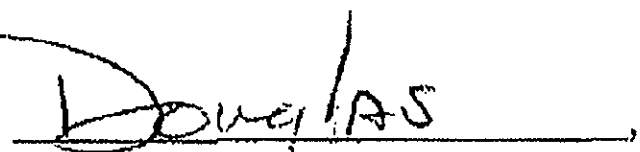
INC.; GEMSTONE DEVELOPMENT
WEST, INC.; GRANITE
CONSTRUCTION COMPANY; HARSCO
CORPORATION; HYDROPRESSURE
CLEANING; INQUIPCO; INSULPRO
PROJECTS, INC.; JEFF HEIT
PLUMBING, CO., LLC; JOHN DEERE
LANDSCAPE, INC.; LAS VEGAS
PIPELINE, LLC; NEVADA PREFAB
ENGINEERS; NOORDA SHEET
METAL COMPANY; NORTHSTAR
CONCRETE, INC.; PAPE MATERIAL
HANDLING; PATENT
CONSTRUCTION SYSTEMS;
PROFESSIONAL DOOR AND MILL
WORKS, LLC; READY MIX, INC.;
RENAISSANCE POOLS & SPAS, INC.;
REPUBLIC CRANE SERVICE, LLC;
STEEL ENGINEERS, INC.; SUPPLY
NETWORK, INC.; SUNSTATE
COMPANIES, INC.; THARALDSON
MOTELS II, INC.; THE PRESSURE
GROUT, COMPANY; TRI CITY
DRYWALL, INC.; UINTAH
INVESTMENTS, LLC; AND ZITTING
BROTHERS CONSTRUCTION, INC.,
Real Parties in Interest.

ORDER DENYING REHEARING

Rehearing denied. NRAP 40(c).

It is so ORDERED.

 CJ.
Hardesty

 J.
Douglas

CHERRY, J., dissenting: I would grant rehearing in this matter, for the reasons set forth in my previous dissent.

Cherry J.
Cherry

cc: Sterling Law, LLC
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Marquis Aurbach Coffing
Peel Brimley LLP/Henderson
Maupin Naylor Braster
Andrew J. Kessler
Brian K. Berman
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Dickinson Wright PLLC
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Meier & Fine, LLC
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Smith & Shapiro, LLC
Holley, Driggs, Walch, Fine Wray Puzey & Thompson/Las Vegas
Keith E. Gregory & Associates
Greenberg Traurig, LLP/Las Vegas
Jolley Urga Wirth Woodbury & Little
Hutchison & Steffen, LLC
Varricchio Law Firm
Premier Legal Group
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Snell & Wilmer, LLP/Las Vegas
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T. James Truman & Associates
Tony Ditty, Esq.

Exhibit 2

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN RE: MANHATTAN WEST
MECHANIC'S LIEN LITIGATION

No. 61131

FILED

FEB 19 2016

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

APCO CONSTRUCTION, A NEVADA
CORPORATION; ACCURACY GLASS &
MIRROR COMPANY, INC.; BUCHELE,
INC.; BRUIN PAINTING
CORPORATION; CACTUS ROSE
CONSTRUCTION; FAST GLASS, INC.;
HD SUPPLY WATERWORKS, LP;
HEINAMAN CONTRACT GLAZING;
HELIX ELECTRIC OF NEVADA, LLC;
INTERSTATE PLUMBING & AIR
CONDITIONING; SWPPP
COMPLIANCE SOLUTIONS, LLC; AND
WRG DESIGN, INC.,

Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
SUSAN SCANN, DISTRICT JUDGE,
Respondents,

and

SCOTT FINANCIAL CORPORATION, A
NORTH DAKOTA CORPORATION;
AHERN RENTALS, INC.; ARCH
ALUMINUM AND GLASS CO.; ATLAS
CONSTRUCTION SUPPLY, INC.;
BRADLEY J. SCOTT; CABINETEC,
INC.; CELLCRETE FIREPROOFING OF
NEVADA, INC.; CAMCO PACIFIC
CONSTRUCTION CO., INC.; CLUB
VISTA FINANCIAL SERVICES, LLC;

16-05423

CONCRETE VISIONS, INC.; CREATIVE HOME THEATRE, LLC; CUSTOM SELECT BILLING, INC.; DAVE PETERSON FRAMING, INC.; E&E FIRE PROTECTION, LLC; EZA, P.C.; FERGUSON FIRE AND FABRICATION, INC.; GEMSTONE DEVELOPMENT WEST, INC.; GRANITE CONSTRUCTION COMPANY; HARSCO CORPORATION; HYDROPRESSURE CLEANING; INQUIPCO; INSULPRO PROJECTS, INC.; JEFF HEIT PLUMBING, CO., LLC; JOHN DEERE LANDSCAPE, INC.; LAS VEGAS PIPELINE, LLC; NEVADA PREFAB ENGINEERS; NOORDA SHEET METAL COMPANY; NORTHSTAR CONCRETE, INC.; PAPE MATERIAL HANDLING; PATENT CONSTRUCTION SYSTEMS; PROFESSIONAL DOOR AND MILL WORKS, LLC; READY MIX, INC.; RENAISSANCE POOLS & SPAS, INC.; REPUBLIC CRANE SERVICE, LLC; STEEL ENGINEERS, INC.; SUPPLY NETWORK, INC.; SUNSTATE COMPANIES, INC.; THARALDSON MOTELS II, INC.; THE PRESSURE GROUT, COMPANY; TRI CITY DRYWALL, INC.; UINTAH INVESTMENTS, LLC; AND ZITTING BROTHERS CONSTRUCTION, INC.,
Real Parties in Interest.

ORDER DENYING EN BANC RECONSIDERATION

Having considered the petition on file herein, we have

concluded that en banc reconsideration is not warranted. NRAP 40A.
Accordingly, we

ORDER the petition DENIED.¹

Hardesty, A.C.J.
Hardesty

Douglas, J.
Douglas

Saitta, J.
Saitta

Gibbons, J.
Gibbons

Pickering, J.
Pickering

CHERRY, J., dissenting: I would grant reconsideration in this matter, for
the reasons set forth in my previous dissents.

Cherry, J.
Cherry

¹The Honorable Ron Parraguirre, Chief Justice, did not participate
in the decision of this matter.

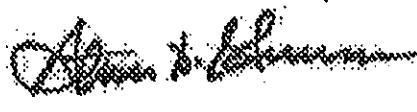
cc: Sterling Law, LLC
Peel Brimley LLP/Seattle
Howard & Howard Attorneys PLLC
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Hutchison & Steffen, LLC
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Premier Legal Group
Wilson, Elser, Moskowitz, Edelman & Dicker, LLP/Las Vegas
Snell & Wilmer, LLP/Las Vegas
Grant Morris Dodds PLLC
T. James Truman & Associates
Tony Ditty, Esq.
Eighth District Court Clerk

Exhibit 3

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Nevada Bar No. 006059
TAYLOR OBLAD, ESQ.
Nevada Bar No. 011430
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2300 West Sahara Avenue, Suite 430
Las Vegas, Nevada 89102
Telephone: (702) 673-1000
Attorneys for Defendant
SCOTT FINANCIAL CORPORATION

Electronically Filed
01/26/2010 09:53:36 AM


CLERK OF THE COURT

DISTRICT COURT
CLARK COUNTY, NEVADA

APCO CONSTRUCTION, INC., a Nevada
corporation,

Case No. A571228
Dept. No. XXV

Plaintiff,

vs.

GEMSTONE DEVELOPMENT WEST, INC., a
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,

CASE MANAGEMENT ORDER

Date: N/A
Time: N/A

Defendants.

and all consolidated matters

SUMMARY OF AMENDED CASE AGENDA DATES AND DEADLINES

1. Deadline to Serve Standard Interrogatories and Requests for Admission	February 22, 2009
2. Deadline to File Objections to Standard Interrogatories and Requests for Admission	March 8, 2010
3. Deadline to File Responses to Standard Interrogatories and Requests for Admission	April 7, 2010
4. Deadline For Lien Claimants to Identify All Documents Supporting The Proper Perfection of Liens	April 7, 2010
5. Deadline for All Parties to Identify All Documents Relating to Commencement of Construction and Lien Priority	April 7, 2010
6. Deadline For Owner/Lenders to Identify And Serve OSC On All Non-Participating Lien Holders	March 1, 2010
7. OSC Hearing To Finalize Lien Claimants	td by Court

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8. Close of Discovery Relating To, Perfection of Liens, Commencement of Work and Lien Priority.	May 10, 2010
9. Deadline For Dispositive Motions Relating To Perfection Of Liens, Commencement Of Work, And Lien Priority	June 10, 2010
10. Hearing On Motions Relating To Perfection Of Liens, Commencement Of Work	tbd by Court
11. Deadline For All Lien Claimants To Submit Statements of Claims	August 10, 2010
12. Deadline for All Defendants to Submit Statements of Defenses in Response to Lien Claimants Statement of Claims	September 8, 2010
13. Depositions Of Percipient Witnesses On All Remaining Issues	September 22 - December 21, 2010
14. Mediation	tbd January, 2011
15. Last Day To Join Additional Parties	November 9, 2010
16. Initial Expert Disclosures	March 29, 2011
17. Rebuttal Expert Disclosures	June 14, 2011
18. Expert Depositions	July 6 - September 5, 2011
19. DISCOVERY CUT-OFF	September 6, 2011
20. Second Mediation	October, 2011
21. Deadline for Dispositive Motions	November 29, 2011
22. TRIAL	Tbd, after February 2, 2012

DISCOVERY PLAN AND CASE MANAGEMENT ORDER

1. GENERAL PURPOSE

1.1 Purpose. This construction action is deemed complex, in that it shall involve a large number of parties and claims, and trial, if it occurs, is likely to be prolonged. This Case Management Order (the "Order") is entered to reduce the costs of litigation, to assist the parties in resolving their disputes if possible and if not, to reduce the costs and difficulties of discovery and trial.

1.2 Code Governs Where Silent. On any matter as to which this Order is silent, the Nevada Revised Statutes, the Nevada Rules of Civil Procedure, and the Eighth Judicial District Court Rules shall be controlling.

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2. TRIAL

Trial is not yet scheduled in this matter, but is requested and anticipated to be set in February 2012. The parties anticipate trial may last sixty to ninety days.

3. PARTIES

3.1 Case Caption: To simplify the captioning of this case, the consolidated cases shall be identified as "In Re Manhattan West Mechanics' Lien Litigation" in the caption. The caption should be prepared with the case number of the lead case -- and the notation "and all consolidated cases."

3.2 Consolidation: The Court finds that numerous lawsuits have been filed addressing the issue of mechanics' lien claims for the project commonly known as the Manhattan West project in Clark County, Nevada. The Court finds that all such cases share sufficient common questions of law and fact that all such cases should be consolidated for purposes of discovery and trial. To the extent any case currently pending before the Eighth Judicial District Court brings a cause of action seeking to foreclose mechanics lien on the property that is the subject of these consolidated cases, such case is ordered consolidated for purposes of discovery and trial with this litigation without need for further motion. If future cases are filed seeking to foreclose mechanics' liens on the property that is the subject of this litigation, such case shall be directly consolidated into this litigation without need for further motion. Such consolidation shall be accomplished by filing a notice of consolidation along with a copy of this order in the case being consolidated.

3.3 Joinder of Any Additional Lien Claimants: The Court finds that in order to achieve a resolution of this case that is most consistent with judicial economy that it is necessary for all parties who seek to pursue mechanics' lien claims against this property to be joined in this litigation. To that end, the Court is concerned that there may be certain parties who have recorded liens against the property but who have not yet filed an action to foreclose on their liens (hereinafter "Non-Participating Lien Holders"). Accordingly, the Court orders that Gemstone Development West, Inc. (hereinafter the "Owner Defendant"), and/or Scott Financial Corporation (hereinafter the "Lender Defendant") shall, on or before March 1, 2010

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1 identify any Non Participating Lien Holders and serve such parties with an Order to Show
2 Cause why their liens should not be expunged. The Court will conduct a hearing on any such
3 Orders, and at that time any Non Participating Lien Holder that does not commit to
4 participating in this litigation shall have its lien expunged.

5 3.4 Subsequently Appearing Parties: When a party subsequently makes an appearance
6 in this case, the party who sued the subsequently appearing party is responsible for serving a
7 copy of this order within 10 days after the subsequently appearing party files its first
8 responsive pleading or answer.

9 4. DISCOVERY ISSUES

10 Due to the need for enhanced case management in this litigation the Court shall hear all
11 motion practice in this case including discovery motions. Discovery motions in this litigation
12 may be filed directly with the Court instead of with the Discovery Commissioner. Nothing
13 contained herein shall relieve counsel for any party of their obligations pursuant to EDCR 2.34.

14 5. DOCUMENT PRODUCTION

15 The parties agree to produce all documents in electronic images. The following protocol
16 shall apply to the documents produced in this case:

17 a. The documents shall be scanned in .tif format for documents and jpeg format for
18 photographs.

19 b. All document images shall have bates numbers embedded in the document. The
20 image files shall be named in a way that corresponds with the bates number (e.g., document
21 ABC00001 shall bear the file name ABC00001.tif).

22 c. Each party shall be responsible producing documents in accordance with this
23 order by generating or causing to be generated by a third party electronic images of the
24 documents. Once a party has arranged for the imaging of its documents the party shall serve
25 the remaining parties in the case with notice that documents have been imaged. The notice
26 shall specify the vendor who performed the imaging and shall state the cost of obtaining copies
27 of the imaged documents. Serving all parties with notice that documents have been imaged
28 and may be obtained from a third party shall constitute the production of those documents for

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Las Vegas, Nevada 89102
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1 purposes of this litigation. Any party wishing to obtain a copy of another party's documents
2 shall bear the responsibility for obtaining the copy directly from the third party who prepared
3 the document images.

4 d. The production of plans shall be through vellums or CDs of the originals. Plans
5 should include the bid set, approved set, field set, as built set, and any amendments thereto.

6 e. Any party not producing all documents in its possession, custody or control, shall
7 serve a privilege log with its production of documents that will:

8 (i) Identify any documents withheld with sufficient particularity to support a
9 Motion to Compel; and

10 (ii) State the basis for refusing to produce each document.

11 f. Documents that are designated as "Confidential" or that may contain confidential
12 information shall not be required to be produced until a protective order has been entered by
13 the Court with respect to those documents.

14 All parties agree to maintain the original documents, which shall be made available for
15 inspection upon reasonable notice of counsel pursuant to Nevada law. All parties are under a
16 continuing obligation to produce all non-privileged documents discovered after the initial
17 production as contemplated by Rule 16.1. In the event that a party subsequently discovers
18 documents, that party shall follow the same procedures as set forth above including the
19 preparation of a Supplemental Notice that additional documents have been imaged and are
20 available for parties to obtain. Failure to comply and/or rectify any deficiency in a deposit may
21 be reported to the Court and may result in the imposition of sanctions.

22 6. WRITTEN DISCOVERY

23 Counsel for Owner and Counsel for any Lenders shall jointly prepare standard
24 interrogatories and requests for admission to the lien claimants in this case. Counsel for all lien
25 claimants shall jointly prepare standard interrogatories and requests for admission to the
26 lenders and property owner. The standard written discovery shall be served on all parties and
27 the Court on or before January 13, 2010. Any objections to the written discovery requests shall
28 be filed with the Court on or before January 29, 2010. Unless there is a sustained objection to

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1 any of the written discovery requests, all responses to the written discovery requests shall be
2 served, without objection, on or before March 1, 2010. No written discovery requests other
3 than the standard interrogatories and requests for admission will be permitted without first
4 obtaining leave from the Court which leave will require a showing of good cause.

5 7. PHASING OF DISCOVERY AND MOTION PRACTICE

6 7.1 Need for Phased Discovery and Motion Practice: The Court finds that limiting
7 discovery to certain defined subjects at certain times will facilitate the efficient resolution of
8 this litigation and is therefore in the interests of all parties and the Court.

9 7.2 Document Production and Written Discovery shall be accomplished in
10 accordance with Sections 5 and 6 of this Order respectively. No order regarding the phasing of
11 discovery shall modify any requirement for document production or written discovery set forth
12 previously in this order.

13 7.3 Lien Perfection & Priority: The first phase of discovery in this case shall be
14 limited to the subject of determining whether any lien claimant has failed to properly perfect a
15 mechanics' lien pursuant to Nevada law and to adjudicating the priority of the mechanics' lien
16 claims asserted against the property as opposed to the security interests asserted by the lenders
17 in the property. The parties may conduct any depositions limited to that subject matter
18 beginning on March 1, 2010. Such discovery will conclude no later than April 5, 2010. The
19 parties will file any dispositive motions relating to the issues of whether liens have been
20 properly perfected and as to the relative priority between mechanics lien claims and the
21 lenders' security interests no later than May 3, 2010. Oppositions to such motions will be due
22 no later than May 17, 2010. Reply briefs will be due not later than May 31, 2010. The Court
23 will conduct a hearing on the issues of lien perfection during the week of June 7 through 11,
24 2010 or as soon thereafter as the Court can accommodate the hearing.

25 7.4 Following the hearing, if any on the lien perfection and priority issues, the second
26 phase of discovery shall relate to the substance of the lien claims including, but not limited to,
27 the adjudication of any amounts purportedly due to any contractor, any issues relating to the
28 quality of work performed by any contractor, and any construction delay claims that any party

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1 may wish to assert. To assist in framing the issues for this phase of litigation, each party
2 asserting affirmative claims in this litigation shall file a detailed statement of such claims,
3 including a calculation of damages for such claims on or before, July 6, 2010. Each party
4 asserting defenses to affirmative claims shall file a detailed statement of such defenses on or
5 before August 9, 2010.

6 7.5 Remaining Percipient Witnesses: The third phase of discovery in this case shall
7 be limited to discovery of percipient witnesses with knowledge relevant to any remaining
8 issues in the case (including third party discovery). The parties may conduct any depositions
9 limited to that subject matter beginning on August 25, 2010. Such discovery will conclude no
10 later than November 29, 2010.

11 7.6 Expert Depositions: The final discovery phase in this case shall be devoted to
12 expert discovery if necessary. All parties are required to make initial expert disclosures on or
13 before February 14, 2011. Rebuttal expert disclosures are due on or before May 2, 2011.
14 Expert depositions shall commence no earlier than May 18, 2011 and shall be concluded not
15 later than July 5, 2011.

16 8. NON-PARTY DISCOVERY

17 Any party shall be allowed to conduct non-party document discovery upon proper notice
18 to all parties, and are required to produce any such discovery pursuant to the terms of this order
19 within fourteen (14) days of obtaining such discovery. Depositions of any non-parties must be
20 conducted in accordance with the phased discovery schedule set forth in Section 7 of this
21 Order.

22 9. EXPERT INFORMATION EXCHANGE

23 Initial Expert Disclosures and Rebuttal Expert Disclosures shall be made in accordance
24 and in compliance with NRCP 16.1(a)(2). Initial disclosures of experts and reports shall be
25 due no later than February 14, 2011 and disclosures of rebuttal experts and reports shall be due
26 no later May 2, 2011. An expert that is not timely identified shall be precluded as a witness for
27 all purposes, unless good cause is shown.

28 All parties shall produce and serve their complete expert job files no later than one (1)

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1 week prior to the expert's deposition. All parties are required to submit an expert report for
2 each final expert identified.

3 All expert disclosure shall comply with NRCP 26(b)(4)(A)(i) and NRCP 26(b)(5).

4 10. MEDIATION/SETTLEMENT CONFERENCE

5 The parties shall participate in two rounds of mediation and/or settlement conferences in
6 this case. The first round shall take place following the completion of percipient witness
7 depositions. The second shall take place after the discovery cutoff and prior to the deadline for
8 filing of dispositive motions.

9 11. DEPOSITIONS

10 The parties agree upon Litigation Services for all depositions in this matter who shall be
11 required to maintain one set of complete exhibits which shall be available at all depositions that
12 are taken in Las Vegas, Nevada.

13 The costs of preparation of the original transcript shall be borne by the party noticing the
14 deposition.

15 12. DEPOSITIONS TO BE TAKEN IN LAS VEGAS, NEVADA

16 All depositions of individual parties and Rule 30(b)(6) (PMK) designated persons of
17 corporate parties shall take place in Las Vegas, Nevada. With respect to any fact witness
18 employee of a corporate party, to the extent that such witness does not agree to Las Vegas,
19 Nevada as the place for his or her deposition, and the parties are unable to agree upon a
20 suitable locale for that deposition, then any party reserves the right to seek relief from the
21 Court as may be appropriate for the deposition locale. The depositions of other fact witnesses
22 shall take place in Las Vegas, Nevada, unless after a request has been made, the witness refuses
23 to appear in Las Vegas, Nevada, in which event any party may seek whatever relief as may be
24 appropriate under the circumstances.

25 13. EFFECT OF THIS ORDER IN SUBSEQUENTLY APPEARING PARTIES

26 This Order shall apply to all subsequently appearing parties.

27 14. REVISIONS TO CASE MANAGEMENT ORDER

28 Nothing herein shall prevent any party, upon a showing of good cause, from filing a


MEIER & FINE
2300 West Sahara Avenue, Suite 430
Las Vegas, Nevada 89102
Tel: (702) 673-1880
Fax: (702) 673-1801

1 motion to modify or amend any provision of this Case Management Order.

2 15. SERVICE OF PAPER/ELECTRONIC FILING

3 All parties to this litigation shall register for electronic service of documents for this case
4 with the Eighth Judicial District Court. Service of all pleadings and papers in this case shall be
5 made through that method.

6 DATED this 25th ^{January} day of ~~December~~, 2009.


DISTRICT COURT

10 Submitted by:

11 MEIER & FINE, LLC

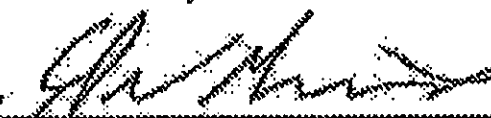
12 By 
13 GLENN F. MEIER, ESQ.
14 Nevada Bar No. 006059
15 TAYLOR OBLAD, ESQ.
16 Nevada Bar No. 011430
17 2300 West Sahara Avenue, Suite 430
18 Las Vegas, Nevada 89102
19 Attorneys for Defendant
20 SCOTT FINANCIAL CORPORATION
21
22
23
24
25
26
27
28

Exhibit 7B

FLOYD A. HALE

LAW OFFICE

Practice limited to serving as:

Special Master, Mediator and Arbitrator
services administered and scheduled by JAMS
3800 Howard Hughes Parkway, 11th Floor
Las Vegas, NV 89169

email:
fahale@floyd hale.com

JAMS

Fax (702) 437-5267

Telephone (702) 457-5267

website: www.jamsadr.com

ELECTRONICALLY SERVED

08/02/2016 04:54:20 PM

August 2, 2016

Sent by Electronic Service

TO ALL COUNSEL ON SERVICE LIST:

Re: APCO Construction v. Gemstone Development West, Inc.
Case No. A571228

Dear Counsel:

Attached please find a copy of the Special Master Report, Recommendation and District Court Order which I have submitted to the Court for signature. I will provide you with a signed copy as soon as it is available.

Very truly yours,

/s/ *Floyd A. Hale*
Floyd A. Hale

FAH/dkh

1 SMRO
2 FLOYD A. HALE, ESQ.
3 Nevada Bar No. 1873
4 JAMS
5 3800 Howard Hughes Pkwy, 11th Fl.
6 Las Vegas, NV 89169
Ph: (702) 457-5267
Fax: (702) 437-5267
Special Master

7 DISTRICT COURT

8 CLARK COUNTY, NEVADA

9 APCO CONSTRUCTION, a Nevada corporation,) CASE NO. A571228
10) DEPT NO. XIII
11)
12)
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23)
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26)
27)
28)

Plaintiff,

v.

GEMSTONE DEVELOPMENT WEST, INC.,
a Nevada corporation,

Defendant.

Consolidated with:

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

AND ALL RELATED MATTERS,

SPECIAL MASTER REPORT, RECOMMENDATION
AND DISTRICT COURT ORDER

APCO Construction filed a first Amended Complaint on December 8, 2008, seeking damages for construction services performed for the construction of the Manhattan West mixed use development project, located at 9205 W. Russell Road, Clark County, Nevada. The Amended Complaint, in addition to seeking monetary damages, sought a declaration from the Court ranking the priority of all lien claims and secured claims and other declaratory relief, including a requested foreclosure sale. Numerous lienclaimants have joined the litigation which has now been consolidated. On June 9, 2016, the District Court entered an Order Appointing Special Master. The initial Special Master Hearing was conducted on August 1, 2016.

1 Since the first Amended Complaint in this matter was filed in 2008, counsel for the parties
2 requested an Order scheduling deadlines to complete discovery and to finalize the actual claimants
3 entitled to relief. The Order Appointing the Special Master also allowed parties to submit a request that
4 the Special Master conduct hearings to ascertain and report upon the liens and amount justly due
5 thereon to the District Court.
6

7 At the initial Special Master Hearing, it was agreed that parties would have until August 31,
8 2016, to complete the production of all documents and information required to be produced pursuant
9 to NRCP 16.1, although much of that information has already been provided. Counsel for the parties
10 did not anticipate that experts would be retained, however a deadline is being Recommended for expert
11 disclosures and for rebuttal expert disclosures so that the parties will be informed if experts have been
12 retained in this litigation. Finally, the Special Master asked counsel to assist in the drafting of a
13 Questionnaire to be completed by all parties providing the basic information as to their liens, including
14 dates of service for required Notices, amounts of liens, and contracting parties related to the services
15 that justify these liens. That Questionnaire will be discussed and reviewed with counsel and, ultimately
16 submitted to the District Court for approval.
17

18 IT IS RECOMMENDED that the Court enter the following Order:
19

20 1. That the Special Master shall have all powers enumerated in the District Court Order entered
21 on June 9, 2016; and that the Special Master will be compensated \$495.00 per hour assessed as follows:
22 25% to be paid by APCO; 25% to be paid by Camco; and 50% to be paid by the remaining
23 lienclaimants. The Special Master has been advised that the following parties will be withdrawing their
24 claims and, consequently, will not be billed for Special Master services: Ready Mix, Inc.; Bruin
25 Painting Corporation; HD Supply Waterworks, LLP;
26

27 2. That the Special Master will discuss with counsel the procedure for requesting initial
28

1 hearings with the Special Master regarding liens at the next Special Master Hearing;

2 3. That the District Court approves the initial discovery schedule as follows:

3 8/31/16 Parties to provide documents and all information required to be produced
4 pursuant to NRS 16.1

5 9/29/16 Special Master Hearing, 3800 Howard Hughes Parkway, 11th Floor,
6 4:00 p.m. Las Vegas, Nevada

7 9/30/16 Initial expert disclosures to be served

8 10/14/16 Rebuttal expert disclosures to be served

9 11/30/16 Discovery cut-off

10 RECOMMENDED this 2nd day of August, 2016.

11 By:

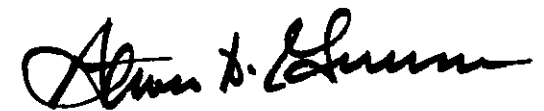
12 FLOYD A. HALE, Esq.
13 Nevada Bar No. 1873
14 3800 Howard Hughes Pkwy, 11th Fl.
15 Las Vegas, NV 89169
16 Special Master

17 IT IS SO ORDERED this _____ day of August, 2016.

18 By:

19 DISTRICT COURT JUDGE
20
21
22
23
24
25
26
27
28

Exhibit 7C



CLERK OF THE COURT

1 SMRO
2 FLOYD A. HALE, ESQ.
3 Nevada Bar No. 1873
4 JAMS
5 3800 Howard Hughes Pkwy, 11th Fl.
6 Las Vegas, NV 89169
Ph: (702) 457-5267
Fax: (702) 437-5267
Special Master

7 DISTRICT COURT

8 CLARK COUNTY, NEVADA

9 APCO CONSTRUCTION, a Nevada corporation,) CASE NO. A571228
10) DEPT NO. XIII
11)
12 Plaintiff,)
13) Consolidated with:
14 v.)
15) A574391; A574792; A577623; A583289;
16 GEMSTONE DEVELOPMENT WEST, INC.,) A587168; A580889; A584730; A589195;
17 a Nevada corporation,) A595552; A597089; A592826; A589677;
18) A596924; A584960; A608717; A608718;
19 Defendant.) and A590319
20)
21)
22)
23)
24)
25)
26)
27)
28)
AND ALL RELATED MATTERS,)
)

29 SPECIAL MASTER REPORT REGARDING REMAINING PARTIES
30 TO THE LITIGATION, SPECIAL MASTER RECOMMENDATION AND
31 DISTRICT COURT ORDER AMENDING CASE AGENDA

32 APCO Construction filed a first Amended Complaint on December 8, 2008, seeking damages
33 for construction services performed for the construction of the Manhattan West mixed use development
34 project, located at 9205 W. Russell Road, Clark County, Nevada. The Amended Complaint, in addition
35 to seeking monetary damages, sought a declaration from the Court ranking the priority of all lien claims
36 and secured claims and other declaratory relief, including a requested foreclosure sale. Since that time,
37 numerous lienclaimants have joined the litigation which has now been consolidated. A Special Master
38 was appointed on June 9, 2016, by the District Court.

Special Master Report:

Pursuant to a prior Special Master Order, the parties were required to complete Questionnaire by electronic service in this litigation by September 23, 2016. That Questionnaire, drafted by counsel in this litigation and approved by the Special Master, was to limit unnecessary discovery requests and to document what parties were remaining in this litigation. The September 1, 2016, Special Master Order indicated, "It will be assumed the parties that do not respond to the Questionnaire have abandoned any claim related to this litigation. The following parties provided a timely Questionnaire and have provided NRCP 16.1 documentation by September 23, 2016, or subsequently obtained approval of the Special Master to extend the deadline. It is being Recommended to the District Court that the only remaining parties that have claims in this consolidated litigation are the following parties which did provide the necessary NRCP 16.1 documents and a completed Questionnaire:

APCO Construction	Camco Pacific Construction Co.
Steel Structures, Inc.	Nevada Prefab Engineers, Inc.
Unitah Investments, LLC	Noorda Sheet Metal
E&E Fire Protection	Insulpro Projects, Inc.
SWPP Compliance Solutions, LLC	Interstate Plumbing and Air Conditioning, LLC
Helix Electric of Nevada, Inc.	Heinaman Contract Glazing, Inc.
Fast Glass, Inc.	Cardo WRG fka WRG Design, Inc.
Buchele, Inc.	Cactus Rose Construction, Inc.
Accuracy Glass & Mirror Co.	National Wood Products, Inc.
Zitting Brothers Construction, Inc.	United Subcontractors dba Sky Line Insulation

Due to the delay in completing the Questionnaire format, and obtaining response to the Questionnaire, it was agreed that the Case Agenda or discovery schedule submitted to the District Court on August 2, 2016, by the Special Master and approved by the District Court on August 4, 2016, required amendment. The parties also acknowledged that the designated depository for this litigation is Litigation Services, located at 3770 Howard Hughes Parkway, #300, Las Vegas, Nevada, 89169. Under the amended Case Agenda, initial expert disclosures will be required by January 9, 2017, with rebuttal expert disclosures to be deposited by February 13, 2017. The discovery cut-off date for the

1 litigation will be May 15, 2017, with the earliest trial date being July 10, 2017. There will be no Stay
2 of discovery, however, the Special Master will consider requests to limit discovery requests to the
3 parties.

4 IT IS RECOMMENDED that the Court enter the following Order:

5
6 1. That the only remaining parties that have claims in this consolidated litigation are the parties
7 listed in this Special Master Report as having responded to the Questionnaire and having provided
8 NRCP 16.1 documents;

9 2. That the designated document depository for this litigation is Litigation Services, located at
10 3770 Howard Hughes Parkway, #300, Las Vegas, Nevada, 89169;

11 3. The Court adopts and approves the Amended Case Agenda attached hereto as Exhibit "A."

12 RECOMMENDED this 4th day of October, 2016.

13
14 By: 

FLLOYD A. HALE, Esq.
Nevada Bar No. 1873
3800 Howard Hughes Pkwy, 11th Fl.
Las Vegas, NV 89169
Special Master

15
16
17
18 IT IS SO ORDERED this 6th day of October, 2016.

19
20 By: 

DISTRICT COURT JUDGE

APCO CONSTRUCTION v. GEMSTONE DEVELOPMENT

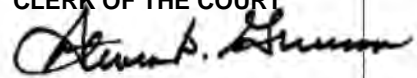
Case No. A571228

(Pursuant to September 29, 2016, Special Master Hearing)

8/1/16 3:30 p.m.	Special Master Hearing, 3800 Howard Hughes Parkway, 11 th Floor, Las Vegas, Nevada
8/31/16	Parties to provide documents and all information required to be produced pursuant to NRS 16.1
9/29/16 4:00 p.m.	Special Master Hearing, 3800 Howard Hughes Parkway, 11 th Floor, Las Vegas, Nevada
1/9/17	Initial expert disclosures to be served
2/13/17	Rebuttal expert disclosures to be served
2/16/17 2:00 p.m.	Special Master Hearing, 3800 Howard Hughes Parkway, 11 th Floor, Las Vegas, Nevada
5/15/17	Discovery cut-off
7/10/17	Earliest date to schedule trial

EXHIBIT "A"

Exhibit 8



Marquis Aurbach Coffing
 Jack Chen Min Juan, Esq.
 Nevada Bar No. 6367
 Cody S. Mounteer, Esq.
 Nevada Bar No. 11220
 10001 Park Run Drive
 Las Vegas, Nevada 89145
 Telephone: (702) 382-0711
 Facsimile: (702) 382-5816
 jjuan@maclaw.com
 cmounteer@maclaw.com
Attorneys for APCO Construction

DISTRICT COURT**CLARK COUNTY, NEVADA**

APCO CONSTRUCTION, a Nevada
 corporation,

Plaintiff,

vs.

GEMSTONE DEVELOPMENT WEST, INC., A
 Nevada corporation,

Defendant.

Case No.: A571228
 Dept. No.: 13

Consolidated with:

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

AND ALL RELATED MATTERS

NOTICE OF ENTRY OF ORDER

PLEASE TAKE NOTICE that the Order Granting Plaintiff's Motion to Dismiss was
 entered in the above captioned matter on September 20, 2017, a copy of which is attached hereto.

Dated this 21st day of September, 2017.

MARQUIS AURBACH COFFING

By /s/Jack Juan, Esq.
 Jack Chen Min Juan, Esq.
 Nevada State Bar No. 6367
 Cody S. Mounteer, Esq.
 Nevada State Bar No. 11220
 10001 Park Run Drive
 Las Vegas, Nevada 89145

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **NOTICE OF ENTRY OF ORDER** was submitted electronically for filing and/or service with the Eighth Judicial District Court on the 21st day of September, 2017. Electronic service of the foregoing document shall be made in accordance with the E-Service List as follows:¹

Party: Apco Construction - Plaintiff

Rosie Wesp rwesp@maclaw.com

Party: Camco Pacific Construction Co Inc - Intervenor Defendant

Steven L. Morris steve@gmdlegal.com

Party: Camco Pacific Construction Co Inc - Counter Claimant

Steven L. Morris steve@gmdlegal.com

Party: Fidelity & Deposit Company Of Maryland - Intervenor Defendant

Steven L. Morris steve@gmdlegal.com

Party: Interstate Plumbing & Air Conditioning Inc - Intervenor Plaintiff

Jonathan S. Dabbieri dabbieri@sullivanhill.com

Party: Cactus Rose Construction Inc - Intervenor Plaintiff

Eric B. Zimbelman ezimbelman@peelbrimley.com

Party: National Wood Products, Inc.'s - Intervenor

Richard L Tobler rltldck@hotmail.com

Other Service Contacts

"Caleb Langsdale, Esq." . caleb@langsdalelaw.com

"Cody Munteer, Esq." . cmunteer@marquisaurbach.com

"Cori Mandy, Legal Secretary" . cori.mandy@procopio.com

"Donald H. Williams, Esq." . dwilliams@dhwlawlv.com

"Eric Dobberstein, Esq." . edobberstein@mcpalaw.com

"Marisa L. Maskas, Esq." . mmaskas@pezzillolloyd.com

"Martin A. Little, Esq." . mal@juww.com

"Martin A. Little, Esq." . mal@juww.com

6085 Joyce Heilich . heilichj@gtlaw.com

7132 Andrea Rosehill . rosehilla@gtlaw.com

Aaron D. Lancaster . alancaster@gerrard-cox.com

Agnes Wong . aw@juww.com

Amanda Armstrong . aarmstrong@peelbrimley.com

Andrea Montero . amontero@gordonrees.com

Andrew J. Kessler . andrew.kessler@procopio.com

Becky Pintar . bpintar@gglt.com

Benjamin D. Johnson . ben.johnson@btjd.com

Beverly Roberts . broberts@trumanlegal.com

Brad Slighting . bsighting@djplaw.com

¹ Pursuant to EDCR 8.05(a), each party who submits an E-Filed document through the E-Filing System consents to electronic service in accordance with NRCP 5(b)(2)(D).

MARQUIS AURBACH COFFING

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Las Vegas, Nevada 89145
(702) 382-0711 FAX: (702) 382-5816

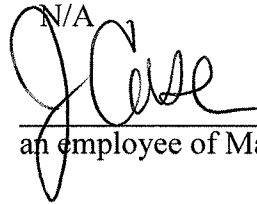
1	Brian Walters .	bwalters@gordonrees.com
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4	Cheri Vandermeulen .	cvandermeulen@dickinsonwright.com
5	Christine Spencer .	cspencer@dickinsonwright.com
6	Christine Spencer .	cspencer@mcpalaw.com
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8	Cindy Simmons .	csimmons@djplaw.com
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10	Courtney Peterson .	cpeterson@maclaw.com
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16	Debbie Rosewall .	dr@juww.com
17	Debra Hitchens .	dhitchens@maazlaw.com
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21	Douglas D. Gerrard .	dgerrard@gerrard-cox.com
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23	Eric Dobberstein .	edobberstein@dickinsonwright.com
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25	Erica Bennett .	e.bennett@kempjones.com
26	Floyd Hale .	fhale@floydhale.com
27	George Robinson .	grobison@pezzillolloyd.com
28	Glenn F. Meier .	gmeier@nevadafirm.com
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	Kelly McGee .	kom@juww.com
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	Michael R. Ernst .	mre@juww.com
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	Rebecca Chapman .	rebecca.chapman@procopio.com
	Receptionist .	Reception@nvbusinesslawyers.com

MARQUIS AURBACH COFFING

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3 Richard Tobler . rlttdck@hotmail.com
4 Robert Schumacher . rschumacher@gordonrees.com
5 Rosey Jeffrey . rjeffrey@peelbrimley.com
6 Ryan Bellows . rbellows@mcdonaldcarano.com
7 S. Judy Hirahara . jhirahara@caddenfuller.com
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9 Steven Morris . steve@gmdlegal.com
10 Tammy Cortez . tcortez@caddenfuller.com
11 Taylor Fong . tfong@marquisaurbach.com
12 Terri Hansen . thansen@peelbrimley.com
13 Timother E. Salter . tim.salter@procopio.com
14 Wade B. Gochmour . wbg@h2law.com
15 WTM Tami Cowden . cowdent@gtlaw.com

16 I further certify that I served a copy of this document by mailing a true and correct copy
17 thereof, postage prepaid, addressed to:

18 N/A
19 

20 an employee of Marquis Aurbach Coffing



Marquis Aurbach Coffing
Jack Chen Min Juan, Esq.
Nevada Bar No. 6367
Cody S. Mounteer, Esq.
Nevada Bar No. 11220
10001 Park Run Drive
Las Vegas, Nevada 89145
Telephone: (702) 382-0711
Facsimile: (702) 382-5816
jjuan@maclaw.com
cmounteer@maclaw.com
Attorneys for APCO Construction

**DISTRICT COURT
CLARK COUNTY, NEVADA**

APCO CONSTRUCTION, a Nevada
corporation,

Plaintiff,

Case No.: A571228

Dept. No.: XIII

vs.

GEMSTONE DEVELOPMENT WEST, INC., A
Nevada corporation,

Defendant.

Consolidated with:

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

AND ALL RELATED MATTERS

ORDER GRANTING PLAINTIFF'S MOTION TO DISMISS

This matter having come on for hearing before this court on September 11, 2017, the Court having heard the oral arguments, no opposition having been filed, and for good cause shown:

1. On September 5, 2017, there was calendar call on the claims of the remaining parties of this case;

2. During this calendar call, APCO, CAMCO, Helix and Zitting orally moved pursuant to NRCP 7(b) to dismiss, with prejudice, those parties that have not filed their Pre-Trial Disclosures;

3. The Court set the final Pre-Trial Disclosure date to Friday, September 8th, 2017 at 5:00pm, with a follow up hearing set for September 11, 2017 at 9:00am on the NRCP 7(b) oral motion to dismiss;

MARQUIS AURBACH COFFING

10001 Park Run Drive
Las Vegas, Nevada 89145
(702) 382-0711 FAX: (702) 382-5816

RECEIVED

SEP 18 2017

DISTRICT COURT DEPT#13

1 4. At the hearing on Monday, September 11, 2017, the Court granted the oral
2 Motion to Dismiss the following parties:

3 Accuracy Glass and Mirror Company; Noorda Sheet Metal; and
4 Tri-City Drywall Inc.;

5 5. The parties remaining in this litigation are thus:

6 APCO Construction; Camco Pacific Construction Co.;
7 Steel Structures, Inc.; Unitah Investments, LLC;
8 E&E Fire Protection, LLC; SWPP Compliance Solutions, LLC;
9 Helix Electric of Nevada, Inc.; Fast Glass, Inc.; Buchele, Inc.;
10 Zitting Brothers Construction, Inc.; Nevada Prefab Engineers, Inc.;
11 Heinaman Contract Glazing, Inc.; Cactus Rose Construction, Inc.;
12 National Wood Products, Inc.; United Subcontractors dba Sky Line Insulation; and
13 Interstate Plumbing and Air Conditioning LLC;

14 6. All other parties and claims were previously resolved pursuant to a separate
15 stipulation and order and/or separate settlement; and

16 7. The remaining parties may now proceed to a settlement conference or mediation.

17 **ORDER**

18 IT IS SO ORDERED.

19 Dated: September 19, 2017.

20 
DISTRICT COURT JUDGE

21 Respectfully submitted by:

22 MARQUIS AURBACH COFFING

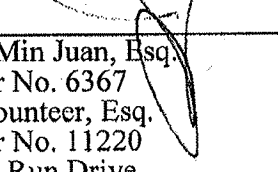
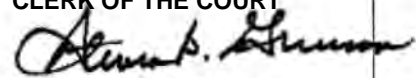
23 By 
24 Jack Chen Min Juan, Esq.
25 Nevada Bar No. 6367
26 Cody S. Mounteer, Esq.
27 Nevada Bar No. 11220
28 10001 Park Run Drive
Las Vegas, Nevada 89145
Telephone: (702) 382-0711
Facsimile: (702) 382-5816
Attorneys for APCO Construction

Exhibit 9



SPENCER FANE LLP

John H. Mowbray, Esq. (Bar No. 1140)
John Randall Jefferies, Esq. (Bar No. 3512)
Mary E. Bacon, Esq. (Bar No. 12686)
400 S. Fourth Street, Suite 500
Las Vegas, NV 89101
Telephone: (702) 408-3411
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E-mail: JMowbray@spencerfane.com
RJefferies@spencerfane.com
MBacon@spencerfane.com

-and-

MARQUIS AURBACH COFFING

Cody S. Mounteer, Esq. (Bar No. 11220)
10001 Park Run Drive
Las Vegas, NV 89145
Telephone: 702.207.6089
Email: cmounteer@maclaw.com
Attorneys for Apco Construction, Inc.

DISTRICT COURT

CLARK COUNTY, NEVADA

APCO CONSTRUCTION, a Nevada
corporation,

Plaintiff,

v.

GEMSTONE DEVELOPMENT WEST, INC., A
Nevada corporation,

Defendant.

Case No.: A571228

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A595552; A597089; A592826; A589677;
A596924; A584960; A608717; A608718; and
A590319*

AND ALL RELATED MATTERS

STIPULATION AND ORDER FOR DISMISSAL WITH PREJUDICE

IT IS HEREBY STIPULATED AND AGREED by and between Plaintiff APCO Construction ("Plaintiff"), through the law firm of Marquis Aurbach Coffing, and Defendants Steel Structures, Inc., Nevada Prefab Engineers, Inc. and Gerdau Reinforcing Steel (collectively "Defendants"), through the law firm of Jolley Urga Woodbury Holthus & Rose, as follows:


1 1. That Defendants Steel Structures, Inc., Nevada Prefab Engineers, Inc. and Gerdau
2 Reinforcing Steel's Complaints, and any related claims in the above entitled action, shall be
3 dismissed in their entirety with prejudice as to the Defendants named herein, with each party to
4 bear their own attorney fees and costs.

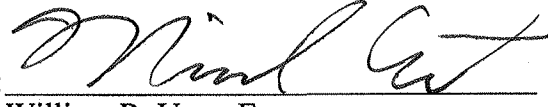
5 Dated this 27 day of ~~April~~^{May}, 2018.

Dated this 5/4 day of April, 2018.

6 MARQUIS AURBACH COFFING

JOLLEY URGa WOODBURY HOLTHUS
& ROSE

7
8 By: 
9 Jack Chen Min Juan, Esq.
10 Nevada Bar No. 6367
11 Cody S. Mounteer, Esq.
12 Nevada Bar No. 11220
13 10001 Park Run Drive
14 Las Vegas, NV 89145
15 *Attorneys for Plaintiff*
16 *APCO Construction*

By: 
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Nevada Bar No. 1195
Michael R. Ernst, Esq.
Nevada Bar No. 11957
330 S. Rampart Boulevard, Suite 380
Las Vegas, NV 89145
Attorney for Defendants
Steel Structures, Inc., Nevada Prefab
Engineers, Inc. and Gerdau Reinforcing
Steel

17 **ORDER**

18 IT IS SO ORDERED that Defendants Steel Structures, Inc., Nevada Prefab Engineers, Inc.
19 and Gerdau Reinforcing Steel's Complaints and any related claims as to the Defendants named
20 herein in the above-entitled matter (Case No. 08A571228) shall be dismissed in their entirety with
21 prejudice with each party to bear their own attorney fees and costs.

22 DATED this 23rd day of May, 2018.


DISTRICT COURT JUDGE 

23 Submitted By:

24 MARQUIS AURBACH COFFING


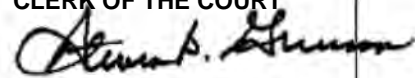
25 By: 
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27 Nevada Bar No. 6367
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Las Vegas, NV 89145
Attorneys for Plaintiff
APCO Construction

Exhibit 10



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3 A Professional Law Corporation

4 Elizabeth E. Stephens, NV SBN 5788

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8 Fax Number: (702) 384-9102

9 *Attorneys for William A. Leonard, Jr., Chapter 7 Trustee of the Jointly Administered Bankruptcy*
10 *Estate of Interstate Plumbing & Air Conditioning, LLC dba Interstate Services, dba IPAC*
11 *Mechanical, in the United States Bankruptcy Court, District of Nevada, Case No. 11-25053-BAM*

12 DISTRICT COURT

13 CLARK COUNTY, NEVADA

14 ACCURACY GLASS & MIRROR
15 COMPANY, INC., a Nevada corporation,

16 Plaintiff,

17 v.

18 ASPHALT PRODUCTS CORP., a Nevada
19 corporation; APCO CONSTRUCTION, a
20 Nevada corporation; CAMCO PACIFIC
21 CONSTRUCTION COMPANY, INC., a
22 California corporation; GEMSTONE
23 DEVELOPMENT WEST, INC., a Nevada
24 corporation; FIDELITY AND DEPOSIT
25 COMPANY OF MARYLAND; SCOTT
26 FINANCIAL CORPORATION, a North
27 Dakota corporation; DOES I through X;
28 ROE CORPORATIONS I through X; BOE
29 BONDING COMPANIES I through X;
30 LOE LENDERS I through X, inclusive,

31 Defendants.

32 INTERSTATE PLUMBING & AIR
33 CONDITIONING, LLC, a Nevada limited –
34 liability company,

35 Plaintiff in Intervention,

36 v.

37 ASPHALT PRODUCTS CORP., a Nevada
38 corporation; APCO CONSTRUCTION, a
39 Nevada corporation; CAMCO PACIFIC
40 CONSTRUCTION COMPANY, INC., a
41 California corporation; GEMSTONE
42 DEVELOPMENT WEST, INC., a Nevada
43 corporation; FIDELITY AND DEPOSIT
44 COMPANY OF MARYLAND; SCOTT
45 FINANCIAL CORPORATION, a North

LEASE CASE NO. A571228

DEPT. NO." XIII

Consolidated with:

A571792

A574391

A577623

A583289

A584730

A587168

STIPULATION AND ORDER TO DISMISS
THIRD PARTY COMPLAINT OF
INTERSTATE PLUMBING & AIR
CONDITIONING, LLC AGAINST APCO
CONSTRUCTION, INC. WITH
PREJUDICE

JA007058 -

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DISTRICT COURT DEPT. XIII

1 Dakota corporation; DOES I through X;
2 ROE CORPORATIONS I through X; BOE
3 BONDING COMPANIES I through X;
4 LOE LENDERS I through X, inclusive,

Defendants.

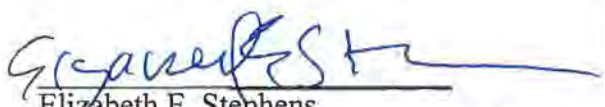
5 Third party Plaintiff, William A. Leonard, Jr., trustee of the Interstate Plumbing & Air
6 Conditioning, LLC ("IPAC") ("Plaintiff" or "Trustee"), by and through his counsel of record,
7 Elizabeth E. Stephens, Esq., of the law office of Sullivan Hill Lewin Rez & Engel, APLC
8 ("Sullivan Hill") and APCO Construction, Inc. ("APCO") by and through its attorneys John
9 Randall Jefferies, Esq. and Mary E. Bacon, Esq. of the law office of Spencer Fane, LLP hereby
10 represent and stipulate as follows: APCO and the Trustee hereby stipulate and agree to dismiss
11 IPAC's complaint in its entirety *with prejudice*. Each party will bear its own attorneys' fees and
12 costs.

13 IT IS SO STIPULATED.

14 Dated: January 29, 2018

SULLIVAN HILL LEWIN REZ & ENGEL
A Professional Law Corporation

17 By:


Elizabeth E. Stephens
Attorneys for William A. Leonard, Jr.,
Chapter 7 Trustee

19 Dated: January 29, 2018

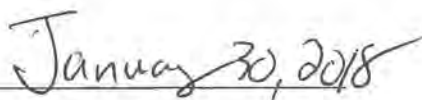
SPENCER FANE, LLP

22 By:


Mary E. Bacon
Attorneys for APCO Construction

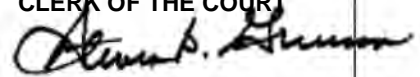
25 IT IS SO ORDERED.

27 Date:




DISTRICT JUDGE

Exhibit 11



1 **NEOJ**
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7 *Attorneys for Helix Electric of Nevada, LLC*

8 **DISTRICT COURT**

9 **CLARK COUNTY, NEVADA**

10 APCO CONSTRUCTION, a Nevada
corporation,

11 Plaintiff,

12 vs.

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

18 Defendants.

19
20 AND ALL RELATED MATTERS.
21

22 ///

23 ///

24 ///

CASE NO.: A571228

DEPT. NO.: XIII

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

NOTICE OF ENTRY OF ORDER

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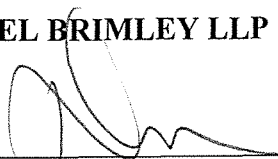
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(702) 990-7272 ♦ FAX (702) 990-7273

NOTICE OF ENTRY OF ORDER

PLEASE TAKE NOTICE that an Order Granting in Part and Denying in Part APCO Construction's Omnibus Motion *in Limine* was filed on December 28, 2017, a copy of which is attached as Exhibit A.

Dated this 29 day of December, 2017.

PEEL BRIMLEY LLP



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

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 29th day of December, 2017, I caused the above and foregoing document entitled **NOTICE OF ENTRY OF ORDER** to be served as follows:

- ☐ by placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada 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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Camco Pacific Construction Co Inc:

Steven Morris (steve@gmdlegal.com)

Fidelity & Deposit Company Of Maryland:

Steven Morris (steve@gmdlegal.com)

E & E Fire Protection LLC:

Tracy Truman (DISTRICT@TRUMANLEGAL.COM)

Interstate Plumbing & Air Conditioning Inc:

Jonathan Dabbieri (dabbieri@sullivanhill.com)

Cactus Rose Construction Inc:

Eric Zimbelman (ezimbelman@peelbrimley.com)

National Wood Products, Inc.'s:

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Jennifer Saurer (Saurer@sullivanhill.com)
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John Mowbray (jmowbray@spencerfane.com)



An Employee of Peel Brimley LLP

EXHIBIT A

JA007066

ORIGINAL

Electronically Filed
12/28/2017 4:21 PM
Steven D. Grierson
CLERK OF THE COURT

Steven D. Grierson

1 **ORDER**

2 ERIC B. ZIMBELMAN, ESQ.

3 Nevada Bar No. 9407

4 RICHARD L. PEEL, ESQ.

5 Nevada Bar No. 4359

6 **PEEL BRIMLEY LLP**

7 3333 E. Serene Avenue, Suite 200

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10 Facsimile: (702) 990-7273

11 ezimbelman@peelbrimley.com

12 rpeel@peelbrimley.com

13 *Attorneys for Helix Electric of Nevada, LLC*

14 **DISTRICT COURT**

15 **CLARK COUNTY, NEVADA**

16 APCO CONSTRUCTION, a Nevada
17 corporation,

18 Plaintiff,

19 vs

20 GEMSTONE DEVELOPMENT WEST, INC.,
21 Nevada corporation; NEVADA
22 CONSTRUCTION SERVICES, a Nevada
23 corporation; SCOTT FINANCIAL
24 CORPORATION, a North Dakota
25 corporation; COMMONWEALTH LAND
26 TITLE INSURANCE COMPANY; FIRST
27 AMERICAN TITLE INSURANCE
28 COMPANY and DOES I through X,

29 Defendants.

30 **AND ALL RELATED MATTERS.**

CASE NO.: A571228

DEPT. NO.: XIII

Consolidated with:

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

**ORDER GRANTING IN PART AND
DENYING IN PART APCO
CONSTRUCTION'S OMNIBUS
MOTION IN LIMINE**

31 This matter came on for hearing November 16, 2017, before the Honorable Mark
32 Denton in Dept. 13 on Apco Construction's ("APCO") Omnibus Motion in Limine ("the
33 Motion"). Various parties Opposed and joined in oppositions to various portions of the Motion.
34 Having taken the matters under advisement, the Court grants the Motion in part and denies the
35 Motion in part as follows:

36 ///

37 ///

38 ///

JA007067

Case Number: 08A571228

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

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DEC 27 2017

DISTRICT COURT DEPT. 13

1 1. MIL No. 1 (seeking to exclude evidence of the topics that the PMK witness for
2 Zitting Bros. ("Zitting") could not address) is **DENIED WITHOUT PREJUDICE** to objections
3 made to evidentiary proffers at trial that the Court can consider in context.

4 2. MIL No. 2 (seeking to strike pleadings of parties that do not appear at the pre-
5 trial conference is **GRANTED IN PART** to the extent that it addresses parties which, as APCO
6 puts it, have "chosen not to participate in trial..." (Reply, p. 4, ll. 21-22), but it is **DENIED IN**
7 **PART** as to parties which have participated.

8 3. MIL No. 3 (seeking to exclude evidence of unjust enrichment damages) is
9 **DENIED** as it essentially seeks a summary adjudication without reference to any specific
10 evidence. Furthermore, unjust enrichment is commonly pleaded in the alternative and its
11 viability relates to development of the evidence.

12 4. MIL No. 4 (seeking to exclude evidence of purported changes that were not in
13 writing and signed by Zitting and APCO) is **DENIED WITHOUT PREJUDICE** to objections
14 to specific evidence proffered.

15 5. MIL No. 5 (seeking to exclude evidence of claims that were not delineated on
16 lien releases) is **DENIED WITHOUT PREJUDICE** to objections to specific evidence
17 proffered.

18 6. MIL No. 6 (seeking to strike evidence of damages of parties that were not made
19 available for a deposition) is **GRANTED** to the extent that it seeks to preclude witnesses who
20 should have been, but were not, properly disclosed. Of course, making any such determination
21 requires a witness-by-witness inquiry.

22 ///

23 ///

24 ///

25

26

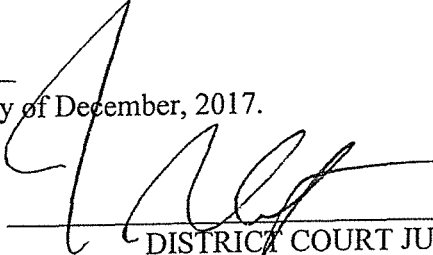
27

28

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HENDERSON, NEVADA 89074
(702) 990-7272 ♦ FAX (702) 990-7273

1 7. MIL No. 7 (seeking to strike evidence or argument of damages greater than what
2 the parties listed in their special master questionnaires or official damage disclosures) is
3 **GRANTED** to the extent that it seeks to preclude evidence in excess of damages in a party's
4 official damage disclosures that should have been, but was not, properly disclosed. Of course,
5 making any such determination will require an examination of the disclosure history of any
6 specific evidence proffered.

7 **IT IS SO ORDERED** this 27th day of December, 2017.

8
9 
DISTRICT COURT JUDGE

10
11 Submitted by:

12 **PEEL BRIMLEY LLP**

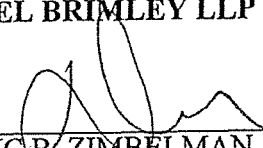
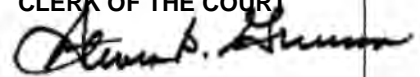
13 
14 ERIC B. ZIMBELMAN, ESQ.
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Attorneys for Helix Electric of Nevada, LLC

Exhibit 12



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7 *Attorneys for Helix Electric of Nevada, LLC*

8 **DISTRICT COURT**

9 **CLARK COUNTY, NEVADA**

10 APCO CONSTRUCTION, a Nevada
corporation,

11 Plaintiff,

12 vs.

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

18 Defendants.

19
20 AND ALL RELATED MATTERS.
21

CASE NO.: A571228

DEPT. NO.: XIII

Consolidated with:

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

NOTICE OF ENTRY OF ORDER

22 ///

23 ///

24 ///


PEEL BRIMLEY LLP
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(702) 990-7272 ♦ FAX (702) 990-7273

NOTICE OF ENTRY OF ORDER

PLEASE TAKE NOTICE that an Order Granting in Part and Denying in Part Helix Electric of Nevada, LLC's Motions *in Limine* (Against APCO Construction) was filed on December 28, 2017, a copy of which is attached as Exhibit A.

Dated this 29 day of December, 2017.

PEEL BRIMLEY LLP



ERIC B. ZIMBELMAN, ESQ.

Nevada Bar No. 9407

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Nevada Bar No. 4359

3333 E. Serene Avenue, Suite 200

Henderson, NV 89074-6571

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 29th day of December, 2017, I caused the above and foregoing document entitled **NOTICE OF ENTRY OF ORDER** to be served as follows:

- ☐ by placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada 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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Camco Pacific Construction Co Inc:

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E & E Fire Protection LLC:

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Interstate Plumbing & Air Conditioning Inc:

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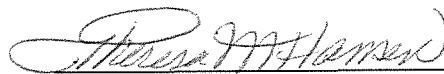
Chaper 7 Trustee:

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An Employee of Peel Brimley LLP

EXHIBIT A

JA007076

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Steven D. Grierson
CLERK OF THE COURT

Steven D. Grierson

1 **ORDR**

2 ERIC B. ZIMBELMAN, ESQ.

3 Nevada Bar No. 9407

4 RICHARD L. PEEL, ESQ.

5 Nevada Bar No. 4359

6 **PEEL BRIMLEY LLP**

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10 Facsimile: (702) 990-7273

11 ezimbelman@peelbrimley.com

12 rpeel@peelbrimley.com

13 *Attorneys for Helix Electric of Nevada, LLC*

14 **DISTRICT COURT**

15 **CLARK COUNTY, NEVADA**

16 APCO CONSTRUCTION, a Nevada
17 corporation,

18 Plaintiff,

19 vs.

20 GEMSTONE DEVELOPMENT WEST, INC.,
21 Nevada corporation; NEVADA
22 CONSTRUCTION SERVICES, a Nevada
23 corporation; SCOTT FINANCIAL
24 CORPORATION, a North Dakota
25 corporation; COMMONWEALTH LAND
26 TITLE INSURANCE COMPANY; FIRST
27 AMERICAN TITLE INSURANCE
28 COMPANY and DOES I through X,

29 Defendants.

30 AND ALL RELATED MATTERS.

CASE NO.: A571228

DEPT. NO.: XIII

Consolidated with:

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

**ORDER GRANTING IN PART AND
DENYING IN PART HELIX
ELECTRIC OF NEVADA, LLC's
MOTIONS IN LIMINE (against APCO
Construction)**

31 This matter came on for hearing November 16, 2017, before the Honorable Mark
32 Denton in Dept. 13 on Helix Electric of Nevada, LLC's Motions in Limine Nos. 1-4 ("the
33 MILs") against Apco Construction ("APCO"). APCO opposed the Motion. Having taken the
34 matters under advisement, the Court grants MIL Nos. 1-3 and denies MIL No. 4 without
35 prejudice subject to objections at trial as follows:

36 ///

37 ///

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DISTRICT COURT DEPT 13

JA007077

Case Number: 08A571228

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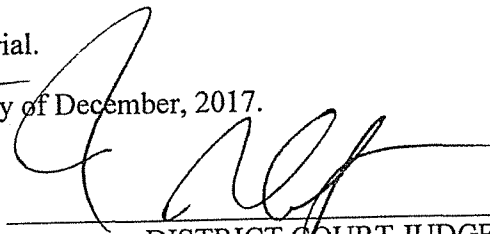
1 1. MIL No. 1 is **GRANTED**. APCO may not assert or offer any evidence that any
2 of Helix's work on the Manhattan West Project that is the subject of this action ("the Project")
3 was defective.

4 2. MIL No. 2 is **GRANTED**. APCO may not assert or offer any evidence that any
5 of Helix's work on the Project was not done in a workmanlike manner.

6 3. MIL No. 3 is **GRANTED**. APCO may not assert or offer any evidence that any
7 of Helix's work on the Project was not done in compliance with the terms of the parties'
8 agreement.

9 4. MIL No. 4 (seeking to preclude APCO from asserting or offering any evidence
10 that any of the pay applications submitted by Helix – and the amounts claimed to be earned on
11 the same - were in any way incorrect, overstated or otherwise subject to dispute) is **DENIED**
12 without prejudice to Helix's objections at trial.

13 **IT IS SO ORDERED** this 27th day of December, 2017.

14 
15 _____
16 DISTRICT COURT JUDGE

17 Submitted by:

18 **PEEL BRIMLEY LLP**


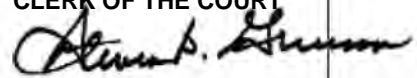
19 
20 _____
21 ERIC B. ZIMBELMAN, ESQ.
22 Nevada Bar No. 9407
23 RICHARD L. PEEL, ESQ.
24 Nevada Bar No. 4359
25 3333 E. Serene Avenue, Suite 200
26 Henderson, NV 89074-6571
27 Attorneys for Helix Electric of Nevada, LLC
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Exhibit 13



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Attorneys for Various Lien Claimants

DISTRICT COURT

CLARK COUNTY, NEVADA

APCO CONSTRUCTION, a Nevada
corporation,

Plaintiff,

vs

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

Defendants.

AND ALL RELATED MATTERS.

CASE NO.: A571228

DEPT. NO.: XIII

Consolidated with:

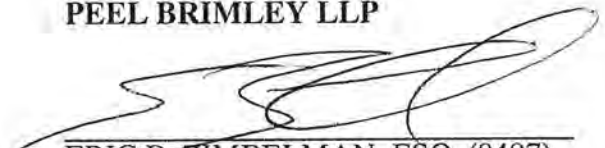
A571792, A574391, A577623, A580889,
A583289, A584730, and A587168

NOTICE OF ENTRY OF ORDER

PLEASE TAKE NOTICE that an Order Denying APCO Construction's Motion for
Partial Summary Judgment re: Lien Foreclosure Claims was filed on August 30, 2017, a copy
of which is attached as Exhibit A.

DATED this 30th day of August 2017.

PEEL BRIMLEY LLP



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RICHARD L. PEEL, ESQ. (4359)
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Attorneys for Various Lien Claimants

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of PEEL BRIMLEY LLP and that on this 30th day of August, 2017, I caused the above and foregoing document entitled **NOTICE OF ENTRY OF ORDER** to be served as follows:

- ☐ by placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada to the party(ies) and/or attorney(s) listed below; 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 _____

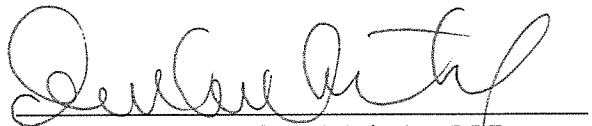
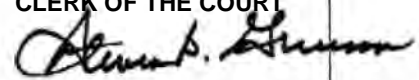

An Employee of Peel Brimley LLP

Exhibit A



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Attorneys for Various Lien Claimants

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

**ORDER DENYING APCO
CONSTRUCTION'S MOTION FOR
PARTIAL SUMMARY JUDGMENT
RE: LIEN FORECLOSURE CLAIMS**

This matter came on for hearing August 10, 2017, before the Honorable Mark Denton in Dept. 13 on Apco Construction's ("APCO") Motion to Dismiss or for Summary Judgment on Lien Claimants' NRS CH 108 Claim for Foreclosure of Mechanic's Liens. Jack Juan, Esq. appeared for APCO; Eric Zimbelman, Esq. of PEEL BRIMLEY LLP appeared on behalf of Buchele Inc., Cactus Rose Construction, Fast Glass Inc., Heinaman Contract Glazing, Helix Electric of Nevada, LLC, SWPPP Compliance Solutions, LL.; and WRG Design Inc. and filed an Opposition on their behalf; I-Che Lai, Esq. appeared for Zitting Brothers, Inc. and filed an Opposition on its behalf; Elizabeth Stephens, Esq. appeared for Interstate Plumbing & Air

JA007083

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DISTRICT COURT DEPT#13

AUG 21 2017

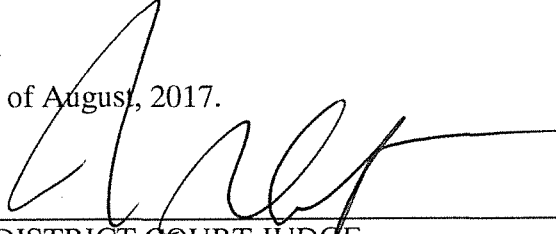
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1 Conditioning and filed a Joinder in support of the Oppositions; and Steven Morris, Esq.
2 appeared for Camco Pacific Construction, Inc.

3 Having reviewed the Motion, Opposition, Reply and Joinders and having heard
4 argument of counsel, the Court finds that genuine issue of material fact exist that preclude
5 summary judgment but denies the motion without prejudice to APCO to raise the issue again at
6 trial.

7 **IT IS THEREFOR ORDERED** that APCO's Motion to Dismiss or for Summary
8 Judgment on Lien Claimants' NRS CH 108 Claim for Foreclosure of Mechanic's Liens is
9 DENIED without prejudice.

10 **IT IS SO ORDERED** this 28th day of August, 2017.

11 
12 _____
13 DISTRICT COURT JUDGE

14 Submitted by:

15 **PEEL BRIMLEY LLP**


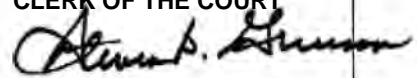
16  #11776 for
17 ERIC B. ZIMBELMAN,
18 Nevada Bar No. 9407
19 RICHARD L. PEEL, ESQ.
20 Nevada Bar No. 4359
21 3333 E. Serene Avenue, Suite 200
22 Henderson, NV 89074-6571
23 *Attorneys for Various Lien Claimants.*
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25
26
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28

Exhibit 14



ORDR

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Nevada Bar No. 9407

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Attorneys for Various Lien Claimants

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.

LEAD CASE NO.: A571228
DEPT. NO.: XIII

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

**ORDER DENYING APCO
CONSTRUCTION'S MOTION FOR
RECONSIDERATION OF ORDER
GRANTING PARTIAL SUMMARY
JUDGMENT PRECLUDING
DEFENSES BASED ON PAY-IF-PAID
AGREEMENTS**

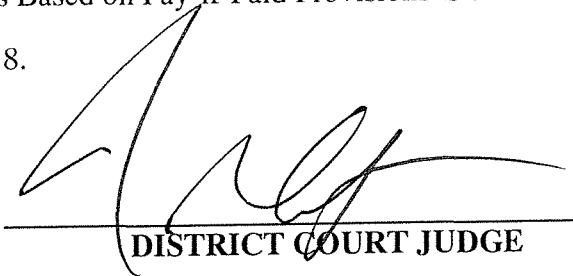
This matter came on for hearing January 11, 2018 before the Honorable Mark Denton in Dept. 13 on APCO Construction, Inc.'s Motion for Reconsideration of Court's Order Granting Peel Brimley Lien Claimants' Partial Motion for Summary Judgment to Preclude Defenses Based on Pay-if-Paid Provisions on an Order Shortening Time. Mary Bacon, Esq. of SPENCER FANE LLP appeared on behalf of Plaintiff APCO Construction, Inc. ("APCO"); Eric B. Zimbelman, Esq. of PEEL BRIMLEY LLP appeared on behalf of Peel Brimley Lien Claimants ('PB Lien Claimants); and John Taylor, Esq. of CADDEN FULLER LLP appeared on behalf of National Wood Products, Inc. ("NWP").

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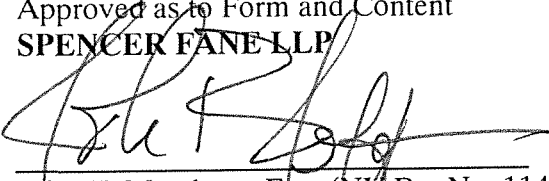
The Court having considered all of the pleadings and papers on file, and for good cause appearing,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that APCO's 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 is denied.

Dated this 18th day of January, 2018.


DISTRICT COURT JUDGE

Approved as to Form and Content
SPENCER FANE LLP


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John Randall Jeffries, Esq. (NV Bar No. 3512)
Mary E. Bacon, Esq. (NV Bar No. 12686)
300 S. Fourth Street, Suite 700
Las Vegas, NV 89101
Telephone: (702) 408-3411
Attorneys for Plaintiff
APCO Construction, Inc.

Submitted by:
PEEL BRIMLEY LLP


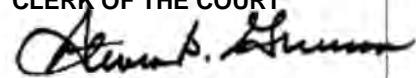

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Attorneys for Various Lien Claimants

Exhibit 15



1 **NOTC**
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11 RJJefferies@spencerfane.com
12 MBacon@spencerfane.com
13 Attorneys for Apco Construction, Inc.

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

10 APCO CONSTRUCTION, a Nevada
11 corporation,

12 Plaintiff,

13 v.

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

16 Defendant.

Case No.: A571228

Dept. No.: XIII

Consolidated with:

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

NOTICE OF ASSOCIATION OF COUNSEL

17
18 AND ALL RELATED MATTERS

19 NOTICE IS HEREBY GIVEN that John H. Mowbray, Esq., John Randall Jeffries, Esq.
20 and Mary E. Bacon, Esq. of the law firm of SPENCER FANE, LLP counsel for APCO
21 CONSTRUCTION, INC. hereby associate with Jack C. Juan, Esq., and Cody Mounteer, Esq. of the
22 law firm of Marquis Aurbach Coffing, as co-counsel for APCO Construction, Inc. in the instant
23 action.
24
25
26
27
28

1 DATED this 29th day of September, 2017.

2 **SPENCER FANE**

3 By: Mary E. Bacon

4 John H. Mowbray, Esq. (Bar No. 1140)

5 John Randall Jefferies, Esq. (Bar No. 3512)

6 Mary E. Bacon, Esq. (Bar No. 12686)

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9 Telephone: (702) 408-3400

10 Facsimile: (702) 408-3401

11 *Attorneys for Apco Construction, Inc.*

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that I am an employee of SPENCER FANE LLP and that a copy of the
3 foregoing **NOTICE OF ASSOCIATION OF COUNSEL** was served by electronic transmission
4 through the E-Filing system pursuant to NEFCR 9, NRCP 5(b) and EDCR 7.26 or by mailing a
5 copy to their last known address, first class mail, postage prepaid for non-registered users, on this
6 29th day of September, 2017, as follows:

7 **Counter Claimant: Camco Pacific Construction Co Inc**

8 Steven L. Morris (steve@gmdlegal.com)

9 **Intervenor Plaintiff: Cactus Rose Construction Inc**

10 Eric B. Zimbelman (ezimbelman@peelbrimley.com)

11 **Intervenor Plaintiff: Interstate Plumbing & Air Conditioning Inc**

12 Jonathan S. Dabbieri (dabbieri@sullivanhill.com)

13 **Intervenor: National Wood Products, Inc.'s**

14 Dana Y Kim (dkim@caddenfuller.com)

15 Richard L Tobler (rlttdck@hotmail.com)

16 Richard Reincke (rreincke@caddenfuller.com)

17 S. Judy Hirahara (jhirahara@caddenfuller.com)

18 Tammy Cortez (tcortez@caddenfuller.com)

19 **Other: Chaper 7 Trustee**

20 Elizabeth Stephens (stephens@sullivanhill.com)

21 Glanna Garcia (ggarcia@sullivanhill.com)

22 Jennifer Saurer (Saurer@sullivanhill.com)

23 Jonathan Dabbieri (dabbieri@sullivanhill.com)

24 **Plaintiff: Apco Construction**

25 Rosie Wesp (rwesp@maclaw.com)

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

27 TRACY JAMES TRUMAN (DISTRICT@TRUMANLEGAL.COM)

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4 Rosey Jeffrey . (rjeffrey@peelbrimley.com)
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11 Terri Hansen . (thansen@peelbrimley.com)
12 Timothy E. Salter . (tim.salter@procopio.com)
13 Wade B. Gochmour . (wbg@h2law.com)

14 /s/ Adam Miller

15 An employee of Spencer Fane LLP

1 **OPPM**

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10 John B. Taylor, Esq. (CA SBN 126400)
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19 NATIONAL WOOD PRODUCTS, INC., a Utah corporation

20
21 DISTRICT COURT
22 CLARK COUNTY, NEVADA
23

24 APCO CONSTRUCTION, a Nevada
25 corporation,

26 Plaintiff,

27 vs.

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

30 Defendants.

31 AND ALL RELATED MATTERS.

) 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

) **PLAINTIFF-IN-INTERVENTION**
) **NATIONAL WOOD PRODUCTS,**
) **INC.'S OPPOSITION TO APCO**
) **CONSTRUCTION'S MOTION FOR**
) **ATTORNEYS' FEES AND COSTS**

) **HEARING: JULY 19, 2018**
) **TIME: 9:00 A.M.**
) **DEPT.: XIII**

32 ///

1 Plaintiff-in-Intervention, NATIONAL WOOD PRODUCTS, INC¹ (“National Wood”),
2 by and through its counsel of record, the law offices of Richard L. Tobler, Ltd. and Cadden &
3 Fuller LLP, hereby submits its Opposition to APCO CONSTRUCTION’S (“APCO”) Motion for
4 Attorneys’ Fee and Costs (“Motion”).

5
6 **MEMORANDUM OF POINTS AND AUTHORITIES**

7
8 **I. INTRODUCTION**

9 National Wood hereby opposes APCO’s Motion as it relates to costs on the grounds
10 asserted in National Wood’s pending Motion to Re-Tax costs and hereby incorporates those
11 grounds herein by this reference. National Wood also incorporates the grounds asserted by Helix
12 Electric of Nevada, LLC (“Helix”) in its pending Motion to Re-Tax Costs which National Wood
13 previously joined.²

14
15 **II. SUMMARY OF ARGUMENTS**

16 In its Motion, APCO seeks an award of attorneys’ fees and costs on the following three
17 grounds:

18 **A. APCO HAS NO STANDING TO SEEK ATTORNEYS’ FEES PURSUANT TO THE**
19 **SUBCONTRACT AGREEMENT SINCE APCO ASSIGNED THE SUBCONTRACT AGREEMENT TO**
20 **GEMSTONE DEVELOPMENT WEST, INC.**

21 First, APCO seeks attorneys’ fees pursuant to Section 18.5 of the Subcontract Agreement
22 between APCO and Cabinetec, Inc. (“Cabinetec”) dated April 28, 2008 (“Subcontract
23 Agreement³”). APCO’s Motion fails because APCO is no longer a party to the Subcontract
24

25 ¹ / National Wood is the successor-in-interest to the claims of Cabinetec. National Wood was a supplier for Cabinetec
26 and, as a result of Cabinetec’s inability to pay National Wood, National Wood has succeeded to the rights of
27 Cabinetec against the Defendants. This status is confirmed by the Assignment signed by Cabinetec. [See Trial
28 Exhibit 3177, Assignment.]

² / National Wood will join in Helix’s Opposition to APCO’s Motion (“Helix Opposition”) to the extent such Helix
Opposition relies on grounds and authorities applicable to the claims for relief asserted by APCO against National
Wood.

³ / Trial Exhibit 149, Subcontract Agreement between APCO and Cabinetec, Inc.

1 Agreement. At APCO's request, this Court concluded that the Subcontract Agreement was
2 assigned by APCO to Gemstone Development West, Inc. ("**Gemstone**"), who then facilitated
3 CAMCO's assumption of the subcontracts after APCO left the Project in 2008. [See APCO's
4 Findings of Fact and Conclusions of Law ("FFCL") at p. 69, Nos. 116-120⁴, Exhibit ("Exh.") 1 to
5 APCO's Motion.] As a result of APCO's voluntary assignment of the Subcontract Agreement,
6 APCO waived and relinquished its purported rights to an award of any attorneys' fees under
7 Section 18.5. Accordingly, APCO has no standing to seek attorneys' fees pursuant to the
8 Subcontract Agreement.

9
10 **B. APCO IS NOT ENTITLED TO SEEK ATTORNEYS' FEES AGAINST NATIONAL WOOD**
11 **PURSUANT TO NRS 108.237 BECAUSE CABINETEC DID NOT PURSUE FORECLOSURE OF A**
12 **MECHANIC'S LIEN AGAINST APCO.**

13 Second, APCO asserts that it is entitled to seek attorneys' fees pursuant to NRS
14 108.237. APCO is not entitled to seek attorneys' fees pursuant to this statute against National
15 Wood since Cabinetec pursued a foreclosure of a mechanic's lien against Gemstone and not
16 APCO. Nonetheless, the Court has made no finding that either Cabinetec or National Wood
17 pursued Cabinetec's lien claims "without a reasonable basis in law or fact." Moreover, the facts
18 demonstrate that the lien claims were reasonable. In fact, APCO also filed liens against the
19 project.

20
21 **C. APCO'S OFFER OF JUDGMENT IS INVALID BECAUSE IT WAS NOT TIMELY**
22 **SERVED 10 DAYS BEFORE THE TRIAL IN THIS CONSOLIDATED MATTER THAT COMMENCED ON**
23 **OCTOBER 30, 2012, PURSUANT TO THE COURT ORDER ENTERED ON NOVEMBER 29, 2012.**

24 Third, APCO claims that it is entitled to an award of attorneys' fees pursuant to NRCP 68,
25 which provides that if an "offeree rejects an offer and fails to obtain a more favorable
26

27 ⁴ / National Wood and Helix have disputed these contentions and respectfully disagree with the Court's conclusions.
28 Any references made regarding the FFCL in this Opposition should not be interpreted as National Wood's agreement
with these conclusions. Nonetheless, the Court must evaluate the Motion consistent with the Court's conclusions set
forth in the FFCL.

1 judgment, . . . the offeree shall pay the offeror's post offer costs . . . and reasonable attorney's fees,
2 if any be allowed, actually incurred by the offeror from the time of the offer." Nev. R. Civ. P. 68.
3 In the Motion, APCO notes that it obtained a judgment in this action more favorable than an offer
4 of judgment of \$35,000.00 ("APCO Offer") that it served on National Wood on November 13,
5 2017, and that it is entitled to its attorneys' fees. [See APCO Offer, Exh. 6 to APCO's Motion.]
6 APCO is wrong. At the time APCO made its offer, the trial in this consolidated matter had
7 commenced on October 30, 2012, over 5 years prior to the service of the APCO Offer. As a
8 result, the APCO Offer is invalid since it was not timely served.

9 Moreover, APCO fails to present an analysis of the four factors set forth by the Supreme
10 Court of Nevada in *Beattie v. Thomas*, 99 Nev. 579 (1983) ("Beattie") for the trial court to
11 consider the four factors to make findings whether the attorneys' fees sought by APCO are
12 reasonable and justified, which they are not as more fully set forth below.

13 Even if the Court decides to award any attorneys' fees pursuant to NRCP 68, APCO is still
14 not entitled to any award of attorneys' fees for the following reasons: (1) National Wood's claim
15 was brought in good faith; (2) APCO is not entitled to any costs or fees under NRCP 68 because
16 the timing and amount of the APCO Offer was not reasonable, and inconsistent with NRCP 68's
17 purpose of facilitating reasonable settlements; (3) National Wood's decision to reject the APCO
18 Offer and proceed to trial was NOT grossly unreasonable or in bad faith; and (4) the amount of
19 attorneys' fees that APCO seeks is not reasonable or justified in this action.

20
21 **D. THE AMOUNT OF ATTORNEYS' FEES REQUESTED BY APCO IS NOT**
22 **REASONABLE.**

23 Further, if the Court determines that APCO is entitled to an award of attorneys' fees, which
24 it is not, the Court must significantly reduce the fees that APCO is seeking totaling \$447,809.28
25 on the grounds that (i) the fees sought are excessive, (ii) not properly allocated to the
26 subcontractors who filed claims against APCO which it defended, (iii) unreasonable and not
27 justified when the work performed did not derive benefits (i.e., APCO filed unsuccessful motions
28 and APCO filed unsuccessful oppositions to motions filed by subcontractors), and (iv)