## IN THE SUPREME COURT OF THE STATE OF NEVADA

#### Supreme Court Case No. 77320 Consolidated with 80508

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#### HELIX ELECTRIC OF NEVADA, LLC,

Appellant,

v.

# APCO CONSTRUCTION, INC., A NEVADA CORPORATION,

#### Respondent.

## JOINT APPENDIX VOLUME 102

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# **CHRONOLOGICAL APPENDIX OF EXHIBITS**

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	Trial Exhibit 165 - Letter from D. Parry to A. Edelstein re: Gemstone losing funding for project	JA002652- JA002653	47
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<sup>&</sup>lt;sup>2</sup> Filed January 31, 201879 <sup>3</sup> Filed January 31, 2018

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	Exhibit 3 – Plaintiff in Intervention, National Wood Products, Inc.'s Findings of Fact and Conclusions of Law (Proposed)	JA006370- JA006385	86/87
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	Exhibit 7 – Declaration of John Randall Jefferies, Esq. in Support of APCO Construction, Inc.'s Motion for Attorney's Fees and Costs	JA006407- JA006411	87
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	Exhibit 8 – Declaration of Cody S. Mounteer, Esq. in Support of Motion for Attorney's Fees and Costs		88
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	Exhibit 1-B – Declaration of Cody Mounteer in Support of APCO's Supplement to its Motion for Attorney's Fees		91/92/93 94/95/96
06-15-18	Helix Electric of Nevada, LLC'sOppositiontoAPCOConstruction'sMotionforAttorneys' Fees and Costs	JA006917 – JA006942	96
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	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-	96
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	Exhibit 13 – Notice of Entry of Order Denying APCO Constructions' Motion for Partial Summary Judgment Re: Lien Foreclosure Claims	JA007079- JA007084	97
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	Exhibit 8 - Order Granting in Part and Denying in Part APCO Construction's Omnibus Motion <i>in Limine</i>	JA001644- JA001647	28

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	Exhibit 9 - Amended <i>nunc pro tunc</i> order regarding APCO Construction, Inc.'s Omnibus Motion <i>in Limine</i> No. 7	JA001648- JA001650	28
	Exhibit 10 - Order Granting in Part and Denying in part Helix Electric of Nevada, LLC's Motions <i>in Limine</i> 1-4 (Against APCO Construction)	JA001651- JA001653	28
	Exhibit 11 - order granting Peel Brimley Lien Claimants' Motion in Limine Nos.1- 6 (against Camco Pacific Construction, Inc.)	JA001654- JA001657	28
	Exhibit 12 - Order Granting Plaintiff in Intervention, National Wood Products, Inc.'s Motion <i>in Limine</i>	JA001658- JA001660	28
	Exhibit 13 - Order Granting Peel Brimley Lien Claimants' Motion for Partial Summary Judgment Precluding Defenses Based on Pay-if-Paid Agreements	JA001661- JA00167	28/9/29
03-08-18	Letter to Judge Denton submitting APCO Construction, Inc.'s Proposed Findings of Fact and Conclusions of Law		8/821
03-08-18	Letter to Judge Denton submitting Helix Electric of Nevada, LLC's (Proposed) Findings of Fact and Conclusions of Law		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

Date	<b>Description</b>	<u>Bates</u> Number	<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

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	National Wood Products, Inc.'s Against APCO Construction, Inc.]		
	Exhibit [C] – Notice of Entry of Order Granting Helix Electric of Nevada's Rule 54(b) Certification	JA009148- JA009156	120
05-31-18	Notice of Entry of Judgment [As to the Claims of Helix Electric of Nevada, LLC Against Camco Construction, Co., Inc.]	JA006522 JA006540	89
06-01-18	Notice of Entry of Judgment [As to the Claims of Helix Electric of Nevada, LLC and Plaintiff in Intervention National Wood Products, Inc.'s Against APCO Construction, Inc.]	JA006541 JA006550	90
09-28-18	Notice of Entry of Order (1) Granting APCO Construction, Inc.'s Motion for Attorneys' Fees and Costs (2) Granting APCO Construction, Inc.'s Memorandum of Costs in Part (3) Granting Helix Electric of Nevada, LLC's Motion to Retax in Part and Denying in Part (4) Granting Plaintiff in Intervention National Wood Products, LLC's Motion to Retax in Part and Denying in Part and (5) Granting National Wood Products, Inc.'s Motion to File a Surreply	JA007281- JA007299	100
12-29-17	Notice of Entry of Order Granting in Part and Denying in Part APCO Construction's Omnibus Motion <i>in</i> <i>Limine</i>	JA001178- JA001186	22
07-02-18	Notice of Entry of Order Granting Helix Electric of Nevada, LLC's Motion for Attorneys' Fees, Interest and Costs	JA007238- JA007245	100
01-03-20	Notice of Entry of Order Granting Helix Electric of Nevada, LLC's Motion for Rule 54(b) Certification	JA009124- JA009131	119

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01-03-18	Notice of Entry of Order Granting Peel Brimley Lien Claimants' Motion for Partial Summary Judgment Precluding Defenses Based on Pay-if- Paid Agreements	JA001187- JA001198	22
12-29-17	Notice of Entry of Order Granting in Part and Denying in Part Helix Electric of Nevada, LLC's Motion <i>in Limine</i> 1- 4	JA001170- JA001177	22
12-29-17	Notice of Entry of Order Granting Peel Brimley Lien Claimants' Motion <i>in</i> <i>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		6
	Exhibit 1 – APCO Construction's Answers to Helix Electric of Nevada, LLC's First Request for Interrogatories	JA000343- JA00379	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

Date	<b>Description</b>	<u>Bates</u> Number	<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

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	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-InterventionNationalWoodProducts, Inc.'sSurreply toAPCOConstruction'sReply toPlaintiff-in-InterventionNationalWoodProducts, Inc.'sOpposition toMotion 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

Date	<b>Description</b>	<u>Bates</u> Number	<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

Date	<b>Description</b>	<u>Bates</u> Number	<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
	<b>HELIX Related Exhibits:</b>		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

Date	<b>Description</b>	<u>Bates</u> Number	<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

Date	<b>Description</b>	<u>Bates</u> Number	<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		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

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	Trial Exhibit 103- Email from R. Zitting to R. Nickerl re: change orders adjusted to \$30 per hour	JA002504- JA002505	44
	Trial Exhibit 104 - Email from R. Zitting to R. Nickerl re: change orders adjusted to \$30 per hour with copies of change orders	JA002506- JA002526	44
	Trial Exhibit 105 - Ex. C to the Ratification – Zitting Quotes	JA002527- JA002528	44
	Trial Exhibit 106 - Unconditional Lien Release – Zitting (\$27,973.80)	JA002529	44
	Trial Exhibit 108 - Photo of Video (Construction Project)	JA002530- JA002531	44
	Trial Exhibit 109 - Photo of Video (Construction Project)	JA002532- JA002533	44
	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

Date	<b>Description</b>	<u>Bates</u> Number	<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
	<b>CAMCO Related Exhibits:</b>		
	Trial Exhibit 163 - Camco Pay Application No. 12 to Gemstone	JA002613- JA002651	46/47
	Trial Exhibit 165 - Letter from D. Parry to A. Edelstein re: Gemstone losing funding for project	JA002652- JA002653	47
	Trial Exhibit 166 - Letter from D. Parry to G. Hall re: withdrawal of funding	JA002654 JA002656	47
	Helix Related Exhibits:		47
	Trial Exhibit 169 - Helix Exhibit to Standard Subcontract Agreement with Camco	JA 002665 JA002676	47/48
	Trial Exhibit 170 - Subcontract Agreement between Helix and Camco (unsigned)	JA002677- JA002713	48

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

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	Trial Exhibit 501 - Payment Summary	JA003339 - JA003732	55/56/57/ 58/59/60
	Trial Exhibit 508 – Helix Pay Application	JA003733- JA003813	60/61
	Trial Exhibit 510 - Unsigned Subcontract	JA003814- JA003927	61/62
	Trial Exhibit 512 - Helix's Lien Notice	JA003928- JA004034	62/63
	Trial Exhibit 522 - Camco Billing		63/64/65/66/6 7/
		JA004035- JA005281	68/69/70 /71/72 /73/74/75/ 76/77
01-17-18	<b>Transcript Bench Trial (Day 1)</b> <sup>5</sup>	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 <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

<sup>&</sup>lt;sup>5</sup> Filed January 31, 2018

Date	<b>Description</b>	<u>Bates</u> Number	<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. Gochnour 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 (Admitted)	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 (Admitted)	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 (Admitted)	JA002082- JA002120	34/35
	Trial Exhibit 45 - Subcontractor Agreement (Admitted)	JA002121- JA002146	35

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	Trial Exhibit 162 - Amended and Restated General Construction Agreement between Gemstone and CAMCO (Admitted)	JA002147- JA002176	35/36
	Trial Exhibit 212 - Letter from Edelstein to R. Nickerl re: NRS 624 Notice (Admitted)	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 (Admitted)	JA002186- JA002188	36
	Trial Exhibit 506 – Email and Contract Revisions (Admitted)	JA002189 – JA002198	36
01-18-18	Transcript – Bench Trial (Day 2) <sup>6</sup>	JA005284- JA005370	78
	Trial Exhibit 535 – Deposition Transcript of Andrew Rivera (Exhibit 99) (Admitted)	JA005371- JA005623	78/79/80
01-19-18	Transcript – Bench Trial (Day 3) <sup>7</sup>	JA005624- JA005785	80
	Trial Exhibit 231 – Helix Electric's Amended Statement of Facts Constituting Notice of Lien and Third-Party Complaint <i>(Admitted)</i>		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 (Admitted)	JA005806-	80

<sup>&</sup>lt;sup>6</sup> Filed January 31, 201879 <sup>7</sup> Filed January 31, 2018

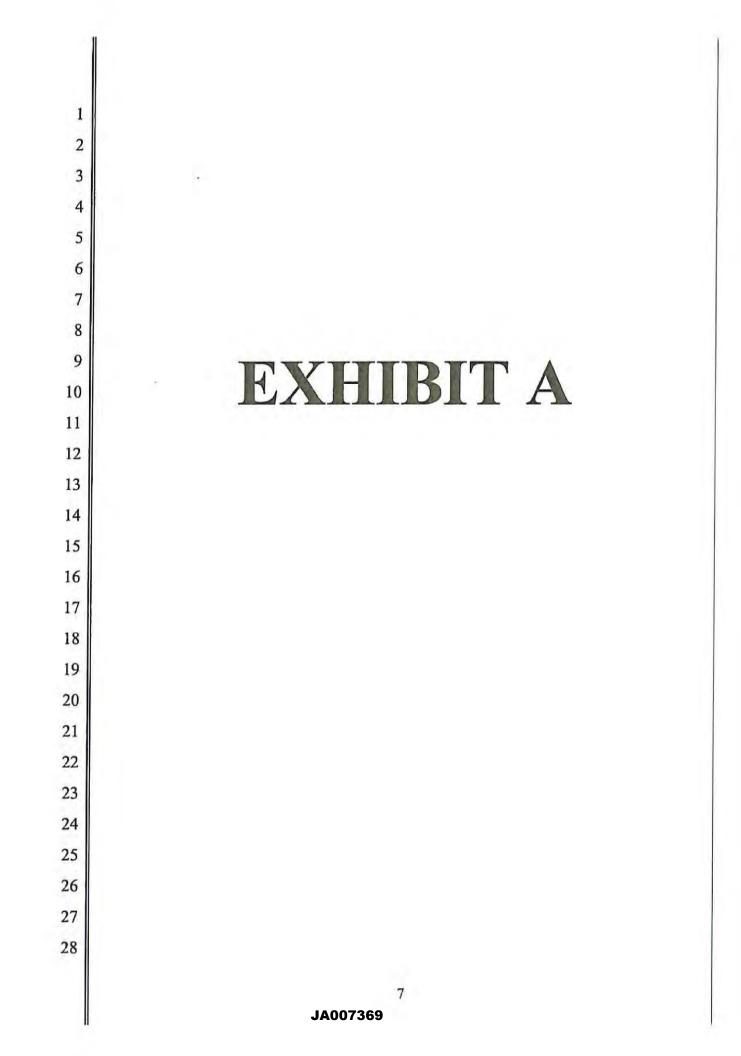
Date	<b>Description</b>	<u>Bates</u> <u>Number</u>	<u>Volume(s)</u>
	Trial Exhibit 536 – Lien math calculations (handwritten) (Admitted)	JA005807- JA005808	80
	Trial Exhibit 804 – Camco Correspondence (Admitted)	JA005809- JA005816	80
	Trial Exhibit 3176 – APCO Notice of Lien (Admitted)	JA005817- JA005819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

<sup>&</sup>lt;sup>8</sup> Filed January 31, 2018

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		an employee of Spencer Fane LLP
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		Electronically Filed 5/31/2018 1:41 PM Steven D. Grierson CLERK OF THE COURT
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	MBacon@spencerfane.com Attorneys for Apco Construction, Inc.	
	DISTRICT	COURT
	CLARK COUN	TY, NEVADA
	APCO CONSTRUCTION, a Nevada	Case No.: A571228
	corporation,	Dept. No.: XIII
	Plaintiff,	Consolidated with:
	v.	A574391; A574792; A577623; A583289; A587168; A580889; A584730; A589195;
	GEMSTONE DEVELOPMENT WEST, INC., A	A595552; A597089; A592826; A589677; A596924; A584960; A608717; A608718; and
	Nevada corporation,	A590319
	Defendant.	JUDGMENT
		IAS TO THE CLAIMS OF HELIX
		ELECTRIC OF NEVADA, LLC AND
		PLAINTIFF IN INTERVENTION NATIONAL WOOD PRODUCTS, INC.'S
		AGAINST APCO CONSTRUCTION, INC.
	AND ALL RELATED MATTERS	

RECEIVED MAY 2 3 2018 1

This matter having come on for a non-jury trial on the merits on January 17-19, 23, 22 24 and February 6, 2018, APCO Construction, Inc. ("APCO"), appearing through Spencer 23 Fane, LLP and Marquis & Aurbach; Camco Construction, Inc., ("Camco") through Grant 24 Morris Dodds; National Wood Products, Inc. ("National Wood" or "CabineTec") through Cadden & Fuller LLP and Richard L. Tobler, Ltd.; United Subcontractors, Inc. through Fabian Vancott; and Helix Electric of Nevada, LLC ("Helix"), SWPP Compliance Solution, Cactus Rose Construction, Inc., Fast Glass, Inc., Heinaman Contract Glazing all

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

The Court having taken the matter under consideration and advisement;

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

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

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

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

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determine APCO's costs, currently pending before the Court.<sup>1</sup> Dated this 29 day of May, 2018. JUDGE DISTRICT COURT Respectfully submitted by: SPENCER FANE LLP John H. Mowbray, Ebg. (Bar No. 1140 John Randall Jefferies, Esq. (Bar No. 3512) Mary E. Bacon, Esq. (Bar No. 12686) 300 S. Fourth Street, Suite 950 Las Vegas, NV 89101 Attorneys for Apco Construction, Inc. <sup>1</sup> The amended judgment will be in accordance with the court's decisions on the pending motion for attorney's fees and any motion/pleadings for costs. 



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8 9	DISTRICI	
	CLARK COUN	TY, NEVADA
10 11	APCO CONSTRUCTION, a Nevada corporation,	Case No.: A571228
12	Plaintiff,	Dept. No.: XIII
13	v.	<u>Consolidated with:</u> A574391; A574792; A577623; A583289; A587168; A580889; A584730; A589195;
14	GEMSTONE DEVELOPMENT WEST, INC., A	A595552; A597089; A592826; A589677;
15	Nevada corporation,	A596924; A584960; A608717; A608718; and A590319
16	Defendant.	NOTICE OF ENTRY OF JUDGMENT
17		IAS TO THE CLAIMS OF HELIX ELECTRIC OF NEVADA, LLC AND
18		PLAINTIFF IN INTERVENTION
19		NATIONAL WOOD PRODUCTS, INC.'S AGAINST APCO CONSTRUCTION, INC.]
20	AND ALL RELATED MATTERS	
21		
22	PLEASE TAKE NOTICE that a JUDG	MENT [AS TO THE CLAIMS OF HELIX
23	ELECTRIC OF NEVADA, LLC AND PLAINTIF	F IN INTERVENTION NATIONAL WOOD
24	PRODUCTS, INC.'S AGAINST APCO CONSTR	UCTION, INC.] was filed on May 31, 2018, a
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Case Number: 08A571228

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1	copy of which is attached as Exhibit A.
2	D
3	Dated this 1st day of June, 2018.
4	SPENCER FANE LLP
5	John'H. Mowbray, Esq. (Bar No. 1140) John Bondall Influeing, Esq. (Bar No. 3512)
6	John H. Mowbray, Esq. (Bar No. 1140, John Randall Jefferies, Esq. (Bar No. 3512) Mary E. Bacon, Esq. (Bar No. 12686) 300 S. Fourth Street, Suite 950 Las Vegas, NV 89101 Attorneys for APCO Construction, Inc.
7	Las Vegas, NV 89101
8	Allorneys for AI CO Construction, Inc.
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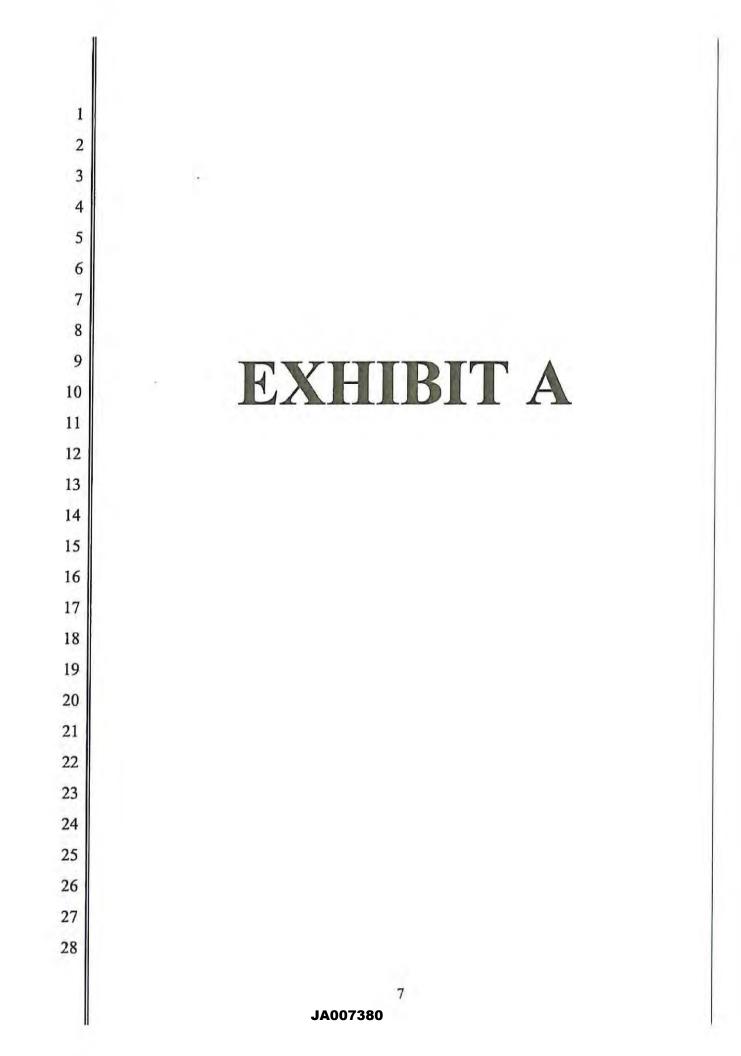
	CERTIFICATE OF SERVICE
l	I hereby certify that I am an employee of Spencer Fane LLP and that a copy of th
	foregoing NOTICE OF ENTRY OF JUDGMENT JAS TO THE CLAIMS OF HELI
	ELECTRIC OF NEVADA, LLC AND PLAINTIFF IN INTERVENTION NATIONA
	WOOD PRODUCTS, INC.'S AGAINST APCO CONSTRUCTION, INC.] was served b
	electronic transmission through the E-Filing system pursuant to NEFCR 9, NRCP 5(b) and
	EDCR 7.26 or by mailing a copy to their last known address, first class mail, postage
	prepaid for non-registered users, on this 1 <sup>st</sup> day of June, 2018, as follows:
	prepare for non-registered users, on this 1 day of Julie, 2016, as follows.
	Counter Claimant: Camco Pacific Construction Co Inc
	Steven L. Morris (steve@gmdlegal.com)
	Intervenor Plaintiff: Cactus Rose Construction Inc
	Eric B. Zimbelman (ezimbelman@peelbrimley.com)
	Intervenor Plaintiff: Interstate Plumbing & Air Conditioning Inc
	Jonathan S. Dabbieri (dabbieri@sullivanhill.com)
	Intervenor: National Wood Products, Inc.'s
	Dana Y Kim (dkim@caddenfuller.com)
	Richard L Tobler (rititdck@hotmail.com)
	Richard Reincke (rreincke@caddenfuller.com)
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	Other: Chaper 7 Trustee
	Elizabeth Stephens (stephens@sullivanhill.com)
	Gianna Garcia (ggarcia@sullivanhill.com)
	Jennifer Saurer (Saurer@sullivanhill.com) Jenethan Dabbiesi (dabbiesi@cullivanbill.com)
	Jonathan Dabbieri (dabbieri@sullivanhill.com) Plaintiff: Apco Construction
	Rosie Wesp (rwesp@maclaw.com)
	Third Party Plaintiff: E & E Fire Protection LLC
	TRACY JAMES TRUMAN (DISTRICT@TRUMANLEGAL.COM)
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	Richard Tobler . (rltltdck@hotmail.com) Rosey Jeffrey . (rjeffrey@peelbrimley.com) Ryan Bellows . (rbellows@mcdonaldcarano.com) S. Judy Hirahara . (jhirahara@caddenfuller.com) Sarah A. Mead . (sam@juww.com) Steven Morris . (steve@gmdlegal.com) Tammy Cortez . (tcortez@caddenfuller.com) Tammy Cortez . (tcortez@caddenfuller.com) Taylor Fong . (tfong@marquisaurbach.com) Terri Hansen . (thansen@peelbrimley.com) Timother E. Salter . (tim.salter@procopio.com) Wade B. Gochnour . (wbg@h2law.com)
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		Electronically Filed 5/31/2018 1:41 PM Steven D. Grierson CLERK OF THE COURT	
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	Facsimile: (702) 408-3401 E-mail: JMowbray@spencerfane.com		
	RJefferies@spencerfane.com		
	MBacon@spencerfane.com Attorneys for Apco Construction, Inc.		
	DISTRICT COURT		
	CLARK COUN	TY, NEVADA	
	APCO CONSTRUCTION, a Nevada	Case No.: A571228	
	corporation,	Dept. No.: XIII	
	Plaintiff,	Consolidated with:	
	v.	A574391; A574792; A577623; A583289; A587168; A580889; A584730; A589195;	
	GEMSTONE DEVELOPMENT WEST, INC., A	A595552; A597089; A592826; A589677; A596924; A584960; A608717; A608718; and	
	Nevada corporation,	A590319	
	Defendant.	JUDGMENT	
		IAS TO THE CLAIMS OF HELIX	
		ELECTRIC OF NEVADA, LLC AND PLAINTIFF IN INTERVENTION	
		NATIONAL WOOD PRODUCTS, INC.'S	
		AGAINST APCO CONSTRUCTION, INC	
	AND ALL RELATED MATTERS		

RECEIVED MAY 2 3 2018 1

This matter having come on for a non-jury trial on the merits on January 17-19, 23, 22 24 and February 6, 2018, APCO Construction, Inc. ("APCO"), appearing through Spencer 23 Fane, LLP and Marquis & Aurbach; Camco Construction, Inc., ("Camco") through Grant 24 Morris Dodds; National Wood Products, Inc. ("National Wood" or "CabineTec") through Cadden & Fuller LLP and Richard L. Tobler, Ltd.; United Subcontractors, Inc. through Fabian Vancott; and Helix Electric of Nevada, LLC ("Helix"), SWPP Compliance Solution, Cactus Rose Construction, Inc., Fast Glass, Inc., Heinaman Contract Glazing all

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

The Court having taken the matter under consideration and advisement;

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

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

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

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

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determine APCO's costs, currently pending before the Court.<sup>1</sup> Dated this 29 day of May, 2018. JUDGE DISTRICT COURT Respectfully submitted by: SPENCER FANE LLP John H. Mowbray, Ebg. (Bar No. 1140 John Randall Jefferies, Esq. (Bar No. 3512) Mary E. Bacon, Esq. (Bar No. 12686) 300 S. Fourth Street, Suite 950 Las Vegas, NV 89101 Attorneys for Apco Construction, Inc. <sup>1</sup> The amended judgment will be in accordance with the court's decisions on the pending motion for attorney's fees and any motion/pleadings for costs. 



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9	CLARK COUN	TY, NEVADA
<ol> <li>10</li> <li>11</li> <li>12</li> <li>13</li> <li>14</li> <li>15</li> <li>16</li> <li>17</li> <li>18</li> <li>19</li> </ol>	APCO CONSTRUCTION, a Nevada corporation, Plaintiff, v. GEMSTONE DEVELOPMENT WEST, INC., A Nevada corporation, Defendant.	Case No.: A571228 Dept. No.: XIII <u>Consolidated with:</u> A574391; A574792; A577623; A583289; A587168; A580889; A584730; A589195; A595552; A597089; A592826; A589677; A596924; A584960; A608717; A608718; and A590319 <u>NOTICE OF ENTRY OF JUDGMENT</u> <u>IAS TO THE CLAIMS OF HELIX ELECTRIC OF NEVADA, LLC AND PLAINTIFF IN INTERVENTION NATIONAL WOOD PRODUCTS, INC.'S AGAINST APCO CONSTRUCTION, INC.]</u>
20 21 22 23 24 25 26 27 28	AND ALL RELATED MATTERS PLEASE TAKE NOTICE that a JUDG ELECTRIC OF NEVADA, LLC AND PLAINTIF PRODUCTS, INC.'S AGAINST APCO CONSTRU	
	1 JA007385 Case Number: 08A571228	в

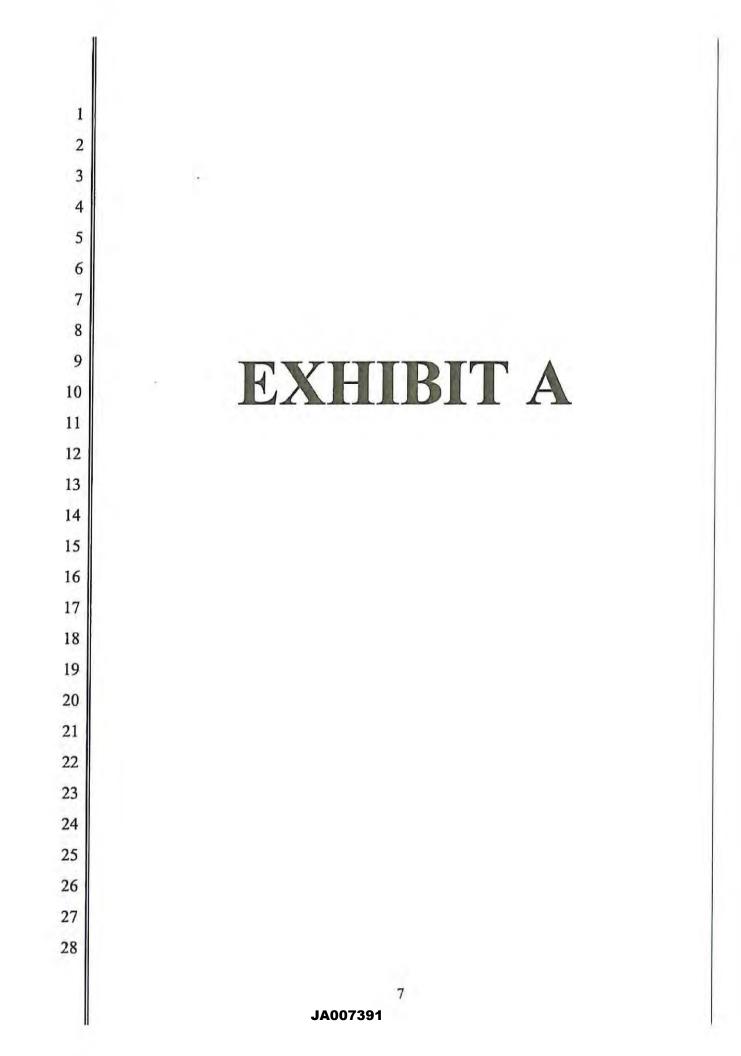
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1	copy of which is attached as Exhibit A.
2	
3	Dated this 1st day of June, 2018.
4	SPENCER FANE LLP
5	John H. Mowbray, Esq. (Bar No. 1140
6	John H. Mowbray, Esq. (Bar No. 1140 John Randall Jefferies, Esq. (Bar No. 3512 Mary E. Bacon, Esq. (Bar No. 12686) 300 S. Fourth Street, Suite 950 Las Vegas, NV 89101 Attorneys for APCO Construction, Inc.
7	300 S. Fourth Street, Suite 950 Las Vegas, NV 89101
8	Attorneys for APCO Construction, Inc.
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CERTIFICATE OF SERVICE
I hereby certify that I am an employee of Spencer Fane LLP and that a copy of the
foregoing NOTICE OF ENTRY OF JUDGMENT JAS TO THE CLAIMS OF HELI
ELECTRIC OF NEVADA, LLC AND PLAINTIFF IN INTERVENTION NATIONA
WOOD PRODUCTS, INC.'S AGAINST APCO CONSTRUCTION, INC.] was served b
electronic transmission through the E-Filing system pursuant to NEFCR 9, NRCP 5(b) an
EDCR 7.26 or by mailing a copy to their last known address, first class mail, postag
prepaid for non-registered users, on this 1 <sup>st</sup> day of June, 2018, as follows:
Counter Claimant: Camco Pacific Construction Co Inc
Steven L. Morris (steve@gmdlegal.com)
Intervenor Plaintiff: Cactus Rose Construction Inc
Eric B. Zimbelman (ezimbelman@peelbrimley.com)
Intervenor Plaintiff: Interstate Plumbing & Air Conditioning Inc
Jonathan S. Dabbieri (dabbieri@sullivanhill.com)
Intervenor: National Wood Products, Inc.'s
Dana Y Kim (dkim@caddenfuller.com)
Richard L Tobler (rititdck@hotmail.com)
Richard Reincke (rreincke@caddenfuller.com)
S. Judy Hirahara (jhirahara@caddenfuller.com)
Tammy Cortez (tcortez@caddenfuller.com)
Other: Chaper 7 Trustee
Elizabeth Stephens (stephens@sullivanhill.com)
Gianna Garcia (ggarcia@sullivanhill.com)
Jennifer Saurer (Saurer@sullivanhill.com)
Jonathan Dabbieri (dabbieri@sullivanhill.com)
Plaintiff: Apco Construction
Rosie Wesp (rwesp@maclaw.com)
Third Party Plaintiff: E & E Fire Protection LLC TRACY JAMES TRUMAN (DISTRICT@TRUMANLEGAL.COM)
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3
JA007387

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	Steven Morris . (steve@gmdlegal.com)	
	Tammy Cortez . (tcortez@caddenfuller.com)	
	Taylor Fong . (tfong@marquisaurbach.com) Terri Hansen . (thansen@peelbrimley.com)	
1	Timother E. Salter . (tim.salter@procopio.com)	
	Wade B. Gochnour . (wbg@h2law.com)	
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		Al. Mart K. 1
		an employee of Spencer Fane LLP
	6	
	JA007390	



	· · ·	Electronically Filed 5/31/2018 1:41 PM Steven D. Grierson CLERK OF THE COURT	
1	JUDG SPENCER FANE LLP	Oten b. Enus	
2	John H. Mowbray, Esq. (Bar No. 1140) John Randall Jefferies, Esq. (Bar No. 3512)		
3	Mary E. Bacon, Esq. (Bar No. 12686) 300 S. Fourth Street, Suite 950		
4	Las Vegas, NV 89101 Telephone: (702) 408-3411		
5	Facsimile: (702) 408-3401		
5	E-mail: <u>JMowbray@spencerfane.com</u> RJefferies@spencerfane.com		
7	MBacon@spencerfane.com Attorneys for Apco Construction, Inc.		
3	DISTRICT	COURT	
)	CLARK COUNTY, NEVADA		
	APCO CONSTRUCTION, a Nevada	Case No.: A571228	
	corporation,	Dept. No.: XIII	
	Plaintiff,	Consolidated with:	
	v.	A574391; A574792; A577623; A583289; A587168; A580889; A584730; A589195;	
	GEMSTONE DEVELOPMENT WEST, INC., A	A595552; A597089; A592826; A589677;	
	Nevada corporation,	A596924; A584960; A608717; A608718; and A590319	
4	Defendant.	JUDGMENT	
		IAS TO THE CLAIMS OF HELIX	
		ELECTRIC OF NEVADA, LLC AND	
		PLAINTIFF IN INTERVENTION NATIONAL WOOD PRODUCTS, INC.'S	
		AGAINST APCO CONSTRUCTION, INC.	
	AND ALL RELATED MATTERS		

RECEIVED MAY 2 3 2018 11

This matter having come on for a non-jury trial on the merits on January 17-19, 23, 22 24 and February 6, 2018, APCO Construction, Inc. ("APCO"), appearing through Spencer 23 Fane, LLP and Marquis & Aurbach; Camco Construction, Inc., ("Camco") through Grant 24 DISTRICT COURT DEPT#13 Morris Dodds; National Wood Products, Inc. ("National Wood" or "CabineTec") through Cadden & Fuller LLP and Richard L. Tobler, Ltd.; United Subcontractors, Inc. through Fabian Vancott; and Helix Electric of Nevada, LLC ("Helix"), SWPP Compliance Solution, Cactus Rose Construction, Inc., Fast Glass, Inc., Heinaman Contract Glazing all

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

The Court having taken the matter under consideration and advisement;

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

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

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

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

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determine APCO's costs, currently pending before the Court.<sup>1</sup> Dated this 29 day of May, 2018. JUDGE DISTRICT COURT Respectfully submitted by: SPENCER FANE LLP John H. Mowbray, Ebg. (Bar No. 1140 John Randall Jefferies, Esq. (Bar No. 3512) Mary E. Bacon, Esq. (Bar No. 12686) 300 S. Fourth Street, Suite 950 Las Vegas, NV 89101 Attorneys for Apco Construction, Inc. <sup>1</sup> The amended judgment will be in accordance with the court's decisions on the pending motion for attorney's fees and any motion/pleadings for costs. 



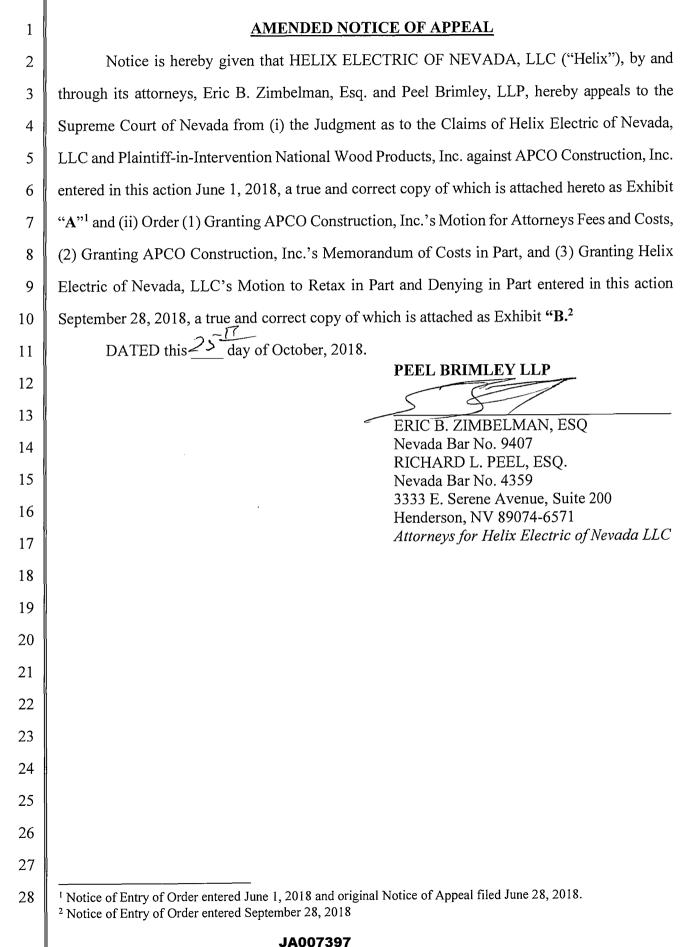
		Electronically Filed 10/25/2018 9:20 AM Steven D. Grierson
		CLERK OF THE COURT
1	ANOA ERIC B. ZIMBELMAN, ESQ.	Atums, Atum
2	Nevada Bar No. 9407 RICHARD L. PEEL, ESQ.	
3	Nevada Bar No. 4359 PEEL BRIMLEY LLP	
4	3333 E. Serene Avenue, Suite 200 Henderson, NV 89 A571228074-6571	Electronically Filed Nov 05 2018 08:48 a.m.
5	Telephone: (702) 990-7272 Facsimile: (702) 990-7273	Tracie K. Lindeman Clerk of Supreme Court
6	ezimbelman@peelbrimley.com rpeel@peelbrimley.com	
7	Attorneys for Helix Electric of Nevada, LLC	
8	DISTRI	CT COURT
9	CLARK COU	JNTY, NEVADA
10	APCO CONSTRUCTION, a Nevada corporation,	Case No. : 08A571228 Dept. No. : XIII
11	Plaintiff,	Consolidated with:
12	7.0	A571792, A574391, A577623, A580889, A583289, A584730, and A587168
13	VS.	1303209, 11304730, unu 11307100
14	GEMSTONE DEVELOPMENT WEST, INC., Nevada corporation; NEVADA	AMENDED NOTICE OF APPEAL
15	CONSTRUCTION SERVICES, a Nevada corporation; SCOTT FINANCIAL	
16	CORPORATION, a North Dakota	
17	corporation; COMMONWEALTH LAND TITLE INSURANCE COMPANY; FIRST	
18	AMERICAN TITLE INSURANCE COMPANY and DOES I through X,	
19		
20	Defendants.	
21	AND ALL RELATED MATTERS	
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23	///	
24	///	
25	///	
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	14007200	
	JA007396	Docket 77320 Document 2018-902642

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

Case Number: 08A571228

Docket 77320 Document 2018-902642

**Electronically Filed** 



1	CERTIFICATE OF SERVICE		
2	Pursu	ant to Nev. R. Civ. P. 5(b), I certify that I am an employee of PEEL BRIMLEY,	
3	LLP, and tha	at on this $\frac{254}{25}$ day of October, 2018, I caused the above and foregoing document,	
4	AMENDED	NOTICE OF APPEAL, to be served as follows:	
5 6		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	
7 8		pursuant to NEFCR 9, upon all registered parties via the Court's electronic filing system;	
9		pursuant to EDCR 7.26, to be sent via facsimile;	
10		to be hand-delivered; and/or	
11		other	
12		Apco Construction:	
13	]	Rosie Wesp ( <u>rwesp@maclaw.com</u> )	
14	<u>Camco Pacific Construction Co Inc:</u> Steven Morris (steve@gmdlegal.com)		
15			
16	<u>Camco Pacific Construction Co Inc</u> : Steven Morris ( <u>steve@gmdlegal.com</u> )		
17 18	<u>Fidelity &amp; Deposit Company Of Maryland:</u> Steven Morris ( <u>steve@gmdlegal.com</u> )		
19	E & E Fire Protection LLC:		
20	Tracy Truman ( <u>district@trumanlegal.com</u> )		
21	Interstate Plumbing & Air Conditioning Inc: Jonathan Dabbieri (dabbieri@sullivanhill.com)		
22			
23	National Wood Products, Inc.'s: Richard Tobler ( <u>rltltdck@hotmail.com</u> )		
24	Tammy Cortez ( <u>tcortez@caddenfuller.com</u> ) S. Judy Hirahara ( <u>jhirahara@caddenfuller.com</u> )		
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		<b>JA007398</b>	

Page 3 of 5

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

1 Chaper 7 Trustee: 2 Jonathan Dabbieri (dabbieri@sullivanhill.com) Jennifer Saurer (Saurer@sullivanhill.com) 3 Gianna Garcia (ggarcia@sullivanhill.com) Elizabeth Stephens (stephens@sullivanhill.com) 4 5 **United Subcontractors Inc:** Bradley Slighting (bslighting@fabianvancott.com) 6 Other Service Contacts not associated with a party on the case: 7 Caleb Langsdale, Esq. (caleb@langsdalelaw.com) 8 Cody Mounteer, Esq. (cmounteer@marquisaurbach.com) Cori Mandy, Legal Secretary (cori.mandy@procopio.com) 9 Donald H. Williams, Esq. (dwilliams@dhwlawlv.com) Marisa L. Maskas, Esq. (<u>mmaskas@pezzillolloyd.com</u>) 10 Martin A. Little, Esq. (mal@juww.com) Martin A. Little, Esq. (mal@juww.com) 11 Aaron D. Lancaster (alancaster@gerrard-cox.com) 12 Agnes Wong (aw@juww.com) Andrew J. Kessler (andrew.kessler@procopio.com) 13 Becky Pintar (bpintar@gglt.com) Benjamin D. Johnson (ben.johnson@btjd.com) 14 Beverly Roberts (broberts@trumanlegal.com) Caleb Langsdale (Caleb@Langsdalelaw.com) 15 Calendar (calendar@litigationservices.com) 16 Cheri Vandermeulen (cvandermeulen@dickinsonwright.com) Christine Spencer (cspencer@dickinsonwright.com) 17 Christine Taradash (CTaradash@maazlaw.com) Courtney Peterson (cpeterson@maclaw.com) 18 Dana Y. Kim (dkim@caddenfuller.com) David J. Merrill (david@dimerrillpc.com) 19 David R. Johnson (djohnson@watttieder.com) 20 Debbie Holloman (dholloman@jamsadr.com) Debbie Rosewall (dr@juww.com) 21 Debra Hitchens (dhitchens@maazlaw.com) Depository (Depository@litigationservices.com) 22 District filings (district@trumanlegal.com) Donna Wolfbrandt (dwolfbrandt@dickinsonwright.com) 23 Douglas D. Gerrard (dgerrard@gerrard-cox.com) 24 E-File Desk (EfileLasVegas@wilsonelser.com) Eric Dobberstein (edobberstein@dickinsonwright.com) 25 Erica Bennett (e.bennett@kempjones.com) Flovd Hale (fhale@flovdhale.com) 26 George Robinson (grobinson@pezzillolloyd.com) Gwen Rutar Mullins (grm@h2law.com) 27 Hrustyk Nicole (Nicole.Hrustyk@wilsonelser.com) 28 I-Che Lai (I-Che.Lai@wilsonelser.com)

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	Elizabeth Martin (em@juwlaw.com)
l	Mary Bacon ( <u>mbacon@spencerfane.com</u> )
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PEEL BRIMLEY LLP 3333 E. SERENE AVENUE, STE. 200 HENDERSON, NEVADA 89074 (702) 990-7272 ♦ FAX (702) 990-7273 JA007400 Page 5 of 5



### **EXHIBIT 5A**

		Electronically Filed 5/31/2018 12:59 PM Steven D. Grierson CLERK OF THE COURT			
1	NJUD	Atimes by atrumon			
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3	Nevada Bar No. 4359 PEEL BRIMLEY LLP				
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5	Telephone: (702) 990-7272 Facsimile: (702) 990-7273				
6	ezimbelman@peelbrimley.com rpeel@peelbrimley.com				
7	Attorneys for Cactus Rose Construction Co., In	рс.			
8	DISTRI	CT COURT			
9	CLARK COU	JNTY, NEVADA			
10	APCO CONSTRUCTION, a Nevada corporation,	Case No. : 08A571228 Dept. No. : XIII			
11	Plaintiff,	Consolidated with:			
12 13	vs.	A571792, A574391, A577623, A580889, A583289, A584730, and A587168			
13	GEMSTONE DEVELOPMENT WEST,				
14	INC., Nevada corporation; NEVADA CONSTRUCTION SERVICES, a Nevada	NOTICE OF ENTRY OF JUDGMENT			
15	corporation; SCOTT FINANCIAL				
10	CORPORATION, a North Dakota corporation; COMMONWEALTH LAND				
18	TITLE INSURANCE COMPANY; FIRST AMERICAN TITLE INSURANCE				
19	COMPANY and DOES I through X,				
20	Defendants.				
21	AND ALL RELATED MATTERS				
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	JA007403				

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

1	<b>NOTICE OF ENTRY OF JUDGMENT</b>			
2	PLEASE TAKE NOTICE that a JUDGMENT [AS TO THE CLAIMS OF CACTUS			
3	ROSE CONSTRUCTION CO., INC. AGAINST CAMCO CONSTRUCTION CO., INC.]			
4	was filed on May 30, 2018, a copy of which is attached as Exhibit A.			
5	DATED this 31st day of May, 2018.			
6	PEEL BRIMLEY LLP			
7	<u>/S/ Eric B Zimbelman</u> ERIC B. ZIMBELMAN, ESQ			
8	Nevada Bar No. 9407			
9	RICHARD L. PEEL, ESQ. Nevada Bar No. 4359			
10	3333 E. Serene Avenue, Suite 200 Henderson, NV 89074-6571			
11	Attorneys for Cactus Rose Construction Co., Inc.			
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	<b>JA007404</b> Page 2 of 5			

I

1	CERTIFICATE OF SERVICE	
2	Pursuant to Nev. R. Civ. P. 5(b), I certify that I am an employee of <b>PEEL BRIMLEY</b> ,	
3	LLP, and that on this 31st day of May, 2018, I caused the above and foregoing document,	
4	NOTICE OF ENTRY OF JUDGMENT to be served as follows:	
5	hyplasing some to be demonstrad for mailing in the United States Mail in a seeled	
6	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	
7 8	pursuant to NEFCR 9, upon all registered parties via the Court's electronic filing system;	
9	pursuant to EDCR 7.26, to be sent <b>via facsimile;</b>	
10	to be hand-delivered; and/or	
11	other	
12	to the attorney(s) and/or party(ies) listed below at the address and/or facsimile number indicated	
13	below:	
14	<u>Apco Construction:</u> Rosie Wesp ( <u>rwesp@maclaw.com</u> )	
15		
16	<u>Camco Pacific Construction Co Inc:</u> Steven Morris ( <u>steve@gmdlegal.com</u> )	
17	Camco Pacific Construction Co Inc:	
18	Steven Morris (steve@gmdlegal.com)	
19	Fidelity & Deposit Company Of Maryland: Stayon Marria (stayo@arrdlagel.com)	
20	Steven Morris ( <u>steve@gmdlegal.com</u> )	
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/s/ Amanda Armstrong
An employee of PEEL BRIMLEY, LLP

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## **Exhibit** A

**Electronically Filed** 5/30/2018 2:02 PM Steven D. Grierson

**CLERK OF THE COURT** 

1	ERIC B. ZIMBELMAN,	Atump. Frun
2	Nevada Bar No. 9407 RICHARD L. PEEL, ESQ.	
3	Nevada Bar No. 4359 PEEL BRIMLEY LLP	
	3333 E. Serene Avenue, Suite 200	
4	Henderson, NV 89074-6571 Telephone: (702) 990-7272	
5	Fax: (702) 990-7273 ezimbelman@peelbrimley.com	
6	rpeel@peelbrimley.com Attorneys for Cactus Rose Construction Co., Inc.	
7 8	DISTRICT	COURT
	CLARK COUN	TY, NEVADA
9 10	APCO CONSTRUCTION, a Nevada corporation,	CASE NO.: A571228 DEPT. NO.: XIII
11	Plaintiff,	Consolidated with: A571792, A574391, A577623, A580889,
12	vs	A583289, A584730, and A587168
13	GEMSTONE DEVELOPMENT WEST, INC., Nevada corporation; NEVADA	JUDGMENT
14	CONSTRUCTION SERVICES, a Nevada	
15	corporation; SCOTT FINANCIAL CORPORATION, a North Dakota	[AS TO THE CLAIMS OF CACTUS ROSE CONSTRUCTION CO., INC.
16	corporation; COMMONWEALTH LAND TITLE INSURANCE COMPANY; FIRST	AGAINST CAMCO CONSTRUCTION CO., INC.]
17	AMERICAN TITLE INSURANCE COMPANY and DOES I through X,	co., iiic.j
18	Defendants.	
19	AND ALL RELATED MATTERS.	
20		
21	This matter having come on for a non-j	ury trial on the merits on January 17-19, 23, 24
22	and February 6, 2018, Helix Electric of N	levada, LLC ("Helix"), SWPPP Compliance
23	Solutions, Inc. ("SWPPP"), Cactus Rose Cons	truction, Co., Inc. ("Cactus Rose"), Fast Glass,
24	Inc. ("Fast Glass"), and Heinaman Contract	Glazing ("Heinaman") all appearing through

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

RECEIVED

DISTRICT COURT DEPT#13 Peel Brimley LLP; Camco Construction, Inc., ("Camco") through Grant Morris Dodds; APCO Construction, Inc. ("APCO"), appearing through Spencer Fane, LLP and Marquis & Aurbach; National Wood Products, Inc. ("National Wood" or "CabineTec") through Cadden

& Fuller LLP and Richard L. Tobler, Ltd.; and United Subcontractors, Inc. through Fabian

#### **JA007409**

Case Number: 08A571228

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

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The Court having taken the matter under consideration and advisement;

The Court having entered its April 26, 2018 Findings of Fact and Conclusions of Law as to the Claims of Cactus Rose against Camco, incorporated herein by this reference and attached hereto as Exhibit 1 ("the Cactus Rose FFCL");

The Court enters the following Judgment as to the claims of Cactus Rose against Camco;

IT IS ORDERED, ADJUDGED, AND DECREED that judgment is to be entered in favor of Cactus Rose and against Camco as set forth on the Cactus Rose FFCL.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Court may issue an amended judgment after the Court has heard and decided upon Cactus Rose's Motion for Attorney's Fees, Costs and Interest Against Camco currently pending before the

DISTRICT COURT JUDGE

17 Court. Dated this 27 day of May 2018. 18 19 20 21 Respectfully submitted by: PEEL BRIMLEY LLP 22 #1176 for 23 ERIC B. ZIMBELMAN, 24 Nevada Bar No. 9407 RICHARD L. PEEL, ESQ. 25 Nevada Bar No. 4359 3333 E. Serene Avenue, Suite 200 26 Henderson, NV 89074-6571

- Attorneys for Cactus Rose Construction Co., Inc. 27
- 28

## **EXHIBIT** 1

s.

•	4		Electronically Filed 4/26/2018 11:08 AM Steven D. Grierson CLERK OF THE COURT			
	2	DISTRICT COURT CLARK COUNTY, NEVADA				
	3	APCO CONSTRUCTION, a Nevada	CASE NO.: A571228			
	4	corporation,	DEPT. NO.: XIII			
	5	Plaintiff,	Consolidated with:			
	6	VS	A571792, A574391, A577623, A580889, A583289, A584730, and A587168			
	7	GEMSTONE DEVELOPMENT WEST, INC., Nevada corporation; NEVADA CONSTRUCTION SERVICES, a Nevada	FINDINGS OF FACT AND			
	8	corporation; SCOTT FINANCIAL CORPORATION, a North Dakota	CONCLUSIONS OF LAW AS TO THE CLAIMS OF CACTUS ROSE			
	9	corporation; COMMONWEALTH LAND TITLE INSURANCE COMPANY; FIRST	CONSTRUCTION CO., INC.			
	10	AMERICAN TITLE INSURANCE COMPANY and DOES I through X,				
	11	Defendants.				
	12	AND ALL RELATED MATTERS.				
	13					
	14	This matter came on for trial on January 1				
CLEF	15 16	before the Honorable Mark Denton in Dept. 13, as	nd the following parties having appeared			
RECE APR 2 CLERK OF	10	through the following counsel:				
. · · · m	18	Party	Counsel for Party			
	19	Apco Construction Co., Inc. ("Apco")	John Randall Jeffries, Esq. and			
4 Yo	20		Mary E. Bacon, Esq. of the Law Firm of Spencer Fane LLP			
	21	Camco Pacific Construction Co., Inc. ("Camco")	Steven L. Morris, Esq. of the Law Firm of the Law Firm of Grant Morris Dodds			
	22 23	Helix Electric of Nevada, LLC ("Helix")	Eric Zimbelman, Esq. and the Law Firm of Peel Brimley LLP			
	23 24	Heinaman Contract Glazing, Inc. ("Heinaman")	Eric Zimbelman, Esq. and the Law Firm of Peel Brimley LLP			
	25	Fast Glass, Inc. ("Fast Glass")	Eric Zimbelman, Esq. and the Law Firm of Peel Brimley LLP			
	26	Cactus Rose Construction Co., Inc. ("Cactus	Eric Zimbelman, Esq. and the Law Firm of Peel Brimley LLP			
	27	Rose")				
MARK R. DEN DISTRICT JUDO						

DEPARTMENT THIRTEEN LAS VEGAS, NV 89155

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1 Eric Zimbelman, Esq. and the Law SWPPP Compliance Solutions, Inc. ("SWPPP") Firm of Peel Brimley LLP 2 John B. Taylor, Esq. of the Law National Wood Products, LLC ("National Wood") Firm of Cadden & Fuller LLP 3 T. James Truman, Esq. of the Law E&E Fire Protection, LLC ("E&E") 4 Firm of T. James Truman, & Associates 5 A. **Procedural History.** 6 1. This is one of the oldest cases on the Court's docket. This action arises out 7 of a construction project in Las Vegas, Nevada known as the Manhattan West 8 Condominiums Project ("the Project") located at West Russell Road and Rocky Hill Street 9 in Clark County Nevada, APNs 163-32-101-003 through 163-32-101-005, 163-32-101-010 10 and 163-32-101-014 (the "Property" and/or "Project"), owned by Gemstone Development 11 West, Inc. ("Gemstone" or "the Owner"). 12 2. Gemstone hired APCO, and, subsequently, Camco as its general 13 contractors, who in turn entered into subcontract agreements with various subcontractors. 14 In December 2008 the Owner suspended the Project and advised the various contractors 15 that Gemstone's lender did not expect to disburse further funds for construction. The 16 Project was never completed. Numerous contractors, including the parties hereto, recorded 17 mechanic's liens against the Property. 18 3. After several years of litigation and a Writ Action to determine the priority 19 of the various lienors (during which the Property was sold, the proceeds of the same held 20 in a blocked account and this action was stayed), the Nevada Supreme Court ruled that the 21 Owner's lenders had priority over the proceeds of the sale of the Property, holding that the 22 NRS Ch. 108 mechanic's liens were junior to the lenders' deeds of trust. The Court 23 subsequently ordered the proceeds be released to the lenders. Thereafter, the stay was 24 lifted and many of the trade contractors continued to pursue claims for non-payment from 25 APCO and Camco. The trial focused on these claims. 26 27

28 MARK R. DENTON DISTRICT JUDGE

#### В. **Significant Pre-Trial Orders**

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2 Order Granting Partial Summary Judgment re: Pay-if-Paid. On 1. 3 January 2, 2018, this Court issued an Order granting a Motion for Partial Summary 4 Judgment brought by a group of subcontractors represented by the Peel Brimley Law Firm 5 (the "Peel Brimley Lien Claimants") and joined in by others. Generally, but without 6 limitation, the Court concluded that; pursuant to NRS 624.624 and Lehrer McGovern 7 Bovis, Inc. v. Bullock Insulation, Inc., 124 Nev. 1102, 1117-18, 197 P.3d 1032, 1042 (Nev. 8 2008), higher-tiered contractors, such as APCO and Camco, are required to pay their 9 lower-tiered subcontractors within the time periods set forth in NRS 624.626(1) and may 10 not fail to make such payment based on so-called "pay-if-paid" agreements ("Pay-if-Paid") 11 that are against public policy, void and unenforceable except under limited circumstances. 12 Accordingly, the Court ruled that APCO and Camco may not assert or rely on any defense 13 to their payment obligations, if any, to the party subcontractors that is based on a pay-if-14 paid agreement.

15 2. Order on Peel Brimley Lien Claimants' Motion in Limine Against 16 Camco. On December 29, 2017 the Court issued an order on motions in limine brought by 17 the Peel Brimley Lien Claimants Against Camco. Specifically, the Court precluded Camco 18 from asserting or offering evidence that any of the Peel Brimley Lien Claimants' work on 19 the Project was (i) defective, (ii) not done in a workmanlike manner or (iii) not done in 20 compliance with the terms of the parties' agreement because Camco's person most knowledgeable was not aware of any evidence to support such claims. For the same 21 22 reason, the Court also precluded Camco from asserting or offering evidence at trial that the 23 Peel Brimley Lien Claimants have breached their agreements other than with respect to 24 pay-if-paid agreements, evidence and argument of which is otherwise precluded by the 25 Partial Summary Judgment discussed above. For the same reason, the Court also precluded Camco from asserting or offering evidence at trial to dispute the amounts invoiced, paid 26

28 MARK R. DENTON DISTRICT JUDGE

DEPARTMENT THIRTEEN

AS VEGAS, NV 89155

<sup>&</sup>lt;sup>1</sup> The Peel Brimley Lien Claimants are: Helix, Heinaman, Fast Glass, Cactus Rose and SWPPP.

and that remain to be owed as asserted by the Peel Brimley Lien Claimants in their
 respective Requests for Admission. For the same reason, the Court also precluded Camco
 from asserting or offering evidence at trial that any liens recorded by the Peel Brimley
 Lien Claimants were in any way defective or unperfected and are otherwise valid and
 enforceable.

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#### C. Findings of Fact.

7 Having received evidence and having heard argument of counsel, the Court makes8 the following Findings of Fact:

9 1. The original general contractor on the Project was APCO. Gemstone and
10 APCO entered into the ManhattanWest General Construction Agreement for GMP (the
11 "APCO-Gemstone Agreement") on or about September 6, 2006. [See Exhibit 2].

12 2. Among other things, and in exchange for a guaranteed maximum price
13 ("GMP") of \$153,472,300.00 as forth in the APCO-Gemstone Agreement (Ex. 2, ¶
14 5.02(a)), APCO agreed to:

- "Complete the work" required by the APCO-Gemstone Agreement,
   "furnish efficient business administration and superintendence" and "use its best efforts to complete the Project;" [Ex 2., ¶ 2.01(a)];
  - "...engage contractors, subcontractors, sub-subcontractors, service providers, [and others, collectively referred to as "Third-Party Service Providers"] to perform the work..."; [Ex 2., ¶ 2.02(a)];

Monthly submit to Gemstone "applications for payment for the previous month on forms similar to AIA G702 and G703 and a corresponding approved Certificate for Payment;" [Ex 2., ¶ 5.05(a)]. Each payment application was to be "based on a Schedule of Values [that] shall allocate the entire GMP among the various portions of the Work" with APCO's fee to be shown as a separate line item." [Ex 2., ¶ 5.05(b)]; The payment applications were to "show the Percentage of Completion of each portion of

MARK R. DENTON DISTRICT JUDGE

1	the Work as of the end of the period covered by the Application for	
2	<b>2</b> Payment. [Ex 2., ¶ 5.05(c)]; and	
3	• Upon receipt of a monthly progress payment, "promptly pay each Third-	
4	Party Service Provider the amount represented by the portion of the	
5	Percentage of the Work Completed that was completed by such Third-Party	
6	Service Provider <sup>2</sup> during the period covered by the corresponding Progress	
7	Payment." [Ex 2., ¶ 5.05(g)];	
8	3. APCO in turn hired various subcontractors to perform certain scopes of	
9	work and provided its form Subcontract Agreement to its subcontractors ("the APCO	
10	Subcontract"). Cactus Rose did not work for APCO on the Project and only first provided	
11	work after APCO ceased work on the project and, as discussed below, Gemstone hired	
12	Camco as the general contractor to replace APCO. APCO ceased work on the Project in or	
13	about the end of August 2008. APCO and Gemstone each claim to have terminated the	
14	other.	
15	4. After APCO ceased work on the project, Gemstone hired Camco to be its	
16	16 general contractor pursuant to an Amended and Restated ManhattanWest General	
17	Construction Agreement effective as of August 25, 2008 ("the Camco-Gemstone	
18	Agreement"). [See Exhibit 162].	
19	5. On cross examination, Camco's Dave Parry could not point to any portion	
20	of the Camco-Gemstone Agreement that required Camco to supervise the work of the	
21	21 subcontractors. [TR5-50:17-51:9]. Nothing in Article II ("General Contractor	
22	Responsibilities") obligates Camco to supervise the work or the subcontractors. [See Ex.	
23	162, ¶Article II]. Parry did not deny that Camco was "essentially there to lend [its]	
24	license" to Gemstone. [TR5-50:15-17].	
25	6. Mr. Parry described Camco as "more of a construction manager at this point	
26	<sup>2</sup> Deserve the only Third Dest (Consist Destidence) into an different internet with the set of the only of the on	
27	<sup>2</sup> Because the only Third-Party Service Providers at issue on this trial were subcontractors, the Court will herein use the terms "subcontractor" and "Third-Party Service Provider" interchangeably and	
28	synonymously.	
MARK R. DENTON		

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than a general contractor" [TR5-31:10-11<sup>3</sup>]. Nonetheless, the Camco-Gemstone
Agreement is plainly called a "General Construction Agreement." The Camco-Gemstone
Agreement also requires Camco, in the same way that APCO did, to aggregate payment
applications from subcontractors and prepare and submit to Gemstone payment
applications for the amounts represented by the subcontractor payment applications and
Camco's fee. [See Ex. 162-008-010, ¶7.01].

7 7. Camco continued the same payment application format and numbering and 8 same schedule of values that APCO had been following. [See Exhibit 218; TR5-30:21-9 31:4<sup>4</sup>]. Like APCO before it, Camco compiled and included in its payment applications to 10 Gemstone the amounts billed by its subcontractors, including Cactus Rose. [See e.g., 11 Exhibit 522-001-011]. Also, like the APCO-Gemstone Agreement, the Camco-Gemstone 12 Agreement required Camco, upon receipt of a progress payment from Gemstone, to 13 "promptly pay each [subcontractor] the amount represented by the portion of the 14 Percentage of the Work Completed that was completed by such [subcontractor]." [Ex. 162-010, ¶7.03(e)].<sup>5</sup> It is only after Gemstone announced that the Project would be suspended 15 16 that Camco asserted otherwise. 17 Camco's initial letter to subcontractors following Gemstone's 8. 18 announcement demonstrates both that it believed it had subcontracts (because it purported 19 to terminate the same) and that it intended to continue to forward payment applications to 20 Gemstone. [See e.g., Exhibit 804-003-004]. Specifically, Camco wrote: 21 Camco is left with no choice but to terminate our agreement with Gemstone and all subcontracts on the Project, including our agreement with your company. 22 Accordingly, we have terminated for cause our agreement with Gemstone, effective December 19, 2008, and we hereby terminate for convenience our 23 subcontract with your company, effective immediately. 24 Please submit to Camco all amounts you believe are due and owing on your 25 subcontract. We will review and advise you of any issues regarding any amounts <sup>3</sup> Testimony of Dave Parry. 26 <sup>4</sup> Testimony of Dave Parry. <sup>5</sup> Unlike APCO and the subcontractors, no retention was to be withheld from the contractor's fee to be 27 paid to Camco (through retention continued to be withheld from subcontractors). [Ex. 162-010, ¶7.03(a)]. 28

MARK R. DENTON

1 you claim are owed. For all amounts that should properly be billed to Gemstone, Camco will forward to Gemstone such amounts for payment y Gemstone. If your 2 claims appear to be excessive, we will ask you to justify and/or revise the amount. 3 [See e.g., Ex. 804-003-004]. 4 Camco quickly retracted its initial communication and replaced it with a 9. 5 second letter [See e.g., Ex. 804-005-007] asking the subcontractors to "please disregard 6 previous letter which was sent in error." [See e.g., Ex. 804-005]. Among other things, 7 Camco's second letter: 8 Deleted its statement that it had terminated the Camco-Gemstone 9 Agreement (while continuing to terminate the subcontractors); 10 Asserts that the subcontractors agreed to Pay-if-Paid and accepted the risk 11 of non-payment from the owner (which is also Pay-if-Paid); and, 12 Stated, inaccurately, that "Camco's contract with Gemstone is a cost-plus 13 agreement wherein the subcontractors and suppliers were paid directly by 14 Gemstone and/or its agent Nevada Construction Services." [See e.g., Ex. 15 804-0071. 16 While Gemstone eventually did make partial payment to some subcontractors through 17 NCS and not Camco [see discussion, infra], the Camco-Gemstone Agreement expressly 18 required Camco, upon receipt of a progress payment from Gemstone, to "promptly pay 19 each [subcontractor] the amount represented by the portion of the Percentage of the Work  $\mathbf{20}$ Completed that was completed by such [subcontractor]." [Ex. 162-010, ¶7.03(e)]. 21 10. Some subcontractors stopped working after APCO left the Project. Others, 22 such as Helix, continued to work on the Project and began working for Camco as the 23 general contractor. Others, such as Heinaman, Fast Glass, Cactus Rose and SWPPP started 24 working on the Project only after APCO left and worked only for Camco. 25 11. Camco presented some subcontractors with a standard form subcontract 26 Agreement ("the Camco Subcontract"), a representative example of which is Camco's 27 28 MARK R. DENTON

DISTRICT JUDGE DEPARTMENT THIRTEEN LAS VEGAS, NV 89155 1 subcontract with Fast Glass. [See Exhibit 801-007-040; TR5-57:8-16<sup>6</sup>].

12. However, Cactus Rose and Camco never entered into the Camco
Subcontract. Instead, the agreement between Cactus Rose and Camco is memorialized by a
Time & Material Authorization ("the Cactus Rose Agreement") by which Camco agreed to
hire Cactus Rose to perform certain scopes of work (specifically, replacing non-compliant
firestopping and other related work) in exchange for payment of Cactus Roses' costs for
(1)labor (at stated standard, overtime and double time rates), (2) materials plus a 30%
markup and equipment (at stated daily rates). [See Exhibit 601].

9 13. Cactus Rose submitted multiple invoices to Camco totaling \$363,591.44,
10 was paid \$124,964.19 and is still owed \$238,627.25 for its work on the Project. [See
11 Exhibit 604-007-019].

12 14. Cactus Rose presented undisputed evidence that Cactus Rose timely
13 recorded a mechanic's lien, as amended ("the Cactus Rose Lien"), pursuant to NRS
14 Chapter 108 and perfected the same. [See Exhibits 605, 606, 607]. The Cactus Rose Lien
15 identified both Camco as the "person by whom the lien claimant was employed or to
16 whom the lien claimant furnished or agreed to furnish work, materials or equipment." [See
17 Ex. 606-002].

18 15. After the project closed, Cactus Rose entered bankruptcy. Its Trustee
authorized and employed the Peel Brimley firm to prosecute Cactus Rose's claims in this
action. [See Exhibit 622].

16. Owing to the passage of time, no live witness was available to testify on
Cactus Rose's behalf. However, the Court admitted without objection the Declaration of
Cactus Rose's president, Dave Hofelich, which was signed in May 2010 attesting to the
foregoing facts ("the Hofelich Declaration"). Camco has not disputed these facts or offered
any contrary evidence.

17. Based on the foregoing, the Court finds, as attested by the Hofelich

<sup>6</sup> Testimony of Dave Parry.

MARK R. DENTON

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Declaration and as set forth in the other admitted exhibits relating to Cactus Rose, that (i)
 Camco agreed to pay Cactus Rose for its work, (ii) Cactus Rose performed and invoiced
 Camco for its work consistent with the Cactus Rose Agreement, (iii) Camco breached the
 Cactus Rose Agreement by failing without excuse to pay Cactus Rose the sum of
 \$238,627.25 and (iv) Cactus Rose recorded and perfected the Cactus Rose Lien .

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

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

#### B. <u>Conclusions of Law</u>.

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"Basic contract principles require, for an enforceable contract, an offer and 10 1. acceptance, meeting of the minds, and consideration." May v. Anderson, 121 Nev. 668, 11 672, 119 P.3d 1254, 1257 (2005). A meeting of the minds exists when the parties have 12 agreed upon the contract's essential terms. Roth v. Scott, 112 Nev. 1078, 1083, 921 P.2d 13 1262, 1265 (1996). Which terms are essential "depends on the agreement and its context 14 and also on the subsequent conduct of the parties, including the dispute which arises, and 15 the remedy sought." Restatement (Second) of Contracts § 131 cmt. g (1981). Whether a 16 contract exists is a question of fact and the District Court's findings will be upheld unless 17 they are clearly erroneous or not based on substantial evidence. May, 121 Nev. at 672-73, 18 19 119 P.3d at 1257.

20 2. The Court concludes that Camco entered into and breached the Cactus Rose
 21 Agreement by failing, without excuse, to pay Cactus Rose in full for the invoices it
 22 submitted and for the work it performed in the amount of \$238,627.25 and that Cactus
 23 Rose is entitled to judgment for that amount, exclusive of interest, costs and attorney's
 24 fees.

3. Alternatively, the Court concludes that there is an implied contract between Cactus Rose and Camco and that Cactus Rose is entitled *quantum meruit* damages for recovery of the full and reasonable value of the work it has performed. See *Certified Fire* 

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DEPARTMENT THIRTEEN LAS VEGAS, NV 89155

1 Prot. Inc. v. Precision Constr., 128 Nev. 371, 379, 283 P.3d 250, 257 (2012) ("quantum" 2 meruit's first application is in actions based upon contracts implied-in-fact."). A contract 3 implied-in-fact must be "manifested by conduct." Id. at 380 citing Smith v. Recrion Corp., 4 91 Nev. 666, 668, 541 P.2d 663, 664 (1975); Hay v. Hay, 100 Nev. 196, 198, 678 P.2d 5 672, 674 (1984). It "is a true contract that arises from the tacit agreement of the parties." 6 Id. To find a contract implied-in-fact, the fact-finder must conclude that the parties 7 intended to contract and promises were exchanged, the general obligations for which must 8 be sufficiently clear. Id. Here, Cactus Rose and Camco clearly intended to enter into a 9 contract whereby Cactus Rose would perform work for Camco and Camco would pay 10 Cactus Rise for its work.

11 4. Where an implied-in-fact contract exists "quantum meruit ensures the 12 laborer receives the reasonable value, usually market price, for his services." Precision 13 Constr., 128 Nev. at 380 citing Restatement (Third) of Restitution and Unjust Enrichment 14 § 31 cmt. e (2011), Sack v. Tomlin, 110 Nev. 204, 208, 871 P.2d 298, 302 (1994) ("The 15 doctrine of quantum meruit generally applies to an action ... involving work and labor 16 performed which is founded on a[n] oral promise [or other circumstances] on the part of 17 the defendant to pay the plaintiff as much as the plaintiff reasonably deserves for his labor 18 in the absence of an agreed upon amount."). Cactus Rose is therefore entitled quantum 19 meruil damages in the amount of \$238,627.25 for recovery of the full and reasonable value 20 of the work it performed. See Certified Fire Prot., 128 Nev. at 380.

5. The Court rejects Camco's argument that it is not liable to Cactus Rose (and
other subcontractors) because it never received payment from Gemstone who instead made
payments to subcontractors through the disbursement company, NCS. Camco's position
notwithstanding, both the Camco-Gemstone Agreement and the Camco Subcontract
demonstrate that (consistent with the APCO-Gemstone Agreement and the APCO
Subcontract) payments to subcontractors were intended to flow through the general
contractor. Camco presented no evidence that Cactus Rose or any other subcontractor

DISTRICT JUDGE

consented in advance to Gemstone's eventual decision to release payments (in part)
through NCS and not Camco.

Similarly, the Court rejects Camco's contention that the Court's decision on 3 6. Pay-if-Paid is inapplicable because it was "impossible" for Camco to have paid Helix and 4 other subcontractors. Camco presented no evidence that it, for example, declared 5 Gemstone to be in breach for failing to make payments through Camco rather than through 6 NCS. Instead, Camco appears to have acceded to Gemstone's deviation from the contract 7 and, at least until Gemstone announced that it was suspending construction, continued to 8 process subcontractor payment applications and submit them to Gemstone. Camco's 9 "impossibility" claim is, in any event, another form of Pay-if-Paid, against the public 10policy of Nevada, void and unenforceable and barred by this Court's summary judgment. 11

7. Specific to Cactus Rose, the Court concludes that Camco's reliance on any
form of Pay-if-Paid (i.e., even if the same could be deemed permissible under Nevada law)
is inapplicable to its relationship with Cactus Rose because nothing in the Cactus Rose
Agreement sets forth any Pay-if-Paid Agreement and Cactus Rose did not agree to the
Camco Subcontract.

8. Cactus Rose is therefore awarded the principal sum of \$238,627.25 (i.e.,
exclusive of interest, costs and attorney's fees) against Camco and may apply for judgment
as to the same.

9. The Court denies all of Camco's affirmative defenses.

21 10. Cactus Rose is entitled to prejudgment interest pursuant to NRS 108.237
22 and/or NRS 17.130 and is granted leave to apply for the same by way of an amendment or
23 supplement to these Findings of Fact and Conclusions of Law and for judgment as to the
24 same.

25 11. Cactus Rose is the prevailing party and/or prevailing lien claimant as to
26 Camco and is entitled to an award of reasonable attorney's fees pursuant to NRS 108.237.
27 Cactus Rose is granted leave to apply for the same by way of an amendment or supplement

MARK R. DENTON DISTRICT JUDGE DEPARTMENT THIRTEEN LAS VEGAS, NV 89155

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1	to these Findings of Fact and Conclusions of Law and for judgment as to the same.	
2	12. As the prevailing party, Cactus Rose may also apply for an award of costs	
3	in accordance with the relevant statutes and for judgment as to the same.	
4	13. Any conclusion of law herein that is more appropriately deemed a finding	
5	of fact shall be treated as such.	
6	ORDER	
7	NOW, THEREFORE, the Court hereby directs entry of the foregoing Findings of	
8	Fact and Conclusions of Law; and	
9	IT IS FURTHER ORDERED that, based upon the foregoing Findings of Fact and	
10	Conclusions of Law, and those made regarding the other parties and claims involved in the	
11	consolidated cases, the Court shall issue a separate Judgment or Judgments reflective of the	
12	same at the appropriate time subject to further order of the Court.	
<ul> <li>13 IT IS SO ORDERED this 2/ day of April, 2018.</li> <li>14</li> </ul>		
		15
16		
17	CERTIFICATE	
18	I hereby certify that on or about the date filed, this document was	
19	Electronically Served to the Counsel on Record on the Clark County E-File Electronic	
20	Service List.	
21	Louis ma	
22	LORRAINE TASHIRO Judicial Executive Assistant	
23	Dept. No. XIII	
24		
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28 MARK R. DENTON		
DISTRICT JUDGE	Page 12	
LAS VEGAS, NV 69155	JA007423	

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## **EXHIBIT 5B**

		Electronically Filed 5/31/2018 12:59 PM Steven D. Grierson CLERK OF THE COURT			
1	NJUD ERIC B. ZIMBELMAN, ESQ.	Alenn S. arunn			
2	Nevada Bar No. 9407 RICHARD L. PEEL, ESQ.				
3	Nevada Bar No. 4359 PEEL BRIMLEY LLP				
4	3333 E. Serene Avenue, Suite 200 Henderson, NV 89 A571228074-6571				
5	Telephone: (702) 990-7272 Facsimile: (702) 990-7273				
6	ezimbelman@peelbrimley.com rpeel@peelbrimley.com				
7	Attorneys for Fast Glass, Inc.				
8					
9		CT COURT JNTY, NEVADA			
10	APCO CONSTRUCTION, a Nevada	Case No. : $08A571228$			
11	corporation,	Dept. No. : XIII			
12	Plaintiff,	Consolidated with:			
13	vs.	A571792, A574391, A577623, A580889, A583289, A584730, and A587168			
14	GEMSTONE DEVELOPMENT WEST,				
15	INC., Nevada corporation; NEVADA CONSTRUCTION SERVICES, a Nevada	NOTICE OF ENTRY OF JUDGMENT			
16	corporation; SCOTT FINANCIAL				
17	CORPORATION, a North Dakota corporation; COMMONWEALTH LAND				
18	TITLE INSURANCE COMPANY; FIRST AMERICAN TITLE INSURANCE				
19	COMPANY and DOES I through X,				
20	Defendants.				
21	AND ALL RELATED MATTERS				
22	AND ALL KELATED MATTERS				
23	///				
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28					
	JA007425	)			

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

Case Number: 08A571228

1	NOTICE OF ENTRY OF JUDGMENT	
2	PLEASE TAKE NOTICE that a JUDGMENT [AS TO THE CLAIMS OF FAST	
3	GLASS, INC. AGAINST CAMCO CONSTRUCTION CO., INC.] was filed on May 30,	
4	<b>2018</b> , a copy of which is attached as Exhibit A.	
5	DATED this 31st day of May, 2018.	
6		PEEL BRIMLEY LLP
7		<u>/S/ Eric B Zimbelman</u> ERIC B. ZIMBELMAN, ESQ
8		Nevada Bar No. 9407 RICHARD L. PEEL, ESQ.
9		Nevada Bar No. 4359 3333 E. Serene Avenue, Suite 200
10		Henderson, NV 89074-6571
11		Attorneys for Fast Glass, Inc.
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	JA007426	<b>A</b> (15)

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

1	CERTIFICATE OF SERVICE	
2	Pursuant to Nev. R. Civ. P. 5(b), I certify that I am an employee of PEEL BRIMLEY,	
3	LLP, and that on this 31st day of May, 2018, I caused the above and foregoing document,	
4	NOTICE OF ENTRY OF JUDGMENT to be served as follows:	
5 6	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	
7 8	pursuant to NEFCR 9, upon all registered parties via the Court's electronic filing system;	
9	pursuant to EDCR 7.26, to be sent via facsimile;	
10	to be hand-delivered; and/or	
11	other	
12	to the attorney(s) and/or party(ies) listed below at the address and/or faesinine number indicated	
13	below:	
14	<u>Apco Construction:</u> Rosie Wesp ( <u>rwesp@maclaw.com</u> )	
15 16	<u>Camco Pacific Construction Co Inc:</u> Steven Morris ( <u>steve@gmdlegal.com</u> )	
17 18	<u>Camco Pacific Construction Co Inc</u> : Steven Morris ( <u>steve@gmdlegal.com</u> )	
19 20	<u>Fidelity &amp; Deposit Company Of Maryland:</u> Steven Morris ( <u>steve@gmdlegal.com</u> )	
20	<u>E &amp; E Fire Protection LLC:</u> Tracy Truman ( <u>district@trumanlegal.com</u> )	
22		
23	Interstate Plumbing & Air Conditioning Inc: Jonathan Dabbieri ( <u>dabbieri@sullivanhill.com</u> )	
24	National Wood Products, Inc.'s:	
25	Richard Tobler ( <u>rltltdck@hotmail.com</u> ) Tammy Cortez ( <u>tcortez@caddenfuller.com</u> )	
26	S. Judy Hirahara ( <u>jhirahara@caddenfuller.com</u> ) Dana Kim (dkim@caddenfuller.com)	
27	Richard Reincke ( <u>rreincke@caddenfuller.com</u> )	
28	<u>Chaper 7 Trustee:</u>	
	<b>JA007427</b>	

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<u>.</u> P

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## **Exhibit** A

Electronically Filed 5/30/2018 2:02 PM Steven D. Grierson CLERK OF THE COURT

	CLERK OF THE COURT
ERIC B. ZIMBELMAN, Nevada Bar No. 9407 RICHARD L. PEEL, ESQ. Nevada Bar No. 4359 <b>PEEL BRIMLEY LLP</b> 3333 E. Serene Avenue, Suite 200 Henderson, NV 89074-6571 Telephone: (702) 990-7272 Fax: (702) 990-7273 ezimbelman@peelbrimley.com <u>rpeel@peelbrimley.com</u> Attorneys for Fast Glass, Inc.	Ottemp. Atum
DISTRICT	COURT
CLARK COUN	TY, NEVADA
APCO CONSTRUCTION, a Nevada corporation,	CASE NO.; A571228 DEPT. NO.: XIII
Plaintiff, vs	Consolidated with: A571792, A574391, A577623, A580889, A583289, A584730, and A587168
GEMSTONE DEVELOPMENT WEST, INC., Nevada corporation; NEVADA CONSTRUCTION SERVICES, a Nevada corporation; SCOTT FINANCIAL CORPORATION, a North Dakota corporation; COMMON WEALTH LAND TITLE INSURANCE COMPANY; FIRST AMERICAN TITLE INSURANCE COMPANY and DOES I through X,	JUDGMENT [AS TO THE CLAIMS OF FAST GLASS, INC. AGAINST CAMCO CONSTRUCTION CO., INC.]
Defendants.	

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(702) 990-7272 + FAX (702) 990-7273

3333 E. SERENE AVENUE, STE. 200 HENDERSON, NEVADA 89074

PEEL BRIMLEY LLP

Solutions, Inc. ("SWPPP"), Cactus Rose Construction, Co., Inc. ("Cactus Rose"), Fast Glass, Inc. ("Fast Glass"), and Heinaman Contract Glazing ("Heinaman") all appearing through Peel Brimley LLP; Camco Construction, Inc., ("Camco") through Grant Morris Dodds; APCO Construction, Inc. ("APCO"), appearing through Spencer Fane, LLP and Marquis & Aurbach; National Wood Products, Inc. ("National Wood" or "CabineTec") through Cadden & Fuller LLP and Richard L. Tobler, Ltd.; and United Subcontractors, Inc. through Fabian

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

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The Court having taken the matter under consideration and advisement:

The Court having entered its April 26, 2018 Findings of Fact and Conclusions of Law as to the Claims of Fast Glass against Camco, incorporated herein by this reference and attached hereto as Exhibit 1 ("the Fast Glass FFCL");

The Court enters the following Judgment as to the claims of Fast Glass against Camco;

IT IS ORDERED, ADJUDGED, AND DECREED that judgment is to be entered in favor of Fast Glass and against Camco as set forth on the Fast Glass FFCL.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Court may issue an amended judgment after the Court has heard and decided upon Fast Glass' Motion for Attorney's Fees, Costs and Interest Against Camco currently pending before the Court.

Dated this gday of May 2018. Respectfully submitted by: PEEL BRIMLEY LLP #11776 For ERIC B. ZIMBELMAN, Nevada Bar No. 9407 RICHARD L. PEEL, ESQ. Nevada Bar No. 4359 3333 E. Serene Avenue, Suite 200 Henderson, NV 89074-6571 Attorneys for Fast Glass, Inc.

DISTRICT COURT JUDGE

# **EXHIBIT 1**

**JA007433** 

•	;				
•		ſ	4		Electronically Filed 4/26/2018 11:08 AM Steven D. Grierson CLERK OF THE COURT
			1	DISTRICT C	COURT (Alimo, Arium
			2	CLARK COUNTY	Y, NEVADA
			3	APCO CONSTRUCTION, a Nevada	CASE NO.: A571228
			4	corporation,	DEPT. NO.: XIII
			5	Plaintiff,	Consolidated with:
			6	vs .	A571792, A574391, A577623, A580889, A583289, A584730, and A587168
			7	GEMSTONE DEVELOPMENT WEST, INC., Nevada corporation; NEVADA	
			8	CONSTRUCTION SERVICES, a Nevada corporation; SCOTT FINANCIAL	FINDINGS OF FACT AND CONCLUSIONS OF LAW AS TO THE
			9	CORPORATION, a North Dakota corporation; COMMONWEALTH LAND	CLAIMS OF FAST GLASS, INC.
			10	TITLE INSURANCE COMPANY; FIRST AMERICAN TITLE INSURANCE	
			11	COMPANY and DOES I through X,	
			12	Defendants.	
			13	AND ALL RELATED MATTERS.	
			14	This matter came on for trial on January 1	
			15	before the Honorable Mark Denton in Dept. 13, a	and the following parties having appeared
			16	through the following counsel:	
			17		
0			18	Party	Counsel for Party
LER	Þ	77	19	Apco Construction Co., Inc. ("Apco")	John Randall Jeffries, Esq. and Mary E. Bacon, Esq. of the Law
к Сг	PR 2	<b>EC</b>	20	• • • •	Firm of Spencer Fane LLP
CLERK OF THE COURT	APR 2 6 2018	RECEIVED	21	Camco Pacific Construction Co., Inc. ("Camco")	Steven L. Morris, Esq. of the Law Firm of the Law Firm of Grant
Sou		-	22		Morris Dodds
지	40		23	Helix Electric of Nevada, LLC ("Helix")	Eric Zimbelman, Esq. and the Law Firm of Peel Brimley LLP
			24	Heinaman Contract Glazing, Inc. ("Heinaman")	Eric Zimbelman, Esq. and the Law Firm of Peel Brimley LLP
			25	Fast Glass, Inc. ("Fast Glass")	Eric Zimbelman, Esq. and the Law Firm of Peel Brimley LLP
			26	Cactus Rose Construction Co., Inc. ("Cactus Rose")	Eric Zimbelman, Esq. and the Law Firm of Peel Brimley LLP
			27	SWPPP Compliance Solutions, Inc. ("SWPPP")	Eric Zimbelman, Esq. and the Law
<i>c</i> -		_	28		· ·
[	RK R. I	JUDGE			
	ARTMENT			JA007434	13
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1 Firm of Peel Brimley LLP John B. Taylor, Esq. of the Law 2 National Wood Products, LLC ("National Wood") Firm of Cadden & Fuller LLP T. James Truman, Esq. of the Law 3 E&E Fire Protection, LLC ("E&E") Firm of T. James Truman, & 4 Associates 5 Α. **Procedural History.** 6 1. This is one of the oldest cases on the Court's docket. This action arises out 7 of a construction project in Las Vegas, Nevada known as the Manhattan West 8 Condominiums Project ("the Project") located at West Russell Road and Rocky Hill Street 9 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 10 West, Inc. ("Gemstone" or "the Owner"). 11 12 2. Gemstone hired APCO, and, subsequently, Camco as its general 13 contractors, who in turn entered into subcontract agreements with various subcontractors. In December 2008 the Owner suspended the Project and advised the various contractors 14 15 that Gemstone's lender did not expect to disburse further funds for construction. The 16 Project was never completed. Numerous contractors, including the parties hereto, recorded 17 mechanic's liens against the Property. 3. After several years of litigation and a Writ Action to determine the priority 18 of the various lienors (during which the Property was sold, the proceeds of the same held 19 20 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 21 NRS Ch. 108 mechanic's liens were junior to the lenders' deeds of trust. The Court 22 23 subsequently ordered the proceeds be released to the lenders. Thereafter, the stay was lifted and many of the trade contractors continued to pursue claims for non-payment from 24 APCO and Camco. The trial focused on these claims. 25 26 . . . . . 27 . . . . . 28

MARK R. DENTON DISTRICT JUDGE

DEPARTMENT THIRTEEN LAS VEGAS, NV 89155 JA007435 Page 2

### B. Significant Pre-Trial Orders

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#### Significant i to That Orders

2 1. Order Granting Partial Summary Judgment re: Pay-if-Paid. On 3 January 2, 2018, this Court issued an Order granting a Motion for Partial Summary 4 Judgment brought by a group of subcontractors represented by the Peel Brimley Law Firm 5 (the "Peel Brimley Lien Claimants") and joined in by others. Generally, but without 6 limitation, the Court concluded that, pursuant to NRS 624.624 and Lehrer McGovern 7 Bovis, Inc. v. Bullock Insulation, Inc., 124 Nev. 1102, 1117-18, 197 P.3d 1032, 1042 (Nev. 8 2008), higher-tiered contractors, such as APCO and Camco, are required to pay their 9 lower-tiered subcontractors within the time periods set forth in NRS 624.626(1) and may 10 not fail to make such payment based on so-called "pay-if-paid" agreements ("Pay-if-Paid") 11 that are against public policy, void and unenforceable except under limited circumstances. 12 Accordingly, the Court ruled that APCO and Camco may not assert or rely on any defense 13 to their payment obligations, if any, to the party subcontractors that is based on a pay-if-14 paid agreement.

15 2. Order on Peel Brimley Lien Claimants' Motion in Limine Against 16 **Camco.** On December 29, 2017 the Court issued an order on motions *in limine* brought by 17 the Peel Brimley Lien Claimants Against Camco. Specifically, the Court precluded Camco 18 from asserting or offering evidence that any of the Peel Brimley Lien Claimants' work on 19 the Project was (i) defective, (ii) not done in a workmanlike manner or (iii) not done in 20 compliance with the terms of the parties' agreement because Camco's person most 21 knowledgeable was not aware of any evidence to support such claims. For the same 22 reason, the Court also precluded Camco from asserting or offering evidence at trial that the 23 Peel Brimley Lien Claimants have breached their agreements other than with respect to 24 pay-if-paid agreements, evidence and argument of which is otherwise precluded by the 25 Partial Summary Judgment discussed above. For the same reason, the Court also precluded 26 Camco from asserting or offering evidence at trial to dispute the amounts invoiced, paid

28 MARK R. DENTON

DISTRICT JUDGE

DEPARTMENT THIRTEEN LAS VEGAS, NV 89155

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<sup>1</sup> The Peel Brimley Lien Claimants are: Helix, Heinaman, Fast Glass, Cactus Rose and SWPPP.

JA007436 Page 3

and that remain to be owed as asserted by the Peel Brimley Lien Claimants in their
 respective Requests for Admission. For the same reason, the Court also precluded Camco
 from asserting or offering evidence at trial that any liens recorded by the Peel Brimley
 Lien Claimants were in any way defective or unperfected and are otherwise valid and
 enforceable.

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## C. Findings of Fact.

7 Having received evidence and having heard argument of counsel, the Court makes
8 the following Findings of Fact:

9 1. The original general contractor on the Project was APCO. Gemstone and
10 APCO entered into the ManhattanWest General Construction Agreement for GMP (the
11 "APCO-Gemstone Agreement") on or about September 6, 2006. [See Exhibit 2].
12 2. Among other things, and in exchange for a guaranteed maximum price
13 ("GMP") of \$153,472,300.00 as forth in the APCO-Gemstone Agreement (Ex. 2, ¶

14 5.02(a)), APCO agreed to:

- "Complete the work" required by the APCO-Gemstone Agreement,
  "furnish efficient business administration and superintendence" and "use its
  best efforts to complete the Project;" [Ex 2., ¶ 2.01(a)];
  - "...engage contractors, subcontractors, sub-subcontractors, service providers, [and others, collectively referred to as "Third-Party Service Providers"] to perform the work..."; [Ex 2., ¶ 2.02(a)];

Monthly submit to Gemstone "applications for payment for the previous month on forms similar to AIA G702 and G703 and a corresponding approved Certificate for Payment;" [Ex 2., ¶ 5.05(a)]. Each payment application was to be "based on a Schedule of Values [that] shall allocate the entire GMP among the various portions of the Work" with APCO's fee to be shown as a separate line item." [Ex 2., ¶ 5.05(b)]; The payment applications were to "show the Percentage of Completion of each portion of

28 MARK R. DENTON DISTRICT JUDGE DEPARTMENT THIRTEEN LAS VEGAS, NV 89155

1	the Work as of the end of the period covered by the Application for				
2	Payment. [Ex 2., $\P$ 5.05(c)]; and				
3	• Upon receipt of a monthly progress payment, "promptly pay each Third-				
4	Party Service Provider the amount represented by the portion of the				
5	Percentage of the Work Completed that was completed by such Third-Party				
6	Service Provider <sup>2</sup> during the period covered by the corresponding Progress				
7	Payment." [Ex 2., ¶ 5.05(g)];				
8	3. APCO in turn hired various subcontractors to perform certain scopes of				
9	work and provided its form Subcontract Agreement to its subcontractors ("the APCO				
10	Subcontract"). Fast Glass did not work for APCO on the Project and only first provided				
11	work after APCO ceased work on the project and, as discussed below, Gemstone hired				
12	Camco as the general contractor to replace APCO. APCO ceased work on the Project in or				
13	about the end of August 2008. APCO and Gemstone each claim to have terminated the				
14	other.				
15	4. After APCO ceased work on the project, Gemstone hired Camco to be its				
16	general contractor pursuant to an Amended and Restated ManhattanWest General				
17	Construction Agreement effective as of August 25, 2008 ("the Camco-Gemstone				
18	Agreement"). [See Exhibit 162].				
19	5. On cross examination, Camco's Dave Parry could not point to any portion				
20	of the Camco-Gemstone Agreement that required Camco to supervise the work of the				
21	subcontractors. [TR5-50:17-51:9]. Nothing in Article II ("General Contractor				
22	Responsibilities") obligates Camco to supervise the work or the subcontractors. [See Ex.				
23	162, ¶Article II]. Parry did not deny that Camco was "essentially there to lend [its]				
24	license" to Gemstone. [TR5-50:15-17].				
25	6. Mr. Parry described Camco as "more of a construction manager at this point				
26	<sup>2</sup> Because the only Third-Party Service Providers at issue on this trial were subcontractors, the Court				
27	will herein use the terms "subcontractor" and "Third-Party Service Provider" interchangeably and synonymously.				
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MARK R. DENTON DISTRICT JUDGE ٠

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than a general contractor" [TR5-31:10-11<sup>3</sup>]. Nonetheless, the Camco-Gemstone
 Agreement is plainly called a "General Construction Agreement." The Camco-Gemstone
 Agreement also requires Camco, in the same way that APCO did, to aggregate payment
 applications from subcontractors and prepare and submit to Gemstone payment
 applications for the amounts represented by the subcontractor payment applications and
 Camco's fee. [See Ex. 162-008-010, ¶7.01].

7 7. Camco continued the same payment application format and numbering and 8 same schedule of values that APCO had been following. [See Exhibit 218; TR5-30:21-9 31:4<sup>4</sup>]. Like APCO before it, Camco compiled and included in its payment applications to 10 Gemstone the amounts billed by its subcontractors, including Fast Glass. [See e.g., Exhibit 11 522-001-011]. Also, like the APCO-Gemstone Agreement, the Camco-Gemstone 12 Agreement required Camco, upon receipt of a progress payment from Gemstone, to 13 "promptly pay each [subcontractor] the amount represented by the portion of the 14 Percentage of the Work Completed that was completed by such [subcontractor]." [Ex. 162-010. ¶7.03(e)].<sup>5</sup> It is only after Gemstone announced that the Project would be suspended 15 16 that Camco asserted otherwise. 17 8. Camco's initial letter to subcontractors following Gemstone's 18 announcement demonstrates both that it believed it had subcontracts (because it purported 19 to terminate the same) and that it intended to continue to forward payment applications to 20 Gemstone. [See e.g., Exhibit 804-003-004]. Specifically, Camco wrote: 21 Camco is left with no choice but to terminate our agreement with Gemstone and all subcontracts on the Project, including our agreement with your company. 22 Accordingly, we have terminated for cause our agreement with Gemstone, effective December 19, 2008, and we hereby terminate for convenience our 23 subcontract with your company, effective immediately. 24 Please submit to Camco all amounts you believe are due and owing on your 25 subcontract. We will review and advise you of any issues regarding any amounts 26 <sup>3</sup> Testimony of Dave Parry. <sup>4</sup> Testimony of Dave Parry. 27 <sup>5</sup> Unlike APCO and the subcontractors, no retention was to be withheld from the contractor's fee to be paid to Camco (through retention continued to be withheld from subcontractors). [Ex. 162-010, §7.03(a)].  $\mathbf{28}$ MARK R. DENTON

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1 you claim are owed. For all amounts that should properly be billed to Gemstone, Camco will forward to Gemstone such amounts for payment y Gemstone. If your 2 claims appear to be excessive, we will ask you to justify and/or revise the amount. 3 [See e.g., Ex. 804-003-004]. 4 9. Camco quickly retracted its initial communication and replaced it with a 5 second letter [See e.g., Ex. 804-005-007] asking the subcontractors to "please disregard 6 previous letter which was sent in error." [See e.g., Ex. 804-005]. Among other things, 7 Camco's second letter: 8 Deleted its statement that it had terminated the Camco-Gemstone 9 Agreement (while continuing to terminate the subcontractors); 10 Asserts that the subcontractors agreed to Pay-if-Paid and accepted the risk 11 of non-payment from the owner (which is also Pay-if-Paid); and, 12 Stated, inaccurately, that "Camco's contract with Gemstone is a cost-plus 13 agreement wherein the subcontractors and suppliers were paid directly by 14 Gemstone and/or its agent Nevada Construction Services." [See e.g., Ex. 15 804-007]. 16 While Gemstone eventually did make partial payment to some subcontractors (but not to 17 Fast Glass - see infra) through NCS and not Camco [see discussion, infra], the Camco-18 Gemstone Agreement expressly required Camco, upon receipt of a progress payment from 19 Gemstone, to "promptly pay each [subcontractor] the amount represented by the portion of 20 the Percentage of the Work Completed that was completed by such [subcontractor]." [Ex. 21 162-010, ¶7.03(e)]. 22 10. Some subcontractors stopped working after APCO left the Project. Others, 23 such as Helix, continued to work on the Project and began working for Camco as the 24 general contractor. Others, such as Heinaman, Fast Glass, Cactus Rose and SWPPP started 25 working on the Project only after APCO left and worked only for Camco. 26 11. Camco presented some subcontractors with a standard form subcontract 27 Agreement ("the Carnco Subcontract"), a representative example of which is Carnco's 28 MARK R. DENTON DISTRICT JUDGE

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subcontract with Fast Glass. [See Exhibit 801-007-040; TR5-57:8-16<sup>6</sup>]. Among other 1 2 provisions, the Camco Subcontract (consistent with the Camco-Gemstone Agreement), 3 requires Camco, no later than 10 days after receiving payment from Gemstone in response 4 to its payment applications, to "pay to Subcontractor, in monthly progress payments, 90%<sup>7</sup> 5 of labor and materials placed in position by Subcontractor during [the month preceding a 6 payment application]." [See Ex. 701-012, ¶ II(C)]. Fast Glass' Clay Jorgenson testified 7 that Fast Glass and Camco entered into, performed work, and applied for payment 8 pursuant to the Camco Subcontract even though only Fast Glass's signature appears on the 9 relevant document. [See Ex. 801-033]. Camco did not dispute this testimony. Moreover, its 10 letters addressed to Fast Glass (and substantially identical letters to other subcontractors) 11 states Camco's intention to "immediately terminate all subcontracts on the Project, 12 including the agreement with your company." [See Ex. 804-007]. Accordingly, the Court 13 finds that Fast Glass and Camco entered into the Camco Subcontract.

14 12. In spite of and contrary to the payment provisions of the Camco-Gemstone 15 Agreement [see supra and Ex. 162-010, ¶7.03(e)] and the Camco Subcontract [See Ex. 16 701-012, ¶ II(C)], no monies were ever distributed to the subcontractors through Camco. 17 Instead, and until it ceased making payments, Gemstone released funds to NCS, which 18 issued checks "on behalf of Camco Pacific" to some of the subcontractors and/or joint 19 checks to the subcontractors and their lower tiers. [See e.g., Exhibit 508-062 (NCS check  $\mathbf{20}$ no. 531544 to Helix and its lower tier, Graybar Electric "on behalf of Camco Pacific.")]. 21 However, no payments of any kind or from any party were ever issued to Fast Glass.

13. Fast Glass' Clay Jorgenson testified, and Cameo did not dispute, that Fast
Glass submitted multiple payment applications to Cameo for progress payments on the
work it performed [See Exhibit 803] but never received payment for the same. Cameo also
did not dispute that Fast Glass substantially completed all of the work it was hired to
perform – glazing work on the retail spaces – for the price of \$199,000.00. [See also

<sup>6</sup> Testimony of Dave Parry. <sup>7</sup> i.e., less retention.

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Exhibits 807, 808 (job file records)]. Mr. Jorgenson testified that \$199,000.00 is a reasonable value for the work performed by Fast Glass, which Camco did not dispute.

3 14. The Court finds that Camco entered into and breached the Camco 4 Subcontract with Fast Glass by failing, without excuse, to pay Fast Glass the agreed-upon 5 sum of \$199,000. Alternatively, and even if Fast Glass and Camco did not enter into the 6 Camco Subcontract, the Court finds that Fast Glass and Camco agreed on the material 7 terms of a contract - i.e., the work to be performed, the price therefore and Camco's 8 obligation to pay - constituting a contract implied-in-fact, which Camco breached by 9 failing to pay Fast Glass for its work and that the reasonable value of that work was 10 \$199,000.00.

11 Fast Glass presented undisputed evidence, and the Court finds, that Fast 15. 12 Glass timely recorded a mechanic's lien, as amended ("the Fast Glass Lien"), pursuant to 13 NRS Chapter 108 and perfected the same. [See Exhibit 805]. The Fast Glass Lien 14 identified both Camco as the "person by whom the lien claimant was employed or to 15 whom the lien claimant furnished or agreed to furnish work, materials or equipment." [See 16 Ex. 805-001].

17 Any finding of fact herein that is more appropriately deemed a conclusion 16. 18 of law shall be treated as such.

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

#### **B**. **Conclusions of Law.**

21 1. "Basic contract principles require, for an enforceable contract, an offer and 22 acceptance, meeting of the minds, and consideration." May v. Anderson, 121 Nev. 668, 23 672, 119 P.3d 1254, 1257 (2005). A meeting of the minds exists when the parties have 24 agreed upon the contract's essential terms. Roth v. Scott, 112 Nev. 1078, 1083, 921 P.2d 25 1262, 1265 (1996). Which terms are essential "depends on the agreement and its context and also on the subsequent conduct of the parties, including the dispute which arises, and the remedy sought." Restatement (Second) of Contracts § 131 cmt. g (1981). Whether a

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contract exists is a question of fact and the District Court's findings will be upheld unless
 they are clearly erroneous or not based on substantial evidence. May, 121 Nev. at 672-73,
 119 P.3d at 1257.

2. The Court concludes that Camco entered into and breached the Camco
Subcontract with Fast Glass by failing, without excuse, to pay Fast Glass the agreed-upon
sum of \$199,000.00. As such, Camco owes Fast Glass the principal sum of \$199,000.00
and is entitled to judgment for that amount, exclusive of interest, costs and attorney's fees.

8 3. Alternatively, the Court concludes that there is an implied contract between 9 Fast Glass and Camco and that Fast Glass is entitled quantum meruit damages for 10 recovery of the full and reasonable value of the work it has performed. See Certified Fire 11 Prot. Inc. v. Precision Constr., 128 Nev. 371, 379, 283 P.3d 250, 257 (2012) ("quantum" 12 meruil's first application is in actions based upon contracts implied-in-fact."). A contract 13 implied-in-fact must be "manifested by conduct." Id. at 380 citing Smith v. Recrion Corp., 14 91 Nev. 666, 668, 541 P.2d 663, 664 (1975); Hay v. Hay, 100 Nev. 196, 198, 678 P.2d 15 672, 674 (1984). It "is a true contract that arises from the tacit agreement of the parties." 16 Id. To find a contract implied-in-fact, the fact-finder must conclude that the parties 17 intended to contract and promises were exchanged, the general obligations for which must 18 be sufficiently clear. Id. Here, Fast Glass and Camco clearly intended to enter into a contract whereby Fast Glass would perform work for Camco and Camco would pay Fast 19 20 Glass for its work.

4. Where an implied-in-fact contract exists "quantum meruit ensures the laborer receives the reasonable value, usually market price, for his services." Precision Constr., 128 Nev. at 380 citing Restatement (Third) of Restitution and Unjust Enrichment § 31 cmt. e (2011), Sack v. Tomlin, 110 Nev. 204, 208, 871 P.2d 298, 302 (1994) ("The doctrine of quantum meruit generally applies to an action ... involving work and labor performed which is founded on a[n] oral promise [or other circumstances] on the part of the defendant to pay the plaintiff as much as the plaintiff reasonably deserves for his labor

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in the absence of an agreed upon amount."). Here, the only and undisputed testimony was
that the monies Fast Glass billed for its work were a reasonable value for the work
performed. Moreover, Camco's submission of such amounts to Gemstone as part of its
own pay application estops Camco from disputing the reasonable value of Fast Glass'
work. Fast Glass is therefore entitled *quantum meruit* damages in the amount of
\$199,000.00 for recovery of the full and reasonable value of the work it performed. See *Certified Fire Prot.*, 128 Nev. at 380.

8 5. The Court rejects Camco's argument that it is not liable to Fast Glass (and 9 other subcontractors) because it never received payment from Gemstone who instead made 10 payments to subcontractors through the disbursement company, NCS. Camco's position 11 notwithstanding, both the Camco-Gemstone Agreement and the Camco Subcontract 12 demonstrate that (consistent with the APCO-Gemstone Agreement and the APCO 13 Subcontract) payments to subcontractors were intended to flow through the general 14 contractor. Camco presented no evidence that Fast Glass or any other subcontractor 15 consented in advance to Gemstone's eventual decision to release payments (in part) 16 through NCS and not Camco.

17 6. Similarly, the Court rejects Camco's contention that the Court's decision on 18 Pay-if-Paid is inapplicable because it was "impossible" for Camco to have paid Fast Glass 19 and other subcontractors. Camco presented no evidence that it, for example, declared 20 Gemstone to be in breach for failing to make payments through Camco rather than through 21 NCS. Instead, Camco appears to have acceded to Gemstone's deviation from the contract 22 and, at least until Gemstone announced that it was suspending construction, continued to 23 process subcontractor payment applications and submit them to Gemstone. Camco's 24 "impossibility" claim is, in any event, another form of Pay-if-Paid, against the public 25 policy of Nevada, void and unenforceable and barred by this Court's summary judgment.

7. Fast Glass is therefore awarded the principal sum of \$199,000.00 (i.e., exclusive of interest, costs and attorney's fees) against Camco and may apply for judgment

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1 as to the same.

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2	8. The Court denies all of Camco's affirmative defenses.
3	9. Fast Glass is entitled to prejudgment interest pursuant to NRS 108.237
4	and/or NRS 17.130 and is granted leave to apply for the same by way of an amendment or
5	supplement to these Findings of Fact and Conclusions of Law and for judgment as to the
6	same.
7	10. Fast Glass is the prevailing party and/or prevailing lien claimant as to
8	Camco and is entitled to an award of reasonable attorney's fees pursuant to NRS 108.237
9	and/or Camco Subcontract. Fast Glass is granted leave to apply for the same by way of an
10	amendment or supplement to these Findings of Fact and Conclusions of Law and for
11	judgment as to the same.
12	11. As the prevailing party, Fast Glass may also apply for an award of costs in
13	accordance with the relevant statutes and for judgment as to the same.
14	12. Any conclusion of law herein that is more appropriately deemed a finding
15	of fact shall be treated as such.
16	ORDER
	NOW THERE PORT I G at 1 1's start for a file for a sing Findings of
17	NOW, THEREFORE, the Court hereby directs entry of the foregoing Findings of
17 18	Fact and Conclusions of Law; and
18	Fact and Conclusions of Law; and
18 19	Fact and Conclusions of Law; and IT IS FURTHER ORDERED that, based upon the foregoing Findings of Fact and
18 19 20	Fact and Conclusions of Law; and IT IS FURTHER ORDERED that, based upon the foregoing Findings of Fact and Conclusions of Law, and those made regarding the other parties and claims involved in the consolidated cases, the Court shall issue a separate Judgment or Judgments reflective of the same at the appropriate time subject to further order of the Court.
18 19 20 21	Fact and Conclusions of Law; and IT IS FURTHER ORDERED that, based upon the foregoing Findings of Fact and Conclusions of Law, and those made regarding the other parties and claims involved in the consolidated cases, the Court shall issue a separate Judgment or Judgments reflective of the
18 19 20 21 22	Fact and Conclusions of Law; and IT IS FURTHER ORDERED that, based upon the foregoing Findings of Fact and Conclusions of Law, and those made regarding the other parties and claims involved in the consolidated cases, the Court shall issue a separate Judgment or Judgments reflective of the same at the appropriate time subject to further order of the Court.
18 19 20 21 22 23	Fact and Conclusions of Law; and IT IS FURTHER ORDERED that, based upon the foregoing Findings of Fact and Conclusions of Law, and those made regarding the other parties and claims involved in the consolidated cases, the Court shall issue a separate Judgment or Judgments reflective of the same at the appropriate time subject to further order of the Court.
18 19 20 21 22 23 24	<ul> <li>Fact and Conclusions of Law; and</li> <li>IT IS FURTHER ORDERED that, based upon the foregoing Findings of Fact and</li> <li>Conclusions of Law, and those made regarding the other parties and claims involved in the</li> <li>consolidated cases, the Court shall issue a separate Judgment or Judgments reflective of the</li> <li>same at the appropriate time subject to further order of the Court.</li> <li>IT IS SO ORDERED this 24<sup>th</sup> day of April, 2018.</li> </ul>
18 19 20 21 22 23 24 25	<ul> <li>Fact and Conclusions of Law; and</li> <li>IT IS FURTHER ORDERED that, based upon the foregoing Findings of Fact and</li> <li>Conclusions of Law, and those made regarding the other parties and claims involved in the</li> <li>consolidated cases, the Court shall issue a separate Judgment or Judgments reflective of the</li> <li>same at the appropriate time subject to further order of the Court.</li> <li>IT IS SO ORDERED this 24 day of April, 2018.</li> </ul>
18 19 20 21 22 23 24 25 26	<ul> <li>Fact and Conclusions of Law; and</li> <li>IT IS FURTHER ORDERED that, based upon the foregoing Findings of Fact and</li> <li>Conclusions of Law, and those made regarding the other parties and claims involved in the</li> <li>consolidated cases, the Court shall issue a separate Judgment or Judgments reflective of the</li> <li>same at the appropriate time subject to further order of the Court.</li> <li>IT IS SO ORDERED this 24<sup>th</sup> day of April, 2018.</li> </ul>

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DEPARTMENT THIRTEEN LAS VEGAS, NV 89155

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CERTIFICATE I hereby certify that on or about the date filed, this document was Electronically Served to the Counsel on Record on the Clark County E-File Electronic Service List. LORRAI TASHIRO Judicial Executive Assistant Dept. No. XIII MARK R. DENTON DISTRICT JUDGE Page 13 **JA007446** DEPARTMENT THIRTEEN LAS VEGAS, NV 89155

# **EXHIBIT 5C**

JA007447

ERIC B. ZIMBELMAN, ESQ.       Creation of the state of t	1	NJUD	Electronically Filed 5/31/2018 12:59 PM Steven D. Grierson CLERK OF THE COURT
3       Nevada Bar No. 4359         PFEI, BRINI, EV LIP         3333 E. Serene Avenue, Suite 200         Henderson, NV 89 AS71228074-6571         Facsimile (702) 990-7273         czimbelman@peelbrimley.com         meel@upeelbrimley.com         Attorneys for Heinanan Contract Glazing         9         0         0         10         11         12         12         13         13         14         15         15         16         17         18         19         19         11         12         12         13         14         15         15         16         17         17         17         17         17         17         18         19         110         111         111         112         113         114         115         116	2	Nevada Bar No. 9407	China .
4       3333 E. Screnc Avenue, Suite 200         Henderson, NV 89 A571228074.6571         Facsimile: (702) 990-7273         szimbelman(2)peelbrinley.com         peel/apeelbrinley.com         7         Anorneys for Heinaman Contract Glazing         0         10         APCO CONSTRUCTION, a Nevada         11         corporation,         12         Plaintiff,         corporation,         13         vs.         14         GEMSTONE DEVELOPMENT WEST,         INC., Nevada corporation; NEVADA         CONSTRUCTION a North Dakota         corporation; SCOTT FINANCIAL         COMPORATION, a North Dakota         corporation; OMMONWEALTH LAND         18         THTLE INSURANCE COMPANY; FIRST         AMERICAN TITLE INSURANCE         10         Defendants.         11         11         12         13         14         15         16         17         18         19         19         10         10         11	3	Nevada Bar No. 4359	
<ul> <li>Telephone: (702) 990-7272</li> <li>Fassimile: (702) 990-7273</li> <li>crimbelman@mc0pcelbrinley.com</li> <li>Attorneys for Heinaman Contract Glazing</li> <li>DISTRICT COURT</li> <li>CLARK COUNTY, NEVADA</li> <li>APCO CONSTRUCTION, a Nevada</li> <li>corporation,</li> <li>Plaintiff,</li> <li>vs.</li> <li>GEMSTONE DEVELOPMENT WEST,</li> <li>INC., Nevada corporation; NEVADA</li> <li>CONSTRUCTION SERVICES, a Nevada</li> <li>corporation; COMMONWEALTH LAND</li> <li>TITLE INSURANCE</li> <li>COMPANY and DOES I through X,</li> <li>Defendants.</li> <li>AND ALL RELATED MATTERS</li> <li>1//</li> <li>1//</li> <li>1//</li> <li>1//</li> <li>2///</li> <li>2///</li></ul>	4	3333 E. Serene Avenue, Suite 200	
ezimbelman@peelbrinley.com Attorneys for Heinaman Contract Glazing         9       DISTRICT COURT CLARK COUNTY, NEVADA         10       APCO CONSTRUCTION, a Nevada corporation,       Case No. : 08A571228 Dept. No. : XIII         12       Plaintiff,         13       vs.         14       GEMSTONE DEVELOPMENT WEST, INC., Nevada corporation; NEVADA CONSTRUCTION SERVICES, a Nevada corporation; COMMONWEALTH LAND TOCROPORATION, a North Dakota corporation; COMMONWEALTH LAND TOCOMPANY and DOES I through X,       NOTICE OF ENTRY OF JUDGMENT         18       AND ALL RELATED MATTERS         14       AND ALL RELATED MATTERS         15       I//         16       Defendants.         17       OCRPANY and DOES I through X,         20       Defendants.         21       AND ALL RELATED MATTERS	5	Telephone: (702) 990-7272	
Attorneys for Heinaman Contract Glazing       Image: Problem Struct Court Clark County, NEVADA       Image: Problem Struct Court Clark County, NEVADA       Image: Problem Struct Court Cou	6	ezimbelman@peelbrimley.com	
9       DISTRICT COURT         10       APCO CONSTRUCTION, a Nevada corporation,       Case No. :: 08A571228         11       Consolidated with: A571792, A574391, A577623, A580889, A583289, A584730, and A587168         13       vs.         14       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,       NOTICE OF ENTRY OF JUDGMENT         13       VI//         14       Defendants.         15       Difendants.         16       ODEfendants.         17       Defendants.         18       TITLE INSURANCE COMPANY; FIRST AMERICAN TITLE INSURANCE         19       Defendants.         12       J///         17       COMPANY and DOES I through X,         19       Defendants.         10       J///         11       Colspan="2">AND ALL RELATED MATTERS         12       J///         10	7		
9       CLARK COUNTY, NEVADA         10       APCO CONSTRUCTION, a Nevada corporation,       Case No. :: 08A571228         11       Plaintiff,       Dept. No. :: XIII         12       Plaintiff,       A571792, A574391, A577623, A580889, A583289, A584730, and A587168         14       GEMSTONE DEVELOPMENT WEST, INC., Nevada corporation; NEVADA CONSTRUCTION SERVICES, a Nevada       NOTICE OF ENTRY OF JUDGMENT         16       corporation; COMMONWEALTH LAND TITLE INSURANCE COMPANY; FIRST AMERICAN TITLE INSURANCE COMPANY and DOES I through X,       NOTICE OF ENTRY OF JUDGMENT         18       TITLE INSURANCE COMPANY and DOES I through X,       Defendants.         19       Defendants.	8		
10       APCO CONSTRUCTION, a Nevada corporation,       Case No. :: 08A571228 Dept. No. :: XIII         12       Plaintiff, vs.       Case No. :: 08A571228 Dept. No. :: XIII         13       vs.       GEMSTONE DEVELOPMENT WEST, INC., Nevada corporation; NEVADA CONSTRUCTION SERVICES, a Nevada corporation; SCOTT FINANCIAL CONPORATION, a North Dakota corporation; COMMONWEALTH LAND TITLE INSURANCE COMPANY; FIRST AMERICAN TITLE INSURANCE COMPANY and DOES I through X,       NOTICE OF ENTRY OF JUDGMENT         14       Defendants.       AND ALL RELATED MATTERS         13       ///         14       ///         15       ///         16       Defendants.         17       Defendants.         18       AND ALL RELATED MATTERS         19       ///         20       Defendants.         21       ///         22       ///         23       ///         24       ///         25       ///         26       Intervention         27       ///         28       Intervention	9		
APCO CONSTRUCTION, a Nevada     Case No. : 08A5/1228       corporation,     Plaintiff,       vs.     Dept. No. : XIII       GEMSTONE DEVELOPMENT WEST,     Consolidated with:       NC., Nevada corporation; NEVADA     CONSTRUCTION SERVICES, a Nevada       corporation; SCOTT FINANCIAL     CORPORATION, a North Dakota       CORPORATION, a North Dakota     NOTICE OF ENTRY OF JUDGMENT       TITLE INSURANCE COMPANY; FIRST     AMERICAN TITLE INSURANCE       COMPANY and DOES I through X,     Defendants.       11     AND ALL RELATED MATTERS       23     ///       24     ///       25     ///       26     Image: Component of the section of the sec	10		
<ul> <li>AST/1792, AST/391, AST7623, AS80889, ASS3289, AS84730, and AS87168</li> <li>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,</li> <li>Defendants.</li> <li>AND ALL RELATED MATTERS</li> <li>///</li> <li>///</li> <li>///</li> <li>///</li> <li>///</li> <li>///</li> <li>///</li> <li>///</li> </ul>			
13       vs.       A583289, A584730, and A587168         14       GEMSTONE DEVELOPMENT WEST,       NOTICE OF ENTRY OF JUDGMENT         15       INC., Nevada corporation; NEVADA       CONSTRUCTION SERVICES, a Nevada         16       corporation; SCOTT FINANCIAL       CORPORATION, a North Dakota         17       corporation; COMMONWEALTH LAND       TITLE INSURANCE COMPANY; FIRST         18       TITLE INSURANCE COMPANY; FIRST         19       COMPANY and DOES I through X,         20       Defendants.         21       AND ALL RELATED MATTERS         23       ///         24       ///         25       ///         26       27         28	12	Plaintiff,	Consolidated with:
14       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,       NOTICE OF ENTRY OF JUDGMENT         20       Defendants.         21       AND ALL RELATED MATTERS         22       ///         23       ///         24       ///         25       ///         26       ///         27       1         28       1	13	VS.	
<ul> <li>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,</li> <li>Defendants.</li> <li>AND ALL RELATED MATTERS</li> <li>///</li> <li>//</li> <li>///</li> <li>//</li> <li>//&lt;</li></ul>	14		
16       corporation; SCOTT FINANCIAL         17       CORPORATION, a North Dakota         18       TITLE INSURANCE COMPANY; FIRST         18       TITLE INSURANCE COMPANY; FIRST         19       COMPANY and DOES I through X,         20       Defendants.         21       AND ALL RELATED MATTERS         22       ///         23       ///         24       ///         25       ///         26       27         28	15	INC., Nevada corporation; NEVADA	NOTICE OF ENTRY OF JUDGMENT
<ul> <li>corporation; COMMONWEALTH LAND TITLE INSURANCE COMPANY; FIRST AMERICAN TITLE INSURANCE COMPANY and DOES I through X,</li> <li>Defendants.</li> <li>AND ALL RELATED MATTERS</li> <li>///</li> <li>///</li> <li>///</li> <li>///</li> <li>///</li> <li>///</li> <li>///</li> </ul>	16	corporation; SCOTT FINANCIAL	
18       TITLE INSURANCE COMPANY; FIRST AMERICAN TITLE INSURANCE COMPANY and DOES I through X,         20       Defendants.         21       AND ALL RELATED MATTERS         23       ///         24       ///         25       ///         26	17		
19COMPANY and DOES I through X,20Defendants.21AND ALL RELATED MATTERS23///24///25///26	18	TITLE INSURANCE COMPANY; FIRST	
21     AND ALL RELATED MATTERS       23     ///       24     ///       25     ///       26	19		
22       AND ALL RELATED MATTERS         23       ///         24       ///         25       ///         26	20	Defendants.	
22         23       ///         24       ///         25       ///         26	21	AND ALL RELATED MATTERS	
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PEEL BRIMLEY LLP 3333 E. SERENE AVENUE, STE. 200 HENDERSON, NEVADA 89074 (702) 990-7272 + FAX (702) 990-7273

# JA007448

1	NOTICE OF ENTRY OF JUDGMENT
2	PLEASE TAKE NOTICE that a JUDGMENT [AS TO THE CLAIMS OF HEINAMAN
3	CONTRACT GLASING AGAINST CAMCO CONSTRUCTION CO., INC.] was filed on
4	May 30, 2018, a copy of which is attached as Exhibit A.
5	DATED this 31st day of May, 2018.
6	PEEL BRIMLEY LLP
7	<u>/S/ Eric B Zimbelman</u> ERIC B. ZIMBELMAN, ESQ
8	Nevada Bar No. 9407
9	RICHARD L. PEEL, ESQ. Nevada Bar No. 4359
10	3333 E. Serene Avenue, Suite 200 Henderson, NV 89074-6571
11	Attorneys for Heinaman Contract Glazing
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	JA007449

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

1	CERTIFICATE OF SERVICE
2	Pursuant to Nev. R. Civ. P. 5(b), I certify that I am an employee of <b>PEEL BRIMLEY</b> ,
3	LLP, and that on this 31st day of May, 2018, I caused the above and foregoing document,
4	NOTICE OF ENTRY OF JUDGMENT to be served as follows:
5	
6	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
7 8	pursuant to NEFCR 9, upon all registered parties via the Court's electronic filing system;
9	pursuant to EDCR 7.26, to be sent via facsimile;
10	to be hand-delivered; and/or
11	other
12	to the attorney(s) and/or party(ies) listed below at the address and/or facsimile number indicated below:
13	delow:
14	<u>Apco Construction:</u> Rosie Wesp ( <u>rwesp@maclaw.com</u> )
15	Camco Pacific Construction Co Inc:
16	Steven Morris ( <u>steve@gmdlegal.com</u> )
17	Camco Pacific Construction Co Inc:
18	Steven Morris ( <u>steve@gmdlegal.com</u> )
19	<u>Fidelity &amp; Deposit Company Of Maryland:</u> Steven Morris ( <u>steve@gmdlegal.com</u> )
20	Steven Morris ( <u>steve@gmdregar.com</u> )
21	<u>E &amp; E Fire Protection LLC:</u> Tracy Truman ( <u>district@trumanlegal.com</u> )
22	Interstate Plumbing & Air Conditioning Inc:
23	Jonathan Dabbieri ( <u>dabbieri@sullivanhill.com</u> )
24	National Wood Products, Inc.'s:
25	Richard Tobler ( <u>rltltdck@hotmail.com</u> ) Tammy Cortez ( <u>tcortez@caddenfuller.com</u> )
26	S. Judy Hirahara (jhirahara@caddenfuller.com)
27	Dana Kim ( <u>dkim@caddenfuller.com</u> ) Richard Reincke ( <u>rreincke@caddenfuller.com</u> )
28	<u>Chaper 7 Trustee:</u>
	<b>JA007450</b>

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	An employee of PEEL BRIMLEY, LLP

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# **Exhibit** A

Electronically Filed 5/30/2018 2:02 PM Steven D. Grierson CLERK OF THE COURT

		5/30/2018 2:02 PM Steven D. Grierson CLERK OF THE COURT
	DDIO D ZD (DEI ) (AN	Alun A. Shum
1	ERIC B. ZIMBELMAN, Nevada Bar No. 9407	allun
2	RICHARD L. PEEL, ESQ. Nevada Bar No. 4359	
3	PEEL BRIMLEY LLP	
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5	Telephone: (702) 990-7272 Fax: (702) 990-7273	
	ezimbelman@peelbrimley.com	
6	rpeel@peelbrimley.com Attorneys for Heinaman Contract Glazing	
7		COURT
8	DISTRICT	COURT
9	CLARK COUN	TTY, NEVADA
10	APCO CONSTRUCTION, a Nevada corporation,	CASE NO.: A571228 DEPT. NO.: XIII
11	Plaintiff,	Consolidated with:
12	vs	A571792, A574391, A577623, A580889, A583289, A584730, and A587168
13	GEMSTONE DEVELOPMENT WEST, INC.,	and the second
14	Nevada corporation; NEVADA CONSTRUCTION SERVICES, a Nevada	JUDGMENT
- 21	corporation; SCOTT FINANCIAL	<b>[AS TO THE CLAIMS OF HEINAMAN</b>
15	CORPORATION, a North Dakota corporation; COMMONWEALTH LAND	CONTRACT GLAZING AGAINST CAMCO CONSTRUCTION CO., INC.]
16	TITLE INSURANCE COMPANY; FIRST AMERICAN TITLE INSURANCE	
17	COMPANY and DOES I through X,	
18	Defendants.	
19	AND ALL DELATED MATTERS	
20	AND ALL RELATED MATTERS.	
21	This matter having come on for a non-j	ury trial on the merits on January 17-19, 23, 24
22	and February 6, 2018, Helix Electric of N	levada, LLC ("Helix"), SWPPP Compliance
23	Solutions, Inc. ("SWPPP"), Cactus Rose Cons	truction, Co., Inc. ("Cactus Rose"), Fast Glass,
24	Inc. ("Fast Glass"), and Heinaman Contract	Glazing ("Heinaman") all appearing through
港25	Peel Brimley LLP; Camco Construction, In	c., ("Camco") through Grant Morris Dodds;
Q726	APCO Construction, Inc. ("APCO"), appearing	ng through Spencer Fane, LLP and Marquis &
COURJDERT#	Aurbach; National Wood Products, Inc. ("Nat	ional Wood" or "CabineTec") through Cadden
DISTRIGT (	& Fuller LLP and Richard L. Tobler, Ltd.; an	nd United Subcontractors, Inc. through Fabian
iq	JA007454	

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# **JA007454**

Case Number: 08A571228

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

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The Court having taken the matter under consideration and advisement;

The Court having entered its April 26, 2018 Findings of Fact and Conclusions of Law as to the Claims of Heinaman against Camco, incorporated herein by this reference and attached hereto as Exhibit 1 ("the Heinaman FFCL");

The Court enters the following Judgment as to the claims of Heinaman against Camco;

IT IS ORDERED, ADJUDGED, AND DECREED that judgment is to be entered in favor of Heinaman and against Camco as set forth on the Heinaman FFCL.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Court may
issue an amended judgment after the Court has heard and decided upon Heinaman's Motion
for Attorney's Fees, Costs and Interest Against Cameo currently pending before the Court.

Dated this 29 day of May 2018.

#11776 fa

Respectfully submitted by:

PEEL BRIMLEY LLP

ERIC B. ZIMBELMAN,

RICHARD L. PEEL, ESQ. Nevada Bar No. 4359

Henderson, NV 89074-6571

3333 E. Serene Avenue, Suite 200

Attorneys for Heinaman Contract Glazing

Nevada Bar No. 9407

DISTRICT COURT JUDGE

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

**JA00745**5<sub>age 2</sub>

# **EXHIBIT 1**

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JA007456

•		1		Electronically Filed 4/26/2018 11:08 AM Steven D. Grierson CLERK OF THE COURT
		2	DISTRICT CO	
		- 3	CLARK COUNTY APCO CONSTRUCTION, a Nevada	, NEVADA CASE NO.: A571228
		4	corporation,	DEPT. NO.: XIII
		5	Plaintiff,	Consolidated with:
		6	vs	A571792, A574391, A577623, A580889, A583289, A584730, and A587168
		7	GEMSTONE DEVELOPMENT WEST, INC., Nevada corporation; NEVADA	A365267, A564750, and A367106
		8	CONSTRUCTION SERVICES, a Nevada corporation; SCOTT FINANCIAL	FINDINGS OF FACT AND CONCLUSIONS OF LAW AS TO THE
		9	CORPORATION, a North Dakota corporation; COMMONWEALTH LAND	CLAIMS OF HEINAMAN CONTRACT GLAZING
		10	TITLE INSURANCE COMPANY; FIRST AMERICAN TITLE INSURANCE	
		11	COMPANY and DOES I through X,	
		12	Defendants.	
		13	AND ALL RELATED MATTERS.	
		14	This matter came on for trial on January 17	7-19, 23-24, 31 and February 6, 2018,
		15	before the Honorable Mark Denton in Dept. 13, ar	nd the following parties having appeared
		16	through the following counsel:	
		17		
CLEI	_	18	Party	<u>Counsel for Party</u>
RK OF	APR 2 6 2018	19	Apco Construction Co., Inc. ("Apco")	John Randall Jeffries, Esq. and Mary E. Bacon, Esq. of the Law
THE	APR 2 6 201	20		Firm of Spencer Fane LLP Steven L. Morris, Esq. of the Law
CLERK OF THE COURT		21	Camco Pacific Construction Co., Inc. ("Camco")	Firm of the Law Firm of Grant
RT	цo	22	Helix Electric of Nevada, LLC ("Helix")	Morris Dodds           Eric Zimbelman, Esq. and the Law
		23		Firm of Peel Brimley LLP Eric Zimbelman, Esq. and the Law
		24	Heinaman Contract Glazing, Inc. ("Heinaman")	Firm of Peel Brimley LLP Eric Zimbelman, Esq. and the Law
		25	Fast Glass, Inc. ("Fast Glass")	Firm of Peel Brimley LLP
		26	Cactus Rose Construction Co., Inc. ("Cactus	Eric Zimbelman, Esq. and the Law Firm of Peel Brimley LLP
		27	Rose")	
D	I <b>K R. DEN</b> ISTRICT JUDG RTMENT THIR	E	JA007457	
LAS VEGAS, NV 89155		155	Case Number 004574990	13

1	SWPPP Compliance Solutions, Inc. ("SWPPP")         Eric Zimbelman, Esq. and the Law           Firm of Peel Brimley LLP					
2 3	National Wood Products, LLC ("National Wood")John B. Taylor, Esq. of the LawFirm of Cadden & Fuller LLP					
4	E&E Fire Protection, LLC ("E&E")T. James Truman, Esq. of the LawFirm of T. James Truman, & Associates					
5 6 7 8 9 10 11 12 13 14 15 16 17 18 19						
20	in a blocked account and this action was stayed), the Nevada Supreme Court ruled that the					
21 22	Owner's lenders had priority over the proceeds of the sale of the Property, holding that the					
22 23	NRS Ch. 108 mechanic's liens were junior to the lenders' deeds of trust. The Court					
24	subsequently ordered the proceeds be released to the lenders. Thereafter, the stay was					
25	lifted and many of the trade contractors continued to pursue claims for non-payment from					
26	APCO and Camco. The trial focused on these claims.					
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MARK R. DENTON

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## B. Significant Pre-Trial Orders

2 1. Order Granting Partial Summary Judgment re: Pay-if-Paid. On 3 January 2, 2018, this Court issued an Order granting a Motion for Partial Summary 4 Judgment brought by a group of subcontractors represented by the Peel Brimley Law Firm 5 (the "Peel Brimley Lien Claimants") and joined in by others. Generally, but without 6 limitation, the Court concluded that, pursuant to NRS 624.624 and Lehrer McGovern 7 Bovis, Inc. v. Bullock Insulation, Inc., 124 Nev. 1102, 1117-18, 197 P.3d 1032, 1042 (Nev. 8 2008), higher-tiered contractors, such as APCO and Camco, are required to pay their 9 lower-tiered subcontractors within the time periods set forth in NRS 624.626(1) and may 10 not fail to make such payment based on so-called "pay-if-paid" agreements ("Pay-if-Paid") 11 that are against public policy, void and unenforceable except under limited circumstances. 12 Accordingly, the Court ruled that APCO and Camco may not assert or rely on any defense 13 to their payment obligations, if any, to the party subcontractors that is based on a pay-if-14 paid agreement.

15 2. Order on Peel Brimley Lien Claimants' Motion in Limine Against 16 Camco. On December 29, 2017 the Court issued an order on motions in limine brought by 17 the Peel Brimley Lien Claimants Against Camco. Specifically, the Court precluded Camco 18 from asserting or offering evidence that any of the Peel Brimley Lien Claimants' work on 19 the Project was (i) defective, (ii) not done in a workmanlike manner or (iii) not done in 20 compliance with the terms of the parties' agreement because Camco's person most 21 knowledgeable was not aware of any evidence to support such claims. For the same 22 reason, the Court also precluded Camco from asserting or offering evidence at trial that the 23 Peel Brimley Lien Claimants have breached their agreements other than with respect to 24 pay-if-paid agreements, evidence and argument of which is otherwise precluded by the 25 Partial Summary Judgment discussed above. For the same reason, the Court also precluded 26 Camco from asserting or offering evidence at trial to dispute the amounts invoiced, paid

28 MARK R. DENTON DISTRICT JUDGE DEPARTMENT THIRTEEN LAS VEGAS, NV 89155

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<sup>1</sup> The Peel Brimley Lien Claimants are: Helix, Heinaman, Fast Glass, Cactus Rose and SWPPP.

and that remain to be owed as asserted by the Peel Brimley Lien Claimants in their
 respective Requests for Admission. For the same reason, the Court also precluded Camco
 from asserting or offering evidence at trial that any liens recorded by the Peel Brimley
 Lien Claimants were in any way defective or unperfected and are otherwise valid and
 enforceable.

C. <u>Findings of Fact.</u>

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7 Having received evidence and having heard argument of counsel, the Court makes
8 the following Findings of Fact:

9 1. The original general contractor on the Project was APCO. Gemstone and
10 APCO entered into the ManhattanWest General Construction Agreement for GMP (the
11 "APCO-Gemstone Agreement") on or about September 6, 2006. [See Exhibit 2].

Among other things, and in exchange for a guaranteed maximum price
 ("GMP") of \$153,472,300.00 as forth in the APCO-Gemstone Agreement (Ex. 2, ¶
 5.02(a)), APCO agreed to:

- "Complete the work" required by the APCO-Gemstone Agreement,
   "furnish efficient business administration and superintendence" and "use its best efforts to complete the Project;" [Ex 2., ¶ 2.01(a)];
  - "...engage contractors, subcontractors, sub-subcontractors, service providers, [and others, collectively referred to as "Third-Party Service Providers"] to perform the work..."; [Ex 2., ¶ 2.02(a)];

Monthly submit to Gemstone "applications for payment for the previous month on forms similar to AIA G702 and G703 and a corresponding approved Certificate for Payment;" [Ex 2., ¶ 5.05(a)]. Each payment application was to be "based on a Schedule of Values [that] shall allocate the entire GMP among the various portions of the Work" with APCO's fee to be shown as a separate line item." [Ex 2., ¶ 5.05(b)]; The payment applications were to "show the Percentage of Completion of each portion of

MARK R. DENTON DISTRICT JUDGE

1	the Work as of the end of the period covered by the Application for		
2	Payment. [Ex 2., ¶ 5.05(c)]; and		
3	• Upon receipt of a monthly progress payment, "promptly pay each Third-		
4	Party Service Provider the amount represented by the portion of the		
5	Percentage of the Work Completed that was completed by such Third-Party		
6	Service Provider <sup>2</sup> during the period covered by the corresponding Progress		
7	Payment." [Ex 2., ¶ 5.05(g)];		
8	3. APCO in turn hired various subcontractors to perform certain scopes of		
9	work and provided its form Subcontract Agreement to its subcontractors ("the APCO		
10	Subcontract"). Heinaman did not work for APCO on the Project and only first provided		
11	work after APCO ceased work on the project and, as discussed below, Gemstone hired		
12	Camco as the general contractor to replace APCO. APCO ceased work on the Project in or		
13	about the end of August 2008. APCO and Gemstone each claim to have terminated the		
14	other.		
15	4. After APCO ceased work on the project, Gemstone hired Camco to be its		
16	general contractor pursuant to an Amended and Restated ManhattanWest General		
17	Construction Agreement effective as of August 25, 2008 ("the Camco-Gemstone		
18	Agreement"). [See Exhibit 162].		
19	5. On cross examination, Camco's Dave Parry could not point to any portion		
20	of the Camco-Gemstone Agreement that required Camco to supervise the work of the		
21	subcontractors. [TR5-50:17-51:9]. Nothing in Article II ("General Contractor		
22	Responsibilities") obligates Camco to supervise the work or the subcontractors. [See Ex.		
23	162, ¶Article II]. Parry did not deny that Camco was "essentially there to lend [its]		
24	license" to Gemstone. [TR5-50:15-17].		
25	6. Mr. Parry described Camco as "more of a construction manager at this point		
26	<sup>2</sup> Because the only Third-Party Service Providers at issue on this trial were subcontractors, the Court		
27	will herein use the terms "subcontractor" and "Third-Party Service Provider" interchangeably and synonymously.		
28	· · · · · · · · · · · · · · · · · · ·		

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than a general contractor" [TR5-31:10-11<sup>3</sup>]. Nonetheless, the Camco-Gemstone
Agreement is plainly called a "General Construction Agreement." The Camco-Gemstone
Agreement also requires Camco, in the same way that APCO did, to aggregate payment
applications from subcontractors and prepare and submit to Gemstone payment
applications for the amounts represented by the subcontractor payment applications and
Camco's fee. [See Ex. 162-008-010; ¶7.01].

Camco continued the same payment application format and numbering and 7 7. same schedule of values that APCO had been following. [See Exhibit 218; TR5-30:21-8 31:4<sup>4</sup>]. Like APCO before it, Camco compiled and included in its payment applications to 9 Gemstone the amounts billed by its subcontractors, including Heinaman. [See e.g., Exhibit 10 522-001-011]. Also like the APCO-Gemstone Agreement, the Camco-Gemstone 11 Agreement required Camco, upon receipt of a progress payment from Gemstone, to 12 "promptly pay each [subcontractor] the amount represented by the portion of the 13 Percentage of the Work Completed that was completed by such [subcontractor]." [Ex. 162-14 010, ¶7,03(e)],<sup>5</sup> It is only after Gemstone announced that the Project would be suspended 15 16 that Camco asserted otherwise. Camco's initial letter to subcontractors following Gemstone's 17 8. announcement demonstrates both that it believed it had subcontracts (because it purported 18 to terminate the same) and that it intended to continue to forward payment applications to 19 Gemstone. [See e.g., Exhibit 804-003-004]. Specifically, Camco wrote: 20 21 Camco is left with no choice but to terminate our agreement with Gemstone and all subcontracts on the Project, including our agreement with your 22 company. Accordingly, we have terminated for cause our agreement with Gemstone, effective December 19, 2008, and we hereby terminate for 23 convenience our subcontract with your company, effective immediately. 24 Please submit to Camco all amounts you believe are due and owing on your 25 subcontract. We will review and advise you of any issues regarding any <sup>3</sup> Testimony of Dave Parry. 26

<sup>4</sup> Testimony of Dave Parry.

<sup>5</sup> Unlike APCO and the subcontractors, no retention was to be withheld from the contractor's fee to be paid to Camco (through retention continued to be withheld from subcontractors). [Ex. 162-010, ¶7.03(a)].

MARK R. DENTON

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1	amounts you claim are owed. For all amounts that should properly be billed to		
2	Gemstone, Camco will forward to Gemstone such amounts for payment y Gemstone. If your claims appear to be excessive, we will ask you to justify		
3	and/or revise the amount.		
4	[See e.g., Ex. 804-003-004].		
5	9. Camco quickly retracted its initial communication and replaced it with a		
6	second letter [See e.g., Ex. 804-005-007] asking the subcontractors to "please disregard		
7	previous letter which was sent in error." [See e.g., Ex. 804-005]. Among other things,		
8	Camco's second letter:		
9	• Deleted its statement that it had terminated the Camco-Gemstone		
10	Agreement (while continuing to terminate the subcontractors);		
11	<ul> <li>Asserts that the subcontractors agreed to Pay-if-Paid and accepted the risk</li> </ul>		
12	of non-payment from the owner (which is also Pay-if-Paid); and,		
13	• Stated, inaccurately, that "Camco's contract with Gemstone is a cost-plus		
14	agreement wherein the subcontractors and suppliers were paid directly by		
15	Gemstone and/or its agent Nevada Construction Services." [See e.g., Ex.		
16	804-007].		
17	While Gemstone eventually did make partial payment to some subcontractors through		
18	NCS and not Camco [see discussion, infra], the Camco-Gemstone Agreement expressly		
19	required Camco, upon receipt of a progress payment from Gemstone, to "promptly pay		
20	each [subcontractor] the amount represented by the portion of the Percentage of the Work		
21	Completed that was completed by such [subcontractor]." [Ex. 162-010, ¶7.03(e)].		
22	10. Some subcontractors stopped working after APCO left the Project. Others,		
23	such as Helix, continued to work on the Project and began working for Camco as the		
24	general contractor. Others, such as Heinaman, Fast Glass, Cactus Rose and SWPPP started		
25	working on the Project only after APCO left and worked only for Camco.		
26	11. Camco presented some subcontractors with a standard form subcontract		
27	Agreement ("the Camco Subcontract"), a representative example of which is Camco's		
28			
MARK R. DENTON	Page 7		
DEPARTMENT THIRTEEN LAS VEGAS, NV 89155	JA007463		

DEPARTMENT THIRTEEN LAS VEGAS, NV 89155

• • • • • • • • • • • • • • • • • • • •			
1	subcontract with Fast Glass. [See Exhibit 801-007-040; TR5-57:8-16 <sup>6</sup> ].		
2	12. However, Heinaman and Camco never entered into the Camco Subcontract.		
3	Instead, the agreement between Camco and Heinaman is memorialized by a Letter of		
4	Intent to proceed with the Work and Memorandum of Understanding Regarding Terms		
5	and Conditions between Heinaman, Camco and Gemstone. [Exhibit 701 - "the Heinaman		
6	Agreement"]. The Heinaman Agreement provides, among other things:		
7	۲	"CAMCO and Gemstone both promise to pay and to be liable to	
8		[Heinaman]"	
9	•	"CAMCO and Gemstone agree to be jointly and severally liable for	
10		payment of [Heinaman's invoices]" and to "pay [Heinaman on the fifth day	
11		after receipt of an Invoice from [Heinaman];"	
12	٠	"Each [Heinaman] invoice shall be paid without retention;"	
13	•	"Each invoice shall be [prepared on a Time and Material basis plus 15%	
14		standard mark up on each invoice for Overhead and 10% mark up on each	
15		invoice for Profit;"	
16	•	CAMCO and Gemstone authorize [Heinaman] to proceed with the scope of	
17		work as referenced herein.;" and	
18	•	The Parties understand that this document shall be binding on all Parties	
19		until a different contract is signed by all parties."	
20	[Ex. 701].		
21	13.	Heinaman's representative, Mark Heinaman, testified that there is no	
22	"different contract signed by all Parties." Camco did not dispute this testimony or offer any		
23	contract sign	ed by Heinaman, Camco and Gemstone.	
24	14.	In fact, Heinaman offered, and the Court admitted, a separate agreement	
25	between Can	between Camco, Gemstone, Scott Financial Corporation ("SCF" - Gemstone's lender) and	
26	Nevada Construction Services, Inc. ("NCS") titled ManhattanWest Heinaman Contract		
27			
28	<sup>6</sup> Testimony of Dave Parry.		
MARK R. DENTON DISTRICT JUDGE		Page 8	
DEPARTMENT THIRTEEN		JA007464	

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Glazing Funding Instruction Agreement ("the Heinaman Funding Agreement") that confirms:

• "[I]t is in the best interests if the project to engage Heinaman ...;" and

• "Heinaman has demanded the right to invoice Camco weekly and requires that Camco pay each invoice within five calendar days."

6 [Exhibit 718-002]. In addition, the Heinaman Funding Agreement identifies a source of
7 payments to Heinaman (monies in the NCS account previously "carmarked" to pay a
8 terminated glazing contractor) and sets forth a procedure as between Camco, Gemstone,
9 Scott and NCS to make payments to Heinaman for its work. [Ex. 718-002-004] Heinaman
10 was not a party to the Heinaman Funding Agreement.

11 15. Consistent with the Heinaman Agreement (i.e., time and materials plus 15%
overhead and 10% profit), Heinaman submitted multiple invoices to Camco, some of
which were paid [see Exhibit 702-001-003] and some of which were unpaid [see Ex. 702004-007]. Heinaman's unpaid invoices total \$187,525.26. The Court finds that Camco
agreed to pay all of Heinaman's invoices, breached the Heinaman Agreement by failing to
pay the unpaid invoices and owes Heinaman the principal sum (i.e., exclusive of interest,
costs and attorney's fees) of \$187,525.26.

16. The Court further finds that Heinaman performed the work for which it
invoiced. [See e.g., Exhibits 704, 705. 706, 707 and 708 (project record documents)].
Based in part on the undisputed testimony of Mark Heinaman the Court finds that
Heinaman's invoices represent a reasonable value for the work performed.

17. Heinaman presented undisputed evidence, and the Court finds, that
Heinaman timely recorded a mechanic's lien, as amended ("the Heinaman Lien"), pursuant
to NRS Chapter 108 and perfected the same. [See Exhibit 703]. The Heinaman Lien
identified both Camco as the "person by whom the lien claimant was employed or to
whom the lien claimant furnished or agreed to furnish work, materials or equipment." [See
Ex. 703-038].

28 MARK R. DENTON DISTRICT JUDGE

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1 18. Any finding of fact herein that is more appropriately deemed a conclusion
 2 of law shall be treated as such.

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

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## B. <u>Conclusions of Law</u>.

"Basic contract principles require, for an enforceable contract, an offer and 5 1 acceptance, meeting of the minds, and consideration." May v. Anderson, 121 Nev. 668, 6 672, 119 P.3d 1254, 1257 (2005). A meeting of the minds exists when the parties have 7 agreed upon the contract's essential terms. Roth v. Scott, 112 Nev. 1078, 1083, 921 P.2d 8 1262, 1265 (1996). Which terms are essential "depends on the agreement and its context 9 and also on the subsequent conduct of the parties, including the dispute which arises, and 10 the remedy sought." Restatement (Second) of Contracts § 131 cmt. g (1981). Whether a 11 contract exists is a question of fact and the District Court's findings will be upheld unless 12 they are clearly erroneous or not based on substantial evidence. May, 121 Nev. at 672-73, 13 14 119 P.3d at 1257.

15 2. The Court concludes that Camco entered into and breached the Heinaman
16 Agreement by failing, without excuse, to pay Heinaman in full for the invoices it
17 submitted and for the work it performed in the amount of \$187,525.26 and that Heinaman
18 is entitled to judgment for that amount, exclusive of interest, costs and attorney's fees.

Alternatively, the Court concludes that there is an implied contract between 19 3. Heinaman and Camco and that Heinaman is entitled quantum meruit damages for recovery 20 of the full and reasonable value of the work it has performed. See Certified Fire Prot. Inc. 21 v. Precision Constr., 128 Nev. 371, 379, 283 P.3d 250, 257 (2012) ("quantum meruit's 22 first application is in actions based upon contracts implied-in-fact."). A contract implied-23 in-fact must be "manifested by conduct." Id. at 380 citing Smith v. Recrion Corp., 91 Nev. 24 666, 668, 541 P.2d 663, 664 (1975); Hay v. Hay, 100 Nev. 196, 198, 678 P.2d 672, 674 25 (1984). It "is a true contract that arises from the tacit agreement of the parties." Id. To find 26 a contract implied-in-fact, the fact-finder must conclude that the parties intended to 27

28 MARK R. DENTON DISTRICT JUDGE contract and promises were exchanged, the general obligations for which must be
 sufficiently clear. *Id.* Here, Heinaman and and Camco clearly intended to enter into a
 contract whereby Heinaman would perform work for Camco and Camco would pay
 Heinaman for its work.

5 4. Where an implied-in-fact contract exists "quantum meruit ensures the 6 laborer receives the reasonable value, usually market price, for his services." Precision 7 Constr., 128 Nev. at 380 citing Restatement (Third) of Restitution and Unjust Enrichment 8 § 31 cmt. e (2011), Sack v. Tomlin, 110 Nev. 204, 208, 871 P.2d 298, 302 (1994) ("The 9 doctrine of quantum meruit generally applies to an action ... involving work and labor 10 performed which is founded on a[n] oral promise [or other circumstances] on the part of 11 the defendant to pay the plaintiff as much as the plaintiff reasonably deserves for his labor 12 in the absence of an agreed upon amount."). Here, the only and undisputed testimony was 13 that the monies Heinaman billed for its work were a reasonable value for the work 14 performed. Moreover, Camco's submission of at least some of those amounts to Gemstone 15 as part of its own pay application estopps Camco from disputing the reasonable value of 16 Heinaman's work. Heinaman is therefore entitled quantum meruit damages in the amount 17 of \$187,525.26 for recovery of the full and reasonable value of the work it performed. See 18 Certified Fire Prot., 128 Nev. at 380.

19 5. The Court rejects Camco's argument that it is not liable to Heinaman (and 20 other subcontractors) because it never received payment from Gemstone who instead made 21 payments to subcontractors through the disbursement company, NCS. Camco's position 22 notwithstanding, both the Camco-Gemstone Agreement and the Camco Subcontract 23 demonstrate that (consistent with the APCO-Gemstone Agreement and the APCO 24 Subcontract) payments to subcontractors were intended to flow through the general 25 contractor. Camco presented no evidence that Heinaman or any other subcontractor 26 consented in advance to Gemstone's eventual decision to release payments (in part) 27 through NCS and not Camco.

MARK R. DENTON

1 6. Similarly, the Court rejects Camco's contention that the Court's decision on 2 Pay-if-Paid is inapplicable because it was "impossible" for Camco to have paid Helix and 3 other subcontractors. Camco presented no evidence that it, for example, declared 4 Gemstone to be in breach for failing to make payments through Camco rather than through 5 NCS. Instead, Camco appears to have acceded to Gemstone's deviation from the contract 6 and, at least until Gemstone announced that it was suspending construction, continued to 7 process subcontractor payment applications and submit them to Gemstone. Camco's 8 "impossibility" claim is, in any event, another form of Pay-if-Paid, against the public 9 policy of Nevada, void and unenforceable and barred by this Court's summary judgment.

10 7. Specific to Heinaman, the Court concludes that Camco's reliance on any 11 form of Pay-if-Paid (i.e., even if the same could be deemed permissible under Nevada law) 12 is inapplicable to its relationship with Heinaman. Pursuant to the Heinaman Agreement, 13 Camco expressly agreed to be liable to Heinaman "jointly and severally with Gemstone. 14 Accordingly, even if (as Camco urges) the subcontractors as a whole are required to look 15 solely to the defunct Gemstone for payment (which, for the reasons explained above, they 16 are not), Camco has expressly agreed to be liable to Heinaman in the same way that 17 Gemstone is liable.

18 8. Heinaman is therefore awarded the principal sum of \$187,525.26 (i.e.,
19 exclusive of interest, costs and attorney's fees) against Camco and may apply for judgment
20 as to the same.

9. The Court denies all of Camco's affirmative defenses.

10. Heinaman is entitled to prejudgment interest pursuant to NRS 108.237
and/or NRS 17.130 and is granted leave to apply for the same by way of an amendment or
supplement to these Findings of Fact and Conclusions of Law and for judgment as to the
same.

11. Heinaman is the prevailing party and/or prevailing lien claimant as to Camco and is entitled to an award of reasonable attorney's fees pursuant to NRS 108.237.

MARK R. DENTON

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1	Heinaman is granted leave to apply for the same by way of an amendment or supplement		
2	to these Findings of Fact and Conclusions of Law and for judgment as to the same.		
3	12. As the prevailing party, Heinaman may also apply for an award of costs in		
4	accordance with the relevant statutes and for judgment as to the same.		
5	13. Any conclusion of law herein that is more appropriately deemed a finding		
6	of fact shall be treated as such.		
7	ORDER		
8	NOW, THEREFORE, the Court hereby directs entry of the foregoing Findings of		
9			
10	IT IS FURTHER ORDERED that, based upon the foregoing Findings of Fact and		
11	Conclusions of Law, and those made regarding the other parties and claims involved in the		
12	consolidated cases, the Court shall issue a separate Judgment or Judgments reflective of the		
13	Out /		
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15			
16	DISTRICT COURT JUDGE		
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20			
	21 Service List.		
22	LORRAINE TASHIRO		
23	Judicial Executive Assistant Dept. No. XIII		
24			
25			
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27			
28 MARK R. DENTON			
DISTRICT JUDGE DEPARTMENT THIRTEEN LAS VEGAS, NV 89155	Page 13 <b>JA007469</b>		
Fri 16 and 111 02123			

### **EXHIBIT 5D**

**JA007470** 

		Electronically Filed 5/31/2018 12:59 PM Steven D. Grierson
1	NJUD	CLERK OF THE COURT
2	ERIC B. ZIMBELMAN, ESQ. Nevada Bar No. 9407	Comment
3	RICHARD L. PEEL, ESQ. Nevada Bar No. 4359	
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7	Attorneys for Helix Electric of Nevada LLC	
8	DISTRI	CT COURT
9	CLARK COU	JNTY, NEVADA
10	APCO CONSTRUCTION, a Nevada corporation,	Case No. : 08A571228 Dept. No. : XIII
11	Plaintiff,	Consolidated with:
12	VS.	A571792, A574391, A577623, A580889, A583289, A584730, and A587168
13	GEMSTONE DEVELOPMENT WEST,	
14	INC., Nevada corporation; NEVADA	NOTICE OF ENTRY OF JUDGMENT
15	CONSTRUCTION SERVICES, a Nevada corporation; SCOTT FINANCIAL	
16 17	CORPORATION, a North Dakota corporation; COMMONWEALTH LAND	
17	TITLE INSURANCE COMPANY; FIRST AMERICAN TITLE INSURANCE	
10	COMPANY and DOES I through X,	
20	Defendants.	
21	AND ALL RELATED MATTERS	
22		
23	///	
24	///	
25	///	
26		
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28		
	<b>JA00747</b> 1	

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

1	NOTICE OF ENTR	RY OF JUDGMENT	
2	PLEASE TAKE NOTICE that a JUDGMENT [AS TO THE CLAIMS OF HELIX		
3	ELECTRIC OF NEVADA, LLC AGAINST CAMCO CONSTRUCTION CO., INC.] was		
4	filed on May 30, 2018, a copy of which is attach	ed as Exhibit A.	
5	DATED this 31st day of May, 2018.		
6		PEEL BRIMLEY LLP	
7		<u>/S/ Eric B Zimbelman</u> ERIC B. ZIMBELMAN, ESQ	
8		Nevada Bar No. 9407	
9		RICHARD L. PEEL, ESQ. Nevada Bar No. 4359	
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1	CERTIFICATE OF SERVICE
2	Pursuant to Nev. R. Civ. P. 5(b), I certify that I am an employee of PEEL BRIMLEY,
3	LLP, and that on this 31st day of May, 2018, I caused the above and foregoing document,
4	NOTICE OF ENTRY OF JUDGMENT to be served as follows:
5	by placing same to be deposited for mailing in the United States Mail, in a sealed
6	envelope upon which first class postage was prepaid in Las Vegas, Nevada; and/or
7 8	pursuant to NEFCR 9, upon all registered parties via the Court's electronic filing system;
o 9	pursuant to EDCR 7.26, to be sent <b>via facsimile</b> ;
10	to be hand-delivered; and/or
11	other
12	to the attorney(s) and/or party(ies) listed below at the address and/or facsimile number indicated
13	below:
14	Apco Construction: Rosie Wesp ( <u>rwesp@maclaw.com</u> )
15	
16	<u>Camco Pacific Construction Co Inc:</u> Steven Morris ( <u>steve@gmdlegal.com</u> )
17	Camco Pacific Construction Co Inc:
18	Steven Morris (steve@gmdlegal.com)
19	<u>Fidelity &amp; Deposit Company Of Maryland:</u> Steven Morris (steve@gmdlegal.com)
20	
21	<u>E &amp; E Fire Protection LLC:</u> Tracy Truman ( <u>district@trumanlegal.com</u> )
22	Interstate Plumbing & Air Conditioning Inc:
23	Jonathan Dabbieri ( <u>dabbieri@sullivanhill.com</u> )
24	National Wood Products, Inc.'s:
25	Richard Tobler ( <u>rltltdck@hotmail.com</u> ) Tammy Cortez ( <u>tcortez@caddenfuller.com</u> )
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28	<u>Chaper 7 Trustee:</u>
	<b>JA007473</b>

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**JA007474** Page 4 of 5

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	/s/ Amanda Armstrong
	An employee of PEEL BRIMLEY, LLP

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## **Exhibit** A

**Electronically Filed** 5/30/2018 2:02 PM Steven D. Grierson CLERK OF THE COURT

1	ERIC B. ZIMBELMAN,	Otime . Strum
2	Nevada Bar No. 9407 RICHARD L. PEEL, ESQ.	
3	Nevada Bar No. 4359 PEEL BRIMLEY LLP	
	3333 E. Serene Avenue, Suite 200	
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5	Fax: (702) 990-7273	
6	ezimbelman@peelbrimley.com rpeel@peelbrimley.com	
7	Attorneys for Helix Electric of Nevada, LLC	
	DISTRICT	COURT
8	CLARK COUN	TY. NEVADA
9	APCO CONSTRUCTION, a Nevada	CASE NO.: A571228
10	corporation,	DEPT. NO.: XIII
1	Plaintiff,	Consolidated with:
12	VS	A571792, A574391, A577623, A580889, A583289, A584730, and A587168
3	GEMSTONE DEVELOPMENT WEST, INC.,	
4	Nevada corporation; NEVADA CONSTRUCTION SERVICES, a Nevada	JUDGMENT
	corporation; SCOTT FINANCIAL	[AS TO THE CLAIMS OF HELIX
5	CORPORATION, a North Dakota corporation; COMMONWEALTH LAND	ELECTRIC OF NEVADA, LLC AGAINST CAMCO CONSTRUCTION
6	TITLE INSURANCE COMPANY; FIRST AMERICAN TITLE INSURANCE	CO., INC.]
7	COMPANY and DOES I through X,	
8	Defendants.	
9	AND ALL RELATED MATTERS.	
20		
21	This matter having come on for a non-j	ury trial on the merits on January 17-19, 23, 24
22	and Fahrung 6 2018 Heliv Electric of N	evada, LLC ("Helix"), SWPPP Compliance

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

RECEIVED

Solutions, Inc. ("SWPPP"), Cactus Rose Construction, Co., Inc. ("Cactus Rose"), Fast Glass, 23 Inc. ("Fast Glass"), and Heinaman Contract Glazing ("Heinaman") all appearing through AEL MARTIGE COURTIGEP TH 134 Peel Brimley LLP; Camco Construction, Inc., ("Camco") through Grant Morris Dodds; APCO Construction, Inc. ("APCO"), appearing through Spencer Fane, LLP and Marquis & Aurbach; National Wood Products, Inc. ("National Wood" or "CabineTec") through Cadden & Fuller LLP and Richard L. Tobler, Ltd.; and United Subcontractors, Inc. through Fabian

#### **JA007477**

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

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The Court having taken the matter under consideration and advisement;

The Court having entered its April 26, 2018 Findings of Fact and Conclusions of Law as to the Claims of Helix against Camco, incorporated herein by this reference and attached hereto as Exhibit 1 ("the Helix FFCL");

The Court enters the following Judgment as to the claims of Helix against Camco;

IT IS ORDERED, ADJUDGED, AND DECREED that judgment is to be entered in favor of Helix and against Camco as set forth on the Helix FFCL.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Court may issue an amended judgment after the Court has heard and decided upon Helix's Motion for Attorney's Fees, Costs and Interest Against Camco currently pending before the Court.

Dated this 29 day of May 2018.

DISTRICT COURT JUDGE

21 Respectfully submitted by: PEEL BRIMLEY LLP

22 #11776 For 23 ERIC B. ZIMBELMAN,

Nevada Bar No. 9407
RICHARD L. PEEL, ESQ.
Nevada Bar No. 4359

- 25 Nevada Bar No. 4359
  3333 E. Serene Avenue, Suite 200
  26 Henderson, NV 89074-6571
  - Attorneys for Helix Electric of Nevada, LLC

27 28

# **EXHIBIT 1**

JA007479

· · ·	1		Electronically Filed 4/26/2018 11:08 AM Steven D. Grierson CLERK OF THE COURT
	1	DISTRICT C	OURT Clinus
	2	CLARK COUNTY	(, NEVADA
	3		
	4	APCO CONSTRUCTION, a Nevada	CASE NO.: A571228
	5	corporation,	DEPT. NO.: XIII
		Plaintiff,	
	6	vs	Consolidated with: A571792, A574391, A577623, A580889,
	7	V3	A583289, A584730, and A587168
	8	GEMSTONE DEVELOPMENT WEST, INC., Nevada corporation; NEVADA CONSTRUCTION SERVICES, a Nevada	FINDINGS OF FACT AND
	9	corporation; SCOTT FINANCIAL	CONCLUSIONS OF LAW AS TO THE
	10	CORPORATION, a North Dakota corporation; COMMONWEALTH LAND	CLAIMS OF HELIX ELECTRIC OF NEVADA, LLC AGAINST CAMCO
	11	TITLE INSURANCE COMPANY; FIRST AMERICAN TITLE INSURANCE	PACIFIC CONSTRUCTION, INC.
	12	COMPANY and DOES I through X,	
	13	Defendants.	-
	14	AND ALL RELATED MATTERS.	
	15		
	16	This matter came on for trial on January 1	7-19, 23-24, 31 and February 6, 2018,
	17	before the Honorable Mark Denton in Dept. 13, a	nd the following parties having appeared
CLE	18	through the following counsel:	
REC APR	19		
RECEIVED O APR 2 6 2018	20	<u>Party</u>	Counsel for Party
	21	Apco Construction Co., Inc. ("Apco")	John Randall Jeffries, Esq. and
न्द्र ५०	22		Mary E. Bacon, Esq. of the Law Firm of Spencer Fane LLP
	23	Camco Pacific Construction Co., Inc. ("Camco")	Steven L. Morris, Esq. of the Law Firm of the Law Firm of Grant
	24		Morris Dodds
	25	Helix Electric of Nevada, LLC ("Helix")	Eric Zimbelman, Esq. and the Law Firm of Peel Brimley LLP
	25 26	Heinaman Contract Glazing, Inc. ("Heinaman")	Eric Zimbelman, Esq. and the Law Firm of Peel Brimley LLP
	27	Fast Glass, Inc. ("Fast Glass")	Eric Zimbelman, Esq. and the Law Firm of Peel Brimley LLP
MARK R. DEN DISTRICT JUDX DEPARTMENT THIF LAS VEGAS, NV 8		JA007480	D

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1 2	Cactus Rose Construction Co., Inc. ("CactusEric Zimbelman, Esq. and the Law Firm of Peel Brimley LLPRose")Eric Zimbelman, Esq. and the Law Firm of Peel Brimley LLP		
3	SWPPP Compliance Solutions, Inc. ("SWPPP")       Eric Zimbelman, Esq. and the Law         Firm of Peel Brimley LLP		
4	National Wood Products, LLC ("National Wood")John B. Taylor, Esq. of the Law Firm of Cadden & Fuller LLP		
6	E&E Fire Protection, LLC ("E&E"). T. James Truman, Esq. of the Law Firm of T. James Truman, & Associates		
7 8	<ul> <li>A. Procedural History.</li> <li>1. This is one of the oldest cases on the Court's docket. This action arises out</li> </ul>		
9 10	of a construction project in Las Vegas, Nevada known as the Manhattan West		
10	Condominiums Project ("the Project") located at West Russell Road and Rocky Hill Street		
11	in Clark County Nevada, APNs 163-32-101-003 through 163-32-101-005, 163-32-101-010		
13	and 163-32-101-014 (the "Property" and/or "Project"), owned by Gemstone Development		
<ul> <li>West, Inc. ("Gemstone" or "the Owner").</li> <li>2. Gemstone hired APCO, and, subsequently, Camco as its general</li> </ul>			
			16
17			
18	that Gemstone's lender did not expect to disburse further funds for construction. The		
19	Project was never completed. Numerous contractors, including the parties hereto, recorded		
20	mechanic's liens against the Property.		
21	3. After several years of litigation and a Writ Action to determine the priority		
22	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		
23	Owner's lenders had priority over the proceeds of the sale of the Property, holding that the		
24	NRS Ch. 108 mechanic's liens were junior to the lenders' deeds of trust. The Court		
25	subsequently ordered the proceeds be released to the lenders. Thereafter, the stay was		
26	lifted and many of the trade contractors continued to pursue claims for non-payment from		
27	inter and many of the date contractors continued to parsue claims for non-payment nom		
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DISTRICT JUDGE	Page 2		

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APCO and Camco. The trial focused on these claims. The Court has separately treated
 Helix's claims against APCO and has made or is making separate Findings of Fact and
 Conclusions of Law regarding the same.

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#### B. Significant Pre-Trial Orders

5 1. Order Granting Partial Summary Judgment re: Pay-if-Paid. On 6 January 2, 2018, this Court issued an Order granting a Motion for Partial Summary 7 Judgment brought by a group of subcontractors represented by the Peel Brimley Law Firm (the "Peel Brimley Lien Claimants") and joined in by others. Generally, but without 8 9 limitation, the Court concluded that, pursuant to NRS 624.624 and Lehrer McGovern Bovis, Inc. v. Bullock Insulation, Inc., 124 Nev. 1102, 1117-18, 197 P.3d 1032, 1042 (Nev. 10 2008), higher-tiered contractors, such as APCO and Camco, are required to pay their 11 12 lower-tiered subcontractors within the time periods set forth in NRS 624.626(1) and may not fail to make such payment based on so-called "pay-if-paid" agreements ("Pay-if-Paid") 13 14 that are against public policy, void and unenforceable except under limited circumstances. 15 Accordingly, the Court ruled that APCO and Camco may not assert or rely on a defense to their payment obligations to the party subcontractors that is based on a pay-if-paid 16 17 agreement.

2. Order on Peel Brimley Lien Claimants' Motion in Limine Against 18 19 <u>Camco.</u> On December 29, 2017 the Court issued an order on motions in limine brought by 20 the Peel Brimley Lien Claimants Against Camco. Specifically, the Court precluded Camco from asserting or offering evidence that any of the Peel Brimley Lien Claimants' work on 21 the Project was (i) defective, (ii) not done in a workmanlike manner or (iii) not done in 22 compliance with the terms of the parties' agreement because Camco's person most 23 knowledgeable was not aware of, and Camco did not otherwise offer, any evidence to 24 25 support such claims. For the same reason, the Court also precluded Camco from asserting or offering evidence at trial that the Peel Brimley Lien Claimants have breached their 26

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<sup>1</sup> The Peel Brimley Lien Claimants are: Helix, Heinaman, Fast Glass, Cactus Rose and SWPPP.

1 agreements other than with respect to pay-if-paid agreements, evidence and argument of 2 which is otherwise precluded by the Partial Summary Judgment discussed above. For the 3 same reason, the Court also precluded Camco from asserting or offering evidence at trial to 4 dispute the amounts invoiced, paid and that remain to be owed as asserted by the Peel 5 Brimley Lien Claimants in their respective Requests for Admission. For the same reason, 6 the Court also precluded Camco from asserting or offering evidence at trial that any liens 7 recorded by the Peel Brimley Lien Claimants were in any way defective or unperfected 8 and are otherwise valid and enforceable.

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#### C. Findings of Fact.

Having received evidence and having heard argument of counsel, the Court makes
the following Findings of Fact:

The original general contractor on the Project was APCO. Gemstone and
 APCO entered into the ManhattanWest General Construction Agreement for GMP (the
 "APCO-Gemstone Agreement") on or about September 6, 2006. [See Exhibit 2].

After APCO ceased work on the Project, Gemstone hired Camco to be its
 general contractor pursuant to an Amended and Restated ManhattanWest General
 Construction Agreement effective as of August 25, 2008 ("the Camco-Gemstone
 Agreement"). [See Exhibit 162].

3. 19 Camco continued the same payment application format and numbering and  $\mathbf{20}$ same schedule of values that APCO had been following. [See Exhibit 218; TR5-30:21-21 31:4].<sup>2</sup> Like APCO before it, Camco compiled and included in its payment applications to 22 Gemstone the amounts billed by its subcontractors, including Helix. [See e.g., Exhibit 23 522-001-011]. Also like the APCO-Gemstone Agreement, the Camco-Gemstone Agreement required Camco, upon receipt of a progress payment from Gemstone, to 24 "promptly pay each [subcontractor] the amount represented by the portion of the 25 26 Percentage of the Work Completed that was completed by such [subcontractor]." [Ex. 162-

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<sup>2</sup> Testimony of Dave Parry.

1	010, ¶7.03(e)]. <sup>3</sup> It is only after Gemstone announced that the Project would be suspended
2	that Camco asserted otherwise.
3	4. Camco's initial letter to subcontractors following Gemstone's
4	announcement demonstrates both that it believed it had subcontracts (because it purported
5	to terminate the same) and that it intended to continue to forward payment applications to
6	Gemstone. [See e.g., Exhibit 804-003-004]. Specifically, Camco wrote:
7	Camco is left with no choice but to terminate our agreement with Gemstone
8	and all subcontracts on the Project, including our agreement with your
9	company. Accordingly, we have terminated for cause our agreement with Gemstone, effective December 19, 2008, and we hereby terminate for
10	convenience our subcontract with your company, effective immediately.
11	Please submit to Camco all amounts you believe are due and owing on your subcontract. We will review and advise you of any issues regarding any
12	amounts you claim are owed. For all amounts that should properly be billed to
13	Gemstone, Camco will forward to Gemstone such amounts for payment y Gemstone. If your claims appear to be excessive, we will ask you to justify
14	and/or revise the amount.
15	[See e.g., Ex. 804-003-004].
16	5. Camco quickly retracted its initial communication and replaced it with a
17	second letter [See e.g., Ex. 804-005-007] asking the subcontractors to "please disregard
18	previous letter which was sent in error." [See e.g., Ex. 804-005]. Among other things,
19	Camco's second letter:
20	• Deleted its statement that it had terminated the Camco-Gemstone
21	Agreement (while continuing to terminate the subcontractors);
22	• Asserts that the subcontractors agreed to Pay-if-Paid and accepted the risk
23	of non-payment from the owner (which is also Pay-if-Paid); and,
24	• Stated, inaccurately, that "Camco's contract with Gemstone is a cost-plus
25	agreement wherein the subcontractors and suppliers were paid directly by
26	Gemstone and/or its agent Nevada Construction Services." [See e.g., Ex.
27	<sup>3</sup> Unlike APCO and the subcontractors, no retention was to be withheld from the contractor's fee to be
28	paid to Camco (though retention continued to be withheld from subcontractors). [Ex. 162-010, ¶7.03(a)].
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While Gemstone eventually did make partial payment through NCS and not Camco [see
discussion, *infra*], the Camco-Gemstone Agreement expressly required Camco, upon
receipt of a progress payment from Gemstone, to "promptly pay each [subcontractor] the
amount represented by the portion of the Percentage of the Work Completed that was
completed by such [subcontractor]." [Ex. 162-010, ¶7.03(e)].

804-0071.

7 6. Some subcontractors stopped working after APCO left the Project. Others,
8 such as Helix, continued to work on the Project and began working for Camco as the
9 general contractor. Others, such as Heinaman, Fast Glass, Cactus Rose and SWPPP started
10 working on the Project only after APCO left and worked only for Camco.

7. 11 Camco presented some subcontractors with a standard form subcontract 12 Agreement ("the Camco Subcontract"), a representative example of which is Camco's subcontract with Fast Glass. [See Exhibit 801-007-040; TR5-57:8-16].<sup>4</sup> Among other 13 14 provisions, the Camco Subcontract (consistent with the Camco-Gemstone Agreement), 15 requires Camco, no later than 10 days after receiving payment from Gemstone in response to its payment applications, to "pay to Subcontractor, in monthly progress payments, 90%<sup>5</sup> 16 17 of labor and materials placed in position by Subcontractor during [the month preceding a 18 payment application]." [See Ex. 701-012, ¶ II(C)].

19 8. Despite and contrary to the payment provisions of the Camco-Gemstone 20 Agreement [see supra and Ex. 162-010, ¶7.03(e)] and the Camco Subcontract [See Ex. 21 701-012, ¶ II(C)], no monies were ever distributed to the subcontractors through Camco. 22 Instead, and until it ceased making payments, Gemstone released funds to NCS, which 23 issued checks "on behalf of Camco Pacific" to some of the subcontractors and/or joint 24 checks to the subcontractors and their lower tiers, including Helix and its lower tiers. [See 25 e.g., Exhibit 508-062 (NCS check no. 531544 to Helix and its lower tier, Graybar Electric "on behalf of Camco Pacific.")]. 26

> <sup>4</sup> Testimony of Dave Parry. <sup>5</sup> i.e., less retention.

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9. Camco also presented subcontractors who had previously worked for
 APCO, including Helix and Cabintec (National Wood), with a document titled Ratification
 and Amendment of Subcontract Agreement ("the Camco Ratification"). [See e.g., Exhibit
 3164].

5 10. Helix admitted in its Complaint and in its lien documents that it entered into
6 the Camco Subcontract and the Camco Ratification.

7 11. As it was instructed to do, Camco continued to perform the work it had
agreed to perform on the Project until Gemstone suspended work on December 15, 2008.
9 As it was also instructed to do, Helix submitted payment applications to Camco using the
same forms and same procedures as it had employed while APCO was still on the Project.
11 [See e.g., Ex. 508-067-074]. Camco in turn submitted its pay applications to Gemstone in
12 the same way, and using the same forms, as APCO had used. [See e.g., Ex. 522-001-011].

13 12. Helix submitted gross payment applications to Camco totaling
14 \$1,010,255.25 (i.e., inclusive of retention). [See Ex. 508-001-002; 037-038; 049; 06815 069].<sup>6</sup> Helix was paid only \$175,778.80 and is owed the balance, \$834,476.45.

16 13. The Court finds that Helix and Camco entered into a
17 contractor/subcontractor relationship and agreement whereby they agreed on the material
18 terms of a contract – i.e., the work to be performed, the price for the work and Camco's
19 obligation to pay. The Court finds that Camco breached its obligation to pay Helix the sum
20 of \$834,476.45.

14. Helix provided undisputed testimony that the amounts it billed were
reasonable for the work performed. [TR2-71:22-72:3].<sup>7</sup> Because (i) this testimony was
undisputed, (ii) Camco submitted these amounts on its certified pay applications to
Gemstone, and (iii) Helix was paid in part for these amounts, the Court finds that the
amounts Helix billed Camco for its work were reasonable for the work performed.

<sup>6</sup> See also summary document, Ex. 508-061, which does not include Pay Application No. 15. [See TR3-68:17-69:7].
 <sup>7</sup> Testimony of Andy Rivera.

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Helix presented undisputed evidence, and the Court finds, that Helix timely
 recorded a mechanic's lien, as amended ("the Helix Lien"), pursuant to NRS Chapter 108
 and perfected the same. [See Exhibit 512]. The Helix Lien identified both APCO and
 Camco as the "person by whom the lien claimant was employed or to whom the lien
 claimant furnished or agreed to furnish work, materials or equipment." [See e.g., Ex. 512 007, 009].

7 16. Any finding of fact herein that is more appropriately deemed a conclusion8 of law shall be treated as such.

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

#### B. <u>Conclusions of Law.</u>

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11 1. "Basic contract principles require, for an enforceable contract, an offer and 12 acceptance, meeting of the minds, and consideration." May v. Anderson, 121 Nev. 668, 13 672, 119 P.3d 1254, 1257 (2005). A meeting of the minds exists when the parties have 14 agreed upon the contract's essential terms. Roth v. Scott, 112 Nev. 1078, 1083, 921 P.2d 15 1262, 1265 (1996). Which terms are essential "depends on the agreement and its context 16 and also on the subsequent conduct of the parties, including the dispute which arises and 17 the remedy sought." Restatement (Second) of Contracts § 131 cmt. g (1981). Whether a 18 contract exists is a question of fact and the District Court's findings will be upheld unless 19 they are clearly erroneous or not based on substantial evidence. May, 121 Nev. at 672–73, 119 P.3d at 1257. 20

21 2. The Court concludes that Camco and Helix entered into a contract whereby
22 they agreed on the material terms of a contract – i.e., the work to be performed, the price
23 therefore and Camco's obligation to pay. The Court further concludes that Camco failed to
24 pay Helix the undisputed sum of \$834,476.45 without excuse (other than Camco's reliance
25 on Pay-if-Paid, which the Court has previously rejected).

3. Camco did not dispute Helix's testimony that the amounts it billed were a reasonable value for the work performed, and the reasonableness thereof was demonstrated

MARK R. DENTON DISTRICT JUDGE

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by Camco's payment in part and its inclusion of Helix's billings in its own payment
 applications to Gemstone. The court therefore concludes that the unpaid value of Helix's
 work while Camco was on site as the general contractor is \$834,476.45 and that Helix
 should be awarded that principal amount against Camco for that principal amount.

5 4. The Court rejects Camco's argument that it is not liable to Helix (and other 6 subcontractors) because it never received payment from Gemstone who instead made 7 payments to subcontractors through the disbursement company, NCS. Camco's position 8 notwithstanding, both the Camco-Gemstone Agreement and the Camco Subcontract 9 demonstrate that (consistent with the APCO-Gemstone Agreement and the APCO 10 Subcontract) payments to subcontractors were intended to flow through the general 11 contractor. Camco presented no evidence that Helix or any other subcontractor consented 12 in advance to Gemstone's eventual decision to release payments (in part) through NCS and 13 - not Camco.

5. Similarly, the Court rejects Camco's contention that the Court's decision on 14 15 Pay-if-Paid is inapplicable because it was "impossible" for Camco to have paid Helix and 16 other subcontractors. Camco presented no evidence that it, for example, declared 17 Gemstone to be in breach for failing to make payments through Camco rather than through 18 NCS. Instead, Camco appears to have acceded to Gemstone's deviation from the contract 19 and, at least until Gemstone announced that it was suspending construction, continued to 20 process subcontractor payment applications and submit them to Gemstone. Camco's 21 "impossibility" claim is, in any event, another form of Pay-if-Paid, against the public policy of Nevada, void and unenforceable and barred by this Court's summary judgment. 22 23 6. Helix is entitled to the principal sum of \$834,476.45 against Camco which

will be the subject of a judgment to be entered by the Court.

7. The Court denies all of Camco's affirmative defenses.

8. Helix is entitled to prejudgment interest pursuant to NRS 108.237 and/or NRS 17.130.

DISTRICT JUDGE

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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 103

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### **CHRONOLOGICAL APPENDIX OF EXHIBITS**

Date	Description	<u>Bates</u> Number	<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 (I) APCO's Limited Motion to Lift Sta for Purposes of this Motion Only; (2) APCO's Motion for Judgment Against Gemstone Only		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>	Description	<u>Bates</u> Number	<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 SummaryJudgment Precluding DefensesBased on Pay-if-PaidAgreements and Ex ParteApplication for OrderShortening Time	JA000328- JA000342	6
	Exhibit 1 – APCO Construction's Answers to Helix Electric of Nevada, LLC's First Request for Interrogatories		6
	Exhibit 2 – Camco Pacific Construction Company, Inc.'s Responses to Helix Electric of Nevada, LLC's Interrogatories		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- JA00418	7
11-06-17	Peel Brimley Lien Claimants' Motion in Limine Nos. 1-6	JA000419- JA000428	7

Date	<b>Description</b>	<u>Bates</u> Number	<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		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		8
	Exhibit 7 – Helix Electric of Nevada, LLC's First Set of Request for Admissions to Camco Pacific Construction	JA000523-	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		8
	Exhibit 2 – Helix Electric of Nevada, LLC's Amended Notice of 30(b)(6) Deposition of APCO Construction	JA000550 JA000558	8/9

Date	<b>Description</b>	<u>Bates</u> Number	<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 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		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

Date	<b>Description</b>	<u>Bates</u> Number	<u>Volume(s)</u>
	Exhibit 11 – Plaintiff in Intervention, National Wood Products, Inc.'s Initial Disclosures Pursuant to NRCP 16.1		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-	12
11-14-17	Camco Pacific Construction Company, Inc.'s Opposition to Lien Claimants' Motions in Limine Nos. 1-6		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

Date	<b>Description</b>	<u>Bates</u> Number	<u>Volume(s)</u>
11-14-17	APCO Construction, Inc.'s Opposition to Helix Electric of Nevada, LLC's Motions <i>in</i> <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	HelixElectricofNevada'sOppositiontoAPCOConstruction'sOmnibusMotion 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 <i>Motion in Limine</i>	JA001133 JA001148	21

Date	<b>Description</b>	<u>Bates</u> Number	<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 <i>in Limine</i> 1- 6		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		22
12-29-17	Notice of Entry of Order Granting in Part and Denying in Part APCO Construction's Omnibus Motion <i>in Limine</i>		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		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
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	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</i> <i>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		26
	Exhibit 13 – Appellant's Opening Brief (Padilla v. Big D)	JA001436- JA001469	26
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	Exhibit 15 – Appellant's Reply Brief (Padilla v. Big D)	JA001517- JA001551	27
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	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
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	Exhibit 11 - order granting Peel Brimley Lien Claimants' Motion in Limine Nos.1-6 (against Camco Pacific Construction, Inc.)	JA001654- JA001657	28
	Exhibit 12 - Order Granting Plaintiff in Intervention, National Wood Products, Inc.'s Motion <i>in</i> <i>Limine</i>	JA001658- JA001660	28
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	Trial Exhibit 1 - Grading Agreement (Admitted)	JA001803- JA001825	30
	Trial Exhibit 2 – APCO/Gemstone General Construction Agreement (Admitted)	JA001826- JA001868	30
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<sup>&</sup>lt;sup>1</sup> Filed January 31, 2018

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	Trial Exhibit 5 - Letter from J. Barker to A. Edelstein re: APCO's Notice of Intent to Stop Work ( <i>Admitted</i> )		32
	Trial Exhibit 6 - Letter from J. Barker to A. Edelstein re: APCO's Notice of Intent to Stop Work (Admitted)		32
	Trial Exhibit 10 - Letter from J. Barker to A. Edelstein Re: Notice of Intent to Stop Work (Second Notice) (Admitted)		32
	Trial Exhibit 13 - Letter from A. Edelstein to Re. Nickerl Re: Termination for Cause (Gemstone) (Admitted)		32
	Trial Exhibit 14 - Letter from W.Gochnour to Sean Thueson Re:[APCO's]Response to[Gemstone's]Termination forCause (Admitted)	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 (Admitted)	JA002014	33
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	Trial Exhibit 27 - Letter from A. Edelstein to R. Nickerl re: June Progress Payment <i>(Admitted)</i>	JA002025- JA002080	34
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	Trial Exhibit 162 - Amended and Restated General Construction Agreement between Gemstone and CAMCO ( <i>Admitted</i> )		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 (Admitted)	JA002182- JA002185	36
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	Exhibit 3 – Exhibit List Plaintiff in Intervention National Wood Products, Inc.	JA002224- JA002242	36/37
	APCO TRIAL EXHIBITS:		
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	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
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	Trial Exhibits 33 and 126 - Photo re: Building 8 & 9, Interior (Showing drywall still not completed)		39
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	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		42
	Trial Exhibit 51 - Photo re: Building 8 & 9, South (No Exterior fixtures installed. Helix billed out at 90%)		42
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	Trial Exhibit 58 - Helix Pay Application No. 16713-011R1 submitted to Owner	JA002382- JA002391	42
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	Trial Exhibit 60 - Helix Retention Rolled to Camco	JA002406- JA002415	43
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	Trial Exhibit 71 - Photo re: Building 8 & 9, West (No exterior fixtures installed. Helix billed out 90%)		43
	Trial Exhibit 72 - Photo re: Building 2 & 3, East (No exterior fixtures installed. Helix billed out 90%)		43
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	Trial Exhibit 103- Email from R. Zitting to R. Nickerl re: change orders adjusted to \$30 per hour	JA002504- JA002505	44
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	528388 payable to APCO	JA002568-	4.4
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	APCO as submitted to Owner.	JA002572-	44/45
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	Related Exhibits: Trial Exhibit 160 - Documents provided for settlement	JA002599- JA002612	46
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	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
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	Trial Exhibit 170 - Subcontract Agreement between Helix and Camco (unsigned)	JA002677- JA002713	48
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	National Wood/Cabinetec Related Exhibits:		
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	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) <sup>3</sup>	JA005624- JA005785	80
	Trial Exhibit 231 – Helix Electric's Amended Statement of Facts Constituting Notice of Lien and Third-Party Complaint (Admitted)	JA005786- JA005801	80
	Trial Exhibit 314 - Declaration of Victor Fuchs in support of Helix's Motion for Partial Summary Judgment against Gemstone (Admitted)	JA005802- JA005804	80

<sup>&</sup>lt;sup>2</sup> Filed January 31, 201879 <sup>3</sup> Filed January 31, 2018

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	Trial Exhibit 3176 – APCO Notice of Lien (Admitted)	JA005817- JA005819	81
01-24-18	Transcript – Bench Trial (Day 5) <sup>4</sup>	JA005820- JA005952	81
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03-08-18	Letter to Judge Denton submitting APCO Construction, Inc.'s Proposed Findings of Fact and Conclusions of Law		8/821
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03-23-18	APCO Opposition to Helix Electric of Nevada, LLC's Findings of Fact and Conclusions of Law		83/84
03-23-18	Helix Electric of Nevada, LLC'sResponsestoAPCOConstruction's Post-Trial Brief	JA006173- JA006193	84
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	Exhibit 7 – Declaration of John Randall Jefferies, Esq. in Support of APCO Construction, Inc.'s Motion for Attorney's Fees and Costs	JA006407- JA006411	87
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05-08-18	Helix Electric of Nevada, LLC'sMotion to Retax Costs Re:DefendantAPCOConstruction'sMemorandumof 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
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	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
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	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

Date	<b>Description</b>	<u>Bates</u> Number	<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
	<b>HELIX Related Exhibits:</b>		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

Date	<b>Description</b>	<u>Bates</u> Number	<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

Date	<b>Description</b>	<u>Bates</u> Number	<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		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

Date	<b>Description</b>	<u>Bates</u> Number	<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

Date	<b>Description</b>	<u>Bates</u> Number	<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
	<b>CAMCO Related Exhibits:</b>		
	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

Date	Description	<u>Bates</u> Number	<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:		

Date	<b>Description</b>	<u>Bates</u> Number	<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		63/64/65/66/6 7/
		JA004035- JA005281	68/69/70 /71/72 /73/74/75/ 76/77
01-17-18	<b>Transcript Bench Trial (Day 1)</b> <sup>5</sup>	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 <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

<sup>&</sup>lt;sup>5</sup> Filed January 31, 2018

Date	<b>Description</b>	<u>Bates</u> Number	<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. Gochnour 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 (Admitted)	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 (Admitted)	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 (Admitted)	JA002082- JA002120	34/35
	Trial Exhibit 45 - Subcontractor Agreement (Admitted)	JA002121- JA002146	35

Date	<b>Description</b>	<u>Bates</u> <u>Number</u>	<u>Volume(s)</u>
	Trial Exhibit 162 - Amended and Restated General Construction Agreement between Gemstone and CAMCO (Admitted)	JA002147- JA002176	35/36
	Trial Exhibit 212 - Letter from Edelstein to R. Nickerl re: NRS 624 Notice (Admitted)	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 (Admitted)	JA002186- JA002188	36
	Trial Exhibit 506 – Email and Contract Revisions (Admitted)	JA002189 – JA002198	36
01-18-18	Transcript – Bench Trial (Day 2) <sup>6</sup>	JA005284- JA005370	78
	Trial Exhibit 535 – Deposition Transcript of Andrew Rivera (Exhibit 99) (Admitted)	JA005371- JA005623	78/79/80
01-19-18	Transcript – Bench Trial (Day 3) <sup>7</sup>	JA005624- JA005785	80
	Trial Exhibit 231 – Helix Electric's Amended Statement of Facts Constituting Notice of Lien and Third-Party Complaint <i>(Admitted)</i>		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 (Admitted)	JA005806-	80

<sup>&</sup>lt;sup>6</sup> Filed January 31, 201879 <sup>7</sup> Filed January 31, 2018

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

<sup>&</sup>lt;sup>8</sup> Filed January 31, 2018

1	9. Helix is the prevailing party and/or prevailing lien claimant as to Camco	
2	and Helix and is entitled to an award of reasonable attorney's fees pursuant to NRS	
3	108.237 and/or the Camco Subcontract. Helix is granted leave to separately apply for the	
4	same.	
5	10. As the prevailing party, Helix may also apply for an award of costs against	
6	Camco in accordance with the relevant statutes and for judgment as to the same.	
7	11. Any conclusion of law herein that is more appropriately deemed a finding of	
8	fact shall be treated as such.	
9	ORDER	
10	NOW, THEREFORE, the Court hereby directs entry of the foregoing Findings	
11	of Fact and Conclusions of Law; and	
12	IT IS FURTHER ORDERED that, based upon the foregoing Findings of Fact	
13	and Conclusions of Law, and those made regarding the other parties and claims	
14	involved in the consolidated cases, the Court shall issue a separate Judgment or	
15	Judgments reflective of the same at the appropriate time subject to further order of	
16	the Court.	
17	DATED this day of April, 2018.	
18		
19	DISTRICT COURT JUDGE	
20		
21	CERTIFICATE	
22	I hereby certify that on or about the date filed, this document was Electronically	
23	Served to the Counsel on Record on the Clark County E-File Electronic Service List.	
24	LORRAINE TASHIRO	
25	Judicial Executive Assistant Dept. No. XIII	
26		
27		
28 MARK R. DENTON		
DISTRICT JUDGE	Page 10 JA007489	
LAS VEGAS, NV 89155		

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## **EXHIBIT 5E**

**JA007490** 

9 DISTRICT COURT CLARK COUNTY NEVADA	I
CLARK COUNTY, NEVADA10APCO CONSTRUCTION, a NevadaCase No.:08A571228	
11 corporation, Dept. No. : XIII	
12 Plaintiff, Consolidated with:	
13         A571792, A574391, A577623, A58088           vs.         A583289, A584730, and A587168	39,
14 GEMSTONE DEVELOPMENT WEST,	
15 INC., Nevada corporation; NEVADA NOTICE OF ENTRY OF JUDGME CONSTRUCTION SERVICES, a Nevada	ENT
16 corporation; SCOTT FINANCIAL	
<sup>17</sup> corporation; COMMONWEALTH LAND	
18 TITLE INSURANCE COMPANY; FIRST AMERICAN TITLE INSURANCE	
19 COMPANY and DOES I through X,	
20 Defendants.	
22 AND ALL RELATED MATTERS	
23	
24 ///	
25 ///	
26 ///	
27	
28	
JA007491	

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

1	NOTICE OF ENTR	RY OF JUDGMENT	
2			
2	PLEASE TAKE NOTICE that a JUDGMENT [AS TO THE CLAIMS OF SWPPP COMPLIANCE SOLUTIONS, INC. AGAINST CAMCO CONSTRUCTION CO., INC.] was		
4	filed on May 30, 2018, a copy of which is attached as Exhibit A.		
5	DATED this 31st day of May, 2018.		
6		PEEL BRIMLEY LLP	
7		/S/ Eric B Zimbelman	
, 8		ERIC B. ZIMBELMAN, ESQ Nevada Bar No. 9407	
9		RICHARD L. PEEL, ESQ. Nevada Bar No. 4359	
10		3333 E. Serene Avenue, Suite 200 Henderson, NV 89074-6571	
11		Attorneys for SWPPP Compliance Solutions, Inc.	
12			
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	JA007492	2.65	

1	CERTIFICATE OF SERVICE	
2	Pursuant to Nev. R. Civ. P. 5(b), I certify that I am an employee of <b>PEEL BRIMLEY</b> ,	
3	LLP, and that on this 31st day of May, 2018, I caused the above and foregoing document,	
4	NOTICE OF ENTRY OF JUDGMENT to be served as follows:	
5		
6	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	
7 8	pursuant to NEFCR 9, upon all registered parties via the Court's electronic filing system;	
9	pursuant to EDCR 7.26, to be sent via facsimile;	
10	to be hand-delivered; and/or	
11	other	
12	to the attorney(s) and/or party(ies) listed below at the address and/or facsimile number indicated below:	
13	delow:	
14	<u>Apco Construction:</u> Rosie Wesp ( <u>rwesp@maclaw.com</u> )	
15	Camco Pacific Construction Co Inc:	
16	Steven Morris ( <u>steve@gmdlegal.com</u> )	
17	Camco Pacific Construction Co Inc:	
18	Steven Morris ( <u>steve@gmdlegal.com</u> )	
19	<i>Fidelity &amp; Deposit Company Of Maryland:</i> Steven Morris ( <u>steve@gmdlegal.com</u> )	
20		
21	<u>E &amp; E Fire Protection LLC:</u> Tracy Truman ( <u>district@trumanlegal.com</u> )	
22	Interstate Plumbing & Air Conditioning Inc:	
23	Jonathan Dabbieri ( <u>dabbieri@sullivanhill.com</u> )	
24	National Wood Products, Inc.'s:	
25	Richard Tobler ( <u>rltltdck@hotmail.com</u> ) Tammy Cortez ( <u>tcortez@caddenfuller.com</u> )	
26	S. Judy Hirahara (jhirahara@caddenfuller.com)	
27	Dana Kim ( <u>dkim@caddenfuller.com</u> ) Richard Reincke ( <u>rreincke@caddenfuller.com</u> )	
28	<u>Chaper 7 Trustee:</u>	
	<b>JA007493</b>	

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yd Hale ( <u>fhale@floydhale.com</u> )
orge Robinson (grobinson@pezzillolloyd.com)
ven Rutar Mullins (grm@h2law.com)
ustyk Nicole ( <u>Nicole.Hrustyk@wilsonelser.com</u> )
he Lai ( <u>I-Che.Lai@wilsonelser.com</u> )
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nifer Case (jcase@maclaw.com)

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An employee of PEEL BRIMLEY, LLP
/s/ Amanda Armstrong An employee of PEEL BRIMLEY, LLI

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## **Exhibit** A

Electronically Filed 5/30/2018 2:02 PM Steven D. Grierson CLERK OF THE COURT

1	ERIC B. ZIMBELMAN,	Atump. Sum		
2	Nevada Bar No. 9407 RICHARD L. PEEL, ESQ.	<b>a</b>		
- 3	Nevada Bar No. 4359			
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	Attorneys for SWPPP Compliance Solutions, Inc.			
7	DISTRIC	COURT		
8	DISTRICT COURT			
9	CLARK COUN	TY, NEVADA		
10	APCO CONSTRUCTION, a Nevada corporation,	CASE NO.: A571228 DEPT. NO.: XIII		
11	Plaintiff,	Consolidated with:		
12	vs	A571792, A574391, A577623, A580889, A583289, A584730, and A587168		
13				
	GEMSTONE DEVELOPMENT WEST, INC., Nevada corporation; NEVADA	JUDGMENT		
14	CONSTRUCTION SERVICES, a Nevada corporation; SCOTT FINANCIAL			
15	CORPORATION, a North Dakota	[AS TO THE CLAIMS OF SWPPP COMPLIANCE SOLUTIONS, INC.		
16	corporation; COMMONWEALTH LAND TITLE INSURANCE COMPANY; FIRST	AGAINST CAMCO CONSTRUCTION		
	AMERICAN TITLE INSURANCE	CO., INC.]		
17	COMPANY and DOES I through X,			
18	Defendants.			
19	AND ALL DELATED MATTERS			
20	AND ALL RELATED MATTERS.			
21	This matter having come on for a non-j	ury trial on the merits on January 17-19, 23, 24		
22	and February 6, 2018, SWPPP Electric of Ne	evada, LLC ("SWPPP"), SWPPP Compliance		
23	Solutions, Inc. ("SWPPP"), Cactus Rose Cons	truction, Co., Inc. ("Cactus Rose"), Fast Glass,		
24	Inc. ("Fast Glass"), and Heinaman Contract Glazing ("Heinaman") all appearing throug			
25	Peel Brimley LLP; Camco Construction, Inc., ("Camco") through Grant Morris Dodds			
26	APCO Construction, Inc. ("APCO"), appearing through Spencer Fane, LLP and Marquis &			
27	Aurbach; National Wood Products, Inc. ("National Wood" or "CabineTec") through Cadde			
28	& Fuller LLP and Richard L. Tobler, Ltd.; and United Subcontractors, Inc. through Fabia			

0......

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

DISTRICT COURT DEPT# 13

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## JA007497

Case Number: 08A571228

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

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The Court having taken the matter under consideration and advisement;

The Court having entered its April 26, 2018 Findings of Fact and Conclusions of Law as to the Claims of SWPPP against Camco, incorporated herein by this reference and attached hereto as Exhibit 1 ("the SWPPP FFCL");

The Court enters the following Judgment as to the claims of SWPPP against Camco; IT IS ORDERED, ADJUDGED, AND DECREED that judgment is to be entered in favor of SWPPP and against Camco as set forth on the SWPPP FFCL.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Court may issue an amended judgment after the Court has heard and decided upon SWPPP's Motion for Attorney's Fees, Costs and Interest Against Camco currently pending before the Court.

Dated this I day of May 2018.

DISTRICT COURT JUDGE

Respectfully submitted by: 21 PEEL BRIMLEY LLP 22 \$11776 for 23 ÉRIC B. ZIMBÉLMAN. Nevada Bar No. 9407 24 RICHARD L. PEEL, ESQ. Nevada Bar No. 4359 25 3333 E. Serene Avenue, Suite 200 Henderson, NV 89074-6571 26 Attorneys for SWPPP Compliance Solutions, Inc.

27 28

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

PEEL BRIMLEY LLP

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## **EXHIBIT 1**

•	•		3		Electronically Filed 4/26/2018 11:08 AM Steven D. Grierson CLERK OF THE COURT
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			2	CLARK COUNTY	, NEVADA
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			4	APCO CONSTRUCTION, a Nevada corporation,	CASE NO.: A571228
			5	•	DEPT. NO.: XIII
			6	Plaintiff,	Consolidated with:
			7	vs	A571792, A574391, A577623, A580889, A583289, A584730, and A587168
			8	GEMSTONE DEVELOPMENT WEST, INC.,	A363269, A364730, ald A367106
			0 9	Nevada corporation; NEVADA CONSTRUCTION SERVICES, a Nevada corporation; SCOTT FINANCIAL	FINDINGS OF FACT AND CONCLUSIONS OF LAW AS TO THE
			10	CORPORATION, a North Dakota corporation; COMMONWEALTH LAND	CLAIMS OF SWPPP COMPLIANCE SOLUTIONS, INC.
			11	TITLE INSURANCE COMPANY; FIRST AMERICAN TITLE INSURANCE	
			12	COMPANY and DOES I through X,	
			13	Defendants.	
			14	AND ALL RELATED MATTERS.	
			15	This matter came on for trial on January 17	7-19, 23-24, 31 and February 6, 2018,
			16	before the Honorable Mark Denton in Dept. 13, an	d the following parties having appeared
			17	through the following counsel:	
			18	anough the following courses.	
_			10 19	Party	Counsel for Party
	-		20	Apco Construction Co., Inc. ("Apco")	John Randall Jeffries, Esq. and
КО	APR	REC	21	Apeo Construction Co., the. ( Apeo )	Mary E. Bacon, Esq. of the Law Firm of Spencer Fane LLP
FTH	APR 2 6 2018	9	1	Camco Pacific Construction Co., Inc. ("Camco")	Steven L. Morris, Esq. of the Law
8	2018	-	22	Cance Facine Construction Co., inc. ( Cance )	Firm of the Law Firm of Grant Morris Dodds
CLERK OF THE COURT	40		23 24	Helix Electric of Nevada, LLC ("Helix")	Eric Zimbelman, Esq. and the Law Firm of Peel Brimley LLP
			25	Heinaman Contract Glazing, Inc. ("Heinaman")	Eric Zimbelman, Esq. and the Law Firm of Peel Brimley LLP
			26	Fast Glass, Inc. ("Fast Glass")	Eric Zimbelman, Esq. and the Law Firm of Peel Brimley LLP
			27	Cactus Rose Construction Co., Inc. ("Cactus	Eric Zimbelman, Esq. and the Law Firm of Peel Brimley LLP
			28		
	RK R. D		0N .		
DEPARTMENT THIRTEEN			JA007500		
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Case Number: 08A571228

Rose")								
SWPPP Cor	mpliance Solutions, Inc. ("SWPPP")	Eric Zimbelman, Esq. and the Law Firm of Peel Brimley LLP						
National Wo	ood Products, LLC ("National Wood")	John B. Taylor, Esq. of the Law Firm of Cadden & Fuller LLP						
E&E Fire Pi	rotection, LLC ("E&E")	T. James Truman, Esq. of the Law Firm of T. James Truman, & Associates						
А.	Procedural History.							
1. This is one of the oldest cases on the Court's docket. This action arises out								
of a construction project in Las Vegas, Nevada known as the Manhattan West Condominiums Project ("the Project") located at West Russell Road and Rocky Hill Stree in Clark County Nevada, APNs 163-32-101-003 through 163-32-101-005, 163-32-101-01								
				<ul> <li>and 163-32-101-014 (the "Property" and/or "Project"), owned by Gernstone Development</li> <li>West, Inc. ("Gernstone" or "the Owner").</li> <li>2. Gernstone hired APCO, and, subsequently, Camco as its general</li> </ul>				
In Decembe	r 2008 the Owner suspended the Project	and advised the various contractors						
that Comptona's lander did not support to dishurse further funds for construction. The								

that Gemstone's lender did not expect to disburse further funds for construction. The Project was never completed. Numerous contractors, including the parties hereto, recorded mechanic's liens against the Property.

3. After several years of litigation and a Writ Action to determine the priority of the various lienors (during which the Property was sold, the proceeds of the same held in a blocked account and this action was stayed), the Nevada Supreme Court ruled that the Owner's lenders had priority over the proceeds of the sale of the Property, holding that the NRS Ch. 108 mechanic's liens were junior to the lenders' deeds of trust. The Court subsequently ordered the proceeds be released to the lenders. Thereafter, the stay was lifted and many of the trade contractors continued to pursue claims for non-payment from APCO and Camco. The trial focused on these claims.

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#### B. Significant Pre-Trial Orders

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2 1. Order Granting Partial Summary Judgment re: Pay-if-Paid. On 3 January 2, 2018, this Court issued an Order granting a Motion for Partial Summary 4 Judgment brought by a group of subcontractors represented by the Peel Brimley Law Firm 5 (the "Peel Brimley Lien Claimants") and joined in by others. Generally, but without 6 limitation, the Court concluded that, pursuant to NRS 624.624 and Lehrer McGovern 7 Bovis, Inc. v. Bullock Insulation, Inc., 124 Nev. 1102, 1117-18, 197 P.3d 1032, 1042 (Nev. 8 2008), higher-tiered contractors, such as APCO and Camco, are required to pay their 9 lower-tiered subcontractors within the time periods set forth in NRS 624.626(1) and may 10 not fail to make such payment based on so-called "pay-if-paid" agreements ("Pay-if-Paid") 11 that are against public policy, void and unenforceable except under limited circumstances. 12 Accordingly, the Court ruled that APCO and Camco may not assert or rely on any defense 13 to their payment obligations, if any, to the party subcontractors that is based on a pay-if-14 paid agreement.

15 2. Order on Peel Brimley Lien Claimants' Motion in Limine Against 16 **Camco.** On December 29, 2017 the Court issued an order on motions *in limine* brought by 17 the Peel Brimley Lien Claimants Against Camco. Specifically, the Court precluded Camco 18 from asserting or offering evidence that any of the Peel Brimley Lien Claimants' work on 19 the Project was (i) defective, (ii) not done in a workmanlike manner or (iii) not done in 20 compliance with the terms of the parties' agreement because Camco's person most 21 knowledgeable was not aware of any evidence to support such claims. For the same 22 reason, the Court also precluded Camco from asserting or offering evidence at trial that the 23 Peel Brimley Lien Claimants have breached their agreements other than with respect to 24 pay-if-paid agreements, evidence and argument of which is otherwise precluded by the 25 Partial Summary Judgment discussed above. For the same reason, the Court also precluded 26 Camco from asserting or offering evidence at trial to dispute the amounts invoiced, paid

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<sup>&</sup>lt;sup>1</sup> The Peel Brimley Lien Claimants are: Helix, Heinaman, Fast Glass, Cactus Rose and SWPPP.

and that remain to be owed as asserted by the Peel Brimley Lien Claimants in their
 respective Requests for Admission. For the same reason, the Court also precluded Camco
 from asserting or offering evidence at trial that any liens recorded by the Peel Brimley
 Lien Claimants were in any way defective or unperfected and are otherwise valid and
 enforceable.

C. Findings of Fact.

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7 Having received evidence and having heard argument of counsel, the Court makes8 the following Findings of Fact:

9 1. The original general contractor on the Project was APCO. Gemstone and
10 APCO entered into the ManhattanWest General Construction Agreement for GMP (the
11 "APCO-Gemstone Agreement") on or about September 6, 2006. [See Exhibit 2].
12 2. Among other things, and in exchange for a guaranteed maximum price

12 2. Among other things, and in exchange for a guaranteed maximum price
13 ("GMP") of \$153,472,300.00 as forth in the APCO-Gemstone Agreement (Ex. 2, ¶
14 5.02(a)), APCO agreed to:

- "Complete the work" required by the APCO-Gemstone Agreement,
  "furnish efficient business administration and superintendence" and "use its
  best efforts to complete the Project;" [Ex 2., ¶ 2.01(a)];
  - "...engage contractors, subcontractors, sub-subcontractors, service providers, [and others, collectively referred to as "Third-Party Service Providers"] to perform the work..."; [Ex 2., ¶ 2.02(a)];

Monthly submit to Gemstone "applications for payment for the previous month on forms similar to AIA G702 and G703 and a corresponding approved Certificate for Payment;" [Ex 2., ¶ 5.05(a)]. Each payment application was to be "based on a Schedule of Values [that] shall allocate the entire GMP among the various portions of the Work" with APCO's fee to be shown as a separate line item." [Ex 2., ¶ 5.05(b)]; The payment applications were to "show the Percentage of Completion of each portion of

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1	the Work as of the end of the period covered by the Application for					
2	Payment. [Ex 2., ¶ 5.05(c)]; and					
3	• Upon receipt of a monthly progress payment, "promptly pay each Third-					
4	Party Service Provider the amount represented by the portion of the					
5	Percentage of the Work Completed that was completed by such Third-Party					
6	Service Provider <sup>2</sup> during the period covered by the corresponding Progress					
7	Payment." [Ex 2., ¶ 5.05(g)];					
8	3. APCO in turn hired various subcontractors to perform certain scopes of					
9	work and provided its form Subcontract Agreement to its subcontractors ("the APCO					
10	Subcontract"). SWPPP did not work for APCO on the Project and only first provided work					
11	after APCO ceased work on the project and, as discussed below, Gemstone hired Camco					
12	as the general contractor to replace APCO. APCO ceased work on the Project in or about					
13	the end of August 2008. APCO and Gemstone each claim to have terminated the other.					
14	4. After APCO ceased work on the project, Gemstone hired Camco to be its					
15	general contractor pursuant to an Amended and Restated ManhattanWest General					
16	Construction Agreement effective as of August 25, 2008 ("the Camco-Gemstone					
17	Agreement"). [See Exhibit 162].					
18	5. On cross examination, Camco's Dave Parry could not point to any portion					
19	of the Camco-Gemstone Agreement that required Camco to supervise the work of the					
20	subcontractors. [TR5-50:17-51:9]. Nothing in Article II ("General Contractor					
21	Responsibilities") obligates Camco to supervise the work or the subcontractors. [See Ex.					
22	162, ¶Article II]. Parry did not deny that Camco was "essentially there to lend [its]					
23	license" to Gemstone. [TR5-50:15-17].					
24	6. Mr. Parry described Camco as "more of a construction manager at this point					
25	than a general contractor" [TR5-31:10-11 <sup>3</sup> ]. Nonetheless, the Camco-Gemstone					
26	<sup>2</sup> Because the only Third-Party Service Providers at issue on this trial were subcontractors, the Court will herein use the terms "subcontractor" and "Third-Party Service Provider" interchangeably and					
27	synonymously. <sup>3</sup> Testimony of Dave Parry.					
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1 Agreement is plainly called a "General Construction Agreement." The Camco-Gemstone 2 Agreement also requires Camco, in the same way that APCO did, to aggregate payment 3 applications from subcontractors and prepare and submit to Gemstone payment 4 applications for the amounts represented by the subcontractor payment applications and 5 Camco's fee. [See Ex. 162-008-010, ¶7.01]. 6 7. Camco continued the same payment application format and numbering and 7 same schedule of values that APCO had been following. [See Exhibit 218; TR5-30:21-8 31:4<sup>4</sup>]. Like APCO before it, Camco compiled and included in its payment applications to 9 Gemstone the amounts billed by its subcontractors, including SWPPP. [See e.g., Exhibit 10 522-001-011]. Also like the APCO-Gemstone Agreement, the Camco-Gemstone

11 Agreement required Camco, upon receipt of a progress payment from Gemstone, to

12 "promptly pay each [subcontractor] the amount represented by the portion of the

13 Percentage of the Work Completed that was completed by such [subcontractor]." [Ex. 162-

14 010, ¶7.03(e)].<sup>5</sup> It is only after Gemstone announced that the Project would be suspended

15 that Camco asserted otherwise.

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8: Camco's initial letter to subcontractors following Gemstone's

announcement demonstrates both that it believed it had subcontracts (because it purported

18 to terminate the same) and that it intended to continue to forward payment applications to

**19** Gemstone. [See e.g., Exhibit 804-003-004]. Specifically, Camco wrote:

Camco is left with no choice but to terminate our agreement with Gemstone and all subcontracts on the Project, including our agreement with your company. Accordingly, we have terminated for cause our agreement with Gemstone, effective December 19, 2008, and we hereby terminate for convenience our subcontract with your company, effective immediately.

Please submit to Camco all amounts you believe are due and owing on your subcontract. We will review and advise you of any issues regarding any amounts you claim are owed. For all amounts that should properly be billed to Gemstone, Camco will forward to Gemstone such amounts for payment y

<sup>4</sup> Testimony of Dave Parry.

<sup>5</sup> Unlike APCO and the subcontractors, no retention was to be withheld from the contractor's fee to be paid to Camco (through retention continued to be withheld from subcontractors). [Ex. 162-010, ¶7.03(a)].

DISTRICT JUDGE DEPARTMENT THIRTEEN LAS VEGAS, NV 89155

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Gemstone. If your claims appear to be excessive, we will ask you to justify 1 and/or revise the amount. 2 [See e.g., Ex. 804-003-004]. 3 Camco quickly retracted its initial communication and replaced it with a 9. 4 second letter [See e.g., Ex. 804-005-007] asking the subcontractors to "please disregard 5 previous letter which was sent in error." [See e.g., Ex. 804-005]. Among other things, 6 Camco's second letter: 7 Deleted its statement that it had terminated the Camco-Gemstone 8 Agreement (while continuing to terminate the subcontractors); 9 Asserts that the subcontractors agreed to Pay-if-Paid and accepted the risk 10 of non-payment from the owner (which is also Pay-if-Paid); and, 11 Stated, inaccurately, that "Camco's contract with Gemstone is a cost-plus 12 agreement wherein the subcontractors and suppliers were paid directly by 13 Gemstone and/or its agent Nevada Construction Services." [See e.g., Ex. 14 804-007]. 15 While Gemstone eventually did make partial payment to some subcontractors through 16 NCS and not Camco [see discussion, infra], the Camco-Gemstone Agreement expressly 17 required Camco, upon receipt of a progress payment from Gemstone, to "promptly pay 18 each [subcontractor] the amount represented by the portion of the Percentage of the Work 19 Completed that was completed by such [subcontractor]." [Ex. 162-010, ¶7.03(e)].  $\mathbf{20}$ Some subcontractors stopped working after APCO left the Project. Others, 10. 21 such as Helix, continued to work on the Project and began working for Camco as the 22 general contractor. Others, such as Heinaman, Fast Glass, Cactus Rose and SWPPP started 23 working on the Project only after APCO left and worked only for Camco. 24 Camco presented some subcontractors with a standard form subcontract 11. 25 Agreement ("the Camco Subcontract"), a representative example of which is Camco's 26 subcontract with Fast Glass. [See Exhibit 801-007-040; TR5-57:8-16<sup>6</sup>]. 27 <sup>6</sup> Testimony of Dave Parry. 28 MARK R. DENTON Page 7

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However, SWPPP and Camco never entered into the Camco Subcontract.
 Instead, the agreement between SWPPP and Camco is memorialized by unit price Bid
 Proposals for work on a time and materials basis, which were accepted by Camco. [See
 Exhibit 903].

5 13. SWPPP submitted multiple invoices and statements to Camco totaling
6 \$117,470.00 but received no payment and is still owed \$117,470.00 for its work on the
7 Project. [See Exhibits 904, 906 and 907].

8 14. SWPPP presented undisputed evidence that SWPPP timely recorded a
9 mechanic's lien, as amended ("the SWPPP Lien"), pursuant to NRS Chapter 108 and
10 perfected the same. [See Exhibits 905 and 906]. The SWPPP Lien identified Camco as the
11 "person by whom the lien claimant was employed or to whom the lien claimant furnished
12 or agreed to furnish work, materials or equipment." [See Ex. 906-002].

13 15. Owing to the passage of time, no live witness was available to testify on
14 SWPPP's behalf. However, the Court admitted without objection the aforementioned
15 exhibits establishing the foregoing facts. Camco has not disputed these facts or offered any
16 contrary evidence.

17 16. Based on the foregoing, the Court finds, as set forth in the admitted
18 exhibits relating to SWPPP, that (i) Camco agreed to pay SWPPP for its work, (ii) SWPPP
19 performed and invoiced Camco for its work consistent with the SWPPP Agreement, (iii)
20 Camco breached the SWPPP Agreement by failing without excuse to pay SWPPP the sum
21 of \$117,470.00 and (iv) SWPPP recorded and perfected the SWPPP Lien .

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

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

B. <u>Conclusions of Law</u>.

1. "Basic contract principles require, for an enforceable contract, an offer and acceptance, meeting of the minds, and consideration." *May v. Anderson*, 121 Nev. 668,

MARK R. DENTON DISTRICT JUDGE

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1 672, 119 P.3d 1254, 1257 (2005). A meeting of the minds exists when the parties have 2 agreed upon the contract's essential terms. Roth v. Scott, 112 Nev. 1078, 1083, 921 P.2d 3 1262, 1265 (1996). Which terms are essential "depends on the agreement and its context 4 and also on the subsequent conduct of the parties, including the dispute which arises, and 5 the remedy sought." Restatement (Second) of Contracts § 131 cmt. g (1981). Whether a 6 contract exists is a question of fact and the District Court's findings will be upheld unless 7 they are clearly erroneous or not based on substantial evidence. May, 121 Nev. at 672-73, 8 119 P.3d at 1257.

9 2. The Court concludes that Camco entered into and breached the SWPPP
10 Agreement by failing, without excuse, to pay SWPPP in full for the invoices it submitted
11 and for the work it performed in the amount of \$238,627.25 and that SWPPP is entitled to
12 judgment for that amount, exclusive of interest, costs and attorney's fees.

13 3. Alternatively, the Court concludes that there is an implied contract between 14 SWPPP and Camco and that SWPPP is entitled *quantum meruit* damages for recovery of 15 the full and reasonable value of the work it has performed. See Certified Fire Prot. Inc. v. 16 Precision Constr., 128 Nev. 371, 379, 283 P.3d 250, 257 (2012) ("quantum meruit's first 17 application is in actions based upon contracts implied-in-fact."). A contract implied-in-fact 18 must be "manifested by conduct." Id. at 380 citing Smith v. Recrion Corp., 91 Nev. 666, 19 668, 541 P.2d 663, 664 (1975); Hay v. Hay, 100 Nev. 196, 198, 678 P.2d 672, 674 (1984). 20 It "is a true contract that arises from the tacit agreement of the parties." Id. To find a 21 contract implied-in-fact, the fact-finder must conclude that the parties intended to contract 22 and promises were exchanged, the general obligations for which must be sufficiently clear. 23 Id. Here, SWPPP and Camco clearly intended to enter into a contract whereby SWPPP 24 would perform work for Camco and Camco would pay Cactus Rise for its work.

4. Where an implied-in-fact contract exists "*quantum meruit* ensures the laborer receives the reasonable value, usually market price, for his services." *Precision Constr.*, 128 Nev. at 380 citing Restatement (Third) of Restitution and Unjust Enrichment

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§ 31 cmt. e (2011), Sack v. Tomlin, 110 Nev. 204, 208, 871 P.2d 298, 302 (1994) ("The doctrine of quantum meruit generally applies to an action ... involving work and labor performed which is founded on a[n] oral promise [or other circumstances] on the part of the defendant to pay the plaintiff as much as the plaintiff reasonably deserves for his labor in the absence of an agreed upon amount."). SWPPP is therefore entitled quantum meruit damages in the amount of \$238,627.25 for recovery of the full and reasonable value of the work it performed. See Certified Fire Prot., 128 Nev. at 380.

8 5. The Court rejects Camco's argument that it is not liable to SWPPP (and 9 other subcontractors) because it never received payment from Gemstone who instead made 10 payments to subcontractors through the disbursement company, NCS. Camco's position 11 notwithstanding, both the Camco-Gemstone Agreement and the Camco Subcontract 12 demonstrate that (consistent with the APCO-Gemstone Agreement and the APCO 13 Subcontract) payments to subcontractors were intended to flow through the general 14 contractor. Camco presented no evidence that SWPPP or any other subcontractor 15 consented in advance to Gemstone's eventual decision to release payments (in part) 16 through NCS and not Camco.

17 6. Similarly, the Court rejects Camco's contention that the Court's decision on 18 Pay-if-Paid is inapplicable because it was "impossible" for Camco to have paid Helix and 19 other subcontractors. Camco presented no evidence that it, for example, declared 20Gemstone to be in breach for failing to make payments through Camco rather than through 21 NCS. Instead, Camco appears to have acceded to Gemstone's deviation from the contract 22 and, at least until Gemstone announced that it was suspending construction, continued to 23 process subcontractor payment applications and submit them to Gemstone. Camco's 24 "impossibility" claim is, in any event, another form of Pay-if-Paid, against the public 25 policy of Nevada, void and unenforceable and barred by this Court's summary judgment.

7. Specific to SWPPP, the Court concludes that Camco's reliance on any form of Pay-if-Paid (i.e., even if the same could be deemed permissible under Nevada law) is

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LAS VEGAS, NV 89155

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inapplicable to its relationship with SWPPP because nothing in the SWPPP Agreement 1 sets forth any Pay-if-Paid Agreement and SWPPP did not agree to the Camco Subcontract. 2 SWPPP is therefore awarded the principal sum of \$117,470.00 (i.e., 3 8. exclusive of interest, costs and attorney's fees) against Camco and may apply for judgment 4 5 as to the same. The Court denies all of Camco's affirmative defenses. 6 9. SWPPP is entitled to prejudgment interest pursuant to NRS 108.237 and/or 7 10. NRS 17.130 and is granted leave to apply for the same by way of an amendment or 8 supplement to these Findings of Fact and Conclusions of Law and for judgment as to the 9 10same. SWPPP is the prevailing party and/or prevailing lien claimant as to Camco 11 11. and is entitled to an award of reasonable attorney's fees pursuant to NRS 108.237. SWPPP 12 is granted leave to apply for the same by way of an amendment or supplement to these 13 Findings of Fact and Conclusions of Law and for judgment as to the same. 14 As the prevailing party, SWPPP may also apply for an award of costs in 15 12. accordance with the relevant statutes and for judgment as to the same. 16 Any conclusion of law herein that is more appropriately deemed a finding of 17 13. 18 fact shall be treated as such. ORDER 19 NOW, THEREFORE, the Court hereby directs entry of the foregoing Findings of 20 Fact and Conclusions of Law; and 21 IT IS FURTHER ORDERED that, based upon the foregoing Findings of Fact and 22 Conclusions of Law, and those made regarding the other parties and claims involved in the 23 24 . . . . . 25 . . . . . 26 . . . . . 27 28 MARK R. DENTON DISTRICT JUDGE Page 11 DEPARTMENT THIRTEEN **JA007510** LAS VEGAS, NV 89155

consolidated cases, the Court shall issue a separate Judgment or Judgments reflective of the 1 same at the appropriate time subject to further order of the Court. 2 3 IT IS SO ORDERED this day of April, 2018. 4 5 DISTRICT COURT JUDGE 6 **CERTIFICATE** 7 I hereby certify that on or about the date filed, this document was 8 Electronically Served to the Counsel on Record on the Clark County E-File Electronic 9 10 Service List. 11 TASHIRO LORF 12 Judicial Executive Assistant Dept. No. XIII 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 MARK R. DENTON DISTRICT JUDGE Page 12 DEPARTMENT THIRTEEN JA007511 LAS VEGAS, NV 89155



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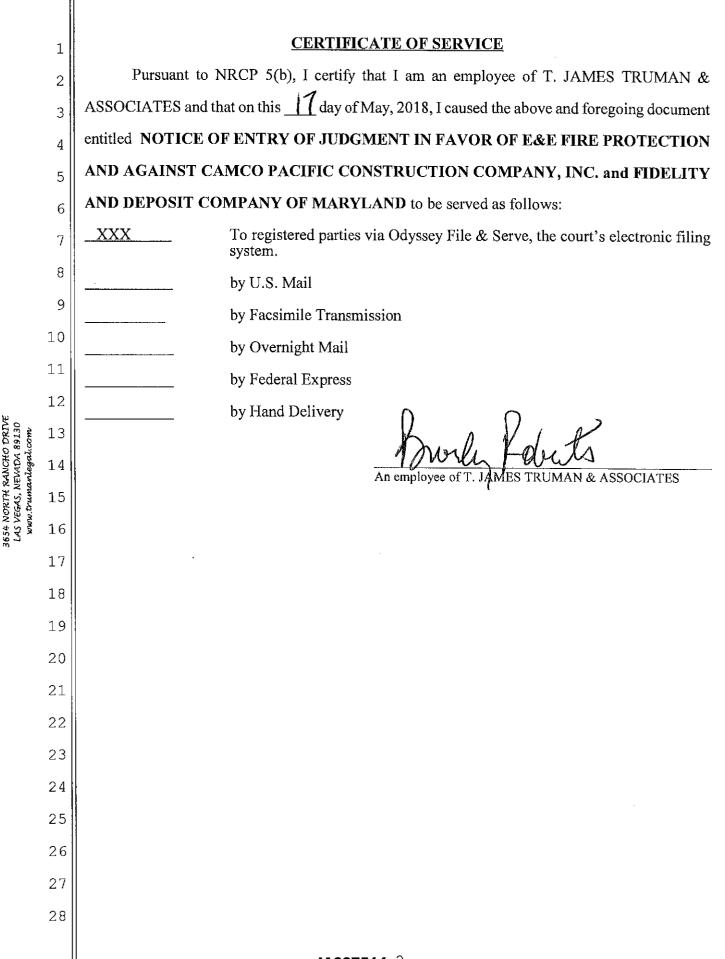
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1	NTC	Atump. Sum		
2	T. James Truman, Esq. Nevada Bar No. 003620			
3	T. JAMES TRUMAN & ASSOCIATES 3654 North Rancho Drive, Suite 101			
4	Las Vegas, NV 89130 Telephone: (702) 256-0156			
5	Fax: (702) 396-3035 E-mail: <u>district@trumanlegal.com</u>			
6	Attorneys for E&E FIRE PROTECTION, LLC			
7				
8				
9	DISTRI	CT COURT		
10	CLARK COU	UNTY, NEVADA		
11	APCO CONSTRUCTION, a Nevada corporation,	Case No. A571228 Dept No. XIII		
12	Plaintiff,	(Consolidated with Case Nos. A574391:		
13	VS.	A574792; A583289; A587168; AF89195; A597089; A577623; A584730; A580889;		
14		A571792) .		
15	GEMSTONE DEVELOPMENT WEST, INC., and DOES I through X,	NOTICE OF ENTRY OF JUDGMENT IN FAVOR OF E&E FIRE PROTECTION		
16	Defendant	AND AGAINST CAMCO PACIFIC CONSTRUCTION COMPANY, INC. and		
17	AND ALL RELATED MATTERS /	FIDELITY AND DEPOSIT COMPANY OF MARYLAND		
18				
19		nent in Favor of E&E Fire Protection and Against		
20	CAMCO Pacific Construction Company, Inc. and Fidelity and Deposit Company of Maryland, was			
21	entered in the above-entitled matter on the 10	a day of May, 2018. A copy of said Judgment is		
22	attached hereto.			
23	DATED this $16$ day of May, 2018.			
24	T	. JAMES TRUMAN & ASSOCIATES		
25				
26	В	T. JAMES TRUMAN, ESQ.		
27		Nevada Bar No. 003620 3654 North Rancho Drive		
28		Las Vegas, NV 89130 Attorney for E&E Fire Protection		
	JA007513			
	U.			

T. JAMES TRUMAN & ASSOCIATES 3654 NORTH RANCHO DRIVE LAS VEGAS, NEVADA 89130 WWW. Grumaniegalicom

LAW OFFICES OF

Case Number: 08A571228



T. JAMES TRUMAN & ASSOCIATES

AW OFFICES OF

#### **JA007514** 2

ť	1 2 3 4 5 6 7 8	JUDG T. James Truman, Esq. Nevada Bar No. 003620 T. JAMES TRUMAN & ASSOCIATES 3654 North Rancho Drive, Suite 101 Las Vegas, NV 89130 Telephone: (702) 256-0156 Fax: (702) 396-3035 E-mail: <u>district@trumanlegal.com</u> Attorneys for E&E FIRE PROTECTION, LLC	Electronically Filed 5/16/2018 11:20 AM Steven D. Grierson CLERK OF THE COURT		
	9				
	10	DISTRICT COURT CLARK COUNTY, NEVADA			
13	11				
OF ASSOCIATES © DRIVE (89130 Lucom	12	APCO CONSTRUCTION, a Nevada	Case No. A571228		
OF ASSO 2 DRIV 89130 89130	13	corporation,	Dept No. XIII		
ស៊ុសថ្មីដូ	14	Plaintiff, vs.	(Consolidated with Case Nos. A574391; A574792; A583289; A587168; AF89195;		
LAW OFFIC TRUMAN 54 NORTH RAN 15 VEZAS, NEW 14 VUNED DUMUAND	15	GEMSTONE DEVELOPMENT WEST,	A597089; A577623; A584730; A580889; A571792)		
U MES T 14554 1 LAS V	16	INC., and DOES I through X,	JUDGMENT IN FAVOR OF E&E FIRE PROTECTION AND AGAINST CAMCO		
T. JAMES	17	Defendant	PACIFIC CONSTRUCTION COMPANY, INC. and FIDELITY AND DEPOSIT		
·	18 19	AND ALL RELATED MATTERS /	COMPANY OF MARYLAND		
	20	This matter came before the Court as a bench trial on E&E Fire Protection's (hereinafter "E & E FIRE PROTECTION") claims against CAMCO PACIFIC CONSTRUCTION CONTRUCTION			
	20 21				
	21	INC., and FIDELITY AND DEPOSIT COMPANY			
	23	Truman, Esq., of the law firm of T. JAMES TRUMAN & ASSOCIATES represented E & E FIRE			
3		PROTECTION, and Steve Morris, Esq., of MORRIS LAW GROUP having represented CAMCO			
ED NB DEPT# 13	23	PACIFIC CONSTRUCTION COMPANY INC. and FIDEL ITY AND DEPOSITION			
2008 2008 2008	26	MARYLAND. The Court having heard the testimony of witnesses and having received and			
C 0 20 C	27		reviewed evidence submitted to the Court, and thereafter the Court having entered its Findings of		
RECEIVED MAY 0.9 2018	$\frac{5}{228}$	Fact and Conclusions of Law on April 26, 2018			
	1728 DISING	Proposed Judgment, entered on April 26, 2018, th			
	-	JA007515			

-

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Judgment is entered in 1 favor of E&E FIRE PROTECTION and against CAMCO PACIFIC CONSTRUCTION COMPANY, 2 INC. and FIDELITY AND DEPOSIT COMPANY OF MARYLAND, in accordance with the 3 Court's Findings of Fact and Conclusions of Law; and 4

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Judgment is entered in favor of E & E FIRE PROTECTION and against CAMCO PACIFIC CONSTRUCTION COMPANY, INC., for the principal sum of \$3,795,218.91; and

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Judgment is further entered in favor of E & E FIRE PROTECTION and against CAMCO PACIFIC CONSTRUCTION COMPANY, INC., for E & E FIRE PROTECTION'S costs (including the cost of preparing and recording its Notice of Lien Claim, the costs of these proceedings, the costs for representation of the lien claimant in these proceedings, and any other costs related to E & E FIRE PROTECTION's efforts to collect the amount owed by CAMCO PACIFIC CONSTRUCTION COMPANY, INC.) in the sum of \$2,834.32, as set forth in the Memorandum of Costs submitted to the Court by E & E FIRE PROTECTION; and

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Judgment is further entered in favor of E & E FIRE PROTECTION and against CAMCO PACIFIC CONSTRUCTION COMPANY, INC., for interest pursuant to NRS 108.237 at the prime rate, plus 4 percent, from October 26, 2008 through April 30, 2018 in the sum of \$2,683,035.08, and thereafter until paid in full; and

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Judgment is entered in 21 favor of E & E FIRE PROTECTION and against FIDELITY AND DEPOSIT COMPANY OF 22 MARYLAND, for the penal sum of the bond (\$50,000.00); and 23

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that E & E FIRE 24 PROTECTION shall be awarded its attorney fees against CAMCO PACIFIC CONSTRUCTION 25 COMPANY, INC. in an amount to be determined by the Court following submission of a Motion 26 . . . . 27

# ES TRUMAN & ASSOCIATES 12 NORTH RANCHO DRIVE LAS VEGAS, NEVADA 89130 13 www.trumanlegal.com AW OFFICES OF 15 16 17

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for Attorney Fees by E & E FIRE PROTECTION. DATED this  $\underline{/O}_{day}$  of May, 2018. DISTRICT COURT JUDŒE Submitted By: T. JAMES TRUMAN & ASSOCIATES T. JAMES TRUMAN, ESQ. Nevada Bar No. 003620 3654 N. Rancho Drive, Suite 101 Las Vegas, NV 89130 Attorneys for E&E Fire Protection Inter May 7, 2018 T. JAMES TRUMAN & ASSOCIATES 3654 NORTH RANCHO DRIVE LAS VEGAS, NEVADA 89130 www.trumanlegal.com **JA007517** 3

LAW OFFICES OF



# IN THE SUPREME COURT OF THE STATE OF NEVADA

HELIX ELECTRIC OF NEVADA, LLC; AND NATIONAL WOOD PRODUCTS, INC., A UTAH CORPORATION, Appellants, vs. APCO CONSTRUCTION, INC., A NEVADA CORPORATION,

Respondent.

No. 76276



JUN 0 4 2019 ELIZABETH A. BROWN CLERK OF SUPREME COURT SY S. Y C. U. A. A. DEPUTY CLERK

### ORDER DISMISSING APPEAL IN PART

Pursuant to the stipulation of appellant National Wood Products, Inc. and respondent, and cause appearing, this appeal is dismissed as to National Wood Products, Inc. The parties shall bear their own costs and attorney fees. NRAP 42(b).

It is so ORDERED.

CLERK OF THE SUPREME COURT ELIZABETH A. BROWN BY:

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cc:

Hon. Mark R. Denton, District Judge
Stephen E. Haberfeld, Settlement Judge
Peel Brimley LLP/Henderson
Cadden & Fuller LLP
Law Office of Richard L. Tobler, Ltd.
Fennemore Craig, P.C./Las Vegas
Marquis Aurbach Coffing
Spencer Fane LLP/Las Vegas
Fennemore Craig, P.C./Phoenix
Eighth District Court Clerk

SUPREME COURT OF NEVADA

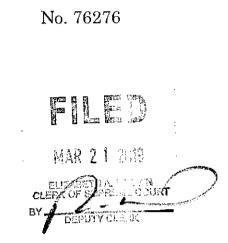
#### CLERK'S ORDER



#### IN THE SUPREME COURT OF THE STATE OF NEVADA

HELIX ELECTRIC OF NEVADA, LLC; AND NATIONAL WOOD PRODUCTS, INC., A UTAH CORPORATION, Appellants, vs.

APCO CONSTRUCTION, INC., A NEVADA CORPORATION, Respondent.



# ORDER TO SHOW CAUSE

This is an appeal from a district court order entering judgment against appellants. Review of the docketing statements and documents before this court reveals potential jurisdictional defects.<sup>1</sup> It is not clear whether the district court has entered a final judgment resolving all claims against all parties in the underlying district court case. See Lee v. GNLV Corp., 116 Nev. 424, 426, 996 P.2d 416, 417 (2000) (defining a final judgment). Although appellant Helix Electric of Nevada has filed an amended docketing statement and second amended docketing statement, it does not appear that it has provided all information required. Helix's

SUPREME COURT OF NEVADA

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<sup>&</sup>lt;sup>1</sup>On February 6, 2019, this court ordered appellant National Wood Products to file an amended docketing statement by March 8, 2019, containing complete responses to all items and having copies of all necessary documents attached. To date, National Wood has failed to comply. Counsel for National Wood is admonished for failing to comply with this court's order.

second amended docketing statement states that it only identifies the causes of action asserted before the underlying case was consolidated with another case. But appellants are required to identify <u>all</u> claims, counterclaims, cross-claims, or third party claims asserted in an action. See Docketing Statement Item 23. Further, it is unclear from the information provided whether the district court has entered orders formally resolving all of the claims asserted. For example, Helix indicates in its docketing statement that some of the causes of action asserted by plaintiffs in intervention Cactus Rose and Heinaman Contract Glazing were not pursued at trial. But the fact that parties were not inclined to pursue their claims does not operate as a formal dismissal of those claims. See KDI Sylvan Pools, Inc. v. Workman, 107 Nev. 340, 343, 810 P.2d 1217, 1219 (1991).

Accordingly, appellants shall each have 30 days from the date of this order to show cause why this appeal should not be dismissed for lack of jurisdiction. The underlying district court case is extraordinarily complex, involving dozens of parties and multiple consolidated cases. Thus, in responding to this order, in addition to points and authorities, appellants must provide a list of, and copies of, each of the latest-filed complaints, counterclaims, cross-claims, third-party complaints, and complaints in intervention filed in the underlying district court case (A587168), even if those documents were filed after consolidation, and even if they relate to parties other than the parties to this appeal. Appellants must also identify the date each pleading was filed and provide copies of each of the district court orders formally resolving each of the claims, counterclaims, crossclaims, third-party claims, and claims in intervention. Respondent may file any reply within 14 days of service of the latest-filed response. Failure to

SUPREME COURT OF NEVADA

(O) 1947A STR

demonstrate that this court has jurisdiction may result in the dismissal of this appeal.

Briefing of this appeal is suspended pending further order of this court.

It is so ORDERED.

Hillon, C.J.

cc: Peel Brimley LLP/Henderson Cadden & Fuller LLP Law Office of Richard L. Tobler, Ltd. Fennemore Craig, P.C./Las Vegas Marquis Aurbach Coffing Spencer Fane LLP/Las Vegas Fennemore Craig, P.C./Phoenix

(O) 1947A



### IN THE SUPREME COURT OF THE STATE OF NEVADA

HELIX ELECTRIC OF NEVADA, LLC, Appellant, vs. APCO CONSTRUCTION, INC., A NEVADA CORPORATION,

Respondent.

No. 76276

JUL 1 2 2019 CLERK OF SUPREME COURT BY \_\_\_\_\_\_ DEPUTY CLERK

FILED

#### ORDER DISMISSING APPEAL

This is an appeal from a district court order entering judgment against appellant. Eighth Judicial District Court, Clark County; Mark R. Denton, Judge.

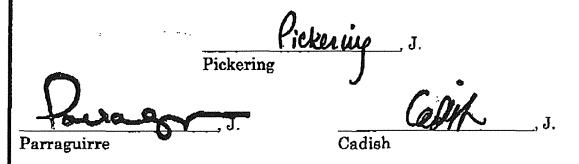
When review of appellant's amended docketing statement revealed that it was incomplete, this court ordered appellant to file and serve an amended docketing statement that contained a complete response to item 23. Appellant filed a second amended docketing statement but that document still did not contain all required information. It was thus unclear whether the district court had entered a final judgment appealable under NRAP 3A(b)(1). See Lee v. GNLV Corp., 116 Nev. 424, 426, 996 P.2d 416, 417 (2000) (defining a final judgment). Accordingly, this court entered an order directing appellant to show cause why this appeal should not be dismissed for lack of jurisdiction. The order noted that the underlying case is extraordinarily complex, involving dozens of parties and multiple consolidated cases. Appellant was directed to provide specific information regarding each claim, counterclaim, third-party claim, and complaint in intervention asserted.

Suppression Court Of Nevada

Having reviewed appellant's response, as well as the attached exhibits, appellant fails to demonstrate that the district court has entered

a final judgment in the constituent case. See Moran v. Bonneville Square Assocs., 117 Nev. 525, 527, 25 P.3d 898, 899 (2001) (stating that the burden of establishing appellate jurisdiction lies with appellant). Appellant states that several claims and counterclaims were abandoned and not expressly resolved in a district court order but asserts that these claims are fully resolved due to the application of claim preclusion. Whether or not the claims may be brought again in future litigation is a separate inquiry from whether all asserted claims have been fully resolved so as to invoke this court's jurisdiction under NRAP 3A(b)(1). As noted in this court's order to show cause, the fact that a party was not inclined to pursue a claim does not operate as a formal dismissal of that claim. KDI Sylvan Pools, Inc. v. Workman, 107 Nev. 340, 342, 810 P.2d 1217, 1219 (1991). Accordingly, it appears that the order challenged in this appeal is not appealable as a final judgment. As no other statute or court rule appears to authorize an appeal from the challenged order, see Brown v. MHC Stagecoach, LLC, 129 Nev. 343, 345, 301 P.3d 850, 851 (2013) (this court "may only consider appeals authorized by statute or court rule"), it appears this court lacks jurisdiction and

ORDERS this appeal DISMISSED.<sup>1</sup>



<sup>1</sup>Given this dismissal, the motion to consolidate this appeal with Docket No. 77320 is denied as moot. This court will determine its jurisdiction in Docket No. 77320 at a later date.

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cc: Hon. Mark R. Denton, District Judge Stephen E. Haberfeld, Settlement Judge Peel Brimley LLP/Henderson Fennemore Craig, P.C./Las Vegas Marquis Aurbach Coffing Spencer Fane LLP/Las Vegas Fennemore Craig, P.C./Phoenix Eighth District Court Clerk

Supressi Court Op Nevsoa

**JA007527**<sup>3</sup>



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	1 2 3 4 5 6 7 8 9	HOWARD & HOWARD ATTORNEYS PL Gwen Mullins, Esq. Nevada Bar No. 3146 Wade B. Gochnour, Esq. Nevada Bar No. 6314 3800 Howard Hughes Parkway Suite 1400 Las Vegas, NV 89169 Telephone (702) 257-1483 Facsimile (702) 567-1568 E-mails: <u>grm@h2law.com</u> <u>wbg@h2law.com</u>	Electronically Filed 07/02/2009 11:10:30 AM LC CLERK OF THE COURT
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u S	11		NTY, NEVADA
Howard, & Howard Attorneys PLLC 3800 Howard Hughes Pkwy., Suite 1400 Las Vegas, NV 89169 (702) 257-1483	12	APCO CONSTRUCTION, a Nevada	CASE NQ.: A571228
ttor <b>ney</b> wy., St 89169 483	13	corporation,	DEPT. NO.: X
с Но <b>жаг</b> d Attorn rd Hughes Pkwy. s Vcgas, NV 891 (702) 257-1483	14	Plaintiff,	NOTICE OF ENTIDIANE OF OPPER TO
Hugh Hugh Vegas (02) 2	15	vs.	NOTICE OF ENTRY OF ORDER TO CONSOLIDATE THIS ACTION WITH
d,& F oward Las	16	GEMSTONE DEVELOPMENT WEST, INC.,	CASE NOS. A574391, A574792, A577623, A583289, A584730, A587168, A580889
Iowar 300 Ha	17	a Nevada corporation; NEVADA CONSTRUCTION SERVICES, a Nevada	AND A589195
<b>-</b> 8	18	corporation; SCOTT FINANCIAL CORPORATION, a North Dakota	
	19	corporation; COMMONWEALTH LAND TITLE INSURANCE COMPANY; FIRST	
	20 21	AMERICAN TITLE INSURANCE	09A587168
	21 22	COMPANY; and DOES I through X,	
	23	Defendants.	
	24	AND ALL RELATED CASES AND	
	25	MATTERS.	
	26	PLEASE TAKE NOTICE that an ORDE	R TO CONSOLIDATE THIS ACTION WITH
	27	CASE NOS. A574391, A574792, A577623, A	
	28		
		#541278 - 1 -	D
		JA007529	$\mathcal{O}$

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	1 2 3 4 5	Nik Skrinjaric, Esq. 2500 N. Buffalo, Suite 250 Las Vegas, Nevada 89128 Attorney for Nevada Construction Services	Martin A. Little, Esq. Christopher D. Craft, Esq. JOLLEY, URGA, WIRTH, WOODBURY & STANDISH 3800 Howard Hughes Parkway, 16 <sup>th</sup> Floor Las Vegas, NV 89169 Attorneys for Steel Structures, Inc. and Nevada Prefab Engineers, Inc.
	6 7 8 9 10	D. Shane Clifford, Esq. Robin E. Perkins, Esq. DIXON TRUMAN FISHER & CLIFFORD 221 North Buffalo Drive, Suite A Las Vegas, Nevada 89145 Attorneys for Ahern Rentals, Inc.	Christopher R. McCullough, Esq. McCULLOUGH, PEREZ & ASSOCIATES 601 South Rancho Drive, #A-10 Las Vegas, Nevada 89106 Attorneys for Cell-Crete Fireproofing of Nevada, Inc.
Howard & Howard Attorneys PLLC 3800 Howard Hughes Pkwy., Suite 1400 Las Vegas, NV 89169 (702) 257-1483	11 12 13 14 15	Tracy Truman, Esq. T. James Truman & Associates 3654 N. Rancho Drive Las Vegas, NV 89130 Attorneys for Noorda Sheetmetal, Dave Peterson Framing, Inc., E&E Fire Protection, LLC, Professional Door and Millsworks, LLC	Craig S. Newman, Esq. David W. Dachelet, Esq. FENNEMORE CRAIG 300 S. Fourth Street, Suite 1400 Las Vegas, Nevada 89101 Atlas Construction Supply, Inc.
Howard & Howard At 3800 Howard Hughes Pk Las Vegas, NV (702) 257-14	16 17 18 19 20 21 22 23 24	Kurt C. Faux, Esq. Willi H. Siepmann, Esq. THE FAUX LAW GROUP 1540 W. Warm Springs Road, Ste. 100 Henderson, Nevada 89014 Attorneys for Platte River Insurance Company Justin L. Watkins, Esq. WATT, TIEDER, HOFFAR & FITZGERALD, LLP 3993 Howard Hughes Pkwy., Ste. 400 Las Vegas, Nevada 89169 Attorneys for Cabinetec, Inc. J. Randall Jones, Esq.	Alexander Edelstein 10170 W. Tropicana Avenue Suite 156-169 Las Vegas, Nevada 89147-8465 <i>Executive of Gemstone Development West,</i> <i>Inc.</i> Jennifer R. Lloyd-Robinson, Esq. PEZZILLO ROBINSON 6750 Via Austi Parkway, Ste. 170 Las Vegas, Nevada 89119 <i>Attorneys for Tri_City Drywall, Inc.</i>
	25 26 27 28	Mark M. Jones, Esq. Matthew S. Carter, Esq. KEMP, JONES & COULTHARD, LLP 3800 Howard Hughes Pkwy. 17 <sup>th</sup> Floor	Gwen Rutar Mullins Wade B. Gochnour, Esq. HOWARD & HOWARD 3800 Howard Hughes Pkwy., Ste. 1400 Las Vegas, Nevada 89169 Attorneys for Hydropressure
	#	541278 - 3 -	

1       Joseph G. Went, Esq. Georden K. Spangler, Esq. KOLESAR & LEATHAM, CHTD. 3320 W. Sahara Avenue, Ste. 380 320 W. Sahara Avenue, Ste. 4 320 Ward Max By 145 320 Ward Ste. 4 320 Stephane Structure, State 230 320 Ward Ste. 4 320 Stephane Structure, State 230 320 Ward Ste. 4 320 Stephane Structure, State 230 320 Stephane Structure, State 230 320 Ward Max By 121 320 Stephane Structure, State 230 320 Stephane Structure, State 230 320 Stephane Structure, State 3914 320 State State State 3914 320 State State State State 3916 320 State State State State 3916 321 State State State State 3916 322 State State State State 3910 322 State State State State 3910 323 State State State State 3910 324 State State State State 3910 325 State State State State 3910 326 State State State State 3910 326 State State State State 3910 327 State State State State State 3916 326 State State State State 3916 326 State State State State 3910 326 State State State State 3910 327 State State State State State State 3910 327 State State State State State 3910 328 State State State State 3910 329 State State State Stat	ß			$\bigcirc$
#541278 - 4 -	Howard & Howard Attorneys PLLC 3800 Howard Hughes Pkwy., Suite 1400 Las Vegas, NV 89169 (702) 257-1483	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27	Georlen K. Spangler, Esq. KOLESAR & LEATHAM, CHTD. 3320 W. Sahara Avenue, Ste. 380 Las Vegas, Nevada 89102 Attorneys for Uintah Investments, LLC, d/b/a Sierra Reinforcing Brian K. Berman, Esq. 721 Gass Avenue Las Vegas, Nevada 89101 Attorney for Ready Mix, Inc. Phillip S. Aurbach, Esq. MARQUIS & AURBACH 10001 Park Run Drive Las Vegas, Nevada 89145 Co-Counsel for Nevada Construction Services Richard A. Koch, Esq. KOCH & BRIM, L.L.P. 4520 S. Pecos Road, Ste. 4 Las Vegas, Nevada 89121 Attorneys for Republic Crane Services, LLC Matthew Q. Callister, Esq. CALLISTER & REYNOLDS 823 S. Las Vegas Blvd., South; 5th Floor Las Vegas, NV 89101 Attorneys for Executive Plastering, Inc. Michael M. Edwards, Esq. Reuben H. Cawley, Esq. LEWIS BRISBOIS BISGAARD & SMITH 400 South Fourth Street, Ste. 500 Las Vegas, Nevada 89101 Attorneys for Zitting Brothers Construction, Inc.	<ul> <li>Becky A. Pintar, Esq.</li> <li>GIBBS, GIDEN, LOCHER, TURNER &amp; SENET LLP</li> <li>3993 Howard Hughes Pkwy, Ste. 530</li> <li>Las Vegas, Nevada 89169-5994</li> <li>Attorneys for The Masonry Group</li> <li>Eric Dobberstein, Esq.</li> <li>G. Lance Welch, Esq.</li> <li>DOBBERSTEIN &amp; ASSOCIATES</li> <li>1399 Galleria Drive, Suite 201</li> <li>Henderson, Nevada 89014</li> <li>Attorneys for Insulpro Projects, Inc.</li> <li>Andrew F. Dixon, Esq.</li> <li>Jonathan W. Barlow, Esq.</li> <li>Bowler Dixon &amp; Twitchell, LLP</li> <li>400 N. Stephanie Street, Suite 235</li> <li>Henderson, Nevada 89014</li> <li>Attorneys for The Pressure Grout Company</li> <li>Philip T. Varricchio, Esq.</li> <li>MUIJE &amp; VARRICCHIO</li> <li>1320 S. Casino Center Blvd.</li> <li>Las Vegas, NV 89104</li> <li>Attorneys for John Deere Landscaping, Inc.</li> <li>Steven L. Morris, Esq.</li> <li>WOODBURY MORRIS &amp; BROWN</li> <li>701 N. Green Valley Parkway, #110</li> <li>Henderson, NV 89074</li> <li>Attorneys for CAMCO Pacific</li> <li>James E. Shapiro, Esq,</li> <li>GERRARD, COX &amp; LARSEN</li> <li>2450 St. Rose Parkway, Ste. 200</li> <li>Henderson, Nevada 89074</li> </ul>
JA007532			}	

ନ୍ତ 1 Mark J. Connot, Esq. Nicholas M. Wieczorek, Esq. John H. Gutke, Esq. Brian K. Walters, Esq. 2 HUTCHISON & STEFFEN, LLC MORRIS POLICH & PURDY Peccole Professional Park 3930 Howard Hughes Pkwy., Ste. 360 3 10080 West Alta Drive, Suite 200 Las Vegas, Nevada 89169 4 Attorneys for SelectBuild Nevada, Inc. Las Vegas, Nevada 89145 Attorneys for Buchele, Inc. 5 6 An employee of Howard and Howard Attorneys PLLC 7 8 9 10 11 Howard & Howard Attorneys PLLC 3800 Howard Hughes Pkwy., Suite 1400 Las Vegas, NV 89169 (702) 257-1483 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 - 5 -#541278

r	A			$\bigcirc$
		1 2 3 4 5 6 7 8 9	ORDR HOWARD & HOWARD ATTORNEYS PLI Gwen Mullins, Esq. Nevada Bar No. 3146 Wade B. Gochnour, Esq. Nevada Bar No. 6314 3800 Howard Hughes Parkway Suite 1400 Las Vegas, NV 89169 Telephone (702) 257-1483 Facsimile (702) 567-1568 E-mails: grm@h2law.com wbg@h2law.com Attorneys for APCO Construction	2009 JUN 29 (A 9 38 CLERN OF THE DOURT
	u 8	11	CLARK COUN	
	Howard & Howard Attorneys PLLC 3800 Howard Hughes Pkwy., Suite 1400 Las Vegas, NV 89169 (702) 257-1483	11 12 13 14 15 16 17 18 19 20 21 22 23 24	APCO CONSTRUCTION, a Nevada corporation, Plaintiff, vs. GEMSTONE DEVELOPMENT WEST, INC., a Nevada corporation; NEVADA CONSTRUCTION SERVICES, a Nevada corporation; SCOTT FINANCIAL CORPORATION, a North Dakota corporation; COMMONWEALTH LAND TITLE INSURANCE COMPANY; FIRST AMERICAN TITLE INSURANCE COMPANY; and DOES I through X, Defendants. AND ALL RELATED CASES AND MATTERS.	CASE NO.: A571228 DEPT. NO.: X ORDER TO CONSOLIDATE THIS ACTION WITH CASE NOS. A574391, A574792, A577623, A583289, A584730, A587168, A580889 AND A589195 Date: June 3, 2009 Time: 9:00 a.m.
		25 26 27 28		
			#529367-v1 -1 -	
		ł	JA007534	

#### 

1 Consolidate to Include Case No. A589195 In Consolidation ("Motion") on June 3, 2009 at 2 9:00 a.m. Plaintiff APCO CONSTRUCTION, appearing by and through Wade B. Gochnour, 3 Esq. of the law firm of HOWARD & HOWARD ATTORNEYS PLLC, Defendant SCOTT 4 FINANCIAL CORPORATION appearing by and through Mark M. Jones, Esq. of the law firm 5 of KEMP, JONES & COULTHARD, LLP, as counsel of record in the Club Vista action (A579963) and by and through Glenn F. Meier, of the law firm of MEIER & FINE, as counsel 6 7 of record in this action, Lien Claimant ATLAS CONSTRUCTION SUPPLY, INC., appearing 8 by and through its counsel David W. Dachelet, Esq. of the law firm of FENNEMORE CRAIG 9 P.C., and other counsel appearing, and the Court having heard the arguments of counsel and 10 further

11 || considered all the papers and pleadings filed in this action, and other good cause appearing
12 || therefore,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that APCO Construction's
Motion is hereby granted in part and denied in part.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the lien foreclosure
cases that have been filed relating to the Manhattan West mixed-use development project,
namely cases identified by Case Nos. A574391, A574792, A577623, A583289, A584730,
A587168, A580889 AND A589195 be and hereby are consolidated with this case, Case No.
A571228.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that APCO
Construction's request to consolidate the case entitled *Club Vista Financial Services, LLC et. al. v. Scott Financial Corporation, Bradley Scott, et. al.*, Case No. A579963 is denied without
prejudice at this time and as such Case No. A579963 shall not be consolidated with Case No.
A571228 at this time.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that this matter
(A571228) and all cases consolidated with this matter be and hereby are transferred to the
Business Court.

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Howard & Howard Attorneys PLLC 3800 Howard Hughes Pkwy., Suite 1400

Las Vegas, NV 89169

(702) 257-1483

#529367-v1

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that any lien foreclosure
action relating to the Manhattan West mixed-use development Project that is or was pending as
of June 3, 2009 or that is filed after the hearing on this Motion, shall be automatically
consolidated with Case No. A571228, by any party simply filing a Notice of Consolidation
with the Court.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that in interest of judicial
economy, the requirements of NRCP Rule 24 are hereby waived and that any person or entity
that has an alledged lien against the Manhattan West mixed-use development Project and that
files a timely Statement of Facts Constituting Lien and Complaint In Intervention becomes a
proper party in this action without having to file a motion and/or stipulation to intervene.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the consolidation of
 the lien foreclosure action A574792 with Case No. A571228 does not affect lien claimant
 Ahern Rentals, Inc.'s Judgment by Default dated April 14, 2009.

DATED this 24 day of June, 2009.

Jussy Walsh

DISTRICT COURT JUDGE

20 Respectfully Submitted By:

2

Howard & Howard Attorneys PLLC 800 Howard Hughes Pkwy., Suite 1400

Las Vegas, NV 89169

(702) 257-1483

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16

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19

21 HOWARD & HOWARD ATTORNEYS PLLC

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24 Gwen Rutar Mullins, Esq.
25 Wade B. Gochnour, Esq.
26 Nevada Bar No. 6314
3800 Howard Hughes Pkwy., Suite 1400

27 || Las Vegas, NV 89169

28 Attorneys for APCO Construction

#529367-v1

		Electronically Filed 8/6/2019 8:57 AM Steven D. Grierson
1	EXHS	CLERK OF THE COURT
2	RICHARD L. PEEL, ESQ. Nevada Bar No. 4359	Columnation
3	ERIC B. ZIMBELMAN, ESQ, Nevada Bar No. 9407	
_	PEEL BRIMLEY LLP	
4	3333 E. Serene Avenue, Suite 200 Henderson, NV 89074-6571	
5	Telephone: (702) 990-7272 Facsimile: (702) 990-7273	
6	rpeel@peelbrimley.com ezimbelman@peelbrimley.com	
7	Attorneys for Helix Electric of Nevada, LLC	
8	DISTRIC	CT COURT
9	CLARK COU	JNTY, NEVADA
10	APCO CONSTRUCTION, a Nevada corporation,	CASE NO. : A571228 DEPT. NO. : XIII
11	Plaintiff,	
12	Vs.	Consolidated with:
13	GEMSTONE DEVELOPMENT WEST,	A571792, A574391, A577623, A580889, A583289, A584730, and A587168
14	INC., Nevada corporation; NEVADA CONSTRUCTION SERVICES, a Nevada	EXHIBIT 10 (PART ONE) TO HELIX
15	corporation; SCOTT FINANCIAL CORPORATION, a North Dakota	ELECTRIC OF NEVADA, LLC'S MOTION TO (I) RE-OPEN STATISTICALLY
16	corporation; COMMONWEALTH LAND TITLE INSURANCE COMPANY; FIRST	CLOSED CASE, (II) DISMISS ALL UNRESOLVED CLAIMS AND/OR, (III) IN
17	AMERICAN TITLE INSURANCE COMPANY and DOES I through X,	THE ALTERNATIVE, FOR A RULE 54(B) CERTIFICATION AS TO HELIX AND
18	Defendants.	APCO
19		
20	AND ALL RELATED MATTERS.	
21	Helix Electric of Nevada, LLC ("Heli	x") by and through its counsel of record, the law
22	firm of PEEL BRIMLEY LLP, hereby respec	ctfully submits Exhibit 10 (Part One) to its Motion
23	to (I) Re-Open Statistically Closed Case, (II) D	Deem All Constituent Case Claims Resolved and/or,
24	(III) in the Alternative, for a Rule 54(b) Certi	ification as to Helix and APCO Construction, Inc.
25	("APCO").	
26	///	
27	///	
28	///	
		_
	JA00753	1

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

The Exhibits are being submitted separately due to volume.

Respectfully submitted this 6th day of August, 2019.

## PEEL BRIMLEY LLP

/s/ Eric B. Zimbelman

RICHARD L. PEEL, ESQ. Nevada Bar No. 4359 ERIC B. ZIMBELMAN, ESQ. Nevada Bar No. 9407 3333 E. Serene Avenue, Suite 200 Henderson, NV 89074-6571 Telephone: (702) 990-7272 Attorneys for Helix Electric of Nevada, LLC

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

1	CERTIFICATE OF SERVICE
2	Pursuant to Nev. R. Civ. P. 5(b), I certify that I am an employee of PEEL BRIMLEY LLP
3	and that on this 6th day of August, 2019, I caused the above and foregoing document entitled
4	EXHIBIT 10 (PART ONE) TO HELIX ELECTRIC OF NEVADA, LLC'S MOTION TO
5	(I) RE-OPEN STATISTICALLY CLOSED CASE, (II) DISMISS ALL UNRESOLVED
6	CLAIMS AND/OR, (III) IN THE ALTERNATIVE, FOR A RULE 54(B)
7	CERTIFICATION AS TO HELIX AND APCO to be served as follows:
8	by placing same to be deposited for mailing in the United States Mail, in a sealed
9	envelope upon which first class postage was prepaid in Las Vegas, Nevada to the party(ies) and/or attorney(s) listed below; and/or
10	to registered parties via Wiznet, the Court's electronic filing system;
11	pursuant to EDCR 7.26, to be sent <b>via facsimile;</b>
12 13	to be hand-delivered; and/or
13	other
15	Apco Construction:
16	Rosie Wesp ( <u>rwesp@maclaw.com</u> )
17	<u>Camco Pacific Construction Co Inc:</u>
18	Steven Morris ( <u>steve@gmdlegal.com</u> )
19	<u>Camco Pacific Construction Co Inc</u> : Steven Morris ( <u>steve@gmdlegal.com</u> )
20	Fidelity & Deposit Company Of Maryland:
21	Steven Morris ( <u>steve@gmdlegal.com</u> )
22	<u>E &amp; E Fire Protection LLC:</u>
23	Tracy Truman ( <u>district@trumanlegal.com</u> )
24	Interstate Plumbing & Air Conditioning Inc: Jonathan Dabbieri ( <u>dabbieri@sullivanhill.com</u> )
25	
26	
27	
28	
	<b>JA00753<sup>9</sup></b> <sup>age 3</sup>

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	S. Judy Hirahara ( <u>jhirahara@caddenfuller.com</u> )
4	Dana Kim ( <u>dkim@caddenfuller.com</u> )
5	Richard Reincke ( <u>rreincke@caddenfuller.com</u> )
5	Change 7 Trustee
6	<u>Chaper 7 Trustee:</u> Jonathan Dabbieri ( <u>dabbieri@sullivanhill.com</u> )
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7	Gianna Garcia (ggarcia@sullivanhill.com)
8	Elizabeth Stephens ( <u>stephens@sullivanhill.com</u> )
Ũ	(
9	United Subcontractors Inc:
10	Bradley Slighting ( <u>bslighting@fabianvancott.com</u> )
10	
11	Other Service Contacts not associated with a party on the case:
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27	Donna Wolfbrandt ( <u>dwolfbrandt@dickinsonwright.com</u> )
•	Douglas D. Gerrard ( <u>dgerrard@gerrard-cox.com</u> )
28	E-File Desk (EfileLasVegas@wilsonelser.com)

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26	
27	/s/ Theresa M. Hansen
	An employee of <b>PEEL BRIMLEY, LLP</b>
28	

# **EXHIBIT 10**

## **EXHIBIT 10A**

## **Case Information**

09A587168 | Accuracy Glass And Mirror Co Inc, Plaintiff(s) vs. Asphalt Products Corp, Defendant(s)

Case Number 09A587168 File Date 04/07/2009 Court Department 13 Case Type Business Court Judicial Officer Denton, Mark R. Case Status Closed

## Party

Plaintiff Accuracy Glass And Mirror Co Inc

Intervenor Plaintiff Bruin Painting Corp Active Attorneys▼ Lead Attorney Peel, Richard L. Retained

Active Attorneys Lead Attorney Peel, Richard L. Retained

Attorney Gebhart, Michael T. Retained

Attorney Wayment, Dallin T. Retained

Intervenor Plaintiff Heinaman Contract Glazing

Active Attorneys▼ Lead Attorney Peel, Richard L. JA00754ajned

Attorney Wayment, Dallin T. Retained

Attorney Davidson, Michael J. Retained

Third Party Plaintiff Heinaman Contract Glazing

Active Attorneys▼ Lead Attorney Peel, Richard L. Retained

Attorney Wayment, Dallin T. Retained

Attorney Davidson, Michael J. Retained

Intervenor Plaintiff WRG Design, Inc.

Active Attorneys Lead Attorney Peel, Richard L. Retained

Attorney Davidson, Michael J. Retained

Attorney Wayment, Dallin T. Retained

JA007545 Attorneys

Lead Attorney Peel, Richard L. Retained

Attorney Davidson, Michael J. Retained

Attorney Wayment, Dallin T. Retained

Intervenor Plaintiff HD Supply Waterworks LP

Active Attorneys▼ Lead Attorney Pena, Lauren A. Retained

Intervenor Plaintiff Interstate Plumbing and Air Conditioning LLC

Active Attorneys▼ Lead Attorney Peel, Richard L. Retained

Intervenor Plaintiff Cactus Rose Construction Inc

Active Attorneys▼ Lead Attorney Peel, Richard L. Retained

Intervenor Defendant Asphalt Products Corp

Third Party Defendant Asphalt Products Corp

.

Intervenor Defendant APCO Construction

Active Attorneys▼ Lead Attorney Rutar Mullins, Gwen Retained

Attorney Gochnour, Wade B. Retained

Attorney Planet, Brandi M. Retained

Attorney Jefferies, John R. Retained

Third Party Defendant APCO Construction

Active Attorneys▼ Lead Attorney Rutar Mullins, Gwen Retained

Attorney Gochnour, Wade B. Retained

Attorney Planet, Brandi M. Retained

Attorney Jefferies, John R. Retained

Intervenor Defendant Camco Pacific Construction Company Inc

Third Party Defendant Camco Pacific Construction Company Inc

Intervenor Defendant Gemstone Development West Inc

Active Attorneys▼ Lead Attorney Gilbert, Greg S. Retained

Attorney Thueson, Sean D. Retained

Third Party Defendant Gemstone Development West Inc

Active Attorneys▼ Lead Attorney Gilbert, Greg S. Retained

Attorney Thueson, Sean D. Retained

Intervenor Defendant Jeff Heit Plumbing Co LLC

Active Attorneys▼ Lead Attorney Gregory, Keith E. Retained

Intervenor Defendant Fidelity and Deposit Company of Maryland

Third Party Defendant Fidelity and Deposit Company of Maryland

Lead Attorney Gregory, Keith E. Retained

Intervenor Defendant Platte River Insurance Company

Intervenor Defendant Scott Financial Corporation

Active Attorneys▼ Lead Attorney Meier, Glenn F Retained

Intervenor Defendant Asphalt Products Corp

Intervenor Defendant APCO Construction

Active Attorneys▼ Lead Attorney Jefferies, John R. Retained

Attorney Planet, Brandi M. Retained

Intervenor Defendant Camco Pacific Construction Company Inc

Intervenor Defendant Gemstone Development West Inc

Intervenor Defendant Fidelity and Deposit Company of Maryland

## Intervenor Defendant Scott Financial Corporation

Intervenor Defendant Camco Pacific Construction Company Inc

Intervenor Defendant Gemstone Development West Inc

Intervenor Defendant Fidelity and Deposit Company of Maryland

Intervenor Defendant Scott Financial Corporation

Intervenor Insulpro Projects Inc

Active Attorneys▼ Lead Attorney Dobberstein, Eric Retained

Intervenor Cell-Crete Fireproofing of Nevada Inc

Active Attorneys▼ Lead Attorney McCullough, Christopher R. Retained

Attorney Dean, Aaron R. Retained

Active Attorneys Lead Attorney JA007550, Richard L.

#### Retained

Doing Business As Helix Electric

Active Attorneys Lead Attorney Peel, Richard L. Retained

Defendant Asphalt Products Corp

Defendant APCO Construction

Active Attorneys Lead Attorney Rutar Mullins, Gwen Retained

Attorney Gochnour, Wade B. Retained

Defendant Camco Pacific Constructions Co Inc

Address 19712 MacArthur BLVD STE 200 Irvine CA 92612

Defendant Gemstone Development West Inc

Active Attorneys▼ Lead Attorney Gilbert, Greg S. Retained

Attorney Thueson, Sean D. Retained

Defendant Fidelity And Deposit Co Of Maryland

Active Attorneys▼ Attorney Siepmann, Willi H. Retained

Attorney Faux, Jordan Retained

Lead Attorney Faux, Kurt C. Retained

Attorney Morris, Steven L. Retained

Defendant Nevada Construction Services

Active Attorneys Lead Attorney Aurbach, Phillip S. Retained

Attorney Vlasic, Charles Retained

Counter Defendant Accuracy Glass & Mirror Company Inc

Active Attorneys -Lead Attorney Peel, Richard L. Retained

Counter Defendant Dave Peterson Framing Inc

Active Attorneys -Lead Attorney Truman, T. James Retained

Dixon, Stephen M. Retained

Counter Defendant Bruin Painting Corp

Counter Defendant Masonry Group Nevada Inc

Active Attorneys▼ Lead Attorney Pintar, Becky Retained

Counter Claimant Camco Pacific Construction Co Inc

Counter Claimant Camco Pacific Construction Company Inc

## **Disposition Events**

08/03/2009 Judgment -

Judicial Officer Denton, Mark R.

Judgment Type Voluntary Dismissal

Monetary Judgment

Debtors: Camco Pacific Construction Company Inc (Intervenor Defendant), Gemstone Development West Inc (Intervenor Defendant), Fidelity & Deposit Co Of Maryland (Intervenor Defendant), Scott Financial Corporation (Intervenor Defendant)

Creditors: Bruin Painting Corp (Intervenor Plaintiff)

Judgment: 08/03/2009 Docketed: 08/05/2009

04/04/2013 Judgment -

Judicial Officer Scann, Susan

Judgment Type Order of Dismissal With Prejudice

Monetary Judgment

Debtors: E and E Fire Protection LLC (Intervenor Defendant)

Creditors: HD Supply Waterworks LP (Intervenor Plaintiff)

Judgment: 04/04/2013 Docketed: 04/12/2013

Comment: See Lead A571228 for document

## **Events and Hearings**

04/07/2009 Complaint -

COMP - COMPLAINT FILED Fee \$151.00

Comment COMPLAINT FILED Fee \$151.00

04/07/2009 Initial Appearance Fee Disclosure -

IAFD - INITIAL APPEARANCE FEE DISCLOSURE

Comment INITIAL APPEARANCE FEE DISCLOSURE

04/07/2009 Notice \*

NOTC - NOTICE OF FORECLOSURE

Comment NOTICE OF FORECLOSURE

04/07/2009 Lis Pendens -

LISP - NOTICE OF LIS PENDENS

Comment NOTICE OF LIS PENDENS

04/14/2009 Appearance -

APPR - HELIX ELECTRIC'S STATEMENT OF FACTS CONSTITUTING

Comment HELIX ELECTRIC'S STATEMENT OF FACTS CONSTITUTING NOTICE OF LIEN AND THIRD PARTY COMPLAINT

04/14/2009 Appearance -

#### Comment

HELIXX ELECTRIC'S STATEMENT OF FACTS CONSTIUTING NOTICE OF LIEN AND THIRD PARTY COMPLAINT

04/14/2009 Initial Appearance Fee Disclosure -

IAFD - INITIAL APPEARANCE FEE DISCLOSURE

Comment

**INITIAL APPEARANCE FEE DISCLOSURE** 

04/14/2009 Lis Pendens -

LISP - NOTICE OF LIS PENDENS

Comment NOTICE OF LIS PENDENS

04/21/2009 Motion to Consolidate -

Motion to Consolidate

Comment

APCO Construction's Motion to Consolidate with Case Nos. A574391, A574792, A577623, A579963, A583289, A584730, and A587168

#### 04/24/2009 Lis Pendens -

Lis Pendens Comment Notice of Lis Pendens 04/24/2009 Statement -Statement Comment HD Supply Waterworks' Statement of Facts Constituting A Notice of Lien And Third Party Complaint 04/24/2009 Initial Appearance Fee Disclosure -Initial Appearance Fee Disclosure 04/24/2009 Statement -Statement Comment Bruin Painting's Statement of Facts Constituting Notice of Lien and Third Party Complaint 04/24/2009 Initial Appearance Fee Disclosure -Initial Appearance Fee Disclosure Comment Initial Appearance Fee Disclosure for Bruin Painting Corporation 04/24/2009 Lis Pendens -Lis Pendens Comment Notice of Lis Pendens 04/24/2009 Affidavit of Publication -Affidavit of Service Comment Affidavit of Publication 04/27/2009 Initial Appearance Fee Disclosure -Initial Appearance Fee Disclosure 04/27/2009 Notice of Lis Pendens -

04/27/2009 Statement of Facts Constituting Lien -

Statement of Facts Constituting Lien

#### Comment

Heinaman Contract Glazing's Statement of Facts Constituting Notice of Lien and Third-Party Complaint

04/28/2009 Initial Appearance Fee Disclosure -

Initial Appearance Fee Disclosure

04/28/2009 Notice of Lis Pendens -

Notice of Lis Pendens

04/28/2009 Statement of Facts Constituting Lien -

Statement of Facts Constituting Lien

Comment WRG Design, Inc.'s Statement of Facts Constituting Notice of Lien and Third-Party Complaint

05/01/2009 Joinder -

Joinder

Comment Scott Financial Corporation' Joinder in APCO Construction's Motion to Consolidate A574391, A574792, A579963, A583289, A584730 and A587168

05/20/2009 Reply in Support -

Reply in Support

Comment

Apco Construction Reply in Support of it's Motion to Consolidate With Case Nos A574391, A574792, A577623, A579963, A583289, A584730, and A587168

06/10/2009 Answer to Complaint -

Answer to Complaint

Comment

APCO Construction's Answer to Zitting Brothers Construction Inc's Complaint

06/18/2009 Re-Notice -

Renotice

#### Comment

Re-Notice of Hearing of Camco Pacific Construction and Fidelity and Deposit Company of Maryland's Motion to Dismiss the Third Party Complaint of David Peterson Framing, Inc.

06/23/2009 Certificate of Mailing -

Certificate of Mailing

Comment

Certificate of Mailing of Camco Pacific Constructions and Fidelity and Deposit Company of Marylands Re-Notice of Hearing of Motion to Dismiss the Third Party Complaint of Dave Peterson Framing Inc and Notice Thereof

06/24/2009 First Amended Complaint -

First Amended Complaint

Comment First Amended Complaint Re Foreclosure

06/24/2009 Statement of Facts Constituting Lien -

Statement of Facts Constituting Lien

#### Comment

HD Supply Waterworks' Amended Statement of Facts Constituting a Notice of Lien and Third-Party Complaint

06/24/2009 Amended Notice -

Amended Notice

Comment Helix Electric's Amended Notice of Lis Pendens

06/24/2009 Statement of Facts Constituting Lien -

Statement of Facts Constituting Lien

Comment

Helix Electric's Amended Statement of Facts Constituting Notice of Lien and Third-Party Complaint

06/24/2009 Amended Notice -

Amended Notice

Comment Heinaman's Amended Notice of Lis Pendens

06/24/2009 Statement of Facts Constituting Lien -

Statement of Facts Constituting Lien

Comment Heinaman Contract Glazing's Amended Statement of Facts Constituting Notice of Lien and Third-Party Complaint
06/24/2009 Amended Notice ▼
Amended Notice
Comment WRG Design, Inc.'s Amended Notice of Lis Pendens
06/24/2009 Amended Notice ▼
Amended Notice
Comment Bruin Painting Corporation's Amended Notice of Lis Pendens
06/24/2009 Statement of Facts Constituting Lien <del>▼</del>
Statement of Facts Constituting Lien
Comment Bruin Paintings Amended Statement of facts Constituting Notice of Lien and Third Party Complaint
06/24/2009 Statement of Facts Constituting Lien ▼
Statement of Facts Constituting Lien
Comment HD Supply Waterworks Amended Statement of Facts Constituting a Notice of Lien and Third Party Complaint
06/24/2009 Amended Notice ▼
Amended Notice
Comment HD Supply Waterworks LPs Amended Notice of Lis Pendens
06/24/2009 Notice of Lis Pendens 👻
Notice of Lis Pendens
Comment Accuracy Glass & Mirror Company Inc's Amended Notice of Lis Pendens
06/25/2009 Statement of Facts Constituting Lien ▼
Statement of Facts Constituting Lien
Comment WRG Design, Inc.'s Amended Statement of Facts Constituting Notice of Lien and Third-Party Complaint

#### 06/29/2009 Order -

Order

Comment

Order to Consolidate this action with Case A574391, A574792, A577623, A583289, A584730, A587168, A580889 & A589195

06/30/2009 Answer -

#### Answer

Comment

Gemstone Development West Incs Answer to Statement of Facts Constituting Lien Claim by Creative Home Theatre LLC

06/30/2009 Answer -

#### Answer

Comment Gemstone Development West Incs Answer to Buchele Incs Statement of Facts Constituting Lien

#### 07/02/2009 Answer -

Answer

Comment Apco Constructions Answer to The Pressure Grout Companys Statement of Facts Constituting Lien and Complaint in Intervention

07/02/2009 Answer -

#### Answer

Comment

Apco Constructions Answer to The Pressure Grout Companys Statement of Facts Constituting Lien and Complaint in Intervention

#### 07/02/2009 Answer -

Answer

Comment

APCO Construction's Answer to Selectbuild Nevada Inc.'s Statement of Facts Constituting Lien

07/02/2009 Answer -

#### Answer

Comment APCO Construction's Answer to Bushele, Inc.'s Statement of Facts Constituting Lien

## 07/02/2009 Answer 🕶

#### Answer

Answei
Comment APCO Construction's Answer to Ahern Rental Inc.'s FIrst Amended Statement of Facts Constituting Lien and Complaint in Intervention
07/02/2009 Notice of Entry of Order ▼
Notice of Entry of Order
Comment Notice of Entry of Order to Consolidate this Action with Case Nos. A574391, A574792, A577623, A583289, A584730, A587168, A580889 and A589195
07/07/2009 Statement of Facts Constituting Lien -
Statement of Facts Constituting Lien
Comment Statement of Facts Constituting Lien and Complaint in Intervention
07/09/2009 Summons 🕶
Summons
07/09/2009 Certificate of Service ▼
Certificate of Service
Comment Certificate of Service of Statement of Facts Constituting Lien Claim and Complaint in Intervention
07/09/2009 Acceptance of Service 👻
Acceptance of Service
07/10/2009 Statement 🔻
Statement
Comment Camco Pacific Construction Company, Inc.'s Statement of Facts and Complaint in Intervention
07/16/2009 Answer ▼

Answer

Comment Answer of Plaintiff Ready Mix Inc to Supply Network Inc's Statement of Facts Constituting Lien and Complaint in Intervention

07/16/2009 Notice of Entry of Stipulation and Order -

Notice of Entry of Stipulation and Order

07/17/2009 Statement of Facts Constituting Lien -

Statement of Facts Constituting Lien

Comment

Patent Construction Systems A Division of Harsco Corporations Statement of Facts Constituting Lien and Amended Complaint in Intervention

07/21/2009 Notice of Entry of Order -

Notice of Entry of Order

Comment Notice of Entry of Order Granting Tri- City Drywall Inc's Request to Intervene

07/22/2009 Statement of Facts Constituting Lien -

Statement of Facts Constituting Lien

Comment

Granite Construction Company's Statement of Facts Constituting Lien Claim and Complaint in Intervention

07/22/2009 Initial Appearance Fee Disclosure -

Initial Appearance Fee Disclosure

07/23/2009 Answer to Complaint -

Answer to Complaint

Comment

Gemstone Development West, Inc.'s Answer to Supply Network, Inc. dba Viking Supplynet's Statement of Facts Constituting Lien and Complaint in Intervention

07/23/2009 Answer to Complaint -

Answer to Complaint

Comment

Gemstone Development West, Inc.'s Answer to Atlas Construction Supply Inc's Statement of Facts Constituting Lien and Complaint in Intervention

07/28/2009 Notice of Change of Address -

Notice of Change of Address

Comment Notice of Change of Firm's Address

07/29/2009 Answer to Complaint -

Answer to Complaint

Comment Gamstone Development West, Inc's Answer to Las Vegas Pipeline, LLC's Statement of Facts Constituting Lien and Complaint in Intervention

07/30/2009 Answer -

Answer

Comment ANSWER

07/30/2009 Answer -

Answer

Comment

Gemstone Development West, Inc.'s Answer to the Masonry Group of Nevada, Inc.'s Statement of Facts and Constituting Lien Claim and Complaint in Intervention (A571792, A574391, A574792, A577623, A580889, A583289, A584730, A587168, A589195)

07/31/2009 Summons -

Summons

Comment

Summons - Apco Construction

08/03/2009 Voluntary Dismissal -

Voluntary Dismissal of Fidelity and Deposit Company of Maryland Only from Bruin Painting Corporatio

#### Comment

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

08/03/2009 Summons 💌

Summons

Comment

## Summons (Amended Complaint)

0	8/03/2009 Summons 👻
S	ummons
	Comment Summons (Amended Complaint)
08	3/05/2009 Answer ▼
Ai	ISWER
	Comment APCO Constructions Answer to Granite Construction Companys Statement of Facts Constituting Lien Claim and Complaint in Intervention
08	/06/2009 Answer to Complaint <del>▼</del>
An	swer to Complaint
	Comment APCO Construction's Answer to Tri-City Drywall, Inc.'s Statement of Facts Constituting Lien and Complaint in Intervention
08/	06/2009 Answer ▼
An	wer
	Comment APCO COnstructions Answer to WRG Design Incs Amended Statement of Facts Constituting Notice of Lien and Third-Party Complaint
08/0	)7/2009 Initial Appearance Fee Disclosure ▼
Initi	al Appearance Fee Disclosure
08/0	17/2009 Answer ▼
Ans	wer
D	omment efendants Answer t HD Supply Waterworks Amended tatement of Facts and Third-Party Complaint
08/1	3/2009 Summons ▼
Sum	mons
	omment ummons (Amended Complaint)

## Acceptance of Service

Acceptance of Service of Zitting Brothe Complaint Re: Floreclosure	
	and the second second second second
08/18/2009 Initial Appearance Fee Disclos	ure 🔻
Initial Appearance Fee Disclosure	
08/18/2009 Answer ▼	····
Answer	
Comment Club Vista Financial Services, LLC and Inc's Answer to Camco Pacific Construc Statement of Facts and Complaint in Inte Counterclaim	tion Company, Inc's
08/21/2009 Answer ▼	en de l'arrende e ment d'ar est en en en an en
Answer	
Comment Gemstone Development West, Inc.'s Ans Statement of Facts Constituting Lien	swer to Fast Glass, Inc.'s
08/24/2009 Notice of Bankruptcy 👻	ана Флан Хал с (талан а тала) тала тала бала бала (бал са
Notice of Bankruptcy	
Comment Selectbuild Nevada, Inc.'s Notice of Bank Automatic Stay	ruptcy Filing and
08/25/2009 Answer ▼	
Answer	
Comment Gemstone Development West's Answer to Construction Inc's Complaint Re: Foreclos	*
08/25/2009 Answer to Amended Complaint	1999 (1997) (199
Answer to Amended Complaint	
Comment	
	ver to Executive

08/26/2009 Answer 🔻

Answer

Comment Defendant, Nevada Construction Services' Answer to Camco Pacific Construction Company, Inc.'s Statement of Facts and Complaint in Intervention 08/28/2009 Initial Appearance Fee Disclosure -Initial Appearance Fee Disclosure 09/02/2009 Answer to Counterclaim -Answer to Counterclaim Comment Masonry Group Nevada Inc's Answer to Club Vista Financial Services LLC and Tharaldson Motels II Inc's Counterclaim 09/03/2009 Three Day Notice of Intent to Default -Three Day Notice of Intent to Default 09/08/2009 Motion to Dismiss 09/09/2009 Answer -Answer Comment Answer to Las Vegas Pipeline LLCs Statement of Facts Constituting Lien and Complaint in Intervention and Camco Pacific Construction Companys Incs Counterclaim 09/10/2009 Answer -Answer Comment Answer to Northstar Concrete Inc's Statement of Facts Constituting Lien and Complaint in Intervention and Camco Pacific Construction Company Inc's Counterclaim 09/10/2009 Answer -Answer Comment Answer to Tri-City Drywall Inc's Statement of Facts Constituting Lien and Complaint in Intervention and Camco Pacific Construction Company Inc's Counterclaim

09/10/2009 Answer 🕶

Answer

Comment

Answer to Dave Peterson Framing Inc's Statement of Facts Constituting Lien and Complaint in Intervention and Camco Pacific Construction Company Inc's Counterclaim

09/10/2009 Initial Appearance Fee Disclosure -

Initial Appearance Fee Disclosure

09/10/2009 Initial Appearance Fee Disclosure -

Initial Appearance Fee Disclosure

09/11/2009 Answer to Complaint -

Answer to Complaint

Comment

Answer to Accuracy Glass & Mirror Company Inc's Complaint and Camco Pacific Construciton Inc's Counterclaim

09/11/2009 Answer to Complaint -

Answer to Complaint

Comment

Answer to Bruin Painting Corporation's Statement of Facts Constituting LienThird Party Complaint and Camco Pacific Construction Inc's Counterclaim

09/11/2009 Answer -

#### Answer

Comment

Answer to WRG Desing Inc's Statement of Facts Constituting Lien Thrid Party Compalint and Camco Pacific Construction Inc's Counterclaim

09/11/2009 Answer to Third Party Complaint -

Answer to Third Party Complaint

Comment

Answer to Heinman Contracting Glazing 's Statement of Facts Constituting Lien Third Party Complaint and Camco Pacific Construction 's Counterclaim

09/18/2009 Reply to Counterclaim -

Reply to Counterclaim

Comment Dave Peterson Framing Incs Reply to Camco Pacific Constructions

09/18/2009 Default -

Default

09/18/2009 Default -

Default

09/23/2009 Motion to Dismiss -

#### Motion to Dismiss

Comment

Plaintiff Zitting Brothers Construction Inc's Partial Motion to Dismiss Club Vista Financial Services LLC and Tharaldson Motels II Inc's Counterclaim or in the Alternative Motion for a More Definite Statement

09/23/2009 Amended Summons -

Amended Summons

Comment Amended Summons

09/23/2009 Amended Summons 🕶

Amended Summons

09/24/2009 Amended Summons -

Amended Summons

Comment Amended Summons - Civil

09/24/2009 Amended Summons 👻

Amended Summons

09/24/2009 Amended Summons -

Amended Summons

09/24/2009 Amended Summons -

Amended Summons

Comment Amended Summons

09/24/2009 Certificate of Mailing -

#### 09/25/2009 Opposition to Motion to Dismiss -

Opposition to Motion to Dismiss

Comment

Opposition to Scott Financial Corporation Motion to Dismiss Club Vista Financial Services LLC and Tharaldson Motels II Inc's Counterclaim

#### 09/25/2009 Answer -

Answer

Comment

Answer to Steel Structures, Inc. Second Amended Statement of Facts Constituting Lien and Complaint in Intervention

09/25/2009 Answer -

#### Answer

Comment

Answer to Nevada Prefab Engineers, Inc.'s Second Amended Statement of Facts Constituting Lien and Complaint in Intervention

09/25/2009 Reply to Counterclaim -

Reply to Counterclaim

Comment

Reply to Club Vista Financial Services, LLC and Tharaldson Motels, II, Inc.'s Counterclaim

09/28/2009 Response -

#### Response

Comment

Response of Club Vista Financial Services, Inc., Tharaldson to Motion to Designate this Action as Complex Pursuant to NRCP 16.1(F), and Motion to Set a Discovery Conference Pursuant to NRCP 16

09/29/2009 Reply to Counterclaim -

Reply to Counterclaim

Comment

Tri-City Drywall, Inc.'s Reply to Club Vista Financial Services LCC and Tharaldson Motels II, Inc.'s Counterclaim

09/29/2009 Reply to Counterclaim -

Reply to Counterclaim

## Comment Inquipco's Reply to Club Vista Financial Services LCC and Tharaldson Motel II, Inc.'s Counterclaim

09/29/2009 Reply to Counterclaim \*

Reply to Counterclaim

Comment

Northstar Concrete, Inc.'s Reply to Club Vista Financial Services LCC and Tharaldson Motels II, Inc.'s Counterclaim

09/29/2009 Notice of Change of Firm Name -

Notice of Change of Firm Name

Comment Notice of Change of Firm Name and Address

09/30/2009 Opposition to Motion -

**Opposition to Motion** 

Comment

Camco Pacific Construction Company, Inc's Opposition to Nevada Construction Services' Motion for Sanctions Pursuant to NRCP 11

10/01/2009 Answer to Complaint -

Answer to Complaint

Comment

Gemstone Development West Inc's Answer to Complaint for Damages and to Foreclose Mechanic's Lien

10/01/2009 Answer -

Answer

Comment

Gemstone Development West, Inc.'s Answer to Custom Select Billing, Inc.'s Statement of Facts constitution Lien and Complaint in Intervention

10/02/2009 Motion to Associate Counsel -

Motion to Associate Counsel

Comment Motion to Associate Counsel Christine R. Taradash

10/02/2009 Motion to Associate Counsel -

Motion to Associate Counsel

Comment

Motion to Associate Counsel John T. Moshier
10/05/2009 Motion to Associate Counsel -
Motion to Associate Counsel
Comment Motion to Associate Counsel Martin A. Aronson
10/09/2009 Joinder To Motion ▼
Joinder To Motion
Comment Bradley J Scott's Joinder to Scott Financial Corporation's Motio to Dismiss Club Vista Financial Services LLC and Tharaldson Motels II Inc's Counterclaim
10/09/2009 Initial Appearance Fee Disclosure -
Initial Appearance Fee Disclosure
10/09/2009 Notice of Change of Address -
Notice of Change of Address
10/09/2009 Notice of Change of Address -
Notice of Change of Address
10/12/2009 Joinder ▼
Joinder
Comment Notice of Joinder to Scott Financial Corporation's Motion to Dismiss Club Vista Financial Services, L.L.C. and Tharaldson Motels II, Inc.'s Counterclaim
10/12/2009 Answer to Counterclaim ❤
Answer to Counterclaim
Comment Masonry Group Nevada Incs Answer to Camco Pacific Construction Incs Counterclaim
0/12/2009 Summons ▼
Summons
0/12/2009 Answer to Counterclaim ▼

#### Comment

Cell-Crete Fireproofing of Nevada Inc's Answer to Club Vista Financial Services LLC, Tharaldson Motels II Inc and Gary D Tharaldson's Counterclaim

10/13/2009 Certificate of Mailing -

Certificate of Mailing

Comment Errata to Certificate of Mailing

10/14/2009 Answer to Counterclaim -

Answer to Counterclaim

Comment Answer to Club Vista Financial Services LLC and tharaldson Motels II Incs Counterclaim

#### 10/14/2009 Reply in Support -

Reply in Support

Comment

Reply in Support of NCS' Motion for Sanctions Pursuant to NRCP 11

10/14/2009 Joinder To Motion -

Joinder To Motion

Comment

Plaintiff/Counter-Defendant Buchele, Inc.'s Joinder to Zitting Brothers Construction Inc.'s Partial Motion to Dismiss Club Vista Financial Services, LLC and Tharaldson Motels II, Inc.'s Counterclaim, or in the Alternative, Motion for a More Definite Statement

10/15/2009 Motion to Withdraw As Counsel -

Motion to Withdraw As Counsel

Comment Richard A Koch's Motion to Withdraw as Counsel

10/15/2009 Reply to Counterclaim -

Reply to Counterclaim

Comment

Plaintiff in Intervention Tri-County Drywall Inc's Reply to Camco Pacific Company Inc's Counterclaim

10/15/2009 Joinder -

#### Comment

Ahern Rental Inc.'s Joinder to Scott Financial Corporation's Motion to Dismiss Club Vista Financial Services LLC and Theraldson Motel II, Inc.'s Counterclaim

10/15/2009 Reply to Counterclaim -

Reply to Counterclaim

Comment

Plaintiff in Intervention Northstar Concrete Incs Reply to Camco Pacific Company Incs Counterclaim

10/15/2009 Reply to Counterclaim -

Reply to Counterclaim

Comment

Eza PC dba Oz Architecture of Nevada Inc, Harsco Corporation and Patent Construction Systems a Division of Harsco Corporation's Reply to Counterclaim of Club Vista Financial Services LLC and Tharaldson Motels II Inc

10/16/2009 Notice -

Notice

Comment

Noorda Sheet Metal Company's Notice of Joinder in Scott FInancial Corporation's Motion to Dismiss Club Vista Financial Services, LLC and Tharaldson Motels II, Inc.'s CounterClaim

10/16/2009 Reply to Counterclaim -

Reply to Counterclaim

Comment

Counterdefendant Granite Construction Company's Reply to Club Vista Financial Services, LLC's Counterclaim

10/16/2009 Joinder To Motion -

Joinder To Motion

Comment

Dave Peterson Framing Inc's Notice of Joinder in Scott Financial Corporation's Motion to Dismiss Club Vista Financial Services LLC and Tharaldson Motels II Inc's Counterclaim

10/16/2009 Joinder To Motion -

Joinder To Motion

Comment

E & E Fire Protection LLC's Notice of Joinder in Scott Financial Corporation's Motion to Dismiss Club Vista Financial Services LLC and Tharaldson Motels II Inc's Counter 573

#### 10/16/2009 Joinder To Motion 👻

#### Joinder To Motion

Comment

Professional Doors and Millworks LLC's Notice of Joinder in Scott Financial Corporation's Motion to Dismiss Club Vista Financial Services LLC and Tharaldson Motels II Inc's Counterclaim

#### 10/16/2009 Joinder -

Joinder

#### Comment

Renaissance Pools & Spas, Inc.'s Joinder to Zitting Brothers Construction, Inc.'s Partial Motion to Dismiss Club Vista Financial Services, LLC and Tharaldson Motels II, Inc.'s Counterclaim, or in the Alternative, Motion for a More Definite Statement

#### 10/19/2009 Answer to Counterclaim -

#### Answer to Counterclaim

Comment

Republic Crane Service LLC's Answer to Club Vista Financial Services LLC and Tharaldson Motels II Inc's Counterclaim

10/21/2009 Stipulation for Dismissal -

#### Stipulation for Dismissal

Comment

A571228 Stipulation for Dismissal Without Prejudice of Count Nine (Acting in Concert/Civil Conspiracy) Against Zitting Brothers Construction Inc

10/21/2009 Opposition to Motion -

#### Opposition to Motion

#### Comment

Opposition to Renewed Motion to Clarify and to Reconsider April 6, 2009 Ruling Re: Executive Plastering Inc's Application for Prejudgment Writ of Attachment

#### 10/21/2009 Reply -

#### Reply

Comment

Reply of Counterdefendant John Deere Landscape Inc to Counterclaim of Club Vista Financial Services LLC Tharaldson Motels II Inc and Gary D. Tharaldson

#### 10/21/2009 Certificate of Service -

#### Certificate of Service

Comment

Certificate of Service of Reply of Counterdefendant John Deere Landscrape Inc To Counterclaim of Club Vista Financial Services LLC Tharaldson Motels II Inc and Gary D. Tharaldson

#### 10/21/2009 Reply -

#### Reply

#### Comment

Reply of Counterdefendant Supply Network Inc, to Counterclaim of Club Vista Financial Services LLC Tharaldson Motels II Inc and Gary D Tharaldson

10/21/2009 Certificate of Service -

#### Certificate of Service

Comment

Certificate of Service of Reply of Counterdefendant Supply Netwrk Inc to Counterclaim of Club Vista Financial Services LLC, Tharaldson Motels II Inc, and Gary D Tharaldson

10/23/2009 Acceptance of Service -

Acceptance of Service

#### 11/02/2009 Order Granting Motion -

Order Granting Motion

#### Comment

Order Granting Motion to Associate Counsel John Moshier

11/02/2009 Order Granting Motion -

#### Order Granting Motion

Comment Order Granting Motion to Associate Counsel Chrisitne Taradash

11/02/2009 Order Granting Motion 👻

Order Granting Motion

#### Comment

Order Granting Motion to Associate Counsel Martin A Aronson

11/04/2009 Reply to Counterclaim -

Comment Counterdefendant Cabinetec, Inc.'s Reply to Club Vista Financial Services, L.L.C.'s Counterclaim

11/04/2009 Motion to Withdraw As Counsel -

Motion to Withdraw As Counsel

11/04/2009 Answer to Complaint -

Answer to Complaint

Comment Gemstone Development West Incs Answer to Uintah Investments LLC Complaint

11/04/2009 Answer to Complaint -

Answer to Complaint

Comment Gemstone Development West, Inc.'s Answer to Complaint for Damages and to Foreclosure Mechanic's Lien

11/04/2009 Answer -

Answer

Comment Gemstone Development West, Inc.'s Answer to Ready Mix, Inc.'s Statement of Facts Constituting Lien and Complaint for Foreclosure of Mechanic's Lien

11/05/2009 Answer -

Answer

Comment

Scott Financial Corporation's Answer to Hydropressure Cleaning, Inc.'s Statement of Facts Constituting Lien and Complaint in Intervention

11/06/2009 Motion to Amend Complaint -

Motion to Amend Complaint

Comment Harsco Corporation's Proposed Second Amended Complaint in Intervention

11/10/2009 Notice of Motion -

Notice of Motion

#### Notice of Entry of Order

#### 11/17/2009 Notice of Entry of Order -

Notice of Entry of Order

11/18/2009 Answer -

#### Answer

Comment

Scott Financial Corporation's Answer to HD Supply Waterworks' Amended Statement of Facts Constituting a Notice of Lien and Third Party Complaint

#### 11/23/2009 Errata -

#### Errata

Comment Errata to Motion to Withdraw as Counsel

11/24/2009 Answer to Complaint -

#### Answer to Complaint

Comment

Gemstone Development West, Inc.'s Answer to PCI Group, LLC's Complaint

11/25/2009 Order Granting Motion -

Order Granting Motion

Comment

Order Granting Motion to Withdraw as Counsel

12/01/2009 Substitution of Attorney -

#### Substitution of Attorney

12/07/2009 Notice of Entry of Order -

#### Notice of Entry of Order

12/07/2009 Errata 👻

#### Errata

Comment Errata to Affidavit in support of Motion to Withdraw as Counsel

12/09/2009 Motion to Withdraw As Counsel -

#### 12/09/2009 Notice of Hearing -

Notice of Hearing

Comment

Notice of Hearing Re Motion to Withdraw as Counsel on an Order Shortening Time

#### 12/16/2009 Order Granting Motion -

Order Granting Motion

Comment Order Granting Harsco Corporation's Motion to Amend Complaint in Intervention

12/18/2009 Substitution of Attorney -

Substitution of Attorney

12/21/2009 Order Granting Motion -

Order Granting Motion

Comment to Withdraw as Counsel

12/21/2009 Notice of Entry of Order -

Notice of Entry of Order

12/23/2009 Motion to Withdraw As Counsel -

Motion to Withdraw As Counsel

12/23/2009 Amended Complaint -

Amended Complaint

Comment Harsco Corporations Second Amended Complaint in Intervention

12/28/2009 Notice of Entry of Order -

Notice of Entry of Order

12/29/2009 Errata -

Errata

Comment Errata to Motion to Withdraw as Counsel on an Order Shortening Time

06/24/2011 Case Reassigned to Department 29 -

Comment Case reassigned from Judge Kathleen E. Delaney

03/14/2016 Case Reassigned to Department 15 -

#### Comment

Reassigned From Judge Susan Scann - Dept 29

## Financial

Total F	Constructions Co Ir Financial Assess Payments and C	ment		\$223.00 \$223.00
9/11/2009	Transaction Assessment			\$223.00
9/11/2009	Payment (Window)	Receipt # 2009- 05043- CCCLK	Woodbury Morris and Brown LTD	(\$223.00)
Fidelity And Dep	oosit Co Of Marylan	ıd .		
Total Fi	\$30.00			
Total Payments and Credits				\$30.00
9/11/2009	Transaction			\$30.00
	Assessment			
9/11/2009	Payment	Receipt #	Woodbury	(\$30.00)
	(Window)	2009-	Morris and	
		05044-	Brown LTD	
		CCCLK		
Bruin Painting C	orp			
Total Fi	\$104.00			
Total Pa	\$104.00			
4/27/2009	Transaction Assessment			\$104.00

4/27/2009	Payment (Window)	Receipt # 2009- 16226- FAM	Peel & Brimley LLP	(\$104.00)
Heinaman Coni	ract Glazing			
	inancial Assessm ayments and Cre			\$104.00 \$104.00
4/28/2009	Transaction Assessment			\$104.00
4/28/2009	Payment (Window)	Receipt # 2009- 16631- FAM	Peel & Brimley LLP	(\$104.00)
WRG Design, In	Ċ.			
Total Financial Assessment Total Payments and Credits			\$104.00 \$104.00	
4/29/2009	Transaction Assessment			\$104.00
4/29/2009	Payment (Window)	Receipt # 2009- 17084-FAM	Peel, Richard L.	(\$104.00)

### **Documents**

Lis Pendens

Initial Appearance Fee Disclosure

Lis Pendens

Initial Appearance Fee Disclosure

Notice of Lis Pendens

Initial Appearance Fee Disclosure

Notice of Lis Pendens

Statement

Affidavit of Service

Statement

Initial Appearance Fee Disclosure

Joinder

Statement of Facts Constituting Lien Statement of Facts Constituting Lien Motion to Consolidate Reply in Support Answer to Complaint Renotice Certificate of Mailing First Amended Complaint Statement of Facts Constituting Lien Order Statement of Facts Constituting Lien Statement of Facts Constituting Lien Amended Notice Statement of Facts Constituting Lien Amended Notice Amended Notice Statement of Facts Constituting Lien Answer Answer Summons Answer Certificate of Service Acceptance of Service Statement Answer Answer Answer Answer Notice of Entry of Order Amended Notice Statement of Facts Constituting Lien Answer Amended Notice Statement of Facts Constituting Lien Statement of Facts Constituting Lien Notice of Entry of Stipulation and Order Statement of Facts Constituting Lien Initial Appearance Fee Disclosure Notice of Entry of Order

Notice of Lis Pendens

Notice of Change of Address

#### Answer

#### Voluntary Dismissal of Fidelity and Deposit Company of Maryland Only from Bruin Painting Corporatio

Answer to Complaint

Summons

Summons

Summons

Answer to Complaint

Answer to Complaint

Initial Appearance Fee Disclosure

Answer

Answer

Answer

Answer to Complaint

Summons

Acceptance of Service

Answer

Initial Appearance Fee Disclosure

Answer

Notice of Bankruptcy

Answer

Answer

Answer to Amended Complaint

Answer

Initial Appearance Fee Disclosure

Answer to Counterclaim

Three Day Notice of Intent to Default

Answer

Answer

Answer

Initial Appearance Fee Disclosure

Initial Appearance Fee Disclosure

Answer

Answer

Answer to Complaint

Answer to Complaint

Answer to Third Party Complaint

Reply to Counterclaim

Default

Default

Motion to Dismiss

Amended Summons

Amended Summons Amended Summons Amended Summons Amended Summons Amended Summons Opposition to Motion to Dismiss Reply to Counterclaim Certificate of Mailing Answer Answer Response Notice of Change of Firm Name Reply to Counterclaim Reply to Counterclaim Reply to Counterclaim Opposition to Motion Motion to Associate Counsel Motion to Associate Counsel Answer to Complaint Answer Motion to Associate Counsel Initial Appearance Fee Disclosure Joinder To Motion Notice of Change of Address Answer to Counterclaim Notice of Change of Address Joinder Answer to Counterclaim Summons Certificate of Mailing Answer to Counterclaim Motion to Withdraw As Counsel Reply to Counterclaim Reply to Counterclaim Reply to Counterclaim Reply to Counterclaim Notice Joinder Joinder To Motion

Joinder To Motion Joinder To Motion

Answer to Counterclaim Joinder To Motion Reply in Support Opposition to Motion Stipulation for Dismissal Reply Certificate of Service Reply Certificate of Service Acceptance of Service Joinder Order Granting Motion Order Granting Motion Order Granting Motion Motion to Withdraw As Counsel Reply to Counterclaim Answer to Complaint Answer Answer to Complaint Motion to Amend Complaint Answer Notice of Motion Notice of Entry of Order Notice of Entry of Order Answer Errata Order Granting Motion Answer to Complaint Motion to Withdraw As Counsel Notice of Hearing Errata Notice of Entry of Order Order Granting Motion Notice of Entry of Order Order Granting Motion Motion to Withdraw As Counsel Amended Complaint Substitution of Attorney Notice of Entry of Order Substitution of Attorney

Errata

COMP - COMPLAINT FILED Fee \$151.00

IAFD - INITIAL APPEARANCE FEE DISCLOSURE

NOTC - NOTICE OF FORECLOSURE

LISP - NOTICE OF LIS PENDENS

APPR - HELIX ELECTRIC'S STATEMENT OF FACTS CONSTITUTING

IAFD - INITIAL APPEARANCE FEE DISCLOSURE

÷.

LISP - NOTICE OF LIS PENDENS

# **EXHIBIT 10B**

## **Case Information**

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

Case Number 08A571228 File Date 09/09/2008 Court Department 13 Case Type Business Court Judicial Officer Denton, Mark R. Case Status Closed

## Party

Third Party Plaintiff Noorda Sheet Metal Company

Third Party Plaintiff Insulpro Projects Inc Active Attorneys -Lead Attorney Truman, T. James Retained

Active Attorneys▼ Lead Attorney Dobberstein, Eric Retained

Attorney Long, Rhonda R. Retained

Third Party Plaintiff E & E Fire Protection LLC

Active Attorneys▼ Lead Attorney Truman, T. James Retained

Attorney Dixon, Stephen M. Retained

Third Party Plaintiff Dave Peterson Framing Inc

Address 9081 W Sahara AVE #290 Las Vegas NV 89117

Third Party Plaintiff Professional Doors & Millworks LLC

Active Attorneys-

Lead Attorney Truman, T. James Retained

Third Party Defendant Camco Pacific Construction Co Inc

Active Attorneys-

Attorney Blake, David Retained

Attorney Parry, Zachariah Retained

Third Party Defendant Fidelity & Deposit Co Of Maryland

Active Attorneys -Attorney Siepmann, Willi H. Retained

Lead Attorney Faux, Kurt C. Retained

Attorney Faux, Jordan Retained

Third Party Defendant Fidelity & Deposit Co Of Maryland

Active Attorneys-

Attorney JA007588ann, Willi H. Retained

Lead Attorney Faux, Kurt C. Retained

Attorney Faux, Jordan Retained

Special Master Hale, Floyd, ESQ

Plaintiff Apco Construction

Active Attorneys

Attorney Rutar Mullins, Gwen Retained

Attorney Weiland, Jason, ESQ Retained

Attorney Jefferies, John R. Retained

Attorney Juan, Jack Chen Min Retained

Attorney Planet, Brandi M. Retained

Lead Attorney Mounteer, Cody S. Retained

Intervenor Defendant Fidelity & Deposit Company Of Maryland

Active Attorneys Attorney Siepmann, Willi H. Retained

Attorney Morris, Steven L. Retained

Lead Attorney Faux, Kurt C. Retained

Attorney Faux, Jordan Retained

Other PCI Group, LLC

Other HD Supply Construction Supply LP

Aliases DBA White Cap Construction Supply Inc

Other

Wiss, Janney, Elstner Associates, Inc.

Active Attorneys 
Lead Attorney
Rutar Mullins,
Gwen
Retained

Attorney Gochnour, Wade B. Retained

Other (Participant) HA Fabricators Inc

Other RLMW Investments LLC

Other United Subcontractors Inc

Aliases DBA Skyline Insulation Active Attorneys Lead Attorney Slighting, Bradley S. Retained

Other (Participant) Chaper 7 Trustee

Active Attorneys Lead Attorney Stephens, Elizabeth E Retained

Attorney Dabbieri, Jonathan S. Retained

Other (Participant) Steven L Morris Ltd

Intervenor Plaintiff Harsco Corporation

Intervenor Plaintiff Arch Aluminum And Glass Co

Active Attorneys▼ Lead Attorney JA0075991ts, Jeffrey R.

## Aliases *NKA* Arch Aluminum and Glass LLC

#### Retained

Attorney Wittig, Donna Retained

Attorney Miller, William N. Retained

Intervenor Plaintiff Cabinetec Inc

Intervenor Plaintiff Pape Material Handling

Active Attorneys▼ Lead Attorney Urga, William R. Retained

Attorney Craft, Christopher Retained

Intervenor Plaintiff Las Vegas Pipeline LLC

Intervenor Plaintiff Northstar Concrete, Inc.

Intervenor Plaintiff Selectbuild Nevada Inc

Active Attorneys▼ Lead Attorney Schumacher, Robert E. Retained

Attorney JA007592<sup>s</sup>, Brian K. Retained

Intervenor Plaintiff Interstate Plumbing & Air Conditioning Inc

Active Attorneys▼ Attorney Stephens, Elizabeth E Retained

Lead Attorney Gebhart, Michael T. Retained

Intervenor Plaintiff Cactus Rose Construction Inc

Active Attorneys Attorney Peel, Richard L. Retained

Attorney Gebhart, Michael T. Retained

Lead Attorney Wayment, Dallin T. Retained

Attorney Boswell, Jefferson W., ESQ Retained

Intervenor Plaintiff Sunstate Companies Inc

Active Attorneys -Lead Attorney Hayes, Garry L. Retained

Attorney Welsh, Martin L. JA00775933ed Intervenor Plaintiff S R Bray Corp

Active Attorneys -Lead Attorney Peel, Richard L. Retained

Intervenor Plaintiff SWPPP Compliance Solutions LLC

Active Attorneys▼ Lead Attorney Peel, Richard L. Retained

Attorney Gebhart, Michael T. Retained

Attorney Boswell, Jefferson W., ESQ Retained

Intervenor Defendant Concrete Visions Inc

Intervenor Defendant Camco Pacific Construction Co Inc

Address 19712 MacArthur BLVD STE 200 Irvine CA 92612 Active Attorneys Attorney Blake, David Retained

Attorney Parry, Zachariah Retained

Counter Claimant Camco Pacific Construction Co Inc

Active Attorneys-

Attorney Blake, David **JA00759**10

Address

19712 MacArthur BLVD STE 200 Irvine CA 92612

Attorney Parry, Zachariah Retained

Intervenor Defendant Camco Pacific Construction Co Inc

Address 19712 MacArthur BLVD STE 200 Irvine CA 92612 Active Attorneys Attorney Blake, David Retained

Attorney Parry, Zachariah Retained

Intervenor Defendant Marshall, Kelly

Intervenor Defendant Commonwealth Land Title Ins Co

Intervenor Defendant Commonwealth Land Title Ins Co

Intervenor Defendant First American Title Insurance Co

Intervenor Defendant First American Title Insurance Co

Intervenor Defendant Nevada Construction Services

Active Attorneys▼ Lead Attorney Aurbach, Phillip S. Retained

Attorney Vlasic, Charles Retained

Intervenor Defendant Jeff Heit Plumbing Co LLC

Active Attorneys▼ Lead Attorney Gregory, Keith E. Retained

Intervenor Defendant E & E Fire Protection LLC

Active Attorneys Lead Attorney Dixon, Stephen M. Retained

Intervenor Defendant Old Republic Surety

Active Attorneys▼ Lead Attorney Gregory, Keith E. Retained

Intervenor Defendant Club Vista Financial Services LLC

Active Attorneys▼ Lead Attorney Muckleroy, Martin A. Retained

Attorney Samuelson, Stephanie L., ESQ Retained

Attorney Ferrario, Mark E., ESQ Retained

JA007596Attorneys-

#### Club Vista Financial Services LLC

Lead Attorney Muckleroy, Martin A. Retained

Attorney Samuelson, Stephanie L., ESQ Retained

Attorney Ferrario, Mark E., ESQ Retained

#### Intervenor Defendant Tharaldson Motels II Inc

Active Attorneys Lead Attorney Muckleroy, Martin A. Retained

Attorney Samuelson, Stephanie L., ESQ Retained

Attorney Katz, Moorea L. Retained

Intervenor Defendant Tharaldson Motels II Inc

Active Attorneys▼ Lead Attorney Muckleroy, Martin A. Retained

Attorney Samuelson, Stephanie L., ESQ Retained

## JA007597ey

Katz, Moorea L. Retained

Intervenor Defendant Gemstone Development West Inc

Intervenor Defendant Gemstone Development West Inc

Intervenor Defendant Gemstone Development West Inc

Intervenor Defendant Scott Financial Corporation

Active Attorneys▼ Lead Attorney Meier, Glenn F Retained

Attorney Oblad, John T. Retained

Intervenor Tri-City Drywall Inc

Active Attorneys▼ Lead Attorney Lloyd-Robinson, Jennifer R. Retained

Attorney Maskas, Marisa Retained

Intervenor Noord Sheet Metal Company

Active Attorneys▼ Lead Attorney Truman, T. James JA007598ed Counter Defendant Noord Sheet Metal Company

Active Attorneys -Lead Attorney Truman, T. James Retained

Intervenor Cell Crete Fireproofing Of NV Inc

Active Attorneys▼ Lead Attorney Reade, Robert C. Retained

Attorney Dean, Aaron R. Retained

Attorney Howell, Dana Lee Retained

Intervenor Insulpro Projects Inc

Active Attorneys 
Lead Attorney
Dobberstein, Eric
Retained

Attorney Long, Rhonda R. Retained

Intervenor E & E Fire Protectiong LLC

Active Attorneys Lead Attorney Truman, T. James Retained

Attorney Dixon, Stephen M. Retained

Dave Peterson Framing Inc

Address 9081 W Sahara AVE #290 Las Vegas NV 89117

#### Intervenor

Professional Doors & Millworks LLC

Lead Attorney Truman, T. James Retained

EZA P C

Lead Attorney Williams, Donald H Retained

Pressure Grout Co

Lead Attorney Truman, T. James Retained

.

#### Patent Construction Systems

Lead Attorney Williams, Donald H Retained

Granite Construction Company

Lead Attorney Johnson, David R. Retained

Attorney Watkins, Justin L. Retained

Attorney Sechrist, Jared M. Retained

Intervenor Custom Select Billing Inc

Active Attorneys Lead Attorney Rutar Mullins, Gwen Retained

Intervenor National Wood Products, Inc.'s

Active Attorneys▼ Attorney Hirahara, S Judy, ESQ Retained

Lead Attorney Tobler, Richard L Retained

Attorney Taylor, John B., ESQ Retained

Interpleader Hydropressure Cleaning Inc

Active Attorneys-

Lead Attorney Rutar Mullins, Gwen Retained

Doing Business As Apco Construction

Doing Business As Oz Architecture of Nevada Inc

Active Attorneys Lead Attorney JA00776021ns, Donald H

Retained Doing Business As Viking Supplynet Doing Business As Active Attorneys-Helix Electric Lead Attorney Boswell, Jefferson W., ESQ Retained Doing Business As Active Attorneys-Pape Rents Lead Attorney Craft, Christopher Retained Doing Business As Active Attorneys-Pape Rents Lead Attorney Urga, William R. Retained Doing Business As Power Plus! Defendant Gemstone Development West Inc

Address 10170 W Tropicana AVE STE 156-169 Las Vegas NV 89147

Intervenor Defendant Gemstone Development West Inc Address

10170 W Tropicana AVE STE 156-169 Las Vegas NV 89147

Intervenor Defendant Gemstone Development West Inc

Address 10170 W Tropicana AVE STE 156-169 Las Vegas NV 89147

Defendant Scott Financial Corporation

Active Attorneys▼ Attorney Fine, Marilyn G Retained

Attorney Jones, Jon Randall Retained

Lead Attorney Meier, Glenn F Retained

Attorney Oblad, John T. Retained

Defendant Commonwealth Land Title Insurance Co

Defendant First American Title Insurance Co

Defendant Scott, Bradley J

Active Attorneys▼ Lead Attorney Jones, Jon Randall JA007€03ed Attorney Carter, Matthew S. Retained

Cross Defendant Gemstone Development West Inc

Cross Claimant APCO Construction

Active Attorneys -Lead Attorney

Rutar Mullins, Gwen Retained

Counter Defendant APCO Construction

Active Attorneys-

Lead Attorney Rutar Mullins, Gwen Retained

Attorney Planet, Brandi M. Retained

Attorney Jefferies, John R. Retained

Counter Defendant Professional Doors And Millworks LLC

Counter Defendant Gemstone Development West Inc

Counter Defendant

JA007604 Attorneys-

Scott Financial Corporation	Lead Attorney Meier, Glenn F Retained		
	Attorney Oblad, John T. Retained		
Counter Defendant Scott, Bradley J	Active Attorneys▼ Lead Attorney Carter, Matthew S Retained		
Counter Defendant Bank of Oklahoma NA			
Counter Defendant Nevada Construction Services	Active Attorneys Lead Attorney Vlasic, Charles Retained		
Counter Defendant Camco Pacific Construction Inc	Active Attorneys▼ Attorney Blake, David Retained		
	Attorney Parry, Zachariah Retained		

Counter Defendant Insulpro Projects Inc

Active Attorneys → Lead Attorney Dobberstein, Eric Retained

Attorney Long, Rhonda R. Retained

Counter Defendant Cabinetec Inc

Address 2711 E Craig RD North Las Vegas NV 89030

Counter Defendant EZA P.C.

Active Attorneys▼ Lead Attorney Williams, Donald H Retained

Counter Defendant Hydropressure Cleaning Inc

Counter Defendant Ahern Rentals Inc

Active Attorneys▼ Lead Attorney Clifford, D. Shane, ESQ Retained

Attorney Perkins, Robin E. Retained

Counter Defendant Arch Aluminum and Glass Co

Active Attorneys-

Lead Attorney Albregts, Jeffrey R. Retained

Attorney Wittig, Donna Retained

Counter Defendant Cellcrete Fireproofing of Nevada Inc

Active Attorneys▼ Lead Attorney Reade, Robert C. Retained

Attorney Dean, Aaron R. Retained

Attorney Howell, Dana Lee Retained

Counter Defendant Dave Peterson Framing Inc

Active Attorneys▼ Lead Attorney Dixon, Stephen M. Retained

Counter Defendant E & E Fire Protection LLC

Active Attorneys Lead Attorney Dixon, Stephen M. Retained

Counter Defendant Granite Construction Company

Active Attorneys Lead Attorney Johnson, David R. Retained

Attorney Watkins, Justin L. Retained

Attorney Sechrist, Jared M. Retained

Counter Defendant Harsco Corporation

Address 350 Poplar Church RD Camp Hill PA 17011

Counter Defendant Inquipco

Active Attorneys▼ Lead Attorney Lloyd-Robinson, Jennifer R. Retained

Attorney Maskas, Marisa Retained

Counter Defendant Nevada Prefab Engineers Inc

Active Attorneys Lead Attorney Craft, Christopher Retained

Counter Defendant Noorda Sheet Metal Company

Active Attorneys Lead Attorney Dixon, Stephen M. Retained

Counter Defendant Patent Construction Systems

Active Attorneys▼ Lead Attorney Williams, Donald H Retained

Counter Defendant The Pressure Grout Company

Counter Defendant

JA007608Attorneys-

Professional Door and Mill Works LLC Lead Attorney Dixon, Stephen M. Retained

Counter Defendant Steel Structures Inc

Active Attorneys Lead Attorney Craft, Christopher Retained

Attorney Fisher, Mindy C. Retained

Counter Defendant Tri City Drywall Inc

Active Attorneys▼ Lead Attorney Lloyd-Robinson, Jennifer R. Retained

Attorney Maskas, Marisa Retained

Counter Defendant Accuracy Glass & Mirror Company Inc

Active Attorneys Lead Attorney Wayment, Dallin T. Retained

Attorney Gebhart, Michael T. Retained

Attorney Domina, Cary Retained

Counter Defendant Concrete Visions Inc

Counter Defendant Las Vegas Pipeline LLC

Active Attorneys -Pro Se

Counter Defendant Atlas Construction Supply Inc

Address 1017 E Grand AVE Escondido CA 92025

## Counter Defendant

Ferguson Fire and Fabrication Inc

Active Attorneys Attorney Dachelet, David W Retained

Lead Attorney Rycraft Jr., Dale B. Retained

Counter Defendant John Deere Landscape Inc

Counter Defendant Creative Home Theatre LLC

Counter Defendant Executive Plastering Inc

Address 3616 Rancho DR Las Vegas NV 89130

Counter Defendant

#### Republic Crane Service LLC

Address 3711 E Sunset #C-9 Las Vegas NV 89120

Counter Defendant Selectbuild Nevada Inc

Active Attorneys▼ Lead Attorney Schumacher, Robert E. Retained

Attorney Walters, Brian K. Retained

Counter Defendant Fast Glass Inc

Active Attorneys▼ Lead Attorney Gebhart, Michael T. Retained

Attorney Boswell, Jefferson W., ESQ Retained

Counter Defendant Masonry Group Nevada Inc

Active Attorneys-

Lead Attorney Pintar, Becky Retained

Attorney Haze, Airene Retained

Counter Defendant Ready Mix Inc

Active Attorneys▼ Lead Attorney

Berman, Brian Keith Retained

Counter Defendant Zitting Brothers Construction Inc

Active Attorneys▼ Attorney Ramirez, Jorge A. Retained

Lead Attorney Cawley, Reuben Retained

Attorney Lai, I-Che Retained

Counter Defendant Supply Network Inc

Active Attorneys Lead Attorney Varricchio, Philip T. Retained

Counter Defendant Helix Electric of Nevada LLC

Active Attorneys Attorney Peel, Richard L. Retained

Lead Attorney Wayment, Dallin T. Retained

Attorney Gebhart, Michael T. Retained

Attorney Boswell, Jefferson **JA007612**Q Retained

Counter Defendant HD Supply Waterworks LP

Active Attorneys 
Attorney
Peel, Richard L.
Retained

Lead Attorney Wayment, Dallin T. Retained

Attorney Gebhart, Michael T. Retained

Attorney Melendrez, Martin I. Retained

Counter Defendant Heinaman Contract Glazing

Active Attorneys Attorney Peel, Richard L. Retained

Lead Attorney Wayment, Dallin T. Retained

Attorney Gebhart, Michael T. Retained

Attorney Boswell, Jefferson W., ESQ Retained

Active Attorneys Attorney Peel, Richard L. Retained

> Lead Attorney Wayment, Dallin T. Retained

Attorney Gebhart, Michael T. Retained

Counter Defendant Pape Materials Handling

Counter Defendant

WRG Design Inc

Counter Defendant Buchele Inc Active Attorneys Lead Attorney Craft, Christopher Retained

Active Attorneys 
Attorney
Peel, Richard L.
Retained

Lead Attorney Wayment, Dallin T. Retained

Attorney Brimley, Michael William Retained

Counter Defendant Renaissance Pools & Spas Inc

Active Attorneys Attorney Koch, David Retained

JA007614

Scow, Steven B. Retained

### Counter Defendant

Northstar Concrete Inc

Address 5145 Rogers ST STE A Las Vegas NV 89118

Counter Defendant Northstar Concrete Inc

Address 5145 Rogers ST STE A Las Vegas NV 89118

Counter Defendant Bruin Painting Corporation

Active Attorneys 
Attorney
Peel, Richard L.
Retained

Lead Attorney Wayment, Dallin T. Retained

Attorney Gebhart, Michael T. Retained

Counter Defendant Fast Glass Inc

Active Attorneys▼ Lead Attorney Gebhart, Michael T. Retained

Attorney Boswell, Jefferson W., ESQ JA007615 Retained

Counter Defendant Interstate Plumbing & Air Conditioning

#### Counter Defendant Nevada Prefab Engineers

Active Attorneys▼ Lead Attorney Fisher, Mindy C. Retained

Attorney Villamar, Alexander Retained

Counter Claimant Gemstone Development West Inc

Counter Claimant Insulpro Projects Inc

Active Attorneys▼ Lead Attorney Dobberstein, Eric Retained

Attorney Morales, Jorge U. Retained

Attorney Long, Rhonda R. Retained

Counter Claimant Club Vista Financial Sevices LLC

Active Attorneys Attorney Aronson, Martin A. Retained

Attorney Muckleroy, Martin A. Retained

Attorney Cowden, Tami D., ESQ Retained

Attorney Samuelson, Stephanie L., ESQ Retained

Lead Attorney Ferrario, Mark E., ESQ Retained

Attorney Katz, Moorea L. Retained

Counter Claimant Tharaldson Motels II Inc

Active Attorneys▼ Attorney Cowden, Tami D., ESQ Retained

Lead Attorney Muckleroy, Martin A. Retained

Attorney Samuelson, Stephanie L., ESQ Retained

Attorney Ferrario, Mark E., ESQ Retained **JA007617**  Attorney Katz, Moorea L. Retained

Counter Claimant Tharaldson, Gary D

Active Attorneys▼ Attorney Cowden, Tami D., ESQ Retained

Lead Attorney Muckleroy, Martin A. Retained

Attorney Samuelson, Stephanie L., ESQ Retained

Attorney Ferrario, Mark E., ESQ Retained

Attorney Katz, Moorea L. Retained

Counter Claimant Asphalt Products Corporation

Counter Claimant Camco Pacific Construction Co Inc

Active Attorneys▼ Attorney Blake, David Retained

Attorney Parry, Zachariah Retained **JA007618**  Counter Defendant Camco Pacific Construction Co Inc

Active Attorneys▼ Attorney Blake, David Retained

Attorney Parry, Zachariah Retained

Intervenor Plaintiff Camco Pacific Construction Co Inc

Active Attorneys Attorney Blake, David Retained

Attorney Parry, Zachariah Retained

Counter Claimant Camco Pacific Construction Company Inc

Active Attorneys Lead Attorney Parry, Zachariah Retained

Counter Claimant Cactus Rose Construction

Active Attorneys▼ Lead Attorney Boswell, Jefferson W., ESQ Retained

Counter Claimant APCO Construction

Active Attorneys▼ Lead Attorney Rutar Mullins, Gwen Retained

Attorney Planet, Brandi M. Retained Attorney Jefferies, John R. Retained Counter Claimant Camco Pacific Construction Company Inc Consolidated Case Party (Participant) Active Attorneys-Cisneros, Selina Pro Se Consolidated Case Party (Participant) Active Attorneys-Floors N More Lead Attorney Langsdale, Caleb J Aliases Retained DBA Carpets N More Consolidated Case Party (Participant) Active Attorneys Newmark Grubb Knight Frank Lead Attorney Sheehan, Patrick J. Retained Adverse Party (Participant) Accuracy Glass & Mirror Co. Address 3333 E. Serene Ave., #200 Henderson NV 89074

# **Disposition Events**

05/28/2009 Judgment -

Judicial Officer Walsh, Jessie

Judgment Type Order of Dismissal Without Prejudice

Monetary Judgment

Debtors: Apco Construction (Plaintiff)

Creditors: Nevada Construction Services (Defendant)

Judgment: 05/28/2009 Docketed: 06/03/2009

07/15/2009 Judgment -

Judicial Officer Denton, Mark R.

Judgment Type Order of Dismissal Without Prejudice

Monetary Judgment

Debtors: Hydropressure Cleaning Inc (Interpleader)

Creditors: Nevada Construction Services (Intervenor Defendant)

Judgment: 07/15/2009 Docketed: 07/21/2009

07/15/2009 Judgment -

Judicial Officer Denton, Mark R.

Judgment Type Order of Dismissal Without Prejudice

Debtors: Platte River Insurance Company (Intervenor Defendant)

Creditors: Patent Construction Systems (Intervenor)

Judgment: 07/15/2009 Docketed: 07/22/2009

10/21/2009 Judgment -

Judicial Officer Delaney, Kathleen E.

Judgment Type Order of Dismissal Without Prejudice

Monetary Judgment

Debtors: Zitting Brothers Construction Inc (Counter Defendant)

Creditors: Club Vista Financial Sevices LLC (Counter Claimant), Tharaldson Motels II Inc (Counter Claimant), Gary D Tharaldson (Counter Claimant)

Judgment: 10/21/2009 Docketed: 10/22/2009

Comment: Certain Claim

11/10/2009 Judgment -

Judicial Officer Delaney, Kathleen E.

Judgment Type Order of Dismissal Without Prejudice

Monetary Judgment

Debtors: Camco Pacific Construction Co Inc (Counter Claimant)

Creditors: Ferguson Fire and Fabrication Inc (Counter Defendant)

Judgment: 11/10/2009 Docketed: 11/12/2009

11/13/2009 Judgment -

Judicial Officer Delaney, Kathleen E.

Judgment Type Order of Dismissal Without Prejudice

Monetary Judgment

Debtors: Camco Pacific Construction Co Inc (Intervenor Defendant), Camco Pacific Construction Co Inc (Counter Claimant)

Creditors: Steel Structures Inc (Intervenor), Steel Structures Inc (Counter Defendant)

Judgment: 11/13/2009 Docketed: 11/13/2009

01/11/2010 Judgment -

Judicial Officer Delaney, Kathleen E.

Judgment Type Dismissal Pursuant to NRCP 41

Monetary Judgment

Debtors: Accuracy Glas & Mirror Company Inc (Intervenor Defendant), Employers Mutual Casualty Co (Intervenor Defendant), Gemstone Development West Inc (Intervenor Defendant)

Creditors: Inquipco (Intervenor Plaintiff)

Judgment: 01/11/2010 Docketed: 01/14/2010

02/12/2010 Judgment -

Judicial Officer Delaney, Kathleen E.

Judgment Type Order of Dismissal Without Prejudice

Monetary Judgment

Debtors: Nevada Construction Services (Defendant)

#### Creditors: Apco Construction (Plaintiff)

Judgment: 02/12/2010 Docketed: 02/16/2010

02/12/2010 Judgment -

Judicial Officer Delaney, Kathleen E.

Judgment Type Order of Dismissal Without Prejudice

Monetary Judgment

Debtors: Nevada Construction Services (Intervenor Defendant)

Creditors: Hydropressure Cleaning Inc (Interpleader)

Judgment: 02/12/2010 Docketed: 02/19/2010

04/05/2010 Judgment -

Judicial Officer Delaney, Kathleen E.

Judgment Type Dismissal Pursuant to NRCP 41

Monetary Judgment

Debtors: Platte River Insurance Co (Intervenor Defendant)

Creditors: HD Supply Waterworks LP (Consolidated Case Party)

Judgment: 04/05/2010 Docketed: 04/09/2010

04/29/2010 Judgment -

Judicial Officer Delaney, Kathleen E.

Judgment Type Voluntary Dismissal

Debtors: Accuracy Glass and Mirror Company Inc (Intervenor Defendant), Employers Mutual Casualty Company (Intervenor Defendant)

Creditors: Pape Material Handling (Intervenor Plaintiff), Pape Rents (Doing Business As)

Judgment: 04/29/2010 Docketed: 04/30/2010

05/04/2010 Judgment -

Judicial Officer Delaney, Kathleen E.

Judgment Type Summary Judgment

Monetary Judgment

Debtors: Alex Edelstein (Intervenor Defendant)

Creditors: Ahern Rental Inc (Intervenor Plaintiff)

Judgment: 05/04/2010 Docketed: 05/10/2010

06/10/2010 Judgment -

Judicial Officer Delaney, Kathleen E.

Judgment Type Dismissal Pursuant to NRCP 41

Monetary Judgment

Debtors: Platte River Insurance Company (Intervenor Defendant)

Creditors: Northstar Concrete, Inc. (Intervenor Plaintiff)

Judgment: 06/10/2010 Docketed: 06/16/2010

Judicial Officer Delaney, Kathleen E.

Judgment Type Partial Summary Judgment

Monetary Judgment

Debtors: Gemstone Development West Inc (Intervenor Defendant)

Creditors: Arch Aluminum And Glass Co (Intervenor Plaintiff)

Judgment: 06/18/2010 Docketed: 06/24/2010

09/12/2011 Judgment -

Judicial Officer Scann, Susan

Judgment Type Dismissal Pursuant to NRCP 41

Monetary Judgment

Debtors: Gemstone Development West Inc (Defendant), Gemstone Development West Inc (Intervenor Defendant)

Creditors: Graybar Electric Company (Other)

Judgment: 09/12/2011 Docketed: 09/26/2011

12/23/2011 Judgment -

Judicial Officer Scann, Susan

Judgment Type Order of Dismissal With Prejudice

Monetary Judgment

Debtors: HD Supply Construction Supply LP (Other)

Creditors: Alex Edelstein (Intervenor Defenda A003626 r Edelstein

#### (Defendant)

Judgment: 12/23/2011 Docketed: 01/05/2012

03/07/2012 Judgment -

Judicial Officer Scann, Susan

Judgment Type Order of Dismissal Without Prejudice

Monetary Judgment

Debtors: Camco Pacific Construction Co Inc (Intervenor Plaintiff)

Creditors: Alex Edelstein (Intervenor Defendant)

Judgment: 03/07/2012 Docketed: 03/23/2012

05/07/2012 Judgment -

Judicial Officer Scann, Susan

Judgment Type Partial Summary Judgment

Monetary Judgment

Debtors: Apco Construction (Plaintiff)

Creditors: Scott Financial Corporation (Defendant)

Judgment: 05/07/2012 Docketed: 05/18/2012

11/05/2012 Judgment -

Judicial Officer Scann, Susan

Judgment Type Order of Dismissal With Prejudice

Debtors: APCO Construction (Intervenor Defendant), APCO Construction (Intervenor Defendant)

Creditors: Granite Construction Company (Intervenor)

Judgment: 11/05/2012 Docketed: 11/15/2012

01/24/2013 Judgment -

Judicial Officer Scann, Susan

Judgment Type Order of Dismissal With Prejudice

Monetary Judgment

Debtors: Ahern Rental Inc (Intervenor Plaintiff)

Creditors: Alex Edelstein (Intervenor Defendant)

Judgment: 01/24/2013 Docketed: 02/01/2013

05/25/2017 Judgment -

Judicial Officer Denton, Mark R.

Judgment Type Summary Judgment

Monetary Judgment

Debtors: Uintah Investments LLC (Counter Defendant)

Creditors: APCO Construction (Counter Claimant)

Judgment: 05/25/2017 Docketed: 06/01/2017

06/19/2017 Judgment -

#### Judicial Officer Denton, Mark R.

Judgment Type Order of Dismissal With Prejudice

Monetary Judgment

Debtors: Insulpro Projects Inc (Counter Defendant)

Creditors: APCO Construction (Counter Claimant)

Judgment: 06/19/2017 Docketed: 06/20/2017

07/05/2017 Judgment -

Judicial Officer Denton, Mark R.

Judgment Type Order of Dismissal With Prejudice

Monetary Judgment

Debtors: Camco Pacific Construction Co Inc (Third Party Defendant)

Creditors: Insulpro Projects Inc (Third Party Plaintiff)

Judgment: 07/05/2017 Docketed: 07/12/2017

12/29/2017 Judgment -

Judicial Officer Denton, Mark R.

Judgment Type Partial Summary Judgment

Monetary Judgment

Debtors: APCO Construction (Counter Claimant)

Creditors: Zitting Brothers Construction Inc (Counter Defendant)

JA007629

Judgment: 12/29/2017 Docketed: 01/18/2018

Total Judgment: \$750,807.16

Comment: Certain Cause

05/08/2018 Judgment -

Judicial Officer Denton, Mark R.

Judgment Type Order

Monetary Judgment

Debtors: APCO Construction (Counter Claimant) Creditors: Zitting Brothers Construction Inc (Counter Defendant) Judgment: 05/08/2018 Docketed: 05/08/2018 Total Judgment: \$185,443.95

05/16/2018 Judgment -

Judicial Officer Denton, Mark R.

Judgment Type Judgment Plus Interest

Monetary Judgment

Debtors: Camco Pacific Construction Co Inc (Third Party Defendant)

Creditors: E & E Fire Protection LLC (Third Party Plaintiff)

Judgment: 05/16/2018 Docketed: 05/16/2018

Total Judgment: \$6,481,088.31

05/16/2018 Judgment -

Judicial Officer Denton, Mark R.

Judgment Type Judgment

Debtors: Fidelity & Deposit Co Of Maryland (Third Party Defendant)

Creditors: E & E Fire Protection LLC (Third Party Plaintiff)

Judgment: 05/16/2018 Docketed: 05/16/2018

Total Judgment: \$50,000.00

05/23/2018 Judgment -

Judicial Officer Denton, Mark R.

Judgment Type Judgment Plus Interest

Monetary Judgment

Debtors: APCO Construction (Counter Claimant)

Creditors: Zitting Brothers Construction Inc (Counter Defendant)

Judgment: 05/23/2018 Docketed: 05/24/2018

Total Judgment: \$2,623,309.38

05/25/2018 Judgment -

Judicial Officer Denton, Mark R.

Judgment Type Order of Dismissal With Prejudice

Monetary Judgment

Debtors: Nevada Prefab Engineers Inc (Intervenor), Steel Structures Inc (Intervenor), Gerdau Reinforcing Steel (Counter Defendant)

Creditors: Apco Construction (Plaintiff)

Judgment: 05/25/2018 Docketed: 05/25/2018

Judicial Officer Denton, Mark R.

Judgment Type Judgment

Monetary Judgment

Debtors: Camco Pacific Construction Co Inc (Intervenor Defendant)

Creditors: SWPPP Compliance Solutions LLC (Intervenor Plaintiff)

Judgment: 05/30/2018 Docketed: 05/31/2018

05/30/2018 Judgment -

Judicial Officer Denton, Mark R.

Judgment Type Judgment

Monetary Judgment

Debtors: Camco Pacific Construction Co Inc (Counter Claimant)

Creditors: Fast Glass Inc (Counter Defendant)

Judgment: 05/30/2018 Docketed: 05/31/2018

05/30/2018 Judgment -

Judicial Officer Denton, Mark R.

Judgment Type Judgment

Monetary Judgment

Debtors: Camco Pacific Construction Company Inc (Counter Claimant)

Creditors: Helix Electric of Nevada LLC (Counter Defendant), Helix Electric (Doing Business As) **JA007632**  05/30/2018 Judgment -

Judicial Officer Denton, Mark R.

Judgment Type Judgment

Monetary Judgment

Debtors: Camco Pacific Construction Inc (Counter Defendant)

Creditors: Cactus Rose Construction (Counter Claimant)

Judgment: 05/30/2018 Docketed: 05/31/2018

05/30/2018 Judgment -

Judicial Officer Denton, Mark R.

Judgment Type Judgment

Monetary Judgment

Debtors: Camco Pacific Construction Company Inc (Counter Claimant)

Creditors: Heinaman Contract Glazing (Counter Defendant)

Judgment: 05/30/2018 Docketed: 05/31/2018

05/31/2018 Judgment -

Judicial Officer Denton, Mark R.

Judgment Type Judgment

Debtors: Helix Electric of Nevada LLC (Counter Defendant), National Wood Products, Inc.'s (Intervenor)

Creditors: APCO Construction (Counter Claimant)

Judgment: 05/31/2018 Docketed: 05/31/2018

06/04/2018 Judgment -

Judicial Officer Denton, Mark R.

Judgment Type Judgment

Monetary Judgment

Debtors: Camco Pacific Construction Co Inc (Third Party Defendant)

Creditors: E & E Fire Protection LLC (Third Party Plaintiff)

Judgment: 06/04/2018 Docketed: 06/06/2018

Total Judgment: \$66,421.16

07/02/2018 Judgment -

Judicial Officer Denton, Mark R.

Judgment Type Judgment Plus Interest

Monetary Judgment

Debtors: Camco Pacific Construction Co Inc (Counter Claimant)

Creditors: Heinaman Contract Glazing (Counter Defendant)

Judgment: 07/02/2018 Docketed: 07/02/2018

Total Judgment: \$262,010.64

Comment: a571228

Judicial Officer Denton, Mark R.

Judgment Type Judgment Plus Interest

Monetary Judgment

Debtors: Camco Pacific Construction Co Inc (Counter Claimant)

Creditors: Cactus Rose Construction (Counter Claimant)

Judgment: 07/02/2018 Docketed: 07/02/2018

Total Judgment: \$326,244.84

Comment: a571228

07/02/2018 Judgment -

Judicial Officer Denton, Mark R.

Judgment Type Judgment Plus Interest

Monetary Judgment

Debtors: Camco Pacific Construction Co Inc (Counter Claimant)

Creditors: Fast Glass Inc (Counter Defendant)

Judgment: 07/02/2018 Docketed: 07/02/2018

Total Judgment: \$280,927.71

Comment: A571228

07/02/2018 Judgment -

Judicial Officer Denton, Mark R.

Judgment Type Judgment Plus Interest

Debtors: Camco Pacific Construction Co Inc (Counter Claimant)

Creditors: Helix Electric of Nevada LLC (Counter Defendant)

Judgment: 07/02/2018 Docketed: 07/02/2018

Total Judgment: \$1,277,601.82

07/02/2018 Judgment -

Judicial Officer Denton, Mark R.

Judgment Type Judgment Plus Interest

Monetary Judgment

Debtors: Camco Pacific Construction Co Inc (Intervenor Plaintiff)

Creditors: SWPPP Compliance Solutions LLC (Intervenor Plaintiff)

Judgment: 07/02/2018 Docketed: 07/02/2018

Total Judgment: \$157,846.63

Comment: a571228

07/12/2018 Judgment -

Judicial Officer Denton, Mark R.

Judgment Type Judgment Plus Interest

Monetary Judgment

Debtors: Gemstone Development West Inc (Intervenor Defendant), Camco Pacific Construction Co Inc (Intervenor Defendant)

Creditors: National Wood Products, Inc.'s (Intervenor)

Judgment: 07/12/2018 Docketed: 08/01/2018

Total Judgment: \$1,167,915.77

Comment: A571228

07/30/2018 Judgment -

Judicial Officer Denton, Mark R.

Judgment Type Partial Summary Judgment

Monetary Judgment

Debtors: APCO Construction (Counter Claimant) Creditors: Zitting Brothers Construction Inc (Counter Defendant) Judgment: 07/30/2018 Docketed: 08/01/2018 Total Judgment: \$1,516,723.46

08/23/2018 Judgment -

Judicial Officer Denton, Mark R.

Judgment Type Judgment Plus Interest

Monetary Judgment

Debtors: Camco Pacific Construction Co Inc (Counter Claimant)

Creditors: Steven L Morris Ltd (Other)

Judgment: 08/23/2018 Docketed: 08/23/2018

Total Judgment: \$193,612.39

09/19/2018 Judgment -

Judicial Officer Denton, Mark R.

Judgment Type Judgment Plus Interest

Debtors: Camco Pacific Construction Co Inc (Intervenor Defendant)

Creditors: National Wood Products, Inc.'s (Intervenor)

Judgment: 09/19/2018 Docketed: 09/20/2018

Total Judgment: \$68,865.86

Monetary Judgment

Debtors: Gemstone Development West Inc (Intervenor Defendant), Camco Pacific Construction Co Inc (Intervenor Defendant)

Creditors: National Wood Products, Inc.'s (Intervenor)

Judgment: 09/19/2018 Docketed: 08/01/2018

Total Judgment: \$1,184,820.77

09/27/2018 Judgment -

Judicial Officer Denton, Mark R.

Judgment Type Order

Monetary Judgment

Debtors: National Wood Products, Inc.'s (Intervenor)

Creditors: Apco Construction (Plaintiff)

Judgment: 09/27/2018 Docketed: 09/27/2018

Total Judgment: \$78,307.54

Monetary Judgment

Debtors: Helix Electric of Nevada LLC (Counter Defendant)

Creditors: Apco Construction (Plaintiff)

Judgment: 09/27/2018 Docketed: 09/27/2018

Total Judgment: \$103,307.54

#### Judicial Officer Denton, Mark R.

Judgment Type Judgment Plus Interest

Monetary Judgment

Debtors: Camco Pacific Construction Co Inc (Intervenor Defendant)

Creditors: National Wood Products, Inc.'s (Intervenor)

Judgment: 02/14/2019 Docketed: 09/20/2018

Total Judgment: \$68,865.86

Monetary Judgment

Debtors: Gemstone Development West Inc (Intervenor Defendant), Camco Pacific Construction Co Inc (Intervenor Defendant)

Creditors: National Wood Products, Inc.'s (Intervenor)

Judgment: 02/14/2019 Docketed: 08/01/2018

Total Judgment: \$1,184,820.77

# **Events and Hearings**

02/24/2008 Acceptance of Service -

SERV - ACCEPTANCE OF SERVICE

Comment

## ACCEPTANCE OF SERVICE

09/09/2008 Complaint -

COMP - COMPLAINT FILED Fee \$148.00

Comment COMPLAINT FILED Fee \$148.00

09/09/2008 Initial Appearance Fee Disclosure -	
IAFD - INITIAL APPEARANCE FEE DISCLOSURE NRS CHAPTE	R 1
Comment INITIAL APPEARANCE FEE DISCLOSURE NRS CHAPTER 15	)
09/12/2008 Peremptory Challenge -	
PRMT - PEREMPTORY CHALLENGE Williams CASE REASSIGN	IED
Comment PEREMPTORY CHALLENGE Williams CASE REASSIGNED TO Leavitt	
09/12/2008 Notice of Department Reassignment -	
NDR - NOTICE OF DEPARTMENT REASSIGNMENT	
Comment NOTICE OF DEPARTMENT REASSIGNMENT ?????? 003146FC 003146??????	
12/08/2008 Amended Complaint ▼	
COMP - FIRST AMENDED COMPLAINT	
Comment FIRST AMENDED COMPLAINT	
12/09/2008 Lis Pendens 🔻	
LISP - NOTICE OF LIS PENDENS	
Comment NOTICE OF LIS PENDENS	
12/09/2008 Notice -	
NOTC - NOTICE OF FORECLOSURE OF CLAIMS OF LIEN	
Comment NOTICE OF FORECLOSURE OF CLAIMS OF LIEN	
12/12/2008 Certificate of Mailing -	
CERT - CERTIFICATE OF MAILING	
Comment CERTIFICATE OF MAILING	
12/17/2008 Summons -	
SUMM - SUMMONS - FIRST AMERICAN TITLE INSURANCE CO	M

S	omment UMMONS - FIRST AMERICAN TITLE INSURANCE OMPANY
12/1	7/2008 Summons -
SUN	IM - SUMMONS - NEVADA CONSTRUCTION SERVICES
_	omment UMMONS - NEVADA CONSTRUCTION SERVICES
12/1	7/2008 Summons -
SUN	IM - SUMMONS - GEMSTONE DEVELOPMENT WEST INC
_	omment UMMONS - GEMSTONE DEVELOPMENT WEST INC
12/1	7/2008 Summons 🔻
SUN CO	IM - SUMMONS - COMMONWEALTH LAND TITLE INSURANCE
_	omment UMMONS - COMMONWEALTH LAND TITLE INSURANCE CO
12/2	6/2008 Affidavit of Publication 🔻
AFF	D - AFFIDAVIT OF PUBLICATION
-	omment FFIDAVIT OF PUBLICATION
01/0	5/2009 Appearance 👻
	R - HARSCO CORPORATION'S STATEMETN OF FACTS
Н	omment ARSCO CORPORATION'S STATEMETN OF FACTS ONSTITUTING LIEN AND COMPLAINT IN INTERVENTION
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03/27/2009 Initial Appearance Fee Disclosure -
IAFD - INITIAL APPEARANCE FEE DISCLOSURE
Comment INITIAL APPEARANCE FEE DISCLOSURE
03/27/2009 Notice -
NOTC - NOTICE OF PENDENCY OF ACTION
Comment NOTICE OF PENDENCY OF ACTION
03/27/2009 Answer -
ANSW - APCO CONSTRUCTION'S ANSWER TO AHERN RENTAL INC'S
Comment APCO CONSTRUCTION'S ANSWER TO AHERN RENTAL INC'S STATEMENT OF FACTS CONSTITUTING LIEN AND COMPLAINT IN INTERVENTION
03/31/2009 Amended Answer -
ANS - APCO CONSTRUCITONS AMENDED ANSWER TO AHERN RENTAL

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ERR - ERRATUM TO ANSWER TO PLTFS AMENDED COMPLAINT
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Comment STATEMENT OF FACTS CONSTITUTING LIEN AND COMPLAINT IN INTERVENTION Hydropressure Cleaning Inc
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JA007656

#### 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 104

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## **CHRONOLOGICAL APPENDIX OF EXHIBITS**

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	Exhibit 7 – Helix Electric of Nevada, LLC's First Set of Request for Admissions to Camco Pacific Construction	JA000523-	8
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<sup>&</sup>lt;sup>2</sup> Filed January 31, 201879 <sup>3</sup> Filed January 31, 2018

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	Exhibit 7 – Declaration of John Randall Jefferies, Esq. in Support of APCO Construction, Inc.'s Motion for Attorney's Fees and Costs	JA006407- JA006411	87
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	Exhibit 8 – Declaration of Cody S. Mounteer, Esq. in Support of Motion for Attorney's Fees and Costs		88
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	Exhibit 4 – Declaration of Eric B. Zimbelman in Support of Helix Electric of Nevada, LLC's Motion for Attorneys' Fees, Interest and Costs	JA006583- JA006588	90
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	Exhibit 10M – Helix Electric's Amended Statement of Facts Constituting Lien and Third-Party Complaint	JA008291- JA008306	110
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	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

Date	<b>Description</b>	<u>Bates</u> Number	<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 <i>in 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
08-29-19	Helix Electric of Nevada LLC's Reply to APCO's Opposition to Helix Electric of Nevada LLC's Motion to (I) Re-	JA009117- JA009123	119

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

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	Exhibit 9 - Amended <i>nunc pro tunc</i> order regarding APCO Construction, Inc.'s Omnibus Motion <i>in Limine</i> No. 7	JA001648- JA001650	28
	Exhibit 10 - Order Granting in Part and Denying in part Helix Electric of Nevada, LLC's Motions <i>in Limine</i> 1-4 (Against APCO Construction)	JA001651- JA001653	28
	Exhibit 11 - order granting Peel Brimley Lien Claimants' Motion in Limine Nos.1- 6 (against Camco Pacific Construction, Inc.)	JA001654- JA001657	28
	Exhibit 12 - Order Granting Plaintiff in Intervention, National Wood Products, Inc.'s Motion <i>in Limine</i>	JA001658- JA001660	28
	Exhibit 13 - Order Granting Peel Brimley Lien Claimants' Motion for Partial Summary Judgment Precluding Defenses Based on Pay-if-Paid Agreements	JA001661- JA00167	28/9/29
03-08-18	Letter to Judge Denton submitting APCO Construction, Inc.'s Proposed Findings of Fact and Conclusions of Law		8/821
03-08-18	Letter to Judge Denton submitting Helix Electric of Nevada, LLC's (Proposed) Findings of Fact and Conclusions of Law		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
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	Exhibit 2 – Subcontract Agreement (Zitting Brothers)	JA001246- JA001263	24

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

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	Exhibit [C] – Notice of Entry of Order Granting Helix Electric of Nevada's Rule 54(b) Certification	JA009148- JA009156	120
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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</i> <i>Limine</i>	JA001178- JA001186	22
07-02-18	Notice of Entry of Order Granting Helix Electric of Nevada, LLC's Motion for Attorneys' Fees, Interest and Costs	JA007238- JA007245	100
01-03-20	Notice of Entry of Order Granting Helix Electric of Nevada, LLC's Motion for Rule 54(b) Certification	JA009124- JA009131	119

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01-03-18	Notice of Entry of Order Granting Peel Brimley Lien Claimants' Motion for Partial Summary Judgment Precluding Defenses Based on Pay-if- Paid Agreements	JA001187- JA001198	22
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12-29-17	Notice of Entry of Order Granting Peel Brimley Lien Claimants' Motion <i>in</i> <i>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
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	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
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		JA000435	
	Exhibit 2 – Amended Notices of 30(b)(6) Deposition of Camco Pacific Construction Company, Inc. from Cactus Rose Construction, Inc., Fast Glass, Inc.'s, Heinaman Contract Glazing, Inc. and Helix Electric of Nevada, LLC's	JA000436- JA000472	7/8
	Exhibit 3 – Excerpt from David E. Parry's Deposition Transcript taken June 20, 2017	JA000473 JA00489	8
	Exhibit 4 – Cactus Rose Construction, Inc.'s First Set of Request for Admissions to Camco Pacific Construction	JA00490 JA000500	8
	Exhibit 5 – Fast Glass, Inc.'s First Set of Request for Admissions to Camco Pacific Construction	JA000501- JA000511	8
	Exhibit 6 – Heinaman Contract Glazing, Inc.'s First Set of Request for Admissions to Camco Pacific Construction	JA000512- JA000522	8
	Exhibit 7 – Helix Electric of Nevada, LLC's First Set of Request for Admissions to Camco Pacific Construction	JA000523- JA000533	8
09-28-17	Peel Brimley Lien Claimants' Reply to Oppositions to Motion for Partial Summary Judgment Precluding Defenses Based on Pay-if-Paid Agreements	JA000413- JA00418	7
01-09-18	Peel Brimley Lien Claimants' Opposition to APCO Construction's Motion for Reconsideration of Order Granting Partial Summary Judgment Precluding Defenses Based on Pay-if- Paid Agreements	JA001552- JA001560	27
06-18-18	Plaintiff in Intervention National Wood Products, Inc.'s Joinder to Helix Electric of Nevada, LLC's Opposition	JA007190- JA007192	99

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07-19-18	Plaintiff-in-InterventionNationalWoodProducts, Inc.'sSurreply toAPCOConstruction'sReply toPlaintiff-in-InterventionNationalWoodProducts, Inc.'sOpposition toMotion 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
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	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
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	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
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	Trial Exhibit 39 -Email from K. Costen to Subcontractors informing that Manhattan West Project no longer open	JA002321- JA002322	41
	Trial Exhibit 40- Letter from D. Parry to Subcontractors Re: Funding Withdrawn	JA002323 JA002326	41
	<b>HELIX Related Exhibits:</b>		41
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	Trial Exhibit 48 - Email from R. Nickerl to B. Johnson Re: Work Suspension Directive	JA002357- JA002358	41
	Trial Exhibit 49 -Helix Pay Application No. 16713-010R2 with Proof of Payment	JA002359- JA002364	41/42
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Date	<b>Description</b>	<u>Bates</u> Number	<u>Volume(s)</u>
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	Trial Exhibit 55 - Photo re: Building 2 & 3, East (No Exterior fixtures installed. Helix billed out at 90%)	JA002375- JA002376	42
	Trial Exhibit 56 - Photo re: Building 8 & 9, North (No Exterior fixtures installed. Helix billed out at 90%)	JA002377- JA002378	42
	Trial Exhibit 57 - Photo re: Building 2 & 3, and 8 & 9, North (No Exterior fixtures installed. Helix billed out at 90%)	JA002379- JA002381	42
	Trial Exhibit 58 - Helix Pay Application No. 16713-011R1 submitted to Owner	JA002382- JA002391	42
	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
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	Trial Exhibit 62 - Photo re: Building 8 & 9, South	JA002416- JA002417	43
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	Trial Exhibit 66 - Letter of transmittal from Helix to APCO re: Helix Pay Application No. 16713-011R1	JA002424- JA002433	43
	Trial Exhibit 67 - Photo re: Building 8 & 9, West (No exterior fixtures installed. Helix billed out 90%)	JA002435- JA002436	43

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	Trial Exhibit 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		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

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

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	Trial Exhibit 120 - Tri-City Drywall Pay Application No. 7 to APCO as submitted to Owner. Show percentage complete for Zitting	JA002572- JA002575	44/45
	Trial Exhibit 127 - Photo of Video (Construction Project)	JA002576- JA002577	45/46
	Trial Exhibit 128 - Photo of Video (Construction Project)	JA002578- JA002579	46
	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
	<b>CAMCO Related Exhibits:</b>		
	Trial Exhibit 163 - Camco Pay Application No. 12 to Gemstone	JA002613- JA002651	46/47
	Trial Exhibit 165 - Letter from D. Parry to A. Edelstein re: Gemstone losing funding for project	JA002652- JA002653	47
	Trial Exhibit 166 - Letter from D. Parry to G. Hall re: withdrawal of funding	JA002654 JA002656	47
	Helix Related Exhibits:		47
	Trial Exhibit 169 - Helix Exhibit to Standard Subcontract Agreement with Camco	JA 002665 JA002676	47/48
	Trial Exhibit 170 - Subcontract Agreement between Helix and Camco (unsigned)	JA002677- JA002713	48

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

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	Trial Exhibit 501 - Payment Summary	JA003339 - JA003732	55/56/57/ 58/59/60
	Trial Exhibit 508 – Helix Pay Application	JA003733- JA003813	60/61
	Trial Exhibit 510 - Unsigned Subcontract	JA003814- JA003927	61/62
	Trial Exhibit 512 - Helix's Lien Notice	JA003928- JA004034	62/63
	Trial Exhibit 522 - Camco Billing		63/64/65/66/6 7/
		JA004035- JA005281	68/69/70 /71/72 /73/74/75/ 76/77
01-17-18	<b>Transcript Bench Trial (Day 1)</b> <sup>5</sup>	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 <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

<sup>&</sup>lt;sup>5</sup> Filed January 31, 2018

Date	<b>Description</b>	<u>Bates</u> Number	<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. Gochnour 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 (Admitted)	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 (Admitted)	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 (Admitted)	JA002082- JA002120	34/35
	Trial Exhibit 45 - Subcontractor Agreement (Admitted)	JA002121- JA002146	35

Date	<b>Description</b>	<u>Bates</u> <u>Number</u>	<u>Volume(s)</u>
	Trial Exhibit 162 - Amended and Restated General Construction Agreement between Gemstone and CAMCO (Admitted)	JA002147- JA002176	35/36
	Trial Exhibit 212 - Letter from Edelstein to R. Nickerl re: NRS 624 Notice (Admitted)	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 (Admitted)	JA002186- JA002188	36
	Trial Exhibit 506 – Email and Contract Revisions (Admitted)	JA002189 – JA002198	36
01-18-18	Transcript – Bench Trial (Day 2) <sup>6</sup>	JA005284- JA005370	78
	Trial Exhibit 535 – Deposition Transcript of Andrew Rivera (Exhibit 99) (Admitted)	JA005371- JA005623	78/79/80
01-19-18	Transcript – Bench Trial (Day 3) <sup>7</sup>	JA005624- JA005785	80
	Trial Exhibit 231 – Helix Electric's Amended Statement of Facts Constituting Notice of Lien and Third-Party Complaint <i>(Admitted)</i>		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 (Admitted)	JA005806-	80

<sup>&</sup>lt;sup>6</sup> Filed January 31, 201879 <sup>7</sup> Filed January 31, 2018

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

<sup>&</sup>lt;sup>8</sup> Filed January 31, 2018

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04/21/2009 Answer -
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Scott Financial Corps Answer to Insulpro Projects Incs"s statement of Facts Constituting Lien
04/21/2009 Motion to Consolidate -
Motion to Consolidate
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04/22/2009 Acceptance of Service ▼
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	Comment First American Title Ins Co Disclaimer of Interest
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04/30/2009 Answer -

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Comment

Gemstone Development West, Inc.'s Answer to Professional Doors and Millworks, LLC's Statement of Facts Constituting lien Claim, Complaint and Third Party Complaint

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## Comment

Gemstone Development West, Inc.'s Answer to E&E Fire Protection, LLC's Statement of Facts Constituting Lien Claim, Complaint and Third Party Complaint

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#### Comment

Gemstone Development West, Inc.'s Answer to Dave Peterson Framing, Inc.'s Statement of Facts Constituting Lien Claim, Complaint and Third Party Complaint

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Certificate of Mailing

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## Certificate of Mailing

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05/01/2009 Joinder -

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#### JA007665

Original Type         Motion to Amend         Motion to Amend         Judicial Officer         Walsh, Jessie         Hearing Time         9:00 AM         Result         Motion foranted         Comment         AHERN'S MTN TO AMEND STATEMENT OF FACTS/1         05/12/2009 Acceptance of Service ▼         Affidavit of Service         Comment         Nevada Construction Services Acceptance of Service of Statement of Facts Constituting Lien and Complaint in Intervention         05/12/2009 Joinder to Opposition to Motion ▼         Joinder of Defendant Bank of Oklahoma, N.A. to Defendants Scott Financial Corporation and Bradley J         Comment         Joinder of Defendant Bank of Oklahoma, N.A. to Defendants Scott Financial Corporation and Bradley J.         Comment         Joinder of Defendant Bank of Oklahoma, N.A. to Defendants Scott Financial Corporation and Bradley J.         Comment         Joinder To Motion ▼         Joinder To Motion         Comment         Joinder To Motion         Joinder To Motion         Comment         Joinder To Motion         Joinder To Motion         Comment         Joinder To Motion         OS/13/2009 Certificate of Mailing ▼ </th <th>Cor Joir Tri- 05/13/ Certific</th> <th>nder in Hydropressure Cleaning Inc's Motion to Intervene &amp; City Drywall Inc's Request to Intervene 2009 Certificate of Mailing <del>-</del> cate of Mailing</th>	Cor Joir Tri- 05/13/ Certific	nder in Hydropressure Cleaning Inc's Motion to Intervene & City Drywall Inc's Request to Intervene 2009 Certificate of Mailing <del>-</del> cate of Mailing
Motion to Amend Motion to Amend Judicial Officer Walsh, Jessie Hearing Time 9:00 AM Result Motion Granted Comment AHERN'S MTN TO AMEND STATEMENT OF FACTS/1 05/12/2009 Acceptance of Service • Affidavit of Service Comment Nevada Construction Services Acceptance of Service of Statement of Facts Constituting Lien and Complaint in Intervention 05/12/2009 Joinder to Opposition to Motion • Joinder of Defendant Bank of Oklahoma, N.A. to Defendants Scott Financial Corporation and Bradley J Comment Joinder of Defendant Bank of Oklahoma, N.A. to Defendants Scott Financial Corporation and Bradley J. Scott's Opposition to Apco Construction's Motion to Consolidate With Case Nos. A574391, A574792, A577623, A579963, A583289, A584730, and A587168 05/12/2009 Joinder To Motion •	Cor Joir Tri-	nder in Hydropressure Cleaning Inc's Motion to Intervene & City Drywall Inc's Request to Intervene
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05/27/2009 Motion to Conso Judicial Officer Walsh, Jessie Hearing Time 3:00 AM Cancel Reason Vacated Comment matter continued	

Vaca	ted
Com	ment
	er continued
05/27	7/2009 Answer -
	stone Development West, Inc.'s Answer to Insulpro Projects, Statement of Facts Constituti
G	emstone Development West, Inc.'s Answer to Insulpro ojects, Inc.'s Statement of Facts Constituting Lien
)5/28	8/2009 Joinder To Motion ▼
Joind	ler To Motion
	omment
	eel Structures, Inc. and Nevada Prefab Engineers Inc's Joinder Apco Construction's Motion to Consolidate
)5/28	8/2009 Stipulation and Order for Dismissal <del>▼</del>
Stipu	lation and Order for Dismissal
St Co	omment ipulation and Order for Dismissal Without Prejudice of APCO onstruction's Unjust Enrichment Claim Against Nevada onstruction Services Only
)5/29	0/2009 Statement of Facts Constituting Lien ▼
State	ement of Facts Constituting Lien
_	omment
	atement of Facts Constituting Lien and Complaint in tervention - Pape Materials
)5/2	9/2009 Initial Appearance Fee Disclosure 🔻
nitia	Appearance Fee Disclosure
)5/29	9/2009 Opposition -
Brad	ley J. Scott And Scott Financial Corporation's Opposition To O Construction's Supplement To
APC	omment
C( Br	adley J. Scott And Scott Financial Corporation's Opposition To
Co Br Al	adley J. Scott And Scott Financial Corporation's Opposition To PCO Construction's Supplement To Motion To Consolidate To clude Case No. A589195 In Consolidation
C Br Al	PCO Construction's Supplement To Motion To Consolidate To

06/02/2009 Notice of Entry of Stipulation and Order -	
Notice of Entry of Stipulation and Order	
Comment	
Notice of Entry of Stipulation and Order	
06/02/2009 Answer to Amended Complaint -	
Gemstone Development West, Inc.'s Answer to Steel Structures, and Nevada Prefab Engineers, Inc	Inc.
Comment	
Gemstone Development West, Inc.'s Answer to Steel Structure Inc. and Nevada Prefab Engineers, Inc.'s Second Amended Statement of Facts Constituting Lien and Complaint in Intervention	es,
06/02/2009 Answer -	
Gemstone Development West, Inc.'s Answer to Pape Material Handling dba Pape Rents' Statement of Fac	
Comment	
Gemstone Development West, Inc.'s Answer to Pape Material	
Handling dba Pape Rents' Statement of Facts Constituting Lie and Complaint in Intervention	n
06/02/2009 Answer -	
	Inc.'s
06/02/2009 Answer ▼ Gemstone Development West, Inc.'s Answer to Tri-City Drywall, Statement of Facts Constitutin Comment	
06/02/2009 Answer - Gemstone Development West, Inc.'s Answer to Tri-City Drywall, Statement of Facts Constitutin	
06/02/2009 Answer ▼ Gemstone Development West, Inc.'s Answer to Tri-City Drywall, Statement of Facts Constitutin Comment Gemstone Development West, Inc.'s Answer to Tri-City Drywa Inc.'s Statement of Facts Constituting Lien and Complaint in	
06/02/2009 Answer ▼ Gemstone Development West, Inc.'s Answer to Tri-City Drywall, Statement of Facts Constitutin Comment Gemstone Development West, Inc.'s Answer to Tri-City Drywa Inc.'s Statement of Facts Constituting Lien and Complaint in Intervention	all,
06/02/2009 Answer ▼ Gemstone Development West, Inc.'s Answer to Tri-City Drywall, Statement of Facts Constitutin Comment Gemstone Development West, Inc.'s Answer to Tri-City Drywa Inc.'s Statement of Facts Constituting Lien and Complaint in Intervention 06/02/2009 Answer ▼ Gemstone Development West, Inc.'s Answer to EZA, P.C. dba O	all,
06/02/2009 Answer ▼ Gemstone Development West, Inc.'s Answer to Tri-City Drywall, Statement of Facts Constitutin Comment Gemstone Development West, Inc.'s Answer to Tri-City Drywa Inc.'s Statement of Facts Constituting Lien and Complaint in Intervention 06/02/2009 Answer ▼ Gemstone Development West, Inc.'s Answer to EZA, P.C. dba O Architecture of Nevada, Inc.'s Stateme	all, Z
06/02/2009 Answer ▼ Gemstone Development West, Inc.'s Answer to Tri-City Drywall, Statement of Facts Constitutin Comment Gemstone Development West, Inc.'s Answer to Tri-City Drywa Inc.'s Statement of Facts Constituting Lien and Complaint in Intervention 06/02/2009 Answer ▼ Gemstone Development West, Inc.'s Answer to EZA, P.C. dba O Architecture of Nevada, Inc.'s Stateme Comment Gemstone Development West, Inc.'s Answer to EZA, P.C. dba Oz Architecture of Nevada, Inc.'s Statement of Facts Constituted	all, Z
06/02/2009 Answer ▼ Gemstone Development West, Inc.'s Answer to Tri-City Drywall, Statement of Facts Constitutin Comment Gemstone Development West, Inc.'s Answer to Tri-City Drywa Inc.'s Statement of Facts Constituting Lien and Complaint in Intervention 06/02/2009 Answer ▼ Gemstone Development West, Inc.'s Answer to EZA, P.C. dba O Architecture of Nevada, Inc.'s Stateme Comment Gemstone Development West, Inc.'s Answer to EZA, P.C. dba Oz Architecture of Nevada, Inc.'s Statement of Facts Constitut Lien	all, Z

# JA007671

Comment Gemstone Development West, Inc.'s Answer to Cell-Crete Fireproofing of Nevada, Inc.'s Statement of Facts Constituting Lien and Complaint in Intervention		
06/02/2009 Answer -		
Gemstone Development W of Nevada, Inc.'s Statemen	/est, Inc.'s Answer to Cell-Crete Fireproofing ht of	
	t West, Inc.'s Answer to Cell-Crete Inc.'s Statement of Facts Constituting ntervention	
06/02/2009 Answer to Cros	ssclaim 👻	
Gemstone Development W Cross-Claim Contained in i	/est, Inc.'s Answer to APCO Construction's its Answer	
Construction's Cross-Cla Structures, Inc. and Nev	t West, Inc.'s Answer to APCO aim Contained in its Answer to Steel vada Prefab Engineers, Inc.'s Amended stituting Lien and Complaint in	
06/03/2009 Motion to Cons	solidate 🔻	
Judicial Officer Walsh, Jessie		
Hearing Time 9:00 AM		
-	n to Consolidate With Case Nos. A574391, 963, A583289, A584730, and A587168	
06/03/2009 Joinder 🔻		
Judicial Officer Walsh, Jessie		
Hearing Time 9:00 AM		
•	n's Joinder in Motion to Consolidate with 792, A579963, A583289, A584730 and	
06/03/2009 All Pending Mo	otions 🔻	
Original Type	JA007672	

All Pending Motions	
All Pending Motions	
Judicial Officer	
Walsh, Jessie	
Hearing Time 9:00 AM	
Result	
Granted in Part	
Parties Present   Defendant	
Attorney: Meier, Glenn F	
Intervenor Plaintiff	
Attorney: Craft, Christopher	
Counter Defendant	
Attorney: Meier, Glenn F	
Counter Defendant	
Attorney: Craft, Christopher	
Counter Defendant	
Attorney: Craft, Christopher	
Counter Defendant	
Attorney: Pintar, Becky	
Counter Defendant	
Attorney: Craft, Christopher	
Doing Business As	
Attorney: Craft, Christopher	
Intervenor Defendant	
Attorney: Meier, Glenn F	
Other	
Attorney: Gochnour, Wade B.	
06/03/2009 Reply to Counterclaim -	
Reply to Counterclaim	
Comment	
Reply to Camco Pacific Construction's Counterclaim	_
06/04/2009 Answer to Counterclaim -	
Counterdefendant Cabinetec, Inc.'s Answer to Counterclaimant Camco Pacific Construction Company, In	
JA007673	

	inetec, Inc.'s Answer to Counterclaimant ction Company, Inc.'s Counterclaim
06/04/2009 Initial Appeara	ance Fee Disclosure 🔻
Initial Appearance Fee Dis	sclosure
06/04/2009 Notice of Lis P	Pendens -
Notice of Lis Pendens	
Comment Patent Construction Sys Notice of Lis Pendens	stems a Division of Harsco Corporations
06/04/2009 Statement of F	Facts Constituting Lien -
Statement of Facts Consti	ituting Lien
-	stems a Division of Harsco Corporations nstituting Lien and Complaint in
06/05/2009 Reply -	
Company of Maryland to E Comment Reply of Camco Pacific Company of Maryland t	onstruction and Fidelity and Deposit Dave Peterson F Construction and Fidelity and Deposit to Dave Peterson Framing, Inc.'s Dismiss the Third Party Complaint
06/05/2009 Proof of Servio	ce 🕶
Proof of Service	
Comment Proof of Service	
06/08/2009 Motion for Def	fault Judgment 🗸
Motion for Default Judgme	ent
Comment Motion for Default Judg	Iment
06/10/2009 Motion to Inter	rvene 🔻
Judicial Officer Walsh, Jessie	

	cel Reason ated
06/1	0/2009 Motion to Intervene -
	icial Officer sh, Jessie
	ring Time AM
	cel Reason ated
06/1	0/2009 Joinder -
	icial Officer sh, Jessie
	ring Time AM
	cel Reason ated
06/1	0/2009 Motion to Dismiss -
	icial Officer sh, Jessie
	ring Time AM
	cel Reason ated
06/1	0/2009 Notice of Motion 🔻
Noti	ce of Motion
06/1	0/2009 Answer to Complaint -
	CO Construction's Answer to Zitting Brothers Construction, Inc.'s nplaint
A	Comment PCO Construction's Answer to Zitting Brothers Construction, nc.'s Complaint
06/1	0/2009 Affidavit of Service -
Affic	lavit of Service
06/1	1/2009 Notice of Department Reassignment

06/11/2009 Substitution of Attorne	
Substitution of Attorney	
Comment Substitution of Attorney	
06/11/2009 Proof of Service -	
Proof of Service	
Comment Proof of Service of Summons a	nd Complaint
06/15/2009 Statement of Facts Co	onstituting Lien 👻
Statement of Facts Constituting Li	en
Comment Statement of Facts Constituting	Lien and Complaint Intervention
06/15/2009 Lis Pendens 🔻	
Lis Pendens	
06/15/2009 Initial Appearance Fee	e Disclosure 🔻
nitial Appearance Fee Disclosure	
06/15/2009 Ex Parte Motion for Er	nlargement of Time 🔻
Ex Parte Motion for Enlargement of	of Time
Comment Ex Parte Motion to Enlargeme <sup>-</sup> Summons and Complaint Upon	
06/15/2009 Acceptance of Service	•
Acceptance of Service	
Comment Acceptance of Service of State and Complaint in Intervention	ment of Facts Constituting Lien
06/16/2009 Acceptance of Service	•
Acceptance of Service	
Comment	ment of Facts Constituting Lien

Summons

06/17/2009 Summons -

Summons

06/18/2009 Re-Notice -

Renotice

Comment

Re-Notice of Hearing of Camco Pacific Construction and Fidelity and Deposit Company of Maryland's Motion to Dismiss the Thrid Party Complaint of David Peterson Framing, Inc.

06/19/2009 Summons -

Summons

06/19/2009 Order Granting -

Order Granting

Comment

Order Granting Ex Parte motion to Enlarge Time to Allow for Service of Summons and Complaint Upon Defendant Edelstein

06/23/2009 Certificate of Mailing -

Certificate of Mailing

Comment

Certificate of Mailing of Camco Pacific Constructions and Fidelity and Deposit Company of Marylands Re-Notice of Hearing of Motion to Dismiss the Third Party Complaint of Dave Peterson Framing Inc and Notice Thereof

06/23/2009 Initial Appearance Fee Disclosure -

Initial Appearance Fee Disclosure

06/23/2009 Statement of Facts Constituting Lien -

Statement of Facts Constituting Lien

Comment

Statement of Facts Constituting Lien and Complaint-In-Intervention

06/23/2009 Lis Pendens -

Lis Pendens

06/23/2009 Acceptance of Service -

Scot State	nment t Financial Corporations' Acceptance of Service of ement of Facts Constituting Lien and Complaint in vention
)6/24/2	2009 Lis Pendens 🔻
Accura Pender	cy Glass & Mirror Company, Inc.'s Amended Notice of Lis
Acci	nment uracy Glass & Mirror Company, Inc.'s Amended Notice of Lis dens
)6/24/2	2009 Lis Pendens 🔻
Bruin P	ainting Corporation's Amended Notice of Lis Pendens
	nment n Painting Corporation's Amended Notice of Lis Pendens
)6/24/2	2009 Statement -
	ainting's Amended Statement of Facts Constituting a Notice of drawn of Third-Party Complaint
Brui	nment n Painting's Amended Statement of Facts Constituting a ce of Lien and Third-Party Complaint
)6/24/2	2009 Lis Pendens 👻
HD Sup	oply Waterworks, LP's Amended Notice of Lis Pendens
0.011	nment Supply Waterworks, LP's Amended Notice of Lis Pendens
)6/24/2	2009 Statement -
	oply Waterworks' Amended Statement of Facts Constituting a of Lien and Third-Party Comp
HD S	nment Supply Waterworks' Amended Statement of Facts stituting a Notice of Lien and Third-Party Complaint
)6/24/2	2009 Lis Pendens 🔻
Helix E	lectric's Amended Notice of Lis Pendens
0.011	ment K Electric's Amended Notice of Lis Pendens
06/24/2	2009 Statement -

С	omment
	elix Electric's Amended Statement of Facts Constituting a
N	otice of Lien and Third-Party Complaint
)6/2	4/2009 Lis Pendens ▼
leir	aman's Amended Notice of Lis Pendens
_	omment
H	einaman's Amended Notice of Lis Pendens
)6/2	4/2009 Statement -
	aman Contract Glazing's Amended Statement of Facts
	stituting a Notice of Lien and Third-Part
_	omment einaman Contract Glazing's Amended Statement of Facts
	onstituting a Notice of Lien and Third-Party Complaint
10.10	
)6/2	4/2009 Lis Pendens 🔻
NR	G Design, Inc.'s Amended Notice of Lis Pendens
_	omment
V	/RG Design, Inc.'s Amended Notice of Lis Pendens
)6/2	4/2009 Amended Complaint 👻
	Amended Complaint Re Foreclosure (A571792, A574391, 7623, A583289, A584730, A587168)
С	omment
	irst Amended Complaint Re Foreclosure (A571792, A574391, 577623, A583289, A584730, A587168)
)6/2	4/2009 Statement -
	G Design, Inc.'s Amended Statement of Facts Constituting a ce of Lien and Third-Party Complai
	omment
V	/RG Design, Inc.'s Amended Statement of Facts Constituting a
	otice of Lien and Third-Party Complaint (A571792, A574391, 577623, A583289, A584730, A587168)
)6/2	6/2009 Statement of Facts Constituting Lien -
Stat	ement of Facts Constituting Lien
С	omment

#### 06/29/2009 Order -

Order

Comment

Order to Consolidate this action with Case A574391, A574792, A577623, A583289, A584730, A587168, A580889 & A589195

06/30/2009 Answer to Amended Complaint -

Gemstone Development West, Inc.'s Answer to Ahern Rental, Inc.'s First Amended Statement of Facts C

### Comment

Gemstone Development West, Inc.'s Answer to Ahern Rental, Inc.'s First Amended Statement of Facts Constituting Lien and Complaint in Intervention

06/30/2009 Answer -

Gemstone Development West, Inc.'s Answer to Patent Construction Systems, a Division of Harsco Corpo

#### Comment

Gemstone Development West, Inc.'s Answer to Patent Construction Systems, a Division of Harsco Corporation's Statement of Facts Constituting Lien and Complaint in Intervention

06/30/2009 Answer -

Gemstone Development West, Inc.'s Answer to Buchele, Inc.'s Statement of Facts Constituting Lien

#### Comment

Gemstone Development West, Inc.'s Answer to Buchele, Inc.'s Statement of Facts Constituting Lien

06/30/2009 Answer -

Gemstone Development West, Inc.'s Answer to Statement of Facts Constituting Lien Claim by Creative

#### Comment

Gemstone Development West, Inc.'s Answer to Statement of Facts Constituting Lien Claim by Creative Home Theatre, LLC

06/30/2009 Affidavit of Due Diligence -

Affidavit of Due Diligence

07/01/2009 Affidavit for Service by Publication -

Affidavit for Service by Publication

07/02/2009 Notice of Entry of Order -
Notice of Entry of Order to Consolidate this Action with Case Nos. A574391, A574792, A577623, A5799
Comment Notice of Entry of Order to Consolidate this Action with Case Nos. A574391, A574792, A577623, A579963, A583289, A584730, A587168, A580889 and A589195
07/02/2009 Answer -
APCO Construction's Answer to Ahern Rentals Inc.'s First Amended Statement of Facts Constituting Li
Comment APCO Construction's Answer to Ahern Rentals Inc.'s First Amended Statement of Facts Constituting Lien and Complaint in Intervention
07/02/2009 Answer -
APCO Construction's Answer to Buchele, Inc.'s Statement of Facts Constituting Lien
Comment APCO Construction's Answer to Buchele, Inc.'s Statement of Facts Constituting Lien
07/02/2009 Answer -
APCO Construction's Answer to Selectbuild Nevada Inc.'s Statement of Facts Constituting Lien
Comment APCO Construction's Answer to Selectbuild Nevada Inc.'s Statement of Facts Constituting Lien
07/02/2009 Answer -
APCO Construction's Answer to Las Vegas Pipeline, Inc.'s Statement of Facts Constituting Lien and C
Comment APCO Construction's Answer to Las Vegas Pipeline, Inc.'s Statement of Facts Constituting Lien and Complaint in Intervention
07/02/2009 Answer 🔻
APCO Construction's Answer to The Pressure Grout Company's Statement of Facts Constituting Lien and
Comment APCO Construction's Answer to The Pressure Grout Company's Statement of Facts Constituting Lien and Complaint in Intervention
Intervention JA007681

07/06/2009 All Pending Motions -

Judicial Officer Denton, Mark R.

Hearing Time 9:00 AM

Cancel Reason Vacated - per Clerk

Comment

Pending Motions separated and individually placed on calendar

07/06/2009 Motion to Intervene -

Judicial Officer

Denton, Mark R. Hearing Time

9:00 AM

Comment Hydropressure Cleaning's Motion to Intervene

07/06/2009 Motion to Intervene -

Judicial Officer Denton, Mark R.

Hearing Time 9:00 AM

Comment

The Masonry Group Nevada's Motion to Intervene

07/06/2009 Joinder -

Judicial Officer

Denton, Mark R.

Hearing Time 9:00 AM

Comment

Tri-City Drywall's Joinder in Hydropressure Cleaning's Motion to Intervene and Tri-City Drywall's Request to Intervene

07/06/2009 All Pending Motions -

Original Type All Pending Motions

All Pending Motions

Judicial Of	
Denton, Ma	
Hearing Tir 9:00 AM	me
Result Matter Hea	rd
Comment All Pending	y Motions (07-06-09)
Parties Pr Intervenc	
Attorne	y: Maskas, Marisa
Other De	fendant
Attorne	y: Morris, Steven L.
Counter I	Defendant
Attorne	y: Perkins, Robin E.
Counter I	Defendant
Attorne	y: Maskas, Marisa
Counter I	Defendant
Attorne	y: Maskas, Marisa
07/07/2009	Statement of Facts Constituting Lien -
Statement	of Facts Constituting Lien
Comme Masonry	-
Comme Masonry and Con	nt v Group Nevada Inc Statement of Facts Constituting Lien
Comme Masonry and Con	nt v Group Nevada Inc Statement of Facts Constituting Lien nplaint in Intervention
Comme Masonry and Con 07/09/2009 Statement Comme Northsta	nt y Group Nevada Inc Statement of Facts Constituting Lien nplaint in Intervention 9 Statement of Facts Constituting Lien ▼ of Facts Constituting Lien
Comme Masonry and Com 07/09/2009 Statement Comme Northsta Complai	nt y Group Nevada Inc Statement of Facts Constituting Lien nplaint in Intervention 9 Statement of Facts Constituting Lien ▼ of Facts Constituting Lien nt ar Concrete Inc Statement of Facts Constituting Lien and
Comme Masonry and Com 07/09/2009 Statement Comme Northsta Complai	nt y Group Nevada Inc Statement of Facts Constituting Lien nplaint in Intervention 9 Statement of Facts Constituting Lien ▼ of Facts Constituting Lien nt ar Concrete Inc Statement of Facts Constituting Lien and nt -In-Intervention
Comme Masonry and Com 07/09/2009 Statement Comme Northsta Complai	nt y Group Nevada Inc Statement of Facts Constituting Lien nplaint in Intervention 9 Statement of Facts Constituting Lien ▼ of Facts Constituting Lien nt ar Concrete Inc Statement of Facts Constituting Lien and nt -In-Intervention 9 Initial Appearance Fee Disclosure ▼
Comme Masonry and Com 07/09/2009 Statement Comme Northsta Complai	nt y Group Nevada Inc Statement of Facts Constituting Lien nplaint in Intervention Statement of Facts Constituting Lien ▼ of Facts Constituting Lien nt ar Concrete Inc Statement of Facts Constituting Lien and nt -In-Intervention Initial Appearance Fee Disclosure ▼ arance Fee Disclosure Lis Pendens ▼
Comme Masonry and Com 07/09/2009 Statement Comme Northsta Complai 07/09/2009 Initial Appe 07/09/2009	nt y Group Nevada Inc Statement of Facts Constituting Lien nplaint in Intervention Statement of Facts Constituting Lien ▼ of Facts Constituting Lien nt ar Concrete Inc Statement of Facts Constituting Lien and nt -In-Intervention Initial Appearance Fee Disclosure ▼ arance Fee Disclosure Lis Pendens ▼

Acce	ptance of Service
07/09	9/2009 Summons -
Sum	mons
07/1(	0/2009 Statement -
State	ement
С	omment
	amco Pacific Construction Company, Inc.'s Statement of Facts nd Complaint in Intervention
07/13	3/2009 Summons -
Sum	mons
07/13	3/2009 Summons -
Sum	mons
07/1:	3/2009 Summons -
Sum	mons
07/14	4/2009 Three Day Notice of Intent to Default ▼
Thre	e Day Notice of Intent to Default
	omment hree Day Notice of Intent to Take Default
07/14	4/2009 Three Day Notice of Intent to Default ▼
Thre	e Day Notice of Intent to Default
07/1	5/2009 Stipulation and Order for Dismissal ▼
Stipu	llation and Order for Dismissal
St H	omment ipulation and Order for Dismissal without Prejudice of ydropressure Cleaning, Inc.'s Claim for Unjust Enrichment gainst Nevada Construction Services Only
07/1	5/2009 Notice of Dismissal ▼
	e of Dismissal

	Construction Systems a Division of Harsco Corporations of Dismissal of Platte River Insurance Company
07/15/200	9 Notice of Voluntary Dismissal 👻
Notice of	Voluntary Dismissal
	ent Rentals' Notice of Voluntary Dismissal of Heinaman ct Glazing and Neal Roffer Only
07/15/200	9 Order Granting 👻
Order Gra	anting
Comm Order	ent Granting Tri- City Drywall Inc's Request to Intervene
07/16/200	9 Notice of Entry of Order 🗸
Notice of	Entry of Stipulation and Order
Comm	
Notice	of Entry of Stipulation and Order
07/17/200	9 Statement of Facts Constituting Lien -
Statemen	t of Facts Constituting Lien
	Construction Systems A Division of Harsco Corporation's ent of Facts Constituting Lien and Amended Complaint in
07/20/200	9 Motion for Default Judgment 👻
Original T Motion fo	ype <sup>-</sup> Default Judgment
Motion fo	r Default Judgment
Judicial C Denton, N	
Hearing 1 9:00 AM	ime
Result Off Calen	dar
Commen Harsco C	orp's Motion for Default Judgment
Parties F Defend	
Attorr	ey: Meier, Glenn F
	JA007685

Ir	itervenor
	Attorney: Williams, Donald H
Ir	itervenor
	Attorney: Williams, Donald H
С	counter Defendant
	Attorney: Meier, Glenn F
С	counter Defendant
	Attorney: Williams, Donald H
D	oing Business As
	Attorney: Williams, Donald H
C	counter Defendant
	Attorney: Williams, Donald H
Ir	ntervenor Defendant
	Attorney: Meier, Glenn F
07/	20/2009 Answer -
	ott Financial Corporation's Answer to Patent Construction's tement of Facts Constituting Lien
:	Comment Scott Financial Corporation's Answer to Patent Construction's Statement of Facts Constituting Lien
07/	21/2009 Order for Service by Publication -
Ord	ler for Service by Publication
1	Comment
	Order for Service by Publication
07/	21/2009 Affidavit of Service ▼
Affi	davit of Service
07/	21/2009 Consent to Service By Electronic Means ▼
Со	nsent to Service By Electronic Means
07/	21/2009 Consent to Service By Electronic Means ▼
Со	nsent to Service By Electronic Means
07/	21/2009 Consent to Service By Electronic Means ▼
Со	nsent to Service By Electronic Means
07/	21/2009 Affidavit of Service - JA007686

~	davit of Service
07/2	21/2009 Affidavit of Due Diligence 👻
Affi	davit of Due Diligence
07/2	22/2009 Statement of Facts Constituting Lien ▼
Stat	tement of Facts Constituting Lien
(	Comment Granite Construction Company's Statement of Facts Constituting Lien Claim and Complaint in Intervention
07/2	22/2009 Initial Appearance Fee Disclosure 👻
Initi	al Appearance Fee Disclosure
07/2	22/2009 Notice of Entry of Order -
Not	ice of Entry of Order
١	Comment Notice of Entry of Order Granting Tri- city Drywall Inc's Request o Intervene
07/2	22/2009 Notice of Entry of Order -
Not	ice of Entry of Order
	23/2009 Early Case Conference List of Witnesses & Production of
	be Material Handling d/b/a Pape Rents'Early Case Conference bort List of Witnesses and Documen
E	Comment Early Case Conference List of Witnesses and Production of Documents
07/2	23/2009 Answer -
Sup	mstone Development West, Inc.'s Answer to Atlas Construction oply, Inc.'s Statement of Facts Co
(	Comment Gemstone Development West, Inc.'s Answer to Atlas Construction Supply, Inc.'s Statement of Facts Constituting Lien and Complaint in Intervention
	23/2009 Response -
07/2	

	evelopment West, Inc.'s Answer to Supply Network, ng Supplynet's Statement of Facts Constituting Lien nt in Intervention
07/23/2009 Thr	ee Day Notice of Intent to Default -
Three Day Notio	ce of Intent to Default
07/23/2009 Thre	ee Day Notice of Intent to Default -
Three Day Notio	ce of Intent to Default
•	otice of Intent to Take Default and Default Judgment stone Development West Inc
07/23/2009 Cer	tificate of Mailing -
Certificate of Ma	ailing
07/23/2009 Ans	wer to Complaint 🗸
Answer to Com	plaint
	evelopment West, Inc.'s Answer to Supply Network, ng Supplynet's Statement of Facts Constituting Lien
Inc. dba Vikir and Complai	ng Supplynet's Statement of Facts Constituting Lien nt in Intervention
Inc. dba Vikir and Complai	ng Supplynet's Statement of Facts Constituting Lien nt in Intervention wer to Complaint ▼
Inc. dba Vikir and Complai 07/23/2009 Ans Answer to Com Comment Gemstone D Inc. dba Vikir	ng Supplynet's Statement of Facts Constituting Lien nt in Intervention wer to Complaint ▼
Inc. dba Vikir and Complai 07/23/2009 Ans Answer to Comp Comment Gemstone D Inc. dba Vikir and Complai	ng Supplynet's Statement of Facts Constituting Lien nt in Intervention wer to Complaint ▼ plaint evelopment West, Inc.'s Answer to Supply Network, ng Supplynet's Statement of Facts Constituting Lien
Inc. dba Vikir and Complai 07/23/2009 Ans Answer to Comp Comment Gemstone D Inc. dba Vikir and Complai	ng Supplynet's Statement of Facts Constituting Lien nt in Intervention wer to Complaint ▼ plaint evelopment West, Inc.'s Answer to Supply Network, ng Supplynet's Statement of Facts Constituting Lien nt in Intervention ion to Dismiss ▼
Inc. dba Vikir and Complai 07/23/2009 Ans Answer to Comp Comment Gemstone D Inc. dba Vikir and Complai	ng Supplynet's Statement of Facts Constituting Lien nt in Intervention wer to Complaint ▼ plaint evelopment West, Inc.'s Answer to Supply Network, ng Supplynet's Statement of Facts Constituting Lien nt in Intervention ion to Dismiss ▼
Inc. dba Vikir and Complai 07/23/2009 Ans Answer to Comp Comment Gemstone D Inc. dba Vikir and Complai 07/27/2009 Mot Judicial Officer Denton, Mark R Hearing Time	ng Supplynet's Statement of Facts Constituting Lien nt in Intervention wer to Complaint ▼ plaint evelopment West, Inc.'s Answer to Supply Network, ng Supplynet's Statement of Facts Constituting Lien nt in Intervention ion to Dismiss ▼
Inc. dba Vikir and Complai 7/23/2009 Ans Answer to Com Comment Gemstone Do Inc. dba Vikir and Complai 7/27/2009 Mot Udicial Officer Denton, Mark R Hearing Time 0:00 AM Cancel Reason	ng Supplynet's Statement of Facts Constituting Lien nt in Intervention wer to Complaint ▼ plaint evelopment West, Inc.'s Answer to Supply Network, ng Supplynet's Statement of Facts Constituting Lien nt in Intervention ion to Dismiss ▼

### Original Type Motion to Dismiss

Motion to Dismiss

Judicial Officer

Delaney, Kathleen E.

Hearing Time 9:00 AM

Result Denied

#### Comment

Third Party Defts Camco Pacific Construction and Fidelity and Deposit Co of Maryland's Motion to Dismiss the Third Party Complaint of David Peterson Framing

Parties Present▲ Defendant

Attorney: Meier, Glenn F

Other Defendant

Attorney: Morris, Steven L.

Intervenor

Attorney: Dixon, Stephen M.

Third Party Plaintiff

Attorney: Dixon, Stephen M.

Intervenor Defendant

Attorney: Dixon, Stephen M.

Counter Defendant

Attorney: Meier, Glenn F

**Counter Defendant** 

Attorney: Dixon, Stephen M.

Counter Defendant

Attorney: Dixon, Stephen M.

**Counter Defendant** 

Attorney: Dixon, Stephen M.

**Counter Defendant** 

Attorney: Dixon, Stephen M.

Intervenor Defendant

Attorney: Meier, Glenn F

07/27/2009 Notice of Entry of Order -

Notice of Entry of Order

Recons	of Entry of Order Denying Motion to Clarify and to sider April 6, 2009 Ruling re: Executive Plastering, Inc.'s tion for Prejudgment Writ of Attachment
)7/28/200	9 Notice of Change of Address ▼
Notice of	Change of Address
Comme Notice	ent of Change of Firm's Address
)7/29/200	9 Answer 🗸
	e Development West, Inc.'s Answer to Las Vegas Pipeline, tement of Facts Constituti
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	e Development West, Inc.'s Answer to Camco Pacific on Company, Inc.'s Statement of
	one Development West, Inc.'s Answer to Camco Pacific uction Company, Inc.'s Statement of Facts and Complaint
Gemsto Constru in Inter	one Development West, Inc.'s Answer to Camco Pacific uction Company, Inc.'s Statement of Facts and Complaint
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07/30/2009Answer -	
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Comment Answer	
07/31/2009 Summons -	
Summons	
Comment Summons - Apco Con	struction
08/03/2009 Summons -	
Summons	
Comment Summons (Amended )	Complaint)
08/03/2009 Proof of Serv	vice 🔻
Proof of Service	
08/03/2009 Summons -	
Summons	
Comment Summons (Amended	Complaint)
08/03/2009 Voluntary Dis	smissal 🕶
Voluntary Dismissal	
Maryland Only From E	f Fidelity and Deposit Company of Bruin Painting Corporation's Amended onstituting Notice of Lien and Third- Party ejudice
08/04/2009 Proof of Serv	vice 🗸
Proof of Service	
08/04/2009 Proof of Serv	vice 🗸
Proof of Service	
08/05/2009 Answer -	
08/05/2009 Answer 👻	swer to Helix Electric's Amended Statement

Comment APCO Construction's Answer to Statement of Facts Constituting Complaint	o Helix Electric's Amended 9 Notice of Lien and Third-Party
08/05/2009 Answer 🔻	
APCO Construction's Answer to A First Amended Complaint re Fore	Accuracy Glass & Mirror Company's clos
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08/05/2009 Answer 🔻	
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Comment APCO Construction's Answer to State of Facts Constituting Lier	o Creative Home Theatre, LLC's n
08/05/2009 Answer -	
APCO Construction's Answer to G Statement of Facts Constituting Li	
Comment APCO Construction's Answer to Statement of Facts Constituting Intervention	o Granite Construction Company's g Lien Claim and Complaint in
08/05/2009 Answer -	
APCO Construction's Answer to T Statement of Facts Constituting a	he Masonry Group Nevada, Inc.'s No
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08/05/2009 Answer ▼	
APCO Construction's Answer to H Statement of Facts Constituting a	ID Supply Waterwork's Amended Notic
Comment APCO Construction's Answer to Amended Statement of Facts C Third-Party Complaint	o HD Supply Waterwork's Constituting a Notice of Lien and
08/06/2009 Answer -	
APCO Construction's Answer to V Statement of Facts Constituting N	

Comment APCO Construction's Answer to WRG Design Inc.'s Amer Statement of Facts Constituting Notice of Lien and Third-F Complaint	
8/06/2009 Answer -	
PCO Construction's Answer to Tri-City Drywall, Inc.'s State facts Constituting Lien and Com	ment of
Comment APCO Construction's Answer to Tri-City Drywall, Inc.'s Statement of Facts Constituting Lien and Complaint in Intervention	
8/06/2009 Acceptance of Service ▼	
acceptance of Service	
Comment Acceptance of Service of Executive Plastering Inc's First Amended Complaint on Gemstone Development West Inc Behalf	:'s
8/07/2009 Initial Appearance Fee Disclosure -	
nitial Appearance Fee Disclosure	
8/07/2009 Answer -	
nswer	
Comment Defendants Answer to HD Supply Waterworks' Amended Statement of Facts and Third-Party Complaint	
8/11/2009 Answer to Interpleader -	
Gemstone Development West, Inc.'s Answer to Patent Cons Systems, a Division of Harsco Corpo	truction
Comment Gemstone Development West, Inc.'s Answer to Patent Construction Systems, a Division of Harsco Corporation's Statement of Facts Constituting Lien and Amended Comp Intervention	laint in
8/11/2009 Notice -	
Defendant Gemstone Development West, Inc.'s Notice of Consolidation with Case No. 08-A571228	
Comment	

	opment West, Inc.'s Answer to Granite Construction ment of Facts Const
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08/11/2009 Sumn	nons 🔻
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Comment - Camco Pacifi	c Construction Company Inc.
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Comment - Gemstone De	evelopment West Inc.
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- Concrete Visi	ons Inc.
08/13/2009 Answ	er to Interpleader ▼
	opment West, Inc.'s Answer to Hydropressure tatement of Facts Const
	velopment West, Inc.'s Answer to Hydropressure s Statement of Facts Constituting Lien and

Summons
Comment Summons (Amended Complaint) -Richard Thornton
08/14/2009 Answer -
Scott Financial Corporation's Answer to Supply Network dba Vking Supplynet's Statement of Facts Con
Comment Scott Financial Corporation's Answer to Supply Network dba Vking Supplynet's Statement of Facts Constituting Lien and Complaint in Intervention
08/14/2009 Answer 🗸
Scott Financial Corporation's Answer to Creative Home Threatre, LLC's Statement of Facts Constituti
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08/14/2009 Answer 🗸
Scott Financial Corporation's Answer to The Pressure Grout Company's Statement of Facts Constitutin
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08/14/2009 Answer -
Scott Financial Corporation's Answer to Pape Material Handling dba Pape Rents' Statement of Facts C
Comment Scott Financial Corporation's Answer to Pape Material Handling dba Pape Rents' Statement of Facts Constituting Lien and Complaint in Intervention
08/14/2009 Acceptance of Service -
Acceptance of Service
Comment Acceptance of Service of Zitting Brothers Constratuion, Inc.'s Complaint Re: Floreclosure
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Initial Appearance Fee Disclosure

	Club Vista Financial Services, LLC and Tharaldson Motels II, Inc's Answer to Camco Pacific Construction Company, Inc's Statement of Facts and Complaint in Intervention and Counterclaim
08	18/2009 Answer -
	ott Financial Corporation's Answer to Statement of Facts nstituting Lien on Behalf of Buchele,
	Comment Scott Financial Corporation's Answer to Statement of Facts Constituting Lien on Behalf of Buchele, Inc.
08/	18/2009 Order -
Or	ler
	Comment Order on Camco Pacific Construction's and Fidelity Deposit Company of Maryland's Motion to Dismiss the Third Party Complaint of Dave Peterson Framing Inc
08/	19/2009 Answer -
Inc	ott Financial Corporation's Answer to The Masonry Group Nevada, .'s Statement fo Facts Constit Comment Scott Financial Corporation's Answer to The Masonry Group Nevada, Inc.'s Statement fo Facts Constituting Lien and Complaint in Intervention
08	20/2009 Affidavit of Publication 👻
Aff	davit of Publication
08	21/2009 Answer to Interpleader -
	mstone Development West, Inc.'s Answer to Fast Glass, Inc.'s tement of Facts Constituting Lien
	Comment Gemstone Development West, Inc.'s Answer to Fast Glass, Inc.'s Statement of Facts Constituting Lien
08	21/2009 Notice -
	fendant Gemstone Development West, Inc.'s Notice of

Notice	
	t Gemstone Development West Incs Notice of tion With Case No 08-A571228
08/24/2009 1	Notice of Bankruptcy 👻
Selectbuild N Stay	Nevada, Inc.'S Notice Of Bankruptcy Filing And Automatic
Comment Selectbuil Automatic	d Nevada, Inc.'S Notice Of Bankruptcy Filing And
08/25/2009 1	Notice -
	nsolidation with Case Numbers A571228, A574391, 577623, A583289, A584730, A58
	Consolidation with Case Numbers A571228, A574391, A577623, A583289, A584730, A587168, A580889 and
08/25/2009 A	Answer to Interpleader ▼
	evelopment West, Inc.'s Answer to Executive Plastering, nent of Facts Constit
	e Development West, Inc.'s Answer to Executive , Inc.'s Statement of Facts Constituting Lien Claim
08/25/2009 A	Answer to Interpleader -
	evelopment West, Inc.'s Answer to Zitting Brothers , Inc.'s Complaint re: For
	e Development West, Inc.'s Answer to Zitting Brothers
Comment Gemstone	ion, Inc.'s Complaint re: Foreclosure
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	Comment Defendant, Nevada Construction Services' Answer to Camco Pacific Construction Company, Inc.'s Statement of Facts and
	Complaint in Intervention
08	8/26/2009 Initial Appearance Fee Disclosure -
In	itial Appearance Fee Disclosure
	Comment Ferguson Fire and Fabrication, Inc's Initial Appearance Fee Disclosure
08	8/26/2009 Answer 🔻
A	nswer
	Comment Answer of Mechanic's Lien Counter-Defendant Ferguson Fire and Fabrication, Inc to Counterclaim of Club Vista Financial Services LLC; Tharldson Motels II Inc ; and Gary D Tharaldson
08	8/28/2009 Statement of Facts Constituting Lien -
	ustom Select Billing, Inc.'s Statement of Facts Constituting Lien and omplaint in Intervention
	Comment Custom Select Billing, Inc.'s Statement of Facts Constituting Lien and Complaint in Intervention
08	8/28/2009 Initial Appearance Fee Disclosure -
In	itial Appearance Fee Disclosure
	Comment Initial Appearance Fee Disclosure
0	9/02/2009 Answer to Counterclaim ▼
A	nswer to Counterclaim
	Comment Masonry Group Nevada Inc's Answer to Club Vista Financial Services LLC and Tharaldson Motels II Inc's Counterclaim
09	9/03/2009 Three Day Notice of Intent to Default 👻
TI	hree Day Notice of Intent to Default
0.0	9/08/2009 Motion to Dismiss -

	Corporation's Motion to Dismiss Club Vista ces, LLC and Tharaldson Motels, II, Inc.'s
09/08/2009 Answ	er to Interpleader -
	nswer to Ahern Rental, Inc.'s First Amended s Constituting Lien
	s Answer to Ahern Rental, Inc.'s First Amended acts Constituting Lien and Complaint in
09/09/2009 Motio	n 🕶
Motion to Designa and Motion to Set	ate this Action as Complex Pursuant to NRCP 16.1(f), a Discovery
	gnate this Action as Complex Pursuant to NRCP otion to Set a Discovery Conference Pursuant to
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#### 09/10/2009 Answer -

### Answer

#### Comment

Answer to Northstar Concrete Incs Statement of Facts Constituting Lien and Complaint in Intervention and Camco Pacific Construction Companys Inc Counterclaim

09/10/2009 Answer -

Answer

Comment

Answer to Fast Glass Incs Statement of Facts Constituting Lien and Camco Pacific Construction Company Incs Counterclaim

09/10/2009 Answer -

Answer

#### Comment

Answer to Helix Electrics Statement of Facts Constituting Lien and Third-Party Complaint and Camco Pacific Construction Company Incs Counterclaim

09/10/2009 Answer to Complaint -

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Answer to Selectbuild Nevada Inc's Complaint in Intervention and Camco Pacific Construction Company Inc's Counterclaim

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Initial Appearance Fee Disclosure

09/10/2009 Initial Appearance Fee Disclosure -

Initial Appearance Fee Disclosure

09/11/2009 Answer -

Answer

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Answer to WRG Desing Inc's Statement of Facts Constituting Lien Third Party Complaint and Camco Pacific Construction Inc's Counterclaim

09/11/2009 Answer to Complaint -

Answer to Complaint

Ar	omment nswer to Accuracy Glass & Mirror Company Inc's Complaint nd Camco Pacific Construciton Inc's Counterclaim
09/11	I/2009 Answer to Complaint ▼
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Ar Co	omment nswer to Bruin Painting Corporation's Statement of Facts onstituting Lien Third Party Complaint and Camco Pacific onstruction Inc's Counterclaim
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Answ	ver to Third Party Complaint
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09/18	8/2009 Motion for Sanctions <del>▼</del>
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	omment otion for Sanctions Pursuant to NRCP 11
09/18	3/2009 Reply to Counterclaim ▼
Reply	y to Counterclaim
Da	omment ave Peterson Framing Incs Reply to Camco Pacific onstructions Counterclaim
09/18	3/2009 Default ▼
Defa	ult
09/18	3/2009 Default ▼
Defa	ult
09/23	3/2009 Motion to Dismiss 👻
	tiff Zitting Brothers Construction, Inc.'s Partial Motion to Dismiss Vista Financial Serv
Pla Di Me	omment aintiff Zitting Brothers Construction, Inc.'s Partial Motion to smiss Club Vista Financial Services, L.L.C. and Tharaldson otels II, Inc.'s Counterclaim or, in the Alternative, Motion for a ore Definite Statement
	JA007701

Renewed Motion for Cl	arificaton Or Reconsideration of April 6, 2009
Ruling Re: Executive P	
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	Clarificaton Or Reconsideration of April 6,
-	ecutive Plastering Inc.'s Application For see Why Prejudgment Writ of Attachment and
	t Should Not Issue After Notice
09/23/2009 Amended S	Summons 🔻
Amended Summons wi	th Affidavits of Service
Comment	
Amended Summons	- APCO Construction
09/23/2009 Amended S	Summons -
Amended Summons wi	th Affidavits of Service
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Amended Summons claim)	- APCO Construction (as defendant ??
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Amended Summons	
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09/24/2009 Amended S	Summons 🔻
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09/24/2009 Certificate of	Mailing -
Certificate of Mailing	
09/25/2009 Opposition to	o Motion to Dismiss 🗸
Opposition to Motion to E	Dismiss
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Opposition to Scott Fi	nancial Corporation Motion to Dismiss Club
	es LLC and Tharaldson Motels II Inc's
Counterclaim	
09/25/2009 Answer 🔻	
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	tures, Inc. Second Amended Statement of
Facts Constituting Lie	n and Complaint in Intervention
09/25/2009 Answer 🔻	
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	efab Engineers, Inc.'s Second Amended
	onstituting Lien and Complaint in
Intervention	
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	y Group Nevada, Inc.'s Statement of Facts
•	Complaint in Intervention and Camco
Pacific Construction Ir	nc.'s Counterclaim
09/25/2009 Answer to Co	omplaint 🝷
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Answer to Buchele, In	c.'s Complaint for Damages and to
	s's Lien and Camco Pacific Construction
Company Inc.'s Count	terclaim
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Answer	

Answer to Ferguson Fire & Fabrication, Inc.'s Statement of Facts Constituting Lien and Complaint-in-Intervention and Camco Pacific Construction Company Inc.'s Counterclaim		
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Reply to Counterclaim		
Comment Reply to Club Vista Financia Motels, II, Inc.'s Counterclai	al Services, LLC and Tharaldson m	
9/28/2009 Opposition to Moti	on to Dismiss 🗸	
Opposition to Motion to Dismis	S	
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9/28/2009 Response 🔻		
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Motion to Designate this Ac	ancial Services, Inc., Tharaldson to tion as Complex Pursuant to NRCP a Discovery Conference Pursuant to	
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-	Drywall, Inc.'s Reply to Club Vista Financial Services ad Tharaldson Motels II, Inc.'s Counterclaim
09/29/200	9 Reply to Counterclaim ▼
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	ent o's Reply to Club Vista Financial Services LCC and Ison Motel II, Inc.'s Counterclaim
09/29/200	9 Reply to Counterclaim ▼
Reply to C	Counterclaim
	ent ar Concrete, Inc.'s Reply to Club Vista Financial Services nd Tharaldson Motels II, Inc.'s Counterclaim
09/29/200	9 Notice of Change of Firm Name -
Notice of (	Change of Firm Name
Comme Notice	ent of Change of Firm Name and Address
09/30/200	9 Opposition -
Oppositio	n
	Pacific Construction Company, Inc,'s Opposition to a Construction Services' Motion for Sanctons Pursuant to
09/30/200	9 Answer to Amended Complaint ▼
Answer to	Amended Complaint
Comme Answei	ent to first amended complaint and counterclaim
10/01/200	9 Answer to Complaint ▼
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	ent one Development West Inc's Answer to Complaint for es and to Foreclose Mechanic's Lien
10/01/200	9 Answer 🔻

Gemstone Development West, Inc.'s Answer to Custom Selece Billing, Inc.'s Statement of Facts constitution Lien and Comple in Intervention	
0/02/2009 Motion to Associate Counsel ▼	
Notion to Associate Counsel Christine R. Taradash	
Comment Motion to Associate Counsel Christine R. Taradash	
0/02/2009 Motion to Associate Counsel <del>-</del>	
lotion to Associate Counsel John T. Moshier	
Comment Motion to Associate Counsel John T. Moshier	
0/05/2009 Motion to Associate Counsel -	
Notion to Associate Counsel Martin A. Aronson	
Comment Motion to Associate Counsel Martin A. Aronson	
0/06/2009 Reply -	
Reply in Support of Scott Financial Corporation's Motion to Dism Club Vista Financial Services,	niss
Comment Reply in Support of Scott Financial Corporation's Motion to Dismiss Club Vista Financial Services, LLC and Tharaldson Motels, II, Inc.'s Counterclaim	
0/06/2009 Answer to Counterclaim -	
Answer to Counterclaim	
Comment Plaintiff/Counter-Defendant's Answer to Defendant's First Amended Counterclaim	
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nitial Appearance Fee Disclosure Statement	
Comment Initial Appearance Fee Disclosure Statement	
0/09/2009 Joinder -	
Bradley J. Scott's Joinder to Scott Financial Corporation's Motion Dismiss Club Vista Financial	n to

E	Comment Bradley J. Scott's Joinder to Scott Financial Corporation's Motion D Dismiss Club Vista Financial Services, L.L.C. and Tharaldson Notels II, Inc.'s Counterclaim
10/0	9/2009 Notice of Change of Address -
Noti	ce of Change of Address
10/0	9/2009 Notice of Change of Address ▼
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10/1	2/2009 Motion to Dismiss -
-	inal Type ion to Dismiss
	icial Officer aventure, Joseph T.
	ring Time ) AM
Res Mat	ult ter Continued
DEF CLL	nment T SCOTT FINANCIAL CORPORATION'S MOTION TO DISMISS IB VISTA FINANCIAL SERVICES AND THARALDSON MOTELS COUNTERCLAIM
10/1	2/2009 Motion -
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	icial Officer aventure, Joseph T.
	ring Time ) AM
Res Gra	ult nted
DEF AC1	T SCOTT FINANCIAL CORP'S MOTION TO DESIGNATE THIS TON AS COMPLEX PURSUANT TO NRCP 16.1(f), AND MOTION SET A DISCOVERY CONFERENCE PURSUANT TO NRCP 16
10/4	2/2009 All Pending Motions -
10/	
<u> </u>	inal Type

### All Pending Motions

Judicial Officer

Bonaventure, Joseph T.

Hearing Time 9:00 AM

Result

Matter Heard

#### Comment

DEFT SCOTT FINANCIAL CORPORATION'S MOTION TO DISMISS CLUB VISTA FINANCIAL SERVICES AND THARALDSON MOTELS II'S COUNTERCLAIM...DEFT SCOTT FINANCIAL CORP'S MOTION TO DESIGNATE THIS ACTION AS COMPLEX PURSUANT TO NRCP 16.1(f), AND MOTION TO SET A DISCOVERY CONFERENCE PURSUANT TO NRCP 16

Parties Present▲ Defendant

Attorney: Meier, Glenn F

Other Defendant

Attorney: Morris, Steven L.

Intervenor

Attorney: Williams, Donald H

Intervenor

Attorney: Williams, Donald H

**Counter Defendant** 

Attorney: Meier, Glenn F

#### Counter Defendant

Attorney: Carter, Matthew S.

**Counter Defendant** 

Attorney: Williams, Donald H

**Doing Business As** 

Attorney: Williams, Donald H

**Counter Defendant** 

Attorney: Perkins, Robin E.

**Counter Defendant** 

Attorney: Williams, Donald H

**Counter Defendant** 

Attorney: CAWLEY, REUBEN

Defendant

Attorney: Carter, Matthew S.

Intervenor Defendant

Attorney: Meier, Glenn F

Attorne	y: Gochnour, Wade B.
10/12/2009	Joinder 🗸
Joinder	
Dismiss	nt f Joinder to Scott Financial Corporation's Motion to Club Vista Financial Services, L.L.C. and Tharaldson , Inc.'s Counterclaim
10/12/2009	Answer to Counterclaim ▼
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-	nt Group Nevada Incs Answer to Camco Pacific ction Incs Counterclaim
10/12/2009	Answer to Counterclaim 👻
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Financia Tharalds	te Fireproofing of Nevada Inc's Answer to Club Vista I Services LLC Tharaldson Motels II Inc and Gary D son's Counterclaim
Financia Tharalds 10/12/2009	I Services LLC Tharaldson Motels II Inc and Gary D son's Counterclaim
Financia Tharalds 10/12/2009 Summons	I Services LLC Tharaldson Motels II Inc and Gary D son's Counterclaim
Financia Tharalds 10/12/2009 Summons 10/13/2009	I Services LLC Tharaldson Motels II Inc and Gary D son's Counterclaim 9 Summons ▼ 9 Certificate of Mailing ▼
Financia Tharalds 10/12/2009 Summons 10/13/2009 Certificate Comme	I Services LLC Tharaldson Motels II Inc and Gary D son's Counterclaim 9 Summons ▼ 9 Certificate of Mailing ▼ of Mailing
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Financia Tharalds 10/12/2009 Summons 10/13/2009 Certificate Comme Errata to 10/14/2009 Plaintiff/Co	I Services LLC Tharaldson Motels II Inc and Gary D son's Counterclaim 9 Summons ▼ 9 Certificate of Mailing ▼ of Mailing Int 9 Certificate of Mailing
Financia Tharalds 10/12/2009 Summons 10/13/2009 Certificate Comme Errata to 10/14/2009 Plaintiff/Co Constructio Comme Plaintiff/ Brothers Financia	I Services LLC Tharaldson Motels II Inc and Gary D son's Counterclaim Summons ▼ Certificate of Mailing ▼ of Mailing Int Certificate of Mailing Joinder ▼ unterdefendant Buchele, Inc.'s Joinder to Zitting Brothers on, Inc.'s Partial Int Counterdefendant Buchele, Inc.'s Joinder to Zitting Construction, Inc.'s Partial Motion to Dismiss Club Vista I Services, LLC and Tharaldson Motels II, Inc.'s claim, or, in the Alternative, Motion for a More Definite

Motion to Dismiss Club Vista

Fast Glass, Inc.'s Notice of Joinder in Scott Financial Corporation's Motion to Dismiss Club Vista Financial Services, LLC and Tharaldson Motels II, Inc.'s Counterclaim
0/14/2009 Reply -
eply in Support of NCS' Motion for Sanctions Pursuant to NRCP 11
Comment Reply in Support of NCS' Motion for Sanctions Pursuant to NRCP 11
)/14/2009 Answer to Complaint <del>-</del>
nswer to Complaint
Comment Answer to Club Vista Financial Services LLC and Tharaldson Motels II Inc's Counterclaim
)/15/2009 Joinder ▼
inder
Comment Ahern Rental Inc.'s Joinder to Scott Financial Corporation's Motion to Dismiss Club Vista Financial Services LLC and Theraldson Motel II, Inc.'s Counterclaim
0/15/2009 Motion to Withdraw As Counsel ▼
otion to Withdraw As Counsel
Comment Richard A Koch's Motion to Withdraw as Counsel
0/15/2009 Reply to Counterclaim ▼
eply to Counterclaim
Comment Plaintiff in Intervention Northstar Concrete Incs Reply to Camco Pacific Company Incs Counterclaim
0/15/2009 Reply to Counterclaim ▼
eply to Counterclaim
Comment Plaintiff in Intervention Tri-City Drywall Incs Reply to Camco Pacific Company Incs Counterclaim
)/15/2009 Reply to Counterclaim ▼

	and Patent Construction Systems a Division of Harsco Corporation's Reply to Counterclaim of Club Vista Financial Services LLC and Tharaldson Motels II Inc
1	0/16/2009 Acceptance of Service ▼
	cott Financial Corporation's Acceptance of Service of Custom Select illing, Inc.'s Statement of F
	Comment Scott Financial Corporation's Acceptance of Service of Custom Select Billing, Inc.'s Statement of Facts Constituting Lien and Complaint in Intervention
1	0/16/2009 Answer 🔻
	as Vegas Pipeline's Answer to Camco Pacific Construction company, Inc.'s Counterclaim
	Comment Las Vegas Pipeline's Answer to Camco Pacific Construction Company, Inc.'s Counterclaim
1	0/16/2009 Notice -
	laintiff, Wiss, Janney, Elstner Associates, Inc.'s Notice of consolidation With Case Numbers A5712 Comment
	Plaintiff, Wiss, Janney, Elstner Associates, Inc.'s Notice of Consolidation With Case Numbers A571228, A574391, A574792, A577623, A583289, A584730, A587168, A580889, A589195 and A597089
1	0/16/2009 Answer to Counterclaim ◄
	lintah Investments, LLC's Reply to Club Vista Financial Services, LC's, Tharaldson Motels II, Inc.
	Comment Uintah Investments, LLC's Reply to Club Vista Financial Services, LLC's, Tharaldson Motels II, Inc.'s and Gary D. Tharaldson's Counterclaim
1	0/16/2009 Notice -
Ν	lotice
	Comment
	Noorda Sheet Metal Company's Notice of Joinder in Scott FInancial Corporation's Motion to Dismiss Club Vista Financial Services, LLC and Tharaldson Motels II, Inc.'s CounterClaim

Reply to Counterclaim Comment Counterdefendant Granite Construction Company's Reply to Club Vista Financial Services, LLC's Counterclaim 10/16/2009 Joinder To Motion -Joinder To Motion Comment Dave Peterson Framing Inc's Notice of Joinder in Scott Financial Corporation's Motion to Dismiss Club Vista Financial Services LLC and Tharaldson Motels II Inc's Counterclaim 10/16/2009 Joinder To Motion -Joinder To Motion Comment E & E Fire Protection LLC's Notice of Joinder in Scott Financial Corporation's Motion to Dismiss Club Vista Financial Services LLC and Tharaldson Motels II Inc's Counterclaim 10/16/2009 Joinder To Motion -Joinder To Motion Comment Professional Doors and Millworks LLC's Notice of Joinder in Scott Financial Corporation's Motion to Dismiss Club Vista Financial Services LLC and Tharaldson Motels II Inc's Counterclaim 10/16/2009 Joinder -Joinder Comment Renaissance Pools & Spas, Inc.'s Joinder to Zitting Brothers Construction, Inc.'s Partial Motion to Dismiss Club Vista Financial Services, LLC and Tharaldson Motels II, Inc.'s Counterclaim, or in the Alternative, Motion for a More Definite Statement 10/19/2009 Motion for Sanctions -Original Type Motion for Sanctions Motion for Sanctions Judicial Officer Delaney, Kathleen E. Hearing Time 9:00 AM JA007712

Result	
Denied	
	NSTRUCTION SERVICES MOTION FOR
SANCTIONS PURSU	
Parties Present •	
Other Defendant	
Attorney: Morris,	Steven L.
Intervenor Defenda	ant
Attorney: Vlasic,	Charles
Intervenor	
Attorney: William	s, Donald H
Intervenor	
Attorney: William	s, Donald H
Counter Defendant	t
Attorney: Vlasic,	Charles
Counter Defendant	t
Attorney: William	s, Donald H
Doing Business As	;
Attorney: William	s, Donald H
Counter Defendant	t
Attorney: William	s, Donald H
10/19/2009 Answer t	o Counterclaim <del>-</del>
Answer to Countercla	aim
Comment	
	ervice LLC's Answer to Club Vista Financial Tharaldson Motels II Inc's Counterclaim
Services LLC and	
10/19/2009 Answer t	o Counterclaim 🗸
Answer to Countercla	aim
Comment	
	ervice LLC's Answer to Club Vista Financial Tharaldson Motels II Inc's Counterclaim
Services LLC and	
10/19/2009 Amendeo	d Notice 👻
Amended Notice	
O a manual and	
Comment	
Amended Notice of	of Scott financial Corporation's Motion to a Financial Services, L.L.C. and Tharaldson

Stipulation f	or Dismissal
Commer	-
-	n for Dismissal Without Prejudice of Count Nine (Acting
	rt/Civil Conspiracy) Against Zitting Brothers
Construc	tion inc
10/21/2009	Opposition to Motion -
Opposition	o Motion
Commer	t
Oppositio	on to Renewed Motion to Clarify and to Reconsider April
	uling Re Executive Plastering Incs Application for
Prejudgn	nent Writ of Attachment
0/21/2009	Reply to Counterclaim 👻
Reply to Co	unterclaim
0/21/2009	Reply -
Reply	
Commer	
	1
	-
Reply of	Counterdefendant John Deere Landscape Inc to
Reply of Counterc	Counterdefendant John Deere Landscape Inc to laim of Club Vista Financial Services LLC Tharaldson
Reply of Counterc	Counterdefendant John Deere Landscape Inc to
Reply of Counterc Motels II	Counterdefendant John Deere Landscape Inc to laim of Club Vista Financial Services LLC Tharaldson
Reply of Counterc Motels II	Counterdefendant John Deere Landscape Inc to laim of Club Vista Financial Services LLC Tharaldson Inc and Gary D. Tharaldson Certificate of Service ▼
Reply of Counterc Motels II	Counterdefendant John Deere Landscape Inc to laim of Club Vista Financial Services LLC Tharaldson Inc and Gary D. Tharaldson Certificate of Service ▼ f Service
Reply of Countered Motels II 10/21/2009 Certificate of Commer	Counterdefendant John Deere Landscape Inc to laim of Club Vista Financial Services LLC Tharaldson Inc and Gary D. Tharaldson Certificate of Service ▼ f Service
Reply of Counterc Motels II 10/21/2009 Certificate c Commer Certificat Network,	Counterdefendant John Deere Landscape Inc to laim of Club Vista Financial Services LLC Tharaldson Inc and Gary D. Tharaldson Certificate of Service ▼ f Service t e of Service of Reply of Counterdefendant Supply Inc to Counterclaim of Club Vista Financial Services
Reply of Counterc Motels II 10/21/2009 Certificate of Commer Certificat Network,	Counterdefendant John Deere Landscape Inc to laim of Club Vista Financial Services LLC Tharaldson Inc and Gary D. Tharaldson Certificate of Service ▼ f Service t e of Service of Reply of Counterdefendant Supply
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Reply of Counterc Motels II 10/21/2009 Certificate c Commer Certificat Network, LLC That	Counterdefendant John Deere Landscape Inc to laim of Club Vista Financial Services LLC Tharaldson Inc and Gary D. Tharaldson Certificate of Service ▼ f Service t e of Service of Reply of Counterdefendant Supply Inc to Counterclaim of Club Vista Financial Services raldson Motels II Inc and Gary D Tharaldson Certificate of Service ▼
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Reply of Countero Motels II 10/21/2009 Certificate of Commer Certificate 10/21/2009 Certificate of Commer Certificate of Commer Certificate of	Counterdefendant John Deere Landscape Inc to laim of Club Vista Financial Services LLC Tharaldson Inc and Gary D. Tharaldson Certificate of Service ▼ f Service t e of Service of Reply of Counterdefendant Supply Inc to Counterclaim of Club Vista Financial Services raldson Motels II Inc and Gary D Tharaldson Certificate of Service ▼ f Service t e of Service of Reply of Counterdefendant John Deere
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#### Judicial Officer Delaney, Kathleen E.

Hearing Time 9:00 AM

Cancel Reason Vacated - per Stipulation and Order

Comment

Stip and Order received 10/19/09

10/26/2009 Motion -

Original Type

Motion to Reconsider

Motion to Reconsider

Judicial Officer

Delaney, Kathleen E.

Hearing Time 9:00 AM

Result Matter Continued

Comment

DEFT CAMCO'S RENEWED MTN FOR CLARIFICATION OR RECONSIDERATION OF ARIL 6, 2009 RULING RE: EXECUTIVE PLASTERING'S APPLICATION FOR ORDER TO SHOW CAUSE WHY PREJUDGMENT WRIT OF ATTACHMENT & WRIT OF GARNISHMENT SHOULD NOT ISSUE AFTER NOTICE (CONSOLIDATED CASE)

10/26/2009 Joinder -

Original Type

Joinder

Judicial Officer Delaney, Kathleen E.

Hearing Time 9:00 AM

Result Granted

### Comment

Bradley J. Scott's Joinder to Scott Financial Corporation's Motion to Dismiss Club Vista Financial Services, L.L.C. and Tharaldson Motels II, Inc.'s Counterclaim

10/26/2009 Joinder -

Original Type Joinder

### Judicial Officer Delaney, Kathleen E.

Hearing Time 9:00 AM

Result Granted

#### Comment

LIEN CLAIMANT REPUBLIC CRANE'S JOINDER IN SCOTT FINANCIAL CORP'S MOTION TO DISMISS CLUB VISTA FINANCIAL SERVICES AND THARALDSON MOTELS II'S COUNTERCLAIM

10/26/2009 Joinder -

Judicial Officer

Delaney, Kathleen E.

Hearing Time 9:00 AM

Comment

PLTF AHERN RENTAL'S JOINDER TO SCOTT FINANCIAL CORP'S MOTION TO DISMISS CLUB VISTA FINANCIAL SERVICES AND THERALDSON MOTEL II'S COUNTERCLAIM

10/26/2009 Joinder -

Original Type Joinder

Joinder

Judicial Officer Delaney, Kathleen E.

Hearing Time 9:00 AM

Result Granted

Comment

LIEN CLAIMANT DAVE PETERSON FRAMING INC'S JOINDER TO SCOTT FINANCIAL CORP'S MOTION TO DISMISS CLUB VISTA FINANCIAL SERVICES AND THARALDSON MOTELS II' COUNTERCLAIM

10/26/2009 Joinder -

Original Type Joinder

Judicial Officer Delaney, Kathleen E.

Hearing Time 9:00 AM

Result

#### Granted

Comment

## LIEN CLAIMANT E&E FIRE PROTECTION'S JOINDER TO SCOTT FINANCIAL CORP'S MOTION TO DISMISS CLUB VISTA FINANCIAL SERVICES AND THARALDSON MOTELS II' COUNTERCLAIM

10/26/2009 Joinder -

### Judicial Officer Delaney, Kathleen E.

Hearing Time 9:00 AM

#### Comment

LIEN CLAIMANT DOORS AND MILLWORKS' JOINDER TO SCOTT FINANCIAL CORP'S MOTION TO DISMISS CLUB VISTA FINANCIAL SERVICES AND THARALDSON MOTELS II' COUNTERCLAIM

10/26/2009 Joinder -

Judicial Officer

Delaney, Kathleen E.

Hearing Time 9:00 AM

Cancel Reason Vacated - per Stipulation and Order

Comment Stip and Order received 10/19/09

10/26/2009 Joinder -

Judicial Officer Delaney, Kathleen E.

Hearing Time 9:00 AM

Cancel Reason Vacated - per Stipulation and Order

Comment Stip and Order received

10/26/2009 All Pending Motions -

Original Type All Pending Motions

All Pending Motions

Judicial Officer Delaney, Kathleen E.

#### Hearing Time 9:00 AM

Result Matter Heard

#### Comment

BRADLEY J. SCOTT'S JOINDER TO SCOTT FINANCIAL CORP'S MOTION TO DISMISS CLUB VISTA FINANCIAL SERVICES, LLC AND THARALDSON MOTELS II, INC'S COUNTERCLAIM ... LIEN CLAIMANT REPUBLIC CRANE'S JOINDER IN SCOTT FINANCIAL CORP'S MOTION TO DISMISS CLUB VISTA FINANCIAL SERVICES AND THARALDSON MOTELS II'S COUNTERCLAIM ... PLTF AHERN RENTAL'S JOINDER TO SCOTT FINANCIAL CORP'S MOTION TO DISMISS CLUB VISTA FINANCIAL SERVICES AND THERALDSON MOTEL II'S COUNTERCLAIM ... LIEN CLAIMANT DAVE PETERSON FRAMING INC'S JOINDER TO SCOTT FINANCIAL CORP'S MOTION TO DISMISS CLUB VISTA FINANCIAL SERVICES AND THARALDSON MOTELS II' COUNTERCLAIM ... LIEN CLAIMANT E&E FIRE PROTECTION'S JOINDER TO SCOTT FINANCIAL CORP'S MOTION TO DISMISS CLUB VISTA FINANCIAL SERVICES AND THARALDSON MOTELS II' COUNTERCLAIM ... LIEN CLAIMANT DOORS AND MILLWORKS' JOINDER TO SCOTT FINANCIAL CORP'S MOTION TO DISMISS CLUB VISTA FINANCIAL SERVICES AND THARALDSON MOTELS II' COUNTERCLAIM ... DEFT SCOTT FINANCIAL CORPORATION'S MOTION TO DISMISS CLUB VISTA

Parties Present 
Defendant

Attorney: Meier, Glenn F

Intervenor Defendant

Attorney: Blake, David

Third Party Defendant

Attorney: Blake, David

Intervenor

Attorney: Dobberstein, Eric

**Counter Claimant** 

Attorney: Dobberstein, Eric

Third Party Plaintiff

Attorney: Dobberstein, Eric

Intervenor

Attorney: Dixon, Stephen M.

Third Party Plaintiff

Attorney: Dixon, Stephen M.

Intervenor Plaintiff

Attorney: Craft, Christopher

Intervenor Defendant

Attorney: Dixon, Stephen M.

Intervenor Defendant	
Attorney: Muckleroy, Martin A.	
Intervenor Defendant	
Attorney: Muckleroy, Martin A.	
Counter Claimant	
Attorney: Muckleroy, Martin A.	
Counter Claimant	
Attorney: Muckleroy, Martin A.	
Counter Claimant	
Attorney: Muckleroy, Martin A.	
Counter Defendant	
Attorney: Meier, Glenn F	
Counter Defendant	
Attorney: Carter, Matthew S.	
Counter Defendant	
Attorney: Blake, David	
Counter Defendant	
Attorney: Dobberstein, Eric	
Counter Defendant	
Attorney: Perkins, Robin E.	
Counter Defendant	
Attorney: Dixon, Stephen M.	
Counter Defendant	
Attorney: Dixon, Stephen M.	
Counter Defendant	
Attorney: Craft, Christopher	
Counter Defendant	
Attorney: Dixon, Stephen M.	
Counter Defendant	
Attorney: Dixon, Stephen M.	
Counter Defendant	
Attorney: Craft, Christopher	
Counter Defendant	
Attorney: CAWLEY, REUBEN	
Counter Defendant	
Attorney: Craft, Christopher	
Doing Business As	

1	Attorney: Craft, Christopher
Co	ounter Claimant
1	Attorney: Blake, David
De	fendant
	Attorney: Carter, Matthew S.
Int	ervenor Defendant
,	Attorney: Meier, Glenn F
Ot	her
	Attorney: Gochnour, Wade B.
10/2	9/2009 Reply to Opposition 👻
Rep	ly to Opposition
С	omment amco's Reply to Opposition to Renewed Motion for Clarification nd Reconsideration
11/0	2/2009 Motion to Associate Counsel -
	cial Officer iney, Kathleen E.
	ring Time AM
Can Vac	cel Reason ated
	ament er signed
11/0	2/2009 Motion to Associate Counsel ▼
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	ring Time AM
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11/0	2/2009 Order Granting Motion 🔻
Ord	er Granting Motion
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С	rder Granting Motion to Associate Counsel John Moshier <b>JA007720</b>

der Granting Motion Comment Order Granting Motion to Associate Counsel Christine Taradash 20/2009 Order Granting Motion • der Granting Motion Comment Order Granting Motion to Associate Counsel Martin A Aronson 20/2009 Reply • unterdefendant Cabinetec Inc.'s Reply to Club Vista Financial rvices LLC's Counterclaim Comment Counterdefendant Cabinetec Inc.'s Reply to Club Vista Financial Services LLC's Counterclaim 20/2009 Motion to Withdraw As Counsel • 4tion to Withdraw as Counsel Comment Motion to Withdraw as Counsel 20/2009 Answer to Interpleader • mstone Development West, Inc.'s Answer to Complaint for mages and to Foreclose Mechanic's Lien (Buchele, Inc.) 20/2009 Notice • fendant Gemstone Development West, Inc.'s Notice of nsolidation with Case No. 08-A571228 Comment Defendant Gemstone Development West, Inc.'s Notice of 20/2009 Answer to Interpleader •	Comment Order Granting Motion to Associate Counsel Christine Taradash 02/2009 Order Granting Motion der Granting Motion Comment Order Granting Motion to Associate Counsel Martin A Aronson 04/2009 Reply unterdefendant Cabinetec Inc.'s Reply to Club Vista Financial vices LLC's Counterclaim Comment Counterdefendant Cabinetec Inc.'s Reply to Club Vista Financial services LLC's Counterclaim 04/2009 Motion to Withdraw As Counsel 04/2009 Motion to Withdraw As Counsel tion to Withdraw as Counsel 04/2009 Answer to Interpleader mstone Development West, Inc.'s Answer to Complaint for mages and to Foreclose Mechanic's Lien Comment Gemstone Development West, Inc.'s Answer to Complaint for Damages and to Foreclose Mechanic's Lien (Buchele, Inc.) 04/2009 Notice 04/2009 Notice fendant Gemstone Development West, Inc.'s Notice of
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Order Granting Motion to Associate Counsel Christine Taradash 102/2009 Order Granting Motion ▼ der Granting Motion Comment Order Granting Motion to Associate Counsel Martin A Aronson 104/2009 Reply ▼ unterdefendant Cabinetec Inc.'s Reply to Club Vista Financial rvices LLC's Counterclaim Comment Counterdefendant Cabinetec Inc.'s Reply to Club Vista Financial Services LLC's Counterclaim 104/2009 Motion to Withdraw As Counsel ▼ tion to Withdraw as Counsel Comment Motion to Withdraw as Counsel 104/2009 Answer to Interpleader ▼ mstone Development West, Inc.'s Answer to Complaint for mages and to Foreclose Mechanic's Lien Comment Gernstone Development West, Inc.'s Answer to Complaint for Damages and to Foreclose Mechanic's Lien (Buchele, Inc.) 104/2009 Notice ▼ fendant Gemstone Development West, Inc.'s Notice of nsolidation with Case No. 08-A571228 Comment Defendant Gemstone Development West, Inc.'s Notice of Consolidation with Case No. 08-A571228 Comment Defendant Gemstone Development West, Inc.'s Notice of Consolidation with Case No. 08-A571228 Comment Defendant Gemstone Development West, Inc.'s Notice of Consolidation with Case No. 08-A571228 Comment Defendant Gemstone Development West, Inc.'s Notice of Consolidation with Case No. 08-A571228 Comment Defendant Gemstone Development West, Inc.'s Notice of Consolidation with Case No. 08-A571228 Comment Defendant Gemstone Development West, Inc.'s Notice of Consolidation with Case No. 08-A571228 Comment Defendant Gemstone Development West, Inc.'s Notice of Consolidation with Case No. 08-A571228 Comment Defendant Gemstone Development West, Inc.'s Notice of Consolidation with Case No. 08-A571228 Comment Consolidation with Ca	Order Granting Motion to Associate Counsel Christine Taradash 02/2009 Order Granting Motion ▼ der Granting Motion Comment Order Granting Motion to Associate Counsel Martin A Aronson 04/2009 Reply ▼ unterdefendant Cabinetec Inc.'s Reply to Club Vista Financial rvices LLC's Counterclaim Comment 04/2009 Motion to Withdraw As Counsel ▼ tion to Withdraw as Counsel 04/2009 Answer to Interpleader ▼ mstone Development West, Inc.'s Answer to Complaint for mages and to Foreclose Mechanic's Lien Comment Gemstone Development West, Inc.'s Answer to Complaint for Damages and to Foreclose Mechanic's Lien 04/2009 Notice ▼ fendant Gemstone Development West, Inc.'s Notice of
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04/2009 Answer to Interpleader 🔻	Defendant Gemstone Development West, Inc.'s Notice of
	04/2009 Answer to Interpleader 🕶
mstone Development West, Inc.'s Answer to Uintah Investments, C Complaint	
Comment	Comment
Gemstone Development West, Inc.'s Answer to Uintah Investments, LLC Complaint	

11/04/2009 Answer to Interpleader -	
Gemstone Development West, Inc.'s Answer to Ready M Statement of Facts Constituting Lien	ix, Inc.'s
Comment Gemstone Development West, Inc.'s Answer to Ready Statement of Facts Constituting Lien and Complaint fo Foreclosure of Mechanics' Lien	
11/04/2009 Notice	
Defendant Gemstone Development West, Inc.'s Notice of Consolidation with Case No. 08-A571228 (HA Fa	F
Comment Defendant Gemstone Development West, Inc.'s Notice Consolidation with Case No. 08-A571228 (HA Fabrica	
11/04/2009 Notice -	
Defendant Gemstone Development West, Inc.'s Notice of Consolidation with Case No. 08-A571228 (Grayb	Ĩ
Comment Defendant Gemstone Development West, Inc.'s Notice Consolidation with Case No. 08-A571228 (Graybar Ele Company, Inc.)	
11/04/2009 Notice -	
Defendant Gemstone Development West, Inc.'s Notice of	F
Defendant Gemstone Development West, Inc.'s Notice of	e of
Defendant Gemstone Development West, Inc.'s Notice of Consolidation with Case No. 08-A571228 (PCI G Comment Defendant Gemstone Development West, Inc.'s Notice Consolidation with Case No. 08-A571228 (PCI Group,	e of
Defendant Gemstone Development West, Inc.'s Notice of Consolidation with Case No. 08-A571228 (PCI G Comment Defendant Gemstone Development West, Inc.'s Notice Consolidation with Case No. 08-A571228 (PCI Group, 11/04/2009 Answer ▼ Scott Financial Corporation's Answer to Custom Select B	e of LLC)
Defendant Gemstone Development West, Inc.'s Notice of Consolidation with Case No. 08-A571228 (PCI G Comment Defendant Gemstone Development West, Inc.'s Notice Consolidation with Case No. 08-A571228 (PCI Group, 11/04/2009 Answer ▼ Scott Financial Corporation's Answer to Custom Select B	e of LLC) illing, Inc.'s t Billing,
Defendant Gemstone Development West, Inc.'s Notice of Consolidation with Case No. 08-A571228 (PCI G Comment Defendant Gemstone Development West, Inc.'s Notice Consolidation with Case No. 08-A571228 (PCI Group, 11/04/2009 Answer ▼ Scott Financial Corporation's Answer to Custom Select B Statement of Facts Constituti Comment Scott Financial Corporation's Answer to Custom Select Inc.'s Statement of Facts Constituting Lien and Comple Intervention	e of LLC) illing, Inc.'s t Billing,
Defendant Gemstone Development West, Inc.'s Notice Consolidation with Case No. 08-A571228 (PCI Group, 11/04/2009 Answer ▼ Scott Financial Corporation's Answer to Custom Select B Statement of Facts Constituti Comment Scott Financial Corporation's Answer to Custom Select Inc.'s Statement of Facts Constituting Lien and Complete	e of LLC) illing, Inc.'s t Billing,

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	emstone Development West, Inc.'s Notice of n with Case No. 08-A571228
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11/04/2009 Noti	ce 🕶
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Comment	
	emstone Development West, Inc.'s Notice of n with Case No. 08-A571228
11/04/2009 Mot	ion to Withdraw As Counsel
11/05/2009 Ans	wer 🔻
	Corporation's Answer to Hydropressure Cleaning, t of Facts Constitut
	al Corporation's Answer to Hydropressure Cleaning, ent of Facts Constituting Lien and Complaint in
11/06/2009 Mot	ion to Amend Complaint <del>-</del>
	d Complaint
Motion to Amen	
Motion to Amen Comment	oration's Proposed Second Amended Complaint in
Comment	
Comment Harsco Corpo	
Comment Harsco Corpo Intervention	
Comment Harsco Corpo Intervention	er Granting ▼
Comment Harsco Corpo Intervention 11/10/2009 Orde Order Granting 11/10/2009 Orde	er Granting ▼
Comment Harsco Corpo Intervention 11/10/2009 Orde Order Granting 11/10/2009 Orde	er Granting ▼ er ▼ ule 16 Conference, Designating the Case as Complex

Motels II, Inc.'s Counterclaim	
11/10/2009 Order 🔻	
Order	
11/10/2009 Notice of Motion -	
Notice of Motion	
11/11/2009 Notice of Entry -	
Notice of Entry of Order Setting Rule 16 Case as Complex Pursuant to NR	Conference, Designating the
Comment Notice of Entry of Order Setting Rule Designating the Case as Complex P and Continuing the Hearing on Defer Corporation s Motion to Dismiss Co- Services, LLC and Tharaldson Motel	ursuant to NRCP 16.1(f), ndant Scott Financial Defendants Vista Financial
11/12/2009 Notice of Entry of Order -	
Notice of Entry of Order	
11/13/2009 Stipulation and Order for Di	smissal 🔻
Stipulation and Order for Dismissal	
Comment Stipulation and Order for Dismissal of Complaint Against Camco Pacific Co Counterclaim Against Steel Structure	onstruction, and Camco's
11/16/2009 Motion to Associate Counse	a) 🗸
Judicial Officer Delaney, Kathleen E.	
Hearing Time	
9:00 AM	
Cancel Reason	
Cancel Reason Vacated Comment	
9:00 AM Cancel Reason Vacated Comment Order signed 11/16/2009 Notice of Entry of Order <del>-</del>	

Comment Notice of Entry of Order for Dismissal of Steel Structures Complaint against Camco Pacific Construction and Camcos Counterclaim Against Steel Structures	
11/16/2009 Reply -	
Nevada Prefab's Reply to Camco's Counterclaim	
Comment Nevada Prefab's Reply to Camco's Counterclaim	
11/17/2009 Notice of Entry of Order -	
Notice of Entry of Order	
11/18/2009 Answer 🔻	
Answer	
Comment	
Scott Financial Corporation's Answer to HD Supply Waterworks Amended Statement of Facts Constituting a Notice of Lien and Third Party Complaint	
11/19/2009 Mandatory Rule 16 Conference ▼ Original Type	
Mandatory Rule 16 Conference	
Mandatory Rule 16 Conference	
Judicial Officer Delaney, Kathleen E.	
Hearing Time 10:00 AM	
Result Matter Heard	
Parties Present▲ Defendant: Gemstone Development West Inc	
Defendant	
Attorney: Meier, Glenn F	
Intervenor Defendant	
Attorney: Vlasic, Charles	
Intervenor	
Attorney: Dobberstein, Eric	
Counter Claimant	
Attorney: Dobberstein, Eric	

Attorney: Dobberstein, Eric	
Intervenor Plaintiff	
Attorney: Craft, Christopher	
Intervenor Defendant	
Attorney: Muckleroy, Martin A.	
Intervenor Defendant	
Attorney: Muckleroy, Martin A.	
Counter Claimant	
Attorney: Muckleroy, Martin A.	
Counter Claimant	
Attorney: Muckleroy, Martin A.	
Counter Claimant	
Attorney: Muckleroy, Martin A.	
Counter Defendant	
Attorney: Meier, Glenn F	
Counter Defendant	
Attorney: Vlasic, Charles	
Counter Defendant	
Attorney: Dobberstein, Eric	
Counter Defendant	
Attorney: Perkins, Robin E.	
Counter Defendant	
Attorney: Craft, Christopher	
Counter Defendant	
Attorney: Craft, Christopher	
Counter Defendant	
Attorney: Rycraft Jr., Dale R.	
Counter Defendant	
Attorney: Walters, Brian K.	
Counter Defendant	
Attorney: Pintar, Becky	
Counter Defendant	
Attorney: Craft, Christopher	
Doing Business As	
Attorney: Craft, Christopher	
Intervenor Plaintiff	
Attorney: Walters, Brian K.	<b>.</b>
JA007726	

L	Attorney: Meier, Glenn F
	her
4	Attorney: Gochnour, Wade B.
11/2	3/2009 Motion to Withdraw as Counsel ▼
_	inal Type on to Withdraw as Counsel
Moti	on to Withdraw as Counsel
	cial Officer ney, Kathleen E.
	ring Time AM
Resi Grar	
	iment
KOC	CH'S MOTION TO WITHDRAW AS COUNSEL OF RECORD FOR PUBLIC CRANE SERVICES LLC
11/2	3/2009 Answer to Interpleader ▼
11/2	5/2000 Answer to intellicated
	nstone Development West Inc's Answer to PCI Group LLC's aplaint
G	omment emstone Development West Inc's Answer to PCI Group LLC's omplaint
11/2	3/2009 Errata ▼
Erra	ta
-	omment rrata to Motion to Withdraw as Counsel
11/2	5/2009 Order Granting Motion -
Orde	er Granting Motion
_	omment
0	rder Granting Motion to Withdraw as Counsel
11/2	5/2009 Order Granting Motion -
Orde	er Granting Motion
C	omment

Substitution of Attorneys	
Comment Substitution of Attorneys	
12/07/2009 Motion to Withdraw as Counsel -	
Original Type Motion to Withdraw as Counsel	
Motion to Withdraw as Counsel	
Judicial Officer Delaney, Kathleen E.	
Hearing Time 9:00 AM	
Result Granted	
Comment WATKINS' MOTION TO WITHDRAW AS ATTO FOR INTERVENOR/LIEN CLAIMANT CABINET	
Parties Present  Intervenor	
Attorney: Watkins, Justin L.	
Counter Defendant	
Attorney: Watkins, Justin L.	
12/07/2009 Errata 🔻	
Errata to Affidavit in Support of Motion to Withdr	aw as Counsel
Comment Errata to Affidavit in Support of Motion to With	ndraw as Counsel
12/07/2009 Notice of Entry -	
Notice of Entry of Order	
Comment Notice of Entry of Order	
12/08/2009 Motion to Amend Complaint -	
Original Type Motion to Amend Complaint	
Motion to Amend Complaint	
Motion to Amend Complaint Judicial Officer Delaney, Kathleen E.	

Comm	nent
	CO CORP'S MOTION FOR SECOND AMENDED COMPLAINT ERVENTION
	es Present  venor
At	torney: Williams, Donald H
Inter	venor
At	torney: Williams, Donald H
Cou	nter Defendant
At	torney: Williams, Donald H
Doin	g Business As
At	torney: Williams, Donald H
Cou	nter Defendant
At	torney: Williams, Donald H
12/09/	2009 Motion to Withdraw As Counsel -
Motior	n to Withdraw As Counsel
12/09/	2009 Notice of Hearing ▼
Notice	of Hearing
Not	nment ice of Hearing Re Motion to Withdraw as Counsel on an ler Shortening Time
12/16/	2009 Order Granting Motion -
Order	Granting Motion
Сог	nment
	ler Granting Harsco Corporation's Motion to Amend nplaint in Intervention
12/18/	2009 Summons -
Subtit	ution of Attorney
	nment bitution of Attorney
12/21/	2009 Order Granting Motion -
Order	Granting Motion

12/2 //2000 110(0000	Entry of Order -	
Notice of Entry of Or	ler	
12/23/2009 Motion to	Withdraw as Counsel	•
Original Type Motion to Withdraw a	s Counsel	
Motion to Withdraw a	s Counsel	
Judicial Officer Delaney, Kathleen E		
Hearing Time 9:00 AM		
Result Conditionally Grante	i	
	ON TO WITHDRAW AS VE PLASTERING INC	COUNSEL OF RECORD
12/23/2009 Motion to	Withdraw As Counsel	•
Motion to Withdraw / Comment Motion to Withdra		
	V As Courisei	
12/23/2009 Amende	l Complaint 🗸	
Amended Complaint		
Comment Harsco Corporatio	ns Second Amended C	complaint in Intervention
12/28/2009 Notice of	Entry of Order -	
Notice of Entry of Or	der	
12/29/2009 Errata 🔻		
Errata		
Comment	Withdraw as Counsel o	on an Order Shortening
Comment Errata to Motion to		on an Order Shortening

	nt Counter-Defendant HA Fabricators, Inc.'s Answer to Construction's Counterclaim
01/11/2010	) Notice of Dismissal 💌
Notice of E	ismissal
Comme Plaintiff	nt In Intervention Inquipco's Notice of Dismissal
01/11/2010	Notice of Bankruptcy -
Notice of E	
	nt f Chapter 7 Bankruptcy Filing and Automatic Stay as to onry Group Nevada Inc
01/11/2010	Release of Lis Pendens -
Release of	Lis Pendens
Comme Plaintiff	nt in Intervention Inquipco's Release of Lis Pendens
01/19/2010	Order -
Order	
-	nt e Motion to Withdraw as Counsel on an Order ing Time
01/22/2010	Notice of Entry of Order -
Notice of E	ntry of Order
	nt f Entry of Order Re Motion to Withdraw as Counsel on r Shortening Time
01/25/2010	) Motion to Withdraw as Counsel ▼
Original Ty Motion to V	pe Vithdraw as Counsel
Motion to \	Vithdraw as Counsel
Judicial Of Delaney, K	
Hearing Ti 9:00 AM	me
Result	
Granted	JA007731

GILE OF F	ment BERT AND THUESON'S MOTION TO WITHDRAW AS COUNSEL RECORD FOR DEFTS GEMSTONE DEVELOPMENT WEST INC,
GEM	ISTONE DEVELOPMENT LLC, AND EDELSTEIN
	ies Present▲ fendant
ŀ	Attorney: Oblad, John T.
Int	ervenor
ŀ	Attorney: Dixon, Stephen M.
Th	ird Party Plaintiff
A	Attorney: Dixon, Stephen M.
Int	ervenor Defendant
A	Attorney: Dixon, Stephen M.
Co	unter Defendant
A	Attorney: Oblad, John T.
Со	unter Defendant
A	Attorney: Dixon, Stephen M.
Со	unter Defendant
A	Attorney: Dixon, Stephen M.
Со	unter Defendant
A	Attorney: Dixon, Stephen M.
Со	unter Defendant
A	Attorney: Dixon, Stephen M.
Со	unter Defendant
A	Attorney: CAWLEY, REUBEN
Int	ervenor Defendant
ļ	Attorney: Oblad, John T.
01/2	6/2010 Amended Certificate of Mailing -
Ame	nded Certificate of Mailing
С	omment
	mended Certificate of Mailing Re Notice of Entry of Order Re otion to Withdraw as Counsel on an Order Shortening Time
01/2	8/2010 Order -
Case	e Management Order
	omment
С	ase Management Order
01/2	9/2010 Notice -
	JA007732

Commont	
Comment Notice of Entry of Case I	Management Order
02/01/2010 Certificate 🔻	
Amended Certificate of Ser	vice
Comment	
Amended Certificate of S	Service
02/02/2010 Order -	
Order Granting Motion to V Development West, Inc.; G	Vithdraw as Counsel for Gemstone emstone Devement
Comment	
-	o Withdraw as Counsel for Gemstone
Development West, Inc. Alexander Edelstein	; Gemstone Devement, LLC; and
02/03/2010 Consent to Ser	vice By Electronic Means 🕶
Pape Rents' Consent to Se	rvice by Electronic Means
Comment	
Pape Rents' Consent to	Service by Electronic Means
02/03/2010 Notice of Entry	•
Notice of Entry of Order Gr Gemstone Development W	anting Motion to Withdraw as Counsel for /est, Inc.
Comment	
•	Granting Motion to Withdraw as Counsel ent West, Inc., Gemstone Development,
LLC, and Alexander Ede	elstein
02/04/2010 Consent -	
Harsco Corporation and Ez Inc.'s Consent to Service b	Z, P.C. dba Oz Architecture of Nevada, y Electro
Comment	
•	EZ, P.C. dba Oz Architecture of
Nevada, Inc.'s Consent	to Service by Electronic Means
02/05/2010 Substitution of	Attorney -
Substitution of Attorney for	The Pressure Grout Company
Comment	
Substitution of Attorney	for The Pressure Grout Company

Comm	Without Prejudice
Ctipula	
-	ation and Order of Dismissal of Defendant Nevada ruction Services Without Prejudice
02/12/20 <sup>-</sup>	10 Stipulation and Order for Dismissal 👻
	n and Order for Dismissal without Prejudice of Hydropressure , Inc.'s Claims Agai
Hydrop	ent ation and Order for Dismissal without Prejudice of pressure Cleaning, Inc.'s Claims Against Nevada ruction Services Only
02/12/201	10 Suggestion of Bankruptcy 👻
Suggestic	on of Bankruptcy Petition Amicus Curiae
Comm Sugge	ent stion of Bankruptcy Petition Amicus Curiae
02/17/20 <sup>7</sup>	10 Consent to Service By Electronic Means ▼
Consent	to Service By Electronic Means
Comm	
Conse	nt to Service By Electronic Means
02/22/201	10 Status Check 🔻
Original 1	Гуре
Status Cł	neck
Status Cł	neck
Judicial C	Officer
	Kathleen E.
Delaney,	
Hearing 7	l'ime
Hearing 7 9:00 AM Result	
Hearing 7 9:00 AM Result Matter He Commen STATUS GEMSTC	eard t CHECK: CONFIRMATION OF COUNSEL FOR DEFTS DNE DEVELOPMENT WEST INC, GEMSTONE
Hearing 7 9:00 AM Result Matter He Commen STATUS GEMSTC	eard t CHECK: CONFIRMATION OF COUNSEL FOR DEFTS
Hearing 7 9:00 AM Result Matter He Commen STATUS GEMSTC DEVELO	eard t CHECK: CONFIRMATION OF COUNSEL FOR DEFTS DNE DEVELOPMENT WEST INC, GEMSTONE
Hearing 7 9:00 AM Result Matter He Commen STATUS GEMSTC DEVELO	eard t CHECK: CONFIRMATION OF COUNSEL FOR DEFTS DNE DEVELOPMENT WEST INC, GEMSTONE PMENT LLC, AND EDELSTEIN
Hearing 7 9:00 AM Result Matter He Commen STATUS GEMSTC DEVELO 02/23/20 Lenders' Comm	eard t CHECK: CONFIRMATION OF COUNSEL FOR DEFTS DNE DEVELOPMENT WEST INC, GEMSTONE PMENT LLC, AND EDELSTEIN 10 Interrogatories • Standard Interrogatories to Lien Claimants

02/23/2010 Consent to	o Service By Electronic Means 👻
Consent to Service by	/ Electronic Means
Comment Consent to Service	by Electronic Means
02/26/2010 Motion for	r Partial Summary Judgment -
Plaintiff Ahern Rentals Against Defendant Ale	s, Inc's Motion for Partial Summary Judgment ex Edelstein
	tals, Inc's Motion for Partial Summary Defendant Alex Edelstein Only
03/01/2010 Motion for	r Partial Summary Judgment ▼
	pply, Inc.'s Motion for Partial Summary mstone Development
	Supply, Inc.'s Motion for Partial Summary Gemstone Development West, Inc.
03/02/2010 Notice of I	Hearing -
Notice of Hearing on A Judgment Against De	Ahern Rental Inc's Motion for Partial Summary fendant Alex
-	on Ahern Rental Inc's Motion for Partial nt Against Defendant Alex Edelstein Only
03/02/2010 Certificate	e of Service 👻
Certificate of Service of Judgment of Atlas Co	of Notice of Motion for Partial Summary nstruction Suppl
	ce of Notice of Motion for Partial Summary Construction Supply, Inc. Against Gemstone t, Inc.
03/04/2010 Ex Parte I	Motion 👻
Ex Parte Motion for O	rder to Show Cause on Order Shortening Time
Comment Ex Parte Motion for Time	r Order to Show Cause on Order Shortening
03/05/2010 Errata 🗸	
Errata To Order To Sł	now Cause
Comment	JA007735

03/05/2010 Notice of Ir	stent to Take Default -
03/03/2010 Notice of It	
	tent to Enter Default Against HA Fabricators,
Inc. on Counterclaim A	sserted b
Comment	
-	Intent to Enter Default Against HA
Construction	Counterclaim Asserted by APCO
Construction	
03/05/2010 Notice of Ir	itent to Take Default 👻
Three Day Notice of Int	tent to Take Default Against Gemstone
Development West, Inc	_
Comment	
	Intent to Take Default Against Gemstone
-	Inc. on Third-Party Complaint Asserted by
APCO Construction	Against Gemstone Development West, Inc.
03/08/2010 Substitution	n of Attorney 🔻
Substittion of Attorney	
Comment	
Substittion of Attorne	∋у
03/08/2010 Objection	•
Scott Financial Corpora	ation's Objection To Written Discovery Requests
To Gemstone Develop	
Comment	
Scott Financial Corp	oration's Objection To Written Discovery
Requests To Gemst	one Development West., Inc.
03/09/2010 Show Caus	se Hearing 👻
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Original Type Show Cause Hearing	
Show Cause Hearing Show Cause Hearing	
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Show Cause Hearing Show Cause Hearing Judicial Officer Delaney, Kathleen E.	
Show Cause Hearing Show Cause Hearing Judicial Officer	
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Show Cause Hearing Show Cause Hearing Judicial Officer Delaney, Kathleen E. Hearing Time 9:00 AM Result	
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Affidavit of Due Diligence Comment Affidavit of Due Diligence	JA007737
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03/09/2010 Affidavit 🕶	
Attorney: Meier, Glenn F	
Intervenor Defendant	
Attorney: CAWLEY, REUBEN	
Counter Defendant	
Attorney: Meier, Glenn F	
Counter Defendant	
Attorney: Muckleroy, Martin A	
Counter Claimant	
Attorney: Muckleroy, Martin A	
Counter Claimant	
Attorney: Muckleroy, Martin A	
Counter Claimant	
Attorney: Muckleroy, Martin A	
Intervenor Defendant	
Attorney: Muckleroy, Martin A	
Intervenor Defendant	
Attorney: Meier, Glenn F	

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Comment Affidavit of Service	
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03/09/2010 Affidavit -	
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03/	09/2010 Joinder -
	ing Brothers Construction, Inc.'s Joinder to APCA Construction's
Ubj	ection to Lenders' Standard
	JA007741

Lien Claimants	
03/09/2010 Affidavit 🝷	
Affidavit of Service re: Arch Alu Company of Nevada as Reside	minum c/o The Corporation trust nt Agen
Comment Affidavit of Service re: Arch A Company of Nevada as Resi	Aluminum c/o The Corporation trust dent Agent
03/10/2010 Affidavit 🗸	
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)3/10/2010 Early Case Confere	nce Disclosure Statement -
Plaintiff Ahern Rental's Early Ca Pursuant to N.R.C.P. 16.1	ase Conference Disclosure Statement
Comment Early Case Conference Disc	osure Statement
03/10/2010 Notice of Change o	f Address 🔻
Plaintiff HD Supply Construction Construction Supply, Inc.'s Noti	
Comment Plaintiff HD Supply Construc Construction Supply, Inc.'s N Telephone and Facsimile Nu	-
03/17/2010 Opposition -	
Scott Financial Corporation's O nc.'s Motion For Partial Su	pposition To Atlas Construction Supply,
	Opposition To Atlas Construction tial Summary Judgment Against

	cott Financial Corporation's Opposition To Ahern Rentals, Inc.'s
Μ	otion For Partial Summary Judgem
	Comment
	Scott Financial Corporation's Opposition To Ahern Rentals, Inc.'s
	Motion For Partial Summary Judgement Against Defendant Alex
	Edelstein
03	8/19/2010 Opposition to Motion For Summary Judgment ▼
D	efendant's Opposition to Ahern Rental Inc.'s Motion For Partial
	ummary Judgment Against Alex Edel
	Comment
	Defendant's Opposition to Ahern Rental Inc.'s Motion For Partial
	Summary Judgment Against Alex Edelstein Only
03	3/22/2010 Errata -
Tł	nird Errata to Order to Show Cause
	Comment
	Third Errata to Order to Show Cause
03	8/23/2010 Answer to Third Party Complaint ▼
S	cott Financial Corporation's Answer to Northstar Concrete, Inc.'s
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	tatement of Facts Constituing L
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	tatement of Facts Constituing L Comment Scott Financial Corporation's Answer to Northstar Concrete,
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St	tatement of Facts Constituing L Comment Scott Financial Corporation's Answer to Northstar Concrete, Inc.'s Statement of Facts Constituing Lien and Complaint in
S1	tatement of Facts Constituing L Comment Scott Financial Corporation's Answer to Northstar Concrete, Inc.'s Statement of Facts Constituing Lien and Complaint in Intervention 8/23/2010 Substitution of Attorney
S1	tatement of Facts Constituing L Comment Scott Financial Corporation's Answer to Northstar Concrete, Inc.'s Statement of Facts Constituing Lien and Complaint in Intervention
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03 03	tatement of Facts Constituing L Comment Scott Financial Corporation's Answer to Northstar Concrete, Inc.'s Statement of Facts Constituing Lien and Complaint in Intervention 3/23/2010 Substitution of Attorney ▼ ubstitution of Counsel Comment Substitution of Counsel 3/25/2010 Joinder ▼
Si O Si O Zi	tatement of Facts Constituing L Comment Scott Financial Corporation's Answer to Northstar Concrete, Inc.'s Statement of Facts Constituing Lien and Complaint in Intervention 3/23/2010 Substitution of Attorney ▼ ubstitution of Counsel Comment Substitution of Counsel
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Si O Si O Zi	tatement of Facts Constituing L Comment Scott Financial Corporation's Answer to Northstar Concrete, Inc.'s Statement of Facts Constituing Lien and Complaint in Intervention 3/23/2010 Substitution of Attorney ▼ abstitution of Counsel Comment Substitution of Counsel 3/25/2010 Joinder ▼ thing Brothers Construction, Inc.'s Joinder to Scott Financial orporation's Oppostion to Atlas S Comment Zitting Brothers Construction, Inc.'s Joinder to Scott Financial
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Si O Si O Zi	tatement of Facts Constituing L Comment Scott Financial Corporation's Answer to Northstar Concrete, Inc.'s Statement of Facts Constituing Lien and Complaint in Intervention 3/23/2010 Substitution of Attorney ▼ abstitution of Counsel Comment Substitution of Counsel 3/25/2010 Joinder ▼ thing Brothers Construction, Inc.'s Joinder to Scott Financial orporation's Oppostion to Atlas S Comment Zitting Brothers Construction, Inc.'s Joinder to Scott Financial
03 SI Q3 Zi cc	tatement of Facts Constituing L Comment Scott Financial Corporation's Answer to Northstar Concrete, Inc.'s Statement of Facts Constituing Lien and Complaint in Intervention 3/23/2010 Substitution of Attorney ▼ ubstitution of Counsel Comment Substitution of Counsel 3/25/2010 Joinder ▼ thing Brothers Construction, Inc.'s Joinder to Scott Financial orporation's Oppostion to Atlas S Comment Zitting Brothers Construction, Inc.'s Joinder to Scott Financial corporation's Oppostion to Atlas Supply, Inc.'s Motion for Partial
	tatement of Facts Constituing L Comment Scott Financial Corporation's Answer to Northstar Concrete, Inc.'s Statement of Facts Constituing Lien and Complaint in Intervention 3/23/2010 Substitution of Attorney ◄ ubstitution of Counsel Comment Substitution of Counsel 3/25/2010 Joinder ◄ thing Brothers Construction, Inc.'s Joinder to Scott Financial opporation's Oppositon to Atlas S Comment Zitting Brothers Construction, Inc.'s Joinder to Scott Financial orporation's Oppositon to Atlas S Comment Zitting Brothers Construction, Inc.'s Joinder to Scott Financial corporation's Oppositon to Atlas Supply, Inc.'s Motion for Partial Summary Judgment Against Gemstone Development West, Inc.

	artial Summary Judgment
03/25/2010 Re	ply to Opposition 🔻
Reply to Defen Summary Judg	dant Edelstein's Opposition to Ahern's Motion for Partial ment
	fendant Edelstein's Opposition to Ahern's Motion for mary Judgment
03/25/2010 An	swer to Crossclaim 👻
	Corporation's Answer to Renaissance Pools & Spas, at of Facts Constit
	cial Corporation's Answer to Renaissance Pools & Statement of Facts Constituting Lien Claim
03/26/2010 Ce	rtificate of Mailing -
Certificate of M	ailing
Comment Certificate o	f Mailing
03/26/2010 De	fault 🕶
0	t Gemstone Development West, Inc. on Third-Party erted by APCO Construct
Party Compl	inst Gemstone Development West, Inc. on Third- laint Asserted by APCO Construction in Case No. 4-C which was Consolidated into A571228
03/26/2010 De	fault 🕶
Default Agains APCO Constru	t HA Fabricators, Inc. on Counterclaim Asserted by ction
•	4-28-10) Default Against HA Fabricators, Inc. on n Asserted by APCO Construction
03/29/2010 Ord	der Granting -
0	Defendant Scott Financial Corporation's Application for Cause
Order to Show	

0	3/30/2010 Motion for Partial Summary Judgment ▼
	riginal Type lotion for Partial Summary Judgment
N	otion for Partial Summary Judgment
_	udicial Officer elaney, Kathleen E.
	earing Time 00 AM
	esult ranted in Part
Ρ	omment Itf. Ahern Rentals Inc.'s Motion for Partial Summary Judgment gainst Deft. Edelstein Only
P	arties Present▲ Defendant
	Attorney: Meier, Glenn F
	Intervenor Defendant
	Attorney: Muckleroy, Martin A.
	Intervenor Defendant
	Attorney: Muckleroy, Martin A.
	Counter Claimant
	Attorney: Muckleroy, Martin A.
	Counter Claimant
	Attorney: Muckleroy, Martin A.
	Counter Claimant
	Attorney: Muckleroy, Martin A.
	Counter Defendant
	Attorney: Meier, Glenn F
	Counter Defendant
	Attorney: Perkins, Robin E.
	Intervenor Defendant
	Attorney: Meier, Glenn F
0	3/30/2010 Reply -
	tlas Construction Supply, Inc.'s Reply Brief In Support of Its Motion r Partial Summary Judgment
	Comment Atlas Construction Supply, Inc.'s Reply Brief In Support of Its Motion for Partial Summary Judgment Against Gemstone Development West, Inc. JA007745

03/31/2010 Motion for Substitution -	
Arch Aluminum's Motion to Substitute 25	Proper Party Pursuant to NRCP
Comment Arch Aluminum's Motion to Substit NRCP 25	ute Proper Party Pursuant to
04/01/2010 Notice of Lis Pendens -	
Cactus Rose Construction's Notice of	Lis Pendens
Comment Cactus Rose Construction's Notice	e of Lis Pendens
04/01/2010 Statement of Facts Const	ituting Lien 🗸
Cactus Rose Construction's Statement Lien and Complaint	nt of Facts Constituting Notice of
Comment A587168 Cactus Rose Constructio Constituting Notice of Lien and Co	
04/02/2010 Certificate of Service -	
Certificate of Service of Arch Aluminu Party Pursuant to NRCP 25	m's Motion to Substitute Proper
Comment Certificate of Service of Arch Alum Proper Party Pursuant to NRCP 25	
04/05/2010 Motion for Partial Summa	ry Judgment 👻
Original Type Motion for Partial Summary Judgmen	t
Motion for Partial Summary Judgmen	t
Judicial Officer Delaney, Kathleen E.	
Hearing Time 9:00 AM	
Result Matter Continued	
Comment Pltf. Atlas Construction Supply, Inc.'s Judgment Against Gemstone Develop	
Parties Present▲ Defendant	
Attorney: Meier, Glenn F	JA007746

Intervenor		
Attorney: Dobberstein, Eric		
Counter Claimant		
Attorney: Dobberstein, Eric		
Third Party Plaintiff		
Attorney: Dobberstein, Eric		
Intervenor		
Attorney: Williams, Donald H		
Intervenor		
Attorney: Williams, Donald H		
Counter Defendant		
Attorney: Meier, Glenn F		
Counter Defendant		
Attorney: Dobberstein, Eric		
Counter Defendant		
Attorney: Williams, Donald H		
Doing Business As		
Attorney: Williams, Donald H		
Counter Defendant		
Attorney: Williams, Donald H		
Counter Defendant		
Attorney: Gebhart, Michael T.		
Counter Defendant		
Attorney: Dachelet, David W		
Counter Defendant		
Attorney: Gebhart, Michael T.		
Counter Defendant		
Attorney: CAWLEY, REUBEN		
Counter Defendant		
Attorney: Gebhart, Michael T.		
Counter Defendant		
Attorney: Gebhart, Michael T.		
Counter Defendant		
Attorney: Gebhart, Michael T.		
Counter Defendant		
Attorney: Gebhart, Michael T.		
Counter Defendant	JA007747	

	Attorney: Gebhart, Michael T.
C	ounter Defendant
	Attorney: Gebhart, Michael T.
In	tervenor Plaintiff
	Attorney: Gebhart, Michael T.
In	tervenor Plaintiff
	Attorney: Gebhart, Michael T.
In	tervenor Plaintiff
	Attorney: Gebhart, Michael T.
In	tervenor Defendant
	Attorney: Meier, Glenn F
04/(	05/2010 Notice of Lis Pendens -
Inte	rstate Plumbing & Air Conditioning's Notice of Lis Pendens
	Comment
	nterstate Plumbing & Air Conditioning's Notice of Lis Pendens
04/0	05/2010 Statement of Facts Constituting Lien ▼
	rstate Plumbing & Air Conditioning's Statement of Facts stituting Notice of Lien and Complai
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04/(	05/2010 Voluntary Dismissal 👻
	Supply Waterworks LLP's Voluntary Dismissal of Platte River irance Company Only Without Preju
F	Comment ID Supply Waterworks LLP's Voluntary Dismissal of Platte River nsurance Company Only Without Prejudice
04/(	05/2010 Response 🔻
	s Construction Supply, Inc.'s Answers to Lenders' Standard rrogatories to Lien Claimants
C	Comment

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Plaintiff Ahern Rentals, Statement Pursuant to	, Inc.'s Early Case Conference Disclosure N.R.C.P. 16.
Comment Early Case Conferen	nce Disclosure Statement
04/07/2010 Consent to	Service By Electronic Means -
Consent for Service by	Electronic Means
Comment	
Consent for Service	by Electronic Means
04/07/2010 Consent to	Service By Electronic Means -
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Consent to Service	by Electronic Means
04/07/2010 Notice of C	Compliance -
nsulpro Projects, Inc.'s	s First Notice of Compliance
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APCO Construction	Commencement of Construction and Lien
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APCO Construction Perfection of Lien, C Priority 04/07/2010 Response Ferguson Fire & Fabric Interrogatories to Lien Comment Ferguson Fire & Fat Standard Interrogator	cation, Inc.'s Responses to Lenders' Standard Claimant prication, Inc.'s Responses to Lenders' pries to Lien Claimants of Documents ▼ ation's Production of Documents Pursuant to
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Standard Interrogatories	Responses to Lien Claimant's
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Scott Financial Corporation's Re Interrogatories	esponses to Lien Claimant's Standard
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Scott Financial Corporation's Standard Interrogatories	Responses to Lien Claimant's
04/07/2010 Response -	
Scott Financial Corporation's R	esponses to Lien Claimant's Standard
Request for Admissions	
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Scott Financial Corporation's Standard Request for Admise	Responses to Lien Claimant's
Standard Nequest for Admis	3013
04/08/2010 Disclosure of Docur	ments and Witnesses Pursuant to
NRCP 16.1 -	
Lien Claimant Cell-Crete Fireprand Witnesses	oofing's Initial Disclosure of Documents
Comment	
Lien Claimant Cell-Crete Fire Documents and Witnesses	eproofing's Initial Disclosure of
04/08/2010 Affidavit of Service	•
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Affidavit of Service	<b>JA007750</b>

04/13/2	2010 Show Cause Hearing <del>▼</del>
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Notice	of Intent to Default
04/09/2	2010 Notice of Intent to Take Default -
	nment y Case Conference Disclosure Statement
	f Ahern Rentals, Inc.'s Early Case Conference Disclosure ent Pursuant to N.R.C.P. 16.
04/09/2	2010 Early Case Conference Disclosure Statement -
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#### Judicial Officer Delaney, Kathleen E.

Hearing Time 9:00 AM

Result Matter Heard

#### Comment

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

#### 04/13/2010 All Pending Motions -

Original Type All Pending Motions

All Pending Motions

Judicial Officer

Delaney, Kathleen E.

Hearing Time 9:00 AM

Result Matter Heard

#### Comment

Hearing Re: Show Cause Why Liens Should Not Be Expunged (Jensen Enterprises Inc., Paramount Scaffold Inc., Carpets-N-More, Nedco Supply, Anthony Vizl/SWPPP Compliance Solutions LLC, Sacramento Insulation Contractors Inc., Eastridge Personnel of Las Vegas, Westward Ho LLC, Larry Methvin Installation Inc., Interstate Plumbing & Air Conditioning, S R Bray Corp Power Plus, Sunstate Equipment Company LLC, Sunstate Companies Inc., Towey Equipment Company Inc., Geotek Inc., Superior Traffic Services, Summit Sand & Gravel Inc., K & G Construction Inc., Tiberti Company, and Design Space Modular Buildings Inc.)...Pltf. Atlas Construction Supply, Inc.'s Motion for Partial Summary Judgment Against Gemstone Development West, Inc.

Parties Present▲ Defendant

Attorney: Meier, Glenn F

Intervenor

Attorney: Reade, Robert C.

Intervenor

Attorney: Dobberstein, Eric

JA007752

Counter Claimant	
Attorney: Dobberstein, Eric	
Third Party Plaintiff	
Attorney: Dobberstein, Eric	
Intervenor	
Attorney: Williams, Donald H	
Intervenor	
Attorney: Williams, Donald H	
Counter Defendant	
Attorney: Meier, Glenn F	
Counter Defendant	
Attorney: Dobberstein, Eric	
Counter Defendant	
Attorney: Williams, Donald H	
Doing Business As	
Attorney: Williams, Donald H	
Counter Defendant	
Attorney: Clifford, David S	
Counter Defendant	
Attorney: Reade, Robert C.	
Counter Defendant	
Attorney: Williams, Donald H	
Counter Defendant	
Attorney: Gebhart, Michael T.	
Counter Defendant	
Attorney: Dachelet, David W	
Counter Defendant	
Attorney: Gebhart, Michael T.	
Counter Defendant	
Attorney: CAWLEY, REUBEN	
Counter Defendant	
Attorney: Peel, Richard L.	
Attorney: Gebhart, Michael T.	
Counter Defendant	
Attorney: Peel, Richard L.	
Attorney: Gebhart, Michael T.	
Counter Defendant	

Attorney: Peel, Richard L.	
Attorney: Gebhart, Michael T.	
Counter Defendant	
Attorney: Peel, Richard L.	
Attorney: Gebhart, Michael T.	
Counter Defendant	
Attorney: Peel, Richard L.	
Counter Defendant	
Attorney: Peel, Richard L.	
Attorney: Gebhart, Michael T.	
Counter Defendant	
Attorney: Gebhart, Michael T.	
Intervenor Plaintiff	
Attorney: Gebhart, Michael T.	
Intervenor Plaintiff	
Attorney: Peel, Richard L.	
Attorney: Gebhart, Michael T.	
Intervenor Plaintiff	
Attorney: Peel, Richard L.	
Intervenor Plaintiff	
Attorney: Peel, Richard L.	
Attorney: Gebhart, Michael T.	
Intervenor Defendant	
Attorney: Meier, Glenn F	
04/13/2010 Initial Appearance Fee Disclosure -	
Initial Appearance Fee Disclosure	
Comment	
Initial Appearance Fee Disclosure	
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Initial Appearance Fee Disclosure	
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Initial Appearance Fee Disclosure	
04/13/2010 Acceptance of Service -	
Acceptance of Service by Camco Pacific Construction Company, Inc.	
and Fidelity and Deposit Company	
JA007754	

	nc. and Fidelity and Deposit Company of Maryland
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	eptance of Service by Asphalt Products Corp. and APCO astruction
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	eptance of Service by Camco Pacific Construction Company, Inc. Fidelity and Deposit Company
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	ice of Appearance and Response to Order Granting Defendant tt Financial Corporation's Applica
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	wer to Cactus Rose's Statemant of Facts Constituting Notice of a and Complaint and Camco Paci
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	wer to Interstate Plumbing & Air Conditioning's Statemant of Facts

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04/19/2010	Notice -
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	"
S.R. Bray	

## 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 105

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# CHRONOLOGICAL APPENDIX OF EXHIBITS

Date	<b>Description</b>	<u>Bates</u> Number	<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 (I) APCO's Limited Motion to Lift Sta for Purposes of this Motion Only; (2) APCO's Motion for Judgment Against Gemstone Only		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

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06-13-13	Docket Entry and Minute OrderGranting APCO's Motion forSummary Judgment AgainstGemstone	JA000327	6
08-02-17	Peel Brimley Lien Claimants' Motion for Partial Summary Judgment Precluding Defenses Based on Pay-if-Paid 	JA000328- JA000342	6
	Exhibit 1 – APCO Construction's Answers to Helix Electric of Nevada, LLC's First Request for Interrogatories		6
	Exhibit 2 – Camco Pacific Construction Company, Inc.'s Responses to Helix Electric of Nevada, LLC's Interrogatories		6
08-21-17	APCOConstruction'sOpposition to Peel Brimley LienClaimants' Partial Motion forSummary Judgment PrecludingDefenses Based on Pay-if-PaidAgreements	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 Motionfor Partial Summary JudgmentPrecluding Defenses Based onPay-if-Paid Agreements	JA000413- JA00418	7
11-06-17	Peel Brimley Lien Claimants' Motion in Limine Nos. 1-6	JA000419- JA000428	7

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	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		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		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		8
	Exhibit 7 – Helix Electric of Nevada, LLC's First Set of Request for Admissions to Camco Pacific Construction	JA000523-	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		8
	Exhibit 2 – Helix Electric of Nevada, LLC's Amended Notice of 30(b)(6) Deposition of APCO Construction	JA000550 JA000558	8/9

Date	Description	<u>Bates</u> Number	<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 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

Date	<b>Description</b>	<u>Bates</u> Number	<u>Volume(s)</u>
	Exhibit 11 – Plaintiff in Intervention, National Wood Products, Inc.'s Initial Disclosures Pursuant to NRCP 16.1		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		12
11-14-17	Camco Pacific Construction Company, Inc.'s Opposition to Lien Claimants' Motions in Limine Nos. 1-6		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

Date	<b>Description</b>	<u>Bates</u> Number	Volume(s)
11-14-17	APCO Construction, Inc.'s Opposition to Helix Electric of Nevada, LLC's Motions <i>in</i> <i>Limine</i> Nos. 1-4	JA000929- JA000940	13/14
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	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	HelixElectricofNevada'sOppositiontoAPCOConstruction'sOmnibusMotion 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		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 <i>Motion in Limine</i>	JA001133 JA001148	21

Date	<b>Description</b>	<u>Bates</u> Number	<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 <i>in Limine</i> 1- 6	JA001161-	22
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12-29-17	Notice of Entry of OrderGranting in Part and Denying inPartAPCOConstruction'sOmnibus Motion in Limine		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		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
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Date	Description	<u>Bates</u> Number	<u>Volume(s)</u>
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	Exhibit 4 – Amended Notice of Lien		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</i> <i>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		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'OppositiontoAPCOConstruction'sMotionReconsiderationofOrder	JA001552- JA001560	27

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

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	Exhibit 9 - Amended <i>nunc pro</i> <i>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</i> <i>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</i> <i>Limine</i>		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	<b>Transcript Bench Trial (Day 1)</b> <sup>1</sup>	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
	TrialExhibit3-NevadaConstructionServices/GemstoneCostPlus/GMPContractDisbursementAgreement(Admitted)	JA001869- JA001884	30

<sup>&</sup>lt;sup>1</sup> Filed January 31, 2018

Date	<b>Description</b>	<u>Bates</u> Number	<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> )		32
	Trial Exhibit 6 - Letter from J. Barker to A. Edelstein re: APCO's Notice of Intent to Stop Work ( <i>Admitted</i> )		32
	Trial Exhibit 10 - Letter from J. Barker to A. Edelstein Re: Notice of Intent to Stop Work (Second Notice) ( <i>Admitted</i> )		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. Gochnour to Sean Thueson Re: [APCO's] Response to [Gemstone's] Termination for Cause (Admitted)	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

Date	Description	<u>Bates</u> Number	<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
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<sup>&</sup>lt;sup>2</sup> Filed January 31, 201879 <sup>3</sup> Filed January 31, 2018

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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-	100
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	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
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	Exhibit 9 – Notice of Entry of Order to Consolidate this Action with Case Nos. A574391, A574792, A57623. A58389, A584730, A58716, A580889 and A589195	JA 007528- JA007541	103
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	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
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	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 100 – 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

Date	<b>Description</b>	<u>Bates</u> Number	<u>Volume(s)</u>
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	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
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Date	Description	<u>Bates</u> Number	<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
	<b>CAMCO Related Exhibits:</b>		
	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

Date	<b>Description</b>	<u>Bates</u> Number	<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-	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:		

Date	Description	<u>Bates</u> Number	<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		63/64/65/66/6 7/
		JA004035- JA005281	68/69/70 /71/72 /73/74/75/ 76/77
01-17-18	<b>Transcript Bench Trial (Day 1)</b> <sup>5</sup>	JA001668- JA001802	29/30
	Trial Exhibit 1 - Grading Agreement ( <i>Admitted</i> )	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 ( <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

<sup>&</sup>lt;sup>5</sup> Filed January 31, 2018

Date	Description	<u>Bates</u> Number	<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. Gochnour 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

Date	<b>Description</b>	<u>Bates</u> <u>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) <sup>6</sup>	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) <sup>7</sup>	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 (Admitted)	JA005806-	80

<sup>&</sup>lt;sup>6</sup> Filed January 31, 201879 <sup>7</sup> Filed January 31, 2018

Date	<b>Description</b>	<u>Bates</u> <u>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) <sup>8</sup>	JA005820- JA005952	81
01-24-19	Transcript for All Pending Fee Motions on July 19, 2018	JA007300- JA007312	100/101

<sup>&</sup>lt;sup>8</sup> Filed January 31, 2018

Complaint	
04/23/2010 Initia	al Appearance Fee Disclosure ▼
nitial Appearan	ce Fee Disclosure
Comment	
Initial Appear	ance Fee Disclosure
04/23/2010 Veri	fication -
/erification of T nterrogatories t	ri-City Drywall, Inc.'s Responses to Lenders' Standard o Lien Cla
Comment	
	f Tri-City Drywall, Inc.'s Responses to Lenders' errogatories to Lien Claimants
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04/28/2010 Amended A	Nnswer -
Camco's Amended Ans	wer to HD Supply Waterworks' Complaint
	Answer to HD Supply & Waterworks' LP's Constituting Lien and Third Party-Complaint
04/28/2010 Stipulation a	and Order ▼
Stipulation and Order S nc. on Counterclaim As	etting Aside Default Against HA Fabricators, sserted b
-	r Setting Aside Default Against HA Counterclaim Asserted by APCO
04/29/2010 Notice of Vo	oluntary Dismissal With Prejudice 🗸
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	Dismissal of Accuracy Glass & Mirror
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Hearing <sup>·</sup> 9:00 AM	Time
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	Present▲ nor Plaintiff
Attori	ney: Wittig, Donna
Counte	r Defendant
Attori	ney: Wittig, Donna
05/04/20	10 Order 🔻
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05/04/2010 Motion for Partial Summary Judgn A007764

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# Comment HD Supply Waterworks, LP's Motion for Summary Judgment Against Gemstone Development West, Inc.

05/05/2010 Show Cause Hearing -

Original Type Show Cause Hearing

Show Cause Hearing

Judicial Officer Delaney, Kathleen E.

Hearing Time 9:00 AM

Result Matter Continued

### Comment

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

Parties Present 
Counter Defendant

Attorney: Gebhart, Michael T.

**Counter Defendant** 

Attorney: Gebhart, Michael T.

Counter Defendant

Attorney: Gebhart, Michael T.

Counter Defendant

Attorney: Gebhart, Michael T.

**Counter Defendant** 

Attorney: Gebhart, Michael T.

Intervenor Plaintiff

Attorney: Gebhart, Michael T.

Intervenor Plaintiff

Attorney: Gebhart, Michael T.

Intervenor Plaintiff

	10 Consent to Service By Electronic Means -
Consent	to Service by Electronic Means
Comr Cons	nent ent to Service by Electronic Means
05/05/20	10 Motion for Partial Summary Judgment -
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05/05/20	10 Motion for Partial Summary Judgment 👻
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	otone Development West, Inc. 010 Notice of Entry ▼
	f Entry of Findings of Fact, Conclusions of Law, and Partial y Judgment In Favor of A
Partia	nent e of Entry of Findings of Fact, Conclusions of Law, and al Summary Judgment In Favor of Atlas Construction ly, Inc. and Against Gemstone Development West, Inc.
05/06/20	10 Motion for Partial Summary Judgment -
Harsco	Corporation's Motion for Partial Summary Judgment
Comr Harso	nent co Corporation's Motion for Partial Summary Judgment
05/06/20	010 Errata <del>▼</del>
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5/06/2010 Errata ▼ Errata to HD Supply Waterworks, LP's Motion for Partial Summary dugment Against Gemstone Developme Comment Errata to HD Supply Waterworks, LP's Motion for Partial Summary Jdugment Against Gemstone Development West, Inc. 5/06/2010 Joinder To Motion ▼ Patent Construction Systems, A Division of Harsco Corporation's oinder to Harsco Corporation's Motion for Partial Summary Judgment 5/06/2010 Joinder To Motion ▼ EZA, P.C. dba Oz Architecture of Nevada, Inc.'s Joinder to Harsco Corporation's Motion for Partial EZA, P.C. dba Oz Architecture of Nevada, Inc.'s Joinder to Harsco Corporation's Motion for Partial EZA, P.C. dba Oz Architecture of Nevada, Inc.'s Joinder to Harsco Corporation's Motion for Partial Summary Judgment 5/06/2010 Motion for Partial Summary Judgment ▼ WPP Complaince Solutions' Motion for Partial Summary Judgment gainst Gemstone Development West, I Comment SWPP Complaince Solutions' Motion for Partial Summary Judgment gainst Gemstone Development West, Inc. 5/07/2010 Opposition ▼ Ecott Financial Corporation's Opposition to Fast Glass, Inc.'s Motion or Summary Judgment against Comment Scott Financial Corporation's Opposition to Fast Glass, Inc.'s Motion for Summary Judgment against Scott Financial Corporation's Opposition to Fast Glass, Inc.'s Motion for Summary Judgment against Comment Scott Financial Corporation's Opposition to Fast Glass, Inc.'s Motion for Summary Judgment against Gemstone Development, West, Inc.	rrata to HD Supply Waterworks, LP's Motion for Partial Summary dugment Against Gemstone Developme Comment Errata to HD Supply Waterworks, LP's Motion for Partial Summary Jdugment Against Gemstone Development West, Inc. 5/06/2010 Joinder To Motion • atent Construction Systems, A Division of Harsco Corporation's oinder to Harsco Corporation's Mot Comment Patent Construction Systems, A Division of Harsco Corporation's Joinder to Harsco Corporation's Motion for Partial Summary Judgment 5/06/2010 Joinder To Motion • ZA, P.C. dba Oz Architecture of Nevada, Inc.'s Joinder to Harsco forporation's Motion for Partial Comment EZA, P.C. dba Oz Architecture of Nevada, Inc.'s Joinder to Harsco forporation's Motion for Partial S/06/2010 Motion for Partial Summary Judgment 5/06/2010 Motion for Partial Summary Judgment • WPP Complaince Solutions' Motion for Partial Summary Judgment gainst Gemstone Development West, I Comment SWPP Complaince Solutions' Motion for Partial Summary Judgment gainst Gemstone Development West, I. 5/07/2010 Opposition • cott Financial Corporation's Opposition to Fast Glass, Inc.'s Motion for Summary Judgment against Comment Soutt Financial Corporation's Opposition to Fast Glass, Inc.'s Motion for Summary Judgment against Gemstone Development, West, Inc.	Comment Errata to Heli	elopment West, I x Electric's Motion for Partial Summary Judgment stone Development West, Inc.
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	Comment S.R. Bray Corp.'s Amended Statement of Facts and Complaint in Intervention
05	5/07/2010 Notice of Lis Pendens -
S.	R. Bray Corp.'s Notice of Lis Pendens
	Comment S.R. Bray Corp.'s Notice of Lis Pendens
05	5/08/2010 Substitution of Attorney -
Sı	ubstitution of Attorney A571228
	Comment Substitution of Attorney A571228
05	5/10/2010 Notice of Lis Pendens -
S١	NPP Compliance Solutions, LLC's Notice of Lis Pendens
	Comment SWPP Compliance Solutions, LLC's Notice of Lis Pendens
05	5/10/2010 Statement of Facts Constituting Lien ▼
	NPPP Compliance Solutions, LLC's Amended Statement of Facts ad Complaint
	Comment SWPPP Compliance Solutions, LLC's Amended Statement of Facts and Complaint
05	5/10/2010 Order Shortening Time 👻
	oplication for Order Shortening Time for Hearings on Certain Motions r Partial Summary Judgment
	Comment Application for Order Shortening Time for Hearings on Certain Motions for Partial Summary Judgment
05	5/10/2010 Motion for Partial Summary Judgment ▼
	enaissance Pools and Spas, Inc.'s Motion for Partial Summary Idgment
	Comment Renaissance Pools and Spas, Inc.'s Motion for Partial Summary Judgment
05	5/11/2010 Order Granting Motion ▼
0	rder Granting Arch Aluminum & Glass Company's Motion to

	ite Proper Party Pursuant to NRCP 25
)5/11/201	)Ex Parte Motion for Enlargement of Time ▼
	Notion for Enlargement of Time to Serve Defendant Selin and Petition for Service
	ent e Motion for Enlargement of Time to Serve Defendant sneros and Petition for Service by Publication
5/12/201	0 Notice of Entry 🗸
	Entry of Order Granting Arch Aluminum & Glass Company's Substitute Proper Party
	ent of Entry of Order Granting Arch Aluminum & Glass ny's Motion to Substitute Proper Party Pursuant to NRCP
5/13/201	0 Notice of Entry of Stipulation and Order ▼
	Entry of Stipulation and Order Setting Aside Default Against ators, Inc. on Coun
	of Entry of Stipulation and Order Setting Aside Default HA Fabricators, Inc. on Counterclaim Asserted by APCO
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05/13/2010 Order 🔻	
Order Deconsolidating	and Remanding Case No. A584960
Comment	
Order Deconsolidati	ing and Remanding Case No. A584960
05/13/2010 Ex Parte N	lotion -
Ex Parte Motion	
Comment	
	Order Shortening Time Re: Harsco
Corporatio's Motion Thereto	for Partial Summary Judgment and Joinders
05/14/2010 Applicatior	ı <b>-</b>
Application for Order S	Shortening Time for Hearing on Renaissance
Pools and Spas, Inc.'s	Motion for
Comment	
	er Shortening Time for Hearing on
	and Spas, Inc.'s Motion for Partial Summary er Granting Application)
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05/14/2010 Opposition	to Motion 🔻
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Company, Inc.'s Motio	
Comment	
	poration's Opposition to Accuracy Glass &
	c.'s Motion for Partial Summary Judgment
Against Gemstone [	Development West, Inc.
05/14/2010 Opposition	to Motion 👻
	ation's Opposition to Bruin Painting
Scott Financial Corpora	
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Scott Financial Corporation's Opposition to Buchelle, Inc.'s Motion for Partial Summary Judgment Against Gemstone Development West, Inc.	
05/14/2010 Opposition to Motion -	
Scott Financial Corporation's Opposition to Cactus Rose Const nc.'s Motion for Partial Sum	ruction,
Comment Scott Financial Corporation's Opposition to Cactus Rose Construction, Inc.'s Motion for Partial Summary Judgment Against Gemstone Development West, Inc.	
05/14/2010 Opposition to Motion -	
Scott Financial Corporation's Opposition to HD Supply Waterwo LP's Motion for Partial Summary Ju	orks
Comment Scott Financial Corporation's Opposition to HD Supply Waterworks LP's Motion for Partial Summary Judgment Wes Inc.	st,
05/14/2010 Opposition to Motion 🔻	
Scott Financial Corporation's Opposition to Heinaman Contract Glazing's Motion for Partial Summary	
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05/14/2010 Opposition to Motion ▼	
Scott Financial Corporation's Opposition to Interstate Plumbing Conditioning LLC's Motion for	& Air
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05/14/2010 Opposition to Motion -	

Scott Financial Corporation's Opposition to S.R. Bray Corp.'s Motion for Partial Summary Judgment A
Comment Scott Financial Corporation's Opposition to S.R. Bray Corp.'s Motion for Partial Summary Judgment Against Gemstone Development West, Inc.
05/14/2010 Opposition to Motion -
Scott Financial Corporation's Opposition to SWPPP's Motion for Partial Summary Judgment Against Gem Comment Scott Financial Corporation's Opposition to SWPPP's Motion for Partial Summary Judgment Against Gemstone Development West, Inc.
05/14/2010 Opposition to Motion -
Scott Financial Corporation's Opposition to WRG Design, Inc.'s Motion for Partial Summary Judgment
Comment Scott Financial Corporation's Opposition to WRG Design, Inc.'s Motion for Partial Summary Judgment Against Gemstone Development West, Inc.
05/17/2010 Motion for Summary Judgment -
Original Type Motion for Summary Judgment
Judicial Officer Delaney, Kathleen E.
Hearing Time 9:00 AM
Result Granted in Part
Comment Lien Claimant Fast Glass Inc.'s Motion for Summary Judgment Against Gemstone Development West Inc.
05/17/2010 Motion for Partial Summary Judgment -
Original Type Motion for Partial Summary Judgment
Judicial Officer Delaney, Kathleen E.
Hearing Time 9:00 AM
Result JA007773

## Granted in Part

#### Comment

Interstate Plumbing & Air Conditioning LLC's Motion for Partial Summary Judgment Against Gemstone Development West Inc.

05/17/2010 Motion for Partial Summary Judgment -

#### Original Type

Motion for Partial Summary Judgment

Judicial Officer Delaney, Kathleen E.

Hearing Time 9:00 AM

Result Granted in Part

### Comment

Buchele Inc.'s Motion for Partial Summary Judgment Against Gemstone Development West Inc.

05/17/2010 Motion for Partial Summary Judgment -

# Original Type

Motion for Partial Summary Judgment

Judicial Officer Delaney, Kathleen E.

Hearing Time 9:00 AM

Result Granted in Part

#### Comment

Accuracy Glass & Mirror Company Inc.'s Motion for Partial Summary Judgment Against Gemstone Development West Inc.

05/17/2010 Motion for Partial Summary Judgment -

# Original Type Motion for Partial Summary Judgment

Judicial Officer Delaney, Kathleen E.

Hearing Time 9:00 AM

Result Granted in Part

#### Comment

Bruin Painting Corporation's Motion for Partial Summary Judgment Against Gemstone Development West Inc. **JA007774** 

Original Type Motion for Partial S	ummary Judgment
Judicial Officer Delaney, Kathleen	E.
Hearing Time 9:00 AM	
Result Granted in Part	
	truction Inc.'s Motion for Partial Summary Judgment Development West Inc.
05/17/2010 Motion	for Partial Summary Judgment -
Original Type Motion for Partial S	ummary Judgment
Judicial Officer Delaney, Kathleen	Ε.
Hearing Time 9:00 AM	
Result Granted in Part	
Comment	
S.R. Bray Corp's M	lotion for Partial Summary Judgment Against ment West Inc.
S.R. Bray Corp's M Gemstone Develop	
S.R. Bray Corp's M Gemstone Develop 05/17/2010 Motion Original Type	for Partial Summary Judgment ▼
S.R. Bray Corp's M Gemstone Develop 05/17/2010 Motion Original Type Motion for Partial S Judicial Officer	for Partial Summary Judgment ▼
S.R. Bray Corp's M Gemstone Develop 05/17/2010 Motion Original Type Motion for Partial S Judicial Officer Delaney, Kathleen Hearing Time	for Partial Summary Judgment ▼
S.R. Bray Corp's M Gemstone Develop 05/17/2010 Motion Original Type Motion for Partial S Judicial Officer Delaney, Kathleen Hearing Time 9:00 AM Result	for Partial Summary Judgment ▼
S.R. Bray Corp's M Gemstone Develop 05/17/2010 Motion Original Type Motion for Partial S Judicial Officer Delaney, Kathleen Hearing Time 9:00 AM Result Granted in Part Comment Heinaman Contract	for Partial Summary Judgment ▼
S.R. Bray Corp's M Gemstone Develop 05/17/2010 Motion Original Type Motion for Partial S Judicial Officer Delaney, Kathleen Hearing Time 9:00 AM Result Granted in Part Comment Heinaman Contract Against Gemstone	for Partial Summary Judgment ▼ ummary Judgment E. t Glazing's Motion for Partial Summary Judgment

# Motion for Partial Summary Judgment

Judicial Officer

Delaney, Kathleen E.

Hearing Time 9:00 AM

Result Granted in Part

#### Comment

HD Supply Waterworks LP's Motion for Summary Judgment Against Gemstone Development West Inc.

05/17/2010 Motion for Partial Summary Judgment -

## Original Type

Motion for Partial Summary Judgment

Judicial Officer Delaney, Kathleen E.

Hearing Time 9:00 AM

Result Granted in Part

## Comment

WRG Design Inc.'s Motion for Partial Summary Judgment Against Gemstone Development West Inc.

#### 05/17/2010 Motion for Partial Summary Judgment -

## Original Type

Motion for Partial Summary Judgment

Judicial Officer Delaney, Kathleen E.

Hearing Time 9:00 AM

Result Granted in Part

#### Comment

Helix Electric's Motion for Partial Summary Judgment Against Gemstone Development West, Inc.

05/17/2010 Motion for Partial Summary Judgment -

Original Type Motion for Partial Summary Judgment

Judicial Officer Delaney, Kathleen E.

Hearing Time

#### 9:00 AM

Result

Granted in Part

Comment

Harsco Corporation's Motion for Partial Summary Judgment as to Causes of Action I, III, and IV Only

05/17/2010 Joinder -

Original Type Joinder

Judicial Officer Delaney, Kathleen E.

Hearing Time 9:00 AM

Result

Granted in Part

Comment

Patent Construction Systems' Joinder to Harsco Corporation's Motion for Partial Summary Judgment

05/17/2010 Joinder -

Original Type Joinder

Judicial Officer Delaney, Kathleen E.

Hearing Time 9:00 AM

Result Granted in Part

Comment

EZA, P.C.'s Joinder to Harsco Corporation's Motion for Partial Summary Judgment

05/17/2010 Motion for Partial Summary Judgment -

Original Type Motion for Partial Summary Judgment

Judicial Officer Delaney, Kathleen E.

Hearing Time 9:00 AM

Result Granted in Part

05/17/2010 Motion for Partia	al Summary Judgment 🗸
Original Type Motion for Partial Summary	Judgment
Judicial Officer Delaney, Kathleen E.	
Hearing Time 9:00 AM	
Result Granted in Part	
Comment Renaissance Pools and Spa Judgment	as, Inc.'s Motion for Partial Summary
05/17/2010 Motion for Partia	al Summary Judgment 🔻
Original Type Motion for Partial Summary	Judgment
Judicial Officer Delaney, Kathleen E.	
Hearing Time 9:00 AM	
Result Granted in Part	
Comment Arch Aluminum and Glass L Judgment Against Gemston	LC's Motion for Partial Summary e Development West Inc.
05/17/2010 Motion for Partia	al Summary Judgment 🔻
Judicial Officer Delaney, Kathleen E.	
Hearing Time 9:00 AM	
Cancel Reason Vacated - On In Error	
Comment duplicate	

### All Pending Motions

All Pending Motions

Judicial Officer

Delaney, Kathleen E.

Hearing Time 9:00 AM

Result Matter Heard

#### Comment

Lien Claimant Fast Glass Inc.'s Motion for Summary Judgment Against Gemstone Development West Inc Interstate Plumbing & Air Conditioning LLC's Motion for Partial Summary Judgment Against Gemstone Development West Inc Buchele Inc.'s Motion for Partial Summary Judgment Against Gemstone Development West Inc Accuracy Glass & Mirror Company Inc.'s Motion for Partial Summary Judgment Against Gemstone Development West Inc SWPP Compliance Solutions' Motion for Partial Summary Judgment against Gemstone Development West Inc Bruin Painting Corporation's Motion for Partial Summary Judgment Against Gemstone Development West Inc Cactus Rose Construction Inc.'s Motion for Partial Summary Judgment Against Gemstone Development West Inc HD Supply Waterworks LP's Motion for Summary Judgment Against Gemstone Development West Inc Heinaman Contract Glazing's Motion for Partial Summary Judgment Against Gemstone Development West Inc S.R. Bray Corp's Motion for Partial Summary Judgment Against Gemstone Develop

Parties Present▲ Defendant

Attorney: Meier, Glenn F

Intervenor Plaintiff

Attorney: Wittig, Donna

Intervenor Defendant

Attorney: Parry, Zachariah

Third Party Defendant

Attorney: Parry, Zachariah

Intervenor

Attorney: Reade, Robert C.

Intervenor

Attorney: Williams, Donald H

Intervenor

Attorney: Williams, Donald H

Counter Defendant

Attorney: Meier, Glenn F

Counter Defendant

Attorney: Parry, Zachariah

Counter Defendant	
Attorney: Williams, Donald H	
Doing Business As	
Attorney: Williams, Donald H	
Counter Defendant	
Attorney: Wittig, Donna	
Counter Defendant	
Attorney: Reade, Robert C.	
Counter Defendant	
Attorney: Williams, Donald H	
Counter Defendant	
Attorney: Gebhart, Michael T.	
Counter Defendant	
Attorney: Gebhart, Michael T.	
Counter Defendant	
Attorney: CAWLEY, REUBEN	
Counter Defendant	
Attorney: Peel, Richard L.	
Attorney: Gebhart, Michael T.	
Counter Defendant	
Attorney: Peel, Richard L.	
Attorney: Gebhart, Michael T.	
Counter Defendant	
Attorney: Peel, Richard L.	
Attorney: Gebhart, Michael T.	
Counter Defendant	
Attorney: Peel, Richard L.	
Attorney: Gebhart, Michael T.	
Counter Defendant	
Attorney: Peel, Richard L.	
Counter Defendant	
Attorney: Koch, David	
Counter Defendant	
Attorney: Peel, Richard L.	
Attorney: Gebhart, Michael T.	
Counter Claimant	
Attorney: Parry, Zachariah	

Counter Defendant
Attorney: Gebhart, Michael T.
Intervenor Plaintiff
Attorney: Gebhart, Michael T.
Intervenor Plaintiff
Attorney: Peel, Richard L.
Attorney: Gebhart, Michael T.
Counter Claimant
Attorney: Parry, Zachariah
Intervenor Plaintiff
Attorney: Peel, Richard L.
Intervenor Plaintiff
Attorney: Peel, Richard L.
Attorney: Gebhart, Michael T.
Intervenor Defendant
Attorney: Meier, Glenn F
Other
Attorney: Gochnour, Wade B.
05/17/2010 Opposition -
Limited Opposition to Motion to Consolidate Case No. A-10-608717 with Pending Action
Comment Limited Opposition to Motion to Consolidate Case No. A-10- 608717 with Pending Action
05/17/2010 Answer -
Scott Financial Corporation's Answer to Interstate Plumbing & Ait Conditioning's Statement of Facts
Comment Scott Financial Corporation's Answer to Interstate Plumbing & Ait Conditioning's Statement of Facts Constituting Lien Claim
05/17/2010 Answer -
Scott Financial's Answer to Cactus Rose Construction's Statement of Facts Constituting Lien Claim
Comment Scott Financial Corporation's Answer to Cactus Rose Construction's Statement of Facts Constituting Lien Claim
05/18/2010 Motion for Summary Judgment - JA007781

Custom Select Billings, Inc.'s Motion for Summary Judgment Against Defendant Gemstone Development W Comment Custom Select Billings, Inc.'s Motion for Summary Judgment Against Defendant Gemstone Development West, Inc. or, Alternatively, Motion for Permanent Writ of Possession and for Certification of Final Judgment Pursuant to NRCP 54(B) 05/18/2010 Motion for Summary Judgment -Hydropressure Cleaning, Inc.'s Motion for Summary Judgment Against Defendant Gemstone Development W Comment Hydropressure Cleaning, Inc.'s Motion for Summary Judgment Against Defendant Gemstone Development West, Inc. and for Certification of Final Judgment Pursuant to NRCP 54(B) 05/19/2010 Document Filed -Insulpro Projects, Inc.'s Designation of Documents Supporting The Perfection of Lien. Commencement Comment Insulpro Projects, Inc.'s Designation of Documents Supporting The Perfection of Lien, Commencement of Construction and Lien Priority 05/20/2010 Certificate of Service -Certificate of Service of Hydropressure Cleaning, Inc.s Motion for Summary Judgment Against Defenda Comment Certificate of Service of Hydropressure Cleaning, Inc.s Motion for Summary Judgment Against Defendant Gemstone Development West, Inc. and for Certification of Final Judgment Pursuant to NRCP 54(B) 05/20/2010 Certificate of Service -Certificate of Service of Custom Select Billing, Inc.'s Motion for Summary Judgment Against Defenda Comment Certificate of Service of Custom Select Billing, Inc. s Motion for Summary Judgment Against Defendant Gemstone Development West, Inc. or, Alternatively, Motion for Permanent Writ of Possession and for Certification of Final Judgment Pursuant to Nrcp 54(B) 05/21/2010 Certificate of Mailing -Certificate of Mailing Comment

**JA007782** 

Certificate of Mailing

05/21/2010 Order Granting Motion ▼	
Order granting Harsco's Ex Parte Motion for Enlargement of Time to Serve Defendant Selina Cisneros	
Comment Order Granting Harsco's Ex Parte Motion for Enlargement of Time to Serve Defendant Selina Cisneros and Petition for Service By Publication	
05/21/2010 Opposition -	
Limited Opposition to Camco Pacific Construction, Inc. and Fidelity and Deposit Company of Maryland	
Comment Limited Opposition to Camco Pacific Construction, Inc. and Fidelity and Deposit Company of Maryland's Motion to Consolidate Case No. A-09-606730 and Case No. A-10-608718 with Pending Action	
05/21/2010 Errata -	
Errata to SWPPP Compliance Solutions' Motion for Partial Summary Judgment Against Gemstone Developm	
Comment Errata to SWPPP Compliance Solutions' Motion for Partial Summary Judgment Against Gemstone Development West, Inc.	
05/21/2010 Errata 🔻	
Errata to S.R. Bray Corp. d/b/a Power Plus' Motion for Partial Summary Judgment Against Gemstone De	
Comment Errata to S.R. Bray Corp. d/b/a Power Plus' Motion for Partial Summary Judgment Against Gemstone Development West, Inc.	
05/24/2010 Miscellaneous Filing ▼	
Plaintiff HD Supply Construction Supply, L.P. d/b/a White Cap Construction Supply, Inc.'s Designati	
Comment Plaintiff HD Supply Construction Supply, L.P. d/b/a White Cap Construction Supply, Inc.'s Designation of Documents In Support of the Perfection of Lien, Commencement of Construction and Lien Priority	
05/25/2010 Notice of Entry of Order -	
Notice of Entry of Order	
Comment	
Notice of Entry of Order JA007783	

Certificate of Service	
Comment Certificate of Service	
05/26/2010 Order 🔻	
Order Striking Defendant Gemstone and Counterclaims, and Entering D	Development West, Inc.'s Answer
Comment Order Striking Defendant Gemstor Answer and Counterclaims, and E	-
05/28/2010 Motion for Summary Jud	gment 🗸
Zitting Brothers Construction, Inc.'s N Against Gemstone Development We	
Comment Zitting Brothers Construction, Inc.' Judgment Against Gemstone Dev Certification of Final Judgment Pu	elopment West, Inc. and for
06/01/2010 Stipulation and Order -	
Stipulation and Order to Continue He Motion to Consolidate Case No. A-1	aring on APCO Construction's
Comment Stipulation and Order to Continue Construction's Motion to Consolida Pending Action	-
06/02/2010 Notice of Entry -	
Notice of Entry of Stipulation and Orc Construction's Motion to Conso	der to Continue Hearing on APCO
Comment Notice of Entry of Stipulation and C APCO Construction's Motion to Co 608717 with Pending Action	
06/03/2010 Stipulation and Order to	Amend -
Stipulation and Order For Leave For To File An Amended Answer and	Camco Pacific Construction, Inc.
Comment	
Stipulation and Order For Leave F Construction, Inc. To File An Ame	
Construction, Inc. To File An Ame	
Statement of Facts Constituting Li	-
Intervention	

6/03/2010 Miscellaneous Filing • Pape Matrial Handling Designation of Documents Supporting Petrfection of Lien Comment Pape Matrial Handling Designation of Documents Supporting Petrfection of Lien 6/03/2010 Miscellaneous Filing • Steel Structures Designation of Documents Supporting Perfection of ien Comment Steel Structures Designation of Documents Supporting Perfection of Lien 6/03/2010 Miscellaneous Filing • Nevada Prefab Engineers Designation of Documents Supporting Perfection of Lien 6/08/2010 Amended Answer • Comment Nevada Prefab Engineers Designation of Documents Supporting Perfection of Lien 6/08/2010 Amended Answer • Comment Second Amended Answer • Comment Second Amended Answer and Counterclaim to Nevada Prefab Engineers' Second Amended Statement of Fac Comment Second Amended Answer to Nevada Prefab Engineers' Statement of Facts Constituting Notice of Lien and Complaint and Camco Pacific Construction Company's Counterclaim 6/08/2010 Notice of Entry of Stipulation and Order • Motice of Entry of Stipulation and Order 16/08/2010 Motion for Summary Judgment • 4/08/2010 Motion for Summary Judgment • 4/1as Construction Supply, Inc.'s Motion For Summary Judgment Regarding The Commencement Of Work And Priority Of Its Mechanic's Lien	
Petrfection of Lien Comment Pape Matrial Handling Designation of Documents Supporting Petrfection of Lien 6/03/2010 Miscellaneous Filing ▼ Steel Structures Designation of Documents Supporting Perfection of ien Comment Steel Structures Designation of Documents Supporting Perfection of Lien 6/03/2010 Miscellaneous Filing ▼ Revada Prefab Engineers Designation of Documents Supporting Perfection of Lien 6/08/2010 Amended Answer s Comment Second Amended Answer and Counterclaim to Nevada Prefab Engineers' Second Amended Statement of Fac Comment Second Amended Answer to Nevada Prefab Engineers' Statement of Facts Construction Company's Counterclaim 6/08/2010 Notice of Entry of Stipulation and Order ▼ Rotice of Entry of Stipulation and Order Comment Netice of Entry of Stipulation and Order Comment Attas Construction Supply, Inc.'s Motion For Summary Judgment Regarding The Commencement Of Work And Priority Of Its	03/2010 Miscellaneous Filing ▼
Pape Matrial Handling Designation of Documents Supporting Petrfection of Lien 6/03/2010 Miscellaneous Filing • Steel Structures Designation of Documents Supporting Perfection of Lien Comment Steel Structures Designation of Documents Supporting Perfection of Lien 6/03/2010 Miscellaneous Filing • Revada Prefab Engineers Designation of Documents Supporting Perfection of Lien Comment Nevada Prefab Engineers Designation of Documents Supporting Perfection of Lien 6/08/2010 Amended Answer • Camco's Amended Answer • Camco's Amended Answer and Counterclaim to Nevada Prefab Engineers' Second Amended Statement of Fac Comment Second Amended Answer to Nevada Prefab Engineers' Statement of Facts Constituting Notice of Lien and Complaint and Camco Pacific Construction Company's Counterclaim 6/08/2010 Notice of Entry of Stipulation and Order • Notice of Entry of Stipulation and Order 6/08/2010 Motion for Summary Judgment • Atlas Construction Supply, Inc.'s Motion For Summary Judgment Regarding The Commencement Of Work And Priority Of Its	
Steel Structures Designation of Documents Supporting Perfection of ien Comment Steel Structures Designation of Documents Supporting Perfection of Lien 6/03/2010 Miscellaneous Filing ▼ Revada Prefab Engineers Designation of Documents Supporting Perfection of Lien Comment Nevada Prefab Engineers Designation of Documents Supporting Perfection of Lien 6/08/2010 Amended Answer ▼ Camco's Amended Answer and Counterclaim to Nevada Prefab Engineers' Second Amended Statement of Fac Comment Second Amended Answer to Nevada Prefab Engineers' Statement of Facts Constituting Notice of Lien and Complaint and Camco Pacific Construction Company's Counterclaim 6/08/2010 Notice of Entry of Stipulation and Order ▼ Notice of Entry of Stipulation and Order Comment Notice of Entry of Stipulation and Order Comment Atlas Construction Supply, Inc.'s Motion For Summary Judgment Regarding The Commencement Of Work And Priority Of Its	Pape Matrial Handling Designation of Documents Supporting
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Aevada Prefab Engineers Designation of Documents Supporting Perfection of Lien Comment Nevada Prefab Engineers Designation of Documents Supporting Perfection of Lien 6/08/2010 Amended Answer マ Camco's Amended Answer and Counterclaim to Nevada Prefab Engineers' Second Amended Statement of Fac Comment Second Amended Answer to Nevada Prefab Engineers' Statement of Facts Constituting Notice of Lien and Complaint and Camco Pacific Construction Company's Counterclaim 6/08/2010 Notice of Entry of Stipulation and Order マ Notice of Entry of Stipulation and Order Comment Notice of Entry of Stipulation and Order 6/08/2010 Motion for Summary Judgment マ ttas Construction Supply, Inc.'s Motion For Summary Judgment Regarding The Commencement Of Work An Comment Atlas Construction Supply, Inc.'s Motion For Summary Judgment Regarding The Commencement Of Work And Priority Of Its	Steel Structures Designation of Documents Supporting
Perfection of Lien Comment Nevada Prefab Engineers Designation of Documents Supporting Perfection of Lien 6/08/2010 Amended Answer ▼ Camco's Amended Answer and Counterclaim to Nevada Prefab Engineers' Second Amended Statement of Fac Comment Second Amended Answer to Nevada Prefab Engineers' Statement of Facts Constituting Notice of Lien and Complaint and Camco Pacific Construction Company's Counterclaim 6/08/2010 Notice of Entry of Stipulation and Order ▼ Notice of Entry of Stipulation and Order Comment Notice of Entry of Stipulation and Order 6/08/2010 Motion for Summary Judgment ▼ Atlas Construction Supply, Inc.'s Motion For Summary Judgment Regarding The Commencement Of Work And Priority Of Its	03/2010 Miscellaneous Filing 👻
Nevada Prefab Engineers Designation of Documents Supporting Perfection of Lien 6/08/2010 Amended Answer ▼ Camco's Amended Answer and Counterclaim to Nevada Prefab Engineers' Second Amended Statement of Fac Comment Second Amended Answer to Nevada Prefab Engineers' Statement of Facts Constituting Notice of Lien and Complaint and Camco Pacific Construction Company's Counterclaim 6/08/2010 Notice of Entry of Stipulation and Order ▼ Notice of Entry of Stipulation and Order Comment Notice of Entry of Stipulation and Order 6/08/2010 Motion for Summary Judgment ▼ tas Construction Supply, Inc.'s Motion For Summary Judgment Regarding The Commencement Of Work An Comment Atlas Construction Supply, Inc.'s Motion For Summary Judgment Regarding The Commencement Of Work And Priority Of Its	
Camco's Amended Answer and Counterclaim to Nevada Prefab Engineers' Second Amended Statement of Fac Comment Second Amended Answer to Nevada Prefab Engineers' Statement of Facts Constituting Notice of Lien and Complaint and Camco Pacific Construction Company's Counterclaim 6/08/2010 Notice of Entry of Stipulation and Order ◄ Notice of Entry of Stipulation and Order Comment Notice of Entry of Stipulation and Order 6/08/2010 Motion for Summary Judgment ◄ Atlas Construction Supply, Inc.'s Motion For Summary Judgment Regarding The Commencement Of Work An Comment Atlas Construction Supply, Inc.'s Motion For Summary Judgment Regarding The Commencement Of Work And Priority Of Its	Nevada Prefab Engineers Designation of Documents Supporting
Engineers' Second Amended Statement of Fac Comment Second Amended Answer to Nevada Prefab Engineers' Statement of Facts Constituting Notice of Lien and Complaint and Camco Pacific Construction Company's Counterclaim 6/08/2010 Notice of Entry of Stipulation and Order • Notice of Entry of Stipulation and Order Comment Notice of Entry of Stipulation and Order 6/08/2010 Motion for Summary Judgment • 844as Construction Supply, Inc.'s Motion For Summary Judgment Regarding The Commencement Of Work An Comment Atlas Construction Supply, Inc.'s Motion For Summary Judgment Regarding The Commencement Of Work And Priority Of Its	08/2010 Amended Answer 🔻
Second Amended Answer to Nevada Prefab Engineers' Statement of Facts Constituting Notice of Lien and Complaint and Camco Pacific Construction Company's Counterclaim 6/08/2010 Notice of Entry of Stipulation and Order ▼ Notice of Entry of Stipulation and Order Comment Notice of Entry of Stipulation and Order 6/08/2010 Motion for Summary Judgment ▼ Netlas Construction Supply, Inc.'s Motion For Summary Judgment Regarding The Commencement Of Work An Comment Atlas Construction Supply, Inc.'s Motion For Summary Judgment Regarding The Commencement Of Work And Priority Of Its	
Notice of Entry of Stipulation and Order Comment Notice of Entry of Stipulation and Order 16/08/2010 Motion for Summary Judgment ▼ Atlas Construction Supply, Inc.'s Motion For Summary Judgment Regarding The Commencement Of Work An Comment Atlas Construction Supply, Inc.'s Motion For Summary Judgment Regarding The Commencement Of Work And Priority Of Its	Second Amended Answer to Nevada Prefab Engineers' Statement of Facts Constituting Notice of Lien and Complaint
Comment Notice of Entry of Stipulation and Order 6/08/2010 Motion for Summary Judgment - Atlas Construction Supply, Inc.'s Motion For Summary Judgment Regarding The Commencement Of Work An Comment Atlas Construction Supply, Inc.'s Motion For Summary Judgment Regarding The Commencement Of Work And Priority Of Its	08/2010 Notice of Entry of Stipulation and Order -
Notice of Entry of Stipulation and Order 6/08/2010 Motion for Summary Judgment - Atlas Construction Supply, Inc.'s Motion For Summary Judgment Regarding The Commencement Of Work An Comment Atlas Construction Supply, Inc.'s Motion For Summary Judgment Regarding The Commencement Of Work And Priority Of Its	tice of Entry of Stipulation and Order
Atlas Construction Supply, Inc.'s Motion For Summary Judgment Regarding The Commencement Of Work An Comment Atlas Construction Supply, Inc.'s Motion For Summary Judgment Regarding The Commencement Of Work And Priority Of Its	
Regarding The Commencement Of Work An Comment Atlas Construction Supply, Inc.'s Motion For Summary Judgment Regarding The Commencement Of Work And Priority Of Its	08/2010 Motion for Summary Judgment -
Atlas Construction Supply, Inc.'s Motion For Summary Judgment Regarding The Commencement Of Work And Priority Of Its	
	Atlas Construction Supply, Inc.'s Motion For Summary Judgment Regarding The Commencement Of Work And Priority Of Its
l6/09/2010 Miscellaneous Filing ▼	09/2010 Miscellaneous Filing ▼
JA007785	JA007785

	nents Supporting the Perfect
Doc	ntiff, Wiss, Janney, Elstner Associates, Inc.'s Designation of suments Supporting the Perfection of Lien, Commencement construction and Lien Priority
06/10/	2010 Certificate of Service -
Certific	cate Of Service Of Notice Of Motion
	nment tificate Of Service Of Notice Of Motion
06/10/	2010 Memorandum of Costs and Disbursements -
-	ar Electirc Company's Memorandum of Costs and sements
Gra	nment ybar Electirc Company's Memorandum of Costs and pursements
06/10/	2010 Notice of Dismissal Without Prejudice 👻
	tar Concrete, Inc.'s Notice of Dismissal Without Prejudice as to River Insurance Compa
Nor	nment thstar Concrete, Inc.'s Notice of Dismissal Without Prejudice o Platte River Insurance Company Only
06/10/	2010 Motion for Partial Summary Judgment -
· ·	son Fire & Fabrication, Inc's Motion for Partial Summary ent Regarding Perfection, Validi
Fer Jud	nment guson Fire & Fabrication, Inc's Motion for Partial Summary gment Regarding Perfection, Validity, and Priority of its chanic's Lien
06/10/	2010 Motion for Partial Summary Judgment 👻
	ro Project, Inc.'s Motion for Partial Summary Against Gemstone opment, Inc., Apco Constr
Insu Ger	nment Ilpro Project, Inc.'s Motion for Partial Summary Against nstone Development, Inc., Apco Construction and Camco ific Construction Co., Inc.
06/10/	2010 Motion for Summary Judgment -

D	gainst Defendant Gemstone Development, LLC; (2) Renewed lotion for Summary Judgment as to Amounts Due Against efendant Alex Edelstein; and 3) Motion for Default Judgment gainst Gemstone Development West, Inc.
06/1	0/2010 Motion for Partial Summary Judgment ▼
	Claimant/Plaintiff Cell Crete Fireproofing of Nevada, Inc's Motion Partial Summary Judgmen
L N	omment ien Claimant/Plaintiff Cell Crete Fireproofing of Nevada, Inc's lotion for Partial Summary Judgment Against Gemstone evelopment West Inc., on Issue of Lien Perfection
06/1	0/2010 Motion for Summary Judgment <del>-</del>
	tt Financial Corporation's Motion for Partial Summary Judgment as riority of Liens
S	omment cott Financial Corporation's Motion for Partial Summary udgment as to Priority of Liens
06/1	0/2010 Motion for Summary Judgment <del>-</del>
judg	ntiff-In-Intervention, Tri-City Drywall, Inc.'s Motion For Summary ment Against Gemstone De
P	omment laintiff-In-Intervention, Tri-City Drywall, Inc.'s Motion For ummary judgment Against Gemstone Development West, Inc.
06/1	0/2010 Motion for Summary Judgment <del>-</del>
	Vegas Pipeline's Motion for Summary Judgment Against nstone Development West, Inc.
L	omment as Vegas Pipeline's Motion for Summary Judgment Against semstone Development West, Inc.
06/1	1/2010 Errata 🔻
	ta to Scott Financial Corporation's Motion for Partial Summary gment as to Priority of Liens
_	omment rrata to Scott Financial Corporation's Motion for Partial ummary Judgment as to Priority of Liens

Comment

Notice of Hearing On Plaintiff Ahern Rentals, Inc.'s 1) Motion for Summary Judgment Against Defendant Gemstone Development, LLC; 2) Renewed Motion for Summary Judgment as to Amounts Due Against Defendant Alex Edelstein; and 3) Motion for Default Judgment Against Gemstone Devlopment West, Inc.

06/11/2010 Opposition to Motion For Summary Judgment -

Scott Financial Corporation's Opposition to Custom Select Billing, Inc.'s Motion for Summary Judgme

### Comment

Scott Financial Corporation's Opposition to Custom Select Billing, Inc.'s Motion for Summary Judgment Against Gemstone Development West, Inc. or, In the Alternative, Motion for Permanent Writ of Possession and for Certification of Final Judgment Pursuant to NRCP 54(b)

06/11/2010 Opposition to Motion For Summary Judgment -

Scott Financial Corporation's Oppositoin to Hydropressure Cleaning, Inc.s Motion for Summary Agains

### Comment

Scott Financial Corporation's Oppositoin to Hydropressure Cleaning, Inc.s Motion for Summary Against Gemstone Development West, Inc. and for Certification of Final Judgment Pursuant to NRCP 54(b)

06/11/2010 Opposition to Motion -

Scott Financial Corporation's Opposition to Selectbuild Nevada, Inc.'s Motion for Partial Summary J

#### Comment

Scott Financial Corporation's Opposition to Selectbuild Nevada, Inc.'s Motion for Partial Summary Judgment against Defendant Gemstone Development West, Inc.

06/14/2010 Motion for Partial Summary Judgment -

# Original Type Motion for Partial Summary Judgment

Motion for Partial Summary Judgment

Judicial Officer

Delaney, Kathleen E.

Hearing Time 9:00 AM

Result Matter Continued

Against Defendant Gemstone Development West Inc.	
Parties Present▲ Defendant	
Attorney: Meier, Glenn F	
Intervenor Plaintiff	
Attorney: Wittig, Donna	
Counter Defendant	
Attorney: Meier, Glenn F	
Counter Defendant	
Attorney: Wittig, Donna	
Counter Defendant	
Attorney: Walters, Brian K.	
Intervenor Plaintiff	
Attorney: Walters, Brian K.	
Intervenor Defendant	
Attorney: Meier, Glenn F	
06/14/2010 Acceptance of Service -	
Acceptance of Service by Camco Pacific Construction Company, and Fidelity and Deposit Company	Inc.
Comment Acceptance of Service by Camco Pacific Construction Compar Inc. and Fidelity and Deposit Company of Maryland	ıy,
06/15/2010 Supplement -	
Scott Financial Corporation's Omnibus Supplement to its Oppositi the Motions for Summary Judgm	ion to
Comment Scott Financial Corporation's Omnibus Supplement to its Opposition to the Motions for Summary Judgment against Gemstone Development West, Inc.	
06/16/2010 Motion to Consolidate 🔻	
Original Type Motion to Consolidate	
Motion to Consolidate Judicial Officer	

# Result Granted

Comment

Pltf. APCO Construction's Motion to Consolidate A608717 Into A571228

06/16/2010 Motion to Consolidate -

Original Type Motion to Consolidate

Judicial Officer Delaney, Kathleen E.

Hearing Time 9:00 AM

Result

Granted

### Comment

Defendant/Counterclaimant Camco Pacific Construction Inc. and Fidelity and Deposit Company of Maryland's Motion to Consolidate Case No. A09-606730 and Case No. A10-608718 With Pending Action

06/16/2010 Status Check -

Original Type Status Check

Judicial Officer Delaney, Kathleen E.

Hearing Time 9:00 AM

Result Matter Heard

Comment Status Check: Set Date Certain

06/16/2010 All Pending Motions -

Original Type All Pending Motions

All Pending Motions

Judicial Officer

Delaney, Kathleen E.

Hearing Time 9:00 AM

Result Matter Heard

#### Comment

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

# Parties Present

Defendant

Attorney: Meier, Glenn F

### Intervenor Plaintiff

Attorney: Albregts, Jeffrey Richard

Attorney: Wittig, Donna

### Intervenor

Attorney: Howell, Dana Lee

### Counter Defendant

Attorney: Meier, Glenn F

### **Counter Defendant**

Attorney: Perkins, Robin E.

#### **Counter Defendant**

Attorney: Albregts, Jeffrey Richard

Attorney: Wittig, Donna

### **Counter Defendant**

Attorney: Howell, Dana Lee

# **Counter Defendant**

Attorney: Gebhart, Michael T.

# Counter Defendant

Attorney: Walters, Brian K.

## Counter Defendant

Attorney: Gebhart, Michael T.

### **Counter Defendant**

Attorney: Haze, Airene

# Counter Defendant

Attorney: CAWLEY, REUBEN

### Counter Defendant

Attorney: Gebhart, Michael T.

# Counter Defendant

Attorney: Gebhart, Michael T.

# Counter Defendant

Attorney: Gebhart, Michael T. Counter Defendant Attorney: Gebhart, Michael T. Counter Defendant	
Attorney: Gebhart, Michael T. Counter Defendant	
Counter Defendant	
Attorney: Gebhart, Michael T.	
Intervenor Plaintiff	
Attorney: Walters, Brian K.	
Counter Defendant	
Attorney: Gebhart, Michael T.	
Intervenor Plaintiff	
Attorney: Gebhart, Michael T.	
Intervenor Plaintiff	
Attorney: Gebhart, Michael T.	
Intervenor Plaintiff	
Attorney: Gebhart, Michael T.	
Intervenor Defendant	
Attorney: Meier, Glenn F	
Other	
Attorney: Gochnour, Wade B.	
06/16/2010 Notice of Hearing -	
Amended Notice of Motion for Partial Summary Judgment as to Priority of Liens	
Comment Amended Notice of Motion for Partial Summary Judgment as to Priority of Liens	
06/18/2010 Notice -	
Notice of Change of Address, Telephone Number and Facsimile Number	
Comment Notice of Change of Address, Telephone Number and Facsimile Number	
06/18/2010 Certificate of Mailing -	
Certificate of Mailing	
Comment Certificate of Mailing	
06/18/2010 Affidavit in Support -	
JA007792	

Affi	mment idavit of Brian K. Walters in Support of Application for Default ainst Defendant Gemstone Development West, Inc.
06/18/	/2010 Application for Entry of Default -
	iff/Lien Claimant Selectbuild Nevada, Inc.'s Application for Entry fault Against Defenda
Pla Ent	mment intiff/Lien Claimant Selectbuild Nevada, Inc.'s Application for try of Default Against Defendant Gemstone Development est, Inc.
06/18/	/2010 Findings of Fact, Conclusions of Law and Order <del>-</del>
	ngs of Fact, Conclusions of Law and Order Granting, in Part, Arc num and Glass LLC's Mot
Fin Pai	mment dings of Fact, Conclusions of Law and Order Granting, in rt, Arch Aluminum and Glass LLC's Motion for Partial mmary Judgment Against Gemstone Development West, Inc.
06/18/	/2010 Notice of Change of Hearing -
Notice	e of Change of Hearing
0.0	mment tice of Change of Hearing
06/18/	/2010 Motion for Partial Summary Judgment -
	Aluminum and Glass LLC's Motion for Partial Summary nent Regarding Priority Among Lien Cla
Arc Juc	mment ch Aluminum and Glass LLC's Motion for Partial Summary dgment Regarding Priority Among Lien Claimants Order ortening Time
06/21	/2010 Joinder to Motion For Partial Summary Judgment 🔻
	to Corporation, EZA, P.C., dba Oz Architecture of Nevada, and t Construction Systems, a Di
Ha and	mment rsco Corporation, EZA, P.C., dba Oz Architecture of Nevada, d Patent Construction Systems, a Division of Harsco rporation's Joinder to Apco's Motion for Summary Judgment Priority

	al Summary Judgment Against
Jo Pa	omment int Order Granting, in Part, Various Lien Claimants' Motions for artial Summary Judgment Against Gemstone Development est
06/22	2/2010 Motion for Summary Judgment -
Арсо	's Motion for Summary Judgment on Priority
_	omment oco's Motion for Summary Judgment on Priority
)6/22	2/2010 Joinder to Motion For Summary Judgment -
	Construction Supply, Inc.'s Joinder To APCO's Motion For mary Judgment On Priority
At	omment las Construction Supply, Inc.'s Joinder To APCO's Motion For immary Judgment On Priority
)6/22	2/2010 Order Granting <del>▼</del>
Orde	r Granting Scott Financial Corporation's Order to Show Cause
	omment
	der Granting Scott Financial Corporation's Order to Show ause
Ca	<b>c</b>
Ca 06/22 nsul	ause
Ca 06/22 nsul Judg Ca In	2/2010 Joinder To Motion ▼ pro Projects, Inc.'s Joinder to APCO's Motion for Summary
Ca D6/22 Insul Judg Ca In Ju	Ause 2/2010 Joinder To Motion - pro Projects, Inc.'s Joinder to APCO's Motion for Summary ment on Priority comment sulpro Projects, Inc.'s Joinder to APCO's Motion for Summary
Ca D6/22 Insul Judg Ca Ju Ju Ju Ju Ju Ju Ju Ju Ju Ju Ju Ju Ju	ause 2/2010 Joinder To Motion ▼ pro Projects, Inc.'s Joinder to APCO's Motion for Summary ment on Priority comment sulpro Projects, Inc.'s Joinder to APCO's Motion for Summary dgment on Priority
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	ite Construction Company's Joinder to APCO's Motion for mary Judgment on Priority
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06/2	4/2010 Certificate of Service ▼
	ficate of Service of Arch Aluminum and Glass LLC's Motion for al Summary Judgment Regardi
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fo	ertificate of Service of Arch Aluminum and Glass LLC's Motion r Partial Summary Judgment Regarding Priority Among Lien laimants Order Shortening Time
)6/2	4/2010 Notice of Entry of Order -
	ce of Entry of Order Granting Scott Financial Corporation's Order now Cause
N	omment otice of Entry of Order Granting Scott Financial Corporation's rder to Show Cause
)6/2	4/2010 Notice of Entry of Order ▼
Votio	ce of Entry of Order
-	omment otice of Entry of Order
)6/2	4/2010 Joinder to Motion For Summary Judgment -
	tiff/Lien Claimant HD Supply Construction Supply, L.P. d/b/a e Cap Construction Supply, In
P W	omment aintiff/Lien Claimant HD Supply Construction Supply, L.P. d/b/a /hite Cap Construction Supply, Inc.'s Joinder to APCO's Motion r Summary Judgment on Priority
)6/2	4/2010 Joinder to Motion For Summary Judgment ▼
-	uson Fire And Fabrication, Inc.'s Joinder To APCO's Motion For mary Judgment On Priority
-	omment erguson Fire And Fabrication, Inc.'s Joinder To APCO's Motion

	Comment
	Order Consolidating Cases A-10-608718 and A-10-606730 into
	Case Number A-08-571228
0	6/25/2010 Joinder to Motion For Summary Judgment ▼
	laintiff/Lien Claimant Selectbuild Nevada, Inc.'s Joinder to Apco construction's Motion for Summar
	Comment
	Plaintiff/Lien Claimant Selectbuild Nevada, Inc.'s Joinder to Apco Construction's Motion for Summary Judgment on Priority
0	6/28/2010 Notice of Entry of Order ▼
Ν	lotice of Entry of Order
	Comment Notice of Entry of Order
0	6/28/2010 Opposition to Motion For Summary Judgment 👻
С	amco's Opposition to Insulpro's Motion for Summary Judgment
	Comment Camco's Opposition to Insulpro's Motion for Summary Judgment
0	6/28/2010 Joinder to Motion For Summary Judgment 🔻
	ast Glass, Inc.'s Joinder to APCO's Motion for Summary Judgment n Priority
	Comment
	Fast Glass, Inc.'s Joinder to APCO's Motion for Summary Judgment on Priority
0	6/28/2010 Joinder to Motion For Summary Judgment ▼
	as Vegas Pipeline's Joinder in Apco's Motion for Summary Judgment n Priority
	Comment
	Las Vegas Pipeline's Joinder in Apco's Motion for Summary Judgment on Priority
0	6/28/2010 Joinder to Motion For Summary Judgment ▼
С	camco's Joinder to Apco's Motion for Summary Judgment on Priority
	Comment
	Camco's Joinder to Apco's Motion for Summary Judgment on Priority

Lien Claimant/Plainitff Cellcrete Fire to Plaintiff Apco Construct	eproofing of Nevada Inc.'s Joinder
Comment	
Lien Claimant/Plainitff Cellcrete F Joinder to Plaintiff Apco Construct Summary Judgment on Lien Prio Parties	ction Inc.'s Motion for Partial
06/28/2010 Opposition to Motion -	
Club Vista Financial Services, LLC, Gary D. Tharaldsons' Response to	Tharaldson Motels II, Inc. and
Comment	
Club Vista Financial Services, LL and Gary D. Tharaldsons' Respo Corporation's Motion for Partial S of Liens	nse to Scott Financial
06/28/2010 Joinder To Motion -	
Granite Construction Company's Jo Corporation's Joint Motion for C	inder to APCO and Scott Financial
Comment	
Granite Construction Company's	Joinder to APCO and Scott
Financial Corporation's Joint Mot	
on Motions for Summary Judgme	
Shortening Time (First Request)	-
06/29/2010 Summons -	
Summons - Civil	
Comment	
Summons - Civil	
06/29/2010 Summons -	
Summons - Civil	
Comment	
Summons - Civil	
06/29/2010 Summons -	
Summons - Civil	
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Summons - Civil	
06/29/2010 Summons -	
Summons - Civil	
Summons - Civil Comment	
	JA007797

06/29/2010	) Acceptance of Service 🔻
	e of Service by Scott Financial Corporation
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06/29/2010	) Acceptance of Service ▼
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06/29/2010	) Acceptance of Service ▼
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Accepta	nce of Service by Scott Financial Corporation
06/29/2010	) Joinder to Motion For Summary Judgment -
	iss, Janney, Elstner Associates, Inc.'s Joinder to Apco's Summary Judgment o
	Wiss, Janney, Elstner Associates, Inc.'s Joinder to
Apco's I	Notion for Summary Judgment on Priority
06/29/2010	) Opposition to Motion For Summary Judgment $ullet$
	ncial Corporation's Opposition to Cell-Crete Fireproofing of .c.'s Motion for Pa
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	nancial Corporation's Opposition to Cell-Crete
-	ofing of Nevada, Inc.'s Motion for Partial Summary
Judgme	nt Against Gemstone Development West, Inc.
06/29/2010	Opposition to Motion For Summary Judgment -
	ncial Corporation's Opposition to Tri-City Drywall, Inc.'s
	Summary Judgment Ag
Comme Scott Fi	
	nancial Corporation's Opposition to Tri-City Drywall, Inc.'s for Summary Judgment Against Gemstone Development
West, Ir	JA007798

Soott Einono	ial Corporation's Opposition to Earguage Eiro ?
	ial Corporation's Opposition to Ferguson Fire & Inc.'s Motion for Partial
Comment	
	ancial Corporation's Opposition to Ferguson Fire &
	n, Inc.'s Motion for Partial Summary Judgment g Perfection, Validity, and Priority of its Mechanic's Lien
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06/29/2010 /	Answer to Third Party Complaint 👻
Camco's Ans	swer to SWPPP's Amended Complaint
Comment	
Camco's /	Answer to SWPPP's Amended Complaint
06/29/2010 (	Opposition to Motion For Summary Judgment ▼
Scott Financ	ial Corporation's Opposition to Las Vegas Pipeline, LLC's
	ummary Judgment A
Comment	t
	ancial Corporation's Opposition to Las Vegas Pipeline,
	tion for Summary Judgment Against Gemstone
Developin	nent West, Inc.
07/01/2010 \$	Stipulation and Order for Dismissal With Prejudice 👻
Stipulation a	Stipulation and Order for Dismissal With Prejudice - nd Order for Dismissal With Prejudice Of Claims Asserted uild Nevada, Inc.
Stipulation a	nd Order for Dismissal With Prejudice Of Claims Asserted uild Nevada, Inc.
Stipulation a By Select Bu Comment Stipulation	nd Order for Dismissal With Prejudice Of Claims Asserted uild Nevada, Inc. n and Order for Dismissal With Prejudice Of Claims
Stipulation a By Select Bu Comment Stipulation Asserted	nd Order for Dismissal With Prejudice Of Claims Asserted uild Nevada, Inc. n and Order for Dismissal With Prejudice Of Claims By Select Build Nevada, Inc. Against APCO
Stipulation a By Select Bu Comment Stipulation	nd Order for Dismissal With Prejudice Of Claims Asserted uild Nevada, Inc. n and Order for Dismissal With Prejudice Of Claims By Select Build Nevada, Inc. Against APCO
Stipulation a By Select Bu Comment Stipulation Asserted Construct	nd Order for Dismissal With Prejudice Of Claims Asserted uild Nevada, Inc. n and Order for Dismissal With Prejudice Of Claims By Select Build Nevada, Inc. Against APCO
Stipulation a By Select Bu Comment Stipulation Asserted Construct	nd Order for Dismissal With Prejudice Of Claims Asserted uild Nevada, Inc. In and Order for Dismissal With Prejudice Of Claims By Select Build Nevada, Inc. Against APCO ion
Stipulation a By Select Bu Comment Stipulation Asserted Construct 07/01/2010 Notice of En	nd Order for Dismissal With Prejudice Of Claims Asserted uild Nevada, Inc. In and Order for Dismissal With Prejudice Of Claims By Select Build Nevada, Inc. Against APCO ion
Stipulation a By Select Bu Comment Stipulation Asserted Construct 07/01/2010 N Notice of En Claims Asse Comment	nd Order for Dismissal With Prejudice Of Claims Asserted uild Nevada, Inc. In and Order for Dismissal With Prejudice Of Claims By Select Build Nevada, Inc. Against APCO ion Notice of Entry of Stipulation & Order for Dismissal ▼ try of Stipulation & Order for Dismissal with Prejudice of rted by Select Bu
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Stipulation a By Select Bu Comment Stipulation Asserted Construct 07/01/2010 N Notice of En Claims Asse Comment Notice of Prejudice Against A 07/01/2010 S	nd Order for Dismissal With Prejudice Of Claims Asserted uild Nevada, Inc. and Order for Dismissal With Prejudice Of Claims By Select Build Nevada, Inc. Against APCO ion Notice of Entry of Stipulation & Order for Dismissal try of Stipulation & Order for Dismissal with Prejudice of rted by Select Bu Entry of Stipulation & Order for Dismissal with of Claims Asserted by Select Build Nevada, Inc. PCO Construction Joinder to Opposition to Motion struction Company's Joinder to APCO's Opposition to
Stipulation a By Select Bu Comment Stipulation Asserted Construct 07/01/2010 N Notice of En Claims Asse Comment Notice of Prejudice Against A 07/01/2010 S Granite Cons Scott Financ	nd Order for Dismissal With Prejudice Of Claims Asserted and Order for Dismissal With Prejudice Of Claims By Select Build Nevada, Inc. Against APCO ion Notice of Entry of Stipulation & Order for Dismissal • try of Stipulation & Order for Dismissal with Prejudice of rted by Select Bu Entry of Stipulation & Order for Dismissal with Prejudice of tred by Select Bu Dinder to Opposition to Motion • struction Company's Joinder to APCO's Opposition to ial's Motion for Partial
Stipulation a By Select Bu Comment Stipulation Asserted Construct 07/01/2010 N Notice of En Claims Asse Comment Notice of I Prejudice Against A 07/01/2010 S Granite Cons Scott Financ Comment	nd Order for Dismissal With Prejudice Of Claims Asserted and Order for Dismissal With Prejudice Of Claims By Select Build Nevada, Inc. Against APCO ion Notice of Entry of Stipulation & Order for Dismissal • try of Stipulation & Order for Dismissal with Prejudice of rted by Select Bu Entry of Stipulation & Order for Dismissal with Prejudice of tred by Select Bu Dinder to Opposition to Motion • struction Company's Joinder to APCO's Opposition to ial's Motion for Partial

07/01/2	2010 Joinder to Opposition to Motion -
	gas Pipeline's Joinder in Apco's Opposition to Scott Financial's for Partial Summary J
001	nment Vegas Pipeline's Joinder in Apco's Opposition to Scott
Fina Lien	ncial's Motion for Partial Summary Judgment as to Priority of s
07/01/2	2010 Joinder to Motion For Summary Judgment 🕶
-	ar Electric Company's Joinder to Apco's Motion for Summary ent on Priority
Con	nment
	ybar Electric Company's Joinder to Apco's Motion for mary Judgment on Priority
07/01/2	2010 Joinder to Motion For Summary Judgment -
	tar Concrete, Inc.'s Joinder to Apco's Motion for Summary ent on Priority
Con	nment
	thstar Concrete, Inc.'s Joinder to Apco's Motion for Summary gment on Priority
07/01/2	2010 Opposition to Motion For Summary Judgment -
	s Opposition to Scott Financial's Motion For Partial Summary ent as to Priority of Liens
Con	nment
	CO's Opposition to Scott Financial's Motion For Partial mary Judgment as to Priority of Liens
07/02/2	2010 Reply -
	to Scott's Opposition to Motions for Partial Summary Judgment n Behlaf of All Lien Cla
Con	nment
	ly to Scott's Opposition to Motions for Partial Summary gment Filed on Behlaf of All Lien Claimants
07/02/2	2010 Joinder to Opposition to Motion 🔻
	aimant/PLaintiff Cellcrete Fireproofing of Nevada's Joinder in f Apco Construction I
	nment
	Claimant/PLaintiff Cellcrete Fireproofing of Nevada's
	der in Plaintiff Apco Construction Inc/'s Opposition to endant Scott Financial Corporation's Motion for Partial
	imary Judgment as to Priority of Liens
	JA007800

Order I	Re-Setting Hearing Dates
Con	nment
	er Re-Setting Hearing Dates
)7/02/2	2010 Joinder to Motion For Summary Judgment 👻
	Peterson Framing, Inc., E&E Fire Protection, LLC, Noorda Sheet Company, the Pressure Gro
Dav She Prof	nment e Peterson Framing, Inc., E&E Fire Protection, LLC, Noorda et Metal Company, the Pressure Grout Company and essional Doors and Millworks, LLC's Notice of Joinder in o's Motion for Summary Judgment on Priority
)7/02/2	2010 Joinder to Motion For Partial Summary Judgment -
2	ar Electric Company's, Tri-City Drywall, Inc.'s, and Northstar ete, Inc.'s Joinder in Apc
	ybar Electric Company's, Tri-City Drywall, Inc.'s, and hstar Concrete, Inc.'s Joinder in Apco's Opposition to Scott
Fina Lien	ncial's Motion for Partial Summary Judgment as to Priority of s
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Lien )7/02/2 Club V	S
Lien D7/02/2 Club V Gary D Con Club and	s 2010 Response - ista Financial Services, LLC, Tharaldson Motels II, Inc. and
Lien D7/02/2 Club V Gary D Con Club and Sun	s 2010 Response - ista Financial Services, LLC, Tharaldson Motels II, Inc. and D. Tharaldsons' Response to ment o Vista Financial Services, LLC, Tharaldson Motels II, Inc. Gary D. Tharaldsons' Response to APCO's Motion for
Lien D7/02/2 Club V Gary D Con Club and Sun D7/02/2	s 2010 Response - ista Financial Services, LLC, Tharaldson Motels II, Inc. and D. Tharaldsons' Response to mment o Vista Financial Services, LLC, Tharaldson Motels II, Inc. Gary D. Tharaldsons' Response to APCO's Motion for mmary Judgment on Priority
Lien 27/02/2 Club V Gary D Con Club and Sum 07/02/2 Lien Cl Support Con Lier in S	s 2010 Response  Sista Financial Services, LLC, Tharaldson Motels II, Inc. and Tharaldsons' Response to The overlap of the services, LLC, Tharaldson Motels II, Inc. Gary D. Tharaldsons' Response to APCO's Motion for The mary Judgment on Priority 2010 Reply to Motion  Services Fireproofing of Nevada's Reply in
Lien 27/02/2 Club V Gary D Con Club and Sum 27/02/2 Lien Cl Support Con Lier in S Gen	s 2010 Response  Sista Financial Services, LLC, Tharaldson Motels II, Inc. and Tharaldsons' Response to The original Services, LLC, Tharaldson Motels II, Inc. Cary D. Tharaldsons' Response to APCO's Motion for The original Services and the original Ser

Standing to Dispute Mechanic's Lien Claims and Exclusivity of Remedy Set Forth in NRS 108.2275	I
07/06/2010 Reply -	
Selectbuild Nevada, Inc's Reply Brief in Support of Motion for Pa Summary Judgment against Def	rtial
Comment Selectbuild Nevada, Inc's Reply Brief in Support of Motion for Partial Summary Judgment against Defendant Gemstone Development West, Inc.	
07/07/2010 Joinder to Opposition to Motion -	
Dave Peterson Framing, Inc., E&e Fire Protection, Llc, Noorda S Metal Company, the Pressure Gro	heet
Comment Dave Peterson Framing, Inc., E&e Fire Protection, Llc, Noorda Sheet Metal Company, the Pressure Grout Company and Professional Doors and Millworks, Llc s Notice of Joinder in Ag s Opposition to Scott Financial s Motion for Partial Summary Judgment as to Priority of Liens	
07/07/2010 Joinder to Opposition to Motion -	
Plaintiff/Lien Claimant Selectbuild Nevada, Inc.'s Joinder to APC Construction's Opposition to Sco	0
Comment Plaintiff/Lien Claimant Selectbuild Nevada, Inc.'s Joinder to APCO Construction's Opposition to Scott Financial Corp.'s Motion for Partial Summary Judgment as to Priority of Liens	
07/07/2010 Countermotion For Partial Summary Judgment 👻	
APCO's Opposition to Insulpro Projects, Inc.'s Motion for Partial Summary Judgment and Countermotio	
Comment APCO's Opposition to Insulpro Projects, Inc.'s Motion for Parti Summary Judgment and Countermotion for Summary Judgme	
07/08/2010 Consent to Service By Electronic Means -	
Steel Structures Consent to Service by Electronic Means	
Comment Steel Structures Consent to Service by Electronic Means	
07/08/2010 Consent to Service By Electronic Means -	

)7/08/2010 N	lotice -
	nc.'s Notice of Joinder in APCO's Opposition to Scott otion for Partial S
	s, Inc.'s Notice of Joinder in APCO's Opposition to ncial's Motion for Partial Summary Judgment as to Liens
)7/08/2010 J	oinder to Opposition to Motion -
	oration, EZA, P.C. dba Oz Architecture of Nevada, and ruction Systems, A Div
and Paten Corporatic	prporation, EZA, P.C. dba Oz Architecture of Nevada, t Construction Systems, A Division of Harsco on's Joinder to Apco's Opposition to Scott Financial's Partial Summary Judgment as to Priority of Liens
)7/08/2010 .	
	oinder to Opposition to Motion -
Plaintiff/Lien	oinder to Opposition to Motion <del>▼</del> Claimant HD Supply Construction Supply, L.P. d/b/a onstruction Supply, In
Plaintiff/Lien White Cap C Comment Plaintiff/Lie White Cap Oppositior	Claimant HD Supply Construction Supply, L.P. d/b/a
Plaintiff/Lien White Cap C Comment Plaintiff/Lie White Cap Oppositior	Claimant HD Supply Construction Supply, L.P. d/b/a onstruction Supply, In en Claimant HD Supply Construction Supply, L.P. d/b/a o Construction Supply, Inc.'s Joinder in APCO's n to Scott Financial's Motion for Partial Summary as to Priority of Liens
Plaintiff/Lien White Cap C Comment Plaintiff/Lie White Cap Oppositior Judgment	Claimant HD Supply Construction Supply, L.P. d/b/a onstruction Supply, In en Claimant HD Supply Construction Supply, L.P. d/b/a o Construction Supply, Inc.'s Joinder in APCO's n to Scott Financial's Motion for Partial Summary as to Priority of Liens
Plaintiff/Lien White Cap C Comment Plaintiff/Lie White Cap Oppositior Judgment 07/09/2010 J Plaintiff/Lien White Cap C Comment Plaintiff/Lie White Cap	Claimant HD Supply Construction Supply, L.P. d/b/a onstruction Supply, In en Claimant HD Supply Construction Supply, L.P. d/b/a o Construction Supply, Inc.'s Joinder in APCO's in to Scott Financial's Motion for Partial Summary as to Priority of Liens oinder - Claimant HD Supply Construction Supply, L.P. d/b/a onstruction Supply, In en Claimant HD Supply Construction Supply, L.P. d/b/a o Construction Supply, Inc.'s Joinder in APCO's Reply nancial's Motion for Partial Summary Judgment as to
Plaintiff/Lien White Cap C Comment Plaintiff/Lie White Cap Oppositior Judgment 07/09/2010 J Plaintiff/Lien White Cap C Comment Plaintiff/Lie White Cap to Scott Fi Priority Lie	Claimant HD Supply Construction Supply, L.P. d/b/a onstruction Supply, In en Claimant HD Supply Construction Supply, L.P. d/b/a o Construction Supply, Inc.'s Joinder in APCO's in to Scott Financial's Motion for Partial Summary as to Priority of Liens oinder - Claimant HD Supply Construction Supply, L.P. d/b/a onstruction Supply, In en Claimant HD Supply Construction Supply, L.P. d/b/a o Construction Supply, Inc.'s Joinder in APCO's Reply nancial's Motion for Partial Summary Judgment as to
Plaintiff/Lien White Cap C Comment Plaintiff/Lie White Cap Oppositior Judgment 07/09/2010 J Plaintiff/Lien White Cap C Comment Plaintiff/Lie White Cap to Scott Fi Priority Lie	Claimant HD Supply Construction Supply, L.P. d/b/a onstruction Supply, In en Claimant HD Supply Construction Supply, L.P. d/b/a o Construction Supply, Inc.'s Joinder in APCO's in to Scott Financial's Motion for Partial Summary as to Priority of Liens oinder - Claimant HD Supply Construction Supply, L.P. d/b/a onstruction Supply, In en Claimant HD Supply Construction Supply, L.P. d/b/a o Construction Supply, Inc.'s Joinder in APCO's Reply nancial's Motion for Partial Summary Judgment as to ens

	Comment
	Insulpro Project, Inc.'s Reply to Camco's Opposition to Insulpro's Motion for Partial Summary Judgment
07	/11/2010 Reply to Opposition 👻
	sulpro Project, Inc.'s Reply to Apco's Opposition to Insulpro's Motion Partial Summary Judgme
	Comment Insulpro Project, Inc.'s Reply to Apco's Opposition to Insulpro's Motion for Partial Summary Judgment
07	/13/2010 Notice of Entry of Order 👻
	tice of Entry of Order Granting APCO Construction's Motion to onsolidate Case No. A-10-608717 wi
	Comment Notice of Entry of Order Granting APCO Construction's Motion to Consolidate Case No. A-10-608717 with Pending Action
07	/14/2010 Notice -
	tice to Vacate and Continue Only the Hearing on Plaintiff Ahern entals, Inc.'s (1) Motion for Su
	Comment Notice to Vacate and Continue Only the Hearing on Plaintiff Ahern Rentals, Inc.'s (1) Motion for Summary Judgment Against Defendant Gemstone Development, LLC (2) Renewed Motion for Summary Judgment as to Amounts Due Against Defendant Alex Edelstein; and (3) Motion for Default Judgment Against Gemstone Development West, Inc.
07	/16/2010 Default ▼
De Inc	fault on Defendant-In-Intervention Gemstone Development West, c.
	Comment Default on Defendant-In-Intervention Gemstone Development West, Inc.
07	/16/2010 Default ▼
De	fault on Defendant-In-Intervention Concrete Visions, Inc.
	Comment Default on Defendant-In-Intervention Concrete Visions, Inc.

Stee Joind	ment I Structures, Inc. and Nevada Prefab Engineers, Inc.'s der to Apco Construction's Motion for Summary Judgment riority
07/16/2	010 Joinder 🔻
	tructures, Inc. and Nevada Prefab Engineers Inc.'s Joinder to Opposition to Scott Fin
Stee Joind	ment I Structures, Inc. and Nevada Prefab Engineers Inc.'s der to Apco's Opposition to Scott Financial Corporation's on for Partial Summary Judgment as to Priority of Liens
07/19/2	010 Answer to Amended Complaint -
	nancial Corporation's Answer to S.R. Bray dba Power Plus' ed Statement of Facts and Co
Scot	ment t Financial Corporation's Answer to S.R. Bray dba Power Amended Statement of Facts and Complaint in Intervention
07/19/2	010 Joinder to Motion For Summary Judgment <del>-</del>
	sance Pools And Spas`s Joinder To Apco`s Motion For iry Judgment On Priority
Rena	ment aissance Pools And Spas s Joinder To Apco s Motion For mary Judgment On Priority
07/19/2	010 Joinder 🔻
	onstruction Supply, Inc.'s Joinder To APCO's Opposition To nancial Corporation's Mot
Atlas To S	ment Construction Supply, Inc.'s Joinder To APCO's Opposition cott Financial Corporation's Motion For Partial Summary ment As to Priority Of Liens
07/19/2	010 Joinder 👻
To Scot	on Fire And Fabrication, Inc.'s Joinder To APCO's Opposition tt Financial Corporation's
Ferg	ment uson Fire And Fabrication, Inc.'s Joinder To APCO's osition To Scott Financial Corporation's Motion For Partial
	mary Judgment As to Priority Of Liens

Comment Notice of Entry of Defaul	
	t on Defendant-In-Intervention Concrete
Visions, Inc.	
	of Default -
07/19/2010 Notice of Entry	of Default
-	n Defendant-In-Intervention Gemstone
Development, Inc.	
Comment	t en Defendent la latenceiten
Gemstone Development	t on Defendant-In-Intervention , Inc.
07/20/2010 Reply to Oppos	vition -
0772072010 Reply to Oppos	SHOT -
	Projects, Inc.'s Opposition to APCO's
Countermotion for Summar	y Judgment
Comment	o Drojanto Ingla Organitiar to ADOOL
Countermotion for Sum	o Projects, Inc.'s Opposition to APCO's nary Judgment
07/20/2010 Joinder to Opp	osition to Motion 🕶
Custom Select Billing, Inc.`	s Joinder to APCO`s Opposition to Scott
Financial`s Motion for Parti	
Comment	
-	c. s Joinder to APCO s Opposition to for Partial Summary Judgment as to
Priority Lien and to APC	O s Motion for Partial Summary
Priority Lien and to APC Judgment on Priority	O s Motion for Partial Summary
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Judgment on Priority 07/20/2010 Joinder to Opp	osition to Motion 👻
Judgment on Priority 07/20/2010 Joinder to Oppo Hydropressure Cleaning, Ir	osition to Motion ▼ nc.'s Joinder to APCO's Opposition to Scott
Judgment on Priority 07/20/2010 Joinder to Opp Hydropressure Cleaning, Ir Financial's Motion for Partia	osition to Motion ▼ nc.'s Joinder to APCO's Opposition to Scott
Judgment on Priority 07/20/2010 Joinder to Opp Hydropressure Cleaning, Ir Financial's Motion for Partia Comment	osition to Motion - Ic.'s Joinder to APCO's Opposition to Scott al
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Judgment on Priority 07/20/2010 Joinder to Oppo Hydropressure Cleaning, In Financial's Motion for Partia Comment Hydropressure Cleaning Scott Financial's Motion Priority Lien and to APC	osition to Motion 
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Judgment on Priority 07/20/2010 Joinder to Opport Hydropressure Cleaning, Ir Financial's Motion for Partia Comment Hydropressure Cleaning Scott Financial's Motion Priority Lien and to APC Judgment on Priority	osition to Motion 
Judgment on Priority 07/20/2010 Joinder to Opport Hydropressure Cleaning, Ir Financial's Motion for Partia Comment Hydropressure Cleaning Scott Financial's Motion Priority Lien and to APC Judgment on Priority	osition to Motion 
Judgment on Priority 07/20/2010 Joinder to Oppo Hydropressure Cleaning, Ir Financial's Motion for Partia Comment Hydropressure Cleaning Scott Financial's Motion Priority Lien and to APC Judgment on Priority 07/20/2010 Reply in Suppo Custom Select Billing, Inc. <sup>2</sup> Judgment Against Defenda Comment	osition to Motion 
Judgment on Priority 07/20/2010 Joinder to Opport Hydropressure Cleaning, Irr Financial's Motion for Partia Comment Hydropressure Cleaning Scott Financial's Motion Priority Lien and to APC Judgment on Priority 07/20/2010 Reply in Support Custom Select Billing, Inc. Judgment Against Defendat Comment Custom Select Billing, Inc.	osition to Motion 

07/20/2010 Reply -
Ferguson Fire & Fabrication, Inc.'s Reply In Support Of Motion For Partial Summary Judgment Regardi
Comment Ferguson Fire & Fabrication, Inc.'s Reply In Support Of Motion
For Partial Summary Judgment Regarding Perfection, Validity, And Priority Of Its Mechanic's Lien
07/21/2010 Memorandum of Costs and Disbursements -
Northstar Concrete, Inc.'s Memorandum of Costs and Disbursements
Comment Northstar Concrete, Inc.'s Memorandum of Costs and Disbursements
07/21/2010 Joinder to Opposition to Motion -
Plaintiff, Wiss, Janney, Elstner Associates, Inc.'s Joinder to Apco's Opposition to Scott Financial
Comment Plaintiff, Wiss, Janney, Elstner Associates, Inc.'s Joinder to Apco's Opposition to Scott Financial's Motion for Partial Summary Judgment as to Priority of Liens
07/21/2010 Reply in Support ▼
Scott Financial Corporation's Reply Brief in Support of the Motion for Partial Summary Judgment as
Comment Scott Financial Corporation's Reply Brief in Support of the Motion for Partial Summary Judgment as to Priority of Liens
07/21/2010 Reply in Support ▼
Reply in Support of APCO's Motion for Summary Judgment on Priori
Comment Reply in Support of APCO's Motion for Summary Judgment on Priority
07/21/2010 Joinder -
Arch Aluminum and Glass, LLC's Joinder to APCO's Opposition to Scott financial Corporation's Motion
Comment Arch Aluminum and Glass, LLC's Joinder to APCO's Opposition to Scott financial Corporation's Motion for Partial Summary Judgment as to Priority of Liens
07/21/2010 Joinder -
JA007807

Zitting Brot	hers Construction, Inc.'s Joir	nder to Reply to Scott
0	Opposition to Motions f	
Comme	nt	
	Brothers Construction, Inc.'s	Joinder to Reply to Scott
-	al's Opposition to Motions for	
07/04/0040	) leinden	
0772172010	) Joinder 🔻	
Zitting Brot	hers Construction, Inc.'s Joir	nder to APCO's Opposition to
Scott Finar	ncial Corporation'	
Comme		
•	Brothers Construction, Inc.'s	
	ion to Scott Financial Corpor ry Judgment as to Priority of	
07/22/2010	) Joinder 🔻	
The Meson	an Croup Novede, Inde, Join	ider to Anacle Opposition to
	nry Group Nevada, Inc's Join ncial Corporation's Moti	Juer to Apeo's Opposition to
Comme	-	
	nt sonry Group Nevada, Inc's J	oinider to Apco's Opposition
		on for Priority and Joinder to
	Notion for Priority of Liens	·
07/22/2010	) Joinder to Motion For Partia	al Summary Judgment 👻
Zitting Brot	hers Constructin, inc.'s Joind	der to APCO Construction's
0	Parital Summary Judg	
Comme	nt	
	Brothers Constructin, inc.'s Jo	binder to APCO
Constru	ction's Motion for Parital Sun	nmary Judgment as to
Priority of	of Liens	
07/22/2010	) Joinder to Opposition to Mo	ation <b>T</b>
0112212010		
RENAISSA	ANCE POOLS AND SPAS' J	OINDER TO APCO`S
OPPOSITI	ON TO SCOTT FINANCIAL	CORPORATION'S MOTION
FO		
Comme	nt	
	SANCE POOLS AND SPAS	
	ITION TO SCOTT FINANCIA	
MOTIO	N FOR SUMMARY JUDGME	
07/22/2010	) Response 🔻	
	num and Glass, LLC's Resp	onse to APCO's Motion for
Summary .	Judgment on Priority	
Comme		
	uminum and Glass, LLC's Re mary Judgment on Priority	sponse to APCO's Motion
	mary oraginent on r holity	
07/23/2010	) Stipulation and Order -	JA007808

Stipulation and Order to Continue Ahern Rentals, Inc's : (1) Motion for Summary Judgment Against De

#### Comment

Stipulation and Order to Continue Ahern Rentals, Inc's : (1) Motion for Summary Judgment Against Defendant Gemstone Development, LLC; (2) Renewed Motion for Summary Judgment as to Amounts Due Against Defendant Alex Edelstein; and (3) Motion for Default Judgment Against Gemstone Develpment West, Inc.

07/26/2010 Reply to Counterclaim -

Nevada Prefab Engineers Reply to Camco Pacific Construction's Second Amended Answer and Counterclai

### Comment

Nevada Prefab Engineers Reply to Camco Pacific Construction's Second Amended Answer and Counterclaim

07/27/2010 Joinder -

Judicial Officer Delaney, Kathleen E.

Hearing Time 9:00 AM

Cancel Reason Vacated - per Secretary

Comment Vacated on in error

07/27/2010 Joinder -

Judicial Officer Delaney, Kathleen E.

Hearing Time 9:00 AM

Cancel Reason Vacated - per Secretary

Comment Vacated on in error

07/27/2010 Motion for Summary Judgment -

Original Type Motion for Summary Judgment

Judicial Officer Delaney, Kathleen E.

Hearing Time

### 10:00 AM

Result Under Advisement

### Comment

Custom Select Billings, Inc.'s Motion for Summary Judgment Against Defendant Gemstone Development West, Inc. or, Alternatively, Motion for Permanent Writ of Possession and for Certification of Final Judgment Pursuant to NRCP 54(B)

07/27/2010 Motion for Summary Judgment -

Original Type Motion for Summary Judgment

Judicial Officer Delaney, Kathleen E.

Hearing Time 10:00 AM

Result Under Advisement

### Comment

Hydropressure Cleaning, Inc.'s Motion for Summary Judgment Against Defendant Gemstone Development West, Inc. and for Certification of Final Judgment Pursuant to NRCP 54(B)

07/27/2010 Motion for Summary Judgment -

# Original Type

Motion for Summary Judgment

Judicial Officer Delaney, Kathleen E.

Hearing Time 10:00 AM

Result Under Advisement

### Comment

Zitting Brothers Construction, Inc.'s Motion for Summary Judgment Against Gemstone Development West, Inc. and for Certification of Final Judgment Pursuant to NRCP 54(B)

07/27/2010 Motion for Summary Judgment -

Original Type Motion for Summary Judgment

Judicial Officer Delaney, Kathleen E.

Hearing Time 10:00 AM

# Result Under Advisement Comment Atlas Construction Supply, Inc.'s Motion For Summary Judgment Regarding The Commencement Of Work And Priority Of Its Mechanic's Lien 07/27/2010 Motion for Summary Judgment -Original Type Motion for Summary Judgment Judicial Officer Delaney, Kathleen E. Hearing Time 10:00 AM Result Under Advisement Comment Ferguson Fire & Fabrication, Inc's Motion for Partial Summary Judgment Regarding Perfection, Validity, and Priority of its Mechanic's Lien 07/27/2010 Motion for Summary Judgment -Original Type Motion for Summary Judgment Judicial Officer Delaney, Kathleen E. Hearing Time 10:00 AM Result Under Advisement Comment Insulpro Projects, Inc.'s Motion for Partial Summary Against Gemstone Development, Inc., Apco Construction and Camco Pacific Construction Co., Inc. 07/27/2010 Motion for Summary Judgment -Original Type Motion for Summary Judgment Judicial Officer Delaney, Kathleen E. Hearing Time

Under Advisement

10:00 AM

Result

for Partia	nant/Plaintiff Cell Crete Fireproofing of Nevada, Inc's Motion Summary Judgment Against Gemstone Development West sue of Lien Perfection
07/27/201	0 Motion for Summary Judgment -
Original T Motion fo	ype <sup>-</sup> Summary Judgment
Judicial C Delaney,	fficer Kathleen E.
Hearing 1 10:00 AM	
Result Under Ad	visement
Commen Scott Fina to Priority	ncial Corporation's Motion for Partial Summary Judgment as
07/27/201	0 Motion for Summary Judgment -
Original T Motion fo	ype Summary Judgment
Judicial C Delaney,	fficer Kathleen E.
Hearing 1 10:00 AM	ïme
Result Under Ad	visement
	I-Intervention, Tri-City Drywall, Inc.'s Motion For Summary Against Gemstone Development West, Inc.
07/27/201	0 Motion for Summary Judgment 🔻
Original T Motion fo	ype · Summary Judgment
Judicial C Delaney,	fficer Kathleen E.
Hearing 1 10:00 AM	
Result Under Ad	visement
-	s Pipeline's Motion for Summary Judgment Against
Gemston	e Development West, Inc. JA007812

# 07/27/2010 Motion for Partial Summary Judgment -

# Original Type

Motion for Partial Summary Judgment

Judicial Officer

Delaney, Kathleen E.

Hearing Time 10:00 AM

Result Under Advisement

# Comment

Arch Aluminum and Glass LLC's Motion for Partial Summary Judgment Regarding Priority Among Lien Claimants Order Shortening Time

07/27/2010 Joinder -

Original Type Joinder

Judicial Officer Delaney, Kathleen E.

Hearing Time 10:00 AM

Result Under Advisement

### Comment

Harsco Corporation, EZA, P.C., dba Oz Architecture of Nevada, and Patent Construction Systems, a Division of Harsco Corporation's Joinder to Apco's Motion for Summary Judgment on Priority

07/27/2010 Motion for Summary Judgment -

Original Type Motion for Summary Judgment

Judicial Officer Delaney, Kathleen E.

Hearing Time 10:00 AM

Result Under Advisement

Comment Apco's Motion for Summary Judgment on Priority

07/27/2010 Joinder -

Judicial Off Delaney, Ka		
Hearing Tin 10:00 AM	ne	
Result Under Advis	sement	
	ruction Supply, Inc.'s Joinder To APCO's udgment On Priority	s Motion For
07/27/2010	Joinder 🔻	
Original Typ Joinder	e	
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Hearing Tin 10:00 AM	le	
Result Under Advis	sement	
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Under Advis Comment Granite Cor	nstruction Company's Joinder to APCO's udgment on Priority	Motion for
Under Advis Comment Granite Cor Summary J	astruction Company's Joinder to APCO's udgment on Priority Joinder ▼	Motion for
Under Advis Comment Granite Cor Summary J 07/27/2010 Original Typ	astruction Company's Joinder to APCO's udgment on Priority Joinder <del>▼</del> De	Motion for
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### Hearing Time 10:00 AM

Result Under Advisement

#### Comment

Plaintiff/Lien Claimant Selectbuild Nevada, Inc.'s Joinder to Apco Construction's Motion for Summary Judgment on Priority

07/27/2010 Joinder -

Original Type Joinder

Judicial Officer Delaney, Kathleen E.

Hearing Time 10:00 AM

Result Under Advisement

#### Comment

Plaintiff/Lien Claimant HD Supply Construction Supply, L.P. d/b/a White Cap Construction Supply, Inc.'s Joinder to APCO's Motion for Summary Judgment on Priority

07/27/2010 Joinder -

Original Type Joinder

Judicial Officer Delaney, Kathleen E.

Hearing Time 10:00 AM

Result Under Advisement

Comment

Fast Glass, Inc.'s Joinder to APCO's Motion for Summary Judgment on Priority

07/27/2010 Joinder -

Original Type Joinder

Judicial Officer

Delaney, Kathleen E.

Hearing Time 10:00 AM

Result

#### Under Advisement

Comment

Las Vegas Pipeline's Joinder in Apco's Motion for Summary Judgment on Priority

07/27/2010 Joinder -

Original Type

Joinder

Judicial Officer Delaney, Kathleen E.

Hearing Time 10:00 AM

Result Under Advisement

Comment

Camco's Joinder to Apco's Motion for Summary Judgment on Priority

07/27/2010 Joinder -

Original Type Joinder

Judicial Officer

Delaney, Kathleen E.

Hearing Time 10:00 AM

Result Under Advisement

#### Comment

Lien Claimant/Plainitff Cellcrete Fireproofing of Nevada Inc.'s Joinder to Plaintiff Apco Construction Inc.'s Motion for Partial Summary Judgment on Lien Priority as against All Lender Parties

07/27/2010 Joinder -

Original Type Joinder

Judicial Officer Delaney, Kathleen E.

Hearing Time 10:00 AM

Result Under Advisement

Comment Plaintiff, Wiss, Janney, Elstner Associates, Inc.'s Joinder to Apco's Motion for Summary Judgment on Priority **JA007816** 

#### 07/27/2010 Joinder -

Original Type Joinder

Judicial Officer

Delaney, Kathleen E.

Hearing Time 10:00 AM

Result Under Advisement

### Comment

Graybar Electric Company's Joinder to Apco's Motion for Summary Judgment on Priority

07/27/2010 Joinder -

Original Type Joinder

Judicial Officer Delaney, Kathleen E.

Hearing Time 10:00 AM

Result Under Advisement

Comment

Northstar Concrete, Inc.'s Joinder to Apco's Motion for Summary Judgment on Priority

07/27/2010 Joinder -

Original Type Joinder

Judicial Officer Delaney, Kathleen E.

Hearing Time 10:00 AM

Result Under Advisement

#### Comment

Dave Peterson Framing, Inc., E&E Fire Protection, LLC, Noorda Sheet Metal Company, the Pressure Grout Company and Professional Doors and Millworks, LLC's Notice of Joinder in Apco's Motion for Summary Judgment on Priority

# Original Type Joinder

Judicial Officer Delaney, Kathleen E.

Hearing Time 10:00 AM

Result Under Advisement

Comment

Renaissance Pools And Spas s Joinder To Apco s Motion For Summary Judgment On Priority

07/27/2010 Joinder -

Original Type

Joinder

Judicial Officer Delaney, Kathleen E.

Hearing Time 10:00 AM

Result Under Advisement

Comment

Zitting Brothers Constructin, inc.'s Joinder to APCO Construction's Motion for Parital Summary Judgment as to Priority of Liens

07/27/2010 Joinder -

Original Type Joinder

Judicial Officer Delaney, Kathleen E.

Hearing Time 10:00 AM

Result Under Advisement

Comment

Insulpro Projects, Inc.'s Joinder to APCO's Motion for Summary Judgment on Priority

07/27/2010 Joinder -

Original Type Joinder

Judicial Officer Delaney, Kathleen E.

### Hearing Time 10:00 AM

Result Under Advisement

#### Comment

Steel Structures, Inc. and Nevada Prefab Engineers, Inc.'s Joinder to Apco Construction's Motion for Summary Judgment on Priority

07/27/2010 Opposition and Countermotion -

Original Type Opposition and Countermotion

Judicial Officer Delaney, Kathleen E.

Hearing Time 10:00 AM

Result Under Advisement

Comment

APCO's Opposition to Insulpro Projects, Inc.'s Motion for Partial Summary Judgment and Countermotion for Summary Judgment

07/27/2010 Status Check -

Original Type Status Check

Judicial Officer Delaney, Kathleen E.

Hearing Time 10:00 AM

Result Under Advisement

Comment STATUS CHECK: PRIOR HEARINGS

07/27/2010 All Pending Motions -

Original Type All Pending Motions

All Pending Motions

Judicial Officer Delaney, Kathleen E.

Hearing Time 10:00 AM

Result

Matter Heard

Parties Present▲ Defendant	
Attorney: Meier, Glenn F	
Intervenor Plaintiff	
Attorney: Albregts, Jeffrey Richard	
Intervenor Defendant	
Attorney: Parry, Zachariah	
Intervenor	
Attorney: Maskas, Marisa	
Intervenor	
Attorney: Truman, T. James	
Third Party Plaintiff	
Attorney: Truman, T. James	
Third Party Defendant	
Attorney: Parry, Zachariah	
Intervenor	
Attorney: Reade, Robert C.	
Intervenor	
Attorney: Dobberstein, Eric	
Counter Claimant	
Attorney: Dobberstein, Eric	
Third Party Plaintiff	
Attorney: Dobberstein, Eric	
Intervenor	
Attorney: Truman, T. James	
Third Party Plaintiff	
Attorney: Truman, T. James	
Intervenor	
Attorney: Truman, T. James	
Third Party Plaintiff	
Attorney: Truman, T. James	
Intervenor	
Attorney: Williams, Donald H	
Intervenor	
Attorney: Truman, T. James	
Intervenor	
Attorney: Williams, Donald H	
	JA007820

Intervenor	
Attorney: Sechrist, Jared M.	
Intervenor Defendant	
Attorney: Muckleroy, Martin A.	
Intervenor Defendant	
Attorney: Muckleroy, Martin A.	
Counter Claimant	
Attorney: Muckleroy, Martin A.	
Counter Claimant	
Attorney: Muckleroy, Martin A.	
Counter Claimant	
Attorney: Muckleroy, Martin A.	
Counter Defendant	
Attorney: Meier, Glenn F	
Counter Defendant	
Attorney: Parry, Zachariah	
Counter Defendant	
Attorney: Dobberstein, Eric	
Counter Defendant	
Attorney: Williams, Donald H	
Doing Business As	
Attorney: Williams, Donald H	
Counter Defendant	
Attorney: Albregts, Jeffrey Richard	
Counter Defendant	
Attorney: Reade, Robert C.	
Counter Defendant	
Attorney: Sechrist, Jared M.	
Counter Defendant	
Attorney: Maskas, Marisa	
Counter Defendant	
Attorney: Williams, Donald H	
Counter Defendant	
Attorney: Fisher, Mindy C.	
Counter Defendant	
Attorney: Maskas, Marisa	
Counter Defendant	

Attorney: Gebhart, Michael T.	
Counter Defendant	
Attorney: Dachelet, David W	
Counter Defendant	
Attorney: Walters, Brian K.	
Counter Defendant	
Attorney: Gebhart, Michael T.	
Counter Defendant	
Attorney: Haze, Airene	
Counter Defendant	
Attorney: Berman, Brian Keith	
Counter Defendant	
Attorney: CAWLEY, REUBEN	
Counter Defendant	
Attorney: Gebhart, Michael T.	
Counter Defendant	
Attorney: Gebhart, Michael T.	
Attorney: Melendrez, Martin I.	
Counter Defendant	
Attorney: Gebhart, Michael T.	
Counter Defendant	
Attorney: Gebhart, Michael T.	
Counter Defendant	
Attorney: Gebhart, Michael T.	
Intervenor Plaintiff	
Attorney: Walters, Brian K.	
Counter Claimant	
Attorney: Parry, Zachariah	
Counter Defendant	
Attorney: Gebhart, Michael T.	
Intervenor Plaintiff	
Attorney: Gebhart, Michael T.	
Intervenor Plaintiff	
Attorney: Gebhart, Michael T.	
Counter Claimant	
Attorney: Parry, Zachariah	
Intervenor Plaintiff	JA007822
	VAUVI VEL

Attorney: Gebh			
Attorney: Meier, Glenn F Counter Defendant Attorney: Fisher, Mindy C. Other			
		Attorney: Goch	agur Wado B
		Allomey. Goon	ioui, vvaue D.
07/27/2010 Joinder	to Opposition to Motion 👻		
Joinder to Apco's C for Partial Summar	pposition to Scott Financial Corporation's Motion y Judgment a		
Comment			
	s Opposition to Scott Financial Corporation's I Summary Judgment as to Priority of Liens		
07/27/2010 Supple	ment to Motion for Summary Judgment -		
Lien Claimant/Plair	tiff Cell-Crete Fireproofing of Nevada, Inc's First		
Supplement in Sup			
Comment			
Lien Claimant/Pl	aintiff Cell-Crete Fireproofing of Nevada, Inc's		
First Supplemen	t in Support of its Motion for Partial Summary		
First Supplemen			
First Supplemen Judgment Again	t in Support of its Motion for Partial Summary st Gemstone Development West, Inc.		
First Supplemen	t in Support of its Motion for Partial Summary st Gemstone Development West, Inc. of Entry of Order ▼		
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Default	Against Defendant Gemstone Development West, Inc.
)8/03/201	0 Notice of Entry of Default 🔻
	nant/Plaintiff-in-Intervention Selectbuild Nevada, Inc.'s Notice f Default Again
Notice	ent aimant/Plaintiff-in-Intervention Selectbuild Nevada, Inc.'s of Entry of Default Against Defendant Gemstone pment West, Inc.
)8/04/201	0 Supplement -
-	roject, Inc.'s Supplemental Exhibit to Motion for Partial Judgment
	ent o Project, Inc.'s Supplemental Exhibit to Motion for Partial ary Judgment
)8/04/201	0 Motion for Partial Summary Judgment <del>-</del>
	Partial Summary Judgment Against Gemstone ent West, Inc.
Developm Comme Motion	ent West, Inc.
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08/18/	2010 Certificate of Mailing -
Certifi	cate of Mailing
00.	nment tificate of Mailing
08/18/	2010 Certificate 🕶
Certifi	cate of Mailing
	nment tificate of Mailing
08/19/	2010 Consent to Service By Electronic Means -
Conse	nt to Service by Electronic Means
	nment nsent to Service by Electronic Means
08/25/	2010 Release ▼
Releas	se of Notice of Pendency of Action (Lis Pendens)
	nment ease of Notice of Pendency of Action (Lis Pendens)
08/30/	2010 Motion to Associate Counsel 🔻
-	al Type n to Associate Counsel
	al Officer ey, Kathleen E.
Hearir 9:00 A	ng Time M
Result Grante	
	ent /ista Financial Services, Tharaldson Motels ii Inc and Gary D. dsons Motion to Associate Counsel
08/30/	2010 Motion to Associate Counsel -
_	al Type n to Associate Counsel
N/IOTIO"	

# Delaney, Kathleen E.

Hearing Time 9:00 AM

Result Granted

08/30/2010 All Pending Motions -

Original Type All Pending Motions

All Pending Motions

Judicial Officer Delaney, Kathleen E.

Hearing Time 9:00 AM

Result Matter Heard

Comment Data Entry Error

Parties Present 
Defendant

Attorney: Oblad, John T.

Intervenor Defendant

Attorney: Muckleroy, Martin A.

### Intervenor Defendant

Attorney: Muckleroy, Martin A.

# **Counter Claimant**

Attorney: Muckleroy, Martin A.

#### **Counter Claimant**

Attorney: Muckleroy, Martin A.

#### **Counter Claimant**

Attorney: Muckleroy, Martin A.

#### **Counter Defendant**

Attorney: Oblad, John T.

Intervenor Defendant

Attorney: Oblad, John T.

09/03/2010 Opposition to Motion For Summary Judgment -

Scott Financial's Corporation's Opposition to E & E Fire Protections' Motion for Partial Summary Ju

	ctions' Motion for Partial Summary Judgment Against one Development West, Inc.
09/08/20	10 Motion for Partial Summary Judgment ▼
Judicial ( Delaney,	Officer Kathleen E.
Hearing 9:00 AM	Time
	nt Protection's Motion for Partial Summary Judgment Against ne Development West, Inc.
09/08/20	10 Motion for Partial Summary Judgment <del>▼</del>
Judicial ( Delaney,	Officer Kathleen E.
Hearing 9:00 AM	Time
	nt onal Doors and Millworks' Motion for Partial Summary nt Against Gemstone Development West, Inc.
09/08/20	10 All Pending Motions -
Original All Pendi	Type ing Motions
All Pendi	ng Motions
Judicial ( Delaney,	Officer Kathleen E.
Hearing 9:00 AM	Time
Result Under Ad	dvisement
Gemstor Motion fo	nt Protection's Motion for Partial Summary Judgment Against ne Development West, IncProfessional Doors and Millworks' or Partial Summary Judgment Against Gemstone ment West, Inc.
00145100	10 Motion for Summary Judgment <del>-</del>
09/15/20	To Motion for Summary Sudgment

Hearing 9:00 AN	-
	Reason
	d - per Stipulation and Order
)9/16/2	010 Stipulation and Order 👻
	tion and Order to Vacate Ahern Rentals, Inc.'s: (1) Motion for ary Judgment Against Defe
Stipu for S Deve	ument ulation and Order to Vacate Ahern Rentals, Inc.'s: (1) Motion Summary Judgment Against Defendant Gemstone elopment, LLC; (2) Renewed Motion for Summary Judgment
Moti	<ul> <li>Amounts Due Against Defendant Alex Edelstein; and (3)</li> <li>on for Default Judgment Against Gemstone Development</li> <li>t, Inc.</li> </ul>
09/20/2	2010 Order -
Order A	Admitting Stephanie L. Samuelson, Esq. To Practice
Com	iment
Orde	er Admitting Stephanie L. Samuelson, Esq. To Practice
)9/20/2	010 Order 🔻
Order A	Admitting Layne K. Morrill, Esq. To Practice
	ment er Admitting Layne K. Morrill, Esq. To Practice
09/23/2	2010 Notice of Entry of Stipulation and Order -
Notice	of Entry of Order
	ment ce of Entry of Order
09/23/2	2010 Notice of Entry of Order -
Notice	of Entry of Order
	ment ce of Entry of Order
09/23/2	2010 Notice of Entry of Order -
Notice	of Entry of Order
	iment ce of Entry of Order
09/30/2	2010 Motion to Stay 👻
Scott F	inancial Corporation's Motion to Stay Futhor 7828 in This
	JAUU/828

Case Until the Issue of Prior

### Comment

Scott Financial Corporation's Motion to Stay Further Activity in This Case Until the Issue of Priority Issue Has Been Resolved

10/04/2010 Notice of Hearing -

Notice of Hearing of Scott Financial Corporation's Motion to Stay Further Activity in This Case Unt

### Comment

Notice of Hearing of Scott Financial Corporation's Motion to Stay Further Activity in This Case Until the Issue of Priority Issue Has Been Resolved

10/11/2010 Joinder -

Insulpro Projects Inc's Joinder to Scott Tinancial Corporation's Motion to Stay Further Activity in

### Comment

Insulpro Projects Inc's Joinder to Scott Tinancial Corporation's Motion to Stay Further Activity in this Case Until the Issue of Priority Issue Has Been Resolved

10/15/2010 Non Opposition -

Notice of APCO Construction's Non-Opposition to Scott Financial Corporation's Motion to Stay Furthe

### Comment

Notice of APCO Construction's Non-Opposition to Scott Financial Corporation's Motion to Stay Further Activity in this Case Until the Issue of Priority Issue has been Resolved

# 10/15/2010 Non Opposition -

Custom Select Billing, Inc.'s Non-Opposition to Scott Financial Corporation's Motion to Stay Furthe

### Comment

Custom Select Billing, Inc.'s Non-Opposition to Scott Financial Corporation's Motion to Stay Further Activity in this Case Until the Issue of Priority Issue has been Resolved

### 10/15/2010 Non Opposition -

Hydropressure Cleaning, Inc.'s Non-Opposition to Scott Financial Corporation's Motion to Stay Furth

### Comment

Hydropressure Cleaning, Inc.'s Non-Opposition to Scott Financial Corporation's Motion to Stay Further Activity in this Case Until the Issue of Priority Issue has been Resolved

Shumway Van & Hansen's Motion to Withdraw as Attorney of Record Comment Shumway Van & Hansen's Motion to Withdraw as Attorney of Record 10/22/2010 Certificate of Service -Certificate of Service Comment Certificate of Service 11/02/2010 Motion to Stay -Original Type Motion to Stay Judicial Officer Delaney, Kathleen E. Hearing Time 9:00 AM Result Granted Comment Scott Financial Corporation's Motion to Stay Further Activity in this Case Until the Issue of Priorty Issue has Been Resolved 11/02/2010 Joinder -Original Type Joinder Judicial Officer Delaney, Kathleen E. Hearing Time 9:00 AM Result Granted Comment Insulpro Projects Inc's Joinder to Scott Tinancial Corporation's Motion to Stay Further Activity in this Case Until the Issue of Priority Issue Has Been Resolved 11/02/2010 All Pending Motions -Original Type All Pending Motions **All Pending Motions** Judicial Officer **JA007830** 

Hearing Time 9:00 AM	
Result Matter Heard	
Parties Present▲ Plaintiff	
Attorney: Rutar Mullins, Gwen	
Defendant	
Attorney: Meier, Glenn F	
Intervenor Plaintiff	
Attorney: Miller, William	
Intervenor Defendant	
Attorney: Parry, Zachariah	
Intervenor	
Attorney: Maskas, Marisa	
Third Party Defendant	
Attorney: Parry, Zachariah	
Intervenor	
Attorney: Dobberstein, Eric	
Counter Claimant	
Attorney: Dobberstein, Eric	
Counter Defendant	
Attorney: Rutar Mullins, Gwen	
Third Party Plaintiff	
Attorney: Dobberstein, Eric	
Interpleader	
Attorney: Rutar Mullins, Gwen	
Intervenor	
Attorney: Williams, Donald H	
Intervenor	
Attorney: Williams, Donald H	
Intervenor Defendant	
Attorney: Muckleroy, Martin A.	
Intervenor Defendant	
Attorney: Muckleroy, Martin A.	
Counter Claimant	

Counter Claimant	
Attorney: Muckleroy, Martin A.	
Counter Claimant	
Attorney: Muckleroy, Martin A.	
Counter Defendant	
Attorney: Meier, Glenn F	
Counter Defendant	
Attorney: Parry, Zachariah	
Counter Defendant	
Attorney: Dobberstein, Eric	
Counter Defendant	
Attorney: Williams, Donald H	
Doing Business As	
Attorney: Williams, Donald H	
Counter Defendant	
Attorney: Maskas, Marisa	
Counter Defendant	
Attorney: Williams, Donald H	
Counter Defendant	
Attorney: Fisher, Mindy C.	
Counter Defendant	
Attorney: Maskas, Marisa	
Counter Defendant	
Attorney: Pintar, Becky	
Counter Defendant	
Attorney: Berman, Brian Keith	
Counter Defendant	
Attorney: Cawley, Reuben	
Intervenor	
Attorney: Rutar Mullins, Gwen	
Counter Claimant	
Attorney: Parry, Zachariah	
Counter Claimant	
Attorney: Parry, Zachariah	
Intervenor Defendant	
Attorney: Meier, Glenn F	
Counter Claimant	JA007832

/ domoy.	Rutar Mullins, Gwen	
Cross Clain	nant	
Attorney:	Rutar Mullins, Gwen	
Counter De	fendant	
Attorney: Fisher, Mindy C. Other		
11/22/2010 N	lotion to Withdraw as Counsel ▼	
Original Type Motion to Wit	hdraw as Counsel	
Motion to Wit	hdraw as Counsel	
Judicial Offic Delaney, Katl		
Hearing Time 9:00 AM	9	
Result Granted		
Comment Shumway Va	n & Hansen's Motion to Withdraw as Attorney of Record	
11/22/2010 C	Order to Withdraw as Attorney of Record 💌	
Order Grantir Attorney of R	ng Shumway Van & Hansen's Motion to Withdraw as ecord	
	nting Shumway Van & Hansen's Motion to Withdraw y of Record	
11/30/2010 N	lotice of Entry of Order -	
	ry of Order Granting Shumway Van & Hansen's Motion to Attorney of Record	
Comment		
	Entry of Order Granting Shumway Van & Hansen's Withdraw as Attorney of Record	
12/09/2010 S	itatus Conference 🔻	
Original Type		
Status Confe		
	rence	

Hearing Time 9:00 AM
Result
Matter Heard
Comment Scheduling
Parties Present  Plaintiff
Attorney: Rutar Mullins, Gwen
Defendant
Attorney: Meier, Glenn F
Intervenor
Attorney: Lloyd-Robinson, Jennifer R.
Intervenor
Attorney: Dobberstein, Eric
Counter Claimant
Attorney: Dobberstein, Eric
Counter Defendant
Attorney: Rutar Mullins, Gwen
Third Party Plaintiff
Attorney: Dobberstein, Eric
Interpleader
Attorney: Rutar Mullins, Gwen
Intervenor
Attorney: Williams, Donald H
Intervenor
Attorney: Williams, Donald H
Intervenor
Attorney: Sechrist, Jared M.
Intervenor Defendant
Attorney: Muckleroy, Martin A.
Intervenor Defendant
Attorney: Muckleroy, Martin A.
Counter Claimant
Attorney: Muckleroy, Martin A.
Counter Claimant
Attorney: Muckleroy, Martin A.
Counter Claimant
Attorney: Muckleroy, Martin A. <b>JA007834</b>

Counter Defendant		
Attorney: Meier, Glenn F		
Counter Defendant		
Attorney: Dobberstein, Eric		
Counter Defendant		
Attorney: Williams, Donald H		
Doing Business As		
Attorney: Williams, Donald H		
Counter Defendant		
Attorney: Sechrist, Jared M.		
Counter Defendant		
Attorney: Lloyd-Robinson, Jennifer R.		
Counter Defendant		
Attorney: Williams, Donald H		
Counter Defendant		
Attorney: Lloyd-Robinson, Jennifer R.		
Counter Defendant		
Attorney: Gebhart, Michael T.		
Counter Defendant		
Attorney: Gebhart, Michael T.		
Counter Defendant		
Attorney: Haze, Airene		
Counter Defendant		
Attorney: Berman, Brian Keith		
Counter Defendant		
Attorney: Cawley, Reuben		
Counter Defendant		
Attorney: Gebhart, Michael T.		
Counter Defendant		
Attorney: Gebhart, Michael T.		
Counter Defendant		
Attorney: Gebhart, Michael T.		
Counter Defendant		
Attorney: Gebhart, Michael T.		
Counter Defendant		
Attorney: Gebhart, Michael T.		
Intervenor	JA007835	
	JAUU/033	

Attorney	: Rutar Mullins, Gwen
Counter D	efendant
Attorney	: Gebhart, Michael T.
Intervenor	Plaintiff
Attorney	: Gebhart, Michael T.
Intervenor	Plaintiff
Attorney	: Gebhart, Michael T.
Intervenor	Plaintiff
Attorney	: Gebhart, Michael T.
Intervenor	Defendant
Attorney	: Meier, Glenn F
Counter C	laimant
Attorney	: Rutar Mullins, Gwen
Cross Clai	mant
Attorney	: Rutar Mullins, Gwen
Other	
Attorney	: Rutar Mullins, Gwen
12/13/2010	Order Granting Motion 👻
	ing Scott Financial Corporation's Motion to Stay Further is Case Until the
	anting Scott Financial Corporation's Motion to Stay ctivity in this Case Until the Issue of Priority Issue has
12/14/2010	Notice of Entry of Order -
	try of Order Granting Scott Financial Corporaiton's Motion her Activity in
Motion to	t Entry of Order Granting Scott Financial Corporaiton's Stay Further Activity in this Case Until the Issue of sue Has Been Resolved
01/04/2011 (	Order 🕶
Order Granti	ing Motion to Withdraw as Attorney of Record
Comment Order Gra	t anting Motion to Withdraw as Attorney of Record
02/02/2011	Notice of Compliance -
Insulpro Proj	jects, Inc.'s Third Notice of Compl <b>ipA007836</b>

	Comment Insulpro Projects, Inc.'s Third Notice of Compliance
02	/02/2011 Notice of Compliance -
Ins	ulpro Projects, Inc.'s Fourth Notice of Compliance
	Comment Insulpro Projects, Inc.'s Fourth Notice of Compliance
03	/18/2011 Change of Address -
No	tice of Change of Address Effective April 11, 2011
	Comment Notice of Change of Address Effective April 11, 2011
04	/23/2011 Stipulation and Order <del>-</del>
	pulation and Order to Set Aside Lien Expungement of Insulpro ojects, Inc., d/b/a Sacramento In
	Comment Stipulation and Order to Set Aside Lien Expungement of Insulpro Projects, Inc., d/b/a Sacramento Insulation Contrctors, Inc., for NOn-Appearance
)4	/27/2011 Notice of Entry of Stipulation and Order ▼
	tice of Entry of Stipulation and Order to Set Aside Lien pungement of Insulpro Projects, Inc. D
	Comment Notice of Entry of Stipulation and Order to Set Aside Lien Expungement of Insulpro Projects, Inc. D/b/a Sacaramento Insulation Contractors, Inc., for Non-Appearance
05	/11/2011 Substitution of Attorney -
Su	bstitution of Attorneys
	Comment Substitution of Attorneys
)5	16/2011 Substitution of Attorney -
Su	bstitution of Attorney
	Comment Substitution of Attorney
06	/24/2011 Case Reassigned to Department 29 ▼

06/29/2011 Notice of Cha	
Notice of Change of Firm	Name
Comment	
Notice of Change of Fi	rm Name
08/29/2011 Substitution of	of Attorney 🔻
Substitution of Attorney	
Comment	
Substitution of Attorne	У
09/12/2011 Notice of Dis	missal 🔻
Notice of Dismissal	
Comment	
Notice of Dismissal	
09/12/2011 Release of Li	s Pendens 🔻
Release of Lis Pendens	
Comment	
Release of Lis Pender	IS
11/04/2011 Motion for Or	der 🔻
APCO's Motion for Issuar Shortening Time	nce of an Order on Priority on Order
Comment	
APCO's Motion for Iss Shortening Time	uance of an Order on Priority on Order
Shortening Time	
11/04/2011 Certificate of	Electronic Service -
Certificate of Service of A	PCO's Motion for Issuanceof an Order on
Priority on Order Shorten	ing Tim
Comment	
on Priority on Order St	ortening Time
11/04/2011 Ex Parte Ord	or 🖛
TTO4/2011 EX Parte Ord	CI •
Ex Parte Application for C Construction's Renewed	Drder Shortening Time on APCO Motion to Consolidate
Comment	
	or Order Shortening Time on APCO ed Motion to Consolidate Case No.

11/0	7/2011 Motion to Consolidate -
APC A579	O Construction's Renewed Motion to Consolidate Case No. 9963
A	omment PCO Construction's Renewed Motion to Consolidate Case No. 579963
11/0	7/2011 Joinder To Motion ▼
-	opressure Cleaning, Inc.'s Joinder to APCO's Motion for Issuance Order on Priority on Ord
H	omment ydropressure Cleaning, Inc.'s Joinder to APCO's Motion for suance of an Order on Priority on Order Shortening Time
11/0	7/2011 Joinder To Motion 👻
	om Select Billing, Inc.'s Joinder to APCO's Motion for Issuance o Irder on Priority on Orde
С	omment ustom Select Billing, Inc.'s Joinder to APCO's Motion for suance of an Order on Priority on Order Shortening Time
11/0	7/2011 Joinder To Motion 👻
	ity Drywall, Inc. and Northstar Concrete, Inc.'s Joinder in Apco's on for Issuance of an O
Tı Aj	omment ri-City Drywall, Inc. and Northstar Concrete, Inc.'s Joinder in pco's Motion for Issuance of an Order on Priority on Order hortening Time
11/0	7/2011 Opposition to Motion 👻
	ndant Scott Financial Corporation's Opposition to APCO struction's Motion for Issuance of an
D	omment efendant Scott Financial Corporation's Opposition to APCO onstruction's Motion for Issuance of an Order on Priority on rder Shortenting Time
11/0	7/2011 Joinder To Motion 👻
	Claimant/Plaintiff Cell-Crete Fireproofing of Nevada, Inc.'s Joinde
Li	omment en Claimant/Plaintiff Cell-Crete Fireproofing of Nevada, Inc.'s binder in Support of Plaintiff APCO Construction Inc.'s Motion

11/07/20	11 Notice of Non Opposition -
	Construction Company's Notice of Non-Opposition to Apco's or Issuance of an Order o
Comn	nent
	e Construction Company's Notice of Non-Opposition to
-	s Motion for Issuance of an Order on Priority on an Order ening Time
1/07/20	11 Joinder To Motion ▼
Arch Alu	minum and Glass, LLC's Joinder in Apco's Motion for
ssuance	of an Order on Priority on Ord
Comn	
	Aluminum and Glass, LLC's Joinder in Apco's Motion for nce of an Order on Priority on Order Shortening Time
1/07/20	11 Joinder 👻
	onry Group Nevada, Inc.'s Joinder to APCO's Motion for of Order on Priority
Comn	-
0 0	lasonry Group Nevada, Inc.'s Joinder to APCO's Motion for
Issuar	nce of Order on Priority
1/07/20	11 Joinder To Motion 👻
loinder t \579963	o APCO's Renewed Motion to Consolidate Case No.
Comn	
Joinde A5799	er to APCO's Renewed Motion to Consolidate Case No. 963
1/07/20	11 Joinder To Motion 🗸
	Select Billing, Inc.'s Joinder to APCO Construction's Renewed
-	o Consolidate Case No.
Comn Custo	nent m Select Billing, Inc.'s Joinder to APCO Construction's
	wed Motion to Consolidate Case No. A579963
1/07/20	11 Joinder To Motion <del>▼</del>
lvdropre	essure Cleaning, Inc.'s Joinder to APCO Construction's
	d Motion to Consolidate Case No
Comn	
-	pressure Cleaning, Inc.'s Joinder to APCO Construction's wed Motion to Consolidate Case No. A579963
11/07/20	11 Joinder ▼
	JA007840

	nt minum and Glass, LLC's Joinder in Apco's Renewed o Consolidate Case No. A579963
11/07/2011	Joinder 🔻
	ojects, Inc.'s Joinder in APCO's Motion for Issuance of an riority on Order Sh
-	nt Projects, Inc.'s Joinder in APCO's Motion for Issuance of on Priority on Order Shortening Time
11/07/2011	Joinder -
	ry Group Nevada, Inc.'s Joinder to APCO's Renewed onsolidate Case No. A579963 nt
The Mas	onry Group Nevada, Inc.'s Joinder to APCO's Renewed Consolidate Case No. A579963
11/07/2011	Joinder -
	y Elstner Associates, Inc.'s Joinder In APCO's Motion For f AN Order On Priorit
	nt nney Elstner Associates, Inc.'s Joinder In APCO's Motion ance Of AN Order On Priority On Order Shortening Time
11/07/2011	Joinder 🔻
	y Elstner Associates, Inc.'s Joinder In APCO's Renewed Consolidate Case No. A57
	nt nney Elstner Associates, Inc.'s Joinder In APCO's d Motion To Consolidate Case No. A579963
11/08/2011	Opposition -
Opposition Case No. A	To APCO Construction's Renewed Motion To Consolidate 579963
	nt on To APCO Construction's Renewed Motion To ate Case No. A579963
11/08/2011	Joinder -
	ruction Supply, Inc.'s Joinder To Apco's Motion For f An Order On Priority On
	*

11/08	3/2011 Joinder To Motion 🔻
	co Corporation, EZA, P.c. dba OZ Architecture of Nevada, and nt Construction Systems, a Div
Ha ar Co	omment arsco Corporation, EZA, P.c. dba OZ Architecture of Nevada, d Patent Construction Systems, a Division of Harsco orporatio's Joinder to Apco's Motion for Issuance of an Order Priority on Order Shortening Time
11/08	3/2011 Joinder To Motion 👻
	ctBuild Nevada, Inc.'s Joinder to APCO Construction's Motion for ince of an Order on Priori
Se M	omment electBuild Nevada, Inc.'s Joinder to APCO Construction's otion for Issuance of an Order on Priority on Order Shortening me
11/08	3/2011 Joinder to Opposition to Motion 👻
	ler to Scott Financial Corporation and Bradley J. Scott's sition to APCO Construction's Mot
Oppo Co Jo Oj	
Oppo Co Jo Oj No	osition to APCO Construction's Mot comment inder to Scott Financial Corporation and Bradley J. Scott's oposition to APCO Construction's Motion to Consolidate Case
Oppo Co Jo No 11/08	osition to APCO Construction's Mot comment inder to Scott Financial Corporation and Bradley J. Scott's oposition to APCO Construction's Motion to Consolidate Case o. A579963
Oppo Co Jo Op No 11/08 Juita Cons Co Ur AF	bisition to APCO Construction's Mot comment inder to Scott Financial Corporation and Bradley J. Scott's oposition to APCO Construction's Motion to Consolidate Case b. A579963 8/2011 Joinder ▼ h Investments, LLC dba Sierra Reinforcing's Joinder to APCO
Oppo Ca Ja Op Na 11/08 Jnita Cons Ca Un AF or	Assistion to APCO Construction's Mot assistion to APCO Construction's Motion and Bradley J. Scott's apposition to APCO Construction's Motion to Consolidate Case b. A579963 Associate APCO Construction's Motion to Consolidate Case b. A579963 Associate APCO Associate Case b. A579963 Associate Case b.
Oppo Co Jo Op No 11/08 Unita Cons Co Un AF or 11/08 Zittin	Assition to APCO Construction's Mot and the inder to Scott Financial Corporation and Bradley J. Scott's apposition to APCO Construction's Motion to Consolidate Case b. A579963 AS2011 Joinder ▼ In Investments, LLC dba Sierra Reinforcing's Joinder to APCO truction's Motion for Issuance and Investments, LLC dba Sierra Reinforcing's Joinder to PCO Construction's Motion for Issuance of an Order on Priority Order Shortening Time

## Original Type Motion

Judicial Officer Scann, Susan

Hearing Time 9:00 AM

Result Matter Continued

Comment

APCO's Motion for Issuance of an Order on Priority on Order Shortening Time

11/09/2011 Motion to Consolidate -

Original Type Motion to Consolidate

Judicial Officer Scann, Susan

Hearing Time 9:00 AM

Result Granted in Part

Comment APCO construction's Renewed Motion to consolidate Case No. A579963

11/09/2011 Joinder -

Original Type Joinder

Judicial Officer Scann, Susan

Hearing Time 9:00 AM

Result Matter Continued

#### Comment

Hydropressure Cleaning, Inc.'s Joinder to APCO's Motion for Issuance of an Order on Priority on Order Shortening Time

11/09/2011 Joinder -

Original Type Joinder

Judicial Officer Scann, Susan

# Hearing Time 9:00 AM

Result

Matter Continued

### Comment

Custom Select Billing, Inc.'s Joinder to APCO's Motion for Issuance of an Order on Priority on Order Shortening Time

11/09/2011 Joinder -

Original Type Joinder

Judicial Officer Scann, Susan

Hearing Time 9:00 AM

Result Matter Continued

Comment

Tri-City Drywall, Inc. and Northstar Concrete, Inc.'s Joinder in Apco's Motion for Issuance of an Order on Priority on Order Shortening Time

11/09/2011 Joinder -

Original Type Joinder

Judicial Officer Scann, Susan

Hearing Time 9:00 AM

Result Matter Continued

Comment

Lien Claimant/Plaintiff Cell-Crete Fireproofing of Nevada, Inc.'s Joinder in Support of Plaintiff APCO Construction Inc.'s Motion for an Order of Priority on Order Shortening Time

11/09/2011 Joinder -

Original Type Joinder

Judicial Officer Scann, Susan

Hearing Time 9:00 AM

Result

# Matter Continued

Comment

Arch Aluminum and Glass, LLC's Joinder in Apco's Motion for Issuance of an Order on Priority on Order Shortening Time

11/09/2011 Joinder -

Original Type Joinder

Joindei

Judicial Officer Scann, Susan

Hearing Time 9:00 AM

Result Matter Continued

### Comment

The Masonry Group Nevada, Inc.'s Joinder to APCO's Motion for Issuance of Order on Priority

11/09/2011 Joinder -

Original Type Joinder

Judicial Officer Scann, Susan

Hearing Time 9:00 AM

Result Granted in Part

Comment Joinder to APCO's Renewed Motion to Consolidate Case No. A579963

11/09/2011 Joinder -

Original Type Joinder

Judicial Officer Scann, Susan

Hearing Time 9:00 AM

Result Granted in Part

Comment Custom Select Billing, Inc.'s Joinder to APCO Construction's Renewed

Motion to Consolidate Case No. A579963 JA007845

#### 11/09/2011 Joinder -

Original Type Joinder

Judicial Officer

Scann, Susan

Hearing Time 9:00 AM

Result Granted in Part

# Comment

Hydropressure Cleaning, Inc.'s Joinder to APCO Construction's Renewed Motion to Consolidate Case No. A579963

11/09/2011 Joinder -

Original Type Joinder

Judicial Officer Scann, Susan

Hearing Time 9:00 AM

Result Granted in Part

Comment

Arch Aluminum and Glass, LLC's Joinder in Apco's Renewed Motion to Consolidate Case No. A579963

11/09/2011 Joinder -

Original Type Joinder

Judicial Officer Scann, Susan

Hearing Time 9:00 AM

Result Matter Continued

#### Comment

Insulpro Projects, Inc.'s Joinder in APCO's Motion for Issuance of an Order on Priority on Order Shortening Time

11/09/2011 Joinder -

Original Type

#### Joinder

Judicial Officer Scann, Susan

Hearing Time 9:00 AM

Result Granted in Part

#### Comment

The Masonyry Group Nevada, Inc.'s Joinder to APCO's Renewed Motion to Consolidated

11/09/2011 All Pending Motions -

Original Type

All Pending Motions

All Pending Motions

Judicial Officer Scann, Susan

Hearing Time 9:00 AM

Result Matter Heard

Parties Present▲ Defendant

Attorney: Jones, Jon Randall

Attorney: Meier, Glenn F

Intervenor

Attorney: Maskas, Marisa

Intervenor

Attorney: Dobberstein, Eric

**Counter Claimant** 

Attorney: Dobberstein, Eric

Third Party Plaintiff

Attorney: Dobberstein, Eric

Intervenor

Attorney: Williams, Donald H

Intervenor

Attorney: Williams, Donald H

Intervenor

Attorney: Sechrist, Jared M.

Counter Defendant

Attorney: Meier, Glenn F		
Counter Defendant		
Attorney: Carter, Matthew S.		
Counter Defendant		
Attorney: Dobberstein, Eric		
Counter Defendant		
Attorney: Williams, Donald H		
Doing Business As		
Attorney: Williams, Donald H		
Counter Defendant		
Attorney: Sechrist, Jared M.		
Counter Defendant		
Attorney: Maskas, Marisa		
Counter Defendant		
Attorney: Williams, Donald H		
Counter Defendant		
Attorney: Maskas, Marisa		
Counter Defendant		
Attorney: Gebhart, Michael T.		
Counter Defendant		
Attorney: Dachelet, David W		
Counter Defendant		
Attorney: Walters, Brian K.		
Counter Defendant		
Attorney: Gebhart, Michael T.		
Counter Defendant		
Attorney: Cawley, Reuben		
Counter Defendant		
Attorney: Gebhart, Michael T.		
Counter Defendant		
Attorney: Gebhart, Michael T.		
Counter Defendant		
Attorney: Gebhart, Michael T.		
Counter Defendant		
Attorney: Gebhart, Michael T.		
Counter Defendant		
Attorney: Gebhart, Michael T.	1007040	
	JA007848	

Intervenor Plaintiff	
Attorney: Walters, Brian K.	
Counter Defendant	
Attorney: Gebhart, Michael T.	
Defendant	
Attorney: Jones, Jon Randall	
Attorney: Carter, Matthew S.	
Intervenor Plaintiff	
Attorney: Gebhart, Michael T.	
Intervenor Plaintiff	
Attorney: Gebhart, Michael T.	
Intervenor Plaintiff	
Attorney: Gebhart, Michael T.	
Intervenor Defendant	
Attorney: Meier, Glenn F	
Other	
Attorney: Gochnour, Wade B.	
1/09/2011 Joinder <del>▼</del> udicial Officer cann, Susan	
learing Time :00 AM	
comment	For
Viss Janney Elstner Associates, Inc.'s Joinder In APCO's Motion ssuance Of AN Order On Priority On Order Shortening Time	
viss Janney Elstner Associates, Inc.'s Joinder In APCO's Motion	
Viss Janney Elstner Associates, Inc.'s Joinder In APCO's Motion ssuance Of AN Order On Priority On Order Shortening Time	
Viss Janney Elstner Associates, Inc.'s Joinder In APCO's Motion asuance Of AN Order On Priority On Order Shortening Time 1/09/2011 Joinder ▼ udicial Officer	
Viss Janney Elstner Associates, Inc.'s Joinder In APCO's Motion asuance Of AN Order On Priority On Order Shortening Time 1/09/2011 Joinder ← udicial Officer cann, Susan	ed
Viss Janney Elstner Associates, Inc.'s Joinder In APCO's Motion ssuance Of AN Order On Priority On Order Shortening Time 1/09/2011 Joinder ▼ udicial Officer cann, Susan learing Time :00 AM comment Viss Janney Elstner Associates, Inc.'s Joinder in APCO's Renewo	ed
Viss Janney Elstner Associates, Inc.'s Joinder In APCO's Motion asuance Of AN Order On Priority On Order Shortening Time 1/09/2011 Joinder ▼ udicial Officer acann, Susan learing Time :00 AM comment Viss Janney Elstner Associates, Inc.'s Joinder in APCO's Renewo fotion to Consolidate Case No. A579963	ed

	n for Judgment by Default Against Defendant Selina
11/11/2011 S	ubstitution of Attorney 👻
Substitution o	of Counsel
Comment Substitution	n of Counsel
11/14/2011 M	lemorandum of Costs and Disbursements -
Memorandum	n of Costs and Disbursements
Comment Memorand	lum of Costs and Disbursements
11/15/2011 M	lotion for Summary Judgment <del>-</del>
Judicial Office	er
Scann, Susar	1
Hearing Time 10:00 AM	9
Comment ZITTING BRC SUMMARY J	DTHERS CONSTRUCTION, INC'S MOTION FOR UDGMENT
11/15/2011 A	II Pending Motions 🗸
Original Type All Pending M	
All Pending M	lotions
Judicial Office Scann, Susar	
	)
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10:00 AM Result	
10:00 AM Result Matter Heard Comment	
10:00 AM Result Matter Heard Comment 11/15/11	
10:00 AM Result Matter Heard Comment 11/15/11 Parties Prese Defendant	
10:00 AM Result Matter Heard Comment 11/15/11 Parties Prese Defendant	ent▲
Attorney:	ent▲

Attorney: Reade, Robert C.	
Intervenor	
Attorney: Dobberstein, Eric	
Counter Claimant	
Attorney: Dobberstein, Eric	
Third Party Plaintiff	
Attorney: Dobberstein, Eric	
Intervenor	
Attorney: Sechrist, Jared M.	
Intervenor Defendant	
Attorney: Ferrario, Mark E., ESQ	
Counter Claimant	
Attorney: Ferrario, Mark E., ESQ	
Counter Claimant: Tharaldson Motels II Inc	
Attorney: Ferrario, Mark E., ESQ	
Counter Claimant: Tharaldson, Gary D	
Attorney: Ferrario, Mark E., ESQ	
Counter Defendant	
Attorney: Dobberstein, Eric	
Counter Defendant	
Attorney: Reade, Robert C.	
Counter Defendant	
Attorney: Sechrist, Jared M.	
Counter Defendant	
Attorney: Maskas, Marisa	
Counter Defendant	
Attorney: Maskas, Marisa	
Counter Defendant	
Attorney: Dachelet, David W	
Counter Defendant	
Attorney: Walters, Brian K.	
Counter Defendant	
Attorney: Cawley, Reuben	
Intervenor Plaintiff	
Attorney: Walters, Brian K.	
Defendant	
Attorney: Jones, Jon Randall <b>JA007851</b>	

Comment Findings of Fact, Conclusions of Law and Order Granting APCO Construction's Motion for Summary Judgment on Priority: and Denying Scott Financial Corporation's Motion for Priority 11/21/2011 Order Granting Motion - Order Granting APCO Construction's Renewed Motion to Consolidate Case No A579963, In Part Comment Order Granting APCO Construction s Renewed Motion to Consolidate Case No A579963, In Part 11/22/2011 Notice of Entry of Order - Notice of Entry of Findings of Fact, Conclusions of Law and Order Granting Apco Construction's Moti Comment Notice of Entry of Findings of Fact, Conclusions of Law and Order Granting Apco Construction s Motion for Summary Judgment on Priority: and Denying Scott Financial Corporation s Motion for Priority 11/22/2011 Notice of Entry of Order - Notice of Entry of Order Granting APCO Construction's Renewed Motion to Consolidate Case No. A579963 Comment Notice of Entry of Order Granting APCO Construction's Renewed Motion to Consolidate Case No. A579963 Comment Notice of Entry of Order Granting APCO Construction's Renewed Motion to Consolidate Case No. A579963, In Part 12/2011/2011 Mandatory Rule 16 Conference - Orginal Type Mandatory Rule 16 Conference Mandatory Rule 16 Conference	Other	
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Notice of Entry of Order Granting APCO Construction's Renewed Motion to Consolidate Case No. A579963, In Part 22/01/2011 Mandatory Rule 16 Conference - Original Type Mandatory Rule 16 Conference Mandatory Rule 16 Conference Judicial Officer Scann, Susan Hearing Time 0:30 AM	Order Granting Apco Construction s Motion for Sum Judgment on Priority; and Denying Scott Financial ( Motion for Priority	imary
Driginal Type Mandatory Rule 16 Conference Mandatory Rule 16 Conference Judicial Officer Scann, Susan Hearing Time 9:30 AM	Order Granting Apco Construction s Motion for Sum Judgment on Priority; and Denying Scott Financial C Motion for Priority 11/22/2011 Notice of Entry of Order ▼ Notice of Entry of Order Granting APCO Construction's	mary Corporation s
Mandatory Rule 16 Conference Mandatory Rule 16 Conference Judicial Officer Scann, Susan Hearing Time 9:30 AM	Order Granting Apco Construction s Motion for Sum Judgment on Priority; and Denying Scott Financial C Motion for Priority 11/22/2011 Notice of Entry of Order ▼ Notice of Entry of Order Granting APCO Construction's Motion to Consolidate Case No. A57996 Comment Notice of Entry of Order Granting APCO Construction	mary Corporation s
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Result Aatter Heard	Order Granting Apco Construction s Motion for Sum Judgment on Priority; and Denying Scott Financial C Motion for Priority 11/22/2011 Notice of Entry of Order ▼ Notice of Entry of Order Granting APCO Construction's Motion to Consolidate Case No. A57996 Comment Notice of Entry of Order Granting APCO Construction	mary Corporation s

Attorney: Meier, Glenn F	
Intervenor Plaintiff	
Attorney: Wittig, Donna	
Intervenor	
Attorney: Maskas, Marisa	
Other Defendant	
Attorney: Morris, Steven L.	
Intervenor	
Attorney: Dobberstein, Eric	
Counter Claimant	
Attorney: Dobberstein, Eric	
Third Party Plaintiff	
Attorney: Dobberstein, Eric	
Intervenor	
Attorney: Williams, Donald H	
Intervenor	
Attorney: Williams, Donald H	
Intervenor	
Attorney: Sechrist, Jared M.	
Intervenor Defendant	
Attorney: Ferrario, Mark E., ESQ	
Counter Claimant	
Attorney: Ferrario, Mark E., ESQ	
Counter Claimant	
Attorney: Ferrario, Mark E., ESQ	
Counter Claimant	
Attorney: Ferrario, Mark E., ESQ	
Counter Defendant	
Attorney: Meier, Glenn F	
Counter Defendant	
Attorney: Dobberstein, Eric	
Counter Defendant	
Attorney: Williams, Donald H	
Doing Business As	

Count	er Defendant
Atto	rney: Wittig, Donna
Count	er Defendant
Atto	rney: Sechrist, Jared M.
Count	er Defendant
Atto	rney: Maskas, Marisa
Count	er Defendant
Atto	rney: Williams, Donald H
Count	er Defendant
Atto	rney: Maskas, Marisa
Count	er Defendant
Atto	rney: Dachelet, David W
Count	er Defendant
Atto	rney: Haze, Airene
Count	er Defendant
Atto	rney: Berman, Brian Keith
Count	er Defendant
Atto	rney: Cawley, Reuben
Interve	enor Defendant
Atto	rney: Meier, Glenn F
Other	
Atto	rney: Gochnour, Wade B.
12/12/2	011 Motion to Reconsider -
Motion f	or Reconsideration of Findings of Fact, Conclusions of Law
and Ord	ler Granting APCO Construc
Com Motic	ment on for Reconsideration of Findings of Fact, Conclusions of
Lawa	and Order Granting APCO Construction's Motion for
	mary Judgment on Priority; and Denying Scott Financial oration's Motion for Priority or in the Alternative, Motion for a
-	earing
12/13/2	011 Joinder To Motion 🔻
	Scott's Joinder To Scott Financial Corporation's Motion For ideration Or In The Alter
Com	
Brad	J. Scott's Joinder To Scott Financial Corporation's Motion Reconsideration Or In The Alternative, Motion For Re-

	Pacific Construction Co., Inc.'s Consent to Service by nic Means
Com Carr	iment ico Pacific Construction Co., Inc.'s Consent to Service by tronic Means
12/14/2	2011 Change of Address -
Votice	of Change of Address and Firm Affiliation
0.011	ment ce of Change of Address and Firm Affiliation
12/15/2	2011 Notice of Hearing -
	of Motion for Reconsideration of Findings of Fact, Conclusions and Order Granting APC
Con Moti Fina	ce of Motion for Reconsideration of Findings of Fact, clusions of Law and Order Granting APCO Construction's on for Summary Judgment on Priority; and Denying Scott ncial Corporation's Motion for Priority or in the Alternative,
Moti	on for a Re-Hearing
	on for a Re-Hearing 2011 Answer <del>▼</del>
12/16/2 Defend	
12/16/2 Defend Amend Com Defe	2011 Answer - ant Alexander Edelstein's Answer to Ready Mix Inc.'s First
12/16/2 Defend Amend Com Defe First	2011 Answer - ant Alexander Edelstein's Answer to Ready Mix Inc.'s First ed Complaint ment endant Alexander Edelstein's Answer to Ready Mix Inc.'s
12/16/2 Defend Amend Com Defe First	2011 Answer - ant Alexander Edelstein's Answer to Ready Mix Inc.'s First ed Complaint ment endant Alexander Edelstein's Answer to Ready Mix Inc.'s Amended Complaint
12/16/2 Defend Amend Com Defe First 12/19/2 nitial A Com	2011 Answer - ant Alexander Edelstein's Answer to Ready Mix Inc.'s First ed Complaint ament endant Alexander Edelstein's Answer to Ready Mix Inc.'s Amended Complaint
12/16/2 Defend Amend Com Defe First 12/19/2 nitial A Com Initia	2011 Answer - ant Alexander Edelstein's Answer to Ready Mix Inc.'s First ed Complaint ament andant Alexander Edelstein's Answer to Ready Mix Inc.'s Amended Complaint 2011 Initial Appearance Fee Disclosure - ppearance Fee Disclosure ament
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12/16/2 Defend Amend Com Defe First 12/19/2 nitial A Com Initia Second Com Seco	2011 Answer  ant Alexander Edelstein's Answer to Ready Mix Inc.'s First ed Complaint ment modant Alexander Edelstein's Answer to Ready Mix Inc.'s Amended Complaint 2011 Initial Appearance Fee Disclosure 2011 Initial Appearance Fee Disclosure 2011 Case Management Order  Amended Case Agenda Dates and Deadlines 2011 Case Management

Stipul	ation and Order for Dismissal with Prejudice
	mment oulation and Order for Dismissal with Prejudice
12/27	2011 Notice of Entry -
Notice	e of Entry of Stipulation and Order for Dismissal with Prejudice
No	mment lice of Entry of Stipulation and Order for Dismissal with ijudice
12/27	/2011 Notice of Entry of Order -
Notice	e of Entry of Order Lifting Stay of any Further Activity in this Case
	mment tice of Entry of Order Lifting Stay of any Further Activity in this se
12/30	/2011 Opposition to Motion ▼
	Construction's Opposition to Motion for Reconsideration of gs of Fact, Conclusions of La
	CO Construction's Opposition to Motion for Reconsideration
AP and	Findings of Fact, Conclusions of Law and Order Granting CO Construction's Motion for Summary Judgment on Priority; I Denying Scott Financial Corporation's Motion for Priority or he Alternative, Motion for a Re-Hearing
AP and in t	CO Construction's Motion for Summary Judgment on Priority; I Denying Scott Financial Corporation's Motion for Priority or
AP and in t 01/03	CO Construction's Motion for Summary Judgment on Priority; d Denying Scott Financial Corporation's Motion for Priority or he Alternative, Motion for a Re-Hearing
AP and in t 01/03/ Steel Oppos Co Stee Joi to I	CO Construction's Motion for Summary Judgment on Priority; d Denying Scott Financial Corporation's Motion for Priority or he Alternative, Motion for a Re-Hearing /2012 Joinder to Opposition to Motion ▼ Structures, Inc.'s and Nevada Prefab Engineers, Inc.'s Joinder to
AP and in t 01/03/ Steel Oppos Co Stee Joi to I Co	CO Construction's Motion for Summary Judgment on Priority; d Denying Scott Financial Corporation's Motion for Priority or he Alternative, Motion for a Re-Hearing /2012 Joinder to Opposition to Motion ▼ Structures, Inc.'s and Nevada Prefab Engineers, Inc.'s Joinder to sition Filed by APCO Co mment tel Structures, Inc.'s and Nevada Prefab Engineers, Inc.'s nder to Opposition Filed by APCO Construction in Response Motion for Reconsideration Filed by Scott Financial
AP and in t 01/03/ Steel Oppos Co Stee Joi to I Co 01/03/ 00ppos Recor	CO Construction's Motion for Summary Judgment on Priority; d Denying Scott Financial Corporation's Motion for Priority or he Alternative, Motion for a Re-Hearing /2012 Joinder to Opposition to Motion Structures, Inc.'s and Nevada Prefab Engineers, Inc.'s Joinder to sition Filed by APCO Co mment teel Structures, Inc.'s and Nevada Prefab Engineers, Inc.'s nder to Opposition Filed by APCO Construction in Response Motion for Reconsideration Filed by Scott Financial rporation

## 01/04/2012 Joinder -

Atlas Construction Supply, Inc.'s Joinder To APCO's Opposition To Scott Financial Corporation's Mot

### Comment

Atlas Construction Supply, Inc.'s Joinder To APCO's Opposition To Scott Financial Corporation's Motion For Reconsideration

01/04/2012 Joinder to Opposition to Motion -

Las Vegas Pipeline's Joinder in APCO Construction's Opposition to Motion for Reconsideration of Fin

## Comment

Las Vegas Pipeline's Joinder in APCO Construction's Opposition to Motion for Reconsideration of Findings of Fact, Conclusions of Law and Order Granting APCO Construction's Motion for Summary Judgment on Priority; and Denying Scott Financial Corporation's Motion for Priority or in the Alternative, Motion for Rehearing

## 01/04/2012 Joinder To Motion -

Tri-Clty Drywall, Inc. and Northstar Concrete, Inc.'s Joinder in Apco Construction's Opposition to

## Comment

Tri-Clty Drywall, Inc. and Northstar Concrete, Inc.'s Joinder in Apco Construction's Opposition to Motion for Reconsideration of Findings of Facts, Conclusions of Law and Order Granting Apco Construction's Motion for Summary Judgment on Priority; and Denying Scott Financial Corporation's Motion for Priority or in the Alternative, Motion for a Re-hearing

### 01/04/2012 Joinder To Motion -

Tri-Clty Drywall, Inc. and Northstar Concrete, Inc.'s Joinder in Apco Construction's Opposition to

### Comment

Tri-Clty Drywall, Inc. and Northstar Concrete, Inc.'s Joinder in Apco Construction's Opposition to Motion for Reconsideration of Findings of Facts, Conclusions of Law and Order Granting Apco Construction's Motion for Summary Judgment on Priority; and Denying Scott Financial Corporation's Motion for Priority or in the Alternative, Motion for a Re-hearing

#### 01/04/2012 Joinder -

Granite Construction Company's Joinder to Apco's Opposition to Scott Financial Corporation's Motion

#### Comment

Granite Construction Company's Joinder to Apco's Opposition to Scott Financial Corporation's Motion for Reconsideration JA007857

#### 01/04/2012 Joinder -

Plaintiff Zitting Brothers Construction, Inc.'s Joinder to APCO Construction's Opposition to Motion

#### Comment

Plaintiff Zitting Brothers Construction, Inc.'s Joinder to APCO Construction's Opposition to Motion for Reconsideration of Findings of Fact, Conclusions of Law and Order Granting APCO Construction's Motion for Summary Judgment on Priority; and Denying Scott Financial Corporation's Motion for Priority or in the Alternative, Motion for Rehearing

01/04/2012 Joinder to Opposition to Motion -

Lien Claimant/Plaintiff Cell-Crete Fireproofing of Nevada, Inc.'s Joinder in Support of Plaintiff A

#### Comment

Lien Claimant/Plaintiff Cell-Crete Fireproofing of Nevada, Inc.'s Joinder in Support of Plaintiff Apco Construction, Inc.'s Opposition to Motion for Reconsideration of Findings of Fact, Conclusions of Law and Order Granting Apco Construction's Motion for Summary Judgment on Lien Property and Denying Scott Financial Corporation's Motion for Priority or in the Alternative Motion for Hearing

01/05/2012 Joinder to Opposition to Motion -

Joinder to APCO's Opposition to Scott Financial Corporation's Motion for Reconsideration

#### Comment

Joinder to APCO's Opposition to Scott Financial Corporation's Motion for Reconsideration

#### 01/05/2012 Joinder -

Harsco Corporation, EZA, P.C. dba OZ Architecture of Nevada and Patent Construction Systems, a Divi

#### Comment

Harsco Corporation, EZA, P.C. dba OZ Architecture of Nevada and Patent Construction Systems, a Division of Harsco Corporation's Joinder to APCO Construction's Opposition to Motion for Reconsideration of Findings of Fact, Conclusions of Law and Order Granting APCO Construction's Motion for Summary Judgment on Priority; and Denying Scott Financial Corporation's Motion for Priority of in the Alternative, Motion for Rehearing

01/06/2012 Joinder -

Wiss Janney Elstner Assocites, Inc.'s Joinder To APCO Construction's Opposition To Motion For Recon

### Comment

Wiss Janney Elstner Assocites, Inc.'s Joinder To APCO Construction's Opposition To Motion For Reconsideration Of Findings Of Fact, Conclusions Of Law And Order Granting APCO Construction's Motion For Summary Judgment On Priority; And Denying Scott Financial Corporation's Motion For Priority Or, In The Alternative, Motion For Rehearing

01/06/2012 Joinder to Opposition to Motion -

APCO Construction's Joinder to Insulpro Projects, Inc.'s Opposition to Scott Financial Corporation'

#### Comment

APCO Construction's Joinder to Insulpro Projects, Inc.'s Opposition to Scott Financial Corporation's Motion for Reconsideration of Findings of Fact, Conclusions of Law and Order Granting APCO Construction's Motion for Summary Judgment on Priority; and Denying Scott Financial Corporation's Motion for Priority or in the Alternative, Motion for a Re-Hearing

01/06/2012 Joinder to Opposition to Motion -

Custom Select Billing, Inc.'s Joinder to APCO Construction's and Insulpro Projects, Inc.'s Oppositi

#### Comment

Custom Select Billing, Inc.'s Joinder to APCO Construction's and Insulpro Projects, Inc.'s Oppositions to Scott Financial Corporation's Motion for Reconsideration of Findings of Fact, Conclusions of Law and Order Granting APCO Construction's Motion for Summary Judgment on Priority; and Denying Scott Financial Corporation's Motion for Priority or in the Alternative, Motion for a Re-Hearing

01/06/2012 Joinder to Opposition to Motion -

Hydropressure Cleaning, Inc.'s Joinder to APCO Construction's and Insulpro Projects, Inc.'s Opposit

#### Comment

Hydropressure Cleaning, Inc.'s Joinder to APCO Construction's and Insulpro Projects, Inc.'s Oppositions to Scott Financial Corporation's Motion for Reconsideration of Findings of Fact, Conclusions of Law and Order Granting APCO Construction's Motion for Summary Judgment on Priority; and Denying Scott Financial Corporation's Motion for Priority or in the Alternative, Motion for a Re-Hearing

01/06/2012 Substitution of Attorney -

Substitution of Counsel

Comment Substitution of Counsel

01/09/2012 Joinder -

The Masonry Group Nevada, Inc.'s Joinder to Apco Construction's Opposition to Motion for Reconsider

#### Comment

The Masonry Group Nevada, Inc.'s Joinder to Apco Construction's Opposition to Motion for Reconsideration of Findings of Fact, Conclusions of Law and Order Granting Apco Construction's Motion for Summary judgment on Priority; and Denying Scott Financial Corporation's Motino for Priority or in the Alternative, Motion for a Re-Hearing

01/09/2012 Joinder to Opposition to Motion -

Unitah Investments, LLC, dba Sierra Reinforcing's Joinder to APCO Construction, Inc.'s Opposition t

### Comment

Unitah Investments, LLC, dba Sierra Reinforcing's Joinder to APCO Construction, Inc.'s Opposition to Motion for Reconsideration of Findings of Fact, Conclusions of Law and Order Granting APCO Construciton, Inc.'s Motion for Summary Judgment on Lien Priority adn Denying Scott Financial Corporation's Motion for Priority or in the Alternative Motion for Hearing

## 01/10/2012 Joinder -

Zitting Brothers Construction, Inc.'s Joinder to Insulpro Projects, Inc.s Opposition to Defendant S

#### Comment

Zitting Brothers Construction, Inc.'s Joinder to Insulpro Projects, Inc.s Opposition to Defendant Scott Financial Corporation's Motion for Reconisderation of Findings of Fact, Conclusions of Law and Order Granting APCO Construction's Motion for Summary Judgment on Priority; and Denying Scott Financial Corporation's Motion for Priority or in the Alternative, Motion for Re-Hearing

01/11/2012 Status Check -

## Original Type Status Check

Status Check

Status Check

Judicial Officer

Scann, Susan

Hearing Time 10:00 AM

Result Matter Continued

#### Comment

STATUS CHECK: PARTIES WITH MATTERS UNDER SUBMISSION JA007860

01/11/2012 Substitution of Attorney -
Notice of Substitution of Attorneys for Plaintiff/Counter-Defendant United Subcontractors, Inc. dba
Comment Notice of Substitution of Attorneys for Plaintiff/Counter- Defendant United Subcontractors, Inc. dba Skyline Insulation
01/11/2012 Joinder to Opposition to Motion -
Arch Aluminum and Glass, LLC's Joinder in APCO's Opposition to Motion for Reconsideration of Findin
Comment Arch Aluminum and Glass, LLC's Joinder in APCO's Opposition to Motion for Reconsideration of Findings of Fact, Conclusions of Law and Order Granting APCO's Motion for Summary Judgment on Priority; and Denying Scott Financial Corporation's Motion for Priority or in the Alternative, Motion for a Rehearing
01/12/2012 Motion to Dismiss -
Defendant Alexander Edelstein's Motion to Dismiss
Comment Defendant Alexander Edelstein's Motion to Dismiss
01/12/2012 Reply to Motion -
Scott Financial Corporaiton's Reply in Support of Motion for Reconsideration of Findings of Fact, C
Comment Scott Financial Corporaiton's Reply in Support of Motion for Reconsideration of Findings of Fact, Conclusions of Law and Order Granting APCO Construction's Motion for Summary Judgment on Priority; and Denying Scott Financial Corporation's Motion for Priority or in the Alternative, Motion for a Re-Hearing
01/12/2012 Joinder to Opposition to Motion -
E&E Fire Protection, LLC, Noorda Sheet Metal Company, The Pressure Grout Company and Professional D
Comment E&E Fire Protection, LLC, Noorda Sheet Metal Company, The Pressure Grout Company and Professional Doors and Millworks, LLC's Notice of Joinder in Apco Construction's and Insulpro Projects, Inc.'s Respective Opposition to Motion for Reconsideration of Findings of Fact, Conclusions of Law and Order Granting Apco Construction's Motion for Summary Judgment on Priority; and Denying Scott Financial Corporation's Motion for Priority or in the Alternative, Motion for a Re-hearing
01/10/2012 Statement -

	ed Subcontractors, Inc. dba Skyline Insulation's Statement of ms
ι	Comment Inited Subcontractors, Inc. dba Skyline Insulation's Statement of Claims
01/1	3/2012 Statement -
Rea	dy Mix, Inc.'s Statement Of Claim
	Comment Ready Mix, Inc.'s Statement Of Claim
01/1	3/2012 Joinder to Opposition to Motion -
	ectbuild Nevada, Inc.'s Joinder to Apco Construction and Insulpro ects, Inc.'s Oppositions t
S II C C N F	Comment Selectbuild Nevada, Inc.'s Joinder to Apco Construction and Insulpro Projects, Inc.'s Oppositions to Scott Financial Corporation's Motion for Reconsideration of Findings of Fact, Conclusions of Law and order Granting Apco Construction's Motion for Summary Judgment on Priority and Denying Scott Financial Corporation's Motion for Priority or in the Alternative, Motion for Rehearing
01/	8/2012 Statement -
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	Ipro Projects, Inc.'s Statement of Claim
Insu	
Insu C	Ipro Projects, Inc.'s Statement of Claim Comment
Insu C II 01/1 Noti	Ilpro Projects, Inc.'s Statement of Claim Comment nsulpro Projects, Inc.'s Statement of Claim
Insu C II 01/1 Con C M F C C F	Ilpro Projects, Inc.'s Statement of Claim Comment Insulpro Projects, Inc.'s Statement of Claim
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Insu 01/1 Noti Con C F C F N 01/2 Jud	Alpro Projects, Inc.'s Statement of Claim Comment Insulpro Projects, Inc.'s Statement of Claim 19/2012 Notice of Hearing - Cee of Hearing on Motion For Reconsideration of Findings of Fact, icclusions of Law and Order G Comment Notice of Hearing on Motion For Reconsideration of Findings of Fact, Conclusions of Law and Order Granting APCO Construction's Motion for Summary Judgment and Denying Scott Financial Corporaiton's Motion for Priority or in the Aleternative, Motion for a Re-Hearing
Insu 01/1 Noti Con C F M 01/2 Jud Sca	Alpro Projects, Inc.'s Statement of Claim Comment Insulpro Projects, Inc.'s Statement of Claim 19/2012 Notice of Hearing ▼ Ce of Hearing on Motion For Reconsideration of Findings of Fact, Iclusions of Law and Order G Comment Notice of Hearing on Motion For Reconsideration of Findings of Fact, Conclusions of Law and Order Granting APCO Construction's Motion for Summary Judgment and Denying Scott Financial Corporaiton's Motion for Priority or in the Aleternative, Motion for a Re-Hearing

### Comment

Defendant's Motion for Reconsideration of Findings of Fact, Conclusions of Law and Order Granting APCO Construction's Motion for Summary Judgment on Priority; and Denying Scott Financial Corporation's Motion for Priority or in the Alternative, Motion for a Re-Hearing

01/25/2012 Joinder -

## Judicial Officer Scann, Susan

Hearing Time 9:00 AM

## Comment

Brad J. Scott's Joinder To Scott Financial Corporation's Motion For Reconsideration Or In The Alternative, Motion For Re-Hearing

## 01/25/2012 All Pending Motions -

## Original Type All Pending Motions

All Pending Motions

Judicial Officer

Scann, Susan

Hearing Time 9:00 AM

Result Matter Heard

Parties Present▲ Defendant

Attorney: Meier, Glenn F

Intervenor

Attorney: Maskas, Marisa

Intervenor

Attorney: Truman, T. James

Third Party Plaintiff

Attorney: Truman, T. James

Intervenor

Attorney: Dobberstein, Eric

**Counter Claimant** 

Attorney: Dobberstein, Eric

Third Party Plaintiff

Attorney: Dobberstein, Eric

Intervenor	
Attorney: Truman, T. James	
Third Party Plaintiff	
Attorney: Truman, T. James	
Intervenor	
Attorney: Truman, T. James	
Third Party Plaintiff	
Attorney: Truman, T. James	
Intervenor	
Attorney: Truman, T. James	
Intervenor Defendant	
Attorney: Ferrario, Mark E., ESQ	
Counter Claimant	
Attorney: Ferrario, Mark E., ESQ	
Counter Claimant	
Attorney: Ferrario, Mark E., ESQ	
Counter Claimant	
Attorney: Ferrario, Mark E., ESQ	
Counter Defendant	
Attorney: Meier, Glenn F	
Counter Defendant	
Attorney: Carter, Matthew S.	
Counter Defendant	
Attorney: Dobberstein, Eric	
Counter Defendant	
Attorney: Maskas, Marisa	
Counter Defendant	
Attorney: Maskas, Marisa	
Counter Defendant	
Attorney: Dachelet, David W	
Counter Defendant	
Attorney: Walters, Brian K.	
Counter Defendant	
Attorney: Berman, Brian Keith	
Counter Defendant	
Attorney: Cawley, Reuben	

Intervenor Plaintiff

	: Walters, Brian K.
Defendant	
-	Carter, Matthew S.
Intervenor	Defendant
Attorney	: Meier, Glenn F
Other	
Attorney	: Gochnour, Wade B.
01/31/2012	Affidavit 🔻
Affidavit of A	ttorneys Fees
Comment Affidavit c	f Attorneys Fees
01/31/2012	Notice 🔫
Notice of Na	me Change
Comment Notice of	Name Change
01/31/2012	Memorandum of Costs and Disbursements 🗸
Memorandu	m of Costs and Disbursements
Comment Memoran	dum of Costs and Disbursements
02/01/2012	Hearing -
Original Typ Hearing	e
Hearing	
Judicial Offic Scann, Susa	
Hearing Tim 9:00 AM	e
Result Decision Ma	de
Comment HEARING: (	COURT'S DECISIION
02/01/2012 (	Certificate of Service -
Certificate of	f Service
Comment	

Certificate of Service Comment Certificate of Service 02/06/2012 Motion for Partial Summary Judgment ▼ Steel Structures, Inc.'s Motion for Partial Summary Judgment Comment	
Certificate of Service 02/06/2012 Motion for Partial Summary Judgment <ul> <li>Steel Structures, Inc.'s Motion for Partial Summary Judgment</li> </ul>	
Steel Structures, Inc.'s Motion for Partial Summary Judgment	
Comment	
Steel Structures, Inc.'s Motion for Partial Summary Judgment	
02/06/2012 Motion for Partial Summary Judgment -	
Nevada Prefab Engineers, Inc.'s Motion for Partial Summary Judgment	
Comment Nevada Prefab Engineers, Inc.'s Motion for Partial Summary Judgment	
02/14/2012 Transcript of Proceedings -	
Transcript of Proceedings: Motions	
Comment Transcript of Proceedings: Motions	
02/14/2012 Business Court Order 🔻	
Amended Business Court Scheduling Order Re-Setting Civil Jury <sup>-</sup> Pre-Trial Conference And Calen	Trial,
Comment Amended Business Court Scheduling Order Re-Setting Civil Jun Trial, Pre-Trial Conference And Calendar Call	ſy
02/14/2012 Substitution of Attorney -	
Substitution of Counsel	
Comment Substitution of Counsel	
02/15/2012 Supplement -	
Scott Financial Corporation's Supplement to Motion for Summary Judgment as to Priority of Liens	
Comment Scott Financial Corporation's Supplement to Motion for Summa Judgment as to Priority of Liens	ry

National Wood Products Incs Notice of Motion and Motion to Intervene and Memorandum of Points and A Comment
National Wood Products Incs Notice of Motion and Motion to Intervene and Memorandum of Points and Authorities in Support thereof
02/17/2012 Declaration -
Declaration of S Judy Hirahara in Support of National Wood Products Incs Motion to Intervene Filed
Comment Declaration of S Judy Hirahara in Support of National Wood Products Incs Motion to Intervene Filed Concurrently herewith
02/28/2012 Affidavit in Support ▼
Supplemental Affidavit of Matthew W. Treu in Support of Plaintiff Ahern Rental, Inc.'s Claim for At
Comment Supplemental Affidavit of Matthew W. Treu in Support of Plaintiff Ahern Rental, Inc.'s Claim for Attorney's Fees
03/05/2012 Order Shortening Time -
APCO's Objection to and Motion to Strike Scott Financial's Supplement to Motion for Summary Judgmen
Comment APCO's Objection to and Motion to Strike Scott Financial's Supplement to Motion for Summary Judgment as to Priority of Liens, Filed February 25, 2012, and Request for Order Shortening Time
03/06/2012 Joinder -
Joinder to APCO's Objection to and Motion to Strike Scott Financial's Supplememt to Motion for Summ
Comment Joinder to APCO's Objection to and Motion to Strike Scott Financial's Supplememt to Motion for Summary Judgment as to Priority of Liens, filed February 15, 2012, and Request for Order Shortening Time
03/06/2012 Opposition to Motion -
Scott Financial Corporation's Opposition to APCO's Objection and Motion to Strike Scott's Supplemen
Comment Scott Financial Corporation's Opposition to APCO's Objection and Motion to Strike Scott's Supplement to Motion for Summary Judgment on Order Shortening Time