

ORIGINAL



BEFORE THE ARIZONA CORPORATION COMMISSION

30nf

1
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
28

COMMISSIONERS

JEFF HATCH-MILLER, Chairman
WILLIAM A. MUNDELL
MIKE GLEASON
KRISTIN K. MAYES
GARY PIERCE

RECEIVED
2007 FEB -1 P 2:11
AZ CORP COMMISSION
DOCUMENT CONTROL

IN THE MATTER OF THE APPLICATION OF
PERKINS MOUNTAIN UTILITY COMPANY
FOR A CERTIFICATE OF CONVENIENCE
AND NECESSITY.

DOCKET NO. SW-20379A-05-0489

IN THE MATTER OF THE APPLICATION OF
PERKINS MOUNTAIN WATER COMPANY
FOR A CERTIFICATE OF CONVENIENCE
AND NECESSITY.

DOCKET NO. W-20380A-05-0490

NOTICE OF FILING

Staff of the Arizona Corporation Commission ("Staff") hereby files additional information to Exhibit A of the Staff Report in the above-referenced matter.

RESPECTFULLY SUBMITTED this 1st day of February, 2007.

Keith A. Layton
Attorney, Legal Division
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007
(602) 542-3402

Original and fifteen (15) copies of the foregoing were filed this 24th day of January, 2007 with: *15 February*

Docket Control
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

Arizona Corporation Commission
DOCKETED
FEB -1 2007

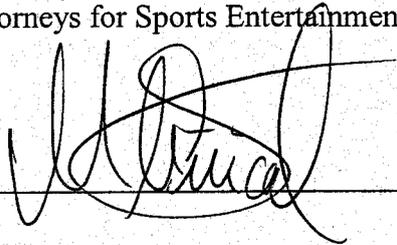
DOCKETED BY *NR*

Copies of the foregoing mailed this 24th day of January, 2007 to: *15 Feb.*

1
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
28

Robert J. Metli
Kimberley A. Grouse
Snell & Wilmer
One Arizona Center
400 East Van Buren Street
Phoenix, Arizona 85004

Booker T. Evans
Kimberley A. Warshawsky
Greenberg Traurig
2375 East Camelback Road, Suite 700
Phoenix, Arizona 85016
Attorneys for Sports Entertainment, LLC



1
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
28

DISTRICT COURT

CLARK COUNTY, NEVADA

HALSTEAD CONSTRUCTION SUPPLIES,
INC.,

Plaintiff,

vs.

JAMES RHODES, individually, and
JAMES SPEAR, individually and dba
SPEAR DEVELOPMENT and SPEAR &
ASSOCIATES BUILDING COMPANY,

Defendants.

CASE NO. A-260/97 PM '87

DEPT. NO. CLERK

DOCKET G

FILED

OCT 9 1987

CLERK

COMPLAINT

Plaintiff, by and through its attorney, JOHN P. WANDERER, ESQ. of the law firm of WANDERER & WANDERER, alleges as follows:

FIRST CLAIM FOR RELIEF

1. That the Plaintiff sold and delivered construction materials to the business known as JIM RHODES CONSTRUCTION, INC.

2. That there is an account presently due and owing from the business known as JIM RHODES CONSTRUCTION, INC. to the Plaintiff in the sum of \$14,006.30 together with interest at 18% per annum from November 28, 1986.

3. That the aforesaid account owed to the Plaintiff by the business known as JIM RHODES CONSTRUCTION, INC. was personally guaranteed by the Defendant, JAMES RHODES, a copy of which personal guaranty is attached hereto and by reference made a part hereof.

4. That by reason of the aforesaid personal guaranty the Defendant is indebted to the Plaintiff in the sum of \$14,006.30 together with interest at 18% per annum from November 28, 1986.

5. That demand for payment has been made upon the Defendant which demand has been refused and which obligation still remains unpaid.

6. That the Plaintiff is entitled to a reasonable attorneys fee. (R)

89.00

LAW OFFICES
WANDERER AND WANDERER
FIRST INTERSTATE BANK BUILDING
302 EAST CARSON AVENUE, SUITE 820
LAS VEGAS, NEVADA 89101
TELEPHONE (702) 362-9358

1
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
28

SECOND CLAIM FOR RELIEF

7. The Plaintiff repeats and realleges all of the allegations of Paragraphs 1 through 6 as if fully set forth at length and incorporated herein by reference.

8. The Plaintiff supplied construction materials to the Defendants JAMES RHODES and JAMES SPEARS to be used on a project located at 5050 S. Duneville, Las Vegas, Clark County, Nevada, the legal description of the property being set forth herein. These materials were supplied between the dates of October 9, 1986 and June 30, 1987. The last materials were supplied on June 30, 1987.

9. The materials which were supplied for use on the aforesaid project had a fair and reasonable value of \$14,006.30.

10. The Plaintiff caused to be served upon the Defendant SPEAR DEVELOPMENT a Notice of Intent to be a lien as required by Nevada Revised Statutes; a true and correct copy of which is attachedd hereto and by reference made a part hereof.

11. Plaintiff was not paid for the materials supplied to JAMES RHODES for used upon the following described property of the Defendant SPEAR DEVELOPMENT.

12. That on the 8th day of April, 1987, Plaintiff timely caused to be recorded in the office of the County Recorder in Clark County, Nevada, a Mechanic's and Materialman's Lien, and an amendment thereto was recorded on August 27, 1987, true and correct copies of which are attached hereto and by reference made a part hereof, in the total sum of \$14,006.30 plus interest at 18% per annum from November 28, 1986, in reference to the premises known as:

Situate in the County of Clark, State of Nevada, described as follows:

The West Half (W 1/2) of the West Half (W 1/2) of the Northeast Quarter (NE 1/4) of the Northwest Quarter (NW 1/4) of Section 25, Township 21 South, Range 60 East, M.D.B. & M.

.....

LAW OFFICES
WANDERER AND WANDERER
FIRST INTERSTATE BANK BUILDING
302 EAST CARSON AVENUE, SUITE 320
LAS VEGAS, NEVADA 89101
TELEPHONE (702) 382-9338

LAW OFFICES
WANDERER AND WANDERER
FIRST INTERSTATE BANK BUILDING
308 EAST CARSON AVENUE, SUITE 520
LAS VEGAS, NEVADA 89101
TELEPHONE (702) 382-9888

1 EXCEPT the Northerly 50.00 feet thereof as claimed by Clark County,
2 Nevada.

3 ALSO EXCEPTING THEREFROM, the interest in and to the West 30.00
4 feet and the South 30.00 feet of together with that certain
5 spandrel area in the Northwest Corner (NW C) thereof, also being
6 the Southeast Corner (SE C) of the intersection of Duneville Street
7 and Tropicana Avenue, bounded as follows:

8 On the North by the South line of the North fifty feet (50.00'); on
9 the West by the East line of the West thirty feet (30.00'); and on
10 the Southeast by an arc of a curve concave Southeasterly, having a
11 radius of twenty-five feet (25.00') and being tangent to the South
12 line of said North fifty feet (50.00') and to the East line of the
13 West thirty feet (30.00'); and together with that certain spandrel
14 area in the Southwest Corner (SW C) thereof, also being the North-
15 east Corner (NE) of the intersection of Duneville Street and Reno
16 Avenue, bounded as follows:

17 On the South by the North line of the South thirty feet (30.00');
18 on the West by the East line of the West thirty feet (30.00'); and
19 on the Northeast by the arc of a curve concave Northeasterly,
20 having a radius of fifteen feet (15.00') and being tangent to the
21 North line of said South thirty feet (30.00') and to the East line
22 of said said West thirty feet (30.00'), as conveyed to Clark County
23 by Deed recorded March 13, 1985 in Book 2077 of Official Records as
24 Document No. 2036675.

25 AND

26 All that certain real property situated in the County of Clark,
27 State of Nevada, more particularly described as follows:

28 PARCEL 1:

All that certain fractional portion of the West Half (W 1/2) of the
West Half (1/2) of the Northeast Quarter of the Northwest Quarter
of Section 25, Township 21 South, Range 60 East, Mount Diablo Mer-
idian to-wit:

LOTS 1,2,and 3 of that certain minor subdivision recorded January
30, 1986 in Book 48 of Parcel Maps, page 88, in the Office of the
County Recorder of Clark County, State of Nevada.

Also except all coal, oil, gas and other mineral deposits in said
and, as excepted and reserved in Patent executed by the United
States of America, recorded May 2, 1979, in Book 1048, as
Instrument Number 1007495, of Official Records in the office of the
County Recorder of said county, which instrument further provides
as follows: "Together with the right to prospect for, mine and
remove the same according to the provisions of said Act of June 1,
1938."

LAW OFFICE
WANDERER AND WANDERER
FIRST INTERSTATE BANK BUILDING
908 EAST CARSON AVENUE, SUITE 850
LAS VEGAS, NEVADA 89101
TELEPHONE (702) 382-9898

1
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
28

PARCEL 2:

The East Half of the Southeast Quarter of the Northwest Quarter of the Northwest Quarter of Section 25, Township 21 South, Range 60 East, of the Mount Diablo Meridian, in the unincorporated area of the County of Clark, State of Nevada, according to the Official Plats of said land filed in the District Land Office.

Except that portion thereof described in deed to the County of Clark, recorded March 13, 1985, in Book 2077, as Instrument Number 2036676, of Official Records in the office of the County Recorder of said county, being more particularly described as follows:

The South 30.00 feet and the East 30.00 feet of the East half of the Southeast quarter of the Northwest quarter of the Northwest quarter of said Section 25; together with that certain spandrel area in the Southeast corner thereof, also being the Northwest corner of the intersection of Dumeville Street and Reno Avenue, bounded as follows: On the East by the West line of the East 30.00 feet; on the south by the North line of the South 30.00 feet; and on the Northwest by the arc of a curve concave Northwesterly, having a radius of 15.00 feet and being tangent to the West line of said East 30.00 feet and to the North line of said South 30.00 feet.

Also except all coal, oil, gas and other mineral deposits in said land, as excepted and reserved in Patent executed by the United States of America, recorded May 2, 1979, in Book 1048, as Instrument Number 1007495, of Official Records in the office of the County Recorder of said county, which instrument further provides as follows: "Together with the right to prospect for, mine and remove the same according to the provisions of said Act of June 1, 1938."

THIRD CLAIM FOR RELIEF

13. The Plaintiff repeats and realleges all of the allegations of Paragraphs 1 through 12 as if fully set forth at length and incorporated herein by reference.

14. Defendants JAMES SPEAR has not paid for the construction materials and has received the benefit and use of those materials and to allow him the continued use and benefit of the materials without buying them would constitute unjust enrichment.

15. The construction materials which were supplied for the benefit of the Defendant JAMES SPEAR has a fair and reasonable value of \$14,006.30.

1 WHEREFORE, Plaintiff prays for judgment against the Defendants as fol-
2 lows:

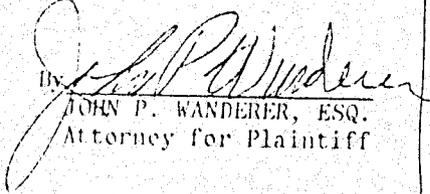
3 1. Pursuant to Plaintiff's First Claim for Relief, Judgment against
4 JAMES RHODES in the sum of \$14,006.30 with interest at 18% per annum from
5 November 28, 1986, costs of suit incurred herein, attorneys fees of \$4600.00,
6 and for such other and further relief as the Court may find just and proper.

7 2. Pursuant to Plaintiff's Second Claim for Relief, Judgment ordering
8 the foreclosure of Plaintiff's Mechanic's and Materialman's Lien by execution
9 sale for satisfaction of said lien in the amount of \$14,006.30 plus interest at
10 18% per annum from November 28, 1986, attorneys fees of \$4600.00, costs of suit
11 incurred herein, and for such other and further relief as the Court may find
12 just and proper.

13 3. Pursuant to Plaintiff's Third Claim for Relief, Judgment against
14 JAMES SPEAR for unjust enrichment in the sum of \$14,006.30 with interest at 18%
15 per annum from November 28, 1986, costs of suit incurred herein, attorneys fees
16 of \$4600.00, and for such other and further relief as the Court may find just
17 and proper.

LAW OFFICES
WANDERER AND WANDERER
FIRST INTERSTATE BANK BUILDING
305 EAST CARSON AVENUE, SUITE 320
LAS VEGAS, NEVADA 89101
TELEPHONE (702) 382-8558

18 WANDERER & WANDERER

19
20 By 
21 JOHN P. WANDERER, ESQ.
22 Attorney for Plaintiff
23
24
25
26
27
28

ORIGINAL

FILED

AUG 21 11 13 AM '00

Shirley W. Thompson
CLERK

1 STIP
 2 JAMES H. WALTON, ESQ.
 Nevada Bar #0449
 3 NITZ, WALTON & HEATON, LTD.
 4 301 East Clark Ave., Suite 1000
 Las Vegas, Nevada 89101
 5 (702) 474-4004
 Attorneys for Defendants

DISTRICT COURT

CLARK COUNTY, NEVADA

9 LYON FINANCIAL SERVICES, INC. a)
 Minnesota corporation, d/b/a)
 10 BCL Capital f/k/a BUSINESS CREDIT)
 LEASING,)
 11)
 12 Plaintiff,)
 13 v.)
 14 RHODES DESIGN & DEVELOPMENT)
 CORPORATION, a Nevada corporation)
 15 and JAMES RHODES, individually,)
 16 Defendants.)
 17)

Case No.: A420601
Dept. No.: XI

Date: N/A
Time: N/A

LAW OFFICES
 NITZ, WALTON & HEATON, LTD.
 301 EAST CLARK AVENUE, SUITE 1000
 LAS VEGAS, NV 89101
 TELEPHONE (702) 474-4004

STIPULATION AND ORDER

18
 19 IT IS HEREBY STIPULATED by and between the parties through their respective
 20 counsel of record that Plaintiff shall have to and including Monday, August 21, 2000,
 21 within which to file its opposition to the "Motion to Vacate or Stay Enforcement of
 22 Foreign Judgment, to Approve Undertaking and Supersedeas Bond and to Expunge
 23 and Release Judgment Lien" (the "Motion"), and to deliver a copy thereof to counsel for
 24 Defendants.
 25

JW

FILED

1
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
28

IT IS FURTHER STIPULATED that the hearing on the Motion shall be continued from Monday, August 21, 2000, at 9:00 A.M. to Wednesday, August 23, 2000, at 9:30 A.M.

IT IS FURTHER STIPULATED that Plaintiff will not execute upon the Partial Summary Judgment which was filed in this action on June 20, 2000, until the Court has heard and ruled upon the Motion.

DATED this 16 day of August, 2000.

NITZ, WALTON & HEATON, LTD.

BLALOCK & ASSOCIATES

By: James H. Walton
JAMES H. WALTON, ESQ.
Nevada Bar #0449
301 E. Clark Avenue Suite 1000
Las Vegas, NV 89101
(702) 474-4004
Attorneys for Defendants, Rhodes Design & Development Corporation and James Rhodes, individually

By: Edward L. Blalock
Edward L. Blalock
Nevada Bar No. 003493
Donna M. Osborn
Nevada Bar No. 0006527
20 Bonneville Avenue
Las Vegas, NV 89101
702/474-6677
Attorneys for Plaintiff

IT IS SO ORDERED this 16th day of August, 2000.

Michael L. Douglas
Michael L. Douglas, District Court Judge *MLD*

Prepared and submitted by,

NITZ, WALTON & HEATON, LTD.

By: James H. Walton
James H. Walton, Esq.
301 East Clark Ave., Suite 1000
Las Vegas, NV 89101

LAW OFFICES
NITZ, WALTON & HEATON, LTD.
301 EAST CLARK AVENUE, SUITE 1000
LAS VEGAS, NV 89101
TELEPHONE (702) 474-4004

STATE OF MINNESOTA
COUNTY OF LYON

IN DISTRICT COURT
FIFTH JUDICIAL DISTRICT

Lyon Financial Services, Inc., a
Minnesota corporation, d/b/a
BCL Capital *f/k/a* Business Credit Leasing,
Plaintiff

vs

ORDER GRANTING PARTIAL
SUMMARY JUDGMENT
File No. C1-99-1098

Rhodes Design & Development
Corporation, a Nevada corporation
and James Rhodes, individually,
Defendants.

The above entitled matter came before the Court at the Lyon County Courthouse
in the City of Marshall on April 17, 2000, pursuant to Plaintiff's motion for summary
judgment. Plaintiff was represented by John D. Docken and Defendants were represented
by Robert L. Gjorvad.

Based upon all the files and records herein, and the Memorandum attached hereto,

IT IS HEREBY ORDERED:

1. That Plaintiff is denied summary judgment against Defendant James Rhodes;
2. That Plaintiff is denied summary judgment against Defendant RDD for the
agreements numbered 620129, 625345, and 635462; and
3. That Plaintiff is granted summary judgment against Defendant RDD for:
 - a. Agreement 624711 in the amount of \$89,037.68 with interest of \$19.52 per
diem from December 22, 1999;
 - b. Agreement 648720 in the amount of \$25,668.61 with interest of \$5.63 per
diem from December 22, 1999;

Exhibit "1"

- ✓ c. Agreement 676105 reset to 682228 in the amount of \$312,012.50 with interest of \$68.39 per diem from December 22, 1999;
- ✓ d. Agreement 676107 reset to 682229 in the amount of \$104,548.12 with interest of \$22.91 per diem from December 22, 1999;
- ✓ e. Agreement 676108 reset to 682230 in the amount of \$184,979.17 with interest of \$40.54 per diem from December 22, 1999;
- ✓ f. Agreement 676104 in the amount of \$496,552.58 with interest of \$108.83 per diem from December 22, 1999;
- ✓ g. Agreement 676490 in the amount of \$38,207.88 with interest of \$8.37 per diem from December 22, 1999;

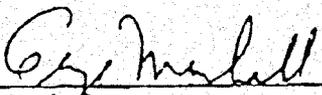
constituting the total amount of \$1,251,006.54 and interest of \$274.19 per diem from December 22, 1999, plus attorney fees in the amount of \$2000 and Plaintiff's costs and disbursements herein.

ORDER FOR PARTIAL SUMMARY JUDGMENT

The Court Administrator is directed to enter partial Summary Judgment in favor of Plaintiff against Defendant for \$1,251,006.54 plus interest on the principal amount of \$1,251,006.54 at 8% per annum from December 22, 1999, plus costs and disbursements without further delay.

Dated this 23rd day of May, 2000.

BY THE COURT:



George Marshall
Judge of District Court

STATE OF MINNESOTA
IN COURT OF APPEALS

OFFICE OF
AFFILIATE COURTS
AUG 07 2000

FILED

Lyon Financial Services, Inc.,
d/b/a BCL Capital, f/k/a Business
Credit Leasing,

Respondent,

ORDER

vs.

C3-00-1292

Rhodes Design & Development
Corporation, a Nevada corporation,
et al.,

Appellants.

BASED ON THE FILE, RECORD, AND PROCEEDINGS, AND BECAUSE THERE
IS A QUESTION WHETHER THIS COURT HAS JURISDICTION:

1. This appeal was filed by mail on July 24, 2000.
2. Appellant Rhodes Design & Development Corporation seeks review of a May 23, 2000, partial judgment. Appellants' statement of the case indicates that respondent's claims against James Rhodes individually are still pending.
3. In the statement of the case, appellants indicate that the district court directed entry of a final partial judgment for immediate appeal pursuant to Minn. R. Civ. App. P. 104.01.
4. An appeal may be taken from a partial judgment within 60 days after its entry "only if the trial court makes an express determination that there is no just

reason for delay and expressly directs the entry of a final judgment." Minn. R. Civ. App. P. 104.01, subd. 1.

5. The underlying May 23 order directs the trial court administrator to enter a partial summary judgment "without further delay." The May 23 order does not contain the express determination that there is no just reason for delay, nor does the order expressly direct the entry of a final judgment. It is unclear whether the district court intended to certify the partial judgment for immediate appeal.

6. The attention of the parties and the district court is directed to *Emme v. C.O.M.B., Inc.*, 418 N.W.2d 176, 179 (Minn. 1988) (thrust of appellate rules is that appeals should not be brought or considered piecemeal) and *First Nat'l Bank v. Rosenkrantz*, 430 N.W.2d 267 (Minn. App. 1988) (decision whether to make express determination to allow immediate review of a partial judgment falls within district court's discretion).

IT IS HEREBY ORDERED:

1. On or before August 15, 2000, the parties shall serve and file informal memoranda (an original and four copies) with the clerk of the appellate courts, 25 Constitution Avenue, St. Paul, MN 55155, which shall address the following:

(a) Was the May 23 partial judgment entered pursuant to an order containing the express determination that there is no just reason for delay and the express direction for entry of a final judgment?

(b) If the answer to (a) is no, is the May 23 partial judgment appealable? See Minn. R. Civ. App. P. 104.01, subd. 1; *Olmscheid v. Minneapolis Northfield & S. Ry.*, 425 N.W.2d 312, 313 (Minn. App. 1988) (partial judgment not immediately appealable unless entered pursuant to an order which contains the express determination required by Minn. R. Civ. App. P. 104.01 and Minn. R. Civ. P. 54.02).

ORIGINAL

10

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

ORDER
ADAMS LAW GROUP, LTD.
JAMES R. ADAMS, ESQ.
Nevada Bar No. 6874
7674 W. Lake Mead Blvd., Suite 108
Las Vegas, NV 89128
Ph: 702-838-7200
Fax: 702-838-3636

Attorney for Plaintiff

FILED

Nov 15 2 50 PM '04

Shelby S. Langston
CLERK

**DISTRICT COURT
CLARK COUNTY, NEVADA**

EAMON SPRINGALL, an individual,)
)
Plaintiff)
)
vs.)
)
RHODES RANCH LIMITED PARTNERSHIP,)
a Nevada limited partnership, SAGEBRUSH)
ENTERPRISES, INC., General Partner,)
RHODES RANCH, LLC., a Nevada limited)
liability company; JAMES RHODES, an)
individual, GORMAN COOK, an individual,)
and DOES I through X, and ROE)
CORPORATIONS I through X, inclusive,)
)
Defendants.)

CASE NO.: A477413
DEPARTMENT: III

EG

AMENDED ORDER GRANTING DEFAULT JUDGMENT & DAMAGES

Upon review of the papers and pleadings on file in this matter, as proper service has been provided, this Court notes no opposition has been filed, in addition to the joinder of the motion submitted. Accordingly, pursuant to EDCR 2.20(b) the unopposed Plaintiff's Motion for Default Judgment to Prove Damages has been construed as an admission that the motion is meritorious and consent to granting the same.

THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Plaintiff's Motion is GRANTED only as to Defendant Gorman Cook.

IT IS FURTHER ORDERED that the Court, having reviewed the exhibits and declarations attached to Plaintiff's Motion, has determined that Plaintiff has been damaged in the amount of Eight

///
///

RECEIVED

NOV 15 2004

CLERK

1 Hundred and Twenty Thousand Five Hundred Dollars (\$820,500.00).

2 DATED this 22nd day of October, 2004.

3
4 Ron Lawrence
DISTRICT COURT JUDGE SK

5
6 SUBMITTED BY:

7 ADAMS LAW GROUP, LTD.

8
9 BY: [Signature]
10 JAMES R. ADAMS, ESQ.
11 Nevada Bar No. 6874
12 7674 W. Lake Mead Blvd., Suite 108
13 Las Vegas, NV 89128
14 Ph: 702-838-7200
15 Fax: 702-838-3636

CC

13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

FILED BY
CLERK