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SUPREME COURT OF VIRGINIA
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RICHMOND, VIRGINIA

IN THE SUPREME COURT OF VIRGINIA

Record No. 091495 UNIWEST CONSTRUCTION, INC., et al., Appellants, v. AMTECH ELEVATOR SERVICES, n/k/a ABM AMTECH INC., ABM INDUSTRIES, INC., and AIU INSURANCE COMPANY, Appellees. Record No. 191496 AMTECH ELEVATOR SERVICES, n/k/a ABM AMTECH INC., ABM INDUSTRIES, INC., and AIU INSURANCE COMPANY, Appellants, v. UNIWEST CONSTRUCTION, INC., et al., Appellees.	Appeal from the Circuit Court of Fairfax County, Virginia Case No. 2008-5909 The Honorable Marcus D. Williams, Judge Presiding

MOTION FOR EXTENSION OF TIME TO FILE
RESPONSE TO UNIWEST'S PETITION FOR REHEARING

Now come appellees, Amtech Elevator Services, Inc., n/k/a ABM Amtech, Inc., ABM Industries, Inc. and AIU Insurance Company, by its attorneys, Bates Carey Nicolaides LLP, and move this Court for an extension of time to file its response to Uniwest's petition for rehearing,

which response was due to be filed February 8, 2011. In support thereof, appellees state as follows:

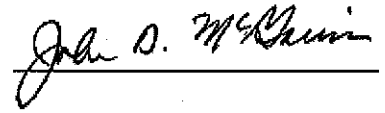
1. On January 18, 2011, this court requested Amtech and AIU to respond to the Petition for rehearing filed by Federal Insurance Company and Uniwest Construction, Inc., et al., in record numbers 091495, 091496, and 091521.
2. On February 8, 2011, appellees' response to Federal Insurance Company's petition for rehearing was timely filed by Counsel Press in record numbers 091496 and 091521.
3. While the appropriate email was timely filed with the clerk's office in response to Uniwest's petition for rehearing filed in record numbers 091495 and 091496, the brief in response to Uniwest's petition for rehearing was not attached to the email.
4. After having been advised of this inadvertent omission, the Court clerk indicated that a motion for extension of time should be presented with a copy of the response to Uniwest's petition for rehearing for filing instanter.
5. In support of these statements, appellees' attach the Declaration of Catherine B. Simpson.

6. A copy of appellees' response to Uniwest's petition for rehearing is being submitted with this motion. Appellees therefore request that the time for filing this response be extended and that leave be granted for the filing of the attached response instanter.

7. Appellees have contacted opposing counsel per Rule 5:4(a); counsel advised that he has not yet been able to reach the client to provide its authority with respect to this motion.

Dated: February 10, 2011

Respectfully submitted,



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IN THE SUPREME COURT OF VIRGINIA

Record No. 091495 UNIWEST CONSTRUCTION, INC., et al., Appellants, v. AMTECH ELEVATOR SERVICES, n/k/a ABM AMTECH INC., ABM INDUSTRIES, INC., and AIU INSURANCE COMPANY, Appellees. Record No. 191496 AMTECH ELEVATOR SERVICES, n/k/a ABM AMTECH INC., ABM INDUSTRIES, INC., and AIU INSURANCE COMPANY, Appellants, v. UNIWEST CONSTRUCTION, INC., et al., Appellees.	)	Appeal from the Circuit Court of Fairfax County, Virginia Case No. 2008-5909 The Honorable Marcus D. Williams, Judge Presiding

NOTICE OF FILING

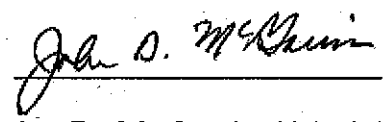
To: Attached Service List

Please take notice that on February 9, 2011, we filed with the Clerk of the Supreme Court of Virginia our **Motion for Extension of Time to File Response to Uniwest's Petition for Rehearing** on behalf of appellees, Amtech Elevator Services, Inc., n/k/a ABM Amtech, Inc., ABM Industries,

Inc. and AIU Insurance Company, a copy of which is attached and hereby served upon you.

Dated: February 10, 2011

Respectfully submitted,



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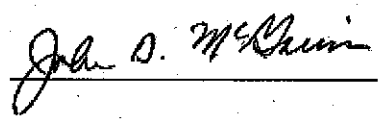
Counsel for Appellant Federal Insurance Co.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing **Motion for Extension of Time to File Response to Uniwest's Petition for Rehearing** on behalf of appellees, Amtech Elevator Services, Inc., n/k/a ABM Amtech, Inc., ABM Industries, Inc. and AIU Insurance Company, was served on all counsel shown in the attached Notice of Filing via e-mail and via U.S. Mail, postage prepaid, on February 10, 2011.



IN THE SUPREME COURT OF VIRGINIA

Record No. 091495 UNIWEST CONSTRUCTION, INC., et al., Appellants, v. AMTECH ELEVATOR SERVICES, n/k/a ABM AMTECH INC., ABM INDUSTRIES, INC., and AIU INSURANCE COMPANY, Appellees.	)	Appeal from the Circuit Court of Fairfax County, Virginia Case No. 2008-5909 The Honorable Marcus D. Williams, Judge Presiding
Record No. 191496 AMTECH ELEVATOR SERVICES, n/k/a ABM AMTECH INC., ABM INDUSTRIES, INC., and AIU INSURANCE COMPANY, Appellants, v. UNIWEST CONSTRUCTION, INC., et al., Appellees.	)	

ORDER

THIS CAUSE COMING TO BE HEARD on the motion of appellees, Amtech Elevator Services, Inc., n/k/a ABM Amtech, Inc., ABM Industries, Inc. and AIU Insurance Company, due notice being given and the Court being fully advised in the premises:

IT IS HEREBY ORDERED that the motion of appellees for an extension of time to file its response to Uniwest's Petition for Rehearing is hereby granted/denied.

Dated: _____ Enter: _____

VIRGINIA: IN THE SUPREME COURT OF VIRGINIA

Record No. 091495

UNIWEST CONSTRUCTION, INC., et al.,
Appellants,

– v. –

AMTECH ELEVATOR SERVICES, n/k/a ABM AMTECH, INC., ABM INDUSTRIES, INC., and AIU INSURANCE COMPANY,
Appellees.

Record No. 091496

AMTECH ELEVATOR SERVICES, n/k/a ABM AMTECH, INC., ABM INDUSTRIES, INC., and AIU INSURANCE COMPANY,
Appellants,

– v. –

UNIWEST CONSTRUCTION, INC., et al.,
Appellees.

DECLARATION OF CATHERINE B. SIMPSON IN SUPPORT OF MOTION FOR EXTENSION OF TIME TO FILE RESPONSE TO PETITION FOR REHEARING

I, Catherine B. Simpson, hereby declare as follows:

1. My name is Catherine B. Simpson. I am employed with Counsel Press LLC. I oversee Counsel Press' operations for filings in the Court of Appeals of Virginia and the Virginia Supreme Court.

EXHIBIT 1

2. We regularly file briefs and other documents for appellants and appellees as directed by the attorneys for whom we are preparing documents. Counsel Press has no interest in the outcome of any cases we prepare.

3. I personally supervise the production and filing of the documents in this office.

4. Counsel Press was contracted by John D. McGavin to file a Response to a Petition for Rehearing in the following record numbers: 091495, 091496.

5. The Response to a Petition for Rehearing was due to be electronically filed in the Supreme Court of Virginia on or before February 8, 2011.

6. We received the Response on February 8, 2011 and prepared it for service and filing. The email for filing and service was sent to the Court within the filing deadline, but the PDF was inadvertently not attached to the email. Paper copies of the Response were also mailed to all counsel of record. Attached as Exhibit A is a true copy of the email sent to the Court confirming that date and time it was sent.

7. On February 9, 2011, we received an email from the Court indicating that it had received our email, but that the attachment was missing. A true and correct copy of this

reply email is attached as Exhibit B. I immediately contacted the Court regarding the missing attachment, and was advised to submit this declaration, along with a Motion for Extension of Time to file the Response.

8. The sole reason that the Response was not attached to the email sent on February 8, 2011 was inadvertent error in failing to attach the PDF to the email.

I further affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

February 10, 2011

Catherine B. Simpson

Catherine B. Simpson
Counsel Press LLC
1011 East Main Street
Suite LL-50
Richmond, Virginia 23219

The foregoing instrument was acknowledged before me this 10th day of February, 2011, by Catherine Simpson. He/She is personally known to me or has produced a Virginia Drivers License as identification.

Notary Public

My Commission Expires:

JOANNA NING
Notary Public
Commonwealth of Virginia
7169568
My Commission Expires Dec 31, 2012

CERTIFICATE OF SERVICE

I hereby certify that the original and three copies of this affidavit were hand filed on this the 10th day of February, 2011, with the Clerk of the Supreme Court of Virginia and that one copy of same was mailed or delivered to:

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AGELO L. REPPAS, Pro Hac Vice
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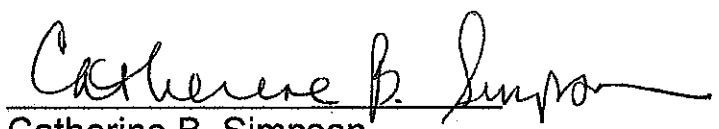
Counsel for Respondent-Appellee Federal Insurance Company



Catherine B. Simpson
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Alicia Jordan

From:	Alicia Jordan <ajordan@counselpress.com>
Sent:	Tuesday, February 08, 2011 4:59 PM
To:	'scvpfr@courts.state.va.us'
Cc:	'ecameron@cameronmcevoy.com'; 'ccarroll@cmk.com'; 'mlodge@cmk.com'; 'ggavett@gavettdatt.com'; 'schmeilerj@sslawfirm.com'; 'neuricka@sslawfirm.com'; 'waltersl@sslawfirm.com'; 'jmcgavin@vadctriallaw.com'; 'jbonnie@wwhgd.com'; 'hrussell@wwhgd.com'; 'areppas@bcnlaw.com'; 'bmichaelides@bcnlaw.com'
Subject:	UNIWEST CONSTRUCTION, INC., et al. v. AMTECH ELEVATOR SERVICES. Record No. 091495

A Response to Petition for Rehearing is being filed in the matter of UNIWEST CONSTRUCTION, INC., et al., v. AMTECH ELEVATOR SERVICES, n/k/a ABM AMTECH, INC., ABM INDUSTRIES, INC. and AIU INSURANCE COMPANY, Record No. 091495 and AMTECH ELEVATOR SERVICES, n/k/a ABM AMTECH, INC., ABM INDUSTRIES, INC., and AIU INSURANCE COMPANY v. UNIWEST CONSTRUCTION, INC., et al., Record No. 091496, by counsel for Amtech Elevator Services, Inc., John D. McGavin, VSB# 21794, Trichilo, Bancroft, McGavin, Horvath & Judkins, P.C., 3920 University Drive, Fairfax, Virginia 22030, T: (703) 385-1000, F: (703) 385-1555, jmcgavin@vadctriallaw.com. A copy of the response has been sent via e-mail to the following Opposing Counsel: Edward W. Cameron at ecameron@cameronmcevoy.com, Christopher R. Carroll at ccarroll@cmk.com, Matthew J. Lodge at mlodge@cmk.com, Geoffrey S. Gavett at ggavett@gavettdatt.com, Jeffrey R. Schmeiler at schmeilerj@sslawfirm.com, Alan B. Neurick at neuricka@sslawfirm.com, and Lisa N. Walters at waltersl@sslawfirm.com on this 8th day of February 2011.

EXHIBIT A

Alicia Jordan

From: SCVPFR@courts.state.va.us
Sent: Wednesday, February 09, 2011 8:09 AM
To: Alicia Jordan
Subject: Re: UNIWEST CONSTRUCTION, INC., et al. v. AMTECH ELEVATOR SERVICES. Record No. 091495
Attachments: pic13694.gif

Nothing was attached to this e-mail. Should there have been???

"Alicia Jordan" <ajordan@counselpress.com>

"Alicia Jordan"
<ajordan@counselpress.com>

02/08/2011 04:58 PM

To<scvpfr@courts.state.va.us>

cc<ecameron@cameronmcevoy.com>,
<ccarroll@cmk.com>, <mlodge@cmk.com>,
<ggavett@gavettdatt.com>,
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<areppas@bcnlaw.com>, <bmichaelides@bcnlaw.com>

SubjectUNIWEST CONSTRUCTION, INC., et al. v. AMTECH ELEVATOR SERVICES. Record No. 091495

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EXHIBIT B