

Marquis Aurbach Coffing

Chad F. Clement, Esq.

Nevada Bar No. 12192

Tom W. Stewart, Esq.

Nevada Bar No. 14280

10001 Park Run Drive

Las Vegas, Nevada 89145

Telephone: (702) 382-0711

Facsimile: (702) 382-5816

cclement@maclaw.com

tstewart@maclaw.com

Attorneys for Appellants Parviz

Safari and Mandana Zahedi

Electronically Filed
Dec 31 2019 04:13 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

IN THE SUPREME COURT OF THE STATE OF NEVADA

PARVIZ SAFARI, an individual; MANDANA
ZAHEDI, an individual; and on behalf of MEDITEX,
LLC, a Nevada limited liability company,

Appellants,

vs.

HAMID MODJTAHED, individually and derivatively
on behalf of MEDITEX, LLC, a Nevada limited
liability company; and MOHAMMAD MOJTAHED,
individually and derivatively on behalf of MEDITEX,
LLC, a Nevada limited liability company,

Respondents.

Case No.: 79926

Appeal from the Eighth
Judicial District Court,
The Honorable Mark R.
Denton Presiding

MOTION TO FILE LATE DOCKETING STATEMENT

MAC:00002-307 3934862_2

Appellants Parviz Safari and Mandana Zahedi, by and through their counsel of record, Marquis Aurbach Coffing, hereby move this Court pursuant to NRAP 26(b) to file a late docketing statement.¹

On October 24, 2019, Safari and Zahedi filed their notice of appeal in the district court, which docketed in this Court on November 4, 2019. Pursuant to this Court's November 15, 2019 notice of referral to settlement program, Safari and Zahedi's docketing statement was due on December 6, 2019. On December 10, 2019, this Court issued a notice to file docketing statement, which made Safari and Zahedis' docketing statement due on December 20, 2019. Safari and Zahedi request that this Court now grant the instant motion and allow them to file their late docketing statement for the reasons further outlined below:

1. Marquis Aurbach Coffing was only recently retained by Safari and Zahedi for this appeal and, with the holiday season's impact on scheduling, has been working diligently to clear conflicts and assess the procedural posture of this matter;

¹ Appellants attempted to file a notice of appearance and a motion to file a late docketing statement on December 23, 2019. However, the motion appears to have been inadvertently attached to the notice of appearance, *see Safari v. Modjtahed*, Docket No. 79926 (Notice of Appearance, Dec. 23, 2019), and, as a result, Appellants are re-filing this motion out of an abundance of caution.

2. The underlying case consists of several years of litigation, eighteen days of trial, and a record comprised of thousands of pages of documents which has required a substantial amount of time to review in preparing the docketing statement;

3. While Safari and Zahedi are cognizant that their docketing statement is already overdue, they have taken emergency steps to rectify the situation by retaining new appellate counsel, and new counsel needed some time to become familiar with the history and procedural posture of this case and the ongoing companion case in the district court to properly set forth jurisdiction in this appeal; and

4. Most of the attorneys and staff in counsel's office have been out for at least several days over the past week with the holiday and pre-planned vacations, which added a slight delay in appellate counsel drafting, reviewing, and finalizing the docketing statement.

...

...

...

...

...

...

Therefore, Safari and Zahedi respectfully request that this Court grant the instant motion and allow Safari and Zahedi to file their late docketing statement submitted concurrently with this motion. This motion is submitted in good faith and for good cause shown in accordance with NRAP 26(b).

Dated this 31st day of December, 2019.

MARQUIS AURBACH COFFING

By /s/ Tom W. Stewart
Chad F. Clement, Esq.
Nevada Bar No. 12192
Tom W. Stewart, Esq.
Nevada Bar No. 14280
10001 Park Run Drive
Las Vegas, Nevada 89145
*Attorneys for Appellants Parviz
Safari and Mandana Zahedi*

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **MOTION TO FILE LATE DOCKETING STATEMENT** was filed electronically with the Nevada Supreme Court on the 31st day of December, 2019. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

Kristine Kuzemka
Jonathan Blum
Scott Fleming
Andrew Flahive

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

N/A

/s/ Leah Dell

An employee of Marquis Aurbach Coffing