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*Attorneys for Appellant*  
CAPRIATI CONSTRUCTION CORP., INC.

Electronically Filed  
Nov 06 2020 03:31 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

CAPRIATI CONSTRUCTION CORP., INC.,  
a Nevada Corporation

Appellant,

v.

BAHRAM YAHYAVI, an individual,

Respondent.

Supreme Court No: 81911  
District Court Case No: A718689

**DOCKETING STATEMENT  
CIVIL APPEALS**

**GENERAL INFORMATION**

Appellants must complete this docketing statement in compliance with NRAP 14(a). The purpose of the docketing statement is to assist the Supreme Court in screening jurisdiction, identifying issues on appeal, assessing presumptive assignment to the Court of Appeals under NRAP 17, scheduling cases for oral argument and settlement conferences, classifying cases for expedited treatment and assignment to the Court of Appeals, and compiling statistical information.

**WARNING**

This statement must be completed fully, accurately and on time. NRAP 14(c). The Supreme Court may impose sanctions on counsel or appellant if it appears that the information provided is incomplete or inaccurate. *Id.* Failure to fill out the statement completely or to file it in a timely manner constitutes grounds for the imposition of sanctions, including a fine and/or dismissal of the appeal.

A complete list of the documents that must be attached appears as Question 27 on this docketing statement. Failure to attach all required documents will result in the delay of your appeal and may result in the imposition of sanctions.

This court has noted that when attorneys do not take seriously their obligations under NRAP 14 to complete the docketing statement properly and conscientiously, they waste the valuable judicial resources of this court, making the imposition of sanctions appropriate. *See KDI Sylvan Pools v. Workman*, 107 Nev. 340, 344, 810 P.2d 1217, 1220 (1991). Please use tab dividers to separate any attached documents.

1. Judicial District: Eighth Judicial District Court, State of Nevada

Department: 28 County: Clark

Judge: Ronald Israel District Ct. Docket No. A-15-718689-C

2. **Attorney filing this docketing statement:**

Attorney: Michael K. Wall Telephone: (702) 385-2500

Firm: Hutchison & Steffen, PLLC

Address: 10080 W. Alta Dr., Suite 200,  
Las Vegas, Nevada 89145

Client(s): Capriati Construction Corp., Inc., Appellant

If this is a joint statement by multiple applicants, add the names and addresses of other counsel and the names of their clients on an additional sheet accompanied by a certification that they concur in the filing of this statement

3. **Attorney(s) representing respondent(s):**

Attorney: Dennis M. Prince Telephone: (702) 534-7600

Firm: Prince Law Group

Address: 8816 Spanish Ridge Ave.  
Las Vegas, NV 89148

Client(s): Bahram Yahyavi, Respondent

4. **Nature of disposition below (check all that apply):**

Judgment after bench trial	Grant/Denial of NRCP 60(b) relief
Judgment after jury verdict	Grant/Denial of Injunction
Summary Judgment	Grant/Denial of declaratory relief
Default Judgment	Review of agency determination
Dismissal	Divorce Decree
Lack of Jurisdiction	Original Modification
Failure to State a Claim	Other disposition (specify):
Failure to Prosecute	
Other (specify): XXX Post-Judgment Document entitled	
"Amended Judgment upon the Jury Verdict"	

5. **Does this appeal raise issues concerning any of the following:** No.

Child custody(visitation rights only)

Venue

Termination of parental rights

6. **Pending and prior proceedings in this court.** List the case name and docket number of all appeals or original proceedings presently or previously pending before this court which are related to this appeal:

Nevada Supreme Court; *Capriati Construction Corp., Inc. v. Braham Yahyavi*; Case No: 80107 (Pending).

Nevada Supreme Court; *Capriati Construction Corp., Inc. v. Braham Yahyavi*; Case No: 80821 (consolidated with 80107) (Pending).

This appeal, and these pending, consolidated appeals, are from the same district court case. They are essentially the same appeal.

7. **Pending and prior proceedings in other courts.** List the case name, number and court of all pending and prior proceedings in other courts which are related to this appeal (e.g., bankruptcy, consolidated or bifurcated proceedings) and their dates of disposition:

United States Bankruptcy Court, District of Las Vegas,  
Nevada in regards to Capriati Construction Corp., Inc;  
Case No: 15-15722-abl. Automatic stay lifted by Court  
order on December 22, 2016.

8. **Nature of the action.** Briefly describe the nature of the action and the result below:

This action is a negligence and personal injury dispute arising from the alleged injuries Plaintiff sustained when a Defendant owned forklift collided with Plaintiff's vehicle. The case proceeded to trial on September 9, 2019, through September 27, 2019, where a Judgment upon the Jury Verdict was entered against Defendant on October 22, 2019, in excess of six million dollars. Shortly thereafter on November 5, 2019, the Honorable Judge Israel issued a Decision and Order regarding, among other things, sanctions. Later, the district court entered orders denying tolling motions, including a motion for a new trial, and orders awarding attorney's fees and costs. These appeals (Docket Nos. 80107 and 80821) are consolidated, and are being briefed. Long thereafter, after the opening brief was filed in the consolidated appeal, on September 21, 2020, the district court entered—at the *ex parte* request of respondent's counsel, a purported "amended judgment upon the jury verdict." This appeal is from that amended judgment.

9. **Issues on appeal.** State concisely the principal issue(s) in this appeal (attach separate sheets as necessary):

- I. Whether the amended judgment is void because it was submitted *ex parte* in violation of appellant's due process rights.
- II. Whether the district court lacked jurisdiction to amend the judgment because of the filing of appellant's original notice of appeal, *see Rust v. Clark Cty. Sch. Dist.*, 103

Nev. 686, 688, 747 P.2d 1380, 1382 (1987) (“a timely notice of appeal divests the district court of jurisdiction to act and vests jurisdiction in this court”).

III. Whether the amended judgment is superfluous and void because it was entered after an appealable judgment and appealable orders regarding attorney’s fees and costs were entered. *See Campos-Garcia v. Johnson*, 130 Nev. 610, 612, 331 P.3d 890, 891 (2014) (“When district courts, after entering an appealable order, go on to enter a judgment on the same issue, the judgment is superfluous.”).

IV. Other issues under investigation.

10. **Pending proceedings in this court raising the same or similar issues.** If you are aware of any proceeding presently pending before this court which raises the same or similar issues raised in this appeal, list the case name and docket number and identify the same or similar issues raised:

None

11. **Constitutional issues.** If this appeal challenges the constitutionality of a statute, and the state, any state agency, or any officer or employee thereof is not a party to this appeal, have you notified the clerk of this court and the attorney general in accordance with NRAP 44 and NRS 30.130?

N/A   ☒   Yes      No

If not, explain

12. **Other issues.** Does this appeal involve any of the following: No.

Reversal of well-settled Nevada precedent (on an attachment, identify the case(s))

An issue arising under the United States and/or Nevada Constitutions

A substantial issue of first-impression

An issue of public policy

An issue where en banc consideration is necessary to maintain uniformity of this court's decisions

A ballot question

If so, explain:

13. **Assignment to the Court of appeals or retention in the Supreme Court.**

Briefly set forth whether the matter is presumptively retained by the Supreme Court or assigned to the Court of appeals under NRAP 17, and cite the subparagraph(s) of the Rule under which the matter falls. If appellant believes that the Supreme Court should retain the case despite its presumptive assignment to the Court of Appeals, identify the specific issue(s) or circumstances(s) that warrant retaining the case, and include an explanation of their importance or significance:

This case should be consolidated for purposes of decision with Docket Nos. 80107 and 80821 (it is too late to consolidate the cases for purposes of briefing), and should be assigned to the same Court and panel deciding those case, because it is all one case.

14. **Trial.** If this action proceeded to trial, how many days did the trial last?

15 days. September 9, 2019 through September 27, 2019.

Was it a bench or jury trial?

Jury Trial

15. **Judicial disqualification.** Do you intend to file a motion to disqualify or have a justice recuse him/herself from participation in this appeal. If so, which Justice? No.

**TIMELINESS OF NOTICE OF APPEAL**

16. **Date of entry of written judgment or order appealed from:**

The district court's Amended Judgment Upon the Jury Verdict was entered on September 21, 2020.

If no written judgment or order was filed in the district court, explain the basis for seeking appellate review:

17. **Date written notice of entry of judgment or order served:**

Notice of entry of the district court's amended judgment upon the jury verdict was served on September 21, 2020, via e-service.

18. **If the time for filing the notice of appeal was tolled by a post-judgment motion (NRCP 50(b), 52 (b), or 59,**

N/A

(a) Specify the type of motion, and the date and method of service of the motion, and date of filing.

NRCP 50(b)	Date of filing_____
NRCP 52(b)	Date of filing_____
NRCP 59	Date of filing_____

**Note:** Motions made pursuant to NRCP 60 or motions for rehearing or reconsideration may toll the time for filing a notice of appeal. *See AA Primo Builders v. Washington*, 126 Nev. \_\_\_\_, 245 P.3d 1190 (2010).

(b) Date of entry of written order resolving tolling motion: Order Denying Motion for New Trial was entered on March 3, 2020.

(c) Date of written notice of entry of order resolving motion served: March 4, 2020

Was service by electronic service.

19. **Date notice of appeal was filed:** September 25, 2020.

If more than one party has appealed from the judgment or order, list date each notice of appeal was filed and identify by name the party filing the notice of appeal: N/A

20. **Specify statute or rule governing the time limit for filing the notice of appeal, e.g., NRAP 4(a) or other:**

NRAP 4(a)

### **SUBSTANTIVE APPEALABILITY**

21. **Specify the statute or other authority granting this court jurisdiction to review the judgment or order appealed from:**

NRAP 3A(b)(1)	NRS 38.205
NRAP 3A(b)(2)	NRS 233B.150
NRAP 3A(b)(3)	NRS 703.376
Other (specify)	<u>NRAP 3A(b)(8)</u>

Explain how each authority provides a basis for appeal from the judgment or order:

The amended judgment is void for lack of jurisdiction, and is also superfluous. To the extent it has any legal existence, it affects the rights of the parties growing out of the original judgment, and is thus appealable as a special order after final judgment.

22. **List all parties involved in the action in the district court:**

(a) Parties:

Capriati Construction Corp., Inc., Appellant/Defendant  
Bahram Yahyavi, Respondent/Plaintiff

(b) If all parties in the district court are not parties to this appeal, explain in detail why those parties are not involved in this appeal e.g., formally dismissed, not served, or other: N/A



23. **Give a brief description (3 to 5 words) of each party's separate claims, counterclaims, cross-claims or third-party claims, and the date of formal disposition of each claim.**

This was a complaint with a single negligence cause of action arising from an automobile accident. There were no other claims. The complaint was resolved by final judgment on jury verdict on October 22, 2019.

24. **Did the judgment or order appealed from adjudicate ALL the claims alleged below and the rights and liabilities of ALL the parties to the action or consolidated actions below:**

Yes \_\_\_\_\_ No X \_\_\_\_\_

25. **If you answered "No" to question 24, complete the following:**

(a) Specify the claims remaining pending below: None.

(b) Specify the parties remaining below: None.

(c) Did the district court certify the judgment or order appealed from as a final judgment pursuant to NRCP 54(b):

Yes \_\_\_\_\_ No X \_\_\_\_\_

(d) Did the district court make an express determination, pursuant to NRCP 54(b), that there is no just reason for delay and an express direction for the entry of judgment:

Yes \_\_\_\_\_ No X \_\_\_\_\_

26. **If you answered "No" to any part of question 25, explain the basis for seeking appellate review (e.g., order is independently appealable under NRAP 3A(b)):**

These questions are not applicable to this appeal from a post-judgment order that is independently appealable pursuant to NRAP 3A(b)(8).

27. **Attach file-stamped copies of the following documents:**

- The latest-filed complaint, counterclaims, cross-claims, and third-party claims
- Any tolling motion(s) and order(s) resolving tolling motion(s)
- Orders of NRCP 41(a) dismissals formally resolving each claim, counterclaims, cross-claims and/or third-party claims asserted in the action or consolidated action below, even if not at issue on appeal
- Any other order challenged on appeal
- Notices of entry for each attached order

**VERIFICATION**

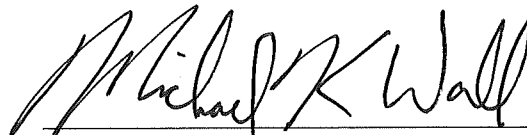
I declare under penalty of perjury that I have read this docketing statement, that the information provided in this docketing statement is true and complete to the best of my knowledge, information and belief, and that I have attached all required documents to this docketing statement.

Name of Appellant: CAPRIATI CONSTRUCTION CORP., INC.

Name of counsel of record: Michael K. Wall

Date:

Nov. 6, 2020



\_\_\_\_\_  
Signature of counsel of record

Clark County, Nevada

State and county where signed

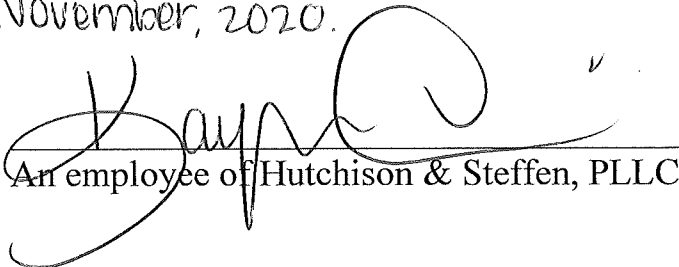
**CERTIFICATE OF SERVICE**

I certify that I am an employee of HUTCHISON & STEFFEN, PLLC and that on this date the **DOCKETING STATEMENT CIVIL APPEALS** was filed electronically with the Clerk of the Nevada Supreme Court, and therefore electronic service was made in accordance with the master service list as follows:

Dennis M. Prince, Esq.  
PRINCE LAW GROUP  
8816 Spanish Ridge Ave.  
Las Vegas, NV 89148  
Tel: (702) 534-7600  
Fax: (702) 534-7601

*Attorney for Respondent Bahram Yahyavi*

Dated this 6<sup>th</sup> day of November, 2020.

  
An employee of Hutchison & Steffen, PLLC



## DISTRICT COURT CIVIL COVER SHEET

County, Nevada

A-15-718689-C

Case No.

XXVIII

(Assigned by Clerk's Office)

## I. Party Information (provide both home and mailing addresses if different)

Plaintiff(s) (name/address/phone):

BAHRAM YAHYAVI

Defendant(s) (name/address/phone):

CAPRITTI CONSTRUCTION CORP,  
INC.c/o DAVID ROCKHOLD  
1020 WILLOW PARKWAY, Henderson NV  
89072

Attorney (name/address/phone):

MALIK W. AHMAD ESQ  
LAW OFFICE OF MALIK W. AHMAD  
8072 WEST SAHARA AVE, Suite A  
Las Vegas, NV 89117

Attorney (name/address/phone):

Unknown (702) 547-1182

## II. Nature of Controversy (please select the one most applicable filing type below)

## Civil Case Filing Types

Real Property	Negligence	Torts
<b>Landlord/Tenant</b> <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant <b>Title to Property</b> <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Other Title to Property <b>Other Real Property</b> <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property	<input checked="" type="checkbox"/> Auto <input type="checkbox"/> Premises Liability <input type="checkbox"/> Other Negligence <b>Malpractice</b> <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice	<b>Other Torts</b> <input type="checkbox"/> Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Employment Tort <input type="checkbox"/> Insurance Tort <input type="checkbox"/> Other Tort
Probate	Construction Defect & Contract	Judicial Review/Appeal
<b>Probate (select case type and estate value)</b> <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside <input type="checkbox"/> Trust/Conservatorship <input type="checkbox"/> Other Probate <b>Estate Value</b> <input type="checkbox"/> Over \$200,000 <input type="checkbox"/> Between \$100,000 and \$200,000 <input type="checkbox"/> Under \$100,000 or Unknown <input type="checkbox"/> Under \$2,500	<b>Construction Defect</b> <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect <b>Contract Case</b> <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Building and Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Collection of Accounts <input type="checkbox"/> Employment Contract <input type="checkbox"/> Other Contract	<b>Judicial Review</b> <input type="checkbox"/> Foreclosure Mediation Case <input type="checkbox"/> Petition to Seal Records <input type="checkbox"/> Mental Competency <b>Nevada State Agency Appeal</b> <input type="checkbox"/> Department of Motor Vehicle <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other Nevada State Agency <b>Appeal Other</b> <input type="checkbox"/> Appeal from Lower Court <input type="checkbox"/> Other Judicial Review/Appeal
Civil Writ		Other Civil Filing
<b>Civil Writ</b> <input type="checkbox"/> Writ of Habeas Corpus <input type="checkbox"/> Writ of Mandamus <input type="checkbox"/> Writ of Quo Warrant <input type="checkbox"/> Writ of Prohibition <input type="checkbox"/> Other Civil Writ		<b>Other Civil Filing</b> <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Other Civil Matters

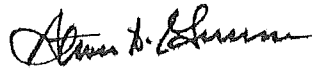
Business Court filings should be filed using the Business Court civil coversheet.

5/20/2015

Date

Signature of initiating party or representative

See other side for family-related case filings.



CLERK OF THE COURT

1 **COMP**

2 MALIK W. AHMAD, ESQ.

3 Nevada State Bar No.: 10305

4 Law Office of Malik W. Ahmad

5 8072 W. Sahara Ave., Ste. A

6 Las Vegas, Nevada 89117

7 Tel: 702.270.9100 | Fax: 702.233.9103

8 Email: malik@lasvegaslawgroup.com

9 *Attorney for Plaintiff*

10 *Bahram Yahyavi*

11 **DISTRICT COURT**

12 **CLARK COUNTY, NEVADA**

13 BAHRAM YAHYAVI, an individual )  
14 Plaintiff, )

Case No.: A-15-718689-C

Dept. No.: XXVIII

15 vs. )

16 CAPRIATI CONSTRUCTION CORP, )  
17 INC. a Nevada Corporation )  
18 Defendant, )

**COMPLAINT FOR AUTO NEGLIGENCE AND  
PERSONAL INJURY**

**JURY REQUESTED**

19 **COMPLAINT**

20 This is a civil action seeking monetary damages against CAPRIATI CONSTRUCTION  
21 CORPORATION, INC. ("Defendant or CCC") for committing acts or omissions of negligence  
22 against Plaintiff or someone employed by them during and in the course of their business or  
23 under their control and supervision.

24 **COMES NOW** BAHRAM YAHYAVI ("Plaintiff"), by and through his attorney, MALIK W.  
25 AHMAD, ESQ., OF THE LAW OFFICE OF MALIK W. AHMAD and sues CAPRIATI CONSTRUCTION  
26 CORPORATION, INC. ("Defendant"), and for reasons therefore states as follows:

27 //

28 //

THE LAW OFFICE OF MALIK W. AHMAD  
8072 W. Sahara Ave., Ste. A | Las Vegas, NV 89117  
Tel: 702.270.9100 | Fax: 702.233.9103  
E-Mail: malik@lasvegaslawgroup.com

I.  
JURISDICTION

Plaintiff is a citizen of the State of Nevada and Defendant is also a citizen of the State of Nevada. Defendant Capriati Construction Corp, Inc. is a business entity and a corporation incorporated in the state of Nevada and doing business as such. The matter in controversy happened in Nevada. As such, Nevada courts have jurisdiction in this matter. Also, Defendant resides in Las Vegas, Nevada.

II.  
FACTS

1. Plaintiff is a 51 years male employed at the time of this accident.
2. On June 19, 2013, Plaintiff was driving a company owned vehicle when he collided with a fork lift when the forks were sticking out from a fork lift truck driven by Defendant or his employees.
3. While driving Defendant unexpectedly came in contact with a fork lift to Plaintiff's right of way with its forks lifted high in the upright position.
4. These higher and elevated forks smashed his windshield, hitting his head, body and general body.
5. Plaintiff was seriously injured and transported to UMC in an ambulance.
6. Later, he was transferred to Concentra Medical Center where he underwent medication management and physical therapy without any relief of his pain.
7. Plaintiff had serious injuries where an MRI of the cervical spine performed on October 1, 2013 which showed injuries of neck, cervical strain, cervical spondylosis, including upper extremity radicular symptoms, multilevel cervical degenerative disc diseases and disk osteophytes.

1 8. Plaintiff's vehicle was a total loss.

2 9. Plaintiff had seen innumerable physicians, conducted MRI's, and generally seen  
3 orthopedic surgeons.

4 10. Plaintiff's treatment has included both medications, as well as physical therapy.

5 11. Prior to this accident, Plaintiff had barely no or none pre-existing conditions.

6 12. Prior to this accident, Plaintiff had significant income producing abilities and had higher  
7 income.  
8

9 13. On July 8, 2013, Plaintiff was diagnosed with cervical muscle strain, scapular muscle  
10 strain, and head injury.

11 14. On July 18, 2013, Plaintiff was diagnosed with cervical strain and a resolved scalp  
12 contusion/mild concussion.

13 15. On September 16, 2013, Plaintiff was diagnosed with neck pain, cervical strain, C6-7  
14 auto fusion, cervical spondylosis, and greater than right upper extremity radicular symptoms.

15 16. That Plaintiff's pain includes cervical and thoracic strain.

16 17. That all the aforementioned injuries also had caused serious issues of sleeplessness.

17 18. That all of the aforementioned issues had seriously decreased his sexual activities.

18 19. That Plaintiff walks with tandem gait and sometimes with the assistance of a cane or  
19 walker.  
20

21 20. His medical reports included significant aggravation of symptoms which also led him to  
22 go to emergency room where he was found to have high blood pressure.

23 21. There has been progressive increase in his neck pain, left arm pain, and numbness, as  
24 well as occipital and frontal headaches associated with these painful episodes.

25 22. It was also found by his orthopedic physicians and surgeon that he has spontaneous  
26  
27  
28



1 fusion at C6-7 including multilevel disk protrusions as C3-4, C4-5, C5-6, C6-7, C7-11, and T-1-2.

2 23. On the axial images, at C3-4, he has a broad-based disk protrusion as well as  
3 uncontrovertebral joint hypertrophy resulting in bilateral neural foraminial stenosis.

4 24. That Plaintiff's employment history includes walking, lifting, bending, driving, sitting for  
5 long time, all of which has been significantly reduced after the accident in such regular human  
6 activities including walking, lifting, bending at the waist, driving, and other mobility actions.

7 25. That on the occasion in question the Defendant was negligent in the following  
8 particulars, among others, to-wit:  
9

- 10 a) Failure to keep fork lift with its fork in the non erect position;
- 11 b) Failure to give full time and attention and under supervision or control;
- 12 c) Failure to keep a proper lookout;
- 13 d) Unreasonable operation or parking and station of a vehicle under existing  
14 conditions;
- 15 e) Reckless driving;
- 16
- 17

18 26. That the collision hereinabove stated was due to the sole negligence of Defendant  
19 without any contributory negligence whatsoever by the Plaintiff.

## 20 II.

### 21 FIRST CAUSE OF ACTION

#### 22 Negligence

23 27. The Plaintiff adopts and incorporates all of the facts and allegations set forth above as if  
24 fully set forth herein.

25 28. That as a direct and proximate result of the aforesaid collision, the Plaintiff was  
26 suddenly thrown against the inside of the automobile, thereby causing the Plaintiff, to suffer  
27 severe pain and injury, including but not limited to, his head, both upper neck, lower neck,  
28

1 thoracic spine, mid-lumbar spine, and lower lumbar spine, all of which have caused her great  
2 pain and mental anguish.

3 31. That as a further direct and proximate result of the negligence of the Defendant, the  
4 Plaintiff has been forced to expend large sums of money for x-rays, for medicine, and for the  
5 treatment of the aforesaid injuries to herself.  
6

7 32. That as a further direct and proximate result of the negligence of the Defendant, the  
8 Plaintiff was forced to lose time from his employment and has suffered a loss of wages for  
9 which she seeks remuneration.  
10

11 **WHEREFORE**, the Plaintiff demands judgment against the Defendant, in the amount of  
12 Ten Thousand Dollars (\$10,000.00) for damages, together with the costs of this action and  
13 such other relief as is deemed just and proper.  
14

15 **PRAYER FOR RELIEF**

16 **WHEREFORE**, Plaintiff prays for judgment against Defendant, as follows:  
17

- 18 1. Loss of occupancy, expenses for transportation;
- 19 2. Negligence;
- 20 3. Expenses for medical treatment and hospitalization;
- 21 4. Future expenses for medical treatment;
- 22 5. Loss of wages;
- 23 6. Future loss of wages and earning capacity;
- 24 7. Conscious pain and suffering;
- 25 8. Future conscious pain and suffering;
- 26 9. Permanent injuries to the affected parts;
- 27
- 28

1 10. For pain and suffering; decrease of mobility, bending, lifting, walking, standing for long  
2 period of time, sitting and sleeplessness;

3 11. For decreased or no sexual activities;

4 12. For reasonable attorney fees according to proof;

5 13. For costs of suit herein incurred;

6 14. For such other and further relief as the court may deem proper.

7  
8 The undersigned affirms that this pleading does not contain personal identifying  
9 information as defined in NRS 603A.040.

10 Dated this 20th day of May, 2015.

11  
12  
13 Respectfully submitted,

14 /s/ Malik W. Ahmad  
15 MALIK W. AHMAD, ESQ.  
16 Nevada State Bar No.: 10305  
17 Law Office of Malik W. Ahmad  
18 8072 W. Sahara Ave., Ste. A  
19 Las Vegas, Nevada 89117  
20 Tel: 702.270.9100 | Fax: 702.233.9103  
21 Email: malik@lasvegaslawgroup.com  
22  
23  
24  
25  
26  
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28

DECLARATION

STATE OF NEVADA  
SS.  
COUNTY OF CLARK

I BAHRAM YAHYAVI, being duly sworn, states; that I am the Affiant and am a Plaintiff in the above titled action; that I have read the forgoing Verified Complaint and know the contents thereof; that the same is true and correct to the best of my own knowledge as to all allegations and claims pertaining to them, except as to those matters therein stated on information and belief, and as to those matters they believe them to be true.

Dated this 20 TH day of MAY, 2015.

  
\_\_\_\_\_  
BAHRAM YAHYAVI



AJ  
DENNIS M. PRINCE  
Nevada Bar No. 5092  
KEVIN T. STRONG  
Nevada Bar No. 12107  
PRINCE LAW GROUP  
10801 W. Charleston Boulevard  
Suite 560  
Tel. (702) 534-7600  
Fax: (702) 534-7601  
E-mail: [eservice@thedplg.com](mailto:eservice@thedplg.com)  
Attorneys for Plaintiff  
*Bahram Yahyavi*

EIGHTH JUDICIAL DISTRICT COURT  
CLARK COUNTY, NEVADA

BAHRAM YAHYAVI, an Individual,  
Plaintiff,

vs.

CAPRIATI CONSTRUCTION CORP.,  
INC., a Nevada Corporation,  
Defendant

CASE NO.: A-15-718689-C  
DEPT. NO.: XXVIII

**AMENDED JUDGMENT UPON  
THE JURY VERDICT**

This action was brought to trial in front of Department XXVIII of the Eighth Judicial District Court, the Honorable Ronald J. Israel presiding, and the jury. The issues having been duly tried and the jury having duly rendered its verdict:

**IT IS HEREBY ORDERED, ADJUDGED, AND DECREED** that Plaintiff BAHRAM YAHYAVI, recovers from Defendant CAPRIATI CONSTRUCTION CORP., INC., the following sums:

**PAST DAMAGES:**

Past Medical and Related Expenses:	\$491,023.24
Past Loss of Wages and Earning Capacity:	+\$300,000.00
Past Pain, Suffering, Disability, and Loss of Enjoyment of Life:	<u>+\$500,000.00</u>
<b>Total Past Damages:</b>	<b>\$1,291,023.24</b>



**FUTURE DAMAGES:**

Future Medical and Related Expenses:	\$529,260.00
Future Loss of Wages and Earning Capacity:	+\$1,550,000.00
Future Pain, Suffering, Disability, and Loss of Enjoyment of Life:	+\$2,500,000.00
<b>Total Future Damages:</b>	<b>\$4,579,260.00</b>

**TOTAL DAMAGES:** **\$5,870,283.24**

**IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that Plaintiff's past damages in the amount of One Million, Two Hundred Ninety-One Thousand, Twenty-Three Dollars and 24/100 Cents (\$1,291,024.24) shall bear prejudgment interest in accordance with *Lee v. Ball*, 121 Nev. 391, 395-96, 116 P.3d 64, 67 (2005) at the rate of 7.50% per annum from the date of service of the Summons and Complaint, August 20, 2015, through September 27, 2019 as follows:

**PREJUDGMENT INTEREST:**

August 20, 2015 THROUGH September 27, 2019 = (1500 days x \$271.11 per day)	<b>\$406,665.00</b>
--	---------------------

**IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that Plaintiff recovers from Defendant an award of attorney's fees in the amount of Two Million, Five Hundred Ten Thousand, Seven Hundred Seventy-Nine Dollars and 30/100 Cents (\$2,510,779.30) (40% contingency fee on the judgment amount of \$6,276,948.24).

**IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that Plaintiff recovers from Defendant taxable costs in the amount of One Hundred Fifty-Nine Thousand, Seventy-Two Dollars and 60/100 Cents (\$159,072.60).

**IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that post-judgment interest has accrued at the prevailing legal rate of interest as follows:

**POST-JUDGMENT INTEREST**

October 22, 2019 THROUGH December 31, 2019 = (71 days x \$1,318.16 per day)	<b>\$93,589.36</b>
--	--------------------

January 1, 2020 THROUGH March 2, 2020 = (62 days x \$1,129.85)	<b>\$70,050.70</b>
---	--------------------

March 3, 2020 THROUGH June 30, 2020 = \$193,250.40  
(120 days x \$1,610.42)

July 1, 2020 THROUGH September 4, 2020 = \$82,668.30  
(66 days x \$1,252.55)

NOW, THEREFORE, this Amended Judgment Upon the Jury Verdict in favor of Plaintiff BAHRAM YAHYAVI is hereby given for Nine Million, Three Hundred Eighty-Six Thousand, Three Hundred Fifty-Eight Dollars and 90/100 Cents (\$9,386,358.90) against Defendant CAPRIATI CONSTRUCTION CORP., INC., which shall bear post-judgment interest at the legal rate until satisfied.

DATED this \_\_\_\_ day of September, 2020. Dated this 21st day of September, 2020



DISTRICT COURT JUDGE


SC

BA8 341 B3C1 CA05  
Ronald J. Israel  
District Court Judge

Respectfully Submitted,

A-15-718689-C

PRINCE LAW GROUP



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KEVIN T. STRONG  
Nevada Bar No. 12107  
10801 W. Charleston Boulevard  
Suite 560  
Attorneys for Plaintiff  
Bahram Yahyavi



1 CSERV

2 DISTRICT COURT  
3 CLARK COUNTY, NEVADA  
4

5  
6 Bahram Yahyavi, Plaintiff(s)

CASE NO: A-15-718689-C

7 vs.

DEPT. NO. Department 28

8 Capriati Construction Corp Inc,  
9 Defendant(s)

10  
11 **AUTOMATED CERTIFICATE OF SERVICE**

12 This automated certificate of service was generated by the Eighth Judicial District  
13 Court. The foregoing Judgment on Jury Verdict was served via the court's electronic eFile  
14 system to all recipients registered for e-Service on the above entitled case as listed below:

15 Service Date: 9/21/2020

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11 Email: [eservice@thedplg.com](mailto:eservice@thedplg.com)  
12 Attorneys for Plaintiff  
13 *Bahram Yahyavi*

DISTRICT COURT

CLARK COUNTY, NEVADA

11 BAHRAM YAHYAVI, an Individual,  
12 Plaintiff,

13 vs.

14 CAPRIATI CONSTRUCTION CORP.,  
15 INC., a Nevada Corporation,  
16 Defendant

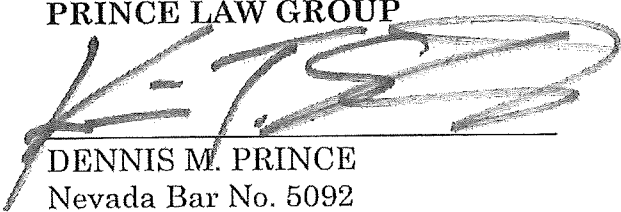
CASE NO.: A-15-718689-C  
DEPT. NO.: XXVIII

**NOTICE OF ENTRY OF AMENDED  
JUDGMENT UPON THE JURY  
VERDICT**

17 PLEASE TAKE NOTICE that an Amended Judgment Upon the Jury Verdict was  
18 entered on the 21<sup>st</sup> day of September, 2020 in the above-referenced matter, a copy of  
19 which is attached hereto.

20 DATED this 21<sup>st</sup> day of September, 2020.

21 **PRINCE LAW GROUP**

22   
23 DENNIS M. PRINCE  
24 Nevada Bar No. 5092  
25 KEVIN T. STRONG  
26 Nevada Bar No. 12107  
27 10801 W. Charleston Blvd., Suite 560  
28 Las Vegas, NV 89135  
Attorneys for Plaintiff



1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCP 5(b), I certify that I am employee of **PRINCE LAW GROUP**,  
3 and that on the 21 day of September, 2020, I caused the foregoing document entitled  
4 **NOTICE OF ENTRY OF AMENDED JUDGMENT UPON THE JURY VERDICT**  
5 to be served upon those persons designated by the parties in the E-Service Master List  
6 for the above-referenced matter in the Eighth Judicial District Court eFiling System in  
7 accordance with the mandatory electronic service requirements of Administrative Order  
8 14-2 and the Nevada Electronic Filing and Conversion Rules, as follows:

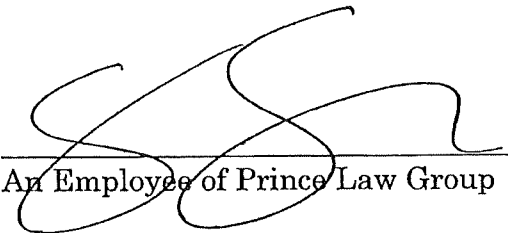
9 Michael K. Wall  
10 **HUTCHISON & STEFFEN, PLLC**  
11 Peccole Professional Park  
12 10080 Alta Drive, Suite 200  
13 Las Vegas, Nevada 89145

14 -AND-

15 David S, Kahn  
16 Mark Severino  
17 **WILSON, ELSE, MOSKOWITZ, EDELMAN & DICKER LLP**  
18 300 S. Fourth Street, 11th Floor  
19 Las Vegas, Nevada 89101

20 -AND-

21 Eric R. Larsen, Esq.  
22 **LAW OFFICES OF ERIC R. LARSEN**  
23 750 E. Warm Springs Road, Suite 320, Box 19  
24 Attorneys for Defendant  
25 *Capriati Construction Corp., Inc.*

26  
27  
28  
  
An Employee of Prince Law Group



*Heather S. Herman*  
CLERK OF THE COURT

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DENNIS M. PRINCE  
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KEVIN T. STRONG  
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E-mail: [eservice@thedplg.com](mailto:eservice@thedplg.com)  
Attorneys for Plaintiff  
Bahram Yahyavi

EIGHTH JUDICIAL DISTRICT COURT  
CLARK COUNTY, NEVADA

BAHRAM YAHYAVI, an Individual,  
Plaintiff,

vs.

CAPRIATI CONSTRUCTION CORP.,  
INC., a Nevada Corporation,  
Defendant

CASE NO.: A-15-718689-C  
DEPT. NO.: XXVIII

**AMENDED JUDGMENT UPON  
THE JURY VERDICT**

This action was brought to trial in front of Department XXVIII of the Eighth Judicial District Court, the Honorable Ronald J. Israel presiding, and the jury. The issues having been duly tried and the jury having duly rendered its verdict:

**IT IS HEREBY ORDERED, ADJUDGED, AND DECREED** that Plaintiff BAHRAM YAHYAVI, recovers from Defendant CAPRIATI CONSTRUCTION CORP., INC., the following sums:

**PAST DAMAGES:**

Past Medical and Related Expenses:	\$491,023.24
Past Loss of Wages and Earning Capacity:	+\$300,000.00
Past Pain, Suffering, Disability, and Loss of Enjoyment of Life:	<u>+\$500,000.00</u>
<b>Total Past Damages:</b>	<b>\$1,291,023.24</b>

**FUTURE DAMAGES:**

Future Medical and Related Expenses:	\$529,260.00
Future Loss of Wages and Earning Capacity:	+\$1,550,000.00
Future Pain, Suffering, Disability, and Loss of Enjoyment of Life:	<u>+\$2,500,000.00</u>
<b>Total Future Damages:</b>	<b>\$4,579,260.00</b>

**TOTAL DAMAGES:** **\$5,870,283.24**

**IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that Plaintiff's past damages in the amount of One Million, Two Hundred Ninety-One Thousand, Twenty-Three Dollars and 24/100 Cents (\$1,291,024.24) shall bear prejudgment interest in accordance with *Lee v. Ball*, 121 Nev. 391, 395-96, 116 P.3d 64, 67 (2005) at the rate of 7.50% per annum from the date of service of the Summons and Complaint, August 20, 2015, through September 27, 2019 as follows:

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**IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that Plaintiff recovers from Defendant an award of attorney's fees in the amount of Two Million, Five Hundred Ten Thousand, Seven Hundred Seventy-Nine Dollars and 30/100 Cents (\$2,510,779.30) (40% contingency fee on the judgment amount of \$6,276,948.24).

**IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that Plaintiff recovers from Defendant taxable costs in the amount of One Hundred Fifty-Nine Thousand, Seventy-Two Dollars and 60/100 Cents (\$159,072.60).

**IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that post-judgment interest has accrued at the prevailing legal rate of interest as follows:

**POST-JUDGMENT INTEREST**

October 22, 2019 THROUGH December 31, 2019 = (71 days x \$1,318.16 per day)	<b>\$93,589.36</b>
January 1, 2020 THROUGH March 2, 2020 = (62 days x \$1,129.85)	<b>\$70,050.70</b>

*Yahyavi v. Capriati Construction Corp., Inc.*  
Case No. A-15-718689-C  
Amended Judgment Upon the Jury Verdict

1 March 3, 2020 THROUGH June 30, 2020 = \$193,250.40  
2 (120 days x \$1,610.42)

3 July 1, 2020 THROUGH September 4, 2020 = \$82,668.30  
4 (66 days x \$1,252.55)

5 NOW, THEREFORE, this Amended Judgment Upon the Jury Verdict in favor  
6 of Plaintiff BAHRAM YAHYAVI is hereby given for Nine Million, Three Hundred  
7 Eighty-Six Thousand, Three Hundred Fifty-Eight Dollars and 90/100 Cents  
8 (\$9,386,358.90) against Defendant CAPRIATI CONSTRUCTION CORP., INC., which  
shall bear post-judgment interest at the legal rate until satisfied.


9 DATED this \_\_\_\_ day of September, 2020. Dated this 21st day of September, 2020

10   
11 DISTRICT COURT JUDGE  
12 BA8 341 B3C1 CA05 SC  
13 Ronald J. Israel  
District Court Judge

14 Respectfully Submitted,

A-15-718689-C

15 PRINCE LAW GROUP

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17 DENNIS M. PRINCE  
18 Nevada Bar No. 5092  
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Suite 560  
Attorneys for Plaintiff  
Bahram Yahyavi



1 CSERV

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3 DISTRICT COURT  
CLARK COUNTY, NEVADA

4  
5  
6 Bahram Yahyavi, Plaintiff(s)

CASE NO: A-15-718689-C

7 vs.

DEPT. NO. Department 28

8 Capriati Construction Corp Inc,  
9 Defendant(s)

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