

1 Ali Shahrokhi  
10695 Dean Martin Dr. #1214  
2 Las Vegas, Nev. 89141  
Tel: (702)835-3558

3 *Appellant in Propria Persona*  
4

**FILED**

DEC 28 2020

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY: *E. Brown*  
DEPUTY CLERK

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7 **IN THE SUPREME COURT OF THE STATE OF NEVADA**  
8

**FILED**

JAN 21 2021

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY: *E. Brown*  
DEPUTY CLERK

10 ) **ALI SHAHROKH**  
11 )  
12 )

13 *Appellant,*  
14 )

15 **vs.**  
16 )

17 **KIZZY BURROW**  
18 )

19 *Respondent.*  
20 )

21 **EMERGENCY MOTION UNDER NRAP 27(E) MOTION FOR**  
22 **TRANSMITAL OF REPORT INVOLVING MINOR CHILD**  
23 **(ACTION REQUESTED BY DATE OR EVENT)**  
24

25 COMES NOW, Petitioner, Ali Shahrokhi, appearing in Proper Person, hereby moves

26 For an ORDER pursuant to NRAP 27(E) for directing the district court clerk transmit a copy of  
27 the Child Interview Report submitted by Family Mediation Center immediatley.  
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DEC 28 2020

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
DEPUTY CLERK

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### POINTS AND AUTHORITIES

A Writ of Mandamus was issued on November 6, 2019, in the Shahrokhi v. Dist. Ct. (Burrow) case (Docket No. 79336-COA). Said Writ issued directives to the district court wherein the next action taken by the lower court was in holding a adversarial hearing on temporary relocation and temporary custody ***IMMEDIATELY*** which to this date 17 (Seventeen ) months later such hearing "**NEVER**" took place yet and it has caused irreparable harm to Shahrokhi and the minor.

On February 7, 2019, the district court Sua Sponte ordered that B.E.S be interviewed, completely violating Shahrokhi's due process without his agreement or knowledge. District Court ORDERED Family Mediation Center Services to Interview B.E.S and following, to provide Confidential Mediation to the parties.

The Child Interview Report is applicable and relevant to multiple facets pertaining to the issues raised in this emergency petition for Stay of distrocy Court ORDERS and immediate return of the Minor to State of Nevada.

Through the Family Mediation Center, m'Ryah Littleton, JD, MSW (a family mediation specialist), conducted a court ordered child interview wherein B.E.S has now given testimony and could very well be made a witness to the lower court's paternity action (Case No. D-18-581208-P). Hence, B.E.S is now potentially subject to examination and cross-examination by both parties and their counsel in keeping the with restrictions for having minors testify as set forth in NRS 16.215 and NRS 50.520.

1 B.E.S (Minor) was nine years of age when the Complaint for Paternity, Custody,  
2 visitation and Support was filed in the district court on December 10, 2018. B.E.S is  
3 considered of sufficient age and capacity to have an expressed opinion by virtue  
4 of the fact he was interviewed as the direction of the district court and asked to give  
5 his opinion.  
6

7 As noted in the previous Writ of Mandamus, this Petition's request for relief  
8 that includes a lack of findings in the child's best interests regarding custody modifications.  
9 The "... the child's best interest is paramount when modifying custody" and Bennett's best  
10 interests include a consideration of his wishes and preferences which are indicated in the  
11 child Interview Report.  
12

13 The Child Interview Report is significant to the issues raised in that the report  
14 is indicative of the close relationship which has now been severed by 1,000 miles See NRCP  
15 16.215; NRS 50.520. The district court itself confirmed this by ordering testimony by alternate  
16 means which is assumed to be in consideration as to NRS 125C.0035(a). See *Bluestein v.*  
17 *Bluestein*, 131 Nev. 106, 345 P.3d 1044 (2015).  
18

19 So far its been 17 months of no physical contact for B.E.S and Ali. Irrepreable harm  
20 must be considered where "temporary" adjudications may "have far reaching consequences  
21 for both the parents and children and "or adults a few months may seem like a short time, but  
22 for children, a few months is a significant percentage of their lives."  
23

24 The issue has been raised as to the State impeding on both Ali and B.E.S's liberty and  
25 fundamental rights in this request for appeal, the family has been broken up without a showing  
26 of unfitness. The Child Interview Report gives B.E.S's perspective as to how this natural  
27 family relationship is defined, in his eyes, and should be considered wherewith "children have  
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1 the constitutional right to avoid dislocation considered from the emotional attachments that  
2 derive from the intimacy of daily association with the parent.

3 The issue is being raised regarding Ali's fundamental liberty in having care and control  
4 over B.E.S under his First Amendment rights. No exigent circumstances regarding B.E.S and  
5 Ali's relationship have been raised, Ali has not been deemed an unfit parent (even temporarily)  
6 nor have there been any findings of abuse or neglect. The Child Interview report is the *only*  
7 *court record* as to account for concern regarding B.E.S 's well being.

9 According to Eighth District Court Rules ("EDCR") 5.304(a), a Child Interview Report  
10 such as the one prepared by Ms. Littleton for the district court, shall be delivered to the judge  
11 in chambers. Only the parties, their attorneys, and such staff and experts as those attorneys  
12 deem necessary are entitled to read or have copies of the written reports, which are confidential  
13 except as provided by rule, statute, or court order. Statements of a child to a CASA may not be  
14 viewed without an order of the court.

16 Further, "No copy of a written report, or any part thereof, may be made an exhibit to,  
17 or a part of, the open court file except by court order. A written report may be received as  
18 evidence of the facts contained therein that are within the personal knowledge of the person  
19 who prepared the report." EDCR 5.13(b).

21 In as much as Ms. Littleton's Child Interview Report indicates the wishes of  
22 Bennett, this court record helps enlighten the reader to the relationship with which the State is  
23 currently interfering. The report also gives testament to the fact that Bennett is now open to  
24 examination by both parties and counsel, showing need for a guardian *ad litem* and is the only  
25 expert report in the district court's record which could dispute or indicate any unfitness or  
26 abuse warranting a loss of the fundamental liberty in care control of their child. The Child  
27  
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1 Interview Report is highly relevant to the issues on raised on petition.

2           Given the strict local requirements regarding the copying and dissemination  
3 of confidential reports involving children, however, Ali requires the court's permission in  
4 order to make Ms. Littleton's report a part of the appendices in this emergency motion for  
5 **STAY**. For this reason, Ali respectfully requests this Court to issue an Order directing the  
6 Clerk of the Clark County District Court, Family Division, to transmit a copy of Ms. Littleton's  
7 Child Interview Report dated February 26, 2019, to court where it will be held in a confidential  
8 manner and be made part of the appendices in this emergency motion for stay.  
9

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11  
12 **CONCLUSION:**

13           Since Shahrokhi was given a copy of this report at Trial by Department N  
14 and this report was submitted into evidence, Shahrokhi respectfully requests that  
15 Nevada Supreme Court immediatley Adjudicate on this motion and ORDER:  
16

- 17  
18           A) The Clerk of the Clark County District Court, Family Division, to  
19  
20           transmit a copy of Ms. Littleton's Child Interview Report dated February 26, 2019  
21           Immediatley ;  
22  
23           B) Issue an ORDER allowing Shahrokhi to file a **"SEALED COPY"** of this child  
24           interview with the Supreme Court of Nevada within 48 Hours of the ORDER.  
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3 Dated: Decemebr 23, 2020  
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A handwritten signature in black ink, appearing to read 'Ali Shahrokhi', is written over a horizontal line.

**ALI SHAHROKHI**

*Petitioner, in Propria Persona*

AFFIDAVIT of Ali Shahrokhi

My name is Ali Shahrokhi. I am a litigant before the court. All of the allegations herein are true and correct of my own personal knowledge. If called upon to testify, I could and would give competent and truthful evidence.

I hereby declare under penalty of perjury under the laws of the State of Nevada the foregoing is both true and correct.

Dated: Decemebr 23, 2020



**Ali Shahrokhi**

*Declarant.*

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**-CERTIFICATE-OF-SERVICE-**

I am an individual over the age of eighteen and not a party to the within action. My home address is 10695 Dean Martin Dr. #1214, Las Vegas, Nev. 89141. My phone number is (702)835-3558.

On **Decemebr 23, 2020**, I served the following:

**Emergency Motion for Transmittal**

on an interested party in the above-entitled action by

  X   via e-mail transmission,

       personal service on the person below listed,

  X   depositing it in the U.S. Mail, postage prepaid,

and addressed to the person below listed,

       overnight delivery, addressed as follows:

**Thomas Standish, ESQ.  
Standish Law  
1635 Village Center Cir. #180  
LAS VEGAS, NEV. 89135**

**Mathew Harter, District Court Judge  
601 N. Pecos Rd.  
Las Vegas, NV 89101**

I declare under penalty of perjury under Nevada law the foregoing is true and correct.

Dated: **Decemebr 23, 2020**

/s/ Ali Shahrokhi

Declarant.