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Elizabeth A. Brown
Clerk of Supreme Court

IN THE SUPREME COURT OF THE STATE OF NEVADA

ALI SHAROKHI)	
Appellant,)	CASE NO.: 81978/82245
vs.)	
)	District Court Case No.:
KIZZY BURROW,)	D-18-581208-P
)	
Respondent.)	
)	
)	

**REPLY MEMORANDUM IN SUPPORT OF MOTION TO STRIKE
OPENING BRIEF AND TO DISMISS APPEAL, OR IN THE
ALTERNATIVE, MOTION TO EXTEND TIME TO FILE AN
ANSWERING BRIEF**

Respondent KIZZY BURROW (“Ms. Burrow”) by and through her attorney of record, YVONNE RUIZ, ESQ., MARZOLA & RUIZ LAW GROUP PLLC, hereby submits her Reply Memorandum in Support of Motion to Strike Opening Brief and to Dismiss Appeal, or in the Alternative, Motion to Extend Time to File an Answering Brief.

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I. APPELLANT’S OPENING BRIEF WAS SUBMITTED IN VIOLATION OF THE COURT’S ORDERS.

Appellant has had more than 6 months to file his opening brief. Rather than doing so, he has exploited his status as an in proper person and filed numerous motions and request for judicial notices herein citing to numerous statutes and case law; thereby, stalling this appeal. Now, he argues that he should be treated differently since he is not an attorney. Appellant cannot now claim ignorance as to his obligations and requirements given his track record in this appeal alone.

At the time his opening brief was submitted, Appellant was aware that he had to submit *one* informal brief or a brief in compliance with NRAP 28(a) and NRAP 32. Specifically, this Court issued three separate orders that clarified Appellant’s requirements. On February 18, 2021, under Nevada Supreme Court Case No.: 82245, this Court ordered that Appellant “serve a single opening brief or informal brief form.” Subsequently, on May 24, 2021, and June 10, 2021, this Court denied Appellant’s request to file an opening brief in excess of 30 pages and ordered that a brief be submitted pursuant to NRAP 28(a) and NRAP 32. However, he failed to do so making his opening brief an egregious intentional violation of this Court’s orders.

Appellant knew the requirements of an opening brief because the order issued on May 24, 2021, clearly cited to the Nevada Rules of Appellate Procedure

that Appellant was required to follow. Moreover, his pleadings are further proof of his intentional violation of this Court's orders. Specifically, Appellant sought leave to file a brief beyond the page limitation; as such, he was aware of the page limitation. Appellant then filed a motion for reconsideration requesting that he be allotted 30 pages per appeal; as such, he was aware and knew that this consolidated appeal was limited to one single 30-page brief.

Moreover, Respondent has not opposed any of Appellant's multiple requests to extend the time to file his opening brief as alleged by Appellant. As such, Respondent is not attempting to suppress Appellant's rights as he claims. Appellant was given an opportunity to file an informal brief or a single brief pursuant to NRAP 28(a) and NRAP 32. His right to be heard has not been limited by the consolidation of the appeals.

Additionally, Appellant cites to *Hall v. Hall*, 138 S. Ct. 1118 (2018), *In re Estate of Sarge*, 134 Nev. 866, 432 P. 3d 718 (2018) and *Haines v. Kerner*, 404 U.S. 519 in support of his opposition. However, these cases are distinguishable herein, as those cases address consolidation in the trial and initial pleading stages. The requirements pursuant to NRAP 28(a) and NRAP 32 have nothing to do with "stringent" pleading requirements such as those pleading requirements needed when filing a complaint in a civil matter for fraud, etc.

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II. APPELLANT’S REQUEST FOR SANCTIONS SHOULD BE DENIED.

Appellant request that Respondent’s counsel be sanctioned because: (1) the motion is an attempt to blindside Appellant by waiting after the brief deadline has passed to file this instant motion; and (2) that counsel never attempted to address these issues with him prior to the deadline. However, undersigned counsel is under no obligation to conduct a meet and confer prior to filing the instant motion nor was she under any duty to provide Appellant with legal advice. Additionally, any communication with Appellant would have been futile, as Appellant fails to exhibit any professional decorum toward undersigned counsel. Specifically, Appellant has called undersigned counsel several vulgar slurs such as a “Mexican w****.” He has also threatened to “legally sodomize” undersigned counsel and recently wished that two sitting Eighth Judicial District Court judges rape her children, if she ever had any. Given Appellant’s history of said behavior, any attempts to discuss these issues with Appellant would have been futile.

III. RESPONDENT REQUEST AT LEAST A 30-DAY EXTENSION TO FILE AN ANSWERING BRIEF.

Given the lengthy record in this matter (over 20 volumes) and the 62-Page opening brief, Respondent would request at least 30 days to file an answering brief, should her motion to strike and dismiss Appellant’s opening brief be denied.

Additional time is needed to adequately respond to such lengthy brief pursuant to NRAP 28(a) and NRAP 32 and review the cited record accordingly. Appellant does not appear to oppose the request other than for the fact that the motion does not set forth the days requested to file an answering brief.¹ Respondent is requesting at least a 30-day extension to file her answering brief currently due on July 14, 2021. If the extension is granted, the answering brief would become due no later than August 13, 2021. This is Respondent's first request to extend the time to file her answering brief. Appellant would not be prejudiced by this request, as he has had several months to file his opening brief.

IV. CONCLUSION

For the foregoing reasons, Respondent request that this Honorable Court grant Respondent's motion. Specifically, Respondent request that this Honorable Court strike Appellant's brief and dismiss his appeal. In the alternative, Respondent request a 30-day extension to file her answering brief.

DATED this 9th day of July, 2021.

MARZOLA & RUIZ LAW GROUP PLLC

/s/Yvonne Ruiz

Nevada Bar No. 14111

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¹ It appears that, at the time of filing the motion, there was a clerical error in that a portion of the argument was inadvertently left out.

CERTIFICATE OF COMPLIANCE

1. I hereby certify that the Reply complies with the formatting requirements of NRAP 32(a)(4), the typeface requirements of NRAP 32(a)(5) and the type style requirements of NRAP 32(a)(6). This Reply has been prepared in proportionally spaced typeface using Microsoft Word for PC, in 14 point, double-spaces Times New Roman font.
2. I further certify that this Reply complies with the page limitations of NRAP 27(d)(2) in that it does not exceed 5 pages.
3. Finally, I hereby certify that I have read this Reply, and to the best of my knowledge, information, and belief, it is not frivolous or interposed for any improper purpose. I further certify that this Reply complies with all applicable Nevada Rules of Appellate Procedure, in particular NRAP 27.

I understand that I may be subject to sanctions in the event that the accompanying brief is not in conformity with the requirements of Nevada Rules of Appellate Procedure.

DATED this 9th day of July, 2021.

MARZOLA & RUIZ LAW GROUP PLLC

/s/Yvonne Ruiz

Nevada Bar No. 14111

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Henderson, Nevada 89014

CERTIFICATE OF SERVICE

The undersigned, an employee of Marzola & Ruiz Law Group, PLLC., hereby certifies that on the 9th day of July, 2021, I served a true and correct copy of Reply Memorandum in Support of Motion to Strike Opening Brief and to Dismiss Appeal, or in the Alternative, Motion to Extend Time to File An Answering Brief to the Clerk of the Supreme Court, via the Court's electronic filing and service system (eFlex):

Ali Shahrokhi
10695 Dean Martin Drive, #1214
Las Vegas, NV 89141
Appellant

By: /s/ Yvonne Ruiz
Yvonne Ruiz