

YVONNE RUIZ, ESQ.  
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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.	)	
	)	
	)	

**MOTION TO WITHDRAW AS COUNSEL OF RECORD FOR  
RESPONDENT AND TO EXTEND DEADLINE TO FILE ANSWERING  
BRIEF**

COMES NOW, YVONNE RUIZ, ESQ., of the MARZOLA & RUIZ LAW GROUP PLLC, and hereby move for an Order to Withdraw as Counsel of Record for Respondent and an Order to Extend Deadline for Respondent to File Answering Brief. This Motion is made and based upon the papers and pleadings on file herein and the attached Declaration of Yvonne Ruiz, Esq.

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## MEMORANDUM OF POINTS AND AUTHORITIES

### A. Motion to Withdraw

NRAP 46(e)(3) states that:

**(3) Withdrawal.** A withdrawal of counsel may be effected only by filing a motion in the court. The withdrawing attorney shall serve a copy of the motion on the attorney's client and any adverse party. The motion shall clearly state the reasons for the attorney's withdrawal consistent with SCR 46 and RPC 1.16. A motion that is filed after judgment or final determination as provided in SCR 46 will only be granted if the Supreme Court or Court of Appeals has issued a final decision in the matter and the time for filing a petition for rehearing has expired.

The relationship between Respondent and counsel has deteriorated to the point where counsel is no longer able to adequately represent Respondent due to irreconcilable differences. Pursuant to NRPC 1.16(d), the withdrawal can be accomplished without material adverse effect on Respondent's interest, as counsel is requesting that Respondent have an additional 30 days to file her Answering Brief herein.

### B. Motion to Extend Deadline to File Answering Brief

NRAP 31(b)(3) states that:

**Motions for Extensions of Time.** A motion for extension of time for filing a brief may be made no later than the due date for the brief and must comply with the provisions of this Rule and Rule 27.

**(A) Contents of Motion.** A motion for extension of time for filing a brief shall include the following:

(i) The date when the brief is due;

- (ii) The number of extensions of time previously granted (including a 14-day telephonic extension), and if extensions were granted, the original date when the brief was due;
- (iii) Whether any previous requests for extensions of time have been denied or denied in part;
- (iv) The reasons or grounds why an extension is necessary (including demonstrating extraordinary and compelling circumstances under Rule 26(b)(1)(B), if required); and
- (v) The length of the extension requested and the date on which the brief would become due.

Here, this Court should grant counsel's request for a 30-day extension for Respondent to file her Answering Brief given counsel's request to withdraw due to irreconcilable differences. Consequently, the extension is necessary.

Respondent's Answering Brief is currently due no later than September 15, 2021. If the extension is granted, the Answering Brief would become due no later than October 15, 2021. On June 29, 2021, Respondent filed her Motion to Strike Opening Brief and to Dismiss Appeal, or in the Alternative, Motion to Extend Time to File an Answering Brief. On July 19, 2021, the Court granted the Motion in part and denied in part. Specifically, the Court granted the Motion to Strike and ordered Appellant to file an Opening Brief in compliance with NRAP. Since the Court granted the Motion to Strike and Appellant was ordered to file an Opening Brief in compliance with NRAP, it does not appear that any decision was issued as to the Motion to Extend Time. Consequently, counsel submits that said request was not denied and that this instant Motion can constitute as Respondent's first request (possibly second request) for an extension to file her Answering Brief.

Lastly, Appellant would not be prejudiced by this request, as he has had several months to file his Opening Brief.

DATED this 24<sup>th</sup> day of August, 2021.

**MARZOLA & RUIZ LAW GROUP PLLC**

/s/Yvonne Ruiz

Nevada Bar No. 14111

2920 N. Green Valley Parkway, Bldg. 2, STE 219

Henderson, Nevada 89014

**DECLARATION OF YVONNE RUIZ, ESQ.**

STATE OF NEVADA )

)ss

COUNTY OF CLARK )

Yvonne Ruiz, Esq., being first duly sworn under oath, deposes and says that:

1. I am an attorney duly licensed to practice law in the State of Nevada and an employee of Marzola & Ruiz Law Group PLLC. I have personal knowledge of the matters contained therein and am competent to testify thereto.

2. That I believe that I am no longer able to adequately represent Respondent due to irreconcilable differences which make it impossible to maintain an adequate attorney-client relationship.

3. I do not believe the withdrawal of Marzola & Ruiz Law Group PLLC will have a material adverse effect upon Respondent's interests, as undersigned counsel is requesting that Respondent have an additional 30-days to file an Answering Brief.

4. A copy of this Motion will be sent to Respondent at her last known address of 1500 SW 11<sup>th</sup> Avenue, #804, Portland, Oregon 97201. The last known telephone number of Respondent is (702) 501-6462.

5. That this motion is made in good faith and not for any improper purpose or to protract litigation.

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

Further, your affiant sayeth naught.

Executed on this 24<sup>th</sup> day of August, 2021.

/S/Yvonne Ruiz  
YVONNE RUIZ, ESQ.

## **CERTIFICATE OF COMPLIANCE**

1. I hereby certify that the Motion 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 Motion 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 Motion complies with the page limitations of NRAP 27(d)(2) in that it does not exceed 10 pages.
3. Finally, I hereby certify that I have read this Motion, 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 Motion 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 24<sup>th</sup> day of August, 2021.

**MARZOLA & RUIZ LAW GROUP PLLC**

/s/Yvonne Ruiz

Nevada Bar No. 14111

2920 N. Green Valley Parkway, Bldg. 2, STE 219  
Henderson, Nevada 89014

### **CERTIFICATE OF SERVICE**

The undersigned, an employee of Marzola & Ruiz Law Group, PLLC., hereby certifies that on the 24<sup>th</sup> day of August, 2021, I served a true and correct copy of **MOTION TO WITHDRAW AS COUNSEL OF RECORD FOR RESPONDENT AND TO EXTEND DEADLINE TO FILE 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