

YVONNE RUIZ, ESQ.
Nevada Bar No. 14111
MARZOLA & RUIZ LAW GROUP PLLC
2920 N. Green Valley Parkway, Bldg. 2, Suite 219
Henderson, Nevada 89014
Telephone: (702) 707-4878
Facsimile: (702) 846-0776
yvonne@marzolaruizlaw.com
Attorneys for Respondent

Electronically Filed
May 18 2021 06:01 p.m.
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.)	
)	
)	

**RESPONSE TO APPELLANT’S MOTION FOR ORDER GRANTING
EXPANSION OF PAGES FOR FAST TRACK BRIEF (COMBINED
APPEALS)**

Respondent KIZZY BURROW (“Ms. Burrow”) by and through her attorney of record, YVONNE RUIZ, ESQ., MARZOLA & RUIZ LAW GROUP PLLC, hereby submits her Response to Appellant’s Motion for Order Granting Expansion of Pages for Fast Track Brief (combined appeals). This Response is made and based upon the papers and pleadings on file herein and the attached Memorandum of Points and Authorities.

...

MEMORANDUM OF POINTS AND AUTHORITIES

I. STATEMENT OF FACTS

This matter stems from a paternity/custody action. After years of litigation, the Honorable Judge Matthew Harter held a three-day trial from September 21, 2020 through September 23, 2020. On September 21, 2020, the court issued its Decision and Order Re: Finding of Domestic Violence, and on October 12, 2020, the court issued its Final Decision and Order Re: Custody/Relocation. Subsequently, on October 14, 2020, Appellant filed an Amended Notice of Appeal with the Eighth Judicial District Court for the aforementioned final orders. On October 22, 2020, the Nevada Supreme Court processed the first appeal under Supreme Court No. 81978 (determination of child custody). The second appeal was processed on December 20, 2020 under Supreme Court No. 82245 (post-judgment award of attorney fees). Thereafter, Appellant filed *numerous* motions and request for judicial notice under both cases rather than filing his brief.

On February 18, 2021, the Nevada Supreme Court issued its Order Consolidating Cases, Denying Motion for Leave to File Stay Motion with Excess Pages, and Granting Motions to File Transcripts Under Seal. The Nevada Supreme Court ordered that Appellant file and serve a single opening brief or informal brief form addressing the issues in both consolidated cases no later than April 8, 2021.

On March 31, 2021, the Nevada Supreme Court issued its Order Granting

Extension Per Telephonic Request. As such, Appellant's opening brief and appendix were due no later than April 22, 2021.

On April 22, 2021, Appellant filed his Motion to Extend Time to File Opening Brief. Although the motion is still pending before this Honorable Court, Appellant only requested a one-week extension to file his opening brief. This would have made his opening brief due no later than April 29, 2021. However, Appellant never filed his opening brief by said requested deadline.

On May 10, 2021, Appellant improperly served Respondent with a 93-Page Fast Track Brief via the Eighth Judicial District Court's filing system. On May 11, 2021, Appellant filed his Motion for Order Granting Expansion of Pages for Fast Track Brief (combined appeals). In his Motion, he argues that he needs 62 additional pages because his custody/paternity case has a record of approximately 4,000 pages, his prior attorney was allowed to file a 60-page Writ of Mandamus, he is not an attorney, he was tried for crimes in civil proceedings, his rights were violated pursuant to NRS Chapter 128, and that he has tried to conform with the Nevada Supreme Court's requirements. However, these alleged reasons do not justify the filing of a 93-Page Fast Track Brief nor is the motion timely/proper.

For the following reasons the Motion should be denied.

II. STATEMENT OF AUTHORITIES

Nevada Rule of Appellate Procedure 3E(e)(2) provides that a "fast track

statement is acceptable if it contains no more than 7,267 words or 693 lines of text.” NARP 3E(e)(2). “A party may seek leave of the court to expand the length of the fast track statement or response. . . [a] request for expansion must be filed at least 14 days before the fast track statement or response is otherwise due . . .” NARP 3E(d)(3).

Moreover, Nevada Rule of Appellate Procedure 32(a)(7)(A) provides that “opening or answering brief shall not exceed 30 pages, and a reply brief shall not exceed 15 pages.” NARP 32(a)(7)(A)(i). “A motion seeking an enlargement of the page limit or type-volume limitation for a brief shall be filed on or before the brief’s due date.” NARP 32(a)(7)(D)(ii). “The motion shall also be accompanied by a single copy of the brief the applicant proposes to file.” NARP 32(a)(7)(D)(iii).

In this instant case, Appellant’s Motion is untimely and procedurally defective pursuant to NRAP 32 and NRAP 3. Although the Nevada Supreme Court ordered that Appellant file an opening brief, he wishes to submit a Fast Track Brief, which is governed by NRAP 3. Consequently, his motion to expand pages for a Fast Track Brief was due either no later than April 8, 2021 for the opening brief deadline of April 22, 2021 or in the alternative, no later than April 15, 2021 for the opening brief deadline of April 29, 2021, as he requested in his motion to extend. Since Appellant never filed an additional motion to extend the

time to file his brief, the only possible deadlines for the brief are either April 8, 2021 or April 22, 2021.

Additionally, Appellant's motion is untimely and procedurally defective pursuant NRAP 32 because the motion had to be filed before the brief deadline and had to be accompanied with a single copy of the brief. Appellant did not attach a single copy of the proposed brief to the motion. Also, since no new deadline to file the opening brief has been issued, Appellant's motion is untimely. Moreover, on its face the Brief does not appear to comport with NRAP 32(a)(4), (i.e. double/single space); as such, this Brief appears to be longer than 93 pages.

Lastly, in his 93-Page Fast Track Brief, Appellant is re-litigating the entire case, which is improper. Appellant cannot re-litigate and appeal all prior orders issued in the underlying case. The only orders that have been appealed are the final custody/relocation and post-judgment attorney's fees orders. Additionally, Appellant is litigating inapplicable law, such as, NRS Chapter 128 (termination of parental rights). This is a custody/relocation matter. Respondent cannot adequately respond to a 93-Page Fast Track Brief that is re-litigating all issues including those issues that are not on appeal.

...

...

...

III. CONCLUSION

For the foregoing reasons, this Honorable Court should deny the Motion for Order Granting Expansion of Pages for Fast Track Brief.

DATED this 18th day of May, 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 COMPLIANCE

1. I hereby certify that the Response 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 Response 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 Response 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 Response, 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 Response 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 18th day of May, 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 18th day of May, 2021, I served a true and correct copy of Response to Appellant's Motion for Order Granting Expansion of Pages for Fast Track Brief (combines appeals) 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