

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
Sep 02 2021 04:18 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

IN THE SUPREME COURT OF THE STATE OF NEVADA

ALI SHAROKHI,

Appellant,

vs.

KIZZY BURROW,

Respondent.

CASE NO.: 81978/8224

District Court Case No.:
D-18-581208-P

**REPLY TO APPELLANT'S OPPOSITION TO
RESPONDENTS' [sic] COUNSEL'S MOTION TO WITHDRAW**

COMES NOW YVONNE RUIZ, ESQ. of the MARZOLA & RUIZ LAW GROUP PLLC and presents her Reply To Appellant's Opposition To Respondents' [sic] Counsel's Motion To Withdraw. This Reply is made and based upon the papers and pleadings on file herein and the attached Declaration of Yvonne Ruiz, Esq.

//

//

**DECLARATION OF YVONNE RUIZ, ESQ. IN SUPPORT OF
REPLY TO APPELLANT'S OPPOSITION TO
RESPONDENTS' [SIC] COUNSEL'S MOTION TO WITHDRAW**

1. I am an attorney duly licensed to practice law in the State of Nevada and a named partner in the law firm of Marzola & Ruiz Law Group PLLC, counsel to Respondent in this matter

2. This Declaration is submitted in support of Reply To Appellant's Opposition To Respondents' [sic] Counsel's Motion To Withdraw.

3. My request to withdraw as counsel is not contingent upon any extension of the September 15, 2021, Answering Brief deadline, which was requested in my Motion solely as a courtesy to my client. I did not in any way intend to imply that my requested withdrawal should be contingent upon the granting of such a courtesy extension. I seek to withdraw as counsel in this matter even if the deadline for the Answering Brief remains September 15, 2021. I do not seek to withdraw as any form of delay tactic.

4. I have very strong reason to believe that if I draft the pending Answering Brief and the associated supplemental Appendix in this matter — which I estimate will take at least 25-30 hours, given the excessive length and incoherent, scattershot content of the Opening Brief — I will not be paid for that work.

//

//

5. As of the filing of this Reply Brief, my client has not yet been granted a 14-day extension under NRAP 31(b)(1) in this matter.

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

/s/ Yvonne Ruiz

Yvonne Ruiz

MEMORANDUM OF POINTS AND AUTHORITIES

Appellant’s Opposition to counsel’s Motion To Withdraw appears to include only one actual legal argument, buried amidst pages of unrelated musings and various improper attempts to argue the merits of the underlying Appeal.

Appellant writes:

Extensions in child custody and capital cases may not be obtained by stipulation and will be granted ONLY in extraordinary cases that present unforeseeable [sic] circumstances justifying an extension of time.

Opposition, 4.

Appellant is correct in this assertion, although it has little (if any) bearing on counsel’s request to withdraw. The applicable Rule provides that “[t]he court will grant a motion for extension of time for filing a brief in child custody or visitation cases only in extraordinary cases that present unforeseeable circumstances justifying an extension of time.” *See Nev. R. App. P. 31(b)(3)(C)*.

Counsel did not, of course, file a “motion for extension of time,” but instead simply asked — in the course of moving to withdraw — that Respondent be

permitted, once counsel has withdrawn, an additional 30 days to file her Answering Brief. This request was made solely as a courtesy to Respondent (who thereby would have additional time to locate new counsel or to draft the Answering Brief and supplemental Appendix herself). See Declaration of Yvonne Ruiz, Esq., *supra*, ¶ 3.

Counsel did not in any way intend to imply that her requested withdrawal should be contingent on such a courtesy extension — to the contrary, counsel seeks to withdraw even if the deadline for the Answering Brief remains September 15, 2021. *Id.*

Counsel certainly does not seek to withdraw as any form of “delay” tactic, as Appellant asserts. *Id.*; *cf. Opposition*, 2-3.

Counsel’s request for withdrawal was instead based solely upon the deterioration of her relationship with her client. *Motion*, 2. To wit, Counsel has very strong reason to believe that if she drafts the pending Answering Brief and the associated supplemental Appendix in this matter — which she estimates will take at least 25-30 hours, given the excessive length and incoherent, scattershot content of the Opening Brief — she will not be paid for that work. See Declaration of Yvonne Ruiz, Esq., *supra*, ¶ 4.

This Court’s willingness *vel non* to extend Respondent’s time to file the Answering Brief is unrelated to the valid reasons for counsel’s requested withdrawal.

That extension was requested only as a courtesy, not as a condition of the proposed withdrawal. The reasons for that requested withdrawal, as stated in the Motion and clarified here, remain intact irrespective of when the Answering Brief is due.

Respondent's counsel therefore respectfully requests that she be permitted to withdraw as counsel for Respondent due to the deterioration of that relationship to the point counsel is no longer able to adequately represent Respondent due to irreconcilable differences.

DATED this 2nd day of September, 2021.

MARZOLA & RUIZ LAW GROUP PLLC

/s/ Yvonne Ruiz

Nevada Bar No. 14111
2920 North Green Valley Parkway,
Building 2, Suite 219
Henderson, Nevada 89014

CERTIFICATE OF SERVICE

I hereby certify that on the 2nd day of September, 2021, I served the foregoing, **REPLY TO APPELLANT’S OPPOSITION TO RESPONDENTS’ [sic] COUNSEL’S MOTION TO WITHDRAW**, by the means indicated, upon the persons and at the addresses listed below:

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

Dawn Throne (by U.S. Mail)
Department U
200 Lewis Avenue
Las Vegas, NV 89155

/s/ Yvonne Ruiz

An employee of MARZOLA & RUIZ
LAW GROUP PLLC