

FILED

SEP 27 2021

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
DEPUTY CLERK

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

5 *Appellant in Propria Persona*

6  
7 **IN THE SUPREME COURT OF THE STATE OF NEVADA**  
8

9  
10 **ALI SHAHROKH** ) **Case No: 81978**  
11 )  
12 )  
13 *Appellant,* ) **APPELLANT'S**  
14 **vs.** ) **REQUEST for JUDICIAL NOTICE**  
15 )  
16 **KIZZY BURROW** )  
17 )  
18 *Respondent.* )  
19 )

20 **Notice to Respondent:** *You are required to file a written response to this*  
21 *motion with the Clerk of the Court and to provide the undersigned with a copy*  
22 *of the response within fourteen (14) day of your receipt of this motion. Failure*  
23 *to file a written response with the clerk of the court within fourteen (14) days of*  
24 *your receipt of this motion may result in the request relief being granted by the*  
25 *court without hearing prior to the scheduled hearing date.*

26 **SEP 27 2021**

27 **ELIZABETH A. BROWN**  
28 **CLERK OF SUPREME COURT**  
**DEPUTY CLERK**

21-27768

☞ NOTICE of MOTION ☞

PLEASE TAKE NOTICE: Respondent asks the Court to take judicial notice of certain facts in :

A) IN THE MATTER OF THE HONORABLE RENA G. HUGHES,  
DISTRICT JUDGE, EIGHT JUDICIAL DISTRICT COURT, DOCKET  
#76117, PAGE 12:

“ See **NRS 1.4653(5)(b)** (providing that willfull misconduct as Proscribed by judicial discipline proceedings excludes “claims Of error of abuse of discretion”); Procedural Rules of the Nevada Commission on Judicial Discipline (PRJDC) 8 (providing that generally “claims of error shall be left to the appellate process”). **The exception to this rule** lies where **the judicial decision involves More serious misconduct**, as characterized “by evidence of abuse of Authority, **a disregard for fundamental rights**, an intentional disregard Of the law, a **pattern of legal error** or an action taken for a purpose Other than **the faithful discharge of judicial duty.**” NRS 1.4653(5)(b); PRJDC 8.

B) SHAHROKHI VS. THE EIGHT JUDICIAL DISTRICT COURT OF  
STATE OF NEVADA, IN AND FOR THE COUNTY OF CLARK,  
AND MATHEW HARTER, DISTRICT JUDGE, DOCKET # COA-  
79336, PAGE 4:

“We conclude that **Ali’s fundamental rights were violated here.**”

Scope of Motion: This motion is based on this notice of motion, the within points & authorities, affidavits, exhibits, requests for judicial notice, oral arguments, *etc.*, and other evidence as the Court may allow.

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1 **Dated: September 27, 2021**

2 DocuSigned by:  
3 Ali Shahrokhi  
4 ED43B0CA76FC4D6...

5 **ALI SHAHROKHI**

6 *Petitioner, in Propria Persona*

7 **GOVERNING LAW—**

8 Judicial Notice: NRS 47.140 governs requests for judicial notice as to  
9 “matters of law.” NRS 47.140 provides the governing law—

10 NRS 47.140 MATTERS OF LAW—

11 “The laws subject to judicial notice are:

12 1. [ ... ]

13 2. The Constitution of United States.

14 3. Any other statute of this State if brought to the attention of the  
15 court by its title and the day of its passage.”

16 [See NRS 47.140; underscores added.]

17 Nevada Revised Statutes: Pursuant to NRS 47.140(2), courts may properly  
18 take judicial notice of *Nevada Revised Statutes*, including, of course, NRS  
19 126.036, [see NRS 47.140(2)].

20  
21 **SUMMARY & CONCLUSION—**

22 SUMMARY: Appellant respectfully requests that this Court *GRANT* this Request  
23 for Judicial Notice. The facts sought to be noticed are not subject to reasonable  
24 dispute, and further, such facts are capable of accurate verification from sources  
25 whose accuracy cannot reasonably be questioned.  
26  
27  
28

**Dated: Septemebr 27, 2021**

Respectfully Submitted,

DocuSigned by:  
*Ali Shahrokhi*  
ED43B0CA76FC4D6...

**Ali Shahrokhi**

*Respondent, in Propria Persona*

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notice and a hearing before that right is altered. *See Gordon v. Geiger*, 133 Nev. 542, 546, 402 P.3d 671, 674 (2017). For this reason, orders that alter custody sua sponte may violate due process. *See id.* at 546, 402 P.3d at 674-75 (holding that a district court's sua sponte order granting an oral request to modify a parent's allotted time with her children without providing notice and a hearing violated due process); *Micone v. Micone*, 132 Nev. 156, 159, 368 P.3d 1195, 1197 (2016) (holding that a district court's surprise order awarding primary physical custody to nonparty grandparents violated due process where the parents were not provided notice).

We conclude that Ali's fundamental rights were violated here. The district court entered the no-contact and temporary custody orders without notice to Ali that the court was considering precluding contact and awarding sole temporary custody to Kizzy, without holding a full adversarial hearing on the matters, and without setting the matters for a proper hearing at any time in the future.<sup>1</sup> *See generally Andrew V. v. Superior Court*, 183 Cal. Rptr. 3d 517, 519 (App. Ct. 2015), *as modified* (Feb. 9, 2015), *as modified* (Mar. 3, 2015) ("A full adversarial hearing must precede, not follow, any out-of-state move-away order, however denominated."); *Martin R.G. v. Ofelia G.O.*, 809 N.Y.S.2d 1, 1 (App. Div. 2005) ("[A] hearing is generally required before a judge may award a temporary change of custody in a non-emergency situation."). The court explicitly "[kept] the hearing to a minimum," and it altered the stipulated custody arrangement and allowed relocation after expressly stating that it would not determine whether Kizzy had made a prima facie case for

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<sup>1</sup>Although Ali complains that he did not receive notice of the July 11 hearing until one day prior, the record includes a certificate of service indicating that Ali was mailed notice of the hearing date on June 28, 2019, and then later informed of the time changes related to that hearing. Based on the record, it appears that Ali had notice of the hearing.

apparent efforts to alienate the child from the father undermined the best interest of the child, and the temporary custody change thus promoted the best interest of the child. The Commission's finding that the custody change was a contempt sanction thus lacks support by clear and convincing evidence.

Insofar as the Commission reviewed Judge Hughes' determination of the best interest of the child, the scope of her authority to change custody under NRS 125C.0055, or the validity of the order changing the custody arrangement generally, it erred. A challenge to the exercise of judicial discretion to modify child custody is a matter for appellate review, not a judicial discipline complaint. See NRS 1.4653(5)(b) (providing that "[w]illful misconduct" as proscribed by judicial discipline proceedings excludes "claims of error or abuse of discretion"); Procedural Rules of the Nevada Commission on Judicial Discipline (PRJDC) 8 (providing that generally "[c]laims of error shall be left to the appellate process"). The exception to this rule lies where the judicial decision involves more serious misconduct, as characterized "by evidence of abuse of authority, a disregard for fundamental rights, an intentional disregard of the law, a pattern of legal error or an action taken for a purpose other than the faithful discharge of judicial duty." NRS 1.4653(5)(b); PRJDC 8. The record before us does not depict judicial malfeasance of that exceptional nature. The Commission exceeds its authority when it reaches the merits of claims that should be contested through the appellate process.

As we determine that the Commission erred in finding that Judge Hughes held the mother in contempt—with or without notice and an opportunity to be heard—and changed custody as a contempt sanction, the

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: **September 27, 2021**

DocuSigned by:  
*Ali Shahrokhi*  
ED43B0CA76FC4D6...

**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 **Septemebr 27, 2021**, I served the following:

**Shahrokhi's Request for Judicial Notice**

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:

**Kizzy Burrow (E-served)**

**1500 SW 11<sup>th</sup> Ave. #804**

**Portland, Oregon 97201**

**Dawn Throne, Department U**

**200 Lewis Ave.**

**Las Vegas, NV 89155**

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

Dated: **September 27, 2021**

/s/ Ali Shahrokhi

Declarant.