

IN THE SUPREME COURT OF THE STATE OF NEVADA

ALI SHAHROKHI,
Appellant,

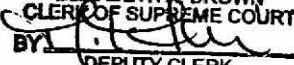
VS.

KIZZY BURROW,
Respondent.

District Court Case # D-18-581208-P
Supreme Court Case # 81978, 82245

FILED

OCT 20 2021

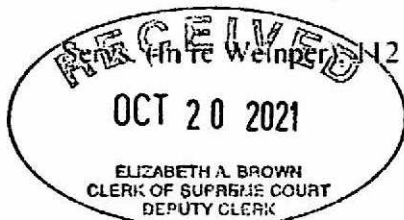
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY: 
DEPUTY CLERK

**“EMERGENCY MOTION FOR AN IMMEDIATE INJUNCTION
REQUIRING THAT THE MINOR CHILD TO BE TAKEN OUT
OF PUBLIC SCHOOL AND IMMEDIATELY PUT BACK IN
PRIVATE SCHOOL FOR CHILD’S STABILITY *DE NOVO*,
WHILE THE CONSOLIDATED APPEALS ARE RESOLVED.”**

“ACTION NECESSARY BY OCTOBER 29, 2021”

WHY IS THIS AN EMERGENCY: The rights of the children to a stable future with a loving family must be paramount. Otherwise, the children’s development is compromised for the sake of the parents.” [Weinper v. Nevada State Dep’t of Human Resources, Div. of Family

Services, 12 Nev. 710, 716, 918 P.2d 325, 330 (1996)]



COMES NOW, Petitioner, ALI SHAHROKHI, appearing in *proper person*, hereby moves for an “**EMERGENCY ORDER, De Novo**”, to secure an injunction requiring that the minor child to be taken out of public school and placed back in private school. This must be done for the sake of child’s stability because the mother (KIZZY) is forcing the minor to adapt to an unfamiliar environment. The public school that the minor child now attends does not meet the curriculum, method of teaching, and high quality of instruction that the child has received in private school, since pre-school, for the past seven (7) years. And now, the mother, (KIZZY), suddenly places the minor in public school, as the parties are awaiting final decisions on the two consolidated appeals.

STATEMENT OF FACTS

SHAHROKHI will only discuss facts relevant to this motion for the sake of resolving this motion immediately. This entire case is complex, and it involves a great deal of judicial misconduct by the trial court, willful misconducts by KIZZY and her attorneys and fraud upon the court by KIZZY and her attorneys.

On May 1st, 2019, KIZZY through her attorney filed a motion to “**Relocate With The Minor Child of The Parties.**” In her motion to the Court, KIZZY makes the following false statements and lies to the lower Court: 1) “If Kizzy Relocates with B. (the minor) to Portland, Oregon B. (the minor) **will benefit from a healthy environment, a stable home, and a better education.** 2) “Kizzy’s boyfriend, Donald

H. Pearson, lives and works in Portland, Oregon is an engineer at intel with stable job and a good salary.” 3) “With Donald’s support, Kizzy would be able to stay home or work only a minimal schedule, effectively eliminating the need for childcare”. 4) “Without the cost of a second home in Las Vegas, B. (the minor) would be able to attend private school in Portland.”

However, as it turns out, all of KIZZY’S statements to the Court have proven to be **FALSE!** KIZZY lied to the Court! KIZZY perpetrated fraud upon the Court! The true and correct facts, which have evidentiary support, are as follows:

- a. The minor now has an unhealthy environment because he is confined to a one-bedroom, **725 sq. ft. studio apartment**, which is an inadequate living arrangement for my son (who needs his privacy!). The minor is now forced to share 725 sq. ft. with KIZZY and her boyfriend.
- b. The minor has been ***sleeping on the couch***, in the living room, with no privacy of his own, for over two years, since July, 2019. But he needs his privacy!
- c. Donald H. Pearson, (KIZZY’S boyfriend), is a ***drug dealer***. SHAHROKHI has taken KIZZY’S and Donald’s depositions under oath, and they both lied about Donald’s true job and his income. Donald sells drugs, (which may be legal, but totally inappropriate for my son to be around).
- d. Prior to the pandemic, KIZZY continued her work-related travel, flying to Las Vegas. SHAHROKHI has KIZZY’S travel schedule, subpoenaed through airlines.

SHAHROKHI has documents that show when and how often KIZZY travels and how often *Kizzy is absent from the minor's life!* (And KIZZY tried to hide these facts. At her deposition, KIZZY's lawyer advised her to refuse to answer questions related to her travel/ work schedule here in Las Vegas, Nevada.)

- e. The minor has been left alone many days and nights. When KIZZY travels to Las Vegas for work, Donald H. Pearson becomes the babysitter. The fact that *my son is left alone with Kizzy's boyfriend* is NOT in my son's best interests. (My son must be brought back to Las Vegas, and immediately.)
- f. The minor is now placed in public school as of early September 2021, which the curriculum, method of teaching, and quality of instruction, are nowhere near what my son is accustomed to after being in private school for the past seven (7) years.
- g. *KIZZY filed for Chapter 7 bankruptcy* as of March 2021, stating she has \$-0- to her name; (and she lists a P.O. Box address as her residence).
- h. *KIZZY has been collecting unemployment* and so much more.

As you can see, (above), **circumstances have changed drastically**. Furthermore, these changes presumably have a **negative effect on the minor child**, whose well-being continues to **suffer** under KIZZY's custody and shenanigans. The minor continues to suffer from "irreparable harm," "depression," "stress" and

“confusion” by **illegal and void court orders** issued by a criminal, bankrupt, family Court Judge.

COURT’S JURISDICTION TO DECIDE “DE NOVO”

Under *de novo* review, the appellate court uses the district court’s record but reviews the evidence and law without deference to the district court’s legal conclusions, [*Lioce v. Cohen*, 124 Nev. 1, 20, 174 P.3d 970, 982 (2008)]. The court applies a *de novo* standard of review to constitutional challenges. [*Grupo Famsa v. Eighth Jud. Dist. Ct.*, 132 Nev. Adv. Op. 29, 371 P.3d 1048, 1050 (2016)]. SHAHROKHI has raised all the above issues in his appeals, and the Nevada Supreme Court has jurisdiction to decide on these matters *DE NOVO*.

MINOR EDUCATION HISTORY

The minor now is a 12-year-old boy who has illegally and wrongfully has his relationship with his father severed since July 2019. The minor is now in 6th grade. The minor started pre-school at a private school, non-religious at Henderson International, in Henderson Nevada (“HIS”). Henderson International was considered one of the top 3 private schools then in the area. The minor attended Henderson International for 4 years until 2nd grade. At that time, HIS was sold to a private individual who had a bad reputation in California for fraud allegations against him, so for the sake of the minor’s education and stability, SHAHROKHI was

forced to move the minor to a different private school as many other parents left HIS (and transferred their kids to other private schools).

The minor then was placed in Southern Highlands Preparatory School, ("SHPS"), which is a private school and non-religious. The minor attended SHPS until June, 2019 (when he illegally removed from the State of Nevada). Mother was allowed to relocate to Portland, Oregon, on July 11, 2019, without passing any of the "relocation prongs" mandated by Nevada law. The mother was helped by a corrupt, criminal judge called Mathew Harter.

On Nov. 6, 2019, the Nevada Court of Appeals issued a Writ of Mandamus stating that: **"We conclude that Ali's fundamental rights violated here."** (Docket # 79336)

In the same Writ of Mandamus issued and served upon Harter, Nevada Court of appeals among other directives ORDERED the following:

2 - **immediately** set an **adversarial hearing** on the **temporary custody** and **relocation issues**. However, Harter continues to willfully ignore such directives. SHAHROKHI has applied for multiple emergency writs to compel Harter to follow the Court of Appeals directives and even bring contempt charges against Harter, yet all requests have fallen on **DEAF EARS**.

SHAHROKHI's fundamental rights and constitutional rights have continued to be **VIOLATED** even by this Court. On Sept. 21, 2021, SHAHROKHI emailed Ms.

Cathy Newman, Head of private school that the minor has been attending in Portland, Oregon (since his illegal removal from Nevada in July 2019).

SHAHROKHI sought to gather more information about the minor's 6th grade teachers and curriculums. SHAHROKHI received the following email the next day:

"Good morning Ali, it would be best to reach out to Kizzy for this information, B. (the minor) no longer attends Sunstone Montessori School."

KIZZY has continued to withhold and conceal the minor's educational and medical information, whereabouts, and life in general from SHAHROKHI since the minor was removed. SHAHROKHI then sent an email to KIZZY, and her attorney demanding where abouts and school info and such were IGNORED and the 2nd email had to be sent out. Then finally 3 days later Ruiz, Esq. KIZZY's attorney, replied with the following: *"I have been out of the office attending to personal matters and have deadlines for other clients. Consequently, I have been unable to speak to my client until now, B. (the minor) is currently enrolled in W... S..... Middle School"*—which is a public school NOT a private school! Unacceptable!

LEGAL ARGUMENT AND NEED FOR CHILD STABILITY
IMMEDIATELY

As noted above, there has been a substantial "change in circumstances" *affecting the welfare of the child*, which has been negatively impacting the stability of the minor child since he was illegally removed from the Las Vegas,

Nevada in July 2019. Sadly, this Court has turned a blind eye to such issues and continues to violate the minor's constitutional rights which are the same mirrored rights that SHAHROKHI possesses. These rights are the fundamental rights to familial association which are protected by the 1st, 4th, 5th and 14th Amendment Rights.

Parents have a fundamental right to direct the "care, custody, and control of their children." [*Troxel v. Granville*, 530 U.S. 57, 65, 120 S. Ct. 2054, 147 L. Ed. 2d 49 (2000)]. The government generally may not infringe upon that right when two fit parents agree as to their child's religious and educational upbringing. [*Wisconsin v. Yoder*, 406 U.S. 205, 235-36, 92 S. Ct. 1526, 32 L. Ed. 2d 15 (1972); *Pierce v. Society of Sisters*, 268 U.S. 510, 534-35, 45 S. Ct. 571, 69 L. Ed. 1070 (1925)].

SHAHROKHI is a **MUSLIM**. SHAHROKHI wants his son in a private school—where *no religion* is forced on the students, and SHAHROKHI does not want his son in a public school. The First Amendment mandates governmental neutrality between religion and religion, and between religion and nonreligion," [*Epperson v. Arkansas*, 393 U.S. 97, 104, 89 S. Ct. 266, 21 L. Ed. 2d 228 (1968); *see also* U.S. Const. Amend. 1, ("Congress shall make no law respecting an establishment of religion . . ."); *Everson v. Board of Education*, 330 U.S. 1, 15, 67 S. Ct. 504, 91

L. Ed. 711 (1947) (incorporating the First Amendment's Establishment Clause to the states through the Fourteenth Amendment's Due Process Clause)].

Neutrality means that the district court "may not be hostile to any religion or to the advocacy of no-religion." [*Epperson*, 393 U.S. at 104; *see also Abington Sch. Dist. v. Schempp*, 374 U.S. 203, 225, 83 S. Ct. 1560, 10 L. Ed. 2d 844 (1963) ("[T]he State may not . . . affirmatively oppos[e] or show[] hostility to religion, thus preferring those who believe in no religion over those who do believe." (internal quotation marks omitted))]. The placement of the minor in public school is in direct violation of SHAHROKHI'S First Amendment rights among other things that directly negatively affect the minor child.

Currently, there are two pending appeals before this court challenging the validity of the final judgment among many other willful legal errors committed by the trial court. Since the outcome of this appeal can remand the matter for new trial and direct the minor to be returned to Nevada, it is this Court's obligation to maintain and protect the minor's residential stability, educational stability. This Court must stop KIZZY by removing the minor from public school, and placing him back in private school, until the appeals are decided by this Court.

WHY THIS MOTION IS AN EMERGENCY

The continuing needs of a child for proper physical, mental, and emotional growth and development, should be the decisive considerations in adjudicating this

motion. The continuing needs of a child for proper physical, mental, and emotional growth and development, should be the decisive considerations in adjudicating this motion. A child's "permanency" and "stability" are of the utmost importance, and the child should not be denied stability while waiting for the Nevada Supreme Court to adjudicate the two pending appeals before this Court.

The rights of the children to a stable future with a loving family must be paramount. Otherwise, the children's development is compromised for the sake of the parents." [Weinper v. Nevada State Dep't of Human Resources, Div. of Family Servs. (In re Weinper), 112 Nev. 710, 716, 918 P.2d 325, 330 (1996) (recognizing that "it would be a grave injustice to force [the child] to remain in limbo indefinitely until" the father chose to address his substance abuse issues and criminal activity), overruled on other grounds by In re Termination of Parental Rights as to N.J., 116 Nev. 790, 8 P.3d 126 (2000).

Most important: The minor's stability must be of significant concern by this Court while these pending appeals are resolved.

Conclusion & Relief Requested

KIZZY's substantial change in circumstances affecting the welfare of the child warrant immediate modification of the current VOID orders. *The following factors should be considered to dispose this motion:* the educational stability of the minor while pending appeals are decided; whether leaving the child's current

school would disrupt the child's academic progress as it does; the curriculum, method of teaching, and quality of instruction at each school; the child's ability to adapt to an unfamiliar environment, whether the child has friends or relatives in the new environment, whether the child participates in extracurricular activities (like he did back in Las Vegas); respondent's employment and financial stability; respondent's housing situation, (which is not adequate for the minor child who is sleeping on a couch and no privacy of his own at age 12).

SHAHROKHI respectfully request the following relief from this Court:

A) An Order immediately for an injunction requiring that the minor child be taken out of "public" school, and placed back in "private" school while these two appealing appeals are resolved;

B) Or in an alternative, an Order immediately returning the minor to Nevada so that SHAHROKHI can put him back in private school in Las Vegas.

Dated: **October 20, 2021**

DocuSigned by:
Ali Shahrokhi
ED4380CA78FC4D6...

Ali Shahrokhi

In Proper Person

////


////

AFFIDAVIT of ALI SHAHROKHI

My name is ALI SHAHROKHI. I am an appellant herein. All facts herein alleged are true and correct of my own personal knowledge; and as to those matters alleged on information and belief, I reasonably believe them true. If called upon to testify, I could and would give competent and truthful evidence.

I declare under penalty of perjury, pursuant to the laws of the United States, the foregoing is both true and correct.

Dated: **October 20, 2021**

DocuSigned by:

ED43B0CA76FC4D6 ..

Al i Shahrokhi
Plaintiff, ALI SHAHROKHI
Affiant

////

////

////

Certificate of Service

I, Ali Shahrokhi, do hereby declare that I am over the age of 18 and a party to this action, and that I have placed a true and correct copy of this *Motion* into a sealed envelope and mailed it, postage prepaid, *via* United States Postal Service, addressed as follows:

Eighth Judicial District Court
Dawn Throne Dept. U
200 Lewis Ave.
Las Vegas, NV 89155

Kizzy Burrow
1500 SW 11th ave. #804
Portland, Oregon 97201
(702) 501-6462

SERVED THIS 20th day of October, 2021.

/s/ Ali Shahrokhi
ALI SHAHROKHI,
In Proper Person