

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

PARVIZ SAFARI, AN INDIVIDUAL;  
MANDANA ZAHEDI, AN  
INDIVIDUAL; AND NOOSHIN  
ZAHEDI, AN INDIVIDUAL,

Appellants,

vs.

HAMID MODJTAHED, AN  
INDIVIDUAL; AND MOHAMMAD  
MOJTAHED, AN INDIVIDUAL,

Respondents.

Supreme Court No. ~~81279~~ Electronically Filed  
Feb 12 2021 12:56 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

**MOTION TO COMPEL FILING OF THE DOCKETING STATEMENT**

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## **MOTION TO COMPEL FILING OF THE DOCKETING STATEMENT**

Respondents Hamid Modjtahed and Mohammad Mojtahed, by and through their undersigned counsel, hereby move for an order compelling Appellant to file a docketing statement under NRAP 14, which was due February 9, 2021.

### **I. PROCEDURAL HISTORY**

1. This appeal was docketed on January 5, 2021. As such, Appellants' docketing statement was originally due on January 26, 2021. *See* NRAP 14(b).

2. On January 27, 2021, Appellants were granted a telephonic extension to February 9, 2021 to file the docketing statement.

3. Despite this February 9, 2021 deadline, Appellants have not filed a docketing statement.

### **II. ARGUMENT**

Under NRAP 14(b), the docketing statement must be filed within 21 days after the appeal is docketed. "Failure to file a docketing statement within the time prescribed shall not affect the validity of the appeal, but is grounds for such action as the court deems appropriate including sanctions and dismissal of the appeal." NRAP 14(c).

Here, Appellants received an extension until February 9, 2021 to file the docketing statement. Despite this deadline, however, no docketing statement has been filed by Appellants.

The lack of a docketing statement is impacting the parties' ability to move the appeal forward. Specifically, pursuant to NRAP 9(a)(1)(A), the parties conducted a meet and confer on which transcripts are necessary for the appeal.<sup>1</sup> Unfortunately, however, the parties could not reach an agreement because it is unclear which issues and district court orders are being challenged.<sup>2</sup> As such, Respondents respectfully request that Appellants be ordered to file a docketing statement—which is now overdue—to help clarify those issues. Respondents also respectfully request any other relief that the Court deems appropriate. *See* NRAP 14(c).

Dated: February 12, 2021

BROWNSTEIN HYATT FARBER SCHRECK, LLP

By: /s/ Eric D. Walther

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<sup>1</sup> Respondents organized the meet and confer after Appellants filed a transcript request form without first conferring with Respondents on which transcripts were necessary. *See* NRAP 9(a)(1)(A) (“Counsel have a duty to confer and attempt to reach an agreement concerning the transcripts necessary for the court’s review on appeal.”).

<sup>2</sup> Appellants’ notice of appeal includes, among other things, the final judgment and *all* interlocutory orders, of which there are several, including several summary judgment orders. Even after the meet and confer, it is still unclear what exactly is being challenged on appeal. This is consistent with Respondents’ belief that Appellants are not bringing this appeal in good faith.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I electronically filed and served the foregoing **MOTION TO COMPEL FILING OF THE DOCKETING STATEMENT** with the Clerk of the Court of the Supreme Court of Nevada by using the Court's Electronic Filing System on February 12, 2021.

/s/ Wendy Cosby  
an employee of Brownstein Hyatt Farber Schreck,  
LLP

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