

The Powell Law Firm

Tom W. Stewart, Esq.

Nevada Bar No. 14280

8918 Spanish Ridge Avenue, #100

Las Vegas, Nevada 89148

Telephone: (702) 728-5500

tom@tplf.com

Electronically Filed
Apr 12 2021 08:13 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

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 MOHAMMAH
MODJTAHED, an individual,

Respondents.

Docket No. 82279

**MOTION TO PROCEED ON
APPEAL IN FORMA PAUPERIS**

Appellants Parviz Safari, Mandana Zahedi, and Nooshin Zahedi move to proceed on appeal in forma pauperis pursuant to NRAP 24(a)(5). Pursuant to NRAP 24(a)(5)(A), notices denying appellants' motions were filed in the district court on March 8, 2021, attached as **Exhibit 1**, and on April 2, 2021, attached as **Exhibit 2**.

The Court should grant appellants' motion because this litigation—spanning six years, four attorneys, 18 days of trial, a punitive damages hearing, post-trial motion work and, now, appeal—has left respondents in total

financial ruin. They have been evicted from their home. *See* Eviction Notice, attached as **Exhibit 3**. They rely on public assistance. *See* TANF application, attached as **Exhibit 4**. They face a non-dischargeable judgment of nearly \$2 million stemming from proceedings they believe to be unjust, but cannot afford to fight. Thus, they move to proceed on appeal in forma pauperis to allow them to exercise their right to appeal that judgment, and the subsequent punitive damages award, without having to pay for the production of the voluminous transcript or other associated court costs.

In order to proceed on appeal in forma pauperis, “a party to a district court action who desires to appeal in forma pauperis shall file a motion in the district court. The party shall attach an affidavit that . . . shows in the detail prescribed by Form 4 in the Appendix of Forms the party’s inability to pay or to give security for fees and costs; . . . claims an entitlement to redress; and . . . states the issues that the party intends to present on appeal.” NRAP 24(a)(1). If the district court denies that motion, the parties shall then move in the Supreme Court, attaching the affidavits and order denying the motion. NRAP 24(a)(5).

The determination of whether an appellant should be required to pay filing fees and court costs “is typically granted liberally in order to preserve the due process rights of litigants and guarantee an access to judicial process and representation.” *Guisinger v. Spier*, 853 N.E.2d 320, 322 (Ohio 2006); *see also*

Harris v. U.S. Dept. of Justice, 680 F.2d 1109, 1111 (5th Cir. 1982) (citing *Ellis v. United States*, 356 U.S. 674 (1958); *Coppedge v. United States*, 369 U.S. 438 (1962)) (“We are mindful of the rule that an in forma pauperis appeal must not be disallowed unless the issues raised are so frivolous that it would be dismissed even if the litigant had financed the appeal himself.”). Here, appellants have filed the required declarations showing their financial inability to proceed on appeal absent in forma pauperis status. *See* Declarations of Parviz Safari, attached as **Exhibits 5** and **6**; Declarations of Mandana Zahedi, attached as **Exhibits 7** and **8**; and Declaration of Nooshin Zahedi, attached as **Exhibit 9**. As the declarations and supporting documentation demonstrate, appellants’ financial status is dire. In spite of this financial ruin, they wish to pursue their right to appeal the judgment against them. The Court should grant this motion and allow them to proceed on appeal in forma pauperis.

Dated this 12th day of April 2021.

The Powell Law Firm

/s/ Tom W. Stewart
Tom W. Stewart, Esq.
Nevada Bar No. 14280

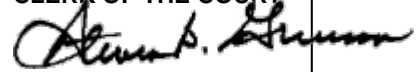
CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing **MOTION TO PROCEED ON APPEAL IN FORMA PAUPERIS** with the Nevada Supreme Court on the 12th day of April 2021. Electronic Service of the document shall be made in accordance with the Master Service List as follows:

Jonathan Blum, Esq.
Eric D. Walther, Esq.

/s/ Tom W. Stewart
An Employee of The Powell Law Firm

Exhibit A



NEOJ

JONATHAN D. BLUM, ESQ.
Nevada Bar No. 09515

WILEY PETERSEN

1050 Indigo Dr., Suite 200B
Las Vegas, Nevada 89145
Telephone No. (702) 910-3329
Facsimile: (702) 553-3467
jblum@wileypetersenlaw.com

Attorney for Defendants/ Counter-Claimants

DISTRICT COURT

COUNTY OF CLARK, NEVADA

PARVIZ SAFARI and MANDANA ZAHEDI,
individually and on behalf of MEDITEX, LLC,
a Nevada limited liability company,
Plaintiff,

vs.

HAMID MODJTAHED, an individual;
MOHAMMAD MOJTAHED, an individual;
ALI MOJTAHED, an individual; DOES I
through X; and ROE CORPORATIONS I
through X, inclusive,

Defendants.

CASE NO. A-15-729030-B

DEPT NO. XIII

**NOTICE OF ENTRY OF ORDER
DENYING
PLAINTIFFS'/COUNTER-
DEFENDANT'S MOTION TO
PROCEED ON APPEAL IN FORMA
PAUPERIS ON AN ORDER
SHORTENING TIME**

HAMID MODJTAHED, individually and
derivatively on behalf of MEDITEX, LLC, a
Nevada limited liability company;
MOHAMMAD MOJTAHED, individually and
derivatively on behalf of MEDITEX, LLC, a
Nevada limited liability company,

Counter-Claimants,

vs.

PARVIZ SAFARI, an individual; MANDANA
ZAHEDI, an individual; NOOSHIN ZAHEDI,
an individual; UTSAFETY, LLC, a Utah
limited liability company; DOES I through X;
and ROE CORPORATIONS I through X,
inclusive,

Counter-Defendants.

YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the Order Denying
Plaintiffs'/Counter-Defendant's Motion to Proceed on Appeal in Forma Pauperis on an Order

1 Shortening Time was entered in the above-entitled matter on the 5th day of March 2021, a copy of
2 which is attached hereto.

3 DATED this 8th of March 2021.

4 **WILEY PETERSEN**

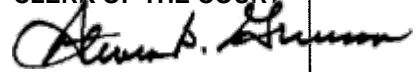
5
6 /s/ Jonathan D. Blum
7 JONATHAN D. BLUM, ESQ.
8 Nevada Bar No. 09515
9 1050 Indigo Dr., Suite 200B
10 Las Vegas, Nevada 89145
11 Telephone No. (702) 910-3329
12 Facsimile: (702) 553-3467
13 jblum@wileypetersenlaw.com

14 *Attorney for Defendants/ Counter-*
15 *Claimants*

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

(ELECTRONIC SERVICE) Pursuant to Administrative Order 14-2, the above-referenced document was electronically filed on the date hereof and served through the Notice of Electronic Filing automatically generated by the Court's facilities to those parties listed on the Court's Master Service List.

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28



ORDR

JONATHAN D. BLUM, ESQ.
Nevada Bar No. 09515

WILEY PETERSEN

1050 Indigo Dr., Suite 200B
Las Vegas, Nevada 89145
Telephone No. (702) 910-3329
Fax: (702) 553-3467
jblum@wileypetersenlaw.com

Attorneys for Defendants/Counter-Claimants

DISTRICT COURT

CLARK COUNTY, NEVADA

PARVIZ SAFARI and MANDANA ZAHEDI,
individually and on behalf of MEDITEX, LLC,
a Nevada limited liability company,

Plaintiff,

vs.

HAMID MODJTAHED, an individual;
MOHAMMAD MOJTAHED, an individual;
ALI MOJTAHED, an individual; DOES I
through X; and ROE CORPORATIONS I
through X, inclusive,

Defendants.

HAMID MODJTAHED, individually and
derivatively on behalf of MEDITEX, LLC, a
Nevada limited liability company;
MOHAMMAD MOJTAHED, individually and
derivatively on behalf of MEDITEX, LLC, a
Nevada limited liability company,

Counter-Claimants,

vs.

PARVIZ SAFARI, an individual; MANDANA
ZAHEDI, an individual; NOOSHIN ZAHEDI,
an individual; UTSAFETY, LLC, a Utah
limited liability company; DOES I through X;
and ROE CORPORATIONS I through X,
inclusive,

Counter-Defendants.

CASE NO. A-15-729030-B

DEPT NO. XIII

**ORDER DENYING
PLAINTIFFS'/COUNTER-
DEFENDANT'S MOTION TO
PROCEED ON APPEAL IN FORMA
PAUPERIS ON AN ORDER
SHORTENING TIME**

1 This matter came before the Court on February 25, 2021 on Plaintiffs/Counter-Defendants,
2 Parviz Safari, Mandana Zahedi and Nooshin Zahedi's (hereafter collectively "Counter-Defendants")
3 Motion to Proceed on Appeal in Forma Pauperis on an Order Shortening Time filed on February 18,
4 2020 ("Motion"). Tom W. Stewart, Esq. of The Powell Law Firm appeared on behalf of Counter-
5 Defendants. Jonathan D. Blum, Esq. of Wiley Petersen appeared on behalf of Defendants/Counter-
6 Claimants Hamid Modjtahed and Mohammad Mojtabeh (hereafter collectively "Counter-Claimants").
7 The Court having reviewed the matter, including all points and authorities, and exhibits, having
8 entertained oral argument, and good cause appearing, hereby enters its ORDER as follows:

9 THE COURT FINDS that the Motion is without merit and is hereby DENIED.

10 THE COURT FURTHER FINDS AS FOLLOWS:

11 The Motion is denied for numerous reasons. The Motion attached affidavits from only two of
12 the Counter-Defendants, while there are three Counter-Defendants/appellants, all of whom are
13 represented by the same counsel. Specifically, there was no affidavit submitted by Nooshin Zahedi,
14 and thus no way to evaluate her ability to pay the appeal costs.

15 The Form 4 affidavit of Parviz Safari is incomplete and not credible. Mr. Safari failed to answer
16 Question 1(b). Mr. Safari claims that he is totally disabled, but provides no proof of such. Mr. Safari
17 claims that his business has no income because it has not been active in the last year. However, one of
18 the bank records attached to the Motion shows business income for January 2021, which is contrary to
19 Counter-Defendants' affidavits.

20 The Form 4 affidavit of Mandana Zahedi is incomplete and not credible. Mrs. Zahedi failed to
21 answer Question 1(b). Additionally, Mrs. Zahedi is a medical doctor and her claim of indigence does
22 not appear credible.

23 The records provided in support of the Motion are insufficient given the history of this case and
24 the evidence presented at trial. Specifically, Counter-Defendants attached three single pages of bank
25 records, the account number of which are redacted. At trial, Counter-claimants produced evidence that
26 Counter-Defendants had additional bank accounts with at least two other financial institutions. Those
27 records showed large and consistent deposits/ credits to their business and personal bank accounts,
28 totaling almost \$600,000 over three years. The affidavits claim that the Counter-Defendants have no

1 cash and no valuable property whatsoever. However, the bank records admitted at trial show large
2 cash transactions and numerous incoming wires from overseas accounts. Cash transactions can easily
3 be hidden, and overseas wires can easily be diverted to other accounts. The bank records also show
4 numerous transactions for gas stations and automobile insurance, indicating ownership of vehicle(s).
5 Counter-claimants presented evidence that, during discovery, Mrs. Zahedi failed to disclose all of her
6 bank accounts, and thus Counter-Defendants are not credible with regard to disclosure of their financial
7 status. Given the large judgment against them, it is not unreasonable to conclude that accounts that
8 had been used prior to the judgment are no longer being used in order to avoid execution.

9 Counter-Defendants' presented documentation from the State of Nevada's Division of Welfare
10 and Support Services which indicate, as of March 26, 2019, that Counter-Defendants had \$0 income.
11 However, at trial, evidence was admitted demonstrating more than \$227,000 was deposited into
12 Counter-Defendants' accounts in the year prior to the application, and more than \$168,000 was
13 deposited in the year after the application, calling into question their credibility and truthfulness.

14 Counter-Defendants are currently, and have been continuously represented by counsel
15 throughout this case, and have never been pro se. Additionally, they retained a respected law firm to
16 pursue their appeal, the second of which that has been filed in this matter (See Nevada Supreme Court
17 Case 79926). This matter has been pending since 2015, and the history of the case includes an 18-day
18 bench trial and a one-day punitive damages hearing. The Judgment of this Court includes findings of
19 fraud, breach of fiduciary duty and other claims against Counter-Defendants, as well as dismissal or
20 denial of all of the claims brought by Counter-Defendants. Throughout this case including trial, this
21 Court has observed the evidence presented and contentions made by all parties. This Court does not
22 find Counter-Defendants to be credible witnesses.

23 \\\

24 \\\

25 \\\

26 \\\

27 \\\

28 \\\

1 Based on the evidence and the lack of credibility of Counter-Defendants, this Court finds that
2 the Motion fails to demonstrate an inability to pay the costs of appeal. Counter-Defendants have failed
3 to satisfy NRAP 24(a)(1).
4

5
6 **ORDER**
7

8 **IT IS SO ORDERED** this 5th day of March, 2021.
9

10 
11 _____
12 DISTRICT COURT JUDGE

13 Approved as to form and content by:

14 **THE POWELL LAW FIRM**
15

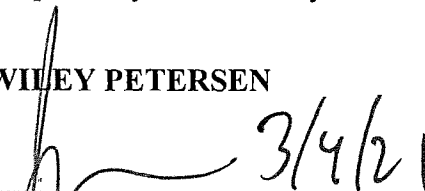
16 /s/ Tom Stewart 3/4/21

17 _____
18 TOM W. STEWART, ESQ.
19 Nevada Bar No. 14280
20 8918 Spanish Ridge Ave., Suite 100
21 Las Vegas, Nevada 89148

22 *Attorney for Plaintiffs/Counter-Defendants*

23 Respectfully Submitted by:

24 **WILEY PETERSEN**
25

26  3/4/21
27 _____
28 JONATHAN D. BLUM, ESQ.
Nevada Bar No. 09515
1050 Indigo Drive, Suite 200B
Las Vegas, Nevada 89145

Attorney for Defendants/Counter-Claimants

From: [Tom Stewart](#)
To: jblum@wileypetersenlaw.com
Cc: [Walther, Eric D.](#); cdugenia@wileypetersenlaw.com
Subject: RE: 00449 - Draft Order Denying Motion to Proceed IFP
Date: Thursday, March 4, 2021 2:49:28 PM
Attachments: [image001.jpg](#)
[image005.png](#)
[image002.png](#)

I have no changes. You may affix my e signature.

From: jblum@wileypetersenlaw.com <jblum@wileypetersenlaw.com>
Sent: Thursday, March 4, 2021 2:08 PM
To: Tom Stewart <TStewart@tplf.com>
Cc: Walther, Eric D. <ewalther@bhfs.com>; cdugenia@wileypetersenlaw.com
Subject: FW: 00449 - Draft Order Denying Motion to Proceed IFP

Tom,

Following up on this as I want to get it submitted. Do you have changes or approve?

Thanks,
Jon

Jonathan D. Blum, Esq.



1050 Indigo Drive, Suite 200B
Las Vegas, Nevada 89145
Office 702.910.3329 | Mobile 702.443.0677
jblum@wileypetersenlaw.com
www.wileypetersenlaw.com



CONFIDENTIALITY NOTICE: This email transmission (and/or the attachments accompanying it) may contain confidential information belonging to the sender which is protected by the attorney-client privilege. The information is intended only for the use of the intended recipient. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this information is strictly prohibited. Any unauthorized interception of this transmission is illegal. If you have received this transmission in error, please promptly notify the sender by reply email, and then dispose of all copies of the transmission

From: jblum@wileypetersenlaw.com <jblum@wileypetersenlaw.com>
Sent: Tuesday, March 2, 2021 12:02 PM
To: Tom Stewart <TStewart@tplf.com>

Cc: cdugenia@wileypetersenlaw.com

Subject: 00449 - Draft Order Denying Motion to Proceed IFP

Tom,

Please see the attached draft order. Let me know if you have any suggested changes or if I can affix your e-signature.

Thanks,

Jon

Jonathan D. Blum, Esq.



1050 Indigo Drive, Suite 200B

Las Vegas, Nevada 89145

Office 702.910.3329 | Mobile 702.443.0677

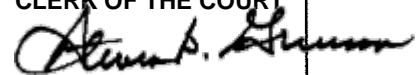
jblum@wileypetersenlaw.com

www.wileypetersenlaw.com



CONFIDENTIALITY NOTICE: This email transmission (and/or the attachments accompanying it) may contain confidential information belonging to the sender which is protected by the attorney-client privilege. The information is intended only for the use of the intended recipient. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this information is strictly prohibited. Any unauthorized interception of this transmission is illegal. If you have received this transmission in error, please promptly notify the sender by reply email, and then dispose of all copies of the transmission

Exhibit B



NEO

JONATHAN D. BLUM, ESQ.

Nevada Bar No. 09515

WILEY PETERSEN

1050 Indigo Dr., Suite 200B

Las Vegas, Nevada 89145

Telephone No. (702) 910-3329

Facsimile: (702) 553-3467

jblum@wileypetersenlaw.com

Attorney for Defendants/ Counter-Claimants

DISTRICT COURT

COUNTY OF CLARK, NEVADA

PARVIZ SAFARI and MANDANA ZAHEDI,
individually and on behalf of MEDITEX, LLC,
a Nevada limited liability company,
Plaintiff,

vs.

HAMID MODJTAHED, an individual;
MOHAMMAD MOJTAHED, an individual;
ALI MOJTAHED, an individual; DOES I
through X; and ROE CORPORATIONS I
through X, inclusive,

Defendants.

CASE NO. A-15-729030-B

DEPT NO. XIII

NOTICE OF ENTRY OF ORDER

**DENYING COUNTERDEFENDANT
NOOSHIN ZAHEDI'S MOTION TO
PROCEED ON APPEAL IN FORMA
PAUPERIS**

and

**PLAINTIFFS/COUNTERDEFENDANTS'
RENEWED MOTION TO PROCEED ON
APPEAL IN FORMA PAUPERIS ON AN
ORDER SHORTENING TIME**

HAMID MODJTAHED, individually and
derivatively on behalf of MEDITEX, LLC, a
Nevada limited liability company;
MOHAMMAD MOJTAHED, individually and
derivatively on behalf of MEDITEX, LLC, a
Nevada limited liability company,

Counter-Claimants,

vs.

PARVIZ SAFARI, an individual; MANDANA
ZAHEDI, an individual; NOOSHIN ZAHEDI,
an individual; UTSAFETY, LLC, a Utah
limited liability company; DOES I through X;
and ROE CORPORATIONS I through X,
inclusive,

Counter-Defendants.

1 YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the Order Denying
2 Plaintiffs'/Counter-Defendant's Motion to Proceed on Appeal in Forma Pauperis on an Order
3 Shortening Time and Plaintiffs/Counter-Defendants' Renewed Motion to Proceed On Appeal In
4 Forma Pauperis on an Order Shortening Time, was entered in the above entitled matter on the 1st day
5 of April 2021, a copy of which is attached hereto.

6 DATED this 2nd of April 2021.

7 **WILEY PETERSEN**

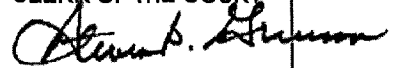
8
9 /s/
10 JONATHAN D. BLUM, ESQ.
11 Nevada Bar No. 09515
12 1050 Indigo Dr., Suite 200B
13 Las Vegas, Nevada 89145
14 Telephone No. (702) 910-3329
15 Facsimile: (702) 553-3467
16 jblum@wileypetersenlaw.com

17 *Attorney for Defendants/ Counter-*
18 *Claimants*

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

(ELECTRONIC SERVICE) Pursuant to Administrative Order 14-2, the above-referenced document was electronically filed on the date hereof and served through the Notice of Electronic Filing automatically generated by the Court's facilities to those parties listed on the Court's Master Service List.

An Employee of WILEY PETERSEN



ORDR

JONATHAN D. BLUM, ESQ.
Nevada Bar No. 09515

WILEY PETERSEN
1050 Indigo Dr., Suite 200B
Las Vegas, Nevada 89145
Telephone No. (702) 910-3329
Fax: (702) 553-3467
jblum@wileypetersenlaw.com

Attorneys for Defendants/Counter-Claimants

DISTRICT COURT

CLARK COUNTY, NEVADA

PARVIZ SAFARI and MANDANA ZAHEDI,
individually and on behalf of MEDITEX, LLC,
a Nevada limited liability company,

Plaintiff,

vs.

HAMID MODJTAHED, an individual;
MOHAMMAD MOJTAHED, an individual;
ALI MOJTAHED, an individual; DOES I
through X; and ROE CORPORATIONS I
through X, inclusive,

Defendants.

HAMID MODJTAHED, individually and
derivatively on behalf of MEDITEX, LLC, a
Nevada limited liability company;
MOHAMMAD MOJTAHED, individually and
derivatively on behalf of MEDITEX, LLC, a
Nevada limited liability company,

Counter-Claimants,

vs.

PARVIZ SAFARI, an individual; MANDANA
ZAHEDI, an individual; NOOSHIN ZAHEDI,
an individual; UTSAFETY, LLC, a Utah
limited liability company; DOES I through X;
and ROE CORPORATIONS I through X,

CASE NO. A-15-729030-B

DEPT NO. XIII

**ORDER DENYING
COUNTERDEFENDANT NOOSHIN
ZAHEDI'S MOTION TO PROCEED
ON APPEAL IN FORMA PAUPERIS**

and

**PLAINTIFFS/
COUNTERDEFENDANTS'
RENEWED MOTION TO PROCEED
ON APPEAL IN FORMA PAUPERIS
ON AN ORDER SHORTENING
TIME**

1 inclusive,

2 Counter-Defendants.
3
4
5
6

7 This matter came before the Court on March 22, 2021 on Counter-defendant Nooshin Zahedi's
8 ("Nooshin") Motion to Proceed on Appeal in Forma Pauperis and Plaintiffs/Counter-defendants'
9 Renewed Motion to Proceed on Appeal in Forma Pauperis on an Order Shortening Time filed on March
10 16, 2021 ("Motion"). Tom W. Stewart, Esq. of The Powell Law Firm appeared on behalf of Counter-
11 Defendants. Jonathan D. Blum, Esq. of Wiley Petersen appeared on behalf of Defendants/Counter-
12 Claimants Hamid Modjtahed and Mohammad Mojtahed (hereafter collectively "Counter-Claimants").
13 The Court having reviewed the matter, including all points and authorities, and exhibits, having
14 entertained oral argument, and good cause appearing, hereby enters its ORDER as follows:

15 THE COURT FINDS that the Motion is without merit and is hereby DENIED.

16 THE COURT FURTHER FINDS AS FOLLOWS:

17 The Motion is denied for numerous reasons. The Motion is not denied on the procedural
18 grounds raised in the Opposition related to an improper motion for reconsideration pursuant to EDCR
19 2.24, as related to the prior motion on this subject filed by the Counter-Defendants on February 18,
20 2021 (the "First Motion"), on which this Court issued an order on March 5, 2021 ("First Order").
21 Rather, the merits of the Motion, as well as the Opposition, were duly considered.

22 The NRAP 24 affidavit of Nooshin is not credible. Conflicts in Nooshin's sworn deposition
23 testimony, along with Nooshin's bank records provided in the Opposition, conflict with the statements
24 in her declaration regarding past employment. Documents attached to the Opposition also indicate
25 other employment which was not disclosed. Additionally, Nooshin holds an active Pharmaceutical
26 Technician License with the State of Nevada, which is active through 2022. These inconsistencies,
27 along with prior testimony regarding the receipt of various payments, raise further questions about her
28 credibility and candor to the Court. The records submitted also suggest that she has other, undisclosed

1 bank accounts and sources of income. Nooshin is represented by competent legal counsel, as she has
2 been throughout the course of this litigation since 2015. It does not appear that Nooshin is indigent or
3 unable to pay the costs of appeal.

4 Parviz Safari provided a revised NRAP 24 declaration in which he altered various answers as
5 compared to the First Motion. The Court does not find that the revised declaration, especially in light
6 of the material changes, is credible. Mr. Safari claims that his business has had no income because it
7 has not been active in the last year. However, one of the bank records provided in the First Motion
8 shows business income for January 2021, which is contrary to Counter-Defendants' affidavits
9 regarding a lack of business activity and income since November, 2019. Further, the bank records
10 from Counter-Defendants' business account admitted at trial show a pattern of large deposits, much of
11 which was in the form of international wires and cash deposits. Additionally, Mr. Safari received a
12 pharmacist intern license in September, 2020, which contradicts his prior claim of total disability. Mr.
13 Safari is represented by competent legal counsel, as he has been throughout the course of this litigation
14 since 2015. The findings set forth in this Court's First Order stand.

15 Mandana Zahedi also submitted a revised NRAP 24 declaration which altered her claimed
16 employment history, calling her credibility into question. Mrs. Zahedi, a medical doctor, is represented
17 by competent legal counsel, as she has been throughout the course of this litigation since 2015.

18 The records provided in support of the Motion are insufficient given the history of this case and
19 the evidence presented at trial. This matter has been pending since 2015, and the history of the case
20 includes an 18-day bench trial and a one-day punitive damages hearing. The Judgment of this Court
21 includes findings of fraud, breach of fiduciary duty and other claims against Counter-Defendants, as
22 well as dismissal or denial of all of the claims brought by Counter-Defendants. Throughout this case,
23 including trial, this Court has observed the evidence presented and contentions made by all parties.
24 This Court does not find Counter-Defendants to be credible witnesses.

25 While Counter-Defendants have complied with the requirements of NRAP 24(a)(1) by
26 providing affidavits, the Court does not find that they have demonstrated an inability to pay the costs
27 of appeal.

28 Based on the above findings, the evidence presented, and the lack of credibility of Counter-

1 Defendants, this Court finds that the Motion fails to demonstrate an inability to pay the costs of appeal.
2 As such, the Motion is DENIED.

3
4 **ORDER**

5
6 **IT IS SO ORDERED** this 1st day of April, 2021.

7 
8
9 **DISTRICT COURT JUDGE**

10
11 Approved as to form and content by:

12 **THE POWELL LAW FIRM**

13
14 /s/ Tom Stewart 4/1/21

15 TOM W. STEWART, ESQ.
16 Nevada Bar No. 14280
17 8918 Spanish Ridge Ave., Suite 100
18 Las Vegas, Nevada 89148

19 *Attorney for Plaintiffs/Counter-Defendants*

20 Respectfully Submitted by:

21 
22 **WILEY PETERSEN**

23 JONATHAN D. BLUM, ESQ.
24 Nevada Bar No. 09515
25 1050 Indigo Drive, Suite 200B
26 Las Vegas, Nevada 89145

27 *Attorney for Defendants/Counter-Claimants*
28

hlinakis@wileypetersenlaw.com

From: jblum@wileypetersenlaw.com
Sent: Thursday, April 1, 2021 10:45 AM
To: 'Tom Stewart'
Cc: 'Walther, Eric D.'; hlinakis@wileypetersenlaw.com
Subject: RE: 00449 Draft Order

Thanks.

Jonathan D. Blum, Esq.

 **WILEY
PETERSEN**
LAW OFFICES
1050 Indigo Drive, Suite 200B
Las Vegas, Nevada 89145
Office 702.910.3329 | Mobile 702.443.0677
jblum@wileypetersenlaw.com
www.wileypetersenlaw.com



CONFIDENTIALITY NOTICE: This email transmission (and/or the attachments accompanying it) may contain confidential information belonging to the sender which is protected by the attorney-client privilege. The information is intended only for the use of the intended recipient. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this information is strictly prohibited. Any unauthorized interception of this transmission is illegal. If you have received this transmission in error, please promptly notify the sender by reply email, and then dispose of all copies of the transmission

From: Tom Stewart <TStewart@tplf.com>
Sent: Thursday, April 1, 2021 10:44 AM
To: jblum@wileypetersenlaw.com
Cc: 'Walther, Eric D.' <ewalther@bhfs.com>; hlinakis@wileypetersenlaw.com
Subject: RE: 00449 Draft Order

Oh, sorry, thought I replied to your last email. You can affix my e signature.

From: jblum@wileypetersenlaw.com <jblum@wileypetersenlaw.com>
Sent: Thursday, April 1, 2021 10:43 AM
To: Tom Stewart <TStewart@tplf.com>
Cc: 'Walther, Eric D.' <ewalther@bhfs.com>; hlinakis@wileypetersenlaw.com
Subject: RE: 00449 Draft Order

Tom, Can I affix your e-signature? thx

Jonathan D. Blum, Esq.



1050 Indigo Drive, Suite 200B
Las Vegas, Nevada 89145
Office 702.910.3329 | Mobile 702.443.0677
jblum@wileypetersenlaw.com
www.wileypetersenlaw.com



CONFIDENTIALITY NOTICE: This email transmission (and/or the attachments accompanying it) may contain confidential information belonging to the sender which is protected by the attorney-client privilege. The information is intended only for the use of the intended recipient. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this information is strictly prohibited. Any unauthorized interception of this transmission is illegal. If you have received this transmission in error, please promptly notify the sender by reply email, and then dispose of all copies of the transmission

From: jblum@wileypetersenlaw.com <jblum@wileypetersenlaw.com>
Sent: Tuesday, March 30, 2021 5:33 PM
To: 'Tom Stewart' <TStewart@tplf.com>
Cc: 'Walther, Eric D.' <ewalther@bhfs.com>; hlinakis@wileypetersenlaw.com
Subject: RE: 00449 Draft Order

Tom,

I accepted some, but not all of your proposed changes. I believe the section I highlighted in yellow satisfies the specific request you made at the end of the hearing. See attached updated version. Please let me know if I can e-sign for you (with the yellow removed, of course).

Thanks,
Jon

Jonathan D. Blum, Esq.



1050 Indigo Drive, Suite 200B
Las Vegas, Nevada 89145
Office 702.910.3329 | Mobile 702.443.0677
jblum@wileypetersenlaw.com
www.wileypetersenlaw.com



CONFIDENTIALITY NOTICE: This email transmission (and/or the attachments accompanying it) may contain confidential information belonging to the sender which is protected by the attorney-client privilege. The information is intended only for the use of the intended recipient. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this

information is strictly prohibited. Any unauthorized interception of this transmission is illegal. If you have received this transmission in error, please promptly notify the sender by reply email, and then dispose of all copies of the transmission

From: Tom Stewart <TStewart@tplf.com>
Sent: Tuesday, March 30, 2021 9:02 AM
To: jblum@wileypetersenlaw.com
Cc: Walther, Eric D. <ewalther@bhfs.com>; hlinakis@wileypetersenlaw.com
Subject: RE: 00449 Draft Order

I made a couple of changes. Let me know your thoughts.

From: jblum@wileypetersenlaw.com <jblum@wileypetersenlaw.com>
Sent: Tuesday, March 30, 2021 8:53 AM
To: Tom Stewart <TStewart@tplf.com>
Cc: Walther, Eric D. <ewalther@bhfs.com>; hlinakis@wileypetersenlaw.com
Subject: FW: 00449 Draft Order

Tom,
Following up. Can I affix your e-signature?

Thanks,
jb

Jonathan D. Blum, Esq.



1050 Indigo Drive, Suite 200B
Las Vegas, Nevada 89145
Office 702.910.3329 | Mobile 702.443.0677
jblum@wileypetersenlaw.com
www.wileypetersenlaw.com



CONFIDENTIALITY NOTICE: This email transmission (and/or the attachments accompanying it) may contain confidential information belonging to the sender which is protected by the attorney-client privilege. The information is intended only for the use of the intended recipient. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this information is strictly prohibited. Any unauthorized interception of this transmission is illegal. If you have received this transmission in error, please promptly notify the sender by reply email, and then dispose of all copies of the transmission

From: jblum@wileypetersenlaw.com <jblum@wileypetersenlaw.com>
Sent: Thursday, March 25, 2021 6:07 PM
To: Tom Stewart <TStewart@tplf.com>
Cc: Walther, Eric D. <ewalther@bhfs.com>; 'hlinakis@wileypetersenlaw.com' <hlinakis@wileypetersenlaw.com>
Subject: 00449 Draft Order

Tom,
Please see attached. Let me know if you have changes or if I can affix your e-signature.

Thanks,
Jon

Jonathan D. Blum, Esq.



1050 Indigo Drive, Suite 200B

Las Vegas, Nevada 89145

Office 702.910.3329 | Mobile 702.443.0677

jblum@wileypetersenlaw.com

www.wileypetersenlaw.com



CONFIDENTIALITY NOTICE: This email transmission (and/or the attachments accompanying it) may contain confidential information belonging to the sender which is protected by the attorney-client privilege. The information is intended only for the use of the intended recipient. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this information is strictly prohibited. Any unauthorized interception of this transmission is illegal. If you have received this transmission in error, please promptly notify the sender by reply email, and then dispose of all copies of the transmission

Exhibit C

30-DAY NOTICE TO PAY RENT OR QUIT (CARES "COVERED PROPERTIES")
(CARES Act, HR 748 116th Congress, § 4024)

| | |
|--|--|
| TO: Mandana Zahedi, Parviz Safari AND ALL UNNAMED OCCUPANTS TENANT NAME (FIRST AND LAST) 2575 WEST HORIZON RIDGE PARKWAY Apartment #0416 Henderson, NV 89052 TENANT ADDRESS Date of Service: 10/22/2020 | FROM: <u>HORIZON RIDGE PARK</u> LANDLORD NAME <u>2575 WEST HORIZON RIDGE PARKWAY</u> ADDRESS <u>HENDERSON, NV 89052</u> CITY, STATE ZIP CODE <u>702-361-4291</u> PHONE NUMBER |
|--|--|

PLEASE TAKE NOTICE that you are in default in payment of rent for the above-described premises for the period 6/1/2020 to 10/31/2020. The last date any amount of rent was paid was 5/2/2020 in the amount of \$ 980. You are in default in the amount of:

Rent: \$1535
Late fees: \$0
Total owed: \$ 7314.3

The rental unit is a "covered property" under §4024(a)(2). Your failure to pay rent or vacate the unit before the end of the thirtieth (30th) day following the Date of Service of this notice may result in your landlord applying to the Justice Court for an eviction order. If the court determines that you are guilty of an unlawful detainer, the court may issue a summary order for your removal or an order providing for your nonadmittance, directing the sheriff or constable to post the order in a conspicuous place on the premises not later than 24 hours after the order is received by the sheriff or constable. The sheriff or constable shall then remove you not earlier than 24 hours but not later than 36 hours after the posting of the order. Pursuant to NRS 118A.390, you may seek relief if a landlord unlawfully removes you from the premises, or excludes you by blocking or attempting to block your entry upon the premises, or willfully interrupts or causes or permits the interruption of an essential service required by the rental agreement or chapter 118A of the Nevada Revised Statutes.

YOU ARE HEREBY ADVISED OF YOUR RIGHT TO CONTEST THIS NOTICE by filing an Affidavit no later than by the close of business² on the thirtieth (30th) day following the Date of Service of this notice, with the Justice Court for the city of *Henderson Township*, stating that you have tendered payment or are not in default of rent. The Justice Court is located at 243 S Water St, Henderson, NV 89015.

YOU MAY OBTAIN AN AFFIDAVIT/ANSWER FORM at the Clark County Civil Law Self-Help Center, located at the Regional Justice Center, downtown Las Vegas, or on its website, www.clarkcountycourts.us/CivilSHC.

TENANTS ARE ADVISED THAT THE LAS VEGAS JUSTICE COURT HAS INFORMATION ON ITS WEBSITE CONCERNING THE AVAILABILITY OF MEDIATION, GOVERNMENT SPONSORED RENTAL ASSISTANCE, AND ELECTRONIC FILING FOR THE TENANT AFFIDAVIT, AMONG OTHER MATTERS. A TENANT MAY ACCESS THIS INFORMATION AT https://www.clarkcountynv.gov/government/departments/justice_courts/jurisdictions/henderson

DECLARATION OF SERVICE

On _____, I served this notice in the following manner (check only one):

By delivering a copy to the tenant(s) personally.

☐ Because the tenant(s) was absent from tenant's place of residence, by leaving a copy with (*insert name or physical description of person served*) mailing a copy to the tenant(s) at tenant's place of residence., a person of suitable age and discretion, AND mailing a copy to the tenant(s) at the place where the property is situated.

☐ Because neither tenant nor a person of suitable age or discretion could not be found there, by posting a copy in a conspicuous place on the property, AND mailing a copy to the tenant(s) at the place where the property is situated.

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

(Date) (Server's Name) (Server's Signature) (Server's Badge/License #)³

¹ Judicial days do not include the date of service, weekends, or certain legal holidays.

² The close of business varies between the courthouses, so make sure to check the business days and hours for the Justice Court listed above.

³ A server who does not have a badge or license number may be an agent of an attorney licensed in Nevada. Notices served by agents must also include an attorney declaration as proof of service.

JUSTICE COURT, HENDERSON TOWNSHIP
CLARK COUNTY, NEVADA

HENDERSON
JUSTICE COURT

2020 DEC 24 A 10:12

FILED

Landlord: HORIZON RIDGE PARK APARTMENTS

Attorney Name: ERIC R. NEWMARK

Address: 2575 W Horizon Ridge Pkwy
HENDERSON, NV 89052

CASE NO. **20EH001519**

DEPT NO. **1**

Landlord/ Plaintiff

ORDER FOR
SUMMARY EVICTION
NON-PAYMENT OF RENT

- vs -

Name: Mandana Zahedi, Parviz Safari and All Unnamed Occupants

Address: 2575 WEST HORIZON RIDGE PARKWAY
APARTMENT #0416
Henderson, NV 89052

An application and Affidavit having been filed in the above entitled caused by the above named Plaintiff/Landlord or his duly authorized agent, seeking summary eviction of the above named Defendant/Tenant(s) and it appearing from the record on file herein that the statutory requirements have been met **AND** it further appearing that the Defendant/Tenant(s) still unlawfully detains and withholds the premises, and the Court being fully advised and finding good cause therefore,

It is hereby ORDERED, ADJUDGED and DECREED that the Henderson Constable post this Order in a conspicuous place on the premises not later than 24 hours after receipt of this Order. It is further ordered, adjudged and decreed that the Henderson Constable, not earlier than 24 hours but not later than 36 hours after posting of the order, using all necessary force as may be required, is hereby authorized to enter upon the premises known general as: 2575 WEST HORIZON RIDGE PARKWAY Apartment #0416, Henderson, NV 89052 located in the Henderson Township, Clark County, Nevada, and to summarily remove the Defendant/Tenant(s) from the property, and the Plaintiff/Landlord is hereby awarded the right of possession of the premises.

DATE:

SAM BATEMAN

JUSTICE OF THE PEACE

NOTICE

Any animal left unsupervised will be impounded.
Contact Henderson Animal Control:
300 E. Galleria Dr., Henderson, NV 89011 | (702) 267-4970

HJC
07/01/2019

Exhibit D



STATE OF NEVADA
DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF WELFARE AND SUPPORTIVE SERVICES

Henderson District Office
P.O. Box 15400
Las Vegas, NV 89114
(702) 486-1001 - Fax (702) 486-1270

RICHARD WHITLEY, MS
Director

STEVE H. FISHER
Administrator



Notice For:
MANDANA Z DAVIS
2575 W HORIZON RIDGE PKY 416
HENDERSON NV 89052

Customer Service / VRU

Questions? Contact Us - 24 Hours a day!
South Phone: (702) 486-1646
North Phone: (775) 684-7200
Toll Free: (800) 992-0900
Case ID: 193478100
Website: <http://dwss.nv.gov>

November 17, 2020

Dear MANDANA Z DAVIS,

The Nevada Division of Welfare and Supportive Services (DWSS) has taken an action on your case. Please review the information below. The DWSS Customer Service Unit (CSU) and Automated Voice Response Unit (VRU) are available to answer questions regarding your SNAP, TANF, Medicaid, Nevada Check-Up or Child Support Case. The CSU/VRU can be accessed by calling the appropriate number listed above. You will need your Personal Identification Number (PIN) and Case ID before calling the CSU/VRU systems. If you do not know your PIN and/or Case ID, you may contact your local Welfare District Office to obtain this information.

You may submit applications, redeterminations, changes and most communications electronically through your Access Nevada account. Electronic notifications, such as email and text messaging, are an option from DWSS, for households with a verified email account. DWSS sends reminders whenever there are To Do's or Messages in your Access Nevada account. These can be viewed by signing in to your Access Nevada account and selecting an item from either list. You may also choose to sign up for paperless communication to reduce the amount of mail you receive from DWSS. You will need your PIN to use these features.

If you are seeking assistance with child support services, you can print and complete the child support application located on the DWSS child support homepage at https://dwss.nv.gov/Support/1_0_0-Support/. Submit your completed application to the appropriate child support office in your area. Northern and Southern Nevada office locations can be found on the child support homepage by selecting "locate child support offices" and selecting the appropriate region.

| Temporary Assistance for Needy Families (NEON) | | | |
|--|----------|--|--|
| January 2021 | | Application Received Date : March 26, 2019 | |
| Name | Status | Comments | |
| | | (See Case Information) | |
| MANDANA Z DAVIS | Eligible | | |
| AIDEN S DAVIS | Eligible | | |
| SOPHIA Z DAVIS | Eligible | | |

| Income, Resources and Expenses | | | |
|--------------------------------|-----------|----------------------------|------|
| Gross Earned: \$ | 0.00 | Earnings Disregards: \$ | 0.00 |
| Net Self Employment: + | 0.00 | Work Expense: | 0.00 |
| Unearned: + | 0.00 | Dependent Care Expense: | 0.00 |
| Deemed Income: + | 0.00 | Subsidized Housing Income: | 0.00 |
| Total Gross Income: = \$ | 0.00 | Other Unearned Income: | 0.00 |
| Total Resource: | 0.00 | Total Net: \$ | 0.00 |
| Resource Limit: | 10,000.00 | | |

| | |
|---------------------------|---------------|
| Household Size: | 3 |
| Overpayment Reduction: \$ | 0.00 |
| IPV Reduction: \$ | 0.00 |
| Benefit Amount: \$ | 386.00 |

DWSS E&P Manual Sections A-500, MS A-600 & MS A-700



Exhibit E

PARVIZ SAFARI'S AFFIDAVIT IN SUPPORT OF
MOTION TO PROCEED ON APPEAL IN FORMA PAUPERIS

State of Nevada}

} ss

County of Clark}

I, Parviz ^{Safari us} ~~Safari~~ aka Aidan Davis, being first duly sworn, depose and say that I am the plaintiff/counterdefendant in the above-entitled case; that in support of my motion to proceed on appeal without being required to prepay fees, cost or give security therefor, I state that because of my poverty I am unable to pay the costs of said proceeding or to give security therefor; that I believe I am entitled to redress; and that the issues which I desire to present on appeal are the following:

I further swear that the responses which I have made to the questions and instructions below relating to my ability to pay the cost of prosecuting the appeal are true.

1. Are you presently employed? **No, I am totally disable and I cannot work. I have had no income during the last year. I have a small business. It has no income currently because it has not been active during the last year. My documents and statements are attached.**

[a. If the answer is yes, state the amount of your salary or wages per month and give the name and address of your employer.

b. If the answer is no, state the date of your last employment and the amount of the salary and wages per month which you received.]

2. Have you received within the past twelve months any income from a business, profession or other form of self-employment, or in the form of rent payments, interest, dividends, or other source?
No

[a. If the answer is yes, describe each source of income, and state the amount received from each during the past twelve months.]

3. Do you own any cash or checking or savings account?

[a. If the answer is yes, state the total value of the items owned.]

**I have no cash; I have a personal saving account in Wells Fargo Bank its balance is: \$0.00
We have a business checking and saving account for Aimans Enterprises, LLC , the amounts in our business accounts:**

Business Saving account: (negative balance) -\$44.02

Business Checking account: \$24.44

4. Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)? **No**

[a. If the answer is yes, describe the property and state its approximate value.]

1 5. List the persons who are dependent upon you for support and state your relationship to
2 those persons. **I am totally disabled and dependent.**

3 6. I am entitled to redress because I have appealed from a final judgment in my case.

4 7. The issues I intend to present on appeal are:

5 a. Whether the district court erred in granting summary judgment on Safari's and
6 Zahedi's claims for breach of fiduciary duty, intentional interference with prospective economic
7 advantage, embezzlement, and declaratory relief.

8 b. Whether the district court erred in concluding Safari and Zahedi failed to prove their
9 claims for accounting and unjust enrichment.

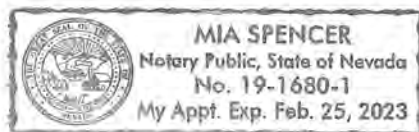
10 c. Whether the district court erred in granting summary judgment against Safari and
11 Zahedi on respondents' breach of contract claim.

12 d. Whether the district court erred in assessing punitive damages upon parties whose
13 financial condition precludes payment.

14 e. Whether the district court erred in evaluating financial condition by only considering
15 gross, not net, worth of the parties.

16 I understand that a false statement or answer to any question in this affidavit will subject me to
17 penalties for perjury.

18 SUBSCRIBED AND SWORN to before me this 18th day of February, 2021.



19
20
21
22
23
24
25
26
27
28
Notary Public

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORDER

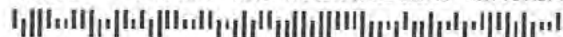
Let the applicant proceed without prepayment of costs or fees or the necessity of giving security therefor.

Wells Fargo Way2Save® Savings

January 31, 2021 ■ Page 1 of 3

WELLS
FARGO

0024397 01 AV 0.398 **ALTO T4 0 0846 89052-592916 -C01-P24421-1



AIDEN S DAVIS
2575 W HORIZON RIDGE PKWY APT 416
HENDERSON NV 89052-5929

Questions?

Available by phone 24 hours a day, 7 days a week:
Telecommunications Relay Services calls accepted

1-800-TO-WELLS (1-800-869-3557)

TTY: 1-800-877-4833

En español: 1-877-727-2932

Online: [wellsfargo.com](https://www.wellsfargo.com)

Write: Wells Fargo Bank, N.A. (825)
P.O. Box 6995
Portland, OR 97228-6995

You and Wells Fargo

Thank you for being a loyal Wells Fargo customer. We value your trust in our company and look forward to continuing to serve you with your financial needs.

Statement period activity summary

| | |
|--------------------------------|---------------|
| Beginning balance on 1/1 | -\$4.73 |
| Deposits/Additions | 4.73 |
| Withdrawals/Subtractions | - 0.00 |
| Closing balance on 1/29 | \$0.00 |

Account number: [REDACTED]

AIDEN S DAVIS

Nevada account terms and conditions apply

For Direct Deposit use

Routing Number (RTN): [REDACTED]

Interest summary

| | |
|---------------------------------------|--------|
| Interest paid this statement | \$0.00 |
| Average collected balance | \$0.00 |
| Annual percentage yield earned | 0.00% |
| Interest earned this statement period | \$0.00 |
| Interest paid this year | \$0.00 |
| Total interest paid in 2020 | \$0.01 |

0846-01-00-0024397-0001-0054017



P.O. Box 15284
Wilmington, DE 19850

AIMANS ENTERPRISES LLC
2514 BREEZY COVE AVE
HENDERSON, NV 89052-5609

Business Advantage

Customer service information

1.888.BUSINESS (1.888.287.4637)

bankofamerica.com

Bank of America, N.A.
P.O. Box 25118
Tampa, FL 33622-5118

Your Business Fundamentals Checking

for January 1, 2021 to January 31, 2021

AIMANS ENTERPRISES LLC

Account summary

| | |
|--------------------------------------|-----------|
| Beginning balance on January 1, 2021 | -\$23.34 |
| Deposits and other credits | 1,636.67 |
| Withdrawals and other debits | -1,459.70 |
| Checks | -0.00 |
| Service fees | -0.00 |

Ending balance on January 31, 2021 **\$153.63**

Your account has overdraft protection provided by deposit account number 5010 2104 4764.

Account number: [REDACTED]

of deposits/credits: 8

of withdrawals/debits: 41

of items-previous cycle¹: 0

of days in cycle: 31

Average ledger balance: \$162.18

¹Includes checks paid, deposited items & other debits

BANK OF AMERICA BUSINESS ADVANTAGE

What's on your mind?

Business owners like you can join the Bank of America® Advisory Panel to help us understand what you like and don't like. Enter code **SBDD** at bankofamerica.com/AdvisoryPanel to learn more and join.

Inclusion on the Advisory Panel subject to qualifications.

SSM-10-20-0074.B | 3255564



P.O. Box 15284
Wilmington, DE 19850

Business Advantage

Customer service information

1.888.BUSINESS (1.888.287.4637)

bankofamerica.com

Bank of America, N.A.
P.O. Box 25118
Tampa, FL 33622-5118

AIMANS ENTERPRISES LLC
2514 BREEZY COVE AVE
HENDERSON, NV 89052-5609

Your Business Advantage Savings

for January 1, 2021 to January 31, 2021

AIMANS ENTERPRISES LLC

Account summary

| | |
|---|-----------------|
| Beginning balance on January 1, 2021 | -\$14.02 |
| Deposits and other credits | 0.00 |
| Withdrawals and other debits | -0.00 |
| Service fees | -15.00 |
| Ending balance on January 31, 2021 | -\$29.02 |

Account number: [REDACTED]

of deposits/credits: 0

of withdrawals/debits: 1

of days in cycle: 31

Average ledger balance: -\$27.56

Average collected balance: -\$27.56

BANK OF AMERICA BUSINESS ADVANTAGE

What's on your mind?

Business owners like you can join the Bank of America® Advisory Panel to help us understand what you like and don't like. Enter code **SBDD** at bankofamerica.com/AdvisoryPanel to learn more and join.

Inclusion on the Advisory Panel subject to qualifications.

SSM-10-20-0074.B | 3255564

Exhibit F

**PARVIZ SAFARI'S DECLARATION IN SUPPORT OF
MOTION TO PROCEED ON APPEAL IN FORMA PAUPERIS**

I, Parviz Safari aka Aidan Davis, declare that I am the plaintiff/counterdefendant in the above-entitled case; that in support of my motion to proceed on appeal without being required to prepay fees, cost or give security therefor, I state that because of my poverty I am unable to pay the costs of said proceeding or to give security therefor; that I believe I am entitled to redress; and that the issues which I desire to present on appeal are the following:

I further swear that the responses which I have made to the questions and instructions below relating to my ability to pay the cost of prosecuting the appeal are true.

1. Are you presently employed? **No**

[a. If the answer is yes, state the amount of your salary or wages per month and give the name and address of your employer.

b. If the answer is no, state the date of your last employment and the amount of the salary and wages per month which you received.] **I am not employed; I have a small freight business. The last income from my business "Aimans Enterprises, LLC" was in November 2019, for less than \$2,000/month. After an accident at November 29, 2019 my truck went to shop to be repaired. The repair was finished in March 2020 but because of COVID-19 crises the business was not active during the rest of the year 2020, and I was not able to pay the monthly truck lease payments. That caused my only truck to be repossessed by leasing company "Werner Enterprises, Inc." on October 14, 2020 (Document attached). I have not had any income of my business from November 2019.**

2. Have you received within the past twelve months any income from a business, profession or other form of self-employment, or in the form of rent payments, interest, dividends, or other source? **We are receiving monthly \$386.00 (TANF) from welfare office.**

[a. If the answer is yes, describe each source of income, and state the amount received from each during the past twelve months.]

3. Do you own any cash or checking or savings account? **I do not have any cash. I have a personal saving account in Wells Fargo Bank its balance is \$0.00. we have a business checking and saving account for Aimans Enterprises, LLC , the amounts in our business accounts:
Business Saving Account: (Negative balance) \$-44.02
Business Checking Account: \$15.53**

[a. If the answer is yes, state the total value of the items owned.]

4. Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)? **No, I do not have any asset.**

[a. If the answer is yes, describe the property and state its approximate value.]

1 5. List the persons who are dependent upon you for support and state your relationship to
2 those persons. **I am disabled and dependent on my wife.**

3 6. I am entitled to redress because I have appealed from a final judgment in my case.

4 7. The issues I intend to present on appeal are:

5 a. Whether the district court erred in granting summary judgment on Safari's and
6 Zahedi's claims for breach of fiduciary duty, intentional interference with prospective economic
7 advantage, embezzlement, and declaratory relief.

8 b. Whether the district court erred in concluding Safari and Zahedi failed to prove their
9 claims for accounting and unjust enrichment.

10 c. Whether the district court erred in granting summary judgment against Safari and
11 Zahedi on respondents' breach of contract claim.

12 d. Whether the district court erred in assessing punitive damages upon parties whose
13 financial condition precludes payment.

14 e. Whether the district court erred in evaluating financial condition by only considering
15 gross, not net, worth of the parties.

16 Pursuant to NRS 53.045, I declare under the penalty of perjury under the laws of the State of
17 Nevada that the foregoing is true and correct.

18
19
20
21
22
23
24
25
26
27
28


03/10/2021



aidan safari <aidansafari@gmail.com>

Truck Sold - 16172

1 message

Nicholas Oviatt <NOviatt@werner.com>

Wed, Oct 14, 2020 at 6:23 AM

To: "AIDANSAFARI@GMAIL.COM" <AIDANSAFARI@gmail.com>

Cc: Suzanne Carver <sucarver@werner.com>

Dear Mr. Safari,

Your unit, number 16172, sold on 10/1/2020 for \$24,100.00. When compared to the \$28,624.77 loan, this truck was sold at a loss.

After applying these funds to your truck loan, an additional \$4,524.77 was issued in the form of a write-off.

No action is needed. Thank you!

Nicholas Oviatt

Financial Analyst

Global Headquarters

Werner Enterprises – 14507 Frontier Road, Omaha, NE 68138 – USA

402.895.6640 ext. 1002283

Werner.com – DriveWerner.com

The information in this email may be confidential or legally privileged. It is intended solely for the addressee. If you are not the intended recipient, please notify the sender and delete this email.

Exhibit G

1 5. List the persons who are dependent upon you for support and state your relationship to
2 those persons. **My husband Aiden Safari Davis (Parviz Safari) and my child (daughter) Sophia**
3 **Zahedi Davis.**

4 6. I am entitled to redress because I have appealed from a final judgment in my case.

5 7. The issues I intend to present on appeal are:

6 a. Whether the district court erred in granting summary judgment on Safari's and
7 Zahedi's claims for breach of fiduciary duty, intentional interference with prospective economic
8 advantage, embezzlement, and declaratory relief.

9 b. Whether the district court erred in concluding Safari and Zahedi failed to prove their
10 claims for accounting and unjust enrichment.

11 c. Whether the district court erred in granting summary judgment against Safari and
12 Zahedi on respondents' breach of contract claim.

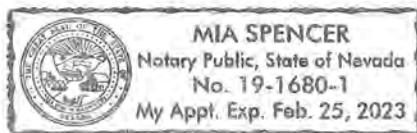
13 d. Whether the district court erred in assessing punitive damages upon parties whose
14 financial condition precludes payment.

15 e. Whether the district court erred in evaluating financial condition by only considering
16 gross, not net, worth of the parties.

17 I understand that a false statement or answer to any question in this affidavit will subject me to
18 penalties for perjury.

19 SUBSCRIBED AND SWORN to before me this 18th day of February 2021

20 [Signature]
21 Notary Public



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORDER

Let the applicant proceed without prepayment of costs or fees or the necessity of giving security therefor.

Exhibit H

**MANDANA ZAHEDI'S DECLARATION IN SUPPORT OF
MOTION TO PROCEED ON APPEAL IN FORMA PAUPERIS**

I, Mandana Zahedi, being first duly sworn, depose and say that I am the plaintiff/counterdefendant in the above-entitled case; that in support of my motion to proceed on appeal without being required to prepay fees, cost or give security therefor, I state that because of my poverty I am unable to pay the costs of said proceeding or to give security therefor; that I believe I am entitled to redress; and that the issues which I desire to present on appeal are the following:

I further swear that the responses which I have made to the questions and instructions below relating to my ability to pay the cost of prosecuting the appeal are true.

1. Are you presently employed? **No**

[a. If the answer is yes, state the amount of your salary or wages per month and give the name and address of your employer.

b. If the answer is no, state the date of your last employment and the amount of the salary and wages per month which you received.]

I did not work in the last ten years; I have been taking care of my disabled dad and also my daughter at home.

2. Have you received within the past twelve months any income from a business, profession or other form of self-employment, or in the form of rent payments, interest, dividends, or other source? **We are receiving TANF from welfare, \$386.00 per month.**

[a. If the answer is yes, describe each source of income, and state the amount received from each during the past twelve months.]

3. Do you own any cash or checking or savings account? **I do not have any cash and personal account, we have a business checking and saving account for Aimans Enterprises, LLC , the amounts in our business accounts:**

Business Saving Account: (Negative balance) \$-44.02

Business Checking Account: \$15.53

[a. If the answer is yes, state the total value of the items owned.]

4. Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)? **No, I do not have any asset.**

[a. If the answer is yes, describe the property and state its approximate value.]

1 5. List the persons who are dependent upon you for support and state your relationship to
2 those persons. . **My husband Aiden Safari Davis(Parviz Safari) and my child (daughter) Sophia**
3 **Zahedi Davis.**

4
5 6. I am entitled to redress because I have appealed from a final judgment in my case.

6 7. The issues I intend to present on appeal are:

7 a. Whether the district court erred in granting summary judgment on Safari's and
8 Zahedi's claims for breach of fiduciary duty, intentional interference with prospective economic
9 advantage, embezzlement, and declaratory relief.

10 b. Whether the district court erred in concluding Safari and Zahedi failed to prove their
11 claims for accounting and unjust enrichment.

12 c. Whether the district court erred in granting summary judgment against Safari and
13 Zahedi on respondents' breach of contract claim.

14 d. Whether the district court erred in assessing punitive damages upon parties whose
15 financial condition precludes payment.

16 e. Whether the district court erred in evaluating financial condition by only considering
17 gross, not net, worth of the parties.

18
19 Pursuant to NRS 53.045, I declare under the penalty of perjury under the laws of the State of
20 Nevada that the foregoing is true and correct.


21
22
23
24
25
26
27
28

03/10/2021

Exhibit I

1 **NOOSHIN ZAHEDI'S DECLARATION IN SUPPORT OF**
2 **MOTION TO PROCEED ON APPEAL IN FORMA PAUPERIS**

3 I, Nooshin Zahedi, declare that I am the counterdefendant in the above-entitled case; that in
4 support of my motion to proceed on appeal without being required to prepay fees, cost or give
5 security therefor, I state that because of my poverty I am unable to pay the costs of said proceeding
6 or to give security therefor; that I believe I am entitled to redress; and that the issues which I desire
7 to present on appeal are the following:

8 I further swear that the responses which I have made to the questions and instructions below
9 relating to my ability to pay the cost of prosecuting the appeal are true.

10 1. Are you presently employed? **No**

11 [a. If the answer is yes, state the amount of your salary or wages per month and give the name
12 and address of your employer.

13 b. If the answer is no, state the date of your last employment and the amount of the salary and
14 wages per month which you received.]

15 **My last employment as a Daycare teacher was in July 2017, and my last monthly income was**
16 **\$1200.**

17 2. Have you received within the past twelve months any income from a business, profession,
18 or other form of self-employment, or in the form of rent payments, interest, dividends, or other
19 source? **No**

20 [a. If the answer is yes, describe each source of income, and state the amount received from
21 each during the past twelve months.]

22 3. Do you own any cash or checking or savings account? **I do not have any cash; I have a**
23 **personal checking and a saving account in Wells Fargo Bank. My checking account balance is**
24 **\$60.59, and my saving account balance is \$5.03.**

25 [a. If the answer is yes, state the total value of the items owned.]

26 4. Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property
27 (excluding ordinary household furnishings and clothing)? **No, I do not have any asset.**

28 [a. If the answer is yes, describe the property and state its approximate value.]

5. List the persons who are dependent upon you for support and state your relationship to those persons. **I do not have any dependent.**

6. I am entitled to redress because I have appealed from a final judgment in my case.

7. The issues I intend to present on appeal are:

a. Whether the district court erred in granting summary judgment on Safari's and Zahedi's claims for breach of fiduciary duty, intentional interference with prospective economic advantage, embezzlement, and declaratory relief.

b. Whether the district court erred in concluding Safari and Zahedi failed to prove their claims for accounting and unjust enrichment.

c. Whether the district court erred in granting summary judgment against Safari and Zahedi on respondents' breach of contract claim.

d. Whether the district court erred in assessing punitive damages upon parties whose financial condition precludes payment.

e. Whether the district court erred in evaluating financial condition by only considering gross, not net, worth of the parties.

Pursuant to NRS 53.045, I declare under the penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct.

Noothin' Zeebeck

Nooshin Zahedi 3/5/2021

Wells Fargo Combined Statement of Accounts

February 8, 2021 ■ Page 1 of 5



NOOSHIN ZAHEDI

Questions?

Available by phone 24 hours a day, 7 days a week:

Telecommunications Relay Services calls accepted

1-800-TO-WELLS (1-800-869-3557)

TTY: 1-800-877-4833

En español: 1-877-727-2932

Online: [wellsfargo.com](https://www.wellsfargo.com)

Write: Wells Fargo Bank, N.A. (825)

P.O. Box 6995

Portland, OR 97228-6995

You and Wells Fargo

Thank you for being a loyal Wells Fargo customer. We value your trust in our company and look forward to continuing to serve you with your financial needs.

Account options

A check mark in the box indicates you have these convenient services with your account(s). Go to wellsfargo.com or call the number above if you have questions or if you would like to add new services.

| | | | |
|--------------------|-------------------------------------|-----------------------|-------------------------------------|
| Online Banking | <input checked="" type="checkbox"/> | Direct Deposit | <input type="checkbox"/> |
| Online Bill Pay | <input checked="" type="checkbox"/> | Auto Transfer/Payment | <input type="checkbox"/> |
| Online Statements | <input checked="" type="checkbox"/> | Overdraft Protection | <input checked="" type="checkbox"/> |
| Mobile Banking | <input checked="" type="checkbox"/> | Debit Card | <input type="checkbox"/> |
| My Spending Report | <input checked="" type="checkbox"/> | Overdraft Service | <input type="checkbox"/> |



IMPORTANT ACCOUNT INFORMATION

In order to serve customers more efficiently, we will be updating the available statement and fee period ending dates. Based on your current statement and fee period date, in June 2021 we are adjusting your statement and fee periods to end on the fifth business day each month. (Business days do not include Saturdays, Sundays, and Federal holidays.) This update does not affect your account terms and conditions. Your fee period end date is located in the Monthly Service Fee Summary section of your statement. Refer to the Consumer or Business Account Fee and Information Schedule located online at wellsfargo.com/feefaq for more information about monthly fee periods.

Summary of accounts

Checking/Prepaid and Savings

| Account | Page | Account number | Ending balance last statement | Ending balance this statement |
|-------------------------------|------|-----------------|----------------------------------|----------------------------------|
| Custom Management® Checking | 2 | ██████████ 2711 | 195.59 | 60.59 |
| Wells Fargo® Goal Savings | 3 | ██████████ 5167 | 0.03 | 5.03 |
| Total deposit accounts | | | \$195.62 | \$65.62 |

Custom Management® Checking

Statement period activity summary

| | |
|------------------------------|----------------|
| Beginning balance on 1/12 | \$195.59 |
| Deposits/Additions | 500.00 |
| Withdrawals/Subtractions | - 635.00 |
| Ending balance on 2/8 | \$60.59 |

Account number: ██████████ 2711

NOOSHIN ZAHEDI

Nevada account terms and conditions apply

For Direct Deposit use

Routing Number (RTN): ██████████

Overdraft Protection

Your account is linked to the following for Overdraft Protection:



████████████████████

Transaction history

| Date | Check Number | Description | Deposits/ Additions | Withdrawals/ Subtractions | Ending daily balance |
|------------------------------|-----------------|-------------|------------------------|------------------------------|-------------------------|
| 1/14 | | | | 160.00 | |
| 1/14 | | | | 5.00 | 30.59 |
| 2/1 | | | 500.00 | | 530.59 |
| 2/5 | | | | 160.00 | 370.59 |
| 2/8 | | | | 140.00 | |
| 2/8 | | | | 170.00 | 60.59 |
| Ending balance on 2/8 | | | | | 60.59 |
| Totals | | | \$500.00 | \$635.00 | |

The Ending Daily Balance does not reflect any pending withdrawals or holds on deposited funds that may have been outstanding on your account when your transactions posted. If you had insufficient available funds when a transaction posted, fees may have been assessed.

Monthly service fee summary

For a complete list of fees and detailed account information, see the disclosures applicable to your account or talk to a banker. Go to wellsfargo.com/feefaq for a link to these documents, and answers to common monthly service fee questions.

Fee period 01/12/2021 - 02/08/2021

Standard monthly service fee \$10.00

You paid \$0.00

The bank has waived the fee for this fee period.

Monthly service fee summary (continued)**How to avoid the monthly service fee**Have any **ONE** of the following account requirements

- Minimum daily balance
- Total amount of qualifying direct deposits
- A monthly automatic payment of Wells Fargo personal loan/line of credit or Wells Fargo home equity line of credit
- A monthly automatic payment to a Wells Fargo home mortgage

Minimum required**This fee period**

\$1,500.00

\$30.59 ☐

\$500.00

\$0.00 ☐

1

0 ☐

1

0 ☐

JMUM

**IMPORTANT ACCOUNT INFORMATION**

Effective on or after April 1, 2021, Wells Fargo will no longer issue temporary debit cards, including Wells Fargo Instant Issue Debit Cards, Wells Fargo Business Instant Issue Debit Cards, and EasyPay Instant Cards. If you need a replacement card, you may request one by signing on to Wells Fargo Online® or calling the number on your statement. Once requested, replacement cards arrive by mail in 5 to 7 calendar days. You may add your Wells Fargo Debit Card or EasyPay Card to a Wells Fargo-supported digital wallet on your mobile device so you can make secure, convenient purchases in stores, online, and in apps, and access Wells Fargo ATMs while you wait for your replacement card. For more details on digital wallets, please visit wellsfargo.com/mobile/payments. Availability may be affected by your mobile carrier's coverage area. Your mobile carrier's message and data rates may apply. Some ATMs within secure locations may require a physical card for entry.

Effective on or after April 1, 2021, the ATM Access Code feature will no longer be available to access your accounts at Wells Fargo ATMs. You may continue to access Wells Fargo ATMs using your Wells Fargo Debit, ATM or EasyPay Card, or with a Wells Fargo-supported digital wallet on your mobile device. For more information about adding your card to a digital wallet, please visit wellsfargo.com/mobile/payments. Availability may be affected by your mobile carrier's coverage area. Your mobile carrier's message and data rates may apply. Some ATMs within secure locations may require a physical card for entry. Note: After the ATM Access Code feature for accessing Wells Fargo accounts is discontinued, the "Use an Access Code" button may continue to be displayed on Wells Fargo ATMs to support other services.

Wells Fargo® Goal Savings**Statement period activity summary**

| | |
|------------------------------|---------------|
| Beginning balance on 1/12 | \$0.03 |
| Deposits/Additions | 5.00 |
| Withdrawals/Subtractions | - 0.00 |
| Ending balance on 2/8 | \$5.03 |

Account number: [REDACTED] 5167

NOOSHIN ZAHEDI*Nevada account terms and conditions apply*

For Direct Deposit use

Routing Number (RTN): [REDACTED]

Interest summary

| | |
|---------------------------------------|--------|
| Interest paid this statement | \$0.00 |
| Average collected balance | \$4.67 |
| Annual percentage yield earned | 0.00% |
| Interest earned this statement period | \$0.00 |
| Interest paid this year | \$0.00 |
| Total interest paid in 2020 | \$0.00 |

Transaction history

| Date | Description | Deposits/ Additions | Withdrawals/ Subtractions | Ending daily balance |
|-----------------------|-------------|------------------------|------------------------------|-------------------------|
| 1/14 | | 5.00 | | 5.03 |
| Ending balance on 2/8 | | | | 5.03 |
| Totals | | \$5.00 | \$0.00 | |

The Ending Daily Balance does not reflect any pending withdrawals or holds on deposited funds that may have been outstanding on your account when your transactions posted. If you had insufficient available funds when a transaction posted, fees may have been assessed.

Monthly service fee summary

For a complete list of fees and detailed account information, see the disclosures applicable to your account or talk to a banker. Go to wellsfargo.com/feefaq for a link to these documents, and answers to common monthly service fee questions.

Fee period 01/12/2021 - 02/08/2021 Standard monthly service fee \$5.00 You paid \$0.00

The fee is waived this fee period because the account is linked to your eligible checking account.

How to avoid the monthly service fee

Have any **ONE** of the following account requirements

- Minimum daily balance
- Total amount of qualifying direct deposits
- A monthly automatic transfer from a Wells Fargo checking account
- A daily automatic transfer from a Wells Fargo checking account
- The fee is waived when the primary account owner is under the age of 18 (19 in Alabama)

Minimum required

This fee period

\$300.00

\$0.03 ☐

\$100.00

\$0.00 ☐

\$25.00

\$0.00 ☐

\$1.00

\$0.00 ☐

MM/MM

General statement policies for Wells Fargo Bank