

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. 82279
Electronically Filed
Aug 18 2021 03:50 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

**RESPONDENTS' RESPONSE TO APPELLANTS' MOTION FOR
EXTENSION OF TIME TO PAY FOR TRANSCRIPTS AND FILE NOTICE
PURSUANT TO NRAP 9**

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**RESPONDENTS' RESPONSE TO APPELLANTS' MOTION FOR
EXTENSION OF TIME TO PAY FOR TRANSCRIPTS AND FILE NOTICE
PURSUANT TO NRAP 9**

Respondents Hamid Modjtahed and Mohammad Mojtahed, by and through their undersigned counsel, hereby respond to Appellants' Motion for Extension of Time to Pay for Transcripts and File Notice Pursuant to NRAP 9.

Notably, Appellants' Motion is not supported by a declaration or evidence of any kind. Based on the lack of supporting evidence, the history of this case, and the delays that have already occurred, Respondents oppose the requested extension.

This appeal was filed more than eight months ago. The transcript request form was originally due February 5, 2021. Since then, Appellant filed a Motion to Proceed in Forma Pauperis in the District Court on February 18, 2021. That Motion was denied by Judge Denton on March 5, 2021. Appellant subsequently filed a similar Motion in this Court on April 12, 2021, which was denied on April 15, 2021. Since then, now more than four months ago, Appellants have known that they would have to pay for the trial transcripts in order to proceed with their appeal but have failed to do so. The docket reflects that the Court Reporter's Certificate was overdue as of March 22, 2021.

Now, after claiming to this Court that they are disabled, have absolutely no income, do not work, and have no assets, Appellants would have this Court believe that they obtained a loan of approximately \$15,000 to fund this ill-conceived appeal. This

is simply a ploy to buy more time and delay these proceeding further. This should not be permitted based on attorney argument, alone, with no supporting evidence.

Appellant also claims that the 45 additional days, “will have no impact on the parties’ briefing schedule.” This is false. Appellant’s Opening Brief is currently due November 2, 2021. If Appellant files its request to pay for transcripts in 45 days, the Court Reporter will then have 30 days to file the transcript pursuant to NRAP 9(c)(1)(A), which is November 3, 2021. As such, the transcripts would not be produced until *after* the Opening Brief deadline. Clearly, Appellants will be seeking an extension of the briefing schedule, which will again be continued.

Respondents secured their trial judgment on September 27, 2019, almost two years ago, following approximately five years of litigation. Each subsequent delay putting this matter to rest is prejudicial to Respondents. Appellants’ Motion should either be denied outright, or they should be required to produce the loan agreement and a supporting declaration authenticating the same.

Dated: August 18th, 2021


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By: 

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I electronically filed and served the foregoing **RESPONDENTS' RESPONSE TO APPELLANTS' MOTION FOR EXTENSION OF TIME TO PAY FOR TRANSCRIPTS AND FILE NOTICE PURSUANT TO NRAP 9** with the Clerk of the Court of the Supreme Court of Nevada by using the Court's Electronic Filing System on August 18, 2021.



An Employee of Wiley Petersen