

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
Jan 25 2022 06:38 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 MOHAMMAD
MODJTAHED, an individual,

Respondents.

Docket No. 82279

MOTION TO REDACT APPENDIX

Appellants Parviz Safari, Mandana Zahedi, and Nooshin Zahedi move for an order allowing portions of the appendix subject to a protective order to be filed in a redacted form.¹ The documents under the protective order have been included in the proposed appendix, which will be deposited in the drop box at

¹ The protective order is attached as Exhibit 1.

the Nevada Supreme Court building in Las Vegas, in a redacted and unredacted version, tomorrow morning, January 26, 2022.²

The Nevada Supreme Court has adopted rules governing the sealing of court records. Pursuant to these rules, “[a]ny person may request that the court seal or redact court records from a case that is subject to these rules by filing a written motion.” NRSR 3(1). The Court may “order the court files and records, or any part thereof, in a civil action to be sealed or redacted provided the court makes and enters written findings that the specific sealing or redacting is justified by identified compelling privacy or safety interests that outweigh the public interest in access to the court record.” NRSR 3(4). “The public interest in privacy or safety interests that outweigh the public interest in open court records include findings that . . . the sealing or redaction furthers . . . a protective order entered under NRCP 26(c).” NRSR 3(4)(b).

...

...

...

² A file-stamped copy of this motion will be included in the drop box as well, with the redacted documents attached as Exhibit 2, and the unredacted documents attached as Exhibit 3.

Here, a large portion of the appendix is still under protective order issued pursuant to NRCP 26(c).³ Thus, because the documents are still under protective order, the public interest outweighs the public's interest in open court records as to the documents identified in footnote 2 below. The Court should grant the order and allow those documents to be filed in a redacted form.

Dated January 25, 2022.

The Powell Law Firm

/s/ Tom W. Stewart
Tom W. Stewart (14280)

³ The documents at the following portions of the appendix are still under protective order: 1 Appellants' Appendix (AA) 97-108 (Meditex operating agreement); 1 AA 167 (banking records); 2 AA 314-20 (banking records); 2 AA 324-26 (banking records); 2 AA 328 (banking records); 2 AA 330-31 (banking records); 2 AA 340-50 (banking records); 2 AA 376 (copy of check); 2 AA 387 (payment invoice); 2 AA 389-400 (operating agreement); 3 AA 445-46 (tax returns); 3 AA 518-19 (banking records); 3 AA 565-66 (banking records); 18 AA 2879-90 (operating agreement); 19 AA 3239-58 (banking records).

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing **MOTION TO REDACT APPENDIX** with the Nevada Supreme Court on January 26, 2022.

Electronic Service of the document shall be made in accordance with the Master Service List as follows:

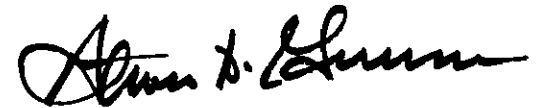
Jonathan Blum, Esq.
Eric Walther, Esq.
Adam Bult, Esq.

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

Exhibit 1

ORIGINAL

Electronically Filed
09/15/2016 02:31:38 PM



CLERK OF THE COURT

SPO

JONATHAN D. BLUM, ESQ.

Nevada Bar No. 009515

ERIC D. WALTHER, ESQ.

Nevada Bar No. 013611

KOLESAR & LEATHAM

400 South Rampart Boulevard, Suite 400

Las Vegas, Nevada 89145

Telephone: (702) 362-7800

Facsimile: (702) 362-9472

E-Mail: jblum@klnevada.com

ewalther@klnevada.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,

Plaintiffs,

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-C

DEPT NO. VIII

**STIPULATED PROTECTIVE
ORDER**

KOLESAR & LEATHAM
400 S. Rampart Boulevard, Suite 400
Las Vegas, Nevada 89145
Tel: (702) 362-7800 / Fax: (702) 362-9472

STIPULATED PROTECTIVE ORDER

IT is STIPULATED AND AGREED by and between the parties, acting through their counsel, pursuant to NRCP 26(c) as follows:

1. Disclosure and discovery activity in this action are likely to involve production of confidential, proprietary or private information for which special protection from public disclosure and from use for any purpose other than prosecuting this litigation may be warranted. Accordingly, the parties hereby stipulate to and petition the Court to enter the following Stipulated Protective Order. The parties acknowledge that this Order does not confer blanket protections on all disclosures or responses to discovery and that the protection it affords from public disclosure and use extends only to the limited information or items that are entitled to confidential treatment under the applicable legal principles.

2. The parties may designate as confidential any document or evidence produced in discovery which relates in any manner to non-public information that a party alleges is confidential, private, proprietary or trade secret material. Such designation shall occur by stamping "CONFIDENTIAL" to each page that contains protected material.

3. Documents designated confidential pursuant to paragraph 1 may be distributed only to (a) a party or counsel of record for the parties and by them to their staffs; (b) deponents during the course of their depositions; (c) deposition notaries and their staff; (d) a party's retained experts; and, (e) professional vendors i.e. persons or entities that provide litigation support services (e.g., photocopying, videotaping, translating, preparing exhibits or demonstrations, and organizing, storing, or retrieving data in any form or medium) and their employees and subcontractors.

4. Documents designated confidential pursuant to paragraph 2 and disclosed to persons described in paragraph 3 shall be treated by them as confidential, for use solely in this lawsuit. Such documents, or the contents thereof, shall not be disclosed to anyone to whom access to such documents is not permitted under paragraph 3. Documents designated confidential may be used by them solely in this litigation, and for not for any other purpose.

1 5. No copies of documents designated confidential shall be made except by a party's
2 counsel of record. Any counsel making or causing to be made copies of confidential documents
3 shall maintain all copies within his/her possession or within the possession of those entitled to
4 access to confidential documents under paragraph 3.

5 6. Prior to dissemination of documents designated confidential or the contents
6 thereof to a person described in paragraph 3, that person shall:

7 (i) Be advised by counsel making such dissemination of the terms of this Stipulation
8 and Protective Order;

9 (ii) Read this Stipulation and Protective Order; and

10 (iii) Sign the "Acknowledgement and Agreement to Be Bound" that is attached hereto
11 as Exhibit A thereby becoming subject to this Stipulation and Protective Order.

12 7. Any brief, memorandum, or other document submitted to the Court by a party that
13 discloses information contained in a confidential document shall be filed under seal, unless
14 otherwise ordered by the Court.

15 8. To the extent that documents designated confidential are used as deposition
16 exhibits or are referred to in the course of depositions, that portion of the transcript of such
17 depositions shall be treated as confidential and shall be filed under seal.

18 9. If any party intends to offer into evidence or otherwise disclose in open court any
19 document designated confidential, counsel for the proponent shall give reasonable notice of such
20 intention to the party that designated the document as confidential, who may take such steps as
21 are reasonably necessary and approved by the Court to preserve the confidentiality of such
22 document.

23 10. The inadvertent production by any party in the course of discovery of a document
24 subject to a claim of attorney client privilege, work product, or other statutory or court-ordered
25 confidentiality, will not result in a waiver of any of the foregoing protections in these or any
26 other proceedings, for the produced document.

27 CHALLENGING CONFIDENTIALITY DESIGNATIONS

28 11. Timing of Challenges. Any party may challenge a designation of confidentiality

at any time.

12. Meet and Confer. The challenging party shall initiate the dispute resolution process by providing written notice of each designation it is challenging and describing the basis for each challenge. The parties shall attempt to resolve each challenge in good faith and must begin the process by conferring directly.

13. Judicial Intervention. If the Parties cannot resolve a challenge without court intervention, the designating party may file and serve a motion to retain confidentiality or the challenging party may file a motion challenging a confidentiality designation. All parties shall continue to afford the material in question the level of protection to which it is entitled under the producing party's designation until the Court rules on the challenge.

FINAL DISPOSITION

14. At the final disposition of this action, counsel has the option to return to the producing party or destroy any and all copies of confidential documents, notes, extracts, summaries, and other materials that contain information derived from documents designated confidential, except as required to be maintained under the lawyer's ethical duties. Final disposition shall be deemed to be the later of (1) dismissal of all claims and defenses in this action, with or without prejudice; and (2) final judgment herein after the completion and exhaustion of all appeals, rehearings, remands, trials, or reviews of this action, including the time limits for filing any motions or applications for extension of time pursuant to applicable law.

DATED 8 day of September, 2016.

DATED 9 day of September, 2016.

SHUMWAY VAN

KOLESAR & LEATHAM

By: Sam Marshall
MICHAEL C. VAN, ESQ.
Nevada Bar No. 003876
SAMUEL A. MARSHALL, ESQ.
Nevada Bar No. 013718
8985 S. Eastern Ave., Suite 100
Las Vegas, NV 89123

By: [Signature]
JONATHAN D. BLUM, ESQ.
Nevada Bar No. 009515
ERIC D. WALTHER, ESQ.
Nevada Bar No. 013611
400 S. Rampart Blvd., Suite 400
Las Vegas, NV 89145

Attorneys for Plaintiffs/ Counter-Defendants

Attorneys for Defendants/Counter-Claimants

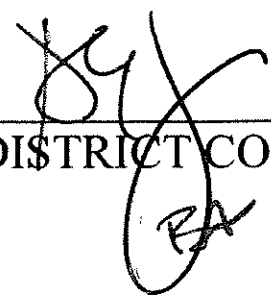
KOLESAR & LEATHAM
400 S. Rampart Boulevard, Suite 400
Las Vegas, Nevada 89145
Tel: (702) 362-7800 / Fax: (702) 362-9472

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

PROTECTIVE ORDER

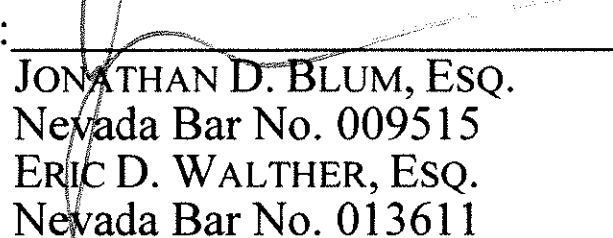
IT IS SO ORDERED.

DATED this 14 day of September, 2016.


DISTRICT COURT JUDGE

Respectfully submitted by:

KOLESAR & LEATHAM

By: 
JONATHAN D. BLUM, ESQ.
Nevada Bar No. 009515
ERIC D. WALTHER, ESQ.
Nevada Bar No. 013611
400 South Rampart Boulevard, Suite 400
Las Vegas, Nevada 89145

Attorneys for Defendants, Counter-Claimants

KOLESAR & LEATHAM
400 S. Rampart Boulevard, Suite 400
Las Vegas, Nevada 89145
Tel: (702) 362-7800 / Fax: (702) 362-9472

EXHIBIT A

ACKNOWLEDGEMENT AND AGREEMENT TO BE BOUND

I, _____ [print or type full name], of
_____ [print or type full
address], declare under penalty of perjury that I have read in its entirety and understand the
Stipulated Protected Order that was issued by the Clark County District Court for the District of
Nevada on _____, 2016, in the case of *Parviz Safari and Mandana Zahedi, et al. v.*
Hamid Modjtahed et al., Clark County District Court, District of Nevada, CASE NO. A-15-
729030-C.

I agree to comply with and to be bound by all the terms of this Stipulated Protective
Order and I understand and acknowledge that failure to so comply could expose me to sanctions
and punishment in the nature of contempt. I solemnly promise that I will not disclose in any
manner any information or item that is subject to this Stipulated Protective Order to any person
or entity except in strict compliance with the provisions of this Order.

I further agree to submit to the jurisdiction of the Clark County District Court for the
District of Nevada for the purpose of enforcing the terms of this Stipulated Protective Order,
even if such enforcement proceedings occur after termination of this action.

Dated: _____

City and State where sworn and signed: _____

Signature: _____

Printed name: _____