

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
Apr 28 2022 03:14 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

**MOTION TO SUBSTITUTE PARTIES AND FOR PARTIAL DISMISSAL OF
THE APPEAL**

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RULE 26.1 DISCLOSURE

The undersigned counsel of record certifies that the foregoing are persons or entities as described in NRAP 26.1(a), and must be disclosed. These representations are made in order that the judges of this Court may evaluate possible disqualification or recusal.

Hamid Modjtahed and Mohammad Mojtaheh (collectively, “Respondents”) are individuals, so no disclosure is required.

Respondents have been represented by attorneys at Kolesar & Leatham, Wiley Peterson, and Brownstein Hyatt Farber Schreck, LLP.

Dated: April 28, 2022

BROWNSTEIN HYATT FARBER SCHRECK, LLP

By: /s/ Eric D. Walther

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I. INTRODUCTION

On April 27, 2022, Respondents purchased Appellants' affirmative causes of action at a Sheriff's sale in satisfaction of the Respondents' judgment against the Appellants. Those affirmative claims are the subject of this appeal, among other appellate issues. Because Respondents now own Appellants' affirmative claims in this case, Respondents hereby move to substitute themselves into this appeal for Appellants as to those claims and to voluntarily dismiss this appeal as to those claims. This includes Appellants' challenge to the district court's order granting summary judgment on several of Appellants' affirmative claims.

II. PROCEDURAL HISTORY

Following a bench trial that lasted over two weeks, the district court found that Appellants had committed egregious acts of fraud and awarded the Respondents substantial judgments on their counterclaims. Specifically, the district court awarded Respondents a total of \$2,081,631.58 against Parviz Safari, \$608,515.62 against Mandana Zahedi, and \$464,936.58 against Nooshin Zahedi, plus interest (collectively, the "Judgment"). *See* July 27, 2021 Corrected Judgment, **Ex. 1**. Thereafter, Appellants appealed several district court orders, including an order granting summary judgment in the Respondents' favor on several of the Appellants' affirmative claims. *See* January 26, 2022 Appellants' Opening Brief, at Sec. VII(C)-(D), VIII(A); *see also* Summary Judgment Order, **Ex. 2**. Importantly, however, Appellants never posted a supersedeas bond pursuant to NRCP 62(d), which would have automatically stayed all

collection efforts on the Judgment pending appeal. As such, the Respondents have always been free to pursue all available means to collect on the Judgment.

After this appeal was filed, Respondents commenced the process of execution on the Judgment, followed all procedural and notice requirements, and caused a Sheriff's sales to be scheduled for April 27, 2022, to execute on the Appellants' affirmative causes of action in this case and appellate rights thereon. *See* Writs of Execution and Affidavits of Posting attaching Sheriff's Sale Notices, **Ex 3**. Specifically, the personal property of each of the judgment debtors executed against was:

All claims for relief, causes of action, things in action, choses in action, allegations, assertions and rights of appeal in any lawsuit or proceeding pending in the State of Nevada, including, but not limited to, all rights, title and interest of Judgment debtor PARVIZ SAFARI A.K.A. AIDEN DAVIS in the civil action filed in the State of Nevada, Eighth Judicial District Court Case No. A-15-729030-B, and the appeals filed in State of Nevada Supreme Court Case Number 82279.

and

All claims for relief, causes of action, things in action, choses in action, allegations, assertions and rights of appeal in any lawsuit or proceeding pending in the State of Nevada, including, but not limited to, all rights, title and interest of Judgment debtor MANDANA ZAHEDI A.K.A. MANDANA DAVIS in the civil action filed in the State of Nevada, Eighth Judicial District Court Case No. A-15-729030-B, and the appeals filed in State of Nevada Supreme Court Case Number 82279.

Id. On April 27, 2022, Respondents were the winning bidders at the Sheriff’s sale. *See* Certificates of Sale, **Ex. 4**. As such, Respondents now own Appellants’ affirmative claims in this case and their appellate rights related thereto. *Id.*

III. LEGAL ARGUMENT

This Court has repeatedly confirmed that a judgment debtor’s affirmative claims are personal property that can be sold at a sheriff’s sale to satisfy a judgment while an appeal is pending. *See Gallegos v. Malco Enterprises of Nevada, Inc.*, 127 Nev. 579, 582, 255 P.3d 1287, 1289 (2011) (“rights of action held by a judgment debtor are personal property subject to execution in satisfaction of a judgment”); *Salvatore St. Tr. v. Hampton & Hampton, P.C.*, 489 P.3d 517, 2021 WL 2787918, No. 82151 (Nev. July 2, 2021) (unpublished disposition) (“Nothing in Nevada law precludes [the judgment creditor’s] acquisition of appellants’ appeal rights [at a sheriff’s sale]”); *Reynolds v. Tufenkjian*, 136 Nev. 145, 147, 461 P.3d 147, 150 (2020) (“Having further concluded that appellants’ claims for negligent misrepresentation and breach of contract are assignable and subject to execution, we grant respondents’ motion to substitute themselves for appellants as to those claims and to voluntarily dismiss this appeal as to those claims.”).

Specifically, NRS 21.080(1) provides that a judgment debtor’s personal property is subject to execution. And the definition of “[p]ersonal property” includes “things in action.” NRS 10.045. As such, Nevada law allows judgment creditors to execute upon a judgment debtor’s pending causes of action. This is consistent with Nevada’s general

policy that a statute specifying property that is liable to execution “must be liberally construed for the benefit of creditors.” *Sportsco Enters. v. Morris*, 112 Nev. 625, 630, 917 P.2d 934, 937 (1996).

In *Reynolds*, this Court further explained that any causes of action that are “assignable” can be purchased at a sheriff’s sale in order to satisfy a judgment. *Reynolds*, 136 Nev. at 148, 461 P.3d at 150. Moreover, this Court concluded that claims are “assignable” if they are “based on pecuniary loss” and “do not include non-economic losses such as physical pain and mental anguish.” *Id.* at 153, 461 P.3d at 154.

Here, all of Appellants’ affirmative claims were subject to execution at the Sheriff’s sale. Appellants asserted the following causes of action against the Respondents in the district court: (1) breach of fiduciary duty, (2) intentional interference with prospective economic advantage, (3) conversion,¹ and (4) declaratory relief.² See Appellants’ Opening Brief, p. 5. All of these claims are assignable because they are all “based on pecuniary loss” and “do not include non-economic losses such as physical pain and mental anguish.” *Reynolds*, 136 Nev. at 153, 461 P.3d at 154. Indeed, for each of these claims, the Appellants sought purely monetary damages “in

¹ In opposing Respondents’ Motion for Summary Judgment, Appellants clarified that their claim for “embezzlement” was really a claim for “conversion.” See Summary Judgment Order, **Ex. 2**, at ¶ 17.

² Appellants also had a claim for “accounting,” and during trial amended their Complaint to add a claim for unjust enrichment, neither of which are the subject of this appeal. See Appellants’ Opening Brief, p. 5.

excess of Ten Thousand Dollars (\$10,000.00)” based on the Respondents’ alleged wrongdoing. This includes Appellants’ claim for declaratory relief, which asserted (without explanation) that “Plaintiff has been damaged in an amount in excess of Ten Thousand Dollars (\$10,000.00), the exact amount of which damages shall be proved at the time of the trial of this matter.”

Moreover, although this Court has not specifically addressed the “assignability” of each of Appellants’ particular claims, other courts have expressly found that those claims are assignable. *See TMJ Hawaii, Inc. v. Nippon Tr. Bank*, 153 P.3d 444, 455 (Haw. 2007) (breach of fiduciary duty claim held to be assignable where injury at issue was financial in nature, and therefore nonpersonal); *Care First Surgical Ctr. v. ILWU-PMA Welfare Plan*, 2014 WL 6603761, at *10 (C.D. Cal. July 28, 2014) (breach of fiduciary duty claims are assignable); *Lannan Found. v. Gingold*, 300 F. Supp. 3d 1, 32 (D.D.C. 2017) (breach of fiduciary duty claims are assignable); *Lesa, LLC v. Family Tr. of Kimberley & Alfred Mandel*, 2016 WL 1446770, at *8 (N.D. Cal. Apr. 13, 2016) (intentional interference claims are “not personal in nature and may, therefore, be freely assigned”); *Arthur W. Tifford, PA v. Tandem Energy Corp.*, 562 F.3d 699, 706 (5th Cir. 2009) (“a conversion claim is assignable”); *Roth v. Epps & Coulson, LLP*, B285265, 2019 WL 5156727, at *11 (Cal. Ct. App. Oct. 15, 2019) (declaratory relief claims are assignable).

Because Appellants’ affirmative claims were assignable and subject to execution, those claims were acquired by Respondents at the Sheriff’s sale. Because

the Respondents now own those affirmative claims, there is good cause to grant the Respondents' request "to substitute themselves for appellants as to those claims and to voluntarily dismiss this appeal as to those claims." *Reynolds*, 136 Nev. 145, 147, 461 P.3d 147, 150 (2020). This includes Appellants' challenge to the district court's order granting summary judgment in Respondents' favor on Appellants' affirmative claims.³ *See* Appellants' Opening Brief, at Sec. VII(C)-(D), VIII(A).

IV. CONCLUSION

Based on the foregoing, Respondents respectfully request to be substituted into this appeal as it relates to Appellants' affirmative claims and for dismissal of any and all arguments related to those affirmative claims in this appeal. This includes Appellants' challenge to the district court's order granting summary judgment in Respondents' favor on Appellants' affirmative claims. *See* Appellants' Opening Brief, at Sec. VII(C)-(D), VIII(A).

Dated: April 28, 2022

BROWNSTEIN HYATT FARBER SCHRECK, LLP

By: /s/ Eric D. Walther

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³ If this Motion is granted, the remaining arguments raised in Appellants' Opening Brief would remain for decision by this Court.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I electronically filed and served the foregoing **MOTION TO SUBSTITUTE PARTIES AND FOR PARTIAL DISMISSAL OF THE APPEAL** with the Clerk of the Court of the Supreme Court of Nevada by using the Court's Electronic Filing System on April 28, 2022.

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

EXHIBIT 1

JUDG

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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

CORRECTED FINAL JUDGMENT

CORRECTED FINAL JUDGMENT

This matter came before this Court for Trial on multiple dates, beginning on May 21, 2019 through August 7, 2019, as well as July 15, 2020 for the punitive damages phase of trial. The Court entered Findings of Fact, Conclusions of Law and Judgment on September 27, 2019 (the “2019 Judgment”), as well as on September 23, 2020 following the punitive damages phase of trial (the “Punitive Judgment”). On the February 25, 2020 the Court entered an Order granting costs to Counter-claimants. Additionally, on February 26, 2020 the Court entered an Order granting attorneys’ fees to Counter-Claimants. The Court now enters a final judgment, combining all such rulings, as well as applying interest at the statutory rate, as follows.

IT IS HEREBY ORDERED and Adjudged that Counterclaimants Hamid Modjtahed and Mohammad Mojtaheh recover from Counter-defendant Parviz Safari a.k.a. Aidan Davis, and that judgment is entered against Counter-defendant Parviz Safari a.k.a. Aidan Davis, as follows:

\$405,475.00 in compensatory damages

\$382,344.50 in attorneys’ fees

\$104,200.51 in costs

\$810,950.00 in punitive damages

\$378,661.57 in prejudgment interest, calculated from June 13, 2016 (Date of filing of Counterclaim) through August 31, 2020

\$2,081,631.58 TOTAL

Post judgment interest to continue to accrue at the statutory rate from September 1, 2020 until judgment is paid in full.

IT IS HEREBY FURTHER ORDERED and Adjudged that Counterclaimants Hamid Modjtahed and Mohammad Mojtaheh recover from the Counter-defendant Mandana Zahedi, and that judgment is entered against Counter-defendant Mandana Zahedi, as follows:

\$111,675.00 in compensatory damages

\$65,000.00 in attorneys’ fees

1 \$104,200.51 in costs
2 \$223,350.00 in punitive damages
3 \$104,290.11 in prejudgment interest, calculated from June 13, 2016 (Date of filing of
4 Counterclaim) through August 31, 2020

5 **\$608,515.62 TOTAL**

6 Post judgment interest to continue to accrue at the statutory rate from September 1, 2020
7 until judgment is paid in full.

8 IT IS HEREBY FURTHER ORDERED and Adjudged that Counterclaimants Hamid
9 Modjtahed and Mohammad Mojtahed recover from the Counter-defendant Nooshin Zahedi, and
10 that judgment is entered against Counter-defendant Nooshin Zahedi, as follows:

11 \$91,700.00 in compensatory damages
12 \$104,200.51 in costs
13 \$183,400.00 in punitive damages
14 \$85,636.02 in prejudgment interest, calculated from June 13, 2016 (Date of filing of
15 Counterclaim) through August 31, 2020

16 **\$464,936.53 TOTAL**

17 Post judgment interest to continue to accrue at the statutory rate from September 1, 2020
18 until judgment is paid in full.

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1 IT IS HEREBY FURTHER ORDERED and adjudged that all counterclaims against
2 counter-defendant UTSafety, LLC are dismissed pursuant to Counterclaimants' abandonment of
3 those claims prior to trial, as set forth in their May 17, 2019 Pre-trial Memorandum.

4 IT IS SO ORDERED.

Dated this 27th day of July, 2021

5 ~~DATED this _____ day of _____, 2021~~



Judge, Eighth Judicial District Court
In and for Clark County, Nevada

ABG

8 Approved as to form and content by:

9 **THE POWELL LAW FIRM**

10 By: /s/ Tom W. Stewart

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14 Respectfully submitted by:

15 **WILEY PETERSEN**

16 By: /s/ Jonathan D. Blum

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Attorneys for Defendants/Counter-Claimants

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Meditex, LLC, Plaintiff(s)

CASE NO: A-15-729030-B

7 vs.

DEPT. NO. Department 13

8 Hamid Modjtahed, Defendant(s)

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10 **AUTOMATED CERTIFICATE OF SERVICE**

11 This automated certificate of service was generated by the Eighth Judicial District
12 Court. The foregoing Judgment was served via the court's electronic eFile system to all
13 recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 7/27/2021

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7 Attorneys for Defendants/Counter-Claimants

8 **DISTRICT COURT**

9 **CLARK COUNTY, NEVADA**

10 * * *

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

13 Plaintiff,

14 vs.

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

18 Defendants.

CASE NO. A-15-729030-B

DEPT NO. XIII

**FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND
ORDER GRANTING IN PART AND
DENYING IN PART DEFENDANTS-
COUNTER-CLAIMANTS' MOTION
FOR PARTIAL SUMMARY
JUDGMENT REGARDING THE
CLAIMS AGAINST HAMID
MODJTAHED AND MOHAMMAD
MOJTAHED**

Hearing: March 29, 2018

Time: 9:00 a.m.

19
20
21 HAMID MODJTAHED, individually and
derivatively on behalf of MEDITEX, LLC, a
Nevada limited liability company;
22 MOHAMMAD MOJTAHED, individually and
derivatively on behalf of MEDITEX, LLC, a
23 Nevada limited liability company,

24 Counter-Claimants,

25 vs.

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

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RECEIVED

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CLERK OF DISTRICT COURT DEPT#13

1 inclusive,

2 Counter-Defendants.

3
4 **FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER GRANTING IN PART**
5 **AND DENYING IN PART DEFENDANTS-COUNTER-CLAIMANTS' MOTION FOR**
6 **PARTIAL SUMMARY JUDGMENT REGARDING THE CLAIMS AGAINST HAMID**
7 **MODJTAHED AND MOHAMMAD MOJTAHED**

8 On March 29, 2018 a hearing was held on Defendants/ Counter-Claimants' (hereafter
9 collectively "Defendants") Motion for Partial Summary Judgment Regarding the Claims against
10 Hamid Modjtahed ("Hamid") and Mohammad Mojtaheh ("Mohammad"). Jonathan D. Blum,
11 Esq. and Eric D. Walther, Esq. of Kolesar & Leatham appeared on behalf of Defendants; Keen
12 L. Ellsworth, Esq. of Ellsworth & Bennion appeared on behalf Plaintiffs/ Counter-Defendants
13 (hereafter "Plaintiffs").

14 The Court, having considered the papers and pleadings on file, the oral and written
15 arguments of counsel, and being fully advised in the premises and good cause appearing
16 therefore, hereby makes the following Findings of Fact and Conclusions of Law:

17 **FINDINGS OF FACT**

18 1. This case involves a Nevada company called Meditex, LLC ("Meditex" or the
19 "Company"), which was in the business of purchasing dietary supplements and safety equipment
20 and then selling those products to customers overseas for profit. Plaintiffs Parviz Safari
21 ("Safari") and Mandana Zahedi ("Zahedi") are combined 50% members of Meditex and
22 Defendants Hamid and Mohammad are combined 50% members of Meditex.

23 **A. The Contested Supplement Order.**

24 2. On or about August 19, 2015, Hamid and Mohammad, with the help of their
25 son/brother Ali Mojtaheh ("Ali"), placed an order for dietary supplements with one of Meditex's
26 normal Canadian suppliers for resale to one of Meditex's normal customers in the Middle East
27 (the "Order"). The Canadian supplier's purchase invoice indicates that the Order was placed on
28 behalf of Meditex. Ultimately, however, and through no fault of the Defendants, the Order was
stopped at Canadian customs, returned to the Canadian supplier, and canceled. As a result, no
one, including the Defendants, received any money from the Order.

1 3. In their first amended complaint, Plaintiffs allege that Defendants were not
2 “authorized” to place the Order on behalf of Meditex. Instead, Plaintiffs allege that all Meditex
3 orders had to be approved by Safari. However, discovery is now closed and Plaintiffs have
4 failed to produce any evidence suggesting that Hamid and Mohammad—who are managers and
5 50% members of the Company—were not authorized to place orders on behalf of Meditex.

6 4. Plaintiffs further allege that Defendants intended to personally retain the proceeds
7 from the Order. However, Plaintiffs—who conducted no depositions, presented no bank
8 statements, and retained no experts—have failed to produce any evidence suggesting that Hamid
9 or Mohammad intended to personally retain the proceeds from the Order.

10 5. Finally, regardless of the Defendants’ intent, it is undisputed that Plaintiffs did not
11 suffer any damages related to the Order because—through no fault of the Defendants—the Order
12 was stopped at Canadian customs, returned to the Canadian supplier, and canceled. As a result,
13 the Defendants did not receive any money from the Order that may belong to the Plaintiffs.

14 **B. Plaintiffs’ “Skimming” Allegations.**

15 6. Plaintiffs allege that the Defendants skimmed \$573,739.75 from several Meditex
16 orders. Plaintiffs’ only support for this allegation are a few random Meditex invoices, some of
17 which were previously undisclosed and were not bates stamped, and Meditex’s tax returns.

18 7. The Court finds, however, that this evidence, standing alone, does not create a
19 genuine issue of material fact related to Plaintiff’s “skimming” allegations. Indeed, Plaintiffs—
20 who conducted no depositions, presented no bank statements, and retained no experts—failed to
21 produce any evidence showing what Meditex’s customers actually paid on the particular invoices
22 attached to Plaintiffs’ Opposition or that the Defendants improperly retained any money related
23 to those invoices.

24 8. If any finding of fact is properly a conclusion of law, it shall be treated as if
25 appropriately identified and designated.

26 **Conclusions of Law**

27 9. Summary judgment is appropriate when, “after review of the record viewed in a
28 light most favorable to the non-moving party, there remain no genuine issues of material fact,

1 and the moving party is entitled to judgment as a matter of law.” *Evans v. Samuels*, 119 Nev.
2 378, 75 P.3d 361, 363 (2003); *see also Wood v. Safeway, Inc.*, 121 Nev. 724, 121 P.3d 1026,
3 1031 (2005). “A genuine issue of material fact is one where the evidence is such that a
4 reasonable jury could return a verdict for the non-moving party.” *Pegasus v. Reno Newspapers,*
5 *Inc.*, 118 Nev. 706, 713, 57 P.3d 82, 87 (2002) (citation and quotation omitted).

6 10. If any conclusion of law is properly a finding of fact, it shall be treated as if
7 appropriately identified and designated.

8 **A. Breach of Fiduciary Duty**

9 11. Under Nevada law, a company’s director can breach his fiduciary duty if he
10 “exploit[s] an opportunity that belongs to the corporation.” *Rasmussen v. Lopez*, 127 Nev. 1169,
11 373 P.3d 953 (2011) (internal quotations omitted). However, the plaintiff must prove that the
12 director’s breach “involved intentional misconduct, fraud or a knowing violation of law.” See
13 NRS 86.451; *In re Amerco Derivative Litig.*, 127 Nev. 196, 224, 252 P.3d 681, 701 (2011)
14 (internal quotations omitted). Moreover, the plaintiff must prove that the company sustained
15 actual damages as a result of the director’s intentional conduct. *Id.* at 225, 252 P.3d at 702.

16 12. Based on the undisputed evidence, Hamid and Mohammad are entitled to
17 summary judgment on Plaintiffs’ claim for breach of fiduciary duty. With regard to the Order,
18 discovery is now closed and Plaintiffs have failed to produce any evidence suggesting: (1) that
19 Hamid and Mohammad—as managers and 50% owners of the Company—were not authorized to
20 place the Order; or (2) that Hamid or Mohammad intended to personally retain the proceeds from
21 the Order. Moreover, regardless of Defendants’ intent, it is undisputed that Plaintiffs’ sustained
22 no damages related to the Order because the Order was stopped at Canadian customs, returned to
23 the Canadian supplier, and canceled. As a result, Plaintiffs’ breach of fiduciary duty claim, as it
24 relates to the Order, fails as a matter of law.

25 13. With regard to the Plaintiffs’ “skimming” allegations, Plaintiffs—who conducted
26 no depositions, presented no bank statements, and retained no experts—have failed to produce
27 any evidence suggesting that Hamid or Mohammad improperly retained any money from any
28

1 Meditex orders. As a result, Plaintiffs' breach of fiduciary duty claim, as it relates to Plaintiffs'
2 "skimming allegations," fails as a matter of law.

3 **B. Intentional Interference with Prospective Economic Advantage.**

4 14. A claim for Intentional Interference with Prospective Economic Advantage
5 ("IIPEA") requires that the Plaintiff to prove the following five elements: (1) A prospective
6 contractual relationship exists or existed between plaintiff and a third party; (2) Defendant knew
7 of this prospective relationship; (3) Defendant intended to harm plaintiff by preventing the
8 relationship; (4) Defendant had no privilege or justification; and (5) Defendant's conduct
9 resulted in actual harm to plaintiff. *Las Vegas-Tonopah-Reno Stage Line, Inc. v. Gray Line*
10 *Tours of S. Nevada*, 106 Nev. 283, 287, 792 P.2d 386, 388 (1990).

11 15. Based on the undisputed evidence, Hamid and Mohammad are entitled to
12 summary judgment on Plaintiffs' IIPEA claim. With regard to the Order, discovery is now
13 closed and Plaintiffs have failed to produce any evidence suggesting that Hamid and
14 Mohammad—who are managers and 50% owners of the Company—intended to cause harm to
15 Plaintiffs or prevent a relationship between Meditex and a third party by placing an order on
16 behalf of Meditex with one of Meditex's normal suppliers. Moreover, regardless of Defendants'
17 intent, it is undisputed that Plaintiffs' sustained no actual harm related to the Order because the
18 Order was stopped at Canadian customs, returned to the Canadian supplier, and canceled. As a
19 result, Plaintiffs' IIPEA claim, as it relates to the Order, fails as a matter of law.

20 16. To the extent Plaintiffs contend that their "skimming" allegations support their
21 IIPEA claim, Plaintiffs—who conducted no depositions, presented no bank statements, and
22 retained no experts—have failed to produce any evidence suggesting that Hamid or Mohammad
23 improperly retained any money from any Meditex orders. Thus, Plaintiffs' cannot establish that
24 Hamid or Mohammad either intended to cause harm or prevented a contractual relationship
25 between Meditex and a third party, or that Plaintiffs sustained actual harm. As a result,
26 Plaintiffs' IIPEA claim, as it relates to Plaintiffs' "skimming allegations," fails as a matter of
27 law.

28 ///

C. Embezzlement/Conversion.

17. In their opposition, Plaintiffs clarify that Plaintiffs' claim for "embezzlement" is actually a claim for "conversion."

18. In Nevada, conversion is "a distinct act of dominion wrongfully exerted over another's personal property in denial of, or inconsistent with his title or rights therein or in derogation, exclusion, or defiance of such title or rights." *M.C. Multi-Family Dev., L.L.C. v. Crestdale Assocs., Ltd.*, 124 Nev. 901, 910, 193 P.3d 536, 542 (2008).

19. Based on the undisputed evidence, Hamid and Mohammad are entitled to summary judgment on Plaintiffs' conversion claim. With regard to the Order, it is undisputed that Hamid and Mohammad did not exert dominion over the Plaintiffs' property because the Order was stopped at Canadian customs, returned to the Canadian supplier, and canceled. As a result, Plaintiffs' conversion claim, as it relates to the Order, fails as a matter of law.

20. With regard to the Plaintiffs' "skimming" allegations, Plaintiffs—who conducted no depositions, presented no bank statements, and retained no experts—have failed to produce any evidence suggesting that Hamid or Mohammad improperly retained any money from any Meditex orders. As a result, Plaintiffs' conversion claim, as it relates to Plaintiffs' "skimming allegations," fails as a matter of law.

D. Declaratory Relief.

21. Declaratory relief is available when: "(1) a justiciable controversy exists between persons with adverse interests, (2) the party seeking declaratory relief has a legally protectable interest in the controversy, and (3) the issue is ripe for judicial determination." *Cty. of Clark, ex rel. Univ. Med. Ctr. v. Upchurch*, 114 Nev. 749, 752, 961 P.2d 754, 756 (1998). Moreover, pursuant to NRS 30.040, this Court is authorized to issue declarations regarding parties' rights and obligations under contracts.

22. Plaintiffs' declaratory relief claim fails as a matter of law because Plaintiffs fail to articulate what "contract" the claim refers to, what rights the Plaintiffs seek to have declared, or why the Plaintiffs are entitled to such a declaration.

///

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

E. Accounting.

23. The Court concludes that genuine issues of material fact exist regarding whether the Plaintiffs are entitled to an accounting. As such, summary judgment is inappropriate on Plaintiffs' accounting claim.

Order


Based on the foregoing Findings of Fact and Conclusions of Law,

IT IS HEREBY ORDERED that Defendants' Motion for Partial Summary Judgment Regarding the Claims against Hamid and Mohammad is GRANTED with regard to Plaintiffs' claims for: (1) breach of fiduciary duty, (2) Intentional Interference with Prospective Economic Advantage, (3) embezzlement/conversion, and (4) declaratory relief.

IT IS FURTHER ORDERED that Defendants' Motion for Partial Summary Judgment Regarding the Claims against Hamid and Mohammad is DENIED with regards to Plaintiffs' accounting claim.

IT IS SO ORDERED.

DATED this 23rd day of April, 2018.



Judge, Eighth Judicial District Court
In and for Clark County, Nevada

Respectfully submitted by:

KOLESAR & LEATHAM

By: 

JONATHAN D. BLUM, ESQ.
Nevada Bar No. 009515
ERIC D. WALTHER, ESQ.
Nevada Bar No. 13611
400 South Rampart Boulevard, Suite 400
Las Vegas, Nevada 89145

*Attorneys for Defendants/Counter-
Claimants*

Approved as to form and content:

ELLSWORTH & BENNION, CHTD.

By: 

KEEN L. ELLSWORTH, ESQ.
Nevada Bar No. 004981
777 North Rainbow Boulevard, Suite 270
Las Vegas, NV 89107

*Attorneys for Plaintiffs/ Counter-
Defendants*

EXHIBIT 3



WEI
JONATHAN D. BLUM, ESQ.
Nevada Bar No. 9515
WILEY PETERSEN
1050 Indigo Drive, Suite 200B
Las Vegas, Nevada 89145
Telephone: 702.910.3329
Facsimile: 702.553.3467
jblum@wileypetersenlaw.com

Attorney 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-B

DEPT NO. XIII

WRIT OF EXECUTION

WRIT OF EXECUTION

☐ Earnings ☒ Other Property ☐ Earnings, Order of Support

THE STATE OF NEVADA:

TO THE SHERIFF OR ANY CONSTABLE OF THE COUNTY OF CLARK, NEVADA,
GREETINGS:

On July 27, 2021, a judgment, upon which there is due in United States Currency the following amounts, was entered in this action in favor of Counter-Claimants, HAMID MODJTAHED and MOHAMMAD MOJTAHED, as judgment creditors and against Counter-Defendant, MANDANA ZAHEDI a.k.a. MANDANA DAVIS, as judgment debtor. Interest and costs have accrued in the amounts shown. Any satisfaction has been credited first against total accrued interest and costs, leaving the following net balance, which sum bears interest at 5.25% per annum, in the amount of \$87.53 per day, from the date of the judgment to the date of levy, to which sum must be added all commissions and costs of the officer executing this Writ.

JUDGMENT BALANCE

AMOUNTS TO BE COLLECTED BY

LEVY

Principal	<u>\$111,675.00</u>	NET BALANCE	<u>\$608,515.62</u>
Pre-judgment Interest	<u>\$104,290.11</u>	Fee this Writ	_____
Attorney's Fee	<u>\$65,000.00</u>	Garnishment Fees	_____
Costs	<u>\$104,200.51</u>	Mileage	<u>26⁰⁰</u>
Punitive Damages	<u>\$223,350.00</u>		
JUDGMENT TOTAL	<u>\$608,515.62</u>	Levy Fee	<u>15⁰⁰</u>
Accrued Costs	_____	Advertising	<u>2⁰⁰</u>
Accrued Interest	<u>\$87.53 per day</u>	Storage	_____
Less Satisfaction	\$0.00	Interest from	_____
		Date of Issuance	_____
NET BALANCE	<u>\$608,515.62</u>	SUB-TOTAL	<u>\$608,558.62</u>
		Commission	_____
		TOTAL LEVY	_____

1
2 NOW, THEREFORE, CONSTABLE/SHERIFF, you are commanded to satisfy the
3 judgment for the total amount due by levying and seizing upon any and all of the following
4 described personal property:

5 All claims for relief, causes of action, things in action, choses in
6 action, allegations, assertions, and rights of appeal in any lawsuit
7 or proceeding pending in the State of Nevada, including, but not
8 limited to, all rights, title and interest of Judgment debtor
MANDANA ZAHEDI a.k.a. MANDANA DAVIS in the civil
action filed in the State of Nevada, Eighth Judicial District Court
Case No. A-15-729030-B, and the appeals filed in State of
Nevada Supreme Court Case Number 82279.

9 The last known address of MANDANA ZAHEDI a.k.a. MANDANA DAVIS is 10192 S.
10 Maryland Parkway, APT 1002, Las Vegas, NV 89183, as well as in care of her counsel, Tom W.
11 Stewart, Esq. of The Powell Law Firm, 8918 Spanish Ridge Avenue, Suite 100, Las Vegas,
12 Nevada 89148.

13 **EXEMPTIONS WHICH APPLY TO THIS LEVY**
14 (Check appropriate paragraph and complete as necessary)

15 ☒ Property other than wages. The exemption set forth in NRS 21.090 or in other
16 applicable Federal Statutes may apply, consult an attorney.

17 ☐ Earnings. The amount subject to garnishment and this writ shall not exceed for
18 any one pay period the lesser of:
19 A. 25% of the disposable earnings due the judgment debtor for the pay period, or
20 B. The difference between the disposable earnings for the period and \$100.50 per
21 week for each week of the pay period.

22 ☐ Earnings (Judgment or Order of Support)

23 A Judgment was entered for amounts due under a decree or order entered on
24 _____, 20__, by the _____ for support of _____, for the period from
25 _____, 20__, through _____, 20__, in ____ installments of \$____.

26 The amount of disposable earnings subject to garnishment and this writ shall not
27 exceed for any one pay period:
28

☐ A maximum of 50% of the disposable earnings of such judgment debtor who is supporting a spouse or dependent child other than the dependent named above;

☐ A maximum of 60% of the disposable earnings of such judgment debtor who is not supporting a spouse or dependent child other than the dependent named above;

☐ Plus an additional 5% of the disposable earnings of such judgment debtor if and to extent that the judgment is for support due for a period of time more than 12 weeks prior to the beginning of the work period of the judgment debtor during which the levy is made upon the disposable earnings.

NOTE: Disposable earnings are defined as gross earnings less deductions for federal Income Tax Withholding, Federal Social Security Tax, and Withholding for any State, County or City Taxes.

You are required to return this Writ from date of issuance not less than 10 days or more than 60 days with the results of your levy endorsed thereon.

STEVEN D. GRIERSON
CLERK OF COURT

By:

Deputy Clerk

Alisa-Mae Chapman

4/28/2022

Date

Issued at the direction of:

JONATHAN D. BLUM, ESQ.
Nevada Bar No. 9515
WILEY PETERSEN
1050 Indigo Drive, Suite 200B
Las Vegas, Nevada 89145
Telephone: 702.910.3329
Facsimile: 702.553.3467
jblum@wileypetersenlaw.com

Attorney for Defendants/Counter-Claimants

✓ Not Satisfied
✓ Satisfied In Sum Of \$
✓ Costs Incurred \$ 43.00
✓ Commissions Incurred \$ 20.00
✓ COSTS RECEIVED \$ 43.00

I hereby certify that I have this date returned the foregoing Writ of Execution with the results of the levy endorsed thereon.

By:

Deputy

J. Lombardo

Sr. Deputy Sheriff
Sheriff Civil Bureau

Sheriff

Date

4/27/2022

NOTICE OF EXECUTION AFTER JUDGMENT

(Per NRS 21.075)

READ THIS NOTICE CAREFULLY

It provides information on how the law may allow you to protect your property or money from being attached to pay the judgment against you.

YOUR PROPERTY IS BEING ATTACHED OR YOUR WAGES ARE BEING GARNISHED

A court has determined that you owe money to the person or company (the "judgment creditor") listed on the Writ of Execution included with this Notice of Execution. The judgment creditor has begun the procedure to collect that money by garnishing your wages, bank account and other personal property held by third persons or by taking money or other property in your possession.

Certain benefits and property owned by you may be exempt from execution and may not be taken from you. The following is a partial list of exemptions:

1. Payments received pursuant to the federal Social Security Act, including, without limitation, retirement and survivors' benefits, supplemental security income benefits and disability insurance benefits.
2. Payments for benefits or the return of contributions under the Public Employees' Retirement System.
3. Payments for public assistance granted through the Division of Welfare and Supportive Services of the Department of Health and Human Services or a local governmental entity.
4. Proceeds from a policy of life insurance.
5. Payments of benefits under a program of industrial insurance.
6. Payments received as disability, illness or unemployment benefits.
7. Payments received as unemployment compensation.
8. Veteran's benefits.
9. A homestead in a dwelling or a mobile home, not to exceed \$605,000 unless:

(a) The judgment is for a medical bill, in which case all of the primary dwelling, including a mobile or manufactured home, may be exempt.

(b) Allodial title has been established and not relinquished for the dwelling or mobile home, in which case all of the dwelling or mobile home and its appurtenances are exempt, including the land on which they are located, unless a valid waiver executed pursuant to NRS 115.010 is applicable to the judgment.

10. All money reasonably deposited with a landlord by you to secure an agreement to rent or lease a dwelling that is used by you as your primary residence, except that such money is not exempt with respect to a landlord or landlord's successor in interest who seeks to enforce the terms of the agreement to rent or lease the dwelling.

11. A vehicle, if your equity in the vehicle is less than \$15,000.

12. At least eighty-two percent of the take-home pay for any workweek if your gross weekly salary or wage was \$770 or less on the date the most recent writ of garnishment was issued; or seventy-five percent of the take-home pay for any workweek if your gross weekly salary or wage exceeded \$770 on the date the most recent writ of garnishment was issued; or if the weekly take-home pay is less than 50 times the federal minimum hourly wage, the entire amount may be exempt.

13. Money, not to exceed \$1,000,000 in present value, held in:

(a) An individual retirement arrangement which conforms with or is maintained pursuant to the applicable limitations and requirements of section 408 or 408A of the Internal Revenue Code, 26 U.S.C. §§ 408 and 408A, including, without limitation, an inherited individual retirement arrangement;

ADDITIONAL INFORMATION ABOUT YOUR RIGHTS AND RESPONSIBILITIES in this matter may be obtained from the *Civil Law Self-Help Center*, which is located at the Regional Justice Center in downtown Las Vegas, or on its website, www.civillawselfhelpcenter.org.

(b) A written simplified employee pension plan which conforms with or is maintained pursuant to the applicable limitations and requirements of section 408 of the Internal Revenue Code, 26 U.S.C. § 408, including, without limitation, an inherited simplified employee pension plan;

(c) A cash or deferred arrangement plan which is qualified and maintained pursuant to the Internal Revenue Code, including, without limitation, an inherited cash or deferred arrangement plan;

(d) A trust forming part of a stock bonus, pension or profit-sharing plan which is qualified and maintained pursuant to sections 401 et seq. of the Internal Revenue Code, 26 U.S.C. §§ 401 et seq.; and

(e) A trust forming part of a qualified tuition program pursuant to chapter 353B of NRS, any applicable regulations adopted pursuant to chapter 353B of NRS and section 529 of the Internal Revenue Code, 26 U.S.C. § 259, unless the money is deposited after the entry of a judgment against the purchaser or account owner or the money will not be used by any beneficiary to attend a college or university.

14. All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support, education and maintenance of a child, whether collected by the judgment debtor or the State.

15. All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support and maintenance of a former spouse, including the amount of any arrearages in the payment of such support and maintenance to which the former spouse may be entitled.

16. Regardless of whether a trust contains a spendthrift provision:

(a) A present or future interest in the income or principal of a trust that is a contingent interest, if the contingency has not been satisfied or removed;

(b) A present or future interest in the income or principal of a trust for which discretionary power is held by a trustee to determine whether to make a distribution from the trust, if the interest has not been distributed from the trust;

(c) The power to direct dispositions of property in the trust, other than such a power held by a trustee to distribute property to a beneficiary of the trust;

(d) Certain powers held by a trust protector or certain other persons; and

(e) Any power held by the person who created the trust.

17. If a trust contains a spendthrift provision:

(a) A present or future interest in the income or principal of a trust that is a mandatory interest in which the trustee does not have discretion concerning whether to make the distribution from the trust, if the interest has not been distributed from the trust, and

(b) A present or future interest in the income or principal of a trust that is a support interest in which the standard for distribution may be interpreted by the trustee or a court, if the interest has not been distributed from the trust.

18. A vehicle for use by you or your dependent which is specially equipped or modified to provide mobility for a person with a permanent disability.

19. A prosthesis or any equipment prescribed by a physician or dentist for you or your dependent.

20. Payments, in an amount not to exceed \$16,150, received as compensation for personal injury, not including compensation for pain and suffering or actual pecuniary loss, by the judgment debtor or by a person upon whom the judgment debtor is dependent at the time the payment is received.

21. Payments received as compensation for the wrongful death of a person upon whom the judgment debtor was dependent at the time of the wrongful death, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

22. Payments received as compensation for the loss of future earnings of the judgment debtor or of a person upon whom the judgment debtor is dependent at the time the payment is received, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

23. Payments received as restitution for a criminal act.

24. Personal property, not to exceed \$10,000 in total value, if the property is not otherwise exempt from execution.

25. A tax refund received from the earned income credit provided by federal law or a similar state law.

26. Stock of a corporation described in subsection 2 of NRS 78.746 except as set forth in that section.

ADDITIONAL INFORMATION ABOUT YOUR RIGHTS AND RESPONSIBILITIES in this matter may be obtained from the *Civil Law Self-Help Center*, which is located at the Regional Justice Center in downtown Las Vegas, or on its website, www.civilawselfhelpcenter.org.

These exemptions may not apply in certain cases such as a proceeding to enforce a judgment for support of a person or a judgment of foreclosure of a mechanic's lien. You should consult an attorney immediately to assist you in determining whether your property or money is exempt from execution. If you cannot afford an attorney, you may be eligible for assistance through:

Legal Aid Center of Southern Nevada
725 E. Charleston Blvd.
Las Vegas, NV 89104
(702) 386-1070
www.lacsn.org

Senior Law Project (60 years or older only)
530 Las Vegas Blvd. S. #310
Las Vegas, NV 89101
(702) 229-6596
www.snslp.org

Nevada Legal Services
530 S. 6th Street
Las Vegas, NV 89101
(702) 386-0404
www.nlsnv.net

If you do not wish to consult an attorney or receive legal services from an organization that provides assistance to persons who qualify, you may obtain the form to be used to claim an exemption free of charge at the *Civil Law Self-Help Center*, 200 Lewis Avenue, on the first floor of the Regional Justice Center, downtown Las Vegas, Nevada, or on the Civil Law Self-Help Center's website at www.civillawselfhelpcenter.org.

PROCEDURE FOR CLAIMING EXEMPT PROPERTY

If you believe that the money or property taken from you is exempt, you must complete and file with the clerk of the court an executed claim of exemption. A copy of the claim of exemption must be served upon the sheriff, the garnishee and the judgment creditor within 10 days after the notice of execution or garnishment is served on you by mail pursuant to NRS 21.076 which identifies the specific property that is being levied on. The property must be released by the garnishee or the sheriff within 9 judicial days after you serve the claim of exemption upon the sheriff, garnishee and judgment creditor, unless the sheriff or garnishee receives a copy of an objection to the claim of exemption and a notice for a hearing to determine the issue of exemption. If this happens, a hearing will be held to determine whether the property or money is exempt.

The objection to the claim of exemption and notice for the hearing to determine the issue of exemption must be filed by the judgment creditor within 8 judicial days after the claim of exemption is served on the judgment creditor by mail or in person and served on the judgment debtor, the sheriff and any garnishee not less than 5 judicial days before the date set for the hearing. The hearing to determine whether the property or money is exempt must be held within 7 judicial days after the objection to the claim of exemption and notice for the hearing is filed.

You may be able to have your property released more quickly if you mail to the judgment creditor or the attorney of the judgment creditor written proof that the property is exempt. Such proof may include, without limitation, a letter from the government, an annual statement from a pension fund, receipts for payments, copies of checks, records from financial institutions or any other document which demonstrates that the money in your account is exempt.

IF YOU DO NOT FILE THE EXECUTED CLAIM OF EXEMPTION WITHIN THE TIME SPECIFIED, YOUR PROPERTY MAY BE SOLD AND THE MONEY GIVEN TO THE JUDGMENT CREDITOR, EVEN IF THE PROPERTY OR MONEY IS EXEMPT.

ADDITIONAL INFORMATION ABOUT YOUR RIGHTS AND RESPONSIBILITIES in this matter may be obtained from the *Civil Law Self-Help Center*, which is located at the Regional Justice Center in downtown Las Vegas, or on its website, www.civillawselfhelpcenter.org.

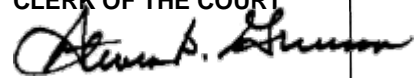
CHECKLIST FOR FILING A "CLAIM OF EXEMPTION"

- ☐ 1. Read the list of exemptions in this notice to determine whether any of your property or money is exempt from execution (in other words, protected from being taken to pay the judgment against you).
- ☐ 2. Obtain a "Claim of Exemption" form from the clerk at the court where the judgment against you was issued or from the Civil Law Self-Help Center, which is located at the Regional Justice Center in downtown Las Vegas, or on its website, www.civillawselfhelpcenter.org.
- ☐ 3. Fill out the Claim of Exemption form. If you have documentation that proves the exemptions you are claiming, attach the documentation to the Claim of Exemption form (but be sure to black out any personal information, such as Social Security numbers, bank account numbers, etc.).
- ☐ 4. Take the completed Claim of Exemption form to the court where the judgment against you was issued, and file the Claim of Exemption with the court clerk.

NOTE: You must file your Claim of Exemption with the court within ten days after the Sheriff or Constable serves the Writ of Execution or Writ of Garnishment on you by mail, identifying the specific property that is subject to execution or garnishment, or within ten days after your wages are withheld if you are being garnished.

- ☐ 5. After your Claim of Exemption has been filed with the court, mail a copy of your file-stamped Claim of Exemption to the following three parties:
 - ☐ The Constable or Sheriff who mailed you the Writ of Execution or served your bank or employer;
 - ☐ The judgment creditor's attorney (or the judgment creditor directly if no attorney is involved);
 - ☐ Any garnishee (likely your employer, if your wages are being garnished; your bank, if your bank account has been attached; or some other third-party, if money or assets in the third-party's possession have been executed against).
- ☐ 6. Watch your mail. After receiving your Claim of Exemption, the judgment creditor has eight days to file an objection. If an objection is filed, a hearing will be set. You will receive a copy of the objection and a notice of the hearing in the mail.
- ☐ 7. Attend the court hearing if one is set. Before the hearing, collect whatever documentation you need to show that you are entitled to the exemptions you have claimed. Take your documentation to the hearing, along with a proposed order for the judge to sign. (You can obtain a form order from the clerk of the court or on the Civil Law Self-Help Center's website, www.civillawselfhelpcenter.org.) At the hearing, it will be your responsibility to prove to the judge that your claimed exemptions are appropriate.

ADDITIONAL INFORMATION ABOUT YOUR RIGHTS AND RESPONSIBILITIES in this matter may be obtained from the *Civil Law Self-Help Center*, which is located at the Regional Justice Center in downtown Las Vegas, or on its website, www.civillawselfhelpcenter.org.



AOP

JONATHAN D. BLUM, ESQ.

Nevada Bar No. 9515

WILEY PETERSEN

1050 Indigo Drive, Suite 200B

Las Vegas, Nevada 89145

Telephone: 702.910.3329

Facsimile: 702.553.3467

jblum@wileypetersenlaw.com

Attorney 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-B

DEPT NO. XIII

AFFIDAVIT OF POSTING

1 STATE OF NEVADA)
2 COUNTY OF CLARK) ss.

3 I, Brian Thomas, being duly sworn says: That at all times herein affiant was over 18 years of age,
4 not a party to nor interested in the proceeding in which this affidavit is made. That affiant received
5 the Notice of Sheriff's Sale for the sale of property known as:

6
7 All claims for relief, causes of action, things in action, choses in
8 action, and rights of appeal in any lawsuit or proceeding pending in
9 the State of Nevada, including, but not limited to, the rights of
10 Judgment debtor MANDANA ZAHEDI a.k.a. MANDANA DAVIS
11 in the civil action filed in the State of Nevada, Eighth Judicial
12 District Court Case No. A-15-729030-B, and the appeals filed in
13 State of Nevada Supreme Court Case Number 82279.

14 (the "Choses in Action") on the 23rd day of February, 2022, and served by posting the same on the
15 23rd day of February, 2022, at the following three (3) public places in Las Vegas, Nevada:

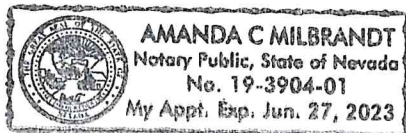
16 ***SEE ATTACHED EXHIBIT "A" FOR POSTING LOCATIONS***

17
18 
19 B. Thomas, Deputy Sheriff

20 SUBSCRIBED AND SWORN to before
21 me this 24th day of February, 2022.

22 
23 Notary Public

24 My Commission Expires: 6/27/2023





**CLARK COUNTY SHERIFF
CIVIL PROCESS SECTION**

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, AND INDIVIDUAL; ALI)
MOJTAHED, AND INDIVIDUAL; DOES I THROUGH)
X; AND ROE CORPORATIONS I THROUGH X,)
INCLUSIVE,)
DEFENDANT)

E X H I B I T A – Affidavit of Posting

CASE No. A-15-729030-B
SHERIFF CIVIL NO.: 22000982

STATE OF NEVADA }
COUNTY OF CLARK } ss:

Date: 2/23/2022 @ 9:25 AM - C/O TOM M STEWART, ESQ, THE POWELL LAW FIRM 8918 SPANISH RIDGE AVENUE SUITE 100 LAS VEGAS, NV 89148

Attempted By: BRIAN THOMAS

Service Type: POSTING.

Notes: NOTICE OF SALE POSTED

BWC LLV220200094171

Date: 2/23/2022 @ 1:35 PM - CLARK COUNTY GOVERNMENT CENTER 500 S GRAND CENTRAL PARKWAY LAS VEGAS, NV 89155

Attempted By: BRIAN THOMAS

Service Type: POSTING.

Notes: BWC LLV220200095079

Date: 2/23/2022 @ 1:55 PM - 200 LEWIS AVENUE LAS VEGAS, NV 89101

Attempted By: BRIAN THOMAS

Service Type: POSTING.

Notes: NOTICE OF SALE POSTED

BWC LLV220200095205

Date: 2/23/2022 @ 2:10 PM - THIRD STREET COUNTY BUILDING 309 S THIRD STREET LAS VEGAS, NV 89101

Attempted By: BRIAN THOMAS

Service Type: POSTING.

Notes: NOTICE OF SALE POSTED

BWC LLV220200095304

1 **NSS**
2 JONATHAN D. BLUM, ESQ.
3 Nevada Bar No. 9515
4 **WILEY PETERSEN**
5 1050 Indigo Drive, Suite 200B
6 Las Vegas, Nevada 89145
7 Telephone: 702.910.3329
8 Facsimile: 702.553.3467
9 jblum@wileypetersenlaw.com

10 *Attorney for Defendants/ Counter-Claimants*

11 **DISTRICT COURT**
12 **CLARK COUNTY, NEVADA**

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

16 Plaintiffs,

17 vs.

18 HAMID MODJTAHED, an individual;
19 MOHAMMAD MOJTAHED, an individual;
20 ALI MOJTAHED, an individual; DOES I
21 through X; and ROE CORPORATIONS I
22 through X, inclusive,

23 Defendants.

24 HAMID MODJTAHED, individually and
25 derivatively on behalf of MEDITEX, LLC, a
26 Nevada limited liability company;
27 MOHAMMAD MOJTAHED, individually and
28 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

NOTICE OF SHERIFF'S SALE

CLARK COUNTY SHERIFF
701 FEB 16 PM 2:20

1 By virtue of a Writ of Execution issued on the 27th day of January, 2022, out of the Eighth
2 Judicial District Court, in the County of Clark, State of Nevada, upon a Judgment, in an action
3 wherein HAMID MODJTAHED and MOHAMMAD MOJTAHED are the Defendants and
4 Judgment Creditor (the "Judgment Creditor"), and MANDANA ZAHEDI a.k.a. MANDANA
5 DAVIS is the Plaintiff and Judgment Debtor (the "Judgment Debtor") for the judgment owed to
6 Judgment Creditor, in the amount of \$608,515.62 as of July 27, 2021, with the total of said sum
7 bearing post judgment interest at the rate of 5.25% per annum from the date of the Judgment until
8 paid in full, which execution was directed and delivered to me as Sheriff in and for said County of
9 Clark, I have levied upon all the right, title and interest of Plaintiff/Judgment Debtor in and to the
10 following described personal property (choses in action), to wit:

11 All claims for relief, causes of action, things in action, choses in
12 action, allegations, assertions and rights of appeal in any lawsuit or
13 proceeding pending in the State of Nevada, including, but not
14 limited to, the rights, title and interest of Judgment debtor
15 MANDANA ZAHEDI a.k.a. MANDANA DAVIS in the civil
16 action filed in the State of Nevada, Eighth Judicial District Court
17 Case No. A-15-729030-B, and the appeals filed in State of Nevada
18 Supreme Court Case Number 82279.

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///



WEI

JONATHAN D. BLUM, ESQ.

Nevada Bar No. 9515

WILEY PETERSEN

1050 Indigo Drive, Suite 200B

Las Vegas, Nevada 89145

Telephone: 702.910.3329

Facsimile: 702.553.3467

jblum@wileypetersenlaw.com

Attorney 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-B

DEPT NO. XIII

WRIT OF EXECUTION

CLARK COUNTY SHIFF
2022 FEB 16 P 14:05
RECEIVED

WRIT OF EXECUTION

☐ Earnings ☒ Other Property ☐ Earnings, Order of Support

THE STATE OF NEVADA:

TO THE SHERIFF OR ANY CONSTABLE OF THE COUNTY OF CLARK, NEVADA,
GREETINGS:

On July 27, 2021, a judgment, upon which there is due in United States Currency the following amounts, was entered in this action in favor of Counter-Claimants, HAMID MODJTAHED and MOHAMMAD MOJTAHED, as judgment creditors and against Counter-Defendant, PARVIZ SAFARI a.k.a. AIDEN DAVIS, as judgment debtor. Interest and costs have accrued in the amounts shown. Any satisfaction has been credited first against total accrued interest and costs, leaving the following net balance, which sum bears interest at 5.25% per annum, in the amount of \$299.41 per day, from the date of the judgment to the date of levy, to which sum must be added all commissions and costs of the officer executing this Writ.

JUDGMENT BALANCE

AMOUNTS TO BE COLLECTED BY
LEVY

Principal	<u>\$405,475.00</u>	NET BALANCE	<u>\$2,081,631.58</u>
Pre-judgment Interest	<u>\$378,661.57</u>	Fee this Writ	_____
Attorney's Fee	<u>\$382,344.50</u>	Garnishment Fees	_____
Costs	<u>\$104,200.51</u>	Mileage	_____
Punitive Damages	<u>\$810,950.00</u>		
JUDGMENT TOTAL	<u>\$2,081,631.58</u>	Levy Fee	<u>\$15⁰⁰</u>
Accrued Costs	_____	Advertising	<u>\$2⁰⁰</u>
Accrued Interest	<u>\$299.41 per day</u>	Storage	_____
Less Satisfaction	\$0.00	Interest from	_____
		Date of Issuance	_____
NET BALANCE	<u>\$2,081,631.58</u>	SUB-TOTAL	<u>\$2,081,648⁵⁸</u>
		Commission	_____
		TOTAL LEVY	_____

1
2 NOW, THEREFORE, CONSTABLE/SHERIFF, you are commanded to satisfy the
3 judgment for the total amount due by levying and seizing upon any and all of the following
4 described personal property:

5 All claims for relief, causes of action, things in action, choses in
6 action, allegations, assertions, and rights of appeal in any lawsuit
7 or proceeding pending in the State of Nevada, including, but not
8 limited to, all rights, title and interest of Judgment debtor
9 PARVIZ SAFARI a.k.a. AIDEN DAVIS in the civil action filed
10 in the State of Nevada, Eighth Judicial District Court Case No. A-
11 15-729030-B, and the appeals filed in State of Nevada Supreme
12 Court Case Number 82279.

13 The last known address of PARVIZ SAFARI a.k.a. AIDEN DAVIS is 10192 S.
14 Maryland Parkway, APT 1002, Las Vegas, NV 89183, as well as in care of his counsel, Tom W.
15 Stewart, Esq. of The Powell Law Firm, 8918 Spanish Ridge Avenue, Suite 100, Las Vegas,
16 Nevada 89148.

17 **EXEMPTIONS WHICH APPLY TO THIS LEVY**
18 (Check appropriate paragraph and complete as necessary)

19 ☒ Property other than wages. The exemption set forth in NRS 21.090 or in other
20 applicable Federal Statutes may apply, consult an attorney.

21 ☐ Earnings. The amount subject to garnishment and this writ shall not exceed for
22 any one pay period the lesser of:

23 A. 25% of the disposable earnings due the judgment debtor for the pay period, or

24 B. The difference between the disposable earnings for the period and \$100.50 per
25 week for each week of the pay period.

26 ☐ Earnings (Judgment or Order of Support)

27 A Judgment was entered for amounts due under a decree or order entered on
28 _____, 20__, by the _____ for support of _____, for the period from
_____, 20__, through _____, 20__, in ____ installments of \$_____.

The amount of disposable earnings subject to garnishment and this writ shall not
exceed for any one pay period:

☐ A maximum of 50% of the disposable earnings of such judgment debtor who is supporting a spouse or dependent child other than the dependent named above;

☐ A maximum of 60% of the disposable earnings of such judgment debtor who is not supporting a spouse or dependent child other than the dependent named above;

☐ Plus an additional 5% of the disposable earnings of such judgment debtor if and to extent that the judgment is for support due for a period of time more than 12 weeks prior to the beginning of the work period of the judgment debtor during which the levy is made upon the disposable earnings.

NOTE: Disposable earnings are defined as gross earnings less deductions for federal Income Tax Withholding, Federal Social Security Tax, and Withholding for any State, County or City Taxes.

You are required to return this Writ from date of issuance not less than 10 days or more than 60 days with the results of your levy endorsed thereon.

STEVEN D. GRIERSON
CLERK OF COURT

By: [Signature] 1/28/2022
Deputy Clerk Alisa-Mae Chapman Date

Issued at the direction of:

[Signature]
JONATHAN D. BLUM, ESQ.
Nevada Bar No. 9515
WILEY PETERSEN
1050 Indigo Drive, Suite 200B
Las Vegas, Nevada 89145
Telephone: 702.910.3329
Facsimile: 702.553.3467
jblum@wileypetersenlaw.com

Attorney for Defendants/Counter-Claimants

✓ Not Satisfied
✓ Satisfied In Sum Of \$ 17.00
✓ Costs Incurred \$ 20.00
✓ Commissions Incurred \$ 17.00
✓ Costs Received \$ 17.00
I hereby certify that I have this date returned the foregoing Writ of Execution with the results of the levy endorsed thereon.

[Signature] Sheriff
By: J. Lombardo Date 4/27/2022
Deputy **J. Lombardo**
Sr. Deputy Sheriff
Sheriff Civil Bureau

NOTICE OF EXECUTION AFTER JUDGMENT

(Per NRS 21.075)

READ THIS NOTICE CAREFULLY

It provides information on how the law may allow you to protect your property or money from being attached to pay the judgment against you.

YOUR PROPERTY IS BEING ATTACHED OR YOUR WAGES ARE BEING GARNISHED

A court has determined that you owe money to the person or company (the "judgment creditor") listed on the Writ of Execution included with this Notice of Execution. The judgment creditor has begun the procedure to collect that money by garnishing your wages, bank account and other personal property held by third persons or by taking money or other property in your possession.

Certain benefits and property owned by you may be exempt from execution and may not be taken from you. The following is a partial list of exemptions:

1. Payments received pursuant to the federal Social Security Act, including, without limitation, retirement and survivors' benefits, supplemental security income benefits and disability insurance benefits.
2. Payments for benefits or the return of contributions under the Public Employees' Retirement System.
3. Payments for public assistance granted through the Division of Welfare and Supportive Services of the Department of Health and Human Services or a local governmental entity.
4. Proceeds from a policy of life insurance.
5. Payments of benefits under a program of industrial insurance.
6. Payments received as disability, illness or unemployment benefits.
7. Payments received as unemployment compensation.
8. Veteran's benefits.
9. A homestead in a dwelling or a mobile home, not to exceed \$605,000 unless:
 - (a) The judgment is for a medical bill, in which case all of the primary dwelling, including a mobile or manufactured home, may be exempt.
 - (b) Allodial title has been established and not relinquished for the dwelling or mobile home, in which case all of the dwelling or mobile home and its appurtenances are exempt, including the land on which they are located, unless a valid waiver executed pursuant to NRS 115.010 is applicable to the judgment.
10. All money reasonably deposited with a landlord by you to secure an agreement to rent or lease a dwelling that is used by you as your primary residence, except that such money is not exempt with respect to a landlord or landlord's successor in interest who seeks to enforce the terms of the agreement to rent or lease the dwelling.
11. A vehicle, if your equity in the vehicle is less than \$15,000.
12. At least eighty-two percent of the take-home pay for any workweek if your gross weekly salary or wage was \$770 or less on the date the most recent writ of garnishment was issued; or seventy-five percent of the take-home pay for any workweek if your gross weekly salary or wage exceeded \$770 on the date the most recent writ of garnishment was issued; or if the weekly take-home pay is less than 50 times the federal minimum hourly wage, the entire amount may be exempt.
13. Money, not to exceed \$1,000,000 in present value, held in:
 - (a) An individual retirement arrangement which conforms with or is maintained pursuant to the applicable limitations and requirements of section 408 or 408A of the Internal Revenue Code, 26 U.S.C. §§ 408 and 408A, including, without limitation, an inherited individual retirement arrangement;

ADDITIONAL INFORMATION ABOUT YOUR RIGHTS AND RESPONSIBILITIES in this matter may be obtained from the *Civil Law Self-Help Center*, which is located at the Regional Justice Center in downtown Las Vegas, or on its website, www.civillawselfhelpcenter.org.

(b) A written simplified employee pension plan which conforms with or is maintained pursuant to the applicable limitations and requirements of section 408 of the Internal Revenue Code, 26 U.S.C. § 408, including, without limitation, an inherited simplified employee pension plan;

(c) A cash or deferred arrangement plan which is qualified and maintained pursuant to the Internal Revenue Code, including, without limitation, an inherited cash or deferred arrangement plan;

(d) A trust forming part of a stock bonus, pension or profit-sharing plan which is qualified and maintained pursuant to sections 401 et seq. of the Internal Revenue Code, 26 U.S.C. §§ 401 et seq.; and

(e) A trust forming part of a qualified tuition program pursuant to chapter 353B of NRS, any applicable regulations adopted pursuant to chapter 353B of NRS and section 529 of the Internal Revenue Code, 26 U.S.C. § 529, unless the money is deposited after the entry of a judgment against the purchaser or account owner or the money will not be used by any beneficiary to attend a college or university.

14. All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support, education and maintenance of a child, whether collected by the judgment debtor or the State.

15. All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support and maintenance of a former spouse, including the amount of any arrearages in the payment of such support and maintenance to which the former spouse may be entitled.

16. Regardless of whether a trust contains a spendthrift provision:

(a) A present or future interest in the income or principal of a trust that is a contingent interest, if the contingency has not been satisfied or removed;

(b) A present or future interest in the income or principal of a trust for which discretionary power is held by a trustee to determine whether to make a distribution from the trust, if the interest has not been distributed from the trust;

(c) The power to direct dispositions of property in the trust, other than such a power held by a trustee to distribute property to a beneficiary of the trust;

(d) Certain powers held by a trust protector or certain other persons; and

(e) Any power held by the person who created the trust.

17. If a trust contains a spendthrift provision:

(a) A present or future interest in the income or principal of a trust that is a mandatory interest in which the trustee does not have discretion concerning whether to make the distribution from the trust, if the interest has not been distributed from the trust; and

(b) A present or future interest in the income or principal of a trust that is a support interest in which the standard for distribution may be interpreted by the trustee or a court, if the interest has not been distributed from the trust.

18. A vehicle for use by you or your dependent which is specially equipped or modified to provide mobility for a person with a permanent disability.

19. A prosthesis or any equipment prescribed by a physician or dentist for you or your dependent.

20. Payments, in an amount not to exceed \$16,150, received as compensation for personal injury, not including compensation for pain and suffering or actual pecuniary loss, by the judgment debtor or by a person upon whom the judgment debtor is dependent at the time the payment is received.

21. Payments received as compensation for the wrongful death of a person upon whom the judgment debtor was dependent at the time of the wrongful death, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

22. Payments received as compensation for the loss of future earnings of the judgment debtor or of a person upon whom the judgment debtor is dependent at the time the payment is received, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

23. Payments received as restitution for a criminal act.

24. Personal property, not to exceed \$10,000 in total value, if the property is not otherwise exempt from execution.

25. A tax refund received from the earned income credit provided by federal law or a similar state law.

26. Stock of a corporation described in subsection 2 of NRS 78.746 except as set forth in that section.

ADDITIONAL INFORMATION ABOUT YOUR RIGHTS AND RESPONSIBILITIES in this matter may be obtained from the Civil Law Self-Help Center, which is located at the Regional Justice Center in downtown Las Vegas, or on its website, www.civillawselfhelplawcenter.org.

These exemptions may not apply in certain cases such as a proceeding to enforce a judgment for support of a person or a judgment of foreclosure of a mechanic's lien. You should consult an attorney immediately to assist you in determining whether your property or money is exempt from execution. If you cannot afford an attorney, you may be eligible for assistance through:

Legal Aid Center of Southern Nevada
725 E. Charleston Blvd.
Las Vegas, NV 89104
(702) 386-1070
www.lacsn.org

Senior Law Project (60 years or older only)
530 Las Vegas Blvd. S. #310
Las Vegas, NV 89101
(702) 229-6596
www.snsnp.org

Nevada Legal Services
530 S. 6th Street
Las Vegas, NV 89101
(702) 386-0404
www.nlslaw.net

If you do not wish to consult an attorney or receive legal services from an organization that provides assistance to persons who qualify, you may obtain the form to be used to claim an exemption free of charge at the *Civil Law Self-Help Center*, 200 Lewis Avenue, on the first floor of the Regional Justice Center, downtown Las Vegas, Nevada, or on the Civil Law Self-Help Center's website at www.civillawselfhelpcenter.org.

PROCEDURE FOR CLAIMING EXEMPT PROPERTY

If you believe that the money or property taken from you is exempt, you must complete and file with the clerk of the court an executed claim of exemption. A copy of the claim of exemption must be served upon the sheriff, the garnishee and the judgment creditor within 10 days after the notice of execution or garnishment is served on you by mail pursuant to NRS 21.076 which identifies the specific property that is being levied on. The property must be released by the garnishee or the sheriff within 9 judicial days after you serve the claim of exemption upon the sheriff, garnishee and judgment creditor, unless the sheriff or garnishee receives a copy of an objection to the claim of exemption and a notice for a hearing to determine the issue of exemption. If this happens, a hearing will be held to determine whether the property or money is exempt.

The objection to the claim of exemption and notice for the hearing to determine the issue of exemption must be filed by the judgment creditor within 8 judicial days after the claim of exemption is served on the judgment creditor by mail or in person and served on the judgment debtor, the sheriff and any garnishee not less than 5 judicial days before the date set for the hearing. The hearing to determine whether the property or money is exempt must be held within 7 judicial days after the objection to the claim of exemption and notice for the hearing is filed.

You may be able to have your property released more quickly if you mail to the judgment creditor or the attorney of the judgment creditor written proof that the property is exempt. Such proof may include, without limitation, a letter from the government, an annual statement from a pension fund, receipts for payments, copies of checks, records from financial institutions or any other document which demonstrates that the money in your account is exempt.

IF YOU DO NOT FILE THE EXECUTED CLAIM OF EXEMPTION WITHIN THE TIME SPECIFIED, YOUR PROPERTY MAY BE SOLD AND THE MONEY GIVEN TO THE JUDGMENT CREDITOR, EVEN IF THE PROPERTY OR MONEY IS EXEMPT.

ADDITIONAL INFORMATION ABOUT YOUR RIGHTS AND RESPONSIBILITIES in this matter may be obtained from the *Civil Law Self-Help Center*, which is located at the Regional Justice Center in downtown Las Vegas, or on its website, www.civillawselfhelpcenter.org.

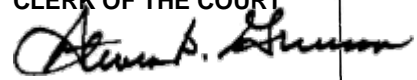
CHECKLIST FOR FILING A "CLAIM OF EXEMPTION"

- ☐ 1. Read the list of exemptions in this notice to determine whether any of your property or money is exempt from execution (in other words, protected from being taken to pay the judgment against you).
- ☐ 2. Obtain a "Claim of Exemption" form from the clerk at the court where the judgment against you was issued or from the Civil Law Self-Help Center, which is located at the Regional Justice Center in downtown Las Vegas, or on its website, www.civillawselfhelpcenter.org.
- ☐ 3. Fill out the Claim of Exemption form. If you have documentation that proves the exemptions you are claiming, attach the documentation to the Claim of Exemption form (but be sure to black out any personal information, such as Social Security numbers, bank account numbers, etc.).
- ☐ 4. Take the completed Claim of Exemption form to the court where the judgment against you was issued, and file the Claim of Exemption with the court clerk.

NOTE: You must file your Claim of Exemption with the court within ten days after the Sheriff or Constable serves the Writ of Execution or Writ of Garnishment on you by mail, identifying the specific property that is subject to execution or garnishment, or within ten days after your wages are withheld if you are being garnished.

- ☐ 5. After your Claim of Exemption has been filed with the court, mail a copy of your file-stamped Claim of Exemption to the following three parties:
 - ☐ The Constable or Sheriff who mailed you the Writ of Execution or served your bank or employer;
 - ☐ The judgment creditor's attorney (or the judgment creditor directly if no attorney is involved);
 - ☐ Any garnishee (likely your employer, if your wages are being garnished; your bank, if your bank account has been attached; or some other third-party, if money or assets in the third-party's possession have been executed against).
- ☐ 6. Watch your mail. After receiving your Claim of Exemption, the judgment creditor has eight days to file an objection. If an objection is filed, a hearing will be set. You will receive a copy of the objection and a notice of the hearing in the mail.
- ☐ 7. Attend the court hearing if one is set. Before the hearing, collect whatever documentation you need to show that you are entitled to the exemptions you have claimed. Take your documentation to the hearing, along with a proposed order for the judge to sign. (You can obtain a form order from the clerk of the court or on the Civil Law Self-Help Center's website, www.civillawselfhelpcenter.org.) At the hearing, it will be your responsibility to prove to the judge that your claimed exemptions are appropriate.

ADDITIONAL INFORMATION ABOUT YOUR RIGHTS AND RESPONSIBILITIES in this matter may be obtained from the *Civil Law Self-Help Center*, which is located at the Regional Justice Center in downtown Las Vegas, or on its website, www.civillawselfhelpcenter.org.



AOP

JONATHAN D. BLUM, ESQ.
Nevada Bar No. 9515

WILEY PETERSEN

1050 Indigo Drive, Suite 200B
Las Vegas, Nevada 89145
Telephone: 702.910.3329
Facsimile: 702.553.3467
jblum@wileypetersenlaw.com

Attorney 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-B

DEPT NO. XIII

AFFIDAVIT OF POSTING


1 STATE OF NEVADA)
2 COUNTY OF CLARK) ss.

3
4 I, Brian Thomas, being duly sworn says: That at all times herein affiant was over 18 years
5 of age, not a party to nor interested in the proceeding in which this affidavit is made. That affiant
6 received the Notice of Sheriff's Sale for the sale of property known as:

7 All claims for relief, causes of action, things in action, choses in
8 action, and rights of appeal in any lawsuit or proceeding pending in
9 the State of Nevada, including, but not limited to, the rights of
10 Judgment debtor PARVIZ SAFARI a.k.a. AIDEN DAVIS in the
civil action filed in the State of Nevada, Eighth Judicial District
Court Case No. A-15-729030-B, and the appeals filed in State of
Nevada Supreme Court Case Number 82279.

11 (the "Choses in Action") on the 23rd day of February, 2022, and served by posting the same on
12 the 23rd day of February, 2022, at the following three (3) public places in Las Vegas, Nevada:

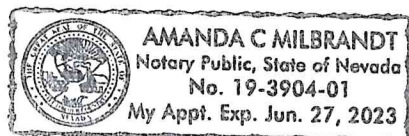
13 ***SEE ATTACHED EXHIBIT "A" FOR POSTING LOCATIONS***

14
15 
16 B. Thomas, Deputy Sheriff

17
18 SUBSCRIBED AND SWORN to before
19 me this 24th day of February, 2022.

20 
Notary Public

21 My Commission Expires: 6/27/2023





**CLARK COUNTY SHERIFF
CIVIL PROCESS SECTION**

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, AND
INDIVIDUAL; ALI MOJTAHED, AND
INDIVIDUAL; DOES I THROUGH X; AND
ROE CORPORATIONS I THROUGH X,
INCLUSIVE,
DEFENDANT

E X H I B I T A – Affidavit of Posting

CASE No. A-15-729030-B
SHERIFF CIVIL NO.: 22000983

STATE OF NEVADA }
COUNTY OF CLARK } ss:

Date: 2/23/2022 @ 9:25 AM - C/O TOM M STEWART, ESQ; THE POWELL LAW FIRM 8918 SPANISH RIDGE AVENUE
SUITE 100 LAS VEGAS, NV 89148

Attempted By: BRIAN THOMAS

Service Type: POSTING.

Notes: NOTICE OF SALE POSTED

BWC LLV220200094171

Date: 2/23/2022 @ 1:35 PM - CLARK COUNTY GOVERNMENT CENTER 500 S GRAND CENTRAL PARKWAY LAS
VEGAS, NV 89155

Attempted By: BRIAN THOMAS

Service Type: POSTING.

Notes: NOTICE OF SALE POSTED.

BWC LLV220200095079

Date: 2/23/2022 @ 1:55 PM - 200 LEWIS AVENUE LAS VEGAS, NV 89101

Attempted By: BRIAN THOMAS

Service Type: POSTING.

Notes: NOTICE OF SALE POSTED

BWC LLV220200095205

Date: 2/23/2022 @ 2:10 PM - THIRD STREET COUNTY BUILDING 309 S THIRD STREET LAS VEGAS, NV 89101

Attempted By: BRIAN THOMAS

Service Type: POSTING.

Notes: NOTICE OF SALE POSTED

BWC LLV220200095304

1 NSS
JONATHAN D. BLUM, Esq.
2 Nevada Bar No. 9515
WILEY PETERSEN
3 1050 Indigo Drive, Suite 200B
Las Vegas, Nevada 89145
4 Telephone: 702.910.3329
Facsimile: 702.553.3467
5 jblum@wileypetersenlaw.com

6 *Attorney for Defendants/ Counter-Claimants*

7 DISTRICT COURT
8 CLARK COUNTY, NEVADA

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

11 Plaintiffs,

12 vs.

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

17 Defendants.

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

21 Counter-Claimants,

22 vs.

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

27 Counter-Defendants.
28

CASE NO. A-15-729030-B

DEPT NO. XIII

NOTICE OF SHERIFF'S SALE

RECEIVED
2022 FEB 16 PM 4:06
CLARK COUNTY SHERIFF

1 By virtue of a Writ of Execution issued on the 27th day of January, 2022, out of the Eighth
2 Judicial District Court, in the County of Clark, State of Nevada, upon a Judgment, in an action
3 wherein HAMID MODJTAHED and MOHAMMAD MOJTAHED are the Defendants and
4 Judgment Creditor (the "Judgment Creditor"), and PARVIZ SAFARI a.k.a. AIDEN DAVIS is the
5 Plaintiff and Judgment Debtor (the "Judgment Debtor") for the judgment owed to Judgment
6 Creditor, in the amount of \$2,081,631.58 as of July 27, 2021, with the total of said sum bearing
7 post judgment interest at the rate of 5.25% per annum from the date of the Judgment until paid in
8 full, which execution was directed and delivered to me as Sheriff in and for said County of Clark,
9 I have levied upon all the right, title and interest of Plaintiff/Judgment Debtor in and to the
10 following described personal property (choses in action), to wit:

11 All claims for relief, causes of action, things in action, choses in
12 action, allegations, assertions and rights of appeal in any lawsuit or
13 proceeding pending in the State of Nevada, including, but not
14 limited to, all rights, title and interest of Judgment debtor PARVIZ
15 SAFARI a.k.a. AIDEN DAVIS in the civil action filed in the State
of Nevada, Eighth Judicial District Court Case No. A-15-729030-B,
and the appeals filed in State of Nevada Supreme Court Case
Number 82279.

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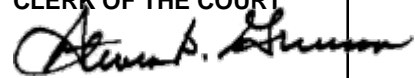
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EXHIBIT 4



CERT

JONATHAN D. BLUM, ESQ.

Nevada Bar No. 09515

WILEY PETERSEN

1050 Indigo Drive, Suite 200B

Las Vegas, Nevada 89145

Telephone: (702) 910-3329

Facsimile: (702) 553-3467

jblum@wileypetersenlaw.com

Attorneys for Defendants/Counterclaimants

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

**SHERIFF'S CERTIFICATE OF SALE
OF PERSONAL PROPERTY**

Under, and by virtue of a writ of execution issued on January 27, 2022, a judgment entered
out of the above entitled Court on July 27, 2021, in favor of Hamid Modjtahed and Mohammad
Mojtahed, Counter-Claimants/Judgment Creditors, and against the Counter-Defendant/Judgment

1 Debtor, Mandana Zahedi a.k.a Mandana Davis, the undersigned was commanded to satisfy such
2 judgment, together with interest and costs, out of the personal property all of which more fully
3 appears from such writ of execution.

4 I, Deputy Sheriff of Clark County, State of Nevada, do hereby certify that I have levied on
5 the personal property situated in Clark County, Nevada described as: all claims for relief, causes of
6 action, things in action, choses in action, allegations, assertions and rights of appeal in any lawsuit
7 or proceeding pending in the State of Nevada, including, but not limited to, all rights, title and
8 interest of Judgment debtor MANDANA ZAHEDI a.k.a MANDANA DAVIS in the civil action
9 filed in the State of Nevada, Eighth Judicial District Court Case No. A-15-729030-B, and the
10 appeals filed in State of Nevada Supreme Court Case Number 82279; and on April 27, 2022, at
11 9:00 AM, caused the same to be sold at public auction, according to the statutes of the State of
12 Nevada, and after due and legal notice, all the right, title and interest of the Counter-
13 Defendant/Judgment Debtor, Mandana Zahedi a.k.a Mandana Davis herein, in and to the following
14 described personal property located in the County of Clark, State of Nevada as follows:


15 That all of the right, title and interest of Mandana Zahedi a.k.a Mandana Davis in all claims
16 for relief, causes of action, things in action, choses in action, allegations, assertions and rights of
17 appeal in any lawsuit or proceeding pending in the State of Nevada, including, but not limited to,
18 all rights, title and interest of Judgment debtor MANDANA ZAHEDI a.k.a MANDANA DAVIS
19 in the civil action filed in the State of Nevada, Eighth Judicial District Court Case No. A-15-
20 729030-B, and the appeals filed in State of Nevada Supreme Court Case Number 82279, was
21 purchased by partial credit bid for the sum of FIVE HUNDRED AND 00/100
22 DOLLARS (\$ 500 .00) by Jonathan D. Blum, Esq. of Wiley Petersen, on behalf of Hamid
23 Modjtahed and Mohammad Mojtahed, who was the highest bidder.

24 Dated this 27TH day of April, 2022.

25 Joseph M. Lombardo, CLARK COUNTY SHERIFF

26 By: _____

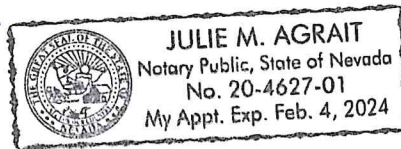
27 Deputy Sheriff

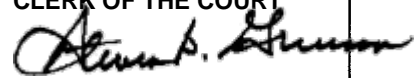

28 J. Lombardo
Sr. Deputy Sheriff
Sheriff Civil Bureau

1 COUNTY OF CLARK)
2 STATE OF NEVADA)

3 On this 27th day of April, 2022, appeared before me, who is known to me, and who
4 acknowledged to me that he executed the Sheriff's Certificate of Sale set forth herein, and who
5 acknowledged that the information contained therein is true and that executed his signature thereon
6 freely and voluntarily for the purposes set forth therein.

7
8 
9 Notary Public





CERT

JONATHAN D. BLUM, ESQ.

Nevada Bar No. 09515

WILEY PETERSEN

1050 Indigo Drive, Suite 200B

Las Vegas, Nevada 89145

Telephone: (702) 910-3329

Facsimile: (702) 553-3467

jblum@wileypetersenlaw.com

Attorneys for Defendants/Counterclaimants

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

**SHERIFF'S CERTIFICATE OF SALE
OF PERSONAL PROPERTY**

Under, and by virtue of a writ of execution issued on January 27, 2022, a judgment entered
out of the above entitled Court on July 27, 2021, in favor of Hamid Modjtahed and Mohammad
Mojtahed, Counter-Claimants/Judgment Creditors, and against the Counter-Defendant/Judgment

1 Debtor, Parviz Safari a.k.a Aiden Davis, the undersigned was commanded to satisfy such judgment,
2 together with interest and costs, out of the personal property all of which more fully appears from
3 such writ of execution.

4 I, Deputy Sheriff of Clark County, State of Nevada, do hereby certify that I have levied on
5 the personal property situated in Clark County, Nevada described as: all claims for relief, causes of
6 action, things in action, choses in action, allegations, assertions and rights of appeal in any lawsuit
7 or proceeding pending in the State of Nevada, including, but not limited to, all rights, title and
8 interest of Judgment debtor PARVIZ SAFARI a.k.a. AIDEN DAVIS in the civil action filed in the
9 State of Nevada, Eighth Judicial District Court Case No. A-15-729030-B, and the appeals filed in
10 State of Nevada Supreme Court Case Number 82279; and on April 27, 2022, at 9:00 AM, caused
11 the same to be sold at public auction, according to the statutes of the State of Nevada, and after due
12 and legal notice, all the right, title and interest of the Counter-Defendant/Judgment Debtor, Parviz
13 Safari a.k.a. Aiden Davis herein, in and to the following described personal property located in the
14 County of Clark, State of Nevada as follows:

15 That all of the right, title and interest of Parviz Safari a.k.a. Aiden Davis in all claims for
16 relief, causes of action, things in action, choses in action, allegations, assertions and rights of appeal
17 in any lawsuit or proceeding pending in the State of Nevada, including, but not limited to, all rights,
18 title and interest of Judgment debtor PARVIZ SAFARI a.k.a. AIDEN DAVIS in the civil action
19 filed in the State of Nevada, Eighth Judicial District Court Case No. A-15-729030-B, and the
20 appeals filed in State of Nevada Supreme Court Case Number 82279, was purchased by partial
21 credit bid for the sum of FIVE HUNDRED AND 00/100 DOLLARS
22 (\$500.00) by Jonathan D. Blum, Esq. of Wiley Petersen, on behalf of Hamid Modjtahed and
23 Mohammad Mojtahed, who was the highest bidder.

24 Dated this 27th day of April, 2022.

25 Joseph M. Lombardo, CLARK COUNTY SHERIFF

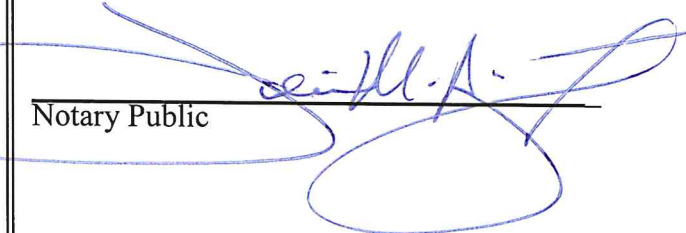
26 By: 

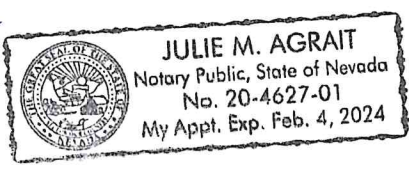
27 Deputy Sheriff

28 J. Lombardo
Sr. Deputy Sheriff
Sheriff Civil Bureau

1 COUNTY OF CLARK)
2 STATE OF NEVADA }

3 On this 27th day of April, 2022, appeared before me, who is known to me, and who
4 acknowledged to me that he executed the Sheriff's Certificate of Sale set forth herein, and who
5 acknowledged that the information contained therein is true and that executed his signature thereon
6 freely and voluntarily for the purposes set forth therein.

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9 Notary Public



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