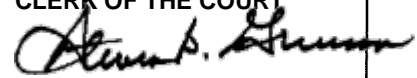


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Steven D. Grierson
CLERK OF THE COURT



Electronically Filed
Jan 21 2021 11:55 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

**DISTRICT COURT
CLARK COUNTY, NEVADA**

STEVEN BARKET, an individual; G65
VENTURES, LLC, a Nevada Limited Liability
Company,

Plaintiffs,

vs.

SHAFIK HIRJI, an individual; SHAFIK
BROWN, an individual; NAVNEET SHARDA,
an individual; FURNITURE BOUTIQUE, LLC,
a Nevada Limited Liability Company; DOES I-
X; and ROE CORPORATIONS XI-XX,
inclusive,

Defendants.

NAVNEET SHARDA, an individual; TRATA,
INC.; A Nevada corporation,

Counterclaimants,

vs.

STEVEN BARKET, an individual,

Counter-Defendant.

Case No.: A-17-756274-C
A-18-770121-C

Dept. No.: IV

NOTICE OF APPEAL


Please take notice that Defendant/Counterclaimants Navneet Sharda and Trata, Inc. hereby
appeals to the Supreme Court of Nevada from:

1. All judgments and orders in this case;

- 1 2. Findings of Fact and Conclusions of Law for November 19, 2020 Order Dismissing
2 Plaintiffs' Matter with Prejudice, filed on December 14, 2020, notice of entry of which was
3 served electronically on December 14, 2020, (Ex. 1); and
4 3. All rulings and interlocutory orders made appealable by any of the foregoing.

5 DATED this 13th day of January, 2021.

6 THE LAW OFFICE OF KAREN H. ROSS

7 

8
9 KAREN H. ROSS, ESQ.
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14 Phone: (702) 485-4152
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16 karenross@khrlawgroup.com
17 *Attorney for Defendant/Counterclaimants*
18 *Navneet Sharda & Trata, Inc.*
19
20
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 13th day of January, 2021, a true and correct copy of
NOTICE OF APPEAL was electronically served through the Court's electronic filing system
addressed to the following:

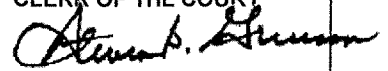
Michael R. Mushkin, Esq.
MUSHKIN & COPPEDGE
6070 South Eastern Avenue, Ste. 270
*Attorney for Plaintiffs Steven Barket
and G65 Ventures, LLC*

Daniel Marks, Esq.
Teletha Zupan
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Las Vegas, Nevada 89101
*Attorneys for Defendants Shafik Hirji,
Shafik Brown and Furniture Boutique, LLC*

Kelly Anderson

An employee of The Law Office of Karen H. Ross

EXHIBIT 1



NOE
LAW OFFICE OF DANIEL MARKS
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Attorney for Defendants, Shafik Hirji,
Shafik Brown, and Furniture Boutique, LLC

DISTRICT COURT
CLARK COUNTY, NEVADA

STEVEN BARKET, an individual; and G65
VENTURES, LLC, a Nevada Limited Liability
Company,

Case No.: A-17-756274-C
Case No.: A-18-770121-C
Dept. No.: IV

Plaintiffs,

vs.

SHAFIK HIRJI, an individual; SHAFIK
BROWN, an individual; and NAVEET
SHARDA, an individual; FURNITURE
BOUTIQUE, LLC, a Nevada Limited
Liability Company, and DOES I-X, inclusive
and ROE CORPORATIONS XI through XX.

Defendants.

NAVEET SHARDA, an individual;
TRATA, INC., a Nevada Corporation;

Counterclaimants,

vs.

STEVEN BARKET, an individual,

Counterdefendant.

SHAFIK HIRJI, an individual; SHAFIK
BROWN, an individual; and FURNITURE
BOUTIQUE, LLC, a Nevada Limited
Liability Company;

Counter-Claimants,

vs.

1 STEVEN BARKET, an individual,
2 Counter-Defendant.
3 _____/

4 MICHAEL AHDERS, an individual,
5 Plaintiff,

6 vs.

7 BOULEVARD FURNITURE, INC., a
8 Nevada corporation; SHAFIK HIRJI,
an individual; and SHAFIK
9 BROWN, an individual.

10 Defendants.
11 _____/

12 **NOTICE OF ENTRY OF FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR**
13 **NOVEMBER 19, 2020 ORDER DISMISSING PLAINTIFFS' MATTER WITH PREJUDICE**

14 PLEASE TAKE NOTICE that a Findings of Fact and Conclusions of Law for November 19,
15 2020 Order Dismissing Plaintiffs' Matter with Prejudice was entered in the above-entitled action on the
16 14th day of December, 2020, a copy of which is attached hereto.

17 DATED this 14th day of December, 2020.

18 LAW OFFICE OF DANIEL MARKS

19 /s/ Teletha Zupan. Esq.
20 DANIEL MARKS, ESQ.
Nevada Bar No. 002003
21 TELETHA L. ZUPAN, ESQ.
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22 *Attorneys for Defendants, Shafik Hirji,*
Shafik Brown, and Furniture Boutique, LLC
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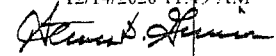
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Attorney for Plaintiff, Michael Ahders

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CLERK OF THE COURT

1 ORDR
2 LAW OFFICE OF DANIEL MARKS
3 DANIEL MARKS, ESQ.
4 Nevada State Bar No. 002003
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7 (702) 386-0536; Fax (702) 386-6812
8 *Attorney for Defendants, Shafik Hirji,*
9 *Shafik Brown, and Furniture Boutique, LLC*

DISTRICT COURT
CLARK COUNTY, NEVADA

9 STEVEN BARKET, an individual; and G65 Case No.: A-17-756274-C
10 VENTURES, LLC, a Nevada Limited Liability Case No.: A-18-770121-C
Company, Dept. No.: IV

11 Plaintiffs,

12 vs.

13 SHAFIK HIRJI, an individual; SHAFIK
14 BROWN, an individual; and NAVEET
15 SHARDA, an individual; FURNITURE
16 BOUTIQUE, LLC, a Nevada Limited
Liability Company, and DOES I-X, inclusive
and ROE CORPORATIONS XI through XX.

17 Defendants.

18 NAVEET SHARDA, an individual;
19 TRATA, INC., a Nevada Corporation;

20 Counterclaimants,

21 vs.

21 STEVEN BARKET, an individual,
22 Counterdefendant.

23 SHAFIK HIRJI, an individual; SHAFIK
24 BROWN, an individual; and FURNITURE
25 BOUTIQUE, LLC, a Nevada Limited
Liability Company;

26 Counter-Claimants,

27 vs.

28 STEVEN BARKET, an individual,

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Nevada corporation; SHAFIK HIRJI, an individual; and SHAFIK BROWN, an individual.

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1 **FINDINGS OF FACT**

2 **THE COURT FINDS** that as a brief recitation of the underlying facts, the nature of the
3 dispute between Plaintiffs and Defendants surround a series of five loans: 1) November 7, 2016
4 in the amount of \$200,000; 2) November 21, 2016 in the amount of \$100,000; 3) December 20,
5 2016 in the amount of \$100,000; 4) January 20, 2017 in the amount of \$1,000,000; and 5) March
6 15, 2017 in the amount of \$200,000.

7 **THE COURT FURTHER FINDS** that on July 29, 2017 the parties entered into a
8 Settlement Agreement in which Defendant (Sharda) allegedly would assign all rights, title and
9 interest in the five promissory notes to Plaintiff, Steven Barket or his assigns.

10 **THE COURT FURTHER FINDS** that the Settlement Agreement is part of the action
11 currently pending before Judge Williams in Case No. A-15-712697-C. At the hearing held on
12 March 17, 2020, Judge Williams denied Plaintiffs' motion to enforce the Settlement Agreement.
13 An Evidentiary Hearing is currently set in that matter for March 29, 2021.

14 **THE COURT FURTHER FINDS** that on April 5, 2018, in Case No. A-17-763985-C,
15 Judge Williams entered an Order finding that the Confession of Judgment entered in that case
16 was an attempt to circumvent the loans in dispute in Case No. A-17-756274-C (this instant
17 matter) and held that the Confession of Judgment was void under NRCP 60(b). Judge Williams
18 ordered that the Confession of Judgment filed by Cancer Care on November 1, 2017 was void
19 and set aside. The Confession of Judgment addressed by Judge Williams encompassed the
20 November 7, 2016 loan in the amount of \$200,000 (Loan No. 1) and the December 20, 2016 loan
21 in the amount of \$100,000 (Loan No. 3).

22 **THE COURT FURTHER FINDS** that on April 17, 2018, in Case No. A-17-763995-C
23 Judge Cadish entered an Order voiding the Confessions of Judgment finding that the judgment
24 was obtained by fraud, misrepresentation, or other misconduct of an adverse party within the
25 meaning of NRCP 60(b)(3). This decision applied to the Confession of Judgment filed in that
26 matter on November 1, 2017 that encompassed the January 20, 2017 loan in the amount of
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1 \$1,000,000 (Loan No. 4) and the March 15, 2017 loan in the amount of \$200,000 (Loan No. 5).

2 **THE COURT FURTHER FINDS** that on May 17, 2019 this Court voided and set aside
3 the Confession of Judgment associated with Loan No. 2, dated November 21, 2016 in the amount
4 of \$100,000 plus interest pursuant to NRCP 60(b) in Case No. A-18-770121-C, which was
5 consolidated with this matter (Case No.: A-17-756274-C).

6 **THE COURT FURTHER FINDS** that Plaintiffs' Motion for Entry of Confession of
7 Judgment essentially seeks reconsideration of this Court's Order entered on May 17, 2019.

8 **THE COURT FURTHER FINDS** that the same Confession of Judgment was addressed
9 by Judge Cory in Case No.: A-19-806944-C during a hearing held on January 29, 2020. Pursuant
10 to Judge Cory's Order entered on February 21, 2020, Defendants Emergency Motion to Vacate
11 the Confession of Judgment Pursuant To NRCP 60(b); to Quash Any and All Writs of Execution
12 and/or Garnishment Pursuant to NRCP 60(b) Because the Judgment was Obtained by Fraud; to
13 Stay All Collection Activity, Including Writs of Execution; for Attorney's Fees and Costs; and to
14 Dismiss [the] Action With Prejudice, was granted and the matter was dismissed with prejudice.
15 Judge Cory noted that the Confession of Judgment was the same as was previously filed in this
16 case.
17

18 **THE COURT FURTHER FINDS** that to the extent that Plaintiffs' motion seeks
19 reconsideration of this Court's May 15, 2019 Order, the motion is untimely under EDCR 2.24(b),
20 which requires a party seeking reconsideration of a ruling of the court must file a motion for such
21 relief within 14 days after service of written notice of the order. When a timely motion for
22 reconsideration is filed, a district court may reconsider a previously decided issue if substantially
23 different evidence is subsequently introduced or the decision is clearly erroneous.

24 **THE COURT FURTHER FINDS** that there is no legal basis supporting Plaintiffs now
25 third request to enforce a Confession of Judgment that has been voided by this Court and Judge
26 Cory.

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1 **THE COURT FURTHER FINDS** that the district court has broad discretion to impose
2 sanctions pursuant to EDCR 7.60, but finds that an award of sanctions is not warranted at this
3 time.

4 **THE COURT FURTHER FINDS** that while Plaintiffs' motion for sanctions pursuant
5 to NRCP 11 asserts that Defendants Shafik Hirji and Shafik Brown and their counsels have
6 allegedly knowingly, purposefully and intentionally misrepresented the nature of payments made
7 by them to Steven Barket and Michael Ahders, there is no legal basis for an award of Rule 11
8 sanctions against Defendants or defense counsel.

9 **THE COURT FURTHER FINDS** that Defendants request for reasonable attorney's fees
10 and costs pursuant to EDCR 7.60(b) is not warranted at this time.

11 **THE COURT FURTHER FINDS** that with respect to Defendants' motion to dismiss
12 with prejudice pursuant to NRCP 41 (e)(6) and related relief should be GRANTED in part to the
13 extent that the facts in this case implicate the doctrines of collateral estoppel, claim preclusion,
14 and res judicata; and DENIED with respect to the other issues as moot.

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1 **THE COURT FURTHER FINDS** that each and every Confession of Judgment
2 pertaining to the loans alleged by Plaintiffs have been adjudicated as follows:

3 Loan No. 1: November 7, 2016 in the amount of \$200,000 declared void by Judge
4 Williams in Case No. A-17-763985-C, Order entered April 5, 2018;

5 Loan No. 2: November 21, 2016 in the amount of \$100,000 declared void by this Court
6 in Case No. A-18-770121-C, Order entered May 15, 2019, and declared
7 void by Judge Cory in Case No.: A-19-806944-C, Order entered February
8 21, 2020;

9 Loan No. 3: December 20, 2016 in the amount of \$100,000 declared void by Judge
10 Williams in Case No.: A-17-763985-C, Order entered April 5, 2018;

11 Loan No. 4: January 20, 2017 in the amount of \$1,000,000 declared void by Judge
12 Cadish in Case No. A-17-763995-C, ordered entered April 17, 2018; and

13 Loan No. 5: March 15, 2017 in the amount of \$200,000 declared void by Judge Cadish
14 in Case No. A-17-763995-C, ordered entered April 17, 2018.
15

16 **THE COURT FURTHER FINDS** that it is appropriate to dismiss this action with
17 prejudice because the parties have already litigated each and every Confession of Judgment
18 pertaining to the loans alleged by Plaintiffs. Each Confession of Judgment has been adjudicated
19 and declared void. The determination regarding each Confession of Judgment was actually
20 decided and necessary to the final order in each separate suit. Therefore, the doctrine of collateral
21 estoppel precludes the parties from relitigating these issues. *Univ. of Nevada v. Tarkanian*, 110
22 Nev. 581, 598 99, 879 P.2d 1180, 1191 (1994).

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1 **THE COURT FURTHER FINDS** that it is appropriate and necessary based upon the
2 history of the case and the related cases to dismiss this action with prejudice under the doctrine of
3 res judicata, claim preclusion, because these disputes involved the same parties or their privies,
4 valid and final judgments have been entered in each case, and this action is based on the same
5 claims, part of them, and/or could have been brought in the prior actions. *Kuptz-Blinkinsop v.*
6 *Blinkinsop*, 136 Nev. Adv. Op. 40, 466 P.3d 1271, 1275 (2020) citing *Univ. of Nevada v.*
7 *Tarkanian*, 110 Nev. at 598-99, 879 P.2d at 1191.

8 **THE COURT FURTHER FINDS** that the facts of this case satisfy the three-part test the
9 Nevada Supreme Court adopted in *Five Star Capital Corp. v. Ruby*, 124 Nev. 1048, 194 P.3d
10 709 (2008) for claim preclusion: (1) the parties or their privies are the same, (2) the final
11 judgment is valid, and (3) the subsequent action is based on the same claims or any part of them
12 that were or could have been brought in the first case. Further, the Nevada Supreme Court has
13 held that the doctrine of res judicata precludes parties or those in privity with them from
14 relitigating a cause of action or an issue which has been finally determined by a court of
15 competent jurisdiction. *Kuptz-Blinkinsop v. Blinkinsop*, 136 Nev. Adv. Op. 40, 466 P.3d 1271,
16 1275 (2020). The doctrine is intended to prevent multiple litigation causing vexation and expense
17 to the parties and wasted judicial resources by precluding parties from relitigating issues they
18 could have raised in a prior action concerning the same controversy. *Id.* Therefore, the doctrine
19 of res judicata precludes the parties in this case from relitigating these claims or any claims that
20 could have been brought.
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CONCLUSIONS OF LAW

1. **THE COURT HEREBY CONCLUDES** that EDCR 2.24(b) states that a party seeking reconsideration of a ruling of the court must file a motion for such relief within 14 days after service of written notice of the order. A district court may reconsider a previously decided issue if substantially different evidence is subsequently introduced or the decision is clearly erroneous. *Masonry & Tile Contractors Ass'n of S. Nevada v. Jolley, Urga & Wirth, Ltd.*, 113 Nev. 737, 741, 941 P.2d 486, 489 (1997).
2. **THE COURT FURTHER CONCLUDES** that Plaintiffs' motion for entry of confession of judgment essentially seeks reconsideration of this Court's Order entered on May 17, 2019 in Case No. A-18-770121-C, which was consolidated with this matter (Case No.: A-17-756274-C), wherein the Court held that the Confession of Judgment dated November 21, 2016 for \$100,000 plus interest was void under NRCP 60(b). This Court set aside and vacated the Confession of Judgment, granted Defendants motion for stay of execution, and consolidated the two matters.
3. **THE COURT FURTHER CONCLUDES** that Defendants filed a Countermotion for Sanctions Pursuant to EDCR 7.60 requesting sanctions under EDCR 7.60. Defendants argue that Plaintiffs motion is a frivolous motion and unnecessarily multiplies proceedings in a case to increase costs because Plaintiffs blatantly disregarded this Court's April 25, 2019 Order (which was entered on May 17, 2019). On December 13, 2019, Plaintiffs re-filed the same voided Confession of Judgment in the new action Case No. A-19-806944-C before Judge Cory and began to execute upon it, and attempted to take a third bite at the apple by filing the pending motion to enforce the same voided confession of judgment for a third time.

1 4. **THE COURT FURTHER CONCLUDES** that EDCR 7.60(b) states that the
2 court may, after notice and an opportunity to be heard, impose upon an attorney or
3 a party any and all sanctions which may, under the facts of the case, be reasonable,
4 including the imposition of fines, costs or attorney's fees when an attorney or a
5 party without just cause: (1) Presents to the court a motion or an opposition to a
6 motion which is obviously frivolous, unnecessary or unwarranted; [] or (3) So
7 multiplies the proceedings in a case as to increase costs unreasonably and
8 vexatiously. Despite the district court's broad discretion to impose sanctions, a
9 district court may only impose sanctions that are reasonably proportionate to the
10 litigant's misconduct. Proportionate sanctions are those which are roughly
11 proportionate to sanctions imposed in similar situations or for analogous levels of
12 culpability. *Emerson v. Eighth Judicial Dist. Court of State, ex rel. Cty. of Clark*,
13 127 Nev. 672, 681, 263 P.3d 224, 230 (2011) (internal citations and quotations
14 omitted).

15
16 5. **THE COURT FURTHER CONCLUDES** that Plaintiffs' filed a Motion for
17 Sanctions Pursuant to NRCP 11 on the basis that Defendants Shafik Hirji and
18 Shafik Brown and their counsels have allegedly knowingly, purposefully and
19 intentionally misrepresented the nature of payments made by them to Steven
20 Barket and Michael Ahders, because said arguments are false, have no merit, and
21 are without any evidentiary support.

22 6. **THE COURT FURTHER CONCLUDES** that the decision to award sanctions
23 is within the district court's sound discretion and will not be overturned absent a
24 manifest abuse of discretion. *Edwards v. Emperor's Garden Rest.*, 122 Nev. 317,
25 330, 130 P.3d 1280, 1288 (2006). Rule 11 sanctions should be imposed for
26 frivolous actions, but they should not be imposed where the sanctions would have
27 a chilling effect and discourage attorneys from exercising imagination and
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1 perseverance on behalf of their clients. *Marshall v. Eighth Judicial Dist. Court In*
2 *& For Cty. of Clark*, 108 Nev. 459, 465, 836 P.2d 47, 52 (1992).

3 7. **THE COURT FURTHER CONCLUDES** that there is no legal basis for an
4 award of Rule 11 sanctions against Defendants or defense counsel.

5 8. **THE COURT FURTHER CONCLUDES** that issue preclusion, or collateral
6 estoppel, may be implicated when one or more of the parties to an earlier suit are
7 involved in subsequent litigation on a different claim. Issues that were determined
8 in the prior litigation arise in the later suit. If the common issue was actually
9 decided and necessary to the judgment in the earlier suit, its relitigation will be
10 precluded. *Univ. of Nevada v. Tarkanian*, 110 Nev. 581, 598 99, 879 P.2d 1180,
11 1191 (1994). On the other hand, claim preclusion, or merger and bar, is triggered
12 when a judgment is entered. *Id.* While issue preclusion is implicated when the
13 parties to an earlier suit are involved in a subsequent litigation on a different
14 claim, claim preclusion applies when a valid and final judgment on a claim
15 precludes a second action on that claim or any part of it. *Kuptz-Blinkinsop v.*
16 *Blinkinsop*, 136 Nev. Adv. Op. 40, 466 P.3d 1271, 1275 (2020) citing *Univ. of*
17 *Nevada v. Tarkanian*, 110 Nev. at 598-99, 879 P.2d at 1191.

18 9. **THE COURT FURTHER CONCLUDES** that the Nevada Supreme Court has
19 adopted a three-part test from *Five Star Capital Corp. v. Ruby*, 124 Nev. 1048,
20 194 P.3d 709 (2008) for claim preclusion: (1) the parties or their privies are the
21 same, (2) the final judgment is valid, and (3) the subsequent action is based on the
22 same claims or any part of them that were or could have been brought in the first
23 case.
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25 10. **THE COURT FURTHER CONCLUDES** that the Nevada Supreme Court has
26 held that the doctrine of res judicata precludes parties or those in privity with them
27 from relitigating a cause of action or an issue which has been finally determined
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1 by a court of competent jurisdiction. *Kuptz-Blinkinsop v. Blinkinsop*, 136 Nev.
2 Adv. Op. 40, 466 P.3d 1271, 1275 (2020). The doctrine is intended to prevent
3 multiple litigation causing vexation and expense to the parties and wasted judicial
4 resources by precluding parties from relitigating issues they could have raised in a
5 prior action concerning the same controversy. *Id.*

- 6 11. If any of these Conclusions of Law are more appropriately deemed Findings of
7 Fact, they shall be so deemed.

8 **ORDERS**

9 **WHEREFORE, BASED UPON THE ABOVE FINDINGS AND CONCLUSIONS:**

10 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that Plaintiffs Motion for
11 Entry of Confession of Judgment is DENIED WITH PREJUDICE as it is essentially a motion for
12 reconsideration of this Court's Order entered on May 17, 2019, which is untimely pursuant to
13 EDCR 2.24.

14 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that the Court exercises
15 its discretion and finds that an award of sanctions is not warranted at this time. Therefore,
16 Defendants' countermotion for sanctions pursuant to EDCR 7.60 is DENIED.

17 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that the Plaintiffs'
18 motion for sanctions pursuant to NRCP 11 against Defendants and defense counsel is hereby
19 DENIED because there is no legal basis for an award of Rule 11 sanctions.

20 **IT IS FURTHER ORDERED** that Defendants request for reasonable attorney's fees and
21 costs pursuant to EDCR 7.60(b) for having to oppose Plaintiffs' motion for sanctions is
22 DENIED.

23 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that this matter is
24 DISMISSED WITH PREJUDICE, pursuant to the three-part test from *Five Star Capital Corp. v.*
25 *Ruby*, 124 Nev. 1048, 194 P.3d 709 (2008). Each and every Confession of Judgment pertaining
26 to the loans alleged by Plaintiffs have been adjudicated as follows:
27
28

- 1 Loan No. 1: November 7, 2016 in the amount of \$200,000 declared void by Judge
2 Williams in Case No. A-17-763985-C, Order entered April 5, 2018;
3 Loan No. 2: November 21, 2016 in the amount of \$100,000 declared void by this Court
4 in Case No. A-18-770121-C, Order entered May 15, 2019, and declared
5 void by Judge Cory in Case No.: A-19-806944-C, Order entered February
6 21, 2020;
7 Loan No. 3: December 20, 2016 in the amount of \$100,000 declared void by Judge
8 Williams in Case No.: A-17-763985-C, Order entered April 5, 2018;
9 Loan No. 4: January 20, 2017 in the amount of \$1,000,000 declared void by Judge
10 Cadish in Case No. A-17-763995-C, ordered entered April 17, 2018; and
11 Loan No. 5: March 15, 2017 in the amount of \$200,000 declared void by Judge Cadish
12 in Case No. A-17-763995-C, ordered entered April 17, 2018.

13
14 Each claim involves the same parties or their privies. Each adjudication reference above is a
15 valid and final judgment. The Nevada Supreme Court has held that the doctrine of res judicata
16 precludes parties or those in privity with them from relitigating a cause of action or an issue
17 which has been finally determined by a court of competent jurisdiction. *Kuptz-Blinkinsop v.*
18 *Blinkinsop*, 136 Nev. Adv. Op. 40, 466 P.3d 1271, 1275 (2020). This matter is based on the same
19 claims or any part of them that were or could have been brought in the prior cases.

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IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the remaining issues in Defendants' motion are DENIED as MOOT.

Dated this 14th day of December, 2020

Kerry P Enley

C79 527 3602 8FF2

Kerry Earley

District Court Judge
Appellate Court content:
MUSHKIN & COPPEDGE

Respectfully submitted by:
LAW OFFICE OF DANIEL MARKS

/s/ Teletha Zupan

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/s/ Michael Mushkin

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Approved as to form and content:
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Approved as to form and content:
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HAROLD P. GEWERTER, ESQ.

Nevada State Bar No. 000499

1212 Casino Center Blvd.

Las Vegas, Nevada 89104

Attorney for Defendants, Navneet Sharda
and Trata, Inc.

1 CSERV

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA
4

5
6 Steven Barket, Plaintiff(s)

CASE NO: A-17-756274-C

7 vs.

DEPT. NO. Department 4

8 Shafik Hirji, Defendant(s)
9

10 AUTOMATED CERTIFICATE OF SERVICE

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

14 Service Date: 12/14/2020

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EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY**CASE NO. A-17-756274-C**

Steven Barket, Plaintiff(s)
vs.
Shafik Hirji, Defendant(s)

§
§
§
§
§

Location: **Department 4**
 Judicial Officer: **Krall, Nadia**
 Filed on: **06/01/2017**
 Case Number History:
 Cross-Reference Case Number: **A756274**

CASE INFORMATION**Related Cases**

A-18-770121-C (Consolidated)

Case Type: **Intentional Misconduct****Statistical Closures**

12/04/2020 Involuntary Dismissal

Case Status: **12/04/2020 Dismissed**

DATE**CASE ASSIGNMENT****Current Case Assignment**

Case Number A-17-756274-C
 Court Department 4
 Date Assigned 01/04/2021
 Judicial Officer Krall, Nadia

PARTY INFORMATION**Plaintiff****Barket, Steven**

Mushkin, Michael R.
Retained
 702-454-3333(W)

G65 Ventures LLC

Mushkin, Michael R.
Retained
 702-454-3333(W)

Defendant**Brown, Shafik**

Removed: 12/14/2020
 Dismissed

Marks, Daniel
Retained
 702-386-0536(W)

Furniture Boutique LLC

Removed: 12/14/2020
 Dismissed

Marks, Daniel
Retained
 702-386-0536(W)

Hirji, Shafik

Marks, Daniel
Retained
 702-386-0536(W)

Sharda, Navneet

Removed: 12/14/2020
 Dismissed

Gewerter, Harold P.
Retained
 702-476-5101(W)

Sharda, Navneet

Ross, Karen H.
Retained
 702-485-4152(W)

Consolidated Case Party**Ahders, Michael****Counter Claimant****Brown, Shafik**

Removed: 12/14/2020
 Dismissed

Marks, Daniel
Retained
 702-386-0536(W)

Furniture Boutique LLC

Removed: 12/14/2020

Marks, Daniel
Retained

CASE SUMMARY

CASE NO. A-17-756274-C

Dismissed

702-386-0536(W)

Hirji, Shafik

Removed: 12/14/2020

Dismissed

Marks, Daniel

Retained

702-386-0536(W)

Sharda, Navneet

Removed: 12/14/2020

Dismissed

Gewerter, Harold P.

Retained

702-476-5101(W)

Trata Inc.

Removed: 12/14/2020

Dismissed

Gewerter, Harold P.

Retained

702-476-5101(W)

**Counter
Defendant**

Barket, Steven

Removed: 12/14/2020

Dismissed

Mushkin, Michael R.

Retained

702-454-3333(W)

Barket, Steven









Removed: 12/14/2020

Dismissed

Mushkin, Michael R.

Retained

702-454-3333(W)

DATE	EVENTS & ORDERS OF THE COURT	INDEX
	<u>EVENTS</u>	
06/01/2017	 Complaint Filed By: Plaintiff Barket, Steven <i>Verified Complaint</i>	
06/01/2017	 Initial Appearance Fee Disclosure Filed By: Plaintiff G65 Ventures LLC <i>Initial Appearance Fee Disclosure (NRS Chapter 19)</i>	
06/02/2017	 Summons Electronically Issued - Service Pending <i>Summons</i>	
06/12/2017	 Proof of Service Filed by: Plaintiff Barket, Steven <i>Proof of Service</i>	
06/12/2017	 Proof of Service Filed by: Plaintiff Barket, Steven <i>Proof of Service</i>	
06/26/2017	 Notice of Appearance Party: Defendant Hirji, Shafik; Counter Claimant Brown, Shafik; Counter Claimant Furniture Boutique LLC <i>Notice of Appearance of Counsel for Defendant</i>	
06/26/2017	 Initial Appearance Fee Disclosure Filed By: Defendant Hirji, Shafik; Counter Claimant Brown, Shafik; Counter Claimant Furniture Boutique LLC <i>Initial Appearance Fee Disclosure (NRS Chapter 19)</i>	
06/29/2017	 Motion to Dismiss Filed By: Defendant Hirji, Shafik; Counter Claimant Brown, Shafik; Counter Claimant Furniture Boutique LLC <i>Motion to Dismiss</i>	












CASE SUMMARY

CASE NO. A-17-756274-C

06/30/2017	 Three Day Notice of Intent to Default Filed By: Plaintiff Barket, Steven <i>Three Day Notice of Intention to Enter Default</i>
07/05/2017	 Certificate of Mailing Filed By: Defendant Hirji, Shafik; Counter Claimant Brown, Shafik; Counter Claimant Sharda, Navneet; Counter Claimant Furniture Boutique LLC <i>Certificate of Mailing</i>
07/20/2017	 Opposition to Motion Filed By: Plaintiff Barket, Steven <i>Plaintiff's Opposition to Defendant's Motion to Dismiss Complaint</i>
07/25/2017	 Reply to Motion Filed By: Defendant Hirji, Shafik; Counter Claimant Brown, Shafik; Counter Claimant Furniture Boutique LLC <i>Reply to Motion to Dismiss</i>
08/11/2017	 Amended Complaint Filed By: Plaintiff Barket, Steven; Plaintiff G65 Ventures LLC <i>Amended Verified Complaint</i>
08/11/2017	 Answer to Complaint Filed by: Counter Claimant Sharda, Navneet <i>Answer To Complaint And Counterclaim</i>
08/11/2017	 Initial Appearance Fee Disclosure Filed By: Counter Claimant Sharda, Navneet <i>Initial Appearance Fee Disclosure (NRS CHAPTER 19)</i>
08/31/2017	 Answer to Counterclaim Filed By: Plaintiff Barket, Steven; Plaintiff G65 Ventures LLC <i>Answer to Counterclaim</i>
09/05/2017	 Answer and Counterclaim Filed By: Defendant Hirji, Shafik; Counter Claimant Brown, Shafik; Counter Claimant Furniture Boutique LLC <i>Answer to Amended Verified Complaint and Counterclaim</i>
09/22/2017	 Motion to Dismiss Filed By: Plaintiff Barket, Steven <i>Plaintiff/Counter-Defendant's Motion to Dismiss Counterclaim Pursuant to NRCP 12(b)(5)</i>
09/28/2017	 Order Filed By: Defendant Hirji, Shafik; Counter Claimant Brown, Shafik; Counter Claimant Furniture Boutique LLC <i>Order Regarding Defendants' Motion to Dismiss</i>
09/29/2017	 Notice of Entry of Order Filed By: Defendant Hirji, Shafik; Counter Claimant Brown, Shafik; Counter Claimant Furniture Boutique LLC <i>Notice of Entry of Ordre Regarding Defendants' Motion to Dismiss</i>
10/10/2017	 Opposition to Motion













CASE SUMMARY

CASE NO. A-17-756274-C

	<p>Filed By: Defendant Hirji, Shafik <i>Counterclaimants' Opposition to Motion to Dismiss</i></p>
10/30/2017	<p> Reply in Support Filed By: Plaintiff Barket, Steven <i>Plaintiff/Counter Defendant's Reply in Support of Motion to Dismiss Counterclaim Pursuant to NRCP 12(b)(5)</i></p>
11/08/2017	<p> Commissioners Decision on Request for Exemption - Granted <i>Commissioner's Decision on Request for Exemption - Granted</i></p>
12/08/2017	<p> Order Filed By: Defendant Hirji, Shafik; Counter Claimant Brown, Shafik; Counter Claimant Furniture Boutique LLC <i>Order Regarding Plaintiffs'/Counter-Defendants' Motion to Dismiss Counterclaim Pursuant to NRCP 12(b)(5)</i></p>
12/08/2017	<p> Notice of Entry of Order Filed By: Defendant Hirji, Shafik; Counter Claimant Brown, Shafik; Counter Claimant Furniture Boutique LLC <i>Notice of Entry of Order Regarding Plaintiffs'/Counter-Defendants' Motion to Dismiss Counterclaim Pursuant to NRCP 12(b)(5)</i></p>
12/13/2017	<p> Arbitration File <i>Arbitration File</i></p>
12/13/2017	<p> Answer to Counterclaim Filed By: Plaintiff Barket, Steven <i>Answer to Counterclaim</i></p>
01/03/2018	<p> Notice of Early Case Conference Filed By: Plaintiff Barket, Steven <i>Notice of Early Case Conference</i></p>
03/05/2018	<p> Motion to Consolidate Filed By: Defendant Hirji, Shafik; Counter Claimant Brown, Shafik; Counter Claimant Furniture Boutique LLC <i>Defendants' Motion to Consolidate Case No. A-18-770121-C with This Case Pursuant to NRCP 42 and EDCR 2.50</i></p>
03/05/2018	<p> Appendix Filed By: Defendant Hirji, Shafik; Counter Claimant Brown, Shafik; Counter Claimant Furniture Boutique LLC <i>Defendants' Appendix for Motion to Consolidate Case No. A-18-770121-C with This Case Pursuant to NRCP 42 and EDCR 2.50</i></p>
03/06/2018	<p> Certificate of Service Filed by: Defendant Hirji, Shafik <i>Certificate of Service</i></p>
03/07/2018	<p> Order Shortening Time Filed By: Defendant Hirji, Shafik; Counter Claimant Brown, Shafik; Counter Claimant Furniture Boutique LLC <i>Order Shortening Time</i></p>
03/07/2018	

CASE SUMMARY

CASE NO. A-17-756274-C

	 Ex Parte Application Party: Defendant Hirji, Shafik; Counter Claimant Brown, Shafik; Counter Claimant Furniture Boutique LLC <i>Ex Parte Application for an Order Shortening Time</i>
03/07/2018	 Notice of Entry of Order Filed By: Defendant Hirji, Shafik; Counter Claimant Brown, Shafik; Counter Claimant Furniture Boutique LLC <i>Notice of Entry of Order Shortening Time</i>
03/20/2018	 Opposition to Motion Filed By: Plaintiff Barket, Steven; Defendant Hirji, Shafik; Plaintiff G65 Ventures LLC; Counter Claimant Brown, Shafik; Counter Claimant Sharda, Navneet; Counter Claimant Furniture Boutique LLC; Counter Claimant Trata Inc. <i>Opposition to Motion to Consolidate</i>
05/17/2018	 Motion to Dismiss Filed By: Defendant Hirji, Shafik; Counter Claimant Brown, Shafik; Counter Claimant Furniture Boutique LLC <i>Defendants' Motion to Dismiss Pursuant to NRCP 16.1 (e)</i>
06/11/2018	 Opposition Filed By: Plaintiff Barket, Steven; Plaintiff G65 Ventures LLC <i>Plaintiffs' Opposition to Defendants' Motion to Dismiss Plaintiffs' Complaint Pursuant to NRCP 16.1(e)</i>
06/15/2018	 Reply to Motion Filed By: Defendant Hirji, Shafik; Counter Claimant Brown, Shafik; Counter Claimant Sharda, Navneet; Counter Claimant Furniture Boutique LLC <i>Reply to Defendants' Motion to Dismiss Pursuant to NRCP 16.1(e)</i>
07/03/2018	 Demand for Jury Trial Filed By: Defendant Hirji, Shafik; Counter Claimant Brown, Shafik; Counter Claimant Sharda, Navneet; Counter Claimant Furniture Boutique LLC <i>Demand for Jury Trial</i>
07/05/2018	 Joint Case Conference Report Filed By: Plaintiff Barket, Steven; Plaintiff G65 Ventures LLC <i>JOint Case Conference Report</i>
08/01/2018	 Notice to Appear for Discovery Conference <i>Notice to Appear for Discovery Conference</i>
08/16/2018	 Amended Joint Case Conference Report Filed By: Plaintiff Barket, Steven; Plaintiff G65 Ventures LLC <i>Amended Joint Case Conference Report</i>
08/30/2018	 Scheduling Order <i>Scheduling Order</i>
09/10/2018	 Order Setting Jury Trial <i>Order Setting Jury Trial</i>
10/10/2018	 Motion to Enforce Filed By: Plaintiff Barket, Steven; Plaintiff G65 Ventures LLC

CASE SUMMARY













CASE NO. A-17-756274-C

Motion to Enforce Settlement Agreement and for an Award of Attorney's Fees and Costs

10/17/2018	 Substitution of Attorney Filed by: Counter Claimant Sharda, Navneet <i>Substitution of Counsel</i>
11/02/2018	 Opposition Filed By: Counter Claimant Sharda, Navneet <i>Opposition to Motion to Enforce Settlement Agreement and for an Award of Attorney's Fees and Costs</i>
12/11/2018	 Notice of Appearance Party: Plaintiff Barket, Steven; Plaintiff G65 Ventures LLC <i>Notice of Appearance</i>
12/13/2018	 Notice of Change of Hearing <i>Notice of Change of Hearing</i>
12/14/2018	 Withdrawal Filed by: Plaintiff Barket, Steven <i>Notice of Withdrawal</i>
01/07/2019	Case Reassigned to Department 9 <i>Judicial Reassignment - From Judge Bailus to Vacant, DC9</i>
01/10/2019	 Reply in Support Filed By: Plaintiff Barket, Steven; Plaintiff G65 Ventures LLC <i>Reply in Support of Motion to Enforce Settlement Agreement and for an Award of Attorney's Fees and Costs</i>
02/11/2019	 Notice of Rescheduling <i>Notice of Rescheduling of Trial Date, Pretrial Conference, and Calendar Call</i>
02/21/2019	 Stipulation and Order Filed by: Plaintiff Barket, Steven; Plaintiff G65 Ventures LLC <i>Stipulation and Order to Continue Evidentiary Hearing</i>
03/29/2019	 Stipulation and Order to Extend Discovery Deadlines Filed By: Plaintiff Barket, Steven; Plaintiff G65 Ventures LLC <i>Stipulation and Order to Extend Discovery Deadline Dates and Trial (First Request)</i>
04/03/2019	 Notice of Entry of Order Filed By: Plaintiff Barket, Steven; Plaintiff G65 Ventures LLC <i>Notice of Entry of Order</i>
04/23/2019	 Motion to Withdraw As Counsel Filed By: Plaintiff Barket, Steven; Plaintiff G65 Ventures LLC <i>Motion to Withdraw as Counsel of Record</i>
04/24/2019	 Stipulation and Order Filed by: Plaintiff Barket, Steven <i>Stipulation and Order to Continue Evidentiary Hearing</i>
04/24/2019	 Notice of Entry of Order

CASE SUMMARY

CASE NO. A-17-756274-C

	<p>Filed By: Plaintiff Barket, Steven <i>Notice of Entry of Order</i></p>
04/25/2019	<p> Non Opposition Filed By: Defendant Hirji, Shafik <i>Defendants' Non-Opposition to Charles Barnabi Esq.'s Motion to Withdraw as Counsel for Record for Plaintiffs</i></p>
04/29/2019	<p>Case Reassigned to Department 8 <i>Judicial Reassignment to Department 8 - Vacant DC8 Judge</i></p>
05/28/2019	<p> Notice of Department Reassignment <i>Notice of Department Reassignment</i></p>
06/04/2019	<p> Order Granting Motion Filed By: Plaintiff Barket, Steven; Plaintiff G65 Ventures LLC <i>Order Granting Motion to Withdraw as Counsel for Plaintiffs / Counter-Defendants</i></p>
06/05/2019	<p> Notice of Entry of Order Filed By: Plaintiff Barket, Steven; Plaintiff G65 Ventures LLC <i>Notice of Entry of Order</i></p>
06/12/2019	<p> Motion to Extend Discovery Filed By: Defendant Hirji, Shafik; Counter Claimant Brown, Shafik; Counter Claimant Furniture Boutique LLC <i>Motion to Extend Discovery Deadlines and Continue Trial (First Request)</i></p>
06/28/2019	<p> Clerk's Notice of Hearing <i>Notice of Hearing</i></p>
08/22/2019	<p> Notice of Change of Address Filed By: Plaintiff Barket, Steven <i>Notice of Change of Address</i></p>
09/19/2019	<p> Notice of Withdrawal Filed By: Plaintiff Barket, Steven; Plaintiff G65 Ventures LLC <i>Notice of Withdrawal of Motion to Enforce Settlement Agreement and for an Award of Attorney's Fees and Costs</i></p>
10/08/2019	<p> Order Filed By: Defendant Hirji, Shafik; Counter Claimant Brown, Shafik; Counter Claimant Furniture Boutique LLC <i>July 12, 2019 Order Re: Defendants' Motion to Extend Discovery Deadlines and Continue Trial (First Request)</i></p>
10/09/2019	<p> Notice of Entry of Order Filed By: Defendant Hirji, Shafik; Counter Claimant Brown, Shafik; Counter Claimant Furniture Boutique LLC <i>Notice of Entry of July 12, 2019 Order Re: Defendants' Motion to Extend Discovery Deadlines and Continue Trial</i></p>
10/30/2019	<p> Amended Order Setting Jury Trial AMENDED ORDER SETTING JURY TRIAL</p>
10/31/2019	<p> Motion</p>

CASE SUMMARY

CASE NO. A-17-756274-C

Filed By: Counter Claimant Sharda, Navneet; Counter Claimant Trata Inc.
Counterclaimants' Motion to Declare Responses to Admissions Deemed Admitted

11/01/2019



Clerk's Notice of Hearing
Notice of Hearing

11/14/2019



Opposition and Countermotion
Filed By: Plaintiff Barket, Steven; Plaintiff G65 Ventures LLC
Opposition to Counterclaimants' Motion to Declare Responses to Admissions Deemed Admitted and Counter-Motion Pursuant to NRCP 36(b)

11/27/2019



Notice of Rescheduling of Hearing
MOTION TO DEEM REQUESTS

11/27/2019



Reply to Opposition
Filed by: Counter Claimant Sharda, Navneet
Counterclaimants' Reply to Opposition to Motion to Declare Responses to Admissions Deemed Admitted and Countermotion Pursuant to NRCP 36(b)

12/31/2019



Motion
Filed By: Counter Claimant Sharda, Navneet
Counterclaimants' Motion to Declare Responses to Admissions Deemed Admitted

12/31/2019



Clerk's Notice of Hearing
Notice of Hearing

01/02/2020



Motion to Compel
Filed By: Counter Claimant Sharda, Navneet
Counterclaimants' Motion to Compel

01/02/2020



Clerk's Notice of Hearing
Notice of Hearing

01/13/2020



Opposition and Countermotion
Filed By: Plaintiff Barket, Steven; Plaintiff G65 Ventures LLC
Opposition to Counterclaimants' Motion to Declare Responses to Admissions Deemed Admitted and Counter-Motion Pursuant to NRCP 36(b)

01/20/2020



Opposition to Motion to Compel
Filed By: Plaintiff Barket, Steven; Plaintiff G65 Ventures LLC
Opposition to Counterclaimants' Motion to Compel

01/27/2020



Reply
Filed by: Counter Claimant Sharda, Navneet
Reply to Counter-Defendant's Opposition to Motion to Compel

01/29/2020



Motion for Entry of Judgment
Motion for Entry of Confession of Judgment

02/07/2020



Motion to Extend Discovery
Filed By: Plaintiff Barket, Steven; Plaintiff G65 Ventures LLC
Motion for Order to Extend Discovery Deadlines and Trial

02/07/2020



Clerk's Notice of Hearing

CASE SUMMARY

CASE NO. A-17-756274-C

Notice of Hearing

02/12/2020



Notice of Hearing
Notice of Hearing

02/12/2020



Opposition and Counter-motion
Filed By: Defendant Hirji, Shafik; Counter Claimant Brown, Shafik; Counter Claimant Furniture Boutique LLC
Defendants' Opposition to Plaintiffs' Motion for Entry of Confession of Judgment and Counter-motion for Sanctions Pursuant to EDCR 7.60

02/13/2020



Certificate of Electronic Service
Filed By: Defendant Hirji, Shafik; Counter Claimant Brown, Shafik; Counter Claimant Furniture Boutique LLC
Confirmation of Service by Electronic Means

02/13/2020



Appendix
Filed By: Defendant Hirji, Shafik; Counter Claimant Brown, Shafik; Counter Claimant Furniture Boutique LLC
Defendants Appendices Volume I of III for Opposition and Counter-motion

02/13/2020



Appendix
Filed By: Defendant Hirji, Shafik; Counter Claimant Brown, Shafik; Counter Claimant Furniture Boutique LLC
Defendants Appendices Volume III of III for Opposition and Counter-motion

02/13/2020



Appendix
Filed By: Defendant Hirji, Shafik; Counter Claimant Brown, Shafik; Counter Claimant Furniture Boutique LLC
Defendants Appendices Volume II of III for Opposition and Counter-motion

02/19/2020



Declaration
Filed By: Counter Claimant Sharda, Navneet
Declaration of Harold P. Gewerter in Support of Attorney's Fees and Costs

02/23/2020



Opposition to Motion
Filed By: Defendant Hirji, Shafik; Counter Claimant Brown, Shafik; Counter Claimant Furniture Boutique LLC
Defendants' Opposition to Plaintiffs' Motion for Order to Extend Discovery Deadlines (Third Request)

02/24/2020



Motion to Continue
Filed By: Defendant Hirji, Shafik; Counter Claimant Brown, Shafik; Counter Claimant Furniture Boutique LLC
Defendants Motion To Continue The Hearing For Plaintiff's Motion For Entry Of Confession Of Judgment Currently Set For March 5, 2020 At 9:00 A.M.

02/24/2020



Ex Parte Application
Party: Defendant Hirji, Shafik; Counter Claimant Brown, Shafik; Counter Claimant Furniture Boutique LLC
Ex Parte Application For An Order Shortening Time On Defendants' Motion To Continue The Hearing For Plaintiff's Motion For On March 5, 2020 At 9:00 A.M.

02/24/2020



Order Shortening Time
Filed By: Defendant Hirji, Shafik; Counter Claimant Brown, Shafik; Counter Claimant Sharda, Navneet; Counter Claimant Furniture Boutique LLC

CASE SUMMARY

CASE NO. A-17-756274-C

Order Shortening Time

02/25/2020



Notice of Entry

Filed By: Defendant Hirji, Shafik; Counter Claimant Brown, Shafik; Counter Claimant Furniture Boutique LLC

Notice of Entry of Order Shortening Time

03/09/2020



Discovery Commissioners Report and Recommendations

Discovery Commissioner s Report and Recommendations -Originals

03/11/2020



Reply in Support

Filed By: Plaintiff Barket, Steven; Plaintiff G65 Ventures LLC; Consolidated Case Party Ahders, Michael

Reply in Support of Motion for Order to Extend Discovery Deadlines and Trial

03/11/2020



Reply in Support

Filed By: Plaintiff Barket, Steven

Reply In Support Of Motion for Entry of Confession of Judgment and Opposition to Counter-Motion for Sanctions

03/16/2020



Scheduling and Trial Order

Scheduling Order and Order Setting Civil Jury Trial and Calendar Call

05/01/2020



Motion for Sanctions

Filed By: Plaintiff Barket, Steven; Consolidated Case Party Ahders, Michael

Plaintiff's Motion for Sanctions Pursuant to NRCP 11

05/01/2020



Appendix

Filed By: Plaintiff Barket, Steven; Plaintiff G65 Ventures LLC; Consolidated Case Party Ahders, Michael

Appendix of Exhibits to Plaintiffs' Motion for Sanctions Pursuant to NRCP 11

05/01/2020



Clerk's Notice of Hearing

Clerk's Notice of Hearing

05/01/2020



Clerk's Notice of Hearing

Notice of Hearing

05/22/2020



Opposition and Countermotion

Filed By: Defendant Hirji, Shafik; Counter Claimant Brown, Shafik; Counter Claimant Furniture Boutique LLC

Defendants' Opposition to Plaintiffs' Motion for Sanctions Pursuant to Rule 11 and Countermotion for Attorney's Fees and Costs

05/22/2020



Appendix

Filed By: Defendant Hirji, Shafik; Counter Claimant Brown, Shafik; Counter Claimant Furniture Boutique LLC

Defendants' Appendices for Defendants' Opposition to Motion for Sanction and Countermotion Volumes I through VI

05/22/2020



Appendix

Filed By: Defendant Hirji, Shafik; Counter Claimant Brown, Shafik; Counter Claimant Furniture Boutique LLC

Defendants' Appendices Vol. II of VI for Opposition to Motion for Sanction and Countermotion

CASE SUMMARY

CASE NO. A-17-756274-C

05/22/2020	 Appendix Filed By: Defendant Hirji, Shafik; Counter Claimant Brown, Shafik; Counter Claimant Furniture Boutique LLC <i>Defendants' Appendices Vol III of VI for Opposition to Motion for Sanctions and Counter-motion</i>
05/22/2020	 Appendix Filed By: Defendant Hirji, Shafik; Counter Claimant Brown, Shafik; Counter Claimant Furniture Boutique LLC <i>Defendants' Appendices Vol IV of VI for Opposition to Motion for Sanctions and Counter-motion</i>
05/22/2020	 Appendix Filed By: Defendant Hirji, Shafik; Counter Claimant Brown, Shafik; Counter Claimant Furniture Boutique LLC <i>Defendants' Appendices Vol V of VI for Opposition to Motion for Sanction and Counter-motion</i>
05/22/2020	 Appendix Filed By: Defendant Hirji, Shafik; Counter Claimant Brown, Shafik; Counter Claimant Furniture Boutique LLC <i>Appendices For Defendant's Opposition To Plaintiff's Motion For Sanctions Pursuant To NRCP 11 Vol. VI of VI</i>
05/22/2020	 Certificate of Service Filed by: Defendant Hirji, Shafik; Counter Claimant Brown, Shafik; Counter Claimant Furniture Boutique LLC <i>Certificate of Service by Electronic Means</i>
06/05/2020	 Opposition to Motion Filed By: Plaintiff Barket, Steven; Plaintiff G65 Ventures LLC; Consolidated Case Party Ahders, Michael <i>Plaintiffs' Opposition to Defendants' Counter-motion for Attorney's Fees and Costs</i>
07/06/2020	 Notice of Rescheduling of Hearing <i>Notice of Rescheduling of Hearing</i>
07/29/2020	 Motion to Dismiss Filed By: Defendant Hirji, Shafik; Counter Claimant Brown, Shafik; Counter Claimant Furniture Boutique LLC <i>Motion To Dismiss The Plaintiffs Complaint With Prejudice Pursuant To NRCP 41(E)(6) And/Or For Abuse Of Process; To Deem Plaintiff, Steven Barket, A Vexatious Litigant; Issue A Permanent Injunction To Issue To Require Plaintiff Barket To Remove All Websites Regarding The Defendants, And Others, And Enjoin Barket From Posting Any New Websites Against Such Persons; And Award Defendants Attorney s Fees And Costs</i>
07/29/2020	 Appendix Filed By: Defendant Hirji, Shafik; Counter Claimant Brown, Shafik; Counter Claimant Furniture Boutique LLC <i>Appendices for Defendants' Motion to Dismiss Plaintiffs' Complaint with Prejudice and for Related Relief (Volume I of VIII)</i>
07/29/2020	 Appendix Filed By: Defendant Hirji, Shafik; Counter Claimant Brown, Shafik; Counter Claimant Furniture Boutique LLC <i>Appendices for Defendants' Motion to Dismiss Plaintiffs' Complaint with Prejudice and for Related Relief (Volume II of VIII)</i>

CASE SUMMARY

CASE NO. A-17-756274-C

07/29/2020



Appendix

Filed By: Defendant Hirji, Shafik; Counter Claimant Brown, Shafik; Counter Claimant Furniture Boutique LLC
Appendices for Defendants' Motion to Dismiss Plaintiffs' Complaint with Prejudice and for Related Relief (Volume III of VIII)

07/29/2020



Appendix

Filed By: Defendant Hirji, Shafik; Counter Claimant Brown, Shafik; Counter Claimant Furniture Boutique LLC
Appendices for Defendants' Motion to Dismiss Plaintiffs' Complaint with Prejudice and for Related Relief (Volume IV of VIII)

07/29/2020



Appendix

Filed By: Defendant Hirji, Shafik; Counter Claimant Brown, Shafik; Counter Claimant Furniture Boutique LLC
Appendices for Defendants' Motion to Dismiss Plaintiffs' Complaint with Prejudice and for Related Relief (Volume V of VIII)

07/29/2020



Appendix

Filed By: Defendant Hirji, Shafik; Counter Claimant Brown, Shafik; Counter Claimant Furniture Boutique LLC
Appendices for Defendants' Motion to Dismiss Plaintiffs' Complaint with Prejudice and for Related Relief (Volume VI of VIII)

07/29/2020



Appendix

Filed By: Defendant Hirji, Shafik; Counter Claimant Brown, Shafik; Counter Claimant Furniture Boutique LLC
Appendices for Defendants' Motion to Dismiss Plaintiffs' Complaint with Prejudice and for Related Relief (Volume VII of VIII)

07/29/2020



Appendix

Filed By: Defendant Hirji, Shafik; Counter Claimant Brown, Shafik; Counter Claimant Furniture Boutique LLC
Appendices for Defendants' Motion to Dismiss Plaintiffs' Complaint with Prejudice and for Related Relief (Volume VIII of VIII)

07/30/2020



Clerk's Notice of Hearing

Notice of Hearing

08/24/2020



Stipulation and Order

Filed by: Counter Claimant Brown, Shafik; Counter Claimant Furniture Boutique LLC
Stipulation and Order to Consolidate and Continue Hearings

08/25/2020



Notice of Entry of Stipulation and Order

Filed By: Defendant Hirji, Shafik; Counter Claimant Brown, Shafik; Counter Claimant Furniture Boutique LLC
Notice of Entry of Stipulation and Order

09/02/2020



Opposition to Motion to Dismiss

Filed By: Plaintiff Barket, Steven; Consolidated Case Party Ahders, Michael
Plaintiff's Opposition to Defendant's Motion to Dismiss the Plaintiff's Complaint with Prejudice Pursuant to NRCP 41(E)(6), and/or for Abuse of Process; to Deem Plaintiff, Steven Barket, a Vexatious Litigant; Issue a Permanent Injunction to Issue to Require Plaintiff Barket to Remove all Websites Regarding the Defendants, and Others, and Enjoin Barket from Posting any New Websites Against such Persons; and Award Defendants Attorney's Fees and Costs

CASE SUMMARY

CASE NO. A-17-756274-C

09/03/2020	 Appendix Filed By: Plaintiff Barket, Steven; Consolidated Case Party Ahders, Michael <i>APPENDIX OF EXHIBITS</i>
10/08/2020	 Notice of Telephonic Hearing Filed by: Defendant Hirji, Shafik <i>Notice of Counsel and Defendant's Intent to Appear by Bluejeans Relief</i>
10/13/2020	 Reply to Motion Filed By: Defendant Hirji, Shafik; Counter Claimant Brown, Shafik; Counter Claimant Furniture Boutique LLC <i>Defendant Reply to Motion to Dismiss with Prejudice and for Related Relief</i>
10/13/2020	 Reply to Counterclaim Filed by: Defendant Hirji, Shafik; Counter Claimant Brown, Shafik; Counter Claimant Furniture Boutique LLC <i>Defendants' Reply to Countermotion for Attorney's Fees and Costs Pertaining to Plaintiffs' Motion for Sanctions</i>
10/13/2020	 Reply to Counterclaim Filed by: Defendant Hirji, Shafik; Counter Claimant Brown, Shafik; Counter Claimant Furniture Boutique LLC <i>Defendants' Reply to Countermotion for Sanctions Pursuant to EDCR 7.60 Pertaining to Plaintiffs' Motion for Entry of Judgment</i>
10/14/2020	 Confession of Judgment Filed By: Counter Claimant Sharda, Navneet; Counter Claimant Trata Inc. <i>Confession of Judgment as to Defendant Shafik Brown</i>
10/14/2020	 Confession of Judgment Filed By: Counter Claimant Sharda, Navneet; Counter Claimant Trata Inc. <i>Confession of Judgment as to Defendant Shafik Hirji</i>
10/14/2020	 Confession of Judgment Filed By: Counter Claimant Sharda, Navneet; Counter Claimant Trata Inc. <i>Confession of Judgment</i>
10/19/2020	 Notice of Appearance Party: Plaintiff Barket, Steven <i>Notice of Appearance of Counsel</i>
10/19/2020	 Motion to Withdraw As Counsel Filed By: Plaintiff Barket, Steven; Plaintiff G65 Ventures LLC <i>(10/22/20 Withdrawn) Motion to Withdraw as Counsel of Record</i>
10/20/2020	 Stipulation and Order Filed by: Plaintiff Barket, Steven <i>Stipulation and Order to Continue Hearing</i>
10/20/2020	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
10/22/2020	 Substitution of Attorney Filed by: Plaintiff Barket, Steven; Plaintiff G65 Ventures LLC

CASE SUMMARY

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Substitution of Attorneys

10/22/2020	 Notice of Withdrawal of Motion Filed By: Plaintiff Barket, Steven; Plaintiff G65 Ventures LLC <i>Notice of Withdrawal of Motion</i>
12/04/2020	 Order to Statistically Close Case <i>Civil Order to Statistically Close Case</i>
12/14/2020	 Findings of Fact, Conclusions of Law and Order Filed By: Counter Claimant Brown, Shafik; Counter Claimant Furniture Boutique LLC <i>Findings of Fact and COncusions ofg Law for November 19, 2020 Order Dismissing Plaintiffs Matter With Prejudice</i>
12/14/2020	 Amended Notice of Entry of Order Filed By: Defendant Hirji, Shafik; Counter Claimant Brown, Shafik; Counter Claimant Furniture Boutique LLC <i>Notice of Entry of of Finsings of Fact and Conclusions of Law for November 19, 2020 Order Dismissing Plaintiffs' Matter with Prejudice</i>
12/28/2020	 Notice of Appearance Party: Defendant Sharda, Navneet <i>Notice of Appearance</i>
12/28/2020	 Motion for Clarification Filed By: Defendant Sharda, Navneet <i>Counterclaimants' Motion for Clarification, and/or in the Alternative, Motion for Relief, Reconsideration, and/or to Alter or Amend Judgment</i>
12/29/2020	 Clerk's Notice of Hearing <i>Clerk's Notice of Hearing</i>
01/04/2021	Administrative Reassignment - Judicial Officer Change <i>Judicial Reassignment to Judge Nadia Krall</i>
01/07/2021	 Joinder To Motion <i>Counterdefendants' Limited Joinder to Counterclaimants Motion for Clarification, and/or In The Alternative, Motion For Relief, Reconsideration, and/or to Alter or Amend Judgment</i>
01/11/2021	 Opposition Filed By: Plaintiff Barket, Steven <i>Defendants' Opposition to Counterclaimants' Motion for Clarification, and/or in The Alternative, Motion for Relief, Reconsideration and/or to Alter or Amend Judgment</i>
01/11/2021	 Appendix Filed By: Defendant Hirji, Shafik <i>Appendices for Defendants Opposition to Counterclaimants Motion for Clarification, And/or in the Alternative, Motion for Relief, Reconsideration, And/or to Alter or Amend Judgment (Vol. I of VIII)</i>
01/11/2021	 Appendix <i>Appendices for Defendants Opposition to Counterclaimants Motion for Clarification, And/or in the Alternative, Motion for Relief, Reconsideration, And/or to Alter or Amend Judgment (Vol. II of VIII)</i>
01/11/2021	

CASE SUMMARY

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	 Appendix Filed By: Defendant Hirji, Shafik <i>Appendices for Defendants Opposition to Counterclaimants Motion for Clarification, And/or in the Alternative, Motion for Relief, Reconsideration, And/or to Alter or Amend Judgment (Vol. III of VIII)</i>
01/11/2021	 Appendix Filed By: Defendant Hirji, Shafik <i>Appendices for Defendants Opposition to Counterclaimants Motion for Clarification, And/or in the Alternative, Motion for Relief, Reconsideration, And/or to Alter or Amend Judgment (Vol. IV of VIII)</i>
01/11/2021	 Appendix Filed By: Defendant Hirji, Shafik <i>Appendices for Defendants Opposition to Counterclaimants Motion for Clarification, And/or in the Alternative, Motion for Relief, Reconsideration, And/or to Alter or Amend Judgment (Vol. V of VIII)</i>
01/11/2021	 Appendix Filed By: Defendant Hirji, Shafik <i>Appendices for Defendants Opposition to Counterclaimants Motion for Clarification, And/or in the Alternative, Motion for Relief, Reconsideration, And/or to Alter or Amend Judgment (Vol. VI of VIII)</i>
01/11/2021	 Appendix Filed By: Defendant Hirji, Shafik <i>Appendices for Defendants Opposition to Counterclaimants Motion for Clarification, And/or in the Alternative, Motion for Relief, Reconsideration, And/or to Alter or Amend Judgment (Vol. VII of VIII)</i>
01/11/2021	 Appendix Filed By: Defendant Hirji, Shafik <i>Appendices for Defendants Opposition to Counterclaimants Motion for Clarification, And/or in the Alternative, Motion for Relief, Reconsideration, And/or to Alter or Amend Judgment (Vol. VIII of VIII)</i>
01/13/2021	 Notice of Appeal Filed By: Defendant Sharda, Navneet <i>Notice of Appeal</i>
01/13/2021	 Opposition Filed By: Defendant Hirji, Shafik <i>Defendants' Opposition to Counterdefendants' Limited Joinder to Counterclaimants' Motion for Clatification, and/or in the Alternative, Motion for Relief, Reconsideration and/or to Alter or Amend Judgment and Countermotion to Strike Counterdefendants' Untimely Joinder</i>
	<u>DISPOSITIONS</u>
09/28/2017	Order of Dismissal (Judicial Officer: Bailus, Mark B) Debtors: Steven Barket (Plaintiff), G65 Ventures LLC (Plaintiff) Creditors: Shafik Hirji (Defendant), Furniture Boutique LLC (Defendant) Judgment: 09/28/2017, Docketed: 09/29/2017 Comment: Certain Causes
12/14/2020	Order of Dismissal With Prejudice (Judicial Officer: Earley, Kerry) Debtors: Steven Barket (Plaintiff), G65 Ventures LLC (Plaintiff) Creditors: Shafik Hirji (Defendant), Shafik Brown (Defendant), Navneet Sharda (Defendant), Furniture Boutique LLC (Defendant) Judgment: 12/14/2020, Docketed: 12/15/2020

CASE SUMMARY

CASE NO. A-17-756274-C

Debtors: Steven Barket (Counter Defendant, Counter Defendant)
Creditors: Shafik Hirji (Counter Claimant), Shafik Brown (Counter Claimant), Navneet Sharda (Counter Claimant), Furniture Boutique LLC (Counter Claimant), Trata Inc. (Counter Claimant)
Judgment: 12/14/2020, Docketed: 12/15/2020

HEARINGS

08/01/2017



Motion to Dismiss (9:00 AM) (Judicial Officer: Bailus, Mark B)

Defendants, Shafik Hirji, Shafik Brown, and Furniture Boutique, LLC's Motion to Dismiss
Granted in Part; Defendants, Shafik Hirji, Shafik Brown, and Furniture Boutique, LLC's
Motion to Dismiss

Journal Entry Details:

Arguments by counsel. COURT ORDERS, Defendants, Shafik Hirji, Shafik Brown, and Furniture Boutique, LLC's Motion to Dismiss is GRANTED IN PART. COURT ORDERED, 7th, Fraud in the Inducement; 9th, Negligent Misrepresentation; and, 11th, Civil Conspiracy causes of action are DISMISSED. FURTHER ORDERED, Plaintiff granted leave to amend complaint within 10 days of this date. Mr. Marks to prepare the order within 10 days, have opposing counsel review as to form and content and distribute a filed copy to all parties involved in this matter.;

10/25/2017



Motion to Dismiss (9:00 AM) (Judicial Officer: Bailus, Mark B)

Plaintiff's/Counter-Defendant's Motion to Dismiss Counterclaim Pursuant to NRCP 12(b)(5)

MINUTES

Continued; Plaintiff's/Counter-Defendant's Motion to Dismiss Counterclaim Pursuant to NRCP 12(b)(5)

Journal Entry Details:

Mr. Marks requested Matter be submitted and have Court deny the motion without prejudice. Colloquy. Mr. McDonald not being present, COURT ORDERED, MOTION TO DISMISS COUNTERCLAIM is CONTINUED. CONTINUED TO: 11/01/17 9:00 a.m.;

SCHEDULED HEARINGS



Motion to Dismiss (11/01/2017 at 9:00 AM) (Judicial Officer: Bailus, Mark B)

Plaintiff's/Counter-Defendant's Motion to Dismiss Counterclaim Pursuant to NRCP 12(b)(5)

11/01/2017



Motion to Dismiss (9:00 AM) (Judicial Officer: Bailus, Mark B)

Plaintiff's/Counter-Defendant's Motion to Dismiss Counterclaim Pursuant to NRCP 12(b)(5)
Denied Without Prejudice; Plaintiff's/Counter-Defendant's Motion to Dismiss Counterclaim Pursuant to NRCP 12(b)(5)

Journal Entry Details:

Arguments by counsel. Court Finds allegations comply with statutory requirements. COURT ORDERED, Motion to Dismiss Counterclaim is DENIED Without Prejudice. Mr. Marks to prepare the order within 10 days have opposing counsel review as to form and content and distribute a filed copy to all parties involved in this matter.;

03/21/2018



Motion to Consolidate (9:00 AM) (Judicial Officer: Bailus, Mark B)

Defendants' Motion to Consolidate Case No A-18-770121-C with This Case Pursuant to NRCP 42 and EDCR 2.50

MINUTES

Stayed; Defendants' Motion to Consolidate Case No A-18-770121-C with This Case Pursuant to NRCP 42 and EDCR 2.50

Journal Entry Details:

Michael Mazur, Esq., counsel for Plaintiff in A-18-770121-C also present. Arguments by counsel. Court notes if case is consolidated the hearing to vacate the Confession-of-Judgment in the other matter will not be addressed, since it is already set for hearing. Court Finds based on the arguments of counsel this Court thinks this motion is premature. COURT ORDERED, this matter is STAYED for the motion before Judge Wiese to be addressed. FURTHER ORDERED, motion CONTINUED. Based on the outcome of the Motion to Vacate the Confession of Judgment Pursuant to NRS 17.090 through NRS 17.110, counsel may request the matter be taken off calendar prior to next date. CONTINUED TO: 04/11/18 9:00 a.m.;

CASE SUMMARY

CASE NO. A-17-756274-C

SCHEDULED HEARINGS



Motion to Consolidate (04/11/2018 at 9:00 AM) (Judicial Officer: Bailus, Mark B)
Defendants' Motion to Consolidate Case No A-18-770121-C with This Case Pursuant to NRCP 42 and EDCR 2.50

04/11/2018



Motion to Consolidate (9:00 AM) (Judicial Officer: Bailus, Mark B)
Defendants' Motion to Consolidate Case No A-18-770121-C with This Case Pursuant to NRCP 42 and EDCR 2.50
 Withdrawn; Defendants' Motion to Consolidate Case No A-18-770121-C with This Case Pursuant to NRCP 42 and EDCR 2.50
 Journal Entry Details:
Mr. Mazur, counsel for Plaintiff in A-18-770121-C also present. Colloquy regarding motion before Judge Wiese. Counsel stated the Judge set the matter for an evidentiary hearing. Brief argument by counsel. COURT FINDS motion is premature and ORDERED, WITHDRAWN Without Prejudice.;

06/27/2018



Motion to Dismiss (9:00 AM) (Judicial Officer: Bailus, Mark B)
Defendant's Motion to Dismiss Pursuant to NRCP 16.1(e)
 Denied; Defendant's Motion to Dismiss Pursuant to NRCP 16.1(e)
 Journal Entry Details:
Arguments by counsel. COURT ORDERED, Defendant Furniture Boutique LLC's Motion to Dismiss is DENIED. FURTHER, Plaintiff has until 7/06/18 to file a Joint Case Conference Report (JCCR); or Individual Case Conference Report (ICCR), if parties cannot agree. Court admonished Plaintiff's counsel regarding compliance with the rules. Mr. McDonald to prepare the order within 10 days and have opposing counsel review as to form and content and distribute a filed copy to all parties involved in this matter.;

08/21/2018

CANCELED Discovery Conference (10:30 AM) (Judicial Officer: Bulla, Bonnie)
Vacated
Discovery Conference

01/17/2019



Motion to Enforce (8:30 AM) (Judicial Officer: Thompson, Charles)
Motion to Enforce Settlement Agreement and for an Award of Attorney's Fees and Costs
 Matter Heard;
 Journal Entry Details:
Colloquy regarding settlement agreement. Court advised a claim of duress can only come about when they tried to enforce the settlement. Arguments by Mr. Gewerter, requesting an evidentiary hearing. COURT ORDERED, motion for Evidentiary Hearing GRANTED; matter SET for Evidentiary Hearing. Mr. Gewerter requested limited discovery and attorney's fees. COURT ORDERED, motion for Fees DENIED. 2/15/19 9:00 AM EVIDENTIARY HEARING;

07/09/2019

CANCELED Pre Trial Conference (8:30 AM) (Judicial Officer: Bailus, Mark B)
Vacated - per Stipulation and Order

07/12/2019



Minute Order (10:31 AM) (Judicial Officer: Earley, Kerry)
re: Motion to Extend Discovery Deadlines and Continue Trial (First Request)
 Minute Order - No Hearing Held;
 Journal Entry Details:
On 6-12-2019, Attorney Daniel Marks, for Defendants filed a Motion to Extend Discovery Deadlines and Continue Trial (First Request). According to EDCR 2.20(e), because there was no opposition by the nonmovant filed, and for good cause showing, the court hereby GRANTS the Defendants Motion to Extend Discovery Deadlines and Continue Trial (First Request). The Court has determined the additional 120 days to extend discovery is appropriate and, therefore, the Proposed Deadlines for discovery are Ordered. The current trial date of April 20, 2020 to be continued until trial stack of June 22, 2020. Counsel for Defendants to prepare and file the Order. CLERK'S NOTE: This Minute Order has been electronically served to the parties through Odyssey eFile and by mail to Steven Barket: 1384 Ruby Sky St, Henderson, NV 89052.;


07/18/2019

CANCELED Motion to Extend Discovery (9:00 AM) (Judicial Officer: Earley, Kerry)

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. A-17-756274-C

	<i>Vacated - per Judge</i> <i>Motion to Extend Discovery Deadlines and Continue Trial (First Request)</i>
07/25/2019	CANCELED Evidentiary Hearing (9:00 AM) (Judicial Officer: Vacant, DC 9) <i>Vacated - Case Reassigned</i>
08/05/2019	CANCELED Calendar Call (8:30 AM) (Judicial Officer: Bailus, Mark B) <i>Vacated - per Stipulation and Order</i>
08/12/2019	CANCELED Jury Trial (9:00 AM) (Judicial Officer: Bailus, Mark B) <i>Vacated - per Stipulation and Order</i>
09/24/2019	CANCELED Evidentiary Hearing (11:00 AM) (Judicial Officer: Earley, Kerry) <i>Vacated</i> <i>Evidentiary Hearing - Motion to Enforce Settlement Agreement</i>
12/16/2019	Motion to Deem Requests for Admissions Admitted (3:00 AM) (Judicial Officer: Earley, Kerry) <i>Counterclaimants' Motion to Declare Responses to Admissions Deemed Admitted</i>
02/04/2020	Opposition and Countermotion (9:00 AM) (Judicial Officer: Truman, Erin) <i>Opposition to Counterclaimant's Motion to Declare Responses to Admissions Deemed Admitted and Counter-Motion Pursuant to NRCP36(b)</i>
02/04/2020	Motion (9:00 AM) (Judicial Officer: Truman, Erin) <i>Counterclaimants' Motion to Declare Responses to Admissions Deemed Admitted</i>
02/04/2020	Motion to Compel (9:00 AM) (Judicial Officer: Truman, Erin) <i>Counterclaimants' Motion to Compel</i>
02/04/2020	CANCELED Opposition and Countermotion (9:00 AM) (Judicial Officer: Earley, Kerry) <i>Vacated</i> <i>Plaintiff's Opposition to Counterclaimants' Motion to Declare Responses to Admissions Deemed Admitted and Counter-Motion Pursuant to NRCP 36(b)</i>
02/04/2020	 All Pending Motions (9:00 AM) (Judicial Officer: Truman, Erin) Matter Heard; Journal Entry Details: <i>COUNTERCLAIMANTS' MOTION TO DECLARE RESPONSES TO ADMISSIONS DEEMED ADMITTED OPPOSITION TO COUNTERCLAIMANT'S MOTION TO DECLARE RESPONSES TO ADMISSIONS DEEMED ADMITTED AND COUNTER-MOTION PURSUANT TO NRCP36(B) STATUS CHECK: ATTORNEYS FEES AND COSTS</i> <i>COUNTERCLAIMANTS' MOTION TO COMPEL As to Counterclaimants' Motion To Declare Responses To Admissions Deemed Admitted: COMMISSIONER NOTED the admissions were late. As a matter of law the request for admissions were admitted. Plaintiff brought a counter-motion to withdraw the admissions. Those were served July 8, 2019. Their responses for admissions were responded to. The Court had to consider whether or not there was prejudice to allow those to be withdrawn. COMMISSIONER RECOMMENDED, the Request to Deemed Admitted MOOT because they were admitted as a matter of law. The Commissioner would hear the counter-motion to withdraw the admissions from plaintiff. Arguments by counsel. COMMISSIONER RECOMMENDS Counter Motion to Withdraw the Admissions GRANTED; substantive responses to stand. Any objections set forth therein are waived because they were late. The substantive responses would stand. As to Counterclaimants' Motion To Compel the Responses to Interrogatories and Request for Production of Documents: Arguments by counsel. COMMISSIONER RECOMMENDED the motion GRANTED; it appeared that responses were provided on January 20, 2020. Objections were waived for untimeliness except as to privilege. Any objections on the basis of privilege would be allowed. Other objections were waived. There needs to be full response, to the extent it had not been done, to the interrogatories and request for production of documents. To the extent, Mr. Gewerter believed there were deficiencies, those must be enumerated to the Plaintiff. They must conduct another 2.34 regarding any deficiencies that he believed to exists. If those could not be worked out then they could be brought by further motion to the court. As to the Request for Attorney's Fees and Costs: COMMISSIONER RECOMMENDED, request GRANTED. It appeared that the motion</i>

CASE SUMMARY

CASE NO. A-17-756274-C

was not responded to before the motion. The only reason they were responded to was because a motion was brought. The Commissioner would review this matter for the appropriate attorney's fees and costs. Commissioner directed Mr. Gewerter to prepare an affidavit that set forth, or analyzes the factors set forth in Brunzell v. Golden Gate. In addition, any request for costs related to the filing of the motion and appearance here in court must met the requirements of Cadle versus Woods Erickson. Also, to provide a redacted invoice statement only for the drafting of the motion to compel, reviewing the opposition, drafting the reply, and appearing in court today. Submit it within two (2) weeks. COMMISSIONER RECOMMENDED, Status Check SET as to Attorney's Fees and Costs. 03/06/20 9:30 AM STATUS CHECK: ATTORNEY'S FEES and COSTS CLERK'S NOTE: Minute Order amended 3-10-2020. jl;

03/06/2020



Status Check (9:30 AM) (Judicial Officer: Truman, Erin)

STATUS CHECK: ATTORNEYS FEES AND COSTS

Matter Heard; STATUS CHECK: ATTORNEYS FEES AND COSTS

Journal Entry Details:

ATTORNEY PRESENT: Bryce Finley. Commissioner reviewed Mr. Gewerter's Affidavit in compliance with Brunzell versus Golden Gate. Argument by Mr. Barnabi. Based on what is reasonable, COMMISSIONER RECOMMENDED \$3225 Attorney fees awarded to the Counter-Claimant against Counter-Def; fees are payable 30 days after this Recommendation becomes a final Order of the Court; no costs requested. Mr. Finley stated discovery that was due 3-5-2020 from Mr. Barnabi was not provided. Counsel has been unable to take a deposition, and discovery closed 3-4-2020. Commissioner advised counsel that any request to continue discovery is heard by the Judge. Commissioner read from the Minute Order dated 2-4-2020. Commissioner advised counsel another 2.34 conference is needed to discuss deficiencies, otherwise, a Motion would be filed for Commissioner to consider. Mr. Barnabi stated a Motion is currently filed on 3-19-2020 (Dept. 4). Colloquy regarding if the award of fees will be apportioned. Commissioner reiterated the Recommendation, and apportionment would be briefed before consideration. Mr. Barnabi stated discovery was served last night (3-5-2020). Colloquy. Commissioner stated if discovery was served, and it was to occur before the end of discovery, it can be completed. Mr. Finley to prepare the Report and Recommendations, and Mr. Barnabi to approve as to form and content. A proper report must be timely submitted within 14 days of the hearing. Otherwise, counsel will pay a contribution.;

03/16/2020



Minute Order (3:00 AM) (Judicial Officer: Earley, Kerry)

Minute Order - No Hearing Held;

Journal Entry Details:

This matter came before the Court on Plaintiffs and Michael Ahders Motion for Order to Extend Discovery Deadlines and Trial (Third Request), filed February 7, 2020 by counsel Charles (CJ) E. Barnabi Jr., Esq. Defendants Opposition was filed on February 23, 2020 by counsel Daniel Marks, Esq., and a Reply thereto was filed on March 11, 2020 by counsel Charles (CJ) E. Barnabi Jr., Esq. Having reviewed all points and authorities, and for good cause shown, the Court hereby GRANTS Plaintiffs and Michael Ahders Motion for Order to Extend Discovery Deadlines and Trial. COURT FINDS that there is good cause for a four-month extension of discovery deadlines as proposed by Plaintiffs and Michael Ahders. Court finds that the Motion was properly filed with the District Court under the new EDCR 2.35. The new dates for discovery are as follows. Discovery cut-off: June 29, 2020; Deadline for Motions to Amend Pleadings or Add Parties: March 31, 2020; Deadline for Initial Expert Disclosures: March 31, 2020; Deadline for Rebuttal Expert Disclosures: April 30, 2020; Deadline for Dispositive Motions: July 29, 2020. Trial is set for the November 16, 2020 stack, with a Calendar Call set for October 29, 2020 at 11:00 am. A new Scheduling Order from the Court will follow. Counsel for Plaintiffs and Michael Ahders to prepare the Order, to be approved as to form and content by opposing counsel. The hearing on Plaintiff's Motion for Order to Extend Discovery Deadlines and Trial, filed in A-18-770121, currently set for March 19, 2020 at 9:00am is hereby VACATED. Additionally, the hearings currently set for March 19, 2020 at 9:00 am on Motion for Entry of Confession of Judgment, Defendants Opposition to Plaintiff's Motion for Entry of Confession of Judgment, filed in both A-17-756274 and A-18-770121, is hereby VACATED and RESCHEDULED to May 5, 2020 at 9:00 am. The Motion to Continue Hearing for Plaintiff's Motion for Entry of Confession of Judgment, currently set for March 19, 2020 at 9:00 am and filed in A-17-756274, is hereby VACATED as MOOT. CLERK'S NOTE: The above minute order has been updated to clarify the order of the Court and distributed via email and mailing services. (3-18-20 np);

03/17/2020

CANCELED Pre Trial Conference (8:30 AM) (Judicial Officer: Vacant, DC 9)

CASE SUMMARY


CASE NO. A-17-756274-C

	<i>Vacated - Case Reassigned</i>
03/17/2020	CANCELED Pre Trial Conference (8:30 AM) (Judicial Officer: Earley, Kerry) <i>Vacated</i>
03/19/2020	CANCELED Motion to Extend Discovery (9:00 AM) (Judicial Officer: Earley, Kerry) <i>Vacated</i> <i>Plaintiffs' Motion for Order to Extend Discovery Deadlines and Trial</i>
03/19/2020	CANCELED Motion (9:00 AM) (Judicial Officer: Earley, Kerry) <i>Vacated - Moot</i> <i>Motion to continue hearing for Plaintiff's Motion for Entry of Confession of Judgment</i>
04/02/2020	 Status Check: Compliance (3:00 AM) (Judicial Officer: Truman, Erin) 04/02/2020, 05/07/2020, 06/11/2020 <i>Status Check: Compliance / 3-6-2020 DCRR</i> <i>Matter Continued; 3-6-2020 DCRR</i> <i>Matter Continued; Status Check: Compliance / 3-6-2020 DCRR</i> <i>Set Notice To Appear;</i> <i>Journal Entry Details:</i> <i>DCRR not submitted. A Notice to Appear will issue.;</i> <i>Matter Continued; 3-6-2020 DCRR</i> <i>Matter Continued; Status Check: Compliance / 3-6-2020 DCRR</i> <i>Set Notice To Appear;</i> <i>Journal Entry Details:</i> <i>The 3-6-2020 Report and Recommendation remains outstanding. A proper report must be timely submitted within 14 days of the hearing. Otherwise, counsel will pay a sanction. Comply with Administrative Order 20-10, and submit the DCRR to DiscoveryInbox@clarkcountycourts.us. COMMISSIONER RECOMMENDED, matter CONTINUED to an in chambers Status Check. CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Jennifer Lott, to all registered parties for Odyssey File & Serve. jl ;</i> <i>Matter Continued; 3-6-2020 DCRR</i> <i>Matter Continued; Status Check: Compliance / 3-6-2020 DCRR</i> <i>Set Notice To Appear;</i> <i>Journal Entry Details:</i> <i>The 4-2-2020 Report and Recommendation remains outstanding. A proper report must be timely submitted within 14 days of the hearing. Otherwise, counsel will pay a sanction. Comply with Administrative Order 20-10, and submit the DCRR to DiscoveryInbox@clarkcountycourts.us. COMMISSIONER RECOMMENDED, matter CONTINUED to an in chambers status check. CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Jennifer Lott, to all registered parties for Odyssey File & Serve. jl ;</i>
04/13/2020	CANCELED Calendar Call (8:30 AM) <i>Vacated - Case Reassigned</i>
04/13/2020	CANCELED Calendar Call (8:30 AM) (Judicial Officer: Earley, Kerry) <i>Vacated</i>
04/20/2020	CANCELED Jury Trial (9:00 AM) <i>Vacated - Case Reassigned</i>
04/20/2020	CANCELED Jury Trial (9:00 AM) (Judicial Officer: Earley, Kerry) <i>Vacated</i>
05/05/2020	CANCELED Opposition and Countermotion (9:00 AM) (Judicial Officer: Earley, Kerry) <i>Vacated</i> <i>Defendants' Opposition to Plaintiffs' Motion for Entry of Confession of Judgment and Countermotion for Sanctions Pursuant to EDCR 7.60</i>
06/09/2020	CANCELED Motion for Sanctions (9:00 AM) (Judicial Officer: Earley, Kerry)

CASE SUMMARY**CASE NO. A-17-756274-C***Vacated - Set in Error**Plaintiffs Motion for Sanctions Pursuant to NRCP 11*

10/29/2020 **CANCELED Calendar Call** (11:00 AM) (Judicial Officer: Earley, Kerry)
Vacated

11/16/2020 **CANCELED Jury Trial** (9:00 AM) (Judicial Officer: Earley, Kerry)
Vacated

11/19/2020  **Minute Order** (3:00 AM) (Judicial Officer: Earley, Kerry)
Minute Order - No Hearing Held;
Journal Entry Details:

*THIS MATTER came before the Court on Plaintiffs Motion for Entry of Confession of Judgment, filed January 19, 2020; Defendants Opposition to Plaintiff's Motion for Entry of Confession of Judgment and Countermotion for Sanctions Pursuant to EDCR 7.60, filed February 12, 2020; Plaintiffs Reply in Support of Motion for Entry of Confession of Judgment and Opposition to Countermotion For Sanctions, filed March 11, 2020; Plaintiffs Motion for Sanctions Pursuant to NRCP 11, filed May 1, 2020; Defendants' Opposition to Plaintiffs' Motion for Sanctions Pursuant to NRCP 11, filed May 22, 2020; Defendant's Reply to Countermotion for Sanctions Per EDCR 7.60 Pertaining to Plaintiffs Motion for Entry of Judgment, filed October 13, 2020; Defendants Motion to Dismiss With Prejudice and for Related Relief, filed on July 29, 2020; Plaintiffs Opposition thereto filed September 2, 2020; and Defendant's Reply filed October 13, 2020. THE COURT having reviewed the matter, including all points and authorities, and exhibits, and good cause appearing, hereby issues its decision. I. Plaintiffs Motion for Entry of Confession of Judgment Plaintiffs motion essentially seeks reconsideration of this Court's Order entered on May 17, 2019 in Case No. A-18-770121-C, which was consolidated with this matter (Case No.: A-17-756274-C), wherein the Court hold that the Confession of Judgment dated November 21, 2016 for \$100,000 plus interest was void under NRCP 60(b). This Court set aside and vacated the Confession of Judgment, granted Defendants motion for stay of execution, and consolidated the two matters. The same Confession of Judgment was addressed by Judge Cory in Case No.: A-19-806944-C during a hearing held on January 29, 2020. Pursuant to Judge Cory's Order entered on February 21, 2020, Defendants Emergency Motion to Vacate the Confession of Judgment Pursuant To NRCP 60(b); to Quash Any and All Writs of Execution and/or Garnishment Pursuant to NRCP 60(b) Because the Judgment was Obtained by Fraud; to Stay All Collection Activity, Including Writs of Execution; for Attorney's Fees and Costs; and to Dismiss [the] Action With Prejudice, was granted and the matter was dismissed with prejudice. Judge Cory noted that the Confession of Judgment was the same as was previously filed in this case. EDCR 2.24(b) states that a party seeking reconsideration of a ruling of the court must file a motion for such relief within 14 days after service of written notice of the order. A district court may reconsider a previously decided issue if substantially different evidence is subsequently introduced or the decision is clearly erroneous. *Masonry & Tile Contractors Ass'n of S. Nevada v. Jolley, Urga & Wirth, Ltd.*, 113 Nev. 737, 741, 941 P.2d 486, 489 (1997). THE COURT FINDS that to the extent that Plaintiff's motion seeks reconsideration of this Court's May 15, 2019 Order, the motion is untimely under EDCR 2.24. THE COURT FURTHER FINDS that there is no legal basis supporting Plaintiffs now third request to enforce a Confession of Judgment that has been voided by this Court and Judge Cory. Therefore, IT IS HEREBY ORDERED that Plaintiffs Motion for Entry of Confession of Judgment is DENIED WITH PREJUDICE. II. Defendants Countermotion for Sanctions Pursuant to EDCR 7.60 Defendants request sanctions under EDCR 7.60. Defendants argue that Plaintiffs motion is frivolous motion and unnecessarily multiplies proceedings in a case to increase costs because Plaintiffs blatantly disregarded for this Court's April 25, 2019 Order (which was entered on May 17, 2019). On December 13, 2019, Plaintiffs re-filed the same voided Confession of Judgment in the new action Case No. A-19-806944-C before Judge Cory and began to execute upon it, and attempted to take a third bite at the apple by filing the pending motion to enforce the same voided confession of judgment for a third time. EDCR 7.60(b) states that the court may, after notice and an opportunity to be heard, impose upon an attorney or a party any and all sanctions which may, under the facts of the case, be reasonable, including the imposition of fines, costs or attorney's fees when an attorney or a party without just cause: (1) Presents to the court a motion or an opposition to a motion which is obviously frivolous, unnecessary or unwarranted; [] or (3) So multiplies the proceedings in a case as to increase costs unreasonably and vexatiously. Despite the district court's broad discretion to impose sanctions, a district court may only impose sanctions that are reasonably proportionate to the litigant's misconduct. Proportionate sanctions are those which are roughly proportionate to sanctions imposed in similar situations or for analogous levels of culpability. *Emerson v. Eighth Judicial**

CASE SUMMARY**CASE No. A-17-756274-C**

Dist. Court of State, ex rel. Cty. of Clark, 127 Nev. 672, 681, 263 P.3d 224, 230 (2011) (internal citations and quotations omitted). THE COURT exercises its discretion and finds that an award of sanctions is not warranted at this time. Therefore, IT IS HEREBY ORDERED that Defendants Countermotion for Sanctions Pursuant to EDCR 7.60 is DENIED. III. Plaintiffs Motion for Sanctions Pursuant to NRCP 11 Plaintiffs seek NRCP 11 sanctions on the basis that Defendants Shafik Hirji and Shafik Brown and their counsels have allegedly knowingly, purposefully and intentionally misrepresented the nature of payments made by them to Steven Barket and Michael Ahders, because said arguments are false, have no merit, and are without any evidentiary support. The decision to award sanctions is within the district court's sound discretion and will not be overturned absent a manifest abuse of discretion. Edwards v. Emperor's Garden Rest., 122 Nev. 317, 330, 130 P.3d 1280, 1288 (2006). While Rule 11 sanctions should be imposed for frivolous actions, but they should not be imposed where the sanctions would have a chilling effect and discourage attorneys from exercising imagination and perseverance on behalf of their clients. Marshall v. Eighth Judicial Dist. Court In & For Cty. of Clark, 108 Nev. 459, 465, 836 P.2d 47, 52 (1992). THE COURT FINDS no legal basis for an award of Rule 11 sanctions against Defendants or defense counsel. Therefore, IT IS HEREBY ORDERED that Plaintiffs Motion for Sanctions Pursuant to NRCP 11 is hereby DENIED. IT IS HEREBY FURTHER ORDERED that Defendants request for reasonable attorney's fees and costs pursuant to EDCR 7.60(b) for having to oppose Plaintiffs Motion is DENIED. IV. Defendants Motion to Dismiss With Prejudice and for Related Relief Defendants argue that this matter should be dismissed with prejudice pursuant to NRCP 41 (e)(6) and/or for abuse of process; that Plaintiff Steven Barket should be deemed a vexatious litigant; Defendants request a permanent injunction to issue to requiring Plaintiff Steven Barket to remove all websites regarding the Defendants, their family, their friends, and/or their counsel and enjoin Barket from posting any new websites against such persons; and award Defendants attorney's fees and costs for having to defend against Plaintiffs frivolous actions. As a brief recitation of the underlying facts, the nature of the dispute between Plaintiffs and Defendants surround a series of five loans: 1) November 7, 2016 in the amount of \$200,000; 2) November 21, 2016 in the amount of \$100,000; 3) December 20, 2016 in the amount of \$100,000; 4) January 20, 2017 in the amount of \$1,000,000; and 5) March 15, 2017 in the amount of \$200,000. On July 29, 2017 the parties entered into a Settlement Agreement in which Defendant (Sharda) allegedly would assign all rights, title and interest in the five promissory notes to Plaintiff or his assigns. The Settlement Agreement is part of the action currently pending before Judge Williams in Case No. A-15-712697-C. At the hearing held on March 17, 2020, Judge Williams denied Plaintiffs motion to enforce the Settlement Agreement. An Evidentiary Hearing is currently set in that matter for March 29, 2021. On April 5, 2018, in Case No. A-17-763985-C, Judge Williams entered an Order finding that the Confession of Judgment entered in that case was an attempt to circumvent the loans in dispute in Case No. A-17-756274-C (this instant matter) and held that the Confession of Judgment was void under NRCP 60(b). Judge Williams ordered that the Confession of Judgment filed by Cancer Care on November 1, 2017 was void and set aside. The Confession of Judgment addressed by Judge Williams encompassed the November 7, 2016 loan in the amount of \$200,000 (Loan No. 1) and the December 20, 2016 loan in the amount of \$100,000 (Loan No. 3). On April 17, 2018, in Case No. A-17-763995-C Judge Cadish entered an Order voiding the Confessions of Judgment finding that the judgment was obtained by fraud, misrepresentation, or other misconduct of an adverse party within the meaning of NRCP 60(b)(3). This decision applied to the Confession of Judgment filed in that matter on November 1, 2017 that encompassed the January 20, 2017 loan in the amount of \$1,000,000 (Loan No. 4) and the March 15, 2017 loan in the amount of \$200,000 (Loan No. 5). As stated above, on May 17, 2019 this Court voided the Confession of Judgment associated with Loan No. 2, dated November 21, 2016 in the amount of \$100,000. Issue Preclusion vs. Collateral Estoppel Moreover, issue preclusion, or collateral estoppel, may be implicated when one or more of the parties to an earlier suit are involved in subsequent litigation on a different claim. Issues that were determined in the prior litigation arise in the later suit. If the common issue was actually decided and necessary to the judgment in the earlier suit, its relitigation will be precluded. Univ. of Nevada v. Tarkanian, 110 Nev. 581, 598 99, 879 P.2d 1180, 1191 (1994). On the other hand, claim preclusion, or merger and bar, is triggered when a judgment is entered. Id. While issue preclusion is implicated when the parties to an earlier suit are involved in a subsequent litigation on a different claim, claim preclusion applies when a valid and final judgment on a claim precludes a second action on that claim or any part of it. Kuptz-Blinkinsop v. Blinkinsop, 136 Nev. Adv. Op. 40, 466 P.3d 1271, 1275 (2020) citing Univ. of Nevada v. Tarkanian, 110 Nev. at 598-99, 879 P.2d at 1191. The Nevada Supreme Court has adopted a three-part test from Five Star Capital Corp. v. Ruby, 124 Nev. 1048, 194 P.3d 709 (2008) for claim preclusion: (1) the parties or their privies are the same, (2) the final judgment is valid, and (3) the subsequent action is based on the same claims or any part of them that were or could have been brought in the first case. Further, the Nevada Supreme Court has held that the doctrine of res judicata precludes parties or those in privity with them from relitigating a cause of action or an issue which has been finally determined by

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. A-17-756274-C

a court of competent jurisdiction. Kuptz-Blinkinsop v. Blinkinsop, 136 Nev. Adv. Op. 40, 466 P.3d 1271, 1275 (2020). The doctrine is intended to prevent multiple litigation causing vexation and expense to the parties and wasted judicial resources by precluding parties from relitigating issues they could have raised in a prior action concerning the same controversy. *Id.* THE COURT FINDS that each and every Confession of Judgment pertaining to the loans alleged by Plaintiffs have been adjudicated as follows: Loan No. 1) November 7, 2016 in the amount of \$200,000 declared void by Judge Williams in Case No. A-17-763985-C, Order entered April 5, 2018; Loan No. 2) November 21, 2016 in the amount of \$100,000 declared void by this Court in Case No. A-18-770121-C, Order entered May 15, 2019, and declared void by Judge Cory in Case No.: A-19-806944-C, Order entered February 21, 2020; Loan No. 3) December 20, 2016 in the amount of \$100,000 declared void by Judge Williams in Case No.: A-17-763985-C, Order entered April 5, 2018; Loan No. 4) January 20, 2017 in the amount of \$1,000,000 declared void by Judge Cadish in Case No. A-17-763995-C, ordered entered April 17, 2018, and Loan No. 5) March 15, 2017 in the amount of \$200,000 declared void by Judge Cadish in Case No. A-17-763995-C, ordered entered April 17, 2018. Therefore, IT IS HEREBY ORDERED that this matter is DISMISSED WITH PREJUDICE and the remaining issues in Defendants motion are DENIED as MOOT. Counsel for Defendants shall prepare the orders in compliance with EDCR 7.21 and Administrative Order 20-17, and submit to opposing counsel for approval as to form and content. CLERK S NOTE: Counsel are to ensure a copy of the forgoing minute order is distributed to all interested parties; additionally, a copy of the foregoing minute order was distributed to the registered service recipients via Odyssey eFileNV E-Service (11-19-20).;

11/19/2020	CANCELED Motion for Sanctions (9:00 AM) (Judicial Officer: Earley, Kerry) <i>Vacated</i> <i>Plaintiff's Motion for Sanctions Pursuant to NRCP 11</i>
11/19/2020	CANCELED Opposition and Countermotion (9:00 AM) (Judicial Officer: Earley, Kerry) <i>Vacated</i> <i>Defendants' Opposition to Plaintiffs' Motion for Sanctions Pursuant to Rule 11 and Countermotion for Attorney's Fees and Costs</i>
11/19/2020	CANCELED Motion (9:00 AM) (Judicial Officer: Earley, Kerry) <i>Vacated</i> <i>Motion for Entry of Confession of Judgment</i>
11/19/2020	CANCELED Motion to Dismiss (9:00 AM) (Judicial Officer: Earley, Kerry) <i>Vacated</i> <i>Motion to Dismiss The Plaintiffs Complaint With Prejudice Pursuant To NRCP 41(E)(6) And/Or For Abuse Of Process; To Deem Plaintiff, Steven Barket, A Vexatious Litigant; Issue A Permanent Injunction To Issue To Require Plaintiff Barket To Remove All Websites Regarding The Defendants, And Others, And Enjoin Barket From Posting Any New Websites Against Such Persons; And Award Defendants Attorney s Fees And Costs</i>
11/23/2020	Motion to Withdraw as Counsel (3:00 AM) (Judicial Officer: Earley, Kerry) <i>Plaintiff's Motion to Withdraw as Counsel of Record</i>
03/09/2021	Motion for Clarification (9:00 AM) (Judicial Officer: Krall, Nadia) <i>Counterclaimants' Motion for Clarification, and/or in the Alternative, Motion for Relief, Reconsideration and/or to Alter or Amend Judgment</i>
03/09/2021	Joinder (9:00 AM) (Judicial Officer: Krall, Nadia) <i>Counterdefendants' Limited Joinder to Counterclaimants Motion for Clarification, and/or In The Alternative, Motion For Relief, Reconsideration, and/or to Alter or Amend Judgment</i>

DATE

FINANCIAL INFORMATION

Counter Claimant Sharda, Navneet

Total Charges	337.00
Total Payments and Credits	337.00
Balance Due as of 1/14/2021	0.00

Defendant Hirji, Shafik

Total Charges	283.00
Total Payments and Credits	283.00

CASE SUMMARY

CASE NO. A-17-756274-C

Balance Due as of 1/14/2021	0.00
Defendant Sharda, Navneet	
Total Charges	24.00
Total Payments and Credits	24.00
Balance Due as of 1/14/2021	0.00
Plaintiff Barket, Steven	
Total Charges	307.50
Total Payments and Credits	307.50
Balance Due as of 1/14/2021	0.00

DISTRICT COURT CIVIL COVER SHEET

A-17-756274-C

County, Nevada

Department 18

Case No. _____

(Assigned by Clerk's Office)

I. Party Information *(provide both home and mailing addresses if different)*

Plaintiff(s) (name/address/phone): <div style="text-align: center;">Steven Barket</div> <div style="text-align: center;">255 E. Warm Springs Raod, Ste. 100</div> <div style="text-align: center;">Las Vegas, Nevada 89119</div> <div style="text-align: center;">702-385-7411</div>	Defendant(s) (name/address/phone): <div style="text-align: center;">Shafik Hirji</div> <div style="text-align: center;">7630 Jacaranda Bay Street</div> <div style="text-align: center;">Las Vegas, Nevada 89139</div>
Attorney (name/address/phone): <div style="text-align: center;">McDonald Law Offices</div> <div style="text-align: center;">2505 Anthem Village Drive E-474</div> <div style="text-align: center;">Henderson, NV. 89052</div> <div style="text-align: center;">702-385-7411</div>	Attorney (name/address/phone):

II. Nature of Controversy *(please select the one most applicable filing type below)*


Civil Case Filing Types

Real Property Landlord/Tenant <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant Title to Property <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Other Title to Property Other Real Property <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property	Negligence <input type="checkbox"/> Auto <input type="checkbox"/> Premises Liability <input type="checkbox"/> Other Negligence Malpractice <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice	Torts Other Torts <input type="checkbox"/> Product Liability <input checked="" type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Employment Tort <input type="checkbox"/> Insurance Tort <input type="checkbox"/> Other Tort
Probate Probate <i>(select case type and estate value)</i> <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside <input type="checkbox"/> Trust/Conservatorship <input type="checkbox"/> Other Probate Estate Value <input type="checkbox"/> Over \$200,000 <input type="checkbox"/> Between \$100,000 and \$200,000 <input type="checkbox"/> Under \$100,000 or Unknown <input type="checkbox"/> Under \$2,500	Construction Defect & Contract Construction Defect <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect Contract Case <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Building and Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Collection of Accounts <input type="checkbox"/> Employment Contract <input type="checkbox"/> Other Contract	Judicial Review/Appeal Judicial Review <input type="checkbox"/> Foreclosure Mediation Case <input type="checkbox"/> Petition to Seal Records <input type="checkbox"/> Mental Competency Nevada State Agency Appeal <input type="checkbox"/> Department of Motor Vehicle <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other Nevada State Agency Appeal Other <input type="checkbox"/> Appeal from Lower Court <input type="checkbox"/> Other Judicial Review/Appeal
Civil Writ Civil Writ <input type="checkbox"/> Writ of Habeas Corpus <input type="checkbox"/> Writ of Mandamus <input type="checkbox"/> Writ of Quo Warrant <input type="checkbox"/> Writ of Prohibition <input type="checkbox"/> Other Civil Writ		Other Civil Filing Other Civil Filing <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Other Civil Matters

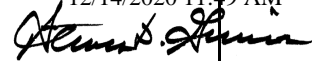
Business Court filings should be filed using the Business Court civil coversheet.

May 30, 2017

Date


 Signature of initiating party or representative

See other side for family-related case filings.



CLERK OF THE COURT

1 ORDR
2 LAW OFFICE OF DANIEL MARKS
3 DANIEL MARKS, ESQ.
4 Nevada State Bar No. 002003
5 610 South Ninth Street
6 Las Vegas, Nevada 89101
7 (702) 386-0536; Fax (702) 386-6812
8 *Attorney for Defendants, Shafik Hirji,*
9 *Shafik Brown, and Furniture Boutique, LLC*

DISTRICT COURT

CLARK COUNTY, NEVADA

9 STEVEN BARKET, an individual; and G65
10 VENTURES, LLC, a Nevada Limited Liability
11 Company,

Case No.: A-17-756274-C
Case No.: A-18-770121-C
Dept. No.: IV

11 Plaintiffs,

12 vs.

13 SHAFIK HIRJI, an individual; SHAFIK
14 BROWN, an individual; and NAVEET
15 SHARDA, an individual; FURNITURE
16 BOUTIQUE, LLC, a Nevada Limited
Liability Company, and DOES I-X, inclusive
and ROE CORPORATIONS XI through XX.

17 Defendants.

18 NAVEET SHARDA, an individual;
19 TRATA, INC., a Nevada Corporation;

20 Counterclaimants,

21 vs.

21 STEVEN BARKET, an individual,

22 Counterdefendant.

23 SHAFIK HIRJI, an individual; SHAFIK
24 BROWN, an individual; and FURNITURE
25 BOUTIQUE, LLC, a Nevada Limited
Liability Company;

26 Counter-Claimants,

27 vs.

28 STEVEN BARKET, an individual,

1 Counter-Defendant.

2 MICHAEL AHDERS, an individual, /

3 Plaintiff,

4 vs.

5 BOULEVARD FURNITURE, INC., a
6 Nevada corporation; SHAFIK HIRJI,
7 an individual; and SHAFIK
BROWN, an individual.

8 Defendants.
9 /

10 **FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR NOVEMBER 19, 2020**
11 **ORDER DISMISSING PLAINTIFFS' MATTER WITH PREJUDICE**

12 THIS MATTER came before the Court on Plaintiffs' Motion for Entry of Confession of
13 Judgment, filed January 19, 2020; Defendants' Opposition to Plaintiffs' Motion for Entry of
14 Confession of Judgment and Countermotion for Sanctions Pursuant to EDCR 7.60, filed
15 February 12, 2020; Plaintiffs' Reply in Support of Motion for Entry of Confession of Judgment
16 and Opposition to Countermotion For Sanctions, filed March 11, 2020; Plaintiffs' Motion for
17 Sanctions Pursuant to NRCP 11, filed May 1, 2020; Defendants' Opposition to Plaintiffs' Motion
18 for Sanctions Pursuant to NRCP 11, filed May 22, 2020; Defendants' Reply to Countermotion
19 for Sanctions Per EDCR 7.60 Pertaining to Plaintiffs' Motion for Entry of Judgment, filed
20 October 13, 2020; Defendants' Motion to Dismiss With Prejudice and for Related Relief, filed
21 on July 29, 2020; Plaintiffs' Opposition thereto filed September 2, 2020; and Defendant' Reply
22 filed October 13, 2020. The Court having reviewed the matter, including all points and
23 authorities, and exhibits, and good cause appearing, hereby issues its decision.
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1 **FINDINGS OF FACT**

2 **THE COURT FINDS** that as a brief recitation of the underlying facts, the nature of the
3 dispute between Plaintiffs and Defendants surround a series of five loans: 1) November 7, 2016
4 in the amount of \$200,000; 2) November 21, 2016 in the amount of \$100,000; 3) December 20,
5 2016 in the amount of \$100,000; 4) January 20, 2017 in the amount of \$1,000,000; and 5) March
6 15, 2017 in the amount of \$200,000.

7 **THE COURT FURTHER FINDS** that on July 29, 2017 the parties entered into a
8 Settlement Agreement in which Defendant (Sharda) allegedly would assign all rights, title and
9 interest in the five promissory notes to Plaintiff, Steven Barket or his assigns.

10 **THE COURT FURTHER FINDS** that the Settlement Agreement is part of the action
11 currently pending before Judge Williams in Case No. A-15-712697-C. At the hearing held on
12 March 17, 2020, Judge Williams denied Plaintiffs' motion to enforce the Settlement Agreement.
13 An Evidentiary Hearing is currently set in that matter for March 29, 2021.

14 **THE COURT FURTHER FINDS** that on April 5, 2018, in Case No. A-17-763985-C,
15 Judge Williams entered an Order finding that the Confession of Judgment entered in that case
16 was an attempt to circumvent the loans in dispute in Case No. A-17-756274-C (this instant
17 matter) and held that the Confession of Judgment was void under NRCP 60(b). Judge Williams
18 ordered that the Confession of Judgment filed by Cancer Care on November 1, 2017 was void
19 and set aside. The Confession of Judgment addressed by Judge Williams encompassed the
20 November 7, 2016 loan in the amount of \$200,000 (Loan No. 1) and the December 20, 2016 loan
21 in the amount of \$100,000 (Loan No. 3).

22 **THE COURT FURTHER FINDS** that on April 17, 2018, in Case No. A-17-763995-C
23 Judge Cadish entered an Order voiding the Confessions of Judgment finding that the judgment
24 was obtained by fraud, misrepresentation, or other misconduct of an adverse party within the
25 meaning of NRCP 60(b)(3). This decision applied to the Confession of Judgment filed in that
26 matter on November 1, 2017 that encompassed the January 20, 2017 loan in the amount of
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1 \$1,000,000 (Loan No. 4) and the March 15, 2017 loan in the amount of \$200,000 (Loan No. 5).

2 **THE COURT FURTHER FINDS** that on May 17, 2019 this Court voided and set aside
3 the Confession of Judgment associated with Loan No. 2, dated November 21, 2016 in the amount
4 of \$100,000 plus interest pursuant to NRCP 60(b) in Case No. A-18-770121-C, which was
5 consolidated with this matter (Case No.: A-17-756274-C).

6 **THE COURT FURTHER FINDS** that Plaintiffs' Motion for Entry of Confession of
7 Judgment essentially seeks reconsideration of this Court's Order entered on May 17, 2019.

8 **THE COURT FURTHER FINDS** that the same Confession of Judgment was addressed
9 by Judge Cory in Case No.: A-19-806944-C during a hearing held on January 29, 2020. Pursuant
10 to Judge Cory's Order entered on February 21, 2020, Defendants Emergency Motion to Vacate
11 the Confession of Judgment Pursuant To NRCP 60(b); to Quash Any and All Writs of Execution
12 and/or Garnishment Pursuant to NRCP 60(b) Because the Judgment was Obtained by Fraud; to
13 Stay All Collection Activity, Including Writs of Execution; for Attorney's Fees and Costs; and to
14 Dismiss [the] Action With Prejudice, was granted and the matter was dismissed with prejudice.
15 Judge Cory noted that the Confession of Judgment was the same as was previously filed in this
16 case.
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18 **THE COURT FURTHER FINDS** that to the extent that Plaintiffs' motion seeks
19 reconsideration of this Court's May 15, 2019 Order, the motion is untimely under EDCR 2.24(b),
20 which requires a party seeking reconsideration of a ruling of the court must file a motion for such
21 relief within 14 days after service of written notice of the order. When a timely motion for
22 reconsideration is filed, a district court may reconsider a previously decided issue if substantially
23 different evidence is subsequently introduced or the decision is clearly erroneous.

24 **THE COURT FURTHER FINDS** that there is no legal basis supporting Plaintiffs now
25 third request to enforce a Confession of Judgment that has been voided by this Court and Judge
26 Cory.

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1 **THE COURT FURTHER FINDS** that the district court has broad discretion to impose
2 sanctions pursuant to EDCR 7.60, but finds that an award of sanctions is not warranted at this
3 time.

4 **THE COURT FURTHER FINDS** that while Plaintiffs' motion for sanctions pursuant
5 to NRCP 11 asserts that Defendants Shafik Hirji and Shafik Brown and their counsels have
6 allegedly knowingly, purposefully and intentionally misrepresented the nature of payments made
7 by them to Steven Barket and Michael Ahders, there is no legal basis for an award of Rule 11
8 sanctions against Defendants or defense counsel.

9 **THE COURT FURTHER FINDS** that Defendants request for reasonable attorney's fees
10 and costs pursuant to EDCR 7.60(b) is not warranted at this time.

11 **THE COURT FURTHER FINDS** that with respect to Defendants' motion to dismiss
12 with prejudice pursuant to NRCP 41 (e)(6) and related relief should be GRANTED in part to the
13 extent that the facts in this case implicate the doctrines of collateral estoppel, claim preclusion,
14 and res judicata; and DENIED with respect to the other issues as moot.

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1 **THE COURT FURTHER FINDS** that each and every Confession of Judgment
2 pertaining to the loans alleged by Plaintiffs have been adjudicated as follows:

3 Loan No. 1: November 7, 2016 in the amount of \$200,000 declared void by Judge
4 Williams in Case No. A-17-763985-C, Order entered April 5, 2018;

5 Loan No. 2: November 21, 2016 in the amount of \$100,000 declared void by this Court
6 in Case No. A-18-770121-C, Order entered May 15, 2019, and declared
7 void by Judge Cory in Case No.: A-19-806944-C, Order entered February
8 21, 2020;

9 Loan No. 3: December 20, 2016 in the amount of \$100,000 declared void by Judge
10 Williams in Case No.: A-17-763985-C, Order entered April 5, 2018;

11 Loan No. 4: January 20, 2017 in the amount of \$1,000,000 declared void by Judge
12 Cadish in Case No. A-17-763995-C, ordered entered April 17, 2018; and

13 Loan No. 5: March 15, 2017 in the amount of \$200,000 declared void by Judge Cadish
14 in Case No. A-17-763995-C, ordered entered April 17, 2018.
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16 **THE COURT FURTHER FINDS** that it is appropriate to dismiss this action with
17 prejudice because the parties have already litigated each and every Confession of Judgment
18 pertaining to the loans alleged by Plaintiffs. Each Confession of Judgment has been adjudicated
19 and declared void. The determination regarding each Confession of Judgment was actually
20 decided and necessary to the final order in each separate suit. Therefore, the doctrine of collateral
21 estoppel precludes the parties from relitigating these issues. *Univ. of Nevada v. Tarkanian*, 110
22 Nev. 581, 598 99, 879 P.2d 1180, 1191 (1994).

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1 **THE COURT FURTHER FINDS** that it is appropriate and necessary based upon the
2 history of the case and the related cases to dismiss this action with prejudice under the doctrine of
3 res judicata, claim preclusion, because these disputes involved the same parties or their privies,
4 valid and final judgments have been entered in each case, and this action is based on the same
5 claims, part of them, and/or could have been brought in the prior actions. *Kuptz-Blinkinsop v.*
6 *Blinkinsop*, 136 Nev. Adv. Op. 40, 466 P.3d 1271, 1275 (2020) citing *Univ. of Nevada v.*
7 *Tarkanian*, 110 Nev. at 598-99, 879 P.2d at 1191.

8 **THE COURT FURTHER FINDS** that the facts of this case satisfy the three-part test the
9 Nevada Supreme Court adopted in *Five Star Capital Corp. v. Ruby*, 124 Nev. 1048, 194 P.3d
10 709 (2008) for claim preclusion: (1) the parties or their privies are the same, (2) the final
11 judgment is valid, and (3) the subsequent action is based on the same claims or any part of them
12 that were or could have been brought in the first case. Further, the Nevada Supreme Court has
13 held that the doctrine of res judicata precludes parties or those in privity with them from
14 relitigating a cause of action or an issue which has been finally determined by a court of
15 competent jurisdiction. *Kuptz-Blinkinsop v. Blinkinsop*, 136 Nev. Adv. Op. 40, 466 P.3d 1271,
16 1275 (2020). The doctrine is intended to prevent multiple litigation causing vexation and expense
17 to the parties and wasted judicial resources by precluding parties from relitigating issues they
18 could have raised in a prior action concerning the same controversy. *Id.* Therefore, the doctrine
19 of res judiciata precludes the parties in this case from relitigating these claims or any claims that
20 could have been brought.
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- 1 4. **THE COURT FURTHER CONCLUDES** that EDCR 7.60(b) states that the
2 court may, after notice and an opportunity to be heard, impose upon an attorney or
3 a party any and all sanctions which may, under the facts of the case, be reasonable,
4 including the imposition of fines, costs or attorney's fees when an attorney or a
5 party without just cause: (1) Presents to the court a motion or an opposition to a
6 motion which is obviously frivolous, unnecessary or unwarranted; [] or (3) So
7 multiplies the proceedings in a case as to increase costs unreasonably and
8 vexatiously. Despite the district court's broad discretion to impose sanctions, a
9 district court may only impose sanctions that are reasonably proportionate to the
10 litigant's misconduct. Proportionate sanctions are those which are roughly
11 proportionate to sanctions imposed in similar situations or for analogous levels of
12 culpability. *Emerson v. Eighth Judicial Dist. Court of State, ex rel. Cty. of Clark*,
13 127 Nev. 672, 681, 263 P.3d 224, 230 (2011) (internal citations and quotations
14 omitted).
- 15 5. **THE COURT FURTHER CONCLUDES** that Plaintiffs' filed a Motion for
16 Sanctions Pursuant to NRCP 11 on the basis that Defendants Shafik Hirji and
17 Shafik Brown and their counsels have allegedly knowingly, purposefully and
18 intentionally misrepresented the nature of payments made by them to Steven
19 Barket and Michael Ahders, because said arguments are false, have no merit, and
20 are without any evidentiary support.
- 21 6. **THE COURT FURTHER CONCLUDES** that the decision to award sanctions
22 is within the district court's sound discretion and will not be overturned absent a
23 manifest abuse of discretion. *Edwards v. Emperor's Garden Rest.*, 122 Nev. 317,
24 330, 130 P.3d 1280, 1288 (2006). Rule 11 sanctions should be imposed for
25 frivolous actions, but they should not be imposed where the sanctions would have
26 a chilling effect and discourage attorneys from exercising imagination and
27 28

perseverance on behalf of their clients. *Marshall v. Eighth Judicial Dist. Court In & For Cty. of Clark*, 108 Nev. 459, 465, 836 P.2d 47, 52 (1992).

7. **THE COURT FURTHER CONCLUDES** that there is no legal basis for an award of Rule 11 sanctions against Defendants or defense counsel.
8. **THE COURT FURTHER CONCLUDES** that issue preclusion, or collateral estoppel, may be implicated when one or more of the parties to an earlier suit are involved in subsequent litigation on a different claim. Issues that were determined in the prior litigation arise in the later suit. If the common issue was actually decided and necessary to the judgment in the earlier suit, its relitigation will be precluded. *Univ. of Nevada v. Tarkanian*, 110 Nev. 581, 598 99, 879 P.2d 1180, 1191 (1994). On the other hand, claim preclusion, or merger and bar, is triggered when a judgment is entered. *Id.* While issue preclusion is implicated when the parties to an earlier suit are involved in a subsequent litigation on a different claim, claim preclusion applies when a valid and final judgment on a claim precludes a second action on that claim or any part of it. *Kuptz-Blinkinsop v. Blinkinsop*, 136 Nev. Adv. Op. 40, 466 P.3d 1271, 1275 (2020) citing *Univ. of Nevada v. Tarkanian*, 110 Nev. at 598-99, 879 P.2d at 1191.
9. **THE COURT FURTHER CONCLUDES** that the Nevada Supreme Court has adopted a three-part test from *Five Star Capital Corp. v. Ruby*, 124 Nev. 1048, 194 P.3d 709 (2008) for claim preclusion: (1) the parties or their privies are the same, (2) the final judgment is valid, and (3) the subsequent action is based on the same claims or any part of them that were or could have been brought in the first case.
10. **THE COURT FURTHER CONCLUDES** that the Nevada Supreme Court has held that the doctrine of res judicata precludes parties or those in privity with them from relitigating a cause of action or an issue which has been finally determined

1 by a court of competent jurisdiction. *Kuptz-Blinkinsop v. Blinkinsop*, 136 Nev.
2 Adv. Op. 40, 466 P.3d 1271, 1275 (2020). The doctrine is intended to prevent
3 multiple litigation causing vexation and expense to the parties and wasted judicial
4 resources by precluding parties from relitigating issues they could have raised in a
5 prior action concerning the same controversy. *Id.*

- 6 11. If any of these Conclusions of Law are more appropriately deemed Findings of
7 Fact, they shall be so deemed.

8 **ORDERS**

9 **WHEREFORE, BASED UPON THE ABOVE FINDINGS AND CONCLUSIONS:**

10 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that Plaintiffs Motion for
11 Entry of Confession of Judgment is DENIED WITH PREJUDICE as it is essentially a motion for
12 reconsideration of this Court's Order entered on May 17, 2019, which is untimely pursuant to
13 EDCR 2.24.

14 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that the Court exercises
15 its discretion and finds that an award of sanctions is not warranted at this time. Therefore,
16 Defendants' counter-motion for sanctions pursuant to EDCR 7.60 is DENIED.

17 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that the Plaintiffs'
18 motion for sanctions pursuant to NRCP 11 against Defendants and defense counsel is hereby
19 DENIED because there is no legal basis for an award of Rule 11 sanctions.

20 **IT IS FURTHER ORDERED** that Defendants request for reasonable attorney's fees and
21 costs pursuant to EDCR 7.60(b) for having to oppose Plaintiffs' motion for sanctions is
22 DENIED.

23 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that this matter is
24 DISMISSED WITH PREJUDICE, pursuant to the three-part test from *Five Star Capital Corp. v.*
25 *Ruby*, 124 Nev. 1048, 194 P.3d 709 (2008). Each and every Confession of Judgment pertaining
26 to the loans alleged by Plaintiffs have been adjudicated as follows:
27
28

1 Loan No. 1: November 7, 2016 in the amount of \$200,000 declared void by Judge
2 Williams in Case No. A-17-763985-C, Order entered April 5, 2018;

3 Loan No. 2: November 21, 2016 in the amount of \$100,000 declared void by this Court
4 in Case No. A-18-770121-C, Order entered May 15, 2019, and declared
5 void by Judge Cory in Case No.: A-19-806944-C, Order entered February
6 21, 2020;

7 Loan No. 3: December 20, 2016 in the amount of \$100,000 declared void by Judge
8 Williams in Case No.: A-17-763985-C, Order entered April 5, 2018;

9 Loan No. 4: January 20, 2017 in the amount of \$1,000,000 declared void by Judge
10 Cadish in Case No. A-17-763995-C, ordered entered April 17, 2018; and

11 Loan No. 5: March 15, 2017 in the amount of \$200,000 declared void by Judge Cadish
12 in Case No. A-17-763995-C, ordered entered April 17, 2018.

13
14 Each claim involves the same parties or their privies. Each adjudication reference above is a
15 valid and final judgment. The Nevada Supreme Court has held that the doctrine of res judicata
16 precludes parties or those in privity with them from relitigating a cause of action or an issue
17 which has been finally determined by a court of competent jurisdiction. *Kuptz-Blinkinsop v.*
18 *Blinkinsop*, 136 Nev. Adv. Op. 40, 466 P.3d 1271, 1275 (2020). This matter is based on the same
19 claims or any part of them that were or could have been brought in the prior cases.

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IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the remaining issues in Defendants' motion are DENIED as MOOT.

Dated this 14th day of December, 2020

Keray S Enly

C79 527 3602 8FF2

Kerry Earley

District Court Judge
Appellate Case Content:
MUSHKIN & COPPEDGE

Respectfully submitted by:
LAW OFFICE OF DANIEL MARKS

/s/ Teletha Zupan

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/s/ Michael Mushkin
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Approved as to form and content:
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and Trata, Inc.*

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 Steven Barket, Plaintiff(s)

CASE NO: A-17-756274-C

7 vs.

DEPT. NO. Department 4

8 Shafik Hirji, Defendant(s)

9
10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 12/14/2020

15 Karen Foley

kfoley@mccnvlaw.com

16 Michael Mushkin

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17 Harold Gewerter

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18 Daniel Marks

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19 Danie Marks

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21 Jan Richey

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22 Teletha Zupan

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24 Sarah Lauer-Overby

sarah.lo@olympialawpc.com

25 Charles ("CJ") Barnabi Jr.

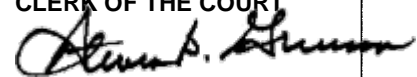
cj@barnabilaw.com

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Attorney for Defendants, Shafik Hirji,
Shafik Brown, and Furniture Boutique, LLC

DISTRICT COURT
CLARK COUNTY, NEVADA

STEVEN BARKET, an individual; and G65
VENTURES, LLC, a Nevada Limited Liability
Company,

Case No.: A-17-756274-C
Case No.: A-18-770121-C
Dept. No.: IV

Plaintiffs,

vs.

SHAFIK HIRJI, an individual; SHAFIK
BROWN, an individual; and NAVEET
SHARDA, an individual; FURNITURE
BOUTIQUE, LLC, a Nevada Limited
Liability Company, and DOES I-X, inclusive
and ROE CORPORATIONS XI through XX.

Defendants.

NAVEET SHARDA, an individual;
TRATA, INC., a Nevada Corporation;

Counterclaimants,

vs.

STEVEN BARKET, an individual,

Counterdefendant.

SHAFIK HIRJI, an individual; SHAFIK
BROWN, an individual; and FURNITURE
BOUTIQUE, LLC, a Nevada Limited
Liability Company;

Counter-Claimants,

vs.

1 STEVEN BARKET, an individual,
2 Counter-Defendant.

3
4 MICHAEL AHDERS, an individual,
5 Plaintiff,

6 vs.

7 BOULEVARD FURNITURE, INC., a
8 Nevada corporation; SHAFIK HIRJI,
an individual; and SHAFIK
9 BROWN, an individual.

10 Defendants.

11 **NOTICE OF ENTRY OF FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR**
12 **NOVEMBER 19, 2020 ORDER DISMISSING PLAINTIFFS' MATTER WITH PREJUDICE**

13 PLEASE TAKE NOTICE that a Findings of Fact and Conclusions of Law for November 19,
14 2020 Order Dismissing Plaintiffs' Matter with Prejudice was entered in the above-entitled action on the
15 14th day of December, 2020, a copy of which is attached hereto.

16 DATED this 14th day of December, 2020.

17 LAW OFFICE OF DANIEL MARKS

18
19 /s/ Teletha Zupan, Esq.
DANIEL MARKS, ESQ.
Nevada Bar No. 002003
20 TELETHA L. ZUPAN, ESQ.
Nevada State Bar No. 12660
21 610 South Ninth Street
Las Vegas, Nevada 89101
22 *Attorneys for Defendants, Shafik Hirji,*
Shafik Brown, and Furniture Boutique, LLC

1 **CERTIFICATE OF SERVICE**

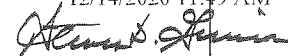
2 I hereby certify that I am an employee of the Law Office of Daniel Marks and that on the 14th day
3 of December, 2020, pursuant to NRCP 5(b) and Administrative Order 14-2, I electronically transmitted
4 a true and correct copy of the above and foregoing **NOTICE OF ENTRY OF FINDINGS OF FACT**
5 **AND CONCLUSIONS OF LAW FOR NOVEMBER 19, 2020 ORDER DISMISSING**
6 **PLAINTIFFS' MATTER WITH PREJUDICE** by way of Notice of Electronic Filing provided by the
7 court mandated E-file & Serve system to the following:

8 Michael Mushkin, Esq.
9 MUSHKIN & COPPEDGE
6070 S. Eastern Ave. Ste. 270
Las Vegas, Nevada 89119
10 *Attorney for Plaintiffs, Steven Barket and G65 Ventures, LLC.*

11 Harold P Gewerter, Esq.
12 HAROLD P GEWERTER, ESQ. LTD
1212 Casino Center Blvd.
Las Vegas, Nevada 89104
13 *Attorney for Navneet Sharda and Trata Inc.*

14 Charles Barnabi, Esq.,
15 THE BARNABI LAW FIRM, PLLC
375 e. Warm Spring Road, Ste. 104
Las Vegas, Nevada 89119
16 *Attorney for Plaintiff, Michael Ahders*

17
18 /s/ Jessica Flores
19 An employee of the
20 LAW OFFICE OF DANIEL MARKS
21
22
23
24
25
26
27
28



CLERK OF THE COURT

1 ORDR
2 LAW OFFICE OF DANIEL MARKS
3 DANIEL MARKS, ESQ.
4 Nevada State Bar No. 002003
5 610 South Ninth Street
6 Las Vegas, Nevada 89101
7 (702) 386-0536; Fax (702) 386-6812
8 *Attorney for Defendants, Shafik Hirji,*
9 *Shafik Brown, and Furniture Boutique, LLC*

DISTRICT COURT

CLARK COUNTY, NEVADA

9 STEVEN BARKET, an individual; and G65
10 VENTURES, LLC, a Nevada Limited Liability
11 Company,

Case No.: A-17-756274-C
Case No.: A-18-770121-C
Dept. No.: IV

11 Plaintiffs,

12 vs.

13 SHAFIK HIRJI, an individual; SHAFIK
14 BROWN, an individual; and NAVEET
15 SHARDA, an individual; FURNITURE
16 BOUTIQUE, LLC, a Nevada Limited
Liability Company, and DOES I-X, inclusive
and ROE CORPORATIONS XI through XX.

17 Defendants.

18 NAVEET SHARDA, an individual;
19 TRATA, INC., a Nevada Corporation;

20 Counterclaimants,

20 vs.

21 STEVEN BARKET, an individual,

22 Counterdefendant.

23 SHAFIK HIRJI, an individual; SHAFIK
24 BROWN, an individual; and FURNITURE
25 BOUTIQUE, LLC, a Nevada Limited
Liability Company;

26 Counter-Claimants,

27 vs.

28 STEVEN BARKET, an individual,

1 Counter-Defendant.

2 MICHAEL AHDERS, an individual,

3 Plaintiff,

4 vs.

5 BOULEVARD FURNITURE, INC., a
6 Nevada corporation; SHAFIK HIRJI,
an individual; and SHAFIK
7 BROWN, an individual.

8 Defendants.
9

10 **FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR NOVEMBER 19, 2020**
11 **ORDER DISMISSING PLAINTIFFS' MATTER WITH PREJUDICE**

12 THIS MATTER came before the Court on Plaintiffs' Motion for Entry of Confession of
13 Judgment, filed January 19, 2020; Defendants' Opposition to Plaintiffs' Motion for Entry of
14 Confession of Judgment and Countermotion for Sanctions Pursuant to EDCR 7.60, filed
15 February 12, 2020; Plaintiffs' Reply in Support of Motion for Entry of Confession of Judgment
16 and Opposition to Countermotion For Sanctions, filed March 11, 2020; Plaintiffs' Motion for
17 Sanctions Pursuant to NRCP 11, filed May 1, 2020; Defendants' Opposition to Plaintiffs' Motion
18 for Sanctions Pursuant to NRCP 11, filed May 22, 2020; Defendants' Reply to Countermotion
19 for Sanctions Per EDCR 7.60 Pertaining to Plaintiffs' Motion for Entry of Judgment, filed
20 October 13, 2020; Defendants' Motion to Dismiss With Prejudice and for Related Relief, filed
21 on July 29, 2020; Plaintiffs' Opposition thereto filed September 2, 2020; and Defendant' Reply
22 filed October 13, 2020. The Court having reviewed the matter, including all points and
23 authorities, and exhibits, and good cause appearing, hereby issues its decision.
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1 **FINDINGS OF FACT**

2 **THE COURT FINDS** that as a brief recitation of the underlying facts, the nature of the
3 dispute between Plaintiffs and Defendants surround a series of five loans: 1) November 7, 2016
4 in the amount of \$200,000; 2) November 21, 2016 in the amount of \$100,000; 3) December 20,
5 2016 in the amount of \$100,000; 4) January 20, 2017 in the amount of \$1,000,000; and 5) March
6 15, 2017 in the amount of \$200,000.

7 **THE COURT FURTHER FINDS** that on July 29, 2017 the parties entered into a
8 Settlement Agreement in which Defendant (Sharda) allegedly would assign all rights, title and
9 interest in the five promissory notes to Plaintiff, Steven Barket or his assigns.

10 **THE COURT FURTHER FINDS** that the Settlement Agreement is part of the action
11 currently pending before Judge Williams in Case No. A-15-712697-C. At the hearing held on
12 March 17, 2020, Judge Williams denied Plaintiffs' motion to enforce the Settlement Agreement.
13 An Evidentiary Hearing is currently set in that matter for March 29, 2021.

14 **THE COURT FURTHER FINDS** that on April 5, 2018, in Case No. A-17-763985-C,
15 Judge Williams entered an Order finding that the Confession of Judgment entered in that case
16 was an attempt to circumvent the loans in dispute in Case No. A-17-756274-C (this instant
17 matter) and held that the Confession of Judgment was void under NRCP 60(b). Judge Williams
18 ordered that the Confession of Judgment filed by Cancer Care on November 1, 2017 was void
19 and set aside. The Confession of Judgment addressed by Judge Williams encompassed the
20 November 7, 2016 loan in the amount of \$200,000 (Loan No. 1) and the December 20, 2016 loan
21 in the amount of \$100,000 (Loan No. 3).

22 **THE COURT FURTHER FINDS** that on April 17, 2018, in Case No. A-17-763995-C
23 Judge Cadish entered an Order voiding the Confessions of Judgment finding that the judgment
24 was obtained by fraud, misrepresentation, or other misconduct of an adverse party within the
25 meaning of NRCP 60(b)(3). This decision applied to the Confession of Judgment filed in that
26 matter on November 1, 2017 that encompassed the January 20, 2017 loan in the amount of
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1 \$1,000,000 (Loan No. 4) and the March 15, 2017 loan in the amount of \$200,000 (Loan No. 5).

2 **THE COURT FURTHER FINDS** that on May 17, 2019 this Court voided and set aside
3 the Confession of Judgment associated with Loan No. 2, dated November 21, 2016 in the amount
4 of \$100,000 plus interest pursuant to NRCP 60(b) in Case No. A-18-770121-C, which was
5 consolidated with this matter (Case No.: A-17-756274-C).

6 **THE COURT FURTHER FINDS** that Plaintiffs' Motion for Entry of Confession of
7 Judgment essentially seeks reconsideration of this Court's Order entered on May 17, 2019.

8 **THE COURT FURTHER FINDS** that the same Confession of Judgment was addressed
9 by Judge Cory in Case No.: A-19-806944-C during a hearing held on January 29, 2020. Pursuant
10 to Judge Cory's Order entered on February 21, 2020, Defendants Emergency Motion to Vacate
11 the Confession of Judgment Pursuant To NRCP 60(b); to Quash Any and All Writs of Execution
12 and/or Garnishment Pursuant to NRCP 60(b) Because the Judgment was Obtained by Fraud; to
13 Stay All Collection Activity, Including Writs of Execution; for Attorney's Fees and Costs; and to
14 Dismiss [the] Action With Prejudice, was granted and the matter was dismissed with prejudice.
15 Judge Cory noted that the Confession of Judgment was the same as was previously filed in this
16 case.
17

18 **THE COURT FURTHER FINDS** that to the extent that Plaintiffs' motion seeks
19 reconsideration of this Court's May 15, 2019 Order, the motion is untimely under EDCR 2.24(b),
20 which requires a party seeking reconsideration of a ruling of the court must file a motion for such
21 relief within 14 days after service of written notice of the order. When a timely motion for
22 reconsideration is filed, a district court may reconsider a previously decided issue if substantially
23 different evidence is subsequently introduced or the decision is clearly erroneous.

24 **THE COURT FURTHER FINDS** that there is no legal basis supporting Plaintiffs now
25 third request to enforce a Confession of Judgment that has been voided by this Court and Judge
26 Cory.

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1 **THE COURT FURTHER FINDS** that the district court has broad discretion to impose
2 sanctions pursuant to EDCR 7.60, but finds that an award of sanctions is not warranted at this
3 time.

4 **THE COURT FURTHER FINDS** that while Plaintiffs' motion for sanctions pursuant
5 to NRCP 11 asserts that Defendants Shafik Hirji and Shafik Brown and their counsels have
6 allegedly knowingly, purposefully and intentionally misrepresented the nature of payments made
7 by them to Steven Barket and Michael Ahders, there is no legal basis for an award of Rule 11
8 sanctions against Defendants or defense counsel.

9 **THE COURT FURTHER FINDS** that Defendants request for reasonable attorney's fees
10 and costs pursuant to EDCR 7.60(b) is not warranted at this time.

11 **THE COURT FURTHER FINDS** that with respect to Defendants' motion to dismiss
12 with prejudice pursuant to NRCP 41 (e)(6) and related relief should be GRANTED in part to the
13 extent that the facts in this case implicate the doctrines of collateral estoppel, claim preclusion,
14 and res judicata; and DENIED with respect to the other issues as moot.

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1 **THE COURT FURTHER FINDS** that each and every Confession of Judgment
2 pertaining to the loans alleged by Plaintiffs have been adjudicated as follows:

3 Loan No. 1: November 7, 2016 in the amount of \$200,000 declared void by Judge
4 Williams in Case No. A-17-763985-C, Order entered April 5, 2018;

5 Loan No. 2: November 21, 2016 in the amount of \$100,000 declared void by this Court
6 in Case No. A-18-770121-C, Order entered May 15, 2019, and declared
7 void by Judge Cory in Case No.: A-19-806944-C, Order entered February
8 21, 2020;

9 Loan No. 3: December 20, 2016 in the amount of \$100,000 declared void by Judge
10 Williams in Case No.: A-17-763985-C, Order entered April 5, 2018;

11 Loan No. 4: January 20, 2017 in the amount of \$1,000,000 declared void by Judge
12 Cadish in Case No. A-17-763995-C, ordered entered April 17, 2018; and

13 Loan No. 5: March 15, 2017 in the amount of \$200,000 declared void by Judge Cadish
14 in Case No. A-17-763995-C, ordered entered April 17, 2018.
15

16 **THE COURT FURTHER FINDS** that it is appropriate to dismiss this action with
17 prejudice because the parties have already litigated each and every Confession of Judgment
18 pertaining to the loans alleged by Plaintiffs. Each Confession of Judgment has been adjudicated
19 and declared void. The determination regarding each Confession of Judgment was actually
20 decided and necessary to the final order in each separate suit. Therefore, the doctrine of collateral
21 estoppel precludes the parties from relitigating these issues. *Univ. of Nevada v. Tarkanian*, 110
22 Nev. 581, 598 99, 879 P.2d 1180, 1191 (1994).

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1 **THE COURT FURTHER FINDS** that it is appropriate and necessary based upon the
2 history of the case and the related cases to dismiss this action with prejudice under the doctrine of
3 res judicata, claim preclusion, because these disputes involved the same parties or their privies,
4 valid and final judgments have been entered in each case, and this action is based on the same
5 claims, part of them, and/or could have been brought in the prior actions. *Kuptz-Blinkinsop v.*
6 *Blinkinsop*, 136 Nev. Adv. Op. 40, 466 P.3d 1271, 1275 (2020) citing *Univ. of Nevada v.*
7 *Tarkanian*, 110 Nev. at 598-99, 879 P.2d at 1191.

8 **THE COURT FURTHER FINDS** that the facts of this case satisfy the three-part test the
9 Nevada Supreme Court adopted in *Five Star Capital Corp. v. Ruby*, 124 Nev. 1048, 194 P.3d
10 709 (2008) for claim preclusion: (1) the parties or their privies are the same, (2) the final
11 judgment is valid, and (3) the subsequent action is based on the same claims or any part of them
12 that were or could have been brought in the first case. Further, the Nevada Supreme Court has
13 held that the doctrine of res judicata precludes parties or those in privity with them from
14 relitigating a cause of action or an issue which has been finally determined by a court of
15 competent jurisdiction. *Kuptz-Blinkinsop v. Blinkinsop*, 136 Nev. Adv. Op. 40, 466 P.3d 1271,
16 1275 (2020). The doctrine is intended to prevent multiple litigation causing vexation and expense
17 to the parties and wasted judicial resources by precluding parties from relitigating issues they
18 could have raised in a prior action concerning the same controversy. *Id.* Therefore, the doctrine
19 of res judicata precludes the parties in this case from relitigating these claims or any claims that
20 could have been brought.
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CONCLUSIONS OF LAW

1. **THE COURT HEREBY CONCLUDES** that EDCR 2.24(b) states that a party seeking reconsideration of a ruling of the court must file a motion for such relief within 14 days after service of written notice of the order. A district court may reconsider a previously decided issue if substantially different evidence is subsequently introduced or the decision is clearly erroneous. *Masonry & Tile Contractors Ass'n of S. Nevada v. Jolley, Urga & Wirth, Ltd.*, 113 Nev. 737, 741, 941 P.2d 486, 489 (1997).
2. **THE COURT FURTHER CONCLUDES** that Plaintiffs' motion for entry of confession of judgment essentially seeks reconsideration of this Court's Order entered on May 17, 2019 in Case No. A-18-770121-C, which was consolidated with this matter (Case No.: A-17-756274-C), wherein the Court held that the Confession of Judgment dated November 21, 2016 for \$100,000 plus interest was void under NRCp 60(b). This Court set aside and vacated the Confession of Judgment, granted Defendants motion for stay of execution, and consolidated the two matters.
3. **THE COURT FURTHER CONCLUDES** that Defendants filed a Countermotion for Sanctions Pursuant to EDCR 7.60 requesting sanctions under EDCR 7.60. Defendants argue that Plaintiffs motion is a frivolous motion and unnecessarily multiplies proceedings in a case to increase costs because Plaintiffs blatantly disregarded this Court's April 25, 2019 Order (which was entered on May 17, 2019). On December 13, 2019, Plaintiffs re-filed the same voided Confession of Judgment in the new action Case No. A-19-806944-C before Judge Cory and began to execute upon it, and attempted to take a third bite at the apple by filing the pending motion to enforce the same voided confession of judgment for a third time.

- 1 4. **THE COURT FURTHER CONCLUDES** that EDCR 7.60(b) states that the
2 court may, after notice and an opportunity to be heard, impose upon an attorney or
3 a party any and all sanctions which may, under the facts of the case, be reasonable,
4 including the imposition of fines, costs or attorney's fees when an attorney or a
5 party without just cause: (1) Presents to the court a motion or an opposition to a
6 motion which is obviously frivolous, unnecessary or unwarranted; [] or (3) So
7 multiplies the proceedings in a case as to increase costs unreasonably and
8 vexatiously. Despite the district court's broad discretion to impose sanctions, a
9 district court may only impose sanctions that are reasonably proportionate to the
10 litigant's misconduct. Proportionate sanctions are those which are roughly
11 proportionate to sanctions imposed in similar situations or for analogous levels of
12 culpability. *Emerson v. Eighth Judicial Dist. Court of State, ex rel. Cty. of Clark*,
13 127 Nev. 672, 681, 263 P.3d 224, 230 (2011) (internal citations and quotations
14 omitted).
- 15
- 16 5. **THE COURT FURTHER CONCLUDES** that Plaintiffs' filed a Motion for
17 Sanctions Pursuant to NRCP 11 on the basis that Defendants Shafik Hirji and
18 Shafik Brown and their counsels have allegedly knowingly, purposefully and
19 intentionally misrepresented the nature of payments made by them to Steven
20 Barket and Michael Ahders, because said arguments are false, have no merit, and
21 are without any evidentiary support.
- 22 6. **THE COURT FURTHER CONCLUDES** that the decision to award sanctions
23 is within the district court's sound discretion and will not be overturned absent a
24 manifest abuse of discretion. *Edwards v. Emperor's Garden Rest.*, 122 Nev. 317,
25 330, 130 P.3d 1280, 1288 (2006). Rule 11 sanctions should be imposed for
26 frivolous actions, but they should not be imposed where the sanctions would have
27 a chilling effect and discourage attorneys from exercising imagination and
28

1 perseverance on behalf of their clients. *Marshall v. Eighth Judicial Dist. Court In*
2 *& For Cty. of Clark*, 108 Nev. 459, 465, 836 P.2d 47, 52 (1992).

3 7. **THE COURT FURTHER CONCLUDES** that there is no legal basis for an
4 award of Rule 11 sanctions against Defendants or defense counsel.

5 8. **THE COURT FURTHER CONCLUDES** that issue preclusion, or collateral
6 estoppel, may be implicated when one or more of the parties to an earlier suit are
7 involved in subsequent litigation on a different claim. Issues that were determined
8 in the prior litigation arise in the later suit. If the common issue was actually
9 decided and necessary to the judgment in the earlier suit, its relitigation will be
10 precluded. *Univ. of Nevada v. Tarkanian*, 110 Nev. 581, 598 99, 879 P.2d 1180,
11 1191 (1994). On the other hand, claim preclusion, or merger and bar, is triggered
12 when a judgment is entered. *Id.* While issue preclusion is implicated when the
13 parties to an earlier suit are involved in a subsequent litigation on a different
14 claim, claim preclusion applies when a valid and final judgment on a claim
15 precludes a second action on that claim or any part of it. *Kuptz-Blinkinsop v.*
16 *Blinkinsop*, 136 Nev. Adv. Op. 40, 466 P.3d 1271, 1275 (2020) citing *Univ. of*
17 *Nevada v. Tarkanian*, 110 Nev. at 598-99, 879 P.2d at 1191.

18 9. **THE COURT FURTHER CONCLUDES** that the Nevada Supreme Court has
19 adopted a three-part test from *Five Star Capital Corp. v. Ruby*, 124 Nev. 1048,
20 194 P.3d 709 (2008) for claim preclusion: (1) the parties or their privies are the
21 same, (2) the final judgment is valid, and (3) the subsequent action is based on the
22 same claims or any part of them that were or could have been brought in the first
23 case.
24

25 10. **THE COURT FURTHER CONCLUDES** that the Nevada Supreme Court has
26 held that the doctrine of res judicata precludes parties or those in privity with them
27 from relitigating a cause of action or an issue which has been finally determined
28

1 by a court of competent jurisdiction. *Kuptz-Blinkinsop v. Blinkinsop*, 136 Nev.
2 Adv. Op. 40, 466 P.3d 1271, 1275 (2020). The doctrine is intended to prevent
3 multiple litigation causing vexation and expense to the parties and wasted judicial
4 resources by precluding parties from relitigating issues they could have raised in a
5 prior action concerning the same controversy. *Id.*

- 6 11. If any of these Conclusions of Law are more appropriately deemed Findings of
7 Fact, they shall be so deemed.

8 **ORDERS**

9 **WHEREFORE, BASED UPON THE ABOVE FINDINGS AND CONCLUSIONS:**

10 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that Plaintiffs Motion for
11 Entry of Confession of Judgment is DENIED WITH PREJUDICE as it is essentially a motion for
12 reconsideration of this Court's Order entered on May 17, 2019, which is untimely pursuant to
13 EDCR 2.24.
14

15 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that the Court exercises
16 its discretion and finds that an award of sanctions is not warranted at this time. Therefore,
17 Defendants' countermotion for sanctions pursuant to EDCR 7.60 is DENIED.

18 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that the Plaintiffs'
19 motion for sanctions pursuant to NRCP 11 against Defendants and defense counsel is hereby
20 DENIED because there is no legal basis for an award of Rule 11 sanctions.

21 **IT IS FURTHER ORDERED** that Defendants request for reasonable attorney's fees and
22 costs pursuant to EDCR 7.60(b) for having to oppose Plaintiffs' motion for sanctions is
23 DENIED.

24 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that this matter is
25 DISMISSED WITH PREJUDICE, pursuant to the three-part test from *Five Star Capital Corp. v.*
26 *Ruby*, 124 Nev. 1048, 194 P.3d 709 (2008). Each and every Confession of Judgment pertaining
27 to the loans alleged by Plaintiffs have been adjudicated as follows:
28

1 Loan No. 1: November 7, 2016 in the amount of \$200,000 declared void by Judge
2 Williams in Case No. A-17-763985-C, Order entered April 5, 2018;
3 Loan No. 2: November 21, 2016 in the amount of \$100,000 declared void by this Court
4 in Case No. A-18-770121-C, Order entered May 15, 2019, and declared
5 void by Judge Cory in Case No.: A-19-806944-C, Order entered February
6 21, 2020;
7 Loan No. 3: December 20, 2016 in the amount of \$100,000 declared void by Judge
8 Williams in Case No.: A-17-763985-C, Order entered April 5, 2018;
9 Loan No. 4: January 20, 2017 in the amount of \$1,000,000 declared void by Judge
10 Cadish in Case No. A-17-763995-C, ordered entered April 17, 2018; and
11 Loan No. 5: March 15, 2017 in the amount of \$200,000 declared void by Judge Cadish
12 in Case No. A-17-763995-C, ordered entered April 17, 2018.
13

14 Each claim involves the same parties or their privies. Each adjudication reference above is a
15 valid and final judgment. The Nevada Supreme Court has held that the doctrine of res judicata
16 precludes parties or those in privity with them from relitigating a cause of action or an issue
17 which has been finally determined by a court of competent jurisdiction. *Kuptz-Blinkinsop v.*
18 *Blinkinsop*, 136 Nev. Adv. Op. 40, 466 P.3d 1271, 1275 (2020). This matter is based on the same
19 claims or any part of them that were or could have been brought in the prior cases.

20 ////

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22 ////

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IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the remaining issues in Defendants' motion are DENIED as MOOT.

Dated this 14th day of December, 2020

Kerry S. Early

C79 527 3602 8FF2

Kerry Earley

District Court Judge
Appellate as to form and content:
MUSHKIN & COPPEDGE

Respectfully submitted by:
LAW OFFICE OF DANIEL MARKS

/s/ Teletha Zupan

DANIEL MARKS, ESQ.

Nevada State Bar No. 002003

TELETHA ZUPAN, ESQ.

Nevada State Bar No. 012660

610 South Ninth Street

Las Vegas, Nevada 89101

Attorneys for Defendants, Shafik Hirji,

Shafik Brown, Furniture Boutique, LLC,

and Boulevard Furniture, INC.

Approved as to form and content:

THE BARNABI LAW FIRM, PLLC

CHARLES BARNABI, ESQ.,

Nevada State Bar No. 014477

375 E. Warm Springs Road, Ste. 104

Las Vegas, Nevada 89119

Attorney for Plaintiff, Michael Ahders

/s/ Michael Mushkin

MICHAEL R. MUSHKIN, ESQ.

Nevada State Bar No. 002421

6070 S. Eastern Ave., Ste. 270

Las Vegas, Nevada 89119

Attorney for Plaintiffs, Steven Barket and

G65 Ventures, LLC

Approved as to form and content:

HAROLD P. GEWERTER, ESQ. LTD.

HAROLD P. GEWERTER, ESQ.

Nevada State Bar No. 000499

1212 Casino Center Blvd.

Las Vegas, Nevada 89104

Attorney for Defendants, Navneet Sharda
and Trata, Inc.

1 CSERV

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA
4

5
6 Steven Barket, Plaintiff(s)

CASE NO: A-17-756274-C

7 vs.

DEPT. NO. Department 4

8 Shafik Hirji, Defendant(s)
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 12/14/2020

15 Karen Foley	kfoley@mccnvlaw.com
16 Michael Mushkin	michael@mccnvlaw.com
17 Harold Gewerter	harold@gewerterlaw.com
18 Daniel Marks	Office@danielmarks.net
19 Danie Marks	Office@danielmarks.net
20 Daniel Marks	office@danielmarks.net
21 Jan Richey	jan@mcdonaldlawyers.com
22 Teletha Zupan	tzupan@danielmarks.net
23 Charles ("CJ") Barnabi Jr.	cj@mcdonaldlawyers.com
24 Sarah Lauer-Overby	sarah.lo@olympialawpc.com
25 Charles ("CJ") Barnabi Jr.	cj@barnabilaw.com
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Kimberly Yoder

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Marie Twist

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Intentional Misconduct**COURT MINUTES****August 01, 2017**

A-17-756274-C Steven Barket, Plaintiff(s)
vs.
Shafik Hirji, Defendant(s)

August 01, 2017	9:00 AM	Motion to Dismiss	Defendants, Shafik Hirji, Shafik Brown, and Furniture Boutique, LLC's Motion to Dismiss
------------------------	----------------	--------------------------	--

HEARD BY: Bailus, Mark B**COURTROOM:** Phoenix Building Courtroom -
11th Floor**COURT CLERK:** Alan Castle**RECORDER:** Jennifer Gerold**REPORTER:****PARTIES**

PRESENT:	Barket, Steven	Plaintiff
	Brown, Shafik	Defendant
	Furniture Boutique LLC	Defendant
	Hirji, Shafik	Defendant
	Marks, Daniel	Attorney
	McDonald, Brandon B	Attorney
	Zupan, Teletha L.	Attorney

JOURNAL ENTRIES

- Arguments by counsel. COURT ORDERS, Defendants, Shafik Hirji, Shafik Brown, and Furniture Boutique, LLC's Motion to Dismiss is GRANTED IN PART. COURT ORDERED, 7th, Fraud in the Inducement; 9th, Negligent Misrepresentation; and, 11th, Civil Conspiracy causes of action are DISMISSED. FURTHER ORDERED, Plaintiff granted leave to amend complaint within 10 days of this date. Mr. Marks to prepare the order within 10 days, have opposing counsel review as to form and content and distribute a filed copy to all parties involved in this matter.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Intentional Misconduct

COURT MINUTES

October 25, 2017

A-17-756274-C Steven Barket, Plaintiff(s)
vs.
Shafik Hirji, Defendant(s)

October 25, 2017	9:00 AM	Motion to Dismiss	Plaintiff's/Counter-Defendant's Motion to Dismiss Counterclaim Pursuant to NRCP 12(b)(5)
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HEARD BY: Bailus, Mark B

COURTROOM: Phoenix Building Courtroom - 11th Floor

COURT CLERK: Alan Castle

RECORDER: Robin Page

REPORTER:

PARTIES

PRESENT:	Marks, Daniel	Attorney
	Zupan, Teletha L.	Attorney

JOURNAL ENTRIES

- Mr. Marks requested Matter be submitted and have Court deny the motion without prejudice. Colloquy. Mr. McDonald not being present, COURT ORDERED, MOTION TO DISMISS COUNTERCLAIM is CONTINUED.

CONTINUED TO:
11/01/17 9:00 a.m.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Intentional Misconduct

COURT MINUTES

November 01, 2017

A-17-756274-C	Steven Barket, Plaintiff(s) vs. Shafik Hirji, Defendant(s)
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November 01, 2017	9:00 AM	Motion to Dismiss	Plaintiff's/Counter-Defendant's Motion to Dismiss Counterclaim Pursuant to NRC P 12(b)(5)
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HEARD BY: Bailus, Mark B

COURTROOM: Phoenix Building Courtroom - 11th Floor

COURT CLERK: Alan Castle

RECORDER: Robin Page

REPORTER:

PARTIES

PRESENT:	Marks, Daniel McDonald, Brandon B	Attorney Attorney
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JOURNAL ENTRIES

- Arguments by counsel. Court Finds allegations comply with statutory requirements. COURT ORDERED, Motion to Dismiss Counterclaim is DENIED Without Prejudice. Mr. Marks to prepare the order within 10 days have opposing counsel review as to form and content and distribute a filed copy to all parties involved in this matter.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Intentional Misconduct**COURT MINUTES****March 21, 2018**

A-17-756274-C Steven Barket, Plaintiff(s)
vs.
Shafik Hirji, Defendant(s)

March 21, 2018	9:00 AM	Motion to Consolidate	Defendants' Motion to Consolidate Case No A-18-770121-C with This Case Pursuant to NRCP 42 and EDCR 2.50
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HEARD BY: Bailus, Mark B**COURTROOM:** Phoenix Building 11th Floor
110**COURT CLERK:** Alan Castle**RECORDER:** Robin Page**REPORTER:****PARTIES**

PRESENT:	Marks, Daniel	Attorney
	McDonald, Brandon B	Attorney
	Zupan, Teletha L.	Attorney

JOURNAL ENTRIES

- Michael Mazur, Esq., counsel for Plaintiff in A-18-770121-C also present. Arguments by counsel. Court notes if case is consolidated the hearing to vacate the Confession-of-Judgment in the other matter will not be addressed, since it is already set for hearing. Court Finds based on the arguments of counsel this Court thinks this motion is premature. COURT ORDERED, this matter is STAYED for the motion before Judge Wiese to be addressed. FURTHER ORDERED, motion CONTINUED. Based on the outcome of the Motion to Vacate the Confession of Judgment Pursuant to NRS 17.090 through NRS 17.110, counsel may request the matter be taken off calendar prior to next date.

CONTINUED TO:

PRINT DATE: 01/14/2021

Page 4 of 24

Minutes Date: August 01, 2017

A-17-756274-C

04/11/18 9:00 a.m.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Intentional Misconduct

COURT MINUTES

April 11, 2018

A-17-756274-C	Steven Barket, Plaintiff(s) vs. Shafik Hirji, Defendant(s)
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April 11, 2018	9:00 AM	Motion to Consolidate	Defendants' Motion to Consolidate Case No A-18-770121-C with This Case Pursuant to NRCP 42 and EDCR 2.50
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HEARD BY: Bailus, Mark B

COURTROOM: Phoenix Building 11th Floor
110

COURT CLERK: Alan Castle

RECORDER: Robin Page

REPORTER:

PARTIES

PRESENT: Marks, Daniel Attorney

JOURNAL ENTRIES

- Mr. Mazur, counsel for Plaintiff in A-18-770121-C also present. Colloquy regarding motion before Judge Wiese. Counsel stated the Judge set the matter for an evidentiary hearing. Brief argument by counsel. COURT FINDS motion is premature and ORDERED, WITHDRAWN Without Prejudice.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Intentional Misconduct**COURT MINUTES****June 27, 2018**

A-17-756274-C Steven Barket, Plaintiff(s)
vs.
Shafik Hirji, Defendant(s)

**June 27, 2018 9:00 AM Motion to Dismiss Defendant's Motion
to Dismiss Pursuant
to NRCP 16.1(e)**

HEARD BY: Bailus, Mark B**COURTROOM:** Phoenix Building 11th Floor
110**COURT CLERK:** Alan Castle**RECORDER:** Robin Page**REPORTER:****PARTIES**

PRESENT: Marks, Daniel Attorney
McDonald, Brandon B Attorney
Zupan, Teletha L. Attorney

JOURNAL ENTRIES

- Arguments by counsel. COURT ORDERED, Defendant Furniture Boutique LLC's Motion to Dismiss is DENIED. FURTHER, Plaintiff has until 7/06/18 to file a Joint Case Conference Report (JCCR); or Individual Case Conference Report (ICCR), if parties cannot agree. Court admonished Plaintiff's counsel regarding compliance with the rules. Mr. McDonald to prepare the order within 10 days and have opposing counsel review as to form and content and distribute a filed copy to all parties involved in this matter.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Intentional Misconduct

COURT MINUTES

January 17, 2019

A-17-756274-C Steven Barket, Plaintiff(s)
vs.
Shafik Hirji, Defendant(s)

January 17, 2019 8:30 AM Motion to Enforce

HEARD BY: Thompson, Charles

COURTROOM: Phoenix Building 11th Floor
110

COURT CLERK:

Athena Trujillo

RECORDER: Robin Page

REPORTER:

PARTIES

PRESENT:	Barnabi, Charles E.	Attorney
	Gewerter, Harold P.	Attorney
	Zupan, Teletha L.	Attorney

JOURNAL ENTRIES

- Colloquy regarding settlement agreement. Court advised a claim of duress can only come about when they tried to enforce the settlement. Arguments by Mr. Gewerter, requesting an evidentiary hearing. COURT ORDERED, motion for Evidentiary Hearing GRANTED; matter SET for Evidentiary Hearing. Mr. Gewerter requested limited discovery and attorney's fees. COURT ORDERED, motion for Fees DENIED.

2/15/19 9:00 AM EVIDENTIARY HEARING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Intentional Misconduct

COURT MINUTES

July 12, 2019

A-17-756274-C	Steven Barket, Plaintiff(s) vs. Shafik Hirji, Defendant(s)
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July 12, 2019	10:31 AM	Minute Order
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HEARD BY: Earley, Kerry

COURTROOM: Chambers

COURT CLERK: Christopher Darling

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- On 6-12-2019, Attorney Daniel Marks, for Defendants filed a Motion to Extend Discovery Deadlines and Continue Trial (First Request).

According to EDCR 2.20(e), because there was no opposition by the nonmovant filed, and for good cause showing, the court hereby GRANTS the Defendants Motion to Extend Discovery Deadlines and Continue Trial (First Request).

The Court has determined the additional 120 days to extend discovery is appropriate and, therefore, the Proposed Deadlines for discovery are Ordered. The current trial date of April 20, 2020 to be continued until trial stack of June 22, 2020. Counsel for Defendants to prepare and file the Order.

CLERK'S NOTE: This Minute Order has been electronically served to the parties through Odyssey eFile and by mail to Steven Barket: 1384 Ruby Sky St, Henderson, NV 89052.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Intentional Misconduct**COURT MINUTES****February 04, 2020**

A-17-756274-C Steven Barket, Plaintiff(s)
vs.
Shafik Hirji, Defendant(s)

February 04, 2020 9:00 AM All Pending Motions

HEARD BY: Truman, Erin**COURTROOM:** RJC Level 5 Hearing Room**COURT CLERK:** Natalie Ortega**RECORDER:** Francesca Haak**REPORTER:****PARTIES**

PRESENT:	Barnabi, Charles E.	Attorney
	Gewerter, Harold P.	Attorney
	Zupan, Teletha L.	Attorney

JOURNAL ENTRIES

- COUNTERCLAIMANTS' MOTION TO DECLARE RESPONSES TO ADMISSIONS DEEMED ADMITTED OPPOSITION TO COUNTERCLAIMANT'S MOTION TO DECLARE RESPONSES TO ADMISSIONS DEEMED ADMITTED AND COUNTER-MOTION PURSUANT TO NRCP36(B) STATUS CHECK: ATTORNEYS FEES AND COSTS COUNTERCLAIMANTS' MOTION TO COMPEL

As to Counterclaimants' Motion To Declare Responses To Admissions Deemed Admitted: COMMISSIONER NOTED the admissions were late. As a matter of law the request for admissions were admitted. Plaintiff brought a counter-motion to withdraw the admissions. Those were served July 8, 2019. Their responses for admissions were responded to. The Court had to consider whether or not there was prejudice to allow those to be withdrawn. COMMISSIONER RECOMMENDED, the Request to Deemed Admitted MOOT because they were admitted as a matter of law. The Commissioner would hear the counter-motion to withdraw the admissions from plaintiff. Arguments by counsel. COMMISSIONER RECOMMENDS Counter Motion to Withdraw the Admissions GRANTED; substantive responses to stand. Any objections set forth therein are waived because they

were late. The substantive responses would stand.

As to Counterclaimants' Motion To Compel the Responses to Interrogatories and Request for Production of Documents: Arguments by counsel. COMMISSIONER RECOMMENDED the motion GRANTED; it appeared that responses were provided on January 20, 2020. Objections were waived for untimeliness except as to privilege. Any objections on the basis of privilege would be allowed. Other objections were waived. There needs to be full response, to the extent it had not been done, to the interrogatories and request for production of documents. To the extent, Mr. Gewerter believed there were deficiencies, those must be enumerated to the Plaintiff. They must conduct another 2.34 regarding any deficiencies that he believed to exist. If those could not be worked out then they could be brought by further motion to the court.

As to the Request for Attorney's Fees and Costs: COMMISSIONER RECOMMENDED, request GRANTED. It appeared that the motion was not responded to before the motion. The only reason they were responded to was because a motion was brought. The Commissioner would review this matter for the appropriate attorney's fees and costs. Commissioner directed Mr. Gewerter to prepare an affidavit that set forth, or analyzes the factors set forth in Brunzell v. Golden Gate. In addition, any request for costs related to the filing of the motion and appearance here in court must meet the requirements of Cadle versus Woods Erickson. Also, to provide a redacted invoice statement only for the drafting of the motion to compel, reviewing the opposition, drafting the reply, and appearing in court today. Submit it within two (2) weeks. COMMISSIONER RECOMMENDED, Status Check SET as to Attorney's Fees and Costs.

03/06/20 9:30 AM STATUS CHECK: ATTORNEY'S FEES and COSTS

CLERK'S NOTE: Minute Order amended 3-10-2020. jl

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Intentional Misconduct**COURT MINUTES****March 06, 2020**

A-17-756274-C Steven Barket, Plaintiff(s)
vs.
Shafik Hirji, Defendant(s)

March 06, 2020**9:30 AM****Status Check**

**STATUS CHECK:
ATTORNEYS FEES
AND COSTS**

HEARD BY: Truman, Erin**COURTROOM:** RJC Level 5 Hearing Room**COURT CLERK:** Jennifer Lott**RECORDER:** Francesca Haak**REPORTER:****PARTIES**

PRESENT: Barnabi, Charles E. Attorney

JOURNAL ENTRIES

- ATTORNEY PRESENT: Bryce Finley.

Commissioner reviewed Mr. Gewerter's Affidavit in compliance with Brunzell versus Golden Gate. Argument by Mr. Barnabi. Based on what is reasonable, COMMISSIONER RECOMMENDED \$3225 Attorney fees awarded to the Counter-Claimant against Counter-Deft; fees are payable 30 days after this Recommendation becomes a final Order of the Court; no costs requested. Mr. Finley stated discovery that was due 3-5-2020 from Mr. Barnabi was not provided. Counsel has been unable to take a deposition, and discovery closed 3-4-2020.

Commissioner advised counsel that any request to continue discovery is heard by the Judge. Commissioner read from the Minute Order dated 2-4-2020. Commissioner advised counsel another 2.34 conference is needed to discuss deficiencies, otherwise, a Motion would be filed for Commissioner to consider. Mr. Barnabi stated a Motion is currently filed on 3-19-2020 (Dept. 4). Colloquy regarding if the award of fees will be apportioned. Commissioner reiterated the

Recommendation, and apportionment would be briefed before consideration.

Mr. Barnabi stated discovery was served last night (3-5-2020). Colloquy. Commissioner stated if discovery was served, and it was to occur before the end of discovery, it can be completed. Mr. Finley to prepare the Report and Recommendations, and Mr. Barnabi to approve as to form and content. A proper report must be timely submitted within 14 days of the hearing. Otherwise, counsel will pay a contribution.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Intentional Misconduct

COURT MINUTES

March 16, 2020

A-17-756274-C	Steven Barket, Plaintiff(s) vs. Shafik Hirji, Defendant(s)
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March 16, 2020	3:00 AM	Minute Order
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HEARD BY: Earley, Kerry	COURTROOM: Chambers
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COURT CLERK: Nylasia Packer

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- This matter came before the Court on Plaintiffs and Michael Ahders Motion for Order to Extend Discovery Deadlines and Trial (Third Request), filed February 7, 2020 by counsel Charles (CJ) E. Barnabi Jr., Esq. Defendants Opposition was filed on February 23, 2020 by counsel Daniel Marks, Esq., and a Reply thereto was filed on March 11, 2020 by counsel Charles (CJ) E. Barnabi Jr., Esq.

Having reviewed all points and authorities, and for good cause shown, the Court hereby GRANTS Plaintiffs and Michael Ahders Motion for Order to Extend Discovery Deadlines and Trial. COURT FINDS that there is good cause for a four-month extension of discovery deadlines as proposed by Plaintiffs and Michael Ahders. Court finds that the Motion was properly filed with the District Court under the new EDCR 2.35.

The new dates for discovery are as follows. Discovery cut-off: June 29, 2020; Deadline for Motions to Amend Pleadings or Add Parties: March 31, 2020; Deadline for Initial Expert Disclosures: March 31, 2020; Deadline for Rebuttal Expert Disclosures: April 30, 2020; Deadline for Dispositive Motions: July 29, 2020. Trial is set for the November 16, 2020 stack, with a Calendar Call set for October 29, 2020 at 11:00 am. A new Scheduling Order from the Court will follow.

Counsel for Plaintiffs and Michael Ahders to prepare the Order, to be approved as to form and

PRINT DATE: 01/14/2021

Page 14 of 24

Minutes Date: August 01, 2017

content by opposing counsel. The hearing on Plaintiff s Motion for Order to Extend Discovery Deadlines and Trial, filed in A-18-770121, currently set for March 19, 2020 at 9:00am is hereby VACATED.

Additionally, the hearings currently set for March 19, 2020 at 9:00 am on Motion for Entry of Confession of Judgment, Defendants Opposition to Plaintiff s Motion for Entry of Confession of Judgment, filed in both A-17-756274 and A-18-770121, is hereby VACATED and RESCHEDULED to May 5, 2020 at 9:00 am. The Motion to Continue Hearing for Plaintiff s Motion for Entry of Confession of Judgment, currently set for March 19, 2020 at 9:00 am and filed in A-17-756274, is hereby VACATED as MOOT.

CLERK'S NOTE: The above minute order has been updated to clarify the order of the Court and distributed via email and mailing services.

(3-18-20 np)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Intentional Misconduct

COURT MINUTES

April 02, 2020

A-17-756274-C Steven Barket, Plaintiff(s)
vs.
Shafik Hirji, Defendant(s)

April 02, 2020 3:00 AM Status Check: Compliance 3-6-2020 DCRR

HEARD BY: Truman, Erin **COURTROOM:** No Location

COURT CLERK: Jennifer Lott

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- The 4-2-2020 Report and Recommendation remains outstanding. A proper report must be timely submitted within 14 days of the hearing. Otherwise, counsel will pay a sanction. Comply with Administrative Order 20-10, and submit the DCRR to DiscoveryInbox@clarkcountycourts.us. COMMISSIONER RECOMMENDED, matter CONTINUED to an in chambers status check.

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Jennifer Lott, to all registered parties for Odyssey File & Serve. jl

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Intentional Misconduct

COURT MINUTES

May 07, 2020

A-17-756274-C	Steven Barket, Plaintiff(s) vs. Shafik Hirji, Defendant(s)
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May 07, 2020	3:00 AM	Status Check: Compliance	Status Check: Compliance / 3-6-2020 DCRR
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HEARD BY: Truman, Erin

COURTROOM: No Location

COURT CLERK: Jennifer Lott

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- The 3-6-2020 Report and Recommendation remains outstanding.

A proper report must be timely submitted within 14 days of the hearing. Otherwise, counsel will pay a sanction. Comply with Administrative Order 20-10, and submit the DCRR to DiscoveryInbox@clarkcountycourts.us. COMMISSIONER RECOMMENDED, matter CONTINUED to an in chambers Status Check.

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Jennifer Lott, to all registered parties for Odyssey File & Serve. jl

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Intentional Misconduct

COURT MINUTES

June 11, 2020

A-17-756274-C Steven Barket, Plaintiff(s)
vs.
Shafik Hirji, Defendant(s)

June 11, 2020 3:00 AM Status Check: Compliance

HEARD BY: Truman, Erin **COURTROOM:** No Location

COURT CLERK: Jennifer Lott

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- DCRR not submitted. A Notice to Appear will issue.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Intentional Misconduct

COURT MINUTES

November 19, 2020

A-17-756274-C Steven Barket, Plaintiff(s)
vs.
Shafik Hirji, Defendant(s)

November 19, 2020 3:00 AM Minute Order

HEARD BY: Earley, Kerry

COURTROOM: Chambers

COURT CLERK: Nylasia Packer

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

-

THIS MATTER came before the Court on Plaintiffs Motion for Entry of Confession of Judgment, filed January 19, 2020; Defendants Opposition to Plaintiff s Motion for Entry of Confession of Judgment and Countermotion for Sanctions Pursuant to EDCR 7.60, filed February 12, 2020; Plaintiffs Reply in Support of Motion for Entry of Confession of Judgment¹ and Opposition to Countermotion For Sanctions, filed March 11, 2020; Plaintiffs Motion for Sanctions Pursuant to NRCP 11, filed May 1, 2020; Defendants' Opposition to Plaintiffs' Motion for Sanctions Pursuant to NRCP 11, filed May 22, 2020; Defendant s Reply to Countermotion for Sanctions Per EDCR 7.60 Pertaining to Plaintiffs Motion for Entry of Judgment, filed October 13, 2020; Defendants Motion to Dismiss With Prejudice and for Related Relief, filed on July 29, 2020; Plaintiffs Opposition thereto filed September 2, 2020; and Defendant s Reply filed October 13, 2020.

THE COURT having reviewed the matter, including all points and authorities, and exhibits, and good cause appearing, hereby issues its decision.

I. Plaintiffs Motion for Entry of Confession of Judgment

Plaintiffs motion essentially seeks reconsideration of this Court s Order entered on May 17, 2019 in

PRINT DATE: 01/14/2021

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Minutes Date: August 01, 2017

Case No. A-18-770121-C, which was consolidated with this matter (Case No.: A-17-756274-C), wherein the Court hold that the Confession of Judgment dated November 21, 2016 for \$100,000 plus interest was void under NRCP 60(b). This Court set aside and vacated the Confession of Judgment, granted Defendants motion for stay of execution, and consolidated the two matters.

The same Confession of Judgment was addressed by Judge Cory in Case No.: A-19-806944-C during a hearing held on January 29, 2020. Pursuant to Judge Cory s Order entered on February 21, 2020, Defendants Emergency Motion to Vacate the Confession of Judgment Pursuant To NRCP 60(b); to Quash Any and All Writs of Execution and/or Garnishment Pursuant to NRCP 60(b) Because the Judgment was Obtained by Fraud; to Stay All Collection Activity, Including Writs of Execution; for Attorney's Fees and Costs; and to Dismiss [the] Action With Prejudice, was granted and the matter was dismissed with prejudice. Judge Cory noted that the Confession of Judgment was the same as was previously filed in this case.

EDCR 2.24(b) states that a party seeking reconsideration of a ruling of the court must file a motion for such relief within 14 days after service of written notice of the order. A district court may reconsider a previously decided issue if substantially different evidence is subsequently introduced or the decision is clearly erroneous. *Masonry & Tile Contractors Ass'n of S. Nevada v. Jolley, Urga & Wirth, Ltd.*, 113 Nev. 737, 741, 941 P.2d 486, 489 (1997).

THE COURT FINDS that to the extent that Plaintiff s motion seeks reconsideration of this Court s May 15, 2019 Order, the motion is untimely under EDCR 2.24.

THE COURT FURTHER FINDS that there is no legal basis supporting Plaintiffs now third request to enforce a Confession of Judgment that has been voided by this Court and Judge Cory.

Therefore, IT IS HEREBY ORDERED that Plaintiffs Motion for Entry of Confession of Judgment is DENIED WITH PREJUDICE.

II. Defendants Countermotion for Sanctions Pursuant to EDCR 7.60

Defendants request sanctions under EDCR 7.60. Defendants argue that Plaintiffs motion is frivolous motion and unnecessarily multiplies proceedings in a case to increase costs because Plaintiffs blatantly disregarded for this Court s April 25, 2019 Order (which was entered on May 17, 2019). On December 13, 2019, Plaintiffs re-filed the same voided Confession of Judgment in the new action Case No. A-19-806944-C before Judge Cory and began to execute upon it, and attempted to take a third bite at the apple by filing the pending motion to enforce the same voided confession of judgment for a third time.

EDCR 7.60(b) states that the court may, after notice and an opportunity to be heard, impose upon an attorney or a party any and all sanctions which may, under the facts of the case, be reasonable, including the imposition of fines, costs or attorney's fees when an attorney or a party without just cause: (1) Presents to the court a motion or an opposition to a motion which is obviously frivolous,

unnecessary or unwarranted; [] or (3) So multiplies the proceedings in a case as to increase costs unreasonably and vexatiously.

Despite the district court's broad discretion to impose sanctions, a district court may only impose sanctions that are reasonably proportionate to the litigant's misconduct. Proportionate sanctions are those which are roughly proportionate to sanctions imposed in similar situations or for analogous levels of culpability. *Emerson v. Eighth Judicial Dist. Court of State, ex rel. Cty. of Clark*, 127 Nev. 672, 681, 263 P.3d 224, 230 (2011) (internal citations and quotations omitted).

THE COURT exercises its discretion and finds that an award of sanctions is not warranted at this time.

Therefore, IT IS HEREBY ORDERED that Defendants' Countermotion for Sanctions Pursuant to EDCR 7.60 is DENIED.

III. Plaintiffs' Motion for Sanctions Pursuant to NRCP 11

Plaintiffs seek NRCP 11 sanctions on the basis that Defendants Shafik Hirji and Shafik Brown and their counsels have allegedly knowingly, purposefully and intentionally misrepresented the nature of payments made by them to Steven Barket and Michael Ahders, because said arguments are false, have no merit, and are without any evidentiary support.

The decision to award sanctions is within the district court's sound discretion and will not be overturned absent a manifest abuse of discretion. *Edwards v. Emperor's Garden Rest.*, 122 Nev. 317, 330, 130 P.3d 1280, 1288 (2006).

While Rule 11 sanctions should be imposed for frivolous actions, but they should not be imposed where the sanctions would have a chilling effect and discourage attorneys from exercising imagination and perseverance on behalf of their clients. *Marshall v. Eighth Judicial Dist. Court In & For Cty. of Clark*, 108 Nev. 459, 465, 836 P.2d 47, 52 (1992).

THE COURT FINDS no legal basis for an award of Rule 11 sanctions against Defendants or defense counsel.

Therefore, IT IS HEREBY ORDERED that Plaintiffs' Motion for Sanctions Pursuant to NRCP 11 is hereby DENIED.

IT IS HEREBY FURTHER ORDERED that Defendants' request for reasonable attorney's fees and costs pursuant to EDCR 7.60(b) for having to oppose Plaintiffs' Motion is DENIED.

IV. Defendants' Motion to Dismiss With Prejudice and for Related Relief

Defendants argue that this matter should be dismissed with prejudice pursuant to NRCP 41 (e)(6)

and/or for abuse of process; that Plaintiff Steven Barket should be deemed a vexatious litigant; Defendants request a permanent injunction to issue to requiring Plaintiff Steven Barket to remove all websites regarding the Defendants, their family, their friends, and/or their counsel and enjoin Barket from posting any new websites against such persons; and award Defendants attorney s fees and costs for having to defend against Plaintiffs frivolous actions.

As a brief recitation of the underlying facts, the nature of the dispute between Plaintiffs and Defendants surround a series of five loans: 1) November 7, 2016 in the amount of \$200,000; 2) November 21, 2016 in the amount of \$100,000; 3) December 20, 2016 in the amount of \$100,000; 4) January 20, 2017 in the amount of \$1,000,000; and 5) March 15, 2017 in the amount of \$200,000.

On July 29, 2017 the parties entered into a Settlement Agreement in which Defendant (Sharda) allegedly would assign all rights, title and interest in the five promissory notes to Plaintiff or his assigns. The Settlement Agreement is part of the action currently pending before Judge Williams in Case No. A-15-712697-C. At the hearing held on March 17, 2020, Judge Williams denied Plaintiffs motion to enforce the Settlement Agreement. An Evidentiary Hearing is currently set in that matter for March 29, 2021.

On April 5, 2018, in Case No. A-17-763985-C, Judge Williams entered an Order finding that the Confession of Judgment entered in that case was an attempt to circumvent the loans in dispute in Case No. A-17-756274-C (this instant matter) and held that the Confession of Judgment was void under NRCP 60(b). Judge Williams ordered that the Confession of Judgment filed by Cancer Care on November 1, 2017 was void and set aside. The Confession of Judgment addressed by Judge Williams encompassed the November 7, 2016 loan in the amount of \$200,000 (Loan No. 1) and the December 20, 2016 loan in the amount of \$100,000 (Loan No. 3).

On April 17, 2018, in Case No. A-17-763995-C Judge Cadish entered an Order voiding the Confessions of Judgment finding that the judgment was obtained by fraud, misrepresentation, or other misconduct of an adverse party within the meaning of NRCP 60(b)(3). This decision applied to the Confession of Judgment filed in that matter on November 1, 2017 that encompassed the January 20, 2017 loan in the amount of \$1,000,000 (Loan No. 4) and the March 15, 2017 loan in the amount of \$200,000 (Loan No. 5).

As stated above, on May 17, 2019 this Court voided the Confession of Judgment associated with Loan No. 2, dated November 21, 2016 in the amount of \$100,000.

Issue Preclusion vs. Collateral Estoppel

Moreover, issue preclusion, or collateral estoppel, may be implicated when one or more of the parties to an earlier suit are involved in subsequent litigation on a different claim. Issues that were determined in the prior litigation arise in the later suit. If the common issue was actually decided and necessary to the judgment in the earlier suit, its relitigation will be precluded. *Univ. of Nevada v. Tarkanian*, 110 Nev. 581, 598 99, 879 P.2d 1180, 1191 (1994).

On the other hand, claim preclusion, or merger and bar, is triggered when a judgment is entered. *Id.* While issue preclusion is implicated when the parties to an earlier suit are involved in a subsequent litigation on a different claim, claim preclusion applies when a valid and final judgment on a claim precludes a second action on that claim or any part of it. *Kuptz-Blinkinsop v. Blinkinsop*, 136 Nev. Adv. Op. 40, 466 P.3d 1271, 1275 (2020) citing *Univ. of Nevada v. Tarkanian*, 110 Nev. at 598-99, 879 P.2d at 1191.

The Nevada Supreme Court has adopted a three-part test from *Five Star Capital Corp. v. Ruby*, 124 Nev. 1048, 194 P.3d 709 (2008) for claim preclusion: (1) the parties or their privies are the same, (2) the final judgment is valid, and (3) the subsequent action is based on the same claims or any part of them that were or could have been brought in the first case.

Further, the Nevada Supreme Court has held that the doctrine of *res judicata* precludes parties or those in privity with them from relitigating a cause of action or an issue which has been finally determined by a court of competent jurisdiction. *Kuptz-Blinkinsop v. Blinkinsop*, 136 Nev. Adv. Op. 40, 466 P.3d 1271, 1275 (2020). The doctrine is intended to prevent multiple litigation causing vexation and expense to the parties and wasted judicial resources by precluding parties from relitigating issues they could have raised in a prior action concerning the same controversy. *Id.*

THE COURT FINDS that each and every Confession of Judgment pertaining to the loans alleged by Plaintiffs have been adjudicated as follows:

Loan No. 1) November 7, 2016 in the amount of \$200,000 declared void by Judge Williams in Case No. A-17-763985-C, Order entered April 5, 2018;

Loan No. 2) November 21, 2016 in the amount of \$100,000 declared void by this Court in Case No. A-18-770121-C, Order entered May 15, 2019, and declared void by Judge Cory in Case No.: A-19-806944-C, Order entered February 21, 2020;

Loan No. 3) December 20, 2016 in the amount of \$100,000 declared void by Judge Williams in Case No.: A-17-763985-C, Order entered April 5, 2018;

Loan No. 4) January 20, 2017 in the amount of \$1,000,000 declared void by Judge Cadish in Case No. A-17-763995-C, ordered entered April 17, 2018, and

Loan No. 5) March 15, 2017 in the amount of \$200,000 declared void by Judge Cadish in Case No. A-17-763995-C, ordered entered April 17, 2018.

Therefore, IT IS HEREBY ORDERED that this matter is DISMISSED WITH PREJUDICE and the remaining issues in Defendants motion are DENIED as MOOT.

Counsel for Defendants shall prepare the orders in compliance with EDCR 7.21 and Administrative Order 20-17, and submit to opposing counsel for approval as to form and content.

CLERK S NOTE: Counsel are to ensure a copy of the forgoing minute order is distributed to all

interested parties; additionally, a copy of the foregoing minute order was distributed to the registered service recipients via Odyssey eFileNV E-Service (11-19-20).



EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE
NOTICE OF DEFICIENCY
ON APPEAL TO NEVADA SUPREME COURT

KAREN H. ROSS, ESQ.
2275 CORPORATE CIRCLE, STE 160
HENDERSON, NV 89074

DATE: January 14, 2021
CASE: A-17-756274-C
C/W A-18-770121-C

RE CASE: STEVEN BARKET; G65 VENTURES, LLC vs. SHAFIK HIRJI; SHAFIK BROWN; NAVNEET SHARDA; FURNITURE BOUTIQUE, LLC

NOTICE OF APPEAL FILED: January 13, 2021

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

PLEASE NOTE: DOCUMENTS **NOT** TRANSMITTED HAVE BEEN MARKED:

- ☒ \$250 – Supreme Court Filing Fee (Make Check Payable to the Supreme Court)**
 - If the \$250 Supreme Court Filing Fee was not submitted along with the original Notice of Appeal, it must be mailed directly to the Supreme Court. The Supreme Court Filing Fee will not be forwarded by this office if submitted after the Notice of Appeal has been filed.
- ☐ \$24 – District Court Filing Fee (Make Check Payable to the District Court)**
- ☒ \$500 – Cost Bond on Appeal (Make Check Payable to the District Court)**
 - NRAP 7: Bond For Costs On Appeal in Civil Cases
 - *Previously paid Bonds are not transferable between appeals without an order of the District Court.*
- ☒ Case Appeal Statement
 - NRAP 3 (a)(1), Form 2
- ☐ Order
- ☐ Notice of Entry of Order

NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. **The district court clerk shall apprise appellant of the deficiencies in writing**, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (g) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

Please refer to Rule 3 for an explanation of any possible deficiencies.

***Per District Court Administrative Order 2012-01, in regards to civil litigants, "...all Orders to Appear in Forma Pauperis expire one year from the date of issuance." You must reapply for in Forma Pauperis status.*

Certification of Copy

State of Nevada }
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR NOVEMBER 19, 2020 ORDER DISMISSING PLAINTIFFS' MATTER WITH PREJUDICE; NOTICE OF ENTRY FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR NOVEMBER 19, 2020 ORDER DISMISSING PLAINTIFFS' MATTER WITH PREJUDICE; DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

STEVEN BARKET; G65 VENTURES, LLC ,

Plaintiff(s),

vs.

SHAFIK HIRJI; SHAFIK BROWN; NAVNEET SHARDA; FURNITURE BOUTIQUE, LLC,

Defendant(s),

Case No: A-17-756274-C

Consolidated with A-18-770121-C

Dept No: IV

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 14 day of January 2021.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk