

1 IN THE SUPREME COURT OF THE STATE OF NEVADA

2 NAVNEET SHARDA,  
3 TRATA INC.,

**Supreme Court Case No. 82360**  
District Court Case No.: A-17-756274-C

4 Appellant,  
5 v.

Electronically Filed  
Mar 10 2021 06:26 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

6 STEVEN BARKET, AN INDIVIDUAL;  
7 G65 VENTURES, LLC, A NEVADA  
8 LIMITED LIABILITY COMPANY;  
9 SHAFIK HIRJI, AN INDIVIDUAL;  
SHAFIK BROWN, AN INDIVIDUAL;  
AND FURNITURE BOUTIQUE, LLC,  
A NEVADA LIMITED LIABILITY  
COMPANY et. al.

10 Respondents.

11 \_\_\_\_\_ /  
12 **RESPONSE TO DOCKETING STATEMENT BY RESPONDENTS,**  
13 **SHAFIK HIRJI, AN INDIVIDUAL; SHAFIK BROWN,**  
14 **AND FURNITURE BOUTIQUE, LLC**

15 COMES NOW Respondents, Shafik Hirji, Shafik Brown, and Furniture  
16 Boutique, LLC, by and through their counsel, Daniel Marks, Esq., and Teletha  
17 Zupan, Esq., of the Law Office of Daniel Marks and hereby submits their response  
18 to Appellant's Docketing Statement pursuant to Rule 14(f) of the Nevada Rules of  
19 Appellate Procedure and the memorandum of points and authorities attached  
20 hereto.

21 **MEMORANDUM OF POINTS AND AUTHORITIES**

22 Appellants concede in their case appeal statement and the docketing  
23 statement that the December 14, 2020 Findings of Fact and Conclusions of Law  
24 for November 19, 2020 Order was not a final appealable order. (See Case Appeal  
25 Statement at pages 3-4 paragraph 9 and Docketing Statement at page 4 paragraph  
26 8.) Appellants concede further that they filed a tolling motion pursuant to NRCP  
27 59, which is still pending before the lower court. Further, appellants assert in error  
28 that the dismissal was granted based upon issue preclusion, but the order clearly

1 states it was based on the doctrine of res judicata, which is claim preclusion.  
2 Therefore, this Court does not have jurisdiction because no final appealable order  
3 has issued pursuant to Rule 3A(b)(1) of the Nevada Rules of Appellate Procedure.

4 In addition, no cross claims were asserted by the parties. Trata Inc., was  
5 never properly joined as a party to the action. Instead, Trata Inc., asserted an  
6 improper counterclaim pursuant to NRCP 21 as it was not named a party in this  
7 action. Trata Inc., was not joined as a party pursuant to NRCP 19 or NRCP 20.  
8 Trata failed to file a motion to intervene in the action pursuant to NRCP 24.  
9 Further, Trata failed to file a third party complaint against Barket pursuant to  
10 NRCP 14. Therefore, this Court does not have jurisdiction over Trata Inc., or this  
11 matter.

12 Based upon the above this Court does not have jurisdiction over this matter.

13 Dated this 10th day of March, 2021.

14 LAW OFFICE OF DANIEL MARKS

15  
16 /s/ Teletha Zupan  
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24 Attorneys for Shafik Hirji, Shafik Brown,  
25 and Furniture Boutique, LLC  
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Sharda and Trata Inc.*

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