

IN THE SUPREME COURT OF THE STATE OF NEVADA

NAVNEET SHARDA, an individual;)	Electronically Filed
TRATA INC., a Nevada corporation,)	Aug 02 2021 05:53 p.m.
)	Elizabeth A. Brown
Appellants,)	Clerk of Supreme Court
)	
v.)	
)	Nature of Proceedings: Appeal
)	
)	Court below: Eighth Judicial
)	District Court of Nevada, Case No.:
STEVEN BARKET, an individual, et)	A-17-756274-C
al.)	
)	
Respondents.)	
)	
)	
)	

JOINT APPENDIX

(Vol. XI of XI)
(JA002191-JA002219)

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SHAFIK BROWN and FURNITURE
BOUTIQUE

APPENDIX – ALPHABETICAL INDEX

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13	7/29/2020	Appendices for Defendants' Motion to Dismiss Plaintiffs' Complaint with Prejudice and Related Relief (Volume IV of VIII)	III	JA000416- JA000530
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43	8/11/2017	Answer to Complaint and Counterclaim	XI	JA002211- JA002219

CERTIFICATE OF SERVICE

I certify that on the 30th day of July, 2021, I electronically filed the foregoing **JOINT APPENDIX** with the Clerk of Court for the Supreme Court of Nevada by using the Supreme Court of Nevada's E-filing system.

I further certify that on the above reference date service was made to the following parties by the methods therein indicated.

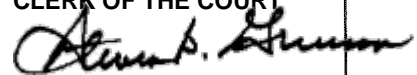
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and FURNITURE BOUTIQUE

/s/ Andrew M. David
An Employee of the
CORY READE DOWS & SHAFER

DOCUMENT “41”

DOCUMENT “41”



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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.

STEVEN BARKET, an individual,

1 Counter-Defendant.
2 _____/

3 MICHAEL AHDERS, an individual,

4 Plaintiff,

5 vs.

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

10 Defendants.
11 _____/

12 **AMENDED CERTIFICATE OF SERVICE FOR NOTICE OF ENTRY OF APRIL 6, 2021**
13 **ORDER**

14 PLEASE TAKE NOTICE that an April 6, 2021 Order was entered in the above-entitled action on
15 the 25th day of May, 2021, a copy of which is attached hereto.

16 DATED this 25th day of May, 2021.

17 LAW OFFICE OF DANIEL MARKS


18 /s/ Teletha Zupan, Esq.
19 DANIEL MARKS, ESQ.
20 Nevada Bar No. 002003
21 TELETHA L. ZUPAN, ESQ.
22 Nevada State Bar No. 12660
23 610 South Ninth Street
24 Las Vegas, Nevada 89101
25 *Attorneys for Defendants, Shafik Hirji,*
26 *Shafik Brown, and Furniture Boutique, LLC*
27
28

1 CERTIFICATE OF SERVICE

2 I hereby certify that I am an employee of the Law Office of Daniel Marks and that on the 25^h day
3 of May, 2021, pursuant to NRCP 5(b) and Administrative Order 14-2, I electronically transmitted a true
4 and correct copy of the above and foregoing **AMENDED CERTIFICATE OF SERVICE FOR**
5 **NOTICE OF ENTRY OF APRIL 6, 2021 ORDER** by way of Notice of Electronic Filing provided by
6 the court mandated E-file & Serve system to the following:

7 R. Christopher Reade, Esq.
8 CORY READE DOWS & SHAFER
9 1333 N. Buffalo Dr., Ste 210
10 Las Vegas, Nevada 89128
11 *Attorney for Counterclaimants Navneet Sharda*
12 *and Trata, Inc.*

12 /s/ Rayne Hall
13 An employee of the
14 LAW OFFICE OF DANIEL MARKS
15
16
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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,
9 an individual; and SHAFIK
10 BROWN, an individual.

11 Defendants.
12 _____/

13 NOTICE OF ENTRY OF APRIL 6, 2021 ORDER

14 PLEASE TAKE NOTICE that an April 6, 2021 Order was entered in the above-entitled action on
15 the 25th day of May, 2021, a copy of which is attached hereto.

16 DATED this 25th day of May, 2021.

17 LAW OFFICE OF DANIEL MARKS

18 /s/ Teletha Zupan, Esq.
19 DANIEL MARKS, ESQ.
20 Nevada Bar No. 002003
21 TELETHA L. ZUPAN, ESQ.
22 Nevada State Bar No. 12660
23 610 South Ninth Street
24 Las Vegas, Nevada 89101
25 *Attorneys for Defendants, Shafik Hirji,*
26 *Shafik Brown, and Furniture Boutique, LLC*
27
28

1 CERTIFICATE OF SERVICE

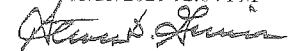
2 I hereby certify that I am an employee of the Law Office of Daniel Marks and that on the 25^h day
3 of May, 2021, pursuant to NRCP 5(b) and Administrative Order 14-2, I electronically transmitted a true
4 and correct copy of the above and foregoing **NOTICE OF ENTRY OF APRIL 6, 2021 ORDER** by
5 way of Notice of Electronic Filing provided by the court mandated E-file & Serve system to the
6 following:

7 Michael Mushkin, Esq.
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10 Las Vegas, Nevada 89119
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21 *Attorney for Plaintiff, Michael Ahders*

22 /s/ Rayne Hall
23 An employee of the
24 LAW OFFICE OF DANIEL MARKS
25
26
27
28


CLERK OF THE COURT

1 ORDR
2 LAW OFFICE OF DANIEL MARKS
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6 Las Vegas, Nevada 89101
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8 *Attorney for Defendants, Shafik Hirji,*
9 *Shafik Brown, and Furniture Boutique, LLC*

DISTRICT COURT

CLARK COUNTY, NEVADA

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

10 Plaintiffs,

11 vs.

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

17 Defendants.
18 _____/

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

19 Counterclaimants,

20 vs.

21 STEVEN BARKET, an individual,

22 Counterdefendant.
23 _____/

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

25 Counter-Claimants,

26 vs.

27 STEVEN BARKET, an individual,

28 Counter-Defendant.
_____ /

1 MICHAEL AHDERS, an individual,

2 Plaintiff,

3 vs.

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

7 Defendants.

8 APRIL 6, 2021 ORDER

9 THIS MATTER came before the Court on Counterclaimants' Motion for Clarification, and/or in
10 the Alternative, Motion for Relief, Reconsideration and/or to Alter or Amend Judgment;
11 Counterdefendants' Limited Joinder to Counterclaimants Motion for Clarification, and/or in the
12 Alternative, Motion for Relief, Reconsideration, and/or to Alter or Amend Judgment; Defendants'
13 Opposition to Counterclaimants' Motion for Clarification and/or in The Alternative Motion for Relief,
14 Reconsideration; Defendants' Opposition to Counterdefendants' Limited Joinder to Counterclaimants'
15 Motion for Clarification and/or in The Alternative Motion for Relief, Reconsideration, and/or to Alter or
16 Amend Judgment and Countermotion to Strike Counterdefendants' Untimely Joinder were set for
17 hearing on the oral civil motion calendar for April 20, 2021 at 9:00am. The Court having reviewed the
18 matter, including all points and authorities, and exhibits, and good cause appearing:

19 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Court hereby vacates the
20 hearings referenced above and moves them to the Chambers calendar for April 5, 2021.

21 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that pursuant to EDCR 2.24(a),
22 "[n]o motions once heard and disposed of may be renewed in the same cause, nor may the same matters
23 therein embraced be reheard, unless by leave of the court granted upon motion therefor, after notice of
24 such motion to the adverse parties."

25 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Nevada courts have inherent
26 authority to reconsider their prior orders. See *Trail v. Faretto*, 91 Nev. 401 (1975). A "court may, for
27 sufficient cause shown amend, collect, resettle, modify, or vacate, as the case may be, an order
28 previously made and entered on a motion in progress of the cause or proceeding". *Id.* at 403. A court

1 may exercise its discretion to revisit and reverse a prior ruling if any one of five circumstances is
2 present: (1) a clearly erroneous ruling; (2) an intervening change in controlling law; (3) substantially
3 different evidence; (4) other changed circumstances; or (5) that manifest injustice would result if the
4 prior ruling is permitted to stand. *United States v. Real Prop. Located at Incline Village*, 976 F. Supp.
5 1327, 1353 (D.Nev. 1997). A motion for reconsideration should be granted where new issues of fact or
6 law are raised which support a "ruling contrary to the ruling already reached." *Moore v. City of Las*
7 *Vegas*, 92 Nev. 402, 405 (1976).

8 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the above entitled action is on
9 appeal to the Nevada Supreme Court. Further, this Court declines to entertain Counterclaimants'
10 underlying Motion for Clarification, and/or in the Alternative, Motion for Relief, Reconsideration,
11 and/or Alter or Amend Judgment because it does not find any of the five circumstances necessary to do
12 so are present: (1) a clearly erroneous ruling; (2) an intervening change in controlling law; (3)
13 substantially different evidence; (4) other changed circumstances; or (5) that manifest injustice would
14 result if the prior ruling is permitted to stand. *United States v. Real Prop. Located at Incline Village*, 976
15 F. Supp. 1327, 1353 (D.Nev. 1997). Therefore, Counterclaimants' Motion for Clarification, and/or in the
16 Alternative, Motion for Relief, Reconsideration and/or to Alter or Amend Judgment is DENIED.

17 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that for the same reasons,
18 Counterdefendants' Limited Joinder to Counterclaimants Motion for Clarification, and/or in the
19 Alternative, Motion for Relief, Reconsideration, and/or to Alter or Amend Judgment is DENIED.

20 ////

21 ////

22 ////

23 ////

24 ////

25 ////

26 ////

27 ////

28 ////

1 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendants' Countermotion
2 to Strike Counterdefendants' Untimely Joinder is DENIED as moot.

Dated this 25th day of May, 2021



3
4 A-17-756274-C

5 49B F7A 29B5 F82A

Nadia Krall

District Court Judge

6 Respectfully submitted by:
7 LAW OFFICE OF DANIEL MARKS

Approved as to form and content:
MUSHKIN & COPPEDGE

8 /s/ Teletha Zupan, Esq.

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13 Approved as to form and content:
14 CORY READE DOWS AND SHAFER

15 /s/ R. Christopher Reade, Esq.

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17 Las Vegas, Nevada 89128

18 *Attorney for Counterclaimants Navneet Sharda*
and Trata, Inc.

From: [Chris Reade](#)
To: [Teletha Zupan](#)
Subject: FW: Barket v. Hirji, re: April 6, 2021 Order
Date: Wednesday, April 14, 2021 9:59:37 AM
Attachments: April 6, 2021 Order.pdf
Minute Order 040721.pdf
Minute Order 4-6-21.pdf

The Order appears to follow the Minute Order. You may add my electronic signature.



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(702) 794-4411
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CIRCULAR 230 NOTICE: To comply with U.S. Treasury Department and IRS regulations, we are required to advise you that, unless expressly stated otherwise, any U.S. federal tax advice contained in this transmittal, is not intended or written to be used, and cannot be used, by any person for the purpose of (i) avoiding penalties under the U.S. Internal Revenue Code, or (ii) promoting, marketing or recommending to another party any transaction or matter addressed in this e-mail or attachment.

From: Teletha Zupan <TZupan@danielmarks.net>
Sent: Tuesday, April 13, 2021 10:22 AM
To: Chris Reade <creade@crdslaw.com>; Michael Mushkin <Michael@mccnvlaw.com>
Subject: FW: Barket v. Hirji, re: April 6, 2021 Order

Dear Mr. Mushkin and Mr. Reade,

JA002202

We have not received a response from either of you regarding this order. Please advise if you have any changes.

Kind regards,

Teletha L. Zupan, Esq.
Law Office of Daniel Marks
610 South 9th Street
Las Vegas, Nevada 89101
P: (702) 386-0536
F: (702) 386-6812

From: Teletha Zupan
Sent: Thursday, April 08, 2021 9:32 AM
To: Michael Mushkin <Michael@mccnylaw.com>; 'Chris Reade' <creade@crdslaw.com>
Cc: Office <office@danielmarks.net>
Subject: Barket v. Hirji, re: April 6, 2021 Order

Good morning Mr. Mushkin and Mr. Reade,

See the proposed April 6, 2021 Order attached for your review and approval. Both minute orders are also attached for your convenience. If you approve the proposed Order, please confirm by email that I am authorized to affix your e-signature and submit it to the court.

Kind regards,

Teletha L. Zupan, Esq.
Law Office of Daniel Marks
610 South 9th Street
Las Vegas, Nevada 89101
P: (702) 386-0536
F: (702) 386-6812

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 Order was served via the court's electronic eFile system to all
13 recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 5/25/2021

15 Kelly Anderson

kelly@khrlawgroup.com

16 Karen Ross

karenross@khrlawgroup.com

17 Karen Foley

kfoley@mccnvlaw.com

18 Michael Mushkin

michael@mccnvlaw.com

19 Harold Gewerter

harold@gewerterlaw.com

20 Daniel Marks

Office@danielmarks.net

21 Danie Marks

Office@danielmarks.net

22 Daniel Marks

office@danielmarks.net

23 Jan Richey

jan@mcdonaldlawyers.com

24 Cindee Park

cindee@khrlawgroup.com

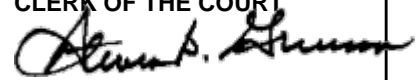
25 Teletha Zupan

tzupan@danielmarks.net
26
27
28

1	Charles ("CJ") Barnabi Jr.	cj@mcdonaldlawyers.com
2		
3	Sarah Lauer-Overby	sarah.lo@olympialawpc.com
4	Kimberly Yoder	kyoder@mccnvlaw.com
5	Lindsay Haycock	lindsay@khrlawgroup.com
6	R. Reade	creade@crdslaw.com
7	Steven Barket	sbarket@me.com
8	Elizabeth Arthur	earthur@crdslaw.com
9	Angelique Gilbreath	agilbreath@crdslaw.com
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DOCUMENT “42”



NOA

R. CHRISTOPHER READE, ESQ.

Nevada Bar No. 006791

CORY READE DOWS AND SHAFER

1333 North Buffalo Drive, Suite 210

Las Vegas, Nevada 89128

Telephone: (702) 794-4411

Facsimile: (702) 794-4421

creade@crdslaw.com

Attorneys for NAVNEET SHARDA and TRATA INC.

DISTRICT COURT

CLARK COUNTY, NEVADA

STEVEN BARKET, an Individual; G65

VENUTRES LLC, a Nevada Limited

Liability Company,

Plaintiffs

v.

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,

v.

STEVEN BARKET, an individual,

Counterdefendant.

Case No.: A-17-756274-C

Dept. No.: IV

Consolidated with:

Case No. A-18-770121-C

NOTICE OF APPEAL

1 NAVNEET SHARDA, an individual;)
 2 TRATA INC., a Nevada Corporation,)
 3 Counterclaimants,)
 4 v.)
 5 STEVEN BARKET, an Individual; SHAFIK)
 6 HIRJI, an Individual; SHAFIK BROWN, an)
 7 Individual; FURNITURE BOUTIQUE LLC,)
 8 a Nevada Limited Liability Company,)
 9 Counterdefendant.)
 10 MICHAEL AHDERS, an individual,)
 11 Plaintiff,)
 12 v.)
 13 BOULEVARD FURNITURE INC., a)
 14 Nevada Corporation, SHAFIK HIRJI, an)
 15 Individual; SHAFIK BROWN, an Individual,)
 16 Defendants.)

NOTICE OF APPEAL

18 NOTICE IS HEREBY GIVEN that Case A-17-756274-C Defendants/Counterclaimants
 19 NAVNEET SHARDA and TRATA INC., by and through their counsel R. CHRISTOPHER
 20 READE, ESQ. and the law firm of CORY READE DOWS & SHAFER, hereby appeal to the
 21 Nevada Supreme Court from the final Order for Dismissal of All Claims entered on December

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1 14th, 2020, as tolled by and including appeal from the Order Denying Motion to Alter or Amend
2 or for Reconsideration dated and May 25th, 2021.

3 DATED this 23rd day of June, 2021.

4 CORY READE DOWS AND SHAFER

5 By: /s/ R. Christopher Reade
6 R. Christopher Reade, Esq.
7 Nevada Bar No. 006791
8 1333 North Buffalo Drive, Suite 210
9 Las Vegas, Nevada 89128
10 (702) 794-4411
11 (702) 794-4421 Facsimile
12 creade@crdslaw.com
13 Attorneys for Defendants NAVNEET SHARDA and
14 TRATA INC.
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CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am a representative of CORY READE DOWS & SHAFER that on this 23rd day of June, 2020, I caused the foregoing NOTICE OF APPEAL to be served as follows:

■ NEFCR System upon the following Parties in accordance with NEFCR 9 and 13:

Daniel Marks, Esq. LAW OFFICE OF DANIEL MARKS 610 South Ninth Street Las Vegas, Nevada 89101 Counsel for Shafik Hirji, Shafik Brown and Furniture Boutique LLC	Michael R. Mushkin, Esq. MUSHKIN COPPEDGE 6070 South Eastern Avenue, Suite 270 Las Vegas, Nevada 89119 Attorneys for Respondents Steven Barket and G65 Ventures LLC
Karen H. Ross, Esq. LAW OFFICE OF KAREN H ROSS 2275 Corporate Circle, Suite 160 Henderson, Nevada 89074 Co-Counsel for Appellants	Charles Barnabi, Esq. 375 E. Warm Springs Road #104 Las Vegas, Nevada 89119 Counsel for Michael Ahders

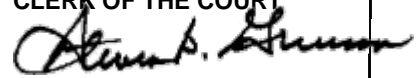
■ First-Class United States mail, postage fully prepaid upon the following Parties who are not registered users in accordance with NEFCR 9(d) a sealed envelope, postage prepaid to the following counsel and/or parties to this matter:

Personal Service upon the following users or their Counsel:

/s/ Elizabeth Arthur
A Representative of Cory Reade Dows & Shafer

DOCUMENT “43”

DOCUMENT “43”



1 BRYAN NADDAFI, ESQ.
2 Nevada Bar No. 13004
3 OLYMPIA LAW, P.C.
4 9480 S. Eastern Avenue, Suite #257
5 Las Vegas, Nevada 89123
6 Telephone No. (702) 522-6450
7 Email: bryan@olympialawpc.com
8 Attorneys for Navneet Sharda and Trata Inc.

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DISTRICT COURT
CLARK COUNTY, NEVADA

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

11 Plaintiffs,

12 vs.

13 SHAFIK HIRK, an individual; SHAFIK
14 BROWN, an individual; and NAVNEET
15 SHARDA, an individual; FURNITURE
16 BOUTIQUE, LLC, A Nevada Limited
17 Liability Company, and DOES 1-X, inclusive
18 and ROE CORPORATIONS XI through XX,

17 Defendants.

18
19 NAVNEET SHARDA, an individual;
20 TRATA, INC., a Nevada corporation;

21 Counterclaimants,

22 Vs.

23 STEVEN BARKEET, an individual,

24 Counterdefendant

Case No.: A-17-756274-C

Dept. No.: 18

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ANSWER TO COMPLAINT AND COUNTERCLAIM

COMES NOW, Defendant NAVNEET SHARDA., by and through his attorneys,
OLYMPIA LAW, P.C, and answers STEVEN BARKET, an individual; and G65
VENTURES, LLC., a Nevada Limited Liability Company's Complaint as follows:

1. Answering paragraphs 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18,
19, 20, 21, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44,
45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 58, 59, 60, 61, 62, 63, 64, 65 and 66 of
Plaintiffs' Complaint, Defendant states that Defendant does not have sufficient knowledge
or information upon which to base a belief as to the truth of the allegation contained therein
and therefore Defendant DENIES each and every allegation contained therein.

2. Answering paragraph 5 of Plaintiffs' Complaint, Defendant ADMITS each
and every allegation contained therein.

3. Answering paragraphs 22, 23, 57, 58 and 59 of Plaintiffs' Complaint,
Defendant DENIES each and every allegation contained therein.

As to those matters, if any, not herein answered, Answering Defendant expressly
denies any and all allegations relating thereto.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

Plaintiffs have failed to state a claim against Defendant upon which relief may be
granted.

SECOND AFFIRMATIVE DEFENSE

Plaintiffs' claims are barred by the doctrine of laches.

THIRD AFFIRMATIVE DEFENSE

Plaintiffs materially breached the agreements complained thereof.

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1 capacities, whether individual, corporate, associate or otherwise, of Defendants
2 named herein as DOE Individuals I through X and ROE Corporations and
3 Organizations I through X, are unknown at the present time; however, it is alleged
4 and upon information and belief, that these Defendants were involved in the
5 initiation, approval, support, or execution of the wrongful acts upon which this
6 litigation is premised, or of similar actions directed against Plaintiff about which they
7 were presently unaware. As the specific identity of these parties are revealed
8 through the course of discovery, the Plaintiff will ask leave of the Court to amend the
9 Complaint so that the DOE and/or ROE appellations will be replaced to identify
10 these parties by their true names and capacities.
11
12

13 **GENERAL ALLEGATIONS**

- 14 5. In or around early 2014, Sharda and Barket commenced a business relationship
15 wherein Barket provided services to Sharda to, amongst other things, assist Sharda in
16 repairing and maintaining Sharda's online presence.
17
18 6. On or around August 15, 2016, Sharda and Barket entered into an agreement
19 ("Subject Agreement") wherein the parties agreed to not communicate the content of
20 any confidential communications or proprietary information to third parties without
21 the prior consent of the other.
22
23 7. Pursuant to the Subject Agreement, the parties further agreed to neither slander or
24 otherwise defame the other via electronic and written communications.
25
26 8. Sharda is an agent of Trata with the power to bind Trata into contractual obligations.
27
28

1 9. In or around January 2017, Trata entered into a note with SHAFIQ HIRJI and
2 SHAFIQ BROWN (collectively "the Shafiks") for the amount of one million dollars
3 (\$1,000,000) ("First Trata Contract").

4 10. The purpose of the First Trata Contract was to create a for profit furniture company.

5 11. Barket was present at the time of execution of the First Trata Contract.

6 12. Barket was not a party to the First Trata Contract.

7 13. Towards the end of February 2017, Sharda was contacted by the Shafiks stating that
8 Barket, who had a previous business deal with the Shafiks, had been siphoning
9 capital assets from the Shafiks thereby making performance on the First Trata
10 Contract impossible.

11 14. In or around March 2017, in order to assist the Shafiks in performing on the First
12 Trate Contract, Trata entered into a second contract ("Second Trata Contract")
13 wherein Trata loaned the amount of two hundred thousand dollars (\$200,000) to the
14 Shafiks.

15 15. Barket was not a party to the Second Trata Contract.

16 16. Upon information and belief, upon learning of the Second Trata Contract, Barket
17 contacted the Shafiks demanding a significant capital expenditure from the Shafiks.

18 17. Upon information and belief, Barket, in an attempt to bolster his leverage with the
19 Shafiks, made defamatory statements to the Shafiks stating that Sharda was an
20 untrustworthy business partner.

21 18. Soon thereafter, Barket began sending text messages to the Shafiks and Sharda
22 threatening to publicize private information of the parties to the general public.
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1 19. Upon information and belief, Barket caused to be created a website
2 (<http://navneetshardaexamined.com/>) ("Barket Website") for the sole purposes of
3 posting private information of Sharda and casting a negative and false light onto
4 Sharda.

5 **FIRST CAUSE OF ACTION**

6 **Breach of Contract**

7 **(Sharda vs. Barket)**

8 20. Plaintiffs incorporate by reference, and reaffirm each and every allegation previously
9 asserted as if fully set forth herein.

10 21. Sharda and Barket entered into a valid agreement (Subject Agreement) wherein both
11 parties promised not to publish or post the private information of the other to third
12 parties.
13

14 22. That Barket's creation of the Barket Website, constituted a material breach of the
15 Subject Agreement as it posted many details of Sharda's personal life and was done
16 with the intention to embarrass Sharda.
17

18 23. That Barket's communications with the Shafiks, wherein he made repeated
19 disparaging comments as to Sharda also constituted a material breach of the Subject
20 Agreement.
21

22 24. As a direct and proximate result of Barket's conduct, Sharda has been damaged in
23 an in excess of fifteen thousand dollars (\$15,000).
24

25 25. It has been necessary for Plaintiffs to retain the services of an attorney to prosecute
26 this action and, therefore, Plaintiffs are entitled to reasonable attorney's fees and
27 costs, prejudgment interest, and such other and further relief the court deems proper
28 resulting from this action.

SECOND CAUSE OF ACTION
Breach of Duty of Good Faith and Fair Dealing
(Sharda vs. Barket)

26. Plaintiffs incorporate by reference, and reaffirm each and every allegation previously asserted as if fully set forth herein.

27. Nevada law implies a covenant of good faith and fair dealing in all contracts between parties entered into in the state of Nevada.

28. Sharda and Barket entered into a valid agreement (Subject Agreement).

29. Barket, in order to further his position on an unrelated matter, and order to gain leverage as against the Shafiks, violated the Subject Agreement by making multiple public statements to embarrass Sharda.

30. As a result of the actions of Barket, set forth herein, Barket has violated the implied covenant of good faith and fair dealing contained in the Subject Agreement as against Sharda, and as a result Sharda is entitled to damages as prayed.

31. It has been necessary for Plaintiffs to retain the services of an attorney to prosecute this action and, therefore, Plaintiffs are entitled to reasonable attorney's fees and costs, prejudgment interest, and such other and further relief the court deems proper resulting from this action.

THIRD CAUSE OF ACTION
Tortious Interference with Contractual Relations
(Trata vs. Barket)

32. Plaintiffs incorporate by reference, and reaffirm each and every allegation previously asserted as if fully set forth herein.

33. That Trata and the Shafiks maintained contracts for the operation of a for-profit furniture venture.

1 34. That Barket knew or should have known of the contracts between Trata and the
2 Shafiks.

3 35. Upon information and belief, Barket has attempted to dissolve the relationship
4 between Trata and the Shafiks in order to profit for himself individually.

5 36. That Barket has profited from interrupting the business relationship between Trata
6 and the Shafiks.

7
8 37. As a result of the actions of Barket, set forth herein, Trata is entitled to damages as
9 prayed.

10 38. It has been necessary for Plaintiffs to retain the services of an attorney to prosecute
11 this action and, therefore, Plaintiffs are entitled to reasonable attorney's fees and
12 costs, prejudgment interest, and such other and further relief the court deems proper
13 resulting from this action.

14
15 DATED this 10th day of August, 2017.

16 OLYMPIA LAW, P.C.

17
18 By: /s/ Bryan Naddafi
19 BRYAN NADDAFI, ESQ.
20 Nevada Bar No. 13004
OLYMPIA LAW, P.C.
21 9480 S. Eastern Avenue, Suite #257
Las Vegas, Nevada 89123
22 Telephone No. (702) 522-6450
Email: bryan@olympialawpc.com
23 *Attorneys for Navneet Sharda and Trata*
24 *Inc.*
25
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27
28