

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

AHED SAID SENJAB

Petitioner,

vs.

THE EIGHTH JUDICIAL  
DISTRICT COURT OF THE  
STATE OF NEVADA, IN AND  
FOR THE COUNTY OF CLARK,  
AND THE HONORABLE T.  
ARTHUR RITCHIE, DISTRICT  
COURT JUDGE

Respondents

and

MOHAMAD ALHULAIBI

Real Party in Interest

Supreme Court No. 84498

District Court No.: D-20-806093-1

Electronically Filed  
Jun 23 2022 04:55 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

**MOTION TO SUSPEND BRIEFING**  
**OR IN THE ALTERNATIVE**  
**GRANT AN EXTENSION TO FILE**  
**AN ANSWER TO THE WRIT**

Real Party in Interest MOHAMAD ALHULAIBI (“Mohamad”), by and through his attorney, David Markman, Esq., of Markman Law and pursuant to NRAP 27 submits this Motion to Suspend Briefing or in the Alternative grant an Extension to File an Answer to the Writ as the parties have resolved the issue presented by Petitioner’s writ.

## **MEMORANDUM OF POINTS AND AUTHORITIES**

### **I. STATEMENT OF FACTS AND PROCEDURE**

A Complaint for Divorce and Custody was filed by Ahed Senjab (“Petitioner”) on March 23, 2020 in Clark County, Nevada. Thereafter, Mohamad Alhulaibi (“Mohamad”) filed a Motion to Dismiss the Divorce Complaint. The Motion was granted. An Appeal was filed by Petitioner the appeal number was 81515. This Honorable Court sitting *en banc* heard the appeal and issued a published decision reversing and remanding the District Court’s decision, while footnoting that the child custody and support issues were not considered as the District Court did not reach those matters.

On remand, Mohamad filed a motion to dismiss the child custody and child support issues. The district court issued an order that denied that Nevada had jurisdiction to issue a child custody order under the provisions of NRS 125A.305(1)(a), and set an evidentiary hearing for June 9, 2022, grounded on the question of whether Saudi Arabia could not be the home state of the child based on whether or not Saudi Arabia violates fundamental principles of human rights.

On April, 5, 2022, Petitioner filed her Petition for Writ of Mandamus or Prohibition. On May 12, 2022, this Honorable Court issued an Order directing an answer to the Writ within 28 days. Making the original date for an answer due on June 9, 2022. On June 2, 2022, undersigned counsel requested a telephonic

extension on the date to file and serve an answer. The telephonic extension was granted making the date to file and serve Mohamad's answer June 23, 2022.

The parties have been working on a resolution of the issue presented in the petition. Ultimately, the parties have resolved the issue that is at the heart of the petition. During the discussions appellate counsel for petitioner (Mr. Willick) indicated that he would not be opposed to and would be willing to agree to an extension of time for Mohamad to file his answer to the petition while a potential resolution was finalized.

Ultimately the parties reached a resolution on June 22, 2022. After which, the undersigned counsel reached out to Petitioner's Counsel to determine procedurally the best course of action as Mohamad's answer was due the next day, June 23, 2022. Undersigned counsel was informed that Petitioner's counsel would file a Motion to Dismiss the Writ but that it would likely not be finalized or filed for at least a few days.

The instant Motion to Stay Briefing to allow for the Petitioner's Motion to Dismiss to be filed follows and is filed in an abundance of caution and to apprise this Honorable Court of the procedural posture of the underlying writ petition while awaiting the presumed forthcoming dismissal.

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## **II. MOTION**

The parties have spent valuable time and resources working on a resolution of the issue that makes up the petition. Based on previous proceedings the parties were involved in, the undersigned counsel's understanding is that when proceedings have become unnecessary that it should be brought to this Honorable Court's attention. As the issues at the heart of the Petition have now been resolved between the real parties in interest, it would appear that any further proceedings have become unnecessary including further briefing, such as Mohamad's Answer.

Further, as the parties have resolved the issue at the heart of the petition, it would appear that any further proceedings will likely be rendered moot. Thus, the current situation looks like it may be an unnecessary proceeding that this Honorable Court wants counsel to identify before time, money, and Court resources are spent.

Accordingly, I would request an order suspending any briefing or in the alternative an extension of time to answer. The request is made solely to allow for this matter to be dismissed, after Petitioner's forthcoming Motion to Dismiss the petition is filed. Certainly, if undersigned counsel has misunderstood any of this Court's procedures, he would request a short continuance to file an answer to the petition and any further instruction from

this Honorable Court as deemed necessary so as to fully comply with all appropriate procedures.

Pursuant to NRCP 31, and if a stay is deemed inappropriate, Mohamad's answering brief was originally due June 9, 2022, he has requested one telephonic extension, the brief is currently due June 23, 2022, no previous request has been denied. The extension has become necessary as the parties have reached an agreement that resolves the issue presented in the petition. Thus, it would appear an extraordinary and compelling circumstance to allow an extension for Mohamad to file his answer while awaiting Petitioner's Motion to Dismiss and the presumed dismissal of the petition, instead of allowing the unnecessary use of judicial and the parties' resources by completing any further briefing. If the request is denied, Mohamad would only request one week from the time of the order denying the stay to file his answering brief.

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### **III. CONCLUSION**

Based upon the foregoing, Mohamad respectfully requests the following:

- 1) Suspend briefing in this matter.
- 2) In the alternative, grant an extension for Mohamad's Answer.
- 3) Grant any other relief this court may deem appropriate.

DATED this 23<sup>rd</sup> day of June, 2022.

Respectfully submitted by:

**MARKMAN LAW**

**/s/ DAVID MARKMAN**

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*Attorneys for Respondent*

## **CERTIFICATE OF SERVICE**

I hereby certify that I am an employee of MARKMAN LAW, and that on this 23<sup>rd</sup> day of June, 2022, a document entitled **MOTION TO SUSPEND BRIEFING OR IN THE ALTERNATIVE GRANT AN EXTENSION TO FILE AN ANSWER TO THE WRIT** was filed electronically with the Clerk of the Nevada Supreme Court, and therefore electronic service was made in accordance with the master service list as follows, to the attorneys listed below at the address, email address, and/or facsimile number indicated below:

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