

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

\* \* \* \*

LARISA MEREORA, an individual;  
THOMAS MULKINS, an individual;  
NINA GROZAV, an individual, ION  
NEAGU, an individual; ALISA  
NEAUGU, an individual; MARIA  
REYNOLDS, an individual, NNG LLC,  
a Nevada Limited Liability Company dba  
UNIVERSAL MOTORCARS;  
UNIVERSAL MOTORCAR LLC, a  
Nevada limited liability company dba  
UNIVERSAL MOTORCARS; DOES I  
through X and ROE BUSINESS  
ENTITIES through X, inclusive,

Petitioners,

vs.

EIGHTH JUDICIAL DISTRICT COURT  
OF THE STATE OF NEVADA, CLARK  
COUNTY, AND THE HONORABLE  
NADIA KRALL,

Respondents,

And

SLC LLC, a Nevada limited liability  
company,

Named Plaintiff in Lower Court Action,

CASE NO.: Electronically Filed  
Jul 05 2022 02:51 p.m.  
District Court Case No. A-21-835625-0  
Elizabeth A. Brown  
Clerk of Supreme Court

***Petition for Writ of Mandamus or Prohibition***

From the Eighth Judicial District Court, Family Division, Clark County

Honorable Nadia Krall, District Court Judge

**APPENDIX**

**VOL. 1**

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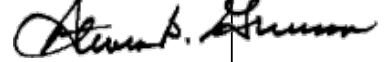
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ATTORNEYS FOR PETITIONERS

**CHRONOLOGICAL INDEX OF APPENDIX**

<b>Description</b>	<b>Date Filed</b>	<b>Vol.</b>	<b>Page No.</b>	<b>Bate No.</b>
Complaint	6/2/2021	1	004-019	ROA000001- ROA000016
Notice of Appearance	10/11/21	1	020-022	ROA000017- ROA000019
Defendant's Motion to Dismiss for Failure to State a Claim	10/12/21	1	023-068	ROA000020- ROA000065
Notice of Hearing	10/13/21	1	069	ROA000066
Amended Notice of Appearance	10/14/21	1	070-072	ROA000067- ROA000069
Plaintiff's Opposition to Defendant's Motion to Dismiss for Failure to State a Claim	10/26/21	1	073-082	ROA000070- ROA000079
Request for Judicial Notice in Support of Plaintiff's Opposition to Defendant's Motion to Dismiss for Failure to State a Claim	10/26/21	1	083-159	ROA000080- ROA000156
Declaration of R. Rabbat in Support of Plaintiff's Opposition to Defendant's Motion to Dismiss	10/26/21	1	160-163	ROA000157- ROA000160
Minute Order	11/23/21	1	164-165	ROA000161- ROA000162
Order Denying Defendant's Motion to Dismiss for Failure to State a Claim	12/02/21	1	166-170	ROA000163- ROA000167
Notice of Entry of Order Denying Defendant's Motion to Dismiss for Failure to State a Claim	12/03/21	1	171-179	ROA000168- ROA000176
Defendant's Answer to Plaintiff's Complaint and Counterclaim	12/17/21	1	180-192	ROA000117- ROA000189

Plaintiff/Counter-Defendant SLC LLC's Rule 12(B)(5) Motion to Dismiss Counterclaim	1/07/22	1	193-202	ROA000190- ROA000199
Request for Judicial Notice in Support of Plaintiff/Counter- Defendant SLC LLC's Rule 12(B)(5) Motion to Dismiss Counterclaim for Failure to State a Claim	1/07/22	1	203-232	ROA000200- ROA000229
Defendant's Opposition to Plaintiff/Counter-Defendant SLC LLC's Rule 12(B)(5) Motion to Dismiss Counterclaim and Countermotion for Attorney's Fees and Costs	1/21/22	1	233-251	ROA000230- ROA000248



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CASE NO: A-21-835625-C  
Department 4

**EIGHTH JUDICIAL DISTRICT COURT  
CLARK COUNTY, NEVADA**

SLC LLC, a Nevada limited liability  
company,

Plaintiff,  
vs.

LARISA MEREORA, an individual;  
THOMAS MULKINS, an individual; NINA  
GROZAV, an individual; ION NEAGU, an  
individual; ALISA NEAGU, an individual;  
MARIA REYNOLDS, an individual; NNG,  
LLC, a Nevada limited liability company dba  
UNIVERSAL MOTORCARS; UNIVERSAL  
MOTORCAR LLC, a Nevada limited liability  
company dba UNIVERSAL MOTORCARS;  
DOES I through X, inclusive; and ROE  
BUSINESS ENTITIES I through X,  
inclusive,

Defendants.

Case No. \_\_\_\_\_

DEPT. NO.: \_\_\_\_\_

**COMPLAINT FOR:**

- 1. MISAPPROPRIATION OF  
TRADE SECRETS (N.R.S. §  
600A.030 ET SEQ.);**
- 2. DECEPTIVE TRADE  
PRACTICES (N.R.S. § 598.0915  
ET SEQ.);**
- 3. DEFAMATION;**
- 4. INTENTIONAL INTERFERENCE  
WITH PROSPECTIVE  
ECONOMIC ADVANTAGE;**
- 5. CIVIL CONSPIRACY;**
- 6. CONVERSION;**
- 7. UNJUST ENRICHMENT**

[Exempt from Arbitration Pursuant to  
Rule 3(A) – Damages in Excess of \$50,000]

COMPLAINT

1                   **COMPLAINT FOR DAMAGES AND DEMAND FOR JURY TRIAL**

2           Plaintiff SLC LLC, a Nevada limited liability company (“SLC” or “Plaintiff”), by and  
3 through its counsel of record, Enenstein Pham & Glass, LLP, hereby asserts claims against  
4 defendants Larisa Mereora (“Mereora”), Thomas Mulkins (“Mulkins”), Nina Grozav (“Grozav”),  
5 Ion Neagu (“Ion”), Alisa Neagu (“Alisa”), Maria Reynolds (“Reynolds”), NNG, LLC, a Nevada  
6 limited liability company dba Universal Motorcars (“NNG”) and Universal Motorcar LLC, a  
7 Nevada limited liability company dba Universal Motorcars (“Universal”), Does I through X and  
8 Roe Business Entities I through X (Mereora, Mulkins, Grozav, Ion, Alisa, Reynolds, NNG,  
9 Universal, Does 1-10, and Roe Business Entities 1-10, collectively, “Defendants”) as follows:

10                   **DEMAND FOR JURY TRIAL**

11           1.       Plaintiff demands a jury trial.

12                   **JURISDICTIONAL AND PARTY ALLEGATIONS**

13           2.       The District Courts of Nevada has subject matter jurisdiction over this matter  
14 because this action concerns issues of Nevada law.

15           3.       The District Courts of Nevada have jurisdiction over this matter pursuant to Nev.  
16 Const. art. VI, § 6, as this Court has original jurisdiction in all cases not assigned to the justices’  
17 courts.

18           4.       The District Courts of Nevada have subject matter jurisdiction over this matter  
19 pursuant to Nevada Revised Statute § 4.370(1), as the matter in controversy exceeds \$15,000,  
20 exclusive of attorney’s fees, interest, and costs.

21           5.       Upon information and belief, the District Courts of Clark County have personal  
22 jurisdiction over Mereora because, at all times relevant, she is and was a resident of Clark  
23 County.

24           6.       Upon information and belief, the District Courts of Clark County have personal  
25 jurisdiction over Mulkins because, at all times relevant, he is and was a resident of Clark County.

26           7.       Upon information and belief, the District Courts of Clark County have personal  
27 jurisdiction over Grozav because, at all times relevant, she is and was a resident of Clark County.

28           8.       Upon information and belief, the District Courts of Clark County have personal

1 jurisdiction over Ion because, at all times relevant, he was and is a resident of Clark County.

2       9.       Upon information and belief, the District Courts of Clark County have personal  
3 jurisdiction over Alisa because, at all times relevant, she was and is a resident of Clark County.

4       10.      Upon information and belief, the District Courts of Clark County have personal  
5 jurisdiction over Reynolds because, at all times relevant, she was and is a resident of Clark  
6 County.

7       11.      The District Courts of Clark County have personal jurisdiction over NNG because  
8 it was at all relevant times a licensed and registered Nevada limited liability company doing  
9 business in Clark County, Nevada.

10       12.     The District Courts of Clark County have personal jurisdiction over Universal  
11 because it is and at all relevant times was a licensed and registered Nevada limited liability  
12 company doing business in Clark County, Nevada.

13       13.     The District Courts of Clark County have personal jurisdiction over SLC because  
14 it is a licensed Nevada limited liability company doing business in Clark County, Nevada

15                                   **DOES AND ROES ALLEGATIONS**

16       14.     Plaintiff is informed and believes, and therefore alleges, that the true names and  
17 capacities, whether individual, corporate, associate or otherwise of Does 1 through 10 are  
18 unknown. Plaintiff sues them by these fictitious names. Defendants designated as Does are  
19 responsible in some manner for the events and happenings described in this Complaint that  
20 proximately caused damages to Plaintiff as alleged herein. Plaintiff will ask leave of Court to  
21 amend the Complaint to insert the true names and capacities of Does and state appropriate  
22 charging allegations, when that information has been ascertained.

23       15.     Plaintiff is informed and believes and thereon alleges, that all defendants  
24 designated as a Roe Business Entities are likewise responsible in some manner for the events and  
25 happenings described in the Complaint which proximately caused the damages to Plaintiff as  
26 alleged herein. Plaintiff is informed and believes and thereon alleges, that all defendants  
27 designated as Roe Business Entities in some way are related to this action. Plaintiff will ask  
28 leave of Court to amend the Complaint to insert the true names and capacities of Roe Business

1 Entities and state appropriate charging allegations, when that information has been ascertained.

2 **GENERAL ALLEGATIONS**

3 16. Hamid Sheikhai (“Sheikhai”) established the “Zip Zap Auto” name in 1999 at  
4 3405 Clayton Rd., Concord, CA 94519.

5 17. In 2011, Sheikhai moved to Las Vegas, NV, and started a new Zip Zap Auto in  
6 February 2011, located at 3230 N. Durango Dr., Las Vegas, NV 89129 (“Zip Zap Auto”). Zip  
7 Zap Auto was the fictitious firm name for the entity Samir, LLC, that Sheikhai created upon  
8 moving to Las Vegas.

9 18. On April 1, 2014, Sheikhai appointed a manager of the auto shop operating as Zip  
10 Zap Auto. Around that same time, Sheikhai and the manager entered into a management  
11 agreement by which the manager leased the commercial building housing Zip Zap Auto from  
12 Sheikhai and his entities for \$10,000.00 per month. Under that agreement, the manager operated  
13 Zip Zap Auto and retained as payment all profit earned after paying the \$10,000 per month rent.

14 19. In mid-2016, Sheikhai changed the entity that owned Zip Zap Auto from Samir,  
15 LLC, to SLC LLC.

16 20. Plaintiff is informed and believes, and thereon alleges, that in early May 2018,  
17 Mereora, Mulkins, Grozav, Ion, Reynolds, Alisa, Does 1-10, and Roe Business Entities 1-10  
18 purchased an auto repair business and began operating that business under the name “Universal  
19 Motorcars.” The auto shop operating under the name Universal Motorcars competes directly  
20 with Zip Zap Auto.

21 21. In May 2018, the manager of Zip Zap Auto agreed to remit management of Zip  
22 Zap Auto to Plaintiff. To document this transfer of management, the former manager agreed to  
23 file all documents necessary to evidence this transfer on or before May 31, 2018.

24 22. The former manager failed to file the documents before the deadline. Indeed,  
25 nearly one week after that deadline had passed the documents still had not been filed. In or  
26 around early June 2018, the former manager advised Sheikhai that he was leaving the United  
27 States and would not file any of the documents that he had previously agreed to file.

28 23. Because the former manager refused to file to documents and was leaving the

1 United States, SLC had to take action to ensure the transfer of management and operations of Zip  
2 Zap Auto back to SLC. To do so, SLC, on June 5, 2018, prepared and filed eviction notices for  
3 abandonment of the premises on which Zip Zap Auto operates.

4 24. On June 6, 2018, Sheikhai went to Zip Zap Auto to serve the evictions papers, but  
5 when he arrived at Zip Zap Auto Sheikhai found Mereora, Mulkins, Grozav, Ion, Reynolds, and  
6 Alisa, packing up and removing SLC's equipment from the Zip Zap Auto shop and noticed that  
7 some of the equipment was already gone. Specifically, Mereora, Mulkins, Grozav, Ion,  
8 Reynolds, and Alisa removed, among other items belonging to SLC, the computer and hard drive  
9 containing its confidential customer list and other trade secrets.

10 25. SLC is informed and believes, and thereon alleges, that Defendants then used the  
11 stolen computers and the information on those computers, including SLC's confidential customer  
12 list.

13 26. More particularly, SLC is informed and believes, and thereon alleges, that  
14 Defendants obtained the contact information to SLC's customers from its confidential customer  
15 list and made unsolicited calls to those customers. Moreover, SLC is informed and believes, and  
16 thereon alleges, that in those calls Defendants disparaged and defamed SLC and its auto shop,  
17 Zip Zap Auto.

18 27. SLC is informed and believes, and thereon alleges, that in those unsolicited calls  
19 Defendants attempted to, and did, lure customers away from Zip Zap Auto and to the business  
20 operating as Universal Motorcars. In other words, Defendants used SLC's confidential customer  
21 list against it by disparaging Zip Zap Auto and SLC and then directed those same customers to  
22 Defendants' *competing* auto repair shop.

23 28. Moreover, Defendants damaged and left unusable much of the equipment that  
24 they did not steal from Zip Zap Auto's premises. SLC had to replace or repair all of the stolen  
25 and damaged equipment before they could resume operations at Zip Zap Auto, which  
26 replacement and repair cost SLC roughly \$75,000.00.

27 29. SLC is informed and believes, and thereon alleges, that from 2018 to the present,  
28 Defendants have repeatedly used SLC's confidential customer list to disparage SLC and to



1 advertise their competing business.

2       30.     SLC is informed and believes, and thereon alleges, that in July 2018, Alisa or  
3 Grozav, or others of the Defendants, registered the limited liability company NNG with the  
4 Nevada Secretary of State. Alisa and Grozav were named as the managing members of NNG.

5       31.     SLC is informed and believes, and thereon alleges, that in March 2020, Grozav or  
6 Reynolds, or others of the Defendants, registered the limited liability company Universal  
7 Motorcar with the Nevada Secretary of State. Grozav and Reynolds were named as the managing  
8 members of Universal.

9       32.     SLC is informed and believes, and thereon alleges, that Defendants operated their  
10 auto repair shop under the name Universal Motorcars through NNG from July 2018 through  
11 October 2020. Thereafter, on October 12, 2020, articles of dissolution for NNG were filed with  
12 the Nevada Secretary of State. SLC is informed and believes, and thereon alleges, that Alisa or  
13 Grozav, or other of the Defendants, filed Articles of Dissolution for NNG with the Nevada  
14 Secretary of State as an attempt to avoid any liability for the other unlawful conduct described  
15 above.

16       33.     But SLC is informed and believes, and thereon alleges, that Defendants continued  
17 to operate an auto shop at the same location under the same name “Universal Motorcars,” but  
18 changed the legal entity to Universal. Put differently, SLC is informed and believes, and thereon  
19 alleges, that the change of the entity from NNG to Universal was purely for show and the  
20 business is still owned and still operates exactly as it did before the October 2020.

21       34.     Not only has the name and location for Universal Motorcars stayed the same, but  
22 so has their improper and unauthorized use of SLC’s confidential customer list. SLC is informed  
23 and believes, and thereon alleges, that Defendants, and each of them, have directly contacted  
24 customers on SLC’s confidential customer list in attempts to convince the customers to stop  
25 doing business with SLC and its auto shops, including Zip Zap Auto, and to instead take their  
26 business to the shop operating as Universal Motorcars. They have also ramped up their attacks  
27 on SLC since October 2020, when Defendants made a change in name-only to the ownership  
28 structure of their business that operates under the name Universal Motorcars. For example, SLC

1 is informed and believes, and thereon alleges, that since October 2020, Defendants have posted  
2 numerous defamatory and disparaging comments online on multiple different services and  
3 review platforms and have left those comments under names of actual former Zip Zap Auto  
4 customers, the identities of whom Defendants obtained from the stolen confidential customer list.

5 **ALTER EGO ALLEGATIONS**

6 35. SLC is informed and believes, and thereon alleges, that NNG, Universal, and Roe  
7 Business Entities 1-10 are influenced and governed by their alter egos, Mereora, Mulkins, Ion,  
8 Grozav, Alisa, Reynolds, and Does 1-10.

9 36. SLC is informed and believes, and thereon alleges, that there is such unity of  
10 interest and ownership that NNG, Universal, and Roe Business Entities 1-10, on the one hand,  
11 and Mereora, Mulkins, Ion, Grozav, Alisa, Reynolds, and Does 1-10, on the other hand, are  
12 inseparable from the other.

13 37. SLC is informed and believes, and thereon alleges, that adherence to the corporate  
14 or limited liability company fiction of a separate entity would, under the circumstances, sanction  
15 a fraud and promote injustice.

16 38. SLC is informed and believes, and thereon alleges, that NNG, Universal, and Roe  
17 Business Entities 1-10, on the one hand, and Mereora, Mulkins, Ion, Grozav, Alisa, Reynolds,  
18 and Does 1-10, on the other hand, have commingled and continue to commingle their funds.

19 39. Additionally, SLC is informed and believes, and thereon alleges, that individuals  
20 (*i.e.*, Mereora, Mulkins, Ion, Grozav, Alisa, Reynolds and Does 1-10) treat the business entities  
21 (*i.e.*, NNG, Universal, and Roe Business Entities 1-10) and their assets as the individuals' own.

22 40. SLC is informed and believes, and thereon alleges, that NNG, Universal, and Roe  
23 Business Entities 1-10 are undercapitalized.

24 41. SLC is informed and believes, and thereon alleges, that Mereora, Mulkins, Ion,  
25 Grozav, Alisa, Reynolds, or Does 1-10, or a combination of them, have made and continue to  
26 make unauthorized diversion of the funds that purportedly belong to NNG, Universal, or Roe  
27 Business Entities 1-10, or a combination of them.

28 42. SLC is informed and believes, and thereon alleges, that Mereora, Mulkins, Ion,

1 Grozav, Alisa, Reynolds, Does 1-10, NNG, Universal, and Roe Business Entities 1-10 have  
2 failed to observe the corporate or limited liability company formalities.

3 **FIRST CLAIM FOR RELIEF**

4 **(Violation of Uniform Trade Secret Act NRS § 600A)**

5 **(By Plaintiff Against All Defendants)**

6 43. Plaintiff repeats and re-alleges herein by reference each and every allegation set  
7 forth in the preceding paragraphs as though fully set forth herein.

8 44. Plaintiff was at all relevant times and currently is the owner of Zip Zap Auto,  
9 including all equipment, assets, and intellectual property pertaining to Zip Zap Auto.

10 45. Mereora, Mulkins, Ion, Grozav, Alisa, Reynolds and Does 1-10 removed the  
11 computer and hard drive from Zip Zap Auto, which belong to Plaintiff and contain Zip Zap  
12 Auto's confidential customer list.

13 46. Zip Zap Auto's confidential customer list, which belongs to Plaintiff, constitutes a  
14 trade secret. Indeed, the confidential customer list is confidential and has independent economic  
15 value for not being generally known, and not being readily ascertainable by proper means by the  
16 public or any other persons who could obtain commercial or economic value from their  
17 disclosure or use.

18 47. Plaintiff took adequate measures to maintain the confidential customer list as  
19 trade secret not readily available for use by others. Indeed, it took adequate measures and  
20 maintained the information on this list as trade secrets, which secrecy was guarded by, among  
21 other means, lock-and-key in the back office available only to management and login and strictly  
22 guarded password access through the computer system. The confidential customer list was not  
23 available to anyone that did not have the key to the back office or the login and password  
24 information.

25 48. Defendants knew or had reason to know that Plaintiff kept the Zip Zap Auto  
26 customer list confidential. By intentionally stealing the confidential customer list without  
27 Plaintiff's consent, Defendants knew or had reason to know that their actions were wrongful and  
28 would cause injury to Plaintiff. Nonetheless, Defendants exploited the trade secret information

1 through use, disclosure, or non-disclosure of the use of the trade secrets for their own use and  
2 personal gain.

3 49. Defendants knew that Plaintiff kept the confidential customer list secret and  
4 Defendants knew they had a duty not to disclose or steal the customer list, but did so anyway.  
5 Defendants used, and continue to use, the confidential customer list that they misappropriated  
6 from Plaintiff for their own personal benefit and to the detriment of Plaintiff.

7 50. Defendants' misappropriation of Plaintiff's confidential customer list was willful  
8 and intentional and was done to interfere and harm Plaintiff and its business, as well as to obtain  
9 an unfair competitive advantage for Defendants and their competing business ventures.

10 51. As a direct and proximate result of the foregoing, Plaintiff has been damaged in  
11 an amount in excess of \$15,000, and in an amount to be determined at trial.

12 52. Based on the intentional, willful, and malicious conduct of Defendants, punitive  
13 damages should be awarded in favor of Plaintiff at the discretion of the court.

14 53. In order to prosecute this action, Plaintiff had to retain attorneys to represent it,  
15 and Plaintiff is entitled to fair and reasonable attorneys' fees associated with protecting its rights.

16 **SECOND CLAIM FOR RELIEF**

17 **(Deceptive Trade Practices and Unfair Competition (N.R.S. § 598.0915 *et seq.*))**

18 **(By Plaintiff Against All Defendants)**

19 54. Plaintiff repeats and re-alleges herein by reference each and every allegation set  
20 forth in the preceding paragraphs as though fully set forth herein.

21 55. Plaintiff uses, and at all relevant times used, the words and mark "Zip Zap Auto"  
22 in conjunction with the sale of the goods and services in the auto repair industry in the Las  
23 Vegas, Nevada area.

24 56. Defendants' acts as alleged herein disparage the goods, services, and business of  
25 Plaintiff by false or misleading representation of fact. More particularly, Defendants have posted  
26 multiple fake negative customer reviews that were not authored or approved by any actual  
27 customers. Instead, Defendants used the confidential customer list to identify some former and  
28 current customers of Plaintiff and falsely made posts with negative and disparaging reviews and

1 comments about Plaintiff in an attempt to drive business away from Plaintiff.

2 57. Defendants' acts constitute misappropriation, unfair competition, defamation, and  
3 unjust enrichment of Defendants; all in violation of Plaintiff's rights at common law and under  
4 the law of the State of Nevada.

5 58. Defendants' acts have harmed Plaintiff's reputation, severely damaged their  
6 goodwill, and upon information and belief, have diverted sales away from Plaintiff's business.

7 59. Defendants' acts have caused and will continue to cause great and irreparable  
8 injury to Plaintiff; unless Defendants are restrained by this Court, Plaintiff will continue to suffer  
9 great and irreparable injury.

10 60. Plaintiff has no adequate remedy at law.

11 61. Plaintiff has suffered damages as result of Defendants' actions in an amount to be  
12 proven at trial.

13 62. Plaintiff is entitled to an award of attorneys' fees and costs as damages pursuant  
14 to statute.

15 **THIRD CLAIM FOR RELIEF**

16 **(Defamation)**

17 **(By Plaintiff Against Mereora, Mulkins, Ion, Grozav, Alisa, Reynolds, and Does 1-10)**

18 63. Plaintiff repeats and re-alleges herein by reference each and every allegation set  
19 forth in the preceding paragraphs as though fully set forth herein.

20 64. Mereora, Mulkins, Ion, Grozav, Alisa, Reynolds, and Does 1-10 called the  
21 customers on Plaintiff's confidential customer list and made false and defamatory statements  
22 they represented as facts that tended to lower Plaintiff in the community, that excited derogatory  
23 opinions about Plaintiff and caused the customers to hold Plaintiff up to contempt. Indeed, the  
24 false statements of fact were intended to injure, and actually caused injury, to Plaintiff in its  
25 trade, business, and profession.

26 65. The customers who received Mereora, Mulkins, Ion, Grozav, Alisa, Reynolds,  
27 and Does 1-10's published statements did not know that the statements were false.

28 66. Mereora, Mulkins, Ion, Grozav, Alisa, Reynolds, and Does 1-10 knew the

1 statements were false when they made them. In fact, Mereora, Mulkins, Ion, Grozav, Alisa,  
2 Reynolds, and Does 1-10 made the false statements of fact in an attempt to cause Plaintiff's  
3 customers to stop doing business with Plaintiff and to instead do business with Defendants.

4 67. Mereora, Mulkins, Ion, Grozav, Alisa, Reynolds, and Does 1-10 made the false  
5 and disparaging statements to interfere with the good will associated with Plaintiff in the  
6 automotive repair business.

7 68. Plaintiff did not consent to Mereora, Mulkins, Ion, Grozav, Alisa, Reynolds, and  
8 Does 1-10's actions.

9 69. No privilege exists related to the statements and comments made by Mereora,  
10 Mulkins, Ion, Grozav, Alisa, Reynolds, and Does 1-10.

11 70. As a direct and proximate result of the foregoing, Plaintiff has been damaged in  
12 an amount in excess of \$15,000, said amount to be determined at trial.

13 71. Based on the intentional, willful, and malicious behavior of Mereora, Mulkins,  
14 Ion, Grozav, Alisa, Reynolds, and Does 1-10, and each of them, punitive damages should be  
15 awarded at the discretion of the court.

16 72. In order to prosecute this action, Plaintiff had to retain attorneys to represent it,  
17 and it is entitled to fair and reasonable attorneys' fees associated with protecting its rights.

18 **FOURTH CLAIM FOR RELIEF**

19 **(Intentional Interference with Prospective Economic Advantage)**

20 **(By Plaintiff Against All Defendants)**

21 73. Plaintiff repeats and re-alleges herein by reference each and every allegation set  
22 forth in the preceding paragraphs as though fully set forth herein.

23 74. Plaintiff had prospective contractual relationships with the established customers  
24 at Zip Zap Auto based on the confidential customer list.

25 75. Defendants knew that Plaintiff had prospective contractual relationships with its  
26 established customers on the confidential customer list.

27 76. Plaintiff is informed and believes, and thereon alleges, that Defendants contacted  
28 the customers on Plaintiff's confidential customer list with the intent to harm Plaintiff and its

1 business by preventing the relationship, making defamatory and disparaging statements about  
2 Plaintiff and directing Plaintiff's customers away from Plaintiff's business and instead to the  
3 competing business operated by Defendants.

4 77. Defendants' acts were intended or designed to disrupt Plaintiff in order for  
5 Defendants to gain a prospective economic advantage.

6 78. Defendants' actions have disrupted or were intended to disrupt Plaintiff's business  
7 by, among other things, diverting customers away from Plaintiff's business and instead to  
8 Defendants' business.

9 79. Defendants had no legal right, privilege, or justification for their conduct.

10 80. As a direct and proximate result of the foregoing, Plaintiff has been damaged, and  
11 will continue to suffer damages, in an amount in excess of \$15,000, said amount to be  
12 determined at trial.

13 81. Based on the intentional, willful, and malicious behavior of Defendants, and each  
14 of them, punitive damages should be awarded at the discretion of the court.

15 82. In order to prosecute this action, Plaintiff had to retain attorneys to represent it,  
16 and it is entitled to fair and reasonable attorneys' fees associated with protecting its rights.

17 **FIFTH CLAIM FOR RELIEF**

18 **(Civil Conspiracy)**

19 **(By Plaintiff Against Mereora, Mulkins, Ion, Grozav, Alisa, Reynolds, and Does 1-10)**

20 83. Plaintiff repeats and re-alleges herein by reference each and every allegation set  
21 forth in the preceding paragraphs as though fully set forth herein.

22 84. Plaintiff is informed and believes, and thereon alleges, that in March 2020,  
23 Universal was incorporated with the Nevada Secretary of State. Upon information and belief, at  
24 all times thereafter defendants Mereora, Mulkins, Grozav, Ion, Alisa, Reynolds, and Does 1-10  
25 were and are the owners, members, and managers of Universal.

26 85. Plaintiff is informed and believes, and thereon alleges, that Mereora, Mulkins,  
27 Ion, Grozav, Alisa, Reynolds, and Does 1-10, and each of them, concocted and entered into a  
28 conspiracy with each other, and potentially others, to defame, disparage, and otherwise

1 wrongfully interfere with Plaintiff's business.

2 86. Mereora, Mulkins, Ion, Grozav, Alisa, Reynolds, and Does 1-10, and each of  
3 them, acted in concert to steal equipment owned by Plaintiff, and to steal Plaintiff's confidential  
4 customer list.

5 87. In furtherance of the conspiracy, Mereora, Mulkins, Ion, Grozav, Alisa, Reynolds,  
6 and Does 1-10, and each of them, contacted Plaintiff's customers using the stolen customer list  
7 to defame, disparage, and hold Plaintiff in a false light in front of their customers.

8 88. Plaintiff is informed and believes, and thereon alleges, that in furtherance of the  
9 conspiracy Mereora, Mulkins, Ion, Grozav, Alisa, Reynolds, and Does 1-10, and each of them,  
10 contacted Plaintiff's customers using the stolen customer list to interfere with Plaintiff's  
11 expected economic advantage.

12 89. Mereora, Mulkins, Ion, Grozav, Alisa, Reynolds, and Does 1-10, and each of  
13 them, misappropriated Plaintiff's confidential customer list and used it to compete directly with  
14 Plaintiff and its business operating as Zip Zap Auto by directly contacting customers on the list  
15 and by making false and disparaging public comments about Plaintiff, and attributing those  
16 comments to actual customers identified on the customer list.

17 90. As a direct and proximate result of the foregoing, Plaintiff has been damaged in  
18 excess of \$15,000.00, not including interest, attorneys' fees, and costs, the exact amount to be  
19 determined at trial.

20 91. In order to prosecute this action, Plaintiff had to retain attorneys to represent  
21 them, and it is entitled to fair and reasonable attorneys' fees associated with protecting those  
22 rights.

23 **SIXTH CLAIM FOR RELIEF**

24 **(Conversion/Trespass to Chattel)**

25 **(By Plaintiff Against All Defendants)**

26 92. Plaintiff repeats and re-alleges herein by reference each and every allegation set  
27 forth in the preceding paragraphs as though fully set forth herein.

28 93. At all times relevant to the claims asserted herein, Plaintiff was the sole owner of



1 all equipment contained inside Zip Zap Auto.

2 94. At no time were Defendants, or any of them, the legal or equitable owner of any  
3 of the equipment contained inside the Zip Zap Auto location.

4 95. Plaintiff is informed and believes, and thereon alleges, that Defendants, and each  
5 of them, intentionally disposed of, destroyed, ruined, damaged, absconded with, spoiled, and  
6 otherwise converted the equipment from Zip Zap Auto for the benefit of themselves, and in  
7 derogation of Plaintiff's rights.

8 96. As a direct and proximate result of the foregoing, Plaintiff has been damaged in  
9 an amount in excess of \$15,000, said amount to be determined at trial.

10 97. In order to prosecute this action, Plaintiff had to retain attorneys to represent  
11 them, and it is entitled to fair and reasonable attorneys' fees associated with protecting those  
12 rights.

13 **SEVENTH CAUSE OF ACTION**

14 **Unjust Enrichment**

15 **(By Plaintiff Against All Defendants)**

16 98. Plaintiff repeats and re-alleges herein by reference each and every allegation set  
17 forth in the preceding paragraphs as though fully set forth herein.

18 99. Plaintiff is entitled to recover value of the business Defendants unjustly earned by  
19 intentionally misleading the public and by misappropriating Plaintiff's trade secrets.

20 100. Specifically, Plaintiff is informed and believes, and thereon alleges, that  
21 Defendants used Plaintiff's confidential trade secret information to represent to the public that  
22 disparaging fake reviews about Zip Zap Auto are authored or authorized by actual Zip Zap Auto  
23 customers when that is not true.

24 101. Further, Plaintiff is informed and believes, and thereon alleges, that Defendants  
25 misappropriated the trade secret information consisting of the confidential customer lists for the  
26 purpose of directly soliciting business from Plaintiff's customers.

27 102. Plaintiff is informed and believes, and thereon alleges, that Defendants earned  
28 profits as a result of these misrepresentations and misappropriations.

103. As a direct and proximate cause of Defendants' actions, Defendants have knowingly received and retained an improper benefit which in equity and good conscience belongs to Plaintiff, in an amount to be proven at trial.

104. Plaintiff was required to obtain the services of an attorney to pursue these claims, and therefore seeks reimbursement of the attorneys' fees and costs incurred in this action.

## PRAVERS FOR RELIEF

WHEREFORE, Plaintiff pray for judgment against Defendants, and each of them, jointly and severally, as follows:

On the **FIRST CAUSE OF ACTION:**

1. For damages in an amount to be proven at trial;
2. For injunctive relief enjoining Defendants from further misappropriating Plaintiff's trade secrets;
3. For punitive and exemplary damages according to proof; and
4. For such other and further relief as the Court may deem proper.

## On the **SECOND CAUSE OF ACTION:**

1. For damages in an amount to be proven at trial;
2. For reasonable expenses, including attorneys' fees, pursuant to NRS 598.0915;
3. For injunctive relief enjoining Defendants from further engaging in deceptive trade practices; and
4. For such other and further relief as the Court may deem proper.

On the **THIRD CAUSE OF ACTION:**

1. For damages in an amount to be proven at trial;
2. For punitive and exemplary damages according to proof; and
3. For such other and further relief as the Court may deem proper.

On the **FOURTH CAUSE OF ACTION:**

1. For damages in an amount to be proven at trial;
2. For punitive and exemplary damages according to proof;
3. For such other and further relief as the Court may deem proper.

1 On the **FIFTH CAUSE OF ACTION:**

- 2 1. For damages in an amount to be proven at trial;
- 3 2. For punitive and exemplary damages according to proof;
- 4 3. For such other and further relief as the Court may deem proper.

5 On the **SIXTH CAUSE OF ACTION:**

- 6 1. For damages in an amount to be proven at trial;
- 7 2. For such other and further relief as the Court may deem proper.

8 On the **SEVENTH CAUSE OF ACTION:**

- 9 1. For restitution in the amount Defendants were unjustly enriched at the expense of
- 10 Plaintiff, to be proven at trial; and
- 11 2. For such other and further relief as the Court may deem proper.

12 On **ALL CLAIMS FOR RELIEF:**

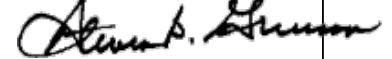
- 13 1. For damages in an amount to be proven at trial;
- 14 2. For an award of reasonable attorneys' fees and costs; and
- 15 3. For such other and further relief as the Court deems just and proper.

16  
17 **DATED** this 2nd day of June 2021

18  
19 **ENENSTEIN PHAM & GLASS**

20 

21 \_\_\_\_\_  
22 ROBERT A. RABBAT, ESQ.  
23 Nevada Bar No. 12633  
24 Email: rrabbat@enensteinlaw.com  
25 11920 Southern Highlands Parkway, Suite 103  
26 Las Vegas, NV 89141  
27 *Attorneys for Plaintiff SLC LLC*  
28



**HOFLAND & TOMSHECK**  
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Telephone: (702) 895-6760  
Facsimile: (702) 731-6910  
*Attorneys for Defendants*

**EIGHTH JUDICIAL DISTRICT COURT**

**CLARK COUNTY, NEVADA**

SLC LLC, a Nevada limited liability ) CASE NO.: A-21-835625-C  
company, ) DEPT NO.: 4

Plaintiff,

vs.

**NOTICE OF APPEARANCE**

LARISA MEREORA, an individual;  
THOMAS MULKINS, an individual;  
NINA GROZAV, an individual, ION  
NEAGU, an individual; MARIA  
REYNOLDS, an individual, NNG LLC,  
a Nevada Limited Liability Company dba  
UNIVERSAL MOTORCARS;  
UNIVERSAL MOTORCAR LLC, a  
Nevada limited liability company dba  
UNIVERSAL MOTORCARS; DOES I  
through X and ROE BUSINESS  
ENTITIES through X, inclusive,  
Defendants.

COMES NOW, counsel for Defendant(s), LARISA MEREORA, NINA  
GROZAV, MARIA REYNOLDS, ION NEAGU, and NNG LLC, a Nevada  
Limited Liability Company dba UNIVERSAL MOTORCARS; UNIVERSAL  
MOTORCAR LLC, a Nevada limited liability company dba UNIVERSAL  
MOTORCARS and hereby gives notice that Defendant(s) have retained Bradley

1 J. Hofland, Esq. of HOFLAND & TOMSHECK in the above-referenced matter to  
2 represent him and hereby enters an appearance in this matter.

3 DATED this 11<sup>th</sup> day of October, 2021

4 **HOFLAND & TOMSHECK**

5 By: /s/ **Bradley J. Hofland**  
6 Bradley J. Hofland, Esq.  
7 Nevada Bar No. 6343  
8 228 South 4<sup>th</sup> Street, 1<sup>st</sup> Floor  
9 Las Vegas, Nevada 89101  
10 Telephone: (702) 895-6760  
11 *Attorneys for Defendant(s)*  
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I am an employee of Hofland & Tomsheck, that pursuant to Administrative Order 14-2, NEFCR 9, and NRCP 5(b), on the 11<sup>th</sup> day of October, 2021, I served the forgoing **NOTICE OF APPEARANCE** on the following parties by E-Service through the Odyssey filing system and/or U.S. Mail addressed as follows:

ENENSTEIN PHAM & GLASS  
Robert A. Rabbat, Esq.  
[rrabbat@enensteinlaw.com](mailto:rrabbat@enensteinlaw.com)  
*Attorneys for Plaintiff SLC LLC*

By: /s/ Nikki Warren  
Employee of Hofland & Tomsheck



**MOT**  
**HOFLAND & TOMSHECK**  
Bradley J. Hofland, Esq.  
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Telephones: (702) 895-6760  
Facsimile: (702) 731-6910  
*Attorneys for Defendants*

**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

SLC LLC, a Nevada limited liability company,	)	CASE NO.: A-21-835625-C
	)	DEPT NO.: 4
	)	ORAL ARGUMENT REQUESTED
Plaintiff,	)	
	)	
vs.	)	<b>DEFENDANTS' MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM.</b>
	)	
LARISA MEREORA, an individual;	)	
THOMAS MULKINS, an individual;	)	Date of Hearing:
NINA GROZAV, an individual, ION	)	Time of Hearing:
NEAGU, an individual; MARIA	)	
REYNOLDS, an individual, NNG LLC,	)	
a Nevada Limited Liability Company dba	)	
UNIVERSAL MOTORCARS;	)	
UNIVERSAL MOTORCAR LLC, a	)	
Nevada limited liability company dba	)	
UNIVERSAL MOTORCARS; DOES I	)	
through X and ROE BUSINESS	)	
ENTITIES through X, inclusive,	)	
Defendants.	)	

**TO ALL PARTIES IN INTEREST AND THEIR ATTORNEYS OF RECORD:**

1 COMES NOW, Defendants Larisa Mereora, Nina Grozav, Ion Neagu, Maria  
2 Reynolds, NNG LLL and Universal Motorcars and hereby submits this motion to  
3 Dismiss the Plaintiff's complaint pursuant to NRCP 12(b)(5), and moves the Court  
4 for an order:

- 5 1. Finding the claims asserted against Larisa Mereora, Nina  
6 Grozav, Ion Neagu, Maria Reynolds, NNG LLL and Universal  
7 Motorcars are impermissible and barred as in case number A-  
19-805955-C those claims were dismissed with prejudice.

8 This motion is made and based on the following Memorandum of Points and  
9 Authorities, the declarations and exhibits, attached hereto, the papers and pleadings  
10 already on file herein, and any argument the Court may permit at the hearing of this  
11 matter.

12 Dated this 12<sup>th</sup> day of October, 2021.

13  
14 HOFLAND TOMSHECK

15  
16 By: /s/ Bradley J. Hofland

17 Bradley J. Hofland, Esq.

18 Nevada Bar Number: 006343

19 228 S. 4<sup>TH</sup> Street

20 1<sup>st</sup> Floor

21 Las Vegas, Nevada, 89101

22 Telephone: (702) 895-6760  
23  
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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I.**

3 **Introduction**

4 Plaintiff is the alter ego of Hamid Sheiki (“Hamid”), has been involved in  
5 litigation for *years* with Victor Botnari (“Victor”), whom is erroneously referred to  
6 in the underlying complaint as the Manager<sup>1</sup>, in three *related* cases<sup>2</sup>. The identical

7  
8 <sup>1</sup> Vitiok purchased Zip Zap Auto, an automobile repair business, from Samir LLC  
9 that was owned and operated by Hamid which was formally memorialized by way  
10 of Bill of Sale on June 1, 2014. On June 5, 2014, Vitiok registered “Zip Zap Auto”  
11 as a dba of **Vitiok**. Thereafter, Vitiok assumed/resumed control and began  
12 operating “Zip Zap Auto” at 3230 N. Durango Road “3230 N. Durango”), Las  
13 Vegas, Nevada. Hamid subsequently executed a business declaration  
14 acknowledging Vitiok’s ownership of Zip Zap Auto and confirmed the sale of Zip  
15 Zap Auto in latter correspondence. On June 4, 2018, Defendants, without  
16 purchasing Zip Zap Auto from Vitiok and having no ownership rights to Vitiok’s  
17 business of Zip Zap Auto, surreptitiously filed a fictitious firm name of Zip Zap  
18 Auto listing *Plaintiff* as the owner of Vitiok’s business. The very next day, June  
19 5, 2018, after four years of building and running the business, including the  
20 development of a stellar reputation and considerable good will, Hamid, wrongfully  
21 and under false pretenses, evicted Vitiok from 3230 N. Durango, so that he could  
22 profit from the name of Zip Zap Auto and effort of Vitiok. The following day,  
23 Hamid caused the locks on the premises to be changed, and without authority or  
24 permission, intentionally took possession and use of Vitiok’s tools, equipment,  
25 Vitiok’s **customer directory**, computer data base, good will, and other assets, and  
26 began operating Vitiok’s business under the name of Zip Zap Auto at 3230 N.  
27 Durango. Notably, Vitiok’s customer list, pricing scheme, and other trade secrets  
28 were on the computer identified and acknowledged by Hamid.

22 More importantly, after wrongfully evicting Vitiok, Hamid converted  
23 Vitiok’s assets—including its customer list—for his own personal gain. In fact,  
24 Plaintiff **admitted** possession of **Vitiok’s** “confidential customer list and pricing  
25 schemes”—something that could only have resulted from the wrongful eviction and  
26 the taking of Vitiok’s computer, yet refuse to return the equipment or provide  
27 Vitiok access to *its* property. Hamid additionally went to DMV, without Plaintiff’s  
28 knowledge or consent, filed an “Out of Business Notification” declaring Zip Zap  
Auto was out of business.

<sup>2</sup> Case A-19-801513-P (Before the Honorable Joanna Kishner); Case A-19-805955-  
C (Before the Honorable Susan Johnson); and Case D-18-575686-L (Before the  
Honorable Bill Henderson).

1 issues were plead and resolved by agreement twice; once, by acceptance of an offer  
2 of judgment (*Hamid after his offer was accepted alleged the offer of judgment*  
3 *was not binding*) and the second time through a comprehensive settlement  
4 agreement before former Chief Justice Michael Cherry resulting in the execution  
5 and the filing of a Stipulation and Order dismissing the underling claims *with*  
6 *prejudice* after Plaintiff attempted to resurrect those litigations.

## 7 II.

### 8 Statement of Facts

9 The following are the facts relevant to this Motion to Dismiss:

10 1. A Stipulation for Dismissal of Action including all claims, cross-  
11 claims, and counterclaims, *with prejudice* was entered on May 21, 2021. Attached  
12 and marked as Exhibit “A” in case number A-19-805955-C.

13 2. The Cross-Defendants in case number A-19-805955-C are now the  
14 named Defendants in this action, the caption in the case dismissed with *prejudice*  
15 reads:

16 VICTOR BOTNARI, an individual; LARISA  
17 MEREORA, an individual; THOMAS MULKINS, an  
18 individual; NINA GROZAV, an individual; ION  
19 NEAGU, an individual; ALISA NEAGU, an individual;  
20 NNG, LLC dba UNIVERSAL MOTORCARS; and  
21 DOES I through X, inclusive; and ROE BUSINESS  
22 ENTITIES I through X, inclusive,

23 Cross-Defendants

24 Attached and marked as Exhibit “B”.

25 3. In addition to the stipulations entered dismissing all of the claims,  
26 counterclaims and crossclaims, the settlement agreement contained a release and  
27 waiver of all claims known or unknown.  
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III.

**Legal Analysis**

Rule 12(b)(5) of the Nev. R. Civ. Pro. (hereinafter “NRCP”) permits dismissal of an action for “failure to state a claim upon which relief can be granted.” Dismissal is proper where the allegations are insufficient to establish the elements of a claim for relief<sup>3</sup>. To survive a motion to dismiss, the “allegations must be legally sufficient to constitute the elements of the claim asserted”<sup>4</sup> and must contain some set of facts which, if true, would entitle Plaintiff to relief<sup>5</sup>.

Dismissal is proper where the allegations in the complaint, “taken at ‘face value’, . . . [and] construed favorably in the [plaintiff’s] behalf” fail to state a cognizable claim for relief. *Morris v. Bank of America Nevada*, 110 Nev. 1274, 886 P.2d 454, 456 (1994). While a court will presume the truth of factual allegations, it will not “necessarily assume the truth of legal conclusions merely because they are cast in the form of factual allegations in [the] complaint.” *McMillian v. Dept. of Interior*, 907 F.Supp. 322, 327 (D. Nev. 1995). In this vein, the court is not required to “accept as true allegations that contradict matters properly subject to judicial notice or by exhibit.” *Foster Poultry Farms, Inc. v. Suntrust Bank*, 355 F.Supp.2d 1145, 1148 (E.D. Cal. 2004).

Additionally, when a plaintiff’s complaint extensively references a document, it is deemed to be “incorporated by reference” and thus properly considered on a motion to dismiss. *Van Buskirk v. Cable News Network, Inc.*, 284 F.3d 977, 980 (9th Cir. 2002). “Under the ‘incorporation by reference’ rule . . . , a court may look beyond the pleadings without converting to the Rule 12(b)(6) motion into one for summary judgment.” *Id.*; see also *Parks School of Business*,

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<sup>3</sup> *Stockmeier v. Nevada Dep’t of Corrections*, 124 Nev. 30, 183 P.3d 133, 135 (2008) (quoting *Hampe v. Foote*, 118 Nev. 405, 47 P.3d 438, 439 (2002)).

<sup>4</sup> *Sanchez v. Wal-Mart Stores, Inc.*, 125 Nev. 818, 221 P.3d 1276, 1280 (2009).

<sup>5</sup> See *Shoen v. SAC Holding Corp.*, 122 Nev. 621, 634-35, 137 P.3d 1171, 1180 (2006).

1 *Inc. v. Symington*, 51 F.3d 1480, 1484 (9th Cir. 1995) (“When a plaintiff has  
2 attached various exhibits to the complaint, those exhibits may be considered in  
3 determining whether dismissal was proper without converting the motion to one for  
4 summary judgment.”) (citation omitted); *Branch v. Tunnell*, 14 F.3d 449, 453 (9th  
5 Cir. 1994) (“a document is not ‘outside’ the complaint if the complaint specifically  
6 refers to the document and if its authenticity is not questioned.”).

7 It is well recognized that “failure to state a claim upon which relief can be  
8 granted” may be made by motion<sup>6</sup>. When made, motions to dismiss should be  
9 granted when it appears beyond a doubt that the plaintiffs are entitled to no relief  
10 under any set of facts that could be proved in support of the claim<sup>7</sup>.

11 The law is clear that a complaint should be dismissed when it fails to “state a  
12 claim upon which relief can be granted.” NRCP 12(b)(5). Even the most liberal  
13 reading of Plaintiff’s complaint reveals a failure on its part to state a claim for  
14 which relief can be granted. NRCP 8(a) provides, in pertinent part, that in order to  
15 plead sufficiently the plaintiff must include, “(1) a short and plain statement of the  
16 claim showing that the pleader is entitled to relief, and (2) a demand for judgment  
17 for the relief the pleader seeks.” A plaintiff must set forth “sufficient facts to  
18 establish all necessary elements of a claim for relief.” *Hay v. Hay*, 100 Nev 196,  
19 198, 678 P.2d 672 (1984) quoting *Johnson v. Travelers, Ins. Co.*, 89 Nev 467, 472,  
20 515 P.2d 68, 71 1973). While simple conclusions of law can at times be acceptable  
21 under this rule, the plaintiff still must prove enough information to give “fair notice  
22 of the nature and basis of the claim.” *Crucil v. Carson City*, 95 Nev 583, 585, 600  
23 P.2d 216, 217 (1979).

24 The Nevada Supreme Court’s test to determine if the plaintiff’s allegations

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26 <sup>6</sup> *Gull v. Hoalst*, 777 Nev. 54, 359 P.2d 383 (1961); NRCP 12(b)(5); *see also Hay v.*  
27 *Hay*, 100 Nev.196, 198, 678 P.2d 672, 674 (1984) (complaint must set forth  
28 sufficient facts to establish all necessary elements of a claim for relief... so that the  
adverse party has adequate notice of the nature of the claim and the relief sought).

<sup>7</sup> *See Pankopf v. Peterson*, 124 Nev. 43, 175 P.3d910, 912 (2008).

1 survive is whether the “allegations give fair notice of the *nature and basis of a*  
2 *legally sufficient claim* and the relief requested.”<sup>8</sup>

3 Here, as the Defendants were dismissed with prejudice in case number A-19-  
4 805955-C and the related claim against Maria Reynolds, by agreement, and the  
5 underlying settlement agreement released all claims, Plaintiff is precluded from  
6 pursuing claims against the Defendants.

7 **IV.**  
8 **Conclusion**

9 Based on the foregoing pursuant to NRCP 12(b)(5), Defendants Larisa  
10 Mereora, Nina Grozav, Ion Neagu, Maria Reynolds, NNG LLL and Universal  
11 Motorcars respectfully request an order is entered finding:

- 12 1. Finding the claims asserted against Larisa Mereora, Nina  
13 Grozav, Ion Neagu, Maria Reynolds, NNG LLL and Universal  
14 Motorcars are impermissible and barred as in case number A-  
15 19-805955-C those claims were dismissed with prejudice.

16 Dated this 12<sup>th</sup> day of October, 2021.

17  
18 HOFLAND TOMSHECK

19 By: /s/ Bradley J. Hofland

20 Bradley J. Hofland, Esq.

21 Nevada Bar Number: 006343

22 228 S. 4<sup>TH</sup> Street

23 1<sup>st</sup> Floor

24 Las Vegas, Nevada, 89101

25 Telephone: (702) 895-6760

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27 <sup>8</sup> *Breliant v. Preferred Equities Corp.*, 109 Nev 842, 846, 858 P.2d 1258, 1260  
28 (1993) quoting *Ravera v. City of Reno*, 100 Nev. 68, 70, 675 P.2d 407, 408 (1984)  
(emphasis added).

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that I am an employee of HOFLAND & TOMSHECK, that pursuant to Administrative Order 14-2, NEFCR 9, and NRC 5(b), on the 12<sup>th</sup> day of October, 2021, I served the forgoing **DEFENDANTS' MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM.** on the following parties by E-Service through the Odyssey filing system and/or U.S. Mail addressed as follows:

ENENSTEIN PHAM & GLASS  
Robert A. Rabbat, Esq.  
[rrabbat@enensteinlaw.com](mailto:rrabbat@enensteinlaw.com)  
*Attorneys for Plaintiff SLC LLC*

BY: /s/ Nikki Warren  
An Employee of HOFLAND & TOMSHECK

# EXHIBIT “A”

**SODW**

ROBERT A. RABBAT

Nevada Bar Number 12633

Email: [rrabbat@enensteinlaw.com](mailto:rrabbat@enensteinlaw.com)

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Attorneys for Defendants Hamid Sheikhai,  
Zohreh Amiravari and SLC, LLC and Counter Claimant/  
Cross Claimant, Hamid Sheikhai

**EIGHTH JUDICIAL DISTRICT COURT  
CLARK COUNTY, NEVADA**

VITIOK LLC, a Nevada Limited Liability  
Company,

Plaintiff,  
vs.

SLC, LLC a Nevada Limited Liability  
Company; HAMID SHEIKHAI, an  
individual, ZOHREH AMIRYAVARI, an  
individual and DOES I through X and ROE  
CORPORATIONS I through X, inclusive,

Defendants.

Case No. A-19-805955-C  
DEPT. NO.: XXII

**STIPULATION FOR DISMISSAL OF  
ACTION**

HAMID SHEIKHAI, individually,

Counterclaimant,  
vs.

VITIOK, LLC, a Nevada Limited Liability  
Company; and VICTOR BOTNARI, an  
individual,

Counter-Defendants.

**STIPULATION FOR DISMISSAL OF ACTION**



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**STIPULATION FOR DISMISSAL OF ACTION**

Pursuant to NRCP 41(a)(2), Defendant/Counter-Claimant/Cross-Claimant Hamid Sheikhai, Defendants Zohreh Amiryavari and SLC LLC, Counter-Defendant Victor Botnari, and Plaintiff/Counter-Defendant Vitiok, LLC (collectively, the “Parties”), by and through their counsel of record, hereby stipulate and agree to dismiss this action, including all claims, cross-claims, and counterclaims, with prejudice. Each party will bear her/his/its own attorneys’ fees and costs.


The Parties further stipulate and agree that all orders, including without limitation any preliminary injunction, entered in the above-captioned matter are vacated and will not survive dismissal of the above-captioned matter.

///

1 All trial and hearing dates have previously been vacated pursuant to the Notice of Settlement  
2 filed the Parties.

3 Dated this \_\_\_\_ day of May, 2021.

4 **ENENSTEIN PHAM & GLASS LLP**

5  
6   
7 By: \_\_\_\_\_  
8 Robert A. Rabbat, Esq.  
9 Nevada Bar Number: 12633  
10 11920 Southern Highlands Pkwy.,  
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12 Las Vegas, Nevada 89141  
13 Telephone: (702) 468-0808  
14 Email: rrabbat@enensteinlaw.com

15 *Attorneys for Defendants SLC LLC, Hamid*  
16 *Sheikhai, and Zohreh Amiryavari and*  
17 *Cross/Counterclaimant Hamid Sheikhai*

18 **HOFLAND & TOMSHEK**

19 By: /s/ Bradley J. Hofland  
20 Bradley J. Hofland, Esq.  
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24 Telephone: (702) 895-6760

25 **LEVENTHAL & ASSOCIATES**

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27 Todd M. Leventhal, Esq.  
28 Nevada Bar No. 008543  
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**DOUGLAS CRAWFORD LAW**

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Nevada Bar No. 181  
501 S. 7<sup>th</sup> Street  
Las Vegas, NV 89101  
Telephone: (702) 383-0090  
*Attorneys for Plaintiff/Cross-Defendant*  
*Vitiok, LLC and Cross-Defendant Victor*  
*Botnari*

1 **ORDER**


2 Based on the above stipulation and good cause appearing:

3 IT IS ORDERED that the above-captioned matter, including all claims, cross-claims, and  
4 counterclaims, is dismissed with prejudice with each party to bear her/his/its own attorneys' fees  
5 and costs.

6 IT IS FURTHER ORDERED that all orders entered into the above-captioned matter,  
7 including without limitation any preliminary injunction, are hereby vacated and shall not survive  
8 dismissal of the above-captioned matter.

9 Dated this 21st day of May, 2021.

**Dated this 21st day of May, 2021**

10 

11 

---

DISTRICT COURT JUDGE

12  
13 Respectfully submitted by:

**D6A 178 5266 55B7**  
**Susan Johnson**  
**District Court Judge**

14  
15 **ENENSTEIN PHAM & GLASS LLP**

16  
17 By: 

18 Robert A. Rabbat, Esq.  
19 Nevada Bar Number: 12633  
20 11920 Southern Highlands Pkwy., Suite 103  
21 Las Vegas, Nevada 89141  
22 Telephone: (702) 468-0808  
23 Email: rrabbat@enensteinlaw.com

24 *Attorneys for Defendants SLC LLC, Hamid Sheikhai,*  
25 *and Zohreh Amiryavari and Cross/Counterclaimant Hamid Sheikhai*  
26  
27  
28

## Michelle Choto

---

**From:** Brad Hofland <BradH@hoflandlaw.com>  
**Sent:** Thursday, May 20, 2021 12:13 PM  
**To:** Leventhal and Associates; Debbie Hicks  
**Cc:** Robert Rabbat; Douglas C. Crawford, Esq.; Matt Rosene; Michelle Choto  
**Subject:** RE: A-19-805955-C - SODW - Vitiok, LLC v. SLC, LLC, et al.

You have my approval as well.

Bradley J. Hofland, Esq.  
Hofland & Tomsheck  
228 S. 4<sup>th</sup> St. 1<sup>st</sup> Floor  
Las Vegas, NV 89101  
Telephone (702) 895-6760  
Facsimile (702) 731-6910

*Hofland & Tomsheck*

ATTORNEYS AND COUNSELORS AT LAW

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---

**From:** Leventhal and Associates <leventhalandassociates@gmail.com>  
**Sent:** Thursday, May 20, 2021 12:12 PM  
**To:** Debbie Hicks <debbie@douglascrawfordlaw.com>  
**Cc:** Robert Rabbat <rrabbat@enensteinlaw.com>; Brad Hofland <BradH@hoflandlaw.com>; Douglas C. Crawford, Esq. <doug@douglascrawfordlaw.com>; Matt Rosene <mrosene@enensteinlaw.com>; Michelle Choto <MChoto@enensteinlaw.com>  
**Subject:** Re: A-19-805955-C - SODW - Vitiok, LLC v. SLC, LLC, et al.

Todd has approved to affix his electronic signature.

Thank You,

**Erika Lopez Valdez**

Assistant to Todd M Leventhal, Esq.  
Leventhal and Associates, PLLC

626 S. 3rd Street  
Las Vegas, NV 89101

On Thu, May 20, 2021 at 11:55 AM Debbie Hicks <[debbie@douglascrawfordlaw.com](mailto:debbie@douglascrawfordlaw.com)> wrote:

Mr. Crawford confirms that you can affix his electronic signature.

Thank you,



**Debbie Hicks**

Office Manager

501 S. 7<sup>th</sup> Street

Las Vegas, NV 89101

[Douglas Crawford Law](http://DouglasCrawfordLaw.com)

(702) 383-0090



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Thank you

---

**From:** Robert Rabbat <[rrabbat@enensteinlaw.com](mailto:rrabbat@enensteinlaw.com)>

**Sent:** Thursday, May 20, 2021 11:46 AM

**To:** Brad Hofland <[BradH@hoflandlaw.com](mailto:BradH@hoflandlaw.com)>; Douglas C. Crawford, Esq. <[doug@douglascrawfordlaw.com](mailto:doug@douglascrawfordlaw.com)>; Leventhal and Associates <[leventhalandassociates@gmail.com](mailto:leventhalandassociates@gmail.com)>

**Cc:** Matt Rosene <[mrosene@enensteinlaw.com](mailto:mrosene@enensteinlaw.com)>; Michelle Choto <[MChoto@enensteinlaw.com](mailto:MChoto@enensteinlaw.com)>

**Subject:** RE: A-19-805955-C - SODW - Vitiok, LLC v. SLC, LLC, et al.

Dear Counsel,

In light of the Court's email below, we prepared the attached revised SAO for dismissal.

Mr. Hofland/Mr. Leventhal, please confirm we can include your signatures per your prior authorization attached to the SAO.

Mr. Crawford, please confirm we can use your signature page from the prior version of the order submitted (also included in the PDF attached here).

Best,

Robert A. Rabbat, Esq.

Enenstein Pham & Glass LLP



---

**From:** DC22Inbox <[DC22Inbox@clarkcountycourts.us](mailto:DC22Inbox@clarkcountycourts.us)>

**Sent:** Wednesday, May 19, 2021 4:40 PM

**To:** Michelle Choto <[MChoto@enensteinlaw.com](mailto:MChoto@enensteinlaw.com)>

**Cc:** Robert Rabbat <[rrabbat@enensteinlaw.com](mailto:rrabbat@enensteinlaw.com)>; [bradh@hoflandlaw.com](mailto:bradh@hoflandlaw.com); [leventhalandassociates@gmail.com](mailto:leventhalandassociates@gmail.com); [doug@douglascrawfordlaw.com](mailto:doug@douglascrawfordlaw.com)

**Subject:** RE: A-19-805955-C - SODW - Vitiok, LLC v. SLC, LLC, et al.

Good afternoon,

The proposed order could not be processed because of the following reasons:

1. Incomplete Caption.

- Please provide a full caption. "AND RELATED CROSS-ACTIONS" is not a full caption.

2. Incorrect file name.

- Please ensure that the file name being submitted matches the title of the document. **Please rename the file name to "Stipulation for Dismissal of Action.pdf"**

Thank you,

**Jackson Wong**

Law Clerk to the Honorable Susan Johnson

Eighth Judicial District Court – Dept XXII

Clark County – Regional Justice Center

Tel: (702) 671-0551

Fax: (702) 671-0571

---

**From:** Michelle Choto [<mailto:MChoto@enensteinlaw.com>]

**Sent:** Wednesday, May 19, 2021 3:53 PM

**To:** DC22Inbox

**Cc:** Robert Rabbat; [bradh@hoflandlaw.com](mailto:bradh@hoflandlaw.com); [leventhalandassociates@gmail.com](mailto:leventhalandassociates@gmail.com); [doug@douglascrawfordlaw.com](mailto:doug@douglascrawfordlaw.com)

**Subject:** A-19-805955-C - SODW - Vitiok, LLC v. SLC, LLC, et al.

[NOTICE: This message originated outside of Eighth Judicial District Court -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Good morning,

Please see attached Stipulation and Order to Dismiss Action pertaining to the above matter.

Thank you,

*Michelle Choto*

Legal Assistant to

Robert A. Rabbat, Esq.

Daniel R. Gutenplan, Esq.

Jesse K. Bolling, Esq.

Enenstein Pham & Glass



Las Vegas Office

11920 Southern Highlands Pkwy., Ste. 103

Las Vegas, Nevada 89141

Tel.: 702.468.0808

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12121 Wilshire Blvd., Ste. 600

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1 **CSERV**

2  
3 DISTRICT COURT  
CLARK COUNTY, NEVADA

4  
5  
6 Vitiok LLC, Plaintiff(s)

CASE NO: A-19-805955-C

7 vs.

DEPT. NO. Department 22

8 SLC, LLC, 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 Stipulation and Order for Dismissal With Prejudice 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: 5/21/2021

15 Robert Rabbat

rrabbat@enensteinlaw.com

16 Debbie Hicks

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17 Douglas Crawford

doug@douglascrawfordlaw.com

18 Bradley Hofland

Bradh@hoflandlaw.com

19 Michael Matthis

matthis@mblnv.com

20 Todd Leventhal

Leventhalandassociates@gmail.com

21 Maribel Godinez

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22 Michael Lee

mike@mblnv.com

23 Dina DeSousa Cabral

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24 Leilanny Espinoza

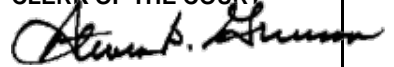
Leilanny@douglascrawfordlaw.com

25 Nikki Woulfe

clerk@hoflandlaw.com

1	Victor Botnari	12vb34@protonmail.com
2		
3	Anna Stein	bhassitant@hoflandlaw.com
4	Gary Segal	gary@douglascrawfordlaw.com
5	Elana Cordero	elana@douglascrawfordlaw.com
6	Maria Lopez	maria@douglascrawfordlaw.com
7	Meredith Simmons	meredith@douglascrawfordlaw.com
8	Genova Lucatero	Genova@douglascrawfordlaw.com
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10	Talia Rybak	trybak@enensteinlaw.com
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12	Lisa Feinstein	lfeinstein@enensteinlaw.com
13	Michelle Choto	mchoto@enensteinlaw.com
14		
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# EXHIBIT “B”



1 **ANS**  
2 **WILICK LAW GROUP**  
3 **MARSHAL S. WILICK, ESQ.**  
4 Nevada Bar No. 2515  
5 3591 E. Bonanza Road, Suite 200  
6 Las Vegas, NV 89110-2101  
7 Phone (702) 438-4100; Fax (702) 438-5311  
8 [email@willicklawgroup.com](mailto:email@willicklawgroup.com)  
9 Attorneys for Defendant/Counterclaimant/Crossclaimant HAMID SHEIKAH

10 **IN THE EIGHTH JUDICIAL DISTRICT COURT**

11 **CLARK COUNTY, NEVADA**

12 VITIOK, LLC, a Nevada Limited Liability Company,  
13 Plaintiff,

14 vs.

15 SLC, LLC, a Nevada Limited Liability Company;  
16 HAMID SHEIKHAI, an individual, ZOHREH  
17 AMIRYAVARI, an individual, and DOES I through X  
18 and ROE CORPORATIONS I through X, inclusive,

19 Defendants.

CASE NO: A-19-805955-C  
DEPT. NO: XXII

**COMPLAINT FOR DAMAGES**  
**AND DEMAND FOR JURY TRIAL;**  
**DEFENDANT HAMID**  
**SHEIKHAI'S ANSWER,**  
**COUNTERCLAIM, AND CROSS**  
**CLAIMS, AND DEMAND FOR**  
**JURY TRIAL**

20 HAMID SHEIKHAI, individually,  
21 Counterclaimant,

22 vs.

23 VITIOK, LLC, a Nevada Limited Liability Company,  
24 Counter-Defendant.

25 HAMID SHEIKHAI, individually,  
26 Crossclaimant,

27 vs.

VICTOR BOTNARI, an individual; LARISA  
MEREORA, an individual; THOMAS MULKINS, an  
individual; NINA GROZAV, an individual; ION  
NEAGU, an individual; ALISA NEAGU, an individual;  
NNG, LLC dba UNIVERSAL MOTORCARS; and  
DOES I through X, inclusive; and ROE BUSINESS  
ENTITIES I through X, inclusive,

Cross-Defendants

Defendant, Hamid Sheikhai, (“Hamid”), by and through his counsel, the Willick Law Group,  
and Defendant, SLC, LLC, by and through its counsel, Hutchison Steffen, hereby respond to the  
allegations set forth in Plaintiff, Vitiok, LLC’s (“Vitiok”) Complaint, and Counterclaim, as follows.

## **ANSWER**

### **THE PARTIES**

1. Responding to Paragraphs 1, 2, 4, 5, 6, 8, 14, and 15 of the Complaint, Defendants lack sufficient information or belief to enable them to either admit or deny allegations contained in said Paragraph, and based thereon, Defendants deny the allegations contained therein.
2. Responding to Paragraphs 3, 7, 9, and 10 of the Complaint, Defendants admit the allegations contained therein.
3. Responding to Paragraphs 11, 12, 13, 16, and 17 of the Complaint, Defendants deny the allegations contained in said Paragraph.

### **I.**

#### **FIRST CLAIM FOR RELIEF**

(Unjust Enrichment)

4. Answering Paragraphs 18-26 of the Complaint, these answering Defendants repeat and incorporate by reference each and every claim, allegation, and denial contained in the answers to Paragraphs 1-17 as fully set forth herein.
5. Answering Paragraphs 18-26, Defendants deny the allegations contained in said Paragraphs.

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**II.**

**SECOND CLAIM FOR RELIEF**

(Intentional Interference with Economic Interest)

6. Answering paragraphs 27-37 of the Complaint, these answering Defendants repeat and incorporate by reference each and every claim, allegation, and denial contained in the answers to paragraphs 1-26 as fully set forth herein.

7. Answering Paragraphs 27-37, Defendants deny the allegations contained in said Paragraphs.

**III.**

**THIRD CLAIM FOR RELIEF**

(Civil Conspiracy)

8. Answering paragraphs 38-42 of the Complaint, these answering Defendants repeat and incorporate by reference each and every claim, allegation, and denial contained in the answers to paragraphs 1-37 as fully set forth herein.

9. Answering Paragraphs 38-42, Defendants deny the allegations contained in said Paragraphs.

**IV.**

**FOURTH CLAIM FOR RELIEF**

(Injunction)

10. Answering paragraphs 43-49 of the Complaint, these answering Defendants repeat and incorporate by reference each and every claim, allegation, and denial contained in the answers to paragraphs 1-42 as fully set forth herein.

11. Answering Paragraphs 43-49, Defendants deny the allegations contained in said Paragraphs.

1 V.

2 **FIFTH CLAIM FOR RELIEF**

3 (Declaratory Relief)

4 12. Answering paragraphs 50-57 of the Complaint, these answering Defendants repeat and  
5 incorporate by reference each and every claim, allegation, and denial contained in the answers to  
6 paragraphs 1-49 as fully set forth herein.

7 13. Answering Paragraphs 50-57, Defendants deny the allegations contained in said Paragraphs.

8 VI.

9 **SIXTH CLAIM FOR RELIEF**

10 (Accounting)

11 14. Answering paragraphs 58-62 of the Complaint, these answering Defendants repeat and  
12 incorporate by reference each and every claim, allegation, and denial contained in the answers to  
13 paragraphs 1-57 as fully set forth herein.

14 15. Answering Paragraphs 102-115, Defendants specifically and generally deny the allegations  
15 contained in said Paragraphs.

16 **AFFIRMATIVE DEFENSES**

17 1. The Plaintiff is barred from seeking recovery in this action by virtue of Plaintiff's own  
18 unclean hands.

19 2. At all times, the Plaintiff could have, by the exercise of reasonable diligence, limited the  
20 Plaintiff's damages, if any, as a result of the act, transactions, and/or omissions alleged in the  
21 Complaint. The Plaintiff failed or refused to do so, which constitutes a failure to mitigate damages.

22 3. The Plaintiff is barred from asserting each and every of the purported causes of action  
23 contained in the Complaint by reason of the Plaintiff's waiver.

24 4. The Plaintiff is guilty of unreasonable delay in bringing this action against the Defendants  
25 which delay has caused prejudice to Defendants and, therefore, the Plaintiff's Complaint is barred  
26  
27  
28



1 by the equitable doctrine of laches.

2 5. Plaintiff, for valuable consideration, released and forever discharged Defendants from any  
3 and all liability to Plaintiff for any and all claims of Plaintiff against Defendants arising out of the  
4 subject transaction and/or occurrence which is the subject matter of Plaintiff's causes of action  
5 herein.

6 6. The Plaintiff's Complaint is barred by accord and satisfaction.

7 7. The Plaintiff's Complaint is barred by the doctrine of res judicata and/or collateral estoppel.

8 8. The Plaintiff's Complaint is barred by claim or issue preclusion.

9 9. The relief sought by the Plaintiff would constitute unjust enrichment.

10 10. Defendants allege that the Complaint and each and every cause of action therein is barred by  
11 NRS Section 111.220 namely the Statute of Frauds, and the statute of limitations contained in NRS  
12 11.207.

13 11. Plaintiff failed to act in good faith in complying with its obligation under the law and its  
14 contract(s) with Defendants and/or third parties.

15 12. The standards of conduct that Plaintiff seeks to impose against Defendants are not lawful.

16 13. Plaintiff's Complaint is barred because any actions taken by Defendants were proper,  
17 legitimate, and based upon good faith and were not motivated by hatred or ill-will or with the  
18 deliberate intent to injure Plaintiff.

19 14. These answering Defendants allege that the allegations contained in the Complaint failed to  
20 state a cause of action against these answering Defendant upon which relief can be granted.

21 15. These answering Defendants allege that this Court lacks jurisdiction to consider the claims  
22 of the Plaintiff and further alleges that this Court lacks jurisdiction to consider this action

23 16. That it has been necessary for these answering Defendants to employ the services of an  
24 attorney to defend this action and a reasonable sum should be allowed these answering Defendants  
25 for attorney's fees, together with costs expended in this action..

26 17. Pursuant to NRCP 11, all possible affirmative defenses may not have been alleged herein  
27 insofar as sufficient facts were not available after reasonable inquiry upon the filing of this Answer,  
28

1 and therefore, these answering Defendants reserve the right to amend the Answer to allege additional  
2 affirmative defenses if subsequent investigation so warrants.

3  
4 **COUNTERCLAIM AND CROSS-CLAIM FOR DAMAGES**  
5 **AND DEMAND FOR JURY TRIAL**

6 Plaintiff HAMID SHEIKHAI (“SHEIKHAI”), by and through his counsel of record, Michael  
7 B. Lee, P.C., hereby counterclaims against Counterdefendant VITIOK, LLC (“Vitiok”), and cross-  
8 claims against VICTOR BOTNARI (“Botnari”), LARISA MEREORA (“Mereora”), THOMAS  
9 MULKINS (“Mulkins”), NINA GROZAV (“GROZAV”), ION NEAGU (“NEAGU”), ALISA  
10 NEAGU, and NNG, LLC dba UNIVERSAL MOTORCARS (“Universal Motorcars”) (collectively  
11 referred to as “Counterdefendants”) as follows:

12  
13 **DEMAND FOR JURY TRIAL**

- 14 1. SHEIKHAI demands a jury trial.

15  
16 **JURISDICTIONAL AND PARTY ALLEGATIONS**

- 17 2. The District Courts of Nevada has subject matter jurisdiction over this matter because this  
18 action concerns issues of Nevada law.
- 19 3. This Court has jurisdiction over this matter pursuant to Nev. Const. art. VI, § 6, as this Court  
20 has original jurisdiction over matters involving title to property.
- 21 4. The District Courts of Clark County has subject matter jurisdiction this action because the  
22 matters at issue took place in Clark County, Nevada.
- 23 5. The District Courts of Clark County have personal jurisdiction of Plaintiff/Counterdefendant  
24 Botnari because at all times relevant he is and was a resident of Clark County.
- 25 6. Upon information and belief, the District Courts of Clark County have personal jurisdiction  
26 of Counterdefendant Mereora because, at all times relevant, she is and was a resident of Clark  
27 County.
- 28

1 7. Upon information and belief, the District Courts of Clark County have personal jurisdiction  
2 of Countereffendant Mulkins because, at all times relevant, he is and was a resident of Clark County.

3 8. Upon information and belief, the District Courts of Clark County have personal jurisdiction  
4 of Countereffendant Grozav because, at all times relevant, she is and was a resident of Clark County.

5 9. Upon information and belief, the District Courts of Clark County have personal jurisdiction  
6 of Countereffendants Neagu and Alisa Neagu because, at all times relevant, he and she were and are  
7 residents of Clark County

8 10. The District Courts of Clark County have personal jurisdiction of Plaintiff/Countereffendant  
9 Vitiok because it is a licensed Nevada limited liability company doing business in Clark County,  
10 Nevada.

11 11. The District Courts of Clark County have personal jurisdiction of Defendant Universal  
12 Motorcars because it is a licensed Nevada limited liability company doing business in Clark County,  
13 Nevada.

14 12. The District Courts of Clark County have personal jurisdiction of SHEIKHAI because at all  
15 times relevant he is and was a resident of Clark County.

16 13. At all times relevant, SHEIKHAI is an individual who entered into an agreement with  
17 Defendants for activity in Clark County, Nevada. As such, this Honorable Court has *in rem*  
18 jurisdiction over this matter.

19  
20 **ROES AND DOES ALLEGATIONS**

21 14. SHEIKHAI is informed and believes, and therefore alleges, that the true names and  
22 capacities, whether individual, corporate, associate or otherwise of DOES 1 through 10 and ROE  
23 CORPORATIONS 1 through 10 are unknown. SHEIKHAI sues them by these fictitious names.  
24 Countereffendants designated as DOES are responsible in some manner and are responsible for the  
25 events and happenings described in SHEIKHAI's Counterclaim that proximately caused damages  
26 to SHEIKHAI as alleged herein.

27 15. SHEIKHAI is informed and believes that Defendant designated as a ROE CORPORATION  
28

1 is likewise responsible in some manner for the events and happenings described in the Complaint  
2 which proximately caused the damages to SHEIKHAI as alleged herein. SHEIKHAI is informed  
3 and believes that Defendant designated as DOES and ROE CORPORATIONS in some way are  
4 related to this action. SHEIKHAI will ask leave of Court to amend the Complaint to insert the true  
5 names and capacities of DOES and ROE CORPORATIONS and state appropriate charging  
6 allegations, when that information has been ascertained.

### 7 8 **GENERAL ALLEGATIONS**

9 16. SHEIKHAI established the "Zip Zap Auto" name in 1999 at 3405 Clayton Rd., Concord, CA  
10 94519. SHEIKHAI sold this business in 2009, prior to moving Las Vegas, and years before ever  
11 meeting Plaintiff/Counterdefendant Botnari.

12 17. In 2011, SHEIKHAI moved to Las Vegas, NV and started a new Zip Zap Auto in February  
13 2011, located at 3230 N. Durango Dr., Las Vegas, NV 89129 ("Zip Zap Auto").

14 18. SHEIKHAI met Mr. Botnari in 2011 after SHEIKHAI's ex-wife called SHEIKHAI to ask  
15 if he could give Mr. Botnari a job at one of his auto shops.

16 19. SHEIKHAI's ex-wife explained that Victor Botnari was an immigrant from Moldova who  
17 was homeless and jobless that feared being deported based on a failed immigration petition.

18 20. SHEIKHAI empathized with Mr. Botnari's situation as SHEIKHAI is an immigrant from Iran  
19 who came to the United States, worked hard, and became a successful businessman.

20 21. Mr. Botnari began working for SHEIKHAI in 2011 and seemed to be a good employee,  
21 quickly gaining SHEIKHAI's trust.

22 22. In March 2013, SHEIKHAI sold Zip Zap Auto to Jens, Inc.

23 23. In March 2014, SHEIKHAI purchased Zip Zap Auto back from Jens, Inc., including the name  
24 "Zip Zap."

25 24. On April 1, 2014, following SHEIKHAI's buy-back of Zip Zap Auto, SHEIKHAI appointed  
26 Mr. Botnari as manager of Zip Zap Auto.

27 25. From about April 2014 to May 2018, Vitiok leased the Zip Zap Auto commercial building  
28

1 from SHEIKHAI for \$10,000.00 per month, which Mr. Botnari paid until May 2018.

2 26. On May 4, 2014, SHEIKHAI and Mr. Botnari were married in Nevada; however, the  
3 marriage was never consummated and was ultimately annulled on March 31, 2018.

4 27. Following the marriage, SHEIKHAI purchased the real property 2964 Sun Lake Dr., Las  
5 Vegas, NV 89128 (“Sun Lake Property”), which SHEIKHAI also paid to have completely furnished.

6 28. Mr. Botnari moved into the Sun Lake Property, but told SHEIKHAI that his culture would  
7 not allow SHEIKHAI to live with him. Instead, Mr. Botnari’s girlfriend and coworker/employee,  
8 Counterdefendant Mereora, moved in with Mr. Botnari at the Sun Lake Property.

9 29. In May 2014, SHEIKHAI helped Mr. Botnari set up Vitiok, LLC (“Vitiok”) by setting up  
10 bank accounts, submitting a fictitious business name application and allowing Vitiok to use the “Zip  
11 Zap Auto” name for business purposes.

12 30. The purpose of SHEIKHAI’s aid in setting up Vitiok was so that Mr. Botnari and Vitiok  
13 could obtain a Department of Motor Vehicles (“DMV”) Garage and Smog Station licenses to  
14 increase revenue of Zip Zap Auto.

15 31. SHEIKHAI had a Smog Technician licenses in 2013, but it was revoked following a series  
16 of errors made by Mr. Botnari who was improperly using SHEIKHAI’s Smog Technician License  
17 username/password.

18 32. Despite allowing Vitiok to use the Zip Zap Auto name, SHEIKHAI retained 100% ownership  
19 and control of all equipment, miscellaneous assets, and intellectual property pertaining to Zip Zap  
20 Auto.

21 33. On May 4, 2018, following the annulment of SHEIKHAI’s and Mr. Botnari’s marriage, Mr.  
22 Botnari transferred all of his assets and extinguished any interest he had in any of SHEIKHAI’s  
23 business affiliations, including Zip Zap Auto, to SHEIKHAI.

24 34. On May 27, 2018, SHEIKHAI executed, and Mr. Botnari accepted, a Promissory Note to pay  
25 Mr. Botnari \$1 Million, together with interest at a rate of 12% per annum, commencing June 15,  
26 2018, and calling for interest-only payments at a rate of \$10,000.00 per month until the principal was  
27 paid (“Promissory Note”).  
28

1 35. Following the execution of the Promissory Note, Mr. Botnari and SHEIKHAI agreed that,  
2 by May 31, 2018, Mr. Botnari would go to the DMV to file a change in management and close out  
3 his license at the DMV Emissions Lab for the Smog Station part of Zip Zap Auto.

4 36. Despite the agreement, Mr. Botnari purposefully avoided SHEIKHAI during the last week  
5 of May 2018.

6 37. On May 31, 2018, Mr. Botnari had his friend and key employee, Counterdefendant Mereora,  
7 tell SHEIKHAI that Mr. Botnari was in Los Angeles, CA awaiting a flight to Moldova.

8 38. On June 1, 2018, Mr. Botnari messaged SHEIKHAI to say that he did not file the change in  
9 management or close out his Smog Station license as agreed, and that he was at the airport in Los  
10 Angeles awaiting his flight to Moldova.

11 39. However, Mr. Botnari was not in Los Angeles as advised, nor did he travel back to Moldova.  
12 Rather, Mr. Botnari never left Las Vegas between May 27, 2018 and June 5, 2018.

13 40. On June 5, 2018, after not receiving any contact from Mr. Botnari, SHEIKHAI prepared and  
14 filed eviction notices for abandonment of the three properties for which Mr. Botnari had keys, but  
15 were owned by SHEIKHAI, including: Zip Zap Auto and the Sun Lake Property.

16 41. On June 6, 2018, SHEIKHAI went to serve the evictions papers, but upon arrival,  
17 Counterdefendants Mereora, Mulkins, and/or Neagu, along with other employees of Mr. Botnari,  
18 were packing up and removing equipment from Zip Zap Auto, including, but not limited to: Zip Zap  
19 Auto's computer and hard drive containing Zip Zap Auto's customer list and other trade secrets.

20 42. Similarly, Counterdefendants Mereora, Mulkins, and/or Neagu also removed the furniture  
21 and furnishings from the Sun Lake Property, claiming those items to be Mr. Botnari's property.

22 43. Counterdefendants Mereora, Mulkins, and Neagu were all employees of Mr. Botnari, and  
23 acting under his control and direction, at the time the equipment, goods, and other items were  
24 removed from Zip Zap Auto.

25 44. Counterdefendants Mereora, Mulkins, and Neagu were all employees of Mr. Botnari, and  
26 acting under his control and direction, at the time the furniture and other furnishings were removed  
27 from the Sun Lake Property.  
28

1 45. On or about June 6, 2018, Counterdefendant Mereora voluntarily handed SHEIKHAI the  
2 keys to Zip Zap Auto and the Sun Lake Property.

3 46. Unbeknownst to SHEIKHAI, in early May 2018, Mr. Botnari gave his girlfriend,  
4 Counterdefendant Nina Grozav, \$130,000.00 in cash to purchase and open a competitor auto shop,  
5 “Universal Motorcars.”

6 47. Upon information and belief, although Ms. Grozav was listed as a “manager” of Universal  
7 Motorcars, Mr. Botnari had control of Universal Motorcars and handled the day-to-day operation of  
8 the business.

9 48. The other listed manager for Universal Motorcars is Alisa Neagu who, upon information and  
10 belief, has a familial relationship with Counterdefendant Ion Neagu.

11 49. The equipment stolen from Zip Zap Auto was taken by Counterdefendants Botnari, Mereora,  
12 Mulkins, and Neagu to Universal Motorcars, including the computer hard drive containing Zip Zap  
13 Auto’s customer list and other trade secrets.

14 50. Counterdefendants then made unsolicited calls to Zip Zap Auto’s customers to disparage and  
15 defame Zip Zap Auto while promoting Mr. Botnari’s competing business.

16 51. The equipment that was not stolen from Zip Zap Auto’s premises by Counterdefendants but  
17 left behind was in a state of disrepair and required replacement by SHEIKHAI upon his resuming  
18 control of Zip Zap Auto.

19 52. SHEIKHAI spent about \$75,000.00 replacing or repairing the equipment damaged/stolen  
20 from Zip Zap Auto by Counterdefendants.

21 53. On or about June 6, 2018, SHEIKHAI resumed control of Zip Zap Auto, which included  
22 using the name, equipment and premises that had previously been leased by Mr. Botnari and Vitiok.

23 54. Upon resuming control of Zip Zap Auto, SHEIKHAI discovered that Mr. Botnari had been  
24 keeping two sets of books, hiding roughly half of the gross sales by backdating repair orders.

25 55. Mr. Botnari and Vitiok were audited and assessed over \$104,000.00 in back taxes by the  
26 Nevada Department of Taxation.

27 56. Mr. Botnari paid only \$40,000.00 of the back-taxes and requested that SHEIKHAI loan him  
28

1 \$40,000 by paying writing a check directly to Nevada Department of Taxation.

2 57. Mr. Botnari then disappeared without paying the remainder of the tax obligation or repaying  
3 SHEIKHAI the \$40,000.00 paid on Mr. Botnari's and Vitiok's behalf.

4 58. In order for SHEIKHAI to resume control of Zip Zap Auto, SHEIKHAI was forced to cure  
5 Mr. Botnari and Vitiok's remaining tax obligation of roughly \$24,000.00.

6  
7 **FIRST CLAIM FOR RELIEF**

8 (Violation of Uniform Trade Secret Act NRS 600A)

9 59. SHEIKHAI repeats and realleges the allegations in Paragraphs 1 through 58, inclusive, as if  
10 fully set forth at this point and incorporates them herein by reference.

11 60. SHEIKHAI repeats and realleges the allegations in Paragraphs 13 through 58, inclusive, as  
12 if fully set forth at this point and incorporates them herein by reference in support of this cause of  
13 action.

14 61. In 1999, SHEIKHAI established the trade name "Zip Zap Auto" in Concord, California.

15 62. In 2011, SHEIKHAI moved to Las Vegas, Nevada and opened a new Zip Zap Auto located  
16 at 3230 N. Durango Dr., Las Vegas, NV 89129.

17 63. Although SHEIKHAI sold Zip Zap Auto in March 2013, SHEIKHAI re-purchased the  
18 business a year later in March 2014, including the name Zip Zap Auto.

19 64. SHEIKHAI had an agreement with Mr. Botnari, that Mr. Botnari's business, Vitiok, LLC,  
20 which SHEIKHAI helped Mr. Botnari create, could lease the Zip Zap Auto premises and utilize the  
21 name Zip Zap Auto.

22 65. Mr. Botnari and Vitiok understood that this agreement was a strictly a lease agreement and  
23 that SHEIKHAI retained 100% ownership and control of all equipment, miscellaneous assets, and  
24 intellectual property pertaining to Zip Zap Auto.

25 66. Mr. Botnari's understanding of the aforementioned agreement was confirmed by his payment  
26 of \$10,000.00 per month to SHEIKHAI between April 2014 and May 2018, the same time Mr.  
27 Botnari and Vitiok were utilizing the Zip Zap Auto location, equipment, and trade name.  
28



1 67. Upon abandoning Zip Zap Auto, Counterdefendants Botnari, Mereora, Mulkins and/or Neagu  
2 removed the computer and hard drive from Zip Zap Auto, which contained Zip Zap Auto's customer  
3 list.

4 68. Zip Zap Auto's customer list is confidential and has independent economic value for not  
5 being generally known, and not being readily ascertainable by proper means by the public or any  
6 other persons who could obtain commercial or economic value from their disclosure or use.

7 69. SHEIKHAI took adequate measures to maintain the customer list as trade secret not readily  
8 available for use by others.

9 70. Counterdefendants, and each of them, intentionally, and with reason to believe that their  
10 actions would cause injury to SHEIKHAI, misappropriated and exploited the trade secret information  
11 through use, disclosure, or non-disclosure of the use of the trade secret for Counterdefendants' own  
12 use and personal gain.

13 71. Counterdefendants' misappropriation of Zip Zap Auto's customer list is wrongful because  
14 Counterdefendants knew of their duty not to disclose/abscond with the customer list, but did so  
15 anyway.

16 72. Counterdefendants' misappropriation of Zip Zap auto's customer list was willfully and  
17 intentionally done to interfere and harm SHEIKHAI's business, as well as to obtain an unfair  
18 competitive advantage for Counterdefendants.

19 73. As a direct and proximate result of the foregoing, SHEIKHAI has been damaged in an  
20 amount in excess of \$15,000, said amount to be determined at trial.

21 74. Based on the intentional, willful, and malicious conduct of Counterdefendants, punitive  
22 damages should be awarded at the discretion of the court.

23 75. In order to prosecute this action, SHEIKHAI had to retain attorneys to represent him, and he  
24 is entitled to fair and reasonable attorneys' fees associated with protecting his rights.  
25  
26  
27

28 **SECOND CLAIM FOR RELIEF**

(False Light, Disparagement, Defamation, Defamation Per Se)

76. SHEIKHAI repeats and realleges the allegations in Paragraphs 1 through 75, inclusive, as if fully set forth at this point and incorporates them herein by reference.

77. SHEIKHAI repeats and realleges the allegations in Paragraphs 13 through 58, inclusive, as if fully set forth at this point and incorporates them herein by reference in support of this cause of action.

78. “A statement is defamatory when, under any reasonable definition[,] such charges would tend to lower the subject in the estimation of the community and to excite derogatory opinions against him and to hold him up to contempt.” See *Posadas v. City of Reno*, 109 Nev. 448, 453, 851 P.2d 438, 442 (1993) (quotation marks and citation omitted).

79. “[I]f the defamatory communication imputes a ‘person’s lack of fitness for trade, business, or profession,’ or tends to injure the SHEIKHAI in his or her business, it is deemed defamation per se and damages are presumed.” See *Clark Cnty. Sch. Dist. v. Virtual Educ. Software, Inc.*, 125 Nev. 374, 385, 213 P.3d 496, 503 (2009).

80. Whether a statement constitutes fact or opinion is determined by assessing “whether a reasonable person would be likely to understand the remark as an expression of the source’s opinion or as a statement of existing fact.” See *Lubin v. Kunin*, 117 Nev. 107, 112, 17 P.3d 422, 426 (2001) (quotation marks and citation omitted).

81. Although a statement of opinion is not actionable, a mixed-type statement—e.g., a statement of opinion that implies the existence of undisclosed, defamatory facts—is actionable. *Id.* at 113, 17 P.3d at 426.

82. Counterdefendants Botnari, Mereora, Mulkins and/or Neagu, on behalf of Vitiok, called Zip Zap Auto customers, from the customer list stolen from the Zip Zap auto hard drive, and made defamatory and disparaging claims against Zip Zap Auto and SHEIKHAI with the intent to siphon those customers from Zip Zap Auto and to Mr. Botnari’s competing venture, Universal Motorcars.

83. Counterdefendants Botnari, Mereora, Mulkins, and/or Neagu, on behalf of Vitiok, made the false and disparaging statements to interfere with the good will associated with SHEIKHAI in the

1 automotive repair industry.

2 84. SHEIKHAI did not consent to Counterdefendants' actions.

3 85. The concerted actions of Counterdefendants alleged here invaded SHEIKHAI's right of  
4 privacy by placing him in a false light before the general public, his customers, and his competitors.

5 86. The comments and statements made concerned SHEIKHAI and his business.

6 87. The comments and statements made by Counterdefendants were untrue, false, and  
7 defamatory, and Counterdefendants asserted them as matters of fact and in a way that constituted  
8 defamation per se.

9 88. No privilege exists related to the statements and comments made by Counterdefendants.

10 89. As a direct and proximate result of the foregoing, SHEIKHAI has been damaged in an  
11 amount in excess of \$15,000, said amount to be determined at trial.

12 90. Based on the intentional, willful, and malicious behavior of Counterdefendants, and each of  
13 them, punitive damages should be awarded at the discretion of the court.

14 91. In order to prosecute this action, SHEIKHAI had to retain attorneys to represent him, and he  
15 is entitled to fair and reasonable attorneys' fees associated with protecting his rights.

16  
17 **THIRD CLAIM FOR RELIEF**

18 (Intentional Interference with Prospective Economic Advantage)

19 92. SHEIKHAI repeats and realleges the allegations in Paragraphs 1 through 92, inclusive, as if  
20 fully set forth at this point and incorporates them herein by reference.

21 93. SHEIKHAI repeats and realleges the allegations in Paragraphs 13 through 58, inclusive, as  
22 if fully set forth at this point and incorporates them herein by reference in support of this cause of  
23 action.

24 94. Counterdefendants Botnari, Mereora, Mulkins, and/or Neagu, on behalf of Vitiok, called Zip  
25 Zap Auto customers, from the customer list stolen from the Zip Zap auto hard drive, and made  
26 defamatory and disparaging claims against Zip Zap Auto with the intent to siphon those customers  
27 from Zip Zap Auto and to Mr. Botnari's competing venture, Universal Motorcars.  
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1 95. Counterdefendants' acts were intended or designed to disrupt SHEIKHAI's business to gain  
2 a prospective economic advantage.

3 96. Counterdefendants' actions have disrupted or were intended to disrupt SHEIKHAI's business  
4 by, among other things, diverting customers away from him.

5 97. Counterdefendants had no legal right, privilege, or justification for their conduct.

6 98. As a direct and proximate result of the foregoing, SHEIKHAI has been damaged, and will  
7 continue to suffer damages, in an amount in excess of \$15,000, said amount to be determined at trial.

8 99. In order to prosecute this action, SHEIKHAI had to retain attorneys to represent him, and he  
9 is entitled to fair and reasonable attorneys' fees associated with protecting his rights.

#### 11 **FOURTH CLAIM FOR RELIEF**

##### 12 (Civil Conspiracy)

13 100. SHEIKHAI repeats and realleges the allegations in Paragraphs 1 through 99, inclusive, as if  
14 fully set forth at this point and incorporates them herein by reference.

15 101. SHEIKHAI repeats and realleges the allegations in Paragraphs 13 through 58, inclusive, as  
16 if fully set forth at this point and incorporates them herein by reference.

17 102. "Actionable civil conspiracy arises where two or more persons undertake some concerted  
18 action with the intent 'to accomplish an unlawful objective for the purpose of harming another,' and  
19 damage results." See *Guilfoyle v. Olde Monmouth Stock Transfer Co.*, 130 Nev. 801, 813, 335 P.3d  
20 190, 198 (2014) (quoting *Consol. Generator-Nevada, Inc. v. Cummins Engine Co.*, 114 Nev. 1304,  
21 1311, 971 P.2d 1251, 1256 (1998)).

22 103. Even if "an act done by an individual is not actionable because justified by his rights, such  
23 act becomes actionable when done in pursuance of a combination of persons actuated by malicious  
24 motives, and not having the same justification as the individual." See *Eikelberger v. Tolotti*, 96 Nev.  
25 525, 527-28, 611 P.2d 1086, 1088 (1980).

26 104. Counterdefendants, and each of them, entered into a conspiracy with each other, and  
27 potentially others, to defame, disparage, and otherwise interfere with SHEIKHAI's business.  
28

1 105. Counterdefendants, and each of them, acted in concert to steal equipment owned by  
2 SHEIKHAI, and to steal SHEIKHAI's customer list.

3 106. In furtherance of the conspiracy, Counterdefendants Botnari, Mereora, and/or Mulkins  
4 contacted SHEIKHAI's customers, using the stolen customer list, to defame, disparage, and hold  
5 SHEIKHAI in a false light in front of his customers.

6 107. As a direct and proximate result of the foregoing, SHEIKHAI has been damaged in excess  
7 of \$15,000.00, not including interest, attorneys' fees, and costs, the exact amount to be determined  
8 at trial.

9 108. In order to prosecute this action, SHEIKHAI had to retain attorneys to represent it, and it is  
10 entitled to fair and reasonable attorneys' fees associated with protecting those rights.

11  
12 **FIFTH CLAIM FOR RELIEF**

13 (Conversion/Trespass to Chattel)

14 109. SHEIKHAI repeats and realleges the allegations set forth in paragraphs 1 through 108 above,  
15 as if fully set forth herein.

16 110. SHEIKHAI repeats and realleges the allegations in Paragraphs 13 through 58, inclusive, as  
17 if fully set forth at this point and incorporates them herein by reference in support of this cause of  
18 action.

19 111. At all times relevant, SHEIKHAI was the sole owner of all equipment contained inside Zip  
20 Zap Auto.

21 112. At no time were Counterdefendants Vitiok, Botnari, Mereora, Mulkins or Neagu the legal  
22 or equitable owner of any of the equipment contained inside Zip Zap Auto.

23 113. Similarly, at no time were Counterdefendants Botnari, Mereora, Mulkins, or Neagu the legal  
24 or equitable owner of the furniture and furnishings attached to, or kept inside of, the Sun Lake  
25 Property.

26 114. Counterdefendants Botnari, Mereora, Mulkins and Neagu intentionally disposed of,  
27 destroyed, ruined, damaged, absconded with, spoiled, and otherwise converted the equipment from  
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1 Zip Zap Auto for the benefit of themselves and Counterdefendant Vitiok, and in derogation of  
2 SHEIKHAI's rights to the same.

3 115. Counterdefendants Botnari, Mereora, Mulkins, and Neagu intentionally disposed of,  
4 destroyed, ruined, damaged, absconded with, spoiled, and otherwise converted the furniture and  
5 furnishing from the Sun Lake Property for their own benefit, and in derogation of SHEIKHAI's  
6 rights to the same.

7 116. As a direct and proximate result of the foregoing, SHEIKHAI has been damaged in an  
8 amount in excess of \$15,000, said amount to be determined at trial.

9 117. In order to prosecute this action, SHEIKHAI had to retain attorneys to represent him, and he  
10 is entitled to fair and reasonable attorneys' fees associated with protecting his rights.

## 11 12 **SIXTH CAUSE OF ACTION**

13 (Restitution for Tax Liens)

14 118. SHEIKHAI repeats and realleges the allegations in Paragraphs 1 through 117, inclusive, as  
15 if fully set forth at this point and incorporates them herein by reference.

16 119. SHEIKHAI repeats and realleges the allegations in Paragraphs 13 through 58, inclusive, as  
17 if fully set forth at this point and incorporates them herein by reference in support of this cause of  
18 action.

19 120. Counterdefendants Botnari and Vitiok's illegal and improper conduct in underreporting their  
20 sales and use tax caused a tax lien in the approximate amount of \$104,000.00 to be filed against  
21 Botnari and/or Vitiok.

22 121. Counterdefendant Botnari acknowledged the tax lien as his sole responsibility and obligation  
23 by paying a portion of the tax lien.

24 122. Counterdefendant Botnari further acknowledged the tax lien as his sole responsibility and  
25 obligation by requesting a loan from SHEIKHAI to pay a portion of the tax lien.

26 123. Counterdefendants Botnari and Vitiok failed to pay the entire amount of the tax lien.

27 124. As a result, SHEIKHAI was assessed to pay the remainder of the tax lien following the  
28

1 \$40,000.00 payment by Mr. Botnari and subsequent \$40,000.00 payment by SHEIKHAI.

2 125. In total, SHEIKHAI paid the approximate sum of \$64,000.00 in satisfaction of the tax lien.

3 126. Mr. Botnari has not repaid SHEIKHAI either the \$40,000.00 loaned to him, or the additional  
4 \$24,000.00 that SHEIKHAI was forced to incur.

5 127. Counterdefendants Botnari and Vitiok received a benefit by way of SHEIKHAI's payment  
6 of the tax lien.

7 128. Counterdefendants Botnari and Vitiok accepted and retained the benefit under circumstances  
8 that would be inequitable for Counterdefendants Botnari and Vitiok to retain the benefit without  
9 payment of value for the same.

10 129. Counterdefendants Botnari and Vitiok's retention of the benefit is to the derogation of  
11 SHEIKHAI's rights in equity.

12 130. As a direct and proximate result of the foregoing, SHEIKHAI has been damaged in an  
13 amount in excess of \$15,000, said amount to be determined at trial.

14 131. In order to prosecute this action, SHEIKHAI had to retain attorneys to represent him, and he  
15 is entitled to fair and reasonable attorneys' fees associated with protecting his rights.

## 16 17 **SEVENTH CAUSE OF ACTION**

18 (Abuse of Process)

19 132. SHEIKHAI repeats and realleges the allegations in Paragraphs 1 through 131, inclusive, as  
20 if fully set forth at this point and incorporates them herein by reference.

21 133. SHEIKHAI repeats and realleges the allegations in Paragraphs 13 through 58, inclusive, as  
22 if fully set forth at this point and incorporates them herein by reference in support of this cause of  
23 action.

24 134. On November 22, 2019, Counterdefendant Vitiok filed a complaint for damages against  
25 SHEIKHAI personally, among other individuals and entities affiliated with SHEIKHAI, in case  
26 number A-19-805955-C.

27 135. Also, on November 22, 2019, Counterdefendant Botnari filed a complaint for damages  
28

1 against SHEIKHAI personally, among other individuals and entities affiliated with SHEIKHAI, in  
2 case number A-19-801513-P.

3 136. Both of the aforementioned cases filed on November 22, 2019, attempt to litigate the same  
4 issues, parties, and entities already in controversy in the family court case number D-18-575686-L,  
5 which had been in litigation for a year and a half prior to filing of the aforementioned complaints.

6 137. The aforementioned complaints not only lacked legal merit, but were already the subject of  
7 litigation between the parties.

8 138. Counterdefendants' Botnari and Vitiok's purpose in filing the aforementioned complaints  
9 was to harass SHEIKHAI and deplete his funds so that he could not afford to defend the family law  
10 case and in an effort to have SHEIKHAI default on the promissory note between SHEIKHAI and  
11 Mr. Botnari.

12 139. As a direct and proximate result of the foregoing, SHEIKHAI has been damaged in an  
13 amount in excess of \$15,000, said amount to be determined at trial.

14 140. In order to prosecute this action, SHEIKHAI had to retain attorneys to represent him, and he  
15 is entitled to fair and reasonable attorneys' fees associated with protecting his rights.

## 16 17 **EIGHTH CAUSE OF ACTION**

18 (Breach of the Implied Covenant of Good Faith and Fair Dealing – Promissory Note)

19 141. SHEIKHAI repeats and realleges the allegations in Paragraphs 1 through 140, inclusive, as  
20 if fully set forth at this point and incorporates them herein by reference.

21 142. SHEIKHAI repeats and realleges the allegations in Paragraphs 13 through 58, inclusive, as  
22 if fully set forth at this point and incorporates them herein by reference in support of this cause of  
23 action.

24 143. SHEIKHAI and Mr. Botnari were parties to a contract, i.e. the Promissory Note.

25 144. Under the Promissory Note, Mr. Botnari owed a duty of good faith and fair dealing to  
26 SHEIKHAI.

27 145. Mr. Botnari breached that duty by filing cases A-19-805955-C and A-19-801513-P against  
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1 SHEIKHAI, not for any legitimate purpose, but to drain SHEIKHAI's funds in an attempt to force  
2 SHEIKHAI to default on his payments to Mr. Botnari under the Promissory Note.

3 146. Both of the aforementioned cases filed on November 22, 2019, attempt to litigate the same  
4 issues, parties, and entities already in controversy in the family court case number D-18-575686-L,  
5 which had been in litigation for a year and a half prior to filing of the aforementioned complaints.

6 147. The aforementioned complaints not only lacked legal merit, but were already the subject of  
7 litigation between the parties.

8 148. As a direct and proximate result of the foregoing, SHEIKHAI has been damaged in an  
9 amount in excess of \$15,000, said amount to be determined at trial.

10 149. In order to prosecute this action, SHEIKHAI had to retain attorneys to represent him, and he  
11 is entitled to fair and reasonable attorneys' fees associated with protecting his rights.  
12

### 13 **NINTH CAUSE OF ACTION**

#### 14 (Attorneys' Fees and Costs)

15 150. SHEIKHAI repeats and realleges the allegations in Paragraphs 1 through 149, inclusive, as  
16 if fully set forth at this point and incorporates them herein by reference.

17 151. In order to prosecute this action, SHEIKHAI had to retain attorneys to represent him, and he  
18 is entitled to fair and reasonable attorneys' fees associated with protecting his rights.

19 152. SHEIKHAI is entitled to collect attorney fees as special damages in the complaint pursuant  
20 to Nevada Rule of Civil Procedure 9(g).

21 153. Attorneys' fees and costs are a "natural and proximate consequence of the injurious conduct"  
22 by Counterdefendants, and each of them.

23 154. SHEIKHAI pleads attorneys' fees and costs as a special cause of action to preserve the  
24 remedy to attorneys' fees and costs as required by Liu v. Christopher Homes, LLC, 321 P.3d 875  
25 (2014); Sandy Valley Assoc. v. Sky Ranch Estates Owners Ass'n, 117 Nev. 948, 956, 35 P.3d 964,  
26 969 (2001).  
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1 **PRAYERS FOR RELIEF**

2 WHEREFORE, SHEIKHAI prays for judgment against Counterdefendants, jointly and  
3 severally, as follows:

4 155. For damages related to Violation of Uniform Trade Secret Act (NRS 600A) as stated above;

5 156. For damages related to False Light, Disparagement, Defamation, and Defamation Per Se as  
6 requested above;

7 157. For damages related to Intentional Interference with Prospective Economic Advantage as  
8 stated above;

9 158. For damages related to Civil Conspiracy as stated above;

10 159. For damages related to Conversion/Trespass to Chattel as stated above;

11 160. For Restitution of Tax Liens as stated above;

12 161. For damages related to Abuse of Process as stated above;

13 162. For damages related to Breach of the Implied Covenant of Good Faith and Fair Dealing as  
14 stated above;

15 163. For a finding that Counterdefendants Botnari, Mereora, Mulkins, Gozrav, Neagu, Vitiok, and  
16 Universal Motorcars are all alter egos of one another and engaged in civil conspiracy;

17 164. For attorneys' fees and costs incurred herein;

18 165. For exemplary damages;

19 166. For such other and further relief as the Court may deem just and proper.  
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1 **CONCLUSION**

2 WHEREFORE, these answering Defendants demand judgment that Plaintiff  
3 /Counterdefendant takes nothing by way of the Complaint on file herein, for all relief requested in  
4 SHEIKHAI's Counterclaim and Cross-claims, and that these answering Defendants be awarded  
5 reasonable attorney's fees.

6 **DATED** this 22<sup>nd</sup> day of October, 2020

7 WILICK LAW GROUP

8  
9 */s/ Marshal S. Willick*

10 MARSHAL S. WILICK, ESQ.  
11 Nevada Bar No. 2515  
12 3591 E. Bonanza Road, Suite 200  
13 Las Vegas, Nevada 89110-2101  
14 (702)438-4100; Fax (702)438-5311  
15 Attorneys for SHEIKHAI

16  
17 MICHAEL B. LEE, P.C.

18 */s/ Michael B. Lee<sup>1</sup>*

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26 Facsimile: (702) 477.0096  
27 mike@mblnv.com  
28 Attorneys for Defendant ZOHREH AMIRYAVARI

<sup>1</sup> Michael Lee has granted us permission in writing to e-sign the document on his behalf.

## CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of the WILICK LAW GROUP and that on this 22<sup>nd</sup> day of October, 2020, I caused the foregoing document to be served as follows:

- ☒ Pursuant to EDCR 8.05(a), EDCR 8.05(f), NRCP 5(b)(2)(D) and Administrative Order 14-2 captioned "In the Administrative Matter of Mandatory Electronic Service in the Eighth Judicial District Court," by mandatory electronic service through the Eighth Judicial District Court's electronic filing system.
- ☐ By placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada.
- ☐ pursuant to EDCR 7.26, to be sent via facsimile, by duly executed consent for service by electronic means.
- ☐ Pursuant to NRCP 5(b)(2)(D), by email by duly executed consent for service by electronic means.
- ☐ By hand delivery with signed Receipt of Copy.
- ☐ By First Class, Certified U.S. Mail.
- ☐ By placing same to be deposited for mailing in the United States Mail, Certified, Return Receipt Requested, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada;

To the address, email address, and/or facsimile number indicated below:

Todd M. Leventhal, Esq.  
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*/s/ Mallory Yeargan*

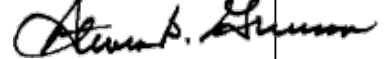
\_\_\_\_\_  
Employee of the WILICK LAW GROUP

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**DISTRICT COURT  
CLARK COUNTY, NEVADA**  
\*\*\*\*

Electronically Filed  
10/13/2021 9:17 AM  
Steven D. Grierson  
CLERK OF THE COURT



SLC LLC, Plaintiff(s)

Case No.: A-21-835625-C

vs.

Larisa Mereora, Defendant(s)

Department 4

**NOTICE OF HEARING**

Please be advised that the [14] Defendants' Motion to Dismiss for Failure to State a Claim in the above-entitled matter is set for hearing as follows:

**Date:** December 02, 2021

**Time:** 9:00 AM

**Location:** RJC Courtroom 03C  
Regional Justice Center  
200 Lewis Ave.  
Las Vegas, NV 89101

**NOTE: Under NEFCR 9(d), if a party is not receiving electronic service through the Eighth Judicial District Court Electronic Filing System, the movant requesting a hearing must serve this notice on the party by traditional means.**

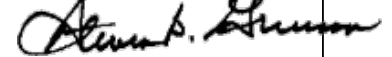
STEVEN D. GRIERSON, CEO/Clerk of the Court

By: /s/ Kadira Beckom  
Deputy Clerk of the Court

**CERTIFICATE OF SERVICE**

I hereby certify that pursuant to Rule 9(b) of the Nevada Electronic Filing and Conversion Rules a copy of this Notice of Hearing was electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

By: /s/ Kadira Beckom  
Deputy Clerk of the Court



**HOFLAND & TOMSHECK**  
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*Attorneys for Defendants*

**EIGHTH JUDICIAL DISTRICT COURT**

**CLARK COUNTY, NEVADA**

SLC LLC, a Nevada limited liability ) CASE NO.: A-21-835625-C  
company, ) DEPT NO.: 4

Plaintiff,

vs.

**AMENDED NOTICE OF  
APPEARANCE**

LARISA MEREORA, an individual;  
THOMAS MULKINS, an individual;  
NINA GROZAV, an individual, ION  
NEAGU, an individual; ALISA NEAU,  
an individual; MARIA REYNOLDS, an  
individual, NNG LLC, a Nevada  
Limited Liability Company dba  
UNIVERSAL MOTORCARS;  
UNIVERSAL MOTORCAR LLC, a  
Nevada limited liability company dba  
UNIVERSAL MOTORCARS; DOES I  
through X and ROE BUSINESS  
ENTITIES through X, inclusive,

Defendants.

COMES NOW, counsel for Defendant(s), LARISA MEREORA, NINA  
GROZAV, MARIA REYNOLDS, ION NEAGU, ALISA NEAGU, an individual;  
and NNG LLC, a Nevada Limited Liability Company dba UNIVERSAL  
MOTORCARS; UNIVERSAL MOTORCAR LLC, a Nevada limited liability

1 company dba UNIVERSAL MOTORCARS and hereby gives notice that  
2 Defendant(s) have retained Bradley J. Hofland, Esq. of HOFLAND &  
3 TOMSHECK in the above-referenced matter to represent him and hereby enters an  
4 appearance in this matter.

5 DATED this 14<sup>th</sup> day of October, 2021

6 **HOFLAND & TOMSHECK**

7 By: /s/ **Bradley J. Hofland**

8 Bradley J. Hofland, Esq.  
9 Nevada Bar No. 6343  
10 228 South 4<sup>th</sup> Street, 1<sup>st</sup> Floor  
11 Las Vegas, Nevada 89101  
12 Telephone: (702) 895-6760  
13 *Attorneys for Defendant(s)*  
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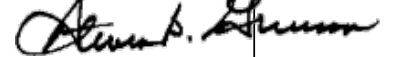
**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I am an employee of Hofland & Tomsheck, that pursuant to Administrative Order 14-2, NEFCR 9, and NRCP 5(b), on the 14<sup>th</sup> day of October, 2021, I served the forgoing **AMENDED NOTICE OF APPEARANCE** on the following parties by E-Service through the Odyssey filing system and/or U.S. Mail addressed as follows:

ENENSTEIN PHAM & GLASS  
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*Attorneys for Plaintiff SLC LLC*

By: /s/ Nikki Warren  
Employee of Hofland & Tomsheck





1 **OMD**

2 ROBERT A. RABBAT

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11 *Attorneys for Plaintiff SLC LLC*

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**EIGHTH JUDICIAL DISTRICT COURT  
CLARK COUNTY, NEVADA**

SLC LLC, a Nevada limited liability  
company,

Plaintiff,

vs.

LARISA MEREORA, an individual;  
THOMAS MULKINS, an individual;  
NINA GROZAV, an individual; ION  
NEAGU, an individual; ALISA NEAGU,  
an individual; MARIA REYNOLDS, an  
individual; NNG, LLC, a Nevada limited  
liability company dba UNIVERSAL  
MOTORCARS; UNIVERSAL  
MOTORCAR LLC, a Nevada limited  
liability company dba UNIVERSAL  
MOTORCARS; DOES I through X,  
inclusive; and ROE BUSINESS ENTITIES  
I through X, inclusive,

Defendants.

) Case No. A-21-835625-C  
) Dept. No. 4  
)

) **PLAINTIFFS' OPPOSITION TO**  
) **DEFENDANTS' MOTION TO DISMISS**  
) **FOR FAILURE TO STATE A CLAIM**

**PLAINTIFFS' OPPOSITION TO DEFENDANTS' MOTION TO DISMISS**

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. INTRODUCTION**

3 Defendants' Motion to Dismiss for Failure to State a Claim ("Motion to Dismiss")  
4 is based on the patently false and easily disprovable assumption that Defendants were  
5 parties to the matter *Vitiok, LLC v. SLC, LLC et al.*, Case No. A-19-805955-C ("Vitiok  
6 Case") in which all claims were dismissed with prejudice pursuant to a settlement  
7 agreement between the parties to the Vitiok Case. But *none of the Defendants* were parties  
8 to the Vitiok Case; *none of the Defendants* were parties to the settlement agreement by  
9 which the Vitiok Case was resolved.<sup>1</sup> Thus, the settlement agreement in the Vitiok Case  
10 *did not* release Defendants, and Plaintiff is not precluded from asserting its claims against  
11 Defendants.<sup>2</sup> The Motion to Dismiss should be denied on this basis alone.

12 Further, Defendants' Motion to Dismiss fails to argue, let alone successfully show,  
13 that "it appears beyond a doubt that [Plaintiff] could prove no set of facts, which, if true,  
14 would entitle [Plaintiff] to relief."<sup>3</sup> Instead, Defendants improperly attempt to inject facts  
15 into the Motion to Dismiss. Defendants' purported facts are not based on documents  
16 alleged in the complaint, nor are they subject to judicial notice, nor are they supported by  
17 any declarations. In other words, Defendants' Motion to Dismiss is really a defective and  
18 unsupported Motion for Summary Judgment, and should be denied.

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23 <sup>1</sup> See Request for Judicial Notice ("RJN"), ¶¶ 1-5, Exs. 1, 2, 3, 4, and 5; *see also*  
24 Declaration of Robert A. Rabbat ("Rabbat Decl."), ¶¶ 2-4. The Settlement Agreement  
25 resolved the Vitiok Case and two other cases; Defendants were not parties to any of the  
26 three cases resolved pursuant to the Settlement Agreement. Rabbat Decl., ¶¶ 2-4.

27 <sup>2</sup> See *Wojciechowski v. Kohlberg Ventures, LLC*, 923 F.3d 685, 687–91 (9th Cir.  
28 2019), *cert. denied sub nom. Kohlberg Ventures, LLC v. Wojcie-Chowski*, 140 S. Ct. 491  
(2019).

<sup>3</sup> *Buzz Stew, LLC v. City of N. Las Vegas*, 124 Nev. 224, 227–28, 181 P.3d 670, 672  
(2008) (internal citations omitted).

1 **II. DEFENDANTS’ SO-CALLED “MOTION TO DISMISS” IS REALLY AN**  
2 **IMPROPER, UNSUPPORTED MOTION FOR SUMMARY JUDGMENT**

3 In analyzing an NRCP 12(b)(5) motion to dismiss, a trial court “will recognize all  
4 factual allegations in [plaintiff’s] complaint as true and draw all inferences in its favor.  
5 [Plaintiff’s] complaint should be dismissed only if it appears beyond a doubt that it could  
6 prove no set of facts, which, if true, would entitle it to relief.”<sup>4</sup>

7 “Generally, a district court may not consider any material beyond the pleadings in  
8 ruling on a” NRCP Rule 12(b)(5) motion to dismiss.<sup>5</sup> If “the court considers materials  
9 outside of the pleading,” other than documents alleged in the complaint or those judicially  
10 noticeable, “the motion to dismiss is converted into a motion for summary judgment.”<sup>6</sup>

11 Here, Defendants’ Motion to Dismiss does not directly challenge *any* of the causes  
12 of action in the Complaint, nor does it identify any potential instances in which Plaintiff’s  
13 facts which, if accepted as true, fail to establish that Plaintiff is entitled to relief. *See*  
14 Motion, at pp. 3-7. Indeed, Defendants’ purported “Legal Analysis” is nothing more than  
15 two pages of regurgitated law (much of which is irrelevant to this case<sup>7</sup>) followed by a  
16 single paragraph proclaiming:

17 Here, as the Defendants were dismissed with prejudice in case number A-  
18 19-805955-C and the related claim against Maria Reynolds, by agreement,  
19 and the underlying settlement agreement released all claims, Plaintiff is  
precluded from pursuing claims against the Defendants.<sup>8</sup>

20 Apparently in support of their Motion to Dismiss, Defendants also include a single-  
21 spaced footnote that is nearly a page long in which Defendants make various factual

22  
23 <sup>4</sup> *Buzz Stew*, 124 Nev. at 227–28 (internal citations omitted); *see also Guzman v. Johnson*,  
137 Nev. Adv. Op. 13, 483 P.3d 531, 536 (2021).

24 <sup>5</sup> *Eagle SPE NV I, Inc. v. Kiley Ranch Communities*, 5 F. Supp. 3d 1238, 1241 (D. Nev.  
25 2014), *quoting Hal Roach Studios, Inc. v. Richard Feiner & Co.*, 896 F.2d 1542, 1555 n.  
26 19 (9th Cir.1990).

26 <sup>6</sup> *Eagle SPE NV I*, 5 F. Supp. 3d at 1241.

27 <sup>7</sup> *See* Section IV, below.

28 <sup>8</sup> Motion, at pp. 5-7.

1 representations that are irrelevant to this dispute, absolutely false,<sup>9</sup> and are inappropriate  
2 for the Motion to Dismiss. Despite their attempt to insert material beyond the pleadings  
3 into their ostensible Motion to Dismiss, Defendants did not provide any judicially  
4 noticeable documents or any admissible evidence. Thus, the Motion to Dismiss fails under  
5 Rule 12(b)(5) *and* under Rule 56. More particularly, a motion for summary judgment  
6 under Rule 56 must be based on admissible evidence.<sup>10</sup> Although the Motion to Dismiss  
7 “relies on facts outside the record,” Defendants do not provide any affidavits or other  
8 admissible evidence.<sup>11</sup>

9 Moreover, Defendants’ claim that Vitiok, LLC or Victor Botnari (“Botnari”)  
10 owned the Zip Zap Auto business and its customer directory<sup>12</sup> are contrary to Judge  
11 Johnson’s January 11, 2021 Order:

12 Vitiok, LLC and Botnari are to return the [Zip Zap Auto] client and/or  
13 customer lists to SLC, LLC and Sheikhai immediately, without keeping or  
14 making any copies thereof, and they are prohibited from directly soliciting  
patronage or business from these clients and/or customers.<sup>13</sup>

15 **III. JUDICIALLY NOTICEABLE FACTS DIRECTLY CONTRADICT**  
16 **DEFENDANTS’ UNSUPPORTED “FACTUAL” ALLEGATIONS**

17 Not only is Defendants’ attempt to inject into their Motion to Dismiss facts outside  
18 of the Complaint improper for a motion under Rule 12(b)(5), but those “facts” are wrong.  
19 In their Motion to Dismiss, Defendants make the following patently-false claim:

20 <sup>9</sup> Because it is improper in a motion under Rule 12(b)(5) to inject facts outside the  
21 pleadings, Plaintiff does not need to address at this time the misrepresentations in the  
22 Defendants’ footnote 1. But if it becomes necessary for these misrepresentations to be  
23 addressed, Plaintiff will provide admissible evidence, including a copy of the confidential  
Settlement Agreement for this Court to review under seal.

24 <sup>10</sup> See *Adamson v. Bowker*, 85 Nev. 115, 119, 450 P.2d 796, 799 (1969) (“The  
25 admissibility of evidence on a motion for summary judgment is subject to NRCP 43(a),  
and evidence that would be inadmissible at the trial ... is inadmissible on a motion for  
summary judgment.”); Nev. R. Civ. P. 43(c); Nev. R. Civ. P. 56(c).

26 <sup>11</sup> Nev. R. Civ. P. 43(c).

27 <sup>12</sup> Motion to Dismiss, at p. 3, fn.1.

28 <sup>13</sup> RJN, Ex. 5.

1 Here, as the Defendants were dismissed with prejudice in case number A-  
2 19-805955-C [*i.e.*, the Vitiok Case] and the related claim against Maria  
3 Reynolds, by agreement, and the underlying settlement agreement released  
4 all claims, Plaintiff is precluded from pursuing claims against the  
5 Defendants.<sup>14</sup>

6 First and foremost, Defendants were never parties to the Vitiok Case, and thus  
7 could not have been “dismissed with prejudice” from that case. As Defendants and their  
8 counsel are aware, the Vitiok Case was a dispute between Vitiok, LLC and Botnari, on  
9 one the hand, and SLC, LLC, Hamid Sheikhai (“Sheikhai”), and Zohreh Amiryavari, on  
10 the other hand.<sup>15</sup>

11 In fact, on July 24, 2020, Sheikhai filed a Motion to Amend in the Vitiok Case by  
12 which he requested leave to amend to, among other things, add cross-claims against Larisa  
13 Mereora, Thomas Mulkins, Nina Grozav, Ion Neagu, Alisa Neagu, and NNG, LLC dba  
14 Universal Motorcars.<sup>16</sup> Judge Susan Johnson granted Sheikhai’s Motion to Amend *with*  
15 *modifications*. Specifically, Judge Johnson entered an Order stating that Sheikhai’s  
16 “*Amended Answer and Counterclaim* shall include the named parties only; any other  
17 potential cross-defendants shall initiate third-party action(s) related to the claims pled  
18 herein.”<sup>17</sup> In other words, none of Mereora, Mulkins, Grozav, Ion, Alisa, or NNG were  
19 added as parties to the Vitiok Case at that time, or at any time.<sup>18</sup>

20 **A. The “Caption” in the Vitiok Case was Rejected by Judge Johnson**

21 In the Motion to Dismiss, Defendants include in the “Statement of Facts” a  
22 purported caption from the Vitiok Case to support the claim that Defendants were parties  
23 to the Vitiok Case.<sup>19</sup> What Defendants omit is that Judge Johnson rejected that caption.

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24 <sup>14</sup> Motion to Dismiss, at p. 7:3-6.

25 <sup>15</sup> See RJN, Ex. 3, at p. 1 (identifying the parties to the Vitiok Case and their counsel).

26 <sup>16</sup> See *id.*, at pp. 3 (motion to amend) and 4 (Aug. 25, 2020 reply in support of motion to  
27 amend).

28 <sup>17</sup> RJN, Ex. 1.

<sup>18</sup> See *id.*; see also RJN, Ex. 3, at p. 1 (identifying all parties and their counsel).

<sup>19</sup> Motion to Dismiss, at p. 4, ¶ 2, and Ex. B thereto.

1 Indeed, on January 7, 2021, Judge Johnson “further advised” counsel for the parties in the  
2 Vitiok Case that “they needed to use full captions so it could keep track of the parties” and  
3 that “*the following Cross Defendants needed to be removed from the case: Larisa*  
4 *Mereora, Thomas Mulkins, Nina Grozav, Ion Neagu, Alisa Neagu, and NNG, LLC.*”<sup>20</sup>

5 The fact that Defendants now represent to this Court that Defendants were parties  
6 to the Vitiok Case is especially egregious because Defendants’ counsel, Bradley J.  
7 Hofland, was present at that January 7, 2021 hearing in the Vitiok Case as “Attorney for  
8 Counter Defendant, Plaintiff” Vitiok, LLC.<sup>21</sup>

9 **B. The Stipulation for Dismissal in the Vitiok Case is Devoid of Any**  
10 **Reference to Defendants Because they Were Not Parties to the Vitiok**  
11 **Case or the Settlement Agreement by Which It Was Dismissed**

12 In the Motion to Dismiss, Defendants include in the “Statement of Facts” a claim  
13 that the Vitiok Case was dismissed with prejudice pursuant to a Stipulation for Dismissal  
14 of Action and a related settlement agreement.<sup>22</sup> Although the Stipulation was indeed the  
15 end of the Vitiok Case, Defendants were not parties to the Vitiok Case, nor were there any  
16 “claims, cross-claims, or counterclaims” asserted against Defendants to be dismissed.<sup>23</sup>  
17 Indeed, Sheikhai’s attempt to add claims against Defendants in the Vitiok Case was  
18 rejected by Judge Johnson because Defendants were not “named parties” and could only  
19 be added by initiating “third-party action(s) related to the claims pled herein.”<sup>24</sup> But no  
20 third-party claims against Defendants were ever added to the Vitiok Case.<sup>25</sup>

21 As such, there was no reason for Defendants to be parties to the settlement  
22 agreement by which the Vitiok Case was resolved, nor were they parties to that settlement

23 \_\_\_\_\_  
24 <sup>20</sup> RJN, Ex. 6, at p. 1 (emphasis added).

25 <sup>21</sup> See *id.*; see also RJN, Ex. 1 (Sept. 18, 2020 email from B. Hofland).

26 <sup>22</sup> Motion to Dismiss, at p. 4, ¶¶ 1, 3, and Ex. A thereto.

27 <sup>23</sup> See *id.*, Ex. A.

28 <sup>24</sup> RJN, Ex. 1.

<sup>25</sup> See RJN, Ex. 3.

1 agreement. Although Defendants do not explicitly claim that they were parties to the  
2 settlement agreement, they allege that they were parties to the Vitiok Case and that “the  
3 settlement agreement contained a release and waiver of all claims known or unknown.”<sup>26</sup>  
4 Regardless, in the event it becomes necessary for this Court to review the terms of that  
5 confidential settlement agreement, Plaintiff will submit under seal or for the Court’s *in*  
6 *camera* review a copy of that confidential settlement agreement.

7 **IV. DEFENDANTS’ MOTION TO DISMISS IS DEVOID OF ANY COHERENT**  
8 **ARGUMENT OR APPLICATION OF THE LAW**

9 Defendants’ regurgitation of the law in their Motion to Dismiss is not necessarily  
10 inaccurate, but much of that law is inapplicable and the Motion to Dismiss is devoid of  
11 any analysis as to how the applicable law actually applies to this case.<sup>27</sup>

12 Plaintiffs’ Complaint asserts seven causes of action: (1) Misappropriation of Trade  
13 Secrets under N.R.S. § 600a.030 *et seq.*; (2) Deceptive Trade Practices under N.R.S. §  
14 598.0915 *et seq.*; (3) Defamation; (4) Intentional Interference with Prospective Economic  
15 Advantage; (5) Civil Conspiracy; (6) Conversion; and (7) Unjust Enrichment.<sup>28</sup> The  
16 Complaint asserts facts sufficient to allege each cause of action, and Defendants’ Motion  
17 to Dismiss does not directly challenge the sufficiency of *any* of those facts. Indeed, the  
18 Motion to Dismiss does not mention a single factual element required for any of those  
19 claims, nor does it identify any instances in which any factual allegations, if accepted as  
20 true, would fail to assert a cause of action.<sup>29</sup>

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24 <sup>26</sup> Motion to Dismiss, at p. 4, ¶¶ 1-3.

25 <sup>27</sup> Motion to Dismiss, at pp. 5-7.

26 <sup>28</sup> Complaint, at pp. 1, 7-13.

27 <sup>29</sup> See Motion, at pp. 3-7; *see also Buzz Stew*, 124 Nev. at 227–28 (holding that “all factual  
28 allegations in [plaintiff’s] complaint [are accepted] as true” for a Rule 12(b)(5) motion and  
that a “complaint should be dismissed only if it appears beyond a doubt that it could prove  
no set of facts, which, if true, would entitle it to relief”); *Guzman*, 483 P.3d at 536 (same).

1 As for whether Plaintiff gave Defendants “fair notice of the nature and basis of the  
2 claim and the relief requested,”<sup>30</sup> the Complaint details the specific conduct of Defendants  
3 that gives rise to the claims, including a historical background to put those facts into  
4 context,<sup>31</sup> and specifically details how those facts satisfy the elements of each of the seven  
5 claims.<sup>32</sup> Further, the Complaint specifies the relief requested as to each of the seven  
6 causes of action.<sup>33</sup>

7 Additionally, Defendants’ proclamation that “Plaintiff is precluded from pursuing  
8 claims against the Defendants” is not supported by any law, likely because no law  
9 supports that position. In the event that Defendants are claiming that they were parties to  
10 the settlement agreement (they were not), Plaintiff will provide under seal a copy of that  
11 agreement to this Court to verify that Defendants were not parties to that agreement.<sup>34</sup>  
12 Otherwise, a settlement agreement to which Defendants were not parties does not preclude  
13 Plaintiff from asserting claims against Defendants.<sup>35</sup>

14 Finally, Defendants cite several cases for the incorporation by reference doctrine,  
15 but do not so much as hint as to how this doctrine is applicable.<sup>36</sup> Under that doctrine, a  
16 document that is extensively referenced or attached to a complaint may be incorporated  
17 into the complaint and thus considered in a motion to dismiss.<sup>37</sup> But, here, the Complaint  
18 does not attach any documents, nor are there any documents “referenced extensively in  
19

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20 <sup>30</sup> *Ravera v. City of Reno*, 100 Nev. 68, 70, 675 P.2d 407, 408 (1984); *see* Motion to  
21 Dismiss, at pp. 6-7.

22 <sup>31</sup> Complaint, ¶¶ 16-34,

23 <sup>32</sup> *Id.*, ¶¶ 43-104.

24 <sup>33</sup> *Id.*, ¶¶ 51-53, 57-62, 70-72, 80-82, 90-91, 96-97, 103-104, and pp. 14-15.

25 <sup>34</sup> Rabbat Decl., ¶¶ 2-4.

26 <sup>35</sup> *Wojciechowski*, 923 F.3d at 688.

27 <sup>36</sup> Motion to Dismiss, at pp. 5:19-6:6.

28 <sup>37</sup> *See Van Buskirk v. Cable News Network, Inc.*, 284 F.3d 977, 980 (9th Cir. 2002)  
 (“Under the ‘incorporation by reference’ rule ... a court may look beyond the pleadings  
 without converting the ... motion [to dismiss] into one for summary judgment.”).



1 the” Complaint that would warrant looking beyond the pleadings.<sup>38</sup> Regardless,  
2 Defendants identify three documents outside of the pleadings: Settlement Agreement,  
3 Stipulation for Dismissal of Action, and Amended Answer and Counterclaims in the  
4 Vitiok Case<sup>39</sup>—none of which are mentioned in or attached to the Complaint. Thus,  
5 neither the facts nor the law warrant granting the Motion to Dismiss.

6 **V. CONCLUSION**

7 Defendants’ Motion to Dismiss is defective for several reasons and thus should be  
8 denied. First, Defendants do not argue that the facts alleged in Complaint are insufficient  
9 to establish Plaintiff’s causes of action. Second, Defendants attempt to inject new facts  
10 that are not presented in the Complaint, in any documents incorporated into the  
11 Complaint, or in any judicially noticed documents. Third, even if Defendants presented  
12 their motion as a motion for summary judgment, it is defective because the “facts” upon  
13 which it is based are not admissible.

14 Consequently, Plaintiff respectfully requests that the Court deny Defendants’  
15 Motion to Dismiss.

16 Dated: October 26, 2021

**ENENSTEIN PHAM & GLASS**

17  
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19 By: 

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*Attorneys for Plaintiff SLC LLC*

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27 <sup>38</sup> *Id.*

28 <sup>39</sup> See Motion to Dismiss, at pp. 3-4, 7, and Exs. A and B thereto.

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**CERTIFICATE OF SERVICE**

Pursuant to NRCP 5(b), I hereby certify that I am an employee of ENENSTEIN PHAM & GLASS, LLP and that on this 26<sup>th</sup> day of October 2021, I served a true and correct copy of the foregoing **PLAINTIFFS’ OPPOSITION TO DEFENDANTS’ MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM** upon all counsel of record by electronically serving the document using the Court’s electronic filing system.

/s/Lauren A. Verbanik  
Lauren Verbanik, *Paralegal*



RFJN

ROBERT A. RABBAT

Nevada Bar #12633

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*Attorneys for Plaintiff SLC LLC*

**EIGHTH JUDICIAL DISTRICT COURT  
CLARK COUNTY, NEVADA**

SLC LLC, a Nevada limited liability  
company,

Plaintiff,

vs.

LARISA MEREORA, an individual;  
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MOTORCARS; UNIVERSAL  
MOTORCAR LLC, a Nevada limited  
liability company dba UNIVERSAL  
MOTORCARS; DOES I through X,  
inclusive; and ROE BUSINESS ENTITIES  
I through X, inclusive,

Defendants.

) Case No. A-21-835625-C

) Dept. No. 4

) **REQUEST FOR JUDICIAL NOTICE IN  
SUPPORT OF PLAINTIFFS'  
OPPOSITION TO DEFENDANTS'  
MOTION TO DISMISS FOR FAILURE  
TO STATE A CLAIM**

**REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF PLAINTIFFS' OPPOSITION TO  
DEFENDANTS' MOTION TO DISMISS**

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1. Attached hereto as **Exhibit 1** is a true and correct copy of an Order Granting Defendant's Motion for Leave to Amend the Answer and Counterclaim filed on October 10, 2020 in the matter titled Vitiok, LLC v. SLC, LLC, et al.; Case No. A-19-805955-C before the Eighth Judicial District Court, Clark County.

3. Attached hereto as **Exhibit 3** is a true and correct copy of the Case Docket dated March 24, 2021 in the matter titled Vitiok, LLC v. SLC, LLC, et al.; Case No. A-19-805955-C before the Eighth Judicial District Court, Clark County.

5. Attached hereto as **Exhibit 5** is a true and correct copy of the Court Minutes dated January 11, 2021 in the matter titled Vitiok, LLC v. SLC, LLC, et al.; Case No. A-19-805955-C before the Eighth Judicial District Court, Clark County.

/ / /

1           6.       Attached hereto as **Exhibit 6** is a true and correct copy of the Court Minutes  
2 dated January 7, 2021 in the matter titled Vitiok, LLC v. SLC, LLC, et al.; Case No. A-19-  
3 805955-C before the Eighth Judicial District Court, Clark County.

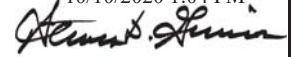
4  
5 Dated: October 26, 2021

**ENENSTEIN PHAM & GLASS**

6  
7 By: 

Robert A. Rabbat  
Nevada Bar Number 12633  
*rrabbat@enensteinlaw.com*  
11920 Southern Highlands Parkway, Suite 103  
Las Vegas, Nevada 89141  
Telephone: (702) 468-0808  
Facsimile: (702) 920-8228  
*Attorneys for Plaintiff SLC LLC*

# **Exhibit 1**

  
CLERK OF THE COURT

**ORDR**  
**WILICK LAW GROUP**  
MARSHAL S. WILICK, ESQ.  
Nevada Bar No. 2515  
3591 E. Bonanza Road, Suite 200  
Las Vegas, NV 89110-2101  
Phone (702) 438-4100; Fax (702) 438-5311  
[email@willicklawgroup.com](mailto:email@willicklawgroup.com)  
Attorneys for Defendant Hamid Sheikhai

**IN THE EIGHTH JUDICIAL DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

VITIOK, LLC, a Nevada Limited Liability Company,  
Plaintiff,

vs.

SLC, LLC, a Nevada Limited Liability Company;  
HAMID SHEIKHAI, an individual, ZOHREH  
AMIRYAVARI, an individual, and DOES I through X  
and ROE CORPORATIONS I through X, inclusive,  
Defendants.

CASE NO: A-19-805955-C  
DEPT. NO: 22

**ORDER GRANTING  
DEFENDANT'S MOTION FOR  
LEAVE TO AMEND THE ANSWER  
AND COUNTERCLAIM**

DATE OF HEARING: 8/25/20  
TIME OF HEARING: 8:30 a.m.

This matter was set for hearing on August 25, 2020, before the Honorable Susan Johnson, District Court Judge, Department 22, on *Defendant Hamid Sheikhai's Motion to File an Amended Answer and Counterclaim*, Plaintiff Vitiok, LLC's *Plaintiff's Opposition to Defendant Hamid Sheikhai's Motion to File Amended Answer and Counterclaim and Countermotion for Attorney's Fees and Costs*, and *Defendant, Hamid Sheikhai's, Reply to Plaintiff's Opposition to Motion to File Amended Answer and Counterclaim and Countermotion for Attorney's Fees and Costs*.

Hamid Sheikhai was present and represented by his counsel, Marshal S. Willick, Esq. of the WILICK LAW GROUP; Michael Matthis, Esq., of MICHAEL B. LEE, P.C., was present, on behalf of

1 SLC, LLC and Zohreh Amiryavari; Victor Botnari, owner of Vitiok, LLC, was present and  
2 represented by his counsel, Todd Leventhal, Esq., of LEVENTHAL & ASSOCIATES and Brad Hofland,  
3 Esq., of HOFLAND & TOMSHECK.

4 Upon review of the pleadings, argument of counsel and for good cause shown, this  
5 Honorable Court makes the following findings and Orders:

- 6
- 7 1. District courts have the discretion to grant leave to amend a pleading. *Stephens v. Southern*  
8 *Nevada Music Co., Inc.*, 89 Nev. 104, 105, 507 P.2d 138, 139 (1973). Before trial, leave  
9 should be freely given to a party to amend its pleadings. NEV. R. CIV. PRO. 15(a)(2). “[I]n  
10 the absence of any apparent or declared reason - such as undue delay, bad faith or dilatory  
11 motive on the part of the movant - the leave sought should be freely given.” *Stephens*, 89  
12 Nev. at 105-06, 507 P.2d at 139. The moving party must attach a copy of a proposed  
13 amended pleading to any motion to amend the pleading. EIGHTH JUD. DIST. CT. R. 2.30(a).  
14 “Unless otherwise permitted by the court, every pleading to which an amendment is  
15 submitted as a matter of right, or has been allowed by order of the court, must be re-typed  
16 or re-printed and filed so that it will be complete in itself, including exhibits, without  
17 reference to the superseded pleading.” *Id.* Furthermore, the amended pleading must contain  
18 copies of all exhibits referred to in such amended pleadings. *Id.* at 2.30(b).
- 19 2. The Court grants *Defendant Hamid Sheikhai’s Motion to Amend the Answer and*  
20 *Counterclaim* as modified.
- 21 3. Upon the entry of this *Order*, Hamid shall be permitted to file his *Amended Answer and*  
22 *Counterclaim*; provided, however, that there shall not be a separate cause of action for  
23 attorney’s fees because requests for attorneys fees are prayers for relief, rather than causes  
24 of action.

25  
26 \*\*\*\*\*



4. The *Amended Answer and Counterclaim* shall include the named parties only; any other potential cross-defendants shall initiate third-party action(s) related to the claims pled herein.

DATED this 9th day of October, 2020.

Dated this 10th day of October, 2020



DISTRICT COURT JUDGE

30A 54F 34BE 61C7

Susan Johnson

District Court Judge

Approved as to Form and Content:  
LEVENTHAL AND ASSOCIATES, PLLC

Respectfully Submitted By:  
WILICK LAW GROUP

/s/ Lorien K. Cole

/s/ Todd M. Leventhal

MARSHAL S. WILICK, ESQ.

Nevada Bar No. 2515

LORIEN K. COLE, ESQ.

Nevada Bar No. 11912

3591 East Bonanza Road, Suite 200

Las Vegas, Nevada 89110-2101

*Attorneys for Hamid Sheikhai*

TODD M. LEVENTHAL, ESQ.

Nevada Bar No. 8543

626 South Third Street

Las Vegas, NV 89101

*Attorney for Plaintiff*

MICHAEL B. LEE, P.C.

/s/ Michael B. Lee

MICHAEL B. LEE, ESQ.

Nevada Bar No. 10122

MICHAEL MATTHIS, ESQ.

Nevada Bar No. 14582

1820 E. Sahara Avenue, Suite 110

Las Vegas, Nevada 89104

Telephone: (702) 477.7030

Facsimile: (702) 477.0096

[mike@mblnv.com](mailto:mike@mblnv.com)

*Attorneys for Defendants Zoreh Amiryavari and SLC, LLC*

P:\wp19\SHEIKHAI,H\CVDRAFTS22\Order Granting Leave to Amend Answer and Counterclaim.wpd\my

## Reception

---

**From:** Mallory Yeargan  
**Sent:** Friday, October 09, 2020 8:53 AM  
**To:** Reception  
**Subject:** FW: Order from August 25 hearing - Dept 22

**From:** Brad Hofland <BradH@hoflandlaw.com>  
**Sent:** Friday, September 18, 2020 3:26 PM  
**To:** Lorien Cole <lorien@willicklawgroup.com>; Leventhal and Associates <leventhalandassociates@gmail.com>  
**Cc:** Marshal Willick <marshal@willicklawgroup.com>; mike@mblnv.com; 'Michael Matthis' <matthis@mblnv.com>; Mallory Yeargan <mallory@willicklawgroup.com>  
**Subject:** RE: Order from August 25 hearing - Dept 22

Lorien

You have consent to affix Mr. Leventhal's and my signature to the proposed Order.

Please send me over a copy of the JCCR/ICCR for me to review.

Bradley J. Hofland, Esq.  
Hofland & Tomsheck  
228 S. 4<sup>th</sup> St. 1<sup>st</sup> Floor  
Las Vegas, NV 89101  
Telephone (702) 895-6760  
Facsimile (702) 731-6910

*Hofland & Tomsheck*

ATTORNEYS AND COUNSELORS AT LAW

**NOTICE:** The above information is for the sole use of the intended recipient and contains information belonging to Hofland & Tomsheck, which is confidential and may be legally privileged. If you are not the intended recipient, or believe that you have received this communication in error, you are hereby notified that any printing, copying, distribution, use or taking of any action in reliance on the contents of this e-mail information is strictly prohibited. If you have received this e-mail in error, please immediately (1) notify the sender by reply e-mail; (2) call our office at (702) 895-6760 to inform the sender of the error; and (3) destroy all copies of the original message, including ones on your computer system and all drives.

In accordance with Internal Revenue Service Circular 230, we advise you that if this e-mail contains any tax advice, such tax advice was not intended or written to be used and it cannot be used, by any taxpayer for the purpose of avoiding penalties that may be imposed on the taxpayer.

**From:** Lorien Cole <lorien@willicklawgroup.com>  
**Sent:** Friday, September 11, 2020 1:24 PM  
**To:** Brad Hofland <BradH@hoflandlaw.com>; Leventhal and Associates <leventhalandassociates@gmail.com>  
**Cc:** Marshal Willick <marshal@willicklawgroup.com>; mike@mblnv.com; 'Michael Matthis' <matthis@mblnv.com>; Mallory Yeargan <mallory@willicklawgroup.com>  
**Subject:** Order from August 25 hearing - Dept 22

## Reception

---

**From:** Mallory Yeargan  
**Sent:** Friday, October 09, 2020 8:35 AM  
**To:** Reception  
**Subject:** FW: Order from August 25 hearing - Dept 22

**From:** Mike Lee <mike@mblnv.com>  
**Sent:** Friday, September 11, 2020 1:43 PM  
**To:** Lorien Cole <lorien@willicklawgroup.com>; bradh@hoflandlaw.com; Leventhal and Associates <leventhalandassociates@gmail.com>  
**Cc:** mike@mblnv.com; Marshal Willick <marshal@willicklawgroup.com>; 'Michael Matthis' <matthis@mblnv.com>; Mallory Yeargan <mallory@willicklawgroup.com>  
**Subject:** RE: Order from August 25 hearing - Dept 22

Approved. Consent to you affixing my e signature.

Sent from my Verizon, Samsung Galaxy smartphone

1 **CSERV**

2  
3 DISTRICT COURT  
CLARK COUNTY, NEVADA

4  
5  
6 Vitiok LLC, Plaintiff(s)

CASE NO: A-19-805955-C

7 vs.

DEPT. NO. Department 22

8 SLC, LLC, 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: 10/10/2020

15 Debbie Hicks

debbie@douglascrawfordlaw.com

16 Douglas Crawford

doug@douglascrawfordlaw.com

17 Lorien Cole

lorien@willicklawgroup.com

18 Marshal Willick

marshal@willicklawgroup.com

19 Reception Reception

email@willicklawgroup.com

20 Bradley Hofland

Bradh@hoflandlaw.com

21 Michael Matthis

matthis@mblnv.com

22 Mallory Yeargan

Mallory@willicklawgroup.com

24 Todd Leventhal

Leventhalandassociates@gmail.com

25 Maribel Godinez

Maribel@toddleventhal.com

26 Michael Lee

mike@mblnv.com

27  
28  
ROA000089

1	Dina DeSousa Cabral	DinaD@hoflandlaw.com
2		
3	Leilanny Espinoza	Leilanny@douglascrawfordlaw.com
4	Nikki Woulfe	clerk@hoflandlaw.com
5	Emma Forte	emma@toddleventhal.com
6	Victor Botnari	12vb34@protonmail.com
7	Anna Stein	bhassistant@hoflandlaw.com
8	Kevin Wong	kevin@douglascrawfordlaw.com
9	Gary Segal	gary@douglascrawfordlaw.com
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# **Exhibit 2**

## Case Information

D-18-575686-L | Hamid Sheikhai, Plaintiff. vs. Victor Botnari, Defendant.

Case Number  
D-18-575686-L  
File Date  
08/16/2018

Court  
Department R  
Case Type  
Annulment Complaint

Judicial Officer  
Henderson, Bill  
Case Status  
Open

## Party

Plaintiff  
Sheikhai, Hamid  
DOB  
XX/XX/XXXX

Active Attorneys ▼  
Attorney  
Cole, Lorien K  
Retained

Lead Attorney  
Rabbat, Robert A.  
Retained

Inactive Attorneys ▼  
Pro Se

Intervenor (Participant)  
Wilde-Guzun, Jessica

Active Attorneys ▼  
Lead Attorney  
Nold, Joseph T.  
Retained

Defendant  
Botnari, Victor

Active Attorneys ▼  
Attorney  
Page, Fred

ROA000092

DOB  
XX/XX/XXXX

Retained

Lead Attorney  
Hofland, Bradley J.  
Retained

## Events and Hearings

03/28/2018 Complaint for Annulment ▼

Comment

Joint Petition for Annulment

03/28/2018 Affidavit of Resident Witness

03/30/2018 Decree of Annulment

06/04/2018 Motion ▼

Comment

Defendant's Motion to Change Venue; for Defendant's Attorney's Fees and Costs Incurred Herein; and Related Matters

06/14/2018 Opposition and Countermotion ▼

Comment

Opposition to "Defendant's Motion to Change Venue; For Defendant's Attorney's Fees and Costs Incurred Herein; and Related Relief" and Countermotion for Attorney's Fees and Costs

06/25/2018 Reply ▼

Comment

Defendant's Reply to Plaintiff's Opposition to Plaintiff's Motion to Change Venue

07/02/2018 Response ▼

Comment

Response to Defendant's Reply

ROA000093



<p>08/01/2018 Affidavit of Service ▼</p> <p>Comment Affidavit of Service by Mail</p>
<p>08/16/2018 Order for Change of Venue ▼</p> <p>Comment Order Granting Motion to Change Venue</p>
<p>08/29/2018 Peremptory Challenge ▼</p> <p>Comment Peremptory Challenge of Judge</p>
<p>08/29/2018 Notice of Department Reassignment ▼</p> <p>Comment Notice of Department Reassignment</p>
<p>09/17/2018 Substitution of Attorney ▼</p> <p>Comment Substitution of Attorney</p>
<p>09/17/2018 Ex Parte Motion ▼</p> <p>Comment Ex-parte Motion to Seal Case Records</p>
<p>09/18/2018 Motion to Vacate ▼</p> <p>Comment Defendant's Motion to Vacate the Decree of Annulment and Allowing this Matter to Proceed as a Contested Divorce; For Exclusive Possession of the Marital Residence And Temporary Support; For Forensic Accounting; For an Award of Preliminary Fees and Costs And Related Relief</p>
<p>09/19/2018 Affidavit ▼</p> <p>Comment AFFIDAVIT OF SERVICE</p>
<p>09/19/2018 Opposition ▼</p> <p>Comment Defendant's Opposition To Plaintiff's Ex Parte Motion To Seal Case Records</p>
<p>10/02/2018 Notice of Telephonic Hearing ▼</p>

Comment  
Notice of Intent to Appear by Communication Equipment

10/08/2018 Opposition and Countermotion ▼

Comment  
Opposition To Defendant s Motion To Vacate The Decree Of  
Annulment And Allowing This Matter To Proceed As A Contested  
Divorce; For Exclusive Possession Of The Marital Residence And  
Temporary Support; For A Forensic Accounting For An Award Of  
Preliminary Fees And Costs And Related Relief And Countermotion  
For Attorney s Fees And Costs

10/08/2018 Exhibits ▼

Comment  
Exhibit Appendix

10/15/2018 Financial Disclosure Form ▼

Comment  
Defendants Financial Disclosure Form

10/15/2018 Reply ▼

Comment  
Defendant's Reply and Opposition to Plaintiff's Opposition and  
Countermotion

10/15/2018 Exhibits ▼

Comment  
Defendant's Appendix of Exhibits

10/16/2018 Motion ▼

Judicial Officer  
Henderson, Bill

Hearing Time  
9:00 AM

Result  
Evidentiary Hearing

Comment  
Defendant's Motion to Vacate the Decree of Annulment and Allowing this  
Matter to Proceed as a Contested Divorce; For Exclusive Possession of the  
Marital Residence And Temporary Support; For Forensic Accounting; For  
an Award of Preliminary Fees and Costs And Related Relief

10/16/2018 Opposition & Countermotion ▼

ROA000095

Judicial Officer  
**Henderson, Bill**

Hearing Time  
**9:00 AM**

Result  
**Evidentiary Hearing**

Comment  
**Pltf.'s Opposition To Defendant s Motion To Vacate The Decree Of Annulment And Allowing This Matter To Proceed As A Contested Divorce; For Exclusive Possession Of The Marital Residence And Temporary Support; For A Forensic Accounting For An Award Of Preliminary Fees And Costs And Related Relief And Countermotion For Attorney s Fees And Costs**

10/16/2018 All Pending Motions ▼

Judicial Officer  
**Henderson, Bill**

Hearing Time  
**9:00 AM**

Result  
**Matter Heard**

Parties Present ▲  
Plaintiff: Sheikhai, Hamid  
Defendant: Botnari, Victor

10/16/2018 Motion ▼

Judicial Officer  
**Henderson, Bill**

Hearing Time  
**9:00 AM**

Result  
**Matter Heard**

Comment  
**Defendant's Reply and Opposition to Plaintiff's Opposition and Countermotion**

10/22/2018 Substitution of Attorney ▼

Comment  
**Substitution of Attorney**

11/08/2018 Affidavit of Service ▼

Comment  
**Affidavit of Service**

11/08/2018 Receipt of Copy ▼  Comment <b>Receipt of Copy</b>
11/08/2018 Receipt ▼  Comment <b>Receipt of Check</b>
11/08/2018 Certificate of Service ▼  Comment <b>Certificate of Service</b>
11/09/2018 Certificate of Service ▼  Comment <b>Certificate of Service</b>
11/21/2018 Order ▼  Comment <b>Order from Hearing October 16, 2018</b>
11/21/2018 Affidavit of Service ▼  Comment <b>Affidavit of Service [Larissa Mereora]</b>
11/21/2018 Affidavit of Service ▼  Comment <b>Affidavit of Service [Nina Grozav]</b>
11/21/2018 Affidavit of Service ▼  Comment <b>Affidavit of Service [Ion (Johnny) Neagu]</b>
11/21/2018 Affidavit of Service ▼  Comment <b>Affidavit of Service [Irina Macinskaya]</b>
11/21/2018 Certificate of Service ▼  Comment <b>Certificate of Service</b>
11/21/2018 Notice of Entry ▼

Comment  
Notice of Entry of Order from Hearing October 16, 2018

11/21/2018 Notice ▼

Comment  
Defendant's Notice of Intent to Appear by Communication Equipment

11/21/2018 Motion for Order to Show Cause ▼

Comment  
Def't's Motion For An Order To Show Cause And For Sanctions That  
Def't Have An Award Of Sargeant Fees And Costs For A Seperat  
Award Of Attys Fees For This Motion And Related Relief

11/27/2018 Exhibits ▼

Comment  
DEFENDANT'S APPENDIX OF EXHIBITS IN SUPPORT OF:  
Defendant's Motion for an Order to show cause and for sanctions

11/27/2018 Financial Disclosure Form ▼

Comment  
Defendant's Amended Financial Disclosure Form

11/29/2018 Memorandum ▼

Comment  
Memorandum for Hearing on Trial Viability

11/29/2018 Exhibits ▼

Comment  
Exhibits to Memorandum for Hearing on Trial Viability

11/30/2018 Brief ▼

Comment  
DEFENDANTS RESPONSE TO PLAINTIFFS MEMO OF TRIAL  
VIABILITY

12/03/2018 Hearing ▼

Judicial Officer  
Henderson, Bill

Hearing Time  
11:00 AM

Result  
Matter Heard

ROA000098

Comment

Hearing re: Trial Viability - Set Aside

Parties Present ▲

Plaintiff: Sheikhai, Hamid

Defendant: Botnari, Victor

12/04/2018 Receipt ▼

Comment

Receipt of Check

12/10/2018 Opposition to Motion ▼

Comment

Plaintiff's Opposition to "Defendant's Motion for an Order to Show Cause and for Sanctions; the Defendant have an Award of Sargeant Fees and Costs; for a Separate Award of Attorney's Fees for this Motion; and Related Relief"

12/19/2018 Reply to Opposition ▼

Comment

Defendant's Reply to Plaintiff's Opposition

12/19/2018 Exhibits ▼

Comment

Defendant's Appendix of Exhibits

12/19/2018 Estimate of Transcript ▼

Comment

Hearing date December 3, 2018

12/20/2018 Transcript of Proceedings ▼

Comment

Hearing date December 03, 2018

12/20/2018 Final Billing of Transcript ▼

Comment

Hearing date December 3, 2018

12/28/2018 Receipt ▼

Comment

Receipt of Check

01/10/2019 Financial Disclosure Form ▼

ROA000099

Comment  
General Financial Disclosure Form

01/11/2019 Notice ▼

Comment  
Cover Sheet for Thirty Day Notice to Quit for Tenancy-At-Will

01/14/2019 Motion ▼

Judicial Officer  
Henderson, Bill

Hearing Time  
1:30 PM

Result  
Deferred Ruling

Comment  
Deft's Motion For An Order To Show Cause And For Sanctions That Deft Have An Award Of Sargeant Fees And Costs For A Seperat Award Of Attys Fees For This Motion And Related Relief

01/14/2019 Opposition & Countermotion ▼

Judicial Officer  
Henderson, Bill

Hearing Time  
1:30 PM

Result  
Matter Heard

Comment  
Defendant's Opposition To Defendant's Motion For an Order To Show Cause And For Sanctions; That Defendant Have An Award Of Sargeant Fees And Costs; For A Separate Award Of Attorney's Fees For This Motion; And Related Relief

01/14/2019 Hearing ▼

Judicial Officer  
Henderson, Bill

Hearing Time  
1:30 PM

Result  
Matter Heard

Comment  
Defendant's Reply to Plaintiff's Opposition

ROA000100

01/14/2019 All Pending Motions ▼

Judicial Officer  
**Henderson, Bill**

Hearing Time  
**1:30 PM**

Result  
**Matter Heard**

Parties Present ▲  
Plaintiff: Sheikhai, Hamid  
Defendant: Botnari, Victor

01/14/2019 Miscellaneous Filing ▼

Comment  
Cover Sheet for Letter from Stone & Stone, LLC

01/15/2019 Order ▼

Comment  
Amended Order from October 16 Hearing

01/15/2019 Notice of Entry of Order ▼

Comment  
Notice of Entry of Amended Order

01/17/2019 Request for Issuance of Joint Preliminary Injunction ▼

Comment  
Defendant's Request for Issuance of Joint Preliminary Injunction

01/18/2019 Objection ▼

Comment  
Plaintiff's Objection to Authenticity of Disclosures

01/22/2019 Evidentiary Hearing ▼

Judicial Officer  
**Henderson, Bill**

Hearing Time  
**1:30 PM**

Cancel Reason  
**Vacated - per Judge**

Comment  
Evidentiary Hearing re: Set Aside

ROA000101



01/23/2019 Evidentiary Hearing ▼

Judicial Officer  
**Henderson, Bill**

Hearing Time  
**1:30 PM**

Cancel Reason  
**Vacated - per Judge**

Comment  
**Evidentiary Hearing re: Set Aside**

01/24/2019 Receipt ▼

Comment  
**Receipt of Check**

02/01/2019 Affidavit of Service ▼

Comment  
**Affidavit of Service [Nina Grozav]**

02/11/2019 Receipt of Copy ▼

Comment  
**Receipt of Copy**

02/21/2019 Subpoena Electronically Issued ▼

Comment  
**Subpoena Duces Tecum**

02/21/2019 Subpoena Electronically Issued ▼

Comment  
**Subpoena Duces Tecum**

02/21/2019 Subpoena Electronically Issued ▼

Comment  
**Subpoena Duces Tecum**

02/25/2019 Receipt ▼

Comment  
**Receipt of Check**

03/04/2019 Hearing ▼

Judicial Officer  
**Henderson, Bill**

ROA000102

Hearing Time

11:00 AM

Cancel Reason

Vacated - per Judge

Comment

Hearing re: Trial Viability - Financial Issues

03/04/2019 Affidavit of Service ▼

Comment

Affidavit of Service

03/11/2019 Affidavit of Service ▼

Comment

Affidavit of Service

03/11/2019 Affidavit of Service ▼

Comment

Affidavit of Service

03/25/2019 Receipt ▼

Comment

Receipt of Check

03/25/2019 Affidavit of Service ▼

Comment

Affidavit of Service

03/25/2019 Motion ▼

Comment

Motion for Partial Summary Judgment

03/26/2019 Status Check ▼

Judicial Officer

Henderson, Bill

Hearing Time

1:30 PM

Result

Matter Heard

Comment

Status Check re: Discovery/Trial Setting

Parties Present ▲

Plaintiff: Sheikhai, Hamid

ROA000103

Defendant: Botnari, Victor
03/26/2019 Clerk's Notice of Hearing ▼  Comment Clerks's Notice of Hearing
04/05/2019 Order ▼  Comment Order from December 3 Hearing
04/11/2019 Ex Parte Application ▼  Comment Ex Parte Application to Seal Case
04/15/2019 Notice of Change of Address ▼  Comment Notice of Change of Address
04/22/2019 Evidentiary Hearing ▼  Judicial Officer Henderson, Bill  Hearing Time 1:30 PM  Cancel Reason Vacated - per Judge  Comment Evidentiary Hearing re: Financial Issues
04/23/2019 Evidentiary Hearing ▼  Judicial Officer Henderson, Bill  Hearing Time 1:30 PM  Cancel Reason Vacated - per Judge  Comment Evidentiary Hearing re: Financial Issues
04/24/2019 Order Sealing File - Domestic ▼  Comment Order Sealing File

<p>04/25/2019 Notice of Entry of Order ▼</p> <p>Comment Notice of Entry of Order to Seal Case</p>
<p>04/25/2019 Receipt ▼</p> <p>Comment Receipt of Check</p>
<p>04/25/2019 Order Sealing Documents Per NRS 125.110</p>
<p>05/06/2019 Motion ▼</p> <p>Comment DEFENDANT'S MOTION FOR AN ORDER TO SHOW CAUSE; TO ENFORCE SUBPOENA; FOR ATTORNEY'S FEES; AND RELATED RELIEF</p>
<p>05/06/2019 Exhibits ▼</p> <p>Comment DEFENDANT'S APPENDIX OF EXHIBITS IN SUPPORT OF DEFENDANT'S MOTION FOR AN ORDER TO SHOW CAUSE; TO ENFORCE SUBPOENA; FOR ATTORNEY'S FEES; AND RELATED RELIEF</p>
<p>05/07/2019 Notice of Hearing ▼</p> <p>Comment Notice of Hearing</p>
<p>05/22/2019 Order ▼</p> <p>Comment Order from January 14, Hearing</p>
<p>05/22/2019 Receipt ▼</p> <p>Comment Receipt of Check</p>
<p>05/22/2019 Notice of Entry of Order ▼</p> <p>Comment Notice of Entry of Order</p>
<p>05/23/2019 Family Court Motion Opposition Fee Information Sheet ▼</p> <p>Comment Motion/Opposition Fee Information Sheet</p>

05/23/2019 Opposition ▼

Comment

Special Appearance Opposition to Defendant's Motion for An Order to Show Cause; to Enforce Subpoena; For Attorney's Fees; and Related Relief

06/03/2019 Minute Order ▼

Judicial Officer

Henderson, Bill

Hearing Time

4:35 PM

Result

Minute Order - No Hearing Held

06/04/2019 Motion ▼

Judicial Officer

Henderson, Bill

Hearing Time

9:00 AM

Cancel Reason

Vacated - per Judge

Comment

Defendant's Motion For An Order To Show Cause; To Enforce Subpoena; For Attorney's Fees; And Related Relief

06/04/2019 Opposition ▼

Judicial Officer

Henderson, Bill

Hearing Time

9:00 AM

Cancel Reason

Vacated - per Judge

Comment

Special Appearance Opposition to Defendant's Motion for an Order to Show Cause; to Enforce Subpoena; for Attorney's Fees; and Related Relief

06/18/2019 Stipulation and Order ▼

Comment

Stipulation and Order to Continue Hearing

06/18/2019 Notice of Entry of Stipulation and Order ▼

ROA000106

Comment  
Notice of Entry of Stipulation and Order

06/19/2019 Receipt ▼

Comment  
Receipt of Check

06/25/2019 Motion ▼

Judicial Officer  
Henderson, Bill

Hearing Time  
1:30 PM

Cancel Reason  
Vacated - per Stipulation and Order

Comment  
Plaintiff's Motion for Partial Summary Judgement.

06/26/2019 Re-Notice ▼

Comment  
RE- NOTICE OF DEFENDANT'S MOTION FOR AN ORDER TO  
SHOW CAUSE; TO ENFORCE SUBPOENA; FOR ATTORNEY'S  
FEES; AND RELATED RELIEF

06/26/2019 Notice of Hearing ▼

Comment  
Notice of Hearing

06/28/2019 Re-Notice of Motion ▼

Comment  
Re-Notice of Defendant's Motion for an Order to Show Cause; to  
Enforce Subpoena; for Attorney's Fees; and Related Relief

07/17/2019 Receipt ▼

Comment  
Receipt of Check

07/19/2019 Notice of Association of Counsel ▼

Comment  
Notice of Association of Co-Counsel

07/19/2019 Re-Notice of Motion ▼

ROA000107

Comment

Re-Notice of Defendant's Motion for an Order to Show Cause; to Enforce Subpoena; for Attorney's Fees; and Related Relief

07/23/2019 Motion ▼

Comment

Def't's Motion for Orders for Return of Assets, for Enforcement of the Joint Preliminary Injunction, to Disqualify Counsel for Sean Stone and Reza Sheikhai, and for Attorney's Fees

07/24/2019 Order ▼

Comment

Order from March 26, 2019, Hearing

07/25/2019 Notice of Association of Counsel ▼

Comment

Notice of Association of Counsel

07/26/2019 Notice of Entry ▼

Comment

Notice of Entry of Order from March 26, 2019, Hearing

07/30/2019 Motion ▼

Comment

Plaintiff's Motion for Order to Show Cause; to Compel Discovery; for a Bass-Davis Instruction; for Sanctions for Failing to Give Notice of Intent to Serve Subpoena and Sanctions for Failure to Serve Subpoena Documents Pursuant to NRCP 45

07/30/2019 Exhibits ▼

Comment

Exhibits to Plaintiff's Motion for Order to Show Cause; to Compel Discovery; for a Bass-Davis Instruction; for Sanctions for Failing to Give Notice of Intent to Serve Subpoena and Sanctions for Failure to Serve Subpoena Documents Pursuant to NRCP 45

07/30/2019 Notice of Hearing ▼

Comment

Notice of Hearing

08/02/2019 Opposition ▼

Comment

Defendant's Opposition to Plaintiff's Motion for Partial Summary Judgment and Countermotion

08/02/2019 Exhibits ▼

Comment

**APPENDIX OF EXHIBITS FOR OPPOSITION TO MOTION FOR  
PARTIAL SUMMARY JUDGMENT**

08/06/2019 Opposition ▼

Comment

**Renewed Special Appearance Opposition to Defendant's Motion for  
an Order to Show Cause; to Enforce Subpoena; for Attorney's Fees;  
and Related Relief**

08/07/2019 Opposition to Motion ▼

Comment

**Special Appearance Limited Opposition to Defendant's Motion for  
Orders for Return of Assets, for Enforcement of the Joint Preliminary  
Injunction, To Disqualify Counsel for Sean Stone and Reza Sheikhai,  
and for Attorney's fees**

08/07/2019 Notice of Hearing ▼

Comment

**Notice of Hearing**

08/13/2019 Opposition and Countermotion ▼

Comment

**Plaintiff's Opposition to "Defendant's Motion for Orders for Return of  
Assets, for Enforcement of the Joint Petition" and Countermotion for  
Sanctions, Attorney's Fees and Costs**

08/13/2019 Exhibits ▼

Comment

**Exhibits to Plaintiff's Opposition to "Defendant's Motion for Order for  
Return of Assets, for Enforcement of the Joint Petition" and  
Countermotion for Sanctions, Attorney's Fees and Costs**

08/14/2019 Motion to Continue ▼

Comment

**Motion to Continue and Consolidate Hearings**

08/14/2019 Notice of Hearing ▼

Comment

**Notice of Hearing**

08/14/2019 Ex Parte Application for Order ▼



Comment  
Ex Parte Application for Order Shortening Time

08/15/2019 Reply to Opposition ▼

Comment  
Defendant's Reply to Renewed Special Appearance Opposition to Defendant's Motion for Order to Show Cause; To Enforce Subpoena; for Attorney's Fees; and Related Relief

08/16/2019 Notice ▼

Comment  
Plaintiff's Notice to Vacate Motion to Continue and Consolidate Hearings

08/21/2019 Motion ▼

Judicial Officer  
Fic, Holly

Hearing Time  
1:30 PM

Result  
Matter Continued

Comment  
Re-Notice of Defendant's Motion for an Order to Show Cause; to Enforce Subpoena; for Attorney's Fees; and Related Relief - Moved at the request of Judge Henderson

08/21/2019 Opposition ▼

Judicial Officer  
Fic, Holly

Hearing Time  
1:30 PM

Result  
Matter Continued

Comment  
Renewed Special Appearance Opposition to Defendant's Motion for an Order to Show Cause; to Enforce Subpoena; for Attorney's Fees; and Related Relief - Moved at the request of Judge Henderson

08/21/2019 Hearing ▼

Judicial Officer  
Fic, Holly

Hearing Time  
1:30 PM

ROA000110

Result

Matter Continued

Comment

Defendant's Reply to Renewed Special Appearance Opposition to Defendant's Motion for Order to Show Cause; To Enforce Subpoena; for Attorney's Fees; and Related Relief - at the request of Judge Henderson

08/21/2019 All Pending Motions ▼

Judicial Officer

Fic, Holly

Hearing Time

1:30 PM

Result

Matter Heard

Parties Present ▲

Plaintiff

Attorney: Cole, Lorien K

08/28/2019 Motion ▼

Judicial Officer

Fic, Holly

Hearing Time

1:30 PM

Result

Matter Heard

Comment

Plaintiff's Motion for Order to Show Cause; to Compel Discovery; for a Bass-Davis Instruction; for Sanctions for Failing to Give Notice of Intent to Serve Subpoena and Sanctions for Failure to Serve Subpoena Documents Pursuant to NRCP 45

Parties Present ▲

Plaintiff: Sheikhai, Hamid

Defendant: Botnari, Victor

Attorney: Page, Fred

Attorney: Hofland, Bradley J.

08/28/2019 Stipulation and Order ▼

Comment

Stipulation and Order to Continue Hearing

08/28/2019 Receipt of Copy ▼

ROA000111

Comment  
RECEIPT OF COPY

08/30/2019 Receipt of Copy ▼

Comment  
Receipt of Copy of Defendant's Amended Responses to Plaintiff's  
First Request for Production of Documents and CD-DVD-R  
Containing Exhibit 1

09/06/2019 Reply to Opposition ▼

Comment  
Plaintiff's Reply to "Defendant's Opposition to Motion for Partial  
Summary Judgment and Opposition to Countermotion for Attorney's  
Fees and Costs and Related Relief

09/06/2019 Motion ▼

Comment  
Notice of Motion and Motion to Seek Relief Before the Ninth Judicial  
District Court on the Issue of the Validity of the Underlying Decree of  
Annulment

09/06/2019 Ex Parte Application for Order ▼

Comment  
Ex Parte Application for an Order Shortening Time on Defendant's  
Motion T=to Seek Relief before the Ninth Judicial District Court on  
the Issue of the Validity of the Underlying Decree of Annulment

09/09/2019 All Pending Motions ▼

Judicial Officer  
Henderson, Bill

Hearing Time  
1:30 PM

Result  
Matter Heard

Parties Present ▲  
Plaintiff: Sheikhai, Hamid

Attorney: Cole, Lorien K

Defendant: Botnari, Victor

Attorney: Page, Fred

09/09/2019 Notice of Hearing ▼

Comment  
Notice of Hearing

ROA000112

<p>09/09/2019 Notice of Entry of Order ▼</p> <p>Comment</p> <p>Notice of Entry of Order Granting Motion to Change Venue</p>
<p>09/10/2019 Receipt of Copy ▼</p> <p>Comment</p> <p>Receipt of Copy</p>
<p>09/10/2019 Joint Preliminary Injunction ▼</p> <p>Comment</p> <p>JOINT PRELIMINARY INJUNCTION</p>
<p>09/18/2019 Notice of Entry of Decree ▼</p> <p>Comment</p> <p>Notice of Entry of Decree of Annulment</p>
<p>09/23/2019 Opposition ▼</p> <p>Comment</p> <p>Plaintiff's Opposition to Defendant's Motion for Protective Order Pursuant to NRCP 26(c) and for Attorney Fees and Plaintiff's Countermotion to Compel Defendant's Responses to Discovery, and Sanctions and Attorney Fees</p>
<p>09/23/2019 Ex Parte Application ▼</p> <p>Comment</p> <p>EX PARTE APPLICATION TO SEEK RELIEF BEFORE THE NINTH JUDICIAL DISTRICT COURT ON THE ISSUE OF THE VALIDITY OF THE UNDERLYING DECREE OF ANNULMENT</p>
<p>09/24/2019 Receipt ▼</p> <p>Comment</p> <p>Receipt of Check</p>
<p>09/24/2019 Receipt ▼</p> <p>Comment</p> <p>Receipt of Check</p>
<p>10/08/2019 Stipulation and Order ▼</p> <p>Comment</p> <p>Stipulation and Order to Continue Hearing</p>
<p>10/14/2019 Stipulation and Order ▼</p>

<p>Comment</p> <p>Stipulation and Order to Continue Hearing</p>
<p>10/14/2019 Notice of Entry of Stipulation and Order ▼</p> <p>Comment</p> <p>Notice of Entry of Stipulation and Order</p>
<p>10/22/2019 Stipulation and Order ▼</p> <p>Comment</p> <p>Stipulation and Order to Continue Hearing</p>
<p>10/24/2019 Receipt ▼</p> <p>Comment</p> <p>Receipt of Check</p>
<p>10/28/2019 Notice of Entry of Stipulation and Order ▼</p> <p>Comment</p> <p>Notice of Entry of Stipulation and Order to Continue Hearing</p>
<p>11/04/2019 Discovery Commissioners Report and Recommendations ▼</p> <p>Comment</p> <p>DISCOVERY COMMISSIONER'S REPORT AND RECOMMENDATIONS from 8/28/2019</p>
<p>11/07/2019 Notice of Entry of Decree ▼</p> <p>Comment</p> <p>Notice of Entry of Stipulated Decree of Divorce</p>
<p>11/08/2019 Clerk's Notice of Nonconforming Document ▼</p> <p>Comment</p> <p>Clerk's Notice of Nonconforming Document</p>
<p>11/21/2019 Reply to Opposition ▼</p> <p>Comment</p> <p>Defendant s Reply In Support Of Motion To Seek Relief Before The Ninth Judicial District Court On The Issue Of The Validity Of The Underlying Decree Of Annulment And Opposition To Countermotion For Sanctions, Attorney s Fees And Costs</p>
<p>11/21/2019 Exhibits ▼</p> <p>Comment</p> <p>Appendix Of Exhibits In Support Of Defendant s Reply In Support Of Motion To Seek Relief Before The Ninth Judicial District Court On</p>

The Issue Of The Validity Of The Underlying Decree Of Annulment  
And Opposition To Countermotion For Sanctions, Attorney s Fees  
And Costs

11/22/2019 Exhibits ▼

Comment

Appendix Of Exhibits In Support Of Defendant s Reply In Support Of  
Motion To Seek Relief Before The Ninth Judicial District Court On  
The Issue Of The Validity Of The Underlying Decree Of Annulment  
And Opposition To Countermotion For Sanctions, Attorney s Fees  
And Costs

11/25/2019 Motion ▼

Judicial Officer

Henderson, Bill

Hearing Time

1:30 PM

Result

Matter Resolved

Comment

Motion for Partial Summary Judgement

11/25/2019 Motion ▼

Judicial Officer

Henderson, Bill

Hearing Time

1:30 PM

Result

Denied in Part

Comment

Deft's Motion for Orders for Return of Assets, for Enforcement of the Joint  
Preliminary Injunction, to Disqualify Counsel for Sean Stone and Reza  
Sheikhai, and for Attorney's Fees

11/25/2019 Opposition ▼

Judicial Officer

Henderson, Bill

Hearing Time

1:30 PM

Result

Matter Heard

Comment

Special Appearance Limited Opposition to Deft's Motion for Orders for  
Return of Assets, for Enforcement of the Joint Preliminary Injunction, to

Disqualify Counsel for Sean Stone and Reza Sheikhai, and for Attorney's Fees

11/25/2019 Opposition & Countermotion ▼

Judicial Officer  
Henderson, Bill

Hearing Time  
1:30 PM

Result  
Matter Heard

Comment  
Plaintiff's Opposition to "Defendant's Motion for Orders for Return of Assets, for Enforcement of the Joint Petition" and Countermotion for Sanctions, Attorney's Fees and costs

11/25/2019 Motion ▼

Judicial Officer  
Henderson, Bill

Hearing Time  
1:30 PM

Result  
Matter Heard

Comment  
Plaintiff's Motion to Continue and Consolidate Hearings

11/25/2019 Hearing ▼

Judicial Officer  
Henderson, Bill

Hearing Time  
1:30 PM

Result  
Matter Heard

Comment  
Plaintiff's Reply to "Defendant's Opposition to Motion for Partial Summary Judgment and Opposition to Countermotion for Attorney's Fees and Costs and Related Relief

11/25/2019 Motion ▼

Judicial Officer  
Henderson, Bill

Hearing Time  
1:30 PM

ROA000116

Result  
Granted

Comment

Notice of Motion and Motion to Seek Relief Before the Ninth Judicial District Court on the Issue of the Validity of the Underlying Decree of Annulment

11/25/2019 Opposition & Countermotion ▼

Judicial Officer  
Henderson, Bill

Hearing Time  
1:30 PM

Result  
Matter Heard

Comment

Plaintiff's Opposition to Defendant's Motion for Protective Order Pursuant to NRCP 26(c) and for Attorney Fees and Plaintiff's Countermotion to Compel Defendant's Responses to Discovery, and Sanctions and Attorney Fees

11/25/2019 Hearing ▼

Judicial Officer  
Henderson, Bill

Hearing Time  
1:30 PM

Result  
Matter Heard

Comment

Defendant's Reply in Support of Motion to Seek Relief Before the Ninth Judicial District Court on The Issue of the Validity of the Underlying Decree of Annulment and Opposition to Countermotion for Sanctions, Attorney's Fees and Costs

11/25/2019 All Pending Motions ▼

Judicial Officer  
Henderson, Bill

Hearing Time  
1:30 PM

Result  
Matter Heard

Parties Present ▲

Plaintiff: Sheikhai, Hamid

Attorney: Cole, Lorien K

ROA000117



Defendant: Botnari, Victor

Attorney: Page, Fred

Attorney: Hofland, Bradley J.

11/25/2019 Order ▼

Comment

Order Referring to Senior Judge Settlement Program

12/06/2019 All Pending Motions ▼

Judicial Officer

Fic, Holly

Hearing Time

1:00 PM

Result

Off Calendar

12/23/2019 Discovery Commissioners Report and Recommendations ▼

Comment

DISCOVERY COMMISSIONER'S REPORT AND  
RECOMMENDATIONS from 12/06/19 Hearing

01/06/2020 Objection to Discovery Commissioners Report and  
Recommend ▼

Comment

Defendant's Objection to Pro Tem Discovery Hearing Master's  
Recommendation

01/07/2020 Receipt ▼

Comment

Receipt of Check

01/07/2020 Notice of Hearing ▼

Comment

Notice of Hearing

01/14/2020 Response ▼

Comment

Response to Defendant's Objection to Pro Tem Discovery Hearing  
Master's Recommendation

01/14/2020 Exhibits ▼

ROA000118

Comment

Exhibits to Response to Defendant's Objection to Pro Tem Discovery  
Hearing Master's Recommendation

01/14/2020 Memorandum ▼

Comment

Memorandum of Fees and Costs

01/27/2020 Order ▼

Comment

Order from November 25, Hearing

02/03/2020 Objection ▼

Judicial Officer

Henderson, Bill

Hearing Time

11:00 AM

Result

Matter Heard

Comment

Defendant's Objection to Pro Tem Discovery Hearing Master's  
Recommendation

Parties Present ▲

Plaintiff

Attorney: Cole, Lorien K

02/04/2020 Notice of Entry of Order ▼

Comment

Notice of Entry of Order from November 25, Hearing

02/04/2020 Receipt ▼

Comment

Receipt of Check

03/03/2020 Status Check ▼

Judicial Officer

Henderson, Bill

Hearing Time

1:30 PM

Cancel Reason

Vacated - per Attorney or Pro Per

ROA000119

Comment  
Status Check re: Discovery

03/09/2020 Receipt ▼

Comment  
Receipt of Check

04/07/2020 Notice ▼

Comment  
Notice of Intent to Appear by Communications Equipment

04/07/2020 Notice ▼

Comment  
Notice of Intent to Appear by Communications Equipment

04/07/2020 Notice ▼

Comment  
Notice of Intent to Appear by Communications Equipment

04/09/2020 Settlement Conference ▼

Judicial Officer  
Henderson, Bill

Hearing Time  
9:00 AM

Cancel Reason  
Vacated

Comment  
Senior Judge Settlement Conference

04/13/2020 Notice ▼

Comment  
Notice of Intent to Appear by Communication Equipment

04/14/2020 Status Check ▼

Judicial Officer  
Henderson, Bill

Hearing Time  
11:00 AM

Result  
Matter Heard

Comment  
Status Check re: Senior Judge Settlement Conference

ROA000120

Parties Present ▲

Defendant: Botnari, Victor

05/05/2020 Motion ▼

Comment

Plaintiff's Motion to Suspend Monthly Payments to Defendant

05/06/2020 Clerk's Notice of Hearing ▼

Comment

Notice of Hearing

05/19/2020 Opposition and Countermotion ▼

Comment

Defendant's Opposition to Plaintiff's Motion to Suspend Monthly Payments to Defendants and Countermotion for Attorney's Fees and Cost and related Relief

05/19/2020 Exhibits ▼

Comment

Appendix of Exhibits in Support of Defendant's Opposition to Plaintiff's Motion to Suspend Monthly Payments to Defendant and Countermotion for Attorneys Fees and Costs and Related Relief

05/19/2020 Exhibits ▼

Comment

Appendix of Exhibits in Support of Defendants Opposition

06/11/2020 Reply ▼

Comment

Plaintiff's Reply to "Defendant's Opposition to Motion to Suspend Monthly Payments to Defendant" and Opposition to "Countermotion for Attorney's Fees and Costs and Related Relief"

06/12/2020 Financial Disclosure Form ▼

Comment

Plaintiff's Financial Disclosure Form

06/15/2020 Minute Order ▼

Judicial Officer

Henderson, Bill

Hearing Time

7:00 AM

Result

Minute Order - No Hearing Held

06/18/2020 Motion to Strike ▼

Comment

Defendant's Notice of Motion to Strike Plaintiff's Reply to Defendant's Opposition to Motion to Suspend Monthly payments to Defendant and Opposition to Countermotion for Attorney's Fees and Costs and Related Relief

06/18/2020 Supplemental ▼

Comment

DEFENDANT S SUPPLEMENT TO OPPOSITION TO PLAINTIFF S MOTION TO SUSPEND MONTHLY PAYMENTS TO DEFENDANT AND COUNTERMOTION FOR ATTORNEY S FEES AND COSTS AND RELATED RELIEF

06/19/2020 Notice of Hearing ▼

Comment

Notice of Hearing

06/19/2020 Notice ▼

Comment

Notice of Intent to Appear by Communications Equipment [Hamid's appearance]

06/19/2020 Notice ▼

Comment

Notice of Intent to Appear by Communications Equipment [Lorien's appearance]

06/19/2020 Notice ▼

Comment

Notice of Intent to Appear by Communications Equipment [Marshal's appearance]

06/19/2020 Supplemental Exhibits ▼

Comment

Supplemental Exhibit to "Plaintiff's Financial Disclosure Form"

06/19/2020 Opposition and Countermotion ▼

Comment

Plaintiff's Opposition to "Motion to Strike" and Supplement to "Plaintiff's Reply to Defendant's Opposition to Motion to Suspend

Monthly Payments to Defendant' and Opposition to Countermotion  
for Attorney's Fees and Costs and Related Relief"

06/19/2020 Exhibits ▼

Comment

Exhibits to Plaintiff's Opposition to "Motion to Strike" and Supplement  
to "Plaintiff's Reply to Defendant's Opposition to Motion to Suspend  
Monthly Payments to Defendant' and Opposition to Countermotion  
for Attorney's Fees and Costs and Related Relief"

06/22/2020 Status Check ▼

Judicial Officer

Henderson, Bill

Hearing Time

11:00 AM

Result

Matter Heard

Comment

Status Check re: Settlement

06/22/2020 Motion ▼

Judicial Officer

Henderson, Bill

Hearing Time

11:00 AM

Result

Matter Heard

Comment

Plaintiff's Motion to Suspend Monthly Payments to Defendant

06/22/2020 Opposition & Countermotion ▼

Judicial Officer

Henderson, Bill

Hearing Time

11:00 AM

Result

Matter Heard

Comment

Deft's Oppositon To Pltff's Motion To Suspend Monthly Payments To Deft  
And Countermotion For Fees And Costs and Related Relief

06/22/2020 Motion ▼

ROA000123

Judicial Officer  
Henderson, Bill

Hearing Time  
11:00 AM

Result  
Matter Heard

Comment  
Plaintiff's Reply to "Defendant's Opposition to Motion to Suspend Monthly Payments to Defendant" and Opposition to "Countermotion for Attorney's Fees and Costs and Related Relief"

06/22/2020 All Pending Motions ▼

Judicial Officer  
Henderson, Bill

Hearing Time  
11:00 AM

Result  
Matter Heard

Parties Present ▲  
Plaintiff: Sheikhai, Hamid  
  
Attorney: Cole, Lorien K  
  
Defendant: Botnari, Victor  
  
Attorney: Hofland, Bradley J.

07/27/2020 Motion ▼

Judicial Officer  
Henderson, Bill

Hearing Time  
10:00 AM

Cancel Reason  
Vacated - Moot

Comment  
Defendant's Notice of Motion to Strike Plaintiff's Reply to Defendant's Opposition to Motion to Suspend Monthly payments to Defendant and Opposition to Countermotion for Attorney's Fees and Costs and Related Relief

07/29/2020 Motion for Order to Show Cause ▼

Comment  
Defendant's Motion for an Order to Show Cause and for Sanctions; Judgment on Promissory Note; for Defendant's Attorney's Fees and Related Relief

07/29/2020 Notice of Hearing ▼

ROA000124

Comment  
Notice of hearing

07/31/2020 Estimate of Transcript ▼

Comment  
OCTOBER 16, 2018; DECEMBER 3, 2018; NOVEMBER 25, 2019

08/03/2020 Order ▼

Comment  
Order After Hearing of June 22, 2020

08/04/2020 Notice of Entry ▼

Comment  
Notice of Entry of Order After June 22, 2020 Hearing

08/05/2020 Request Transcript of Proceedings ▼

Comment  
Request for Transcript of Proceedings

08/14/2020 Opposition ▼

Comment  
Plaintiff's Opposition to "Motion for Order to Show Cause and for Sanctions; Judgment on Promissory Note; for Defendant's Attorney's Fees and Costs" and Countermotion for Attorney's Fees and Costs

08/14/2020 Receipt ▼

Comment  
Receipt of Check

08/21/2020 Opposition and Countermotion ▼

Comment  
Plaintiff's Reply To Defendant's Opposition To Plaintiff's Motion For Order To Show Cause And For Sanctions; Judgment On Promissory Note; For Defendant's Attorney's Fees And Related Relief And Opposition To Countermotion For Attorney's Fees And Costs

08/21/2020 Reply ▼

Comment  
Plaintiff's Reply to Defendant's Opposition to Plaintiff's Motion for Order to Show Cause and for Sanctions; Judgment on Promissory Note; for Defendant's Attorney's Fees and Related Relief and Opposition to Countermotion for Attorney's Fees and Costs.

09/01/2020 Minute Order ▼

ROA000125



Judicial Officer  
Henderson, Bill

Hearing Time  
3:00 PM

Result  
Minute Order - No Hearing Held

09/04/2020 Transcript of Proceedings ▼

Comment  
DECEMBER 3, 2018

09/04/2020 Transcript of Proceedings ▼

Comment  
NOVEMBER 25, 2019

09/04/2020 Transcript of Proceedings ▼

Comment  
OCTOBER 16, 2018

09/04/2020 Certification of Transcripts Notification of Completion ▼

Comment  
OCTOBER 16, 2018; DECEMBER 3, 2018; NOVEMBER 25, 2019

09/09/2020 Expert Witness List ▼

Comment  
Defendant's Expert Witness Designation Pursuant to NRCP 16.2

09/10/2020 Association of Counsel ▼

Comment  
Notice of Association of Counsel

09/14/2020 Receipt ▼

Comment  
Receipt of Check

09/14/2020 Financial Disclosure Form ▼

Comment  
General Financial Disclosure Form

09/15/2020 Motion ▼

Judicial Officer  
Henderson, Bill

ROA000126

Hearing Time

1:30 PM

Cancel Reason

Vacated

Comment

Defendant's Motion for an Order to Show Cause and for Sanctions;  
Judgment on Promisory Note; for Defendant's Attorney's Fees and Related  
Relief

09/15/2020 Opposition & Countermotion ▼

Judicial Officer

Henderson, Bill

Hearing Time

1:30 PM

Cancel Reason

Vacated

Comment

Plaintiff's Opposition to Motion for Order to Show Cause and for Sanctions;  
Judgment on Promisory Note; for Defendant's Attorney's Fees and Costs  
and Countermotion for Attorney's Fees and Costs

09/15/2020 Hearing ▼

Judicial Officer

Henderson, Bill

Hearing Time

1:30 PM

Cancel Reason

Vacated

Comment

Plintiff's Reply to Defendant's Opposition to Plaintiff's Motion for Order to  
Show Cause and for Sanctions; Judgment on Promissory Note; for  
Defendant's Attorney's Fees and Related Relief and Opposition to  
Countermotion for Attorney's Fees and Costs.

09/15/2020 Opposition & Countermotion ▼

Judicial Officer

Henderson, Bill

Hearing Time

1:30 PM

Cancel Reason

Vacated

Comment

Plaintiff s Reply To Defendant s Opposition To Plaintiff s Motion For Order  
To Show Cause And For Sanctions; Judgment On Promissory Note; For

ROA000127

Defendant s Attorney s Fees And Related Relief And Opposition To  
Countermotion For Attorney s Fees And Costs

09/15/2020 Notice of Change of Address ▼

Comment

Defendant's Change of Address

10/15/2020 Status Check ▼

Judicial Officer

Henderson, Bill

Hearing Time

11:00 AM

Result

Evidentiary Hearing

Comment

re: Supreme Court Settlement Conference

Parties Present ▲

Plaintiff: Sheikhai, Hamid

Attorney: Cole, Lorien K

Defendant: Botnari, Victor

Attorney: Hofland, Bradley J.

10/15/2020 Notice of Entry of Order ▼

Comment

Notice of Entry of Order from December 3, 2018, Hearing

11/03/2020 Motion ▼

Comment

Defendant s Motion To Amend Or Make Additional Findings Of Fact;  
To Alter Or Amend The Judgment; To Set Evidentiary Hearing To  
Address Plaintiff s Fraud; And To Correct Clerical Error(S) Of The  
Court; And Related Relief

11/03/2020 Exhibits ▼

Comment

Exhibit Appendix in Support of Defendant s Motion To Amend Or  
Make Additional Findings Of Fact; To Alter Or Amend The Judgment;  
To Set Evidentiary Hearing To Address Plaintiff s Fraud; And To  
Correct Clerical Error(S) Of The Court; And Related Relief

11/05/2020 Notice of Hearing ▼

Comment

Notice of Hearing

ROA000128

11/05/2020 Objection ▼

Comment

Objection to Plaintiff's Ninth Supplemental List of Witnesses and Disclosures

11/23/2020 Opposition ▼

Comment

Plaintiff's Opposition to "Defendant's Motion to Amend or Make Additional Findings of Fact, to Alter or Amend the Judgment; to Set Evidentiary Hearing to Address Plaintiff's Fraud; and to Correct Clerical Error(s) of the Court, and Related Relief" and Counter-motion for Attorney's Fees and Costs

11/23/2020 Exhibits ▼

Comment

Exhibits to Plaintiff's Opposition to "Defendant's Motion to Amend or Make Additional Findings of Fact, to Alter or Amend the Judgment; to Set Evidentiary Hearing to Address Plaintiff's Fraud; and to Correct Clerical Error(s) of the Court, and Related Relief" and Counter-motion for Attorney's Fees and Costs

11/30/2020 Reply to Opposition ▼

Comment

Notice Of Plaintiff s Filing Of A Fugitive Document And Request And/Or Motion To Strike Said Fugitive Document And Defendant s Rely To Plaintiff s Purported Opposition To Defendant s Motion To Amend Or Make Additional Findings Of Fact; To Alter Or Amend The Judgment; To Set Evidentiary Hearing To Address Plaintiff s Fraud; And To Correct Clerical Error(S) Of The Court, And Related Relief And Opposition To Plaintiff s Impermissible Counter-motion For Attorney s Fees And Costs.

12/14/2020 Minute Order ▼

Judicial Officer

Henderson, Bill

Hearing Time

1:45 PM

Result

Minute Order - No Hearing Held

12/29/2020 Order ▼

Comment

Order From 10/15/20 Hearing

12/29/2020 Notice of Entry of Order ▼

ROA000129

Comment  
Notice of Entry of Order from October 15, 2020, Hearing

01/06/2021 Motion ▼

Comment  
Plaintiff's Motion to Compel Discovery, and for Attorney's Fees and Costs

01/06/2021 Exhibits ▼

Comment  
Exhibits to Plaintiff's Motion to Compel Discovery, and for Attorney's Fees and Costs

01/08/2021 Notice of Hearing ▼

Comment  
Notice of Hearing

01/08/2021 Brief ▼

Comment  
DEFENDANT S PRE-HEARING BRIEF AS DIRECTED BY THIS COURT ON OCTOBER 15, 2020

01/08/2021 Exhibits ▼

Comment  
APPENDIX OF EXHIBITS IN SUPPORT OF DEFENDANT S PRE-HEARING BRIEF AS DIRECTED BY THIS COURT ON OCTOBER 15, 2020

01/11/2021 Memorandum ▼

Comment  
Memorandum for Scope Hearing on January 21, 2021

01/21/2021 Evidentiary Hearing ▼

Judicial Officer  
Henderson, Bill

Hearing Time  
1:30 PM

Cancel Reason  
Vacated - per Stipulation and Order

Comment  
Re: Scope Hearing

01/21/2021 Motion ▼

ROA000130

Judicial Officer  
Henderson, Bill

Hearing Time  
1:30 PM

Cancel Reason  
Vacated - per Stipulation and Order

Comment  
Deft's Motion to Amend or Make Additional Findings of Fact; to Alter or Amend the Judgment; To Set Evidentiary Hearing to Address Plaintiff's Fraud; and to Correct Clerical Error(s) of the Court; and Related Relief

01/21/2021 Opposition ▼

Judicial Officer  
Henderson, Bill

Hearing Time  
1:30 PM

Cancel Reason  
Vacated - per Stipulation and Order

Comment  
Pltf's Opposition to Deft's Motion to Amend or Make Additional Findings of Fact; To Alter or Amend the Judgment; To Set Evidentiary Hearing to Address Pltf's Fraud; And to Correct Clerical Error(s) of the Court, And Related Relief and Countermotion for Attorney's Fees and Costs

01/21/2021 Hearing ▼

Judicial Officer  
Henderson, Bill

Hearing Time  
1:30 PM

Cancel Reason  
Vacated - per Stipulation and Order

Comment  
Notice of Pltf's Filing of a Fugitive Document and Request and/or Motion to Strike Said Fugitive Document and Deft's Reply to Plaintiff's Purported Opposition to Deft's Motion to Amend or Make Additional Findings of Fact; To Alter Or Amend the Judgment; To Set Evidentiary Hearing to Address Pltf's Fraud; and to Correct Clerical Error(s) of the Court, and Related Relief and Opposition to Pltf's Impermissible Countermotion for Attorney's Fees and Costs

01/21/2021 Stipulation and Order ▼

Comment  
Stipulation and Order to Vacate Hearings

01/22/2021 Notice of Entry of Stipulation and Order ▼

ROA000131

Comment

Notice of Entry of Stipulation and Order to Vacate Hearings Pending Settlement

01/29/2021 Notice of Withdrawal ▼

Comment

Notice of Withdrawal

02/18/2021 Motion ▼

Judicial Officer

Henderson, Bill

Hearing Time

10:00 AM

Cancel Reason

Vacated - per Stipulation and Order

Comment

Deft's Moton to Compel Discovery, and for Attorney's Fees and Costs

03/02/2021 Complaint ▼

Comment

Intervener's Complaint for Injunctive Relief and Damages

03/03/2021 Summons Electronically Issued - Service Pending ▼

Comment

Summons for Haid Sheikhai

03/03/2021 Summons Electronically Issued - Service Pending ▼

Comment

Summons for Victor Botnari

03/04/2021 Summons ▼

Unserved

03/04/2021 Summons ▼

Unserved

03/09/2021 Motion to Intervene ▼

Comment

Jessica Wilde-Guzun's Motion to Intervene

03/09/2021 Miscellaneous Filing ▼

ROA000132

<p>Comment</p> <p>Appendix to Jessica Wilde-Guzun's Motion to Intervene</p>
<p>03/11/2021 Clerk's Notice of Nonconforming Document ▼</p> <p>Comment</p> <p>Clerk's Notice of Nonconforming Document</p>
<p>03/12/2021 Notice of Hearing ▼</p> <p>Comment</p> <p>Notice of Hearing</p>
<p>03/12/2021 Ex Parte Application ▼</p> <p>Comment</p> <p>Ex-Parte Application for Jessica Wilde-Guzun's Motion to Intervene</p>
<p>03/14/2021 Substitution of Attorney ▼</p> <p>Comment</p> <p>Substitution of Attorney</p>
<p>03/18/2021 Order Shortening Time ▼</p> <p>Comment</p> <p>Order Shortening Time</p>
<p>03/19/2021 Acceptance of Offer of Judgment ▼</p> <p>Comment</p> <p>Defendant Victor Botnari's Acceptance of Plaintiff, Hamid Sheikhai's Second Offer of Judgment</p>
<p>03/22/2021 Evidentiary Hearing ▼</p> <p>Judicial Officer</p> <p>Henderson, Bill</p> <p>Hearing Time</p> <p>1:30 PM</p> <p>Cancel Reason</p> <p>Vacated - per Stipulation and Order</p> <p>Comment</p> <p>Re: Financial (Day 1)</p>
<p>03/22/2021 Notice ▼</p> <p>Comment</p> <p>Notice of Hearing</p>



03/23/2021 Evidentiary Hearing ▼

Judicial Officer  
Henderson, Bill

Hearing Time  
1:30 PM

Cancel Reason  
Vacated - per Stipulation and Order

Comment  
RE: Financial (Day2)

03/23/2021 Opposition and Countermotion ▼

Comment  
Defendant s Opposition To Jessica Wilde-Guzun s Motion To Intervene And Countermotion For Sanctions; To Strike Fugitive Documents; For Attorney s Fees And Costs And Related Relief.

03/24/2021 Notice of Hearing ▼

Comment  
Notice of Hearing

04/01/2021 Motion ▼

Judicial Officer  
Henderson, Bill

Hearing Time  
1:30 PM

Comment  
Jessica Wilde-Guzun's Motion to Intervene

## Financial

Sheikhai, Hamid

Total Financial Assessment	\$420.50
Total Payments and Credits	\$420.50

ROA000134

9/18/2018	Transaction Assessment			\$217.00
9/18/2018	Efile Payment	Receipt # 2018-61927-CCCLK	Sheikhai, Hamid	(\$217.00)
4/2/2019	Transaction Assessment			\$200.00
8/7/2019	Transaction Assessment			\$3.50
8/7/2019	Efile Payment	Receipt # 2019-48217-CCCLK	Sheikhai, Hamid	(\$3.50)
7/16/2020	Payment (Mail)	Receipt # 2020-11945-FAM	Willick, Marshal Shawn	(\$200.00)
Botnari, Victor				
	Total Financial Assessment			\$723.50
	Total Payments and Credits			\$723.50
8/16/2018	Transaction Assessment			\$270.00
8/16/2018	Payment (Window)	Receipt # 2018-23378-FAM	Leventhal, Todd M.	(\$270.00)
8/29/2018	Transaction Assessment			\$450.00
8/29/2018	Efile Payment	Receipt # 2018-57595-CCCLK	Botnari, Victor	(\$450.00)
5/23/2019	Transaction Assessment			\$3.50
5/23/2019	Efile Payment	Receipt # 2019-31622-CCCLK	Botnari, Victor	(\$3.50)
Wilde-Guzun, Jessica				
	Total Financial Assessment			\$295.00
	Total Payments and Credits			\$295.00
3/2/2021	Transaction Assessment			\$270.00
3/2/2021	Efile Payment	Receipt # 2021-12323-CCCLK	Wilde-Guzun, Jessica	(\$270.00)
3/9/2021	Transaction Assessment			\$25.00

3/9/2021	Efile	Receipt #	Wilde-	(\$25.00)
	Payment	2021-13831-	Guzun,	
		CCCLK	Jessica	

.....

# **Exhibit 3**

[Skip to Main Content](#) [Logout My Account](#) [Search Menu](#) [New District Civil/Criminal Search](#) [Refine Search](#) [Back](#) Location : District Court Civil/Criminal [Help](#)

## REGISTER OF ACTIONS

CASE No. A-19-805955-C

Vitiok LLC, Plaintiff(s) vs. SLC, LLC, Defendant(s)

§  
§  
§  
§  
§  
§

Case Type: **Other Civil Matters**

Date Filed: **11/22/2019**

Location: **Department 22**

Cross-Reference Case Number: **A805955**

### PARTY INFORMATION

Counter Claimant	Sheikhai, Hamid	Lead Attorneys Marshal Shawn Willick <i>Retained</i> 702-438-4100(W)
Counter Defendant	Vitiok LLC	Todd M. Leventhal <i>Retained</i> 702-472-8686(W)
Cross Claimant	Sheikhai, Hamid	Marshal Shawn Willick <i>Retained</i> 702-438-4100(W)
Cross Defendant	Botnari, Victor	
Defendant	Amiryavari, Zohreh	Robert A. Rabbat <i>Retained</i> 702-468-0808(W)
Defendant	Sheikhai, Hamid	Marshal Shawn Willick <i>Retained</i> 702-438-4100(W)
Defendant	SLC, LLC	Robert A. Rabbat <i>Retained</i> 702-468-0808(W)
Plaintiff	Vitiok LLC	Todd M. Leventhal <i>Retained</i> 702-472-8686(W)

### EVENTS & ORDERS OF THE COURT

09/09/2020	<b>DISPOSITIONS</b>
	<b>Order of Dismissal</b> (Judicial Officer: Johnson, Susan) Debtors: Vitiok LLC (Plaintiff) Creditors: SLC, LLC (Defendant), Hamid Sheikhai (Defendant), Zohreh Amiryavari (Defendant) Judgment: 09/09/2020, Docketed: 09/10/2020 Comment: In Part /Certain Causes
11/22/2019	<b>OTHER EVENTS AND HEARINGS</b>
	<b>Complaint</b>

Complaint For Damages

11/22/2019 **Ex Parte Application**  
*Ex Parte Application (And Order) For Temporary Restraining Order And Motion For Preliminary Injunction*

11/22/2019 **Motion for Preliminary Injunction**  
*Motion for Preliminary Injunction*

11/22/2019 **Summons Electronically Issued - Service Pending**  
*Summons*

11/25/2019 **Clerk's Notice of Hearing**  
*Notice of Hearing*

11/27/2019 **Clerk's Notice of Nonconforming Document**  
*Clerk's Notice of Nonconforming Document*

12/05/2019 **Ex Parte Application**  
*Ex Parte Application for Temporary Restraining Order and Motion for Preliminary Injunction*

12/05/2019 **Affidavit of Service**  
*Affidavit of Service*

12/05/2019 **Application**  
*Application for Order Shortening Time*

12/09/2019 **Order Shortening Time**  
*Order Shortening Time*

12/10/2019 **Affidavit of Service**  
*Affidavit of Service- SLC LLC*

12/10/2019 **Affidavit of Service**  
*Affidavit of Service - Zohreh Amiry Avari*

12/10/2019 **Affidavit of Service**  
*Affidavit of Service - Hamid Shekhai*

12/10/2019 **Certificate of Service**  
*Certificate of Service*

12/16/2019 **Opposition and Countermotion**  
*Defendant's Opposition to "Plaintiff's Motion for Preliminary Injunction" and Countermotion for Attorney's Fees and Costs*

12/16/2019 **Exhibits**  
*Exhibits to Defendant's Opposition to "Plaintiff's Motion for Preliminary Injunction" and Countermotion for Attorney's Fees and Costs*

12/16/2019 **Application**  
*Defendant's Application for Enlargement of Time to Serve Plaintiff*

12/17/2019 **Motion** (8:30 AM) (Judicial Officer Johnson, Susan)  
*Plaintiff's Motion for Preliminary Injunction*  
[Parties Present](#)  
[Minutes](#)  
*01/02/2020 Reset by Court to 12/17/2019*

Result: Denied

12/17/2019 **Clerk's Notice of Hearing**  
*Notice of Hearing*

12/27/2019 **Notice of Intent to Take Default**  
*N.R.C. P. Rule 55(b), Notice of Intent to Apply for Default*

12/31/2019 **Answer to Complaint**  
*Defendants' Answer to "Complaint for Damages"*

12/31/2019 **Initial Appearance Fee Disclosure**  
*Initial Appearance Fee Disclosure (NRS Chapter 19)*

01/03/2020 **Initial Appearance Fee Disclosure**  
*Initial Appearance Fee Disclosure*

01/03/2020 **Motion to Consolidate**  
*Motion to Consolidate Cases*

01/06/2020 **Clerk's Notice of Hearing**  
*Notice of Hearing*

01/06/2020 **Default**  
*(Set Aside 7/13/20) Default*

01/10/2020 **Request for Exemption From Arbitration**  
*Request for Exemption from Arbitration*

01/14/2020 **Recorders Transcript of Hearing**  
*Plaintiff's Motion for Preliminary Injunction December 17, 2019*

01/21/2020 **CANCELED Motion** (8:30 AM) (Judicial Officer Johnson, Susan)  
*Vacated - Moot*  
*Defendant's Application for Enlargement of Time to Serve Plaintiff*

01/29/2020 **Commissioners Decision on Request for Exemption - Granted**  
*Commissioner's Decision on Request for Exemption - GRANTED*

02/04/2020 **CANCELED Motion to Consolidate** (8:30 AM) (Judicial Officer Johnson, Susan)  
*Vacated*  
*Defendant's Motion to Consolidate Cases*

02/06/2020 **Order**  
*Order Regarding Plaintiff's Motion for Preliminary Injunction*

02/13/2020 **Notice of Entry of Order**  
*Notice of Entry of Order Regarding Plaintiff's Motion for Preliminary Injunction*

03/03/2020 **Motion for Attorney Fees and Costs**  
*Motion for Attorney's Fees and Costs*

03/04/2020 **Clerk's Notice of Hearing**  
*Notice of Hearing*

03/09/2020 **Motion to Seal/Redact Records**  
*DENIED 4/2/20 Motion to Seal Case Records (filed by Hamid Shekhai)*

03/11/2020 **Clerk's Notice of Hearing**  
*Clerk's Notice of Hearing*

03/17/2020 **Opposition**  
*Opposition to Motion for Attorney's Fees and Costs*

03/23/2020 **Opposition and Countermotion**

3/24/2021

<https://www.clarkcountycourts.us/Anonymous/CaseDetail.aspx?CaseID=12005173>

*Plaintiff's Opposition To Defendant Hamid Sheikhai's Motion To Seal Case Records And Countermotion For Attorney's Fees And Costs*

04/01/2020 **Reply to Opposition**  
*Defendant's Reply to "Plaintiff's Opposition to Defendant Hamid Sheikhai's Motion to Seal Records" and Opposition to "Countermotion for Attorney's Fees and Costs"*

04/02/2020 **Minute Order** (3:00 AM) (Judicial Officer Johnson, Susan)  
[Minutes](#)  
Result: Minute Order - No Hearing Held

04/07/2020 **CANCELED Motion for Attorney Fees and Costs** (8:30 AM) (Judicial Officer Johnson, Susan)  
*Vacated - Previously Decided*  
*Defendant's Motion for Attorney's Fees and Costs*

04/09/2020 **CANCELED Motion to Seal/Redact Records** (9:00 AM) (Judicial Officer Johnson, Susan)  
*Vacated - Previously Decided*  
*Defendant's Motion to Seal Case Records*

04/09/2020 **CANCELED Opposition and Countermotion** (9:00 AM) (Judicial Officer Johnson, Susan)  
*Vacated - Previously Decided*  
*Plaintiff's Opposition To Defendant Hamid Sheikhai's Motion To Seal Case Records And Countermotion For Attorney's Fees And Costs*

04/16/2020 **Notice of Entry**  
*Notice of Entry of Order After April 02, 2020 Minute Order*

04/16/2020 **Notice of Early Case Conference**  
*Notice of Early Case Conference*

04/16/2020 **Order**  
*Order After April 02, 2020 Minute Order*

04/17/2020 **Order**  
*Order After April 02, 2020 Minute Order*

04/17/2020 **Amended Notice of Entry of Order**  
*Amended Notice of Entry of Order After April 02, 2020 Minute Order*

05/26/2020 **Joint Case Conference Report**  
*Joint Case Conference Report*

05/26/2020 **Certificate of Service**  
*Certificate of Service*

05/27/2020 **Order Scheduling Status Check**  
*Order Scheduling Status Check*

06/09/2020 **Notice of Appearance**  
*Notice of Appearance*

06/10/2020 **Status Check** (8:30 AM) (Judicial Officer Johnson, Susan)  
**06/10/2020, 06/23/2020**  
*Status Check re: JCCR*  
[Parties Present](#)  
[Minutes](#)  
Result: Matter Continued

06/10/2020 **Order**  
*Order Striking Default Entered Against Defendant SLC, LLC*

06/10/2020 **Order**  
*Order Striking Errata to Defendant's Answer to "Complaint for Damages" filed January 9, 2020*

06/18/2020 **Motion to Set Aside**  
*Defendant Zohreh Amiryavari's Motion to Set Aside Default*

06/18/2020 **Initial Appearance Fee Disclosure**  
*Initial Appearance Fee Disclosure (NRS Chapter 19)*

06/18/2020 **Notice of Appearance**  
*Notice of Appearance for Defendant Zohreh Amiryavari and Demand for Prior Discovery*

06/19/2020 **Clerk's Notice of Hearing**  
*Notice of Hearing*

07/09/2020 **Amended Joint Case Conference Report**  
*Amended Joint Case Conference Report*

07/13/2020 **Order**  
*Order Scheduling Mandatory Rule 16 Conference*

07/13/2020 **Minute Order** (3:00 AM) (Judicial Officer Johnson, Susan)  
[Minutes](#)  
Result: Minute Order - No Hearing Held

07/14/2020 **Notice**  
*Notice of Intent to Appear by Telephone*

07/14/2020 **Order Granting Motion**  
*ORDER GRANTING DEFENDANT ZOHREH AMIRYAVARI'S MOTION TO SET ASIDE DEFAULT*

07/21/2020 **CANCELED Motion to Set Aside** (8:30 AM) (Judicial Officer Johnson, Susan)  
*Vacated - Previously Decided*  
*Defendant Zohreh Amiryavari's Motion to Set Aside Default*

07/23/2020 **Motion to Dismiss**  
*Defendant Amiryavari's Motion to Dismiss*

07/24/2020 **Clerk's Notice of Hearing**  
*Notice of Hearing*

07/24/2020 **Motion**  
*Motion to File Amended Answer and Counterclaim*

07/27/2020 **Clerk's Notice of Hearing**  
*Notice of Hearing*

07/29/2020 **Mandatory Rule 16 Conference** (8:30 AM) (Judicial Officer Johnson, Susan)  
[Parties Present](#)  
[Minutes](#)  
Result: Trial Date Set

07/29/2020 **Scheduling and Trial Order**  
*Scheduling Order and Order Setting Civil Bench Trial*

08/05/2020 **Substitution of Attorney**

<https://www.clarkcountycourts.us/Anonymous/CaseDetail.aspx?CaseID=12005173>

3/6

ROA000140

Substitution of Counsel for SLC, LLC

08/06/2020 **Opposition to Motion to Dismiss**  
Plaintiff's Opposition To Defendant Zohreh Amiry Avari's Motion To Dismiss And Countermotion For Attorney's Fees And Costs

08/07/2020 **Opposition and Countermotion**  
Plaintiff's Opposition to Defendant Hamid Sheikhai's Motion to File Amended Answer and Counterclaim and Countermotion for Attorney's Fees and Costs

08/13/2020 **Objection**  
Objection to Defendant SLC, LLC's Initial Disclosure of Witness and Documents

08/18/2020 **Reply to Opposition**  
Reply to Plaintiff's Opposition to Defendant Zohreh Amiryavari's Motion to Dismiss and Opposition to Countermotion for Attorney's Fees and Costs

08/24/2020 **Reply to Opposition**  
Defendant, Hamid Sheikhai's Reply to Plaintiff's Opposition to Motion to File Amended Answer and Countermotion and Countermotion for Attorney's Fees and Costs

08/25/2020 **Motion to Dismiss** (8:30 AM) (Judicial Officer Johnson, Susan)  
Defendant Amiryavari's Motion to Dismiss

08/25/2020 **Motion** (8:30 AM) (Judicial Officer Johnson, Susan)  
Motion to File Amended Answer and Counterclaim

08/25/2020 **Opposition and Countermotion** (8:30 AM) (Judicial Officer Johnson, Susan)  
Plaintiff's Opposition to Defendant Hamid Sheikhai's Motion to File Amended Answer and Counterclaim and Countermotion for Attorney's Fees and Costs

08/25/2020 **All Pending Motions** (8:30 AM) (Judicial Officer Johnson, Susan)  
[Parties Present](#)  
[Minutes](#)

Result: Matter Heard

09/09/2020 **Order Granting Motion**  
Order Granting Defendant Zohreh Amiryavari's Motion to Dismiss In Part

09/09/2020 **Expert Witness Designation**  
Plaintiff's Expert Witness Designation Pursuant to NRCP 16.1

09/11/2020 **List of Witnesses**  
Plaintiff's Initial List of Witnesses and Disclosure of Documents

09/22/2020 **Notice of Association of Counsel**  
Notice of Association of Counsel

09/24/2020 **Answer to Complaint**  
Defendant Zohreh Amiryavari's Answer to Complaint for Damages; Demand for Jury Trial

10/08/2020 **Objection**  
Defendant SLC, LLC's Objections to Plaintiff's Initial Early Case Conference List of Witnesses and Documents Pursuant to NRCP 16.1

10/09/2020 **Objection**  
Defendant, Hamid Sheikhai's, Joinder to Defendant SLC, LLC's Objections to Plaintiff's Initial Early Case Conference List of Witnesses and Documents Pursuant to NRCP 16.1

10/10/2020 **Order Granting Motion**  
Order Granting Defendant's Motion for Leave to Amend the Answer and Counterclaim

10/12/2020 **Notice of Entry**  
Notice of Entry of Order Granting Defendant's Motion for Leave to Amend the Answer and Counterclaim

10/22/2020 **Answer**  
Complaint for Damages and Demand for Jury Trial; Defendant Hamid Sheikhai's Answer, Counterclaim, and Cross Claims, and Demand for Jury Trial

10/26/2020 **Application**  
Application for Temporary Restraining Order

10/26/2020 **Amended Answer**  
Defendant's Amended Answer, Counterclaim, and Cross Claims, and Demand for Jury Trial

10/26/2020 **Motion for Protective Order**  
Defendants' Motion for Protective Order

10/26/2020 **Objection**  
Objection to Notice of Intent to take Subpoena Duces Tecum - State of Nevada DMV

10/26/2020 **Objection**  
Objection to Notice of Intent to take Subpoena Duces Tecum - State of Nevada Dept. of Taxation

10/26/2020 **Objection**  
Objection to Notice of Intent to take Subpoena Duces Tecum - State of Nevada Secretary of State

10/26/2020 **Objection**  
Objection to Notice of Intent to take Subpoena Duces Tecum - Mitchell1

10/27/2020 **Clerk's Notice of Hearing**  
Notice of Hearing

11/05/2020 **Objection**  
Objection to Defendant Hamid Sheikhai's First Supplemental List of Witnesses and Disclosures

11/09/2020 **Opposition**  
Plaintiff's Response To Defendant's Objections And Opposition To Motion For Protective Order And Countermotion For Attorney's Fees And Related Relief

11/09/2020 **Opposition**  
Plaintiff's Response/Opposition To Defendant Hamid Sheikhai's Application For Temporary Protection Order And Countermotion For Attorney's Fees And Related Relief

11/09/2020 **Supplement to List of Witnesses & Documents**  
Plaintiff's Second Supplemental List of Witnesses and Disclosure of Documents

11/23/2020 **Reply**  
Reply ISO Defendant's Motion for Protective Order

11/24/2020 **Notice of Change of Hearing**  
Notice of Change of Hearing

11/24/2020 **Motion to Dismiss**  
Plaintiff's Motion to Dismiss Defendant's Counterclaim and Cross Claims

11/30/2020 **Clerk's Notice of Hearing**  
Notice of Hearing

12/01/2020 **Motion for Protective Order** (9:30 AM) (Judicial Officer Truman, Erin)  
Defendants' Motion for Protective Order



	<a href="#">Parties Present</a>
	<a href="#">Minutes</a>
	Result: Granted in Part
12/01/2020	<b>CANCELED Opposition and Countermotion</b> (9:30 AM) (Judicial Officer Truman, Erin) <i>Vacated - Set in Error</i> <i>Plaintiff's Response to Defendant's Objections and Opposition to Motion for Protective Order and Countermotion for Attorneys Fees and Related Relief</i>
12/04/2020	<b>Motion for Summary Judgment</b> <i>Motion for Summary Judgment, or in the Alternative, Partial Summary Judgment, Leave to Amend, and for Stay</i>
12/07/2020	<b>Clerk's Notice of Hearing</b> <i>Notice of Hearing</i>
12/10/2020	<b>Opposition and Countermotion</b> (9:00 AM) (Judicial Officer Johnson, Susan) <i>Plaintiff's Response/Opposition to Defendant Hamid Sheikhai's Application for Temporary Protection Order and Countermotion for Attorney's Fees and Related Relief</i> <a href="#">Parties Present</a> <a href="#">Minutes</a> <i>12/01/2020 Reset by Court to 12/10/2020</i>
	Result: Under Advisement
12/11/2020	<b>Stipulation and Order</b> <i>Stipulation and Order Extending Briefing on the Plaintiff's Motion to Dismiss Defendants Counterclaim and Cross Claims</i>
12/11/2020	<b>Opposition to Motion to Dismiss</b> <i>Joint Opposition to Motion to Dismiss Defendants' Counterclaim and Crossclaims</i>
12/15/2020	<b>Minute Order</b> (3:00 AM) (Judicial Officer Johnson, Susan) <a href="#">Minutes</a>
	Result: Minute Order - No Hearing Held
12/15/2020	<b>Supplemental Disclosure of Witnesses &amp; Documents</b> <i>Plaintiff's Third Supplemental List of Witnesses and Disclosure of Documents</i>
12/16/2020	<b>Status Check: Trial Readiness</b> (8:30 AM) (Judicial Officer Johnson, Susan) <a href="#">Parties Present</a> <a href="#">Minutes</a>
	Result: Matter Heard
12/18/2020	<b>Stipulation and Order to Extend Discovery Deadlines</b> <i>Stipulation and Order Regarding Discovery Deadlines and Trial (First Request)</i>
12/18/2020	<b>Amended Order Setting Civil Non-Jury Trial</b> <i>First Amended Order Setting Civil Bench Trial</i>
12/18/2020	<b>Notice of Entry</b> <i>Notice of Entry of Stipulation and Order regarding Discovery Deadlines and Trial</i>
12/18/2020	<b>Opposition and Countermotion</b> <i>Plaintiff's Opposition to Defendants' Motion for Summary Judgment, or in the Alternative, Partial Summary Judgment, Leave to Amend, and for Stay and Countermotion for Attorney's Fees and Costs</i>
12/21/2020	<b>Supplemental Disclosures</b> <i>Plaintiff's Fourth Supplemental List of Witnesses and Disclosure of Documents</i>
12/22/2020	<b>Reply to Opposition</b> <i>Plaintiff's Reply to Joint Opposition to Plaintiff's Motion to Dismiss Defendants' Counterclaim and Crossclaims.</i>
12/31/2020	<b>Reply</b> <i>Defendant's Reply to Plaintiff's Opposition to Defendant's Motion for Summary Judgment, or in the Alternative, Partial Summary Judgment, Leave to Amend, to for Stay and Countermotion for Leave to File its Amended Complaint and Attorney's Fees and Costs</i>
01/07/2021	<b>Motion to Dismiss</b> (9:00 AM) (Judicial Officer Johnson, Susan) <i>Plaintiff's Motion to Dismiss Defendant's Counterclaim and Cross Claims</i> <i>12/29/2020 Reset by Court to 01/05/2021</i> <i>01/05/2021 Reset by Court to 01/07/2021</i>
	Result: Granted in Part
01/07/2021	<b>Status Check: Compliance</b> (3:00 AM) (Judicial Officer Truman, Erin) <i>Status Check: Compliance / 12-1-2020 DCRR</i> <a href="#">Minutes</a>
	Result: Matter Continued
01/07/2021	<b>Motion for Summary Judgment</b> (9:00 AM) (Judicial Officer Johnson, Susan) <i>Defendant's Motion for Summary Judgment, or in the Alternative, Partial Summary Judgment, Leave to Amend, and for Stay</i>
	Result: Motion Denied
01/07/2021	<b>Evidentiary Hearing</b> (9:00 AM) (Judicial Officer Johnson, Susan) <i>Evidentiary Hearing: Mr. Sheikhai's Motion for Preliminary Injunction</i>
	Result: Motion Denied
01/07/2021	<b>Opposition and Countermotion</b> (9:00 AM) (Judicial Officer Johnson, Susan) <i>Plaintiff's Opposition to Defendants' Motion for Summary Judgment, or in the Alternative, Partial Summary Judgment, Leave to Amend, and for Stay and Countermotion for Attorney's Fees and Costs</i>
	Result: Motion Denied
01/07/2021	<b>All Pending Motions</b> (9:00 AM) (Judicial Officer Johnson, Susan) <a href="#">Parties Present</a> <a href="#">Minutes</a>
	Result: Matter Heard
01/08/2021	<b>Supplement</b> <i>Supplemental Appendix Of Exhibits In Support Of Plaintiff's Response/ Opposition To Defendant Hamid Sheikhai's Application For Temporary Protection Order And Countermotion For Attorney's Fees And Related Relief</i>
01/11/2021	<b>Minute Order</b> (3:00 AM) (Judicial Officer Johnson, Susan) <a href="#">Minutes</a>
	Result: Minute Order - No Hearing Held
01/11/2021	<b>Exhibits</b>

01/12/2021	<i>Supplemental Exhibits to Defendant's Motion for Protective Order</i> <b>Further Proceedings</b> (9:30 AM) (Judicial Officer Truman, Erin) <i>Further Proceedings: Mitchell One Subpoena</i> <a href="#">Parties Present</a> <a href="#">Minutes</a>
	Result: Matter Continued
01/15/2021	<b>Motion</b> <i>Plaintiff's Motion for Reconsideration; and Related Relief</i>
01/15/2021	<b>Appendix</b> <i>Appendix of Exhibits in Support of Plaintiff's Motion for Reconsideration; and Related Relief</i>
01/20/2021	<b>Clerk's Notice of Hearing</b> <i>Notice of Hearing</i>
01/21/2021	<b>Stipulation and Order</b> <i>Stipulation and Order to Vacate Hearings Pending Settlement</i>
01/22/2021	<b>Notice of Entry of Stipulation and Order</b> <i>Notice of Entry of Stipulation and Order to Vacate Hearings Pending Settlement</i>
01/29/2021	<b>Notice of Withdrawal</b> <i>NOTICE OF WITHDRAWAL PURSUANT TO SUPREME COURT RULE 46</i>
02/23/2021	<b>CANCELED Motion For Reconsideration</b> (10:00 AM) (Judicial Officer Johnson, Eric) <i>Vacated</i> <i>Plaintiff's Motion for Reconsideration; and Related Relief</i>
03/03/2021	<b>CANCELED Pretrial/Calendar Call</b> (8:30 AM) (Judicial Officer Johnson, Susan) <i>Vacated - Superseding Order</i>
03/14/2021	<b>Substitution of Attorney</b> <i>Substitution of Attorney</i>
03/14/2021	<b>Substitution of Attorney</b> <i>Substitution of Attorney</i>
03/15/2021	<b>CANCELED Bench Trial</b> (8:30 AM) (Judicial Officer Johnson, Susan) <i>Vacated - Superseding Order</i>
08/18/2021	<b>CANCELED Status Check</b> (8:30 AM) (Judicial Officer Johnson, Susan) <i>Vacated</i>
09/29/2021	<b>CANCELED Pretrial/Calendar Call</b> (8:30 AM) (Judicial Officer Johnson, Susan) <i>Vacated</i>
10/11/2021	<b>CANCELED Bench Trial</b> (8:30 AM) (Judicial Officer Johnson, Susan) <i>Vacated</i>

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**FINANCIAL INFORMATION**


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	<b>Counter Claimant</b> Sheikhai, Hamid			
	Total Financial Assessment			223.00
	Total Payments and Credits			223.00
	<b>Balance Due as of 03/24/2021</b>			<b>0.00</b>
12/31/2019	Transaction Assessment			223.00
12/31/2019	Efile Payment	Receipt # 2019-77672-CCCLK	Sheikhai, Hamid	(223.00)
	<b>Counter Defendant</b> Vitiok LLC			
	Total Financial Assessment			270.00
	Total Payments and Credits			270.00
	<b>Balance Due as of 03/24/2021</b>			<b>0.00</b>
11/25/2019	Transaction Assessment			270.00
11/25/2019	Efile Payment	Receipt # 2019-71105-CCCLK	Vitiok LLC	(270.00)
	<b>Cross Defendant</b> Amiryavari, Zohreh			
	Total Financial Assessment			223.00
	Total Payments and Credits			223.00
	<b>Balance Due as of 03/24/2021</b>			<b>0.00</b>
06/18/2020	Transaction Assessment			223.00
06/18/2020	Efile Payment	Receipt # 2020-32404-CCCLK	Amiryavari, Zohreh	(223.00)
	<b>Defendant</b> SLC, LLC			
	Total Financial Assessment			423.00
	Total Payments and Credits			423.00
	<b>Balance Due as of 03/24/2021</b>			<b>0.00</b>
01/03/2020	Transaction Assessment			223.00
01/03/2020	Efile Payment	Receipt # 2020-00469-CCCLK	SLC, LLC	(223.00)
12/04/2020	Transaction Assessment			200.00
12/04/2020	Efile Payment	Receipt # 2020-68514-CCCLK	SLC, LLC	(200.00)

# **Exhibit 4**

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## REGISTER OF ACTIONS

CASE No. A-19-801513-P

In the Matter of the Petition of Victor Botnari

§  
§  
§  
§  
§  
§  
§

Case Type: **Other Civil Filings (Petition)**

Date Filed: **09/06/2019**

Location: **Department 31**

Cross-Reference Case Number: **A801513**

### PARTY INFORMATION

Defendant	Sheikhai, Hamid	Lead Attorneys Marshal Shawn Willick <i>Retained</i> 702-438-4100(W)
Defendant	Stone & Stone	Robert A. Rabbat <i>Retained</i> 702-468-0808(W)
Petitioner	Botnari, Victor	Todd M. Leventhal <i>Retained</i> 702-472-8686(W)

### EVENTS & ORDERS OF THE COURT

OTHER EVENTS AND HEARINGS	
09/06/2019	<b>Complaint</b> SEALED PER ORDER 5/21/20 EXEMPT FROM ARBITRATION: AMOUNT CLAIMED IN EXCESS OF \$50,000.00 INJUNCTIVE RELIEF AND EQUITABLE RELIEF REQUESTED
09/06/2019	<b>Summons Electronically Issued - Service Pending</b> <i>Summons - Civil</i>
11/13/2019	<b>Motion for Preliminary Injunction</b> SEALED PER ORDER 5/21/20 Motion For Preliminary Injunction
11/14/2019	<b>Clerk's Notice of Nonconforming Document</b> SEALED PER ORDER 5/21/20 Clerk's Notice of Nonconforming Document
11/22/2019	<b>First Amended Complaint</b> <i>First Amended Complaint For Damages And Ancillary Relief</i>
11/22/2019	<b>Motion for Preliminary Injunction</b> SEALED PER ORDER 5/21/20 Motion For Preliminary Injunction And For Order Appointing A Receiver
11/22/2019	<b>Ex Parte Application</b> SEALED PER ORDER 5/21/20 Ex Parte Application (And Order) For Temporary Restraining Order, Motion For Preliminary Injunction And For Order Appointing A Receiver
11/22/2019	<b>Exhibits</b> SEALED PER ORDER 5/21/20 Notice Of Lodging Exhibits In Support Of Plaintiff s Ex Parte Application For Temporary Restraining Order, Motion For Preliminary Injunction And For Order Appointing Receiver And Motion For Preliminary Injunction And For Order Appointing A Receiver
11/25/2019	<b>Clerk's Notice of Hearing</b> SEALED PER ORDER 5/21/20 Notice of Hearing
11/27/2019	<b>Clerk's Notice of Nonconforming Document</b> SEALED PER ORDER 5/21/20 Clerk's Notice of Nonconforming Document
12/05/2019	<b>Ex Parte Application</b> SEALED PER ORDER 5/21/20 Ex Parte Application for Temporary Restraining Order, Motion for Preliminary Injunction and for Order Appointing Receiver
12/05/2019	<b>Affidavit of Service</b> SEALED PER ORDER 5/21/20 Affidavit of Service
12/16/2019	<b>Application</b> SEALED PER ORDER 5/21/20 Defendant's Application for Enlargement of Time to Serve Plaintiff
12/17/2019	<b>CANCELED Motion for Preliminary Injunction</b> (9:30 AM) (Judicial Officer Kishner, Joanna S.) <i>Vacated - Set in Error</i> <i>Plaintiff's Motion For Preliminary Injunction</i>
12/17/2019	<b>Affidavit of Service</b> SEALED PER ORDER 5/21/20 Affidavit of Service
12/17/2019	<b>Clerk's Notice of Hearing</b> SEALED PER ORDER 5/21/20 Notice of Hearing
12/27/2019	<b>Notice of Intent to Take Default</b> SEALED PER ORDER 5/21/20 N.R.C.P Rule 55(b), Notice of Intent to Apply for Default
12/30/2019	<b>Opposition and Countermotion</b> SEALED PER ORDER 5/21/20 Defendant's Opposition to Plaintiff's "Motion for Preliminary Injunction and for Order Appointing Receiver" and Defendant's Countermotion for Attorney's Fees and Costs
12/30/2019	<b>Exhibits</b> SEALED PER ORDER 5/21/20 Exhibits to Defendant's Opposition to Plaintiff's "Motion for Preliminary Injunction and for Order Appointing Receiver" and Defendant's Countermotion for Attorney's Fees and Costs
12/31/2019	<b>Answer to Amended Complaint</b> <i>Defendants' Answer to Amended Complaint for Damages and Ancillary Relief</i>
12/31/2019	<b>Initial Appearance Fee Disclosure</b>

ROA000145

3/24/2021

<https://www.clarkcountycourts.us/Anonymous/CaseDetail.aspx?CaseID=11986309>

01/03/2020 **SEALED PER ORDER 5/21/20 Initial Appearance Fee Disclosure (NRS Chapter 19)**  
**Initial Appearance Fee Disclosure**  
SEALED PER ORDER 5/21/20 Initial Appearance Fee Disclosure

01/03/2020 **Joinder**  
SEALED PER ORDER 5/21/20 Joinder to Defendants' Opposition to Plaintiff's Motion for Preliminary Injunction and for Order Appointing Receiver and Defendant's Counter-Motion for Attorneys Fees and Costs

01/03/2020 **Notice**  
SEALED PER ORDER 5/21/20 Notice of Defendant's "Motion to Consolidate Cases"

01/06/2020 **Notice of Intent to Take Default**  
SEALED PER ORDER 5/21/20 N.R.C.P. Rule 55(b), Notice of Intent to Apply for Default

01/06/2020 **Reply to Opposition**  
SEALED PER ORDER 5/21/20 Reply to Opposition to Plaintiff's Motion for Preliminary Injunction and for Order Appointing a Receiver and Opposition to Defendant's Countermotion for Attorney's Fees and Costs

01/06/2020 **Appendix**  
SEALED PER ORDER 5/21/20 Appendix of Exhibits in Support to Plaintiff's Reply to Opposition to Plaintiff's Motion for Preliminary Injunction and for Order Appointing a Receiver and Opposition to Defendant's Countermotion for Attorney's Fees and Costs

01/07/2020 **Motion for Preliminary Injunction** (9:30 AM) (Judicial Officer Kishner, Joanna S.)  
**01/07/2020, 01/14/2020**  
Petitioner's Motion For Preliminary Injunction And For Order Appointing A Receiver  
Result: Continued

01/07/2020 **Opposition and Countermotion** (9:30 AM) (Judicial Officer Kishner, Joanna S.)  
**01/07/2020, 01/14/2020**  
Defendant's Opposition to Plaintiff's "Motion for Preliminary Injunction and for Order Appointing Receiver" and Defendant's Countermotion for Attorney's Fees and Costs  
Result: Continued

01/07/2020 **All Pending Motions** (9:30 AM) (Judicial Officer Kishner, Joanna S.)  
All Pending Motions (1/07/2020)  
[Parties Present](#)  
[Minutes](#)  
Result: Continued

01/08/2020 **Exhibits**  
SEALED PER ORDER 5/21/20 Supplemental Exhibits to Defendant's Opposition to Plaintiff's "Motion for Preliminary Injunction and for Order Appointing Receiver" and Defendant's Countermotion for Attorney's Fees and Costs

01/09/2020 **Errata**  
SEALED PER ORDER 5/21/20 Errata to Defendant's Answer to "First Amended Complaint for Damages and Ancillary Relief"

01/09/2020 **Exhibits**  
SEALED PER ORDER 5/21/20 Supplemental Exhibits to Defendant's Opposition to Plaintiff's "Motion for Preliminary Injunction and for Order Appointing Receiver" and Defendant's Countermotion for Attorney's Fees and Costs

01/10/2020 **Request for Exemption From Arbitration**  
SEALED PER ORDER 5/21/20 Request for Exemption from Arbitration

01/13/2020 **Initial Appearance Fee Disclosure**  
SEALED PER ORDER 5/21/20 Initial Appearance and Fee Disclosure

01/14/2020 **Motion** (8:45 AM) (Judicial Officer Kishner, Joanna S.)  
Defendant's Application for Enlargement of Time to Serve Plaintiff  
01/21/2020 Reset by Court to 01/14/2020  
Result: Moot

01/14/2020 **All Pending Motions** (8:45 AM) (Judicial Officer Kishner, Joanna S.)  
All Pending Motions (1/14/2020)  
[Parties Present](#)  
[Minutes](#)  
Result: Matter Heard

01/14/2020 **Clerk's Notice of Nonconforming Document**  
SEALED PER ORDER 5/21/20 Clerk's Notice of Nonconforming Document

01/29/2020 **Commissioners Decision on Request for Exemption - Granted**  
SEALED PER ORDER 5/21/20 Commissioner's Decision on Request for Exemption - GRANTED

03/06/2020 **Order**  
Order from the January 14, 2020, Hearing

03/09/2020 **Motion to Seal/Redact Records**  
SEALED PER ORDER 5/21/20 Motion to Seal Case Records (filed by Hamid Sheikhai)

03/09/2020 **Notice of Entry**  
SEALED PER ORDER 5/21/20 Notice of Entry of Order from the January 14, 2020, Hearing

03/10/2020 **Clerk's Notice of Hearing**  
SEALED PER ORDER 5/21/20 Notice of Hearing

03/23/2020 **Opposition and Countermotion**  
SEALED PER ORDER 5/21/20 Plaintiff's Opposition To Defendant Hamid Sheikhai's Motion To Seal Case Records And Countermotion For Attorney's Fees And Costs

04/09/2020 **Audiovisual Transmission Equipment Appearance Request**  
SEALED PER ORDER 5/21/20 Notice of Intent to Appear by Communications Equipment

04/09/2020 **Notice of Intent**  
SEALED PER ORDER 5/21/20 Notice of Intent to Appear by Communications Equipment

04/09/2020 **Notice of Intent**  
SEALED PER ORDER 5/21/20 Notice of Intent to Appear by Communications Equipment

04/09/2020 **Notice**  
SEALED PER ORDER 5/21/20 Notice of Intent to Appear by Communications Equipment

04/09/2020 **Amended Notice**  
SEALED PER ORDER 5/21/20 AMENDED NOTICE OF INTENT TO APPEAR BY COMMUNICATION EQUIPMENT

04/13/2020 **Reply to Opposition**  
SEALED PER ORDER 5/21/20 Defendant's Reply to Plaintiff's Opposition to Defendant, Hamid Sheikhai's, Motion to Seal Case Records and Opposition to Countermotion for Attorney's Fees and Costs

04/14/2020 **Notice**  
SEALED PER ORDER 5/21/20 Notice of Intent to Appear by Communication Equipment

<https://www.clarkcountycourts.us/Anonymous/CaseDetail.aspx?CaseID=11986309>

2/6

ROA000146

04/15/2020 **Motion to Seal/Redact Records** (9:00 AM) (Judicial Officer Kishner, Joanna S.)  
**04/15/2020, 05/01/2020, 05/08/2020**  
*Defendant Motion to Seal Case Records*  
[Minutes](#)  
*04/14/2020 Reset by Court to 04/15/2020*  
Result: Matter Continued

04/15/2020 **Opposition and Countermotion** (9:00 AM) (Judicial Officer Kishner, Joanna S.)  
**04/15/2020, 05/01/2020, 05/08/2020**  
*Plaintiff's Opposition To Defendant Hamid Sheikhai's Motion To Seal Case Records And Countermotion For Attorney's Fees And Costs*  
[Minutes](#)  
*04/14/2020 Reset by Court to 04/15/2020*  
Result: Matter Continued

04/15/2020 **All Pending Motions** (9:00 AM) (Judicial Officer Kishner, Joanna S.)  
[Parties Present](#)  
[Minutes](#)  
Result: Matter Heard

04/16/2020 **Notice of Early Case Conference**  
*SEALED PER ORDER 5/21/20 Notice of Early Case Conference*

04/22/2020 **Supplement**  
*Defendant, Hamid Sheikhai's, Supplement to Motion to Seal Case Records*

04/29/2020 **Supplement**  
*Plaintiff's Supplement to the Opposition to Defendant Hamid Shikhai's Motion to Seal Case Records and Countermotion for Attorney's Fees and Costs*

05/01/2020 **All Pending Motions** (3:00 AM) (Judicial Officer Kishner, Joanna S.)  
[Minutes](#)  
Result: Matter Heard

05/08/2020 **All Pending Motions** (3:00 AM) (Judicial Officer Kishner, Joanna S.)  
[Minutes](#)  
Result: Minute Order - No Hearing Held

05/21/2020 **Order Granting Motion**  
*Order Granting Defendant's Motion to Seal Case Records and Denying Plaintiff's Countermotion for Attorney's Fees*

05/26/2020 **Joint Case Conference Report**  
*Joint Case Conference Report*

05/26/2020 **Certificate of Service**  
*Certificate of Service*

06/09/2020 **Notice of Appearance**  
*Notice of Appearance*

06/11/2020 **Mandatory Rule 16 Conference Order**  
*Mandatory Rule 16 Pre-Trial Scheduling Conference Order*

06/25/2020 **Audiovisual Transmission Equipment Appearance Request**  
*Notice of Intent to Appear by Communications Equipment*

06/25/2020 **Audiovisual Transmission Equipment Appearance Request**  
*Notice of Intent to Appear by Communications Equipment*

06/25/2020 **Audiovisual Transmission Equipment Appearance Request**  
*Notice of Intent to Appear by Communications Equipment*

07/06/2020 **Notice**  
*Notice of Intent to Appear by Communications Equipment*

07/07/2020 **Mandatory Rule 16 Conference** (10:30 AM) (Judicial Officer Kishner, Joanna S.)  
[Parties Present](#)  
[Minutes](#)  
Result: Trial Date Set

08/05/2020 **Substitution of Attorney**  
*Substitution of Counsel for Stone & Stone, LLC*

08/07/2020 **Motion to Dismiss**  
*Defendant Stone & Stone, LLC's Motion to Dismiss for Lack of Standing*

08/11/2020 **Clerk's Notice of Hearing**  
*Notice of Hearing*

08/17/2020 **Objection**  
*Objection to Defendant's Stone & Stone Initial Disclosure of Witnesses and Documents*

08/17/2020 **Scheduling and Trial Order**  
*Scheduling Order and Order Setting Civil Non-Jury Trial, Pre-Trial/Trial Setting Conference, Calendar Call/Final Pre-Trial Conference, and Status Check*

08/21/2020 **Opposition to Motion to Dismiss**  
*Plaintiff's Opposition to Defendant Stone & Stone's Motion to Dismiss for Lack of Standing and Countermotion for Attorney's Fees and Costs*

08/26/2020 **Motion**  
*Notice of Motion and Motion to Deem Admissions Admitted (Before the Discovery Commissioner)*

08/26/2020 **Amended**  
*Amended Notice of Motion and Motion to Deem Admissions Admitted (Before the Discovery Commissioner)*

08/26/2020 **Clerk's Notice of Hearing**  
*Notice of Hearing*

08/26/2020 **Notice of Change of Hearing**  
*Notice of Change of Hearing*

09/03/2020 **Notice**  
*Plaintiff's Notice to Vacate Hearing and Plaintiff's Amended Notice of Motion and Motion to Deem Admissions Admitted as to Defendant Stone & Stone*

09/08/2020 **Motion**  
*Motion to File Amended Answer and Counterclaim*

09/08/2020 **Clerk's Notice of Hearing**  
*Notice of Hearing*



09/08/2020 **Expert Witness List**  
*Defendant, Hamid Sheikhai's, Expert Witness List*

09/09/2020 **Reply to Opposition**  
*Reply to Plaintiff's Opposition to Stone's Motion to Dismiss, and Opposition to Countermotion for Fees and Costs*

09/09/2020 **Designation of Expert Witness**  
*Plaintiff's Expert Witness Designation Pursuant to NRCP 16.1*

09/09/2020 **Expert Witness Designation**  
*Defendant's Amended Expert Witness Designation Pursuant to NRCP 16.1*

09/10/2020 **List of Witnesses**  
*Plaintiff's Initial List of Witnesses and Disclosure of Documents*

09/14/2020 **Memorandum**  
*Court's Memo RE: Remote appearance for 9/15/20 hearing*

09/14/2020 **Notice of Intent**  
*Notice of Intent to Appear Remotely*

09/15/2020 **Motion to Dismiss** (9:30 AM) (Judicial Officer Kishner, Joanna S.)  
*Defendant Stone & Stone, LLC's Motion to Dismiss for Lack of Standing*  
[Parties Present](#)  
[Minutes](#)  
Result: Denied Without Prejudice

09/17/2020 **Order Denying Motion**  
*Order Regarding Defendant's Stone & Stone's Motion to Dismiss Heard September 15, 2020*

09/17/2020 **Order Denying Motion**  
*Order After Hearing on September 15, 2020*

09/21/2020 **Notice of Entry of Order**  
*Notice of Entry of Order After Hearing on September 15, 2020*

09/22/2020 **Notice of Association of Counsel**  
*Notice of Association of Counsel*

09/22/2020 **Opposition and Countermotion**  
*Plaintiff's Opposition to Defendant Hamid Sheikhai's Motion to File Amended Answer and Counterclaim and Countermotion for Attorney's Fees and Costs*

09/29/2020 **CANCELED Motion** (9:30 AM) (Judicial Officer Truman, Erin)  
*Vacated*  
*Amended Notice of Motion and Motion to Deem Admissions Admitted*  
*09/29/2020 Reset by Court to 09/29/2020*

10/08/2020 **Objection**  
*Defendant Stone & Stone's Objections to Plaintiff's Initial Early Case Conference List of Witnesses and Documents Pursuant to NRCP 16.1*

10/09/2020 **Reply**  
*Defendant, Hamid Sheikhai's, Reply to Plaintiff's Opposition to Motion to File Amended Answer and Counterclaim and Countermotion for Attorney's Fees and Costs*

10/09/2020 **Memorandum**  
*Court's Memo RE: Remote appearance and Pro Bono line pass for 10/13/20 hearing*

10/09/2020 **Notice of Appearance**  
*Notice of Intent to Appear by Communication Equipment*

10/09/2020 **Objection**  
*Defendant, Hamid Sheikhai's Joinder to Defendant, Stone & Stone, LLC's Objections to Plaintiff's Initial Early Case Conference List of Witnesses and Documents Pursuant to NRCP 16.1*

10/11/2020 **Notice of Intent**  
*Notice of Intent to Appear Remotely*

10/12/2020 **Notice of Intent**  
*Notice of Intent to Appear by Communication Equipment*

10/13/2020 **Motion** (9:00 AM) (Judicial Officer Kishner, Joanna S.)  
*Motion to File Amended Answer and Counterclaim*  
Result: Granted in Part

10/13/2020 **Opposition and Countermotion** (9:00 AM) (Judicial Officer Kishner, Joanna S.)  
*Plaintiff's Opposition to Defendant Hamid Sheikhai's Motion to File Amended Answer and Counterclaim and Countermotion for Attorney's Fees and Costs*  
Result: Denied Without Prejudice

10/13/2020 **All Pending Motions** (9:00 AM) (Judicial Officer Kishner, Joanna S.)  
[Parties Present](#)  
[Minutes](#)  
Result: Matter Heard

11/06/2020 **Affidavit of Service**  
*Affidavit of Service*

11/10/2020 **Stipulation and Order to Extend Discovery Deadlines**  
*Stipulation and Order to Extend Discovery Deadlines and Continue Trial (First Request)*

11/10/2020 **Amended Order Setting Civil Non-Jury Trial**  
*Amended Order Setting Civil Non-Jury Trial, Pre-Trial/Trial Setting Conference, Calendar Call/Final Pre-Trial Conference, and Status Check*

11/10/2020 **Notice of Entry of Stipulation and Order**  
*Notice of Entry of Stipulation and Order Regarding Discovery Deadlines and Trial*

11/10/2020 **Stipulation and Order**  
*Stipulation and Order Regarding Discovery Deadlines and Trial*

11/19/2020 **Motion to Consolidate**  
*Motion to Consolidate Cases*

11/20/2020 **Clerk's Notice of Hearing**  
*Notice of Hearing*

12/03/2020 **Opposition and Countermotion**  
*Plaintiff's Opposition to Hamid Sheikhai's Motion to Consolidate Cases and Countermotion for Attorney's Fees and Costs*

12/09/2020 **Order**  
*Order RE: Defendant's Motion for Leave to Amend the Answer and Counterclaim*

12/17/2020 **CANCELED Status Check** (9:00 AM) (Judicial Officer Kishner, Joanna S.)  
*Vacated - per Order*

3/24/2021

<https://www.clarkcountycourts.us/Anonymous/CaseDetail.aspx?CaseID=11986309>

12/18/2020 **Notice of Entry of Order**  
*Notice of Entry of Order Re: Defendant's Motion for Leave to Amend the Answer and Counterclaim*

01/07/2021 **Memorandum**  
*Court's Memo RE: Resetting of matters to January 21, 2021, at 9:30 a.m.*

01/11/2021 **Reply to Opposition**  
*Defendant, Hamid Sheikhai's Reply to Plaintiff's Opposition to Motion to Consolidate Cases and Countermotion for Attorney's Fees and Costs*

01/21/2021 **Stipulation and Order**  
*Stipulation and Order to Vacate All Hearings Pending Settlement*

01/25/2021 **Notice of Entry of Stipulation and Order**  
*Notice of Entry of Stipulation and Order to Vacate Hearings Pending Settlement*

01/29/2021 **Notice of Withdrawal**  
*NOTICE OF WITHDRAWAL PURSUANT TO SUPREME COURT RULE 46*

02/11/2021 **CANCELED Pre Trial Conference** (10:15 AM) (Judicial Officer Kishner, Joanna S.)  
*Vacated - per Order*

02/11/2021 **CANCELED Motion to Consolidate** (9:30 AM) (Judicial Officer Kishner, Joanna S.)  
*Vacated - per Stipulation and Order*  
*Defendant's Motion to Consolidate Cases*  
*01/08/2021 Reset by Court to 01/21/2021*  
*01/21/2021 Reset by Court to 02/11/2021*

02/11/2021 **CANCELED Opposition and Countermotion** (9:30 AM) (Judicial Officer Kishner, Joanna S.)  
*Vacated - per Stipulation and Order*  
*Plaintiff's Opposition to Hamid Sheikhai's Motion to Consolidate Cases and Countermotion for Attorney's Fees and Costs*  
*01/08/2021 Reset by Court to 01/21/2021*  
*01/21/2021 Reset by Court to 02/11/2021*

03/09/2021 **CANCELED Calendar Call** (9:00 AM) (Judicial Officer Kishner, Joanna S.)  
*Vacated - per Order*

03/12/2021 **Status Check** (3:00 AM) (Judicial Officer Kishner, Joanna S.)  
[Minutes](#)  
Result: Minute Order - No Hearing Held

03/12/2021 **CANCELED Minute Order** (3:00 AM) (Judicial Officer Kishner, Joanna S.)  
*Vacated*

03/14/2021 **Substitution of Attorney**  
*Substitution of Attorney*

03/15/2021 **CANCELED Non-Jury Trial** (9:00 AM) (Judicial Officer Kishner, Joanna S.)  
*Vacated - per Order*

03/15/2021 **Notice of Withdrawal of Attorney**  
*Notice of Withdrawal of Attorney*

03/22/2021 **Memorandum**  
*Court's Memo RE: Remote Appearance Information for March 25, 2021, Hearing \*\*PLEASE REVIEW IN ITS ENTIRETY\*\**

03/23/2021 **Notice of Appearance**  
*Notice of Appearance for Defendant Stone & Stone*

03/25/2021 **Status Check** (9:00 AM) (Judicial Officer Kishner, Joanna S.)  
*Status Check: Settlement Documents*

04/15/2021 **CANCELED Status Check: Trial Readiness** (9:00 AM) (Judicial Officer Kishner, Joanna S.)  
*Vacated - per Stipulation and Order*

05/27/2021 **CANCELED Pre Trial Conference** (10:15 AM) (Judicial Officer Kishner, Joanna S.)  
*Vacated - per Stipulation and Order*

06/22/2021 **CANCELED Calendar Call** (9:00 AM) (Judicial Officer Kishner, Joanna S.)  
*Vacated - per Stipulation and Order*

06/28/2021 **CANCELED Non-Jury Trial** (9:00 AM) (Judicial Officer Kishner, Joanna S.)  
*Vacated - per Stipulation and Order*

**FINANCIAL INFORMATION**

<b>Defendant Sheikhai, Hamid</b>			
	Total Financial Assessment		223.00
	Total Payments and Credits		223.00
	<b>Balance Due as of 03/24/2021</b>		<b>0.00</b>
12/31/2019	Transaction Assessment		223.00
12/31/2019	Efile Payment	Receipt # 2019-77671-CCCLK	Sheikhai, Hamid (223.00)
<b>Defendant Stone &amp; Stone</b>			
	Total Financial Assessment		449.50
	Total Payments and Credits		449.50
	<b>Balance Due as of 03/24/2021</b>		<b>0.00</b>
01/03/2020	Transaction Assessment		223.00
01/03/2020	Efile Payment	Receipt # 2020-00475-CCCLK	Stone & Stone (223.00)
01/13/2020	Transaction Assessment		223.00
01/13/2020	Efile Payment	Receipt # 2020-02173-CCCLK	Stone & Stone (223.00)
03/23/2021	Transaction Assessment		3.50
03/23/2021	Efile Payment	Receipt # 2021-17243-CCCLK	Stone & Stone (3.50)

**Petitioner Botnari, Victor**<https://www.clarkcountycourts.us/Anonymous/CaseDetail.aspx?CaseID=11986309>

5/6

ROA000149



3/24/2021	<a href="https://www.clarkcountycourts.us/Anonymous/CaseDetail.aspx?CaseID=11986309">https://www.clarkcountycourts.us/Anonymous/CaseDetail.aspx?CaseID=11986309</a>			
	Total Financial Assessment			270.00
	Total Payments and Credits			270.00
	<b>Balance Due as of 03/24/2021</b>			<b>0.00</b>
09/09/2019	Transaction Assessment			270.00
09/09/2019	Efile Payment	Receipt # 2019-55016-CCCLK	Botnari, Victor	(270.00)

# **Exhibit 5**

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Civil Matters**

**COURT MINUTES**

**January 11, 2021**

---

A-19-805955-C      Vitiok LLC, Plaintiff(s)  
vs.  
SLC, LLC, Defendant(s)

---

**January 11, 2021**

**Minute Order**

**HEARD BY:** Johnson, Susan

**COURTROOM:** Chambers

**COURT CLERK:** Keri Cromer

**JOURNAL ENTRIES**

- This Court has examined the authority produced by counsel for SLC, LLC and Hamid Sheikhai after the Evidentiary Hearing scheduled January 7, 2021. This Court previously held a business client and/or customer lists were not trade secrets but were business confidential information, and thus, was not protected or contemplated by Nevada's Uniform Trade Secrets Act, NRS Chapter 600A. The authorities produced by counsel, to wit: Finkel v. Cashman Professional, Inc., 128 Nev. 68, 270 P.3d 1258 (2012) and Golden Road Motor Inn, Inc. v. Islam, 132 Nev. Ad. Op. 49, 378 P.3d 151 (2016) belie this Court's previous position, and accordingly,

IT IS HEREBY ORDERED Plaintiff's Motion to Dismiss Defendant's Counter-Claim and Cross-Claims filed November 24, 2020 is denied as it applies to the First Cause of Action of Defendants Counter-Claim, i.e. Violation of Nevada's Uniform Trade Secrets Act, NRS Chapter 600A. Further, given the holding and dicta expressed in the Finkel decision, this Court grants preliminary injunction to Defendants SLC, LLC and Sheikhai as it applies to its client and/or customer lists allegedly taken by Plaintiff Vitiok, LLC and Cross-Claimant or Third-Party Defendant Victor Botnari in 2018. Vitiok, LLC and Botnari are to return the client and/or customer lists to SLC, LLC and Sheikhai immediately, without keeping or making any copies thereof, and they are prohibited from directly soliciting patronage or business from these clients and/or customers. This Court rescinds its previous direction to the parties they are to notify the clients/customers of Mr. Botnari's leaving of his employ with Zip Zap Auto and they are free to engage the services of either business.

CLERK'S NOTE: The above minute order has been distributed to counsel by the Court Clerk via electronic service, facsimile and/or mail. kc//01-11-21

# **Exhibit 6**

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Other Civil Matters

COURT MINUTES

January 07, 2021

A-19-805955-C      Vitiok LLC, Plaintiff(s)  
vs.  
SLC, LLC, Defendant(s)

January 07, 2021      09:00 AM      All Pending Motions

HEARD BY:      Johnson, Susan      COURTROOM: RJC Courtroom 15D

COURT CLERK: Cromer, Keri

RECORDER:      Ramirez, Norma

REPORTER:

**PARTIES PRESENT:**

<b>Bradley J. Hofland</b>	<b>Attorney for Counter Defendant, Plaintiff</b>
<b>Douglas C. Crawford</b>	<b>Attorney for Counter Defendant, Plaintiff</b>
<b>Lorien K Cole</b>	<b>Attorney for Counter Claimant, Cross Claimant, Defendant</b>
<b>Marshal Shawn Willick</b>	<b>Attorney for Counter Claimant, Cross Claimant, Defendant</b>
<b>Michael B. Lee</b>	<b>Attorney for Cross Defendant, Defendant</b>
<b>Michael N. Matthis</b>	<b>Attorney for Cross Defendant, Defendant</b>
<b>Todd M. Leventhal</b>	<b>Attorney for Counter Defendant, Plaintiff</b>

**JOURNAL ENTRIES**

EVIDENTIARY HEARING: MR. SHEIKHAI'S MOTION FOR PRELIMINARY INJUNCTION  
Court advised counsel they needed to use full captions so it could keep track of the parties;  
further advised the following Cross Defendants needed to be removed from the case: Larisa  
Mereora, Thomas Mulkins, Nina Grozav, Ion Neagu, Alisa Neagu, and NNG, LLC

Openings statements by Ms. Cole and Mr. Crawford. Colloquy regarding disparagement;  
stipulation made that neither party shall disparage the other or their respective businesses.  
Hamid Sheikhai SWORN and TESTIFIED. Exhibits presented (see worksheet). Arguments by  
Mr. Crawford in support of additional witness testimony and exhibit supplementation;  
requested a 3-week continuance. Arguments by Ms. Cole in opposition to a continuance.  
COURT ORDERED, Motion for Preliminary Injunction DENIED with respect to taking the posts  
off; if in his possession, Mr. Botnari to give Mr. Sheikhai a copy of the customer list; counsel to  
compose a joint letter to send to all customers advising that Mr. Botnari owned Universal  
Motors and Mr. Sheikhai owned Zip Zap Auto and the customers could go to either company  
for service; parties could not disparage each other or the opposing businesses. Court advised  
it wanted to be made aware of any future bad reviews. Ms. Cole expressed her concern  
regarding the letter being marketing for another business that customers could use. Mr.  
Crawford to prepare the order; opposing counsel to review as to form and content.

**PLAINTIFF'S MOTION TO DISMISS DEFENDANT'S COUNTERCLAIM AND CROSS  
CLAIMS**

Court expressed its inclinations. Prior rulings reviewed. COURT ORDERED, Motion  
GRANTED IN PART as to cause of action 6; DENIED IN PART as to causes of action 2, 3, 4,  
5, 7, and 8; 1st cause of action UNDER ADVISEMENT. COURT FURTHER ORDERED, jury

Printed Date: 1/8/2021

Page 1 of 2

Minutes Date:

January 07, 2021

Prepared by: Keri Cromer

ROA000154

demand STRICKEN. Mr. Crawford to prepare the order; opposing counsel to review as to form and content.

DEFENDANT'S MOTION FOR SUMMARY JUDGMENT, OR IN THE ALTERNATIVE, PARTIAL SUMMARY JUDGMENT, LEAVE TO AMEND, AND FOR STAY...PLAINTIFF'S OPPOSITION TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT, OR IN THE ALTERNATIVE, PARTIAL SUMMARY JUDGMENT, LEAVE TO AMEND, AND FOR STAY AND COUNTERMOTION FOR ATTORNEY'S FEES AND COSTS

Arguments by Mr. Willick and Mr. Crawford regarding whether or not there were genuine issues of material fact. COURT ORDERED, Motion DENIED; stay DENIED; suggested more discovery be done. Mr. Crawford to prepare the order; opposing counsel to review as to form and content.

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**CERTIFICATE OF SERVICE**

Pursuant to NRCP 5(b), I hereby certify that I am an employee of ENENSTEIN PHAM & GLASS, LLP and that on this 26th day of October 2021, I served a true and correct copy of the foregoing **REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF PLAINTIFFS' OPPOSITION TO DEFENDANTS' MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM** upon all counsel of record by electronically serving the document using the Court's electronic filing system.

/s/Lauren A. Verbanik  
Lauren Verbanik, *Paralegal*





1                                    **DECLARATION OF ROBERT A. RABBAT, ESQ.**

2            I, Robert A. Rabbat, declare as follows:

3            1.        I am an attorney licensed to practice in the State of Nevada, and a Partner  
4 with Enenstein Pham & Glass, counsel for Plaintiff SLC LLC in the above-captioned  
5 action. I make this declaration based upon my own personal knowledge (except where  
6 specified), and, if called into court as a witness, I could and would testify competently  
7 thereto.

8            2.        I was counsel for SLC LLC and Hamid Sheikhai (“Sheikhai”) in the matter  
9 *Vitiok, LLC v. SLC, LLC et al.*, Case No. A-19-805955-C (“Vitiok Case”). I was also  
10 counsel for Sheikhai in the matter *Sheikhai v. Botnari*, Case No. D-18-575686-L (“Family  
11 Case”), and counsel for Sheikhai in the matter *Botnari v. Stone & Stone*, Case No. A-19-  
12 801513-P (“Stone Case”). On or around April 26, 2021, the parties to the Vitiok Case,  
13 Family Case, and Stone Case entered into a Stipulation for Settlement (“Settlement  
14 Agreement”) by which all claims then pending in the Vitiok Case, Family Case, and Stone  
15 Case were dismissed. None of the defendants in this case (Larisa Mereora, Thomas  
16 Mulkins, Nina Grozav, Ion Neagu, Alisa Neagu, and NNG, LLC dba Universal Motorcars  
17 (collectively, “Defendants”)) were parties to the Vitiok Case, Family Case, or Stone Case  
18 at that time, nor did they participate in the settlement conference leading to the Settlement  
19 Agreement. I am informed and believe, based upon my review of the Court orders and  
20 docket in the Vitiok Case, that Sheikhai attempted to add Defendants as parties to the  
21 Vitiok Case at some point in 2020, before I represented SLC LLC or Sheikhai, and that  
22 the Court found that Sheikhai had failed to add them and ordered the Defendants removed  
23 from the caption in the Vitiok Case. (See Request for Judicial Notice (filed concurrently).

24            3.        The Settlement Agreement contains a confidentiality clause. Nonetheless, I  
25 can confirm that none of the Defendants were parties to the Settlement Agreement. I can  
26 also confirm that the Settlement Agreement does not contain any terms by which SLC  
27 LLC released any claims against any of the Defendants.

28        ///

4. In the event that this Court needs to review the Settlement Agreement, I can submit the Settlement Agreement under seal or for *in camera* review by the Court, but I feel obligated not to file the Settlement Agreement in the public docket because it includes a confidentiality provision.

I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct.

Executed this 26<sup>th</sup> day of October 2021, at Las Vegas, Nevada.



---

ROBERT A. RABBAT

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**CERTIFICATE OF SERVICE**

Pursuant to NRCP 5(b), I hereby certify that I am an employee of ENENSTEIN PHAM & GLASS, LLP and that on this 26th day of October, 2021, I served a true and correct copy of the foregoing **DECLARATION OF R. RABBAT IN SUPPORT OF PLAINTIFFS’ OPPOSITION TO DEFENDANTS’ MOTION TO DISMISS** upon all counsel of record by electronically serving the document using the Court’s electronic filing system.

/s/Lauren A. Verbanik  
Lauren Verbanik, *Paralegal*

## REGISTER OF ACTIONS

**CASE No. A-21-835625-C**

**SLC LLC, Plaintiff(s) vs. Larisa Mereora, Defendant(s)**

www.ck12.org

Case Type: **Other Tort**

Date Filed: **06/02/2021**

Location: **Department 4**

Cross-Reference Case Number: **A835625**

## PARTY INFORMATION

Counter Claimant	Grozav, Nina	Lead Attorneys Bradley J. Hofland <i>Retained</i> 702-895-6760(W)
Counter Claimant	Mereora, Larisa	Bradley J. Hofland <i>Retained</i> 702-895-6760(W)
Counter Claimant	Neagu, Ion	Bradley J. Hofland <i>Retained</i> 702-895-6760(W)
Counter Claimant	NNG, LLC <i>Doing Business As</i> Universal Motorcars	Bradley J. Hofland <i>Retained</i> 702-895-6760(W)
Counter Claimant	Reynolds, Maria	Bradley J. Hofland <i>Retained</i> 702-895-6760(W)
Counter Claimant	Universal Motorcar LLC <i>Doing Business As</i> Universal Motorcars	Bradley J. Hofland <i>Retained</i> 702-895-6760(W)
Counter Defendant	SLC LLC	Robert A. Rabbat <i>Retained</i> 702-468-0808(W)
Defendant	Grozav, Nina	Bradley J. Hofland <i>Retained</i> 702-895-6760(W)
Defendant	Mereora, Larisa	Bradley J. Hofland <i>Retained</i> 702-895-6760(W)
Defendant	Mulkins, Thomas	
Defendant	Neagu, Alisa	Bradley J. Hofland <i>Retained</i> 702-895-6760(W)
Defendant	Neagu, Ion	Bradley J. Hofland <i>Retained</i> 702-895-6760(W)
Defendant	NNG, LLC <i>Doing Business As</i> Universal Motorcars	Bradley J. Hofland <i>Retained</i> 702-895-6760(W)

<b>Defendant</b>	<b>Reynolds, Maria</b>	<b>Bradley J. Hofland</b> <i>Retained</i> 702-895-6760(W)
<b>Defendant</b>	<b>Universal Motorcar LLC <i>Doing Business</i> As Universal Motorcars</b>	<b>Bradley J. Hofland</b> <i>Retained</i> 702-895-6760(W)
<b>Other</b>	<b>Verbanik, Lauren</b> 11920 Southern Highlands Pkwy Suite 103 Las Vegas, NV 89141	<b>Robert A. Rabbat</b> <i>Retained</i> 702-468-0808(W)
<b>Plaintiff</b>	<b>SLC LLC</b>	<b>Robert A. Rabbat</b> <i>Retained</i> 702-468-0808(W)

---

EVENTS & ORDERS OF THE COURT

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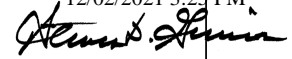
11/23/2021 [Minute Order](#) (3:00 AM) (Judicial Officer Krall, Nadia)

**Minutes**

11/23/2021 3:00 AM

- N.R.C.P. 1 and N.R.C.P. 1.10 state that the procedures in district court shall be administered to secure efficient, just and inexpensive determinations in every action and proceeding. Pursuant to EDCR 2.23(c), the judge may consider the motion on its merits at any time with or without oral argument, and grant or deny it. Defendants Motion to Dismiss for Failure to State a Claim filed 10/1/2021; Plaintiff s Opposition to Defendants Motion to Dismiss for Failure to State a Claim filed 10/26/2021; Plaintiff s Request for Judicial Notice in Support of Plaintiff s Opposition to Defendants Motion to Dismiss for Failure to State a Claim filed 10/26/2021; Declaration of R. Rabbat in Support of Plaintiff s Opposition to Defendants Motion to Dismiss filed 10/26/2021. The Court reviewed all of the pleadings and attached exhibits regarding the pleadings on file. COURT ORDERED, Defendants Motion to Dismiss for Failure to State a Claim filed 10/1/2021 is DENIED pursuant to N.R.C.P. 12(b)(5); Buzz Stew, LLC v. City of North Las Vegas, 124 Nev. 224 (2008); Guzman v. Johnson, 137 Nev. Adv. Op. 13 (2021); Eagle SPE NV I, Inc. v. Kiley Ranch Communities, 5 F. Supp. 3d 1238 (D. Nev. 2014), quoting Hal Roach Studios, Inc. v. Richard Feiner & Co., 896 F.2d 1542 (9th Cir.1990); Adamson v. Bowker, 85 Nev. 115 (1969); Ravera v. City of Reno, 100 Nev. 68 (1984). COURT FURTHER ORDERED counsel for Plaintiff SLC, LLC to draft and circulate a proposed order for opposing counsel s signature prior to submitting it to the Department 4 inbox for the Judge s review and signature within fourteen (14) days and distribute a filed copy to all parties involved in this matter. COURT FURTHER ORDERED Defendants Motion to Dismiss for Failure to State a Claim filed 10/1/2021 scheduled for 12/2/2021 at 9:00 A.M. is VACATED.

[Return to Register of Actions](#)

  
CLERK OF THE COURT

**ODM**

ROBERT A. RABBAT (Nevada Bar #12633)

Email: [rrabbat@enensteinlaw.com](mailto:rrabbat@enensteinlaw.com)

**ENENSTEIN PHAM & GLASS**

11920 Southern Highlands Parkway, Suite 103

Las Vegas, Nevada 89141

Telephone: (702) 468-0808

Facsimile: (702) 920-8228

*Attorneys for Plaintiffs*

**EIGHTH JUDICIAL DISTRICT COURT  
CLARK COUNTY, NEVADA**

SLC LLC, a Nevada limited liability company, ) Case No. A-21-835625-C  
) Dept. No. 4

Plaintiff,

vs.

**ORDER DENYING DEFENDANTS'  
MOTION TO DISMISS FOR FAILURE  
TO STATE A CLAIM**

LARISA MEREORA, an individual; )  
THOMAS MULKINS, an individual; NINA )  
GROZAV, an individual; ION NEAGU, an )  
individual; ALISA NEAGU, an individual; )  
MARIA REYNOLDS, an individual; NNG, )  
LLC, a Nevada limited liability company )  
dba UNIVERSAL MOTORCARS; )  
UNIVERSAL MOTORCAR LLC, a Nevada )  
limited liability company dba UNIVERSAL )  
MOTORCARS; DOES I through X, )  
inclusive; and ROE BUSINESS ENTITIES )  
I through X, inclusive,

Defendants.

**ORDER DENYING DEFENDANTS' MOTION TO DISMISS  
FOR FAILURE TO STATE A CLAIM**

ROA000163

1 On November 23, 2021, the Court issued a Minute Order regarding Defendants Larisa  
2 Mereora, Thomas Mulkins, Nina Grozav, Ion Neagu, Alisa Neagu, Maria Reynolds, NNG, LLC,  
3 Universal Motorcar LLC (collectively, "Movants") Motion to Dismiss for Failure to State a  
4 Claim (the "Motion").

5 The Court, having considered the Motion, the opposition thereto, and the pleadings and  
6 papers on file in this matter:

7 **IT IS HEREBY ORDERED** that Movants' Motion to Dismiss for Failure to State a  
8 Claim is **DENIED** pursuant to N.R.C.P. (12)(b)(5).

9  
10 Dated this 2nd day of December, 2021

11 

12 **B7B 71E B958 AEDC**  
**Nadia Krall**  
**District Court Judge**

13 Respectfully submitted by:

14 **ENENSTEIN PHAM & GLASS**

15  
16 By: 

17 Robert A. Rabbat  
18 Nevada Bar Number 12633  
19 Email: [rrabbat@enensteinlaw.com](mailto:rrabbat@enensteinlaw.com)  
20 11920 Southern Highlands Parkway, Suite 103  
21 Las Vegas, Nevada 89141  
22 *Attorneys for Plaintiffs*

23 Approved as to Form and Content:

24 **HOFLAND & TOMSHECK**

25 By: /s/Bradley J. Hofland

26 Bradley J. Hofland  
27 Nevada Bar Number 6343  
28 Email: [bradh@hoflandlaw.com](mailto:bradh@hoflandlaw.com)  
228 South 4<sup>th</sup> Street, 1<sup>st</sup> Floor  
Las Vegas, Nevada 89101  
*Attorneys for Defendants*

ORDER DENYING DEFENDANTS' MOTION TO DISMISS  
FOR FAILURE TO STATE A CLAIM

ROA000164

## Lauren Verbanik

---

**From:** Brad Hofland <BradH@hoflandlaw.com>  
**Sent:** Wednesday, December 1, 2021 2:00 PM  
**To:** Robert Rabbat  
**Cc:** assistant; Clerk; Lauren Verbanik; Matt Rosene  
**Subject:** RE: SLC LLC v. Mereora, et al. - EJDC Case No. A-21-835625-C

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Thank you,

I have reviewed the proposed order and I consent to my electronic signature being affixed.

Bradley J. Hofland, Esq.  
Hofland & Tomsheck  
228 S. 4<sup>th</sup> St. 1<sup>st</sup> Floor  
Las Vegas, NV 89101  
Telephone (702) 895-6760  
Facsimile (702) 731-6910

*Hofland & Tomsheck*

ATTORNEYS AND COUNSELORS AT LAW

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---

**From:** Robert Rabbat <rrabbat@enensteinlaw.com>  
**Sent:** Wednesday, November 24, 2021 3:15 PM  
**To:** Brad Hofland <BradH@hoflandlaw.com>  
**Cc:** assistant <bhassistent@hoflandlaw.com>; Clerk <clerk@hoflandlaw.com>; Lauren Verbanik <lverbanik@enensteinlaw.com>; Matt Rosene <mrosene@enensteinlaw.com>  
**Subject:** SLC LLC v. Mereora, et al. - EJDC Case No. A-21-835625-C

Dear Mr. Hofland,

Per Court's Minute Order, attached for your review and comment is the Proposed Order regarding the Motion to Dismiss.

We are required to submit the order within 14 days, or no later than December 6.

Best regards,



Robert A. Rabbat, Esq.  
Enenstein Pham & Glass LLP



Las Vegas Office  
11920 Southern Highlands Pkwy., Suite 103  
Las Vegas, NV 89141  
Tel: 702.468.0808  
Fax: 702.920.8228

Orange County Office  
650 Town Center Drive, Suite 840  
Costa Mesa, CA 92626  
Tel: 714.292.0262

[www.ensteinlaw.com](http://www.ensteinlaw.com)

Admitted in Nevada, California, and Oregon.

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1 **CSERV**

2  
3 DISTRICT COURT  
CLARK COUNTY, NEVADA

4  
5  
6 SLC LLC, Plaintiff(s)

CASE NO: A-21-835625-C

7 vs.

DEPT. NO. Department 4

8 Larisa Mereora, 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 Denying Motion was served via the court's electronic eFile  
13 system to all recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 12/2/2021

15 Bradley Hofland

Bradh@hoflandlaw.com

16 Nikki Woulfe

clerk@hoflandlaw.com

17 Anna Stein

bhassistant@hoflandlaw.com

18 Robert Rabbat

rrabbat@enensteinlaw.com

19 Lauren Verbanik

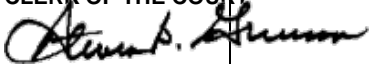
lverbanik@enensteinlaw.com

20 Matthew Rosene

mrosene@enensteinlaw.com

21 Victor Botnari

botnari\_victor@yahoo.com



**NEOJ**

Robert A. Rabbat, Esq.  
Nevada Bar No. 12633  
ENENSTEIN PHAM & GLASS  
11920 Southern Highlands Pkwy., Suite 103  
Las Vegas, Nevada 89141  
Telephone: (702) 468-0808  
Facsimile: (702) 920-8228  
Email: rrabbat@enensteinlaw.com  
*Attorneys for Plaintiffs*

**EIGHTH JUDICIAL DISTRICT COURT  
CLARK COUNTY, NEVADA**

SLC LLC, a Nevada limited liability  
company,

Plaintiff,  
vs.

LARISA MEREORA, an individual;  
THOMAS MULKINS, an individual; NINA  
GROZAV, an individual; ION NEAGU, an  
individual; ALISA NEAGU, an individual;  
MARIA REYNOLDS, an individual; NNG,  
LLC, a Nevada limited liability company dba  
UNIVERSAL MOTORCARS; UNIVERSAL  
MOTORCAR LLC, a Nevada limited liability  
company dba UNIVERSAL MOTORCARS;  
DOES I through X, inclusive; and ROE  
BUSINESS ENTITIES I through X, inclusive,

Defendants.

Case No. A-21-835625-C  
Dept. No. 4

**NOTICE OF ENTRY OF ORDER  
DENYING DEFENDANTS' MOTION  
TO DISMISS FOR FAILURE TO  
STATE A CLAIM**

1 **NOTICE OF ENTRY OF ORDER DENYING DEFENDANTS' MOTION TO DISMISS**  
2 **FOR FAILURE TO STATE A CLAIM**

3 TO: ALL INTERESTED PARTIES AND THEIR COUNSEL OF RECORD.

4 PLEASE TAKE NOTICE that on the 2nd day of December, 2021, an Order Denying  
5 Defendants' Motion to Dismiss for Failure to State a Claim was entered in the above-captioned  
6 matter, a copy of which is attached hereto as Exhibit A.

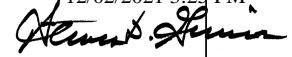
7  
8 DATED this 3rd day of December, 2021.

9 **ENENSTEIN PHAM & GLASS**

10 

11 \_\_\_\_\_  
12 ROBERT A. RABBAT, ESQ.  
13 Nevada Bar No. 12633  
14 11920 Southern Highlands Pkwy., Suite 103  
15 Las Vegas, Nevada 89141  
16 Tel.: (702) 468-0808  
17 Fax: (702) 920-8228  
18 rrabbat@enensteinlaw.com  
19 *Attorneys for Plaintiffs*

# **EXHIBIT A**

  
CLERK OF THE COURT

**ODM**

ROBERT A. RABBAT (Nevada Bar #12633)

Email: [rrabbat@enensteinlaw.com](mailto:rrabbat@enensteinlaw.com)

**ENENSTEIN PHAM & GLASS**

11920 Southern Highlands Parkway, Suite 103

Las Vegas, Nevada 89141

Telephone: (702) 468-0808

Facsimile: (702) 920-8228

*Attorneys for Plaintiffs*

**EIGHTH JUDICIAL DISTRICT COURT  
CLARK COUNTY, NEVADA**

SLC LLC, a Nevada limited liability company, ) Case No. A-21-835625-C  
) Dept. No. 4

Plaintiff,

vs.

**ORDER DENYING DEFENDANTS'  
MOTION TO DISMISS FOR FAILURE  
TO STATE A CLAIM**

LARISA MEREORA, an individual; )  
THOMAS MULKINS, an individual; NINA )  
GROZAV, an individual; ION NEAGU, an )  
individual; ALISA NEAGU, an individual; )  
MARIA REYNOLDS, an individual; NNG, )  
LLC, a Nevada limited liability company )  
dba UNIVERSAL MOTORCARS; )  
UNIVERSAL MOTORCAR LLC, a Nevada )  
limited liability company dba UNIVERSAL )  
MOTORCARS; DOES I through X, )  
inclusive; and ROE BUSINESS ENTITIES )  
I through X, inclusive,

Defendants.

**ORDER DENYING DEFENDANTS' MOTION TO DISMISS  
FOR FAILURE TO STATE A CLAIM**

1 On November 23, 2021, the Court issued a Minute Order regarding Defendants Larisa  
2 Mereora, Thomas Mulkins, Nina Grozav, Ion Neagu, Alisa Neagu, Maria Reynolds, NNG, LLC,  
3 Universal Motorcar LLC (collectively, "Movants") Motion to Dismiss for Failure to State a  
4 Claim (the "Motion").

5 The Court, having considered the Motion, the opposition thereto, and the pleadings and  
6 papers on file in this matter:

7 **IT IS HEREBY ORDERED** that Movants' Motion to Dismiss for Failure to State a  
8 Claim is **DENIED** pursuant to N.R.C.P. (12)(b)(5).

9  
10 Dated this 2nd day of December, 2021

11 

12 **B7B 71E B958 AEDC**  
**Nadia Krall**  
**District Court Judge**

13 Respectfully submitted by:

14 **ENENSTEIN PHAM & GLASS**

15  
16 By: 

17 Robert A. Rabbat  
18 Nevada Bar Number 12633  
19 Email: [rrabbat@enensteinlaw.com](mailto:rrabbat@enensteinlaw.com)  
20 11920 Southern Highlands Parkway, Suite 103  
21 Las Vegas, Nevada 89141  
22 *Attorneys for Plaintiffs*

23 Approved as to Form and Content:

24 **HOFLAND & TOMSHECK**

25 By: /s/Bradley J. Hofland

26 Bradley J. Hofland  
27 Nevada Bar Number 6343  
28 Email: [bradh@hoflandlaw.com](mailto:bradh@hoflandlaw.com)  
228 South 4<sup>th</sup> Street, 1<sup>st</sup> Floor  
Las Vegas, Nevada 89101  
*Attorneys for Defendants*

ORDER DENYING DEFENDANTS' MOTION TO DISMISS  
FOR FAILURE TO STATE A CLAIM

ROA000172

## Lauren Verbanik

---

**From:** Brad Hofland <BradH@hoflandlaw.com>  
**Sent:** Wednesday, December 1, 2021 2:00 PM  
**To:** Robert Rabbat  
**Cc:** assistant; Clerk; Lauren Verbanik; Matt Rosene  
**Subject:** RE: SLC LLC v. Mereora, et al. - EJDC Case No. A-21-835625-C

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Thank you,

I have reviewed the proposed order and I consent to my electronic signature being affixed.

Bradley J. Hofland, Esq.  
Hofland & Tomsheck  
228 S. 4<sup>th</sup> St. 1<sup>st</sup> Floor  
Las Vegas, NV 89101  
Telephone (702) 895-6760  
Facsimile (702) 731-6910

*Hofland & Tomsheck*

ATTORNEYS AND COUNSELORS AT LAW

**NOTICE:** The above information is for the sole use of the intended recipient and contains information belonging to Hofland & Tomsheck, which is confidential and may be legally privileged. If you are not the intended recipient, or believe that you have received this communication in error, you are hereby notified that any printing, copying, distribution, use or taking of any action in reliance on the contents of this e-mail information is strictly prohibited. If you have received this e-mail in error, please immediately (1) notify the sender by reply e-mail; (2) call our office at (702) 895-6760 to inform the sender of the error; and (3) destroy all copies of the original message, including ones on your computer system and all drives.

In accordance with Internal Revenue Service Circular 230, we advise you that if this e-mail contains any tax advice, such tax advice was not intended or written to be used and it cannot be used, by any taxpayer for the purpose of avoiding penalties that may be imposed on the taxpayer.

---

**From:** Robert Rabbat <rrabbat@enensteinlaw.com>  
**Sent:** Wednesday, November 24, 2021 3:15 PM  
**To:** Brad Hofland <BradH@hoflandlaw.com>  
**Cc:** assistant <bhasistant@hoflandlaw.com>; Clerk <clerk@hoflandlaw.com>; Lauren Verbanik <lverbanik@enensteinlaw.com>; Matt Rosene <mrosene@enensteinlaw.com>  
**Subject:** SLC LLC v. Mereora, et al. - EJDC Case No. A-21-835625-C

Dear Mr. Hofland,

Per Court's Minute Order, attached for your review and comment is the Proposed Order regarding the Motion to Dismiss.

We are required to submit the order within 14 days, or no later than December 6.

Best regards,



Robert A. Rabbat, Esq.  
Enenstein Pham & Glass LLP



Las Vegas Office  
11920 Southern Highlands Pkwy., Suite 103  
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Admitted in Nevada, California, and Oregon.

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1 **CSERV**

2  
3 DISTRICT COURT  
CLARK COUNTY, NEVADA

4  
5  
6 SLC LLC, Plaintiff(s)

CASE NO: A-21-835625-C

7 vs.

DEPT. NO. Department 4

8 Larisa Mereora, 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 Denying Motion was served via the court's electronic eFile  
13 system to all recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 12/2/2021

15 Bradley Hofland

Bradh@hoflandlaw.com

16 Nikki Woulfe

clerk@hoflandlaw.com

17 Anna Stein

bhassistant@hoflandlaw.com

18 Robert Rabbat

rrabbat@enensteinlaw.com

19 Lauren Verbanik

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20 Matthew Rosene

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21 Victor Botnari

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**CERTIFICATE OF SERVICE**

Pursuant to Nev.R.Civ.P. 5(b), I hereby certify that on December 3, 2021, I served a true and correct copy of the foregoing **NOTICE OF ENTRY OF ORDER DENYING DEFENDANTS' MOTION FOR FAILURE TO STATE A CLAIM** served electronically via the court's e-filing system Odyssey eFileNV, including the following interested parties named below.

Bradley J. Hofland, Esq.  
HOFLAND & TOMSHECK  
228 S. 4<sup>th</sup> St., 1<sup>st</sup> Floor  
Las Vegas, NV 89101  
Telephone: (702) 895-6760  
Email: bradh@hoflandlaw.com  
*Attorneys for Defendants*

/s/Lauren A. Verbanik  
Lauren Verbanik, *Paralegal*

Alvin B. Linnon

## Attorneys for Defendants

## Defendants.

ROA000177

)  
 )  
 LARISA MEREORA, an individual; )  
 THOMAS MULKINS, an individual; )  
 NINA GROZAV, an individual, ION )  
 NEAGU, an individual; ALISA )  
 NEAGU, an individual; MARIA )  
 REYNOLDS, an individual, NNG LLC, )  
 a Nevada Limited Liability Company )  
 dba UNIVERSAL MOTORCARS; )  
 UNIVERSAL MOTORCAR LLC, a )  
 Nevada limited liability company dba )  
 UNIVERSAL MOTORCARS; DOES I )  
 through X and ROE BUSINESS )  
 ENTITIES through X, inclusive )  
 )  
 Counterclaimants, )  
 )  
 vs. )  
 )  
 SLC LLC, a Nevada limited liability )  
 company )  
 Counterdefendant. )

COMES NOW, Defendants Larisa Mereora, Nina Grozav, Ion Neagu, Maria  
 Reynolds, Alisa Neagu, NNG LLC and Universal Motorcars and answers Plaintiff's  
 Complaint on file herein and states as follows:

### **INTRODUCTION**

1. In answering Paragraphs 1-15 of Plaintiff's Complaint, the Paragraphs  
 state law or are legal conclusions, as such Defendants are without sufficient  
 information and knowledge to ascertain the truth of the allegations contained therein  
 and, therefore deny the same.

2. In answering Paragraphs 16-17 and 22-24 of Plaintiff's Complaint,  
 Defendants are without sufficient information and knowledge to ascertain the truth  
 of the allegations contained therein and, therefore deny the same.

3. In answering Paragraphs 1-21, 25-29, 33-42, 44-53, 55-62, 64-72, 74-

1 82, 84-91, 93-97, 99-104 of Plaintiff's Complaint, Defendants deny each and every  
2 allegation contained therein.

3 4. In answering Paragraphs 30-31 of Plaintiff's Complaint, Defendants  
4 admit each and every allegation contained therein.

5 5. In answering Paragraphs 32 of Plaintiff's Complaint, Alisa and Grozav  
6 admit operating an auto repair business under the name of Universal Motorcars  
7 through NNG and that entity has since been dissolve and further deny the remaining  
8 allegations contained therein.

9 **AFFIRMATIVE DEFENSES**

10 For a further answer, Defendants by and through their attorney, Bradley J.  
11 Hofland, Esq., of Hofland & Tomsheck and by way of affirmative defenses, allege  
12 as follows:

13 **FIRST AFFIRMATIVE DEFENSE**

14 **(Failure to State a Claim)**

15 As and for a first affirmative defense to the Complaint on file herein and each  
16 cause of action therein, Defendants allege that the Complaint and each cause of  
17 action therein fails to state a claim against Defendants upon which relief can be  
18 granted as the Plaintiff does not own Zip Zap Auto and or because all claims against  
19 the Defendants involving the same or similar issues, were dismissed with prejudice  
20 in case number A-19-805955-C.

21 **SECOND AFFIRMATIVE DEFENSE**

22 **(Waiver)**

23 As and for a second affirmative defense to the Complaint on file herein,  
24 Defendants are informed and believe and thereon allege that Plaintiff engaged in  
25 conduct and activities sufficient to constitute waiver of any alleged breach of duty,  
26 negligence, act, omission, or any other conduct, if any, as set forth in the Complaint.

1 **THIRD AFFIRMATIVE DEFENSE**

2 **(Doctrine of Unclean Hands)**

3 As and for a third affirmative defense to the Complaint on file herein and each  
4 cause of action therein, Defendants allege that Plaintiff's claims are barred by the  
5 Doctrine of Unclean Hands.

6 **FOURTH AFFIRMATIVE DEFENSE**

7 **(Doctrine of Equitable Estoppel)**

8 As and for a fourth affirmative defense to the Complaint on file herein and  
9 each cause of action therein, Defendants are informed and believe and thereon allege  
10 that the Complaint on file herein, and each and every purported cause of action  
11 contained herein, is barred by reasons of act, omissions, representations, and courses  
12 of conduct by Plaintiff upon which Defendants were led to rely to their detriment,  
13 thereby barring under the Doctrine of Equitable Estoppel any causes of action  
14 asserted by Plaintiff.

15 **FIFTH AFFIRMATIVE DEFENSE**

16 **(Res Judicata)**

17 Plaintiff's Complaint is barred by res judicata.

18 **SIXTH AFFIRMATIVE DEFENSE**

19 **(Statute of Limitations)**

20 The claims asserted in Plaintiff's Complaint are barred by the statute of  
21 limitations.

22 **SEVENTH AFFIRMATIVE DEFENSE**

23 **(Statute of Frauds)**

24 The claims asserted in Plaintiff's Complaint are barred by the statute of  
25 frauds.

1 **EIGHTH AFFIRMATIVE DEFENSE**

2 **(Standing)**

3 Plaintiff lacks standing to assert the claims asserted in Plaintiff's Complaint  
4 against the Defendants.

5 **NINTH AFFIRMATIVE DEFENSE**

6 **(Compliance with Applicable Laws)**

7 On information and belief, Defendants allege that the Complaint is barred, in  
8 whole or in part, because Defendants, to the extent required to do so, acted in  
9 compliance with all applicable laws, statutes, and regulations.

10 **TENTH AFFIRMATIVE DEFENSE**

11 **(No Duty)**

12 On information and belief, Defendants allege that the Complaint is barred, in  
13 whole or in part, because Defendants did not owe Plaintiff a duty.

14 **ELEVENTH AFFIRMATIVE DEFENSE**

15 **(No Breach)**

16 On information and belief, Defendants allege that the Complaint is barred, in  
17 whole or in part, because Defendants did not breach any alleged duty to Plaintiff.

18 **TWELFTH AFFIRMATIVE DEFENSE**

19 **(No Proximate Cause)**

20 On information and belief, Defendants allege that the Complaint is barred, in  
21 whole or in part, because none of the alleged acts or omissions of Defendants were  
22 the proximate cause of Plaintiff's alleged injuries and damages, if any.

23 **THIRTEENTH AFFIRMATIVE DEFENSE**

24 **(Laches)**

25 On information and belief, Defendants allege that the Complaint is barred, in  
26 whole or in part, by the doctrine of laches.



1 **FOURTEENTH AFFIRMATIVE DEFENSE**

2 **(Acts Of Third Parties)**

3 On information and belief, Defendants allege that the Complaint is barred, in  
4 whole or in part, because if Plaintiff sustained injury or damage, the injury or  
5 damage was caused wholly or in part by the conduct, negligent acts or omissions,  
6 and/or fault of third parties or entities other than Defendants, which conduct, acts or  
7 omissions, or fault was the sole proximate cause or an intervening or superseding  
8 cause of any injury or damage to Plaintiff. Plaintiff's claims and damages sought, if  
9 any, against Defendants are barred completely or must be reduced in proportion to  
10 the fault attributable to other third parties or entities as are found culpable.

11 **FIFTEENTH AFFIRMATIVE DEFENSE**

12 **(Plaintiff's Own Acts Or Omissions)**

13 On information and belief, Defendants allege that the Complaint is barred, in  
14 whole or in part, because any injury, damage or loss allegedly sustained by Plaintiff  
15 was proximately and actually caused by and contributed to by the negligence and  
16 carelessness on the part of Plaintiff in that Plaintiff failed to exercise ordinary care  
17 on his own behalf at the times and in the places set forth in the Complaint.  
18 Accordingly, recovery by Plaintiff should be barred or reduced to the extent of such  
19 responsibility.

20 **SIXTEENTH AFFIRMATIVE DEFENSE**

21 **(Adequate Legal Remedies)**

22 On information and belief, Defendants allege that to the extent Plaintiff seeks  
23 equitable relief against Defendants, Plaintiff has adequate legal remedies for his  
24 alleged injuries, if any, resulting from the alleged conduct of Defendants.

1                                   **SEVENTEENTH AFFIRMATIVE DEFENSE**

2   **(No Damages)**

3           On information and belief, Defendants allege that the Complaint is barred, in  
4 whole or in part, because Plaintiff has not suffered the injury or damages alleged, or  
5 any other injury or damages.

6                                   **EIGHTEENTH AFFIRMATIVE DEFENSE**

7   **(Failure To Mitigate Damages)**

8           On information and belief, Defendants allege that the Complaint is barred, in  
9 whole or in part, because Plaintiff failed and refused to mitigate his alleged damages  
10 and losses.

11                                   **NINETEENTH AFFIRMATIVE DEFENSE**

12   **(No Basis For Attorneys' Fees)**

13           On information and belief, Defendants allege that Plaintiff is not entitled to  
14 recover attorneys' fees from DEFENDANTS because Plaintiff has not set forth a  
15 sufficient factual or legal basis for the recovery of attorneys' fees from Defendants.

16                                   **TWENTIETH AFFIRMATIVE DEFENSE**

17   **(No Right To Prejudgment Interest)**

18           On information and belief, Defendants allege that Plaintiff is not entitled to  
19 recover prejudgment interest because his alleged damages are not certain or capable  
20 of being made certain by any calculation.

21                                   **TWENTY-FIRST AFFIRMATIVE DEFENSE**

22   **(Ratification/Consent)**

23           On information and belief, Defendants allege that the Complaint is barred, in  
24 whole or in part, by the doctrines of ratification and/or consent because Plaintiff  
25 consented to the terms of the transaction of which Plaintiff now complains.

1                                   **TWENTY-SECOND AFFIRMATIVE DEFENSE**

2                   **(Affirmative Defenses-Rule 8 of the Nevada Rules of Civil Procedure)**

3           Defendant hereby incorporates by reference those Affirmative Defenses  
4 enumerated in Rule 8 of the Nevada Rules of Civil Procedure as if fully set forth at  
5 length herein. In the event further investigation or discovery reveals the  
6 applicability of any such defenses, Defendant reserves the right to seek leave from  
7 the Court to amend the Answer to the Complaint to specifically assert the same.  
8 Said Defenses are incorporated by reference for the specific purpose of not waiving  
9 the same.

10                                   **TWENTY-THIRD AFFIRMATIVE DEFENSE**

11                                   **(Lack of Privity)**

12           As and for the Twenty-Third affirmative defense to the Complaint on file  
13 herein and each cause of action therein, Defendants assert there is no contractual  
14 relationship or agreement between the Plaintiff and the Defendants.

15                                   **TWENTY-FOUR AFFIRMATIVE DEFENSE**

16                                   **(Lack of Authority/Capacity to Sue)**

17           As and for the Twenty-Fourth affirmative defense to the Complaint on file  
18 herein and each cause of action therein, Defendants assert Plaintiff lacks the  
19 authority and or capacity to sue as the Plaintiff does not own Zip Zap Auto and or  
20 because all claims against the Defendants involving the same or similar issues, were  
21 dismissed with prejudice in case number A-19-805955-C.

22                                   **TWENTY-FIFTH AFFIRMATIVE DEFENSE**

23                                   **(Failure to Join Indispensable Party)**

24           As and for the Twenty-Fifth affirmative defense to the Complaint on file  
25 herein and each cause of action therein, Defendants assert Plaintiff failed to join  
26 Hamid Sheickai, who is the party that owns Zip Zap Auto, and thus unquestionably  
27 a necessary and indispensable party, is *not* a party to this action, it is appropriate to  
28

1 dismiss this action pursuant to NRCP 19(a)(1)(A) as in the absence of Hamid  
2 Sheiki, the court is unable to accord complete relief among the existing parties.

3 **TWENTY-SIXTH AFFIRMATIVE DEFENSE**

4 **(Lack of Jurisdiction / Venue / Choice of Law)**

5 As and for the Twenty-Seventh affirmative defense to the Complaint on file  
6 herein and each cause of action therein, in case number A-19-805955-C all claims  
7 involving the Defendants involving the same or similar issues, were dismissed with  
8 prejudice.

9 **TWENTY-SEVENTH AFFIRMATIVE DEFENSE**

10 **(Reservation)**

11 On information and belief, Defendants allege that they intended to rely on  
12 such other affirmative defenses as may become legally available, known or apparent  
13 during the discovery in this action and hereby reserve the right to amend this Answer  
14 to Complaint to assert any and all such defenses.

15 WHEREFORE, Defendants respectfully request the following:

- 16 1. Plaintiff's complaint is dismissed;  
17 2. Plaintiff take nothing by way of the complaint filed; and  
18 3. Defendants are awarded a reasonable amount of attorney's fees  
19 and costs.

20 **COUNTERCLAIM**

21 Counterclaimants Larisa Mereora, Nina Grozav, Ion Neagu, Maria Reynolds,  
22 NNG LLC and Universal Motorcars are collectively referred to as the  
23 "Counterclaimants" or the "Defendants"), through the law firm of Hofland &  
24 Tomsheck complain and allege against Counterdefendant SLC LLC, a Nevada  
25 limited liability company as follows:

26 **THE PARTIES**

- 27 1. Counterclaimant NNG, LLC is and was a limited liability company  
28

1 formed under the laws of the State of Nevada and a named defendant in the  
2 underlying litigation.

3 2. Counterclaimant Universal Motorcars, LLC is and was a limited  
4 liability company formed under the laws of the State of Nevada and a named  
5 defendant in the underlying litigation.

6 3. Counterclaimant Larisa Mereora, is an individual whose residence is in  
7 Puerto Rico.

8 4. Counterclaimant Nina Grozav, is an individual whose residence is in  
9 the State of Nevada.

10 5. Counterclaimant Ion Neagu, is an individual whose residence is in the  
11 State of Nevada.

12 6. Counterclaimant Alisa Neagu, is an individual whose residence is in the  
13 State of Nevada.

14 7. Counterclaimant Maria Reynolds, is an individual whose residence is in  
15 the State of Nevada.

16 8. Counterdefendant SLC, LLC (“SLC”, “Plaintiff” or  
17 “Counterdefendant”) is and was a limited liability company formed under the laws  
18 of the State of Nevada and is the Plaintiff in the underlying litigation that filed the  
19 underlying complaint against the Defendants.

20 9. The true names and capacities, whether individual, corporate, associate  
21 or otherwise of Counterdefendants ROES I through X, are unknown to  
22 Counterclaimants, who therefore sues said Counterdefendants by such fictitious  
23 names. Counterclaimants are informed and believe and therefore allege that each of  
24 the Counterdefendants designated as ROES are responsible in some manner for the  
25 events and occurrences referred to in this Counterclaim and/or that they owe money  
26 to Counterclaimants and/or may be affiliated with one or more of the other  
27 Counterdefendants via the alter ego doctrine. Counterclaimants will ask for leave of  
28 the Court to amend this Counterclaim and insert their true names and capacities

1 when the same have been ascertained and join said Counterdefendants in this  
2 action.

3 **JURISDICTION AND VENUE**

4 10. Personal jurisdiction and venue properly lie within the District Court  
5 for Clark County, Nevada, as Plaintiff filed the underlying complaint against the  
6 Defendant.

7 **GENERAL ALLEGATIONS**

8 11. Plaintiff does not own Zip Zap Auto.

9 12. Zip Zap Auto is owned by Hamid Sheiki.

10 13. Hamid Sheiki in case number A-19-805955-C all claims involving the  
11 Defendants involving the same or similar issues, were dismissed with prejudice.

12 **FIRST CLAIM FOR RELIEF**

13 (Abuse of Process)

14 14. Counterclaimants repeat and reallege each and every allegation  
15 contained above and incorporate the same here by reference.

16 15. Plaintiff did not file the underlying action to resolve a legal dispute  
17 between it and the Defendants.

18 16. Counterdefendant does not own Zip Zap Auto.

19 17. Zip Zap Auto is owned by Hamid Sheiki.

20 18. Counterdefendant willfully maintained the use of the underlying  
21 process after it refused to provide a basis to bring the underly action against the  
22 Defendants.

23 19. As a direct and proximate result the above-described conduct and  
24 omissions of Counterdefendant, Counterclaimants have been damaged in an amount  
25 in excess of Fifteen Thousand Dollars (\$15,000.00), the exact amount to be  
26 determined at the time of the trial in this matter.

27 20. Counterclaimants have been forced to retain the services of Hofland &  
28 Tomsheck to represent them in this action and therefore are entitled to

1 reimbursement for reasonable attorney's fees and costs.

2

3 Dated this 17<sup>th</sup> day of December, 2021.

4

5

**HOFLAND & TOMSHECK**

6

By: /s/ Bradley J. Hofland

7

Bradley J. Hofland, Esq.

8

State Bar of Nevada No. 6343

9

228 South 4th Street, First Floor

10

Las Vegas, Nevada 89101

11

Attorneys for Counterclaimants / Defendants

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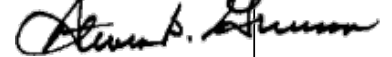
**CERTIFICATE OF SERVICE**

I **HEREBY CERTIFY** that I am an employee of HOFLAND & TOMSHECK, that pursuant to Administrative Order 14-2, NEFCR 9, and NRCP 5(b), on the December 17, 2021, I served the forgoing **DEFENDANTS’ ANSWER TO PLAINTIFF’S COMPLAINT AND COUNTERCLAIM** on the following parties by E-Service through the Odyssey filing system and/or U.S. Mail addressed as follows:

ENENSTEIN PHAM & GLASS  
Robert A. Rabbat, Esq.  
[rrabbat@enensteinlaw.com](mailto:rrabbat@enensteinlaw.com)  
*Attorneys for Plaintiff SLC LLC*

BY: /s/ Nikki Warren  
An Employee of HOFLAND & TOMSHECK





**MDSM**

Robert A. Rabbat, Esq.  
Nevada Bar No. 12633  
ENENSTEIN PHAM & GLASS  
11920 Southern Highlands Pkwy., Suite 103  
Las Vegas, Nevada 89141  
Telephone: (702) 468-0808  
Facsimile: (702) 920-8228  
Email: rrabbat@enensteinlaw.com  
*Attorneys for Plaintiffs*

**EIGHTH JUDICIAL DISTRICT COURT  
CLARK COUNTY, NEVADA**

SLC LLC, a Nevada limited liability company,	)	Case No. A-21-835625-C
	)	Dept. No. 4
Plaintiff,	)	
vs.	)	<b>HEARING REQUESTED</b>
	)	
LARISA MEREORA, an individual;	)	<b>PLAINTIFF/COUNTER-DEFENDANT</b>
THOMAS MULKINS, an individual; NINA )	)	<b>SLC LLC'S RULE 12(B)(5) MOTION TO</b>
GROZAV, an individual; ION NEAGU, an )	)	<b>DISMISS COUNTERCLAIM</b>
individual; ALISA NEAGU, an individual; )	)	
MARIA REYNOLDS, an individual; NNG, )	)	
LLC, a Nevada limited liability company )	)	Complaint Filed: June 2, 2021
dba UNIVERSAL MOTORCARS; )	)	
UNIVERSAL MOTORCAR LLC, a Nevada )	)	
limited liability company dba UNIVERSAL )	)	
MOTORCARS; DOES I through X, )	)	
inclusive; and ROE BUSINESS ENTITIES )	)	
I through X, inclusive, )	)	
	)	
Defendants.	)	

**PLAINTIFF/COUNTER-DEFENDANT SLC LLC'S  
RULE 12(B)(5) MOTION TO DISMISS COUNTERCLAIM**

1 **I. INTRODUCTION**

2 Defendants and Counter-Claimants (“Counter-Claimants”) filed a baseless Motion  
3 to Dismiss the Complaint, which motion was denied by this Court before Counter-  
4 Defendants filed a supporting reply brief.<sup>1</sup> Nonetheless, they recycled some of the flawed  
5 arguments and disproven facts in an abuse of process Counterclaim that is subject to  
6 dismissal under Nev. R. Civ. P. 12(b)(5) for failure to state a claim. Most glaring,  
7 Counter-Claimants (and their attorney Bradley J. Hofland) *again* falsely assert that the  
8 claims in Plaintiff and Counter-Defendant SLC LLC’s (“SLC”) Complaint “were  
9 dismissed with prejudice” in a different case with different parties.<sup>2</sup> Worse yet, Counter-  
10 Claimants and their attorney Mr. Hofland *know* that the claims in the Complaint were not  
11 dismissed because Counter-Claimants were never parties to that other case.

12 Moreover, even if all of the allegations in the Counterclaim are accepted as true, it  
13 still fails to allege facts sufficient to state a claim. More particularly, the Counterclaim  
14 consists of three short, mostly irrelevant, “factual” allegations, and a few conclusory  
15 recitations of the elements of the abuse of process claim.<sup>3</sup> But an abuse of process claim  
16 must include “some allegation of abusive measures,”<sup>4</sup> “facts plausibly indicating how  
17 [SLC] willfully misused legal process to further the improper purpose,”<sup>5</sup> and “facts, rather  
18 than conjecture, showing that [SLC] intended to use the legal process to further an ulterior  
19 purpose.”<sup>6</sup> The Counterclaim is devoid of all such allegations and therefore should be  
20 dismissed with prejudice.

21 <sup>1</sup> See Request for Judicial Notice (“RJN”), ¶2, Ex. 2 at pp. 16-18.

22 <sup>2</sup> Counterclaim, ¶13 (referencing the matter before Eighth Judicial District Court of Clark  
23 County, Nevada, Case No. A-19-805955-C, commonly known as *Vitiok, LLC v. SLC, LLC*  
24 *et al.* (“Vitiok Case”)); *see also, e.g.*, RJN, ¶1, Ex. 1 at p. 4; RJN, ¶3, Ex. 3 at p. 21.

25 <sup>3</sup> Counterclaim, ¶¶11-20.

26 <sup>4</sup> *Bricklayers & Allied Craftsmen, Loc. Union No. 3 v. Masonry & Tile Contractors Ass’n*  
27 *of S. Nevada*, No. CV-LV-81-726 RDF, 1990 WL 270784, at \*9 (D. Nev. July 2, 1990).

28 <sup>5</sup> *InjuryLoans.com, LLC v. Buenrostro*, 529 F. Supp. 3d 1178, 1189 (D. Nev. 2021).

<sup>6</sup> *Land Baron Invs. Inc. v. Bonnie Springs Family Ltd.*, 131 Nev. 686, 698, 356 P.3d 511,  
519 (2015).

1 **II. COUNTER-CLAIMANTS FAILED TO ASSERT FACTUAL**  
2 **ALLEGATIONS SUPPORTING THE ABUSE OF PROCESS CLAIM**

3 Counter-Claimants allege a single cause of action for abuse of process.<sup>7</sup> The  
4 Counterclaim includes rote allegations identifying the “Parties,” stating the basis for  
5 “Jurisdiction and Venue,” and “repeat[ing] and realleg[ing]” previously asserted  
6 allegations,<sup>8</sup> along with nine substantive paragraphs. Three of those substantive  
7 paragraphs are factual allegations, and the remainder are unsupported conclusions. More  
8 particularly, Counter-Claimants allege the following purported facts: “[SLC] does not own  
9 Zip Zap Auto” (¶¶11, 16), “Zip Zap Auto is owned by Hamid Sheiki [sic]” (¶¶12, 17), and  
10 “Hamid Sheiki [sic] in case number A-19-805955-C all claims involving the [Counter-  
11 Claimants] involving the same or similar issues, were dismissed with prejudice” (¶13).<sup>9</sup>

12 Without any supporting facts, Counter-Claimants also conclude that SLC “did not  
13 file the underlying action to resolve a legal dispute between it and [Counter-Claimants]”  
14 and “willfully maintained the use of the underlying process after it refused to provide a  
15 basis to bring the underly [sic] action against the [Counter-Claimants].”<sup>10</sup>

16 **III. THE COUNTERCLAIM INCLUDES FACTUAL ALLEGATIONS THAT**  
17 **ARE PROVEN FALSE IN JUDICIALLY NOTICEABLE DOCUMENTS**

18 Counter-Claimants allege that “[Sheikhai] in case number A-19-805955-C [the  
19 Vitiok Case] all claims involving the [Counter-Claimants] involving the same or similar  
20 issues, were dismissed with prejudice.”<sup>11</sup> This is patently false, and Counter-Claimants  
21 and their attorney Mr. Hofland know that this is false. Indeed, Counter-Claimants were  
22 never parties to the Vitiok Case, and thus could not have been “dismissed with prejudice”  
23 from that case. As Counter-Claimants and their counsel are aware, the Vitiok Case was a

24 \_\_\_\_\_  
25 <sup>7</sup> Counterclaim, pp. 11-12.

26 <sup>8</sup> *Id.*, pp. 9-12, ¶¶1-10, 14.

27 <sup>9</sup> *Id.*, pp. 9-12, ¶¶11-13, 16-17.

28 <sup>10</sup> *Id.*, ¶¶15, 18-20.

<sup>11</sup> *Id.*, ¶13.

1 dispute between Vitiok, LLC and Victor Botnari, on one the hand, and SLC, Sheikhai, and  
2 Zohreh Amiryavari, on the other hand.<sup>12</sup> Indeed, when Sheikhai attempted to add Counter-  
3 Claimants Larisa Mereora, Thomas Mulkins, Nina Grozav, Ion Neagu, Alisa Neagu, and  
4 NNG, LLC dba Universal Motorcars as parties to the Vitiok Case through an amended  
5 counterclaim, Judge Susan Johnson refused, and instructed that such claims must be  
6 brought in “third-party action(s)” because Counter-Claimants were not parties.<sup>13</sup>

7 In addition, Judge Johnson rejected the use of a caption in the Vitiok Case that  
8 identified Counter-Claimants as parties, and instructed at a January 7, 2021 hearing that,  
9 “*the following Cross Defendants needed to be removed from the case: Larisa Mereora,*  
10 *Thomas Mulkins, Nina Grozav, Ion Neagu, Alisa Neagu, and NNG, LLC.*”<sup>14</sup> The fact  
11 that Counter-Claimants and Mr. Hofland represent to this Court that Counter-Claimants  
12 were parties to the Vitiok Case is especially egregious because Mr. Hofland appeared as  
13 “Attorney for Counter Defendant, Plaintiff” Vitiok LLC at that January 7, 2021 hearing in  
14 the Vitiok Case.<sup>15</sup>

#### 15 IV. ARGUMENT

##### 16 A. The Legal Standard for NRCP 12(b)(5) Motion to Dismiss

17 In analyzing a motion to dismiss under Nev. R. Civ. P. 12(b)(5), a trial court “will  
18 recognize all factual allegations in [the Counterclaim] as true and draw all inferences in its  
19 favor. [The Counterclaim] should be dismissed only if it appears beyond a doubt that it  
20 could prove no set of facts, which, if true, would entitle it to relief.”<sup>16</sup> Although “the Court  
21 will take all material allegations as true and construe them in the light most favorable to  
22

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23 <sup>12</sup> See RJN, Ex. 3 at p. 21 (identifying the parties to the Vitiok Case and their counsel).

24 <sup>13</sup> RJN, Ex.1 at ¶4; see RJN, Ex. 3 at p. 23 (July 24, 2020 “Motion to File Amneded [sic]  
Answer and Counterclaim”) and at p. 24 (Aug. 24, 2020 “Reply to Opposition”).

25 <sup>14</sup> RJN, ¶4, Ex. 4 at pp. 28-29 (emphasis added).

26 <sup>15</sup> *Id.*

27 <sup>16</sup> *Buzz Stew, LLC v. City of N. Las Vegas*, 124 Nev. 224, 227–28, 181 P.3d 670, 672  
28 (2008) (internal citations omitted); see also *Guzman v. Johnson*, 137 Nev. Adv. Op. 13,  
483 P.3d 531, 536 (2021).

1 the [Counter-Claimants,] ... [t]he Court, however, is not required to accept as true  
2 *allegations that are merely conclusory, unwarranted deductions of fact, or*  
3 *unreasonable inferences.*”<sup>17</sup>

4 In ruling on a NRCP Rule 12(b)(5) motion to dismiss, a district court ““may not  
5 consider any material beyond the pleadings”” and judicially noticeable documents.<sup>18</sup> Here,  
6 Counter-Claimants fail to allege sufficient facts to support the abuse of process claim *and*  
7 some of the allegations are proven false by judicially noticeable documents.

8 **B. The Counterclaim Fails to State a Claim for Abuse of Process**

9 The “elements of an abuse of process claim are:

- 10 (1) an ulterior purpose by [SLC] other than resolving a legal dispute,  
11 and  
12 (2) a willful act in the use of the legal process not proper in the regular  
conduct of the proceeding.”<sup>19</sup>

13 For an abuse of process claim, “Nevada follows the rule, as does an overwhelming  
14 majority of states, that the mere filing of the complaint is insufficient to establish the tort  
15 of abuse of process.”<sup>20</sup> Rather, there must be “some allegation of abusive measures taken  
16 *after* the filing of the complaint in order to state a claim.”<sup>21</sup> Moreover, allegations of  
17 “ulterior purpose is not alone sufficient; [Counter-Claimants] must allege facts plausibly

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18 <sup>17</sup> *Bank of Am., N.A. v. Mesa Homeowners’ Ass’n*, 446 F. Supp. 3d 692, 696 (D. Nev.  
19 2020) (emphasis added) (citing *Sprewell v. Golden State Warriors*, 266 F.3d 979, 988 (9th  
20 Cir.), opinion amended on denial of reh’g, 275 F.3d 1187 (9th Cir. 2001); *NL Indus., Inc.*  
*v. Kaplan*, 792 F.2d 896, 898 (9th Cir. 1986)).

21 <sup>18</sup> *Eagle SPE NV I, Inc. v. Kiley Ranch Communities*, 5 F. Supp. 3d 1238, 1241 (D. Nev.  
22 2014), quoting *Hal Roach Studios, Inc. v. Richard Feiner & Co.*, 896 F.2d 1542, 1555 n.  
19 (9th Cir.1990).

23 <sup>19</sup> *LaMantia v. Redisi*, 118 Nev. 27, 30, 38 P.3d 877, 879 (2002) (citing *Posadas v. City of*  
24 *Reno*, 109 Nev. 448, 457, 851 P.2d 438, 444 (1993) and *Kovacs v. Acosta*, 106 Nev. 57,  
59, 787 P.2d 368, 369 (1990).

25 <sup>20</sup> *Laxalt v. McClatchy*, 622 F. Supp. 737, 751–52 (D. Nev. 1985), overruled on other  
26 grounds as recognized in *Foley v. Graham*, No. 216CV01871JADVCF, 2020 WL 714105,  
27 at \*3 fn.30 (D. Nev. Feb. 11, 2020).

28 <sup>21</sup> *Bricklayers & Allied Craftsmen*, No. CV-LV-81-726 RDF, 1990 WL 270784, at \*9  
(citing *Laxalt*, 622 F. Supp. at 752).

1 indicating how [SLC] willfully misused legal process to further the improper purpose.”<sup>22</sup>  
2 Counter-Claimants “must provide facts, rather than conjecture, showing that [SLC]  
3 intended to use the legal process to further an ulterior purpose.”<sup>23</sup>

4 *InjuryLoans.com* is instructive. There, counterclaimant sufficiently alleged “ulterior  
5 motive” by alleging that counterdefendant “maintained th[e] suit on false pretense to  
6 deflect [their] own misconduct onto a convenient scapegoat, in an attempt to misdirect or  
7 otherwise confuse the myriad of ongoing investigations and suits against [defendant and  
8 others].”<sup>24</sup> Here, Counter-Claimants, at most, provide conjecture for their abuse of process  
9 claim. Indeed, none of Counter-Claimants’ three factual allegations support a claim that  
10 SLC had the requisite “ulterior purpose” for filing or maintaining the Complaint, nor do  
11 they plausibly indicate that SLC “willfully misused the legal process to further [any]  
12 improper purpose.”<sup>25</sup> Rather, the allegations simply state that “[SLC] does not own Zip  
13 Zap Auto” and that “Zip Zap Auto is owned by [Sheikhai].”<sup>26</sup> If true, those allegations  
14 potentially warrant a pleading challenge to the Complaint, but do not satisfy the  
15 requirements that the Counterclaim assert *facts* supporting the abuse of process claim. The  
16 closest Counter-Claimants come to satisfying this element is the claim that SLC “did not  
17 file the underlying action to resolve a legal dispute between it and [Counter-Claimants],”<sup>27</sup>  
18 but that allegation goes to a lack of merit, not an ulterior motive.

19 Similarly, Counter-Claimants allegation regarding the Vitiok Case does not support  
20 the abuse of process claim.<sup>28</sup> Even if Sheikhai’s claims in the Vitiok Action were  
21 dismissed with prejudice, and if SLC did not file the Complaint here to resolve a legal  
22

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23 <sup>22</sup> *InjuryLoans.com*, 529 F. Supp. 3d at 1189.

24 <sup>23</sup> *Land Baron Invs.*, 131 Nev. at 698.

25 <sup>24</sup> *InjuryLoans.com*, 529 F. Supp. 3d at 1190.

26 <sup>25</sup> *LaMantia*, 118 Nev. at 30; *InjuryLoans.com*, 529 F. Supp. 3d at 1189.

27 <sup>26</sup> Counterclaim, p. 11, ¶¶11-12, 16-17.

28 <sup>27</sup> *Id.*, ¶15.

<sup>28</sup> *See id.*, ¶¶13, 15, 18.

1 dispute with Counter-Claimants, and if SLC refused to provide a basis to bring the  
2 Complaint against Counter-Claimants, these “facts” simply point to potential defects in  
3 the Complaint that may be vulnerable to a challenge on the merits. Indeed, in *Land Baron*  
4 *Invs.*, counterplaintiff’s allegation that the offending civil complaint was filed for an  
5 ulterior purpose was more robust than Counter-Claimants’ allegation here because, there,  
6 counterplaintiff alleged that the offending civil complaint was filed for the “ulterior  
7 purpose of coercion”; regardless, there, the court found the allegation was insufficient.<sup>29</sup>  
8 Here, Counter-Claimants’ fail to allege any purported ulterior motive. By contrast, in  
9 *InjuryLoans.com* the court found counterplaintiff adequately alleged an ulterior motive  
10 qua “false pretense to deflect [their] own misconduct onto a convenient scapegoat, in an  
11 attempt to misdirect ... ongoing investigations.”<sup>30</sup> As such, Counter-Claimants fail to  
12 allege facts establishing the first element of the abuse of process claim.

13 Further, Counter-Claimants’ attempts to disguise regurgitated quotes from case law  
14 as factual allegations fall short of alleging an abuse of process claim. In ruling on a Rule  
15 12(b)(5) motion to dismiss, a “formulaic recitation of a cause of action with conclusory  
16 allegations is not sufficient; [Counter-Claimants] must plead facts showing that a violation  
17 is *plausible*, not just possible.”<sup>31</sup> By way of example, in *InjuryLoan.com*, counterplaintiff  
18 asserted “two allegations concerning [counterdefendant’s] supposed abuse of process:  
19 [counterdefendant’s] alleged witness intimidation and their initiation of duplicative  
20 actions in state court.”<sup>32</sup> Those allegations were insufficient because the witness  
21 intimidation claim was “a legal conclusion” and the duplicative actions claim did not  
22 constitute an allegation of “improper uses of process” and did not allege a “connection  
23 between” an improper use of process and any “allegedly unlawful purpose.”<sup>33</sup>

24 \_\_\_\_\_  
25 <sup>29</sup> *Land Baron Invs.*, 131 Nev. at 698.

26 <sup>30</sup> *InjuryLoans.com*, 529 F. Supp. 3d at 1190.

27 <sup>31</sup> *Bank of Am.*, 446 F. Supp. 3d at 696.

28 <sup>32</sup> *InjuryLoans.com*, 529 F. Supp. 3d at 1190.

<sup>33</sup> *Id.*

1 Like in *InjuryLoan.com*, here, Counter-Claimants present the conclusions that SLC  
2 “did not file the underlying action to resolve a legal dispute between it and the [Counter-  
3 Claimants]” and “willfully maintained the use of the underly [sic] process after it refused  
4 to provide a basis to bring the underlying action against [Counter-Claimants].”<sup>34</sup> But these  
5 allegations, and the entire Counterclaim, are devoid of any facts showing that SLC  
6 *possibly* abused process through the filing and prosecution of the instant action, and fall  
7 well short of a showing that SLC *plausibly* abused process through the instant action.<sup>35</sup>  
8 Indeed, “[i]t is the material facts pleaded ... and not the characterizations or conclusions  
9 drawn from them which are entitled to a presumption of truth.”<sup>36</sup> As such, the allegations  
10 in the Counterclaim also fail to satisfy the second element of an abuse of process claim.

11 Moreover, the allegation that SLC “refused to provide a basis to bring the underly  
12 [sic] action against [Counter-Claimants]” is nonsense.<sup>37</sup> The Complaint conspicuously  
13 states the basis for the claims alleged therein. For instance, SLC’s claims against Counter-  
14 Defendants are based on the fact that Counter-Claimants were caught “packing up and  
15 removing SLC’s equipment from the Zip Zap Auto shop,” and then obtained from that  
16 stolen equipment “SLC’s confidential customer list” and used it “against [SLC] by  
17 disparaging Zip Zap Auto and SLC and then direct[ing] those same customers to  
18 [Counter-Claimants’] *competing* auto repair shop.”<sup>38</sup> Regardless, Counter-Claimants’  
19 argument that SLC failed to provide a basis for the Complaint echoes their unsuccessful  
20 Motion to Dismiss the Complaint. In other words, not only is this argument a misplaced  
21 challenge to the Complaint, but this argument was already rejected by this Court after  
22 Counter-Claimants presented it in their unsuccessful Motion to Dismiss the Complaint.

23  
24 <sup>34</sup> Counterclaim, p. 11, ¶¶15, 18.

25 <sup>35</sup> See *Bank of Am.*, 446 F. Supp. 3d at 696; *LaMantia*, 118 Nev. at 30 (reciting the  
26 elements of an abuse of process claim).

27 <sup>36</sup> *Laxalt*, 622 F. Supp. at 740 (citing *Ivey v. Bd. of Regents*, 673 F.2d 266 (9th Cir. 1982)).

28 <sup>37</sup> Counterclaim, ¶18.

<sup>38</sup> Complaint, ¶¶24-29; see also *id.*, ¶¶44-104.



1 **V. CONCLUSION**

2 Counter-Claimants' Counterclaim fails to state a claim for two independent  
3 reasons. First, Counter-Claimants assert a demonstrably false claim that SLC's causes of  
4 action in the Complaint were somehow dismissed in a different action between different  
5 parties. Second, the Mickey Mouse "factual" allegations in the Counterclaim do not come  
6 close to creating a plausible basis for the abuse of process claim. The allegations about the  
7 ownership of Zip Zap Auto, if accepted as true, do not establish that SLC has an ulterior  
8 purpose or willfully misused legal process. And well-established law dictates that the  
9 formulaic recitation of the elements of the abuse of process cause of action are insufficient  
10 to state a claim. Consequently, SLC respectfully requests that the Court grant this Motion  
11 to Dismiss the Counterclaim.

12 Dated: January 7, 2022

**ENENSTEIN PHAM & GLASS**

13  
14 By: 

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*Attorneys for Plaintiff/Counter-Defendant  
SLC LLC*

**CERTIFICATE OF SERVICE**

Pursuant to Nev.R.Civ.P. 5(b), I hereby certify that on January 7, 2022, I served a true and correct copy of the foregoing **PLAINTIFF/COUNTER-DEFENDANT SLC LLC'S RULE 12(B)(5) MOTION TO DISMISS COUNTERCLAIM** served electronically via the court's e-filing system Odyssey eFileNV, including the following interested parties named below:

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12 *Defendant SLC LLC*

13 **EIGHTH JUDICIAL DISTRICT COURT**  
14 **CLARK COUNTY, NEVADA**

15 SLC LLC, a Nevada limited liability  
16 company,

17 Plaintiff,

18 vs.

19 LARISA MEREORA, an individual;  
20 THOMAS MULKINS, an individual;  
21 NINA GROZAV, an individual; ION  
22 NEAGU, an individual; ALISA NEAGU,  
23 an individual; MARIA REYNOLDS, an  
24 individual; NNG, LLC, a Nevada limited  
25 liability company dba UNIVERSAL  
26 MOTORCARS; UNIVERSAL  
27 MOTORCAR LLC, a Nevada limited  
28 liability company dba UNIVERSAL  
MOTORCARS; DOES I through X,  
inclusive; and ROE BUSINESS ENTITIES  
I through X, inclusive,

Defendants.

) Case No. A-21-835625-C

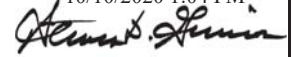
) Dept. No. 4

) **REQUEST FOR JUDICIAL NOTICE IN**  
) **SUPPORT OF PLAINTIFF / COUNTER-**  
) **DEFENDANT SLC LLC'S NRCP 12(B)(5)**  
) **MOTION TO DISMISS**  
) **COUNTERCLAIM FOR FAILURE TO**  
) **STATE A CLAIM**

REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF  
MOTION TO DISMISS COUNTERCLAIM

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# **Exhibit 1**

  
CLERK OF THE COURT

**ORDR**  
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Attorneys for Defendant Hamid Sheikhai

**IN THE EIGHTH JUDICIAL DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

VITIOK, LLC, a Nevada Limited Liability Company,  
Plaintiff,

vs.

SLC, LLC, a Nevada Limited Liability Company;  
HAMID SHEIKHAI, an individual, ZOHREH  
AMIRYAVARI, an individual, and DOES I through X  
and ROE CORPORATIONS I through X, inclusive,  
Defendants.

CASE NO: A-19-805955-C  
DEPT. NO: 22

**ORDER GRANTING  
DEFENDANT'S MOTION FOR  
LEAVE TO AMEND THE ANSWER  
AND COUNTERCLAIM**

DATE OF HEARING: 8/25/20  
TIME OF HEARING: 8:30 a.m.

This matter was set for hearing on August 25, 2020, before the Honorable Susan Johnson, District Court Judge, Department 22, on *Defendant Hamid Sheikhai's Motion to File an Amended Answer and Counterclaim*, Plaintiff Vitiok, LLC's *Plaintiff's Opposition to Defendant Hamid Sheikhai's Motion to File Amended Answer and Counterclaim and Countermotion for Attorney's Fees and Costs*, and *Defendant, Hamid Sheikhai's, Reply to Plaintiff's Opposition to Motion to File Amended Answer and Counterclaim and Countermotion for Attorney's Fees and Costs*.

Hamid Sheikhai was present and represented by his counsel, Marshal S. Willick, Esq. of the WILICK LAW GROUP; Michael Matthis, Esq., of MICHAEL B. LEE, P.C., was present, on behalf of

1 SLC, LLC and Zohreh Amiryavari; Victor Botnari, owner of Vitiok, LLC, was present and  
2 represented by his counsel, Todd Leventhal, Esq., of LEVENTHAL & ASSOCIATES and Brad Hofland,  
3 Esq., of HOFLAND & TOMSHECK.

4 Upon review of the pleadings, argument of counsel and for good cause shown, this  
5 Honorable Court makes the following findings and Orders:  
6

- 7 1. District courts have the discretion to grant leave to amend a pleading. *Stephens v. Southern*  
8 *Nevada Music Co., Inc.*, 89 Nev. 104, 105, 507 P.2d 138, 139 (1973). Before trial, leave  
9 should be freely given to a party to amend its pleadings. NEV. R. CIV. PRO. 15(a)(2). “[I]n  
10 the absence of any apparent or declared reason - such as undue delay, bad faith or dilatory  
11 motive on the part of the movant - the leave sought should be freely given.” *Stephens*, 89  
12 Nev. at 105-06, 507 P.2d at 139. The moving party must attach a copy of a proposed  
13 amended pleading to any motion to amend the pleading. EIGHTH JUD. DIST. CT. R. 2.30(a).  
14 “Unless otherwise permitted by the court, every pleading to which an amendment is  
15 submitted as a matter of right, or has been allowed by order of the court, must be re-typed  
16 or re-printed and filed so that it will be complete in itself, including exhibits, without  
17 reference to the superseded pleading.” *Id.* Furthermore, the amended pleading must contain  
18 copies of all exhibits referred to in such amended pleadings. *Id.* at 2.30(b).
- 19 2. The Court grants *Defendant Hamid Sheikhai’s Motion to Amend the Answer and*  
20 *Counterclaim* as modified.
- 21 3. Upon the entry of this *Order*, Hamid shall be permitted to file his *Amended Answer and*  
22 *Counterclaim*; provided, however, that there shall not be a separate cause of action for  
23 attorney’s fees because requests for attorneys fees are prayers for relief, rather than causes  
24 of action.

25 \*\*\*\*\*  
26  
27  
28

4. The *Amended Answer and Counterclaim* shall include the named parties only; any other potential cross-defendants shall initiate third-party action(s) related to the claims pled herein.

DATED this 9th day of October, 2020.

Dated this 10th day of October, 2020



DISTRICT COURT JUDGE

30A 54F 34BE 61C7

Susan Johnson

District Court Judge

Approved as to Form and Content:  
LEVENTHAL AND ASSOCIATES, PLLC

Respectfully Submitted By:  
WILLICK LAW GROUP

/s/ Lorien K. Cole

/s/ Todd M. Leventhal

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*Attorneys for Defendants Zoreh Amiryavari and SLC, LLC*

P:\wp19\SHEIKHAI,H\CVDRRAFTS22\Order Granting Leave to Amend Answer and Counterclaim.wpd/my



## Reception

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**From:** Mallory Yeargan  
**Sent:** Friday, October 09, 2020 8:53 AM  
**To:** Reception  
**Subject:** FW: Order from August 25 hearing - Dept 22

**From:** Brad Hofland <BradH@hoflandlaw.com>  
**Sent:** Friday, September 18, 2020 3:26 PM  
**To:** Lorien Cole <lorien@willicklawgroup.com>; Leventhal and Associates <leventhalandassociates@gmail.com>  
**Cc:** Marshal Willick <marshal@willicklawgroup.com>; mike@mblnv.com; 'Michael Matthis' <matthis@mblnv.com>; Mallory Yeargan <mallory@willicklawgroup.com>  
**Subject:** RE: Order from August 25 hearing - Dept 22

Lorien

You have consent to affix Mr. Leventhal's and my signature to the proposed Order.

Please send me over a copy of the JCCR/ICCR for me to review.

Bradley J. Hofland, Esq.  
Hofland & Tomsheck  
228 S. 4<sup>th</sup> St. 1<sup>st</sup> Floor  
Las Vegas, NV 89101  
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*Hofland & Tomsheck*

ATTORNEYS AND COUNSELORS AT LAW

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**From:** Lorien Cole <lorien@willicklawgroup.com>  
**Sent:** Friday, September 11, 2020 1:24 PM  
**To:** Brad Hofland <BradH@hoflandlaw.com>; Leventhal and Associates <leventhalandassociates@gmail.com>  
**Cc:** Marshal Willick <marshal@willicklawgroup.com>; mike@mblnv.com; 'Michael Matthis' <matthis@mblnv.com>; Mallory Yeargan <mallory@willicklawgroup.com>  
**Subject:** Order from August 25 hearing - Dept 22

## Reception

---

**From:** Mallory Yeargan  
**Sent:** Friday, October 09, 2020 8:35 AM  
**To:** Reception  
**Subject:** FW: Order from August 25 hearing - Dept 22

**From:** Mike Lee <mike@mblnv.com>  
**Sent:** Friday, September 11, 2020 1:43 PM  
**To:** Lorien Cole <lorien@willicklawgroup.com>; bradh@hoflandlaw.com; Leventhal and Associates <leventhalandassociates@gmail.com>  
**Cc:** mike@mblnv.com; Marshal Willick <marshal@willicklawgroup.com>; 'Michael Matthis' <matthis@mblnv.com>; Mallory Yeargan <mallory@willicklawgroup.com>  
**Subject:** RE: Order from August 25 hearing - Dept 22

Approved. Consent to you affixing my e signature.

Sent from my Verizon, Samsung Galaxy smartphone

1 **CSERV**

2  
3 DISTRICT COURT  
CLARK COUNTY, NEVADA

4  
5  
6 Vitiok LLC, Plaintiff(s)

CASE NO: A-19-805955-C

7 vs.

DEPT. NO. Department 22

8 SLC, LLC, 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: 10/10/2020

15 Debbie Hicks

debbie@douglascrawfordlaw.com

16 Douglas Crawford

doug@douglascrawfordlaw.com

17 Lorien Cole

lorien@willicklawgroup.com

18 Marshal Willick

marshal@willicklawgroup.com

19 Reception Reception

email@willicklawgroup.com

20 Bradley Hofland

Bradh@hoflandlaw.com

21 Michael Matthis

matthis@mblnv.com

22 Mallory Yeargan

Mallory@willicklawgroup.com

23 Todd Leventhal

Leventhalandassociates@gmail.com

24 Maribel Godinez

Maribel@toddleventhal.com

25 Michael Lee

mike@mblnv.com

1	Dina DeSousa Cabral	DinaD@hoflandlaw.com
2		
3	Leilanny Espinoza	Leilanny@douglascrawfordlaw.com
4	Nikki Woulfe	clerk@hoflandlaw.com
5	Emma Forte	emma@toddleventhal.com
6	Victor Botnari	12vb34@protonmail.com
7	Anna Stein	bhassistant@hoflandlaw.com
8	Kevin Wong	kevin@douglascrawfordlaw.com
9	Gary Segal	gary@douglascrawfordlaw.com
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# **Exhibit 2**

## Case Information

A-21-835625-C | SLC LLC, Plaintiff(s) vs. Larisa Mereora, Defendant(s)

Case Number	Court	Judicial Officer
A-21-835625-C	Department 4	Krall, Nadia
File Date	Case Type	Case Status
06/02/2021	Other Tort	Open

## Party

Plaintiff  
SLC LLC

Active Attorneys ▼  
Lead Attorney  
Rabbat, Robert A.  
Retained

Counter Defendant  
SLC LLC

Active Attorneys ▼  
Lead Attorney  
Rabbat, Robert A.  
Retained

Other (Participant)  
Verbanik, Lauren

Active Attorneys ▼  
Lead Attorney  
Rabbat, Robert A.  
Retained

Defendant  
Mereora, Larisa

Active Attorneys ▼  
Lead Attorney  
Hofland, Bradley J.  
Retained

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Counter Claimant  
Mereora, Larisa

Active Attorneys ▼  
Lead Attorney  
Hofland, Bradley J.  
Retained

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Defendant  
Mulkins, Thomas

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Defendant  
Grozav, Nina

Active Attorneys ▼  
Lead Attorney  
Hofland, Bradley J.  
Retained

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Counter Claimant  
Grozav, Nina

Active Attorneys ▼  
Lead Attorney  
Hofland, Bradley J.  
Retained

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Defendant  
Neagu, Ion

Active Attorneys ▼  
Lead Attorney  
Hofland, Bradley J.  
Retained

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Counter Claimant  
Neagu, Ion

Active Attorneys ▼  
Lead Attorney  
Hofland, Bradley J.  
Retained

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Defendant  
Neagu, Alisa

Active Attorneys ▼  
Lead Attorney  
Hofland, Bradley J.

Retained

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Defendant  
Reynolds, Maria

Active Attorneys ▼  
Lead Attorney  
Hofland, Bradley J.  
Retained

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Counter Claimant  
Reynolds, Maria

Active Attorneys ▼  
Lead Attorney  
Hofland, Bradley J.  
Retained

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Defendant  
NNG, LLC  
  
Aliases  
*DBA Universal Motorcars*

Active Attorneys ▼  
Lead Attorney  
Hofland, Bradley J.  
Retained

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Counter Claimant  
NNG, LLC  
  
Aliases  
*DBA Universal Motorcars*

Active Attorneys ▼  
Lead Attorney  
Hofland, Bradley J.  
Retained

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Defendant  
Universal Motorcar LLC  
  
Aliases  
*DBA Universal Motorcars*

Active Attorneys ▼  
Lead Attorney  
Hofland, Bradley J.  
Retained

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Counter Claimant  
Universal Motorcar LLC  
  
Aliases  
*DBA Universal Motorcars*

Active Attorneys ▼  
Lead Attorney  
Hofland, Bradley J.  
Retained

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## Events and Hearings

06/02/2021 Complaint ▼

Comment

[1] Complaint

06/02/2021 Initial Appearance Fee Disclosure ▼

Comment

[2] Initial Appearance Fee Disclosure (NRS Chapter 19)

06/02/2021 Summons Electronically Issued - Service Pending ▼

Comment

[3] Summons

09/29/2021 Affidavit of Service ▼

Comment

[4] Affidavit of Service of Summons, Complaint, IAFD, and CCS on  
Nina Grozav

09/29/2021 Affidavit of Service ▼

Comment

[5] Affidavit of Service of Summons, Complaint, IAFD, and CCS on  
Alisa Neagu

09/29/2021 Affidavit of Service ▼

Comment

[6] Affidavit of Service of Summons, Complaint, IAFD, and CCS on  
Maria Reynolds

09/29/2021 Affidavit of Service ▼

Comment

[7] Affidavit of Service of Summons, Complaint, IAFD, and CCS on  
Ion Neagu

09/29/2021 Affidavit of Service ▼

<p>Comment</p> <p><b>[8] Affidavit of Service of Summons, Complaint, IAFD, and CCS on NNG, LLC</b></p>
<p>09/30/2021 Affidavit of Service ▼</p> <p>Comment</p> <p><b>[9] Affidavit of Service of Summons, Complaint, IAFD, and CCS on Universal Motorcar LLC</b></p>
<p>09/30/2021 Motion to Extend Time to Serve ▼</p> <p>Comment</p> <p><b>[10] Plaintiff's Motion to Extend Time for Service of Defendant Larisa Mereora</b></p>
<p>09/30/2021 Clerk's Notice of Hearing ▼</p> <p>Comment</p> <p><b>[11] Notice of Hearing</b></p>
<p>10/11/2021 Notice ▼</p> <p>Comment</p> <p><b>[12] Notice of Related Cases</b></p>
<p>10/11/2021 Notice of Appearance ▼</p> <p>Comment</p> <p><b>[13] Notice of Appearance</b></p>
<p>10/12/2021 Motion to Dismiss ▼</p> <p>Comment</p> <p><b>[14] Defendants' Motion to Dismiss for Failure to State a Claim</b></p>
<p>10/13/2021 Clerk's Notice of Hearing ▼</p> <p>Comment</p> <p><b>[15] Notice of Hearing</b></p>
<p>10/14/2021 Notice of Appearance ▼</p> <p>Comment</p> <p><b>[16] Amended Notice of Appearance</b></p>
<p>10/26/2021 Opposition to Motion to Dismiss ▼</p> <p>Comment</p> <p><b>[17] Plaintiff's Opposition to Defendants' Motion to Dismiss for Failure to State a Claim</b></p>

10/26/2021 Request for Judicial Notice ▼

Comment

[18] Request for Judicial Notice in Support of Plaintiff's Opposition to Defendants' Motion to Dismiss for Failure to State a Claim

10/26/2021 Declaration ▼

Comment

[19] Declaration of R. Rabbat in Support of Plaintiff's Opposition to Defendants' Motion to Dismiss

11/23/2021 Minute Order ▼

Judicial Officer

Krall, Nadia

Hearing Time

3:00 AM

Result

Minute Order - No Hearing Held

11/30/2021 Motion ▼

Judicial Officer

Krall, Nadia

Hearing Time

9:00 AM

Cancel Reason

Vacated

Comment

Plaintiff's Motion to Extend Time for Service of Defendant Larisa Mereora

12/02/2021 Motion to Dismiss ▼

Judicial Officer

Krall, Nadia

Hearing Time

9:00 AM

Cancel Reason

Vacated

Comment

[14] Defendants' Motion to Dismiss for Failure to State a Claim

12/02/2021 Order Denying Motion ▼

Comment

[20] Order Denying Defendant's Motion to Dismiss for Failure to State a Claim

12/03/2021 Notice of Entry of Order ▼

Comment

[21] Notice of Entry of Order Denying Defendants' Motion to Dismiss for Failure to State a Claim

12/17/2021 Answer to Complaint ▼

Comment

[22] Defendant's Answer to Plaintiff's Complaint and Counterclaim

12/28/2021 Filing Fee Remittance ▼

Comment

[23] Filing Fee Remittance

01/05/2022 Request for Exemption From Arbitration ▼

Comment

[24] Plaintiff's Request for Exemption from Arbitration

## Financial

### SLC LLC

Total Financial Assessment	\$270.00
Total Payments and Credits	\$270.00

6/2/2021	Transaction	\$270.00
	Assessment	

6/2/2021	Efile	Receipt #	SLC LLC, a	(\$270.00)
	Payment	2021-	Nevada	
		34459-	limited liability	
		CCCLK	company	

### Universal Motorcar LLC

Total Financial Assessment	\$403.00
Total Payments and Credits	\$403.00

12/17/2021	Transaction			\$223.00
	Assessment			

12/17/2021	Efile	Receipt #	Universal	(\$223.00)
	Payment	2021-76903-	Motorcar	
		CCCLK	LLC	

12/28/2021	Transaction			\$180.00
	Assessment			

12/28/2021	Efile	Receipt #	Universal	(\$180.00)
	Payment	2021-78381-	Motorcar	
		CCCLK	LLC	

# **Exhibit 3**

[Skip to Main Content](#) [Logout My Account](#) [Search Menu](#) [New District Civil/Criminal Search](#) [Refine Search](#) [Back](#) Location : District Court Civil/Criminal [Help](#)

## REGISTER OF ACTIONS

CASE No. A-19-805955-C

Vitiok LLC, Plaintiff(s) vs. SLC, LLC, Defendant(s)

§  
§  
§  
§  
§  
§

Case Type: **Other Civil Matters**

Date Filed: **11/22/2019**

Location: **Department 22**

Cross-Reference Case Number: **A805955**

### PARTY INFORMATION

Counter Claimant	Sheikhai, Hamid	Lead Attorneys Marshal Shawn Willick <i>Retained</i> 702-438-4100(W)
Counter Defendant	Vitiok LLC	Todd M. Leventhal <i>Retained</i> 702-472-8686(W)
Cross Claimant	Sheikhai, Hamid	Marshal Shawn Willick <i>Retained</i> 702-438-4100(W)
Cross Defendant	Botnari, Victor	
Defendant	Amiryavari, Zohreh	Robert A. Rabbat <i>Retained</i> 702-468-0808(W)
Defendant	Sheikhai, Hamid	Marshal Shawn Willick <i>Retained</i> 702-438-4100(W)
Defendant	SLC, LLC	Robert A. Rabbat <i>Retained</i> 702-468-0808(W)
Plaintiff	Vitiok LLC	Todd M. Leventhal <i>Retained</i> 702-472-8686(W)

### EVENTS & ORDERS OF THE COURT

09/09/2020	<b>DISPOSITIONS</b>
	<b>Order of Dismissal</b> (Judicial Officer: Johnson, Susan) Debtors: Vitiok LLC (Plaintiff) Creditors: SLC, LLC (Defendant), Hamid Sheikhai (Defendant), Zohreh Amiryavari (Defendant) Judgment: 09/09/2020, Docketed: 09/10/2020 Comment: In Part /Certain Causes
11/22/2019	<b>OTHER EVENTS AND HEARINGS</b>
	<b>Complaint</b>

Complaint For Damages

11/22/2019 **Ex Parte Application**  
*Ex Parte Application (And Order) For Temporary Restraining Order And Motion For Preliminary Injunction*

11/22/2019 **Motion for Preliminary Injunction**  
*Motion for Preliminary Injunction*

11/22/2019 **Summons Electronically Issued - Service Pending**  
*Summons*

11/25/2019 **Clerk's Notice of Hearing**  
*Notice of Hearing*

11/27/2019 **Clerk's Notice of Nonconforming Document**  
*Clerk's Notice of Nonconforming Document*

12/05/2019 **Ex Parte Application**  
*Ex Parte Application for Temporary Restraining Order and Motion for Preliminary Injunction*

12/05/2019 **Affidavit of Service**  
*Affidavit of Service*

12/05/2019 **Application**  
*Application for Order Shortening Time*

12/09/2019 **Order Shortening Time**  
*Order Shortening Time*

12/10/2019 **Affidavit of Service**  
*Affidavit of Service- SLC LLC*

12/10/2019 **Affidavit of Service**  
*Affidavit of Service - Zohreh Amiry Avari*

12/10/2019 **Affidavit of Service**  
*Affidavit of Service - Hamid Shekhai*

12/10/2019 **Certificate of Service**  
*Certificate of Service*

12/16/2019 **Opposition and Countermotion**  
*Defendant's Opposition to "Plaintiff's Motion for Preliminary Injunction" and Countermotion for Attorney's Fees and Costs*

12/16/2019 **Exhibits**  
*Exhibits to Defendant's Opposition to "Plaintiff's Motion for Preliminary Injunction" and Countermotion for Attorney's Fees and Costs*

12/16/2019 **Application**  
*Defendant's Application for Enlargement of Time to Serve Plaintiff*

12/17/2019 **Motion** (8:30 AM) (Judicial Officer Johnson, Susan)  
*Plaintiff's Motion for Preliminary Injunction*  
[Parties Present](#)  
[Minutes](#)  
*01/02/2020 Reset by Court to 12/17/2019*

Result: Denied

12/17/2019 **Clerk's Notice of Hearing**  
*Notice of Hearing*

12/27/2019 **Notice of Intent to Take Default**  
*N.R.C. P. Rule 55(b), Notice of Intent to Apply for Default*

12/31/2019 **Answer to Complaint**  
*Defendants' Answer to "Complaint for Damages"*

12/31/2019 **Initial Appearance Fee Disclosure**  
*Initial Appearance Fee Disclosure (NRS Chapter 19)*

01/03/2020 **Initial Appearance Fee Disclosure**  
*Initial Appearance Fee Disclosure*

01/03/2020 **Motion to Consolidate**  
*Motion to Consolidate Cases*

01/06/2020 **Clerk's Notice of Hearing**  
*Notice of Hearing*

01/06/2020 **Default**  
*(Set Aside 7/13/20) Default*

01/10/2020 **Request for Exemption From Arbitration**  
*Request for Exemption from Arbitration*

01/14/2020 **Recorders Transcript of Hearing**  
*Plaintiff's Motion for Preliminary Injunction December 17, 2019*

01/21/2020 **CANCELED Motion** (8:30 AM) (Judicial Officer Johnson, Susan)  
*Vacated - Moot*  
*Defendant's Application for Enlargement of Time to Serve Plaintiff*

01/29/2020 **Commissioners Decision on Request for Exemption - Granted**  
*Commissioner's Decision on Request for Exemption - GRANTED*

02/04/2020 **CANCELED Motion to Consolidate** (8:30 AM) (Judicial Officer Johnson, Susan)  
*Vacated*  
*Defendant's Motion to Consolidate Cases*

02/06/2020 **Order**  
*Order Regarding Plaintiff's Motion for Preliminary Injunction*

02/13/2020 **Notice of Entry of Order**  
*Notice of Entry of Order Regarding Plaintiff's Motion for Preliminary Injunction*

03/03/2020 **Motion for Attorney Fees and Costs**  
*Motion for Attorney's Fees and Costs*

03/04/2020 **Clerk's Notice of Hearing**  
*Notice of Hearing*

03/09/2020 **Motion to Seal/Redact Records**  
*DENIED 4/2/20 Motion to Seal Case Records (filed by Hamid Sheikhai)*

03/11/2020 **Clerk's Notice of Hearing**  
*Clerk's Notice of Hearing*

03/17/2020 **Opposition**  
*Opposition to Motion for Attorney's Fees and Costs*

03/23/2020 **Opposition and Countermotion**



3/24/2021

<https://www.clarkcountycourts.us/Anonymous/CaseDetail.aspx?CaseID=12005173>

*Plaintiff's Opposition To Defendant Hamid Sheikhai's Motion To Seal Case Records And Countermotion For Attorney's Fees And Costs*

04/01/2020 **Reply to Opposition**  
*Defendant's Reply to "Plaintiff's Opposition to Defendant Hamid Sheikhai's Motion to Seal Records" and Opposition to "Countermotion for Attorney's Fees and Costs"*

04/02/2020 **Minute Order** (3:00 AM) (Judicial Officer Johnson, Susan)  
[Minutes](#)  
Result: Minute Order - No Hearing Held

04/07/2020 **CANCELED Motion for Attorney Fees and Costs** (8:30 AM) (Judicial Officer Johnson, Susan)  
*Vacated - Previously Decided*  
*Defendant's Motion for Attorney's Fees and Costs*

04/09/2020 **CANCELED Motion to Seal/Redact Records** (9:00 AM) (Judicial Officer Johnson, Susan)  
*Vacated - Previously Decided*  
*Defendant's Motion to Seal Case Records*

04/09/2020 **CANCELED Opposition and Countermotion** (9:00 AM) (Judicial Officer Johnson, Susan)  
*Vacated - Previously Decided*  
*Plaintiff's Opposition To Defendant Hamid Sheikhai's Motion To Seal Case Records And Countermotion For Attorney's Fees And Costs*

04/16/2020 **Notice of Entry**  
*Notice of Entry of Order After April 02, 2020 Minute Order*

04/16/2020 **Notice of Early Case Conference**  
*Notice of Early Case Conference*

04/16/2020 **Order**  
*Order After April 02, 2020 Minute Order*

04/17/2020 **Order**  
*Order After April 02, 2020 Minute Order*

04/17/2020 **Amended Notice of Entry of Order**  
*Amended Notice of Entry of Order After April 02, 2020 Minute Order*

05/26/2020 **Joint Case Conference Report**  
*Joint Case Conference Report*

05/26/2020 **Certificate of Service**  
*Certificate of Service*

05/27/2020 **Order Scheduling Status Check**  
*Order Scheduling Status Check*

06/09/2020 **Notice of Appearance**  
*Notice of Appearance*

06/10/2020 **Status Check** (8:30 AM) (Judicial Officer Johnson, Susan)  
**06/10/2020, 06/23/2020**  
*Status Check re: JCCR*  
[Parties Present](#)  
[Minutes](#)  
Result: Matter Continued

06/10/2020 **Order**  
*Order Striking Default Entered Against Defendant SLC, LLC*

06/10/2020 **Order**  
*Order Striking Errata to Defendant's Answer to "Complaint for Damages" filed January 9, 2020*

06/18/2020 **Motion to Set Aside**  
*Defendant Zohreh Amiryavari's Motion to Set Aside Default*

06/18/2020 **Initial Appearance Fee Disclosure**  
*Initial Appearance Fee Disclosure (NRS Chapter 19)*

06/18/2020 **Notice of Appearance**  
*Notice of Appearance for Defendant Zohreh Amiryavari and Demand for Prior Discovery*

06/19/2020 **Clerk's Notice of Hearing**  
*Notice of Hearing*

07/09/2020 **Amended Joint Case Conference Report**  
*Amended Joint Case Conference Report*

07/13/2020 **Order**  
*Order Scheduling Mandatory Rule 16 Conference*

07/13/2020 **Minute Order** (3:00 AM) (Judicial Officer Johnson, Susan)  
[Minutes](#)  
Result: Minute Order - No Hearing Held

07/14/2020 **Notice**  
*Notice of Intent to Appear by Telephone*

07/14/2020 **Order Granting Motion**  
*ORDER GRANTING DEFENDANT ZOHREH AMIRYAVARI'S MOTION TO SET ASIDE DEFAULT*

07/21/2020 **CANCELED Motion to Set Aside** (8:30 AM) (Judicial Officer Johnson, Susan)  
*Vacated - Previously Decided*  
*Defendant Zohreh Amiryavari's Motion to Set Aside Default*

07/23/2020 **Motion to Dismiss**  
*Defendant Amiryavari's Motion to Dismiss*

07/24/2020 **Clerk's Notice of Hearing**  
*Notice of Hearing*

07/24/2020 **Motion**  
*Motion to File Amended Answer and Counterclaim*

07/27/2020 **Clerk's Notice of Hearing**  
*Notice of Hearing*

07/29/2020 **Mandatory Rule 16 Conference** (8:30 AM) (Judicial Officer Johnson, Susan)  
[Parties Present](#)  
[Minutes](#)  
Result: Trial Date Set

07/29/2020 **Scheduling and Trial Order**  
*Scheduling Order and Order Setting Civil Bench Trial*

08/05/2020 **Substitution of Attorney**

<https://www.clarkcountycourts.us/Anonymous/CaseDetail.aspx?CaseID=12005173>

Substitution of Counsel for SLC, LLC

08/06/2020 **Opposition to Motion to Dismiss**  
Plaintiff's Opposition To Defendant Zohreh Amiry Avari's Motion To Dismiss And Countermotion For Attorney's Fees And Costs

08/07/2020 **Opposition and Countermotion**  
Plaintiff's Opposition to Defendant Hamid Sheikhai's Motion to File Amended Answer and Counterclaim and Countermotion for Attorney's Fees and Costs

08/13/2020 **Objection**  
Objection to Defendant SLC, LLC's Initial Disclosure of Witness and Documents

08/18/2020 **Reply to Opposition**  
Reply to Plaintiff's Opposition to Defendant Zohreh Amiryavari's Motion to Dismiss and Opposition to Countermotion for Attorney's Fees and Costs

08/24/2020 **Reply to Opposition**  
Defendant, Hamid Sheikhai's Reply to Plaintiff's Opposition to Motion to File Amended Answer and Countermotion and Countermotion for Attorney's Fees and Costs

08/25/2020 **Motion to Dismiss** (8:30 AM) (Judicial Officer Johnson, Susan)  
Defendant Amiryavari's Motion to Dismiss

08/25/2020 **Motion** (8:30 AM) (Judicial Officer Johnson, Susan)  
Motion to File Amended Answer and Counterclaim

08/25/2020 **Opposition and Countermotion** (8:30 AM) (Judicial Officer Johnson, Susan)  
Plaintiff's Opposition to Defendant Hamid Sheikhai's Motion to File Amended Answer and Counterclaim and Countermotion for Attorney's Fees and Costs

08/25/2020 **All Pending Motions** (8:30 AM) (Judicial Officer Johnson, Susan)  
[Parties Present](#)  
[Minutes](#)

Result: Matter Heard

09/09/2020 **Order Granting Motion**  
Order Granting Defendant Zohreh Amiryavari's Motion to Dismiss In Part

09/09/2020 **Expert Witness Designation**  
Plaintiff's Expert Witness Designation Pursuant to NRCP 16.1

09/11/2020 **List of Witnesses**  
Plaintiff's Initial List of Witnesses and Disclosure of Documents

09/22/2020 **Notice of Association of Counsel**  
Notice of Association of Counsel

09/24/2020 **Answer to Complaint**  
Defendant Zohreh Amiryavari's Answer to Complaint for Damages; Demand for Jury Trial

10/08/2020 **Objection**  
Defendant SLC, LLC's Objections to Plaintiff's Initial Early Case Conference List of Witnesses and Documents Pursuant to NRCP 16.1

10/09/2020 **Objection**  
Defendant, Hamid Sheikhai's, Joinder to Defendant SLC, LLC's Objections to Plaintiff's Initial Early Case Conference List of Witnesses and Documents Pursuant to NRCP 16.1

10/10/2020 **Order Granting Motion**  
Order Granting Defendant's Motion for Leave to Amend the Answer and Counterclaim

10/12/2020 **Notice of Entry**  
Notice of Entry of Order Granting Defendant's Motion for Leave to Amend the Answer and Counterclaim

10/22/2020 **Answer**  
Complaint for Damages and Demand for Jury Trial; Defendant Hamid Sheikhai's Answer, Counterclaim, and Cross Claims, and Demand for Jury Trial

10/26/2020 **Application**  
Application for Temporary Restraining Order

10/26/2020 **Amended Answer**  
Defendant's Amended Answer, Counterclaim, and Cross Claims, and Demand for Jury Trial

10/26/2020 **Motion for Protective Order**  
Defendants' Motion for Protective Order

10/26/2020 **Objection**  
Objection to Notice of Intent to take Subpoena Duces Tecum - State of Nevada DMV

10/26/2020 **Objection**  
Objection to Notice of Intent to take Subpoena Duces Tecum - State of Nevada Dept. of Taxation

10/26/2020 **Objection**  
Objection to Notice of Intent to take Subpoena Duces Tecum - State of Nevada Secretary of State

10/26/2020 **Objection**  
Objection to Notice of Intent to take Subpoena Duces Tecum - Mitchell1

10/27/2020 **Clerk's Notice of Hearing**  
Notice of Hearing

11/05/2020 **Objection**  
Objection to Defendant Hamid Sheikhai's First Supplemental List of Witnesses and Disclosures

11/09/2020 **Opposition**  
Plaintiff's Response To Defendant's Objections And Opposition To Motion For Protective Order And Countermotion For Attorney's Fees And Related Relief

11/09/2020 **Opposition**  
Plaintiff's Response/Opposition To Defendant Hamid Sheikhai's Application For Temporary Protection Order And Countermotion For Attorney's Fees And Related Relief

11/09/2020 **Supplement to List of Witnesses & Documents**  
Plaintiff's Second Supplemental List of Witnesses and Disclosure of Documents

11/23/2020 **Reply**  
Reply ISO Defendant's Motion for Protective Order

11/24/2020 **Notice of Change of Hearing**  
Notice of Change of Hearing

11/24/2020 **Motion to Dismiss**  
Plaintiff's Motion to Dismiss Defendant's Counterclaim and Cross Claims

11/30/2020 **Clerk's Notice of Hearing**  
Notice of Hearing

12/01/2020 **Motion for Protective Order** (9:30 AM) (Judicial Officer Truman, Erin)  
Defendants' Motion for Protective Order

	<a href="#">Parties Present</a>
	<a href="#">Minutes</a>
	Result: Granted in Part
12/01/2020	<b>CANCELED Opposition and Countermotion</b> (9:30 AM) (Judicial Officer Truman, Erin) <i>Vacated - Set in Error</i> <i>Plaintiff's Response to Defendant's Objections and Opposition to Motion for Protective Order and Countermotion for Attorney's Fees and Related Relief</i>
12/04/2020	<b>Motion for Summary Judgment</b> <i>Motion for Summary Judgment, or in the Alternative, Partial Summary Judgment, Leave to Amend, and for Stay</i>
12/07/2020	<b>Clerk's Notice of Hearing</b> <i>Notice of Hearing</i>
12/10/2020	<b>Opposition and Countermotion</b> (9:00 AM) (Judicial Officer Johnson, Susan) <i>Plaintiff's Response/Opposition to Defendant Hamid Sheikhai's Application for Temporary Protection Order and Countermotion for Attorney's Fees and Related Relief</i> <a href="#">Parties Present</a> <a href="#">Minutes</a> <i>12/01/2020 Reset by Court to 12/10/2020</i>
	Result: Under Advisement
12/11/2020	<b>Stipulation and Order</b> <i>Stipulation and Order Extending Briefing on the Plaintiff's Motion to Dismiss Defendants' Counterclaim and Cross Claims</i>
12/11/2020	<b>Opposition to Motion to Dismiss</b> <i>Joint Opposition to Motion to Dismiss Defendants' Counterclaim and Crossclaims</i>
12/15/2020	<b>Minute Order</b> (3:00 AM) (Judicial Officer Johnson, Susan) <a href="#">Minutes</a>
	Result: Minute Order - No Hearing Held
12/15/2020	<b>Supplemental Disclosure of Witnesses &amp; Documents</b> <i>Plaintiff's Third Supplemental List of Witnesses and Disclosure of Documents</i>
12/16/2020	<b>Status Check: Trial Readiness</b> (8:30 AM) (Judicial Officer Johnson, Susan) <a href="#">Parties Present</a> <a href="#">Minutes</a>
	Result: Matter Heard
12/18/2020	<b>Stipulation and Order to Extend Discovery Deadlines</b> <i>Stipulation and Order Regarding Discovery Deadlines and Trial (First Request)</i>
12/18/2020	<b>Amended Order Setting Civil Non-Jury Trial</b> <i>First Amended Order Setting Civil Bench Trial</i>
12/18/2020	<b>Notice of Entry</b> <i>Notice of Entry of Stipulation and Order regarding Discovery Deadlines and Trial</i>
12/18/2020	<b>Opposition and Countermotion</b> <i>Plaintiff's Opposition to Defendants' Motion for Summary Judgment, or in the Alternative, Partial Summary Judgment, Leave to Amend, and for Stay and Countermotion for Attorney's Fees and Costs</i>
12/21/2020	<b>Supplemental Disclosures</b> <i>Plaintiff's Fourth Supplemental List of Witnesses and Disclosure of Documents</i>
12/22/2020	<b>Reply to Opposition</b> <i>Plaintiff's Reply to Joint Opposition to Plaintiff's Motion to Dismiss Defendants' Counterclaim and Crossclaims.</i>
12/31/2020	<b>Reply</b> <i>Defendant's Reply to Plaintiff's Opposition to Defendant's Motion for Summary Judgment, or in the Alternative, Partial Summary Judgment, Leave to Amend, to for Stay and Countermotion for Leave to File its Amended Complaint and Attorney's Fees and Costs</i>
01/07/2021	<b>Motion to Dismiss</b> (9:00 AM) (Judicial Officer Johnson, Susan) <i>Plaintiff's Motion to Dismiss Defendant's Counterclaim and Cross Claims</i> <i>12/29/2020 Reset by Court to 01/05/2021</i> <i>01/05/2021 Reset by Court to 01/07/2021</i>
	Result: Granted in Part
01/07/2021	<b>Status Check: Compliance</b> (3:00 AM) (Judicial Officer Truman, Erin) <i>Status Check: Compliance / 12-1-2020 DCRR</i> <a href="#">Minutes</a>
	Result: Matter Continued
01/07/2021	<b>Motion for Summary Judgment</b> (9:00 AM) (Judicial Officer Johnson, Susan) <i>Defendant's Motion for Summary Judgment, or in the Alternative, Partial Summary Judgment, Leave to Amend, and for Stay</i>
	Result: Motion Denied
01/07/2021	<b>Evidentiary Hearing</b> (9:00 AM) (Judicial Officer Johnson, Susan) <i>Evidentiary Hearing: Mr. Sheikhai's Motion for Preliminary Injunction</i>
	Result: Motion Denied
01/07/2021	<b>Opposition and Countermotion</b> (9:00 AM) (Judicial Officer Johnson, Susan) <i>Plaintiff's Opposition to Defendants' Motion for Summary Judgment, or in the Alternative, Partial Summary Judgment, Leave to Amend, and for Stay and Countermotion for Attorney's Fees and Costs</i>
	Result: Motion Denied
01/07/2021	<b>All Pending Motions</b> (9:00 AM) (Judicial Officer Johnson, Susan) <a href="#">Parties Present</a> <a href="#">Minutes</a>
	Result: Matter Heard
01/08/2021	<b>Supplement</b> <i>Supplemental Appendix Of Exhibits In Support Of Plaintiff's Response/ Opposition To Defendant Hamid Sheikhai's Application For Temporary Protection Order And Countermotion For Attorney's Fees And Related Relief</i>
01/11/2021	<b>Minute Order</b> (3:00 AM) (Judicial Officer Johnson, Susan) <a href="#">Minutes</a>
	Result: Minute Order - No Hearing Held
01/11/2021	<b>Exhibits</b>

01/12/2021	<i>Supplemental Exhibits to Defendant's Motion for Protective Order</i> <b>Further Proceedings</b> (9:30 AM) (Judicial Officer Truman, Erin) <i>Further Proceedings: Mitchell One Subpoena</i> <a href="#">Parties Present</a> <a href="#">Minutes</a>
	Result: Matter Continued
01/15/2021	<b>Motion</b> <i>Plaintiff's Motion for Reconsideration; and Related Relief</i>
01/15/2021	<b>Appendix</b> <i>Appendix of Exhibits in Support of Plaintiff's Motion for Reconsideration; and Related Relief</i>
01/20/2021	<b>Clerk's Notice of Hearing</b> <i>Notice of Hearing</i>
01/21/2021	<b>Stipulation and Order</b> <i>Stipulation and Order to Vacate Hearings Pending Settlement</i>
01/22/2021	<b>Notice of Entry of Stipulation and Order</b> <i>Notice of Entry of Stipulation and Order to Vacate Hearings Pending Settlement</i>
01/29/2021	<b>Notice of Withdrawal</b> <i>NOTICE OF WITHDRAWAL PURSUANT TO SUPREME COURT RULE 46</i>
02/23/2021	<b>CANCELED Motion For Reconsideration</b> (10:00 AM) (Judicial Officer Johnson, Eric) <i>Vacated</i> <i>Plaintiff's Motion for Reconsideration; and Related Relief</i>
03/03/2021	<b>CANCELED Pretrial/Calendar Call</b> (8:30 AM) (Judicial Officer Johnson, Susan) <i>Vacated - Superseding Order</i>
03/14/2021	<b>Substitution of Attorney</b> <i>Substitution of Attorney</i>
03/14/2021	<b>Substitution of Attorney</b> <i>Substitution of Attorney</i>
03/15/2021	<b>CANCELED Bench Trial</b> (8:30 AM) (Judicial Officer Johnson, Susan) <i>Vacated - Superseding Order</i>
08/18/2021	<b>CANCELED Status Check</b> (8:30 AM) (Judicial Officer Johnson, Susan) <i>Vacated</i>
09/29/2021	<b>CANCELED Pretrial/Calendar Call</b> (8:30 AM) (Judicial Officer Johnson, Susan) <i>Vacated</i>
10/11/2021	<b>CANCELED Bench Trial</b> (8:30 AM) (Judicial Officer Johnson, Susan) <i>Vacated</i>

**FINANCIAL INFORMATION**

<b>Counter Claimant</b> Sheikhai, Hamid			
	Total Financial Assessment		223.00
	Total Payments and Credits		223.00
	<b>Balance Due as of 03/24/2021</b>		<b>0.00</b>
12/31/2019	Transaction Assessment		223.00
12/31/2019	Efile Payment	Receipt # 2019-77672-CCCLK	(223.00)
		Sheikhai, Hamid	
<b>Counter Defendant</b> Vitiok LLC			
	Total Financial Assessment		270.00
	Total Payments and Credits		270.00
	<b>Balance Due as of 03/24/2021</b>		<b>0.00</b>
11/25/2019	Transaction Assessment		270.00
11/25/2019	Efile Payment	Receipt # 2019-71105-CCCLK	(270.00)
		Vitiok LLC	
<b>Cross Defendant</b> Amiryavari, Zohreh			
	Total Financial Assessment		223.00
	Total Payments and Credits		223.00
	<b>Balance Due as of 03/24/2021</b>		<b>0.00</b>
06/18/2020	Transaction Assessment		223.00
06/18/2020	Efile Payment	Receipt # 2020-32404-CCCLK	(223.00)
		Amiryavari, Zohreh	
<b>Defendant</b> SLC, LLC			
	Total Financial Assessment		423.00
	Total Payments and Credits		423.00
	<b>Balance Due as of 03/24/2021</b>		<b>0.00</b>
01/03/2020	Transaction Assessment		223.00
01/03/2020	Efile Payment	Receipt # 2020-00469-CCCLK	(223.00)
12/04/2020	Transaction Assessment		200.00
12/04/2020	Efile Payment	Receipt # 2020-68514-CCCLK	(200.00)
		SLC, LLC	

# Exhibit 4

DISTRICT COURT  
CLARK COUNTY, NEVADA

Other Civil Matters

COURT MINUTES

January 07, 2021

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A-19-805955-C      Vitiok LLC, Plaintiff(s)  
vs.  
SLC, LLC, Defendant(s)

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January 07, 2021      09:00 AM      All Pending Motions

HEARD BY:      Johnson, Susan      COURTROOM: RJC Courtroom 15D

COURT CLERK: Cromer, Keri

RECORDER:      Ramirez, Norma

REPORTER:

PARTIES PRESENT:

Bradley J. Hofland	Attorney for Counter Defendant, Plaintiff
Douglas C. Crawford	Attorney for Counter Defendant, Plaintiff
Lorien K Cole	Attorney for Counter Claimant, Cross Claimant, Defendant
Marshal Shawn Willick	Attorney for Counter Claimant, Cross Claimant, Defendant
Michael B. Lee	Attorney for Cross Defendant, Defendant
Michael N. Matthis	Attorney for Cross Defendant, Defendant
Todd M. Leventhal	Attorney for Counter Defendant, Plaintiff

### JOURNAL ENTRIES

EVIDENTIARY HEARING: MR. SHEIKHAI'S MOTION FOR PRELIMINARY INJUNCTION  
Court advised counsel they needed to use full captions so it could keep track of the parties;  
further advised the following Cross Defendants needed to be removed from the case: Larisa  
Mereora, Thomas Mulkins, Nina Grozav, Ion Neagu, Alisa Neagu, and NNG, LLC

Openings statements by Ms. Cole and Mr. Crawford. Colloquy regarding disparagement;  
stipulation made that neither party shall disparage the other or their respective businesses.  
Hamid Sheikhai SWORN and TESTIFIED. Exhibits presented (see worksheet). Arguments by  
Mr. Crawford in support of additional witness testimony and exhibit supplementation;  
requested a 3-week continuance. Arguments by Ms. Cole in opposition to a continuance.  
COURT ORDERED, Motion for Preliminary Injunction DENIED with respect to taking the posts  
off; if in his possession, Mr. Botnari to give Mr. Sheikhai a copy of the customer list; counsel to  
compose a joint letter to send to all customers advising that Mr. Botnari owned Universal  
Motors and Mr. Sheikhai owned Zip Zap Auto and the customers could go to either company  
for service; parties could not disparage each other or the opposing businesses. Court advised  
it wanted to be made aware of any future bad reviews. Ms. Cole expressed her concern  
regarding the letter being marketing for another business that customers could use. Mr.  
Crawford to prepare the order; opposing counsel to review as to form and content.

PLAINTIFF'S MOTION TO DISMISS DEFENDANT'S COUNTERCLAIM AND CROSS  
CLAIMS

Court expressed its inclinations. Prior rulings reviewed. COURT ORDERED, Motion  
GRANTED IN PART as to cause of action 6; DENIED IN PART as to causes of action 2, 3, 4,  
5, 7, and 8; 1st cause of action UNDER ADVISEMENT. COURT FURTHER ORDERED, jury

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Printed Date: 1/8/2021

Page 1 of 2

Minutes Date:

January 07, 2021

Prepared by: Keri Cromer

28  
ROA000227

demand STRICKEN. Mr. Crawford to prepare the order; opposing counsel to review as to form and content.

DEFENDANT'S MOTION FOR SUMMARY JUDGMENT, OR IN THE ALTERNATIVE, PARTIAL SUMMARY JUDGMENT, LEAVE TO AMEND, AND FOR STAY...PLAINTIFF'S OPPOSITION TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT, OR IN THE ALTERNATIVE, PARTIAL SUMMARY JUDGMENT, LEAVE TO AMEND, AND FOR STAY AND COUNTERMOTION FOR ATTORNEY'S FEES AND COSTS

Arguments by Mr. Willick and Mr. Crawford regarding whether or not there were genuine issues of material fact. COURT ORDERED, Motion DENIED; stay DENIED; suggested more discovery be done. Mr. Crawford to prepare the order; opposing counsel to review as to form and content.

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**CERTIFICATE OF SERVICE**

Pursuant to Nev.R.Civ.P. 5(b), I hereby certify that on January 7, 2022, I served a true and correct copy of the foregoing **REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF PLAINTIFF / COUNTER-DEFENDANT SLC LLC'S NRCP 12(B)(5) MOTION TO DISMISS COUNTERCLAIM FOR FAILURE TO STATE A CLAIM**served electronically via the court's e-filing system Odyssey eFileNV, including the following interested parties named below:

Bradley J. Hofland, Esq.  
HOFLAND & TOMSHECK  
228 S. 4<sup>th</sup> St., 1<sup>st</sup> Floor  
Las Vegas, NV 89101  
Telephone: (702) 895-6760  
Email: bradh@hoflandlaw.com  
*Attorneys for Defendants*

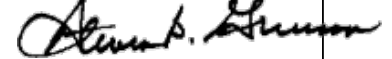
/s/Lauren A. Verbanik  
Lauren Verbanik, *Paralegal*

---

CERTIFICATE OF SERVICE

ROA000229





1 **OPP**

2 **HOFLAND & TOMSHECK**

3 Bradley J. Hofland, Esq.

4 Nevada Bar Number: 6343

5 [bradh@hoflandlaw.com](mailto:bradh@hoflandlaw.com)

6 228 South 4<sup>th</sup> Street, 1<sup>st</sup> Floor

7 Las Vegas, Nevada 89101

8 Telephones: (702) 895-6760

9 Facsimile: (702) 731-6910

10 *Attorneys for Defendants*

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

13 SLC LLC, a Nevada limited liability  
14 company,

15 Plaintiff,

16 vs.

17 LARISA MEREORA, an individual;  
18 THOMAS MULKINS, an individual;  
19 NINA GROZAV, an individual, ION  
20 NEAGU, an individual; MARIA  
21 REYNOLDS, an individual, NNG LLC,  
22 a Nevada Limited Liability Company dba  
23 UNIVERSAL MOTORCARS;  
24 UNIVERSAL MOTORCAR LLC, a  
25 Nevada limited liability company dba  
26 UNIVERSAL MOTORCARS; DOES I  
27 through X and ROE BUSINESS  
28 ENTITIES through X, inclusive,

Defendants.

) CASE NO.: A-21-835625-C

) DEPT NO.: 4

) ORAL ARGUMENT REQUESTED

) **DEFENDANT'S OPPOSITION TO**  
) **PLAINTIFF/COUNTER-**  
) **DEFENDANT SLC LLC'S RULE**  
) **12(B)(5) MOTION TO DISMISS**  
) **COUNTERCLAIM AND**  
) **COUNTERMOTION FOR**  
) **ATTORNEY'S FEES AND COSTS**  
) **AND RELATED RELIEF.**

) Date of Hearing: March 3, 2022

) Time of Hearing: 9:00 a.m.

26 COMES NOW, the above-named Defendants, by and through their attorney,  
27 Bradley J. Hofland, Esq., with HOFLAND & TOMSHECK, and hereby submits  
28

1 DEFENDANT'S OPPOSITION TO PLAINTIFF/COUNTER-DEFENDANT SLC  
2 LLC'S RULE 12(B)(5) MOTION TO DISMISS COUNTERCLAIM and  
3 respectfully moves the Court for an order:

- 4 1. Finding Plaintiff's motion to lack the requisite factual and legal  
5 basis to sustain a Rule 12(B)(5) motion to dismiss;
- 6 2. Denying Plaintiff's Rule 12(B)(5) motion to dismiss in its  
7 entirety;
- 8 3. Sanctioning Plaintiff and awarding Defendant's attorney's fees and  
9 costs for having to defend Plaintiff's baseless motion; and
- 10 4. Addressing such other and further relief as the Court deems just  
11 and equitable

12 This Opposition and Countermotion is made and based on the following  
13 Memorandum of Points and Authorities, the declarations and exhibits, attached  
14 hereto, the papers and pleadings already on file herein, and any argument the Court  
15 may permit at the hearing of this matter.

16 Dated this 21<sup>st</sup> day of January, 2022.

17 HOFLAND & TOMSHECK

18 By: /s/ Bradley J. Hofland

19 Bradley J. Hofland, Esq.

20 Nevada Bar Number: 006343

21 228 S. 4<sup>th</sup> Street, 1<sup>st</sup> Floor

22 Las Vegas, Nevada, 89101

23 Telephone: (702) 895-6760

24 Facsimile: (702) 731-6910

25 *Attorneys for Defendants*

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I.**

3 **Introduction**

4 Emboldened by surviving a motion to dismiss the instant action for failure to  
5 state a claim, Plaintiff responds to the resulting confidence by filing a baseless  
6 motion to dismiss Defendant's counterclaim. Review of Plaintiff's motion  
7 establishes Plaintiff conceals vital facts that are fatal to the relief he seeks from this  
8 Court, substitutes fact with fiction, and makes gross misrepresentations of fact and  
9 law—all designed to manipulate this Court and the legal system as a whole. In  
10 short, Plaintiff violates the duty of candor that is owed this Honorable Court.

11 While Plaintiff conceals and/or ignores critical facts, and presents unfounded  
12 and incorrect conclusions, Plaintiff's mischaracterizations (of both fact and law) do  
13 not transform the truth to fit his narrative. Indeed, Plaintiff's claims are disproven  
14 by the evidence. Indeed, Plaintiff's claims *were* "dismissed with prejudice"<sup>1</sup> and  
15 the named counterclaimants *were*, in fact, parties and/or beneficiaries of the  
16 settlement previously entered into by the Plaintiff<sup>2</sup>. Those facts were not  
17

18 \_\_\_\_\_  
19 <sup>1</sup> A Stipulation for Dismissal of Action including all claims, cross-claims, and  
20 counterclaims, *with prejudice* was entered on May 21, 2021. Attached and marked  
21 as **Exhibit "A"** in case number A-19-805955-C.

22 <sup>2</sup> The Cross-Defendants in case number A-19-805955-C (that were pat of the above  
23 referenced Settlement) are now the *same* named Defendants in this action<sup>2</sup>.  
24 Notably, the caption and the parties in the case dismissed with *prejudice* reads:

25 VICTOR BOTNARI, an individual; **LARISA**  
26 **MEREORA, an individual; THOMAS MULKINS, an**  
27 **individual; NINA GROZAV, an individual; ION**  
28 **NEAGU, an individual; ALISA NEAGU, an individual;**  
29 **NNG, LLC dba UNIVERSAL MOTORCARS; and**  
30 **DOES I through X, inclusive; and ROE BUSINESS**  
31 **ENTITIES I through X, inclusive,**  
32 **Cross-Defendants**  
33 *Which are the same named Defendants in the instant action, to wit:*

dispositive (or considered) when this Court was only faced with dismissing their action for failure to state a claim. However, those facts, and others, are certainly relevant for a motion for summary judgment that will be soon be heard by this Court, and in fact, a challenge acknowledged appropriate by the Plaintiff.<sup>3</sup>

Further, as established herein, Plaintiff's self-serving misstatements of fact and law are legally insufficient to merit the dismissal of Defendants' counterclaims, and try as it might, Plaintiff's motion fails. When presented with the facts Plaintiff *withheld* from the Court, the Court will readily conclude the action has been brought in bad faith. Plaintiff's motion to dismiss lacks the requisite factual foundation and Plaintiff's legal argument is unsound. Unable to sustain the burden necessary for the dismissal of Defendants' counterclaim, Plaintiff's motion must be denied in its entirety.

## II.

### Statement of Facts

Through mediation with former Chief Justice Michael Cherry, the parties entered into a comprehensive settlement agreement, resolving three (3) separate law

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**LARISA MEREORA, an individual;  
THOMAS MULKINS, an individual; NINA  
GROZAV, an individual, ION NEAGU, an  
individual; MARIA REYNOLDS, an individual,  
NNG LLC, a Nevada Limited Liability  
Company dba UNIVERSAL MOTORCARS;  
UNIVERSAL MOTORCAR LLC, a Nevada  
limited liability company dba UNIVERSAL  
MOTORCARS; DOES I through X and ROE  
BUSINESS ENTITIES through X, inclusive,  
Defendants.**

<sup>3</sup> See Plaintiff's instant motion, referencing facts previously disclosed by Defendants, and admitting "[i]f true, those allegations potentially warrant a pleading challenge to the Complaint" (p.5) and "if SLC did not file the Complaint here to resolve a dispute with [Defendants]...these "facts" simply point to potential defects in the Complaint that may (indeed, are) vulnerable to a challenge on the merits (pp. 5-6)

1 suits<sup>4</sup>. Notably, Hamid Sheikhai (“Hamid”) was a named party in each of those  
2 suits. The other two lawsuits involved Hamid and Hamid’s corporate shells, to wit:  
3 Stone & Stone in one (A-19-801513-P) and SLC, LLC (*the same SLC, LLC. that is*  
4 *the Plaintiff in this action*) in the other (A-19-805955-C).

5 In the Stipulation for Settlement (“Settlement”), Hamid again represented  
6 and confirmed that he owns 100% of SLC, LLC<sup>5</sup>. Previously, Hamid represented  
7 and maintained that *he* (Hamid) owns 100% of SLC, LLC<sup>6</sup>, as did SLC,  
8 LLC.(Plaintiff)<sup>7</sup> Hamid also admitted that *he* (Hamid) performs the day-to-day  
9 operations of SLC, LLC.<sup>8</sup>; SLC, LLC. (Plaintiff) made the same admissions.<sup>9</sup> SLC,  
10 LLC. (Plaintiff) also admitted that it *only* follows the directives and direction given  
11 by Hamid.<sup>10</sup> SLC, LLC. also admitted that it *does not* own Zip Zap Auto (“Zip  
12 Zap”).<sup>11</sup>

13 Continuing, both Hamid and SLC, LLC participated in the above referenced  
14 Settlement<sup>12</sup> and “completely release[d] and waive[d] all claims known or unknown  
15

---

16  
17 <sup>4</sup> A true and accurate copy of the Stipulation for Settlement is submitted herewith as  
18 **Exhibit “B”**. The cases and parties included in the Settlement are those in the  
19 following cases: Eighth Judicial District Court Numbers: D-18-575686-L; A-19-  
20 805955-C; and A-19-801513-P.

21 <sup>5</sup> **Exhibit “B”**, page 2, ¶ k (“Hamid Sheikhai represents he owns 100% of SLC  
22 LLC”).

23 <sup>6</sup> See Hamid’s Response to Interrogatories, numbers 1 and 30, Case A-19-805955-  
24 C, collectively submitted herewith as **Exhibit “C”**.

25 <sup>7</sup> See SLC, LLC.’s Response to Interrogatories, number 24, Case A-19-805955-C,  
26 submitted herewith as **Exhibit “D”**.

27 <sup>8</sup> See Hamid’s Response to Request for Admissions, number 2, Case A-19-805955-  
28 C, submitted herewith as **Exhibit “E”**.

<sup>9</sup> See SLC, LLC’s Response to Request for Admissions, number 4, Case A-19-  
805955-C, submitted herewith as **Exhibit “F”**.

<sup>10</sup> See SLC, LLC’s Response to Request for Admissions, number 39, Case A-19-  
805955-C, submitted herewith as **Exhibit “G”**.

<sup>11</sup> See SLC, LLC.’s Response to Interrogatories, number 28, Case A-19-805955-C,  
submitted herewith as **Exhibit “H”**.

<sup>12</sup> See **Exhibit “B”**.

1 against Botnari Parties<sup>13</sup>. The Sheikhai Parties were all parties where Hamid was a  
2 named party against any of the Botnari parties; the Botnari Parties were all parties  
3 where Hamid was not included as an opposing party. As a result of the inclusion of  
4 *all* parties, the Settlement included a dismissal of *all lawsuits* in their entirety<sup>14</sup>—  
5 rather than the dismissal of a singular Defendant. This understanding and  
6 agreement was subsequently confirmed with the Stipulations for Dismissal of  
7 Actions that were subsequently prepared and filed in each *action*<sup>15</sup>—effectively  
8 closing the subject cases in their entirety. Notably, counsel for SLC, LLC. (Yes,  
9 Plaintiff’s *current* counsel) prepared the Stipulation for Dismissal of *Actions* in all  
10 those cases.

11 As a result of the dismissal of all actions, the Stipulation necessarily  
12 pertained to all parties named within those named lawsuits. Notwithstanding,  
13 Hamid has chosen to *ignore* the Stipulation and file a lawsuit that is *disallowed* by,  
14 and in *violation* of, the very Stipulation, directing SLC, LLC to commence the  
15 baseless and impermissible suit and name all the previously named Cross-  
16 Defendants that Hamid previously named as cross-defendants in Case No. A-19-  
17 805955-C<sup>16</sup>.

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19 <sup>13</sup> *Id.*, page 3.

20 <sup>14</sup> *Id.*

21 <sup>15</sup> Stipulation for Dismissal of Action, Case No. A-19-805955-C, was filed May 21,  
22 2021—the resulting *case* status is “**Dismissed**”; the Stipulation for Dismissal of  
23 Action, Case No. A-19-801513-P, was filed May 28, 2021—an order dismissing  
24 the entire lawsuit was filed May 28, 2021 and the resulting case status is also  
25 “**Dismissed**”; and the Stipulation and Order to Dismiss Action, Case No. D-18-  
26 575686-L, was filed May 27, 2021, and the resulting case status in that action is  
27 also “**Dismissed**”.

28 <sup>16</sup> With the exclusion of Victor Botnari (who has not been personally named, but is  
falsely identified throughout as the “manager”) (*See* Settlement, Exhibit “B”) and  
Defendants, LLC (*See* Settlement). A true and correct copy of the Complaint for  
Damages and Demand for Jury Trial; Defendant Hamid Sheikhai’s Answer,  
Counterclaim, and Cross Claims, and Demand for Jury Trial is submitted herewith  
as **Exhibit “I”**.

1 Hamid is, without a doubt, abusing the legal system. Hamid, and SLC, LLC.,  
2 who does only what Hamid instructs them to do, knows that the instant action is  
3 frivolous. Hamid/SLC, LLC. is now filing suit against individuals that were  
4 forever dismissed by way of Stipulation. SLC, LLC. Review of the instant  
5 complaint filed by SLC, LLC. confirms SLC, LLC is claiming ownership of Zip  
6 Zap Auto, but SLC, LLC has already admitted it *does not own Zip Zap Auto*.<sup>17</sup>  
7 Since SLC, LLC did not own Zip Zap Auto, or its name, SLC, LLC cannot seek  
8 relief pertaining to the assets, equipment, customer lists, or anything else allegedly  
9 owned by Zip Zap Auto. SLC, LLC is obviously lying and is estopped from  
10 asserting a contrary, and knowingly false, position in support of a lawsuit designed  
11 to harass and harm the named defendants.

12 SLC, LLC. also alleges that it maintained the management and operations of  
13 Zip Zap Auto, but SLC, LLC and Hamid have both represented and maintained that  
14 *Hamid, and only Hamid*, operated the day-to-day operations of Zip Zap Auto<sup>18</sup>.  
15 SLC, LLC. is again misrepresenting the truth and is estopped from asserting a  
16 position contrary to the truth in order to abuse the legal process and maintain a  
17 frivolous suit.

18 The instant suit is improperly filed to harass, filed in bad faith by “SLC,  
19 LLC”, and filed by the same attorney who participated in the above referenced  
20 Settlement/Stipulation. Plaintiff is violating both the letter and intent of the  
21 Settlement and Stipulation, resorting to legal gymnastics and semantics in a  
22 transparent attempt to circumvent the preclusive language in both the Settlement  
23 and Stipulation, and making a mockery of the legal system. Such conduct is  
24

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25 <sup>17</sup> See SLC, LLC.’s Response to Interrogatories, number 28, Case A-19-805955-C,  
26 submitted herewith as **Exhibit “J”**.

27 <sup>18</sup> See SLC, LLC.’s Response to Request for Admission, numbers 5 & 6, Case A-  
28 19-805955-C, submitted herewith as **Exhibit “J”**, and Hamid’s Response to  
Request for Admission, number 3, Case A-19-805955-C, submitted herewith as  
**Exhibit “K”**.

1 improper and disallowed<sup>19</sup>, and much to Plaintiff's perturbation, unequivocal proof  
2 that Plaintiff is abusing the legal process and is subject to all damages incurred as a  
3 result of its tortious acts.

4 Plaintiff's argument that their actions are not an abuse of process, and/or that  
5 Defendants have not asserted factual allegations supporting the abuse of process  
6 claim, is legally unsound and patently absurd.

7 Equally disturbing is the fact that Plaintiff brazenly violates its duty of  
8 candor to this Court with a gross misrepresentation and mischaracterization of  
9 "judicially noticeable documents" and the concealment of those "judicially  
10 noticeable documents" that irrefutably disprove Plaintiff's statements and confirm  
11 Plaintiff is abusing the legal process with the commencement of the instant action<sup>20</sup>.

12 Of note, in a desperate, albeit transparent, attempt to justify the instant action  
13 against the *very named parties* that were parties and beneficiaries of the Settlement  
14 (merely substituting SLC, LLC in the place of Hamid in the instant action), the  
15 Plaintiff misstates and intentionally misleads this Court. Because comparison of  
16 Hamid's earlier suit against the same named parties against the instant action  
17 confirms the named parties are identical, Plaintiff crafts an infirm semantical  
18 argument that the named parties (Defendants) really weren't named parties in the  
19 underlying action (A-19-805955-C).

20 Referencing an October 9, 2020, order, the Plaintiff falsely represent the  
21 counterclaimants (Defendants in this action) were not parties to the action. The  
22 Complaint for Damages and Demand for Jury Trial; Defendant Hamid Sheikhai's  
23 Answer, Counterclaim, and Cross Claims, and Demand for Jury Trial, filed almost  
24

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25 <sup>19</sup> See NRCP 11.

26 <sup>20</sup> Actions that cannot be condoned even under the guise of "zealous advocacy".  
27 See *Thomas v. City of N. Las Vegas*, 122 Nev. 82, 127 P.3d 1057 (2006) ("zeal  
28 cannot give way to unprofessionalism, noncompliance with court rules, or, *most*  
*importantly, to violations of the ethical duties of candor to the courts* and to  
opposing counsel).



1 two weeks *later*, firmly disprove Plaintiff's claim<sup>21</sup>. Likewise, Plaintiff's reliance  
2 on a minute order is also misplaced and legally insufficient<sup>22</sup>. Significantly, *there*  
3 *was no order* prepared or entered from the January 7, 2021 hearing because the  
4 parties were pursuing resolution of all matters/issues/cases.

### 5 III.

#### 6 Legal Analysis

##### 7 *A. Plaintiff is unable to sustain its burden and meet the dispositive* 8 *Legal Standard necessary for dismissal.*

9 Nevada Rule of Civil Procedure 12(b)(5) authorizes a court to dismiss a  
10 Complaint for failure to state a claim upon which relief can be granted. However,  
11 dismissal is only proper under Rule 12(b)(5) where it appears beyond doubt that the  
12 complaining party can prove *no* set of facts to support its claims<sup>23</sup>. Indeed, A  
13 motion to dismiss cannot be granted unless it appears beyond a reasonable doubt  
14 that the plaintiff (or in this case, the Defendants) can prove *no* set of facts in  
15 support of his claim which would entitle him to relief<sup>24</sup>. When considering a  
16 motion to dismiss for failure to state a claim, dismissal is appropriate only when the  
17 complaint does not give the opposing party fair notice of a legally cognizable claim  
18 and the grounds on which it rests<sup>25</sup>.

19 Accordingly, Defendants need only show their entitlement to relief on the  
20 face of the complaint (or in this case, the counterclaim)<sup>26</sup>. Courts have long held a  
21 motion to dismiss is considered solely on the basis of the allegations in the  
22 complaint (counterclaim) and extraneous material is disregarded. In considering  
23 whether to dismiss an action, the Court must treat all of the nonmoving party's

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24 <sup>21</sup> See Exhibit "I".

25 <sup>22</sup> Court minutes or a minute order is "ineffective for any purpose". See *Rust v.*  
26 *Clark Cty.Sch.Dist.*, 103 Nev. 686, 747 P.2d 1380 (1987).

27 <sup>23</sup> *Adams v. Johnson*, 355 F.3d 1179, 1183 (9th Cir. 2004).

28 <sup>24</sup> *Revis v. Slocomb Industries, Inc.*, 765 F. Supp. 1212, 1213 (D. Del. 1991)

<sup>25</sup> See *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007)

<sup>26</sup> *Bell Atlantic Corp. v. Twombly*, 127 S.Ct. 1955, 1664-66 (2007).

1 well-pleaded allegations as true<sup>27</sup> and in the light most favorable to the  
2 Defendants.<sup>28</sup>

3 In other words, when considering whether the complaint sufficiently states a  
4 claim, the Court must take all material allegations as true and construe them in the  
5 light most favorable to the complaining party<sup>29</sup>. The court must accept *all* factual  
6 allegations in the complaint as true and draw reasonable inferences in the  
7 Defendant's favor. Because granting such a motion terminates the case on its  
8 merits, the complaint, or in this case, the counterclaim must necessarily be  
9 construed broadly.<sup>30</sup>

10 Indeed, as noted by the Nevada Supreme Court:  
11 a complaint cannot be dismissed for failure to state a claim unless it  
12 appears *beyond a doubt* that the plaintiff [Defendants in this case]  
13 could prove no set of facts which, if accepted by the trier of fact,  
would entitle him [them] to relief<sup>31</sup>.

14 Therein, our Supreme Court clarified in *BuzzStew* the standard is not one of  
15 reasonable doubt, but one of *any* doubt<sup>32</sup>. Additionally, in *Capital Mortgage*  
16 *Holding v. Hahn*<sup>33</sup>, the court held that:

17 On a motion to dismiss for failure to state a claim for relief, the trial  
18 court and this court must construe the pleadings liberally and draw  
*every* fair intendment in favor of the plaintiff. (emphasis added).

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20 <sup>27</sup> *Abbott Laboratories v. Nutrimax Products, Inc.*, 844 F.Supp. 443, 445.D. Ill.  
21 1994); *Mullins v. M.G.D. Graphics Systems Group*, 867 F.Supp 1578, 1579 (ND  
Ga. 1994).

22 <sup>28</sup> *Schroll v. Plunket*, 760 F.Supp. 1385, 1387 (D. Or. 1991), aff'd 932 F.2d 973;  
23 *see, e.g., Gould, Inc. v. United States*, 67 F.3d 925, 929 (Fed. Cir.1995)

24 <sup>29</sup> *See NL Indus., Inc. v. Kaplan*, 792 F.2d 896 (9<sup>th</sup> Cir. 1986).

25 <sup>30</sup> *Ponder v. United States*, 117 F.3d 549, 552-53 (Fed. Cir. 1997); *Buzz Stew, LLC*  
26 *v. City of N. Las Vegas*, 181 P.3d 670, 672, 124 Nev. 224 (2008); *see also, In re*  
*Amerco Derivative Litig..Glenbrook Capital Ltd. P'ship*, 127 Nev. 196, 252 P.3d  
681, 692 (2011); *Simpson v. Mars, Inc.*, 113 Nev. 188, 929 P.2d 966, 967 (1997).

27 <sup>31</sup> *Edgar v. Wagner*, 101 Nev. 226, 228, 699 P.2d 110, 112 (1985) (citing *Conley v.*  
*Gibson*, 355 U.S. 41, 45-46, 2 L. Ed. 2d 80, 78 S. Ct. 99 (1957)).

28 <sup>32</sup> *Id.* at 228 n.6, 181 P.3d at 672 n.6.

<sup>33</sup> 101 Nev. 314, 315, 705 P.2d 126, 126 (1985)

1 Hence, courts have long and consistently held that when considering whether  
2 a motion to dismiss should be granted, **only** if a plaintiff (or counterclaimant) is  
3 unable to “prove no set of facts, if accepted by the trier of fact, would entitle him or  
4 her [or them] to relief”, dismissal is warranted and appropriate<sup>34</sup>. Clearly, this is  
5 not such a case. Despite Plaintiff’s mischaracterizations and incorrect conclusions,  
6 the set of facts set forth by the Defendants unequivocally entitle them to relief as  
7 prayed for in their Counterclaim.

8 “The test for determining whether the allegations of a cause of action are  
9 sufficient to assert a claim for relief is whether the allegations give fair notice of the  
10 nature and basis of the claim and the relief requested.”<sup>35</sup> Accordingly, **a party**  
11 ***moving to dismiss for failure to state a claim faces a very rigorous standard that***  
12 ***is not easily overcome.*** Indeed, the purpose of a 12(b)(5) motion is to test the  
13 sufficiency of the allegations only<sup>36</sup>.

14 Continuing, when asserting a claim for relief, the plaintiff need only state “a  
15 short and plain statement of the claim showing that the pleader is entitled to relief.”  
16 NRCp 8(a). Nevada remains a notice-pleading jurisdiction, where all that is  
17 required is for a pleading to provide fair notice to the adverse party of the nature of  
18 the claims stated therein, and the basis or grounds for such claims<sup>37</sup>. And, “notice  
19 pleading” simply requires a claimant to set forth a general recitation of facts that  
20  
21

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22 <sup>34</sup> *Simpson v. Mars, Inc.*, 113 Nev. 188, 190, 929 P.2d 966, 967 (1997) (citing  
23 *Vacation Village v. Hitachi America*, 110 Nev. 481, 484, 874 P.2d 744, 746  
24 (1994)).

25 <sup>35</sup> *Brelant v. Preferred Equities Corp.*, 109 Nev. 842, 846, 858 P.2d 1258, 1260  
(1993) quoting *Ravera v. City of Reno*, 100 Nev. 68, 70, 675 P.2d 407, 408 (1984).

26 <sup>36</sup> *Morris v. Bank of America Nevada*, 110 Nev. 1274, 1276-77, 886 P.2d 454, 456  
27 (1994) (stating that a court must take the allegations stated in the complaint “at face  
value” when ruling upon a NRCp 12(b)(5) motion).

28 <sup>37</sup> *Crucil v. Carson City*, 95 Nev. 583, 585, 600 P.2d 216, 217 (1979); *see also*  
*Western States Constr. v. Michoff*, 108 Nev. 931, 936, 840 P.2d 1220, 1223 (1992).

1 support a cognizable legal theory<sup>38</sup>. As set forth herein, Defendants have clearly  
2 met this pleading standard in the instant case. A pleading “is sufficient so long as  
3 the pleading gives fair notice of the nature and basis of the claim.”<sup>39</sup> As noted  
4 above, Defendants have properly and adequately stated a claim for relief that is  
5 widely recognized in the State of Nevada.

6 ***B. Defendants/Counterclaimants have sufficiently stated a claim for***  
7 ***Abuse of Process.***

8 In order to prevail against Plaintiff for abuse of process, Defendants need  
9 only show: (1) an ulterior purpose other than resolving a legal dispute, and (2) a  
10 willful act in the use of process not proper in the regular conduct of the  
11 proceeding<sup>40</sup>. “An “ulterior purpose” includes any “improper motive” underlying  
12 the issuance of legal process”<sup>41</sup>.

13 In Defendants counterclaim, it was, in fact, alleged, that Plaintiff does not  
14 own Zip Zap Auto (the business which is the crux of Plaintiff’s suit), that all claims  
15 against the Defendants were dismissed with prejudice, that Plaintiff ***did not*** file the  
16 underlying action to resolve a legal dispute<sup>42</sup> and that Plaintiff willfully maintained  
17 the use of the underlying process in spite of having no valid basis to bring the  
18 underlying action against the Defendants<sup>43</sup>, harming the defendants in the process.  
19 Thus, the elements of “abuse of process” have been sufficiently pled<sup>44</sup>. Notably,  
20  
21

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22 <sup>38</sup> See *Liston v. Las Vegas Metropolitan Police Dept.*, 111 Nev. 1575, 1579, 908  
23 P.2d 720, 723 (1995) (citing *Swartz v. Adams*, 93 Nev. 240, 245, 563 P.2d 74, 77  
(1977)).

24 <sup>39</sup> *Crucil v. Carson City*, 95 Nev. 583, 585, 600 P.2d 216, 217 (1979).

25 <sup>40</sup> *Kovacs v. Acosta*, 106 Nev. 57, 59, 787 P.2d 368, 369 (1990).

26 <sup>41</sup> See *Laxalt v. McClatchy*, 622 F. Supp. 737, (D. Nev. 1985).

27 <sup>42</sup> See Answer and Counterclaim, page 11, ¶ 15.

28 <sup>43</sup> *Id.*, ¶ 18.

<sup>44</sup> Of course, if this Court, for some reason, requires greater particularity,  
Defendants respectfully request leave of the Court to include the additional  
allegations requested of this Court.

1 even when abuse of process is not raised in the pleadings, a trial court may still find  
2 abuse of process.<sup>45</sup>

3 As this Court knows, abuse of process refers to the improper use of a civil  
4 legal procedure for an unintended, malicious, or perverse reason. Because the  
5 actions of the Plaintiff are in violation of the parties' agreement, is willfully brought  
6 to harass defendants, deplete funds, and for the pursuit of undeserved, unwarranted,  
7 and unfair financial gain, Plaintiff's suit is not justified by the underlying legal  
8 action and therefore, an abuse of process. The determination of what is unfair  
9 and/or wrong is within this Court's discretion.

10 The contention that Plaintiff is somehow not informed of, or somehow  
11 unaware that its commencement of the instant action was in violation of the  
12 Settlement, was impermissible, unwarranted, and without merit, and meant to  
13 harass defendants and extract unwarranted and undeserved financial benefit, was  
14 wrongful is legally unsound and transparently absurd.

15 Plaintiff is fully aware of the representations it has made under the penalty of  
16 perjury. Plaintiff is fully aware of the effect of the Stipulation and its inability to  
17 file suit against the named defendants. Plaintiff is fully aware it has no rights to Zip  
18 Zap Auto, and cannot assert rights of third-parties—even if there were no  
19 Settlement prohibiting the filing of any suit against the Defendants. Without  
20 factual or legal basis to commence suit against the Defendants, their doing so is a  
21 patent abuse of process.

22 Continuing, review of the legal authority relied upon by Plaintiff confirms  
23 Plaintiff's bad faith. Plaintiff cites and relies primarily on *Injuryloans.com LLC v.*  
24 *Buenrostro*, 529 F.Supp.3d 1178 (2021), but conceal the ruling of *that* Court that  
25 **confirmed** "a plaintiff initiating a lawsuit without adequate investigation  
26

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27  
28 <sup>45</sup> See NRCP 15(b); *Jaksich v. Guisti*, 36 Nev. 104, 134 P. 452 (1913); *Nevada Credit Rating Bureau v. Williams*, 88 Nev. 601, 503 P.2d 9 (1972).

1 beforehand, without seeking necessary evidence, and knowing that there is no basis  
2 for the lawsuit” ***does, in fact, constitute abuse of process***<sup>46</sup>. In other words,  
3 contrary to Plaintiff’s claim, *Injuryloans.com* ***confirms*** that the allegations of  
4 Defendants counterclaim *sufficiently* set forth a claim for abuse of process. While  
5 Plaintiff chooses to ignore the facts of this case, the facts that have been alleged,  
6 and their wrongful conduct—this Court cannot. Despite Plaintiff’s unsupported  
7 characterizations and interpretations of the facts of this case and those alleged,  
8 review of the facts of this case and the counterclaim on file firmly establish  
9 sufficient facts have been alleged that support an abuse of process claim<sup>47</sup>.

10 Plaintiff also failed to mention that in *Injuryloans.com*, the Defendant was  
11 provided leave to amend and allege facts that “would support an abuse of process  
12 theory”. While it is respectfully submitted that no such amendment is necessary in  
13 this action—since sufficient allegations have been made, if for some reason the  
14 Court preferred additional allegations, such leave should be provided Defendants in  
15 order to enable them to maintain their cause of action against Plaintiff (that is  
16 unquestionably warranted).

17 Indeed, courts should “freely give” leave to amend when there is no undue  
18 delay, bad faith, dilatory motive on the part of the movant or undue prejudice to the  
19 opposing party by virtue of the leave/amendment. In fact, generally, leave to  
20 amend is only denied when it is clear that the deficiencies of the complaint cannot  
21 be cured by amendment<sup>48</sup>. There are unquestionably additional facts that can be  
22 added to Defendants’ counterclaim should this Court find it necessary, and which  
23 will be provided with leave to do so, but respectfully, Defendants submit the claim

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25 <sup>46</sup> *Injuryloans.com*, 529 F. Supp. 3d at 1189.

26 <sup>47</sup> Plaintiff’s suggestion that Defendants factual allegations are tantamount to a  
27 mere claim of “ulterior purpose” is illogical, unsupported, and, in fact, disproven by  
28 the facts and record in this case.

<sup>48</sup> *See DeSoto v. Yellow Freight Sys., Inc.*, 957 F.2d 655, 658 (9th Cir. 1992).

1 for abuse of process has already been sufficiently pled. The Defendants have  
2 demonstrated the facts necessary to support the claim of abuse of process.  
3 Therefore, Plaintiff's motion must be denied.

4 In closing, it is both telling and significant to note the Plaintiff concedes the  
5 crux of the underlying action pertains to claims against assets, entities, and  
6 property, that SLC, LLC (Plaintiff) *admittedly does not, did not, and never*  
7 *own(ed)*.

8 *C. Zohreh's motion was baseless and Defendants is entitled to an*  
9 *award of attorney's fees for having to respond to the factually and*  
10 *legally deficient motion.*

11 Plaintiff has acted in bad faith and filed a frivolous motion for claims that  
12 were previously dismissed with prejudice, against defendants that were disallowed  
13 by Settlement, and which improperly and impermissible constitute third-party  
14 claims. Hamid, who first "brought" the *same claims* against the Defendants in an  
15 earlier case that was dismissed with prejudice, and who owns 100% of SLC, LLC  
16 (who only does what Hamid instructs them to do) and 100% of Zip Zap Auto,  
17 mistakenly believes he can circumvent the Settlement and resurrect his claims by  
18 substituting SLC, LLC in his place as Plaintiff. The facts of this case and  
19 applicable precedent do not allow him such luxury or the corresponding ability to  
20 abuse the legal process with impunity.

21 SLC, LLC and Hamid are clearly acting in bad faith and Defendants are  
22 certainly entitled to recoup the fees that they have incurred having to respond to the  
23 baseless and inaccurate motion, and clarifying, completing, and correcting  
24 Plaintiff's false claims and unsupported conclusions occasioned through the  
25 violation of the duty of candor that is owed to this Court.

26 NRS 7.085 allows this Court to compensate Defendants for the needless costs  
27 they has incurred responding to his meritless motion.

28 Therein, NRS 7.085 provides:

1. If a court finds that an attorney has:

1 (a) Filed, maintained or defended a civil action or proceeding in  
2 any court in this State and such action or defense is not well-grounded  
3 in fact or is not warranted by existing law or by an argument for  
changing the existing law that is made in good faith; or

4 (b) Unreasonably and vexatiously extended a civil action or  
5 proceeding before any court in this State, the court *shall* require the  
6 attorney personally to pay the additional costs, expenses and attorney's  
fees reasonably incurred because of such conduct.

7 2. The court *shall* liberally construe the provisions of this  
8 section in favor of awarding costs, expenses and attorney's fees in all  
9 appropriate situations. It is the intent of the Legislature that the court  
10 award costs, expenses and attorney's fees pursuant to this section and  
11 impose sanctions pursuant to Rule 11 of the Nevada Rules of Civil  
12 Procedure in all appropriate situations to punish for and deter frivolous  
or vexatious claims and defenses because such claims and defenses  
overburden limited judicial resources, hinder the timely resolution of  
meritorious claims and increase the costs of engaging in business and  
providing professional services to the public. (Emphasis supplied).

13 Sanctions under NRCP 11 are also allowed. As noted by the Nevada  
14 Supreme Court in *Watson Rounds, P.C. v. Eighth Judicial Dist. Ct. (Himelfarb &*  
15 *Associates)*, 131 Nev. 783, 784, 358 P.3d 228, 230 (2015), NRCP 11 and NRS  
16 7.085 each represent a distinct, independent mechanism for sanctions.

17 Defendants are also entitled to an award of attorney's fees pursuant to EDCR  
18 7.60, and NRS 18.010. EDCR 7.60 provides in relevant part:

19 The court may, after notice and an opportunity to be heard, impose  
20 upon an attorney or a party any and all sanctions which may, under the  
21 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:

22 (1) ***Presents to the court a motion or an opposition to a motion***  
23 ***which is obviously frivolous, unnecessary or unwarranted.***  
(Emphasis supplied).

24 Continuing, in *Barney v. Mt. Rose Heating & Air Conditioning*, 192 P.3d  
25 730, 736 (2008) citing *Brunzell v. Golden Gate National Bank*, 85 Nev 345, 455  
26 P.2d 31 (1969), the Court enumerated factors that the district court should consider  
27 in awarding attorney fees, with no one factor controlling, as follows:  
28



- 1 (1) the advocate's qualities, including ability, training,  
2 education, experience, professional standing, and skill;  
3 (2) the character of the work, including its difficulty, intricacy,  
4 importance, as well as the time and skill required, the responsibility  
5 imposed, and the prominence and character of the parties when  
6 affecting the importance of the litigation;  
7 (3) the work performed, including the skill, time, and attention  
8 given to the work; and  
9 (4) the result--whether the attorney was successful and what  
10 benefits were derived.

11 Defendants have met the factors outlined in Brunzell. Defendants' counsel is  
12 qualified and has considerable experience, ability and training in the field of family  
13 and civil litigation. It is the responsibility of Defendants' counsel to resolve  
14 outstanding issues to ensure Defendants' rights are preserved and the duty of  
15 candor that is owed to this Court is maintained. Defendants counsel was attentive to  
16 work performed.

17 Based upon the foregoing, it is not only fair, but also reasonable under the  
18 circumstances that Plaintiff be responsible for Defendants' attorney fees and costs.

19 **IV.**  
20 **Conclusion**

21 A district court's decision to dismiss a complaint for failure to state a claim  
22 will be subject to a rigorous, de novo appellate review<sup>49</sup>. There is no question that  
23 the claims against the named defendants in this action were settled, dismissed with  
24 prejudice, and subject to the subject Settlement. As far as Plaintiff's unfounded and  
25 false allegations, gross misstatements of fact and law, and violations of candor  
26 owed this Court, given the fact Plaintiff appears to be a Disney fan, Defendants will  
27 characterize them in a vernacular it might understand—they are, in sum, "Goofy".

28 <sup>49</sup> See *Buzz Stew, LLC v. City of N. Las Vegas*, 124 Nev. 224, 227, 181 P.3d 670, 672 (2008).

1 While Plaintiff endeavors to downplay the fact they don't own Zip Zap Auto  
2 (which is the crux of the instant action), the law unequivocally provides a party has  
3 standing to assert only its own rights and cannot raise the claims of a third party not  
4 before the court<sup>50</sup>.

5 Based upon the above, Plaintiff has not come near to satisfy, let alone  
6 overcome, the burden that must be shown to dismiss Defendants' counterclaim.  
7 Accordingly, Defendants respectfully requests the Court enter an Order:

- 8 1. Finding Plaintiff's motion to lack the requisite factual and legal
- 9 basis to sustain a Rule 12(B)(5) motion to dismiss;
- 10 2. Denying Plaintiff's Rule 12(B)(5) motion to dismiss in its
- 11 entirety;
- 12 3. Sanctioning Plaintiff and awarding Defendant's attorney's fees and
- 13 costs for having to defend Plaintiff's baseless motion; and
- 14 4. Addressing such other and further relief as the Court deems just
- 15 and equitable

14 Dated this 21<sup>st</sup> day of January, 2022.

16 HOFLAND & TOMSHECK

17 By: /s/ Bradley J. Hofland

18 Bradley J. Hofland, Esq.

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24 *Attorneys for Defendants*

25  
26  
27  
28 <sup>50</sup> NRCP 17(a); Beazer Homes Holding Cotp. v. Dist. Ct., 128 Nev. Adv. 9 Op. 66  
(2012).

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that I am an employee of HOFLAND & TOMSHECK, that pursuant to Administrative Order 14-2, NEFCR 9, and NRC 5(b), on the 21<sup>st</sup> day of January, 2022, I served the forgoing **DEFENDANT’S OPPOSITION TO PLAINTIFF/COUNTER-DEFENDANT SLC LLC’S RULE 12(B)(5) MOTION TO DISMISS COUNTERCLAIM AND COUNTERMOTION FOR ATTORNEY’S FEES AND COSTS AND RELATED RELIEF** on the following parties by E-Service through the Odyssey filing system and/or U.S. Mail addressed as follows:

ENENSTEIN PHAM & GLASS  
Robert A. Rabbat, Esq.  
[rrabbat@enensteinlaw.com](mailto:rrabbat@enensteinlaw.com)  
*Attorneys for Plaintiff SLC LLC*

BY: /s/ Nikki Warren

An Employee of HOFLAND & TOMSHECK