IN THE SUPREME COURT OF THE STATE OF NEVADA

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Jun 10 2024 02:05 PM
Elizabeth A. Brown
Clerk of Supreme Court

MANOUCHER DEZFOOLI A/K/A MANOUCHER DEZFOOLO, AN INDIVIDUAL, Appellant, vs. THE EHH VENTURE, LLC, A NEVADA LIMITED LIABILITY COMPANY, Respondent.	Case No. 87544

RESPONDENTS'S SUPPLEMENTAL APPENDIX TO RESPONSE BRIEF

JAMES E. SHAPIRO (SBN 7907)
SMITH & SHAPIRO, PLLC
3333 E. Serene Avenue, Suite 130
Henderson, Nevada 89074
(702) 318-5033

Attorneys for THE EHH VENTURE, LLC

Docket 87544 Document 2024-20133

DOCUMENT	**PAGES**
Motion to Increase Bail Dated November 5, 2020	EHH_001-029
Notice of Entry of Amended Order Granting Motion to Increase Bail Dated February 25, 2021	EHH_030-036
District Court Minute Order Dated November 2, 2016	EHH_037
Notice of Appeal Dated October 30, 2023	EHH_038-039

DATED this 10th day of June, 2024.

/s/ James E. Shapiro
JAMES E. SHAPIRO (SBN 7907)
SMITH & SHAPIRO, PLLC
3333 E. Serene Ave., Suite 130
Henderson, Nevada 89074
(702) 318-5033
jshapiro@smithshapiro.com

Attorneys for THE EHH VENTURE, LLC

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of SMITH & SHAPIRO, PLLC, and on this date the foregoing ***RESPONDENTS'S SUPPLEMENTAL APPENDIX TO RESPONSE BRIEF*** was electronically filed with the Clerk of the Nevada Supreme Court, and therefore electronic service was made in accordance with the Court's Master Service List.

DATED: June 10, 2024

/s/ Jennifer A. Bidwell
Jennifer A. Bidwell, an Employee of
Smith & Shapiro, PLLC

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11/5/2020 4:16 PM
Steven D. Grierson
CLERK OF THE COURT

MINC
James E. Shapiro, Esq.
Nevada Bar No. 7907
Andrew S. Blaylock, Esq.
Nevada Bar No. 13666
SMITH & SHAPIRO, PLLC
3333 E. Serene Ave., Suite #130
Henderson, NV 89074
(702) 318-5033
Attorneys for THE EHH VENTURE, LLC

DISTRICT COURT

CLARK COUNTY, NEVADA

THE EHH VENTURE LLC, a Nevada limited liability company,

Plaintiff,

vs.

MEELAD DEZFOOLI, an individual; JOSE BOLANOS, an individual; and DOES 1-10, and ROE ENTITIES 1-10, inclusive,

Defendants.

THE EHH VENTURE LLC, a Nevada limited liability company,

Plaintiff,

vs.

BEST FLOORS LTD dba BEST BUY FLOORING, a Nevada limited liability company; and DOES 1-10, and ROE ENTITIES 1-10, inclusive

Defendants.

BEST FLOORS LTD dba BEST BUY FLOORING, a Nevada limited liability company,

Counterclaimant,

vs.

THE EHH VENTURE LLC, a Nevada limited liability company; and DOES 1-10, and ROE ENTITIES 1-10, inclusive

Counterdefendants.

Case No. **A-16-746034-C**
Dept: XXXI

Consolidated with
A-16-748846-C

MOTION TO INCREASE BAIL AMOUNT IN BENCH WARRANT FOR JUDGMENT DEBTOR MEELAD DEZFOOLI

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SMITH & SHAPIRO, PLLC
3333 E. Serene Ave., Suite 130
Henderson, NV 89074
O:(702)318-5033 F:(702)318-5034

Case Number: A-16-746034-C

MOTION TO INCREASE BAIL AMOUNT IN BENCH WARRANT FOR JUDGMENT DEBTOR MEELAD DEZFOOLI

COMES NOW Judgment Creditor THE EHH VENTURE LLC, a Nevada limited liability company ("***EHH***" or "***Judgment Creditor***"), by and through its attorneys of record, SMITH & SHAPIRO, PLLC, and hereby files this Motion to Increase Bail Amount in Bench Warrant for Judgment Debtor MEELAD DEZFOOLI (the "***Motion***") and moves this Honorable Court for an Order increasing the bail amount in the Bench Warrant for Judgment Debtor MEELAD DEZFOOLI ("***Dezfooli***") issued by this Court on June 9, 2020 (the "***Bench Warrant***").

This Motion is based upon the pleadings, papers, and documents on file herein, the Points and Authorities attached hereto, the evidence presented and any oral argument the Court is willing to entertain in the premises.

Dated this 5th day of November , 2020.

SMITH & SHAPIRO, PLLC

/s/ James E. Shapiro
James E. Shapiro, Esq.
Nevada Bar No. 7907
Andrew S. Blaylock, Esq.
Nevada Bar No. 13666
3333 E. Serene Ave., Suite #130
Henderson, NV 89074
Attorneys for Judgment Creditor

DECLARATION IN SUPPORT OF MOTION

I, James E. Shapiro, Esq., do hereby declare under penalty of perjury in accordance with NRS § 53.045 as follows:

1. I am a duly licensed attorney in the State of Nevada, a partner with the law firm Smith & Shapiro, PLLC, and counsel for Judgment Creditor in this matter.

2. On July 25, 2019 this Court entered a Default Judgment in favor of Judgment Creditor and against Dezfooli, Jose Bolanos, an individual, and Best Floors LTD dba Best Buy Flooring, a Nevada limited liability company ("***Best Floors***", and collectively with Dezfooli referred to as "***Judgment Debtors***"). The Default Judgment ordered Judgment Debtors to pay to

SMITH & SHAPIRO, PLLC
3333 E. Serene Ave., Suite 130
Henderson, NV 89074
O:(702)318-5033 F:(702)318-5034

Judgment Creditor $350,046.89, which shall accrue interest at the rate of ten percent per annum from July 11, 2019 until paid in full (the "***Judgment***"). A true and correct copy of the Judgment is attached hereto as ***Exhibit "1"*** and is incorporated herein by this reference.

3. On June 9, 2020, this Court issued an order finding Dezfooli to be in contempt of Court (the "***Contempt Order***"). A true and correct copy of the Contempt Order is attached hereto as ***Exhibit "2"*** and is incorporated herein by this reference. The Contempt Order set the bail amount for Dezfooli at $500.00. *Id*. The Contempt Order was entered on June 15, 2020. *Id*.

4. On June 9, 2020, this Court also issued a Bench Warrant for Dezfooli, documenting the bail amount of $500.00 (the "***Bench Warrant***"). A true and correct copy of the Bench Warrant is attached hereto as ***Exhibit "3"*** and is incorporated herein by this reference. The Bench Warrant was also entered on June 15, 2020. *Id*.

5. Since June 15, 2020, Smith & Shapiro, PLLC, on behalf of the Judgment Creditor, has been making significant efforts to have the Bench Warrant served on Dezfooli, with the intent that Dezfooli would be taken into custody, in accordance with the Bench Warrant's instructions, in order to compel compliance by Dezfooli with this Court's orders.

6. After attempting to get the Bench Warrant served for over four months, we have learned from a contact within law enforcement that warrants that do not include a significant bail amount they are very unlikely to get the necessary attention from law enforcement officers to effectuate an arrest. In short, even if an officer were to pull Dezfooli over in a traffic stop, with a bail amount of only $500.00, they are still unlikely to arrest Dezfooli.

7. It is our understanding, based upon conversations with our contacts in the law enforcement community, that a bail amount of $50,000 or even $25,000 should be sufficient to entice law enforcement to effectuate an arrest. Certainly, a bail amount that it is equal to the amount of the Judgment would be sufficient.

8. Absent judicial intervention, it is unlikely that Dezfooli will be arrested under the current Bench Warrant, thereby allowing Dezfooli to continue to operate his business, all while ignoring this Court's orders and EHH's lawful efforts to collect on its Judgment.

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SMITH & SHAPIRO, PLLC
3333 E. Serene Ave., Suite 130
Henderson, NV 89074
O:(702)318-5033 F:(702)318-5034

9. Given his prior behavior, it is clear that unless Dezfooli is arrested, he will continue to ignore all orders of this Court, as well as EHH's lawful efforts to collect on its Judgment.

10. To date, EHH has been unable to collect any funds from Judgment Debtors outside of the funds deposited by Judgment Debtors with the Clerk of Court and as delineated in the Judgment.

11. I make this Declaration freely and of my own free will and choice and I declare under penalty of perjury that the foregoing is true and correct.

Dated this 5th day of November, 2020.

/s/ James E. Shapiro
JAMES E. SHAPIRO, ESQ.

SMITH & SHAPIRO, PLLC
3333 E. Serene Ave., Suite 130
Henderson, NV 89074
O:(702)318-5033 F:(702)318-5034

MEMORANDUM OF POINTS AND AUTHORITIES

I.

STATEMENT OF FACTS

On August 1, 2019, a Judgment was entered in favor of Judgment Creditor and against Judgment Debtors, Meelad Dezfooli, an individual ("***Dezfooli***"), Jose Bolanos, an individual, and Best Floors LTD dba Best Buy Flooring, a Nevada limited liability company ("***Best Floors***", and collectively with Dezfooli referred to as "***Judgment Debtors***") in this matter. *See* Exhibit "1".

On June 9, 2020, this Court issued an order finding Dezfooli to be in contempt of Court (the "***Contempt Order***") . *See* Exhibit "2". The Contempt Order set the bail amount for Dezfooli at $500.00. *Id*. The Contempt Order was entered on June 15, 2020. *Id*.

On June 9, 2020, this Court also issued a Bench Warrant for Dezfooli. *See* Exhibit "3". The Bench Warrant was also entered on June 15, 2020. *Id*.

To date, the Bench Warrant has not been served on Dezfooli and Dezfooli has continued to ignore the Judgment, the Contempt Order, and the Bench Warrant.

SMITH & SHAPIRO, PLLC
3333 E. Serene Ave., Suite 130
Henderson, NV 89074
O:(702)318-5033 F:(702)318-5034

II.

STATEMENT OF AUTHORITIES

A party is required to follow court orders, even erroneous ones, until overturned or terminated. Rish v. Simao, 132 Nev. __, 368 P.3d 1203, 1210 (Nev., 2016) *citing to* Walker v. City of Birmingham, 388 U.S. 307, 320–21, 87 S.Ct. 1824, 18 L.Ed.2d 1210 (1967) and Howat v. Kansas, 258 U.S. 181, 190, 42 S.Ct. 277, 66 L.Ed. 550 (1922). Even if the order is later overruled, a sanction predicated on violations of that order may remain in force. Rish, 368 P.3d at 1210 citing to Beauregard, Inc. v. Sword Services LLC, 107 F.3d 351, 354 (5th Cir.1997).

According to NRS § 22.010(3), "the following acts or omissions shall be deemed contempts: . . . 3. Disobedience or resistance to any lawful writ, order, rule or process issued by the court or judge at chambers."

According to NRS § 22.100, the penalties for contempt include:

> 1. Upon the answer and evidence taken, the court or judge or jury, as the case may be, shall determine whether the person proceeded against is guilty of the contempt charged.
>
> 2. Except as otherwise provided in NRS 22.110, if a person is found guilty of contempt, a fine may be imposed on the person not exceeding $500 or ***the person may be imprisoned not exceeding 25 days***, or both.
>
> 3. In addition to the penalties provided in subsection 2, if a person is found guilty of contempt pursuant to subsection 3 of NRS 22.010, the court may require the person to pay to the party seeking to enforce the writ, order, rule or process the reasonable expenses, including, without limitation, attorney's fees, incurred by the party as a result of the contempt.

NRS § 22.100 (emphasis added).

In the instant case, the Court has already found Dezfooli to be in contempt of Court and has already issued a Bench Warrant for Dezfooli's arrest. Unfortunately, the orders of the Court are being thwarted due to an unforeseen circumstance, that is, that the bail amount is insufficient to draw the attention of law enforcement and/or to provide an incentive, in a likely overburdened system, for law enforcement officers to effectuate the warrant.

Based upon Dezfooli's prior and continuing willful violations and/or ignoring this Court's orders, it is unlikely that anything short of arrest will garner the attention and compliance of Dezfooli.

III.

CONCLUSION

For the foregoing reasons, Judgment Creditor EHH respectfully requests that the Court issue a modified Bench Warrant increasing the bail amount to $350,046.89, which is the same amount of the Judgment ordered by the present Court. Such an amount is likely to be sufficient incentive for law enforcement to effectuate the warrant and for the Court's order to be realized.

Dated this 5th day of November, 2020.

SMITH & SHAPIRO, PLLC

/s/ James E. Shapiro
James E. Shapiro, Esq.
Nevada Bar No. 7907
Andrew S. Blaylock, Esq.
Nevada Bar No. 13666
3333 E. Serene Ave., Suite 130
Henderson, Nevada 89074
Attorneys for Judgment Creditor

SMITH & SHAPIRO, PLLC
3333 E. Serene Ave., Suite 130
Henderson, NV 89074
O:(702)318-5033 F:(702)318-5034

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of SMITH & SHAPIRO, PLLC, and that on the 5th day of November, 2020, I served a true and correct copy of the foregoing **MOTION TO INCREASE BAIL AMOUNT IN BENCH WARRANT FOR JUDGMENT DEBTOR MEELAD DEZFOOLI** by e-serving a copy on all parties listed as Service Recipients in Odyssey File & Serve, pursuant to NRCP 5(b)(E) and by U.S. Mail, postage prepaid to the following addresses:

Meelad Dezfooli
2074 Troon Dr.
Henderson, NV 89074

Best Floors LTD dba Best Buy Flooring
848 N. Rainbow Blvd., Ste. #A28
Las Vegas, NV 89107
Attn: Meelad Dezfooli, Manager

/s/ Jennifer A. Bidwell
SMITH & SHAPIRO, PLLC

EXHIBIT 1

EXHIBIT 1

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Steven D. Grierson
CLERK OF THE COURT

James E. Shapiro, Esq.
Nevada Bar No. 7907
Andrew S. Blaylock, Esq.
Nevada Bar No. 13666
SMITH & SHAPIRO, PLLC
2520 St. Rose Parkway, Suite #220
Henderson, NV 89074
(702) 318-5033
Attorneys for THE EHH VENTURE, LLC

DISTRICT COURT

CLARK COUNTY, NEVADA

THE EHH VENTURE LLC, a Nevada limited liability company,

Plaintiff,

vs.

MEELAD DEZFOOLI, an individual; JOSE BOLANOS,an individual; and DOES 1-10, and ROE ENTITIES 1-10, inclusive,

Defendants.

THE EHH VENTURE LLC, a Nevada limited liability company,

Plaintiff,

vs.

BEST FLOORS LTD dba BEST BUY FLOORING, a Nevada limited liability company; and DOES 1-10, and ROE ENTITIES 1-10, inclusive

Defendants.

BEST FLOORS LTD dba BEST BUY FLOORING, a Nevada limited liability company,

Counterclaimant,

vs.

THE EHH VENTURE LLC, a Nevada limited liability company; and DOES 1-10, and ROE ENTITIES 1-10, inclusive

Counterdefendants.

Case No. **A-16-746034-C**
Dept: XXXI

Consolidated with
A-16-748846-C

DEFAULT JUDGMENT

Date: July 11, 2019
Time: 1:00 p.m.

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SMITH & SHAPIRO, PLLC
3333 E. Serene Ave., Suite 130
Henderson, NV 89074
O:(702)318-5033 F:(702)318-5034

☐ Non-Jury Disposed After Trial Start
☒ Non-Jury Judgment Reached
☐ Transferred before Trial
☐ Jury Disposed After Trial Start
☐ Jury Verdict Reached
☐ Other

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Case Number: A-16-746034-C

SMITH & SHAPIRO, PLLC
3333 E. Serene Ave., Suite 130
Henderson, NV 89074
O:(702)318-5033 F:(702)318-5034

DEFAULT JUDGMENT

An Application for Default Judgment having been duly made by and for Plaintiff THE EHH VENTURE LLC, a Nevada limited liability company (the "***Plaintiff***" or "***Landlord***"), the Default of Defendants MEELAD DEZFOOLI, an individual ("***Dezfooli***" or "***Guarantor***"), JOSE BOLANOS, an individual ("***Bolanos***" or "***Guarantor***"), and BEST FLOORS LTD DBA BEST BUY FLOORING, a Nevada limited liability company ("***Best Floors***" or "***Tenant***") having been entered, it appearing that said Defendants are not in the military service of the United States, that said Defendants are not an incompetent person; the Court having conducted a prove-up hearing on July 11, 2019, Defendants Dezfooli and Best Floors having appeared by and through their attorneys of record, WHITEHEAD & BURNETT, Plaintiff having appeared by and through its attorneys of record, SMITH & SHAPIRO, PLLC, the Court having reviewed the papers and pleadings on file herein, having accepted evidence regarding the Plaintiff's damages, having allowed Defendants Dezfooli and Best Floors, through their counsel, to cross examine Plaintiff's witnesses and make arguments relating thereto, having heard the arguments of counsel, the Court being fully advised in the premises, and good cause appearing:

THE COURT hereby makes the following findings of fact and conclusions of law:

FINDINGS OF FACT

1. The instant dispute is centered on the proper interpretation and enforcement of two leases: (1) one lease for the stand alone building located at 1621 East Sunset Road, Las Vegas, Nevada (the "***1621 Lease***"), and (2) one lease for some space in an adjacent building located at 1631 East Sunset Road, Suite C105-106 (the "***1631 Lease***", which collectively with the 1621 Lease, shall be referred to as the "***Leases***" and individually as a "***Lease***").

2. In conjunction with the Leases, Defendants Bolanos and Dezfooli executed personal guarantees of the Leases (collectively the "***Guarantees***").

3. Tenant first default under the terms of the Leases occurred on May 1, 2016, when it failed to pay CAM Charges as required by the Leases.

4. Thereafter, Tenant defaulted numerous times under the terms of the Leases.

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3333 E. Serene Ave., Suite 130
Henderson, NV 89074
O:(702)318-5033 F:(702)318-5034

5. Tenants defaults occurred notwithstanding multiple Court orders directing the Tenant to pay rent when due. Thus, the Defendants demonstrated not only a defiance of their obligations under the terms of the Leases, but also their defiance of this Court's orders.

6. Plaintiff introduced multiple exhibits, supported by testimony, which demonstrated that as a direct result of the Defendants failure and refusal to comply with their obligations under Leases, the Plaintiff sustained $119,895.60 in unpaid rent, CAM charges, late fees, unpaid interest, prior rent abatements, and other charges provided for under the terms of the Leases.

7. Section 29.6 of the Leases allow the Plaintiff to recover attorney's fees as part of the present lawsuit.

8. Defendants repeatedly, egregiously, intentionally and deliberately ran up the Plaintiff's legal fees, causing Plaintiff to incur substantial attorney's fees and costs, all of which could have been avoided if the Defendants would have simply complied with their obligations under the Lease.

9. When considering an award of attorney's fees, the Court should consider the following factors:

(a) [T]he qualities of the advocate: his ability, his training, education, experience, professional standing and skill;

(b) [T]he character of the work to be done: its difficulty, its intricacy, its importance, time and skills required, the responsibility imposed and the prominence and character of the parties where they affect the importance of the litigation;

(c) [T]he work actually performed by the lawyer: the skill, time and attention given to the work;

(d) [T]he result: whether the attorney was successful and what benefits were derived.

Brunzell v. Golden Gate National Bank, 85 Nev. 345, 349, 455 P.2d 31, 33 (1969) (emphasis in original) (citing Schwartz v. Schwerin, 336 P.2d 144, 146 (Ariz. 1959)).

10. A district court has "great discretion" to award attorney's fees "and this discretion is tempered only by reason and fairness." Haley v. District Court, 273 P.3d 855, 860 (Nev. 2012).

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11. This Court "is not limited to one specific approach" when determining an award of attorneys' fees and the analysis for an attorneys' fee award "may begin with any method rationally designed to calculate a reasonable amount." Id.

12. A review of the Brunzell factors supports an award of attorney's fees in the full amount requested.

(a) The litigation attorneys at Smith & Shapiro, PLLC, devote the majority of their practice to commercial, real estate and probate matters. They represent many landlords and land owners because of their ability, training, education, experience, professional standing and skill in these areas of law. Due to the Defendants' running up the Plaintiff's legal fees, this Court has had plenty of opportunities to gauge the qualities of the Plaintiff's attorneys and finds that the amount of attorneys fees being sought is supported by the qualities of Plaintiff's counsel, their ability, training, education, experience, professional standing and skill.

(b) This lawsuit was complicated from the beginning, primarily due to the Defendants actions, including but certainly not limited to, the Defendants refusal to comply with this Court's orders, all of which unnecessarily ran up legal fees. The Defendants went through multiple sets of attorneys, which slowed the process and duplicated the Plaintiffs efforts. There were multiple occasions when the Defendants failed to appear for hearings on time, thereby forcing the Plaintiffs, their counsel, and the Court to wait for them to arrive. There were many intricacies and nuances that arose and had to be dealt with throughout the entire case, including multiple discovery disputes, all of which required extra time and effort. Thus, the Court finds that the amount of attorneys fees being sought is consistent with the character of the work, its difficulty, intricacy, importance, and the time and skills required.

(c) Plaintiff's counsel submitted copies of their invoices which demonstrated that all of the work performed was directly related to and in furtherance of the Plaintiff's claims against the Defendants, which included two separate lawsuits that were ultimately consolidated. Due to the numerous motions and actions of the Defendants, Plaintiff's counsel had to devote significant time and attention to this matter. Thus, the Court finds that the

SMITH & SHAPIRO, PLLC
3333 E. Serene Ave., Suite 130
Henderson, NV 89074
O:(702)318-5033 F:(702)318-5034

amount of attorneys fees being sought is justified by the work actually performed by the lawyer, along with the skill, time and attention given to the work.

(d) The Plaintiff not only achieved a successful outcome, but the Plaintiff was successful in its attempts to hold the Defendant in contempt for violating this Court's prior orders. Given the Defendants' constant efforts to sabotage the process, the amount of attorney's fees incurred by the Plaintiff are justified not only by the processes which occurred over the past two and a half years, but by the ultimate result as well.

13. Based upon the forgoing, the Plaintiff shall be awarded $209,565.50 in attorney's fees.

14. Plaintiff provided a detailed Memorandum of Costs, which outlined and broke down all of the costs which the Plaintiff incurred as a result of this lawsuit, and which contained supporting backup documentation for each of the line items.

15. The Court finds that the amounts being sought were incurred in connection with the present lawsuit, were justified and necessary in the Plaintiff's prosecution of its claims, and are reasonable considering the nature of the dispute and the extensive nature of the proceedings and the Defendants actions relating thereto.

16. Based upon the forgoing, the Plaintiff shall be awarded $20,585.79 in costs.

17. If any the forgoing findings of fact are more properly treated as conclusions of law, they shall be treated as if they had been properly identified and designated as such.

CONCLUSIONS OF LAW

18. In its Complaint against Defendant Best Floors, Plaintiff asserted three causes of action: (1) Unlawful Detainer; (2) Breach of Contract; and (3) Breach of the Implied Covenant of Good Faith and Fair Dealing.

19. In its Complaint against Defendants Dezfooli and Bolanos, Plaintiff asserted two causes of action: (1) Breach of Contract; and (2) Breach of the Implied Covenant of Good Faith and Fair Dealing.

20. With respect to its first claim against Defendant Best Floors, Plaintiff is seeking treble damages pursuant to NRS 40.360(2). The Court is reserving its decision on this matter until a later date.

SMITH & SHAPIRO, PLLC
3333 E. Serene Ave., Suite 130
Henderson, NV 89074
O:(702)318-5033 F:(702)318-5034

21. To successfully claim breach of contract, a plaintiff must show the existence of a valid contract, breach of the terms, and damages as a result of the breach. Cohen-Breen v. Gray Television Group, Inc., 661 F.Supp.2d 1158 (D. Nev., 2009).

22. The Court finds that the Leases constitute a valid contract, that the Defendants breached the terms of the Leases on multiple occasions, starting as early as May 1, 2016 and continuing to as late as February 1, 2019, and that as a result of the Defendants' breaches, the Plaintiff sustained the damages outlined above.

23. The Court finds, by virtue of the forgoing, that Dezfooli and Bolanos likewise breached the terms of the Guaranties, and that as a result of said breach, the Plaintiff sustained damages as outlined above.

24. Where the terms of a contract are literally complied with but one party to the contract deliberately countervenes the intention and spirit of the contract, that party can incur liability for breach of the implied covenant of good faith and fair dealing. Hilton Hotels Corp. v. Butch Lewis Prods., Inc., 107 Nev. 226, 808 P.2d 919, 922-23 (1991).

25. Based upon the forgoing findings and conclusions, the Court finds that the Defendants breached the implied covenant of good faith and fair dealing implied in both the Leases and the Guarantees, and that as a result of said breach, the Plaintiff sustained damages as outlined above.

26. Both the Leases and Guarantees provide that in the event of any litigation between the parties, the unsuccessful party to such litigation shall pay the successful party all costs and expenses, including reasonable attorney's fees, incurred therein.

27. The Court finds that Plaintiff is the prevailing party and is therefore entitled to recover its attorney's fees and costs pursuant to the terms of the Lease and Guarantees.

28. If any conclusions of law are more properly treated as findings of fact, they shall be treated as if they had been properly identified and designated as such.

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SMITH & SHAPIRO, PLLC
3333 E. Serene Ave., Suite 130
Henderson, NV 89074
O:(702)318-5033 F:(702)318-5034

JUDGMENT

NOW THEREFORE:

29. IT IS HEREBY ORDERED that JUDGMENT is hereby entered as of July 11, 2019, in favor of the Plaintiff THE EHH VENTURE LLC and against the Defendants BEST FLOORS LTD dba BEST BUY FLOORING, MEELAD DEZFOOLI and JOSE BOLANOS, jointly and severally, on Plaintiff's claims for breach of contract and breach of the implied covenant of good faith and fair dealing, **in the amount of THREE HUNDRED FIFTY THOUSAND FORTY-SIX AND 89/100 DOLLARS ($350,046.89),** ~~plus reasonable attorney's fees and costs incurred in connection with collecting upon the same, all of~~ which shall accrue interest at the rate of ten percent (10%) per annum, from July 11, 2019 until paid in full.

30. IT IS FURTHER ORDERED that Plaintiff EHH's request for a Permanent Writ of Restitution is GRANTED.

31. IT IS FURTHER ORDERED that the: (1) $20,238.35 deposited with the Clerk of the Court by Defendants on or about March 3, 2017; and (2) the $5,448.09 deposited with the Clerk of the Court by the Defendants on or about December 1, 2017, shall be released to Plaintiff and shall be applied as a credit against the Judgment being entered against the Defendants pursuant to Paragraph 31 above.

32. IT IS FURTHER ORDERED that, upon entry of this Default Judgment, the Clerk of the Court is directed to issue a check made payable to "SMITH & SHAPIRO, PLLC" in the amount of $25,686.44 and deliver the same to Plaintiff's counsel.

33. IT IS FURTHER ORDERED that the $1,000.00 deposited with the Clerk of the Court by Plaintiff on or about February 20, 2019, shall be returned to the Plaintiff.

34. IT IS FURTHER ORDERED that, upon entry of this Default Judgment, the Clerk of the Court is directed to issue a check (separate and apart from the check referenced in Paragraph 33) made payable to "SMITH & SHAPIRO, PLLC" in the amount of $1,000.00 and deliver the same to Plaintiff's counsel. Because this $1,000.00 was deposited by the Plaintiffs, it shall not constitute a credit against the Judgment being entered against the Defendants pursuant to Paragraph 31 above.

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SMITH & SHAPIRO, PLLC
3333 E. Serene Ave., Suite 130
Henderson, NV 89074
O:(702)318-5033 F:(702)318-5034

35. IT IS FURTHER ORDERED that the parties shall have until August 2, 2019 at 4:00 p.m. to submit briefs to the Court (with a physical courtesy copy being served on the Court) on whether EHH is entitled to treble damages pursuant to NRS 40.360(2). The Court shall reserve the right to make a decision on this issue until after further briefing from the parties is received. If, after further briefing is completed, the Court finds that treble damages are appropriate, an amended Judgment shall issue.

Dated this 25 day of July, 2019.

JOANNA S. KISHNER
DISTRICT COURT JUDGE

Submitted by:

SMITH & SHAPIRO, PLLC

James E. Shapiro, Esq.
Nevada Bar No. 7907
Andrew S. Blaylock, Esq.
Nevada Bar No. 13666
3333 E. Serene Ave., Suite 130
Henderson, NV 89074
Attorneys for
THE EHH VENTURE, LLC

Approved as to form:

WHITEHEAD & BURNETT

Declined to sign

Jeffrey J. Whitehead, Esq.
Nevada Bar No. 3183
Gary Burnett, Esq.
Nevada Bar No. 7632
6980 O'Bannon Drive
Las Vegas, NV 89117
Attorneys for MEELAD DEZFOOLI and BEST FLOORS LTD

SMITH & SHAPIRO, PLLC
3333 E. Serene Ave., Suite 130
Henderson, NV 89074
O:(702)318-5033 F:(702)318-5034

EXHIBIT 2

EXHIBIT 2

Electronically Filed
6/15/2020 3:58 PM
Steven D. Grierson
CLERK OF THE COURT

NEOJ
James E. Shapiro, Esq.
Nevada Bar No. 7907
Andrew S. Blaylock, Esq.
Nevada Bar No. 13666
SMITH & SHAPIRO, PLLC
3333 E. Serene Ave., Suite #130
Henderson, NV 89074
(702) 318-5033
Attorneys for THE EHH VENTURE, LLC

DISTRICT COURT

CLARK COUNTY, NEVADA

THE EHH VENTURE LLC, a Nevada limited liability company,

Plaintiff,

vs.

MEELAD DEZFOOLI, an individual; JOSE BOLANOS,an individual; and DOES 1-10, and ROE ENTITIES 1-10, inclusive,

Defendants.

THE EHH VENTURE LLC, a Nevada limited liability company,

Plaintiff,

vs.

BEST FLOORS LTD dba BEST BUY FLOORING, a Nevada limited liability company; and DOES 1-10, and ROE ENTITIES 1-10, inclusive

Defendants.

BEST FLOORS LTD dba BEST BUY FLOORING, a Nevada limited liability company,

Counterclaimant,

vs.

THE EHH VENTURE LLC, a Nevada limited liability company; and DOES 1-10, and ROE ENTITIES 1-10, inclusive

Counterdefendants.

Case No. **A-16-746034-C**
Dept: XXXI

Consolidated with
A-16-748846-C

NOTICE OF ENTRY OF ORDER

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SMITH & SHAPIRO, PLLC
3333 E. Serene Ave., Suite 130
Henderson, NV 89074
O:(702)318-5033 F:(702)318-5034

Case Number: A-16-746034-C

NOTICE OF ENTRY OF ORDER

PLEASE TAKE NOTICE that an **ORDER HOLDING JUDGMENT DEBTORS/ DEFENDANTS MEELAD DEZFOOLI AND BEST FLOORS, LTD. IN CONTEMPT OF COURT AND ISSUANCE OF BENCH WARRANT** was entered on the 10th day of June, 2020, a copy of which is attached hereto.

Dated this 15th day of June, 2020.

SMITH & SHAPIRO, PLLC

/s/ James E. Shapiro, Esq.
James E. Shapiro, Esq.
Nevada Bar No. 7907
Andrew S. Blaylock, Esq.
Nevada Bar No. 13666
3333 E. Serene Ave., Suite #130
Henderson, NV 89074
Attorneys for Plaintiff

SMITH & SHAPIRO, PLLC
3333 E. Serene Ave., Suite 130
Henderson, NV 89074
O:(702)318-5033 F:(702)318-5034

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of SMITH & SHAPIRO, PLLC, and that on the 15th day of June, 2020, I served a true and correct copy of the foregoing **NOTICE OF ENTRY OF ORDER** by e-serving a copy on all parties listed as Service Recipients in Odyssey File & Serve, pursuant to NRCP 5(b)(E) and by U.S. Mail, postage prepaid to the following addresses:

Best Floors, Ltd.
c/o Jeffrey J. Whitehead, Esq. (Registered Agent)
6980 O'Bannon Dr.
Las Vegas, NV 89117

Meelad Dezfooli
2074 Troon Dr.
Henderson, NV 89074

/s/ Jennifer A. Bidwell
SMITH & SHAPIRO, PLLC

Electronically Filed
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Steven D. Grierson
CLERK OF THE COURT

ORDG
James E. Shapiro, Esq.
Nevada Bar No. 7907
Andrew S. Blaylock, Esq.
Nevada Bar No. 13666
SMITH & SHAPIRO, PLLC
2520 St. Rose Parkway, Suite #220
Henderson, NV 89074
(702) 318-5033
Attorneys for THE EHH VENTURE, LLC

DISTRICT COURT

CLARK COUNTY, NEVADA

THE EHH VENTURE LLC, a Nevada limited liability company,
Plaintiff,
vs.
MEELAD DEZFOOLI, an individual; JOSE BOLANOS, an individual; and DOES 1-10, and ROE ENTITIES 1-10, inclusive,
Defendants.

THE EHH VENTURE LLC, a Nevada limited liability company,
Plaintiff,
vs.
BEST FLOORS LTD dba BEST BUY FLOORING, a Nevada limited liability company; and DOES 1-10, and ROE ENTITIES 1-10, inclusive
Defendants.

BEST FLOORS LTD dba BEST BUY FLOORING, a Nevada limited liability company,
Counterclaimant,
vs.
THE EHH VENTURE LLC, a Nevada limited liability company; and DOES 1-10, and ROE ENTITIES 1-10, inclusive
Counterdefendants.

Case No. **A-16-746034-C**
Dept: XXXI

Consolidated with
A-16-748846-C

ORDER HOLDING JUDGMENT DEBTORS / DEFENDANTS MEELAD DEZFOOLI AND BEST FLOORS, LTD IN CONTEMPT OF COURT AND ISSUANCE OF BENCH WARRANT

Date: June 2, 2020
Time: 10:00 a.m.

SMITH & SHAPIRO, PLLC
3333 E. Serene Ave., Suite 130
Henderson, NV 89074
O:(702)318-5033 F:(702)318-5034

Case Number: A-16-746034-C

SMITH & SHAPIRO, PLLC
3333 E. Serene Ave., Suite 130
Henderson, NV 89074
O:(702)318-5033 F:(702)318-5034

ORDER HOLDING JUDGMENT DEBTORS / DEFENDANTS MEELAD DEZFOOLI AND BEST FLOORS, LTD IN CONTEMPT OF COURT AND ISSUANCE OF BENCH WARRANT

THIS MATTER having come before the Court on Judgment Creditor THE EHH VENTURE LLC's ("***EHH***") APPLICATION FOR ORDER TO SHOW CAUSE WHY JUDGMENT DEBTORS MEELAD DEZFOOLI AND BEST FLOORS LTD DBA BEST BUY FLOORING SHOULD NOT BE HELD IN CONTEMPT FOR VIOLATING AN ORDER OF THE COURT; Judgment Creditor having appeared by and through its attorneys of record, SMITH & SHAPIRO, PLLC; Judgment Debtors MEELAD DEZFOOLI ("***Dezfooli***") and BEST FLOORS LTD DBA BEST BUY FLOORING ("***Best Floors***", collectively with Dezfooli, the "***Defendants***") having failed to file an opposition or response and having failed to appear; the Court having continued the original hearing in order to give the Defendants additional time to appear; having reviewed the papers and pleadings on file herein, having heard the arguments of counsel, the Court being fully advised in the premises, and good cause appearing therefore:

1. On August 1, 2019, a Judgment was entered in favor of Judgment Creditor and against Judgment Debtors, Dezfooli and Best Floors in this matter (the "***Judgment***").

2. On December 10, 2019, Judgment Creditor served Dezfooli and Best Floors with written discovery requests in aid of execution on the Judgment.

3. On January 22, 2020, after Judgment Debtors Dezfooli and Best Floors failed to respond to the Discovery Requests, Judgment Creditor filed a Motion to Compel, seeking an order compelling Judgment Debtors Dezfooli and Best Floors to respond to the Discovery Requests.

4. A hearing was held on February 27, 2020, wherein Judgment Debtors Dezfooli and Best Floors were ordered to propound responses to the Discovery Requests no later than March 27, 2020.

5. The order of this court was clear, specific and unambiguous. *See* Southwest Gas Corp. v. FLINTKOTE CO.—US LIME, 99 Nev. 127, 659 P.2d 861 (NV, 1983).

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SMITH & SHAPIRO, PLLC
3333 E. Serene Ave., Suite 130
Henderson, NV 89074
O:(702)318-5033 F:(702)318-5034

6. Judgment Debtors Dezfooli and Best Floors, who had previously failed and refused to propound responses to the Judgement Creditor's written discovery requests, were ordered to do so no later than March 27, 2020.

7. The clear, specific and unambiguous nature of the Court's order ensured that the Judgment Debtors would readily know exactly what duties or obligations were imposed upon them.

8. Judgment Debtors have, at all relevant times, been represented by their attorneys of record, WHITEHEAD & BURNETT.

9. Notwithstanding the clear, specific and unambiguous nature of the Court's order, the fact that Judgment Debtors have at all times been represented by their counsel of record, and the fact that the Judgment Debtors have now enjoyed almost six (6) months in which to propound appropriate responses to the discovery requests, the Judgment Debtors have failed and refused to do so.

10. On April 24, 2020, Judgment Creditor filed its Application for Order to Show Cause (the "***Application***").

11. The Court finds that notice was properly provided to the Judgment Debtors both by appropriate service on their attorneys of record, WHITEHEAD & BURNETT, as well as directly upon the Judgment Debtors as set forth in the Certificates of Service filed on April 30, 2020 and May 18, 2020.

12. The Court notes that Judgment Debtor Dezfooli has made multiple prior personal appearances in front of this Court, and that this Court had previously admonished Judgment Debtor Dezfooli regarding his obligations to comply with this Court's orders.

13. The Court notes the Judgment Debtors' prior pattern and practice of ignoring this Court's orders[1] and finds that the Judgment Debtors' willful noncompliance of the order at issue is consistent with that pattern and practice.

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[1] On February 19, 2019, this Court granted the Judgment Creditor's Third Renewed Application for Order to Show Cause Why Defendants Should Not Be Held In Contempt and Why a Temporary Writ of Restitution Should Not Issue, striking the Defendants' pleadings due to the prior refusal to comply with this Court's orders and entering a default against them, ultimately resulting in the Judgment being entered.

SMITH & SHAPIRO, PLLC
3333 E. Serene Ave., Suite 130
Henderson, NV 89074
O:(702)318-5033 F:(702)318-5034

14. The Court is cognizant of the restrictions imposed by the pending COVID-19 pandemic, but notes that the issues before the Court date back to well before the COVID-19 pandemic and further notes that compliance with the Court's order did not require any personal appearances and could have been accomplished through electronic means in compliance with all current COVID-19 restrictions. Neither Judgment Creditor's counsel nor the Court are aware of any COVID-19 restrictions which would prevent the Court from issuing the present order or from sanctioning the Judgment Debtors based upon their non-compliance with this Court's orders.

15. The Court is not aware of any mitigating factors or circumstances that should be taken into account in issuing the present order.

16. The Court notes that the Judgment Debtors' counsel is actively using the Courts' on-line filing system, as evidenced by the two different motions to withdraw that have been filed in the past couple of months[2].

17. Based upon the forgoing, the Court finds that the Judgment Debtors have, once again, failed and refused to comply with this Court's order, warranting a finding of contempt pursuant to NRS 22.010(3).

18. The Court finds that the Judgment Debtors are guilty of contempt of court.

19. Having found the Judgment Debtors guilty of contempt, the Court must consider an appropriate remedy.

20. NRS 22.100 outlines the penalties for contempt, which include a fine not to exceed $500, imprisonment not exceeding 25 days, an award of attorney fees and costs, or a combination of all or any of the forgoing.

21. The Court finds that, in light of the Judgment that has already been entered against the Judgment Debtors, which was in the original principal amount of Three Hundred Fifty Thousand Forty-Six and 89/100 Dollars ($350,046.89), additional monetary sanctions will be ineffective, particularly considering that the Judgment remains outstanding.

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[2] While there is a pending motion to withdraw filed by WHITEHEAD & BURNETT, the hearing on that motion is not set until next week and the Court did not receive any request to advance the hearing. As such, as of the date of the contempt hearing, the Judgment Debtors are still represented by counsel.

22. The Court finds that the most appropriate sanction under these circumstances is imprisonment, not to exceed 25 days, as provided for in NRS 22.100(2).

23. Because Judgment Debtor Dezfooli is the sole owner and manager of Judgment Debtor Best Floors, an arrest warrant will be issued against Judgment Debtor Dezfooli in his individual capacity as well as in his capacity as the sole owner of Judgment Debtor Best Floors.

24. Upon issuance of this order, the Court will consider any motions filed in connection therewith on an order shortening time.

25. The Court will defer its ruling on any other or additional sanctions, monetary or otherwise, to a future date.

NOW THEREFORE:

26. IT IS HEREBY ORDERED that Defendant / Judgment Debtors MEELAD DEZFOOLI and BEST FLOORS, LTD. are GUILTY contempt of Court for failing to comply with this Court's orders.

27. IT IS FURTHER ORDERED that a bench warrant shall issue for Defendant / Judgment Debtor MEELAD DEZFOOLI, which shall direct any sheriff, constable, marshal, police officer or other officer of an appropriate law enforcement agency to arrest Defendant Meelad Dezfooli and detain him in an appropriate detention center. Pursuant to the terms of the bench warrant, Meelad Dezfooli shall be released into the custody of the Sheriff of Clark County, Nevada to be held in custody for twenty-five (25) days.

28. IT IS FURTHER ORDERED that the bail amount for Defendant / Judgment Debtor MEELAD DEZFOOLI under the bench warrant shall be set at FIVE HUNDRED AND 00/100 DOLLARS ($500.00).

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SMITH & SHAPIRO, PLLC
3333 E. Serene Ave., Suite 130
Henderson, NV 89074
O:(702)318-5033 F:(702)318-5034

29. IT IS FURTHER ORDERED that the Court's consideration of other or additional sanctions, monetary or otherwise, shall be deferred to a future date.

IT IS SO ORDERED

Dated: June 9, 2020

DISTRICT COURT JUDGE

Respectfully submitted:

SMITH & SHAPIRO, PLLC

/s/ James E. Shapiro
James E. Shapiro, Esq.
Nevada Bar No. 7907
Andrew S. Blaylock, Esq.
Nevada Bar No. 13666
3333 E. Serene Ave., Suite 130
Henderson, NV 89074
Attorneys for THE EHH VENTURE, LLC

Approved as to form:

WHITEHEAD & BURNETT

Declined to sign
Jeffrey J. Whitehead, Esq.
Nevada Bar No. 3183
Gary Burnett, Esq.
Nevada Bar No. 7632
6980 O'Bannon Drive
Las Vegas, Nevada 89117
Attorneys for Defendants

SMITH & SHAPIRO, PLLC
3333 E. Serene Ave., Suite 130
Henderson, NV 89074
O:(702)318-5033 F:(702)318-5034

EXHIBIT 3

EXHIBIT 3

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Steven D. Grierson
CLERK OF THE COURT

NOE
James E. Shapiro, Esq.
Nevada Bar No. 7907
Andrew S. Blaylock, Esq.
Nevada Bar No. 13666
SMITH & SHAPIRO, PLLC
3333 E. Serene Ave., Suite #130
Henderson, NV 89074
(702) 318-5033
Attorneys for THE EHH VENTURE, LLC

DISTRICT COURT

CLARK COUNTY, NEVADA

THE EHH VENTURE LLC, a Nevada limited liability company,

Plaintiff,

vs.

MEELAD DEZFOOLI, an individual; JOSE BOLANOS,an individual; and DOES 1-10, and ROE ENTITIES 1-10, inclusive,

Defendants.

THE EHH VENTURE LLC, a Nevada limited liability company,

Plaintiff,

vs.

BEST FLOORS LTD dba BEST BUY FLOORING, a Nevada limited liability company; and DOES 1-10, and ROE ENTITIES 1-10, inclusive

Defendants.

BEST FLOORS LTD dba BEST BUY FLOORING, a Nevada limited liability company,

Counterclaimant,

vs.

THE EHH VENTURE LLC, a Nevada limited liability company; and DOES 1-10, and ROE ENTITIES 1-10, inclusive

Counterdefendants.

Case No. **A-16-746034-C**
Dept: XXXI

Consolidated with
A-16-748846-C

NOTICE OF ENTRY OF BENCH WARRANT

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SMITH & SHAPIRO, PLLC
3333 E. Serene Ave., Suite 130
Henderson, NV 89074
O:(702)318-5033 F:(702)318-5034

Case Number: A-16-746034-C

NOTICE OF ENTRY OF BENCH WARRANT

PLEASE TAKE NOTICE that a **BENCH WARRANT** was entered on the 10th day of June, 2020, a copy of which is attached hereto.

Dated this 15th day of June, 2020.

SMITH & SHAPIRO, PLLC

/s/ James E. Shapiro, Esq.
James E. Shapiro, Esq.
Nevada Bar No. 7907
Andrew S. Blaylock, Esq.
Nevada Bar No. 13666
3333 E. Serene Ave., Suite #130
Henderson, NV 89074
Attorneys for Plaintiff

SMITH & SHAPIRO, PLLC
3333 E. Serene Ave., Suite 130
Henderson, NV 89074
O:(702)318-5033 F:(702)318-5034

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of SMITH & SHAPIRO, PLLC, and that on the 15th day of June, 2020, I served a true and correct copy of the foregoing **NOTICE OF ENTRY OF BENCH WARRANT** by e-serving a copy on all parties listed as Service Recipients in Odyssey File & Serve, pursuant to NRCP 5(b)(E) and by U.S. Mail, postage prepaid to the following addresses:

Best Floors, Ltd.
c/o Jeffrey J. Whitehead, Esq. (Registered Agent)
6980 O'Bannon Dr.
Las Vegas, NV 89117

Meelad Dezfooli
2074 Troon Dr.
Henderson, NV 89074

/s/ Jennifer A. Bidwell
SMITH & SHAPIRO, PLLC

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Steven D. Grierson
CLERK OF THE COURT

BNCH
James E. Shapiro, Esq.
Nevada Bar No. 7907
Andrew S. Blaylock, Esq.
Nevada Bar No. 13666
SMITH & SHAPIRO, PLLC
2520 St. Rose Parkway, Suite #220
Henderson, NV 89074
(702) 318-5033
Attorneys for THE EHH VENTURE, LLC

DISTRICT COURT

CLARK COUNTY, NEVADA

THE EHH VENTURE LLC, a Nevada limited liability company,

Plaintiff,

vs.

MEELAD DEZFOOLI, an individual; JOSE BOLANOS,an individual; and DOES 1-10, and ROE ENTITIES 1-10, inclusive,

Defendants.

THE EHH VENTURE LLC, a Nevada limited liability company,

Plaintiff,

vs.

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BEST FLOORS LTD dba BEST BUY FLOORING, a Nevada limited liability company,

Counterclaimant,

vs.

THE EHH VENTURE LLC, a Nevada limited liability company; and DOES 1-10, and ROE ENTITIES 1-10, inclusive

Counterdefendants.

Case No. **A-16-746034-C**
Dept: XXXI

Consolidated with
A-16-748846-C

BENCH WARRANT

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SMITH & SHAPIRO, PLLC
3333 E. Serene Ave., Suite 130
Henderson, NV 89074
O:(702)318-5033 F:(702)318-5034

Case Number: A-16-746034-C

BENCH WARRANT

THE STATE OF NEVADA,

TO: Any Sheriff, Constable, Marshal, Police Officer or Other Officer of an Appropriate Law Enforcement Agency:

THE COURT, having found MEELAD DEZFOOLI in contempt of court for failing to comply with the Court's orders, and pursuant to NRS 22.010 and 22.100:

NOW THEREFORE, YOU ARE COMMANDED to arrest and incarcerate MEELAD DEZFOOLI, WITH A BAIL AMOUNT OF FIVE HUNDRED AND 00/100 DOLLARS ($500.00) for a period of twenty-five (25) days. Upon such incarceration of MEELAD DEZFOOLI, the Sheriff of Clark County, Nevada, shall advise the Court thereof. The Warrant may be served at any hour of the day or night.

IT IS SO ORDERED this 9th day of June, 2020.

Joanna S Kishner .
DISTRICT COURT JUDGE

Respectfully Submitted by:

SMITH & SHAPIRO, PLLC

/s/ James E. Shapiro

James E. Shapiro, Esq.
Nevada Bar No. 7907
Andrew S. Blaylock, Esq.
Nevada Bar No. 13666
3333 E. Serene Ave., Suite 130
Henderson, NV 89074
Attorneys for THE EHH VENTURE, LLC

SMITH & SHAPIRO, PLLC
3333 E. Serene Ave., Suite 130
Henderson, NV 89074
O:(702)318-5033 F:(702)318-5034

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2/25/2021 2:49 PM
Steven D. Grierson
CLERK OF THE COURT

NEOJ
James E. Shapiro, Esq.
Nevada Bar No. 7907
Andrew S. Blaylock, Esq.
Nevada Bar No. 13666
SMITH & SHAPIRO, PLLC
3333 E. Serene Ave., Suite #130
Henderson, NV 89074
(702) 318-5033
Attorneys for THE EHH VENTURE, LLC

DISTRICT COURT

CLARK COUNTY, NEVADA

THE EHH VENTURE LLC, a Nevada limited liability company,

Plaintiff,

vs.

MEELAD DEZFOOLI, an individual; JOSE BOLANOS, an individual; and DOES 1-10, and ROE ENTITIES 1-10, inclusive,

Defendants.

THE EHH VENTURE LLC, a Nevada limited liability company,

Plaintiff,

vs.

BEST FLOORS LTD dba BEST BUY FLOORING, a Nevada limited liability company; and DOES 1-10, and ROE ENTITIES 1-10, inclusive

Defendants.

BEST FLOORS LTD dba BEST BUY FLOORING, a Nevada limited liability company,

Counterclaimant,

vs.

THE EHH VENTURE LLC, a Nevada limited liability company; and DOES 1-10, and ROE ENTITIES 1-10, inclusive

Counterdefendants.

Case No. **A-16-746034-C**
Dept: XXXI

Consolidated with
A-16-748846-C

NOTICE OF ENTRY OF AMENDED ORDER GRANTING MOTION TO INCREASE BAIL AMOUNT IN BENCH WARRANT FOR JUDGMENT DEBTOR MEELAD DEZFOOLI

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SMITH & SHAPIRO, PLLC
3333 E. Serene Ave., Suite 130
Henderson, NV 89074
O:(702)318-5033 F:(702)318-5034

NOTICE OF ENTRY OF AMENDED ORDER GRANTING MOTION TO INCREASE BAIL AMOUNT IN BENCH WARRANT FOR JUDGMENT DEBTOR MEELAD DEZFOOLI

PLEASE TAKE NOTICE that on the 25th day of February, 2021, the Court entered an AMENDED ORDER GRANTING MOTION TO INCREASE BAIL AMOUNT IN BENCH WARRANT FOR JUDGMENT DEBTOR MEELAD DEZFOOLI in the above-entitled matter, a copy of which is attached hereto.

Dated this 25th day of February, 2021.

SMITH & SHAPIRO, PLLC

/s/ James E. Shapiro
James E. Shapiro, Esq.
Nevada Bar No. 7907
Andrew S. Blaylock, Esq.
Nevada Bar No. 13666
3333 E. Serene Ave., Suite #130
Henderson, NV 89074
Attorneys for Judgment Creditor

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of SMITH & SHAPIRO, PLLC, and that on the 25th day of February 2021, I served a true and correct copy of the foregoing **NOTICE OF ENTRY OF AMENDED ORDER GRANTING MOTION TO INCREASE BAIL AMOUNT IN BENCH WARRANT FOR JUDGMENT DEBTOR MEELAD DEZFOOLI** by e-serving a copy on all parties listed as Service Recipients in Odyssey File & Serve, pursuant to NRCP 5(b)(E) and by U.S. Mail, postage prepaid to the following addresses:

Meelad Dezfooli
2074 Troon Dr.
Henderson, NV 89074

Best Floors LTD dba Best Buy Flooring
848 N. Rainbow Blvd., Ste. #A28
Las Vegas, NV 89107
Attn: Meelad Dezfooli, Manager

/s/ Jennifer A. Bidwell
SMITH & SHAPIRO, PLLC

SMITH & SHAPIRO, PLLC
3333 E. Serene Ave., Suite 130
Henderson, NV 89074
O:(702)318-5033 F:(702)318-5034

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2/25/2021 12:04 PM
Steven D. Grierson
CLERK OF THE COURT

ORDR

DISTRICT COURT

CLARK COUNTY, NEVADA

THE EHH VENTURE LLC, a Nevada limited liability company,

Plaintiff,

vs.

MEELAD DEZFOOLI, an individual; JOSE BOLANOS, an individual; and DOES 1-10, and ROE ENTITIES 1-10, inclusive,

Defendants.

THE EHH VENTURE LLC, a Nevada limited liability company,

Plaintiff,

vs.

BEST FLOORS LTD dba BEST BUY FLOORING, a Nevada limited liability company; and DOES 1-10, and ROE ENTITIES 1-10, inclusive

Defendants.

BEST FLOORS LTD dba BEST BUY FLOORING, a Nevada limited liability company,

Counterclaimant,

vs.

THE EHH VENTURE LLC, a Nevada limited liability company; and DOES 1-10, and ROE ENTITIES 1-10, inclusive

Counter-Defendants.

Case No. **A-16-746034-C**
Dept: XXXI

Consolidated with
A-16-748846-C

AMENDED[1] ORDER GRANTING MOTION TO INCREASE BAIL AMOUNT IN BENCH WARRANT FOR JUDGMENT DEBTOR MEELAD DEZFOOLI

[1] Amended Order is to correct language in Order regarding Contempt of Court and the bail amount. The Order should have reflected 25 days Contempt or $10,000.00 bail.

JOANNA S. KISHNER
DISTRICT JUDGE
DEPARTMENT XXXI
LAS VEGAS, NEVADA 89155

Case Number: A-16-746034-C

AMENDED ORDER GRANTING MOTION TO INCREASE BAIL AMOUNT IN BENCH WARRANT FOR JUDGMENT DEBTOR MEELAD DEZFOOLI

THIS MATTER having come before the Court on Judgment Creditor THE EHH VENTURE LLC, a Nevada limited liability company ("***EHH***" or "***Judgment Creditor***") Motion To Increase Bail Amount In Bench Warrant For Judgment Debtor Meelad Dezfooli (the "***Motion***"), Judgment Creditor EHH having appeared by and through its attorneys of record, SMITH & SHAPIRO, PLLC, Judgment Debtor Meelad Dezfooli ("***Dezfooli***") having filed an untimely Opposition thereto[2] and appeared telephonically, the Court having reviewed the papers and pleadings on file herein[1] and being fully advised in the premises, and good cause appearing, the Court finds:

1. Judgment Debtor Dezfooli received notice of and filed an untimely Opposition to the Motion. Notwithstanding procedural deficiencies in Dezfooli's Opposition[1], the Court considered the Opposition and the arguments contained therein.

2. The Court notes that Dezfooli has a long and detailed history of ignoring this Court's orders, resulting in at least four separate show cause hearings and ultimately culminating in this Court finding Dezfooli to be in contempt of court. Dezfooli's long and detailed history is set forth in more detail in this Court's December 5, 2017, Order; February 19, 2019, Order; and June 10, 2020, Order, all of which are incorporated herein.

[2] The Court notes that Judgment Debtor Meelad Dezfooli's Opposition was not properly served. Notwithstanding, the Court considered the untimely and unserved Opposition and all arguments contained therein.

JOANNA S. KISHNER
DISTRICT JUDGE
DEPARTMENT XXXI
LAS VEGAS, NEVADA 89155

3. In the Court's February 19, 2019, Order, this Court found:

(i) Dezfooli had repeatedly and willfully violated this Court's orders and that Dezfooli's behavior was repetitive, abusive and recalcitrant.[3]

(ii) Dezfooli had so multiplied the proceedings so as to increase costs unreasonably and vexatiously.[4]

(iii) Dezfooli had failed or refused to comply with the applicable rules.[5]

(iv) Dezfooli had demonstrated that he had no problem ignoring this Court's order.[6]

(v) Dezfooli's actions were so egregious that they justified the striking of his Answer and Counterclaim.[7]

4. The Court finds that Dezfooli is continuing his very clear pattern and practice of ignoring this Court's Oders.

5. Dezfooli's actions have and continue to be repetitive, abusive, and recalcitrant and evidence willful non-compliance, as well as a willful disregard for the Court, for the Court's authority, and for the Court's Orders.

6. The Court has significant concerns and doubts regarding the veracity of Dezfooli's statements and representations, many of which stretch reason and logic beyond the breaking point. For example, notwithstanding Dezfooli's protestations to the contrary, the Court finds that Dezfooli has been fully aware of what has been required of him as set forth in this Court's Orders, yet has made the intentional and conscious decision to ignore this Court's

---

[3] *See* this Court's February 19, 2019 Order, at page 4:15-16. *See also* this Court's June 10, 2020 Order.
[4] *See* this Court's February 19, 2019 Order, at page 6:15-16.
[5] *See* this Court's February 19, 2019 Order, at page 6:17.
[6] *See* this Court's February 19, 2019 Order, at page 6:25-27. *See also* this Court's June 10, 2020 Order.
[7] *See* this Court's February 19, 2019 Order, at page 7:12-16.

Orders. Dezfooli has made no attempt to comply with the order giving rise to the bench warrant in the first place.

7. While the Court recognizes that the COVID-19 pandemic has had a significant impact on virtually all businesses, Dezfooli failed to present any credible or admissible evidence of any financial or economic hardship or that he is unable to pay the increased bond amount.

8. The Court is persuaded that unless the current bail amount is increased, it is unlikely that the Court's existing bench warrant will be executed upon or otherwise enforced.

9. The Court is further persuaded that unless the current bail amount is increased, Dezfooli will continue his long and well established pattern and practice of ignoring this Court's Orders.

10. The Court finds that under the totality of the circumstances, taking into account Dezfooli's long established, repeated and willfull non-compliance with this Court's Orders, as well as the other findings outlined herein, all of the factors justify an increase in the bail amount.

Accordingly, NOW THEREFORE:

11. IT IS HEREBY ORDERED that EHH's Motion is GRANTED in part and DENIED in part, as set forth hereinafter.

12. IT IS FURTHER ORDERED that EHH's request to increase the bail amount to Fifty Thousand Dollars ($50,000.00) is DENIED at this time, without prejudice.

13. IT IS FURTHER ORDERED that the bail amount for the bench warrant previously issued on June 10, 2020, is HEREBY INCREASED from Five Hundred Dollars ($500.00) to TEN THOUSAND DOLLARS ($10,000.00).

14. IT IS FURTHER ORDERED that a new bench warrant shall issue for Judgment Debtor MEELAD DEZFOOLI, which shall direct any sheriff,

JOANNA S. KISHNER
DISTRICT JUDGE
DEPARTMENT XXXI
LAS VEGAS, NEVADA 89155

constable, marshal, police officer or other officer of an appropriate law enforcement agency to arrest Defendant Meelad Dezfooli and detain him in an appropriate detention center. Pursuant to the terms of the bench warrant, Meelad Dezfooli shall be remanded into the custody of the Sheriff of Clark County, Nevada to be held in custody for twenty-five (25) days, or that the bail amount for Judgment Debtor MEELAD DEZFOOLI, under the Bench Warrant, be posted in the amount of TEN THOUSAND AND 00/100 DOLLARS ($10,000.00).

IT IS SO ORDERED this 25th day of February, 2021.

Joanna S. Kishner

HON. JOANNA S. KISHNER
DISTRICT COURT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on or about the date filed, a copy of this Order was served via Electronic Service to all counsel/registered parties, pursuant to the Nevada Electronic Filing Rules, and/or served via in one or more of the following manners: fax, U.S. mail, or a copy of this Order was placed in the attorney's file located at the Regional Justice Center:

ALL REGISTERED COUNSEL and/or PARTIES SERVED VIA ELECTRONIC SERVICE

/s/ Tracy L. Cordoba

TRACY L. CORDOBA-WHEELER
Judicial Executive Assistant

Register of Actions
Case No. A-16-746034-C

EHH Venture LLC, Plaintiff(s) vs. Meelad Dezfooli, Defendant(s)

Case Type: **Other Contract**
Date Filed: **11/02/2016**
Location: **Department 31**
Cross-Reference Case Number: **A746034**
Supreme Court No.: **87544**

Related Case Information

Related Cases
A-16-748846-C (Consolidated)

Party Information

Cash Bond Payer	**Dezfoolo, Manouchehr**	**Lead Attorneys** **Andrew H. Pastwick** *Retained* 702-866-9978(W)
Defendant	**Bolanos, Jose**	
Defendant	**Dezfooli, Meelad M**	~~**Cristina A. Hinds**~~ ~~*Retained*~~ ~~7029491234(W)~~
Intervenor	**Dezfoolo, Manouchehr**	**Andrew H. Pastwick** *Retained* 702-866-9978(W)
Plaintiff	**EHH Venture LLC**	**James E. Shapiro** *Retained* 702-318-5033(W)

Events & Orders of the Court

03/02/2021 **Bench Warrant Return** (9:00 AM) (Judicial Officer Kishner, Joanna S.)

Minutes
03/02/2021 9:00 AM
- Ms. Hinds advised she spoke with Mr. Dezfooli and he indicated he would be able to comply with the outstanding request and would need time to turn over to Plaintiff. Mr. Shapiro noted that the Discovery request dates were from 2019 and would need to be updated. He could e-serve the Discovery request with the updated dates by the end of the day. Then Defendant would be allowed two weeks to provide a response, thereafter, a status check date was requested. Ms. Hinds noted she had not worked with Defendant previously and would require at least three weeks or thirty days to respond. Upon Court's request, Ms. Hinds advised Defendant indicated he posted the bond through a bonding company. Mr. Shapiro requested that if any money was to be returned to Defendant that it should be turned over to Plaintiff and applied to the judgment. COURT ORDERED, Mr. Shapiro's request GRANTED. COURT FURTHER ORDERED, the Bench Warrant portion CLOSED. COURT ADDITIONALLY ORDERED, Discovery response due twenty-one (21) days from the date Mr. Shapiro e-serves. COURT ORDERED, Status Check SET and NOTED if the parties wished to vacate the hearing then they should submit a joint letter or a stipulation no less than twenty-four hours prior to the scheduled hearing. 03/30/21 9:00 AM STATUS CHECK

Parties Present
Return to Register of Actions

Vinesign Document ID: 482D6AE5-A341-40DE-BE54-F6F6F59687F8

Electronically Filed
10/30/2023 4:47 PM
Steven D. Grierson
CLERK OF THE COURT

~~NOA~~ NOAS
Manoucher Dezfoolo
2074 Troon Drive,
Henderson, NV 89074
In Proper Person

DISTRICT COURT
CLARK COUNTY, NEVADA

THE EHH VENTURE, LLC., a Nevada limited liability company
Plaintiff,

vs.

MEELAD M. DEZFOOLI, an individual; JOSE BOLANOS, an individual; and DOES 1-10, and ROE ENTITIES 1-10 inclusive.

Defendants.

THE EHH VENTURE, LLC., a Nevada limited liability company
Plaintiff,

vs.

BEST BUY FLOORS LTD., dba BEST BUY FLOORING, a Nevada limited liability company; and DOES 1-10, and ROE ENTITIES -1-10 inclusive.

Defendants.

BEST BUY FLOORS LTD., dba BEST BUY FLOORING, a Nevada limited liability company.
Counterclaimant

vs

THE EHH VENTURE, LLC., a Nevada limited liability company; and DOES 1-10, and ROE ENTITIES -1-10 inclusive

Counter-Defendants.

Case No. **A-16-746034-C**
Dept No. **31**

NOTICE OF APPEAL

The signed document can be validated at https://app.vinesign.com/Verify

Notice is hereby given that MANOUCHER DEZFOOLO, hereby appeals to the Supreme Court of Nevada from the District Court's Order Denying Manoucher Dezfoolo's Motion to Release Bond; and Granting The EHH Venture, LLC's Countermotion For Release Of Bond To Plaintiff Pursuant To This Court's March 5, 2021 Order and the Notice of Entry of Order entered in this action on September 29, 2023.

DATED this 10/30/2023 day of October, 2023.



Manoucher Dezfoolo In Proper Person

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of HINDS INJURY LAW LAS VEGAS, LLC., that I am a citizen of the United States am employed in Clark County, where this service occurs. I am over the age of 18 years and not a party to the within cause. That on this 10/30/2023 day of _____, 2023, I served a true and complete copy of the foregoing document described as **NOTICE OF APPEAL** in the following manner(s) indicated, to individual(s) listed below:

____X___ BY E-SERVICE: in compliance with NRCP 5 and the NEFCR

James E. Shapiro, Esq.
Andrew S. Blaylock, Esq.
SMITH & SHAPIRO, PLLC
3333 E. Serene Ave., Suite #130
Henderson, NV 89074
jshapiro@smithshapiro.com



Meelad M. Dezfooli In Proper Person