
Case No. 8 4 9 4 7

FILED

AUG 22 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

NEVADA SUPREME COURT

ALEXANDER M. FALCONI

'doing business as'

OUR NEVADA JUDGES

Petitioners

vs.

CLARK COUNTY EIGHTH JUDICIAL DISTRICT

Respondent

ALI SHAHROKHI & T. MATTHEW PHILLIPS

Proposed Intervenors

REQUEST *for* JUDICIAL NOTICE

ALI SHAHROKHI

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Self-Represented

T. MATTHEW PHILLIPS, ESQ.
Calif. State Bar No. 165833
(Not Licensed in Nevada)

[REDACTED]
Las Vegas, Nev. 89130
[REDACTED]
[REDACTED]

Self-Represented

* * *

REQUEST for JUDICIAL NOTICE

Request for Judicial Notice: Proposed Intervenor, ALI SHAHROKHI and T. MATTHEW PHILLIPS, hereby ask this Court to take judicial notice of the fact that putative Petitioner, OUR NEVADA JUDGES, is not properly licensed and thus ineligible to commence any action in this State, [see NRS § 602.070]. ALEXANDER FALCONI never filed with Clark County a "d.b.a." certificate—for OUR NEVADA JUDGES—as NRS § 602.010 affirmatively requires; as a consequence, because FALCONI never filed a "d.b.a." certificate, OUR NEVADA JUDGES, as a matter of law, lacks standing to commence the instant writ petition, [see NRS § 602.070; ("COMMENCEMENT OF ACTION BARRED WHEN CERTIFICATE NOT FILED")].

Statutory Grounds: SHAHROKHI and PHILLIPS bring the instant *Request for Judicial Notice* pursuant to NRS § 47.130 and NRS § 47.150.

Scope of Motion: This *Request for Judicial Notice* is based on this notice of motion, the within points & authorities, affidavits, exhibits, requests for judicial notice, oral arguments, *etc.*, and other evidence as the Court may allow.

* * *

I. OUR NEVADA JUDGES—NON-LICENSED ENTITY

Request for Judicial Notice: Proposed Intervenors, and Real-Parties-in-Interest, ALI SHAHROKHI and T. MATTHEW PHILLIPS, hereby ask this Court to take judicial notice of the fact that putative Petitioner, OUR NEVADA JUDGES, is a non-licensed business entity, and thus ineligible to commence any action in this State. ALEXANDER FALCONI never filed with Clark County a "d.b.a." certificate for OUR NEVADA JUDGES, as NRS § 602.010 affirmatively requires; as a consequence, because FALCONI never filed a "d.b.a." certificate, Petitioner lacks standing to commence the instant writ petition, [NRS § 602.070; ("COMMENCEMENT OF ACTION BARRED WHEN CERTIFICATE NOT FILED")].

Matters of Fact: SHAHROKHI and PHILLIPS ask this Court take judicial notice, as per NRS § 47.130, of certain "matters of fact," *to wit*, the fact that ALEXANDER M. FALCONI never filed a "d.b.a." certificate for OUR NEVADA JUDGES.

Statutory Standard: As per NRS § 47.130, courts may take judicial notice of factual matters. "A judicially noticed fact must be ... [c]*apable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned*, so that the fact is not subject to reasonable dispute," [see NRS § 47.130; (bold italics added)].

Statutory Analysis: The fact that Falconi never filed with Clark County a fictitious name certificate is a *bona fide* fact—which is susceptible to "accurate and ready determination," by simply contacting Clark County Clerk, a source whose accuracy "cannot reasonably be questioned," [NRS § 47.130].

Mandatory Judicial Notice: "A judge or court *shall* take judicial notice if requested by a party and supplied with the necessary information," [see NRS § 47.150.2; (bold italics added)]. Here, "*shall*" equals mandatory.

Timeliness of Request: “Judicial notice may be taken at any stage of the proceeding prior to submission to the court or jury,” [see NRS § 47.170]. PHILLIPS’ and SHAHROKHI’S request for judicial notice is timely.

Probative Value: Again, ALEXANDER FALCONI never filed a “d.b.a.” certificate for OUR NEVADA JUDGES. This fact is highly probative (indeed dispositive). NRS § 602.010 requires all persons doing business under fictitious names to file a “d.b.a.” certificate with the County—but FALCONI never did. As a result, Petitioner necessarily lacks standing to commence the instant writ petition; so too, the defect cannot be cured—*i.e.*, this Court *must* dismiss the entire action, [see NRS § 602.070; (“COMMENCEMENT OF ACTION BARRED WHEN CERTIFICATE NOT FILED”).

Dispositive Value: The entire action may now be summarily dispo’d, [see NRS § 602.070]. Once Respondent, CLARK COUNTY EIGHTH JUDICIAL DISTRICT, confirms and corroborates the fact that FALCONI never filed a “d.b.a.” certificate for OUR NEVADA JUDGES—this Court is duty-bound to deny the writ petition.

FALCONI D/B/A OUR NEVADA JUDGES: As a matter of law, ‘FALCONI D.B.A. OUR NEVADA JUDGES’—lacks “standing” to commence (or defend) actions in this state, [NRS § 602.070]. Indeed, FALCONI’S moniker is downright fraudulent.

Admissibility: Here, the action was commenced under the phony-baloney party designation—*i.e.*, ALEXANDER FALCONI D/B/A OUR NEVADA JUDGES. But again, FALCONI never filed a “d.b.a.” certificate for OUR NEVADA JUDGES—and this fact is highly relevant, [NRS § 48.015], *i.e.*, both for its probative value and for its dispositive value. This fact is admissible under NRS § 48.025.

May ACLU Oppose This Request for Judicial Notice? PHILLIPS and SHAHROKHI contend that ACLU, as a matter of law, must be precluded from opposing this *Request for Judicial Notice*—because NRS 602.070 precludes ACLU’s client from “commencing or maintaining” actions under a false and

misleading pseudonym. Indeed, the *only* response to this paper should be from Respondent's attorney, Jeffrey M. Conner, Esq., bringing a sworn affidavit, from the Clark County Clerk, *i.e.*, confirming and corroborating the fact that FALCONI never filed a "d.b.a." certificate for OUR NEVADA JUDGES.

The Predicate Statute: For the benefit of the Court, PHILLIPS and SHAHROKHI carefully annotate the predicate statute—

NRS 602.070 — COMMENCEMENT OF ACTION BARRED WHEN CERTIFICATE NOT FILED. "*No action may be commenced or maintained by any person, mentioned in NRS 602.010, or by an assignee of such a person, upon or on account of any contract made or transaction had under the assumed or fictitious name, or upon or on account of any cause of action arising or growing out of the business conducted under that name, unless before the commencement of the action the certificate required by NRS 602.010 has been filed.*"

[See NRS § 602.070; (bolding, underscores, and italics added)]

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III. SUMMARY & CONCLUSION—

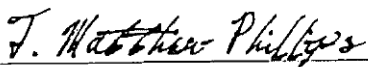
Summary and Conclusion: SHAHROKHI and PHILLIPS hereby request this Court take judicial notice of the fact that ALEXANDER FALCONI never filed, with the Clark County Clerk's Office, a "d.b.a." certificate for OUR NEVADA JUDGES. Once the Court accepts this fact—the Court must summarily deny the writ petition pursuant to NRS § 602.070.

Dated: **Aug. 5, 2022**



ALI SHAHROKHI
*Proposed Intervenor
and Real-Party-in-Interest*

Dated: **Aug. 5, 2022**



T. MATHEW PHILLIPS
*Proposed Intervenor
and Real-Party-in-Interest*

* * *

AFFIDAVIT of ALI SHAHROKHI

My name is ALI SHAHROKHI. I am a *Proposed Intervenor* and *Real-Party-in-Interest* herein. All facts herein alleged are true and correct of my own personal knowledge; and as to those matters alleged on information and belief, I reasonably believe them true. If called upon to testify, I could and would give competent and truthful evidence.

1. Attached as Exhibit No. "1" is a true and correct copy of letter from the City of Henderson, (Aug. 2, 2022), which indicates that Our Nevada Judges does not have a business license from the City of Henderson—and further—that Falconi has been advised that he needs to obtain a business license based on his residency within the City of Henderson.
2. I am informed and believe that Falconi has not filed with the County a fictitious business statement for Our Nevada Judges.

I declare under penalty of perjury, pursuant to the laws of the State of Nevada, the foregoing is both true and correct.

Dated: **Aug. 5, 2022**



ALI SHAHROKHI
Proposed Intervenor
and Real-Party-in-Interest

* * *

AFFIDAVIT of T. MATTHEW PHILLIPS, ESQ.

My name is T. MATTHEW PHILLIPS. I am a *Proposed Intervenor* and *Real-Party-in-Interest* herein. I am a licensed Calif. attorney, (SBN 165833); I am *not* licensed in Nevada. All facts herein alleged are true and correct of my own personal knowledge; and as to those matters alleged on information and belief, I reasonably believe them true. If called upon to testify, I could and would give competent and truthful evidence.

1. Attached as Exhibit No. "1" is a true and correct copy of letter from the City of Henderson, (Aug. 2, 2022), which indicates that Our Nevada Judges does not have a business license from the City of Henderson—and further—that Falconi has been advised that he needs to obtain a business license based on his residency within the City of Henderson.

2. I am informed and believe that Falconi has not filed with the County a fictitious business statement for Our Nevada Judges.

I declare under penalty of perjury, pursuant to the laws of the State of Nevada, the foregoing is both true and correct.

Dated: **Aug. 5, 2022**



T. MATHEW PHILLIPS
*Proposed Intervenor
and Real-Party-in-Interest*

* * *

Certificate of Compliance

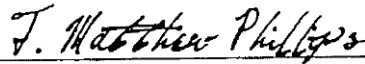
PHILLIPS & SHAHROKHI hereby certify that this motion complies with comports with NRAP 32(a)(9). This motion complies with the typeface and type style requirements of Rule 32(a)(4)-(6), with Times New Roman, 14-point font. This motion has a total count of **969** words.

Dated: **Aug. 5, 2022**



ALI SHAHROKHI
*Proposed Intervenor
and Real-Party-in-Interest*

Dated: **Aug. 4, 2022**



T. MATHEW PHILLIPS
*Proposed Intervenor
and Real-Party-in-Interest*

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