



SUPREME COURT OF NEVADA
OFFICE OF THE CLERK
ELIZABETH A. BROWN, CLERK

Telephone
(775) 684-1600

August 23, 2022

Ali Shahrokhi
[REDACTED]
[REDACTED]
[REDACTED]

Re: Docket No. 84947 (Falconi vs. Clark Cty. Eighth Judicial Dist. Ct.)

Dear Ali Shahrokhi,

Your document entitled "Request for Judicial Notice of a Letter from Clark County Clerk" received on August 23, 2022, was referred to me for response. We are returning the document, unfiled. This court cannot consider documents that are from non-parties to a case.

Sincerely,


Amanda Ingersoll
Deputy Clerk

22-26364

Case No. 8 4 9 4 7

**RETURNED
UNFILED**

AUG 23 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 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 & Real-Parties-in-Interest

REQUEST *for* JUDICIAL NOTICE
of a LETTER *from* CLARK COUNTY CLERK

ALI SHAHROKHI

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Self-Represented

AUG 23 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
DEPUTY CLERK

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

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

Self-Represented

* * *

NOTICE of MOTION

Please Take Notice: Proposed Intervenors, and Real-Parties-in-Interest, ALI SHAHROKHI and T. MATTHEW PHILLIPS, ask this Court to take judicial notice of a letter from the Clark County Clerk, (Aug. 11, 2022), which demonstrates that putative Petitioner, ‘ALEXANDER FALCONI, D.B.A., OUR NEVADA JUDGES,’ perpetrates fraud upon the court. OUR NEVADA JUDGES is legally ineligible to commence (or maintain) any action in this State. As per the letter from Clark County Clerk, there is no “Fictitious Firm Name” certificate on-file for OUR NEVADA JUDGES—as NRS § 602.010 affirmatively requires, [see Exhibit No. “2”]. And thus, because OUR NEVADA JUDGES never filed a “Fictitious Firm Name” certificate, ‘ALEXANDER FALCONI, D.B.A., 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”).

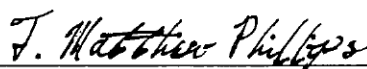
Statutory Grounds: SHAHROKHI and PHILLIPS bring this *Request for Judicial Notice* pursuant to NRS § 47.130 and NRS § 47.150.

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.

Dated: **Aug. 15, 2022**



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



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

REQUEST *for* JUDICIAL NOTICE

I. OUR NEVADA JUDGES IS A NON-ENTITY—

Request for Judicial Notice: Proposed Intervenor, and Real-Parties-in-Interest, ALI SHAHROKHI and T. MATTHEW PHILLIPS, hereby ask this Court to take judicial notice of a letter, dated Aug. 11, 2022, [Exhibit No. “2”], from Clark County Clerk’s Office—which indicates it has on-file *no* “Fictitious Firm Name” certificate for OUR NEVADA JUDGES, as NRS § 602.010 affirmatively requires. And thus, because Clark County has on-file *no* “Fictitious Firm Name” certificate for OUR NEVADA JUDGES, ‘ALEXANDER FALCONI, D.B.A., OUR NEVADA JUDGES,’ 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 Clark County has on-file *no* “Fictitious Firm Name” certificate for OUR NEVADA JUDGES, [see Exhibit No. “2,” *Letter from Clark County Clerk*, (Aug. 11, 2022)];

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].

Statutory Analysis: The fact that Clark County has on-file *no* “Fictitious Firm Name” certificate for OUR NEVADA JUDGES—is a fact susceptible to “accurate and ready determination,” by contacting Clark County Clerk, a source whose accuracy “cannot reasonably be questioned,” [see 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)].

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.

II. PHILLIPS’ PUBLIC RECORDS REQUEST—

PHILLIPS’ Public Records Request: On Aug. 3, 2022, PHILLIPS sent an email to the Clark County Clerk, as per NRS Ch. 239—

PUBLIC RECORDS REQUEST [NRS 239]

Please provide the following data--

ALL DOCUMENTS that reference a fictitious business name certificate filed with Clark County Clerk -- by Alexander Falconi (dba Our Nevada Judges).

Thank you,

[Email—*T. Matthew Phillips to Clark County Clerk*; (Aug. 3, 2022)]

Clark County Responds: In response to the Public Records Request, (*supra*) the Clark County Clerk produced a letter, [Exhibit No. “2”], which indicates that the Clerk’s Office has on-file *no* “Fictitious Firm Name” certificate for *Our Nevada Judges*.

Our Nevada Judges Lacks Standing: NRS § 602.010 requires all persons doing business under fictitious names to file a “Fictitious Firm Name” certificate with the County—but OUR NEVADA JUDGES never did. As a result, OUR NEVADA JUDGES 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 the parties confirm and corroborate the fact that Clark County has on-file *no* "Fictitious Firm Name" certificate for OUR NEVADA JUDGES—this Court is thus duty-bound to deny the writ petition.

FALCONI D.B.A. OUR NEVADA JUDGES: As a matter of law, ALEXANDER FALCONI, D.B.A. OUR NEVADA JUDGES—necessarily lacks "standing" to commence (or defend) actions in this state, [NRS § 602.070]. Indeed, this false and misleading moniker is evidence of fraud upon the court.

Admissibility: The fact that the County has on-file *no* "Fictitious Firm Name" certificate for OUR NEVADA JUDGES—is a relevant fact, [NRS § 48.015], and thus, admissible, [NRS § 48.025].

May ACLU Oppose This Request for Judicial Notice? ACLU's client, as a matter of law, must be precluded from opposing this *Request for Judicial Notice*. NRS 602.070 precludes ACLU's client from "commencing or maintaining" actions under a false and misleading pseudonym.

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; (underscores and italics added)]

III. FRAUD UPON THE COURT—

Falconi Perpetrates Fraud: Alexander Falconi—who now proceeds as ‘ALEXANDER FALCONI, D.B.A., OUR NEVADA JUDGES’—perpetrates fraud upon this Court. OUR NEVADA JUDGES is a non-existent, non-entity.

OUR NEVADA JUDGES—a Non-Entity: OUR NEVADA JUDGES has no known business license, fictitious firm name certificate, birth certificate, driver’s license, passport, Social Security number, or Tax ID No. OUR NEVADA JUDGES is a non-entity and thus ineligible to sue or defend in any court in this State, [*see* NRS 602.070]. The instant petition must be met with short shrift.

IV. FAILURE TO UNDERTAKE DILIGENT INVESTIGATION—

Counsel’s Duty to Undertake Diligent Investigation: Nevada Rule 11 affirmatively requires that all counsel undertake a diligent investigation of the applicable “law” and relevant “facts.” Rule 11(b)(2) requires lawyers to certify that their legal theories are warranted by existing law, and Rule 11(b)(3) requires lawyers to certify that their factual contentions have evidentiary support. But still, in the instant litigation, the ACLU lawyers failed to undertake a diligent investigation of the facts.

ACLU Failed to Investigate: When ACLU present themselves as counsel-of-record for OUR NEVADA JUDGES, ACLU impliedly warrants that OUR NEVADA JUDGES is legally eligible to commence actions in this State. But they’re not! Legally speaking, OUR NEVADA JUDGES does not exist. ACLU violated the certification requirement of Rule 11. Lots of time and money would have been saved if only the ACLU lawyers had undertaken a reasonable investigation. But the truth is, ACLU never bothered to determine the veracity of Petitioner’s moniker—‘ALEXANDER FALCONI, D.B.A., OUR NEVADA JUDGES.’ Had the ACLU lawyers undertaken a reasonable investigation, they would have learned that their

client, 'ALEXANDER FALCONI, D.B.A., OUR NEVADA JUDGES,' is in fact, lawless and legally ineligible to sue or defend in any court in this State.

ACLU—Negligent Per Se: ACLU now represents a client that doesn't exist. But that fact didn't stop the ACLU lawyers from filing suit. On the caption page of the challenged petition, the ACLU lawyers make misrepresentations of material facts—facts that have a direct bearing on “standing.” The ACLU lawyers, and each of them, are negligent *per se*. Lots of time and money would have been saved if only the ACLU lawyers had undertaken a reasonable investigation of the facts. But, they didn't.

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V. SUMMARY & CONCLUSION—

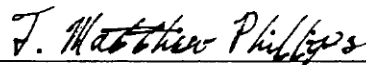
Summary and Conclusion: SHAHROKHI and PHILLIPS request this Court take judicial notice of Exhibit No. “2,” the letter from Clark County, (Aug. 11, 2022), which indicates that the Clerk’s Office has on-file *no* “Fictitious Firm Name” certificate for OUR NEVADA JUDGES. Again, once the Court accepts this proffered “fact”—the writ petition must be summarily denied, [*see* NRS § 602.070].

Dated: **Aug. 15, 2022**



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

Dated: **Aug. 15, 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. "2" is a true and correct copy of letter from the Clark County Clerk's Office, (Aug. 11, 2022), which indicates that OUR NEVADA JUDGES does not have a "Fictitious Firm Name" on-file with the Clark County Clerk's Office, which means they cannot sue or defend in any court in this state.

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

Dated: **Aug. 15, 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. “2” is a true and correct copy of letter from the Clark County Clerk’s Office, (Aug. 11, 2022), which indicates that OUR NEVADA JUDGES does not have a “Fictitious Firm Name” on-file with the Clark County Clerk’s Office, which means they cannot sue or defend in any court in this state. I received this letter in response to a Public Records Request, (Aug. 3, 2022), that I made to the County.

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

Dated: **Aug. 15, 2022**

T. Matthew Phillips

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 **1,056** words.

Dated: **Aug. 15, 2022**



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

Dated: **Aug. 15, 2022**



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

* * *

Exhibit No. “2”

Letter from Clark County Clerk

(Aug. 11, 2022)



Office of the Clark
County Clerk

Lynn [REDACTED] Goya
County Clerk

Carl Bates
Assistant County Clerk

Date: August 11, 2012

Dear: To Whom it May Concern

The records of the Clark County Clerk have been searched for Fictitious Firm Name(s):

Our Nevada Judges

☒ **We are unable to find any records for the above.** If you would like to request our office to search further, please provide us with additional information. There is a cost of 50 cents per name for the search.

☐ **We were able to find the Fictitious Firm Name(s):**

If you would like a certified copy of the document(s), please see the fees listed below.

Fees:

- \$6.50 – Certified Copy of a Fictitious Firm Name (per name)
- \$0.50 – Search (per name)

[REDACTED]
your search by visiting us online at www.ClarkCountyNV.gov/Clerk.

Sincerely,

Lynn [REDACTED] Goya
County Clerk

By: Paula Cook

Paula Cook, Deputy Clerk

By: Robert Swarowski
Robert Swarowski, Deputy Clerk

CERTIFICATE-OF-SERVICE

I am an individual over the age of eighteen years and not a party to the within action. My business address is

[REDACTED]
[REDACTED]

On **Aug. 15, 2022**, I served the following:

Request for Judicial Notice;

on an interested party in the above-entitled action by
 X via e-mail transmission, addressed as follows:

Sophia A. Romero, Esq.
Christopher M. Peterson, Esq.
ACLU

Steven Shevorski, Esq.
Jeffrey M. Conner, Esq.
Eighth Judicial Dist.

[REDACTED]
Suite B-11

[REDACTED]
Las Vegas, Nev. 89101

[REDACTED]
Las Vegas Review Journal
McLetchie, Margaret A.

[REDACTED]
[REDACTED]
[REDACTED]

I declare under penalty of perjury under California law the foregoing is true and correct.

Dated: **Aug. 15, 2022**

/s/ Ali Shahrokhi .
Declarant.

/s/ T. Matthew Phillips .
Declarant.