

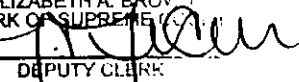
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ALI SHAHROKHI,  
Appellant,  
vs.  
PAO L. JARJABKA AND JIMMY L.  
NGUYEN,  
Respondents.

No. 88964-COA

**FILED**

**JUL 22 2025**

ELIZABETH A. BROV  
CLERK OF SUPREME COURT  
BY:   
DEPUTY CLERK

*ORDER DISMISSING APPEAL*

Ali Shahrokhi appeals from a district court order denying an anti-SLAPP special motion to dismiss. Eighth Judicial District Court, Clark County; Anna C. Albertson, Judge.

In the underlying matter, Shahrokhi sued respondent Pao L. Jarjabka and Jimmy L. Nguyen<sup>1</sup> for breach of contract, among other things, related to the purchase of real property. Jarjabka subsequently filed an answer and counterclaim for abuse of process. Shahrokhi filed a special motion to dismiss the counterclaim under Nevada's anti-SLAPP statute, NRS 41.660. Ultimately, the district court entered an order denying Shahrokhi's special motion to dismiss, and Shahrokhi appealed.

On appeal, Shahrokhi presents arguments in favor of reversing the district court's order, and also requests that this court direct the lower

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<sup>1</sup>Although named as a party by Shahrokhi, respondent Nguyen was not involved in the order underlying this appeal and is not further addressed in this order.

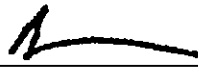
court to award him his “appeal costs and expenses as the prevailing party” under NRS 41.670(1), alongside statutory damages and his attorney fees and costs incurred below. In his answering brief, Jarjabka argues that this court should dismiss this appeal as moot as the district court has entered an order granting his motion to voluntarily dismiss his abuse of process counterclaim, thus mooting Shahrokhi’s anti-SLAPP motion to dismiss. Shahrokhi did not file a reply.

Mootness concerns a question of justiciability, and a case on appeal is moot when the court can no longer grant relief affecting the matter before it. *Personhood Nev. v. Bristol*, 126 Nev. 599, 602, 245 P.3d 572, 574 (2010). “Cases presenting live controversies at the time of their inception may become moot by the occurrence of subsequent events.” *Univ. & Cmty. Coll. Sys. of Nev. v. Nevadans for Sound. Gov’t*, 120 Nev. 712, 720, 100 P.3d 179, 186 (2004).

In this case, the relief that Shahrokhi requested—dismissal of Jarjabka’s counterclaim—has already been accomplished by the order granting Jarjabka’s request to voluntarily dismiss that claim. And, to the extent that Shahrokhi requests attorney fees and costs as the prevailing party, he did not file a reply brief and thus did not respond to Jarjabka’s arguments in favor of dismissal on the same. Accordingly, we treat Shahrokhi’s failure to respond to these arguments as a concession that Jarjabka’s argument is meritorious. *See Ozawa v. Vision Airlines, Inc.*, 125 Nev. 556, 563, 216 P.3d 788, 793 (2009) (treating a party’s failure to respond to an argument as a concession that the argument is meritorious); *cf.* NRAP

31(d)(2) (providing that the appellate courts may treat a respondent's failure to file an answering brief as a confession of error).

Accordingly, we conclude that this appeal is moot, and  
ORDER this appeal DISMISSED.

  
\_\_\_\_\_, C.J.  
Bulla

  
\_\_\_\_\_, J.  
Gibbons

  
\_\_\_\_\_, J.  
Westbrook

cc: Hon. Anna C. Albertson, Judge  
Ali Shahrokhi  
Jimmy L. Nguyen  
TCM Law Group  
Eighth District Court Clerk