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12 *Attorneys for Third-Party Intervenor, Roc Nation, LLC*

13 **UNITED STATES DISTRICT COURT**
14 **DISTRICT OF NEVADA**

15 UNITED STATES OF AMERICA,
16
17 Plaintiff,
18
19 v.
20 JAMAL RASHID,
21
22 Defendant.

Case No. 2:19-cr-00246-GMN-NJK

MOTION TO INTERVENE
Oral Argument Requested

23 COMES NOW, THIRD-PARTY INTERVENOR ROC NATION, LLC (“Roc
24 Nation”), by and through its counsel of record, ALEX L. FUGAZZI and ERIN
25 GETTEL, of SNELL & WILMER L.L.P., and hereby submits this Motion to Intervene
26 in this action for the limited purpose of filing the attached Motion to Strike.

27 As explained in the accompanying Motion, Roc Nation seeks to strike an
28 unauthorized Letter submitted by a now former employee of Roc Nation in connection
with Jamal Rashid’s May 2021 sentencing hearing. Roc Nation only recently learned
of the Letter’s existence and quickly determined that it was unauthorized and
contains false information.

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1 The Federal Rules of Criminal Procedure do not provide a path for a third party
2 to intervene in a criminal case. However, Courts possess inherent powers necessary
3 to “manage their own affairs” and to “impose silence, respect, and decorum.”
4 *Chambers v. NASCO, Inc.*, 501 U.S. 32, 42-43 (1991). This includes the power to
5 determine what appears in the court’s records. *See Ready Transp., Inc. v. AAR Mfg.,*
6 *Inc.*, 627 F. 3d 402, 405 (9th Cir. 2010). Further, courts have granted interventions
7 in criminal matters where necessary to vindicate a third-party’s rights, such as to
8 prevent the widespread dissemination of confidential information. *United States v.*
9 *Sikes*, 2016 WL 6495500, *1 (D. Neb. 2016) (collecting cases).

10 Based on the above, Roc Nation asks this Court to exercise its inherent
11 supervisory powers to permit Roc Nation to intervene in this action for the limited
12 purpose of filing the attached Motion to Strike the unauthorized Letter.

13 DATED: May 11, 2023.

SNELL & WILMER L.L.P.

14
15 By: /s/ Alex L. Fugazzi
16 Alex L. Fugazzi, Esq.
17 Erin Gettel, Esq.
18 3883 Howard Hughes Pkwy., Suite 1100
19 Las Vegas, NV 89169
20 *Attorneys for Third-Party Intervenor,*
21 *Roc Nation, LLC*
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CERTIFICATE OF SERVICE

I hereby certify that on May 11, 2023 I electronically transmitted the foregoing **MOTION TO INTERVENE** to the Clerk’s Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to all counsel in this matter; all counsel being registered to receive Electronic Filing.

/s/Debbie Shuta
An employee of Snell & Wilmer L.L.P.

4853-3680-8801.4

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EXHIBIT A

Motion to Strike

1 Alex L. Fugazzi
2 Nevada Bar No. 9022
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12 *Attorneys for Third-Party Intervenor, Roc Nation, LLC*

13 **UNITED STATES DISTRICT COURT**
14 **DISTRICT OF NEVADA**

15 UNITED STATES OF AMERICA,
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17 Plaintiff,
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19 v.
20 JAMAL RASHID,
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22 Defendant.

Case No. 2:19-cr-00246-GMN-NJK

MOTION TO STRIKE
Oral Argument Requested

23 **INTRODUCTION & SUMMARY OF MOTION**

24 COMES NOW, THIRD-PARTY INTERVENOR ROC NATION, LLC (“Roc
25 Nation”), by and through its counsel of record, ALEX L. FUGAZZI and ERIN
26 GETTEL, of SNELL & WILMER L.L.P., and hereby submits this Motion to Strike.
27 This request is made and based upon the accompanying Memorandum of Points and
28 Authorities, Affidavit, and information set forth herein.

STATEMENT OF RELEVANT FACTS AND PROCEDURAL HISTORY

On October 21, 2019, the defendant Jamal Rashid pled guilty to a single count
of Use of an Interstate Facility in Aid of Prostitution, in violation of Title 18, U.S.C.,
§ 1952(a)(3). *See* ECF 6-8.

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1 On September 10, 2020, counsel for Mr. Rashid filed a Sentencing
2 Memorandum with nine accompanying exhibits. See ECF 31. Unbeknownst to
3 anyone in management at Roc Nation¹, Nima Nasseri, a now former employee of Roc
4 Nation, prepared a letter in support of Mr. Rashid, which was submitted as an exhibit
5 to Mr. Rashid's Sentencing Memorandum by his counsel, on what appears to be Roc
6 Nation letterhead.² See ECF 31, Exhibit 9 (the "Letter").

7 In March 2023, the existence of the Letter was brought to the attention of
8 management at Roc Nation, and it was quickly determined that the use of Roc
9 Nation's name on the Letter was not authorized by anyone at Roc Nation. Moreover,
10 further inquiry revealed that the Letter contains false information about Roc Nation's
11 relationship with Mr. Rashid, as Roc Nation did not then have – and never has had –
12 a professional relationship with Mr. Rashid. In sum, Mr. Nasseri did not have
13 authority to submit the Letter on Roc Nation's letterhead, particularly as it conveyed
14 false information. See Affidavit of Sean Mulvehill attached as Exhibit 1.

15 Thereafter, on March 23, 2023, AUSA Chris Burton, Chief of the Special
16 Prosecutions Section of the U.S. Attorney's Office - District of Nevada, was advised of
17 the situation, and Roc Nation's intent to file the instant Motion to Strike. Then, on
18 April 13, 2023, AUSA Burton advised counsel that the government had no objection
19 to the request to strike the Letter from the docket.

20 Similarly, on April 24, 2023, David Chesnoff and Richard Schonfeld, former
21 defense counsel for Mr. Rashid, were apprised of the situation, and Roc Nation's
22 request to strike the Letter. As suspected, counsel was not aware that Mr. Nasseri
23 lacked authority to submit the Letter, nor were they aware that the Letter contained
24 false information.

25 _____
26 ¹ Roc Nation is the world's preeminent entertainment company. It is a full-service
27 organization, supporting a diverse roster of talent via artist management.

28 ² We are in no way suggesting that defense counsel for Mr. Rashid acted improperly.
Indeed, we believe they had no idea the Letter contained false information.

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ARGUMENT

“It is well-established that district courts have inherent power to control their docket.” *See Ready Transp., Inc. v. AAR Mfg., Inc.*, 627 F. 3d 402, 404 (9th Cir. 2010) (cleaned up). The inherent powers are mechanisms for “control necessarily vested in courts to manage their own affairs so as to achieve the orderly and expeditious disposition of cases” and to “impose silence, respect, and decorum.” *Chambers v. NASCO, Inc.*, 501 U.S. 32, 42-43 (1991). This includes, among other things, the power to strike an improperly filed confidential document even where the court retains only limited jurisdiction over a portion of the suit. *Ready Transportation, Inc.*, 627 F.3d at 404.

“In light of the powers district courts possess to craft an appropriate sanction for litigation conduct and, as well, to determine what appears in the court’s records,” *id.* at 405, this Court has the power to strike the Letter, which was filed without Roc Nation’s authorization and contains false statements that could tarnish Roc Nation’s reputation. Further, Mr. Rashid should not be permitted to rely on the Letter again should he appear before the Court in connection with his supervised release, over which this Court retains jurisdiction. Therefore, Roc Nation respectfully requests that this Court exercise its inherent supervisory powers to strike the Letter from the docket, both to preserve the integrity of the judicial process and to avoid further harm to Roc Nation.

CONCLUSION

Based on the foregoing, we respectfully request that the Court grant the motion in its entirety.

DATED: _____, 2023

SNELL & WILMER L.L.P.

By: /s/Alex L. Fugazzi
Alex L. Fugazzi, Esq.
Erin Gettel, Esq.
3883 Howard Hughes Pkwy., Suite 1100
Las Vegas, NV 89169
Attorneys for Third-Party Intervenor, Roc Nation, LLC

EXHIBIT 1
Affidavit of Sean Mulvehill

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

1
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3 UNITED STATES OF AMERICA,)
4 Plaintiff,)
5 vs.)
6 JAMAL RASHID,)
7 Defendant.)
8

Case No. 2:19-CR-00246-GMN-NJK

AFFIDAVIT OF Sean Mulvehill

9 Sean Mulvehill declares under penalty of perjury, pursuant to 28 U.S.C. § 1746, and
10 under penalty of perjury under the law of the State of Nevada, as follows:

11 1. I am the CFO of Roc Nation, LLC (“Roc Nation”). Roc Nation is the world’s
12 preeminent entertainment company, supporting a diverse roster of talent via artist
13 management.

14 2. Nima Nasserri was an employee of Roc Nation from March 15, 2017 to March
15 20, 2020.

16 3. On or about March 9, 2023, it came to the attention of executives at Roc
17 Nation that in 2020, Mr. Nasserri wrote a letter in support of Mr. Rashid which was submitted
18 to the Court on September 10, 2020 by Mr. Rashid’s then attorneys. *See* ECF 31, Exhibit 9
19 (the “Letter”).

20 4. The Letter was written and submitted utilizing the letterhead of Roc Nation,
21 however, Mr. Nasserri did not have authorization from anyone at Roc Nation to use company
22 letterhead for this purpose.

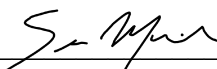
23 5. Furthermore, the Letter contained false statements in which Mr. Nasserri
24

1 described a fictitious business relationship between Mr. Rashid and Roc Nation. First, Mr.
2 Nasserri asserts: “[w]e are presently engaged in professional business with Mr. Rashid.” This
3 statement is not true, as a review of Roc Nation’s books and records reveals that Mr. Rashid
4 was never a client of Roc Nation. Second, Mr. Nasserri asserts: “[w]e look forward to a long
5 and successful relationship with Mr. Rashid and can assure the Court that if the Court in its
6 discretion were to grant him the privilege of house arrest as part of his sentence his business
7 activity with us will go uninterrupted.” This statement is also untrue as Mr. Rashid was
8 never a client of Roc Nation, thus, Roc Nation had no “business activity” with Mr. Rashid.

9 6. Roc Nation has a stellar reputation and the misuse of our letterhead in support
10 of Mr. Rashid, particularly given the nature of the criminal charges for which he was
11 sentenced, is unacceptable. Therefore, on behalf of Roc Nation, I respectfully request that
12 the Court remove this letter from the public docket.

13 I declare under penalty of perjury under the laws of the United States of America that
14 the foregoing is true and correct to the best of my knowledge.

15 Executed at New York, New York on this 2 day of May 2023.

16
17
18 

19 _____
SIGNATURE

20 Sean Mulvehill, CFO
21 Roc Nation
22
23
24

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15 UNITED STATES OF AMERICA,
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Oral Argument Requested

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25 Nation”), by and through its counsel of record, ALEX L. FUGAZZI and ERIN
26 GETTEL, of SNELL & WILMER L.L.P., and hereby submits this Motion to Strike.
27 This request is made and based upon the accompanying Memorandum of Points and
28 Authorities, Affidavit, and information set forth herein.

STATEMENT OF RELEVANT FACTS AND PROCEDURAL HISTORY

On October 21, 2019, the defendant Jamal Rashid pled guilty to a single count
of Use of an Interstate Facility in Aid of Prostitution, in violation of Title 18, U.S.C.,
§ 1952(a)(3). *See* ECF 6-8.

1 On September 10, 2020, counsel for Mr. Rashid filed a Sentencing
2 Memorandum with nine accompanying exhibits. See ECF 31. Unbeknownst to
3 anyone in management at Roc Nation¹, Nima Nasseri, a now former employee of Roc
4 Nation, prepared a letter in support of Mr. Rashid, which was submitted as an exhibit
5 to Mr. Rashid's Sentencing Memorandum by his counsel, on what appears to be Roc
6 Nation letterhead.² See ECF 31, Exhibit 9 (the "Letter").

7 In March 2023, the existence of the Letter was brought to the attention of
8 management at Roc Nation, and it was quickly determined that the use of Roc
9 Nation's name on the Letter was not authorized by anyone at Roc Nation. Moreover,
10 further inquiry revealed that the Letter contains false information about Roc Nation's
11 relationship with Mr. Rashid, as Roc Nation did not then have – and never has had –
12 a professional relationship with Mr. Rashid. In sum, Mr. Nasseri did not have
13 authority to submit the Letter on Roc Nation's letterhead, particularly as it conveyed
14 false information. See Affidavit of Sean Mulvehill attached as Exhibit 1.

15 Thereafter, on March 23, 2023, AUSA Chris Burton, Chief of the Special
16 Prosecutions Section of the U.S. Attorney's Office - District of Nevada, was advised of
17 the situation, and Roc Nation's intent to file the instant Motion to Strike. Then, on
18 April 13, 2023, AUSA Burton advised counsel that the government had no objection
19 to the request to strike the Letter from the docket.

20 Similarly, on April 24, 2023, David Chesnoff and Richard Schonfeld, former
21 defense counsel for Mr. Rashid, were apprised of the situation, and Roc Nation's
22 request to strike the Letter. As suspected, counsel was not aware that Mr. Nasseri
23 lacked authority to submit the Letter, nor were they aware that the Letter contained
24 false information.

25 _____
26 ¹ Roc Nation is the world's preeminent entertainment company. It is a full-service
27 organization, supporting a diverse roster of talent via artist management.

28 ² We are in no way suggesting that defense counsel for Mr. Rashid acted improperly.
Indeed, we believe they had no idea the Letter contained false information.

1 On May 11, 2023, Roc Nation moved to intervene in this case to file a motion to
2 strike the Letter from the docket. Recognizing that courts permit third parties to
3 intervene in criminal matters where necessary to protect their rights, such as to
4 prevent the dissemination of confidential or privileged information, this Court granted
5 Roc Nation's Motion to Intervene for this limited purpose. ECF No. 74 at 2 (citing
6 *United States v. RMI Co.*, 599 F.2d 1183 (3rd Cir. 1979); *United States v. Crawford*,
7 735 F.2d 174 (5th Cir. 1984); and *United States v. Martoma*, 962 F.Supp.2d 602, 605-
8 06 (S.D.N.Y. 2013)).

9 ARGUMENT

10 "It is well-established that district courts have inherent power to control their
11 docket." *See Ready Transp., Inc. v. AAR Mfg., Inc.*, 627 F. 3d 402, 404 (9th Cir. 2010)
12 (cleaned up). The inherent powers are mechanisms for "control necessarily vested in
13 courts to manage their own affairs so as to achieve the orderly and expeditious
14 disposition of cases" and to "impose silence, respect, and decorum." *Chambers v.*
15 *NASCO, Inc.*, 501 U.S. 32, 42-43 (1991). This includes, among other things, the power
16 to strike an improperly filed confidential document even where the court retains only
17 limited jurisdiction over a portion of the suit. *Ready Transportation, Inc.*, 627 F.3d at
18 404.

19 "In light of the powers district courts possess to craft an appropriate sanction
20 for litigation conduct and, as well, to determine what appears in the court's records,"
21 *id.* at 405, this Court has the power to strike the Letter, which was filed without Roc
22 Nation's authorization and contains false statements that could tarnish Roc Nation's
23 reputation. Just as third parties affected by the disclosure of confidential or privileged
24 information have an interest in preventing such dissemination, Roc Nation has an
25 interest in preventing the continued dissemination of the Letter, which has adversely
26 affected its reputation and business interests. *See RMI Co.*, 599 F.2d at 1190
27 (recognizing third party's interest in preventing criminal defendants from receiving
28 confidential business information disclosed in grand jury proceedings), *Crawford*, 735

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1 F.2d at 176 (recognizing third party’s interest in preventing further disclosure of
2 records it produced in response to grand jury subpoena, which dissemination was
3 adversely affecting it); *Martoma*, 962 F.Supp.2d at 505-06 (permitting cooperating
4 witness in criminal case to intervene to oppose defendant’s motion to compel the
5 government to produce communications over which he claimed attorney client
6 privilege). Additionally, Mr. Rashid should not be permitted to rely on the Letter
7 again should he appear before the Court in connection with his supervised release,
8 over which this Court retains jurisdiction. Further, it is in the public interest to
9 prevent the continued dissemination of false information and to correct such
10 information once disseminated. Therefore, Roc Nation respectfully requests that this
11 Court exercise its inherent supervisory powers to strike the Letter from the docket,
12 both to preserve the integrity of the judicial process and to avoid further harm to Roc
13 Nation.

14 **CONCLUSION**

15 Based on the foregoing, we respectfully request that the Court grant the
16 motion in its entirety.

17 DATED: June 1, 2023

SNELL & WILMER L.L.P.

18
19 By: /s/Alex L. Fugazzi
Alex L. Fugazzi, Esq.
Erin Gettel, Esq.
3883 Howard Hughes Pkwy., Suite 1100
Las Vegas, NV 89169
20 *Attorneys for Third-Party Intervenor, Roc*
21 *Nation, LLC*
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CERTIFICATE OF SERVICE

I hereby certify that on June 1, 2023, I electronically transmitted the foregoing **MOTION TO STRIKE** to the Clerk’s Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to all counsel in this matter; all counsel being registered to receive Electronic Filing.

/s/Debbie Shuta
An employee of Snell & Wilmer L.L.P.

4860-1051-8625.8

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EXHIBIT 1

Affidavit of Sean Mulvehill

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3 UNITED STATES OF AMERICA,)
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Case No. 2:19-CR-00246-GMN-NJK

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9 Sean Mulvehill declares under penalty of perjury, pursuant to 28 U.S.C. § 1746, and
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12 preeminent entertainment company, supporting a diverse roster of talent via artist
13 management.

14 2. Nima Nasserri was an employee of Roc Nation from March 15, 2017 to March
15 20, 2020.

16 3. On or about March 9, 2023, it came to the attention of executives at Roc
17 Nation that in 2020, Mr. Nasserri wrote a letter in support of Mr. Rashid which was submitted
18 to the Court on September 10, 2020 by Mr. Rashid’s then attorneys. *See* ECF 31, Exhibit 9
19 (the “Letter”).

20 4. The Letter was written and submitted utilizing the letterhead of Roc Nation,
21 however, Mr. Nasserri did not have authorization from anyone at Roc Nation to use company
22 letterhead for this purpose.

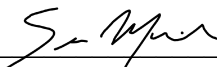
23 5. Furthermore, the Letter contained false statements in which Mr. Nasserri
24

1 described a fictitious business relationship between Mr. Rashid and Roc Nation. First, Mr.
2 Nasserri asserts: “[w]e are presently engaged in professional business with Mr. Rashid.” This
3 statement is not true, as a review of Roc Nation’s books and records reveals that Mr. Rashid
4 was never a client of Roc Nation. Second, Mr. Nasserri asserts: “[w]e look forward to a long
5 and successful relationship with Mr. Rashid and can assure the Court that if the Court in its
6 discretion were to grant him the privilege of house arrest as part of his sentence his business
7 activity with us will go uninterrupted.” This statement is also untrue as Mr. Rashid was
8 never a client of Roc Nation, thus, Roc Nation had no “business activity” with Mr. Rashid.

9 6. Roc Nation has a stellar reputation and the misuse of our letterhead in support
10 of Mr. Rashid, particularly given the nature of the criminal charges for which he was
11 sentenced, is unacceptable. Therefore, on behalf of Roc Nation, I respectfully request that
12 the Court remove this letter from the public docket.

13 I declare under penalty of perjury under the laws of the United States of America that
14 the foregoing is true and correct to the best of my knowledge.

15 Executed at New York, New York on this 2 day of May 2023.

16
17
18 

19 _____
SIGNATURE

20 Sean Mulvehill, CFO
21 Roc Nation
22
23
24

1 **CHRIS T. RASMUSSEN, ESQ.**
2 **RASMUSSEN LAW P.C.**
3 Nevada Bar No. 7149
4 520 S. 4th Street
5 Las Vegas, Nevada 89101
6 (702) 384-5563
7 ctr@rasmussenlaw.com
8 Attorney for Jamal Rashid

6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**
8 * * * * *

8 **UNITED STATES OF AMERICA,**)
9)
10 **Plaintiff,**)
11 **vs.**)
12 **JAMAL RASHID**)
13 **Defendants,**)
14)

Case No. 2:19-CR-00246-GMN-NJK
RESPONSE TO MOTION TO STRIKE

15 Comes Now, Defendant Jamal Rashid, by and through his undersigned counsel Chris
16 T. Rasmussen, Esq., and hereby submits his Response to the Motion to Strike by Intervenor
17 Roc Nation, LLC.

18
19 **STATEMENT OF FACTS**

20 Third-Party Intervenor has motioned this Court to strike a letter in support of Rashid
21 in support of leniency at his sentencing. Rashid has no opposition to the Court granting Roc
22 Nation’s Motion. However, it is important to establish that Rashid presented the letter in good
23 faith. The subject letter is authored by Nimi Nasserri who managed artists for Roc Nation.
24 Nasserri was the manager for an artist known as Gashi. Rashid collaborated with Gashi. (See
25 Exhibit A).

26 Obviously, Roc Nation is interested in their public image as a result of the appearance
27 that Rashid was involved with their company. Rashid has no objection to striking the letter
28 from the docket. The letter was submitted in good faith and without knowledge as to whether

1 Nasserri had permission or access to letterhead. Therefore, Rashid has no objection to the
2 Court removing the letter from the record.

3 Dated this 7th of June, 2023.

4 RASMUSSEN LAW P.C.

5 /s/ Chris T. Rasmussen

6

CHRIS T. RASMUSSEN, ESQ.

7 Nevada Bar. No. 7149

8 520 South 4th Street

9 Las Vegas, Nevada 89101

10 www.rasmussenlaw.com

11 Attorney for

12 Jamal Rashid

Exhibit A



9:50

LTE

Cancel

Don't OD

Performed by

GASHI

Written by

Diego Avendano

Jamal Rashid

Larry Gashi

Produced by

Mally Mall

Diego Ave

Source

Honesty Saves Time/PCA Records

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REPLY TO RESPONSE [ECF No. 76] TO MOTION TO STRIKE [ECF No. 75]

23 On June 6, 2023, Rashid filed a response to the Motion to Strike through
24 counsel, which, in effect is a non-opposition. Rashid offers no admissible evidence that
25 would warrant denial of the Motion. In fact, Rashid does not oppose the Motion but
26 represents that he submitted the Letter in good faith and did not know that the Letter
27 was unauthorized. He points to an unauthenticated apparent screenshot showing
28 certain credits for a song on which he collaborated with GASHI, who he explains was
managed by Nimi Nasserri, who, in turn managed artists for Roc Nation. ECF No. 76
at 1–2.

To be clear, Roc Nation is not asking this Court to determine that Rashid
submitted the Letter in bad faith, or that he knew Nasserri lacked authorization to

1 submit it or that the Letter contained false representations. Roc Nation takes no
2 position as to what Rashid knew or did not know in this respect and simply wishes to
3 set the record straight and strike the unauthorized, false letter from the record.

4 As this Court recognized in granting Roc Nation's Motion to Intervene, courts
5 may strike documents pursuant to their inherent powers. ECF No. 74 at 3. Exercise
6 of that power is appropriate here, as Roc Nation has a substantial interest in
7 protecting its reputation and preventing continued dissemination of the Letter. Roc
8 Nation therefore respectfully requests that this Court grant the Motion, both for the
9 reasons set forth in the Motion and as unopposed.

10
11 DATED: June 14, 2023

SNELL & WILMER L.L.P.

12
13 By: /s/Alex L. Fugazzi
14 Alex L. Fugazzi, Esq.
15 Erin Gettel, Esq.
16 3883 Howard Hughes Pkwy., Suite 1100
17 Las Vegas, NV 89169
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CERTIFICATE OF SERVICE

I hereby certify that on June 14, 2023, I electronically transmitted the foregoing **REPLY TO RESPONSE TO MOTION TO STRIKE** to the Clerk’s Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to all counsel in this matter; all counsel being registered to receive Electronic Filing.

/s/Debbie Shuta
An employee of Snell & Wilmer L.L.P.

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