

1 Adam McMillen
Nevada Bar No. 10678
2 amcmillen@bhfs.com
BROWNSTEIN HYATT FARBER SCHRECK, LLP
3 5371 Kietzke Lane
Reno, NV 89511
4 Telephone: 775.324.4100
Facsimile: 775.333.8171

5 Attorneys for JED MARGOLIN
6
7

8 **IN THE UNITED STATES BANKRUPTCY COURT**
9 **FOR THE DISTRICT OF NEVADA**

10
11 In Re JAZI GHOLAMREZA ZANDIAN,
12 Debtor.

Case No. BK-N-16-50644-BTB

Adversary No. 17-05016-BTB

13 FRED SADRI, AS TRUSTEE FOR THE
14 STAR LIVING TRUST, DATED APRIL
15 14, 1997; RAY KOROGHLI AND
SATHSOWI T. KOROGHLI, AS
16 MANAGING TRUSTEES FOR
KOROGHLI MANAGEMENT TRUST,

**ANSWER AND AFFIRMATIVE DEFENSES
OF JED MARGOLIN TO THE ADVERSARY
COMPLAINT AND DEMAND FOR JURY
TRIAL**

17 Plaintiffs,

18 v.

19 JED MARGOLIN; JAZI GHOLAMREZA
20 ZANDIAN; and all other parties claiming
an interest in real properties described in
this action,

21 Defendants.

22
23 Defendant Jed Margolin, by and through his counsel of record, Adam McMillen, hereby
24 responds to the complaint as follows:

25
26 \\\

27
28 \\\

BROWNSTEIN HYATT FARBER SCHRECK, LLP
5371 Kietzke Lane
Reno, NV 89511
775.324.4100

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ANSWER

Answering the numbered paragraphs of the Complaint, Jed Margolin states as follows:

PARTIES, JURISDICTION AND VENUE

1. Defendant denies the allegations contained in paragraph 1 of the complaint.
2. Defendant admits that jurisdiction is proper.
3. Defendant consents to entry of a final order or judgment by the Bankruptcy Court.
4. Defendant denies the allegations contained in paragraph 4 of the complaint.
5. Defendant admits that venue is proper.
6. Defendant lacks knowledge that Sadri is a resident of Clark County, Nevada, and lacks knowledge as to Sadri's status as a trustee of any trust, and therefore Defendant denies any such allegations; further, Defendant denies SLT is a legal owner of the Property.
7. Defendant lacks knowledge that the Koroghli's are residents of Clark County, Nevada, and lacks knowledge as to their status as trustees of any trust, and therefore Defendant denies any such allegations; further, Defendant denies KMT is a legal owner of the Property.
8. Defendant lacks knowledge regarding Zandian's residency status as he has maintained addresses all around the world, including in Nevada and California, and therefore denies the allegations regarding the same; Defendant admits that Zandian at one time had ownership interests in the Property but through the default judgment, Defendant now owns or is entitled to all of Zandian's rights to the Property, and Defendant denies the remaining allegations; Defendant admits that Zandian has used multiple aliases.
9. Defendant denies residing in Clark County, Nevada; Defendant admits he is the sole owner of Parcels 2, 4 and 8 of the Property pursuant to the Sheriff's deeds upon sale recorded against each parcel.

GENERAL ALLEGATIONS

10. Defendant admits that such a document (Number 2900592) appears to have been recorded with the Washoe County Recorder; Defendant lacks knowledge and therefore denies the remaining allegations contained in paragraph 10 of the complaint.
11. Defendant admits that such a document (Number 2900592) appears to have been recorded with the Washoe County Recorder; Defendant lacks knowledge and therefore denies the remaining allegations contained in paragraph 11 of the complaint.
12. Defendant admits that such a document (Number 2900593) appears to have been recorded with the Washoe County Recorder; Defendant lacks knowledge and therefore denies the remaining allegations contained in paragraph 12 of the complaint.
13. Defendant admits that such a civil action appears to have occurred; Defendant lacks knowledge and therefore denies the remaining allegations contained in paragraph 13 of the complaint.
14. Defendant lacks knowledge and therefore denies the allegations contained in paragraph 14 of the complaint.
15. Defendant admits this happened and adds that the *Judgment Confirming Arbitration Award* was recorded in Washoe County on June 22, 2007, Document #3547263.
16. Defendant lacks knowledge and therefore denies the allegations contained in paragraph 16 of the complaint.
17. Defendant lacks knowledge and therefore denies the allegations contained in paragraph 17 of the complaint.
18. Defendant lacks knowledge and therefore denies the allegations contained in paragraph 18 of the complaint.

BROWNSTEIN HYATT FARBER SCHRECK, LLP
5371 Kietzke Lane
Reno, NV 89511
775.324.4100

- 1 19. Defendant admits that such a document (Number 3758659) appears to have been recorded
- 2 with the Washoe County Recorder; Defendant lacks knowledge and therefore denies the
- 3 remaining allegations contained in paragraph 19 of the complaint.
- 4
- 5 20. Defendant admits the allegations contained in paragraph 20 of the complaint.
- 6
- 7 21. Defendant admits the allegations contained in paragraph 21 of the complaint.
- 8
- 9 22. Admit; however Defendant lacks knowledge if Plaintiffs assisted Zandian in that action
- 10 and therefore denies any such allegation.
- 11
- 12 23. Defendant denies the allegations contained in paragraph 23 of the complaint; the Default
- 13 Judgment was recorded in Washoe County, Document 4269631, recorded August 16,
- 14 2013.
- 15
- 16 24. Defendant denies the allegations contained in paragraph 24 of the complaint.
- 17
- 18 25. Defendant admits the allegations contained in paragraph 25 of the complaint.
- 19
- 20 26. Defendant admits the allegations contained in paragraph 26 of the complaint.
- 21
- 22 27. Defendant admits the allegations contained in paragraph 27 of the complaint.
- 23
- 24 28. Defendant admits the allegations contained in paragraph 28 of the complaint.
- 25
- 26 29. Defendant admits the allegations contained in paragraph 29 of the complaint.
- 27
- 28 30. Defendant admits the allegations contained in paragraph 30 of the complaint.
31. Defendant admits the allegations contained in paragraph 31 of the complaint.
32. Cannot admit or deny as it appears to be a statement of law.
33. Defendant denies the allegations contained in paragraph 33 of the complaint.
34. Defendant denies the allegations contained in paragraph 34 of the complaint.
35. Defendant denies the allegations contained in paragraph 35 of the complaint.
36. Defendant denies the allegations contained in paragraph 36 of the complaint.
37. Defendant denies the allegations contained in paragraph 37 of the complaint.

BROWNSTEIN HYATT FARBER SCHRECK, LLP
5371 Kietzke Lane
Reno, NV 89511
775.324.4100

1 38. Defendant denies the allegations contained in paragraph 38 of the complaint.

2 39. Defendant denies the allegations contained in paragraph 39 of the complaint.

3 40. Defendant denies the allegations contained in paragraph 40 of the complaint.

4 41. Cannot admit or deny as it appears to be a statement of law.

5 42. Defendant admits the allegations contained in paragraph 42 of the complaint.

6 43. Defendant denies the allegations contained in paragraph 43 of the complaint.

7 44. Defendant denies the allegations contained in paragraph 44 of the complaint.

8 45. Defendant denies the allegations contained in paragraph 45 of the complaint.

9 46. Defendant denies the allegations contained in paragraph 46 of the complaint.

10 47. Defendant denies the allegations contained in paragraph 47 of the complaint.

11
12 **FIRST CAUSE OF ACTION**
13 **(Quiet Title/Declaratory Relief Pursuant to 28 U.S.C. § 2201, NRS 30.010 et seq., and**
14 **NRS 40.010 et seq. versus all Defendants)**

15 48. Paragraph 48 is an incorporation paragraph that is neither admitted nor denied.

16 49. Defendant admits this Court has the power to declare the rights of Defendant to the
17 property in question; Defendant denies the remaining allegations.

18 50. Defendant denies the allegations of paragraph 50 of the complaint.

19 51. Defendant denies the allegations of paragraph 51 of the complaint.

20 52. Defendant denies the allegations of paragraph 52 of the complaint as Defendant's
21 ownership is not adverse to Plaintiffs' interest.

22 53. Defendant denies the allegations of paragraph 53 of the complaint.

23 54. Defendant denies the allegations of paragraph 54 of the complaint.

24 55. Defendant denies the allegations of paragraph 55 of the complaint.

25 56. Defendant denies the allegations of paragraph 56 of the complaint.

26 57. Defendant admits the issue is ripe for judicial determination.
27
28

1 58. Defendant denies the allegations of paragraph 58 of the complaint.

2 59. Defendant denies the allegations of paragraph 59 of the complaint.

3 60. Defendant denies the allegations of paragraph 60 of the complaint.

4 61. Defendant denies the allegations of paragraph 61 of the complaint.

5 62. Defendant denies the allegations of paragraph 62 of the complaint.

6
7 **SECOND CAUSE OF ACTION**
8 **(Permanent and Preliminary Injunction versus All Defendants)**

9 63. Paragraph 63 is an incorporation paragraph that is neither admitted nor denied.

10 64. Defendant denies the allegations of paragraph 64 of the complaint.

11 65. Defendant denies the allegations of paragraph 65 of the complaint.

12 66. Defendant denies the allegations of paragraph 66 of the complaint.

13 67. Defendant denies the allegations of paragraph 67 of the complaint.

14 68. Defendant denies the allegations of paragraph 68 of the complaint.

15 69. Defendant denies the allegations of paragraph 69 of the complaint.

16 70. Defendant denies the allegations of paragraph 70 of the complaint.

17
18 **THIRD CAUSE OF ACTION**
19 **(Unjust Enrichment versus All Defendants)**

20 71. Paragraph 71 is an incorporation paragraph that is neither admitted nor denied.

21 72. Defendant denies the allegations of paragraph 72 of the complaint.

22 73. Defendant denies the allegations of paragraph 73 of the complaint.

23 74. Defendant denies the allegations of paragraph 74 of the complaint.

24 75. Defendant denies the allegations of paragraph 75 of the complaint.

25 76. Defendant denies the allegations of paragraph 76 of the complaint.

26 77. Defendant denies the allegations of paragraph 77 of the complaint.

27 78. Defendant denies the allegations of paragraph 78 of the complaint.

1 **AFFIRMATIVE DEFENSES**

2 Defendant asserts the following affirmative defenses, reserving the right to assert
3 additional defenses when and if they become appropriate.

4 **First Affirmative Defense**

5 To the extent applicable, Defendant hereby incorporates by reference all affirmative
6 defenses set forth in Rule 8(c) of the Federal Rules of Civil Procedure, made applicable to this
7 Adversary Proceeding pursuant to Rule 7008 of the Federal Rules of Bankruptcy Procedure.

8 **Second Affirmative Defense**

9 The complaint fails to state a claim upon which relief can be granted.

10 **Third Affirmative Defense**

11 The complaint and its claim for relief therein, are barred by the doctrine of estoppel.

12 **Fourth Affirmative Defense**

13 Plaintiffs, by their own conduct or the conduct of their predecessors in interest, have
14 waived their claims asserted in the complaint.

15 **Fifth Affirmative Defense**

16 The causes of action in the complaint are barred, in whole or in part, because they are not
17 supported by the material facts necessary to establish the claims.

18 **Sixth Affirmative Defense**

19 Defendant reserves the right to amend its answer to correct and add defenses as further
20 information regarding the Plaintiffs' claims becomes available to it through the course of
21 discovery or otherwise.

22 WHEREFORE, Defendant, having answered the complaint, prays that the same be
23 dismissed and the Plaintiff take nothing thereby, and that Defendant be awarded reasonable costs
24 and attorney fees in defending the same as allowed by law. Further, Defendant prays for
25
26
27
28

1 judgment against Plaintiffs declaring Defendant as the sole title owner of the property in question.

2 DATED: June 29, 2017.

BROWNSTEIN HYATT FARBER SCHRECK, LLP

3
4 /s/ Adam P. McMillen

5 Adam P. McMillen, Esq.

6 Nevada Bar No. 10678

7 5371 Kietzke Lane

8 Reno, Nevada 89511

9 *Attorneys for Defendant Jed Margolin*

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
BROWNSTEIN HYATT FARBER SCHRECK, LLP
5371 Kietzke Lane
Reno, NV 89511
775.324.4100

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

Pursuant to Fed. R. Civ. P. 5(b), I certify that I am an employee of BROWNSTEIN HYATT FARBER SCHRECK, LLP, and on this 29th day of June, 2017, I served the document entitled **ANSWER AND AFFIRMATIVE DEFENSES OF JED MARGOLIN TO THE ADVERSARY COMPLAINT AND DEMAND FOR JURY TRIAL** on the parties listed below via the following:

Dana Jonathon Nitz, Esq.
Yanxiong Li, Esq.
7785 W. Sahara Ave., Suite 200
Las Vegas, NV 89117
Attorneys for *Plaintiffs*
Fred Sadri, as Trustee for The Star Living Trust, dated April 14, 1997; Ray Koroghli and Sathsowi T. Koroghli, as Managing Trustees for Koroghli Management Trust

VIA FIRST CLASS U.S. MAIL: by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail at Reno, Nevada for delivery to the foregoing.

/s/ Jeff Tillison
Employee of Brownstein Hyatt
Farber Schreck, LLP

15787330

BROWNSTEIN HYATT FARBER SCHRECK, LLP
5371 Kietzke Lane
Reno, NV 89511
775.324.4100