

Exhibit L

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IN THE FIRST JUDICIAL DISTRICT COURT
OF THE STATE OF NEVADA IN AND FOR
CARSON CITY

JED MARGOLIN, an individual,

Plaintiff,

vs.

OPTIMA TECHNOLOGY CORPORATION,
a California corporation, OPTIMA
TECHNOLOGY CORPORATION, a Nevada
corporation, REZA ZANDIAN aka
GOLAMREZA ZANDIANJAZI aka
GHOLAM REZA ZANDIAN aka REZA
JAZI aka J. REZA JAZI aka G. REZA JAZI
aka GHONOREZA ZANDIAN JAZI, an
individual, DOE Companies 1-10, DOE
Corporations 11-20, and DOE Individuals
21-30,

Defendants.

Case No. 09OC00579 1B

Dept. No. I

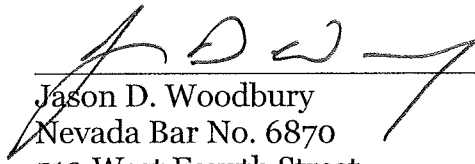
OPPOSITION TO MOTION FOR WRIT OF EXECUTION

COMES NOW, Defendant REZA ZANDIAN ("ZANDIAN"), by and through his attorneys, Kaempfer Crowell, and hereby opposes the *Motion for Writ of Execution* ("Motion") served by mail on April 2, 2014. This *Opposition* is made pursuant to FJDCR 15(3) and is based on the attached memorandum of points and authorities, all

1 papers and pleadings on file in this matter and any evidence received and arguments
2 entertained by the Court at any hearing on the *Motion*.

3 DATED this 21st day of April, 2014.

4 **KAEMPFER CROWELL**

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14 ***Attorneys for Reza Zandian***

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. Procedural Background**

3 On June 24, 2013, this Court entered default judgment in the amount of
4 \$1,495,775.74 in this case.¹ On April 2, 2014, Plaintiff served the instant *Motion*.
5 Attached to the *Motion* are two exhibits. The first, Exhibit 1, is a document entitled
6 “*First Memorandum of Post-Judgment Costs and Fees*.” The second, Exhibit 2, is
7 actually a series of documents each entitled “*Writ of Execution*” some of which purport
8 to be issued to the Sheriff of Washoe County and some of which purport to be issued to
9 the Constable of Clark County.

10 On April 9, 2014, ZANDIAN filed a *Motion to Retax and Settle Costs* (“*Motion to*
11 *Retax*”) in response to the *First Memorandum of Post-Judgment Costs and Fees*.² The
12 *Motion to Retax* is pending and has not been addressed at this time.

13 **II. Argument**

14 **A. This Court should deny Plaintiff’s *Motion* to issue the proposed**
15 ***Writs* because they include fees and costs which this Court has**
16 **not granted.**

17 The proposed *Writs* presented to this Court by Plaintiff include the following
18 amounts as “sums [which] have accrued since the entry of judgment.”³ Two of these
19 items, \$34,787.50 in attorney’s fees and \$1,022.59 in “accrued costs” reflect the costs

20 ¹ See *Default J.* at 2:19 – 3:3 (June 24, 2013). This Court’s *Default Judgment* reflects that the judgment
21 includes “damages, along with pre-judgment interest, attorney’s fees and costs.” *Id.* at 2:21-22. However,
22 the *Default Judgment* does not itemize the amount of each category and only reflects a lump sum of
23 \$1,495,775.74. Plaintiff’s proposed *Writ of Execution* does itemize these categories and sums as follows:
24 “\$900,000.00 principal,” “\$83,761.25 attorney’s fees”, “\$488,545.89 interest, and” “\$24,021.96 costs,
making a total amount of \$1,495,775.74”. *Exhibit 2 to Motion for Writ of Execution* at 2:1-5 (hereinafter
referred to as “proposed *Writs*”). Adding to the confusion, the sums of the categories listed in Plaintiff’s
proposed writs do not equal what is reported as the “total amount.” (\$900,000 + \$83,761.25 +
\$488,545.89 + \$24,021.96 = \$1,497,329.10 not \$1,495,775.74). Plaintiff, however, offers no explanation
for the discrepancy between the categories and total and, to date, has made no effort to correct any error.
For this reason alone, this Court should deny the *Motion* and require clarification by Plaintiff. A writ of
execution must be precise.

² See *Motion to Retax and Settle Costs* (April 9, 2014).

1 and fees requested in the *First Memorandum of Post-Judgment Costs and Fees*. Those
2 fees and costs are disputed and this Court has yet to resolve any dispute as to their
3 amount. Indeed, there is significant doubt that Plaintiff has any legal basis to recover
4 post-judgment fees in this case. In any event, however, the proposed *Writs* do not
5 accurately reflect the previous orders of this Court and should be rejected.

6 More egregious, Plaintiff's proposed *Writs* reflect a higher sum than this Court
7 has actually awarded—even assuming the adoption of the *First Memorandum of Post-*
8 *Judgment Costs and Fees*. The proposed *Writs* would have this Court authorize
9 execution for the total sum of \$1,592,091.22.⁴ One would assume that this sum consists
10 of the amount previously awarded by this Court, \$1,495,775.74, added to the sum
11 requested in the *First Memorandum of Post-Judgment Costs and Fees*, \$93,315.40.
12 However, those two figures add up to 1,589,091.14, \$3,000.08 less than the sum
13 reflected in the proposed *Writs*. No explanation for this is provided in the *Motion*.
14 Simply, the proposed *Writs* are erroneous on their face and this Court should decline
15 their issuance.

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³ Proposed *Writs* at 2:7.

⁴ Proposed *Writs* at 2:17-19.

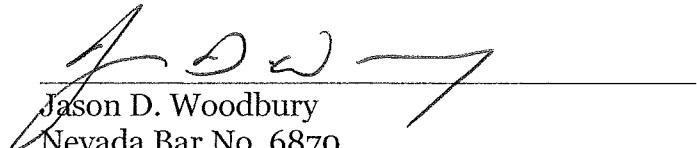
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III. Conclusion

For all these reasons explained herein, it is respectfully requested that this Court deny the *Motion*.

DATED this 21st day of April, 2014.

KAEMPFER CROWELL



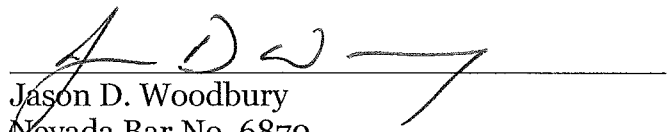
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AFFIRMATION pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding document does not contain the social security number of any person.

DATED this 21st day of April, 2014.

KAEMPFER CROWELL



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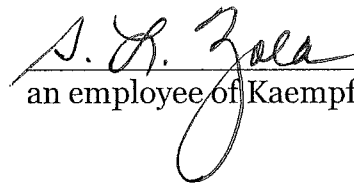
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CERTIFICATE OF SERVICE

Pursuant to NRCF 5(b), I hereby certify that service of the foregoing
OPPOSITION TO MOTION FOR WRIT OF EXECUTION was made this date by
depositing a true copy of the same for mailing at Carson City, Nevada, addressed to each
of the following:

Matthew D. Francis
Adam P. McMillen
WATSON ROUNDS
5371 Kietzke Lane
Reno, NV 89511

DATED this 21st day of April, 2014.



an employee of Kaempfer Crowell