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1 Zandian resides in San Diego, California or Las Vegas, Nevada. *Id.* at ¶ 4. Although Margolin
2 alleged that Zandian resides in Las Vegas or San Diego, Margolin did not attempt service on Zandian
3 in said places of alleged residence, but instead attempted service on Zandian in an entirely different
4 city, Fair Oaks, California. Exhibit "D". Accordingly, Zandian was never served in this case either.

5 In the Nevada Complaint, paragraph 17, Margolin alleges to have filed a cross-claim for
6 declaratory relief against Zandian in the U.S. District Court action. *Id.* In Paragraph 18 of the
7 Complaint, Margolin alleges that an entry of a judgment in favor of Margolin was entered in that
8 action. *Id.* The judgment, however, was not against Zandian. See Exhibits "A" & "B". A copy of
9 the order is attached to the Nevada Complaint, and it does not name Zandian as a defendant against
10 whom any rights were formulated. Exhibit "B".

11 In the Nevada Complaint, Margolin wrongfully and fraudulently states that Zandian was a
12 resident of Nevada, that he was sued in Arizona before the U.S. District Court, that a judgment was
13 entered there against him and that the Nevada Complaint is filed in an attempt to domesticate the
14 U.S. District Court judgment issued in Arizona. See Exhibits "A" through "C". Thus, Margolin
15 attached to the Nevada Complaint the only evidence necessary to determine whether Margolin
16 committed a fraud upon the court by naming Zandian in the Carson City action. *Id.*

17 Zandian hereby alleges that in addition to his residency, which was at all times in California,
18 there is no judgment in existence against Zandian filed in Arizona. *Id.* He was not served with a
19 summons and complaint in the U.S. District Court case, a summons and complaint in the instant
20 action, he was not served with a 3-Day Notice of Intent to Take Default Judgment in the instant
21 action, nor was he served with the Notice of Entry of Default filed on December 2, 2010 in the
22 instant action. *Id.* The Application for Default Judgments against the defendants named in the
23 Nevada Complaint was served by mail upon John Peter Lee, Ltd., although John Peter Lee, Ltd., did
24 not appear in the Carson City proceeding. Neither did Zandian.

25 In support of the Default Judgment, Margolin, the Plaintiff, filed Points and Authorities, but
26 did not indicate the basis for the enforcement of a judgment by default against Zandian. Again,
27 Zandian was not served with a copy of the Nevada Complaint or the U.S. District Court complaint
28 which forms the basis for the Nevada Complaint. *Id.*