

ORIGINAL

Case No. 09 0C 00579 1B

Dept. No. I

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2012 SEP 24 PM 1:32  
ALAN GLOVER  
BY [Signature] CLERK  
DEPUTY

In The First Judicial District Court of the State of Nevada  
In and for Carson City

JED MARGOLIN, an individual,  
Plaintiff,

vs.

DEFAULT

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 GHONONREZA  
ZANDIAN JAZI, an individual, DOE Companies  
1-10, DOE Corporations 11-20, and DOE  
Individuals 21-30,

Defendants.

On March 14, 2012, Defendants Optima Technology Corporation, a California corporation, and Optima Technology Corporation, a Nevada corporation, both filed a "General Denial" in this action. On June 28, 2012, this Court entered an Order granting Plaintiff's Motion to Compel Appearance of Counsel for Optima Technology Corporations, or in the Alternative, Motion to Strike General Denial of Optima Technology Corporations. A true and correct copy of said Order is attached hereto as Exhibit 1. Because there has been no appearance of counsel for the Optima Technology Corporations, as ordered, the Optima Technology Corporations' General Denial is stricken, and the Optima Technology Corporations are in default for failure to plead or otherwise defend as required by law.



# Exhibit 1

# Exhibit 1

1 Case No. 09 OC 00579 1B

2 Dept. No. I

REC'D & FILED

2012 JUN 28 AM 11:13

ALAN GLOVER  
BY *Alan Glover* CLERK  
DEPUTY

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5 In The First Judicial District Court of the State of Nevada

6 In and for Carson City

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9 Plaintiff,

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15 aka GOLAMREZA ZANDIANJAZI  
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19 ZANDIAN JAZI, an individual, DOE Companies  
20 1-10, DOE Corporations 11-20, and DOE  
21 Individuals 21-30,

22 Defendants.

**ORDER GRANTING PLAINTIFF'S  
MOTION TO COMPEL  
APPEARANCE OF COUNSEL FOR  
OPTIMA TECHNOLOGY  
CORPORATIONS, OR IN THE  
ALTERNATIVE, MOTION TO  
STRIKE GENERAL DENIAL OF  
OPTIMA TECHNOLOGY  
CORPORATIONS**

23 This matter comes before the Court on Plaintiff Jed Margolin's motion for an order  
24 compelling Defendants Optima Technology Corporation, a California corporation, and Optima  
25 Technology Corporation, a Nevada corporation (collectively "Optima Technology  
26 Corporations") to retain legal counsel, or, in the alternative, to strike the General Denial of those  
27 Corporations filed on March 13, 2012.

28 Upon consideration of the foregoing documents, and the Court deeming itself fully  
advised of the matter, the Court hereby enters its Order Granting Plaintiff's Motion and finds  
and orders as follows:

Plaintiff filed the Complaint in this action on December 11, 2009. After extensive  
briefing regarding service on Defendants concluded, and after the Court denied Defendants'

1 Motions to Dismiss, Defendants served two “General Denials.” The first General Denial was  
2 served on March 5, 2012 on behalf of the individual Reza Zandian aka Golamreza Zandianjazi  
3 aka Gholam Reza Zandian aka Reza Jazi aka J. Reza Jazi aka G. Reza Jazi aka Ghononreza  
4 Zandian Jazi. The second General Denial was served on March 13, 2012 on behalf of the  
5 Optima Technology Corporations.

6 On March 13, 2012, Defense counsel moved to withdraw from representing all of the  
7 individual and corporate Defendants in this action. On March 16, 2012, Plaintiff filed a non-  
8 opposition to Defense counsel’s Motion to Withdraw and on April 26, 2012, this Court granted  
9 Defense counsel’s Motion to Withdraw. No appearance of counsel has been entered for any of  
10 the Defendants as of this date.

11 NRS 7.285 provides that “[n]o person shall practice law in this state unless he is an  
12 active member of the State Bar of Nevada pursuant to the rules of the supreme court.” The  
13 statute further provides that any person who practices law who is not an active member of the  
14 State Bar of Nevada is guilty of a misdemeanor. SCR 77 provides that, with certain  
15 inapplicable exceptions, no person may practice law as an officer of the courts in this state  
16 who is not an active member of the state bar. Nevada case law is clear on this issue as well.  
17 *See State v. Stu's Bail Bonds*, 115 Nev. 436, n. 1, 991 P.2d 469, 470 n. 1 (1999) (“business  
18 entities are not permitted to appear, or file documents, in proper person”); *Salman v.*  
19 *Newell*, 110 Nev. 1333, 1336, 885 P. 2d 607, 608 (1994) (observing that no statute or rule  
20 permits a non-lawyer to represent an entity and concluding that an entity cannot proceed in  
21 proper person); *Sunde v. Contel of California*, 112 Nev. 541, 542–43, 915 P.2d 298, 299  
22 (1996) (explaining that non-lawyers may not represent entities in court).

23 In addition, courts may strike pleadings when a corporation has failed to retain counsel.  
24 *See Trustees of Operating Engineers Pension Trust v. O'Donnell*, 2007 WL 672528, \*2 (D.  
25 Nev. 2007) (granting motion to compel and alternative motion to strike answer) (citations  
26 omitted).

27 In light of the foregoing, the Court finds that the Optima Technology Corporations  
28 cannot defend, prosecute, or participate in this action without counsel licensed in the State of

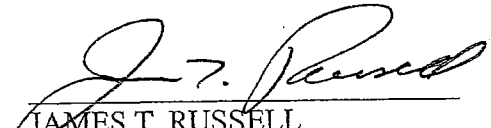
1 Nevada. In Plaintiff's Motion, Plaintiff requested that the Optima Technology Corporations be  
2 ordered to retain legal counsel no later than June 15, 2012. Plaintiff also requested that the  
3 March 13, 2012 General Denial filed by the Optima Technology Corporations be stricken if the  
4 Optima Technology Corporations did not retain new counsel by June 15, 2012. Pursuant to the  
5 above findings, the Court further finds that Plaintiff's requests should be granted with the  
6 Optima Technology Corporations now being given until July 15, 2012 to retain counsel or their  
7 General Denial will be stricken.

8           THEREFORE, Plaintiff Jed Margolin's Motion to Compel Appearance of Counsel for  
9 the Optima Technology Corporations or in the Alternative Motion to Strike the General Denial  
10 of the Optima Technology Corporations is GRANTED as follows:

11           IT IS HEREBY ORDERED that the Optima Technology Corporations must retain  
12 counsel and that counsel must enter an appearance in this matter on behalf of the Optima  
13 Technology Corporations by July 15, 2012.

14           IT IS FURTHER ORDERED that if no appearance is entered on behalf of the Optima  
15 Technology Corporations by July 15, 2012, the Optima Technology Corporations' General  
16 Denial, filed on March 13, 2012, shall be stricken.

17 Dated this 28<sup>th</sup> day of June 2012.

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20 JAMES T. RUSSELL  
21 DISTRICT COURT JUDGE  
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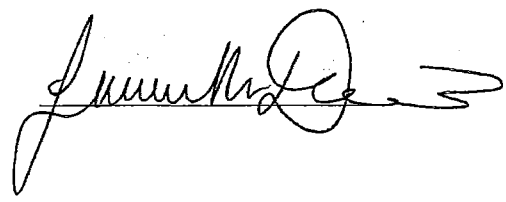
CERTIFICATE OF SERVICE

I hereby certify that on the 29 day of June, 2012, I placed a copy of the foregoing

Order in the United States Mail, postage prepaid, addressed as follows:

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

Reza Zandian  
8775 Costa Verde Blvd. Apt #501  
San Diego, CA 82122



ORIGINAL

1 Matthew D. Francis (6978)  
Adam P. McMillen (10678)  
2 WATSON ROUNDS  
5371 Kietzke Lane  
3 Reno, NV 89511  
Telephone: 775-324-4100  
4 Facsimile: 775-333-8171  
*Attorneys for Plaintiff Jed Margolin*

REC'D & FILED  
2012 SEP 27 PM 1:00  
JED MARGOLIN  
BY *[Signature]*  
DEPUTY

7 **In The First Judicial District Court of the State of Nevada**  
8 **In and for Carson City**

10 **JED MARGOLIN, an individual,**

11 **Plaintiff,**

12 **vs.**

13 **OPTIMA TECHNOLOGY CORPORATION,**  
14 **a California corporation, OPTIMA**  
**TECHNOLOGY CORPORATION, a Nevada**  
15 **corporation, REZA ZANDIAN**  
16 **aka GOLAMREZA ZANDIANJAZI**  
17 **aka GHOLAM REZA ZANDIAN**  
**aka REZA JAZI aka J. REZA JAZI**  
18 **aka G. REZA JAZI aka GHONONREZA**  
**ZANDIAN JAZI, an individual, DOE**  
19 **Companies 1-10, DOE Corporations 11-20,**  
**and DOE Individuals 21-30,**

20 **Defendants.**

Case No.: 090C00579 1B

Dept. No.: 1

**NOTICE OF ENTRY OF DEFAULT**

23 To all parties:

24 Please take notice that the Default as to Optima Technology Corporation, a California  
25 corporation, and Optima Technology Corporation, a Nevada corporation, attached hereto as  
26 Exhibit 1 was filed in the above-titled Court on September 24, 2012.

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**Affirmation Pursuant to NRS 239B.030**

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The undersigned does hereby affirm that the preceding document does not contain the

4

social security number of any person.

5

DATED: September 26, 2012

WATSON ROUNDS

6

7

By: /s/ Adam P. McMillen

8

Matthew D. Francis

9

Adam P. McMillen

10

Watson Rounds

11

5371 Kietzke Lane

12

Reno, NV 89511

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Attorneys for Plaintiff Jed Margolin

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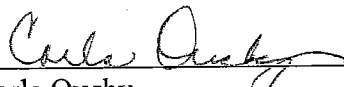
CERTIFICATE OF SERVICE

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Pursuant to NRCP 5(b), I certify that I am an employee of Watson Rounds, and that on this date, I deposited for mailing, in a sealed envelope, with first-class postage prepaid, a true and correct copy of the foregoing document, **Notice of Entry of Default**, addressed as follows:

Reza Zandian  
8775 Costa Verde Blvd.  
San Diego, CA 82122

Dated: September 26, 2012

  
\_\_\_\_\_  
Carla Ousby

# Exhibit 1 Default

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26 corporation, and Optima Technology Corporation, a Nevada corporation, both filed a  
27 "General Denial" in this action. On June 28, 2012, this Court entered an Order granting  
28 Plaintiff's Motion to Compel Appearance of Counsel for Optima Technology Corporations,  
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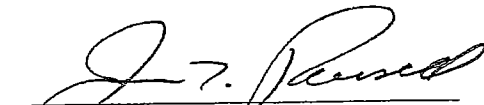
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5 above findings, the Court further finds that Plaintiff's requests should be granted with the  
6 Optima Technology Corporations now being given until July 15, 2012 to retain counsel or their  
7 General Denial will be stricken.

8 THEREFORE, Plaintiff Jed Margolin's Motion to Compel Appearance of Counsel for  
9 the Optima Technology Corporations or in the Alternative Motion to Strike the General Denial  
10 of the Optima Technology Corporations is GRANTED as follows:

11 IT IS HEREBY ORDERED that the Optima Technology Corporations must retain  
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14 IT IS FURTHER ORDERED that if no appearance is entered on behalf of the Optima  
15 Technology Corporations by July 15, 2012, the Optima Technology Corporations' General  
16 Denial, filed on March 13, 2012, shall be stricken.

17 Dated this 28<sup>th</sup> day of June 2012.

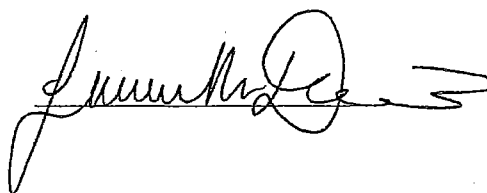
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20 JAMES T. RUSSELL  
21 DISTRICT COURT JUDGE  
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Adam P. McMillen, Esq.  
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Telephone: 775-324-4100  
4 Facsimile: 775-333-8171  
*Attorneys for Plaintiff Jed Margolin*

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2012 OCT 31 PM 1:42  
ALAN GLOVER  
*Alan Glover*  
DEPUTY

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**1-10, DOE Corporations 11-20, and DOE**  
**Individuals 21-30,**

21 **Defendants.**

**Case No.: 090C00579 1B**

**Dept. No.: 1**

**DEFAULT JUDGMENT**

22 WHEREAS Plaintiff filed the Amended Complaint in this action on August 11, 2011.  
23 After extensive briefing regarding service on Defendants Optima Technology Corporation, a  
24 Nevada corporation, and Optima Technology Corporation, a California corporation (together  
25 the "Defendants"), and after the Court denied Defendants' Motion to Dismiss, Defendants  
26 served and filed a General Denial in response to the Amended Complaint. The General Denial  
27 was served on March 13, 2012 on behalf of the Defendants.

28 WHEREAS on March 13, 2012, Defense counsel moved to withdraw from  
representing all of the individual and corporate Defendants in this action. On March 16, 2012,

1 Plaintiff filed a non-opposition to Defense counsel's Motion to Withdraw, and on April 26,  
2 2012, this Court granted Defense counsel's Motion to Withdraw.

3 WHEREAS on May 15, 2012, Plaintiff moved this Court for an order compelling the  
4 appearance of counsel for the Defendants or in the alternative an order striking the General  
5 Denial of the Defendants. The Defendants did not respond to the motion. On June 28, 2012,  
6 this Court ordered that the Defendants retain counsel and that counsel enter an appearance in  
7 this matter on behalf of the Defendants by July 15, 2012. This Court also ordered that if no  
8 appearance was made by that date the General Denial would be stricken.

9 WHEREAS since no appearance was made on behalf of the Defendants, Plaintiff filed  
10 an application for entry of default on September 14, 2012. On September 24, 2012, this Court  
11 entered a default against the Defendants. The notice of entry of default was served on  
12 September 26, 2012, and filed on September 27, 2012. Now Plaintiff seeks entry of a default  
13 judgment against Defendants.

14 WHEREAS Defendants are not infants or incompetent persons and are not in the  
15 military service of the United States as defined by 50 U.S.C. Appx § 521.

16 WHEREAS the allegations in Plaintiff's Amended Complaint warrant entry of final  
17 judgment against Defendants Optima Technology Corporation, a Nevada corporation, and  
18 Optima Technology Corporation, a California corporation, for conversion, tortious  
19 interference with contract, intentional interference with prospective economic advantage,  
20 unjust enrichment, and unfair and deceptive trade practices.

21 WHEREAS Defendants Optima Technology Corporation, a Nevada corporation, and  
22 Optima Technology Corporation, a California corporation, are jointly and severally liable to  
23 Plaintiff for the principal amount of \$1,286,552.46.

24 THEREFORE, Judgment is hereby entered for Plaintiff and against Defendants Optima  
25 Technology Corporation, a Nevada corporation, and Optima Technology Corporation, a  
26 California corporation, for damages, along with pre-judgment interest, attorney's fees and  
27 costs in the amount of \$1,286,552.46, plus interest at the legal rate, pursuant to NRS 17.130,  
28 thereon from the date of default until the judgment is satisfied.

1 JUDGMENT is hereby entered against Defendants Optima Technology Corporation, a  
2 Nevada corporation, and Optima Technology Corporation, a California corporation, in favor of  
3 Plaintiff this 31st day of October, 2012.

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6 DISTRICT COURT JUDGE  
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