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

Defendants.

Case No.: 090C00579 1B

Dept. No.: 1

**DECLARATION OF ADAM P.
MCMILLEN IN SUPPORT OF
PLAINTIFF'S MOTION FOR
SANCTIONS UNDER NRCP 37**

I, Adam P. McMillen, do hereby declare and state as follows:

1. I am a lawyer at the law firm of Watson Rounds located at 5371 Kietzke Lane, Reno, Nevada 89511. This declaration is based upon my personal knowledge, and is made in support of Plaintiff's Motion for Sanctions Under NRCP 37 and the Memorandum of Points and Authorities in Support Thereof.

2. On July 16, 2012, JED MARGOLIN ("Margolin") served Defendant REZA ZANDIAN aka GOLAMREZA ZANDIANJAZI aka GHOLAM REZA ZANDIAN aka REZA JAZI aka J. REZA JAZI aka G. REZA JAZI aka GHONONREZA ZANDIAN JAZI's

1 (“Zandian”) with Margolin’s First Set of Interrogatories to Zandian as well as Margolin’s First
2 Set of Requests for Production to Margolin. A true and correct copy of Margolin’s First Set of
3 Interrogatories to Zandian is attached hereto as Exhibit 1, and a true and correct copy of
4 Margolin’s First Set of Requests for Production to Zandian is attached hereto as Exhibit 2.
5 Pursuant to NRC 33 and 34, responses to these discovery requests, as well as responsive
6 documents, were due on August 20, 2012. No responses or documents were served on that date
7 or thereafter.

8 4. Also on July 16, 2012, Margolin served Zandian with Margolin’s First Set of
9 Requests for Admissions. A true and correct copy of the First Set of Requests for Admissions is
10 attached hereto as Exhibit 3. Pursuant to NRC 36, responses to these Requests for Admissions
11 were due on August 20, 2012. No responses were served on that date or thereafter.

12 5. On September 10, 2012, Margolin emailed and faxed Zandian a meet and confer
13 letter demanding that Zandian serve responses and documents to the aforementioned discovery
14 (and other discovery) no later than September 17, 2012. A true and correct copy of this letter is
15 attached hereto as Exhibit 4. In the September 10, 2012 letter, Margolin demanded that Zandian
16 “respond, without objection, to the requests for admissions, the requests to produce documents
17 (including the actual production of documents), and the interrogatories no later than September
18 17, 2012.” Exhibit 4. Margolin stated that if Zandian failed to comply with this request,
19 Margolin would file a motion to compel with this Court. *Id.* Margolin also stated that since
20 Margolin did not respond to Margolin’s First Set of Requests for Admissions, those admissions
21 were (and are) deemed admitted. *Id.* Zandian has not served responses or documents pursuant to
22 the aforementioned discovery requests, nor has he responded to the September 10, 2012 letter.

23 *Id.*

24 6. I certify that I have in good faith corresponded with Zandian in an effort to
25 resolve this discovery dispute without court intervention. However, my sincere efforts to resolve
26 the dispute have been unsuccessful.

27 I declare under penalty of perjury that the foregoing is true and correct to the best of my
28 knowledge.