

1 **I. The Default Judgment Should Be Upheld Because Zandian Maintained His**
2 **San Diego Address And Knew About This Matter After His Counsel**
3 **Withdrew And Continued To Receive Notice Of This Matter**

4 “Default judgment will be upheld where the normal adversary process has been halted
5 due to an unresponsive party, because diligent parties are entitled to be protected against
6 interminable delay and uncertainty as to their legal rights.” *Skeen v. Valley Bank of Nevada*,
7 89 Nev. 301, 303, 511 P.2d 1053, 1054 (1973); *see also Hamlett v. Reynolds*, 114 Nev. 863,
8 865, 963 P.2d 457, 458 (1998) (same).

9 After filing several motions to dismiss and to set aside the prior default judgment and
10 after filing a general denial to the amended complaint, Zandian’s counsel, John Peter Lee,
11 withdrew from his representation of Zandian. When Mr. Lee filed his motion to withdraw he
12 provided a last known address for his client: 8775 Costa Verde Blvd, San Diego, CA. Without
13 providing an affidavit or any evidence, Zandian now argues that the address Mr. Lee provided
14 to the Court was incorrect. However, the address Mr. Lee provided to the Court is the same
15 address Mr. Lee provided to the Nevada Supreme Court in another unrelated matter in another
16 motion to withdraw. *See* Notice of Withdrawal, Amended Certificate of Mailing and Motion
17 to Withdraw, dated 2/22/13 and 2/13/13, respectively, attached hereto as Exhibit 1.

18 Also, the evidence overwhelmingly demonstrates Zandian maintained the same address
19 John Peter Lee provided to the Court, even after Zandian allegedly moved to France in August
20 2011, and the evidence similarly demonstrates Zandian continued to live in the United States,
21 not France. *See* Exhibit 2 (check from Golden Enterprises to Zandian at 8775 Costa Verde
22 Blvd, San Diego, CA, dated 10/31/12 and endorsed by Zandian); Exhibit 3 (check from
23 Golden Enterprises to Zandian at 8775 Costa Verde Blvd, San Diego, CA, dated 1/30/13 and
24 endorsed by Zandian); Exhibit 4 (Wells Fargo withdrawal slip filled out and signed by
25 Zandian, dated 2/20/13 (Wells Fargo does not have any branches in France)); Exhibit 5 (check
26 from and signed by Zandian to John Peter Lee, dated 1/13/12, with 8775 Costa Verde Blvd,
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IN THE SUPREME COURT OF THE STATE OF NEVADA

GHOLAMREZA ZANDIAN JAZI, also known as REZA ZANDIAN, individually,

No. 61694

Plaintiff,

Electronically Filed
Feb 22 2013 03:49 p.m.
Tracie K. Lindeman
Clerk of Supreme Court

v.

FIRST AMERICAN TITLE COMPANY, a Nevada business entity; JOHNSON SPRING WATER COMPANY, LLC, formerly known as BIG SPRING RANCH, LLC, a Nevada Limited Liability Company, FRED SADRI, Trustee of the Star Living Trust, RAY KOROGHLI, individually, and ELIAS ABRISHAMI, individually,

Defendants.

AND ALL RELATED COUNTERCLAIMS AND THIRD-PARTY CLAIMS

1334.024072-1d

NOTICE OF WITHDRAWAL OF JOHN PETER LEE, LTD'S MOTION TO WITHDRAW FROM REPRESENTATION OF APPELLANT GHOLAMREZA ZANDIAN JAZI also known as REZA ZANDIAN

Please take notice that JOHN PETER LEE, LTD hereby withdraws its Motion to Withdraw from Representation of Appellant Gholamreza Zandian Jazi also known as Reza Zandian.

DATED this ___ day of February, 2013.

JOHN PETER LEE, LTD.

BY: 

JOHN PETER LEE, ESQ.
Nevada Bar No. 001768
830 Las Vegas Boulevard South
Las Vegas, Nevada 89101
Ph: (702) 382-4044/Fax: (702) 383-9950
Attorneys for Appellant

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CERTIFICATE OF MAILING

I hereby certify that on the 22 day of February, 2013, I caused to be served a true and correct copy of the foregoing JOHN PETER LEE, LTD.'S MOTION TO WITHDRAW FROM REPRESENTATION OF APPELLANT GHOLAMREZA ZANDIAN JAZI also known as REZA ZANDIAN on the following person(s) by the following method(s) pursuant to NRCP 5(b):

Stanley W. Parry
100 North City Parkway, Ste. 1750
Las Vegas, Nevada 89106


Elias Abrishami
P.O. Box 10476
Beverly Hills, California 90213

Ryan E. Johnson, Esq.
Watson & Rounds
10000 W. Charleston Blvd. Ste. 240
Las Vegas, Nevada 89135

Reza Zandian
8775 Costa Verde Blvd.
San Diego, California 92122

By placing a true and correct copy of the above-mentioned document(s) in a sealed envelope, first class postage fully pre-paid, in the United States mail;

By facsimile transmission only, pursuant to the amendment to the Eighth Judicial District Court Rule 7.26, by faxing a true and correct copy of the same to each at the facsimile number(s) indicated above.


An employee of
JOHN PETER LEE, LTD.

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IN THE SUPREME COURT OF THE STATE OF NEVADA

GHOLAMREZA ZANDIAN JAZI, also
known as REZA ZANDIAN, individually,

Plaintiff,

v.

FIRST AMERICAN TITLE COMPANY, a
Nevada business entity; JOHNSON SPRING
WATER COMPANY, LLC, formerly known
as BIG SPRING RANCH, LLC, a Nevada
Limited Liability Company, FRED SADRI,
Trustee of the Star Living Trust, RAY
KOROGHLI, individually, and ELIAS
ABRISHAMI, individually,

Defendants.

No. 61694

Electronically Filed
Feb 14 2013 08:51 a.m.
Tracie K. Lindeman
Clerk of Supreme Court

AND ALL RELATED COUNTERCLAIMS
AND THIRD-PARTY CLAIMS

1334.024072-4d

AMENDED CERTIFICATE OF MAILING

I hereby certify that on the 13 day of February, 2013, I caused to be served a true and correct copy of the foregoing JOHN PETER LEE, LTD.'S MOTION TO WITHDRAW FROM REPRESENTATION OF APPELLANT GHOLAMREZA ZANDIAN JAZI also known as REZA ZANDIAN on the following person(s) by the following method(s) pursuant to NRCP 5(b):

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Las Vegas, Nevada 89135

Reza Zandian
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An employee of
JOHN PETER LEE, LTD.

1 IN THE SUPREME COURT OF THE STATE OF NEVADA

2 GHOLAMREZA ZANDIAN JAZI, also
3 known as REZA ZANDIAN, individually,

4 Plaintiff,

5 v.

6 FIRST AMERICAN TITLE COMPANY, a
7 Nevada business entity; JOHNSON SPRING
8 WATER COMPANY, LLC, formerly known
9 as BIG SPRING RANCH, LLC, a Nevada
10 Limited Liability Company, FRED SADRI,
11 Trustee of the Star Living Trust, RAY
12 KOROGHLI, individually, and ELIAS
13 ABRISHAMI, individually,

14 Defendants.

15 AND ALL RELATED COUNTERCLAIMS
16 AND THIRD-PARTY CLAIMS

17 1334.024072-td

18 COMES NOW, the law firm of JOHN PETER LEE, LTD., (the Firm) and moves this
19 Honorable Court for an Order to Withdraw from Representation of Appellant GHOLAMREZA
20 ZANDIAN JAZI also known as REZA ZANDIAN.

21 This Motion is made pursuant to EDCR 7.40(b)(2). This Motion is based upon the following
22 Points and Authorities, all pleadings and papers on file herein, and the Affidavit of counsel attached
23 hereto.

24 DECLARATION OF COUNSEL IN SUPPORT OF JOHN PETER LEE, LTD.'S
25 MOTION TO WITHDRAW FROM REPRESENTATION OF APPELLANT
26 GHOLAMREZA ZANDIAN JAZI also known as REZA ZANDIAN

27 STATE OF NEVADA)
28 COUNTY OF CLARK) ss:

JOHN PETER LEE, ESQ., states the following under the penalty of perjury:

1. Declarant has personal knowledge of the matters stated herein, except as to those matters stated upon information and belief, and as to such matters, believes such matters to be true and is competent to testify to the same. Declarant is an attorney licensed to practice law in Nevada and is an attorney with the law firm of John Peter Lee, Ltd., which represents Appellant GHOLAMREZA ZANDIAN JAZI also known as REZA ZANDIAN.

No. 61694

JOHN PETER LEE, LTD.'S MOTION TO
WITHDRAW FROM REPRESENTATION
OF APPELLANT GHOLAMREZA
ZANDIAN JAZI also known as REZA
ZANDIAN
Clerk of Supreme Court

1 2. The law firm of John Peter Lee, Ltd., and all of its attorneys, hereby seek to withdraw
2 as attorneys of record for Appellant GHOLAMREZA ZANDIAN JAZI also known as REZA
3 ZANDIAN. Declarant files JOHN PETER LEE, LTD.'S MOTION TO WITHDRAW FROM
4 REPRESENTATION OF APPELLANT GHOLAMREZA ZANDIAN JAZI also known as REZA
5 ZANDIAN.

6 3. To the best of Declarant's knowledge and belief the last known address and telephone
7 number at which Plaintiffs may be served or reached with notice of further proceedings taken in this
8 action is:

9 Reza Zandian
10 8775 Costa Verde Blvd.
11 San Diego, California 92122

12 4. The primary reason for requesting withdrawal is that the clients lack of
13 communication with our office.

14 5. There are also other reasons that the instant motion to withdraw as counsel is made;
15 however, Declarant does not wish to state said other reasons unless specifically compelled by the
16 Court, particularly because Declarant does not wish to reveal any more attorney-client privileged
17 information than that which is absolutely necessary in order for the Court to grant the instant motion
18 for withdrawal as counsel.

19 6. This Declaration is made in good faith.

20 FURTHERMORE, Declarant sayeth naught

21 
22 _____
23 JOHN PETER LEE, ESQ.

24 **POINTS AND AUTHORITIES**

25 Pursuant to EDCR 7.40(b)(2)(ii), Counsel in any case may be changed only ... (2) When no
26 attorney has been retained to replace the attorney withdrawing, by order of the court, granted upon
27 written motion, and
28

(1) If the application is made by the attorney, the attorney must
include in an affidavit the address, or last known address, at which
the client may be served with notice of further proceedings taken in
the case in the event the application for withdrawal is granted, and the
telephone number, or last known telephone number, at which the

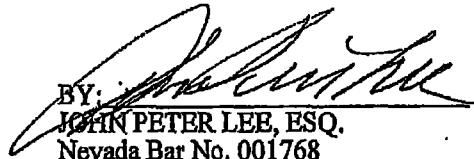
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client may be reached and the attorney must serve a copy of the application upon the client and all other parties to the action or their attorneys.

Pursuant to the above statutes and case law, John Peter Lee, Ltd. requests this Court for leave to withdraw as counsel for Appellant GHOLAMREZA ZANDIAN JAZI also known as REZA ZANDIAN as the Firm has complied with the requirements of the local rule for withdrawal, as attached and incorporated herein in the Declarant of counsel, John Peter Lee, Esq., setting forth the grounds for the Firm's Motion.

DATED this 13 day of February, 2013.

JOHN PETER LEE, LTD.

BY: 

JOHN PETER LEE, ESQ.
Nevada Bar No. 001768
830 Las Vegas Boulevard South
Las Vegas, Nevada 89101
Ph: (702) 382-4044/Fax: (702) 383-9950
Attorneys for Appellant

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