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1 **B. Defendant Zandian Has Demonstrated Excusable Neglect Under NRCP 60(b)**

2 In his Opposition, Plaintiff states “the evidence overwhelmingly demonstrates Zandian
3 maintained the same address John Peter Lee provided to the Court, even after Zandian allegedly
4 moved to France in August 2011, and the evidence similarly demonstrates Zandian continued to live
5 in the United States, not France.” The evidence Plaintiff is referring to consists of the following:
6 checks made payable to “Reza Zandian & Niloofar Foughani JT Ten, 8775 Costa Verde Blvd Apt
7 217, San Diego, CA 92122”; a Wells Fargo withdrawal slip dated February 20, 2013; various Wells
8 Fargo checks signed by Defendant Zandian with the 8775 Costa Verde Blvd, San Diego, CA
9 address printed on the checks; Defendant Zandian’s Wells Fargo bank statements with the San
10 Diego address printed on the bank statements; and Visa statements showing purchases made in
11 California in September of 2011 and March of 2013.

12 Contrary to the assertions made in Plaintiff’s Opposition, the aforementioned evidence
13 completely fails to prove that Zandian maintained the 8775 Costa Verde Blvd, San Diego, CA
14 address after he moved to France in August 2011. As represented in Defendant Zandian’s
15 Affidavit, attached hereto as **Exhibit A** and incorporated herein, Defendant Zandian has resided in
16 Paris, France since August 2011 and has not resided at 8775 Costa Verde Blvd., San Diego, CA
17 92122 since August 2011. The fact that the San Diego address appears on checks made payable to
18 Defendant Zandian and/or issued by Defendant Zandian does not indicate that he continued to
19 reside at said address after August 2011. In fact, it is quite common for a business to have an
20 outdated address on file for a particular individual or for said individual to maintain checks with an
21 outdated address printed on the checks. Moreover, none of the evidence provided by Plaintiff
22 demonstrates that the checks found in Plaintiff’s Exhibits 2,3,5,6, and 12 were sent from or received
23 by Defendant Zandian in the United States.

24 Due to the fact that Defendant Zandian’s prior counsel, John Peter Lee Esq., provided the
25 Court with an incorrect address upon withdrawing as counsel, Defendant Zandian never received
26 any pleadings or discovery in this matter after April 26, 2012. Plaintiff’s Opposition fails to
27 provide any evidence demonstrating that Defendant Zandian did in fact receive pleadings or
28 discovery in this matter subsequent to April 26, 2012.