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5 **Attorneys for Reza Zandian**

2014 JUN 23 PM 4:10

Electronically Filed  
Jun 30 2014 11:35 a.m.  
Tracie K. Lindeman  
Clerk of Supreme Court

6 IN THE FIRST JUDICIAL DISTRICT COURT  
7 OF THE STATE OF NEVADA IN AND FOR  
8 CARSON CITY

9 JED MARGOLIN, an individual,

10 Plaintiff,

11 vs.

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

18 Defendants.

Case No. 09 OC 00579 1B

Dept. No. I

19  
20 **NOTICE OF APPEAL**

21 Notice is hereby given that REZA ZANDIAN, a Defendant above-named, hereby  
22 appeals to the Supreme Court of Nevada from the *Order on Motion for Order Allowing*  
23 *Costs and Necessary Disbursements and Memorandum of Points and Authorities in*  
24 *Support Thereof* entered in this action on the 19<sup>th</sup> day of May, 2014. A *Notice of Entry*  
*of Order on Motion for Order Allowing Costs and Necessary Disbursements* was served

Page .

1 by mail upon counsel for Reza Zandian on June 20, 2014, true and correct copy of which  
2 is attached to this *Notice of Appeal* as Exhibit 1. A cash deposit in the amount of  
3 \$500.00 has been submitted herewith as evidence by the *Notice of Cash Deposit in Lieu*  
4 *of Bond* filed contemporaneously herewith.

5 DATED this 23rd day of June, 2014.

6 KAEMPFER CROWELL RENSHAW  
7 GRONAUER & FIORENTINO

8 BY:  #1027/pe

9 JASON D. WOODBURY  
10 Nevada Bar No. 6870  
11 KAEMPFER CROWELL  
12 510 West Fourth Street  
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14 Telephone: (775) 884-8300  
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16 [jwoodbury@kcnvlaw.com](mailto:jwoodbury@kcnvlaw.com)  
17 ***Attorneys for Reza Zandian***

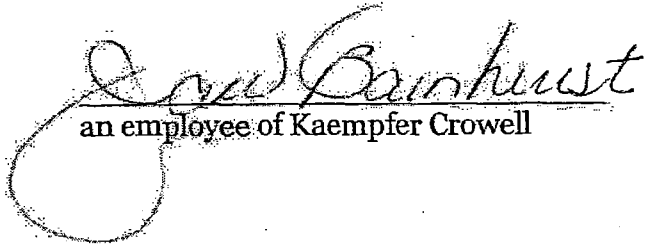
**CERTIFICATE OF SERVICE**

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Pursuant to NRAP 25(d) and NRCP 5(b), I hereby certify that service of the foregoing **NOTICE OF APPEAL** was made this date by depositing a true copy of the same for mailing at Carson City, Nevada, first class postage pre-paid, addressed to each of the following:

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

DATED this 23 day of June, 2014.

  
an employee of Kaempfer Crowell

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

**First Judicial District Court of the State of Nevada in and for Carson City**

**Case No. 09 OC 00579 1B  
Dept. No. I**

**NOTICE OF APPEAL**

**Exhibit List**

<b>Exhibit No.</b>	<b>Description of Exhibit</b>	<b>Exhibit Pages</b>
1	<i>Notice of Entry of Order on Motion for Order Allowing Costs and Necessary Disbursements (May 20, 2014)</i>	13



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# **EXHIBIT 1**

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# **EXHIBIT 1**

---

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*  
5  
6  
7

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

10 JED MARGOLIN, an individual,

11 Plaintiff,

12 vs.

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

Case No.: 090C00579 1B

Dept. No.: 1

**NOTICE OF ENTRY OF ORDER ON  
MOTION FOR ORDER ALLOWING  
COSTS AND NECESSARY  
DISBURSEMENTS**

21 TO: All parties:

22 PLEASE TAKE NOTICE that on May 19, 2014 the Court entered its Order on  
23 Motion for Order Allowing Costs and Necessary Disbursements. A true and correct copy of  
24 such order is attached hereto as Exhibit 1

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

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

27 ///

28 ///

1 social security number of any person.

2 DATED: May 20, 2014.

WATSON ROUNDS

3  
4 By: 

5 Matthew D. Francis  
6 Adam P. McMillen  
7 Watson Rounds  
8 5371 Kietzke Lane  
9 Reno, NV 89511

10 Attorneys for Plaintiff Jed Margolin

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1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCP 5(b), I certify that I am an employee of Watson Rounds, and that on  
3 this date, I deposited for mailing, in a sealed envelope, with first-class postage prepaid, a true  
4 and correct copy of the foregoing document, NOTICE OF ENTRY OF ORDER ON MOTINO  
5 FOR ORDER ALLOWING COSTS AND NECESSARY DISBURSEMENTS, addressed as  
6 follows:

7 Jason D. Woodbury  
8 Severin A. Carlson  
9 Kaempfer Crowell  
10 510 West Fourth Street  
11 Carson City, NV 89703

12 Dated: This 20<sup>th</sup> day of May, 2014.

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14 Nancy Lindsley  
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Case No.: 090C00579 1B

Dept. No.: 1

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ALAN GLOVER

BY                      CLERK  
DEPUTY

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

ORDER ON MOTION FOR ORDER  
ALLOWING COSTS AND  
NECESSARY DISBURSEMENTS  
AND MEMORANDUM OF POINTS  
AND AUTHORITIES IN SUPPORT  
THEREOF

This matter comes before the Court on Plaintiff Jed Margolin's ("Margolin") Motion for Order Allowing Costs and Necessary Disbursements and Memorandum of Points and Authorities in Support Thereof, filed on April 28, 2014. On April 30, 2014, Defendant Reza Zandian ("Zandian") filed a Motion to Retax and Settle Costs, wherein Defendant Zandian addressed Margolin's Motion for Order Allowing Costs and Necessary Disbursements. On May 12, 2014, Zandian served an Opposition to Motion for Order Allowing Costs and

1 Necessary Disbursements, which restates the arguments included in the Motion to Retax. On  
2 May 12, 2014, Margolin filed a Reply in Support of the Motion for Order Allowing Costs and  
3 Necessary Disbursements and Margolin also filed a Request for Submission on the same date.  
4 On May 14, 2014, Margolin filed an Amended Request for Submission, finally submitting the  
5 Motion for Order Allowing Costs and Necessary Disbursements to the Court for decision.

6 Based upon the following facts and conclusions of law, the Motion for Order Allowing  
7 Costs and Necessary Disbursements is hereby GRANTED.

8  
9 **I. Postjudgment Costs**

10 Zandian does not dispute Margolin is allowed postjudgment costs under NRS 18.160  
11 and NRS 18.170. Zandian does not dispute the requested research, witness fees or process  
12 service/courier costs. Zandian only requests that the Court reduce the photocopy charges from  
13 \$0.25 to \$0.15 per page. Zandian relies upon what the "FedEx Office" in Carson City charges  
14 for copies to demonstrate that Margolin's rate of \$0.25 per page is not reasonable.

15 Margolin cites to the First Judicial District Court's own fee schedule for copy charges,  
16 which shows the Court charges \$0.50 per page for copies. The District Court's own fee  
17 schedule is a better exemplar of what reasonable copy charges should be in this matter. The  
18 rate of \$0.25 per page is half of what the Court charges for legal copies and the Court finds  
19 that \$0.25 is reasonable under the circumstances. Therefore, Margolin's copy charges will not  
20 be reduced and are awarded in full in the amount requested. Since Zandian did not oppose the  
21 other costs, Margolin is granted his costs pursuant to NRS 18.160 and NRS 18.170, as follows:  
22

23 **COSTS (October 18, 2013 THROUGH April 18, 2014):**

24

25	Postage/photocopies (in-house)	\$ 481.20
	Research	285.31
26	Witness Fees (Subpoenas)	215.66
	Process service/courier fees	<u>373.00</u>
27		<u>\$1,355.17</u>

28

1                   **II. Postjudgment Attorney's Fees**

2                   Zandian argued that there is no applicable statute or rule upon which postjudgment  
3 attorney's fees can be awarded to Margolin and that the parties did not enter into an agreement  
4 which affords attorney's fees and therefore Margolin's request for postjudgment attorney's  
5 fees should be denied. Further, Zandian argues that NRS 598.0999(2) does not permit an  
6 award of attorney's fees in this case.

7                   However, NRS 598.0999(2) is applicable to any action filed pursuant to the provisions  
8 of NRS 598.0903 to 598.0999, inclusive. Accordingly, Margolin should be awarded his  
9 postjudgment fees pursuant to the Deceptive Trade Practices statute.

10                   **a. NRS 598.0999(2) provides for an award of attorney's fees**

11                   NRS 598.0999(2) states as follows:

12                   Except as otherwise provided in NRS 598.0974, in any action brought pursuant  
13 to the provisions of NRS 598.0903 to 598.0999, inclusive, if the court finds that  
14 a person has willfully engaged in a deceptive trade practice, the district attorney  
15 of any county in this State or the Attorney General bringing the action may  
16 recover a civil penalty not to exceed \$5,000 for each violation. The court in any  
17 such action may, in addition to any other relief or reimbursement, award  
18 reasonable attorney's fees and costs.

19                   NRS 598.0999(2) (emphasis added).

20                   Thus, the phrase, "provisions of NRS 598.0903 to 598.0999," encompasses all actions  
21 brought under those sections. The language, "any action brought pursuant to the provisions of  
22 NRS 598.0903 to 598.0999," does not limit Deceptive Trade Practices actions to district  
23 attorneys or the Attorney General. The only limitation in NRS 598.0999(2) relates to the  
24 district attorney's and the Attorney General being able to pursue the \$5,000 civil penalty. In  
25 contrast, the last sentence of NRS 598.0999(2) stands alone and does not limit attorney fee  
26 awards to district attorneys or the Attorney General and allows the Court, in any Deceptive  
27 Trade Practices action, to "award reasonable attorney's fees and costs." NRS 598.0999(2).

1 As NRS 598.0999(2) provides for attorney's fees based upon actions filed pursuant to  
2 the provisions of NRS 598.0903 to 598.0999, inclusive, and since NRS 598.0999(2) does not  
3 exclude postjudgment attorney fees, Margolin's attorney's fees are hereby awarded for having  
4 to incur fees enforcing the judgment on the deceptive trade practices claim.

5 **b. Margolin's attorneys' fees are reasonable**

6 "In Nevada, 'the method upon which a reasonable fee is determined is subject to the  
7 discretion of the court,' which 'is tempered only by reason and fairness.'" *Shuette v. Beazer*  
8 *Homes Holdings Corp.*, 124 P.3d 530, 121 Nev. 837 (2005) (citing *University of Nevada v.*  
9 *Tarkanian*, 110 Nev. 581, 594, 591, 879 P.2d 1180, 1188, 1186 (1994)). "Accordingly, in  
10 determining the amount of fees to award, the court is not limited to one specific approach; its  
11 analysis may begin with any method rationally designed to calculate a reasonable amount,  
12 including those based on a 'lodestar' amount or a contingency fee." *Id.* (citations omitted).  
13 "The lodestar approach involves multiplying 'the number of hours reasonably spent on the  
14 case by a reasonable hourly rate.'" *Id.* at n. 98 (citing *Herbst v. Humana Health Ins. of*  
15 *Nevada*, 105 Nev. 586, 590, 781 P.2d 762, 764 (1989)).  
16

17 Before awarding attorney's fees, the district court must make findings concerning the  
18 reasonableness of the award, as required by *Brunzell v. Golden Gate National Bank*, 455 P.2d  
19 31, 85 Nev. 345 (1969) and *Shuette v. Beazer Homes Holdings Corp.*, 124 P.3d 530, 121 Nev.  
20 837 (2005). See *Barney v. Mt. Rose Heating & Air Conditioning*, 124 Nev. 821, 829-30, 192  
21 P.3d 730, 735-7 (2008).  
22

23 According to *Brunzell*, the factors that the district court should consider in awarding  
24 attorney fees, with no one factor controlling, is as follows:

- 25 (1) the advocate's qualities, including ability, training, education, experience,  
26 professional standing, and skill;  
27 (2) the character of the work, including its difficulty, intricacy, importance, as  
28 well as the time and skill required, the responsibility imposed, and the  
prominence and character of the parties when affecting the importance of the  
litigation;

- 1 (3) the work performed, including the skill, time, and attention given to the  
work; and  
2 (4) the result—whether the attorney was successful and what benefits were  
derived.

3 *Barney*, 192 P.3d at 736 (citing *Brunzell*, 85 Nev. at 349, 455 P.2d at 33). According to  
4 *Shuette*, the district court is required to “provide[ ] sufficient reasoning and findings in support  
5 of its ultimate determination.” *Id.* (citing *Shuette*, 121 Nev. at 865, 124 P.3d at 549).  
6

7 Margolin concedes that he is not currently entitled to attorney’s fees that are incurred  
8 on appeal. *See Bd. of Gallery of History, Inc. v. Datecs Corp.*, 116 Nev. 286, 288, 994 P.2d  
9 1149, 1150 (2000). However, as stated above, Margolin is entitled to his postjudgment  
10 attorney’s fees, including those incurred in executing on the judgment. Therefore, Margolin is  
11 hereby awarded only those fees that have been incurred, postjudgment, with regards to  
12 execution of the judgment, for a total of \$31,247.50 in fees, which reflects the lodestar amount  
13 of postjudgment attorney’s fees.  
14

15 The amount of attorney’s fees awarded only includes reasonable attorney’s fees from  
16 October 18, 2013 to April 18, 2014, as follows: 11.4 hours of work performed by attorney  
17 Matthew D. Francis at \$300 per-hour (\$3,420.00); 75.3 hours of work performed by attorney  
18 Adam P. McMillen at \$300 per-hour (\$22,590.00); and 41.9 hours of work performed by  
19 paralegal Nancy Lindsley at \$125 per-hour (\$5,237.50). This lodestar amount is reasonable  
20 under the *Brunzell* factors as follows.  
21

- 22 (1) **Factors 1 and 2 - The Advocate’s Qualities, Including Ability, Training,  
Education, Experience, Professional Standing, and Skill and The Novelty  
23 and Difficulty of The Questions Involved, and The Time and Skill Involved**

24 The issues related to this case included: (a) whether Plaintiff’s patents were entitled to  
25 protection; (b) whether Defendants fraudulently assigned Plaintiff’s patents; and (c), whether  
26 Plaintiff was damaged by Defendants’ conduct. The patent and deceptive trade practices  
27 issues, and the unique facts surrounding them, involved careful consideration and research. In  
28 general, patent and deceptive trade practices litigation is a niche practice that requires a high

1 degree of legal skill and care in order to be performed properly and effectively. Each of these  
2 causes of action, coupled with the unique facts of this matter, required thorough research and  
3 careful analysis.

4 In addition, the postjudgment collection efforts so far have included attempting to find  
5 Zandian's collectible assets, including researching and investigating his property in Nevada  
6 and California and moving for a debtor's examination. Considering Zandian's elusive  
7 behavior to date and elaborate financial arrangements with a multitude of companies and  
8 individuals, Margolin has been forced to incur a significant amount of attorney's fees in  
9 attempting to collect on the judgment.  
10

11 Accordingly, Margolin's claimed postjudgment attorney's fees are reasonable under  
12 these factors.

13 **(2) Factor 3 – The Time and Labor Required**

14 Margolin's counsel has been required to research Zandian's vast real estate holdings in  
15 Nevada. Margolin's counsel has recorded the judgment in each Nevada County where  
16 Zandian holds property. Margolin's counsel has researched and subpoenaed Zandian's  
17 financial information from several financial institutions. Margolin's counsel has moved the  
18 court for a debtor's examination of Zandian. The time and labor required relating to  
19 collections efforts have been reasonable and significant.  
20

21 **(3) Factor 4 - The Result—Whether The Attorney Was Successful And What  
22 Benefits Were Derived**

23 Margolin prevailed on all of his causes of action in this case. Margolin's case against  
24 the Defendants resulted in a Default Judgment being entered against the Defendants on  
25 Margolin's causes of action. Specifically, the Court ordered Defendants to pay Plaintiff  
26 \$1,495,775.74, plus interest. In addition, through postjudgment efforts, Margolin's counsel  
27 has successfully liened Zandian's Nevada real estate to secure the judgment and Margolin's  
28 counsel is in the process of securing appropriate writs of execution to satisfy the judgment.

1 Thus, Margolin obtained the results sought, and this factor weighs in favor of the  
2 reasonableness of Margolin's fee request.

3 Further, the Court finds that while Zandian's failure to appear and defend this action  
4 led to the default judgments being entered, the nature of this matter required specialized skill  
5 and required a significant amount of time and attention by the attorneys involved.

6 The Court finds that patent and deceptive trade practices issues, and the unique facts  
7 surrounding them; involved careful consideration and research. Patent and deceptive trade  
8 practices litigation is a not a routine practice but requires a high degree of legal skill and care  
9 in order to be performed properly and effectively. Each of the causes of action in this matter,  
10 coupled with the unique facts of this matter, required thorough research and careful analysis.  
11 The Court finds that Margolin's counsel billed at an hourly rate of \$300, which is reasonable  
12 for this matter.  
13

14 In summary, an analysis of the *Brunzell* factors proves Margolin's fees in the lodestar  
15 amount of \$31,247.50 are reasonable and are hereby awarded.  
16

### 17 **III. Postjudgment Interest**

18 Margolin seeks a formal judgment for the postjudgment interest accrued on the  
19 judgment to date. Zandian argues it is premature for Margolin to request an order stating what  
20 the current amount of accrued postjudgment interest is at this time. Zandian does not argue  
21 that Margolin is not entitled to postjudgment interest.

22 "The purpose of post-judgment interest is to compensate the plaintiff for loss of the use  
23 of the money awarded in the judgment 'without regard to the elements of which that judgment  
24 is composed.'" *Albert H. Wohlers & Co. v. Bartgis*, 114 Nev. 1249, 1269, 969 P.2d 949, 963  
25 (1998) (citing *Ainsworth v. Combined Ins. Co.*, 105 Nev. 237, 244, 774 P.2d 1003, 1009  
26 (1989); see also *Waddell v. L.V.R.V. Inc.*, 122 Nev. 15, 26, 125 P.3d 1160, 1167 (2006)  
27 ("[t]he purpose of post-judgment interest is to compensate the plaintiff for loss of the use of  
28



1 the money awarded in the judgment' without regard to the various elements that make up the  
2 judgment.").

3           Since Zandian has not provided a supersedeas bond to stop execution of the judgment,  
4 Margolin is entitled to postjudgment interest until the judgment is satisfied. *See* NRCPC 62(d)  
5 (by giving a supersedeas bond a party may obtain stay of execution); *see also* NRS 17.130(2)  
6 (interest accrues until judgment satisfied). As the original judgment was entered in Nevada  
7 and the judgment set the interest rate at the legal rate of interest according to NRS 17.130, the  
8 interest rate is 5.25 percent per-annum, or \$215.15 per-day. Accordingly, the Court hereby  
9 finds that Margolin is owed simple interest at 5.25 percent or \$215.15 per-day from June 27,  
10 2013, the date of notice of entry of the judgment, through April 18, 2014. It is 296 days from  
11 June 27, 2013 to April 18, 2014. Multiplying 296 days by \$215.15 equals \$63,684.40 in  
12 accrued interest, which is the amount of interest currently due and owing.<sup>1</sup>

14           **IV. Conclusion**

15           Based upon the above, the Motion for Order Allowing Costs and Necessary  
16 Disbursements is GRANTED in full. Therefore, Margolin is awarded his postjudgment costs,  
17 from October 18, 2013 through April 18, 2014, in the amount of \$1,355.17. Margolin is  
18 awarded his postjudgment attorney's fees in the amount of \$31,247.50. Margolin is awarded  
19 his postjudgment interest in the amount of \$63,684.40.

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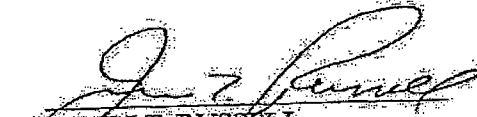
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28 <sup>1</sup> Interest continues to accrue until the judgment is satisfied. *See* NRS 17.130(2).

1 The total amount awarded to Margolin herein is \$96,287.07. This award shall be added  
2 to the judgment. This award must be paid before satisfaction of judgment may be entered in  
3 this matter. Payment of this award shall be made within 10 days of notice of entry of this  
4 Order. Payment shall be made payable to the Watson Rounds Trust Account or to Jed  
5 Margolin. Payment shall be delivered to the law office of Watson Rounds.

6 DATED: This 19 day of May, 2014.

IT IS SO ORDERED:

7  
8   
9 JAMES T. RUSSELL  
10 DISTRICT COURT JUDGE  
11  
12  
13  
14  
15

16 Respectfully submitted by,

17 WATSON ROUNDS, P.C.

18 By: \_\_\_\_\_  
19 Adam P. McMillen, Esquire  
20 Nevada Bar No. 10678  
21 5371 Kietzke Lane  
22 Reno, NV 89511  
23 Telephone: (775) 324-4100  
24 Facsimile: (775) 333-8171  
25 Email: amcmillen@watsonrounds.com  
26 Attorneys for Plaintiff  
27  
28

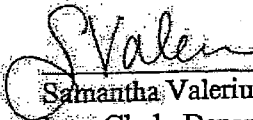
**CERTIFICATE OF MAILING**

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I hereby certify that on the 19<sup>th</sup> day of May, 2014, I placed a copy of the foregoing in the United States Mail, postage prepaid, addressed as follows:

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

Jason D. Woodbury  
Severin A. Carlson  
Kaempfer Crowell  
510 West Fourth Street  
Carson City, NV 89703

  
Samantha Valerius  
Law Clerk, Department I

1 JASON D. WOODBURY  
Nevada Bar No. 6870  
2 KAEMPFER CROWELL  
510 West Fourth Street  
3 Carson City, Nevada 89703  
Telephone: (775) 884-8300  
4 Facsimile: (775) 882-0257  
jwoodbury@kcnvlaw.com  
5 **Attorneys for Reza Zandian**

2014 JUN 23 PM 4:11

KAEMPFER CROWELL  
*[Signature]*

6 IN THE FIRST JUDICIAL DISTRICT COURT  
OF THE STATE OF NEVADA IN AND FOR  
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9 JED MARGOLIN, an individual,  
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12 OPTIMA TECHNOLOGY CORPORATION,  
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15 JAZI aka J. REZA JAZI aka G. REZA JAZI  
aka GHONOREZA ZANDIAN JAZI, an  
16 individual, DOE Companies 1-10, DOE  
Corporations 11-20, and DOE Individuals  
17 21-30,  
18 Defendants.

Case No. 09 OC 00579 1B  
Dept. No. I

19  
20 **CASE APPEAL STATEMENT**

21 Pursuant to NRAP 3(f), Defendant REZA ZANDIAN, an individual, hereby  
22 provides the following *Case Appeal Statement*:

- 23 1. **Name of appellant filing this case appeal statement (NRAP**  
**3(f)(3)(C)):**  
24 REZA ZANDIAN, an individual.

KAEMPFER CROWELL  
510 West Fourth Street  
Carson City, Nevada 89703

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2. **Identify the judge issuing the decision, judgment, or order appealed from (NRAP 3(f)(3)(B)):**

The Honorable James T. Russell, District Judge, First Judicial District Court of the State of Nevada in and for Carson City, Department I.

3. **Identify all parties to the proceedings in the district court (the use of et al. to denote parties is prohibited) (NRAP 3(f)(3)(A)):**

- (a) JED MARGOLIN, an individual;
- (b) OPTIMA TECHNOLOGY CORPORATION, a California corporation;
- (c) OPTIMA TECHNOLOGY CORPORATION, a Nevada corporation; and
- (d) REZA ZANDIAN aka GOLAMREZA ZANDIANJAZI aka GHOLAM REZA ZANDIAN aka REZA JAZI aka J. REZA JAZI aka G. REZA JAZI aka GHONOREZA ZANDIAN JAZI, an individual;

4. **Identify all parties involved in this appeal (the use of et al. to denote parties is prohibited) (NRAP 3(f)(3)((C), (D)):**

- (a) JED MARGOLIN, an individual; and
- (b) REZA ZANDIAN, an individual.

5. **Set forth the name, law firm, address, and telephone number of all counsel on appeal and identify the party or parties whom they represent (NRAP 3(f)(3)(C), (D)):**

- (a) Matthew D. Francis  
Adam P. McMillen  
WATSON ROUNDS  
5371 Kietzke Lane  
Reno, NV 89511  
Telephone: (775) 324-4100  
*Counsel for Respondent, JED MARGOLIN*

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(b) Jason D. Woodbury  
KAEMPFER CROWELL  
510 West Fourth Street  
Carson City, Nevada 89703  
Telephone: (775) 884-8300  
*Counsel for Appellant, REZA ZANDIAN*

6. Indicate whether appellant was represented by appointed or retained counsel in the district court (NRAP 3(f)(3)(F)):

Appellant was represented by retained counsel in district court.

7. Indicate whether appellant is represented by appointed or retained counsel on appeal (NRAP 3(f)(3)(F)):

Appellant is represented by retained counsel on appeal.

8. Indicate whether appellant was granted leave to proceed in forma pauperis, and the date of entry of the district court order granting such leave (NRAP 3(f)(3)(G)):

Appellant was not granted leave to proceed in forma pauperis.

9. Indicate the date of the proceedings commenced in the district court (e.g., date complaint, indictment, information, or petition was filed) (NRAP 3(f)(3)(H)):

Respondent's *Complaint* was filed in the District Court on December 11, 2009.

10. District court case number and caption showing the names of all parties to the proceedings below, but the use of et al. to denote parties is prohibited (NRAP 3(f)(3)(A)):

(a) Case number:

First Judicial District Court Case Number: 09 OC 00579 1B  
Department Number: I

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(b) Caption:

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

Defendants.

11. Whether any of respondents' attorneys are not licensed to practice law in Nevada, and, if so, whether the district court granted that attorney permission to appear under SCR 42, including a copy of any district court order granting that permission (NRAP 3(f)(3)(E)):

Based upon information and belief, all attorneys for respondents are licensed to practice law in Nevada.

12. Brief description of the nature of the action and result in district court, including the type of judgment or order being appealed and the relief granted by the district court (NRAP 3(f)(3)(D)):

The subject matter of this case concerns various patents and a dispute over their ownership. Plaintiff claims to be the owner of the patents at issue. Plaintiff claims that certain conduct and actions of Optima Technology Corporation, a California corporation, Optima Technology Corporation, a Nevada corporation, (together these

1 corporations are referred to hereinafter as the "Corporate Defendants")  
2 and Reza Zandian ("Zandian") (collectively the Corporate Defendants and  
3 Zandian are referred to as the "Defendants") disrupted his ownership and  
4 control over the patents, thereby causing him damages.

5 On March 28, 2013, the District Court entered a *Default* against  
6 Zandian. Later, pursuant to the application of Plaintiff, the District Court  
7 entered a *Default Judgment* against the Defendants in the amount of  
8 \$1,495,775.74. Plaintiff filed a *Notice of Entry of Default Judgment* on  
9 June 27, 2013.<sup>1</sup>

10 Following entry of the *Default Judgment*, Plaintiff filed a *Motion*  
11 *for Order Allowing Costs and Necessary Disbursement and*  
12 *Memorandum of Points and Authorities in Support Thereof* ("Motion").  
13 The *Motion* was thereafter briefed. On May 19, 2014, the District Court  
14 issued its *Order on Motion for Order Allowing Costs and Necessary*  
15 *Disbursements and Memorandum of Points and Authorities in Support*  
16 *Thereof*. And on May 20, Plaintiff served by mail a *Notice of Entry of*  
17 *Order on Motion for Order Allowing Costs and Necessary Disbursements*  
18 upon Defendant, Zandian

- 19 **13. Whether the case has previously been the subject of an appeal to**  
20 **or original writ proceeding in the Supreme Court and, if so, the**  
21 **caption and Supreme Court docket number of the prior**  
22 **proceeding (NRAP 3(f)(J)):**

23  
24 <sup>1</sup> After the *Default Judgment* was entered, an effort was made to set it aside. The District Court denied the motion to set aside, which is the subject of a pending appeal with this Court. See *Zandian v. Margolin* (Case No. 65205).



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The *Default Judgment* in this case is the subject of a pending appeal in the Supreme Court. The docket number of that case is 65205.

The caption is:

REZA ZANDIAN A/K/A GOLAMREZA ZANDIANJAZI A/K/A GHOLAM REZA ZANDIAN A/K/A REZA JAZI A/K/A J. REZA JAZI A/K/A G. REZA JAZI A/K/A GHONOREZA ZANDIAN JAZI, AN INDIVIDUAL, Appellant

vs.

JED MARGOLIN, AN INDIVIDUAL, Respondent.

**14. Whether the appeal involves child custody or visitation (NRAP**

**3(f)(3)(K):**

The appeal does not involve child custody or visitation.

**15. In civil cases, whether the appeal involves the possibility of**

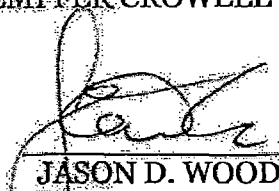
**settlement (NRAP 3(f)(3)(L)):**

The appeal does not involve the possibility of settlement.

DATED this 25 day of June, 2014.

~~KAEMPFFER CROWELL~~

BY:

 #1027 pc

JASON D. WOODBURY  
Nevada Bar No. 6870  
~~KAEMPFFER CROWELL~~  
510 West Fourth Street  
Carson City, Nevada 89703  
Telephone: (775) 884-8300  
Facsimile: (775) 882-0257  
[jwoodbury@kcnvlaw.com](mailto:jwoodbury@kcnvlaw.com)  
*Attorneys for Reza Zandian*

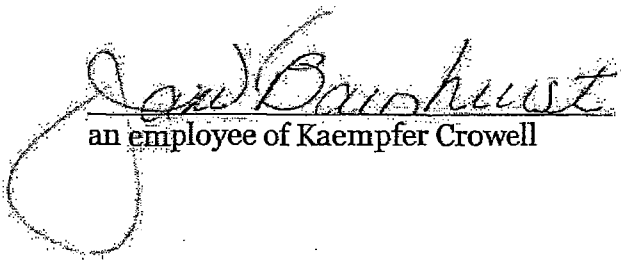
KAEMPFFER CROWELL  
510 West Fourth Street  
Carson City, Nevada 89703

1 CERTIFICATE OF SERVICE

2 Pursuant to NRAP 25(d) and NRCP 5(b), I hereby certify that service of the  
3 foregoing CASE APPEAL STATEMENT was made this date by depositing for mailing  
4 of the same in Portable Document Format addressed to each of the following:

5 Matthew D. Francis  
6 Adam P. McMillen  
7 WATSON ROUNDS  
8 5371 Kietzke Lane  
9 Reno, NV 89511

10 DATED this 23 day of June, 2014.

11   
12 an employee of Kaempfer Crowell

Judge: RUSSELL, JUDGE JAMES  
TODD

Case No. 09 OC 00579 1B

Ticket No.  
CTN:

MARGOLIN, JED

By:

-vs-

OPTIMA TECHNOLOGY  
CORPORATION

DRSPND

By:

Dob:  
Lic:  
ZANDIAN, REZA

Sex:  
Sid:  
DRSPND

By:

Dob:  
Lic:

Sex:  
Sid:

Plate#:   
Make:   
Year:   
Type:   
Venue:   
Location:   
Accident:

MARGOLIN, JED

PLNTPET

Bond:  
Type:

Set:  
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Charges:

Ct.:   
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Ct.:   
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Comments:

Sentencing:

No.	Filed	Action	Operator	Fine/Cost	Due
1	06/23/14	NOTICE OF CASH DEPOSIT IN LIEU OF BOND	1BCFRANZ	0.00	0.00
2	06/23/14	CASE APPEAL STATEMENT	1BCFRANZ	0.00	0.00
3	06/23/14	NOTICE OF APPEAL FILED Receipt: 34909 Date: 06/23/2014	1BCFRANZ	24.00	0.00
4	06/18/14	MOTION FOR WRIT OF EXECUTION	1BJULIEH	0.00	0.00
5	06/09/14	NOTICE	1BCCOOPER	0.00	0.00
6	05/21/14	NOTICE OF ENTRY OF ORDER ON MOTION FOR ORDER ALLOWING COSTS AND NECESSARY DISBURSEMENTS	1BCCOOPER	0.00	0.00
7	05/19/14	FILE RETURNED AFTER SUBMISSION - ORDER ENTERED	1BVANESSA	0.00	0.00
8	05/19/14	ORDER ON MOTION FOR ORDER ALLOWING COSTS AND NECESSARY DISBURSEMENTS AND MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT THEREOF	1BVANESSA	0.00	0.00
9	05/14/14	AMENDED REQUEST FOR SUBMISSION	1BCGRIBBLE	0.00	0.00
10	05/12/14	OPPOSITION TO MOTION FOR ORDER ALLOWING COSTS AND NECESSARY DISBURSMENTS	1BJULIEH	0.00	0.00
11	05/12/14	REQUEST FOR SUBMISSION	1BVANESSA	0.00	0.00
12	05/12/14	DECLARATION OF ADAM MCMILLEN IN SUPPORT OF REPLY IN SUPPORT OF PLAINTIFF'S MOTION FOR ORDER ALLOWING COSTS AND NECESSARY DISBURSEMENTS	1BVANESSA	0.00	0.00
13	05/12/14	REPLY IN SUPPORT OF MOTION FOR ORDER ALLOWING COSTS AND NECESSARY DISBURSEMENTS AND MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT THEREOF	1BVANESSA	0.00	0.00

No.	Filed	Action	Operator	Fine/Cost	Due
14	04/30/14	DEFENDANTS' MOTION TO RETAX AND SETTLE COSTS	1BJHIGGINS	0.00	0.00
15	04/29/14	DECLARATION OF ADAM MCMILLEN IN SUPPORT OF PLAINTIFF'S MOTION FOR ORDER ALLOWING COSTS AND NECESSARY DISBURSEMENTS	1BJHIGGINS	0.00	0.00
16	04/28/14	MOTION FOR ORDER ALLOWING COSTS AND NECESSARY DISBURSEMENTS AND MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT THEREOF	1BJHIGGINS	0.00	0.00
17	04/21/14	REPLY IN SUPPORT OF MOTION FOR WRIT OF EXECUTION AND OPPOSITION TO MOTION TO RETAX AND SETTLE COSTS	1BCCOOPER	0.00	0.00
18	04/21/14	OPPOSITION TO MOTION FOR WRIT OF EXECUTION	1BCCOOPER	0.00	0.00
19	04/17/14	FILE RETURNED AFTER SUBMISSION - ORDER ENTERED	1BJHIGGINS	0.00	0.00
20	04/17/14	STIPULATION AND ORDER TO WITHDRAW MOTION FILED BY REZA ZANDIAN ON MARCH 24, 2014	1BJHIGGINS	0.00	0.00
21	04/09/14	MOTION TO RETAX AND SETTLE COSTS	1BCGRIBBLE	0.00	0.00
22	04/02/14	FIRST MEMORANDUM OF POST JUDGMENT COSTS AND FEES	1BCCOOPER	0.00	0.00
23	04/02/14	MOTION FOR WRIT OF EXECUTION	1BCCOOPER	0.00	0.00
24	03/24/14	MOTION	1BJHIGGINS	0.00	0.00
25	03/17/14	FILE RETURNED AFTER SUBMISSION - ORDER ENTERED	1BVANESSA	0.00	0.00
26	03/17/14	ORDER DENYING REQUEST FOR SUBMISSION	1BVANESSA	0.00	0.00
27	03/13/14	REQUEST FOR SUBMISSION	1BJULIEH	0.00	0.00
28	03/13/14	REPLY IN SUPPORT OF MOTION FOR ORDER TO SHOW CAUSE REGARDING CONTEMPT	1BJULIEH	0.00	0.00
29	03/12/14	APPEAL BOND DEPOSIT Receipt: 33251 Date: 03/12/2014	1BCCOOPER	500.00	0.00
30	03/12/14	NOTICE OF CASH DEPOSIT IN LIEU OF BOND	1BCCOOPER	0.00	0.00
31	03/12/14	CASE APPEAL STATEMENT	1BCCOOPER	0.00	0.00
32	03/12/14	NOTICE OF APPEAL FILED Receipt: 33251 Date: 03/12/2014	1BCCOOPER	24.00	0.00
33	03/03/14	OPPOSITION TO MOTION FOR ORDER TO SHOW CAUSE REGARDING CONTEMPT	1BCGRIBBLE	0.00	0.00
34	02/21/14	SUBSTITUTION OF COUNSEL	1BCCOOPER	0.00	0.00
35	02/12/14	MOTION FOR ORDER TO SHOW CAUSE REGARDING CONTEMPT	1BCCOOPER	0.00	0.00
36	02/10/14	NOTICE OF ENTRY OF ORDER	1BVANESSA	0.00	0.00
37	02/06/14	FILE RETURNED AFTER SUBMISSION - ORDER ENTERED	1BJHIGGINS	0.00	0.00

No.	Filed	Action	Operator	Fine/Cost	Due
38	02/06/14	ORDER DENYING 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 MOTION TO SET ASIDE DEFAULT JUDGMENT	18JHIGGINS	0.00	0.00
39	02/03/14	DEFENDANT REZA ZANDIAN'S REPLY IN SUPPORT OF MOTION FOR STAY OF PROCEEDINGS TO ENFORCE JUDGMENT PURSUANT TO NRCP 62(B)	1BVANESSA	0.00	0.00
40	01/23/14	REQUEST FOR SUBMISSION AND HEARING ON DEFENDANT REZA ZANDIAN'S MOTION TO SET ASIDE DEFAULT JUDGMENT	1BCGRIBBLE		0.00
41	01/23/14	DEFENDANT ZANDIAN'S REPLY IN SUPPORT OF MOTION TO SET ASIDE DEFAULT JUDGMENT	1BCGRIBBLE		0.00
42	01/17/14	NOTICE OF ENTRY OF ORDER GRANTING PLAINTIFF'S MOTION FOR DEBTOR EXAMINATION AND TO PRODUCE DOCUMENTS	1BCGRIBBLE	0.00	0.00
43	01/17/14	OPPOSITION TO MOTION FOR STAY OF PROCEEDINGS TO ENFORCE JUDGMENT PURSUANT TO NRCP 62(B)	1BCGRIBBLE	0.00	0.00
44	01/13/14	FILE RETURNED AFTER SUBMISSION - ORDER ENTERED	1BCCOOPER	0.00	0.00
45	01/13/14	ORDER GRANTING PLAINTIFFS MOTION FOR DEBTOR EXAMINATION AND TO PRODUCE DOCUMENTS	1BCCOOPER	0.00	0.00
46	01/09/14	REQUEST FOR SUBMISSION	1BVANESSA	0.00	0.00
47	01/09/14	OPPOSITION TO MOTION TO SET ASIDE DEFAULT JUDGMENT	1BVANESSA	0.00	0.00
48	01/02/14	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 MOTION FOR STAY OF PROCEEDINGS TO ENFORCE JUDGMENT PURSUANT TO NRCP 62(B)	1BCGRIBBLE	0.00	0.00
49	12/20/13	DEFENDANT REZA ZANDIAN AKA GOLAMREZA ZANDIANJAZI AKA GHOLAM REZA ZANDIAN AKA REDA JAZI AKA J. REZA JAZI AKA G. REZA JAZI AKA GHONONREZA ZANDIAN JAZI'S MOTION TO SET ASIDE DEFAULT JUDGMENT	1BCCOOPER	0.00	0.00
50	12/20/13	NOTICE OF APPEARANCE	1BCCOOPER	0.00	0.00
51	12/11/13	MOTION FOR JUDGMENT DEBTOR EXAMINATION AND TO PRODUCE DOCUMENTS	1BCCOOPER	0.00	0.00
52	06/27/13	NOTICE OF ENTRY OF ORDER DEFAULT JUDGMENT	1BVANESSA	0.00	0.00
53	06/26/13	JUDGMENT	1BCCOOPER	0.00	0.00

Judgment Amount:  
1,495,775.74  
Judgment Total:  
1,495,775.74

Terms: JUDGMENT ENTERED @  
4:12 PM

Judgment Type: DEFAULT  
JUDGMENT  
Judgment Date: 06/24/2013

Judgment For: MARGOLIN, JED -

PLNFF/PETNR

Judgment Against: OPTIMA  
 TECHNOLOGY CORPORATION -  
 DEFENDANT/RESPONDENT

ZANDIAN,  
 REZA - DEFENDANT/RESPONDENT

Judgment Balance:  
 1,495,775.74

Case Total: 2,903,922.66

Case Balance: 2,903,922.66

No.	Filed	Action	Operator	Fine/Cost	Due
54	06/24/13	FILE RETURNED AFTER SUBMISSION - ORDER ENTERED	1BCCOOPER	0.00	0.00
55	06/24/13	DEFAULT JUDGMENT	1BCCOOPER	0.00	0.00
56	06/21/13	REQUEST FOR SUBMISSION	1EVANESSA	0.00	0.00
57	04/17/13	DECLARATION OF JED MARGOLIN IN SUPPORT OF APPLICATION FOR DEFAULT JUDGMENT	1BCGRIBBLE	0.00	0.00
58	04/17/13	DECLARATION OF ADAM P. MCMILLEN IN SUPPORT OF APPLICATION FOR DEFAULT JUDGMENT	1BCGRIBBLE	0.00	0.00
59	04/17/13	APPLICATION FOR DEFAULT JUDGMENT; MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT THEREOF	1BCGRIBBLE	0.00	0.00
60	04/05/13	AMENDED NOTICE OF ENTRY OF DEFAULT	1BCFRANZ	0.00	0.00
61	04/03/13	NOTICE OF ENTRY OF DEFAULT	1BCCOOPER	0.00	0.00
62	04/03/13	NOTICE OF ENTRY OF ORDER	1BCCOOPER	0.00	0.00
63	03/29/13	FILE RETURNED AFTER SUBMISSION - ORDER ENTERED	1BCCOOPER	0.00	0.00
64	03/29/13	ORDER GRANTING PLAINTIFF'S APPLICATION FOR ATTORNEY'S FEES AND COSTS	1BCCOOPER	0.00	0.00
65	03/28/13	REQUEST FOR SUBMISSION	1BCGRIBBLE	0.00	0.00
66	03/28/13	DEFAULT	1BCGRIBBLE	0.00	0.00
67	03/04/13	DECLARATION OF MAILING	1BCCOOPER	0.00	0.00
68	02/20/13	PLAINTIFF'S APPLICATION FOR ATTORNEY'S FEES AND COSTS	1BCGRIBBLE	0.00	0.00
69	02/20/13	DECLARATION OF ADAM P. MCMILLEN IN SUPPORT OF PLAINTIFF'S APPLICATION FOR ATTORNEY'S FEES AND COSTS	1BCGRIBBLE	0.00	0.00
70	01/17/13	NOTICE OF ENTRY OF ORDER	1BCGRIBBLE	0.00	0.00
71	01/15/13	FILE RETURNED AFTER SUBMISSION - ORDER ENTERED	1BJHIGGINS	0.00	0.00
72	01/15/13	ORDER GRANTING PLAINTIFF'S MOTION FOR SANCTIONS UNDER NRCP 37	1BJHIGGINS	0.00	0.00
73	01/11/13	REQUEST FOR SUBMISSION	1EVANESSA	0.00	0.00
74	12/14/12	DECLARATION OF ADAM P. MCMILLEN IN SUPPORT OF PLAINTIFF'S MOTION FOR SANCTIONS UNDER NRCP 37	1EVANESSA	0.00	0.00

No.	Filed	Action	Operator	Fine/Cost	Due
75	12/14/12	PLAINTIFF'S MOTION FOR SANCTIONS UNDER NRCP 37	1BVANESSA	0.00	0.00
76	11/14/12	AFFIDAVIT OF SERVICE	1BCCOOPER	0.00	0.00
77	11/06/12	NOTICE OF ENTRY OF JUDGEMENT	1BVANESSAG	0.00	0.00
78	10/31/12	JUDGMENT Judgment Amount: 1,286,552.46 Judgment Total: 1,286,552.46  Terms: JUDGMENT ENTERED AT 1:42 P.M.  Judgment Type: DEFAULT JUDGMENT FOR THE PLAINTIFF Judgment Date: 10/31/2012  Judgment For: MARGOLIN, JED - PLNTFF/PETNR  Judgment Against: OPTIMA TECHNOLOGY CORPORATION - DEFENDANT/RESPONDENT  Judgment Balance: 1,286,552.46 Case Total: 1,408,146.92 Case Balance: 1,408,146.92	1BJHIGGINS	0.00	0.00
79	10/31/12	FILE RETURNED AFTER SUBMISSION - ORDER ENTERED	1BJHIGGINS	0.00	0.00
80	10/31/12	DEFAULT JUDGMENT	1BJHIGGINS	0.00	0.00
81	10/30/12	DECLARATION OF ADAM P. MCMILLEN IN SUPPORT OF APPLICATION FOR DEFAULT JUDGMENT	1BJHIGGINS	0.00	0.00
82	10/30/12	DECLARATION OF JED MARGOLIN IN SUPPORT OF APPLICATION FOR DEFAULT JUDGMENT	1BJHIGGINS	0.00	0.00
83	10/30/12	APPLICATION FOR DEFAULT JUDGMENT; MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT THEREOF	1BJHIGGINS	0.00	0.00
84	10/30/12	AFFIDAVIT OF SERVICE	1BJHIGGINS	0.00	0.00
85	09/27/12	NOTICE OF ENTRY OF DEFAULT	1BVANESSAG	0.00	0.00
86	09/24/12	DEFAULT	1BVANESSAG	0.00	0.00
87	09/14/12	APPLICATION FOR ENTRY OF DEFAULT	1BVANESSAG	0.00	0.00
88	07/02/12	NOTICE OF ENTRY OF ORDER	1BCCOOPER	0.00	0.00
89	06/28/12	FILE RETURNED AFTER SUBMISSION - ORDER ENTERED	1BJULIEH	0.00	0.00
90	06/28/12	ORDER GRANTING PLAINTIFF'S MOTION TO COMPEL APPEARANCE OF COUNSEL FOR OPTIMA TECHNOLOGY CORPORATIONS, OR N THE ALTERNATIVE, MOTION TO STRIKE GENERAL DENIAL OF OPTIMA TECHNOLOGY CORPORATION	1BJULIEH	0.00	0.00
91	06/14/12	UNILATERAL CASE CONFERENCE REPORT	1BVANESSAG	0.00	0.00
92	06/06/12	REQUEST FOR SUBMISSION	1BCCRIEBLE	0.00	0.00

No.	Filed	Action	Operator	Fine/Cost	Due
93	05/29/12	DECISION OF ARBITRATION COMMISSIONER REMOVING MATTER FROM MANDATORY ARBITRATION	1BCGRIBBLE	0.00	0.00
94	05/15/12	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 (COPY) (SEE MINUTE ORDER FILED 06/19/2012)	1BVANESSAG	0.00	0.00
95	05/10/12	DECLARATION OF JED MARGOLIN IN SUPPORT OF REQUEST TO EXEMPT CASE FROM COURT ANNEXED ARBITRATION PROGRAM	1BCGRIBBLE	0.00	0.00
96	05/10/12	SECOND SUPPLEMENTAL REQUEST FOR EXEMPTION FROM ARBITRATION	1BCGRIBBLE	0.00	0.00
97	05/09/12	NOTICE OF ENTRY OF ORDER GRANTING JOHN PETER LEE, LTD.'S AMENDED MOTION TO WITHDRAW FROM REPRESENTATION OF DEFENDANTS OPTIMA TECHNOLOGY CORPORATION OPTIMA TECHNOLOGY CORPORATION, REZA ZANDIAN AKA GOLAMREA ZANDIANJAZI AKA GHOLAM REZA ZANDIAN AKA REZA JAZI AKA J. REZA JAZI AKA G. REA JAZI AKA GHONONREZA ZANDIAN JAZI	1BCCOOPER	0.00	0.00
98	04/26/12	FILE RETURNED AFTER SUBMISSION - ORDER ENTERED	1BVANESSAG	0.00	0.00
99	04/26/12	ORDER GRANTING JOHN PETER LEE, LTD.'S AMENDED MOTION TO WITHDRAW FROM REPRESENTATION OF DEFENDANTS OPTIMA TECHNOLOGY CORPORATION, A CALIFORNIA CORPORATION; OPTIMA TECHNOLOGY CORPORATION, A NEVADA CORPORATION; AND REZA ZANDIAN AKA GOLAMREZA ZANDIANJAZI AKA GHOLAM REZA ZANDIAN AKA REZA JAZI AKA J. REZA JAZI AKA G. REZA JAZI AKA GHONONREZA ZANDIAN JAZI	1BVANESSAG	0.00	0.00
100	04/23/12	REQUEST FOR SUBMISSION	1BCGRIBBLE	0.00	0.00
101	04/20/12	SUPPLEMENTAL REQUEST FOR EXEMPTION FROM ARBITRATION	1BCGRIBBLE	0.00	0.00
102	03/30/12	DECLARATION OF ADAM P. MCMILLEN IN SUPPORT OF THE NOTICE ON NON-OPPOSITION TO JOHN PETER LEE, LTD.'S AMENDED MOTION TO WITHDRAW FROM REPRESENTATION	1BCCOOPER	0.00	0.00
103	03/30/12	NOTICE OF NON-OPPOSITION TO JOHN PETER LEE, LTD'S AMENDED MOTION TO WITHDRAW FROM REPRESENTATION	1BCCOOPER	0.00	0.00
104	03/16/12	DECLARATION OF ADAM P. MCMILLEN IN SUPPORT OF THE NOTICE OF NON-OPPOSITION TO JOHN PETER LEE, LTD.'S MOTION TO WITHDRAW FROM REPRESENTATION	1BCCOOPER	0.00	0.00
105	03/16/12	NOTICE OF NON-OPPOSITION TO JOHN PETER LEE, LTD'S MOTION TO WITHDRAW FROM REPRESENTATION	1BCCOOPER	0.00	0.00
106	03/14/12	GENERAL DENIAL Receipt# 21864 Date: 03/16/2012	1BCCOOPER	218.00	0.00



No.	Filed	Action	Operator	Fine/Cost	Due
107	03/14/12	JOHN PETER LEE, LTD.'S AMENDED MOTION TO WITHDRAW FROM REPRESENTATION OF DEFENDANTS OPTIMA TECHNOLOGY CORPORATION, A CALIFORNIA CORPORATION; OPTIMA TECHNOLOGY CORPORATION, A NEVADA CORPORATION; AND REZA ZANDIAN AKA GOLAMREZA ZANDIANJAZI AKA GHOLAM REZA ZANDIAN AKA REZA JAZI AKA J. REZA JAZI AKA G. REZA JAZI AKA GHONONREZA ZANDIAN JAZI	1BJHIGGINS	0.00	0.00
108	03/09/12	REQUEST FOR EXEMPTION FROM ARBITRATION	1BVANESSAG	0.00	0.00
109	03/09/12	NOTICE OF INTENT TO TAKE DEFAULT	1BVANESSAG	0.00	0.00
110	03/07/12	JOHN PETER LEE, LTD.'S MOTION TO WITHDRAW FROM REPRESENTATION OF DEFENDANT REZA ZANDIAN AKA GOLAMREZA ZANDIANJAZI AKA GHOLM REZA ZANDIAN AKA REZA JAZI AKA J. REZA JAZI G. REZA JAZI AKA GHONONREZA ZANDIAN JAZI	1BCCOOPER	0.00	0.00
111	03/06/12	GENERAL DENIAL Receipt: 21739 Date: 03/09/2012 *STRICKEN PER ORDER GRANTING PLAINTIFF'S MOTION FOR SANCTIONS UNDER NRCP 37 FILED JAN. 15, 2013*	1BCCOOPER	218.00	0.00
112	02/24/12	NOTICE OF ENTRY OF ORDER	1BJHIGGINS	0.00	0.00
113	02/23/12	ORDER DENYING MOTION TO STRIKE	1BJHIGGINS	0.00	0.00
114	02/21/12	ORDER DENYING DEFENDANT'S MOTION TO DISMISS	1BJHIGGINS	0.00	0.00
115	02/13/12	REQUEST FOR SUBMISSION (2)	1BCCOOPER	0.00	0.00
116	02/13/12	DECLARATION OF ADAM P. MCMILLEN	1BCCOOPER	0.00	0.00
117	02/13/12	REPLY IN SUPPORT OF MOTION TO STRIKE	1BCCOOPER	0.00	0.00
118	02/02/12	OPPOSITION TO MOTION TO STRIKE	1BJHIGGINS	0.00	0.00
119	01/23/12	DECLARATION OF JED MARGOLIN IN SUPPORT OF MOTION TO STRIKE	1BVANESSAG	0.00	0.00
120	01/23/12	MOTION TO STRIKE	1BVANESSAG	0.00	0.00
121	12/13/11	REPLY TO OPPOSITION TO MOTION TO DISMISS	1BJHIGGINS	0.00	0.00
122	12/05/11	OPPOSITION TO MOTION TO DISMISS	1BKDUNCKHO	0.00	0.00
123	11/17/11	MOTION TO DISMISS AMENDED COMPLAINT ON SPECIAL APPEARANCE	1BKDUNCKHO	0.00	0.00
124	11/08/11	AMENDED CERTIFICATE OF SERVICE	1BVANESSAG	0.00	0.00
125	11/07/11	SUMMONS ON AMENDED COMPLAINT & (2) ADD'L SUMMONS ON AMENDED COMPLAINT	1BKDUNCKHO	0.00	0.00
126	11/07/11	CERTIFICATE OF SERVICE	1BKDUNCKHO	0.00	0.00
127	10/05/11	NOTICE OF ENTRY OF AMENDED ORDER	1BVANESSAG	0.00	0.00
128	09/27/11	FILE RETURNED AFTER SUBMISSION - ORDER ENTERED	1BJHIGGINS	0.00	0.00

No.	Filed	Action	Operator	Fine/Cost	Due
129	09/27/11	AMENDED ORDER ALLOWING SERVICE BY PUBLICATION	1BJHIGGINS	0.00	0.00
130	09/23/11	REQUEST FOR SUBMISSION	1BCCOOPER	0.00	0.00
131	09/13/11	NOTICE OF ENTRY OF ORDER	1BKDUNCKHO	0.00	0.00
132	09/09/11	FILE RETURNED AFTER SUBMISSION - ORDER ENTERED	1BJHIGGINS	0.00	0.00
133	09/09/11	ORDER ALLOWING SERVICE BY PUBLICATION	1BJHIGGINS	0.00	0.00
134	09/07/11	REQUEST FOR SUBMISSION	1BKDUNCKHO	0.00	0.00
135	08/11/11	ISSUING SUMMONS ON AMENDED COMPLAINT & 2 ADDITIONAL	1BKDUNCKHO	0.00	0.00
136	08/11/11	AMENDED COMPLAINT	1BKDUNCKHO	0.00	0.00
137	08/11/11	MOTION TO SERVE BY PUBLICATION	1BKDUNCKHO	0.00	0.00
138	08/03/11	FILE RETURNED AFTER SUBMISSION - ORDER ENTERED	1BJULIEH	0.00	0.00
139	08/03/11	ORDER SETTING ASIDE DEFAULT, DYNING MOTION TO DISMISS AND GRANTING EXTENSION OF TIME FOR SERVICE	1BJULIEH	0.00	0.00
140	07/13/11	REQUEST FOR SUBMISSION	1BCCOOPER	0.00	0.00
141	07/05/11	REPLY TO OPPOSITION TO MOTION TO DISMISS ON A SPECIAL APPEARANCE	1BCCOOPER	0.00	0.00
142	06/22/11	OPPOSITION TO MOTION TO DISMISS AND COUNTER MOTIONS TO STRIKE AND FOR LEAVE TO AMEND THE COMPLAINT	1BMKALE	0.00	0.00
143	06/13/11	NOTICE OF CHANGE OF COUNSEL	1BJHIGGINS	0.00	0.00
144	06/09/11	MOTION TO DISMISS ON A SPECIAL APPEARANCE	1BMKALE	0.00	0.00
145	03/07/11	NOTICE OF ENTRY OF DEFAULT JUDGMENT	1BCCOOPER	0.00	0.00
146	03/01/11	DEFAULT JUDGMENT	1BCCOOPER	0.00	0.00
147	03/01/11	JUDGMENT	1BCCOOPER	0.00	0.00

Judgment Amount:  
121,594.46  
Judgment Total:  
121,594.46

Terms: JUDGMENT ENTERED @ 3:24 PM.

Judgment Type: DEFAULT  
JUDGMENT  
Judgment Date: 03/01/2011

Judgment For: MARGOLIN, JED -  
PLNTF/PETNR

Judgment Against: OPTIMA  
TECHNOLOGY -  
DEFENDANT/RESPONDENT

ZANDIAN,  
REZA - DEFENDANT/RESPONDENT

Judgment Balance:  
121,594.46

Case Total:  
121,594.46

Case Balance:  
121,594.46

No.	Filed	Action	Operator	Fine/Cost	Due
148	03/01/11	FILE RETURNED AFTER SUBMISSION - ORDER ENTERED	1BCCOOPER	0.00	0.00
149	03/01/11	DEFAULT JUDGMENT	1BCCOOPER	0.00	0.00
150	02/28/11	APPLICATION FOR DEFAULT JUDGMENT; MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT THEREOF	1BMKALE	0.00	0.00
151	02/28/11	DECLARATION OF JED MARGOLIN IN SUPPORT OF APPLICATINO FOR DEFAULT JUDGMENT	1BMKALE	0.00	0.00
152	02/28/11	DECLARATION FO CASSANDRA P. JOSEPH IN SUPPORT OF APPLICATION FOR DEFAULT JUDGMENT	1BMKALE	0.00	0.00
153	02/25/11	CERTIFICATE OF SERVICE	1BMKALE	0.00	0.00
154	12/07/10	NOTICE OF ENTRY OF DEFAULT (3)	1BCFRANZ	0.00	0.00
155	12/02/10	DEFAULT	1BCCOOPER	0.00	0.00
156	12/02/10	APPLICATION FOR ENTRY OF DEFAULT	1BCCOOPER	0.00	0.00
157	12/02/10	APPLICATION FOR ENTRY OF DEFAULT	1BCCOOPER	0.00	0.00
158	12/02/10	DEFAULT	1BCCOOPER	0.00	0.00
159	12/02/10	APPLICATION FOR ENTRY OF DEFAULT	1BCCOOPER	0.00	0.00
160	03/26/10	SUMMONS AND ADD'S SUMMONS	1BCFRANZ	0.00	0.00
161	03/09/10	SUMMONS	1BCFRANZ	0.00	0.00
162	03/09/10	ISSUING SUMMONS & ADD'L SUMMONS	1BMKALE	0.00	0.00
163	12/15/09	ISSUING SUMMONS & 2 ADD'L	1BCCOOPER	0.00	0.00
164	12/14/09	COMPLAINT Receipt: 10054 Date: 12/14/2009 Receipt 10054 reversed by 10067 on 12/14/2009. Receipt: 10068 Date: 12/14/2009	1BMKALE	265.00	0.00
Total:				1,249.00	0.00
Totals By: COST				749.00	0.00
HOLDING				500.00	0.00
INFORMATION				0.00	0.00
*** End of Report ***					



1 Necessary Disbursements, which restates the arguments included in the Motion to Retax. On  
2 May 12, 2014, Margolin filed a Reply in Support of the Motion for Order Allowing Costs and  
3 Necessary Disbursements and Margolin also filed a Request for Submission on the same date.  
4 On May 14, 2014, Margolin filed an Amended Request for Submission, finally submitting the  
5 Motion for Order Allowing Costs and Necessary Disbursements to the Court for decision.

6 Based upon the following facts and conclusions of law, the Motion for Order Allowing  
7 Costs and Necessary Disbursements is hereby GRANTED.

8  
9 **I. Postjudgment Costs**

10 Zandian does not dispute Margolin is allowed postjudgment costs under NRS 18.160  
11 and NRS 18.170. Zandian does not dispute the requested research, witness fees or process  
12 service/courier costs. Zandian only requests that the Court reduce the photocopy charges from  
13 \$0.25 to \$0.15 per page. Zandian relies upon what the "FedEx Office" in Carson City charges  
14 for copies to demonstrate that Margolin's rate of \$0.25 per page is not reasonable.

15 Margolin cites to the First Judicial District Court's own fee schedule for copy charges,  
16 which shows the Court charges \$0.50 per page for copies. The District Court's own fee  
17 schedule is a better exemplar of what reasonable copy charges should be in this matter. The  
18 rate of \$0.25 per page is half of what the Court charges for legal copies and the Court finds  
19 that \$0.25 is reasonable under the circumstances. Therefore, Margolin's copy charges will not  
20 be reduced and are awarded in full in the amount requested. Since Zandian did not oppose the  
21 other costs, Margolin is granted his costs pursuant to NRS 18.160 and NRS 18.170, as follows:

22  
23 **COSTS (October 18, 2013 THROUGH April 18, 2014):**

24  
25 Postage/photocopies (in-house) \$ 481.20  
26 Research 285.31  
27 Witness Fees (Subpoenas) 215.66  
28 Process service/courier fees 373.00  
\$1,355.17

1                   **II. Postjudgment Attorney's Fees**

2                   Zandian argued that there is no applicable statute or rule upon which postjudgment  
3 attorney's fees can be awarded to Margolin and that the parties did not enter into an agreement  
4 which affords attorney's fees and therefore Margolin's request for postjudgment attorney's  
5 fees should be denied. Further, Zandian argues that NRS 598.0999(2) does not permit an  
6 award of attorney's fees in this case.

7                   However, NRS 598.0999(2) is applicable to any action filed pursuant to the provisions  
8 of NRS 598.0903 to 598.0999, inclusive. Accordingly, Margolin should be awarded his  
9 postjudgment fees pursuant to the Deceptive Trade Practices statute.  
10

11                   **a. NRS 598.0999(2) provides for an award of attorney's fees**

12                   NRS 598.0999(2) states as follows:

13                   Except as otherwise provided in NRS 598.0974, in any action brought pursuant  
14 to the provisions of NRS 598.0903 to 598.0999, inclusive, if the court finds that  
15 a person has willfully engaged in a deceptive trade practice, the district attorney  
16 of any county in this State or the Attorney General bringing the action may  
17 recover a civil penalty not to exceed \$5,000 for each violation. The court in any  
18 such action may, in addition to any other relief or reimbursement, award  
19 reasonable attorney's fees and costs.

20                   NRS 598.0999(2) (emphasis added).

21                   Thus, the phrase, "provisions of NRS 598.0903 to 598.0999," encompasses all actions  
22 brought under those sections. The language, "any action brought pursuant to the provisions of  
23 NRS 598.0903 to 598.0999," does not limit Deceptive Trade Practices actions to district  
24 attorneys or the Attorney General. The only limitation in NRS 598.0999(2) relates to the  
25 district attorney's and the Attorney General being able to pursue the \$5,000 civil penalty. In  
26 contrast, the last sentence of NRS 598.0999(2) stands alone and does not limit attorney fee  
27 awards to district attorneys or the Attorney General and allows the Court, in any Deceptive  
28 Trade Practices action, to "award reasonable attorney's fees and costs." NRS 598.0999(2).

1 As NRS 598.0999(2) provides for attorney's fees based upon actions filed pursuant to  
2 the provisions of NRS 598.0903 to 598.0999, inclusive, and since NRS 598.0999(2) does not  
3 exclude postjudgment attorney fees, Margolin's attorney's fees are hereby awarded for having  
4 to incur fees enforcing the judgment on the deceptive trade practices claim.

5 **b. Margolin's attorneys' fees are reasonable**

6 "In Nevada, 'the method upon which a reasonable fee is determined is subject to the  
7 discretion of the court,' which 'is tempered only by reason and fairness.'" *Shuette v. Beazer*  
8 *Homes Holdings Corp.*, 124 P. 3d 530, 121 Nev. 837 (2005) (citing *University of Nevada v.*  
9 *Tarkanian*, 110 Nev. 581, 594, 591, 879 P.2d 1180, 1188, 1186 (1994)). "Accordingly, in  
10 determining the amount of fees to award, the court is not limited to one specific approach; its  
11 analysis may begin with any method rationally designed to calculate a reasonable amount,  
12 including those based on a 'lodestar' amount or a contingency fee." *Id.* (citations omitted).  
13 "The lodestar approach involves multiplying 'the number of hours reasonably spent on the  
14 case by a reasonable hourly rate.'" *Id.* at n. 98 (citing *Herbst v. Humana Health Ins. of*  
15 *Nevada*, 105 Nev. 586, 590, 781 P.2d 762, 764 (1989)).

16  
17 Before awarding attorney's fees, the district court must make findings concerning the  
18 reasonableness of the award, as required by *Brunzell v. Golden Gate National Bank*, 455 P.2d  
19 31, 85 Nev. 345 (1969) and *Shuette v. Beazer Homes Holdings Corp.*, 124 P. 3d 530, 121 Nev.  
20 837 (2005). See *Barney v. Mt. Rose Heating & Air Conditioning*, 124 Nev. 821, 829-30, 192  
21 P.3d 730, 735-7 (2008).

22  
23 According to *Brunzell*, the factors that the district court should consider in awarding  
24 attorney fees, with no one factor controlling, is as follows:

- 25  
26 (1) the advocate's qualities, including ability, training, education, experience,  
27 professional standing, and skill;  
28 (2) the character of the work, including its difficulty, intricacy, importance, as  
well as the time and skill required, the responsibility imposed, and the  
prominence and character of the parties when affecting the importance of the  
litigation;

- 1 (3) the work performed, including the skill, time, and attention given to the  
work; and  
2 (4) the result—whether the attorney was successful and what benefits were  
derived.

3 *Barney*, 192 P.3d at 736 (citing *Brunzell*, 85 Nev. at 349, 455 P.2d at 33). According to  
4 *Shuette*, the district court is required to “provide[ ] sufficient reasoning and findings in support  
5 of its ultimate determination.” *Id.* (citing *Shuette*, 121 Nev. at 865, 124 P.3d at 549).

6  
7 Margolin concedes that he is not currently entitled to attorney’s fees that are incurred  
8 on appeal. See *Bd. of Gallery of History, Inc. v. Datecs Corp.*, 116 Nev. 286, 288, 994 P.2d  
9 1149, 1150 (2000). However, as stated above, Margolin is entitled to his postjudgment  
10 attorney’s fees, including those incurred in executing on the judgment. Therefore, Margolin is  
11 hereby awarded only those fees that have been incurred, postjudgment, with regards to  
12 execution of the judgment, for a total of \$31,247.50 in fees, which reflects the lodestar amount  
13 of postjudgment attorney’s fees.  
14

15 The amount of attorney’s fees awarded only includes reasonable attorney’s fees from  
16 October 18, 2013 to April 18, 2014, as follows: 11.4 hours of work performed by attorney  
17 Matthew D. Francis at \$300 per-hour (\$3,420.00); 75.3 hours of work performed by attorney  
18 Adam P. McMillen at \$300 per-hour (\$22,590.00); and 41.9 hours of work performed by  
19 paralegal Nancy Lindsley at \$125 per-hour (\$5,237.50). This lodestar amount is reasonable  
20 under the *Brunzell* factors as follows.  
21

- 22 **(1) Factors 1 and 2 - The Advocate’s Qualities, Including Ability, Training,  
Education, Experience, Professional Standing, and Skill and The Novelty  
23 and Difficulty of The Questions Involved, and The Time and Skill Involved**

24 The issues related to this case included: (a) whether Plaintiff’s patents were entitled to  
25 protection; (b) whether Defendants fraudulently assigned Plaintiff’s patents; and (c), whether  
26 Plaintiff was damaged by Defendants’ conduct. The patent and deceptive trade practices  
27 issues, and the unique facts surrounding them, involved careful consideration and research. In  
28 general, patent and deceptive trade practices litigation is a niche practice that requires a high



1 degree of legal skill and care in order to be performed properly and effectively. Each of these  
2 causes of action, coupled with the unique facts of this matter, required thorough research and  
3 careful analysis.

4 In addition, the postjudgment collection efforts so far have included attempting to find  
5 Zandian's collectible assets, including researching and investigating his property in Nevada  
6 and California and moving for a debtor's examination. Considering Zandian's elusive  
7 behavior to date and elaborate financial arrangements with a multitude of companies and  
8 individuals, Margolin has been forced to incur a significant amount of attorney's fees in  
9 attempting to collect on the judgment.  
10

11 Accordingly, Margolin's claimed postjudgment attorney's fees are reasonable under  
12 these factors.

13 **(2) Factor 3 – The Time and Labor Required**

14 Margolin's counsel has been required to research Zandian's vast real estate holdings in  
15 Nevada. Margolin's counsel has recorded the judgment in each Nevada County where  
16 Zandian holds property. Margolin's counsel has researched and subpoenaed Zandian's  
17 financial information from several financial institutions. Margolin's counsel has moved the  
18 court for a debtor's examination of Zandian. The time and labor required relating to  
19 collections efforts have been reasonable and significant.  
20

21 **(3) Factor 4 - The Result—Whether The Attorney Was Successful And What**  
22 **Benefits Were Derived**

23 Margolin prevailed on all of his causes of action in this case. Margolin's case against  
24 the Defendants resulted in a Default Judgment being entered against the Defendants on  
25 Margolin's causes of action. Specifically, the Court ordered Defendants to pay Plaintiff  
26 \$1,495,775.74, plus interest. In addition, through postjudgment efforts, Margolin's counsel  
27 has successfully liened Zandian's Nevada real estate to secure the judgment and Margolin's  
28 counsel is in the process of securing appropriate writs of execution to satisfy the judgment.

1 Thus, Margolin obtained the results sought, and this factor weighs in favor of the  
2 reasonableness of Margolin's fee request.

3 Further, the Court finds that while Zandian's failure to appear and defend this action  
4 led to the default judgments being entered, the nature of this matter required specialized skill  
5 and required a significant amount of time and attention by the attorneys involved.

6 The Court finds that patent and deceptive trade practices issues, and the unique facts  
7 surrounding them; involved careful consideration and research. Patent and deceptive trade  
8 practices litigation is a not a routine practice but requires a high degree of legal skill and care  
9 in order to be performed properly and effectively. Each of the causes of action in this matter,  
10 coupled with the unique facts of this matter, required thorough research and careful analysis.  
11 The Court finds that Margolin's counsel billed at an hourly rate of \$300, which is reasonable  
12 for this matter.  
13

14 In summary, an analysis of the *Brunzell* factors proves Margolin's fees in the lodestar  
15 amount of \$31,247.50 are reasonable and are hereby awarded.  
16

### 17 III. Postjudgment Interest

18 Margolin seeks a formal judgment for the postjudgment interest accrued on the  
19 judgment to date. Zandian argues it is premature for Margolin to request an order stating what  
20 the current amount of accrued postjudgment interest is at this time. Zandian does not argue  
21 that Margolin is not entitled to postjudgment interest.

22 "The purpose of post-judgment interest is to compensate the plaintiff for loss of the use  
23 of the money awarded in the judgment 'without regard to the elements of which that judgment  
24 is composed.'" *Albert H. Wohlers & Co. v. Bartgis*, 114 Nev. 1249, 1269, 969 P.2d 949, 963  
25 (1998) (citing *Ainsworth v. Combined Ins. Co.*, 105 Nev. 237, 244, 774 P.2d 1003, 1009  
26 (1989); see also *Waddell v. L.V.R.V. Inc.*, 122 Nev. 15, 26, 125 P.3d 1160, 1167 (2006)  
27 ("[t]he purpose of post-judgment interest is to compensate the plaintiff for loss of the use of  
28

1 the money awarded in the judgment' without regard to the various elements that make up the  
2 judgment.”).

3 Since Zandian has not provided a supersedeas bond to stop execution of the judgment,  
4 Margolin is entitled to postjudgment interest until the judgment is satisfied. *See* NRCP 62(d)  
5 (by giving a supersedeas bond a party may obtain stay of execution); *see also* NRS 17.130(2)  
6 (interest accrues until judgment satisfied). As the original judgment was entered in Nevada  
7 and the judgment set the interest rate at the legal rate of interest according to NRS 17.130, the  
8 interest rate is 5.25 percent per-annum, or \$215.15 per-day. Accordingly, the Court hereby  
9 finds that Margolin is owed simple interest at 5.25 percent or \$215.15 per-day from June 27,  
10 2013, the date of notice of entry of the judgment, through April 18, 2014. It is 296 days from  
11 June 27, 2013 to April 18, 2014. Multiplying 296 days by \$215.15 equals \$63,684.40 in  
12 accrued interest, which is the amount of interest currently due and owing.<sup>1</sup>

14 **IV. Conclusion**

15 Based upon the above, the Motion for Order Allowing Costs and Necessary  
16 Disbursements is GRANTED in full. Therefore, Margolin is awarded his postjudgment costs,  
17 from October 18, 2013 through April 18, 2014, in the amount of \$1,355.17. Margolin is  
18 awarded his postjudgment attorney's fees in the amount of \$31,247.50. Margolin is awarded  
19 his postjudgment interest in the amount of \$63,684.40.

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

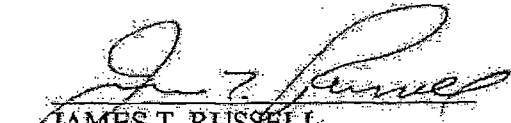
27 ///

28 <sup>1</sup> Interest continues to accrue until the judgment is satisfied. *See* NRS 17.130(2).

1 The total amount awarded to Margolin herein is \$96,287.07. This award shall be added  
2 to the judgment. This award must be paid before satisfaction of judgment may be entered in  
3 this matter. Payment of this award shall be made within 10 days of notice of entry of this  
4 Order. Payment shall be made payable to the Watson Rounds Trust Account or to Jed  
5 Margolin. Payment shall be delivered to the law office of Watson Rounds.

6 DATED: This 19 day of May, 2014.

IT IS SO ORDERED:

7  
8  
9   
10 JAMES T. RUSSELL  
DISTRICT COURT JUDGE

11  
12  
13  
14  
15 Respectfully submitted by,

16 WATSON ROUNDS, P.C.

17  
18 By: \_\_\_\_\_  
19 Adam P. McMillen, Esquire  
20 Nevada Bar No. 10678  
21 5371 Kietzke Lane  
22 Reno, NV 89511  
23 Telephone: (775) 324-4100  
24 Facsimile: (775) 333-8171  
25 Email: amcmillen@watsonrounds.com  
26 Attorneys for Plaintiff  
27  
28

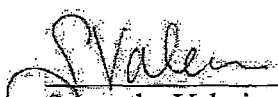
**CERTIFICATE OF MAILING**

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I hereby certify that on the 19<sup>th</sup> day of May, 2014, I placed a copy of the foregoing in the United States Mail, postage prepaid, addressed as follows:

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

Jason D. Woodbury  
Severin A. Carlson  
Kaempfer Crowell  
510 West Fourth Street  
Carson City, NV 89703

  
Samantha Valerius  
Law Clerk, Department I

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

REC'D & FILLED  
2014 MAY 21 AM 11:15  
ALAN GLOVER  
CLERK  
BY *[Signature]*  
DEPUTY

**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

**NOTICE OF ENTRY OF ORDER ON  
MOTION FOR ORDER ALLOWING  
COSTS AND NECESSARY  
DISBURSEMENTS**

TO: All parties:

**PLEASE TAKE NOTICE** that on May 19, 2014 the Court entered its Order on  
Motion for Order Allowing Costs and Necessary Disbursements. A true and correct copy of  
such order is attached hereto as Exhibit 1

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

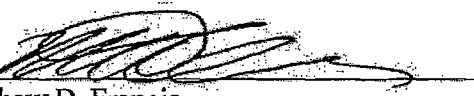
The undersigned does hereby affirm that the preceding document does not contain the

///  
///

1 social security number of any person.

2 DATED: May 20, 2014.

WATSON ROUNDS

3  
4 By:   
5 Matthew D. Francis  
6 Adam P. McMillen  
7 Watson Rounds  
8 5371 Kietzke Lane  
9 Reno, NV 89511

10 Attorneys for Plaintiff Jed Margolin  
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1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCP 5(b), I certify that I am an employee of Watson Rounds, and that on  
3 this date, I deposited for mailing, in a sealed envelope, with first-class postage prepaid, a true  
4 and correct copy of the foregoing document, NOTICE OF ENTRY OF ORDER ON MOTINO  
5 FOR ORDER ALLOWING COSTS AND NECESSARY DISBURSEMENTS, addressed as  
6 follows:

7 Jason D. Woodbury  
8 Severin A. Carlson  
9 Kaempfer Crowell  
10 510 West Fourth Street  
11 Carson City, NV 89703

12 Dated: This 20<sup>th</sup> day of May, 2014.

13   
14 Nancy Lindsley  
15  
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1 Necessary Disbursements, which restates the arguments included in the Motion to Retax. On  
2 May 12, 2014, Margolin filed a Reply in Support of the Motion for Order Allowing Costs and  
3 Necessary Disbursements and Margolin also filed a Request for Submission on the same date.  
4 On May 14, 2014, Margolin filed an Amended Request for Submission, finally submitting the  
5 Motion for Order Allowing Costs and Necessary Disbursements to the Court for decision.

6 Based upon the following facts and conclusions of law, the Motion for Order Allowing  
7 Costs and Necessary Disbursements is hereby GRANTED.

8  
9 **I. Postjudgment Costs**

10 Zandian does not dispute Margolin is allowed postjudgment costs under NRS 18.160  
11 and NRS 18.170. Zandian does not dispute the requested research, witness fees or process  
12 service/courier costs. Zandian only requests that the Court reduce the photocopy charges from  
13 \$0.25 to \$0.15 per page. Zandian relies upon what the "FedEx Office" in Carson City charges  
14 for copies to demonstrate that Margolin's rate of \$0.25 per page is not reasonable.

15 Margolin cites to the First Judicial District Court's own fee schedule for copy charges,  
16 which shows the Court charges \$0.50 per page for copies. The District Court's own fee  
17 schedule is a better exemplar of what reasonable copy charges should be in this matter. The  
18 rate of \$0.25 per page is half of what the Court charges for legal copies and the Court finds  
19 that \$0.25 per page is reasonable under the circumstances. Therefore, Margolin's copy charges will not  
20 be reduced and are awarded in full in the amount requested. Since Zandian did not oppose the  
21 other costs, Margolin is granted his costs pursuant to NRS 18.160 and NRS 18.170, as follows:

22  
23 **COSTS (October 18, 2013 THROUGH April 18, 2014):**

24

25	Postage/photocopies (in-house)	\$ 481.20
26	Research	285.31
27	Witness Fees (Subpoenas)	215.66
28	Process service/courier fees	<u>373.00</u>
		<u>\$1,355.17</u>

## 1 II. Postjudgment Attorney's Fees

2 Zandian argued that there is no applicable statute or rule upon which postjudgment  
3 attorney's fees can be awarded to Margolin and that the parties did not enter into an agreement  
4 which affords attorney's fees and therefore Margolin's request for postjudgment attorney's  
5 fees should be denied. Further, Zandian argues that NRS 598.0999(2) does not permit an  
6 award of attorney's fees in this case.

7 However, NRS 598.0999(2) is applicable to any action filed pursuant to the provisions  
8 of NRS 598.0903 to 598.0999, inclusive. Accordingly, Margolin should be awarded his  
9 postjudgment fees pursuant to the Deceptive Trade Practices statute.  
10

### 11 a. NRS 598.0999(2) provides for an award of attorney's fees

12 NRS 598.0999(2) states as follows:

13 Except as otherwise provided in NRS 598.0974, in any action brought pursuant  
14 to the provisions of NRS 598.0903 to 598.0999, inclusive, if the court finds that  
15 a person has willfully engaged in a deceptive trade practice, the district attorney  
16 of any county in this State or the Attorney General bringing the action may  
17 recover a civil penalty not to exceed \$5,000 for each violation. The court in any  
18 such action may, in addition to any other relief or reimbursement, award  
19 reasonable attorney's fees and costs.

20 NRS 598.0999(2) (emphasis added).

21 Thus, the phrase, "provisions of NRS 598.0903 to 598.0999," encompasses all actions  
22 brought under those sections. The language, "any action brought pursuant to the provisions of  
23 NRS 598.0903 to 598.0999," does not limit Deceptive Trade Practices actions to district  
24 attorneys or the Attorney General. The only limitation in NRS 598.0999(2) relates to the  
25 district attorney's and the Attorney General being able to pursue the \$5,000 civil penalty. In  
26 contrast, the last sentence of NRS 598.0999(2) stands alone and does not limit attorney fee  
27 awards to district attorneys or the Attorney General and allows the Court, in any Deceptive  
28 Trade Practices action, to "award reasonable attorney's fees and costs." NRS 598.0999(2).

1 As NRS 598.0999(2) provides for attorney's fees based upon actions filed pursuant to  
2 the provisions of NRS 598.0903 to 598.0999, inclusive, and since NRS 598.0999(2) does not  
3 exclude postjudgment attorney fees, Margolin's attorney's fees are hereby awarded for having  
4 to incur fees enforcing the judgment on the deceptive trade practices claim.

5 **b. Margolin's attorneys' fees are reasonable**

6 "In Nevada, 'the method upon which a reasonable fee is determined is subject to the  
7 discretion of the court,' which 'is tempered only by reason and fairness.'" *Shuette v. Beazer*  
8 *Homes Holdings Corp.*, 124 P. 3d 530, 121 Nev. 837 (2005) (citing *University of Nevada v.*  
9 *Tarkanian*, 110 Nev. 581, 594, 591, 879 P.2d 1180, 1188, 1186 (1994)). "Accordingly, in  
10 determining the amount of fees to award, the court is not limited to one specific approach; its  
11 analysis may begin with any method rationally designed to calculate a reasonable amount,  
12 including those based on a 'lodestar' amount or a contingency fee." *Id.* (citations omitted).  
13 "The lodestar approach involves multiplying 'the number of hours reasonably spent on the  
14 case by a reasonable hourly rate.'" *Id.* at n. 98 (citing *Herbst v. Humana Health Ins. of*  
15 *Nevada*, 105 Nev. 586, 590, 781 P.2d 762, 764 (1989)).  
16  
17

18 Before awarding attorney's fees, the district court must make findings concerning the  
19 reasonableness of the award, as required by *Brunzell v. Golden Gate National Bank*, 455 P.2d  
20 31, 85 Nev. 345 (1969) and *Shuette v. Beazer Homes Holdings Corp.*, 124 P. 3d 530, 121 Nev.  
21 837 (2005). See *Barney v. Mt. Rose Heating & Air Conditioning*, 124 Nev. 821, 829-30, 192  
22 P.3d 730, 735-7 (2008).

23 According to *Brunzell*, the factors that the district court should consider in awarding  
24 attorney fees, with no one factor controlling, is as follows:

- 25  
26 (1) the advocate's qualities, including ability, training, education, experience,  
27 professional standing, and skill;  
28 (2) the character of the work, including its difficulty, intricacy, importance, as  
well as the time and skill required, the responsibility imposed, and the  
prominence and character of the parties when affecting the importance of the  
litigation;

1 (3) the work performed, including the skill, time, and attention given to the  
2 work; and  
3 (4) the result—whether the attorney was successful and what benefits were  
4 derived.

5 *Barney*, 192 P.3d at 736 (citing *Brunzell*, 85 Nev. at 349, 455 P.2d at 33). According to  
6 *Shuette*, the district court is required to “provide[ ] sufficient reasoning and findings in support  
7 of its ultimate determination.” *Id.* (citing *Shuette*, 121 Nev. at 865, 124 P.3d at 549).

8 Margolin concedes that he is not currently entitled to attorney’s fees that are incurred  
9 on appeal. See *Bd. of Gallery of History, Inc. v. Datecs Corp.*, 116 Nev. 286, 288, 994 P.2d  
10 1149, 1150 (2000). However, as stated above, Margolin is entitled to his postjudgment  
11 attorney’s fees, including those incurred in executing on the judgment. Therefore, Margolin is  
12 hereby awarded only those fees that have been incurred, postjudgment, with regards to  
13 execution of the judgment, for a total of \$31,247.50 in fees, which reflects the lodestar amount  
14 of postjudgment attorney’s fees.

15 The amount of attorney’s fees awarded only includes reasonable attorney’s fees from  
16 October 18, 2013 to April 18, 2014, as follows: 11.4 hours of work performed by attorney  
17 Matthew D. Francis at \$300 per-hour (\$3,420.00); 75.3 hours of work performed by attorney  
18 Adam P. McMillen at \$300 per-hour (\$22,590.00); and 41.9 hours of work performed by  
19 paralegal Nancy Lindsley at \$125 per-hour (\$5,237.50). This lodestar amount is reasonable  
20 under the *Brunzell* factors as follows:

21  
22 **(1) Factors 1 and 2 - The Advocate’s Qualities, Including Ability, Training,  
23 Education, Experience, Professional Standing, and Skill and The Novelty  
24 and Difficulty of The Questions Involved, and The Time and Skill Involved**

25 The issues related to this case included: (a) whether Plaintiff’s patents were entitled to  
26 protection; (b) whether Defendants fraudulently assigned Plaintiff’s patents; and (c), whether  
27 Plaintiff was damaged by Defendants’ conduct. The patent and deceptive trade practices  
28 issues, and the unique facts surrounding them, involved careful consideration and research. In  
general, patent and deceptive trade practices litigation is a niche practice that requires a high

1 degree of legal skill and care in order to be performed properly and effectively. Each of these  
2 causes of action, coupled with the unique facts of this matter, required thorough research and  
3 careful analysis.

4 In addition, the postjudgment collection efforts so far have included attempting to find  
5 Zandian's collectible assets, including researching and investigating his property in Nevada  
6 and California and moving for a debtor's examination. Considering Zandian's elusive  
7 behavior to date and elaborate financial arrangements with a multitude of companies and  
8 individuals, Margolin has been forced to incur a significant amount of attorney's fees in  
9 attempting to collect on the judgment.  
10

11 Accordingly, Margolin's claimed postjudgment attorney's fees are reasonable under  
12 these factors.

13 **(2) Factor 3 – The Time and Labor Required**

14 Margolin's counsel has been required to research Zandian's vast real estate holdings in  
15 Nevada. Margolin's counsel has recorded the judgment in each Nevada County where  
16 Zandian holds property. Margolin's counsel has researched and subpoenaed Zandian's  
17 financial information from several financial institutions. Margolin's counsel has moved the  
18 court for a debtor's examination of Zandian. The time and labor required relating to  
19 collections efforts have been reasonable and significant.  
20

21 **(3) Factor 4 - The Result—Whether The Attorney Was Successful And What**  
22 **Benefits Were Derived**

23 Margolin prevailed on all of his causes of action in this case. Margolin's case against  
24 the Defendants resulted in a Default Judgment being entered against the Defendants on  
25 Margolin's causes of action. Specifically, the Court ordered Defendants to pay Plaintiff  
26 \$1,495,775.74, plus interest. In addition, through postjudgment efforts, Margolin's counsel  
27 has successfully liened Zandian's Nevada real estate to secure the judgment and Margolin's  
28 counsel is in the process of securing appropriate writs of execution to satisfy the judgment.

1 Thus, Margolin obtained the results sought, and this factor weighs in favor of the  
2 reasonableness of Margolin's fee request.

3 Further, the Court finds that while Zandian's failure to appear and defend this action  
4 led to the default judgments being entered, the nature of this matter required specialized skill  
5 and required a significant amount of time and attention by the attorneys involved.

6 The Court finds that patent and deceptive trade practices issues, and the unique facts  
7 surrounding them; involved careful consideration and research. Patent and deceptive trade  
8 practices litigation is a not a routine practice but requires a high degree of legal skill and care  
9 in order to be performed properly and effectively. Each of the causes of action in this matter,  
10 coupled with the unique facts of this matter, required thorough research and careful analysis.  
11 The Court finds that Margolin's counsel billed at an hourly rate of \$300, which is reasonable  
12 for this matter.  
13

14 In summary, an analysis of the *Brunzell* factors proves Margolin's fees in the lodestar  
15 amount of \$31,247.50 are reasonable and are hereby awarded.  
16

### 17 III. Postjudgment Interest

18 Margolin seeks a formal judgment for the postjudgment interest accrued on the  
19 judgment to date. Zandian argues it is premature for Margolin to request an order stating what  
20 the current amount of accrued postjudgment interest is at this time. Zandian does not argue  
21 that Margolin is not entitled to postjudgment interest.

22 "The purpose of post-judgment interest is to compensate the plaintiff for loss of the use  
23 of the money awarded in the judgment 'without regard to the elements of which that judgment  
24 is composed.'" *Albert H. Wohlers & Co. v. Bartgis*, 114 Nev. 1249, 1269, 969 P.2d 949, 963  
25 (1998) (citing *Ainsworth v. Combined Ins. Co.*, 105 Nev. 237, 244, 774 P.2d 1003, 1009  
26 (1989); see also *Waddell v. L.V.R.V. Inc.*, 122 Nev. 15, 26, 125 P.3d 1160, 1167 (2006)  
27 ("[t]he purpose of post-judgment interest is to compensate the plaintiff for loss of the use of  
28



1 the money awarded in the judgment' without regard to the various elements that make up the  
2 judgment.'").

3 Since Zandian has not provided a supersedeas bond to stop execution of the judgment,  
4 Margolin is entitled to postjudgment interest until the judgment is satisfied. *See* NRCPC 62(d)  
5 (by giving a supersedeas bond a party may obtain stay of execution); *see also* NRS 17.130(2)  
6 (interest accrues until judgment satisfied). As the original judgment was entered in Nevada  
7 and the judgment set the interest rate at the legal rate of interest according to NRS 17.130, the  
8 interest rate is 5.25 percent per-annum, or \$215.15 per-day. Accordingly, the Court hereby  
9 finds that Margolin is owed simple interest at 5.25 percent or \$215.15 per-day from June 27,  
10 2013, the date of notice of entry of the judgment, through April 18, 2014. It is 296 days from  
11 June 27, 2013 to April 18, 2014. Multiplying 296 days by \$215.15 equals \$63,684.40 in  
12 accrued interest, which is the amount of interest currently due and owing.<sup>1</sup>

14 **IV. Conclusion**

15 Based upon the above, the Motion for Order Allowing Costs and Necessary  
16 Disbursements is GRANTED in full. Therefore, Margolin is awarded his postjudgment costs,  
17 from October 18, 2013 through April 18, 2014, in the amount of \$1,355.17. Margolin is  
18 awarded his postjudgment attorney's fees in the amount of \$31,247.50. Margolin is awarded  
19 his postjudgment interest in the amount of \$63,684.40.


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28 <sup>1</sup> Interest continues to accrue until the judgment is satisfied. *See* NRS 17.130(2).

1 The total amount awarded to Margolin herein is \$96,287.07. This award shall be added  
2 to the judgment. This award must be paid before satisfaction of judgment may be entered in  
3 this matter. Payment of this award shall be made within 10 days of notice of entry of this  
4 Order. Payment shall be made payable to the Watson Rounds Trust Account or to Jed  
5 Margolin. Payment shall be delivered to the law office of Watson Rounds.

6 DATED: This 19 day of May, 2014.

IT IS SO ORDERED:

7  
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9   
10 JAMES T. RUSSELL  
11 DISTRICT COURT JUDGE  
12  
13  
14  
15

16 Respectfully submitted by,

17 WATSON ROUNDS, P.C.

18 By: \_\_\_\_\_  
19 Adam P. McMillen, Esquire  
20 Nevada Bar No. 10678  
21 5371 Kietzke Lane  
22 Reno, NV 89511  
23 Telephone: (775) 324-4100  
24 Facsimile: (775) 333-8171  
25 Email: amcmillen@watsonrounds.com  
26 Attorneys for Plaintiff  
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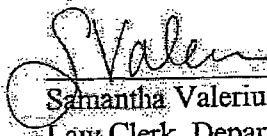
CERTIFICATE OF MAILING

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I hereby certify that on the 19<sup>th</sup> day of May, 2014, I placed a copy of the foregoing in the United States Mail, postage prepaid, addressed as follows:

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

Jason D. Woodbury  
Severin A. Carlson  
Kaempfer Crowell  
510 West Fourth Street  
Carson City, NV 89703

  
Samantha Valerius  
Law Clerk, Department I

FIRST JUDICIAL DISTRICT COURT MINUTES

CASE NO. 09 OC 00579 1B

TITLE: JED MARGOLIN 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

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06/19/12 – DEPT. I – HONORABLE JAMES T. RUSSELL  
J. Higgins, Clerk – Not Reported

MINUTE ORDER

**COURT ORDERED:** A copy of the document entitled 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 filed May 15, 2012 is to be used in the place and stead of the original as it is missing.

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