

Exhibit 28

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1 SEVERIN A. CARLSON
Nevada Bar No. 9373
2 TARA C. ZIMMERMAN
Nevada Bar No. 12146
3 KAEMPFER CROWELL
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4 Carson City, Nevada 89703
Telephone: (775) 882-1311
5 Fax: (775) 882-0257
scarlson@kcnvlaw.com
6 tzimmerman@kcnvlaw.com

7 Attorneys for Defendant
REZA ZANDIAN aka
8 GOLAMREZA ZANDIANJAZI aka
GHOLAM REZA ZANDIAN aka
9 REZA JAZI aka
J. REZA JAZI aka
10 G. REZA JAZI aka
GHONONREZA ZANDIAN JAZI

12 IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

13 IN AND FOR CARSON CITY

14 JED MARGOLIN, an individual,

15 Plaintiff,

16 vs.

17 OPTIMA TECHNOLOGY CORPORATION,
a California corporation; OPTIMA
TECHNOLOGY CORPORATION, a Nevada
18 corporation; REZA ZANDIAN aka
GOLAMREZA ZANDIANJAZI aka
19 GHOLAM REZA ZANDIAN aka REZA JAZI
aka J. REZA JAZI aka G. REZA JAZI aka
20 GHONONREZA ZANDIAN JAZI, an
individual; DOE COMPANIES 1-10; DOE
21 CORPORATIONS 11-20; and DOE
INDIVIDUALS 21-30,

22 Defendants.
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Case No. 090C00579 1B
Dept. No. 1

**MOTION TO WITHDRAW AS
COUNSEL**

1 MOTION TO WITHDRAW AS COUNSEL

2 Severin A. Carlson, Tara C. Zimmerman and Kaempfer Crowell (collectively "Counsel"),
3 counsel for Defendant REZA ZANDIAN aka GOLAMREZA ZANDIANJAZI aka GHOLAM
4 REZA ZANDIAN aka REZA JAZI aka J. REZA JAZI aka G. REZA JAZI aka GHONONREZA
5 ZANDIAN JAZI ("Defendant"), pursuant to Supreme Court Rule ("SCR") 46, First Judicial
6 District Court Rule ("FJDCR") 22, and Nevada Rule of Professional Conduct ("NRPC") 1.16,
7 move this Court for an order granting Counsel's motion to withdraw as counsel of record in this
8 matter.

9 This motion is made based upon the following Points and Authorities and the Affidavit of
10 Severin A. Carlson, attached hereto as **Exhibit 1**.

11 MEMORANDUM OF POINTS AND AUTHORITIES

12 **I. FACTUAL BACKGROUND**

13 Kaempfer Crowell entered an appearance on behalf of Defendant on or about March 3,
14 2014, to, among other things; seek to set aside orders of this Court that had been entered against
15 Defendant, directly and via appeals to the Nevada Supreme Court.

16 Most recently, this Court, in its November 6, 2015 Order Granting Plaintiff's Motion for
17 Debtor Examination and to Produce Documents (the "November 6 Order"), ordered Defendant
18 to produce to Plaintiff's counsel on or before December 21, 2015, various information and
19 documents as set forth in the November 6 Order. The November 6 Order also directed Defendant
20 to appear for a Judgment Debtor Examination at a location to be specified by Plaintiff's counsel
21 in San Diego, California in February 2016.

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KAEMPFER CROWELL
510 West Fourth Street
Carson City, Nevada 89703

1 During Counsel's representation, Defendant has substantially failed to fulfill his
2 obligations to Kaempfer Crowell regarding its services, despite Kaempfer Crowell having given
3 Defendant reasonable warning that it would withdraw as counsel unless the obligations are
4 fulfilled. Further representation would result in an unreasonable financial burden on the assigned
5 lawyers and law firm. The representation has also been rendered unreasonably difficult as a
6 result of Defendant's failure to meet his obligations to Counsel.

7 Furthermore, Defendant insists upon taking action that the lawyer considers repugnant or
8 with which the lawyer has fundamental disagreement, therefore making the immediate request to
9 withdraw reasonable.

10 II. ANALYSIS

11 Rule 1.16(b)(5) of the Nevada Rules of Professional Conduct provides that an attorney
12 may withdraw from representing a client if "[t]he client fails substantially to fulfill an obligation
13 to the lawyer regarding the lawyer's services and has been given a reasonable warning that the
14 lawyer will withdraw unless the obligation is fulfilled."

15 Rule 1.16(b)(4) of the Nevada Rules of Professional Conduct provides that an attorney
16 may withdraw from representing a client if "[a] client insists upon taking action that the lawyer
17 considers to be repugnant or with which the lawyer has a fundamental disagreement."

18 In this case, Defendant has not only substantially failed to fulfill his obligations to
19 Kaempfer Crowell regarding its services, but also insists upon taking action that the lawyer
20 considers to be repugnant or with which the lawyer has a fundamental disagreement.
21 Consequently, Counsel hereby requests that the Court issue an order allowing withdrawal as
22 Defendant's counsel.

23 Furthermore, SCR 46 provides:

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1 The attorney in an action or special proceeding may be changed at any time
2 before judgment or final determination as follows:

3 (2) Upon the order of the court of judge thereof on the application of the
4 attorney or the client.

5 Consistent with SCR 46, FJDCR 22 provides in civil cases that "An attorney of record
6 shall be deemed such in all subsequent related proceedings before the court until such time as a
7 withdrawal of counsel is made pursuant to SCR 46 and 166."

8 As set forth in the attached Affidavit of Severin A. Carlson, and based upon information
9 and belief, the last known addresses of Defendant are as follows:

10 Reza Zandian
11 9 MacArthur Place, Unit 2105
12 Santa Ana, California 92707-6753

13 Gholam Reza Zandian Jazi
14 6 rue Edouard Fournier
15 75116 Paris
16 France
17 rezazand@hotmail.com

18 This Motion will be served upon Defendant.

19 Counsel has complied with all requirements to withdraw as counsel of record. As such, an
20 order allowing Counsel to withdraw is appropriate. Defendant has been provided a copy of the
21 Court's November 6 Order, after having been informed of the Court's ruling from the bench, and
22 therefore is readily aware of the deadlines and requirements set forth in the November 6 Order.

23 **CONCLUSION**

24 For the reasons stated above, Counsel requests an order of this Court allowing them to
25 withdraw as counsel of record in this action.

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The undersigned does hereby affirm that the preceding document does not contain the social security number of any person.

DATED this 10th day of December, 2015.

KAEMPFER CROWELL

BY: 

SEVERIN A. CARLSON
Nevada Bar No. 9373
TARA C. ZIMMERMAN
Nevada Bar No. 12146
510 West Fourth Street
Carson City, Nevada 89703
Attorneys for Defendants

KAEMPFER CROWELL
510 West Fourth Street
Carson City, Nevada 89703

1 CERTIFICATE OF SERVICE

2 I, the undersigned, hereby certify that on the 10th day of December, 2015, I caused the
3 foregoing **MOTION TO WITHDRAW AS COUNSEL** to be served this date by depositing a
4 true copy of the same for mailing at Reno, Nevada, first class postage fully prepaid and
5 addressed to the following:

6 Matthew D. Francis, Esq.
7 Adam P. McMillen, Esq.
8 Watson Rounds
9 5371 Kietzke Lane
10 Reno, Nevada 89511
11 775.324.4100
12 775.333.8171 - facsimile
13 **Attorneys for Plaintiff**

14 Reza Zandian
15 9 MacArthur Place, Unit 2105
16 Santa Ana, California 92707-6753
17 **Defendant**

18 Gholam Reza Zandian Jazi
19 6 rue Edouard Fournier
20 75116 Paris
21 France
22 **Defendant**

23 I also caused the foregoing Motion to be served this date by e-mail to Defendant as
24 follows:
rezazand@hotmail.com



an employee of Kaempfer Crowell

EXHIBIT 1

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7 Attorneys for Defendant
REZA ZANDIAN

8

9 IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
10 IN AND FOR CARSON CITY

11 JED MARGOLIN, an individual,

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17 GHONONREZA ZANDIAN JAZI, an
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18 CORPORATIONS 11-20; and DOE
INDIVIDUALS 21-30,

19 Defendants.
20

Case No. 090C00579 1B
Dept. No. 1

AFFIDAVIT OF SEVERIN A. CARLSON
IN SUPPORT OF MOTION TO
WITHDRAW AS COUNSEL FOR
DEFENDANT REZA ZANDIAN

21 /././

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23 /././

24 /././

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510 West Fourth Street
Carson City, Nevada 89703

1 Gholam Reza Zandian Jazi
2 6 rue Edouard Fournier
3 75116 Paris
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5 Reza Zandian
6 9 MacArthur Place, Unit 2105
7 Santa Ana, California 92707-6753

8 rezazand@hotmail.com

9 8. That in the light of the above, I believe an order allowing Kaempfer Crowell to
10 withdraw from representation in this matter is appropriate and that such withdrawal complies
11 with the applicable rules of professional conduct, Nevada Supreme Court Rules, and local rules
12 of practice before the First Judicial District Court.

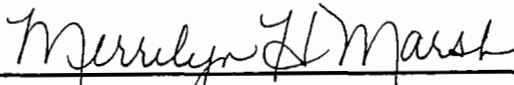
13 FURTHER YOUR AFFIANT SAYETH NAUGHT.

14 DATED this 10th day of December, 2015.

15 

16 SEVERIN A. CARLSON

17 Subscribed and Sworn to before me
18 this 10th day of December, 2015, by
19 Severin A. Carlson.

20 
21 NOTARY PUBLIC

22 My Commission Expires:
23 10-15-2018

