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6 Attorneys for Defendant Reza Zandian

7 **IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**

8 **IN AND FOR CARSON CITY**

9 JED MARGOLIN, an individual;

Case No.: 090C00579  
Dept. No.: I

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 GHONONREZA ZANDIAN JAZI, an  
16 individual, DOE Companies 1-10; DOE  
Corporations 11-20, and DOE Individuals 21-  
17 30,

18 Defendants.

1334.023382-twb

19 **OPPOSITION TO MOTION TO STRIKE**

20 COMES NOW Defendant Reza Zandian by and through his counsel John Peter Lee, Ltd.,  
21 and hereby files his OPPOSITION TO MOTION TO STRIKE.

22 This Opposition is made and based upon all of the pleadings and papers on file herein,  
23 exhibits attached hereto, the attached Memorandum of Points and Authorities, and oral argument,  
24 if required by the Court.

25 ...

26 ...

27 ...

28 ...

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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I.**

3 **INTRODUCTION.**

4 The Motion to Strike filed by Plaintiff Margolin (hereinafter “Margolin”) on or about January  
5 20, 2012, is nothing more than a futile attempt to file a sur-reply without leave of the Court.  
6 Moreover, the Motion to Strike is untimely made and, therefore, must be denied as a matter of law.  
7 Lastly, even if the Motion to Strike was timely filed, it is entirely without merit.

8 **II.**

9 **STATEMENT OF FACTS.**

10 Margolin admits that the Reply in which he seeks to strike was filed on December 13, 2011.  
11 Motion to Strike, p. 3, ll. 17-19. The instant Motion to Strike was filed on or about January 20,  
12 2012, more than 20 days after the reply sought to be stricken was filed. Because the instant action  
13 remains in the pleadings stage, the remaining pertinent facts stated in the pleadings are hereby  
14 incorporated herein as though fully stated herein.

15 **III.**

16 **STATEMENT OF THE LAW.**

17 “Upon motion made by a party before responding to a pleading or, if no responsive pleading  
18 is permitted by [the] rules, upon motion made by a party **within 20 days** after the service of the  
19 pleading upon the party or upon the court’s own initiative at any time, the court may order stricken  
20 from any pleading any insufficient defense or any redundant, immaterial, impertinent, or scandalous  
21 matter [emphasis added].” NRCPP 12(f).

22 **IV.**

23 **LEGAL ARGUMENT.**

24 It is without question that Margolin filed the instant motion to strike more than 20 days after  
25 the reply in which he wishes to strike was filed. Thus, pursuant to NRCPP 12(f), his Motion to Strike  
26 is untimely and, therefore, must be denied.

27 Apparently, Margolin wishes to strike said reply because he does not believe that the  
28 statements made therein are true. The Court, however, need look no further than Margolin’s

1 Complaint and the documents referenced therein to ascertain whether Margolin has already tried this  
2 case in another forum. Additionally, Margolin does not countenance the arguments in said reply  
3 regarding insufficiency of service or lack of personal jurisdiction.

4 Ultimately, the Court now has plenty of information before it to make a determination on  
5 Defendant Zandian's pending Motion to Dismiss Plaintiff's Complaint.


6 V.

7 CONCLUSION.

8 For the reasons stated above, the instant Motion to Strike must be denied.

9 DATED this 1st day of February, 2012.

10 JOHN PETER LEE, LTD.

11 BY:   
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19 Attorneys for Defendant Reza Zandian

20 CERTIFICATE OF MAILING

21 I HEREBY CERTIFY that on the 1st day of February, 2012, a copy of the foregoing  
22 OPPOSITION TO MOTION TO STRIKE was served on the following parties by mailing a copy  
23 thereof, first class mail, postage prepaid, addressed to:

24 Adam McMillen, Esq.  
25 Watson Rounds  
26 5371 Kietzke Lane  
27 Reno, NV 89511

28   
An employee of  
JOHN PETER LEE, LTD.