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ALAN GLOVER
V. GUTIERREZ
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7 **In The First Judicial District Court of the State of Nevada**
8 **In and for Carson City**
9

10 **JED MARGOLIN, an individual,**

11 **Plaintiff,**

12 **vs.**

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

20 **Defendants.**

Case No.: 090C00579 1B

Dept. No.: 1

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

21 Pursuant to NRCPC 7.285, SCR 77, and other applicable law, Plaintiff Jed Margolin
22 ("Mr. Margolin" or "Plaintiff") hereby moves this Court for an order compelling Defendants
23 Optima Technology Corporation, a California corporation, and Optima Technology
24 Corporation, a Nevada corporation (collectively "Optima Technology Corporations") to retain
25 legal counsel, or, in the alternative, to strike the General Denial of those Corporations filed on
26 March 13, 2012. This Motion is based on the grounds that because the Optima Technology
27 Corporations are no longer represented by counsel, they cannot represent themselves under
28 Nevada Law, and cannot defend, prosecute, or participate in this action. This Motion is based

1 on the attached Memorandum of Points and Authorities, all pleadings and papers on file in this
2 action, and any argument the Court may hear.

3 Dated this 15th day of May, 2012.

WATSON ROUNDS

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5 BY: /s/ Adam P. McMillen
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MEMORANDUM OF POINTS AND AUTHORITIES

I. BACKGROUND

Mr. Margolin filed the Complaint in this action on December 11, 2009. After extensive briefing regarding service on Defendants concluded, and after the Court denied Defendants' Motion to Dismiss, Defendants served two "General Denials." The first General Denial was served on March 5, 2012 on behalf of the individual Reza Zandian aka Golamreza Andianjazi aka Gholam Reza Zandian aka Reza Jazi aka J. Reza Jazi aka G. Reza Jazi aka Ghononreza Zandian Jazi. The second General Denial was served on March 13, 2012 on behalf of the Optima Technology Corporations.

On March 13, 2012, Defense counsel moved to withdraw from representing all of the individual and corporate Defendants in this action. On March 16, 2012, Plaintiff filed a non-opposition to Defense counsel's Motion to Withdraw, and on April 26, 2012, this Court granted Defense counsel's Motion to Withdraw. The undersigned has not been contacted by new Defense counsel for any of the Defendants as of the date of this Motion, and no appearance of counsel has been entered for any of the Defendants as of the date of this Motion.

II. ARGUMENT

NRS 7.285 provides that "[n]o person shall practice law in this state unless he is an active member of the State Bar of Nevada pursuant to the rules of the supreme court." The statute further provides that any person who practices law who is not an active member of the State Bar of Nevada is guilty of a misdemeanor. SCR 77 provides that, with certain

1 inapplicable exceptions, no person may practice law as an officer of the courts in this state
2 who is not an active member of the state bar. Nevada case law is clear on this issue as well.
3 *See State v. Stu's Bail Bonds*, 115 Nev. 436, n. 1, 991 P.2d 469, 470 n. 1 (1999) (“business
4 entities are not permitted to appear, or file documents, in proper person”); *Salman v.*
5 *Newell*, 110 Nev. 1333, 1336, 885 P. 2d 607, 608 (1994) (observing that no statute or rule
6 permits a non-lawyer to represent an entity and concluding that an entity cannot proceed in
7 proper person); *Sunde v. Contel of California*, 112 Nev. 541, 542–43, 915 P.2d 298, 299
8 (1996) (explaining that non-lawyers may not represent entities in court).

9 Courts may strike pleadings when a corporation has failed to retain counsel. *See*
10 *Trustees of Operating Engineers Pension Trust v. O'Donnell*, 2007 WL 672528, *2 (D. Nev.
11 2007) (granting motion to compel and alternative motion to strike answer) (citations omitted).

12 Because corporations may not represent themselves, the Optima Technology
13 Corporations cannot defend, prosecute, or participate in this action without counsel licensed in
14 the State of Nevada. As such, Plaintiff respectfully requests that the Optima Technology
15 Corporations be ordered to retain legal counsel no later than June 15, 2012. Plaintiff also
16 respectfully requests that the March 13, 2012 General Denial filed by Optima Technology
17 Corporations be stricken if Optima Technology Corporations do not retain new counsel by
18 June 15, 2012.

19 III. CONCLUSION

20 For all of the foregoing reasons, Plaintiff's Motion should be granted in the manner
21 requested.

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AFFIRMATION PURSUANT TO NRS 239B.030

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

Dated this 15th day of May, 2012.

WATSON ROUNDS


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Attorneys for Plaintiff Jed Margolin

1 CERTIFICATE OF SERVICE

2 Pursuant to NRC 5(b), I certify that I am an employee of Watson Rounds, and that on
3 this date, a true and correct copy of the foregoing document, **PLAINTIFF'S MOTION TO**
4 **COMPEL APPEARANCE OF COUNSEL FOR OPTIMA TECHNOLOGY**
5 **CORPORATIONS, OR IN THE ALTERNATIVE, MOTION TO STRIKE GENERAL**
6 **DENIAL OF OPTIMA TECHNOLOGY CORPORATIONS**, will be served via first-class
7 mail through the U.S. Postal Service, addressed as follows:

8 Reza Zandian
9 8775 Costa Verde Blvd.
10 San Diego, CA 82122

11 Dated: May 15, 2012

12 
13 _____
14 Carla Ousby