

1 Case No. 09 0C 00579 1B

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DEPUTY

5 In The First Judicial District Court of the State of Nevada

6 In and for Carson City

7 JED MARGOLIN, an individual,

8 Plaintiff,

9 vs.

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

19 Defendants.

**ORDER GRANTING 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**

19 This matter comes before the Court on Plaintiff Jed Margolin's motion for an order  
20 compelling Defendants Optima Technology Corporation, a California corporation, and Optima  
21 Technology Corporation, a Nevada corporation (collectively "Optima Technology  
22 Corporations") to retain legal counsel, or, in the alternative, to strike the General Denial of those  
23 Corporations filed on March 13, 2012.

24 Upon consideration of the foregoing documents, and the Court deeming itself fully  
25 advised of the matter, the Court hereby enters its Order Granting Plaintiff's Motion and finds  
26 and orders as follows:

27 Plaintiff filed the Complaint in this action on December 11, 2009. After extensive  
28 briefing regarding service on Defendants concluded, and after the Court denied Defendants'

1 Motions to Dismiss, Defendants served two “General Denials.” The first General Denial was  
2 served on March 5, 2012 on behalf of the individual Reza Zandian aka Golamreza Zandianjazi  
3 aka Gholam Reza Zandian aka Reza Jazi aka J. Reza Jazi aka G. Reza Jazi aka Ghononreza  
4 Zandian Jazi. The second General Denial was served on March 13, 2012 on behalf of the  
5 Optima Technology Corporations.

6 On March 13, 2012, Defense counsel moved to withdraw from representing all of the  
7 individual and corporate Defendants in this action. On March 16, 2012, Plaintiff filed a non-  
8 opposition to Defense counsel’s Motion to Withdraw and on April 26, 2012, this Court granted  
9 Defense counsel’s Motion to Withdraw. No appearance of counsel has been entered for any of  
10 the Defendants as of this date.

11 NRS 7.285 provides that “[n]o person shall practice law in this state unless he is an  
12 active member of the State Bar of Nevada pursuant to the rules of the supreme court.” The  
13 statute further provides that any person who practices law who is not an active member of the  
14 State Bar of Nevada is guilty of a misdemeanor. SCR 77 provides that, with certain  
15 inapplicable exceptions, no person may practice law as an officer of the courts in this state  
16 who is not an active member of the state bar. Nevada case law is clear on this issue as well.  
17 *See State v. Stu's Bail Bonds*, 115 Nev. 436, n. 1, 991 P.2d 469, 470 n. 1 (1999) (“business  
18 entities are not permitted to appear, or file documents, in proper person”); *Salman v.*  
19 *Newell*, 110 Nev. 1333, 1336, 885 P. 2d 607, 608 (1994) (observing that no statute or rule  
20 permits a non-lawyer to represent an entity and concluding that an entity cannot proceed in  
21 proper person); *Sunde v. Contel of California*, 112 Nev. 541, 542–43, 915 P.2d 298, 299  
22 (1996) (explaining that non-lawyers may not represent entities in court).

23 In addition, courts may strike pleadings when a corporation has failed to retain counsel.  
24 *See Trustees of Operating Engineers Pension Trust v. O'Donnell*, 2007 WL 672528, \*2 (D.  
25 Nev. 2007) (granting motion to compel and alternative motion to strike answer) (citations  
26 omitted).

27 In light of the foregoing, the Court finds that the Optima Technology Corporations  
28 cannot defend, prosecute, or participate in this action without counsel licensed in the State of

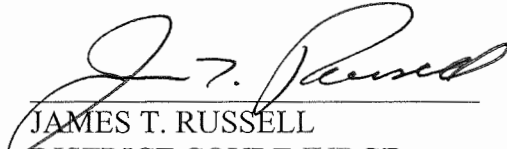
1 Nevada. In Plaintiff's Motion, Plaintiff requested that the Optima Technology Corporations be  
2 ordered to retain legal counsel no later than June 15, 2012. Plaintiff also requested that the  
3 March 13, 2012 General Denial filed by the Optima Technology Corporations be stricken if the  
4 Optima Technology Corporations did not retain new counsel by June 15, 2012. Pursuant to the  
5 above findings, the Court further finds that Plaintiff's requests should be granted with the  
6 Optima Technology Corporations now being given until July 15, 2012 to retain counsel or their  
7 General Denial will be stricken.

8 THEREFORE, Plaintiff Jed Margolin's Motion to Compel Appearance of Counsel for  
9 the Optima Technology Corporations or in the Alternative Motion to Strike the General Denial  
10 of the Optima Technology Corporations is GRANTED as follows:

11 IT IS HEREBY ORDERED that the Optima Technology Corporations must retain  
12 counsel and that counsel must enter an appearance in this matter on behalf of the Optima  
13 Technology Corporations by July 15, 2012.

14 IT IS FURTHER ORDERED that if no appearance is entered on behalf of the Optima  
15 Technology Corporations by July 15, 2012, the Optima Technology Corporations' General  
16 Denial, filed on March 13, 2012, shall be stricken.

17 Dated this 28<sup>th</sup> day of June 2012.

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20 JAMES T. RUSSELL  
21 DISTRICT COURT JUDGE  
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CERTIFICATE OF SERVICE

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I hereby certify that on the 29 day of June, 2012, I placed a copy of the foregoing  
Order in the United States Mail, postage prepaid, addressed as follows:

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

Reza Zandian  
8775 Costa Verde Blvd. Apt #501  
San Diego, CA 82122

