1	Case No. 09 0C 00579 1B	REC'D & FILED
2	Dept. No. I	2012 SEP 24 PM 1: 32
3		ALAH GLOVER
4		BYCLEOK
5	In The First Judicial District Court of the State of Nevada	
6	In and for Carson City	
7		
8	JED MARGOLIN, an individual,	
9	Plaintiff,	
10	VS.	DEFAULT
11	OPTIMA TECHNOLOGY CORPORATION, a California corporation, OPTIMA	
12	TECHNOLOGY CORPORATION, a Nevada corporation, REZA ZANDIAN	
13	aka GOLAMREZA ZANDIANJAZI	
14	aka GHOLAM REZA ZANDIAN aka REZA JAZI aka J. REZA JAZI	
15	aka G. REZA JAZI aka GHONONREZA ZANDIAN JAZI, an individual, DOE Companies	
16	1-10, DOE Corporations 11-20, and DOE	
	Individuals 21-30,	
17	Defendants.	
18		I
19 20	On March 14, 2012, Defendants Optima Te	chnology Corporation, a California
20	corporation, and Optima Technology Corporation, a Nevada corporation, both filed a	
22	"General Denial" in this action. On June 28, 2012, this Court entered an Order granting	
23	Plaintiff's Motion to Compel Appearance of Counsel for Optima Technology Corporations,	
24	or in the Alternative, Motion to Strike General Denial of Optima Technology Corporations.	
25	A true and correct copy of said Order is attached hereto as Exhibit 1. Because there has been	
26	no appearance of counsel for the Optima Technology Corporations, as ordered, the Optima	
27	Technology Corporations' General Denial is stricken, and the Optima Technology	
28	Corporations are in default for failure to plead or otherwise defend as required by law.	

JM_FJD_1115

1	DEFAULT is therefore entered against Defendants Optima Technology Corporation, a		
2	California corporation, and Optima Technology Corporation, a Nevada corporation this		
3	day of September, 2012.		
4	Alan Glover		
5	CLERK OF THE COURT		
6	BY:		
7	DEPUTY CLERK		
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Exhibit 1

Exhibit 1

JM_FJD_1117

1	Case No. 09 0C 00579 1B	REC'D & FILED	
2	Dept. No. I	2012 JUN 28 AM 11: 13	
3		ALAN GLOVER	
4		BY DEPUTY	
5	In The First Judicial District Court of the State of Nevada		
6	In and for Carson City		
7	JED MARGOLIN, an individual,	1	
8	Plaintiff,		
9		ORDER GRANTING PLAINTIFF'S	
10		MOTION TO COMPEL	
11	OPTIMA TECHNOLOGY CORPORATION a California corporation, OPTIMA	OPTIMA TECHNOLOGY	
12	TECHNOLOGY CORPORATION, a Nevac corporation, REZA ZANDIAN	a ALTERNATIVE, MOTION TO STRIKE GENERAL DENIAL OF	
13	aka GOLAMREZA ZANDIANJAZI aka GHOLAM REZA ZANDIAN	OPTIMA TECHNOLOGY CORPORATIONS	
14	aka REZA JAZI aka J. REZA JAZI aka G. REZA JAZI aka GHONONREZA		
15	ZANDIAN JAZI, an individual, DOE Comp	anies	
16	1-10, DOE Corporations 11-20, and DOE Individuals 21-30,		
17	Defendants.		
18			
19		n 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	he 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 enter	s its Order Granting Plaintiff's Motion and finds	
26	and orders as follows:		
27	Plaintiff filed the Complaint in this ac	tion 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
 served on March 5, 2012 on behalf of the individual Reza Zandian aka Golamreza Zandianjazi
 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 nonopposition to Defense counsel's Motion to Withdraw and on April 26, 2012, this Court granted
Defense counsel's Motion to Withdraw. No appearance of counsel has been entered for any of
the Defendants as of this date.

NRS 7.285 provides that "[n]o person shall practice law in this state unless he is an 11 active member of the State Bar of Nevada pursuant to the rules of the supreme court." The 12 statute further provides that any person who practices law who is not an active member of the 13 State Bar of Nevada is guilty of a misdemeanor. SCR 77 provides that, with certain 14 inapplicable exceptions, no person may practice law as an officer of the courts in this state 15 16 who is not an active member of the state bar. Nevada case law is clear on this issue as well. See State v. Stu's Bail Bonds, 115 Nev. 436, n. 1, 991 P.2d 469, 470 n. 1 (1999) ("business 17 entities are not permitted to appear, or file documents, in proper person"); Salman v. 18 Newell, 110 Nev. 1333, 1336, 885 P. 2d 607, 608 (1994) (observing that no statute or rule 19 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).

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

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

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

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

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

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

Dated this 28 day of June 2012.

and

JAMES T. RUSSELL DISTRICT COURT JUDGE

<section-header> Image: Properties of the state o</section-header>			
2 I hereby certify that on the 24, day of June, 2012, I placed a copy of the foregoing 3 Order in the United States Mail, postage prepaid, addressed as follows: 4 Matthew D. Francis, Esq. 5 Adam P. McMillen, Esq. 5371 Kietzke Lane Reno, NV 89511 7 Reza Zandian 8775 Costa Verde Blvd. Apt #501 9 Mutue Model 10 Adam P. AcMillen, Esq. 11 Reza Zandian 8775 Costa Verde Blvd. Apt #501 9 Mutue Model 10 Adam P. AcMillen, Esq. 11 Adam P. McMillen, Esq. 12 Adam P. McMillen, Esq. 13 Adam P. McMillen, Esq. 14 San Diego, CA 82122 15 Adam P. McMillen, Esq. 16 Adam P. McMillen, Esq. 17 Adam P. McMillen, Esq. 18 Adam P. McMillen, Esq. 19 Adam P. McMillen, Esq. 20 Adam P. McMillen, Esq. 21 Adam P. McMillen, Esq. 22 Adam P. McMillen, Esq. 23 Adam P. McMillen, Esq. 24 <			
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 Mathew D. Francis, Esq. Adam P. McMillen, Esq. 5371 Kietzke Lane Reno, NV 89511 Reza Zandian 8775 Costa Verde Blvd. Apt #501 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 	2	I hereby certify that on the 24 day of June, 2012, I placed a copy of the foregoing	
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