

1 Matthew D. Francis (6978)
Adam P. McMillen (10678)
2 WATSON ROUNDS
5371 Kietzke Lane
3 Reno, NV 89511
Telephone: 775-324-4100
4 Facsimile: 775-333-8171
Attorneys for Plaintiff Jed Margolin
5

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ALAN GLOVER

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6
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,
a California corporation, OPTIMA
14 TECHNOLOGY CORPORATION, a Nevada
corporation, REZA ZANDIAN
15 aka GOLAMREZA ZANDIANJAZI
16 aka GHOLAM REZA ZANDIAN
aka REZA JAZI aka J. REZA JAZI
17 aka G. REZA JAZI aka GHONONREZA
ZANDIAN JAZI, an individual, DOE Companies
18 1-10, DOE Corporations 11-20, and DOE
19 Individuals 21-30,

20 Defendants.

Case No.: 090C00579 1B

Dept. No.: 1

**OPPOSITION TO MOTION FOR
STAY OF PROCEEDINGS TO
ENFORCE JUDGMENT
PURSUANT TO NRCP 62(B)**

21 Zandian's Motion for Stay of Proceedings to Enforce Judgment Pursuant to NRCP
22 62(B) is solely based upon the fact that his Motion to Set Aside Default Judgment, filed on
23 December 20, 2013, is currently pending and he would have to post a bond. Zandian requests
24 the Court stay the enforcement of the judgment against him until such time as the Court
25 renders a decision on the pending Motion to Set Aside Default Judgment.

26 However, there is no basis to set aside the default judgment, the requested stay should
27 be denied, and execution efforts, including the debtor's examination scheduled for February
28 11, 2014, should proceed forward. *See* Opposition to Set Aside Default Judgment, filed herein

1 on 1/9/14; Order Granting Plaintiff's Motion for Debtor Examination and to Produce
2 Documents, dated 1/13/14. At the very least, if a stay is granted – which it should not be – a
3 bond should be required to protect Mr. Margolin's interests, especially considering the fact
4 that Zandian has consistently and intentionally evaded his responsibilities related to this
5 matter. Zandian's latest attempts to set aside the judgment and stay proceedings are just more
6 evidence of Zandian's desire to avoid this proceeding or drag it out unnecessarily.

7 **I. The Court Enjoys Wide Discretion Under NRCP 62(b)**

8 "In its discretion...the court may stay the execution of or any proceedings to enforce a
9 judgment..." NRCP 62(b). Zandian has provided no credible basis for setting aside the
10 default judgment. *See* Opposition to Set Aside Default Judgment, filed herein on 1/9/14.
11 Zandian's only justification for the requested stay is the pending motion to set aside the default
12 judgment and his potential financial burden in posting a bond. *See* Motion for Stay, dated
13 12/30/13. Since there is no credible basis for setting aside the default judgment and any
14 financial burden has been caused by his actions and inactions, there is no justification for the
15 requested stay, and the requested stay should be denied.
16

17 **II. NRCP 62(b) Allows The Court To Require Security**

18 "In its discretion and on such conditions for the security of the adverse party as are
19 proper, the court may stay the execution of or any proceedings to enforce a judgment..."
20 NRCP 62(b). Therefore, Rule 62(b) allows the Court to require a bond if a stay is granted
21 pending determination of a post-trial motion.
22

23 Zandian has proved to be purposely evasive. *See* Opposition to Set Aside Default
24 Judgment, filed herein on 1/9/14; *see also previous motions filed herein*. Therefore, if a stay is
25 granted, Plaintiff respectfully requests Zandian be required to post a bond equal to the amount
26 of the judgment in order to protect the interests of Mr. Margolin. The fact that Zandian may
27 incur some expense in obtaining a bond should not weigh in his favor.
28


1 **III. Conclusion**

2 For the reasons stated above, Mr. Margolin respectfully requests that this Court deny
3 Mr. Zandian's motion to set aside the default judgment and deny the requested stay.

4 AFFIRMATION PURSUANT TO NRS 239B.030

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

7 Dated this 16th day of January, 2014.

8 BY: 

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10 Adam P. McMillen (10678)
11 WATSON ROUNDS
12 5371 Kietzke Lane
13 Reno, NV 89511
14 Telephone: 775-324-4100
15 Facsimile: 775-333-8171
16 Attorneys for Plaintiff Jed Margolin

1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRC P 5(b), I certify that I am an employee of Watson Rounds, and that on
3 this date, I deposited for mailing, in a sealed envelope, with first-class postage prepaid, a true
4 and correct copy of the foregoing document, **OPPOSITION TO MOTION FOR STAY OF**
5 **PROCEEDINGS TO ENFORCE JUDGMENT PURSUANT TO NRC P 62(B)**, addressed
6 as follows:

7 Optima Technology Corp.
8 A California corporation
9 8401 Bonita Downs Road
Fair Oaks, CA 95628

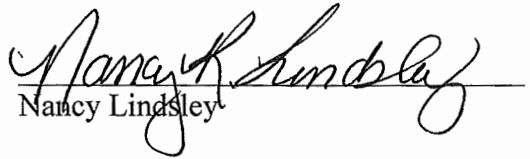
Optima Technology Corp.
A Nevada corporation
8775 Costa Verde Blvd. #501
San Diego, CA 92122

10 Optima Technology Corp.
11 A Nevada corporation
12 8401 Bonita Downs Road
Fair Oaks, CA 95628

Johnathon Fayeghi, Esq.
Hawkins Melendrez
9555 Hillwood Dr. Suite 150
Las Vegas, NV 89134
Counsel for Reza Zandian

13 Optima Technology Corp.
14 A California corporation
15 8775 Costa Verde Blvd. #501
San Diego, CA 92122

16
17 Dated: January 16, 2014


Nancy Lindsley