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5 **Attorneys for Reza Zandian**

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ALAN GLOVER  
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6 IN THE FIRST JUDICIAL DISTRICT COURT  
7 OF THE STATE OF NEVADA IN AND FOR  
8 CARSON CITY

9 JED MARGOLIN, an individual,  
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 GHONOREZA ZANDIAN JAZI, an  
16 individual, DOE Companies 1-10, DOE  
Corporations 11-20, and DOE Individuals  
17 21-30,  
18 Defendants.

Case No. 09OC00579 1B  
Dept. No. I

19  
20 **OPPOSITION TO MOTION FOR WRIT OF EXECUTION**

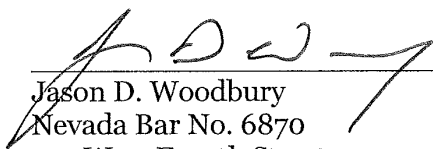
21 COMES NOW, Defendant REZA ZANDIAN ("ZANDIAN"), by and through his  
22 attorneys, Kaempfer Crowell, and hereby opposes the *Motion for Writ of Execution*  
23 ("*Motion*") served by mail on April 2, 2014. This *Opposition* is made pursuant to  
24 FJDCR 15(3) and is based on the attached memorandum of points and authorities, all

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1 papers and pleadings on file in this matter and any evidence received and arguments  
2 entertained by the Court at any hearing on the *Motion*.

3 DATED this 21<sup>st</sup> day of April, 2014.

4 **KAEMPFER CROWELL**

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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. Procedural Background**

3 On June 24, 2013, this Court entered default judgment in the amount of  
4 \$1,495,775.74 in this case.<sup>1</sup> On April 2, 2014, Plaintiff served the instant *Motion*.  
5 Attached to the *Motion* are two exhibits. The first, Exhibit 1, is a document entitled  
6 “*First Memorandum of Post-Judgment Costs and Fees*.” The second, Exhibit 2, is  
7 actually a series of documents each entitled “*Writ of Execution*” some of which purport  
8 to be issued to the Sheriff of Washoe County and some of which purport to be issued to  
9 the Constable of Clark County.

10 On April 9, 2014, ZANDIAN filed a *Motion to Retax and Settle Costs* (“*Motion to*  
11 *Retax*”) in response to the *First Memorandum of Post-Judgment Costs and Fees*.<sup>2</sup> The  
12 *Motion to Retax* is pending and has not been addressed at this time.

13 **II. Argument**

14 **A. This Court should deny Plaintiff’s *Motion* to issue the proposed**  
15 ***Writs* because they include fees and costs which this Court has**  
16 **not granted.**

17 The proposed *Writs* presented to this Court by Plaintiff include the following  
18 amounts as “sums [which] have accrued since the entry of judgment.”<sup>3</sup> Two of these  
19 items, \$34,787.50 in attorney’s fees and \$1,022.59 in “accrued costs” reflect the costs

20 <sup>1</sup> See *Default J.* at 2:19 – 3:3 (June 24, 2013). This Court’s *Default Judgment* reflects that the judgment  
21 includes “damages, along with pre-judgment interest, attorney’s fees and costs.” *Id.* at 2:21-22. However,  
22 the *Default Judgment* does not itemize the amount of each category and only reflects a lump sum of  
23 \$1,495,775.74. Plaintiff’s proposed *Writ of Execution* does itemize these categories and sums as follows:  
24 “\$900,000.00 principal,” “\$83,761.25 attorney’s fees”, “\$488,545.89 interest, and” “\$24,021.96 costs,  
making a total amount of \$1,495,775.74”. *Exhibit 2 to Motion for Writ of Execution* at 2:1-5 (hereinafter  
referred to as “proposed *Writs*”). Adding to the confusion, the sums of the categories listed in Plaintiff’s  
proposed writs do not equal what is reported as the “total amount.” ( $\$900,000 + \$83,761.25 +$   
 $\$488,545.89 + \$24,021.96 = \$1,497,329.10$  not  $\$1,495,775.74$ ). Plaintiff, however, offers no explanation  
for the discrepancy between the categories and total and, to date, has made no effort to correct any error.  
For this reason alone, this Court should deny the *Motion* and require clarification by Plaintiff. A writ of  
execution must be precise.

<sup>2</sup> See *Motion to Retax and Settle Costs* (April 9, 2014).

1 and fees requested in the *First Memorandum of Post-Judgment Costs and Fees*. Those  
2 fees and costs are disputed and this Court has yet to resolve any dispute as to their  
3 amount. Indeed, there is significant doubt that Plaintiff has any legal basis to recover  
4 post-judgment fees in this case. In any event, however, the proposed *Writs* do not  
5 accurately reflect the previous orders of this Court and should be rejected.

6 More egregious, Plaintiff's proposed *Writs* reflect a higher sum than this Court  
7 has actually awarded—even assuming the adoption of the *First Memorandum of Post-*  
8 *Judgment Costs and Fees*. The proposed *Writs* would have this Court authorize  
9 execution for the total sum of \$1,592,091.22.<sup>4</sup> One would assume that this sum consists  
10 of the amount previously awarded by this Court, \$1,495,775.74, added to the sum  
11 requested in the *First Memorandum of Post-Judgment Costs and Fees*, \$93,315.40.  
12 However, those two figures add up to 1,589,091.14, \$3,000.08 less than the sum  
13 reflected in the proposed *Writs*. No explanation for this is provided in the *Motion*.  
14 Simply, the proposed *Writs* are erroneous on their face and this Court should decline  
15 their issuance.

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24 <sup>3</sup> Proposed *Writs* at 2:7.

<sup>4</sup> Proposed *Writs* at 2:17-19.

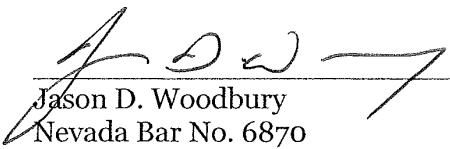
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**III. Conclusion**

For all these reasons explained herein, it is respectfully requested that this Court deny the *Motion*.

DATED this 21<sup>st</sup> day of April, 2014.

**KAEMPFER CROWELL**

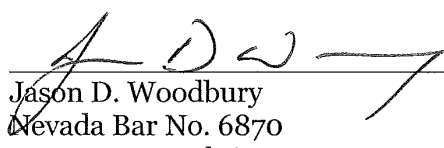
  
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***Attorneys for Reza Zandian***

**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 21<sup>st</sup> day of April, 2014.

**KAEMPFER CROWELL**

  
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**CERTIFICATE OF SERVICE**

Pursuant to NRCP 5(b), I hereby certify that service of the foregoing  
**OPPOSITION TO MOTION FOR WRIT OF EXECUTION** was made this date by  
depositing a true copy of the same for mailing at Carson City, Nevada, addressed to each  
of the following:

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

DATED this 21<sup>st</sup> day of April, 2014.

  
an employee of Kaempfer Crowell