

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

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11 **In The First Judicial District Court of the State of Nevada**  
12 **In and for Carson City**

13 JED MARGOLIN, an individual,  
14 Plaintiff,

15 vs. )

16 OPTIMA TECHNOLOGY CORPORATION,  
17 a California corporation, OPTIMA  
18 TECHNOLOGY CORPORATION, a Nevada  
19 corporation, REZA ZANDIAN  
20 aka GOLAMREZA ZANDIANJAZI  
21 aka GHOLAM REZA ZANDIAN  
22 aka REZA JAZI aka J. REZA JAZI  
23 aka G. REZA JAZI aka GHONONREZA  
24 ZANDIAN JAZI, an individual, DOE Companies  
25 1-10, DOE Corporations 11-20, and DOE  
26 Individuals 21-30,

27 Defendants.

Case No.: 090C00579 1B

Dept. No.: 1

**OPPOSITION TO MOTION TO  
STRIKE, IN PART, REPLY IN  
SUPPORT OF MOTION FOR WRIT  
OF EXECUTION**

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29 Zandian does not argue that there is anything substantively wrong with the proposed  
30 writs attached to Mr. Margolin's Reply in Support of the Motion for Writ of Execution, filed  
31 July 17, 2014. Instead, Zandian complains that the proposed writs attached to the Reply are  
32 merely different than the originally-proposed writs, and since he did not have an opportunity to  
33 respond to them, the Reply and associated writs should be stricken. Zandian's argument is  
34 difficult to understand since Zandian's opposition to the Motion for Writ of Execution stated

1 that the originally-proposed writs were defective and therefore the Court should decline their  
2 issuance. Any such perceived defects have been resolved in the revised writs.

3 Zandian also argues that Mr. Margolin's Reply improperly raised new issues.

4 However, as evidenced by the Reply itself, the Reply only addressed those issues raised in the  
5 opposition and Mr. Margolin revised the writs to correct the deficiencies pointed out by  
6 Zandian. Therefore, Mr. Margolin's reply and the revised writs are consistent with the general  
7 rule that a party may not raise a new issue for the first time in a reply brief. *See Holcomb v.*  
8 *Georgia Pac., LLC*, 128 Nev. Adv. Op. 56, 289 P.3d 188, 200 n.12 (2012) (citing *City of Elko*  
9 *v. Zillich*, 100 Nev. 366, 371, 683 P.2d 5, 8 (1984) (a party may not raise a new issue for the  
10 first time in a reply brief)).

11 Zandian's effort to cast Mr. Margolin's Reply in Support of the Motion for Writ of  
12 Execution as an "effort to take advantage of the self-imposed procedural irregularities" is  
13 without merit. FJDCR 15(2)-(4) allows for a motion, an opposition, and a reply. *See also*  
14 *DCR 13(2)-(4)* (same). The general rule is that "[a] reply shall not present matters that do not  
15 relate to the response." *See NRAP 27(a)(4)*; *see also Holcomb*, 289 P.3d at 200 n.12 (citing  
16 *Zillich*, 100 Nev. at 371). Mr. Margolin did not present matters unrelated to Zandian's  
17 opposition. To the contrary, the Reply addressed only issues raised in Zandian's opposition—  
18 head on—and revised the proposed writs as explained in the Reply. Zandian's arguments to  
19 the contrary are incorrect, and the fact that the writs were revised to correct perceived errors  
20 and to make the changes as more fully explained in the Reply, does not warrant striking the  
21 Reply or the writs.

22 The Reply in support of the Motion for Writ of Execution, filed on July 17, 2014,  
23 explains why the proposed writs were changed and the Reply is incorporated herein by  
24 reference. The original writs of execution were revised to correct the discrepancy between the  
25 amount of the Default Judgment and the amount stated in the writs of execution. Correcting  
26 the discrepancy is not grounds for striking the proposed writs, and Zandian's technical  
27 arguments to the contrary must be rejected.

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1 Mr. Margolin's Reply also explains that Mr. Margolin is not seeking interest upon  
2 interest and Mr. Margolin revised the proposed writs to calculate any post-judgment interest  
3 on the original Default Judgment from April 19, 2014 forward, without including the  
4 \$63,684.40 in interest that accrued from June 27, 2013 to April 18, 2014, and without  
5 including interest on the post-judgment fees and costs. These issues were directly addressed in  
6 Zandian's opposition to the Motion for Writ of Execution.

7 Mr. Margolin further made clear in the Reply that he is not abandoning his rights or  
8 interest in the Order on Motion for Order Allowing Costs and Necessary Disbursements, dated  
9 May 19, 2014, as that is a valid and binding order of this Court. In that May 19, 2014 Order,  
10 the Court awarded Mr. Margolin post-judgment costs in the amount of \$1,355.17, post-  
11 judgment attorney's fees in the amount of \$31,247.50 and post-judgment interest in the  
12 amount of \$63,684.40, which amounts are included in the proposed writs attached to the Reply  
13 in Support of the Motion for Writ of Execution.

14 As explained in the Reply, and contrary to Zandian's erroneous self-serving argument,  
15 Mr. Margolin is only pursuing the proposed writs of execution that are attached to the Reply.  
16 To be clear, Mr. Margolin is only seeking an order from this Court that directs the Clerk of the  
17 Court to issue the revised writs of execution, attached to and as explained in the Reply in  
18 support of the Motion for Writ of Execution, filed on July 17, 2014.

19 Pursuant to NRS 21.010 *et seq.*, Mr. Margolin is entitled to pursue writs of execution  
20 until he is fully compensated in accordance with the Default Judgment, including until all  
21 appropriate interest, post-judgment fees and costs are paid by Zandian. Simply because future  
22 writs of execution might be sought to fully compensate Mr. Margolin does not prevent the  
23 issuance of the currently proposed writs of execution at this time.

24 Finally, Zandian's sur-reply should be limited to those issues addressed in the Reply in  
25 Support of the Motion for Writ of Execution, filed on July 17, 2014.

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**Conclusion**

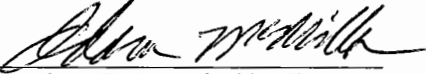
Plaintiff Jed Margolin hereby requests that the Court deny Reza Zandian's Motion to Strike and also limit Mr. Zandian's sur-reply to only those items addressed in Mr. Margolin's Reply in Support of the Motion for Writ of Execution, filed on July 17, 2014.

**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: August 4, 2014.

WATSON ROUNDS

By: 

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

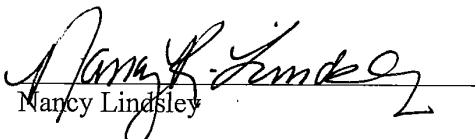
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**CERTIFICATE OF SERVICE**

Pursuant to NRCP 5(b), I certify that I am an employee of Watson Rounds, and that on this date, I deposited for mailing, in a sealed envelope, with first-class postage prepaid, a true and correct copy of the foregoing document, **OPPOSITION TO MOTION TO STRIKE, IN PART, REPLY IN SUPPORT OF MOTION FOR WRIT OF EXECUTION**, addressed as follows:

Jason D. Woodbury  
Severin A. Carlson  
Kaempfer Crowell  
510 West Fourth Street  
Carson City, Nevada 89703  
*Attorneys for Defendant, Reza Zandian*

Dated: August 4, 2014

  
Nancy Lindsley