

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

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**O. FRANZ** DEPUTY

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7 **In The First Judicial District Court of the State of Nevada**  
8 **In and for Carson City**

9 **JED MARGOLIN, an individual,**

10 **Plaintiff,**

11 **vs.**

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

23 **Defendants.**

Case No.: 090C00579 1B

Dept. No.: 1

**MOTION FOR JUDGMENT DEBTOR**  
**EXAMINATION AND TO PRODUCE**  
**DOCUMENTS**

24 PLEASE TAKE NOTICE that Judgment Creditor Jed Margolin ("Margolin") by and  
25 through his attorneys, brings this motion seeking this Court, in light of the civil judgment  
26 entered by this Court on June 24, 2013 against Judgment Debtor Reza Zandian ("Zandian")  
27 and pursuant to NRCP 69 and NRS 21.270, to issue the following orders requiring:

28 1. Within 30 days of any such order, that Zandian produce to Margolin's counsel, so that  
counsel may effectively review and question Zandian regarding the documents at a debtor's  
examination, all information and documents identifying, related to, and/or comprising the  
following:

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- a. Any and all information and documentation identifying real property, computers, cell phones, intellectual property, vehicles, brokerage accounts, bank deposits and all other assets that may be available for execution to satisfy the Judgment entered by the Court, including, but not limited to, information relating to financial accounts, monies owed to Zandian by others, etc.
- b. Documents sufficient to show Zandian's balance sheet for each month for the years 2007 to the present.
- c. Documents sufficient to show Zandian's gross revenues for each month for the years 2007 to the present.
- d. Documents sufficient to show Zandian's costs and expenses for each month for the years 2007 to the present.
- e. All tax returns filed by Zandian with any governmental body for the years 2007 to the present, including all schedules, W-2's and 1099's.
- f. All of Zandian's accounting records, computerized electronic and/or printed on paper format for the years 2007 to the present.
- g. All of Zandian's statements, cancelled checks and related banking documents for any bank, brokerage or other financial account at least partially controlled by Zandian, or recorded in the name of Zandian or for Zandian's benefit, for the years 2007 to the present.
- h. All of Zandian's checkbooks, checkbook stubs and checkbook entries for the years 2007 to the present.
- i. Documents sufficient to show the means and source of payment of Zandian's current residence and any other residence for the years 2007 to the present.
- j. Documents sufficient to show the means and source of payment of Zandian's counsel in this matter.
- k. Any settlement agreements by which another party has agreed to pay money to Zandian.

1 2. Within 90 days of any such order, that Zandian appear and answer upon oath or  
2 affirmation concerning Zandian's property at a Judgment Debtor Examination, after providing  
3 the above documents to Margolin's counsel.

4 This application is made and based upon the following points and authorities.

5 **POINTS AND AUTHORITIES**

6 NRCP 69 provides that "[i]n aid of the judgment or execution, the judgment creditor...  
7 may obtain discovery from ... the judgment debtor, in the manner provided in these rules."

8 NRCP 69(a).<sup>1</sup>

9 **A. Margolin is Entitled to a Judgment Debtor Examination**

10 Pursuant to NRCP 62, proceedings to enforce a money judgment may be initiated once  
11 10 days have passed since the entry of judgment, unless the judgment debtor has obtained a  
12 stay by posting a supersedeas bond. NRCP 62(a). On June 27, 2013, written notice of entry of  
13 the judgment was served. More than 10 days have passed since that date, the judgment is still  
14 outstanding and Zandian has not posted a supersedeas bond.

15 Under Nevada procedure, Margolin is entitled to a debtor examination. NRS 21.270  
16 states that "a judgment creditor, at any time after the judgment is entered, is entitled to an  
17 order from the judge of the court requiring the judgment debtor to appear and answer upon  
18 oath or affirmation concerning his or her property" at an examination either before 1) the judge  
19 or master appointed by the judge or 2) an attorney representing the judgment creditor. NRS  
20 21.270(1).

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24 <sup>1</sup> See also *Fishman v. Las Vegas Sun, Inc.*, 75 Nev. 13, 14-15, 333 P.2d 988, 989 (1959):

25 Despite the fact that the appeal to this court has removed from the district court's jurisdiction  
26 the determination of any matters involved in the appeal, it is nonetheless clear that the appeal to  
27 this court, without supersedeas, cannot of itself deprive the respondent judgment creditor of the  
28 right to execute upon its judgment or of its right to invoke the aid, in the district court, of the  
provisions of Rule 69 with reference to execution and proceedings supplementary to and in aid  
of the judgment and under the provisions of Rule 37(a) and (b) with reference to discovery. For  
such purposes the district court, under the circumstances recited, retains jurisdiction to make  
such orders as may be necessary and proper under the rules.

1           **B.     The Debtor Examination Should Proceed**

2           A Judgment Debtor Examination is necessary to enable Margolin to discover any and  
3 all real and personal property of Zandian and facts relating thereto, which will assist in the  
4 execution to satisfy the judgment. NRS 21.270(1) entitles Margolin to an order requiring  
5 Zandian to appear before a judge or a master appointed by the judge, or an attorney. Margolin  
6 requests that the examination take place before Honorable James T. Russell, District Court  
7 Judge at an agreed-upon date and time.

8           **C.     The Production of Documents Necessary to Identify Assets**

9           Margolin also requests an order requiring the production of the above referenced  
10 documents within 30 calendar days of any such order. “The scope of post-judgment discovery  
11 is broad, ‘the judgment creditor must be given the freedom to make a broad inquiry to discover  
12 hidden or concealed assets of the judgment debtor.’” *British Intern. Ins. Co., Ltd. v. Seguros*  
13 *La Republica, S.A.*, 200 F.R.D. 586, 588 (W.D.Tex. 2000) (quoting *Caisson Corp. v. County*  
14 *West Building Corp.*, 62 F.R.D. 331, 334 (E.D.Pa. 1974)).

15           Margolin is entitled to discover where Zandian’s assets are located and whether any  
16 transfers of those assets, if any, were fraudulent pursuant to NRS 112.180. Post-judgment  
17 discovery can be used to gain information relating to, among other things, the “existence or  
18 *transfer* of the judgment debtor’s assets.” *British Intern., supra*, 200 F.R.D. at 588 (emphasis  
19 added). Margolin is also entitled to discover Zandian’s financial statements, bank statements,  
20 investment account statements, and tax returns. *The Edwards Andrews Group, Inc. v.*  
21 *Addressing Servs. Co., Inc.*, No. 04 Civ. 6731, 2006 WL 1214984 at \*1, 2006 U.S. Dist.  
22 LEXIS 28967 at \*2 (S.D.N.Y. May 4, 2006); *Libaire v. Kaplan*, 760 F.Supp.2d 288 (E.D.N.Y.  
23 2011); Order Granting Debtors Examination, *American Int’l Recovery v. Costa*, Case No.  
24 2:07-cv-00123-JCM-PAL (Dkt. 60) (D. Nev. Oct. 13, 2011) (listing documents to be  
25 produced).

26           **D.     Conclusion**

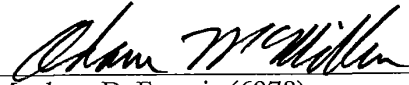
27           For the reasons stated above, Margolin respectfully requests this Court grant this  
28 Motion and issue the proposed Order attached hereto as Exhibit 1.

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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 10th day of June, 2015.

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*

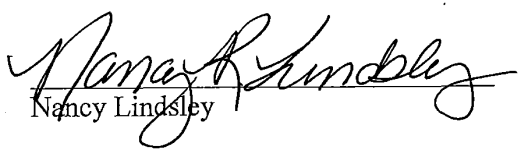
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**CERTIFICATE OF SERVICE**

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, **MOTION FOR JUDGMENT DEBTOR EXAMINATION AND TO PRODUCE DOCUMENTS**, addressed as follows:

Severin A. Carlson  
KAEMPFER CROWELL  
510 West Fourth Street  
Carson City, NV 89703  
Attorney for Reza Zandian

Dated: June 10, 2015

  
Nancy Lindsley

# Exhibit 1

# Exhibit 1

1 Case No. 09 OC 00579 1B

2 Dept. No. I

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

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**In and for Carson City**

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**JED MARGOLIN, an individual,**

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**Plaintiff,**

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**vs.**

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**OPTIMA TECHNOLOGY CORPORATION,  
a California corporation, OPTIMA  
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aka GOLAMREZA ZANDIANJAZI  
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aka G. REZA JAZI aka GHONONREZA  
ZANDIAN JAZI, an individual, DOE  
Companies 1-10, DOE Corporations 11-20,  
and DOE Individuals 21-30,**

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**Defendants.**

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**[PROPOSED] ORDER GRANTING  
PLAINTIFF'S MOTION FOR  
DEBTOR EXAMINATION AND  
TO PRODUCE DOCUMENTS**

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This matter comes before the Court on Plaintiff Jed Margolin's Motion for Debtor

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Examination and to Produce Documents, filed on June 10, 2015. The Court finds a Judgment

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was entered against Defendant Reza Zandian and good cause otherwise exists to grant the

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Motion for Debtor Examination and to Produce Documents.

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NOW, THEREFORE, **IT HEREBY IS ORDERED** as follows:

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1. That Defendant REZA ZANDIAN aka GOLAMREZA ZANDIANJAZI

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aka GHOLAM REZA ZANDIAN aka REZA JAZI aka J. REZA JAZI aka G. REZA JAZI aka

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GHONONREZA ZANDIAN JAZI is hereby ordered to appear before the Court and answer

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upon oath or affirmation concerning Defendant's property at a Judgment Debtor Examination

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- h. All of Zandian's checkbooks, checkbook stubs and checkbook entries for the years 2007 to the present.
- i. Documents sufficient to show the means and source of payment of Zandian's current residence and any other residence for the years 2007 to the present.
- j. Documents sufficient to show the means and source of payment of Zandian's counsel in this matter.
- k. Any settlement agreements by which another party has agreed to pay money to Zandian.

DATED: This \_\_\_\_ day of June, 2015.

\_\_\_\_\_  
JAMES T. RUSSELL  
DISTRICT COURT JUDGE