REC'D & FILED SEVERIN A. CARLSON 1 Nevada Bar No. 9373 2015 JUN 29 PM 4: 45 TARA C. ZIMMERMAN 2 Nevada Bar No. 12146 G. COOPEINERRED HER BY KAEMPFER CROWELL 3 510 West Fourth Street Carson City, Nevada 89703 4 Telephone: (775) 882-1311 (775) 882-0257 5 Fax: scarlson@kcnvlaw.com tzimmerman@kcnvlaw.com 6 7 Attorneys for Defendant REZA ZANDIAN 8 IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA 9 IN AND FOR CARSON CITY 10 Case No. 090C00579 1B JED MARGOLIN, an individual, 11 Dept. No. 1 Plaintiff, 12 VS. 13 OPTIMA TECHNOLOGY CORPORATION, a California corporation; OPTIMA 14 TECHNOLOGY CORPORATION, a Nevada corporation; REZA ZANDIAN aka 15 GOLAMREZA ZANDIANJAZI aka GHOLAM REZA ZANDIAN aka REZA JAZI 16 aka J. REZA JAZI aka G. REZA JAZI aka GHONONREZA ZANDIAN JAZI, an 17 individual; DOE COMPANIES 1-10; DOE CORPORATIONS 11-20; and DOE 18 INDIVIDUALS 21-30, 19 Defendants. 20 DEFENDANT REZA ZANDIAN'S OPPOSITION TO PLAINTIFF'S MOTION FOR 21 JUDGMENT DEBTOR EXAMINATION AND TO PRODUCE DOCUMENTS AND MOTION FOR PROTECTIVE ORDER 22 Defendant REZA ZANDIAN ("Defendant" or "Zandian"), by and through his counsel 23 Kaempfer Crowell, hereby submits his Opposition (the "Opposition") to Plaintiff JED 24 1658075_1.docx 17021.1 Page 1 of 11

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MARGOLIN's ("Plaintiff" or "Margolin") Motion for Judgment Debtor Examination and to Produce Documents (the "Motion") and Motion for Protective Order. This Opposition and Motion for Protective Order are supported by the papers and pleadings on file herein, the accompanying Memorandum of Points and Authorities, and any oral argument that may be entertained by this Court.

DATED this 29th day of June, 2015.

KAEMPFER CROWELL

BY:

SEVERIN A. CARLSON Nevada Bar No. 9373 TARA C. ZIMERMAN Nevada State Bar No. 12146 510 West Fourth Street Carson City, Nevada 89703 Attorneys for Defendant REZA ZANDIAN

MEMORANDUM OF POINTS AND AUTHORITIES

INTRODUCTION I.

Plaintiff seeks expansive discovery from Zandian and a laundry list of third parties. Specifically, Plaintiff asks this Court to have Zandian appear before it to conduct a debtor examination, as well as produce a myriad of documents dating back more than eight years. Plaintiff has also issued subpoenas duces tecum to Bijan Akhavan, Sassan Chakamian, Sean Fayeghi and State Agent Transfer Syndicate, Inc. ("Subpoenas") which request that they produce records in this matter. Copies of the Subpoenas are attached hereto as Exhibits 1, 2, 3 and 4, respectively. The right to discovery, however, is not unlimited.

As to the debtor examination, Nevada law does not require a judgment debtor, such as Zandian, to appear for a debtor's examination outside the county in which the judgment debtor

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resides. Zandian is a resident of France, and thus cannot be compelled to appear before this Court for the examination.

As to the document requests made upon the judgment debtor and through subpoenas to third-parties, as explained below, the intrusive and harassing discovery that Plaintiff seeks from Zandian and the third-parties is not necessary or warranted. Plaintiff's discovery should be properly limited to discovery relating to existing assets of Zandian that are available to satisfy Plaintiff's judgment. Hence, Plaintiff should be permitted only to conduct discovery relating to the current assets of Zandian. Plaintiff is not entitled to conduct a witch hunt through the financial records of Plaintiff (and third-parties) in the vain hope of finding a "concealed" asset.

II. LEGAL ARGUMENT

A. Mr. Zandian Cannot Be Made To Appear Before This Court for the Requested Judgment Debtor's Examination

Pursuant to NRS 21.270, "no judgment debtor may be required to appear [for a judgment debtor examination] outside the county in which he resides." NRS 21.271 (1)(b). Plaintiff seeks a judgment debtor examination of Zandian before this Court in Carson City, Nevada. However, Zandian is a resident of France, and not of Carson City, and thus the plain language of NRS 21.270 precludes Plaintiff from requiring Zandian to travel to Carson City, Nevada for the purposes of conducting the judgment debtor examination. For this reason, Plaintiff's Motion for Judgment Debtor Examination should be denied.

B. The Documents Sought From Zandian Are Overbroad, Oppressive and Designed to Harass, and Are Not Likely to Lead to the Discovery of Relevant Evidence.

Nevada recognizes that the discovery rules do not provide for a "carte blanche" invasion into a party's private affairs. *Schlatter v. Eighth Judicial District Court*, 93 Nev. 189, 561 P.2d 1342 (1977). "[D]iscovery, like all matters of procedure, has ultimate and necessary

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boundaries." Oppenheimer Fund v. Sanders, 437 U.S. 340, 351 (1978). The only information relevant in post-judgment proceedings relates to the current assets of the judgment debtor available to satisfy the judgment. Rule 69 permits discovery from the judgment debtor. See, e.g., Caisson Corp. v. County W. Bldg. Corp., 62 F.R.D. 331, 334 (E.D. Pa. 1974) (citing NRCP 69; see also Monticello Tobacco Co., Inc. v. Am. Tobacco Co., 12 F.R.D. 344 (S.D.N.Y. 1952), aff'd on merits, 197 F.2d 629 (2nd Cir. 1952), cert. denied, 344 U.S. 875 (1958); 7 Moore's Federal Practice § 69.05(1) (1974); 12 Wright and Miller, Federal Practice and Procedure § 3014 (1973)). The discovery rules do not permit abuses of the discovery process at the post-judgment stage or the use of discovery to harass the judgment debtor (or third parties). Id. Rather, discovery must be tailored to discovery of the judgment debtor's assets. Id. Parties are not permitted to "roam in the shadow zones of relevancy" in an attempt to explore irrelevant matters on the theory that they may conceivably become so. In re Surety Assoc. of Am., 388 F.2d 412, 414 (2nd Cir. 1967).

Here, Plaintiff seeks from Zandian eleven categories of financial and other records. The requests amount to an over-sweeping, overly broad, and burdensome review of all of Zandian's financial records. In fact, three of the requests (a, j and k) are limitless in duration, seeking records regardless of when such documents were generated. The remainder seek records from "2007 to the present," representing more than eight years' worth of records and transactions. It is highly unlikely that documents pertaining to Zandian's financial condition eight years ago will provide information related to Zandian's current assets available to pay the judgment against him or to otherwise aid in the enforcement of the judgment. See, e.g., Entrepreneur Media, Inc. v. Smith, 2013 U.S. Dist. LEXIS 168552, *12-13, 2013 WL 6185246 (E.D. Cal. Nov. 25, 2013)

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[&]quot;[F]ederal decisions involving the Federal Rules of Civil Procedure provide persuasive authority" when examining Nevada's rules. Foster v. Dingwal, 228 P.3d 453, 456, 228 P.3d 453 (2010) (quoting Nelson v. Heer, 121 Nev. 832, 834, 122 P.3d 1252, 1253 (2005)).

(where judgment creditor sought all of defendant's credit card statements and documents relating to defendant's income, regardless of when such documents were generated, court found such requests to be overbroad and limited discovery to the prior three years). Given the overbroad nature of the requests, Zandian requests that the Court deny Plaintiff's Motion to Produce Documents in its entirety. Alternatively, Zandian requests that this Court modify the requests and permit discovery of only such records related to the current assets of the judgment debtor, or those dating back no further than the last three years.

C. A Protective Order Prohibiting the Production Requested in the Subpoenas is Proper

A court can limit discovery on its own initiative or pursuant to a motion for a protective order under NRCP 26(c). See Seattle Times Co. v. Rhinehart, 467 U.S. 20, 36 (1984) (a trial court is conferred with broad discretion in determining the application and/or scope of a protective order). Accordingly, pursuant to NRCP 26(c), a court in which the action is pending may make any order which justice requires to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense, including one or more of the following:

- (1) that the discovery not be had;
- (2) that the discovery may be had only on specified terms and conditions, including a designation of the time or place;
- (3) that the discovery may be had only by a method of discovery other than that selected by the party seeking discovery;
- (4) that certain matters not be inquired into, or that the scope of the discovery be limited to certain matters. . . .

NRCP 26(c)(1)-(4). "All discovery is subject to the limitations imposed by Rule 26(b)(2)(i), (ii), and (iii)," including that where the discovery is obtainable from another source that is more

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convenient, less burdensome, or less expensive, than a court may alter or limit the discovery sought. NRCP 26(b)(1). Rule 26 specifically allows that protective orders may be entered to both limit the scope of a deposition and to require that highly sensitive or confidential information is maintained as confidential. As has been seen in the Ninth Circuit, for example, "a court may be as inventive as the necessities of a particular case require in order to achieve the benign purposes" of the discovery procedures. *United States v. Columbia Broadcasting System, Inc.*, 666 F.2d 364, 369 (9th Cir. 1982) (internal quotations and citations omitted); *see also Jackson v. Montgomery Ward & Co., Inc.*, 173 F.R.D. 524, 526 (D. Nev. 1994) (internal quotations and citations omitted) ("The court may also fashion any order which justice requires to protect a party or person from undue burden, oppression or expense."). Thus, this Court has the discretion to order a protective order limiting both the scope and accessibility of the information Plaintiff seeks.

In the instant matter, Zandian has, in good faith, conferred with the other affected parties in an effort to resolve this discovery dispute without court action. *See* declaration of Tara C. Zimmerman, attached hereto as **Exhibit 5** and incorporated herein by this reference. Because said efforts have failed, and due to the extremely sensitive nature of the demanded information, as well as the annoyance, oppressiveness, undue burden and undue expense, Zandian respectfully requests that this Honorable Court invoke the provisions of NRCP 26(c)(1) and order that discovery not be had. Alternatively, Zandian requests that the Court craft a protective order in compliance with NRCP 26(c)(2-4).

There is a right to privacy arising in response to discovery requests. See, e.g., DeMasi v. Weiss, 669 F.2d 114, 119-120 (3rd Cir. 1982) (reversed in part on other grounds by Weiss v. York Hosp., 745 F.2de 756 (3d Cir. 1984); Johnson by Johnson v. Thompson, 971 F.2d 1487, 1497 (10th Cir. 1992); Miller v. Fed. Express Corp., 186 F.R.D. 376 (W.D. Tenn. 1999). Financial

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 information is protected as private and confidential. *DeMasi*, 669 F.2d at 119-120. Against this privacy interest, the district court is required to balance a number of factors, including Plaintiff's need for the information, its materiality and its relevance, especially if the information is available from a less intrusive source. *DeMasi*, 669 F.2d at 120. Moreover, "[a]ll discovery is subject to the limitations imposed by Rule 26(b)(2)(i), (ii), and (iii)," including that where the discovery is obtainable from another source that is more convenient, less burdensome, or less expensive, then a court may alter or limit the discovery sought. NRCP 26(b)(1).

As noted, the only proper discovery related to the judgment debtor's assets. The assets of third-parties are irrelevant in post-judgment proceedings. The relevant discovery being sought from third-parties is available from a less-intrusive source – the judgment debtor himself. Plaintiff's discovery requests are extremely overbroad, seeking "any and all documents relating" to Zandian's interest in certain real property and various companies. There are absolutely no time restraints on any of the requests in the subpoenas to third-parties.

Plaintiff's requests would be overbroad in any context, and particularly questionable when discovery should be limited to Defendant's current assets available to satisfy the judgment and sensitive financial information is being sought. Bamberger Int'l, Inc. v. Rohm & Haas Co., 1998 WL 684263, 1998 U.S. Dist. LEXIS 11141 (D.N.J. 1998) (where propounding party alleged improper transactions of company's shareholder, and was properly denied from seeking financial information regarding the member of the shareholder's immediate and extended family, and "basically every business and financial record" of shareholder and his company without regard to necessity of information or time period on the grounds that the discovery requests were overbroad and constituted a "fishing expedition" of shareholder's financial records). Plaintiff has not articulated his specific need for all the private information, nor its materiality and relevance in ascertaining Zandian's assets, nor his ability to obtain the requisite information from

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EMPFER CROWELL) West Fourth Street n City, Nevada 8970; less intrusive requests and sources. The balancing test therefore weighs in favor of denying the overbroad requests and issuing a protective order.

To the extent that Plaintiff is seeking this discovery from third-parties under the speculation that Zandian has transferred any interest he may have had in any of the assets mentioned in the Subpoenas, any such speculation is insufficient to permit this discovery. The rules of civil procedure do permit discovery intended as a "fishing expedition" on the basis of the propounding party's speculation of relevancy. Zuk v. E. Penn. Psych. Inst., 103 F.3d 294, 299 (3rd Cir. 1996); see also Oppenheimer Fund, 437 U.S. at 351 (stating that "discovery, like all matters of procedure, has ultimate and necessary boundaries"). Here, for example, the subpoena to Sean Fayeghi seeks "any all documents related to [specified property], including any and all transfers of Zandian's interests." See Ex. 3. To the extent that Plaintiff speculates that Zandian has improperly transferred his assets to third parties for concealment purposes, this mere speculation alone is insufficient. Plaintiff's Subpoenas are bereft of any specific allegation relating to any specific asset that is allegedly being concealed by any other person, and are silent as to what information he seeks to elicit from the subpoenaed third-parties. There has been no evidence that the persons subject to the Subpoenas are concealing assets belonging to Zandian, have received assets from Zandian, or know anything about Zandian's assets. In short, Plaintiff is not entitled to open-ended and unlimited discovery based solely on the theory that there may be concealed assets and cannot use this supposition to gain access to financial books and records of third-parties, without concrete evidence that specific assets are being concealed. Zuk, 103 F.3d at 299. Plaintiff has provided no such information.

Based on the above, to the extent that this Court orders that any debtor's examination is permitted at all, a protective order should be issued limiting the first phase of post-judgment discovery to the judgment debtor only. And such discovery should be limited to information and

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documents that are relevant to judgment debtor's current assets, meaning at most, such information and documents should be limited to the past three years. Then, only if concrete evidence of a concealed or fraudulently transferred asset is developed, should this Court even consider expanding discovery to any third-party who allegedly has the asset.

Should Plaintiff contest this request, Plaintiff must show undue hardship with respect to not being able to proceed without information. *Wardleigh v. Second Judicial Dist. Court*, 111 Nev. 345, 891 P.2d 1180 (1995). As shown herein, Plaintiff will not be able to do so given the narrow issue – judgment debtor's present assets currently available to pay the judgment against him.

III. CONCLUSION

For the reasons stated herein, Plaintiff's Motion should be denied in its entirety. Alternatively, to the extent that this Court permits any discovery at all, such discovery should be limited to judgment debtor only, and the information and documents produced by judgment debtor should be limited to the last three years. Additionally, a protective order should be issued with respect to the Subpoenas - if concrete evidence of a concealed or fraudulently transferred asset is developed should this Court even consider expanding discovery to any third party who allegedly has the asset.

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

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DATED this 29th day of June, 2015.

KAEMPFER CROWELL

BY:

SEVERIN A. CARLSON

Nevada Bar No. 9373 TARA C. ZIMMERMAN

State Bar No. 12146 510 West Fourth Street

Carson City, Nevada 89703

Attorneys for Defendant REZA ZANDIAN

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CERTIFICATE OF SERVICE

an employee of Kaempfer Crowell

I, the undersigned, hereby certify that on the 29th day of June, 2015, I caused the foregoing DEFENDANT REZA ZANDIAN'S OPPOSITION TO PLAINTIFF'S MOTION FOR JUDGMENT DEBTOR EXAMINATION AND TO PRODUCE DOCUMENTS AND MOTION FOR PROTECTIVE ORDER to be served this date by depositing a true copy of the same for mailing at Carson City, Nevada, first class postage fully prepaid and addressed to the following:

Matthew D. Francis, Esq.

Matthew D. Francis, Esq. Adam P. McMillen, Esq.

9 Watson Rounds 5371 Kietzke Lane

> Reno, Nevada 89511 775.324.4100

775.333.8171 - facsimile

Attorneys for Plaintiff

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EXHIBIT 1

EXHIBIT 1

Matthew D. Francis (6978) Adam P. McMillen (10678) WATSON ROUNDS 5371 Kietzke Lane 3 Reno, NV 89511 RECEIVED Telephone: 775-324-4100 Facsimile: 775-333-8171 JUN 12 2015 Attorneys for Plaintiff Jed Margolin 5 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, Case No.: 090C00579 1B 11 Plaintiff, Dept. No.: 1 12 13 OPTIMA TECHNOLOGY CORPORATION, For the Issuance of a California a California corporation, OPTIMA Subpoena Under CCP §§2029,350 14 TECHNOLOGY CORPORATION, a Nevada corporation, REZA ZANDIAN 15 aka GOLAMREZA ZANDIANJAZI aka GHOLAM REZA ZANDIAN aka REZA JAZI aka J. REZA JAZI aka G. REZA JAZI aka GHONONREZA 17 ZANDIAN JAZI, an individual, DOE 18 Companies 1-10, DOE Corporations 11-20, and DOE Individuals 21-30, 19 Defendants. 20 21 SUBPOENA DUCES TECUM (Records Only - No Appearance Required) 22 23 Bijan Akhavan To: 15456 Ventura Blvd., Suite 300 Sherman Oaks, CA 91403 25 WE COMMAND YOU produce to the law offices of WATSON ROUNDS, 5371 Kietzke Lane, Reno, Nevada (775/324-4100), on or before June 30, 2015, the books, 26 documents, or tangible things set forth on Exhibit "1" attached hereto. All documents shall be 27 28

produced as they are kept in the usual course of business or shall be organized and labeled to correspond with the categories listed. NRCP 45(d)(1).

Pursuant to NRCP 45(c)(2)(A), you need not appear in person at the place of production or inspection. You may forward the record(s) directly to the Law Offices of Watson Rounds, a Professional Corporation (see attached Exhibit "2").

Attached as Exhibit "3" is a Declaration of Custodian of Records for your use in certifying the authenticity of the records to be produced.

For failure to appear, you will be deemed guilty of contempt of court and liable to pay all losses and damages sustained thereby to the parties aggrieved and forfeit ONE HUNDRED DOLLARS (\$100.00) in addition thereto.

AFFIRMATION

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

DATED: June **9**, 2015.

WATSON ROUNDS

Matthew D. Francis (NV Bar #6978) Adam P. McMillen (NV Bar #10678)

5371 Kietzke Lane Reno, NV 89511

Telephone: 775-324-4100 Facsimile: 775-333-8171

Attorneys for Plaintiff Jed Margolin

Exhibit 1

Exhibit 1

TO SUBPOENA DUCES TECUM (Items to be Produced)

Any and all documents related to real property located in Churchill County,
 Nevada, parcel 007-151-12, that Mr. Akhavan owns with Defendant Zandian; and,

Any and all documents related to Defendant Zandian's interest in Stagecoach
Valley LLC.

Exhibit 2

Exhibit 2

EXHIBIT "2" TO SUBPOENA DUCES TEUCM (Nevada Rules of Civil Procedure)

Rule 45

(c) Protection of Persons Subject to Subpoena.

- (1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.
- (2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.
- (B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.
- (3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it:
 - (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or
- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 - (iv) subjects a person to undue burden.
 - (B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party,

the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

[As amended; effective January 1, 2005.]

(d) Duties in Responding to Subpoena.

- (1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.
- (2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

[As amended; effective January 1, 2005.]

(e) Contempt. Failure by any person without adequate excuse to obey a subpoena served upon that person may be deemed a contempt of the court from which the subpoena issued.

[As amended; effective January 1, 2005.]

Exhibit 3

Exhibit 3

EXHIBIT "3" TO SUBPOENA DUCES TECUM

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DECLARATION OF CUSTODIAN OF RECORDS

Ι,_	, declare under the penalty of perjury					
under the laws of the State of Nevada, as follows:						
1.	That on the day of June, 2015, the declarant received a Subpoena Duce					
	Tecum requesting release of certain records.					
2.	I have examined the original of those records and have made a true and exact copy					
	of them. The reproduction of such records attached hereto is a true and complete					
	copy of the originals.					
. 3.	To the best of my knowledge, all such records were prepared at or near the time of					
	the acts or events as occurred.					
DA	ATED: This day of June, 2015.					
	(Signature)					

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, SUBPOENA DUCES TECUM, addressed as follows:

Kaempfer Crowell 510 West Fourth Street Carson City, Nevada 89703 Attorneys for Defendant, Reza Zandian

Dated: June 9th, 2015.

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EXHIBIT 2

EXHIBIT 2

Matthew D. Francis (6978) Adam P. McMillen (10678) 2 WATSON ROUNDS 5371 Kietzke Lane Reno, NV 89511 JUN 1 2 2015 3 Telephone: 775-324-4100 4 Facsimile: 775-333-8171 Attorneys for Plaintiff Jed Margolin 6 In The First Judicial District Court of the State of Nevada 8 In and for Carson City 9 10 JED MARGOLIN, an individual, Case No.: 090C00579 1B 11 Plaintiff, Dept. No.: 1 12 VS. 13 OPTIMA TECHNOLOGY CORPORATION, For the Issuance of a California a California corporation, OPTIMA 14 Subpoena Under CCP §§2029.350 TECHNOLOGY CORPORATION, a Nevada corporation, REZA ZANDIAN 15 aka GOLAMREZA ZANDIANJAZI aka GHOLAM REZA ZANDIAN 16 aka REZA JAZI aka J. REZA JAZI aka G. REZA JAZI aka GHONONREZA 17 ZANDIAN JAZI, an individual, DOE 18 Companies 1-10, DOE Corporations 11-20, and DOE Individuals 21-30, 19 Defendants. 20 21 SUBPOENA DUCES TECUM (Records Only - No Appearance Required) 22 23 Sassan Chakamian To: 7590 Fay Avenue, Suite 401 24 La Jolla, CA 92037 25 WE COMMAND YOU to produce to the law offices of WATSON ROUNDS, 5371 Kietzke Lane, Reno, Nevada (775/324-4100), on or before June 30, 2015, the books, 26 documents, or tangible things set forth on Exhibit "1" attached hereto. All documents shall be 27 28

produced as they are kept in the usual course of business or shall be organized and labeled to correspond with the categories listed. NRCP 45(d)(1).

Pursuant to NRCP 45(c)(2)(A), you need not appear in person at the place of production or inspection. You may forward the record(s) directly to the Law Offices of Watson Rounds, a Professional Corporation (see attached Exhibit "2").

Attached as Exhibit "3" is a Declaration of Custodian of Records for your use in certifying the authenticity of the records to be produced.

For failure to appear, you will be deemed guilty of contempt of court and liable to pay all losses and damages sustained thereby to the parties aggrieved and forfeit ONE HUNDRED DOLLARS (\$100.00) in addition thereto.

AFFIRMATION

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

DATED: June **8**, 2015.

WATSON ROUNDS

Matthew D. Francis (NV Bar #6978)
Adam P. McMillen (NV Bar #10678)

5371 Kietzke Lane Reno, NV 89511

Telephone: 775-324-4100 Facsimile: 775-333-8171

Attorneys for Plaintiff Jed Margolin

Exhibit 1

Exhibit 1

TO SUBPOENA DUCES TECUM (Items to be Produced)

 Any and all documents related to real property located in Elko County, Nevada, parcel 006-100-008, that Mr. Chakamian owns with Zandian; and,

2. Any and all documents related to Zandian's interest in Elko North 5^{th} Avenue LLC

Exhibit 2

Exhibit 2

EXHIBIT "2" TO SUBPOENA DUCES TEUCM (Nevada Rules of Civil Procedure)

Rule 45

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- (1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.
- (2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.
- (B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.
- (3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it:
 - (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or
- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 - (iv) subjects a person to undue burden.
 - (B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or 2 (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study 3 made not at the request of any party, the court may, to protect a person subject to or affected by the subpoena, quash or modify the 5 subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that 6 the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions. 7 [As amended; effective January 1, 2005.] 8 (d) Duties in Responding to Subpoena. 9 (1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond 10 with the categories in the demand. 11 (2) When information subject to a subpoena is withheld on a claim that it is privileged 12 or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things 13 not produced that is sufficient to enable the demanding party to contest the claim. 14 [As amended; effective January 1, 2005.] (e) Contempt. Failure by any person without adequate excuse to obey a subpoena 15 served upon that person may be deemed a contempt of the court from which the subpoena 16 [As amended; effective January 1, 2005.] 17 18 19 20 21 22 23 24 25 26 27

Exhibit 3

Exhibit 3

EXHIBIT "3" TO SUBPOENA DUCES TECUM

DECLARATION OF CUSTODIAN OF RECORDS

4	l						
5	I,_	, declare under the penalty of perjury					
6	under the laws of the State of Nevada, as follows:						
7	1.	That on the day of June, 2015, the declarant received a Subpoena Duces					
9		Tecum requesting release of certain records.					
ro	2.	I have examined the original of those records and have made a true and exact copy					
11		of them. The reproduction of such records attached hereto is a true and complete					
12		copy of the originals.					
L3	3.	To the best of my knowledge, all such records were prepared at or near the time of					
L4		the acts or events as occurred.					
L5	DATED: This day of June, 2015.						
L6							
18		(Signature)					
19		(Signature)					
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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, SUBPOENA DUCES TECUM, addressed as follows:

Kaempfer Crowell 510 West Fourth Street Carson City, Nevada 89703 Attorneys for Defendant, Reza Zandian

Dated: June 9th, 2015.

EXHIBIT 3

EXHIBIT 3

Matthew D. Francis (6978) Adam P. McMillen (10678) 2 WATSON ROUNDS 5371 Kietzke Lane JUN 1 2 2015 3 Reno, NV 89511 Telephone: 775-324-4100 4 Facsimile: 775-333-8171 Attorneys for Plaintiff Jed Margolin 6 7 In The First Judicial District Court of the State of Nevada 8 In and for Carson City 9 JED MARGOLIN, an individual, 10 Case No.: 090C00579 1B 11 Plaintiff, Dept. No.: 1 12 VS. . 13 OPTIMA TECHNOLOGY CORPORATION, a California corporation, OPTIMA 14 TECHNOLOGY CORPORATION, a Nevada corporation, REZA ZANDIAN 15 aka GOLAMREZA ZANDIANJAZI aka GHOLAM REZA ZANDIAN 16 aka REZA JAZI aka J. REZA JAZI 17 aka G. REZA JAZI aka GHONONREZA ZANDIAN JAZI, an individual, DOE 18 Companies 1-10, DOE Corporations 11-20, and DOE Individuals 21-30, 19 Defendants. 20 SUBPOENA DUCES TECUM 21 (Records Only - No Appearance Required) 22 Sean Fayeghi To: 23 1401 Las Vegas Blvd. South Las Vegas, NV 89104 24 WE COMMAND YOU to produce to the law offices of WATSON ROUNDS, 10000 West 25 Charleston Blvd., Suite 240, Las Vegas, Nevada 89135 on or before June 30, 2015, documents 26 or tangible things set forth on Exhibit 1. All documents shall be produced as they are kept in the 27 28 1

usual course of business or shall be organized and labeled to correspond with the categories listed. NRCP 45(d)(1).

Pursuant to NRCP 45(c)(2)(A), you need not appear in person at the place of production or inspection. You may forward the record(s) directly to the Law Offices of Watson Rounds, a Professional Corporation (see attached Exhibit "2").

Attached as Exhibit "3" is a Declaration of Custodian of Records for your use in certifying the authenticity of the records to be produced.

For failure to obey a subpoena you will be deemed guilty of contempt of court and liable to pay all losses and damages sustained thereby to the parties aggrieved and forfeit ONE HUNDRED DOLLARS (\$100.00) in addition thereto.

AFFIRMATION

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

DATED: June **8**, 2015.

WATSON ROUNDS

Matthew D. Francis (NV Bar #6978)
Adam P. McMillen (NV Bar #10678)

5371 Kietzke Lane Reno, NV 89511

Telephone: 775-324-4100 Facsimile: 775-333-8171

Attorneys for Plaintiff Jed Margolin

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TO SUBPOENA DUCES TECUM (Items to be Produced)

- Any and all documents related to Zandian's interest in Sparks Village LLC, including any and all transfers of Zandian's interests; and, any and all payments to or from Zandian, including the amounts and names of financial institutions related to any payments or transfers;
- Any and all documents related to Zandian's interest in Dayton Plaza, L.L.C., including any and all transfers of Zandian's interests; and, payment to or from Zandian, including the amounts and names of financial institutions related to any payments or transfers;
- 3. Any and all documents related to Zandian's interest in 11000 Reno Highway Fallon, L.L.C., including any and all transfers of Zandian's interests; and, payment to or from Zandian, including the amounts and names of financial institutions related to any payments or transfers;
- 4. Any and all documents related to Zandian's interest in Reno Highway Plaza,
 L.L.C., including any and all transfers of Zandian's interests; and, payment to or from Zandian, including the amounts and names of financial institutions related to any payments or transfers.
- 5. Any and all documents related to Zandian's interest in I-50 Plaza LLC, including any and all transfers of Zandian's interests; and, payment to or from Zandian, including the amounts and names of financial institutions related to any payments or transfers.

EXHIBIT "2"

TO SUBPOENA DUCES TEUCM (Nevada Rules of Civil Procedure)

Rule 45

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(c) Protection of Persons Subject to Subpoena.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

- (B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.
- (3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it:
 - (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or
- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 - (iv) subjects a person to undue burden.
 - (B) If a subpoena
- (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party,

the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

[As amended; effective January 1, 2005.]

(d) Duties in Responding to Subpoena.

- (1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.
- (2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

[As amended; effective January 1, 2005.]

(e) Contempt. Failure by any person without adequate excuse to obey a subpoena served upon that person may be deemed a contempt of the court from which the subpoena issued.

[As amended; effective January 1, 2005.]

EXHIBIT "3" TO SUBPOENA DUCES TECUM

1

DECLARATION OF CUSTODIAN OF RECORDS

4	DECLARATION OF COSTODIAN OF RECORDS		
5	I,, declare under the penalty of perjury		
6	under the laws of the State of Nevada, as follows:		
7	1. That on the day of June, 2015, the declarant received a Subpoena Duces		
8	Tecum requesting release of certain records.		
9			
10	2. I have examined the original of those records and have made a true and exact copy		
11	of them. The reproduction of such records attached hereto is a true and complete		
12	copy of the originals.		
13	3. To the best of my knowledge, all such records were prepared at or near the time of		
14	the acts or events as occurred.		
15	DATED: This day of June, 2015.		
16	DATE: 1111 47 02 04 14 15 16 16 16 16 16 16 16 16 16 16 16 16 16		
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18	(Signature)		
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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, SUBPOENA DUCES TECUM, addressed as follows:

Kaempfer Crowell 510 West Fourth Street Carson City, Nevada 89703 Attorneys for Defendant, Reza Zandian

Dated: June 9th, 2015

EXHIBIT 4

EXHIBIT 4

1 Matthew D. Francis (6978) RECEIVED Adam P. McMillen (10678) 2 WATSON ROUNDS JUN 1 2 2015 5371 Kietzke Lane 3 Reno, NV 89511 Telephone: 775-324-4100 Facsimile: 775-333-8171 4 Attorneys for Plaintiff Jed Margolin 5 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 Case No.: 090C00579 1B Plaintiff, 12 Dept. No.: 1 VS. 13 OPTIMA TECHNOLOGY CORPORATION, a California corporation, OPTIMA 14 TECHNOLOGY CORPORATION, a Nevada corporation, REZA ZANDIAN 15 aka GOLAMREZA ZANDIANJAZI aka GHOLAM REZA ZANDIAN 16 aka REZA JAZI aka J. REZA JAZI 17 aka G. REZA JAZI aka GHONONREZA ZANDIAN JAZI, an individual, DOE 18 Companies 1-10, DOE Corporations 11-20, and DOE Individuals 21-30, 19 Defendants. 20 SUBPOENA DUCES TECUM 21 (Records Only - No Appearance Required) 22 State Agent and Transfer Syndicate, Inc. To: 23 112 North Curry Street Carson City, NV 89703 24 WE COMMAND YOU produce to the law offices of WATSON ROUNDS, 5371 25 Kietzke Lane, Reno, Nevada on or before June 30, 2015, documents, or tangible things set 26 forth on Exhibit 1 attached hereto. All documents shall be produced as they are kept in the 27 usual course of business or shall be organized and labeled to correspond with the categories 28 listed. NRCP 45(d)(1).

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For failure to obey a subpoena you will be deemed guilty of contempt of court and liable to pay all losses and damages sustained thereby to the parties aggrieved and forfeit ONE HUNDRED DOLLARS (\$100.00) in addition thereto.

AFFIRMATION

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

DATED: June 6, 2015.

WATSON ROUNDS

Matthew D. Francis (NV Bar #6978) Adam P. McMillen (NV Bar #10678)

5371 Kietzke Lane Reno, NV 89511

Telephone: 775-324-4100 Facsimile: 775-333-8171

Attorneys for Plaintiff Jed Margolin

Exhibit 1

Exhibit 1

TO SUBPOENA DUCES TECUM (Items to be Produced)

- Any and all documents related to real property located in Elko County, Nevada, parcel 006-100-008;
- Any and all documents related to real property located in Churchill County, Nevada, parcel 007-151-12;
- 3. Any and all documents related to Zandian's interest in Stagecoach Vally LLC; and,
- 4. Any and all documents related to Zandian's interest in Elko North 5th Avenue LLC.

Exhibit 2

Exhibit 2

EXHIBIT "2" TO SUBPOENA DUCES TEUCM (Nevada Rules of Civil Procedure)

Rule 45

(c) Protection of Persons Subject to Subpoena.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

- (3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it:
 - (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or
- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 - (iv) subjects a person to undue burden.
 - (B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions. [As amended; effective January 1, 2005.] (d) Duties in Responding to Subpoena. (1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand. (2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim. [As amended; effective January 1, 2005.] (e) Contempt. Failure by any person without adequate excuse to obey a subpoena served upon that person may be deemed a contempt of the court from which the subpoena issued. [As amended; effective January 1, 2005.]

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Exhibit 3

Exhibit 3

EXHIBIT "3" TO SUBPOENA DUCES TECUM

4	DECLARATION OF CUSTODIAN OF RECORDS			
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6	under the laws of the State of Nevada, as follows:			
7	1. That on the day of June, 2015, the declarant received a Subpoena Duces			
8	Tecum requesting release of certain records.			
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11	of them. The reproduction of such records attached hereto is a true and complete			
12	copy of the originals.			
13	3. To the best of my knowledge, all such records were prepared at or near the time of			
14	the acts or events as occurred.			
15	DATED: This day of June, 2015.			
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18	(Signature)			
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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, SUBPOENA DUCES TECUM, addressed as follows:

Kaempfer Crowell 510 West Fourth Street Carson City, Nevada 89703 Attorneys for Defendant, Reza Zandian

Dated: June 941, 2015.

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Nancy Lindsley

EXHIBIT 5

EXHIBIT 5

	- 1			
	1	SEVERIN A. CARLSON		
	2	Nevada Bar No. 9373 TARA C. ZIMMERMAN		
		Nevada Bar No. 12146		
	3	KAEMPFER CROWELL 510 West Fourth Street		
	4	Carson City, Nevada 89703 Telephone: (775) 882-1311		
	5	Fax: (775) 882-0257		
	6	scarlson@kcnvlaw.com tzimmerman@kcnvlaw.com	4	
	7	Attorneys for Defendant	,	
	8	REZA ZANDIAN		
		DI THE FIRST WIDIGIAL DISTRICT	COLUMN OF WITH COLUMN TO ON THE LAND.	
	9	IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA		
1	0	IN AND FOR CARSON CITY		
1	1	JED MARGOLIN, an individual,	Case No. 090C00579 1B Dept. No. 1	
1	2	Plaintiff,	Dopt. No. 1	
1	3	VS.		
1	4	OPTIMA TECHNOLOGY CORPORATION, a California corporation; OPTIMA	•	
1	5	TECHNOLOGY CORPORATION, a Nevada corporation; REZA ZANDIAN aka		
		GOLAMREZA ZANDIANJAZI aka		
1	6	GHOLAM REZA ZANDIAN aka REZA JAZI aka J. REZA JAZI aka G. REZA JAZI aka	, x	
1	7	GHONONREZA ZANDIAN JAZI, an individual; DOE COMPANIES 1-10; DOE		
1	8	CORPORATIONS 11-20; and DOE	,	
1	9	INDIVIDUALS 21-30,	*	
2	0	Defendants.		
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<u>DECLARATION OF TARA C. ZIMMERMAN IN SUPPORT OF DEFENDANT REZA</u> <u>ZANDIAN'S MOTION FOR PROTECTIVE ORDER</u>

COUNTY OF WASHOE) ss.
STATE OF NEVADA)

I, TARA C. ZIMMERMAN, do hereby swear under penalty of perjury that the following assertions are true and correct to the best of my knowledge:

- 1. I am an attorney duly licensed to practice law in the State of Nevada. I am over the age of 18 years and am competent to testify to the following facts known personally to me.
- I work at the law firm of Kaempfer Crowell, counsel for Defendant Reza Zandian in the above-entitled action.
- 3. I have personal knowledge of all matters stated herein, except for those I have stated upon information and belief, which I believe to be true, and would competently testify as to the matters set forth herein and make this declaration under penalty of perjury.
- 4. With this motion, the Defendant seeks protection from subpoenas duces tecum to Bijan Akhavan, Sassan Chakamian, Sean Fayeghi and State Agent Transfer Syndicate, Inc. ("Subject Subpoenas") which request that they produce records in this matter. Copies of the subpoenas are attached to Defendant's Opposition to Plaintiff's Motion for Judgment Debtor Examination and to Produce Documents and Motion for Protective Order as Exhibits 1, 2, 3 and 4, respectively.
- I personally conversed with Adam P. McMillen, counsel for Plaintiff, on June 29,
 over the telephone in an effort to resolve the dispute related to the Subject Subpoenas.
 - 6. Mr. McMillen and I were unable to resolve the dispute.
- 7. The requested protective order is necessary to protect all parties, including the witnesses, from annoyance, undue burden and expense.

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Page 2 of 3

- 8. I hereby certify that on behalf of Mr. Zandian, I have conferred in good faith with Mr. McMillen to avoid this Motion, but that my effort did not resolve the dispute.
 - 9. This Motion is brought in good faith and not for an improper purpose.
 - I declare under penalty of perjury that the foregoing is true and correct.
 Executed this 29th day of June, 2015.

Taraczimmuman Taraczimmerman

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