

1 Rule 56(f) “provides a device for litigants to avoid summary judgment when they have
2 not had sufficient time to develop affirmative evidence.” *Seville Classics, Inc. v. Meskill*
3 *Enterprises, LLC.*, 2005 WL 6141289, *1 (C.D. Cal. 2005)(granting plaintiff’s application for
4 ex parte order under Rule 56(f) denying defendant’s motion for summary judgment), quoting
5 *United States v. Kitsap Physicians Serv.*, 314 F.3d 995, 1000 (9th Cir. 2002). The purpose of
6 Rule 56(f) is to serve as a safeguard against an improvident or premature grant of summary
7 judgment. 10B Charles A. Wright, Arthur R. Miller, *Federal Practice and Procedure* 3d, §
8 2740 (2009)(citations omitted). As such, courts have held that technical rulings regarding
9 Rule 56(f) are improper and the Rule “should be applied with a spirit of liberality.” *Id.*

10 “Rule 56(f) motions ‘should be granted almost as a matter of course unless the
11 nonmoving party has not diligently pursued discovery of the evidence.’” *Caldwell v.*
12 *Roseville Joint Union High School District*, 2006 WL 3747288, *1 (E. D. Cal.
13 2006)(quotations omitted – granting Rule 56(f) ex parte application for continuance).

14 Thus, under NRCP 56(f), a motion for summary judgment should be denied if it
15 appears that additional discovery will assist in developing the facts of the case. Clearly,
16 discovery in the form of written discovery and especially the taking of the depositions of the
17 parties and the fact witnesses (if any), will not only assist in developing the facts of the case
18 but will likely establish unequivocally whether or not Defendants, including Zandian in his
19 personal capacity, were responsible for the filing of the fraudulent documents with the PTO
20 and caused the Plaintiff’s damages.

21 No discovery has been conducted to date as no answer to the complaint or the amended
22 complaint has been filed by Defendants. *McMillen Aff.*, ¶ 31. The written discovery and
23 deposition discovery that will assist in developing the facts of this case and will establish
24 whether Defendants are liable or not for the causes of action filed by Plaintiff is as follows:

25 Discovery needs to be done regarding Zandian’s contention that he never acted in his
26 individual capacity in such a way to cause a justiciable injury to the Plaintiff, as outlined on
27 page 3, lines 20-21 of Zandian’s motion to dismiss (see also page 4, lines 6-7). *McMillen*
28 *Aff.*, ¶ 32. Discovery into all aspects of the Plaintiff’s claims in this matter needs to be

1 accomplished. *Id.* at ¶ 33. The deposition of Defendant Reza Zandian, and written discovery,
2 needs to be undertaken in order to determine his residency and contacts with the State of
3 Nevada for jurisdictional purposes and issues related to his role in forging the assignment
4 documents, among other issues. *Id.* at ¶ 34. Discovery needs to be done regarding issues
5 related to Plaintiff's claims, including whether or not Defendant Zandian acted in his personal
6 capacity in such a way to cause a justiciable injury to Plaintiff. *Id.* at ¶ 35. Discovery needs to
7 be done regarding the Plaintiff's damages. *Id.* at ¶ 36. Discovery into the Defendants' claims
8 and defenses needs to be done. *Id.* at ¶ 37.

9 The above referenced discovery will assist in developing the facts of this case,
10 therefore, pursuant to NRCP 56(f), Defendant Zandian's motion to dismiss/summary judgment
11 should be denied. *Id.* at ¶ 38.

12 Therefore, it is respectfully requested in the alternative that the instant motion be
13 denied so that additional discovery can take place.

14 **E. DEFENDANTS HAVE BEEN PROPERLY SERVED WITH THE**
15 **SUMMONS AND COMPLAINT**

16 NRCP 4(e)(1)(i) allows service by publication when the person on whom service is to
17 be made resides out of the state, or has departed from the state, or cannot, after due diligence,
18 be found within the state, or by concealment seeks to avoid service, and a cause of action
19 exists against the person to whom service is to be made and is a necessary party. In addition,
20 NRCP 4(e)(1)(iii) commands as follows:

21 The order shall direct the publication to be made in a newspaper, **published in**
22 **the State of Nevada**, to be designated by the court or judge thereof, for a
23 period of 4 weeks, and at least once a week during said time. In addition to in-
24 state publication, where the present residence of the defendant is unknown **the**
25 **order may also direct that publication be made in a newspaper published**
26 **outside the State of Nevada** whenever the court is of the opinion that such
27 publication is necessary to give notice that is reasonably calculated to give a
28 defendant actual notice of the proceedings.

NRCP 4(e)(1)(iii)(emphasis added).

In this case, the complaint was filed on December 11, 2009. Plaintiff attempted to
serve Defendants at their last-known residential and/or business address of 8401 Bonita

1 Downs Road, Fair Oaks, California 95628. As Plaintiff was having difficulty serving Zandian,
2 the summons and complaint were mailed to Zandian's attorney, John Peter Lee, on January 8,
3 2010, and a request for assistance in serving Zandian was made. *See* Letter, dated 1/8/10,
4 from Cassandra Joseph to John Peter Lee, attached hereto as **Exhibit 3**.³ Moreover, an attempt
5 at personal service of Zandian occurred on February 2, 2010 in Fair Oaks, California.

6 On August 4, 2011, Adam McMillen sent a letter to John Peter Lee requesting that Mr.
7 Lee accept service on behalf of his client, Reza Zandian. *See* Letter, dated 8/04/11, from
8 Adam McMillen to John Peter Lee, attached hereto as **Exhibit 4**. Mr. McMillen also
9 requested that Mr. Lee provide a current address for Reza Zandian. *Id.*

10 On August 8, 2011, Mr. Lee sent Mr. McMillen a letter stating as follows:

11 We cannot accept service, nor can we give you Reza Zandian's current address.
12 Except to indicate that he **does not reside** in Nevada **at the present time** and is
13 not subject to the jurisdiction of the courts of this State within the provisions of
14 the litigation commenced by your firm involving an Arizona judgment which
15 cannot be domesticated in Nevada.

16 *See* Letter, dated 8/8/11, from John Peter Lee to Adam McMillen, attached hereto as **Exhibit 5**
17 (emphasis added). Mr. Lee was unwilling to assist the Plaintiff in serving his client.

18 Nevertheless, as stated above, all three Defendants were served by publication prior to
19 November 2011. Therefore, all three Defendants have been served with the summons and
20 complaint and were given proper notice of this lawsuit.

21 **F. ZANDIAN'S BUSINESS ACTIVITIES AND PROPERTY HOLDINGS ARE**
22 **SUBSTANTIAL, CONTINUOUS AND SYSTEMATIC, AND HE SHOULD BE**
23 **DEEMED PRESENT IN THE FORUM**

24 Nevada's long arm statute states as follows:

- 25 1. A court of this state may exercise jurisdiction over a party to a civil action
26 on any basis not inconsistent with the Constitution of this state or the
27 Constitution of the United States.
- 28 2. Personal service of summons upon a party outside this state is sufficient to
confer upon a court of this state jurisdiction over the party so served if the
service is made by delivering a copy of the summons, together with a copy of

³ John Peter Lee never responded to Cassandra Joseph's request for assistance in serving Zandian and the Defendant entities. At least, Mr. Lee never responded until well after the default was entered by filing the instant motion, even though he represented Zandian prior to this action.

1 the complaint, to the party served in the manner provided by statute or rule of
2 court for service upon a person of like kind within this state.

3 3. The method of service provided in this section is cumulative, and may be
4 utilized with, after or independently of other methods of service.

5 NRS 14.065(1)-(3).

6 In addition, in Nevada, “[t]here are two types of personal jurisdiction: general and
7 specific.” *Baker v. Eighth Judicial Dist. Court ex rel. County of Clark*, 116 Nev. 527, 532,
8 999 P.2d 1020, 1023 (2000). “General jurisdiction is required in matters where a defendant is
9 held to answer in a forum for causes of action unrelated to his forum activities.” *Baker v.*
10 *Eighth Judicial Dist. Court ex rel. County of Clark*, 116 Nev. 527, 532, 999 P.2d 1020, 1023
11 (2000). “General jurisdiction over a nonresident will lie where the nonresident’s activities in
12 the forum are ‘substantial’ or ‘continuous and systematic.’” *Id.* Said another way, “General
13 jurisdiction over the defendant ‘is appropriate where the defendant’s forum activities are so
14 “substantial” or “continuous and systematic” that [he] may be deemed present in the forum.””
15 *Freeman v. Second Judicial Dist. Court ex rel. County of Washoe*, 116 Nev. 550, 553, 1 P.3d
16 963, 965 (2000).

17 In addition, the following citation acknowledges that there must be minimum contacts
18 for the Court to exercise jurisdiction over a nonresident and states that owning property or
19 doing business within the state is enough to confer jurisdiction:

20 We acknowledged in *Metal-Matic, Inc. v. 8th Judicial District Court*, 82 Nev.
21 263, 415 P.2d 617 (1966), citing therein *International Shoe Co. v. State of*
22 *Washington*, 326 U.S. 310, 66 S.Ct. 154, 90 L.Ed. 95 (1945); *McGee v.*
23 *International Life*, 355 U.S. 220, 78 S.Ct. 199, 2 L.Ed.2d 223 (1957); and
24 *Hanson v. Denckla*, 357 U.S. 235, 78 S.Ct. 1228, 2 L.Ed.2d 1283 (1958), that
25 since *Pennoyer v. Neff*, 5 Otto 714, 95 U.S. 714, 24 L.Ed. 565 (1877), a
26 jurisdictional evolution has been taking place to such extent that the old
27 jurisdictional landmarks have been left far behind so that in many instances
28 states may now properly exercise jurisdiction over nonresidents not amenable
to service within their borders. The point has not been reached, however, where
state boundaries are not without significance. There must still be some
‘affiliating’ circumstances without which the courts of the state may not
entertain jurisdiction. *Hanson v. Denckla*, supra. Each case depends upon its
own circumstances, but while we adhere to the generalities of ‘minimal
contact,’ that contact must be of significance. **In this case it must amount to
owning property or doing business within this state.**

McCulloch Corp. v. O'Donnell, 83 Nev. 396, 398, 433 P.2d 839, 840 (1967) (emphasis added).

1 In this case, Zandian owns property and does business within the state. In fact, as
2 detailed below, Zandian's forum activities are so "substantial" or "continuous and systematic"
3 that he may be deemed present in the forum and therefore general jurisdiction is appropriate.

4 Zandian owns real property throughout Nevada. He owns two parcels in Clark County
5 (30 acres combined).⁴ He owns 10 parcels in Washoe County ((APN: 79-150-09: 560
6 acres)(APN: 079-150-10: 639 acres)(APN: 079-150-13: 560 acres)(APN: 084-040-02: 627
7 acres)(APN: 084-040-04: 640 acres)(APN: 084-040-06: 633 acres)(APN: 084-040-10: 390
8 acres)(APN 084-130-07: 275 acres)(APN: 79-150-12:160 acres)).⁵ He owns and/or is partial
9 owner of 6 parcels in Lyon County (330.20 acres combined).⁶ He is part owner of two parcels
10 in Churchill County (56.75 acres combined).⁷ He is part owner of one parcel in Elko County
11 (17.6 acres).⁸ It is unknown at this time if he owns other property in other names or through
12 other entities.

13 With regards to doing business within Nevada, Zandian is a managing member of
14 Johnson Spring Water Company LLC, a Nevada LLC.⁹ Zandian is a managing member of
15 Wendover Project L.L.C., a Nevada LLC.¹⁰ Zandian is or was recently a manager of 11000
16 Reno Highway, Fallon, LLC, a Nevada LLC.¹¹ Currently, 11000 Reno Highway, Fallon, LLC
17 is listed as the owner of 640 acres of real property in Churchill County.¹²

18 Zandian is or was recently a managing member and registered agent of Misfits
19 Development LLC, a Nevada LLC.¹³ Zandian is or was recently a managing member and
20

21
22 ⁴ See Zandian's Clark County property information, attached hereto as **Exhibit 6**.

23 ⁵ See Zandian's Washoe County property information, attached hereto as **Exhibit 7**.

24 ⁶ See Zandian's Lyon County property information, attached hereto as **Exhibit 8**.

25 ⁷ See Zandian's Churchill County property information, attached hereto as **Exhibit 9**.

26 ⁸ See Zandian's Elko County property information, attached hereto as **Exhibit 10**.

27 ⁹ See Zandian's manager information for Johnson Spring Water Company LLC, attached hereto as **Exhibit 11**.

28 ¹⁰ See Zandian's manager information for Wendover Project L.L.C., attached hereto as **Exhibit 12**.

¹¹ See Zandian's manager information for 11000 Reno Highway, Fallon, L.L.C., attached hereto as **Exhibit 13**.

¹² See 11000 Reno Highway, Fallon, LLC's Churchill County property information, attached hereto as **Exhibit 14**.

¹³ See Zandian's managing member and resident agent information for Misfits Development LLC, attached hereto as **Exhibit 15**.

1 registered agent of Elko North 5th Avenue, LLC, a Nevada LLC.¹⁴ Zandian is a managing
2 member and registered agent for Stagecoach Valley LLC, an active Nevada LLC.¹⁵

3 Zandian acted as the resident agent for a revoked Nevada limited liability company
4 named Rock and Royalty LLC, where Zandian's resident agent address was 1401 S. Las
5 Vegas Boulevard, Las Vegas, Nevada 89104.¹⁶ Zandian was a managing member of Gold
6 Canyon Development LLC, a Nevada LLC that is now in default status.¹⁷ Zandian was a
7 managing member of High Tech Development LLC, a Nevada LLC that has been dissolved.¹⁸
8 Zandian was a managing member of Lyon Park Development LLC, a Nevada LLC that has
9 been dissolved.¹⁹ Zandian was a managing member of Churchill Park Development LLC, a
10 Nevada LLC that has been dissolved.²⁰ Zandian was a manager of Sparks Village LLC, a
11 Nevada LLC that is in default status.²¹ Zandian was president, secretary, treasurer, director
12 and resident agent of Optima Technology Corporation, a now revoked Nevada close
13 corporation.²² Zandian was a managing member of I-50 Plaza LLC, a Nevada LLC in default
14 status.²³ Zandian was a manager of Dayton Plaza, LLC, a Nevada LLC in default status.²⁴
15 Finally, Zandian was a manager of Reno Highway Plaza, LLC, a Nevada LLC in revoked
16 status.²⁵

17 Also, Zandian listed Carson City and Las Vegas addresses for his registered agent and
18 officer information for Rock and Royalty LLC, Optima Technology Corporation, High Tech

19
20 ¹⁴ See Zandian's managing member and resident agent information for Elko North 5th Avenue, LLC, attached
hereto as **Exhibit 16**.

21 ¹⁵ See Zandian's managing member and resident agent information for Stagecoach Valley LLC, attached hereto as
Exhibit 17.

22 ¹⁶ See Zandian's resident agent information for Rock and Royalty LLC, attached hereto as **Exhibit 18**.

23 ¹⁷ See Zandian's managing member information for Gold Canyon Development LLC, attached hereto as **Exhibit**
19.

24 ¹⁸ See Zandian's managing member information for High Tech Development LLC, attached hereto as **Exhibit 20**.

25 ¹⁹ See Zandian's managing member information for Lyon Park Development LLC, attached hereto as **Exhibit 21**.

26 ²⁰ See Zandian's managing member information for Churchill Park Development LLC, attached hereto as **Exhibit**
22.

27 ²¹ See Zandian's manager information for Sparks Village LLC, attached hereto as **Exhibit 23**.

28 ²² See Zandian's information for Optima Technology Corporation, attached hereto as **Exhibit 24**.

²³ See Zandian's information for I-50 Plaza LLC, attached hereto as **Exhibit 25**.

²⁴ See Zandian's information for Dayton Plaza, LLC, attached hereto as **Exhibit 26**.

²⁵ See Zandian's information for Reno Highway Plaza, LLC, attached hereto as **Exhibit 27**.

1 Development LLC, Lyon Park Development LLC, Churchill Park Development LLC, Sparks
2 Village, LLC, I-50 Plaza LLC, Dayton Plaza, LLC, 11000 Reno Highway Fallon LLC, Misfits
3 Development LLC, Elko North 5th Ave, LLC, and Stagecoach Valley LLC.²⁶

4 As demonstrated above, Zandian clearly owns or partially owns many properties within
5 and throughout the state of Nevada and Zandian clearly does a significant amount of business
6 within the state. His property ownership holdings and his business dealings, alone, show that
7 Zandian’s forum activities are so “substantial” or “continuous and systematic” that he should
8 be deemed present in the forum and therefore general jurisdiction is appropriate.

9 **G. NEVADA HAS ABROGATED THE DOCTRINE OF SPECIAL/GENERAL**
10 **APPEARANCES**

11 Zandian argues that he is making a special appearance “for the purpose of testing both
12 the sufficiency of service and the jurisdiction of the court; thus, Zandian has not consented to
13 personal jurisdiction of any Nevada court by bringing the instant motion.” *See* Motion to
14 Dismiss Amended Complaint on Special Appearance, dated 11/17/11, 2:12-15, on file herein.

15 However, the Nevada Supreme Court has abrogated the doctrine of special/general
16 appearances. *Hansen v. Eighth Judicial Dist. Court ex rel. County of Clark*, 116 Nev. 650,
17 656, 6 P.3d 982, 985 (2000). “Now, before a defendant files a responsive pleading such as an
18 answer, that defendant may move to dismiss for lack of personal jurisdiction, insufficiency of
19 process, and/or insufficiency of service of process, and such a defense is not ‘waived by being
20 joined with one or more other defenses.’ Alternatively, a defendant may raise its defenses,
21 including those relating to jurisdiction and service, in a responsive pleading.” *Hansen*, 116
22 Nev. at 656, 6 P.3d at 986.

23 Zandian could have raised his alleged defenses of insufficiency of service of process
24 and lack of jurisdiction in a motion to dismiss without waiving such defenses and his “special”
25 appearance is a nullity. Therefore, Zandian’s motion is merely a motion to dismiss. However,
26 as shown above and below, the motion to dismiss is factually and procedurally fatally flawed.

27 **H. ZANDIAN CANNOT MEET THE STANDARD FOR A MOTION TO DISMISS**

28 ²⁶ *See* Exhibits 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, and 25, attached hereto.

1 “In considering ‘a motion to dismiss, all well-pleaded allegations of material fact are
2 taken as true and construed in a light most favorable to the non-moving party.’” *Germaine*
3 *Music v. Universal Songs of Polygram*, 275 F. Supp. 2d 1288, 1294 (D. Nev. 2003) *aff’d in*
4 *part*, 130 F. App’x. 153 (9th Cir. 2005).

5 In his third paper filed with this Court, Zandian moves this Court to dismiss the case
6 based upon service of process and jurisdiction. However, as shown above, Zandian was
7 properly served and his forum contacts are so substantial as to create general jurisdiction over
8 him in the State of Nevada. *See supra*. Therefore, construing the complaint in the light most
9 favorable to the Plaintiff, Zandian’s motion to dismiss cannot meet the standard for a motion
10 to dismiss.

11 **I. RES JUDICATA AND ISSUE PRECLUSION DO NOT PREVENT THIS**
12 **ACTION**

13 Zandian’s motion to dismiss is difficult to decipher, but it appears that Zandian is
14 making an argument that res judicata or maybe issue preclusion might apply in this case.
15 However, Zandian provides no factual or legal authority for his arguments.

16 “The failure of a moving party to file a memorandum of points and authorities in
17 support of a motion shall constitute a consent to the denial of the motion...” FJDCR 15(5).
18 Accordingly, Zandian’s motion should be denied.

19 Nevertheless, there is a three-part test for determining whether claim preclusion
20 applies: (1) the parties or their privies are the same, (2) the final judgment is valid, and (3) the
21 subsequent action is based on the same claims or any part of them that were or could have
22 been brought in the first case. *Five Star Capital Corp. v. Ruby*, 124 Nev. 1028, 194 P.3d 709,
23 713 (Nev. 2008).

24 In this case, the parties/privies are not the same and this action is not based on the same
25 claims that were or could have been brought in the first case. For example, Zandian argues
26 that the Arizona action has no application to him: “Because no summons was ever issued as to
27 Zandian in the underlying U.S. District Court action which forms the basis of the instant
28 action, any domestication of the U.S. District Court action as it pertains to Zandian is a clear

1 violation of Zandian's constitutional right to notice under the Due Process clauses of the Fifth
2 and Fourteenth Amendments of the U.S. Constitution." See Motion to Dismiss Amended
3 Complaint on Special Appearance, dated 11/17/11, 5:5-10, on file herein. While Zandian is
4 incorrect in his assessment that Plaintiff is trying to domesticate the Arizona judgment,
5 Zandian is correct that he was not a party to the Arizona case.

6 In addition, the Arizona case was a declaratory judgment action brought by Universal
7 Avionics Systems Corporation ("Universal") against Plaintiff, OTG, OTC and Jed Margolin.
8 See Arizona Complaint, dated 7/15/08, attached hereto as **Exhibit 28** (original complaint
9 sealed). Universal sought a declaratory judgment that the '073 and '724 patents were invalid
10 and not infringed. *Id.*

11 OTG counterclaimed against Universal and cross-claimed against OTC, Joachim
12 Naimer, Jane Naimer, Frank Hummel and Jane Doe Hummel. See Arizona Answer,
13 Counterclaims, Cross-Claims and Third-Party Claims, dated 1/24/08, attached hereto as
14 **Exhibit 29**. OTG claimed patent infringement against Universal, Naimer and Hummel. *Id.*
15 OTG claimed breach of contract, breach of the implied covenant of good faith and fair dealing,
16 and negligence against Universal. *Id.* OTG sought a declaratory judgment against OTC that
17 OTC had no interest or right in the durable power of attorney from Jed Margolin or the above
18 mentioned patents, that OTC's filing/recording of documents with the PTO was invalid and
19 void, and ordering the PTO to correct and expunge its records with regards to the same. *Id.*
20 OTG claimed injurious falsehood/slander of title, trespass to chattels, unfair competition,
21 unfair and deceptive competition/business practices, unlawful conspiracy, joint and several
22 liability, and punitive damages against Universal and OTC. *Id.*

23 In this case, Jed Margolin is claiming conversion, tortious interference with contract,
24 intentional interference with prospective economic advantage, unjust enrichment, and unfair
25 and deceptive trade practices against all Defendants in this matter. The parties/privies and
26 claims in this matter are not the same as the parties/privies and claims in the Arizona action.

27 Therefore, as the parties/privies and claims in the Arizona action are not the same as
28 the parties/privies and claims in this action, claim preclusion does not apply.

1 Also, there is a four-part test for the application of issue preclusion: ““(1) the issue
2 decided in the prior litigation must be identical to the issue presented in the current action; (2)
3 the initial ruling must have been on the merits and have become final; ... (3) the party against
4 whom the judgment is asserted must have been a party or in privity with a party to the prior
5 litigation’; and (4) the issue was actually and necessarily litigated.” *Five Star Capital Corp.*,
6 124 Nev. 1028, 194 P.3d at 713. The only identical issues decided in the Arizona case is the
7 fact that OTC/Zandian filed a forged assignment with the United States Patent Office and that
8 OTC/Zandian have no interest in the above mentioned patents or the durable power of
9 attorney.

10 The Arizona court ordered that OTC “has no interest in U.S. Patents Nos. 5,566,073
11 and 5,904,724 (“the Patents”) or the Durable Power of Attorney from Jed Margolin dated July
12 20, 2004.” *See* Exhibit B to Zandian’s Motion to Dismiss Amended Complaint on Special
13 Appearance, dated 11/17/11, on file herein. The Arizona court also ordered that the
14 “Assignment Optima Technology Corporation filed with the USPTO is forged, invalid, void,
15 of no force and effect, and is hereby struck from the records of the USPTO.” *See* Exhibit B to
16 Zandian’s Motion to Dismiss Amended Complaint on Special Appearance, dated 11/17/11, on
17 file herein. Therefore, those issues have already been decided. However, the same claims
18 have not been decided.

19 Therefore, the current action against Zandian and all the other Defendants is properly
20 before this Court.

21 **IV. CONCLUSION**

22 Based upon the foregoing, Plaintiff respectfully requests that this Court deny Zandian’s
23 motion to dismiss/for summary judgment. If this Court decides to grant any of Zandian’s
24 requests, then Plaintiff respectfully requests leave to amend the Complaint in order to remedy
25 any defects therein. It is respectfully requested in the alternative that the instant motion be
26 denied so that additional discovery can take place.

27 ///

28 ///

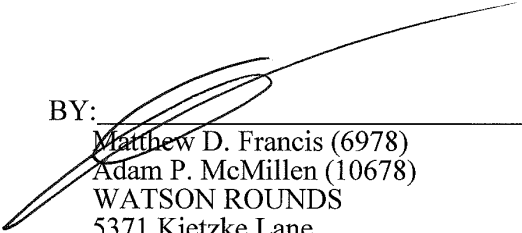
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AFFIRMATION PURSUANT TO NRS 239B.030

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

Dated this 5th day of December, 2011.

BY: _____


Matthew D. Francis (6978)
Adam P. McMillen (10678)
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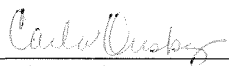
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CERTIFICATE OF SERVICE

Pursuant to NRC 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 DISMISS**, addressed as follows:

John Peter Lee
John Peter Lee, Ltd.
830 Las Vegas Blvd. South
Las Vegas, NV 89101

Dated: December 5, 2011



Carla Ousby