

IN THE SUPREME COURT OF THE STATE OF NEVADA

REZA ZANDIAN A/K/A GOLAMREZA
ZANDIANJAZI A/K/A GHOLAM REZA
ZANDIAN A/K/A REZA JAZI A/K/A J.
REZA JAZI A/K/A G. REZA JAZI A/K/A
GHONOREZA ZANDIAN JAZI, AN
INDIVIDUAL,

Appellant,

vs.

JED MARGOLIN, AN INDIVIDUAL,

Respondent.

**Nevada Supreme Court
Case No. 65960**

APPEAL

from the FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR CARSON CITY
THE HONORABLE JAMES T. RUSSELL, District Judge

JOINT APPENDIX

VOLUME II

JASON WOODBURY
Nevada Bar No. 6870
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Attorneys for Appellant, Reza Zandian

ALPHABETICAL INDEX TO JOINT APPENDIX (“J.A.”)

**REZA ZANDIAN aka GOLAMREZA ZANDIANJAZI aka GHOLAM
REZA ZANDIAN aka REZA JAZI aka J. REZA JAZI aka G. REZA
JAZI aka GHONOREZA ZANDIAN JAZI, an individual,
Appellant,**

vs.

**JED MARGOLIN, an individual,
Respondent.**

Nevada Supreme Court Case Number: 65960

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<i>Substitution of Counsel</i>	Feb. 21, 2014	II	282-284

ORIGINAL

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

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2014 JAN 17 PM 3:05
ALAN GLOVER
CLERK
DEPUTY

9
10 **In The First Judicial District Court of the State of Nevada**
11 **In and for Carson City**

12 JED MARGOLIN, an individual,
13 Plaintiff,

Case No.: 090C00579 1B

14 vs.

Dept. No.: 1

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

**OPPOSITION TO MOTION FOR
STAY OF PROCEEDINGS TO
ENFORCE JUDGMENT
PURSUANT TO NRCP 62(B)**

26 Defendants.

27 Zandian's Motion for Stay of Proceedings to Enforce Judgment Pursuant to NRCP
28 62(B) is solely based upon the fact that his Motion to Set Aside Default Judgment, filed on
December 20, 2013, is currently pending and he would have to post a bond. Zandian requests
the Court stay the enforcement of the judgment against him until such time as the Court
renders a decision on the pending Motion to Set Aside Default Judgment.

However, there is no basis to set aside the default judgment, the requested stay should
be denied, and execution efforts, including the debtor's examination scheduled for February
11, 2014, should proceed forward. *See* Opposition to Set Aside Default Judgment, filed herein

1 on 1/9/14; Order Granting Plaintiff's Motion for Debtor Examination and to Produce
2 Documents, dated 1/13/14. At the very least, if a stay is granted – which it should not be – a
3 bond should be required to protect Mr. Margolin's interests, especially considering the fact
4 that Zandian has consistently and intentionally evaded his responsibilities related to this
5 matter. Zandian's latest attempts to set aside the judgment and stay proceedings are just more
6 evidence of Zandian's desire to avoid this proceeding or drag it out unnecessarily.

7 **I. The Court Enjoys Wide Discretion Under NRCP 62(b)**

8 "In its discretion...the court may stay the execution of or any proceedings to enforce a
9 judgment..." NRCP 62(b). Zandian has provided no credible basis for setting aside the
10 default judgment. *See* Opposition to Set Aside Default Judgment, filed herein on 1/9/14.
11 Zandian's only justification for the requested stay is the pending motion to set aside the default
12 judgment and his potential financial burden in posting a bond. *See* Motion for Stay, dated
13 12/30/13. Since there is no credible basis for setting aside the default judgment and any
14 financial burden has been caused by his actions and inactions, there is no justification for the
15 requested stay, and the requested stay should be denied.
16

17 **II. NRCP 62(b) Allows The Court To Require Security**

18 "In its discretion and on such conditions for the security of the adverse party as are
19 proper, the court may stay the execution of or any proceedings to enforce a judgment..."
20 NRCP 62(b). Therefore, Rule 62(b) allows the Court to require a bond if a stay is granted
21 pending determination of a post-trial motion.
22

23 Zandian has proved to be purposely evasive. *See* Opposition to Set Aside Default
24 Judgment, filed herein on 1/9/14; *see also previous motions filed herein*. Therefore, if a stay is
25 granted, Plaintiff respectfully requests Zandian be required to post a bond equal to the amount
26 of the judgment in order to protect the interests of Mr. Margolin. The fact that Zandian may
27 incur some expense in obtaining a bond should not weigh in his favor.
28

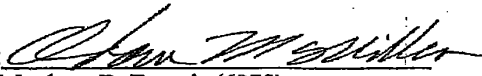
1 **III. Conclusion**

2 For the reasons stated above, Mr. Margolin respectfully requests that this Court deny
3 Mr. Zandian's motion to set aside the default judgment and deny the requested stay.

4 **AFFIRMATION PURSUANT TO NRS 239B.030**

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

7 Dated this 16th day of January, 2014.

8 BY: 
9 Matthew D. Francis (6978)
10 Adam P. McMillen (10678)
11 WATSON ROUNDS
12 5371 Kietzke Lane
13 Reno, NV 89511
14 Telephone: 775-324-4100
15 Facsimile: 775-333-8171
16 *Attorneys for Plaintiff Jed Margolin*

1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCp 5(b), I certify that I am an employee of Watson Rounds, and that on
3 this date, I deposited for mailing, in a sealed envelope, with first-class postage prepaid, a true
4 and correct copy of the foregoing document, **OPPOSITION TO MOTION FOR STAY OF**
5 **PROCEEDINGS TO ENFORCE JUDGMENT PURSUANT TO NRCp 62(B)**, addressed
6 as follows:

7 Optima Technology Corp.
8 A California corporation
9 8401 Bonita Downs Road
Fair Oaks, CA 95628

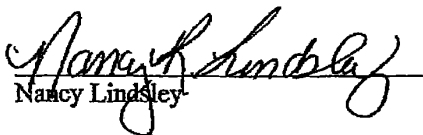
Optima Technology Corp.
A Nevada corporation
8775 Costa Verde Blvd. #501
San Diego, CA 92122

10 Optima Technology Corp.
11 A Nevada corporation
12 8401 Bonita Downs Road
Fair Oaks, CA 95628

Johnathon Fayeghi, Esq.
Hawkins Melendrez
9555 Hillwood Dr. Suite 150
Las Vegas, NV 89134
Counsel for Reza Zandian

13 Optima Technology Corp.
14 A California corporation
15 8775 Costa Verde Blvd. #501
San Diego, CA 92122

16
17 Dated: January 16, 2014


Nancy Lindsley

ORIGINAL

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Adam P. McMillen (10678)
2 WATSON ROUNDS
5371 Kietzke Lane
3 Reno, NV 89511
Telephone: 775-324-4100
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Attorneys for Plaintiff Jed Margolin

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ALAN GLOVER
CLERK
DEPUTY

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

10 JED MARGOLIN, an individual,
11 Plaintiff,

12 vs.

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

Case No.: 090C00579 1B

Dept. No.: 1

**NOTICE OF ENTRY OF ORDER
GRANTING PLAINTIFF'S MOTION
FOR DEBTOR EXAMINATION AND
TO PRODUCE DOCUMENTS**

21 TO: All parties:

22 **PLEASE TAKE NOTICE** that on January 13, 2014 the Court entered its Order
23 Granting Plaintiff's Motion for Debtor Examination and to Produce Documents. Attached as
24 Exhibit 1 is a true and correct copy of the Order Granting Plaintiff's Motion for Debtor
25 Examination and to Produce Documents.

26 **Affirmation Pursuant to NRS 239B.030**

27 The undersigned does hereby affirm that the preceding document does not contain the
28

1 social security number of any person.

2 DATED: January 16, 2014.

WATSON ROUNDS

3
4 By: *Adam P. McMillen*

5 Matthew D. Francis

6 Adam P. McMillen

7 Watson Rounds

8 5371 Kietzke Lane

9 Reno, NV 89511

10 Attorneys for Plaintiff Jed Margolin

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1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCF 5(b), I certify that I am an employee of Watson Rounds, and that on
3 this date, I deposited for mailing, in a sealed envelope, with first-class postage prepaid, a true
4 and correct copy of the foregoing document, NOTICE OF ENTRY OF ORDER GRANTING
5 PLAINTIFF'S MOTION FOR DEBTOR EXAMINATION AND TO PRODUCE
6 DOCUMENTS, addressed as follows:

7 Optima Technology Corp.
8 A California corporation
9 8401 Bonita Downs Road
Fair Oaks, CA 95628

10 Optima Technology Corp.
11 A Nevada corporation
12 8401 Bonita Downs Road
Fair Oaks, CA 95628

13 Optima Technology Corp.
14 A California corporation
15 8775 Costa Verde Blvd. #501
San Diego, CA 92122

16 Optima Technology Corp.
17 A Nevada corporation
18 8775 Costa Verde Blvd. #501
San Diego, CA 92122

19 Johnathon Fayeghi, Esq.
20 Hawkins Melendrez
21 9555 Hillwood Dr., Suite 150
Las Vegas, NV 89134
Counsel for Reza Zandian

22 Dated: This 16th day of January, 2014.

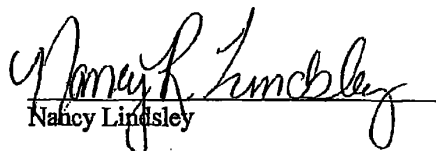
23 
24 Nancy Lindsley
25
26
27
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Exhibit 1

Exhibit 1

1 Case No. 09 0C 00579 1B
2 Dept. No. I

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ALAN GLOVER
C. COOPER

3
4
5 In The First Judicial District Court of the State of Nevada
6 In and for Carson City

7 JED MARGOLIN, an individual,
8 Plaintiff,

9 vs.

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

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

21 This matter comes before the Court on Plaintiff JED MARGOLIN's Motion for Debtor
22 Examination and to Produce Documents, filed on December 11, 2013.

23 The Court finds that Defendants have not opposed the Motion for Debtor Examination
24 and to Produce Documents. The non-opposition by Defendants to Plaintiff's Motion constitutes
25 a consent to the granting of the motion.

26 The Court finds good cause exists to grant Plaintiff's Motion for Debtor Examination
27 and to Produce Documents.

28 ///
///
///

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

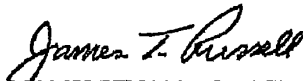
2 1. That Defendant REZA ZANDIAN aka GOLAMREZA ZANDIANJAZI
3 aka GHOLAM REZA ZANDIAN aka REZA JAZI aka J. REZA JAZI aka G. REZA JAZI aka
4 GHONONREZA ZANDIAN JAZI is hereby ordered to appear before the Court and answer
5 upon oath or affirmation concerning Defendant's property at a Judgment Debtor Examination
6 under the authority of a Judge of the Court on the following date February 11, 2014 @ 9:00 AM; and,

7 2. That Defendant REZA ZANDIAN aka GOLAMREZA ZANDIANJAZI
8 aka GHOLAM REZA ZANDIAN aka REZA JAZI aka J. REZA JAZI aka G. REZA JAZI aka
9 GHONONREZA ZANDIAN JAZI is hereby ordered to produce to Mr. Margolin's counsel at
10 least one week prior to the Judgment Debtor Examination, so that counsel may effectively
11 review and question Zandian regarding the documents, all information and documents
12 identifying, related to, and/or comprising the following:

- 13
- 14 a. Any and all information and documentation identifying real property, computers,
15 cell phones, intellectual property, vehicles, brokerage accounts, bank deposits and
16 all other assets that may be available for execution to satisfy the Judgment entered
17 by the Court, including, but not limited to, information relating to financial
18 accounts, monies owed to Zandian by others, etc.
 - 19 b. Documents sufficient to show Zandian's balance sheet for each month for the years
20 2007 to the present.
 - 21 c. Documents sufficient to show Zandian's gross revenues for each month for the
22 years 2007 to the present.
 - 23 d. Documents sufficient to show Zandian's costs and expenses for each month for the
24 years 2007 to the present.
 - 25 e. All tax returns filed by Zandian with any governmental body for the years 2007 to
26 the present, including all schedules, W-2's and 1099's.
- 27
28


- 1 f. All of Zandian's accounting records, computerized electronic and/or printed on
2 paper format for the years 2007 to the present.
- 3 g. All of Zandian's statements, cancelled checks and related banking documents for
4 any bank, brokerage or other financial account at least partially controlled by
5 Zandian, or recorded in the name of Zandian or for Zandian's benefit, for the years
6 2007 to the present.
- 7 h. All of Zandian's checkbooks, checkbook stubs and checkbook entries for the years
8 2007 to the present.
- 9 i. Documents sufficient to show the means and source of payment of Zandian's
10 current residence and any other residence for the years 2007 to the present.
- 11 j. Documents sufficient to show the means and source of payment of Zandian's
12 counsel in this matter.
- 13 k. Any settlement agreements by which another party has agreed to pay money to
14 Zandian.

15 DATED: This 13th day of January, 2014.

16
17 
18 JAMES T. RUSSELL
DISTRICT COURT JUDGE

19 Respectfully submitted by,

20 WATSON ROUNDS, P.C.

21 By: 
22 Adam P. McMillen, Esquire
23 Nevada Bar No. 10678
5371 Kietzke Lane
24 Reno, NV 89511
25 Telephone: (775) 324-4100
26 Facsimile: (775) 333-8171
27 Email: amcmillen@watsonrounds.com
28 Attorney for Plaintiff

1 CERTIFICATE OF SERVICE

2 Pursuant to NRCP 5(b), I certify that I am an employee of Watson Rounds, and that on
3 this date, I deposited for mailing, in a sealed envelope, with first-class postage prepaid, a true
4 and correct copy of the foregoing document, *Proposed Order Granting Motion for Debtor*
5 *Examination and for Production of Documents*, addressed as follows:

6 Geoffrey W. Hawkins, Esquire
7 Johnathon Fayeghi, Esquire
8 Hawkins Melendrez, P.C.
9 9555 Hillwood Drive, Suite 150
10 Las Vegas, Nevada 89134

11 Alborz Zandian
12 9 Almanzora
13 Newport Beach, CA 92657-1613

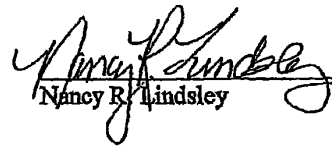
14 Optima Technology Corp.
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27 A Nevada corporation
28 8775 Costa Verde Blvd. #501
San Diego, CA 92122

Dated: January 9th, 2014


Nancy R. Lindsley

ORIGINAL

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2014 JAN 23 PM 3:42

ALAN CLOVER

BY *[Signature]* DEPUTY

1 RPLY

2 GEOFFREY W. HAWKINS, ESQ.

3 Nevada Bar No. 7740

4 JOHNATHON FAYEGHI, ESQ.

5 Nevada Bar No. 12736

6 HAWKINS MELENDREZ, P.C.

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8 Las Vegas, Nevada 89134

9 Phone: (702) 318-8800

10 Fax: (702) 318-8801

11 ghawkins@hawkinsmelendrez.com

12 Attorneys for Defendant

13 Reza Zandian aka Goamreza Zandian

14 aka Gholamreza Zandian Jazi

15 aka Reza Jazi aka J. Reza Jazi

16 aka G. Reza Jazi aka Ghononreza

17 Zandian Jazi

18 In The First Judicial District Court Of The State Of Nevada

19 In and For Carson City

20 JED MARGOLIN, an individual.

21 Plaintiff,

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23 OPTIMA TECHNOLOGY CORPORATION,
24 a California corporation, OPTIMA
25 TECHNOLOGY CORPORATION, a Nevada
26 corporation, REZA ZANDIAN aka
27 GOLAMREZA ZANDIANJAZI aka
28 GHOLAM REZA ZANDIAN aka REZA
29 JAZI aka J. REZA JAZI aka G. REZA JAZI
30 aka GHONONREZA ZANDIAN JAZI, an
31 individual, DOE Companies 1-10, DOE
32 Corporations 11-20, and DOE Individuals 21-
33 30,

34 Defendants.

CASE NO. 090C00579 1B

DEPT. NO. 1

DEFENDANT ZANDIAN'S REPLY IN
SUPPORT OF MOTION TO SET ASIDE
DEFAULT JUDGMENT

35 Defendant REZA ZANDIAN ("Zandian") by and through his attorney Geoffrey W.
36 Hawkins, Esq., of the law firm HAWKINS MELENDREZ P.C., and pursuant to NRCP 55 and 60,
37
38

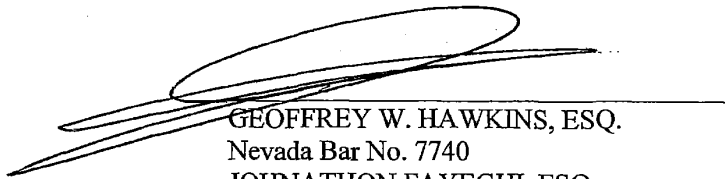
HAWKINS MELENDREZ, P.C.
9555 Hillwood Drive, Suite 150
Las Vegas, Nevada 89134
Telephone (702) 318-8800 • Facsimile (702) 318-8801

1 hereby submits DEFENDANT ZANDIAN'S REPLY IN SUPPORT OF MOTION TO SET ASIDE
2 DEFAULT JUDGMENT.

3 This Reply is made and based upon the papers and pleadings on file herein, the
4 Memorandum of Points and Authorities, the Affidavit of Reza Zandian attached hereto as **Exhibit**
5 **A**, and any oral argument this Honorable Court permits at the hearing.

6 DATED this 21st day of January, 2014.

7
8 **HAWKINS MELENDREZ, P.C.**

9
10 

11 GEOFFREY W. HAWKINS, ESQ.
12 Nevada Bar No. 7740
13 JOHNATHON FAYEGHI, ESQ.
14 Nevada Bar No. 12736
15 9555 Hillwood Drive, Suite 150
16 Las Vegas, NV 89134
17 Phone: (702) 318-8800
18 *Attorneys for Defendant*
19 *Reza Zandian*

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Telephone (702) 318-8800 • Facsimile (702) 318-8801

1 POINTS AND AUTHORITIES

2 I.

3 INTRODUCTION

4 The crux of Plaintiff's Opposition is that Defendant REZA ZANDIAN ("Zandian")
5 maintained his San Diego address, knew about the instant matter after his prior counsel withdrew,
6 and continued to receive notice of the instant matter after his prior counsel withdrew. Plaintiff
7 attached eleven exhibits to his Opposition in an attempt to demonstrate that Defendant Zandian
8 maintained the San Diego address provided to the Court by John Peter Lee, Esq., and continued to
9 live in the United States rather than France. However, said exhibits fail to prove anything with
10 regard to Defendant Zandian's residency. Furthermore, said exhibits fail to prove that Defendant
11 Zandian continued to receive notice of the papers, pleadings and motions in the instant matter.

12 The simple truth is that Defendant Zandian has resided in Paris, France since August 2011
13 and due to the fact that his prior counsel provided the Court with an incorrect address upon
14 withdrawal, Defendant Zandian did not receive any pleadings or written discovery related to the
15 instant matter since April 26, 2012. See Affidavit of Reza Zandian in Support of Motion to Set
16 Aside Default Judgment, attached hereto as **Exhibit A**. As such, Defendant Zandian's failure to
17 respond to Plaintiff's written discovery and failure to oppose Plaintiff's Motion for Sanctions and
18 Application for Entry of Default Judgment were clearly due to circumstances that constitute
19 excusable neglect under NRCPC 60(b)(1).

20 In addition, as Defendant Zandian had already appeared in this action, Plaintiff was required
21 to provide Defendant Zandian with a three day notice of Plaintiff's Application for Entry of Default
22 Judgment. However, Plaintiff failed to provide Defendant Zandian with the required three day
23 notice. In fact, Plaintiff's Opposition does not dispute the fact that Plaintiff failed to provide a three
24 day notice of Plaintiff's Application for Entry of Default Judgment. Pursuant to the holding in
25 *Christy v. Carlisle* 94 Nev. 651, 584 P.2d 687 (1987), Plaintiff's failure to serve Defendant Zandian
26 with a three day notice of Plaintiff's Application for Entry of Default Judgment voids the Default
27 Judgment against Defendant Zandian.

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II.

LEGAL ARGUMENT

A. Plaintiff Failed To Provide Defendant Zandian With Written Notice Of Application For Default Judgment.

As this Court is aware, if a defendant enters an appearance or if the plaintiff knows of the identity of the defendant's counsel, the plaintiff has an obligation to notify the defendant of his intent to take a default. *Christy v. Carlisle*, 94 Nev. 651, 584 P.2d 687 (1987); *Rowland v. Lepire*, 95 Nev. 639, 600 P.2d 237 (1979); *Gazin v. Hoy*, 102 Nev. at 438; Nev. Sup. CT.R. 1752. A failure to provide said notice requires a default to be set aside. *Id.*

As asserted in Defendant Zandian's Motion, Plaintiff failed to provide Defendant Zandian with the required three-day notice prior to filing his April 17, 2013 Application for Entry of Default Judgment. Plaintiff, through his counsel, had knowledge of Defendant Zandian's French address as early as March 2013. Said knowledge came from Watson & Rounds' (Plaintiff's counsel's firm) representation of Fred Sadri in the Nevada Supreme Court Case No. 62839. (See Notice of Appeal in Nevada Supreme Court Case No. 62839, attached hereto as **Exhibit B**. Said Notice of Appeal contains the French address of Defendant Zandian and was mailed to Watson & Rounds as counsel for Fred Sadri in March 2013.) Pursuant to the holdings in *Christy* and *Rowland*, Plaintiff's failure to provide written notice of his Application for Default Judgment requires this Court set aside the June 24, 2013 Default Judgment against Defendant Zandian.

Moreover, Plaintiff's Opposition completely fails to oppose and/or discuss the absence of the required three-day notice of intent to take default. Said failure to oppose on the part of Plaintiff should constitute an admission that Plaintiff failed to provide Defendant Zandian with the required notice and consent to the granting of Defendant Zandian's Motion to Set Aside Default Judgment in line with the mandates of this Court's rules. See *King v. Carlidge*, 121 Nev. 926, 927, 124 P.3d 1161, 1162 (2005) (stating that an unopposed motion may be considered as an admission of merit and consent to grant the motion) (*citing* DCR 13(3)); See also First Judicial District Court Rule 15(5) (failure of an opposing party to file a memorandum of points and authorities in opposition to any motion within the time permitted shall constitute a consent to the granting of the motion).

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1 **B. Defendant Zandian Has Demonstrated Excusable Neglect Under NRCP 60(b)**

2 In his Opposition, Plaintiff states “the evidence overwhelmingly demonstrates Zandian
3 maintained the same address John Peter Lee provided to the Court, even after Zandian allegedly
4 moved to France in August 2011, and the evidence similarly demonstrates Zandian continued to live
5 in the United States, not France.” The evidence Plaintiff is referring to consists of the following:
6 checks made payable to “Reza Zandian & Niloofar Foughani JT Ten, 8775 Costa Verde Blvd Apt
7 217, San Diego, CA 92122”; a Wells Fargo withdrawal slip dated February 20, 2013; various Wells
8 Fargo checks signed by Defendant Zandian with the 8775 Costa Verde Blvd, San Diego, CA
9 address printed on the checks; Defendant Zandian’s Wells Fargo bank statements with the San
10 Diego address printed on the bank statements; and Visa statements showing purchases made in
11 California in September of 2011 and March of 2013.

12 Contrary to the assertions made in Plaintiff’s Opposition, the aforementioned evidence
13 completely fails to prove that Zandian maintained the 8775 Costa Verde Blvd, San Diego, CA
14 address after he moved to France in August 2011. As represented in Defendant Zandian’s
15 Affidavit, attached hereto as **Exhibit A** and incorporated herein, Defendant Zandian has resided in
16 Paris, France since August 2011 and has not resided at 8775 Costa Verde Blvd., San Diego, CA
17 92122 since August 2011. The fact that the San Diego address appears on checks made payable to
18 Defendant Zandian and/or issued by Defendant Zandian does not indicate that he continued to
19 reside at said address after August 2011. In fact, it is quite common for a business to have an
20 outdated address on file for a particular individual or for said individual to maintain checks with an
21 outdated address printed on the checks. Moreover, none of the evidence provided by Plaintiff
22 demonstrates that the checks found in Plaintiff’s Exhibits 2,3,5,6, and 12 were sent from or received
23 by Defendant Zandian in the United States.

24 Due to the fact that Defendant Zandian’s prior counsel, John Peter Lee Esq., provided the
25 Court with an incorrect address upon withdrawing as counsel, Defendant Zandian never received
26 any pleadings or discovery in this matter after April 26, 2012. Plaintiff’s Opposition fails to
27 provide any evidence demonstrating that Defendant Zandian did in fact receive pleadings or
28 discovery in this matter subsequent to April 26, 2012.

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As was the case in the Supreme Court case of *Stoecklein v. Johnson Elec., Inc.*, Defendant Zandian's failure to respond to Plaintiff's written discovery and failure to oppose Plaintiff's Motion for Sanctions and Application for Entry of Default Judgment were due to circumstances that constitute excusable neglect under NRCPC 60(b)(1). As such, Defendant Zandian's Motion to Set Aside Default Judgment should be granted.

**III.
CONCLUSION**

Based on the foregoing, Defendant Reza Zandian respectfully requests that the default judgment be set aside to allow him to respond as intended.

AFFIRMATION PURSUANT TO NRS 239B.030

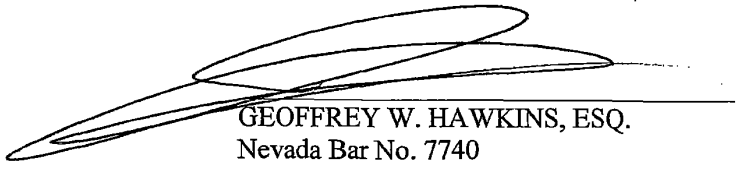
The undersigned does hereby affirm that the preceding document does not contain the social security number of any person.

DECLARATION

The undersigned also declares under penalty of perjury that the foregoing is true and accurate to the best of my knowledge.

Dated this 21st day of January, 2014.

HAWKINS MELENDEZ, P.C.



GEOFFREY W. HAWKINS, ESQ.
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JOHNATHON FAYEGHI, ESQ.
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Reza Zandian*

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CERTIFICATE OF SERVICE

Pursuant to Nevada Rules of Civil Procedure 5(b), I hereby certify that, on the 21st day of January, 2014, service of **DEFENDANT ZANDIAN'S REPLY IN SUPPORT OF MOTION TO SET ASIDE DEFAULT JUDGMENT** was made this date by depositing a true copy of the same for mailing, first class mail, at Las Vegas, Nevada, addressed follows:

Matthew D. Francis
Adam P. McMillen
WATSON ROUNDS
5371 Kietzke Lane
Reno, Nevada 89511
Attorneys for Plaintiff
Jed Margolin


An employee of Hawkins Melendrez, P.C.

HAWKINS MELENDEZ, P.C.
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INDEX OF EXHIBITS

Exhibit No.	TITLE	NUMBER OF PAGES
A	Affidavit of Reza Zandian in Support of Motion to Set Aside Default Judgment	2
B	Notice of Appeal in Nevada Supreme Court Case No. 62839/Eighth Judicial District Court Case No. A635430	2

Exhibit A

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I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct.

Executed this 17 day of January, 2014.



REZA ZANDIAN

Subscribed and Sworn to before me this 17 day of January, 2014.

CAROLINE AL TAWIL
Conseillère de Clientèle
~~Agence Paris Passy~~

Notary Public in and for Said State and County

(SEAL)

HAWKINS MELENDEZ, P.C.
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Las Vegas, Nevada 89134
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Exhibit B

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CLERK OF THE COURT

1 NOAS
2 REZA ZANDIAN
3 6, rue Edouard Fournier
4 75116 Paris, France
5 Pro Per Appellant

6 DISTRICT COURT

7 CLARK COUNTY, NEVADA

8 GHOLAMREZA ZANDIAN JAZI, also
9 known as REZA ZANDIAN, individually,

10 Plaintiff,

11 v.

12 FIRST AMERICAN TITLE COMPANY, a
13 Nevada business entity; JOHNSON SPRING
14 WATER COMPANY, LLC, formerly known
15 as BIG SPRING RANCH, LLC, a Nevada
16 Limited Liability Company, FRED SADRI,
17 Trustees of the Star Living Trust, RAY
18 KOROGHLI, individually, and ELIAS
19 ABRISHAMI, individually,

20 Defendants.

CASE NO.: A-11-635430-C
DEPT. NO.: IV

21 AND ALL RELATED COUNTERCLAIMS
22 AND THIRD-PARTY CLAIMS

23 f334.024072-4d

24 **NOTICE OF APPEAL**

25 Notice is hereby given that REZA ZANDIAN a member of the above named company,
26 hereby appeals to the Supreme Court of Nevada from the Order to Distribute Attorney Fee and Costs
27 Awards to Defendants entered in this action on the 15th day of February, 2013.

28 DATED this 15th day of March, 2013.

29 BY:
30 REZA ZANDIAN
31 6, rue Edouard Fournier
32 75116 Paris, France
33 Pro Per Appellant

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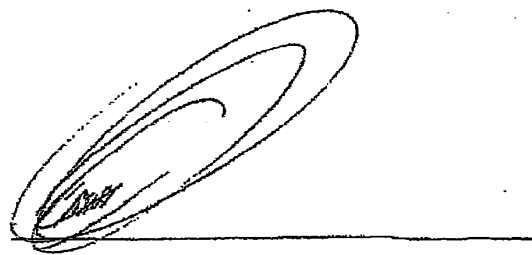
CERTIFICATE OF MAILING

I HEREBY CERTIFY that on the ___ day of March, 2013, I served a copy of the above and foregoing NOTICE OF APPEAL, upon the appropriate parties hereto, by enclosing it in a sealed envelope, deposited in the United States mail, upon which first class postage was fully prepaid addressed to:

Stanley W. Parry
100 North City Parkway, Ste. 1750
Las Vegas, Nevada 89106

Elias Abrishami
P.O. Box 10476
Beverly Hills, California 90213

Ryan E. Johnson, Esq.
Watson & Rounds
777 North Rainbow Blvd. Ste. 350
Las Vegas, Nevada 89107



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ALAN GLOVER

BY ~~CLERK~~ CLERK
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1 **REQ**
 2 GEOFFREY W. HAWKINS, ESQ.
 Nevada Bar No. 7740
 3 JOHNATHON FAYEGHI, ESQ.
 Nevada Bar No. 12736
 4 **HAWKINS MELENDREZ, P.C.**
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 5 Phone: (702) 318-8800
 Fax: (702) 318-8801
 6 ghawkins@hawkinsmelendrez.com
 Attorneys for Defendant
 7 Reza Zandian aka Goamreza Zandian
 aka Gholamreza Zandian Jazi
 8 aka Reza Jazi aka J. Reza Jazi
 aka G. Reza Jazi aka Ghononreza
 9 Zandian Jazi

In The First Judicial District Court Of The State Of Nevada

In and For Carson City

14 JED MARGOLIN, an individual.
 15
 16 Plaintiff,
 17 vs.

CASE NO. 090C00579 1B
 DEPT. NO. 1

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

**REQUEST FOR SUBMISSION AND
 HEARING ON DEFENDANT REZA
 ZANDIAN'S MOTION TO SET ASIDE
 DEFAULT JUDGMENT**

26 COMES NOW, Defendant REZA ZANDIAN by and through his attorney Geoffrey W.
 27 Hawkins, Esq., of the law firm HAWKINS MELENDREZ P.C., and hereby requests that the
 28 following documents be submitted to the Court:

HAWKINS MELENDREZ, P.C.
 9555 Hillwood Drive, Suite 150
 Las Vegas, Nevada 89134
 Telephone (702) 318-8800 • Facsimile (702) 318-8801

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- Defendant Reza Zandian's Motion to Set Aside Default Judgment filed December 20, 2013;
- Plaintiff's Opposition to Motion to Set Aside Default Judgment filed January 9, 2014; and
- Defendant Reza Zandian's Reply in Support of Motion to Set Aside Default Judgment filed January 22, 2014

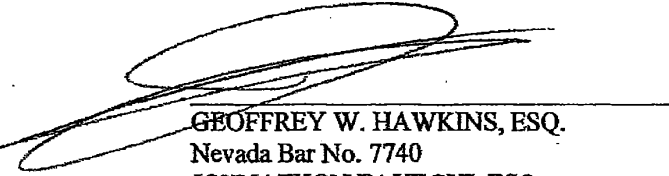
It is further requested, pursuant to First Judicial District Court Rule 15(9) that the Court set a hearing on Defendant Reza Zandian's Motion to Set Aside Default Judgment to allow oral argument

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 21ST day of January, 2014.

HAWKINS MELENDREZ, P.C.



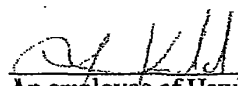
GEOFFREY W. HAWKINS, ESQ.
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Reza Zandian*

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CERTIFICATE OF SERVICE

Pursuant to Nevada Rules of Civil Procedure 5(b), I hereby certify that, on the 21st day of January, 2014, service of **REQUEST FOR SUBMISSION AND HEARING ON DEFENDANT REZA ZANDIAN'S MOTION TO SET ASIDE DEFAULT JUDGMENT** was made this date by depositing a true copy of the same for mailing, first class mail, at Las Vegas, Nevada, addressed follows:

Matthew D. Francis
Adam P. McMillen
WATSON ROUNDS
5371 Kietzke Lane
Reno, Nevada 89511
Attorneys for Plaintiff
Jed Margolin


An employee of Hawkins Melendrez, P.C.

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1/29/14

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1 GEOFFREY W. HAWKINS, ESQ.
Nevada Bar No. 7740
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3 **HAWKINS MELENDREZ, P.C.**
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6 ghawkins@hawkinsmelendrez.com
Attorneys for Defendant
7 Reza Zandian

In The First Judicial District Court Of The State Of Nevada

In and For Carson City

12 JED MARGOLIN, an individual.
13
14 Plaintiff,
15 vs.

CASE NO. 090C00579 1B
DEPT. NO. 1

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

**DEFENDANT REZA ZANDIAN'S
REPLY IN SUPPORT OF MOTION FOR
STAY OF PROCEEDINGS TO
ENFORCE JUDGMENT PURSUANT TO
NRCPC 62(B)**

24 Defendant REZA ZANDIAN ("Zandian") by and through his attorney Geoffrey W.
25 Hawkins, Esq., of the law firm HAWKINS MELENDREZ P.C., and hereby submits his Reply in
26 Support of Motion for Stay of Proceedings to Enforce Judgment Pursuant to NRCPC 62(b).

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This Reply is made and based upon the provisions of NRCP 62 and the following Memorandum of Points and Authorities, the pleadings and papers on file herein, and any oral argument this Honorable Court may allow.

DATED this 21st day of January, 2014.

HAWKINS MELENDREZ, P.C.



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JOHNATHON FAYEGHI, ESQ.
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Reza Zandian*

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1 **POINTS AND AUTHORITIES**

2 **I.**

3 **INTRODUCTION**

4 Plaintiff's Opposition asserts that there is no basis to set aside the default judgment against
5 Defendant Zandian and therefore the requested stay should be denied. Plaintiff cites to his
6 Opposition to Set Aside Default Judgment in support of the aforementioned assertion. However,
7 contrary to Plaintiff's assertions Defendant Zandian has clearly demonstrated good cause for the
8 Default Judgment entered on June 24, 2013 to be set aside pursuant to NRCP 55 and 60.
9 Furthermore, as Defendant Zandian's Motion to Set Aside Default Judgment is currently pending
10 before this Court it is anticipated that this Court will render its decision on Defendant Zandian's
11 Motion to Set Aside Default Judgment promptly.

12 Based on the foregoing and pursuant to NRCP 62, this Court should stay any proceedings to
13 enforce the June 24, 2013 Default Judgment against Defendant Zandian without requiring security.

14 **II.**

15 **LEGAL ARGUMENT**

16 **A. Defendant Zandian Has Demonstrated Good Cause For The June 24, 2013 Default**
17 **Judgment To Be Set Aside.**

18 Pursuant to NRCP 62(b), this Court is authorized, in its discretion, to stay execution of, or
19 any proceedings to enforce a judgment pending the disposition of post-trial motions brought under
20 NRCP 60. On or about December 20, 2013, Defendant Zandian filed a Motion to Set Aside Default
21 Judgment pursuant to NRCP 55 and 60. Promptly following the submission of Defendant
22 Zandian's Motion to Set Aside Default Judgment, Defendant Zandian filed the instant Motion for
23 Stay of Proceedings to Enforce Judgment Pursuant to NRCP 62(b).

24 Plaintiff's sole argument in opposition to Defendant Zandian's Motion for Stay is that "there
25 is no basis to set aside the default judgment." However, Defendant Zandian's Motion to Set Aside
26 Default Judgment is currently pending before this Court and it is this Court that possesses the
27 authority to determine whether there is a basis for granting said motion, not Plaintiff. Furthermore,
28 Defendant Zandian has demonstrated, via the Motion to Set Aside Default Judgment and the Reply

1 in Support of Motion to Set Aside Default Judgment, that the setting aside of the June 24, 2013
2 Default Judgment is warranted.

3 As this Court is aware, if a defendant enters an appearance or if the plaintiff knows of the
4 identity of the defendant's counsel, the plaintiff has an obligation to notify the defendant of his
5 intent to take a default. *Christy v. Carlisle*, 94 Nev. 651, 584 P.2d 687 (1987); *Rowland v. Lepire*,
6 95 Nev. 639, 600 P.2d 237 (1979); *Gazin v. Hoy*, 102 Nev. at 438; Nev. Sup. CT.R. 1752. A failure
7 to provide said notice requires a default to be set aside. *Id.*

8 Furthermore, NRCP 60(b) provides that, in the court's discretion, a default judgment may be
9 set aside if the judgment was a result of mistake, inadvertence, surprise, or excusable neglect.
10 *Gutenberger v. Continental Thrift and Loan Company*, 94 Nev. 173, 175, 576 P.2d 745 (1978).

11 Defendant Zandian is entitled to the setting aside of the June 24, 2013 Default Judgment for
12 the following reasons:

- 13 • Plaintiff failed to provide Defendant Zandian with the required three day notice
14 prior to filing his April 17, 2013 Application for Entry of Default Judgment. *See*
15 Defendant Zandian's Reply in Support of Motion to Set Aside Default Judgment
16 Section II, Paragraph A;
- 17 • Defendant Zandian's failure to respond to Plaintiff's written discovery and
18 failure to oppose Plaintiff's Motion for Sanctions and Application for Entry of
19 Default Judgment were due to circumstances that constitute excusable neglect
20 under NRCP 60(b)(1). Specifically Defendant Zandian's prior counsel, John
21 Peter Lee Esq., provided the Court with an incorrect address upon withdrawing
22 as counsel, which resulted in Defendant Zandian never receiving any pleadings
23 or discovery in this matter after April 26, 2012. *See* Defendant Zandian's Reply
24 in Support of Motion to Set Aside Default Judgment Section II, Paragraph B.

25 Again, NRCP 62(b) authorizes this Court, in its discretion, to stay execution of, or any
26 proceedings to enforce a judgment pending the disposition of post-judgment motions brought under
27 NRCP 60. Defendant Zandian's Motion to Set Aside Default Judgment is a post-judgment motion
28 brought pursuant to NRCP 60. Furthermore, despite Plaintiff's assertions to the contrary Defendant

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1 Zandian has provided not one but two grounds for setting aside the default judgment. As such,
2 Defendant Zandian's Motion for Stay should be granted.

3 **B. Security In The Form Of A Bond Or Other Collateral Is Unnecessary**

4 Although NRCPC 62(b) does allow the district court to require security pending a
5 determination on the post trial motion, it is the common practice in Nevada to stay judgments
6 pending resolution of post-judgment motions pursuant to NRCPC 62(b) without requiring a bond. See
7 *David N. Frederick, Post Trial Motions*, NEVADA CIVIL PRACTICE MANUAL 25-30 (5th ed.
8 2005) ("security in the form of a bond or other collateral is usually not required"). Since the ruling
9 on a post trial motion usually will not consume a significant amount of time, security is usually not
10 required. *Id.*

11 Plaintiff's Opposition asserts that Defendant Zandian has proved to be purposely evasive in
12 the instant matter and therefore, if a stay is granted Defendant Zandian should be required to post a
13 bond. Plaintiff's assertion that Defendant Zandian has been purposely evasive is completely
14 disingenuous. As demonstrated in Defendant Zandian's Motion to Set Aside Default Judgment and
15 Reply in support of the same, Defendant Zandian's failure to respond to Plaintiff's written
16 discovery and failure to oppose Plaintiff's Motion for Sanctions and Application for Entry of
17 Default Judgment were due to circumstances out of Defendant Zandian's control.

18 Finally, Defendant Zandian's Motion to Set Aside Default Judgment has been fully briefed
19 by both parties and is currently pending before this Court. Furthermore, on January 23, 2014,
20 Defendant Zandian filed a Request for Submission. It is anticipated that this Court will make a
21 determination on Defendant Zandian's Motion to Set Aside Default Judgment in the immediate
22 future. Therefore, Defendant Zandian should not be required to provide security in the event this
23 Court grants a stay.

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IV.

CONCLUSION

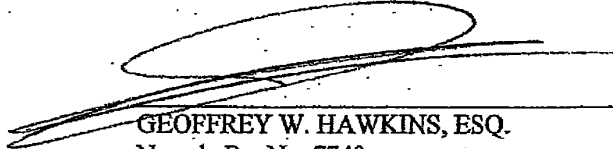
Based on the foregoing points and authorities, Defendant Reza Zandian respectfully requests that this Court grant a stay of any proceedings to enforce the Default Judgment, including proceedings such as a debtor's examination, until after the resolution of Zandian's Motion to Set Aside Default Judgment.

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 29th day of January, 2014.

HAWKINS MELENDREZ, P.C.



GEOFFREY W. HAWKINS, ESQ.
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CERTIFICATE OF SERVICE

Pursuant to Nevada Rules of Civil Procedure 5(b), I hereby certify that, on the 29th day of January, 2014, service of **DEFENDANT REZA ZANDIAN'S REPLY IN SUPPORT OF MOTION FOR STAY OF PROCEEDINGS TO ENFORCE JUDGMENT PURSUANT TO NRCP 62(B)** was made this date by depositing a true copy of the same for mailing, first class mail, at Las Vegas, Nevada, addressed follows:

Matthew D. Francis
Adam P. McMillen
WATSON ROUNDS
5371 Kietzke Lane
Reno, Nevada 89511
Attorneys for Plaintiff
Jed Margolin


An employee of Hawkins Melendrez, P.C.

2/6/14

1 Case No.: 09 OC 00579 1B

2 Dept. No.: 1

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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 **Plaintiff,**

12 **vs.**

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

24 **Defendants.**

ORDER DENYING DEFENDANT
REZA ZANDIAN AKA GOLAMREZA
ZANDIANJAZI AKA GHOLAM REZA
ZANDIAN AKA REZA JAZI AKA J.
REZA JAZI AKA G. REZA JAZI AKA
GHONONREZA ZANDIAN JAZI'S
MOTION TO SET ASIDE DEFAULT
JUDGMENT

25 This matter comes before the Court on REZA ZANDIAN aka GOLAMREZA
26 ZANDIANJAZI aka GHOLAM REZA ZANDIAN aka REZA JAZI aka J. REZA JAZI aka G.
27 REZA JAZI aka GHONONREZA ZANDIAN JAZI's ("Zandian") Motion to Set Aside
28 Default Judgment, dated December 19, 2013. Plaintiff Jed Margolin filed an Opposition to Set
Aside Default Judgment on January 19, 2014. Zandian served a reply in support of the Motion
to Set Aside on January 23, 2014. Based upon the following facts and conclusions of law,
Zandian's Motion to Set Aside is DENIED.

\\

1 I. FACTUAL BACKGROUND

2 Plaintiff Jed Margolin is the named inventor on United States Patent No. 5,566,073
3 (“the ‘073 Patent”), United States Patent No. 5,904,724 (“the ‘724 Patent”), United States
4 Patent No. 5,978,488 (“the ‘488 Patent”) and United States Patent No. 6,377,436 (“the ‘436
5 Patent”) (collectively “the Patents”). See Amended Complaint, filed 8/11/11, ¶¶ 9-10. In
6 2004, Mr. Margolin granted to Robert Adams, then CEO of Optima Technology, Inc. (later
7 renamed Optima Technology Group (hereinafter “OTG”), a Cayman Islands Corporation
8 specializing in aerospace technology) a Power of Attorney regarding the Patents. *Id.* at ¶ 11.
9 Subsequently, Mr. Margolin assigned the ‘073 and ‘724 Patents to OTG and revoked the
10 Power of Attorney. *Id.* at ¶ 13.

11 In May 2006, OTG and Mr. Margolin licensed the ‘073 and ‘724 Patents to Geneva
12 Aerospace, Inc., and Mr. Margolin received a royalty payment pursuant to a royalty agreement
13 between Mr. Margolin and OTG. *Id.* at ¶ 12. On or about October 2007, OTG licensed the
14 ‘073 Patent to Honeywell International, Inc., and Mr. Margolin received a royalty payment
15 pursuant to a royalty agreement between Mr. Margolin and OTG. *Id.* at ¶ 14.

16 On or about December 5, 2007, Zandian filed with the U.S. Patent and Trademark
17 Office (“USPTO”) assignment documents allegedly assigning all four of the Patents to Optima
18 Technology Corporation (“OTC”), a company apparently owned by Zandian at the time. *Id.* at
19 ¶ 15. Shortly thereafter, on November 9, 2007, Mr. Margolin, Robert Adams, and OTG were
20 named as defendants in the case titled *Universal Avionics Systems Corporation v. Optima
21 Technology Group, Inc.*, No. CV 07-588-TUC-RCC (the “Arizona action”). *Id.* at ¶ 17.
22 Zandian was not a party in the Arizona action. Nevertheless, the plaintiff in the Arizona action
23 asserted that Mr. Margolin and OTG were not the owners of the ‘073 and ‘724 Patents, and
24 OTG filed a cross-claim for declaratory relief against Optima Technology Corporation
25 (“OTC”) in order to obtain legal title to the respective patents. *Id.*

26 On August 18, 2008, the United States District Court for the District of Arizona
27 entered a default judgment against OTC and found that OTC had no interest in the ‘073 or
28 ‘724 Patents, and that the assignment documents filed with the USPTO were “forged, invalid,

1 void, of no force and effect.” *Id.* at ¶ 18; *see also* Exhibit B to Zandian’s Motion to Dismiss,
2 dated 11/16/11, on file herein.

3 Due to Zandian’s acts, title to the Patents was clouded and interfered with Plaintiff’s
4 and OTG’s ability to license the Patents. *Id.* at ¶ 19. In addition, during the period of time Mr.
5 Margolin worked to correct record title of the Patents in the Arizona action and with the
6 USPTO, he incurred significant litigation and other costs associated with those efforts. *Id.* at ¶
7 20.

8 II. PROCEDURAL BACKGROUND

9 Plaintiff filed his Complaint on December 11, 2009, and the Complaint was personally
10 served on Zandian on February 2, 2010, and on Defendants Optima Technology Corporation, a
11 Nevada corporation, and Optima Technology Corporation, a California corporation on March
12 21, 2010. Zandian’s answer to Plaintiff’s Complaint was due on February 22, 2010, but
13 Zandian did not answer the Complaint or respond in any way. Default was entered against
14 Zandian on December 2, 2010, and Plaintiff filed and served a Notice of Entry of Default on
15 Zandian on December 7, 2010 and on his last known attorney on December 16, 2010.

16 The answers of Defendants Optima Technology Corporation, a Nevada corporation,
17 and Optima Technology Corporation, a California corporation, were due on March 8, 2010,
18 but Defendants did not answer the Complaint or respond in any way. Default was entered
19 against Defendants Optima Technology Corporation, a Nevada corporation, and Optima
20 Technology Corporation, a California corporation on December 2, 2010. Plaintiff filed and
21 served a Notice of Entry of Default on the corporate entities on December 7, 2010 and on their
22 last known attorney on December 16, 2010.

23 The defaults were set aside and Zandian’s motion to dismiss was denied on August 3,
24 2011. On September 27, 2011, this Court ordered that service of process against all
25 Defendants may be made by publication. As manifested by the affidavits of service, filed
26 herein on November 7, 2011, all Defendants were duly served by publication by November
27 2011.

28

1 On February 21, 2012, the Court denied Zandian's motion to dismiss the Amended
2 Complaint. On March 5, 2012, Zandian served a General Denial to the Amended Complaint.
3 On March 13, 2012, the corporate Defendants served a General Denial to the Amended
4 Complaint.

5 On June 28, 2012, this Court issued an order requiring the corporate Defendants to
6 retain counsel and that counsel enter an appearance on behalf of the corporate Defendants by
7 July 15, 2012. The June 28, 2012 order further provided that if no such appearance was
8 entered, the corporate Defendants' General Denial would be stricken. Since no appearance
9 was their behalf of the corporate Defendants, a default was entered against them on September
10 24, 2012. A notice of entry of default judgment was filed and served on November 6, 2012.

11 On July 16, 2012, Mr. Margolin served Zandian with Mr. Margolin's First Set of
12 Requests for Admission, First Set of Interrogatories, and First Set of Requests for Production
13 of Documents, but Zandian never responded to these discovery requests. As such, on
14 December 14, 2012, Mr. Margolin filed and served a Motion for Sanctions pursuant to NRC
15 37. In this Motion, Mr. Margolin requested this Court strike the General Denial of Zandian,
16 and award Mr. Margolin his fees and costs incurred in bringing the Motion.

17 On January 15, 2013, this Court issued an order striking the General Denial of Zandian
18 and awarding his fees and costs incurred in bringing the NRC 37 Motion. A default was
19 entered against Zandian on March 28, 2013, and a notice of entry of default judgment was
20 filed and served on April 5, 2013.

21 On April 17, 2013, Mr. Margolin filed an Application for Default Judgment, which was
22 served on Zandian and the corporate Defendants. Since Zandian did not respond to the
23 Application for Default Judgment, a Default Judgment was entered on June 24, 2013. Notice
24 of entry of the Default Judgment was served on Zandian on June 26, 2013 and filed on June
25 27, 2013.

26 Over five and a half months later, on December 19, 2013, Zandian served his Motion
27 to Set Aside on Plaintiff. Zandian's Motion to Set Aside claims that he never received any
28 written discovery or notice of the pleadings and papers filed in this matter after his counsel

1 withdrew as his former counsel provided an erroneous last known address to the Court and the
2 parties when he withdrew, and therefore Zandian requests that the judgment be set aside.

3 III. FINDINGS AND CONCLUSIONS OF LAW

4 A party seeking to set aside a default judgment has the burden to prove mistake,
5 inadvertence, surprise, or excusable neglect by a preponderance of the evidence. *Kahn v.*
6 *Orme*, 108 Nev. 510, 513–14, 835 P.2d 790, 793 (1992). The Court finds that Zandian has not
7 met the burden to prove mistake, inadvertence, surprise, or excusable neglect by a
8 preponderance of the evidence.

9 Specifically, Zandian has not met the factors set forth in *Kahn* to compel the court to
10 set aside the judgment. *Id.* at 513, 835 P.2d at 792–93 (holding that the district court must
11 consider whether the party moving to set aside a judgment promptly applied to remove the
12 judgment, lacked intent to delay the proceedings, lacked knowledge of the procedural
13 requirements, and demonstrated good faith, in addition to considering the state's underlying
14 policy of resolving cases on the merits). Zandian failed to promptly apply for relief, has not
15 established a lack of intent to delay these proceedings or a lack of knowledge of the procedural
16 requirements, and did not provide a good-faith reason for the over five-and-a-half-month gap
17 between entry of default and the time he obtained new counsel and filed the Motion to Set
18 Aside Default Judgment.

19 a. Zandian Did Not Promptly Apply To Remove The Judgment

20 Even though a motion to set aside a judgment may be filed within the six month
21 deadline provided for in NRCP 60(b), a party can still fail to act promptly. *See Kahn* 108 Nev.
22 at 514, 835 P.2d at 793. Therefore, “want of diligence in seeking to set aside a judgment is
23 ground enough for denial of such a motion.” *Id.* (citing *Union Petrochemical Corp. v. Scott*,
24 96 Nev. 337, 339, 609 P.2d 323, 324 (1980) (citing *Lentz v. Boles*, 84 Nev. 197, 438 P.2d 254
25 (1968); *Hotel Last Frontier v. Frontier Prop.*, 79 Nev. 150, 380 P.2d 293 (1963)).

26 Despite his knowledge of the default judgment, Zandian did not move to have the
27 judgment set aside until nearly six months after its entry. Although Zandian argues he did not
28 receive notice of the various proceedings, notice was mailed to his address. Therefore, the

1 notice requirement of NRCP 55 was fulfilled as Plaintiff served written notice of the
2 application for default judgment. Moreover, NRCP 55 is likely not implicated since the
3 judgment ultimately resulted from sanctions arising from Zandian's failure to respond to
4 discovery. *See Durango Fire Protection, Inc. v. Troncoso*, 120 Nev. 658 (2004) (trial court's
5 entry of judgment for plaintiff, in action for breach of contract, after striking defendant's
6 answer was a sanction for defendant's failure to appear at several hearings and calendar calls
7 rather than a default judgment, and thus, civil procedure rule requiring written notice before
8 entry of default judgment was not applicable).

9 Further, First Judicial District Court Rule 22(3) expressly states that "[a]ny form of
10 order permitting withdrawal of an attorney submitted to the Court for signature shall contain
11 the address at which the party is to be served with notice of all further proceedings." Plaintiff
12 had a right to rely on the address given by Zandian's prior attorney.

13 No evidence supports Zandian's claims that he lacked knowledge of this matter. Even
14 if Zandian was living in France, for which no competent evidence has been provided to this
15 Court, Zandian was required to provide the Court and the parties with his new address.
16 However, Zandian never informed this Court or the parties of any address change. The record
17 demonstrates that the Plaintiff's discovery requests, motions, application for judgment, orders
18 and notice of judgment were all mailed to Zandian's address of record. Under NRCP 5(b),
19 service by mail is complete upon mailing. Thus, Zandian received notice of the proceedings
20 and his repeated failure to respond constituted inexcusable neglect.

21 **b. Zandian Has Failed To Show He Lacked Intent To Delay**

22 Zandian received all of the papers and pleadings in this matter. However, he failed to
23 respond to Plaintiff's discovery and willfully ignored the proceedings of this matter. In fact,
24 Zandian waited nearly six months to secure new counsel and file the motion to set aside.
25 Furthermore, Zandian failed to file an opposition to the application for judgment.
26 Accordingly, the Court finds that Zandian has failed to establish the absence of an intent to
27 delay.

28 **c. Whether Zandian Lacked Knowledge Of Procedural Requirements**

1 earlier discovery requests and motions. Zandian has not demonstrated good faith. In fact,
2 Zandian has only demonstrated inexcusable neglect by his willful failure to respond to, and
3 participate in, this action. Accordingly, the Court determines that Zandian lacked good faith in
4 contesting this action.

5 **e. Whether This Case Should Be Tried On The Merits For Policy Reasons**

6 The Nevada Supreme Court has held that “good public policy dictates that cases be
7 adjudicated on their merits.” *See Kahn* 108 Nev. at 516, 835 P.2d at 794 (citing *Hotel Last*
8 *Frontier v. Frontier Prop.*, 79 Nev. 150, 155–56, 380 P.2d 293, 295 (1963) (original
9 emphasis). However, this policy has its limits:
10

11 We wish not to be understood, however, that this judicial tendency to grant
12 relief from a default judgment implies that the trial court should always
13 grant relief from a default judgment. Litigants and their counsel may not
14 properly be allowed to disregard process or procedural rules with impunity.
15 Lack of good faith or diligence, or lack of merit in the proposed defense,
16 may very well warrant a denial of the motion for relief from the judgment.

17 *Id.* (citing *Lentz v. Boles*, 84 Nev. 197, 200, 438 P.2d at 256 (1968)).

18 Zandian has disregarded the process and procedural rules of this matter with impunity.
19 He has repeatedly ignored this matter and failed to respond to the written discovery and
20 motions in this matter since his former attorney John Peter Lee withdrew from representation.
21 Zandian’s lack of good faith or diligence warrants a denial of the motion to set aside.

22 Zandian’s complete failure to respond to the discovery requests and subsequent
23 motions evidences his willful and recalcitrant disregard of the judicial process, which
24 prejudiced Plaintiff. *Foster v. Dingwall*, 227 P.3d 1042, 1049 (Nev. 2010) (citing *Hamlett v.*
25 *Reynolds*, 114 Nev. 863, 865, 963 P.2d 457, 458 (1998) (upholding the district court’s strike
26 order where the defaulting party’s “constant failure to follow [the court’s] orders was
27 unexplained and unwarranted”); *In re Phenylpropanolamine (PPA) Products*, 460 F.3d 1217,
28 1236 (9th Cir.2006) (holding that, with respect to discovery abuses, “[p]rejudice from
unreasonable delay is presumed” and failure to comply with court orders mandating discovery
“is sufficient prejudice”)).

1 In light of Zandian's repeated and continued abuses, the policy of adjudicating cases on
2 the merits would not be furthered in this case, and the ultimate sanctions are necessary to
3 demonstrate to Zandian and future litigants that they are not free to act with wayward
4 disregard of a court's orders. *Foster*, 227 P.3d at 1049. Moreover, Zandian's failure to oppose
5 Plaintiff's motion to strike the General Denial or the application for judgment constitutes an
6 admission that the motion and application were meritorious. *Id.* (citing *King v. Cartledge*, 121
7 Nev. 926, 927, 124 P.3d 1161, 1162 (2005) (stating that an unopposed motion may be
8 considered as an admission of merit and consent to grant the motion) (citing DCR 13(3)).

9 IV. CONCLUSION

10 The record provides substantial evidence to support this denial of Zandian's motion to
11 set aside. Further, the policy of resolving cases on the merits does not allow litigants "to
12 disregard process or procedural rules with impunity." *Kahn*, 108 Nev. at 516, 835 P.2d at 794
13 (quoting *Lentz v. Boles*, 84 Nev. 197, 200, 438 P.2d 254, 256-57 (1968)).

14 Zandian has failed to show mistake, inadvertence, surprise or excusable neglect
15 pursuant to NRCP 60(b). Zandian had every opportunity to properly defend this action and
16 instead made a voluntary choice not to. Therefore, Zandian's motion to set aside is hereby
17 DENIED.

18 DATED: This 6th day of February, 2014. IT IS SO ORDERED:
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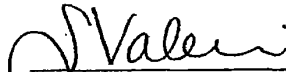
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22 JAMES T. RUSSELL
23 DISTRICT COURT JUDGE
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1 **CERTIFICATE OF MAILING**

2 I hereby certify that on the 10 day of February, 2014, I placed a copy of the
3 foregoing in the United States Mail, postage prepaid, addressed as follows:

4 Matthew D. Francis
5 Adam P. McMillen
6 Watson Rounds
7 5371 Kietzke Lane
8 Reno, NV 89511

9 Geoffrey W. Hawkins
10 Johnathon Fayeghi
11 Hawkins Melendrez, P.C.
12 9555 Hillwood Drive, Suite 150
13 Las Vegas, NV 89134

14 

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

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BY *[Signature]*
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**In The First Judicial District Court of the State of Nevada
In and for Carson City**

JED MARGOLIN, an individual,
Plaintiff,
vs.
OPTIMA TECHNOLOGY CORPORATION,
a California corporation, OPTIMA
TECHNOLOGY CORPORATION, a Nevada
corporation, REZA ZANDIAN
aka GOLAMREZA ZANDIANJAZI
aka GHOLAM REZA ZANDIAN
aka REZA JAZI aka J. REZA JAZI
aka G. REZA JAZI aka GHONONREZA
ZANDIAN JAZI, an individual, DOE
Companies 1-10, DOE Corporations 11-20,
and DOE Individuals 21-30,
Defendants.

Case No.: 090C00579 1B
Dept. No.: 1

NOTICE OF ENTRY OF ORDER

TO: All parties:
PLEASE TAKE NOTICE that on February 6, 2014, the Court entered its Order Denying Defendant Reza Zandian aka Golamreza Zandianjazi aka Gholam Reza Zandian aka Reza Jazi aka J. Reza Jazi aka G. Reza Jazi aka Ghononreza Zandian Jazi's Motion to Set
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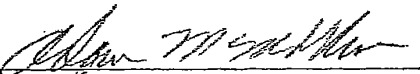
1 Aside Default Judgment. Attached as Exhibit 1 is a true and correct copy of such Order.

2 **Affirmation Pursuant to NRS 239B.030**

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

5 DATED: February 7, 2014.

WATSON ROUNDS

6
7 By: 
8 Matthew D. Francis
9 Adam P. McMillen
10 Watson Rounds
11 5371 Kietzke Lane
12 Reno, NV 89511
13 Attorneys for Plaintiff Jed Margolin
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1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRC 5(b), I certify that I am an employee of Watson Rounds, and that on
3 this date, I deposited for mailing, in a sealed envelope, with first-class postage prepaid, a true
4 and correct copy of the foregoing document, **Notice of Entry of Order**, addressed as follows:

5 Johnathon Fayeghi, Esq.
6 Hawkins Melendrez
7 9555 Hillwood Dr., Suite 150
8 Las Vegas, NV 89134
9 *Counsel for Reza Zandian*

10 Optima Technology Corp.
11 A California corporation
12 8401 Bonita Downs Road
13 Fair Oaks, CA 95628

14 Optima Technology Corp.
15 A Nevada corporation
16 8401 Bonita Downs Road
17 Fair Oaks, CA 95628

18 Optima Technology Corp.
19 A California corporation
20 8775 Costa Verde Blvd. #501
21 San Diego, CA 92122

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24 8775 Costa Verde Blvd. #501
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26 Dated: February 10th, 2014.

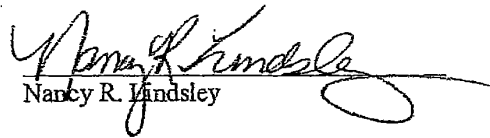
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28 Nancy R. Landsley

Exhibit 1

Exhibit 1

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Case No.: 09 OC 00579 1B

Dept. No.: 1

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

**JED MARGOLIN, an individual,
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vs.

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aka GHOLAM REZA ZANDIAN
aka REZA JAZI aka J. REZA JAZI
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and DOE Individuals 21-30,
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**ORDER DENYING DEFENDANT
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ZANDIANJAZI AKA GHOLAM REZA
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REZA JAZI AKA G. REZA JAZI AKA
GHONONREZA ZANDIAN JAZI'S
MOTION TO SET ASIDE DEFAULT
JUDGMENT**

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18 but Defendants did not answer the Complaint or respond in any way. Default was entered
19 against Defendants Optima Technology Corporation, a Nevada corporation, and Optima
20 Technology Corporation, a California corporation on December 2, 2010. Plaintiff filed and
21 served a Notice of Entry of Default on the corporate entities on December 7, 2010 and on their
22 last known attorney on December 16, 2010.

23 The defaults were set aside and Zandian's motion to dismiss was denied on August 3,
24 2011. On September 27, 2011, this Court ordered that service of process against all
25 Defendants may be made by publication. As manifested by the affidavits of service, filed
26 herein on November 7, 2011, all Defendants were duly served by publication by November
27 2011.

28

1 On February 21, 2012, the Court denied Zandian's motion to dismiss the Amended
2 Complaint. On March 5, 2012, Zandian served a General Denial to the Amended Complaint.
3 On March 13, 2012, the corporate Defendants served a General Denial to the Amended
4 Complaint.

5 On June 28, 2012, this Court issued an order requiring the corporate Defendants to
6 retain counsel and that counsel enter an appearance on behalf of the corporate Defendants by
7 July 15, 2012. The June 28, 2012 order further provided that if no such appearance was
8 entered, the corporate Defendants' General Denial would be stricken. Since no appearance
9 was their behalf of the corporate Defendants, a default was entered against them on September
10 24, 2012. A notice of entry of default judgment was filed and served on November 6, 2012.

11 On July 16, 2012, Mr. Margolin served Zandian with Mr. Margolin's First Set of
12 Requests for Admission, First Set of Interrogatories, and First Set of Requests for Production
13 of Documents, but Zandian never responded to these discovery requests. As such, on
14 December 14, 2012, Mr. Margolin filed and served a Motion for Sanctions pursuant to NRCP
15 37. In this Motion, Mr. Margolin requested this Court strike the General Denial of Zandian,
16 and award Mr. Margolin his fees and costs incurred in bringing the Motion.

17 On January 15, 2013, this Court issued an order striking the General Denial of Zandian
18 and awarding his fees and costs incurred in bringing the NRCP 37 Motion. A default was
19 entered against Zandian on March 28, 2013, and a notice of entry of default judgment was
20 filed and served on April 5, 2013.

21 On April 17, 2013, Mr. Margolin filed an Application for Default Judgment, which was
22 served on Zandian and the corporate Defendants. Since Zandian did not respond to the
23 Application for Default Judgment, a Default Judgment was entered on June 24, 2013. Notice
24 of entry of the Default Judgment was served on Zandian on June 26, 2013 and filed on June
25 27, 2013.

26 Over five and a half months later, on December 19, 2013, Zandian served his Motion
27 to Set Aside on Plaintiff. Zandian's Motion to Set Aside claims that he never received any
28 written discovery or notice of the pleadings and papers filed in this matter after his counsel

1 withdrew as his former counsel provided an erroneous last known address to the Court and the
2 parties when he withdrew, and therefore Zandian requests that the judgment be set aside.

3 III. FINDINGS AND CONCLUSIONS OF LAW

4 A party seeking to set aside a default judgment has the burden to prove mistake,
5 inadvertence, surprise, or excusable neglect by a preponderance of the evidence. *Kahn v.*
6 *Orme*, 108 Nev. 510, 513–14, 835 P.2d 790, 793 (1992). The Court finds that Zandian has not
7 met the burden to prove mistake, inadvertence, surprise, or excusable neglect by a
8 preponderance of the evidence.

9 Specifically, Zandian has not met the factors set forth in *Kahn* to compel the court to
10 set aside the judgment. *Id.* at 513, 835 P.2d at 792–93 (holding that the district court must
11 consider whether the party moving to set aside a judgment promptly applied to remove the
12 judgment, lacked intent to delay the proceedings, lacked knowledge of the procedural
13 requirements, and demonstrated good faith, in addition to considering the state's underlying
14 policy of resolving cases on the merits). Zandian failed to promptly apply for relief, has not
15 established a lack of intent to delay these proceedings or a lack of knowledge of the procedural
16 requirements, and did not provide a good-faith reason for the over five-and-a-half-month gap
17 between entry of default and the time he obtained new counsel and filed the Motion to Set
18 Aside Default Judgment.

19 a. Zandian Did Not Promptly Apply To Remove The Judgment

20 Even though a motion to set aside a judgment may be filed within the six month
21 deadline provided for in NRC 60(b), a party can still fail to act promptly. *See Kahn* 108 Nev.
22 at 514, 835 P.2d at 793. Therefore, “want of diligence in seeking to set aside a judgment is
23 ground enough for denial of such a motion.” *Id.* (citing *Union Petrochemical Corp. v. Scott*,
24 96 Nev. 337, 339, 609 P.2d 323, 324 (1980) (citing *Lentz v. Boles*, 84 Nev. 197, 438 P.2d 254
25 (1968); *Hotel Last Frontier v. Frontier Prop.*, 79 Nev. 150, 380 P.2d 293 (1963)).

26 Despite his knowledge of the default judgment, Zandian did not move to have the
27 judgment set aside until nearly six months after its entry. Although Zandian argues he did not
28 receive notice of the various proceedings, notice was mailed to his address. Therefore, the

1 notice requirement of NRCP 55 was fulfilled as Plaintiff served written notice of the
2 application for default judgment. Moreover, NRCP 55 is likely not implicated since the
3 judgment ultimately resulted from sanctions arising from Zandian's failure to respond to
4 discovery. *See Durango Fire Protection, Inc. v. Troncoso*, 120 Nev. 658 (2004) (trial court's
5 entry of judgment for plaintiff, in action for breach of contract, after striking defendant's
6 answer was a sanction for defendant's failure to appear at several hearings and calendar calls
7 rather than a default judgment, and thus, civil procedure rule requiring written notice before
8 entry of default judgment was not applicable).

9 Further, First Judicial District Court Rule 22(3) expressly states that "[a]ny form of
10 order permitting withdrawal of an attorney submitted to the Court for signature shall contain
11 the address at which the party is to be served with notice of all further proceedings." Plaintiff
12 had a right to rely on the address given by Zandian's prior attorney.

13 No evidence supports Zandian's claims that he lacked knowledge of this matter. Even
14 if Zandian was living in France, for which no competent evidence has been provided to this
15 Court, Zandian was required to provide the Court and the parties with his new address.
16 However, Zandian never informed this Court or the parties of any address change. The record
17 demonstrates that the Plaintiff's discovery requests, motions, application for judgment, orders
18 and notice of judgment were all mailed to Zandian's address of record. Under NRCP 5(b),
19 service by mail is complete upon mailing. Thus, Zandian received notice of the proceedings
20 and his repeated failure to respond constituted inexcusable neglect.

21 **b. Zandian Has Failed To Show He Lacked Intent To Delay**

22 Zandian received all of the papers and pleadings in this matter. However, he failed to
23 respond to Plaintiff's discovery and willfully ignored the proceedings of this matter. In fact,
24 Zandian waited nearly six months to secure new counsel and file the motion to set aside.
25 Furthermore, Zandian failed to file an opposition to the application for judgment.
26 Accordingly, the Court finds that Zandian has failed to establish the absence of an intent to
27 delay.

28 **c. Whether Zandian Lacked Knowledge Of Procedural Requirements**

1 Zandian unquestionably had notice of the written discovery, motions and orders filed in
2 this matter, and yet he ignored all of these documents. All that was required of Zandian was to
3 either personally respond to the discovery and motions or obtain counsel to appear on his
4 behalf. Zandian knew discovery had been served but deliberately chose to ignore it. Zandian
5 knew a motion for sanctions and an application for judgment had been filed, which led to the
6 judgment, but Zandian chose to ignore those items as well. Zandian's failure to obtain new
7 counsel or otherwise act on his own behalf is inexcusable. *See Kahn* 108 Nev. at 514-15, 835
8 P.2d at 793-4. As the Nevada Supreme Court stated in *Kahn*:

9 we are not confronted here with some subtle or technical aspect of
10 procedure, ignorance of which could readily be excused. The requirements
11 of the rule are simple and direct. *To condone the actions of a party who has*
12 *sat on its rights only to make a last-minute rush to set aside judgment would*
be to turn NRCP 60(b) into a device for delay rather than the means for
relief from an oppressive judgment that it was intended to be.

13 *Id.* (citing *Union*, 96 Nev. at 339, 609 P.2d at 324 (citing *Franklin v. Bartsas Realty, Inc.*, 95
14 Nev. 559, 598 P.2d 1147 (1979); *Central Operating Co. v. Utility Workers of America*, 491
15 F.2d 245 (4th Cir.1974)) (emphasis added in original)).

16 Zandian had sufficient knowledge to act responsibly. He had previously retained
17 counsel to defend this action and retained new counsel to set aside the judgment. Therefore,
18 this Court cannot conclude that Zandian failed to respond to set aside the default judgment
19 because he was ignorant of procedural requirements.
20

21 **d. Whether Zandian Acted In Good Faith**

22 Zandian has not provided any valid reason for failing to respond to the requested
23 discovery, the motion for sanctions or the application for judgment. Furthermore, he has not
24 provided a reasonable explanation for waiting over five months to obtain other counsel despite
25 having knowledge of the judgment entered against him.
26

27 Based upon the fact that Zandian knew about this case and continued to receive the
28 papers and pleadings from this matter, it was inexcusable for Zandian not to respond to the

1 earlier discovery requests and motions. Zandian has not demonstrated good faith. In fact,
2 Zandian has only demonstrated inexcusable neglect by his willful failure to respond to, and
3 participate in, this action. Accordingly, the Court determines that Zandian lacked good faith in
4 contesting this action.

5 **e. Whether This Case Should Be Tried On The Merits For Policy Reasons**

6 The Nevada Supreme Court has held that “good public policy dictates that cases be
7 adjudicated on their merits.” *See Kahn* 108 Nev. at 516, 835 P.2d at 794 (citing *Hotel Last*
8 *Frontier v. Frontier Prop.*, 79 Nev. 150, 155–56, 380 P.2d 293, 295 (1963) (original
9 emphasis). However, this policy has its limits:
10

11 We wish not to be understood, however, that this judicial tendency to grant
12 relief from a default judgment implies that the trial court should always
13 grant relief from a default judgment. Litigants and their counsel may not
14 properly be allowed to disregard process or procedural rules with impunity.
Lack of good faith or diligence, or lack of merit in the proposed defense,
may very well warrant a denial of the motion for relief from the judgment.

15 *Id.* (citing *Lentz v. Boles*, 84 Nev. 197, 200, 438 P.2d at 256 (1968)).

16 Zandian has disregarded the process and procedural rules of this matter with impunity.
17 He has repeatedly ignored this matter and failed to respond to the written discovery and
18 motions in this matter since his former attorney John Peter Lee withdrew from representation.
19 Zandian’s lack of good faith or diligence warrants a denial of the motion to set aside.

20 Zandian’s complete failure to respond to the discovery requests and subsequent
21 motions evidences his willful and recalcitrant disregard of the judicial process, which
22 prejudiced Plaintiff. *Foster v. Dingwall*, 227 P.3d 1042, 1049 (Nev. 2010) (citing *Hamlett v.*
23 *Reynolds*, 114 Nev. 863, 865, 963 P.2d 457, 458 (1998) (upholding the district court’s strike
24 order where the defaulting party’s “constant failure to follow [the court’s] orders was
25 unexplained and unwarranted”); *In re Phenylpropanolamine (PPA) Products*, 460 F.3d 1217,
26 1236 (9th Cir.2006) (holding that, with respect to discovery abuses, “[p]rejudice from
27 unreasonable delay is presumed” and failure to comply with court orders mandating discovery
28 “is sufficient prejudice”)).

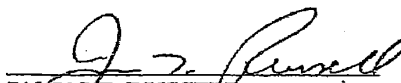
1 In light of Zandian's repeated and continued abuses, the policy of adjudicating cases on
2 the merits would not be furthered in this case, and the ultimate sanctions are necessary to
3 demonstrate to Zandian and future litigants that they are not free to act with wayward
4 disregard of a court's orders. *Foster*, 227 P.3d at 1049. Moreover, Zandian's failure to oppose
5 Plaintiff's motion to strike the General Denial or the application for judgment constitutes an
6 admission that the motion and application were meritorious. *Id.* (citing *King v. Carlidge*, 121
7 Nev. 926, 927, 124 P.3d 1161, 1162 (2005) (stating that an unopposed motion may be
8 considered as an admission of merit and consent to grant the motion) (citing DCR 13(3)).

9 **IV. CONCLUSION**

10 The record provides substantial evidence to support this denial of Zandian's motion to
11 set aside. Further, the policy of resolving cases on the merits does not allow litigants "to
12 disregard process or procedural rules with impunity." *Kahn*, 108 Nev. at 516, 835 P.2d at 794
13 (quoting *Lentz v. Boles*, 84 Nev. 197, 200, 438 P.2d 254, 256-57 (1968)).

14 Zandian has failed to show mistake, inadvertence, surprise or excusable neglect
15 pursuant to NRCP 60(b). Zandian had every opportunity to properly defend this action and
16 instead made a voluntary choice not to. Therefore, Zandian's motion to set aside is hereby
17 DENIED.

18
19 DATED: This 6th day of February, 2014. IT IS SO ORDERED:


20
21 
22 JAMES T. RUSSELL
23 DISTRICT COURT JUDGE
24
25
26
27
28

1 CERTIFICATE OF MAILING

2 I hereby certify that on the 10 day of February, 2014, I placed a copy of the
3 foregoing in the United States Mail, postage prepaid, addressed as follows:

4 Matthew D. Francis
5 Adam P. McMillen
6 Watson Rounds
7 5371 Kietzke Lane
8 Reno, NV 89511

9 Geoffrey W. Hawkins
10 Johnathon Fayeghi
11 Hawkins Melendrez, P.C.
12 9555 Hillwood Drive, Suite 150
13 Las Vegas, NV 89134

14 
15 Samantha Valerius
16 Law Clerk, Department I
17
18
19
20
21
22
23
24
25
26
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ALAN GLOVER
CLERK
BY *Jed Margolin*
DEPUTY

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

9
10 **In The First Judicial District Court of the State of Nevada**
11 **In and for Carson City**

12 **JED MARGOLIN, an individual,**

13 **Plaintiff,**

14 **vs.**

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

26 **Defendants.**

27 **Case No.: 090C00579 1B**

28 **Dept. No.: 1**

**MOTION FOR ORDER TO SHOW
CAUSE REGARDING CONTEMPT**

29 PLEASE TAKE NOTICE that Plaintiff Jed Margolin by and through his attorneys,
30 requests that this Court issue an Order requiring Reza Zandian ("Zandian") to appear and show
31 cause why he should not be held in Contempt of Court for having deliberately and willfully
32 violated the Court's January 13, 2014 Order Granting Plaintiff's Motion for Debtor
33 Examination and to Produce Documents. The Order is attached hereto as Exhibit 1.

34 According to the Order, Zandian was required to:

1 1. Appear before the Court and answer upon oath or affirmation concerning his
2 property at a Judgment Debtor Examination under the authority of a Judge of the Court on
3 February 11, 2014 at 9:00 a.m.; and,

4 2. To produce to Plaintiff's counsel at least one week prior to the Judgment Debtor
5 Examination, all information and documents identifying, related to, and/or comprising the
6 following:

- 7 a. Any and all information and documentation identifying real property, computers,
8 cell phones, intellectual property, vehicles, brokerage accounts, bank deposits and
9 all other assets that may be available for execution to satisfy the Judgment entered
10 by the Court, including, but not limited to, information relating to financial
11 accounts, monies owed to Zandian by others, etc.
- 12 b. Documents sufficient to show Zandian's balance sheet for each month for the years
13 2007 to the present.
- 14 c. Documents sufficient to show Zandian's gross revenues for each month for the
15 years 2007 to the present.
- 16 d. Documents sufficient to show Zandian's costs and expenses for each month for the
17 years 2007 to the present.
- 18 e. All tax returns filed by Zandian with any governmental body for the years 2007 to
19 the present, including all schedules, W-2's and 1099's.
- 20 f. All of Zandian's accounting records, computerized electronic and/or printed on
21 paper format for the years 2007 to the present.
- 22 g. All of Zandian's statements, cancelled checks and related banking documents for
23 any bank, brokerage or other financial account at least partially controlled by
24 Zandian, or recorded in the name of Zandian or for Zandian's benefit, for the years
25 2007 to the present.
- 26 h. All of Zandian's checkbooks, checkbook stubs and checkbook entries for the years
27 2007 to the present.
- 28

- 1 i. Documents sufficient to show the means and source of payment of Zandian's
2 current residence and any other residence for the years 2007 to the present.
3 j. Documents sufficient to show the means and source of payment of Zandian's
4 counsel in this matter.
5 k. Any settlement agreements by which another party has agreed to pay money to
6 Zandian.

7 *See Exhibit 1.*

8 On February 10, 2014, Zandian's counsel informed Plaintiff's counsel that Zandian "is
9 currently in the middle east on business" and "will not be able to attend the debtor's
10 examination" tomorrow morning in front of Judge Russell. Zandian's counsel also informed
11 Plaintiff's counsel on February 10, 2014, that no documents have been produced regarding the
12 debtor's examination allegedly "due to the short amount of time provided." *See Exhibit 2,*
13 *which is a copy of the February 10, 2014 email, attached hereto.*

14 Without providing any justification, Zandian has violated the Court's Order by not
15 providing the documents to Plaintiff by February 4, 2014, and by refusing and failing to appear
16 at the Court-ordered debtor's examination on February 11, 2014. Plaintiff therefore requests
17 that Zandian be ordered to appear in Court to Show Cause why he should not be held in
18 Contempt of Court.

19 **POINTS AND AUTHORITIES**

20 **I. Background**

21 Plaintiff Jed Margolin is the named inventor on United States Patent No. 5,566,073
22 ("the '073 Patent"), United States Patent No. 5,904,724 ("the '724 Patent"), United States
23 Patent No. 5,978,488 ("the '488 Patent") and United States Patent No. 6,377,436 ("the '436
24 Patent") (collectively "the Patents"). *See Amended Complaint, filed 8/11/11, ¶¶ 9-10.* In
25 2004, Mr. Margolin granted to Robert Adams, then CEO of Optima Technology, Inc. (later
26 renamed Optima Technology Group (hereinafter "OTG"), a Cayman Islands Corporation
27 specializing in aerospace technology) a Power of Attorney regarding the Patents. *Id.* at ¶ 11.
28

1 Subsequently, Mr. Margolin assigned the '073 and '724 Patents to OTG and revoked the
2 Power of Attorney. *Id.* at ¶ 13.

3 In May 2006, OTG and Mr. Margolin licensed the '073 and '724 Patents to Geneva
4 Aerospace, Inc., and Mr. Margolin received a royalty payment pursuant to a royalty agreement
5 between Mr. Margolin and OTG. *Id.* at ¶ 12. On or about October 2007, OTG licensed the
6 '073 Patent to Honeywell International, Inc., and Mr. Margolin received a royalty payment
7 pursuant to a royalty agreement between Mr. Margolin and OTG. *Id.* at ¶ 14.

8 On or about December 5, 2007, Zandian filed with the U.S. Patent and Trademark
9 Office ("USPTO") assignment documents allegedly assigning all four of the Patents to Optima
10 Technology Corporation ("OTC"), a company apparently owned by Zandian at the time. *Id.* at
11 ¶ 15. Shortly thereafter, on November 9, 2007, Mr. Margolin, Robert Adams, and OTG were
12 named as defendants in the case titled *Universal Avionics Systems Corporation v. Optima*
13 *Technology Group, Inc.*, No. CV 07-588-TUC-RCC (the "Arizona action"). *Id.* at ¶ 17.
14 Zandian was not a party in the Arizona action. Nevertheless, the plaintiff in the Arizona action
15 asserted that Mr. Margolin and OTG were not the owners of the '073 and '724 Patents, and
16 OTG filed a cross-claim for declaratory relief against Optima Technology Corporation
17 ("OTC") in order to obtain legal title to the respective patents. *Id.*

18 On August 18, 2008, the United States District Court for the District of Arizona
19 entered a default judgment against OTC and found that OTC had no interest in the '073 or
20 '724 Patents, and that the assignment documents filed with the USPTO were "forged, invalid,
21 void, of no force and effect." *Id.* at ¶ 18; *see also* Exhibit B to Zandian's Motion to Dismiss,
22 dated 11/16/11, on file herein.

23 Due to Zandian's acts, title to the Patents was clouded and interfered with Plaintiff's
24 and OTG's ability to license the Patents. *Id.* at ¶ 19. In addition, during the period of time Mr.
25 Margolin worked to correct record title of the Patents in the Arizona action and with the
26 USPTO, he incurred significant litigation and other costs associated with those efforts. *Id.* at ¶
27 20.

28

1 **II. PROCEDURAL BACKGROUND**

2 Plaintiff filed his Complaint on December 11, 2009, and the Complaint was personally
3 served on Zandian on February 2, 2010, and on Defendants Optima Technology Corporation, a
4 Nevada corporation, and Optima Technology Corporation, a California corporation on March
5 21, 2010. Zandian's answer to Plaintiff's Complaint was due on February 22, 2010, but
6 Zandian did not answer the Complaint or respond in any way. Default was entered against
7 Zandian on December 2, 2010, and Plaintiff filed and served a Notice of Entry of Default on
8 Zandian on December 7, 2010 and on his last known attorney on December 16, 2010.

9 The answers of Defendants Optima Technology Corporation, a Nevada corporation,
10 and Optima Technology Corporation, a California corporation, were due on March 8, 2010,
11 but Defendants did not answer the Complaint or respond in any way. Default was entered
12 against Defendants Optima Technology Corporation, a Nevada corporation, and Optima
13 Technology Corporation, a California corporation on December 2, 2010. Plaintiff filed and
14 served a Notice of Entry of Default on the corporate entities on December 7, 2010 and on their
15 last known attorney on December 16, 2010.

16 The defaults were set aside and Zandian's motion to dismiss was denied on August 3,
17 2011. On September 27, 2011, this Court ordered that service of process against all
18 Defendants may be made by publication. As manifested by the affidavits of service, filed
19 herein on November 7, 2011, all Defendants were duly served by publication by November
20 2011.

21 On February 21, 2012, the Court denied Zandian's motion to dismiss the Amended
22 Complaint. On March 5, 2012, Zandian served a General Denial to the Amended Complaint.
23 On March 13, 2012, the corporate Defendants served a General Denial to the Amended
24 Complaint.

25 On June 28, 2012, this Court issued an order requiring the corporate Defendants to
26 retain counsel and that counsel enter an appearance on behalf of the corporate Defendants by
27 July 15, 2012. The June 28, 2012 order further provided that if no such appearance was
28 entered, the corporate Defendants' General Denial would be stricken. Since no appearance

1 was entered on behalf of the corporate Defendants, a default was entered against them on
2 September 24, 2012. A notice of entry of default judgment was filed and served on November
3 6, 2012.

4 On July 16, 2012, Mr. Margolin served Zandian with Mr. Margolin's First Set of
5 Requests for Admission, First Set of Interrogatories, and First Set of Requests for Production
6 of Documents, but Zandian never responded to these discovery requests. As such, on
7 December 14, 2012, Mr. Margolin filed and served a Motion for Sanctions pursuant to NRCP
8 37. In this Motion, Mr. Margolin requested this Court strike the General Denial of Zandian,
9 and award Mr. Margolin his fees and costs incurred in bringing the Motion.

10 On January 15, 2013, this Court issued an order striking the General Denial of Zandian
11 and awarding his fees and costs incurred in bringing the NRCP 37 Motion. A default was
12 entered against Zandian on March 28, 2013, and a notice of entry of default judgment was
13 filed and served on April 5, 2013.

14 On April 17, 2013, Mr. Margolin filed an Application for Default Judgment, which was
15 served on Zandian and the corporate Defendants. Since Zandian did not respond to the
16 Application for Default Judgment, a Default Judgment was entered on June 24, 2013. Notice
17 of entry of the Default Judgment was served on Zandian on June 26, 2013 and filed on June
18 27, 2013.

19 Over five and a half months later, on December 19, 2013, Zandian served his Motion
20 to Set Aside on Plaintiff. Zandian's Motion to Set Aside claims that he never received any
21 written discovery or notice of the pleadings and papers filed in this matter after his counsel
22 withdrew as his former counsel provided an erroneous last known address to the Court and the
23 parties when he withdrew, and therefore Zandian requests that the judgment be set aside.

24 On February 6, 2014, the Court entered an Order denying Zandian's request to set
25 aside the judgment. The Court found that Zandian failed to show mistake, inadvertence,
26 surprise or excusable neglect pursuant to NRCP 60(b) and that "Zandian had every opportunity
27 to properly defend this action and instead made a voluntary choice not to." See Order, dated
28 2/6/14 at 9:14-17.

1 Also, on December 11, 2013, Plaintiff filed the subject motion for judgment debtor
2 examination and to produce documents. Zandian failed to file any opposition to the motion for
3 debtor's examination. Accordingly, on January 13, 2014, the Court granted the motion for
4 debtor examination and to produce documents. On January 16, 2014, Plaintiff served Zandian
5 with notice of entry of the Court's order granting the debtor's examination and the production
6 of documents prior thereto. See Notice of Entry of Order Granting Plaintiff's Motion for
7 Debtor Examination and to Produce Documents, dated 1/16/14, on file herein; see also Exhibit
8 3, Email, dated 1/16/14, Nancy Lindsley (Plaintiff's counsel) to Lauren Kidd (Zandian's
9 counsel), which included a copy of the Order Granting Plaintiff's Motion for Debtor's
10 Examination and to Produce Documents and the Notice of Entry of that order.

11 On February 10, 2014, Zandian's counsel informed Plaintiff's counsel that Zandian "is
12 currently in the middle east on business" and "will not be able to attend the debtor's
13 examination" tomorrow morning in front of Judge Russell. Zandian's counsel also informed
14 Plaintiff's counsel on February 10, 2014, that no documents have been produced regarding the
15 debtor's examination allegedly "due to the short amount of time provided." See Exhibit 2.

16 III. Legal Argument

17 NRS 1.210(3) states that "[t]he Court has the power to compel obedience to its orders."
18 NRS 22.010(3) provides that the "refusal to abide by a lawful order issued by the Court is
19 contempt." See also *Matter of Water Rights of Humboldt River*, 118 Nev. 901, 907, 59 P.3d
20 1226, 1229-30 (2002) (noting that the district court generally has particular knowledge of
21 whether contemptible conduct occurred and thus its decisions regarding contempt are given
22 deference).

23 "Courts have inherent power to enforce their decrees through civil contempt
24 proceedings, and this power cannot be abridged by statute." *In re Determination of Relative
25 Rights of Claimants & Appropriators of Waters of Humboldt River Stream Sys. & Tributaries*,
26 118 Nev. 901, 909, 59 P.3d 1226, 1231 (2002) (citing *Noble v. Noble*, 86 Nev. 459, 463, 470
27 P.2d 430, 432 (1970)). "A civil contempt order may be used to compensate the contemnor's
28

1 adversary for costs incurred because of the contempt.” *Id.* (citing *State, Dep’t Indus. Rel. v.*
2 *Albanese*, 112 Nev. 851, 856, 919 P.2d 1067, 1070–71 (1996)).

3 “[D]istrict judges are afforded broad discretion in imposing sanctions” and the Nevada
4 Supreme Court “will not reverse the particular sanctions imposed absent a showing of abuse of
5 discretion.” *State, Dep’t of Indus. Relations, Div. of Indus. Ins. Regulation v. Albanese*, 112
6 Nev. 851, 856, 919 P.2d 1067, 1070 (1996) (citing *Young v. Johnny Ribeiro Building*, 106
7 Nev. 88, 92, 787 P.2d 777, 779 (1990)).

8 “Generally, an order for civil contempt must be grounded upon one’s disobedience of
9 an order that spells out ‘the details of compliance in clear, specific and unambiguous terms so
10 that such person will readily know exactly what duties or obligations are imposed on him.’”
11 *Southwest Gas Corp. v. Flintkote Co.*, 99 Nev. 127, 131, 659 P.2d 861, 864 (1983) (quoting *Ex*
12 *parte Slavin*, 412 S.W.2d 43, 44 (Tex.1967)). “[A] sanction for ‘[c]ivil contempt is
13 characterized by the court’s desire to ... compensate the contemnor’s adversary for the injuries
14 which result from the noncompliance.’” *Albanese*, 112 Nev. at 856, 919 P.2d at 1071 (citing
15 *In re Crystal Palace Gambling Hall, Inc.*, 817 F.2d 1361 (9th Cir.1987) (citations omitted)).
16 “However, an award to an opposing party is limited to that party’s actual loss.” *United States*
17 *v. United Mine Workers of America*, 330 U.S. 258, 304, 67 S.Ct. 677, 701, 91 L.Ed. 884
18 (1947); *Shuffler v. Heritage Bank*, 720 F.2d 1141 (9th Cir.1983); *Falstaff*, 702 F.2d at 779.

19 The undisputed facts are crystal clear that Zandian violated this Court’s debtor’s
20 examination Order by failing to produce the documents one week prior to the debtor’s
21 examination and by failing to appear at the debtor’s examination, after he was served with the
22 Order requiring the same. *Supra*. There can be no justification for Zandian’s actions. The full
23 damages to Plaintiff from Zandian’s conduct and contempt for this Court cannot be measured.

24 Plaintiff respectfully requests this Court issue an order to show cause why Zandian
25 should not be held in contempt. Plaintiff further requests that the Court hold Zandian in
26 contempt and award an appropriate compensatory sanction, both to coerce Zandian’s
27 compliance with the debtor’s examination Order as well as compensate Plaintiff for his
28 damages. Plaintiff also respectfully requests that he be awarded his attorney fees and costs

1 associated with bringing the motion for debtor's examination and this motion for order to
2 show cause regarding contempt. If the Court deems that such an award of attorney fees and
3 costs is warranted, Plaintiff will file a subsequent affidavit and cost memorandum.

4 **IV. CONCLUSION**

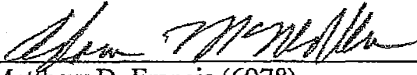
5 For all of the foregoing reasons, this Court should grant Plaintiff's Motion for Order to
6 Show Cause Regarding Contempt.

7 **AFFIRMATION PURSUANT TO NRS 239B.030**

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

10 Dated this 12th day of February, 2014.

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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

1 CERTIFICATE OF SERVICE

2 Pursuant to NRCP 5(b), I certify that I am an employee of Watson Rounds, and that on
3 this date, I deposited for mailing, in a sealed envelope, with first-class postage prepaid, a true
4 and correct copy of the foregoing document, **MOTION FOR ORDER TO SHOW CAUSE**
5 **REGARDING CONTEMPT**, addressed as follows:

6 Johnathon Fayeghi, Esq.
7 Hawkins Melendrez
8 9555 Hillwood Dr., Suite 150
9 Las Vegas, NV 89134
10 *Counsel for Reza Zandian*

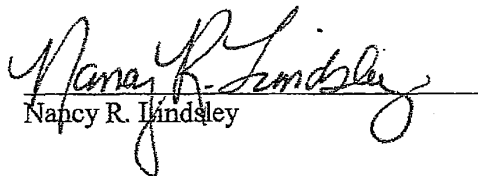
11 Optima Technology Corp.
12 A California corporation
13 8401 Bonita Downs Road
14 Fair Oaks, CA 95628

15 Optima Technology Corp.
16 A Nevada corporation
17 8401 Bonita Downs Road
18 Fair Oaks, CA 95628

19 Optima Technology Corp.
20 A California corporation
21 8775 Costa Verde Blvd. #501
22 San Diego, CA 92122

23 Optima Technology Corp.
24 A Nevada corporation
25 8775 Costa Verde Blvd. #501
26 San Diego, CA 92122

27 Dated: February 12, 2014.

28 
Nancy R. Lindsley

INDEX OF EXHIBITS

Exhibit No.	Title	Number of Pages
1	Order Granting Plaintiff's Motion for Debtor's Examination and to Produce Documents	5
2	Email between counsel regarding failure to comply with Court's Order Granting Plaintiff's Motion for Debtor's Examination and to Produce Documents	4
3	Email from Nancy Lindsley, Plaintiff's counsel's staff, to Lauren Kidd, Defendant Zandian's counsel's staff, transmitting courtesy copies of documents	2

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Exhibit 1

Exhibit 1

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Case No. 09 OC 00579 1B

Dept. No. I

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2014 JAN 13 PM 4:16

ALAN GLOVER

G. C. C. CLERK

In The First Judicial District Court of the State of Nevada

In and for Carson City

JED MARGOLIN, an individual,

Plaintiff,

vs.

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

Defendants.

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

This matter comes before the Court on Plaintiff JED MARGOLIN's Motion for Debtor Examination and to Produce Documents, filed on December 11, 2013.

The Court finds that Defendants have not opposed the Motion for Debtor Examination and to Produce Documents. The non-opposition by Defendants to Plaintiff's Motion constitutes a consent to the granting of the motion.

The Court finds good cause exists to grant Plaintiff's Motion for Debtor Examination and to Produce Documents.

///

///

///

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

2 1. That Defendant REZA ZANDIAN aka GOLAMREZA ZANDIANJAZI
3 aka GHOLAM REZA ZANDIAN aka REZA JAZI aka J. REZA JAZI aka G. REZA JAZI aka
4 GHONONREZA ZANDIAN JAZI is hereby ordered to appear before the Court and answer
5 upon oath or affirmation concerning Defendant's property at a Judgment Debtor Examination
6 under the authority of a Judge of the Court on the following date February 11, 2014 @ 9:00^{am}; and,

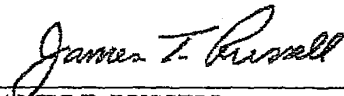
7 2. That Defendant REZA ZANDIAN aka GOLAMREZA ZANDIANJAZI
8 aka GHOLAM REZA ZANDIAN aka REZA JAZI aka J. REZA JAZI aka G. REZA JAZI aka
9 GHONONREZA ZANDIAN JAZI is hereby ordered to produce to Mr. Margolin's counsel at
10 least one week prior to the Judgment Debtor Examination, so that counsel may effectively
11 review and question Zandian regarding the documents, all information and documents
12 identifying, related to, and/or comprising the following:

- 13
- 14 a. Any and all information and documentation identifying real property, computers,
15 cell phones, intellectual property, vehicles, brokerage accounts, bank deposits and
16 all other assets that may be available for execution to satisfy the Judgment entered
17 by the Court, including, but not limited to, information relating to financial
18 accounts, monies owed to Zandian by others, etc.
 - 19 b. Documents sufficient to show Zandian's balance sheet for each month for the years
20 2007 to the present.
 - 21 c. Documents sufficient to show Zandian's gross revenues for each month for the
22 years 2007 to the present.
 - 23 d. Documents sufficient to show Zandian's costs and expenses for each month for the
24 years 2007 to the present.
 - 25 e. All tax returns filed by Zandian with any governmental body for the years 2007 to
26 the present, including all schedules, W-2's and 1099's.
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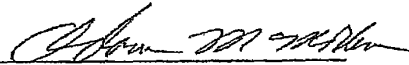
- f. All of Zandian's accounting records, computerized electronic and/or printed on paper format for the years 2007 to the present.
- g. All of Zandian's statements, cancelled checks and related banking documents for any bank, brokerage or other financial account at least partially controlled by Zandian, 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.

DATED: This 13th day of January, 2014.



 JAMES T. RUSSELL
 DISTRICT COURT JUDGE

Respectfully submitted by,
WATSON ROUNDS, P.C.

By: 
 Adam P. McMillen, Esquire
 Nevada Bar No. 10678
 5371 Kietzke Lane
 Reno, NV 89511
 Telephone: (775) 324-4100
 Facsimile: (775) 333-8171
 Email: amcmillen@watsonrounds.com
 Attorney for Plaintiff

1 CERTIFICATE OF SERVICE

2 Pursuant to NRC 5(b), I certify that I am an employee of Watson Rounds, and that on
3 this date, I deposited for mailing, in a sealed envelope, with first-class postage prepaid, a true
4 and correct copy of the foregoing document, *Proposed Order Granting Motion for Debtor*
5 *Examination and for Production of Documents*, addressed as follows:

6 Geoffrey W. Hawkins, Esquire
7 Johnathon Fayeghi, Esquire
8 Hawkins Melendrez, P.C.
9 9555 Hillwood Drive, Suite 150
10 Las Vegas, Nevada 89134

11 Alborz Zandian
12 9 Almazora
13 Newport Beach, CA 92657-1613

14 Optima Technology Corp.
15 A California corporation
16 8401 Bonita Downs Road
17 Fair Oaks, CA 95628

18 Optima Technology Corp.
19 A Nevada corporation
20 8401 Bonita Downs Road
21 Fair Oaks, CA 95628

22 Optima Technology Corp.
23 A California corporation
24 8775 Costa Verde Blvd. #501
25 San Diego, CA 92122

26 Optima Technology Corp.
27 A Nevada corporation
28 8775 Costa Verde Blvd. #501
San Diego, CA 92122

Dated: January 7th, 2014

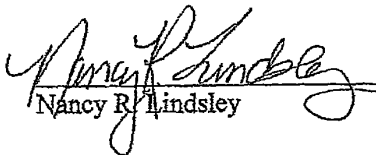

Nancy R. Lindsley

Exhibit 2

Exhibit 2

Adam McMillen

From: John Fayeghi [JFayeghi@hawkinsmelendrez.com]
Sent: Monday, February 10, 2014 8:49 AM
To: Adam McMillen
Cc: Geoffrey Hawkins
Subject: RE: Margolin v. Zandian, et al.

Dear Mr. McMillen,

I apologize for not getting back to you on Friday, I was stuck in deposition all day. With regard to the requested documents, I have not been able to obtain the same from my client due to the short amount of time provided. With regard to the debtor's examination, it is my understanding that Mr. Zandian is currently in the middle east on business. As such, Mr. Zandian will not be able to attend the debtor's examination.

Very truly yours,



Johnathon Fayeghi, Esq.
9555 Hillwood Dr., Ste. 150
Las Vegas, NV 89134
Tel.: 702-318-8800
Fax.: 702-318-8801
jfayeghi@hawkinsmelendrez.com

From: Adam McMillen [mailto:amcmillen@watsonrounds.com]
Sent: Monday, February 10, 2014 8:28 AM
To: John Fayeghi
Cc: Geoffrey Hawkins; Nancy Lindsley
Subject: FW: Margolin v. Zandian, et al.

Hi John,

I still have not heard from you about the documents for tomorrow's debtor's examination. Unless I hear from you otherwise, you leave me no choice but to assume that you will not be providing the ordered documents and I will prepare for tomorrow's examination in front of Judge Russell accordingly, including requesting that Judge Russell issue sanctions for the failure to comply with the order.

Sincerely,

Adam P. McMillen
Attorney at Law

WATSON ROUNDS
5371 Kietzke Lane
Reno, NV 89511

Telephone: (775) 324-4100
Facsimile: (775) 333-8171
amcmillen@watsonrounds.com

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From: Adam McMillen
Sent: Friday, February 07, 2014 1:06 PM
To: 'John Fayeghi'
Cc: Geoffrey Hawkins; Matt Francis
Subject: RE: Margolin v. Zandian, et al.

Hi John,

Since I did not hear from you I tried calling your office. However, your receptionist stated that you were just going into a deposition. I was calling to see where you and Zandian are at with regards to the documents and the debtor's examination, as discussed in our emails below. Please let me know the status of those issues.

Thank you,

Adam P. McMillen
Attorney at Law

WATSON ROUNDS
5371 Kietzke Lane
Reno, NV 89511

Telephone: (775) 324-4100
Facsimile: (775) 333-8171
amcmillen@watsonrounds.com

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From: John Fayeghi [<mailto:JFayeghi@hawkinsmelendrez.com>]
Sent: Thursday, February 06, 2014 4:48 PM
To: Adam McMillen
Cc: Geoffrey Hawkins
Subject: RE: Margolin v. Zandian, et al.

Dear Mr. McMillen,

I am scheduled to have a telephone conference with my client tomorrow morning. I will contact you following said telephone conference.

Very truly yours,



Johnathon Fayeghi, Esq.
9555 Hillwood Dr., Ste. 150
Las Vegas, NV 89134
Tel.: 702-318-8800
Fax.: 702-318-8801
jfayeghi@hawkinsmelendrez.com

From: Adam McMillen [<mailto:amcmillen@watsonrounds.com>]

Sent: Thursday, February 06, 2014 12:52 PM

To: John Fayeghi

Cc: Nancy Lindsley; Lauren Kidd

Subject: FW: Margolin v. Zandian, et al.

Johnathon Fayeghi,

As you know, Zandian has been ordered to attend his debtor's examination on 2/11/14, which is this coming Tuesday. Zandian has also been ordered to produce certain financial documents, as outlined in the attached order. Those documents were supposed to have been produced to my office by no later than 2/4/14 (last Tuesday). Please produce the documents to my office by 2/7/14 (tomorrow) or I will be forced to file a motion for contempt.

Also, do you plan on attending the debtor's examination on 2/11/14? Also, Does Zandian plan on attending the debtor's examination? Please let me know so I can plan accordingly.

Sincerely,

Adam P. McMillen
Attorney at Law

WATSON ROUNDS
5371 Kietzke Lane
Reno, NV 89511

Telephone: (775) 324-4100
Facsimile: (775) 333-8171
amcmillen@watsonrounds.com

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From: Nancy Lindsley

Sent: Thursday, January 16, 2014 3:16 PM

To: 'Lauren Kidd'

Subject: Margolin v. Zandian, et al.

Dear Ms. Kidd:

Attached please find courtesy copies of documents which have been filed in connection with the above-referenced matter. Please contact us if you have any questions.

Sincerely,

Nancy R. Lindsley
Paralegal to
Matthew D. Francis and
Adam P. McMillen



5371 Kietzke Lane

Reno, NV 89511

Telephone: (775) 324-4100

Facsimile: (775) 333-8171

nlindsley@watsonrounds.com

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Exhibit 3

Exhibit 3

Nancy Lindsley

From: Nancy Lindsley
Sent: Thursday, January 16, 2014 3:16 PM
To: 'Lauren Kidd'
Subject: Margolin v. Zandian, et al.
Attachments: 2014-0113 Order Granting Plaintiff's Motion for Debtor Examination and to Produce Documents.pdf; 2014-0116 Notice of Entry of Order Granting Debtor Examination.pdf

Dear Ms. Kidd:

Attached please find courtesy copies of documents which have been filed in connection with the above-referenced matter. Please contact us if you have any questions.

Sincerely,

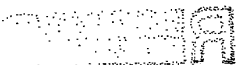
Nancy R. Lindsley
Paralegal to
Matthew D. Francis and
Adam P. McMillen



5371 Kietzke Lane
Reno, NV 89511

Telephone: (775) 324-4100
Facsimile: (775) 333-8171
nlindsley@watsonrounds.com

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JASON D. WOODBURY
Nevada Bar No. 6870
KAEMPFER CROWELL
510 West Fourth Street
Carson City, Nevada 89703
Telephone: (775) 884-8300
Facsimile: (775) 882-0257
JWoodbury@kcnvlaw.com
Attorneys for Reza Zandian

REC'D & FILED
2014 FEB 21 PM 3:11
ALAN GLOVER
W. Alegria CLERK
BY DEPUTY

IN THE FIRST JUDICIAL DISTRICT COURT
OF THE STATE OF NEVADA IN AND FOR
CARSON CITY

JED MARGOLIN, an individual,

Plaintiff,

vs.

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

Defendants.

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

SUBSTITUTION OF COUNSEL


COME NOW, the law firm of Kaempfer Crowell Renshaw Gronauer & Fiorentino,
Jason Woodbury, the law firm of Hawkins Melendrez, P.C., Geoffrey W. Hawkins and
Johnathon Fayeghi, attorneys for the above-named Defendant Reza Zandian, and
hereby give notice that the law firm of Kaempfer Crowell Renshaw Gronauer &
Fiorentino is substituted as the attorney of record for the above-named Defendant, Reza

Clerk
City, W. M.
Nevada
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si

1 Zandian, in the place and stead of the law firm of Hawkins Melendrez, P.C., Geoffrey W.
2 Hawkins and Johnathon Fayeghi for all purposes in the above-entitled matter. All
3 parties to this substitution further acknowledge their consent to such substitution by
4 their execution of this *Substitution of Counsel*.

5 DATED this 17th day of February, 2014.

6 HAWKINS MELENDREZ, P.C.

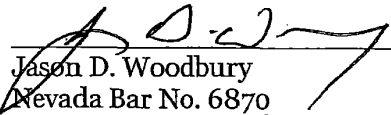
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9 GEOFFREY W. HAWKINS, ESQ.
10 Nevada Bar No. 7740
11 JOHNATHON FAYEGHI, ESQ.
12 Nevada Bar No. 12736
13 9555 Hillwood Drive, Suite 150
14 Las Vegas, NV 89134
15 Telephone: (702) 318-8800
16 Facsimile: (702) 318-8801
17 e-mail: jfayeghi@hawkinsmelendrez.com

18 Kaempfer Crowell Renshaw Gronauer & Fiorentino hereby accepts substitution
19 as attorneys for the above-named Defendant, Reza Zandian in the place and stead of the
20 law firm of Hawkins Melendrez, P.C. and Johnathon Fayeghi.

21 DATED this 26th day of February, 2014.

22 KAEMPFER CROWELL RENSHAW
23 GRONAUER & FIORENTINO

24 

Jason D. Woodbury
Nevada Bar No. 6870
510 West Fourth Street
Carson City NV 89703
Telephone (775) 884-8300
Facsimile: (775) 882-0257
jwoodbury@kenvlaw.com

Case 5:14-cv-00000-
Doc 1-1 Filed 02/26/14
Page 1 of 1
Case No. 14-00000
USDC
District of Nevada
Carson City

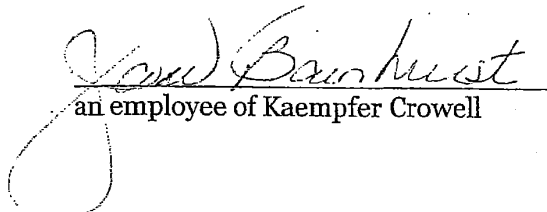
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CERTIFICATE OF SERVICE

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

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

DATED this 21 day of February, 2014.


an employee of Kaempfer Crowell

Case 5:14-cv-00187-
on 02/21/14
City, W. Va.
Nevada Sup.
da 1 ER
8970 F. C.
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SI O

1 JASON D. WOODBURY
Nevada Bar No. 6870
2 SEVERIN A. CARLSON
Nevada Bar No. 9373
3 KAEMPFER CROWELL
510 West Fourth Street
4 Carson City, Nevada 89703
Telephone: (775) 884-8300
5 Facsimile: (775) 882-0257
jwoodbury@kcnvlaw.com

6 **Attorneys for Defendant,**
7 **REZA ZANDIAN**

8 IN THE FIRST JUDICIAL DISTRICT COURT
OF THE STATE OF NEVADA IN AND FOR
9 CARSON CITY

10 JED MARGOLIN, an individual,

11 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
16 JAZI aka J. REZA JAZI aka G. REZA JAZI
aka GHONOREZA ZANDIAN JAZI, an
17 individual, DOE Companies 1-10, DOE
Corporations 11-20, and DOE Individuals
18 21-30,

19 Defendants.

Case No. 09 OC 00579 1B

Dept. No. I

20 **OPPOSITION TO MOTION FOR ORDER**
TO SHOW CAUSE REGARDING CONTEMPT

21 COMES NOW Defendant, REZA ZANDIAN, by and through his undersigned
22 counsel of record, Kaempfer Crowell, and hereby opposes the *Motion for Order to Show*
23 *Cause Regarding Contempt ("Motion")* filed by Plaintiff in this matter on February 12,
24 2014. This Opposition is made pursuant to FJDCR 15 and is based on NRS 21.270,

KAEMPFER CROWELL RENSHAW
GROHNER & FROSTING
610 W. Fourth Street
Carson City, Nevada 89703

REC'D & FILED

2014 MAR -3 PM 4:44

ALAN GLOVER


B.C. GRIBBLE CLERK
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NRCP 69, the attached Memorandum of Points and Authorities, all papers and pleadings on file herein, and any evidence and argument allowed by the Court at a hearing on the *Motion* granted pursuant to FJDCR 15 or D.C.R. 15.

DATED this 3rd day of March, 2014.

KAEMPFER CROWELL

BY: 

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Attorneys for **Defendant, REZA ZANDIAN**

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MEMORANDUM OF POINTS AND AUTHORITIES

I. Factual Background

The following facts are pertinent to this Court’s analysis in regard to Plaintiff’s request for the issuance of an order to show cause why Reza Zandian should not be held in contempt of this Court:¹

- (1) Reza Zandian does not reside in Carson City, Nevada²;
- (2) On January 13, 2014, this Court issued its *Order Granting Plaintiff’s Motion for Debtor Examination and to Produce Documents* (“*Order for Debtor Examination*”)³;
- (3) On January 16, 2014, counsel for Plaintiff served by regular mail a notice of the entry of the *Order for Debtor Examination* upon counsel for Reza Zandian⁴;

¹ Although only a select few facts are relevant to the actual issue before the Court, Plaintiff’s *Motion* offers several pages of “background”, most of which is obviously designed to engender bad will and disdain for Mr. Zandian. *Motion* at 3:20 – 7:15. This *Opposition* will make no effort—because none is called for—to refute material which is immaterial to the question of whether this Court should issue the requested order. Suffice it to say, for now, that there are two sides to this story.

² This is not to assert that there is no dispute over the residence of Mr. Zandian. Mr. Zandian continues to maintain that he resides in France, while Plaintiff continues to contend that he resides in California. Compare, e.g., *Affidavit of Reza Zandian in Support of Mot. to Set Aside Default J.* at ¶¶2-3 (“I am currently a resident of Paris, France and have been living full-time at 6 Rue Edouard Fournier, 75116 Paris, France since August 11, 2011.... I have not resided in the United States since August 2011.”) (Jan. 17, 2014) (attached hereto and marked as Exhibit 1); *Notice of Appeal* at 1:1-3, 22-25 (identifying Reza Zandain’s address at 6, rue Edouard Fournier, 75116 Paris, France) (Clark County District Court case number A-11-635430-C, Dept. No. IV) (Mar. 15, 2013) (attached hereto and marked as Exhibit 2) with, e.g., *Application for Default J.* at 13:5-7, 13-15 (April 16, 2013) (serving Mr. Zandian at one address in Fair Oaks, California and one address in San Diego, California); *Declaration of Jed Margolin in Support of Appl. For Default J.* at 5:6-8 (April 16, 2013) (serving Reza Zandian at address in San Diego, California); *Plaintiff’s App. for Atty’s Fees and Costs* at 6:6-10 (serving Reza Zandian at two substantially similar addresses in San Diego, California) (Feb. 15, 2013); *Complaint* at ¶4 (“On information and belief, Defendant Reza Zandian ... is an individual who at all relevant times resided in San Diego, California or Las Vegas, Nevada.”) (Dec. 11, 2009). This is by no means an exhaustive recitation of the evidence which has been offered on the point of Mr. Zandian’s residence. In regard to the *Motion*, it does not matter where Mr. Zandian resides, so long as it is not in Carson City, Nevada. And there has never been any suggestion or indication by anyone in this case that he does.

³ See *Order Granting Pl.’s Mot. for Debtor Examination and to Produce Documents* (Jan. 13, 2014).

⁴ See *Notice of Entry of Or. Granting Pl.’s Mot. for Debtor Examination and to Produce Documents* (Jan. 16, 2014) (attached hereto and marked as Exhibit 3).

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GROMAN & FIORENTINO
310 W. Fourth Street
Carson City, Nevada 89703

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(4) The *Order for Debtor Examination* required Reza Zandian to appear on February 11, 2014 at 9:00 a.m. before the Court in Carson City, Nevada⁵; and

(5) The *Order for Debtor Examination* required Reza Zandian to produce 11 categories of documents to the office of Plaintiff's counsel no later than February 4, 2014. Those categories of documents included, but were not limited to:

(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....

(b) Documents sufficient to show Zandian's balance sheet for each month for the years 2007 to present;

(c) Documents sufficient to show Zandian's gross revenues for each month for the years 2007 to present;

(d) Documents sufficient to show Zandian's costs and expenses for each month for the years 2007 to present;

(e) All of Zandian's accounting records, computerized electronic and/or printed on paper format for the years 2007 to the present;

(f) 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;

⁵ See *Order for Debtor Examination* at ¶1.

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(g) All of Zandian's checkbooks, checkbook stubs and checkbook entries for the years 2007 to the present;

(h) Documents sufficient to show the means and source of payment of Zandian's current residence and any other residence for the years 2007 to present; and

(i) Documents sufficient to show the means and source of payment of Zandian's counsel in this matter.⁶

As of the date of the *Order for Debtor Examination*, there had been a total of 85 months in the period referenced as "each month for the years 2007 to present."

II. Argument

A. Reza Zandian is not a resident of Carson City and therefore NRS 21.270 does not authorize his examination in Carson City.

Plaintiff's request for permission to conduct a debtor's examination in this case was based upon NRS 21.270, which authorizes and regulates the procedure.⁷ As such, it seems somewhat remarkable that Plaintiff's *Motion for Judgment Debtor Examination and to Produce Documents* quotes only a portion of the statute.⁸ Unfortunately, that that *Motion* included nothing to alert this Court that only a portion of the controlling statute was included, and that, in fact, the most relevant portion was excluded.

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KAEMPER CROWELL RENSHAW
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Carson City, Nevada 89703

⁶ See *Order for Debtor Examination* at ¶2(a) – (k).
⁷ See *Motion for Judgment Debtor Examination and to Produce Documents* at 1:24-25 (Dec. 11, 2013).
⁸ See *Motion for Judgment Debtor Examination and to Produce Documents* at 5:25 – 6:2 (1:24-25 ("Under Nevada procedure, Mr. Margolin is entitled to a debtor examination. NRS 21.270 states that 'a judgment creditor, at any time after the judgment is entered, is entitled to an order from the judge of the court requiring the judgment debtor to appear and answer upon oath or affirmation concerning his or her

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In its entirety, NRS 21.270(1) provides:

1. A judgment creditor, at any time after the judgment is entered, is entitled to an order from the judge of the court requiring the judgment debtor to appear and to answer upon oath or affirmation concerning his or her property, before:
 - (a) The judge or a master appointed by the judge; or
 - (b) An attorney representing the judgment creditor, at a time and place specified in the order. **No judgment debtor may be required to appear outside the county in which the judgment debtor resides.**

(Emphasis added).

The emphasized provision could not be more clear and explicit. Under *anyone's* interpretation of the evidence pertaining to the residence of Reza Zandian, there is no information indicating that he resides in Carson City, Nevada—or that he ever has, for that matter. Therefore, NRS 21.270 does not permit him to be the subject of a debtor's examination here. The *Order for Debtor's Examination* should have never been issued. Indeed, it is virtually certain that, had the applicable law been quoted or explained in its entirety, this Court never would have issued such an order.⁹

As the *Order for Debtor's Examination* is contrary to NRS 21.270 in the first place, Mr. Zandian should not be held in contempt for a failure to comply with the requirements of that order, insofar as it required to personally present himself in Carson City, Nevada for examination. For this reason, this Court should deny the *Motion*.

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property' at an examination either before 1) the judge or master appointed by the judge or 2) an attorney representing the judgment creditor. NRS 21.270(1)".

⁹ To be fair, the fact that the *Motion for Judgment Debtor Examination and to Produce Documents* was unopposed by then-counsel for Reza Zandian bears a fair share of the responsibility for the oversight. The invalidity of the order subjecting Mr. Zandian to a debtor's examination should have been presented to this Court in the context of an opposition. Nonetheless, the failure to respond does not expand the scope of this Court's lawful authority beyond that which is authorized. In other words, the law is what the law is.

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B. Reza Zandian should not be held in contempt for failing to comply with a requirement reducing by half his time to respond to an ordered document production.

Next, Plaintiff complains that Mr. Zandian failed to comply with this Court's *Order for Debtor's Examination* "by failing to produce the documents one week prior to the debtor's examination."¹⁰ Once again, Plaintiff takes generous—and unauthorized—liberties with the procedural regulation of supplementary proceedings in aid of judgment execution.

NRCP 69(a) provides:

(a) *In general.* Process to enforce a judgment for the payment of money shall be a writ of execution, unless the court directs otherwise. The procedure on execution, in proceedings supplementary to and in aid of a judgment, and in proceedings on and in aid of execution shall be in accordance with the practice and procedure of the State. ***In aid of the judgment or execution, the judgment creditor or a successor in interest when that interest appears of record, may obtain discovery from any person, including the judgment debtor, in the manner provided in these rules.***

(Emphasis added).

The emphasized language permits Plaintiff, as the judgment creditor, to utilize the discovery techniques set forth in the Nevada Rules of Civil Procedure. As such, the *Order for Debtor's Examination*, insofar as it required the production of documents by Reza Zandian, is sound. However, the term "in the manner provided in these rules" is more than an authorization. It is also a limitation. That is, the language authorizes the use of discovery techniques, but requires them to be exercised in accordance with the Nevada Rules of Civil Procedure.

The production of documents is governed by NRCP 34. Under that rule, a party, in this case Reza Zandian, would be allowed 30 days to serve a written response to a

And the failure to present an accurate statement of the law in a timely fashion, while regrettable in this instance, does not change the lawful authority—and limitations thereon—of this Court.

¹⁰ See *Motion* at 8:20-21.

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1 request for the production of documents.¹¹ Applied in the context of this case, 30 days
2 from service of the *Order for Debtor's Examination* would have required the document
3 disclosure by February 18, 2014.¹² Of course, Reza Zandian's time for production was
4 drastically reduced from that to February 4, 2014. The result was a requirement that
5 Reza Zandian produce 11 categories of documents, several of which required 85 months
6 of information, within two weeks—half of the time allotted for a “normal” document
7 production.¹³

8 Of course, this Court has the authority to compel a shorter or allow a longer time
9 than 30 days to produce documents in accordance with NRCP 34.¹⁴ And while Plaintiff
10 may contend that this authority was invoked by the Court in its *Order for Debtor's*
11 *Examination*, the contention seems dubious for two reasons. First, Plaintiff's *Motion*
12 *for Judgment Debtor Examination and to Produce Documents* includes no discussion
13 supporting a request to shorten the time for production. And, second, there is, in fact,
14 no urgency to limit the time frame for the production of the requested documents. The
15 judgment in this case has existed for quite some time prior to the request for
16 supplementary proceedings. In regard to that judgment, the interests of Plaintiff are
17 protected from fraudulent transfers by Chapter 112 of Nevada Revised Statutes. Other
18 than Plaintiff's yearn to expedite execution—shared by nearly all judgment creditors
19 throughout history—there is no meaningful reason to reduce by half the opportunity for

20
21 ¹¹ See NRCP 34(b) (“The party upon whom the request is served shall serve a written response within 30 days after the service of the request.”)

22 ¹² See NRCP 6.

23 ¹³ Again, it must be conceded that it would have been far better to present this position in the context of an
24 opposition to the *Motion for Judgment Debtor Examination and to Produce Documents*. But be that as it may, counsel for Reza Zandian did alert Plaintiff's counsel in advance that it would not be possible to comply with the order's production requirement “due to the short amount of time provided.” Exhibit 2 to *Motion*.

¹⁴ NRCP 34(b) (“A shorter or longer time may be directed by the court...”)

1 Reza Zandian to respond to the expansive request set forth in the Order for Debtor's
2 Examination.

3 These circumstances do not warrant a determination that Reza Zandian is in
4 contempt of this Court or that the sanctions which Plaintiff requests should be imposed.
5 For this reason, this Court should deny the Motion at this time.

6 **III. Conclusion**

7 For these reasons, it is respectfully requested that this Court enter an order
8 denying the Motion.

9 DATED this 3rd day of March, 2014.

10 KAEMPFER CROWELL

11
12
13 BY: 

14 JASON D. WOODBURY

Nevada Bar No. 6870

SEVERIN A. CARLSON

Nevada Bar No. 9373

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Attorneys for **Defendant, REZA ZANDIAN**

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Carson City, Nevada 89703

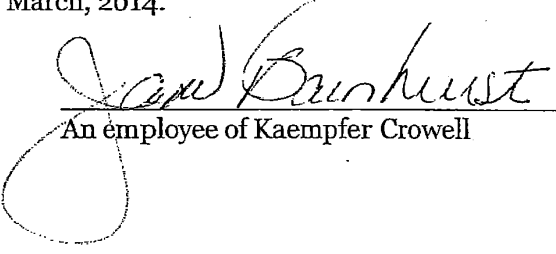
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CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I hereby certify that service of the foregoing
OPPOSITION TO MOTION FOR ORDER TO SHOW CAUSE REGARDING
CONTEMPT was made this date by depositing a true and correct copy of the document
in the United States mail, postage pre-paid at Carson City, Nevada, addressed to:

Matthew D. Francis
Adam P. McMillen
WATSON ROUNDS
5371 Kietzke Lane
Reno, NV 89511
Attorneys for Plaintiff Jed Margolin

DATED this 3rd day of March, 2014.



An employee of Kaempfer Crowell

KAEMPFER CROWELL RENSHAW
GROVAUER & FIORENTINO
910 N. Fourth Street
Carson City, Nevada 89703

JED MARGOLIN, an individual,

Plaintiff,

vs.

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

Defendants.

**In the First Judicial District Court
of the State of Nevada in and for Carson City**

**Case No. 09 OC 00579 1B
Dept. No. I**

**EXHIBIT INDEX
to
Opposition Motion for Order to Show Cause Regarding Contempt**

Exhibit No.	Description of Exhibit	Exhibit Pages
1	<i>Affidavit of Reza Zandian in Support of Motion to Set Aside Default Judgment . (Jan. 17, 2014)</i>	2
2	<i>Notice of Appeal (Mar. 15, 2013)</i>	2
3	<i>Notice of Entry of Order Granting Plaintiff's Motion for Debtor Examination and to Produce Documents (Jan. 16, 2014)</i>	8

EXHIBIT 1

EXHIBIT 1

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AFFIDAVIT OF REZA ZANDIAN IN SUPPORT OF MOTION TO SET ASIDE DEFAULT JUDGMENT

COUNTRY OF FRANCE)
CITY OF PARIS) ss

I, Reza Zandian, have personal knowledge of the matters set forth herein and being first duly sworn hereby depose and state as follows:

1. I am a named Defendant in the matter of *Jed Margolin vs. Optima Technology Corporation, et al.*, Case No. 090C00579 1B.

2. That I am currently a resident of Paris, France and have been living full-time at 6 Rue Edouard Fournier, 75116 Paris, France since August 2011.

3. That I have not resided in the United States since August 2011. Specifically, I have not resided at 8775 Costa Verde Blvd, San Diego, CA 92122 since August 2011.

4. Since the withdrawal of my previous counsel, John Peter Lee, Esq., on April 26, 2012 I have never received any pleadings or written discovery related to Case No. 090C00579 1B.

5. I learned of the Default Judgment in late November 2013 while visiting the United States of America on business. I was advised of the Default Judgment by a business associate by the name of Fred Sadri.

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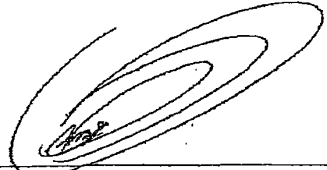
CAROLINE AL TAWIL
Conseillère de Clientèle
Agence Paris Passy

HAWKINS MELINDRUZ, P.C.
9555 Hillwood Drive, Suite 150
Las Vegas, Nevada 89134
Telephone (702) 311-9900 • Facsimile (702) 319-8801

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I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct.

Executed this 17 day of January, 2014.


REZA ZANDIAN

Subscribed and Sworn to before me this 17 day of January, 2014.

CAROLINE AL TAWIL
Conseillère de Clientèle
Agence Paris Passy

Notary Public in and for Said State and County

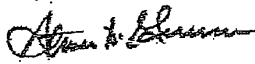
(SEAL)

HAWKINS MELENDEZ, P.C.
9552 Hillwood Drive, Suite 150
Las Vegas, Nevada 89134
Telephone (702) 318-8800 • Facsimile (702) 318-8801

EXHIBIT 2

EXHIBIT 2

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CLERK OF THE COURT

1 NOAS
2 REZA ZANDIAN
3 6, rue Edouard Fournier
4 75116 Paris, France
5 Pro Per Appellant

6
7 DISTRICT COURT
8 CLARK COUNTY, NEVADA

9 GHOLAMREZA ZANDIAN JAZI, also
10 known as REZA ZANDIAN, individually,

CASE NO.: A-11-635430-C
DEPT. NO.: IV

11 Plaintiff,

12 v.

13 FIRST AMERICAN TITLE COMPANY, a
14 Nevada business entity; JOHNSON SPRING
15 WATER COMPANY, LLC, formerly known
16 as BIG SPRING RANCH, LLC, a Nevada
17 Limited Liability Company, FRED SADRI,
18 Trustee of the Star Living Trust, RAY
19 KOROGHLI, individually, and ELIAS
20 ABRISHAMI, individually,

21 Defendants.

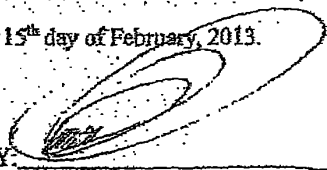
22 AND ALL RELATED COUNTERCLAIMS
23 AND THIRD-PARTY CLAIMS

24 1334.024072-11

25 NOTICE OF APPEAL

26 Notice is hereby given that REZA ZANDIAN a member of the above named company,
27 hereby appeals to the Supreme Court of Nevada from the Order to Distribute Attorney Fee and Costs
28 Awards to Defendants entered in this action on the 15th day of February, 2013.

DATED this 15th day of March, 2013.

29 BY: 
30 REZA ZANDIAN
31 6, rue Edouard Fournier
32 75116 Paris, France
33 Pro Per Appellant

CERTIFICATE OF MAILING

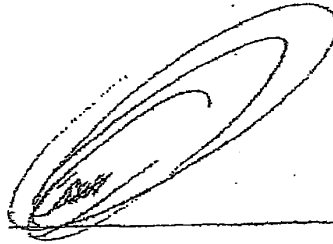
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I HEREBY CERTIFY that on the ___ day of March, 2013, I served a copy of the above and foregoing NOTICE OF APPEAL, upon the appropriate parties hereto, by enclosing it in a sealed envelope, deposited in the United States mail, upon which first class postage was fully prepaid addressed to:

Stanley W. Parry
100 North City Parkway, Ste. 1750
Las Vegas, Nevada 89106

Elias Abrishami
P.O. Box 10476
Beverly Hills, California 90213

Ryan E. Johnson, Esq.
Watson & Rounds
777 North Rainbow Blvd. Ste. 350
Las Vegas, Nevada 89107



A handwritten signature in dark ink, appearing to be 'Ryan E. Johnson', is written over a horizontal line. The signature is somewhat stylized and loops around the line.

EXHIBIT 3

EXHIBIT 3

13214.1
~~PLAINT~~
CWH

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

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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 Plaintiff,

Case No.: 090C00579 1B

12 vs.

Dept. No.: 1

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

**NOTICE OF ENTRY OF ORDER
GRANTING PLAINTIFF'S MOTION
FOR DEBTOR EXAMINATION AND
TO PRODUCE DOCUMENTS**

20 Defendants.

21 TO: All parties:

22 PLEASE TAKE NOTICE that on January 13, 2014 the Court entered its Order
23 Granting Plaintiff's Motion for Debtor Examination and to Produce Documents. Attached as
24 Exhibit 1 is a true and correct copy of the Order Granting Plaintiff's Motion for Debtor
25 Examination and to Produce Documents.

26 **Affirmation Pursuant to NRS 239B.030**

27 The undersigned does hereby affirm that the preceding document does not contain the
28

1 social security number of any person.

2 DATED: January 16, 2014.

WATSON ROUNDS

3

4

By: Adam P. McMillen

5

Matthew D. Francis

6

Adam P. McMillen

7

Watson Rounds

8

5371 Kietzke Lane

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Reno, NV 89511

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Attorneys for Plaintiff Jed Margolin

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1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCF 5(b), I certify that I am an employee of Watson Rounds, and that on
3 this date, I deposited for mailing, in a sealed envelope, with first-class postage prepaid, a true
4 and correct copy of the foregoing document, NOTICE OF ENTRY OF ORDER GRANTING
5 PLAINTIFF'S MOTION FOR DEBTOR EXAMINATION AND TO PRODUCE
6 DOCUMENTS, addressed as follows:

7 Optima Technology Corp.
8 A California corporation
9 8401 Bonita Downs Road
Fair Oaks, CA 95628

10 Optima Technology Corp.
11 A Nevada corporation
12 8401 Bonita Downs Road
Fair Oaks, CA 95628

13 Optima Technology Corp.
14 A California corporation
15 8775 Costa Verde Blvd. #501
San Diego, CA 92122

16 Optima Technology Corp.
17 A Nevada corporation
18 8775 Costa Verde Blvd. #501
San Diego, CA 92122

19 Johnathon Fayeghi, Esq.
20 Hawkins Melendrez
21 9555 Hillwood Dr., Suite 150
Las Vegas, NV 89134
Counsel for Reza Zandian

22 Dated: This 16th day of January, 2014.

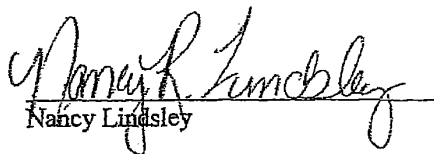
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24 Nancy Lindsley
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Exhibit 1

Exhibit 1

1 Case No. 09 0C 00579 1B

REC'D & FILED

2 Dept. No. I

2014 JAN 13 PM 4:16

3 ALAN GLOVER

4 ~~C. Conroy~~ CLERK

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

6 In and for Carson City

7 JED MARGOLIN, an individual,

8 Plaintiff,

9 vs.

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

20 Defendants.

~~PROPOSED~~ ORDER GRANTING
PLAINTIFF'S MOTION FOR
DEBTOR EXAMINATION AND
TO PRODUCE DOCUMENTS

19 This matter comes before the Court on Plaintiff JED MARGOLIN's Motion for Debtor
20 Examination and to Produce Documents, filed on December 11, 2013.

21 The Court finds that Defendants have not opposed the Motion for Debtor Examination
22 and to Produce Documents. The non-opposition by Defendants to Plaintiff's Motion constitutes
23 a consent to the granting of the motion.

24 The Court finds good cause exists to grant Plaintiff's Motion for Debtor Examination
25 and to Produce Documents.

26 ///

27 ///

28 ///

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

2 1. That Defendant REZA ZANDIAN aka GOLAMREZA ZANDIANJAZI

3 aka GHOLAM REZA ZANDIAN aka REZA JAZI aka J. REZA JAZI aka G. REZA JAZI aka
4 GHONONREZA ZANDIAN JAZI is hereby ordered to appear before the Court and answer
5 upon oath or affirmation concerning Defendant's property at a Judgment Debtor Examination
6 under the authority of a Judge of the Court on the following date February 11, 2010; and,

7 2. That Defendant REZA ZANDIAN aka GOLAMREZA ZANDIANJAZI

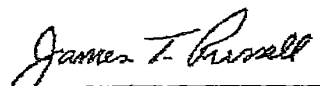
8 aka GHOLAM REZA ZANDIAN aka REZA JAZI aka J. REZA JAZI aka G. REZA JAZI aka
9 GHONONREZA ZANDIAN JAZI is hereby ordered to produce to Mr. Margolin's counsel at
10 least one week prior to the Judgment Debtor Examination, so that counsel may effectively
11 review and question Zandian regarding the documents, all information and documents
12 identifying, related to, and/or comprising the following:

- 14
- 15 a. Any and all information and documentation identifying real property, computers,
16 cell phones, intellectual property, vehicles, brokerage accounts, bank deposits and
17 all other assets that may be available for execution to satisfy the Judgment entered
18 by the Court, including, but not limited to, information relating to financial
19 accounts, monies owed to Zandian by others, etc.
 - 20 b. Documents sufficient to show Zandian's balance sheet for each month for the years
21 2007 to the present.
 - 22 c. Documents sufficient to show Zandian's gross revenues for each month for the
23 years 2007 to the present.
 - 24 d. Documents sufficient to show Zandian's costs and expenses for each month for the
25 years 2007 to the present.
 - 26 e. All tax returns filed by Zandian with any governmental body for the years 2007 to
27 the present, including all schedules, W-2's and 1099's.
- 28

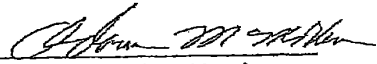
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- f. All of Zandian's accounting records, computerized electronic and/or printed on paper format for the years 2007 to the present.
- g. All of Zandian's statements, cancelled checks and related banking documents for any bank, brokerage or other financial 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.

DATED: This 13th day of January, 2014.



JAMES T. RUSSELL
DISTRICT COURT JUDGE

Respectfully submitted by,
WATSON ROUNDS, P.C.
By: 
Adam P. McMillen, Esquire
Nevada Bar No. 10678
5371 Kietzke Lane
Reno, NV 89511
Telephone: (775) 324-4100
Facsimile: (775) 333-8171
Email: amcmillen@watsonrounds.com
Attorney for Plaintiff

1 CERTIFICATE OF SERVICE

2 Pursuant to NRCP 5(b), I certify that I am an employee of Watson Rounds, and that on
3 this date, I deposited for mailing, in a sealed envelope, with first-class postage prepaid, a true
4 and correct copy of the foregoing document, *Proposed Order Granting Motion for Debtor*
5 *Examination and for Production of Documents*, addressed as follows:

6 Geoffrey W. Hawkins, Esquire
7 Johnathon Fayeghi, Esquire
8 Hawkins Melendrez, P.C.
9 9555 Hillwood Drive, Suite 150
10 Las Vegas, Nevada 89134

11 Alborz Zandian
12 9 Almazora
13 Newport Beach, CA 92657-1613

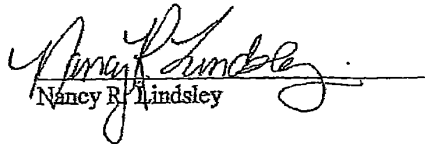
14 Optima Technology Corp.
15 A California corporation
16 8401 Bonita Downs Road
17 Fair Oaks, CA 95628

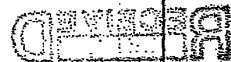
18 Optima Technology Corp.
19 A Nevada corporation
20 8401 Bonita Downs Road
21 Fair Oaks, CA 95628

22 Optima Technology Corp.
23 A California corporation
24 8775 Costa Verde Blvd. #501
25 San Diego, CA 92122

26 Optima Technology Corp.
27 A Nevada corporation
28 8775 Costa Verde Blvd. #501
San Diego, CA 92122

Dated: January 9th, 2014


Nancy R. Lindsley



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

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ALAN GLOVER
CLERK
BY *[Signature]*
DEPUTY

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

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

Case No.: 090C00579 1B
Dept. No.: 1

**REPLY IN SUPPORT OF MOTION
FOR ORDER TO SHOW CAUSE
REGARDING CONTEMPT**

22 Plaintiff Jed Margolin submits the following reply arguments in support of
23 Motion for Order to Show Cause Regarding Contempt:

24 **I. Zandian Consented To The Granting Of The Motion For Judgment
Debtor Examination Under NRS 21.270**

25 Zandian's failure to file an opposition to the Motion for Judgment Debtor Examination
26 constituted a consent to the granting of the Motion. *See* FJDCR 15(5) ("a failure of an
27 opposing party to file a memorandum of points and authorities in opposition to any motion
28 within the time permitted **shall** constitute a consent to the granting of the motion.") (emphasis

1 added); *see also* FJDCR 30 (“If a party or an attorney fails, refuses, or neglects to comply with
2 these rules, the Nevada Rules of Civil Procedure, the District Court Rules, the Supreme Court
3 Rules, or any statutory requirements, the Court may, after notice and an opportunity to be
4 heard, impose any and all sanctions authorized by statute or rule[.]”).

5 Zandian openly recognizes he did not oppose the Motion for Judgment Debtor
6 Examination and he should have raised the issues he now raises in an opposition to the Motion
7 for Judgment Debtor’s Examination, not the Motion for contempt sanctions. *See* Opposition to
8 Motion for Order to Show Cause Regarding Contempt (“Opposition”), dated 3/3/14, p. 6, n. 9
9 (“To be fair, the fact that the *Motion for Judgment Debtor Examination and to Produce*
10 *Documents* was unopposed by then-counsel for Reza Zandian bears a fair share of the
11 responsibility for the oversight.”); *see also id.* at p. 8, n. 13 (“Again, it must be conceded that it
12 would have been far better to present this position in the context of an opposition to the *Motion*
13 *for Judgment Debtor Examination and to Produce Documents.*”). Not only did Zandian fail to
14 oppose the Motion for Judgment Debtor Examination, he willfully failed to comply with the
15 resulting order.

16 But for Plaintiff’s counsel’s proactive approach, Zandian would have allowed Plaintiff
17 and the Court go forward with the debtor’s examination, knowing full well he was not going to
18 appear for the examination. It was not until Plaintiff’s counsel contacted Zandian’s counsel
19 that Plaintiff learned Zandian had no intention of complying with the Court’s order. *See*
20 Motion for Order to Show Cause Regarding Contempt, dated 2/12/14, Exhibit 2.

21 By failing to oppose the Motion for Judgment Debtor Examination, Zandian waived
22 the arguments he now makes regarding the validity of the order for Zandian to appear in
23 Carson City for a debtor’s examination and contempt sanctions are proper for his willful
24 disobedience.

25 **II. Zandian Has Still Not Produced Any Records And Should Be Held In**
26 **Contempt**

27 Seeking to further excuse himself, Zandian argues he should have been given 30 days
28 to comply with the order to produce records, pursuant to NRCF 34. Zandian also argues there

1 was no reason to shorten the time to produce records below the 30 day requirement of NRCP
2 34.

3 However, Zandian admits the “*Order for Debtor’s Examination*, insofar as it required
4 the production of documents by Reza Zandian, is sound.” See Opposition at 7:15-17; see also
5 Opposition at 8:8-9 (“Of course, this Court has the authority to compel a shorter [time] or
6 allow a longer time than 30 days to produce documents in accordance with NRCP 34.”); see
7 also NRCP 26(b)(2) (“By order, the court may alter the limits in these rules”); NRCP 34(b)
8 (“A shorter or longer time may be directed by the court”).
9

10 Even though Zandian admits the order to produce the documents was sound and well
11 within the Court’s power, Zandian willfully disobeyed the order and did not produce the
12 documents by February 4, 2014. In addition, even if we were to believe Zandian’s argument
13 that he needed the standard 30 days to comply with the order, it has been well over 30 days
14 since the order was served on Zandian *and Zandian still has not produced any documents*
15 *pursuant to the order.*¹ Zandian has made no attempt to comply with the order. As such, the
16 circumstances warrant a determination that Zandian is in contempt of this Court’s order and
17 sanctions should be imposed.
18

19 **III. NRS 21.270(3) Also Provides Contempt Power**

20 Zandian fails to recognize that NRS 21.270(3) provides authority for contempt
21 sanctions as follows: “A judgment debtor who is regularly served with an order issued
22 pursuant to this section, and who fails to appear at the time and place specified in the order,
23 may be punished for contempt by the judge issuing the order.”
24

25 As Zandian failed to oppose the Motion, Zandian consented to the granting of the
26 Motion for Judgment Debtor’s Examination in Carson City, and the Court certainly had the
27

28 ¹ Zandian argues that Plaintiff served the notice of entry of the Order for Debtor Examination by regular mail on
January 16, 2014. However, Plaintiff also served the notice by email on January 16, 2014. See Exhibit 1.

1 power to compel the production of documents and Zandian admits that order is sound. Since
2 Zandian was regularly served with an order to produce documents and appear at a debtor's
3 examination pursuant to NRS 21.270, and Zandian failed to produce documents and appear at
4 the time and place specified in the order, he may be punished for contempt.

5 **IV. The Court Has The Express And Inherent Power To Sanction Zandian**

6 Zandian argues that NRCP 69(a) requires any discovery techniques that are used in aid
7 of execution of the judgment must be used in accordance with the Nevada Rules of Civil
8 Procedure. *See* Opposition at 7:9-20. As a result, the Court also has the express authority to
9 issue sanctions under the state's discovery rules. Accordingly, "NRCP 37(b)(2) authorizes as
10 discovery sanctions dismissal of a complaint, entry of default judgment, and awards of fees
11 and costs. Generally, NRCP 37 authorizes discovery sanctions only if there has been willful
12 noncompliance with a discovery order of the court." *Young v. Johnny Ribeiro Bldg., Inc.*, 106
13 Nev. 88, 92, 787 P.2d 777, 779 (1990) (citing *Fire Insurance Exchange v. Zenith Radio Corp.*,
14 103 Nev. 648, 651, 747 P.2d 911, 913 (1987)).

15
16 In addition, courts have inherent equitable powers that permit sanctions for discovery
17 and other litigation abuses not specifically proscribed by statute. *Young*, 106 Nev. 88, 92, 787
18 P.2d 777, 779 ("courts have 'inherent equitable powers to dismiss actions or enter default
19 judgments for ... abusive litigation practices'" and "[l]itigants and attorneys alike should be
20 aware that these powers may permit sanctions for discovery and other litigation abuses not
21 specifically proscribed by statute.") (citations omitted); *see also Bahena v. Goodyear Tire &*
22 *Rubber Co.*, 126 Nev. Adv. Op. 26, 235 P.3d 592, 600 (2010) ("In addition to awarding
23 sanctions pursuant to NRCP 37(b)(2)(C), and based upon its inherent equitable power, the
24 district court may order sanctions under NRCP 37(d). NRCP 37(d) allows for the award of
25 sanctions if a party fails to attend their own deposition or fails to serve answers to
26 interrogatories or fails to respond to requests for production of documents."); *see also* Motion
27
28

1 for Order to Show Cause Regarding Contempt, dated 2/12/14, 7:16-8:18 (providing legal
2 authorities regarding Court's authority to issue contempt sanctions).

3 Under the Court's express and inherent power to govern these proceedings, the Court
4 has the authority and power to sanction Zandian for not responding to the Motion for
5 Judgment Debtor Examination, for not providing actual evidence regarding where Zandian is
6 actually residing, and for willfully disobeying the order granting Plaintiff's Motion for
7 Judgment Debtor Examination and to Produce Documents.

8
9 **V. It Does Matter Where Zandian Resides**

10 It is not sufficient for Zandian's latest Counsel to say "it does not matter where Mr.
11 Zandian resides, so long as it is not in Carson City, Nevada." See Opposition at p. 3, n. 2. To
12 the contrary, it does matter where Zandian resides. He has failed to provide any evidence to
13 show where Zandian did or does reside. The negative argument is not evidence.

14 As is well known to this Court, Zandian has, through a string of different attorneys,
15 continuously evaded the Plaintiff and this Court with regards to, among other things, services
16 of process, responding to discovery, responding to motions, and now in execution of the
17 judgment.

18
19 Zandian argues he resides in France. He appears to have his own self-serving
20 definition of the word, "reside," which is, "I reside wherever I say I reside." However, there is
21 overwhelming evidence that Zandian is and has been residing in the U.S. at all relevant times.
22 See Opposition to Motion to Set Aside Judgment, dated 1/9/14, 2:1-4:4 and Exhibits 1-12.
23 Zandian has done nothing to dispute the actual evidence provided to this Court.

24 In addition, Zandian owns property and business interests throughout the state of
25 Nevada. See Opposition to Motion to Dismiss, dated 12/5/11, 11:1-13:3 and Exhibits 5-25.
26 As a result of his extensive property and business interests, it might be well within the Court's
27

1 power to consider Zandian a resident of Carson City, especially since Zandian has purposely
2 evaded the Plaintiff and the Court at every turn.

3 Further, if Zandian had opposed the Motion for Judgment Debtor Examination and to
4 Produce Documents, he might have argued that he did not reside in Carson City. Then he
5 would have had to say where he was residing (with some credible evidence). If, for example,
6 Zandian was residing in Clark County, the Debtor's Examination could have been scheduled
7 to be held in the Las Vegas office of Watson Rounds. Zandian did not do that. Instead, he is
8 hiding from Plaintiff and from this Court.

9
10 **VI. Zandian Has Failed To Share His Side To The Story**

11 Zandian dismisses out of hand the factual and procedural background to this matter, as
12 follows:

13 Although only a select few facts are relevant to the actual issue before the
14 Court, Plaintiffs Motion offers several pages of "background", most of which is
15 obviously designed to engender bad will and disdain for Mr. Zandian. *Motion at*
16 *3:20 - 7:15*. This *Opposition* will make no effort - because none is called for - to
17 refute material which is immaterial to the question of whether this Court should
18 issue the requested order. Suffice it to say, for now, that there are two sides to
19 this story.

20 *See Opposition at p. 3, n. 1* (emphasis added). The central fact of this case is that Zandian has
21 never denied fraudulently using a Power-of-Attorney in the patent assignment documents he
22 filed with the U.S. Patent Office. Zandian has had many chances to tell his side of the story but
23 has always refused to do so.

24 Zandian had a chance to tell his side of the story in the case held in U.S. District Court
25 for the District of Arizona (*Universal Avionics Systems Corporation v. Optima Technology*
26 *Group, et al.*) where the ownership of the Patents was a major issue. Zandian remained silent
27 in that case.

28 Zandian had a chance to tell his side of the story in the present case many times. After
Zandian was served with the Complaint, Zandian ignored the case and a default judgment was
entered against him. Later, John Peter Lee made an appearance for Zandian and moved to
dismiss the case, saying that Zandian had not been properly served and that this Court did not

1 have jurisdiction over Zandian because he lived in California. He had a chance to tell his side
2 of the story then, but chose not to.

3 Zandian had a chance to tell his story after he had been served by publication (made
4 necessary because John Peter Lee refused to accept service for Zandian and refused to provide
5 Zandian's address). However, Zandian again moved to dismiss the case where he again said
6 Zandian had not been properly served and that this Court did not have jurisdiction over
7 Zandian. Again, the motion to dismiss was denied. Zandian had a chance to tell his side of the
8 story when he finally did answer the Complaint. However his answer was only a General
9 Denial and did not contain any Affirmative Defenses. Again, he failed to tell his side of the
10 story.

11 Zandian had a chance to tell his side of the story after John Peter Lee withdrew as
12 counsel when Plaintiff sent the First Set of Requests for Admission, the First Set of
13 Interrogatories, and the First Set of Requests for Production of Documents to Zandian at the
14 address John Peter Lee provided to the Court in the motion to withdraw. One of the reasons
15 for sending Zandian the written discovery was to find out what Zandian's story was. He
16 ignored the discovery requests and did not respond.

17 The inescapable conclusion is that whatever story Zandian has to tell does not do him
18 any credit. Otherwise he would have told it by now.

19 **VII. CONCLUSION**

20 For all of the foregoing reasons, this Court should grant Plaintiff's Motion for Order to
21 Show Cause Regarding Contempt.

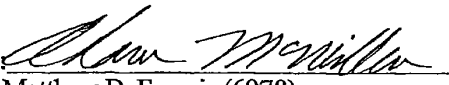
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AFFIRMATION PURSUANT TO NRS 239B.030

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

Dated this 13th day of March, 2014.

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

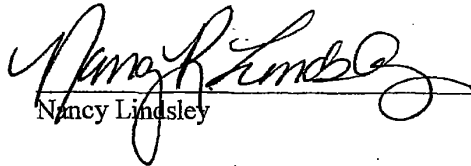
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CERTIFICATE OF SERVICE

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, **REPLY IN SUPPORT OF MOTION FOR ORDER TO SHOW CAUSE REGARDING CONTEMPT**, addressed as follows:

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

Dated: March 13, 2014


Nancy Lindsley

INDEX OF EXHIBITS

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Exhibit No.	Title	Number of Pages
1	Email, dated 1/16/14, from Nancy Lindsley to Lauren Kidd regarding Notice of Entry of Order Granting Debtor's Examination and to Produce Documents.	1

Exhibit 1

Exhibit 1

Adam McMillen

From: Nancy Lindsley
Sent: Thursday, January 16, 2014 3:16 PM
To: 'Lauren Kidd'
Subject: Margolin v. Zandian, et al.
Attachments: 2014-0113 Order Granting Plaintiff's Motion for Debtor Examination and to Produce Documents.pdf; 2014-0116 Notice of Entry of Order Granting Debtor Examination.pdf

Dear Ms. Kidd:

Attached please find courtesy copies of documents which have been filed in connection with the above-referenced matter. Please contact us if you have any questions.

Sincerely,

Nancy R. Lindsley
Paralegal to
Matthew D. Francis and
Adam P. McMillen



5371 Kietzke Lane
Reno, NV 89511

Telephone: (775) 324-4100
Facsimile: (775) 333-8171
nlindsley@watsonrounds.com

STATEMENT OF CONFIDENTIALITY: This message contains information which may be confidential and privileged. Unless you are the addressee or authorized to receive emails for the addressee you may not use, copy or disclose to anyone this message or any information contained in this message. If you have received this message in error, please advise the sender by reply email and then delete the entire email. IRS Circular 230 Disclosure: To ensure compliance with requirements imposed by U.S. Treasury Regulation Circular 230, we inform you that any U.S. federal tax advice contained in this communication, including any attachments, is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein.

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

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

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

Case No.: 090C00579 1B
Dept. No.: 1
REQUEST FOR SUBMISSION

27 Plaintiff through his counsel respectfully requests the following documents be
28 submitted to the Court for decision:
29 1) Motion for Order to Show Cause Regarding Contempt, filed February 12, 2014;
30 2) Opposition to Motion for Order to Show Cause Regarding Contempt, dated March
31 3, 2014; and,
32 3) Reply in Support of Motion for Order to Show Cause Regarding Contempt, filed
33 March 13, 2014.

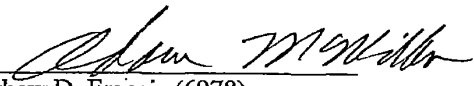
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Affirmation Pursuant to NRS 239B.030

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

DATED: March 13, 2014.

WATSON ROUNDS

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

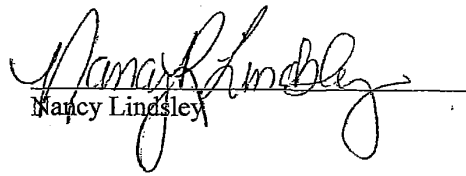
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CERTIFICATE OF SERVICE

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, **REQUEST FOR SUBMISSION**, addressed as follows:

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

Dated: March 13, 2014


Nancy Lindsley

1 Case No.: 09 OC 00579 1B
2 Dept. No.: 1

REC'D & FILED

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ALAN GLOVER
BY  CLERK
DEPUTY

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

9 JED MARGOLIN,
10 Plaintiff,

11 v.

**ORDER DENYING
REQUEST FOR SUBMISSION**

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

24 This matter comes before the Court on Plaintiff's Motion for Order to Show Cause
25 Regarding Contempt filed on February 12, 2014. Defendants filed an Opposition to Motion for
26 Order to Show Cause Regarding Contempt on March 3, 2014. Plaintiff filed a Reply in Support
27 of Motion for Order to Show Cause Regarding Contempt and a Request for Submission on
28 March 13, 2014. However, a Notice of Appeal was filed on March 12, 2014.

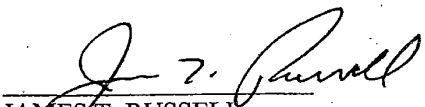
This Court, based on the Notice of Appeal, is divested of jurisdiction to address issues
that are pending before the Nevada Supreme Court. *See Foster v. Dingwall*, 126 Nev. Adv.

1 Opinion , 228 P.3d 453 (2010); *see also Mack-Manley v. Manley*, 122 Nev. 849, 855, 138 P.3d
2 525 (2006).

3 Therefore, good cause appearing,
4 IT IS HEREBY ORDERED that this Court will not consider Plaintiff's Motion for Order
5 to Show Cause Regarding Contempt and will not certify its intent to grant or deny said Motion.

6 **IT IS SO ORDERED.**

7 Dated this 17 day of March, 2014.

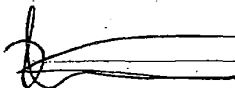
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10 JAMES T. RUSSELL
11 DISTRICT JUDGE
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CERTIFICATE OF MAILING

I hereby certify that on the 17 day of March, 2014, I served a copy of the foregoing by placing the foregoing in the United States Mail, postage prepaid, addressed as follows:

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

Jason D. Woodbury, Esq.
510 West Fourth Street
Carson City, NV 89703



Angela Jeffries
Judicial Assistant, Dept. 1

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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

REC'D & FILED
2014 APR -2 PM 4: 05
ALAN GLOVER
BY *[Signature]* CLERK
DEPUTY

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

JED MARGOLIN, an individual,

Plaintiff,

vs.

**Case No.: 090C00579 1B
Dept. No.: 1**

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

Defendants.

**MOTION FOR WRIT OF
EXECUTION**

Plaintiff Jed Margolin ("Plaintiff"), by and through his attorneys of record, hereby files
the following Motion for Writ of Execution:

POINTS AND AUTHORITIES

On June 24, 2013, the Court entered Default Judgment against Defendants. In the
Default Judgment, the Court entered judgment in favor of Plaintiff against Defendants, jointly
and severally, in the sum of \$1,495,775.74, plus interest at the legal rate, pursuant to NRS
17.130, therein from the date of default until the judgment is satisfied.

1 As such, Plaintiff requests that the Court authorize the Washoe County Sheriff to
2 execute the Judgment through the seizure of Defendants' bank accounts, investment accounts,
3 certificates of deposit, annuities, wages, and real and personal property. Such an order is
4 appropriate here as the Court has denied Defendants' Motion to Set Aside Judgment.
5 Defendants have not obtained a stay of enforcement or posted a bond which would prevent
6 execution of the Judgment.


7 Based on the foregoing and the attached First Memorandum of Post-Judgment Costs
8 and Fees, attached hereto as Exhibit 1, Plaintiff hereby requests that the Court direct the Court
9 Clerk to issue the attached Writs of Execution, attached hereto as Exhibit 2, so that the
10 Washoe County Sheriff and the Clark County Constable may assist Plaintiff in executing the
11 Default Judgment against Defendants.

12 **AFFIRMATION PURSUANT TO NRS 239B.030**

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

15 DATED: April 1, 2014.

WATSON ROUNDS

16 By: 

17 Matthew D. Francis (6978)
18 Adam P. McMillen (10678)
19 WATSON ROUNDS
20 5371 Kietzke Lane
21 Reno, NV 89511
22 Telephone: 775-324-4100
23 Facsimile: 775-333-8171

Attorneys for Plaintiff Jed Margolin

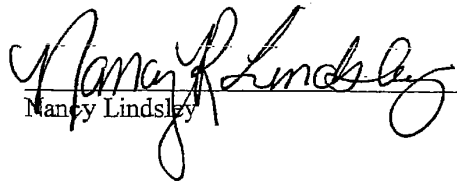
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CERTIFICATE OF SERVICE

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 WRIT OF EXECUTION, addressed as follows:

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

Dated: April 2nd, 2014


Nancy Lindsley

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INDEX OF EXHIBITS

Exhibit No.	Description	Pages
1	First Memorandum of Post-Judgment Costs and Fees	5
2	Writs of Execution (10 original - Washoe County; 2 original Clark County)	37

Exhibit 1

Exhibit 1

1 Matthew D. Francis (6978)
Adam P. McMillen (10678)
2 WATSON ROUNDS
5371 Kietzke Lane
3 Reno, NV 89511
Telephone: 775-324-4100
4 Facsimile: 775-333-8171
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**
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11 JED MARGOLIN, an individual,
12 Plaintiff,
13 vs.
14 OPTIMA TECHNOLOGY CORPORATION,
a California corporation, OPTIMA
15 TECHNOLOGY CORPORATION, a Nevada
16 corporation, REZA ZANDIAN
aka GOLAMREZA ZANDIANJAZI
17 aka GHOLAM REZA ZANDIAN
aka REZA JAZI aka J. REZA JAZI
18 aka G. REZA JAZI aka GHONONREZA
19 ZANDIAN JAZI, an individual, DOE Companies
20 1-10, DOE Corporations 11-20, and DOE
Individuals 21-30,
21 Defendants.

Case No.: 090C00579 1B
Dept. No.: 1

**FIRST MEMORANDUM OF POST-
JUDGMENT COSTS AND FEES**

22
23 Judgment having been entered in the above entitled action on June 24, 2013 against
24 Defendants, jointly and severally, Plaintiff Jed Margolin, by and through his counsel of record,
25 Adam P. McMillen, Esquire of Watson Rounds, P.C., submits Plaintiff's First Memorandum
26 of Post-Judgment Costs and Fees and requests the Clerk tax such costs and fees, as follows:

27 POST-JUDGMENT ATTORNEYS' FEES
28 (JUNE 24, 2013 THROUGH MARCH 26, 2014) \$ 34,787.50

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COSTS (JUNE 24, 2013 THROUGH MARCH 26, 2014):

- Postage/photocopies (in-house) \$ 619.75
 - Fees (filing fees and recording fees) 154.00
 - Research 271.46
 - Witness Fees (Subpoenas) 444.38
 - Process service/courier fees 433.00
- \$ 1,922.59

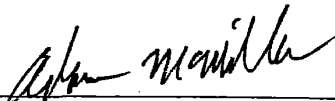
TOTAL: \$ 36,710.09

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: April 2, 2014.

WATSON ROUNDS, P.C.

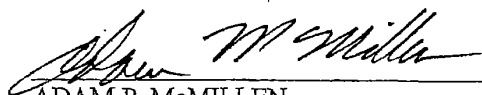
BY: 
Matthew D. Francis (6978)
Adam P. McMillen (10678)
WATSON ROUNDS
5371 Kietzke Lane
Reno, NV 89511
Telephone: 775-324-4100
Facsimile: 775-333-8171
Attorneys for Plaintiff Jed Margolin

DECLARATION OF ADAM P. MCMILLEN

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I, ADAM P. McMILLEN, declare under the penalty of perjury that the foregoing costs and fees are correct and were necessarily incurred in this action and that the services for which fees have been charged were actually and necessarily performed.

DATED: April 2, 2014.


ADAM P. McMILLEN
Attorney 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, **FIRST MEMORANDUM OF POST-JUDGMENT COSTS AND FEES**, addressed as follows:

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

Dated: April 2nd, 2014

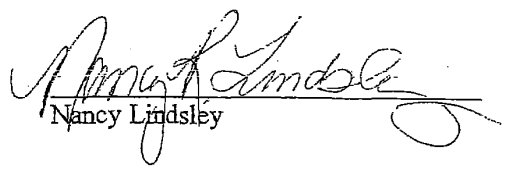

Nancy Lindsley

Exhibit 2

Exhibit 2

1 Matthew D. Francis (6978)
Adam P. McMillen (10678)
2 WATSON ROUNDS
5371 Kietzke Lane
3 Reno, NV 89511
Telephone: 775-324-4100
4 Facsimile: 775-333-8171
Attorneys for Plaintiff Jed Margolin
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8 **In The First Judicial District Court of the State of Nevada**
9 **In and for Carson City**
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ZANDIAN JAZI, an individual, DOE Companies
20 1-10, DOE Corporations 11-20, and DOE
21 Individuals 21-30,

22 Defendants.
23

Case No.: 090C00579 1B

Dept. No.: 1

WRIT OF EXECUTION

24 **THE PEOPLE OF THE STATE OF NEVADA:**

25 To the Sheriff of Washoe County, Greetings:

26 On June 24, 2013, a judgment was entered by the above entitled Court in the above-
27 entitled action in favor of Plaintiff Jed Margolin as Judgment Creditor and against Defendants,
28 jointly and severally as Judgment Debtor for:

1 \$900,000.00 principal,
2 \$83,761.25 attorney's fees
3 \$488,545.89 interest, and
4 \$25,021.96 costs, making a total amount of
5 \$1,495,775.74 (sic) the judgment as entered, and

6 WHEREAS, according to an affidavit or a memorandum of costs after judgment, or
7 both, filed herein, it appears that further sums have accrued since the entry of judgment, to wit:

8 \$34,787.50 attorney's fees,
9 \$59,595.39 accrued interest, and
10 \$1,922.59 accrued costs, together with a \$10.00 fee for the issuance of this writ, making a
11 total of:
12 \$93,315.40 as accrued costs, accrued interest, and fees.

13 Credit must be given for payments and partial satisfactions in the amount of
14 \$0.00 which is to be first credited against the total accrued costs and accrued interest, with any
15 excess credited against the judgment as entered, leaving a net balance of:

16 \$1,592,091.22 actually due on the date of the issuance of this writ of which
17 \$1,592,091.22 bears interest at 5.25% percent per annum, in the amount of \$228.99 per day
18 from the date of judgment to the date of levy, to which must be added the commissions and
19 costs of the officer executing this writ.

20 **NOW, THEREFORE, SHERIFF OF WASHOE COUNTY**, you are hereby
21 commanded to satisfy this judgment with interest and costs as provided by law, out of the
22 prescribed by section 6(a)(1) of the federal Fair Labor Standards Act of 1938, 29 U.S.C.
23 §206(a)(1), and in effect at the time the earnings are payable, whichever is greater, is exempt
24 from any levy of execution pursuant to this writ, and if sufficient personal property cannot be
25 found, then out of the real property belonging to the debtor in the aforesaid county, and make

1 return to this writ within not less than 10 days or more than 60 days endorsed thereon with
2 what you have done.

3 Debtor's real property in Washoe County is described as follows:

4 Washoe County APN: 079-150-09
5 Situs: State Route 447
6 Legal Description: The Northeast ¼ and the South ½ of the Northwest ¼
7 and the South ½ in Section 33, Township 21, Range 23
8 East, M.D.B.&M.

8 DATED: this _____ day of April, 2014.

9 ALAN GLOVER, Clerk

10 By: _____, Deputy

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1 Matthew D. Francis (6978)
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2 WATSON ROUNDS
5371 Kietzke Lane
3 Reno, NV 89511
Telephone: 775-324-4100
4 Facsimile: 775-333-8171
Attorneys for Plaintiff Jed Margolin
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8 **In The First Judicial District Court of the State of Nevada**
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12 JED MARGOLIN, an individual,

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15 OPTIMA TECHNOLOGY CORPORATION,
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Case No.: 090C00579 1B

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6 WHEREAS, according to an affidavit or a memorandum of costs after judgment, or
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19 costs of the officer executing this writ.

20 **NOW, THEREFORE, SHERIFF OF WASHOE COUNTY**, you are hereby
21 commanded to satisfy this judgment with interest and costs as provided by law, out of the
22 prescribed by section 6(a)(1) of the federal Fair Labor Standards Act of 1938, 29 U.S.C.
23 §206(a)(1), and in effect at the time the earnings are payable, whichever is greater, is exempt
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return to this writ within not less than 10 days or more than 60 days endorsed thereon with
what you have done.

Debtor's real property in Washoe County is described as follows:

Washoe County APN: 079-150-10
Situs: State Route 447
Legal Description: Section 31, Township 21 North, Range 23 East,
M.D.B.&M

DATED: this _____ day of April, 2014.

ALAN GLOVER, Clerk

By: _____, Deputy

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

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return to this writ within not less than 10 days or more than 60 days endorsed thereon with what you have done.

Debtor's real property in Washoe County is described as follows:

Washoe County APN: 079-150-13
Situs: State Route 447
Legal Description: The Northeast ¼; South ½ of the Northwest ¼; South ½ of Section 27, Township 21 North, Range 23 East, M.D.B.&M.

DATED: this _____ day of April, 2014.

ALAN GLOVER, Clerk

By: _____, Deputy

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

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8 **In The First Judicial District Court of the State of Nevada**
9 **In and for Carson City**
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return to this writ within not less than 10 days or more than 60 days endorsed thereon with
what you have done.

Debtor's real property in Washoe County is described as follows:

Washoe County APN: 079-150-12
Situs: State Route 447
Legal Description: The Southwest Quarter (SW ¼) of Section 25, Township
21 North, Range 23 East, M.D.M.

DATED: this _____ day of April, 2014.

ALAN GLOVER, Clerk

By: _____, Deputy

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

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8 **In The First Judicial District Court of the State of Nevada**
9 **In and for Carson City**
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12 JED MARGOLIN, an individual,
13 Plaintiff,

14 vs.

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

22 Defendants.
23

Case No.: 090C00579 1B

Dept. No.: 1

WRIT OF EXECUTION

24 **THE PEOPLE OF THE STATE OF NEVADA:**

25 To the Sheriff of Washoe County, Greetings:

26 On June 24, 2013, a judgment was entered by the above entitled Court in the above-
27 entitled action in favor of Plaintiff Jed Margolin as Judgment Creditor and against Defendants,
28 jointly and severally as Judgment Debtor for:

1 \$900,000.00 principal,
2 \$83,761.25 attorney's fees
3 \$488,545.89 interest, and
4 \$25,021.96 costs, making a total amount of
5 \$1,495,775.74 (sic) the judgment as entered, and

6 WHEREAS, according to an affidavit or a memorandum of costs after judgment, or
7 both, filed herein, it appears that further sums have accrued since the entry of judgment, to wit:

8 \$34,787.50 attorney's fees,
9 \$59,595.39 accrued interest, and
10 \$1,922.59 accrued costs, together with a \$10.00 fee for the issuance of this writ, making a
11 total of:
12 \$93,315.40 as accrued costs, accrued interest, and fees.

13 Credit must be given for payments and partial satisfactions in the amount of
14 \$0.00 which is to be first credited against the total accrued costs and accrued interest, with any
15 excess credited against the judgment as entered, leaving a net balance of:

16 \$1,592,091.22 actually due on the date of the issuance of this writ of which
17 \$1,592,091.22 bears interest at 5.25% percent per annum, in the amount of \$228.99 per day
18 from the date of judgment to the date of levy, to which must be added the commissions and
19 costs of the officer executing this writ.

20 **NOW, THEREFORE, SHERIFF OF WASHOE COUNTY**, you are hereby
21 commanded to satisfy this judgment with interest and costs as provided by law, out of the
22 prescribed by section 6(a)(1) of the federal Fair Labor Standards Act of 1938, 29 U.S.C.
23 §206(a)(1), and in effect at the time the earnings are payable, whichever is greater, is exempt
24 from any levy of execution pursuant to this writ, and if sufficient personal property cannot be
25 found, then out of the real property belonging to the debtor in the aforesaid county, and make

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return to this writ within not less than 10 days or more than 60 days endorsed thereon with what you have done.

Debtor's real property in Washoe County is described as follows:

Washoe County APN: 084-040-02
Situs: Pierson Canyon Road
Legal Description: Section 5, Township 20 North, Range 23 East, M.D.B.&M.

DATED: this _____ day of April, 2014.

ALAN GLOVER, Clerk

By: _____, Deputy

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

6
7
8 **In The First Judicial District Court of the State of Nevada**
9 **In and for Carson City**
10

11
12 JED MARGOLIN, an individual,

13 Plaintiff,

14 vs.

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

22 Defendants.
23

Case No.: 090C00579 1B

Dept. No.: 1

WRIT OF EXECUTION

24 **THE PEOPLE OF THE STATE OF NEVADA:**

25 To the Sheriff of Washoe County, Greetings:

26 On June 24, 2013, a judgment was entered by the above entitled Court in the above-
27 entitled action in favor of Plaintiff Jed Margolin as Judgment Creditor and against Defendants,
28 jointly and severally as Judgment Debtor for:

1 \$900,000.00 principal,
2 \$83,761.25 attorney's fees
3 \$488,545.89 interest, and
4 \$25,021.96 costs, making a total amount of
5 \$1,495,775.74 (sic) the judgment as entered, and

6 WHEREAS, according to an affidavit or a memorandum of costs after judgment, or
7 both, filed herein, it appears that further sums have accrued since the entry of judgment, to wit:

8 \$34,787.50 attorney's fees,
9 \$59,595.39 accrued interest, and
10 \$1,922.59 accrued costs, together with a \$10.00 fee for the issuance of this writ, making a
11 total of:
12 \$93,315.40 as accrued costs, accrued interest, and fees.

13 Credit must be given for payments and partial satisfactions in the amount of
14 \$0.00 which is to be first credited against the total accrued costs and accrued interest, with any
15 excess credited against the judgment as entered, leaving a net balance of:
16 \$1,592,091.22 actually due on the date of the issuance of this writ of which
17 \$1,592,091.22 bears interest at 5.25% percent per annum, in the amount of \$228.99 per day
18 from the date of judgment to the date of levy, to which must be added the commissions and
19 costs of the officer executing this writ.

20 **NOW, THEREFORE, SHERIFF OF WASHOE COUNTY**, you are hereby
21 commanded to satisfy this judgment with interest and costs as provided by law, out of the
22 prescribed by section 6(a)(1) of the federal Fair Labor Standards Act of 1938, 29 U.S.C.
23 §206(a)(1), and in effect at the time the earnings are payable, whichever is greater, is exempt
24 from any levy of execution pursuant to this writ, and if sufficient personal property cannot be
25 found, then out of the real property belonging to the debtor in the aforesaid county, and make

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return to this writ within not less than 10 days or more than 60 days endorsed thereon with
what you have done.

Debtor's real property in Washoe County is described as follows:

Washoe County APN: 084-040-04
Situs: E Interstate 80
Legal Description: Section 3, Township 20 North, Range 23 East,
M.D.B.&M.

DATED: this _____ day of April, 2014.

ALAN GLOVER, Clerk

By: _____, Deputy

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

6
7
8 **In The First Judicial District Court of the State of Nevada**
9 **In and for Carson City**
10

11
12 JED MARGOLIN, an individual,
13 Plaintiff,

14 vs.

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

22 Defendants.
23

Case No.: 090C00579 1B
Dept. No.: 1

WRIT OF EXECUTION

24 **THE PEOPLE OF THE STATE OF NEVADA:**

25 To the Sheriff of Washoe County, Greetings:

26 On June 24, 2013, a judgment was entered by the above entitled Court in the above-
27 entitled action in favor of Plaintiff Jed Margolin as Judgment Creditor and against Defendants,
28 jointly and severally as Judgment Debtor for:

1 \$900,000.00 principal,
2 \$83,761.25 attorney's fees
3 \$488,545.89 interest, and
4 \$25,021.96 costs, making a total amount of
5 \$1,495,775.74 (sic) the judgment as entered, and

6 WHEREAS, according to an affidavit or a memorandum of costs after judgment, or
7 both, filed herein, it appears that further sums have accrued since the entry of judgment, to wit:

8 \$34,787.50 attorney's fees,
9 \$59,595.39 accrued interest, and
10 \$1,922.59 accrued costs, together with a \$10.00 fee for the issuance of this writ, making a
11 total of:
12 \$93,315.40 as accrued costs, accrued interest, and fees.

13 Credit must be given for payments and partial satisfactions in the amount of
14 \$0.00 which is to be first credited against the total accrued costs and accrued interest, with any
15 excess credited against the judgment as entered, leaving a net balance of:
16 \$1,592,091.22 actually due on the date of the issuance of this writ of which
17 \$1,592,091.22 bears interest at 5.25% percent per annum, in the amount of \$228.99 per day
18 from the date of judgment to the date of levy, to which must be added the commissions and
19 costs of the officer executing this writ.

20 **NOW, THEREFORE, SHERIFF OF WASHOE COUNTY**, you are hereby
21 commanded to satisfy this judgment with interest and costs as provided by law, out of the
22 prescribed by section 6(a)(1) of the federal Fair Labor Standards Act of 1938, 29 U.S.C.
23 §206(a)(1), and in effect at the time the earnings are payable, whichever is greater, is exempt
24 from any levy of execution pursuant to this writ, and if sufficient personal property cannot be
25 found, then out of the real property belonging to the debtor in the aforesaid county, and make

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return to this writ within not less than 10 days or more than 60 days endorsed thereon with what you have done.

Debtor's real property in Washoe County is described as follows:

Washoe County APN: 084-040-06
Situs: E Interstate 80
Legal Description: Section 1, Township 20 North, Range 23 East, M.D.B.&M.

DATED: this _____ day of April, 2014.

ALAN GLOVER, Clerk

By: _____, Deputy

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

6
7
8 **In The First Judicial District Court of the State of Nevada**
9 **In and for Carson City**
10

11
12 JED MARGOLIN, an individual,

13 Plaintiff,

14 vs.

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

22 Defendants.
23

Case No.: 090C00579 1B

Dept. No.: 1

WRIT OF EXECUTION

24 **THE PEOPLE OF THE STATE OF NEVADA:**

25 To the Sheriff of Washoe County, Greetings:

26 On June 24, 2013, a judgment was entered by the above entitled Court in the above-
27 entitled action in favor of Plaintiff Jed Margolin as Judgment Creditor and against Defendants,
28 jointly and severally as Judgment Debtor for:

1 \$900,000.00 principal,
2 \$83,761.25 attorney's fees
3 \$488,545.89 interest, and
4 \$25,021.96 costs, making a total amount of
5 \$1,495,775.74 (sic) the judgment as entered, and

6 WHEREAS, according to an affidavit or a memorandum of costs after judgment, or
7 both, filed herein, it appears that further sums have accrued since the entry of judgment, to wit:

8 \$34,787.50 attorney's fees,
9 \$59,595.39 accrued interest, and
10 \$1,922.59 accrued costs, together with a \$10.00 fee for the issuance of this writ, making a
11 total of:
12 \$93,315.40 as accrued costs, accrued interest, and fees.

13 Credit must be given for payments and partial satisfactions in the amount of
14 \$0.00 which is to be first credited against the total accrued costs and accrued interest, with any
15 excess credited against the judgment as entered, leaving a net balance of:
16 \$1,592,091.22 actually due on the date of the issuance of this writ of which
17 \$1,592,091.22 bears interest at 5.25% percent per annum, in the amount of \$228.99 per day
18 from the date of judgment to the date of levy, to which must be added the commissions and
19 costs of the officer executing this writ.

20 **NOW, THEREFORE, SHERIFF OF WASHOE COUNTY**, you are hereby
21 commanded to satisfy this judgment with interest and costs as provided by law, out of the
22 prescribed by section 6(a)(1) of the federal Fair Labor Standards Act of 1938, 29 U.S.C.
23 §206(a)(1), and in effect at the time the earnings are payable, whichever is greater, is exempt
24 from any levy of execution pursuant to this writ, and if sufficient personal property cannot be
25 found, then out of the real property belonging to the debtor in the aforesaid county, and make

1 return to this writ within not less than 10 days or more than 60 days endorsed thereon with
2 what you have done.

3 Debtor's real property in Washoe County is described as follows:

4 Washoe County APN: 084-040-10
5 Situs: E Interstate 80
6 Legal Description: The North ½ and the North ½ of the Northwest ¼ of the
7 Southwest ¼ and the Southwest ¼ of the Northwest ¼ of
8 the Southwest ¼ and the North ½ of the Northeast ¼ of
9 the Southwest ¼ and the North ½ of the Northwest ¼ of
10 the Southeast ¼ all in Section 11, Township 20 North,
11 Range 23 East, M.D.B.&M.

12 DATED: this _____ day of April, 2014.

13 ALAN GLOVER, Clerk

14 By: _____, Deputy

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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

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

JED MARGOLIN, an individual,
Plaintiff,

vs.

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

Case No.: 090C00579 1B
Dept. No.: 1

WRIT OF EXECUTION

THE PEOPLE OF THE STATE OF NEVADA:

To the Sheriff of Washoe County, Greetings:

On June 24, 2013, a judgment was entered by the above entitled Court in the above-
entitled action in favor of Plaintiff Jed Margolin as Judgment Creditor and against Defendants,
jointly and severally as Judgment Debtor for:

1 \$900,000.00 principal,
2 \$83,761.25 attorney's fees
3 \$488,545.89 interest, and
4 \$25,021.96 costs, making a total amount of
5 \$1,495,775.74 (sic) the judgment as entered, and

6 WHEREAS, according to an affidavit or a memorandum of costs after judgment, or
7 both, filed herein, it appears that further sums have accrued since the entry of judgment, to wit:

8 \$34,787.50 attorney's fees,
9 \$59,595.39 accrued interest, and
10 \$1,922.59 accrued costs, together with a \$10.00 fee for the issuance of this writ, making a
11 total of:
12 \$93,315.40 as accrued costs, accrued interest, and fees.

13 Credit must be given for payments and partial satisfactions in the amount of
14 \$0.00 which is to be first credited against the total accrued costs and accrued interest, with any
15 excess credited against the judgment as entered, leaving a net balance of:

16 \$1,592,091.22 actually due on the date of the issuance of this writ of which
17 \$1,592,091.22 bears interest at 5.25% percent per annum, in the amount of \$228.99 per day
18 from the date of judgment to the date of levy, to which must be added the commissions and
19 costs of the officer executing this writ.

20 **NOW, THEREFORE, SHERIFF OF WASHOE COUNTY**, you are hereby
21 commanded to satisfy this judgment with interest and costs as provided by law, out of the
22 prescribed by section 6(a)(1) of the federal Fair Labor Standards Act of 1938, 29 U.S.C.
23 §206(a)(1), and in effect at the time the earnings are payable, whichever is greater, is exempt
24 from any levy of execution pursuant to this writ, and if sufficient personal property cannot be
25 found, then out of the real property belonging to the debtor in the aforesaid county, and make

1 return to this writ within not less than 10 days or more than 60 days endorsed thereon with
2 what you have done.

3 Debtor's real property in Washoe County is described as follows:

4 Washoe County APN: 084-130-07
5 Situs: E Interstate 80
6 Legal Description: The Northwest ¼ and the North ½ of the Southwest ¼
7 and the Government Lot 1 in the Southwest ¼ of Section
8 15, Township 20 North, Range 23 East, M.D.B.&M.

8 DATED: this _____ day of April, 2014.

9 ALAN GLOVER, Clerk

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

8 **In The First Judicial District Court of the State of Nevada**
9 **In and for Carson City**
10

11
12 JED MARGOLIN, an individual,

13 Plaintiff,

14 vs.

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

22 Defendants.
23

Case No.: 090C00579 1B

Dept. No.: 1

WRIT OF EXECUTION

24 **THE PEOPLE OF THE STATE OF NEVADA:**

25 To the Sheriff of Washoe County, Greetings:

26 On June 24, 2013, a judgment was entered by the above entitled Court in the above-
27 entitled action in favor of Plaintiff Jed Margolin as Judgment Creditor and against Defendants,
28 jointly and severally as Judgment Debtor for:

1 \$900,000.00 principal,
2 \$83,761.25 attorney's fees
3 \$488,545.89 interest, and
4 \$25,021.96 costs, making a total amount of
5 \$1,495,775.74 (sic) the judgment as entered, and

6 WHEREAS, according to an affidavit or a memorandum of costs after judgment, or
7 both, filed herein, it appears that further sums have accrued since the entry of judgment, to wit:

8 \$34,787.50 attorney's fees,
9 \$59,595.39 accrued interest, and
10 \$1,922.59 accrued costs, together with a \$10.00 fee for the issuance of this writ, making a
11 total of:
12 \$93,315.40 as accrued costs, accrued interest, and fees.

13 Credit must be given for payments and partial satisfactions in the amount of
14 \$0.00 which is to be first credited against the total accrued costs and accrued interest, with any
15 excess credited against the judgment as entered, leaving a net balance of:
16 \$1,592,091.22 actually due on the date of the issuance of this writ of which
17 \$1,592,091.22 bears interest at 5.25% percent per annum, in the amount of \$228.99 per day
18 from the date of judgment to the date of levy, to which must be added the commissions and
19 costs of the officer executing this writ.

20 **NOW, THEREFORE, SHERIFF OF WASHOE COUNTY**, you are hereby
21 commanded to satisfy this judgment with interest and costs as provided by law, out of the
22 prescribed by section 6(a)(1) of the federal Fair Labor Standards Act of 1938, 29 U.S.C.
23 §206(a)(1), and in effect at the time the earnings are payable, whichever is greater, is exempt
24 from any levy of execution pursuant to this writ, and if sufficient personal property cannot be
25 found, then out of the real property belonging to the debtor in the aforesaid county, and make
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1 return to this writ within not less than 10 days or more than 60 days endorsed thereon with
2 what you have done.

3 Debtor's real property in Washoe County is described as follows:

4 Washoe County APN: 084-140-17
5 Situs: E Interstate 80
6 Legal Description: The Northeast ¼ of Section 15, Township 20 North,
7 Range 23 East, M.D.B.&M.

8 DATED: this _____ day of April, 2014.

9 ALAN GLOVER, Clerk

10 By: _____, Deputy

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

6
7
8 **In The First Judicial District Court of the State of Nevada**
9 **In and for Carson City**
10

11
12 JED MARGOLIN, an individual,
13 Plaintiff,

14 vs.

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

22 Defendants.
23

Case No.: 090C00579 1B

Dept. No.: 1

WRIT OF EXECUTION

24 **THE PEOPLE OF THE STATE OF NEVADA:**

25 To the Constable of Clark County, Greetings:

26 On June 24, 2013, a judgment was entered by the above entitled Court in the above-
27 entitled action in favor of Plaintiff Jed Margolin as Judgment Creditor and against Defendants,
28 jointly and severally as Judgment Debtor for:

1 \$900,000.00 principal,
2 \$83,761.25 attorney's fees
3 \$488,545.89 interest, and
4 \$25,021.96 costs, making a total amount of
5 \$1,495,775.74 (sic) the judgment as entered, and

6 WHEREAS, according to an affidavit or a memorandum of costs after judgment, or
7 both, filed herein, it appears that further sums have accrued since the entry of judgment, to wit:

8 \$34,787.50 attorney's fees,
9 \$59,595.39 accrued interest, and
10 \$1,922.59 accrued costs, together with a \$10.00 fee for the issuance of this writ, making a
11 total of:
12 \$93,315.40 as accrued costs, accrued interest, and fees.

13 Credit must be given for payments and partial satisfactions in the amount of
14 \$0.00 which is to be first credited against the total accrued costs and accrued interest, with any
15 excess credited against the judgment as entered, leaving a net balance of:
16 \$1,592,091.22 actually due on the date of the issuance of this writ of which
17 \$1,592,091.22 bears interest at 5.25% percent per annum, in the amount of \$228.99 per day
18 from the date of judgment to the date of levy, to which must be added the commissions and
19 costs of the officer executing this writ.

20 **NOW, THEREFORE, CONSTABLE OF CLARK**, you are hereby commanded to
21 satisfy this judgment with interest and costs as provided by law, out of the prescribed by
22 section 6(a)(1) of the federal Fair Labor Standards Act of 1938, 29 U.S.C. §206(a)(1), and in
23 effect at the time the earnings are payable, whichever is greater, is exempt from any levy of
24 execution pursuant to this writ, and if sufficient personal property cannot be found, then out of
25

1 the real property belonging to the debtor in the aforesaid county, and make return to this writ
2 within not less than 10 days or more than 60 days endorsed thereon with what you have done.

3 Debtor's real property in Washoe County is described as follows:

4 Clark County APN: 071-02-000-005
5 Situs: Moapa Valley
6 Legal Description: PT NE4 NE4 SEC 02 16 68
7 Section 02, Township 16, Range 68

8 DATED: this _____ day of April, 2014.

9 ALAN GLOVER, Clerk

10 By: _____, Deputy

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

6
7
8 **In The First Judicial District Court of the State of Nevada**
9 **In and for Carson City**
10

11
12 JED MARGOLIN, an individual,

13 Plaintiff,

14 vs.

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

22 Defendants.
23

Case No.: 090C00579 1B

Dept. No.: 1

WRIT OF EXECUTION

24 **THE PEOPLE OF THE STATE OF NEVADA:**

25 To the Constable of Clark County, Greetings:

26 On June 24, 2013, a judgment was entered by the above entitled Court in the above-
27 entitled action in favor of Plaintiff Jed Margolin as Judgment Creditor and against Defendants,
28 jointly and severally as Judgment Debtor for:

1 \$900,000.00 principal,
2 \$83,761.25 attorney's fees
3 \$488,545.89 interest, and
4 \$25,021.96 costs, making a total amount of
5 \$1,495,775.74 (sic) the judgment as entered, and

6 WHEREAS, according to an affidavit or a memorandum of costs after judgment, or
7 both, filed herein, it appears that further sums have accrued since the entry of judgment, to wit:

8 \$34,787.50 attorney's fees,
9 \$59,595.39 accrued interest, and
10 \$1,922.59 accrued costs, together with a \$10.00 fee for the issuance of this writ, making a
11 total of:
12 \$93,315.40 as accrued costs, accrued interest, and fees.

13 Credit must be given for payments and partial satisfactions in the amount of
14 \$0.00 which is to be first credited against the total accrued costs and accrued interest, with any
15 excess credited against the judgment as entered, leaving a net balance of:
16 \$1,592,091.22 actually due on the date of the issuance of this writ of which
17 \$1,592,091.22 bears interest at 5.25% percent per annum, in the amount of \$228.99 per day
18 from the date of judgment to the date of levy, to which must be added the commissions and
19 costs of the officer executing this writ.

20 **NOW, THEREFORE, CONSTABLE OF CLARK**, you are hereby commanded to
21 satisfy this judgment with interest and costs as provided by law, out of the prescribed by
22 section 6(a)(1) of the federal Fair Labor Standards Act of 1938, 29 U.S.C. §206(a)(1), and in
23 effect at the time the earnings are payable, whichever is greater, is exempt from any levy of
24 execution pursuant to this writ, and if sufficient personal property cannot be found, then out of
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the real property belonging to the debtor in the aforesaid county, and make return to this writ within not less than 10 days or more than 60 days endorsed thereon with what you have done.

Debtor's real property in Washoe County is described as follows:

Clark County APN: 071-02-000-013
Situs: Moapa Valley
Legal Description: PT SE4 NE4 SEC 02 16 68
Section 02, Township 16, Range 68

DATED: this _____ day of April, 2014.

ALAN GLOVER, Clerk

By: _____, Deputy