

Case No.:09 OC 00279
Dept. No.: 1

THE O'MARA LAW FIRM, P.C.
David C. O'Mara, Esq., (NV Bar 8599)
311 E. Liberty Street
Reno, Nevada 89501
775.323.1321
david@omaralaw.net

Counsel for Defendant

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

JED MARGOLION, an individual,

Plaintiff ,

v.

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

Defendants .

**DECLARATION OF DAVID O'MARA,
ESQ. IN SUPPORT OF THE MOTION TO
QUASH ARREST WARRANT**

DECLARATION OF DAVID C. O'MARA ESQ.

DAVID C. O'MARA, declares as follows:

1. I am the sole practitioner of The O'Mara Law Firm, P.C. and my firm's office is
located in Reno, Nevada.

1 2. I am an attorney admitted to practice before all courts in the State of Nevada and
2 have personal knowledge of the facts and circumstances set forth herein.

3 3. I am seeking on behalf of Defendant an order shortening time to respond to this
4 motion to quash arrest warrant.

5 4. On April 1, 2025, I was contacted by my client to represent him on the pending
6 warrant for his arrest that was filed in this matter. Client was recently restrained at the Maple
7 River Detention Center in Riverside, California, pursuant to the Court's Arrest Warrant and
8 Amended Arrest Warrant.

9 5. On April 2, 2025, Declarant traveled to Carson City to review the above-referenced
10 case file and to obtain various documents relevant to this case. Declarant reviewed the documents
11 from the date of the motion to compel a judgment debtor, until the last filed document. Declarant
12 obtained copies of the Motion for Order to Show Cause Regarding Contempt and Ex Parte Motion
13 for Order Shortening Time. Declarant did not see within the file any Affidavit in support of the
14 Motion for Order to Show Cause Regarding Contempt. A true and correct copy of the Motion for
15 Order to Show Cause that was obtained from the Court Clerk is attached as Exhibit 1 of this
16 Declaration.

17 6. Declarant further obtained a copy of the Court's docket showing all documents filed
18 in this case. There is no entry of an Affidavit in support of the motion for order to show cause
19 regarding contempt filed around the date of the motion, January 14, 2016, entered on the docket.

20 7. Declarant further requested a copy of the Affidavit from opposing counsel, but
21 because of the timing of the request, counsel would likely not be able to obtain the document, if
22 one exists.

23 8. A true and correct copy of the Court's Order Holding Defendant in Contempt of
24 Court is attached as Exhibit 1 of this Declaration.

25 9. A true and correct copy of the Court's Amended Arrest Warrant is attached as
26 Exhibit 3 of this Declaration.

27 10. Defendant in this matter is currently being held in at the Maple River Correctional
28 Center in Riverside California and the time he spends in the facility may exceed the 25 days

1 allowed for incarceration under Nevada Law. More importantly, Defendant believes that the
2 Arrest Warrant was improper and in violation of his constitutional rights.

3 Pursuant to NRS 53.045, I declare under penalty of perjury under the laws of the State of
4 Nevada that the foregoing is true and correct.

5
6 DATED: April 4, 2025

Respectfully submitted,
THE O'MARA LAW FIRM, P.C.


7
8 DAVID C. O'MARA, ESQ.

311 E. Liberty Street

Reno, Nevada 89501

Tel.: 775.323.1321

Fax: 775.323.4082

david@omaralaw.net

Counsel for Plaintiffs

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that I am an employee of The O'Mara Law Firm, P.C., 311 E. Liberty
3 Street, Reno, Nevada 89501, and on this date I served a true and correct copy of the foregoing
4 document on all parties to this action by:

5 X Depositing in a sealed envelope placed for collection and mailing in the
6 United States Mail, at Reno, Nevada, following ordinary business practices

7 Personal Delivery

8 Facsimile

9 Federal Express or other overnight delivery

10 Messenger Service

11 Certified Mail with Return Receipt Requested

12 Electronically through the Court's ECF system

13 X Email

14
15 addressed as follows:

16
17 Frank C. Gilmore, Esq.
18 The Gilmore Law Group, PLLC
19 3715 Lakeside Drive
20 Reno, NV 89509
21 frank@gilmoregroupnv.com

Amy N. Tirre, Esq.
Law Offices of Amy N. Tirre, APC
3715 Lakeside Drive
Reno, NV 89509
amy@amytirrelaw.com

22 DATED: April 4, 2025.

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VALERIE WEIS

EXHIBIT 1

EXHIBIT 1

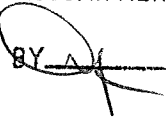
1 Adam McMillen
amcmillen@bhfs.com
2 BROWNSTEIN HYATT FARBER SCHRECK, LLP
5371 Kietzke Lane
3 Reno, NV 89511
Telephone: 775.324.4100
4 Facsimile: 775.333.8171

5 Attorneys for Plaintiff
JED MARGOLIN
6
7

REC'D & FILED

2016 JAN 14 AM 11:00

SUSAN MERRIWETHER
CLERK

BY  DEPUTY

8 IN THE FIRST JUDICIAL COURT OF THE STATE OF NEVADA
9 IN AND FOR CARSON CITY
10

11 JED MARGOLIN, an individual,
12
13 Plaintiff,

14 vs.

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

Defendants.

Case No.: 090C00579 1B

Dept. No.: 1

**MOTION FOR ORDER TO SHOW CAUSE
REGARDING CONTEMPT
AND EX PARTE MOTION FOR
ORDER SHORTENING TIME**

22 Plaintiff Jed Margolin requests this Court issue an Order requiring Reza Zandian
23 ("Zandian") to show cause why he should not be held in contempt of court for having violated the
24 Court's November 6, 2015 Order Granting Plaintiff's Motion for Debtor Examination and to
25 Produce Documents. In that Order, Zandian was ordered to produce to Plaintiff's counsel on or
26 before December 21, 2015, certain documents related to Zandian's financial affairs. No such
27 documents have been produced.
28

On January 7, 2016, this Court issued an Amended Order Granting Motion to Withdraw as Counsel. In pertinent part, that Order requires Zandian to comply with the November 6, 2015 Order “as to appearing at a Judgment Debtor’s Examination at a specific location chosen by Plaintiff” in February 2016 and that Zandian’s failure to comply with the January 7, 2016 Order will result in the Court issuing an Order to Show Cause as to why Zandian should not be held in contempt. The January 7, 2016 Order did not address the document production of the November 6, 2015 Order, presumably because the December 21, 2015 deadline had already passed. Nevertheless, the documents have not been produced and without the documents the debtor’s examination will be less effective.

In addition, the Nevada Supreme Court recently stated in its January 7, 2016 Order to Show Cause that “[n]o statute or court rule provides for an appeal from an order directing a debtor’s examination or to produce documents.” See Exhibit 1. As Zandian has not provided any justification for failing to produce the documents, Plaintiff requests Zandian be ordered to show cause as to why he should not be held in contempt of court.

NRS 1.210(3) states that “[t]he Court has the power to compel obedience to its orders.” NRS 22.010(3) provides that the “refusal to abide by a lawful order issued by the Court is contempt.” See also Matter of Water Rights of Humboldt River, 118 Nev. 901, 907, 59 P.3d 1226, 1229–30 (2002) (noting that the district court generally has particular knowledge of whether contemptible conduct occurred and thus its decisions regarding contempt are given deference). “Courts have inherent power to enforce their decrees through civil contempt proceedings, and this power cannot be abridged by statute.” In re Determination of Relative Rights of Claimants & Appropriators of Waters of Humboldt River Stream Sys. & Tributaries, 118 Nev. 901, 909, 59 P.3d 1226, 1231 (2002) (citing Noble v. Noble, 86 Nev. 459, 463, 470

1 P.2d 430, 432 (1970). “A civil contempt order may be used to compensate the contemnor’s
2 adversary for costs incurred because of the contempt.” Id. (citing State, Dep’t Indus. Rel. v.
3 Albanese, 112 Nev. 851, 856, 919 P.2d 1067, 1070–71 (1996)).

4 “[D]istrict judges are afforded broad discretion in imposing sanctions” and the Nevada
5 Supreme Court “will not reverse the particular sanctions imposed absent a showing of abuse of
6 discretion.” State, Dep’t of Indus. Relations, Div. of Indus. Ins. Regulation v. Albanese, 112 Nev.
7 851, 856, 919 P.2d 1067, 1070 (1996) (citing Young v. Johnny Ribeiro Building, 106 Nev. 88,
8 92, 787 P.2d 777, 779 (1990)).

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

21
22 Here, it is undisputed Zandian violated this Court’s November 6, 2015 Order by failing to
23 produce the documents by December 21, 2015. There is no justification for Zandian’s failure.
24 The full damages to Plaintiff from Zandian’s conduct and contempt for this Court cannot be
25 measured.
26

Therefore, Plaintiff respectfully requests this Court issue an order to show cause as to why Zandian should not be held in contempt and that Zandian be ordered to produce the documents by a date certain. Plaintiff further requests the Court hold Zandian in contempt and award an appropriate compensatory sanction, both to coerce Zandian's compliance with the production Order as well as to compensate Plaintiff for his damages, including his attorney fees and costs associated with bringing the subject motion for debtor's examination and this motion for order to show cause regarding contempt. If the Court deems such an award of attorney fees and costs is warranted, Plaintiff will file a subsequent affidavit and cost memorandum.

Pursuant to FJDCR 9(3), Plaintiff also requests this motion be decided on an order shortening time. This is requested as the debtor's examination has been duly ordered to occur in February of this year. It is hoped that this motion and any resulting order will secure Zandian's production of the requested documents. To this end, Plaintiff requests that any opposition to this motion be filed by Zandian on or before January 22, 2016, and that Plaintiff's reply be filed by January 26, 2016, in order for the Court to render a decision prior to the debtor's examination in February of 2016. Plaintiff also requests that Zandian be ordered to produce the documents at issue to Plaintiff's counsel on or before January 22, 2016.

Accordingly, Plaintiff respectfully requests that this Court issue an order to show cause as to why Zandian should not be held in contempt for his failure to produce documents pursuant to this Court's November 6, 2015 Order and that Zandian must produce the documents to Plaintiff's counsel by no later than January 22, 2016. Plaintiff also requests that an Order shortening time be issued requiring any opposition to this motion be filed on or before January 22, 2016 and that any reply be submitted on or before January 26, 2016.

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 January, 2016.

BROWNSTEIN HYATT FARBER SCHRECK, LLP

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

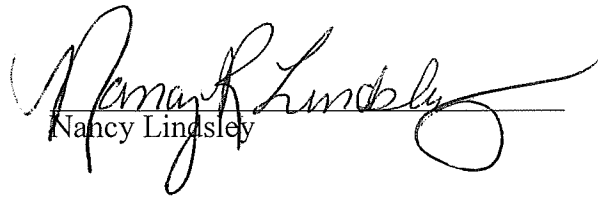
CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of Brownstein Hyatt Farber Schreck, 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 ORDER TO SHOW CAUSE REGARDING CONTEMPT AND EX PARTE MOTION FOR ORDER SHORTENING TIME, addressed as follows:

Reza Zandian
c/o Alborz Zandian
9 MacArthur Place, Unit 2105
Santa Ana, CA 92707-6753

Severin A. Carlson
Tara C. Zimmerman
Kaempfer Crowell
50 West Liberty Street, Suite 700
Reno, Nevada 89501

Dated: January 13, 2016


Nancy Lindsley

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EXHIBIT LIST

EXHIBIT NO. **DESCRIPTION** **PAGE(S)**

1 ORDER TO SHOW CAUSE 3

Exhibit 1

Exhibit 1

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.

No. 69372

FILED

JAN 07 2016

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

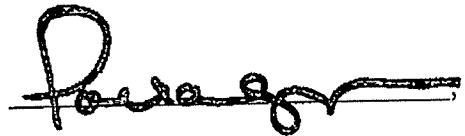
ORDER TO SHOW CAUSE

This is an appeal from an order granting a motion requiring appellant to appear for a debtor's examination and to produce documents. Our preliminary review of the docketing statement and the documents submitted to this court pursuant to NRAP 3(g) reveals a potential jurisdictional defect. Specifically, it appears that the judgment or order designated in the notice of appeal is not substantively appealable. See NRAP 3A(b). This court has jurisdiction to consider an appeal only when the appeal is authorized by statute or court rule. *Taylor Constr. Co. v. Hilton Hotels*, 100 Nev. 207, 678 P.2d 1152 (1984). No statute or court rule provides for an appeal from an order directing a debtor's examination or to produce documents. See e.g., *Wardleigh v. Second Judicial Dist. Court In & For Cty. of Washoe*, 111 Nev. 345, 351, 891 P.2d 1180, 1184 (1995) (a writ of prohibition will issue to prevent discovery required by court order entered in excess of the court's jurisdiction). In addition, the order does not appear to be appealable as a special order after final judgment because it does not modify the rights or liabilities of the parties arising from the final judgment, but instead merely enforces the district

court's prior orders. See NRAP 3A(b)(2); *Wilkinson v. Wilkinson*, 73 Nev. 143, 311 P.2d 735 (1957).

Accordingly, appellant shall have 30 days from the date of this order within which to show cause why this appeal should not be dismissed for lack of jurisdiction. In responding to this order, appellant should submit any documentation that may establish this court's jurisdiction. We caution appellant that failure to demonstrate that this court has jurisdiction may result in this court's dismissal of this appeal. The preparation of transcripts and the briefing schedule in this appeal shall be suspended pending further order of this court. Respondent may file any reply within ten days from the date that appellant's response is served.

It is so ORDERED.¹

 C.J.

cc: Kaempfer Crowell/Reno
Kaempfer Crowell/Carson City
Brownstein Hyatt Farber Schreck, LLP/Reno

¹We defer ruling on appellant's counsel's motion to withdraw as counsel pending resolution of this jurisdictional question.

EXHIBIT 2

EXHIBIT 2

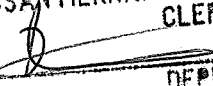
Case No.: 09 OC 00279 1B

Dept. No.: 1

REC'D & FILED

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SUSAN MERRIWETHER
CLERK

BY  DEPUTY

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

JED MARGOLIN, an individual

Plaintiff,

v.

OPTIMA TECHNOLOGY CORPORATION,
A California corporation, OPTIMA
TEECHNOLOGY CORPORATION, a Nevada,
Corporation, REZA ZANDIAN aka
GOLEMREZA ZANDIANJAZI aka
GHOLEM 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,
Defendant.

**ORDER HOLDING DEFENDANT IN
CONTEMPT OF COURT**

This matter is before this Court pursuant to Plaintiff's Motion to Show Cause Regarding Contempt and Ex Parte Motion For Order Shortening Time filed on January 14, 2016. Thereafter, this Court issued an Order to Show Cause on January 22, 2016. A hearing was held on the matter on February 3, 2016. Present on behalf of Plaintiff was Adam McMillen, Esq. Defendant failed to appear.

Based on Defendant's failure to comply with this Court's Order and additionally failing to appear before this Court, Defendant is in contempt of this Court pursuant to NRS 22.010.

1 Therefore, based on the foregoing and good cause appearing,

2 IT IS HEREBY ORDERED that Defendant shall be held in contempt of Court, a bench
3 warrant shall be issued, and the Plaintiff is duly awarded his attorney fees incurred as a result of
4 the contempt.

5 IT IS SO ORDERED.

6 Dated this 31 day of February, 2016.

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9 JAMES T. RUSSELL
DISTRICT JUDGE
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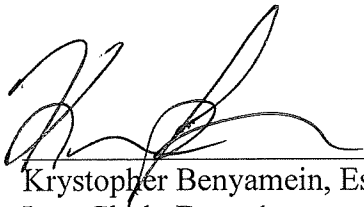
CERTIFICATE OF MAILING

I hereby certify that on the 4th day of February 2016, I served a copy of the foregoing by placing the foregoing in the United States Mail, postage prepaid, addressed as follows:

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

Reza Zandian
c/o Alborz Zandian
9 MacArthur Place, Unit 2105
Santa Ana, CA 92707-6753

Severin Carlson, Esq.
Tara Zimmerman, Esq.
510 West Fourth Street
Carson City, NV 89703
(courtesy copy only)



Krystopher Benyamein, Esq.
Law Clerk, Dept. 1

EXHIBIT 3

EXHIBIT 3

REC'D & FILED

2019 JUN -7 AM 10:57

AUBREY ROWLATT
CLERK

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

JED MARGOLIN, an individual,
Plaintiff,
vs.

Case No.: 09 OC 00579 1B

Dept. No.: I

**AMENDED
WARRANT OF ARREST**

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, inclusive,
Defendant.

TO THE SHERIFF OF CARSON CITY, NEVADA:

An Order adjudging Defendant in contempt of court and Order Issuing of Arrest Warrant having
been heretofore entered by the Judge of the above-entitled Court.

NOW, THEREFORE, by virtue of this Warrant of Arrest, you are hereby commanded to arrest
the above-named Defendant, and bring him before this Court, pursuant to NRS 22.010; 22.040; 22.050
and 22.100.

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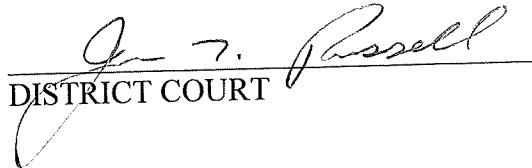
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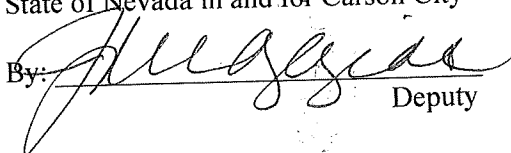
///

1 That the said Defendant, REZA ZANDIAN aka GOLAMREZA ZANDIANJAZI aka GHOLAM
2 REZA ZANDIAN aka REZA JAZI aka J. REZA JAZI aka G. REZA JAZI aka GHONONREZA
3 ZANDIAN JAZI may be released pending a hearing or by the posting of bail, cash only, in the sum of
4 \$100,000.00. Extradition Nevada/California only.

5 WITNESS my hand this 6th day of June, 2019, and I direct that this Warrant may be served at
6 any hour of the day or night.

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8 
DISTRICT COURT

9 ATTEST: AUBREY ROWLATT
10 Clerk of the First Judicial District Court of the
11 State of Nevada in and for Carson City

12 By: 
13 Deputy
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