

Case No.:09 OC 00279-
Dept. No.: 1 579

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

REC'D & FILED
MAY - 1 2025

Date

WILLIAM SCOTT HOEN
CLERK

By  Deputy

**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 .

**ORDER GRANTING MOTION TO QUASH
AMENDED ARREST WARRANT**

This matter, having come before this Court on Thursday, May 1, 2025, on Defendant, Reza Zandian, aka Gholam Reza Zandian, aka Reza Jazi, aka J. Reza Jazi, aka G. Reza Jazi, aka Chononreza Zandian Jazi, ("Defendant") Motion to Quash the Amended Arrest Warrant on April 4, 2025. Defendant was present in Court with his attorney, David C. O'Mara, Esq., of The O'Mara

1 Law Firm, P.C. Defendant was in custody at the Carson City jail. Neither Plaintiff, nor his attorney
2 were present in Court, nor did Plaintiff file an opposition to the pending motion.

3 This Court, having reviewed the pleadings and filings of this case, heard argument from
4 Defendant's counsel, and thus finds and orders as follows:

5 1. On January 14, 2016, Plaintiff filed a motion for order to show cause regarding
6 contempt and ex parte motion for order shortening time. The Plaintiff sought to hold Defendant
7 in contempt of court for failing to produce documents related to Defendants. While the Court found
8 Plaintiff in contempt, Plaintiff's motion did not include an affidavit required under NRS 22.030(2).

9 2. The law is clear in Nevada that before a court can assume jurisdiction to hold a
10 person in contempt, an affidavit must be filed. *See Steeves v. District Court*, 59 Nev. 405, 413, 94
11 P.2d 1093, 1095–96 (1939). In *Awad v. Wright*, 106 Nev. 407, 794 P.3d 713 the Nevada Supreme
12 Court specifically stated that, because the party “did not file an affidavit with the order to show
13 cause, the district court did not have jurisdiction to hold Awad in contempt of court.” *See Awad v.*
14 *Wright*, 106 Nev. 407, 794 P.3d 713, *see also Pengilly v. Rancho Sante Fee Homeowners Ass’n*,
15 116 Nev. 646, 650, 5 P.3d 569 (“A writ of prohibition is available where the district court clearly
16 exceeded its jurisdiction—for example, when a finding of indirect contempt is not based upon a
17 proper affidavit.”)

18 3. An order is void ab initio if entered by a court in the absence of jurisdiction of the
19 subject matter or over the parties, if the character of the order is such that the court had no power
20 to render it, or if the mode of procedure used by the court was one that the court could “not lawfully
21 adopt.” *Dekker/Perich/Sabatini Ltd. v. Eighth Judicial District Court in and for County of Clark*,
22 137 Nev. 525, 495 P.3d. 519 (2021) citing, *Singh v. Mooney*, 261 Va. 48, 541 S.E.2d 549, 551
23 (2001). An order that is “void ab initio” is “[n]ull from the beginning” and cannot be validly
24 further acted upon. *Id. see also, Void ab Initio, Black's Law Dictionary* (11th ed.
25 2019); *see Washoe Med. Ctr. v. Second Judicial Dist. Court*, 122 Nev. 1298, 1304, 148 P.3d 790,
26 794 (2006)

27 4. District Court Rule 13(2) provides that “[f]ailure of the opposing party to serve and
28 file a written opposition may be construed as an admission that the motion is meritorious and a

1 consent to granting the same.” The motion was file and served on Plaintiff on April 4, 2025, via
2 U.S. Mail and email to the respective attorneys for Plaintiff. The time for which Plaintiff had to
3 oppose the pending motion was Monday, April 21, 2025. The Court record shows no filing on
4 this matter as of May 1, 2025. Counsel for Defendant provided email correspondence from
5 Plaintiff’s counsel stating that they will not be filing an opposition, nor will counsel, or their client
6 be attending the hearing.

7 5. Based upon the evidence in this case, DCR 13(2) and NRS 22.030, this Court must
8 GRANT Defendant’s motion to quash the amended arrest warrant.

9 **IT IS THEREFORE ORDERED** that the amended arrest warrant is *void ab initio* and
10 thus, null and void. Defendant shall be released from the Carson City jail immediately.

11 DATED: May 1, 2025.

12
13 
14 _____
15 DISTRICT COURT JUDGE
16
17
18
19
20
21
22
23
24
25
26
27
28

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that the undersigned served a true and correct copy of the foregoing
3 document on all parties to this action, and the date prescribed, by:

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

6 _____ Personal Delivery

7 _____ Facsimile

8 _____ Federal Express or other overnight delivery

9 _____ Messenger Service

10 _____ Certified Mail with Return Receipt Requested

11 _____ Electronically through the Court's ECF system

12 _____ Email

13
14 addressed as follows:

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

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

20 DATED: May 1, 2025

21 _____
22
23
24
25
26
27
28