

1 Case No.: 09 OC 00579 1B

2 Dept. No.: I

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ALAN GLOVER
BY *Alan Glover*
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6 **IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
7 **IN AND FOR CARSON CITY**

8 JED MARGOLIN, an individual,

9
10 Plaintiff,

11 vs.

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

23 Defendants.

24
25
26 **COMPLAINT**

(Exemption From Arbitration Requested)

27 Plaintiff, JED MARGOLIN ("Mr. Margolin"), by and through his counsel of record,
28 WATSON ROUNDS, and for his Complaint against Defendants, hereby alleges and complains
as follows:

The Parties

1. Plaintiff Mr. Margolin is an individual residing in Storey County, Nevada.
2. On information and belief, Defendant Optima Technology Corporation is a

WFZ2257

1 California corporation with its principal place of business in Irvine, California.

2 3. On information and belief, Defendant Optima Technology Corporation is a
3 Nevada corporation with its principal place of business in Las Vegas, Nevada.

4 4. On information and belief, Defendant Reza Zandian, aka Golamreza Zandianjazi,
5 aka Golamreza Zandianjazi, aka Gholam Reza Zandian, aka Reza Jazi, aka J. Reza Jazi, aka G.
6 Reza Jazi, aka Ghononreza Zandian Jazi (collectively "Zandian"), is an individual who at all
7 relevant times resided in San Diego, California or Las Vegas, Nevada.

8 5. On information and belief, Defendant Optima Technology Corporation, the
9 Nevada corporation ("OTC—Nevada") is a wholly owned subsidiary of Optima Technology
10 Corporation, the California corporation ("OTC—California"), and Defendant Zandian at all
11 relevant times served as officers of the OTC—California and OTC—Nevada.

12 6. Mr. Margolin believes, and therefore alleges, that at all times herein mentioned,
13 each of the Defendants was the agent, servant or employee of each of the other Defendant and at
14 all times was acting within the course and scope of said agency and/or employment and that each
15 Defendant is liable to Mr. Margolin for the reasons and the facts herein alleged. Relief is sought
16 herein against each and all of the Defendants jointly and severally, as well as its or their agents,
17 assistants, successors, employees and all persons acting in concert or cooperation with them or at
18 their direction. Mr. Margolin will amend his Complaint when such additional persons acting in
19 concert or cooperation are ascertained.

20
21
22 **Jurisdiction and Venue**

23
24 7. Pursuant to the Nevada Constitution, Article 6, Section 6, the district courts of the
25 State of Nevada have original jurisdiction in all cases excluded by law from the original
26 jurisdiction of the justice courts. This case involves tort claims in an amount in excess of the
27 jurisdictional limitation of the justice courts and, accordingly, jurisdiction is proper in the district
28 court.

1 16. Upon discovery of the fraudulent filing, Mr. Margolin: (a) filed a report with the
2 Storey County Sheriff's Department; (b) took action to regain record title to the '488 and '436
3 Patents that he legally owned; and (c) assisted OTG in regaining record title of the '073 and '724
4 Patents that it legally owned and upon which it contracted with Mr. Margolin for royalties.

5 17. Soon thereafter, Mr. Margolin and OTG were named as defendants in an action
6 for declaratory relief regarding non-infringement of the '073 and '724 Patents in the United
7 States District Court for the District of Arizona, in a case titled: *Universal Avionics Systems*
8 *Corporation v. Optima Technology Group, Inc.*, No. CV 07-588-TUC-RCC (the "Arizona
9 Action"). In the Arizona Action, Mr. Margolin and OTG filed a cross-claim for declaratory
10 relief against Zandian in order to obtain legal title to their respective patents.
11

12 18. On August 18, 2008, the United States District Court for the District of Arizona
13 entered a final judgment in favor of Mr. Margolin and OTG on their declaratory relief action, and
14 ordered that OTC had no interest in the '073 or '724 Patents, and that the assignment documents
15 filed with the USPTO were "forged, invalid, void, of no force and effect." Attached as Exhibit A
16 is a copy of the Order from the United States District Court in the Arizona Action.
17

18 19. Due to Defendants' fraudulent acts, title to the Patents was clouded and interfered
19 with Plaintiff's and OTG's ability to license the Patents.

20 20. During the period of time Mr. Margolin worked to correct record title of the
21 Patents in the Arizona Action and with the USPTO, he incurred significant litigation and other
22 costs associated with those efforts.
23

24 **Claim 1--Conversion**
 (Against All Defendants)

25 21. Paragraphs 1-20 of the Complaint set forth above are incorporated herein by
26 reference.

27 22. Through the fraudulent acts described above, Defendants wrongfully exerted
28 dominion over the Patents, thereby depriving Mr. Margolin of the use of such property.

1
2 WHEREFORE, Plaintiff Jed Margolin, prays for judgment against the Defendants as
3 follows:

4 1. That Plaintiff be awarded damages for Defendants' tortious conduct;
5 2. That Plaintiff be awarded damages for Defendants' unjust enrichment;
6 3. That Plaintiff be awarded damages for Defendants' commission of unfair and
7 deceptive trade practices, in an amount to be proven at trial, with said damages being trebled
8 pursuant to NRS 598.0999;

9 4. That Plaintiff be awarded actual, consequential, future, and punitive damages of
10 whatever type or nature;

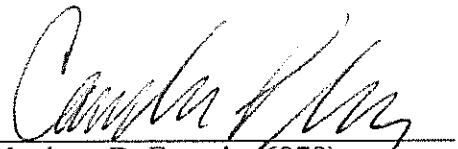
11 5. That the Court award all such further relief that it deems just and proper.

12
13 **AFFIRMATION**

14 Pursuant to NRS 239B.030, the undersigned does hereby affirm that the preceding
15 document, filed in District Court, does not contain the social security number of any person.

16
17 DATED: December 10, 2009

18 WATSON ROUNDS

19 

20 Matthew D. Francis (6978)

21 Cassandra P. Joseph (9845)

22 WATSON ROUNDS

23 5371 Kietzke Lane

24 Reno, NV 89511

25 Telephone: 775-324-4100

26 Facsimile: 775-333-8171

27 *Attorneys for Plaintiff Jed Margolin*

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

UNIVERSAL AVIONICS SYSTEMS CORPORATION,

Plaintiff,

vs.

OPTIMA TECHNOLOGY GROUP, INC.,
OPTIMA TECHNOLOGY CORPORATION, ROBERT ADAMS and
JED MARGOLIN,

Defendants.

OPTIMA TECHNOLOGY INC. a/k/a
OPTIMA TECHNOLOGY GROUP, INC.,
a corporation,

Counterclaimant,

vs.

UNIVERSAL AVIONICS SYSTEMS CORPORATION, an Arizona corporation,

Counterdefendant,

OPTIMA TECHNOLOGY INC. a/k/a
OPTIMA TECHNOLOGY GROUP, INC.,

Cross-Claimant,

vs.

OPTIMA TECHNOLOGY CORPORATION,

Cross-Defendant.

No. CV 07-588-TUC-RCC

ORDER

1 This Court, having considered the Defendants' Application for Entry of Default
2 Judgment against Cross-Defendant Optima Technology Corporation, finds no just reason to
3 delay entry of final judgment.

4 Therefore, IT IS HEREBY ORDERED:

5 Final Judgment is entered against Cross-Defendants Optima Technology Corporation,
6 a California corporation, and Optima Technology Corporation, a Nevada corporation, as
7 follows:

8 1. Optima Technology Corporation has no interest in U.S. Patents Nos. 5,566,073 and
9 5,904,724 ("the Patents") or the Durable Power of Attorney from Jed Margolin dated July
10 20, 2004 ("the Power of Attorney");

11 2. The Assignment Optima Technology Corporation filed with the USPTO is forged,
12 invalid, void, of no force and effect, and is hereby struck from the records of the USPTO;

13 3. The USPTO is to correct its records with respect to any claim by Optima
14 Technology Corporation to the Patents and/or the Power of Attorney; and

15 4. OTC is hereby enjoined from asserting further rights or interests in the Patents
16 and/or Power of Attorney; and

17 5. There is no just reason to delay entry of final judgment as to Optima Technology
18 Corporation under Federal Rule of Civil Procedure 54(b).

19 DATED this 18th day of August, 2008.

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Raner C. Collins
United States District Judge

ORIGINAL

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ALAN GLOVER
CLERK

1 Matthew D. Francis (6978)
2 Cassandra P. Joseph (9845)
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*

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

9 JED MARGOLIN, an individual,

10 Plaintiff,

11 vs.

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

24 Defendants.

Case No.: 090C00579 1B

Dept. No.: 1

NOTICE OF ENTRY OF DEFAULT

25 To all parties and their counsel of record:

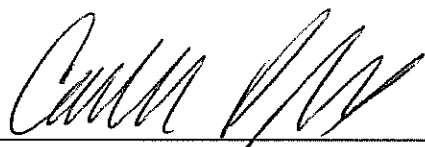
26 Please take notice that the Default as to Optima Technology Corporation, a California
27 corporation, attached hereto as Exhibit 1 was filed in the above-titled Court on December 2,
28 2010.

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Dated this 6th day of December, 2010.

BY: 

Matthew D. Francis (6978)
Cassandra P. Joseph (9845)
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 and
4 correct copy of the foregoing document, **NOTICE OF ENTRY OF DEFAULT**, addressed as
5 follows:

6 Reza Zandian
7 8401 Bonita Downs Road
8 Fair Oaks, CA 95628

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

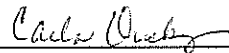
13 Optima Technology Corp.
14 A Nevada corporation
15 8401 Bonita Downs Road
16 Fair Oaks, CA 95628

17 Reza Zandian
18 8775 Costa Verde Blvd. #501
19 San Diego, CA 92122

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

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

28 Dated: December 6, 2010



Carla Ousby

Exhibit 1

Exhibit 1

1 Matthew D. Francis (6978)
2 Cassandra P. Joseph (9845)
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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C ALAN GLOVER
COOPER
BY _____ CLERK
DEPUTY

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

9 **JED MARGOLIN, an individual,**

10 **Plaintiff,**

11 **vs.**

12 **OPTIMA TECHNOLOGY CORPORATION,**
13 **a California corporation, et al.**

14 **Defendants.**

Case No.: 090C00579 1B

Dept. No.: 1

DEFAULT

15
16 It appearing that Optima Technology Corporation (a California corporation)
17 the defendant herein is in default for failure to plead or otherwise defend as required by law.

18 DEFAULT is hereby entered against said defendant this 2 day of

19 December, 2010.

20 ALAN GLOVER, Clerk

21
22 By: C. COOPER, Deputy
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1 Matthew D. Francis (6978)
2 Cassandra P. Joseph (9845)
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*

ORIGINAL

REC'D & FILED

March 7, 2011

Date

ALAN GLOVER
CLERK

By

[Signature]

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 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 DEFAULT
JUDGMENT**

TO: ALL PARTIES

TAKE NOTICE THAT on the 1st day of March, 2011, the Court in the above-entitled matter entered a Default Judgment against Defendants and in favor of Plaintiff in the amount of \$121,594.46. A copy of said Order is attached hereto as Exhibit A.


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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 4th day of March, 2011.

BY: 
Matthew D. Francis (6978)
Cassandra P. Joseph (9845)
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, **NOTICE OF ENTRY OF DEFAULT**
5 **JUDGMENT**, addressed as follows:

6
7 John Peter Lee
8 John Peter Lee, Ltd.
9 830 Las Vegas Blvd. South
10 Las Vegas, NV 89101

11
12 Reza Zandian
13 8401 Bonita Downs Road
14 Fair Oaks, CA 95628

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

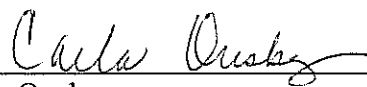
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21 Optima Technology Corp.
22 A Nevada corporation
23 8401 Bonita Downs Road
24 Fair Oaks, CA 95628

25
26 Reza Zandian
27 8775 Costa Verde Blvd. #501
28 San Diego, CA 92122

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

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

29 Dated: March 4, 2011



Carla Ousby

Exhibit A

Exhibit A

1 Matthew D. Francis (6978)
2 Cassandra P. Joseph (9845)
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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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

DEFAULT JUDGMENT

On December 9, 2009, Plaintiff Margolin filed his Complaint against Defendants Reza Zandian, Optima Technology Corporation, a Nevada corporation, and Optima Technology Corporation, a California corporation for conversion, tortious interference, unjust enrichment and unfair trade practices.

Defendant Zandian was personally served with the Summons and Complaint on February 2, 2010 and Defendants Optima Technology Corporation, a Nevada corporation, and Optima Technology Corporation, a California corporation were served on March 21, 2010.

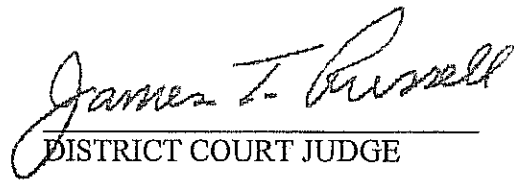
1 Defendants failed to answer or otherwise plead, and default was subsequently entered against
2 Defendants on December 2, 2010. On December 7, 2010, Plaintiff filed and served a Notice
3 of Entry of Default for each defendant, and on December 16, 2010, Plaintiff also served the
4 Application for Default for each defendant and the Notice of Entry of Default for each
5 defendant on Defendants' last known attorney.

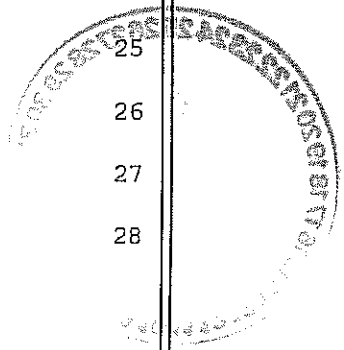
6 After reviewing all pleadings and papers on file in this matter, IT IS HEREBY
7 ORDERED AS FOLLOWS:

8 Judgment is hereby entered for Plaintiff and against Defendants for damages, along
9 with pre-judgment interest and costs in the amount of \$121,594.46.

10 IT IS SO ORDERED:

11 Dated: March 1, 2011

12 
13 DISTRICT COURT JUDGE



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

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ALAN GLOVER
CLERK
BY *Alan Glover*
DEPUTY

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

9 JED MARGOLIN, an individual,
10 Plaintiff,

11 vs.

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

**ORDER SETTING ASIDE
DEFAULT, DENYING MOTION TO
DISMISS AND GRANTING
EXTENSION OF TIME FOR
SERVICE**

19 This matter comes before the Court pursuant to Defendant Reza Zandian's
20 (hereinafter "Zandian" or "Defendant") Motion to Dismiss on a Special Appearance filed
21 on June 9, 2011. On June 22, 2011, Plaintiff filed his Opposition to Motion to Dismiss and
22 Countermotion to Strike and for Leave to Amend Complaint. Defendant filed his Reply to
23 Opposition to Motion to Dismiss on a Special Appearance on July 5, 2011.

24 The Court deeming itself fully advised of the matter, hereby enters its Order as
25 follows:

26 In his Motion, Defendant argues primarily that service of the summons and
27 complaint was never effectuated upon Defendant. Defendant further argues that Nevada
28 does not have personal jurisdiction over Defendant in the instant action.

1 In Opposition, Plaintiff argues that service was effectuated upon Defendant as
2 evidenced by the fact that the summons and complaint were mailed to Defendant's attorney
3 and that Defendant was personally served with the summons on February 2, 2010. Plaintiff
4 additionally argues that this Court has personal jurisdiction over the Defendant in this
5 action, Defendant cannot meet the standard for his Motion to Dismiss, and Defendant
6 cannot meet the standard for his Motion to Set Aside. Finally, Plaintiff also asserts that
7 Defendant's Motion to Dismiss should be stricken as he had previously waived his
8 objections to personal jurisdiction, process and service of process. In the event that the
9 Court either dismisses the complaint or sets aside the default, Plaintiff requests leave to
10 amend the complaint to include proper reference to Defendant's actions in the related
11 Arizona case and to re-serve Defendant in a proper manner.

12 A review of the affidavit of Plaintiff's process server, Robert Toth, indicates that
13 service of process was never effectuated upon Defendant. The elderly man with whom the
14 process server left the summons and complaint informed the process server that Defendant
15 did not reside there. Accordingly, Defendant was not properly served. Furthermore,
16 Plaintiff's mailing the summons and complaint to Defendant's attorney did not constitute
17 proper service of process upon Defendant.

18 Having found that service was never effectuated, the Default Judgment entered
19 against Defendant on March 1, 2011 shall be set aside. However, the Court declines to
20 Dismiss the Complaint based on service of process, process or personal jurisdiction at this
21 time. Finally, given Plaintiff's attempts at effectuating service and the difficulty that
22 Plaintiff has faced in serving Defendant, Plaintiff shall be given additional time to
23 effectuate proper service upon Defendant.

24 Therefore, good cause appearing,


25 IT IS HEREBY ORDERED that the Default Judgment entered against Defendant
26 on March 1, 2011 shall be set aside.

27 IT IS HEREBY FURTHER ORDERED that the Defendant's Motion to Dismiss on
28 a Special Appearance is DENIED without prejudice.

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IT IS HEREBY FURTHER ORDERED that Plaintiff shall have ninety (90) days from the date of this Order to properly effectuate service of the Complaint and Summons and/or an Amended Complaint upon Defendant in accordance with NRCP Rule 4, the Hague convention or any other lawful means of service.

DATED this 3rd day of August, 2011.



JAMES T. RUSSELL
District Court Judge

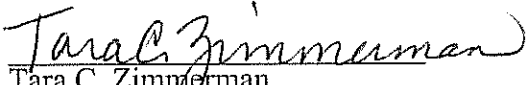
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CERTIFICATE OF SERVICE

I hereby certify that on the 3rd day of August, 2011, I placed a copy of the foregoing Order in the United States Mail, postage prepaid, addressed as follows:

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

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


Tara C. Zimmerman
Law Clerk, Department One

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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BY  CLERK
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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

AMENDED COMPLAINT
(Exemption From Arbitration Requested)

Plaintiff, JED MARGOLIN ("Mr. Margolin"), by and through his counsel of record, WATSON ROUNDS, and for his Complaint against Defendants, hereby alleges and complains as follows:

The Parties

1. Plaintiff Mr. Margolin is an individual residing in Storey County, Nevada.
2. On information and belief, Defendant Optima Technology Corporation is a California corporation with its principal place of business in Irvine, California.

Facts

1
2 9. Plaintiff Mr. Margolin is the named inventor on numerous patents and patent
3 applications, including United States Patent No. 5,566,073 (“the ‘073 Patent”), United States
4 Patent No. 5,904,724 (“the ‘724 Patent”), United States Patent No. 5,978,488 (“the ‘488
5 Patent”) and United States Patent No. 6,377,436 (“the ‘436 Patent”) (collectively “the Patents”).

6 10. Mr. Margolin is the legal owner and owner of record for the ‘488 and ‘436
7 Patents, and has never assigned those patents.

8 11. In July 2004, Mr. Margolin granted to Optima Technology Group (“OTG”), a
9 Cayman Islands Corporation specializing in aerospace technology, a Power of Attorney
10 regarding the ‘073 and ‘724 Patents. In exchange for the Power of Attorney, OTG agreed to
11 pay Mr. Margolin royalties based on OTG’s licensing of the ‘073 and ‘724 Patents.

12 12. In May 2006, OTG and Mr. Margolin licensed the ‘073 and ‘724 Patents to
13 Geneva Aerospace, Inc., and Mr. Margolin received a royalty payment pursuant to the royalty
14 agreement between Mr. Margolin and OTG.

15 13. On about July 20, 2004, Mr. Margolin assigned the ‘073 and ‘724 Patents to
16 OTG.

17 14. In about November 2007, OTG licensed the ‘073 Patent to Honeywell
18 International, Inc., and Mr. Margolin received a royalty payment pursuant to the royalty
19 agreement between Mr. Margolin and OTG.

20 15. In December 2007, Defendant Zandian filed with the U.S. Patent and Trademark
21 Office (“USPTO”) fraudulent assignment documents allegedly assigning all four of the Patents
22 to Optima Technology Corporation.

23 16. Upon discovery of the fraudulent filing, Mr. Margolin: (a) filed a report with the
24 Storey County Sheriff’s Department; (b) took action to regain record title to the ‘488 and ‘436
25 Patents that he legally owned; and (c) assisted OTG in regaining record title of the ‘073 and
26 ‘724 Patents that it legally owned and upon which it contracted with Mr. Margolin for royalties.

27 17. Shortly before this, Mr. Margolin and OTG had been named as defendants in an
28 action for declaratory relief regarding non-infringement of the ‘073 and ‘724 Patents in the

1 United States District Court for the District of Arizona, in a case titled: *Universal Avionics*
2 *Systems Corporation v. Optima Technology Group, Inc.*, No. CV 07-588-TUC-RCC (the
3 “Arizona Action”). In the Arizona Action, Mr. Margolin and OTG filed a cross-claim for
4 declaratory relief against Optima Technology Corporation (Zandian) in order to obtain legal
5 title to their respective patents.

6 18. On August 18, 2008, the United States District Court for the District of Arizona
7 entered a final judgment in favor of Mr. Margolin and OTG on their declaratory relief action,
8 and ordered that OTC—California and OTC—Nevada had no interest in the ‘073 or ‘724
9 Patents, that the assignment documents filed by Zandian with the USPTO were “forged, invalid,
10 void, of no force and effect,” that the USPTO was to correct its records with respect to any
11 claim by OTC to the Patents and/or the Power of Attorney, and that OTC was enjoined from
12 asserting further rights or interests in the Patents and/or Power of Attorney. Attached as Exhibit
13 A is a copy of the Order from the United States District Court in the Arizona Action.

14 19. Due to Defendants’ fraudulent acts, title to the Patents was clouded and
15 interfered with Plaintiff’s and OTG’s ability to license the Patents.

16 20. During the period of time Mr. Margolin worked to correct record title of the
17 Patents in the Arizona Action and with the USPTO, he incurred significant litigation and other
18 costs associated with those efforts.

19 **Claim 1--Conversion**
20 **(Against All Defendants)**

21 21. Paragraphs 1-20 of the Complaint set forth above are incorporated herein by
22 reference.

23 22. Through the fraudulent acts described above, Defendants wrongfully exerted
24 dominion over the Patents, thereby depriving Mr. Margolin of the use of such property.

25 23. The Patents and the royalties due Mr. Margolin under the Patents were the
26 personal property of Mr. Margolin.

27 24. As a direct and proximate result of the Defendants’ conversion, Mr. Margolin
28 has suffered damages in excess of ten thousand dollars (\$10,000), entitling him to the relief set

1 forth below.

2 **Claim 2--Tortious Interference With Contract**
3 **(Against All Defendants)**

4 25. Paragraphs 1-24 of the Complaint set forth above are incorporated herein by
5 reference.

6 26. Mr. Margolin was a party to a valid contract with OTG for the payment of
7 royalties based on the license of the '073 and '724 Patents.

8 27. Defendants were aware of Mr. Margolin's contract with OTG.

9 28. Defendants committed intentional acts intended and designed to disrupt and
10 interfere with the contractual relationship between Mr. Margolin and OTG.

11 29. As a result of the acts of Defendants, Mr. Margolin's contract with OTG was
12 actually interfered with and disrupted.

13 30. As a direct and proximate result of the Defendants' tortious interference with
14 contract, Mr. Margolin has suffered damages in excess of ten thousand dollars (\$10,000),
15 entitling him to the relief set forth below.

16 **Claim 3—Intentional Interference with Prospective Economic Advantage**
17 **(Against All Defendants)**

18 31. Paragraphs 1-30 of the Complaint set forth above are incorporated herein by
19 reference.

20 32. Defendants were aware of Mr. Margolin's prospective business relations with
21 licensees of the Patents.

22 33. Defendants purposely, willfully and improperly attempted to induce Mr.
23 Margolin's prospective licensees to refrain from engaging in business with Mr. Margolin.

24 34. The foregoing actions by Defendants interfered with the business relationships of
25 Mr. Margolin, and were done intentionally and occurred without consent or authority of Mr.
26 Margolin.

27 35. As a direct and proximate result of the Defendants' tortious interference, Mr.
28 Margolin has suffered damages in excess of ten thousand dollars (\$10,000), entitling him to the
relief set forth below.

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Claim 4—Unjust Enrichment
(Against All Defendants)

36. Paragraphs 1-35 of the Complaint set forth above are incorporated herein by reference.

37. Defendants wrongfully obtained record title to the Patents.

38. Defendants were aware that record title to the Patents was valuable, and were aware of the benefit derived from having record title.

39. Defendants unjustly benefitted from the use of Mr. Margolin's property without compensation to Mr. Margolin.

40. As a direct and proximate result of Defendants' aforementioned acts, Mr. Margolin is entitled to equitable relief.

Claim 5—Unfair and Deceptive Trade Practices
(Against All Defendants)

41. Paragraphs 1-40 of the Complaint set forth above are incorporated herein by reference.

42. The Defendants, engaging in the acts and conduct described above, have knowingly and willfully committed unfair and deceptive trade practices under NRS 598.0915 by making false representations.

43. As a direct and proximate result of the Defendants' unfair and deceptive trade practices, Mr. Margolin has suffered damages in excess of ten thousand dollars (\$10,000), entitling him to the relief set forth below.

WHEREFORE, Plaintiff Jed Margolin, prays for judgment against the Defendants as follows:


1. That Plaintiff be awarded damages for Defendants' tortious conduct;
2. That Plaintiff be awarded damages for Defendants' unjust enrichment;
3. That Plaintiff be awarded damages for Defendants' commission of unfair and deceptive trade practices, in an amount to be proven at trial, with said damages being trebled pursuant to NRS 598.0999;

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, **AMENDED COMPLAINT** (Exemption From
5 Arbitration Requested), addressed as follows:

6 John Peter Lee
7 John Peter Lee, Ltd.
8 830 Las Vegas Blvd. South
9 Las Vegas, NV 89101

10 Dated: August 11, 2011

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13 Carla Ousby
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ORIGINAL

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2011 OCT -5 AM 11: 23

ALAN GLOWER

BY Alan Glower CLERK
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 **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,**
a California corporation, **OPTIMA**
14 **TECHNOLOGY CORPORATION,** a Nevada
15 **corporation, REZA ZANDIAN**
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
18 **Companies 1-10, DOE Corporations 11-20,**
19 **and DOE Individuals 21-30,**

20 **Defendants.**

Case No.: 090C00579 1B

Dept. No.: 1

NOTICE OF ENTRY OF
AMENDED ORDER

21
22 Please take notice that the Amended Order Allowing Service by Publication, attached
23 hereto as Exhibit 1, was filed in the above-entitled Court on September 27, 2011.

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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: October 4, 2011

WATSON ROUNDS

By: 

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

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, **Notice of Entry of Amended Order**, addressed
5 as follows:

6
7 John Peter Lee
8 John C. Courtney
9 John Peter Lee, Ltd.
830 Las Vegas Blvd. South
Las Vegas, NV 89101

10
11 Dated: October 4, 2011



12 Carla Ousby

Exhibit 1

Exhibit 1

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*

REC'D & FILED

2011 SEP 27 PM 5:02

ALAN GLOVER
BY  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,**
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.**

Case No.: 090C00579 1B

Dept. No.: 1

[PROPOSED] AMENDED ORDER
ALLOWING SERVICE BY
PUBLICATION

25 Plaintiff Jed Margolin has sought the Order of this Court allowing service by publication
26 as against Defendants Optima Technology Corporation, a California corporation, Optima
27 Technology Corporation, a Nevada corporation, and Reza Zandian, aka Golamreza Zandianjazi,
28 aka Gholam Reza Zandian aka Reza Jazi aka J. Reza Jazi aka G. Reza Jazi aka Ghononreza
Zandian Jazi, for up to four weeks following the issuance thereof.

This Court has reviewed all pleadings and papers on file herein and is fully informed
concerning all relevant facts and issues. IT IS THEREFORE ORDERED AS FOLLOWS:


1 Service of process as against Defendants may be made by publication by publishing such
2 Summons in the San Diego Union-Tribune, the Reno Gazette-Journal, and the Las Vegas
3 Review Journal for a period of four weeks and said publication to occur at least once a week
4 during said time.

5
6 IT IS SO ORDERED:

7 Dated: September 27, 2011


DISTRICT COURT JUDGE

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17 SUBMITTED BY:


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

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

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ALAN GLOVER
CLERK
BY *Wrs*
DEPUTY

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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
9 Plaintiff,

10 vs.

**ORDER DENYING DEFENDANT'S
MOTION TO DISMISS**

11 OPTIMA TECHNOLOGY CORPORATION,
12 a California corporation, OPTIMA
13 TECHNOLOGY CORPORATION, a Nevada
14 corporation, REZA ZANDIAN
15 aka GOLAMREZA ZANDIANJAZI
16 aka GHOLAM REZA ZANDIAN
17 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
21 Individuals 21-30,
22
23 Defendants.

19 This matter comes before the Court on Defendant Reza Zandian's ("Zandian" or
20 "Defendant") Motion to Dismiss Amended Complaint on Special Appearance, dated November
21 16, 2011. Plaintiff filed his Opposition to Motion to Dismiss on December 5, 2011. Zandian
22 filed his Reply to Opposition to Motion to Dismiss on December 13, 2011. A Request for
23 Submission was filed on February 13, 2012.

24 Upon consideration of the foregoing documents, and the Court deeming itself fully
25 advised of the matter, the Court hereby enters its Order Denying Defendant's Motion to Dismiss
26 as follows:

27 In his Motion, Defendant argues primarily that service of the summons and complaint
28 was never effectuated upon Defendant. Defendant further argues that Nevada does not have

1 personal jurisdiction over Defendant in this action. Finally, Defendant argues Plaintiff's claims
2 are barred by the doctrine of claim preclusion. The Court rejects these arguments as stated
3 below.

4 **I. Service of Process**

5 In opposition to Defendant's motion to dismiss, Plaintiff argues that pursuant to NRCP
6 4(e)(1)(iii), Defendant has been properly served with the summons and complaint by
7 publication. NRCP 4(e)(1)(iii) states as follows:

8 The order [to serve by publication] shall direct the publication to be made in a
9 newspaper, published in the State of Nevada, to be designated by the court or
10 judge thereof, for a period of 4 weeks, and at least once a week during said
11 time. In addition to in-state publication, where the present residence of the
12 defendant is unknown the order may also direct that publication be made in a
13 newspaper published outside the State of Nevada whenever the court is of the
14 opinion that such publication is necessary to give notice that is reasonably
15 calculated to give a defendant actual notice of the proceedings.

16 NRCP 4(e)(1)(iii).

17 Initially, as Plaintiff was having difficulty serving Defendant, the summons and
18 complaint were mailed to Defendant's attorney on January 8, 2010 and a request for assistance
19 in serving Defendant was made. Receiving no response from Defendant's counsel, Plaintiff
20 attempted to personally serve Defendant at his last-known residential and/or business address
21 of 8401 Bonita Downs Road, Fair Oaks, California 95628.

22 However, on August 3, 2011, the Court found that personal service of process had not
23 yet been effectuated upon Defendant. Also, on August 3, 2011, the Court ordered that Plaintiff
24 shall be given ninety (90) days to effectuate proper service on Defendant.

25 On August 4, 2011, Plaintiff's counsel sent a letter to Defendant's counsel requesting
26 that defense counsel accept service on behalf of Defendant and/or provide a current address for
27 the Defendant. On August 8, 2011, Defendant's counsel declined to accept service and
28 declined to provide a current address for the Defendant.

On August 11, 2011, Plaintiff filed a motion to serve all the Defendants by publication.
No opposition was filed. On September 27, 2011, pursuant to Plaintiff's motion to serve all
Defendants by publication, this Court ordered that service of process, as against all

1 Defendants, may be made by publication by publishing the summons in the San Diego Union-
2 Tribune, the Reno Gazette-Journal and the Las Vegas Review Journal for a period of four
3 weeks and said publication to occur at least once a week during said time.

4 As reflected in the affidavits of service filed on November 7, 2011, this Court finds that
5 Defendant was properly served by publication in the San Diego Union-Tribune on September
6 23, 2011, September 30, 2011, October 7, 2011 and October 14, 2011, in the Reno Gazette-
7 Journal on September 16, 2011, September 23, 2011, September 30, 2011 and October 7,
8 2011, and in the Las Vegas Review Journal on October 7, 2011, October 14, 2011, October 21,
9 2011 and October 28, 2011.

10 II. Jurisdiction

11 Plaintiff argues that Defendant's contacts with the State of Nevada are so substantial,
12 continuous and systematic that he should be deemed present in the forum. Nevada's long arm
13 statute states as follows:

- 14 1. A court of this state may exercise jurisdiction over a party to a civil action
15 on any basis not inconsistent with the Constitution of this state or the
16 Constitution of the United States.
- 17 2. Personal service of summons upon a party outside this state is sufficient to
18 confer upon a court of this state jurisdiction over the party so served if the
19 service is made by delivering a copy of the summons, together with a copy of
20 the complaint, to the party served in the manner provided by statute or rule of
21 court for service upon a person of like kind within this state.
- 22 3. The method of service provided in this section is cumulative, and may be
23 utilized with, after or independently of other methods of service.

24 NRS 14.065(1)-(3).

25 In addition, in Nevada, "[t]here are two types of personal jurisdiction: general and
26 specific." *Baker v. Eighth Judicial Dist. Court ex rel. County of Clark*, 116 Nev. 527, 532,
27 999 P.2d 1020, 1023 (2000). "General jurisdiction is required in matters where a defendant is
28 held to answer in a forum for causes of action unrelated to his forum activities." *Baker v.*
Eighth Judicial Dist. Court ex rel. County of Clark, 116 Nev. 527, 532, 999 P.2d 1020, 1023
(2000). "General jurisdiction over a nonresident will lie where the nonresident's activities in
the forum are 'substantial' or 'continuous and systematic.'" *Id.* "General jurisdiction over the
defendant 'is appropriate where the defendant's forum activities are so "substantial" or

1 “continuous and systematic” that [he] may be deemed present in the forum.” *Freeman v.*
2 *Second Judicial Dist. Court ex rel. County of Washoe*, 116 Nev. 550, 553, 1 P.3d 963, 965
3 (2000).

4 In this matter, it is represented that Defendant owns real property throughout Nevada,
5 that he is listed as the owner of two parcels in Clark County equaling 30 acres combined, that
6 he is listed as an owner of 10 parcels in Washoe County ((APN: 79-150-09: 560 acres)(APN:
7 079-150-10: 639 acres)(APN: 079-150-13: 560 acres)(APN: 084-040-02: 627 acres)(APN:
8 084-040-04: 640 acres)(APN: 084-040-06: 633 acres)(APN: 084-040-10: 390 acres)(APN
9 084-130-07: 275 acres)(APN: 79-150-12:160 acres)), that he is listed as an owner and/or is
10 partial owner of 6 parcels in Lyon County (330.20 acres combined), that he is listed as part
11 owner of two parcels in Churchill County (56.75 acres combined), and that he is listed as part
12 owner of one parcel in Elko County (17.6 acres).

13 With regard to doing business within Nevada, Plaintiffs assert that Defendant is a
14 managing member of and resident agent of many businesses in Nevada. For example,
15 Defendant is a managing member of Johnson Spring Water Company LLC, a Nevada LLC.
16 He is a managing member of Wendover Project L.L.C., a Nevada LLC. He is or was recently
17 a manager of 11000 Reno Highway, Fallon, LLC, a Nevada LLC, and currently, 11000 Reno
18 Highway, Fallon, LLC is listed as the owner of 640 acres of real property in Churchill County.

19 Defendant is or was recently a managing member and registered agent of Misfits
20 Development LLC, a Nevada LLC. He is or was recently a managing member and registered
21 agent of Elko North 5th Avenue, LLC, a Nevada LLC. He is a managing member and
22 registered agent for Stagecoach Valley LLC, an active Nevada LLC.

23 Defendant acted as the resident agent for a revoked Nevada limited liability company
24 named Rock and Royalty LLC, where his resident agent address was 1401 S. Las Vegas
25 Boulevard, Las Vegas, Nevada 89104. He was a managing member of Gold Canyon
26 Development LLC, a Nevada LLC that is now in default status. He was a managing member
27 of High Tech Development LLC, a Nevada LLC that has been dissolved. He was a managing
28 member of Lyon Park Development LLC, a Nevada LLC that has been dissolved. He was a

1 managing member of Churchill Park Development LLC, a Nevada LLC that has been
2 dissolved. He was a manager of Sparks Village LLC, a Nevada LLC that is in default status.
3 He was president, secretary, treasurer, director and resident agent of Optima Technology
4 Corporation, a now revoked Nevada close corporation. He was a managing member of I-50
5 Plaza LLC, a Nevada LLC in default status. He was a manager of Dayton Plaza, LLC, a
6 Nevada LLC in default status. Finally, he was a manager of Reno Highway Plaza, LLC, a
7 Nevada LLC in revoked status.

8 Also, he listed Carson City and Las Vegas addresses for his registered agent and officer
9 information for Rock and Royalty LLC, Optima Technology Corporation, High Tech
10 Development LLC, Lyon Park Development LLC, Churchill Park Development LLC, Sparks
11 Village, LLC, I-50 Plaza LLC, Dayton Plaza, LLC, 11000 Reno Highway Fallon LLC, Misfits
12 Development LLC, Elko North 5th Ave, LLC, and Stagecoach Valley LLC.

13 Thus, it appears to this Court that Defendant owns or partially owns many properties
14 within and throughout the state of Nevada and does a significant amount of business within the
15 state. His property ownership and his business dealings show that his forum activities are so
16 “substantial” or “continuous and systematic” that he should be deemed present in the forum
17 and therefore general jurisdiction is appropriate.

18 **III. Claim Preclusion and Issue Preclusion**

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

24 In this case, Defendant argues that the *Universal Avionics Systems Corporation v.*
25 *Optima Technology Group, Inc.*, No. CV 07-588-TUC-RCC (the “Arizona action”) has no
26 application to him: “Because no summons was ever issued as to Zandian in the underlying
27 U.S. District Court action which forms the basis of the instant action, any domestication of the
28 U.S. District Court action as it pertains to Zandian is a clear violation of Zandian’s

1 constitutional right to notice under the Due Process clauses of the Fifth and Fourteenth
2 Amendments of the U.S. Constitution.” *See* Motion to Dismiss Amended Complaint on
3 Special Appearance, dated 11/17/11, 5:5-10, on file herein. Thus, Defendant correctly points
4 out that Defendant was not a party to the Arizona action and the Arizona action does not apply
5 to him.

6 In addition, the Arizona action was a declaratory judgment action brought by Universal
7 Avionics Systems Corporation (“Universal”) against Plaintiff, Optima Technology Group
8 (“OTG”), Optima Technology Corporation (“OTC”) and Robert Adams. Universal sought a
9 declaratory judgment that the ‘073 and ‘724 patents were invalid and not infringed and
10 asserted claims for breach of contract under the law of the State of Arizona, unfair competition
11 and negligent interference with prospective economic advantage under the laws of the State of
12 California.

13 In the Arizona action, OTG counterclaimed against Universal and cross-claimed
14 against OTC, Joachim Naimer, Jane Naimer, Frank Hummel and Jane Doe Hummel. OTG
15 claimed patent infringement against Universal, Naimer and Hummel. OTG claimed breach of
16 contract, breach of the implied covenant of good faith and fair dealing, and negligence against
17 Universal. OTG sought a declaratory judgment against OTC that OTC had no interest or right
18 in the durable power of attorney from Jed Margolin or the above mentioned patents, that
19 OTC’s filing and/or recording of documents with the U.S. Patent and Trademark Office
20 (“PTO”) was invalid and void, and ordering the PTO to correct and expunge its records with
21 regards to the same. Finally, OTG claimed injurious falsehood, slander of title, trespass to
22 chattels, unfair competition, unfair and deceptive competition and business practices, unlawful
23 conspiracy, joint and several liability, and punitive damages against Universal and OTC.

24 In this case, Jed Margolin is claiming conversion, tortious interference with contract,
25 intentional interference with prospective economic advantage, unjust enrichment, and unfair
26 and deceptive trade practices against all Defendants in this matter, including Zandian in his
27 personal capacity. Zandian was not a party to the Arizona action. The parties and their privies
28

1 and the claims in this matter are not the same as the parties and their privies and the claims in
2 the Arizona action.

3 Therefore, as the parties and their privies and the claims in the Arizona action are not
4 the same as the parties and their privies and the claims in this action, claim preclusion does not
5 apply.

6 Also, there is a four-part test for the application of issue preclusion: “(1) the issue
7 decided in the prior litigation must be identical to the issue presented in the current action; (2)
8 the initial ruling must have been on the merits and have become final; ... (3) the party against
9 whom the judgment is asserted must have been a party or in privity with a party to the prior
10 litigation; and (4) the issue was actually and necessarily litigated.” *Five Star Capital Corp.*,
11 124 Nev. 1028, 194 P.3d at 713.

12 The only issue in the Arizona action that could be identical to an issue in this matter is
13 the fact that the Arizona court found that OTC filed a forged, invalid and void assignment with
14 the PTO and that OTC has no interest in U.S. Patents Nos. 5,566,073 and 5,904,724 (“the
15 Patents”) or the Durable Power of Attorney from Jed Margolin dated July 20, 2004. *See*
16 Exhibit B to Defendant’s Motion to Dismiss Amended Complaint on Special Appearance,
17 dated 11/17/11. The Arizona court also ordered that the “Assignment Optima Technology
18 Corporation filed with the USPTO is forged, invalid, void, of no force and effect, and is
19 hereby struck from the records of the USPTO.” *Id.* Thus, one related issue has been decided.
20 However, that one issue only involved OTC, the California Corporation. That issue was not
21 decided with respect to OTC, the Nevada Corporation and it was not decided with respect to
22 Zandian.

23 In addition, the other claims and issues in this matter are distinct and not identical to
24 the issues raised in the Arizona action, have not been decided on the merits and become final,
25 have not been actually and necessarily litigated and the parties and their privies are not the
26 same.

27 **IV. Conclusion**

28 Therefore, good cause appearing,

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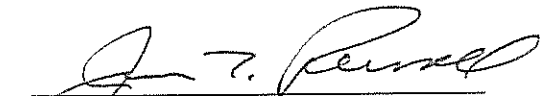
THE COURT FINDS that service of process has been properly effectuated against Defendant by publication.

THE COURT FINDS that Defendant's forum activities are so substantial and/or continuous and systematic that he should be deemed present in the forum and therefore personal jurisdiction over him is appropriate in this matter.

THE COURT FINDS that claim and issue preclusion do not bar this action.

THEREFORE, IT IS HEREBY ORDERED that Defendant Zandian's Motion to Dismiss Amended Complaint on Special Appearance is DENIED.

Dated this 21st day of February 2012.


JAMES T. RUSSELL
DISTRICT COURT JUDGE

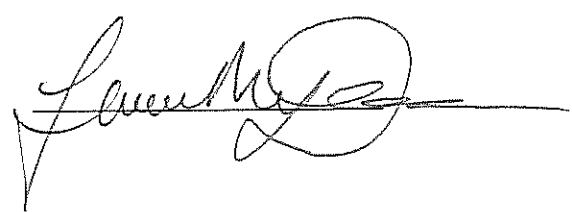
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CERTIFICATE OF SERVICE

I hereby certify that on the 21st day of February, 2012, I placed a copy of the foregoing Order in the United States Mail, postage prepaid, addressed as follows:

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

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



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

REC'D & FILED

2012 FEB 23 PM 2:09

ALAN GLOVER
BY Alan Glover CLERK
DEPUTY

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

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

**ORDER DENYING
MOTION TO STRIKE**

19 This matter is before the Court on a Motion to Strike filed on January 23, 2012. An
20 Opposition to Motion to Strike was filed on February 2, 2012. A Reply in Support of
21 Motion to Strike as filed on February 13, 2012. A Request for Submission was filed on
22 February 13, 2012.

23 Based on this Court's Order Denying Defendant's Motion to Dismiss entered on
24 February 21, 2012, the Motion to Strike is moot. Therefore, good cause appearing,

25 IT IS HEREBY ORDERED that the Motion to Strike is DENIED.

26 DATED this 23 day of February, 2012.

27 James T. Russell
28 JAMES T. RUSSELL
District Court Judge


CERTIFICATE OF SERVICE

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I hereby certify that on the 23rd day of February, 2012, I placed a copy of the foregoing Order in the United States Mail, postage prepaid, addressed as follows:

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

John Peter Lee, Esq.
John C. Courtney, Esq.
830 Las Vegas Blvd South
Las Vegas NV 89101



Christine Erven
Judicial Assistant, Department One

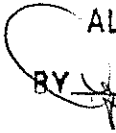
JOHN PETER LEE, LTD.
ATTORNEYS AT LAW
830 LAS VEGAS BLVD. SOUTH
LAS VEGAS, NEVADA 89101
Telephone (702) 382-4044
Telecopier (702) 383-9950

1 JOHN PETER LEE, LTD.
JOHN PETER LEE, ESQ.
2 Nevada Bar No. 001768
JOHN C. COURTNEY, ESQ.
3 Nevada Bar No. 011092
830 Las Vegas Boulevard South
4 Las Vegas, Nevada 89101
(702) 382-4044 Fax: (702) 383-9950
5 e-mail: info@johnpeterlee.com
Attorneys for Defendant
6 *Optima Technology Corporation,*
Reza Zandian aka Golamreza Zandianjazi
7 *aka Gholamreza Zandianjazi aka Gholam Reza Zandian*
aka Reza Jazi aka J. Reza Jazi aka G. Reza Jazi aka
8 *Ghononreza Zandian Jazi*

REC'D & FILED

2012 MAR 14 PM 1:08

ALAN GLOVER

BY  CLERK
DEPUTY

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

11 JED MARGOLIN, an individual;
12
Plaintiff,

Case No.: 090C00579
Dept. No.: I

13 vs.

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

20 Defendants.

21 1334.023382-td

22 **GENERAL DENIAL**

23 COMES NOW the Defendant, OPTIMA TECHNOLOGY CORPORATION, a California
24 Corporation and OPTIMA TECHNOLOGY CORPORATION, a Nevada Corporation, by and
25 through its attorney of record, JOHN PETER LEE, LTD., and files its General Denial as follows:

26 The Defendant denies each and every allegation contained in the Amended Complaint on file
27 herein.

28 ...

WFZ2307

ATTORNEYS' FEES

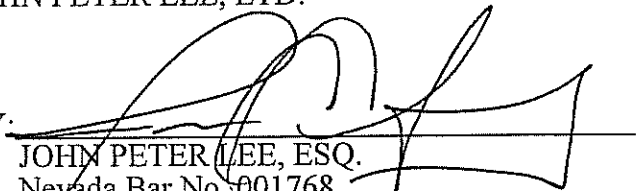
Defendant has been required to retain the services of JOHN PETER LEE, LTD. to defend against this action, and he is entitled to reasonable attorneys' fees therefor.

WHEREFORE, Defendant(s) pray(s) judgment as follows:

1. That Plaintiff take nothing by virtue of his Complaint on file herein and that the same be forthwith dismissed with prejudice;
2. Reasonable attorneys' fees;
3. Costs incurred herein;
4. And for such other and further relief as to this Court may seem proper.

DATED this 13th day of March, 2012.

JOHN PETER LEE, LTD.

BY: 

JOHN PETER LEE, ESQ.
Nevada Bar No. 001768
JOHN C. COURTNEY, ESQ.
Nevada Bar No. 011092
830 Las Vegas Boulevard South
Las Vegas, Nevada 89101
Ph: (702) 382-4044/Fax: (702) 383-9950
Attorneys for Defendant

JOHN PETER LEE, L.L.D.
ATTORNEYS AT LAW
830 LAS VEGAS BLVD. SOUTH
LAS VEGAS, NEVADA 89101
Telephone (702) 382-4044
Telecopier (702) 383-9950

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I HEREBY CERTIFY that on the 13th day of March, 2012, I served a copy of the above and foregoing GENERAL DENIAL, 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:

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



An Employee of JOHN PETER LEE, LTD.

JOHN PETER LEE, LTD.
ATTORNEYS AT LAW
830 LAS VEGAS BLVD. SOUTH
LAS VEGAS, NEVADA 89101
Telephone (702) 382-4044
Telecopier (702) 383-9950

1 Case No. 09 0C 00579 1B

2 Dept. No. I

REC'D & FILED

2012 JUN 28 AM 11:13

ALAN GLOVER
BY *Alan Glover* CLERK
DEPUTY

3
4 In The First Judicial District Court of the State of Nevada

5
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
19 1-10, DOE Corporations 11-20, and DOE
20 Individuals 21-30,

21 Defendants.

**ORDER GRANTING PLAINTIFF'S
MOTION TO COMPEL
APPEARANCE OF COUNSEL FOR
OPTIMA TECHNOLOGY
CORPORATIONS, OR IN THE
ALTERNATIVE, MOTION TO
STRIKE GENERAL DENIAL OF
OPTIMA TECHNOLOGY
CORPORATIONS**

22 This matter comes before the Court on Plaintiff Jed Margolin's motion for an order
23 compelling Defendants Optima Technology Corporation, a California corporation, and Optima
24 Technology Corporation, a Nevada corporation (collectively "Optima Technology
25 Corporations") to retain legal counsel, or, in the alternative, to strike the General Denial of those
26 Corporations filed on March 13, 2012.

27 Upon consideration of the foregoing documents, and the Court deeming itself fully
28 advised of the matter, the Court hereby enters its Order Granting Plaintiff's Motion and finds
and orders as follows:

Plaintiff filed the Complaint in this action on December 11, 2009. After extensive
briefing regarding service on Defendants concluded, and after the Court denied Defendants'

1 Motions to Dismiss, Defendants served two “General Denials.” The first General Denial was
2 served on March 5, 2012 on behalf of the individual Reza Zandian aka Golamreza Zandianjazi
3 aka Gholam Reza Zandian aka Reza Jazi aka J. Reza Jazi aka G. Reza Jazi aka Ghononreza
4 Zandian Jazi. The second General Denial was served on March 13, 2012 on behalf of the
5 Optima Technology Corporations.

6 On March 13, 2012, Defense counsel moved to withdraw from representing all of the
7 individual and corporate Defendants in this action. On March 16, 2012, Plaintiff filed a non-
8 opposition to Defense counsel’s Motion to Withdraw and on April 26, 2012, this Court granted
9 Defense counsel’s Motion to Withdraw. No appearance of counsel has been entered for any of
10 the Defendants as of this date.

11 NRS 7.285 provides that “[n]o person shall practice law in this state unless he is an
12 active member of the State Bar of Nevada pursuant to the rules of the supreme court.” The
13 statute further provides that any person who practices law who is not an active member of the
14 State Bar of Nevada is guilty of a misdemeanor. SCR 77 provides that, with certain
15 inapplicable exceptions, no person may practice law as an officer of the courts in this state
16 who is not an active member of the state bar. Nevada case law is clear on this issue as well.
17 *See State v. Stu's Bail Bonds*, 115 Nev. 436, n. 1, 991 P.2d 469, 470 n. 1 (1999) (“business
18 entities are not permitted to appear, or file documents, in proper person”); *Salman v.*
19 *Newell*, 110 Nev. 1333, 1336, 885 P. 2d 607, 608 (1994) (observing that no statute or rule
20 permits a non-lawyer to represent an entity and concluding that an entity cannot proceed in
21 proper person); *Sunde v. Contel of California*, 112 Nev. 541, 542–43, 915 P.2d 298, 299
22 (1996) (explaining that non-lawyers may not represent entities in court).

23 In addition, courts may strike pleadings when a corporation has failed to retain counsel.
24 *See Trustees of Operating Engineers Pension Trust v. O'Donnell*, 2007 WL 672528, *2 (D.
25 Nev. 2007) (granting motion to compel and alternative motion to strike answer) (citations
26 omitted).

27 In light of the foregoing, the Court finds that the Optima Technology Corporations
28 cannot defend, prosecute, or participate in this action without counsel licensed in the State of

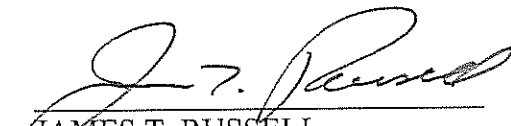
1 Nevada. In Plaintiff's Motion, Plaintiff requested that the Optima Technology Corporations be
2 ordered to retain legal counsel no later than June 15, 2012. Plaintiff also requested that the
3 March 13, 2012 General Denial filed by the Optima Technology Corporations be stricken if the
4 Optima Technology Corporations did not retain new counsel by June 15, 2012. Pursuant to the
5 above findings, the Court further finds that Plaintiff's requests should be granted with the
6 Optima Technology Corporations now being given until July 15, 2012 to retain counsel or their
7 General Denial will be stricken.

8 THEREFORE, Plaintiff Jed Margolin's Motion to Compel Appearance of Counsel for
9 the Optima Technology Corporations or in the Alternative Motion to Strike the General Denial
10 of the Optima Technology Corporations is GRANTED as follows:

11 IT IS HEREBY ORDERED that the Optima Technology Corporations must retain
12 counsel and that counsel must enter an appearance in this matter on behalf of the Optima
13 Technology Corporations by July 15, 2012.

14 IT IS FURTHER ORDERED that if no appearance is entered on behalf of the Optima
15 Technology Corporations by July 15, 2012, the Optima Technology Corporations' General
16 Denial, filed on March 13, 2012, shall be stricken.

17 Dated this 28th day of June 2012.

18
19 
20 JAMES T. RUSSELL
21 DISTRICT COURT JUDGE
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CERTIFICATE OF SERVICE

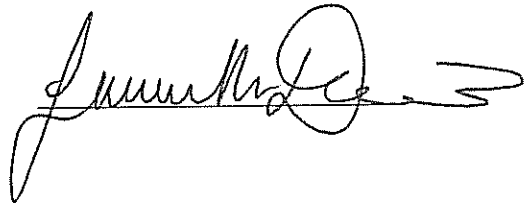
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I hereby certify that on the 24 day of June, 2012, I placed a copy of the foregoing

Order in the United States Mail, postage prepaid, addressed as follows:

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

Reza Zandian
8775 Costa Verde Blvd. Apt #501
San Diego, CA 82122



ORIGINAL

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

REC'D & FILED
2012 SEP 27 PM 1:00
ALAN GLEVER
DEPUTY CLERK

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

20 **Defendants.**

Case No.: 090C00579 1B

Dept. No.: 1

NOTICE OF ENTRY OF DEFAULT

23 To all parties:

24 Please take notice that the Default as to Optima Technology Corporation, a California
25 corporation, and Optima Technology Corporation, a Nevada corporation, attached hereto as
26 Exhibit 1 was filed in the above-titled Court on September 24, 2012.

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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: September 26, 2012

WATSON ROUNDS

By: /s/ Adam P. McMillen
Matthew D. Francis
Adam P. McMillen
Watson Rounds
5371 Kietzke Lane
Reno, NV 89511

Attorneys for Plaintiff Jed Margolin

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, **Notice of Entry of Default**, addressed as follows:

Reza Zandian
8775 Costa Verde Blvd.
San Diego, CA 82122

Dated: September 26, 2012



Carla Ousby

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Exhibit 1

Default

Exhibit 1

Default

1 Case No. 09 OC 00579 1B

2 Dept. No. I

REC'D & FILED

2012 SEP 24 PM 1:32

ALAN GLOVER

BY _____ CLERK

DEPUTY

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.

DEFAULT

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
19 1-10, DOE Corporations 11-20, and DOE
20 Individuals 21-30,

21 Defendants.

22 On March 14, 2012, Defendants Optima Technology Corporation, a California
23 corporation, and Optima Technology Corporation, a Nevada corporation, both filed a
24 "General Denial" in this action. On June 28, 2012, this Court entered an Order granting
25 Plaintiff's Motion to Compel Appearance of Counsel for Optima Technology Corporations,
26 or in the Alternative, Motion to Strike General Denial of Optima Technology Corporations.
27 A true and correct copy of said Order is attached hereto as Exhibit 1. Because there has been
28 no appearance of counsel for the Optima Technology Corporations, as ordered, the Optima
Technology Corporations' General Denial is stricken, and the Optima Technology
Corporations are in default for failure to plead or otherwise defend as required by law.

Exhibit 1

Exhibit 1

1 Case No. 09 OC 00579 1B

2 Dept. No. I

REC'D & FILED

2012 JUN 28 AM 11:13

3
4 BY Alan Glover ALAN GLOVER
DEPUTY 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
Individuals 21-30,

19 Defendants.

ORDER GRANTING PLAINTIFF'S
MOTION TO COMPEL
APPEARANCE OF COUNSEL FOR
OPTIMA TECHNOLOGY
CORPORATIONS, OR IN THE
ALTERNATIVE, MOTION TO
STRIKE GENERAL DENIAL OF
OPTIMA TECHNOLOGY
CORPORATIONS

20 This matter comes before the Court on Plaintiff Jed Margolin's motion for an order
21 compelling Defendants Optima Technology Corporation, a California corporation, and Optima
22 Technology Corporation, a Nevada corporation (collectively "Optima Technology
23 Corporations") to retain legal counsel, or, in the alternative, to strike the General Denial of those
Corporations filed on March 13, 2012.

24 Upon consideration of the foregoing documents, and the Court deeming itself fully
25 advised of the matter, the Court hereby enters its Order Granting Plaintiff's Motion and finds
26 and orders as follows:

27 Plaintiff filed the Complaint in this action on December 11, 2009. After extensive
28 briefing regarding service on Defendants concluded, and after the Court denied Defendants'

1 Motions to Dismiss, Defendants served two "General Denials." The first General Denial was
2 served on March 5, 2012 on behalf of the individual Reza Zandian aka Golamreza Zandianjazi
3 aka Gholam Reza Zandian aka Reza Jazi aka J. Reza Jazi aka G. Reza Jazi aka Ghononreza
4 Zandian Jazi. The second General Denial was served on March 13, 2012 on behalf of the
5 Optima Technology Corporations.

6 On March 13, 2012, Defense counsel moved to withdraw from representing all of the
7 individual and corporate Defendants in this action. On March 16, 2012, Plaintiff filed a non-
8 opposition to Defense counsel's Motion to Withdraw and on April 26, 2012, this Court granted
9 Defense counsel's Motion to Withdraw. No appearance of counsel has been entered for any of
10 the Defendants as of this date.

11 NRS 7.285 provides that "[n]o person shall practice law in this state unless he is an
12 active member of the State Bar of Nevada pursuant to the rules of the supreme court." The
13 statute further provides that any person who practices law who is not an active member of the
14 State Bar of Nevada is guilty of a misdemeanor. SCR 77 provides that, with certain
15 inapplicable exceptions, no person may practice law as an officer of the courts in this state
16 who is not an active member of the state bar. Nevada case law is clear on this issue as well.
17 *See State v. Stu's Bail Bonds*, 115 Nev. 436, n. 1, 991 P.2d 469, 470 n. 1 (1999) ("business
18 entities are not permitted to appear, or file documents, in proper person"); *Salman v.*
19 *Newell*, 110 Nev. 1333, 1336, 885 P. 2d 607, 608 (1994) (observing that no statute or rule
20 permits a non-lawyer to represent an entity and concluding that an entity cannot proceed in
21 proper person); *Sunde v. Contel of California*, 112 Nev. 541, 542-43, 915 P.2d 298, 299
22 (1996) (explaining that non-lawyers may not represent entities in court).

23 In addition, courts may strike pleadings when a corporation has failed to retain counsel.
24 *See Trustees of Operating Engineers Pension Trust v. O'Donnell*, 2007 WL 672528, *2 (D.
25 Nev. 2007) (granting motion to compel and alternative motion to strike answer) (citations
26 omitted).

27 In light of the foregoing, the Court finds that the Optima Technology Corporations
28 cannot defend, prosecute, or participate in this action without counsel licensed in the State of

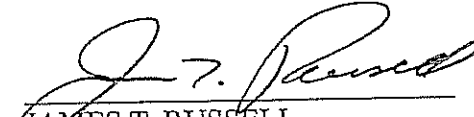
1 Nevada. In Plaintiff's Motion, Plaintiff requested that the Optima Technology Corporations be
2 ordered to retain legal counsel no later than June 15, 2012. Plaintiff also requested that the
3 March 13, 2012 General Denial filed by the Optima Technology Corporations be stricken if the
4 Optima Technology Corporations did not retain new counsel by June 15, 2012. Pursuant to the
5 above findings, the Court further finds that Plaintiff's requests should be granted with the
6 Optima Technology Corporations now being given until July 15, 2012 to retain counsel or their
7 General Denial will be stricken.

8 THEREFORE, Plaintiff Jed Margolin's Motion to Compel Appearance of Counsel for
9 the Optima Technology Corporations or in the Alternative Motion to Strike the General Denial
10 of the Optima Technology Corporations is GRANTED as follows:

11 IT IS HEREBY ORDERED that the Optima Technology Corporations must retain
12 counsel and that counsel must enter an appearance in this matter on behalf of the Optima
13 Technology Corporations by July 15, 2012.

14 IT IS FURTHER ORDERED that if no appearance is entered on behalf of the Optima
15 Technology Corporations by July 15, 2012, the Optima Technology Corporations' General
16 Denial, filed on March 13, 2012, shall be stricken.

17 Dated this 28th day of June 2012.

18
19 
20 JAMES T. RUSSELL
21 DISTRICT COURT JUDGE
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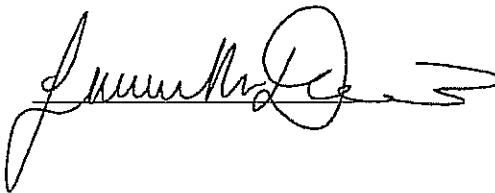
CERTIFICATE OF SERVICE

I hereby certify that on the 29 day of June, 2012, I placed a copy of the foregoing

Order in the United States Mail, postage prepaid, addressed as follows:

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

Reza Zandian
8775 Costa Verde Blvd. Apt #501
San Diego, CA 82122



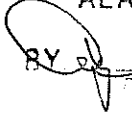
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1 Matthew D. Francis (6978)
Adam P. McMillen (10678)
2 WATSON ROUNDS
5371 Kietzke Lane
3 Reno, NV 89511
Telephone: 775-324-4100
4 Facsimile: 775-333-8171
Attorneys for Plaintiff Jed Margolin

REC'D & FILED

2012 NOV -6 AM 11:47

ALAN GLOVER

BY  CLERK

5
6
7 **In The First Judicial District Court of the State of Nevada**
8 **In and for Carson City**
9

10 **JED MARGOLIN, an individual,**

11 **Plaintiff,**

12 **vs.**

13 **OPTIMA TECHNOLOGY CORPORATION,**
a California corporation, **OPTIMA**
14 **TECHNOLOGY CORPORATION,** a Nevada
15 **corporation, REZA ZANDIAN**
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
18 **Companies 1-10, DOE Corporations 11-20,**
19 **and DOE Individuals 21-30,**

20 **Defendants.**

Case No.: 090C00579 1B

Dept. No.: 1

NOTICE OF ENTRY OF JUDGMENT

21 TO: All parties:

22 **PLEASE TAKE NOTICE** that on October 31, 2012, the Court entered a Default
23 Judgment in the above-referenced matter, against Defendants Optima Technology
24 Corporation, a Nevada corporation and Optima Technology Corporation, a California
25 corporation. Attached as Exhibit 1 is a true and correct copy of such Default Judgment.

26 ///

27 ///

28 ///

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: November 5, 2012.

WATSON ROUNDS

By: 

Matthew D. Francis

Adam P. McMillen

Watson Rounds

5371 Kietzke Lane

Reno, NV 89511

Attorneys for Plaintiff Jed Margolin

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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, **Notice of Entry of Judgment**, addressed as
5 follows:

6
7 Reza Zandian
8 8775 Costa Verde Boulevard
9 San Diego, CA 92122

10 Dated: November 5, 2012

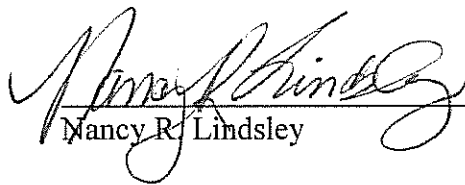
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12 _____
13 Nancy R. Lindsley
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Exhibit 1

Exhibit 1

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*

REC'D & FILED
2012 OCT 31 PM 1:42
ALAN GLOVER
BY J. E. GLOVER CLERK
DEPT. CLERK

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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

DEFAULT JUDGMENT

21 WHEREAS Plaintiff filed the Amended Complaint in this action on August 11, 2011.
22 After extensive briefing regarding service on Defendants Optima Technology Corporation, a
23 Nevada corporation, and Optima Technology Corporation, a California corporation (together
24 the "Defendants"), and after the Court denied Defendants' Motion to Dismiss, Defendants
25 served and filed a General Denial in response to the Amended Complaint. The General Denial
26 was served on March 13, 2012 on behalf of the Defendants.

27 WHEREAS on March 13, 2012, Defense counsel moved to withdraw from
28 representing all of the individual and corporate Defendants in this action. On March 16, 2012,

1 Plaintiff filed a non-opposition to Defense counsel's Motion to Withdraw, and on April 26,
2 2012, this Court granted Defense counsel's Motion to Withdraw.

3 WHEREAS on May 15, 2012, Plaintiff moved this Court for an order compelling the
4 appearance of counsel for the Defendants or in the alternative an order striking the General
5 Denial of the Defendants. The Defendants did not respond to the motion. On June 28, 2012,
6 this Court ordered that the Defendants retain counsel and that counsel enter an appearance in
7 this matter on behalf of the Defendants by July 15, 2012. This Court also ordered that if no
8 appearance was made by that date the General Denial would be stricken.

9 WHEREAS since no appearance was made on behalf of the Defendants, Plaintiff filed
10 an application for entry of default on September 14, 2012. On September 24, 2012, this Court
11 entered a default against the Defendants. The notice of entry of default was served on
12 September 26, 2012, and filed on September 27, 2012. Now Plaintiff seeks entry of a default
13 judgment against Defendants.

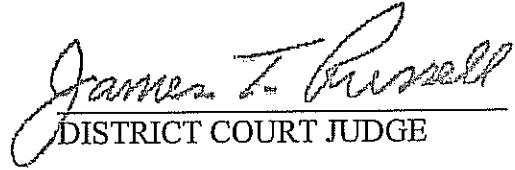
14 WHEREAS Defendants are not infants or incompetent persons and are not in the
15 military service of the United States as defined by 50 U.S.C. Appx § 521.

16 WHEREAS the allegations in Plaintiff's Amended Complaint warrant entry of final
17 judgment against Defendants Optima Technology Corporation, a Nevada corporation, and
18 Optima Technology Corporation, a California corporation, for conversion, tortious
19 interference with contract, intentional interference with prospective economic advantage,
20 unjust enrichment, and unfair and deceptive trade practices.

21 WHEREAS Defendants Optima Technology Corporation, a Nevada corporation, and
22 Optima Technology Corporation, a California corporation, are jointly and severally liable to
23 Plaintiff for the principal amount of \$1,286,552.46.

24 THEREFORE, Judgment is hereby entered for Plaintiff and against Defendants Optima
25 Technology Corporation, a Nevada corporation, and Optima Technology Corporation, a
26 California corporation, for damages, along with pre-judgment interest, attorney's fees and
27 costs in the amount of \$1,286,552.46, plus interest at the legal rate, pursuant to NRS 17.130,
28 thereon from the date of default until the judgment is satisfied.

1 JUDGMENT is hereby entered against Defendants Optima Technology Corporation, a
2 Nevada corporation, and Optima Technology Corporation, a California corporation, in favor of
3 Plaintiff this 31ST day of October, 2012.

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5 
6 DISTRICT COURT JUDGE
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2013 JAN 15 AM 10:44

ALAN GLOVER
BY *Alan Glover*
DEPUTY 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.

Case No.: 090C00579 1B

Dept. No.: 1

ORDER GRANTING PLAINTIFF'S
MOTION FOR SANCTIONS UNDER
NRCPC 37

On December 14, 2012, Plaintiff filed his motion for an Order striking the General Denial of 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 ("Zandian") and awarding Margolin his fees and costs incurred in bringing this Motion. No opposition has been filed.

Based on the foregoing and good cause appearing,

IT IS HEREBY ORDERED that Plaintiff's motion for sanctions under NRCPC 37 is granted;

1 IT IS FURTHER ORDERED that the General Denial filed by Zandian on or about March
2 5, 2012 is stricken; and


3 IT IS FURTHER ORDERED that Plaintiff shall be awarded his fees and costs incurred
4 his motion, and file an application for fees and a memorandum of costs relating to his motion.

5 Dated this 14 day of January, 2013.

6
7 
8 JAMES T. RUSSELL
9 DISTRICT COURT JUDGE

10 Respectfully Submitted,

11 WATSON ROUNDS

12 
13 _____
14 Matthew D. Francis
15 Adam P. McMillen
16 5371 Kietzke Lane
17 Reno, NV 89511
18 Telephone: (775) 324-4100
19 Facsimile: (775) 333-8171

20 Attorneys for Plaintiff
21
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ORIGINAL

REC'D & FILED

2013 JAN 17 AM 11:39

ALAN GLOVER
BY *Alan Glover* CLERK
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

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
ZANDIAN JAZI, an individual, DOE Companies
18 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

21 TO: All parties:

22 **PLEASE TAKE NOTICE** that on January 15, 2013, the Court entered its Order
23 Granting Plaintiff's Motion for Sanctions Under NRCp 37 in the above-referenced matter.

24 Attached as Exhibit 1 is a true and correct copy of such Order, filed January 15, 2013.

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

26 The undersigned does hereby affirm that the preceding document does not contain the

27 ///


28 ///

1 social security number of any person.

2 DATED: January 16, 2013.

WATSON ROUNDS

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By:  _____

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

Attorneys for Plaintiff Jed Margolin

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CERTIFICATE OF SERVICE

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

Reza Zandian
8775 Costa Verde Blvd.
San Diego, CA 92122

Reza Zandian
8775 Costa Verde Blvd, Apt. 501
San Diego, CA 92122

Alborz Zandian
9 Almanzora
Newport Beach, CA 92657-1613

Dated: January 16, 2013

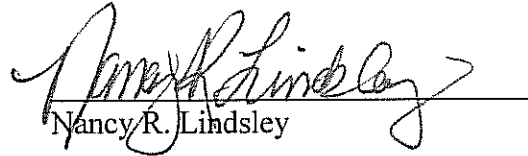

Nancy R. Lindsley

Exhibit 1

Exhibit 1

REC'D & FILED

2013 JAN 15 AM 10:44

ALAN GLOVER

BY CLERK
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 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

ORDER GRANTING PLAINTIFF'S
MOTION FOR SANCTIONS UNDER
NRCP 37

On December 14, 2012, Plaintiff filed his motion for an Order striking the General Denial of 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 ("Zandian") and awarding Margolin his fees and costs incurred in bringing this Motion. No opposition has been filed.

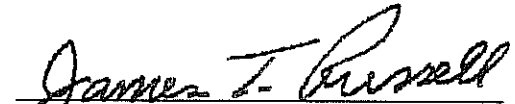
Based on the foregoing and good cause appearing,

IT IS HEREBY ORDERED that Plaintiff's motion for sanctions under NRCP 37 is granted;

1 IT IS FURTHER ORDERED that the General Denial filed by Zandian on or about March
2 5, 2012 is stricken; and


3 IT IS FURTHER ORDERED that Plaintiff shall be awarded his fees and costs incurred
4 his motion, and file an application for fees and a memorandum of costs relating to his motion.

5 Dated this 14th day of January, 2013.

6
7 
8 JAMES T. RUSSELL
9 DISTRICT COURT JUDGE

10 Respectfully Submitted,

11 WATSON ROUNDS

12 
13 _____
14 Matthew D. Francis
15 Adam P. McMillen
16 5371 Kietzke Lane
17 Reno, NV 89511
18 Telephone: (775) 324-4100
19 Facsimile: (775) 333-8171

20 Attorneys for Plaintiff
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REC'D & FILED

2013 MAR 29 PM 2:45

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.

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

ORDER GRANTING PLAINTIFF'S
APPLICATION FOR ATTORNEY'S
FEES AND COSTS

On February 20, 2013, Plaintiff filed his Application for Attorney's Fees and Costs. No opposition has been filed.

Based on the foregoing and good cause appearing,

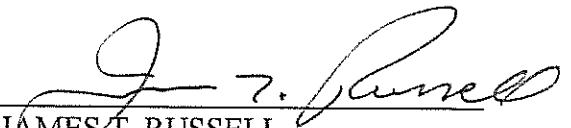
IT IS HEREBY ORDERED that Plaintiff's Application for Attorney's Fees and Costs is granted;

IT IS FURTHER ORDERED that Plaintiff shall be awarded his fees and costs pursuant

///

1 to his Application for Fees and Costs, in the total amount of \$2,792.15.

2 DATED: This 29th day of March, 2013.

3
4 
5 JAMES T. RUSSELL
6 DISTRICT COURT JUDGE

7 Respectfully Submitted,

8 WATSON ROUNDS

9
10 _____
11 Matthew D. Francis
12 Adam P. McMillen
13 5371 Kietzke Lane
14 Reno, NV 89511
15 Telephone: (775) 324-4100
16 Facsimile: (775) 333-8171

17 Attorneys for Plaintiff

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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

REC'D & FILED
2013 APR -3 AM 11:23
ALAN GLOVER
BY: [Signature] CLERK

5
6
7 **In The First Judicial District Court of the State of Nevada**
8 **In and for Carson City**
9

10 **JED MARGOLIN, an individual,**

11 **Plaintiff,**

12 **vs.**

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

20 **Defendants.**

Case No.: 090C00579 1B

Dept. No.: 1

NOTICE OF ENTRY OF ORDER

21
22 TO: All parties:

23 **PLEASE TAKE NOTICE** that on March 29, 2013, the Court entered its Order
24 Granting Plaintiff's Application for Attorney's Fees and Costs in the above-entitled matter.
25 Attached as Exhibit 1 is a true and correct copy of the Order Granting Plaintiff's Application
26 for Attorney's Fees and Costs.

27 ///

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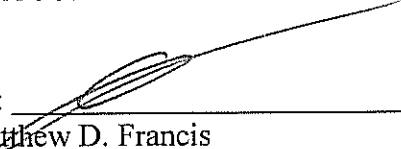
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Affirmation Pursuant to NRS 239B.030

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

DATED: April 2, 2013

WATSON ROUNDS

By: 
Matthew D. Francis
Adam P. McMillen
Watson Rounds
5371 Kietzke Lane
Reno, NV 89511

Attorneys for Plaintiff Jed Margolin

CERTIFICATE OF SERVICE

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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, **Notice of Entry of Order**, addressed as follows:

Reza Zandian
8775 Costa Verde Blvd.
San Diego, CA 92122

Reza Zandian
8775 Costa Verde Blvd, Apt. 501
San Diego, CA 92122

Alborz Zandian
9 Almanzora
Newport Beach, CA 92657-1613

Dated: April 2, 2013

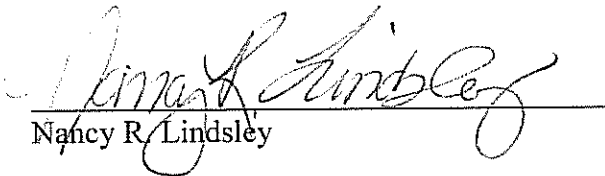

Nancy R. Lindsley

Exhibit 1

Exhibit 1

REC'D & FILED

2013 MAR 29 PM 2:45

ALAN GLOVER
BY **G. FRANZ** CLERK
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 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

**ORDER GRANTING PLAINTIFF'S
APPLICATION FOR ATTORNEY'S
FEES AND COSTS**

On February 20, 2013, Plaintiff filed his Application for Attorney's Fees and Costs. No opposition has been filed.

Based on the foregoing and good cause appearing,

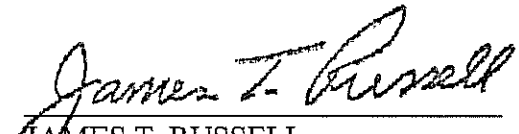
IT IS HEREBY ORDERED that Plaintiff's Application for Attorney's Fees and Costs is granted;

IT IS FURTHER ORDERED that Plaintiff shall be awarded his fees and costs pursuant

///

1 to his Application for Fees and Costs, in the total amount of \$2,792.15.

2 DATED: This 29th day of March, 2013.

3
4 
5 JAMES T. RUSSELL
DISTRICT COURT JUDGE

6 Respectfully Submitted,

7 WATSON ROUNDS

8
9 _____
10 Matthew D. Francis
11 Adam P. McMillen
12 5371 Kietzke Lane
13 Reno, NV 89511
14 Telephone: (775) 324-4100
15 Facsimile: (775) 333-8171

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Attorneys for Plaintiff

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

REC'D & FILED

2013 APR -5 AM 11:46

ALAN GLOVER

BY  CLERK
DEPUTY

5
6
7 **In The First Judicial District Court of the State of Nevada**
8 **In and for Carson City**
9

10 **JED MARGOLIN, an individual,**

11 **Plaintiff,**

12 **vs.**

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

20 **Defendants.**

Case No.: 090C00579 1B

Dept. No.: 1

AMENDED NOTICE OF ENTRY
OF DEFAULT

21 TO: All parties:

22 **PLEASE TAKE NOTICE** that on March 28, 2013 the Court entered a Default in the
23 above-referenced matter, against Defendant REZA ZANDIAN, aka GOLAMREZA
24 ZANDIANJAZI, aka GHOLAM REZA ZANDIAN, aka REZA JAZI, aka J. REZA JAZI, aka
25 G. REZA JAZI, aka GHONONRESA ZANDIAN JAZI . Attached as Exhibit 1 is a true and
26 correct copy of such Default.

27 ///

28 ///

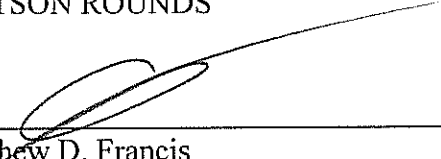
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Affirmation Pursuant to NRS 239B.030

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

DATED: April 4, 2013.

WATSON ROUNDS

By: 
Matthew D. Francis
Adam P. McMillen
Watson Rounds
5371 Kietzke Lane
Reno, NV 89511

Attorneys for Plaintiff Jed Margolin

CERTIFICATE OF SERVICE

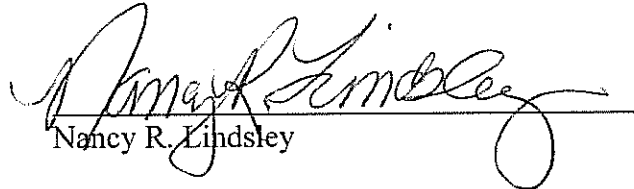
Pursuant to NRCP 5(b), I certify that I am an employee of Watson Rounds, and that on this date, I deposited for mailing, in a sealed envelope, with first-class postage prepaid, a true and correct copy of the foregoing document, Amended Notice of Entry of Default, addressed as follows:

Reza Zandian
8775 Costa Verde Blvd.
San Diego, CA 92122

Reza Zandian
8775 Costa Verde Blvd, Apt. 501
San Diego, CA 92122

Alborz Zandian
9 Almanzora
Newport Beach, CA 92657-1613

Dated: April 4, 2013


Nancy R. Lindsley

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Exhibit 1

Exhibit 1

March 28, 2013

Date

Case No. 09 0C 00579 1B

ALAN GLOVER
CLERK

Dept. No. I

By C. GRIBBLE
Deputy

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

JED MARGOLIN, an individual,

Plaintiff,

vs.

DEFAULT

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.

On January 15, 2013, this Court entered an Order striking the General Denial of 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 ("Zandian"). A true and correct copy of said Order is attached hereto as Exhibit 1. Because Zandian's General Denial is stricken, Zandian is in default for failure to plead or otherwise defend as required by law. DEFAULT is therefore entered against Defendant Zandian this 28th day of March, 2013.

Alan Glover
CLERK OF THE COURT

BY: C. GRIBBLE
DEPUTY CLERK

ORIGINAL

REC'D & FILED

2013 JUN 27 PM 3:22

ALAN GLOVER
CLERK
BY *[Signature]*
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 **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**
TECHNOLOGY CORPORATION, a Nevada
15 **corporation, REZA ZANDIAN**
16 **aka GOLAMREZA ZANDIANJAZI**
17 **aka GHOLAM REZA ZANDIAN**
18 **aka REZA JAZI aka J. REZA JAZI**
19 **aka G. REZA JAZI aka GHONONREZA**
ZANDIAN JAZI, an individual, DOE
20 **Companies 1-10, DOE Corporations 11-20,**
and DOE Individuals 21-30,

20 **Defendants.**

Case No.: 090C00579 1B

Dept. No.: 1

NOTICE OF ENTRY OF
DEFAULT JUDGMENT

21 TO: All parties:

22 **PLEASE TAKE NOTICE** that on June 24, 2013 the Court entered a Default
23 Judgment in the above-referenced matter for Plaintiff and against Defendant Zandian and
24 Defendants Optima Technology Corporation, a Nevada corporation and Optima Technology
25 Corporation, a California Corporation. Attached as Exhibit 1 is a true and correct copy of such

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1 Default Judgment.


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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: June 26, 2013.

WATSON ROUNDS

By: 
Matthew D. Francis
Adam P. McMillen
Watson Rounds
5371 Kietzke Lane
Reno, NV 89511

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, **Notice of Entry of Default Judgment**, addressed
5 as follows:

6 Reza Zandian
7 8775 Costa Verde Blvd.
8 San Diego, CA 92122

9 Reza Zandian
10 8775 Costa Verde Blvd, Apt. 501
11 San Diego, CA 92122

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

15 Reza Zandian
16 8401 Bonita Downs Road
17 Fair Oaks, CA 95628

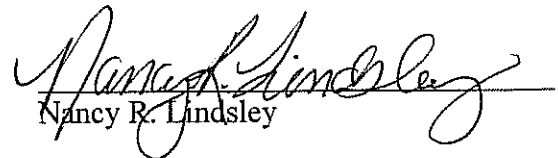
18 Optima Technology Corp.
19 A California corporation
20 8401 Bonita Downs Road
21 Fair Oaks, CA 95628

22 Optima Technology Corp.
23 A Nevada corporation
24 8401 Bonita Downs Road
25 Fair Oaks, CA 95628

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

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

Dated: June 26, 2013.


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

REC'D & FILED
2013 JUN 24 PM 4:12
ALLAN GLOVER
C. ERVEN
BY _____ CLERK
DEPUTY

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

9 JED MARGOLIN, an individual,
10
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 JAZI aka J. REZA
16 JAZI aka G. REZA JAZI aka GHONONREZA
ZANDIAN JAZI, an individual, DOE Companies
17 1-10, DOE Corporations 11-20, and DOE
18 Individuals 21-30,
19 Defendants.

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

DEFAULT JUDGMENT

20
21 WHEREAS Plaintiff JED MARGOLIN filed an Amended Complaint in this action on
22 August 11, 2011. On March 5, 2012, REZA ZANDIAN aka GOLAMREZA ZANDIANJAZI
23 aka GHOLAM REZA ZANDIAN aka REZA JAZI aka J. REZA JAZI aka G. REZA JAZI aka
24 GHONONREZA ZANDIAN JAZI ("Zandian") served a General Denial to the Amended
25 Complaint. On March 13, 2012, OPTIMA TECHNOLOGY CORPORATION, a California
26 corporation, OPTIMA TECHNOLOGY CORPORATION, a Nevada corporation, served a
27 General Denial to the Amended Complaint.
28

1 WHEREAS on June 28, 2012, this Court issued an order requiring the corporate
2 Defendants to retain counsel and that counsel must enter an appearance on behalf of the
3 corporate Defendants by July 15, 2012. If no such appearance was entered, the June 28, 2012
4 order said that the corporate Defendants' General Denial shall be stricken. Since no
5 appearance was made on their behalf, a default was entered against them on September 24,
6 2012. A notice of entry of default judgment was filed on November 6, 2012.

7 WHEREAS on January 15, 2013, this Court issued an order striking the General Denial
8 of Zandian and awarding his fees and costs incurred in bringing the motion to strike. A default
9 was entered against Zandian on March 28, 2013. A notice of entry of default judgment was
10 filed on April 5, 2013.

11 WHEREAS Defendants are not infants or incompetent persons and are not in the
12 military service of the United States as defined by 50 U.S.C. § 521.

13 WHEREAS the allegations in Plaintiff's Amended Complaint warrant entry of final
14 judgment against all named Defendants for conversion, tortious interference with contract,
15 intentional interference with prospective economic advantage, unjust enrichment, and unfair
16 and deceptive trade practices.

17 WHEREAS all Defendants are jointly and severally liable to Plaintiff for the principal
18 amount of \$1,495,775.74.

19 THEREFORE, Judgment is hereby entered for Plaintiff and against Defendant Zandian
20 and Defendants Optima Technology Corporation, a Nevada corporation, and Optima
21 Technology Corporation, a California corporation, for damages, along with pre-judgment
22 interest, attorney's fees and costs in the amount of \$1,495,775.74, plus interest at the legal rate,
23 pursuant to NRS 17.130, thereon from the date of default until the judgment is satisfied.

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JUDGMENT is hereby entered against Defendant Zandian and Defendants Optima Technology Corporation, a Nevada corporation, and Optima Technology Corporation, a California corporation, in favor of Plaintiff this 24th day of June, 2013.


DISTRICT COURT JUDGE

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*

REC'D & FILED
2014 NOV -6 PM 3:29
BY ALAN GLOVER
DEPUTY CLERK

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

9 JED MARGOLIN, an individual,

10 Plaintiff,

11 vs.

12 REZA ZANDIAN aka GOLAMREZA
13 ZANDIANJAZI aka GHOLAM REZA
14 ZANDIAN aka REZA JAZI aka J. REZA JAZI
15 aka G. REZA JAZI aka GHONONREZA
16 ZANDIAN JAZI, et al.,

17 Defendants.

Case No.: 090C00579 1B

Dept. No.: 1

CERTIFICATE OF SERVICE
OF AFFIDAVITS OF POSTING
NOTICE OF SHERIFF'S SALE OF
REAL PROPERTY UNDER
EXECUTION

17 I, NANCY R. LINDSLEY, certify that I am an employee of WATSON ROUNDS,
18 and on the 5th day of November, 2014, I served the following documents:
19

20 AFFIDAVIT OF POSTING NOTICE OF SHERIFF'S SALE OF REAL
21 PROPRETY UNDER EXECUTION (CLARK COUNTY APN: 071-02-000-
013)

22 AFFIDAVIT OF POSTING NOTICE OF SHERIFF'S SALE OF REAL
23 PROPRETY UNDER EXECUTION (CLARK COUNTY APN: 071-02-000-
005)

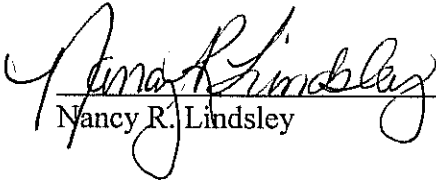
24 Such documents were served on the parties listed below via by placing a true copies thereof
25 enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail at
26 Reno, Nevada for delivery, as follows:
27

28 Reza Zandian
c/o Jason D. Woodbury

1 Severin A. Carlson
2 Kaempfer Crowell
3 510 West Fourth Street
4 Carson City, Nevada 89703

5 I declare under penalty of perjury that the foregoing is true and correct.

6 Dated: November 5, 2014

7 
8 _____
9 Nancy R. Lindsley

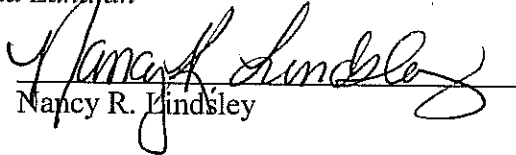
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1 CERTIFICATE OF SERVICE

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 CERTIFICATE OF SERVICE OF AFFIDAVITS OF
5 POSTING NOTICE OF SHERIFF'S SALE OF REAL PROPERTY UNDER EXECUTION,
6 addressed as follows:
7


8 Jason D. Woodbury
9 Severin A. Carlson
10 Kaempfer Crowell
11 510 West Fourth Street
12 Carson City, Nevada 89703
13 *Attorneys for Defendant, Reza Zandjan*

14 Dated: November 5, 2014

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16 Nancy R. Lindsley
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Case No.: 09 OC 00579 1B
Dept. No.: 1

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ALAN GLOVER
BY  CLERK
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 GHONONREZA
ZANDIAN JAZI, an individual, DOE
Companies 1-10, DOE Corporations 11-20,
and DOE Individuals 21-30,
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**

This matter comes before the Court on 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 ("Zandian") Motion to Set Aside 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.

\\

I. FACTUAL BACKGROUND

1
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.

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

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

25 Based upon the fact that Zandian knew about this case and continued to receive the
26 papers and pleadings from this matter, it was inexcusable for Zandian not to respond to the
27
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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. 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 DATED: This 6th day of February, 2014. IT IS SO ORDERED:
19


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 6 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 _____
16 Samantha Valerius
17 Law Clerk, Department I
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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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ALAN BLOVER
CLERK
BY *[Signature]*
DEPUTY

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

10 **JED MARGOLIN, an individual,**

11 **Plaintiff,**

12 **vs.**

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

20 **Defendants.**

Case No.: 090C00579 1B

Dept. No.: 1

NOTICE OF ENTRY OF ORDER

21
22 TO: All parties:

23 **PLEASE TAKE NOTICE** that on February 6, 2014, the Court entered its Order
24 Denying Defendant Reza Zandian aka Golamreza Zandianjazi aka Gholam Reza Zandian aka
25 Reza Jazi aka J. Reza Jazi aka G. Reza Jazi aka Ghononreza Zandian Jazi's Motion to Set

26 ///

27 ///

28 ///

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

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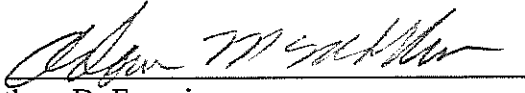
By: 
Matthew D. Francis
Adam P. McMillen
Watson Rounds
5371 Kietzke Lane
Reno, NV 89511
Attorneys for Plaintiff Jed Margolin

Exhibit 1

Exhibit 1

1 Case No.: 09 OC 00579 1B

2 Dept. No.: 1

REC'D & FILED

2014 FEB -6 AM 8: 51

3 ALAN GLOVER
4 BY  CLERK
5 DEPUTY

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

9
10 **JED MARGOLIN, an individual,**

11 **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.

\\

I. FACTUAL BACKGROUND

1
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.

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 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.

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

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”).

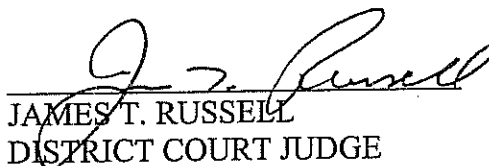
1 In light of Zandian's repeated and continued abuses, the policy of adjudicating cases on
2 the merits would not be furthered in this case, and the ultimate sanctions are necessary to
3 demonstrate to Zandian and future litigants that they are not free to act with wayward
4 disregard of a court's orders. *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. 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 DATED: This 6th day of February, 2014. IT IS SO ORDERED:
19

20
21 
22 JAMES T. RUSSELL
23 DISTRICT COURT JUDGE
24
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CERTIFICATE OF MAILING

I hereby certify that on the 6 day of February, 2014, I placed a copy of the foregoing in the United States Mail, postage prepaid, addressed as follows:

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

Geoffrey W. Hawkins
Johnathon Fayeghi
Hawkins Melendrez, P.C.
9555 Hillwood Drive, Suite 150
Las Vegas, NV 89134



Samantha Valerius
Law Clerk, Department I

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

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ALAN GLOVER
BY [Signature] CLERK
DEPUTY

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

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

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

19
20 **NOTICE OF APPEAL**

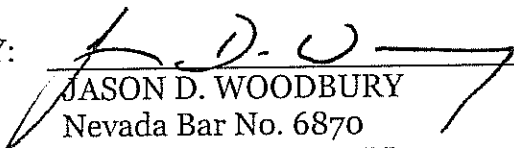
21 Notice is hereby given that REZA ZANDIAN, a Defendant above-named, hereby
22 appeals to the Supreme Court of Nevada from the *Order Denying Defendant Reza*
23 *Zandian aka Golamreza Zandianjazi aka Gholam Reza Zandian aka Reza Jazi aka J.*
24 *Reza Jazi aka G. Reza Jazi aka Ghonoreza Zandian Jazi's Motion to Set Aside Default*
Judgment entered in this action on the 6th day of February, 2014. A *Notice of Entry of*

KAEMPFER CROWELL
510 West Fourth Street
Carson City, Nevada 89703

1 Order was served by mail upon counsel for Reza Zandian on February 10, 2014, a true
2 and correct copy of which is attached to this *Notice of Appeal* as Exhibit 1. A cash
3 deposit in the amount of \$500.00 has been submitted herewith as evidenced by the
4 *Notice of Cash Deposit in Lieu of Bond* filed contemporaneously herewith.

5 DATED this 12th day of March, 2014.

6 KAEMPFER CROWELL

7
8 BY: 
9 JASON D. WOODBURY
10 Nevada Bar No. 6870
11 KAEMPFER CROWELL
12 510 West Fourth Street
13 Carson City, Nevada 89703
14 Telephone: (775) 884-8300
15 Facsimile: (775) 882-0257
16 jwoodbury@kcnvlaw.com
17 ***Attorneys for Reza Zandian***

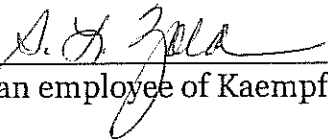
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KAEMPFER CROWELL
510 West Fourth Street
Carson City, Nevada 89703

CERTIFICATE OF SERVICE

Pursuant to NRAP 25(d) and NRCP 5(b), I hereby certify that service of the foregoing **NOTICE OF APPEAL** was made this date by depositing a true copy of the same for mailing at Carson City, Nevada, first class postage pre-paid, addressed to each of the following:

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

DATED this 12th day of March, 2014.


an employee of Kaempfer Crowell

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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.

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

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

NOTICE OF APPEAL

Exhibit List

Exhibit No.	Description of Exhibit	Exhibit Pages
1	<i>Notice of Entry of Order (Feb. 6, 2014)</i>	14

EXHIBIT 1

EXHIBIT 1

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Case No.: 090C00579 1B

Dept. No.: 1

REC'D & FILED

2014 MAY 19 PM 2: 22

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.

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

**ORDER ON MOTION FOR ORDER
ALLOWING COSTS AND
NECESSARY DISBURSEMENTS
AND MEMORANDUM OF POINTS
AND AUTHORITIES IN SUPPORT
THEREOF**

This matter comes before the Court on Plaintiff Jed Margolin's ("Margolin") Motion for Order Allowing Costs and Necessary Disbursements and Memorandum of Points and Authorities in Support Thereof, filed on April 28, 2014. On April 30, 2014, Defendant Reza Zandian ("Zandian") filed a Motion to Retax and Settle Costs, wherein Defendant Zandian addressed Margolin's Motion for Order Allowing Costs and Necessary Disbursements. On May 12, 2014, Zandian served an Opposition to Motion for Order Allowing Costs and

1 Necessary Disbursements, which restates the arguments included in the Motion to Retax. On
2 May 12, 2014, Margolin filed a Reply in Support of the Motion for Order Allowing Costs and
3 Necessary Disbursements and Margolin also filed a Request for Submission on the same date.
4 On May 14, 2014, Margolin filed an Amended Request for Submission, finally submitting the
5 Motion for Order Allowing Costs and Necessary Disbursements to the Court for decision.

6 Based upon the following facts and conclusions of law, the Motion for Order Allowing
7 Costs and Necessary Disbursements is hereby GRANTED.

8 **I. Postjudgment Costs**

9 Zandian does not dispute Margolin is allowed postjudgment costs under NRS 18.160
10 and NRS 18.170. Zandian does not dispute the requested research, witness fees or process
11 service/courier costs. Zandian only requests that the Court reduce the photocopy charges from
12 \$0.25 to \$0.15 per page. Zandian relies upon what the "FedEx Office" in Carson City charges
13 for copies to demonstrate that Margolin's rate of \$0.25 per page is not reasonable.
14

15 Margolin cites to the First Judicial District Court's own fee schedule for copy charges,
16 which shows the Court charges \$0.50 per page for copies. The District Court's own fee
17 schedule is a better exemplar of what reasonable copy charges should be in this matter. The
18 rate of \$0.25 per page is half of what the Court charges for legal copies and the Court finds
19 that \$0.25 is reasonable under the circumstances. Therefore, Margolin's copy charges will not
20 be reduced and are awarded in full in the amount requested. Since Zandian did not oppose the
21 other costs, Margolin is granted his costs pursuant to NRS 18.160 and NRS 18.170, as follows:
22

23 COSTS (October 18, 2013 THROUGH April 18, 2014):

24 Postage/photocopies (in-house) \$ 481.20
25 Research 285.31
26 Witness Fees (Subpoenas) 215.66
27 Process service/courier fees 373.00
28 \$1,355.17

1 **II. Postjudgment Attorney's Fees**

2 Zandian argued that there is no applicable statute or rule upon which postjudgment
3 attorney's fees can be awarded to Margolin and that the parties did not enter into an agreement
4 which affords attorney's fees and therefore Margolin's request for postjudgment attorney's
5 fees should be denied. Further, Zandian argues that NRS 598.0999(2) does not permit an
6 award of attorney's fees in this case.

7 However, NRS 598.0999(2) is applicable to any action filed pursuant to the provisions
8 of NRS 598.0903 to 598.0999, inclusive. Accordingly, Margolin should be awarded his
9 postjudgment fees pursuant to the Deceptive Trade Practices statute.

10 **a. NRS 598.0999(2) provides for an award of attorney's fees**

11 NRS 598.0999(2) states as follows:

12 Except as otherwise provided in NRS 598.0974, in any action brought pursuant
13 to the provisions of NRS 598.0903 to 598.0999, inclusive, if the court finds that
14 a person has willfully engaged in a deceptive trade practice, the district attorney
15 of any county in this State or the Attorney General bringing the action may
16 recover a civil penalty not to exceed \$5,000 for each violation. The court in any
17 such action may, in addition to any other relief or reimbursement, award
18 reasonable attorney's fees and costs.

19 NRS 598.0999(2) (emphasis added).

20 Thus, the phrase, "provisions of NRS 598.0903 to 598.0999," encompasses all actions
21 brought under those sections. The language, "any action brought pursuant to the provisions of
22 NRS 598.0903 to 598.0999," does not limit Deceptive Trade Practices actions to district
23 attorneys or the Attorney General. The only limitation in NRS 598.0999(2) relates to the
24 district attorney's and the Attorney General being able to pursue the \$5,000 civil penalty. In
25 contrast, the last sentence of NRS 598.0999(2) stands alone and does not limit attorney fee
26 awards to district attorneys or the Attorney General and allows the Court, in any Deceptive
27 Trade Practices action, to "award reasonable attorney's fees and costs." NRS 598.0999(2).
28

1 As NRS 598.0999(2) provides for attorney's fees based upon actions filed pursuant to
2 the provisions of NRS 598.0903 to 598.0999, inclusive, and since NRS 598.0999(2) does not
3 exclude postjudgment attorney fees, Margolin's attorney's fees are hereby awarded for having
4 to incur fees enforcing the judgment on the deceptive trade practices claim.

5 **b. Margolin's attorneys' fees are reasonable**

6 "In Nevada, 'the method upon which a reasonable fee is determined is subject to the
7 discretion of the court,' which 'is tempered only by reason and fairness.'" *Shuette v. Beazer*
8 *Homes Holdings Corp.*, 124 P. 3d 530, 121 Nev. 837 (2005) (citing *University of Nevada v.*
9 *Tarkanian*, 110 Nev. 581, 594, 591, 879 P.2d 1180, 1188, 1186 (1994)). "Accordingly, in
10 determining the amount of fees to award, the court is not limited to one specific approach; its
11 analysis may begin with any method rationally designed to calculate a reasonable amount,
12 including those based on a 'lodestar' amount or a contingency fee." *Id.* (citations omitted).
13 "The lodestar approach involves multiplying 'the number of hours reasonably spent on the
14 case by a reasonable hourly rate.'" *Id.* at n. 98 (citing *Herbst v. Humana Health Ins. of*
15 *Nevada*, 105 Nev. 586, 590, 781 P.2d 762, 764 (1989)).

16 Before awarding attorney's fees, the district court must make findings concerning the
17 reasonableness of the award, as required by *Brunzell v. Golden Gate National Bank*, 455 P.2d
18 31, 85 Nev. 345 (1969) and *Shuette v. Beazer Homes Holdings Corp.*, 124 P. 3d 530, 121 Nev.
19 837 (2005). See *Barney v. Mt. Rose Heating & Air Conditioning*, 124 Nev. 821, 829-30, 192
20 P.3d 730, 735-7 (2008).

21 According to *Brunzell*, the factors that the district court should consider in awarding
22 attorney fees, with no one factor controlling, is as follows:

- 23 (1) the advocate's qualities, including ability, training, education, experience,
24 professional standing, and skill;
25 (2) the character of the work, including its difficulty, intricacy, importance, as
26 well as the time and skill required, the responsibility imposed, and the
27 prominence and character of the parties when affecting the importance of the
28 litigation;

- 1 (3) the work performed, including the skill, time, and attention given to the work; and
- 2 (4) the result—whether the attorney was successful and what benefits were derived.

3 *Barney*, 192 P.3d at 736 (citing *Brunzell*, 85 Nev. at 349, 455 P.2d at 33). According to
4 *Shuette*, the district court is required to “provide[] sufficient reasoning and findings in support
5 of its ultimate determination.” *Id.* (citing *Shuette*, 121 Nev. at 865, 124 P.3d at 549).

7 Margolin concedes that he is not currently entitled to attorney’s fees that are incurred
8 on appeal. See *Bd. of Gallery of History, Inc. v. Datecs Corp.*, 116 Nev. 286, 288, 994 P.2d
9 1149, 1150 (2000). However, as stated above, Margolin is entitled to his postjudgment
10 attorney’s fees, including those incurred in executing on the judgment. Therefore, Margolin is
11 hereby awarded only those fees that have been incurred, postjudgment, with regards to
12 execution of the judgment, for a total of \$31,247.50 in fees, which reflects the lodestar amount
13 of postjudgment attorney’s fees.

15 The amount of attorney’s fees awarded only includes reasonable attorney’s fees from
16 October 18, 2013 to April 18, 2014, as follows: 11.4 hours of work performed by attorney
17 Matthew D. Francis at \$300 per-hour (\$3,420.00); 75.3 hours of work performed by attorney
18 Adam P. McMillen at \$300 per-hour (\$22,590.00); and 41.9 hours of work performed by
19 paralegal Nancy Lindsley at \$125 per-hour (\$5,237.50). This lodestar amount is reasonable
20 under the *Brunzell* factors as follows.

21
22 **(1) Factors 1 and 2 - The Advocate’s Qualities, Including Ability, Training,
23 Education, Experience, Professional Standing, and Skill and The Novelty
and Difficulty of The Questions Involved, and The Time and Skill Involved**

24 The issues related to this case included: (a) whether Plaintiff’s patents were entitled to
25 protection; (b) whether Defendants fraudulently assigned Plaintiff’s patents; and (c), whether
26 Plaintiff was damaged by Defendants’ conduct. The patent and deceptive trade practices
27 issues, and the unique facts surrounding them, involved careful consideration and research. In
28 general, patent and deceptive trade practices litigation is a niche practice that requires a high

1 degree of legal skill and care in order to be performed properly and effectively. Each of these
2 causes of action, coupled with the unique facts of this matter, required thorough research and
3 careful analysis.

4 In addition, the postjudgment collection efforts so far have included attempting to find
5 Zandian's collectible assets, including researching and investigating his property in Nevada
6 and California and moving for a debtor's examination. Considering Zandian's elusive
7 behavior to date and elaborate financial arrangements with a multitude of companies and
8 individuals, Margolin has been forced to incur a significant amount of attorney's fees in
9 attempting to collect on the judgment.
10

11 Accordingly, Margolin's claimed postjudgment attorney's fees are reasonable under
12 these factors.

13 **(2) Factor 3 – The Time and Labor Required**

14 Margolin's counsel has been required to research Zandian's vast real estate holdings in
15 Nevada. Margolin's counsel has recorded the judgment in each Nevada County where
16 Zandian holds property. Margolin's counsel has researched and subpoenaed Zandian's
17 financial information from several financial institutions. Margolin's counsel has moved the
18 court for a debtor's examination of Zandian. The time and labor required relating to
19 collections efforts have been reasonable and significant.
20

21 **(3) Factor 4 - The Result—Whether The Attorney Was Successful And What
22 Benefits Were Derived**

23 Margolin prevailed on all of his causes of action in this case. Margolin's case against
24 the Defendants resulted in a Default Judgment being entered against the Defendants on
25 Margolin's causes of action. Specifically, the Court ordered Defendants to pay Plaintiff
26 \$1,495,775.74, plus interest. In addition, through postjudgment efforts, Margolin's counsel
27 has successfully liened Zandian's Nevada real estate to secure the judgment and Margolin's
28 counsel is in the process of securing appropriate writs of execution to satisfy the judgment.

1 Thus, Margolin obtained the results sought, and this factor weighs in favor of the
2 reasonableness of Margolin's fee request.

3 Further, the Court finds that while Zandian's failure to appear and defend this action
4 led to the default judgments being entered, the nature of this matter required specialized skill
5 and required a significant amount of time and attention by the attorneys involved.

6 The Court finds that patent and deceptive trade practices issues, and the unique facts
7 surrounding them; involved careful consideration and research. Patent and deceptive trade
8 practices litigation is a not a routine practice but requires a high degree of legal skill and care
9 in order to be performed properly and effectively. Each of the causes of action in this matter,
10 coupled with the unique facts of this matter, required thorough research and careful analysis.
11 The Court finds that Margolin's counsel billed at an hourly rate of \$300, which is reasonable
12 for this matter.
13

14 In summary, an analysis of the *Brunzell* factors proves Margolin's fees in the lodestar
15 amount of \$31,247.50 are reasonable and are hereby awarded.

16 **III. Postjudgment Interest**

17 Margolin seeks a formal judgment for the postjudgment interest accrued on the
18 judgment to date. Zandian argues it is premature for Margolin to request an order stating what
19 the current amount of accrued postjudgment interest is at this time. Zandian does not argue
20 that Margolin is not entitled to postjudgment interest.
21

22 "The purpose of post-judgment interest is to compensate the plaintiff for loss of the use
23 of the money awarded in the judgment 'without regard to the elements of which that judgment
24 is composed.'" *Albert H. Wohlers & Co. v. Bartgis*, 114 Nev. 1249, 1269, 969 P.2d 949, 963
25 (1998) (citing *Ainsworth v. Combined Ins. Co.*, 105 Nev. 237, 244, 774 P.2d 1003, 1009
26 (1989); see also *Waddell v. L.V.R.V. Inc.*, 122 Nev. 15, 26, 125 P.3d 1160, 1167 (2006)
27 ("[t]he purpose of post-judgment interest is to compensate the plaintiff for loss of the use of
28

1 the money awarded in the judgment' without regard to the various elements that make up the
2 judgment.”).

3 Since Zandian has not provided a supersedeas bond to stop execution of the judgment,
4 Margolin is entitled to postjudgment interest until the judgment is satisfied. *See* NRCPC 62(d)
5 (by giving a supersedeas bond a party may obtain stay of execution); *see also* NRS 17.130(2)
6 (interest accrues until judgment satisfied). As the original judgment was entered in Nevada
7 and the judgment set the interest rate at the legal rate of interest according to NRS 17.130, the
8 interest rate is 5.25 percent per-annum, or \$215.15 per-day. Accordingly, the Court hereby
9 finds that Margolin is owed simple interest at 5.25 percent or \$215.15 per-day from June 27,
10 2013, the date of notice of entry of the judgment, through April 18, 2014. It is 296 days from
11 June 27, 2013 to April 18, 2014. Multiplying 296 days by \$215.15 equals \$63,684.40 in
12 accrued interest, which is the amount of interest currently due and owing.¹

14 **IV. Conclusion**

15 Based upon the above, the Motion for Order Allowing Costs and Necessary
16 Disbursements is GRANTED in full. Therefore, Margolin is awarded his postjudgment costs,
17 from October 18, 2013 through April 18, 2014, in the amount of \$1,355.17. Margolin is
18 awarded his postjudgment attorney's fees in the amount of \$31,247.50. Margolin is awarded
19 his postjudgment interest in the amount of \$63,684.40.
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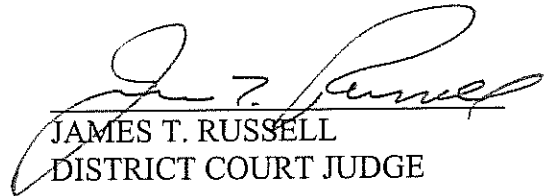
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28 ¹ Interest continues to accrue until the judgment is satisfied. *See* NRS 17.130(2).

1 The total amount awarded to Margolin herein is \$96,287.07. This award shall be added
2 to the judgment. This award must be paid before satisfaction of judgment may be entered in
3 this matter. Payment of this award shall be made within 10 days of notice of entry of this
4 Order. Payment shall be made payable to the Watson Rounds Trust Account or to Jed
5 Margolin. Payment shall be delivered to the law office of Watson Rounds.

6 DATED: This 19 day of May, 2014.

IT IS SO ORDERED:

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9 JAMES T. RUSSELL
10 DISTRICT COURT JUDGE
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16 Respectfully submitted by,

17 WATSON ROUNDS, P.C.

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

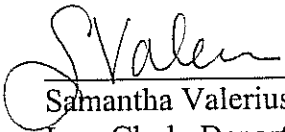
CERTIFICATE OF MAILING

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I hereby certify that on the 19th day of May, 2014, I placed a copy of the foregoing in the United States Mail, postage prepaid, addressed as follows:

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

Jason D. Woodbury
Severin A. Carlson
Kaempfer Crowell
510 West Fourth Street
Carson City, NV 89703



Samantha Valerius
Law Clerk, Department I

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

REC'D & FILED
2014 MAY 21 AM 11:15
ALAN GLOVER
CLERK
BY *[Signature]*
AFFIIT

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,

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13 OPTIMA TECHNOLOGY CORPORATION,
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ZANDIAN JAZI, an individual, DOE Companies
18 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 ON
MOTION FOR ORDER ALLOWING
COSTS AND NECESSARY
DISBURSEMENTS**

21 TO: All parties:

22 **PLEASE TAKE NOTICE** that on May 19, 2014 the Court entered its Order on
23 Motion for Order Allowing Costs and Necessary Disbursements. A true and correct copy of
24 such order is attached hereto as Exhibit 1

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

26 The undersigned does hereby affirm that the preceding document does not contain the


27 ///

28 ///

1 social security number of any person.

2 DATED: May 20, 2014.

WATSON ROUNDS

3
4 By: 
5 Matthew D. Francis
6 Adam P. McMillen
7 Watson Rounds
8 5371 Kietzke Lane
9 Reno, NV 89511

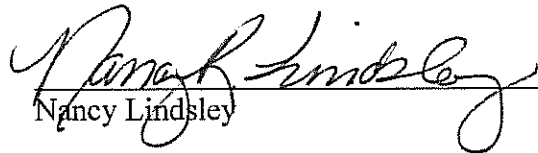
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11 Attorneys for Plaintiff Jed Margolin
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1 **CERTIFICATE OF SERVICE**

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, NOTICE OF ENTRY OF ORDER ON MOTINO
5 FOR ORDER ALLOWING COSTS AND NECESSARY DISBURSEMENTS, addressed as
6 follows:

7 Jason D. Woodbury
8 Severin A. Carlson
9 Kaempfer Crowell
10 510 West Fourth Street
11 Carson City, NV 89703

12 Dated: This 20th day of May, 2014.

13 
14 Nancy Lindsley
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1 Necessary Disbursements, which restates the arguments included in the Motion to Retax. On
2 May 12, 2014, Margolin filed a Reply in Support of the Motion for Order Allowing Costs and
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8 **I. Postjudgment Costs**

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21 other costs, Margolin is granted his costs pursuant to NRS 18.160 and NRS 18.170, as follows:
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23 **COSTS (October 18, 2013 THROUGH April 18, 2014):**

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11. Postjudgment Attorney's Fees

Zandian argued that there is no applicable statute or rule upon which postjudgment attorney's fees can be awarded to Margolin and that the parties did not enter into an agreement which affords attorney's fees and therefore Margolin's request for postjudgment attorney's fees should be denied. Further, Zandian argues that NRS 598.0999(2) does not permit an award of attorney's fees in this case.

However, NRS 598.0999(2) is applicable to any action filed pursuant to the provisions of NRS 598.0903 to 598.0999, inclusive. Accordingly, Margolin should be awarded his postjudgment fees pursuant to the Deceptive Trade Practices statute.

a. NRS 598.0999(2) provides for an award of attorney's fees

NRS 598.0999(2) states as follows:

Except as otherwise provided in NRS 598.0974, in any action brought pursuant to the provisions of NRS 598.0903 to 598.0999, inclusive, if the court finds that a person has willfully engaged in a deceptive trade practice, the district attorney of any county in this State or the Attorney General bringing the action may recover a civil penalty not to exceed \$5,000 for each violation. The court in any such action may, in addition to any other relief or reimbursement, award reasonable attorney's fees and costs.

NRS 598.0999(2) (emphasis added).

Thus, the phrase, "provisions of NRS 598.0903 to 598.0999," encompasses all actions brought under those sections. The language, "any action brought pursuant to the provisions of NRS 598.0903 to 598.0999," does not limit Deceptive Trade Practices actions to district attorneys or the Attorney General. The only limitation in NRS 598.0999(2) relates to the district attorney's and the Attorney General being able to pursue the \$5,000 civil penalty. In contrast, the last sentence of NRS 598.0999(2) stands alone and does not limit attorney fee awards to district attorneys or the Attorney General and allows the Court, in any Deceptive Trade Practices action, to "award reasonable attorney's fees and costs." NRS 598.0999(2).

1 As NRS 598.0999(2) provides for attorney's fees based upon actions filed pursuant to
2 the provisions of NRS 598.0903 to 598.0999, inclusive, and since NRS 598.0999(2) does not
3 exclude postjudgment attorney fees, Margolin's attorney's fees are hereby awarded for having
4 to incur fees enforcing the judgment on the deceptive trade practices claim.

5 **b. Margolin's attorneys' fees are reasonable**

6 "In Nevada, 'the method upon which a reasonable fee is determined is subject to the
7 discretion of the court,' which 'is tempered only by reason and fairness.'" *Shuette v. Beazer*
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20 P.3d 730, 735-7 (2008).

21 According to *Brunzell*, the factors that the district court should consider in awarding
22 attorney fees, with no one factor controlling, is as follows:

- 23 (1) the advocate's qualities, including ability, training, education, experience,
24 professional standing, and skill;
25 (2) the character of the work, including its difficulty, intricacy, importance, as
26 well as the time and skill required, the responsibility imposed, and the
27 prominence and character of the parties when affecting the importance of the
28 litigation;

- (3) the work performed, including the skill, time, and attention given to the work; and
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Barney, 192 P.3d at 736 (citing *Brunzell*, 85 Nev. at 349, 455 P.2d at 33). According to *Shuette*, the district court is required to “provide[] sufficient reasoning and findings in support of its ultimate determination.” *Id.* (citing *Shuette*, 121 Nev. at 865, 124 P.3d at 549).

Margolin concedes that he is not currently entitled to attorney’s fees that are incurred on appeal. *See Bd. of Gallery of History, Inc. v. Datecs Corp.*, 116 Nev. 286, 288, 994 P.2d 1149, 1150 (2000). However, as stated above, Margolin is entitled to his postjudgment attorney’s fees, including those incurred in executing on the judgment. Therefore, Margolin is hereby awarded only those fees that have been incurred, postjudgment, with regards to execution of the judgment, for a total of \$31,247.50 in fees, which reflects the lodestar amount of postjudgment attorney’s fees.

The amount of attorney’s fees awarded only includes reasonable attorney’s fees from October 18, 2013 to April 18, 2014, as follows: 11.4 hours of work performed by attorney Matthew D. Francis at \$300 per-hour (\$3,420.00); 75.3 hours of work performed by attorney Adam P. McMillen at \$300 per-hour (\$22,590.00); and 41.9 hours of work performed by paralegal Nancy Lindsley at \$125 per-hour (\$5,237.50). This lodestar amount is reasonable under the *Brunzell* factors as follows.

(1) Factors 1 and 2 - The Advocate’s Qualities, Including Ability, Training, Education, Experience, Professional Standing, and Skill and The Novelty and Difficulty of The Questions Involved, and The Time and Skill Involved

The issues related to this case included: (a) whether Plaintiff’s patents were entitled to protection; (b) whether Defendants fraudulently assigned Plaintiff’s patents; and (c), whether Plaintiff was damaged by Defendants’ conduct. The patent and deceptive trade practices issues, and the unique facts surrounding them, involved careful consideration and research. In general, patent and deceptive trade practices litigation is a niche practice that requires a high

1 degree of legal skill and care in order to be performed properly and effectively. Each of these
2 causes of action, coupled with the unique facts of this matter, required thorough research and
3 careful analysis.

4 In addition, the postjudgment collection efforts so far have included attempting to find
5 Zandian's collectible assets, including researching and investigating his property in Nevada
6 and California and moving for a debtor's examination. Considering Zandian's elusive
7 behavior to date and elaborate financial arrangements with a multitude of companies and
8 individuals, Margolin has been forced to incur a significant amount of attorney's fees in
9 attempting to collect on the judgment.
10

11 Accordingly, Margolin's claimed postjudgment attorney's fees are reasonable under
12 these factors.

13 **(2) Factor 3 – The Time and Labor Required**

14 Margolin's counsel has been required to research Zandian's vast real estate holdings in
15 Nevada. Margolin's counsel has recorded the judgment in each Nevada County where
16 Zandian holds property. Margolin's counsel has researched and subpoenaed Zandian's
17 financial information from several financial institutions. Margolin's counsel has moved the
18 court for a debtor's examination of Zandian. The time and labor required relating to
19 collections efforts have been reasonable and significant.
20

21 **(3) Factor 4 - The Result—Whether The Attorney Was Successful And What
22 Benefits Were Derived**

23 Margolin prevailed on all of his causes of action in this case. Margolin's case against
24 the Defendants resulted in a Default Judgment being entered against the Defendants on
25 Margolin's causes of action. Specifically, the Court ordered Defendants to pay Plaintiff
26 \$1,495,775.74, plus interest. In addition, through postjudgment efforts, Margolin's counsel
27 has successfully liened Zandian's Nevada real estate to secure the judgment and Margolin's
28 counsel is in the process of securing appropriate writs of execution to satisfy the judgment.

1 Thus, Margolin obtained the results sought, and this factor weighs in favor of the
2 reasonableness of Margolin's fee request.

3 Further, the Court finds that while Zandian's failure to appear and defend this action
4 led to the default judgments being entered, the nature of this matter required specialized skill
5 and required a significant amount of time and attention by the attorneys involved.

6 The Court finds that patent and deceptive trade practices issues, and the unique facts
7 surrounding them; involved careful consideration and research. Patent and deceptive trade
8 practices litigation is a not a routine practice but requires a high degree of legal skill and care
9 in order to be performed properly and effectively. Each of the causes of action in this matter,
10 coupled with the unique facts of this matter, required thorough research and careful analysis.
11 The Court finds that Margolin's counsel billed at an hourly rate of \$300, which is reasonable
12 for this matter.
13

14 In summary, an analysis of the *Brunzell* factors proves Margolin's fees in the lodestar
15 amount of \$31,247.50 are reasonable and are hereby awarded.
16

17 **III. Postjudgment Interest**

18 Margolin seeks a formal judgment for the postjudgment interest accrued on the
19 judgment to date. Zandian argues it is premature for Margolin to request an order stating what
20 the current amount of accrued postjudgment interest is at this time. Zandian does not argue
21 that Margolin is not entitled to postjudgment interest.

22 "The purpose of post-judgment interest is to compensate the plaintiff for loss of the use
23 of the money awarded in the judgment 'without regard to the elements of which that judgment
24 is composed.'" *Albert H. Wohlers & Co. v. Bartgis*, 114 Nev. 1249, 1269, 969 P.2d 949, 963
25 (1998) (citing *Ainsworth v. Combined Ins. Co.*, 105 Nev. 237, 244, 774 P.2d 1003, 1009
26 (1989); see also *Waddell v. L.V.R.V. Inc.*, 122 Nev. 15, 26, 125 P.3d 1160, 1167 (2006)
27 ("[t]he purpose of post-judgment interest is to compensate the plaintiff for loss of the use of
28

1 the money awarded in the judgment' without regard to the various elements that make up the
2 judgment.”).

3 Since Zandian has not provided a supersedeas bond to stop execution of the judgment,
4 Margolin is entitled to postjudgment interest until the judgment is satisfied. *See* NRCPC 62(d)
5 (by giving a supersedeas bond a party may obtain stay of execution); *see also* NRS 17.130(2)
6 (interest accrues until judgment satisfied). As the original judgment was entered in Nevada
7 and the judgment set the interest rate at the legal rate of interest according to NRS 17.130, the
8 interest rate is 5.25 percent per-annum, or \$215.15 per-day. Accordingly, the Court hereby
9 finds that Margolin is owed simple interest at 5.25 percent or \$215.15 per-day from June 27,
10 2013, the date of notice of entry of the judgment, through April 18, 2014. It is 296 days from
11 June 27, 2013 to April 18, 2014. Multiplying 296 days by \$215.15 equals \$63,684.40 in
12 accrued interest, which is the amount of interest currently due and owing.¹

14 **IV. Conclusion**

15 Based upon the above, the Motion for Order Allowing Costs and Necessary
16 Disbursements is GRANTED in full. Therefore, Margolin is awarded his postjudgment costs,
17 from October 18, 2013 through April 18, 2014, in the amount of \$1,355.17. Margolin is
18 awarded his postjudgment attorney's fees in the amount of \$31,247.50. Margolin is awarded
19 his postjudgment interest in the amount of \$63,684.40.
20

21 ///

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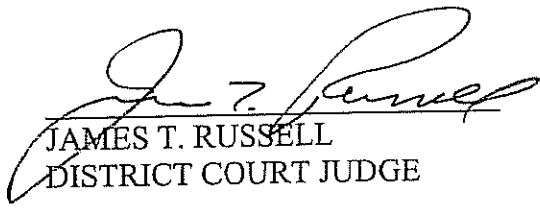
27 ///

28 ¹ Interest continues to accrue until the judgment is satisfied. *See* NRS 17.130(2).

1 The total amount awarded to Margolin herein is \$96,287.07. This award shall be added
2 to the judgment. This award must be paid before satisfaction of judgment may be entered in
3 this matter. Payment of this award shall be made within 10 days of notice of entry of this
4 Order. Payment shall be made payable to the Watson Rounds Trust Account or to Jed
5 Margolin. Payment shall be delivered to the law office of Watson Rounds.

6 DATED: This 19 day of May, 2014.

IT IS SO ORDERED:

7
8 
9 JAMES T. RUSSELL
10 DISTRICT COURT JUDGE
11
12
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14
15

16 Respectfully submitted by,
17 WATSON ROUNDS, P.C.

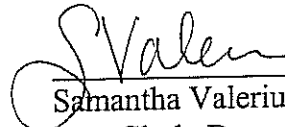
18 By: _____
19 Adam P. McMillen, Esquire
20 Nevada Bar No. 10678
21 5371 Kietzke Lane
22 Reno, NV 89511
23 Telephone: (775) 324-4100
24 Facsimile: (775) 333-8171
25 Email: amcmillen@watsonrounds.com
26 Attorneys for Plaintiff
27
28

CERTIFICATE OF MAILING

I hereby certify that on the 19th day of May, 2014, I placed a copy of the foregoing in the United States Mail, postage prepaid, addressed as follows:

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

Jason D. Woodbury
Severin A. Carlson
Kaempfer Crowell
510 West Fourth Street
Carson City, NV 89703


Samantha Valerius
Law Clerk, Department I

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1 JASON D. WOODBURY
Nevada Bar No. 6870
2 KAEMPFER CROWELL
510 West Fourth Street
3 Carson City, Nevada 89703
Telephone: (775) 884-8300
4 Facsimile: (775) 882-0257
jwoodbury@kenvlaw.com
5 **Attorneys for Reza Zandian**

RECEIVED
2014 JUN 23 PM 4:10
BY: [Signature] ZELOVER
CLERK

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

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

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

19
20 **NOTICE OF APPEAL**


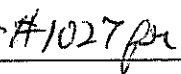
21 Notice is hereby given that REZA ZANDIAN, a Defendant above-named, hereby
22 appeals to the Supreme Court of Nevada from the *Order on Motion for Order Allowing*
23 *Costs and Necessary Disbursements and Memorandum of Points and Authorities in*
24 *Support Thereof* entered in this action on the 19th day of May, 2014. A *Notice of Entry*
of Order on Motion for Order Allowing Costs and Necessary Disbursements was served

KAEMPFER CROWELL
510 West Fourth Street
Carson City, Nevada 89703

1 by mail upon counsel for Reza Zandian on June 20, 2014, true and correct copy of which
2 is attached to this *Notice of Appeal* as Exhibit 1. A cash deposit in the amount of
3 \$500.00 has been submitted herewith as evidence by the *Notice of Cash Deposit in Lieu*
4 *of Bond* filed contemporaneously herewith.

5 DATED this 23rd day of June, 2014.

6 KAEMPFER CROWELL RENSHAW
7 GRONAUER & FIORENTINO

8 BY:  #1027 

9 JASON D. WOODBURY
10 Nevada Bar No. 6870
11 KAEMPFER CROWELL
12 510 West Fourth Street
13 Carson City, Nevada 89703
14 Telephone: (775) 884-8300
15 Facsimile: (775) 882-0257
16 jwoodbury@kcnvlaw.com
17 **Attorneys for Reza Zandian**

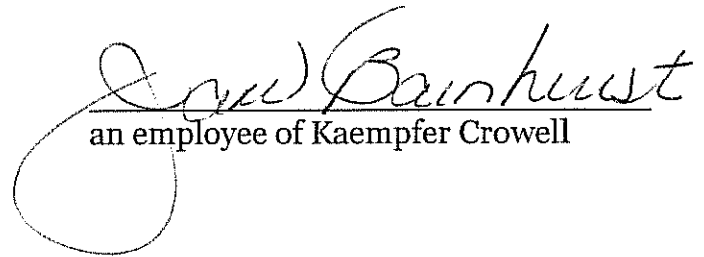
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KAEMPFER CROWELL
510 West Fourth Street
Carson City, Nevada 89703

1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRAP 25(d) and NRCP 5(b), I hereby certify that service of the
3 foregoing **NOTICE OF APPEAL** was made this date by depositing a true copy of the
4 same for mailing at Carson City, Nevada, first class postage pre-paid, addressed to each
5 of the following:

6 Matthew D. Francis
7 Adam P. McMillen
8 WATSON ROUNDS
9 5371 Kietzke Lane
10 Reno, NV 89511

11 DATED this 23 day of June, 2014.

12 
13 an employee of Kaempfer Crowell

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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.

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

Case No. 09 OC 00579 1B

Dept. No. I

NOTICE OF APPEAL

Exhibit List

Exhibit No.	Description of Exhibit	Exhibit Pages
1	<i>Notice of Entry of Order on Motion for Order Allowing Costs and Necessary Disbursements (May 20, 2014)</i>	13

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**
9

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
ZANDIAN JAZI, an individual, DOE Companies
18 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 ON
MOTION FOR ORDER ALLOWING
COSTS AND NECESSARY
DISBURSEMENTS**

21 TO: All parties:

22 **PLEASE TAKE NOTICE** that on May 19, 2014 the Court entered its Order on
23 Motion for Order Allowing Costs and Necessary Disbursements. A true and correct copy of
24 such order is attached hereto as Exhibit 1

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

26 The undersigned does hereby affirm that the preceding document does not contain the


27 ///

28 ///

1 social security number of any person.

2 DATED: May 20, 2014.

WATSON ROUNDS

3
4 By: 
5 Matthew D. Francis
6 Adam P. McMillen
7 Watson Rounds
8 5371 Kietzke Lane
9 Reno, NV 89511

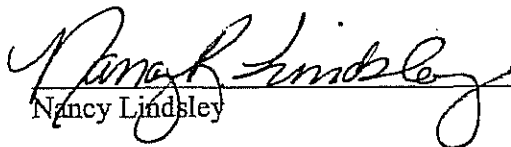
10 Attorneys for Plaintiff Jed Margolin
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1 **CERTIFICATE OF SERVICE**

2 Pursuant to 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 ON MOTINO
5 FOR ORDER ALLOWING COSTS AND NECESSARY DISBURSEMENTS, addressed as
6 follows:

7 Jason D. Woodbury
8 Severin A. Carlson
9 Kaempfer Crowell
10 510 West Fourth Street
11 Carson City, NV 89703

12 Dated: This 20th day of May, 2014.

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14 Nancy Lindsley
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Case No.: 090C00579 1B

Dept. No.: 1

REC'D & FILED

2014 MAY 19 PM 2: 22

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.

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

**ORDER ON MOTION FOR ORDER
ALLOWING COSTS AND
NECESSARY DISBURSEMENTS
AND MEMORANDUM OF POINTS
AND AUTHORITIES IN SUPPORT
THEREOF**

This matter comes before the Court on Plaintiff Jed Margolin's ("Margolin") Motion for Order Allowing Costs and Necessary Disbursements and Memorandum of Points and Authorities in Support Thereof, filed on April 28, 2014. On April 30, 2014, Defendant Reza Zandian ("Zandian") filed a Motion to Retax and Settle Costs, wherein Defendant Zandian addressed Margolin's Motion for Order Allowing Costs and Necessary Disbursements. On May 12, 2014, Zandian served an Opposition to Motion for Order Allowing Costs and

1 Necessary Disbursements, which restates the arguments included in the Motion to Retax. On
2 May 12, 2014, Margolin filed a Reply in Support of the Motion for Order Allowing Costs and
3 Necessary Disbursements and Margolin also filed a Request for Submission on the same date.
4 On May 14, 2014, Margolin filed an Amended Request for Submission, finally submitting the
5 Motion for Order Allowing Costs and Necessary Disbursements to the Court for decision.

6 Based upon the following facts and conclusions of law, the Motion for Order Allowing
7 Costs and Necessary Disbursements is hereby GRANTED.

8 **I. Postjudgment Costs**

9
10 Zandian does not dispute Margolin is allowed postjudgment costs under NRS 18.160
11 and NRS 18.170. Zandian does not dispute the requested research, witness fees or process
12 service/courier costs. Zandian only requests that the Court reduce the photocopy charges from
13 \$0.25 to \$0.15 per page. Zandian relies upon what the "FedEx Office" in Carson City charges
14 for copies to demonstrate that Margolin's rate of \$0.25 per page is not reasonable.

15 Margolin cites to the First Judicial District Court's own fee schedule for copy charges,
16 which shows the Court charges \$0.50 per page for copies. The District Court's own fee
17 schedule is a better exemplar of what reasonable copy charges should be in this matter. The
18 rate of \$0.25 per page is half of what the Court charges for legal copies and the Court finds
19 that \$0.25 is reasonable under the circumstances. Therefore, Margolin's copy charges will not
20 be reduced and are awarded in full in the amount requested. Since Zandian did not oppose the
21 other costs, Margolin is granted his costs pursuant to NRS 18.160 and NRS 18.170, as follows:

22
23 **COSTS (October 18, 2013 THROUGH April 18, 2014):**

24
25 Postage/photocopies (in-house) \$ 481.20
26 Research 285.31
27 Witness Fees (Subpoenas) 215.66
28 Process service/courier fees 373.00
\$1,355.17

II. Postjudgment Attorney's Fees

1
2 Zandian argued that there is no applicable statute or rule upon which postjudgment
3 attorney's fees can be awarded to Margolin and that the parties did not enter into an agreement
4 which affords attorney's fees and therefore Margolin's request for postjudgment attorney's
5 fees should be denied. Further, Zandian argues that NRS 598.0999(2) does not permit an
6 award of attorney's fees in this case.

7 However, NRS 598.0999(2) is applicable to any action filed pursuant to the provisions
8 of NRS 598.0903 to 598.0999, inclusive. Accordingly, Margolin should be awarded his
9 postjudgment fees pursuant to the Deceptive Trade Practices statute.
10

a. NRS 598.0999(2) provides for an award of attorney's fees

11
12 NRS 598.0999(2) states as follows:

13 Except as otherwise provided in NRS 598.0974, in any action brought pursuant
14 to the provisions of NRS 598.0903 to 598.0999, inclusive, if the court finds that
15 a person has willfully engaged in a deceptive trade practice, the district attorney
16 of any county in this State or the Attorney General bringing the action may
17 recover a civil penalty not to exceed \$5,000 for each violation. The court in any
18 such action may, in addition to any other relief or reimbursement, award
19 reasonable attorney's fees and costs.

20 NRS 598.0999(2) (emphasis added).

21 Thus, the phrase, "provisions of NRS 598.0903 to 598.0999," encompasses all actions
22 brought under those sections. The language, "any action brought pursuant to the provisions of
23 NRS 598.0903 to 598.0999," does not limit Deceptive Trade Practices actions to district
24 attorneys or the Attorney General. The only limitation in NRS 598.0999(2) relates to the
25 district attorney's and the Attorney General being able to pursue the \$5,000 civil penalty. In
26 contrast, the last sentence of NRS 598.0999(2) stands alone and does not limit attorney fee
27 awards to district attorneys or the Attorney General and allows the Court, in any Deceptive
28 Trade Practices action, to "award reasonable attorney's fees and costs." NRS 598.0999(2).

1 As NRS 598.0999(2) provides for attorney's fees based upon actions filed pursuant to
2 the provisions of NRS 598.0903 to 598.0999, inclusive, and since NRS 598.0999(2) does not
3 exclude postjudgment attorney fees, Margolin's attorney's fees are hereby awarded for having
4 to incur fees enforcing the judgment on the deceptive trade practices claim.

5 **b. Margolin's attorneys' fees are reasonable**

6 "In Nevada, 'the method upon which a reasonable fee is determined is subject to the
7 discretion of the court,' which 'is tempered only by reason and fairness.'" *Shuette v. Beazer*
8 *Homes Holdings Corp.*, 124 P.3d 530, 121 Nev. 837 (2005) (citing *University of Nevada v.*
9 *Tarkanian*, 110 Nev. 581, 594, 591, 879 P.2d 1180, 1188, 1186 (1994)). "Accordingly, in
10 determining the amount of fees to award, the court is not limited to one specific approach; its
11 analysis may begin with any method rationally designed to calculate a reasonable amount,
12 including those based on a 'lodestar' amount or a contingency fee." *Id.* (citations omitted).
13 "The lodestar approach involves multiplying 'the number of hours reasonably spent on the
14 case by a reasonable hourly rate.'" *Id.* at n. 98 (citing *Herbst v. Humana Health Ins. of*
15 *Nevada*, 105 Nev. 586, 590, 781 P.2d 762, 764 (1989)).

16
17 Before awarding attorney's fees, the district court must make findings concerning the
18 reasonableness of the award, as required by *Brunzell v. Golden Gate National Bank*, 455 P.2d
19 31, 85 Nev. 345 (1969) and *Shuette v. Beazer Homes Holdings Corp.*, 124 P.3d 530, 121 Nev.
20 837 (2005). See *Barney v. Mt. Rose Heating & Air Conditioning*, 124 Nev. 821, 829-30, 192
21 P.3d 730, 735-7 (2008).

22
23 According to *Brunzell*, the factors that the district court should consider in awarding
24 attorney fees, with no one factor controlling, is as follows:

- 25
26 (1) the advocate's qualities, including ability, training, education, experience,
27 professional standing, and skill;
28 (2) the character of the work, including its difficulty, intricacy, importance, as
well as the time and skill required, the responsibility imposed, and the
prominence and character of the parties when affecting the importance of the
litigation;

1 (3) the work performed, including the skill, time, and attention given to the
2 work; and
3 (4) the result—whether the attorney was successful and what benefits were
4 derived.

5 *Barney*, 192 P.3d at 736 (citing *Brunzell*, 85 Nev. at 349, 455 P.2d at 33). According to
6 *Shuette*, the district court is required to “provide[] sufficient reasoning and findings in support
7 of its ultimate determination.” *Id.* (citing *Shuette*, 121 Nev. at 865, 124 P.3d at 549).

8 Margolin concedes that he is not currently entitled to attorney’s fees that are incurred
9 on appeal. See *Bd. of Gallery of History, Inc. v. Datecs Corp.*, 116 Nev. 286, 288, 994 P.2d
10 1149, 1150 (2000). However, as stated above, Margolin is entitled to his postjudgment
11 attorney’s fees, including those incurred in executing on the judgment. Therefore, Margolin is
12 hereby awarded only those fees that have been incurred, postjudgment, with regards to
13 execution of the judgment, for a total of \$31,247.50 in fees, which reflects the lodestar amount
14 of postjudgment attorney’s fees.

15 The amount of attorney’s fees awarded only includes reasonable attorney’s fees from
16 October 18, 2013 to April 18, 2014, as follows: 11.4 hours of work performed by attorney
17 Matthew D. Francis at \$300 per-hour (\$3,420.00); 75.3 hours of work performed by attorney
18 Adam P. McMillen at \$300 per-hour (\$22,590.00); and 41.9 hours of work performed by
19 paralegal Nancy Lindsley at \$125 per-hour (\$5,237.50). This lodestar amount is reasonable
20 under the *Brunzell* factors as follows.

21
22 (1) **Factors 1 and 2 - The Advocate’s Qualities, Including Ability, Training,
23 Education, Experience, Professional Standing, and Skill and The Novelty
24 and Difficulty of The Questions Involved, and The Time and Skill Involved**

25 The issues related to this case included: (a) whether Plaintiff’s patents were entitled to
26 protection; (b) whether Defendants fraudulently assigned Plaintiff’s patents; and (c), whether
27 Plaintiff was damaged by Defendants’ conduct. The patent and deceptive trade practices
28 issues, and the unique facts surrounding them, involved careful consideration and research. In
general, patent and deceptive trade practices litigation is a niche practice that requires a high

1 degree of legal skill and care in order to be performed properly and effectively. Each of these
2 causes of action, coupled with the unique facts of this matter, required thorough research and
3 careful analysis.

4 In addition, the postjudgment collection efforts so far have included attempting to find
5 Zandian's collectible assets, including researching and investigating his property in Nevada
6 and California and moving for a debtor's examination. Considering Zandian's elusive
7 behavior to date and elaborate financial arrangements with a multitude of companies and
8 individuals, Margolin has been forced to incur a significant amount of attorney's fees in
9 attempting to collect on the judgment.
10

11 Accordingly, Margolin's claimed postjudgment attorney's fees are reasonable under
12 these factors.

13 **(2) Factor 3 – The Time and Labor Required**

14 Margolin's counsel has been required to research Zandian's vast real estate holdings in
15 Nevada. Margolin's counsel has recorded the judgment in each Nevada County where
16 Zandian holds property. Margolin's counsel has researched and subpoenaed Zandian's
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18 court for a debtor's examination of Zandian. The time and labor required relating to
19 collections efforts have been reasonable and significant.
20

21 **(3) Factor 4 - The Result—Whether The Attorney Was Successful And What**
22 **Benefits Were Derived**

23 Margolin prevailed on all of his causes of action in this case. Margolin's case against
24 the Defendants resulted in a Default Judgment being entered against the Defendants on
25 Margolin's causes of action. Specifically, the Court ordered Defendants to pay Plaintiff
26 \$1,495,775.74, plus interest. In addition, through postjudgment efforts, Margolin's counsel
27 has successfully liened Zandian's Nevada real estate to secure the judgment and Margolin's
28 counsel is in the process of securing appropriate writs of execution to satisfy the judgment.

1 Thus, Margolin obtained the results sought, and this factor weighs in favor of the
2 reasonableness of Margolin's fee request.

3 Further, the Court finds that while Zandian's failure to appear and defend this action
4 led to the default judgments being entered, the nature of this matter required specialized skill
5 and required a significant amount of time and attention by the attorneys involved.

6 The Court finds that patent and deceptive trade practices issues, and the unique facts
7 surrounding them; involved careful consideration and research. Patent and deceptive trade
8 practices litigation is a not a routine practice but requires a high degree of legal skill and care
9 in order to be performed properly and effectively. Each of the causes of action in this matter,
10 coupled with the unique facts of this matter, required thorough research and careful analysis.
11 The Court finds that Margolin's counsel billed at an hourly rate of \$300, which is reasonable
12 for this matter.
13

14 In summary, an analysis of the *Brunzell* factors proves Margolin's fees in the lodestar
15 amount of \$31,247.50 are reasonable and are hereby awarded.

16 **III. Postjudgment Interest**

17 Margolin seeks a formal judgment for the postjudgment interest accrued on the
18 judgment to date. Zandian argues it is premature for Margolin to request an order stating what
19 the current amount of accrued postjudgment interest is at this time. Zandian does not argue
20 that Margolin is not entitled to postjudgment interest.
21

22 "The purpose of post-judgment interest is to compensate the plaintiff for loss of the use
23 of the money awarded in the judgment 'without regard to the elements of which that judgment
24 is composed.'" *Albert H. Wohlers & Co. v. Bartgis*, 114 Nev. 1249, 1269, 969 P.2d 949, 963
25 (1998) (citing *Ainsworth v. Combined Ins. Co.*, 105 Nev. 237, 244, 774 P.2d 1003, 1009
26 (1989); see also *Waddell v. L.V.R.V. Inc.*, 122 Nev. 15, 26, 125 P.3d 1160, 1167 (2006)
27 ("[t]he purpose of post-judgment interest is to compensate the plaintiff for loss of the use of
28

1 the money awarded in the judgment' without regard to the various elements that make up the
2 judgment.").

3 Since Zandian has not provided a supersedeas bond to stop execution of the judgment,
4 Margolin is entitled to postjudgment interest until the judgment is satisfied. *See* NRCPC 62(d)
5 (by giving a supersedeas bond a party may obtain stay of execution); *see also* NRS 17.130(2)
6 (interest accrues until judgment satisfied). As the original judgment was entered in Nevada
7 and the judgment set the interest rate at the legal rate of interest according to NRS 17.130, the
8 interest rate is 5.25 percent per-annum, or \$215.15 per-day. Accordingly, the Court hereby
9 finds that Margolin is owed simple interest at 5.25 percent or \$215.15 per-day from June 27,
10 2013, the date of notice of entry of the judgment, through April 18, 2014. It is 296 days from
11 June 27, 2013 to April 18, 2014. Multiplying 296 days by \$215.15 equals \$63,684.40 in
12 accrued interest, which is the amount of interest currently due and owing.¹

14 IV. Conclusion

15 Based upon the above, the Motion for Order Allowing Costs and Necessary
16 Disbursements is GRANTED in full. Therefore, Margolin is awarded his postjudgment costs,
17 from October 18, 2013 through April 18, 2014, in the amount of \$1,355.17. Margolin is
18 awarded his postjudgment attorney's fees in the amount of \$31,247.50. Margolin is awarded
19 his postjudgment interest in the amount of \$63,684.40.
20

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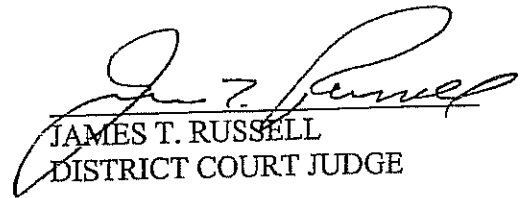
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28 ¹ Interest continues to accrue until the judgment is satisfied. *See* NRS 17.130(2).

1 The total amount awarded to Margolin herein is \$96,287.07. This award shall be added
2 to the judgment. This award must be paid before satisfaction of judgment may be entered in
3 this matter. Payment of this award shall be made within 10 days of notice of entry of this
4 Order. Payment shall be made payable to the Watson Rounds Trust Account or to Jed
5 Margolin. Payment shall be delivered to the law office of Watson Rounds.

6 DATED: This 19 day of May, 2014.

IT IS SO ORDERED:

7
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9 JAMES T. RUSSELL
10 DISTRICT COURT JUDGE
11
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15

16 Respectfully submitted by,

17 WATSON ROUNDS, P.C.

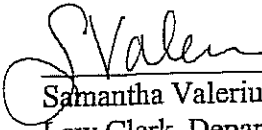
18 By: _____
19 Adam P. McMillen, Esquire
20 Nevada Bar No. 10678
21 5371 Kietzke Lane
22 Reno, NV 89511
23 Telephone: (775) 324-4100
24 Facsimile: (775) 333-8171
25 Email: amcmillen@watsonrounds.com
26 Attorneys for Plaintiff
27
28

CERTIFICATE OF MAILING

I hereby certify that on the 19th day of May, 2014, I placed a copy of the foregoing in the United States Mail, postage prepaid, addressed as follows:

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

Jason D. Woodbury
Severin A. Carlson
Kaempfer Crowell
510 West Fourth Street
Carson City, NV 89703


Samantha Valerius
Law Clerk, Department I

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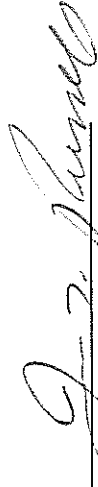
1 A review of this matter reflects that this Court can and should issue a Writ of Execution
2 on the Default Judgment issued on June 24, 2013 and Order on Motion for Order Allowing Costs
3 and Necessary Disbursements et al., dated May 19, 2014. There is no automatic stay with regard
4 to enforcement of judgments. The way to stop enforcement of a judgment is to post a
5 supersedeas bond and request a stay in accordance with NRCPC 62(d). This Court is not divested
6 with jurisdiction to issue a Writ of Execution. *Mack-Manley v. Manley*, 122 Nev. 849, 855, 138
7 P.3d 525 (2006) and *Foster v. Dingwall*, 126 Nev. Ad. Op. 5, 228 P.3d 453 (2010).

8
9 Therefore, good cause appearing,

10 IT IS HEREBY ORDERED that the Clerk at this time will issue a Writ of Execution
11 upon the Default Judgment entered on June 24, 2013 and Order issued on May 19, 2014.
12

13 **IT IS SO ORDERED.**

14 Dated this 18th day of August, 2014.
15

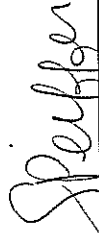
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17 
18 JAMES T. RUSSELL
19 DISTRICT JUDGE
20
21
22
23

CERTIFICATE OF MAILING

I hereby certify that on the 8th day of August, 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.
Watson Rounds
5371 Kietzke Lane
Reno, NV 89511

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


Samantha Peiffer
Law Clerk, Dept. 1

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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

REC'D & FILED
2014 OCT 21 PM 3:42

ALAN GLOVER
DEPUTY

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

RECEIVED
CLARK COUNTY SHERIFF
14 OCT - 9 P 2 28

9 JED MARGOLIN, an individual,
10 Plaintiff,

11 vs.

12 REZA ZANDIAN aka GOLAMREZA
ZANDIANJAZI aka GHOLAM REZA
13 ZANDIAN aka REZA JAZI aka J. REZA JAZI
14 aka G. REZA JAZI aka GHONONREZA
ZANDIAN JAZI, et al.,

15 Defendants.
16

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

NOTICE OF SHERIFF'S SALE OF
REAL PROPERTY UNDER
EXECUTION

17 **NOTICE OF SHERIFF'S SALE OF REAL PROPERTY UNDER EXECUTION:**

18 By virtue of a Writ of Execution issued out of the First Judicial District Court, Carson City,
19 Nevada, on September 5, 2014, upon a judgment entered in the above-captioned case on June
20 27, 2013, in favor of Plaintiff Jed Margolin and against Reza Zandian aka Golamreza Zandian
21 Jazi aka Gholam Reza Zandian aka Reza Jazi aka J. Reza Jazi aka G. Reza Jazi aka
22 Ghononreza Zandian Jazi ("Defendant Reza Zandian"), in the amount of \$1,592,062.81, which
23 Writ of Execution was delivered to me as Sheriff. I have levied upon all of the right, title,
24 claim and interest of Defendant Reza Zandian in and to that certain real property located in
25 Moapa Valley, Clark County, Nevada 89040 and described as THE SOUTH HALF (S ½) OF
26 THE SOUTHEAST QUARTER (SE ¼) OF THE NORTHEAST QUARTER (NE ¼) OF
27 SECTION 2, TOWNSHIP 16 SOUTH, RANGE 68 EAST, M.D.M. APN 071-02-000-013.
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NOTICE IS HEREBY GIVEN THAT I, the undersigned Sheriff, will sell at Sheriff's Sale to the highest bidder, for cash, without warranty, express or implied, all of the right, title, claim and interest of Defendant Reza Zandian in and to the above-described real property or as much thereof as may be necessary to satisfy said judgment and Writ of Execution, together with interest and costs thereon, on December 9, 2014, at the front steps of the North Entrance to the REGIONAL JUSTICE CENTER, 200 LEWIS ST, LAS VEGAS at 9:15 a.m. This property is being sold subject to all prior liens and encumbrances pending against the property and subject to all easements, restrictions of record, taxes, and special assessments pending against the property. Only Cash or Certified Funds will be accepted and payment must be made in full immediately upon conclusion of the sale.

NOTICE IS FURTHER GIVEN that the purchaser at such sale shall take title to the above described real property subject to a one (1) year right of redemption pursuant to NRS 21.210. **PROSPECTIVE BIDDERS, READ THIS SECTION CAREFULLY.** Before bidding at the sale, a prospective bidder should independently investigate the priority of the lien or interest of the judgment creditor; land use laws and regulations applicable to the property; approved uses for the property; limits on farming or forest practices on the property; rights of neighboring property owners; environmental laws and regulations that affect the property; make their own examination of the title and the condition of the property; and to consult their own attorney before bidding.

DATED: This 10th day of October, 2014.

DOUG GILLESPIE, SHERIFF
CLARK COUNTY, NEVADA

By: D. Flippo, PN 5734
Deputy Sheriff

Lt. G. Jason Flippo
Sheriff's Civil Section

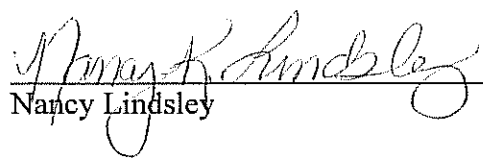
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CERTIFICATE OF SERVICE

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, NOTICE OF SHERIFF'S SALE OF REAL PROPERTY UNDER EXECUTION, addressed as follows:

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

Dated: October 21, 2014


Nancy 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

REC'D & FILED
2014 NOV -4 PM 4: 57

ALAN BLOVER
BY [Signature] CLERK
DEPUTY

RECEIVED
CLARK COUNTY SHERIFF
2014 OCT 23 A 10: 11

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

9 JED MARGOLIN, an individual,

10 Plaintiff,

11 vs.

12 REZA ZANDIAN aka GOLAMREZA
13 ZANDIANJAZI aka GHOLAM REZA
14 ZANDIAN aka REZA JAZI aka J. REZA JAZI
15 aka G. REZA JAZI aka GHONONREZA
16 ZANDIAN JAZI, et al.,

Defendants.

Case No.: 090C00579 1B

Dept. No.: 1

AFFIDAVIT OF POSTING
NOTICE OF SHERIFF'S SALE OF
REAL PROPERTY UNDER
EXECUTION

17 STATE OF NEVADA)
18) ss.
COUNTY OF CLARK)

19 I, THOMAS SMITH, state:

20 That at all times herein I have been a citizen of the United States, over 18 years of age,
21 and am not a party to, or interested in, the proceeding in which this affidavit is made.

22 1. On the 22ND day of OCTOBER, 2014, I personally posted a copy of the Writ of
23 Execution and the Notice of Sheriff's Sale of Real Property Under Execution, on the property
24 in the manner prescribed under the Nevada Revised Statutes, in a conspicuous place
25 at the property which is located at:
26

27 ///

28 ///

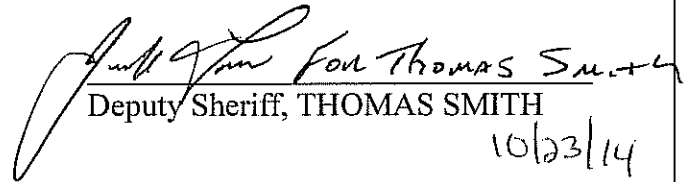
1 APN: 071-02-000-005
2 Situs: Moapa Valley, Clark County, Nevada
3 Legal Description: Section 2, Township 16, Range 68
4 Zip Code: 89040

5 2. On the 22ND day of OCTOBER, 2014, I personally posted a copy of the Notice of
6 Sheriff's Sale of Real Property Under Execution of the above-referenced property in the
7 manner prescribed under the Nevada Revised Statutes, at three (3) public places in Moapa
8 Valley, Nevada.

9 3. On the 22ND day of OCTOBER, 2014, I personally posted a copy of the Notice of
10 Sheriff's Sale of Real Property Under Execution of the above-referenced property in the
11 manner prescribed under the Nevada Revised Statutes, at three (3) public places in Las Vegas,
12 Nevada.


13 I declare under penalty of perjury that the foregoing is true and correct.

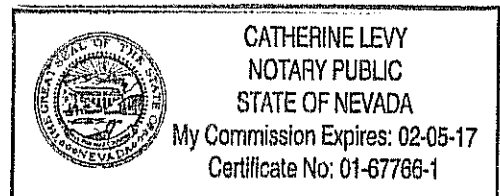
14 **CLARK COUNTY SHERIFF**

15
16 
17 Deputy Sheriff, THOMAS SMITH
18 10/23/14

19 SUBSCRIBED AND SWORN to before me

20 this 23rd day of October, 2014.

21 
22 _____
23 Deputy Clerk or Notary





**CLARK COUNTY SHERIFF
CIVIL PROCESS SECTION**

JED MARGOLIN)	EXHIBIT A – Affidavit of Posting
)	
PLAINTIFF)	CASE No. 090C00579 1B
)	SHERIFF CIVIL NO.: 14006770
vs)	
OPTIMA TECHNOLOGY CORPORATION;)	
REZA ZANDIAN, et al.,)	
DEFENDANT)	

STATE OF NEVADA }
 } ss:
 COUNTY OF CLARK }

**Date: 10/22/2014 @ 11:00 AM - RAW LAND VIRGIN RIVER WEST ROAD MOAPA VALLEY
 (#005) OVERTON, NV 89040**

**Attempted By: THOMAS SMITH
 Service Type: POSTING.**

**Notes : POSTED WRIT OF EXECUTION AND NOTICE OF SHERIFF'S SALE OF REAL
 PROPERTY UNDER EXECUTION TO RAW LAND 10 ACRE PARCEL.**

Date: 10/22/2014 @ 11:20 AM - 350 NORTH MOAPA VALLEY ROAD OVERTON, NV 89040

**Attempted By: THOMAS SMITH
 Service Type: POSTING.**

**Notes : POSTED ON BULLETIN BOARD NOTICE OF SHERIFF'S SALE OF REAL PROPERTY
 UNDER EXECUTION.**

Date: 10/22/2014 @ 11:26 AM - 320 NORTH MOAPA VALLEY ROAD OVERTON, NV 89040

**Attempted By: THOMAS SMITH
 Service Type: POSTING.**

**Notes : POSTED ON BULLETIN BOARD NOTICE OF SHERIFF'S SALE OF REAL PROPERTY
 UNDER EXECUTION.**

Date: 10/22/2014 @ 11:40 AM - 275 NORTH MOAPA VALLEY ROAD OVERTON, NV 89040

**Attempted By: THOMAS SMITH
 Service Type: PHONE CONTACT.**

**Notes : POSTED ON BULLETIN BOARD NOTICE OF SHERIFF'S SALE OF REAL PROPERTY
 UNDER EXECUTION.**



**Date: 10/22/2014 @ 1:45 PM - CLARK COUNTY GOVERNMENT CENTER 500 S GRAND
CENTRAL PARKWAY LAS VEGAS, NV 89155**

Attempted By: THOMAS SMITH

Service Type: POSTING.

**Notes : POSTED ON BULLETIN BOARD NOTICE OF SHERIFF'S SALE OF REAL PROPERTY
UNDER EXECUTION.**

**Date: 10/22/2014 @ 2:00 PM - REGIONAL JUSTICE CENTER 200 LEWIS AVENUE LAS
VEGAS, NV 89101**

Attempted By: THOMAS SMITH

Service Type: POSTING.

**Notes : POSTED ON BULLETIN BOARD NOTICE OF SHERIFF'S SALE OF REAL PROPERTY
UNDER EXECUTION.**

**Date: 10/22/2014 @ 2:15 PM - THIRD STREET COUNTY BUILDING 309 S THIRD STREET LAS
VEGAS, NV 89101**

Attempted By: THOMAS SMITH

Service Type: POSTING.

**Notes : POSTED ON BULLETIN BOARD NOTICE OF SHERIFF'S SALE OF REAL PROPERTY
UNDER EXECUTION.**

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

REC'D & FILED
2014 NOV -6 PM 3: 12

ALAN GLOVER
BY *Alan Glover*
DEPUTY

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

10
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

**AFFIDAVIT OF PUBLICATION
OF NOTICE OF SHERIFF'S
SALE OF REAL PROPRETY
UNDER EXECUTION**

22
23 Plaintiff Jed Margolin, through counsel Adam McMillen, presents herewith an
24 Affidavit of Publication of Notice of Sheriff's Sale of Real Property Under Execution as it
25 relates to Clark County APN: 071-02-000-005. Such Affidavit of Publication is attached
26 hereto as Exhibit 1.

27 ///
28 ///

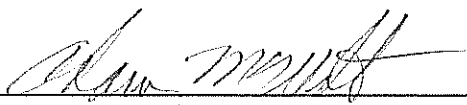
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Affirmation Pursuant to NRS 239B.030

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

DATED: November 5, 2014.

WATSON ROUNDS

By: 

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

Attorneys for Plaintiff Jed Margolin

Exhibit 1

Exhibit 1

Affidavit of Publication

STATE OF NEVADA }
COUNTY OF CLARK } SS

I, Rosalie Qualls state:

That I am Assistant Operations Manager of the Nevada Legal News, a daily newspaper of general circulation, printed and published in Las Vegas, Clark County, Nevada; that the publication, a copy of which is attached hereto, was published in the said newspaper on the following dates:

- Oct 17, 2014
- Oct 24, 2014
- Oct 30, 2014

That said newspaper was regularly issued and circulated on those dates. I declare under penalty of perjury that the foregoing is true and correct.

DATED: Oct 30, 2014



Rosalie Qualls

In The First Judicial District Court of the State of Nevada
 In and for Carson City
 Case No.: 090C00579 1B Dept. No.: 1
 JED MARGOLIN, an individual, Plaintiff,
 vs. REZA ZANDIAN aka GOLAMREZA ZANDIANJAZI aka GHOLAM REZA ZANDIAN aka REZA JAZI aka J. REZA JAZI aka G. REZA JAZI aka GHONONREZA ZANDIAN JAZI, et al., Defendants.

NOTICE OF SHERIFF'S SALE OF REAL PROPERTY UNDER EXECUTION
NOTICE OF SHERIFF'S SALE OF REAL PROPERTY UNDER EXECUTION:
 By virtue of a Writ of Execution issued out of the First Judicial District Court, Carson City, Nevada, on September 5, 2014, upon a judgment entered in the above-captioned case on June 27, 2013, in favor of Plaintiff Jed Margolin and against Reza Zandian aka Golamreza Zandian Jazi aka Gholam Reza Zandian aka Reza Jazi aka J. Reza Jazi aka G. Reza Jazi aka Ghononreza Zandian Jazi ("Defendant Reza Zandian"), in the amount of \$1,592,062.81, which Writ of Execution was delivered to me as Sheriff. I have levied upon all of the right, title, claim and interest of Defendant Reza Zandian in and to that certain real property located in Moapa Valley, Clark County, Nevada 89040 and described as THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 2, TOWNSHIP 16 SOUTH, RANGE 68 EAST, M.D.M. APN 071-02-000-005. NOTICE IS HEREBY GIVEN THAT I, the undersigned Sheriff, will sell at Sheriff's Sale to the highest bidder, for cash, without warranty, express or implied, all of the right, title, claim and interest of Defendant Reza Zandian in and to the above-described real property or as much thereof as may be necessary to satisfy said judgment and Writ of Execution, together with interest and costs thereon, on December 9, 2014, at the front steps to the North Entrance to the REGIONAL JUSTICE CENTER, 200 LEWIS ST, LAS VEGAS at 9:00 a.m. This property is being sold subject to all prior liens and encumbrances pending against the property and subject to all easements, restrictions of record, taxes, and special assessments pending against the property. Only Cash or Certified Funds will be accepted and payment must be made in full immediately upon conclusion of the sale. NOTICE IS FURTHER GIVEN that the purchaser at such sale shall take title to the above described real property subject to a one (1) year right of redemption pursuant to NRS 21.210. PROSPECTIVE BIDDERS, READ THIS SECTION CAREFULLY. Before bidding at the sale, a prospective bidder should independently investigate the priority of the lien or interest of the judgment creditor; land use laws and regulations applicable to the property; approved uses for the property; limits on farming or forest practices on the property; rights of neighboring property owners; environmental laws and regulations that affect the property; make their own examination of the title and the condition of the property; and to consult their own attorney before bidding.

DATED: This 10th day of October, 2014. DOUG GILLESPIE, SHERIFF, CLARK COUNTY, NEVADA, By: Lt. G. Jason Flippo, PN 5734, Sheriff's Civil Section, Deputy Sheriff, 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
 Published in Nevada Legal News
 October 17, 24, 30, 2014

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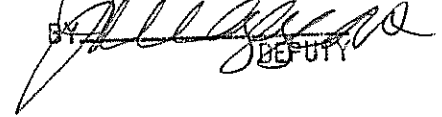
WATSON ROUNDS, ESQS. (RENO)
5371 KIETZKE LANE
RENO, NV 89511

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

REC'D & FILED ✓

2015 JAN -8 PM 2:09

SUSAN MERRIWETHER
CLERK -

BY 
DEPUTY

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

11 JED MARGOLIN, an individual,
12 Plaintiff,

13 vs.

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

21 Defendants.

Case No.: 090C00579 1B

Dept. No.: 1

DECLARATION OF SERVICE

22
23 I, NANCY R. LINDSLEY, declare under the penalty of perjury under the laws of the
24 State of Nevada, as follows:

25 1. Pursuant to NRCP 5(b), I declare that I am an employee of WATSON ROUNDS,
26 P.C.

27 2. On January 6, 2015, I served the following documents upon Defendants' counsel:
28


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- a) Sheriff's Certificate of Sale of Real Property regarding Clark County APN: 071-02-000-005;
- b) Sheriff's Certificate of Sale of Real Property regarding Clark County APN: 071-02-000-013; and,
- c) Writ of Execution, returned by Clark County Sheriff.

3. I declare that I served the foregoing documents by placing a true copies thereof enclosed in a sealed envelope, with first class postage thereon fully prepaid, in the United States mail at Reno, Nevada, addressed as follows:

Jason Woodbury, Esq.
Kaempfer Crowell
510 W. Fourth Street
CarsonCity, NV 89703

EXECUTED at Reno, Nevada, this 6th day of January, 2015.


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

REC'D & FILED
2015 JAN -8 PM 2:09
SUSAN MERRIWETHER
CLERK
BY: *[Signature]*
DEPUTY

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

10
11 JED MARGOLIN, an individual,
12 Plaintiff,

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

13 vs.

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

21 Defendants.

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CLARK COUNTY SHERIFF
2014 DEC 29 P 3:05

22
23 **SHERIFF'S CERTIFICATE OF SALE OF REAL PROPERTY**

24 Under, and by virtue of a Writ of Execution issued on a judgment entered out of the
25 above-entitled court on June 24, 2013 in favor of JED MARGOLIN, Judgment Creditor and
26 against Defendants, jointly and severally as Judgment Debtor, the undersigned was
27 commanded to satisfy such judgment, together with interest and costs, out of the real property,
28 all of which more fully appears from such Writ of Execution.

1 I, the undersigned Deputy Sheriff of Clark County, State of Nevada, do hereby certify
2 that I have levied on the real property situated in Clark County, Nevada, and on December 9,
3 2014 at 9:00 a.m., caused the same to be sold at public auction according to the statutes of the
4 State of Nevada, and after due and legal notice, all the rights, title and interest of
5 Defendants/Judgment Debtor herein and to the following described real property located in the
6 County of Clark, State of Nevada, as follows:

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

10 That all the interest of Clark County APN: 071-02-000-005 was purchased for the sum
11 of Eight Thousand Dollars (\$8,000.00), by Adam P. McMillen, Esquire, agent for Watson
12 Rounds, on behalf of Judgment Creditor Jed Margolin, which was the highest bidder. The real
13 property as stated herein is subject to redemption for one (1) year from the date of sale for the
14 full purchase price plus one-percent (1%) per month pursuant to NRS 21.210 et seq, payable in
15 current, lawful money of the United States of America.

17 DOUGLAS GILLESPIE
18 SHERIFF OF CLARK COUNTY

19 By: D. Flippo, PN 5734
20 Deputy Lt. G. Jason Flippo

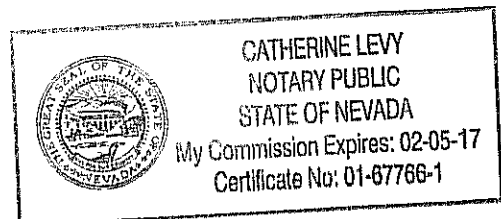
Sheriff's Civil Section

12/30/14

21 COUNTY OF CLARK)
22 STATE OF NEVADA) ss:

23 On this 30th day of December, 2014, there appeared before me LT. G. JASON FLIPPO,
24 a Deputy Sheriff of Clark County, who is known to me, and who acknowledged to me that he
25 executed the Sheriff's Certificate of Sale set forth herein, and who acknowledged that the
26 information contained therein is true and that he executed his signature thereon freely and
27 voluntarily for the purposes set forth therein.

28 [Signature]
Notary Public, in and for said
County and State



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2015 JAN -8 PM 2:09

SUSAN MERRIWETHER
CLERK

BY *[Signature]*
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

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

12 JED MARGOLIN, an individual,
13 Plaintiff,

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

14 vs.

WRIT OF EXECUTION

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.

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CLARK COUNTY SHERIFF
2015 OCT -9 P 3:24

23 **THE PEOPLE OF THE STATE OF NEVADA:**

24 **To the Sheriff/Constable of Clark County, Nevada, Greetings:**

25
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 damages, pre-judgment interest, attorney's fees

1 and costs in amount of \$1,495,775.74. Notice of entry of Default Judgment was served on
2 June 26, 2013 and filed on June 27, 2013.

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

5 \$31,247.50 attorney's fees,

6 \$63,684.40 accrued interest, and

7 \$1,355.17 accrued costs, together with a \$10.00 fee for the issuance of this writ, making a
8 total of:

9 \$96,287.07 as accrued costs, accrued interest, and fees.

10 Credit must be given for payments and partial satisfactions in the amount of
11 \$0.00 which is to be first credited against the total accrued costs and accrued interest, with any
12 excess credited against the judgment as entered, leaving a net balance of: \$1,592,062.81
13 actually due on the date of the issuance of this writ of which \$1,495,775.74 bears interest at
14 5.25% percent per annum, in the amount of \$215.15 per day from April 19, 2014 to the date of
15 levy, to which must be added the commissions and costs of the officer executing this writ.
16

17 **NOW, THEREFORE, CONSTABLE/SHERIFF OF CLARK COUNTY**, you are
18 hereby commanded to satisfy this judgment with interest and costs as provided by law, out of
19 the following real property belonging to the debtor in the said county, and make return to this
20 writ within not less than 10 days or more than 60 days endorsed thereon with what you have
21 done.
22

23 Debtor's real properties in Clark County are described as follows:

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

27 ///

28 ///

2. Clark County APN: 071-02-000-005
Situs: Moapa Valley
Legal Description: PT NE4 NE4 SEC 02 16 68
Section 02, Township 16, Range 68

DATED: this 5 day of September, 2014.

ALAN GLOVER, Clerk

By: [Signature], Deputy

Not Satisfied
 Satisfied In Sum Of \$ 24,000.00
 Costs Incurred \$ 266.00
 Commissions Incurred \$ 280.00
 Judgment Debt \$ 0

I hereby certify that I have this date returned the foregoing Writ of Execution with the results of the levy endorsed thereon.

CLARK COUNTY, Sheriff
By: D. Flippo, PN 5734
Deputy Date

Lt. G. Jason Flippo
Sheriff's Civil Section
12/30/14

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NOTICE OF EXECUTION

YOUR PROPERTY IS BEING ATTACHED OR
YOUR WAGES ARE BEING GARNISHED

A court has determined that you owe money to _____ (name of person), the judgment creditor. The judgment creditor has begun the procedure to collect that money by garnishing your wages, bank account and other personal property held by third persons or by taking money or other property in your possession.

Certain benefits and property owned by you may be exempt from execution and may not be taken from you. The following is a partial list of exemptions:

1. Payments received pursuant to the federal Social Security Act, including, without limitation, retirement and survivors' benefits, supplemental security income benefits and disability insurance benefits.

2. Payments for benefits or the return of contributions under the Public Employees' Retirement System.

3. Payments for public assistance granted through the Division of Welfare and Supportive Services of the Department of Health and Human Services or a local governmental entity.

4. Proceeds from a policy of life insurance.

5. Payments of benefits under a program of industrial insurance.

6. Payments received as disability, illness or unemployment benefits.

7. Payments received as unemployment compensation.

8. Veteran's benefits.

9. A homestead in a dwelling or a mobile home, not to exceed \$550,000, unless:

(a) The judgment is for a medical bill, in which case all of the primary dwelling, including a mobile manufactured home, may be exempt.

(b) Allodial title has been established and not relinquished for the dwelling or mobile home, in which case all of the dwelling or mobile home and its appurtenances are exempt, including the land on which they are located, unless a valid waiver executed pursuant to NRS 115.010 is applicable to the judgment.

10. All money reasonably deposited with a landlord by you to secure an agreement to rent or lease a dwelling that is used by you as your primary residence, except that such money is not exempt with respect to a landlord or landlord's successor in interest who seeks to enforce the terms of the agreement to rent or lease the dwelling.

11. A vehicle, if your equity in the vehicle is less than \$15,000.

12. Seventy-five percent of the take-home pay for any workweek, unless the weekly take-home pay is less than 50 times the federal minimum hourly wage, in which case the entire amount may be exempt.

13. Money, not to exceed \$500,000 in present value, held in:

(a) An individual retirement arrangement which conforms with the applicable limitations and requirements of section 408 or 408A of the Internal Revenue Code, 26 U.S.C. §§ 408 and 408A;

(b) A written simplified employee pension plan which conforms with the applicable limitations and requirements of section 408 of the Internal Revenue Code, 26 U.S.C. § 408;

(c) A cash or deferred arrangement that is a qualified plan pursuant to the Internal Revenue Code;

(d) A trust forming part of a stock bonus, pension or profit-sharing plan that is a qualified plan pursuant to sections 401 et seq. of the Internal Revenue Code, 26 U.S.C. §§ 401 et seq.; and

(e) A trust forming part of a qualified tuition program pursuant to chapter 353B of NRS, any applicable regulations adopted pursuant to chapter 353B of NRS and section 529 of the Internal Revenue Code, 26 U.S.C. § 529, unless the money is deposited after the entry of a judgment against the purchaser or account owner or the money will not be used by any beneficiary to attend a college or university.

14. All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support, education and maintenance of a child, whether collected by the judgment debtor or the State.

15. All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support and maintenance of a former spouse, including the amount of any arrearages in the payment of such support and maintenance to which the former spouse may be entitled.

16. Regardless of whether a trust contains a spendthrift provision:

(a) A present or future interest in the income or principal of a trust, if the interest has not been distributed from the trust;

(b) A remainder interest in the trust whereby a beneficiary of the trust will receive property from the trust outright at some time in the future under certain circumstances;

(c) A discretionary power held by a trustee to determine whether to make a distribution from the trust, if the interest has not been distributed from the trust;

(d) The power to direct dispositions of property in the trust, other than such a power held by a trustee to distribute property to a beneficiary of the trust;

(e) Certain powers held by a trust protector or certain other persons;

(f) Any power held by the person who created the trust; and

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CLARK COUNTY SHERIFF
OFFICE
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(g) Any other property of the trust that has not been distributed from the trust. Once the property is distributed from the trust, the property is subject to execution.

17. If a trust contains a spendthrift provision:

(a) A mandatory interest in the trust in which the trustee does not have discretion concerning whether to make the distribution from the trust, if the interest has not been distributed from the trust;

(b) A support interest in the trust in which the standard for distribution may be interpreted by the trustee or a court, if the interest has not been distributed from the trust; and

(c) Any other property of the trust that has not been distributed from the trust. Once the property is distributed from the trust, the property is subject to execution.

18. A vehicle for use by you or your dependent which is specially equipped or modified to provide mobility for a person with a permanent disability.

19. A prosthesis or any equipment prescribed by a physician or dentist for you or your dependent.

20. Payments, in an amount not to exceed \$16,150, received as compensation for personal injury, not including compensation for pain and suffering or actual pecuniary loss, by the judgment debtor or by a person upon whom the judgment debtor is dependent at the time the payment is received.

21. Payments received as compensation for the wrongful death of a person upon whom the judgment debtor was dependent at the time of the wrongful death, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

22. Payments received as compensation for the loss of future earnings of the judgment debtor or of a person upon whom the judgment debtor is dependent at the time the payment is received, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

23. Payments received as restitution for a criminal act.

24. Personal property, not to exceed \$1,000 in total value, if the property is not otherwise exempt from execution.

25. A tax refund received from the earned income credit provided by federal law or a similar state law.

26. Stock of a corporation described in subsection 2 of NRS 78.746 except as set forth in that section.

↳ These exemptions may not apply in certain cases such as a proceeding to enforce a judgment for support of a person or a judgment of foreclosure on a mechanic's lien. You should consult an attorney immediately to assist you in determining whether your property or money is exempt from execution. If you cannot afford an attorney, you may be eligible for assistance through Nevada Legal Services. If you do not wish to consult an attorney or receive legal services from an organization that provides assistance to persons who qualify, you may obtain the form to be used to claim an exemption from the clerk of the court.

PROCEDURE FOR CLAIMING EXEMPT PROPERTY

If you believe that the money or property taken from you is exempt, you must complete and file with the clerk of the court an executed claim of exemption. A copy of the claim of exemption must be served upon the sheriff, the garnishee and the judgment creditor within 10 days after the notice of execution or garnishment is served on you by mail pursuant to NRS 21.076 which identifies the specific property that is being levied on. The property must be released by the garnishee or the sheriff within 9 judicial days after you serve the claim of exemption upon the sheriff, garnishee and judgment creditor, unless the sheriff or garnishee receives a copy of an objection to the claim of exemption and a notice for a hearing to determine the issue of exemption. If this happens, a hearing will be held to determine whether the property or money is exempt. The objection to the claim of exemption and notice for the hearing to determine the issue of exemption must be filed within 8 judicial days after the claim of exemption is served on the judgment creditor by mail or in person and served on the judgment debtor, the sheriff and any garnishee not less than 5 judicial days before the date set for the hearing. The hearing to determine whether the property or money is exempt must be held within 7 judicial days after the objection to the claim of exemption and notice for the hearing is filed. You may be able to have your property released more quickly if you mail to the judgment creditor or the attorney of the judgment creditor written proof that the property is exempt. Such proof may include, without limitation, a letter from the government, an annual statement from a pension fund, receipts for payment, copies of checks, records from financial institutions or any other document which demonstrates that the money in your account is exempt.

IF YOU DO NOT FILE THE EXECUTED CLAIM OF EXEMPTION WITHIN THE TIME SPECIFIED, YOUR PROPERTY MAY BE SOLD AND THE MONEY GIVEN TO THE JUDGMENT CREDITOR, EVEN IF THE PROPERTY OR MONEY IS EXEMPT.

(Added to NRS by 1989, 1135; A 1991, 811, 1412; 1995, 227, 1071; 1997, 265, 3412; 2003, 1010, 1812; 2005, 382, 1012, 2228; 2007, 2708, 3016)

REC'D & FILED

2015 FEB 26 PM 5:00

SUSAN MERRIWETHER
BY: *[Signature]*
CLERK
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

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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,

Case No.: 090C00579 1B

Dept. No.: 1

14 vs.

WRIT OF EXECUTION

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

24 **To the Sheriff of Washoe County, Nevada, Greetings:**

25
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 damages, pre-judgment interest, attorney's fees

1 and costs in amount of \$1,495,775.74. Notice of entry of Default Judgment was served on
2 June 26, 2013 and filed on June 27, 2013.

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

5 \$31,247.50 attorney's fees,

6 \$63,684.40 accrued interest, and

7 \$1,355.17 accrued costs, together with a \$10.00 fee for the issuance of this writ, making a
8 total of:

9 \$96,287.07 as accrued costs, accrued interest, and fees.

11 Credit must be given for payments and partial satisfactions in the amount of
12 \$0.00 which is to be first credited against the total accrued costs and accrued interest, with any
13 excess credited against the judgment as entered, leaving a net balance of: \$1,592,062.81
14 actually due on the date of the issuance of this writ of which \$1,495,775.74 bears interest at
15 5.25% percent per annum, in the amount of \$215.15 per day from April 19, 2014 to the date of
16 levy, to which must be added the commissions and costs of the officer executing this writ.

17
18 **NOW, THEREFORE, SHERIFF OF WASHOE COUNTY**, you are hereby
19 commanded to satisfy this judgment with interest and costs as provided by law, out of the
20 following real property belonging to the debtor in the said county, and make return to this writ
21 within not less than 10 days or more than 60 days endorsed thereon with what you have done.

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

25 DATED: this 23 day of ~~November~~, 2014.

26 ALAN GLOVER, Clerk

27
28 By:  _____, Deputy

NOTICE OF EXECUTION

YOUR PROPERTY IS BEING ATTACHED OR
YOUR WAGES ARE BEING GARNISHED

A court has determined that you owe money to JED MARGOLIN (name of person), the judgment creditor. The judgment creditor has begun the procedure to collect that money by garnishing your wages, bank account and other personal property held by third persons or by taking money or other property in your possession.

Certain benefits and property owned by you may be exempt from execution and may not be taken from you. The following is a partial list of exemptions:

1. Payments received pursuant to the federal Social Security Act, including, without limitation, retirement and survivors' benefits, supplemental security income benefits and disability insurance benefits.
2. Payments for benefits or the return of contributions under the Public Employees' Retirement System.
3. Payments for public assistance granted through the Division of Welfare and Supportive Services of the Department of Health and Human Services or a local governmental entity.
4. Proceeds from a policy of life insurance.
5. Payments of benefits under a program of industrial insurance.
6. Payments received as disability, illness or unemployment benefits.
7. Payments received as unemployment compensation.
8. Veteran's benefits.
9. A homestead in a dwelling or a mobile home, not to exceed \$550,000, unless:
 - (a) The judgment is for a medical bill, in which case all of the primary dwelling, including a mobile or manufactured home, may be exempt.
 - (b) Allodial title has been established and not relinquished for the dwelling or mobile home, in which case all of the dwelling or mobile home and its appurtenances are exempt, including the land on which they are located, unless a valid waiver executed pursuant to NRS 115.010 is applicable to the judgment.
10. All money reasonably deposited with a landlord by you to secure an agreement to rent or lease a dwelling that is used by you as your primary residence, except that such money is not exempt with respect to a landlord or landlord's successor in interest who seeks to enforce the terms of the agreement to rent or lease the dwelling.
11. A vehicle, if your equity in the vehicle is less than \$15,000.
12. Seventy-five percent of the take-home pay for any workweek, unless the weekly take-home pay is less than 50 times the federal minimum hourly wage, in which case the entire amount may be exempt.
13. Money, not to exceed \$500,000 in present value, held in:
 - (a) An individual retirement arrangement which conforms with the applicable limitations and requirements of section 408 or 408A of the Internal Revenue Code, 26 U.S.C. §§ 408 and 408A;
 - (b) A written simplified employee pension plan which conforms with the applicable limitations and requirements of section 408 of the Internal Revenue Code, 26 U.S.C. § 408;
 - (c) A cash or deferred arrangement that is a qualified plan pursuant to the Internal Revenue Code;
 - (d) A trust forming part of a stock bonus, pension or profit-sharing plan that is a qualified plan pursuant to sections 401 et seq. of the Internal Revenue Code, 26 U.S.C. §§ 401 et seq.; and
 - (e) A trust forming part of a qualified tuition program pursuant to chapter 353B of NRS, any applicable regulations adopted pursuant to chapter 353B of NRS and section 529 of the Internal Revenue Code, 26 U.S.C. § 529, unless the money is deposited after the entry of a judgment against the purchaser or account owner or the money will not be used by any beneficiary to attend a college or university.
14. All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support, education and maintenance of a child, whether collected by the judgment debtor or the State.
15. All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support and maintenance of a former spouse, including the amount of any arrearages in the payment of such support and maintenance to which the former spouse may be entitled.
16. Regardless of whether a trust contains a spendthrift provision:
 - (a) A present or future interest in the income or principal of a trust, if the interest has not been distributed from the trust;
 - (b) A remainder interest in the trust whereby a beneficiary of the trust will receive property from the trust outright at some time in the future under certain circumstances;
 - (c) A discretionary power held by a trustee to determine whether to make a distribution from the trust, if the interest has not been distributed from the trust;
 - (d) The power to direct dispositions of property in the trust, other than such a power held by a trustee to distribute property to a beneficiary of the trust;
 - (e) Certain powers held by a trust protector or certain other persons;
 - (f) Any power held by the person who created the trust; and

(g) Any other property of the trust that has not been distributed from the trust. Once the property is distributed from the trust, the property is subject to execution.

17. If a trust contains a spendthrift provision:

(a) A mandatory interest in the trust in which the trustee does not have discretion concerning whether to make the distribution from the trust, if the interest has not been distributed from the trust;

(b) A support interest in the trust in which the standard for distribution may be interpreted by the trustee or a court, if the interest has not been distributed from the trust; and

(c) Any other property of the trust that has not been distributed from the trust. Once the property is distributed from the trust, the property is subject to execution.

18. A vehicle for use by you or your dependent which is specially equipped or modified to provide mobility for a person with a permanent disability.

19. A prosthesis or any equipment prescribed by a physician or dentist for you or your dependent.

20. Payments, in an amount not to exceed \$16,150, received as compensation for personal injury, not including compensation for pain and suffering or actual pecuniary loss, by the judgment debtor or by a person upon whom the judgment debtor is dependent at the time the payment is received.

21. Payments received as compensation for the wrongful death of a person upon whom the judgment debtor was dependent at the time of the wrongful death, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

22. Payments received as compensation for the loss of future earnings of the judgment debtor or of a person upon whom the judgment debtor is dependent at the time the payment is received, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

23. Payments received as restitution for a criminal act.

24. Personal property, not to exceed \$1,000 in total value, if the property is not otherwise exempt from execution.

25. A tax refund received from the earned income credit provided by federal law or a similar state law.

26. Stock of a corporation described in subsection 2 of NRS 78.746 except as set forth in that section.

↳ These exemptions may not apply in certain cases such as a proceeding to enforce a judgment for support of a person or a judgment of foreclosure on a mechanic's lien. You should consult an attorney immediately to assist you in determining whether your property or money is exempt from execution. If you cannot afford an attorney, you may be eligible for assistance through Nevada Legal Services. If you do not wish to consult an attorney or receive legal services from an organization that provides assistance to persons who qualify, you may obtain the form to be used to claim an exemption from the clerk of the court.

PROCEDURE FOR CLAIMING EXEMPT PROPERTY

If you believe that the money or property taken from you is exempt, you must complete and file with the clerk of the court an executed claim of exemption. A copy of the claim of exemption must be served upon the sheriff, the garnishee and the judgment creditor within 10 days after the notice of execution or garnishment is served on you by mail pursuant to NRS 21.076 which identifies the specific property that is being levied on. The property must be released by the garnishee or the sheriff within 9 judicial days after you serve the claim of exemption upon the sheriff, garnishee and judgment creditor, unless the sheriff or garnishee receives a copy of an objection to the claim of exemption and a notice for a hearing to determine the issue of exemption. If this happens, a hearing will be held to determine whether the property or money is exempt. The objection to the claim of exemption and notice for the hearing to determine the issue of exemption must be filed within 8 judicial days after the claim of exemption is served on the judgment creditor by mail or in person and served on the judgment debtor, the sheriff and any garnishee not less than 5 judicial days before the date set for the hearing. The hearing to determine whether the property or money is exempt must be held within 7 judicial days after the objection to the claim of exemption and notice for the hearing is filed. You may be able to have your property released more quickly if you mail to the judgment creditor or the attorney of the judgment creditor written proof that the property is exempt. Such proof may include, without limitation, a letter from the government, an annual statement from a pension fund, receipts for payment, copies of checks, records from financial institutions or any other document which demonstrates that the money in your account is exempt.

IF YOU DO NOT FILE THE EXECUTED CLAIM OF EXEMPTION WITHIN THE TIME SPECIFIED, YOUR PROPERTY MAY BE SOLD AND THE MONEY GIVEN TO THE JUDGMENT CREDITOR, EVEN IF THE PROPERTY OR MONEY IS EXEMPT.

(Added to NRS by 1989, 1135; A 1991, 811, 1412; 1995, 227, 1071; 1997, 265, 3412; 2003, 1010, 1812; 2005, 382, 1012, 2228; 2007, 2708, 3016)

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on the 10th day of December, 2015, I caused the foregoing **NOTICE OF APPEAL** to be served by depositing a true copy of the same for mailing at Reno, Nevada, first class postage fully prepaid and addressed to the following:

Matthew D. Francis, Esq.
Adam P. McMillen, Esq.
Watson Rounds
5371 Kietzke Lane
Reno, Nevada 89511
775.324.4100
775.333.8171 - facsimile
Attorneys for Plaintiff



an employee of Kaempfer Crowell

1 Case No.: 09 OC 00279 1B

2 Dept. No.: 1

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SUSAN MERRIWETHER
CLERK
BY [Signature]
DEPUTY

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

8 JED MARGOLIN, an individual

9 Plaintiff,

10 v.

11
12 OPTIMA TECHNOLOGY CORPORATION,
13 A California corporation, OPTIMA
14 TEECHNOLOGY CORPORATION, a Nevada,
15 Corporation, REZA ZANDIAN aka
16 GOLEMREZA ZANDIANJAZI aka
17 GHOLEM REZA ZANDIAN aka REZA JAZI
18 aka J REZA JAZI aka G. REZA JAZI aka
19 GHONOREZA ZANDIAN JAZI, an individual
20 DOE Companies 1-10, DOE Corporations 11-
21 20, and DOE Individuals 21-30,
22 Defendant.

**ORDER HOLDING DEFENDANT IN
CONTEMPT OF COURT**

23 This matter is before this Court pursuant to Plaintiff's Motion to Show Cause Regarding
24 Contempt and Ex Parte Motion For Order Shortening Time filed on January 14, 2016.

25 Thereafter, this Court issued an Order to Show Cause on January 22, 2016. A hearing was held
26 on the matter on February 3, 2016. Present on behalf of Plaintiff was Adam McMillen, Esq.
27 Defendant failed to appear.

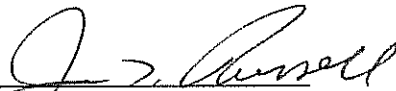
28 Based on Defendant's failure to comply with this Court's Order and additionally failing
to appear before this Court, Defendant is in contempt of this Court pursuant to NRS 22.010.

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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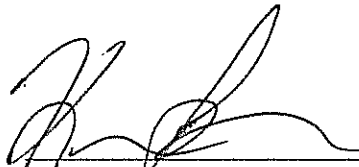
CERTIFICATE OF MAILING

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

REC'D & FILED

2016 FEB -3 PM 2:06

SUSAN MERRIWETHER
CLERK

BY [Signature]
DEPUTY

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

JED MARGOLIN, an individual,
Plaintiff,

Case No.: 09 OC 00279 1B

Dept. No.: I

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,
Defendant.

WARRANT OF ARREST

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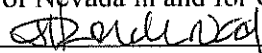
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That the said Defendant, REZA ZANDIAN aka GOLAMREZA ZANDIANJAZI aka GHOLAM
REZA ZANDIAN aka REZA JAZI aka J REZA JAZI aka G. REZA JAZI aka GHONOREZA
ZANDIAN JAZI, may be released pending a hearing or by the posting of bail, cash only, in the sum of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


WITNESS my hand this 3rd day of February, 2016, and I direct that this Warrant may be served at
any hour of the day or night.


DISTRICT COURT

~~SUSAN MEREWETHER~~
ATTEST: ALAN GLOVER
Clerk of the First Judicial District Court of the
State of Nevada in and for Carson City
By: 
Deputy

1 Jeffrey L. Hartman, Esq., #1607
2 **HARTMAN & HARTMAN**
3 510 West Plumb Lane, Suite B
4 Reno, Nevada 89509
5 Telephone: (775) 324-2800
6 Facsimile: (775) 324-1818
7 E-mail: notices@bankruptcyreno.com

8 Attorney for Patrick Canet,
9 Judicial Liquidator

REC'D & FILED
2016 JUN -2 PM 4:42
SUSAN MERRIWETHER
CLERK
BY  DEPUTY

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

12 JED MARGOLIN, an individual,
13
14 Plaintiff,

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

15 vs.

16 OPTIMA TECHNOLOGY CORPORATION,
17 a California corporation; OPTIMA
18 TECHNOLOGY CORPORATION, a Nevada
19 corporation; REZA ZANDIAN aka
20 GOLAMREZA ZANDIANJAZI aka
21 GHOLAM REZA ZANDIAN aka REZA
22 JAZI aka J. REZA JAZI aka G. REZA JAZI,
23 aka GHONOREZA ZANDIAN JAZI, an
24 individual; DOES COMPANIES 1-10; DOE
25 CORPORATIONS 11-20; and DOE
26 INDIVIDUALS 21-30,

**NOTICE OF PENDENCY OF
CHAPTER 15 PETITION FOR
RECOGNITION OF A FOREIGN
PROCEEDING**

27 Defendants.

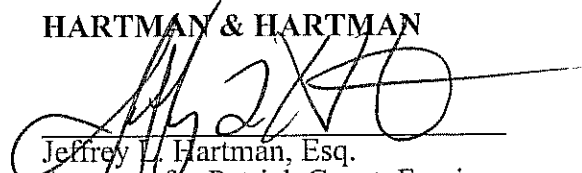
28 Patrick Canet, Judicial Liquidator in a foreign main proceeding, case no. 97P01370,
pending in the Commercial Court of Pontoise, Paris, France, through counsel, submits this
Notice Of Pendency Of Chapter 15 Petition For Recognition Of A Foreign Proceeding for
Defendant/Debtor Gholam Reza Jazi Zandian, commenced May 19, 2016, under case no. 16-
50644-btb in the US. Bankruptcy Court. The verified Chapter 15 Petition For Recognition
Of A Foreign Proceeding is attached hereto.

///
///
///

1 The filing initiates the automatic stay against Defendant Gholam Reza Jazi Zandian under §
2 362 of the United States Bankruptcy Code.

3 DATED: June 2, 2016.

4 HARTMAN & HARTMAN

5 
6 Jeffrey L. Hartman, Esq.
7 Attorney for Patrick Canet, Foreign
8 Representative

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1 CERTIFICATE OF SERVICE

2 I hereby certify that I mailed a copy of the foregoing document, postage prepaid,
3 addressed to:

4 SEVERIN A. CARLSON, ESQ.
5 TARA C. ZIMMERMAN, ESQ.
6 KAEMPFER CROWELL
7 510 W. FOURTH STREET
8 CARSON CITY, NV 89703

9 MATTHEW D. FRANCIS, ESQ.
10 ADAM P. MCMILLEN, ESQ.
11 BROWNSTEIN HYATT FARBER SCHRECK
12 5371 KIETZKE LANE
13 RENO, NV 89511

14 DEPARTMENT OF THE TREASURY
15 INTERNAL REVENUE SERVICE
16 OGDEN, UT 84201-0030

17 INTERNAL REVENUE SERVICE
18 PO BOX 7346
19 PHILADELPHIA, PA 19101-7346

20 NEVADA DEPARTMENT OF MOTOR VEHICLES
21 BANKRUPTCY SECTION
22 555 WRIGHT WAY
23 CARSON CITY, NV 89711-0001

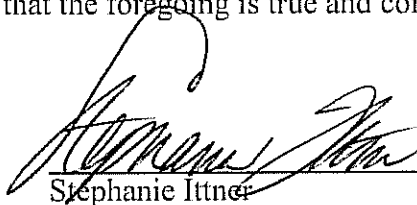
24 NEVADA DEPT. OF EMPLOYMENT SECURITY
25 500 E. THIRD STREET
26 CARSON CITY, NV 89713

27 NEVADA DEPT. OF TAXATION
28 BANKRUPTCY SECTION
4600 KIETZKE LANE, #L-235
RENO, NV 89502

UNITED STATES TRUSTEE
300 BOOTH STREET, SUITE 3009
RENO, NV 89509

23 I declare under penalty of perjury that the foregoing is true and correct.

24 Dated: June 2, 2016.

25 
26 Stephanie Ittner

1 Jeffrey L. Hartman, Esq., #1607
2 **HARTMAN & HARTMAN**
3 510 West Plumb Lane, Suite B
4 Reno, Nevada 89509
5 Telephone: (775) 324-2800
6 Facsimile: (775) 324-1818
7 E-mail: notices@bankruptcyreno.com
8 Attorney for Patrick Canet,
9 Judicial Liquidator

7 **UNITED STATES BANKRUPTCY COURT**
8 **DISTRICT OF NEVADA**

9 IN RE: CASE NO. BK-N-16-50644-BTB
10 Gholam Reza Jazi Zandian CHAPTER 15

11 Debtor in a Foreign Proceeding.

**VERIFIED PETITION FOR
RECOGNITION AND CHAPTER 15
RELIEF**

**Hearing Date: June 23, 2016
Hearing Time: 10:00 a.m.**

14 _____/
15 Patrick Canet ("Mr. Canet"), in his capacity as foreign representative ("Foreign
16 Representative") of the above captioned debtor, Gholam Reza Jazi Zandian ("Zandian" or
17 "Debtor"), with liquidation proceedings in Paris, France, respectfully submits this petition
18 ("Petition") seeking entry of an order granting (a) recognition by this Court of the Foreign
19 Representative as the Debtor's foreign representative as that term is defined in 11 U.S.C. §
20 101(24), and (b) recognition of the French proceeding as a foreign main proceeding
21 ("Foreign Proceeding") pursuant to 11 U.S.C. §§ 1515, 1517 and 1520.

22 **Preliminary Statement**

- 23 1. In 1993, Mr. Canet was appointed by the Commercial Court of Pontoise in Paris,
24 France ("French Court"), as the representative and, subsequently, the judicial liquidator for
25 the benefit of creditors in a proceeding involving COMPUTER WORLD, formerly known
26 as CEPAT, case no. 989252.
27 2. Zandian is an Iranian citizen residing in Paris, France and, at the relevant time,
28 was the chairman and general manager of COMPUTER WORLD, as well as a 48%

1 shareholder of that company.

2 3. Mr. Canet initiated proceedings against Zandian and in April 1998, judgment was
3 entered against Zandian in the amount of 20,000,000 francs. The judgment was not
4 appealed and is enforceable. In connection with these proceedings against Zandian, the
5 French Court established the date of October 3, 1996 as the date of Zandian's insolvency.
6 Certified copies of the Judgment in French and translated to English are attached as
7 **Exhibits A and B**, respectively.

8 4. Mr. Canet has determined that Zandian owns assets in the State of Nevada and by
9 this Petition, requests recognition of the Foreign Proceeding and the attendant benefits
10 resulting from recognition, including but not limited to the stay of any and all enforcement
11 actions against Zandian and any of his assets in the United States.

12 **Jurisdiction**

13 5. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 1334 and
14 157.

15 6. This case is properly commenced under §§ 1504 and 1515.

16 7. Venue is proper pursuant to 28 U.S.C. § 1410(1) and 1410(3).

17 8. The statutory bases for relief are 11 U.S.C. § 1501, 1504, 1515, 1517, 1519, 1520
18 and 1521.

19 **Basis For Relief**

20 9. Section 1501(c)(2) limits chapter 15 relief to individuals whose debts exceed the
21 debt limitations in § 109(e), i.e., individuals with regular income, with unsecured debts not
22 exceeding \$383,175 and secured debts not exceeding \$1,149,525. Zandian's debts exceed
23 the limitations in § 109(e).

24 10. Section 101(23) defines a foreign proceeding as:

25 The term "foreign proceeding" means a collective judicial or administrative
26 proceeding in a foreign country, including an interim proceeding, under a law
27 relating to insolvency or adjustment of debt in which proceeding the assets
and affairs of the debtor are subject to control or supervision by a foreign
court, for the purpose of reorganization or liquidation.

28 11. As demonstrated in **Exhibit B**, the foreign proceeding was commenced under

1 French bankruptcy law in bankruptcy proceedings in the French Court, originally for
2 COMPUTER WORLD and in subsequent liquidation proceedings against Zandian.

3 12. Mr. Canet is the Foreign Representative as that term is defined in § 101(24):

4 The term “foreign representative” means a person or body, including a person
5 or body appointed on an interim basis, authorized in a foreign proceeding to
6 administer the reorganization or the liquidation of the debtor’s assets or
7 affairs or to act as a representative of such foreign proceeding.

7 **Exhibit B.**

8 13. The French proceeding is a “foreign main proceeding” as that term is defined in
9 § 1517(b).

10 Request For Recognition

11 14. Section 1515 sets forth the requirements for the granting of recognition as
12 requested herein. **Exhibit B**, which is the English translation of the French Court Judgment
13 against Zandian, also includes the history of the matter including the appointment of Mr.
14 Canet as the liquidator for Zandian.

15 Conclusion

16 15. The Foreign Representative submits that the Petition satisfies the requirements
17 for recognition of the French proceeding as a foreign main proceeding and Mr. Canet as
18 Zandian’s Foreign Representative.

19 Notice

20 16. The Foreign Representative will provide notice of this Petition pursuant to
21 F.R.Bankr.P. 1011(b) and 2002(q), to: the Office of the United States Trustee; the Debtor,
22 any known creditor of the Debtor in the United States for whom the Foreign Representative
23 has an address, any entity against which provisional relief is sought and any additional
24 party-in-interest as may be specified by the Court.

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WHEREFORE, the Foreign Representative requests an order granting this Petition and for such other and further relief as is just and proper.

DATED: May 26, 2016.

HARTMAN & HARTMAN

/S/ Jeffrey L. Hartman
Jeffrey L. Hartman, Esq.
Attorney for Patrick Canet,
Foreign Representative

EXHIBIT A

JUGEMENT DU 3 AVRIL 1998
6 ème Chambre

N° PCL: 583252

CANET, LIQ.JUD.STE COMPUTER WORLD
contre
M. GHOLAM ZANDIAN JAZI

N° RG: 97P01370

DEMANDEUR
CANET, LIQ.JUD.STE COMPUTER WORLD 1 RUE DE LA
CITADELLE 95300 PONTOISE
comparant par Me GAYRAUD 24 AV DENIS PAPIN
RESIDENCE DE LA GARE 95400 ARNOUVILLE LES
GONESSE

DEFENDEUR
M. GHOLAM ZANDIAN JAZI 25 QUAI ANDRE CITROEN
75015 PARIS

non comparant

COMPOSITION DU TRIBUNAL

Décision réputée contradictoire et en premier ressort.

Débats, clôture des débats et mise en délibéré lors de
l'audience du 6 MARS 1998 en Chambre du Conseil où
siégeaient, Mme MUGUET, Président, M.BREDECHE,
M.JAGOURY, Juges, assistés de M.Pierre Olivier HULIN,
Greffier d'Audience.

Délibérée par les mêmes Juges.

Prononcée à l'audience publique du 3 AVRIL 1998.
La minute du présent jugement est signée par le Président et
par le Greffier.



Par acte du Ministère de la SCP DELATTRE-LE MAREC, Huissiers de justice à PARIS, en date du 28 NOVEMBRE 1997 pour tentative et le 1er DECEMBRE 1997 pour régularisation, Maître CANET agissant en qualité de liquidateur à la liquidation judiciaire de la société COMPUTER-WORLD, a donné assignation à Monsieur JAZI ZANDIAN Gholam, Reza né le 15 JANVIER 1952 à ISPAHAN (IRAN) de nationalité iranienne, demeurant 25 Quai André Citroën 75015 PARIS, d'avoir à comparaître devant le Tribunal de Commerce de PONTOISE à l'audience du 19 DECEMBRE 1997 afin de voir statuer à son encontre sur le fondement des dispositions de l'article 181 de la loi du 25 JANVIER 1985 ;

La procédure a été communiquée au Ministère Public ;

Après renvois, l'affaire a été plaidée à l'audience du 6 MARS 1998, lors de laquelle Maître CANET ès-qualités, comparant par Me GAYRAUD, a développé les termes de son acte introductif d'instance. Il rappelle que par jugement rendu par le Tribunal de Commerce de céans en date du 12 JUIN 1992, la société COMPUTER WORLD, anciennement dénommée CEPAT, a été admise au bénéfice du redressement judiciaire.

Que le 11 JUIN 1993, ce redressement a été converti en liquidation judiciaire et Maître CANET désigné aux fonctions de liquidateur et représentant des créanciers.

Il précise que dans le cadre de ses fonctions, il avait assigné Monsieur ZANDIAN, Président Directeur Général et actionnaire à hauteur de 48%, à l'effet de voir prononcer à son encontre une sanction pécuniaire tirée de l'article 180 de la loi du 25 JANVIER 1985.

Qu'en effet, Monsieur ZANDIAN s'était rendu coupable d'un certain nombre de faits justifiant que soit prononcée à son encontre une sanction au titre du comblement de passif.

Que suivant jugement rendu par la 6ème Chambre de ce Tribunal le 13 JUIN 1997, Maître CANET était accueilli en sa demande . Que Monsieur ZANDIAN était condamné à supporter, personnellement, les dettes de la société à concurrence de la somme de 20.000.000 francs.

Il ajoute que cette décision a régulièrement été signifiée sous le Ministère de la SCP DELATTRE & LE MAREC, Huissiers de Justice Associés à PARIS (75006) les 6 et 8 AOUT 1997.

Que cette décision, au demeurant assortie de l'exécution provisoire, de plein droit, n'a fait l'objet d'aucun recours, qu'elle est donc définitive.

Il indique que pourtant, Monsieur ZANDIAN n'a pas cru devoir y déférer ou que plus exactement, il n'a eu de cesse de tenter d'échapper à ses obligations.

Maître CANET ès-qualités demande en conséquence au Tribunal d'ouvrir une procédure de liquidation judiciaire à l'encontre de Monsieur JAZI ZANDIAN Gholam, avec toutes les suites et conséquences et de dire que les dépens seront employés en frais privilégiés de liquidation judiciaire.

Monsieur JAZI ZANDIAN Gholam, après avoir fait l'objet d'un Procès Verbal de notification conformément aux dispositions de l'article 659 du Nouveau Code de Procédure Civile, ne comparait pas à l'audience, laissant ainsi supposer s'en rapporter à justice.

MOTIVATION :

Attendu qu'il résulte des pièces produites aux débats et des explications de Maître CANET ès-qualités que Monsieur ZANDIAN n'a plus de domicile, ni de résidence ni de lieu de travail connus, qu'il ne se présente pas, ni personne pour lui à l'audience.

Attendu que l'article 181 de la loi du 25 JANVIER 1985 dispose:



Handwritten marks: a large arrow pointing right and a stylized signature.

Le Tribunal peut ouvrir une procédure de redressement judiciaire ou de liquidation judiciaire à l'égard des dirigeants à la charge desquels a été admis tout ou partie du passif d'une personne morale et qu'ils ne s'acquittent pas de cette dette".

Attendu que tel est bien le cas en l'espèce.

Attendu que le Tribunal estime opportun de faire application des dispositions du texte sus visé et d'ouvrir à l'encontre de Monsieur JAZI ZANDIAN Gholam une procédure de liquidation judiciaire avec toutes conséquences de droit.

Qu'il conviendra de constater l'exécution provisoire de plein droit de la présente décision.

Que les dépens de la présente instance seront employés en frais privilégiés de liquidation judiciaire.

PAR CES MOTIFS :

Le Tribunal, après en avoir délibéré,

Vu l'article 181 de la loi du 25/01/1985 modifiée par la loi du 10/06/1994,

Ouvre une procédure de liquidation judiciaire sans période d'observation, à l'égard de :

Monsieur JAZI ZANDIAM Gholam, Reza, né le 15 JANVIER 1952 à ISPAHAN (IRAN) de nationalité française, demeurant 25 Quai André Citroën à PARIS (75015)

Fixe provisoirement au 3 OCTOBRE 1996 la date de cessation des paiements.

Nomme M.TANKERE, Juge Commissaire et M.LEROY, Juge Commissaire Suppléant.

Nomme Me CANET, 1 RUE DE LA CITADELLE 95300 PONTOISE en qualité de liquidateur.

Impartit aux créanciers pour la déclaration de leurs créances un délai de 2 mois à compter de la publication du présent jugement au BODACC.

Dit que le délai impartit au liquidateur judiciaire pour l'établissement de la liste des créances est de dix mois à compter de l'expiration du délai ci-dessus fixé pour les déclarations ;

Invite les salariés à désigner au sein de l'entreprise un représentant dans les conditions prévues par l'article 148-1 de la loi.

Dit que le procès verbal de désignation ou de carence sera déposé sans délai au Greffe, conformément à l'article 15-2ème alinéa du décret du 27 décembre 1985 modifié.

Ordonne la communication de la présente décision aux autorités citées à l'article 19 du décret modifié du 27/12/85.

Ordonne la publication du présent jugement conformément à l'article 21 du décret modifié du 27 décembre 1985, et de l'article 119 du décret du 27 décembre 1985.

Rappelle que l'exécution provisoire est de droit.

Dit que les frais à recouvrer par le Greffe et liquidés à la somme de 272,67 francs TTC seront employés en frais privilégiés de liquidation judiciaire.

La minute du jugement est signée par le Président et le Greffier.

POUR EXPÉDITION
LE GREFFIER



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EXHIBIT B

COMMERCIAL COURT
OF PONTOISE

JUDGEMENT OF 3 APRIL 1998
6th Chamber

BANRUPTCY PROCEEDINGS No. 989252
CANET, JUDICIAL LIQUIDATOR of COMPUTER WORLD
vs.
Mr. GHOLAM ZANDIAN JAZI
DOCKET No. 97P01370

PLAINTIFF

CANET, JUDICIAL LIQUIDATOR of COMPUTER WORLD, 1 RUE DE LA
CITADELLE 95300 PONTOISE
appearing through Mr. GAYRAUD, Esq., 24 AVE. DENIS PAPIN
RESIDENCE DE LA GARE 95400 ARNOUVILLE LES GONESSE

DEFENDANT

MR. GHOLAM ZANDIAN JAZI 25 QUAI ANDRE CITROEN
75015 PARIS

not appearing

COMPOSITION OF THE COURT

Decision deemed rendered after argument on both sides in first instance.

Arguments, closing of arguments and set for deliberation at the time of the hearing of 6 MARCH
1998 in Council's Chambers where there sat, Mrs. MUGUET, Presiding Judge, Mr. BREDECHE,
Mr. JAGOURY, Judges, assisted by Mr. Pierre Olivier HULIN, Clerk of the hearing.

Deliberated by the same Judges.

Pronounced at the public hearing of 3 APRIL 1998.

The minute of this judgement was signed by the Presiding Judge and by the Clerk.

[Initials]



CABINET DE TRANSCRIPTION BONNEFOUS
Travaux d'Experts-Traducteurs
30 bis, rue Émile Maier - 75116 PARIS
TÉL. : 01 45 53 23 13 - Fax : 01 45 53 94 19

Case 16-5064, Doc 5, Entered 05/26/16 10:47: Page 11 of 12
By service of process of the SCP [private partnership] DELATTRE-LE MAREC, Court Bailiffs in PARIS, attempted on 28 NOVEMBER 1997, and regularised on 1 DECEMBER 1997, Mr. CANET, acting as liquidator for the judicial liquidation of COMPUTER WORLD, summoned Mr. Gholam Reza JAZI ZANDIAN, born on 15 January 1952 in ISPAHAN (IRAN), an Iranian citizen, residing 25 Quai André Citroën, 75015 PARIS, to have to appear before the Commercial Court of PONTOISE at the hearing of 19 DECEMBER 1997 for the purposes of a ruling against him based on the provisions of Article 181 of the Law of 25 JANUARY 1985;

The proceedings were communicated to the Public Prosecutor;

Following adjournments, the matter was argued at the hearing of 6 MARCH 1998, during which Mr. CANET, Esq., in his official capacity, appearing through Mr. GAYRAUD, Esq., developed the terms of his document instituting proceedings. He recalls that by judgement rendered by this Commercial Court dated 12 JUNE 1992, COMPUTER WORLD, formerly called CEPAT, was admitted to the benefit of reorganisation proceedings.

On 11 JUNE 1993, this reorganisation had been converted into judicial liquidation and Mr. CANET, Esq., appointed to the duties of liquidator and representative of the creditors.

He states that in connection with his duties, he had summoned Mr. ZANDIAN, Chairman and General Manager and 48% shareholder for the purposes of having a pecuniary sanction ordered against him derived from Article 180 of the Law of 25 JANUARY 1985.

Indeed, Mr. ZANDIAN was guilty of a certain number of acts justifying that a sanction be ordered against him for repayment of the company's liabilities out of his own assets [*comblement de passif*].

Following a judgement rendered by the 6th Chamber of this Court on 13 JUNE 1997, Mr. CANET, Esq.'s claim was allowed. Mr. ZANDIAN was ordered to personally assume the debts of the company up to the amount of 20,000,000 francs.

He adds that this decision had been duly served by the SCP DELATTRE & LE MAREC, a Partnership of Court Bailiffs in PARIS, on 6 and 8 AUGUST 1997.

This decision which, moreover, was *ipso jure* provisionally enforceable, was not appealed and is therefore final.

He states that, nevertheless, Mr. ZANDIAN did not think it necessary to defer to it or, more accurately, he has not ceased attempting to avoid his obligations.

Mr. CANET, Esq., in his official capacity, consequently prays the Court to open judicial liquidation proceedings against Mr. Gholam JAZI ZANDIAN, with all the consequences thereof and to declare that the court costs shall be included in the judicial liquidation as preferential debts.

Mr. Gholam JAZI ZANDIAN, after being the subject of a report of notification in accordance with the provisions of Article 659 of the [French] New Code of Civil Procedure, did not appear at the hearing, leaving it be presumed thereby that he leaves it up to the Court.

GROUND:

Whereas it appears from the exhibits produced as evidence and the explanations of Mr. CANET, Esq., in his official capacity, that Mr. ZANDIAN no longer has any known domicile, residence, nor place of work, that he has not made a personal appearance nor is represented by anyone at the hearing.

Whereas Article 181 of the Law of 25 JANUARY 1985 provides:

«The Court may open judicial reorganisation or liquidation proceedings with regard to managers whose liability for all or part of the liabilities of a legal entity has been recognised and who do not pay such debt.»

Whereas this is indeed the case here.

Whereas the Court considers it appropriate to apply the provisions of the above-mentioned text of law and to open judicial liquidation proceedings against Mr. Gholam JAZI ZANDIAN with all the legal consequences thereof.

[Initials]



The costs of this action shall be included in the judicial liquidation as preferential debts.

ON THESE GROUNDS:

After having deliberated, the Court,

Considering Article 181 of the Law of 25/01/1985, as amended by the Law of 10/06/1994,

Open judicial liquidation proceedings without any observation period with regard to:

Mr. Gholam Reza JAZI ZANDIAN, born on 15 JANUARY 1952 in ISPAHAN (IRAN), a French¹ citizen, residing 25 Quai André Citroën, PARIS (75015).

Provisionally sets the date of insolvency (*cessation des paiements*) at 3 OCTOBER 1996.

Appoints Mr. TANKERE as Bankruptcy Judge and Mr. LEROY as Alternate Bankruptcy Judge.

Appoints Mr. CANET, Esq., 1 RUE DE LA CITADELLE 93500 PONTOISE, as liquidator.

Grants the creditors a time limit of 2 months as from publication of this judgement in the BODACC [official bulletin of civil and commercial notices] to file their proofs of claim.

Declares that the time limit granted to the judicial liquidator for drawing up the list of creditors is ten months as from expiry of the above time limit set for proofs of claim.

Requests the employees to appoint a representative from within the company under the conditions provided by Article 148-1 of the Law.

Declares that the report of appointment or failure to do so shall be filed forthwith with the Clerk's office, in accordance with Article 15, 2nd paragraph of the Decree of 27 December 1985, as amended.

Orders communication of this decision to the authorities cited at Article 19 of the amended Decree of 27/12/85.

Orders the publication of this judgement in accordance with Article 21 of the amended Decree of 27 December 1985 and Article 119 of the Decree of 27 December 1985.

Recalls that provisional enforcement is of right.

Declares that the costs to be recovered by the Clerk's office and set at the sum of 272.67 francs, inclusive of all taxes, shall be included in the judicial liquidation as preferential debts.

The minute of this judgement was signed by the Presiding Judge and the Clerk.

CERTIFIED COPY
THE CLERK

[signatures]

[Stamp: Commercial Court of Pontoise
(Val d'Oise)]
[signature]



¹Translator's note: it is stated earlier on that he is an Iranian citizen.

REC'D & FILED

2016 JUN -3 PM 2: 22

SUSAN MERRIWETHER
CLERK

BY [Signature]
DEPUTY

1 Case No.: 09 OC 00579 1B

2 Dept. No.: 1

3
4
5
6 IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR CARSON CITY
8

9 JED MARGOLIN, an individual,
10 Plaintiff,

11 vs.

**NOTICE OF BANKRUPTCY FILING AND
AUTOMATIC STAY**

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.

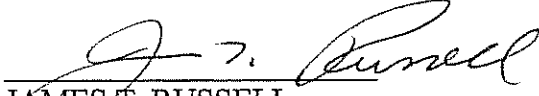
24
25 GHOLAM REZA JAZI ZANDIAN filed a verified Chapter 15 Petition for Recognition
26 of a Foreign Proceeding with the United States Bankruptcy Court, Case No. 16-50644-btb.
27 Pursuant to the United States Bankruptcy Code, upon the filing of a bankruptcy petition, judicial
28 proceedings involving the bankruptcy petitioner are automatically stayed. See 11 U.S.C. §
362(a). Therefore, this Court is unable to proceed on any motions until the automatic stay is
lifted by the United States Bankruptcy Court. At that time, the parties should resubmit any
pending motions to the Court for decision.

///

1 Therefore, good cause appearing;

2 THE PARTIES ARE HEREBY NOTIFIED that this Court is unable to proceed in the
3 instant case until the automatic bankruptcy stay is lifted by order of the United States Bankruptcy
4 Court.

5 Dated this 3 day of June, 2016.

6 
7 JAMES T. RUSSELL
8 DISTRICT JUDGE

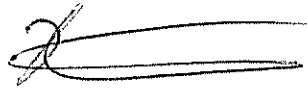
1 **CERTIFICATE OF MAILING**

2 Pursuant to NRCP 5(b), I certify that I am an employee of the First Judicial District
3 Court, and that on this 3rd day of June, 2016, I deposited for mailing at Carson City, Nevada, a
4 true and correct copy of the foregoing Order addressed as follows:

5
6 Adam P. McMillen, Esq.
7 5371 Kietzke Lane
8 Reno, NV 89511

9
10 Reza Zandian
11 c/o Alborz Zandian
12 9 MacArthur Place, Unit 2105
13 Santa Ana, CA 92707-6753

14
15 Jeffrey L. Hartman, Esq.
16 510 West Plumb Lane, Suite B
17 Reno, NV 89509



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Angela Jeffries
Judicial Assistant, Dept. 1