

Exhibit D

Exhibit D

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9 Judicial Liquidator and Foreign Representative

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

8 IN RE: CASE NO. BK-N-16-50644-BTB
9 JAZI GHOLAMREZA ZANDIAN, CHAPTER 15
10 Debtor.

11 FRED SADRI, AS TRUSTEE FOR THE
12 STAR LIVING TRUST, DATED APRIL
13 14, 1997; RAY KOROGHLI AND
14 SATHSOWI T. KOROGHLI, AS
15 MANAGING TRUSTEES FOR
16 KOROGHLI MANAGEMENT TRUST,
17 Plaintiffs,

Adv. Proc. No. 17-05016-BTB

18 v.

**RESPONSE OF PATRICK CANET TO
DEFENDANT JED MARGOLIN'S
FIRST SET OF REQUESTS FOR
ADMISSIONS**

19 JED MARGOLIN; JAZI GHOLALREZA
20 ZANDIAN; and all other parties claiming
21 an interest in the real properties described
22 in this action,
23 Defendants.

24 PATRICK CANET,
25 Counterclaimant,

26 v.

27 FRED SADRI, INDIVIDUALLY AND AS
28 TRUSTEE FOR THE STAR LIVING
TRUST; RAY KOROGHLI,
INDIVIDUALLY, RAY KOROGHLI
AND SATHSOWI T. KOROGHLI, AS
MANAGING TRUSTEES FOR
KOROGHLI MANAGEMENT TRUST,
Counter-defendants.

29 PATRICK CANET,
30 Cross-Claimant,

31 v.

32 JED MARGOLIN,
33 Cross-Defendant.

1 **PROPOUNDING PARTY: JED MARGOLIN**

2 **RESPONDING PARTY: PATRICK CANET**

3 Defendant / Cross Claimant Patrick Canet, Liquidator in the FRENCH ACTION
4 ("CANET"), against Jazi Gholamrezreza Zandian ("ZANDIAN"), pursuant to Rule 36 of
5 the Federal Rules of Civil Procedure, as incorporated by Fed. R. Bankr. P. 7036, hereby
6 responds to JED MARGOLIN'S First Set of Request for Admissions as follows:

7 **PRELIMINARY STATEMENT**

8 In response to these Requests for Admission, you have been furnished with such
9 information as is presently available. This may include hearsay and other forms of evidence
10 which are neither reliable nor admissible into evidence. CANET has not completed his
11 investigation of all facts of this case, nor discovery in this matter, and has not completed his
12 preparation for trial. Accordingly, the following responses are provided without prejudice to
13 CANET'S right to introduce at trial any evidence that is subsequently discovered relating to
14 proof of presently-known facts and to produce and introduce all evidence, whenever discovered,
15 relating to the proof of subsequently-discovered material facts. Moreover, facts, documents and
16 things, now known, may be imperfectly understood. Accordingly, such facts, documents and
17 things, may not be included in the following responses.

18 CANET reserves the right to refer to, conduct discovery with reference to, or offer into
19 evidence at the time of trial any and all facts, documents, and things which it does not presently
20 recall but may recall at some time in the near future, notwithstanding the initial responses
21 provide therein. CANET further reserves the right to raise all appropriate objections with
22 reference to the admissibility of any response or document at the time of trial, even though it
23 may not be specifically objected to in these responses during discovery.

24 CANET objects to MARGOLIN'S requests insofar as they seek information that is
25 protected from disclosure by the attorney-client privilege, the work-product doctrine, and any
26 other applicable privilege(s). To the extent that CANET inadvertently discloses information
27 that is protected under any applicable privilege, such inadvertent disclosure does not constitute
28 a waiver of such privilege.

1 CANET further objects to MARGOLIN'S requests insofar as they seek documents
2 concerning matters unrelated to the subject matter of the lawsuit, on the grounds that such
3 requests are over broad, unduly burdensome, and seek information that is neither relevant to the
4 subject matter of this action nor reasonably calculated to lead to the discovery of admissible
5 evidence.

6 These general objections are applicable to each and every one of the following responses
7 and objections, and failure to repeat an objection in response to a specific request shall not be
8 deemed a waiver of the objection. Further, when CANET specifically repeats one or more of
9 these general objections, it is not intended to exclude these other objections.

10 CANET also generally objects to the Requests for Admission to the extent that they are
11 compound, vague, ambiguous, confusing, unclear and argumentative and can therefore be
12 subject to different meanings. CANET further objects to the extent that the Requests for
13 Admission do not comply with the Rules relating to Requests for Admission in that they do not
14 request admission of a distinct, relevant fact.

15 Notwithstanding these objections, CANET responds to these Requests in accordance
16 with his best understanding of the meaning of the Requests for Admission and does not waive
17 any objection by responding.

18

19 **REQUEST NO. 1:**

20 Admit that Bank Melli of Iran is a creditor in the FRENCH ACTION that is the basis
21 of your Chapter 15 Petition.

22 **RESPONSE:** Deny. In the FRENCH ACTION, creditors, to be recognized as such,
23 must file a declaration under Sections L.622-24, 622-25, 624-1 to 624-4, R.622-21 to R.622-26
24 and R. 624-1 to 624-011 of the French Commercial Code, and second, must be admitted to
25 participate in the liquidation by a judge. Bank Melli is not a creditors of Zandian; it did not file
26 a declaration, nor was it admitted. CANET would not be permitted to pay anything to Bank
27 Melli under L.622-7.

28

1 **REQUEST NO. 2:**

2 Admit that Bank Melli’s claim in the FRENCH ACTION that is the basis of your
3 Chapter 15 Petition has been approved by the French Court.

4 **RESPONSE:** Deny. As noted, in the FRENCH ACTION, creditors, to be recognized
5 as such, must file a declaration under Sections L.622-24, 622-25, 624-1 to 624-4, R.622-21 to
6 R.622-26 and R. 624-1 to 624-011 Of the Commercial Code, and second must be admitted to
7 participate in the liquidation by a judge. Bank Melli is not a creditors of Zandian; it did not file
8 a declaration, nor was it admitted. CANET would not be permitted to pay anything to Bank
9 Melli under L.622-7.

10
11 **REQUEST NO. 3:**

12 Admit that in the FRENCH ACTION that is the basis of your Chapter 15 Petition you
13 have already collected at least 150,000 Euros from ZANDIAN.

14 **RESPONSE:** Admit. During the liquidation proceeding, CANET does not collect only
15 money from ZANDIAN, but sells property and collects proceeds from the sale of the liquidated
16 property. ZANDIAN previously deposited 300,000 Euros with CARPA in connection with a
17 proposed transaction with Lloyd’s Bank. When the French Court did not approve that
18 transaction, CANET authorized the return of those funds to ZANDIAN

19
20 **REQUEST NO. 4:**

21 Admit that from the date the FRENCH ACTION that is the basis of your Chapter 15
22 Petition was approved by the French Court until you filed your Chapter 15 Petition in U.S.
23 Bankruptcy Court you failed to make any attempt to collect your Judgment against ZANDIAN
24 in any action in Nevada against ZANDIAN’s assets in Nevada.

25 **RESPONSE:** Admit. Prior to March 2016, CANET was unaware of Zandian’s
26 activities in Nevada.

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1 **REQUEST NO. 5:**

2 Admit that from the date the FRENCH ACTION that is the basis of your Chapter 15
3 Petition was approved by the French Court until you filed your Chapter 15 Petition in U.S.
4 Bankruptcy Court you failed to make any attempt to collect your Judgment against ZANDIAN
5 in any action in California against Zandian’s assets in California.

6 **RESPONSE:** Admit. Prior to March 2016, Mr. CANET was unaware of Zandian’s
7 activities in California.

8
9 **REQUEST NO. 6:**

10 Admit that you failed to record your Judgment in the FRENCH ACTION against
11 ZANDIAN in any of Nevada’s Counties.

12 **RESPONSE:** Admit. Prior to March 2016, Mr. Canet was unaware of Zandian’s
13 activities in Nevada.

14
15 **REQUEST NO. 7:**

16 Admit that MARGOLIN bought the following properties at public auction more than a
17 year before you filed your Chapter 15 Petition in U.S. Bankruptcy Court:

- 18 Clark County APN 071-02-000-005
- 19 Clark County APN 071-02-000-013
- 20 Washoe County APN 079-150-12
- 21 Washoe County APN 079-150-10
- 22 Washoe County APN 084-040-02
- 23 Washoe County APN 084-130-07

24 **RESPONSE:** Admit that MARGOLIN asserts that he acquired these properties more
25 than one year prior to the Chapter 15 Petition; however, Mr. Canet had no knowledge of the
26 asserted purchases prior to March 2016.

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1 **REQUEST NO. 8:**

2 Admit that you filed your Chapter 15 Petition in U.S. Bankruptcy Court as a result of
3 being contacted by ZANDIAN on or before 2016.

4 **RESPONSE:** Admit.

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6 **REQUEST NO. 9:**

7 Admit that you have an agreement (either formal or informal, written or oral) with
8 ZANDIAN such that ZANDIAN (or his designee or designees) will receive financial
9 compensation if your Chapter 13 [sic] Petition is successful.

10 **RESPONSE:** Deny that any such agreement exists with ZANDIAN or his designee(s).
11 Only after all allowed creditor claims are paid in the FRENCH ACTION would ZANDIAN be
12 entitled to any residual.

13
14 **REQUEST NO. 10:**

15 Admit that at the September 6, 2016 hearing in U.S. Bankruptcy Court your counsel
16 promised the Court that if your Chapter 15 Petition were granted, then under Section 1511 your
17 counsel would commence either an involuntary proceeding against ZANDIAN under Section
18 303; or if he were to consent to being a debtor under Chapter 7, then your counsel would
19 proceed under Section 301.

20 **RESPONSE:** Admit. CANET relied on counsel with respect to the chapter 15 Petition.

21
22 **REQUEST NO. 11:**

23 Admit that it has been more than 12 months since your counsel has made the above
24 promise to the Court and your counsel has failed to commence either of the above actions.

25 **RESPONSE:** Admit. CANET relied on counsel with respect to the chapter 15 Petition.

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1 **REQUEST NO. 12:**

2 Admit that your counsel also represents ZANDIAN in your Chapter 15 Petition in U.S.
3 Bankruptcy Court.

4 **RESPONSE:** Deny. ZANDIAN, at CANET'S authorization, has been directed to
5 cooperate, to the extent possible, with CANET'S counsel.

6
7 **REQUEST NO. 13:**

8 Admit that you are not named as a Defendant in this adversary proceeding.

9 **RESPONSE:** Admit. CANET holds any claims owned by ZANDIAN and is the real
10 party in interest in the stead of ZANDIAN.

11
12 **REQUEST NO. 14:**

13 Admit that ZANDIAN is insolvent.

14 **RESPONSE:** Admit. The FRENCH ACTION includes a determination that ZANDIAN
15 is insolvent. Under French law, ZANDIAN meets the conditions under L 640-1 of the
16 Commercial Code.

17
18 **REQUEST NO. 15:**

19 Admit that ZANDIAN is solvent.

20 **RESPONSE:** Deny.

21
22 **REQUEST NO. 16:**

23 Admit that you have presented no evidence that ZANDIAN is or was insolvent.

24 **RESPONSE:** Deny. Docket entry 18-1, in the main case, is the Certificate Regarding
25 Insolvency Proceedings concerning ZANDIAN issued July 6, 2016 by the Clerk's Office of the
26 Pontoise Commercial Court, which Certificate references the April 1998 Judgment against
27 ZANDIAN.

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1 **REQUEST NO. 17:**

2 Admit that ZANDIAN's debt to Bank Melli was incurred for the purpose of
3 ZANDIAN's purchase of an IBM computer that he attempted to export from the United States
4 (through France) to Iran in 1991.

5 **RESPONSE:** Deny. CANET has no knowledge of any indebtedness owed by
6 ZANDIAN to Bank Melli. CANET believes that the claim by the United States against
7 ZANDIAN, i.e., conspiracy to export controlled commodities, false statements and wire fraud,
8 asserted in 1993 in USA v, Reger, et al., including ZANDIAN, case no. 2:93-cr-00055-ER-1,
9 was dismissed on July 8, 1993 by United States District Court Judge Edward Rafeedie.

10

11 **REQUEST NO. 18:**

12 Admit that you have knowledge under Executive Order 13599 Bank Melli is considered
13 to be the same entity as the government of Iran.

14 **RESPONSE:** Deny. CANET has no knowledge of Executive Order 13599. As stated,
15 Bank Melli has no claim in the FRENCH ACTION.

16

17 **REQUEST NO. 19:**

18 Admit that you have knowledge that it is a criminal act under 31 CFR § 560 and
19 Executive Order 13599 to pay money to the Government of Iran.

20 **RESPONSE:** Deny. CANET has no knowledge of the operation of 31 CFR § 560;
21 further, as stated, Bank Melli has no claim in the FRENCH ACTION and CANET has no
22 obligation or intention to pay Bank Melli anything.

23

24 **REQUEST NO. 20:**

25 Admit that you have produced all documents and things pursuant to Defendant Jed
26 Margolin's First Set of Requests for Production to Patrick Canet.

27 **RESPONSE:** Admit as limited by responses to Requests For Production.

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1 **REQUEST NO. 21:**

2 Admit that all documents and things you have produced to Defendant Jed Margolin's
3 First Set of Requests for Production to Patrick Canet are authentic.

4 **RESPONSE:** Admit as limited by responses to Requests For Production

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6 DATED: March 6, 2018.

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HARTMAN & HARTMAN

8

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

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CERTIFICATE OF SERVICE

I certify that I am an employee of Hartman & Hartman, and that on March 6, 2018, I caused to be served the foregoing document by the following means to the persons as listed below:

U. S. Mail, postage prepaid, to

Matthew D. Francis, Esq.
Arthur Z. Zorio
BROWNSTEIN HYATT FARBER SCHRECK
5371 Kietzke Lane
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Dana Jonathon Nitz, Esq. Yanxiong Li, Esq.
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7785 W. Sahara Avenue., Suite 200
Las Vegas, NV 89117

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

Dated: March 6, 2018.

/S/ Stephanie Ittner
Stephanie Ittner