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5 **Attorneys for Reza Zandian**

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 **CASE APPEAL STATEMENT**

21 Pursuant to NRAP 3(f), Defendant REZA ZANDIAN, an individual, hereby  
22 provides the following *Case Appeal Statement*:

- 23 1. **Name of appellant filing this case appeal statement (NRAP**  
24 **3(f)(3)(C)):**  
REZA ZANDIAN, an individual.

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2. **Identify the judge issuing the decision, judgment, or order appealed from (NRAP 3(f)(3)(B)):**

The Honorable James T. Russell, District Judge, First Judicial District Court of the State of Nevada in and for Carson City, Department I.

3. **Identify all parties to the proceedings in the district court (the use of et al. to denote parties is prohibited) (NRAP 3(f)(3)(A)):**

- (a) JED MARGOLIN, an individual;
- (b) OPTIMA TECHNOLOGY CORPORATION, a California corporation;
- (c) OPTIMA TECHNOLOGY CORPORATION, a Nevada corporation; and
- (d) 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;

4. **Identify all parties involved in this appeal (the use of et al. to denote parties is prohibited) (NRAP 3(f)(3)((C), (D)):**

- (a) JED MARGOLIN, an individual; and
- (b) REZA ZANDIAN, an individual.

5. **Set forth the name, law firm, address, and telephone number of all counsel on appeal and identify the party or parties whom they represent (NRAP 3(f)(3)(C), (D)):**

- (a) Matthew D. Francis  
Adam P. McMillen  
WATSON ROUNDS  
5371 Kietzke Lane  
Reno, NV 89511  
Telephone: (775) 324-4100  
*Counsel for Respondent, JED MARGOLIN*

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(b) Jason D. Woodbury  
KAEMPFER CROWELL  
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Telephone: (775) 884-8300  
*Counsel for Appellant, REZA ZANDIAN*

6. Indicate whether appellant was represented by appointed or retained counsel in the district court (NRAP 3(f)(3)(F)):

Appellant was represented by retained counsel in district court.

7. Indicate whether appellant is represented by appointed or retained counsel on appeal (NRAP 3(f)(3)(F)):

Appellant is represented by retained counsel on appeal.

8. Indicate whether appellant was granted leave to proceed in forma pauperis, and the date of entry of the district court order granting such leave (NRAP 3(f)(3)(G)):

Appellant was not granted leave to proceed in forma pauperis.

9. Indicate the date of the proceedings commenced in the district court (e.g., date complaint, indictment, information, or petition was filed) (NRAP 3(f)(3)(H)):

Respondent's *Complaint* was filed in the District Court on December 11, 2009.

10. District court case number and caption showing the names of all parties to the proceedings below, but the use of et al. to denote parties is prohibited (NRAP 3(f)(3)(A)):

(a) Case number:  
  
First Judicial District Court Case Number: 09 OC 00579 1B  
Department Number: I

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(b) Caption:

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.

11. Whether any of respondents' attorneys are not licensed to practice law in Nevada, and, if so, whether the district court granted that attorney permission to appear under SCR 42, including a copy of any district court order granting that permission (NRAP 3(f)(3)(E)):

Based upon information and belief, all attorneys for respondents are licensed to practice law in Nevada.

12. Brief description of the nature of the action and result in district court, including the type of judgment or order being appealed and the relief granted by the district court (NRAP 3(f)(3)(I)):

The subject matter of this case concerns various patents and a dispute over their ownership. Plaintiff claims to be the owner of the patents at issue. Plaintiff claims that certain conduct and actions of Optima Technology Corporation, a California corporation, Optima Technology Corporation, a Nevada corporation, (together these

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corporations are referred to hereinafter as the “Corporate Defendants”) and Reza Zandian (“Zandian”) (collectively the Corporate Defendants and Zandian are referred to as the “Defendants”) disrupted his ownership and control over the patents, thereby causing him damages. Specifically, Plaintiff’s *Complaint* alleged the following claims against the Defendants: (1) Conversion; (2) Tortious Interference with Contract; (3) Intentional Interference with Prospective Economic Advantage; (4) Unjust Enrichment; and (5) Unfair and Deceptive Trade Practices.

On September 9, 2011, the District Court issued an order authorizing service of Plaintiff’s *Amended Complaint*<sup>1</sup> by publication.<sup>2</sup> Service by publication was accomplished on November 7, 2011. The Defendants answered in March, 2012. On July 16, 2012, Plaintiff served Zandian with several discovery requests. When there was no response to the discovery requests, the District Court granted Plaintiff’s request for sanctions and struck Zandian’s answer on January 15, 2013.

On March 28, 2013, the District Court entered a Default against Zandian. Later, pursuant to the application of Plaintiff, the District Court entered a Default Judgment against the Defendants in the amount of \$1,495,775.74. Plaintiff filed a *Notice of Entry of Default Judgment* on June 27, 2013.

On December 20, 2013, Zandian filed a *Motion to Set Aside Default Judgment* with the District Court. Plaintiff filed a response, and Zandian replied. No hearing was held on the *Motion to Set Aside*. On February 6,

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<sup>1</sup> Plaintiff filed his *Amended Complaint* on August 11, 2011.

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2014, the District Court entered its *Order Denying Defendant Reza Zandian aka Golamreza Zandianjazi aka Gholam Reza Zandian aka Reza Jazi aka J. Reza Jazi aka G. Reza Jazi aka Ghonoreza Zandian Jazi's Motion to Set Aside Default Judgment*. And on February 10, 2014, Plaintiff served notice by mail that this Order had been entered.

**13. Whether the case has previously been the subject of an appeal to or original writ proceeding in the Supreme Court and, if so, the caption and Supreme Court docket number of the prior proceeding (NRAP 3(f)(J)):**

Upon information and belief, this case has not previously been the subject of an appeal to or original writ proceeding in the Supreme Court.

**14. Whether the appeal involves child custody or visitation (NRAP 3(f)(3)(K)):**

The appeal does not involve child custody or visitation.

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<sup>2</sup> There were proceedings which occurred prior to the issuance of the District Court's order allowing service by publication. However, they are not pertinent for purposes of the *Case Appeal Statement*.

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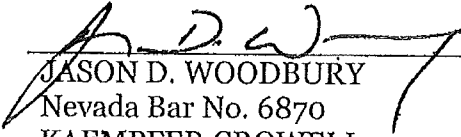
15. In civil cases, whether the appeal involves the possibility of settlement (NRAP 3(f)(3)(L)):

The appeal involves the possibility of settlement.

DATED this 12<sup>th</sup> day of March, 2014.

KAEMPFER CROWELL

BY:



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*Attorneys for Reza Zandian*

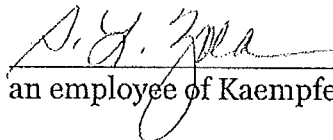
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**CERTIFICATE OF SERVICE**

Pursuant to NRAP 25(d) and NRCP 5(b), I hereby certify that service of the foregoing **CASE APPEAL STATEMENT** was made this date by depositing for mailing of the same in Portable Document Format addressed to each of the following:

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

DATED this 12<sup>th</sup> day of March, 2014.

  
an employee of Kaempfer Crowell