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8 GOLAMREZA ZANDIANJAZI aka
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9 REZA JAZI aka
J. REZA JAZI aka
10 G. REZA JAZI aka
GHONONREZA ZANDIAN JAZI
11

12 IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

13 IN AND FOR CARSON CITY

14 JED MARGOLIN, an individual,

Case No. 090C00579 1B

Dept. No. 1

15 Plaintiff,

16 vs.

CASE APPEAL STATEMENT

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

23 Defendants.
24

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1 CASE APPEAL STATEMENT

2 Pursuant to NRAP 3(f), Defendant REZA ZANDIAN aka GOLAMREZA
3 ZANDIANJAZI aka GHOLAM REZA ZANDIAN aka REZA JAZI aka J. REZA JAZI aka G.
4 REZA JAZI aka GHONONREZA ZANDIAN JAZI (“Defendant”), hereby provides the
5 following *Case Appeal Statement*:

6 1. Name of appellant filing this case appeal statement (NRAP 3(f)(3)(C)): Reza
7 Zandian.

8 2. Identify the judge issuing the decision, judgment, or order appealed from
9 (NRAP 3(f)(3)(B)): The Honorable James T. Russell, District Judge, First Judicial District Court
10 of the State of Nevada in and for Carson City, Department I.

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

- 13 (a) JED MARGOLIN, an individual;
- 14 (b) OPTIMA TECHNOLOGY CORPORATION, a California corporation;
- 15 (c) OPTIMA TECHNOLOGY CORPORATION, a Nevada corporation; and
- 16 (d) REZA ZANDIAN aka GOLAMREZA ZANDIANJAZI aka GHOLAM
17 REZA ZANDIAN aka REZA JAZI aka J. REZA JAZI aka G. REZA JAZI aka
18 GHONOREZA ZANDIAN JAZI, an individual;

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

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

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

3 (a) Matthew D. Francis
4 Adam P. McMillen
5 WATSON ROUNDS
6 5371 Kietzke Lane
7 Reno, Nevada 89511
8 (775) 324-4100
9 Counsel for Respondent JED MARGOLIN

10 (b) Severin A. Carlson
11 Tara C. Zimmerman
12 KAEMPFER CROWELL
13 510 West Fourth Street
14 Carson City, Nevada 89703
15 (775) 884-8300
16 Counsel for Appellant REZA ZANDIAN¹

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

20 7. Indicate whether appellant is represented by appointed or retained counsel
21 on appeal (NRAP 3(f)(3)(F)): Appellant is represented by retained counsel on appeal.²

22 8. Indicate whether appellant was granted leave to proceed in forma pauperis,
23 and the date of entry of the district court order granting such leave (NRAP 3(f)(3)(G)):
24 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.

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¹ Counsel is seeking to withdraw based on SCR 46, FJDCR 22 and NRPC 1.16(b)(4) and (5).

1 10. District court case number and caption showing the names of all parties to
2 the proceedings below, but the use of et al. to denote parties is prohibited (NRAP

3 3(f)(3)(A)):

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

6 (b) Caption:

7 JED MARGOLIN, an individual,

8 Plaintiff,

9 vs.

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

16 Defendants.

17 11. Whether any of respondents' attorneys are not licensed to practice law in
18 Nevada and, if so, whether the district court granted that attorney permission to appear
19 under SCR 42, including a copy of any district court order granting that permission

20 (NRAP 3(f)(3)(E)): Based upon information and belief, all attorneys for respondents are
21 licensed to practice law in Nevada.

22 12. Brief description of the nature of the action and result in district court,
23 including the type of judgment or order being appealed and the relief granted by the

24 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

² Counsel is seeking to withdraw based on SCR 46, FJDCR 22 and NRPC 1.16(b)(4) and (5).

1 corporation, Optima Technology Corporation, a Nevada corporation, (together these corporations
2 are referred to hereinafter as the "Corporate Defendants") and Reza Zandian ("Zandian")
3 (collectively the Corporate Defendants and Zandian are referred to as the "Defendants")
4 disrupted his ownership and control over the patents, thereby causing him damages.

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

9 On December 20, 2013, Zandian filed a Motion to Set Aside Default Judgment with the
10 District Court. Plaintiff filed a response, and Zandian replied. No hearing was held on the
11 Motion to Set Aside. On February 6, 2014, the District Court entered its Order Denying
12 Defendant Reza Zandian aka Golamreza Zandianjazi aka Gholam Reza Zandian aka Reza Jazi
13 aka J. Reza Jazi aka G. Reza Jazi aka Ghonoreza Zandian Jazi's Motion to Set Aside Default
14 Judgment. The District Court's Order Denying Defendant Reza Zandian aka Golamreza
15 Zandianjazi aka Gholam Reza Zandian aka Reza Jazi aka J. Reza Jazi aka G. Reza Jazi aka
16 Ghonoreza Zandian Jazi's Motion to Set Aside Default Judgment was affirmed on appeal by this
17 Court in consolidated docket number 65950 on October 15, 2015.

18 Plaintiff has been pursuing post-judgment enforcement remedies against Zandian. On or
19 about June 10, 2015, Plaintiff filed a Motion for Debtor Examination and to Produce Documents.
20 On June 29, 2015, Zandian filed an Opposition and a Motion for Protective Order. On July 10,
21 2015, Plaintiff filed a Reply in Support of the Motion for Debtor Examination and to Produce
22 Documents and an Opposition to Defendant's Motion for Protective Order. On July 20, 2015,
23 Zandian filed his Reply in Support of the Motion for Protective Order. On November 5, 2015,
24 the District Court held oral argument on the motions. Thereafter, on or about November 6, 2015,

1 the Court entered its Order Granting Plaintiff's Motion for Debtor Examination and to Produce
2 Documents ("Order"). Notice of Entry of such Order was served upon Zandian via US mail on
3 November 10, 2015.

4 In its Order, the District Court rejected evidence that Zandian was a resident of France,
5 and thus could not be made to appear for a judgment debtor examination outside of France
6 pursuant to NRS 21.271 (1)(b). Instead, relying on Zandian's last known address on file with the
7 District Court, as provided by Zandian's former counsel, John Peter Lee, when he withdrew from
8 the case on or about March 2012, the District Court found that San Diego, California was an
9 appropriate place for the conducting of the debtor examination. The District Court ordered that
10 Zandian appear for a debtor examination in San Diego, California during the month of February
11 2016, as well as produce documents and information to Plaintiff's counsel on or before
12 December 21, 2015.

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

- 16
 - Nevada Supreme Court docket number 65205:

17 REZA ZANDIAN A/K/A GOLAMREZA ZANDIANJAZI A/K/A GHOLAM
18 REZA ZANDIAN A/K/A REZA JAZI A/K/A J. REZA JAZI A/K/A G. REZA
19 JAZI A/K/A GHONOREZA ZANDIAN JAZI, AN INDIVIDUAL,

20 Appellant,

21 vs.

22 JED MARGOLIN, AN INDIVIDUAL,

23 Respondent.

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- Nevada Supreme Court docket number 65960:

REZA ZANDIAN A/K/A GOLAMREZA ZANDIANJAZI A/K/A GHOLAM
REZA ZANDIAN A/K/A REZA JAZI A/K/A J. REZA JAZI A/K/A G. REZA
JAZI A/K/A GHONOREZA ZANDIAN JAZI, AN INDIVIDUAL,

Appellant,

vs.

JED MARGOLIN, AN INDIVIDUAL,

Respondent.

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

The appeal does not involve child custody or visitation.

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

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

DATED this 10th day of December, 2015.

KAEMPFER CROWELL

BY:



SEVERIN A. CARLSON

Nevada Bar No. 9373

TARA C. ZIMMERMAN

Nevada Bar No. 12146

510 West Fourth Street


Carson City, Nevada 89703

Attorneys for Defendant REZA ZANDIAN

1 CERTIFICATE OF SERVICE

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

6 Matthew D. Francis, Esq.
7 Adam P. McMillen, Esq.
8 Watson Rounds
9 5371 Kietzke Lane
10 Reno, Nevada 89511
11 775.324.4100
12 775.333.8171 - facsimile
13 **Attorneys for Plaintiff**

14 
15 _____
16 an employee of Kaempfer Crowell