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Case No.: 09 OC 00579 1B

Dept. No.: I

REC'D & FILED
2009 DEC 11 PM 4:07
J. S. CLOVER
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.

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

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

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

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

follows:

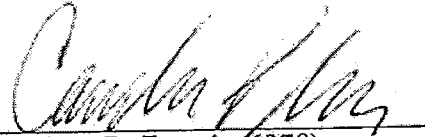
1. That Plaintiff be awarded damages for Defendants' tortious conduct;
2. That Plaintiff be awarded damages for Defendants' unjust enrichment;
3. That Plaintiff be awarded damages for Defendants' commission of unfair and deceptive trade practices, in an amount to be proven at trial, with said damages being trebled pursuant to NRS 598.0999;
4. That Plaintiff be awarded actual, consequential, future, and punitive damages of whatever type or nature;
5. That the Court award all such further relief that it deems just and proper.

AFFIRMATION

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

DATED: December 10, 2009

WATSON ROUNDS



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

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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.

20
21
22 

23 Raner C. Collins
24 United States District Judge
25
26
27
28

COPY

No. 090C00579 1B

Dept. I

REC'D & FILED
2010 MAR -9 PM 2:15
ALAN GLOVER
BY J. HARRIS
DEPUTY

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

SUMMONS

JED MARGOLIN, an individual
Plaintiff,

^{VS}
Optima Technology Corporation, a California corporation,
Optima Technology Corporation, a Nevada corporation, Reza
Zandian aka Golanreza Zandianjazi aka Gholam Reza Zandian
aka Reza Jazi aka J. Reza Defendant, Jazi aka G. Reza Jazi
aka Chononreza Zandian Jazi, an individual, DOE Companies
1-10, DOE Corporations 11-20, and DOE Individuals 21-30
DEFENDANTS

THE STATE OF NEVADA SENDS GREETINGS TO THE ABOVE-NAMED DEFENDANT:

NOTICE! YOU HAVE BEEN SUED. THE COURT MAY DECIDE AGAINST YOU WITHOUT YOUR BEING HEARD UNLESS YOU RESPOND WITHIN 20 DAYS. READ THE INFORMATION BELOW.

TO THE DEFENDANT: A civil Complaint has been filed by the plaintiff against you.

1. If you wish to defend this lawsuit, you must, within 20 days after this Summons is served on you, exclusive of the day of service, file with this Court a written pleading in response to this Complaint.
2. Unless you respond, your default will be entered upon application of the plaintiff, and this Court may enter a judgment against you for the relief demanded in the Complaint*, which could result in the taking of money or property or the relief requested in the Complaint.
3. If you wish to seek the advice of an attorney in this matter, you should do so promptly so that your response may be filed on time.
4. You are required to serve your response upon plaintiff's attorney, whose address is

ALAN GLOVER Clerk of Court
By [Signature] Deputy Clerk

Date December 15, 2009, 20

*Note - When service by publication, insert a brief statement of the object of the action. See Rule 4.

RETURN OF SERVICE ON REVERSE SIDE

AFFIDAVIT OF SERVICE
(For General Use)

STATE OF CALIFORNIA }
COUNTY OF SACRAMENTO } SS.

ROBERT TOTH, declares under penalty of perjury:
That affiant is, and was on the day when he served the within Summons, over 18 years of age, and not a party to, nor interested in, the within action; that the affiant received the Summons on the 22ND day of JANUARY, 20 10, and personally served the same upon REZA ZANDIAN the within named defendant, on the 2ND day of FEBRUARY, 20 10, by delivering to the said defendant, personally, in FAIR OAKS, County of SACRAMENTO, State of CALIFORNIA, a copy of the Summons attached to a copy of the Complaint.

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

Executed this 12TH day of FEBRUARY, 20 10. Robert Toth
Signature of person making service

STATE OF NEVADA }
CARSON CITY } SS.

NEVADA SHERIFF'S RETURN
(For Use of Sheriff of Carson City)

I hereby certify and return that I received the within Summons on the _____ day of _____, 20 ____; and personally served the same upon _____, the within named defendant, on the _____ day of _____, 20 ____, by delivering to the said defendant, personally, in Carson City, State of Nevada, a copy of the Summons attached to a copy of the Complaint.

Sheriff of Carson City, Nevada

Date: _____, 20 ____ By _____ Deputy

STATE OF NEVADA }
COUNTY OF _____ } SS.

AFFIDAVIT OF MAILING
(For Use When Service is by Publication and Mailing)

_____, declares under penalty of perjury:
That affiant is, and was when the herein described mailing took place, over 18 years of age, and not a party to, nor interested in, the within action; that on the _____ day of _____, 20 ____, affiant deposited in the Post Office at _____, Nevada, a copy of the within Summons attached to a copy of the Complaint, enclosed in a sealed envelope upon which first class postage was fully prepaid, addressed to _____, the within named defendant, at _____; that there is a regular communication by mail between the place of mailing and the place so addressed.
I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

Executed this _____ day of _____, 20 ____.

NOTE - If service is made in any manner permitted by Rule 4 other than personally upon the defendant, or is made outside the United States, a special affidavit or return must be made

1 Jed Margolin v. Optima Technology Corp., et al.
2 Case No. 090C00579 IB
3 Declaration of Robert Toth

4 I, ROBERT TOTH, hereby declare:

5 I am a registered process server for the State of California. I have personal knowledge of
6 the facts contained in this Declaration, and if called as a witness, I could and would competently
7 testify thereto. As to those matters alleged on information and belief, I believe them to be true.

8 I served copies of the Summons and Complaint, on Reza Zandian aka Golanreza
9 Zandianjaza, aka Gholam Reza Zandian, aka Reza Jazi, aka J. Reza Jazi, aka G. Reza Jazi, aka
10 Ghononreza Zanian Jazi:

11 On January 26, 2010 at 8:43 a.m., I went to the residence address at 8401 Bonita Downs
12 Road, Fair Oaks, California 95628. There was no answer at the door.

13 On January 28, 2010 at 3:47 p.m., I returned to the residence again, and there was no
14 answer at the door.

15 On January 31, 2010 at 4:13 p.m., I went the residence address, and again there was no
16 answer at the door.

17 On February 2, 2010 at 5:37 p.m., when I returned to the residence address, I observed no
18 lights on, no cars parked, but that the trash was set out.

19 On February 2, 2010 at 7:21 p.m., I returned to the residence address. The door was
20 answered by an elderly man, described as mid to late-60's, middle eastern accent, 5'4" tall, grey
21 hair, long beard, thin, and wearing glasses. I told him I was looking for Reza. I showed him the
22 name on the documents with the various names, and made a motion that he knew one or more of
23 the names. I showed him the photograph that I had. I told him I had legal documents for Reza,
24 and that I would leave it with him. He took the envelope, opened it and saw the documents. He
25 told me that he did not want the papers and that he did not live there. I told him that we had
26 confirmed that was his address. He returned the envelope back. I told him that he needed to
27 make sure that Reza got the paperwork. I put the envelope by the doorway. He picked up the
28 envelope and threw it at me as I was leaving. I left the documents there and again told him that
he had been served for Reza.

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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration is executed this 18th day of February, at Citrus Heights, California.

Robert M Toth

ROBERT M. TOTH
Registered Process Server

6/8/11

REC'D & FILED

2011 JUN -9 PM 2:40

MANAGER
BY *[Signature]*
DEPUTY

1 **MOT**
2 **JOHN PETER LEE, LTD.**
3 **JOHN PETER LEE, ESQ.**
4 Nevada Bar No. 001768
5 **JOHN C. COURTNEY, ESQ.**
6 Nevada Bar No. 011092
7 830 Las Vegas Boulevard South
8 Las Vegas, Nevada 89101
9 (702) 382-4044 Fax: (702) 383-9950
10 e-mail: info@johnpeterlee.com
11 Attorneys for Defendant Reza Zandian

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

10 JED MARGOLIN, an individual;
11
12 Plaintiff,

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

13 vs.

14 OPTIMA TECHNOLOGY CORPORATION,
15 a California corporation, OPTIMA
16 TECHNOLOGY CORPORATION, a Nevada
17 coporation, REZA ZANDIAN aka
18 GOLAMREZA
19 ZANDIANJAZI aka GHOLAM REZA
20 ZANDIAN
21 aka REZA JAZI aka J. REZA JAZI AKA G. REZA
22 JAZI aka GHONONREZA ZANDIAN JAZI,
23 an individual, DOE Companites
24 1-10; DOE Corporations 11-20, and DOE
25 Individuals 21-30,
26
27 Defendants.

MOTION TO DISMISS
ON A SPECIAL
APPEARANCE

20 1334.023382-tam

21 COMES NOW Defendant Reza Zandian by and through his counsel John Peter Lee, Ltd.,
22 and hereby files its MOTION TO DISMISS ON A SPECIAL APPEARANCE.

23 This Motion is made and based upon all of the pleadings and papers on file herein, exhibits
24 attached hereto, the attached Memorandum of Points and Authorities, and oral argument, if required
25 by the Court.

26 ...
27 ...
28 ...

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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I.**

3 **ZANDIAN IS BEFORE THIS COURT ON A SPECIAL APPEARANCE.**

4 The Nevada Supreme Court has held that "general appearance is entered when a person (or
5 the person's attorney) comes into court as a party to a suit and submits to the jurisdiction of the
6 court." Milton v. Gesler, 107 Nev. 767, 769, 819 P.2d 245, 247 (1991). "A special appearance is
7 entered when a person comes into court to test the court's jurisdiction or the sufficiency of service."
8 Id. "Black's law dictionary defines a general appearance as a 'simple and unqualified. . . submission
9 to the jurisdiction of the court' and defines a special appearance as an appearance 'for the purpose
10 of testing the sufficiency of service or the jurisdiction of the court." Id. at fn. 3 (citing Black's Law
11 Dictionary 89 (5th ed. 1979)).

12 Defendant Golanreza Zandianjazi (hereinafter "Zandian") hereby makes a special appearance
13 in this case for the purpose of testing both the sufficiency of service and the jurisdiction of the court;
14 thus, Zandian has not consented to personal jurisdiction of any Nevada court by bringing the instant
15 motion.

16 **II.**

17 **STATEMENT OF FACTS**

18 Universal Avionics Systems Corporation as Plaintiff filed an action in the United States
19 District Court of Arizona (Tucson Division) under case number 4:07-cv-00588-RCC on November
20 9, 2007. A copy of the docket for that case is attached hereto as Exhibit "A".

21 On August 18, 2008, an order was entered, a copy of which is attached as Exhibit "B". With
22 regard to the U.S. District Court action, neither the underlying complaint, nor the order, nor the
23 docket carry the name of Reza Zandian (hereinafter "Zandian"). Accordingly, Zandian, as an
24 individual, was never served with a complaint in that action. Jed Margolin (hereinafter "Margolin")
25 is named as a defendant in the U.S. District Court action in Arizona. Exhibits "A" & "B".

26 Margolin filed a complaint with the First Judicial District Court of the State of Nevada in and
27 for Cason City on December, 11, 2009 (hereinafter "Nevada Complaint"), a copy of which is
28 attached as Exhibit "C". The Nevada Complaint names Zandian as a defendant and alleges that

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1 Zandian resides in San Diego, California or Las Vegas, Nevada. *Id.* at ¶ 4. Although Margolin
2 alleged that Zandian resides in Las Vegas or San Diego, Margolin did not attempt service on Zandian
3 in said places of alleged residence, but instead attempted service on Zandian in an entirely different
4 city, Fair Oaks, California. Exhibit "D". Accordingly, Zandian was never served in this case either.

5 In the Nevada Complaint, paragraph 17, Margolin alleges to have filed a cross-claim for
6 declaratory relief against Zandian in the U.S. District Court action. *Id.* In Paragraph 18 of the
7 Complaint, Margolin alleges that an entry of a judgment in favor of Margolin was entered in that
8 action. *Id.* The judgment, however, was not against Zandian. See Exhibits "A" & "B". A copy of
9 the order is attached to the Nevada Complaint, and it does not name Zandian as a defendant against
10 whom any rights were formulated. Exhibit "B".

11 In the Nevada Complaint, Margolin wrongfully and fraudulently states that Zandian was a
12 resident of Nevada, that he was sued in Arizona before the U.S. District Court, that a judgment was
13 entered there against him and that the Nevada Complaint is filed in an attempt to domesticate the
14 U.S. District Court judgment issued in Arizona. See Exhibits "A" through "C". Thus, Margolin
15 attached to the Nevada Complaint the only evidence necessary to determine whether Margolin
16 committed a fraud upon the court by naming Zandian in the Carson City action. *Id.*

17 Zandian hereby alleges that in addition to his residency, which was at all times in California,
18 there is no judgment in existence against Zandian filed in Arizona. *Id.* He was not served with a
19 summons and complaint in the U.S. District Court case, a summons and complaint in the instant
20 action, he was not served with a 3-Day Notice of Intent to Take Default Judgment in the instant
21 action, nor was he served with the Notice of Entry of Default filed on December 2, 2010 in the
22 instant action. *Id.* The Application for Default Judgments against the defendants named in the
23 Nevada Complaint was served by mail upon John Peter Lee, Ltd., although John Peter Lee, Ltd., did
24 not appear in the Carson City proceeding. Neither did Zandian.

25 In support of the Default Judgment, Margolin, the Plaintiff, filed Points and Authorities, but
26 did not indicate the basis for the enforcement of a judgment by default against Zandian. Again,
27 Zandian was not served with a copy of the Nevada Complaint or the U.S. District Court complaint
28 which forms the basis for the Nevada Complaint. *Id.*

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III.

LEGAL ANALYSIS

A. Service of the Summons and Complaint was Never Effectuated Upon Zandian.

Proper service of a summons and complaint upon an individual must be made upon the individual "defendant personally, or by leaving copies thereof at the defendant's dwelling house or usual place of abode with some person of suitable age and discretion then residing therein, or by delivering a copy of the summons and complaint to an agent authorized by appointment or by law to receive service of process." NRCPC 4(d)(6). Pursuant to NRCPC 12(b)(4), insufficiency of service of process is grounds to dismiss a complaint.

Zandian was not served a summons and complaint in the U.S. District Court action which forms the basis of the instant action. Exhibit "A". Zandian is not mentioned in the Order issued from the U.S. District Court. Exhibits "A" & "B". Zandian was not served a summons and complaint in the instant action. Notwithstanding, Plaintiff took a default judgment against Zandian.

Because no summons was ever issued as to Zandian in the underlying U.S. District Court action which forms the basis of the instant action, any domestication of the U.S. District Court action as it pertains to Zandian is a clear violation of Zandian's constitutional right to notice under the Due Process Clauses of the Fifth and Fourteenth Amendments of the U.S. Constitution. Additionally, Zandian was not served in the instant case, in furtherance of the deprivation of Zandian's right to due process.

Because Zandian has never been given notice as required by NRCPC 4 and/or the U.S. Constitution, the default judgment as applied to Zandian must be set aside pursuant to NRCPC 55(c) or 60(b), and Zandian be dismissed from the instant action upon this instant motion by special appearance.

B. Nevada Does Not Have Personal Jurisdiction Over Zandian in the Instant Action.

"The plaintiff bears the burden of producing *some* evidence in support of all facts necessary to establish personal jurisdiction [emphasis added]." Trump v. District Court, 109 Nev. 687, 692-93,

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1 857 p.2d 740, 748 (1993). Here, while Plaintiff did allege that Zandian resided in either San Diego
2 or Las Vegas, Plaintiff did not even attempt to serve Zandian in his alleged places of residence,
3 which ought to serve as the only evidence that the court needs to determine that the allegation that
4 Zandian resides in Las Vegas was nothing more than a fraud upon the court to induce the court into
5 exercising personal jurisdiction over Zandian.

6 "There are two types of personal jurisdiction: general and specific." Trump v. District Court,
7 109 Nev. 687,699, 857 p.2d 740, 748 (1993). "General jurisdiction over the defendant 'is
8 appropriate where the defendant's forum activities are so 'substantial' or continuous and systematic'
9 that it may be deemed present in the forum.'" Id.; see also Baker v. Eighth Jud. Dist. Ct., 116 Nev.
10 527, 531-31, 999 P.2d 1020, 1023 (2000) (holding that "membership in the state bar, in and of itself,
11 does not subject an individual to general jurisdiction in the state of membership because such contact
12 is not substantial, continuous, or systematic."). In this case, Plaintiff has not alleged that Zandian
13 has ever had any "forum activities" in Nevada. Thus, without more, Nevada cannot exercise general
14 personal jurisdiction over Zandian.

15 "Specific personal jurisdiction over a defendant may be established only where the cause of
16 action arises from the defendant's contacts with the forum." Baker, supra. "To subject a defendant
17 to specific jurisdiction, this court must determine if the defendant 'personally established minimum
18 contacts' so that jurisdiction would 'comport with fair play and substantive justice [internal
19 quotations omitted]'" Id. (citing Burger King Corp. V. Rudzewicz, 471 U.S. 462, 476-77, 85 L. Ed.
20 2d 528, 105 S. Ct. 2174 (1985) (quoting International Shoe Co. v. Washington, 326 U.S. 310, 320,
21 90 L. Ed. 95, 66 S. Ct. 154 (1945)). "In order for a forum state to obtain personal jurisdiction over
22 a nonresident defendant, the Due Process Clause of the Fourteenth Amendment requires that the
23 defendant have 'minimum contacts' with the forum state 'such that the maintenance of the suit does
24 not offend traditional notions of fair play and substantial justice.'" Baker, supra at 531-31. Here,
25 Plaintiff has not alleged *any* contacts between Zandian and Nevada, except to allege that Zandian
26 resides in either San Diego or Las Vegas, and this is simply not enough to find that the court has
27 personal jurisdiction over Zandian.

28 ...

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1 Zandian has not consented to personal jurisdiction in Nevada. Additionally, Zandian appears
2 now, by and through his counsel, on a limited basis to respectfully refute the court's jurisdiction over
3 her. Because Zandian is appearing for the sole purpose of refuting the Court's jurisdiction, Zandian
4 has neither consented to jurisdiction nor waived the lack thereof.

5 Zandian has not been alleged to reside of the State of Nevada; instead, Plaintiff ambiguously
6 alleged that he is a resident of California *or* Nevada, then proceeded to attempt service upon him in
7 California only. Zandian has not consented to personal jurisdiction in Nevada. Plaintiff has not
8 alleged or produced any facts indicating that Zandian has had minimum contacts with the State of
9 Nevada. Thus, pursuant to NRCPC 12(b)(2), the Court must set aside the judgment against Zandian
10 pursuant to NRCPC 55(c) or 60(b) so that Zandian can be dismissed from the instant action on the
11 grounds that the court does not enjoy personal jurisdiction over Zandian.

12 DATED this 8th day of June, 2011.

13 JOHN PETER LEE, LTD.

14 BY: 

15 JOHN PETER LEE, ESQ.
16 Nevada Bar No. 001768
17 JOHN C. COURTNEY, ESQ.
18 Nevada Bar No. 011092
19 830 Las Vegas Boulevard South
20 Las Vegas, Nevada 89101
21 Ph: (702) 382-4044/Fax: (702) 383-9950
22 Attorneys for Defendant Reza Zandian

23 CERTIFICATE OF MAILING

24 I HEREBY CERTIFY that on the 8th day of June, 2011, a copy of the foregoing MOTION
25 TO DISMISS ON A SPECIAL APPEARANCE was served on the following parties by mailing a
26 copy thereof, first class mail, postage prepaid, addressed to:

27 Cassandra P. Joseph, Esq.
28 Watson Rounds
5371 Kietzke Lane
Reno, NV 89511


An employee of
JOHN PETER LEE, LTD.

CLOSED, STD

**U.S. District Court
DISTRICT OF ARIZONA (Tucson Division)
CIVIL DOCKET FOR CASE #: 4:07-cv-00588-RCC**

Universal Avionics Systems Corporation v. Optima
Technology Group, Inc. et al
Assigned to: Judge Raner C Collins
Cause: No cause code entered

Date Filed: 11/09/2007
Date Terminated: 09/23/2008
Jury Demand: Both
Nature of Suit: 190 Contract: Other
Jurisdiction: Federal Question

Plaintiff

**Universal Avionics Systems
Corporation**

represented by **Allan Andrew Kassenoff**
Greenberg Traurig LLP
200 Park Ave
New York, NY 10166
212-801-9200
Fax: 212-801-6400
Email: kassenoffa@gtlaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

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V.

Defendant

**Optima Technology Group
Incorporated**

represented by **Edward Moomjian, II**
Udall Law Firm LLP
4801 E Broadway Blvd
Ste 400
Tucson, AZ 85711
520-623-4353
Fax: 520-792-3426
Email: emoomjian@udalllaw.com
TERMINATED: 03/03/2008
ATTORNEY TO BE NOTICED

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ATTORNEY TO BE NOTICED

Defendant

Optima Technology Corporation
TERMINATED: 08/18/2008

represented by **Jeanna Chandler Nash**
(See above for address)
TERMINATED: 03/03/2008

Defendant

Robert Adams
TERMINATED: 04/09/2008

represented by **Edward Moomjian , II**
(See above for address)
TERMINATED: 03/03/2008

Jeanna Chandler Nash
(See above for address)
TERMINATED: 03/03/2008

Jeffrey Lynn Willis
(See above for address)

Robert Alan Bernheim
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Jed Margolin

represented by **Edward Moomjian , II**
(See above for address)
TERMINATED: 03/03/2008
ATTORNEY TO BE NOTICED

Jeanna Chandler Nash
(See above for address)
TERMINATED: 03/03/2008
ATTORNEY TO BE NOTICED

Jeffrey Lynn Willis
(See above for address)
ATTORNEY TO BE NOTICED

Robert Alan Bernheim
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Optima Technology Corporation
TERMINATED: 08/18/2008

ThirdParty Defendant

Joachim L Naimer

ThirdParty Defendant

Unknown Naimer

Named as Jane Doe Naimer

ThirdParty Defendant

Frank E Hummel

ThirdParty Defendant

Unknown Hummel

Named as Jane Doe Hummel

ThirdParty Plaintiff

**Optima Technology Group
Incorporated**

represented by **Edward Moomjian , II**
(See above for address)
TERMINATED: 03/03/2008

Jeanna Chandler Nash
(See above for address)
TERMINATED: 03/03/2008

Cross Claimant

**Optima Technology Group
Incorporated**

represented by **Edward Moomjian , II**
(See above for address)
TERMINATED: 03/03/2008

Jeanna Chandler Nash
(See above for address)
TERMINATED: 03/03/2008

V.

Cross Defendant

Optima Technology Corporation
TERMINATED: 07/07/2008

represented by **Jeanna Chandler Nash**
(See above for address)
TERMINATED: 03/03/2008

Counter Claimant

**Optima Technology Group
Incorporated**

represented by **Edward Moomjian , II**
(See above for address)
TERMINATED: 03/03/2008

Jeanna Chandler Nash
(See above for address)
TERMINATED: 03/03/2008
ATTORNEY TO BE NOTICED

V.

Counter Defendant

**Universal Avionics Systems
Corporation**

represented by **Allan Andrew Kassenoff**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Paul J Sutton
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Scott Joseph Bornstein ,
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

E Jeffrey Walsh
(See above for address)
ATTORNEY TO BE NOTICED

Counter Claimant

**Optima Technology Group
Incorporated**

represented by **Edward Moomjian , II**
(See above for address)
TERMINATED: 03/03/2008
ATTORNEY TO BE NOTICED

Jeanna Chandler Nash
(See above for address)
TERMINATED: 03/03/2008
ATTORNEY TO BE NOTICED

Jeffrey Lynn Willis
(See above for address)

Robert Alan Bernheim
(See above for address)
ATTORNEY TO BE NOTICED

Counter Claimant

Jed Margolin

represented by **Edward Moomjian , II**
(See above for address)
TERMINATED: 03/03/2008
ATTORNEY TO BE NOTICED

Jeanna Chandler Nash
(See above for address)
TERMINATED: 03/03/2008

ATTORNEY TO BE NOTICED

Jeffrey Lynn Willis
(See above for address)
ATTORNEY TO BE NOTICED

Robert Alan Bernheim
(See above for address)
ATTORNEY TO BE NOTICED

V.

Counter Defendant

Optima Technology Corporation

represented by **Jeanna Chandler Nash**
(See above for address)
TERMINATED: 03/03/2008

Date Filed	#	Docket Text
11/09/2007	<u>1</u>	SEALED COMPLAINT. Filing fee received: \$ 350.00, receipt number 1549612, filed by Universal Avionics Systems Corporation. (Attachments: # <u>1</u> Exhibit Part 1 of 2# <u>2</u> Exhibit Part 2 of 2# <u>3</u> Summons OTC# <u>4</u> Summons OTG# <u>5</u> Summons JA# <u>6</u> Summons RA# <u>7</u> Civil Cover Sheet)(Walsh, E) Modified on 1/25/2008 (DNO, SEALED PER ORDER <u>39</u>). Modified on 2/15/2008 (APJ,). (Entered: 11/09/2007)
11/09/2007		This case has been assigned to the Honorable Raner C. Collins. All future pleadings or documents should bear the correct case number: CIV-07-588-TUC-RCC. (GPA,) (Entered: 11/15/2007)
11/15/2007	<u>2</u>	Summons Issued as to Optima Technology Corporation. (GPA,). *** IMPORTANT: You must select "Document and stamps" or "Document and comments" on the print screen in order for the court seal to appear on the summons you print. (Entered: 11/15/2007)
11/15/2007	<u>3</u>	Summons Issued as to Optima Technology Group, Inc.. (GPA,). *** IMPORTANT: You must select "Document and stamps" or "Document and comments" on the print screen in order for the court seal to appear on the summons you print. (Entered: 11/15/2007)
11/15/2007	<u>4</u>	Summons Issued as to Jed Margolin. (GPA,). *** IMPORTANT: You must select "Document and stamps" or "Document and comments" on the print screen in order for the court seal to appear on the summons you print. (Entered: 11/15/2007)
11/15/2007	<u>5</u>	Summons Issued as to Robert Adams. (GPA,). *** IMPORTANT: You must select "Document and stamps" or "Document and comments" on the print screen in order for the court seal to appear on the summons you print. (Entered: 11/15/2007)
11/15/2007	<u>6</u>	Notice re electronically sending a magistrate election form to filer by

		Universal Avionics Systems Corporation (GPA,) (Entered: 11/15/2007)
12/17/2007	<u>7</u>	Quarterly MOTION for Extension of Time To Answer based on Stipulation by Optima Technology Corporation, Robert Adams, Jed Margolin. (Attachments: # <u>1</u> Supplement Stipulation, # <u>2</u> Text of Proposed Order Order) (Chandler, Jeanna) (Entered: 12/17/2007)
12/19/2007	<u>8</u>	ORDER granting <u>7</u> Motion for Extension of Time. Dfts have up to 1/7/08 to serve/file their answer. Signed by Judge Raner C Collins on 12/18/07.(SSU,) (Entered: 12/19/2007)
01/04/2008	<u>9</u>	MOTION for Admission Pro Hac Vice as to attorney Scott J Bornstein on behalf of Universal Avionics Systems Corporation. (BAS,) (Entered: 01/04/2008)
01/04/2008	<u>10</u>	MOTION for Admission Pro Hac Vice as to attorney Paul J Sutton on behalf of Universal Avionics Systems Corporation. (BAS,) (Entered: 01/04/2008)
01/04/2008	<u>11</u>	MOTION for Admission Pro Hac Vice as to attorney Allan A Kassenoff on behalf of Universal Avionics Systems Corporation. (BAS,) (Entered: 01/04/2008)
01/04/2008		PRO HAC VICE FEE PAID. \$ 100, receipt number PHX066316 as to Scott J Bornstein. (BAS,) (Entered: 01/04/2008)
01/04/2008		PRO HAC VICE FEE PAID. \$ 100, receipt number PHX066315 as to Paul J Sutton. (BAS,) (Entered: 01/04/2008)
01/04/2008		PRO HAC VICE FEE PAID. \$ 100, receipt number PHX066314 as to Allan A Kassenoff. (BAS,) (Entered: 01/04/2008)
01/04/2008	<u>12</u>	ORDER pursuant to General Order 05-25 granting <u>9</u> Motion for Admission Pro Hac Vice; granting <u>10</u> Motion for Admission Pro Hac Vice; granting <u>11</u> Motion for Admission Pro Hac Vice.Per the Court's Administrative Policies and Procedures Manual, applicant has five (5) days in which to register as a user of the Electronic Filing System. Registration to be accomplished via the court's website at www.azd.uscourts.gov. (BAS,)(This is a TEXT ENTRY ONLY. There is no.pdf document associated with this entry.) (Entered: 01/04/2008)
01/07/2008	<u>13</u>	MOTION to Dismiss Case by Optima Technology Group, Inc., Robert Adams. (Chandler, Jeanna) Modified on 1/9/2008 (SSU, DOCUMENT FILED WITH INCORRECT CASE NUMBER AND DOCUMENT NOT IN COMPLIANCE WITH LRCiv 7.1(c). ATTORNEY NOTICED). (Entered: 01/07/2008)
01/07/2008	<u>16</u>	SEALED LODGED Proposed Memorandum in Support of Motion to Dismiss Adams/Optima re: <u>14</u> MOTION to Seal Document re Memorandum in Support of Adams/Optima Motion to Dismiss. Document to be filed by Clerk if Motion to Seal is granted. Filed by Optima Technology Group, Inc., Robert Adams. (Chandler, Jeanna) (Entered: 01/07/2008)
01/07/2008	<u>17</u>	MOTION to Dismiss Case for Lack of Jurisdiction by Robert Adams. (Chandler, Jeanna) Modified on 1/9/2008 (SSU, DOCUMENT FILED WITH

		INCORRECT CASE NUMBER AND DOCUMENT NOT IN COMPLIANCE WITH LRCiv 7.1(c). ATTORNEY NOTICED). (Entered: 01/07/2008)
01/07/2008	<u>20</u>	SEALED LODGED Proposed Memorandum in Support of Adams Motion to Dismiss for Lack of Personal Jurisdiction re: 18 MOTION to Seal Document re Memorandum in Support of Motion To Dismiss. Document to be filed by Clerk if Motion to Seal is granted. Filed by Robert Adams. (Chandler, Jeanna) (Entered: 01/07/2008)
01/07/2008	<u>21</u>	MOTION to Dismiss Case for Lack of Jurisdiction by Jed Margolin. (Chandler, Jeanna) Modified on 1/9/2008 (SSU, DOCUMENT FILED WITH INCORRECT CASE NUMBER AND DOCUMENT NOT IN COMPLIANCE WITH LRCiv 7.1(c). ATTORNEY NOTICED). (Entered: 01/07/2008)
01/07/2008	<u>24</u>	SEALED LODGED Proposed Memorandum in Support of Margolins Motion to Dismiss re: 22 MOTION to Seal Document re Memorandum in Support of Margolins Motion to Dismiss. Document to be filed by Clerk if Motion to Seal is granted. Filed by Jed Margolin. (Chandler, Jeanna) (Entered: 01/07/2008)
01/07/2008	<u>27</u>	ANSWER to <u>1</u> Complaint, with Jury Demand by Optima Technology Group, Inc..(Chandler, Jeanna) Modified on 1/9/2008 (SSU, DOCUMENT FILED WITH INCORRECT CASE NUMBER AND DOCUMENT NOT IN COMPLIANCE WITH LRCiv 7.1(c). ATTORNEY NOTICED). (Entered: 01/07/2008)
01/07/2008	<u>28</u>	Corporate Disclosure Statement by Optima Technology Group, Inc. (Chandler, Jeanna) TEXT Modified on 1/8/2008 (SSU, DOCUMENT FILED WITH INCORRECT CASE NUMBER). (Entered: 01/07/2008)
01/08/2008	<u>29</u>	MOTION for Leave to File Excess Pages by Optima Technology Group, Inc., Robert Adams. (Attachments: # <u>1</u> Text of Proposed Order Proposed Order) (Chandler, Jeanna) Modified on 1/9/2008 (SSU, DOCUMENT FILED WITH INCORRECT CASE NUMBER AND DOCUMENT NOT IN COMPLIANCE WITH LRCiv 7.1(c). ATTORNEY NOTICED). (Entered: 01/08/2008)
01/08/2008	<u>31</u>	ORDER granting <u>14</u> Motion to Seal Document ; granting <u>18</u> Motion to Seal Document ; granting <u>22</u> Motion to Seal Document. Signed by Judge Raner C Collins on 1/8/08.(SGG,) (Entered: 01/09/2008)
01/08/2008	<u>32</u>	Sealed Document: Memorandum Per Order <u>31</u> filed by Optima Technology Group, Inc., Robert Adams. (SGG,) (Entered: 01/09/2008)
01/08/2008	<u>33</u>	Sealed Document: Memorandum Per Order <u>31</u> filed by Robert Adams. (SGG,) (Entered: 01/09/2008)
01/08/2008	<u>34</u>	Sealed Document: Memorandum Per Order <u>31</u> filed by Jed Margolin. (SGG,) (Entered: 01/09/2008)
01/09/2008	<u>30</u>	ORDER granting <u>29</u> Motion for Leave to File Excess Pages. Signed by Judge Raner C Collins on 1/9/08.(SSU,) (Entered: 01/09/2008)

01/22/2008	<u>36</u>	First MOTION for Extension of Time Extension of Deadline under Rule 14 (A)(1) <i>Unopposed</i> by Optima Technology Group, Inc.. (Attachments: # <u>1</u> Text of Proposed Order)(Moomjian, Edward) DOCUMENT NOT IN COMPLIANCE WITH LRCiv7.1(c). ATTORNEY NOTICED. Modified on 1/24/2008 (SSU,). (Entered: 01/22/2008)
01/23/2008	<u>37</u>	ORDER granting <u>36</u> Motion for Extension of Time. Deadline for filing third party claims as a right is extended until and including 1/24/08. Signed by Judge Raner C Collins on 1/22/08.(SSU,) (Entered: 01/23/2008)
01/24/2008	<u>38</u>	AMENDED ANSWER to <i>COMPLAINT</i> , THIRD PARTY COMPLAINT against JOACHIM L. NAIMER, JANE DOE NAIMER, FRANK E. HUMMEL, JANE DOE HUMMEL, CROSSCLAIM against Optima Technology Corporation, COUNTERCLAIM against Universal Avionics Systems Corporation by Optima Technology Group, Inc.. (Moomjian, Edward) DOCUMENT FILED WITH INCORRECT CASE NUMBER. TEXT Modified on 1/25/2008 (SSU,). (Entered: 01/24/2008)
01/24/2008	<u>39</u>	SEALED ORDER granting <u>35</u> Motion to Seal Document ; denying <u>25</u> Motion to Seal Document. Signed by Judge Raner C Collins on 01/23/08. (DNO,) (Entered: 01/25/2008)
01/30/2008	<u>40</u>	Notice re Summons by Optima Technology Group, Inc. (Attachments: # <u>1</u> Summons)(Moomjian, Edward) (Entered: 01/30/2008)
01/30/2008	<u>41</u>	Summons Issued as to Optima Technology Group, Inc., Optima Technology Corporation. (Attachments: # <u>1</u> Summons)(BJW,). *** IMPORTANT: You must select "Document and stamps" or "Document and comments" on the print screen in order for the court seal to appear on the summons you print. (Entered: 01/30/2008)
02/06/2008	<u>42</u>	Notice re Summons to Frank E. Hummel by Optima Technology Group, Inc. (Attachments: # <u>1</u> Summons Jane Doe Hummel, # <u>2</u> Summons Joachim L. Naimer, # <u>3</u> Summons Jane Doe Naimer)(Chandler, Jeanna) (Entered: 02/06/2008)
02/06/2008	<u>43</u>	Summons Issued as to Joachim L Naimer, Jane Doe Naimer, Frank E Hummel, Jane Doe Hummel. (Attachments: # <u>1</u> Summons, # <u>2</u> Summons, # <u>3</u> Summons)(BJW,). *** IMPORTANT: You must select "Document and stamps" or "Document and comments" on the print screen in order for the court seal to appear on the summons you print. (Entered: 02/06/2008)
02/11/2008	<u>48</u>	SEALED MOTION to Seal Document by Universal Avionics Systems Corporation. (DNO,) (Entered: 02/15/2008)
02/13/2008	<u>44</u>	AFFIDAVIT of Phyllis Callahan <i>re Affidavit of Process Server as to Service Upon Reza Zandian (Statutory Agent) for Optima Technology Corporation</i> by Cross Claimant Optima Technology Group, Inc.. (Chandler, Jeanna) (Entered: 02/13/2008)
02/13/2008	<u>45</u>	MOTION for Extension of Time to File Answer re Counterclaims and Third-Party Claims by Universal Avionics Systems Corporation. (Attachments: # <u>1</u> Supplement Stipulation re Enlargement of Time for Plaintiff

		Counterdefendant and Third-Party Defendants to Answer or Otherwise Respond to Counterclaims and Third-Party Claims, # 2 Text of Proposed Order Order Enlarging Time)(Walsh, E) (Entered: 02/13/2008)
02/13/2008	<u>46</u>	Corporate Disclosure Statement by Universal Avionics Systems Corporation. (Walsh, E) (Entered: 02/13/2008)
02/14/2008	<u>47</u>	ORDER granting <u>45</u> Motion for Extension of Time to Answer. Joachim L Naimer answer due 4/14/2008; Jane Doe Naimer answer due 4/14/2008; Frank E Hummel answer due 4/14/2008; Jane Doe Hummel answer due 4/14/2008; Universal Avionics Systems Corporation answer due 3/18/2008. Signed by Judge Raner C Collins on 2/14/08.(SSU,) (Entered: 02/14/2008)
02/15/2008	<u>49</u>	SUMMONS Returned Executed by Universal Avionics Systems Corporation. Jed Margolin served on 11/26/2007. (Walsh, E) (Entered: 02/15/2008)
02/15/2008	<u>50</u>	SUMMONS Returned Executed by Universal Avionics Systems Corporation. Optima Technology Corporation served on 11/28/2007. (Walsh, E) (Entered: 02/15/2008)
02/15/2008	<u>51</u>	SEALED ORDER granting <u>48</u> Motion to Seal Document. Signed by Judge Raner C Collins on 02/15/08.(SGG,) (Entered: 02/20/2008)
02/15/2008	<u>52</u>	SEALED RESPONSE to Motion re <u>13</u> MOTION to Dismiss Case filed by Universal Avionics Systems Corporation., Sealed per Order <u>51</u> . (SGG,) (Entered: 02/20/2008)
02/15/2008	<u>53</u>	SEALED RESPONSE to Motion re <u>17</u> MOTION to Dismiss Case for Lack of Jurisdiction filed by Universal Avionics Systems Corporation. Sealed per Order <u>51</u> . (SGG,) (Entered: 02/20/2008)
02/15/2008	<u>54</u>	SEALED RESPONSE to Motion re <u>21</u> MOTION to Dismiss Case for Lack of Jurisdiction filed by Universal Avionics Systems Corporation. Sealed per Order <u>51</u> . (SGG,) (Entered: 02/20/2008)
02/15/2008	<u>55</u>	SEALED MOTION to Expedite Discovery by Universal Avionics Systems Corporation. Sealed per Order <u>51</u> . (SGG,) (Entered: 02/20/2008)
02/15/2008	<u>56</u>	Sealed Document: Memorandum and Support of <u>55</u> filed by Universal Avionics Systems Corporation. Sealed per Order <u>51</u> . (SGG,) (Entered: 02/20/2008)
02/15/2008	<u>57</u>	Sealed Document: Declaration filed by Universal Avionics Systems Corporation. Sealed per Order <u>51</u> (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit)(SGG,) (Entered: 02/20/2008)
02/15/2008	<u>58</u>	Sealed Document: Declaration filed by Universal Avionics Systems Corporation. Sealed per Order <u>51</u> . (SGG,) (Entered: 02/20/2008)
02/28/2008	<u>59</u>	MOTION to Expedite Motion for Extension of Time by Optima Technology Group, Inc., Robert Adams, Jed Margolin. (Moomjian, Edward) (Entered: 02/28/2008)
02/28/2008	<u>60</u>	MOTION for Extension of Time Extension of Time <i>Motion for Extension of Time to Submit Replies</i> by Optima Technology Group, Inc., Robert Adams,

		Jed Margolin. (Attachments: # <u>1</u> Text of Proposed Order)(Moomjian, Edward) (Entered: 02/28/2008)
02/28/2008	<u>61</u>	ORDER granting <u>59</u> Motion to Expedite.; granting <u>60</u> Motion for Extension of Time. Dfis have 30 days up to and including 3/31/08 to file their replies in support of Motions to Dismiss and Response/Opposition to the Motion for Expedited Discovery. Signed by Judge Raner C Collins on 2/28/08.(SSU,) (Entered: 02/28/2008)
02/28/2008	<u>62</u>	MEMORANDUM re: In Opposition to Motion for Extension of Time by Plaintiff Universal Avionics Systems Corporation. (Walsh, E) (Entered: 02/28/2008)
03/03/2008	<u>64</u>	SEALED ORDER granting <u>63</u> Motion to Withdraw. Signed by Judge Raner C Collins on 02/28/08.(DNO,) (Entered: 03/05/2008)
03/18/2008	<u>65</u>	ANSWER to <u>38</u> Amended Answer to Complaint, Third Party Complaint, Crossclaim, Counterclaim,,,, by Universal Avionics Systems Corporation. (Walsh, E) (Entered: 03/18/2008)
04/01/2008	<u>66</u>	NOTICE of Appearance by Jeffrey Lynn Willis on behalf of Optima Technology Group, Inc., Robert Adams, Jed Margolin (Willis, Jeffrey) (Entered: 04/01/2008)
04/01/2008	<u>67</u>	STIPULATION for <u>72-Hour Extension of Time to File Replies in Support of Motions to Dismiss and Response to Plaintiff's Motion for Expedited Discovery (Second Request)</u> by Optima Technology Group, Inc., Robert Adams, Jed Margolin. (Attachments: # <u>1</u> Text of Proposed Order)(Willis, Jeffrey) (Entered: 04/01/2008)
04/01/2008	<u>68</u>	ORDER re <u>67</u> STIPULATION for 72-Hour Extension of Time to File Replies in Support of Motions to Dismiss and Response to Plaintiff's Motion for Expedited Discovery, due 4/3/08. Signed by Judge Raner C Collins on 4/1/08. (KMF,) (Entered: 04/01/2008)
04/02/2008	<u>69</u>	NOTICE of Appearance by Jeffrey Lynn Willis on behalf of Optima Technology Group, Inc., Robert Adams, Jed Margolin (Willis, Jeffrey) (Entered: 04/02/2008)
04/02/2008	<u>70</u>	APPLICATION for Entry of Default by Defendants Optima Technology Group, Inc., against Optima Technology Corporation, Inc.. (Attachments: # <u>1</u> Text of Proposed Order Proposed Entry of Default)(Willis, Jeffrey) Modified on 4/2/2008 to correct applicant (BJW,). (Entered: 04/02/2008)
04/03/2008	<u>71</u>	REPLY in Support re <u>21</u> MOTION to Dismiss Case for Lack of Jurisdiction <i>and Request for Stay of Proceedings on Motion to Dismiss</i> filed by Optima Technology Group, Inc., Robert Adams, Jed Margolin. (Willis, Jeffrey) (Entered: 04/03/2008)
04/03/2008	<u>72</u>	REPLY in Support re <u>13</u> MOTION to Dismiss Case filed by Optima Technology Group, Inc., Robert Adams, Jed Margolin. (Willis, Jeffrey) (Entered: 04/03/2008)
04/03/2008	<u>73</u>	RESPONSE to Motion re <u>55</u> MOTION to Expedite Discovery filed by

		Optima Technology Group, Inc., Robert Adams, Jed Margolin. (Willis, Jeffrey) (Entered: 04/03/2008)
04/07/2008	<u>74</u>	Clerk's ENTRY OF DEFAULT as to Optima Technology Corporation (PAB,) (Entered: 04/07/2008)
04/09/2008	<u>75</u>	ORDER granting <u>13</u> Motion to Dismiss Case and as amended by <u>72</u> Reply; Counts 5, 6, 7 of Plaintiff's Complaint are dismissed without prejudice to Plaintiff refiling thises claims in state court. Counts 2-4 and 7-12 of Defendants' state law counterclaims, cross-claims and third-party claims are dismissed without prejudice. Ordered denying as moot <u>17</u> Motion to Dismiss Case for Lack of Jurisdiction; dft Adams is dismissed. Ordered denying <u>21</u> Motion to Dismiss Case for Lack of Jurisdiction and <u>71</u> Request for a Stay of Proceedings. Signed by Judge Raner C Collins on 4/9/08.(SSU,) (Entered: 04/09/2008)
04/10/2008	<u>76</u>	APPLICATION for Entry of Default by Defendant Optima Technology Group, Inc. against Optima Technology Corporation. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Text of Proposed Order)(Willis, Jeffrey) (Entered: 04/10/2008)
04/14/2008	<u>77</u>	Clerk's ENTRY OF DEFAULT as to Optima Technology Corporation. (SSU,) (Entered: 04/14/2008)
04/29/2008	<u>78</u>	STIPULATION by Optima Technology Group, Inc., Optima Technology Corporation, Universal Avionics Systems Corporation, Robert Adams, Jed Margolin. (Attachments: # <u>1</u> Text of Proposed Order Order)(Walsh, E) (Entered: 04/29/2008)
05/06/2008	<u>79</u>	ORDER denying <u>55</u> Motion to Expedite, pursuant to Stipulation <u>78</u> . Pla Universal Avionics Systems Corporation may file an amended complaint to reflect the effect of this Court's 4/9/08 Order on or before 5/9/08. Dfts Optima Technology Group and Jed Margolin will respond to the amended complaint within ten days of service. Universal will file a reply to any counterclaims within ten days after being served with such counterclaims. Any and all responsive pleadings that were or may have been due before the date of this Order are vacated in favor of the schedule set forth herein. Signed by Judge Raner C Collins on 4/29/08.(JEMB,) (Entered: 05/06/2008)
05/13/2008	<u>82</u>	**PHRASE "OR PATENT TROLL" PG1 LINE 24, & PARAGRAPHS 37-43 STRIKEN PER ORDER <u>101</u> **Sealed Document: FIRST AMENDED COMPLAINT filed by Universal Avionics Systems Corporation. (JEMB,) Modified on 7/7/2008 (JEMB, TO REFLECT STRICKEN SECTIONS). (Entered: 05/16/2008)
05/14/2008	<u>81</u>	ORDER granting <u>80</u> Motion to Seal Document. Signed by Judge Raner C Collins on 5/14/08.(JEMB,) (Entered: 05/16/2008)
05/16/2008	<u>83</u>	CERTIFICATE OF SERVICE by Universal Avionics Systems Corporation (Walsh, E) (Entered: 05/16/2008)
05/20/2008	<u>84</u>	Sealed MOTION to Seal Document re Motion to Unseal Chandler & Udall, LLP'S Ex Parte Motion to Withdraw as Counsel by Universal Avionics

		Systems Corporation. (Attachments: # <u>1</u> Text of Proposed Order)(Walsh, E) Modified on 5/21/2008 to seal document(PAB,). (Entered: 05/20/2008)
05/20/2008	<u>85</u>	SEALED LODGED Proposed Motion to Unseal Chandler & Udall, LLP's Ex Parte Motion to Withdraw as Counsel re: <u>84</u> MOTION to Seal Document re Motion to Unseal Chandler & Udall, LLP'S Ex Parte Motion to Withdraw as Counsel. Document to be filed by Clerk if Motion to Seal is granted. Filed by Universal Avionics Systems Corporation. (Walsh, E) (Entered: 05/20/2008)
05/20/2008	<u>86</u>	SEALED LODGED Proposed Declaration of Allan A. Kassenoff in Support of Plaintiff Universal Avionics Systems Corporation's Motion to Unseal Chandler & Udall, LLP's Ex Parte Motion to Withdraw as Counsel re: <u>84</u> MOTION to Seal Document re Motion to Unseal Chandler & Udall, LLP'S Ex Parte Motion to Withdraw as Counsel. Document to be filed by Clerk if Motion to Seal is granted. Filed by Universal Avionics Systems Corporation. (Attachments: # <u>1</u> Exhibit)(Walsh, E) (Entered: 05/20/2008)
05/21/2008	<u>89</u>	ORDER granting <u>84</u> Motion to Seal Document. Signed by Judge Raner C Collins on 5/20/08.(JEMB,) (Entered: 05/22/2008)
05/21/2008	<u>90</u>	MOTION to Unseal Document re Chandler & Udall, LLP's Ex Parte Motion to Withdraw as Counsel by Universal Avionics Systems Corporation. (JEMB,) (Entered: 05/22/2008)
05/21/2008	<u>91</u>	Sealed Document: Declaration filed by Universal Avionics Systems Corporation. (Attachments: # <u>1</u> Exhibit)(JEMB,) (Entered: 05/22/2008)
05/22/2008	<u>87</u>	MOTION to Strike <i>Allegations From Amended Complaint</i> by Optima Technology Group, Inc., Jed Margolin. (Bernheim, Robert) (Entered: 05/22/2008)
05/22/2008	<u>88</u>	Additional Attachments to Main Document re <u>87</u> MOTION to Strike <i>Allegations From Amended Complaint Proposed Order Granting Defendants' Motion to Strike Allegations from Amended Complaint</i> by Defendants Optima Technology Group, Inc., Jed Margolin. (Bernheim, Robert) (Entered: 05/22/2008)
05/29/2008	<u>92</u>	RESPONSE in Opposition re <u>90</u> MOTION to Unseal Document re Chandler & Udall, LLP's Ex Parte Motion to Withdraw as Counsel filed by Optima Technology Group, Inc., Jed Margolin. (Bernheim, Robert) (Entered: 05/29/2008)
06/04/2008	<u>93</u>	RESPONSE in Opposition re <u>87</u> MOTION to Strike <i>Allegations From Amended Complaint</i> filed by Universal Avionics Systems Corporation. (Walsh, E) (Entered: 06/04/2008)
06/05/2008	<u>94</u>	REPLY in Support re <u>90</u> MOTION to Unseal Document re Chandler & Udall, LLP's Ex Parte Motion to Withdraw as Counsel filed by Universal Avionics Systems Corporation. (Walsh, E) (Entered: 06/05/2008)
06/09/2008	<u>96</u>	SEALED ORDER denying <u>90</u> Motion to Unseal Document. Signed by Judge Raner C Collins on 6/9/08.(JEMB,) (Entered: 06/12/2008)
06/11/2008	<u>95</u>	Notice re Joint Rule 26(f) Report and Respective Case Management Plans by

		Optima Technology Group, Inc., Universal Avionics Systems Corporation (Willis, Jeffrey) (Entered: 06/11/2008)
06/18/2008	<u>97</u>	REPLY to Response to Motion re <u>87</u> MOTION to Strike <i>Allegations From Amended Complaint</i> filed by Optima Technology Group, Inc., Jed Margolin. (Bernheim, Robert) (Entered: 06/18/2008)
06/18/2008	<u>98</u>	MOTION for Default Judgment as to Cross-Defendants Optima Technology Corp. (a CA corp.) and Optima Technology Corp.(a NV corp.) by Optima Technology Group, Inc., Robert Adams, Jed Margolin. (Attachments: # <u>1</u> Text of Proposed Order [Proposed] Form of Judgment)(Bernheim, Robert) (Entered: 06/18/2008)
06/23/2008	<u>99</u>	RESPONSE in Opposition re <u>98</u> MOTION for Default Judgment as to Cross-Defendants Optima Technology Corp. (a CA corp.) and Optima Technology Corp.(a NV corp.) MOTION for Default Judgment as to Cross-Defendants Optima Technology Corp. (a CA corp.) and Optima Technology Corp.(a NV corp.) filed by Universal Avionics Systems Corporation. (Walsh, E) (Entered: 06/23/2008)
06/27/2008	<u>100</u>	Reply re <u>99</u> Response in Opposition to Motion, by Defendant Optima Technology Group, Inc.. (Bernheim, Robert) (Entered: 06/27/2008)
07/07/2008	<u>101</u>	ORDER granting in part and denying in part <u>87</u> Motion to Strike, Plaintiff may file an amended complaint by 7/15/08; granting <u>98</u> Motion for Default Judgment against Cross-Dfts Optima Technology Corporation, a CA Corporation, and Optima Technology Corporation, a NV Corporation.Signed by Judge Raner C Collins on 7/2/08.(SSU,) (Entered: 07/07/2008)
07/08/2008	<u>102</u>	REQUEST <i>For Entry of Separate Judgment Under Rule 58(d)</i> by Defendants Optima Technology Group, Inc., Robert Adams, Jed Margolin. (Attachments: # <u>1</u> Proposed Form of Judgment)(Bernheim, Robert) (Entered: 07/08/2008)
07/10/2008	<u>103</u>	Notice re of Service of Defendant Optima Technology Group, Inc.'s First Set of Interrogatories to Plaintiff by Optima Technology Group, Inc. (Willis, Jeffrey) (Entered: 07/10/2008)
07/15/2008	<u>104</u>	AMENDED COMPLAINT <i>Second</i> against Optima Technology Corporation, Optima Technology Group, Inc., Jed Margolin;Jury Demand, filed by Universal Avionics Systems Corporation.(Walsh, E) (Entered: 07/15/2008)
07/15/2008	<u>105</u>	AFFIDAVIT of Process Server Dean Nichols <i>on Mercury Computer Systems, Inc.</i> by Plaintiff Universal Avionics Systems Corporation. (Attachments: # <u>1</u> Exhibit Subpoena)(Walsh, E) (Entered: 07/15/2008)
07/15/2008	<u>106</u>	AFFIDAVIT of Process Server Ronald Bodtke <i>for Service on Reza Zandian</i> by Plaintiff Universal Avionics Systems Corporation. (Attachments: # <u>1</u> Exhibit Subpoena)(Walsh, E) (Entered: 07/15/2008)
07/15/2008	<u>107</u>	NOTICE of Deposition of Jed Margolin, filed by Universal Avionics Systems Corporation. (Walsh, E) (Entered: 07/15/2008)
07/15/2008	<u>108</u>	NOTICE of Deposition of Robert Adams, filed by Universal Avionics Systems Corporation. (Walsh, E) (Entered: 07/15/2008)

07/15/2008	<u>109</u>	Notice re Service of Plaintiff's First Set of Interrogatories to Defendant Optima Technology Group, Inc. by Universal Avionics Systems Corporation (Walsh, E) TEXT HAS BEEN MODIFIED TO REFLECT CORRECT DOCUMENT TITLE, PER ATTORNEY. Modified on 7/16/2008 (SSU,). (Entered: 07/15/2008)
07/16/2008	<u>110</u>	Notice re Service of Plaintiff's First Request for Production of Documents to Defendant Optima Technology Group, Inc. by Universal Avionics Systems Corporation by Universal Avionics Systems Corporation (Walsh, E) (Entered: 07/16/2008)
07/18/2008	<u>111</u>	NOTICE of Deposition of UAS, filed by Optima Technology Group, Inc.. (Willis, Jeffrey) (Entered: 07/18/2008)
07/18/2008	<u>112</u>	NOTICE of Deposition of Joaquin Naimer, filed by Optima Technology Group, Inc.. (Willis, Jeffrey) (Entered: 07/18/2008)
07/18/2008	<u>113</u>	NOTICE of Deposition of Don Berlin, filed by Optima Technology Group, Inc.. (Willis, Jeffrey) (Entered: 07/18/2008)
07/18/2008	<u>114</u>	NOTICE of Deposition of Frank Hummel, filed by Optima Technology Group, Inc.. (Willis, Jeffrey) (Entered: 07/18/2008)
07/21/2008	<u>115</u>	MOTION for Reconsideration re Of the Court's Default Ruling Against Optima Technology Corporation Filed July7, 2008 by Universal Avionics Systems Corporation. (Attachments: # <u>1</u> Exhibit A)(Mandel, Robert) (Entered: 07/21/2008)
07/23/2008	<u>116</u>	MOTION for Hearing or Conference re: Rule 16 Conference by Optima Technology Group, Inc., Jed Margolin. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Text of Proposed Order)(Willis, Jeffrey) (Entered: 07/23/2008)
07/25/2008	<u>117</u>	APPLICATION for Entry of Default by Plaintiff Universal Avionics Systems Corporation against Optima Technology Corporation. (Attachments: # <u>1</u> Text of Proposed Order Entry of Default)(Mandel, Robert) (Entered: 07/25/2008)
07/25/2008	<u>118</u>	DECLARATION of Declaration of Allan A. Kassenoff in Support of Plaintiff's Application for Entry of Default re <u>117</u> Application for Entry of Default by Plaintiff Universal Avionics Systems Corporation. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Mandel, Robert) (Entered: 07/25/2008)
07/28/2008	<u>119</u>	RESPONSE in Opposition re <u>116</u> MOTION for Hearing or Conference re: Rule 16 Conference <i>and Expedited Stay of Proceedings Pending Conference</i> filed by Universal Avionics Systems Corporation. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C)(Mandel, Robert) (Entered: 07/28/2008)
07/29/2008	<u>120</u>	Clerk's ENTRY OF DEFAULT as to Optima Technology Corporation (SSU,) (Entered: 07/29/2008)
07/29/2008	<u>121</u>	ORDER granting in part and denying in part <u>116</u> Motion; Court will set scheduling conference but will not grant a stay of the proceedings. Telephonic Scheduling Conference set for 8/28/2008 10:00 AM before Judge Raner C Collins' law clerk, Isaac Rothschild. Further ordered, parties file with the Court a joint report reflecting the results of the conference by 8/25/08. Signed

		by Judge Raner C Collins on 7/29/08.(SSU,) (Entered: 07/29/2008)
07/29/2008	<u>122</u>	<i>Optima Technology Group and Jed Margolin's ANSWER to 104 Amended Complaint and, COUNTERCLAIM against Optima Technology Corporation by Optima Technology Group, Inc., Jed Margolin.(Bernheim, Robert)</i> (Entered: 07/29/2008)
07/31/2008	<u>123</u>	MOTION FOR DEFAULT JUDGMENT by Plaintiff Universal Avionics Systems Corporation against Optima Technology Corporation. (Mandel, Robert) EVENT AND TEXT MODIFIED FROM Application for Default Judgment TO Motion for Default Judgment. Modified on 8/5/2008 (SSU,). (Entered: 07/31/2008)
08/06/2008	<u>124</u>	Notice re Service of Requests for Production to Garmin International, Inc. by Optima Technology Group, Inc., Jed Margolin (Bernheim, Robert) (Entered: 08/06/2008)
08/06/2008	<u>125</u>	Notice re Answers to Universal Avionics Systems Corporation's First Set of Interrogatories by Optima Technology Group, Inc. (Willis, Jeffrey) (Entered: 08/06/2008)
08/12/2008	<u>126</u>	Reply <i>TO DEFENDANT OPTIMA TECHNOLOGY GROUP, INC.'S COUNTERCLAIMS</i> by Plaintiff Universal Avionics Systems Corporation. (Mandel, Robert) (Entered: 08/12/2008)
08/13/2008	<u>127</u>	Notice re SERVICE OF OBJECTIONS AND RESPONSES TO OPTIMA TECHNOLOGY GROUP, INC.'S FIRST SET OF INTERROGATORIES by Universal Avionics Systems Corporation (Mandel, Robert) (Entered: 08/13/2008)
08/18/2008	<u>128</u>	Notice re Service of Responses to Universal Avionics Systems Corporation's First Request for Production of Documents and Things by Optima Technology Group, Inc., Jed Margolin (Bernheim, Robert) (Entered: 08/18/2008)
08/18/2008	<u>129</u>	ORDER denying <u>115</u> Motion for Reconsideration ; granting <u>123</u> Motion for Default Judgment. Signed by Judge Raner C Collins on 8/18/08.(CLJ,) (Entered: 08/18/2008)
08/18/2008	<u>130</u>	DEFAULT JUDGMENT in favor of Universal Avionics Systems Corporation against Optima Technology Corporation. Signed by Judge Raner C Collins on 8/18/08. (CLJ,) (Entered: 08/18/2008)
08/18/2008	<u>131</u>	ORDER that Final Judgment entered against Cross-Defendants Optima Technology Corporation. ***See attached PDF for complete information***. Signed by Judge Raner C Collins on 8/18/08. (CLJ,) (Entered: 08/18/2008)
08/18/2008	<u>132</u>	ORDER that Final Judgment entered against Defendant Optima Technology Corporation. ***See attached PDF for complete information***. Signed by Judge Raner C Collins on 8/18/08. (CLJ,) (Entered: 08/18/2008)
08/18/2008	<u>133</u>	CLERK'S JUDGMENT in favor of Universal Avionics Systems Corporation against Optima Technology Corporation. Cross-defendant Optima Technology Corporation has been terminated. Signed by Judge Raner C

		Collins on 8/18/08. (CLJ,) (Entered: 08/18/2008)
08/18/2008	<u>134</u>	CLERK'S JUDGMENT in favor of Universal Avionics Systems Corporation against Optima Technology Corporation. Defendant Optima Technology Corporation has been terminated. Signed by Judge Raner C Collins on 8/18/08. (CLJ,) (Entered: 08/18/2008)
08/25/2008	<u>135</u>	NOTICE of Deposition of Optima Technology Group 30(b)(6), filed by Universal Avionics Systems Corporation. (Mandel, Robert) (Entered: 08/25/2008)
08/25/2008	<u>136</u>	REPORT of Joint Rule 26(f) Report and Respective Case Management Plans by Defendants Optima Technology Group, Inc., Jed Margolin, Plaintiff Universal Avionics Systems Corporation. (Bernheim, Robert) (Entered: 08/25/2008)
08/26/2008	<u>137</u>	Notice re Notice of Service of Initial Disclosures by Universal Avionics Systems Corporation (Mandel, Robert) (Entered: 08/26/2008)
08/28/2008	<u>138</u>	Notice re Service of Defendants' Rule 26(a)(1) Initial Disclosure Statement by Optima Technology Group, Inc., Jed Margolin (Bernheim, Robert) (Entered: 08/28/2008)
08/28/2008	<u>139</u>	SCHEDULING ORDER: Discovery due by 9/12/2009. Dispositive motions due by 11/12/2009. Proposed Pretrial Order due by 11/25/2009. Status Report due by 1/5/2009. See attached PDF for additional information. Signed by Judge Raner C Collins on 8/28/08. (SSU,) (Entered: 08/28/2008)
09/05/2008	<u>140</u>	MOTION for Extension of Time <i>To File Briefs</i> by Optima Technology Group, Inc., Jed Margolin. (Attachments: # <u>1</u> Text of Proposed Order) (Bernheim, Robert) (Entered: 09/05/2008)
09/08/2008	<u>141</u>	ORDER granting <u>140</u> Motion for Extension of Time. Dft's briefs re: prejudice resulting from disputed patent prosecution exclusion be filed by 9/12/08, Dft's briefs re: preliminary invalidity contentions be filed by 9/15/08 and Plaintiff's brief re: case bifurcation be filed by 9/15/08. See attached PDF for additional information. Signed by Judge Raner C Collins on 9/8/08.(SSU,) (Entered: 09/08/2008)
09/15/2008	<u>142</u>	STIPULATION <i>to Extend Deadlines to File Briefs</i> by Optima Technology Group, Inc., Jed Margolin, Universal Avionics Systems Corporation. (Attachments: # <u>1</u> Text of Proposed Order)(Bernheim, Robert) (Entered: 09/15/2008)
09/16/2008	<u>143</u>	ORDER granting <u>142</u> Stipulation : dfts have until 9/19/08 to file their briefs re: prejudice resulting from the disputed patent prosecution exclusion, 9/22/08 to file briefs re: preliminary invalidity contentions, Plaintiff have until 9/22/08 to file their brief re: case bifurcation. All parties have 10 days to file responsive memorandum after the initial briefs are filed. Signed by Judge Raner C Collins on 9/16/08. (SSU,) (Entered: 09/16/2008)
09/19/2008	<u>144</u>	BRIEF <i>Re Prejudice Caused by Universal's Proposed Restriction Against Patent Prosecution</i> by Defendants Optima Technology Group, Inc., Jed Margolin. (Bernheim, Robert) (Entered: 09/19/2008)

09/22/2008	<u>145</u>	STIPULATION to <i>Extend Deadlines to File Briefs</i> by Optima Technology Group, Inc., Jed Margolin, Universal Avionics Systems Corporation. (Attachments: # <u>1</u> Text of Proposed Order)(Bernheim, Robert) (Entered: 09/22/2008)
09/23/2008	<u>146</u>	ORDER granting <u>145</u> Stipulation : Dfts shall have up to and including 9/29/2008 to file their motion regarding preliminary invalidity contentions. Pla shall have up to and including 9/29/2008 to file their motion regarding case bifurcation and up to and including 10/10/2008 to file their brief regarding disputed patent prosecution exclusion. The parties shall have ten days after the filing of the motions to respond.. Signed by Judge Raner C Collins on 9/22/08. (JKM,) (Entered: 09/23/2008)
09/23/2008	<u>147</u>	STIPULATION of Dismissal with <i>Prejudice</i> by Optima Technology Group, Inc., Jed Margolin, Universal Avionics Systems Corporation. (Attachments: # <u>1</u> Text of Proposed Order)(Bernheim, Robert) (Entered: 09/23/2008)
09/24/2008	<u>148</u>	ORDER granting <u>147</u> Stipulation of Dismissal :All claims and counterclaims in this action are dismissed with prejudice and the Clerk shall CLOSE this case. Each party shall be responsible for paying its own attorneys' fees and costs incurred in this action.. Signed by Judge Raner C Collins on 9/23/08. (JKM,) (Entered: 09/24/2008)

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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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23 Raner C. Collins
24 United States District Judge
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6/22/11

ORIGINAL

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ALAN GLOVER
BY *[Signature]*
DEPUTY

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8 Attorneys for Plaintiff Jed Margolin

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

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

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

**OPPOSITION TO MOTION TO
DISMISS AND COUNTERMOTIONS
TO STRIKE AND FOR LEAVE TO
AMEND THE COMPLAINT**

27 COMES NOW Plaintiff Jed Margolin and hereby files this opposition to Defendant
28 Reza Zandian's ("Zandian") motion to dismiss on a special appearance and Plaintiff's
countermotions to strike the motion to dismiss and in the alternative for leave to amend the
complaint. This opposition and counter motions are based on the following Memorandum of
Points and Authorities and all pleadings, motions, and papers on file herein.

///
///

1 MEMORANDUM OF POINTS AND AUTHORITIES

2 I. FACTUAL BACKGROUND

3 Plaintiff Jed Margolin is the named inventor on numerous patents and patent
4 applications, including United States Patent No. 5,566,073 ("the '073 Patent"), United States
5 Patent No. 5,904,724 ("the '724 Patent"), United States Patent No. 5,978,488 ("the '488
6 Patent") and United States Patent No. 6,377,436 ("the '436 Patent") (collectively "the
7 Patents"). See Complaint, ¶ 9. Mr. Margolin is the legal owner and owner of record for the
8 '488 and '436 Patents, and has never assigned those patents. *Id.*, ¶ 10. In 2004, Mr. Margolin
9 granted to Optima Technology Group ("OTG"), a Cayman Islands Corporation specializing in
10 aerospace technology, a Power of Attorney regarding the '073 and '724 Patents. *Id.*, ¶ 11.
11 Subsequently, Mr. Margolin assigned the '073 and '724 Patents to OTG. *Id.* ¶ 13. In
12 exchange for the Power of Attorney and later Assignment, OTG agreed to pay Mr. Margolin
13 royalties based on OTG's licensing of the '073 and '724 Patents. *Id.*

14 In May 2006, OTG and Mr. Margolin licensed the '073 and '724 Patents to Geneva
15 Aerospace, Inc., and Mr. Margolin received a royalty payment pursuant to the royalty
16 agreement between Mr. Margolin and OTG. *Id.*, ¶ 12. In about October 2007, OTG licensed
17 the '073 Patent to Honeywell International, Inc., and Mr. Margolin received a royalty payment
18 pursuant to the royalty agreement between Mr. Margolin and OTG. *Id.*, ¶ 14.

19 On about December 5, 2007, Defendant Zandian filed with the U.S. Patent and
20 Trademark Office ("USPTO") fraudulent assignment documents allegedly assigning all four of
21 the Patents to Optima Technology Corporation ("OTC"), a company apparently owned by
22 Defendant Zandian. *Id.*, ¶ 15; see also the fraudulent assignment documents attached hereto as
23 **Exhibit 1.**¹ Upon discovery of the fraudulent filings, 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

27
28 ¹ The signature on the attached Recordation Form Cover Sheet is that of Reza Zandian; also, the internal address
for Optima Technology Corporation, which is apparently another name for Zandian, lists John Peter Lee
Limited, 830 Las Vegas Boulevard South, Las Vegas, Nevada 89101, 702-382-4044, info@johnpeterlee.com.

1 against Zandian. Plaintiff then filed and served a Notice of Entry of Default on Zandian on
2 December 7, 2010 and on his last known attorney on December 16, 2010.

3 On February 25, 2011, Plaintiff filed in this Court and served a certificate of service
4 indicating that the application for entry of default against Zandian was sent to attorney John
5 Peter Lee. On February 28, 2011, Plaintiff filed an application for default judgment against
6 Defendants Zandian, Optima Technology Corporation, a California Corporation, and Optima
7 Technology Corporation, a Nevada Corporation.

8 On March 1, 2011, a default judgment was entered against Zandian and the other
9 defendants for \$121,594.46. On March 7, 2011, notice of entry of that default was filed and
10 served by mail on Zandian and his counsel.

11 On June 9, 2011, Zandian filed the motion to dismiss.

12 III. ARGUMENT

13 **A. SERVICE OF THE SUMMONS AND COMPLAINT WAS** 14 **EFFECTUATED UPON ZANDIAN**

15 NRCP 4 states that service of the summons and complaint shall be made upon the
16 "defendant personally, or by leaving copies thereof at the defendant's dwelling house or usual
17 place of abode with some person of suitable age and discretion then residing therein, or by
18 delivering a copy of the summons and complaint to an agent authorized by appointment or by
19 law to receive service of process." NRCP 4(d)(6).

20 In this case, the complaint was filed on December 11, 2009. As Plaintiff was having
21 difficulty serving Zandian, the summons and complaint were mailed to Zandian's attorney,
22 John Peter Lee, on January 8, 2010, and a request for assistance in serving Zandian was made.
23 See Letter, dated 1/8/10, from Cassandra Joseph to John Peter Lee, attached hereto as **Exhibit**
24 **3.**³ Moreover, Zandian was personally served with the summons and complaint on February 2,
25 2010. See Affidavit of Service, dated 2/18/10, attached hereto as **Exhibit 2.**

26
27
28 ³ John Peter Lee never responded to Cassandra Joseph's request for assistance in serving Zandian and the
Defendant entities. At least, Mr. Lee never responded until well after the default was entered by filing the
instant motion, even though he represented Zandian prior to this action.

1 Therefore, Zandian was served with the summons and complaint and was given proper
2 notice of this lawsuit. In fact, Plaintiff took the additional step of mailing the summons and
3 complaint to Zandian and his lawyer. Unfortunately, for reasons known only to Zandian and
4 his lawyer, Zandian decided not to answer the complaint or otherwise respond to the complaint
5 in a timely manner.

6 **B. THIS COURT HAS JURISDICTION OVER ZANDIAN IN THIS ACTION**

7 Nevada's long arm statute states as follows: "A court of this state may exercise
8 jurisdiction over a party to a civil action on any basis not inconsistent with the Constitution of
9 this state or the Constitution of the United States." NRS 14.065(1). In addition, "[p]ersonal
10 service of summons upon a party outside this state is sufficient to confer upon a court of this
11 state jurisdiction over the party so served if the service is made by delivering a copy of the
12 summons, together with a copy of the complaint, to the party served in the manner provided by
13 statute or rule of court for service upon a person of like kind within this state." NRS
14 14.065(2).

15 In addition, in Nevada, "[t]here are two types of personal jurisdiction: general and
16 specific." *Baker v. Eighth Judicial Dist. Court ex rel. County of Clark*, 116 Nev. 527, 532,
17 999 P.2d 1020, 1023 (2000). "General jurisdiction is required in matters where a defendant is
18 held to answer in a forum for causes of action unrelated to his forum activities." *Baker v.*
19 *Eighth Judicial Dist. Court ex rel. County of Clark*, 116 Nev. 527, 532, 999 P.2d 1020, 1023
20 (2000). "General jurisdiction over a nonresident will lie where the nonresident's activities in
21 the forum are 'substantial' or 'continuous and systematic.'" *Id.* Said another way, "General
22 jurisdiction over the defendant 'is appropriate where the defendant's forum activities are so
23 "substantial" or "continuous and systematic" that [he] may be deemed present in the forum.'" *Freeman v. Second Judicial Dist. Court ex rel. County of Washoe*, 116 Nev. 550, 553, 1 P.3d
24 963, 965 (2000).

25
26 In addition, the following citation acknowledges that there must be minimum contacts
27 for the Court to exercise jurisdiction over a nonresident and states that owning property or
28 doing business within the state is enough to confer jurisdiction:

1 We acknowledged in *Metal-Matic, Inc. v. 8th Judicial District Court*, 82 Nev.
2 263, 415 P.2d 617 (1966), citing therein *International Shoe Co. v. State of*
3 *Washington*, 326 U.S. 310, 66 S.Ct. 154, 90 L.Ed. 95 (1945); *McGee v.*
4 *International Life*, 355 U.S. 220, 78 S.Ct. 199, 2 L.Ed.2d 223 (1957); and
5 *Hanson v. Denckla*, 357 U.S. 235, 78 S.Ct. 1228, 2 L.Ed.2d 1283 (1958), that
6 since *Pennoyer v. Neff*, 5 Otto 714, 95 U.S. 714, 24 L.Ed. 565 (1877), a
7 jurisdictional evolution has been taking place to such extent that the old
8 jurisdictional landmarks have been left far behind so that in many instances
9 states may now properly exercise jurisdiction over nonresidents not amenable
10 to service within their borders. The point has not been reached, however, where
11 state boundaries are not without significance. There must still be some
12 'affiliating' circumstances without which the courts of the state may not
13 entertain jurisdiction. *Hanson v. Denckla*, supra. Each case depends upon its
14 own circumstances, but while we adhere to the generalities of 'minimal
15 contact,' that contact must be of significance. **In this case it must amount to**
16 **owning property or doing business within this state.**

17 *McCulloch Corp. v. O'Donnell*, 83 Nev. 396, 398, 433 P.2d 839, 840 (1967).

18 In this case, Zandian owns property and does business within the forum state. As a
19 result, Zandian's forum activities are so "substantial" or "continuous and systematic" that he
20 may be deemed present in the forum and therefore general jurisdiction is appropriate.

21 In fact, Zandian currently owns real property throughout Nevada. He owns two
22 properties in Clark County.⁴ He owns 10 properties in Washoe County.⁵ He owns and/or is
23 partial owner of 6 properties in Lyon County.⁶ He is part owner of two properties in Churchill
24 County.⁷ He is part owner of one property in Elko County.⁸

25 With regards to doing business within Nevada, Zandian is a manager of 11000 Reno
26 Highway, Fallon, LLC, a Nevada LLC that is in active status.⁹ Currently, 11000 Reno
27 Highway, Fallon, LLC is listed as the owner of 640 acres of real property in Churchill
28 County.¹⁰

29 ⁴ See Zandian's Clark County property information, attached hereto as Exhibit 4.

30 ⁵ See Zandian's Washoe County property information, attached hereto as Exhibit 5.

31 ⁶ See Zandian's Lyon County property information, attached hereto as Exhibit 6.

32 ⁷ See Zandian's Churchill County property information, attached hereto as Exhibit 7.

33 ⁸ See Zandian's Elko County property information, attached hereto as Exhibit 8.

34 ⁹ See Zandian's manager information for 11000 Reno Highway, Fallon, L.L.C., attached hereto as Exhibit 9.

35 ¹⁰ See 11000 Reno Highway, Fallon, LLC's Churchill County property information, attached hereto as Exhibit
36 10.

1 Zandian is a managing member and registered agent of Misfits Development LLC, a
2 Nevada LLC in active status.¹¹ Zandian is a managing member and registered agent of Elko
3 North 5th Avenue, LLC, a Nevada LLC in active status.¹² Zandian is a managing member and
4 registered agent for Stagecoach Valley LLC, an active Nevada LLC.¹³

5 Zandian acted as the resident agent for a revoked Nevada limited liability company
6 named Rock and Royalty LLC where Zandian's resident agent address was 1401 S. Las Vegas
7 Boulevard, Las Vegas, Nevada 89104.¹⁴ Zandian was a managing member of Gold Canyon
8 Development LLC, a Nevada LLC that is now in default status.¹⁵ Zandian was a managing
9 member of High Tech Development LLC, a Nevada LLC that has been dissolved.¹⁶ Zandian
10 was a managing member of Lyon Park Development LLC, a Nevada LLC that has been
11 dissolved.¹⁷ Zandian was a managing member of Churchill Park Development LLC, a Nevada
12 LLC that has been dissolved.¹⁸ Zandian was a manager of Sparks Village LLC, a Nevada LLC
13 that is in default status.¹⁹ Zandian was president, secretary, treasurer, director and resident
14 agent of Optima Technology Corporation, a now revoked Nevada close corporation.²⁰
15 Zandian was a managing member of I-50 Plaza LLC, a Nevada LLC in default status.²¹
16 Zandian was a manager of Dayton Plaza, LLC, a Nevada LLC in default status.²² Finally,
17 Zandian was a manager of Reno Highway Plaza, LLC, a Nevada LLC in revoked status.²³

18
19 ¹¹ See Zandian's managing member and resident agent information for Misfits Development LLC, attached hereto
as Exhibit 11.

20 ¹² See Zandian's managing member and resident agent information for Elko North 5th Avenue, LLC, attached
hereto as Exhibit 12.

21 ¹³ See Zandian's managing member and resident agent information for Stagecoach Valley LLC, attached hereto as
Exhibit 13.

22 ¹⁴ See Zandian's resident agent information for Rock and Royalty LLC, attached hereto as Exhibit 14.

23 ¹⁵ See Zandian's managing member information for Gold Canyon Development LLC, attached hereto as Exhibit
15.

24 ¹⁶ See Zandian's managing member information for High Tech Development LLC, attached hereto as Exhibit 16.

25 ¹⁷ See Zandian's managing member information for Lyon Park Development LLC, attached hereto as Exhibit 17.

26 ¹⁸ See Zandian's managing member information for Churchill Park Development LLC, attached hereto as Exhibit
18.

27 ¹⁹ See Zandian's manager information for Sparks Village LLC, attached hereto as Exhibit 19.

28 ²⁰ See Zandian's information for Optima Technology Corporation, attached hereto as Exhibit 20.

²¹ See Zandian's information for I-50 Plaza LLC, attached hereto as Exhibit 21.

²² See Zandian's information for Dayton Plaza, LLC, attached hereto as Exhibit 22.

²³ See Zandian's information for Reno Highway Plaza, LLC, attached hereto as Exhibit 23.

1 Also, Zandian listed Carson City and Las Vegas addresses for his registered agent and
2 officer information for Rock and Royalty LLC, Optima Technology Corporation, High Tech
3 Development LLC, Lyon Park Development LLC, Churchill Park Development LLC, Sparks
4 Village, LLC, I-50 Plaza LLC, Dayton Plaza, LLC, 11000 Reno Highway Fallon LLC, Misfits
5 Development LLC, Elko North 5th Ave, LLC, and Stagecoach Valley LLC.²⁴

6 As demonstrated above, Zandian clearly owns or partially owns 21 properties within
7 and throughout the state of Nevada and Zandian clearly does a significant amount of business
8 within the state. His property ownership holdings and his business dealings, alone, show that
9 Zandian's forum activities are so "substantial" or "continuous and systematic" that he may be
10 deemed present in the forum and therefore general jurisdiction is appropriate.

11 **C. NEVADA HAS ABROGATED THE DOCTRINE OF SPECIAL/GENERAL**
12 **APPEARANCES**

13 Zandian argues that he is making a special appearance "for the purpose of testing both
14 the sufficiency of service and the jurisdiction of the court; thus, Zandian has not consented to
15 personal jurisdiction of any Nevada court by bringing the instant motion." *See Motion to*
16 *Dismiss on a Special Appearance, dated 6/8/11, 2:12-15, on file herein.*

17 However, the Nevada Supreme Court has abrogated the doctrine of special/general
18 appearances. *Hansen v. Eighth Judicial Dist. Court ex rel. County of Clark*, 116 Nev. 650,
19 656, 6 P.3d 982, 985 (2000). "Now, before a defendant files a responsive pleading such as an
20 answer, that defendant may move to dismiss for lack of personal jurisdiction, insufficiency of
21 process, and/or insufficiency of service of process, and such a defense is not 'waived by being
22 joined with one or more other defenses.' Alternatively, a defendant may raise its defenses,
23 including those relating to jurisdiction and service, in a responsive pleading." *Hansen*, 116
24 Nev. at 656, 6 P.3d at 986.

25 Zandian could have raised his alleged defenses of insufficiency of service of process
26 and lack of jurisdiction in a motion to dismiss without waiving such defenses and his "special"
27 appearance is a nullity. Therefore, Zandian's motion is merely a motion to dismiss. However,

28 ²⁴ See Exhibits 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, and 22, attached hereto.

1 as will be shown above and below, the motion to dismiss is procedurally and factually fatally
2 flawed.

3 **D. ZANDIAN CANNOT MEET THE STANDARD FOR A MOTION TO DISMISS**

4 "In considering 'a motion to dismiss, all well-pleaded allegations of material fact are
5 taken as true and construed in a light most favorable to the non-moving party.'" *Germaine*
6 *Music v. Universal Songs of Polygram*, 275 F. Supp. 2d 1288, 1294 (D. Nev. 2003) *aff'd in*
7 *part*, 130 F. App'x. 153 (9th Cir. 2005).

8 In his first paper filed with this Court, Zandian moves this Court to set aside the
9 judgment and dismiss the case. Zandian casually makes a short reference to NRCP 55(c) and
10 NRCP 60(b) in a request to set aside the default judgment and then in the same sentence
11 requests that the Court dismiss this case "on the grounds that the court does not enjoy personal
12 jurisdiction over Zandian." *See* Motion to Dismiss on a Special Appearance, dated 6/8/11,
13 6:9-11, on file herein.

14 However, as shown above, Zandian was properly served and his forum contacts are so
15 substantial as to create general jurisdiction over him in the State of Nevada. Therefore,
16 construing the complaint in the light most favorable to the Plaintiff, Zandian's motion to
17 dismiss cannot meet the standard for a motion to dismiss.

18 **E. ZANDIAN HAS NOT AND CANNOT MEET THE STANDARD FOR A**
19 **MOTION TO SET ASIDE**

20 If a defaulting party is dissatisfied with a default judgment, then the only procedural
21 remedy is to set aside the default. NRCP 60(b) states the standard for setting aside a default
22 judgment as follows:

23 On motion and upon such terms as are just, the court may relieve a party or a
24 party's legal representative from a final judgment, order, or proceeding for the
25 following reasons: (1) mistake, inadvertence, surprise, or excusable neglect; (2)
26 newly discovered evidence which by due diligence could not have been
27 discovered in time to move for a new trial under Rule 59(b); (3) fraud (whether
28 heretofore denominated intrinsic or extrinsic), misrepresentation or other
misconduct of an adverse party; (4) the judgment is void; or, (5) the judgment
has been satisfied, released, or discharged, or a prior judgment upon which it is
based has been reversed or otherwise vacated, or it is no longer equitable that
an injunction should have prospective application.

1 NRCP 60(b).

2 A district court's exercise of discretion in setting aside a default judgment, or in
3 refusing to do so, will not be disturbed in the absence of an abuse of discretion. *Hotel Last*
4 *Frontier Corp. v. Frontier Properties, Inc.*, 79 Nev. 150, 154, 380 P.2d 293, 294 (1963). The
5 district court must consider the following factors before granting a motion to set aside:

6 **First**, there must have been "a prompt application to remove the judgment."
7 *Yochum*, 98 Nev. at 486, 653 P.2d at 1216 (citing *Hotel Last Frontier v.*
8 *Frontier Prop.*, 79 Nev. 150, 380 P.2d 293 (1963)) (citations omitted)
(emphasis added). **Second**, there must be an "absence of an intent to delay the
9 proceedings." *Id.* (Emphasis added.) **Third**, there must be evidence of "a lack
10 of knowledge of procedural requirements" on the part of the moving party. *Id.*
11 (Emphasis added). **Fourth**, the motion must be made in "good faith." *Id.*
12 (Emphasis added.) **Fifth**, "the moving party must promptly tender a
13 'meritorious defense' to the claim for relief." *Yochum*, 98 Nev. at 487, 653 P.2d
at 1216-17 (citations omitted) (emphasis added). **Finally**, "the court must give
14 due consideration to the state's underlying basic policy of resolving cases on
15 their merits whenever possible." *Yochum*, 98 Nev. at 487, 653 P.2d at 1217
16 (emphasis added).

17 *Kahn v. Orme*, 108 Nev. 510, 513, 835 P.2d 790, 792-93 (1992)(emphasis added).

18 The acceptable procedures to satisfy the requirement that a "meritorious defense" be
19 shown are as follows:

20 (1) the fact testimony or affidavit of one possessing testimonial qualifications,
21 which factual information, if true, would tend to establish a defense to all or
22 part of the claim for relief asserted; or (2) the opinion of counsel for a party,
23 based upon facts related to him (without setting forth such facts), that a
24 meritorious defense exists to all or part of the claim for relief asserted; or (3)
25 the tendering of a responsive pleading in good faith, with the moving papers,
26 which responsive pleading, if true, would tend to establish a meritorious
27 defense to all or part of the claim for relief asserted; or (4) any combination of
28 the above.

29 *Hotel Last Frontier Corp.*, 79 Nev. at 155, 380 P.2d at 295.

30 In this case, Zandian fails to show that there was prompt application to remove the
31 judgment or an absence of intent to delay the proceedings. There is nothing in Zandian's
32 motion to dismiss on either subject.

33 On the other hand, the facts demonstrate that Zandian and his counsel had notice of the
34 action and the default early on. In fact, on December 2, 2010, a default was entered against

1 Zandian. Plaintiff then filed and served a Notice of Entry of Default on Zandian on December
2 7, 2010 and on his last known attorney on December 16, 2010. On February 25, 2011,
3 Plaintiff filed in this Court and served a certificate of service indicating that the application for
4 entry of default against Zandian was sent to attorney John Peter Lee. On February 28, 2011,
5 Plaintiff filed an application for default judgment against Defendants Zandian, Optima
6 Technology Corporation, a California Corporation, and Optima Technology Corporation, a
7 Nevada Corporation. On March 1, 2011, a default judgment was entered against Zandian and
8 the other defendants for \$121,594.46. On March 7, 2011, notice of entry of that default was
9 filed and served by mail on Zandian and his counsel.

10 Notwithstanding the many notices provided to Zandian and his counsel, Zandian only
11 now seeks to cursorily "set aside" the default judgment. However, Zandian **provides no**
12 **explanation for the delay in responding to the default judgment** and he does not provide
13 any basis upon which to demonstrate an absence of intent to delay the proceedings. Zandian
14 only improperly attacks the action itself on the basis of jurisdiction and insufficiency of
15 service of process.

16 Zandian does not show any evidence of "*a lack of knowledge of procedural*
17 *requirements*" regarding setting aside a default judgment. None. To the contrary, Zandian
18 only points to NRCP 60(b) in his request to set aside the default judgment, and he only
19 grounds his request on service of process and jurisdiction. See Motion to Dismiss, dated
20 6/8/11, 6:9-10, on file herein.

21 Zandian fails to even bring a true motion to set aside and therefore has failed to bring a
22 motion to set aside in good faith. Zandian's motion is merely a motion to dismiss with a minor
23 reference to the procedural rule for setting aside the default, which constitutes bad faith.

24 Zandian does not proffer any defense, nor does he even indicate that a meritorious
25 defense exists. Zandian fails to provide this Court with any fact testimony or affidavit, which,
26 if true, would tend to establish a defense to all or part of the claims asserted. Zandian fails to
27 provide any opinion of counsel that a meritorious defense exists to all or part of the claims.

28 Zandian did not tender a responsive pleading in good faith, with the moving papers, which

1 responsive pleading, if true, would tend to establish a meritorious defense to all or part of the
2 claims. In short, Zandian has completely failed to show that he has a meritorious defense to
3 any of the claims asserted in the Complaint.

4 As a result of the above facts, Zandian has not and cannot meet the burden necessary to
5 allow this Court to set aside the default judgment.

6 **F. COUNTERMOTION TO STRIKE MOTION TO DISMISS AS ZANDIAN**
7 **PREVIOUSLY WAIVED HIS OBJECTIONS TO PERSONAL JURISDICTION,**
8 **PROCESS, OR SERVICE OF PROCESS**

9 NRCP 12(f) allows motions to strike as follows:

10 Upon motion made by a party before responding to a pleading or, if no
11 responsive pleading is permitted by these rules, upon motion made by a party
12 within 20 days after the service of the pleading upon the party or upon the
13 court's own initiative at any time, the court may order stricken from any
14 pleading any insufficient defense or any redundant, immaterial, impertinent, or
15 scandalous matter.

16 NRCP 12(f)(emphasis added).

17 In this case, after a default judgment was entered and noticed, Zandian has now
18 improperly filed a motion to dismiss on the grounds that this Court lacks jurisdiction over
19 Zandian. The motion to dismiss is improper because Zandian waived such defenses by not
20 objecting to insufficiency of service of process or lack of jurisdiction in a timely motion to
21 dismiss or a timely answer: "Objections to personal jurisdiction, process, or service of process
22 are waived, however, if not made in a timely motion or not included in a responsive
23 pleading such as an answer. *Hansen v. Eighth Judicial Dist. Court ex rel. County of Clark*,
24 116 Nev. 650, 656, 6 P.3d 982, 986 (2000).²⁵

25 Zandian clearly did not file a timely motion to dismiss or any other timely responsive
26 pleading regarding his objections to personal jurisdiction, process, or service of process.

27 Therefore, Zandian has waived any such defenses. As a result, Plaintiff now respectfully

28 ²⁵ This is consistent with NRCP 12(h)(1), which states as follows: "A defense of lack of jurisdiction over the person, insufficiency of process, or insufficiency of service of process is waived (A) if omitted from a motion in the circumstances described in subdivision (g), or (B) if it is neither made by motion under this rule nor included in a responsive pleading or an amendment thereof permitted by Rule 15(a) to be made as a matter of course."

1 requests that this Court strike Zandian's motion to dismiss based upon the fact that such
2 waived defenses are now an "insufficient defense" to object to this Court's jurisdiction.

3 **G. COUNTERMOTION FOR LEAVE TO AMEND THE COMPLAINT**

4 This countermotion is made and based upon NRCP 15(a) which states that leave to
5 amend a party's pleading "shall be freely given when justice so requires."

6 If the Court is willing to either dismiss or set aside the default judgment, then, and only
7 then, Plaintiff respectfully requests leave to amend the Complaint to properly reference
8 Zandian's actions in the Arizona case and to re-serve Zandian in a manner that Zandian cannot
9 complain of any further.

10 For instance, Plaintiff states in the Complaint that in the Arizona action, "Mr. Margolin
11 and OTG filed a cross-claim for declaratory relief against Zandian in order to obtain legal title
12 to their respective patents." See Complaint, ¶ 17. While Zandian effectively represents to this
13 Court that he was not involved in the Arizona action, it is absolutely true that Zandian signed
14 the fraudulent patent assignments on behalf of Optima Technology Corporation, which
15 fraudulent assignments led to the instant action. It is by and through the fraudulent actions of
16 one individual, Zandian, which created the Arizona action and the instant action. However,
17 Plaintiff recognizes that Optima Technology Corporation was the entity behind
18 hid in the Arizona action. Plaintiff is willing to amend the Complaint to so alle

19 In addition, if the Court finds there is insufficiency of service of process
20 respectfully requests this Court's assistance in obtaining a current address from
21 counsel as to where Zandian can be "properly" served with a summons and con
22 Plaintiff would be more than willing to re-allege in an amended complaint the current
23 residence of Zandian, wherever that may be.

24 However, Plaintiff vehemently rejects any notion that Plaintiff fraudulently alleged the
25 residence of Zandian in the original Complaint or any other fact in the Complaint. The
26 attached property records and business records show that Zandian has represented to the
27 subject counties and state of Nevada that his addresses were in both Nevada and California.

28

1 Moreover, when asked for assistance in serving Zandian, his counsel refused to
2 respond or assist.²⁶ Instead, Zandian slurs Plaintiff with allegations of fraud regarding
3 Zandian's residence or whereabouts. Then Zandian states that his residency "was at all times
4 in California", without telling the Court where in California he resides. In fact, Zandian fails
5 to ever deny that he resided in Fair Oaks, California, where he was served with the summons
6 and complaint. See Affidavit of Service, dated 2/18/10, attached hereto as Exhibit 2.

7 **IV. CONCLUSION**

8 Based upon the foregoing, Plaintiff respectfully requests that this Court deny Zandian's
9 motion to dismiss and grant Plaintiff's countermotions. More specifically, Plaintiff has
10 demonstrated that Zandian was properly served and jurisdiction is proper. Moreover, Zandian
11 failed to bring a timely motion to dismiss and therefore Zandian waived any objections to
12 jurisdiction or insufficiency of process. Therefore, the motion to dismiss should be denied and
13 stricken accordingly.

14 Zandian also failed to bring a proper motion to set aside and therefore any such motion
15 should be denied.

16 Finally, if this Court decides to grant any of Zandian's requests, then Plaintiff
17 respectfully requests leave to amend the Complaint in order to remedy any defects therein.

18 \\\

19 \\\

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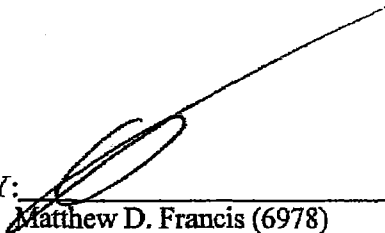
27 ²⁶ See Letter, dated 1/8/10, from Cassandra Joseph to John Peter Lee, attached hereto as Exhibit 3. John Peter
28 Lee never responded to Cassandra Joseph's request for assistance in serving Zandian and the Defendant entities.
At least, Mr. Lee never responded until well after the default was entered by filing the instant motion, even
though he represented Zandian prior to this action.

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AFFIRMATION PURSUANT TO P.S. 239B.030

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

Dated this 22nd day of June, 2011.

BY: 
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

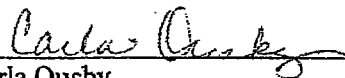
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CERTIFICATE OF SERVICE

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, **OPPOSITION TO MOTION TO DISMISS AND COUNTERMOTIONS TO STRIKE AND FOR LEAVE TO AMEND THE COMPLAINT**, addressed as follows:

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

Dated: June 22, 2011



Carla Ousby

INDEX OF EXHIBITS

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DECEMBER 10, 2007

PTAS

OPTIMA TECHNOLOGY CORPORATION (NV)
C/O JOHN PETER LEE LIMITED
830 LAS VEGAS BOULEVARD SOUTH
LAS VEGAS, NEVADA 89101

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BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

MARGOLIN, JED

DOC DATE: 12/05/2007

ASSIGNEE:

OPTIMA TECHNOLOGY CORPORATION (NV)
830 LAS VEGAS BOULEVARD SOUTH
C/O JOHN PETER LEE LIMITED
LAS VEGAS, NEVADA 89101

SERIAL NUMBER: 08513298

FILING DATE: 08/09/1995

PATENT NUMBER: 5566073

ISSUE DATE: 10/15/1996

TITLE: PILOT AID USING SYNTHETIC REALITY

SERIAL NUMBER: 08587731

FILING DATE: 01/19/1996

PATENT NUMBER: 5904724

ISSUE DATE: 05/18/1999

TITLE: METHOD AND APPARATUS FOR REMOTELY PILOTING AN AIRCRAFT

020218/0085 PAGE 2

SERIAL NUMBER: 09543252
PATENT NUMBER: 6377436

FILING DATE: 04/05/2000
ISSUE DATE: 04/23/2002

TITLE: MICROWAVE TRANSMISSION USING A LASER-GENERATED PLASMA BEAM WAVEGUIDE

SERIAL NUMBER: 09148045
PATENT NUMBER: 5978488
TITLE: SIMULATED AM RADIO

FILING DATE: 09/03/1998
ISSUE DATE: 11/02/1999

THERESA FREDERICK, EXAMINER
ASSIGNMENT SERVICES BRANCH
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To the Director of the U.S. Patent and Trademark Office: Please record the attached documents or the new address(es) below.

1. Name of conveying party(ies) Jed Margolin based on Power of Attorney dated July 20, 2004 to: Optima Technology Corporation (CA) Additional name(s) of conveying party(ies) attached? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	2. Name and address of receiving party(ies) Name: <u>Optima Technology Corporation (NV)</u> Internal Address: <u>c/o John Peter Lee Limited</u> Street Address: <u>830 Las Vegas Boulevard South</u> City: <u>Las Vegas</u> State: <u>Nevada</u> Country: <u>U.S.A.</u> Zip: <u>89101</u> Additional name(s) & address(es) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
3. Nature of conveyance/Execution Date(s): Execution Date(s) <u>December 5, 2007</u> <input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Agreement <input type="checkbox"/> Change of Name <input type="checkbox"/> Joint Research Agreement <input type="checkbox"/> Government Interest Assignment <input type="checkbox"/> Executive Order 9424, Confirmatory License <input type="checkbox"/> Other	Additional name(s) & address(es) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
4. Application or patent number(s): <input type="checkbox"/> This document is being filed together with a new application. A. Patent Application No.(s) B. Patent No.(s) <u>6,568,073</u> <u>6,904,724</u> <u>6,377,486</u> <u>5,978,488</u> Additional numbers attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Additional numbers attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
5. Name and address to whom correspondence concerning document should be mailed: Name: <u>Optima Technology Corporation (NV)</u> Internal Address: <u>c/o John Peter Lee Limited</u> Street Address: <u>830 Las Vegas Boulevard South</u> City: <u>Las Vegas</u> State: <u>Nevada</u> Zip: <u>89101</u> Phone Number: <u>702-382-4044</u> Fax Number: <u>702-382-8950</u> Email Address: <u>info@johnpeterlee.com</u>	6. Total number of applications and patents involved: <u>4</u> 7. Total fee (37 CFR 1.21(h) & 3.41) \$ 150.00 <input checked="" type="checkbox"/> Authorized to be charged by credit card <input type="checkbox"/> Authorized to be charged to deposit account <input type="checkbox"/> Enclosed <input type="checkbox"/> None required (government interest not affecting title) 8. Payment Information a. Credit Card Last 4 Numbers <u>1004</u> Expiration Date <u>01/09</u> b. Deposit Account Number _____ Authorized User Name _____
9. Signature: _____ <u>12/05/2007</u> Signature Date Optima Technology Corporation (a California Corporation) Total number of pages including cover sheet, attachments, and documents: <u>7</u> Name of Person Signing	

OP \$160.00 5586073

Documents to be recorded (including cover sheet) should be filed to (SP1) 273-6140, or mailed to:
Mail Stop Assignment Recordation Services, Director of the USPTO, P.O. Box 1450, Alexandria, VA 22312-1450



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

700352578A

700352578A

DECEMBER 10, 2007

PTAS

OPTIMA TECHNOLOGY COPORATION (NV)
C/O JOHN PETER LEE LIMITED
630 LAS VEGAS BPULEVARD SOUTH
LAS VEGAS, NEVADA 89101

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 571-272-3350. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, MAIL STOP: ASSIGNMENT SERVICES BRANCH, P.O. BOX 1450, ALEXANDRIA, VA 22313.

RECORDATION DATE: 12/05/2007

REEL/FRAME: 020218/0089
NUMBER OF PAGES: 5

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

MARGOLIN, JED BASED ON POWER OF
ATTORNEY DATED JULY 20, 2004 TO:
OPTIMA TECHNOLOGY CORPORATION
(CA)

DOC DATE: 12/05/2007

ASSIGNEE:

OPTIMA TECHNOLOGY CORPORATION (NV)
830 LAS VEGAS BOULEVARD SOUTH
C/O JOHN PETER LEE LIMITED
LAS VEGAS, NEVADA 89101

SERIAL NUMBER: 08513298

FILING DATE: 08/09/1995

PATENT NUMBER: 5566073

ISSUE DATE: 10/15/1996

TITLE: PILOT AID USING SYNTHETIC REALITY

020218/0089 PAGE 2

SERIAL NUMBER: 08587731

FILING DATE: 01/19/1996

PATENT NUMBER: 5904724

ISSUE DATE: 05/18/1999

TITLE: METHOD AND APPARATUS FOR REMOTELY PILOTING AN AIRCRAFT

SERIAL NUMBER: 09543252

FILING DATE: 04/05/2000

PATENT NUMBER: 6377436

ISSUE DATE: 04/23/2002

TITLE: MICROWAVE TRANSMISSION USING A LASER-GENERATED PLASMA BEAM WAVEGUIDE

SERIAL NUMBER: 09148045

FILING DATE: 09/03/1998

PATENT NUMBER: 5978488

ISSUE DATE: 11/02/1999

TITLE: SIMULATED AM RADIO

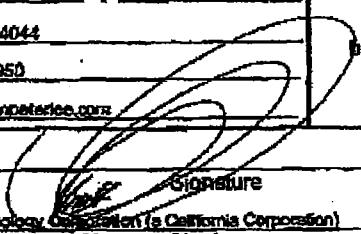
THERESA FREDERICK, EXAMINER
ASSIGNMENT SERVICES BRANCH
PUBLIC RECORDS DIVISION

Form PTO-1595 (Rev. 07/05)
OMB No. 0651-0027 (exp. 5/30/2008)

U.S. DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

RECORDATION FORM COVER SHEET
PATENTS ONLY

To the Director of the U.S. Patent and Trademark Office: Please record the attached documents of the new address(es) below.

1. Name of conveying party(ies) Jed Margolin based on Power of Attorney dated July 20, 2004 to: Optima Technology Corporation (CA)		2. Name and address of receiving party(ies) Name: <u>Optima Technology Corporation (NV)</u> Internal Address: <u>c/o John Peter Lee Limited</u>	
Additional name(s) of conveying party(ies) attached? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		Street Address: <u>890 Las Vegas Boulevard South</u>	
3. Nature of conveyance/Execution Date(s): Execution Date(s) <u>December 5, 2007</u> <input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Agreement <input type="checkbox"/> Change of Name <input type="checkbox"/> Joint Research Agreement <input type="checkbox"/> Government Interest Assignment <input type="checkbox"/> Executive Order 9424, Confirmatory License <input type="checkbox"/> Other		City: <u>Las Vegas</u> State: <u>Nevada</u> Country: <u>U.S.A.</u> Zip: <u>89101</u>	
4. Application or patent number(s): A. Patent Application No.(s)		<input type="checkbox"/> This document is being filed together with a new application. B. Patent No.(s) <u>6,666,073</u> <u>5,904,724</u> <u>6,377,436</u> <u>5,978,488</u>	
Additional numbers attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		5. Name and address to whom correspondence concerning document should be mailed: Name: <u>Optima Technology Corporation (NV)</u> Internal Address: <u>c/o John Peter Lee Limited</u> Street Address: <u>890 Las Vegas Boulevard South</u> City: <u>Las Vegas</u> State: <u>Nevada</u> Zip: <u>89101</u> Phone Number: <u>702-382-4044</u> Fax Number: <u>702-382-9950</u> Email Address: <u>info@johnpeterlee.com</u>	
6. Total number of applications and patents involved: <u>4</u>		7. Total fee (37 CFR 1.21(h) & 3.41) <u>\$ 160.00</u> <input checked="" type="checkbox"/> Authorized to be charged by credit card <input type="checkbox"/> Authorized to be charged to deposit account <input type="checkbox"/> Enclosed <input type="checkbox"/> None required (government interest not affecting title)	
8. Payment Information a. Credit Card Last 4 Numbers <u>1004</u> Expiration Date <u>01/09</u> b. Deposit Account Number _____ Authorized User Name _____		9. Signature:  Signature _____ Date <u>12/5/2007</u> Optima Technology Corporation (a California Corporation) Name of Person Signing _____	
Total number of pages including cover sheet, attachments, and documents: <u>7</u>			

CP \$160.00 5569073

Documents to be recorded (including cover sheet) should be filed to (611) 273-0148, or mailed to:
Mail Stop Assignment Recordation Services, Director of the USPTO, P.O. Box 1450, Alexandria, VA, 22313-1450

020227/0287 PAGE 2

SERIAL NUMBER: 09543252

FILING DATE: 04/05/2000

PATENT NUMBER: 6377436

ISSUE DATE: 04/23/2002

TITLE: MICROWAVE TRANSMISSION USING A LASER-GENERATED PLASMA BEAM WAVEGUIDE

SERIAL NUMBER: 09148045

FILING DATE: 09/03/1998

PATENT NUMBER: 5978488

ISSUE DATE: 11/02/1999

TITLE: SIMULATED AM RADIO

MARCUS KIRK, EXAMINER
ASSIGNMENT SERVICES BRANCH
PUBLIC RECORDS DIVISION

020227/0287 PAGE 2

SERIAL NUMBER: 09543252

FILING DATE: 04/05/2000

PATENT NUMBER: 6377436

ISSUE DATE: 04/23/2002

TITLE: MICROWAVE TRANSMISSION USING A LASER-GENERATED PLASMA BEAM WAVEGUIDE

SERIAL NUMBER: 09148045

FILING DATE: 09/03/1998

PATENT NUMBER: 5978488

ISSUE DATE: 11/02/1999

TITLE: SIMULATED AM RADIO

MARCUS KIRK, EXAMINER
ASSIGNMENT SERVICES BRANCH
PUBLIC RECORDS DIVISION

12/07/2007
700352860

Form PTO-1535 (Rev. 07/05)
OMB No. 0651-0027 (exp. 6/30/2006)

U.S. DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

RECORDATION FORM COVER SHEET
PATENTS ONLY

To the Director of the U.S. Patent and Trademark Office: Please record the attached documents or the new address(es) below.

1. Name of conveying party(ies) Jed Margolin based on Power of Attorney dated July 20, 2004 for Optima Technology Corporation (CA)		2. Name and address of receiving party(ies) Name: <u>Optima Technology Corporation (NV)</u> Internal Address: <u>c/o John Peter Lee Limited</u> Street Address: <u>830 Las Vegas Boulevard South</u> City: <u>Las Vegas</u> State: <u>Nevada</u> Country: <u>U.S.A.</u> Zip: <u>89101</u> Additional name(s) & address(es) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Additional name(s) of conveying party(ies) attached? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		3. Nature of conveyance/Execution Date(s): Execution Date(s) <u>December 5, 2007</u> <input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Agreement <input type="checkbox"/> Change of Name <input type="checkbox"/> Joint Research Agreement <input type="checkbox"/> Government Interest Assignment <input type="checkbox"/> Executive Order 9424, Confirmatory License <input type="checkbox"/> Other	
4. Application or patent number(s): <input type="checkbox"/> This document is being filed together with a new application. A. Patent Application No.(s) B. Patent No.(s) <u>5,568,073</u> <u>5,904,724</u> <u>6,377,436</u> <u>5,978,488</u> Additional numbers attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
5. Name and address to whom correspondence concerning document should be mailed: Name: <u>Optima Technology Corporation (NV)</u> Internal Address: <u>c/o John Peter Lee Limited</u> Street Address: <u>830 Las Vegas Boulevard South</u> City: <u>Las Vegas</u> State: <u>Nevada</u> Zip: <u>89101</u> Phone Number: <u>702-382-4044</u> Fax Number: <u>702-383-8850</u> Email Address: <u>info@johnpeterlee.com</u>		6. Total number of applications and patents involved: <u>4</u> 7. Total fee (37 CFR 1.21(h) & 3.41) \$160.00 <input checked="" type="checkbox"/> Authorized to be charged by credit card <input type="checkbox"/> Authorized to be charged to deposit account <input type="checkbox"/> Enclosed <input type="checkbox"/> None required (government interest not affecting title)	
8. Signature: <u>Jed Margolin by [Signature]</u> <u>his Attorney in fact</u> Optima Technology Corporation (a California Corporation) Name of Person Signing		8. Payment Information a. Credit Card Last 4 Numbers <u>1004</u> Expiration Date <u>01/09</u> b. Deposit Account Number _____ Authorized User Name _____	
Signature Date: <u>12/5/2007</u>		Total number of pages including cover sheet, attachments, and documents: <u>7</u>	

OP \$160.00 5566073

Documents to be recorded (including cover sheet) should be filed to (571) 273-0140, or mailed to:
Mail Stop Assignment Recordation Services, Director of the USPTO, P.O. Box 1450, Alexandria, VA 22312-4450

Optima Technology Corporation

8775 Costa Verde Blvd.
Suite 501, San Diego CA 92122
Phone: 775-450-6833
Fax: 858-625-2460

December 5, 2007

United States Patent Office
Patent Assignment Department

Fax: 571-273-0140

Subject: Assignment of Patents

Dear Sir,

Reference to our telephone conversation of today with Mr. Maurice please find herewith the information cover sheet and credit card payment form and the power of attorney from Mr. Jed Margolin to Optima Technology Corporation for four patents Numbers:

- 5,566,073
- 5,904,724
- 6,377,436
- 5,978,488

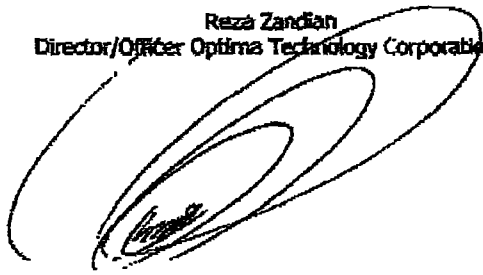
to be assigned to Optima Technology Corporation a Nevada Corporation with the Address:

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

Thank you in advance for your co-operation, please call 775-450-6833 if you have any question.

Truly Yours

Reza Zandian
Director/Officer Optima Technology Corporation







COPY

No. 090C00579 1B

Dept. I

REC'D & FILED
2010 MAR -9 PM 2:15
ALAN GLOVER
BY J. HARRIS
DEPUTY

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

SUMMONS

JED MARGOLIN, an individual
Plaintiff,

^{VS}
Optima Technology Corporation, a California corporation,
Optima Technology Corporation, a Nevada corporation, Reza
Zandian aka Golanreza Zandianjazi aka Gholam Reza Zandian
aka Reza Jazi aka J. Reza Defendant, 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

THE STATE OF NEVADA SENDS GREETINGS TO THE ABOVE-NAMED DEFENDANT:

NOTICE! YOU HAVE BEEN SUED. THE COURT MAY DECIDE AGAINST YOU WITHOUT YOUR BEING HEARD UNLESS YOU RESPOND WITHIN 20 DAYS. READ THE INFORMATION BELOW.

TO THE DEFENDANT: A civil Complaint has been filed by the plaintiff against you.

1. If you wish to defend this lawsuit, you must, within 20 days after this Summons is served on you, exclusive of the day of service, file with this Court a written pleading in response to this Complaint.
2. Unless you respond, your default will be entered upon application of the plaintiff, and this Court may enter a judgment against you for the relief demanded in the Complaint*, which could result in the taking of money or property or the relief requested in the Complaint.
3. If you wish to seek the advice of an attorney in this matter, you should do so promptly so that your response may be filed on time.
4. You are required to serve your response upon plaintiff's attorney, whose address is

ALAN GLOVER
Clerk of Court
By [Signature]
Deputy Clerk

Date 15 December 14, 2009, 20

*Note - When service by publication, insert a brief statement of the object of the action. See Rule 4.

RETURN OF SERVICE ON REVERSE SIDE

FIDAVIT OF SERVICE
(For General Use)

STATE OF CALIFORNIA }
COUNTY OF SACRAMENTO } SS.

ROBERT TOTH, declares under penalty of perjury:
That affiant is, and was on the day when he served the within Summons, over 18 years of age, and not a party to, nor interested in, the within action; that the affiant received the Summons on the 22ND day of JANUARY, 20 10, and personally served the same upon REZA ZANDIAN the within named defendant, on the 2ND day of FEBRUARY, 20 10, by delivering to the said defendant, personally, in FAIR OAKS, County of SACRAMENTO, State of CALIFORNIA, a copy of the Summons attached to a copy of the Complaint.

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

Executed this 12TH day of FEBRUARY, 20 10. Robt Toth
Signature of person making service

STATE OF NEVADA }
CARSON CITY } SS.

NEVADA SHERIFF'S RETURN
(For Use of Sheriff of Carson City)

I hereby certify and return that I received the within Summons on the _____ day of _____, 20 ____; and personally served the same upon _____, the within named defendant, on the _____ day of _____, 20 ____, by delivering to the said defendant, personally, in Carson City, State of Nevada, a copy of the Summons attached to a copy of the Complaint.

Sheriff of Carson City, Nevada

Date: _____, 20 ____ By _____ Deputy

STATE OF NEVADA }
COUNTY OF _____ } SS.

AFFIDAVIT OF MAILING
(For Use When Service is by Publication and Mailing)

_____, declares under penalty of perjury:
That affiant is, and was when the herein described mailing took place, over 18 years of age, and not a party to, nor interested in, the within action; that on the _____ day of _____, 20 ____, affiant deposited in the Post Office at _____, Nevada, a copy of the within Summons attached to a copy of the Complaint, enclosed in a sealed envelope upon which first class postage was fully prepaid, addressed to _____, the within named defendant, at _____; that there is a regular communication by mail between the place of mailing and the place so addressed.
I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

Executed this _____ day of _____, 20 ____.

NOTE - If service is made in any manner permitted by Rule 4 other than personally upon the defendant, or is made outside the United States, a special affidavit or return must be made

1 Jed Margolin v. Optima Technology Corp., et al.
2 Case No. 090C00579 1B
3 Declaration of Robert Toth

4 I, ROBERT TOTH, hereby declare:

5 I am a registered process server for the State of California. I have personal knowledge of
6 the facts contained in this Declaration, and if called as a witness, I could and would competently
7 testify thereto. As to those matters alleged on information and belief, I believe them to be true.

8 I served copies of the Summons and Complaint, on Reza Zandian aka Golanreza
9 Zandianjaza, aka Gholam Reza Zandian, aka Reza Jazi, aka J. Reza Jazi, aka G. Reza Jazi, aka
10 Ghononreza Zanian Jazi:

11 On January 26, 2010 at 8:43 a.m., I went to the residence address at 8401 Bonita Downs
12 Road, Fair Oaks, California 95628. There was no answer at the door.

13 On January 28, 2010 at 3:47 p.m., I returned to the residence again, and there was no
14 answer at the door.

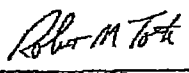
15 On January 31, 2010 at 4:13 p.m., I went the residence address, and again there was no
16 answer at the door.

17 On February 2, 2010 at 5:37 p.m., when I returned to the residence address, I observed no
18 lights on, no cars parked, but that the trash was set out.

19 On February 2, 2010 at 7:21 p.m., I returned to the residence address. The door was
20 answered by an elderly man, described as mid to late-60's, middle eastern accent, 5'4" tall, grey
21 hair, long beard, thin, and wearing glasses. I told him I was looking for Reza. I showed him the
22 name on the documents with the various names, and made a motion that he knew one or more of
23 the names. I showed him the photograph that I had. I told him I had legal documents for Reza,
24 and that I would leave it with him. He took the envelope, opened it and saw the documents. He
25 told me that he did not want the papers and that he did not live there. I told him that we had
26 confirmed that was his address. He returned the envelope back. I told him that he needed to
27 make sure that Reza got the paperwork. I put the envelope by the doorway. He picked up the
28 envelope and threw it at me as I was leaving. I left the documents there and again told him that
he had been served for Reza.

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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration is executed this 18th day of February, at Citrus Heights, California.



ROBERT M. TOTH
Registered Process Server





WATSON
WR
ROUNDS

January 8, 2010

KELLY G. WATSON ¹
MICHAEL D. ROUNDS ¹
MATTHEW D. FRANCIS ²

ARTHUR A. ZORIO ¹
CASSANDRA P. JOSEPH ¹
MELISSA P. BARNARD
RYAN E. JOHNSON
TARA A. SHIROFF
MATTHEW G. HOLLAND
ADAM P. McMILLEN ²
ELIZA BECHTOLD ¹
ADAM YOWELL

OF COUNSEL
MARC D. FOODMAN ^{1,2}

¹ Also licensed in California
² Also licensed in Utah
³ Also licensed in Massachusetts
⁴ Licensed only in California

5371 Kietzke Lane
Reno, Nevada 89511
(775) 324-4100
Fax (775) 333-8171
e-mail: reno@watsonrounds.com

777 North Rainbow Boulevard
Suite 350
Las Vegas, Nevada 89107
(702) 636-4902
Fax (702) 636-4904

One Market-Stewart Tower
Suite 1600
San Francisco, CA 94105
(415) 243-4990
Fax (415) 243-0226

www.watsonrounds.com

Reply to: Reno

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

Re: Optima Technology Corporation and Reza Zandian

Dear Mr. Lee:

We represent Mr. Jed Margolin in a case pending in the First Judicial District Court for the State of Nevada in and for Carson City, Case No. 09 0C 00579 1B captioned *Jed Margolin v. Optima Technology Corporation (CA), Optima Technology Corporation (NV), Reza Zandian aka Golamreza Zandianjazi aka aka Gholam Reza Zandian, aka Reza Jazi, aka J. Reza Jazi, aka G. Reza Jazi, aka Ghonoreza Zandian Jazi* (the Action). Copies of the summonses and complaint filed in the Action are enclosed.

We understand that at one time you represented one or more of the Defendants named in the Action. We are attempting to effectuate service of the enclosed summonses and complaint on Mr. Zandian and the Defendant entities and have been unsuccessful thus far. Please inform me whether you currently represent Mr. Zandian or the Defendant entities, and if so, whether you will accept service on behalf of any of the Defendants. If you refuse or cannot accept service on behalf of any of the Defendants, please provide any information possible regarding the whereabouts of any of the Defendants. Alternatively, please provide copies of the summonses and complaint to the Defendants.

Please inform me by January 29, 2010 whether or not you will accept service of the summonses and complaint on behalf of any of the Defendants, or whether you



John Peter Lee, Esq.
January 8, 2010
Page 2

will take any other action requested herein. I look forward to hearing from you.

Sincerely,

A handwritten signature in cursive script, appearing to read "Cassandra P. Joseph".

Cassandra P. Joseph
WATSON ROUNDS
A Professional Corporation

COPY

Case No.: 09 DC 00579 1B

Dept. No.: I

REC'D & FILED

2009 DEC 11 PM 4:07

BY ANGLOVER CLERK
LALE 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.

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

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 **Claim 1--Conversion**
24 **(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.

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

follows:

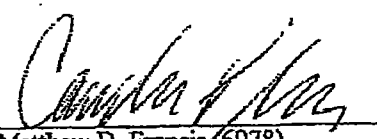
1. That Plaintiff be awarded damages for Defendants' tortious conduct;
2. That Plaintiff be awarded damages for Defendants' unjust enrichment;
3. That Plaintiff be awarded damages for Defendants' commission of unfair and deceptive trade practices, in an amount to be proven at trial, with said damages being trebled pursuant to NRS 598.0999;
4. That Plaintiff be awarded actual, consequential, future, and punitive damages of whatever type or nature;
5. That the Court award all such further relief that it deems just and proper.

AFFIRMATION

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

DATED: December 10, 2009

WATSON ROUNDS



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

Exhibit 1

Exhibit 1

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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.

20
21
22 

23 Raner C. Collins
24 United States District Judge
25
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GENERAL INFORMATION	
PARCEL	071-02-000-005
OWNER AND MAILING ADDRESS	ZANDIAN REZA 8775 COSTA VERDE #501 SAN DIEGO CA 92122-5343
LOCATION ADDRESS CITY/UNINCORPORATED TOWN	MOAPA VALLEY
ASSESSOR DESCRIPTION	PT NE4 NE4 SEC 02 16 68 SEC 02 TWP 16 RNG 68
RECORDED DOCUMENT NO.	* 20050419:04639
RECORDED DATE	04/19/2005
VESTING	NO STATUS

*Note: Only documents from September 15, 1999 through present are available for viewing.

ASSESSMENT INFORMATION AND SUPPLEMENTAL VALUE	
TAX DISTRICT	826
APPRAISAL YEAR	2010
FISCAL YEAR	10-11
SUPPLEMENTAL IMPROVEMENT VALUE	0
SUPPLEMENTAL IMPROVEMENT ACCOUNT NUMBER	N/A

REAL PROPERTY ASSESSED VALUE		
FISCAL YEAR	2010-11	2011-12
LAND	7000	5250
IMPROVEMENTS	0	0
PERSONAL PROPERTY	0	0
EXEMPT	0	0
GROSS ASSESSED (SUBTOTAL)	7000	5250
TAXABLE LAND+IMP (SUBTOTAL)	20000	15000
COMMON ELEMENT ALLOCATION ASSD	0	0
TOTAL ASSESSED VALUE	7000	5250
TOTAL TAXABLE VALUE	20000	15000

ESTIMATED LOT SIZE AND APPRAISAL INFORMATION	
ESTIMATED SIZE	10.00 Acres
ORIGINAL CONST. YEAR	0
LAST SALE PRICE MONTH/YEAR	24000 04/05
LAND USE	0-00 VACANT
DWELLING UNITS	0

GENERAL INFORMATION	
PARC ID	071-02-000-013
OWNER AND MAILING ADDRESS	ZANDIAN REZA 8775 COSTA VERDE #501 SAN DIEGO CA 92122-5343
LOCATION ADDRESS CITY/UNINCORPORATED TOWN	MOAPA VALLEY
ASSESSOR DESCRIPTION	PT SE4 NE4 SEC 02 16 68 SEC 02 TWP 16 RNG 68
RECORDED DOCUMENT NO.	* 20050420:00563
RECORDED DATE	04/20/2005
VESTING	NO STATUS

*Note: Only documents from September 15, 1999 through present are available for viewing.

ASSESSMENT INFORMATION AND SUPPLEMENTAL VALUE	
TAX DISTRICT	826
APPRAISAL YEAR	2010
FISCAL YEAR	10-11
SUPPLEMENTAL IMPROVEMENT VALUE	0
SUPPLEMENTAL IMPROVEMENT ACCOUNT NUMBER	N/A

REAL PROPERTY ASSESSED VALUE		
FISCAL YEAR	2010-11	2011-12
LAND	14000	10500
IMPROVEMENTS	0	0
PERSONAL PROPERTY	0	0
EXEMPT	0	0
GROSS ASSESSED (SUBTOTAL)	14000	10500
TAXABLE LAND+IMP (SUBTOTAL)	40000	30000
COMMON ELEMENT ALLOCATION ASSD	0	0
TOTAL ASSESSED VALUE	14000	10500
TOTAL TAXABLE VALUE	40000	30000

ESTIMATED LOT SIZE AND APPRAISAL INFORMATION	
ESTIMATED SIZE	20.00 Acres
ORIGINAL CONST. YEAR	0
LAST SALE PRICE MONTH/YEAR	40000 04/05
LAND USE	0-00 VACANT
DWELLING UNITS	0



1

Zandian's Washoe County Properties - Jed Margolin 4/17/2011

From Washoe County Web site - Assessor's Database: <http://www.co.washoe.nv.us/assessor/cama/search.php>
(from a search for "Zandian") April 14, 2011 by Jed Margolin

APN	Card	Situs		
Owner Name		Mailing Address		Last Transaction Date
079-150-12	1	STATE ROUTE 447		
REZA ZANDIAN		PO BOX 927674	SAN DIEGO CA 92192	06/27/2005
079-150-09	1	STATE ROUTE 447		
REZA ZANDIAN		PO BOX 81624	LAS VEGAS NV 89180	05/12/2009
079-150-10	1	STATE ROUTE 447		
REZA ZANDIAN		PO BOX 81624	LAS VEGAS NV 89180	05/12/2009
079-150-13	1	STATE ROUTE 447		
REZA ZANDIAN		PO BOX 81624	LAS VEGAS NV 89180	05/12/2009
084-040-02	1	PIERSON CANYON RD		
REZA ZANDIAN		PO BOX 81624	LAS VEGAS NV 89180	05/12/2009
084-040-04	1	E INTERSTATE 80		
REZA ZANDIAN		PO BOX 81624	LAS VEGAS NV 89180	05/12/2009
084-040-06	1	E INTERSTATE 80		
REZA ZANDIAN		PO BOX 81624	LAS VEGAS NV 89180	05/12/2009
084-040-10	1	E INTERSTATE 80		
REZA ZANDIAN		PO BOX 81624	LAS VEGAS NV 89180	05/12/2009
084-130-07	1	E INTERSTATE 80		
REZA ZANDIAN		PO BOX 81624	LAS VEGAS NV 89180	05/12/2009
084-140-17	1	E INTERSTATE 80		
REZA ZANDIAN		PO BOX 81624	LAS VEGAS NV 89180	05/12/2009

079-150-12 1 STATE ROUTE 447
RESA ZANDIAN PO BOX 927674 SAN DIEGO CA 92192 06/27/2005

160 acres

County Home => Assessor's Office => Property Assessment Data Search => Parcel Search => Ownership

APN 079-150-12

Owner or Trustee % Ownership

ZANDIAN, RESA et al
FOUGHANI, NILOOFAR

079-150-09 1 STATE ROUTE 447
REZA ZANDIAN PO BOX 81624 LAS VEGAS NV 89180 05/12/2009

560 acres

County Home => Assessor's Office => Property Assessment Data Search => Parcel Search => Ownership

APN 079-150-09

Owner or Trustee % Ownership

SADRI LIVING TRUST TTEE et al	
SADRI, TRUSTEE, FRED	33
ZANDIAN, REZA	33
KOROGHLI MANAGEMENT TRST, TRST	33
KOROGHLI, TRUSTEE, RAY TTEE	
KOROGHLI, TRUSTEE, SATHSOWI T TTEE	

079-150-10 1 STATE ROUTE 447
 REZA ZANDIAN PO BOX 81624 LAS VEGAS NV 89180 05/12/2009

639 acres

[County Home](#) => [Assessor's Office](#) => [Property Assessment Data Search](#) => [Parcel Search](#) => [Ownership](#)

APN 079-150-10

Owner or Trustee	% Ownership
------------------	-------------

SADRI LIVING TRUST TTEE et al	
SADRI, TRUSTEE, FRED	33
ZANDIAN, REZA	33
KOROGHLI MANAGEMENT TRUST, TRST	33
KOROGHLI, TRUSTEES, RAY TTEE	
KOROGHLI, TRUSTEE, SATHSOWI T TTEE	

079-150-13 1 STATE ROUTE 447
 REZA ZANDIAN PO BOX 81624 LAS VEGAS NV 89180 05/12/2009

560 acres

[County Home](#) => [Assessor's Office](#) => [Property Assessment Data Search](#) => [Parcel Search](#) => [Ownership](#)

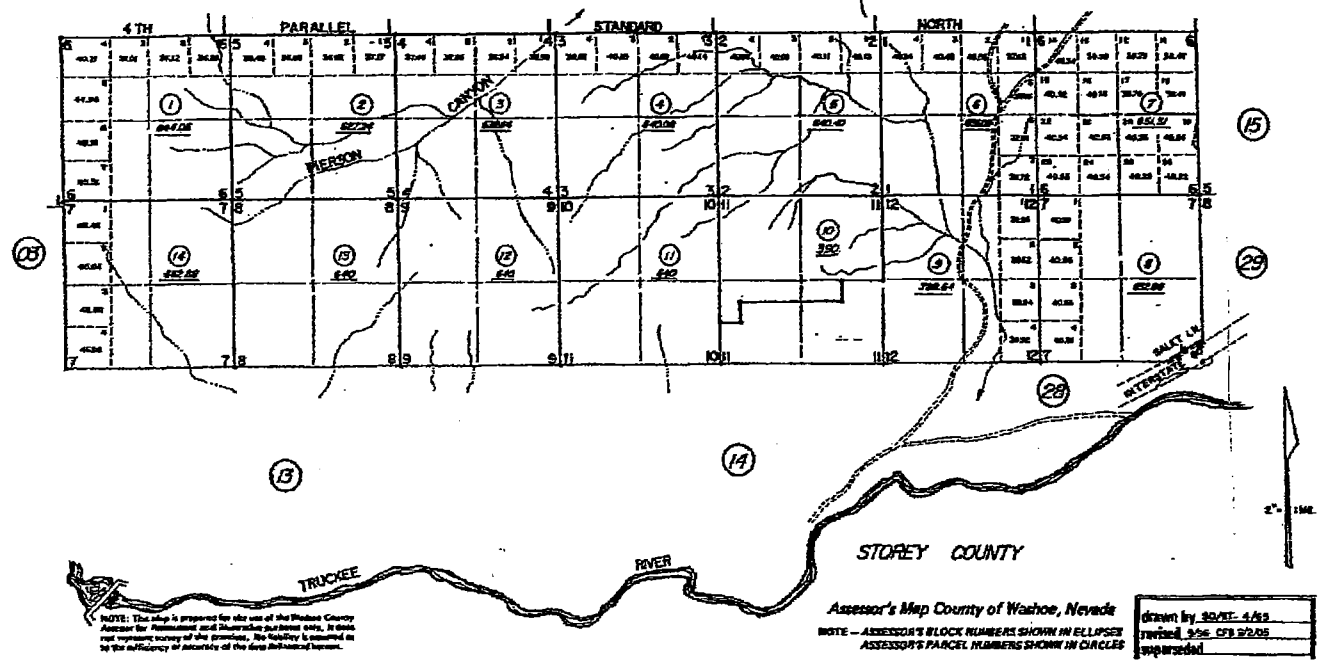
APN 079-150-13

Owner or Trustee	% Ownership
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SADRI LIVING TRUST TTEE et al	
SADRI, TRUSTEE, FRED	33
ZANDIAN, REZA	33
KOROGHLI MGMT TRUST, TRST	33
KOROGHLI, TTEE, RAY TTEE	
KOROGHLI, TTEE, SATHSOWI T TTEE	

PORTION OF N²-T.20N.-R.23E.
SECTIONS 6 & 7 - T.20N.-R.24E.

BOOK 79



084-040-02 1 PIERSON CANYON RD
REZA ZANDIAN PO BOX 81624 LAS VEGAS NV 89180 05/12/2009

627 acres

County Home => Assessor's Office => Property Assessment Data Search => Parcel Search => Ownership

APN 084-040-02	
Owner or Trustee	% Ownership
SADRI LIVING TRUST TTEE et al	
SADRI, TRUSTEE, FRED	33
ZANDIAN, REZA	33
KOROGHLI MGMT TRST, TRST	33
KOROGHLI, TTEE, RAY TTEE	
KOROGHLI, TTEE, SATHSOWI T TTEE	

084-040-04 1 E INTERSTATE 80
REZA ZANDIAN PO BOX 81624 LAS VEGAS NV 89180 05/12/2009

640 acres

[County Home](#) => [Assessor's Office](#) => [Property Assessment Data Search](#) => [Parcel Search](#) => [Ownership](#)

APN 084-040-04

Owner or Trustee	% Ownership
SADRI LIVING TRUST TTEE et al	
SADRI, TRUSTEE, FRED	33
ZANDIAN, REZA	33
KOROGHLI MGMT TRST, TRST	33
KOROGHLI, TTEE, RAY TTEE	
KOROGHLI, TTEE, SATHSOWI T TTEE	

084-040-06 1 E INTERSTATE 80
REZA ZANDIAN PO BOX 81624 LAS VEGAS NV 89180 05/12/2009

633 acres

[County Home](#) => [Assessor's Office](#) => [Property Assessment Data Search](#) => [Parcel Search](#) => [Ownership](#)

APN 084-040-06

Owner or Trustee	% Ownership
SADRI LIVING TRUST TTEE et al	
SADRI, TRUSTEE, FRED	33
ZANDIAN, REZA	33
KOROGHLI MGMT TRST, TRST	33
KOROGHLI, TTEE, RAY TTEE	
KOROGHLI, TTEE, SATHSOWI T	

084-040-10 1 E INTERSTATE 80
REZA ZANDIAN PO BOX 81624 LAS VEGAS NV 89180 05/12/2009

390 acres

[County Home](#) => [Assessor's Office](#) => [Property Assessment Data Search](#) => [Parcel Search](#) => [Ownership](#)

APN 084-040-10	
Owner or Trustee	% Ownership
SADRI LIVING TRUST TTEE et al	
SADRI, TRUSTEE, FRED	33
ZANDIAN, REZA	33
KOROGHLI MGMT TRST, TRST	33
KOROGHLI, TTEE, RAY TTEE	
KOROGHLI, TTEE, SATHSOWI T TTEE	

084-130-07 1 E INTERSTATE 80
REZA ZANDIAN PO BOX 81624 LAS VEGAS NV 89180 05/12/2009

275 acres

[County Home](#) => [Assessor's Office](#) => [Property Assessment Data Search](#) => [Parcel Search](#) => [Ownership](#)

APN 084-130-07	
Owner or Trustee	% Ownership
SADRI LIVING TRUST TTEE et al	
SADRI, TRUSTEE, FRED	33
ZANDIAN, REZA	33
KOROGHLI MGMT TRUST, TRST	33
KOROGHLI, TTEE, RAY TTEE	
KOROGHLI, TTEE, SATHSOWI T TTEE	

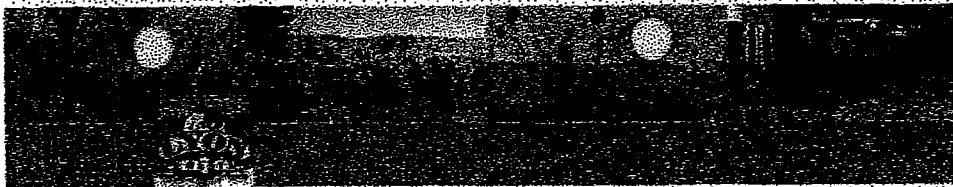
084-140-17 1 E IN RSTATE 80
REZA ZANDIAN PO BOX 81624 LAS VEGAS NV 89180 05/12/2009

160 acres

County Home => Assessor's Office => Property Assessment Data Search => Parcel Search => Ownership

APN 084-140-17	
Owner or Trustee	% Ownership
SADRI LIVING TRUST TTEE et al	
SADRI, TRUSTEE, FRED	33
ZANDIAN, REZA	33
KOROGHLI MGMT TRST, TRST	33
KOROGHLI, TTEE, RAY TTEE	
KOROGHLI, TTEE, SATHSOWI T TTEE	





Real Property Inquiry

Search for Real Property (Land, Improvements, etc.)

Order List By: Parcel # Owner Name Property Location District

Filters: Limit Selected Parcels to Include (Choose any number):

Parcel #	<input type="text"/>	<input type="text"/>	8-digit #(s), no dashes	Partial Owner Name	<input type="text" value="ZANDIAN"/>
Land Use Code Range	<input type="text"/>	<input type="text"/>	Code Table	examples:	SMITH M / ACME MARKETS
Acreage Range	<input type="text"/>	<input type="text"/>		Partial Property Location	<input type="text"/>
Net Value Range	<input type="text"/>	<input type="text"/>		examples:	N MAIN ST / MAPLE DR
District	<input type="text" value="All"/>				

Search Results - Select for Detail

<u>Parcel #</u>	<u>Owner Name</u>	<u>Property Location</u>	<u>Dist.</u>	<u>Land Use</u>	<u>Acreage</u>	<u>Net Assessed Value</u>
<u>006-052-04</u>	ZANDIAN, REZA	125 PIKE ST	8.5	140 - Vacant Commercial	.220	15,580
<u>006-052-05</u>	ZANDIAN, REZA	115 PIKE ST	8.5	140 - Vacant Commercial	.220	15,560
<u>006-052-06</u>	ZANDIAN, REZA	105 PIKE ST	8.5	140 - Vacant Commercial	.220	15,560
<u>015-311-18</u>	ZANDIAN, REZA ET AL	HWY 50	8.3	120 - Vacant Single Family	241.790	24,500
<u>015-311-19</u>	ZANDIAN, REZA ET AL	HWY 50	8.3	140 - Vacant Commercial	47.750	16,710
<u>021-451-22</u>	ZANDIAN, REZA ET AL		6.0	120 - Vacant Single Family	40.000	3,360



Parcel Detail for Parcel # 006-052-04

Location

Property Location 125 PIKE ST
 Town DAYTON
 Subdivision DAYTON
 TOWN Lot 4 Block 6
 Property Name
 Remarks

Ownership

Assessed Owner Name ZANDIAN, REZA
 Mailing Address P O BOX 827674
 SAN DIEGO, CA 92192-7674
 Legal Owner Name ZANDIAN, REZA
 Vesting Doc#, Date 342193 02/04/05 Book/Page /
 Map Document #s RS90448

Description

Total Acres .220 Ag Acres .000 W/R Acres .000

Improvements

Single-fam Detached 0	Non-dwell Units 0	Bdrms/Bath 0/00
Single-fam Attached 0	MH Hookups 0	Stories 0
Multi-fam Units 0	Wells 0	
Mobile Homes 0	Septic Tanks 0	
Total Dwelling Units 0	Bldg Sq Ft 0	
	Garage Sq Ft 0	Atch/Detch
	Basement Sq Ft 0	Finished 0

Appraisal Classifications

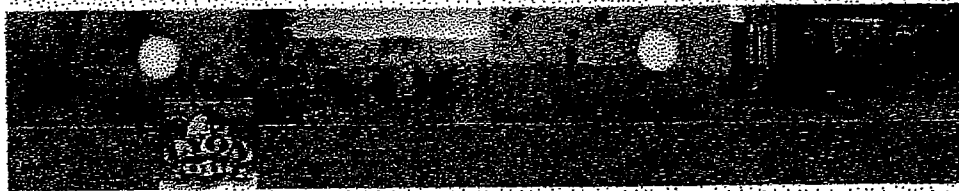
Current Land Use Code 140
 Zoning C1
 Re-appraisal Group 5 Re-appraisal Year 2006
 Orig Constr Year Weighted Year

Assessed Valuation

Assessed Values	2012-13	2011-12	2010-11
Land	15,560	15,560	15,560
Improvements	0	0	0
Personal Property	0	0	0
Ag Land	0	0	0
Exemptions	0	0	0
Net Assessed Value	15,560	15,560	15,560
Increased (New) Values			
Land	0	0	0
Improvements	0	0	0
Personal Property	0	0	0

Taxable Valuation

Taxable Values	2012-13	2011-12	2010-11
Land	44,457	44,457	44,457
Improvements	0	0	0
Personal Property	0	0	0
Ag Land	0	0	0
Exemptions	0	0	0
Net Taxable Value	44,457	44,457	44,457
Increased (New) Values			
Land	0	0	0
Improvements	0	0	0
Personal Property	0	0	0

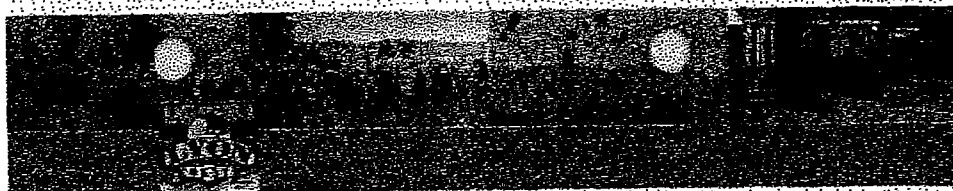


Parcel Detail for Parcel # 006-052-05

Location	Ownership
Property Location 115 PIKE ST Town DAYTON Subdivision DAYTON TOWN Lot 5 Block 6 Property Name Remarks	Assessed Owner Name ZANDIAN, REZA Mailing Address P O BOX 927674 SAN DIEGO, CA 92192-7674 Legal Owner Name ZANDIAN, REZA Vesting Doc#, Date 342193 02/04/05 Book/Page / Map Document #s RS90448

Description	Appraisal Classifications
Total Acres .220 Ag Acres .000 W/R Acres .000 Improvements Single-fam Detached 0 Non-dwell Units 0 Bdrm/Bath 0/.00 Single-fam Attached 0 MH Hookups 0 Stories .0 Multi-fam Units 0 Wells 0 Mobile Homes 0 Septic Tanks 0 Total Dwelling Units 0 Bldg Sq Ft 0 Garage Sq Ft 0 Atch/Detch Basement Sq Ft 0 Finished 0	Current Land Use Code 140 Zoning C2 Re-appraisal Group 5 Re-appraisal Year 2008 Orig Constr Year Weighted Year

Assessed Valuation				Taxable Valuation			
Assessed Values	2012-13	2011-12	2010-11	Taxable Values	2012-13	2011-12	2010-11
Land	15,560	15,560	15,560	Land	44,457	44,457	44,457
Improvements	0	0	0	Improvements	0	0	0
Personal Property	0	0	0	Personal Property	0	0	0
Ag Land	0	0	0	Ag Land	0	0	0
Exemptions	0	0	0	Exemptions	0	0	0
Net Assessed Value	15,560	15,560	15,560	Net Taxable Value	44,457	44,457	44,457
Increased (New) Values				Increased (New) Values			
Land	0	0	0	Land	0	0	0
Improvements	0	0	0	Improvements	0	0	0
Personal Property	0	0	0	Personal Property	0	0	0



Parcel Detail for Parcel # 006-052-06

Location		Ownership	
Property Location	105 PIKE ST	Assessed Owner Name	ZANDIAN, REZA
Town	DAYTON	Mailing Address	P O BOX 927674 SAN DIEGO, CA 92192-7674
Subdivision	DAYTON TOWN Lot 6 Block 6	Legal Owner Name	ZANDIAN, REZA
Property Name		Vesting Doc#, Date	342193 02/04/05 Book/Page /
Remarks		Map Document #s	RS90448

Description			Appraisal Classifications	
Total Acres	.220	Ag Acres .000 W/R Acres .000	Current Land Use Code	140
<u>Improvements</u>			Zoning	C2
Single-fam Detached	0	Non-dwell Units 0 Bdrm/Bath 0/.00	Re-appraisal Group	5
Single-fam Attached	0	MH Hookups 0 Stories .0	Orig Constr Year	
Multi-fam Units	0	Wells 0	Re-appraisal Year	2008
Mobile Homes	0	Septic Tanks 0	Weighted Year	
Total Dwelling Units	0	Bldg Sq Ft 0		
		Garage Sq Ft 0		
		Atch/Detch		
		Basement Sq Ft 0		
		Finished 0		

Assessed Valuation				Taxable Valuation			
Assessed Values	2012-13	2011-12	2010-11	Taxable Values	2012-13	2011-12	2010-11
Land	15,560	15,560	15,560	Land	44,457	44,457	44,457
Improvements	0	0	0	Improvements	0	0	0
Personal Property	0	0	0	Personal Property	0	0	0
Ag Land	0	0	0	Ag Land	0	0	0
Exemptions	0	0	0	Exemptions	0	0	0
Net Assessed Value	15,560	15,560	15,560	Net Taxable Value	44,457	44,457	44,457
<u>Increased (New) Values</u>				<u>Increased (New) Values</u>			
Land	0	0	0	Land	0	0	0
Improvements	0	0	0	Improvements	0	0	0
Personal Property	0	0	0	Personal Property	0	0	0



Parcel Detail for Parcel # 015-311-18

Location	
Property Location	HWY 50
Town	STAGECOACH
Subdivision	Lot Block
Property Name	
Remarks	

Ownership	
Assessed Owner Name	ZANDIAN, REZA ET AL
Mailing Address	P O BOX 927674
Add'l Owners	SAN DIEGO, CA 92192-7674
Legal Owner Name	ZANDIAN, REZA ET AL
Vesting Doc#, Date	344412 03/03/05 Book/Page /
Map Document #s	RS332209

Description		
Total Acres	241.790	Ag Acres .000 W/R Acres .000
Improvements		
Single-fam Detached 0	Non-dwell Units 0	Bdrm/Bath 0/.00
Single-fam Attached 0	MH Hookups 0	Stories .0
Multi-fam Units 0	Wells 0	
Mobile Homes 0	Septic Tanks 0	
Total Dwelling Units 0	Bldg Sq Ft 0	
	Garage Sq Ft 0	Attch/Detch
	Basement Sq Ft 0	Finished 0

Appraisal Classifications	
Current Land Use Code	120
Zoning	RR3
Re-appraisal Group	1
Orig Constr Year	
Re-appraisal Year	2009
Weighted Year	

Assessed Valuation			
Assessed Values	2012-13	2011-12	2010-11
Land	24,500	24,500	24,500
Improvements	0	0	0
Personal Property	0	0	0
Ag Land	0	0	0
Exemptions	0	0	0
Net Assessed Value	24,500	24,500	24,500
Increased (New) Values			
Land	0	0	0
Improvements	0	0	0
Personal Property	0	0	0

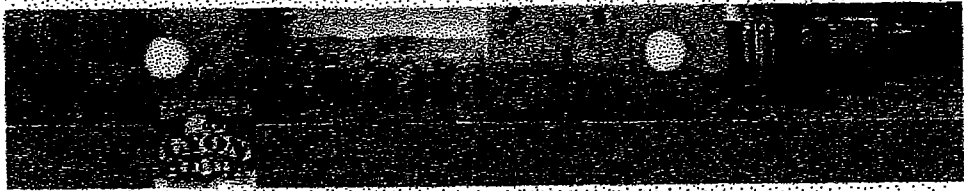
Taxable Valuation			
Taxable Values	2012-13	2011-12	2010-11
Land	70,000	70,000	70,000
Improvements	0	0	0
Personal Property	0	0	0
Ag Land	0	0	0
Exemptions	0	0	0
Net Taxable Value	70,000	70,000	70,000
Increased (New) Values			
Land	0	0	0
Improvements	0	0	0
Personal Property	0	0	0

Ownership History for Parcel # 015-311-18

Current Owners	
Name	From
EL-SABAWI, RASHAD TR	2006
EL-SABAWI, REEM TR	2006
FAYEGHI, JOHNATHON	2006
EAGLES NEST LLC	2006
ZANDIAN, REZA ET AL 8775 COSTA VERDE APT 1416 SAN DIEGO, CA 92122-0000	2005
FOUGHANI, NILOOFAR	2005
ABRISHAMI, ELIAS	2005
ABRISHAMI, MONOO	2005
ABRISHAMI, ENAYAT	2005
ABRISHAMI, NAJMA	2005

Prior Owners		
Name	From	To
DEAD DOG RANCH LLC % LORETTA MC INTIRE 804 RED'S GRADE CARSON CITY, NV 89703	1997	2005

NOTE: This is not a complete history and should not be used in place of a title search.



Parcel Detail for Parcel # 015-311-19

Location

Property Location HWY 50
 Town STAGECOACH
 Subdivision Lot Block
 Property Name
 Remarks ZONE CHANGE FROM RR3 TO C2 6/1/2006

Ownership

Assessed Owner Name ZANDIAN, REZA ET AL
 Mailing Address P O BOX 827674
 Addtl Owners SAN DIEGO, CA 92192-7674
 Legal Owner Name ZANDIAN, REZA ET AL
 Vesting Doc#, Date 344412 03/03/05 Book/Page /
 Map Document #s RS332208

Description

Total Acres 47.750 Ag Acres .000 WR Acres .000

Improvements

Single-fam Detached 0	Non-dwell Units 0	Bdm/Bath 0/.00
Single-fam Attached 0	MH Hookups 0	Stories .0
Multi-fam Units 0	Wells 0	
Mobile Homes 0	Septic Tanks 0	
Total Dwelling Units 0	Bldg Sq Ft 0	
	Garage Sq Ft 0	Atch/Detch
	Basement Sq Ft 0	Finished 0

Appraisal Classifications

Current Land Use Code 140
 Zoning C2
 Re-appraisal Group 1 Re-appraisal Year 2009
 Orig Constr Year Weighted Year

Assessed Valuation

Assessed Values	2012-13	2011-12	2010-11
Land	16,710	16,710	16,710
Improvements	0	0	0
Personal Property	0	0	0
Ag Land	0	0	0
Exemptions	0	0	0
Net Assessed Value	16,710	16,710	16,710
Increased (New) Values			
Land	0	0	0
Improvements	0	0	0
Personal Property	0	0	0

Taxable Valuation

Taxable Values	2012-13	2011-12	2010-11
Land	47,743	47,743	47,743
Improvements	0	0	0
Personal Property	0	0	0
Ag Land	0	0	0
Exemptions	0	0	0
Net Taxable Value	47,743	47,743	47,743
Increased (New) Values			
Land	0	0	0
Improvements	0	0	0
Personal Property	0	0	0

Ownership History for Parcel # 015-311-19

Current Owners	
Name	From
EL-SABAWI, RASHAD TR	2006
EL-SABAWI, REEM TR	2006
FAYEGHI, JOHNATHON	2006
EAGLES NEST LLC	2006
ZANDIAN, REZA ET AL 8775 COSTA VERDE APT 1416 SAN DIEGO, CA 92122-0000	2005
FOUGHANI, NILOOFAR	2005
ABRISHAMI, ELIAS	2005
ABRISHAMI, MINOO	2005
ABRISHAMI, ENAYAT	2005
ABRISHAMI, NAIMA	2005

Prior Owners		
Name	From	To
DEAD DOG RANCH LLC % LORETTA MC INTIRE 804 RED'S GRADE CARSON CITY, NV 89703	1997	2005

NOTE: This is not a complete history and should not be used in place of a title search.





Parcel Detail for Parcel # 021-451-22

Location	Ownership																																																																																								
Property Location Town FERNLEY Subdivision Lot Block Property Name Remarks	Assessed Owner Name ZANDIAN, REZA ET AL Mailing Address P O BOX 927674 SAN DIEGO, CA 92192-7874 Legal Owner Name ZANDIAN, REZA ET AL Vesting Doc#, Date 358791 07/19/05 Book/Page / Map Document #s																																																																																								
Description	Appraisal Classifications																																																																																								
Total Acres 40.000 Ag Acres .000 W/R Acres .000 <u>Improvements</u> Single-fam Detached 0 Non-dwell Units 0 Bdrm/Bath 0/00 Single-fam Attached 0 MH Hookups 0 Stories .0 Multi-fam Units 0 Wells 0 Mobile Homes 0 Septic Tanks 0 Total Dwelling Units 0 Bldg Sq Ft 0 Garage Sq Ft 0 Atch/Detch Basement Sq Ft 0 Finished 0	Current Land Use Code 120 Zoning RRS Re-appraisal Group 4 Re-appraisal Year 2007 Orig Constr Year Weighted Year																																																																																								
Assessed Valuation	Taxable Valuation																																																																																								
<table style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align:left;">Assessed Values</th> <th style="text-align:right;">2012-13</th> <th style="text-align:right;">2011-12</th> <th style="text-align:right;">2010-11</th> </tr> </thead> <tbody> <tr><td>Land</td><td style="text-align:right;">3,360</td><td style="text-align:right;">3,360</td><td style="text-align:right;">3,360</td></tr> <tr><td>Improvements</td><td style="text-align:right;">0</td><td style="text-align:right;">0</td><td style="text-align:right;">0</td></tr> <tr><td>Personal Property</td><td style="text-align:right;">0</td><td style="text-align:right;">0</td><td style="text-align:right;">0</td></tr> <tr><td>Ag Land</td><td style="text-align:right;">0</td><td style="text-align:right;">0</td><td style="text-align:right;">0</td></tr> <tr><td>Exemptions</td><td style="text-align:right;">0</td><td style="text-align:right;">0</td><td style="text-align:right;">0</td></tr> <tr><td>Net Assessed Value</td><td style="text-align:right;">3,360</td><td style="text-align:right;">3,360</td><td style="text-align:right;">3,360</td></tr> <tr><td colspan="4">Increased (New) Values</td></tr> <tr><td>Land</td><td style="text-align:right;">0</td><td style="text-align:right;">0</td><td style="text-align:right;">0</td></tr> <tr><td>Improvements</td><td style="text-align:right;">0</td><td style="text-align:right;">0</td><td style="text-align:right;">0</td></tr> <tr><td>Personal Property</td><td style="text-align:right;">0</td><td style="text-align:right;">0</td><td style="text-align:right;">0</td></tr> </tbody> </table>	Assessed Values	2012-13	2011-12	2010-11	Land	3,360	3,360	3,360	Improvements	0	0	0	Personal Property	0	0	0	Ag Land	0	0	0	Exemptions	0	0	0	Net Assessed Value	3,360	3,360	3,360	Increased (New) Values				Land	0	0	0	Improvements	0	0	0	Personal Property	0	0	0	<table style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align:left;">Taxable Values</th> <th style="text-align:right;">2012-13</th> <th style="text-align:right;">2011-12</th> <th style="text-align:right;">2010-11</th> </tr> </thead> <tbody> <tr><td>Land</td><td style="text-align:right;">9,600</td><td style="text-align:right;">9,600</td><td style="text-align:right;">9,600</td></tr> <tr><td>Improvements</td><td style="text-align:right;">0</td><td style="text-align:right;">0</td><td style="text-align:right;">0</td></tr> <tr><td>Personal Property</td><td style="text-align:right;">0</td><td style="text-align:right;">0</td><td style="text-align:right;">0</td></tr> <tr><td>Ag Land</td><td style="text-align:right;">0</td><td style="text-align:right;">0</td><td style="text-align:right;">0</td></tr> <tr><td>Exemptions</td><td style="text-align:right;">0</td><td style="text-align:right;">0</td><td style="text-align:right;">0</td></tr> <tr><td>Net Taxable Value</td><td style="text-align:right;">9,600</td><td style="text-align:right;">9,600</td><td style="text-align:right;">9,600</td></tr> <tr><td colspan="4">Increased (New) Values</td></tr> <tr><td>Land</td><td style="text-align:right;">0</td><td style="text-align:right;">0</td><td style="text-align:right;">0</td></tr> <tr><td>Improvements</td><td style="text-align:right;">0</td><td style="text-align:right;">0</td><td style="text-align:right;">0</td></tr> <tr><td>Personal Property</td><td style="text-align:right;">0</td><td style="text-align:right;">0</td><td style="text-align:right;">0</td></tr> </tbody> </table>	Taxable Values	2012-13	2011-12	2010-11	Land	9,600	9,600	9,600	Improvements	0	0	0	Personal Property	0	0	0	Ag Land	0	0	0	Exemptions	0	0	0	Net Taxable Value	9,600	9,600	9,600	Increased (New) Values				Land	0	0	0	Improvements	0	0	0	Personal Property	0	0	0
Assessed Values	2012-13	2011-12	2010-11																																																																																						
Land	3,360	3,360	3,360																																																																																						
Improvements	0	0	0																																																																																						
Personal Property	0	0	0																																																																																						
Ag Land	0	0	0																																																																																						
Exemptions	0	0	0																																																																																						
Net Assessed Value	3,360	3,360	3,360																																																																																						
Increased (New) Values																																																																																									
Land	0	0	0																																																																																						
Improvements	0	0	0																																																																																						
Personal Property	0	0	0																																																																																						
Taxable Values	2012-13	2011-12	2010-11																																																																																						
Land	9,600	9,600	9,600																																																																																						
Improvements	0	0	0																																																																																						
Personal Property	0	0	0																																																																																						
Ag Land	0	0	0																																																																																						
Exemptions	0	0	0																																																																																						
Net Taxable Value	9,600	9,600	9,600																																																																																						
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Land	0	0	0																																																																																						
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Ownership History for Parcel # 021-451-22

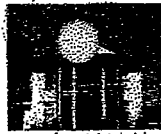
Current Owners	
Name	From
ZANDIAN, REZA ET AL 8775 COSATA VERDE STE 1416 SAN DIEGO, CA 92122-0000	2005
FOUSHANI, NILOOFAR	2005

Prior Owners		
Name	From	To
ARNOLD, JACK G 10410 98 ST ANDERSON ISLAND, WA 98303-0000	2003	2005
EVANS, INGRID P O BOX 1182 RENO, NV 89504	1986	2003
EVANS, LAWRENCE & INGRID P O BOX 1182 RENO, NV 89504	1986	2003

NOTE: This is not a complete history and should not be used in place of a title search.







CHURCHILL COUNTY

Office of the Assessor

Parcel Detail for Parcel # 007-151-77

Location	Ownership
Property Location 8825 BRUSH GARDEN DR Town [REDACTED] Subdivision M&B Lot Block [REDACTED] Property Name [REDACTED] Remarks SPLIT PURSUANT TO DEED	Assessed Owner Name ZANDIAN REZA & NILOOFAR Mailing Address P O BOX 927674 [REDACTED] Addtl Owners SAN DIEGO CA 92192-7674 [REDACTED] Legal Owner Name ZANDIAN REZA & NILOOFAR Vesting Doc#, Date 384273 07/27/06 Book/Page / Map Document #s 194366

Description	Appraisal Classifications
Total Acres 6.750 Ag Acres .000 W/R Acres .000 <u>Improvements</u> Single-fam Detached 0 Non-dwell Units 0 Bdrm/Bath 0/00 Single-fam Attached 0 MH Hookups 0 Stories 0 Multi-fam Units 0 Wells 0 Mobile Homes 0 Septic Tanks 0 Total Dwelling Units 0 Bldg Sq Ft 0 Garage Sq Ft 0 Attch/Detch [REDACTED] Basement Sq Ft 0 Finished 0	Current Land Use Code 100 [REDACTED] Zoning C2 Re-appraisal Group 3 Re-appraisal Year 2011 Orig Constr Year Weighted Year

Assessed Valuation				Taxable Valuation			
Assessed Values	2012-13	2011-12	2010-11	Taxable Values	2012-13	2011-12	2010-11
Land	8,820	8,820	8,820	Land	25,200	25,200	25,200
Improvements	0	0	0	Improvements	0	0	0
Personal Property	0	0	0	Personal Property	0	0	0
Ag Land	0	0	0	Ag Land	0	0	0
Exemptions	0	0	0	Exemptions	0	0	0
Net Assessed Value	8,820	8,820	8,820	Net Taxable Value	25,200	25,200	25,200
Increased (New) Values				Increased (New) Values			
Land	0	0	0	Land	0	0	0
Improvements	0	0	0	Improvements	0	0	0
Personal Property	0	0	0	Personal Property	0	0	0



CHURCHILL COUNTY

Office of the Assessor

Parcel Detail for Parcel # 009-331-04

Location		Ownership	
Property Location 29-20-27		Assessed Owner Name ZANDIAN R & FOUGHAN N	
Town		Mailing Address P O BOX 927674	
Subdivision 29-20-27		Addl Owners SAN DIEGO CA 92192-7674	
NW1/4 Lot Block		Legal Owner Name ZANDIAN R & FOUGHAN N	
Property Name		Vesting Doc#, Date 372986 67/06/05 Book/Page /	
Remarks		Map Document #s	
Description		Appraisal Classifications	
Total Acres 50.000	Ag Acres .000 W/R Acres .000	Current Land Use Code 100	
<u>Improvements</u>		Zoning RR20	
Single-fam Detached 0	Non-dwell Units 0 Bdrm/Bath 0/.00	Re-appraisal Group 3	Re-appraisal Year 2011
Single-fam Attached 0	MH Hookups 0 Stories .0	Orig Constr Year	Weighted Year
Multi-fam Units 0	Wells 0		
Mobile Homes 0	Septic Tanks 0		
Total Dwelling Units 0	Bldg Sq Ft 0		
	Garage Sq Ft 0 Atch/Detch		
	Basement Sq Ft 0 Finished 0		
Assessed Valuation		Taxable Valuation	
Assessed Values	2012-13 2011-12 2010-11	Taxable Values	2012-13 2011-12 2010-11
Land	2,625 2,625 6,300	Land	7,500 7,500 18,000
Improvements	0 0 0	Improvements	0 0 0
Personal Property	0 0 0	Personal Property	0 0 0
Ag Land	0 0 0	Ag Land	0 0 0
Exemptions	0 0 0	Exemptions	0 0 0
Net Assessed Value	2,625 2,625 6,300	Net Taxable Value	7,500 7,500 18,000
Increased (New) Values		Increased (New) Values	
Land	0 0 0	Land	0 0 0
Improvements	0 0 0	Improvements	0 0 0
Personal Property	0 0 0	Personal Property	0 0 0



WELCOME TO ELKO COUNTY, NEVADA

Parcel Detail for Parcel # 001-660-034

Location		Ownership		
Property Location	EL ARMUTH DR	Assessed Owner Name	ZANDIAN, REZA ET AL	
Town	ELKO CITY	Mailing Address	PO BOX 927674	
Subdivision Lot Block			SAN DIEGO CA 92192-7674	
Property Name		Legal Owner Name	ZANDIAN, REZA ET AL	
		Vesting Doc#, Date	560545 09/25/06 Book/Page /	
		Map Document #s		
Description		Appraisal Classifications		
Total Acres	17.600	Ag Acres	.000	
W/R Acres	.000	Current Land Use Code	120	
Improvements		Zoning	R RE	
Single-fam Detached	0	Re-appraisal Group	Y	
Single-fam Attached	0	Orig Constr Year		
Multi-fam Units	0	Re-appraisal Year	2009	
Mobile Homes	0	Weighted Year		
Total Dwelling Units	0			
Non-dwell Units	0			
MH Hookups	0			
Wells	0			
Septic Tanks	0			
Bldg Sq Ft	0			
Garage Sq Ft	0			
Basement Sq Ft	0			
Attch/Detch				
Finished	0			
Assessed Valuation		Taxable Valuation		
Assessed Values	2012-13	2011-12	2010-11	
Land	24,640	24,640	24,640	Taxable Values
Improvements	0	0	0	Land
Personal Property	0	0	0	Improvements
Ag Land	0	0	0	Personal Property
Exemptions	0	0	0	Ag Land
Net Assessed Value	24,640	24,640	24,640	Exemptions
Increased (New) Values				Net Taxable Value
Land	0	0	0	70,400
Improvements	0	0	0	Increased (New) Values
Personal Property	0	0	0	Land
				Improvements
				Personal Property



11000 RENO HIGHWAY, FALLON, L.L.C.

Business Entity Information			
Status:	Active	File Date:	6/09/2005
Type:	Domestic Limited-Liability Company	Entity Number:	E0363852005-8
Qualifying State:	NV	List of Officers Due:	6/30/2011
Managed By:	Managers	Expiration Date:	
NV Business ID:	NV20051368188	Business License Exp:	Exempt - 003

Registered Agent Information			
Name:	SEAN S. FAYEGHI	Address 1:	1401 LAS VEGAS BLVD SOUTH
Address 2:		City:	LAS VEGAS
State:	NV	Zip Code:	89104
Phone:		Fax:	
Mailing Address 1:		Mailing Address 2:	
Mailing City:		Mailing State:	
Mailing Zip Code:			
Agent Type:	Noncommercial Registered Agent		

Financial Information			
No Par Share Count:	0	Capital Amount:	\$ 0
No stock records found for this company			

Officers				<input type="checkbox"/> Include Inactive Officers
Manager - SEAN S FAYEGHI				
Address 1:	1401 S LAS VEGAS BLVD	Address 2:		
City:	LAS VEGAS	State:	NV	
Zip Code:	89104	Country:	USA	
Status:	Active	Email:		
Manager - SHA REZAIE				
Address 1:	1401 S LAS VEGAS BLVD	Address 2:		
City:	LAS VEGAS	State:	NV	
Zip Code:	89104	Country:	USA	
Status:	Active	Email:		
Manager - REZA ZANDIAN				
Address 1:	1401 S LAS VEGAS BLVD	Address 2:		
City:	LAS VEGAS	State:	NV	
Zip Code:	89104	Country:	USA	
Status:	Active	Email:		

Actions/Amendments			
Action Type:	Articles of Organization		
Document Number:	20050222393-68	# of Pages:	1
File Date:	6/09/2005	Effective Date:	
(No notes for this action)			
Action Type:	Initial List		

Document Number:	20050222394-79	# of Pages:	2
File Date:	6/2005	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20060232918-43	# of Pages:	1
File Date:	4/12/2006	Effective Date:	
(No notes for this action)			
Action Type:	Amended List		
Document Number:	20060601627-50	# of Pages:	1
File Date:	9/19/2006	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20070460170-57	# of Pages:	1
File Date:	7/02/2007	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20080514441-09	# of Pages:	1
File Date:	7/30/2008	Effective Date:	
08/09			
Action Type:	Annual List		
Document Number:	20090396003-02	# of Pages:	1
File Date:	4/30/2009	Effective Date:	
09-10			
Action Type:	Annual List		
Document Number:	20100743536-41	# of Pages:	1
File Date:	10/01/2010	Effective Date:	
(No notes for this action)			

LEGAL DIMENSIONS
800-535-7752





CHURCHILL COUNTY

Office of the Assessor

[Assessor Home](#)[Back to Search List](#)[Personal Property](#)[Sales Data](#)[Secured Tax Inquiry](#)[Recorder Search](#)

Parcel Detail for Parcel # 007-091-12

Location

Property Location 11000 RENO HWY

Town HAZEN

Subdivision M&B Lot Block

Property Name

Remarks

[Add'l Addresses](#)[Assessor Maps](#)[Legal Description](#)

Ownership

Assessed Owner Name 11000 RENO HIGHWAY
FALLON LLCMailing Address 1401 LAS VEGAS BLVD S
LAS VEGAS NV 89104-1327Legal Owner Name 11000 RENO HIGHWAY
FALLON LLC

Vesting Doc#, Date 372233 06/22/05 Book/Page /

Map Document #s

[Ownership History](#)[Document History](#)

Description

Total Acres 640.000 Ag Acres .000 W/R Acres .000

Improvements

Single-fam Detached 0 Non-dwell Units 0 Bdrm/Bath 0/00

Single-fam Attached 0 MH Hookups 0 Stories .0

Multi-fam Units 0 Wells 0

Mobile Homes 0 Septic Tanks 0

Total Dwelling Units 0 Bldg Sq Ft 0

Garage Sq Ft 0 Atch/Detch

[Improvement List](#) Basement Sq Ft 0 Finished 0

Appraisal Classifications

Current Land Use Code 180

[Code Table](#)

Zoning RR20

Re-appraisal Group 3

Re-appraisal Year 2011

Orig Constr Year

Weighted Year

Assessed Valuation

Assessed Values 2012-13 2011-12 2010-11

Land 56,000 56,000 201,600

Improvements 458 468 530

Personal Property 0 0 0

Ag Land 0 0 0

Exemptions 0 0 0

Net Assessed Value 56,458 56,468 202,130

Increased (New) Values

Land 0 0 0

Improvements 0 0 0

Personal Property 0 0 0

Taxable Valuation

Taxable Values 2012-13 2011-12 2010-11

Land 160,000 160,000 576,000

Improvements 1,309 1,337 1,514

Personal Property 0 0 0

Ag Land 0 0 0

Exemptions 0 0 0

Net Taxable Value 161,309 161,337 577,514

Increased (New) Values

Land 0 0 0

Improvements 0 0 0

Personal Property 0 0 0



ISFITS DEVELOPMENT L.L.C.

Business Entity Information			
Status:	Active	File Date:	8/26/2005
Type:	Domestic Limited-Liability Company	Entity Number:	E0571202005-3
Qualifying State:	NV	List of Officers Due:	8/31/2011
Managed By:	Managers	Expiration Date:	
NV Business ID:	NV20051069626	Business License Exp:	Exempt - 003

Registered Agent Information			
Name:	REZA ZANDIAN	Address 1:	8350 W. SAHARA AVE SUITE 150
Address 2:		City:	LAS VEGAS
State:	NV	Zip Code:	89117
Phone:		Fax:	
Mailing Address 1:	8 SAN RAMON DR	Mailing Address 2:	
Mailing City:	IRVINE	Mailing State:	CA
Mailing Zip Code:	92612		
Agent Type:	Noncommercial Registered Agent		

Financial Information	
No Par Share Count:	0
Capital Amount:	\$ 0
No stock records found for this company	

Officers		<input type="checkbox"/> Include Inactive Officers	
Managing Member - SAEID AMINPOUR			
Address 1:	701 NORTHE CAMDEN DR	Address 2:	
City:	BEVERLY HILLS	State:	CA
Zip Code:	90201	Country:	USA
Status:	Active	Email:	
Managing Member - NICHOLAS ESKANDARI			
Address 1:	433 N CAMDEN STE 400	Address 2:	
City:	BEVERLY HILLS	State:	CA
Zip Code:	90210	Country:	USA
Status:	Active	Email:	
Managing Member - REZA ZANDIAN			
Address 1:	P.O.BOX 927674	Address 2:	
City:	SAN DIEGO	State:	CA
Zip Code:	92192-7674	Country:	USA
Status:	Active	Email:	

Actions\Amendments			
Action Type:	Articles of Organization		
Document Number:	20050351501-12	# of Pages:	1
File Date:	8/26/2005	Effective Date:	
(No notes for this action)			

Action Type:	Annual List	# of Pages:	1
Document Number:	20050356456-56	Effective Date:	
File Date:	8/29/2005		
(No notes for this action)			
Action Type:	Amended List	# of Pages:	1
Document Number:	20050555770-86	Effective Date:	
File Date:	11/16/2005		
(No notes for this action)			
Action Type:	Annual List	# of Pages:	1
Document Number:	20060673303-50	Effective Date:	
File Date:	10/18/2006		
(No notes for this action)			
Action Type:	Annual List	# of Pages:	1
Document Number:	20070683552-98	Effective Date:	
File Date:	10/02/2007		
(No notes for this action)			
Action Type:	Annual List	# of Pages:	1
Document Number:	20080564590-59	Effective Date:	
File Date:	8/25/2008		
08/09			
Action Type:	Annual List	# of Pages:	1
Document Number:	20090676689-23	Effective Date:	
File Date:	9/11/2009		
(No notes for this action)			
Action Type:	Annual List	# of Pages:	1
Document Number:	20100642222-11	Effective Date:	
File Date:	8/26/2010		
(No notes for this action)			



ELKO NORTH 5TH AVE LLC

Business Entity Information			
Status:	Active	File Date:	8/31/2005
Type:	Domestic Limited-Liability Company	Entity Number:	E0580312005-7
Qualifying State:	NV	List of Officers Due:	8/31/2011
Managed By:	Managers	Expiration Date:	
NV Business ID:	NV20051442315	Business License Exp:	Exempt - 003

Registered Agent Information			
Name:	REZA ZANDIAN	Address 1:	8350 W. SAHARA AVE SUITE 150
Address 2:		City:	LAS VEGAS
State:	NV	Zip Code:	89117
Phone:		Fax:	
Mailing Address 1:	7590 FAY AVE, SUITE 401	Mailing Address 2:	
Mailing City:	LA JOLLA	Mailing State:	CA
Mailing Zip Code:	92037		
Agent Type:	Noncommercial Registered Agent		

Financial Information			
No Par Share Count:	0	Capital Amount:	\$ 0
No stock records found for this company			

Officers				<input type="checkbox"/> Include Inactive Officers
Managing Member - CHAKAMIAN 2004 TRUST				
Address 1:	7590 FAY AVE, #401	Address 2:		
City:	LA JOLLA	State:	CA	
Zip Code:	92037	Country:		
Status:	Active	Email:		
Managing Member - MOINZADEH FAMILY REVOCABLE TRUST				
Address 1:	7590 FAY AVE, #401	Address 2:		
City:	LA JOLLA	State:	CA	
Zip Code:	92037	Country:		
Status:	Active	Email:		
Managing Member - REZA ZANDIAN				
Address 1:	P.O. BOX 927674	Address 2:		
City:	SAN DIEGO	State:	CA	
Zip Code:	92192	Country:	USA	
Status:	Active	Email:		

Actions\Amendments			
Action Type:	Articles of Organization		
Document Number:	20050364566-57	# of Pages:	2
File Date:	8/31/2005	Effective Date:	
REG MAIL SAE 9-1-05			

<http://nvsos.gov/SOEntitySearch/PrintCorp.aspx?lx&nvq=XKhMrHdBjKn5O9afATh6IA...> 6/20/2011

Action Type:	Initial List	# of Pages:	1
Document Number:	200437973-30	Effective Date:	
File Date:	9/27/2005		
(No notes for this action)			
Action Type:	Annual List	# of Pages:	1
Document Number:	20060673304-61	Effective Date:	
File Date:	10/18/2006		
(No notes for this action)			
Action Type:	Annual List	# of Pages:	1
Document Number:	20070574309-37	Effective Date:	
File Date:	8/20/2007		
07-08			
Action Type:	Annual List	# of Pages:	1
Document Number:	20080564591-60	Effective Date:	
File Date:	8/25/2008		
08/09			
Action Type:	Annual List	# of Pages:	1
Document Number:	20090676691-66	Effective Date:	
File Date:	9/11/2009		
(No notes for this action)			
Action Type:	Annual List	# of Pages:	1
Document Number:	20100642221-00	Effective Date:	
File Date:	8/26/2010		
(No notes for this action)			



STAGECOACH VALLEY LLC.

Business Entity Information			
Status:	Active	File Date:	4/09/2007
Type:	Domestic Limited-Liability Company	Entity Number:	E0263162007-6
Qualifying State:	NV	List of Officers Due:	4/30/2012
Managed By:	Managers	Expiration Date:	
NV Business ID:	NV20071497897	Business License Exp:	Exempt - 003

Registered Agent Information			
Name:	REZA ZANDIAN	Address 1:	8350 W. SAHARA AVENUE
Address 2:		City:	LAS VEGAS
State:	NV	Zip Code:	89117
Phone:		Fax:	
Mailing Address 1:	8775 COSTA VERDE #501	Mailing Address 2:	
Mailing City:	SAN DIEGO	Mailing State:	CA
Mailing Zip Code:	92122		
Agent Type:	Noncommercial Registered Agent		

Financial Information	
No Par Share Count:	0
Capital Amount:	\$ 0
No stock records found for this company	

Officers		<input type="checkbox"/> Include Inactive Officers	
Managing Member - BIJAN AKHAVAN			
Address 1:	15456 VENTURA BLVD #300	Address 2:	
City:	SHERMAN OAKS	State:	CA
Zip Code:	91403	Country:	
Status:	Active	Email:	
Managing Member - SASSAN CHAKAMIAN			
Address 1:	7590 FAY AVE. STE 401	Address 2:	
City:	LA JOLLA	State:	CA
Zip Code:	92037	Country:	
Status:	Active	Email:	
Managing Member - REZA ZANDIAN			
Address 1:	830 LAS VEGAS BLVD SOUTH	Address 2:	
City:	LAS VEGAS	State:	NV
Zip Code:	89101	Country:	
Status:	Active	Email:	

Actions/Amendments			
Action Type:	Articles of Organization		
Document Number:	20070248707-47	# of Pages:	2
File Date:	4/09/2007	Effective Date:	
(No notes for this action)			
Action Type:	Initial List		

Document Number:	070248709-69	# of Pages:	1
File Date:	9/2007	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20080270927-97	# of Pages:	1
File Date:	4/21/2008	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20090676690-55	# of Pages:	1
File Date:	9/11/2009	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20100642220-99	# of Pages:	1
File Date:	8/26/2010	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20110343835-00	# of Pages:	1
File Date:	5/06/2011	Effective Date:	
11-12			



ROCK AND ROYALTY LC

Business Entity Information			
Status:	Revoked	File Date:	4/28/2008
Type:	Domestic Limited-Liability Company	Entity Number:	E0277292008-8
Qualifying State:	NV	List of Officers Due:	4/30/2009
Managed By:	Managers	Expiration Date:	
NV Business ID:	NV20081306105	Business License Exp:	

Additional Information	
Series LLC (YES if applicable):	YES

Registered Agent Information			
Name:	REZA ZANDIAN	Address 1:	1401 S. LAS VEGAS BLVD
Address 2:		City:	LAS VEGAS
State:	NV	Zip Code:	89104
Phone:		Fax:	
Mailing Address 1:	8775 COSTA VERDE #501	Mailing Address 2:	
Mailing City:	SAN DIEGO	Mailing State:	CA
Mailing Zip Code:	92122		
Agent Type:	Noncommercial Registered Agent		

Financial Information			
No Par Share Count:	0	Capital Amount:	\$ 0
No stock records found for this company			

Officers		<input type="checkbox"/> Include Inactive Officers	
Managing Member - NILOOFAR FOUGHANI ZANDIAN			
Address 1:	8775 COSTA VERDE BLVD	Address 2:	#501
City:	SAN DIEGO	State:	CA
Zip Code:	92122	Country:	
Status:	Active	Email:	

Actions/Amendments			
Action Type:	Articles of Organization		
Document Number:	20080290681-46	# of Pages:	2
File Date:	4/28/2008	Effective Date:	
(No notes for this action)			
Action Type:	Initial List		
Document Number:	20080373743-57	# of Pages:	1
File Date:	5/29/2008	Effective Date:	
08-09			



GOLD CANYON DEVELOPMENT LLC

Business Entity Information			
Status:	Default	File Date:	5/27/2004
Type:	Domestic Limited-Liability Company	Entity Number:	LLC11545-2004
Qualifying State:	NV	List of Officers Due:	5/31/2011
Managed By:	Managers	Expiration Date:	5/27/2504
NV Business ID:	NV20041117776	Business License Exp:	

Registered Agent Information			
Name:	ELIAS ABRISHAMI	Address 1:	220 SUSSEX PL
Address 2:		City:	CARSON CITY
State:	NV	Zip Code:	89703
Phone:		Fax:	
Mailing Address 1:	PO BOX 2919	Mailing Address 2:	
Mailing City:	CARSON CITY	Mailing State:	NV
Mailing Zip Code:	89702		
Agent Type:	Noncommercial Registered Agent		

Financial Information			
No Par Share Count:	0	Capital Amount:	\$ 0
No stock records found for this company			

Officers				<input type="checkbox"/> Include Inactive Officers
Managing Member - ELIAS ABRISHAMI				
Address 1:	P O BOX 10476	Address 2:		
City:	BEVERLY HILLS	State:	CA	
Zip Code:	90213	Country:		
Status:	Active	Email:		
Managing Member - RAFI ABRISHAMI				
Address 1:	P O BOX 10325	Address 2:		
City:	BEVERLY HILLS	State:	CA	
Zip Code:	90213	Country:		
Status:	Active	Email:		
Managing Member - REZA ZANDIAN				
Address 1:	8775 COSTA VERDE BLVD., #501	Address 2:		
City:	SAN DIEGO	State:	CA	
Zip Code:	92122	Country:		
Status:	Active	Email:		

Actions/Amendments			
Action Type:	Articles of Organization		
Document Number:	LLC11545-2004-001	# of Pages:	1
File Date:	5/27/2004	Effective Date:	
(No notes for this action)			
Action Type:	Initial List		

Document Number:	LLC11545-2004-002	# of Pages:	1
File Date:	7/2004	Effective Date:	
List of Officers for 2004 to 2005			
Action Type:	Registered Agent Change		
Document Number:	LLC11545-2004-003	# of Pages:	1
File Date:	11/16/2004	Effective Date:	
ELIAS ABRISHAMI SUITE #1011			
9550 W. SAHARA AVENUE LAS VEGAS NV 89117 RXS			
ELIAS ABRISHAMI RXS			
RXS			
Action Type:	Annual List		
Document Number:	20050163958-39	# of Pages:	1
File Date:	5/02/2005	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20060176567-90	# of Pages:	1
File Date:	3/20/2006	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20070373918-40	# of Pages:	1
File Date:	5/29/2007	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20080344948-12	# of Pages:	1
File Date:	5/19/2008	Effective Date:	
2008-2009			
Action Type:	Annual List		
Document Number:	20090433604-71	# of Pages:	1
File Date:	5/20/2009	Effective Date:	
09-10			
Action Type:	Annual List		
Document Number:	00002746565-45	# of Pages:	1
File Date:	5/28/2010	Effective Date:	
10-11			



HIGH-TECH DEVELOPMENT LLC

Business Entity Information			
Status:	Dissolved	File Date:	9/22/2004
Type:	Domestic Limited-Liability Company	Entity Number:	LLC21816-2004
Qualifying State:	NV	List of Officers Due:	9/30/2005
Managed By:	Managers	Expiration Date:	9/22/2504
NV Business ID:	NV20041220539	Business License Exp:	

Registered Agent Information			
Name:	ELIAS ABRISHAMI	Address 1:	8350 W SAHARA AVE
Address 2:	STE 150	City:	LAS VEGAS
State:	NV	Zip Code:	89117
Phone:		Fax:	
Mailing Address 1:		Mailing Address 2:	
Mailing City:		Mailing State:	
Mailing Zip Code:			
Agent Type:	Noncommercial Registered Agent		

Financial Information			
No Par Share Count:	0	Capital Amount:	\$ 0
No stock records found for this company			

Officers				<input type="checkbox"/> Include Inactive Officers
Managing Member - ELIAS ABRISHAMI				
Address 1:	PO BOX 2919	Address 2:		
City:	CARSON CITY	State:	NV	
Zip Code:	89702	Country:		
Status:	Active	Email:		
Managing Member - RAFI ABRISHAMI				
Address 1:	PO BOX 2919	Address 2:		
City:	CARSON CITY	State:	NV	
Zip Code:	89702	Country:		
Status:	Active	Email:		
Managing Member - REZA ZANDIAN				
Address 1:	220 SUSSEX PL	Address 2:		
City:	CARSON CITY	State:	NV	
Zip Code:	89703	Country:		
Status:	Active	Email:		

Actions\Amendments			
Action Type:	Articles of Organization		
Document Number:	LLC21816-2004-001	# of Pages:	1
File Date:	9/22/2004	Effective Date:	
(No notes for this action)			
Action Type:	Initial List		

Document Number:	LI 1816-2004-002	# of Pages:	1
File Date:	11/01/2004	Effective Date:	
List of Officers for 2004 to 2005			
Action Type:	Dissolution		
Document Number:	20050090100-27	# of Pages:	1
File Date:	3/18/2005	Effective Date:	
(No notes for this action)			



LYON PARK DEVELOPMENT LLC

Business Entity Information			
Status:	Dissolved	File Date:	9/22/2004
Type:	Domestic Limited-Liability Company	Entity Number:	LLC21824-2004
Qualifying State:	NV	List of Officers Due:	9/30/2005
Managed By:	Managers	Expiration Date:	9/22/2504
NV Business ID:	NV20041220616	Business License Exp:	

Registered Agent Information			
Name:	ELIAS ABRISHAMI	Address 1:	8350 W SAHARA AVE
Address 2:	STE 150	City:	LAS VEGAS
State:	NV	Zip Code:	89117
Phone:		Fax:	
Mailing Address 1:		Mailing Address 2:	
Mailing City:		Mailing State:	
Mailing Zip Code:			
Agent Type:	Noncommercial Registered Agent		

Financial Information			
No Par Share Count:	0	Capital Amount:	\$ 0
No stock records found for this company			

Officers				<input type="checkbox"/> Include Inactive Officers
Managing Member - ELIAS ABRISHAMI				
Address 1:	PO BOX 2919	Address 2:		
City:	CARSON CITY	State:	NV	
Zip Code:	89702	Country:		
Status:	Active	Email:		
Managing Member - RAFI ABRISHAMI				
Address 1:	PO BOX 2919	Address 2:		
City:	CARSON CITY	State:	NV	
Zip Code:	89702	Country:		
Status:	Active	Email:		
Managing Member - REZA ZANDIAN				
Address 1:	220 SUSSEX PL	Address 2:		
City:	CARSON CITY	State:	NV	
Zip Code:	89703	Country:		
Status:	Active	Email:		

Actions/Amendments			
Action Type:	Articles of Organization		
Document Number:	LLC21824-2004-001	# of Pages:	1
File Date:	9/22/2004	Effective Date:	
(No notes for this action)			
Action Type:	Initial List		

Document Number:	21824-2004-002	# of Pages:	1
File Date:	11/01/2004	Effective Date:	
List of Officers for 2004 to 2005			
Action Type:	Dissolution		
Document Number:	20050090105-72	# of Pages:	1
File Date:	3/18/2005	Effective Date:	
(No notes for this action)			



CHUOCHILL PARK DEVELOPMENT LLC

Business Entity Information			
Status:	Dissolved	File Date:	9/22/2004
Type:	Domestic Limited-Liability Company	Entity Number:	LLC21827-2004
Qualifying State:	NV	List of Officers Due:	9/30/2005
Managed By:	Managers	Expiration Date:	9/22/2504
NV Business ID:	NV20041220644	Business License Exp:	

Registered Agent Information			
Name:	ELIAS ABRISHAMI	Address 1:	8350 W SAHARA AVE
Address 2:	STE 150	City:	LAS VEGAS
State:	NV	Zip Code:	89117
Phone:		Fax:	
Mailing Address 1:		Mailing Address 2:	
Mailing City:		Mailing State:	
Mailing Zip Code:			
Agent Type:	Noncommercial Registered Agent		

Financial Information			
No Par Share Count:	0	Capital Amount:	\$ 0
No stock records found for this company			

Officers		<input type="checkbox"/> Include Inactive Officers	
Managing Member - ELIAS ABRISHAMI			
Address 1:	PO BOX 2919	Address 2:	
City:	CARSON CITY	State:	NV
Zip Code:	89702	Country:	
Status:	Active	Email:	
Managing Member - RAFI ABRISHAMI			
Address 1:	PO BOX 2919	Address 2:	
City:	CARSON CITY	State:	NV
Zip Code:	89702	Country:	
Status:	Active	Email:	
Managing Member - REZA ZANDIAN			
Address 1:	220 SUSSEX PL	Address 2:	
City:	CARSON CITY	State:	NV
Zip Code:	89703	Country:	
Status:	Active	Email:	

Actions\Amendments			
Action Type:	Articles of Organization		
Document Number:	LLC21827-2004-001	# of Pages:	1
File Date:	9/22/2004	Effective Date:	
(No notes for this action)			
Action Type:	Initial List		

Document Number:	1827-2004-002	# of Pages:	1
File Date:	11/01/2004	Effective Date:	
List of Officers for 2004 to 2005			
Action Type:	Dissolution		
Document Number:	20050090112-60	# of Pages:	1
File Date:	3/18/2005	Effective Date:	
(No notes for this action)			

LEGAL DIMENSIONS
800-635-7753





SPARKS VILLAGE I OC

Business Entity Information			
Status:	Default	File Date:	12/15/2004
Type:	Domestic Limited-Liability Company	Entity Number:	LLC29380-2004
Qualifying State:	NV	List of Officers Due:	12/31/2010
Managed By:	Managers	Expiration Date:	12/15/2504
NV Business ID:	NV20041295883	Business License Exp:	Exempt - 003

Registered Agent Information			
Name:	SEAN S. FAYEGHI	Address 1:	1401 LAS VEGAS BLVD SOUTH
Address 2:		City:	LAS VEGAS
State:	NV	Zip Code:	89104
Phone:		Fax:	
Mailing Address 1:		Mailing Address 2:	
Mailing City:		Mailing State:	
Mailing Zip Code:			
Agent Type:	Noncommercial Registered Agent		

Financial Information	
No Par Share Count:	0
Capital Amount:	\$ 0
No stock records found for this company	

Officers		<input type="checkbox"/> Include Inactive Officers	
Manager - SEAN S FAYEGHI			
Address 1:	1401 S. LAS VEGAS BLVD	Address 2:	
City:	LAS VEGAS	State:	NV
Zip Code:	89104	Country:	
Status:	Active	Email:	
Manager - REZA ZANDIAN			
Address 1:	1401 S. LAS VEGAS BLVD	Address 2:	
City:	LAS VEGAS	State:	NV
Zip Code:	89104	Country:	
Status:	Active	Email:	

Actions/Amendments			
Action Type:	Articles of Organization		
Document Number:	LLC29380-2004-001	# of Pages:	1
File Date:	12/15/2004	Effective Date:	
(No notes for this action)			
Action Type:	Initial List		
Document Number:	LLC29380-2004-002	# of Pages:	1
File Date:	12/15/2004	Effective Date:	
List of Officers for 2004 to 2005			
Action Type:	Annual List		
Document Number:	20050561932-73	# of Pages:	1

File Date:	1/9/2005	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20070107298-06	# of Pages:	1
File Date:	2/08/2007	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20070801466-64	# of Pages:	1
File Date:	11/26/2007	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20080805719-20	# of Pages:	1
File Date:	12/10/2008	Effective Date:	
08-09			
Action Type:	Annual List		
Document Number:	20100743562-60	# of Pages:	1
File Date:	10/01/2010	Effective Date:	
(No notes for this action)			

LEGAL DIMENSIONS
500-535-7753



OPTOA TECHNOLOGY CORPORATION

Business Entity Information			
Status:	Revoked	File Date:	10/11/2004
Type:	Domestic Close Corporation	Entity Number:	C27410-2004
Qualifying State:	NV	List of Officers Due:	10/31/2008
Managed By:		Expiration Date:	
NV Business ID:	NV20041618927	Business License Exp:	

Registered Agent Information			
Name:	REZA ZANDIAN	Address 1:	8350 W. SAHARA AVE SUITE 150
Address 2:		City:	LAS VEGAS
State:	NV	Zip Code:	89117
Phone:		Fax:	
Mailing Address 1:	8 SAN RAMON DR	Mailing Address 2:	
Mailing City:	IRVINE	Mailing State:	CA
Mailing Zip Code:	92612		
Agent Type:	Noncommercial Registered Agent		

Financial Information			
No Par Share Count:	10,000.00	Capital Amount:	\$ 0
No stock records found for this company			

Officers		<input type="checkbox"/> Include Inactive Officers	
President - REZA ZANDIAN			
Address 1:	8775 COSTA VERDE BLVD #501	Address 2:	
City:	SAN DIEGO	State:	CA
Zip Code:	92122	Country:	USA
Status:	Active	Email:	
Secretary - REZA ZANDIAN			
Address 1:	8775 COSTA VERDE BLVD #501	Address 2:	
City:	SAN DIEGO	State:	CA
Zip Code:	92122	Country:	USA
Status:	Active	Email:	
Treasurer - REZA ZANDIAN			
Address 1:	8775 COSTA VERDE BLVD #501	Address 2:	
City:	SAN DIEGO	State:	CA
Zip Code:	92122	Country:	USA
Status:	Active	Email:	
Director - REZA ZANDIAN			
Address 1:	8775 COSTA VERDE BLVD #501	Address 2:	
City:	SAN DIEGO	State:	CA
Zip Code:	92122	Country:	USA
Status:	Active	Email:	

Actions/Amendments	

Action Type:	Articles of Incorporation	
Document Number:	C27410-2004-001	# of Pages: 1
File Date:	10/11/2004	Effective Date:
(No notes for this action)		
Action Type:	Initial List	
Document Number:	C27410-2004-002	# of Pages: 1
File Date:	10/11/2004	Effective Date:
List of Officers for 2004 to 2005		
Action Type:	Annual List	
Document Number:	20050611409-08	# of Pages: 1
File Date:	12/13/2005	Effective Date:
(No notes for this action)		
Action Type:	Amended List	
Document Number:	20060416290-50	# of Pages: 1
File Date:	6/28/2006	Effective Date:
(No notes for this action)		
Action Type:	Annual List	
Document Number:	20060673305-72	# of Pages: 1
File Date:	10/18/2006	Effective Date:
(No notes for this action)		
Action Type:	Annual List	
Document Number:	20070840329-25	# of Pages: 1
File Date:	12/11/2007	Effective Date:
(No notes for this action)		



I-50 PLAZA LLC

Business Entity Information			
Status:	Default	File Date:	2/03/2005
Type:	Domestic Limited-Liability Company	Entity Number:	E0011952005-5
Qualifying State:	NV	List of Officers Due:	2/28/2011
Managed By:	Managers	Expiration Date:	2/03/2505
NV Business ID:	NV20051209794	Business License Exp:	Exempt - 003

Registered Agent Information			
Name:	SEAN S. FAYEGHI	Address 1:	1401 LAS VEGAS BLVD SOUTH
Address 2:		City:	LAS VEGAS
State:	NV	Zip Code:	89104
Phone:		Fax:	
Mailing Address 1:		Mailing Address 2:	
Mailing City:		Mailing State:	
Mailing Zip Code:			
Agent Type:	Noncommercial Registered Agent		

Financial Information	
No Par Share Count:	0
Capital Amount:	\$ 0
No stock records found for this company	

Officers		<input type="checkbox"/> Include Inactive Officers	
Managing Member - SEAN S FAYEGHI			
Address 1:	1401 S. LAS VEGAS BLVD.	Address 2:	
City:	LAS VEGAS	State:	NV
Zip Code:	89104	Country:	
Status:	Active	Email:	
Managing Member - REZA ZANDIAN			
Address 1:	8350 W. SAHARA AVE.	Address 2:	
City:	LAS VEGAS	State:	NV
Zip Code:	89117	Country:	
Status:	Active	Email:	

Actions/Amendments			
Action Type:	Articles of Organization		
Document Number:	20050007640-04	# of Pages:	2
File Date:	2/03/2005	Effective Date:	
(No notes for this action)			
Action Type:	Initial List		
Document Number:	20050007642-26	# of Pages:	1
File Date:	2/03/2005	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20050632605-29	# of Pages:	1

File Date:	1/2005	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20070012183-14	# of Pages:	1
File Date:	1/04/2007	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20080097515-37	# of Pages:	1
File Date:	2/12/2008	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20080806151-81	# of Pages:	1
File Date:	12/10/2008	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20100743512-65	# of Pages:	1
File Date:	10/01/2010	Effective Date:	
(No notes for this action)			



DAYTON PLAZA, L.L.C.

Business Entity Information			
Status:	Default	File Date:	5/18/2005
Type:	Domestic Limited-Liability Company	Entity Number:	E0307202005-3
Qualifying State:	NV	List of Officers Due:	5/31/2011
Managed By:	Managers	Expiration Date:	
NV Business ID:	NV20051324192	Business License Exp:	Exempt - 003

Registered Agent Information			
Name:	SEAN S. FAYEGHI	Address 1:	1401 LAS VEGAS BLVD SOUTH
Address 2:		City:	LAS VEGAS
State:	NV	Zip Code:	89104
Phone:		Fax:	
Mailing Address 1:		Mailing Address 2:	
Mailing City:		Mailing State:	
Mailing Zip Code:			
Agent Type:	Noncommercial Registered Agent		

Financial Information			
No Par Share Count:	0	Capital Amount:	\$ 0
No stock records found for this company			

Officers				<input type="checkbox"/> Include Inactive Officers
Manager - SEAN S FAYEGHI				
Address 1:	1401 LAS VEGAS BLVD. SOUTH	Address 2:		
City:	LAS VEGAS	State:	NV	
Zip Code:	89104	Country:		
Status:	Active	Email:		
Manager - SHAHROKH REZAI				
Address 1:	7353 SINGING TREE ST.	Address 2:		
City:	LAS VEGAS	State:	NV	
Zip Code:	89123	Country:		
Status:	Active	Email:		
Manager - REZA ZANDIAN				
Address 1:	8350 W. SAHARA AVE.	Address 2:	SUITE 150	
City:	LAS VEGAS	State:	NV	
Zip Code:	89117	Country:		
Status:	Active	Email:		

Actions\Amendments			
Action Type:	Articles of Organization		
Document Number:	20050184429-75	# of Pages:	1
File Date:	5/18/2005	Effective Date:	
(No notes for this action)			
Action Type:	Initial List		

Document Number:	200184430-07	# of Pages:	1
File Date:	5/18/2005	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20060282468-48	# of Pages:	1
File Date:	5/03/2006	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20070385782-52	# of Pages:	1
File Date:	5/31/2007	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20080380264-03	# of Pages:	1
File Date:	6/02/2008	Effective Date:	
08/09			
Action Type:	Annual List		
Document Number:	20090396017-67	# of Pages:	1
File Date:	4/30/2009	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20100743576-25	# of Pages:	1
File Date:	10/01/2010	Effective Date:	
(No notes for this action)			



LENO HIGHWAY PLAZA, L.L.C.

Business Entity Information			
Status:	Revoked	File Date:	6/05/2006
Type:	Domestic Limited-Liability Company	Entity Number:	E0416572006-9
Qualifying State:	NV	List of Officers Due:	6/30/2007
Managed By:	Managers	Expiration Date:	
NV Business ID:	NV20061046071	Business License Exp:	

Registered Agent Information			
Name:	SEAN S. FEYEGHI	Address 1:	5945 ROBERT HAMPTON ROAD
Address 2:		City:	LAS VEGAS
State:	NV	Zip Code:	89120
Phone:		Fax:	
Mailing Address 1:	1401 SOUTH LAS VEGAS BLVD	Mailing Address 2:	
Mailing City:	LAS VEGAS	Mailing State:	NV
Mailing Zip Code:	89104		
Agent Type:	Noncommercial Registered Agent		

Financial Information			
No Per Share Count:	0	Capital Amount:	\$ 0
No stock records found for this company			

Officers		<input type="checkbox"/> Include Inactive Officers	
Manager - SEAN S FAYEGHI			
Address 1:	1401 SOUTH LAS VEGAS BLVD	Address 2:	
City:	LAS VEGAS	State:	NV
Zip Code:	89104	Country:	
Status:	Active	Email:	
Manager - REZA ZANDIAN			
Address 1:	8775 CASTA VERDE BLVD	Address 2:	SUITE 1416
City:	SAN DIEGO	State:	CA
Zip Code:	92122	Country:	
Status:	Active	Email:	

Actions/Amendments			
Action Type:	Articles of Organization		
Document Number:	20060359719-12	# of Pages:	2
File Date:	6/05/2006	Effective Date:	
(No notes for this action)			
Action Type:	Initial List		
Document Number:	20060359720-44	# of Pages:	1
File Date:	6/05/2006	Effective Date:	
(No notes for this action)			

7/1/11

REC'D & FILED

2011 JUL -5 AM 11:15

ALAN GLOVER

BY CLERK DEPUTY

1 **ROPP**
 JOHN PETER LEE, LTD.
 2 JOHN PETER LEE, ESQ.
 Nevada Bar No. 001768
 3 JOHN C. COURTNEY, ESQ.
 Nevada Bar No. 011092
 4 830 Las Vegas Boulevard South
 Las Vegas, Nevada 89101
 5 (702) 382-4044 Fax: (702) 383-9950
 e-mail: info@johnpeterlee.com
 6 Attorneys for Defendant Reza Zandian

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

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

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

REPLY TO OPPOSITION TO
MOTION TO DISMISS
ON A SPECIAL
APPEARANCE

19 1334.023382-tam

21 COMES NOW Defendant Reza Zandian by and through his counsel John Peter Lee, Ltd.,
 22 and hereby files his REPLY TO OPPOSITION TO MOTION TO DISMISS ON A SPECIAL
 23 APPEARANCE.

24 This Reply is made and based upon all of the pleadings and papers on file herein, exhibits
 25 attached hereto, the attached Memorandum of Points and Authorities, and oral argument, if required
 26 by the Court.

27 ...
 28 ...

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

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LAS VEGAS, NEVADA 89101
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1 Zandian at a location that Plaintiff either knew or believed was not Zandian's residence in order to
2 take a default. Thus, Plaintiff cannot meet his burden of proof demonstrating that Zandian was
3 afforded his constitutional due process right of notice as prescribed by the clear and unambiguous
4 rules regarding service.

5 II.

6 **PLAINTIFF'S COUNTERMOTION TO STRIKE ZANDIAN'S MOTION AND TO**
7 **PROVIDE A MORE DEFINITE STATEMENT MUST BE DENIED.**

8 N.R.C.P. 12(f) provides the basis for a motion to strike:

9 Upon motion made by a party before responding to a pleading or, if
10 no responsive pleading is permitted by these rules, upon motion made
11 by a party within 20 days after the service of the pleading upon the
12 party or upon the court's own initiative at any time, the court may
13 order stricken from any pleading any insufficient defense or any
14 redundant, immaterial, impertinent, or scandalous matter.

15 The Plaintiff's motion meets none of the requirements and must be denied.

16 Furthermore, Plaintiff's counter motion to strike the instant motion to dismiss is without
17 merit. Plaintiff suggest that Zandian waived the right to object to insufficiencies with respect to
18 service and personal jurisdiction because Zandian did not respond in a timely manner. Zandian,
19 however, could not have been expected to respond to Plaintiff's Complaint before he was given
20 proper notice thereof. Thus, Plaintiff's counter motion in this regard must be denied.

21 The Complaint cannot be save now, considering that it was filed 2009, and was not served
22 within the time prescribed by NRCP 4(i) (stating in pertinent part, "If a service of the summons and
23 complaint is not made upon a defendant within 120 days after the filing of the complaint, the action
24 shall be dismissed as to that defendant without prejudice upon the court's own initiative with notice
25 to such party or upon motion"). Thus Plaintiff's counter motion in this regard must be denied.

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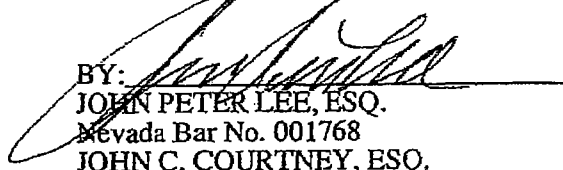
V.

CONCLUSION.

For the above stated reasons, Zandian's Motion to Dismiss Plaintiff's Complaint must be granted, and Plaintiff's counter motions to strike Zandian's objection and to permit Plaintiff to provide a more definite statement must be denied.

DATED this 1st day of July, 2011.

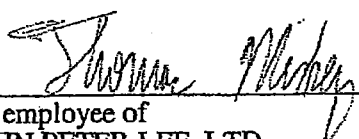
JOHN PETER LEE, LTD.

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 Reza Zandian

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on the 1st day of July, 2011, a copy of the foregoing REPLY TO OPPOSITION TO MOTION TO DISMISS ON A SPECIAL APPEARANCE was served on the following parties by mailing a copy thereof, first class mail, postage prepaid, addressed to:

Adam McMillen, Esq.
Watson Rounds
5371 Kietzke Lane
Reno, NV 89511


An employee of
JOHN PETER LEE, LTD.

1 Case No. 09 OC 00579 1B

REC'D & FILED

2 Dept. No. I

2011 AUG -3 AM 8: 14

ALAN GLOVER

CLERK
BY *Alan Glover*
DEPUTY

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.

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

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.
23 _____ /

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

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

31 In his Motion, Defendant argues primarily that service of the summons and
32 complaint was never effectuated upon Defendant. Defendant further argues that Nevada
33 does not have personal jurisdiction over Defendant in the instant action.
34

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,

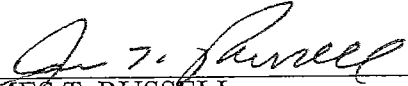
25 IT IS HEREBY ORDERED that the Default Judgment entered against Defendant
26 on March 1, 2011 shall be set aside.

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 NRCR 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

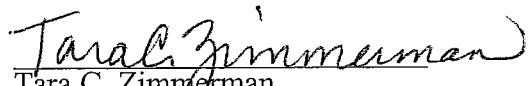
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CERTIFICATE OF SERVICE

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*

REC'D & FILED ✓

2011 AUG 11 PM 4:05

ALAN GLOVER
BY  CLERK
DEPUTY

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

12 **JED MARGOLIN, an individual,**
13 **Plaintiff,**

Case No.: 090C00579 1B

14 vs.

Dept. No.: 1

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

AMENDED COMPLAINT
(Exemption From Arbitration Requested)

26 **Defendants.**

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

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

Dated: August 11, 2011



Carla Ousby

ORIGINAL

REC'D & FILED

No. 090C00579 1B

2011 NOV -7 PM 12:48

Dept No. 1

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,

v.

SUMMONS on
Amended
Complaint

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 CHONONREZA ZANDIAN JAZI, an individual, DOE Companies 1-10, DOE Corporations 11-20, and DOE Individuals 21-30,
Defendants.

THE STATE OF NEVADA SENDS GREETINGS TO: OPTIMA TECHNOLOGY CORPORATION, a Nevada corporation

NOTICE! YOU HAVE BEEN SUED. THIS ACTION IS BROUGHT TO RECOVER DAMAGES AS A RESULT OF THE DEFENDANTS' FRAUDULENT ASSIGNMENT OF DOCUMENTS RELATING TO PATENT NO.'S 5,566,073, 5,904,724 AND 5,978,488 AS MORE FULLY STATED IN THE COMPLAINT. THE COURT MAY DECIDE AGAINST YOU WITHOUT YOUR BEING HEARD UNLESS YOU RESPOND WITHIN 20 DAYS. READ THE INFORMATION BELOW.

TO THE DEFENDANT: A civil complaint or petition has been filed by the plaintiff(s) against you.

1. If you wish to defend this lawsuit, you must, within 20 days after this summons is served on you, exclusive of the day of service, file with the Clerk of the Court a written pleading in response to this Complaint.
2. Unless you respond, a default will be entered upon application of the plaintiff(s) and this Court may enter a judgment against you for the relief demanded in the complaint*, which could result in the taking of money or property or the relief requested in the Complaint.
3. If you wish to seek the advice of an attorney in this matter, you should do so promptly so that your response may be filed on time.
4. You are required to serve your response upon plaintiff's attorney, whose address is

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

ALAN GLOVER
Clerk of Court
By [Signature]
Deputy Clerk

Date August 11, 20 11.

*Note - When served by publication, insert a brief statement of the object of the action. See Rule 4.

RETURN OF SERVICE ON REVERSE SIDE

AFFP DISTRICT COURT
Clark County, Nevada

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

Stacey M. Lewis, being 1st duly sworn, deposes and says: That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for,

WATSON ROUNDS 3983802WAT 7489602

was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 4 edition(s) of said newspaper issued from 10/07/2011 to 10/28/2011, on the following days:

- 10/07/2011
- 10/14/2011
- 10/21/2011
- 10/28/2011

NO. 090C00579.1B DEPT. NO. J
In the First Judicial District Court of
the State of Nevada in and for
Carson City

JED MARGOLIN, an individual,
Plaintiff v. 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

SUMMONS
ON AMENDED COMPLAINT

THE STATE OF NEVADA SENDS
GREETINGS TO: OPTIMA
TECHNOLOGY CORPORATION, a
Nevada corporation

NOTICE: YOU HAVE BEEN SUED. THIS
ACTION IS BROUGHT TO RECOVER
DAMAGES AS A RESULT OF THE
DEFENDANTS' FRAUDULENT ASSIGN-
MENT OF DOCUMENTS RELATING TO
PATENT NO. S 5,666,073, 5,904,724
AND 5,978,488 AS MORE FULLY
STATED IN THE COMPLAINT. THE
COURT MAY DECIDE AGAINST YOU
WITHOUT YOUR BEING HEARD
UNLESS YOU RESPOND WITHIN 20
DAYS. READ THE INFORMATION
BELOW.

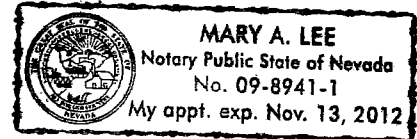
TO THE DEFENDANT: A civil
Complaint has been filed by the
Plaintiff(s) against you.

1. If you wish to defend this lawsuit,
you must, within 20 days after this
Summons is served on you,
exclusive of the day of service, file
with the Clerk of the Court a written
pleading in response to this
Complaint. 2. Unless you respond, a
default will be entered upon
application of the Plaintiff(s) and
this Court may enter a judgment
against you for the relief demanded
in the complaint, which could
result in the taking of money or
property or other relief requested in
the Complaint. 3. If you wish to seek
the advice of an attorney in this
matter, you should do so promptly
so that your response may be filed
on time. 4. You are required to serve
your response upon plaintiff's
attorney, whose address is
Matthew D. Francis
Adam McMillen
Watson Rounds, 5371 Kietzke Lane
Reno, Nevada 89511
Date August 11, 2011
ALAN GLOVER Clerk of Court
By C. COOPER, Deputy Clerk
PUB: October 7, 14, 21, 28, 2011
LV Review-Journal

Signed: Stacey M. Lewis

SUBSCRIBED AND SWORN BEFORE ME THIS, THE
28th day of October, 2011.

Mary Lee
Notary Public



RENO NEWSPAPERS INC

Publishers of

Reno Gazette-Journal

955 Kuenzli St • P.O. Box 22,000 • Reno, NV 89520 • 775.788.6200

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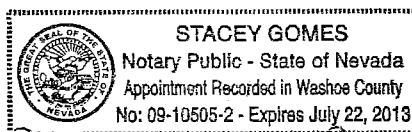
STATE OF NEVADA
COUNTY OF WASHOE

Being first duly sworn, deposes and says: That as the legal clerk of the Reno Gazette-Journal, a daily newspaper of general circulation published in Reno, Washoe County, State of Nevada, that the notice referenced below has published in each regular and entire issue of said newspaper between the dates: **09/16/2011 - 10/07/2011**, for exact publication dates please see last line of Proof of Publication below.

Subscribed and sworn to before me

Signed: Jeff Montemayor

OCT 07 2011



Stacey Gomes

Proof of Publication

SUMMONS On Amended Complaint IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA IN AND FOR CARSON CITY No. 090C00579 1 B Dept No. 1 JED MARGOLIN, an individual, Plaintiff, v. OPTIMA TECHNOLOGY CORPORATION, a California corporation, OPTIMA TECHNOLOGY CORPORATION, a Nevada corporation, REZA ZANDIAN aka GOLAMREZA ZANDIANJAZI aka GHOLAM REZA ZAN DIAN aka REZA JAZI aka J. REZA JAZI, aka G.REZA JAZI aka CHONONREZA ZANDIAN JAZI, an individual, DOE Companies 1-10, DOE Corporations 11 -20, and DOE Individuals 21-30, Defendants, THE STATE OF NEVADA SENDS GREETINGS TO: OPTIMA TECHNOLOGY CORPORATION, a Nevada corporation NOTICE! YOU HAVE BEEN SUED. THIS ACTION IS BROUGHT TO RECOVER DAMAGES AS A RESULT OF THE DEFENDANTS' FRAUDULENT ASSIGNMENT OF DOCUMENTS RELATING TO PATENT NO,'S 5,566,073, 5,904,724 AND 5,978,488 AS MORE FULLY STATED IN THE COMPLAINT, THE COURT MAY DECIDE AGAINST YOU WITHOUT YOUR BEING HEARD UNLESS YOU RESPOND WITHIN 20 DAYS, READ THE INFORMATION BELOW. TO THE DEFENDANT: A civil complaint or petition has been filed by the plaintiff(s) against you. 1, If you wish to defend this lawsuit, you must, within 20 days after this summons is served on you,

exclusive of the day of service, file with the Clerk of the Court a written pleading in response to this Complaint. 2, Unless you respond, a default will be entered upon application of the plaintiff(s) and this Court may enter a judgment against you for the relief demanded in the complaint, which could result in the taking of money or property or the relief requested in the Complaint. 3, If you wish to seek the advice of an attorney in this matter, you should do so promptly so that your response may be filed on time, 4, You are required to serve your response upon plaintiffs attorney, whose address is: Matthew D. Francis Adam McMillen Watson Rounds 5371 Kietzke Lane Reno, Nevada 89511 Date: August 11, 2011 /s/ALAN GLOVER Clerk of Court Deputy Clerk No. 763513 Sept 16, 23, 30, Oct 7, 2011

**SUMMONS On Amended Complaint
IN THE FIRST JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA
IN AND FOR CARSON CITY**

No. 090C00579-1 B
Dept No. 1

JED MARGOLIN, an individual,
Plaintiff,

v.

OPTIMA TECHNOLOGY CORPORATION, a California corporation, OPTIMA TECHNOLOGY CORPORATION, a Nevada corporation, REZA ZANDIAN aka GOLAMREZA ZANDIANJAZI aka GHOLAM REZA ZAN DIAN aka REZA JAZI aka J. REZA JAZI; aka G.REZA JAZI aka CHONONREZA ZANDIAN JAZI, an individual, DOE Companies 1-10, DOE Corporations 11-20, and DOE individuals 21-30,
Defendants,

THE STATE OF NEVADA SENDS GREETINGS TO: OPTIMA TECHNOLOGY CORPORATION, a Nevada corporation NOTICE! YOU HAVE BEEN SUED. THIS ACTION IS BROUGHT TO RECOVER DAMAGES AS A RESULT OF THE DEFENDANTS' FRAUDULENT ASSIGNMENT OF DOCUMENTS RELATING TO PATENT NO.'S 5,566,073, 5,904,724 AND 5,978,488 AS MORE FULLY STATED IN THE COMPLAINT. THE COURT MAY DECIDE AGAINST YOU WITHOUT YOUR BEING HEARD UNLESS YOU RESPOND WITHIN 20 DAYS. READ THE INFORMATION BELOW.

TO THE DEFENDANT: A civil complaint or petition has been filed by the plaintiff(s) against you.

1, If you wish to defend this lawsuit, you must, within 20 days after this summons is served on you, exclusive of the day of service, file with the Clerk of the Court a written pleading in response to this Complaint.

2, Unless you respond, a default will be entered upon application of the plaintiff(s) and this Court may enter a judgment against you for the relief demanded in the complaint, which could result in the taking of money or property or the relief requested in the Complaint.

3, If you wish to seek the advice of an attorney in this matter, you should do so promptly so that your response may be filed on time.

4, You are required to serve your response upon plaintiffs attorney, whose address is:

Matthew D. Francis
Adam McMillen
Watson Rounds
5371 Kietzke Lane
Reno, Nevada 89511
Date: August 11, 2011

/s/ALAN GLOVER
Clerk of Court
Deputy Clerk

No. 763513 Sept 16, 23, 30, Oct 7, 2011

P.O. Box 120191, San Diego, CA 92112-0191

AFFIDAVIT OF PUBLICATION

WATSON ROUNDS
5371 KIETZKE LANE
RENO, NV 89511

STATE OF CALIFORNIA } ss.
County of San Diego }

The Undersigned, declares under penalty of perjury under the laws of the State of California: That she is a resident of the County of San Diego. That she is and at all times herein mentioned was a citizen of the United States, over the age of twenty-one years, and that she is not a party to, nor interested in the above entitled matter; that she is Chief Clerk for the publisher of

The San Diego Union-Tribune

a newspaper of general circulation, printed and published daily in the City of San Diego, County of San Diego, and which newspaper is published for the dissemination of local news and intelligence of a general character, and which newspaper at all the times herein mentioned had and still has a bona fide subscription list of paying subscribers, and which newspaper has been established, printed and published at regular intervals in the said City of San Diego, County of San Diego, for a period exceeding one year next preceding the date of publication of the notice hereinafter referred to, and which newspaper is not devoted to nor published for the interests, entertainment or instruction of a particular class, profession, trade, calling, race, or denomination, or any number of same; that the notice of which the annexed is a printed copy, has been published in said newspaper in accordance with the instructions of the person(s) requesting publication, and not in any supplement thereof on the following dates, to wit:

Sep 23, 2011, Sep 30, 2011, Oct 7, 2011, Oct 14, 2011

Chief Clerk for the Publisher

10-14-2011

Date

Affidavit of Publication of

Legal Advertisement
Ad # 0010554081
ORDERED BY: CARLA OUSBY

JED MARGOLIN,
an individual,
Plaintiff,

v.
OPTIMA
TECHNOLOGY
CORPORATION, a
California corpora-
tion; OPTIMA
TECHNOLOGY
CORPORATION, a
Nevada corporation,
REZA ZANDIAN
aka GOLAREZA
ZANDIAN JAZI aka
GHOLAM REZA
ZANDIAN aka
REZA JAZI
aka J. REZA JAZI,
aka G. REZA JAZI
aka CHONONREZA
ZANDIAN JAZI, an
individual; DOE
Companies 1-10;
DOE Corporations
11-20, and DOE Ind-
ividuals 21-30;
Defendants.

THE STATE OF
NEVADA SENDS
GREETINGS TO:
OPTIMA
TECHNOLOGY
CORPORATION, a
Nevada corporation

NOTICE! YOU
HAVE BEEN
SUED. THIS AC-
TION IS BROUGHT
TO RECOVER
DAMAGES AS A
RESULT OF
THE DEFEND-
ANTS' FRAUDU-
LENT ASSIGN-
MENT OF DOCU-
MENTS RELATING
TO PATENT NO.'S
5,566,073,
5,904,724 AND
5,978,488 AS MORE
FULLY STATED IN
THE COMPLAINT.
THE COURT MAY
DECIDE
AGAINST YOU
WITHOUT YOUR
BEING HEARD UN-
LESS YOU RE-
SPOND WITHIN 20
DAYS. READ THE
INFORMATION
BELOW.

TO THE DEFEND-
ANT: A civil com-
plaint or petition has
been filed by the
plaintiff(s) against
you.

1. If you wish to de-
fend this lawsuit,
you must, within 20
days after this sum-
mons is served on
you, exclusive of the
day of service, file
with the Clerk of the
Court a written
pleading in response
to this Complaint.
2. Unless you re-
spond, a default will
be entered upon ap-
plication of the
plaintiff(s) and this
Court may enter a
judgment against
you for the relief de-
manded in the com-
plaint, which could
result in the taking
of money or prop-
erty or the relief re-
quested in the
Complaint.
3. If you wish to seek
the advice of an at-
torney in this mat-
ter, you should do so
promptly so that
your response may
be filed on time.
4. You are required to
serve your re-
sponse upon plain-
tiff's attorney, whose
address is

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

ALAN GLOVER
Clerk of Court

By C. Cooper,
Deputy Clerk

Date August 11, 2011

ORIGINAL

REC'D & FILED

No. 090C00579 1B

2011 NOV -7 PM 12:48

Dept No. 1

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,

v.

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 CHONONREZA ZANDIAN JAZI, an individual, DOE Companies 1-10, DOE Corporations 11-20, and DOE Individuals 21-30,
Defendants.

Add'l
SUMMONS on
Amended
Comp

THE STATE OF NEVADA SENDS GREETINGS TO: OPTIMA TECHNOLOGY CORPORATION, a California corporation

NOTICE! YOU HAVE BEEN SUED. THIS ACTION IS BROUGHT TO RECOVER DAMAGES AS A RESULT OF THE DEFENDANTS' FRAUDULENT ASSIGNMENT OF DOCUMENTS RELATING TO PATENT NO.'S 5,566,073, 5,904,724 AND 5,978,488 AS MORE FULLY STATED IN THE COMPLAINT. THE COURT MAY DECIDE AGAINST YOU WITHOUT YOUR BEING HEARD UNLESS YOU RESPOND WITHIN 20 DAYS. READ THE INFORMATION BELOW.

TO THE DEFENDANT: A civil complaint or petition has been filed by the plaintiff(s) against you.

1. If you wish to defend this lawsuit, you must, within 20 days after this summons is served on you, exclusive of the day of service, file with the Clerk of the Court a written pleading in response to this Complaint.
2. Unless you respond, a default will be entered upon application of the plaintiff(s) and this Court may enter a judgment against you for the relief demanded in the complaint*, which could result in the taking of money or property or the relief requested in the Complaint.
3. If you wish to seek the advice of an attorney in this matter, you should do so promptly so that your response may be filed on time.
4. You are required to serve your response upon plaintiff's attorney, whose address is

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

ALAN GLOVER
Clerk of Court
By [Signature]
Deputy Clerk

Date August 11, 20 11.

*Note - When served by publication, insert a brief statement of the object of the action. See Rule 4.

RETURN OF SERVICE ON REVERSE SIDE

AFFP DISTRICT COURT
Clark County, Nevada

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

Stacey M. Lewis, being 1st duly sworn, deposes and says: That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for,

WATSON ROUNDS 3983802WAT 7491280

was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 4 edition(s) of said newspaper issued from 10/07/2011 to 10/28/2011, on the following days:

- 10/07/2011
- 10/14/2011
- 10/21/2011
- 10/28/2011

NO. 090C00579 1B DEPT. NO. 1
In the First Judicial District Court
of the State of Nevada
in and for Carson City

JED MARGOLIN, an individual,
Plaintiff v. OPTIMA TECHNOLOGY
CORPORATION, a California
corporation; OPTIMA TECHNOLOGY
CORPORATION, a Nevada
corporation, REZA ZANDIAN aka
GHOLAM REZA ZANDIAN aka REZA
JAZI aka J. REZA JAZI, aka G. REZA
JAZI aka CHONONREZA ZANDIAN
JAZI, an individual, DOE Companies
1-10, DOE Corporations 11-20, and
DOE Individuals 21-30, Defendants
Additional SUMMONS
ON AMENDED COMPLAINT

THE STATE OF NEVADA SENDS
GREETINGS TO: OPTIMA
TECHNOLOGY CORPORATION,
a California corporation

NOTICE: YOU HAVE BEEN SUED. THIS
ACTION IS BROUGHT TO RECOVER
DAMAGES AS A RESULT OF THE
DEFENDANTS' FRAUDULENT ASSIGN-
MENT OF DOCUMENTS RELATING TO
PATENT NO.'S 5,566,073, 5,904,724
AND 5,978,488 AS MORE FULLY
STATED IN THE COMPLAINT. THE
COURT MAY DECIDE AGAINST YOU
WITHOUT YOUR BEING HEARD
UNLESS YOU RESPOND WITHIN 20
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BELOW.

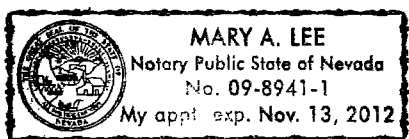
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Complaint has been filed by the
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Summons is served on you,
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with the Clerk of the Court a written
pleading in response to this
Complaint. 2. Unless you respond, a
default will be entered upon
application of the Plaintiff(s) and
this Court may enter a judgment
against you for the relief demanded
in the complaint, which could
result in the taking of money or
property or other relief requested in
the Complaint. 3. If you wish to seek
the advice of an attorney in this
matter, you should do so promptly
so that your response may be filed
on time. 4. You are required to serve
your response upon plaintiff's
attorney, whose address is
Matthew D. Francis
Adam McMillen
Watson Rounds, 5371 Kietzke Lane
Reno, Nevada 89511
Date: August 11, 2011
ALAN GLOVER, Clerk of Court
By C. Cooper, Deputy Clerk
PUB: October 7, 14, 21, 28, 2011
LV Review-Journal

Signed: Stacey M. Lewis

SUBSCRIBED AND SWORN BEFORE ME THIS, THE
28th day of October, 2011.

Mary Lee
Notary Public



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Publishers of
Reno Gazette-Journal
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Legal Advertising Office 775.788.6394

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Legal Ad Cost \$442.24

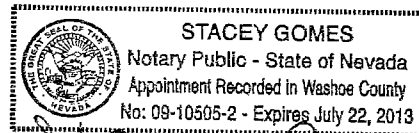
STATE OF NEVADA
COUNTY OF WASHOE

Being first duly sworn, deposes and says: That as the legal clerk of the Reno Gazette-Journal, a daily newspaper of general circulation published in Reno, Washoe County, State of Nevada, that the notice referenced below has published in each regular and entire issue of said newspaper between the dates: **09/16/2011 - 10/07/2011**, for exact publication dates please see last line of Proof of Publication below.

Subscribed and sworn to before me

Signed: _____

Jeff Montemayor
OCT 07 2011



Stacey Gomes

Proof of Publication

Add'l SUMMONS on Amended Comp In the First Judicial District Court of the State of Nevada in and for Carson City No. 090C00579 1 B Dept No. 1 JED MARGOLIN, an individual, Plaintiff, v. OPTIMA TECHNOLOGY CORPORATION, a California corporation, OPTIMA TECHNOLOGY CORPORATION, Nevada corporation, REZA ZANDIAN aka GOLAMREZA ZANDIANJAZI aka GHOLAM REZA ZAN DIAN aka REZA JAZI aka J. REZA JAZI, aka G. REZA JAZI aka CHONONREZA ZANDIAN JAZI, an individual, DOE Companies 1-10, DOE Corporations 11-20, and DOE Individuals 21-30, Defendants. THE STATE OF NEVADA SENDS GREETINGS TO: OPTIMA TECHNOLOGY CORPORATION, a California corporation NOTICE! YOU HAVE BEEN SUED. THIS ACTION IS BROUGHT TO RECOVER DAMAGES AS A RESULT OF THE DEFENDANTS' FRAUDULENT ASSIGNMENT OF DOCUMENTS RELATING TO PATENT NO.'S 5,566,073, 5,904,724 AND 5,978,488 AS MORE FULLY STATED IN THE COMPLAINT. THE COURT MAY DECIDE AGAINST YOU WITHOUT YOUR BEING HEARD UNLESS YOU RESPOND WITHIN 20 DAYS. READ THE INFORMATION BELOW. TO THE DEFENDANT: A civil complaint or petition has been filed by the plaintiff(s) against you. 1. If you wish to defend this lawsuit, you must, within 20 days after this summons is served on you, exclusive of the day of

service, file with the Clerk of the Court a written pleading in response to this Complaint. 2. Unless you respond, a default will be entered upon application of the plaintiff(s) and this Court may enter a judgment against you for the relief demanded in the complaint, which could result in the taking of money or property or the relief requested in the Complaint. 3. If you wish to seek the advice of an attorney in this matter, you should do so promptly so that your response may be filed on time. 4. You are required to serve your response upon plaintiffs attorney, whose address is: Matthew D. Francis Adam McMillen Watson Rounds 5371 Kietzke Lane Reno, Nevada 89511 Date August 11, 2011 /s/ALAN GLOVER Clerk of Court Deputy Clerk No. 763508 Sept 16, 23, 30, Oct 7, 2011

**Add'l SUMMONS on Amended Comp
In the First Judicial District Court of the State of Nevada
in and for Carson City**

No. 090C00579 1 B
Dept No. 1

JED MARGOLIN, an individual,
Plaintiff,

v.

OPTIMA TECHNOLOGY CORPORATION, a California corporation, OPTIMA TECHNOLOGY CORPORATION, Nevada corporation, REZA ZANDIAN aka GOLAMREZA ZANDIANJAZI aka GHOLAM REZA ZAN DIAN aka REZA JAZI aka J. REZA JAZI, aka G. REZA JAZI aka CHONONREZA ZANDIAN JAZI, an individual, DOE Companies 1-10, DOE Corporations 11-20, and DOE Individuals 21-30, Defendants.

THE STATE OF NEVADA SENDS GREETINGS TO: OPTIMA TECHNOLOGY CORPORATION, a California corporation

NOTICE! YOU HAVE BEEN SUED. THIS ACTION IS BROUGHT TO RECOVER DAMAGES AS A RESULT OF THE DEFENDANTS' FRAUDULENT ASSIGNMENT OF DOCUMENTS RELATING TO PATENT NO.'S 5,566,073, 5,904,724 AND 5,978,488 AS MORE FULLY STATED IN THE COMPLAINT. THE COURT MAY DECIDE AGAINST YOU WITHOUT YOUR BEING HEARD UNLESS YOU RESPOND WITHIN 20 DAYS. READ THE INFORMATION BELOW.

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2. Unless you respond, a default will be entered upon application of the plaintiff(s) and this Court may enter a judgment against you for the relief demanded in the complaint, which could result in the taking of money or property or the relief requested in the Complaint.
3. If you wish to seek the advice of an attorney in this matter, you should do so promptly so that your response may be filed on time.
4. You are required to serve your response upon plaintiffs attorney, whose address is:

Matthew D. Francis
Adam McMillen
Watson Rounds
5371 Kietzke Lane
Reno, Nevada 89511
Date August 11, 2011

/s/ALAN GLOVER
Clerk of Court
Deputy Clerk

No. 763508 Sept 16, 23, 30, Oct 7, 2011

P.O. Box 120191, San Diego, CA 92112-0191

AFFIDAVIT OF PUBLICATION

WATSON ROUNDS
5371 KIETZKE LANE
RENO, NV 89511

STATE OF CALIFORNIA } ss.
County of San Diego }

The Undersigned, declares under penalty of perjury under the laws of the State of California: That she is a resident of the County of San Diego. That she is and at all times herein mentioned was a citizen of the United States, over the age of twenty-one years, and that she is not a party to, nor interested in the above entitled matter; that she is Chief Clerk for the publisher of

The San Diego Union-Tribune

a newspaper of general circulation, printed and published daily in the City of San Diego, County of San Diego, and which newspaper is published for the dissemination of local news and intelligence of a general character, and which newspaper at all the times herein mentioned had and still has a bona fide subscription list of paying subscribers, and which newspaper has been established, printed and published at regular intervals in the said City of San Diego, County of San Diego, for a period exceeding one year next preceding the date of publication of the notice hereinafter referred to, and which newspaper is not devoted to nor published for the interests, entertainment or instruction of a particular class, profession, trade, calling, race, or denomination, or any number of same; that the notice of which the annexed is a printed copy, has been published in said newspaper in accordance with the instructions of the person(s) requesting publication, and not in any supplement thereof on the following dates, to wit:

Sep 23, 2011, Sep 30, 2011, Oct 7, 2011, Oct 14, 2011


Chief Clerk for the Publisher

10-14-2011
Date

Affidavit of Publication of

Legal Advertisement
Ad # 0010553922
ORDERED BY: CARLA OUSBY

No. 090C00579 1B
Dept No. 1

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

JED MARGOLIN, an individual, Plaintiff,

v.

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 S. REZA JAZI aka CHONONREZA ZANDIAN JAZI, an individual, DOE Companies 1-10, DOE Corporations 11-20, and DOE Individuals 21-30, Defendants.

THE STATE OF NEVADA SENDS GREETINGS TO: OPTIMA TECHNOLOGY CORPORATION, a California corporation

NOTICE: YOU HAVE BEEN SUED. THIS ACTION IS BROUGHT TO RECOVER DAMAGES AS A RESULT OF THE DEFENDANTS' FRAUDULENT ASSIGNMENT OF DOCUMENTS RELATING TO PATENT NO.'S 5,566,073, 5,904,724 AND 5,978,888 AS MORE FULLY STATED IN THE COMPLAINT. THE COURT MAY DECIDE AGAINST YOU WITHOUT YOUR BEING HEARD UNLESS YOU RESPOND WITHIN 20 DAYS. READ THE INFORMATION BELOW.

TO THE DEFENDANT: A civil complaint or petition has been filed by the plaintiff(s) against you.

1. If you wish to defend this lawsuit, you must, within 20 days after this summons is served on you, exclusive of the day of service, file with the Clerk of the Court a written pleading in response to this Complaint.

2. Unless you respond, a default will be entered upon application of the plaintiff(s) and this Court may enter a judgment against you for the relief demanded in the complaint, which could result in the taking of money or property or the relief requested in the Complaint.

3. If you wish to seek the advice of an attorney in this matter, you should do so promptly so that your response may be filed on time.

4. You are required to serve your response upon plaintiff's attorney, whose address is

Matthew D. Francis
Adam McMillan
Watson Rounds
5371 Kietzke Lane
Reno, Nevada 89511

ALAN GLOVER
Clerk of Court

By C. Cooper,
Deputy Clerk

Date August 11, 2011

ORIGINAL

REC'D & FILED ✓

No. 090C00579 1B

2011 NOV -7 PM 12:48

Dept No. 1

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,

v.

Add
SUMMONS on
Amended
Complaint

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 CHONONREZA ZANDIAN JAZI, an individual, DOE Companies 1-10, DOE Corporations 11-20, and DOE Individuals 21-30,

Defendants. /

THE STATE OF NEVADA SENDS GREETINGS TO: REZA ZANDIAN aka GOLAMREZA ZANDIANJAZI aka GHOLAM REZA ZANDIAN aka REZA JAZI aka J. REZA JAZI aka G. REZA JAZI aka CHONONREZA ZANDIAN JAZI

NOTICE! YOU HAVE BEEN SUED. THIS ACTION IS BROUGHT TO RECOVER DAMAGES AS A RESULT OF THE DEFENDANTS' FRAUDULENT ASSIGNMENT OF DOCUMENTS RELATING TO PATENT NO.'S 5,566,073, 5,904,724 AND 5,978,488 AS MORE FULLY STATED IN THE COMPLAINT. THE COURT MAY DECIDE AGAINST YOU WITHOUT YOUR BEING HEARD UNLESS YOU RESPOND WITHIN 20 DAYS. READ THE INFORMATION BELOW.

TO THE DEFENDANT: A civil complaint or petition has been filed by the plaintiff(s) against you.

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2. Unless you respond, a default will be entered upon application of the plaintiff(s) and this Court may enter a judgment against you for the relief demanded in the complaint*, which could result in the taking of money or property or the relief requested in the Complaint.
3. If you wish to seek the advice of an attorney in this matter, you should do so promptly so that your response may be filed on time.
4. You are required to serve your response upon plaintiff's attorney, whose address is

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

ALAN GLOVER
Clerk of Court
By [Signature]
Deputy Clerk

Date August 11, 2011

*Note - When served by publication, insert a brief statement of the object of the action. See Rule 4.

RETURN OF SERVICE ON REVERSE SIDE

AFFP DISTRICT COURT
Clark County, Nevada

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

Stacey M. Lewis, being 1st duly sworn, deposes and says: That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for,

WATSON ROUNDS 3983802WAT 7491351

was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 4 edition(s) of said newspaper issued from 10/07/2011 to 10/28/2011, on the following days:

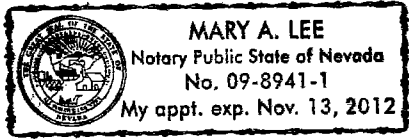
- 10/07/2011
- 10/14/2011
- 10/21/2011
- 10/28/2011

NO. 090C00579 1B DEPT. NO. 1
 In the First Judicial District Court
 of the State of Nevada
 in and for Carson City
 JED MARGOLIN, an individual,
 Plaintiff v. 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 CHONONREZA ZANDIAN
 JAZI, an individual, DOE Companies
 1-10, DOE Corporations 11-20, and
 DOE Individuals 21-30, Defendants
 Additional SUMMONS
 ON AMENDED COMPLAINT
 THE STATE OF NEVADA SENDS
 GREETINGS TO: REZA ZANDIAN aka
 GOLAMREZA ZANDIANJAZI aka
 GHOLAM REZA ZANDIAN aka REZA
 JAZI aka J. REZA JAZI, aka G. REZA
 JAZI aka CHONONREZA ZANDIAN
 JAZI
 NOTICE: YOU HAVE BEEN SUED. THIS
 ACTION IS BROUGHT TO RECOVER
 DAMAGES AS A RESULT OF THE
 DEFENDANTS' FRAUDULENT ASSIGN-
 MENT OF DOCUMENTS RELATING TO
 PATENT NO.S 5,566,073, 5,904,724
 AND 5,978,488 AS MORE FULLY
 STATED IN THE COMPLAINT. THE
 COURT MAY DECIDE AGAINST YOU
 WITHOUT YOUR BEING HEARD
 UNLESS YOU RESPOND WITHIN 20
 DAYS. READ THE INFORMATION
 BELOW.
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 the Complaint. 3. If you wish to seek
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 matter, you should do so promptly
 so that your response may be filed
 on time. 4. You are required to serve
 your response upon plaintiff's
 attorney whose address is
 Matthew D. Francis
 Adam McMillen
 Watson Rounds, 5371 Kietzke Lane
 Reno, Nevada 89511
 Date August 11, 2011
 ALAN GLOVER Clerk of Court
 By C. Cooper, Deputy Clerk
 PUB: October 7, 14, 21, 28, 2011
 LV Review-Journal

Signed: Stacey M. Lewis

SUBSCRIBED AND SWORN BEFORE ME THIS, THE
28th day of October, 2011.

Mary A. Lee
Notary Public



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STATE OF NEVADA
COUNTY OF WASHOE

Being first duly sworn, deposes and says: That as the legal clerk of the Reno Gazette-Journal, a daily newspaper of general circulation published in Reno, Washoe County, State of Nevada, that the notice referenced below has published in each regular and entire issue of said newspaper between the dates: **09/16/2011 - 10/07/2011**, for exact publication dates please see last line of Proof of Publication below.

Signed:

Jeff Montemayor
OCT 07 2011

Subscribed and sworn to before me

STACEY GOMES
Notary Public - State of Nevada
Appointment Recorded in Washoe County
No: 09-10505-2 - Expires July 22, 2013

Stacey Gomes

Proof of Publication

Additional SUMMONS on Amended Complaint IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA IN AND FOR CARSON CITY No. 090C00579 1 B Dept No. 1 JED MARGOLIN, an individual, Plaintiff, v. OPTIMA TECHNOLOGY CORPORATION, a California corporation, OPTIMA TECHNOLOGY CORPORATION, a Nevada corporation, REZA ZANDIAN aka GOLAMREZA ZANDIANJAZI aka GHOLAM REZA ZAN DIAN aka REZA JAZI aka J. REZA JAZI aka G. REZA JAZI aka CHONONREZA ZANDIAN JAZI, an individual, DOE Companies 1-10, DOE Corporations 11-20, and DOE Individuals 21-30, Defendants. THE STATE OF NEVADA SENDS GREETINGS TO: REZA ZAN DIAN aka GOLAMREZA ZANDIANJAZI aka GHOLAM REZA ZANDIAN aka REZA JAZI aka J. REZA JAZI aka G. REZA JAZI aka CHONONREZA ZANDIAN JAZI NOTICE! YOU HAVE BEEN SUED. THIS ACTION IS BROUGHT TO RECOVER DAMAGES AS A RESULT OF THE DEFENDANTS' FRAUDULENT ASSIGNMENT OF DOCUMENTS RELATING TO PATENT NO.'S 5,566,073, 5,904,724 AND 5,978,488 AS MORE FULLY STATED IN THE COMPLAINT. THE COURT MAY DECIDE AGAINST YOU WITHOUT YOUR BEING HEARD UNLESS YOU RESPOND WITHIN 20 DAYS. READ THE INFORMATION BELOW. TO THE DEFENDANT: A civil complaint or petition has been

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Additional SUMMONS on Amended Complaint
IN THE FIRST JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA
IN AND FOR CARSON CITY

No. 090C00579 1 B
Dept No. 1

JED MARGOLIN, an individual,
Plaintiff,

v.

OPTIMA TECHNOLOGY CORPORATION, a California corporation, OPTIMA TECHNOLOGY CORPORATION, a Nevada corporation, REZA ZANDIAN aka GOLAMREZA ZANDIANJAZI aka GHOLAM REZA ZAN DIAN aka REZA JAZI aka J. REZA JAZI aka G. REZA JAZI aka CHONONREZA ZANDIAN JAZI, an individual, DOE Companies 1-10, DOE Corporations 11-20, and DOE Individuals 21-30,
Defendants.

THE STATE OF NEVADA SENDS GREETINGS TO: REZA ZAN DIAN aka GOLAMREZA ZANDIANJAZI aka GHOLAM REZA ZANDIAN aka REZA JAZI aka J. REZA JAZI aka G. REZA JAZI aka CHONONREZA ZANDIAN JAZI NOTICE! YOU HAVE BEEN SUED. THIS ACTION IS BROUGHT TO RECOVER DAMAGES AS A RESULT OF THE DEFENDANTS' FRAUDULENT ASSIGNMENT OF DOCUMENTS RELATING TO PATENT NO.'S 5,566,073, 5,904,724 AND 5,978,488 AS MORE FULLY STATED IN THE COMPLAINT. THE COURT MAY DECIDE AGAINST YOU WITHOUT YOUR BEING HEARD UNLESS YOU RESPOND WITHIN 20 DAYS. READ THE INFORMATION BELOW.

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

/s/ALAN GLOVER
Clerk of Court

Date: August 11, 2011

No. 763515 Sept 16, 23, 30, Oct 7, 2011

P.O. Box 120191, San Diego, CA 92112-0191

AFFIDAVIT OF PUBLICATION

WATSON ROUNDS
5371 KIETZKE LANE
RENO, NV 89511

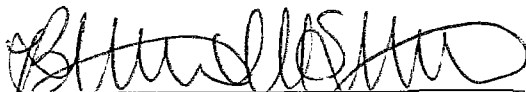
STATE OF CALIFORNIA } ss.
County of San Diego }

The Undersigned, declares under penalty of perjury under the laws of the State of California: That she is a resident of the County of San Diego. That she is and at all times herein mentioned was a citizen of the United States, over the age of twenty-one years, and that she is not a party to, nor interested in the above entitled matter; that she is Chief Clerk for the publisher of

The San Diego Union-Tribune

a newspaper of general circulation, printed and published daily in the City of San Diego, County of San Diego, and which newspaper is published for the dissemination of local news and intelligence of a general character, and which newspaper at all the times herein mentioned had and still has a bona fide subscription list of paying subscribers, and which newspaper has been established, printed and published at regular intervals in the said City of San Diego, County of San Diego, for a period exceeding one year next preceding the date of publication of the notice hereinafter referred to, and which newspaper is not devoted to nor published for the interests, entertainment or instruction of a particular class, profession, trade, calling, race, or denomination, or any number of same; that the notice of which the annexed is a printed copy, has been published in said newspaper in accordance with the instructions of the person(s) requesting publication, and not in any supplement thereof on the following dates, to wit:

Sep 23, 2011, Sep 30, 2011, Oct 7, 2011, Oct 14, 2011


Chief Clerk for the Publisher

10-14-2011
Date

Affidavit of Publication of

Legal Advertisement
Ad # 0010554103
ORDERED BY: CARLA OUSBY

JED MARGOLIN,
an individual,
Plaintiff,

v.
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 CHONONREZA
ZANDIAN JAZI, an
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Defendants.

THE STATE OF
NEVADA SENDS
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aka GOLAMREZA
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GHOLAM REZA
ZANDIAN aka
REZA JAZI aka J.
REZA JAZI aka G.
REZA JAZI aka
CHONONREZA
ZANDIANJAZI

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5,904,724 AND
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sponse upon plain-
tiff's attorney, whose
address is

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

ALAN GLOVER
Clerk of Court

By C. Cooper,
Deputy Clerk

Date August 11, 2011

ORIGINAL

REC'D & FILED

2011 NOV -8 PM 1:31

ALAN GLOVER
BY [Signature] CLERK
OF PIITY

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*

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

12 **JED MARGOLIN, an individual,**

13 **Plaintiff,**

14 **vs.**

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

26 **Defendants.**

Case No.: 090C00579 1B

Dept. No.: 1

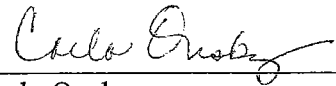
AMENDED CERTIFICATE OF SERVICE

27 Pursuant to NRCF 5(b), I certify that I am an employee of Watson Rounds, and that on
28 November 7, 2011, I deposited for mailing, in a sealed envelope, with first-class postage
prepaid, a true and correct copy of each of the following documents: 1) Summons on
Amended Complaint to OPTIMA TECHNOLOGY CORPORATION, a California
Corporation with Affidavits of Service by Publication from the Las Vegas Review-Journal, the
Reno Gazette-Journal, and the San Diego Union-Tribune; 2) Summons on Amended
Complaint to OPTIMA TECHNOLOGY CORPORATION, a Nevada Corporation with

1 Affidavits of Service by Publication from the Las Vegas Review-Journal, the Reno Gazette-
2 Journal, and the San Diego Union-Tribune; and 3) Summons on Amended Complaint to
3 REZA ZANDIAN aka GOLAMREZA ZANDIANJAZI aka GHOLAM REZA ZANDIAN aka
4 REZA JAZI aka J. REZA JAZI aka G. REZA JAZI aka CHONONREZA ZANDIAN JAZI
5 with Affidavits of Service by Publication from the Las Vegas Review-Journal, the Reno
6 Gazette-Journal, and the San Diego Union-Tribune to:

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

12 Dated: November 7, 2011



Carla Ousby

13
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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 **MOT**
2 JOHN PETER LEE, LTD.
3 JOHN PETER LEE, ESQ.
4 Nevada Bar No. 001768
5 JOHN C. COURTNEY, ESQ.
6 Nevada Bar No. 011092
7 830 Las Vegas Boulevard South
8 Las Vegas, Nevada 89101
9 (702) 382-4044 Fax: (702) 383-9950
10 e-mail: info@johnpeterlee.com
11 Attorneys for Defendant Reza Zandian

REC'D & FILED

2011 NOV 17 PM 2: 38

ALAN GLOVER
BY *[Signature]* CLERK
DEPUTY

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
13 vs.
14 OPTIMA TECHNOLOGY CORPORATION,
15 a California corporation, OPTIMA
16 TECHNOLOGY CORPORATION, a Nevada
17 coporation, REZA ZANDIAN aka
18 GOLAMREZA ZANDIANJAZI aka
19 GHOLAM REZA ZANDIAN aka REZA
20 JAZI aka J. REZA JAZI AKA G. REZA JAZI
21 aka GHONONREZA ZANDIAN JAZI, an
22 individual, DOE Companies 1-10; DOE
23 Corporations 11-20, and DOE Individuals 21-
24 30,
25
26 Defendants.

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

1334.023382-td

19 **MOTION TO DISMISS AMENDED COMPLAINT ON SPECIAL APPEARANCE**

20 COMES NOW Defendant Reza Zandian by and through his counsel John Peter Lee, Ltd.,
21 and hereby files his MOTION TO DISMISS AMENDED COMPLAINT ON SPECIAL
22 APPEARANCE.

23 This Motion is made and based upon all of the pleadings and papers on file herein, exhibits
24 attached hereto, the attached Memorandum of Points and Authorities, and oral argument, if required
25 by the Court.

26 ...
27 ...
28 ...

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 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I.**

3 **ZANDIAN IS AGAIN BEFORE THIS COURT ON A SPECIAL APPEARANCE.**

4 The Nevada Supreme Court has held that “general appearance is entered when a person (or
5 the person’s attorney) comes into court as a party to a suit and submits to the jurisdiction of the
6 court.” Milton v. Gesler, 107 Nev. 767, 769, 819 P.2d 245, 247 (1991). “A special appearance is
7 entered when a person comes into court to test the court’s jurisdiction or the sufficiency of service.”
8 Id. “Black’s law dictionary defines a general appearance as a ‘simple and unqualified. . . submission
9 to the jurisdiction of the court’ and defines a special appearance as an appearance ‘for the purpose
10 of testing the sufficiency of service or the jurisdiction of the court.” Id. at fn. 3 (citing Black’s Law
11 Dictionary 89 (5th ed. 1979)).

12 Defendant Golamreza Zandianjazi (hereinafter “Zandian”) hereby makes a special appearance
13 in this case for the purpose of testing both the sufficiency of service and the jurisdiction of the court;
14 thus, Zandian has not consented to personal jurisdiction of any Nevada court by bringing the instant
15 motion.

16 **II.**

17 **SUMMARY OF FACTS.**

18 **A. Procedural History.**

19 Plaintiff Jed Margolin (hereinafter “Margolin”) filed a Complaint in 2009 with a Nevada
20 District Court against Zandian, among other defendants. *See* Court Record. Without serving said
21 Complaint upon Zandian, Margolin took a default judgment against Zandian. Id. Zandian
22 challenged the Complaint and the Default Judgment and filed a Motion to Dismiss on a Special
23 Appearance (hereinafter “First Motion to Dismiss”). Id. In response, Margolin requested, *inter alia*,
24 that the Court grant him leave to amend his Complaint. Id. “Having found that service was never
25 effectuated, the Default Judgment entered against [Zandian] on March 1, 2011 [was] set aside.”
26 Exhibit “A”. The Court denied Zandian’s First Motion to Dismiss “without prejudice” on August
27 3, 2011, and allowed Margolin a “ninety (90) days from the date of [the] Order to properly effectuate
28 service of the Complaint and Summons and/or an Amended Complaint upon [Zandian].” Id.

1 Accordingly, Margolin was to effectuate service by November 2, 2011, pursuant to Court order. *Id.*
2 To date, there is no evidence in the record that Zandian was ever served by November 2, 2011.

3 **B. Undisputed Facts.**

4 Zandian hereby incorporates the Statement of Fact as stated in his last Motion to Dismiss
5 Plaintiff's Complaint as though fully stated herein.

6 Margolin was involved in a action before the United States District Court for the District of
7 Arizona related to the same subject matter that is the subject of the instant action. Exhibit "B". In
8 the Arizona action, Margolin, along with his co-defendants, was granted relief against "Optima
9 Technology Corporation, a Nevada corporation," who is a defendant in the instant action. *Id.* That
10 action involved the same transactions and occurrences that are involved in this action: (1) that
11 Margolin was the rightful owner of Patents Nos. 5,566,073 and 5,904,724, dated July 20, 2004; (2)
12 that the assignment of those patents was "forged, invalid, void, of no force and effect"; and (3) that
13 the assignment was to be "struck from the records of the USPTO." *Id.* The Arizona action,
14 therefore, involving the same transactions and occurrences has been litigated to a final judgment.
15 *Id.* Zandian was not a part of that action. *Id.*

16 In the Amended Complaint, Margolin has represented to the Court that "[i]n the Arizona
17 Action, Mr. Margolin and OTG filed a cross-claim for declaratory relief against Optima Technology
18 Corporation (Zandian) in order to obtain legal title to their respective patents." Am. Compl., ¶ 17.
19 Again, however, Zandian was not a party to the Arizona Action! Exhibit "B".

20 In the Amended Complaint there is not a single allegation suggesting that Zandian acted in
21 his individual capacity in such a way to cause a justiciable injury to Margolin. *See* Am. Compl.
22 Also, Zandian was never named as a party in the Arizona action where the same transactions and
23 occurrences have already been litigated to a final judgment. Exhibit "B". Most importantly,
24 Margolin has not alleged that any transactions or occurrences that are the subject of the Amended
25 took place within the State of Nevada or within the County of Storey. *See* Am. Compl. The only
26 conceivable, although speculative, connections between Nevada and Zandian that is provided in the
27 Amended Complaint include the following: (1) that Zandian "at all relevant times resided in Las
28 Vegas, Nevada"; (2) that "the Defendants at all times herein mentioned has been and/or is residing

1 or currently doing business in and/or are responsible for the actions complained of herein in Storey
2 County"; and (3) that Zandian is in some way connected to Optima Technology Corporation. Am.
3 Compl., ¶¶ 4, 8 and 6, respectively. Zandian has not been alleged to have committed conversion in
4 Nevada, interference with a contract in Nevada, interference with a perspective economic advantage
5 in Nevada, unjust enrichment in Nevada, or unfair and deceptive trade practices in Nevada. *See* Am.
6 Compl. While there is an allegation that Zandian filed out certain USPTO documents, there is not
7 any allegations that he did so in his individual capacity or that he did so within the State of Nevada.

8 On or about August 11, 2011, Margolin filed a Motion to Serve by Publication (hereinafter
9 "Publication Motion"). In that motion, Margolin did not provide any documents or evidence which
10 suggest that personal service was ever attempted upon Zandian within the State of Nevada.
11 Although Margolin has alleged that Zandian is a resident of Nevada, he attached a sworn declaration
12 to his Publication Motion stating that Zandian's last known address is "8401 Bonita Downs Road,
13 Fair Oaks, California." Publication Motion, Ex. "1". Morgolin also attached three Affidavits of
14 Service indicating that personal service was attempted on Zandian in Sacramento County, California
15 only. *Id.* at Ex. "2" through "4".

16 III.

17 LEGAL ANALYSIS.

18 A. **Service of the Summons and Complaint was Never Effectuated Upon Zandian.**

19 Proper service of a summons and complaint upon an individual must be made upon the
20 individual "defendant personally, or by leaving copies thereof at the defendant's dwelling house or
21 usual place of abode with some person of suitable age and discretion then residing therein, or by
22 delivering a copy of the summons and complaint to an agent authorized by appointment or by law
23 to receive service of process." NRCP 4(d)(6). Pursuant to NRCP 12(b)(4), insufficiency of service
24 of process is grounds to dismiss a complaint. The Court ordered service to be effectuated on or
25 before November 1, 2011. Exhibit "A".

26 Zandian was not served a summons and complaint in the U.S. District Court action which
27 forms the basis of the instant action. Exhibit "C". Zandian is not mentioned in the Order issued
28 from the U.S. District Court. *Id.* at Exhibits "B" & "C". Zandian was not served a summons and

1 complaint in the instant action. Exhibit "A". Notwithstanding, Plaintiff took a default judgment
2 against Zandian. Id. That judgment has now been set aside because this Court found that Zandian
3 had not been properly served. Id. There is no evidence in the record suggesting that service has been
4 completed on Zandian as of the filing of this instant motion. See Court Record.

5 Because no summons was ever issued as to Zandian in the underlying U.S. District Court
6 action which forms the basis of the instant action, any domestication of the U.S. District Court action
7 as it pertains to Zandian is a clear violation of Zandian's constitutional right to notice under the Due
8 Process Clauses of the Fifth and Fourteenth Amendments of the U.S. Constitution. Additionally,
9 Zandian was not served in the instant case, in furtherance of the deprivation of Zandian's right to due
10 process.

11 Because Zandian has never been given notice as required by NRCP 4 and/or the U.S.
12 Constitution, Zandian must be dismissed from the instant action upon this instant motion by special
13 appearance.

14 **B. Nevada Does Not Have Personal Jurisdiction Over Zandian in the Instant**
15 **Action.**

16 "The plaintiff bears the burden of producing *some* evidence in support of all facts necessary
17 to establish personal jurisdiction [emphasis added]." Trump v. District Court, 109 Nev. 687, 692-93,
18 857 p.2d 740, 748 (1993). At first, Margolin alleged that Zandian resided in either San Diego or Las
19 Vegas, but Plaintiff did not even attempt to serve Zandian in either of these alleged places of
20 residence. See Compl.; compare to Publication Motion. Now, Margolin alleges in one paragraph
21 of his Amended Complaint that Zandian has "at all relevant times resided in Las Vegas, Nevada."
22 Am. Compl., ¶ 4. Margolin makes this allegation so that the Court will deem that it has personal
23 jurisdiction over Zandian without further inquiry. Three paragraphs later, Margolin has alleged that
24 Zandian and his co-defendant "at all relevant times herein mentioned has been and/or is residing or
25 currently doing business in and/or are responsible for the actions complained of herein in Storey
26 County." Margolin makes this allegation sp that the Court will deem Storey County as the proper
27 venue without further inquiry. So, Zandian has been alleged to reside in Las Vegas, San Diego, and
28 now Storey County; however, Margolin has never alleged with any specificity whatsoever that any

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 of the transactions and occurrences (on the part of Zandian, as an individual) giving rise to this action
2 took place within the State of Nevada.

3 “There are two types of personal jurisdiction: general and specific.” Trump v. District Court,
4 109 Nev. 687,699, 857 p.2d 740, 748 (1993). “General jurisdiction over the defendant ‘is
5 appropriate where the defendant’s forum activities are so ‘substantial’ or continuous and systematic’
6 that it may be deemed present in the forum.” Id.; see also Baker v. Eighth Jud. Dist. Ct., 116 Nev.
7 527, 531-31, 999 P.2d 1020, 1023 (2000) (holding that “membership in the state bar, in and of itself,
8 does not subject an individual to general jurisdiction in the state of membership because such contact
9 is not substantial, continuous, or systematic.”). In this case, Plaintiff has not alleged that Zandian
10 has ever had any “forum activities” in Nevada. Thus, without more, Nevada cannot exercise general
11 personal jurisdiction over Zandian.

12 “Specific personal jurisdiction over a defendant may be established only where the cause of
13 action arises from the defendant’s contacts with the forum.” Baker, supra. “To subject a defendant
14 to specific jurisdiction, this court must determine if the defendant ‘personally established minimum
15 contacts’ so that jurisdiction would ‘comport with fair play and substantive justice [internal
16 quotations omitted].” Id. (citing Burger King Corp. V. Rudzewicz, 471 U.S. 462, 476-77, 85 L. Ed.
17 2d 528, 105 S. Ct. 2174 (1985) (quoting International Shoe Co. v. Washington, 326 U.S. 310, 320,
18 90 L. Ed. 95, 66 S. Ct. 154 (1945)). “In order for a forum state to obtain personal jurisdiction over
19 a nonresident defendant, the Due Process Clause of the Fourteenth Amendment requires that the
20 defendant have ‘minimum contacts’ with the forum state ‘such that the maintenance of the suit does
21 not offend traditional notions of fair play and substantial justice.” Baker, supra at 531-31. Here,
22 Plaintiff has not alleged *any* contacts between Zandian and Nevada, except to allege that Zandian
23 resides in either San Diego or Las Vegas or Storey County, and this is simply not enough to find that
24 the court has personal jurisdiction over Zandian. Period. It was not enough last time Zandian filed
25 a Motion to Dismiss this action, and it is not enough this time either, particularly because the
26 Amended Complaint does not state a single transaction or occurrence that took place in Nevada.
27 Thus, even if the instant transactions and occurrences complained about in the Amended Complaint
28 were not adjudicated to a final judgment in Arizona, not a single transaction or occurrence has been

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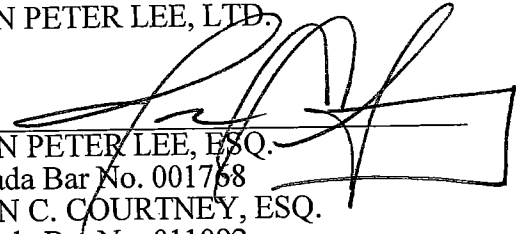
1 stated to have occurred in Nevada.

2 Zandian has not consented to personal jurisdiction in Nevada. Additionally, Zandian appears
3 now, by and through his counsel, on a limited basis to respectfully dispute the Court's jurisdiction
4 over him. Because Zandian is appearing for the sole purposes of disputing the Court's jurisdiction
5 and challenging the propriety of service upon him, Zandian has neither consented to jurisdiction nor
6 waived the lack thereof.

7 Margolin has not alleged or produced any facts indicating that Zandian has had minimum
8 contacts with the State of Nevada. Period. This is true even though Margolin was granted leave to
9 amend his Complaint the last time Zandian sought dismissal. Thus, pursuant to NRCP 12(b)(2), the
10 Court must dismiss Zandian from the instant action without prejudice.

11 DATED this 16th day of November, 2011.

12 JOHN PETER LEE, LTD.

13 BY: 
14 JOHN PETER LEE, ESQ.
15 Nevada Bar No. 001758
16 JOHN C. COURTNEY, ESQ.
17 Nevada Bar No. 011092
18 830 Las Vegas Boulevard South
19 Las Vegas, Nevada 89101
20 Ph: (702) 382-4044/Fax: (702) 383-9950
21 Attorneys for Defendant Reza Zandian

22 **CERTIFICATE OF MAILING**

23 I HEREBY CERTIFY that on the 16th day of November, 2011, a copy of the foregoing
24 MOTION TO DISMISS AMENDED COMPLAINT ON A SPECIAL APPEARANCE was served
25 on the following parties by mailing a copy thereof, first class mail, postage prepaid, addressed to:

26 Adam McMillen, Esq.
27 Watson Rounds
28 5371 Kietzke Lane
Reno, NV 89511



An employee of
JOHN PETER LEE, LTD.

EXHIBIT "A"

1 Case No. 09 OC 00579 1B

REC'D & FILED

2 Dept. No. I

RECEIVED

2011 AUG -3 AM 8: 14

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AUG 05 2011

ALAN GLOVER
CLERK

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JOHN PETER LEE

BY Alan Glover
DEPUTY

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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,

vs.

11

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

12

OPTIMA TECHNOLOGY CORPORATION, A

13

California corporation, OPTIMA
TECHNOLOGY CORPORATION, a Nevada

14

corporation, REZA ZANDIAN
aka GOLAMREZA ZANDIANJAZI

15

aka GHOLAM REZA ZANDIAN aka REZA

16

JAZI aka J. REZA JAZI aka G. REZA JAZA

17

aka GHONONREZA ZANDIAN JAZI, an

18

individual, DOE Companies 1-10, DOE

19

Corporations 11-20 and DOE Individuals 21-30,

20

Defendants.

21

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

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

29 In his Motion, Defendant argues primarily that service of the summons and
30 complaint was never effectuated upon Defendant. Defendant further argues that Nevada
31 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.

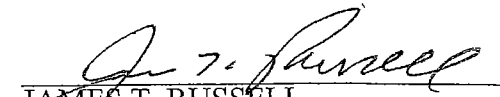
27 IT IS HEREBY FURTHER ORDERED that the Defendant's Motion to Dismiss on
28 a Special Appearance is DENIED without prejudice.

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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

CERTIFICATE OF SERVICE

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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
Tara C. Zimmerman
Law Clerk, Department One

EXHIBIT "B"

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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.

No. CV 07-588-TUC-RCC

ORDER

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.

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.

20
21
22 

23 Raner C. Collins
24 United States District Judge
25
26
27
28

Exhibit 4

Exhibit 4

GENERAL INFORMATION	
PARCEL NO.	071-02-000-005
OWNER AND MAILING ADDRESS	ZANDIAN REZA 8775 COSTA VERDE #501 SAN DIEGO CA 92122-5343
LOCATION ADDRESS CITY/UNINCORPORATED TOWN	MOAPA VALLEY
ASSESSOR DESCRIPTION	PT NE4 NE4 SEC 02 16 68 SEC 02 TWP 16 RNG 68
RECORDED DOCUMENT NO.	* 20050419:04639
RECORDED DATE	04/19/2005
VESTING	NO STATUS

*Note: Only documents from September 15, 1999 through present are available for viewing.

ASSESSMENT INFORMATION AND SUPPLEMENTAL VALUE	
TAX DISTRICT	826
APPRAISAL YEAR	2010
FISCAL YEAR	10-11
SUPPLEMENTAL IMPROVEMENT VALUE	0
SUPPLEMENTAL IMPROVEMENT ACCOUNT NUMBER	N/A

REAL PROPERTY ASSESSED VALUE		
FISCAL YEAR	2010-11	2011-12
LAND	7000	5250
IMPROVEMENTS	0	0
PERSONAL PROPERTY	0	0
EXEMPT	0	0
GROSS ASSESSED (SUBTOTAL)	7000	5250
TAXABLE LAND+IMP (SUBTOTAL)	20000	15000
COMMON ELEMENT ALLOCATION ASSD	0	0
TOTAL ASSESSED VALUE	7000	5250
TOTAL TAXABLE VALUE	20000	15000

ESTIMATED LOT SIZE AND APPRAISAL INFORMATION	
ESTIMATED SIZE	10.00 Acres
ORIGINAL CONST. YEAR	0
LAST SALE PRICE MONTH/YEAR	24000 04/05
LAND USE	0-00 VACANT
DWELLING UNITS	0

GENERAL INFORMATION	
PARCEL NO.	071-02-000-013
OWNER AND MAILING ADDRESS	ZANDIAN REZA 8775 COSTA VERDE #501 SAN DIEGO CA 92122-5343
LOCATION ADDRESS CITY/UNINCORPORATED TOWN	MOAPA VALLEY
ASSESSOR DESCRIPTION	PT SE4 NE4 SEC 02 16 68 SEC 02 TWP 16 RNG 68
RECORDED DOCUMENT NO.	* 20050420:00563
RECORDED DATE	04/20/2005
VESTING	NO STATUS

*Note: Only documents from September 15, 1999 through present are available for viewing.

ASSESSMENT INFORMATION AND SUPPLEMENTAL VALUE	
TAX DISTRICT	826
APPRAISAL YEAR	2010
FISCAL YEAR	10-11
SUPPLEMENTAL IMPROVEMENT VALUE	0
SUPPLEMENTAL IMPROVEMENT ACCOUNT NUMBER	N/A

REAL PROPERTY ASSESSED VALUE		
FISCAL YEAR	2010-11	2011-12
LAND	14000	10500
IMPROVEMENTS	0	0
PERSONAL PROPERTY	0	0
EXEMPT	0	0
GROSS ASSESSED (SUBTOTAL)	14000	10500
TAXABLE LAND+IMP (SUBTOTAL)	40000	30000
COMMON ELEMENT ALLOCATION ASSD	0	0
TOTAL ASSESSED VALUE	14000	10500
TOTAL TAXABLE VALUE	40000	30000

ESTIMATED LOT SIZE AND APPRAISAL INFORMATION	
ESTIMATED SIZE	20.00 Acres
ORIGINAL CONST. YEAR	0
LAST SALE PRICE MONTH/YEAR	40000 04/05
LAND USE	0-00 VACANT
DWELLING UNITS	0

Exhibit 5

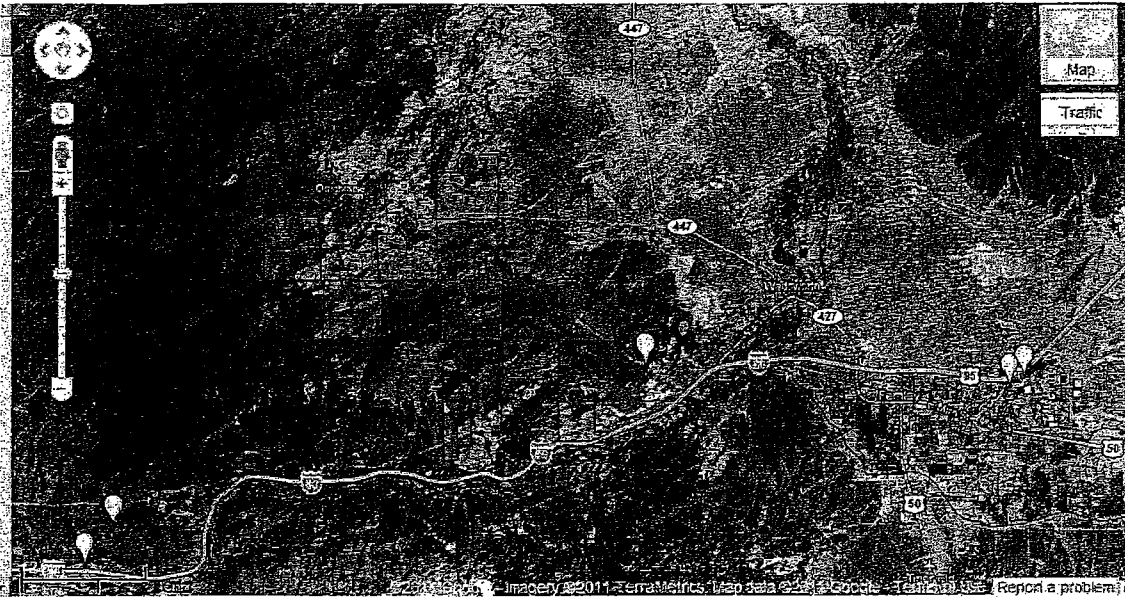
Exhibit 5

Zandian's Washoe County Properties - Jed Margolin 4/17/2011

From Washoe County Web site - Assessor's Database: <http://www.co.washoe.nv.us/assessor/cama/search.php>
 (from a search for "Zandian") April 14, 2011 by Jed Margolin

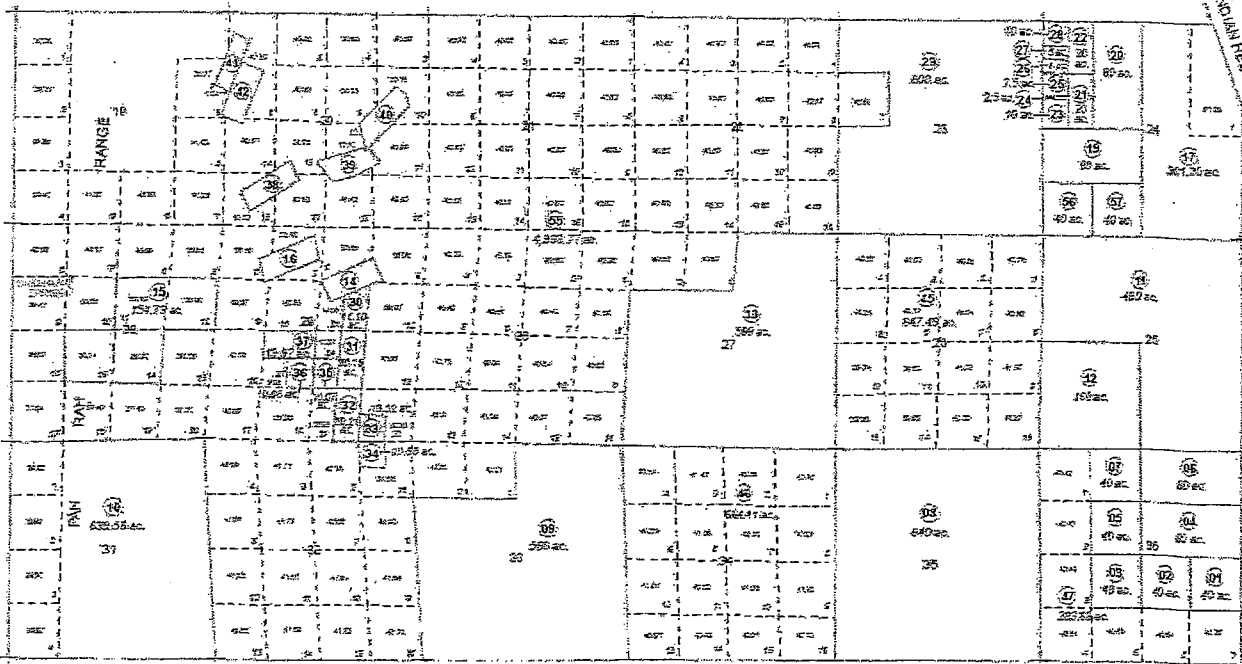
APN	Card	Situs			
Owner Name		Mailing Address			Last Transaction Date
079-150-12	1	STATE ROUTE 447			
REZA ZANDIAN		PO BOX 927674	SAN DIEGO CA	92192	06/27/2005
079-150-09	1	STATE ROUTE 447			
REZA ZANDIAN		PO BOX 81624	LAS VEGAS NV	89180	05/12/2009
079-150-10	1	STATE ROUTE 447			
REZA ZANDIAN		PO BOX 81624	LAS VEGAS NV	89180	05/12/2009
079-150-13	1	STATE ROUTE 447			
REZA ZANDIAN		PO BOX 81624	LAS VEGAS NV	89180	05/12/2009
084-040-02	1	PIERSON CANYON RD			
REZA ZANDIAN		PO BOX 81624	LAS VEGAS NV	89180	05/12/2009
084-040-04	1	E INTERSTATE 80			
REZA ZANDIAN		PO BOX 81624	LAS VEGAS NV	89180	05/12/2009
084-040-06	1	E INTERSTATE 80			
REZA ZANDIAN		PO BOX 81624	LAS VEGAS NV	89180	05/12/2009
084-040-10	1	E INTERSTATE 80			
REZA ZANDIAN		PO BOX 81624	LAS VEGAS NV	89180	05/12/2009
084-130-07	1	E INTERSTATE 80			
REZA ZANDIAN		PO BOX 81624	LAS VEGAS NV	89180	05/12/2009
084-140-17	1	E INTERSTATE 80			
REZA ZANDIAN		PO BOX 81624	LAS VEGAS NV	89180	05/12/2009

The properties are North of Interstate 80 and East of SR 447. From Google Maps via Zandian's Web site at www.goldennevada.com. The remaining information is from Washoe County Web site - Assessor's Database.



- PATENTED MINING CLAIMS**
- | | |
|---|---|
| 079-150-74 PAT. NO. 5241 - CASH NO. 2 | 079-150-36 PAT. NO. 5038 - LOTS, CLAY EVENING |
| 079-150-45 PAT. NO. 5242 - NO. 3 MINE | 079-150-37 PAT. NO. 5039 - LOTS - GOLDEN FIELDS |
| 079-150-30 PAT. NO. 5238 - LOT 2 - CUPRESSINE | 079-150-38 PAT. NO. 5040 - LOTS - GOLDEN FIELDS |
| 079-150-31 PAT. NO. 5239 - LOT 3 - WILLIAMS GRAVEL | 079-150-39 PAT. NO. 5041 - BLACK HORSE |
| 079-150-32 PAT. NO. 5240 - LOT 4 - GUECH GRAVEL NO. 1 | 079-150-40 PAT. NO. 5042 - NOLAN |
| 079-150-33 PAT. NO. 5241 - LOT 5 - GUECH GRAVEL NO. 2 | 079-150-41 PAT. NO. 5043 - BLAKE |
| 079-150-34 PAT. NO. 5242 - LOT 6 - GUECH GRAVEL NO. 3 | 079-150-42 PAT. NO. 5044 - LITTLE B. |
| 079-150-35 PAT. NO. 5243 - LOT 7 - GUECH GRAVEL NO. 4 | |

SOUTH 1/2 OF TOWNSHIP 21 NORTH - RANGE 23 EAST



079-150-12 1 STATE ROUTE 447
RESA ZANDIAN PO BOX 927674 SAN DIEGO CA 92192 06/27/2005

160 acres

[County Home](#) => [Assessor's Office](#) => [Property Assessment Data Search](#) => [Parcel Search](#) => [Ownership](#)

APN 079-150-12

Owner or Trustee	% Ownership
ZANDIAN, RESA et al	
FOUGHANI, NILOOFAR	

079-150-09 1 STATE ROUTE 447
REZA ZANDIAN PO BOX 81624 LAS VEGAS NV 89180 05/12/2009

560 acres

[County Home](#) => [Assessor's Office](#) => [Property Assessment Data Search](#) => [Parcel Search](#) => [Ownership](#)

APN 079-150-09

Owner or Trustee	% Ownership
SADRI LIVING TRUST TTEE et al	
SADRI, TRUSTEE, FRED	33
ZANDIAN, REZA	33
KOROGHLI MANAGEMENT TRST, TRST	33
KOROGHLI, TRUSTEE, RAY TTEE	
KOROGHLI, TRUSTEE, SATHSOWI T TTEE	

079-150-10 1 STATE ROUTE 447
REZA ZANDIAN PO BOX 81624 LAS VEGAS NV 89180 05/12/2009

639 acres

[County Home](#) => [Assessor's Office](#) => [Property Assessment Data Search](#) => [Parcel Search](#) => [Ownership](#)

APN 079-150-10

Owner or Trustee	% Ownership
SADRI LIVING TRUST TTEE et al	
SADRI, TRUSTEE, FRED	33
ZANDIAN, REZA	33
KOROGHLI MANAGEMENT TRUST, TRST	33
KOROGHLI, TRUSTEES, RAY TTEE	
KOROGHLI, TRUSTEE, SATHSOWI T TTEE	

079-150-13 1 STATE ROUTE 447
REZA ZANDIAN PO BOX 81624 LAS VEGAS NV 89180 05/12/2009

560 acres

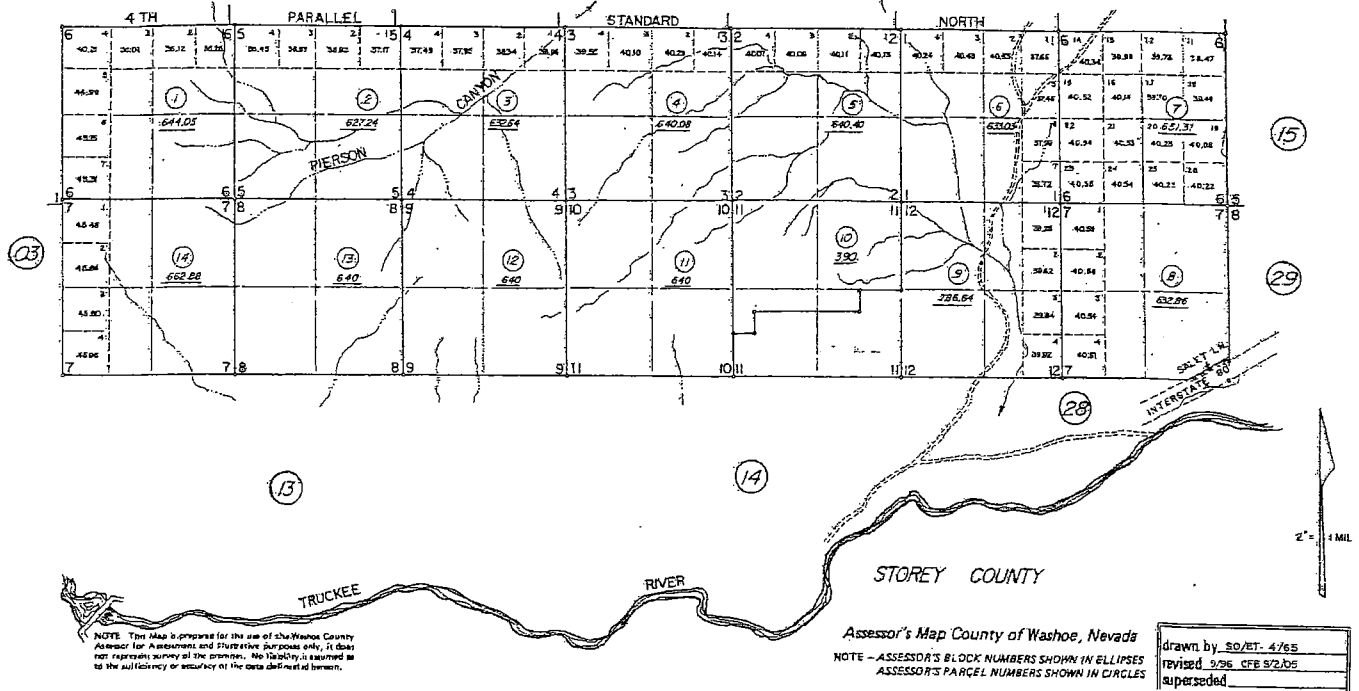
[County Home](#) => [Assessor's Office](#) => [Property Assessment Data Search](#) => [Parcel Search](#) => [Ownership](#)

APN 079-150-13

Owner or Trustee	% Ownership
SADRI LIVING TRUST TTEE et al	
SADRI, TRUSTEE, FRED	33
ZANDIAN, REZA	33
KOROGHLI MGMT TRUST, TRST	33
KOROGHLI, TTEE, RAY TTEE	
KOROGHLI, TTEE, SATHSOWI T TTEE	

PORTION OF N²-T.20N.-R.23E.
SECTIONS 6 & 7 -T.20N.-R.24E.

BOOK 79



084-040-02 1 PIERSON CANYON RD
REZA ZANDIAN PO BOX 81624 LAS VEGAS NV 89180 05/12/2009

627 acres

[County Home](#) => [Assessor's Office](#) => [Property Assessment Data Search](#) => [Parcel Search](#) => [Ownership](#)

APN 084-040-02

Owner or Trustee	% Ownership
SADRI LIVING TRUST TTEE et al	
SADRI, TRUSTEE, FRED	33
ZANDIAN, REZA	33
KOROGHLI MGMT TRST, TRST	33
KOROGHLI, TTEE, RAY TTEE	
KOROGHLI, TTEE, SATHSOWI T TTEE	

084-040-04 1 E INTERSTATE 80
 REZA ZANDIAN PO BOX 81624 LAS VEGAS NV 89180 05/12/2009

640 acres

[County Home](#) => [Assessor's Office](#) => [Property Assessment Data Search](#) => [Parcel Search](#) =>
 Ownership

APN 084-040-04

Owner or Trustee	% Ownership
SADRI LIVING TRUST TTEE et al	
SADRI, TRUSTEE, FRED	33
ZANDIAN, REZA	33
KOROGHLI MGMT TRST, TRST	33
KOROGHLI, TTEE, RAY TTEE	
KOROGHLI, TTEE, SATHSOWI T TTEE	

084-040-06 1 E INTERSTATE 80
 REZA ZANDIAN PO BOX 81624 LAS VEGAS NV 89180 05/12/2009

633 acres

[County Home](#) => [Assessor's Office](#) => [Property Assessment Data Search](#) => [Parcel Search](#) =>
 Ownership

APN 084-040-06

Owner or Trustee	% Ownership
SADRI LIVING TRUST TTEE et al	
SADRI, TRUSTEE, FRED	33
ZANDIAN, REZA	33
KOROGHLI MGMT TRST, TRST	33
KOROGHLI, TTEE, RAY TTEE	
KOROGHLI, TTEE, SATHSOWI T	

084-040-10 1 E INTERSTATE 80
REZA ZANDIAN PO BOX 81624 LAS VEGAS NV 89180 05/12/2009

390 acres

[County Home](#) => [Assessor's Office](#) => [Property Assessment Data Search](#) => [Parcel Search](#) => [Ownership](#)

APN 084-040-10

Owner or Trustee	% Ownership
SADRI LIVING TRUST TTEE et al	
SADRI, TRUSTEE, FRED	33
ZANDIAN, REZA	33
KOROGHLI MGMT TRST, TRST	33
KOROGHLI, TTEE, RAY TTEE	
KOROGHLI, TTEE, SATHSOWI T TTEE	

084-130-07 1 E INTERSTATE 80
REZA ZANDIAN PO BOX 81624 LAS VEGAS NV 89180 05/12/2009

275 acres

[County Home](#) => [Assessor's Office](#) => [Property Assessment Data Search](#) => [Parcel Search](#) => [Ownership](#)

APN 084-130-07

Owner or Trustee	% Ownership
SADRI LIVING TRUST TTEE et al	
SADRI, TRUSTEE, FRED	33
ZANDIAN, REZA	33
KOROGHLI MGMT TRUST, TRST	33
KOROGHLI, TTEE, RAY TTEE	
KOROGHLI, TTEE, SATHSOWI T TTEE	

084-140-17 1 E INTERSTATE 80
REZA ZANDIAN PO BOX 81624 LAS VEGAS NV 89180 05/12/2009

160 acres

County Home => Assessor's Office => Property Assessment Data Search => Parcel Search => Ownership

APN 084-140-17	
Owner or Trustee	% Ownership
SADRI LIVING TRUST TTEE et al	
SADRI, TRUSTEE, FRED	33
ZANDIAN, REZA	33
KOROGHLI MGMT TRST, TRST	33
KOROGHLI, TTEE, RAY TTEE	
KOROGHLI, TTEE, SATHSOWI T TTEE	

Exhibit 6

Exhibit 6



[Assessor Home](#)

[Assessor Inquiry](#)

Real Property Inquiry

Search for Real Property (Land, Improvements, etc.)

Order List By:

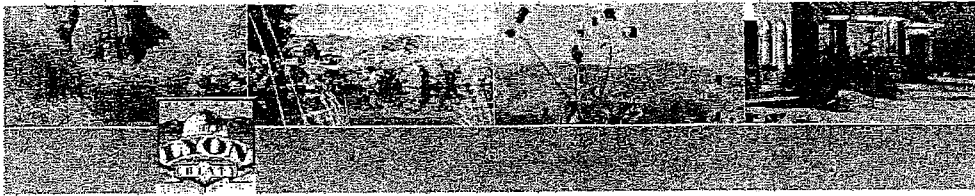
Parcel #
 Owner Name
 Property Location
 District

Filters: Limit Selected Parcels to Include (Choose any number):

Parcel #	<input type="text"/>	8-digit #(s), no dashes	Partial Owner Name	<input type="text" value="ZANDIAN"/>
Land Use-Code Range	<input type="text"/>	Code Table	examples: SMITH M / ACME MARKETS	
Acreage Range	<input type="text"/>		Partial Property Location	<input type="text"/>
Net Value Range	<input type="text"/>		examples: N MAIN ST / MAPLE DR	
District	<input type="text" value="All"/>			

Search Results - Select for Detail

Parcel #	Owner Name	Property Location	Dist.	Land Use	Acreage	Net Assessed Value
008-052-04	ZANDIAN, REZA	125 PIKE ST	8.5	140 - Vacant Commercial	.220	15,560
008-052-05	ZANDIAN, REZA	115 PIKE ST	8.5	140 - Vacant Commercial	.220	15,560
008-052-06	ZANDIAN, REZA	105 PIKE ST	8.5	140 - Vacant Commercial	.220	15,560
015-311-18	ZANDIAN, REZA ET AL	HWY 50	8.3	120 - Vacant Single Family	241.790	24,500
015-311-19	ZANDIAN, REZA ET AL	HWY 50	8.3	140 - Vacant Commercial	47.750	16,710
021-451-22	ZANDIAN, REZA ET AL		6.0	120 - Vacant Single Family	40.000	3,360



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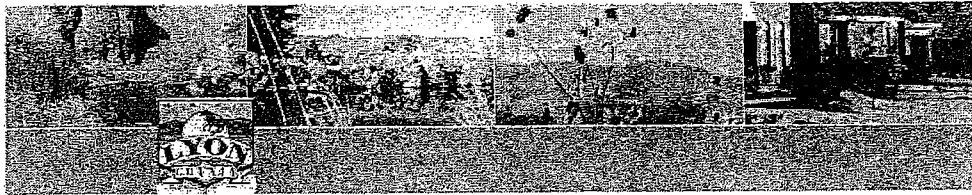
[Sales Data](#)

[Secured Tax Inquiry](#)

[Recorder Search](#)

Parcel Detail for Parcel # 006-052-04

<p style="text-align: center;">Location</p> <p>Property Location 125 PIKE ST Town DAYTON Subdivision DAYTON TOWN Lot 4 Block 6 Property Name Remarks</p>		<p style="text-align: center;">Ownership</p> <p>Assessed Owner Name ZANDIAN, REZA Mailing Address P O BOX 927674 SAN DIEGO, CA 92192-7674 Legal Owner Name ZANDIAN, REZA Vesting Doc#, Date 042103 02/04/05 Book/Page 7 Map Document #s RS00448</p>																																																																																									
<p style="text-align: center;">Description</p> <p>Total Acres .220 Ag Acres .000 W/R Acres .000</p> <p>Improvements</p> <p>Single-fam Detached 0 Non-dwell Units 0 Bdrm/Bath 0/00 Single-fam Attached 0 MH Hookups 0 Stories 0 Multi-fam Units 0 Wells 0 Mobile Homes 0 Septic Tanks 0 Total Dwelling Units 0 Bldg Sq Ft 0 Garage Sq Ft 0 Atch/Detch Basement Sq Ft 0 Finished 0</p> <p>Improvement List</p>		<p style="text-align: center;">Appraisal Classifications</p> <p>Current Land Use Code 140 Zoning C1 Re-appraisal Group 5 Re-appraisal Year 2008 Orig Constr Year Weighted Year</p>																																																																																									
<p style="text-align: center;">Assessed Valuation</p> <table border="1"> <thead> <tr> <th>Assessed Values</th> <th>2012-13</th> <th>2011-12</th> <th>2010-11</th> </tr> </thead> <tbody> <tr> <td>Land</td> <td>15,560</td> <td>15,560</td> <td>15,560</td> </tr> <tr> <td>Improvements</td> <td>0</td> <td>0</td> <td>0</td> </tr> <tr> <td>Personal Property</td> <td>0</td> <td>0</td> <td>0</td> </tr> <tr> <td>Ag Land</td> <td>0</td> <td>0</td> <td>0</td> </tr> <tr> <td>Exemptions</td> <td>0</td> <td>0</td> <td>0</td> </tr> <tr> <td>Net Assessed Value</td> <td>15,560</td> <td>15,560</td> <td>15,560</td> </tr> <tr> <td colspan="4">Increased (New) Values</td> </tr> <tr> <td>Land</td> <td>0</td> <td>0</td> <td>0</td> </tr> <tr> <td>Improvements</td> <td>0</td> <td>0</td> <td>0</td> </tr> <tr> <td>Personal Property</td> <td>0</td> <td>0</td> <td>0</td> </tr> </tbody> </table>		Assessed Values	2012-13	2011-12	2010-11	Land	15,560	15,560	15,560	Improvements	0	0	0	Personal Property	0	0	0	Ag Land	0	0	0	Exemptions	0	0	0	Net Assessed Value	15,560	15,560	15,560	Increased (New) Values				Land	0	0	0	Improvements	0	0	0	Personal Property	0	0	0	<p style="text-align: center;">Taxable Valuation</p> <table border="1"> <thead> <tr> <th>Taxable Values</th> <th>2012-13</th> <th>2011-12</th> <th>2010-11</th> </tr> </thead> <tbody> <tr> <td>Land</td> <td>44,457</td> <td>44,457</td> <td>44,457</td> </tr> <tr> <td>Improvements</td> <td>0</td> <td>0</td> <td>0</td> </tr> <tr> <td>Personal Property</td> <td>0</td> <td>0</td> <td>0</td> </tr> <tr> <td>Ag Land</td> <td>0</td> <td>0</td> <td>0</td> </tr> <tr> <td>Exemptions</td> <td>0</td> <td>0</td> <td>0</td> </tr> <tr> <td>Net Taxable Value</td> <td>44,457</td> <td>44,457</td> <td>44,457</td> </tr> <tr> <td colspan="4">Increased (New) Values</td> </tr> <tr> <td>Land</td> <td>0</td> <td>0</td> <td>0</td> </tr> <tr> <td>Improvements</td> <td>0</td> <td>0</td> <td>0</td> </tr> <tr> <td>Personal Property</td> <td>0</td> <td>0</td> <td>0</td> </tr> </tbody> </table>		Taxable Values	2012-13	2011-12	2010-11	Land	44,457	44,457	44,457	Improvements	0	0	0	Personal Property	0	0	0	Ag Land	0	0	0	Exemptions	0	0	0	Net Taxable Value	44,457	44,457	44,457	Increased (New) Values				Land	0	0	0	Improvements	0	0	0	Personal Property	0	0	0
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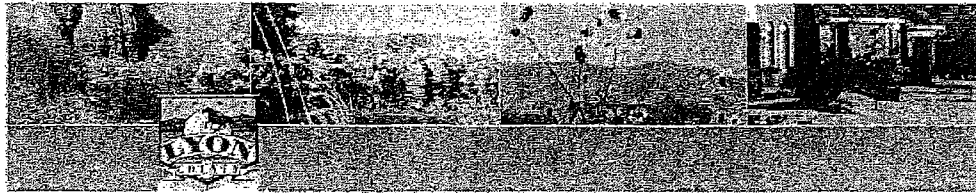
Parcel Detail for Parcel # 006-052-05

Location	Ownership
Property Location 115 PIKE ST Town DAYTON Subdivision DAYTON TOWN Lot 5 Block 6 Property Name Remarks	Assessed Owner Name ZANDIAN, REZA Mailing Address P O BOX 927674 SAN DIEGO, CA 92192-7674 Legal Owner Name ZANDIAN, REZA Vesting Doc#, Date 342193 02/04/05 Book/Page / Map Document.#s RS90448

[Add Addresses](#) [Ownership History](#)
[Assessor Maps](#) [Document History](#)
[Legal Description](#)

Description	Appraisal Classifications
Total Acres .220 Ag Acres .000 W/R Acres .000 Improvements Single-fam Detached 0 Non-dwell Units 0 Bdrm/Bath 0/00 Single-fam Attached 0 MH Hookups 0 Stories 0 Multi-fam Units 0 Wells 0 Mobile Homes 0 Septic Tanks 0 Total Dwelling Units 0 Bldg Sq Ft 0 Garage Sq Ft 0 Atch/Detch Basement Sq Ft 0 Finished 0 Improvement List	Current Land Use Code 140 Code Table Zoning C2 Re-appraisal Group 5 Re-appraisal Year 2008 Orig Constr Year Weighted Year

Assessed Valuation				Taxable Valuation			
Assessed Values	2012-13	2011-12	2010-11	Taxable Values	2012-13	2011-12	2010-11
Land	15,560	15,560	15,560	Land	44,457	44,457	44,457
Improvements	0	0	0	Improvements	0	0	0
Personal Property	0	0	0	Personal Property	0	0	0
Ag Land	0	0	0	Ag Land	0	0	0
Exemptions	0	0	0	Exemptions	0	0	0
Net Assessed Value	15,560	15,560	15,560	Net Taxable Value	44,457	44,457	44,457
Increased (New) Values				Increased (New) Values			
Land	0	0	0	Land	0	0	0
Improvements	0	0	0	Improvements	0	0	0
Personal Property	0	0	0	Personal Property	0	0	0



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Parcel Detail for Parcel # 006-052-06

Location

Property Location 105 PIKE ST
 Town DAYTON
 Subdivision DAYTON TOWN Lot 6 Block 6
 Property Name
 Remarks

[Add Addresses](#)
[Assessor Maps](#)
[Legal Description](#)

Ownership

Assessed Owner Name ZANDIAN, REZA
 Mailing Address P O BOX 927674
 SAN DIEGO, CA 92192-7674

Legal Owner Name ZANDIAN, REZA
 Vesting Doc#, Date 342193 02/04/05 Book/Page /
 Map Document #s RS90448

[Ownership History](#)
[Document History](#)

Description

Total Acres .220 Ag Acres .000 W/R Acres .000

Improvements

Single-fam Detached 0	Non-dwell Units 0	Bdrm/Bath 0.00
Single-fam Attached 0	MH Hookups 0	Stories 0
Multi-fam Units 0	Wells 0	
Mobile Homes 0	Septic Tanks 0	
Total Dwelling Units 0	Bldg Sq Ft 0	
	Garage Sq Ft 0	Atch/Detch
Improvement List	Basement Sq Ft 0	Finished 0

Appraisal Classifications

Current Land Use Code 140 [Code Table](#)

Zoning C2

Re-appraisal Group 5 Re-appraisal Year 2008

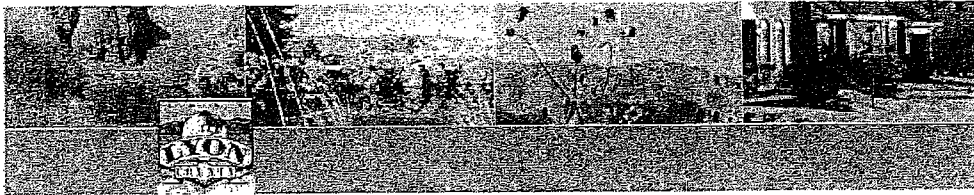
Orig Constr Year Weighted Year

Assessed Valuation

Assessed Values	2012-13	2011-12	2010-11
Land	15,560	15,560	15,560
Improvements	0	0	0
Personal Property	0	0	0
Ag Land	0	0	0
Exemptions	0	0	0
Net Assessed Value	15,560	15,560	15,560
Increased (New) Values			
Land	0	0	0
Improvements	0	0	0
Personal Property	0	0	0

Taxable Valuation

Taxable Values	2012-13	2011-12	2010-11
Land	44,457	44,457	44,457
Improvements	0	0	0
Personal Property	0	0	0
Ag Land	0	0	0
Exemptions	0	0	0
Net Taxable Value	44,457	44,457	44,457
Increased (New) Values			
Land	0	0	0
Improvements	0	0	0
Personal Property	0	0	0



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Parcel Detail for Parcel # 015-311-18

<p style="text-align: center;">Location</p> <p>Property Location HWY 50 Town STAGECOACH Add Addresses Subdivision Lot Block Assessor Maps Property Name Legal Description</p> <p>Remarks</p>	<p style="text-align: center;">Ownership</p> <p>Assessed Owner Name ZANDIAN, REZA ET AL Mailing Address P O BOX 927674 Ownership History Add'l Owners SAN DIEGO, CA 92192-7674 Document History</p> <p>Legal Owner Name ZANDIAN, REZA ET AL Vesting Doc#, Date 344412 03/03/05 Book/Page / Map Document #s RS332209</p>
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<p style="text-align: center;">Description</p> <p>Total Acres 241.790 Ag Acres .000 W/R Acres .000</p> <p style="text-align: center;">Improvements</p> <p>Single-fam Detached 0 Non-dwell Units 0 Bdrm/Bath 07.00 Single-fam Attached 0 MH Hookups 0 Stories .6 Multi-fam Units 0 Wells 0 Mobile Homes 0 Septic Tanks 0 Total Dwelling Units 0 Bldg Sq Ft 0 Garage Sq Ft 0 Atch/Detch Improvement List Basement Sq Ft 0 Finished 0</p>	<p style="text-align: center;">Appraisal Classifications</p> <p>Current Land Use Code 120 Code Table Zoning RR3 Re-appraisal Group 1 Re-appraisal Year 2009 Orig Constr Year Weighted Year</p>
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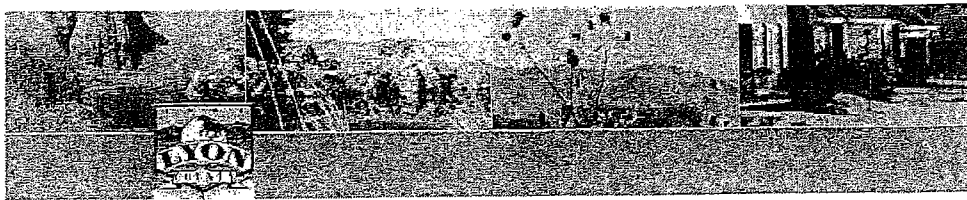
Assessed Valuation			
Assessed Values	2012-13	2011-12	2010-11
Land	24,500	24,500	24,500
Improvements	0	0	0
Personal Property	0	0	0
Ag Land	0	0	0
Exemptions	0	0	0
Net Assessed Value	24,500	24,500	24,500
Increased (New) Values			
Land	0	0	0
Improvements	0	0	0
Personal Property	0	0	0

Taxable Valuation			
Taxable Values	2012-13	2011-12	2010-11
Land	70,000	70,000	70,000
Improvements	0	0	0
Personal Property	0	0	0
Ag Land	0	0	0
Exemptions	0	0	0
Net Taxable Value	70,000	70,000	70,000
Increased (New) Values			
Land	0	0	0
Improvements	0	0	0
Personal Property	0	0	0

Ownership History for Parcel # 015-311-18				
Current Owners		Prior Owners		
Name	From	Name	From	To
EL-SABAWI, RASHAD TR	2006	DEAD DOG RANCH LLC	1997	2005
EL-SABAWI, REEM TR	2006	% LORETTA MC INTIRE		
FAYEGHI, JOHNATHON	2006	804 RED'S GRADE		
EAGLES NEST LLC	2006	CARSON CITY, NV 89703		
ZANDIAN, REZA ET AL	2005			
8775 COSTA VERDE APT 1416				
SAN DIEGO, CA 92122-0000				
FOUGHANI, NILOOFAR	2005			
ABRISHAMI, ELIAS	2005			
ABRISHAMI, MONOO	2005			
ABRISHAMI, ENAYAT	2005			
ABRISHAMI, NAIMA	2005			

NOTE: This is not a complete history and should not be used in place of a title search.

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Parcel Detail for Parcel # 015-311-19

Location

Property Location HWY 50
 Town STAGECOACH [Add Addresses](#)
 Subdivision Lot Block [Assessor Maps](#)
 Property Name [Legal Description](#)

Remarks ZONE CHANGE FROM RR3 TO C2 6/1/2006

Ownership

Assessed Owner Name ZANDIAN, REZA ET AL
 Mailing Address P O BOX 927674 [Ownership History](#)
 Add'l Owners SAN DIEGO, CA 92192-7574 [Document History](#)

Legal Owner Name ZANDIAN, REZA ET AL
 Vesting Doc#, Date 344412 03/03/05 Book/Page /
 Map Document #s RS332209

Description

Total Acres 47.750 Ag Acres .000 W/R Acres .000

Improvements

Single-fam Detached 0	Non-dwell Units 0	Bdrm/Bath 0/00
Single-fam Attached 0	MH Hookups 0	Stories .0
Multi-fam Units 0	Wells 0	
Mobile Homes 0	Septic Tanks 0	
Total Dwelling Units 0	Bldg Sq Ft 0	
	Garage Sq Ft 0	Attch/Detch
Improvement List	Basement Sq Ft 0	Finished 0

Appraisal Classifications

Current Land Use Code 140 [Code Table](#)

Zoning C2

Re-appraisal Group 1 Re-appraisal Year 2009
 Orig Constr Year Weighted Year

Assessed Valuation

Assessed Values	2012-13	2011-12	2010-11
Land	16,710	16,710	16,710
Improvements	0	0	0
Personal Property	0	0	0
Ag Land	0	0	0
Exemptions	0	0	0
Net Assessed Value	16,710	16,710	16,710
Increased (New) Values			
Land	0	0	0
Improvements	0	0	0
Personal Property	0	0	0

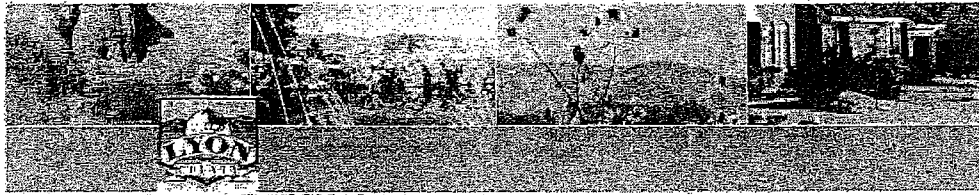
Taxable Valuation

Taxable Values	2012-13	2011-12	2010-11
Land	47,743	47,743	47,743
Improvements	0	0	0
Personal Property	0	0	0
Ag Land	0	0	0
Exemptions	0	0	0
Net Taxable Value	47,743	47,743	47,743
Increased (New) Values			
Land	0	0	0
Improvements	0	0	0
Personal Property	0	0	0

Ownership History for Parcel # 015-311-19				
Current Owners		Prior Owners		
Name	From	Name	From	To
EL-SABAWI, RASHAD TR	2006	DEAD DOG RANCH LLC	1997	2005
EL-SABAWI, REEM TR	2006	% LORETTA MC INTIRE		
FAYEGHI, JOHNATHON	2006	804 RED'S GRADE		
EAGLES NEST LLC	2006	CARSON CITY, NV 89703		
ZANDIAN, REZA ET AL	2005			
8775 COSTA VERDE APT 1418				
SAN DIEGO, CA 92122-0000				
FOUGHANI, NILOOFAR	2005			
ABRISHAMI, ELIAS	2005			
ABRISHAMI, MINOO	2005			
ABRISHAMI, ENAYAT	2005			
ABRISHAMI, NAIMA	2005			

NOTE: This is not a complete history and should not be used in place of a title search.

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Parcel Detail for Parcel # 021-451-22

<p style="text-align: center;">Location</p> <p>Property Location Town FERNLEY Add Addresses Subdivision Lot Block Assessor Maps Property Name Legal Description Remarks</p>		<p style="text-align: center;">Ownership</p> <p>Assessed Owner Name ZANDIAN, REZA ET AL Mailing Address P O BOX 927674 Ownership History SAN DIEGO, CA 92192-7674 Document History Legal Owner Name ZANDIAN, REZA ET AL Vesting Doc#, Date 356791 07/19/05 Book/Page / Map Document #s</p>																																																																																									
<p style="text-align: center;">Description</p> <p>Total Acres 40.000 Ag Acres .000 W/R Acres .000</p> <p style="text-align: center;"><u>Improvements</u></p> <p>Single-fam Detached 0 Non-dwell Units 0 Bdrms/Bath 0/00 Single-fam Attached 0 MH Hookups 0 Stories 0 Multi-fam Units 0 Wells 0 Mobile Homes 0 Septic Tanks 0 Total Dwelling Units 0 Bldg Sq Ft 0 Garage Sq Ft 0 Atch/Detch Improvement List Basement Sq Ft 0 Finished 0</p>		<p style="text-align: center;">Appraisal Classifications</p> <p>Current Land Use Code 120 Code Table Zoning RR5 Re-appraisal Group 4 Re-appraisal Year 2007 Orig Constr Year Weighted Year</p>																																																																																									
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Assessed Values	2012-13	2011-12	2010-11																																																																																								
Land	3,360	3,360	3,360																																																																																								
Improvements	0	0	0																																																																																								
Personal Property	0	0	0																																																																																								
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Increased (New) Values																																																																																											
Land	0	0	0																																																																																								
Improvements	0	0	0																																																																																								
Personal Property	0	0	0																																																																																								

Ownership History for Parcel # 021-451-22

Current Owners		Prior Owners		
Name	From	Name	From	To
ZANDIAN, REZA ET AL 8775 COSATA VERDE STE 1416 SAN DIEGO, CA 92122-0000	2005	ARNOLD, JACK G 10410 98 ST ANDERSON ISLAND, WA 98303-0000	2003	2005
FOUGHANI, NILOOFAR	2005	EVANS, INGRID P O BOX 1182 RENO, NV 89504	1986	2003
		EVANS, LAWRENCE & INGRID P O BOX 1182 RENO, NV 89504	1986	2003

NOTE: This is not a complete history and should not be used in place of a title search.

Close Window

Exhibit 7

Exhibit 7



CHURCHILL COUNTY

Office of the Assessor

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Parcel Detail for Parcel # 007-151-77

Location	Ownership
Property Location 8825 BRUSH GARDEN DR Town Subdivision: M&B Lot Block Property Name Remarks SPLIT PURSUANT TO DEED	Assessed Owner Name ZANDIAN REZA & NILOOFAR Mailing Address P O BOX 927674 Add'l Owners SAN DIEGO CA 92192-7674 Legal Owner Name ZANDIAN REZA & NILOOFAR Vesting Doc#, Date 384273 07/27/09 Book/Page / Map Document #s 194366

Description	Appraisal Classifications
Total Acres 8.750 Ag Acres .000 W/R Acres .000 Improvements Single-fam Detached <input type="checkbox"/> Non-dwell Units <input type="checkbox"/> Bdrm/Bath 07.00 Single-fam Attached <input type="checkbox"/> MH Hookups <input type="checkbox"/> Stories 0 Multi-fam Units <input type="checkbox"/> Wells <input type="checkbox"/> Mobile Homes <input type="checkbox"/> Septic Tanks <input type="checkbox"/> Total Dwelling Units <input type="checkbox"/> Bldg Sq Ft <input type="checkbox"/> Garage Sq Ft <input type="checkbox"/> Attch/Detch Basement Sq Ft <input type="checkbox"/> Finished <input type="checkbox"/>	Current Land Use Code 100 Zoning C2 Re-appraisal Group 3 Re-appraisal Year 2011 Orig Constr Year Weighted Year

Assessed Valuation			
Assessed Values	2012-13	2011-12	2010-11
Land	8,820	8,820	8,820
Improvements	0	0	0
Personal Property	0	0	0
Ag Land	0	0	0
Exemptions	0	0	0
Net Assessed Value	8,820	8,820	8,820
Increased (New) Values			
Land	0	0	0
Improvements	0	0	0
Personal Property	0	0	0

Taxable Valuation			
Taxable Values	2012-13	2011-12	2010-11
Land	25,200	25,200	25,200
Improvements	0	0	0
Personal Property	0	0	0
Ag Land	0	0	0
Exemptions	0	0	0
Net Taxable Value	25,200	25,200	25,200
Increased (New) Values			
Land	0	0	0
Improvements	0	0	0
Personal Property	0	0	0



CHURCHILL COUNTY

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Parcel Detail for Parcel # 009-331-04

Location	
Property Location	29-20-27
Town	29-20-27
Subdivision	NW1/4 Lot Block
Property Name	
Remarks	

Ownership	
Assessed Owner Name	ZANDIAN R & FOUGHANI N
Mailing Address	P O BOX 927674
Add'l Owners	SAN DIEGO CA 92192-7674
Legal Owner Name	ZANDIAN R & FOUGHANI N
Vesting Doc#, Date	372686 07/06/05 Book/Page 7
Map Document #s	

Description	
Total Acres	50.000
Ag Acres	.900
W/R Acres	.000
Improvements	
Single-fam Detached	0
Single-fam Attached	0
Multi-fam Units	0
Mobile Homes	0
Total Dwelling Units	0
Non-dwell Units	0
MH Hookups	0
Septic Tanks	0
Bldg Sq Ft	0
Garage Sq Ft	0
Basement Sq Ft	0
Bdrm/Bath	0/00
Stories	0
Wells	0
Atch/Detch	0
Finished	0

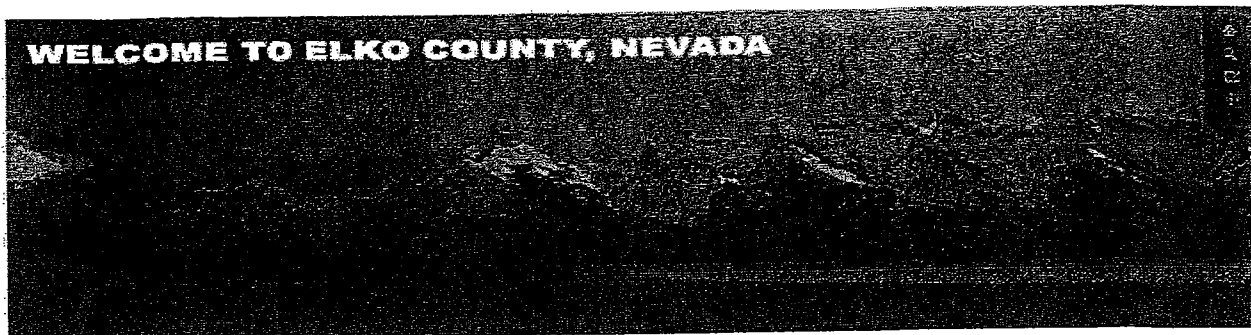
Appraisal Classifications	
Current Land Use Code	100
Zoning	RR20
Re-appraisal Group	3
Re-appraisal Year	2011
Orig Constr Year	
Weighted Year	

Assessed Valuation			
Assessed Values	2012-13	2011-12	2010-11
Land	2,625	2,625	6,300
Improvements	0	0	0
Personal Property	0	0	0
Ag Land	0	0	0
Exemptions	0	0	0
Net Assessed Value	2,625	2,625	6,300
Increased (New) Values			
Land	0	0	0
Improvements	0	0	0
Personal Property	0	0	0

Taxable Valuation			
Taxable Values	2012-13	2011-12	2010-11
Land	7,500	7,500	18,000
Improvements	0	0	0
Personal Property	0	0	0
Ag Land	0	0	0
Exemptions	0	0	0
Net Taxable Value	7,500	7,500	18,000
Increased (New) Values			
Land	0	0	0
Improvements	0	0	0
Personal Property	0	0	0

Exhibit 8

Exhibit 8



- [Assessor Home](#)
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- [Personal Property](#)
- [Sales Data](#)
- [Secured Tax Inquiry](#)
- [Recorder Search](#)

Parcel Detail for Parcel # 001-660-034

Location	Ownership
Property Location EL ARMUTH DR Town ELKO CITY Add'l Addresses Subdivision Lot Block Assessor Maps Property Name Legal Description	Assessed Owner Name ZANDIAN, REZA ET AL Mailing Address Ownership History PO BOX 927674 SAN DIEGO CA 92192-7674 Document History Legal Owner Name ZANDIAN, REZA ET AL Vesting Doc#, Date 560545 09/25/06 Book/Page / Map Document #s

Description	Appraisal Classifications
Total Acres 17.500 Ag Acres .000 W/R Acres .000 Improvements Single-fam Detached <input type="checkbox"/> Non-dwell Units <input type="checkbox"/> Bdrm/Bath 0/00 Single-fam Attached <input type="checkbox"/> MH Hookups <input type="checkbox"/> Stories 0 Multi-fam Units <input type="checkbox"/> Wells <input type="checkbox"/> Mobile Homes <input type="checkbox"/> Septic Tanks <input type="checkbox"/> Total Dwelling Units <input type="checkbox"/> Bldg Sq Ft <input type="checkbox"/> Garage Sq Ft <input type="checkbox"/> Attch/Detch Basement Sq Ft <input type="checkbox"/> Finished <input type="checkbox"/> Improvement List	Current Land Use Code 120 Code Table Zoning R RE Re-appraisal Group Y Re-appraisal Year 2009 Orig Constr Year Weighted Year

Assessed Valuation	Taxable Valuation																																																																																								
<table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Assessed Values</th> <th style="text-align: right;">2012-13</th> <th style="text-align: right;">2011-12</th> <th style="text-align: right;">2010-11</th> </tr> </thead> <tbody> <tr> <td>Land</td> <td style="text-align: right;">24,640</td> <td style="text-align: right;">24,640</td> <td style="text-align: right;">24,640</td> </tr> <tr> <td>Improvements</td> <td style="text-align: right;">0</td> <td style="text-align: right;">0</td> <td style="text-align: right;">0</td> </tr> <tr> <td>Personal Property</td> <td style="text-align: right;">0</td> <td style="text-align: right;">0</td> <td style="text-align: right;">0</td> </tr> <tr> <td>Ag Land</td> <td style="text-align: right;">0</td> <td style="text-align: right;">0</td> <td style="text-align: right;">0</td> </tr> <tr> <td>Exemptions</td> <td style="text-align: right;">0</td> <td style="text-align: right;">0</td> <td style="text-align: right;">0</td> </tr> <tr> <td>Net Assessed Value</td> <td style="text-align: right;">24,640</td> <td style="text-align: right;">24,640</td> <td style="text-align: right;">24,640</td> </tr> <tr> <td colspan="4">Increased (New) Values</td> </tr> <tr> <td>Land</td> <td style="text-align: right;">0</td> <td style="text-align: right;">0</td> <td style="text-align: right;">0</td> </tr> <tr> <td>Improvements</td> <td style="text-align: right;">0</td> <td style="text-align: right;">0</td> <td style="text-align: right;">0</td> </tr> <tr> <td>Personal Property</td> <td style="text-align: right;">0</td> <td style="text-align: right;">0</td> <td style="text-align: right;">0</td> </tr> </tbody> </table>	Assessed Values	2012-13	2011-12	2010-11	Land	24,640	24,640	24,640	Improvements	0	0	0	Personal Property	0	0	0	Ag Land	0	0	0	Exemptions	0	0	0	Net Assessed Value	24,640	24,640	24,640	Increased (New) Values				Land	0	0	0	Improvements	0	0	0	Personal Property	0	0	0	<table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Taxable Values</th> <th style="text-align: right;">2012-13</th> <th style="text-align: right;">2011-12</th> <th style="text-align: right;">2010-11</th> </tr> </thead> <tbody> <tr> <td>Land</td> <td style="text-align: right;">70,400</td> <td style="text-align: right;">70,400</td> <td style="text-align: right;">70,400</td> </tr> <tr> <td>Improvements</td> <td style="text-align: right;">0</td> <td style="text-align: right;">0</td> <td style="text-align: right;">0</td> </tr> <tr> <td>Personal Property</td> <td style="text-align: right;">0</td> <td style="text-align: right;">0</td> <td style="text-align: right;">0</td> </tr> <tr> <td>Ag Land</td> <td style="text-align: right;">0</td> <td style="text-align: right;">0</td> <td style="text-align: right;">0</td> </tr> <tr> <td>Exemptions</td> <td style="text-align: right;">0</td> <td style="text-align: right;">0</td> <td style="text-align: right;">0</td> </tr> <tr> <td>Net Taxable Value</td> <td style="text-align: right;">70,400</td> <td style="text-align: right;">70,400</td> <td style="text-align: right;">70,400</td> </tr> <tr> <td colspan="4">Increased (New) Values</td> </tr> <tr> <td>Land</td> <td style="text-align: right;">0</td> <td style="text-align: right;">0</td> <td style="text-align: right;">0</td> </tr> <tr> <td>Improvements</td> <td style="text-align: right;">0</td> <td style="text-align: right;">0</td> <td style="text-align: right;">0</td> </tr> <tr> <td>Personal Property</td> <td style="text-align: right;">0</td> <td style="text-align: right;">0</td> <td style="text-align: right;">0</td> </tr> </tbody> </table>	Taxable Values	2012-13	2011-12	2010-11	Land	70,400	70,400	70,400	Improvements	0	0	0	Personal Property	0	0	0	Ag Land	0	0	0	Exemptions	0	0	0	Net Taxable Value	70,400	70,400	70,400	Increased (New) Values				Land	0	0	0	Improvements	0	0	0	Personal Property	0	0	0
Assessed Values	2012-13	2011-12	2010-11																																																																																						
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Improvements	0	0	0																																																																																						
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Improvements	0	0	0																																																																																						
Personal Property	0	0	0																																																																																						

Exhibit 9

Exhibit 9

11000 RENO HIGHWAY, FALLON, L.L.C.

Business Entity Information			
Status:	Active	File Date:	6/09/2005
Type:	Domestic Limited-Liability Company	Entity Number:	E0363852005-8
Qualifying State:	NV	List of Officers Due:	6/30/2011
Managed By:	Managers	Expiration Date:	
NV Business ID:	NV20051368188	Business License Exp:	Exempt - 003

Registered Agent Information			
Name:	SEAN S. FAYEGHI	Address 1:	1401 LAS VEGAS BLVD SOUTH
Address 2:		City:	LAS VEGAS
State:	NV	Zip Code:	89104
Phone:		Fax:	
Mailing Address 1:		Mailing Address 2:	
Mailing City:		Mailing State:	
Mailing Zip Code:			
Agent Type:	Noncommercial Registered Agent		

Financial Information			
No Par Share Count:	0	Capital Amount:	\$ 0
No stock records found for this company			

Officers				<input type="checkbox"/> Include Inactive Officers
Manager - SEAN S FAYEGHI				
Address 1:	1401 S LAS VEGAS BLVD	Address 2:		
City:	LAS VEGAS	State:	NV	
Zip Code:	89104	Country:	USA	
Status:	Active	Email:		
Manager - SHA REZAIK				
Address 1:	1401 S LAS VEGAS BLVD	Address 2:		
City:	LAS VEGAS	State:	NV	
Zip Code:	89104	Country:	USA	
Status:	Active	Email:		
Manager - REZA ZANDIAN				
Address 1:	1401 S LAS VEGAS BLVD	Address 2:		
City:	LAS VEGAS	State:	NV	
Zip Code:	89104	Country:	USA	
Status:	Active	Email:		

Actions/Amendments			
Action Type:	Articles of Organization		
Document Number:	20050222393-68	# of Pages:	1
File Date:	6/09/2005	Effective Date:	
(No notes for this action)			
Action Type:	Initial List		

Document Number:	20050222394-79	# of Pages:	2
File Date:	6/09/2005	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20060232918-43	# of Pages:	1
File Date:	4/12/2006	Effective Date:	
(No notes for this action)			
Action Type:	Amended List		
Document Number:	20060601627-50	# of Pages:	1
File Date:	9/19/2006	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20070460170-57	# of Pages:	1
File Date:	7/02/2007	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20080514441-09	# of Pages:	1
File Date:	7/30/2008	Effective Date:	
08/09			
Action Type:	Annual List		
Document Number:	20090396003-02	# of Pages:	1
File Date:	4/30/2009	Effective Date:	
09-10			
Action Type:	Annual List		
Document Number:	20100743536-41	# of Pages:	1
File Date:	10/01/2010	Effective Date:	
(No notes for this action)			

Exhibit 12

Exhibit 12

ELKO NORTH 5TH AVE, LLC

Business Entity Information			
Status:	Active	File Date:	8/31/2005
Type:	Domestic Limited-Liability Company	Entity Number:	E0580312005-7
Qualifying State:	NV	List of Officers Due:	8/31/2011
Managed By:	Managers	Expiration Date:	
NV Business ID:	NV20051442315	Business License Exp:	Exempt - 003

Registered Agent Information			
Name:	REZA ZANDIAN	Address 1:	8350 W. SAHARA AVE SUITE 150
Address 2:		City:	LAS VEGAS
State:	NV	Zip Code:	89117
Phone:		Fax:	
Mailing Address 1:	7590 FAY AVE, SUITE 401	Mailing Address 2:	
Mailing City:	LA JOLLA	Mailing State:	CA
Mailing Zip Code:	92037		
Agent Type:	Noncommercial Registered Agent		

Financial Information			
No Par Share Count:	0	Capital Amount:	\$ 0
No stock records found for this company			

Officers		<input type="checkbox"/> Include Inactive Officers	
Managing Member - CHAKAMIAN 2004 TRUST			
Address 1:	7590 FAY AVE, #401	Address 2:	
City:	LA JOLLA	State:	CA
Zip Code:	92037	Country:	
Status:	Active	Email:	
Managing Member - MOINZADEH FAMILY REVOCABLE TRUST			
Address 1:	7590 FAY AVE, #401	Address 2:	
City:	LA JOLLA	State:	CA
Zip Code:	92037	Country:	
Status:	Active	Email:	
Managing Member - REZA ZANDIAN			
Address 1:	P.O. BOX 927674	Address 2:	
City:	SAN DIEGO	State:	CA
Zip Code:	92192	Country:	USA
Status:	Active	Email:	

Actions/Amendments			
Action Type:	Articles of Organization		
Document Number:	20050364566-57	# of Pages:	2
File Date:	8/31/2005	Effective Date:	
REG MAIL SAE 9-1-05			

Action Type:	Initial List	
Document Number:	20050437973-30	# of Pages: 1
File Date:	9/27/2005	Effective Date:
(No notes for this action)		
Action Type:	Annual List	
Document Number:	20060673304-61	# of Pages: 1
File Date:	10/18/2006	Effective Date:
(No notes for this action)		
Action Type:	Annual List	
Document Number:	20070574309-37	# of Pages: 1
File Date:	8/20/2007	Effective Date:
07-08		
Action Type:	Annual List	
Document Number:	20080564591-60	# of Pages: 1
File Date:	8/25/2008	Effective Date:
08/09		
Action Type:	Annual List	
Document Number:	20090676691-66	# of Pages: 1
File Date:	9/11/2009	Effective Date:
(No notes for this action)		
Action Type:	Annual List	
Document Number:	20100642221-00	# of Pages: 1
File Date:	8/26/2010	Effective Date:
(No notes for this action)		

Exhibit 13

Exhibit 13

STAGECOACH VALLEY LLC.

Business Entity Information			
Status:	Active	File Date:	4/09/2007
Type:	Domestic Limited-Liability Company	Entity Number:	E0263162007-6
Qualifying State:	NV	List of Officers Due:	4/30/2012
Managed By:	Managers	Expiration Date:	
NV Business ID:	NV20071497897	Business License Exp:	Exempt - 003

Registered Agent Information			
Name:	REZA ZANDIAN	Address 1:	8350 W. SAHARA AVENUE
Address 2:		City:	LAS VEGAS
State:	NV	Zip Code:	89117
Phone:		Fax:	
Mailing Address 1:	8775 COSTA VERDE #501	Mailing Address 2:	
Mailing City:	SAN DIEGO	Mailing State:	CA
Mailing Zip Code:	92122		
Agent Type:	Noncommercial Registered Agent		

Financial Information			
No Par Share Count:	0	Capital Amount:	\$ 0
No stock records found for this company			

Officers				<input type="checkbox"/> Include Inactive Officers
Managing Member - BIJAN AKHAVAN				
Address 1:	15456 VENTURA BLVD #300	Address 2:		
City:	SHERMAN OAKS	State:	CA	
Zip Code:	91403	Country:		
Status:	Active	Email:		
Managing Member - SASSAN CHAKAMIAN				
Address 1:	7590 FAY AVE. STE 401	Address 2:		
City:	LA JOLLA	State:	CA	
Zip Code:	92037	Country:		
Status:	Active	Email:		
Managing Member - REZA ZANDIAN				
Address 1:	830 LAS VEGAS BLVD SOUTH	Address 2:		
City:	LAS VEGAS	State:	NV	
Zip Code:	89101	Country:		
Status:	Active	Email:		

Actions/Amendments			
Action Type:	Articles of Organization		
Document Number:	20070248707-47	# of Pages:	2
File Date:	4/09/2007	Effective Date:	
(No notes for this action)			
Action Type:	Initial List		

Document Number:	20070248709-69	# of Pages:	1
File Date:	4/09/2007	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20080270927-97	# of Pages:	1
File Date:	4/21/2008	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20090676690-55	# of Pages:	1
File Date:	9/11/2009	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20100642220-99	# of Pages:	1
File Date:	8/26/2010	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20110343835-00	# of Pages:	1
File Date:	5/06/2011	Effective Date:	
11-12			

Exhibit 14

Exhibit 14

ROCK AND ROYALTY LLC

Business Entity Information			
Status:	Revoked	File Date:	4/28/2008
Type:	Domestic Limited-Liability Company	Entity Number:	E0277292008-8
Qualifying State:	NV	List of Officers Due:	4/30/2009
Managed By:	Managers	Expiration Date:	
NV Business ID:	NV20081306105	Business License Exp:	

Additional Information	
Series LLC (YES if applicable):	YES

Registered Agent Information			
Name:	REZA ZANDIAN	Address 1:	1401 S. LAS VEGAS BLVD
Address 2:		City:	LAS VEGAS
State:	NV	Zip Code:	89104
Phone:		Fax:	
Mailing Address 1:	8775 COSTA VERDE #501	Mailing Address 2:	
Mailing City:	SAN DIEGO	Mailing State:	CA
Mailing Zip Code:	92122		
Agent Type:	Noncommercial Registered Agent		

Financial Information			
No Par Share Count:	0	Capital Amount:	\$ 0
No stock records found for this company			

Officers		<input type="checkbox"/> Include Inactive Officers	
Managing Member - NILOOFAR FOUGHANI ZANDIAN			
Address 1:	8775 COSTA VERDE BLVD	Address 2:	#501
City:	SAN DIEGO	State:	CA
Zip Code:	92122	Country:	
Status:	Active	Email:	

Actions/Amendments			
Action Type:	Articles of Organization		
Document Number:	20080290681-46	# of Pages:	2
File Date:	4/28/2008	Effective Date:	
(No notes for this action)			
Action Type:	Initial List		
Document Number:	20080373743-57	# of Pages:	1
File Date:	5/29/2008	Effective Date:	
08-09			

Exhibit 15

Exhibit 15

GOLD CANYON DEVELOPMENT LLC

Business Entity Information			
Status:	Default	File Date:	5/27/2004
Type:	Domestic Limited-Liability Company	Entity Number:	LLC11545-2004
Qualifying State:	NV	List of Officers Due:	5/31/2011
Managed By:	Managers	Expiration Date:	5/27/2504
NV Business ID:	NV20041117776	Business License Exp:	

Registered Agent Information			
Name:	ELIAS ABRISHAMI	Address 1:	220 SUSSEX PL
Address 2:		City:	CARSON CITY
State:	NV	Zip Code:	89703
Phone:		Fax:	
Mailing Address 1:	PO BOX 2919	Mailing Address 2:	
Mailing City:	CARSON CITY	Mailing State:	NV
Mailing Zip Code:	89702		
Agent Type:	Noncommercial Registered Agent		

Financial Information	
No Par Share Count:	0
Capital Amount:	\$ 0
No stock records found for this company	

Officers		<input type="checkbox"/> Include Inactive Officers	
Managing Member - ELIAS ABRISHAMI			
Address 1:	P O BOX 10476	Address 2:	
City:	BEVERLY HILLS	State:	CA
Zip Code:	90213	Country:	
Status:	Active	Email:	
Managing Member - RAFI ABRISHAMI			
Address 1:	P O BOX 10325	Address 2:	
City:	BEVERLY HILLS	State:	CA
Zip Code:	90213	Country:	
Status:	Active	Email:	
Managing Member - REZA ZANDIAN			
Address 1:	8775 COSTA VERDE BLVD., #501	Address 2:	
City:	SAN DIEGO	State:	CA
Zip Code:	92122	Country:	
Status:	Active	Email:	

Actions/Amendments			
Action Type:	Articles of Organization		
Document Number:	LLC11545-2004-001	# of Pages:	1
File Date:	5/27/2004	Effective Date:	
(No notes for this action)			
Action Type:	Initial List		

Document Number:	LLC11545-2004-002	# of Pages:	1
File Date:	7/11/2004	Effective Date:	
List of Officers for 2004 to 2005			
Action Type:	Registered Agent Change		
Document Number:	LLC11545-2004-003	# of Pages:	1
File Date:	11/16/2004	Effective Date:	
ELIAS ABRISHAMI SUITE #1011			
9550 W. SAHARA AVENUE LAS VEGAS NV 89117 RXS			
ELIAS ABRISHAMI RXS			
RXS			
Action Type:	Annual List		
Document Number:	20050163958-39	# of Pages:	1
File Date:	5/02/2005	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20060176567-90	# of Pages:	1
File Date:	3/20/2006	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20070373918-40	# of Pages:	1
File Date:	5/29/2007	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20080344948-12	# of Pages:	1
File Date:	5/19/2008	Effective Date:	
2008-2009			
Action Type:	Annual List		
Document Number:	20090433604-71	# of Pages:	1
File Date:	5/20/2009	Effective Date:	
09-10			
Action Type:	Annual List		
Document Number:	00002746565-45	# of Pages:	1
File Date:	5/28/2010	Effective Date:	
10-11			

Exhibit 16

Exhibit 16

HIGH-TECH DEVELOPMENT LLC**Business Entity Information**

Status:	Dissolved	File Date:	9/22/2004
Type:	Domestic Limited-Liability Company	Entity Number:	LLC21816-2004
Qualifying State:	NV	List of Officers Due:	9/30/2005
Managed By:	Managers	Expiration Date:	9/22/2504
NV Business ID:	NV20041220539	Business License Exp:	

Registered Agent Information

Name:	ELIAS ABRISHAMI	Address 1:	8350 W SAHARA AVE
Address 2:	STE 150	City:	LAS VEGAS
State:	NV	Zip Code:	89117
Phone:		Fax:	
Mailing Address 1:		Mailing Address 2:	
Mailing City:		Mailing State:	
Mailing Zip Code:			
Agent Type:	Noncommercial Registered Agent		

Financial Information

No Par Share Count:	0	Capital Amount:	\$ 0
No stock records found for this company			

Officers Include Inactive Officers

Managing Member - ELIAS ABRISHAMI			
Address 1:	PO BOX 2919	Address 2:	
City:	CARSON CITY	State:	NV
Zip Code:	89702	Country:	
Status:	Active	Email:	
Managing Member - RAFI ABRISHAMI			
Address 1:	PO BOX 2919	Address 2:	
City:	CARSON CITY	State:	NV
Zip Code:	89702	Country:	
Status:	Active	Email:	
Managing Member - REZA ZANDIAN			
Address 1:	220 SUSSEX PL	Address 2:	
City:	CARSON CITY	State:	NV
Zip Code:	89703	Country:	
Status:	Active	Email:	

Actions/Amendments

Action Type:	Articles of Organization		
Document Number:	LLC21816-2004-001	# of Pages:	1
File Date:	9/22/2004	Effective Date:	
(No notes for this action)			
Action Type:	Initial List		

Document Number:	LLC21816-2004-002	# of Pages:	1
File Date:	11/01/2004	Effective Date:	
List of Officers for 2004 to 2005			
Action Type:	Dissolution		
Document Number:	20050090100-27	# of Pages:	1
File Date:	3/18/2005	Effective Date:	
(No notes for this action)			

Exhibit 17

Exhibit 17

LYON PARK DEVELOPMENT LLC

Business Entity Information			
Status:	Dissolved	File Date:	9/22/2004
Type:	Domestic Limited-Liability Company	Entity Number:	LLC21824-2004
Qualifying State:	NV	List of Officers Due:	9/30/2005
Managed By:	Managers	Expiration Date:	9/22/2504
NV Business ID:	NV20041220616	Business License Exp:	

Registered Agent Information			
Name:	ELIAS ABRISHAMI	Address 1:	8350 W SAHARA AVE
Address 2:	STE 150	City:	LAS VEGAS
State:	NV	Zip Code:	89117
Phone:		Fax:	
Mailing Address 1:		Mailing Address 2:	
Mailing City:		Mailing State:	
Mailing Zip Code:			
Agent Type:	Noncommercial Registered Agent		

Financial Information			
No Par Share Count:	0	Capital Amount:	\$ 0
No stock records found for this company			

Officers				<input type="checkbox"/> Include Inactive Officers
Managing Member - ELIAS ABRISHAMI				
Address 1:	PO BOX 2919	Address 2:		
City:	CARSON CITY	State:	NV	
Zip Code:	89702	Country:		
Status:	Active	Email:		
Managing Member - RAFI ABRISHAMI				
Address 1:	PO BOX 2919	Address 2:		
City:	CARSON CITY	State:	NV	
Zip Code:	89702	Country:		
Status:	Active	Email:		
Managing Member - REZA ZANDIAN				
Address 1:	220 SUSSEX PL	Address 2:		
City:	CARSON CITY	State:	NV	
Zip Code:	89703	Country:		
Status:	Active	Email:		

Actions/Amendments			
Action Type:	Articles of Organization		
Document Number:	LLC21824-2004-001	# of Pages:	1
File Date:	9/22/2004	Effective Date:	
(No notes for this action)			
Action Type:	Initial List		

Document Number:	LLC21824-2004-002	# of Pages:	1
File Date:	11/01/2004	Effective Date:	
List of Officers for 2004 to 2005			
Action Type:	Dissolution		
Document Number:	20050090105-72	# of Pages:	1
File Date:	3/18/2005	Effective Date:	
(No notes for this action)			

Exhibit 18

Exhibit 18

CHURCHILL PARK DEVELOPMENT LLC

Business Entity Information			
Status:	Dissolved	File Date:	9/22/2004
Type:	Domestic Limited-Liability Company	Entity Number:	LLC21827-2004
Qualifying State:	NV	List of Officers Due:	9/30/2005
Managed By:	Managers	Expiration Date:	9/22/2504
NV Business ID:	NV20041220644	Business License Exp:	

Registered Agent Information			
Name:	ELIAS ABRISHAMI	Address 1:	8350 W SAHARA AVE
Address 2:	STE 150	City:	LAS VEGAS
State:	NV	Zip Code:	89117
Phone:		Fax:	
Mailing Address 1:		Mailing Address 2:	
Mailing City:		Mailing State:	
Mailing Zip Code:			
Agent Type:	Noncommercial Registered Agent		

Financial Information			
No Par Share Count:	0	Capital Amount:	\$ 0
No stock records found for this company			

Officers		<input type="checkbox"/> Include Inactive Officers	
Managing Member - ELIAS ABRISHAMI			
Address 1:	PO BOX 2919	Address 2:	
City:	CARSON CITY	State:	NV
Zip Code:	89702	Country:	
Status:	Active	Email:	
Managing Member - RAFI ABRISHAMI			
Address 1:	PO BOX 2919	Address 2:	
City:	CARSON CITY	State:	NV
Zip Code:	89702	Country:	
Status:	Active	Email:	
Managing Member - REZA ZANDIAN			
Address 1:	220 SUSSEX PL	Address 2:	
City:	CARSON CITY	State:	NV
Zip Code:	89703	Country:	
Status:	Active	Email:	

Actions/Amendments			
Action Type:	Articles of Organization		
Document Number:	LLC21827-2004-001	# of Pages:	1
File Date:	9/22/2004	Effective Date:	
(No notes for this action)			
Action Type:	Initial List		

Document Number:	LLC21827-2004-002	# of Pages:	1
File Date:	11/01/2004	Effective Date:	
List of Officers for 2004 to 2005			
Action Type:	Dissolution		
Document Number:	20050090112-60	# of Pages:	1
File Date:	3/18/2005	Effective Date:	
(No notes for this action)			

Exhibit 19

Exhibit 19

SPARKS VILLAGE LLC

Business Entity Information			
Status:	Default	File Date:	12/15/2004
Type:	Domestic Limited-Liability Company	Entity Number:	LLC29380-2004
Qualifying State:	NV	List of Officers Due:	12/31/2010
Managed By:	Managers	Expiration Date:	12/15/2504
NV Business ID:	NV20041295883	Business License Exp:	Exempt - 003

Registered Agent Information			
Name:	SEAN S. FAYEGHI	Address 1:	1401 LAS VEGAS BLVD SOUTH
Address 2:		City:	LAS VEGAS
State:	NV	Zip Code:	89104
Phone:		Fax:	
Mailing Address 1:		Mailing Address 2:	
Mailing City:		Mailing State:	
Mailing Zip Code:			
Agent Type:	Noncommercial Registered Agent		

Financial Information			
No Par Share Count:	0	Capital Amount:	\$ 0
No stock records found for this company			

Officers		<input type="checkbox"/> Include Inactive Officers	
Manager - SEAN S FAYEGHI			
Address 1:	1401 S. LAS VEGAS BLVD	Address 2:	
City:	LAS VEGAS	State:	NV
Zip Code:	89104	Country:	
Status:	Active	Email:	
Manager - REZA ZANDIAN			
Address 1:	1401 S. LAS VEGAS BLVD	Address 2:	
City:	LAS VEGAS	State:	NV
Zip Code:	89104	Country:	
Status:	Active	Email:	

Actions/Amendments			
Action Type:	Articles of Organization		
Document Number:	LLC29380-2004-001	# of Pages:	1
File Date:	12/15/2004	Effective Date:	
(No notes for this action)			
Action Type:	Initial List		
Document Number:	LLC29380-2004-002	# of Pages:	1
File Date:	12/15/2004	Effective Date:	
List of Officers for 2004 to 2005			
Action Type:	Annual List		
Document Number:	20050561932-73	# of Pages:	1

File Date:	11/18/2005	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20070107298-06	# of Pages:	1
File Date:	2/08/2007	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20070801466-64	# of Pages:	1
File Date:	11/26/2007	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20080805719-20	# of Pages:	1
File Date:	12/10/2008	Effective Date:	
08-09			
Action Type:	Annual List		
Document Number:	20100743562-60	# of Pages:	1
File Date:	10/01/2010	Effective Date:	
(No notes for this action)			

Exhibit 20

Exhibit 20

OPTIMA TECHNOLOGY CORPORATION

Business Entity Information			
Status:	Revoked	File Date:	10/11/2004
Type:	Domestic Close Corporation	Entity Number:	C27410-2004
Qualifying State:	NV	List of Officers Due:	10/31/2008
Managed By:		Expiration Date:	
NV Business ID:	NV20041618927	Business License Exp:	

Registered Agent Information			
Name:	REZA ZANDIAN	Address 1:	8350 W. SAHARA AVE SUITE 150
Address 2:		City:	LAS VEGAS
State:	NV	Zip Code:	89117
Phone:		Fax:	
Mailing Address 1:	8 SAN RAMON DR	Mailing Address 2:	
Mailing City:	IRVINE	Mailing State:	CA
Mailing Zip Code:	92612		
Agent Type:	Noncommercial Registered Agent		

Financial Information			
No Par Share Count:	10,000.00	Capital Amount:	\$ 0
No stock records found for this company			

Officers		<input type="checkbox"/> Include Inactive Officers	
President - REZA ZANDIAN			
Address 1:	8775 COSTA VERDE BLVD #501	Address 2:	
City:	SAN DIEGO	State:	CA
Zip Code:	92122	Country:	USA
Status:	Active	Email:	
Secretary - REZA ZANDIAN			
Address 1:	8775 COSTA VERDE BLVD #501	Address 2:	
City:	SAN DIEGO	State:	CA
Zip Code:	92122	Country:	USA
Status:	Active	Email:	
Treasurer - REZA ZANDIAN			
Address 1:	8775 COSTA VERDE BLVD #501	Address 2:	
City:	SAN DIEGO	State:	CA
Zip Code:	92122	Country:	USA
Status:	Active	Email:	
Director - REZA ZANDIAN			
Address 1:	8775 COSTA VERDE BLVD #501	Address 2:	
City:	SAN DIEGO	State:	CA
Zip Code:	92122	Country:	USA
Status:	Active	Email:	

Actions/Amendments

Action Type:	Articles of Incorporation		
Document Number:	C27410-2004-001	# of Pages:	1
File Date:	10/11/2004	Effective Date:	
(No notes for this action)			
Action Type:	Initial List		
Document Number:	C27410-2004-002	# of Pages:	1
File Date:	10/11/2004	Effective Date:	
List of Officers for 2004 to 2005			
Action Type:	Annual List		
Document Number:	20050611409-08	# of Pages:	1
File Date:	12/13/2005	Effective Date:	
(No notes for this action)			
Action Type:	Amended List		
Document Number:	20060416290-50	# of Pages:	1
File Date:	6/28/2006	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20060673305-72	# of Pages:	1
File Date:	10/18/2006	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20070840329-25	# of Pages:	1
File Date:	12/11/2007	Effective Date:	
(No notes for this action)			

Exhibit 21

Exhibit 21

I-50 PLAZA LLC

Business Entity Information			
Status:	Default	File Date:	2/03/2005
Type:	Domestic Limited-Liability Company	Entity Number:	E0011952005-5
Qualifying State:	NV	List of Officers Due:	2/28/2011
Managed By:	Managers	Expiration Date:	2/03/2505
NV Business ID:	NV20051209794	Business License Exp:	Exempt - 003

Registered Agent Information			
Name:	SEAN S. FAYEGHI	Address 1:	1401 LAS VEGAS BLVD SOUTH
Address 2:		City:	LAS VEGAS
State:	NV	Zip Code:	89104
Phone:		Fax:	
Mailing Address 1:		Mailing Address 2:	
Mailing City:		Mailing State:	
Mailing Zip Code:			
Agent Type:	Noncommercial Registered Agent		

Financial Information			
No Par Share Count:	0	Capital Amount:	\$ 0
No stock records found for this company			

Officers		<input type="checkbox"/> Include Inactive Officers	
Managing Member - SEAN S FAYEGHI			
Address 1:	1401 S. LAS VEGAS BLVD.	Address 2:	
City:	LAS VEGAS	State:	NV
Zip Code:	89104	Country:	
Status:	Active	Email:	
Managing Member - REZA ZANDIAN			
Address 1:	8350 W. SAHARA AVE.	Address 2:	
City:	LAS VEGAS	State:	NV
Zip Code:	89117	Country:	
Status:	Active	Email:	

Actions/Amendments			
Action Type:	Articles of Organization		
Document Number:	20050007640-04	# of Pages:	2
File Date:	2/03/2005	Effective Date:	
(No notes for this action)			
Action Type:	Initial List		
Document Number:	20050007642-26	# of Pages:	1
File Date:	2/03/2005	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20050632605-29	# of Pages:	1

File Date:	12/21/2005	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20070012183-14	# of Pages:	1
File Date:	1/04/2007	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20080097515-37	# of Pages:	1
File Date:	2/12/2008	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20080806151-81	# of Pages:	1
File Date:	12/10/2008	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20100743512-65	# of Pages:	1
File Date:	10/01/2010	Effective Date:	
(No notes for this action)			

Exhibit 22

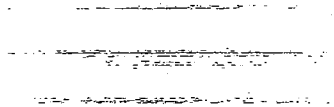


Exhibit 22

DAYTON PLAZA, L.L.C.

Business Entity Information			
Status:	Default	File Date:	5/18/2005
Type:	Domestic Limited-Liability Company	Entity Number:	E0307202005-3
Qualifying State:	NV	List of Officers Due:	5/31/2011
Managed By:	Managers	Expiration Date:	
NV Business ID:	NV20051324192	Business License Exp:	Exempt - 003

Registered Agent Information			
Name:	SEAN S. FAYEGHI	Address 1:	1401 LAS VEGAS BLVD SOUTH
Address 2:		City:	LAS VEGAS
State:	NV	Zip Code:	89104
Phone:		Fax:	
Mailing Address 1:		Mailing Address 2:	
Mailing City:		Mailing State:	
Mailing Zip Code:			
Agent Type:	Noncommercial Registered Agent		

Financial Information			
No Par Share Count:	0	Capital Amount:	\$ 0
No stock records found for this company			

Officers				<input type="checkbox"/> Include Inactive Officers
Manager - SEAN S FAYEGHI				
Address 1:	1401 LAS VEGAS BLVD. SOUTH	Address 2:		
City:	LAS VEGAS	State:	NV	
Zip Code:	89104	Country:		
Status:	Active	Email:		
Manager - SHAHROKH REZAI				
Address 1:	7353 SINGING TREE ST.	Address 2:		
City:	LAS VEGAS	State:	NV	
Zip Code:	89123	Country:		
Status:	Active	Email:		
Manager - REZA ZANDIAN				
Address 1:	8350 W. SAHARA AVE.	Address 2:	SUITE 150	
City:	LAS VEGAS	State:	NV	
Zip Code:	89117	Country:		
Status:	Active	Email:		

Actions/Amendments			
Action Type:	Articles of Organization		
Document Number:	20050184429-75	# of Pages:	1
File Date:	5/18/2005	Effective Date:	
(No notes for this action)			
Action Type:	Initial List		

Document Number:	20050184430-07	# of Pages:	1
File Date:	5/18/2005	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20060282468-48	# of Pages:	1
File Date:	5/03/2006	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20070385782-52	# of Pages:	1
File Date:	5/31/2007	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20080380264-03	# of Pages:	1
File Date:	6/02/2008	Effective Date:	
08/09			
Action Type:	Annual List		
Document Number:	20090396017-67	# of Pages:	1
File Date:	4/30/2009	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20100743576-25	# of Pages:	1
File Date:	10/01/2010	Effective Date:	
(No notes for this action)			

Exhibit 23

Exhibit 23

RENO HIGHWAY PLAZA, L.L.C.

Business Entity Information			
Status:	Revoked	File Date:	6/05/2006
Type:	Domestic Limited-Liability Company	Entity Number:	E0416572006-9
Qualifying State:	NV	List of Officers Due:	6/30/2007
Managed By:	Managers	Expiration Date:	
NV Business ID:	NV20061046071	Business License Exp:	

Registered Agent Information			
Name:	SEAN S. FEYEGHI	Address 1:	5945 ROBERT HAMPTON ROAD
Address 2:		City:	LAS VEGAS
State:	NV	Zip Code:	89120
Phone:		Fax:	
Mailing Address 1:	1401 SOUTH LAS VEGAS BLVD	Mailing Address 2:	
Mailing City:	LAS VEGAS	Mailing State:	NV
Mailing Zip Code:	89104		
Agent Type:	Noncommercial Registered Agent		

Financial Information	
No Par Share Count:	0
Capital Amount:	\$ 0
No stock records found for this company	

Officers		<input type="checkbox"/> Include Inactive Officers	
Manager - SEAN S FAYEGHI			
Address 1:	1401 SOUTH LAS VEGAS BLVD	Address 2:	
City:	LAS VEGAS	State:	NV
Zip Code:	89104	Country:	
Status:	Active	Email:	
Manager - REZA ZANDIAN			
Address 1:	8775 CASTA VERDE BLVD	Address 2:	SUITE 1416
City:	SAN DIEGO	State:	CA
Zip Code:	92122	Country:	
Status:	Active	Email:	

Actions\Amendments			
Action Type:	Articles of Organization		
Document Number:	20060359719-12	# of Pages:	2
File Date:	6/05/2006	Effective Date:	
(No notes for this action)			
Action Type:	Initial List		
Document Number:	20060359720-44	# of Pages:	1
File Date:	6/05/2006	Effective Date:	
(No notes for this action)			

EXHIBIT "C"

CLOSED, STD

**U.S. District Court
DISTRICT OF ARIZONA (Tucson Division)
CIVIL DOCKET FOR CASE #: 4:07-cv-00588-RCC**

Universal Avionics Systems Corporation v. Optima
Technology Group, Inc. et al
Assigned to: Judge Raner C Collins
Cause: No cause code entered

Date Filed: 11/09/2007
Date Terminated: 09/23/2008
Jury Demand: Both
Nature of Suit: 190 Contract: Other
Jurisdiction: Federal Question

Plaintiff

**Universal Avionics Systems
Corporation**

represented by **Allan Andrew Kassenoff**
Greenberg Traurig LLP
200 Park Ave
New York, NY 10166
212-801-9200
Fax: 212-801-6400
Email: kassenoffa@gtlaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Paul J Sutton
Greenberg Traurig LLP
200 Park Ave
New York, NY 10166
(212)801-9200
Fax: (212)801-6400
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Scott Joseph Bornstein ,
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

E Jeffrey Walsh
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2375 E Camelback Rd
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Phoenix, AZ 85016
602-445-8406
Fax: 602-445-8100

Email: walshj@gtlaw.com
ATTORNEY TO BE NOTICED

Robert A Mandel
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2375 E Camelback Rd
Ste 700
Phoenix, AZ 85016
602-445-8000
Fax: 602-445-8100
Email: mandelr@gtlaw.com
ATTORNEY TO BE NOTICED

V.

Defendant

**Optima Technology Group
Incorporated**

represented by **Edward Moomjian , II**
Udall Law Firm LLP
4801 E Broadway Blvd
Ste 400
Tucson, AZ 85711
520-623-4353
Fax: 520-792-3426
Email: emoomjian@udalllaw.com
TERMINATED: 03/03/2008
ATTORNEY TO BE NOTICED

Jeanna Chandler Nash
Udall Law Firm LLP
4801 E Broadway Blvd
Ste 400
Tucson, AZ 85711-3609
520-623-4353
Fax: 520-792-3426
Email: jnash@udalllaw.com
TERMINATED: 03/03/2008
ATTORNEY TO BE NOTICED

Jeffrey Lynn Willis
Snell & Wilmer LLP
1 S Church Ave
Ste 1500
Tucson, AZ 85701-1612
520-882-1231
Fax: 520-884-1294
Email: jwillis@swlaw.com

Robert Alan Bernheim
Snell & Wilmer LLP
1 S Church Ave., Ste. 1500

Tucson, AZ 85701-1612
520-882-1239
Fax: 520-884-1294
Email: rbernheim@swlaw.com
ATTORNEY TO BE NOTICED

Defendant

Optima Technology Corporation
TERMINATED: 08/18/2008

represented by **Jeanna Chandler Nash**
(See above for address)
TERMINATED: 03/03/2008

Defendant

Robert Adams
TERMINATED: 04/09/2008

represented by **Edward Moomjian , II**
(See above for address)
TERMINATED: 03/03/2008

Jeanna Chandler Nash
(See above for address)
TERMINATED: 03/03/2008

Jeffrey Lynn Willis
(See above for address)

Robert Alan Bernheim
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Jed Margolin

represented by **Edward Moomjian , II**
(See above for address)
TERMINATED: 03/03/2008
ATTORNEY TO BE NOTICED

Jeanna Chandler Nash
(See above for address)
TERMINATED: 03/03/2008
ATTORNEY TO BE NOTICED

Jeffrey Lynn Willis
(See above for address)
ATTORNEY TO BE NOTICED

Robert Alan Bernheim
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Optima Technology Corporation
TERMINATED: 08/18/2008

ThirdParty Defendant

Joachim L Naimer

ThirdParty Defendant

Unknown Naimer

Named as Jane Doe Naimer

ThirdParty Defendant

Frank E Hummel

ThirdParty Defendant

Unknown Hummel

Named as Jane Doe Hummel

ThirdParty Plaintiff

**Optima Technology Group
Incorporated**

represented by **Edward Moomjian , II**
(See above for address)
TERMINATED: 03/03/2008

Jeanna Chandler Nash
(See above for address)
TERMINATED: 03/03/2008

Cross Claimant

**Optima Technology Group
Incorporated**

represented by **Edward Moomjian , II**
(See above for address)
TERMINATED: 03/03/2008

Jeanna Chandler Nash
(See above for address)
TERMINATED: 03/03/2008

V.

Cross Defendant

Optima Technology Corporation
TERMINATED: 07/07/2008

represented by **Jeanna Chandler Nash**
(See above for address)
TERMINATED: 03/03/2008

Counter Claimant

**Optima Technology Group
Incorporated**

represented by **Edward Moomjian , II**
(See above for address)
TERMINATED: 03/03/2008

Jeanna Chandler Nash
(See above for address)
TERMINATED: 03/03/2008
ATTORNEY TO BE NOTICED

V.

Counter Defendant

**Universal Avionics Systems
Corporation**

represented by **Allan Andrew Kassenoff**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Paul J Sutton
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Scott Joseph Bornstein ,
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

E Jeffrey Walsh
(See above for address)
ATTORNEY TO BE NOTICED

Counter Claimant

**Optima Technology Group
Incorporated**

represented by **Edward Moomjian , II**
(See above for address)
TERMINATED: 03/03/2008
ATTORNEY TO BE NOTICED

Jeanna Chandler Nash
(See above for address)
TERMINATED: 03/03/2008
ATTORNEY TO BE NOTICED

Jeffrey Lynn Willis
(See above for address)

Robert Alan Bernheim
(See above for address)
ATTORNEY TO BE NOTICED

Counter Claimant

Jed Margolin

represented by **Edward Moomjian , II**
(See above for address)
TERMINATED: 03/03/2008
ATTORNEY TO BE NOTICED

Jeanna Chandler Nash
(See above for address)
TERMINATED: 03/03/2008

ATTORNEY TO BE NOTICED

Jeffrey Lynn Willis

(See above for address)

ATTORNEY TO BE NOTICED

Robert Alan Bernheim

(See above for address)

ATTORNEY TO BE NOTICED

V.

Counter Defendant

Optima Technology Corporation

represented by **Jeanna Chandler Nash**

(See above for address)

TERMINATED: 03/03/2008

Date Filed	#	Docket Text
11/09/2007	<u>1</u>	SEALED COMPLAINT. Filing fee received: \$ 350.00, receipt number 1549612, filed by Universal Avionics Systems Corporation. (Attachments: # <u>1</u> Exhibit Part 1 of 2# <u>2</u> Exhibit Part 2 of 2# <u>3</u> Summons OTC# <u>4</u> Summons OTG# <u>5</u> Summons JA# <u>6</u> Summons RA# <u>7</u> Civil Cover Sheet)(Walsh, E) Modified on 1/25/2008 (DNO, SEALED PER ORDER <u>39</u>). Modified on 2/15/2008 (APJ,). (Entered: 11/09/2007)
11/09/2007		This case has been assigned to the Honorable Raner C. Collins. All future pleadings or documents should bear the correct case number: CIV-07-588-TUC-RCC. (GPA,) (Entered: 11/15/2007)
11/15/2007	<u>2</u>	Summons Issued as to Optima Technology Corporation. (GPA,). *** IMPORTANT: You must select "Document and stamps" or "Document and comments" on the print screen in order for the court seal to appear on the summons you print. (Entered: 11/15/2007)
11/15/2007	<u>3</u>	Summons Issued as to Optima Technology Group, Inc.. (GPA,). *** IMPORTANT: You must select "Document and stamps" or "Document and comments" on the print screen in order for the court seal to appear on the summons you print. (Entered: 11/15/2007)
11/15/2007	<u>4</u>	Summons Issued as to Jed Margolin. (GPA,). *** IMPORTANT: You must select "Document and stamps" or "Document and comments" on the print screen in order for the court seal to appear on the summons you print. (Entered: 11/15/2007)
11/15/2007	<u>5</u>	Summons Issued as to Robert Adams. (GPA,). *** IMPORTANT: You must select "Document and stamps" or "Document and comments" on the print screen in order for the court seal to appear on the summons you print. (Entered: 11/15/2007)
11/15/2007	<u>6</u>	Notice re electronically sending a magistrate election form to filer by

		Universal Avionics Systems Corporation (GPA,) (Entered: 11/15/2007)
12/17/2007	<u>7</u>	Quarterly MOTION for Extension of Time To Answer based on Stipulation by Optima Technology Corporation, Robert Adams, Jed Margolin. (Attachments: # <u>1</u> Supplement Stipulation, # <u>2</u> Text of Proposed Order Order) (Chandler, Jeanna) (Entered: 12/17/2007)
12/19/2007	<u>8</u>	ORDER granting <u>7</u> Motion for Extension of Time. Dfts have up to 1/7/08 to serve/file their answer. Signed by Judge Raner C Collins on 12/18/07.(SSU,) (Entered: 12/19/2007)
01/04/2008	<u>9</u>	MOTION for Admission Pro Hac Vice as to attorney Scott J Bornstein on behalf of Universal Avionics Systems Corporation. (BAS,) (Entered: 01/04/2008)
01/04/2008	<u>10</u>	MOTION for Admission Pro Hac Vice as to attorney Paul J Sutton on behalf of Universal Avionics Systems Corporation. (BAS,) (Entered: 01/04/2008)
01/04/2008	<u>11</u>	MOTION for Admission Pro Hac Vice as to attorney Allan A Kassenoff on behalf of Universal Avionics Systems Corporation. (BAS,) (Entered: 01/04/2008)
01/04/2008		PRO HAC VICE FEE PAID. \$ 100, receipt number PHX066316 as to Scott J Bornstein. (BAS,) (Entered: 01/04/2008)
01/04/2008		PRO HAC VICE FEE PAID. \$ 100, receipt number PHX066315 as to Paul J Sutton. (BAS,) (Entered: 01/04/2008)
01/04/2008		PRO HAC VICE FEE PAID. \$ 100, receipt number PHX066314 as to Allan A Kassenoff. (BAS,) (Entered: 01/04/2008)
01/04/2008	<u>12</u>	ORDER pursuant to General Order 05-25 granting <u>9</u> Motion for Admission Pro Hac Vice; granting <u>10</u> Motion for Admission Pro Hac Vice; granting <u>11</u> Motion for Admission Pro Hac Vice. Per the Court's Administrative Policies and Procedures Manual, applicant has five (5) days in which to register as a user of the Electronic Filing System. Registration to be accomplished via the court's website at www.azd.uscourts.gov. (BAS,)(This is a TEXT ENTRY ONLY. There is no.pdf document associated with this entry.) (Entered: 01/04/2008)
01/07/2008	<u>13</u>	MOTION to Dismiss Case by Optima Technology Group, Inc., Robert Adams. (Chandler, Jeanna) Modified on 1/9/2008 (SSU, DOCUMENT FILED WITH INCORRECT CASE NUMBER AND DOCUMENT NOT IN COMPLIANCE WITH LRCiv 7.1(c). ATTORNEY NOTICED). (Entered: 01/07/2008)
01/07/2008	<u>16</u>	SEALED LODGED Proposed Memorandum in Support of Motion to Dismiss Adams/Optima re: 14 MOTION to Seal Document re Memorandum in Support of Adams/Optima Motion to Dismiss. Document to be filed by Clerk if Motion to Seal is granted. Filed by Optima Technology Group, Inc., Robert Adams. (Chandler, Jeanna) (Entered: 01/07/2008)
01/07/2008	<u>17</u>	MOTION to Dismiss Case for Lack of Jurisdiction by Robert Adams. (Chandler, Jeanna) Modified on 1/9/2008 (SSU, DOCUMENT FILED WITH

		INCORRECT CASE NUMBER AND DOCUMENT NOT IN COMPLIANCE WITH LRCiv 7.1(c). ATTORNEY NOTICED). (Entered: 01/07/2008)
01/07/2008	<u>20</u>	SEALED LODGED Proposed Memorandum in Support of Adams Motion to Dismiss for Lack of Personal Jurisdiction re: 18 MOTION to Seal Document re Memorandum in Support of Motion To Dismiss. Document to be filed by Clerk if Motion to Seal is granted. Filed by Robert Adams. (Chandler, Jeanna) (Entered: 01/07/2008)
01/07/2008	<u>21</u>	MOTION to Dismiss Case for Lack of Jurisdiction by Jed Margolin. (Chandler, Jeanna) Modified on 1/9/2008 (SSU, DOCUMENT FILED WITH INCORRECT CASE NUMBER AND DOCUMENT NOT IN COMPLIANCE WITH LRCiv 7.1(c). ATTORNEY NOTICED). (Entered: 01/07/2008)
01/07/2008	<u>24</u>	SEALED LODGED Proposed Memorandum in Support of Margolins Motion to Dismiss re: 22 MOTION to Seal Document re Memorandum in Support of Margolins Motion to Dismiss. Document to be filed by Clerk if Motion to Seal is granted. Filed by Jed Margolin. (Chandler, Jeanna) (Entered: 01/07/2008)
01/07/2008	<u>27</u>	ANSWER to <u>1</u> Complaint, with Jury Demand by Optima Technology Group, Inc..(Chandler, Jeanna) Modified on 1/9/2008 (SSU, DOCUMENT FILED WITH INCORRECT CASE NUMBER AND DOCUMENT NOT IN COMPLIANCE WITH LRCiv 7.1(c). ATTORNEY NOTICED). (Entered: 01/07/2008)
01/07/2008	<u>28</u>	Corporate Disclosure Statement by Optima Technology Group, Inc. (Chandler, Jeanna) TEXT Modified on 1/8/2008 (SSU, DOCUMENT FILED WITH INCORRECT CASE NUMBER). (Entered: 01/07/2008)
01/08/2008	<u>29</u>	MOTION for Leave to File Excess Pages by Optima Technology Group, Inc., Robert Adams. (Attachments: # <u>1</u> Text of Proposed Order Proposed Order) (Chandler, Jeanna) Modified on 1/9/2008 (SSU, DOCUMENT FILED WITH INCORRECT CASE NUMBER AND DOCUMENT NOT IN COMPLIANCE WITH LRCiv 7.1(c). ATTORNEY NOTICED). (Entered: 01/08/2008)
01/08/2008	<u>31</u>	ORDER granting 14 Motion to Seal Document ; granting 18 Motion to Seal Document ; granting 22 Motion to Seal Document. Signed by Judge Raner C Collins on 1/8/08.(SGG,) (Entered: 01/09/2008)
01/08/2008	<u>32</u>	Sealed Document: Memorandum Per Order <u>31</u> filed by Optima Technology Group, Inc., Robert Adams. (SGG,) (Entered: 01/09/2008)
01/08/2008	<u>33</u>	Sealed Document: Memorandum Per Order <u>31</u> filed by Robert Adams. (SGG,) (Entered: 01/09/2008)
01/08/2008	<u>34</u>	Sealed Document: Memorandum Per Order <u>31</u> filed by Jed Margolin. (SGG,) (Entered: 01/09/2008)
01/09/2008	<u>30</u>	ORDER granting <u>29</u> Motion for Leave to File Excess Pages. Signed by Judge Raner C Collins on 1/9/08.(SSU,) (Entered: 01/09/2008)

01/22/2008	<u>36</u>	First MOTION for Extension of Time Extension of Deadline under Rule 14 (A)(1) <i>Unopposed</i> by Optima Technology Group, Inc.. (Attachments: # <u>1</u> Text of Proposed Order)(Moomjian, Edward) DOCUMENT NOT IN COMPLIANCE WITH LRCiv7.1(c). ATTORNEY NOTICED. Modified on 1/24/2008 (SSU,). (Entered: 01/22/2008)
01/23/2008	<u>37</u>	ORDER granting <u>36</u> Motion for Extension of Time. Deadline for filing third party claims as a right is extended until and including 1/24/08. Signed by Judge Raner C Collins on 1/22/08.(SSU,) (Entered: 01/23/2008)
01/24/2008	<u>38</u>	AMENDED ANSWER to <i>COMPLAINT</i> , THIRD PARTY COMPLAINT against JOACHIM L. NAIMER, JANE DOE NAIMER, FRANK E. HUMMEL, JANE DOE HUMMEL, CROSSCLAIM against Optima Technology Corporation, COUNTERCLAIM against Universal Avionics Systems Corporation by Optima Technology Group, Inc.. (Moomjian, Edward) DOCUMENT FILED WITH INCORRECT CASE NUMBER. TEXT Modified on 1/25/2008 (SSU,). (Entered: 01/24/2008)
01/24/2008	<u>39</u>	SEALED ORDER granting 35 Motion to Seal Document ; denying 25 Motion to Seal Document. Signed by Judge Raner C Collins on 01/23/08. (DNO,) (Entered: 01/25/2008)
01/30/2008	<u>40</u>	Notice re Summons by Optima Technology Group, Inc. (Attachments: # <u>1</u> Summons)(Moomjian, Edward) (Entered: 01/30/2008)
01/30/2008	<u>41</u>	Summons Issued as to Optima Technology Group, Inc., Optima Technology Corporation. (Attachments: # <u>1</u> Summons)(BJW,). *** IMPORTANT: You must select "Document and stamps" or "Document and comments" on the print screen in order for the court seal to appear on the summons you print. (Entered: 01/30/2008)
02/06/2008	<u>42</u>	Notice re Summons to Frank E. Hummel by Optima Technology Group, Inc. (Attachments: # <u>1</u> Summons Jane Doe Hummel, # <u>2</u> Summons Joachim L. Naimer, # <u>3</u> Summons Jane Doe Naimer)(Chandler, Jeanna) (Entered: 02/06/2008)
02/06/2008	<u>43</u>	Summons Issued as to Joachim L Naimer, Jane Doe Naimer, Frank E Hummel, Jane Doe Hummel. (Attachments: # <u>1</u> Summons, # <u>2</u> Summons, # <u>3</u> Summons)(BJW,). *** IMPORTANT: You must select "Document and stamps" or "Document and comments" on the print screen in order for the court seal to appear on the summons you print. (Entered: 02/06/2008)
02/11/2008	<u>48</u>	SEALED MOTION to Seal Document by Universal Avionics Systems Corporation. (DNO,) (Entered: 02/15/2008)
02/13/2008	<u>44</u>	AFFIDAVIT of Phyllis Callahan <i>re Affidavit of Process Server as to Service Upon Reza Zandian (Statutory Agent) for Optima Technology Corporation</i> by Cross Claimant Optima Technology Group, Inc.. (Chandler, Jeanna) (Entered: 02/13/2008)
02/13/2008	<u>45</u>	MOTION for Extension of Time to File Answer re Counterclaims and Third-Party Claims by Universal Avionics Systems Corporation. (Attachments: # <u>1</u> Supplement Stipulation re Enlargement of Time for Plaintiff

		Counterdefendant and Third-Party Defendants to Answer or Otherwise Respond to Counterclaims and Third-Party Claims, # <u>2</u> Text of Proposed Order Order Enlarging Time)(Walsh, E) (Entered: 02/13/2008)
02/13/2008	<u>46</u>	Corporate Disclosure Statement by Universal Avionics Systems Corporation. (Walsh, E) (Entered: 02/13/2008)
02/14/2008	<u>47</u>	ORDER granting <u>45</u> Motion for Extension of Time to Answer. Joachim L Naimer answer due 4/14/2008; Jane Doe Naimer answer due 4/14/2008; Frank E Hummel answer due 4/14/2008; Jane Doe Hummel answer due 4/14/2008; Universal Avionics Systems Corporation answer due 3/18/2008. Signed by Judge Raner C Collins on 2/14/08.(SSU,) (Entered: 02/14/2008)
02/15/2008	<u>49</u>	SUMMONS Returned Executed by Universal Avionics Systems Corporation. Jed Margolin served on 11/26/2007. (Walsh, E) (Entered: 02/15/2008)
02/15/2008	<u>50</u>	SUMMONS Returned Executed by Universal Avionics Systems Corporation. Optima Technology Corporation served on 11/28/2007. (Walsh, E) (Entered: 02/15/2008)
02/15/2008	<u>51</u>	SEALED ORDER granting <u>48</u> Motion to Seal Document. Signed by Judge Raner C Collins on 02/15/08.(SGG,) (Entered: 02/20/2008)
02/15/2008	<u>52</u>	SEALED RESPONSE to Motion re <u>13</u> MOTION to Dismiss Case filed by Universal Avionics Systems Corporation., Sealed per Order <u>51</u> . (SGG,) (Entered: 02/20/2008)
02/15/2008	<u>53</u>	SEALED RESPONSE to Motion re <u>17</u> MOTION to Dismiss Case for Lack of Jurisdiction filed by Universal Avionics Systems Corporation. Sealed per Order <u>51</u> . (SGG,) (Entered: 02/20/2008)
02/15/2008	<u>54</u>	SEALED RESPONSE to Motion re <u>21</u> MOTION to Dismiss Case for Lack of Jurisdiction filed by Universal Avionics Systems Corporation. Sealed per Order <u>51</u> . (SGG,) (Entered: 02/20/2008)
02/15/2008	<u>55</u>	SEALED MOTION to Expedite Discovery by Universal Avionics Systems Corporation. Sealed per Order <u>51</u> . (SGG,) (Entered: 02/20/2008)
02/15/2008	<u>56</u>	Sealed Document: Memorandum and Support of <u>55</u> filed by Universal Avionics Systems Corporation. Sealed per Order <u>51</u> . (SGG,) (Entered: 02/20/2008)
02/15/2008	<u>57</u>	Sealed Document: Declaration filed by Universal Avionics Systems Corporation. Sealed per Order <u>51</u> (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit)(SGG,) (Entered: 02/20/2008)
02/15/2008	<u>58</u>	Sealed Document: Declaration filed by Universal Avionics Systems Corporation. Sealed per Order <u>51</u> . (SGG,) (Entered: 02/20/2008)
02/28/2008	<u>59</u>	MOTION to Expedite Motion for Extension of Time by Optima Technology Group, Inc., Robert Adams, Jed Margolin. (Moomjian, Edward) (Entered: 02/28/2008)
02/28/2008	<u>60</u>	MOTION for Extension of Time Extension of Time <i>Motion for Extension of Time to Submit Replies</i> by Optima Technology Group, Inc., Robert Adams,

		Jed Margolin. (Attachments: # <u>1</u> Text of Proposed Order)(Moomjian, Edward) (Entered: 02/28/2008)
02/28/2008	<u>61</u>	ORDER granting <u>59</u> Motion to Expedite.; granting <u>60</u> Motion for Extension of Time. Dfts have 30 days up to and including 3/31/08 to file their replies in support of Motions to Dismiss and Response/Opposition to the Motion for Expedited Discovery. Signed by Judge Raner C Collins on 2/28/08.(SSU,) (Entered: 02/28/2008)
02/28/2008	<u>62</u>	MEMORANDUM re: In Opposition to Motion for Extension of Time by Plaintiff Universal Avionics Systems Corporation. (Walsh, E) (Entered: 02/28/2008)
03/03/2008	<u>64</u>	SEALED ORDER granting <u>63</u> Motion to Withdraw. Signed by Judge Raner C Collins on 02/28/08.(DNO,) (Entered: 03/05/2008)
03/18/2008	<u>65</u>	ANSWER to <u>38</u> Amended Answer to Complaint, Third Party Complaint, Crossclaim, Counterclaim,,,,, by Universal Avionics Systems Corporation. (Walsh, E) (Entered: 03/18/2008)
04/01/2008	<u>66</u>	NOTICE of Appearance by Jeffrey Lynn Willis on behalf of Optima Technology Group, Inc., Robert Adams, Jed Margolin (Willis, Jeffrey) (Entered: 04/01/2008)
04/01/2008	<u>67</u>	STIPULATION for <i>72-Hour Extension of Time to File Replies in Support of Motions to Dismiss and Response to Plaintiff's Motion for Expedited Discovery (Second Request)</i> by Optima Technology Group, Inc., Robert Adams, Jed Margolin. (Attachments: # <u>1</u> Text of Proposed Order)(Willis, Jeffrey) (Entered: 04/01/2008)
04/01/2008	<u>68</u>	ORDER re <u>67</u> STIPULATION for 72-Hour Extension of Time to File Replies in Support of Motions to Dismiss and Response to Plaintiff's Motion for Expedited Discovery, due 4/3/08. Signed by Judge Raner C Collins on 4/1/08. (KMF,) (Entered: 04/01/2008)
04/02/2008	<u>69</u>	NOTICE of Appearance by Jeffrey Lynn Willis on behalf of Optima Technology Group, Inc., Robert Adams, Jed Margolin (Willis, Jeffrey) (Entered: 04/02/2008)
04/02/2008	<u>70</u>	APPLICATION for Entry of Default by Defendants Optima Technology Group, Inc., against Optima Technology Corporation, Inc.. (Attachments: # <u>1</u> Text of Proposed Order Proposed Entry of Default)(Willis, Jeffrey) Modified on 4/2/2008 to correct applicant (BJW,). (Entered: 04/02/2008)
04/03/2008	<u>71</u>	REPLY in Support re <u>21</u> MOTION to Dismiss Case for Lack of Jurisdiction <i>and Request for Stay of Proceedings on Motion to Dismiss</i> filed by Optima Technology Group, Inc., Robert Adams, Jed Margolin. (Willis, Jeffrey) (Entered: 04/03/2008)
04/03/2008	<u>72</u>	REPLY in Support re <u>13</u> MOTION to Dismiss Case filed by Optima Technology Group, Inc., Robert Adams, Jed Margolin. (Willis, Jeffrey) (Entered: 04/03/2008)
04/03/2008	<u>73</u>	RESPONSE to Motion re <u>55</u> MOTION to Expedite Discovery filed by

		Optima Technology Group, Inc., Robert Adams, Jed Margolin. (Willis, Jeffrey) (Entered: 04/03/2008)
04/07/2008	<u>74</u>	Clerk's ENTRY OF DEFAULT as to Optima Technology Corporation (PAB,) (Entered: 04/07/2008)
04/09/2008	<u>75</u>	ORDER granting <u>13</u> Motion to Dismiss Case and as amended by <u>72</u> Reply; Counts 5, 6, 7 of Plaintiff's Complaint are dismissed without prejudice to Plaintiff refiling thises claims in state court. Counts 2-4 and 7-12 of Defendants' state law counterclaims, cross-claims and third-party claims are dismissed without prejudice. Ordered denying as moot <u>17</u> Motion to Dismiss Case for Lack of Jurisdiction; dft Adams is dismissed. Ordered denying <u>21</u> Motion to Dismiss Case for Lack of Jurisdiction and <u>71</u> Request for a Stay of Proceedings. Signed by Judge Raner C Collins on 4/9/08.(SSU,) (Entered: 04/09/2008)
04/10/2008	<u>76</u>	APPLICATION for Entry of Default by Defendant Optima Technology Group, Inc. against Optima Technology Corporation. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Text of Proposed Order)(Willis, Jeffrey) (Entered: 04/10/2008)
04/14/2008	<u>77</u>	Clerk's ENTRY OF DEFAULT as to Optima Technology Corporation. (SSU,) (Entered: 04/14/2008)
04/29/2008	<u>78</u>	STIPULATION by Optima Technology Group, Inc., Optima Technology Corporation, Universal Avionics Systems Corporation, Robert Adams, Jed Margolin. (Attachments: # <u>1</u> Text of Proposed Order Order)(Walsh, E) (Entered: 04/29/2008)
05/06/2008	<u>79</u>	ORDER denying <u>55</u> Motion to Expedite, pursuant to Stipulation <u>78</u> . Pla Universal Avionics Systems Corporation may file an amended complaint to reflect the effect of this Court's 4/9/08 Order on or before 5/9/08. Dfts Optima Technology Group and Jed Margolin will respond to the amended complaint within ten days of service. Universal will file a reply to any counterclaims within ten days after being served with such counterclaims. Any and all responsive pleadings that were or may have been due before the date of this Order are vacated in favor of the schedule set forth herein. Signed by Judge Raner C Collins on 4/29/08.(JEMB,) (Entered: 05/06/2008)
05/13/2008	<u>82</u>	**PHRASE "OR PATENT TROLL" PG1 LINE 24, & PARAGRAPHS 37-43 STRIKEN PER ORDER <u>101</u> **Sealed Document: FIRST AMENDED COMPLAINT filed by Universal Avionics Systems Corporation. (JEMB,) Modified on 7/7/2008 (JEMB, TO REFLECT STRICKEN SECTIONS). (Entered: 05/16/2008)
05/14/2008	<u>81</u>	ORDER granting 80 Motion to Seal Document. Signed by Judge Raner C Collins on 5/14/08.(JEMB,) (Entered: 05/16/2008)
05/16/2008	<u>83</u>	CERTIFICATE OF SERVICE by Universal Avionics Systems Corporation (Walsh, E) (Entered: 05/16/2008)
05/20/2008	<u>84</u>	Sealed MOTION to Seal Document re Motion to Unseal Chandler & Udall, LLP'S Ex Parte Motion to Withdraw as Counsel by Universal Avionics

		Systems Corporation. (Attachments: # <u>1</u> Text of Proposed Order)(Walsh, E) Modified on 5/21/2008 to seal document(PAB,). (Entered: 05/20/2008)
05/20/2008	<u>85</u>	SEALED LODGED Proposed Motion to Unseal Chandler & Udall, LLP's Ex Parte Motion to Withdraw as Counsel re: <u>84</u> MOTION to Seal Document re Motion to Unseal Chandler & Udall, LLP'S Ex Parte Motion to Withdraw as Counsel. Document to be filed by Clerk if Motion to Seal is granted. Filed by Universal Avionics Systems Corporation. (Walsh, E) (Entered: 05/20/2008)
05/20/2008	<u>86</u>	SEALED LODGED Proposed Declaration of Allan A. Kassenoff in Support of Plaintiff Universal Avionics Systems Corportation's Motion to Unseal Chandler & Udall, LLP's Ex Parte Motion to Withdraw as Counsel re: <u>84</u> MOTION to Seal Document re Motion to Unseal Chandler & Udall, LLP'S Ex Parte Motion to Withdraw as Counsel. Document to be filed by Clerk if Motion to Seal is granted. Filed by Universal Avionics Systems Corporation. (Attachments: # <u>1</u> Exhibit)(Walsh, E) (Entered: 05/20/2008)
05/21/2008	<u>89</u>	ORDER granting <u>84</u> Motion to Seal Document. Signed by Judge Raner C Collins on 5/20/08.(JEMB,) (Entered: 05/22/2008)
05/21/2008	<u>90</u>	MOTION to Unseal Document re Chandler & Udall, LLP's Ex Parte Motion to Withdraw as Counsel by Universal Avionics Systems Corporation. (JEMB,) (Entered: 05/22/2008)
05/21/2008	<u>91</u>	Sealed Document: Declaration filed by Universal Avionics Systems Corporation. (Attachments: # <u>1</u> Exhibit)(JEMB,) (Entered: 05/22/2008)
05/22/2008	<u>87</u>	MOTION to Strike <i>Allegations From Amended Complaint</i> by Optima Technology Group, Inc., Jed Margolin. (Bernheim, Robert) (Entered: 05/22/2008)
05/22/2008	<u>88</u>	Additional Attachments to Main Document re <u>87</u> MOTION to Strike <i>Allegations From Amended Complaint Proposed Order Granting Defendants' Motion to Strike Allegations from Amended Complaint</i> by Defendants Optima Technology Group, Inc., Jed Margolin. (Bernheim, Robert) (Entered: 05/22/2008)
05/29/2008	<u>92</u>	RESPONSE in Opposition re <u>90</u> MOTION to Unseal Document re Chandler & Udall, LLP's Ex Parte Motion to Withdraw as Counsel filed by Optima Technology Group, Inc., Jed Margolin. (Bernheim, Robert) (Entered: 05/29/2008)
06/04/2008	<u>93</u>	RESPONSE in Opposition re <u>87</u> MOTION to Strike <i>Allegations From Amended Complaint</i> filed by Universal Avionics Systems Corporation. (Walsh, E) (Entered: 06/04/2008)
06/05/2008	<u>94</u>	REPLY in Support re <u>90</u> MOTION to Unseal Document re Chandler & Udall, LLP's Ex Parte Motion to Withdraw as Counsel filed by Universal Avionics Systems Corporation. (Walsh, E) (Entered: 06/05/2008)
06/09/2008	<u>96</u>	SEALED ORDER denying <u>90</u> Motion to Unseal Document. Signed by Judge Raner C Collins on 6/9/08.(JEMB,) (Entered: 06/12/2008)
06/11/2008	<u>95</u>	Notice re Joint Rule 26(f) Report and Respective Case Management Plans by

		Optima Technology Group, Inc., Universal Avionics Systems Corporation (Willis, Jeffrey) (Entered: 06/11/2008)
06/18/2008	<u>97</u>	REPLY to Response to Motion re <u>87</u> MOTION to Strike <i>Allegations From Amended Complaint</i> filed by Optima Technology Group, Inc., Jed Margolin. (Bernheim, Robert) (Entered: 06/18/2008)
06/18/2008	<u>98</u>	MOTION for Default Judgment as to Cross-Defendants Optima Technology Corp. (a CA corp.) and Optima Technology Corp.(a NV corp.) by Optima Technology Group, Inc., Robert Adams, Jed Margolin. (Attachments: # <u>1</u> Text of Proposed Order [Proposed] Form of Judgment)(Bernheim, Robert) (Entered: 06/18/2008)
06/23/2008	<u>99</u>	RESPONSE in Opposition re <u>98</u> MOTION for Default Judgment as to Cross-Defendants Optima Technology Corp. (a CA corp.) and Optima Technology Corp.(a NV corp.) MOTION for Default Judgment as to Cross-Defendants Optima Technology Corp. (a CA corp.) and Optima Technology Corp.(a NV corp.) filed by Universal Avionics Systems Corporation. (Walsh, E) (Entered: 06/23/2008)
06/27/2008	<u>100</u>	Reply re <u>99</u> Response in Opposition to Motion, by Defendant Optima Technology Group, Inc.. (Bernheim, Robert) (Entered: 06/27/2008)
07/07/2008	<u>101</u>	ORDER granting in part and denying in part <u>87</u> Motion to Strike, Plaintiff may file an amended complaint by 7/15/08; granting <u>98</u> Motion for Default Judgment against Cross-Dfts Optima Technology Corporation, a CA Corporation, and Optima Technology Corporation, a NV Corporation. Signed by Judge Raner C Collins on 7/2/08.(SSU,) (Entered: 07/07/2008)
07/08/2008	<u>102</u>	REQUEST <i>For Entry of Separate Judgment Under Rule 58(d)</i> by Defendants Optima Technology Group, Inc., Robert Adams, Jed Margolin. (Attachments: # <u>1</u> Proposed Form of Judgment)(Bernheim, Robert) (Entered: 07/08/2008)
07/10/2008	<u>103</u>	Notice re of Service of Defendant Optima Technology Group, Inc.'s First Set of Interrogatories to Plaintiff by Optima Technology Group, Inc. (Willis, Jeffrey) (Entered: 07/10/2008)
07/15/2008	<u>104</u>	AMENDED COMPLAINT <i>Second</i> against Optima Technology Corporation, Optima Technology Group, Inc., Jed Margolin; Jury Demand, filed by Universal Avionics Systems Corporation.(Walsh, E) (Entered: 07/15/2008)
07/15/2008	<u>105</u>	AFFIDAVIT of Process Server Dean Nichols <i>on Mercury Computer Systems, Inc.</i> by Plaintiff Universal Avionics Systems Corporation. (Attachments: # <u>1</u> Exhibit Subpoena)(Walsh, E) (Entered: 07/15/2008)
07/15/2008	<u>106</u>	AFFIDAVIT of Process Server Ronald Bodtke <i>for Service on Reza Zandian</i> by Plaintiff Universal Avionics Systems Corporation. (Attachments: # <u>1</u> Exhibit Subpoena)(Walsh, E) (Entered: 07/15/2008)
07/15/2008	<u>107</u>	NOTICE of Deposition of Jed Margolin, filed by Universal Avionics Systems Corporation. (Walsh, E) (Entered: 07/15/2008)
07/15/2008	<u>108</u>	NOTICE of Deposition of Robert Adams, filed by Universal Avionics Systems Corporation. (Walsh, E) (Entered: 07/15/2008)

07/15/2008	<u>109</u>	Notice re Service of Plaintiff's First Set of Interrogatories to Defendant Optima Technology Group, Inc. by Universal Avionics Systems Corporation (Walsh, E) TEXT HAS BEEN MODIFIED TO REFLECT CORRECT DOCUMENT TITLE, PER ATTORNEY. Modified on 7/16/2008 (SSU,). (Entered: 07/15/2008)
07/16/2008	<u>110</u>	Notice re Service of Plaintiff's First Request for Production of Documents to Defendant Optima Technology Group, Inc. by Universal Avionics Systems Corporation by Universal Avionics Systems Corporation (Walsh, E) (Entered: 07/16/2008)
07/18/2008	<u>111</u>	NOTICE of Deposition of UAS, filed by Optima Technology Group, Inc.. (Willis, Jeffrey) (Entered: 07/18/2008)
07/18/2008	<u>112</u>	NOTICE of Deposition of Joaquin Naimer, filed by Optima Technology Group, Inc.. (Willis, Jeffrey) (Entered: 07/18/2008)
07/18/2008	<u>113</u>	NOTICE of Deposition of Don Berlin, filed by Optima Technology Group, Inc.. (Willis, Jeffrey) (Entered: 07/18/2008)
07/18/2008	<u>114</u>	NOTICE of Deposition of Frank Hummel, filed by Optima Technology Group, Inc.. (Willis, Jeffrey) (Entered: 07/18/2008)
07/21/2008	<u>115</u>	MOTION for Reconsideration re Of the Court's Default Ruling Against Optima Technology Corporation Filed July7, 2008 by Universal Avionics Systems Corporation. (Attachments: # <u>1</u> Exhibit A)(Mandel, Robert) (Entered: 07/21/2008)
07/23/2008	<u>116</u>	MOTION for Hearing or Conference re: Rule 16 Conference by Optima Technology Group, Inc., Jed Margolin. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Text of Proposed Order)(Willis, Jeffrey) (Entered: 07/23/2008)
07/25/2008	<u>117</u>	APPLICATION for Entry of Default by Plaintiff Universal Avionics Systems Corporation against Optima Technology Corporation. (Attachments: # <u>1</u> Text of Proposed Order Entry of Default)(Mandel, Robert) (Entered: 07/25/2008)
07/25/2008	<u>118</u>	DECLARATION of Declaration of Allan A. Kassenoff in Support of Plaintiff's Application for Entry of Default re <u>117</u> Application for Entry of Default by Plaintiff Universal Avionics Systems Corporation. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Mandel, Robert) (Entered: 07/25/2008)
07/28/2008	<u>119</u>	RESPONSE in Opposition re <u>116</u> MOTION for Hearing or Conference re: Rule 16 Conference <i>and Expedited Stay of Proceedings Pending Conference</i> filed by Universal Avionics Systems Corporation. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C)(Mandel, Robert) (Entered: 07/28/2008)
07/29/2008	<u>120</u>	Clerk's ENTRY OF DEFAULT as to Optima Technology Corporation (SSU,) (Entered: 07/29/2008)
07/29/2008	<u>121</u>	ORDER granting in part and denying in part <u>116</u> Motion; Court will set scheduling conference but will not grant a stay of the proceedings. Telephonic Scheduling Conference set for 8/28/2008 10:00 AM before Judge Raner C Collins' law clerk, Isaac Rothschild. Further ordered, parties file with the Court a joint report reflecting the results of the conference by 8/25/08. Signed

		by Judge Raner C Collins on 7/29/08.(SSU,) (Entered: 07/29/2008)
07/29/2008	<u>122</u>	<i>Optima Technology Group and Jed Margolin's</i> ANSWER to <u>104</u> Amended Complaint <i>and</i> , COUNTERCLAIM against Optima Technology Corporation by Optima Technology Group, Inc., Jed Margolin.(Bernheim, Robert) (Entered: 07/29/2008)
07/31/2008	<u>123</u>	MOTION FOR DEFAULT JUDGMENT by Plaintiff Universal Avionics Systems Corporation against Optima Technology Corporation. (Mandel, Robert) EVENT AND TEXT MODIFIED FROM Application for Default Judgment TO Motion for Default Judgment. Modified on 8/5/2008 (SSU,). (Entered: 07/31/2008)
08/06/2008	<u>124</u>	Notice re Service of Requests for Production to Garmin International, Inc. by Optima Technology Group, Inc., Jed Margolin (Bernheim, Robert) (Entered: 08/06/2008)
08/06/2008	<u>125</u>	Notice re Answers to Universal Avionics Systems Corporation's First Set of Interrogatories by Optima Technology Group, Inc. (Willis, Jeffrey) (Entered: 08/06/2008)
08/12/2008	<u>126</u>	Reply <i>TO DEFENDANT OPTIMA TECHNOLOGY GROUP, INC.'S COUNTERCLAIMS</i> by Plaintiff Universal Avionics Systems Corporation. (Mandel, Robert) (Entered: 08/12/2008)
08/13/2008	<u>127</u>	Notice re SERVICE OF OBJECTIONS AND RESPONSES TO OPTIMA TECHNOLOGY GROUP, INC.'S FIRST SET OF INTERROGATORIES by Universal Avionics Systems Corporation (Mandel, Robert) (Entered: 08/13/2008)
08/18/2008	<u>128</u>	Notice re Service of Responses to Universal Avionics Systems Corporation's First Request for Production of Documents and Things by Optima Technology Group, Inc., Jed Margolin (Bernheim, Robert) (Entered: 08/18/2008)
08/18/2008	<u>129</u>	ORDER denying <u>115</u> Motion for Reconsideration ; granting <u>123</u> Motion for Default Judgment. Signed by Judge Raner C Collins on 8/18/08.(CLJ,) (Entered: 08/18/2008)
08/18/2008	<u>130</u>	DEFAULT JUDGMENT in favor of Universal Avionics Systems Corporation against Optima Technology Corporation. Signed by Judge Raner C Collins on 8/18/08. (CLJ,) (Entered: 08/18/2008)
08/18/2008	<u>131</u>	ORDER that Final Judgment entered against Cross-Defendants Optima Technology Corporation. ***See attached PDF for complete information***. Signed by Judge Raner C Collins on 8/18/08. (CLJ,) (Entered: 08/18/2008)
08/18/2008	<u>132</u>	ORDER that Final Judgment entered against Defendant Optima Technology Corporation. ***See attached PDF for complete information***. Signed by Judge Raner C Collins on 8/18/08. (CLJ,) (Entered: 08/18/2008)
08/18/2008	<u>133</u>	CLERK'S JUDGMENT in favor of Universal Avionics Systems Corporation against Optima Technology Corporation. Cross-defendant Optima Technology Corporation has been terminated. Signed by Judge Raner C

		Collins on 8/18/08. (CLJ,) (Entered: 08/18/2008)
08/18/2008	<u>134</u>	CLERK'S JUDGMENT in favor of Universal Avionics Systems Corporation against Optima Technology Corporation. Defendant Optima Technology Corporation has been terminated. Signed by Judge Raner C Collins on 8/18/08. (CLJ,) (Entered: 08/18/2008)
08/25/2008	<u>135</u>	NOTICE of Deposition of Optima Technology Group 30(b)(6), filed by Universal Avionics Systems Corporation. (Mandel, Robert) (Entered: 08/25/2008)
08/25/2008	<u>136</u>	REPORT of Joint Rule 26(f) Report and Respective Case Management Plans by Defendants Optima Technology Group, Inc., Jed Margolin, Plaintiff Universal Avionics Systems Corporation. (Bernheim, Robert) (Entered: 08/25/2008)
08/26/2008	<u>137</u>	Notice re Notice of Service of Initial Disclosures by Universal Avionics Systems Corporation (Mandel, Robert) (Entered: 08/26/2008)
08/28/2008	<u>138</u>	Notice re Service of Defendants' Rule 26(a)(1) Initial Disclosure Statement by Optima Technology Group, Inc., Jed Margolin (Bernheim, Robert) (Entered: 08/28/2008)
08/28/2008	<u>139</u>	SCHEDULING ORDER: Discovery due by 9/12/2009. Dispositive motions due by 11/12/2009. Proposed Pretrial Order due by 11/25/2009. Status Report due by 1/5/2009. See attached PDF for additional information. Signed by Judge Raner C Collins on 8/28/08. (SSU,) (Entered: 08/28/2008)
09/05/2008	<u>140</u>	MOTION for Extension of Time <i>To File Briefs</i> by Optima Technology Group, Inc., Jed Margolin. (Attachments: # <u>1</u> Text of Proposed Order) (Bernheim, Robert) (Entered: 09/05/2008)
09/08/2008	<u>141</u>	ORDER granting <u>140</u> Motion for Extension of Time. Dft's briefs re: prejudice resulting from disputed patent prosecution exclusion be filed by 9/12/08, Dft's briefs re: preliminary invalidity contentions be filed by 9/15/08 and Plaintiff's brief re: case bifurcation be filed by 9/15/08. See attached PDF for additional information. Signed by Judge Raner C Collins on 9/8/08.(SSU,) (Entered: 09/08/2008)
09/15/2008	<u>142</u>	STIPULATION <i>to Extend Deadlines to File Briefs</i> by Optima Technology Group, Inc., Jed Margolin, Universal Avionics Systems Corporation. (Attachments: # <u>1</u> Text of Proposed Order)(Bernheim, Robert) (Entered: 09/15/2008)
09/16/2008	<u>143</u>	ORDER granting <u>142</u> Stipulation : dfts have until 9/19/08 to file their briefs re: prejudice resulting from the disputed patent prosecution exclusion, 9/22/08 to file briefs re: preliminary invalidity contentions, Plaintiff have until 9/22/08 to file their brief re: case bifurcation. All parties have 10 days to file responsive memorandum after the initial briefs are filed. Signed by Judge Raner C Collins on 9/16/08. (SSU,) (Entered: 09/16/2008)
09/19/2008	<u>144</u>	BRIEF <i>Re Prejudice Caused by Universal's Proposed Restriction Against Patent Prosecution</i> by Defendants Optima Technology Group, Inc., Jed Margolin. (Bernheim, Robert) (Entered: 09/19/2008)

09/22/2008	<u>145</u>	STIPULATION <i>to Extend Deadlines to File Briefs</i> by Optima Technology Group, Inc., Jed Margolin, Universal Avionics Systems Corporation. (Attachments: # <u>1</u> Text of Proposed Order)(Bernheim, Robert) (Entered: 09/22/2008)
09/23/2008	<u>146</u>	ORDER granting <u>145</u> Stipulation : Dfts shall have up to and including 9/29/2008 to file their motion regarding preliminary invalidity contentions. Pla shall have up to and including 9/29/2008 to file their motion regarding case bifurcation and up to and including 10/10/2008 to file their brief regarding disputed patent prosecution exclusion. The parties shall have ten days after the filing of the motions to respond.. Signed by Judge Raner C Collins on 9/22/08. (JKM,) (Entered: 09/23/2008)
09/23/2008	<u>147</u>	STIPULATION of Dismissal <i>with Prejudice</i> by Optima Technology Group, Inc., Jed Margolin, Universal Avionics Systems Corporation. (Attachments: # <u>1</u> Text of Proposed Order)(Bernheim, Robert) (Entered: 09/23/2008)
09/24/2008	<u>148</u>	ORDER granting <u>147</u> Stipulation of Dismissal :All claims and counterclaims in this action are dismissed with prejudice and the Clerk shall CLOSE this case. Each party shall be responsible for paying its own attorneys' fees and costs incurred in this action.. Signed by Judge Raner C Collins on 9/23/08. (JKM,) (Entered: 09/24/2008)

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ALAN GLOVER
CLERK
BY *Alan Glover*
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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.

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 Defendants.

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

23 This matter comes before the Court on Defendant Reza Zandian's ("Zandian" or
24 "Defendant") Motion to Dismiss Amended Complaint on Special Appearance, dated November
25 16, 2011. Plaintiff filed his Opposition to Motion to Dismiss on December 5, 2011. Zandian
26 filed his Reply to Opposition to Motion to Dismiss on December 13, 2011. A Request for
27 Submission was filed on February 13, 2012.

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

In his Motion, Defendant argues primarily that service of the summons and complaint
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
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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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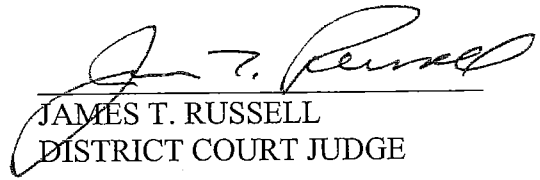
THE COURT FINDS that service of process has been properly effectuated against Defendant by publication.

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

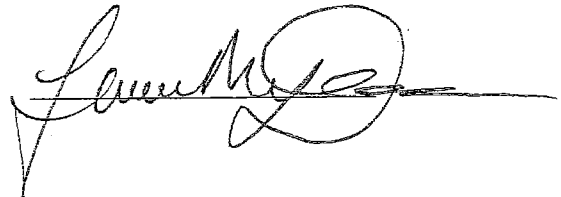
CERTIFICATE OF SERVICE

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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



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.
2 JOHN PETER LEE, ESQ.
3 Nevada Bar No. 001768
4 JOHN C. COURTNEY, ESQ.
5 Nevada Bar No. 011092
6 830 Las Vegas Boulevard South
7 Las Vegas, Nevada 89101
8 (702) 382-4044 Fax: (702) 383-9950
9 e-mail: info@johnpeterlee.com

Attorneys for Defendant
Reza Zandian aka Golamreza Zandianjazi
aka Gholamreza Zandianjazi aka Gholam Reza Zandian
aka Reza Jazi aka J. Reza Jazi aka G. Reza Jazi aka
Ghononreza Zandian Jazi

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

11 JED MARGOLIN, an individual;

12 Plaintiff,

13 vs.

14 OPTIMA TECHNOLOGY CORPORATION,
15 a California corporation, OPTIMA
16 TECHNOLOGY CORPORATION, a Nevada
17 coporation, REZA ZANDIAN aka
18 GOLAMREZA ZANDIANJAZI aka
19 GHOLAM REZA ZANDIAN aka REZA
20 JAZI aka J. REZA JAZI AKA G. REZA JAZI
21 aka GHONONREZA ZANDIAN JAZI, an
22 individual, DOE Companies 1-10; DOE
23 Corporations 11-20, and DOE Individuals 21-
24 30,

25 Defendants.

26 1334.023382-td

27 **GENERAL DENIAL**

28 COMES NOW the 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, by and through his attorney of record, JOHN PETER LEE,
LTD., and files his General Denial as follows:

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

REC'D & FILED
2012 MAR -6 PM 1:55

ALAN GLOVER

BY *[Signature]* CLERK
DEPUTY

Struck Per
Order filed
Jan. 13, 2013

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

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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 5th 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

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CERTIFICATE OF MAILING

I HEREBY CERTIFY that on the 5th 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
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1 MWCN
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2 JOHN PETER LEE, ESQ.
Nevada Bar No. 001768
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Nevada Bar No. 011092
4 830 Las Vegas Boulevard South
Las Vegas, Nevada 89101
5 (702) 382-4044 Fax: (702) 383-9950
e-mail: info@johnpeterlee.com
6 Attorneys for Defendant
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 -7 PM 3:59
ALAN GLOVER
BY  CLERK
DEPUTY

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

11 JED MARGOLIN, an individual;
12
13 Plaintiff,

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

14 vs.

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

Defendants.

1334.023382-td

21 **JOHN PETER LEE, LTD.'S MOTION TO WITHDRAW FROM REPRESENTATION**
22 **OF DEFENDANT REZA ZANDIAN aka GOLAMREZA ZANDIANJAZI aka GHOLAM**
23 **REZA ZANDIAN aka REZA JAZI aka J. REZA JAZI AKA G. REZA JAZI aka**
GHONONREZA ZANDIAN JAZI

24 COMES NOW, the law firm of JOHN PETER LEE, LTD., (the Firm) and moves this
25 Honorable Court for an Order to Withdraw from representation of Defendant REZA ZANDIAN aka
26 GOLAMREZA ZANDIANJAZI aka GHOLAM REZA ZANDIAN aka REZA JAZI aka J. REZA
27 JAZI AKA G. REZA JAZI aka GHONONREZA ZANDIAN JAZI. This Motion is made pursuant
28 to EDCR 7.40(b)(2). This Motion is based upon the following Points and Authorities, all pleadings
and papers on file herein, and the Affidavit of counsel attached hereto.

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

NOTICE OF MOTION

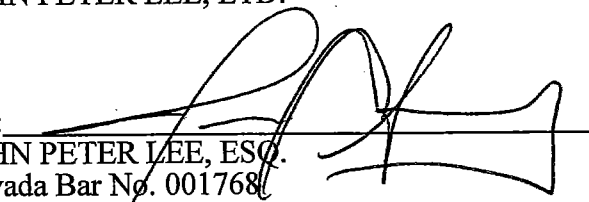
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2 TO: JED MARGOLIN, Plaintiff;

3 TO: MATTHEW D. FRANCIS, ESQ., and ADAM P. MCMILLEN, Attorneys for Plaintiff;

4 YOU WILL PLEASE TAKE NOTICE that the undersigned will bring the foregoing JOHN
5 PETER LEE, LTD.'S MOTION TO WITHDRAW FROM REPRESENTATION OF DEFENDANT
6 REZA ZANDIAN aka GOLAMREZA ZANDIANJAZI aka GHOLAM REZA ZANDIAN aka
7 REZA JAZI aka J. REZA JAZI AKA G. REZA JAZI aka GHONONREZA ZANDIAN JAZI on for
8 hearing before the above entitled Court on the _____ day of _____,
9 2012, at the hour of __:00 __.m. of said date, in Department XIX or as soon thereafter as Counsel
10 can be heard.

11 DATED this 6th day of March, 2012.

12 JOHN PETER LEE, LTD.

13
14 BY: 
15 JOHN PETER LEE, ESQ.
16 Nevada Bar No. 001768
17 JOHN C. COURTNEY, ESQ.
18 Nevada Bar No. 011092
19 830 Las Vegas Boulevard South
20 Las Vegas, Nevada 89101
21 Ph: (702) 382-4044
22 Attorneys for Defendant
23 *Reza Zandian aka Golamreza Zandianjazi aka
24 Gholamreza Zandianjazi aka Gholam Reza Zandian
25 aka Reza Jazi aka J. Reza Jazi aka G. Reza Jazi aka
26 Ghononreza Zandian Jazi*

21 **DECLARATION OF COUNSEL**
22 **IN SUPPORT OF JOHN PETER LEE, LTD.'S MOTION TO WITHDRAW FROM**
23 **REPRESENTATION OF DEFENDANT REZA ZANDIAN aka GOLAMREZA**
24 **ZANDIANJAZI aka GHOLAM REZA ZANDIAN aka REZA JAZI aka J. REZA JAZI**
25 **AKA G. REZA JAZI aka GHONONREZA ZANDIAN JAZI**

24 STATE OF NEVADA)
25 COUNTY OF CLARK) ss:

26 JOHN C. COURTNEY, ESQ., states the following under the penalty of perjury:

27 1. Declarant has personal knowledge of the matters stated herein, except as to those
28 matters stated upon information and belief, and as to such matters, believes such matters to be true

1 and is competent to testify to the same. Declarant is an attorney licensed to practice law in Nevada
2 and is an associate attorney with the law firm of John Peter Lee, Ltd., which represents REZA
3 ZANDIAN aka GOLAMREZA ZANDIANJAZI aka GHOLAM REZA ZANDIAN aka REZA JAZI
4 aka J. REZA JAZI AKA G. REZA JAZI aka GHONONREZA ZANDIAN JAZI.

5 2. The law firm of John Peter Lee, Ltd., and all of its attorneys, hereby seek to withdraw
6 as attorneys of record for REZA ZANDIAN aka GOLAMREZA ZANDIANJAZI aka GHOLAM
7 REZA ZANDIAN aka REZA JAZI aka J. REZA JAZI AKA G. REZA JAZI aka GHONONREZA
8 ZANDIAN JAZI. Declarant files John Peter Lee, Ltd.'s Motion to Withdraw from Representation
9 of REZA ZANDIAN aka GOLAMREZA ZANDIANJAZI aka GHOLAM REZA ZANDIAN aka
10 REZA JAZI aka J. REZA JAZI AKA G. REZA JAZI aka GHONONREZA ZANDIAN JAZI.

11 3. To the best of Declarant's knowledge and belief the last known address and telephone
12 number at which Plaintiffs may be served or reached with notice of further proceedings taken in this
13 action is:

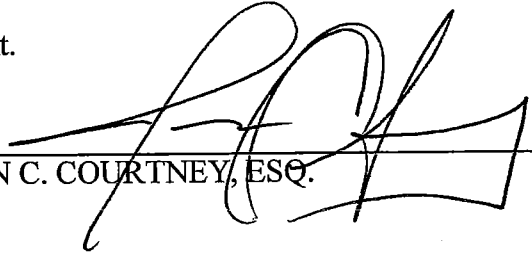
14 Reza Zandian
15 8775 Costa Verde Blvd.
16 San Diego, California 92122

17 4. The primary reason for requesting withdrawal is that the client no longer wishes to
18 pay fees to John Peter Lee, Ltd. for services rendered, or to be rendered, in the instant case.

19 5. There are also other reasons that the instant motion to withdraw as counsel is made;
20 however, Declarant does not wish to state said other reasons unless specifically compelled by the
21 Court, particularly because Declarant does not wish to reveal any more attorney-client privileged
22 information than that which is absolutely necessary in order for the Court to grant the instant motion
23 for withdrawal as counsel.

24 6. This Declaration is made in good faith.

25 FURTHERMORE, Declarant sayeth naught.

26 
27 JOHN C. COURTNEY, ESQ.
28

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

POINTS AND AUTHORITIES

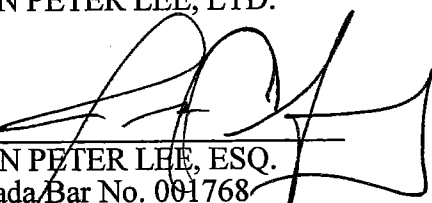
Pursuant to EDCR 7.40(b)(2)(ii), Counsel in any case may be changed only ... (2) When no attorney has been retained to replace the attorney withdrawing, by order of the court, granted upon written motion, and

(i) If the application is made by the attorney, the attorney must include in an affidavit the address, or last known address, at which the client may be served with notice of further proceedings taken in the case in the event the application for withdrawal is granted, and the telephone number, or last known telephone number, at which the client may be reached and the attorney must serve a copy of the application upon the client and all other parties to the action or their attorneys.

Pursuant to the above statutes and case law, John Peter Lee, Ltd. requests this Court for leave to withdraw as counsel for 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, as the Firm has complied with the requirements of the local rule for withdrawal, as attached and incorporated herein in the Declarant of counsel, John C. Courtney, Esq., setting forth the grounds for the Firm's Motion.

DATED this 6th 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
*Reza Zandian aka Golamreza Zandianjazi
aka Gholamreza Zandianjazi aka Gholam Reza
Zandian aka Reza Jazi aka J. Reza Jazi aka G. Reza
Jazi aka Ghononreza Zandian Jazi*

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

CERTIFICATE OF MAILING

1
2 I HEREBY CERTIFY that on the 10th day of March, 2012, I served a copy of the above and
3 foregoing JOHN PETER LEE, LTD.'S MOTION TO WITHDRAW FROM REPRESENTATION
4 OF DEFENDANT REZA ZANDIAN aka GOLAMREZA ZANDIANJAZI aka GHOLAM REZA
5 ZANDIAN aka REZA JAZI aka J. REZA JAZI AKA G. REZA JAZI aka GHONONREZA
6 ZANDIAN JAZI, upon the appropriate parties hereto, by enclosing it in a sealed envelope, deposited
7 in the United States mail, upon which first class postage was fully prepaid addressed to:

8 Matthew D. Francis
9 Adam P. McMillen
10 WATSON & ROUNDS
11 5371 Kietzke Lane
12 Reno, Nevada 89511

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An Employee of JOHN PETER LEE, LTD.

3/9/12

ORIGINAL

REC'D & FILED

2012 MAR -9 PM 1:22

ALAN GLOVER

BY [Signature] DEPUTY CI FRM

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

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

10 JED MARGOLIN, an individual,
11 Plaintiff,

Case No.: 090C00579 1B

12 vs.

Dept. No.: 1

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,

**NOTICE OF INTENT TO
TAKE DEFAULT**

20 Defendants.

22 NOTICE IS HEREBY GIVEN that Plaintiff intends to take the default of Defendants
23 Optima Technology Corporation, a California corporation, and Optima Technology Corporation,
24 a Nevada corporation, on the 16th day of March 2012, for failure to file an Answer or otherwise
25 respond to the First Amended Complaint on file. Each corporation was properly served by
26 publication in The San Diego Union-Tribune, San Diego, California; The Las Vegas Review-
27 Journal, Las Vegas, Nevada, and; The Reno Gazette-Journal, Reno, Nevada. See Affidavits of
28 Service filed November 7, 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: March 9, 2012

WATSON ROUNDS

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

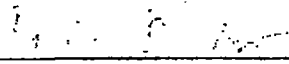
Attorneys for Plaintiff Jed Margolin

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 caused a true and correct copy of the foregoing document, **Notice of Intent to**
4 **Take Default**, to be served by first-class mail through the U.S. Postal Service and by facsimile
5 to:

6
7 John Peter Lee
8 John C. Courtney
9 John Peter Lee, Ltd.
10 830 Las Vegas Blvd. South
11 Las Vegas, NV 89101
12 Facsimile, 702-383-9950

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Dated: March 9, 2012



Carla Ousby


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

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*

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2012 MAR 14 PM 1:00

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

11 JED MARGOLIN, an individual;

Case No.: 090C00579

Dept. No.: 1

12 Plaintiff,

13 vs.

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

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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ATTORNEYS' FEES

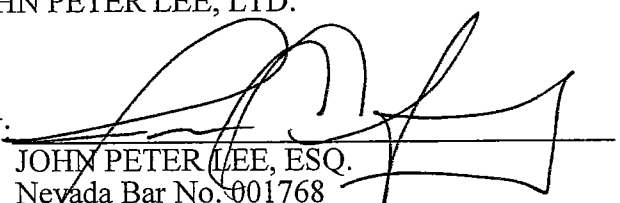
Defendant has been required to retain the services of JOHN PETER LEE, LTD. to defend against this action, and he is entitled to reasonable attorneys' fees therefor.

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

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CERTIFICATE OF MAILING

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.
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1 MWCN
2 JOHN PETER LEE, LTD.
3 JOHN PETER LEE, ESQ.
4 Nevada Bar No. 001768
5 JOHN C. COURTNEY, ESQ.
6 Nevada Bar No. 011092
7 830 Las Vegas Boulevard South
8 Las Vegas, Nevada 89101
9 (702) 382-4044 Fax: (702) 383-9950
e-mail: info@johnpeterlee.com
Attorneys for Defendants
Optima Technology Corporation,
Optima Technology Corporation, and
Reza Zandian aka Golamreza Zandianjazi
aka Gholamreza Zandianjazi aka Gholam Reza Zandian
aka Reza Jazi aka J. Reza Jazi aka G. Reza Jazi aka
Ghononreza Zandian Jazi

REC'D & FILED
2012 MAR 14 PM 1:12
ALAN GLOVER
BY CLERK
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,
15
16 vs.
17
18 OPTIMA TECHNOLOGY CORPORATION,
19 a California corporation, OPTIMA
20 TECHNOLOGY CORPORATION, a Nevada
21 coporation, 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
Dept. No.: I

1334.023382-td

22 **JOHN PETER LEE, LTD.'S AMENDED MOTION TO WITHDRAW FROM**
23 **REPRESENTATION OF DEFENDANTS OPTIMA TECHNOLOGY CORPORATION, A**
24 **CALIFORNIA CORPORATION; OPTIMA TECHNOLOGY CORPORATION, A**
25 **NEVADA CORPORATION; AND REZA ZANDIAN aka GOLAMREZA ZANDIANJAZI**
aka GHOLAM REZA ZANDIAN aka REZA JAZI aka J. REZA JAZI AKA G. REZA
JAZI aka GHONONREZA ZANDIAN JAZI

26 COMES NOW, the law firm of JOHN PETER LEE, LTD., (the Firm) and moves this
27 Honorable Court for an Order to Withdraw from representation of Defendants OPTIMA
28 TECHNOLOGY CORPORATION, A CALIFORNIA CORPORATION; OPTIMA TECHNOLOGY

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 CORPORATION, A NEVADA CORPORATION; AND REZA ZANDIAN aka GOLAMREZA
2 ZANDIANJAZI aka GHOLAM REZA ZANDIAN aka REZA JAZI aka J. REZA JAZI AKA G.
3 REZA JAZI aka GHONONREZA ZANDIAN JAZI.

4 This Motion is made pursuant to EDCR 7.40(b)(2). This Motion is based upon the
5 following Points and Authorities, all pleadings and papers on file herein, and the Affidavit of counsel
6 attached hereto.

7 **NOTICE OF MOTION**

8 TO: JED MARGOLIN, Plaintiff;

9 TO: MATTHEW D. FRANCIS, ESQ., and ADAM P. MCMILLEN, Attorneys for Plaintiff;

10 YOU WILL PLEASE TAKE NOTICE that the undersigned will bring the foregoing JOHN
11 PETER LEE, LTD.'S AMENDED MOTION TO WITHDRAW FROM REPRESENTATION OF
12 DEFENDANTS OPTIMA TECHNOLOGY CORPORATION, A CALIFORNIA CORPORATION;
13 OPTIMA TECHNOLOGY CORPORATION, A NEVADA CORPORATION; AND REZA
14 ZANDIAN aka GOLAMREZA ZANDIANJAZI aka GHOLAM REZA ZANDIAN aka REZA JAZI
15 aka J. REZA JAZI AKA G. REZA JAZI aka GHONONREZA ZANDIAN JAZI on for hearing
16 before the above entitled Court on the _____ day of _____, 2012,
17 at the hour of ___:00 ___m. of said date, in Department XIX or as soon thereafter as Counsel can be
18 heard.

19 DATED this 13th day of March, 2012.

20 JOHN PETER LEE, LTD.

21 BY: 

22 JOHN PETER LEE, ESQ.

23 Nevada Bar No. 001768

24 JOHN C. COURTNEY, ESQ.

25 Nevada Bar No. 011092

26 830 Las Vegas Boulevard South

27 Las Vegas, Nevada 89101

28 Ph: (702) 382-4044

Attorneys for Defendants

Optima Technology Corporation,

Optima Technology Corporation, and

Reza Zandian aka Golamreza Zandianjazi

aka Gholamreza Zandianjazi aka Gholam Reza

Zandian aka Reza Jazi aka J. Reza Jazi aka G. Reza

Jazi aka Ghononreza Zandian Jazi

DECLARATION OF COUNSEL
IN SUPPORT OF JOHN PETER LEE, LTD.'S AMENDED MOTION TO WITHDRAW
FROM REPRESENTATION OF DEFENDANTS OPTIMA TECHNOLOGY, A
CALIFORNIA CORPORATION; OPTIMA TECHNOLOGY CORPORATION, A
NEVADA CORPORATION; AND REZA ZANDIAN aka GOLAMREZA ZANDIANJAZI
aka GHOLAM REZA ZANDIAN aka REZA JAZI aka J. REZA JAZI AKA G. REZA
JAZI aka GHONONREZA ZANDIAN JAZI

STATE OF NEVADA)
) ss:
COUNTY OF CLARK)

JOHN C. COURTNEY, ESQ., states the following under the penalty of perjury:

1. Declarant has personal knowledge of the matters stated herein, except as to those matters stated upon information and belief, and as to such matters, believes such matters to be true and is competent to testify to the same. Declarant is an attorney licensed to practice law in Nevada and is an associate attorney with the law firm of John Peter Lee, Ltd., which represents OPTIMA TECHNOLOGY, A CALIFORNIA CORPORATION; OPTIMA TECHNOLOGY CORPORATION, A NEVADA CORPORATION; AND REZA ZANDIAN aka GOLAMREZA ZANDIANJAZI aka GHOLAM REZA ZANDIAN aka REZA JAZI aka J. REZA JAZI AKA G. REZA JAZI aka GHONONREZA ZANDIAN JAZI.

2. The law firm of John Peter Lee, Ltd., and all of its attorneys, hereby seek to withdraw as attorneys of record for OPTIMA TECHNOLOGY, A CALIFORNIA CORPORATION; OPTIMA TECHNOLOGY CORPORATION, A NEVADA CORPORATION; AND REZA ZANDIAN aka GOLAMREZA ZANDIANJAZI aka GHOLAM REZA ZANDIAN aka REZA JAZI aka J. REZA JAZI AKA G. REZA JAZI aka GHONONREZA ZANDIAN JAZI. Declarant files JOHN PETER LEE, LTD.'S AMENDED MOTION TO WITHDRAW FROM REPRESENTATION OF DEFENDANTS OPTIMA TECHNOLOGY, A CALIFORNIA CORPORATION; OPTIMA TECHNOLOGY CORPORATION, A NEVADA CORPORATION; AND REZA ZANDIAN aka GOLAMREZA ZANDIANJAZI aka GHOLAM REZA ZANDIAN aka REZA JAZI aka J. REZA JAZI AKA G. REZA JAZI aka GHONONREZA ZANDIAN JAZI.

26 ...
27 ...
28 ...

1 3. To the best of Declarant's knowledge and belief the last known address and telephone
2 number at which Plaintiffs may be served or reached with notice of further proceedings taken in this
3 action is:

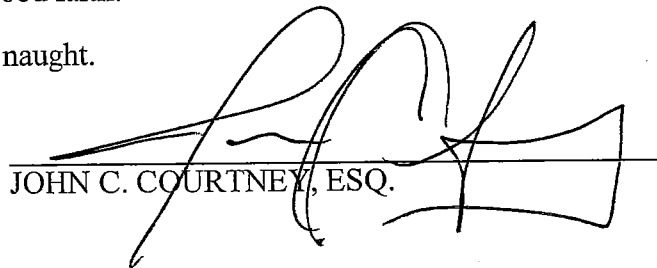
4 Reza Zandian
5 8775 Costa Verde Blvd.
6 San Diego, California 92122

7 4. The primary reason for requesting withdrawal is that the client no longer wishes to
8 pay fees to John Peter Lee, Ltd. for services rendered, or to be rendered, in the instant case.

9 5. There are also other reasons that the instant motion to withdraw as counsel is made;
10 however, Declarant does not wish to state said other reasons unless specifically compelled by the
11 Court, particularly because Declarant does not wish to reveal any more attorney-client privileged
12 information than that which is absolutely necessary in order for the Court to grant the instant motion
13 for withdrawal as counsel.

14 6. This Declaration is made in good faith.

15 FURTHERMORE, Declarant sayeth naught.

16 
17 JOHN C. COURTNEY, ESQ.

18 **POINTS AND AUTHORITIES**

19 Pursuant to EDCR 7.40(b)(2)(ii), Counsel in any case may be changed only ... (2) When no
20 attorney has been retained to replace the attorney withdrawing, by order of the court, granted upon
21 written motion, and


22 (i) If the application is made by the attorney, the attorney must
23 include in an affidavit the address, or last known address, at which
24 the client may be served with notice of further proceedings taken in
25 the case in the event the application for withdrawal is granted, and the
26 telephone number, or last known telephone number, at which the
27 client may be reached and the attorney must serve a copy of the
28 application upon the client and all other parties to the action or their
29 attorneys.

30 Pursuant to the above statutes and case law, John Peter Lee, Ltd. requests this Court for leave
31 to withdraw as counsel for Defendants OPTIMA TECHNOLOGY, A CALIFORNIA

1 CORPORATION; OPTIMA TECHNOLOGY CORPORATION, A NEVADA CORPORATION;
2 AND REZA ZANDIAN aka GOLAMREZA ZANDIANJAZI aka GHOLAM REZA ZANDIAN
3 aka REZA JAZI aka J. REZA JAZI AKA G. REZA JAZI aka GHONONREZA ZANDIAN JAZI,
4 as the Firm has complied with the requirements of the local rule for withdrawal, as attached and
5 incorporated herein in the Declarant of counsel, John C. Courtney, Esq., setting forth the grounds
6 for the Firm's Motion.

7 DATED this 13th day of March, 2012.

8 JOHN PETER LEE, LTD

9
10 BY: 
11 JOHN PETER LEE, ESQ.
12 Nevada Bar No. 001768

13 JOHN C. COURTNEY, ESQ.
14 Nevada Bar No. 011092
15 830 Las Vegas Boulevard South
16 Las Vegas, Nevada 89101
17 Ph: (702) 382-4044/Fax: (702) 383-9950
18 Attorneys for Defendants
19 *Optima Technology Corporation,*
20 *Optima Technology Corporation, and*
21 *Reza Zandian aka Golamreza Zandianjazi*
22 *aka Gholamreza Zandianjazi aka Gholam Reza*
23 *Zandian aka Reza Jazi aka J. Reza Jazi aka G. Reza*
24 *Jazi aka Ghononreza Zandian Jazi*

1 **CERTIFICATE OF MAILING**

2 I HEREBY CERTIFY that on the ___ day of March, 2012, I served a copy of the above and
3 foregoing JOHN PETER LEE, LTD.'S AMENDED MOTION TO WITHDRAW FROM
4 REPRESENTATION OF DEFENDANTS OPTIMA TECHNOLOGY CORPORATION, A
5 CALIFORNIA CORPORATION; OPTIMA TECHNOLOGY CORPORATION, A NEVADA
6 CORPORATION; AND REZA ZANDIAN aka GOLAMREZA ZANDIANJAZI aka GHOLAM
7 REZA ZANDIAN aka REZA JAZI aka J. REZA JAZI AKA G. REZA JAZI aka GHONONREZA
8 ZANDIAN JAZI , upon the appropriate parties hereto, by enclosing it in a sealed envelope, deposited
9 in the United States mail, upon which first class postage was fully prepaid addressed to:

10 Matthew D. Francis
11 Adam P. McMillen
12 WATSON & ROUNDS
13 5371 Kietzke Lane
14 Reno, Nevada 89511

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An Employee of JOHN PETER LEE, LTD.

JOHN PETER LEE, LTD.
ATTORNEYS AT LAW
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ORDG
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JOHN PETER LEE, ESQ.
Nevada Bar No. 001768
JOHN C. COURTNEY, ESQ.
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830 Las Vegas Boulevard South
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e-mail: info@johnpeterlee.com
Attorneys for Defendants
Optima Technology Corporation,
Optima Technology Corporation, and
Reza Zandian aka Golamreza Zandianjazi
aka Gholamreza Zandianjazi aka Gholam Reza Zandian
aka Reza Jazi aka J. Reza Jazi aka G. Reza Jazi aka
Ghononreza Zandian Jazi

REC'D & FILED

2012 APR 26 PM 4:18

ALAN GLOVER

BY  CLFRK
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

Dept. No.: I

1334.023382-td

**ORDER GRANTING JOHN PETER LEE, LTD.'S AMENDED MOTION TO
WITHDRAW FROM REPRESENTATION OF DEFENDANTS OPTIMA
TECHNOLOGY CORPORATION, A CALIFORNIA CORPORATION; OPTIMA
TECHNOLOGY CORPORATION, A NEVADA CORPORATION; AND REZA
ZANDIAN aka GOLAMREZA ZANDIANJAZI aka GHOLAM REZA ZANDIAN aka
REZA JAZI aka J. REZA JAZI AKA G. REZA JAZI aka GHONONREZA ZANDIAN
JAZI**

Upon JOHN PETER LEE, LTD'S Amended Motion to Withdraw from Representation of
Defendants Optima Technology Corporation, a California Corporation; Optima Technology


JOHN PETER LEE, LTD.
ATTORNEYS AT LAW
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Telephone (702) 382-4044
Telecopier (702) 383-9950

1 Corporation, a Nevada Corporation, and Reza Zandian aka Golamreza Zandianjazi aka Gholamreza
2 Zandian aka Reza Jazi aka J. Reza Jazi aka G. Reza Jazi aka Ghononreza Zandian Jazi, the Court
3 having reviewed the papers and pleadings on file herein, for good cause appearing, the Court hereby:

4 ORDERS, ADJUDGES AND DECREES that the Amended Motion to Withdraw , is hereby
5 GRANTED.

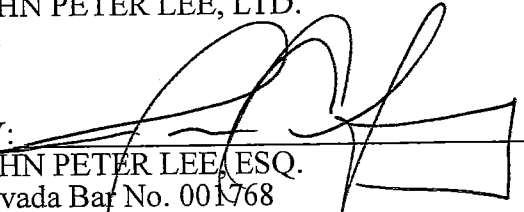
6 IT IS SO ORDERED.

7 DATED this 26th day of April, 2012.

8
9 
DISTRICT COURT JUDGE

10 SUBMITTED BY:

11 JOHN PETER LEE, LTD.

12
13 BY: 
14 JOHN PETER LEE, ESQ.
15 Nevada Bar No. 001768
16 JOHN C. COURTNEY, ESQ.
17 Nevada Bar No. 011092
18 830 Las Vegas Boulevard South
19 Las Vegas, Nevada 89101
20 (702) 382-4044 Fax: (702) 383-9950
21 e-mail: info@johnpeterlee.com
22 Attorneys for Defendants
23 *Optima Technology Corporation,*
24 *Optima Technology Corporation, and*
25 *Reza Zandian aka Golamreza Zandianjazi*
26 *aka Gholamreza Zandianjazi aka Gholam Reza Zandian*
27 *aka Reza Jazi aka J. Reza Jazi aka G. Reza Jazi aka*
28 *Ghononreza Zandian Jazi*

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2 Nevada Bar No. 001768
JOHN C. COURTNEY, ESQ.
3 Nevada Bar No. 011092
830 Las Vegas Boulevard South
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(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*

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2012 MAY -9 PM 1:56

ALAN GLOVER
BY *Alan Glover* CLERK
DEPUTY

9 **IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
10 **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 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.

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

1334.023382-td

21 **NOTICE OF ENTRY OF ORDER GRANTING JOHN PETER LEE, LTD.'S AMENDED**
22 **MOTION TO WITHDRAW FROM REPRESENTATION OF DEFENDANTS OPTIMA**
23 **TECHNOLOGY CORPORATION, OPTIMA TECHNOLOGY CORPORATION, REZA**
24 **ZANDIAN aka GOLAMREZA ZANDIANJAZI aka GHOLAM REZA ZANDIAN aka**
REZA JAZI aka J. REZA JAZI AKA G. REZA JAZI aka GHONONREZA ZANDIAN
JAZI

25 PLEASE TAKE NOTICE that an Order Granting John Peter Lee, Ltd.'s Amended Motion
26 to Withdraw from Representation of Defendants Optima Technology Corporation, Optima
27 Technology Corporation, Reza Zandian aka Golamreza Zandianjazi aka Gholam Reza Zandian aka
28 Reza Jazi aka J. Reza Jazi aka G. Reza Jazi aka Ghononreza Zandian Jazi, was filed in the above

1 captioned matter on the 26th day of April, 2012, a copy of which is attached hereto.

2 DATED this 4th day of May, 2012.

3 JOHN PETER LEE, LTD.

4 By: 

5 JOHN PETER LEE, ESQ.
6 Nevada Bar No. 001768
7 JOHN C. COURTNEY, ESQ.
8 Nevada Bar No. 011092
9 830 Las Vegas Boulevard South
10 Las Vegas, Nevada 89101
11 (702) 382-4044 Fax: (702) 383-9950
12 e-mail: info@johnpeterlee.com
13 *Attorneys for Defendant*
14 *Optima Technology Corporation,*
15 *Reza Zandian aka Golamreza Zandianjazi*
16 *aka Gholamreza Zandianjazi aka Gholam Reza*
17 *Zandian aka Reza Jazi aka J. Reza Jazi aka*
18 *G. Reza Jazi aka Ghononreza Zandian Jazi*


19 **CERTIFICATE OF SERVICE**

20 I HEREBY CERTIFY that on the ^{JTM}4th day of May, 2012, I served a copy of the foregoing

21 **NOTICE OF ENTRY OF ORDER GRANTING JOHN PETER LEE, LTD.'S AMENDED**
22 **MOTION TO WITHDRAW FROM REPRESENTATION OF DEFENDANTS OPTIMA**
23 **TECHNOLOGY CORPORATION, OPTIMA TECHNOLOGY CORPORATION, REZA**
24 **ZANDIAN aka GOLAMREZA ZANDIANJAZI aka GHOLAMREZA ZANDIAN aka REZA**
25 **JAZI aka J. REZA JAZI AKA G. REZA JAZI aka GHONONREZA ZANDIAN JAZI** in the

26 above captioned matter by enclosing it in a sealed envelope upon which first class postage was fully
27 prepaid addressed to:

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

By: 
An Employee of
JOHN PETER LEE LTD.

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Attorneys for Defendants
Optima Technology Corporation,
Optima Technology Corporation, and
Reza Zandian aka Golamreza Zandianjazi
aka Gholamreza Zandianjazi aka Gholam Reza Zandian
aka Reza Jazi aka J. Reza Jazi aka G. Reza Jazi aka
Ghononreza Zandian Jazi

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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
coporation, 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
Dept. No.: I

1334.023382-td

**ORDER GRANTING JOHN PETER LEE, LTD.'S AMENDED MOTION TO
WITHDRAW FROM REPRESENTATION OF DEFENDANTS OPTIMA
TECHNOLOGY CORPORATION, A CALIFORNIA CORPORATION; OPTIMA
TECHNOLOGY CORPORATION, A NEVADA CORPORATION; AND REZA
ZANDIAN aka GOLAMREZA ZANDIANJAZI aka GHOLAM REZA ZANDIAN aka
REZA JAZI aka J. REZA JAZI AKA G. REZA JAZI aka GHONONREZA ZANDIAN
JAZI**

Upon JOHN PETER LEE, LTD'S Amended Motion to Withdraw from Representation of
Defendants Optima Technology Corporation, a California Corporation; Optima Technology

1 Corporation, a Nevada Corporation, and Reza Zandian aka Golamreza Zandianjazi aka Gholamreza
2 Zandian aka Reza Jazi aka J. Reza Jazi aka G. Reza Jazi aka Ghonorreza Zandian Jazi, the Court
3 having reviewed the papers and pleadings on file herein, for good cause appearing, the Court hereby:
4 ORDERS, ADJUDGES AND DECREES that the Amended Motion to Withdraw, is hereby
5 GRANTED.

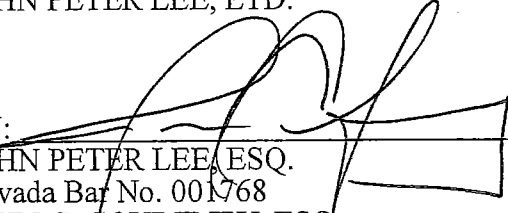
6 IT IS SO ORDERED.

7 DATED this 26th day of April, 2012.

8
9 
DISTRICT COURT JUDGE

10 SUBMITTED BY:

11 JOHN PETER LEE, LTD.

12
13 BY: 
14 JOHN PETER LEE, ESQ.
15 Nevada Bar No. 001768
16 JOHN C. COURTNEY, ESQ.
17 Nevada Bar No. 011092
18 830 Las Vegas Boulevard South
19 Las Vegas, Nevada 89101
20 (702) 382-4044 Fax: (702) 383-9950
21 e-mail: info@johnpeterlee.com
22 Attorneys for Defendants
23 *Optima Technology Corporation,*
24 *Optima Technology Corporation, and*
25 *Reza Zandian aka Golamreza Zandianjazi*
26 *aka Gholamreza Zandianjazi aka Gholam Reza Zandian*
27 *aka Reza Jazi aka J. Reza Jazi aka G. Reza Jazi aka*
28 *Ghonorreza Zandian Jazi*

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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 MAY 15 PM 12:56
 ALAN GLOVER
 V. GUTIERREZ
 BY CLERK
 DEPUTY

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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

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

Pursuant to NRCP 7.285, SCR 77, and other applicable law, Plaintiff Jed Margolin ("Mr. Margolin" or "Plaintiff") hereby moves this Court for an order compelling Defendants Optima Technology Corporation, a California corporation, and Optima Technology Corporation, a Nevada corporation (collectively "Optima Technology Corporations") to retain legal counsel, or, in the alternative, to strike the General Denial of those Corporations filed on March 13, 2012. This Motion is based on the grounds that because the Optima Technology Corporations are no longer represented by counsel, they cannot represent themselves under Nevada Law, and cannot defend, prosecute, or participate in this action. This Motion is based

1 on the attached Memorandum of Points and Authorities, all pleadings and papers on file in this
2 action, and any argument the Court may hear.

3 Dated this 15th day of May, 2012.

WATSON ROUNDS

4
5 BY: /s/ Adam P. McMillen
6 Matthew D. Francis (6978)
7 Adam P. McMillen (10678)
8 5371 Kietzke Lane
9 Reno, NV 89511
10 Telephone: 775-324-4100
11 Facsimile: 775-333-8171
12 *Attorneys for Plaintiff Jed Margolin*

13
14 **MEMORANDUM OF POINTS AND AUTHORITIES**

15 **I. BACKGROUND**

16 Mr. Margolin filed the Complaint in this action on December 11, 2009. After
17 extensive briefing regarding service on Defendants concluded, and after the Court denied
18 Defendants' Motion to Dismiss, Defendants served two "General Denials." The first General
19 Denial was served on March 5, 2012 on behalf of the individual Reza Zandian aka Golamreza
20 Andianjazi aka Gholam Reza Zandian aka Reza Jazi aka J. Reza Jazi aka G. Reza Jazi aka
21 Ghononreza Zandian Jazi. The second General Denial was served on March 13, 2012 on
22 behalf of the Optima Technology Corporations.

23 On March 13, 2012, Defense counsel moved to withdraw from representing all of the
24 individual and corporate Defendants in this action. On March 16, 2012, Plaintiff filed a non-
25 opposition to Defense counsel's Motion to Withdraw, and on April 26, 2012, this Court
26 granted Defense counsel's Motion to Withdraw. The undersigned has not been contacted by
27 new Defense counsel for any of the Defendants as of the date of this Motion, and no
28 appearance of counsel has been entered for any of the Defendants as of the date of this Motion.

II. ARGUMENT

29 NRS 7.285 provides that "[n]o person shall practice law in this state unless he is an
30 active member of the State Bar of Nevada pursuant to the rules of the supreme court." The
31 statute further provides that any person who practices law who is not an active member of the
32 State Bar of Nevada is guilty of a misdemeanor. SCR 77 provides that, with certain

1 inapplicable exceptions, no person may practice law as an officer of the courts in this state
 2 who is not an active member of the state bar. Nevada case law is clear on this issue as well.
 3 *See State v. Stu's Bail Bonds*, 115 Nev. 436, n. 1, 991 P.2d 469, 470 n. 1 (1999) ("business
 4 entities are not permitted to appear, or file documents, in proper person"); *Salman v.*
 5 *Newell*, 110 Nev. 1333, 1336, 885 P. 2d 607, 608 (1994) (observing that no statute or rule
 6 permits a non-lawyer to represent an entity and concluding that an entity cannot proceed in
 7 proper person); *Sunde v. Contel of California*, 112 Nev. 541, 542-43, 915 P.2d 298, 299
 8 (1996) (explaining that non-lawyers may not represent entities in court).

9 Courts may strike pleadings when a corporation has failed to retain counsel. *See*
 10 *Trustees of Operating Engineers Pension Trust v. O'Donnell*, 2007 WL 672528, *2 (D. Nev.
 11 2007) (granting motion to compel and alternative motion to strike answer) (citations omitted).

12 Because corporations may not represent themselves, the Optima Technology
 13 Corporations cannot defend, prosecute, or participate in this action without counsel licensed in
 14 the State of Nevada. As such, Plaintiff respectfully requests that the Optima Technology
 15 Corporations be ordered to retain legal counsel no later than June 15, 2012. Plaintiff also
 16 respectfully requests that the March 13, 2012 General Denial filed by Optima Technology
 17 Corporations be stricken if Optima Technology Corporations do not retain new counsel by
 18 June 15, 2012.

19 **III. CONCLUSION**

20 For all of the foregoing reasons, Plaintiff's Motion should be granted in the manner
 21 requested.

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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 15th day of May, 2012.

WATSON ROUNDS

BY: /s/ Adam P. McMillen
Matthew D. Francis (6978)
Adam P. McMillen (10678)
5371 Kietzke Lane
Reno, NV 89511
Telephone: 775-324-4100
Facsimile: 775-333-8171
Attorneys for Plaintiff Jed Margolin

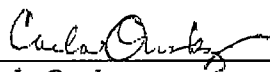
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CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of Watson Rounds, and that on this date, a true and correct copy of the foregoing document, **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**, will be served via first-class mail through the U.S. Postal Service, addressed as follows:

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

Dated: May 15, 2012



Carla Ousby

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

REC'D & FILED
2012 JUN 28 AM 11:13

ALAN GLOVER
BY *Alan Glover* CLERK
DEPUTY

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.
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 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**

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

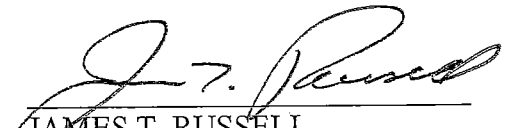
1 Nevada. In Plaintiff's Motion, Plaintiff requested that the Optima Technology Corporations be
2 ordered to retain legal counsel no later than June 15, 2012. Plaintiff also requested that the
3 March 13, 2012 General Denial filed by the Optima Technology Corporations be stricken if the
4 Optima Technology 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.

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

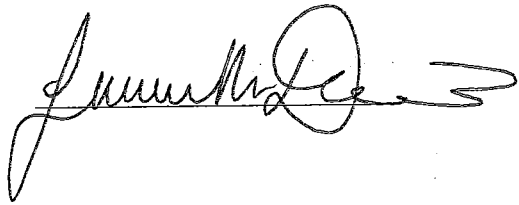
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I hereby certify that on the 28 day of June, 2012, I placed a copy of the foregoing

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 JUL -2 PM 1:30

ALAN GLOVER
BY CLERK
 REPTV

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**
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,

21 **Defendants.**

Case No.: 090C00579 1B

Dept. No.: 1

NOTICE OF ENTRY OF ORDER

22 Please take notice that the Order Granting Plaintiff's Motion to Compel Appearance of
23 Counsel for Optima Technology Corporations, or in the Alternative, Motion to Strike General
24 Denial of Optima Technology Corporations, attached hereto as Exhibit 1, was filed in the
25 above-entitled Court on June 28, 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: June 29, 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

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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 Entry of Order**, addressed as follows:

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

Dated: June 29, 2012



Carla Ousby

Exhibit 1

Exhibit 1

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
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,

17 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**

19 This matter comes before the Court on Plaintiff Jed Margolin's motion for an order
20 compelling Defendants Optima Technology Corporation, a California corporation, and Optima
21 Technology Corporation, a Nevada corporation (collectively "Optima Technology
22 Corporations") to retain legal counsel, or, in the alternative, to strike the General Denial of those
23 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.
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20 permits a non-lawyer to represent an entity and concluding that an entity cannot proceed in
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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
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28 cannot defend, prosecute, or participate in this action without counsel licensed in the State of

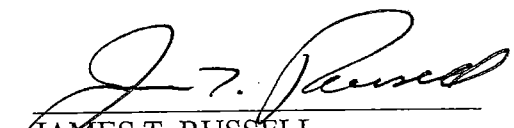
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2 ordered to retain legal counsel no later than June 15, 2012. Plaintiff also requested that the
3 March 13, 2012 General Denial filed by the Optima Technology Corporations be stricken if the
4 Optima Technology Corporations did not retain new counsel 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.

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

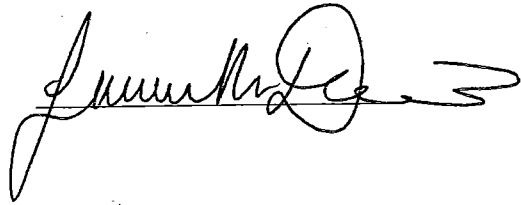
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I hereby certify that on the 29 day of June, 2012, I placed a copy of the foregoing

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



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*

ORIGINAL

REC'D & FILED

2012 SEP 14 PM 12:38

ALAN GLOVER
BY *[Signature]*
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, OPTIMA**
14 **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**
20 **ZANDIAN JAZI, an individual, DOE**
21 **Companies 1-10, DOE Corporations 11-20,**
22 **and DOE Individuals 21-30,**

23 **Defendants.**

Case No.: 090C00579 1B

Dept. No.: 1

APPLICATION FOR ENTRY OF
DEFAULT

24 **TO: CLERK OF THE FIRST JUDICIAL DISTRICT COURT**
25 **CARSON CITY, STATE OF NEVADA**

26 Please enter the Default of Defendants Optima Technology Corporation, a California
27 corporation and Optima Technology Corporation, a Nevada corporation for failure to plead or
28 otherwise defend the above-entitled action as provided by the Nevada Rules of Civil Procedure.

On March 14, 2012, Defendants Optima Technology Corporation, a California corporation, and Optima Technology Corporation, a Nevada corporation, both filed a "General Denial" in this action. On June 28, 2012, this Court entered an Order granting Plaintiff's

1 Motion to Compel Appearance of Counsel for Optima Technology Corporations, or in the
2 Alternative, Motion to Strike General Denial of Optima Technology Corporations. A true and
3 correct copy of said Order is attached hereto as Exhibit 1. Because there has been no
4 appearance of counsel for the Optima Technology Corporations, as ordered, the Optima
5 Technology Corporations' General Denial is stricken, and the Optima Technology Corporations
6 are in default for failure to plead or otherwise defend as required by law.
7

8 Dated this 13th day of September, 2012.
9

10 BY: /s/ Adam P. McMillen
11 Matthew D. Francis (6978)
12 Adam P. McMillen (10678)
13 WATSON ROUNDS
14 5371 Kietzke Lane
15 Reno, NV 89511
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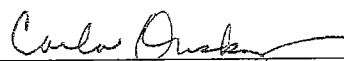
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CERTIFICATE OF SERVICE

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

Dated: September 13, 2012



Carla Ousby

Exhibit 1

Exhibit 1

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

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14 corporation, REZA ZANDIAN
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22 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**

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21 Technology Corporation, a Nevada corporation (collectively "Optima Technology
22 Corporations") to retain legal counsel, or, in the alternative, to strike the General Denial of those
23 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
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27 In light of the foregoing, the Court finds that the Optima Technology Corporations
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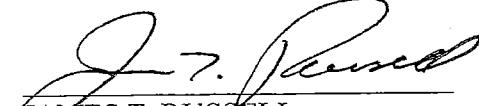
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2 ordered to retain legal counsel no later than June 15, 2012. Plaintiff also requested that the
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7 General Denial will be stricken.

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.-----

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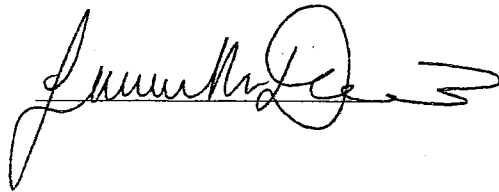
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CERTIFICATE OF SERVICE

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



ORIGINAL

Case No. 09 0C 00579 1B

Dept. No. I

REC'D & FILED
2012 SEP 24 PM 1:32
ALAN GLOVER
BY [Signature] DEPUTY CLERK

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 March 14, 2012, Defendants Optima Technology Corporation, a California corporation, and Optima Technology Corporation, a Nevada corporation, both filed a "General Denial" in this action. On June 28, 2012, this Court entered an 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. A true and correct copy of said Order is attached hereto as Exhibit 1. Because there has been 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

ALAN GLOVER
BY *Alan Glover* 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.

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

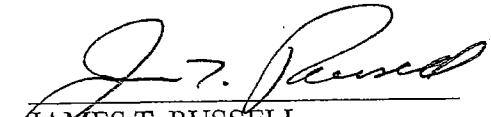
1 Nevada. In Plaintiff's Motion, Plaintiff requested that the Optima Technology Corporations be
2 ordered to retain legal counsel no later than June 15, 2012. Plaintiff also requested that the
3 March 13, 2012 General Denial filed by the Optima Technology Corporations be stricken if the
4 Optima Technology 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.

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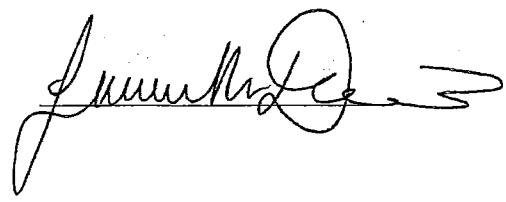
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CERTIFICATE OF SERVICE

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



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
JED MARGOLIN
BY *[Signature]*
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**
TECHNOLOGY CORPORATION, a Nevada
15 **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
19 **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

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.

27 ///

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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: September 26, 2012

WATSON ROUNDS

6

7

By: /s/ Adam P. McMillen

8

Matthew D. Francis

9

Adam P. McMillen

10

Watson Rounds

11

5371 Kietzke Lane

12

Reno, NV 89511

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Attorneys for Plaintiff Jed Margolin

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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 Default**, addressed as follows:

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

Dated: September 26, 2012

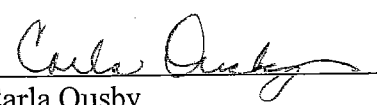

Carla Ousby

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

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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
11 vs.
12 OPTIMA TECHNOLOGY CORPORATION,
13 a California corporation, OPTIMA
14 TECHNOLOGY CORPORATION, a Nevada
15 corporation, REZA ZANDIAN
16 aka GOLAMREZA ZANDIANJAZI
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20 ZANDIAN JAZI, an individual, DOE Companies
21 1-10, DOE Corporations 11-20, and DOE
22 Individuals 21-30,
23
24 Defendants.

DEFAULT

25 On March 14, 2012, Defendants Optima Technology Corporation, a California
26 corporation, and Optima Technology Corporation, a Nevada corporation, both filed a
27 "General Denial" in this action. On June 28, 2012, this Court entered an Order granting
28 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.
A true and correct copy of said Order is attached hereto as Exhibit 1. Because there has been
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 0C 00579 1B

2 Dept. No. I

REC'D & FILED

2012 JUN 28 AM 11:13

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4 BY Alan Glover CLERK
DEPUTY

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
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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

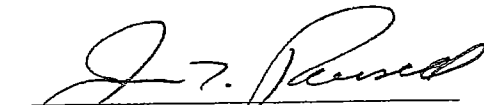
1 Nevada. In Plaintiff's Motion, Plaintiff requested that the Optima Technology Corporations be
2 ordered to retain legal counsel no later than June 15, 2012. Plaintiff also requested that the
3 March 13, 2012 General Denial filed by the Optima Technology Corporations be stricken if the
4 Optima Technology 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.

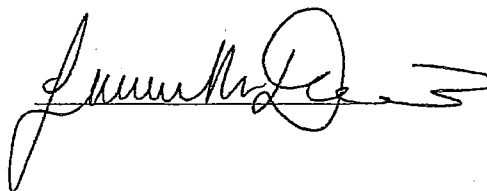
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20 JAMES T. RUSSELL
DISTRICT COURT JUDGE

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 OCT 31 PM 1:42

ALAN GLOVER

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 **Plaintiff,**

11 **vs.**

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

23 **Defendants.**

Case No.: 090C00579 1B

Dept. No.: 1

DEFAULT JUDGMENT

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

WHEREAS on March 13, 2012, Defense counsel moved to withdraw from
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.

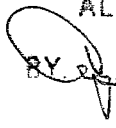
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1 Matthew D. Francis (6978)
Adam P. McMillen (10678)
2 WATSON ROUNDS
5371 Kietzke Lane
3 Reno, NV 89511
Telephone: 775-324-4100
4 Facsimile: 775-333-8171
Attorneys for Plaintiff Jed Margolin

REC'D & FILED

2012 NOV -6 AM 11:47

ALAN GLOVER

BY  CL FRK
FIDELITY

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

NOTICE OF ENTRY OF JUDGMENT

25 TO: All parties:

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

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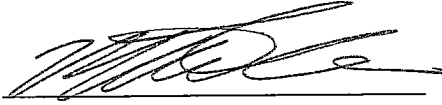
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Affirmation Pursuant to NRS 239B.030

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

DATED: 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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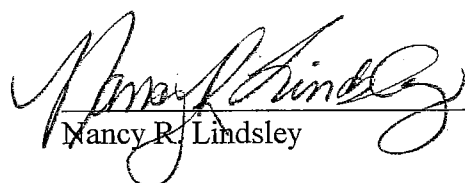
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CERTIFICATE OF SERVICE

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 Entry of Judgment**, addressed as follows:

Reza Zandian
8775 Costa Verde Boulevard
San Diego, CA 92122

Dated: November 5, 2012



Nancy R. Lindsley

Exhibit 1

Exhibit 1

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

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

5
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 **Plaintiff,**

11 **vs.**

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

21 **Defendants.**

Case No.: 090C00579 1B

Dept. No.: 1

DEFAULT JUDGMENT

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

28 WHEREAS on March 13, 2012, Defense counsel moved to withdraw from
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.

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

James T. Russell
DISTRICT COURT JUDGE

IN THE FIRST JUDICIAL DISTRICT COURT
IN AND FOR THE COUNTY OF CARSON CITY, STATE OF NEVADA

2012 NOV 14 PM 3:31

Case No:090C005791B

JED MARGOLIN

Plaintiff,

vs.

OPTIMA TECHNOLOGY
CORPORATION ET AL.

Defendant

ALAN GLOYD
BY *[Signature]*
DEPUTY
CLERK



AFFIDAVIT OF SERVICE

STATE OF NEVADA
COUNTY OF CLARK ss.:

ROGER PAYNE, being first duly sworn, deposes and says: That affiant is a citizen of the United States, over 18 years of age, and not a party to, nor interested in the within action. Affiant received the documents on the

On at **10:40 AM** affiant personally served a copy of the: **WITNESS FEE \$40.00; SUBPOENA DUCES TECUM; DECLARATION OF CUSTODIAN OF RECORDS**
Served to: **LORI GROVE KIVATISKY, LEGAL ADMINISTRATOR**, authorized to accept, accepted on behalf of the custodian of records for **JOHN PETER LEE, LTD.**
Service address: **830 LAS VEGAS BLVD. SOUTH Las Vegas, NV 89101**

A description of the person served:

Sex	Color of skin/race	Color of hair	Age	Height	Weight
Female	Caucasian	N/A	50's	5'6"	130 LBS.
Other Features:					

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

Sworn to and subscribed before me on the
10/15/2012 by **ROGER PAYNE**

Notary

X *[Signature]*
ROGER PAYNE
Registration#: R-038800
Reno/Carson Messenger Service, Inc. (Lic# 322)
185 Martin Street
Reno, NV 89509
775.322.2424
Atty File#: 5457.01



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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

REC'D & FILED

2012 DEC 14 PM 3:08

ALAN GLOVER
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.

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

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.

PLAINTIFF'S MOTION FOR
SANCTIONS UNDER NRCP 37

Pursuant to NRCP 37(d), Plaintiff JED MARGOLIN ("Margolin") moves this Court for
an Order striking 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 ("Zandian") General Denial and awarding Margolin his
fees and costs incurred in bringing this Motion.

///
///

1 This Motion is based upon the pleadings and papers on file in this matter, the
2 accompanying Memorandum of Points and Authorities, the Declaration of Adam P. McMillen
3 in Support of Plaintiff's Motion for Sanctions NRCP 37(d) ("McMillen Decl."), and any
4 requested oral argument.

5 DATED this 13th day of December, 2012. WATSON ROUNDS

6 By: _____
7 Matthew D. Francis
8 Adam P. McMillen
9 5371 Kietzke Lane
10 Reno, NV 89511
11 Telephone: (775) 324-4100
12 Facsimile: (775) 333-8171
13 Attorneys for Plaintiff Jed Margolin

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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **A. BACKGROUND**

3 This action arises from Zandian's and the other corporate Defendants' fraudulent
4 assignment of Margolin's patents.

5 On July 16, 2012, Margolin served Zandian with Margolin's First Set of Requests for
6 Admission, First Set of Interrogatories and First Set of Requests for Production of Documents.
7 McMillen Decl., ¶ 2, Exhibits 1 and 2. Pursuant to NRCPC 33, 34 and 36, responses to these
8 discovery requests were due on August 20, 2012. *Id.* Zandian has never provided any responses
9 or documents. *Id.*

10 On September 10, 2012, Margolin mailed a meet and confer letter to Zandian demanding
11 that he serve responses and documents to the aforementioned discovery no later than September
12 17, 2012. McMillen Decl., ¶ 5, Exhibit 4. In the September 10, 2012 letter, Margolin demanded
13 that Zandian "respond, without objection, to the requests for admissions, the requests to produce
14 documents (including the actual production of documents), and the interrogatories no later than
15 September 17, 2012." Exhibit 4. Margolin stated that if Zandian failed to comply with this
16 request, Margolin would file a motion to compel with this Court and seek sanctions. *Id.*
17 Margolin also stated that since Margolin did not respond to Margolin's First Set of Requests for
18 Admissions, those admissions were (and are) deemed admitted. Exhibit 4, *citing Wagner v.*
19 *Carex Investigations & Sec. Inc.*, 93 Nev. 627, 630, 572 P.2d 921, 923 (1977). Despite
20 Margolin's efforts to meet and confer, Zandian has not served responses or documents pursuant
21 to any of the aforementioned discovery requests, nor has he responded to the September 10, 2012
22 letter or otherwise contacted Plaintiff's counsel. *See supra*, Exhibit 4.

23 Based on these facts, and the authority stated below, Margolin's Motion for Sanctions
24 should be granted in full, and sanctions should be levied against Zandian for his willful non-
25 compliance with the Nevada Rules of Civil Procedure.

26 **B. ARGUMENT**

27 NRCPC 37(a)(2)(B) states that if a party fails to answer an interrogatory submitted under
28 NRCPC 33, or if a party fails to respond to a request for production submitted under NRCPC 34,

1 "the discovering party may move for an order compelling an answer, or a designation, or an
2 order compelling inspection in accordance with the request." *Id.*

3 As stated above, Zandian has not served responses or documents in response to
4 Margolin's First Set of Interrogatories to Zandian or Margolin's First Set of Requests for
5 Production to Zandian. *See supra.* Zandian has also not responded to the September 10, 2012
6 letter requesting that he respond to the written discovery. McMillen Decl., ¶ 5. Therefore,
7 Margolin needs not move to compel responses and may rely upon NRCP Rule 37(d),
8 immediately, to request evidentiary and terminating sanctions for Zandian's failure to respond.

9 NRCP Rule 37(d)(2) provides that:

10 If a party . . . fails (2) to serve answers or objections to interrogatories submitted
11 under Rule 33, after proper service of the interrogatories, or (3) to serve a written
12 response to a request for inspection submitted under Rule 34, after proper service
13 of the request, the court in which the action is pending on motion may make such
14 orders in regard to the failure as are just, and among others it may take any action
15 authorized under subparagraphs (A), (B), and (C) of subdivision (b)(2) of this
16 rule.

17 NRCP 37(b)(2)(A-C) provides that:

18 (A) An order that the matters regarding which the order was made or any
19 other designated facts shall be taken to be established for the purposes of the
20 action in accordance with the claim of the party obtaining the order;

21 (B) An order refusing to allow the disobedient party to support or oppose
22 designated claims or defenses, or prohibiting that party from introducing
23 designated matters in evidence;

24 (C) An order striking out pleadings or parts thereof, or staying further
25 proceedings until the order is obeyed, or dismissing the action or proceeding or
26 any part thereof, or rendering a judgment by default against the disobedient party.

27 NRCP 37(b)(2) also provides that:

28 In lieu of any of the foregoing orders or in addition thereto, the court shall require
the party failing to obey the order or the attorney advising that party or both to
pay the reasonable expenses, including attorney's fees, caused by the failure,
unless the court finds that the failure was substantially justified or that other
circumstances make an award of expenses unjust.

Margolin's First Set of Interrogatories to Zandian and Margolin's First Set of Requests
for Production to Zandian seek information and documents relating to the following crucial

1 topics: why Zandian signed and filed an assignment of the patents at issue; who was involved in
2 the fraudulent assignment; who paid for the fraudulent assignment; the licensing activity Zandian
3 engaged in regarding the patents after he filed the fraudulent assignment; all revenues derived
4 from Zandian's activities related to the patents after filing the assignment. See McMillen Decl.,
5 Exhibits 1 through 4. All of this information is extremely important to Margolin's liability and
6 damage analysis.

7 Fundamental notions of fairness and due process require that discovery sanctions be just
8 and that sanctions relate to the specific conduct at issue. *GNLV Corp. v. Serv. Control Corp.*,
9 111 Nev. 866, 870, 900 P.2d 323, 326 (1995), citing *Young v. Johnny Ribeiro Bldg., Inc.*, 106
10 Nev. 88, 92, 787 P.2d 777, 779 (1990). As discussed above, sanctions may be imposed where
11 there has been willful noncompliance, and the adversary process has been halted by the actions
12 of the unresponsive party. *Fire Ins. Exchange v. Zenith Radio Corp.*, 103 Nev. 648, 652, 747
13 P.2d 911, 914 (1987). Reasoned and thoughtful analysis dictates that this Court is justified in
14 using its discretion to enter in an order striking Zandian's General Denial and awarding Margolin
15 its attorneys' fees and costs incurred in bringing this Motion.

16 *First*, Zandian acted willfully in failing to respond to the aforementioned discovery
17 requests. Nevada Courts have consistently stated the basis for the imposition of sanctions was
18 the failure to complete discovery. See *Havas v. Bank of Nevada*, 96 Nev. 567, 571, 613 P.2d
19 706, 709 (1980); *Kelly Broadcasting Co. v. Sovereign Broadcast, Inc.*, 96 Nev. 188, 192, 606
20 P.2d 1089, 1092 (1980). Although Margolin's First Set of Interrogatories to Zandian and
21 Margolin's First Set of Requests for Production were served five months ago, Zandian has failed
22 to serve responses or documents. See *supra*. Furthermore, Zandian has not made any attempt to
23 justify this inexcusable willful neglect, and has not even bothered to contact Margolin's counsel
24 regarding the discovery. See McMillen Decl., ¶¶ 5 and 6.

25 *Second*, Margolin is being prejudiced by Zandian's failure to respond to the
26 aforementioned discovery requests, and Margolin should not be forced to suffer further prejudice
27 which would result from lesser sanctions. While Margolin believes that liability is established
28 by Zandian failing to respond to the requests for admissions, Margolin believes that responses to

1 the outstanding discovery will further prove the extent of the Defendants' malfeasance and
2 damage. Margolin has already been forced to delay the case because no discovery has been
3 responded to by Margolin. This alone is sufficient prejudice to justify the entering of a default
4 judgment. *See Fire Ins. Exch.*, 103 Nev. at 651, 747 P.2d at 914.

5 While Margolin understands and appreciates the nature of the sanctions contained in this
6 Motion, the requested relief is necessitated by Zandian's willful violations of the Nevada Rules
7 of Civil Procedure. Simply put, common law and NRCP 37(d) dictate that Margolin is entitled
8 to an Order striking Zandian's General Denial and awarding Margolin his attorneys' fees and
9 costs incurred in bringing this Motion. *See supra.*, NRCP 37(d)(2-3), NRCP 37(b)(2)(A-C).

10 **C. CONCLUSION**

11 For all of the foregoing reasons, Jed Margolin requests that his Motion be granted in the
12 manner requested.

13 **AFFIRMATION PURSUANT TO NRS 239B.030**

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

16 DATED this 13th day of December, 2012. WATSON ROUNDS

17 By: _____
18 Matthew D. Francis
19 Adam P. McMillen
20 5371 Kietzke Lane
21 Reno, NV 89511
22 Telephone: (775) 324-4100
23 Facsimile: (775) 333-8171

24 Attorneys for Plaintiff Jed Margolin
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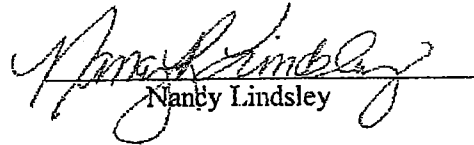
CERTIFICATE OF SERVICE

Pursuant to Rule 5(b), Nevada Rules of Civil Procedure, I hereby certify that I am an employee of WATSON ROUNDS, and on this date a true and correct copy of the foregoing document, Plaintiff's Motion for Sanctions Under NRCP 37, will be served on the following by first-class mail through the U.S. Postal Service.

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

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

Dated: December 14, 2012.


Nancy Lindsley

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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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2012 DEC 14 PM 3:08
ALAN GLOVER
BY *Alan Glover*
DEPUTY

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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

**DECLARATION OF ADAM P.
MCMILLEN IN SUPPORT OF
PLAINTIFF'S MOTION FOR
SANCTIONS UNDER NRCP 37**

I, Adam P. McMillen, do hereby declare and state as follows:

1. I am a lawyer at the law firm of Watson Rounds located at 5371 Kietzke Lane, Reno, Nevada 89511. This declaration is based upon my personal knowledge, and is made in support of Plaintiff's Motion for Sanctions Under NRCP 37 and the Memorandum of Points and Authorities in Support Thereof.

2. On July 16, 2012, JED MARGOLIN ("Margolin") served 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

1 (“Zandian”) with Margolin’s First Set of Interrogatories to Zandian as well as Margolin’s First
2 Set of Requests for Production to Margolin. A true and correct copy of Margolin’s First Set of
3 Interrogatories to Zandian is attached hereto as Exhibit 1, and a true and correct copy of
4 Margolin’s First Set of Requests for Production to Zandian is attached hereto as Exhibit 2.
5 Pursuant to NRC 33 and 34, responses to these discovery requests, as well as responsive
6 documents, were due on August 20, 2012. No responses or documents were served on that date
7 or thereafter.

8 4. Also on July 16, 2012, Margolin served Zandian with Margolin’s First Set of
9 Requests for Admissions. A true and correct copy of the First Set of Requests for Admissions is
10 attached hereto as Exhibit 3. Pursuant to NRC 36, responses to these Requests for Admissions
11 were due on August 20, 2012. No responses were served on that date or thereafter.

12 5. On September 10, 2012, Margolin emailed and faxed Zandian a meet and confer
13 letter demanding that Zandian serve responses and documents to the aforementioned discovery
14 (and other discovery) no later than September 17, 2012. A true and correct copy of this letter is
15 attached hereto as Exhibit 4. In the September 10, 2012 letter, Margolin demanded that Zandian
16 “respond, without objection, to the requests for admissions, the requests to produce documents
17 (including the actual production of documents), and the interrogatories no later than September
18 17, 2012.” Exhibit 4. Margolin stated that if Zandian failed to comply with this request,
19 Margolin would file a motion to compel with this Court. *Id.* Margolin also stated that since
20 Margolin did not respond to Margolin’s First Set of Requests for Admissions, those admissions
21 were (and are) deemed admitted. *Id.* Zandian has not served responses or documents pursuant to
22 the aforementioned discovery requests, nor has he responded to the September 10, 2012 letter.

23 *Id.*

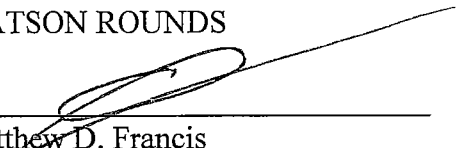
24 6. I certify that I have in good faith corresponded with Zandian in an effort to
25 resolve this discovery dispute without court intervention. However, my sincere efforts to resolve
26 the dispute have been unsuccessful.

27 I declare under penalty of perjury that the foregoing is true and correct to the best of my
28 knowledge.

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 13th day of December, 2012. WATSON ROUNDS

By: 
Matthew D. Francis
Adam P. McMillen
5371 Kietzke Lane
Reno, NV 89511
Telephone: (775) 324-4100
Facsimile: (775) 333-8171
Attorneys for Plaintiff Jed Margolin

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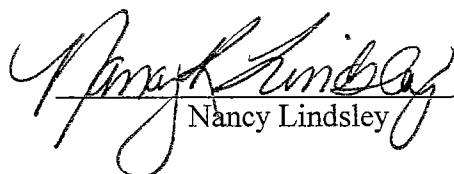
1 CERTIFICATE OF SERVICE

2 Pursuant to Rule 5(b), Nevada Rules of Civil Procedure, I hereby certify that I am an
3 employee of WATSON ROUNDS, and on this date a true and correct copy of the foregoing
4 document, **Declaration of Adam P. McMillen in Support of Plaintiff's Motion for Sanctions**
5 **Under NRCP 37** will be served on the following by first-class mail though the U.S. Postal
6 Service.

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

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

13 Dated: December 14, 2012.

14 
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16 Nancy Lindsley
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INDEX OF EXHIBITS

Exhibit 1	Plaintiff's First Set of Interrogatories to Reza Zandian	8 pages
Exhibit 2	Plaintiff's First Set of Requests for Production of Documents to Reza Zandian	5 pages
Exhibit 3	Plaintiff's First Set of Requests for Admissions to Reza Zandian	7 pages
Exhibit 4	September 10, 2012 letter to Reza Zandian	2 pages

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,**
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,**

21 **Defendants.**

Case No.: 090C00579 1B

Dept. No.: 1

PLAINTIFF'S FIRST SET OF
INTERROGATORIES TO REZA
ZANDIAN

22 Plaintiff Jed Margolin ("Margolin") hereby requests that Defendant Reza Zandian aka
23 Golamreza Zandianjazi, aka Gholam Reza Zandian aka Reza Jazi aka J. Reza Jazi aka G. Reza
24 Jazi aka Ghononreza Zandian Jazi ("Zandian") serve responses to the following Interrogatories
25 within thirty (30) days of service hereof. These Interrogatories are considered continuing and
26 therefore Zandian is required to supplement his answers whenever Zandian obtains different or
27 additional knowledge, information or belief relative to the Interrogatories.
28

1 **I. DEFINITIONS**

2 A. As used in these Interrogatories, unless otherwise specified, the terms "Zandian,"
3 "you," or "your" or "yourself" refers to Reza Zandian aka Golamreza Zandianjazi, aka
4 Gholam Reza Zandian aka Reza Jazi aka J. Reza Jazi aka G. Reza Jazi aka Ghononreza
5 Zandian Jazi and any other aka.

6 B. As used in these Interrogatories, the terms "document," "documents," or
7 "documentation" refer to any and all tangible items or sources of information within the
8 meaning of Rule 34 of the Nevada Rules of Civil Procedure, whether original or non-identical
9 copies of such items, in both final and draft form, of every kind and nature whatsoever, that
10 are within your possession, custody or control, or that are known by you to exist. The terms
11 "document" or "documents" include, but are not limited to, all correspondence, memoranda,
12 records, notes, drafts, proposals, minutes of meetings, books, papers, drawings, telegrams,
13 logs, diaries, computer printouts, computations, ledgers, journals, purchase orders, bills of
14 lading, invoices, vouchers, checks, books of original entry and other books or records; all
15 studies, analyses, or other valuative or interpretive reports; recordings or memoranda of
16 conversations, or any other written, printed, typewritten or other graphic or photographic
17 matter or tangible thing on which any information is affixed; all mechanical, electronic, sound
18 or video recordings or transcripts thereof; all other magnetic recordings or matter existing in
19 any other machine readable form; and all information capable of being retrieved from a
20 computer.

21 C. As used in these Interrogatories, the terms "communicate" or "communications"
22 refer to all conversations, messages, correspondence, or contacts between any persons,
23 whether in person, in writing, by telephone, or by any other means.

24 D. As used in these Interrogatories, the terms "person" or "persons" refer to all
25 individuals, associations, partnerships, corporations, and any other business entities.

26 **II. GUIDELINES**

27 A. Whenever the phrase "state in detail" or "describe in detail" is used in these
28 Interrogatories, you are required to set forth every fact, consideration, factor, circumstance,

1 act, omission, event, transaction, occurrence, or statement which supports, refutes, concerns,
2 relates to, or refers to the matter about which information is sought.

3 B. Whenever the term "identify" or "identification" is used in these Interrogatories
4 with respect to an individual person, you are required to state: the full name of each such
5 person; his or her last known residential address; his or her last known business address; and
6 his or her present or last known job title, job description, and the dates during which the job
7 position was held. Once a person has been identified in an answer to an interrogatory, it shall
8 be sufficient thereafter when identifying that person merely to state his or her name.

9 C. Whenever the term "identify" or "identification" is used in these Interrogatories
10 with respect to any corporation, partnership, or business entity, you are required to state: its
11 present or last known full name; all of its previous registered and/or operating business names,
12 if any; its present or last known business address; and the nature of its business. Once a
13 corporation, partnership, or business entity has been identified in an answer to an
14 interrogatory, it shall be sufficient thereafter when identifying such entity merely to state its
15 name.

16 D. Whenever the term "identify" or "identity" or "identification" is used in these
17 Interrogatories with respect to a document or documents, you are required to:

- 18 (1) describe the type of document, e.g., letter, memorandum, report, diary,
19 chart, etc.;
- 20 (2) provide the date, if any, of the document;
- 21 (3) identify the author(s) of the document;
- 22 (4) identify each addressee appearing on the document;
- 23 (5) identify each recipient of the document or any copies of the document;
- 24 (6) describe the contents of the document;
- 25 (7) describe the present location of the document; and
- 26 (8) identify the person(s) having possession, control, or custody of the
27 document.
28

1 If any such document was, but is no longer in your possession, custody or control, state
2 what disposition was made of it; and if such document was destroyed, or alleged to have been
3 destroyed, state the date of and reason for its destruction, the identity of each person having
4 knowledge of its destruction, and each person responsible for its destruction. For each
5 interrogatory that requests the identification of document(s), you may produce for inspection
6 and copying, true and correct copies of the document(s) as kept in the usual course of business,
7 organized and labeled to correspond with the categories in this request, all in accordance with
8 Rule 33(c) of the Nevada Rules of Civil Procedure, and such production of copies will be
9 accepted as complying with such request.

10 E. Should you deem any information requested by any of the following Interrogatories
11 to be privileged, you shall specify that a claim of privilege is being made, briefly state the
12 grounds on which the claim of privilege rests, and identify who is making the claim of
13 privilege.

14 III. INTERROGATORIES

15 Interrogatory No. 1:

16 Please describe in detail why on December 5, 2007, you signed and filed an assignment
17 of patent numbers 5,566,073, 5,904,724, 6,377,436 and 5,978,488 (the "patents") with the
18 United States Patent Office.

19 Interrogatory No. 2:

20 Please describe in detail whose idea it was to file the assignment of the patents with the
21 United States Patent Office on December 5, 2007.

22 Interrogatory No. 3:

23 If it was not your idea to file the assignment of the patents with the United States
24 Patent Office on December 5, 2007, then please describe in detail whose idea it was, including
25 the name(s) and contact information (address, phone number, email address, etc.) of anyone
26 involved in the decision making process.

27 Interrogatory No. 4:

28

1 Please describe in detail John Peter Lee Ltd's involvement in the December 5, 2007
2 assignment of the patents including but not limited to the following John Peter Lee Ltd
3 members: John Peter Lee, John C. Courtney, and Paul C. Ray.

4 **Interrogatory No. 5:**

5 Please describe in detail Greenberg Traurig LLP's involvement in the December 5,
6 2007 assignment of the patents, including but not limited to the following Greenberg Traurig
7 LLP members: Scott J. Bornstein, Allan A. Kassenoff, E. Jeffrey Walsh and Paul J. Sutton.

8 **Interrogatory No. 6:**

9 Please describe in detail whose credit card was used to pay for the December 5, 2007
10 assignment of the patents with the United States Patent Office, with the last four numbers of
11 the credit card being 1004 and the expiration date being 01/09; please include the name of the
12 credit card holder and why the credit card was used for the December 5, 2007 assignment of
13 the patents.

14 **Interrogatory No. 7:**

15 Please describe in detail who the officers and directors of Optima Technology
16 Corporation, a California Corporation, were at the time you filed the assignment of the patents
17 with the United States Patent Office on December 5, 2007.

18 **Interrogatory No. 8:**

19 Please describe in detail who the officers and directors of Optima Technology
20 Corporation, a Nevada Corporation, were at the time you filed the assignment of the patents
21 with the United States Patent Office on December 5, 2007.

22 **Interrogatory No. 9:**

23 Please describe in detail why John Peter Lee's name and address was associated with
24 and used for Optima Technology Corporation (NV) in the patents' assignment documents you
25 filed with the United States Patent Office on December 5, 2007.

26 **Interrogatory No. 10:**

27
28

1 Please describe in detail what “Jed Margolin based on Power of Attorney, dated July
2 20, 2004 to: Optima Technology Corporation (CA)” means as detailed in the assignment of the
3 patents, dated December 5, 2007, attached hereto as Exhibit A.

4 **Interrogatory No. 11:**

5 Please describe in detail what the Power of Attorney, dated July 20, 2004 is, as detailed
6 on the assignment documents filed with the United States Patent Office on December 5, 2007
7 and how you obtained a copy of said Power of Attorney. See Exhibit A.

8 **Interrogatory No. 12:**

9 Please describe in detail the knowledge you had of the contract between Jed Margolin
10 and Optima Technology Group, a Cayman Islands Corporation, at the time you filed the
11 assignment of the patents on December 5, 2007.

12 **Interrogatory No. 13:**

13 Please describe in detail the licensing activity you engaged in regarding the patents
14 after you filed the assignment of the patents on December 5, 2007.

15 **Interrogatory No. 14:**

16 Please describe in detail any and all activities you engaged in regarding the patents
17 after you filed the assignment on December 5, 2007.

18 **Interrogatory No. 15:**

19 Please describe in detail all revenues derived from your activities related to the patents
20 after filing the assignment of the patents on December 5, 2007.

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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: July 16, 2012

WATSON ROUNDS

BY: /s/ Adam McMillen
Matthew D. Francis (6978)
Adam P. McMillen (10678)
5371 Kietzke Lane
Reno, NV 89511
Telephone: 775-324-4100
Facsimile: 775-333-8171
Attorneys for Plaintiff Jed Margolin

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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, **Plaintiff's First Set of Interrogatories to Reza Zandian**, addressed as follows:

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

Dated: July 16, 2012

151
Carla Ousby

Exhibit 2

Exhibit 2

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**
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.**
21

Case No.: 090C00579 1B

Dept. No.: 1

PLAINTIFF'S FIRST SET OF
REQUESTS FOR PRODUCTION OF
DOCUMENTS TO REZA ZANDIAN

22 Plaintiff Jed Margolin ("Margolin") Pursuant to Rules 26 and 34 of the Nevada Rules
23 of Civil Procedure, hereby requests that Defendant Reza Zandian aka Golamreza Zandianjazi,
24 aka Gholam Reza Zandian aka Reza Jazi aka J. Reza Jazi aka G. Reza Jazi aka Ghononreza
25 Zandian Jazi ("Zandian") serve responses and documents to the following Requests for
26 Production within thirty (30) days of service hereof. These Requests are considered
27 continuing and therefore Zandian is required to supplement his responses and document
28

1 production whenever Zandian obtains different or additional knowledge, information or belief
2 relative to the Requests.

3 **I. DEFINITIONS AND GUIDELINES**

4 Margolin incorporates by reference the Definitions and Guidelines set forth in
5 Margolin's First Set of Interrogatories to Reza Zandian.

6 **II. DOCUMENT REQUESTS**

7 **REQUEST NO. 1:**

8 Any and all documents identified in and/or supporting your responses to Plaintiff's first
9 set of interrogatories served upon you.

10 **REQUEST NO. 2:**

11 Please provide a complete copy of any and all documents, correspondence,
12 memoranda, electronic email and attachments containing or referring to communications
13 between yourself and NASA.

14 **REQUEST NO. 3:**

15 Please provide a complete copy of any and all documents, correspondence,
16 memoranda, electronic email communications between yourself and the law firm of Greenberg
17 Traurig LLP including the following Greenberg Traurig LLP members:

18 Scott J. Bornstein

19 Allan A. Kassenoff

20 E. Jeffrey Walsh

21 Paul J. Sutton

22 **REQUEST NO. 4:**

23 Please provide a complete copy of any and all documents, correspondence,
24 memoranda, electronic email and attachments containing or referring to communications
25 between yourself and the law firm of John Peter Lee Ltd (Las Vegas) including, but not
26 limited to, the following John Peter Lee Ltd members:

27 John Peter Lee

28 John C. Courtney

1 Paul C. Ray

2 **REQUEST NO. 5:**

3 Please provide a complete copy of any and all documents, correspondence,
4 memoranda, electronic email and attachments containing or referring to communications
5 between yourself and the law firm of Chandler Udall Law Firm LLP, Udall Law Firm LLP,
6 Udall Law IP LLP (all in Arizona) including but not limited to the following:

7 Edward Moomjian II

8 Jeanna Chandler Nash

9 Ryan Redmon

10 **REQUEST NO. 6:**

11 Please provide a complete copy of any and all documents, correspondence,
12 memoranda, electronic email and attachments containing or referring to communications
13 between yourself and the United States Patent Office ("PTO") regarding the December 5, 2007
14 assignment of patents you filed with the PTO relating to patent numbers 5,566,073, 5,904,724,
15 6,377,436 and 5,978,488 (the "patents").

16 **REQUEST NO. 7:**

17 Please provide a complete copy of any and all documents, correspondence,
18 memoranda, electronic email and attachments containing or referring to communications
19 between you and any other person or entity relating to the patents.

20 **REQUEST NO. 8:**

21 Please provide a complete copy of any and all documents, correspondence,
22 memoranda, electronic email and attachments containing or referring to communications
23 between you and any other person or entity relating to the licensing of the patents.

24 **REQUEST NO. 9:**

25 Please provide a complete copy of any and all documents related to all revenues
26 derived from your activities related to the patents after filing the assignment of the patents on
27 December 5, 2007.

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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: July 16, 2012

WATSON ROUNDS

BY: /s/ Adam McMillen
Matthew D. Francis (6978)
Adam P. McMillen (10678)
5371 Kietzke Lane
Reno, NV 89511
Telephone: 775-324-4100
Facsimile: 775-333-8171
Attorneys for Plaintiff Jed Margolin

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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, **Plaintiff's First Set of Requests for Production of Documents Interrogatories to Reza Zandian**, addressed as follows:

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

Dated: July 16, 2012

15/
Carla Ousby

Exhibit 3

Exhibit 3

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,**
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

PLAINTIFF'S FIRST SET OF
REQUESTS FOR ADMISSIONS TO
REZA ZANDIAN

21
22 Pursuant to NRCPC 26 and NRCPC 36, Plaintiff Jed Margolin ("Margolin") hereby
23 requests that Defendant Reza Zandian aka Golamreza Zandianjazi, aka Gholam Reza Zandian
24 aka Reza Jazi aka J. Reza Jazi aka G. Reza Jazi aka Ghononreza Zandian Jazi ("Zandian")
25 serve responses to the following Requests for Admission within thirty (30) days of service
26 hereof. These Requests are considered continuing and therefore Zandian is required to
27 supplement his responses whenever Zandian obtains different or additional knowledge,
28 information or belief relative to the Requests for Admissions.

1 **I. DEFINITIONS**

2 A. As used in these Interrogatories, unless otherwise specified, the terms "Zandian,"
3 "you," or "your" refers to Reza Zandian aka Golamreza Zandianjazi, aka Gholam Reza
4 Zandian aka Reza Jazi aka J. Reza Jazi aka G. Reza Jazi aka Ghononreza Zandian Jazi and any
5 other aka.

6 B. As used in these Requests, the terms "document," "documents," or "documentation"
7 refer to any and all tangible items or sources of information within the meaning of Rule 34 of
8 the Nevada Rules of Civil Procedure, whether original or non-identical copies of such items, in
9 both final and draft form, of every kind and nature whatsoever, that are within your
10 possession, custody or control, or that are known by you to exist. The terms "document" or
11 "documents" include, but are not limited to, all correspondence, memoranda, records, notes,
12 drafts, proposals, minutes of meetings, books, papers, drawings, telegrams, logs, diaries,
13 computer printouts, computations, ledgers, journals, purchase orders, bills of lading, invoices,
14 vouchers, checks, books of original entry and other books or records; all studies, analyses, or
15 other valuative or interpretive reports; recordings or memoranda of conversations, or any other
16 written, printed, typewritten or other graphic or photographic matter or tangible thing on which
17 any information is affixed; all mechanical, electronic, sound or video recordings or transcripts
18 thereof; all other magnetic recordings or matter existing in any other machine readable form;
19 and all information capable of being retrieved from a computer.

20 C. As used in these Requests, the terms "communicate" or "communications" refer to
21 all conversations, messages, correspondence, or contacts between any persons, whether in
22 person, in writing, by telephone, or by any other means.

23 D. As used in these Requests, the terms "person" or "persons" refer to all individuals,
24 associations, partnerships, corporations, and any other business entities.

25 **II. GUIDELINES**

26 1. Each matter is admitted unless, within 30 days after service of this request,
27 Zandian serves a written answer or objection addressed to the matter.
28

1 2. If objection is made, the reasons therefor shall be stated. The answer shall
2 specifically deny the matter or set forth in detail the reasons why Zandian cannot truthfully
3 admit or deny the matter. A denial shall fairly meet the substance of the requested admission,
4 and when good faith requires that Zandian qualify an answer or deny only a part of the matter
5 of which an admission is requested, it shall specify so much of it as is true and qualify or deny
6 the remainder.

7 3. Zandian may not give lack of information or knowledge as a reason for failure
8 to admit or deny unless he states that he has made reasonable inquiry and that information
9 known or readily obtainable by him is insufficient to enable him to admit or deny.
10

11 4. If Zandian does not admit an item, he shall:

12 (a) Produce to Plaintiff all documents concerning the requested admission
13 in his possession, custody or control;

14 (b) State, with particularity, the factual basis upon which his response is
15 based; and

16 (c) Identify each and every person with knowledge of the requested
17 admission.
18

19 5. These requests for admissions are continuing. Zandian shall promptly supply
20 by way of supplemental responses any and all additional information that may become known
21 prior to any hearing in or trial of this action.
22

23 III. REQUESTS

24 REQUEST FOR ADMISSION NO. 1:

25 Admit that on December 5, 2007, you signed and filed the assignment of patent
26 numbers 5,566,073, 5,904,724, 6,377,436 and 5,978,488 (the "patents") with the United States
27 Patent Office, as attached hereto as Exhibit A.

28 REQUEST FOR ADMISSION NO. 2:

1 Admit that you falsely represented to the United States Patent Office that “Jed
2 Margolin based on a Power of Attorney dated July 20, 2004 to: Optima Technology
3 Corporation (CA)” was conveying its rights to the patents to Optima Technology Corporation
4 (NV). See Exhibit A.

5 **REQUEST FOR ADMISSION NO. 3:**

6 Admit that you knew when you submitted the assignment of the patents on December
7 5, 2007 that you did not have the power or the authority to assign the patents to Optima
8 Technology Corporation (NV) and therefore you knew your representation to the United States
9 Patent Office was false.

10 **REQUEST FOR ADMISSION NO. 4:**

11 Admit that when you filed the assignment for the patents on December 5, 2007 that
12 you intended to fraudulently induce the United States Patent Office to record the assignment of
13 the patents.

14 **REQUEST FOR ADMISSION NO. 5:**

15 Admit that by fraudulently signing and filing the assignment of the patents with the
16 United States Patent Office on December 5, 2007, you wrongfully exerted dominion over the
17 patents and thereby knowingly deprived Jed Margolin of his rights and use of the patents.

18 **REQUEST FOR ADMISSION NO. 6:**

19 Admit that you knew you were unjustified in signing and filing the assignment of the
20 patents with the United States Patent Office on December 5, 2007.

21 **REQUEST FOR ADMISSION NO. 7:**

22 Admit that you knew that by filing the December 5, 2007 patents’ assignment with the
23 United States Patent Office that you would interfere with Jed Margolin’s patent rights,
24 including the royalties due to him under the patents.

25 **REQUEST FOR ADMISSION NO. 8:**

26 Admit that at the time you signed and filed the assignment of patents with the United
27 States Patent Office on December 5, 2007, you knew Jed Margolin had a valid contract with
28

1 Optima Technology Group where Optima Technology Group promised to pay Jed Margolin
2 patent royalties to Jed Margolin based on the license of the 5,566,073 and 5,904,724 patents.

3 **REQUEST FOR ADMISSION NO. 9:**

4 Admit intentionally filed the assignment of the patents on December 5, 2007 with the
5 United States Patent Office with the intent and design to disrupt and interfere with the
6 contractual relationship that Jed Margolin had with Optima Technology Group.

7 **REQUEST FOR ADMISSION NO. 10:**

8 Admit that you were aware of Jed Margolin's prospective business relations with
9 licensees of the patents.

10 **REQUEST FOR ADMISSION NO. 11:**

11 Admit that you purposely, willfully and improperly attempted to induce Jed Margolin's
12 prospective licensees to refrain from engaging in business with Jed Margolin.

13 **REQUEST FOR ADMISSION NO. 12:**

14 Admit that on and after December 5, 2007 you purposely, willfully and improperly
15 induced Jed Margolin's prospective licensees to refrain from engaging in business with Jed
16 Margolin.

17 **REQUEST FOR ADMISSION NO. 13:**

18 Admit that on December 5, 2007 you wrongfully obtained record title to the patents,
19 without any justification.

20 **REQUEST FOR ADMISSION NO. 14:**

21 Admit that on December 5, 2007 you knew and were aware that record title to the
22 patents was valuable and that there were benefits to be derived from having record title.

23 **REQUEST FOR ADMISSION NO. 15:**

24 Admit that you unjustly benefitted from the use of the patents, which were the property
25 of Jed Margolin, and you did not compensate Jed Margolin for such wrongful use.

26 **REQUEST FOR ADMISSION NO. 16:**

27 Admit that by filing the December 5, 2007 assignment of the patents that you
28 knowingly and intentionally interfered with the business relationships of Jed Margolin without

1 any consent or authority from Jed Margolin.

2 **REQUEST FOR ADMISSION NO. 17:**

3 Admit that you intentionally interfered with and disrupted Jed Margolin's contract with
4 Optima Technology Group.

5 **REQUEST FOR ADMISSION NO. 18:**

6 Admit that you knowingly and intentionally made false representations to the United
7 States Patent Office regarding the assignment of the patents on December 5, 2007 and
8 therefore you knowingly and willfully committed unfair and deceptive trade practices under
9 NRS 598.0915 et seq.

10 **AFFIRMATION PURSUANT TO NRS 239B.030**

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

13
14 DATED: July 16, 2012

WATSON ROUNDS

15 BY: /s/ Adam McMillen

16 Matthew D. Francis (6978)
17 Adam P. McMillen (10678)
18 5371 Kietzke Lane
19 Reno, NV 89511
20 Telephone: 775-324-4100
21 Facsimile: 775-333-8171
22 *Attorneys for Plaintiff Jed Margolin*
23
24
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Exhibit 4

Exhibit 4

September 10, 2012

MICHAEL D. ROUNDS¹
MATTHEW D. FRANCIS²

ARTHUR A. ZORIO¹
RYAN E. JOHNSON
MATTHEW G. HOLLAND
ADAM P. McMILLEN²
ADAM YOWELL¹
STEVEN CALOJARO¹

OF COUNSEL-
KELLY G. WATSON¹
MARC D. FOODMAN^{1,3}
STEVEN T. POLIKALAS^{1,4}

¹ Also licensed in California
² Also licensed in Utah
³ Also licensed in Massachusetts
⁴ Also licensed in Tennessee

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sfinfo@watsonrounds.com

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Reply to: Reno_1

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

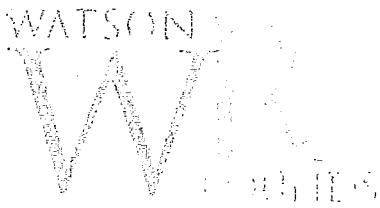
Re: *Margolin v. Zandian, et al.*
First Judicial District Court, Case No. 090C00579 1B

Dear Mr. Zandian:

On July 16, 2012, we served you with Plaintiff's First Set of Requests for Admission. Your responses to those requests were due on or before August 20, 2012. However, you have not yet responded. "The sanction for failure to serve timely answers or objections to requests for admissions is that all matters in the request are deemed admitted." *Wagner v. Carex Investigations & Sec. Inc.*, 93 Nev. 627, 630, 572 P.2d 921, 923 (1977).

Also, on July 16, 2012, we served you with Plaintiff's First Set of Interrogatories. Since you did not respond to the interrogatories, any objections to the interrogatories are deemed waived. *See* NRCp 33(b)(4). In addition, as the requesting party, we "may seek an order compelling discovery if the other party 'fails to answer an interrogatory submitted under Rule 33.'" *United States v. Parker*, 2:08-CV-01200-LDG, 2011 WL 5325475 (D. Nev. 2011) (*citing* Rule 37(a)(3)(B)(iii)). "An evasive or incomplete response must be treated as a failure to respond." *Id.* (*citing* Rule 37(a)(4)).

Also, on July 16, 2012, we served you with Plaintiff's First Set of Requests for Production of Documents. You did not respond to these requests either. "Rule 34 permits each party to serve the opposing party with document requests, and states that the party 'to whom the request is directed must respond in writing within 30 days after being served,' unless the parties stipulate or the court permits a shorter or longer time period." *Haddad v. Interstate Mgmt. Co., LLC*, 2:11-CV-01265-PMP, 2012 WL 398764 (D. Nev. 2012) (*citing* Fed. R. Civ. P. 34(a) and (b)(2)(A)). "If a party fails to file timely objections to [discovery] requests, such failure constitutes a waiver of any objections which a party might have to the requests." *Ramirez v. County of Los Angeles*, 231 F.R.D. 407, 409 (C.D. Cal. 2005) (*quoting* *Krewson v. City of Quincy*, 120 F.R.D. 6, 7 (D. Mass 1988)); *see also* *Richmark Corp v. Timber Falling Consultants*, 959 F.2d 1468, 1473 (9th Cir. 1992) (holding that the "failure to object to



Reza Zandian
September 10, 2012
Page 2

discovery requests within the time required constitutes a waiver of any objection.").

It is hereby demanded that you respond, without objection, to the requests for admissions, the requests to produce documents (including the actual production of documents), and the interrogatories no later than September 17, 2012. If you do not provide proper responses to these requests by September 17, 2012, we will be forced to immediately file a motion to compel such responses. *See* Rule 37(a)(3)(B)(iii) and (iv).

Please call me with any questions.

Sincerely,

Adam P. McMillen

WATSON ROUNDS
A Professional Corporation

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.

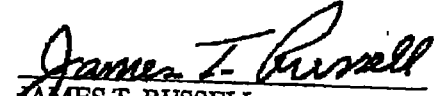
Based on the foregoing and good cause appearing,

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

6 Dated this 14th day of January, 2013.

7
8 
9 JAMES T. RUSSELL
DISTRICT COURT JUDGE

10 Respectfully Submitted,

11 WATSON ROUNDS

12 

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

17 Attorneys for Plaintiff

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19
20
21
22
23
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ORIGINAL

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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.

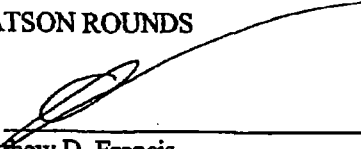
25 **Affirmation Pursuant to NRS 239B.030**

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

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

Attorneys for Plaintiff Jed Margolin

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Exhibit 1

Exhibit 1

REC'D & FILED

2013 JAN 15 AM 10:54

ALAN GLOYER

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;

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


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

Dated this 14th day of January, 2013.


JAMES T. RUSSELL
DISTRICT COURT JUDGE

Respectfully Submitted,

WATSON ROUNDS


Matthew D. Francis
Adam P. McMillen
5371 Kietzke Lane
Reno, NV 89511
Telephone: (775) 324-4100
Facsimile: (775) 333-8171

Attorneys for Plaintiff

2/15/13

ORIGINAL

REC'D & FILED

2013 FEB 20 AM 1:39

ALAN GLOVER

DEPUTY CLERK

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.**

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

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.**

PLAINTIFF'S APPLICATION FOR
ATTORNEY'S FEES AND COSTS

22 Pursuant to this Court's January 15, 2013 Order Granting Plaintiff's Motion for
23 Sanctions Under NRCP 37, Plaintiff Jed Margolin ("Plaintiff") hereby submits this
24 Application for Attorney's Fees and Costs.

25 ///
26 ///
27 ///
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1 MEMORANDUM OF POINTS AND AUTHORITIES

2 **A. BACKGROUND**

3 On December 14, 2012, Jed Margolin filed Plaintiff's Motion for Sanctions Under
4 NRCP 37 in the above-captioned matter. In its Motion, Plaintiff requested that this Court
5 strike Defendant REZA ZANDIAN aka GOLAMREZA ZANDIANJAZI aka GHOLAM
6 REZA ZANDIAN aka REZA JAZI aka J. REZA JAZI aka G. REZA JAZI aka
7 GHONONREZA ZANDIAN JAZI's ("Zandian") General Denial and award Plaintiff his fees
8 and costs incurred in bringing the Motion. No opposition to Plaintiff's Motion was filed.

9 On January 15, 2013, this Court entered an Order granting Plaintiff's Motion for
10 Sanctions Under NRCP 37. In its Order, this Court ordered, that the Denial of Zandian be
11 stricken and that "Plaintiff shall be awarded its fees and costs incurred in bringing his Motion,
12 and file an application for fees and a memorandum of costs relating to his Motion."

13 On December 12, 2012, Plaintiff's counsel spent a total of 4.9 hours drafting the
14 Motion for Sanctions and the accompanying declaration of Adam P. McMillen. McMillen
15 Decl., ¶ 3A. Plaintiff's counsel's hourly rate for this matter is \$300 per-hour. *Id.* The task
16 necessarily required review of legal authorities, chronicling the dispute for the Court,
17 researching, and compiling exhibits for the Motion. *Id.* Also, on December 12, 2012,
18 Plaintiff's counsel's assistant reviewed the draft Motion for Sanctions and declaration of
19 counsel in Support thereof and prepared the exhibits for the Motion. Additionally, on
20 December 14, 2012, counsel's assistant spent .5 revising the draft motion and filing and
21 serving the motion. Counsel's assistant spent 1.5 hours on this project. Her hourly rate as a
22 paralegal for this matter is \$125 per-hour. McMillen Decl., ¶ 3B.

23 On January 8, 2013, Plaintiff's counsel spent a total of 2.8 hours drafting a proposed
24 order on the Motion. McMillen Decl., ¶ 3C. Also on January 8, 2013, counsel's assistant
25 spent .8 hours on this project, determining if a response or opposition had been filed and in
26 preparing a proposed request for submission of the motion. On January 10, 2013, counsel's
27 assistant spent .5 hours revising the request for submission and filing and serving the same;
28 and, on January 16, 2013, the assistant prepared a draft Notice of Entry of Order Granting

1 Sanctions and filed and served the same. Counsel's assistant spent a total of 1.8 hours on this
2 project. McMillen Decl. ¶ 3C. Postage, photocopies and courier costs for filing and serving
3 the Motion equated to \$69.20.

4 **B. ARGUMENT**

5 NRCP 37(d)(2) provides that:

6 If a party . . . fails (2) to serve answers or objections to interrogatories
7 submitted under Rule 33, after proper service of the interrogatories, or (3) to
8 serve a written response to a request for inspection submitted under Rule 34,
9 after proper service of the request, the court in which the action is pending on
10 motion may make such orders in regard to the failure as are just, and among
11 others it may take any action authorized under subparagraphs (A), (B), and (C)
12 of subdivision (b)(2) of this rule.

13 NRCP 37(b)(2) provides that:

14 In lieu of any of the foregoing orders or in addition thereto, the court shall
15 require the party failing to obey the order or the attorney advising that party or
16 both to pay the reasonable expenses, including attorney's fees, caused by the
17 failure

18 As set forth above, the Court has ordered that Plaintiff be awarded his fees and costs
19 incurred in bringing his Motion for Sanctions Under NRCP 37. *See supra*. This Order was
20 reasonable and made pursuant to NRCP 37 and Nevada law. *Id*.

21 As delineated above and in Exhibit 1, Plaintiff's counsel spent a total of 7.7 hours in
22 bringing Plaintiff's Motion For Sanctions Under NRCP 37, which equates to a grand total of
23 \$2,310.00. McMillen Decl., ¶ 4; *see supra*. Counsel's assistant spent a total of 3.3 hours of
24 billable work on this project, which equates to a total of \$412.50. The total of fees requested
25 are therefore \$2,722.50. *Id*. The costs requested are \$69.65. McMillen Decl., ¶ 5. As such,
26 Plaintiff respectfully requests that the Court order that Defendant Zandian pay Plaintiff's fees
27 and costs incurred in bringing its Motion for Sanctions Under NRCP 37 in the total amount of
28 \$2,792.15.

29 **C. CONCLUSION**

30 For all of the foregoing reasons, Plaintiff requests that its Application for Fees and

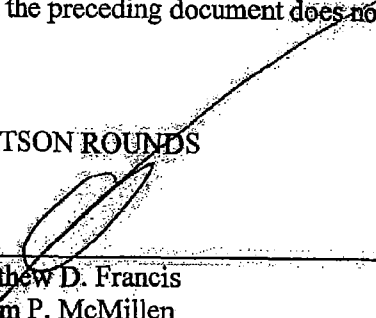
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1 Costs be granted in the manner requested.

2 **AFFIRMATION PURSUANT TO NRS 239B.030**

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

5 DATED this 15 day of February, 2013. WATSON ROUNDS

6
7 By: 
8 Matthew D. Francis
9 Adam P. McMillen
10 5371 Kietzke Lane
11 Reno, NV 89511
12 Telephone: (775) 324-4100
13 Facsimile: (775) 333-8171
14 Attorneys for Plaintiff
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1 CERTIFICATE OF SERVICE

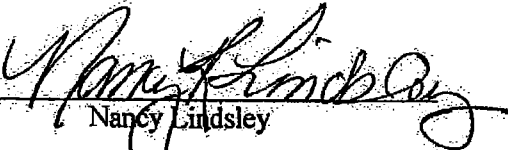
2 Pursuant to NRCP 5(b), I certify that I am an employee of Watson Rounds, and that on
3 this date, I deposited for mailing, in a sealed envelope, with first-class postage prepaid, a true
4 and correct copy of the foregoing document, PLAINTIFF'S APPLICATION FOR
5 ATTORNEY'S FEES AND COSTS, addressed 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 Dated: February 15, 2013

16 
17 Nancy Lindsley
18
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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 ✓
2013 FEB 20 AM 1:38
ALAN GLOVER
BY  DEPUTY 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
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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

DECLARATION OF ADAM P.
MCMILLEN IN SUPPORT OF
PLAINTIFF'S APPLICATION FOR
ATTORNEY'S FEES AND COSTS

I, Adam P. McMillen, do hereby declare and state as follows:

1. I am a lawyer at the law firm of Watson Rounds located at 5371 Kietzke Lane, Reno, Nevada 89511. This declaration is based upon my personal knowledge, and is made in support of Plaintiff's Application for Attorney's Fees and Costs.

2. I am an attorney responsible for the billings in this case. I can authenticate the following information as true and correct. The time and amount billed has been reviewed and edited and the fees and costs charged are reasonable.

1 3. In its January 14, 2013 Order Granting Plaintiff's Motion for Sanctions Under
2 NRC 37, the Court stated that "Plaintiff shall be awarded his fees and costs incurred in
3 bringing his Motion, and file an application for fees and a memorandum of costs relating to
4 his Motion." The following is a list of the fees and costs specifically relating to Plaintiff's
5 Motion for Sanctions Under NRC 37. A true and correct copy of a redacted client ledger for
6 the following entries is attached hereto as Exhibit 1.

7 3A. On December 12, 2012, Matthew Francis, a partner at Watson Rounds, and I
8 spent a total of 4.9 hours drafting the Motion for Sanctions and the accompanying declaration
9 of Adam P. McMillen. Our hourly rate for this matter is \$300 per-hour. The task necessarily
10 required review of legal authorities, chronicling the discovery dispute for the Court,
11 researching, and compiling exhibits for the Motion. See Exhibit 1.

12 3B. On December 12, 2012, my assistant Nancy Lindsley reviewed the draft
13 Motion for Sanctions and declaration of Adam P. McMillen in Support thereof. Ms. Lindsley
14 also prepared the exhibits for the Motion. Additionally, on December 14, 2012, Ms. Lindsley
15 spent .5 revising the draft motion and filing and serving the motion. Ms. Lindsley spent 1.5
16 hours on this project. Her hourly rate as a paralegal for this matter is \$125 per-hour. See
17 Exhibit 1.

18 3C. On January 8, 2013, Matthew Francis and I spent a total of 2.8 hours drafting a
19 proposed order on the motion. Also on January 8, 2013, Ms. Lindsley spent .8 hours on this
20 project, determining if a response or opposition had been filed and in preparing a proposed
21 request for submission of the motion. On January 10, 2013, Ms. Lindsley spent .5 hours
22 revising the request for submission and filing and serving the same; and, on January 16, 2013,
23 Ms. Lindsley prepared a draft Notice of Entry of Order Granting Sanctions and filed and
24 served the same. Ms. Lindsley spent a total of 1.8 hours on this project. Postage, photocopies
25 and courier costs for filing and serving the Motion equated to \$69.20. See Exhibit 1.

26 4. As delineated above and in Exhibit 1, Matthew Francis and I spent a total of
27 7.7 hours in bringing Plaintiff's Motion For Sanctions Under NRC 37, which equates to a
28 grand total of \$2,310.00. Ms. Lindsley spent a total of 3.3 hours of billable work on this

1 project, which equates to a grand total of \$412.50. The total fees requested are therefore
2 \$2,722.50.

3 5. The costs involved with this project equated to \$69.20. The costs requested are
4 therefore \$69.20.

5 I declare under penalty of perjury that the foregoing is true and correct to the best of
6 my knowledge.

7 **AFFIRMATION PURSUANT TO NRS 239B.030**

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

10 DATED this 15th day of February, 2013.

WATSON ROUNDS

11 By: _____

12 Matthew B. Francis

13 Adam P. McMillen

5371 Kietzke Lane

14 Reno, NV 89511

15 Telephone: (775) 324-4100

16 Facsimile: (775) 333-8171

17 Attorneys for Plaintiff

18

19

20

21

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23

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25

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27

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1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCF 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, **DECLARATION OF ADAM P. MCMILLEN**
5 **IN SUPPORT OF PLAINTIFF'S APPLICATION FOR ATTORNEY'S FEES AND**
6 **COSTS**, addressed as follows:

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

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

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

16 Dated: February 15, 2013.

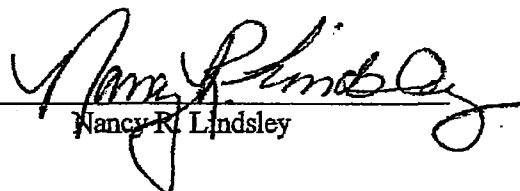

Nancy R. Lindsley

Exhibit 1

Exhibit 1

Date	Received From/Paid To Entry # Explanation	Chq# Rec#	----- General -----		Fees	Bld Inv# Acc	Trust Activity		Balance
			Rcpts	Disbs			Rcpts	Disbs	
5457	Margolin, Jed								

REDACTED

Dec 12/2012	Lawyer: APM 2.60 Hrs X 300.00								
1066012	Draft motion for sanctions against Zandian.				840.00	119477			
Dec 12/2012	Lawyer: APM 0.60 Hrs X 300.00								
1066018	Draft declaration in support of motion for sanctions against Zandian.				180.00	119477			

Dec 12/2012	Lawyer: NRL 1.00 Hrs X 125.00								
1066032	Review/proof Motion for Sanctions; and, Declaration of APM in Support of Same; commence compilation of exhibits to declaration.				125.00	119477			

Dec 13/2012	Lawyer: MDF 1.50 Hrs X 300.00								
1066448	Review and revise motion for sanctions and McMillen declaration in support thereof/Conference with APM re: same				450.00	119477			

Watson Rounds
Client Ledger
Dec/ 1/2012 To Feb/11/2013

Date	Received From/Paid To Entry # Explanation	Chq# Rec#	----- General -----		Fees	Bld ----- Trust Activity -----		Balanc
			Rcpts	Disbs		Inv#	Acc	
Dec 14/2012	Lawyer: NRL 0.50 Hrs X 125.00							
1066136	Revise Motion for Sanctions; file and serve same.				62.50	119477		
Dec 14/2012	Expense Recovery							
1066679	Postage	15928		5.70		119477		
Dec 14/2012	Expense Recovery							
1068233	Photocopies 114 @ 0.25 - Motion for sanctions/declaration	15947		28.50		119477		
Dec 17/2012	Reno/Carson Messenger Service, Inc							
1067317	Courier expense			35.00		119477		

REDACTED

Date	Entry #	Received From/Paid To Explanation	Chq# Rec#	----- General -----		Fees	Bld ----- Trust Activity -----		Balance
				Rpts	Disbs		Inv#	Acc	
		119477							
Jan 8/2013	1070095	Lawyer: APM 0.10 Hrs X 300.00 Draft request for submission of motion for sanctions.				30.00	119936		
Jan 8/2013	1070111	Lawyer: APM 0.80 Hrs X 300.00 Draft proposed order granting motion for sanctions.				240.00	119936		
Jan 8/2013	1070137	Lawyer: NRL 0.80 Hrs X 125.00 Telephone conference with Court Clerk to determine if response to Motion for Sanctions had been filed; preparation of of proposed Request for Submission of Motion for Sanctions; review file to determine date General Denial filed; telephone conference with Court Clerk to determine same.				100.00	119936		
Jan 8/2013	1070213	Lawyer: MDF 1.00 Hrs X 300.00 Review proposed order granting motion for sanctions/Draft and review emails to and from APM re: same/Forward order to APM				300.00	119936		
Jan 10/2013	1070820	Lawyer: APM 0.40 Hrs X 300.00 Continue drafting proposed order on motion for sanctions against Zandian.				120.00	119936		
Jan 10/2013	1070844	Lawyer: NRL 0.50 Hrs X 125.00 Revise Request for Submission; serve and file same with proposed Order Granting Motion.				62.50	119936		
Jan 10/2013	1071121	Lawyer: MDF 0.50 Hrs X 300.00 Review proposed order on motion for sanctions/Conference with APM re: same				150.00	119936		

REDACTED

Jan 16/2013	1071451	Lawyer: NRL 0.50 Hrs X 125.00 Preparation of draft Notice of Entry of Order Granting Sanctions; serve and file same.				62.50	119936		
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REDACTED

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

REC'D & FILED
2013 MAR -4 PM 4:07

ALAN GLOVER
BY *Alan Glover*
DEPUTY

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

DECLARATION OF MAILING

21
22 I, NANCY R. LINDSLEY, declare under the penalty of perjury under the laws
23 of the State of Nevada, as follows:

24 1. I am an employee of the law firm of Watson Rounds, P.C. Watson Rounds
25 represents the Plaintiff JED MARGOLIN in connection with the above-captioned matter.

26 2. On February 15, 2013, I deposited for mailing in a sealed envelope with
27
28

1 first-class postage prepaid, a true and correct copy of Plaintiff's Application for Attorney's
2 Fees and Costs; and, the Declaration of Adam P. McMillen in Support of Plaintiff's
3 Application for Attorney's Fees and Costs.

4 3. On February 19, 2013, the U.S. Post Office returned the mailings to
5 Watson Rounds, indicating additional postage was required.

6 4. On February 19, 2013, I re-deposited for mailing in sealed envelopes with
7 first-class postage prepaid, a true and correct copy of Plaintiff's Application for Attorney's
8 Fees and Costs; and, the Declaration of Adam P. McMillen in Support of Plaintiff's
9 Application for Attorney's Fees and Costs, addressed as follows:

10 Reza Zandian
11 8775 Costa Verde Blvd.
12 San Diego, CA 92122

13 Reza Zandian
14 8775 Costa Verde Blvd, Apt. 501
15 San Diego, CA 92122

16 Alborz Zandian
17 9 Almanzora
18 Newport Beach, CA 92657-1613

19 EXECUTED at Reno, Nevada this 27th day of February, 2013.

20 
21 Nancy R. Lindsley

REC'D & FILED

March 28, 2013

Date

ALAN GLOVER
CLERK

By: C. GRIBBLE
Deputy

1 Case No. 09 OC 00579 1B

2 Dept. No. I

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,
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,

17

Defendants.

18

19 On January 15, 2013, this Court entered an Order striking the General Denial of
20 Defendant REZA ZANDIAN aka GOLAMREZA ZANDIANJAZI aka GHOLAM REZA
21 ZANDIAN aka REZA JAZI aka J. REZA JAZI aka G. REZA JAZI aka GHONONREZA
22 ZANDIAN JAZI ("Zandian"). A true and correct copy of said Order is attached hereto as
23 Exhibit 1. Because Zandian's General Denial is stricken, Zandian is in default for failure to
24 plead or otherwise defend as required by law. DEFAULT is therefore entered against
25 Defendant Zandian this 28th day of March, 2013.

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Alan Glover
CLERK OF THE COURT

27

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BY: C. GRIBBLE
DEPUTY CLERK

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ALAN GLOVER
BY **C. 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,

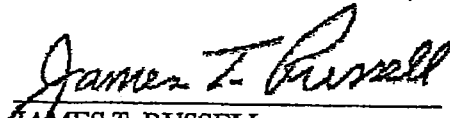
IT IS HEREBY ORDERED that Plaintiff's Application for Attorney's Fees and Costs is
granted;

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
6 DISTRICT COURT JUDGE

7 Respectfully Submitted,

8 WATSON ROUNDS
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

16 Attorneys for Plaintiff
17
18
19
20
21
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28

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
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ALAN CLOVER
BY ALAN CLOVER CLERK
DEPUTY

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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

NOTICE OF ENTRY OF DEFAULT

TO: All parties:

PLEASE TAKE NOTICE that on March 28, 2013 the Court entered a Default in the above-referenced matter, against Defendants Optima Technology Corporation, a Nevada corporation and Optima Technology Corporation, a California corporation. Attached as Exhibit 1 is a true and correct copy of such Default.

///

///

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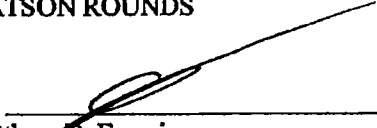
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Affirmation Pursuant to NRS 239B.030

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

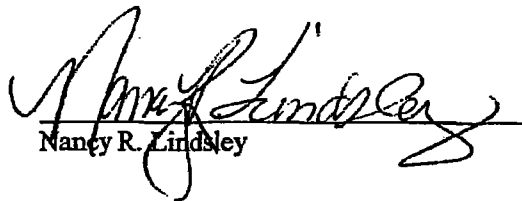
Pursuant to NRCP 5(b), I certify that I am an employee of Watson Rounds, and that on this date, I deposited for mailing, in a sealed envelope, with first-class postage prepaid, a true and correct copy of the foregoing document, **Notice of Entry of Default**, addressed as follows:

Reza Zandian
8775 Costa Verde Blvd.
San Diego, CA 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

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Exhibit 1

Exhibit 1

REC'D & FILED

March 28, 2013

Date

ALAN GLOVER
CLERK

By C. GRIBBLE
Deputy

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

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 January 15, 2013, this Court entered an Order striking the General Denial of
23 Defendant REZA ZANDIAN aka GOLAMREZA ZANDIANJAZI aka GHOLAM REZA
24 ZANDIAN aka REZA JAZI aka J. REZA JAZI aka G. REZA JAZI aka GHONONREZA
25 ZANDIAN JAZI ("Zandian"). A true and correct copy of said Order is attached hereto as
26 Exhibit 1. Because Zandian's General Denial is stricken, Zandian is in default for failure to
27 plead or otherwise defend as required by law. DEFAULT is therefore entered against
28 Defendant Zandian this 28th day of March, 2013.

Alan Glover
CLERK OF THE COURT

BY: C. GRIBBLE
DEPUTY CLERK

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
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ALAN GLOVER
BY [Signature] 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

NOTICE OF ENTRY OF ORDER

TO: All parties:

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

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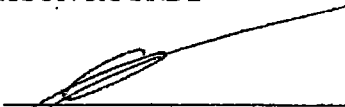
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Affirmation Pursuant to NRS 239B.030

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

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
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San Diego, CA 92122

Alborz Zandian
9 Almazora
Newport Beach, CA 92657-1613

Dated: April 2, 2013


Nancy R. Lindsley

Exhibit 1

Exhibit 1

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2013 MAR 29 PM 2:45

ALAN GLOVER
G. FRANZ
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
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,

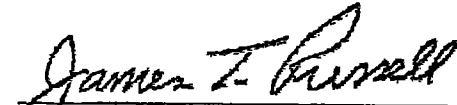
IT IS HEREBY ORDERED that Plaintiff's Application for Attorney's Fees and Costs is
granted;

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

16 Attorneys for Plaintiff
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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

2013 APR -5 AM 11:46

ALAN GLOVER

BY  CLERK
DEPUTY

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

12 **JED MARGOLIN, an individual,**

13 **Plaintiff,**

14 **vs.**

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

26 **Defendants.**

Case No.: 090C00579 1B

Dept. No.: 1

AMENDED NOTICE OF ENTRY
OF DEFAULT

27 TO: All parties:

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

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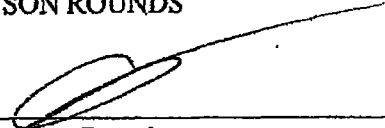
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Affirmation Pursuant to NRS 239B.030

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

DATED: April 4, 2013.

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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CERTIFICATE OF SERVICE

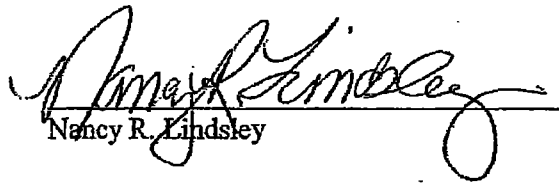
Pursuant to NRCP 5(b), I certify that I am an employee of Watson Rounds, and that on this date, I deposited for mailing, in a sealed envelope, with first-class postage prepaid, a true and correct copy of the foregoing document, **Amended Notice of Entry of Default**, addressed as follows:

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

Exhibit 1

Exhibit 1

REC'D & FILED

March 28, 2013

Date

ALAN GLOVER
CLERK

By C. GRIBBLE

Deputy

1 Case No. 09 OC 00579 1B

2 Dept. No. I

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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,
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,

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Defendants.

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19

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.

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Alan Glover
CLERK OF THE COURT

BY: C. GRIBBLE
DEPUTY CLERK

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

REC'D & FILED

2013 APR 17 AM 11:39

ALAN GLOVER
BY *J. Margolin*
DEPUTY

7 **In The First Judicial District Court of the State of Nevada**
8 **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 ZANDIANJAZI aka**
17 **GHOLAM REZA ZANDIAN aka REZA JAZI**
18 **aka J. REZA JAZI aka G. REZA JAZI aka**
19 **GHONONREZA ZANDIAN JAZI, an**
20 **individual, DOE Companies**
1-10, DOE Corporations 11-20, and DOE
Individuals 21-30,

21 **Defendants.**

Case No.: 090C00579 1B

Dept. No.: 1

**APPLICATION FOR DEFAULT
JUDGMENT; MEMORANDUM OF
POINTS AND AUTHORITIES IN
SUPPORT THEREOF**

22 Plaintiff Jed Margolin hereby applies for a default judgment pursuant to NRCP
23 55(b)(2) against Defendants Reza Zandian ("Zandian"), Optima Technology Corporation, a
24 Nevada corporation, and Optima Technology Corporation, a California corporation, in the
25 principal amount of \$1,497,328.90, together with interest at the legal rate accruing from the
26 date of default judgment. This Application is based upon the grounds that the Defendants are
27 in default for failure to plead or otherwise defend as required by law.

28 Based on the following arguments and evidence, Plaintiff requests that the Court enter
judgment in his favor, and against Defendants, in the manner set forth in the Attached Default

1 Judgment. Defendants are not infants or incompetent persons, and are not in the military
2 service of the United States as defined by 50 U.S.C. § 521.

3 The facts contained in Plaintiff's Amended Complaint, and further discussed below,
4 warrant entry of Final Judgment against Defendants for conversion, tortious interference with
5 contract, intentional interference with prospective economic advantage, unjust enrichment, and
6 unfair and deceptive trade practices.

7 MEMORANDUM OF POINTS AND AUTHORITIES

8 I. FACTUAL BACKGROUND

9 Plaintiff Jed Margolin is the named inventor on United States Patent No. 5,566,073
10 ("the '073 Patent"), United States Patent No. 5,904,724 ("the '724 Patent"), United States
11 Patent No. 5,978,488 ("the '488 Patent") and United States Patent No. 6,377,436 ("the '436
12 Patent") (collectively "the Patents"). See Amended Complaint, filed 8/11/11, ¶¶ 9-10. In
13 2004, Mr. Margolin granted to Robert Adams, then CEO of Optima Technology, Inc. (later
14 renamed Optima Technology Group (hereinafter "OTG"), a Cayman Islands Corporation
15 specializing in aerospace technology) a Power of Attorney regarding the Patents. *Id.* at ¶ 11.
16 Subsequently, Mr. Margolin assigned the '073 and '724 Patents to OTG and revoked the
17 Power of Attorney. *Id.* at ¶ 13.

18 In May 2006, OTG and Mr. Margolin licensed the '073 and '724 Patents to Geneva
19 Aerospace, Inc., and Mr. Margolin received a royalty payment pursuant to a royalty agreement
20 between Mr. Margolin and OTG. *Id.* at ¶ 12. On or about October 2007, OTG licensed the
21 '073 Patent to Honeywell International, Inc., and Mr. Margolin received a royalty payment
22 pursuant to a royalty agreement between Mr. Margolin and OTG. *Id.* at ¶ 14.

23 On or about December 5, 2007, Defendants filed with the U.S. Patent and Trademark
24 Office ("USPTO") fraudulent assignment documents allegedly assigning all four of the Patents
25 to Optima Technology Corporation ("OTC"), a company apparently owned by Defendant
26 Zandian at the time. *Id.* at ¶ 15. Shortly thereafter, on November 9, 2007, Mr. Margolin,
27 Robert Adams, and OTG were named as defendants in the case titled *Universal Avionics*
28 *Systems Corporation v. Optima Technology Group, Inc.*, No. CV 07-588-TUC-RCC (the

1 “Arizona action”). *Id.* at ¶ 17. Zandian was not a party in the Arizona action. Nevertheless,
2 the plaintiff in the Arizona action asserted that Mr. Margolin and OTG were not the owners of
3 the ‘073 and ‘724 Patents, and OTG filed a cross-claim for declaratory relief against Optima
4 Technology Corporation (“OTC”) in order to obtain legal title to the respective patents. *Id.*

5 On August 18, 2008, the United States District Court for the District of Arizona
6 entered a default judgment against OTC and found that OTC had no interest in the ‘073 or
7 ‘724 Patents, and that the assignment documents filed with the USPTO were “forged, invalid,
8 void, of no force and effect.” *Id.* at ¶ 18; *see also* Exhibit B to Zandian’s Motion to Dismiss,
9 dated 11/16/11, on file herein.

10 Due to Defendants’ fraudulent acts, title to the Patents was clouded and interfered with
11 Plaintiff’s and OTG’s ability to license the Patents. *Id.* at ¶ 19. In addition, during the period
12 of time Mr. Margolin worked to correct record title of the Patents in the Arizona action and
13 with the USPTO, he incurred significant litigation and other costs associated with those
14 efforts. *Id.* at ¶ 20.

15 II. PROCEDURAL BACKGROUND

16 Plaintiff filed his Complaint on December 11, 2009, and the Complaint was personally
17 served on Defendant Zandian on February 2, 2010, and on Defendants Optima Technology
18 Corporation, a Nevada corporation, and Optima Technology Corporation, a California
19 corporation on March 21, 2010. Defendant Zandian’s answer to Plaintiff’s Complaint was due
20 on February 22, 2010, but Defendant Zandian did not answer the Complaint or respond in any
21 way. Default was entered against Defendant Zandian on December 2, 2010, and Plaintiff
22 filed and served a Notice of Entry of Default on Defendant Zandian on December 7, 2010 and
23 on his last known attorney on December 16, 2010.

24 The answers of Defendants Optima Technology Corporation, a Nevada corporation,
25 and Optima Technology Corporation, a California corporation, were due on March 8, 2010,
26 but Defendants did not answer the Complaint or respond in any way. Default was entered
27 against Defendants Optima Technology Corporation, a Nevada corporation, and Optima
28 Technology Corporation, a California corporation on December 2, 2010. Plaintiff filed and

1 served a Notice of Entry of Default on the corporate entities on December 7, 2010 and on their
2 last known attorney on December 16, 2010.

3 The defaults were set aside and Defendant Zandian's motion to dismiss was denied on
4 August 3, 2011. On September 27, 2011, this Court ordered that service of process against all
5 Defendants may be made by publication. As manifested by the affidavits of service, filed
6 herein on November 7, 2011, all Defendants were duly served by publication by November
7 2011.

8 On February 21, 2012, the Court denied Zandian's motion to dismiss the Amended
9 Complaint. On March 5, 2012, Zandian served a General Denial to the Amended Complaint.
10 On March 13, 2012, the corporate Defendants served a General Denial to the Amended
11 Complaint.

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

18 On July 16, 2012, Mr. Margolin served Zandian with Mr. Margolin's First Set of
19 Requests for Admission, First Set of Interrogatories and First Set of Requests for Production of
20 Documents, but Zandian never responded to these discovery requests. As such, on December
21 14, 2012, Mr. Margolin filed and served a Motion for Sanctions pursuant to NRCP 37. In this
22 Motion, Mr. Margolin requested this Court strike the General Denial of Zandian and award
23 Mr. Margolin his fees and costs incurred in bringing the Motion.

24 On January 15, 2013, this Court issued an order striking the General Denial of Zandian
25 and awarding his fees and costs incurred in bringing the NRCP 37 Motion. A default was
26 entered against Zandian on March 28, 2013, and a notice of entry of default judgment was
27 filed on April 5, 2013.

28 Plaintiff now applies for a default judgment against all Defendants.

III. ARGUMENT

1
2 NRCP 55(b)(2) allows a party to apply to the Court for a default judgment. As set
3 forth above, defaults have been properly entered against all Defendants. Default was entered
4 against the corporate Defendants because they did not obtain counsel to represent them and
5 they ignored the Court's order to obtain counsel. Default was entered against Zandian as a
6 discovery sanction. When default is entered as a result of a discovery sanction, the non-
7 offending party need only establish a prima facie case in order to obtain a default judgment.
8 *Foster v. Dingwall*, 126 Nev. Adv. Op. 6, 227 P.3d 1042, 1049 (Nev. 2010) (default judgment
9 entered and upheld after pleadings were stricken as a result of discovery sanction). Where a
10 district court enters default, the facts alleged in the pleadings will be deemed admitted. *Id.*,
11 *citing Estate of LoMastro v. American Family Ins.*, 124 Nev. 1060, 1068, 195 P.3d 339, 345 n.
12 14 (2008). Thus, the district court shall consider the allegations deemed admitted to determine
13 whether the non-offending party has established a prima facie case for liability. *Foster*, 126
14 Nev. Adv. Op. 6, 227 P.3d at 1050.

15 The Nevada Supreme Court has defined a "prima facie case" as the "sufficiency of
16 evidence in order to send the question to the jury." *Id.*, *citing Vancheri v. GNLV Corp.*, 105
17 Nev. 417, 420, 777 P.2d 366, 368 (1989). A prima facie case is supported by sufficient
18 evidence when enough evidence is produced to permit a trier of fact to infer the fact at issue
19 and rule in the party's favor. *Foster*, 126 Nev. Adv. Op. 6, 227 P.3d at 1050, *citing Black's*
20 *Law Dictionary* 1310 (9th ed. 2009). Where the non-offending party seeks monetary relief, a
21 prima facie case requires the non-offending party to establish that the offending party's
22 conduct resulted in damages, the amount of which is proven by substantial evidence. *Foster*,
23 126 Nev. Adv. Op. 6, 227 P.3d at 1050, *citing Vancheri v. GNLV Corp.*, 105 Nev. at 420, 777
24 P.2d at 368.

25 As a result, all of the averments in Plaintiff's Complaint, other than those as to the
26 amount of damage, are admitted. *See supra*; *see also* NRCP 8(d). As set forth herein, a prima
27 facie case exists for Plaintiff's claims for relief for each of his causes of action and Plaintiff
28 has presented substantial evidence on the amount of damages he has incurred as a result of

1 Defendants' various tortious actions. *See supra.*; *see also* Amended Complaint; Declaration of
2 Jed Margolin in Support of Application for Default Judgment ("Margolin Decl."), dated
3 3/27/13, ¶ 3, Exhibit 2. As such, Plaintiff respectfully requests that judgment be entered in the
4 manner set forth in the proposed Default Judgment filed and served herewith.

5 **A. MR. MARGOLIN HAS PROVIDED ADMISSIBLE EVIDENCE TO**
6 **SUPPORT HIS CLAIM FOR CONVERSION**

7 Conversion is "a distinct act of dominion wrongfully exerted over another's personal
8 property in denial of, or inconsistent with his title or rights therein or in derogation, exclusion,
9 or defiance of such title or rights." *Evans v. Dean Witter Reynolds, Inc.*, 116 Nev. 598, 606
10 (2002), *quoting Wantz v. Redfield*, 74 Nev. 196, 198 (1958)). Further, conversion is an act of
11 general intent, which does not require wrongful intent and is not excused by care, good faith,
12 or lack of knowledge. *Id.*, *citing Bader v. Cerri*, 96 Nev. 352, 357 n. 1 (1980). Conversion
13 applies to intangible property to the same extent it applies to tangible property. *See M.C.*
14 *Multi-Family Development, L.L.C. v. Crestdale Associates, Ltd.*, 193 P.3d 536 (Nev. 2008),
15 *citing Kremen v. Cohen*, 337 F.3d 1024, 1030 (9th Cir.2003)(expressly rejecting the rigid
16 limitation that personal property must be tangible in order to be the subject of a conversion
17 claim).

18 When a conversion causes "a serious interference to a party's rights in his property ...
19 the injured party should receive full compensation for his actual losses." *Winchell v. Schiff*,
20 193 P.3d 946, 950-951 (2008), *quoting Bader*, 96 Nev. at 356, overruled on other grounds by
21 *Evans*, 116 Nev. at 608, 611. The return of the property converted does not nullify the
22 conversion. *Bader*, 96 Nev. at 356.

23 As set forth in the Amended Complaint, Mr. Margolin owned the '488 and '436
24 Patents, and had a royalty interest in the '073 and '724 Patents. Complaint, ¶¶ 9-14.
25 Defendants filed false assignment documents with the USPTO in order to gain dominion over
26 the Patents. *Id.*, ¶ 15; Margolin Decl., Exhibit 2. Defendants failed to pay Mr. Margolin for
27 interfering with his property rights in the Patents. *Id.* at ¶¶ 22-24. Defendants' retention of
28 Mr. Margolin's Patents is inconsistent with his ownership interest therein and defied his legal

1 rights thereto. *Id.* As a direct and proximate result of Defendants' conversion of Mr.
2 Margolin's Patents, Mr. Margolin has suffered damages in the amount of \$300,000, which
3 includes the amount Mr. Margolin paid in attorneys' fees in the Arizona Action where the
4 Court ordered that the USPTO correct record title to the Patents (plus pre-judgment interest
5 and costs – discussed below). Margolin Decl., ¶ 4, Exhibit 3.

6 The \$300,000 in damages also consists of \$210,000 that would have been paid to
7 Plaintiff pursuant to a patent purchase agreement that was terminated as a result of the
8 Defendants' actions as stated in the Amended Complaint. *See* Margolin Decl., ¶ 5. Plaintiff
9 will provide documentation or specific details of the purchase agreement to the Court *in*
10 *camera* because of the confidentiality provisions in the agreement. *Id.* Also, Plaintiff can
11 state that on April 14, 2008, OTG entered into a purchase agreement to sell the '073 and '724
12 patents to another entity which would have netted Plaintiff \$210,000 on the sale of the
13 Patents. *Id.*; *see also* Amended Complaint, ¶¶ 11-14 (showing royalty agreement). The
14 purchase agreement also included a provision for post-patent sale royalty payments which
15 would have provided additional substantial income to the Plaintiff, which post-patent sale
16 royalty payment damages are not being claimed here. *Id.* Finally, the April 14, 2008 purchase
17 agreement provided the purchasing entity an opportunity to conduct due diligence regarding
18 the Arizona Action prior to consummation of the sale. *Id.* On June 13, 2008, the purchasing
19 entity wrote OTG and stated that they had completed their due diligence investigation and
20 determined that the Patents and/or the Arizona Action were not acceptable and therefore the
21 purchase agreement was terminated. *Id.* Thus, the purchase agreement was terminated
22 because of Defendants' actions as stated herein and in the Amended Complaint. *Id.*

23 Mr. Margolin has stated a claim for conversion and presented evidence to support that
24 claim and resulting damages.

25 **B. MR. MARGOLIN HAS PROVIDED ADMISSIBLE EVIDENCE TO**
26 **SUPPORT HIS CLAIMS FOR TORTIOUS INTERFERENCE**

27 "In Nevada, an action for intentional interference with contract requires: (1) a valid and
28 existing contract; (2) the defendant's knowledge of the contract; (3) intentional acts intended or

1 designed to disrupt the contractual relationship; (4) actual disruption of the contract; and (5)
2 resulting damage." *J.J. Indus., L.L.C. v. Bennett*, 119 Nev. 269, 274 (2003), citing *Sutherland*
3 *v. Gross*, 105 Nev. 192, 772 P.2d 1287, 1290 (1989)). "At the heart of [an intentional
4 interference] action is whether Plaintiff has proved intentional acts by Defendant intended or
5 designed to disrupt Plaintiff's contractual relations...." *Nat. Right to Life P.A. Com. v. Friends*
6 *of Bryan*, 741 F. Supp. 807, 814 (D. Nev. 1990).

7 Here, the facts alleged in the Amended Complaint and admitted by Defendants prove
8 that Defendants intentionally interfered with Mr. Margolin's contract with OTG for the
9 payment of royalties by filing false assignment documents with the USPTO. Amended
10 Complaint, ¶¶ 26-30. Because the loss of title to the Patents prevented Mr. Margolin and OTG
11 from licensing the Patents, no royalties were paid. The illegal act of filing "forged, invalid
12 [and] void" documents with the USPTO support that Defendants had the requisite intent to
13 interfere with Mr. Margolin's contract to collect royalties. See Margolin Decl., Exhibit 2. As
14 a direct and proximate result of Defendants' interference of Plaintiff's contract with OTG,
15 Plaintiff has suffered damages in the amount of \$300,000, as related above.

16 **C. MR. MARGOLIN HAS PROVIDED ADMISSIBLE EVIDENCE TO**
17 **SUPPORT HIS CLAIM FOR INTENTIONAL INTERFERENCE WITH**
18 **PROSPECTIVE ECONOMIC ADVANTAGE**

19 Interference with prospective economic advantage requires a showing of the following
20 elements: 1) a prospective contractual relationship between the plaintiff and a third party; 2)
21 the defendant's knowledge of this prospective relationship; 3) the intent to harm the plaintiff
22 by preventing the relationship; 4) the absence of privilege or justification by the defendant;
23 and, 5) actual harm to the plaintiff as a result of the defendant's conduct. *Leavitt v. Leisure*
Sports Incorporation, 103 Nev. 81, 88 (Nev. 1987).

24 As alleged in the Amended Complaint, Mr. Margolin and OTG had already licensed
25 the '073 and '724 Patents and were engaging in negotiations with other prospective licensees
26 of the Patents when Defendants filed the fraudulent assignment documents with the USPTO
27 with the intent to disrupt the prospective business. Complaint, ¶¶ 32-35. As a result of
28

1 Defendants' acts, Plaintiff's prospective business relationships were disrupted and Plaintiff has
2 suffered damages in the amount of \$300,000, as stated above.

3 **D. MR. MARGOLIN HAS PROVIDED ADMISSIBLE EVIDENCE TO**
4 **SUPPORT HIS CLAIM FOR UNJUST ENRICHMENT**

5 Unjust enrichment is the unjust retention of a benefit to the loss of another, or the
6 retention of money or property of another against the fundamental principles of justice or
7 equity and good conscience. *Mainor v. Nault*, 120 Nev. 750, 763 (Nev. 2004);
8 *Nevada Industrial Dev. V. Benedetti*, 103 Nev. 360, 363 n. 2 (1987). The essential elements of
9 a claim for unjust enrichment are a benefit conferred on the defendant by the plaintiff,
10 appreciation of the defendant of such benefit, and acceptance and retention by the defendant of
11 such benefit. *Topaz Mutual Co., Inc. v. Marsh*, 108 Nev. 845, 856 (1992), quoting
12 *Unionamerica Mtg. v. McDonald*, 97 Nev. 210, 212 (1981).

13 As set forth above and in the Amended Complaint, Mr. Margolin conferred a benefit
14 on Defendants when Defendants took record title of the Patents. *See* Amended Complaint, ¶
15 15. Defendants retained this benefit for approximately eight months and failed to provide any
16 payment for title to the Patents. *Id.* at ¶¶ 15-18. As a direct result of Defendants' unjust
17 retention of the benefit, Plaintiff suffered damages in the amount of \$300,000, as related
18 above.

19 **E. MR. MARGOLIN HAS PROVIDED ADMISSIBLE EVIDENCE TO**
20 **SUPPORT HIS CLAIM FOR UNFAIR TRADE PRACTICES**

21 Under N.R.S. § 598.0915, knowingly making a false representation as to affiliation,
22 connection, association with another person, or knowingly making a false representation in the
23 course of business constitutes unfair trade practices. By filing a fraudulent assignment
24 document with the USPTO, Defendants knowingly made a false representation to the USPTO
25 that Mr. Margolin and OTG had assigned the Patents to Defendants. *See* Amended Complaint,
26 ¶¶ 15, 42-43. As a result of Defendants' false representation, Mr. Margolin was deprived of
27 his ownership interests in the Patents for a period of approximately eight months.

28 The United States District Court for the District of Arizona ruled that OTC had no
interest in the '073 or '724 Patents, and that the assignment documents Defendants filed with

1 the USPTO were “forged, invalid, void, of no force and effect.” Margolin Decl., Exhibit 2.
2 Accordingly, Plaintiff has stated a claim for deceptive trade practices and has presented
3 evidence to support that claim and the resulting damages in the amount of \$300,000, as stated
4 above.

5 In addition, Plaintiff’s damages should be trebled pursuant to NRS 598.0999(3), which
6 states as follows:

7 The court may require the natural person, firm, or officer or managing agent of
8 the corporation or association to pay to the aggrieved party damages on all
9 profits derived from the knowing and willful engagement in a deceptive trade
10 practice and treble damages on all damages suffered by reason of the deceptive
11 trade practice.

12 *Id.* Accordingly, Plaintiff’s \$300,000 in damages should be trebled to \$900,000.

13 Also, Plaintiff is entitled to his attorney’s fees and costs in this action pursuant to NRS
14 598.0999(3), which states: “The court in any such action may, in addition to any other relief or
15 reimbursement, award reasonable attorney’s fees and costs.” Plaintiff’s attorney’s fees in this
16 case are \$83,761.25 to date. McMillen Declaration (“McMillen Decl.”), ¶ 2. Plaintiff’s costs
17 in this case are \$25,021.96. McMillen Decl., ¶ 3. The total fees and costs in this case are
18 \$108,783.21. As stated in the McMillen Decl., Plaintiff will provide its ledger *in camera* to
19 the Court for review. *Id.*

20 **E. MR. MARGOLIN IS ENTITLED TO PREJUDGMENT INTEREST**

21 NRS 99.040(1) provides, in pertinent part:

22 When there is no express contract in writing fixing a different rate of interest,
23 interest must be allowed at a rate equal to the prime rate at the largest bank in
24 Nevada, as ascertained by the Commissioner of Financial Institutions, on
25 January 1, or July 1, as the case may be, immediately preceding the date of the
26 transaction, plus 2 percent, upon all money from the time it becomes due....

27 *Id.*

28 In Nevada, the prejudgment interest rate on an award is the rate in effect at the time the
contract between the parties was signed. *Kerala Properties, Inc. v. Familian*, 122 Nev. 601,
604 (2006). As set forth above, Defendants committed the tortious acts on December 12,
2007. *See supra*. The controlling interest rate as of July 1, 2007 was 8.25%. *See* McMillen

1 Decl., Exhibit 1 (Prime Interest Rate table and information from the Nevada Division of
2 Financial Institutions). As a result, the proper interest rate for calculating prejudgment interest
3 is 10.25%. *Id.*; NRS 99.040.

4 As of December 12, 2007, the amount of \$900,000 was due and owing to Mr.
5 Margolin. Margolin Decl., ¶ 4, Exhibit 3. As a result, that amount has been due and owing for
6 at least 1,933 days (December 12, 2007 to March 27, 2013). The prejudgment interest amount
7 is therefore \$488,545.89 (.1025 x 1,933 days x \$900,000 divided by 365).

8 **F. MR. MARGOLIN IS ENTITLED TO COSTS**

9 NRS 18.020(1)-(3) provides, in pertinent part:

10 Costs must be allowed of course to the prevailing party against any adverse party
11 against whom judgment is rendered, in the following cases: 1) in an action for the
12 recovery of real property or a possessory right thereto; 2) in an action to recover the
13 possession of personal property, where the value of the property amounts to more
14 than \$2,500. The value must be determined by the jury, court or master by whom
the action is tried; 3) in an action for the recovery of money or damages, where the
plaintiff seeks to recover more than \$2,500.

15 *Id.*

16 If the Court grants this Application, Mr. Margolin will be the prevailing party under
17 NRS 18.020 and will therefore be entitled to costs thereunder. As discussed herein and in the
18 Complaint, Mr. Margolin is seeking to recover the value of property valued in excess of
19 \$2,500 as well as money and damages in the amount of \$900,000.

20 To date, Mr. Margolin has incurred costs in the amount of \$25,021.96. McMillen
21 Decl., ¶ 3.

22 **G. IN THE EVENT THE COURT IS NOT INCLINED TO ENTER**
23 **DEFAULT JUDGMENT AGAINST DEFENDANTS IN THE AMOUNT**
24 **AND MANNER REQUESTED, MR. MARGOLIN REQUESTS ORAL**
ARGUMENT ON ITS APPLICATION

25 NRCP 55(b)(2) provides in pertinent part: “[i]f, in order to enable the court to enter
26 judgment or to carry it into effect, it is necessary to take an account or to determine the amount
27 of damages or to establish the truth of any averment by evidence or to make an investigation of
28 any other matter, the court may conduct such hearings or order such references as it deems

1 necessary and proper....” *Id.* In the event the Court is not inclined to grant the requested
2 relief and enter the Proposed Default Judgment in Mr. Margolin’s favor based on this
3 Application alone, Mr. Margolin respectfully requests that oral argument be heard on this
4 matter and on Mr. Margolin’s claims for relief.

5 **IV. CONCLUSION**

6 In light of the foregoing, Plaintiff respectfully requests that this Application for Default
7 Judgment be granted, and the attached Default Judgment entered. As stated above, Plaintiff is
8 entitled to treble damages in the amount of \$900,000; prejudgment interest in the amount of
9 \$488,545.89; attorney’s fees in the amount of \$83,761.25; and costs in the amount of
10 \$25,021.96; for a total judgment of \$1,497,328.90.

11 **AFFIRMATION PURSUANT TO NRS 239B.030**

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

14 Dated this 16th day of April, 2013.

15 BY: 

16 Matthew D. Francis (6978)
17 Adam P. McMillen (10678)
18 WATSON ROUNDS
19 5371 Kietzke Lane
20 Reno, NV 89511
21 Telephone: 775-324-4100
22 Facsimile: 775-333-8171
23 *Attorneys for Plaintiff Jed Margolin*
24
25
26
27
28

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, **Application for Default Judgment**, addressed as follows:

Reza Zandian
8401 Bonita Downs Road
Fair Oaks, CA 95628

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

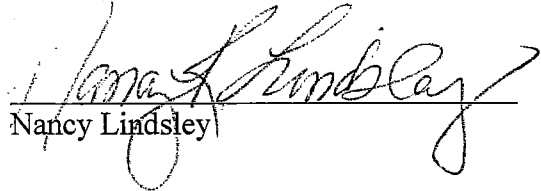
Optima Technology Corp.
A Nevada corporation
8401 Bonita Downs Road
Fair Oaks, CA 95628

Reza Zandian
8775 Costa Verde Blvd. #501
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

Dated: April 16, 2013


Nancy Lindsley

~~4/16/13~~

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

2013 APR 17 AM 11:40

ALAN GLOVER
Alan Glover
DEPT 1

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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

DECLARATION OF ADAM P.
MCMILLEN IN SUPPORT OF
APPLICATION FOR DEFAULT
JUDGMENT

I, Adam P. McMillen do hereby declare and state as follows:

1. I am an associate at the law firm of Watson Rounds located at 5371 Kietzke Lane, Reno, Nevada 89511. This declaration is based upon my personal knowledge, and is made in support of Plaintiff's Application for Default Judgment.

2. To date, Plaintiff has incurred billed and unbilled fees in the amount of \$83,761.25. A true and correct copy of a printout from the Watson Rounds client ledger will

1 be provided to the Court *in camera*. As a result, the total amount of fees incurred in this action
2 to date total \$83,761.25.

3 3. To date, Plaintiff has incurred billed and unbilled costs in the amount of
4 \$25,021.96. A true and correct copy of a printout from the Watson Rounds client ledger will
5 be provided to the Court *in camera*. As a result, the total amount of costs incurred in this
6 action to date total \$25,021.96.

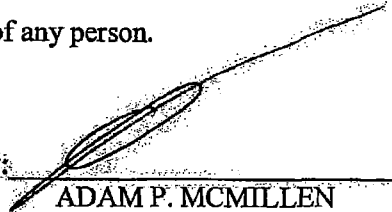
7 4. A true and correct copy of the Prime Interest Rate as published by the Nevada
8 Division of Financial Institutions is attached hereto as Exhibit 1.

9 5. I declare under penalty of perjury that the foregoing is true and correct to the
10 best of my knowledge.

11 **AFFIRMATION**

12 Pursuant to NRS 239B.030, the undersigned does hereby affirm that the preceding
13 document does not contain the social security number of any person.

14 Dated this 16th day of April, 2013.

15 By: 
16 ADAM P. MCMILLEN

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28

CERTIFICATE OF SERVICE

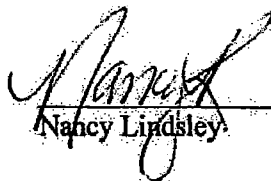
Pursuant to NRC 5(b), I certify that I am an employee of Watson Rounds, and that on this date, I deposited for mailing, in a sealed envelope, with first-class postage prepaid, a true and correct copy of the foregoing document, **DECLARATION OF ADAM P. MCMILLEN IN SUPPORT OF APPLICATION FOR DEFAULT JUDGMENT**, addressed as follows:

Reza Zandian
8775 Costa Verde Blvd. #501
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

Dated: April 16, 2013



Nancy Lindsley

Exhibit 1

Exhibit 1

PRIME INTEREST RATE

NRS 99.040(1) requires:

"When there is no express contract in writing fixing a different rate of interest, interest must be allowed at a rate equal to the prime rate at the largest bank in Nevada, as ascertained by the Commissioner of Financial Institutions, on January 1, or July 1, as the case may be, immediately preceding the date of the transaction, plus 2 percent, upon all money from the time it becomes due, . . ."

Following is the prime rate as ascertained by the Commissioner of Financial Institutions:

January 1, 2013	3.25%	July 1, 2012	3.25%
January 1, 2012	3.25%	July 1, 2011	3.25%
January 1, 2011	3.25%	July 1, 2010	3.25%
January 1, 2010	3.25%	July 1, 2009	3.25%
January 1, 2009	3.25%	July 1, 2008	5.00%
January 1, 2008	7.25%	July 1, 2007	8.25%
January 1, 2007	8.25%	July 1, 2006	8.25%
January 1, 2006	7.25%	July 1, 2005	6.25%
January 1, 2005	5.25%	July 1, 2004	4.25%
January 1, 2004	4.00%	July 1, 2003	4.00%
January 1, 2003	4.25%	July 1, 2002	4.75%
January 1, 2002	4.75%	July 1, 2001	6.75%
January 1, 2001	9.50%	July 1, 2000	9.50%
January 1, 2000	8.25%	July 1, 1999	7.75%
January 1, 1999	7.75%	July 1, 1998	8.50%
January 1, 1998	8.50%	July 1, 1997	8.50%
January 1, 1997	8.25%	July 1, 1996	8.25%
January 1, 1996	8.50%	July 1, 1995	9.00%
January 1, 1995	8.50%	July 1, 1994	7.25%
January 1, 1994	6.00%	July 1, 1993	6.00%
January 1, 1993	6.00%	July 1, 1992	6.50%
January 1, 1992	6.50%	July 1, 1991	8.50%
January 1, 1991	10.00%	July 1, 1990	10.00%
January 1, 1990	10.50%	July 1, 1989	11.00%
January 1, 1989	10.50%	July 1, 1988	9.00%
January 1, 1988	8.75%	July 1, 1987	8.25%
January 1, 1987	Not Available		

* Attorney General Opinion No. 98-20:

If clearly authorized by the creditor, a collection agency may collect whatever interest on a debt its creditor would be authorized to impose. A collection agency may not impose interest on any account or debt where the creditor has agreed not to impose interest or has otherwise indicated an intent not to collect interest. Simple interest may be imposed at the rate established in NRS 99.040 from the date the debt becomes due on any debt where there is no written contract fixing a different rate of interest, unless the account is an open or store accounts as discussed herein. In the case of open or store accounts, interest may be imposed or awarded only by a court of competent jurisdiction in an action over the debt.

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

2013 APR 17 AM 11:39

BLAN GLOVER
DEPUTY

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

11 **JED MARGOLIN, an individual,**

12 **Plaintiff,**

13 **vs.**

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

25 **Defendants.**

Case No.: 090C00579 1B

Dept. No.: 1

**APPLICATION FOR DEFAULT
JUDGMENT; MEMORANDUM OF
POINTS AND AUTHORITIES IN
SUPPORT THEREOF**

26 Plaintiff Jed Margolin hereby applies for a default judgment pursuant to NRC
27 55(b)(2) against Defendants Reza Zandian ("Zandian"), Optima Technology Corporation, a
28 Nevada corporation, and Optima Technology Corporation, a California corporation, in the
principal amount of \$1,497,328.90, together with interest at the legal rate accruing from the
date of default judgment. This Application is based upon the grounds that the Defendants are
in default for failure to plead or otherwise defend as required by law.

Based on the following arguments and evidence, Plaintiff requests that the Court enter
judgment in his favor, and against Defendants, in the manner set forth in the Attached Default

1 Judgment. Defendants are not infants or incompetent persons, and are not in the military
2 service of the United States as defined by 50 U.S.C. § 521.

3 The facts contained in Plaintiff's Amended Complaint, and further discussed below,
4 warrant entry of Final Judgment against Defendants for conversion, tortious interference with
5 contract, intentional interference with prospective economic advantage, unjust enrichment, and
6 unfair and deceptive trade practices.

7 **MEMORANDUM OF POINTS AND AUTHORITIES**

8 **L. FACTUAL BACKGROUND**

9 Plaintiff Jed Margolin is the named inventor on United States Patent No. 5,566,073
10 ("the '073 Patent"), United States Patent No. 5,904,724 ("the '724 Patent"), United States
11 Patent No. 5,978,488 ("the '488 Patent") and United States Patent No. 6,377,436 ("the '436
12 Patent") (collectively "the Patents"). See Amended Complaint, filed 8/11/11, ¶¶ 9-10. In
13 2004, Mr. Margolin granted to Robert Adams, then CEO of Optima Technology, Inc. (later
14 renamed Optima Technology Group (hereinafter "OTG"), a Cayman Islands Corporation
15 specializing in aerospace technology) a Power of Attorney regarding the Patents. *Id.* at ¶ 11.
16 Subsequently, Mr. Margolin assigned the '073 and '724 Patents to OTG and revoked the
17 Power of Attorney. *Id.* at ¶ 13.

18 In May 2006, OTG and Mr. Margolin licensed the '073 and '724 Patents to Geneva
19 Aerospace, Inc., and Mr. Margolin received a royalty payment pursuant to a royalty agreement
20 between Mr. Margolin and OTG. *Id.* at ¶ 12. On or about October 2007, OTG licensed the
21 '073 Patent to Honeywell International, Inc., and Mr. Margolin received a royalty payment
22 pursuant to a royalty agreement between Mr. Margolin and OTG. *Id.* at ¶ 14.

23 On or about December 5, 2007, Defendants filed with the U.S. Patent and Trademark
24 Office ("USPTO") fraudulent assignment documents allegedly assigning all four of the Patents
25 to Optima Technology Corporation ("OTC"), a company apparently owned by Defendant
26 Zandian at the time. *Id.* at ¶ 15. Shortly thereafter, on November 9, 2007, Mr. Margolin,
27 Robert Adams, and OTG were named as defendants in the case titled *Universal Avionics*
28 *Systems Corporation v. Optima Technology Group, Inc.*, No. CV 07-588-TUC-RCC (the

1 “Arizona action”). *Id.* at ¶ 17. Zandian was not a party in the Arizona action. Nevertheless,
2 the plaintiff in the Arizona action asserted that Mr. Margolin and OTG were not the owners of
3 the ‘073 and ‘724 Patents, and OTG filed a cross-claim for declaratory relief against Optima
4 Technology Corporation (“OTC”) in order to obtain legal title to the respective patents. *Id.*

5 On August 18, 2008, the United States District Court for the District of Arizona
6 entered a default judgment against OTC and found that OTC had no interest in the ‘073 or
7 ‘724 Patents, and that the assignment documents filed with the USPTO were “forged, invalid,
8 void, of no force and effect.” *Id.* at ¶ 18; *see also* Exhibit B to Zandian’s Motion to Dismiss,
9 dated 11/16/11, on file herein.

10 Due to Defendants’ fraudulent acts, title to the Patents was clouded and interfered with
11 Plaintiff’s and OTG’s ability to license the Patents. *Id.* at ¶ 19. In addition, during the period
12 of time Mr. Margolin worked to correct record title of the Patents in the Arizona action and
13 with the USPTO, he incurred significant litigation and other costs associated with those
14 efforts. *Id.* at ¶ 20.

15 II. PROCEDURAL BACKGROUND

16 Plaintiff filed his Complaint on December 11, 2009, and the Complaint was personally
17 served on Defendant Zandian on February 2, 2010, and on Defendants Optima Technology
18 Corporation, a Nevada corporation, and Optima Technology Corporation, a California
19 corporation on March 21, 2010. Defendant Zandian’s answer to Plaintiff’s Complaint was due
20 on February 22, 2010, but Defendant Zandian did not answer the Complaint or respond in any
21 way. Default was entered against Defendant Zandian on December 2, 2010, and Plaintiff
22 filed and served a Notice of Entry of Default on Defendant Zandian on December 7, 2010 and
23 on his last known attorney on December 16, 2010.

24 The answers of Defendants Optima Technology Corporation, a Nevada corporation,
25 and Optima Technology Corporation, a California corporation, were due on March 8, 2010,
26 but Defendants did not answer the Complaint or respond in any way. Default was entered
27 against Defendants Optima Technology Corporation, a Nevada corporation, and Optima
28 Technology Corporation, a California corporation on December 2, 2010. Plaintiff filed and

1 served a Notice of Entry of Default on the corporate entities on December 7, 2010 and on their
2 last known attorney on December 16, 2010.

3 The defaults were set aside and Defendant Zandian's motion to dismiss was denied on
4 August 3, 2011. On September 27, 2011, this Court ordered that service of process against all
5 Defendants may be made by publication. As manifested by the affidavits of service, filed
6 herein on November 7, 2011, all Defendants were duly served by publication by November
7 2011.

8 On February 21, 2012, the Court denied Zandian's motion to dismiss the Amended
9 Complaint. On March 5, 2012, Zandian served a General Denial to the Amended Complaint.
10 On March 13, 2012, the corporate Defendants served a General Denial to the Amended
11 Complaint.

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

18 On July 16, 2012, Mr. Margolin served Zandian with Mr. Margolin's First Set of
19 Requests for Admission, First Set of Interrogatories and First Set of Requests for Production of
20 Documents, but Zandian never responded to these discovery requests. As such, on December
21 14, 2012, Mr. Margolin filed and served a Motion for Sanctions pursuant to NRCP 37. In this
22 Motion, Mr. Margolin requested this Court strike the General Denial of Zandian and award
23 Mr. Margolin his fees and costs incurred in bringing the Motion.

24 On January 15, 2013, this Court issued an order striking the General Denial of Zandian
25 and awarding his fees and costs incurred in bringing the NRCP 37 Motion. A default was
26 entered against Zandian on March 28, 2013, and a notice of entry of default judgment was
27 filed on April 5, 2013.

28 Plaintiff now applies for a default judgment against all Defendants.

1 III. ARGUMENT

2 NRCp 55(b)(2) allows a party to apply to the Court for a default judgment. As set
3 forth above, defaults have been properly entered against all Defendants. Default was entered
4 against the corporate Defendants because they did not obtain counsel to represent them and
5 they ignored the Court's order to obtain counsel. Default was entered against Zandian as a
6 discovery sanction. When default is entered as a result of a discovery sanction, the non-
7 offending party need only establish a prima facie case in order to obtain a default judgment.
8 *Foster v. Dingwall*, 126 Nev. Adv. Op. 6, 227 P.3d 1042, 1049 (Nev. 2010) (default judgment
9 entered and upheld after pleadings were stricken as a result of discovery sanction). Where a
10 district court enters default, the facts alleged in the pleadings will be deemed admitted. *Id.*,
11 *citing Estate of LoMastro v. American Family Ins.*, 124 Nev. 1060, 1068, 195 P.3d 339, 345 n.
12 14 (2008). Thus, the district court shall consider the allegations deemed admitted to determine
13 whether the non-offending party has established a prima facie case for liability. *Foster*, 126
14 Nev. Adv. Op. 6, 227 P.3d at 1050.

15 The Nevada Supreme Court has defined a "prima facie case" as the "sufficiency of
16 evidence in order to send the question to the jury." *Id.*, *citing Vancheri v. GNLV Corp.*, 105
17 Nev. 417, 420, 777 P.2d 366, 368 (1989). A prima facie case is supported by sufficient
18 evidence when enough evidence is produced to permit a trier of fact to infer the fact at issue
19 and rule in the party's favor. *Foster*, 126 Nev. Adv. Op. 6, 227 P.3d at 1050, *citing Black's*
20 *Law Dictionary* 1310 (9th ed. 2009). Where the non-offending party seeks monetary relief, a
21 prima facie case requires the non-offending party to establish that the offending party's
22 conduct resulted in damages, the amount of which is proven by substantial evidence. *Foster*,
23 126 Nev. Adv. Op. 6, 227 P.3d at 1050, *citing Vancheri v. GNLV Corp.*, 105 Nev. at 420, 777
24 P.2d at 368.

25 As a result, all of the averments in Plaintiff's Complaint, other than those as to the
26 amount of damage, are admitted. *See supra*; *see also* NRCp 8(d). As set forth herein, a prima
27 facie case exists for Plaintiff's claims for relief for each of his causes of action and Plaintiff
28 has presented substantial evidence on the amount of damages he has incurred as a result of

1 Defendants' various tortious actions. *See supra.*; *see also* Amended Complaint; Declaration of
2 Jed Margolin in Support of Application for Default Judgment ("Margolin Decl."), dated
3 3/27/13, ¶ 3, Exhibit 2. As such, Plaintiff respectfully requests that judgment be entered in the
4 manner set forth in the proposed Default Judgment filed and served herewith.

5 **A. MR. MARGOLIN HAS PROVIDED ADMISSIBLE EVIDENCE TO**
6 **SUPPORT HIS CLAIM FOR CONVERSION**

7 Conversion is "a distinct act of dominion wrongfully exerted over another's personal
8 property in denial of, or inconsistent with his title or rights therein or in derogation, exclusion,
9 or defiance of such title or rights." *Evans v. Dean Witter Reynolds, Inc.*, 116 Nev. 598, 606
10 (2002), *quoting Wantz v. Redfield*, 74 Nev. 196, 198 (1958)). Further, conversion is an act of
11 general intent, which does not require wrongful intent and is not excused by care, good faith,
12 or lack of knowledge. *Id.*, *citing Bader v. Cerri*, 96 Nev. 352, 357 n. 1 (1980). Conversion
13 applies to intangible property to the same extent it applies to tangible property. *See M.C.*
14 *Multi-Family Development, L.L.C. v. Crestdale Associates, Ltd.*, 193 P.3d 536 (Nev. 2008),
15 *citing Kremen v. Cohen*, 337 F.3d 1024, 1030 (9th Cir.2003)(expressly rejecting the rigid
16 limitation that personal property must be tangible in order to be the subject of a conversion
17 claim).

18 When a conversion causes "a serious interference to a party's rights in his property ...
19 the injured party should receive full compensation for his actual losses." *Winchell v. Schiff*,
20 193 P.3d 946, 950-951 (2008), *quoting Bader*, 96 Nev. at 356, overruled on other grounds by
21 *Evans*, 116 Nev. at 608, 611. The return of the property converted does not nullify the
22 conversion. *Bader*, 96 Nev. at 356.

23 As set forth in the Amended Complaint, Mr. Margolin owned the '488 and '436
24 Patents, and had a royalty interest in the '073 and '724 Patents. Complaint, ¶¶ 9-14.
25 Defendants filed false assignment documents with the USPTO in order to gain dominion over
26 the Patents. *Id.*, ¶ 15; Margolin Decl., Exhibit 2. Defendants failed to pay Mr. Margolin for
27 interfering with his property rights in the Patents. *Id.* at ¶¶ 22-24. Defendants' retention of
28 Mr. Margolin's Patents is inconsistent with his ownership interest therein and defied his legal

1 rights thereto. *Id.* As a direct and proximate result of Defendants' conversion of Mr.
2 Margolin's Patents, Mr. Margolin has suffered damages in the amount of \$300,000, which
3 includes the amount Mr. Margolin paid in attorneys' fees in the Arizona Action where the
4 Court ordered that the USPTO correct record title to the Patents (plus pre-judgment interest
5 and costs – discussed below). Margolin Decl., ¶ 4, Exhibit 3.

6 The \$300,000 in damages also consists of \$210,000 that would have been paid to
7 Plaintiff pursuant to a patent purchase agreement that was terminated as a result of the
8 Defendants' actions as stated in the Amended Complaint. *See* Margolin Decl., ¶ 5. Plaintiff
9 will provide documentation or specific details of the purchase agreement to the Court *in*
10 *camera* because of the confidentiality provisions in the agreement. *Id.* Also, Plaintiff can
11 state that on April 14, 2008, OTG entered into a purchase agreement to sell the '073 and '724
12 patents to another entity which would have netted Plaintiff \$210,000 on the sale of the
13 Patents. *Id.*; *see also* Amended Complaint, ¶¶ 11-14 (showing royalty agreement). The
14 purchase agreement also included a provision for post-patent sale royalty payments which
15 would have provided additional substantial income to the Plaintiff, which post-patent sale
16 royalty payment damages are not being claimed here. *Id.* Finally, the April 14, 2008 purchase
17 agreement provided the purchasing entity an opportunity to conduct due diligence regarding
18 the Arizona Action prior to consummation of the sale. *Id.* On June 13, 2008, the purchasing
19 entity wrote OTG and stated that they had completed their due diligence investigation and
20 determined that the Patents and/or the Arizona Action were not acceptable and therefore the
21 purchase agreement was terminated. *Id.* Thus, the purchase agreement was terminated
22 because of Defendants' actions as stated herein and in the Amended Complaint. *Id.*

23 Mr. Margolin has stated a claim for conversion and presented evidence to support that
24 claim and resulting damages.

25 **B. MR. MARGOLIN HAS PROVIDED ADMISSIBLE EVIDENCE TO**
26 **SUPPORT HIS CLAIMS FOR TORTIOUS INTERFERENCE**

27 "In Nevada, an action for intentional interference with contract requires: (1) a valid and
28 existing contract; (2) the defendant's knowledge of the contract; (3) intentional acts intended or

1 designed to disrupt the contractual relationship; (4) actual disruption of the contract; and (5)
2 resulting damage." *J.J. Indus., L.L.C. v. Bennett*, 119 Nev. 269, 274 (2003), citing *Sutherland*
3 *v. Gross*, 105 Nev. 192, 772 P.2d 1287, 1290 (1989)). "At the heart of [an intentional
4 interference] action is whether Plaintiff has proved intentional acts by Defendant intended or
5 designed to disrupt Plaintiff's contractual relations...." *Nat. Right to Life P.A. Com. v. Friends*
6 *of Bryan*, 741 F. Supp. 807, 814 (D. Nev. 1990).

7 Here, the facts alleged in the Amended Complaint and admitted by Defendants prove
8 that Defendants intentionally interfered with Mr. Margolin's contract with OTG for the
9 payment of royalties by filing false assignment documents with the USPTO. Amended
10 Complaint, ¶¶ 26-30. Because the loss of title to the Patents prevented Mr. Margolin and OTG
11 from licensing the Patents, no royalties were paid. The illegal act of filing "forged, invalid
12 [and] void" documents with the USPTO support that Defendants had the requisite intent to
13 interfere with Mr. Margolin's contract to collect royalties. See Margolin Decl., Exhibit 2. As
14 a direct and proximate result of Defendants' interference of Plaintiff's contract with OTG,
15 Plaintiff has suffered damages in the amount of \$300,000, as related above.

16 **C. MR. MARGOLIN HAS PROVIDED ADMISSIBLE EVIDENCE TO**
17 **SUPPORT HIS CLAIM FOR INTENTIONAL INTERFERENCE WITH**
18 **PROSPECTIVE ECONOMIC ADVANTAGE**

19 Interference with prospective economic advantage requires a showing of the following
20 elements: 1) a prospective contractual relationship between the plaintiff and a third party; 2)
21 the defendant's knowledge of this prospective relationship; 3) the intent to harm the plaintiff
22 by preventing the relationship; 4) the absence of privilege or justification by the defendant;
23 and, 5) actual harm to the plaintiff as a result of the defendant's conduct. *Leavitt v. Leisure*
Sports Incorporation, 103 Nev. 81, 88 (Nev. 1987).

24 As alleged in the Amended Complaint, Mr. Margolin and OTG had already licensed
25 the '073 and '724 Patents and were engaging in negotiations with other prospective licensees
26 of the Patents when Defendants filed the fraudulent assignment documents with the USPTO
27 with the intent to disrupt the prospective business. Complaint, ¶¶ 32-35. As a result of
28

1 Defendants' acts, Plaintiff's prospective business relationships were disrupted and Plaintiff has
2 suffered damages in the amount of \$300,000, as stated above.

3 **D. MR. MARGOLIN HAS PROVIDED ADMISSIBLE EVIDENCE TO**
4 **SUPPORT HIS CLAIM FOR UNJUST ENRICHMENT**

5 Unjust enrichment is the unjust retention of a benefit to the loss of another, or the
6 retention of money or property of another against the fundamental principles of justice or
7 equity and good conscience. *Mainor v. Nault*, 120 Nev. 750, 763 (Nev. 2004);
8 *Nevada Industrial Dev. V. Benedetti*, 103 Nev. 360, 363 n. 2 (1987). The essential elements of
9 a claim for unjust enrichment are a benefit conferred on the defendant by the plaintiff,
10 appreciation of the defendant of such benefit, and acceptance and retention by the defendant of
11 such benefit. *Topaz Mutual Co., Inc. v. Marsh*, 108 Nev. 845, 856 (1992), quoting
12 *Unionamerica Mtg. v. McDonald*, 97 Nev. 210, 212 (1981).

13 As set forth above and in the Amended Complaint, Mr. Margolin conferred a benefit
14 on Defendants when Defendants took record title of the Patents. See Amended Complaint, ¶
15 15. Defendants retained this benefit for approximately eight months and failed to provide any
16 payment for title to the Patents. *Id.* at ¶¶ 15-18. As a direct result of Defendants' unjust
17 retention of the benefit, Plaintiff suffered damages in the amount of \$300,000, as related
18 above.

19 **E. MR. MARGOLIN HAS PROVIDED ADMISSIBLE EVIDENCE TO**
20 **SUPPORT HIS CLAIM FOR UNFAIR TRADE PRACTICES**

21 Under N.R.S. § 598.0915, knowingly making a false representation as to affiliation,
22 connection, association with another person, or knowingly making a false representation in the
23 course of business constitutes unfair trade practices. By filing a fraudulent assignment
24 document with the USPTO, Defendants knowingly made a false representation to the USPTO
25 that Mr. Margolin and OTG had assigned the Patents to Defendants. See Amended Complaint,
26 ¶¶ 15, 42-43. As a result of Defendants' false representation, Mr. Margolin was deprived of
27 his ownership interests in the Patents for a period of approximately eight months.

28 The United States District Court for the District of Arizona ruled that OTC had no
interest in the '073 or '724 Patents, and that the assignment documents Defendants filed with

1 the USPTO were "forged, invalid, void, of no force and effect." Margolin Decl., Exhibit 2.
2 Accordingly, Plaintiff has stated a claim for deceptive trade practices and has presented
3 evidence to support that claim and the resulting damages in the amount of \$300,000, as stated
4 above.

5 In addition, Plaintiff's damages should be trebled pursuant to NRS 598.0999(3), which
6 states as follows:

7 The court may require the natural person, firm, or officer or managing agent of
8 the corporation or association to pay to the aggrieved party damages on all
9 profits derived from the knowing and willful engagement in a deceptive trade
10 practice and treble damages on all damages suffered by reason of the deceptive
11 trade practice.

12 *Id.* Accordingly, Plaintiff's \$300,000 in damages should be trebled to \$900,000.

13 Also, Plaintiff is entitled to his attorney's fees and costs in this action pursuant to NRS
14 598.0999(3), which states: "The court in any such action may, in addition to any other relief or
15 reimbursement, award reasonable attorney's fees and costs." Plaintiff's attorney's fees in this
16 case are \$83,761.25 to date. McMillen Declaration ("McMillen Decl."), ¶ 2. Plaintiff's costs
17 in this case are \$25,021.96. McMillen Decl., ¶ 3. The total fees and costs in this case are
18 \$108,783.21. As stated in the McMillen Decl., Plaintiff will provide its ledger *in camera* to
19 the Court for review. *Id.*

20 **E. MR. MARGOLIN IS ENTITLED TO PREJUDGMENT INTEREST**

21 NRS 99.040(1) provides, in pertinent part:

22 When there is no express contract in writing fixing a different rate of interest,
23 interest must be allowed at a rate equal to the prime rate at the largest bank in
24 Nevada, as ascertained by the Commissioner of Financial Institutions, on
25 January 1, or July 1, as the case may be, immediately preceding the date of the
26 transaction, plus 2 percent, upon all money from the time it becomes due....

27 *Id.*

28 In Nevada, the prejudgment interest rate on an award is the rate in effect at the time the
contract between the parties was signed. *Kerala Properties, Inc. v. Familian*, 122 Nev. 601,
604 (2006). As set forth above, Defendants committed the tortious acts on December 12,
2007. *See supra*. The controlling interest rate as of July 1, 2007 was 8.25%. *See* McMillen

1 Decl., Exhibit 1 (Prime Interest Rate table and information from the Nevada Division of
2 Financial Institutions). As a result, the proper interest rate for calculating prejudgment interest
3 is 10.25%. *Id.*; NRS 99.040.

4 As of December 12, 2007, the amount of \$900,000 was due and owing to Mr.
5 Margolin. Margolin Decl., ¶ 4, Exhibit 3. As a result, that amount has been due and owing for
6 at least 1,933 days (December 12, 2007 to March 27, 2013). The prejudgment interest amount
7 is therefore \$488,545.89 (.1025 x 1,933 days x \$900,000 divided by 365).

8 **F. MR. MARGOLIN IS ENTITLED TO COSTS**

9 NRS 18.020(1)-(3) provides, in pertinent part:

10 Costs must be allowed of course to the prevailing party against any adverse party
11 against whom judgment is rendered, in the following cases: 1) in an action for the
12 recovery of real property or a possessory right thereto; 2) in an action to recover the
13 possession of personal property, where the value of the property amounts to more
14 than \$2,500. The value must be determined by the jury, court or master by whom
the action is tried; 3) in an action for the recovery of money or damages, where the
plaintiff seeks to recover more than \$2,500.

15 *Id.*

16 If the Court grants this Application, Mr. Margolin will be the prevailing party under
17 NRS 18.020 and will therefore be entitled to costs thereunder. As discussed herein and in the
18 Complaint, Mr. Margolin is seeking to recover the value of property valued in excess of
19 \$2,500 as well as money and damages in the amount of \$900,000.

20 To date, Mr. Margolin has incurred costs in the amount of \$25,021.96. McMillen
21 Decl., ¶ 3.

22 **G. IN THE EVENT THE COURT IS NOT INCLINED TO ENTER
23 DEFAULT JUDGMENT AGAINST DEFENDANTS IN THE AMOUNT
24 AND MANNER REQUESTED, MR. MARGOLIN REQUESTS ORAL
ARGUMENT ON ITS APPLICATION**

25 NRCPC 55(b)(2) provides in pertinent part: “[i]f, in order to enable the court to enter
26 judgment or to carry it into effect, it is necessary to take an account or to determine the amount
27 of damages or to establish the truth of any averment by evidence or to make an investigation of
28 any other matter, the court may conduct such hearings or order such references as it deems

1 necessary and proper....” *Id.* In the event the Court is not inclined to grant the requested
2 relief and enter the Proposed Default Judgment in Mr. Margolin’s favor based on this
3 Application alone, Mr. Margolin respectfully requests that oral argument be heard on this
4 matter and on Mr. Margolin’s claims for relief.

5 **IV. CONCLUSION**

6 In light of the foregoing, Plaintiff respectfully requests that this Application for Default
7 Judgment be granted, and the attached Default Judgment entered. As stated above, Plaintiff is
8 entitled to treble damages in the amount of \$900,000; prejudgment interest in the amount of
9 \$488,545.89; attorney’s fees in the amount of \$83,761.25; and costs in the amount of
10 \$25,021.96; for a total judgment of \$1,497,328.90.

11 **AFFIRMATION PURSUANT TO NRS 239B.030**

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

14 Dated this 16th day of April, 2013.

15 BY: 

16 **Matthew D. Francis (6978)**
17 **Adam P. McMillen (10678)**
18 **WATSON ROUNDS**
19 **5371 Kietzke Lane**
20 **Reno, NV 89511**
21 **Telephone: 775-324-4100**
22 **Facsimile: 775-333-8171**
23 ***Attorneys for Plaintiff Jed Margolin***

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, **Application for Default Judgment**, addressed as follows:

Reza Zandian
8401 Bonita Downs Road
Fair Oaks, CA 95628

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

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

Reza Zandian
8775 Costa Verde Blvd. #501
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

Dated: April 16, 2013


Nancy Lindsley

4/16/13

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

2013 APR 17 AM 11:41

ALAN GLOVER
[Signature]
DEPT. 1

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

12 **JED MARGOLIN, an individual,**

13 **Plaintiff,**

14 vs.

15 **OPTIMA TECHNOLOGY CORPORATION,**
16 **a California corporation, OPTIMA**
17 **TECHNOLOGY CORPORATION, a Nevada**
18 **corporation, REZA ZANDIAN aka**
19 **GOLAMREZA ZANDIANJAZI aka**
20 **GHOLAM REZA ZANDIAN aka REZA JAZI**
21 **aka J. REZA JAZI aka G. REZA JAZI aka**
22 **GHONONREZA ZANDIAN JAZI, an**
23 **individual, DOE Companies**
24 **1-10, DOE Corporations 11-20, and DOE**
25 **Individuals 21-30,**

26 **Defendants.**

Case No.: 090C00579 1B

Dept. No.: 1

**DECLARATION OF JED MARGOLIN
IN SUPPORT OF APPLICATION FOR
DEFAULT JUDGMENT**

27 I, Jed Margolin do hereby declare and state as follows:

28 1. I am the named inventor on United States Patent No. 5,566,073 ("the '073 Patent"), United States Patent No. 5,904,724 ("the '724 Patent"), United States Patent No. 5,978,488 ("the '488 Patent") and United States Patent No. 6,377,436 ("the '436 Patent") (collectively "the Patents").

2. Attached as Exhibit 1 is a true and correct copy of the Amended Answer, Counterclaims, Cross-Claims and Third-Party Claims filed in the action captioned *Universal*

1 *Avionics Systems Corporation v. Optima Technology Group, Inc.*, No. CV 07-588-TUC-RCC
2 (the "Arizona Action").

3 3. Attached as Exhibit 2 is a true and correct copy of the August 18, 2008 Order
4 from the Arizona Action.

5 4. After Defendant Zandian filed the forged and invalid assignment document
6 with the USPTO relating to the Patents, I was forced to spend \$90,000 in attorneys' fees in the
7 Arizona Action where the Court ordered that the USPTO correct record title to the Patents.

8 Attached as Exhibit 3 are true and correct copies of the records from my bank showing three
9 transfers of \$30,000 each. Two transfers went to Optima Technology Group and one transfer
10 went directly to the attorneys representing Optima Technology Group and myself. The three
11 transfers were for the payment of attorneys' fees in the Arizona Action.

12 5. I was to be paid \$210,000 pursuant to a patent purchase agreement that failed
13 as a proximate result of the Defendants' actions as stated in the Amended Complaint. I cannot
14 publicly provide documentation or specific details of the actual purchase agreement because of
15 the confidentiality provisions in the agreement. However, I will provide the Court with
16 documentation of the agreement so the Court can review the agreement *in camera*. Also, on
17 April 14, 2008, Optima Technology Group entered into a purchase agreement to sell the '073
18 and '724 Patents to another entity which would have netted me \$210,000 on the purchase price
19 of the subject Patents alone. The purchase agreement also included a provision for post patent
20 sale royalty payments which would have provided me with additional substantial income.

21 Finally, the April 14, 2008 purchase agreement provided the purchasing entity an opportunity
22 to conduct due diligence regarding the Arizona Action. On June 13, 2008, the purchasing
23 entity wrote Optima Technology Group and stated that they had completed their due diligence
24 investigation and determined that the Patents and/or the Arizona Action were not acceptable
25
26
27
28

1 and therefore the purchase agreement was terminated. Simply put, the purchase agreement
2 was terminated because of Defendants' actions.

3 I declare under penalty of perjury that the foregoing is true and correct to the best of
4 my knowledge.

5 Dated: April 8, 2013.

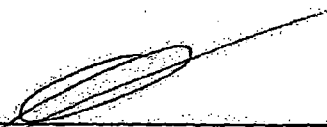
6 By: Jed Margolin
7 JED MARGOLIN
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AFFIRMATION

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 16, 2013.

BY: 
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

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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, **DECLARATION OF JED MARGOLIN IN SUPPORT OF APPLICATION FOR DEFAULT JUDGMENT**, addressed as follows:

Reza Zandian
8775 Costa Verde Blvd. #501
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

Dated: April 16, 2013



Nancy Lindsley

Exhibit 1

Exhibit 1

1 **CHANDLER & UDALL, LLP**

ATTORNEYS AT LAW

2 4801 E. BROADWAY BLVD., SUITE 400

TUCSON, ARIZONA 85711-3638

3 Telephone: (520) 623-4353

4 Fax: (520)792-3426

Edward Moomjian II, PCC # 65050, SBN 016667

5 Jeanna Chandler Nash, PCC # 65674, SBN 022384

6 Attorneys for Defendants Adams, Margolin and Optima Technology Inc. a/k/a Optima
Technology Group, Inc.

7 **UNITED STATES DISTRICT COURT**

8 **DISTRICT OF ARIZONA**

9 UNIVERSAL AVIONICS SYSTEMS
10 CORPORATION,

Plaintiff,

11 vs.

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

14 Defendants

NO. CV-00588-RC

**AMENDED ANSWER,
COUNTERCLAIMS, CROSS-
CLAIMS AND THIRD-PARTY
CLAIMS OF OPTIMA
TECHNOLOGY INC. A/K/A
OPTIMA TECHNOLOGY
GROUP, INC.**

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

Counterclaimant,

17 vs.

18 UNIVERSAL AVIONICS SYSTEMS
19 CORPORATION, an Arizona corporation,

20 Counterdefendant

JURY TRIAL DEMANDED

Assigned to: Hon. Raner C. Collins

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

Cross-Claimant,

23 vs.

24 OPTIMA TECHNOLOGY CORPORATION,
25 a corporation,

26 Cross-Defendant

1
2 OPTIMA TECHNOLOGY INC. a/k/a
3 OPTIMA TECHNOLOGY GROUP, INC., a
4 corporation,

Third-Party Plaintiff,

5 vs.

6 JOACHIM L. NAIMER and JANE DOE
7 NAIMER, husband and wife; and FRANK E.
8 HUMMEL and JANE DOE HUMMEL,

Third-Party Defendants.

9 Defendant/Counterclaimant/Cross-Claimant/Third-Party Plaintiff Optima Technology
10 Inc. a/k/a Optima Technology Group Inc. (hereinafter "Optima"), by and through undersigned
11 counsel, hereby submits its *Amended Answer* to the Plaintiff's *Complaint* herein, including its
12 *Counterclaims*, *Cross-Claims* and *Third-Party Claims* herein.

13 As stated in Optima's original *Answer*, due to its contemporaneously-filed *Motion to*
14 *Dismiss* asserting that Counts V, VI and VII fail to state a claim against Optima, Optima
15 answers herein the general allegations of the *Complaint*, and those of Counts I-IV, and will
16 amend this *Answer* to answer Counts V, VI and/or VII at such time, and to the extent that, the
17 Court herein denies that *Motion* in whole or in part. *See* Rule 12(a)(4), Fed.R.Civ.P.¹

18 The following paragraphs are in response to the allegations of the correspondingly
19 numbered paragraphs of the *Complaint*:

20 **INTRODUCTORY PARAGRAPH**

21 Deny the allegations of Plaintiff's Introductory Paragraph (page 1 line 19 through page

22
23 ¹ The District of Arizona has adopted the majority view "that even though a pending
24 motion to dismiss may only address some of the claims alleged, the motion to dismiss tolls the
25 time to respond to all claims." *Pestube Systems, Inc. v. Hometeam Pest Defense, LLC.*, 2006
26 WL 1441014 *7 (D.Ariz. 2006). However, because this is an unpublished decision, and only
to avoid any potential dispute with Plaintiff whether a failure to answer the allegations of
Counts I-IV of the *Complaint* (i.e., those claims that are not the subject of the *Motion to*
Dismiss) could be deemed a failure to defend those allegations for purposes of a default,
Optima proceeds to answer those allegations and claims herein.

1 2 line 3 of the *Complaint*).

2 **NATURE OF THE ACTION**

3 1. Admit that the *Complaint* seeks declarations of invalidity and non-infringement
4 of U.S. Patent Nos. 5,566,073 (the “’073 patent”) and 5,904,724 (the “’724 patent”).² Admit
5 that the *Complaint* asserts claims for breach of contract, unfair competition and negligent
6 interference. Deny validity of all such assertions and claims. Deny all remaining allegations.

7 **THE PARTIES**

8 2. Deny for lack of knowledge.

9 3. Admit. Affirmatively allege that Optima Technology Group Inc. is also known
10 and has been and does business as Optima Technology Inc.

11 4. Denied. Affirmatively allege that Optima Technology Corporation (hereinafter
12 “OTC”) has no relationship whatsoever to Optima.

13 5. Denied. Affirmatively alleged that Defendant Robert Adams (“Adams”) is the
14 Chief Executive Officer of Optima.

15 6. Denied.

16 7. Denied.

17 **JURISDICTION AND VENUE**

18 8. Admit that the *Complaint* seeks declarations of invalidity and non-infringement
19 of the ‘073 patent and the ‘724 patent, and asserts claims for breach of contract, unfair
20 competition and negligent interference. Deny validity of all such assertions and claims. Deny
21 all remaining allegations.

22 9. Admit that the Court has original jurisdiction over Counts I-IV of the *Complaint*
23 asserting non-infringement and invalidity of the Patents (although Optima denies the assertions
24 and validity of those claims) as to Defendant Optima. Affirmatively allege that co-Defendant
25

26 ² The ‘073 patent and the ‘724 patent are collectively referred to herein as the “Patents.”

1 OTC, to the extent that it purportedly exists, does not own or have any other interest in the
2 Patents. Deny that the Court has jurisdiction over Counts V, VI and VII of the *Complaint*, and
3 affirmatively allege that Plaintiff lacks Article III standing with respect thereto. Affirmatively
4 allege that Counts V, VI and VII fail to state a claim against Optima as asserted in Optima's
5 *Motion to Dismiss*. Deny that the Court has supplemental jurisdiction over Counts V, VI and
6 VII of the *Complaint*. Deny all remaining allegations.

7 10. Deny.

8 **THE PATENTS-IN-SUIT**

9 11. Admit that the '073 patent is duly and legally issued and is valid. Admit that a
10 copy of the '073 patent is attached as Exhibit 1 to the *Complaint*. Admit the '073 patent was
11 assigned to Optima which is the current owner of the '073 patent. Deny that OTC has any right
12 or interest in the '073 patent. Deny all remaining allegations.

13 12. Admit that the '724 patent is duly and legally issued and is valid. Admit that a
14 copy of the '724 patent is attached as Exhibit 2 to the *Complaint*. Admit the '724 patent was
15 assigned to Optima which is the current owner of the '724 patent. Deny that OTC has any right
16 or interest in the '724 patent. Deny all remaining allegations.

17 13. Admit that Defendant Jed Margolin at one time granted a Power of Attorney to
18 Optima. Admit that a copy of the Power of Attorney is attached as Exhibit 3 to the *Complaint*.
19 Admit that the Power of Attorney appointed "Optima Technology Inc. - Robert Adams, CEO"
20 as Margolin's agent with respect to the Patents. Affirmatively allege that OTC has and had no
21 right or interest under the Power of Attorney. Affirmatively allege that the Power of Attorney
22 was superseded by an assignment of the Patents to Optima prior to the filing of the *Complaint*
23 herein. Affirmatively allege that the Power of Attorney was subsequently revoked and is no
24 longer valid or in force. Deny all remaining allegations.

25 **FACTS**

26 14. Admit that Adams communicated (as CEO of Optima) with Plaintiff's counsel.

1 Affirmatively allege that the text of Exhibit 4 to the *Complaint* speaks for itself. Deny all
2 remaining allegations.

3 15. Admit that Jed Margolin communicated with Adams (as CEO of Optima), and
4 that Adams (as CEO of Optima) communicated with Plaintiff's counsel. Affirmatively allege
5 that the text of Exhibit 5 to the *Complaint* speaks for itself. Deny all remaining allegations.

6 16. Admit. Affirmatively allege that Adams' alleged actions as described in
7 Paragraph 16 of the *Complaint* were in his capacity as CEO of Optima.

8 17. Admit that Plaintiff is/was infringing on the Patents. Admit that Adams (as CEO
9 of Optima) communicated with Plaintiff's counsel. Affirmatively allege that the text of
10 Exhibit 5 to the *Complaint* speaks for itself. Deny all remaining allegations.

11 18. Admit that Adams communicated (as CEO of Optima) with Plaintiff and its
12 counsel. Admit that Plaintiff is/was infringing on the Patents. Affirmatively allege that the text
13 of Exhibit 5 to the *Complaint* speaks for itself. Deny all remaining allegations.

14 19. Admit that Adams communicated (as CEO of Optima) with Plaintiff and its
15 counsel. Admit that Plaintiff is/was infringing on the Patents. Deny all remaining allegations.

16 20. Admit that Adams communicated (as CEO of Optima) with Plaintiff and its
17 counsel. Affirmatively allege that the text of Exhibit 6 to the *Complaint* speaks for itself.
18 Deny all remaining allegations.

19 21. Admit that Adams communicated (as CEO of Optima) with Plaintiff and its
20 counsel. Affirmatively allege that the text of Exhibit 7 to the *Complaint* speaks for itself.
21 Deny all remaining allegations.

22 22. Admit. Affirmatively allege that Adams' alleged actions as described in
23 Paragraph 22 of the *Complaint* were in his capacity as CEO of Optima.

24 23. Admit. Affirmatively allege that the text of Exhibit 8 to the *Complaint* speaks
25 for itself. Affirmatively allege that Plaintiff, through its actions, has waived its rights under
26 Exhibit 8 to the *Complaint*.

1 24. Affirmatively allege that the text of Exhibit 9 to the *Complaint* speaks for itself.

2 Deny all remaining allegations.

3 25. Admit second sentence of Paragraph 25 of the *Complaint* to the extent it asserts
4 that the following persons attended the meeting on behalf of Plaintiff: Donald Berlin, Andria
5 Poe, Paul DeHerrera, Frank Hummel, Michael P. Delgado, and Scott Bornstein. Deny all
6 remaining allegations.

7 26. Admit that Adams communicated (as CEO of Optima) with Plaintiff and its
8 counsel. Deny all remaining allegations.

9 27. Admit that Adams communicated (as CEO of Optima) with Plaintiff and its
10 counsel. Deny all remaining allegations.

11 28. Deny.

12 29. Admit that Jed Margolin communicated with Plaintiff. Deny all remaining
13 allegations.

14 30. Admit that OTC, which is upon information and belief owned and controlled by
15 Reza Zandian a/k/a Gholamreza Zandianjazi, may have been involved in filing numerous
16 and/or frivolous state court lawsuits. Deny all remaining allegations. Affirmatively allege that
17 OTC, and any such lawsuits, are completely unrelated to Optima.

18 31. Admit that Adams communicated (as CEO of Optima) with Plaintiff and its
19 counsel. Affirmatively allege that the text of Exhibit 10 to the *Complaint* speaks for itself.
20 Deny all remaining allegations.

21 32. Deny for lack of knowledge.

22 33. Deny Plaintiff's "conclusion" for lack of knowledge. Deny all remaining
23 allegations.

24 34. Admit that Adams communicated (as CEO of Optima) with Plaintiff and its
25 counsel. Affirmatively allege that the text of Exhibits 11 and 12 to the *Complaint* speak for
26 themselves. Deny all remaining allegations.

1 45. Deny that Optima made an "unreasonable" licensing demand of Plaintiff.
2 Otherwise admit with respect to Optima. Deny that OTC has any right or interest in the
3 Patents. Deny all remaining allegations.

4 46. Deny.

5 47. Admit that Plaintiff seeks a declaration as described in Paragraph 47 of the
6 *Complaint*. Deny that Plaintiff is entitled to such a declaration. Deny all remaining allegations.

7 **COUNT TWO**

8 **Declaratory Judgment of Invalidity of the '073 Patent**

9 48. Optima repeats and restates the statements of paragraphs 1-47 above as if fully
10 set forth herein.

11 49. Deny that Optima made an "unreasonable" licensing demand of Plaintiff. Admit
12 with respect to Optima. Deny that OTC has any right or interest in the Patents. Deny all
13 remaining allegations.

14 50. Deny.

15 51. Admit that Plaintiff seeks a declaration as described in Paragraph 51 of the
16 *Complaint*. Deny that Plaintiff is entitled to such a declaration. Deny all remaining allegations.

17 **COUNT THREE**

18 **Declaratory Judgment of Non-Infringement of the '724 Patent**

19 52. Optima repeats and restates the statements of paragraphs 1-51 above as if fully
20 set forth herein.

21 53. Deny that Optima made an "unreasonable" licensing demand of Plaintiff.
22 Otherwise admit with respect to Optima. Deny that OTC has any right or interest in the
23 Patents. Deny all remaining allegations.

24 54. Deny.

25 55. Admit that Plaintiff seeks a declaration as described in Paragraph 55 of the
26 *Complaint*. Deny that Plaintiff is entitled to such a declaration. Deny all remaining allegations.

1 Optima hereby reserves the right to amend this *Answer* at any time that discovery, disclosure
2 or additional events reveal the existence of additional affirmative defenses):

3 1. With respect to Counts V, VI and VII of the *Complaint*, Defendant Optima
4 asserts those Rule 12(b)(6) defenses raised in its contemporaneously filed *Motion to Dismiss*
5 including but not limited to: waiver; failure to plead in accordance with the standards
6 expressed under *Bell Atlantic Corp. v. Twombly*, ___ U.S. ___, 127 S.Ct. 1955 (2007); failure
7 to establish Article III standing; lack of jurisdiction; inapplicability of California law to
8 Optima; and failure to establish "unlawful" or "fraudulent" conduct as a predicate act to a claim
9 of California statutory Unfair Competition (California Business and Professions code § 17200
10 *et seq*);

11 2. Laches;

12 3. Waiver; and,

13 4. Estoppel.

14 **JURY TRIAL DEMAND**

15 Defendant Optima demands a jury trial on all claims and issues to be litigated in this
16 matter.

17 **PRAYER FOR RELIEF**

18 WHEREFORE Defendant Optima requests that the Court enter judgment in its favor on
19 Plaintiff's claims, deny Plaintiff any relief herein, grant Optima its attorneys' fees and costs
20 pursuant to applicable law, including but not limited to 35 U.S.C. § 285, and grant Optima such
21 other and further relief as the Court deems reasonable and just.

22 **COUNTERCLAIMS, CROSS-CLAIMS & THIRD-PARTY CLAIMS³**

23 Counterclaimant/Cross-Claimant/Third-Party Plaintiff Optima brings this civil action
24 against Counterdefendant Universal Avionics Systems Corporation ("UAS"), against

25 _____
26 ³ Except where otherwise noted, all capitalized terms herein are as defined in the
foregoing *Amended Answer*.

1 Cross-Defendant Optima Technology Corporation, a corporation ("OTC"), and against
2 Third-Party Defendants Joachim L. Naimer and Jane Doe Naimer, husband and wife, and Frank
3 E. Hummel and Jane Doe Hummel.

4 **THE PARTIES**

- 5 1. Counterclaimant Optima is, and at all times relevant hereto has been, a Delaware
6 corporation engaged in the business of the design, conception and invention of synthetic
7 vision systems. Optima is the owner of the '073 patent and '724 patent.
- 8 2. Counterdefendant UAS is, upon information and belief, an Arizona corporation who is
9 headquartered and does business in Arizona.
- 10 3. Cross-Defendant Optima Technology Corporation ("OTC") is, upon information and
11 belief, a California corporation.
- 12 4. Third-Party Defendants Joachim L. Naimer and Jane Doe Naimer (individually and
13 collectively "Naimer") are, upon information and belief, husband and wife who reside
14 in California. At all times relevant hereto, Naimer was acting for the benefit of his
15 marital community, and was acting as an agent, employee, servant and/or authorized
16 representative of UAS, and within the course and scope of such agency, employment,
17 service and/or representation. Upon information and belief Naimer is the President and
18 Chief Executive Officer of UAS.
- 19 5. Third-Party Defendants Frank E. Hummel and Jane Doe Hummel (individually and
20 collectively "Hummel") are, upon information and belief, husband and wife who reside
21 in Washington. At all times relevant hereto, Hummel was acting for the benefit of his
22 marital community, and was acting as an agent, employee, servant and/or authorized
23 representative of UAS, and within the course and scope of such agency, employment,
24 service and/or representation. Upon information and belief, Hummel is an officer or
25 managing agent of UAS. Upon information and belief, Hummel is the Vice
26 President/General Manager of Engineering Research and Development for UAS.

1 6. Upon information and belief, UAS, Naimer, and Hummel have transacted business in
2 and/or committed one or more acts in Arizona which give rise to the claims herein.

3 **JURISDICTION AND VENUE**

4 7. The statements of all of the foregoing paragraphs are incorporated herein by reference
5 as if fully set forth herein.

6 8. The Counterclaim, Cross-Claim and Third-Party Claim include claims for patent
7 infringement and for declaratory judgment relating to ownership/rights in patents, which
8 arise under the United States Patent Laws, 35 U.S.C. §101 et seq. The amount in
9 controversy is in excess of \$1,000,000.

10 9. Jurisdiction of this Court is pursuant to 28 U.S.C. §§ 1331, 1367, 1338(a) and (b), and
11 2201 et seq.

12 **FACTS**

13 10. The statements of all of the foregoing paragraphs are incorporated herein by reference
14 as if fully set forth herein.

15 11. Upon information and belief, with actual and/or constructive knowledge of the Patents
16 UAS has sold and/or manufactured and/or used and/or advertised/promoted one or more
17 products including those products designated by UAS as the Vision-1, UNS-1 and
18 TAWS Terrain and Awareness & Warning systems all of which infringe one or the
19 other of the Patents in suit ("Infringing Products").

20 12. Optima informed UAS that the Infringing Products infringed upon the Patents prior to
21 the filing of the *Complaint* herein. Upon information and belief, despite such
22 notification UAS has continued to sell and/or manufacture and/or use and/or
23 advertise/promote the Infringing Products.

24 13. Upon information and belief:

25 a. Naimer was the moving force who originated UAS's concept of the Infringing
26 Products; and/or

- 1 b. Naimer was and is the Chief Executive Officer of UAS, thereby controlling UAS
2 and its actions, including UAS's decision to create, develop, manufacture,
3 market and sell the Infringing Products; and/or
- 4 c. Naimer knew and/or should have known of the Patents prior to this lawsuit;
5 and/or
- 6 d. Naimer knew of Optima's allegations that UAS infringed upon the Patents prior
7 to this lawsuit; and/or
- 8 e. Naimer knew of UAS's actions in the nature of those described in Paragraphs 25,
9 31 and 33 of the *Complaint* and participated in and/or directed those UAS
10 actions/efforts; and/or
- 11 f. It was at all times within Naimer's authority and/or ability to stop UAS's
12 continued design, development, manufacturing, marketing and selling of the
13 Infringing Products but, after Naimer knew of the Patents, the allegations that
14 UAS infringed on the Patents and/or UAS's actions in the nature of those
15 described in Paragraphs 25, 31 and 33 of the *Complaint*, he did not stop UAS's
16 continued design, development, manufacturing, marketing and selling of the
17 Infringing Products; and/or
- 18 g. It was at all times within Naimer's authority and/or ability to direct UAS to
19 redesign, revise and/or redevelop the Infringing Products such that they would
20 no longer infringe on the Patents but, after Naimer knew of the Patents, the
21 allegations that UAS infringed on the Patents and/or UAS's actions in the nature
22 of those described in Paragraphs 25, 31 and 33 of the *Complaint*, he did not
23 direct UAS to redesign, revise and/or redevelop the Infringing Products such that
24 they would no longer infringe on the Patents; and/or
- 25 h. Naimer has continued to direct UAS's design, development, manufacturing,
26 marketing and selling of the Infringing Products while knowing and/or intending

1 for UAS to infringe on the Patents.

2 14. Upon information and belief:

- 3 a. Hummel was and is the Vice President/General Manager of Engineering
4 Research and Development of UAS, thereby controlling UAS's design,
5 development and/or manufacture of the Infringing Products; and/or
6 b. Hummel was intimately involved in UAS's design and/or development of the
7 Infringing Products; and/or
8 c. Hummel knew and/or should have known of the Patents prior to this lawsuit;
9 and/or
10 d. Hummel knew of Optima's allegations that UAS infringed upon the Patents prior
11 to this lawsuit; and/or
12 e. Hummel knew of UAS's actions in the nature of those described in Paragraphs
13 25, 31 and 33 of the *Complaint* and participated in and/or directed those UAS
14 actions/efforts; and/or
15 f. It was at all times within Hummel's authority and/or ability to stop UAS's
16 continued design, development and/or manufacturing of the Infringing Products
17 but, after Hummel knew of the Patents, the allegations that UAS infringed on the
18 Patents and/or UAS's actions in the nature of those described in Paragraphs 25,
19 31 and 33 of the *Complaint*, he did not stop UAS's continued design,
20 development and/or manufacturing of the Infringing Products; and/or
21 g. It was at all times within Hummel's authority and/or ability to direct UAS to
22 redesign, revise and/or redevelop the Infringing Products such that they would
23 no longer infringe on the Patents but, after Naimer knew of the Patents, the
24 allegations that UAS infringed on the Patents and/or UAS's actions in the nature
25 of those described in Paragraphs 25, 31 and 33 of the *Complaint*, he did not
26 direct UAS to redesign, revise and/or redevelop the Infringing Products such that

1 they would no longer infringe on the Patents; and/or

2 h. Hummel has continued to direct UAS's design, development and/or
3 manufacturing of the Infringing Products while knowing and/or intending for
4 UAS to infringe on the Patents.

5 15. UAS and Optima entered into the contract attached as Exhibit 8 to the *Complaint* herein
6 (hereinafter the "Contract"). Pursuant to and under the terms of the Contract, Optima
7 provided to UAS a confidential power of attorney (hereinafter the "Power of Attorney")
8 that Jed Margolin ("Margolin"), as the inventor and then-owner of the Patents, had
9 previously executed. The Power of Attorney provided, *inter alia*, that Margolin
10 appointed "Optima Technology Inc. - Robert Adams CEO" as his attorney-in-fact with
11 respect to (*inter alia*) the Patents. Under its express terms, the Power of Attorney could
12 only be exercised by "Optima Technology Inc. - Robert Adams CEO" and could only
13 be exercised by a signature in the following form: "Jed Margolin by Optima
14 Technology, Inc., c/o Robert Adams, CEO his attorney in fact." Optima had not and has
15 not at any time placed the Power of Attorney in the public domain or otherwise provided
16 a copy of it, or made it available, to OTC.

17 16. UAS, through its duly authorized agents, employees and/or attorneys, provided the
18 Power of Attorney (or a copy thereof) to OTC principal, director, officer and/or agent
19 Gholamreza Zandianjazi a/k/a Reza Zandian ("Zandian"). As of that time, neither
20 Zandian nor OTC had ever received, been privy to, obtained or had knowledge of the
21 Power of Attorney.

22 17. OTC does not have, and has never had, any right, interest or valid claim to any right,
23 title or interest in or to either the Patents or the Power of Attorney.

24 18. UAS, by and through its authorized agents and attorneys Scott Bornstein ("Bornstein")
25 and/or Greenberg Traurig, LLP ("GT"), informed, directed, advised, assisted,
26 associated, agreed, conspired and/or engaged in a mutual undertaking with

- 1 Zandian/OTC to record the Power of Attorney with the U.S. Patent and Trademark
2 Office ("PTO") in the name of OTC.
- 3 19. UAS knew or should have known that the Power of Attorney could not be rightfully
4 exercised by OTC/Zandian and/or recorded with the PTO as:
- 5 a. UAS had been advised and/or knew that OTC was a different corporate entity
6 than "Optima Technology, Inc" as listed in the Power of Attorney; and/or
7 b. UAS had been advised and/or knew that "Robert Adams" was not an agent or
8 employee of OTC and, thus, the Power of Attorney could not be rightfully
9 exercised by Zandian on behalf of OTC; and/or
10 c. UAS had been advised and/or knew that OTC had no right or interest whatsoever
11 in the Patents or the Power of Attorney.
- 12 20. Based upon the information, direction, advice and assistance of UAS, Zandian/OTC
13 proceeded to publish and record the Power of Attorney to and with the PTO (in
14 Virginia) as a document in support of a claim of assignment of the Patents to OTC (the
15 "Assignment"). As a result thereof, the Assignment/Power of Attorney have become
16 part of the public PTO record on which the U.S. Patent Office, the public and third
17 parties rely for information regarding title to the Patents.
- 18 21. Robert Adams and Optima did not execute, record or authorize the execution or
19 recording of any documents purporting to assign or transfer title and/or any interest in
20 the Patents to OTC with the PTO.
- 21 22. Upon information and belief, Zandian executed such documents by (*inter alia*) utilizing
22 his signature on behalf of OTC and mis-stating that Zandian/OTC was exercising the
23 Power of Attorney as the "attorney in fact" of Margolin.
- 24 23. Had UAS not provided the Power of Attorney to Zandian/OTC, OTC would not have
25 been able to record it as a purported Assignment with the PTO.
- 26 24. The recording of the Assignment and Power of Attorney with the PTO:

- 1 a. Are circumstances under which reliance upon such recordings by a third person
2 is reasonably foreseeable as the open public records of the PTO are regularly and
3 normally referred to and/or relied upon by persons in determining legal rights
4 with respect to patents (including assignments, transfers of rights and licenses
5 relating thereto), and evaluating such rights with respect to valuation, negotiation
6 and purchase of rights with respect to patents (including assignments, transfers
7 of rights and licenses relating thereto); and/or
- 8 b. Create a cloud of title, an impairment of vendibility, and/or an appearance of
9 lessened desirability for purchase, lease, license or other dealings with respect
10 to the Patents and/or Power of Attorney; and/or
- 11 c. Prevent and/or impair sale and/or licensing of the Patents; and/or
- 12 d. Otherwise impair and/or lessen the value of the Patents and/or any licenses to be
13 issued with respect to them; and/or
- 14 e. Cast doubt upon the extent of Optima's interests in the Patents and/or under the
15 Power of Attorney relating thereto and/or upon Optima's power to make an
16 effective sale, assignment, license or other transfer of rights relating thereto;
17 and/or
- 18 f. Caused damage and harm to Optima; and/or
- 19 g. Reasonably necessitated and/or forced Optima to prepare and record documents
20 with the PTO attempting to correct the public record regarding Optima's rights
21 with respect to the Patents and/or the Power of Attorney for which Optima
22 incurred substantial expenses (attorneys' fees and costs) in the preparation and
23 recording thereof; and/or
- 24 h. Irrespective of Optima's filings with the PTO, created a continuing cloud of title,
25 impairment of vendibility, etc. (as discussed in the foregoing paragraphs) and
26 continuing harm to Optima reasonably necessitating and forcing Optima to bring

1 its declaratory judgment cross-claim against OTC herein to declare and establish
2 true and proper title to the Patents, for which Optima has incurred and will incur
3 substantial expenses (attorneys' fees and costs) in the prosecution thereof.

4 25. Upon information and belief, UAS provided additional information to Zandian/OTC
5 regarding, or of the same nature as that discussed in, Paragraph 33 of and Exhibits 14,
6 15 and 17 to the *Complaint* herein.

7 26. UAS made the disclosures (*inter alia*) as acknowledged in its *Complaint* herein.

8 27. Upon information and belief, UAS also made the disclosures alleged in Paragraph 34
9 of, and in Exhibit 12 attached to, the *Complaint*.

10 28. By filing its *Complaint* as part of the open public record in this case, UAS disclosed the
11 content thereof and the Exhibits attached thereto.

12 29. The actions of UAS and OTC herein were motivated by spite, malice and/or ill-will
13 toward Optima and were for the purpose of and/or were intended to intermeddle with,
14 interfere with, trespass upon and/or cause harm to Optima's rights in the Patents and/or
15 under the Power of Attorney, and/or with knowledge that such intermeddling,
16 interference, trespass and/or harm was substantially certain to occur.

17 30. Upon information and belief, OTC intends to continue to compete, interfere, and/or
18 attempt to compete and/or interfere with Optima regarding the Patents and/or the Power
19 of Attorney. At this time, however, Optima is unaware of any actual attempts yet made
20 by OTC to purportedly license, sell or otherwise transfer rights regarding the Patents
21 under its purported Assignment/Power of Attorney (as recorded with the PTO). If and
22 when Optima becomes aware of such actions, it will timely seek to amend and
23 supplement the Counterclaims, Cross-Claims, Third-Party Claims and/or remedies
24 herein as necessary and applicable.

25

26

COUNT 1

PATENT INFRINGEMENT

1
2
3 31. The statements of all of the foregoing paragraphs are incorporated herein by reference
4 as if fully set forth herein.

5 32. This is a cause of action for patent infringement under 35 U.S.C. § 271 *et seq.* At all
6 relevant times, UAS had actual and constructive knowledge of the Patents in suit
7 including the scope and claim coverage thereof.

8 33. UAS's aforesaid activities constitute a direct, contributory and/or inducement of
9 infringement of the aforesaid patents in violation of 35 U.S.C. § 271 *et seq.* UAS's
10 aforesaid infringement is and has, at all relevant times, been willful and knowing.

11 34. Naimer and Hummel, through their forgoing actions, actively aided and abetted and
12 knowingly and/or intentionally induced, and specifically intended to induce, UAS's
13 direct infringement despite their knowledge of the Patents.

14 35. Optima has suffered and will continue to suffer immediate and ongoing irreparable and
15 actual harm and monetary damage as a result of UAS's, Naimer's and Hummel's willful
16 patent infringement in an amount to be proven at trial.

17 **COUNT 2**

18 **BREACH OF CONTRACT**

19 36. The statements of all of the foregoing paragraphs are incorporated herein by reference
20 as if fully set forth herein.

21 37. This is a cause of action for breach of contract against UAS pursuant to Arizona law.

22 38. UAS's actions constitute one or more breaches of the contract attached as Exhibit 8 to
23 the *Complaint* herein.

24 39. As a result thereof, Optima has suffered and will continue to suffer immediate and
25 ongoing harm and monetary damage in an amount to be proven at trial.

26

COUNT 3

BREACH OF THE IMPLIED COVENANT
OF GOOD FAITH AND FAIR DEALING

- 1
2
3 40. The statements of all of the foregoing paragraphs are incorporated herein by reference
4 as if fully set forth herein.
5 41. This is a cause of action for breach of the implied covenant of good faith and fair
6 dealing against UAS pursuant to Arizona law.
7 42. Under Arizona law, every contract contains an implied covenant of good faith and fair
8 dealing.
9 43. UAS's actions constitute one or more breaches of covenant of good faith and fair
10 dealing present and implied in the contract attached as Exhibit 8 to the *Complaint*
11 herein.
12 44. As a result thereof, Optima has suffered and will continue to suffer immediate and
13 ongoing harm and monetary damage in an amount to be proven at trial.

COUNT 4

NEGLIGENCE

- 14
15
16 45. The statements of all of the foregoing paragraphs are incorporated herein by reference
17 as if fully set forth herein.
18 46. This is an cause of action for negligence against UAS pursuant to the law of New York,
19 Delaware, California, Virginia or Arizona.
20 47. UAS owed a duty of care to Optima as a result of Exhibit 8 to the *Complaint* herein, and
21 the obligations created therein and/or relating thereto.
22 48. UAS breached these duties through its foregoing actions as alleged herein, including but
23 not limited to:
24 a. UAS's inclusion in an openly-accessible public record the allegations of its
25 *Complaint*; and/or
26

- 1 b. UAS's inclusion in an openly-accessible public record the exhibits attached to
2 the *Complaint*; and/or
3 c. UAS's provision of a copy of the Power of Attorney prior to and/or as a result
4 of UAS's service of the *Complaint* (with Exhibit 3 thereto) upon OTC; and/or
5 d. UAS's informing, directing, advising, assisting and conspiring of/with
6 Zandian/OTC to record the Power of Attorney with the U.S. Patent and
7 Trademark Office ("PTO").

8 49. As a result thereof, Optima has suffered and will continue to suffer immediate and
9 ongoing harm and monetary damage in an amount to be proven at trial.

10 **COUNT 5**

11 **DECLARATORY JUDGMENT**

12 50. The statements of all of the foregoing paragraphs are incorporated herein by reference
13 as if fully set forth herein.

14 51. This is a cause of action for declaratory judgment under 28 U.S.C. § 2201 *et seq* against
15 OTC.

16 52. Optima was at all times relevant hereto the rightful holder of the Power of Attorney and
17 the rightful owner of the Patents.

18 53. By virtue of OTC's recording of the Assignment and Power of Attorney with the PTO,
19 a cloud of title, impairment of vendibility, etc. (as otherwise alleged above) exists with
20 respect to Optima's exclusive ownership rights relating to the Patents and the exclusive
21 rights under the Power of Attorney.

22 54. An actual and live controversy exists between OTC and Optima.

23 55. As a result thereof, Optima requests a declaration of rights with respect to the foregoing,
24 including but not limited to a declaration that OTC has no interest or right in either the
25 Power of Attorney or the Patents, that OTC's filing/recording of documents with the
26 PTO asserting any interest or right in either the Power of Attorney or the Patents was

- 1 publication(s); and/or
2 g. Are/were in reckless disregard with being in the nature of disparagement(s);
3 and/or
4 h. Are/were motivated by ill will toward Optima; and/or
5 i. Are/were motivated by an intent to injure Optima; and/or
6 j. Are/were committed with an intent to interfere in an unprivileged manner with
7 Optima's interests; and/or
8 k. Are/were committed with negligence regarding the truth or falsity of the
9 statement and/or publication and/or with being in the nature of a disparagement.
10 59. As a result thereof, Optima has suffered and will continue to suffer immediate and
11 ongoing harm and monetary damage in an amount to be proven at trial.

12 **COUNT 7**

13 **TRESPASS TO CHATTELS**

- 14 60. The statements of all of the foregoing paragraphs are incorporated herein by reference
15 as if fully set forth herein.
16 61. This is a cause of action for trespass to chattels against OTC and UAS pursuant to the
17 law of New York, Delaware, California, Virginia or Arizona.
18 62. The actions of OTC and/or UAS, as alleged above:
19 a. Are/were intentional physical, forcible and/or unlawful interference with the use
20 and enjoyment of rights to the Patents and/or Power of Attorney possessed by
21 Optima without justification or consent; and/or
22 b. Are/were possession of and/or the exercise of dominion over rights to the Patents
23 and/or Power of Attorney possessed by Optima without justification or consent;
24 and/or
25 c. Are/were intentional use and/or intermeddling with rights to the Patents and/or
26 Power of Attorney possessed by Optima without authorization; and/or

- 1 d. Resulted in deprivation of Optima's use of and/or rights in the Patents and/or
 - 2 Power of Attorney for a substantial time; and/or
 - 3 e. Resulted in impairment of the condition, quality and/or value of Optima's use of
 - 4 and/or rights in the Patents and/or Power of Attorney; and/or
 - 5 f. Resulted in harm to the legally protected interests of Optima.
- 6 63. As a result thereof, Optima has suffered and will continue to suffer immediate and
- 7 ongoing harm and monetary damage in an amount to be proven at trial.

8 **COUNT 8**

9 **UNFAIR COMPETITION**

- 10 64. The statements of all of the foregoing paragraphs are incorporated herein by reference
- 11 as if fully set forth herein.
- 12 65. This is a cause of action for unfair competition against OTC and UAS pursuant to the
- 13 common law of New York, Delaware, California, Virginia or Arizona.
- 14 66. The actions of OTC and/or UAS, as alleged above:
- 15 a. Are/were an unfair invasion and/or infringement of Optima's property rights of
 - 16 commercial value with respect to the Patents and/or the Power of Attorney;
 - 17 and/or
 - 18 b. Are/were a misappropriation of a benefit and/or property right belonging to
 - 19 Optima with respect to the Patents and/or the Power of Attorney; and/or
 - 20 c. Are/were a deceit and/or fraud upon the public with respect to the true ownership
 - 21 and other rights of Optima relating to the Patents and/or the Power of Attorney;
 - 22 and/or
 - 23 d. Are/were likely to cause confusion of the public with respect to the true
 - 24 ownership and other rights of Optima relating to the Patents and/or the Power of
 - 25 Attorney; and/or
 - 26 e. Will cause and/or are likely to cause an unfair diversion of trade whereby any

1 potential purchaser of a license or other rights from OTC with respect to the
2 Patents and/or Power of Attorney will be cheated into the purchase of something
3 which it is not in fact getting; and/or

4 f. Are likely to divert the trade of Optima; and/or

5 g. Are likely to cause substantial and irreparable harm to Optima.

6 67. As a result thereof, Optima has suffered and will continue to suffer immediate and
7 ongoing harm and monetary damage in an amount to be proven at trial.

8 **COUNT 9**

9 **UNFAIR AND DECEPTIVE COMPETITION/BUSINESS PRACTICES**

10 68. The statements of all of the foregoing paragraphs are incorporated herein by reference
11 as if fully set forth herein.

12 69. This is a cause of action for unfair and deceptive competition/business practices against
13 OTC and UAS pursuant to the statutory law of Delaware, 6 Del.C. §2531 *et seq.* to the
14 extent such statutory scheme applies in this matter.

15 70. The actions of OTC and/or UAS, as alleged above:

16 a. Are/were those of a person engaged in a course of a business, vocation, or
17 occupation; and/or

18 b. Constitute a deceptive trade practice; and/or

19 c. Cause a likelihood of confusion or of misunderstanding as to affiliation,
20 connection, or association with, or certification by, another; and/or

21 d. Represent that goods or services have sponsorship, approval, characteristics,
22 ingredients, uses, benefits, or quantities that they do not have, or that a person
23 has a sponsorship, approval, status, affiliation, or connection that the person does
24 not have; and/or

25 e. Represent that goods or services are of a particular standard, quality, or grade,
26 or that goods are of a particular style or model, if they are of another; and/or

- 1 f. Disparage the goods, services, or business of another by false or misleading
2 representation of fact; and/or
3 g. Were conduct which similarly creates a likelihood of confusion or of
4 misunderstanding.

5 71. As a result thereof, Optima has suffered and will continue to suffer immediate and
6 ongoing harm and monetary damage in an amount to be proven at trial.

7 72. To the extent Optima is entitled to damages under Delaware common-law it is further
8 entitled to treble damages pursuant to 6 Del.C. §2533(c).

9 73. Optima is entitled to injunctive relief pursuant to 6 Del.C. §2533(a).

10 74. The acts were a willful deceptive trade practice entitling Optima to its attorneys' fees
11 and costs pursuant to 6 Del.C. §2533(b).

12 75. This matter is an "exceptional" case also entitling Optima to its attorneys fees pursuant
13 to 6 Del.C. §2533(b).

14 **COUNT 10**

15 **UNLAWFUL CONSPIRACY TO INJURE TRADE OR BUSINESS**

16 76. The statements of all of the foregoing paragraphs are incorporated herein by reference
17 as if fully set forth herein.

18 77. This is a cause of action for unlawful conspiracy to injure trade or business against OTC
19 and UAS pursuant to the statutory law of Virginia, Va. Code Ann. § 18.2-499 and
20 § 18.2-500, to the extent such statutory scheme applies in this matter.

21 78. The actions of OTC and UAS, as alleged above, were those of two or more persons who
22 combined, associated, agreed, mutually undertook and/or acted in concert together for
23 the purpose of willfully and maliciously injuring Optima and its trade and/or business.

24 79. As a result thereof, Optima has suffered and will continue to suffer immediate and
25 ongoing harm and monetary damage in an amount to be proven at trial.

26 80. Optima is entitled to treble damages plus attorneys' fees and costs under Va. Code

1 Ann. § 18.2-500,

2 **COUNT 11**

3 **UNFAIR AND DECEPTIVE COMPETITION/BUSINESS PRACTICES**

4 81. The statements of all of the foregoing paragraphs are incorporated herein by reference
5 as if fully set forth herein.

6 82. This is a cause of action for unfair and deceptive competition/business practices against
7 OTC and UAS pursuant to the statutory law of California, California Business and
8 Professions Code § 17200 *et. seq.*, to the extent such statutory scheme applies in this
9 matter.

10 83. The actions of OTC and/or UAS, as alleged above, constitute one or more unlawful,
11 unfair or fraudulent business acts or practices including but not limited to the following:

12 a. The acts/practices are/were "fraudulent" as they are/were untrue and/or are/were
13 likely to deceive the public; and/or

14 b. The acts/practices are/were "unfair" as they constituted conduct that significantly
15 threatens or harms competition; and/or

16 c. The acts/practices are/were "unfair" as they constitute conduct that offends an
17 established public policy or when the practice is immoral, unethical, oppressive,
18 unscrupulous or substantially injurious to consumers; and/or

19 d. The acts/practices are/were "unlawful" as they are/were in violation of the
20 common-law duties that were owed to Optima; and/or

21 e. The acts/practices are/were "unlawful" as they are/were in violation of the legal
22 principles expressed in the other Counts herein; and/or

23 f. The acts/practices are/were "unlawful" as they are/were in committed violation
24 of Va. Code Ann. § 18.2-172 (a class 5 felony); and/or

25 g. The acts/practices are/were "unlawful" as they are/were in committed violation
26 of Va. Code Ann. § 18.2-499 (a class 1 misdemeanor).

1 84. As a result thereof, Optima has suffered and will continue to suffer immediate and
2 ongoing harm and monetary damage.

3 85. Optima is without an adequate remedy at law.

4 86. Unless enjoined the acts of OTC and UAS will continue to cause further, great,
5 immediate and irreparable injury to Optima.

6 87. Optima is entitled to injunctive relief and restitutionary disgorgement pursuant to
7 California Business and Professions Code § 17203.

8 **COUNT 12**

9 **UAS LIABILITY**

10 88. The statements of all of the foregoing paragraphs are incorporated herein by reference
11 as if fully set forth herein.

12 89. In addition to any other liability existing as to the acts of UAS described herein UAS
13 is additionally liable under Counts 6-11 herein because:

- 14 a. OTC acted as the agent and/or servant of UAS; and/or
15 b. UAS aided and abetted the wrongful conduct of OTC through one or more of the
16 following:
17 i. UAS provided aid to OTC in its commission of a wrongful act that caused
18 injury to Optima; and/or
19 ii. UAS substantially assisted and/or encouraged OTC in the principal
20 violation/wrongful act; and/or
21 iii. UAS was aware of its role as part of overall illegal and/or tortious activity
22 at the time it provided the assistance; and/or
23 iv. UAS reached a conscious decision to participate in tortious activity for
24 the purpose of assisting OTC in performing a wrongful act; and/or
25 c. UAS engaged in a civil conspiracy with OTC through an agreement to
26 accomplish an unlawful purpose and/or to accomplish a lawful object by

- 1 unlawful means, one of whom committed an act in furtherance thereof, thereby
2 causing damages to Optima; and/or
- 3 d. UAS and OTC acted in concert; and/or
- 4 e. UAS provided affirmative aid and/or encouragement to the wrongful conduct of
5 OTC; and/or
- 6 f. UAS directed, ordered and/or induced the wrongful conduct of OTC while
7 knowing (or should having known) of circumstances that would have made the
8 conduct tortious if it were UAS's; and/or
- 9 g. UAS advised OTC to commit the wrongful conduct which resulted in a legal
10 wrong and/or harm to Optima; and/or
- 11 h. UAS acted together with OTC to commit the wrongful conduct pursuant to a
12 common design; and/or
- 13 i. UAS knew that the OTC's conduct would constitute a breach of duty and gave
14 substantial assistance or encouragement to OTC so to conduct itself; and/or
- 15 j. UAS gave substantial assistance to OTC in accomplishing a tortious result and
16 UAS's own conduct, separately considered, constitutes a breach of duty to
17 Optima; and/or
- 18 k. UAS knowingly participated in the wrongful action of OTC.
- 19 90. As a result thereof, UAS is jointly and severally liable for any such damages awarded
20 to Optima under Counts 6-11 herein.

21 **COUNT 13**

22 **PUNITIVE DAMAGES**

- 23 91. The statements of all of the foregoing paragraphs are incorporated herein by reference
24 as if fully set forth herein.
- 25 92. This is a claim for punitive damages against OTC and UAS pursuant to the common law
26 and/or statutory law of New York, Delaware, California, Virginia or Arizona.

- 1 93. Through their actions referenced herein, OTC and UAS:
- 2 a. Acted with an intent to injure Optima and/or consciously pursued a course of
- 3 conduct knowing that it created a substantial risk of significant harm to Optima;
- 4 and/or
- 5 b. Acted with an "evil hand" guided by an "evil mind"; and/or
- 6 c. Engaged in intentional and deliberate wrongdoing and with character of outrage
- 7 frequently associated with crime; and/or
- 8 d. Engaged in conduct that may be characterized as gross and morally reprehensible
- 9 and of such wanton dishonesty as to imply criminal indifference to civil
- 10 obligations; and/or
- 11 e. Acted with conduct so reckless and wantonly negligent as to be the equivalent
- 12 of a conscious disregard of the rights of others; and/or
- 13 f. Acted with a fraudulent and/or evil motive; and/or
- 14 g. Acted with aggravation and outrage; and/or
- 15 h. Acted with outrageous conduct with evil motive and/or reckless indifference to
- 16 rights of others; and/or
- 17 i. Acted with wilful and/or wanton disregard for the rights of others; and/or
- 18 j. Were aware of probable dangerous consequences of their conduct and willfully
- 19 and deliberately failed to avoid those consequences; and/or
- 20 k. Acted with the intent to vex, injury or annoy, or with a conscious disregard of the
- 21 right of others; and/or
- 22 l. Engaged in reprehensible and/or fraudulent conduct; and/or
- 23 m. Acted in blatant violation of law or policy; and/or
- 24 n. Acted with extreme indifference to the rights of others; and/or
- 25 o. Are guilty of oppression, fraud and/or malice, as defined by and pursuant to
- 26 Cal.Civ.Code § 3294; and/or

- 1 p. Acted with wilful and wanton conduct so as to evince a conscious disregard of
2 the rights of others; and/or
3 q. Acted with recklessness and/or negligence so as to evince a conscious disregard
4 of the rights of others; and/or
5 r. Engaged in malicious conduct; and/or
6 s. Engaged in misconduct and/or actual malice.
7 94. As a result thereof, Optima is entitled to an award of punitive damages against OTC and
8 UAS herein in an amount to be determined by a jury.

9 **EXCEPTIONAL CASE**

10 This is an exceptional case under 35 U.S.C. § 285 in which Counterclaimant and
11 Cross-Claimant Optima is entitled to its attorneys' fees and costs incurred in connection with
12 this action.

13 **JURY TRIAL DEMAND**

14 Counterclaimant Optima demands a jury trial on all claims and issues to be litigated in
15 this matter.

16 **PRAYER FOR RELIEF**

17 WHEREFORE Optima requests that the Court enter judgment in favor of Optima, and
18 against UAS, OTC, Naimer, and Hummel, on the Counterclaims, Cross-Claims and Third-Party
19 Claims, as follows:

- 20 1. Declaring that the Infringing Products, and all other of UAS's products shown to be
21 encompassed by one or more claims of the asserted Patents infringe said Patents;
22 2. Awarding Optima its monetary damages, and a doubling or trebling thereof, incurred
23 as a result of Defendants' willful infringement and unlawful conduct, as provided under
24 35 U.S.C. § 284;
25 3. Declaring that this is an exceptional case pursuant to 35 U.S.C. § 285 and awarding
26 Optima its attorneys fees incurred in having to prosecute this action;

- 1 4. Ordering that all of the Counterdefendants, Crossdefendants and Third-Party
2 Defendants and all those in active concert or privity with them be temporarily,
3 preliminarily and permanently enjoined from further infringement of U.S. Patent No.
4 5,566,073 (the '073 patent) and U.S. Patent No. 5,904,724 (the '724 patent);
- 5 5. Awarding Optima its actual, special, compensatory, economic, punitive and other
6 damages, including but not limited to:
 - 7 a. A reasonable royalty and/or lost profits attributable to defendants' past, present
8 and ongoing infringement of the Patents;
 - 9 b. The reduced value of the Patents and/or licenses with respect thereto;
 - 10 c. Optima's attorneys' fees and costs incurred in preparing and recording filings
11 with the PTO; and
 - 12 d. Optima's ongoing attorneys' fees and costs incurred in filing and prosecuting the
13 cross-claims against OTC herein to establish the invalidity, void nature, etc., of
14 its filing of the Assignment with the PTO and claim of any right or interest in the
15 Power of Attorney and/or the Patents, and to otherwise remove the cloud of title,
16 impairment of vendibility, etc., with respect to Optima's rights in the Patents
17 and/or the Power of Attorney;
- 18 6. Declaring that OTC has no interest or right in the Patents or the Power of Attorney;
- 19 7. Declaring that the Assignment OTC filed with the PTO is forged, invalid, void, of no
20 force and effect, should be struck from the records of the PTO, and that the PTO correct
21 its records with respect to any such claim made by OTC with respect to the Patents
22 and/or the Power of Attorney;
- 23 8. Enjoining OTC from asserting further rights or interests in the Patents and/or Power of
24 Attorney;
- 25 9. Enjoining UAS and OTC from further acts of unfair competition;
- 26 10. Granting Optima its attorneys' fees and costs pursuant to applicable law, including but

Exhibit 2

Exhibit 2

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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

Exhibit 3

Exhibit 3

Section I: Requester/Originator Information				
Name <i>Jed Margolin</i>	Telephone # <i>847 7845</i>	Date Wire to be Sent <i>1/15/08</i>		
Address <i>181 Empire Rd</i>	City <i>RENO</i>	State <i>NV</i>	Zip <i>89501</i>	
Customer ID Type <i>DL</i>	ID# <i>08050832</i>	Issue State/Country <i>NV</i>	Issue Date <i>1-6-06</i>	Expiration Date <i>1-2-2010</i>
Method of Signature Verification (If Applicable) <i>BACC</i> <i>Signature</i>				
Section II: Associate/Receiving Wire				
Associate Name <i>Kmazza</i>	Phone and Fax # <i>3560216034</i>	Unit Cos/CCY <i>8557</i>	Date <i>1/15/08</i>	Time <i>1:40</i>
Callback Required if Phone, Fax or Letter <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A		Name/Number of Person Contacted	Date/Time	Approval (requires Market Approval if required)
Callback Completed by:				
Section III: Amount/Payment Information				
Amount of Wire <i>\$ 30,000</i>	Debit Account Type (circle one) CHKG SAV ICA GL	Serial # (For ICA/GL) or Repetitive ID#	Source <input checked="" type="checkbox"/> OTC <input type="checkbox"/> Fax <input type="checkbox"/> Phone <input type="checkbox"/> Letter	
Account to Debit State <i>NV</i>	Available Balance	Account Title <i>Jed Margolin</i>		
Overdraft Amount \$	Overdraft Approved by (Name & Signature)		Date	Wire Fee <i>25</i>
Section IV: International Payment Instructions				
USD Amount of Wire \$	Country	Rate	Foreign Currency Code	Foreign Currency Amount
Debit Account Type (circle one) CHKG SAV ICA GL	Serial # (For ICA/GL) or Repetitive ID#	FX Reference ID (if Applicable)	Source <input type="checkbox"/> OTC <input type="checkbox"/> Fax <input type="checkbox"/> Phone <input type="checkbox"/> Letter	
Account to Debit State	Available Balance	Account Title		
Overdraft Amount \$	Overdraft Approved by (Name & Signature)		Date	Wire Fee \$
Section V: Wire Information				
Beneficiary Name <i>Merrill Lynch</i>		Beneficiary Account # OR IBAN (if IBAN, no further Beneficiary Bank information is required) <i>1011730</i>		
Beneficiary Address: Street		City	State	Country Zip
Beneficiary Bank Name <i>Mellon Bank</i>		ABA # or SWIFT or National ID <i>043000261</i>		
Beneficiary Bank Address: Street		City	State	Country Zip
Additional Instructions (Attention To, Please Advise, Customer Reference, Contact Upon Arrival) <i>ETC to Optima Technology acct 223-07406</i>				
Send Thru Bank/IBK (if available)		ABA # or SWIFT or National ID		
Send Thru Bank Address: Street		City	State	Country Zip
Section VI: Customer Approval				
I authorize Bank of America to transfer my funds as set forth in the instructions above (including debiting my account if applicable) and agree that such transfer of funds is subject to the Bank of America standard transfer agreement (see reverse side) and applicable fees. If this is a foreign currency wire transfer, I accept the conversion rate provided in Section IV, or, if no rate is entered, the rate provided by Bank of America at the time the wire transfer is sent.				
Customer's Signature: <i>Jed Margolin</i>		Date of Request: <i>1-15-2008</i>		
Section VII: Wire System/Processing Information				
BAT Approval Authorization # (if applicable)				
Wire Entered by: Name/Signature (attach BFT screens prints) Print: <i>Kmazza</i> Signature: <i>Kmazza</i>		BFT System Time <i>124544</i>	BFT Sequence # <i>01080115005656</i>	
Date of Entry and Verification <i>1-15-08</i>	Verified By (Name/Signature) (Print Verification Screen) Print: <i>Jed Margolin</i> Signature: <i>Jed Margolin</i>	BFT System Time <i>13:49:17</i>		

Note: Purpose of Wire must be disclosed if sent to an OFAC blocked country - See OFAC in PRO

Section I: Requester/Originator Information					
Name Jed Margolin		Telephone # 847-7845		Date Wire to be Sent 3-26-08	
Address 1981 Empire Rd		City Reno		State NV	
Customer ID Type 1. Drivers Lic		ID# 0802588352		Issue Date 1-6-06	
		Issue State/Country Nevada		Expiration Date 2/20/10	
Method of Signature Verification (If Applicable) _____					
Section II: Associate Accepting Wire					
Associate Name Janet Saldana		Phone and Fax # 775-325-6021		Unit Code/CC# 336/8557	
		Date 3-26-08		Time _____	
Callback Required if Phone, Fax or Letter <input type="checkbox"/> Yes <input type="checkbox"/> N/A		Name/Number of Person Contacted _____		Date/Time _____	
Callback Completed by _____				Approval (required)/Market Approval (if required) _____	
Section III: Domestic Payment Instructions					
Amount of Wire \$ 30,000 -		Debit Account Type (circle one) CHKG <input type="checkbox"/> SAV <input checked="" type="checkbox"/> ICA <input type="checkbox"/> GL <input type="checkbox"/>		Serial # (For ICA/GL) or Repetitive ID# _____	
Account to Debit _____		State _____		Available Balance _____	
		Account Title Jed Margolin		Source <input type="checkbox"/> Fax <input type="checkbox"/> Phone <input type="checkbox"/> Letter <input checked="" type="checkbox"/> OTC	
Overdraft Amount \$ _____		Overdraft Approved by (Name & Signature) _____		Date _____	
				Wire Fee \$ 25 -	
Section IV: International Payment Instructions: <input type="checkbox"/> Check here if funds must be sent in US Dollars					
USD Amount of Wire \$ _____		Country _____		Rate _____	
		Foreign Currency Code _____		Foreign Currency Amount _____	
Debit Account Type (circle one) CHKG <input type="checkbox"/> SAV <input type="checkbox"/> ICA <input type="checkbox"/> GL <input type="checkbox"/>		Serial # (For ICA/GL) or Repetitive ID# _____		FX Reference ID (If Applicable) _____	
Account to Debit _____		State _____		Available Balance _____	
		Account Title _____		Source <input type="checkbox"/> Fax <input type="checkbox"/> Phone <input type="checkbox"/> Letter <input type="checkbox"/> OTC	
Overdraft Amount \$ _____		Overdraft Approved by (Name & Signature) _____		Date _____	
				Wire Fee \$ _____	
Section V: Wire Information					
Beneficiary Name Merrill Lynch			Beneficiary Account # OR IBAN (If IBAN, no further Beneficiary Bank information is required) 1011730		
Beneficiary Address: Street _____		City _____		State _____	
		Country _____		Zip _____	
Beneficiary Bank Name Mellon Bank			ABA # or SWIFT or National ID 03223-097		
Beneficiary Bank Address: Street _____		City _____		State 043000261	
		Country _____		Zip _____	
Additional Instructions (Attention To, Phone Advice, Customer Reference, Contact Upon Arrival) F/Cc to Optima Technology Group 223-07406					
Send Thru Bank/IBK (if available) _____			ABA # or SWIFT or National ID _____		
Send Thru Bank Address: Street _____		City _____		State _____	
		Country _____		Zip _____	
Section VI: Customer Approval					
I authorize Bank of America to transfer my funds as set forth in the instructions noted herein (including debiting my account if applicable), and agree that such transfer of funds is subject to the Bank of America standard transfer agreement (see reverse side) and applicable fees. If this is a foreign currency wire transfer, I accept the conversion rate provided in Section IV, or, if no rate is entered, the rate provided by Bank of America at the time the wire transfer is sent.					
Customer's Signature: Jed Margolin				Date of Request: 3-26-08	
Section VII: Wire System Entry/Verification					
Wire Entered by: Name/Signature (attach BFT screen prints) Janet Saldana			BAT Approval Authorization # (if applicable) _____		BFT System Time 13:353
Print: Janet Saldana		Signature: Janet Saldana		BFT Sequence # 01080326006579	
Date of Entry and Verification _____		Verified By: (Name/Signature) (Print Verification Screen) _____		BFT System Time _____	
Print: _____		Signature: _____			

Note: Purpose of Wire must be disclosed if sent to an OFAC blocked country - See OFAC in PRO

Section I: Requester/Originator Information					
Name <i>Ted Margolin</i>		Telephone # <i>775-847-7845</i>		Date Wire to be Sent <i>6-18-08</i>	
Address <i>1981 Empire Rd</i>		City <i>Reno</i>		State <i>NV</i>	
Customer ID Type <i>DRIVER License</i>		ID# <i>0802588352</i>	Issue State/Country <i>Nevada</i>	Issue Date <i>01-06-06</i>	Expiration Date <i>02-20-2010</i>
Method of Signature Verification (If Applicable) <i>BoFA - ATM 5/124 EXP 5/2010</i>					
Section II: Associate Accepting Wire					
Associate Name <i>Janet Saldana</i>		Phone and Fax # <i>775-325-6001</i>		Unit C#/OC# <i>336/8557</i>	Date <i>6-18-08</i>
Time <i>9:32</i>		Name/Number of Person Contacted		Date/Time	Approval (required)/Market Approval (if required)
Callback Required if Phone, Fax or Letter <input type="checkbox"/> Yes <input type="checkbox"/> N/A					
Callback Completed by:					
Section III: Domestic Payment Instructions					
Amount of Wire <i>\$ 30,000.-</i>		Debit Account Type (circle one) CHKG <input type="checkbox"/> SAV <input checked="" type="checkbox"/> ICA <input type="checkbox"/> GL <input type="checkbox"/>		Serial # (For ICA/GL) or Repetitive ID#	
Account to Debit		State		Available Balance <i>\$ 42,339.52</i>	Account Title <i>Ted Margolin</i>
Overdraft Amount <i>\$</i>		Overdraft Approved by (Name & Signature)		Date <i>6-18-08</i>	Wire Fee <i>\$ 25.-</i>
Section IV: International Payment Instructions: <input type="checkbox"/> Check here if funds must be sent in US Dollars					
USD Amount of Wire <i>\$</i>		Country		Rate	Foreign Currency Code
Debit Account Type (circle one) CHKG SAV ICA GL		Serial # (For ICA/GL) or Repetitive ID#		FX Reference ID (If Applicable)	Source <input type="checkbox"/> Fax <input type="checkbox"/> Phone <input type="checkbox"/> Letter <input type="checkbox"/> OTC <input type="checkbox"/>
Account to Debit		State		Available Balance	Account Title
Overdraft Amount <i>\$</i>		Overdraft Approved by (Name & Signature)		Date	Wire Fee <i>\$</i>
Section V: Wire Information					
Beneficiary Name <i>Snell & Wilmer Trust Acct</i>			Beneficiary Account # OR IBAN (if IBAN, no further Beneficiary Bank information is required) <i>411-9025</i>		
Beneficiary Address: Street			City	State	Country
Beneficiary Bank Name <i>J.P. Morgan Chase NA/Phoenix Trust Acct</i>			ABA # or SWIFT or National ID <i>021000021</i>		
Beneficiary Bank Address: Street <i>501 N. Central Ave</i>			City <i>Phoenix</i>	State <i>AZ</i>	Country <i>US</i>
Additional Instructions (Attention To, Phone Advise, Customer Reference, Contact Upon Arrival) <i>Attn: Jeff Willis Client: Optima Technology Group/Ted Margolin</i>			Send Thru Bank/IBK (if available)		
Send Thru Bank Address: Street			City	State	Country
Section VI: Customer Approval					
I authorize Bank of America to transfer my funds as set forth in the instructions noted herein (including debiting my account if applicable), and agree that such transfer of funds is subject to the Bank of America standard transfer agreement (see reverse side) and applicable fees. If this is a foreign currency wire transfer, I accept the conversion rate provided in Section IV, or, if no rate is entered, the rate provided by Bank of America at the time the wire transfer is sent.					
Customer's Signature: <i>Ted Margolin</i>				Date of Request: <i>6-18-08</i>	
Section VII: Wire System Entry/Verification					
Wire Entered by: Name/Signature (attach BFT screens prints) <i>Janet Saldana</i>			BFT System Time <i>12:054</i>		BFT Sequence # <i>0108068004513</i>
Date of Entry and Verification			Verified By (Name/Signature) (Print Verification Screen)		BFT System Time
Print: <i>Janet Saldana</i>			Signature: <i>[Signature]</i>		

Note: Purpose of Wire must be disclosed if sent to an OFAC blocked country - See OFAC in PRO

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

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2013 JUN 24 PM 4: 12
ALAN GLOVER
BY Alan Glover CLERK
DEPUTY

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 24~~th~~ day of June, 2013.


DISTRICT COURT JUDGE

ORIGINAL

6/27/13

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
2013 JUN 27 PM 3:22
ALAN GLOVER
CLERK
BY *[Signature]*
DEPUTY

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**
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

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

26 ///
27 ///
28

1 Default Judgment.

2

Affirmation Pursuant to NRS 239B.030

3

4

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

5

DATED: June 26, 2013.

6

WATSON ROUNDS

7

By: 

8

Matthew D. Francis

9

Adam P. McMillen

10

Watson Rounds

11

5371 Kietzke Lane

12

Reno, NV 89511

13

Attorneys for Plaintiff Jed Margolin

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ORIGINAL

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ALAN GLOVER

BY  CLERK
DEPUTY

MSAD

GEOFFREY W. HAWKINS, ESQ.

Nevada Bar No. 7740

JOHNATHON FAYEGHI, ESQ.

Nevada Bar No. 12736

HAWKINS MELENDREZ, P.C.

9555 Hillwood Drive, Suite 150

Las Vegas, Nevada 89134

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Fax: (702) 318-8801

ghawkins@hawkinsmelendrez.com

Attorneys for Defendant

Reza Zandian aka Goamreza Zandian

aka Gholamreza ZandianJazi

aka Reza Jazi aka J. Reza Jazi

aka G. Reza Jazi aka Ghononreza

Zandian Jazi

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

**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**

Defendant REZA ZANDIAN ("Zandian") by and through his attorney Geoffrey W.

Hawkins, Esq., of the law firm HAWKINS MELENDREZ P.C., and pursuant to NRCP 55 and 60,

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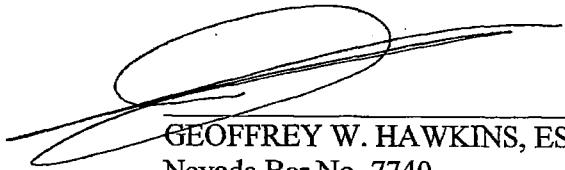
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hereby moves for an order from this Court to set aside the default judgment entered against Zandian in the above-captioned matter.

This motion is made and based upon the attached Memorandum of Points and Authorities, the attached exhibits, the pleadings and papers on file herein, and any oral argument this Honorable Court may allow.

DATED this 19th day of December, 2013.

HAWKINS MELENDREZ, P.C.



GEOFFREY W. HAWKINS, ESQ.
Nevada Bar No. 7740
JOHNATHON FAYEGHI, ESQ.
Nevada Bar No. 12736
9555 Hillwood Drive, Suite 150
Las Vegas, NV 89134
Phone: (702) 318-8800
*Attorneys for Defendant
Reza Zandian*

1 **POINTS AND AUTHORITIES**

2 **I.**

3 **STATEMENT OF FACTS**

4 The instant matter arises out of Plaintiff JED MARGOLIN's ("Plaintiff") allegations of
5 fraudulent conduct on the part of Zandian and other defendants with regard to United States Patent
6 Nos. 5,566,073, 5,904,724, 5,978,488, and 6,377,436.

7 Plaintiff's Original Complaint was filed on or about December 11, 2009 against Zandian,
8 Optima Technology Corporation, a California corporation (Optima CA), and Optima Technology
9 Corporation, a Nevada corporation (Optima NV). Plaintiff's Complaint alleged the following
10 causes of action: (1) Conversion; (2) Tortious Interference With Contract; (3) Intentional
11 Interference With Prospective Economic Advantage; (4) Unjust Enrichment; and (5) Unfair and
12 Deceptive Trade Practices. On or about December 2, 2010, Plaintiff filed an Application for Entry
13 of Default against Zandian for failure to respond to Plaintiff's Complaint. On or about March 1,
14 2011 default was entered against Zandian. Then on or about June 9, 2011, Zandian's prior counsel,
15 John Peter Lee, Esq., filed a Motion to Dismiss on a Special Appearance on behalf of Zandian,
16 Optima CA and Optima NV. On August 3, 2011, this Court set aside the default against Zandian,
17 Optima CA and Optima NV; denied Mr. Lee's Motion to Dismiss, and granted Plaintiff and
18 extension of time for service.

19 On or about August 11, 2011, Plaintiff filed his Amended Complaint against Zandian,
20 Optima CA, and Optima NV. At the time Plaintiff's Amended Complaint was filed, Zandian was
21 still represented by John Peter Lee, Esq. On or about February 17, 2012, Zandian's prior counsel,
22 John Peter Lee, Esq., filed a Motion to Dismiss Amended Complaint on Special Appearance. On or
23 about February 21, 2012, this Court issued an order denying the Motion to Dismiss Amended
24 Complaint.

25 On or about March 5, 2012, Zandian filed a General Denial to the Amended Complaint.
26 Shortly thereafter, Mr. Lee's office filed a Motion to Withdraw on or about March 7, 2012. In his
27 Motion to Withdraw, Mr. Lee provided the Court with an incorrect last known address for Zandian.
28 The address provided was 8775 Costa Verde Blvd., San Diego, CA 92122. As Plaintiff is well

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1 aware, Zandian has not lived in the US for over three years. Zandian has resided at 6 Rue Edouard
2 Fournier, 75116 Paris, France since August 2011. In fact, Plaintiff's counsel's firm had knowledge
3 of Zandian's French address as early as March 2013 due to its representation of Fred Sadri in the
4 Nevada Supreme Court Case No. 62839/Eighth Judicial District Court Case No. A635430. (See
5 Notice of Appeal in Case No. A635430, attached hereto as **Exhibit A**).

6 On or about July 16, 2012, Plaintiff allegedly served Zandian with written discovery.
7 However, Zandian never received any written discovery due to the fact that said written discovery
8 was mailed to the address mistakenly provided in John Peter Lee Esq.'s Motion to Withdraw. Due
9 to the fact that Zandian never received Plaintiff's written discovery, responses to the same were
10 never provided. On or about, December 14, 2012, Plaintiff filed a Motion for Sanctions Pursuant to
11 NRC 37. In Plaintiff's Motion for Sanctions, Plaintiff requested the Court to strike Zandian's
12 General Denial and award Plaintiff his fees and costs incurred in bringing the motion. Again,
13 Zandian never received said Motion for Sanctions and as a result no opposition was filed. On or
14 about, January 15, 2013, this Court issued an order striking the General Denial of Zandian and
15 awarded Plaintiff his fees and costs incurred in bringing the Motion for Sanctions.

16 On or about March 28, 2013 the Clerk of this Court entered default against Zandian. On or
17 about April 5, 2013, Plaintiff filed an Amended Notice of Entry of Default against Zandian. A copy
18 of said Amended Notice of Entry of Default was again mailed to the incorrect address provided in
19 Zandian's prior counsel's Motion to Withdraw. Plaintiff failed to mail a copy of the Amended
20 Notice of Entry of Default to Zandian's French address, despite having knowledge of said address
21 back in March of 2013. See **Exhibit A**.

22 On or about April 17, 2013, Plaintiff filed an Application for Entry of Default Judgment
23 against Zandian. A copy of Plaintiff's Application was again mailed to the incorrect address
24 provided in John Peter Lee's Motion to Withdraw, despite Plaintiff's knowledge of Zandian's
25 correct address in France. See **Exhibit A**. Furthermore, Plaintiff filed his Application for Entry of
26 Default Judgment without providing any notice to Zandian of the impending filing despite
27 Plaintiff's previous and extensive dealings with Zandian. On June 24, 2013 this Court entered a
28 Default Judgment against Zandian. On June 27, 2013, Plaintiff filed a Notice of Entry of Default

1 Judgment against Zandian. Both the June 24, 2013 Default Judgment and the June 27, 2013 Notice
2 of Entry of Default Judgment were mailed to the incorrect mailing address by Plaintiff, despite
3 Plaintiff's knowledge of Zandian's correct address in France.

4 Plaintiff's failure to provide notice to Zandian of the Application for Default Judgment
5 violates the Rules of Civil Procedure. Defendant clearly has good cause for the instant Default
6 Judgment to be set aside based upon NRCP 55(b)(2) and NRCP 55(c)'s incorporation of NRCP
7 60(b)(1)'s allowance for inadvertence, surprise and excusable neglect as evidence of good cause.
8 *Intermountain Lumber and Builders Supply, Inc. v. Glen Falls Insurance Co.*, 83 Nev. 126,129, 424
9 P.2d 884, 886 (1967). As such, Defendant should be allowed the opportunity to Set Aside the
10 Default Judgment and be provided the opportunity to file a responsive pleading of its choice in this
11 matter.

12 **II.**

13 **STATEMENT OF LAW**

14 NRCP 55(c) provides that, in the court's discretion, a default judgment may be set aside in
15 accordance with NRCP 60. NRCP 60 provides the moving party relief, in part, through rules 60(b)
16 and 60(c). NRCP 60(b) states in pertinent part:

17 On motion and upon such terms as are just, the court may relieve a
18 party or a party's legal representative from a final judgment, order,
19 or proceeding for the following reasons:

20 (1) mistake, inadvertence, surprise, or excusable neglect;

21 (3) fraud (whether heretofore denominated intrinsic or
22 extrinsic), misrepresentation or other misconduct of an
23 adverse party;

24 The motion shall be made within a reasonable time, and for
25 reasons (1), (2), and (3) not more than 6 months after the
26 proceeding was taken or the date that written notice of entry of the
27 judgment or order was served.

28 If mistake, inadvertence, surprise, excusable neglect, fraud, misrepresentation, misconduct of an
adverse party, or discharged judgment is shown, an order or judgment should be withdrawn and the

1 issues should be addressed on their proper merits. Furthermore, it is a firmly established policy of
2 the Nevada Supreme Court that “justice is best served when controversies are resolved on their
3 merits whenever possible.” *Gutenberger v. Continental Thrift and Loan Company*, 94 Nev. 173,
4 175, 576 P.2d 745 (1978).

5 “The salutary purpose of Rule 60(b) is to redress any injustices that may have resulted
6 because of excusable neglect or the wrongs of an opposing party. Rule 60 should, therefore, be
7 liberally construed to effectuate that purpose.” *Carlson v. Carlson*, 108 Nev. 358, 361-362, 832
8 P.2d 380, 382 (1992), quoting *Nevada Indus. Devel., Inc. v. Benedetti*, 103 Nev. 360, 364, 741 P.2d
9 802, 805 (1987).

10 If a defendant enters an appearance or if the plaintiff knows of the identity of defendant’s
11 counsel, the plaintiff has an obligation to notify the defendant of his intent to take a default.
12 *Rowland v. Lepire*, 95 Nev. 639, 600 P.2d 237 (1979); *Gazin v. Hoy*, 102 Nev. at 438;
13 Nev.Sup.CT.R. 1752. A failure to provide notice requires such default to be set aside. *Id.* “An
14 appearance within the contemplation of NRCP 55(b)(2) does not necessarily require some
15 presentation or submission to the court... [t]hat rule is designed to insure (sic) fairness to a party or
16 his representative who has indicated a clear purpose to defend the suit.” *Christy v. Carlise*, 99 Nev.
17 612, 584 P.2d 687 (1978).

18 The Nevada Supreme Court construes the term “appearance” loosely to allow for situations
19 where plaintiff’s counsel has awareness of the identity of defendant’s counsel or when plaintiff
20 knows that the defendant intends to defend itself against plaintiff’s suit. *Christy v. Carlise*. 94 Nev.
21 651, 584 P.2d 687 (1978); *Franklin v. Bartsas Realty*. 95 Nev. 559, 598 P.2d 1147 (1979); *Gazin v.*
22 *Hoy*. 102 Nev. at 438. Such awareness compels the plaintiff, pursuant to the rules of professional
23 responsibility, to make an inquiry of the defendant’s intentions to litigate the matter before he
24 proceeds with the entry of a default. *Cen Val Leasing Corporation v. Bockman*. 99 Nev. 612, 668
25 P.2d 1074 (1983). Failure to make such inquiry mandates that the default be set aside. *Id.*

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1 III.

2 LEGAL ARGUMENT

3 A. **Plaintiff Failed To Provide Zandian With Written Notice Of Application For Default**
4 **Judgment.**

5 In *Christy v. Carlisle*, the Nevada Supreme Court held “written notice of application for
6 default judgment must be given if the defendant or representative has appeared in the action. The
7 failure to serve such notice voids the judgment.” *Christy v. Carlisle*. 94 Nev. 651, 584 P.2d 687
8 (1978). In *Christy*, the defendant’s insurance carrier was notified by plaintiff’s counsel of the
9 lawsuit and was advised that it had an indefinite extension of time to answer. *See Id.* Negotiations
10 ensued between plaintiff and the insurance company, however a settlement was not reached.
11 Plaintiff’s counsel then caused service of process to be made upon the director of the department of
12 motor vehicles pursuant to NRS 14.070. *See Id.*

13 The summons and complaint were mailed to the defendant’s Las Vegas address, however
14 the defendant had moved. As a result, neither the defendant nor her insurance company received
15 actual notice that service of process had been made. *See Id.* Plaintiff obtained a default judgment
16 against the defendant for failure to respond to the complaint. Upon learning of the default judgment
17 (which was outside the 6-month time period) defendant’s counsel filed a motion to set aside default
18 judgment pursuant to Rule 55(b)(2). *See Id.* Defendant’s counsel argued that for the purposes of
19 that rule the defendant had appeared in the action and was entitled to written notice of application
20 for judgment. The district court ruled that the settlement negotiations and exchange of
21 correspondence between plaintiff’s counsel and the defendant’s insurance company should be
22 deemed an appearance within the intendment of Rule 55(b)(2) requiring a 3-day notice of the
23 application for default judgment. *See Id.* Since no notice was provided, the district court set aside
24 the default judgment and provided the defendant with additional time to file a responsive pleading.
25 On appeal, the Supreme Court affirmed the district court’s decision. *See Id.*

26 In this case, Zandian seeks relief from the entry of Default Judgment against him based on
27 Plaintiff’s failure to provide a three day notice of Plaintiff’s Application for Entry of Default
28 Judgment. As stated above, prior to filing his April 17, 2013 Application for Entry of Default

1 Judgment, Plaintiff, through his counsel, had knowledge of Zandian's personal residence in France.
2 See **Exhibit A**. However, Plaintiff failed to provide Zandian with the required three-day notice,
3 despite knowing that Zandian intended to defend himself against Plaintiff's suit, as evidenced by
4 Zandian's February 17, 2012 Motion to Dismiss and March 5, 2012 General Denial. Furthermore,
5 Plaintiff failed to mail a copy of the April 5, 2013 Amended Notice of Entry of Default and the
6 April 17, 2013 Application for Entry of Default Judgment to Zandian's French address despite
7 knowledge of said address. Due to Plaintiff's failure to provide the required three day notice,
8 failure to mail a copy of the April 5, 2013 Amended Notice of Entry of Default to Zandian's correct
9 address in France, and subsequent failures to mail a copy of the April 17, 2013 Application for
10 Entry of Default Judgment, the June 24, 2013 Default Judgment and the June 27, 2013 Notice of
11 Entry of Default Judgment to Zandian's French address, Zandian was unaware of the impending
12 default. Therefore, pursuant to NRCP 55(b)(2) and the holding in *Christy*, Zandian is entitled to a
13 set aside of Plaintiff's Default Judgment.

14 **B. Mistake, Inadvertence, Surprise, or Excusable Neglect is Present**

15 For a party to seek relief from judgment or order under NRCP 60(b)(1), he must
16 demonstrate that the judgment was a result of mistake, inadvertence, surprise, or excusable neglect,
17 and a meritorious defense must be tendered within a timely manner. *Gutenberger*, 94 Nev. at 175.
18 In addition to the reasons set forth in Paragraph A, Zandian seeks relief from the Default Judgment
19 based on excusable neglect.

20 In *Stoecklein v. Johnson Elec., Inc.*, the Nevada Supreme Court considered a similar set of
21 facts as found in the instant matter. In *Stoecklein* the plaintiff filed a complaint against Stoecklein
22 and five other defendants. An answer was filed by the defendants and subsequently a scheduling
23 order for the trial was sent to counsel for the parties stating that the parties should be ready for trial
24 on September 30, 1991. The scheduling order stated that the court would notify the attorneys for
25 each party of the date of trial and any pretrial deadlines. See *Stoecklein v. Johnson Elec., Inc.*, 109
26 Nev. 268, 849 P.2d 305 (1991). However, on August 19, 1991 Stoecklein's counsel withdrew due
27 to nonpayment of legal fees. See *Id.* The order of withdrawal filed with the district court provided
28 an incorrect address for future pleadings to be served on Stoecklein. See *Id.* As such, Stoecklein

1 never received notice from the court of the trial date. A bench trial was held, however Stoecklein
2 failed to appear. Judgment was then entered against Stoecklein and the other defendants.

3 Following the bench trial, Plaintiff's counsel sent the notice of the judgment to Stoecklein's
4 correct address. See *Id.* Upon receipt of the notice of judgment, Stoecklein immediately obtained
5 counsel and filed a motion for relief from judgment under NRCP 60(b)(1). See *Id.* The motion was
6 based on Stoecklein's assertion that he had received no notice of the trial date. The district court
7 denied Stoecklein's motion. See *Id.*

8 On appeal, the Nevada Supreme Court held that there was no evidence in the record that
9 showed notice of the trial date was sent to or received by Stoecklein. Therefore, Stoecklein's
10 failure to appear for trial was due to circumstances that constitute excusable neglect under NRCP
11 60(b)(1). See *Id.*

12 In the instant matter, Zandian's prior counsel, John Peter Lee Esq., withdrew as counsel on
13 or about March 7, 2012, due to a break down in communications among other things. In his Motion
14 to Withdraw, John Peter Lee Esq., provided an incorrect address for future pleadings and discovery
15 to be served on Zandian. As such, Zandian never received any pleadings or discovery in this matter
16 after April 26, 2012 (the date the Court granted John Peter Lee Esq.'s Motion to Withdraw).
17 Specifically, Zandian did not receive the following: (1) Plaintiff's written discovery which was
18 allegedly served on July 16, 2012; (2) Plaintiff's December 14, 2012 Motion for Sanctions Pursuant
19 to NRCP 37; (3) the January 15, 2013 Order striking the General Denial of Zandian and awarding
20 Plaintiff his fees and costs incurred in bringing the Motion for Sanctions; (4) the April 5, 2013,
21 Amended Notice of Entry of Default against Zandian; (5) Plaintiff's April 17, 2013, Application for
22 Entry of Default Judgment against Zandian; (6) the June 24, 2013 Default Judgment; and (7) the
23 June 27, 2013 Notice of Entry of Default Judgment. Zandian only learned of the Default Judgment
24 while visiting the US on business in late November of 2013. Upon learning of the Default
25 Judgment, Zandian retained the law firm of Hawkins Melendrez P.C. to file the instant motion.

26 As was the case in *Stoecklein*, Zandian's failure to respond to Plaintiff's written discovery
27 and failure to oppose Plaintiff's Motion for Sanctions and Application for Entry of Default
28 Judgment were due to circumstances that constitute excusable neglect under NRCP 60(b)(1).

1 Furthermore, there are several factors the Court should use to determine whether the
2 conditions of 60(b)(1) have been met: (1) prompt application to remove the judgment; (2) a lack of
3 intent to delay the proceedings; (3) ignorance on the part of counsel or party as to procedure; and
4 (4) good faith. *Ogle v. Miller*, 87 Nev. 573, 576, 491 P.2d 40, 42 (1971).

5 **1. Zandian Promptly Files This Motion**

6 Rule 60(b)(1) states that a motion under subsection (b)(1) must be brought “not more than
7 six months after judgment, order, or proceeding was entered or taken.” NRCP 60(b)(1); *see also*
8 *Deal v. Baines*, 110 Nev. 509, 512, 874 P.2d 775 (1994). This Court has found prompt application
9 to remove the judgment is a persuasive factor. *See Hotel Last Frontier Corporation v. Frontier*
10 *Properties, Inc.*, 79 Nev. 150, 154, 380 P.2d 283 (1963). In this case, the Default Judgment was
11 entered on or about June 24, 2013 and the Notice of Entry of Default Judgment was filed on or
12 about June 27, 2013. Zandian learned of the Default Judgment in late November of 2013 while
13 visiting the US on business. Upon learning of the Default Judgment, Zandian retained Hawkins
14 Melendrez, P.C. to represent him in this matter. Zandian’s current motion comes less than six
15 months after the entry of the Default Judgment. Therefore, Zandian has promptly applied for the
16 removal of the Default Judgment.

17 **2. There Is No Intent To Delay The Proceedings**

18 This Court has also found the absence of intent to delay proceedings a persuasive factor. *Id.*
19 As previously stated, Zandian’s prior counsel, John Peter Lee, Esq., withdrew as counsel on or
20 about March 7, 2012. Furthermore, the last known address provided by Mr. Lee in his Motion to
21 Withdraw was inaccurate. From April 26, 2012 Zandian did not receive any of the pleadings or
22 discovery filed in this case. In late November 2013, Zandian learned of the Default Judgment while
23 visiting the US for business purposes. Upon learning of the Default Judgment, Zandian
24 immediately retained the services of Hawkins Melendrez P.C. Now, having retained counsel,
25 Zandian files this Motion in order to state his meritorious defenses and proceed to have the trier of
26 fact make a determination.

27 ///

28 ///

1 **3. Zandian Lacks Knowledge of Procedural Requirements**

2 Lack of knowledge of the party or counsel as to procedural requirements has been given
3 weight by this Court. *See Hotel*, 79 Nev. at 154. In this case, Zandian was without counsel as of
4 March 7, 2012. As such, Zandian was unaware of the procedural requirements. Now, having
5 retained counsel, Zandian files this Motion.

6 **4. Zandian Files This Motion In Good Faith.**

7 Of the multiple elements, this Court has found good faith to be the most significant. *Id.* In
8 *Stocklein v. Johnson Electric*, 109 Nev. 268, 849 P.2d 305 (1993), the Nevada Supreme Court stated
9 that “good faith is an intangible and abstract quality with no technical meaning or definition and
10 encompasses, among other things, an honest belief, the absence of malice, and the absence of design
11 to defraud.” (*quoting Doyle v. Gordan*, 158 N.Y.S.2d 248, 259060 (Sup. Ct. 1954)). There is no
12 question that Zandian is acting in good faith by seeking to have this Court set aside the Default
13 Judgment. The last known address provided by Zandian’s prior counsel in his Motion to Withdraw
14 was inaccurate. As such, from April 26, 2012 on Zandian did not receive any of the pleadings or
15 discovery filed in this case. Zandian did not receive Plaintiff’s written discovery, Plaintiff’s Motion
16 for Sanctions, or Plaintiff’s Application for Entry of Default Judgment. Zandian only learned of the
17 Default Judgment in November of 2013. Immediately upon learning of the Default Judgment,
18 Zandian retained the law firm of Hawkins Melendrez P.C. The instant Motion comes less than six
19 months after the entry of the Default Judgment.

20 **C. Although A Meritorious Defense Is No Longer Required, Zandian Has Clearly**
21 **Demonstrated A Meritorious Defense**

22 Prior to 1990, this Court had consistently held that a party moving to set aside a default
23 judgment must show a meritorious defense to the claim. *See Sealed Unit Parts v. Alpha Gamma*
24 *Ch.*, 99 Nev. 641, 643, 668 P.2d 288, 289 (1983). However, in *Price v. Dunn*, 106 Nev. 100, 787
25 P.2d 785 (1990), this Court ruled that the meritorious defense requirement must be set aside
26 pursuant to the United States Supreme Court holding in *Peralta v. Heights Medical Center, Inc.*,
27 485 U.S. 80, 108 S.Ct. 896, 99 L. Ed. 2d 75 (1988). Most recently, in *Epstein v. Epstein*, 113 Nev.

28

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1 1401, 950 P.2d 771, the Nevada Supreme Court overruled the requirement that a party must show a
2 meritorious defense because it is inconsistent with the holding in *Price* and *Peralta*.

3 Despite the fact that Zandian is not required to demonstrate a meritorious defense pursuant
4 to *Price* and *Epstein*, Zandian has clearly demonstrated a meritorious defense through his June 9,
5 2011 and February 17, 2012 Motions to Dismiss as well as his March 5, 2012 General Denial.

6 IV.

7 CONCLUSION

8 Based on the foregoing points and authorities, Defendant Reza Zandian respectfully requests
9 that the default judgment be set aside to allow him to respond as intended.

10 AFFIRMATION PURSUANT TO NRS 239B.030

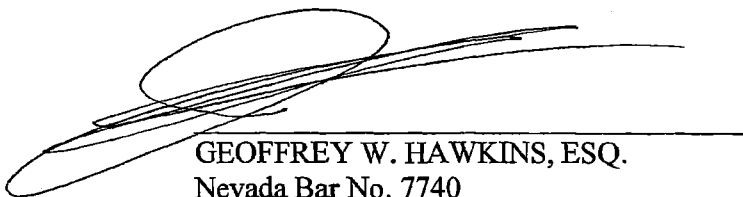
11 The undersigned does hereby affirm that the preceding document does not contain the social
12 security number of any person.

13 DECLARATION

14 The undersigned also declares under penalty of perjury that the foregoing is true and
15 accurate to the best of my knowledge.

16 Dated this 19th day of December, 2013.

17
18 HAWKINS MELENDREZ, P.C.

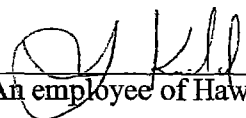
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22 GEOFFREY W. HAWKINS, ESQ.
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23 JOHNATHON FAYEGHI, ESQ.
Nevada Bar No. 12736
24 9555 Hillwood Drive, Suite 150
Las Vegas, NV 89134
25 Phone: (702) 318-8800
Attorneys for Defendant
26 Reza Zandian

CERTIFICATE OF SERVICE

Pursuant to Nevada Rules of Civil Procedure 5(b), I hereby certify that, on the 19th day of December, 2013, service 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'S MOTION TO SET ASIDE DEFAULT JUDGMENT** was made this date by depositing a true copy of the same for mailing, first class mail, at Las Vegas, Nevada, addressed follows:

Matthew D. Francis
Adam P. McMillen
WATSON ROUNDS
5371 Kietzke Lane
Reno, Nevada 89511
Attorneys for Plaintiff
Jed Margolin


An employee of Hawkins Melendrez, P.C.

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INDEX OF EXHIBITS

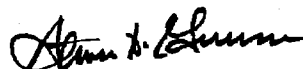
Exhibit No.	TITLE	NUMBER OF PAGES
A	Notice of Appeal in Nevada Supreme Court Case No. 62839/Eighth Judicial District Court Case No. A635430	2

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Exhibit A

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CLERK OF THE COURT

1 **NOAS**
2 **REZA ZANDIAN**
3 6, rue Edouard Fournier
4 75116 Paris, France
5 Pro Per Appellant

6 **DISTRICT COURT**
7 **CLARK COUNTY, NEVADA**

8 **GHOLAMREZA ZANDIAN JAZI, also**
9 **known as REZA ZANDIAN, individually,**

CASE NO.: A-11-635430-C
DEPT. NO.: IV

10 Plaintiff,

11 v.

12 **FIRST AMERICAN TITLE COMPANY, a**
13 **Nevada business entity; JOHNSON SPRING**
14 **WATER COMPANY, LLC, formerly known**
15 **as BIG SPRING RANCH, LLC, a Nevada**
16 **Limited Liability Company, FRED SADRI,**
17 **Trustee of the Star Living Trust, RAY**
18 **KOROGHLI, individually, and ELIAS**
19 **ABRISHAMI, individually,**

20 Defendants.

21 **AND ALL RELATED COUNTERCLAIMS**
22 **AND THIRD-PARTY CLAIMS**

1334.024072-td

NOTICE OF APPEAL

23 Notice is hereby given that REZA ZANDIAN a member of the above named company,
24 hereby appeals to the Supreme Court of Nevada from the Order to Distribute Attorney Fee and Costs
25 Awards to Defendants entered in this action on the 15th day of February, 2013.

26 DATED this 15th day of March, 2013.

27 BY: 
28 REZA ZANDIAN
6, rue Edouard Fournier
75116 Paris, France
Pro Per Appellant

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CERTIFICATE OF MAILING

I HEREBY CERTIFY that on the ___ day of March, 2013, I served a copy of the above and foregoing NOTICE OF APPEAL, 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:

Stanley W. Parry
100 North City Parkway, Ste. 1750
Las Vegas, Nevada 89106

Elias Abrishami
P.O. Box 10476
Beverly Hills, California 90213

Ryan E. Johnson, Esq.
Watson & Rounds
777 North Rainbow Blvd. Ste. 350
Las Vegas, Nevada 89107



A handwritten signature in black ink, appearing to read 'Ryan E. Johnson', is written over a horizontal line. The signature is enclosed within a large, hand-drawn oval.

12/30/13 13314
GWHJF

1 **MSTY**
2 **GEOFFREY W. HAWKINS, ESQ.**
3 Nevada Bar No. 7740
4 **JOHNATHON FAYEGHI, ESQ.**
5 Nevada Bar No. 12736
6 **HAWKINS MELENDREZ, P.C.**
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10 Fax: (702) 318-8801
11 ghawkins@hawkinsmelendrez.com
12 *Attorneys for Defendant*
13 *Reza Zandian aka Goamreza Zandian*
14 *aka Gholamreza Zandian Jazi*
15 *aka Reza Jazi aka J. Reza Jazi*
16 *aka G. Reza Jazi aka Ghononreza*
17 *Zandian Jazi*

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ALAN GLOVER
BY **C. GRIBBLE** CLERK
DEPUTY

11 **In The First Judicial District Court Of The State Of Nevada**
12 **In and For Carson City**

14 **JED MARGOLIN, an individual.**
15
16 **Plaintiff,**
17 **vs.**

CASE NO. 090C00579 1B
DEPT. NO. 1

17 **OPTIMA TECHNOLOGY CORPORATION,**
18 a California corporation, **OPTIMA**
19 **TECHNOLOGY CORPORATION,** a Nevada
20 corporation, **REZA ZANDIAN** aka
21 **GOLAMREZA ZANDIANJAZI** aka
22 **GHOLAM REZA ZANDIAN** aka **REZA**
23 **JAZI** aka **J. REZA JAZI** aka **G. REZA JAZI**
24 aka **GHONONREZA ZANDIAN JAZI,** an
25 individual, **DOE Companies 1-10, DOE**
26 **Corporations 11-20, and DOE Individuals 21-**
27 **30,**
28 **Defendants.**

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 FOR STAY OF
PROCEEDINGS TO ENFORCE
JUDGMENT PURSUANT TO NRCP
62(B)

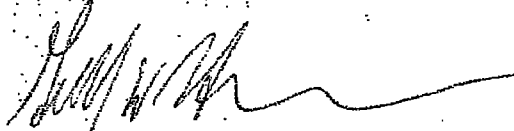
26 Defendant **REZA ZANDIAN** ("Zandian") by and through his attorney **Geoffrey W.**
27 **Hawkins, Esq.,** of the law firm **HAWKINS MELENDREZ P.C.,** and hereby submits this Motion for
28 **Stay of Proceedings to Enforce Judgment Pursuant to NRCP 62(b).**

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Las Vegas, Nevada 89134
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1 This motion is made and based upon the provisions of NRCP 62 and the following
2 Memorandum of Points and Authorities, the pleadings and papers on file herein, and any oral
3 argument this Honorable Court may allow.

4 DATED this 21st day of December, 2013.

5
6 **HAWKINS MELENDREZ, P.C.**

7 

8
9 **GEOFFREY W. HAWKINS, ESQ.**

Nevada Bar No. 7740

JOHNATHON FAYEGHI, ESQ.

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Attorneys for Defendant

Reza Zandian

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1 **B. It Is Common And Customary In Nevada To Allow Stays Without Security On Post-**
2 **Judgment Motions**

3 It is the common practice in Nevada to stay judgments pending resolution of post-judgment
4 motions pursuant to NRCP 62(b) without requiring a bond. *See David N. Frederick, Post Trial*
5 *Motions*, NEVADA CIVIL PRACTICE MANUAL 25-30 (5th ed. 2005) (“security in the form of a
6 bond or other collateral is usually not required”). There are many reasons to allow a stay on such
7 motions. First, post-trial review by the trial court typically takes less time than review by the
8 appellate court. In addition, all of the post-judgment proceedings will be within this court’s control.
9 And supersedeas bonds are expensive.

10 The Nevada Supreme Court has recognized the need for courts, under appropriate
11 circumstances, to grant a stay without requiring either a bond or any other additional security. In
12 *McCulloch v. Jeakins*, 99 Nev. 122, 123, 659 P.2d 302, 303 (1983) the court held that the district
13 court “may provide for a bond in a lesser amount, or may permit security other than a bond when
14 unusual circumstances exist and so warrant.” (*Citing Fed. Prescription Servs., Inc. v. Am. Pharm.*
15 *Ass’n.*, 636 F.2d 755 (D.C. Cir. 1980) and 11 Wright & Miller, FEDERAL PRACTICE AND
16 PROCEDURE § 2905, at 328 (1973) (emphasis omitted)). Moreover, in the recent case of *Nelson v.*
17 *Heer*, the Court further liberalized the standards regarding stays with alternative security. *See*
18 *Nelson v. Heer*, 121 Nev. 832, 122 P.3d 1252, 1254 (2005). The court agreed that “the phrase
19 ‘unusual circumstances’ in *McCulloch* [99 Nev. at 123, 659 P.2d at 303] is too restrictive.” *Nelson*,
20 122 P.3d at 1254. “[T]his language is outdated and few, if any courts still use such a rigid standard.”
21 *Id.* The court concluded that “a more flexible and modern approach will better serve Nevada
22 litigants and courts.” *Id.*

23 Even Rule 62(d) does not require a bond in all cases for a stay pending appeal. *See id.* at
24 1253; *Olympia Equip. Leasing Co. v. Western Union Telegraph*, 786 F.2d 794, 796 (7th Cir. 1986).
25 Such a requirement would conflict with NRAP 8(b), which implicitly recognizes the discretion of
26 courts to issue stays not conditioned on bonds. “[I]f the appellate court has the power to issue an
27 unsecured stay, as Rule 8(b) clearly implies, then the district court must have the power also, if Rule
28 8(b) is to make any sense.” *Fed. Prescription Servs., Inc. v. Am. Pharm. Ass’n*, 636 F.2d 755, 760

1 (D.C. Cir. 1980); see also *Poplar Grove Planting & Refining Co. v. Bache Halsey Stuart, Inc.*, 600
2 F.2d 1189 (5th Cir. 1979); *Int'l Telemeter Corp. v. Hamlin int'l Corp.*, 754 F.2d 1492, 1495 (9th
3 Cir. 1985).

4 **C. The Cost Of A Bond Is An Unnecessary Expense That Is Potentially Taxable To**
5 **Plaintiff**

6 Bonding is expensive, and the costs of bonding should be avoided except where the
7 defendant's ability to pay a judgment is open to serious question. Such caution is especially
8 warranted because the costs of bonding may ultimately be borne by plaintiffs rather than
9 defendants. Under NRAP 39(e), the costs of a supersedeas bond are taxable to plaintiffs if the
10 judgment is reversed on appeal.

11 **III.**

12 **LEGAL ARGUMENT**

13 On or about June 24, 2013, this Court entered a Default Judgment against Zandian. Then,
14 on or about December 11, 2013, Plaintiff filed his Motion for Judgment Debtor Examination and to
15 Produce Documents. Upon learning of the Default Judgment, Zandian retained counsel to file a
16 motion to set aside the default judgment. On December 20, 2013, Zandian timely filed his Motion
17 to Set Aside Default Judgment which is now pending before this Court. Zandian's Motion to Set
18 Aside Default Judgment was made pursuant to NRCP 55 and 60.

19 Pursuant to NRCP 62(b), this Court is authorized, in its discretion, to stay execution of, or
20 any proceedings to enforce a judgment pending the disposition of post-trial motions brought under
21 NRCP 60. In the instant case, Zandian's Motion to Set Aside Default Judgment must be resolved
22 before any proceedings to enforce the Default Judgment can proceed. Allowing Plaintiff to proceed
23 with enforcement of the Default Judgment in the face of the pending Motion to Set Aside Default
24 Judgment could obviously cause the parties to incur unnecessary expenses, and would be unfair and
25 prejudicial to Zandian in the event that the Default Judgment is set aside by this Court. Indeed,
26 NRCP 62(b) is obviously intended to avoid such untoward consequences.
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IV.

CONCLUSION

Based on the foregoing points and authorities, Defendant Reza Zandian respectfully requests that this Court grant a stay of any proceedings to enforce the Default Judgment, including proceedings such as a debtor's examination, until after the resolution of Zandian's Motion to Set Aside Default Judgment.

AFFIRMATION PURSUANT TO NRS 239B.030

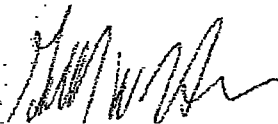
The undersigned does hereby affirm that the preceding document does not contain the social security number of any person.

DECLARATION

The undersigned also declares under penalty of perjury that the foregoing is true and accurate to the best of my knowledge.

Dated this 20 day of December, 2013.

HAWKINS MELENDREZ, P.C.




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Reza Zandian*

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CERTIFICATE OF SERVICE

Pursuant to Nevada Rules of Civil Procedure 5(b), I hereby certify that, on the 30th day of December, 2013, service 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'S MOTION FOR STAY OF PROCEEDINGS TO ENFORCE JUDGMENT PURSUANT TO NRCP 62(B)** was made this date by depositing a true copy of the same for mailing, first class mail, at Las Vegas, Nevada, addressed follows:

Matthew D. Francis
Adam P. McMillen
WATSON ROUNDS
5371 Kietzke Lane
Reno, Nevada 89511
Attorneys for Plaintiff
Jed Margolin


An employee of Hawkins Melendrez, P.C.

HAWKINS MELENDRIZ, P.C.
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1 Matthew D. Francis (6978)
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2 WATSON ROUNDS
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3 Reno, NV 89511
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4 Facsimile: 775-333-8171
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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,**

Case No.: 090C00579 1B

12 **vs.**

Dept. No.: 1

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,**

OPPOSITION TO MOTION TO SET
ASIDE DEFAULT JUDGMENT

24 **Defendants.**

25 The entire basis of Zandian's motion to set aside the default is the unfounded allegation
26 that John Peter Lee provided the Court with an incorrect last known address for Zandian when
27 he withdrew and that since April 26, 2012 Zandian did not receive the papers, pleadings and
28 motions in this matter. Zandian also alleges he has lived in France since August of 2011.
However, the evidence shows the address John Peter Lee provided to the Court was correct
and Zandian continued to live and maintain addresses in both Nevada and California since
August of 2011. Therefore, Zandian's motion to set aside must be denied.

1 **I. The Default Judgment Should Be Upheld Because Zandian Maintained His**
2 **San Diego Address And Knew About This Matter After His Counsel**
3 **Withdrew And Continued To Receive Notice Of This Matter**

4 “Default judgment will be upheld where the normal adversary process has been halted
5 due to an unresponsive party, because diligent parties are entitled to be protected against
6 interminable delay and uncertainty as to their legal rights.” *Skeen v. Valley Bank of Nevada*,
7 89 Nev. 301, 303, 511 P.2d 1053, 1054 (1973); *see also Hamlett v. Reynolds*, 114 Nev. 863,
8 865, 963 P.2d 457, 458 (1998) (same).

9 After filing several motions to dismiss and to set aside the prior default judgment and
10 after filing a general denial to the amended complaint, Zandian’s counsel, John Peter Lee,
11 withdrew from his representation of Zandian. When Mr. Lee filed his motion to withdraw he
12 provided a last known address for his client: 8775 Costa Verde Blvd, San Diego, CA. Without
13 providing an affidavit or any evidence, Zandian now argues that the address Mr. Lee provided
14 to the Court was incorrect. However, the address Mr. Lee provided to the Court is the same
15 address Mr. Lee provided to the Nevada Supreme Court in another unrelated matter in another
16 motion to withdraw. *See* Notice of Withdrawal, Amended Certificate of Mailing and Motion
17 to Withdraw, dated 2/22/13 and 2/13/13, respectively, attached hereto as Exhibit 1.

18 Also, the evidence overwhelmingly demonstrates Zandian maintained the same address
19 John Peter Lee provided to the Court, even after Zandian allegedly moved to France in August
20 2011, and the evidence similarly demonstrates Zandian continued to live in the United States,
21 not France. *See* Exhibit 2 (check from Golden Enterprises to Zandian at 8775 Costa Verde
22 Blvd, San Diego, CA, dated 10/31/12 and endorsed by Zandian); Exhibit 3 (check from
23 Golden Enterprises to Zandian at 8775 Costa Verde Blvd, San Diego, CA, dated 1/30/13 and
24 endorsed by Zandian); Exhibit 4 (Wells Fargo withdrawal slip filled out and signed by
25 Zandian, dated 2/20/13 (Wells Fargo does not have any branches in France)); Exhibit 5 (check
26 from and signed by Zandian to John Peter Lee, dated 1/13/12, with 8775 Costa Verde Blvd,
27
28

1 San Diego, CA, printed on the check); Exhibit 6 (checks, dated 11/28/11, 12/2/11, 1/25/12,
2 2/29/12, 3/1/12, 10/30/12, 1/15/13, showing Zandian maintained his 8775 Costa Verde Blvd,
3 San Diego, CA, address, including checks to the IRS and the Washoe County Treasurer);
4 Exhibit 7 (Wells Fargo bank statements from December 2011, March 2012 and April 2012
5 showing the 8775 Costa Verde Blvd, San Diego, CA, address); *see also* Exhibit 8 (Wells
6 Fargo/Visa statements, dated August 2011, August 2013, September 2013, October 2013
7 showing a San Diego address); Exhibit 9 (Visa statement, dated 4/10/13, showing Zandian
8 made four purchases in California on 3/15/13 which is the same date Zandian alleges he filed
9 the appeal with the French address); Exhibit 10 (Visa statements showing Zandian making
10 many purchases in California, not France, in September and October of 2011); Exhibit 11
11 (property summary screen for one of Zandian's Clark County properties currently listing his
12 8775 Costa Verde, San Diego, CA, address, not France); Exhibit 12 (checks, dated 1/25/12,
13 1/24/13, 2/21/13, 2/24/13 and 6/30/13, from Zandian to the Secretary of State of California,
14 United States Treasury, Employment Development Department, and the Internal Revenue
15 Service, all with the 8775 Costa Verde, San Diego, CA, address, and all of the checks are
16 written for Optima Technology Corp, which is another named defendant in this matter).
17
18

19 Also, there is no doubt Zandian had personal knowledge about this lawsuit. He filed
20 several papers and pleadings and paid his lawyer for this matter before his alleged move to
21 France. *See* Zandian's filings in this matter; *see also* Exhibit 13, which is a March 31, 2011
22 check Zandian wrote to John Peter Lee, which clearly shows Zandian hand wrote "Zandian v.
23 Margolin" on the "For" line.
24

25 Zandian has not provided any evidence that he lived in France at any time from August
26 2011 to the present. No affidavit is attached to the motion to set aside. No evidence is
27 attached to the motion to set aside. A French address on a notice of appeal in another matter is
28 not evidence. More importantly, as demonstrated above, Zandian continued to maintain his

1 San Diego address and continued to live in the United States at all times relevant to the default
2 judgment. Therefore, Zandian continued to receive notice¹ of all of the papers, pleadings and
3 motions in this matter and he simply chose to ignore this matter. As a result, the default
4 should be upheld.

5 **II. The Default Judgment Is The Proper Sanction For Failure To Make**
6 **Discovery Due To Zandian's Willfulness, Bad Faith, And Fault And Not**
7 **Due To Inability**

8 On December 14, 2012, Plaintiff served Zandian with a motion for sanctions under
9 NRCP 37, as Zandian had failed to respond to written discovery and he failed to respond to the
10 Plaintiff's efforts to meet and confer regarding his failure to respond to the written discovery.
11 See Motion for Sanctions, dated 12/14/12, on file herein. Zandian also failed to respond to the
12 motion for sanctions. On January 15, 2013, the Court granted the motion for sanctions, struck
13 Zandian's General Denial, and awarded Plaintiff his fees and costs related to the motion.

14 "NRCP 37(b)(2)(C) grants the district court authority to strike the pleadings in the
15 event that a party fails to obey a discovery order." *Foster v. Dingwall*, 227 P.3d 1042, 1048
16 (Nev. 2010). "In addition, [the Nevada Supreme] court has upheld entries of default where
17 litigants are unresponsive and engage in abusive litigation practices that cause interminable
18 delays." *Id.* (citations omitted).

19 Zandian's discovery abuses and complete failure to respond evidences his willful and
20 recalcitrant disregard of the judicial process, which prejudiced Plaintiff. *Foster*, 227 P.3d at
21 1049 (citing *Hamlett v. Reynolds*, 114 Nev. 863, 865, 963 P.2d 457, 458 (1998) (upholding the
22 district court's strike order where the defaulting party's "constant failure to follow [the court's]
23 orders was unexplained and unwarranted"); *In re Phenylpropanolamine (PPA) Products*, 460
24
25
26

27 ¹ Zandian fails to inform the Court as to how he all of a sudden came back from France and found out about the
28 default judgment in this matter. Zandian fails to indicate how or where he found out about the default. The fact
is Zandian continued to receive the papers, pleadings and motions in this matter. For reasons known only to
Zandian, it is only now that Zandian resurfaces to again move the Court to set aside the default judgment.

1 F.3d 1217, 1236 (9th Cir.2006) (holding that, with respect to discovery abuses, “[p]rejudice
2 from unreasonable delay is presumed” and failure to comply with court orders mandating
3 discovery “is sufficient prejudice”).

4 In light of Zandian’s repeated and continued abuses, the policy of adjudicating cases on
5 the merits would not be furthered in this case, and the ultimate sanctions are necessary to
6 demonstrate to Zandian and future litigants that they are not free to act with wayward
7 disregard of a court’s orders. *Foster*, 227 P.3d at 1049. Moreover, Zandian’s failure to oppose
8 Plaintiff’s motion to strike the General Denial constitutes an admission that the motion was
9 meritorious. *Id.* (citing *King v. Carlidge*, 121 Nev. 926, 927, 124 P.3d 1161, 1162 (2005)
10 (stating that an unopposed motion may be considered as an admission of merit and consent to
11 grant the motion) (citing DCR 13(3)).

13 III. Zandian Has Not Shown Good Cause

14 NRCP 55(c) states that a default judgment may be set aside for “good cause shown”
15 “in accordance with Rule 60.” The “good cause” contemplated by Rule 55(c) does not
16 embrace inexcusable neglect. *See Intermountain Lumber & Bldrs. Supply, Inc. v. Glens Falls*
17 *Ins. Co.*, 83 Nev. 126, 424 P.2d 884 (1967).

19 As Zandian maintained his San Diego address and was fully aware of this action, it was
20 inexcusable for Zandian to ignore this action. Moreover, Zandian has failed to provide any
21 evidence of “good cause” to set aside the judgment. He has only alleged that his lawyer
22 provided the incorrect address and that he lived in France. He fails to provide any affidavit or
23 evidence that the address was incorrect or that he actually lived in France. He also fails to
24 rebut the fact that he continued to receive all papers and pleadings in this matter. The
25 presumption is that he did receive all papers in this matter, as manifested by the fact that he
26 knew about this case and knew about the default judgment and now seeks to set aside the
27 judgment.
28

1 Based upon the fact that Zandian knew about this case and continued to receive the
2 papers and pleadings from this matter, it was inexcusable for Zandian not to respond to the
3 earlier discovery requests and motions. In addition, Zandian has not shown a meritorious
4 defense to the claims asserted by the Plaintiff. Merely referring the Court back to Zandian's
5 prior motions to dismiss and general denial is not a demonstration of a meritorious defense.

6 Zandian has not demonstrated good cause. In fact, Zandian has only demonstrated
7 inexcusable neglect by his willful failure to respond to this action. Since a default judgment
8 normally must be viewed as available only when the adversary process has been halted
9 because of a non-responsive party, *Christy v. Carlisle*, 94 Nev. 651, 584 P.2d 687 (1978),
10 Zandian's motion must be denied.
11

12 **IV. Zandian Has Not Shown Mistake, Inadvertence, Surprise Or Excusable**
13 **Neglect**

14 NRCP 60(b) allows a judgment to be set aside when a party can show, mistake,
15 inadvertence, surprise or excusable neglect. *See Gutenberger v. Continental Thrift and Loan*
16 *Company*, 94 Nev. 173, 175, 576 P.2d 745 (1978); *see also State v. Consolidated Va. Mining*
17 *Co.*, 13 Nev. 194 (1878) (where corporation sued in four different but identical suits and
18 responded and defended two the corporation's lawyer filed affidavits showing the corporation
19 was not even aware of the other two suits due to an honest mistake was sufficient to justify
20 setting aside default judgments in the two suits); *Cicerchia v. Cicerchia*, 77 Nev. 158, 360
21 P.2d 839 (1961) (court has wide discretion in determining what neglect is excusable and what
22 is inexcusable).
23

24 Zandian seeks relief under Rule 60(b) based only on excusable neglect. *See Motion to*
25 *Set Aside*, dated 12/19/13, 8:14-19. More specifically, Zandian claims John Peter Lee
26 provided this Court with an incorrect address when he withdrew and that Zandian never
27 received any pleadings or discovery in this matter after April 26, 2012. *See id.* at 9:12-16.
28

1 However, the evidence demonstrates that John Peter Lee did provide a correct address.
2 Also, Zandian has failed to set forth specific, objective facts and evidence to substantiate his
3 allegations that he did not receive his mail or that he moved to France. The evidence is that he
4 did receive all of the pleadings and papers on file herein at his San Diego address. In addition,
5 Zandian knew this matter was ongoing and willfully ignored all the papers he received.
6 Therefore, Zandian's failure to respond to Plaintiff's written discovery and failure to oppose
7 Plaintiff's Motion for Sanctions and Application for Entry of Default Judgment were not due
8 to circumstances that constitute excusable neglect under NRCp 60(b).
9

10 It is inexcusable for Zandian to willfully ignore and refuse to respond to the discovery,
11 motions or applications filed in this matter. Thus, because Zandian maintained his San Diego
12 address and knew about this matter and willfully ignored and delayed this case, Zandian has
13 not and cannot set forth any facts or evidence that would demonstrate that he promptly applied
14 to remove the judgment, lacked intent to delay the proceedings, was ignorant of the procedures
15 of the court or had good faith. *See Ogle v. Miller*, 87 Nev. 573, 576, 491 P.2d 40, 42 (1971).
16 Zandian's motion must be denied.
17

18 **V. Zandian Has Not Demonstrated A Meritorious Defense**

19 To demonstrate a meritorious defense, Zandian must show (1) admissible testimony or
20 affidavits that, if true, would tend to establish a defense to all or part of the claims for relief
21 asserted by Plaintiff; (2) the opinion of counsel based upon facts related to him that a
22 meritorious defense exists to all or part of the claims asserted; (3) a responsive pleading in
23 good faith that, if true, would tend to establish a meritorious defense to all or part of the claims
24 for relief asserted; and (4) any combination of the above. *See Ogle*, 87 Nev. 573, 576, 491
25 P.2d 40. Zandian has failed to provide any of these things.
26

27 However, the requirement to show a meritorious defense has been overruled and is no
28 longer a requirement to set aside a judgment. *Epstein v. Epstein*, 113 Nev. 1401, 1405, 950

1 P.2d 771, 773 (1997). Nevertheless, Zandian's motion to set aside alleges there is a
2 meritorious defense.

3 Zandian points to his June 9, 2011 and November 16, 2011 motions to dismiss and his
4 March 5, 2012 General Denial as evidence of a meritorious defense. However, all of
5 Zandian's motions to dismiss only dealt with personal service and personal jurisdiction, not
6 the claims at issue. Zandian's motions to dismiss did not set forth any facts regarding the
7 claims in the Complaint or Amended Complaint. In addition, Zandian's General Denial is just
8 that, a general denial. The General Denial fails to provide any affirmative defenses to the
9 claims at issue. In short, Zandian has never demonstrated a meritorious defense to any of the
10 claims at issue in this matter. This is because Zandian does not have a meritorious defense.
11

12 **VI. Conclusion**

13 For the reasons stated above, Mr. Margolin respectfully requests that this Court deny
14 Mr. Zandian's motion to set aside the default judgment.

15 **AFFIRMATION PURSUANT TO NRS 239B.030**

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

18 Dated this 9th day of January, 2014.

19 BY: 

20 Matthew D. Francis (6978)
21 Adam P. McMillen (10678)
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*
28

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, **OPPOSITION TO MOTION TO SET ASIDE**
5 **DEFAULT JUDGMENT**, addressed as follows:

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

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

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

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

13 Alborz Zandian
14 9 Almazora
15 Newport Beach, CA 92657-1613

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

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

Johnathon Fayeghi, Esq.
Hawkins Melendrez
9555 Hillwood Dr. Suite 150
Las Vegas, NV 89134
Counsel for Reza Zandian

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Dated: January 9, 2014

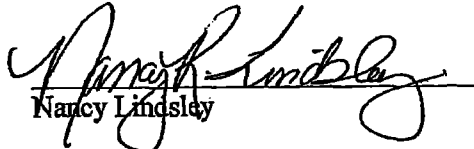

Nancy Lindsley

Exhibit 1

Exhibit 1

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IN THE SUPREME COURT OF THE STATE OF NEVADA

GHOLAMREZA ZANDIAN JAZI, also known as REZA ZANDIAN, individually,

Plaintiff,

v.

FIRST AMERICAN TITLE COMPANY, a Nevada business entity; JOHNSON SPRING WATER COMPANY, LLC, formerly known as BIG SPRING RANCH, LLC, a Nevada Limited Liability Company, FRED SADRI, Trustee of the Star Living Trust, RAY KOROGHLI, individually, and ELIAS ABRISHAMI, individually,

Defendants.

No. 61694

Electronically Filed
Feb 22 2013 03:49 p.m.
Tracie K. Lindeman
Clerk of Supreme Court

AND ALL RELATED COUNTERCLAIMS AND THIRD-PARTY CLAIMS

1334.024072-1d

NOTICE OF WITHDRAWAL OF JOHN PETER LEE, LTD'S MOTION TO WITHDRAW FROM REPRESENTATION OF APPELLANT GHOLAMREZA ZANDIAN JAZI also known as REZA ZANDIAN

Please take notice that JOHN PETER LEE, LTD hereby withdraws its Motion to Withdraw from Representation of Appellant Gholamreza Zandian Jazi also known as Reza Zandian.

DATED this ___ day of February, 2013.

JOHN PETER LEE, LTD.

BY: 

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

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CERTIFICATE OF MAILING

I hereby certify that on the 22 day of February, 2013, I caused to be served a true and correct copy of the foregoing JOHN PETER LEE, LTD.'S MOTION TO WITHDRAW FROM REPRESENTATION OF APPELLANT GHOLAMREZA ZANDIAN JAZI also known as REZA ZANDIAN on the following person(s) by the following method(s) pursuant to NRCP 5(b):

Stanley W. Parry
100 North City Parkway, Ste. 1750
Las Vegas, Nevada 89106


Elias Abrishami
P.O. Box 10476
Beverly Hills, California 90213

Ryan E. Johnson, Esq.
Watson & Rounds
10000 W. Charleston Blvd. Ste. 240
Las Vegas, Nevada 89135

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

By placing a true and correct copy of the above-mentioned document(s) in a sealed envelope, first class postage fully pre-paid, in the United States mail;

By facsimile transmission only, pursuant to the amendment to the Eighth Judicial District Court Rule 7.26, by faxing a true and correct copy of the same to each at the facsimile number(s) indicated above.


An employee of
JOHN PETER LEE, LTD.

1 IN THE SUPREME COURT OF THE STATE OF NEVADA

2 GHOLAMREZA ZANDIAN JAZI, also
3 known as REZA ZANDIAN, individually,

4 Plaintiff,

5 v.

6 FIRST AMERICAN TITLE COMPANY, a
7 Nevada business entity; JOHNSON SPRING
8 WATER COMPANY, LLC, formerly known
9 as BIG SPRING RANCH, LLC, a Nevada
10 Limited Liability Company, FRED SADRI,
11 Trustee of the Star Living Trust, RAY
12 KOROGHLI, individually, and ELIAS
13 ABRISHAMI, individually,

14 Defendants.

15 AND ALL RELATED COUNTERCLAIMS
16 AND THIRD-PARTY CLAIMS

17 1334.024072-td

18 COMES NOW, the law firm of JOHN PETER LEE, LTD., (the Firm) and moves this
19 Honorable Court for an Order to Withdraw from Representation of Appellant GHOLAMREZA
20 ZANDIAN JAZI also known as REZA ZANDIAN.

21 This Motion is made pursuant to EDCR 7.40(b)(2). This Motion is based upon the following
22 Points and Authorities, all pleadings and papers on file herein, and the Affidavit of counsel attached
23 hereto.

24 DECLARATION OF COUNSEL IN SUPPORT OF JOHN PETER LEE, LTD.'S
25 MOTION TO WITHDRAW FROM REPRESENTATION OF APPELLANT
26 GHOLAMREZA ZANDIAN JAZI also known as REZA ZANDIAN

27 STATE OF NEVADA)
28 COUNTY OF CLARK) ss:

JOHN PETER LEE, ESQ., states the following under the penalty of perjury:

1. Declarant has personal knowledge of the matters stated herein, except as to those matters stated upon information and belief, and as to such matters, believes such matters to be true and is competent to testify to the same. Declarant is an attorney licensed to practice law in Nevada and is an attorney with the law firm of John Peter Lee, Ltd., which represents Appellant GHOLAMREZA ZANDIAN JAZI also known as REZA ZANDIAN.

No. 61694

JOHN PETER LEE, LTD.'S MOTION TO
WITHDRAW FROM REPRESENTATION
OF APPELLANT GHOLAMREZA
ZANDIAN JAZI also known as REZA
ZANDIAN
Clerk of Supreme Court

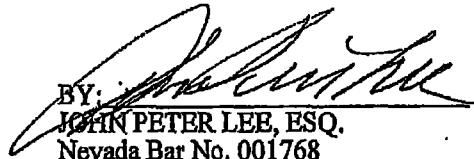
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client may be reached and the attorney must serve a copy of the application upon the client and all other parties to the action or their attorneys.

Pursuant to the above statutes and case law, John Peter Lee, Ltd. requests this Court for leave to withdraw as counsel for Appellant GHOLAMREZA ZANDIAN JAZI also known as REZA ZANDIAN as the Firm has complied with the requirements of the local rule for withdrawal, as attached and incorporated herein in the Declarant of counsel, John Peter Lee, Esq., setting forth the grounds for the Firm's Motion.

DATED this 13 day of February, 2013.

JOHN PETER LEE, LTD.

BY: 

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

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CERTIFICATE OF MAILING

I hereby certify that on the 13 day of February, 2013, I caused to be served a true and correct copy of the foregoing JOHN PETER LEE, LTD.'S MOTION TO WITHDRAW FROM REPRESENTATION OF APPELLANT GHOLAMREZA ZANDIAN JAZI also known as REZA ZANDIAN on the following person(s) by the following method(s) pursuant to NRCP 5(b):


Stanley W. Parry
100 North City Parkway, Ste. 1750
Las Vegas, Nevada 89106

Elias Abrishami
P.O. Box 10476
Beverly Hills, California 90213

Ryan E. Johnson, Esq.
Watson & Rounds
10000 W. Charleston Blvd. Ste. 240
Las Vegas, Nevada 89135

By placing a true and correct copy of the above-mentioned document(s) in a sealed envelope, first class postage fully pre-paid, in the United States mail;

By facsimile transmission only, pursuant to the amendment to the Eighth Judicial District Court Rule 7.26, by faxing a true and correct copy of the same to each at the facsimile number(s) indicated above.



An employee of
JOHN PETER LEE, LTD.

Exhibit 2

Exhibit 2

BLUE AREA OF DOCUMENT HAS PANTOGRAPH FEATURE. THE BACK OF THIS DOCUMENT CONTAINS AN ARTIFICIAL WATERMARK - HOLD AT ANGLE TO VIEW

GOLDEN ENTERPRISES, INC.
P O BOX 2580
MANCHESTER, CT 06045

PAYABLE DATE
10/21/2012

CHECK NUMBER
76013421

PG-160
433

PAYABLE AT THE BANK OF NEW YORK MELLON
IN U.S. DOLLARS

001 450 38101010
ZANDIAN-REZA-0100

00006059 01 MB 0.404 01 TR 00035 SO2DBA01 010000

PAY TO THE
ORDER OF:

REZA ZANDIAN &
NILOOFAR FOUGHANI
JT TEN
8775 COSTA VERDE BLVD APT 217
SAN DIEGO CA 92122

PAY ***** \$0.13



[Signature]
AUTHORIZED SIGNATURE

11801: 123-9574

2445277923

2445277923
MICROFILMED
SERIALIZED
OCT 21 2013
FBI - SAN DIEGO

REQUEST 00005530881000000 0.13
ROLL BCIA 20130220 000002446277923+
JOB BCIA P ACCT 0000000001239574
REQUESTOR A568055
7513983 10/28/2013

Subpoena Processing Chandler
S3928-020
Phoenix AZ 85038

Exhibit 3

Exhibit 3

Golden Enterprises, Inc.

The Bank of New York Mellon
Pittsburgh, Pennsylvania

80-98
438

PLEASE DEPOSIT THIS CHECK PROMPTLY

Pay to REZA ZANDIAN
& NILDOFAR FOUGHANI JT TEN
8776 COSTA VERDE BLVD APT 217
SAN DIEGO CA 92122

Check Number 0040800641

30 Jan 2013

\$****0.13****

The sum of \$****ONLY THIRTEEN CENTS****

ComputerShare Shareowner Services LLC
Authorized Paying Agent

ComputerShare Shareowner Services LLC
400 Washington Blvd Jersey City, NJ 07310

16014 136 1650*

82450211



2446277922

DO NOT WRITE ON NEW YORK THIS LINE
FREE SIGNATURE
PLEASE SIGN IN THIS LINE

THIS AREA LEFT BLANK TO ALLOW WATERMARK - DO NOT ACCEPT WITHOUT
NOTICE FROM LINK WATERMARK - HOLD TO LIGHT TO VERIFY WATERMARK

REQUEST 00005530881000000 0.13
ROLL BCIA 20130220 000002446277922+
JOB BCIA P ACCT 0000000001361650
REQUISTOR A568055
7513983 10/28/2013

Subpoena Processing Chandler
S3928-020
Phoenix AZ 85038

Exhibit 4

Exhibit 4

Withdrawal/Retiro:

(Check One / Checking/Cuenta de Cheques Savings/Ahorros Money Market Access Command

7779



Account Number / Numero de Cuenta

Date/Fecha

02/20/13

OK
Type: OK Date: 02
Amount: 02 AD: 02
Time: 02 Day: 02
No: 02 By: 02

Please print Name - / Lista de nombre, Nombre
REZA ZANDIAN JAZI

I authorize this withdrawal and acknowledge receipt of the amount stated below / Yo autorizo este retiro y reconocimiento de haber recibido la cantidad indicada abajo
Please sign in letters / Fianza / Favor de firmar en la presencia del cajero
Una copia de la copia de la firma se podrian requerir despues de la transaccion.

Please print Street Address, City, State, Zip Code / Lista de nombre: Donde, Ciudad, Estado, Código Postal

X

TWO THOUSAND FIVE HUNDRED Dollars

\$ 2500.00

Bank Use Only (When SVT Is Not Available) TL8220 (02/11) 49116 12/18/05

Customer ID Exp Date Current Year-to-Date Amount

⑈ 7779⑈ ⑆ 500000694⑆

Wells Fargo Internal Use When Blank
Wells Fargo Confidential When Completed

2446277926

REQUEST 0000553088300000 2500.00
ROLL ECIA 20130220 000002446277926
JOB ECIA P ACCT 1140002961476971
REQUESTOR A568055
7513983 10/28/2013

Subpoena Processing Chandler
S3928-020
Phoenix AZ 85038

Exhibit 5

Exhibit 5

G. REZA ZANDIAN JAZI
NILOOFAR F ZANDIAN
8775 COSTA VERDE BLVD APT 217
SAN DIEGO, CA 92122-5340

109

18-24/1220 4764
7091305920

1/13/2012
Date

Pay to the
Order of

Mr. John Peter Lee Esq.

\$ 3,000.00

Three Thousand 00/100

Dollars



Wells Fargo Bank, N.A.
California
wellsfargo.com

[Handwritten signature]

For

334.024072

9920 00109 0000000000

[Faint, illegible text]

JAN 13 2012

JOHN PETER LEE
ATTORNEY AT LAW
TRUST ACCOUNT
01 343 7244
FOR DEPOSIT ONLY
BANK OF AMERICA
1220066614
01/13/12

BANK OF AMERICA, N.A. LUG
1220066614 E7895 99 P05
01/13/12

REQUEST 00005530894000000 3000.00
ROLL BCIA 20120113 000008215853243
JOB BCIA P ACCT 1140007091505920
REQUESTOR A568055
7513983 10/28/2013

Subpoena Processing Chandler
S3928-020
Phoenix AZ 85038

Exhibit 6

Exhibit 6

G REZA ZANDIAN JAZI
NILDO FAR F ZANDIAN
8775 COSTA VERDE BLVD APT 217
SAN DIEGO, CA 92122-6340

102

18-24/1220 4784
7001505820

Dec 02 11

Pay to the Order of **SCRIPS CLINIC**

\$ **128.30**

One hundred twenty eight and 30/100 Dollars



Wells Fargo Bank N.A.
California
wellsfargo.com

Medical record number

For **70092 84571**

15920 00102

CREDIT TO ACCT OF PAYEE
LACK OF ENDORSEMENT
GUARANTEED 240-LBX 51507901

REQUEST 0000553089400000 128.30
ROLL ECIA 20111227 000008412179999
JOB ECIA P ACCT 1140007091505920
REQUESTOR A568055
7513983 10/28/2013

Subpoena Processing Chandler
S3928-020
Phoenix AZ 85038

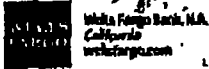
G REZA ZANDIAN JAZI
NILOOFAR F ZANDIAN
8775 COSTA VERDE BLVD APT 217
SAN DIEGO, CA 92122-5340

115
18-34/1120 4734
7081205820

11/25/2012 Date

Pay to the Order of Secretary of State of California \$ 25.00

Twenty Five 00/100 Dollars



For optima technology Corp.

⑆0000002500⑈ 00115 ⑆0250⑈

BANK OF AMERICA NA STC
122006614 12/23/94 P12
12-015911

6/17/30

1 2 3 1 3

12-015911

REQUEST 00005530894000000 25.00
ROLL ECIA 20120430 000008710996107
JOB ECIA P ACCT 1140007091505920
REQUBSTOR A568055
7513983 10/28/2013

Subpoena Processing Chandler
S3928-020
Phoenix AZ 85038

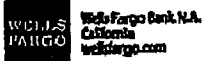
G REZA ZANDIAN JAZI
NILOOFAR F ZANDIAN
8778 COSTA VERDE BLVD APT 217
SAN DIEGO, CA 92122-5340

116
18-24/1228 4784
7091505821

2/29/2012 Date

Pay to the Order of Mr. Bill McClain \$ 988.50

Nine Hundred Eighty Eight 50/100 Dollars Security Features on Back



For February 2012 Interest

⑆1100 001576 0295⑆

THEATER NEVAD.
FIDIT UNIO.
0 5 2012
PAID
TELEER #1576

778414

REQUEST 00005530894000000 988.50
ROLL ECIA 20120306 000008411462952
JOB ECIA P ACCT 1140007091505920
REQUESTOR A568055
7513983 10/28/2013

Subpoena Processing Chandler
S3928-020
Phoenix AZ 85038

G REZA ZANDIAN JAZI
NILOOFAR F ZANDIAN
8775 COSTA VERDE BLVD APT 217
SAN DIEGO, CA 92122-5340

217-5

118

16-54/1220 4784
7081505820

March 01/2012

Pay to the
Order of

Costa Verde East Village

\$ 1875.00

One thousand eight hundred

Dollars

seventy five and 00/100



Wells Fargo Bank, N.A.
California
wellsfargo.com

For

Rent of March

[Signature]

5920 0018

0100071334520122001345122502000 GARDEN COMMUNITIE

PAY TO THE ORDER OF:
FIRST NATIONAL BANK
SAN DIEGO, CA 92108-2893
* 122288888 *
FOR DEPOSIT ONLY
COSTA VERDE EAST VILLAGE, LLO
MANAGEMENT -
32001345

REQUEST 0000553089400000 1875.00
ROLL ECIA 20120306 000008328882689
JOB ECIA P ACCT 1140007091505920
REQUESTOR A568055
7513983 10/28/2013

Subpoena Processing Chandler
83928-020
Phoenix AZ 85038

G REZA ZANDIAN JAZI
NILOOFAR F ZANDIAN
8775 COSTA VERDE BLVD APT 217
SAN DIEGO, CA 92122-5340

Unless for credit
United States Treasury
This instrument
is non-negotiable
Date 10/30/2012

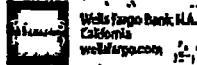
157
16-34/1220 4784
7001505920

Pay to the
Order of IRS

\$ 34.01

Thirty four and 01/100

Dollars



Wells Fargo Bank, N.A.
California
wellsfargo.com

For

05920 00157 00000003401

03900032166
011113

W12911701107032367001333391754
201203 01112013

2-6
0751-6 3 00-11
012
6.5

REQUEST 0000530894000000 34.01
ROLL ECIA 20130111 000008114613031
JOB ECIA P ACCT 1140007091505920
REQUSTOR A568055
7513983 10/28/2013

Subpoena Processing Chandler
S3928-020
Phoenix AZ 85038

Exhibit 7

Exhibit 7

Wells Fargo Combined Statement of Accounts

Primary account number: 70818 ■ December 1, 2011 - December 31, 2011 ■ Page 1 of 3



G REZA ZANDIAN JAZI
 NILOOFAR FOUGHANI ZANDIAN
 8775 COSTA VERDE BLVD APT 217
 SAN DIEGO CA 92122-5340

Questions?

Available by phone 24 hours a day, 7 days a week:

1-800-TO-WELLS (1-800-869-3557)

TTY: 1-800-877-4833

En español: 1-877-727-2832

華語 1-800-268-2288 (8 am to 7 pm PT, M-F)

Online: wellsfargo.com

Write: Wells Fargo Bank, N.A. (114)

P.O. Box 6995

Portland, OR 97228-6995

You and Wells Fargo

Thank you for being a Wells Fargo customer. We appreciate your business and understand that you are entrusting us with your banking needs. Let us assist you in finding the right accounts and services to help you reach your financial goals. Please visit us online at wellsfargo.com, call us at the number at the top of your statement, or visit any Wells Fargo store - we'd love to hear from you!

Summary of accounts**Checking and Savings**

Account	Page	Account number	Ending balance last statement	Ending balance this statement
Wells Fargo Money Market Savings SM	1		20,095.18	0.00
Wells Fargo Money Market Savings SM	2		100.05	0.00
Total deposit accounts			\$20,195.21	\$0.00

Wells Fargo Money Market SavingsSM**Activity summary**

Beginning balance on 12/1	\$20,095.18
Deposits/Additions	75.00
Withdrawals/Subtractions	- 20,170.18
Closing balance on 12/1	\$0.00

Account number: 1343976818

G REZA ZANDIAN JAZI

NILOOFAR FOUGHANI ZANDIAN

California account terms and conditions apply

For Direct Deposit and Automatic Payments use

Routing Number (RTN): 121042882

Wells Fargo® Preferred Checking

Account number: 1920 ■ March 7, 2012 - April 5, 2012 ■ Page 1 of 4



G REZA ZANDIAN JAZI
 ALBORZ ZANDIAN
 NILOOFAR FOUGHANI ZANDIAN
 8775 COSTA VERDE BLVD APT 217
 SAN DIEGO CA 92122-6340

Questions?

Available by phone 24 hours a day, 7 days a week:

1-800-TO-WELLS (1-800-868-3557)

TTY: 1-800-877-4833

En español: 1-877-727-2932

華語 1-800-288-2288 (8am to 7 pm PT, M-F)

Online: wellsfargo.com

Write: Wells Fargo Bank, N.A. (114)

P.O. Box 6895

Portland, OR 97228-6895

You and Wells Fargo

Keep things simple. Online Statements duplicate your traditional paper bank statement and are available anywhere, 24/7. More secure than mail - Online Statements can't get lost or misdirected to a previous residence and can be securely stored on disk. Reduce clutter and save the environment at the same time. With all of these advantages, who needs paper? Sign up for and view your Online Statements at wellsfargo.com.

Account options

A check mark in the box indicates you have these convenient services with your account. Go to wellsfargo.com or call the number above if you have questions or if you would like to add new services.

- | | | | |
|--------------------|-------------------------------------|-----------------------|-------------------------------------|
| Online Banking | <input checked="" type="checkbox"/> | Direct Deposit | <input type="checkbox"/> |
| Online Bill Pay | <input checked="" type="checkbox"/> | Rewards Program | <input type="checkbox"/> |
| Online Statements | <input type="checkbox"/> | Auto Transfer/Payment | <input type="checkbox"/> |
| Mobile Banking | <input checked="" type="checkbox"/> | Overdraft Protection | <input checked="" type="checkbox"/> |
| My Spending Report | <input checked="" type="checkbox"/> | Debit Card | <input type="checkbox"/> |
| | | Overdraft Service | <input type="checkbox"/> |

Activity summary

Beginning balance on 3/7	\$200.67
Deposits/Additions	2,341.82
Withdrawals/Subtractions	- 2,109.68
Ending balance on 4/5	\$342.81

Account number: 7091505829

G REZA ZANDIAN JAZI
 ALBORZ ZANDIAN
 NILOOFAR FOUGHANI ZANDIAN

California account terms and conditions apply

For Direct Deposit and Automatic Payments use
 Routing Number (RTN): 121042882

Overdraft Protection

Your account is linked to the following for Overdraft Protection:

- Savings

Exhibit 8

Exhibit 8

WELLS FARGO



VISA

Account Number
Statement Billing Period
Page 1 of 3

Ending In 7470
08/12/2011 to 08/09/2011

Balance Summary

Previous Balance	\$1,495.79
- Payments	\$899.96
- Other Credits	\$323.63
+ Cash Advances	\$0.00
+ Purchases, Balance Transfers & Other Charges	\$2,680.48
+ Fees Charged	\$0.00
+ Interest Charged	\$21.88
= New Balance	\$3,005.11
Total Credit Limit	\$2,900

24-Hour Customer Service: 1-800-642-4720
 TTY for Hearing/Speech Impaired: 1-800-419-2285
 Outside the US Call Collect: 1-925-825-7800
 Wells Fargo Online®: wells.fargo.com

Send General Inquiries To:
 PO Box 10347, Des Moines IA, 50306-0347

Total Available Credit \$0

Payment Information

New Balance	\$3,005.11
Minimum Payment	\$52.00
Overlimit Amount	\$106.11
Total Amount Due	\$167.11
Payment Due Date	10/06/2011

Send Payments To:
 PO Box 30088, Los Angeles CA, 90030-0088

Late Payment Warning: If we do not receive your Minimum Payment by 10/06/2011, you may have to pay a late fee up to \$35.

Minimum Payment Warning: If you make only the minimum payment each period, you will pay more in interest and it will take you longer to pay off your balance. For example:

If you make no additional charges using this card and each month you pay ...	You will pay off the New Balance shown on this statement in about ...	And you will end up paying an estimated total of ...
Only the minimum payment	17 years	\$5,080
\$104	3 years	\$3,732 (Savings of \$2,328)

If you would like information about credit counseling services, refer to www.usdoj.gov/ust/eo/bapcpa/code/cc_approved.htm or call 1-877-316-2108.

Important Information

YOUR BALANCE EXCEEDS YOUR CREDIT LIMIT. CALL 1-800-646-6683 OR VISIT WELLSFARGO.COM TO MAKE A PAYMENT. THIS IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

EFFECTIVE NOVEMBER 1, 2011, THE PLAN ADMINISTRATOR FOR TRAVEL ACCIDENT INSURANCE COVERAGE, PROVIDED ON ALL FLIGHTS AND OTHER COMMON CARRIER TRAVEL CHARGED TO YOUR WELLS FARGO CREDIT CARD, HAS CHANGED TO OBSI. CONTACT 1-800-642-4720 TO OBTAIN FURTHER DETAILS.

Wells Fargo Rewards® Program Summary

Rewards Previous Balance:	25,904
Credit Card Points Earned:	2,967
Check Card Points Earned:	228
Earn More Match Bonus Points:	0
Total Available Points:	29,100

We offer more rewards choices so you can choose a reward that suits your style. You'll find gift cards, cash rewards, travel, merchandise and even charitable contributions.

Track your points balance or get more information at www.WellsFargoRewards.com or by calling 1-877-517-1358.

NOTICE: SEE REVERSE SIDE FOR IMPORTANT INFORMATION ABOUT YOUR ACCOUNT

Continued

5396 YK 1 7 6 110905 0 0 PAGE 1 of 3 1 0 5583 2000 8849 01025596

Detach and mail with check payable to Wells Fargo

Account Number	7470
New Balance	\$3,005.11
Minimum Payment	\$52.00
Overlimit Amount	\$106.11
Total Amount Due	\$167.11
Payment Due Date	10/06/2011

YK 4

374707

Amount Enclosed



WELLS FARGO CARD SERVICES
PO BOX 30088
LOS ANGELES CA 90030-0088

G R JAZI
PO BOX 627674
SAN DIEGO CA 92192-7674



Check here and see reverse for address and/or phone number correction.

Wells Fargo Combined Statement of Accounts

Primary account number:

■ August 1, 2011 - August 31, 2011 ■ Page 1 of 7



Redacted Due To
Information
Falls Outside of
the Scope of
the Order

G REZA ZANDIAN JAZI
NILOOFAR F ZANDIAN
PO BOX 927674
SAN DIEGO CA 92192-7674

Questions?

Available by phone 24 hours a day, 7 days a week:

1-800-TO-WELLS (1-800-889-3567)

TTY: 1-800-877-4833

En español: 1-877-727-2932 TTY: 1-888-355-6052

華語 1-800-288-2288 (6 am to 7 pm PT, M-F)

Online: wells Fargo.com

Write: Wells Fargo Bank, N.A. (826)

P.O. Box 6995

Portland, OR 97228-6995

You and Wells Fargo

Thank you for being a Wells Fargo customer. We appreciate your business and understand that you are entrusting us with your banking needs. Let us assist you in finding the right accounts and services to help you reach your financial goals. Please visit us online at wells Fargo.com, call us at the number at the top of your statement, or visit any Wells Fargo store - we'd love to hear from you!

Account options

A check mark in the box indicates you have these convenient services with your account. Go to wells Fargo.com or call the number above if you have questions or if you would like to add new services.

- | | | | |
|--------------------|-------------------------------------|-----------------------|-------------------------------------|
| Online Banking | <input checked="" type="checkbox"/> | Direct Deposit | <input type="checkbox"/> |
| Online Bill Pay | <input checked="" type="checkbox"/> | Rewards Program | <input checked="" type="checkbox"/> |
| Online Statements | <input checked="" type="checkbox"/> | Auto Transfer/Payment | <input checked="" type="checkbox"/> |
| Mobile Banking | <input type="checkbox"/> | Overdraft Protection | <input checked="" type="checkbox"/> |
| My Spending Report | <input checked="" type="checkbox"/> | Debit Card | <input checked="" type="checkbox"/> |
| | | Overdraft Service | <input type="checkbox"/> |



IMPORTANT ACCOUNT INFORMATION

Effective October 3, 2011, the Overdraft Protection Transfer/Advance fee from a linked Line of Credit will be \$12.50 per advance per day. If your eligible Line of Credit is providing Overdraft Protection to any of the following PMA checking accounts, the advance fee will continue to be waived: PMA Prime Checking, PMA Premier Checking, PMA Money Market Checking, or a PMA Checking.

Please refer to your Consumer Account Fee and Information Schedule for additional information regarding the accounts that are eligible to provide Overdraft Protection for your checking account.

G REZA ZANDJAN JAZI
Account No. 761-2368780



For 24-Hour Customer Service Call:
1-800-946-2828
We accept Telecommunications Relay Service calls.
Wells Fargo Online®: wells Fargo.com

See back for important information about your account.

Please note that calling will not preserve your Billing Rights. If you prefer to write, see back for address.

PERSONAL LINE OF CREDIT STATEMENT

ACCOUNT SUMMARIES

CREDIT LINE SUMMARY		ACCOUNT ACTIVITY SUMMARY		PAYMENT INFORMATION	
Credit Limit	\$5,500.00	Previous Balance	\$8,177.51	New Balance	\$7,937.86
Available Credit	\$582.00	Payments/Credits	-\$328.00	Minimum Payment Due	\$153.00
Statement Closing Date	August 28, 2013	Advances/Other Activity	\$0.00	Payment Due Date	September 14, 2013
		Fees Charged	\$0.00		
		Interest Charged	\$88.35		
		New Balance	\$7,937.86		

Minimum Payment Warning: If you make only the minimum payment each period, you will pay more in interest and it will take you longer to pay off your balance. For example:

If you make no additional advances on this account and each month you pay:	You will pay off the balance shown on this statement in about:	And you will end up paying an estimated total of:
Only the minimum payment	24 years	\$16,636
\$258	3 years	\$9,561 (Savings = \$7,074)

If you would like information about credit counseling services, refer to: www.uscdj.gov/us/leo/bapcpa/codato_approved.htm or call 877-286-2108.

Late Payment Warning: If we do not receive your minimum payment by the date listed above, you may have to pay up to a \$25.00 late fee.

Payoff Request Information: Balances include unpaid interest charges, and other unpaid fees and charges. The New Balance owed is not a payoff amount. Please, contact Customer Service at 1-800-946-2828 for an accurate payoff.

TRANSACTIONS

Post Date	Trans Date	Reference	Description	Amount
07/27	07/27	P6881008H0A8XNQG3	ONLINE PAYMENT	-\$328.00
FEEs				
TOTAL FEES FOR THIS PERIOD				\$0.00
INTEREST CHARGED				
08/20	08/20		Interest Charged on Advances	\$88.35
TOTAL INTEREST FOR THIS PERIOD				\$88.35

2013 Totals Year-to-Date	
Total fees charged in 2013	\$75.00
Total interest charged in 2013	\$672.25

INTEREST CHARGE CALCULATION

YOU MAY PAY YOUR BALANCE IN FULL AT ANY TIME.

YOUR ANNUAL PERCENTAGE RATE (APR) IS THE ANNUAL INTEREST RATE ON YOUR ACCOUNT.

Type of Balance	Annual Percentage Rate (APR)	Balance Subject to Interest Rate	Interest Charged
ADVANCES	12.50% (v)	\$7,861.08	\$88.35

Notice: See reverse side for important information about your account.
5596 738 1 7 13 130820 8 PAGE 1 OF 2 1 8 9081 7610 7602 CUM5596

Detach and mail with check payable to Wells Fargo.

Print address/phone changes below:

Home () _____

Account No. 159760
New Balance \$7,937.86
Minimum Payment Due \$153.00
Payment Due Date September 14, 2013

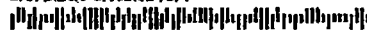
Payment Enclosed \$ _____

0761235976000000153000000793786

WELLS FARGO CARD SERVICES
PO BOX 30097
LOS ANGELES CA 90030-0097

Y8Q
16

G REZA ZANDJAN JAZI
PO BOX 927574
SAN DIEGO CA 92192-7574



Wells Fargo Money Market SavingsSM

Account num 6971 ■ September 1, 2013 - September 30, 2013 ■ Page 1 of 3



G REZA ZANDIAN JAZI
 ALBORZ ZANDIAN
 NILOOFAR FOUGHANI ZANDIAN
 PO BOX 927674
 SAN DIEGO CA 92192-7674

Questions?

Available by phone 24 hours a day, 7 days a week:

1-800-TO-WELLS (1-800-869-3557)

TTY: 1-800-877-4833

En español: 1-877-721-2632

華語 1-800-288-2288 (8am to 7 pm PT, M-F)

Online: wells Fargo.com

Write: Wells Fargo Bank, N.A. (114)
 P.O. Box 6995
 Portland, OR 97228-6995

You and Wells Fargo

Thank you for being a loyal Wells Fargo customer. We value your trust in our company and look forward to continuing to serve you with your financial needs.

Activity summary

Beginning balance on 9/1	\$42.29
Deposits/Additions	75.01
Withdrawals/Subtractions	- 0.00
Ending balance on 9/30	\$117.30

Account no 6971

G REZA ZANDIAN JAZI
 ALBORZ ZANDIAN
 NILOOFAR FOUGHANI ZANDIAN

California account terms and conditions apply

For Direct Deposit and Automatic Payments use
 Routing Number (RTN): 121042882

Interest summary

Interest paid this statement	\$0.01
Average collected balance	\$112.29
Annual percentage yield earned	0.11%
Interest earned this statement period	\$0.01
Interest paid this year	\$0.19

Wells Fargo® Preferred Checking

Account num: 5920 ■ September 7, 2013 - October 4, 2013 ■ Page 1 of 4



G REZA ZANDIAN JAZI
 ALBORZ ZANDIAN
 NILOOFAR FOUGHANI ZANDIAN
 PO BOX 927674
 SAN DIEGO CA 92192-7674

Questions?

Available by phone 24 hours a day, 7 days a week:

1-800-TO-WELLS (1-800-869-3557)

TTY: 1-800-877-4833

En español: 1-877-727-2932

華語 1-800-288-2288 (8 am to 7 pm PT, M-F)

Online: wellsfargo.com

Write: Wells Fargo Bank, N.A. (114)
 P.O. Box 6885
 Portland, OR 97228-6885

You and Wells Fargo

Thank you for being a loyal Wells Fargo customer. We value your trust in our company and look forward to continuing to serve you with your financial needs.

Account options

A check mark in the box indicates you have these convenient services with your account. Go to wellsfargo.com or call the number above if you have questions or if you would like to add new services.

Online Banking	<input checked="" type="checkbox"/>	Direct Deposit	<input type="checkbox"/>
Online Bill Pay	<input checked="" type="checkbox"/>	Auto Transfer/Payment	<input type="checkbox"/>
Online Statements	<input checked="" type="checkbox"/>	Overdraft Protection	<input checked="" type="checkbox"/>
Mobile Banking	<input checked="" type="checkbox"/>	Debit Card	<input type="checkbox"/>
My Spending Report	<input checked="" type="checkbox"/>	Overdraft Service	<input type="checkbox"/>

You could go to Super Bowl XLVIII in NY/NJ, courtesy of Visa!
 Learn more by visiting wellsfargo.com/football

No purchase or obligation necessary to enter or win.

Activity summary

Beginning balance on 8/7	\$14.51
Deposits/Additions	0.00
Withdrawals/Subtractions	- 13.00
Ending balance on 10/4	\$1.51

Account num: 5920

G REZA ZANDIAN JAZI
 ALBORZ ZANDIAN
 NILOOFAR FOUGHANI ZANDIAN

California account terms and conditions apply

For Direct Deposit and Automatic Payments use
 Routing Number (RTN): 121042882

Overdraft Protection

Your account is linked to the following for Overdraft Protection:

- Savings - 00002981476971

WELLS FARGO

VISA

Account Number
Statement Billing Period
Page 1 of 2

Ending in 7478
10/12/2015 to 11/10/2015



Balance Summary

Previous Balance \$1,700.81
- Payments
+ Other Credits
+ Cash Advances
+ Purchases, Balance Transfers & Other Charges
+ Fees Charged
+ Interest Charged
= New Balance

\$1,700.81

24-Hour Customer Service: 1-800-442-4720
TTY for Hearing/Speech Impaired: 1-800-419-2265
Outside the US Call Collect: 1-825-425-7400
Wells Fargo Online: wells.fargo.com

Send General Inquiries To:
PO Box 10247, Des Moines IA, 50306-0347

Total Credit Limit

Total Available Credit

Payment Information

New Balance
Minimum Payment
Payment Due Date

Wells Fargo Rewards® Program Summary

Rewards Balance as of:

The Rewards Balance is for Rewards ID 80003205990.
This balance may be inclusive of other contributing Rewards accounts. For up-to-date Rewards Balance information, or more ways to earn and redeem your rewards, visit WellsFargoRewards.com or call 1-877-617-1358.

Transactions

Trans	Post	Reference Number	Description	Credits	Charges
Payments					
10/14	10/14	7446842830A99J41Y	ONLINE PAYMENT	189.00	
10/22	10/22	7446842830A99J42Z	BRANCH PAYMENT DASH REF# 02E201NSVTN	1,500.00	
Other Credits					
10/11	10/11	F45830096000AL294	REFUND OF LATE FEES	35.00	

Purchases, Balance Transfers & Other Charges

Fees Charged

TOTAL FEES CHARGED FOR THIS PERIOD

Redacted Due To
Information
Falls Outside of
the Scope of
this Order

NOTICE: SEE REVERSE SIDE FOR IMPORTANT INFORMATION ABOUT YOUR ACCOUNT

Confirmed

6566 VISA 1 7 8 131210 0 PAGE 1 of 3 1 0 001 0000 0215 00175156

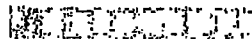
Account Number
New Balance
Minimum Payment
Payment Due Date

478

4707

YKS 4

Amount
Enclosed



WELLS FARGO CARD SERVICES
PO BOX 80084
LOS ANGELES CA 90030-0084

© R JAZZ
PO BOX 622674
SAN DIEGO CA 92162-7674

Check here and see reverse for address and/or phone number correction.

G REZA ZANDIAN JAZI
Account No 19780



For 24-Hour Customer Service Call:
1-800-946-2828
We accept Telecommunications Relay Service calls.
Wells Fargo Online®: wells Fargo.com

See back for important information about your account.

Please note that calling will not preserve your Billing Rights. If you prefer to write, see back for address.

PERSONAL LINE OF CREDIT STATEMENT

ACCOUNT SUMMARIES

CREDIT LINE SUMMARY		ACCOUNT ACTIVITY SUMMARY		PAYMENT INFORMATION	
Credit Limit	\$8,500.00	Previous Balance	\$8,043.51	New Balance	\$8,148.04
Available Credit	\$351.00	Payments/Credits	-\$353.00	Minimum Payment Due	\$177.00
Statement Closing Date	October 29, 2013	Advances/Other Activity	\$349.00	Payment Due Date	November 14, 2013
		Fees Charged	\$25.00		
		Interest Charged	\$83.53		
		New Balance	\$8,148.04		

Minimum Payment Warning: If you make only the minimum payment each period, you will pay more in interest and it will take you longer to pay off your balance. For example:

If you make no additional advances on this account and each month you pay:	You will pay off the balance shown on this statement in about:	And you will end up paying an estimated total of:
Only the minimum payment	24 years	\$17,081
\$272	3 years	\$9,809 (Savings = \$7,272)

Late Payment Warning: If we do not receive your minimum payment by the date listed above, you may have to pay up to a \$25.00 late fee.

Payoff Request Information: Balances include unpaid interest charges, and other unpaid fees and charges. The New Balance owed is not a payoff amount. Please, contact Customer Service at 1-800-946-2828 for an accurate payoff.

If you would like information about credit counseling services, refer to: www.usdoj.gov/usis/enfapopa/code/ea_approved.htm or call 877-285-2108.

TRANSACTIONS

Post Date	Trans Date	Reference	Description	Amount
10/17	10/17	P808100820A8Z78DA	ONLINE PAYMENT	-\$163.00
10/18	10/18	P808100930A96GT9E	ONLINE ADVANCE	\$189.00
10/18	10/18	P808100930A95H04H	ONLINE ADVANCE	\$150.00
10/18	10/18	P808100930A95HT8T	ONLINE PAYMENT	-\$200.00
FEES				
10/14	10/14		LATE FEE	\$25.00
			TOTAL FEES FOR THIS PERIOD	\$25.00
INTEREST CHARGED				
10/20	10/20		Interest Charged on Advances	\$83.53
			TOTAL INTEREST FOR THIS PERIOD	\$83.53

2013 Totals Year-to-Date	
Total fees charged in 2013	\$125.00
Total interest charged in 2013	\$83.43

Notice: See reverse side for important information about your account.
5596 Y8G 1 7 13 131020 0 PAGE 1 of 2 1 0 9081 7610 F602 01985596

Detach and mail with check payable to Wells Fargo.
Print address/phone changes below:

Home () _____

Account No. 59780
New Balance \$8,148.04
Minimum Payment Due \$177.00
Payment Due Date November 14, 2013

Payment Enclosed \$ _____

0761235976000000177000000814804

WELLS FARGO CARD SERVICES Y8G
PO BOX 30097 16
LOS ANGELES CA 90030-0097

G REZA ZANDIAN JAZI
PO BOX 827874
SAN DIEGO CA 92192-7874



Exhibit 9

Exhibit 9

WELLS FARGO



VISA

Account Number
Statement Billing Period
Page 1 of 3

Ending in 7470
03/12/2013 to 04/10/2013

Balance Summary

Previous Balance	\$1,546.09
- Payments	\$216.16
- Other Credits	\$0.00
+ Cash Advances	\$0.00
+ Purchases, Balance Transfers & Other Charges	\$2,372.67
+ Fees Charged	\$0.00
+ Interest Charged	\$40.34
= New Balance	\$3,842.84
Total Credit Limit	\$3,800

24-Hour Customer Service: 1-800-642-4720
 TTY for Hearing/Speech Impaired: 1-800-419-2265
 Outside the US Call Collect: 1-925-928-7600
 Wells Fargo Online®: wells.fargo.com

Send General Inquiries To:
 PO Box 10347, Des Moines IA, 50306-0347

Total Available Credit \$0

Payment Information

New Balance	\$3,842.84
Minimum Payment	\$79.00
Overlimit Amount	\$42.84
Total Amount Due	\$121.84
Payment Due Date	05/08/2013

Send Payments To:
 PO Box 30089, Los Angeles CA, 90030-0089

Late Payment Warning: If we do not receive your Minimum Payment by 05/08/2013, you may have to pay a late fee up to \$35.
Minimum Payment Warning: If you make only the minimum payment each period, you will pay more in interest and it will take you longer to pay off your balance. For example:

If you make no additional charges using this card and each month you pay ...	You will pay off the New Balance shown on this statement in about ...	And you will end up paying an estimated total of ...
Only the minimum payment	19 years	\$7,877
\$133	3 years	\$4,772 (Savings of \$3,105)

If you would like information about credit counseling services, refer to www.usdoj.gov/ust/foia/bapcpa/ccd/cc_approved.htm or call 1-877-286-2108.

Important Information

YOUR BALANCE EXCEEDS YOUR CREDIT LIMIT. CALL 1-800-646-6583 OR VISIT WELLSFARGO.COM TO MAKE A PAYMENT. THIS IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

Wells Fargo Rewards® Program Summary

Rewards Previous Balance:	67,768
Points Earned:	2,573
Earn More Make® Bonus Points:	0
Points Redeemed:	0
Total Available Points:	70,141

We offer more rewards choices so you can choose a reward that suits your style. You'll find gift cards, cash rewards, travel, merchandise and even charitable contributions.

Track your points balance or get more information at www.WellsFargoRewards.com or by calling 1-877-517-1358.

NOTICE: SEE REVERSE SIDE FOR IMPORTANT INFORMATION ABOUT YOUR ACCOUNT

Continued

5396 YKG 1 7 6 130410 8 0 PAGE 1 of 3 1 0 8583 2008 8049 01DF5596

Detach and mail with check payable to Wells Fargo

Account Number 7470
 New Balance \$3,842.84
 Minimum Payment \$79.00
 Overlimit Amount \$42.84
 Total Amount Due \$121.84 YKG 4
 Payment Due Date 05/08/2013

174709

Amount Enclosed



WELLS FARGO CARD SERVICES
 PO BOX 30089
 LOS ANGELES CA 90030-0089

G R JAZI
 PO BOX 927874
 SAN DIEGO CA 92192-7874



Check here and see reverse for address and/or phone number correction.

IMPORTANT INFORMATION ABOUT YOUR ACCOUNT

Billing Error Summary. If you believe your bill is wrong (an "Error"), or if you need more information about a transaction on your bill, write to us on a separate sheet of paper as soon as possible at: P.O. Box 622, Des Moines, IA 50306-0622. We must hear from you no later than 60 days after we sent you the first bill on which the Error appeared. You may notify us using other means (including calling us at the number listed on the front of the statement), but doing so will not preserve your rights.

In your letter (a "Written Notice"), provide the following information:

- Your name and account number.
- The date and dollar amount of suspected Error.
- Description of the Error and why you believe there is an Error. If you need more information, please describe the item you are not sure about.

You do not have to pay any alleged Error amount while we are investigating, but you are still obligated to pay the parts of your bill that are not part of the alleged Error amount. While we investigate, we expect you to pay as if the alleged Error never occurred. If you have authorized us to pay your credit card bill automatically from your savings or checking account, you can stop the payment on any amount you believe is an Error. To stop the payment, your Written Notice must reach us five (5) business days before the scheduled payment is scheduled to occur.

Special Rule for Credit Card Purchases: If you have a problem with the quality of goods or services you purchased with a credit card, and you have tried in good faith to correct it in a problem with the merchant, you may not have to pay the remaining amount due on the goods or services. You have this protection only when the purchase price was more than \$50 and the purchase was made in your home state or within 100 miles of your mailing address and you have not paid the balance of the disputed charge. If the item or service is perishable, or if we notified you the advertisement for the property or services, all purchases are covered regardless of amount or location of purchase.

Credit Information, NOTICE: We may furnish information about your account to consumer reporting agencies. You have the right to dispute the accuracy of information that we have reported by writing to us at P.O. Box 14517, Des Moines, IA 50306-0517 and describing the specific information that is inaccurate or in dispute and the basis for any dispute with supporting documentation. In the case of information that you believe relates to an identity theft, you will need to provide us with an identity theft report.

Payments. "Performing Payments" are payments mailed using the enclosed envelope and payment coupon to the payment address specified on the statement or, generally, made via the "Transfer" tab on the "Make a Payment" link on the credit card/Account Activity Web Page. Performing Payments received via mail by 6:00 p.m. will be credited as of the date of receipt. Performing Payments received after 6:00 p.m. will be credited as of the next day. Cut-off times for Performing Payments made via our Web site will be disclosed at the time of the transaction. "Non-Performing Payments" are payments made by any other means and may not receive credit for up to five days after the date of receipt. Non-Performing payments include, but are not limited to, placing the provided envelope and payment coupon in another envelope.

Notes About Electronic Check Coverage: When you provide a check as payment, you authorize us either to make information from your check to make a one-time electronic fund transfer from your account or to process the payment as a direct transaction. When we use information from your check to make an electronic fund transfer, funds may be withdrawn from your account as soon as the same day we receive your payment, and you will not receive your check back from your financial institution.

Payment in Full for Less Than Account Balance Request: If you intend to pay your account in full with an amount less than the total owed on your account, you must send your request to us at: P.O. Box 6071, Portland, OR 97208-6071. Such payments will not discharge your full debt.

How We Calculate Your Balance. We use a method called "average daily balance (including new purchases)". For more information regarding this calculation, please call our toll-free Customer Service number located on the front of this statement.

How to Avoid Paying Interest on Purchases. Your Payment Due Date is at least 25 days after the close of each billing period. We will not charge you interest on purchases if you pay your entire balance by the due date each month. We will begin charging interest on cash advances and balance transfers on the transaction date.

Secured Accounts. For Secured accounts, your credit card account is secured by a pledge of your Secured Card Collateral Account with Wells Fargo Bank, N.A., established in connection with your application for the card. You agree that this pledge includes and gives the right to the bank to redeem, collect and deliver any part of the full amount of the Secured Card Collateral Account upon any default under your secured credit card agreement, or in the event your secured credit card agreement is terminated by bank for any reason. This pledge is given as a security interest for any and all amounts you owe, including interest, fees and costs which may accrue under your secured credit card account. You agree that if your Secured credit card account is closed, the bank may apply funds in the Secured Card Collateral Account to pay all pay balance of the credit card account. If there are still funds remaining in the Collateral Account after doing so, those funds may remain on deposit for up to 60 days before being returned to you.

Special Information for Colorado Residents. Colorado law requires Wells Fargo to alert you the option of signing a prior consent form. The signed prior consent permits Wells Fargo to release records of your accounts to the county department of social services or local law enforcement for the purpose of investigating known or suspected child exploitation. Please contact us at the number listed on the front of this statement for a copy of the form.

Customer Service Monitoring. Some calls between bank employees and our customers may be monitored and recorded by supervisors to ensure quality of service.

INFORMACIÓN IMPORTANTE SOBRE SU CUENTA

Resumen de Desechos de Facturación. Si cree que hay algún error en su estado de cuenta (un "Error"), o si necesita más información sobre una transacción que aparece en su estado de cuenta, por favor escríbanos lo pronto posible en un sobre cerrado en el correo postal a la siguiente dirección: P.O. Box 622, Des Moines, IA 50306-0622. Debemos recibir su notificación dentro de los 60 días de la fecha en que la transacción apareció en primer estado de cuenta en que aparece el Error. Puede contactarnos por otros medios (lo que incluye llamarnos al número que aparece en el frente del estado de cuenta) pero el correo postal preservará sus derechos.

En su carta (una "Notificación por Escrito"), por favor incluya la siguiente información:

- El nombre y número de cuenta.
- La fecha y el monto en dólares del Error del que sospecha.
- Una descripción del Error y la razón por la cual usted cree que es un Error. Si necesita más información, por favor describa el ítem del que no está seguro.

No tiene que pagar el monto del supuesto Error mientras lo investigamos, pero seguirá obligado a pagar las porciones del saldo de su cuenta que no forman parte del monto del supuesto Error. Mientras investigamos, se podrán retirar los fondos de su cuenta para cubrir el monto del supuesto Error. Si cree que ha autorizado a pagar su cuenta de tarjetas de crédito de manera automática desde su cuenta de ahorros o de ahorros, puede cancelar el pago por cualquier monto que crea que es un Error. Para cancelar el pago, su Notificación por Escrito debe llegarnos tres (3) días hábiles antes del día en que está programado el pago automático.

Regla Especial para Compras con Tarjeta de Crédito: Si usted tiene algún problema con la calidad de los bienes o servicios que adquirió con una tarjeta de crédito, y ha intentado de buena fe resolver el problema con el comerciante, quizá no tenga que pagar el monto restante adeudado por los bienes o servicios. Usted tiene esta protección solamente si el precio de compra superó a los \$50 y la compra fue realizada en el estado en que se le hizo o a una distancia no superior a 100 millas de su domicilio postal, y siempre que no haya recibido el estado del estado de cuenta. Si el bien o servicio es perecedero, o si le notificamos el anuncio de la propiedad o los servicios, todas las compras son cubiertas, sin importar el monto o lugar de la compra.

Información de Crédito. AVISO: Podemos dar información sobre su cuenta a las agencias de informes sobre consumidores. Usted tiene el derecho de solicitar la exactitud de la información que damos por escrito a la siguiente dirección: P.O. Box 14517, Des Moines, IA 50306-0517. En su carta, deberá decir qué información específica que sea inexacta o en disputa, y proporcionar cualquier disputa con documentación de respaldo. Si considera que se trata de información relacionada con el robo de identidad, deberá enviarnos una denuncia de robo de identidad correspondiente.

Pagos. Los "Pagos en Comprobante" son pagos enviados con el sobre adjunto y talón de pago a la dirección de pago especificada en el estado de cuenta o en general a través de la pestaña "Transfer" (también disponible en español) o "Make a Payment" de la pestaña "Account Activity" (también disponible en español) de los servicios bancarios por Internet de Wells Fargo en wellsfargo.com. Los Pagos en Comprobante recibidos por correo a más tardar a las 6 p.m. serán acreditados el día siguiente. Los Pagos en Comprobante recibidos después de las 6 p.m. serán acreditados al día siguiente. Los pagos en línea que se hacen a través de nuestra página Web serán acreditados al momento de la transacción. Los "Pagos no Comprobados" son pagos efectuados por cualquier otro medio y es posible que no reciban crédito durante hasta 5 días después de la fecha de recibo. Los Pagos no Comprobados incluyen, sin limitación, poner el sobre proporcionado y talón de pago en otro sobre.

Aviso Sobre Cobertura de Cheques Electrónicos: Al proporcionar un cheque como forma de pago, usted nos da su autorización para utilizar la información de su cheque a fin de realizar una transferencia electrónica de fondos. Los cheques podrán ser retirados de su cuenta sin previo aviso como el mismo día en que recibamos su pago, y su institución financiera no se responsabiliza por el pago.

Pago Total por un Monto Menor al Saldo de la Cuenta: Si usted desea pagar la totalidad del saldo de su cuenta por un monto inferior al monto total adeudado en su cuenta, deberá enviarnos su solicitud a la siguiente dirección: P.O. Box 6071, Portland, OR 97208-6071. Dichos pagos no cancelarán la totalidad de su deuda.

Cómo Calcular su Saldo. Usamos un método denominado "saldo diario promedio (incluyendo nuevas compras)". Para más información acerca de este método, por favor llame a nuestro número gratuito de Servicio al Cliente indicado al frente de este estado de cuenta.

Cómo Evitar Pagar Intereses sobre Compras. La Fecha de Vencimiento del Pago es al menos 25 días después del cierre de cada período de facturación. No cobramos intereses sobre las compras si usted paga la totalidad de su saldo a más tardar en la fecha de vencimiento de cada mes. Comenzamos a cobrar los intereses sobre saldos en adelante a la fecha de transacción.

Cuentas Garantizadas. Para Cuentas Garantizadas, su estado de tarjeta de crédito está garantizado por la entrega en pronta de su Cuenta Colateral de la Tarjeta Garantizada de Wells Fargo Bank, N.A., establecida en relación con su solicitud de la tarjeta. Usted conviene en que esta entrega en pronta incluye y da al banco el derecho a redimir, cobrar y entregar cualquier parte o la totalidad del monto depositado en la Cuenta Colateral de la Tarjeta Garantizada en caso de cualquier falta de cumplimiento bajo el acuerdo de la tarjeta de crédito garantizada, o en caso de este dicho convenio por el banco, por cualquier motivo. Esta entrega en pronta es como garantía de cada uno y todos los montos que usted adeude, incluidos los intereses, costas y cargos que puedan acumularse bajo su Cuenta de Tarjeta de Crédito Garantizada. Usted está de acuerdo en que si su Cuenta de Tarjeta de Crédito Garantizada no puede por cualquier razón, el banco podrá aplicar los fondos mantenidos en la Cuenta Colateral de la Tarjeta Garantizada para pagar cualquier saldo en la tarjeta de tarjeta de crédito. Si después de haberse sin quedados fondos en la Cuenta Colateral, dichos fondos podrán permanecer en depósito durante hasta 60 días antes de que se los retorne a usted.

Información Especial para los Residentes de Colorado. La ley de Colorado exige que Wells Fargo le ofrezca la opción de firmar un formulario de consentimiento previo. El formulario de consentimiento previo firmado autoriza a Wells Fargo a divulgar los registros de sus cuentas al departamento de servicios sociales del condado o a la agencia del orden público local para investigar explotación infantil conocida o sospechada. Llámese al número en el frente de este estado de cuenta para obtener una copia del formulario.

Monitoreo del Servicio al Cliente. Algunas llamadas entre los empleados del banco y nuestros clientes pueden ser monitoreadas y grabadas por los supervisores para asegurar la calidad del servicio.

CHDF6206 - 7 - 07/05/2011

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Change of Address Form - If your address has changed, provide your complete new address below. Be sure to check box on reverse side of coupon and enclose in the envelope provided. Please use this section only for address changes. If you have any questions, please call the toll-free customer service number on the front of this statement.

Formulario de Cambio de Dirección - Si su dirección ha cambiado, proporcione su nueva dirección completa abajo. Asegúrese de indicar el cuadro al dorso del cupón y adjúntelo en el sobre anexo. Por favor use esta sección solamente para cambios de dirección. Si tiene preguntas, por favor llame al número de Servicio al Cliente al frente de este estado de cuenta.

ACCOUNT FIRST NAME	ACCOUNT LAST NAME
NEW STREET ADDRESS	
PO BOX / APT #	
CITY, STATE/ZIP	
HOME PHONE	WORK PHONE

WELLS FARGO



VISA

Account Number
Statement Billing Period
Page 2 of 4

Ending in 7479
03/12/2013 to 04/10/2013

Transactions

Trans	Post	Reference Number	Description	Credits	Charges
Payments					
03/16	03/16	74465422Q0A8164K2	ONLINE PAYMENT	80.00	
03/30	03/30	74466422S0A8XS4KX	ONLINE PAYMENT	160.00	
03/30	03/30	74466422E0A8XS5Y6	ONLINE PAYMENT	48.18	
TOTAL PAYMENTS FOR THIS PERIOD				\$288.18	

Purchases, Balance Transfers & Other Charges

03/10	03/12	244273326LM817D17	MOTHER'S MARKET & K IRVINE CA		11.08
03/11	03/12	243160827FY6LEPW	SHELL OIL 67442723003 IRVINE CA		67.98
03/11	03/12	244273326LYJ3M25CQ	MOTHER'S KITCHEN-IRVIN IRVINE CA		14.42
03/11	03/12	244273327LM88KAYA	MOTHER'S MARKET & K IRVINE CA		5.86
03/11	03/12	244273327LM88KAYX	MOTHER'S MARKET & K IRVINE CA		3.88
03/11	03/12	2444600276S8396JXV	OO AUTO RENTAL NEWPORT BEACH CA		15.14
03/11	03/12	2444600276S8396KOE	OO AUTO RENTAL NEWPORT BEACH CA		138.06
03/12	03/12	244273327LYJ3YKHT	MOTHER'S MARKET & K IRVINE CA		11.16
03/12	03/12	244273327LYJ3Z276	MOTHER'S KITCHEN-IRVIN IRVINE CA		14.42
03/13	03/13	24224432931T6H5MR	PANINI CAFE-IRVINE IRVINE CA		10.76
03/13	03/13	244273326LYJ4HGRB	MOTHER'S KITCHEN-IRVIN IRVINE CA		14.42
03/13	03/13	244273326LYJ4H4H7	MOTHER'S MARKET & K IRVINE CA		4.40
03/13	03/13	244273326LYJ4H6P3	MOTHER'S MARKET & K IRVINE CA		8.48
03/13	03/13	24493982886306JDS	HEN HOUSE GRILL IRVINE CA		14.03
03/14	03/14	244273326LYJ642X9	MOTHER'S KITCHEN-IRVIN IRVINE CA		4.28
03/14	03/14	244273326LYJ642GB	MOTHER'S MARKET & K IRVINE CA		4.28
03/14	03/14	24431062961B6WKT	JOHN PETER LEE LTD 702-362-4044 NV		760.00
03/14	03/14	24446002A007YVMWV	WHOLEFDS JAM 10231 TUSTIN CA		10.69
03/14	03/14	24446002A2X46M8Z	MARSHALLS #0668 IRVINE CA		17.26
03/15	03/15	24316082BFY8S44S3	SHELL OIL 67442723003 IRVINE CA		70.55
03/15	03/15	244273326LYJ6REB5	MOTHER'S MARKET & K IRVINE CA		4.88
03/15	03/15	24446002B00918DHR	WHOLEFDS JAM 10231 TUSTIN CA		20.46
03/15	03/15	24446712A8FL60S9	RALPHS #0080 IRVINE CA		15.99
03/16	03/16	244273326LYJ6ZJM9	MOTHER'S KITCHEN-IRVIN IRVINE CA		9.69
03/16	03/16	2443106296A819DY3	CHIPOTLE 1441 NEWPORT BEACH CA		11.72
03/16	03/16	24446712Q8PNLXQ3B	RALPHS #0080 IRVINE CA		41.62
03/17	03/17	24493982Q8B90PFZV	HEN HOUSE GRILL IRVINE CA		24.99
03/18	03/18	244273326LYJ3FT2R	MOTHER'S KITCHEN-IRVIN IRVINE CA		16.72
03/18	03/18	24446002E007HMF8V	WHOLEFDS JAM 10231 TUSTIN CA		22.18
03/19	03/19	24164052FB01A0419	EXXONMOBIL 87615668 IRVINE CA		27.00
03/19	03/19	244273326LYJ42LRM	MOTHER'S MARKET & K IRVINE CA		3.89
03/19	03/19	24446002F2XFY6V2V	WHOLE SOME CHOICE MARKET IRVINE CA		19.42
03/20	03/20	24184072FLR7J6KN	TARGET 60003388 IRVINE CA		12.41
03/20	03/20	24224432G31T8E2BQ	PANINI CAFE-IRVINE IRVINE CA		10.76
03/20	03/20	24323042FGT7V28PK	FLETOHER JONES MOTOROA NEWPORT BEACH CA		394.24
03/20	03/20	244273326LYJ4FYRM	MOTHER'S MARKET & K IRVINE CA		34.57
03/20	03/20	244273326LYJ4FZB7	MOTHER'S MARKET & K IRVINE CA		3.89
03/20	03/20	244273326LYJ4GDBK	MOTHER'S KITCHEN-IRVIN IRVINE CA		14.47
03/21	03/21	24164072G8HC2888F	ENTERPRISE RENT-A-CAR NEWPORT BEACH CA		34.35
03/21	03/21	244273326LYJ4XJEA	MOTHER'S MARKET & K IRVINE CA		3.89
03/21	03/21	24431082H8AS13FD3	CHIPOTLE 1441 NEWPORT BEACH CA		11.72
03/22	03/22	24224432J31T8SDBT	PANINI CAFE-IRVINE IRVINE CA		10.76
03/22	03/22	244273326LYJ6BHOA	MOTHER'S MARKET & K IRVINE CA		4.88
03/22	03/22	24446002J2XJBA1YY	WHOLE SOME CHOICE MARKET IRVINE CA		32.84
03/23	03/23	24224432J90WAFWQ	COFFEE BEAN STORE NEWPORT BEACH CA		4.26
03/24	03/24	244273326LYJ6EW56	MOTHER'S MARKET & K IRVINE CA		103.49
03/24	03/24	244273326LYJ6F8TG	MOTHER'S KITCHEN-IRVIN IRVINE CA		14.47
03/24	03/24	24446002L2XEV4QY7	IN-N-OUT BURGER #193 SANTA ANA CA		6.16
03/25	03/25	24224432M31T8QKXV	PANINI CAFE-IRVINE IRVINE CA		11.83
03/25	03/25	24431082M689S8TDV	CHIPOTLE 0805 SANTA ANA CA		7.24
03/26	03/26	24316062NFYPBQ79B	SHELL OIL 67442723003 IRVINE CA		68.97
03/26	03/26	244273326MLYJ4DQ2P	MOTHER'S KITCHEN-IRVIN IRVINE CA		9.72
03/26	03/26	244273326MLYJ4QS7P	MOTHER'S MARKET & K IRVINE CA		10.81
03/26	03/26	24431082N809S8TJ6	CHIPOTLE 0805 SANTA ANA CA		8.29
03/27	03/27	24013382P01LPP975	CALIFORNIA FISH GRILL #2 IRVINE CA		9.71
04/01	04/01	24164072VM80RR16H	PETCO 623 63606234 NEWPORT BEACH CA		18.36
04/01	04/01	24224432W81T8QKPE	PANINI CAFE-IRVINE IRVINE CA		12.00
04/01	04/01	244273326LYJ4LA88	MOTHER'S MARKET & K IRVINE CA		33.26
04/01	04/01	244273326LYJ41NH3	MOTHER'S KITCHEN-IRVIN IRVINE CA		7.00
04/01	04/01	244273326LYJ41828	MOTHER'S MARKET & K IRVINE CA		5.65
04/02	04/02	24128422X2X48WDW4	CULVER AUTO SPA IRVINE CA		12.88
04/02	04/02	24224432X31T8E7HN	PANINI CAFE-IRVINE IRVINE CA		12.00
04/02	04/02	244273326MLYJ42HGT	MOTHER'S KITCHEN-IRVIN IRVINE CA		7.00
04/02	04/02	244273326MLYJ42207	MOTHER'S MARKET & K IRVINE CA		6.43
04/02	04/02	24768012X6V6X83MR	CROWN ACE HARDWARE IRVINE CA		16.00
04/03	04/03	24071062Y4K9T06MF	FRESH GRILLER - SANTA SANTA ANA CA		6.48
04/03	04/03	244273326LYJ482QW	MOTHER'S MARKET & K IRVINE CA		4.88
04/04	04/04	24071062Y4K9D8W4	FRESH GRILLER - SANTA SANTA ANA CA		11.44
TOTAL PURCHASES, BALANCE TRANSFERS & OTHER CHARGES FOR THIS PERIOD					\$2,372.87

Fees Charged

TOTAL FEES CHARGED FOR THIS PERIOD	\$0.80
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WELLS FARGO



VISA

Account Number
Statement Billing Period
Page 3 of 3

Ending In 7479
03/12/2013 to 04/10/2013

Transactions (Continued...)

Trans	Post	Reference Number	Description	Credits	Charges
Interest Charged					
			INTEREST CHARGE ON PURCHASES		40.34
			INTEREST CHARGE ON CASH ADVANCES		0.00
TOTAL INTEREST CHARGED FOR THIS PERIOD					\$40.34

2013 Totals Year-to-Date	
TOTAL FEES CHARGED IN 2013	\$38.00
TOTAL INTEREST CHARGED IN 2013	\$128.69

Interest Charge Calculation

Your Annual Percentage Rate (APR) is the annual interest rate on your account.

Type of Balance	Annual Percentage Rate (APR)	Balance Subject to Interest Rate	Days in Billing Cycle	Interest Charge
PURCHASES	14.95%	\$3,951.38	30	\$40.34
CASH ADVANCES	23.99%	\$0.00	30	\$0.00

Wells Fargo News

Have you received a tax refund?

Wells Fargo wants to talk with you about payment options that are available. Please call 1-800-542-4720.

Get more out of your card without leaving your chair



Check out the online Credit Card Service Center today

Now you can manage your Wells Fargo® Credit Card 24/7. Sign on to Wells Fargo Online® at wells Fargo.com/creditcard.

With just a few clicks, you can:

- Pay your credit card bill
- Switch to online-only statements
- Have ongoing bills paid with your card
- Add credit card features like Rapid Alerts¹
- Request additional cards
- Put a picture on your credit card²
- Track your expenses — and much more



It's that simple. See for yourself, today.

¹Service provider fees may apply. ²Wells Fargo reserves the right to deny certain images.

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Together we'll go far



Exhibit 10

Exhibit 10

WELLS FARGO



VISA

Account Number
Statement Billing Period
Page 1 of 4

Ending In 7478
09/10/2011 to 10/11/2011

Balance Summary

Previous Balance	\$3,005.11
- Payments	\$5,469.90
- Other Credits	\$107.23
+ Cash Advances	\$0.00
+ Purchases, Balance Transfers & Other Charges	\$4,446.16
+ Fees Charged	\$0.00
+ Interest Charged	\$0.00
= New Balance	\$1,873.14
Total Credit Limit	\$2,900

24-Hour Customer Service: 1-800-642-4720
TTY for Hearing/Speech Impaired: 1-800-419-2265
Outside the US Call Collect: 1-826-826-7800
Wells Fargo Online®: wells.fargo.com

Send General Inquiries To:
PO Box 10347, Des Moines IA, 50308-0347

Total Available Credit \$1,004

Payment Information

New Balance	\$1,873.14
Minimum Payment	\$19.00
Payment Due Date	11/05/2011

Send Payments To:
PO Box 30088, Los Angeles CA, 90030-0088

Late Payment Warning: If we do not receive your Minimum Payment by 11/05/2011, you may have to pay a late fee up to \$35.
Minimum Payment Warning: If you make only the minimum payment each period, you will pay more in interest and it will take you longer to pay off your balance. For example:

If you make no additional charges using this card and each month you pay ...	You will pay off the New Balance shown on this statement in about ...	And you will end up paying an estimated total of ...
Only the minimum payment	14 years	\$3,698
\$65	3 years	\$2,325 (Savings of \$1,272)

If you would like information about credit counseling services, refer to www.usdoj.gov/uscis/eo/hs/pcpa/code/cca_approved.htm or call 1-877-285-2108.

Important Information

REVISED AGREEMENT FOR ONLINE BANKING
WE'VE UPDATED OUR ONLINE ACCESS AGREEMENT.
TO SEE WHAT HAS CHANGED, PLEASE VISIT WWW.WELLSFARGO.COM/ONLINEUPDATES

EFFECTIVE NOVEMBER 1, 2011, THE PLAN ADMINISTRATOR FOR TRAVEL ACCIDENT INSURANCE COVERAGE, PROVIDED ON ALL FLIGHTS AND OTHER COMMON CARRIER TRAVEL CHARGED TO YOUR WELLS FARGO CREDIT CARD, HAS CHANGED TO CBSS. CONTACT 1-800-642-4720 TO OBTAIN FURTHER DETAILS.

Wells Fargo Rewards® Program Summary

Rewards Previous Balance:	28,489
Points Earned:	4,339
Earn More Mail® Bonus Points:	0
Bonus Points Earned:	0
Total Available Points:	33,465

We offer more rewards choices so you can choose a reward that suits your style. You'll find gift cards, cash rewards, travel, merchandise and even charitable contributions.
Track your points balance or get more information at www.WellsFargoRewards.com or by calling 1-877-517-1358.

NOTICE: SEE REVERSE SIDE FOR IMPORTANT INFORMATION ABOUT YOUR ACCOUNT

Continued

8596 YK3 1 7 6 111011 0 PAGE 1 of 4 1 0 3583 2000 R049 01NF5396

Detach and mail with check payable to Wells Fargo

Account Number 7470
New Balance \$1,873.14
Minimum Payment \$19.00
Payment Due Date 11/05/2011

74706

YK3 4

Amount Enclosed



WELLS FARGO CARD SERVICES
PO BOX 30088
LOS ANGELES CA 90030-0088

G R JAZI
PO BOX 827674
SAN DIEGO CA 92182-7674



Check here and see reverse for address and/or phone number correction.

IMPORTANT INFORMATION ABOUT YOUR ACCOUNT

Billing Rights Summary. If you believe your bill is wrong (an "Error"), or if you need more information about a transaction on your bill, write to us on a separate sheet of paper as soon as possible at P.O. Box 622, Des Moines, IA 50306-0622. We must hear from you no later than 60 days after we send you the bill on which the Error appeared. You may notify us using other means (including calling us) at the number listed on the front of this statement, but that day we will not preserve your rights.

In your letter (a "Written Notice"), provide the following information:

- Your name and account number.
- The date and dollar amount of suspected Error.
- Description of the Error and why you believe there is an Error. If you need more information, please describe the item you are not sure about.

You do not have to pay any alleged Error amount while we are investigating, but you are still obligated to pay the parts of your bill that are not part of the alleged Error amount. While we investigate, we cannot report you as delinquent or take any action to collect the alleged Error amount. If you have authorized us to pay your credit card bill automatically from your savings or checking account, you can stop the payments on any amount you believe is an Error. To stop the payment, your Written Notice must reach us five (5) business days before the automatic payment is scheduled to occur.

Special Rule for Credit Card Purchases: If you have a problem with the quality of goods or services you purchased with a credit card, and you have tried in good faith to correct the problem with the merchant, you may not have to pay the remaining amount due on the goods or services. You have this protection only when the purchase price was more than \$50 and the purchase was made in your home state or within 100 miles of your mailing address and you have not paid the balance of the disputed charge. If we own or operate the merchant, or if we funded the merchant for the property or services, all purchases are covered regardless of amount or location of purchase.

Credit Information NOTICE: We may furnish information about your account to consumer reporting agencies. You have the right to dispute the accuracy of information that we have reported by writing to us at P.O. Box 10671, Des Moines, IA 50316-0671 and describing the specific information that is inaccurate or in dispute and the basis for any dispute with supporting documentation. In the case of information that you believe is false in a "credit report," you will need to provide us with a clearly written report.

Payments. "Conforming Payments" are payments mailed using the enclosed envelope and payment returned to the payment address specified on the statement or, generally, made via the "Transfer" link at www.wellsfargo.com. "Non-Conforming Payments" are payments mailed other than via the "Transfer" link at www.wellsfargo.com. Conforming Payments received via mail by 5:00 p.m. will be credited as of the date of receipt. Conforming Payments received after 5:00 p.m. will be credited as of the next day. One-at-a-time Conforming Payments made via our Web site will be deposited the first business day after the payment is received. Non-Conforming Payments received by mail will be credited as of the date of receipt. Non-Conforming payments received, but are not listed in the enclosed envelope, will be credited as of the date of receipt.

Notice About Electronic Check Payments: When you provide a check as payment, you authorize us either to use information from your check to make a one-time electronic fund transfer from your account or to process the check transaction. When we use information from your check to make an electronic fund transfer, funds may be withdrawn from your account as soon as the same day we receive your payment, and you will not receive your check back from your financial institution.

Payment in Full for Less Than Account Balance Request: If you intend to pay your account in full with an amount less than the total owed on your account, you must send your request to us at P.O. Box 6071, Portland, OR 97208-6071. Such payments will not discharge your bill.

How We Calculate Your Balance. We use a method called "average daily balance (including new purchases)". For more information regarding this calculation, please call our toll-free Customer Service number located on the front of this statement.

How to Avoid Paying Interest on Purchases. Your Payment Due Date is at least 25 days after the close of each billing period. We will not charge you interest on purchases if you pay your entire balance by the due date each month. We will begin charging interest on each advance and balance transfers on the transaction date.

Secured Accounts. For secured accounts, your credit card account is secured by a pledge of your Secured Card Collateral Account with Wells Fargo Bank, N.A., established in connection with your application for the card. You agree that this pledge includes and gives the right to Bank to repossess, collect and withdraw any part or the full amount of the Secured Card Collateral Account upon any default under your Secured card agreement, or in the event your secured credit card agreement is terminated by Bank for any reason. This pledge is given as a security interest for any and all amounts you owe, including interest, fees and costs which may accrue under your Secured card account. You agree that if your Secured card card account is closed for any reason, the bank may apply funds in the Secured Card Collateral Account to pay off any balances on the credit card account. If there are still funds remaining in the Collateral Account after closing, such funds may remain on deposit for up to 60 days before being refunded to you.

Special Information for Colorado Residents. Colorado law requires Wells Fargo to offer you the option of signing a prior consent form. The signed prior consent permits Wells Fargo to release records of your accounts to the state department of social services or local law enforcement for the purpose of investigating known or suspected financial exploitation. Please contact us at the number listed on the front of this statement for a copy of the form.

Customer Service Monitoring. Some calls between bank employees and our customers may be monitored and recorded by supervisors to ensure quality of service.

INFORMACIÓN IMPORTANTE SOBRE SU CUENTA

Resumen de Derechos de Facturación. Si cree que hay algún error en su estado de cuenta (un "Error"), o si necesita más información sobre una transacción que aparece en su estado de cuenta, por favor escríbanos en un sobre aparte tan pronto como sea posible a P.O. Box 622, Des Moines, IA 50306-0622. Debemos recibir de usted su carta el día 60 de la fecha en que le fuere enviada al primer estado de cuenta en el que apareció el Error. Puede comunicarse con nosotros por otros medios (que incluye llamar al número que aparece en el frente del estado de cuenta) pero al hacerlo no preservará sus derechos.

En su carta (una "Notificación por Escrito"), por favor incluya la siguiente información:

- El nombre y número de cuenta.
- La fecha y el monto de la(s) suma(s) que cree que es un Error.
- Una descripción del Error y la razón por la cual usted cree que es un Error. Si necesita más información, por favor describa el ítem del que no está seguro.

Usted no tiene que pagar el monto del supuesto Error mientras lo investigamos, pero usted sigue obligado a pagar las partes del monto de su cuenta que no forman parte del monto del supuesto Error. Mientras lo investigamos, no podemos reportarlo en estado de incumplimiento ni tomar medidas para cobrar el monto del supuesto Error. Si nos ha autorizado a pagar su tarjeta de crédito de forma automática, puede detener los pagos en cualquier momento que usted crea que es un Error. Para detener el pago, su Notificación por Escrito debe llegar a nosotros cinco (5) días hábiles antes del día en que está programado el pago automático.

Regla Especial para Compras con Tarjeta de Crédito: Si usted tiene algún problema con la calidad de los bienes o servicios que adquirió con una tarjeta de crédito, y si usted ha intentado de buena fe resolver el problema con el comerciante, usted puede no tener que pagar el monto restante adeudado por los bienes o servicios. Usted tiene esta protección solo cuando el precio de compra excede los \$50 y la compra fue realizada en el estado en que reside o a una distancia no superior a 100 millas de su domicilio postal, y siempre que no haya pagado el saldo del cargo en disputa. Si nosotros o el comerciante somos el dueño de los bienes o servicios, todas las compras están cubiertas, sin importar el monto o lugar de la compra.

Información de Crédito. AVISO: Podemos dar información sobre su cuenta a las agencias de informes sobre crediticio. Usted tiene el derecho de cuestionar la exactitud de la información reportada por nosotros al estado o a la agencia de crédito. Por: 1-877-457-3273. En su carta, deberá describir la información específica que sea inexacta o en disputa, y fundamentar cualquier disputa con documentación de respaldo. Si cree que se trata de información relacionada con el robo de identidad, deberá enviar una copia de identidad correspondiente.

Pagos. Los "Pagos en Conformidad" son pagos enviados con el sobre adjunto y (a) en la dirección de pago especificada en el estado de cuenta o en general a través de la Red "Transfer" que está disponible en inglés e "Make a Payment" en la ficha "Account Activity" (solo disponible en inglés) de los servicios bancarios por Internet de Wells Fargo en www.wellsfargo.com. Los Pagos en Conformidad recibidos por correo a más tardar a las 5 p.m. serán creditados a la fecha de recepción. Los Pagos en Conformidad recibidos por correo después de las 5 p.m. serán creditados al día siguiente. Los pagos de tarjeta que no conforman a los pagos en conformidad recibirán a través de nuestro sitio Web un envío automático al momento de la transacción. Los Pagos en Conformidad por correo serán creditados por cualquier otro medio y se podrán que no reciben crédito durante hasta 5 días después de la fecha de recibo. Los Pagos en Incumplimiento incluyen, sin limitación, el pago del sobre proporcionado y todo el pago en ese sobre.

Aviso Sobre Cuentas de Cheques Electrónicos: Al proporcionar su cheque como forma de pago, usted nos da su autorización para utilizar la información de su cheque a fin de realizar una transferencia electrónica de su cuenta o procesar el pago como una transacción de cheque. Cuando nosotros usamos la información de su cheque para realizar una transferencia electrónica de fondos, los fondos podrán ser retirados de su cuenta tan rápido como el mismo día en que recibamos su pago, y su tarjeta bancaria no la regresará su cheque.

Pago Total por un Monto Inferior al Saldo de la Cuenta: Si usted desea liquidar la totalidad del saldo de su cuenta por un monto inferior al monto total adeudado en su estado, deberá enviarnos su solicitud a la siguiente dirección: P.O. Box 6071, Portland, OR 97208-6071. Dichos pagos no exonerarán la totalidad de su deuda.

Cómo Calculamos Su Saldo. Usamos un método denominado "saldo diario promedio (incluyendo nuevas compras)". Para más información acerca de esta cálculo, por favor llame a nuestro número gratuito de Servicio al Cliente indicado al frente de este estado de cuenta.

Cómo Evitar Pagar Intereses sobre Compras. La Fecha de Vencimiento del Pago es al menos 25 días después del cierre de cada período de facturación. No cargaremos intereses sobre las compras si usted paga la totalidad de su saldo a más tardar en la fecha de vencimiento de cada mes. Comenzaremos a cargar intereses sobre adelantos en efectivo y transferencias de sobre a la fecha de transacción.

Cuentas Garantizadas. Para Cuentas Garantizadas, el estado de tarjeta de crédito está garantizado por el monto en prenda de su Cuenta Colateral de la Tarjeta Garantizada de Wells Fargo Bank, N.A., establecida en conexión con su solicitud de la tarjeta. Usted concuerda que esta garantía es un prenda en tiempo y día al Banco el derecho a repositar, cobrar y retirar cualquier parte o la totalidad del monto adeudado en la Cuenta Colateral de la Tarjeta Garantizada en caso de incumplimiento con el acuerdo de tarjeta de crédito o en el evento de que dicho acuerdo sea terminado por el Banco, por cualquier motivo. Esta prenda se otorga como garantía de cada uno y forma parte de la garantía de crédito, también las líneas, cargos y cuotas que pueden acumularse bajo su Cuenta de Tarjeta de Crédito Garantizada. Usted está de acuerdo en que el saldo de su Cuenta de Tarjeta de Crédito Garantizada se otorga por cualquier razón, el Banco podrá aplicar los fondos adeudados en la Cuenta Colateral de la Tarjeta Garantizada para liquidar cualquier saldo en el crédito de tarjeta de crédito. El depósito de garantía está ubicado en la Cuenta Colateral, y otros fondos podrán permanecer en depósito durante hasta 60 días antes de que sean devueltos a usted.

Información Especial para los Residentes de Colorado. La Ley de Colorado exige que Wells Fargo le ofrezca la opción de firmar un formulario de consentimiento previo. El formulario de consentimiento previo permite a Wells Fargo a divulgar los registros de su sistema de capacitación de servicios sociales del condado o a la agencia del estado pública local para investigar explotación financiera conocida o sospechada. Llámese al número en el frente de este estado de cuenta para obtener una copia del formulario.

Monitoreo del Servicio al Cliente. Algunas llamadas entre los empleados del banco y nuestros clientes pueden ser monitoreadas y grabadas por los supervisores para asegurar la calidad del servicio.

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Change of Address Form — If your address has changed, provide your complete new address below. Check the check box on reverse side of coupon and enclose in the envelope provided. Please use this section only for address changes. If you have any questions, please call the toll-free customer service number on the front of this statement.

Formulario de Cambio de Dirección — Si su dirección ha cambiado, proporcione su nueva dirección completa abajo. Marque el cuadro al dorso del cupón y adjúntelo en el sobre anexo. Por favor use esta sección solamente para cambios de dirección. El llame por favor al número de Servicio al Cliente al frente de este estado de cuenta.

ACCOUNT FIRST NAME	ACCOUNT LAST NAME
NEW STREET ADDRESS	
PO BOX / APT #	
CITY STATE ZIP	
HOME PHONE	WORK PHONE

WELLS FARGO



VISA

Account Number
Statement Billing Period
Page 2 of 4

Ending In 7470
08/10/2011 to 10/11/2011

Transactions

Trans	Post	Reference Number	Description	Credits	Charges
Payments					
09/28	09/28	74465428G0A8GFYKH	BRANCH PAYMENT CHECK REF# DZEMQR4B47	946.91	
09/28	09/28	74465428G0A8GFYMB	BRANCH PAYMENT CHECK REF# DZEMQR4B47	0.13	
09/28	09/28	74465428G0A8GFYMS	BRANCH PAYMENT CHECK REF# DZEMQR4B47	22.88	
09/28	09/28	74465428G0A8JLAA	ONLINE PAYMENT	3,000.00	
10/04	10/04	74465428G0A8M4WY1	ONLINE PAYMENT	1,600.00	
TOTAL PAYMENTS FOR THIS PERIOD				\$8,469.90	

Other Credits

Trans	Post	Reference Number	Description	Credits	Charges
09/18	09/18	741640783AAYME6YP	STARBUCKS CORP00140188 NEWPORT BEACH CA	2.25	
09/19	09/19	7444574872XE4J2RH	OFFICE DEPOT 8861 IRVINE CA	104.98	
TOTAL OTHER CREDITS FOR THIS PERIOD				\$107.23	

Purchases, Balance Transfers & Other Charges

Trans	Post	Reference Number	Description	Credits	Charges
09/08	09/10	24810747WWGNM49A8	CHECKERED FLAG HAND CARWA IRVINE CA		9.99
09/08	09/10	24318057WFFRMAVYD	SHELL OIL 67442729003 IRVINE CA		88.84
09/08	09/10	24427337WLM88N4F0	MOTHER'S MARKET & K IRVINE CA		2.09
09/08	09/10	24736937W0G5JYVMR	THE FLAME BROILER IRVINE CA		8.03
09/09	09/10	24071057Y4KAOJ079	JAVIER'S CRYSTAL COVE NEWPORT COAST CA		11.00
09/09	09/10	24427337XLM88BLXEW	MOTHER'S MARKET & K IRVINE CA		2.09
09/09	09/10	24766427ZMA7ZGZ8M	USO HOSPITALITY RETAIL FO LOS ANGELES CA		5.95
09/10	09/10	24427337YLM88A8107	MOTHER'S KITCHEN-IRVIN IRVINE CA		7.00
09/10	09/10	24736937Z0GAA8L70	THE FLAME BROILER IRVINE CA		6.03
09/11	09/11	24224437Z30VVB2G	COFFEE BEAN STORE IRVINE CA		4.85
09/11	09/11	24391217Y80A8G1YK	UCI PARKING DPT IRVINE CA		8.00
09/11	09/11	24451067Z81KJ8MIX	CHIPOTLE 1628 IRVINE CA		10.02
09/11	09/11	24445747Z2XD2K4HZ	OFFICE DEPOT 8861 IRVINE CA		10.55
09/12	09/12	244273380LM88XGNL	MOTHER'S MARKET & K IRVINE CA		4.19
09/12	09/12	244273380LM88XGWR	MOTHER'S MARKET & K IRVINE CA		22.14
09/12	09/12	2443106808AS19G6N	CHIPOTLE 1441 NEWPORT BEACH CA		9.59
09/12	09/12	24892167Z00R8J6TP	COX'OR CO COM PHBY \$49-240-1212 CA		106.82
09/13	09/13	243160581FYFXH5QT	SHELL OIL 67442729003 IRVINE CA		58.69
09/13	09/13	243160581FYFXH5TAA	SHELL OIL 67442729003 IRVINE CA		2.59
09/13	09/13	244273381LM887HDKE	MOTHER'S MARKET & K IRVINE CA		2.88
09/13	09/13	244273381LM887HNVMM	MOTHER'S KITCHEN-IRVIN IRVINE CA		8.85
09/13	09/13	247664281E884Y44B	USO HOSPITALITY RETAIL FO LOS ANGELES CA		7.99
09/14	09/14	24210738280QTMFAJ	THE VEGGIE GRILL IRVINE CA		8.84
09/14	09/14	2422443822ZYGY4M	COFFEE BEAN STORE NEWPORT BEACH CA		3.95
09/14	09/14	2443388818B30PQNW	HEN HOUSE GRILL IRVINE CA		12.92
09/15	09/15	2407106882K828MX6	FRESHJI - THE BLUFFS NEWPORT BEACH CA		7.53
09/15	09/15	241840783AAYME6YB	STARBUCKS CORP00140188 NEWPORT BEACH CA		2.25
09/15	09/15	244273382LYJAX17Y	ALBERTSONS 88507 IRVINE CA		2.49
09/15	09/15	244273383LM7YTS4T	PANERA BREAD #4126 NEWPORT BEACH CA		1.89
09/15	09/15	244273383LM88RHGJ	MOTHER'S KITCHEN-IRVIN IRVINE CA		8.89
09/15	09/15	2443106888AS13F2V	CHIPOTLE 1441 NEWPORT BEACH CA		10.02
09/15	09/15	2476642894PDN34EA	USO HOSPITALITY RETAIL FO LOS ANGELES CA		3.95
09/16	09/16	241840784AAZQ2K7	STARBUCKS CORP00140188 NEWPORT BEACH CA		8.30
09/16	09/16	24224438430W4PDJ1	COFFEE BEAN STORE NEWPORT BEACH CA		3.95
09/16	09/16	244251984GVD7JXF8	ISLANDS RESTAURANT 304 NEWPORT BEACH CA		11.50
09/16	09/16	244273384LM8Q4L8E	MOTHER'S MARKET & K IRVINE CA		2.09
09/16	09/16	24431068406JSB2PH	BRISTOL FARMS # 12 SAN DIEGO CA		2.24
09/17	09/17	2404603840055ZG16	CHEVRON 00208578 SAN DIEGO CA		8.39
09/17	09/17	24210738580QTMFP8M	THE VEGGIE GRILL IRVINE CA		8.84
09/17	09/17	244273384LYJGLPXS	ALBERTSONS 88507 IRVINE CA		8.38
09/17	09/17	244273385LM8A9T2H	MOTHER'S MARKET & K IRVINE CA		2.19
09/17	09/17	24431068505JSB36S	BRISTOL FARMS # 12 SAN DIEGO CA		2.24
09/17	09/17	244489088007J7N85	POMODORO CUCINA ITALIANA NEWPORT COAST CA		12.88
09/18	09/18	24224438830VVE84Z	COFFEE BEAN STORE NEWPORT BEACH CA		3.95
09/18	09/18	2443106888AS18DJP	CHIPOTLE 1441 NEWPORT BEACH CA		10.02
09/19	09/19	24210738780QTM8GV	THE VEGGIE GRILL IRVINE CA		8.84
09/19	09/19	24224438730VVOCSK	COFFEE BEAN STORE NEWPORT BEACH CA		8.85
09/19	09/19	248230188FVWP894D	CALIFORNIA PIZZA 636 IRVINE CA		15.70
09/19	09/19	244273387LM7XP1K3	PANERA BREAD #4126 NEWPORT BEACH CA		8.78
09/20	09/20	2422443882ZY61JBR	COFFEE BEAN STORE IRVINE CA		3.95
09/20	09/20	244273388LM87QFBG	MOTHER'S KITCHEN-IRVIN IRVINE CA		8.85
09/20	09/20	2476642884FF1L3YB	USO HOSPITALITY RETAIL FO LOS ANGELES CA		7.99
09/20	09/20	2476642884FF1MLGP	USO HOSPITALITY RETAIL FO LOS ANGELES CA		3.95
09/21	09/21	24224438830VW8Y8R	COFFEE BEAN STORE NEWPORT BEACH CA		3.95
09/21	09/21	2430157883DWA8M9Y0	PAIN DU MONDE BALBOA BALBOA CA		11.80
09/21	09/21	244273388LYJAG48W	ALBERTSONS 88507 IRVINE CA		8.84
09/21	09/21	2448388888313PAP	HEN HOUSE GRILL IRVINE CA		16.78
09/21	09/21	24882168800KTVZ0H	Amazon.com AMZN.COM/BILL WA		82.99
09/22	09/22	242107388A60QTM8Z8	THE VEGGIE GRILL IRVINE CA		8.84
09/22	09/22	24316098AFYMB9EJ	SHELL OIL 67442729003 IRVINE CA		87.13
09/22	09/22	24323018AFVWV28F0	CALIFORNIA PIZZA 636 IRVINE CA		16.50
09/22	09/22	244273388ALM883PFF	MOTHER'S KITCHEN-IRVIN IRVINE CA		14.80
09/22	09/22	244273389LYJAKJ48	ALBERTSONS 88507 IRVINE CA		8.78
09/22	09/22	24433888883CEAPV	HEN HOUSE GRILL IRVINE CA		12.92
09/23	09/23	242107388A60QTMDFG	THE VEGGIE GRILL IRVINE CA		8.84
09/24	09/24	242107388Q60QTMFEW	THE VEGGIE GRILL IRVINE CA		11.28

Continued

WELLS FARGO



VISA

Account Number
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Ending In 1470
08/18/2011 to 10/11/2011

Transactions (Continued...)

Trans	Post	Reference Number	Description	Credits	Charges
Purchases, Balance Transfers & Other Charges					
09/24	09/24	24401088Q8AS13D2A	CHIPOTLE 1441 NEWPORT BEACH CA		7.85
09/24	09/24	24781978Q81DKG3FP	YOGURT LAND UCI IRVINE CA		3.47
09/25	09/25	24210738D60QTMF4H	THE VEGGIE GRILL IRVINE CA		11.74
09/25	09/25	24224438D2ZY67QZ7	COFFEE BEAN STORE IRVINE CA		3.95
09/25	09/25	24427338DLH81KEHE	MOTHER'S MARKET & K IRVINE CA		2.74
09/25	09/25	24427338DLH81KRQ1	MOTHER'S KITCHEN-IRVIN IRVINE CA		0.65
09/25	09/25	24427338DLH81KRF8	MOTHER'S KITCHEN-IRVIN IRVINE CA		1.25
09/26	09/26	24071088E4K9TBQ0W	NATIVE FOODS - COSTA M COSTA MESA CA		12.82
09/26	09/26	24427338DLYJ30QJB	MOTHER'S MARKET & K IRVINE CA		3.15
09/26	09/26	24431088E8AS13DPV	CHIPOTLE 1441 NEWPORT BEACH CA		0.59
09/26	09/26	24761978E61DK93PK	YOGURT LAND UCI IRVINE CA		1.42
09/27	09/27	24224438FZYDDEE4	COFFEE BEAN STORE IRVINE CA		3.95
09/27	09/27	24431088F0SJS8P6N	EINSTEIN BROS BAGELS2616 IRVINE CA		2.86
09/27	09/27	24765426F3J9553F	USC POPOVICH LOS ANGELES CA		4.69
09/27	09/27	24765426F4E7QX181	USC HOSPITALITY RETAIL FO LOS ANGELES CA		11.48
09/28	09/28	24184078G8NFBFCGR	PAVILIONS STOR00019117 NEWPORT COAST CA		23.97
09/28	09/28	24210738G80QTMG5D	THE VEGGIE GRILL IRVINE CA		0.94
09/28	09/28	24224438G2ZYDHTK2	COFFEE BEAN STORE IRVINE CA		3.95
09/28	09/28	24427338FLYJ3MR8B	MOTHER'S MARKET & K IRVINE CA		5.43
09/29	09/29	24316058HFYRDL8RX	SHELL OIL 67442723003 IRVINE CA		65.50
09/29	09/29	24427338GLYJ4GZV8	MOTHER'S KITCHEN-IRVIN IRVINE CA		0.65
09/29	09/29	24765426H4PHTN80X	USC HOSPITALITY RETAIL FO LOS ANGELES CA		2.50
09/30	09/30	24184078JAAZKAT6S	STARBUCKS CORP00140188 NEWPORT BEACH CA		2.25
09/30	09/30	24316058JFYPMW24Y	SHELL OIL 67441695301 LAS VEGAS NV		71.25
09/30	09/30	24493688H8B30XKWE	HEN HOUSE GRILL IRVINE CA		10.76
09/30	09/30	24765426J4PJA169R	USC HOSPITALITY RETAIL FO LOS ANGELES CA		8.99
09/30	09/30	24765426J4PJA280H	USC HOSPITALITY RETAIL FO LOS ANGELES CA		3.95
09/30	09/30	24765426J4PJA231R	USC HOSPITALITY RETAIL FO LOS ANGELES CA		0.66
10/01	10/01	24472688QR8G944H	EDDIE'S WILD FISH NEWP NEWPORT BEACH CA		14.01
10/01	10/01	24492798K3DVM8R0X	DARYA RESTAURANT BANTAANA CA		79.76
10/01	10/01	24765426LJAE2PN5W	PELICAN HILL F B NEWPORT COAST CA		17.10
10/02	10/02	24065228K650MPV8P	SUFI MEDITERRANEAN CURS SAN DIEGO CA		61.71
10/02	10/02	24184078K2LR7YH27	TARGET 00024053 SAN DIEGO CA		632.28
10/02	10/02	24210738L6QTMDS1	THE VEGGIE GRILL IRVINE CA		11.74
10/02	10/02	24275398L566M7P81	KOBA TOFU GRILL IRVINE CA		12.92
10/02	10/02	24316058LFYPB8X8P	SHELL OIL 67442719001 SAN DIEGO CA		34.61
10/02	10/02	24493988L8HW8QFSK	TRADER JOE'S #020 QPS LAJOLLA CA		59.89
10/02	10/02	24765426L3VPL8HD	USC TROJAN GROUNDS LOS ANGELES CA		6.27
10/03	10/03	24026858N0190E1LZ	LUFTHANSA 2208710086338 SAN JOSE CA NY		1,606.19
		10/06/11	ZANDIANJAZI/GHOLAM		
		1 UA T	SAN DIEGO WASHINGTON		
		2 LH T	WASHINGTON FRANKFURT		
		3 LH T	FRANKFURT IKA		
		4 LH B	IKA FRANKFURT		
10/03	10/03	24210738M90QTM61N	THE VEGGIE GRILL IRVINE CA		11.74
10/03	10/03	24316058MFYR87R7G	SHELL OIL 67442726402 ENCINITAS CA		81.87
10/03	10/03	24427338LLYJ3GY4Z	MOTHER'S MARKET & K IRVINE CA		4.08
10/03	10/03	24427338LLYJ3H6Z0	MOTHER'S KITCHEN-IRVIN IRVINE CA		2.25
10/03	10/03	24431088M888XV94T	CHIPOTLE 0945 LOS ANGELES CA		9.68
10/03	10/03	24765426MMPJZZZQJ	USC TROJAN GROUNDS LOS ANGELES CA		3.98
10/03	10/03	24765426MMPK02Q72	USC HOSPITALITY RETAIL FO LOS ANGELES CA		8.99
10/04	10/04	24184078N8NFBH81L	PAVILIONS STOR00019117 NEWPORT COAST CA		85.48
10/04	10/04	24210738N60QTMDFV	THE VEGGIE GRILL IRVINE CA		11.74
10/04	10/04	24316058NFYPY85Q8	SHELL OIL 67442723003 IRVINE CA		70.19
10/04	10/04	24431088N888XV7M5	CHIPOTLE 0945 LOS ANGELES CA		9.69
10/04	10/04	24765426N4PK7JRH6	USC HOSPITALITY RETAIL FO LOS ANGELES CA		4.45
10/05	10/05	24448008P2XEE7D56	WHOLE SOME CHOICE MARKET IRVINE CA		2.61
10/05	10/05	24765426P4PKGTNGF	USC HOSPITALITY RETAIL FO LOS ANGELES CA		6.49
10/06	10/06	24038218RKW302HPY	UNITED AIR 0164516712643 WASHINGTON DC		70.00
		10/06/11	JAZI/GR		
		1 U A Y	XAA XAA		
10/08	10/08	24184078P1R2X0NWW	NATIONAL CAR RENTAL DULLES VA		25.66
10/08	10/08	24210738R60QTM63Q	THE VEGGIE GRILL IRVINE CA		11.74
10/07	10/07	24810438R03RZ1885	MARRIOTT 33718 DULLES ARP DULLES VA		215.65
10/07	10/07	24765426V4EANR6P2	USC HOSPITALITY RETAIL FO LOS ANGELES CA		8.99
10/07	10/07	24765426V4EANT08N	USC HOSPITALITY RETAIL FO LOS ANGELES CA		4.45
10/08	10/08	24210738S90QTM0XL	THE VEGGIE GRILL IRVINE CA		11.74
10/08	10/08	24316058FYR0Y630	SHELL OIL 67442723003 IRVINE CA		61.65
10/08	10/08	24765426V4EANR6S3	USC HOSPITALITY RETAIL FO LOS ANGELES CA		7.68
10/09	10/09	24765426V4EANPN8E	USC HOSPITALITY RETAIL FO LOS ANGELES CA		8.99
10/10	10/10	24210738W60QTMEE8	THE VEGGIE GRILL IRVINE CA		11.74
TOTAL PURCHASES, BALANCE TRANSFERS & OTHER CHARGES FOR THIS PERIOD					\$4,445.16

Fees Charged

TOTAL FEES CHARGED FOR THIS PERIOD	\$0.00
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Continued

WELLS FARGO



VISA

Account Number
Statement Billing Period
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Ending In 7470
08/10/2011 to 10/11/2011

Transactions (Continued...)

Trans	Post	Reference Number	Description	Credits	Charges
Interest Charged					
			INTEREST CHARGE ON PURCHASES		0.00
			INTEREST CHARGE ON CASH ADVANCES		0.00
TOTAL INTEREST CHARGED FOR THIS PERIOD					00.00

2011 Totals Year-to-Date	
TOTAL FEES CHARGED IN 2011	\$8.06
TOTAL INTEREST CHARGED IN 2011	\$21.85

Interest Charge Calculation

Your Annual Percentage Rate (APR) is the annual interest rate on your account.

Type of Balance	Annual Percentage Rate (APR)	Balance Subject to Interest Rate	Days in Billing Cycle	Interest Charge
PURCHASES	14.86%	\$0.00	32	\$0.00
CASH ADVANCES	23.89%	\$0.00	32	\$0.00



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WELLS FARGO



VISA

Account Number
Statement Billing Period
Page 1 of 4

Ending In 7479
10/12/2011 to 11/10/2011

Balance Summary

Previous Balance	\$1,873.14
- Payments	\$2,000.00
- Other Credits	\$7.53
+ Cash Advances	\$0.00
+ Purchases, Balance Transfers & Other Charges	\$1,954.91
+ Fees Charged	\$0.00
+ Interest Charged	\$0.00
= New Balance	\$1,820.52
Total Credit Limit	\$2,900

24-Hour Customer Service: 1-800-642-4720
 TTY for Hearing/Speech Impaired: 1-800-419-2255
 Outside the US Call Collect: 1-825-825-7600
 Wells Fargo Online®: wells.fargo.com

Send General Inquiries To:
 PO Box 10347, Des Moines IA, 50308-0347

Total Available Credit \$1,068

Payment Information

New Balance	\$1,820.52
Minimum Payment	\$19.00
Payment Due Date	12/05/2011

Send Payments To:
 PO Box 30088, Los Angeles CA, 90030-0088

Late Payment Warning: If we do not receive your Minimum Payment by 12/05/2011, you may have to pay a late fee up to \$35.
 Minimum Payment Warning: If you make only the minimum payment each period, you will pay more in interest and it will take you longer to pay off your balance. For example:

If you make no additional charges using this card and each month you pay ...	You will pay off the New Balance shown on this statement in about ...	And you will end up paying an estimated total of ...
Only the minimum payment	13 years	\$3,478
\$33	3 years	\$2,881 (Savings of \$1,217)

If you would like information about credit counseling services, refer to www.usdoj.gov/ua/leo/hspcpa/ccda/cc_approved.htm or call 1-877-285-2408.

Wells Fargo Rewards® Program Summary

Rewards Previous Balance:	33,465
Points Earned:	1,848
Earn More Make Bonus Points:	0
Total Available Points:	35,413

We offer more rewards choices so you can choose a reward that suits your style. You'll find gift cards, cash rewards, travel, merchandise and even charitable contributions.
 Track your points balance or get more information at www.WellsFargoRewards.com or by calling 1-877-517-1358.

Transactions

Trans	Post	Reference Number	Description	Credits	Charges
Payments					
11/02	11/02	74485429K0A8FBH31	ONLINE PAYMENT	1,000.00	
11/03	11/03	74485428L0A8H33WD	ONLINE PAYMENT	1,000.00	
TOTAL PAYMENTS FOR THIS PERIOD				\$2,000.00	
Other Credits					
10/10	10/10	7407105044K97LKY2	FRESH HI - THE BLUFFS NEWPORT BEACH CA	7.53	
TOTAL OTHER CREDITS FOR THIS PERIOD				\$7.53	

NOTICE: SEE REVERSE SIDE FOR IMPORTANT INFORMATION ABOUT YOUR ACCOUNT

Continued

5596 YKX 1 7 6 111110 8 PAGE 1 OF 4 10 5383 2660 2049 01075595

Detach and mail with check payable to Wells Fargo

Account Number 7470
 New Balance \$1,820.52
 Minimum Payment \$19.00
 Payment Due Date 12/05/2011

74707

YKX 4

Amount Enclosed



WELLS FARGO CARD SERVICES
 PO BOX 30088
 LOS ANGELES CA 90030-0088

G R JAZI
 PO BOX 927674
 SAN DIEGO CA 92192-7674



Check here and see reverse for address and/or phone number correction.

IMPORTANT INFORMATION ABOUT YOUR ACCOUNT

Billing Rights Summary: If you believe your bill is wrong for "Error", or if you need more information about a transaction on your bill, write to us on a separate sheet of paper as soon as possible at: P.O. Box 822, One Main St., Portland, OR 97208-0822. We will mail you a letter from you within 60 days after we start you the first bill on which the Error appeared. You may notify us using other means including calling us at the number listed on the front of the statement, but doing so will not preserve your rights.

In your letter ("Written Notice"), provide the following information:

- Your name and account number.
The date and dollar amount of suspected Error.
Description of the Error and why you believe there is an Error. If you need more information, please describe the item you are not sure about.

You do not have to pay any alleged Error amount while we investigate, but you are still obligated to pay the parts of your bill that are not part of the alleged Error amount. While we investigate, we cannot report you as delinquent or take any action to collect the alleged Error amount. If you have authorized us to pay your credit or checking account, you can stop the payment on any amount you believe is an Error. To stop the payment, your Written Notice must reach us first (3) business days before the automatic payment is scheduled to occur.

Special Rule for Credit Card Purchases: If you have a problem with the quality of goods or services you purchased with a credit card, and you have had in good faith to correct the problem with the merchant, you may not have to pay the pending automatic due on the card or services. You have this protection only when the purchase price was more than \$50 and the purchase was made in your home state or within 100 miles of your mailing address and you have not paid the balance of the disputed charge. If we own or operate the merchant, or if we acted for the advertisement for the property or services, all purchases are covered regardless of amount or location of purchase.

Credit Information, NOTICE: We may furnish information about your account to consumer reporting agencies. You have the right to dispute the accuracy of information that we have reported by writing to us at P.O. Box 14617, One Main St., W9708-3517 and describing the specific information that is inaccurate or in dispute and the basis for any dispute with supporting documentation. In the case of information that you believe relates to an Identity Theft, you will need to provide us with an Identity Theft report.

Payments: "Confirming Payments" are payments mailed using the enclosed envelope and payment coupon to the payment address specified on the statement or, previously, made via the "Transfer" link or Make a Payment link on the credit card Account Activity link at Wells Fargo Online Banking at www.wellsfargo.com. Confirming Payments received via mail by 5:00 p.m. will be credited as of the date of receipt. Confirming Payments received after 5:00 p.m. will be credited as of the next day. Direct deposit for Confirming Payments made via our Web site will be credited as of the date of the transaction. "Non-Confirming Payments" are payments made by any other means and may not receive credit for up to five days after the date of receipt. Non-Confirming payments include, but are not limited to, placing the provided envelope and payment coupon in another envelope.

Notice About Electronic Check Conversion: When you provide a check as payment, you authorize us either to use information from your check to make a one-time electronic fund transfer from your account or to process the payment as a check transaction. When you use information from your check to make an electronic fund transfer, funds may be withdrawn from your account as soon as the same day we receive your payment, and you will not receive your check back from your financial institution.

Payment in Full for Late Payment of Balance Request: If you intend to pay your account in full with an amount less than the total owed on your account, you must send your request to us at: P.O. Box 8211, Portland, OR 97208-0821. Such payments will not discharge your full bill.

How We Calculate Your Balance: We use a method called "average daily balance (including new purchases)". For more information regarding this calculation, please call our toll-free Customer Service number located on the front of this statement.

How to Avoid Paying Interest on Purchases: Your Payment Due Date is at least 25 days after the close of each billing period. We will not charge you interest on purchases if you pay your entire balance by the due date each month. We will begin charging interest on each advance and balance transfer on the transaction date.

Secured Accounts: For secured accounts, your credit card account is secured by a pledge of your Secured Card Collateral Account with Wells Fargo Bank, N.A., established in connection with your application for the card. You agree that the pledge creates and gives the right to the lender, collect and without any notice or the Secured Card Collateral Account must stay current and under your Secured credit card agreement, it is the event your Secured credit card agreement is terminated by Bank for any reason. This pledge is given as a security interest for any and all amounts you owe, including interest, fees and costs which may accrue under your Secured credit card account. You agree that if your Secured credit card account is closed for any reason, the bank will apply funds in the Secured Card Collateral Account to pay off any balance on the credit card account. If there are still funds remaining in the Collateral Account after doing so, those funds may remain on deposit for up to 60 days before being returned to you.

Special Information for Colorado Residents: Colorado law requires Wells Fargo to offer you the option of signing a prior consent form. The signed prior consent permits Wells Fargo to release records of your accounts to the county department of social services or local law enforcement for the purpose of investigating income or expected financial obligations. Please contact us at the number listed on the front of this statement for a copy of the form.

Customer Service Monitoring: Some calls between bank employees and our customers may be monitored and recorded by supervisors to ensure quality of service.

INFORMACIÓN IMPORTANTE SOBRE SU CUENTA

Resumen de Derechos de Facturación: Si cree que hay algún error en su estado de cuenta (un "Error"), o si necesita más información sobre una transacción que aparece en su estado de cuenta, por favor escríbanos en una hoja separada sin poner sello ni franqueo, a la siguiente dirección: P.O. Box 822, One Main St., Portland, OR 97208-0822. Debe comunicarnos con nosotros por correo dentro de un lapso de 60 días de la fecha en que le fuere enviado el primer estado de cuenta en el que apareció el Error. Podemos comunicarnos con nosotros por correo electrónico si incluye el número de su cuenta en el frente del estado de cuenta pero no preservará sus derechos.

En su carta (su "Notificación por Escrito"), por favor incluya la siguiente información:

- Su nombre y número de cuenta.
La fecha y el monto en dólares del Error del que sospecha.
Una descripción del Error y la razón por la cual cree que es un Error. Si necesita más información, por favor describa el ítem del que no está seguro.

No tiene que pagar el monto del supuesto Error mientras lo investigamos, pero seguirá obligado a pagar las porciones del monto de su cuenta que no forman parte del monto del supuesto Error. Mientras investigamos, no podemos reportar su calidad de crédito, ni tomar medidas para cobrar el monto del supuesto Error. Si nos ha autorizado a pagar su cuenta de crédito de crédito de manera automática desde su cuenta de cheques o de ahorros, puede suspender el pago por cualquier monto que sea que de un Error. Para suspender por Escrito debe darnos tres (3) días hábiles antes del día en que está programado el pago automático.

Regla Especial para Compras con Tarjeta de Crédito: Si tiene algún problema con la calidad de los bienes o servicios que adquirió con una tarjeta de crédito, y ha intentado de buena fe resolver el problema con el comerciante, usted no tiene que pagar el monto pendiente de su tarjeta de crédito o servicios. Usted tiene esta protección solo cuando el precio de compra exceda a los \$50 y la compra fue realizada en el estado en que vive o a una distancia no superior a 100 millas de su dirección postal, y siempre que no haya pagado el saldo del cargo en disputa. Si somos los propietarios o operadores de dicho comercio, o si lo somos por medio un agente publicitario de los bienes o servicios, todas las compras están cubiertas, sin importar el monto o lugar de la compra.

Información de Crédito, AVISO: Podemos dar información sobre su cuenta a las agencias de informes sobre consumidores. Usted tiene el derecho a cuestionar la exactitud de la información que nosotros le escribimos a la siguiente dirección: P.O. Box 14617, One Main St., W9708-3517. En su carta, deberá describir la información específica que sea incorrecta o no es cierta, y proporcionar cualquier documentación de respaldo. Si cree que se trata de información relacionada con el robo de identidad, deberá darnos una denuncia de robo de identidad correspondiente.

Pagos: Los "Pagos en Confirmación" son pagos enviados con el sobre adjunto y talón de pago a la dirección de pago especificada en el estado de cuenta o en garantía a través de la Web "Transfer" (link disponible en inglés) o "Make a Payment" en la Web Account Activity (link disponible en inglés) de los servicios en línea de Wells Fargo en www.wellsfargo.com. Los Pagos en Confirmación recibidos por correo a más tardar a las 5 p.m. serán acreditados a la fecha de su recibo. Los Pagos en Confirmación recibidos después de las 5 p.m. serán acreditados a la siguiente. Los pagos de la Web para Pagos en Confirmación realizados a través de nuestra Web serán validados al momento de la transacción. Los "Pagos en No Confirmación" son pagos efectuados por cualquier otro medio y es posible que no reciban crédito durante hasta 5 días después de la fecha de recibo. Los Pagos en No Confirmación incluyen, sin limitación, poner el sobre proporcionado por nosotros en otro sobre.

Ante Sobre Conversión de Cheques Electrónicos: Al proporcionar un cheque como forma de pago, usted nos da su autorización para utilizar la información de su cheque a fin de realizar una sola transferencia electrónica de su cuenta o procesar el pago como una transacción de cheque. Cuando necesemos usar la información de su cheque para realizar una transferencia electrónica de fondos, los fondos podrán ser retirados de su cuenta tan rápido como el mismo día en que recibimos su pago, y su institución financiera le regresará el cheque.

Pago Total por un Monto Inferior al Saldo de la Cuenta: Si usted planea pagar la totalidad del saldo de su cuenta por un monto inferior al monto total adeudado en su cuenta, deberá enviarnos su solicitud a la siguiente dirección: P.O. Box 8211, Portland, OR 97208-0821. Dichos pagos no exonerarán la totalidad de su deuda.

Cómo Calculamos Su Saldo: Usamos un método denominado "saldo diario promedio (incluyendo nuevas compras)". Para más información acerca de este cálculo, por favor llame a nuestro número gratuito de Servicio al Cliente indicado al frente de este estado de cuenta.

Cómo Evitar Pagar Intereses sobre Compras: La Fecha de Vencimiento del Pago es al menos 25 días después del cierre de cada período de facturación. No cargaremos intereses sobre las compras si usted paga la totalidad de su saldo a más tardar en la fecha de vencimiento de cada mes. Comunicarémnos a cobrar intereses sobre adelantos e intereses y transferencias de saldo a la fecha de facturación.

Cuentas Garantizadas: Para Cuentas Garantizadas, su cuenta de tarjeta de crédito está garantizada por el seguro en garantía de su Cuenta Colateral de la Tarjeta Garantizada de Wells Fargo Bank N.A., establecida en relación con el cobro de la tarjeta. Usted conviene en que dicha garantía es válida sobre y de el Banco o el dueño o propietario de cualquier parte o la totalidad del monto depositado en la Cuenta Colateral de la Tarjeta Garantizada, en caso de cualquier acto que incumplimiento bajo el convenio de la tarjeta de crédito garantizada, a un día de que dicha garantía sea terminada por el Banco, por cualquier razón. Esta garantía se otorga como garantía de su cuenta y todos los montos que usted adeude, incluidos los intereses, costas y costas que pueden acumularse bajo su Cuenta de Tarjeta de Crédito Garantizada. Usted está de acuerdo en que si su Cuenta de Tarjeta de Crédito Garantizada es cerrada por cualquier razón, el Banco podrá aplicar los fondos pendientes en la Cuenta Colateral de la Tarjeta Garantizada para liquidar cualquier saldo en la cuenta de tarjeta de crédito. Si después de hacerlo aún quedara saldo en la Cuenta Colateral, dichos fondos podrán permanecer en depósito durante hasta 60 días antes de que sean devueltos a usted.

Información Especial para los Residentes de Colorado: La ley de Colorado exige que Wells Fargo le ofrezca la opción de firmar un formulario de consentimiento previo. El formulario de consentimiento previo firmado autoriza a Wells Fargo a divulgar los registros de sus cuentas al departamento de servicios sociales del condado o a la agencia del orden público local para investigar explotación financiera conocida o presunta. Llámese al número en el frente de este estado de cuenta para obtener una copia del formulario.

Monitoreo del Servicio al Cliente: Algunas llamadas entre los empleados del banco y nuestros clientes pueden ser monitoreadas y grabadas por los supervisores para asegurar la calidad del servicio.

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Change of Address Form - If your address has changed, provide your complete new address below. Be sure to check box on reverse side of coupon and enclose in the envelope provided. Please use this section only for address changes. If you have any questions, please call the toll-free customer service number on the front of this statement. Formulario de Cambio de Dirección - Si su dirección ha cambiado, proporcione su nueva dirección completa abajo. Asegúrese de indicar el condado y estado en el sobre anexo. Por favor use esta sección solamente para cambios de dirección. Si tiene preguntas, por favor llame al número de Servicio al Cliente al frente de este estado de cuenta.

Form with fields for ACCOUNT FIRST NAME, ACCOUNT LAST NAME, NEW STREET ADDRESS, PO BOX / APT #, CITY, STATE/ZIP, HOME PHONE, WORK PHONE.

WELLS FARGO



VISA

Account Number
Statement Billing Period
Page 2 of 4

Ending In 7470
10/12/2011 to 11/10/2011

Transactions (Continued...)

Trans	Post	Reference Number	Description	Credits	Charges
Purchases, Balance Transfers & Other Charges					
10/10	10/12	24765428W4EB88EB9	USC HOSPITALITY RETAIL FO LOS ANGELES CA		6.99
10/10	10/12	24765428W4EB88QMPG	USC HOSPITALITY RETAIL FO LOS ANGELES CA		3.95
10/11	10/12	24210738X60QTMDDN	THE VEGGIE GRILL IRVINE CA		11.74
10/11	10/12	24765428X4EBHEDW3	USC HOSPITALITY RETAIL FO LOS ANGELES CA		6.99
10/12	10/12	24071058X4K8QEFVX	FRESHII - THE BLUFFS NEWPORT BEACH CA		7.83
10/12	10/12	24071058X4K8QELSZ	FRESHII - THE BLUFFS NEWPORT BEACH CA		15.99
10/12	10/12	24210738Y60QTMESA	THE VEGGIE GRILL IRVINE CA		11.74
10/12	10/12	24765428Y4PMKFSN6	USC HOSPITALITY RETAIL FO LOS ANGELES CA		6.99
10/10	10/13	24210738Z60QTMDRB	THE VEGGIE GRILL IRVINE CA		11.74
10/13	10/13	24427338YLYJ4DY13	MOTHER'S MARKET & K IRVINE CA		17.03
10/13	10/13	24765428Z4PMYP6AX	USC HOSPITALITY RETAIL FO LOS ANGELES CA		0.95
10/14	10/14	2407105914K99E1NY	JAVIER'S CRYSTAL COVE NEWPORT COAST CA		19.00
10/14	10/14	24164076ZV3DFWZ60	AMC TUSTIN 14 01004274 TUSTIN CA		9.00
10/14	10/14	242244393030W1DG48	COFFEE BEAN STORE LOS ANGELES CA		4.45
10/14	10/14	243180590FYTKW0VX	SHELL OIL 67442723003 IRVINE CA		70.67
10/14	10/14	24427338ZLYJ63P10	MOTHER'S MARKET & K IRVINE CA		2.04
10/14	10/14	24427338ZLYJ640VW	MOTHER'S KITCHEN-IRVIN IRVINE CA		2.25
10/14	10/14	244310690886XV4RR	CHIPOTLE 0945 LOS ANGELES CA		8.88
10/15	10/15	24210739160QTMESL	THE VEGGIE GRILL IRVINE CA		11.74
10/15	10/15	24210739260QTMEGR	THE VEGGIE GRILL IRVINE CA		11.74
10/15	10/15	244273382LM7ZXIOY	H MART IRVINE IRVINE CA		9.35
10/15	10/15	244273382LM81XWN6	SPROUTS FARMERS MAR IRVINE CA		123.82
10/17	10/17	24210739350QTMFDW	THE VEGGIE GRILL IRVINE CA		11.74
10/17	10/17	243912163802AEXAB	UCI PARKING DPT IRVINE CA		6.00
10/17	10/17	24492799303DWRMMP2E	THE SPORTS CLUBLA OO IRVINE CA		65.32
10/18	10/18	24210739450QTMDTG	THE VEGGIE GRILL IRVINE CA		11.74
10/18	10/18	2476542844EDKAYJF	USC HOSPITALITY RETAIL FO LOS ANGELES CA		5.99
10/18	10/18	2476542844EDKQ6MB	USC HOSPITALITY RETAIL FO LOS ANGELES CA		4.45
10/19	10/19	2402855800123NX7B	LLFTHANSA 2208710085560 SAN JOSE CA NY		250.00
		11/15/11	ZANDIANJAZU/GHOLAM		
		1 LH S	IKA FRANKFURT		
		2 LH S	FRANKFURT PARIS		
		3 UA T	PARIS WASHINGTON		
		4 UA T	WASHINGTON SAN DIEGO		
10/19	10/19	2418407968NF8MTK2	PAVILIONS STOR00018117 NEWPORT COAST CA		50.47
10/19	10/19	24210739560QTMESQJ	THE VEGGIE GRILL IRVINE CA		15.17
10/19	10/19	24270749402XVJRE9	RON PAUL 2012 PEC 879-2861996 TX		20.12
10/19	10/19	2471705983YWRW1Q	AGENT FEE 8900561052388 OYRUS TRAVEL CA		25.00
		10/19/11	ZANDIANJAZU/GHO		
		1 XD Y	XAA XAO		
10/20	10/20	24210739660QTMDDW1	THE VEGGIE GRILL IRVINE CA		11.74
10/20	10/20	2476542964ED6YD6E	CITY OF LA DOT PVB PEPHW 686-5819742 CA		60.00
10/20	10/20	2476542984PR218TT	USC HOSPITALITY RETAIL FO LOS ANGELES CA		4.45
10/21	10/21	24249519760T2JMM1	COLDSTONE #1589 LOS ANGELES CA		4.98
10/21	10/21	243160697FYTKVXHG	SHELL OIL 67442723003 IRVINE CA		69.36
10/21	10/21	2476542994EEW7VRZ	USC HOSPITALITY RETAIL FO LOS ANGELES CA		6.99
10/22	10/22	24210739880QTMESF5	THE VEGGIE GRILL IRVINE CA		11.74
10/23	10/23	24210739A60QTMDDXY	THE VEGGIE GRILL IRVINE CA		14.17
10/23	10/23	242244399303VJ72Y	COFFEE BEAN STORE NEWPORT BEACH CA		3.95
10/23	10/23	246921698005H45V1	CALIFORNIA PIZZA 098 IRVINE CA		18.69
10/24	10/24	24210739A50QTMGE8	THE VEGGIE GRILL IRVINE CA		14.17
10/24	10/24	24399000A8YK9S2PF	PAYLESSSHOES000081089 IRVINE CA		19.99
10/24	10/24	244273389LYJ38M8Z	MOTHER'S MARKET & K IRVINE CA		4.19
10/24	10/24	24692169800QQ6NHS	CALIFORNIA PIZZA 836 IRVINE CA		12.00
10/25	10/25	24164078BAAXDZYXK	STARBUCKS CORP00140095 IRVINE CA		2.25
10/25	10/25	24427338ALYJ38PQV	MOTHER'S MARKET & K IRVINE CA		4.38
10/25	10/25	24692169800K9NV7	CALIFORNIA PIZZA 836 IRVINE CA		12.93
10/25	10/25	2476542984EFPMLXL	USC HOSPITALITY RETAIL FO LOS ANGELES CA		6.99
10/25	10/25	2476542984EFPMLZ2	USC HOSPITALITY RETAIL FO LOS ANGELES CA		3.95
10/25	10/25	2476542984EFPMLX2	USC HOSPITALITY RETAIL FO LOS ANGELES CA		8.88
10/26	10/26	24216739Q80QTMEXX	THE VEGGIE GRILL IRVINE CA		11.74
10/26	10/26	24216739Q80QTMG3N	THE VEGGIE GRILL IRVINE CA		11.74
10/26	10/26	2436178884VPY2S8	GODADDY.COM 480-5288865 AZ		20.18
10/26	10/26	24427338QLM80YPA4	SPROUTS FARMERS MAR COSTA MESA CA		104.82
10/26	10/26	24892169800X9QV88	COX'OR CO COM PH9 949-240-1212 CA		108.82
10/27	10/27	24216739Q80QTMG6A	THE VEGGIE GRILL IRVINE CA		11.74
10/27	10/27	24316069DFYRDP4Q5	SHELL OIL 67442723003 IRVINE CA		60.15
10/27	10/27	24765429D4PS4LWHG	USC HOSPITALITY RETAIL FO LOS ANGELES CA		3.95
10/28	10/28	24210739E80QTMDFL	THE VEGGIE GRILL IRVINE CA		11.74
10/28	10/28	24224439F30VVD28T	COFFEE BEAN STORE NEWPORT BEACH CA		3.95
10/30	10/30	24164078G8NF86TMY	PAVILIONS STOR00018117 NEWPORT COAST CA		21.27
10/30	10/30	24210739G80QTMESQW	THE VEGGIE GRILL IRVINE CA		11.74
10/30	10/30	24781879G80RPF7H9E	YOGURT LAND DIAMOND JAMBO IRVINE CA		4.42
10/31	10/31	2404603G30723J39	CHEVRON 00980716 SANTA MONICA CA		88.22
10/31	10/31	24224439H30VNZR6L	TENDER GREENS - 3A SANTA MONICA CA		22.94
10/31	10/31	24224439H30VNZEFK	COFFEE BEAN STORE SANTA MONICA CA		3.95
10/31	10/31	24427338GLYJ3VFXE	MOTHER'S KITCHEN-IRVIN IRVINE CA		13.85
10/31	10/31	24445008H3F9WZBXL	FEDEX OFFICE #0589 IRVINE CA		8.88
10/31	10/31	24812399H3586KWS8M	CITY OF SM PARKING SANTA MONICA CA		2.00
11/01	11/01	24427338HLVJ33QZB	MOTHER'S KITCHEN-IRVIN IRVINE CA		13.54
11/01	11/01	24431069G88XV7RW	CHIPOTLE 0945 LOS ANGELES CA		9.68

Continued

WELLS FARGO



VISA

Account Number
Statement Billing Period
Page 3 of 4

Ending In 7470
10/12/2011 to 11/10/2011

Transactions (Continued...)

Trans	Post	Reference Number	Description	Credits	Charges
Purchases, Balance Transfers & Other Charges					
11/01	11/01	24446009H2XDQW59P	SPORTS CLUB-IRVINE-O #825049-975-8400 CA		135.00
11/01	11/01	24755429J4PVMH1P1	USO HOSPITALITY RETAIL FO LOS ANGELES CA		3.95
11/02	11/02	24223699NLELW1XH	KAROOON.COM LLO 212-316-1515 NY		46.46
11/02	11/02	24210799K60QTMZ7	THE VEGGIE GRILL IRVINE CA		11.74
11/02	11/02	24493989K5HWFE3VY	TRADER JOE'S #111 QPS IRVINE CA		16.96
11/02	11/02	24755429J515V3SXY	USO CASHIERS OFFICE LOS ANGELES CA		25.00
11/03	11/03	24210799L60QTMFJH	THE VEGGIE GRILL IRVINE CA		11.74
11/03	11/03	24246519L80T2JMMY	COLDSTONE #1588 LOS ANGELES CA		4.98
11/03	11/03	24692169K00TLXNZZ	AMAZON MKTPLACE PMTS AMZN.COM/BILL.WA		12.95
11/04	11/04	24210799M60QTMFVT	THE VEGGIE GRILL IRVINE CA		11.74
11/04	11/04	24224439M30VW8ETL	COFFEE BEAN STORE NEWPORT BEACH CA		3.95
11/05	11/05	24193049N666H64BK	GLENDON RESTAURANTS LOS ANGELES CA		5.44
TOTAL PURCHASES, BALANCE TRANSFERS & OTHER CHARGES FOR THIS PERIOD					\$1,954.81

Fees Charged

TOTAL FEES CHARGED FOR THIS PERIOD \$0.00

Interest Charged

INTEREST CHARGE ON PURCHASES 0.00
INTEREST CHARGE ON CASH ADVANCES 0.00

TOTAL INTEREST CHARGED FOR THIS PERIOD \$0.00

2011 Totals Year-to-Date	
TOTAL FEES CHARGED IN 2011	\$5.05
TOTAL INTEREST CHARGED IN 2011	\$21.85

Interest Charge Calculation

Your Annual Percentage Rate (APR) is the annual interest rate on your account.

Type of Balance	Annual Percentage Rate (APR)	Balance Subject to Interest Rate	Days in Billing Cycle	Interest Charge
PURCHASES	14.05%	\$0.00	30	\$0.00
CASH ADVANCES	23.99%	\$0.00	30	\$0.00

Make it a rewarding holiday season

Shop the *Earn More Mall*[®] site and earn bonus rewards points for virtually all your purchases

Finding the perfect gift is good. Getting rewarded for buying it is even better. As a *Wells Fargo Rewards*[®] cardholder, you can earn up to 16 bonus points per \$1 spent in net purchases (purchases minus returns/credits) at more than 700 online and in-store merchants. That's on top of the regular points earned.¹

For those "hard to shop for" people on your list, choose from over 100 Gift Cards and enjoy free shipping and gift messaging, too. The *Earn More Mall* site has hundreds of discounts and free shipping offers.

Don't miss out on special and limited-time offers available at your favorite retailers.² Simply sign up for the *Earn More Mall* newsletter by indicating your email preferences at EarnMoreMall.com.

BARNES & NOBLE BN.com

Free shipping on orders of \$25 or more.
Plus 5 bonus points/\$1

OLD NAVY

Everyday free shipping on orders over \$50.
Plus 3 bonus points/\$1

sears

Extra \$5 off Sears.com orders of \$50 or more.
Plus 3 bonus points/\$1

priceline.com

Save up to \$150 with flight and rental car package.
Plus 2 bonus points/\$1

Harry & David Luxuries Division[®]

Save 20% off gourmet items.
Plus 6 bonus points/\$1

magazines.com

Magazines make great gifts. Save \$5 on your purchase.
Plus 25 bonus points/\$1

BEST BUY

Save time and money: Shop online and choose in-store pickup at BestBuy.com.
Plus 1 bonus point/\$1

SEPHORA

Free shipping on your order of \$50 or more. Plus, get 3 free samples with every order.
Plus 5 bonus points/\$1

Target.com

Over 500,000 items ship free when you spend \$50 or more.
Plus 3 bonus points/\$1

Get rewarded — shop the *Earn More Mall* site today.

¹Bonus points are earned on net purchases (purchases minus returns/credits) only.

²Merchants and offers are subject to change. Visit the *Earn More Mall* site at EarnMoreMall.com for specific terms and conditions including those associated with each merchant offer.

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Exhibit 11

Exhibit 11

Property Account Inquiry - Summary Screen

[New Search](#) |
 [Recorder](#) |
 [Treasurer](#) |
 [Assessor](#) |
 [Clark County Home](#)

Parcel ID: 071-02-000-005 |
 Tax Year: 2014 |
 District: 826 |
 Rate: 2.5267

Situs Address: UNASSIGNED SITUS MOAPA VALLEY

Legal Description: ASSESSOR DESCRIPTION: PT NE4 NE4 SEC 02 16 68GEOID: PT NE4 NE4 SEC 02 16 68

Status	Property Characteristics	Property Values	Property Documents
Active	Tax Cap Increase Pct. 4.2	Land 3500	2005041904639 4/19/2005
Taxable	Tax Cap Limit Amount 92.14	Total Assessed Value 3500	00011401051 1/14/2000
	Tax Cap Reduction 0.00	Net Assessed Value 3500	
	Land Use 0-00: VACANT	Exemption Value New Construction 0	
	Cap Type Other	New Construction - Supp Value 0	
	Acreage 10.00		
	Supplemental Tax 0.00		

Role	Name	Address	Since	To
Owner	ZANDIAN REZA	8775 COSTA VERDE #501, SAN DIEGO, CA 92122-5343 UNITED STATES	8/18/2007	Current

Summary	
Item	Amount
Taxes as Assessed	\$88.43
Less Cap Reduction	\$0.00
Net Taxes	\$88.43

PAST AND CURRENT CHARGES DUE TODAY		
Tax Year	Charge Category	Amount Due Today
THERE IS NO PAST OR CURRENT AMOUNT DUE as of 12/31/2013		\$0.00

NEXT INSTALLMENT AMOUNTS		
Tax Year	Charge Category	Installment Amount Due
THERE IS NO NEXT INSTALLMENT AMOUNT DUE as of 12/31/2013		

TOTAL AMOUNTS DUE FOR ENTIRE TAX YEAR		
Tax Year	Charge Category	Remaining Balance Due
THERE IS NO TOTAL AMOUNT DUE FOR THE ENTIRE TAX YEAR as of 12/31/2013		

PAYMENT HISTORY	
RECEIVED AMOUNT	\$96.39
RECEIVED DATE	11/4/2013
RECEIVED AMOUNT	\$96.39
RECEIVED DATE	\$88.43

12/31/13

Ascend Web Inquiry Summary Page

Current Calendar Year Payments

\$96.39

Exhibit 12

Exhibit 12

G REZA ZANDIAN JAZI
NILOOFAR F ZANDIAN
8775 COSTA VERDE BLVD APT 217
SAN DIEGO, CA 92122-8340

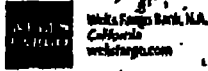
115

18-34/1220 4784
7091205820

11/25/2012 Date

Pay to the Order of Secretary of State of California \$ 25.00

Twenty Five and 00/100 Dollars



For Optima Technology Corp.

5920 00115 0000002500

BANK OF AMERICA NA SFC
1220006614 12/13/94 P12

00000000000000000000

6/13/10

1 0 0 1 0

12-015911

REQUEST 00005530894000000 25.00
ROLL ECIA 20120430 000008710996107
JOB ECIA P ACCT 1140007091505920
REQUESTOR A568055
7513983 10/28/2013

Subpoena Processing Chandler
S3928-020
Phoenix AZ 85038

G REZA ZANDIAN JAZI
NILOOFAR F ZANDIAN
8775 COSTA VERDE BLVD APT 217
SAN DIEGO, CA 92122-5340

131

16-24/1220 4784
7001505820

11/24/2013

Pay to the
Order of

United States Treasury

\$ 58⁸⁰

Fifty Eight 80/100

Dollars



Well Fargo Bank, N.A.
California
wellsfargo.com

For Optima Technology Corp

5920 00131 0000005880

① 92 070 069 037 98 3 330391754
 011 00 201212 0304
 000202 0398 03051305R030413

RECEIVED
 11/24/2013 10:00 AM
 FEDERAL RESERVE BANK OF PHOENIX
 100 N. CENTRAL AVENUE
 PHOENIX, AZ 85004

NO POSTAGE
 NECESSARY
 IF MAILED
 IN THE
 UNITED STATES

REQUEST 0000530894000000 58.80
ROLL ECIA 20130305 000008819647227
JOB ECIA P ACCT 1140007091505920
REQUESTOR A568055
7513983 10/28/2013

Subpoena Processing Chandler
S3928-020
Phoenix AZ 85038

G REZA ZANDIAN JAZI
NILOOFAR F ZANDIAN
8775 COSTA VERDE BLVD APT 217
SAN DIEGO, CA 92122-5340

133

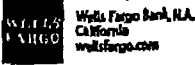
18-24/1220 4784
7001505920

1/24/2013 Date

Pay to the
Order of

Employment Development Department \$ 46²⁵

Forty six 25/100 Dollars



Wells Fargo Bank, N.A.
California
wellsfargo.com

For

Optima Technology Corp

5920 00133 0000004625

022713-9211-0004 00011 022713-9211-0004
022713-9211-43-0004-00 04-FORDEPCASTOEDD-012

WELLS FARGO BANK NA FRE
20130227 EG022 PKT 04
1221-0527-84
1011573359

REQUEST 00005530894000000 46.25
ROLL BCIA 20130227 000001011673359
JOB BCIA P ACCT 1140007091505920
REQUESTOR A568055
7513983 10/28/2013

Subpoena Processing Chandler
S3928-020
Phoenix AZ 85038

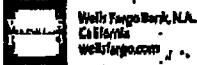
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NILOOFAR F ZANDIAN
8775 COSTA VERDE BLVD APT 217
SAN DIEGO, CA 92122-5840

130
16-24/1220 4784
7091605820

1/24/2013 Date

Pay to the Order of Internal Revenue Service \$ 166²⁵

One Hundred Sixty six ²⁵/₁₀₀ Dollars



[Handwritten Signature]

For Optima Technology Corp. (CA)

5920 00130 0000016625

92 1 70 064 030 13 3 330391754
OPTI 01 201212 0384
000202580020 03051307R030413

REQUEST 00005530894000000 166.25
ROLL ECIA 20130305 000008819647067
JOB ECIA P ACCT 1140007091505920
REQUESTOR A568055
7513983 10/28/2013

Subpoena Processing Chandler
S3928-020
Phoenix AZ 85038

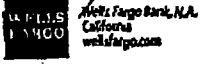
G REZA ZAN
NILOOFAR F
8775 COSTA VER
SAN DIEGO, CA 92122-5340

134
18-24/1220 4784
7091805820

2/21/2013 Date

Pay to the Order of Employment Development Dpt. \$ 49⁶⁴

Forty Nine ⁶⁴/₁₀₀ Dollars



For Optima Technology Corp

5920 00134 00000004964

022713-3136-0136 00002 022713-3136-42-0136-00-04-FORDEP
INDIAN 0136
ZANDIA
SEP 12

WELLS FARGO BANK NA FFE
20130227 F0422 PKT 04
1221-0527-84
101157329

REQUEST 0000553089400000 49.64
ROLL BCIA 20130227 000001011673229
JOB ECIA P ACCT 1140007091505920
REQUESTOR A568055
7513983 10/28/2013

Subpoena Processing Chandler
S3928-020
Phoenix AZ 85038

G REZA ZANDIAN JAZI
NILOOFAR F ZANDIAN
8775 COSTA VERDE BLVD APT 217
SAN DIEGO, CA 92122-5340

158

18-24/1220 4784
7001609820

02/24/2013
Date

Pay to the
Order of

Internal Revenue Service

\$ 26.18

Twenty six 11/100

Dollars



Web Fargo Bank, N.A.
California
web.fargo.com

For

Optima Technology Corp.

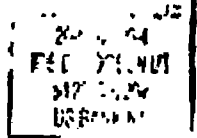


3920 00158 0000002618

California

02800001096
022813

W72911705903319367001330391754
201209 02202013



REQUEST 00005530894000000 26.18
ROLL ECIA 20130228 000008510685579
JOB ECIA P ACCT 1140007091505920
REQUESTOR A568055
7513983 10/28/2013

Subpoena Processing Chandler
S3928-020
Phoenix AZ 85038

G REZA ZANDIAN JAZI
NILOOFAR F ZANDIAN
8775 COSTA VERDE BLVD APT 217
SAN DIEGO, CA 92122-5340

165

16-24/1220 4784
7001505820

June 30, 13 ^{DATE}

Department

Pay to the Order of Employment Development \$ 39.71

thirty nine and 71/100 Dollars



[Handwritten Signature]

For 33-0391754

⑈00000003971⑈ 00165 ⑈02952⑈

076813-3241-8658 02261 676813-3241-8658
076813-3241-44-0058-00-09-FORDEPCASTOEDD-012

WELLS FARGO BANK NA FRE
20130708 EQ034 PK7 04
1221-0527-84
1014351693

REQUEST 0000553089400000 39.71
ROLL ECIA 20130708 000001014351693
JOB ECIA P ACCT 1140007091505920
REQUESTOR A568055
7513983 10/28/2013

Subpoena Processing Chandler
S3928-020
Phoenix AZ 85038

G REZA ZANDIAN JAZI
NILOOFAR F ZANDIAN
8775 COSTA VERDE BLVD APT 217
SAN DIEGO, CA 92122-5340

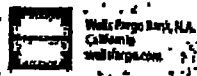
164

16-24/1220 4784
7001606820

June 30, 13

Pay to the Order of United States Treasury \$ 195.96

One hundred ninety five and 96/100 Dollars



Wells Fargo Bank, N.A.
California
well Fargo.com

For 33-0391754

5920 00164 0000019596

92 1 70 193 050 92 3 330391754
OPT 1 01 201303 0711
000708360185 07121301R071113

REQUEST 00005530894000000 195.96
ROLL BCIA 20130712 000008118473052
JOB BCIA P ACCT 1140007091505920
REQUESTOR A568055
7513983 10/28/2013

Subpoena Processing Chandler
S3928-020
Phoenix AZ 85038

Exhibit 13

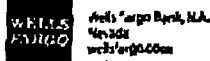
Exhibit 13

G. REZA ZANDIAN JAZI
P.O. BOX 827674
SAN DIEGO, CA 92192-7674

2003
94-7074/3212 282
2508952484

March/31/11 Date

Pay to the Order of John Peter Lee ESQ \$ 2500.⁰⁰
Two thousand five hundred Dollars



Wells Fargo Bank, N.A.
Member FDIC
wellsfargo.com

122.50 NP
2377.50 FP

For Zandian V. Margolin

⑈00000520000⑈ ⑆E08220⑈ ⑆2484⑈

APR-5 AM 1

BANK OF AMERICA, NA LVE
1220006614 E6900 94 P05
04/05/11

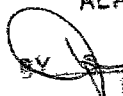
0002
FOR DEPOSIT ONLY
BANK OF AMERICA, N.A.
122A0072A
JOHN PETER LEE
ATTORNEY AT LAW
TRUST ACCOUNT
015432946

REQUEBT 0000553088000000 2500.00
ROLL BCIA 20110405 000008817287505
JOB ECIA P ACCT 8250002508952484
REQUESTOR A568055
7513983 10/28/2013

Subpoena Processing Chandler
S3928-020
Phoenix AZ 85038

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
5

REC'D & FILED ✓
2014 JAN 17 PM 3:05
ALAN GLOVER
BY  CLERK
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,

Case No.: 090C00579 1B

12 vs.

Dept. No.: 1

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,

**OPPOSITION TO MOTION FOR
STAY OF PROCEEDINGS TO
ENFORCE JUDGMENT
PURSUANT TO NRCP 62(B)**

20 Defendants.

21 Zandian's Motion for Stay of Proceedings to Enforce Judgment Pursuant to NRCP
22 62(B) is solely based upon the fact that his Motion to Set Aside Default Judgment, filed on
23 December 20, 2013, is currently pending and he would have to post a bond. Zandian requests
24 the Court stay the enforcement of the judgment against him until such time as the Court
25 renders a decision on the pending Motion to Set Aside Default Judgment.

26 However, there is no basis to set aside the default judgment, the requested stay should
27 be denied, and execution efforts, including the debtor's examination scheduled for February
28 11, 2014, should proceed forward. *See* Opposition to Set Aside Default Judgment, filed herein

1 on 1/9/14; Order Granting Plaintiff's Motion for Debtor Examination and to Produce
2 Documents, dated 1/13/14. At the very least, if a stay is granted – which it should not be – a
3 bond should be required to protect Mr. Margolin's interests, especially considering the fact
4 that Zandian has consistently and intentionally evaded his responsibilities related to this
5 matter. Zandian's latest attempts to set aside the judgment and stay proceedings are just more
6 evidence of Zandian's desire to avoid this proceeding or drag it out unnecessarily.

7 **I. The Court Enjoys Wide Discretion Under NRCPP 62(b)**

8 "In its discretion...the court may stay the execution of or any proceedings to enforce a
9 judgment..." NRCPP 62(b). Zandian has provided no credible basis for setting aside the
10 default judgment. *See* Opposition to Set Aside Default Judgment, filed herein on 1/9/14.

11 Zandian's only justification for the requested stay is the pending motion to set aside the default
12 judgment and his potential financial burden in posting a bond. *See* Motion for Stay, dated
13 12/30/13. Since there is no credible basis for setting aside the default judgment and any
14 financial burden has been caused by his actions and inactions, there is no justification for the
15 requested stay, and the requested stay should be denied.

16
17 **II. NRCPP 62(b) Allows The Court To Require Security**

18 "In its discretion and on such conditions for the security of the adverse party as are
19 proper, the court may stay the execution of or any proceedings to enforce a judgment..."

20 NRCPP 62(b). Therefore, Rule 62(b) allows the Court to require a bond if a stay is granted
21 pending determination of a post-trial motion.

22 Zandian has proved to be purposely evasive. *See* Opposition to Set Aside Default
23 Judgment, filed herein on 1/9/14; *see also previous motions filed herein*. Therefore, if a stay is
24 granted, Plaintiff respectfully requests Zandian be required to post a bond equal to the amount
25 of the judgment in order to protect the interests of Mr. Margolin. The fact that Zandian may
26 incur some expense in obtaining a bond should not weigh in his favor.
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III. Conclusion

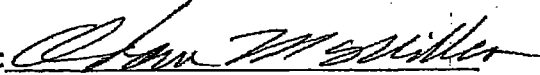
For the reasons stated above, Mr. Margolin respectfully requests that this Court deny Mr. Zandian's motion to set aside the default judgment and deny the requested stay.

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 16th day of January, 2014.

BY:


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

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, **OPPOSITION TO MOTION FOR STAY OF PROCEEDINGS TO ENFORCE JUDGMENT PURSUANT TO NRCP 62(B)**, addressed as follows:

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

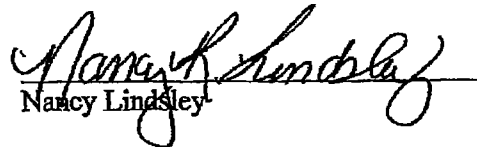
Optima Technology Corp.
A Nevada corporation
8775 Costa Verde Blvd. #501
San Diego, CA 92122

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

Johnathon Fayeghi, Esq.
Hawkins Melendrez
9555 Hillwood Dr. Suite 150
Las Vegas, NV 89134
Counsel for Reza Zandian

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

Dated: January 16, 2014


Nancy Lindsley

ORIGINAL

REC'D & FILED

2014 JAN 23 PM 3:42

ALAN GLOVER

BY *[Signature]* CLERK
DEPUTY

RPLY

GEOFFREY W. HAWKINS, ESQ.

Nevada Bar No. 7740

JOHNATHON FAYEGHI, ESQ.

Nevada Bar No. 12736

HAWKINS MELENDREZ, P.C.

9555 Hillwood Drive, Suite 150

Las Vegas, Nevada 89134

Phone: (702) 318-8800

Fax: (702) 318-8801

ghawkins@hawkinsmelendrez.com

Attorneys for Defendant

Reza Zandian aka Goamreza Zandian

aka Gholamreza Zandian Jazi

aka Reza Jazi aka J. Reza Jazi

aka G. Reza Jazi aka Ghononreza

Zandian Jazi

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

DEFENDANT ZANDIAN'S REPLY IN
SUPPORT OF MOTION TO SET ASIDE
DEFAULT JUDGMENT

Defendant REZA ZANDIAN ("Zandian") by and through his attorney Geoffrey W.

Hawkins, Esq., of the law firm HAWKINS MELENDREZ P.C., and pursuant to NRCP 55 and 60,

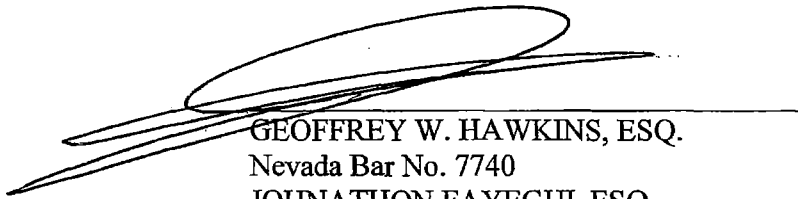
HAWKINS MELENDREZ, P.C.
9555 Hillwood Drive, Suite 150
Las Vegas, Nevada 89134
Telephone (702) 318-8800 • Facsimile (702) 318-8801

1 hereby submits DEFENDANT ZANDIAN'S REPLY IN SUPPORT OF MOTION TO SET ASIDE
2 DEFAULT JUDGMENT.

3 This Reply is made and based upon the papers and pleadings on file herein, the
4 Memorandum of Points and Authorities, the Affidavit of Reza Zandian attached hereto as **Exhibit**
5 **A**, and any oral argument this Honorable Court permits at the hearing.

6 DATED this 21st day of January, 2014.

7
8 **HAWKINS MELENDREZ, P.C.**

9
10 

11 GEOFFREY W. HAWKINS, ESQ.
12 Nevada Bar No. 7740
13 JOHNATHON FAYEGHI, ESQ.
14 Nevada Bar No. 12736
15 9555 Hillwood Drive, Suite 150
16 Las Vegas, NV 89134
17 Phone: (702) 318-8800
18 *Attorneys for Defendant*
19 *Reza Zandian*

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Las Vegas, Nevada 89134
Telephone (702) 318-8800 • Facsimile (702) 318-8801

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1 POINTS AND AUTHORITIES

2 I.

3 INTRODUCTION

4 The crux of Plaintiff's Opposition is that Defendant REZA ZANDIAN ("Zandian")
5 maintained his San Diego address, knew about the instant matter after his prior counsel withdrew,
6 and continued to receive notice of the instant matter after his prior counsel withdrew. Plaintiff
7 attached eleven exhibits to his Opposition in an attempt to demonstrate that Defendant Zandian
8 maintained the San Diego address provided to the Court by John Peter Lee, Esq., and continued to
9 live in the United States rather than France. However, said exhibits fail to prove anything with
10 regard to Defendant Zandian's residency. Furthermore, said exhibits fail to prove that Defendant
11 Zandian continued to receive notice of the papers, pleadings and motions in the instant matter.

12 The simple truth is that Defendant Zandian has resided in Paris, France since August 2011
13 and due to the fact that his prior counsel provided the Court with an incorrect address upon
14 withdrawal, Defendant Zandian did not receive any pleadings or written discovery related to the
15 instant matter since April 26, 2012. See Affidavit of Reza Zandian in Support of Motion to Set
16 Aside Default Judgment, attached hereto as **Exhibit A**. As such, Defendant Zandian's failure to
17 respond to Plaintiff's written discovery and failure to oppose Plaintiff's Motion for Sanctions and
18 Application for Entry of Default Judgment were clearly due to circumstances that constitute
19 excusable neglect under NRCPC 60(b)(1).

20 In addition, as Defendant Zandian had already appeared in this action, Plaintiff was required
21 to provide Defendant Zandian with a three day notice of Plaintiff's Application for Entry of Default
22 Judgment. However, Plaintiff failed to provide Defendant Zandian with the required three day
23 notice. In fact, Plaintiff's Opposition does not dispute the fact that Plaintiff failed to provide a three
24 day notice of Plaintiff's Application for Entry of Default Judgment. Pursuant to the holding in
25 *Christy v. Carlisle* 94 Nev. 651, 584 P.2d 687 (1987), Plaintiff's failure to serve Defendant Zandian
26 with a three day notice of Plaintiff's Application for Entry of Default Judgment voids the Default
27 Judgment against Defendant Zandian.

28 ///

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II.

LEGAL ARGUMENT

A. Plaintiff Failed To Provide Defendant Zandian With Written Notice Of Application For Default Judgment.

As this Court is aware, if a defendant enters an appearance or if the plaintiff knows of the identity of the defendant's counsel, the plaintiff has an obligation to notify the defendant of his intent to take a default. *Christy v. Carlisle*, 94 Nev. 651, 584 P.2d 687 (1987); *Rowland v. Lepire*, 95 Nev. 639, 600 P.2d 237 (1979); *Gazin v. Hoy*, 102 Nev. at 438; Nev. Sup. CT.R. 1752. A failure to provide said notice requires a default to be set aside. *Id.*

As asserted in Defendant Zandian's Motion, Plaintiff failed to provide Defendant Zandian with the required three-day notice prior to filing his April 17, 2013 Application for Entry of Default Judgment. Plaintiff, through his counsel, had knowledge of Defendant Zandian's French address as early as March 2013. Said knowledge came from Watson & Rounds' (Plaintiff's counsel's firm) representation of Fred Sadri in the Nevada Supreme Court Case No. 62839. (*See* Notice of Appeal in Nevada Supreme Court Case No. 62839, attached hereto as **Exhibit B**. Said Notice of Appeal contains the French address of Defendant Zandian and was mailed to Watson & Rounds as counsel for Fred Sadri in March 2013.) Pursuant to the holdings in *Christy* and *Rowland*, Plaintiff's failure to provide written notice of his Application for Default Judgment requires this Court set aside the June 24, 2013 Default Judgment against Defendant Zandian.

Moreover, Plaintiff's Opposition completely fails to oppose and/or discuss the absence of the required three-day notice of intent to take default. Said failure to oppose on the part of Plaintiff should constitute an admission that Plaintiff failed to provide Defendant Zandian with the required notice and consent to the granting of Defendant Zandian's Motion to Set Aside Default Judgment in line with the mandates of this Court's rules. *See King v. Carlidge*, 121 Nev. 926, 927, 124 P.3d 1161, 1162 (2005) (stating that an unopposed motion may be considered as an admission of merit and consent to grant the motion) (*citing* DCR 13(3)); *See also* First Judicial District Court Rule 15(5) (failure of an opposing party to file a memorandum of points and authorities in opposition to any motion within the time permitted shall constitute a consent to the granting of the motion).

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1 **B. Defendant Zandian Has Demonstrated Excusable Neglect Under NRCP 60(b)**

2 In his Opposition, Plaintiff states “the evidence overwhelmingly demonstrates Zandian
3 maintained the same address John Peter Lee provided to the Court, even after Zandian allegedly
4 moved to France in August 2011, and the evidence similarly demonstrates Zandian continued to live
5 in the United States, not France.” The evidence Plaintiff is referring to consists of the following:
6 checks made payable to “Reza Zandian & Niloofar Foughani JT Ten, 8775 Costa Verde Blvd Apt
7 217, San Diego, CA 92122”; a Wells Fargo withdrawal slip dated February 20, 2013; various Wells
8 Fargo checks signed by Defendant Zandian with the 8775 Costa Verde Blvd, San Diego, CA
9 address printed on the checks; Defendant Zandian’s Wells Fargo bank statements with the San
10 Diego address printed on the bank statements; and Visa statements showing purchases made in
11 California in September of 2011 and March of 2013.

12 Contrary to the assertions made in Plaintiff’s Opposition, the aforementioned evidence
13 completely fails to prove that Zandian maintained the 8775 Costa Verde Blvd, San Diego, CA
14 address after he moved to France in August 2011. As represented in Defendant Zandian’s
15 Affidavit, attached hereto as **Exhibit A** and incorporated herein, Defendant Zandian has resided in
16 Paris, France since August 2011 and has not resided at 8775 Costa Verde Blvd., San Diego, CA
17 92122 since August 2011. The fact that the San Diego address appears on checks made payable to
18 Defendant Zandian and/or issued by Defendant Zandian does not indicate that he continued to
19 reside at said address after August 2011. In fact, it is quite common for a business to have an
20 outdated address on file for a particular individual or for said individual to maintain checks with an
21 outdated address printed on the checks. Moreover, none of the evidence provided by Plaintiff
22 demonstrates that the checks found in Plaintiff’s Exhibits 2,3,5,6, and 12 were sent from or received
23 by Defendant Zandian in the United States.

24 Due to the fact that Defendant Zandian’s prior counsel, John Peter Lee Esq., provided the
25 Court with an incorrect address upon withdrawing as counsel, Defendant Zandian never received
26 any pleadings or discovery in this matter after April 26, 2012. Plaintiff’s Opposition fails to
27 provide any evidence demonstrating that Defendant Zandian did in fact receive pleadings or
28 discovery in this matter subsequent to April 26, 2012.

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1 As was the case in the Supreme Court case of *Stoecklein v. Johnson Elec., Inc.*, Defendant
2 Zandian's failure to respond to Plaintiff's written discovery and failure to oppose Plaintiff's Motion
3 for Sanctions and Application for Entry of Default Judgment were due to circumstances that
4 constitute excusable neglect under NRCp 60(b)(1). As such, Defendant Zandian's Motion to Set
5 Aside Default Judgment should be granted.

6 **III.**

7 **CONCLUSION**

8 Based on the foregoing, Defendant Reza Zandian respectfully requests that the default
9 judgment be set aside to allow him to respond as intended.

10 **AFFIRMATION PURSUANT TO NRS 239B.030**

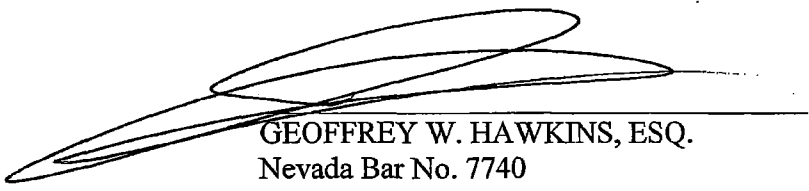
11 The undersigned does hereby affirm that the preceding document does not contain the social
12 security number of any person.

13 **DECLARATION**

14 The undersigned also declares under penalty of perjury that the foregoing is true and
15 accurate to the best of my knowledge.

16 Dated this 21st day of January, 2014.

17
18 **HAWKINS MELENDREZ, P.C.**

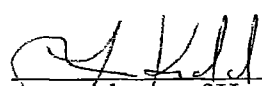
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22 **GEOFFREY W. HAWKINS, ESQ.**
23 Nevada Bar No. 7740
24 **JOHNATHON FAYEGHI, ESQ.**
25 Nevada Bar No. 12736
26 9555 Hillwood Drive, Suite 150
27 Las Vegas, NV 89134
28 Phone: (702) 318-8800
Attorneys for Defendant
Reza Zandian

CERTIFICATE OF SERVICE

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Pursuant to Nevada Rules of Civil Procedure 5(b), I hereby certify that, on the 21st day of January, 2014, service of **DEFENDANT ZANDIAN'S REPLY IN SUPPORT OF MOTION TO SET ASIDE DEFAULT JUDGMENT** was made this date by depositing a true copy of the same for mailing, first class mail, at Las Vegas, Nevada, addressed follows:

Matthew D. Francis
Adam P. McMillen
WATSON ROUNDS
5371 Kietzke Lane
Reno, Nevada 89511
Attorneys for Plaintiff
Jed Margolin


An employee of Hawkins Melendrez, P.C.

HAWKINS MELENDRÉZ, P.C.
9555 Hillwood Drive, Suite 150
Las Vegas, Nevada 89134
Telephone (702) 318-8800 • Facsimile (702) 318-8801

INDEX OF EXHIBITS

Exhibit No.	TITLE	NUMBER OF PAGES
A	Affidavit of Reza Zandian in Support of Motion to Set Aside Default Judgment	2
B	Notice of Appeal in Nevada Supreme Court Case No. 62839/Eighth Judicial District Court Case No. A635430	2

HAWKINS MELENDEZ, P.C.
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Las Vegas, Nevada 89134
Telephone (702) 318-8800 • Facsimile (702) 318-8801

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Exhibit A

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AFFIDAVIT OF REZA ZANDIAN IN SUPPORT OF MOTION TO SET ASIDE DEFAULT JUDGMENT

COUNTRY OF FRANCE)
CITY OF PARIS) ss

I, Reza Zandian, have personal knowledge of the matters set forth herein and being first duly sworn hereby depose and state as follows:

- 1. I am a named Defendant in the matter of *Jed Margolin vs. Optima Technology Corporation, et al.*, Case No. 090C00579 1B.
- 2. That I am currently a resident of Paris, France and have been living full-time at 6 Rue Edouard Fournier, 75116 Paris, France since August 2011.
- 3. That I have not resided in the United States since August 2011. Specifically, I have not resided at 8775 Costa Verde Blvd, San Diego, CA 92122 since August 2011.
- 4. Since the withdrawal of my previous counsel, John Peter Lee, Esq., on April 26, 2012 I have never received any pleadings or written discovery related to Case No. 090C00579 1B.
- 5. I learned of the Default Judgment in late November 2013 while visiting the United States of America on business. I was advised of the Default Judgment by a business associate by the name of Fred Sadri.

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CAROLINE AL TAWIL
Conseillère de Clientèle
Agence Paris Passy

HAWKINS MELLENDRUEZ, P.C.
9555 Hillwood Drive, Suite 150
Las Vegas, Nevada 89134
Telephone (702) 318-8800 • Facsimile (702) 318-8801

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

Executed this 17 day of January, 2014.


REZA ZANDIAN

Subscribed and Sworn to before me this 17 day of January, 2014.

CAROLINE AL TAWIL
Conseillère de Clientèle
~~Agence Paris Passy~~

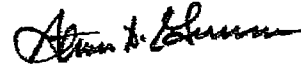
Notary Public in and for Said State and County

(SEAL)

HAWKINS MELENDEZ, P.C.
9555 Hillwood Drive, Suite 150
Las Vegas, Nevada 89134
Telephone (702) 318-8800 • Facsimile (702) 318-8801

Exhibit B

Electronically Filed
03/15/2013 02:33:18 PM



CLERK OF THE COURT

1 NOAS
2 REZA ZANDIAN
3 6, rue Edouard Fournier
4 75116 Paris, France
5 Pro Per Appellant

6 DISTRICT COURT
7 CLARK COUNTY, NEVADA

8 GHOLAMREZA ZANDIAN JAZI, also
9 known as REZA ZANDIAN, individually,

CASE NO.: A-11-635430-C
DEPT. NO.: IV

10 Plaintiff,

11 v.

12 FIRST AMERICAN TITLE COMPANY, a
13 Nevada business entity; JOHNSON SPRING
14 WATER COMPANY, LLC, formerly known
15 as BIG SPRING RANCH, LLC, a Nevada
16 Limited Liability Company, FRED SADRI,
17 Trustees of the Star Living Trust, RAY
18 KOROGHLI, individually, and ELIAS
19 ABRISHAMI, individually,

20 Defendants.

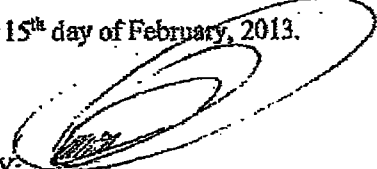
21 AND ALL RELATED COUNTERCLAIMS
22 AND THIRD-PARTY CLAIMS

23 1334.024072-td

24 NOTICE OF APPEAL

25 Notice is hereby given that REZA ZANDIAN a member of the above named company,
26 hereby appeals to the Supreme Court of Nevada from the Order to Distribute Attorney Fee and Costs
27 Awards to Defendants entered in this action on the 15th day of February, 2013.

28 DATED this 15th day of March, 2013.

BY: 
REZA ZANDIAN
6, rue Edouard Fournier
75116 Paris, France
Pro Per Appellant

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CERTIFICATE OF MAILING

I HEREBY CERTIFY that on the ___ day of March, 2013, I served a copy of the above and foregoing NOTICE OF APPEAL, 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:

Stanley W. Parry
100 North City Parkway, Ste. 1750
Las Vegas, Nevada 89106

Elias Abrishami
P.O. Box 10476
Beverly Hills, California 90213

Ryan E. Johnson, Esq.
Watson & Rounds
777 North Rainbow Blvd. Ste. 350
Las Vegas, Nevada 89107



A handwritten signature in black ink, appearing to be 'Ryan E. Johnson', is written over a horizontal line. The signature is somewhat stylized and loops around the line.

1/21/14

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1 **REQ**

2 GEOFFREY W. HAWKINS, ESQ.

3 Nevada Bar No. 7740

4 JOHNATHON FAYEGHI, ESQ.

5 Nevada Bar No. 12736

6 **HAWKINS MELENDREZ, P.C.**

7 9555 Hillwood Drive, Suite 150

8 Las Vegas, Nevada 89134

9 Phone: (702) 318-8800

10 Fax: (702) 318-8801

11 ghawkins@hawkinsmelendrez.com

12 *Attorneys for Defendant*

13 *Reza Zandian aka Goamreza Zandian*

14 *aka Gholamreza Zandian Jazi*

15 *aka Reza Jazi aka J. Reza Jazi*

16 *aka G. Reza Jazi aka Ghononreza*

17 *Zandian Jazi*

18 **In The First Judicial District Court Of The State Of Nevada**

19 **In and For Carson City**

20 JED MARGOLIN, an individual.

21 Plaintiff,

22 vs.

23 OPTIMA TECHNOLOGY CORPORATION,

24 a California corporation, OPTIMA

25 TECHNOLOGY CORPORATION, a Nevada

26 corporation, REZA ZANDIAN aka

27 GOLAMREZA ZANDIANJAZI aka

28 GHOLAM REZA ZANDIAN aka REZA

29 JAZI aka J. REZA JAZI aka G. REZA JAZI

30 aka GHONONREZA ZANDIAN JAZI, an

31 individual, DOE Companies 1-10, DOE

32 Corporations 11-20, and DOE Individuals 21-

33 30,

34 Defendants.

CASE NO. 090C00579 1B

DEPT. NO. 1

**REQUEST FOR SUBMISSION AND
HEARING ON DEFENDANT REZA
ZANDIAN'S MOTION TO SET ASIDE
DEFAULT JUDGMENT**

35 COMES NOW, Defendant REZA ZANDIAN by and through his attorney Geoffrey W.
36 Hawkins, Esq., of the law firm HAWKINS MELENDREZ P.C., and hereby requests that the
37 following documents be submitted to the Court:
38

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- Defendant Reza Zandian's Motion to Set Aside Default Judgment filed December 20, 2013;
- Plaintiff's Opposition to Motion to Set Aside Default Judgment filed January 9, 2014; and
- Defendant Reza Zandian's Reply in Support of Motion to Set Aside Default Judgment filed January 22, 2014

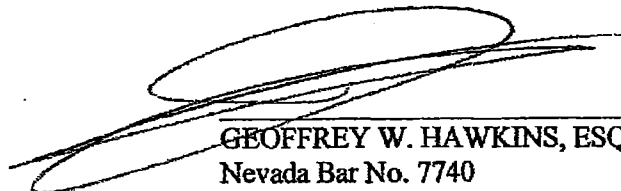
It is further requested, pursuant to First Judicial District Court Rule 15(9) that the Court set a hearing on Defendant Reza Zandian's Motion to Set Aside Default Judgment to allow oral argument

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 21st day of January, 2014.

HAWKINS MELENDEZ, P.C.



GEOFFREY W. HAWKINS, ESQ.
Nevada Bar No. 7740
JOHNATHON FAYEGHI, ESQ.
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Phone: (702) 318-8800
*Attorneys for Defendant
Reza Zandian*

CERTIFICATE OF SERVICE

1
2 Pursuant to Nevada Rules of Civil Procedure 5(b), I hereby certify that, on the 21st day of
3 January, 2014, service of **REQUEST FOR SUBMISSION AND HEARING ON DEFENDANT**
4 **REZA ZANDIAN'S MOTION TO SET ASIDE DEFAULT JUDGMENT** was made this date
5 by depositing a true copy of the same for mailing, first class mail, at Las Vegas, Nevada, addressed
6 follows:

7
8
9 Matthew D. Francis
10 Adam P. McMillen
11 WATSON ROUNDS
12 5371 Kietzke Lane
13 Reno, Nevada 89511
14 *Attorneys for Plaintiff*
15 *Jed Margolin*

16 
17 An employee of Hawkins Melendrez, P.C.
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RPLY
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Attorneys for Defendant
Reza Zandian

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

**DEFENDANT REZA ZANDIAN'S
REPLY IN SUPPORT OF MOTION FOR
STAY OF PROCEEDINGS TO
ENFORCE JUDGMENT PURSUANT TO
NRCP 62(B)**

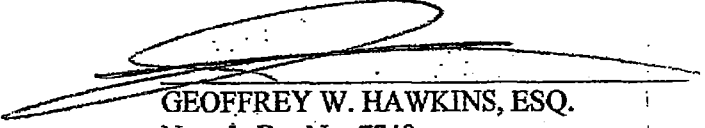
Defendant REZA ZANDIAN ("Zandian") by and through his attorney Geoffrey W. Hawkins, Esq., of the law firm HAWKINS MELENDREZ P.C., and hereby submits his Reply in Support of Motion for Stay of Proceedings to Enforce Judgment Pursuant to NRCP 62(b).

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1 This Reply is made and based upon the provisions of NRCP 62 and the following
2 Memorandum of Points and Authorities, the pleadings and papers on file herein, and any oral
3 argument this Honorable Court may allow.

4 DATED this 21st day of January, 2014.

5
6 **HAWKINS MELENDREZ, P.C.**

7
8 
9 **GEOFFREY W. HAWKINS, ESQ.**

10 Nevada Bar No. 7740

11 **JOHNATHON FAYEGHI, ESQ.**

12 Nevada Bar No. 12736

13 9555 Hillwood Drive, Suite 150

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15 Phone: (702) 318-8800

16 *Attorneys for Defendant*

17 *Reza Zandian*
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1 **POINTS AND AUTHORITIES**

2 **I.**

3 **INTRODUCTION**

4 Plaintiff's Opposition asserts that there is no basis to set aside the default judgment against
5 Defendant Zandian and therefore the requested stay should be denied. Plaintiff cites to his
6 Opposition to Set Aside Default Judgment in support of the aforementioned assertion. However,
7 contrary to Plaintiff's assertions Defendant Zandian has clearly demonstrated good cause for the
8 Default Judgment entered on June 24, 2013 to be set aside pursuant to NRCPP 55 and 60.
9 Furthermore, as Defendant Zandian's Motion to Set Aside Default Judgment is currently pending
10 before this Court it is anticipated that this Court will render its decision on Defendant Zandian's
11 Motion to Set Aside Default Judgment promptly.

12 Based on the foregoing and pursuant to NRCPP 62, this Court should stay any proceedings to
13 enforce the June 24, 2013 Default Judgment against Defendant Zandian without requiring security.

14 **II.**

15 **LEGAL ARGUMENT**

16 **A. Defendant Zandian Has Demonstrated Good Cause For The June 24, 2013 Default**
17 **Judgment To Be Set Aside.**

18 Pursuant to NRCPP 62(b), this Court is authorized, in its discretion, to stay execution of, or
19 any proceedings to enforce a judgment pending the disposition of post-trial motions brought under
20 NRCPP 60. On or about December 20, 2013, Defendant Zandian filed a Motion to Set Aside Default
21 Judgment pursuant to NRCPP 55 and 60. Promptly following the submission of Defendant
22 Zandian's Motion to Set Aside Default Judgment, Defendant Zandian filed the instant Motion for
23 Stay of Proceedings to Enforce Judgment Pursuant to NRCPP 62(b).

24 Plaintiff's sole argument in opposition to Defendant Zandian's Motion for Stay is that "there
25 is no basis to set aside the default judgment." However, Defendant Zandian's Motion to Set Aside
26 Default Judgment is currently pending before this Court and it is this Court that possesses the
27 authority to determine whether there is a basis for granting said motion, not Plaintiff. Furthermore,
28 Defendant Zandian has demonstrated, via the Motion to Set Aside Default Judgment and the Reply

1 in Support of Motion to Set Aside Default Judgment, that the setting aside of the June 24, 2013
2 Default Judgment is warranted.

3 As this Court is aware, if a defendant enters an appearance or if the plaintiff knows of the
4 identity of the defendant's counsel, the plaintiff has an obligation to notify the defendant of his
5 intent to take a default. *Christy v. Carlisle*, 94 Nev. 651, 584 P.2d 687 (1987); *Rowland v. Lepire*,
6 95 Nev. 639, 600 P.2d 237 (1979); *Gazin v. Hoy*, 102 Nev. at 438; Nev. Sup. CT.R. 1752. A failure
7 to provide said notice requires a default to be set aside. *Id.*

8 Furthermore, NRCP 60(b) provides that, in the court's discretion, a default judgment may be
9 set aside if the judgment was a result of mistake, inadvertence, surprise, or excusable neglect.
10 *Gutenberger v. Continental Thrift and Loan Company*, 94 Nev. 173, 175, 576 P.2d 745 (1978).

11 Defendant Zandian is entitled to the setting aside of the June 24, 2013 Default Judgment for
12 the following reasons:

- 13 • Plaintiff failed to provide Defendant Zandian with the required three day notice
14 prior to filing his April 17, 2013 Application for Entry of Default Judgment. *See*
15 Defendant Zandian's Reply in Support of Motion to Set Aside Default Judgment
16 Section II, Paragraph A;
- 17 • Defendant Zandian's failure to respond to Plaintiff's written discovery and
18 failure to oppose Plaintiff's Motion for Sanctions and Application for Entry of
19 Default Judgment were due to circumstances that constitute excusable neglect
20 under NRCP 60(b)(1). Specifically Defendant Zandian's prior counsel, John
21 Peter Lee Esq., provided the Court with an incorrect address upon withdrawing
22 as counsel, which resulted in Defendant Zandian never receiving any pleadings
23 or discovery in this matter after April 26, 2012. *See* Defendant Zandian's Reply
24 in Support of Motion to Set Aside Default Judgment Section II, Paragraph B.

25 Again, NRCP 62(b) authorizes this Court, in its discretion, to stay execution of, or any
26 proceedings to enforce a judgment pending the disposition of post-judgment motions brought under
27 NRCP 60. Defendant Zandian's Motion to Set Aside Default Judgment is a post-judgment motion
28 brought pursuant to NRCP 60. Furthermore, despite Plaintiff's assertions to the contrary Defendant

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1 Zandian has provided not one but two grounds for setting aside the default judgment. As such,
2 Defendant Zandian's Motion for Stay should be granted.

3 **B. Security In The Form Of A Bond Or Other Collateral Is Unnecessary**

4 Although NRCP 62(b) does allow the district court to require security pending a
5 determination on the post trial motion, it is the common practice in Nevada to stay judgments
6 pending resolution of post-judgment motions pursuant to NRCP 62(b) without requiring a bond. *See*
7 *David N. Frederick, Post Trial Motions, NEVADA CIVIL PRACTICE MANUAL 25-30 (5th ed.*
8 *2005)* ("security in the form of a bond or other collateral is usually not required"). Since the ruling
9 on a post trial motion usually will not consume a significant amount of time, security is usually not
10 required. *Id.*

11 Plaintiff's Opposition asserts that Defendant Zandian has proved to be purposely evasive in
12 the instant matter and therefore, if a stay is granted Defendant Zandian should be required to post a
13 bond. Plaintiff's assertion that Defendant Zandian has been purposely evasive is completely
14 disingenuous. As demonstrated in Defendant Zandian's Motion to Set Aside Default Judgment and
15 Reply in support of the same, Defendant Zandian's failure to respond to Plaintiff's written
16 discovery and failure to oppose Plaintiff's Motion for Sanctions and Application for Entry of
17 Default Judgment were due to circumstances out of Defendant Zandian's control.

18 Finally, Defendant Zandian's Motion to Set Aside Default Judgment has been fully briefed
19 by both parties and is currently pending before this Court. Furthermore, on January 23, 2014,
20 Defendant Zandian filed a Request for Submission. It is anticipated that this Court will make a
21 determination on Defendant Zandian's Motion to Set Aside Default Judgment in the immediate
22 future. Therefore, Defendant Zandian should not be required to provide security in the event this
23 Court grants a stay.

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3 **IV.**

4 **CONCLUSION**

5 Based on the foregoing points and authorities, Defendant Reza Zandian respectfully requests
6 that this Court grant a stay of any proceedings to enforce the Default Judgment, including
7 proceedings such as a debtor's examination, until after the resolution of Zandian's Motion to Set
8 Aside Default Judgment.

9 **AFFIRMATION PURSUANT TO NRS 239B.030**

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

12 Dated this 29th day of January, 2014.

13 **HAWKINS MELENDREZ, P.C.**

14 
15 **GEOFFREY W. HAWKINS, ESQ.**

16 Nevada Bar No. 7740

17 **JOHNATHON FAYEGHI, ESQ.**

18 Nevada Bar No. 12736

19 9555 Hillwood Drive, Suite 150

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21 Phone: (702) 318-8800

22 *Attorneys for Defendant*

23 *Reza Zandian*

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CERTIFICATE OF SERVICE

1
2 Pursuant to Nevada Rules of Civil Procedure 5(b), I hereby certify that, on the 29th day of
3 January, 2014, service of **DEFENDANT REZA ZANDIAN'S REPLY IN SUPPORT OF**
4 **MOTION FOR STAY OF PROCEEDINGS TO ENFORCE JUDGMENT PURSUANT TO**
5 **NRCP 62(B)** was made this date by depositing a true copy of the same for mailing, first class mail,
6 at Las Vegas, Nevada, addressed follows:
7

8
9 Matthew D. Francis
10 Adam P. McMillen
11 WATSON ROUNDS
12 5371 Kietzke Lane
13 Reno, Nevada 89511
14 *Attorneys for Plaintiff*
15 *Jed Margolin*

16 
17 An employee of Hawkins Melendrez, P.C.
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Case No.: 09 OC 00579 1B

Dept. No.: 1

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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.

**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.

28

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 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
19 DATED: This 6th day of February, 2014. IT IS SO ORDERED:

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

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I hereby certify that on the 10 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

RECEIVED

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 FEB 10 PM 3:19
ALAN BLOVER
CLERK
BY *[Signature]*
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**
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,
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.

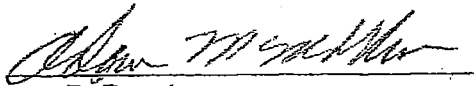
2 Affirmation Pursuant to NRS 239B.030

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

1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCF 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**, addressed as follows:

5 Johnathon Fayeghi, Esq.
6 Hawkins Melendrez
7 9555 Hillwood Dr., Suite 150
8 Las Vegas, NV 89134
9 *Counsel for Reza Zandian*

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

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

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

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

26 Dated: February 10th, 2014.

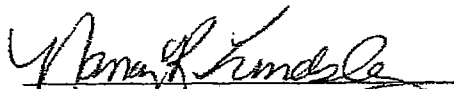
27 
28 Nancy R. Lindsley

Exhibit 1

Exhibit 1

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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.

\\

1 I. FACTUAL BACKGROUND

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.

28

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 NRC 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
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.
Lack of good faith or diligence, or lack of merit in the proposed defense,
may very well warrant a denial of the motion for relief from the judgment.

15 *Id.* (citing *Lentz v. Boles*, 84 Nev. 197, 200, 438 P.2d at 256 (1968)).

16 Zandian has disregarded the process and procedural rules of this matter with impunity.
17 He has repeatedly ignored this matter and failed to respond to the written discovery and
18 motions in this matter since his former attorney John Peter Lee withdrew from representation.
19 Zandian’s lack of good faith or diligence warrants a denial of the motion to set aside.

20 Zandian’s complete failure to respond to the discovery requests and subsequent
21 motions evidences his willful and recalcitrant disregard of the judicial process, which
22 prejudiced Plaintiff. *Foster v. Dingwall*, 227 P.3d 1042, 1049 (Nev. 2010) (citing *Hamlett v.*
23 *Reynolds*, 114 Nev. 863, 865, 963 P.2d 457, 458 (1998) (upholding the district court’s strike
24 order where the defaulting party’s “constant failure to follow [the court’s] orders was
25 unexplained and unwarranted”); *In re Phenylpropanolamine (PPA) Products*, 460 F.3d 1217,
26 1236 (9th Cir.2006) (holding that, with respect to discovery abuses, “[p]rejudice from
27 unreasonable delay is presumed” and failure to comply with court orders mandating discovery
28 “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
19 DATED: This 6th day of February, 2014. IT IS SO ORDERED:

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

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I hereby certify that on the 10 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

RECEIVED

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**

REC'D & FILED ✓
2014 MAR 12 PM 3:54
ALAN GLOVER
Electronically Filed
Mar 14 2014 10:30 a.m.
Tracie K. Lindeman
Clerk of Supreme Court

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**

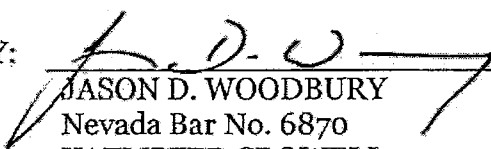
21 Notice is hereby given that REZA ZANDIAN, a Defendant above-named, hereby
22 appeals to the Supreme Court of Nevada from the *Order Denying Defendant Reza*
23 *Zandian aka Golamreza Zandianjazi aka Gholam Reza Zandian aka Reza Jazi aka J.*
24 *Reza Jazi aka G. Reza Jazi aka Ghonoreza Zandian Jazi's 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***

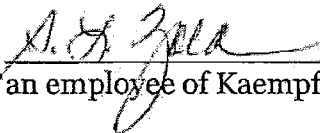
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KAEMPFER CROWELL
510 West Fourth Street
Carson City, Nevada 89703

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 12th day of March, 2014.

12 
13 _____
14 an employee of Kaempfer Crowell
15
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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

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 FEB 10 PM 3:19
ALAN GLOVER
CLERK
BY _____ 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**
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 ORDER

21 TO: All parties:
22
23 **PLEASE TAKE NOTICE** that on February 6, 2014, the Court entered its Order
24 Denying Defendant Reza Zandian aka Golanreza 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 ///
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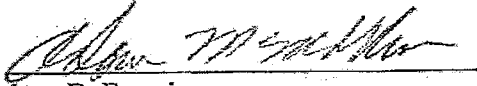
1 Aside Default Judgment. Attached as Exhibit 1 is a true and correct copy of such Order.

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

6
7 By: 
8 Matthew D. Francis
9 Adam P. McMillen
10 Watson Rounds
11 5371 Kietzke Lane
12 Reno, NV 89511
13 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:

Johnathon Fayeghi, Esq.
Hawkins Melendrez
9555 Hillwood Dr., Suite 150
Las Vegas, NV 89134
Counsel for Reza Zandian

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

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

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

Dated: February 10th, 2014.

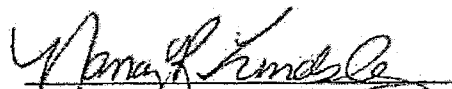

Nancy R. Lindsley

Exhibit 1

Exhibit 1

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Case No.: 09 OC 00579 1B

Dept. No.: 1

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ALAN GLOVER

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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.

**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.

///

1 I. FACTUAL BACKGROUND

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.

28

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 NRC 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 NRC 55 was fulfilled as Plaintiff served written notice of the
2 application for default judgment. Moreover, NRC 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 NRC 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 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 10 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



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**

REC'D & FILED

2014 MAR 12 PM 3:54

ALAN GLOVER
BY Alan Glover 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 **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.

KAEMPFER CROWELL
510 West Fourth Street
Carson City, Nevada 89703

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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
510 West Fourth Street
Carson City, Nevada 89703
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

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

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

16 On March 28, 2013, the District Court entered a Default against
17 Zandian. Later, pursuant to the application of Plaintiff, the District Court
18 entered a Default Judgment against the Defendants in the amount of
19 \$1,495,775.74. Plaintiff filed a *Notice of Entry of Default Judgment* on
20 June 27, 2013.

21 On December 20, 2013, Zandian filed a *Motion to Set Aside Default*
22 *Judgment* with the District Court. Plaintiff filed a response, and Zandian
23 replied. No hearing was held on the *Motion to Set Aside*. On February 6,
24

¹ 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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KAEMPER CHOWELL
510 West Fourth Street
Carson City, Nevada 89703

² 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*.

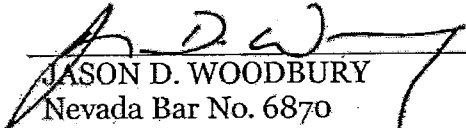
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15. In civil cases, whether the appeal involves the possibility of settlement (NRAP 3(d)(3)(L)):

The appeal involves the possibility of settlement.

DATED this 12th day of March, 2014.

KAEMPFER CROWELL

BY: 

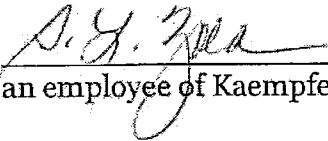
JASON D. WOODBURY
Nevada Bar No. 6870
KAEMPFER CROWELL
510 West Fourth Street
Carson City, Nevada 89703
Telephone: (775) 884-8300
Facsimile: (775) 882-0257
jwoodbury@kenvlaw.com
Attorneys for Reza Zandian

1 **CERTIFICATE OF SERVICE**

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

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

10 DATED this 12th day of March, 2014.

11 
12 _____
13 an employee of Kaempfer Crowell
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Judge: RUSSELL, JUDGE JAMES
 TODD

Case No. 09 CC 00579 1B

Ticket No.
 CTN:

MARGOLIN, JED

By:

OPTIMA TECHNOLOGY
 CORPORATION

DRSPND

-vs-

By:

Dob:
 Lic:
 ZANDIAN, REZA

Sex:
 Sid:
 DRSPND

By:

Dob:
 Lic:

Sex:
 Sid:

Plate#:
 Make:
 Year:
 Type:
 Venue:
 Location:
 Accident:

MARGOLIN, JED

PLNTPET

Bond:
 Type:

Set:
 Posted:

Charges:

Ct. Offense Dt: Cvr:
 Arrest Dt:
 Comments:

Ct. Offense Dt: Cvr:
 Arrest Dt:
 Comments:

Sentencing:

No.	Filed	Action	Operator	Fine/Cost	Due
1	03/12/14	APPEAL BOND DEPOSIT Receipt: 33251 Date: 03/12/2014	1BCCOOPER	500.00	0.00
2	03/12/14	NOTICE OF CASH DEPOSIT IN LIEU OF BOND	1BCCOOPER	0.00	0.00
3	03/12/14	CASE APPEAL STATEMENT	1BCCOOPER	0.00	0.00
4	03/12/14	NOTICE OF APPEAL FILED Receipt: 33251 Date: 03/12/2014	1BCCOOPER	24.00	0.00
5	03/03/14	OPPOSITION TO MOTION FOR ORDER TO SHOW CAUSE REGARDING CONTEMPT	1BCGRIBBLE	0.00	0.00
6	02/21/14	SUBSTITUTION OF COUNSEL	1BCCOOPER	0.00	0.00
7	02/12/14	MOTION FOR ORDER TO SHOW CAUSE REGARDING CONTEMPT	1BCCOOPER	0.00	0.00
8	02/10/14	NOTICE OF ENTRY OF ORDER	1BVANESSA	0.00	0.00
9	02/06/14	FILE RETURNED AFTER SUBMISSION - ORDER ENTERED	1BJHIGGINS	0.00	0.00
10	02/06/14	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	1BJHIGGINS	0.00	0.00
11	02/03/14	DEFENDANT REZA ZANDIAN'S REPLY IN SUPPORT OF MOTION FOR STAY OF PROCEEDINGS TO ENFORCE JUDGMENT PURSUANT TO NRCF 62(B)	1BVANESSA	0.00	0.00
12	01/23/14	REQUEST FOR SUBMISSION AND HEARING ON DEFENDANT REZA ZANDIAN'S MOTION TO SET ASIDE DEFAULT JUDGMENT	1BCGRIBBLE		0.00
13	01/23/14	DEFENDANT ZANDIAN'S REPLY IN SUPPORT OF MOTION TO SET ASIDE DEFAULT JUDGMENT	1BCGRIBBLE		0.00

No.	Filed	Action	Operator	Fine/Cost	Due
14	01/17/14	NOTICE OF ENTRY OF ORDER GRANTING PLAINTIFF'S MOTION FOR DEBTOR EXAMINATION AND TO PRODUCE DOCUMENTS	1BCGRIBBLE	0.00	0.00
15	01/17/14	OPPOSITION TO MOTION FOR STAY OF PROCEEDINGS TO ENFORCE JUDGMENT PURSUANT TO NRCF 62(B)	1BCGRIBBLE	0.00	0.00
16	01/13/14	FILE RETURNED AFTER SUBMISSION - ORDER ENTERED	1BCCOOPER	0.00	0.00
17	01/13/14	ORDER GRANTING PLAINTIFFS MOTION FOR DEBTOR EXAMINATION AND TO PRODUCE DOCUMENTS	1BCCOOPER	0.00	0.00
18	01/09/14	REQUEST FOR SUBMISSION	1BVANESSA	0.00	0.00
19	01/09/14	OPPOSITION TO MOTION TO SET ASIDE DEFAULT JUDGMENT	1BVANESSA	0.00	0.00
20	01/02/14	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 FOR STAY OF PROCEEDINGS TO ENFORCE JUDGMENT PURSUANT TO NRCF 62(B)	1BCGRIBBLE	0.00	0.00
21	12/20/13	DEFENDANT REZA ZANDIAN AKA GOLAMREZA ZANDIANJAZI AKA GHOLAM REZA ZANDIAN AKA REDA JAZI AKA J. REZA JAZI AKA G. REZA JAZI AKA GHONONREZA ZANDIAN JAZI'S MOTION TO SET ASIDE DEFAULT JUDGMENT	1BCCOOPER	0.00	0.00
22	12/20/13	NOTICE OF APPEARANCE	1BCCOOPER	0.00	0.00
23	12/11/13	MOTION FOR JUDGMENT DEBTOR EXAMINATION AND TO PRODUCE DOCUMENTS	1BCCOOPER	0.00	0.00
24	06/27/13	NOTICE OF ENTRY OF ORDER DEFAULT JUDGMENT	1BVANESSA	0.00	0.00
25	06/26/13	JUDGMENT	1BCCOOPER	0.00	0.00
		Judgment Amount: 1,495,775.74 Judgment Total: 1,495,775.74			
		Terms: JUDGMENT ENTERED @ 4:12 PM			
		Judgment Type: DEFAULT JUDGMENT Judgment Date: 06/24/2013			
		Judgment For: MARGOLIN, JED - PLNTF/PETNR			
		Judgment Against: OPTIMA TECHNOLOGY CORPORATION - DEFENDANT/RESPONDENT			
		ZANDIAN, REZA - DEFENDANT/RESPONDENT			
		Judgment Balance: 1,495,775.74 Case Total: 2,903,922.66 Case Balance: 2,903,922.66			
26	06/24/13	FILE RETURNED AFTER SUBMISSION - ORDER ENTERED	1BCCOOPER	0.00	0.00
27	06/24/13	DEFAULT JUDGMENT	1BCCOOPER	0.00	0.00
28	06/21/13	REQUEST FOR SUBMISSION	1BVANESSA	0.00	0.00

No.	Filed	Action	Operator	Fine/Cost	Due
29	04/17/13	DECLARATION OF JED MARGOLIN IN SUPPORT OF APPLICATION FOR DEFAULT JUDGMENT	1BCGRIBBLE	0.00	0.00
30	04/17/13	DECLARATION OF ADAM P. MCMILLEN IN SUPPORT OF APPLICATION FOR DEFAULT JUDGMENT	1BCGRIBBLE	0.00	0.00
31	04/17/13	APPLICATION FOR DEFAULT JUDGMENT; MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT THEREOF	1BCGRIBBLE	0.00	0.00
32	04/05/13	AMENDED NOTICE OF ENTRY OF DEFAULT	1BCFRANZ	0.00	0.00
33	04/03/13	NOTICE OF ENTRY OF DEFAULT	1BCCOOPER	0.00	0.00
34	04/03/13	NOTICE OF ENTRY OF ORDER	1BCCOOPER	0.00	0.00
35	03/29/13	FILE RETURNED AFTER SUBMISSION - ORDER ENTERED	1BCCOOPER	0.00	0.00
36	03/29/13	ORDER GRANTING PLAINTIFF'S APPLICATION FOR ATTORNEY'S FEES AND COSTS	1BCCOOPER	0.00	0.00
37	03/28/13	REQUEST FOR SUBMISSION	1BCGRIBBLE	0.00	0.00
38	03/28/13	DEFAULT	1BCGRIBBLE	0.00	0.00
39	03/04/13	DECLARATION OF MAILING	1BCCOOPER	0.00	0.00
40	02/20/13	PLAINTIFF'S APPLICATION FOR ATTORNEY'S FEES AND COSTS	1BCGRIBBLE	0.00	0.00
41	02/20/13	DECLARATION OF ADAM P. MCMILLEN IN SUPPORT OF PLAINTIFF'S APPLICATION FOR ATTORNEY'S FEES AND COSTS	1BCGRIBBLE	0.00	0.00
42	01/17/13	NOTICE OF ENTRY OF ORDER	1BCGRIBBLE	0.00	0.00
43	01/15/13	FILE RETURNED AFTER SUBMISSION - ORDER ENTERED	1BJHIGGINS	0.00	0.00
44	01/15/13	ORDER GRANTING PLAINTIFF'S MOTION FOR SANCTIONS UNDER NRCP 37	1BJHIGGINS	0.00	0.00
45	01/11/13	REQUEST FOR SUBMISSION	1BVANESSA	0.00	0.00
46	12/14/12	DECLARATION OF ADAM P. MCMILLEN IN SUPPORT OF PLAINTIFF'S MOTION FOR SANCTIONS UNDER NRCP 37	1BVANESSA	0.00	0.00
47	12/14/12	PLAINTIFF'S MOTION FOR SANCTIONS UNDER NRCP 37	1BVANESSA	0.00	0.00
48	11/14/12	AFFIDAVIT OF SERVICE	1BCCOOPER	0.00	0.00
49	11/06/12	NOTICE OF ENTRY OF JUEMENT	1BVANESSAG	0.00	0.00
50	10/31/12	JUDGMENT	1BJHIGGINS	0.00	0.00

Judgment Amount:
1,286,552.46
Judgment Total:
1,286,552.46

Terms: JUDGMENT ENTERED AT
1:42 P.M.

Judgment Type: DEFAULT
JUDGMENT FOR THE PLAINTIFF
Judgment Date: 10/31/2012

Judgment For: MARGOLIN, JED -
PLNTF/PETNR

Judgment Against: OPTIMA
TECHNOLOGY CORPORATION -
DEFENDANT/RESPONDENT

Judgment Balance:
1,286,532.46
Case Total: 1,408,146.92
Case Balance:
1,408,146.92

No.	Filed	Action	Operator	Fine/Cost	Due
51	10/31/12	FILE RETURNED AFTER SUBMISSION - ORDER ENTERED	1BJHIGGINS	0.00	0.00
52	10/31/12	DEFAULT JUDGMENT	1BJHIGGINS	0.00	0.00
53	10/30/12	DECLARATION OF ADAM P. MCMILLEN IN SUPPORT OF APPLICATION FOR DEFAULT JUDGMENT	1BJHIGGINS	0.00	0.00
54	10/30/12	DECLARATION OF JED MARGOLIN IN SUPPORT OF APELICATION FOR DEFAULT JUDGMENT	1BJHIGGINS	0.00	0.00
55	10/30/12	APPLICATION FOR DEFAULT JUDGMENT; MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT THEREOF	1BJHIGGINS	0.00	0.00
56	10/30/12	AFFIDAVIT OF SERVICE	1BJHIGGINS	0.00	0.00
57	09/27/12	NOTICE OF ENTRY OF DEFAULT	1EVANESSAG	0.00	0.00
58	09/24/12	DEFAULT	1EVANESSAG	0.00	0.00
59	09/14/12	APPLICATION FOR ENTRY OF DEFAULT	1EVANESSAG	0.00	0.00
60	07/02/12	NOTICE OF ENTRY OF ORDER	1BCCOOPER	0.00	0.00
61	06/28/12	FILE RETURNED AFTER SUBMISSION - ORDER ENTERED	1BJULIEH	0.00	0.00
62	06/28/12	ORDER GRANTING PLAINTIFF'S MOTION TO COMPEL APPEARANCE OF COUNSEL FOR OPTIMA TECHNOLOGY CORPORATIONS, OR N THE ALTERNATIVE, MOTION TO STRIKE GENERAL DENIAL OF OPTIMA TECHNOLOGY CORPORATION	1BJULIEH	0.00	0.00
63	06/14/12	UNILATERAL CASE CONFERENCE REPORT	1EVANESSAG	0.00	0.00
64	06/06/12	REQUEST FOR SUBMISSION	1BCGRIBBLE	0.00	0.00
65	05/29/12	DECISION OF ARBITRATION COMMISSIONER REMOVING MATTER FROM MANDATORY ARBITRATION	1BCGRIBBLE	0.00	0.00
66	05/15/12	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 (COPY) (SEE MINUTE ORDER FILED 06/19/2012)	1EVANESSAG	0.00	0.00
67	05/10/12	DECLARATION OF JED MARGOLIN IN SUPPORT OF REQUEST TO EXEMPT CASE FROM COURT ANNEXED ARBITRATION PROGRAM	1BCGRIBBLE	0.00	0.00
68	05/10/12	SECOND SUPPLEMENTAL REQUEST FOR EXEMPTION FROM ARBITRATION	1BCGRIBBLE	0.00	0.00

No.	Filed	Action	Operator	Fine/Cost	Due
69	05/09/12	NOTICE OF ENTRY OF ORDER GRANTING JOHN PETER LEE, LTD.'S AMENDED MOTION TO WITHDRAW FROM REPRESENTATION OF DEFENDANTS OPTIMA TECHNOLOGY CORPORATION OPTIMA TECHNOLOGY CORPORATION, REZA ZANDIAN AKA GOLAMREZA ZANDIANJAZI AKA GHOLAM REZA ZANDIAN AKA REZA JAZI AKA J. REZA JAZI AKA G. REA JAZI AKA GHONONREZA ZANDIAN JAZI	1BCCOOPER	0.00	0.00
70	04/26/12	FILE RETURNED AFTER SUBMISSION - ORDER ENTERED	1BVANESSAG	0.00	0.00
71	04/26/12	ORDER GRANTING JOHN PETER LEE, LTD.'S AMENDED MOTION TO WITHDRAW FROM REPRESENTATION OF DEFENDANTS OPTIMA TECHNOLOGY CORPORATION, A CALIFORNIA CORPORATION; OPTIMA TECHNOLOGY CORPORATION, A NEVADA CORPORATION; AND REZA ZANDIAN AKA GOLAMREZA ZANDIANJAZI AKA GHOLAM REZA ZANDIAN AKA REZA JAZI AKA J. REZA JAZI AKA G. REZA JAZI AKA GHONONREZA ZANDIAN JAZI	1BVANESSAG	0.00	0.00
72	04/23/12	REQUEST FOR SUBMISSION	1BCGRIBBLE	0.00	0.00
73	04/20/12	SUPPLEMENTAL REQUEST FOR EXEMPTION FROM ARBITRATION	1BCGRIBBLE	0.00	0.00
74	03/30/12	DECLARATION OF ADAM P. MCMILLEN IN SUPPORT OF THE NOTICE ON NON-OPPOSITION TO JOHN PETER LEE, LTD.'S AMENDED MOTION TO WITHDRAW FROM REPRESENTATION	1BCCOOPER	0.00	0.00
75	03/30/12	NOTICE OF NON-OPPOSITION TO JOHN PETER LEE, LTD.'S AMENDED MOTION TO WITHDRAW FROM REPRESENTATION	1BCCOOPER	0.00	0.00
76	03/16/12	DECLARATION OF ADAM P. MCMILLEN IN SUPPORT OF THE NOTICE OF NON-OPPOSITION TO JOHN PETER LEE, LTD.'S MOTION TO WITHDRAW FROM REPRESENTATION	1BCCOOPER	0.00	0.00
77	03/16/12	NOTICE OF NON-OPPOSITION TO JOHN PETER LEE, LTD.'S MOTION TO WITHDRAW FROM REPRESENTATION	1BCCOOPER	0.00	0.00
78	03/14/12	GENERAL DENIAL Receipt: 21864 Date: 03/16/2012	1BCCOOPER	218.00	0.00
79	03/14/12	JOHN PETER LEE, LTD.'S AMENDED MOTION TO WITHDRAW FROM REPRESENTATION OF DEFENDANTS OPTIMA TECHNOLOGY CORPORATION, A CALIFORNIA CORPORATION; OPTIMA TECHNOLOGY CORPORATION, A NEVADA CORPORATION; AND REZA ZANDIAN AKA GOLAMREZA ZANDIANJAZI AKA GHOLAM REZA ZANDIAN AKA REZA JAZI AKA J. REZA JAZI AKA G. REZA JAZI AKA GHONONREZA ZANDIAN JAZI	1BJHIGGINS	0.00	0.00
80	03/09/12	REQUEST FOR EXEMPTION FROM ARBITRATION	1BVANESSAG	0.00	0.00
81	03/09/12	NOTICE OF INTENT TO TAKE DEFAULT	1BVANESSAG	0.00	0.00

No.	Filed	Action	Operator	Fine/Cost	Due
82	03/07/12	JOHN PETER LEE, LTD.'S MOTION TO WITHDRAW FROM REPRESENTATION OF DEFENDANT REZA ZANDIAN AKA GOLAMREZA ZANDIANJAZI AKA GHOLM REZA ZANDIAN AKA REZA JAZI AKA J. REZA JAZI G. REZA JAZI AKA GHONONREZA ZANDIAN JAZI	1BCCOOPER	0.00	0.00
83	03/06/12	GENERAL DENIAL Receipt: 21739 Date: 03/09/2012 *STRICKEN PER ORDER GRANTING PLAINTIFF'S MOTION FOR SANCTIONS UNDER NRCP 37 FILED JAN. 15, 2013*	1BCCOOPER	218.00	0.00
84	02/24/12	NOTICE OF ENTRY OF ORDER	1BJHIGGINS	0.00	0.00
85	02/23/12	ORDER DENYING MOTION TO STRIKE	1BJHIGGINS	0.00	0.00
86	02/21/12	ORDER DENYING DEFENDANT'S MOTION TO DISMISS	1BJHIGGINS	0.00	0.00
87	02/13/12	REQUEST FOR SUBMISSION (2)	1BCCOOPER	0.00	0.00
88	02/13/12	DECLARATION OF ADAM P. MCMILLEN	1BCCOOPER	0.00	0.00
89	02/13/12	REPLY IN SUPPORT OF MOTION TO STRIKE	1BCCOOPER	0.00	0.00
90	02/02/12	OPPOSITION TO MOTION TO STRIKE	1BJHIGGINS	0.00	0.00
91	01/23/12	DECLARATION OF JED MARGOLIN IN SUPPORT OF MOTION TO STRIKE	1BVANESSAG	0.00	0.00
92	01/23/12	MOTION TO STRIKE	1BVANESSAG	0.00	0.00
93	12/13/11	REPLY TO OPPOSITION TO MOTION TO DISMISS	1BJHIGGINS	0.00	0.00
94	12/05/11	OPPOSITION TO MOTION TO DISMISS	1BKDUNCKHO	0.00	0.00
95	11/17/11	MOTION TO DISMISS AMENDED COMPLAINT ON SPECIAL APPEARANCE	1BKDUNCKHO	0.00	0.00
96	11/08/11	AMENDED CERTIFICATE OF SERVICE	1BVANESSAG	0.00	0.00
97	11/07/11	SUMMONS ON AMENDED COMPLAINT & (2) ADD'L SUMMONS ON AMENDED COMPLAINT	1BKDUNCKHO	0.00	0.00
98	11/07/11	CERTIFICATE OF SERVICE	1BKDUNCKHO	0.00	0.00
99	10/05/11	NOTICE OF ENTRY OF AMENDED ORDER	1BVANESSAG	0.00	0.00
100	09/27/11	FILE RETURNED AFTER SUBMISSION - ORDER ENTERED	1BJHIGGINS	0.00	0.00
101	09/27/11	AMENDED ORDER ALLOWING SERVICE BY PUBLICATION	1BJHIGGINS	0.00	0.00
102	09/23/11	REQUEST FOR SUBMISSION	1BCCOOPER	0.00	0.00
103	09/13/11	NOTICE OF ENTRY OF ORDER	1BKDUNCKHO	0.00	0.00
104	09/09/11	FILE RETURNED AFTER SUBMISSION - ORDER ENTERED	1BJHIGGINS	0.00	0.00
105	09/09/11	ORDER ALLOWING SERVICE BY PUBLICATION	1BJHIGGINS	0.00	0.00
106	09/07/11	REQUEST FOR SUBMISSION	1BKDUNCKHO	0.00	0.00
107	08/11/11	ISSUING SUMMONS ON AMENDED COMPLAINT & 2 ADDITIONAL	1BKDUNCKHO	0.00	0.00

No.	Filed	Action	Operator	Fine/Cost	Due
108	08/11/11	AMENDED COMPLAINT	1BKDUNCKHO	0.00	0.00
109	08/11/11	MOTION TO SERVE BY PUBLICATION	1BKDUNCKHO	0.00	0.00
110	08/03/11	FILE RETURNED AFTER SUBMISSION - ORDER ENTERED	1BJULIEH	0.00	0.00
111	08/03/11	ORDER SETTING ASIDE DEFAULT, DYNING MOTION TO DISMISS AND GRANTING EXTENSION OF TIME FOR SERVICE	1BJULIEH	0.00	0.00
112	07/13/11	REQUEST FOR SUBMISSION	1BCCOOPER	0.00	0.00
113	07/05/11	REPLY TO OPPOSITION TO MOTION TO DISMISS ON A SPECIAL APPEARANCE	1BCCOOPER	0.00	0.00
114	06/22/11	OPPOSITION TO MOTION TO DISMISS AND COUNTER MOTIONS TO STRIKE AND FOR LEAVE TO AMEND THE COMPLAINT	1BMKALE	0.00	0.00
115	06/13/11	NOTICE OF CHANGE OF COUNSEL	1BJHIGGINS	0.00	0.00
116	06/09/11	MOTION TO DISMISS ON A SPECIAL APPEARANCE	1BMKALE	0.00	0.00
117	03/07/11	NOTICE OF ENTRY OF DEFAULT JUDGMENT	1BCCOOPER	0.00	0.00
118	03/01/11	DEFAULT JUDGMENT	1BCCOOPER	0.00	0.00
119	03/01/11	JUDGMENT	1BCCOOPER	0.00	0.00
		Judgment Amount: 121,594.46 Judgment Total: 121,594.46			
		Terms: JUDGMENT ENERED @ 3:24 PM.			
		Judgment Type: DEFAULT JUDGMENT Judgment Date: 03/01/2011			
		Judgment For: MARGOLIN, JED - PLNTFF/PETNR			
		Judgment Against: OPTIMA TECHNOLOGY - DEFENDANT/RESPONDENT			
		ZANDIAN, REZA - DEFENDANT/RESPONDENT			
		Judgment Balance: 121,594.46 Case Total: 121,594.46 Case Balance: 121,594.46			
120	03/01/11	FILE RETURNED AFTER SUBMISSION - ORDER ENTERED	1BCCOOPER	0.00	0.00
121	03/01/11	DEFAULT JUDGMENT	1BCCOOPER	0.00	0.00
122	02/28/11	APPLICATION FOR DEFAULT JUDGMENT; MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT THEREOF	1BMKALE	0.00	0.00
123	02/28/11	DECLARATION OF JED MARGOLIN IN SUPPORT OF APPLICATING FOR DEFAULT JUDGMENT	1BMKALE	0.00	0.00
124	02/28/11	DECLARATION FO CASSANDRA P. JOSEPH IN SUPPORT OF APPLICATION FOR DEFAULT JUDGMENT	1BMKALE	0.00	0.00

No.	Filed	Action	Operator	Fine/Cost	Due
125	02/25/11	CERTIFICATE OF SERVICE	1BMKALE	0.00	0.00
126	12/07/10	NOTICE OF ENTRY OF DEFAULT (3)	1BCFRANZ	0.00	0.00
127	12/02/10	DEFAULT	1BCCOOPER	0.00	0.00
128	12/02/10	APPLICATION FOR ENTRY OF DEFAULT	1BCCOOPER	0.00	0.00
129	12/02/10	APPLICATION FOR ENTRY OF DEFAULT	1BCCOOPER	0.00	0.00
130	12/02/10	DEFAULT	1BCCOOPER	0.00	0.00
131	12/02/10	APPLICATION FOR ENTRY OF DEFAULT	1BCCOOPER	0.00	0.00
132	03/26/10	SUMMONS AND ADD'S SUMMONS	1BCFRANZ	0.00	0.00
133	03/09/10	SUMMONS	1BCFRANZ	0.00	0.00
134	03/09/10	ISSUING SUMMONS & ADD'L SUMMONS	1BMKALE	0.00	0.00
135	12/15/09	ISSUING SUMMONS & 2 ADD'L	1BCCOOPER	0.00	0.00
136	12/14/09	COMPLAINT Receipt: 10054 Date: 12/14/2009 Receipt 10054 reversed by 10067 on 12/14/2009. Receipt: 10068 Date: 12/14/2009	1BMKALE	265.00	0.00
Total:				1,225.00	0.00
Totals By: COST				725.00	0.00
HOLDING				500.00	0.00
INFORMATION				0.00	0.00
*** End of Report ***					

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Case No.: 09 OC 00579 1B

Dept. No.: 1

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2014 FEB -6 AM 8:51

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.

\\

1 **I. FACTUAL BACKGROUND**

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.
28

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 NRCP
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 NRCP 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 NRC 55 was fulfilled as Plaintiff served written notice of the
2 application for default judgment. Moreover, NRC 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 NRC 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 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.
Lack of good faith or diligence, or lack of merit in the proposed defense,
may very well warrant a denial of the motion for relief from the judgment.

15 *Id.* (citing *Lentz v. Boles*, 84 Nev. 197, 200, 438 P.2d at 256 (1968)).

16 Zandian has disregarded the process and procedural rules of this matter with impunity.
17 He has repeatedly ignored this matter and failed to respond to the written discovery and
18 motions in this matter since his former attorney John Peter Lee withdrew from representation.
19 Zandian’s lack of good faith or diligence warrants a denial of the motion to set aside.

20 Zandian’s complete failure to respond to the discovery requests and subsequent
21 motions evidences his willful and recalcitrant disregard of the judicial process, which
22 prejudiced Plaintiff. *Foster v. Dingwall*, 227 P.3d 1042, 1049 (Nev. 2010) (citing *Hamlett v.*
23 *Reynolds*, 114 Nev. 863, 865, 963 P.2d 457, 458 (1998) (upholding the district court’s strike
24 order where the defaulting party’s “constant failure to follow [the court’s] orders was
25 unexplained and unwarranted”); *In re Phenylpropanolamine (PPA) Products*, 460 F.3d 1217,
26 1236 (9th Cir.2006) (holding that, with respect to discovery abuses, “[p]rejudice from
27 unreasonable delay is presumed” and failure to comply with court orders mandating discovery
28 “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:
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22 JAMES T. RUSSELL
23 DISTRICT COURT JUDGE
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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
18
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28

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 FEB 10 PM 3:19
ALAN ROYER
CLERK
BY *[Signature]*
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

NOTICE OF ENTRY OF ORDER

25 TO: All parties:

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

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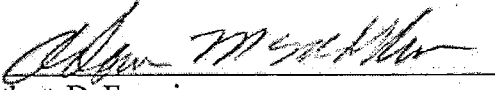
1 Aside Default Judgment. Attached as Exhibit 1 is a true and correct copy of such Order.

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

6
7 By: 
8 Matthew D. Francis
9 Adam P. McMillen
10 Watson Rounds
11 5371 Kietzke Lane
12 Reno, NV 89511
13 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**, addressed as follows:

5 Johnathon Fayeghi, Esq.
6 Hawkins Melendrez
7 9555 Hillwood Dr., Suite 150
8 Las Vegas, NV 89134
9 *Counsel for Reza Zandian*

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

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

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

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

26 Dated: February 10th, 2014.

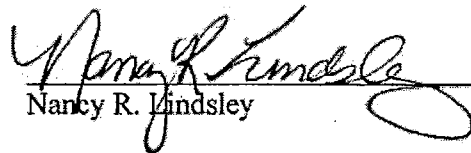
27 
28 Nancy R. Lindsley

Exhibit 1

Exhibit 1

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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.

\\

1 I. FACTUAL BACKGROUND

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.

28

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 NRCP
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 NRCP 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

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

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

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.
Lack of good faith or diligence, or lack of merit in the proposed defense,
may very well warrant a denial of the motion for relief from the judgment.

15 *Id.* (citing *Lentz v. Boles*, 84 Nev. 197, 200, 438 P.2d at 256 (1968)).

16 Zandian has disregarded the process and procedural rules of this matter with impunity.
17 He has repeatedly ignored this matter and failed to respond to the written discovery and
18 motions in this matter since his former attorney John Peter Lee withdrew from representation.
19 Zandian’s lack of good faith or diligence warrants a denial of the motion to set aside.

20 Zandian’s complete failure to respond to the discovery requests and subsequent
21 motions evidences his willful and recalcitrant disregard of the judicial process, which
22 prejudiced Plaintiff. *Foster v. Dingwall*, 227 P.3d 1042, 1049 (Nev. 2010) (citing *Hamlett v.*
23 *Reynolds*, 114 Nev. 863, 865, 963 P.2d 457, 458 (1998) (upholding the district court’s strike
24 order where the defaulting party’s “constant failure to follow [the court’s] orders was
25 unexplained and unwarranted”); *In re Phenylpropanolamine (PPA) Products*, 460 F.3d 1217,
26 1236 (9th Cir.2006) (holding that, with respect to discovery abuses, “[p]rejudice from
27 unreasonable delay is presumed” and failure to comply with court orders mandating discovery
28 “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:
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22 JAMES T. RUSSELL
23 DISTRICT COURT JUDGE
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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

CIVIL COVER SHEET

Carson County, Nevada
 Case No. 09OC00579 1B
 (Assigned by Clerk's Office)

REC'D & FILED

2009 DEC 11 PM 4:07

I. Party Information

Plaintiff(s) (name/address/phone): JED MARGOLIN	Defendant(s) (name/address/phone): Optima Technology, Reza Zandian, aka Golamreza Zandianjazi
Attorney (name/address/phone): Matthew Francis, Esq, WATSON ROUNDS 5371 Kietzke Ln, Reno, NV 89511 324-4100	Attorney (name/address/phone): <i>[Signature]</i> DEPUTY

II. Nature of Controversy (Please check applicable bold category and applicable subcategory, if appropriate) Arbitration Requested

Civil Cases	
Real Property	Torts
<input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Title to Property <input type="checkbox"/> Foreclosure <input type="checkbox"/> Liens <input type="checkbox"/> Quiet Title <input type="checkbox"/> Specific Performance <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property <input type="checkbox"/> Partition <input type="checkbox"/> Planning/Zoning	<div style="text-align: center;">Negligence</div> <input type="checkbox"/> Negligence – Auto <input type="checkbox"/> Negligence – Medical/Dental <input type="checkbox"/> Negligence – Premises Liability (Slip/Fall) <input type="checkbox"/> Negligence – Other <input type="checkbox"/> Product Liability <input type="checkbox"/> Product Liability/Motor Vehicle <input checked="" type="checkbox"/> Other Torts/Product Liability <input checked="" type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Torts/Defamation (Libel/Slander) <input checked="" type="checkbox"/> Interfere with Contract Rights <input type="checkbox"/> Employment Torts (Wrongful termination) <input checked="" type="checkbox"/> Other Torts <input type="checkbox"/> Anti-trust <input checked="" type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Insurance <input type="checkbox"/> Legal Tort <input type="checkbox"/> Unfair Competition
Probate	Other Civil Filing Types
Estimated Estate Value: _____ <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside Estates <input type="checkbox"/> Trust/Conservatorships <input type="checkbox"/> Individual Trustee <input type="checkbox"/> Corporate Trustee <input type="checkbox"/> Other Probate	<input type="checkbox"/> Construction Defect <input type="checkbox"/> Chapter 40 <input type="checkbox"/> General <input type="checkbox"/> Breach of Contract <input type="checkbox"/> Building & Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Other Contracts/Acct/Judgment <input type="checkbox"/> Collection of Actions <input type="checkbox"/> Employment Contract <input type="checkbox"/> Guarantee <input type="checkbox"/> Sale Contract <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Civil Petition for Judicial Review <input type="checkbox"/> Foreclosure Mediation <input type="checkbox"/> Other Administrative Law <input type="checkbox"/> Department of Motor Vehicles <input type="checkbox"/> Worker's Compensation Appeal <input type="checkbox"/> Appeal from Lower Court (also check applicable civil case box) <input type="checkbox"/> Transfer from Justice Court <input type="checkbox"/> Justice Court Civil Appeal <input type="checkbox"/> Civil Writ <input type="checkbox"/> Other Special Proceeding <input type="checkbox"/> Other Civil Filing <input type="checkbox"/> Compromise of Minor's C <input checked="" type="checkbox"/> Conversion of Property <input type="checkbox"/> Damage to Property <input type="checkbox"/> Employment Security <input type="checkbox"/> Enforcement of Judgment <input type="checkbox"/> Foreign Judgment – Civil <input type="checkbox"/> Other Personal Property <input type="checkbox"/> Recovery of Property <input type="checkbox"/> Stockholder Suit <input type="checkbox"/> Other Civil Matters

III. Business Court Requested (Please check applicable category; for Clark or Washoe Counties only.)

<input type="checkbox"/> NRS Chapters 78-88	<input type="checkbox"/> Investments (NRS 104 Art. 8)	<input type="checkbox"/> Enhanced Case Mgmt/B
<input type="checkbox"/> Commodities (NRS 90)	<input type="checkbox"/> Deceptive Trade Practices (NRS 598)	<input type="checkbox"/> Other Business Court M
<input type="checkbox"/> Securities (NRS 90)	<input type="checkbox"/> Trademarks (NRS 600A)	

December 10, 2009 *[Signature]*
 Date Signature of initiating party or representative

See other side for family-related case filings.

FIRST JUDICIAL DISTRICT COURT MINUTES

CASE NO. 09 OC 00579 1B

TITLE: JED MARGOLIN 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

06/19/12 – DEPT. I – HONORABLE JAMES T. RUSSELL
J. Higgins, Clerk – Not Reported

MINUTE ORDER

COURT ORDERED: A copy of the document entitled 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 filed May 15, 2012 is to be used in the place and stead of the original as it is missing.
