

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
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 Companies
21 1-10, DOE Corporations 11-20, and DOE
22 Individuals 21-30,
23
24 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

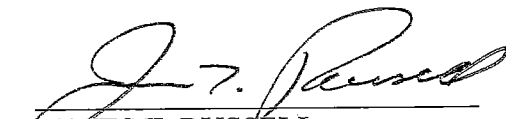
1 Nevada. In Plaintiff's Motion, Plaintiff requested that the Optima Technology Corporations be
2 ordered to retain legal counsel no later than June 15, 2012. Plaintiff also requested that the
3 March 13, 2012 General Denial filed by the Optima Technology Corporations be stricken if the
4 Optima Technology 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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20 JAMES T. RUSSELL
21 DISTRICT COURT JUDGE
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CERTIFICATE OF SERVICE

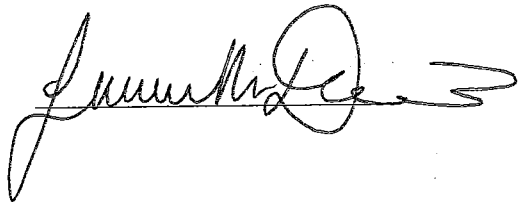
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I hereby certify that on the 28 day of June, 2012, I placed a copy of the foregoing

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**
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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 ORDER

21
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

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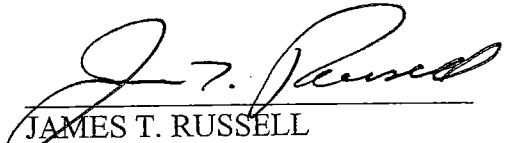
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21 DISTRICT COURT JUDGE
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