

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,

