

1 Moreover, when asked for assistance in serving Zandian, his counsel refused to  
2 respond or assist.<sup>26</sup> 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 \\\

20 \\\

21 \\\

22 \\\

23 \\\

24 \\\

25 \\\

26

27 <sup>26</sup> 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.

WATSON  
**WR**  
ROUNDS

January 8, 2010

KELLY G. WATSON <sup>1</sup>  
MICHAEL D. ROUNDS <sup>2</sup>  
MATTHEW D. FRANCIS <sup>2</sup>

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

OF COUNSEL  
MARC D. FOODMAN <sup>1,2</sup>

<sup>1</sup> Also licensed in California  
<sup>2</sup> Also licensed in Utah  
<sup>3</sup> Also licensed in Massachusetts  
<sup>4</sup> Licensed only in California

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