

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IN THE SUPREME COURT OF THE STATE OF NEVADA

Electronically Filed
Mar 30 2016 11:39 a.m.
Tracie K. Lindeman
Clerk of Supreme Court

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

Appellant,

vs.

JED MARGOLIN, AN INDIVIDUAL,

Respondent.

Supreme Court No. 69372
District Court Case No. 09OC005791B

**OPPOSITION TO EMERGENCY
MOTION**

Pursuant to NRAP 26(b)(1)(A), Zandian’s counsel seeks an extension of time to respond to Margolin’s motion for sanctions.¹ Zandian’s counsel requested relief on or before March 22, 2016, as it was acknowledged that a response to the motion for sanctions was due on or before March 24, 2016. This Court did not provide the requested relief on or before March 22, 2016 and no response to the motion for sanctions was filed.

NRAP 26(b)(1)(A) requires good cause for an extension of time. There is no good cause for an extension of time in this matter. Zandian has known since

¹ Margolin does not oppose Zandian’s counsel’s withdrawal.

1 November, 2015 that his counsel was going to withdraw immediately after his
2 counsel filed the instant appeal.² Zandian has had an abundance of time to retain
3 new counsel and yet he has not done so. Zandian does not need an additional 30
4 days to retain new counsel to respond to the motion for sanctions. There simply is
5 no basis for the argument that Zandian needs additional time to obtain new counsel
6 or to respond to the motion for sanctions. Granting Zandian additional time will
7 only delay these proceedings further.
8

9
10 In addition, Zandian knows about the motion for sanctions. Zandian’s
11 counsel notified Zandian on numerous occasions of the motion for sanctions,
12 including the deadline to respond to the motion for sanctions.³ Zandian responded
13 to his counsel’s communications regarding the motion for sanctions and is fully
14 aware of the circumstances.⁴ Notwithstanding his knowledge of the circumstances,
15 Zandian has not retained new counsel and did not respond to the motion for
16 sanctions on or before March 24, 2016.
17

18
19 Moreover, despite Zandian’s counsel’s “repeated attempts to counsel”
20 Zandian, Zandian “insists upon taking action that” Zandian’s counsel considers to
21 be “repugnant” or with which Zandian and his counsel “have a fundamental
22
23
24
25

26 _____
27 ² Emergency Motion, filed 3/18/16, at p. 3; *see also id.* at Exhibit 1, ¶¶ 5-7; Motion to Withdraw,
28 filed herein on 12/16/15.

³ Emergency Motion, filed 3/18/16, at Exhibit 1, ¶ 20.

⁴ *Id.*

1 disagreement.”⁵ Granting Zandian an additional 30 days will effectively give him
2 another 30 days to delay these proceedings and foist his repugnant actions on
3
4 Margolin and this Court.

5 Moreover, despite Zandian’s counsel’s “repeated attempts to counsel”
6 Zandian, Zandian “insists upon taking action that” Zandian’s counsel considers to
7 be “repugnant” or with which Zandian and his counsel “have a fundamental
8 disagreement.”⁶ Granting Zandian an additional 30 days will effectively give him
9 another 30 days to delay these proceedings and foist his repugnant actions on
10
11 Margolin and this Court.

12 The instant Emergency Motion does not support an extension of time as
13 Zandian’s counsel admits Zandian’s actions are repugnant and he has had more
14 than enough time to obtain new counsel to respond to the motion for sanctions. As a
15 result, Margolin respectfully requests that this Court deny the Emergency Motion.
16 Margolin also respectfully requests that the motion for sanctions be granted as no
17 response or opposition has been filed and the time to respond has admittedly
18
19 already passed without an extension being granted by this Court.
20
21

22 AFFIRMATION PURSUANT TO NRS 239B.030

23 The undersigned does hereby affirm that the preceding document does not
24

25 ///

26
27 _____
28 ⁵ *Id.* at ¶ 24.

⁶ *Id.* at ¶ 24.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

contain the social security number of any person.

Dated: March 29, 2016.

BROWNSTEIN HYATT FARBER SCHRECK, LLP

/s/ Adam P. McMillen

Adam P. McMillen
Nevada Bar No. 10678
5371 Kietzke Lane
Reno, NV 89511
Telephone: 775-324-4100
Attorneys for Respondent Jed Margolin

BROWNSTEIN HYATT FARBER SCHRECK, LLP
5371 Kietzke Lane
Reno, NV 89511
775.324.4100

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I, the undersigned, certify that on this date a true and correct copy of the foregoing document, **OPPOSITION TO EMERGENCY MOTION**, will be served upon the following parties hereto through the Court’s electronic notification system:

Severin A. Carlson
Kaempfer Crowell
510 West Fourth Street
Carson City, Nevada 89703
Attorneys for Appellant

I also certify 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 EMERGENCY MOTION**, addressed as follows:

Reza Zandian
c/o Alborz Zandian
9 MacArthur Place, Unit 2105
Santa Ana, CA 92707-6753

DATED: March 29, 2016

/s/ Nancy Lindsley
An Employee of Brownstein Hyatt Farber Schreck, LLP

055457\0001\14586409.1