

IN THE SUPREME COURT OF THE STATE OF NEVADA

Electronically Filed
Apr 20 2021 09:52 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

REZA ZANDIAN, AKA GOLAMREZA
ZANDIANJAZI, AKA GHOLAM REZA
ZANDIAN, AKA REZA JAZAI, AKA J.
REZA JAZI AKA G. REZA JAZI, AKA
GHONOREZA ZANDIAN JAZI, AN
INDIVIDUAL

No. 82559

Appellant,

vs.

JED MARGOLIN, AN INDIVIDUAL,

RECORD ON APPEAL

VOL XI

REZA ZANDIAN
6 RUE EDOUARD FOURNIER
75116 PARIS FRANCE

BROWNSTEIN HYATT FARBRE
SCHRECK, LLP/RENO
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APPELLANT IN PROPER PERSON

ATTORNEYS FOR RESPONDENT

THE SUPREME COURT OF THE STATE OF NEVADA

INDEX

<u>DESCRIPTION</u>	<u>STAMPED PAGE NO.</u>	<u>VOL. NO.</u>
AFFIDAVIT OF JUDGMENT	3548	15
AFFIDAVIT OF POSTING NOTICE OF SHERIFF'S SALE OF REAL PROPERTY UNDER EXECUTION (2)	2652	11
AFFIDAVIT OF PUBLICATION OF NOTICE OF SHERIFF'S SALE OF REAL PROPERTY UNDER EXECUTION	2664, 2669	11
AFFIDAVIT OF RENEWAL OF JUDGMENT	3498	14
AFFIDAVIT OF SERVICE	991, 1092	4, 5
AFFIDAVIT OF SEVERIN A. CARLSON IN SRESPONSE TO AMENDED ORDER GRANTING MOTION TO WITHDRAW	3081	13
AMENDED CERTIFICATE OF SERVICE	416	2
AMENDED COMPLAINT	376	2
AMENDED NOTICE OF ENTRY OF DEFAULT	1177	5
AMENDED ORDER ALLOWING SERVICE BY PUBLICATION	390	2
AMENDED ORDER GRANTING MOTION TO WITHDRAW AS COUNSEL	3064	13
AMENDED REQUEST FOR SUBMISSION	2450	10
AMENDED WARRANT OF ARREST	3508	15
APPICATION FOR ENTRY OF DEFAULT	23, 24, 25	1
APPLICATION FOR DEFAULT JUDGMENT; MEMORANDUM OF POINTS AN DAUTHORITIES IN SUPPORT THEREOF	132, 992, 1182	1, 4, 5
APPLICATION FOR ENTRY OF DEFAULT	962	4
CASE APPEAL STATEMENT	1577, 2542, 3003, 3545	7, 11, 13, 15
CERTIFICATE OF SERVICE	44, 399	1, 2

CERTIFICATE OF SERVICE OF AFFIDAVITS OF POSTING NOTICE OF SHERIFF'S SALE OF REAL PROPERTY UNDER EXECUTION	2673	11
CLERK'S CERTIFICATE	2998, 3159	12,13
COMPLAINT	1	1
DECISION OF ARBITRATION COMMISSIONER REMOVING MATTER FROM MANDATORY ARBITRATION	933	4
DECLARATION FO ADAM P. MCMILLEN	3117	13
DECLARATION FO JED MARGOLIN IN SUPPOR TO FAPPLICATION FOR DEFAULT JUDGMENT	88	1
DECLARATION OF ADAM MCMILLEN IN SUPPORT OF PLAINTIFF'S MOTION FOR ORDER ALLOWING COSTS AND NECESSARY DISBURSEMENS	2324	10
DECLARATION OF ADAM MCMILLEN IN SUPPORT OF REPLY IN SUPPORT OF PLAINTIFF'S MOTION FOR ORDER ALLOWING COSTS AND NECESSARY DISBURSEMENTS	2417	10
DECLARATION OF ADAM P MCMILLEN IN SUPPORT OF APPLICATION FOR DEFAULT JUDGMENT	1047, 1195	5
DECLARATION OF ADAM P. MCMILLEN	773	4
DECLARATION OF ADAM P. MCMILLEN IN SUPPORT OF PLAINTIFF'S APPLICATION FOR ATTORNEY'S FEES AND COSTS	1143	5
DECLARATION OF ADAM P. MCMILLEN IN SUPPORT OF PLAINTIFF'S MOTION FOR SANCTIONS UNDER NRCP 37	1100	5
DECLARATION OF ADAM P. MCMILLEN IN SUPPORT OF THE NOTICE OF NON-OPPOSITION TO JOHN PETER LEE, LTD'S AMENDED MOTION TO WITHDRAW FROM REPRESENTATION	843	4
DECLARATION OF ADAM P. MCMILLEN IN SUPPORT OF THE NOTICE OF NON-OPPOSITION TO JOHN PETER LEE, LTD'S MOTION TO WITHDRAW FROM REPRESENTATION	830	4
DECLARATION OF CASSANDRA P. JOSEPH IN SUPPOR TOF APPLICATION FOR DEFAULT JUDGMENT	47	1
DECLARATION OF JED MARGOLIN IN SUPPORT OF APPLICATION FOR DEFAULT JUDGMENT	1002, 1200	5

DECLARATION OF JED MARGOLIN IN SUPPORT OF MOTION TO STRIKE	763	4
DECLARATION OF JED MARGOLIN IN SUPPORT OF REQUEST TO EXEMPT CASE FROM COURT ANNEXED ARBITRATION PROGRAM	924	4
DECLARATION OF MAILING	1157	5
DECLARATION OF SERVICE	2685	11
DEFAULT	26, 27, 28, 973	1, 4
DEFAULT JUDGMENT	143, 1082, 1159, 1248	1, 5
DEFENDANT REZA ZANDIAN'S OPPOSITION TO PLAINTIFF'S MOTION FOR JUDGMENT DEBTOR EXAMINATION AND TO PRODUCE DOCUMENTS AND MOTION FOR PROTECTIVE ORDER	2717	11, 12
DEFENDANT REZA ZANDIAN'S REPLY IN SUPPORT OF MOTION FOR PROTECTION ORDER	2948	12
DEFENDANT REZA ZANDIAN'S REPLY IN SUPPORT OF MOTION FOR STAY OF PROCEEDINGS TO ENFORCE JUDGMENT PURSUAN TO NRCP 62(B)	1472	6
DEFENDANT REZA ZANIAN AKA GOLAMREZ 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)	1342	6
DEFENDANT REZA ZANIAN AKA GOLAMREZ 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	1325	6
DEFENDANT ZANDIAN'S REPLY IN SUPPORT OF MOTION TO SET ASIDE DEFAULT JUDGMENT	1455	6
DEFENDANTS' MOTION TO RETAX AND SETTLE COSTS	2399	10
ERRATA TO MOTION TO WITHDRAW AS COUNSEL	3022	13
FIRST MEMORANDUM OF POST-JUDGMENT COSTS AND FEES	2290	10
GENERAL DENIAL	824	4

JOHN PETER LEE, LTD.'S AMENDED MOTION TO WITHDRAW FROM REPRESENTATION OF DEFENDANTS OPTIMA TECHNOLOGY CORPORATION, A CALIFORNIA CORPORATION; OPTIMA TECHNOLOGY CORPORATION, NEVADA CORPORATION; AND REZA ZANDIAN, aka GOLAMREZA ZANDLANJAZI aka GHOLAM REZA ZANDIAN aka REZ JAZI aka J. REZA JAZI aka G. REZA JAZI aka GHONONREZA ZANDIAN JAZI	818	4
JOHN PETER LEE, LTD.'S MOTION TO WITHDRAW FROM REPRESENTATION OF DEFENDANT REZA ZANDIAN, aka GOLAMREZA ZANDLANJAZI aka GHOLAM REZA ZANDIAN aka REZ JAZI aka J. REZA JAZI aka G. REZA JAZI aka GHONONREZA ZANDIAN JAZI	804	4
MOTION	1600	7, 8, 9
MOTION FOR EXTENSION OF TIME TO FILE TRIAL COURT RECORD	3554	15
MOTION FOR JUDGMENT DEBTOR EXAMINATION AND TO PRODUCE DOCUMENTS	1258, 2707	6, 11
MOTION FOR ORDER ALLOWING COSTS AND NECESSARY DISBURSEMENTS AND MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPOR THEREOF	2316	10
MOTION FOR ORDER TO SHOW CAUSE REGARDING CONTEMPT	1503	7
MOTION FOR ORDER TO SHOW CAUSE REGARDING CONTEMPT AND EX PARTE MOTIONFOR ORDER SHORTENING TIME	3090	13
MOTION FOR WRIT OF EXECUTION	2244, 1480	9, 10
MOTION TO DISMISS AMENDED COMPLAITN ON SPECIAL APPEARANCE	418	2, 3
MOTION TO DISMISS ON A SPECIAL APPEARANCE	153	1
MOTION TO RETAX AND SETTLE COSTS	2294	10
MOTION TO SERVE BY PUBLICATION	323	2
MOTION TO STRIKE	721	3, 4
MOTION TO STRIKE, IN PART, REPLY IN SUPPORT OF MOTION FOR WRIT OF EXECUTION	2604	11
MOTION TO VOID DEEDS, ASSIGN PROPERTY, FOR WRIT OF EXECUTION AN DTO CONVEY	3162	13, 14

MOTION TO WITHDRAW AS COUNSEL	3012	13
NOTICE	2476	10
NOTICE OF APPEAL	193, 1568, 2524, 3000	1, 7, 11, 13
NOTICE OF APPEAL	3539	15
NOTICE OF APPEARANCE	193, 1322	1, 6
NOTICE OF BANKRUPTCY FILING AND AUTOMATIC STAY	3491	14
NOTICE OF CASH DEPOSIT IN LIEU OF BOND	1585, 2549	7, 11
NOTICE OF CHANGE OF COUNSEL	195	1
NOTICE OF CHANGE OF FIRM AFFILIATION	2968	12
NOTICE OF DISASSOCIATION OF COUNSEL	3495	14
NOTICE OF ENTRY OF AMENDED ORDER	393	2
NOTICE OF ENTRY OF AMENDED ORDER GRANTING MOTION TO WITHDRAW AS COUNSEL	3074	13
NOTICE OF ENTRY OF DEFAULT	29, 34, 39, 980	1, 4
NOTICE OF ENTRY OF DEFAULT	1172	5
NOTICE OF ENTRY OF DEFAULT JUDGMENT	146, 1251	1, 6
NOTICE OF ENTRY OF JUDGMENT	1085	5
NOTICE OF ENTRY OF ORDER	380, 793, 954, 1137	2, 4, 5
NOTICE OF ENTRY OF ORDER	1166, 1489, 2615, 2985	5, 6, 11, 12
NOTICE OF ENTRY OF ORDER	3467, 3529	14, 15
NOTICE OF ENTRY OF ORDER GRANTING JOHN PETER LEE, LTD.'S AMENDED MOTION TO WITHDRAW FROM REPRESENTATION OF DEFENDANTS OPTIMA TECHNOLOGY CORPORATION, A CALIFORNIA CORPORATION; OPTIMA TECHNOLOGY CORPORATION, NEVADA CORPORATION; AND REZA ZANDIAN, aka GOLAMREZA ZANDLANJAZI aka GHOLAM REZA ZANDIAN aka REZ JAZI aka J. REZA JAZI aka G. REZA JAZI aka GHONONREZA ZANDIAN JAZI	913	4

NOTICE OF ENTRY OF ORDER GRANTING MOTION TO WITHDRAW AS COUNSEL	3067	13
NOTICE OF ENTRY OF ORDER GRANTING PLAINTIFF'S MOTION FOR DEBTOR EXAMINATION AND TO PRODUCE DOCUMENTS	1447	6
NOTICE OF ENTRY OF ORDER ON MOTION FOR ORDER ALLOWING COSTS AND NECESSARY DISBURSEMENTS	2463	10
NOTICE OF INTENT TO TAKE DEFAULT	809	4
NOTICE OF NON-OPPOSITION TO JOHN PETER LEE, LTD'S AMENDED MOTION TO WITHDRAW FROM REPRESENTATION	840, 827,	4
NOTICE OF PENDENCY OF CHAPTER 15 PETITION FOR RECOGNITION OF A FOREIGN PROCEEDING	3473	14
NOTICE OF REQUEST FOR TRANSCRIPT OF PROCEEDINGS	3056	13
NOTICE OF SHERIFF'S SALE OF REAL PROPERTY UNDER EXECUTION (2)	2646	11
NOTICE OF TAKING DEBTOR'S EXAMINATION OF DEFENDANT REZA ZANDIAN	3109	13
NOTICE OF TERMINATION FO BANKRUPTCY PROCEEDINGS	3511	15
NOTICE TO VACATE DEPOSITION	3464	14
OPPOSITION TO MOTION FOR ORDER ALLOWING COSTS AND NECESSARY DISBURSEMENTS	2441	10
OPPOSITION TO MOTION FOR ORDER TO SHOW CAUSE REGARDING CONTEMPT	1529	7
OPPOSITION TO MOTION FOR STAY OF PROCEEDINGS TO ENFORCE JUDGMENT PURSUANT OT NRCP 62(B)	1443	6
OPPOSITION TO MOTION FOR WRIT OF EXECUTION	2307, 2553	10, 11
OPPOSITION TO MOTION TO DISMISS	517	3
OPPOSITION TO MOTION TO DISMISS AND COUNTERMOTIONS TO STRIKE AND FOR LEAVE TO AMEND THE COMPLAINT	197	1, 2

OPPOSITION TO MOTION TO SET ASIDE DEFAULT JUDGMENT	1349	6
OPPOSITION TO MOTION TO STRIKE	767	4
OPPOSITION TO MOTION TO STRIKE, IN PART, REPLY IN SUPPORT OF MOTION FOR WRIT OF EXECUTION	2624	11
OPPOSITION TO MOTION TO WITHDRAW AS COUNSEL	3025	13
ORDER ALLOWING SERVICE BY PUBLICATION	387	2
ORDER DEFENDANT REZA ZANIAN AKA GOLAMREZ 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	1479	6
ORDER DENYING DEFENDANT'S MOTION TO DISMISS	792	4
ORDER DENYING MOTION TO STRIKE	791	4
ORDER DENYING REQUEST FOR SUBMISSION	1599.4	7
ORDER DIRECTING TRANSMISSION OF RECORD	3553	15
ORDER DISMISSING APPEAL	3154, 3157	13
ORDER GRANTING DEFENDANT ZANDIAN'S REQUET TO FILE A SUR-REPLY	2621	11
ORDER GRANTING JOHN PETER LEE, LTD.'S AMENDED MOTION TO WITHDRAW FROM REPRESENTATION OF DEFENDANTS OPTIMA TECHNOLOGY CORPORATION, A CALIFORNIA CORPORATION; OPTIMA TECHNOLOGY CORPORATION, NEVADA CORPORATION; AND REZA ZANDIAN, aka GOLAMREZA ZANDLANJAZI aka GHOLAM REZA ZANDIAN aka REZ JAZI aka J. REZA JAZI aka G. REZA JAZI aka GHONONREZA ZANDIAN JAZI	910	4
ORDER GRANTING MOTION TO WITHDRAAW AS COUNSEL	3054	13
ORDER GRANTING PLAINITFF'S MOTION FOR DEBTOR EXAMINATION AND TO PRODUCE DOCUMENTS	1439	6
ORDER GRANTING PLAINTIFF'S APPLICATION FOR ATTORNEY'S FEES AND COSTS	1164	5
ORDER GRANTING PLAINTIFF'S MOTION FOR DEBTOR EXAMINATION AND TO PRODUCE DOCUMENTS	2981	12

ORDER GRANTING PLAINTIFF'S MOTION FOR DEPOSITION OF ALBORZ ZANDIAN	3160	13
ORDER GRANTING PLAINTIFF'S MOTION FOR SANCTIONS UNDER NRCP 37	1134	5
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	950	4
ORDER GRANTING PLAINTIFF'S MOTION TO VOID DEEDS, ASSIGN PROPERTY, FOR WRIT OF EXECUTION AND TO CONVEY	3524	15
ORDER HOLDING DEFENDANT IN CONTEMPT OF COURT	3112	13
ORDER OF AFFIRMANCE	2978, 2995	12
ORDER ON MOTION FOR RODER ALLOWING COSTS AND NECESSARY DISBURSEMENTS AND MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT THEREOF	2453	10
ORDER RE: WRIT OF EXECUTION	2643	11
ORDER RELEASING FUNDS	3506	15
ORDER SETTING ASIDE DEFAULT, DENYING MOTION TO DISMISS AND GRANTING EXTENSION OF TIME FOR SERVICE	319	2
ORDER TO SET FOR HEARING	2974	12
ORDER TO SHOW CAUSE	3106	13
PLAINTIFF'S APPLICATION FOR ATTORNEY'S FEES AND COSTS	1151	5
PLAINTIFF'S MOTION FOR SANCTIONS UNDER NRCP 37	1093	5
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	928	4
RECEIPT	2552, 3011, 3494, 3510	11, 13, 14, 1
REMITTITUR	2993, 3156	12, 13

REPLY IN SUPPORT OF MOTION FOR JUDGMENT DEBTOR EXAMINATION AND TO PRODUCE DOCUMENTS AND OPPOSITION TO DEFENDANT REZA ZANDIAN'S MOTION FOR MOTION FOR PROTECTIVE ORDER	2773	12
REPLY IN SUPPORT OF MOTION FOR ORDER ALLOWING COSTS AND NECESSARY DISBURSMENT AND MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT THEREOF	2410	10
REPLY IN SUPPORT OF MOTION FOR ORDER TO SHOW CAUSE REGARDING CONTEMPT	1588	7
REPLY IN SUPPORT OF MOTION FOR WRIT OF EXECUTION	2560	11
REPLY IN SUPPORT OF MOTION FOR WRIT OF EXECUTION AN DOPPSITION TO MOTINO TO RETAX AND SETTLE COSTS	2313	10
REPLY IN SUPPORT OF MOTION TO STRIKE	770	4
REPLY TO OPPOSITION TO MOTION TO DISMISS	714	3
REPLY TO OPPOSITION TO MOTION TO DISMISS ON A SPECIAL APPEARANCE	312	2
REQUEST FOR EXEMPTION FROM ARBITRATION	812	4
REQUEST FOR HEARING ON MOTION FOR JUDGMENT DEBTOR EXAMINATION AND TO PRODUCE DOCUMENTS (FJDCR, Rule 15)	2965	12
REQUEST FOR SUBMISSION	316, 384, 387, 907	2, 4
REQUEST FOR SUBMISSION	936, 1131, 1161, 1245	4, 5
REQUEST FOR SUBMISSION	1436, 1599.1, 2438, 2612	6, 7, 10, 11
REQUEST FOR SUBMISSION	2640, 2971, 3051, 3100	11, 12, 13
REQUEST FOR SUBMISSION	3488, 3521	14, 15
REQUEST FOR SUBMISSION (2)	786	4
REQUEST FOR SUBMISSION AND HEARING ON DEFENDANT REZA ZANDIAN'S MOTION TO SET ASIDE DEFAULT JUDGMENT	1469	6

SECOND SUPPLEMENTAL REQUEST FOR EXEMPTION FROM ARBITRATION	918	4
SHERIFF'S CERTIFICATE OF SALE OF REAL PROPERTY (2)	2681	11
STIPULATION AND ORDER TO WITHDRAW MOTION FILED BY REZ ZANDIAN ON MARCH 24, 2014	2303	10
SUBSTITUTION OF COUNSEL	1526	7
SUMMONS	11	1
SUMMONS AND ADD'L SUMMONS	15	1
SUMMONS ON AMENDED COMPLAINT AND ADD'L SUMMONS (2)	401	2
SUPPLEMENTAL REQUEST FOR EXEMPTION FROM ARBITRATION	854	4
SUR-REPLY TO REPLY IN SUPPORT OF MOTION FOR WRIT OF EXECUTION	2629	11
TRIAL DATE MEMO	2977	12
UNLATERAL CASE CONFERENCE REPORT	939	4
WARRANT OF ARREST	3115	13
WRIT OF EXECUTION	2676	11
WRIT OF EXECUTION (4)	2687	11

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5 **Attorneys for Reza Zandian**

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FILED
CLERK
BY [Signature]

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,

Case No. 09 OC 00579 1B

Dept. No. I

18 Defendants.

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 on Motion for Order Allowing*
23 *Costs and Necessary Disbursements and Memorandum of Points and Authorities in*
24 *Support Thereof* entered in this action on the 19th day of May, 2014. A *Notice of Entry*
of Order on Motion for Order Allowing Costs and Necessary Disbursements was served

1 by mail upon counsel for Reza Zandian on June 20, 2014, true and correct copy of which
2 is attached to this *Notice of Appeal* as Exhibit 1. A cash deposit in the amount of
3 \$500.00 has been submitted herewith as evidence by the *Notice of Cash Deposit in Lieu*
4 *of Bond* filed contemporaneously herewith.

5 DATED this 23rd day of June, 2014.

6 KAEMPFER CROWELL RENSHAW
7 GRONAUER & FIORENTINO

8 BY:  #1027 pc

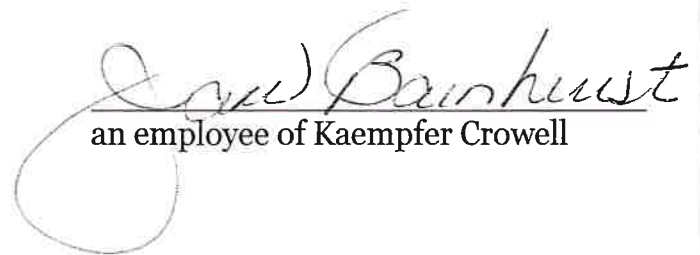
9 JASON D. WOODBURY
10 Nevada Bar No. 6870
11 KAEMPFER CROWELL
12 510 West Fourth Street
13 Carson City, Nevada 89703
14 Telephone: (775) 884-8300
15 Facsimile: (775) 882-0257
16 jwoodbury@kenvlaw.com
17 ***Attorneys for Reza Zandian***

1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRAP 25(d) and NRCP 5(b), I hereby certify that service of the
3 foregoing **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 23 day of June, 2014.

12 
13 an employee of Kaempfer Crowell

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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 on Motion for Order Allowing Costs and Necessary Disbursements (May 20, 2014)</i>	13

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,
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 ON
MOTION FOR ORDER ALLOWING
COSTS AND NECESSARY
DISBURSEMENTS**

21 TO: All parties:

22 **PLEASE TAKE NOTICE** that on May 19, 2014 the Court entered its Order on
23 Motion for Order Allowing Costs and Necessary Disbursements. A true and correct copy of
24 such order is attached hereto as Exhibit 1

25 **Affirmation Pursuant to NRS 239B.030**

26 The undersigned does hereby affirm that the preceding document does not contain the

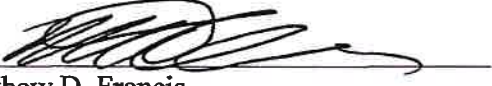
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28 ///

1 social security number of any person.

2 DATED: May 20, 2014.

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

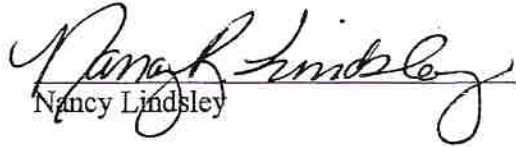
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1 **CERTIFICATE OF SERVICE**

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, NOTICE OF ENTRY OF ORDER ON MOTINO
5 FOR ORDER ALLOWING COSTS AND NECESSARY DISBURSEMENTS, addressed as
6 follows:

7 Jason D. Woodbury
8 Severin A. Carlson
9 Kaempfer Crowell
10 510 West Fourth Street
11 Carson City, NV 89703

12 Dated: This 20th day of May, 2014.

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14 Nancy Lindsley

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Case No.: 090C00579 1B

Dept. No.: 1

REC'D & FILED

MAY 19 PM 2: 22

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 ON MOTION FOR ORDER
ALLOWING COSTS AND
NECESSARY DISBURSEMENTS
AND MEMORANDUM OF POINTS
AND AUTHORITIES IN SUPPORT
THEREOF**

This matter comes before the Court on Plaintiff Jed Margolin's ("Margolin") Motion for Order Allowing Costs and Necessary Disbursements and Memorandum of Points and Authorities in Support Thereof, filed on April 28, 2014. On April 30, 2014, Defendant Reza Zandian ("Zandian") filed a Motion to Retax and Settle Costs, wherein Defendant Zandian addressed Margolin's Motion for Order Allowing Costs and Necessary Disbursements. On May 12, 2014, Zandian served an Opposition to Motion for Order Allowing Costs and

1 Necessary Disbursements, which restates the arguments included in the Motion to Retax. On
2 May 12, 2014, Margolin filed a Reply in Support of the Motion for Order Allowing Costs and
3 Necessary Disbursements and Margolin also filed a Request for Submission on the same date.
4 On May 14, 2014, Margolin filed an Amended Request for Submission, finally submitting the
5 Motion for Order Allowing Costs and Necessary Disbursements to the Court for decision.

6 Based upon the following facts and conclusions of law, the Motion for Order Allowing
7 Costs and Necessary Disbursements is hereby GRANTED.

8
9 **I. Postjudgment Costs**

10 Zandian does not dispute Margolin is allowed postjudgment costs under NRS 18.160
11 and NRS 18.170. Zandian does not dispute the requested research, witness fees or process
12 service/courier costs. Zandian only requests that the Court reduce the photocopy charges from
13 \$0.25 to \$0.15 per page. Zandian relies upon what the "FedEx Office" in Carson City charges
14 for copies to demonstrate that Margolin's rate of \$0.25 per page is not reasonable.

15 Margolin cites to the First Judicial District Court's own fee schedule for copy charges,
16 which shows the Court charges \$0.50 per page for copies. The District Court's own fee
17 schedule is a better exemplar of what reasonable copy charges should be in this matter. The
18 rate of \$0.25 per page is half of what the Court charges for legal copies and the Court finds
19 that \$0.25 per page is reasonable under the circumstances. Therefore, Margolin's copy charges will not
20 be reduced and are awarded in full in the amount requested. Since Zandian did not oppose the
21 other costs, Margolin is granted his costs pursuant to NRS 18.160 and NRS 18.170, as follows:

22
23 **COSTS (October 18, 2013 THROUGH April 18, 2014):**

24 Postage/photocopies (in-house) \$ 481.20
25 Research 285.31
26 Witness Fees (Subpoenas) 215.66
27 Process service/courier fees 373.00
28 \$1,355.17

1 **II. Postjudgment Attorney's Fees**

2 Zandian argued that there is no applicable statute or rule upon which postjudgment
3 attorney's fees can be awarded to Margolin and that the parties did not enter into an agreement
4 which affords attorney's fees and therefore Margolin's request for postjudgment attorney's
5 fees should be denied. Further, Zandian argues that NRS 598.0999(2) does not permit an
6 award of attorney's fees in this case.

7 However, NRS 598.0999(2) is applicable to any action filed pursuant to the provisions
8 of NRS 598.0903 to 598.0999, inclusive. Accordingly, Margolin should be awarded his
9 postjudgment fees pursuant to the Deceptive Trade Practices statute.

10 **a. NRS 598.0999(2) provides for an award of attorney's fees**

11 NRS 598.0999(2) states as follows:

12 Except as otherwise provided in NRS 598.0974, in any action brought pursuant
13 to the provisions of NRS 598.0903 to 598.0999, inclusive, if the court finds that
14 a person has willfully engaged in a deceptive trade practice, the district attorney
15 of any county in this State or the Attorney General bringing the action may
16 recover a civil penalty not to exceed \$5,000 for each violation. The court in any
17 such action may, in addition to any other relief or reimbursement, award
18 reasonable attorney's fees and costs.

19 NRS 598.0999(2) (emphasis added).

20 Thus, the phrase, "provisions of NRS 598.0903 to 598.0999," encompasses all actions
21 brought under those sections. The language, "any action brought pursuant to the provisions of
22 NRS 598.0903 to 598.0999," does not limit Deceptive Trade Practices actions to district
23 attorneys or the Attorney General. The only limitation in NRS 598.0999(2) relates to the
24 district attorney's and the Attorney General being able to pursue the \$5,000 civil penalty. In
25 contrast, the last sentence of NRS 598.0999(2) stands alone and does not limit attorney fee
26 awards to district attorneys or the Attorney General and allows the Court, in any Deceptive
27 Trade Practices action, to "award reasonable attorney's fees and costs." NRS 598.0999(2).

1 As NRS 598.0999(2) provides for attorney's fees based upon actions filed pursuant to
2 the provisions of NRS 598.0903 to 598.0999, inclusive, and since NRS 598.0999(2) does not
3 exclude postjudgment attorney fees, Margolin's attorney's fees are hereby awarded for having
4 to incur fees enforcing the judgment on the deceptive trade practices claim.

5 **b. Margolin's attorneys' fees are reasonable**

6 "In Nevada, 'the method upon which a reasonable fee is determined is subject to the
7 discretion of the court,' which 'is tempered only by reason and fairness.'" *Shuette v. Beazer*
8 *Homes Holdings Corp.*, 124 P. 3d 530, 121 Nev. 837 (2005) (citing *University of Nevada v.*
9 *Tarkanian*, 110 Nev. 581, 594, 591, 879 P.2d 1180, 1188, 1186 (1994)). "Accordingly, in
10 determining the amount of fees to award, the court is not limited to one specific approach; its
11 analysis may begin with any method rationally designed to calculate a reasonable amount,
12 including those based on a 'lodestar' amount or a contingency fee." *Id.* (citations omitted).
13 "The lodestar approach involves multiplying 'the number of hours reasonably spent on the
14 case by a reasonable hourly rate.'" *Id.* at n. 98 (citing *Herbst v. Humana Health Ins. of*
15 *Nevada*, 105 Nev. 586, 590, 781 P.2d 762, 764 (1989)).

16 Before awarding attorney's fees, the district court must make findings concerning the
17 reasonableness of the award, as required by *Brunzell v. Golden Gate National Bank*, 455 P.2d
18 31, 85 Nev. 345 (1969) and *Shuette v. Beazer Homes Holdings Corp.*, 124 P. 3d 530, 121 Nev.
19 837 (2005). See *Barney v. Mt. Rose Heating & Air Conditioning*, 124 Nev. 821, 829-30, 192
20 P.3d 730, 735-7 (2008).

21 According to *Brunzell*, the factors that the district court should consider in awarding
22 attorney fees, with no one factor controlling, is as follows:

- 23 (1) the advocate's qualities, including ability, training, education, experience,
24 professional standing, and skill;
25 (2) the character of the work, including its difficulty, intricacy, importance, as
26 well as the time and skill required, the responsibility imposed, and the
27 prominence and character of the parties when affecting the importance of the
28 litigation;

1 (3) the work performed, including the skill, time, and attention given to the
work; and
2 (4) the result—whether the attorney was successful and what benefits were
derived.

3 *Barney*, 192 P.3d at 736 (citing *Brunzell*, 85 Nev. at 349, 455 P.2d at 33). According to
4 *Shuette*, the district court is required to “provide[] sufficient reasoning and findings in support
5 of its ultimate determination.” *Id.* (citing *Shuette*, 121 Nev. at 865, 124 P.3d at 549).
6

7 Margolin concedes that he is not currently entitled to attorney’s fees that are incurred
8 on appeal. *See Bd. of Gallery of History, Inc. v. Datecs Corp.*, 116 Nev. 286, 288, 994 P.2d
9 1149, 1150 (2000). However, as stated above, Margolin is entitled to his postjudgment
10 attorney’s fees, including those incurred in executing on the judgment. Therefore, Margolin is
11 hereby awarded only those fees that have been incurred, postjudgment, with regards to
12 execution of the judgment, for a total of \$31,247.50 in fees, which reflects the lodestar amount
13 of postjudgment attorney’s fees.
14

15 The amount of attorney’s fees awarded only includes reasonable attorney’s fees from
16 October 18, 2013 to April 18, 2014, as follows: 11.4 hours of work performed by attorney
17 Matthew D. Francis at \$300 per-hour (\$3,420.00); 75.3 hours of work performed by attorney
18 Adam P. McMillen at \$300 per-hour (\$22,590.00); and 41.9 hours of work performed by
19 paralegal Nancy Lindsley at \$125 per-hour (\$5,237.50). This lodestar amount is reasonable
20 under the *Brunzell* factors as follows.
21

22 **(1) Factors 1 and 2 - The Advocate’s Qualities, Including Ability, Training,
23 Education, Experience, Professional Standing, and Skill and The Novelty
and Difficulty of The Questions Involved, and The Time and Skill Involved**

24 The issues related to this case included: (a) whether Plaintiff’s patents were entitled to
25 protection; (b) whether Defendants fraudulently assigned Plaintiff’s patents; and (c), whether
26 Plaintiff was damaged by Defendants’ conduct. The patent and deceptive trade practices
27 issues, and the unique facts surrounding them, involved careful consideration and research. In
28 general, patent and deceptive trade practices litigation is a niche practice that requires a high

1 degree of legal skill and care in order to be performed properly and effectively. Each of these
2 causes of action, coupled with the unique facts of this matter, required thorough research and
3 careful analysis.

4 In addition, the postjudgment collection efforts so far have included attempting to find
5 Zandian's collectible assets, including researching and investigating his property in Nevada
6 and California and moving for a debtor's examination. Considering Zandian's elusive
7 behavior to date and elaborate financial arrangements with a multitude of companies and
8 individuals, Margolin has been forced to incur a significant amount of attorney's fees in
9 attempting to collect on the judgment.
10

11 Accordingly, Margolin's claimed postjudgment attorney's fees are reasonable under
12 these factors.

13 **(2) Factor 3 – The Time and Labor Required**

14 Margolin's counsel has been required to research Zandian's vast real estate holdings in
15 Nevada. Margolin's counsel has recorded the judgment in each Nevada County where
16 Zandian holds property. Margolin's counsel has researched and subpoenaed Zandian's
17 financial information from several financial institutions. Margolin's counsel has moved the
18 court for a debtor's examination of Zandian. The time and labor required relating to
19 collections efforts have been reasonable and significant.
20

21 **(3) Factor 4 - The Result—Whether The Attorney Was Successful And What
22 Benefits Were Derived**

23 Margolin prevailed on all of his causes of action in this case. Margolin's case against
24 the Defendants resulted in a Default Judgment being entered against the Defendants on
25 Margolin's causes of action. Specifically, the Court ordered Defendants to pay Plaintiff
26 \$1,495,775.74, plus interest. In addition, through postjudgment efforts, Margolin's counsel
27 has successfully liened Zandian's Nevada real estate to secure the judgment and Margolin's
28 counsel is in the process of securing appropriate writs of execution to satisfy the judgment.

1 Thus, Margolin obtained the results sought, and this factor weighs in favor of the
2 reasonableness of Margolin's fee request.

3 Further, the Court finds that while Zandian's failure to appear and defend this action
4 led to the default judgments being entered, the nature of this matter required specialized skill
5 and required a significant amount of time and attention by the attorneys involved.

6 The Court finds that patent and deceptive trade practices issues, and the unique facts
7 surrounding them; involved careful consideration and research. Patent and deceptive trade
8 practices litigation is a not a routine practice but requires a high degree of legal skill and care
9 in order to be performed properly and effectively. Each of the causes of action in this matter,
10 coupled with the unique facts of this matter, required thorough research and careful analysis.
11 The Court finds that Margolin's counsel billed at an hourly rate of \$300, which is reasonable
12 for this matter.
13

14 In summary, an analysis of the *Brunzell* factors proves Margolin's fees in the lodestar
15 amount of \$31,247.50 are reasonable and are hereby awarded.
16

17 **III. Postjudgment Interest**

18 Margolin seeks a formal judgment for the postjudgment interest accrued on the
19 judgment to date. Zandian argues it is premature for Margolin to request an order stating what
20 the current amount of accrued postjudgment interest is at this time. Zandian does not argue
21 that Margolin is not entitled to postjudgment interest.

22 "The purpose of post-judgment interest is to compensate the plaintiff for loss of the use
23 of the money awarded in the judgment 'without regard to the elements of which that judgment
24 is composed.'" *Albert H. Wohlers & Co. v. Bartgis*, 114 Nev. 1249, 1269, 969 P.2d 949, 963
25 (1998) (citing *Ainsworth v. Combined Ins. Co.*, 105 Nev. 237, 244, 774 P.2d 1003, 1009
26 (1989); see also *Waddell v. L.V.R.V. Inc.*, 122 Nev. 15, 26, 125 P.3d 1160, 1167 (2006)
27 ("[t]he purpose of post-judgment interest is to compensate the plaintiff for loss of the use of
28

1 the money awarded in the judgment' without regard to the various elements that make up the
2 judgment.”).

3 Since Zandian has not provided a supersedeas bond to stop execution of the judgment,
4 Margolin is entitled to postjudgment interest until the judgment is satisfied. *See* NRCPC 62(d)
5 (by giving a supersedeas bond a party may obtain stay of execution); *see also* NRS 17.130(2)
6 (interest accrues until judgment satisfied). As the original judgment was entered in Nevada
7 and the judgment set the interest rate at the legal rate of interest according to NRS 17.130, the
8 interest rate is 5.25 percent per-annum, or \$215.15 per-day. Accordingly, the Court hereby
9 finds that Margolin is owed simple interest at 5.25 percent or \$215.15 per-day from June 27,
10 2013, the date of notice of entry of the judgment, through April 18, 2014. It is 296 days from
11 June 27, 2013 to April 18, 2014. Multiplying 296 days by \$215.15 equals \$63,684.40 in
12 accrued interest, which is the amount of interest currently due and owing.¹

14 IV. Conclusion

15 Based upon the above, the Motion for Order Allowing Costs and Necessary
16 Disbursements is GRANTED in full. Therefore, Margolin is awarded his postjudgment costs,
17 from October 18, 2013 through April 18, 2014, in the amount of \$1,355.17. Margolin is
18 awarded his postjudgment attorney's fees in the amount of \$31,247.50. Margolin is awarded
19 his postjudgment interest in the amount of \$63,684.40.

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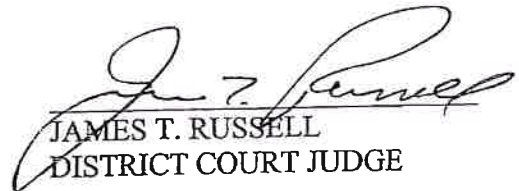
27 ///

28 ¹ Interest continues to accrue until the judgment is satisfied. *See* NRS 17.130(2).

1 The total amount awarded to Margolin herein is \$96,287.07. This award shall be added
2 to the judgment. This award must be paid before satisfaction of judgment may be entered in
3 this matter. Payment of this award shall be made within 10 days of notice of entry of this
4 Order. Payment shall be made payable to the Watson Rounds Trust Account or to Jed
5 Margolin. Payment shall be delivered to the law office of Watson Rounds.

6 DATED: This 19 day of May, 2014.

IT IS SO ORDERED:

7
8 
9 JAMES T. RUSSELL
10 DISTRICT COURT JUDGE
11
12
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14
15

16 Respectfully submitted by,

17 WATSON ROUNDS, P.C.

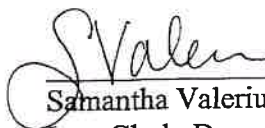
18 By: _____
19 Adam P. McMillen, Esquire
20 Nevada Bar No. 10678
21 5371 Kietzke Lane
22 Reno, NV 89511
23 Telephone: (775) 324-4100
24 Facsimile: (775) 333-8171
25 Email: amcmillen@watsonrounds.com
26 Attorneys for Plaintiff
27
28

CERTIFICATE OF MAILING

I hereby certify that on the 19th day of May, 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

Jason D. Woodbury
Severin A. Carlson
Kaempfer Crowell
510 West Fourth Street
Carson City, NV 89703



Samantha Valerius
Law Clerk, Department I

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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**

2014 JUN 23 PM 4:11



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,

Case No. 09 OC 00579 1B
Dept. No. I

18 Defendants.

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**
3(f)(3)(C):
24 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

(b) Jason D. Woodbury
KAEMPFER CROWELL
510 West Fourth Street
Carson City, Nevada 89703
Telephone: (775) 884-8300
Counsel for Appellant, REZA ZANDIAN

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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.

5 On March 28, 2013, the District Court entered a *Default* against
6 Zandian. Later, pursuant to the application of Plaintiff, the District Court
7 entered a *Default Judgment* against the Defendants in the amount of
8 \$1,495,775.74. Plaintiff filed a *Notice of Entry of Default Judgment* on
9 June 27, 2013.¹

10 Following entry of the *Default Judgment*, Plaintiff filed a *Motion*
11 *for Order Allowing Costs and Necessary Disbursement and*
12 *Memorandum of Points and Authorities in Support Thereof* (“*Motion*”).
13 The *Motion* was thereafter briefed. On May 19, 2014, the District Court
14 issued its *Order on Motion for Order Allowing Costs and Necessary*
15 *Disbursements and Memorandum of Points and Authorities in Support*
16 *Thereof*. And on May 20, Plaintiff served by mail a *Notice of Entry of*
17 *Order on Motion for Order Allowing Costs and Necessary Disbursements*
18 upon Defendant, Zandian

19 **13. Whether the case has previously been the subject of an appeal to**
20 **or original writ proceeding in the Supreme Court and, if so, the**
21 **caption and Supreme Court docket number of the prior**
22 **proceeding (NRAP 3(f)(J)):**

23
24 ¹ After the *Default Judgment* was entered, an effort was made to set it aside. The District Court denied the motion to set aside, which is the subject of a pending appeal with this Court. *See Zandian v. Margolin* (Case No. 65205).

1 The *Default Judgment* in this case is the subject of a pending
2 appeal in the Supreme Court. The docket number of that case is 65205.

3 The caption is:

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

7 vs.

8 JED MARGOLIN, AN INDIVIDUAL, Respondent.

9 **14. Whether the appeal involves child custody or visitation (NRAP**
10 **3(f)(3)(K):**

11 The appeal does not involve child custody or visitation.

12 **15. In civil cases, whether the appeal involves the possibility of**
13 **settlement (NRAP 3(f)(3)(L):**

14 The appeal does not involve the possibility of settlement.

15 DATED this 23 day of June, 2014.

16 KAEMPFER CROWELL

17 BY:  #1027 pc

18 JASON D. WOODBURY
19 Nevada Bar No. 6870
20 KAEMPFER CROWELL
21 510 West Fourth Street
22 Carson City, Nevada 89703
23 Telephone: (775) 884-8300
24 Facsimile: (775) 882-0257
jwoodbury@kcnvlaw.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 23 day of June, 2014.

11 
12 an employee of Kaempfer Crowell

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@kenvlaw.com
5 **Attorneys for Reza Zandian**

2014 JUN 23 PM 4:10

BY *[Signature]* CLERK

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 CASH DEPOSIT IN LIEU OF BOND**

21 \\\

22 \\\

23 \\\

24 \\\

1 Notice is hereby given that Defendant above-named, REZA ZANDIAN, an
2 individual, has deposited \$500.00 in lieu of a bond with the First Judicial District Court
3 of the State of Nevada in and for Carson City pursuant to the requirements of NRAP 7.

4 DATED this 20th day of June, 2014.

5 KAEMPFER CROWELL

6
7 BY:


8 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 **NOTICE OF CASH DEPOSIT IN LIEU OF BOND** was made this date by
4 depositing a true copy of the same for mailing at Carson City, Nevada, first class postage
5 pre-paid, addressed to each 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 23 day of June, 2014.

12 
13 an employee of Kaempfer Crowell
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REC'D & FILED
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 ALAN GLOVER
 CLERK
 BY *Alan Glover*
 RECEIVED

FIRST JUDICIAL DISTRICT COURT
 885 EAST MUSSER ST SUITE 3031

Receipt Number 35058

Receipt Date 07/01/2014

Case Number 09 OC 00579 1B

Description MARGOLIN, JED VS. OPTIMA TECHNOLOGY CORPORATION et al

Received From KAEMPFER CROWELL, RENSHAW GRONAUER

Total Received	500.00
Net Received	500.00
Change	0.00

Receipt Payments	Amount	Reference	Description
CHECK	500.00	11068	

Receipt Applications	Amount
HOLDING	500.00

Balance Due 0.00

Comments:

Deputy Clerk: 1BVANESSA Transaction Date 07/01/2014
 16:47:28.19

REC'D & FILED

2014 JUL -7 PM 4: 31

ALAN GUYVER
BY *[Signature]*
REFFITY

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***

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. 09OC00579 1B
Dept. No. I

19
20 **OPPOSITION TO MOTION FOR WRIT OF EXECUTION**

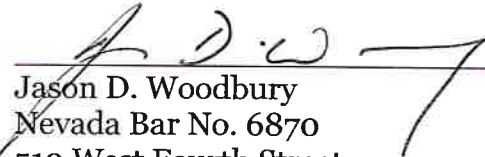
21 COMES NOW, Defendant REZA ZANDIAN (“ZANDIAN”), by and through his
22 attorneys, Kaempfer Crowell, and hereby opposes the *Motion for Writ of Execution*
23 (“*Motion*”) served by mail on June 18, 2014. This *Opposition* is made pursuant to
24 FJDCR 15(3) and is based on the attached memorandum of points and authorities, all

KAEMPFER CROWELL
510 West Fourth Street
Carson City, Nevada 89703

1 papers and pleadings on file in this matter and any evidence received and arguments
2 entertained by the Court at any hearing on the *Motion*.

3 DATED this 7th day of July, 2014.

4 **KAEMPFER CROWELL**

5
6 

7 Jason D. Woodbury
8 Nevada Bar No. 6870
9 510 West Fourth Street
10 Carson City, Nevada 89703
11 Telephone: (775) 884-8300
12 Facsimile: (775) 882-0257
13 JWoodbury@kcnylaw.com
14 ***Attorneys for Reza Zandian***

1 **II. Argument**

2 **A. This Court should deny Plaintiff's *Motion* to issue the proposed**
3 ***Writs* because they do not correlate with the judgment granted**
4 **by this Court.**

4 For obvious reasons, Nevada law demands precision in regard to a writ of
5 execution.⁶ An officer performing an execution cannot be left to wonder as to the
6 amount necessary to satisfy a judgment. Uncertainty and turmoil resulting from
7 ambiguous writs of execution repudiates the entire process which adjudicated the
8 dispute of the parties in the first place. Additionally, Nevada law provides with
9 particularity the allocation of proceeds which is required following execution of a writ.⁷
10 Thus, exactitude in a writ of execution is necessary to ensure compliance with the law.

11 Here, the proposed *Writs* are anything but precise. In fact, they are so riddled
12 with error that this Court must decline their issuance.

13 **1. The judgment balance reflected in the proposed *Writs***
14 **exceeds the amount ordered by this Court.**

14 There is no dispute that the *Default Judgment* of this Court awarded Plaintiff the
15 total sum of "\$1,495,775.74 plus interest at the legal rate."⁸ However, the proposed
16 *Writs* state that "the judgment as entered" is "\$1,497,329.10."⁹ Thus, the proposed
17 *Writs* are incorrect as they would authorize execution on a sum which exceeds by
18 \$1,553.36 the amount decreed by this Court. There is no explanation for the
19 discrepancy and no basis in law to issue an erroneous writ of execution. Therefore, this
20 Court should deny the *Motion*.

21
22 ⁵ See each proposed *Writ* at 1:26.

23 ⁶ See NRS 21.020 ("The writ of execution ... must intelligibly refer to the judgment, stating the court, the
24 county where the judgment roll is filed, the names of the parties, the judgment, and if it is for money, the
amount thereof, and the amount actually due thereon....")

⁷ See NRS 21.110; 248.275.

⁸ See *Default J.* at 2:22.

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2. The proposed *Writs* call for an inflated calculation of post-judgment interest.

The proposed *Writs* also compel an invalid calculation of post-judgment interest on the *Default Judgment*. The proposed *Writs* state the judgment was entered on June 24, 2013. They also provide that interest accrues in an amount of \$229.22 per day “from the date of judgment to the date of levy.” These directions for calculation of interest are erroneous for two reasons.

First, Plaintiff’s total figure of \$1,593,616.17¹⁰ in the proposed *Writs* already includes interest which accrued from June 27, 2013 to April 18, 2014.¹¹ This interest, which totals \$63,684.40, has already been awarded by the Court.¹² The request in the proposed *Writs* to calculate interest “from the date of judgment” captures—for a second time—interest which is already reflected in the total sum. This double dip is not allowed under the law.

Second, the daily interest accrual is calculated based on a figure that includes costs, interest and fees which were incurred *after* the *Default Judgment*. If the proposed *Writs* calculate interest on the amount due as of the date of the judgment, it is erroneous to base the daily interest figure on amounts incurred after the judgment. By including the post-judgment figures and then calling for a retroactive calculation of

\\\\\\

⁹ See each proposed *Writ* at 2:5.

¹⁰ See each proposed *Writ* at 2:17-19.

¹¹ See each proposed *Writ* at 2:9-10; see also *Order on Mot. for Order Allowing Costs and Necessary Disbursements and Mem. of Points and Authorities in Support Thereof* at §III, 7:16 – 8:13 (May 19, 2014); *Second Mem. of Post-J. Costs and Fees* (including as “POST-JUDGMENT INTEREST” the sum of \$63,684.40 accrued from June 27, 2013 to April 18, 2014)).

¹² See *Order on Mot. for Order Allowing Costs and Necessary Disbursements and Mem. of Points and Authorities in Support Thereof* at §III, 7:16 – 8:13 (May 19, 2014) (“It is 296 days from June 27, 2013 to April 18, 2014. Multiplying 296 days by \$215.15 equals \$63,684.40 in accrued interest, which is the amount of interest currently due and owing.”); *Second Mem. of Post-J. Costs and Fees* (including as “POST-JUDGMENT INTEREST” the sum of \$63,684.40 accrued from June 27, 2013 to April 18, 2014)).

1 interest to the date of judgment, Plaintiff has inappropriately inflated the daily interest
2 accrual in the proposed *Writ*s.

3 For these reasons, the proposed *Writ*s are incorrect and this Court should decline
4 their issuance.

5 **B. This Court lack jurisdiction to grant Plaintiff's *Motion*.**

6 In any event, this Court should decline to consider Plaintiff's *Motion* as it has
7 been divested of jurisdiction on this issue. On March 12, 2014, ZANDIAN appealed this
8 Court's denial of his motion to set aside the *Default Judgment*.¹³ And on June 23, 2014,
9 ZANDIAN appealed this Court's order granting post-judgment fees, costs and interest to
10 Plaintiff.¹⁴ As such, all aspects of this case are now pending before the Nevada Supreme
11 Court.¹⁵ Consequently, this Court has been divested of jurisdiction to grant Plaintiff's
12 *Motion*.¹⁶ For this reason, the *Motion* should be denied.

13 \\\

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21 ¹³ See *Notice of Appeal* (Mar. 12, 2014); *Case Appeal Statement* (Mar. 12, 2014).

22 ¹⁴ See *Notice of Appeal* (June 23, 2014); *Case Appeal Statement* (June 23, 2014).

23 ¹⁵ See *Zandian v. Margolin* (Nevada Supreme Court case number 65205); *Zandian v. Margolin* (Nevada
Supreme Court case number 65960).

24 ¹⁶ See *Foster v. Dingwall*, 126 Nev. Adv. 5, 228 P.3d 453, 454-55 (2010) ("This court has repeatedly held
that the timely filing of a notice of appeal "divests the district court of jurisdiction to act and vests
jurisdiction in this court." (quoting *Mack-Manley v. Manley*, 122 Nev. 849, 855, 138 P.3d 525, 529
(2006) (quoting *Rust v. Clark Cty. School District*, 103 Nev. 686, 688, 747 P.2d 1380, 1382 (1987))).

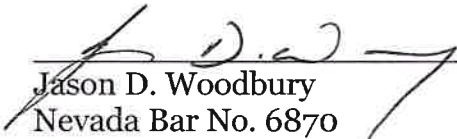
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III. Conclusion

For all these reasons explained herein, it is respectfully requested that this Court deny the *Motion*.

DATED this 7th day of July, 2014.

KAEMPFER CROWELL



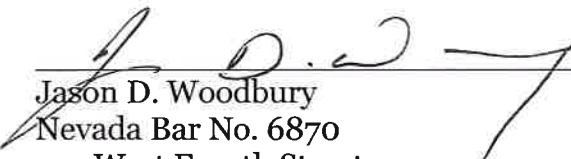
Jason D. Woodbury
Nevada Bar No. 6870
510 West Fourth Street
Carson City, Nevada 89703
Telephone: (775) 884-8300
Facsimile: (775) 882-0257
JWoodbury@kcnvlaw.com
Attorneys for Reza Zandian

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 7th July, 2014.

KAEMPFER CROWELL



Jason D. Woodbury
Nevada Bar No. 6870
510 West Fourth Street
Carson City, Nevada 89703
Telephone: (775) 884-8300
Facsimile: (775) 882-0257
JWoodbury@kcnvlaw.com
Attorneys for Reza Zandian

1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCP 5(b), I hereby certify that service of the foregoing
3 **OPPOSITION TO MOTION FOR WRIT OF EXECUTION** was made this date by
4 depositing a true copy of the same for mailing at Carson City, Nevada, 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 7th day of July, 2014.

12 
13 an employee of Kaempfer Crowell

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 JUL 17 PM 4: 25
ALAN 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
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19 aka GHOLAM REZA ZANDIAN
20 aka REZA JAZI aka J. REZA JAZI
21 aka G. REZA JAZI aka GHONONREZA
22 ZANDIAN JAZI, an 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

**REPLY IN SUPPORT OF MOTION
FOR WRIT OF EXECUTION**

26 Plaintiff Jed Margolin ("Plaintiff"), by and through his attorneys of record, hereby files
27 the following Reply in Support of Motion for Writ of Execution:

28 **I. Default Judgment Amount**

The proposed writs of execution include \$900,000 in principal, \$83,761.25 in
attorneys' fees, \$488,545.89 in interest and \$25,021.96 in costs, making a total amount of
\$1,497,329.10. See Exhibit 2 to Motion for Writ of Execution, filed 6/18/14. These numbers

1 were derived from the Application for Default Judgment. *See* Application for Default
2 Judgment, filed 4/17/13. The applicable Default Judgment states the total amount of the
3 judgment as \$1,495,775.74. *See* Default Judgment, dated 6/24/13. Defendant correctly points
4 out the \$1,553.36 discrepancy between the total amount of the judgment indicated on the
5 proposed writs of execution and the Default Judgment. Plaintiff agrees this is an inadvertent
6 error. The proposed writs of execution have been changed to reflect the correct amount of the
7 Default Judgment, \$1,495,775.74, entered on June 24, 2013. *See* Exhibit 1. Therefore, there
8 is no discrepancy between the Default Judgment and the Writs of Execution and the Plaintiff's
9 Motion should be granted.

10 **II. Post-Judgment Interest**

11 With regard to post-judgment interest, Defendant argues that interest should no longer
12 accrue from the date of the judgment since interest has been awarded from June 27, 2013 to
13 April 18, 2014. Defendant also argues that interest should not accrue from the date of the
14 Default Judgment on fees and costs incurred after the Default Judgment.

15 The Order on Motion for Order Allowing Costs and Necessary Disbursements, dated
16 May 19, 2014, expressly states that the post-judgment interest, fees and costs of \$96,287.07
17 "shall be added to the judgment." Contrary to Defendants' arguments, Mr. Margolin is not
18 asking the Court to award him interest upon interest. As such, without waiving any rights,
19 Plaintiff has changed the writs of execution to calculate any post-judgment interest on the
20 original Default Judgment from April 19, 2014 forward, without including the \$63,684.40 in
21 interest that accrued from June 27, 2013 to April 18, 2014, and without including interest on
22 the post-judgment fees and costs.¹ *See* Exhibit 1. Therefore, Defendant's arguments of
23 "double dipping" and/or "retroactive calculation" of interest are moot and the Plaintiff's
24 Motion should be granted.

25 ///

26 ///

27
28 ¹ Plaintiff is not abandoning his rights or interest in the Order on Motion for Order Allowing Costs and Necessary Disbursements, dated May 19, 2014, as that is a valid and binding order of this Court.

1 **III. The Court Has Jurisdiction To Grant The Motion**

2 Defendant incorrectly argues that since he has appealed the denial of his motion to set
3 aside the Default Judgment and the order granting post-judgment fees, costs and interest, “all
4 aspects of this case are now pending before the Nevada Supreme Court” and this Court has
5 been divested of jurisdiction to grant Plaintiff’s Motion for Writ of Execution. In other words,
6 Defendant argues that there is an automatic stay in place as a result of his filing a notice of
7 appeal. Defendant cites *Foster v. Dingwall*, 126 Nev. Adv. 5, 228 P.3d 453, 454-55 (2010) to
8 support his position.

9 However, there is no automatic stay with regards to enforcement of judgments, as the
10 *Foster* opinion states:

11 This court has repeatedly held that the timely filing of a notice of appeal
12 “divests the district court of jurisdiction to act and vests jurisdiction in this
13 court.” *Mack–Manley v. Manley*, 122 Nev. 849, 855, 138 P.3d 525, 529 (2006)
14 (quoting *Rust v. Clark Cty. School District*, 103 Nev. 686, 688, 747 P.2d 1380,
15 1382 (1987)). We have further held that when an appeal is perfected, the district
16 court is divested of jurisdiction to revisit issues that are pending before this
17 court, **[but] the district court retains jurisdiction to enter orders on matters**
18 **that are collateral to and independent from the appealed order, i.e.,**
19 **matters that in no way affect the appeal's merits.** *Mack–Manley*, 122 Nev. at
20 855, 138 P.3d at 529–30.

21 *Foster*, 126 Nev. Adv. Op. 5, 228 P.3d at 454-55 (emphasis added). Since enforcement of the
22 judgment is collateral to and independent from the appealed orders in this matter and in no
23 way affect the appeals’ merits, this Court retains jurisdiction to grant the motion for writ of
24 execution.

25 Further, there is no such thing in the State of Nevada as an automatic stay of
26 enforcement of judgments by simply filing a notice of appeal. *See* NRCP 62(d) (“When an
27 appeal is taken the appellant by giving a supersedeas bond may obtain a stay subject to the
28 exceptions contained in subdivision (a) of this rule. The bond may be given at or after the time
 of filing the notice of appeal. The stay is effective when the supersedeas bond is filed.”); *see*
 also NRAP 8(a)(1)(A) (“A party must ordinarily move first in the district court for the

1 following relief: (A) a stay of the judgment or order of, or proceedings in, a district court
2 pending appeal or resolution of a petition to the Supreme Court for an extraordinary writ; (B)
3 approval of a supersedeas bond; or (C) an order suspending, modifying, restoring or granting
4 an injunction while an appeal or original writ petition is pending.”); *State ex rel. Pub. Serv.*
5 *Comm'n v. First Judicial Dist. Court, in & for Carson City*, 94 Nev. 42, 44, 574 P.2d 272, 273
6 (1978) *abrogated by Nelson v. Heer*, 121 Nev. 832, 122 P.3d 1252 (2005) (“In the ordinary
7 course of civil appeals, an appellant must comply with Rule 8(a) which provides that an
8 application for stay of a judgment or order must typically be made to the district court. This
9 application, as well, must concurrently comply with Rule 62(d) requiring a supersedeas
10 bond.”); *Kantor v. Kantor*, 116 Nev. 886, 895, 8 P.3d 825, 830 (2000) (“where the issue is
11 ‘entirely collateral to and independent from that part of the case taken up by appeal, and in no
12 way affected the merits of the appeal [,]’ this court has allowed district courts to grant relief
13 while the case was on appeal.”) (citing *Bongiovi v. Bongiovi*, 94 Nev. 321, 322, 579 P.2d
14 1246, 1247 (1978)). In other words, the fact that an appeal has been filed from an order does
15 not affect the enforceability of that order or to litigation of matters collateral to the appeal.
16
17

18 The way to stop the district court from enforcing existing orders is to post a
19 supersedeas bond “in an amount that will permit full satisfaction of the judgment” and then
20 request a stay of enforcement in accordance with NRCP 62(d). *McCulloch v. Jeakins*, 99 Nev.
21 122, 659 P.2d 302 (1983); *see also State ex rel. Pub. Serv. Comm'n v. First Judicial Dist.*
22 *Court, in & for Carson City*, 94 Nev. 42, 44, 574 P.2d 272, 273 (1978) *abrogated by Nelson v.*
23 *Heer*, 121 Nev. 832, 122 P.3d 1252 (2005) (same). NRCP 62 clearly states that there is no
24 stay of enforcement against a judgment on appeal unless a supersedeas bond is on file.
25

26 Accordingly, Defendant’s argument that this Court has been divested of jurisdiction to
27 grant the motion for writ of execution is without merit and should be rejected.
28

///

1 **IV. Conclusion**

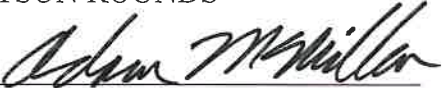
2 Based on the foregoing and Plaintiff's Motion, Plaintiff hereby requests that the Court
3 direct the Court Clerk to issue Writs of Execution, copies of which are attached hereto as
4 Exhibit 1, so that the Washoe County Sheriff and the Clark County Constable/Sheriff may
5 assist Plaintiff in executing the Default Judgment against Defendants. The original Writs of
6 Execution are being submitted concurrently. If those properties are not enough to satisfy the
7 Judgment, Plaintiff requests that the Court order and direct that any further appropriate writs of
8 execution that are provided to the Court Clerk by Plaintiff also be issued, until the Judgment is
9 satisfied.

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 DATED: July 17, 2014.

WATSON ROUNDS

14 By: 

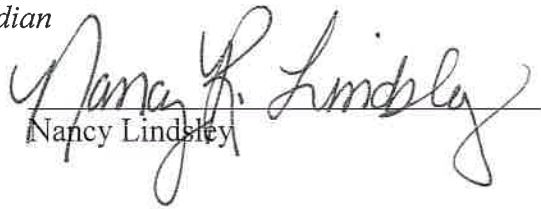
15 Matthew D. Francis (6978)
16 Adam P. McMillen (10678)
17 WATSON ROUNDS
18 5371 Kietzke Lane
19 Reno, NV 89511
20 Telephone: 775-324-4100
21 Facsimile: 775-333-8171
22 Attorneys for Plaintiff Jed Margolin

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, REPLY IN SUPPORT OF MOTION FOR WRIT OF EXECUTION, addressed as follows:

Jason D. Woodbury
Severin A. Carlson
Kaempfer Crowell
510 West Fourth Street
Carson City, Nevada 89703
Attorneys for Defendant, Reza Zandian

Dated: July 17, 2014


Nancy Lindsley

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INDEX OF EXHIBITS

Exhibit No.	Description	Pages
1	Writs of Execution (10–Washoe County; 2 Clark County)	37

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

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

11
12 JED MARGOLIN, an individual,

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14 vs.

15 OPTIMA TECHNOLOGY CORPORATION,
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19 aka G. REZA JAZI aka GHONONREZA
ZANDIAN JAZI, an individual, DOE Companies
20 1-10, DOE Corporations 11-20, and DOE
21 Individuals 21-30,

22 Defendants.
23

Case No.: 090C00579 1B

Dept. No.: 1

WRIT OF EXECUTION

24 **THE PEOPLE OF THE STATE OF NEVADA:**

25 To the Sheriff of Washoe County, Nevada, Greetings:

26 On June 24, 2013, a judgment was entered by the above entitled Court in the above-
27 entitled action in favor of Plaintiff Jed Margolin as Judgment Creditor and against Defendants,
28 jointly and severally as Judgment Debtor for damages, pre-judgment interest, attorney's fees

1 and costs in amount of \$1,495,775.74. Notice of entry of Default Judgment was served on
2 June 26, 2013 and filed on June 27, 2013.

3 WHEREAS, according to an affidavit or a memorandum of costs after judgment, or
4 both, filed herein, it appears that further sums have accrued since the entry of judgment, to wit:

5 \$31,247.50 attorney's fees,

6 \$63,684.40 accrued interest, and

7 \$1,355.17 accrued costs, together with a \$10.00 fee for the issuance of this writ, making a
8 total of:

9 \$96,287.07 as accrued costs, accrued interest, and fees.
10

11 Credit must be given for payments and partial satisfactions in the amount of
12 \$0.00 which is to be first credited against the total accrued costs and accrued interest, with any
13 excess credited against the judgment as entered, leaving a net balance of: \$1,592,062.81
14 actually due on the date of the issuance of this writ of which \$1,495,775.74 bears interest at
15 5.25% percent per annum, in the amount of \$215.15 per day from April 19, 2014 to the date of
16 levy, to which must be added the commissions and costs of the officer executing this writ.
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NOW, THEREFORE, SHERIFF OF WASHOE COUNTY, you are hereby
commanded to satisfy this judgment with interest and costs as provided by law, out of the
following real property belonging to the debtor in the said county, and make return to this writ
within not less than 10 days or more than 60 days endorsed thereon with what you have done.

Debtor's real property in Washoe County is described as follows:

Washoe County APN: 079-150-09
Situs: State Route 447
Legal Description: The Northeast ¼ and the South ½ of the Northwest ¼
and the South ½ in Section 33, Township 21, Range 23
East, M.D.B.&M.

DATED: this ____ day of _____, 2014.

ALAN GLOVER, Clerk

By: _____, 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
5
6
7

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

11
12 JED MARGOLIN, an individual,

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10

11 Credit must be given for payments and partial satisfactions in the amount of
12 \$0.00 which is to be first credited against the total accrued costs and accrued interest, with any
13 excess credited against the judgment as entered, leaving a net balance of: \$1,592,062.81
14 actually due on the date of the issuance of this writ of which \$1,495,775.74 bears interest at
15 5.25% percent per annum, in the amount of \$215.15 per day from April 19, 2014 to the date of
16 levy, to which must be added the commissions and costs of the officer executing this writ.
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1 **NOW, THEREFORE, SHERIFF OF WASHOE COUNTY**, you are hereby
2 commanded to satisfy this judgment with interest and costs as provided by law, out of the
3 following real property belonging to the debtor in the said county, and make return to this writ
4 within not less than 10 days or more than 60 days endorsed thereon with what you have done.

5 Debtor's real property in Washoe County is described as follows:

6 Washoe County APN:	079-150-10
7 Situs:	State Route 447
8 Legal Description:	Section 31, Township 21 North, Range 23 East, M.D.B.&M

9
10 DATED: this _____ day of _____, 2014.

11 ALAN GLOVER, Clerk

12 By: _____, Deputy

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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
5
6
7

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

11
12 JED MARGOLIN, an individual,

13 Plaintiff,

14 vs.

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

22 Defendants.
23

Case No.: 090C00579 1B

Dept. No.: 1

WRIT OF EXECUTION

24 **THE PEOPLE OF THE STATE OF NEVADA:**

25 To the Sheriff of Washoe County, Nevada, Greetings:

26 On June 24, 2013, a judgment was entered by the above entitled Court in the above-
27 entitled action in favor of Plaintiff Jed Margolin as Judgment Creditor and against Defendants,
28 jointly and severally as Judgment Debtor for damages, pre-judgment interest, attorney's fees

1 and costs in amount of \$1,495,775.74. Notice of entry of Default Judgment was served on
2 June 26, 2013 and filed on June 27, 2013.

3 WHEREAS, according to an affidavit or a memorandum of costs after judgment, or
4 both, filed herein, it appears that further sums have accrued since the entry of judgment, to wit:

5 \$31,247.50 attorney's fees,

6 \$63,684.40 accrued interest, and

7 \$1,355.17 accrued costs, together with a \$10.00 fee for the issuance of this writ, making a
8 total of:

9 \$96,287.07 as accrued costs, accrued interest, and fees.
10

11 Credit must be given for payments and partial satisfactions in the amount of
12 \$0.00 which is to be first credited against the total accrued costs and accrued interest, with any
13 excess credited against the judgment as entered, leaving a net balance of: \$1,592,062.81
14 actually due on the date of the issuance of this writ of which \$1,495,775.74 bears interest at
15 5.25% percent per annum, in the amount of \$215.15 per day from April 19, 2014 to the date of
16 levy, to which must be added the commissions and costs of the officer executing this writ.

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1 **NOW, THEREFORE, SHERIFF OF WASHOE COUNTY**, you are hereby
2 commanded to satisfy this judgment with interest and costs as provided by law, out of the
3 following real property belonging to the debtor in the said county, and make return to this writ
4 within not less than 10 days or more than 60 days endorsed thereon with what you have done.

5 Debtor's real property in Washoe County is described as follows:

6 Washoe County APN: 079-150-12
7 Situs: State Route 447
8 Legal Description: The Southwest Quarter (SW ¼) of Section 25, Township
 21 North, Range 23 East, M.D.M.

9
10 DATED: this ____ day of _____, 2014.

11 ALAN GLOVER, Clerk

12 By: _____, Deputy
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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
5
6
7

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

11
12 JED MARGOLIN, an individual,

13 Plaintiff,

14 vs.

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

22 Defendants.
23

Case No.: 090C00579 1B

Dept. No.: 1

WRIT OF EXECUTION

24 **THE PEOPLE OF THE STATE OF NEVADA:**

25 To the Sheriff of Washoe County, Nevada, Greetings:

26 On June 24, 2013, a judgment was entered by the above entitled Court in the above-
27 entitled action in favor of Plaintiff Jed Margolin as Judgment Creditor and against Defendants,
28 jointly and severally as Judgment Debtor for damages, pre-judgment interest, attorney's fees

1 and costs in amount of \$1,495,775.74. Notice of entry of Default Judgment was served on
2 June 26, 2013 and filed on June 27, 2013.

3 WHEREAS, according to an affidavit or a memorandum of costs after judgment, or
4 both, filed herein, it appears that further sums have accrued since the entry of judgment, to wit:

5 \$31,247.50 attorney's fees,

6 \$63,684.40 accrued interest, and

7 \$1,355.17 accrued costs, together with a \$10.00 fee for the issuance of this writ, making a
8 total of:

9 \$96,287.07 as accrued costs, accrued interest, and fees.
10

11 Credit must be given for payments and partial satisfactions in the amount of
12 \$0.00 which is to be first credited against the total accrued costs and accrued interest, with any
13 excess credited against the judgment as entered, leaving a net balance of: \$1,592,062.81
14 actually due on the date of the issuance of this writ of which \$1,495,775.74 bears interest at
15 5.25% percent per annum, in the amount of \$215.15 per day from April 19, 2014 to the date of
16 levy, to which must be added the commissions and costs of the officer executing this writ.
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NOW, THEREFORE, SHERIFF OF WASHOE COUNTY, you are hereby
commanded to satisfy this judgment with interest and costs as provided by law, out of the
following real property belonging to the debtor in the said county, and make return to this writ
within not less than 10 days or more than 60 days endorsed thereon with what you have done.

Debtor's real property in Washoe County is described as follows:

Washoe County APN: 079-150-13
Situs: State Route 447
Legal Description: The Northeast ¼; South ½ of the Northwest ¼; South ½
of Section 27, Township 21 North, Range 23 East,
M.D.B.&M.

DATED: this ____ day of _____, 2014.

ALAN GLOVER, Clerk

By: _____, 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
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8 **In The First Judicial District Court of the State of Nevada**
9 **In and for Carson City**
10

11
12 JED MARGOLIN, an individual,

13 Plaintiff,

14 vs.

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

22 Defendants.
23

Case No.: 090C00579 1B

Dept. No.: 1

WRIT OF EXECUTION

24 **THE PEOPLE OF THE STATE OF NEVADA:**

25 To the Sheriff of Washoe County, Nevada, Greetings:

26 On June 24, 2013, a judgment was entered by the above entitled Court in the above-
27 entitled action in favor of Plaintiff Jed Margolin as Judgment Creditor and against Defendants,
28 jointly and severally as Judgment Debtor for damages, pre-judgment interest, attorney's fees

1 and costs in amount of \$1,495,775.74. Notice of entry of Default Judgment was served on
2 June 26, 2013 and filed on June 27, 2013.

3 WHEREAS, according to an affidavit or a memorandum of costs after judgment, or
4 both, filed herein, it appears that further sums have accrued since the entry of judgment, to wit:

5 \$31,247.50 attorney's fees,

6 \$63,684.40 accrued interest, and

7 \$1,355.17 accrued costs, together with a \$10.00 fee for the issuance of this writ, making a
8 total of:

9 \$96,287.07 as accrued costs, accrued interest, and fees.
10

11 Credit must be given for payments and partial satisfactions in the amount of
12 \$0.00 which is to be first credited against the total accrued costs and accrued interest, with any
13 excess credited against the judgment as entered, leaving a net balance of: \$1,592,062.81
14 actually due on the date of the issuance of this writ of which \$1,495,775.74 bears interest at
15 5.25% percent per annum, in the amount of \$215.15 per day from April 19, 2014 to the date of
16 levy, to which must be added the commissions and costs of the officer executing this writ.
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NOW, THEREFORE, SHERIFF OF WASHOE COUNTY, you are hereby
commanded to satisfy this judgment with interest and costs as provided by law, out of the
following real property belonging to the debtor in the said county, and make return to this writ
within not less than 10 days or more than 60 days endorsed thereon with what you have done.

Debtor's real property in Washoe County is described as follows:

Washoe County APN: 084-040-02
Situs: Pierson Canyon Road
Legal Description: Section 5, Township 20 North, Range 23 East,
M.D.B.&M.

DATED: this _____ day of _____, 2014.

ALAN GLOVER, Clerk

By: _____, 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
5
6
7

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

11
12 JED MARGOLIN, an individual,

13 Plaintiff,

14 vs.

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

22 Defendants.
23

Case No.: 090C00579 1B

Dept. No.: 1

WRIT OF EXECUTION

24 **THE PEOPLE OF THE STATE OF NEVADA:**

25 To the Sheriff of Washoe County, Nevada, Greetings:

26 On June 24, 2013, a judgment was entered by the above entitled Court in the above-
27 entitled action in favor of Plaintiff Jed Margolin as Judgment Creditor and against Defendants,
28 jointly and severally as Judgment Debtor for damages, pre-judgment interest, attorney's fees

1 and costs in amount of \$1,495,775.74. Notice of entry of Default Judgment was served on
2 June 26, 2013 and filed on June 27, 2013.

3 WHEREAS, according to an affidavit or a memorandum of costs after judgment, or
4 both, filed herein, it appears that further sums have accrued since the entry of judgment, to wit:

5 \$31,247.50 attorney's fees,

6 \$63,684.40 accrued interest, and

7 \$1,355.17 accrued costs, together with a \$10.00 fee for the issuance of this writ, making a
8 total of:

9 \$96,287.07 as accrued costs, accrued interest, and fees.
10

11 Credit must be given for payments and partial satisfactions in the amount of
12 \$0.00 which is to be first credited against the total accrued costs and accrued interest, with any
13 excess credited against the judgment as entered, leaving a net balance of: \$1,592,062.81
14 actually due on the date of the issuance of this writ of which \$1,495,775.74 bears interest at
15 5.25% percent per annum, in the amount of \$215.15 per day from April 19, 2014 to the date of
16 levy, to which must be added the commissions and costs of the officer executing this writ.
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NOW, THEREFORE, SHERIFF OF WASHOE COUNTY, you are hereby
commanded to satisfy this judgment with interest and costs as provided by law, out of the
following real property belonging to the debtor in the said county, and make return to this writ
within not less than 10 days or more than 60 days endorsed thereon with what you have done.

Debtor's real property in Washoe County is described as follows:

Washoe County APN:	084-040-04
Situs:	E Interstate 80
Legal Description:	Section 3, Township 20 North, Range 23 East, M.D.B.&M.

DATED: this ____ day of _____, 2014.

ALAN GLOVER, Clerk

By: _____, Deputy

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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
5
6
7

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

11
12 JED MARGOLIN, an individual,

13 Plaintiff,

14 vs.

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

22 Defendants.
23

Case No.: 090C00579 1B

Dept. No.: 1

WRIT OF EXECUTION

24 **THE PEOPLE OF THE STATE OF NEVADA:**

25 To the Sheriff of Washoe County, Nevada, Greetings:

26 On June 24, 2013, a judgment was entered by the above entitled Court in the above-
27 entitled action in favor of Plaintiff Jed Margolin as Judgment Creditor and against Defendants,
28 jointly and severally as Judgment Debtor for damages, pre-judgment interest, attorney's fees

1 and costs in amount of \$1,495,775.74. Notice of entry of Default Judgment was served on
2 June 26, 2013 and filed on June 27, 2013.

3 WHEREAS, according to an affidavit or a memorandum of costs after judgment, or
4 both, filed herein, it appears that further sums have accrued since the entry of judgment, to wit:

5 \$31,247.50 attorney's fees,

6 \$63,684.40 accrued interest, and

7 \$1,355.17 accrued costs, together with a \$10.00 fee for the issuance of this writ, making a
8 total of:

9 \$96,287.07 as accrued costs, accrued interest, and fees.
10

11 Credit must be given for payments and partial satisfactions in the amount of
12 \$0.00 which is to be first credited against the total accrued costs and accrued interest, with any
13 excess credited against the judgment as entered, leaving a net balance of: \$1,592,062.81
14 actually due on the date of the issuance of this writ of which \$1,495,775.74 bears interest at
15 5.25% percent per annum, in the amount of \$215.15 per day from April 19, 2014 to the date of
16 levy, to which must be added the commissions and costs of the officer executing this writ.
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1 **NOW, THEREFORE, SHERIFF OF WASHOE COUNTY**, you are hereby
2 commanded to satisfy this judgment with interest and costs as provided by law, out of the
3 following real property belonging to the debtor in the said county, and make return to this writ
4 within not less than 10 days or more than 60 days endorsed thereon with what you have done.

5 Debtor's real property in Washoe County is described as follows:

6 Washoe County APN: 084-040-06
7 Situs: E Interstate 80
8 Legal Description: Section 1, Township 20 North, Range 23 East,
 M.D.B.&M.

9
10 DATED: this ____ day of _____, 2014.

11 ALAN GLOVER, Clerk

12 By: _____, Deputy
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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
5
6
7

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

11
12 JED MARGOLIN, an individual,

13 Plaintiff,

14 vs.

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

22 Defendants.
23

Case No.: 090C00579 1B

Dept. No.: 1

WRIT OF EXECUTION

24 **THE PEOPLE OF THE STATE OF NEVADA:**

25 To the Sheriff of Washoe County, Nevada, Greetings:

26 On June 24, 2013, a judgment was entered by the above entitled Court in the above-
27 entitled action in favor of Plaintiff Jed Margolin as Judgment Creditor and against Defendants,
28 jointly and severally as Judgment Debtor for damages, pre-judgment interest, attorney's fees

1 and costs in amount of \$1,495,775.74. Notice of entry of Default Judgment was served on
2 June 26, 2013 and filed on June 27, 2013.

3 WHEREAS, according to an affidavit or a memorandum of costs after judgment, or
4 both, filed herein, it appears that further sums have accrued since the entry of judgment, to wit:

5 \$31,247.50 attorney's fees,

6 \$63,684.40 accrued interest, and

7 \$1,355.17 accrued costs, together with a \$10.00 fee for the issuance of this writ, making a
8 total of:

9 \$96,287.07 as accrued costs, accrued interest, and fees.
10

11 Credit must be given for payments and partial satisfactions in the amount of
12 \$0.00 which is to be first credited against the total accrued costs and accrued interest, with any
13 excess credited against the judgment as entered, leaving a net balance of: \$1,592,062.81
14 actually due on the date of the issuance of this writ of which \$1,495,775.74 bears interest at
15 5.25% percent per annum, in the amount of \$215.15 per day from April 19, 2014 to the date of
16 levy, to which must be added the commissions and costs of the officer executing this writ.
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1 **NOW, THEREFORE, SHERIFF OF WASHOE COUNTY**, you are hereby
2 commanded to satisfy this judgment with interest and costs as provided by law, out of the
3 following real property belonging to the debtor in the said county, and make return to this writ
4 within not less than 10 days or more than 60 days endorsed thereon with what you have done.

5 Debtor's real property in Washoe County is described as follows:

6 Washoe County APN: 084-040-10
7 Situs: E Interstate 80
8 Legal Description: The North ½ and the North ½ of the Northwest ¼ of the
9 Southwest ¼ and the Southwest ¼ of the Northwest ¼ of
10 the Southwest ¼ and the North ½ of the Northeast ¼ of
11 the Southwest ¼ and the North ½ of the Northwest ¼ of
12 the Southeast ¼ all in Section 11, Township 20 North,
13 Range 23 East, M.D.B.&M.

12 DATED: this _____ day of _____, 2014.

13 ALAN GLOVER, Clerk

14 By: _____, 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
5
6
7

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

11
12 JED MARGOLIN, an individual,

13 Plaintiff,

14 vs.

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

22 Defendants.
23

Case No.: 090C00579 1B

Dept. No.: 1

WRIT OF EXECUTION

24 **THE PEOPLE OF THE STATE OF NEVADA:**

25 To the Sheriff of Washoe County, Nevada, Greetings:

26 On June 24, 2013, a judgment was entered by the above entitled Court in the above-
27 entitled action in favor of Plaintiff Jed Margolin as Judgment Creditor and against Defendants,
28 jointly and severally as Judgment Debtor for damages, pre-judgment interest, attorney's fees

1 and costs in amount of \$1,495,775.74. Notice of entry of Default Judgment was served on
2 June 26, 2013 and filed on June 27, 2013.

3 WHEREAS, according to an affidavit or a memorandum of costs after judgment, or
4 both, filed herein, it appears that further sums have accrued since the entry of judgment, to wit:

5 \$31,247.50 attorney's fees,

6 \$63,684.40 accrued interest, and

7 \$1,355.17 accrued costs, together with a \$10.00 fee for the issuance of this writ, making a
8 total of:

9 \$96,287.07 as accrued costs, accrued interest, and fees.
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12 \$0.00 which is to be first credited against the total accrued costs and accrued interest, with any
13 excess credited against the judgment as entered, leaving a net balance of: \$1,592,062.81
14 actually due on the date of the issuance of this writ of which \$1,495,775.74 bears interest at
15 5.25% percent per annum, in the amount of \$215.15 per day from April 19, 2014 to the date of
16 levy, to which must be added the commissions and costs of the officer executing this writ.
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1 **NOW, THEREFORE, SHERIFF OF WASHOE COUNTY**, you are hereby
2 commanded to satisfy this judgment with interest and costs as provided by law, out of the
3 following real property belonging to the debtor in the said county, and make return to this writ
4 within not less than 10 days or more than 60 days endorsed thereon with what you have done.

5 Debtor's real property in Washoe County is described as follows:

6 Washoe County APN: 084-130-07
7 Situs: E Interstate 80
8 Legal Description: The Northwest ¼ and the North ½ of the Southwest ¼
9 and the Government Lot 1 in the Southwest ¼ of Section
 15, Township 20 North, Range 23 East, M.D.B.&M.

10 DATED: this _____ day of _____, 2014.

11 ALAN GLOVER, Clerk

12 By: _____, Deputy
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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
5
6
7

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

11
12 JED MARGOLIN, an individual,

13 Plaintiff,

14 vs.

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

22 Defendants.
23

Case No.: 090C00579 1B

Dept. No.: 1

WRIT OF EXECUTION

24 **THE PEOPLE OF THE STATE OF NEVADA:**

25 To the Sheriff of Washoe County, Nevada, Greetings:

26 On June 24, 2013, a judgment was entered by the above entitled Court in the above-
27 entitled action in favor of Plaintiff Jed Margolin as Judgment Creditor and against Defendants,
28 jointly and severally as Judgment Debtor for damages, pre-judgment interest, attorney's fees

1 and costs in amount of \$1,495,775.74. Notice of entry of Default Judgment was served on
2 June 26, 2013 and filed on June 27, 2013.

3 WHEREAS, according to an affidavit or a memorandum of costs after judgment, or
4 both, filed herein, it appears that further sums have accrued since the entry of judgment, to wit:

5 \$31,247.50 attorney's fees,

6 \$63,684.40 accrued interest, and

7 \$1,355.17 accrued costs, together with a \$10.00 fee for the issuance of this writ, making a
8 total of:

9 \$96,287.07 as accrued costs, accrued interest, and fees.
10

11 Credit must be given for payments and partial satisfactions in the amount of
12 \$0.00 which is to be first credited against the total accrued costs and accrued interest, with any
13 excess credited against the judgment as entered, leaving a net balance of: \$1,592,062.81
14 actually due on the date of the issuance of this writ of which \$1,495,775.74 bears interest at
15 5.25% percent per annum, in the amount of \$215.15 per day from April 19, 2014 to the date of
16 levy, to which must be added the commissions and costs of the officer executing this writ.
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1 **NOW, THEREFORE, SHERIFF OF WASHOE COUNTY**, you are hereby
2 commanded to satisfy this judgment with interest and costs as provided by law, out of the
3 following real property belonging to the debtor in the said county, and make return to this writ
4 within not less than 10 days or more than 60 days endorsed thereon with what you have done.

5 Debtor's real property in Washoe County is described as follows:

6 Washoe County APN:	084-140-17
7 Situs:	E Interstate 80
8 Legal Description:	The Northeast ¼ of Section 15, Township 20 North, Range 23 East, M.D.B.&M.

9
10 DATED: this _____ day of _____, 2014.

11 ALAN GLOVER, Clerk

12 By: _____, Deputy

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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
5
6
7

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

11
12 JED MARGOLIN, an individual,

13 Plaintiff,

14 vs.

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

22 Defendants.
23

Case No.: 090C00579 1B

Dept. No.: 1

WRIT OF EXECUTION

24 **THE PEOPLE OF THE STATE OF NEVADA:**

25 To the Sheriff/Constable of Clark County, Nevada, Greetings:

26 On June 24, 2013, a judgment was entered by the above entitled Court in the above-
27 entitled action in favor of Plaintiff Jed Margolin as Judgment Creditor and against Defendants,
28 jointly and severally as Judgment Debtor for damages, pre-judgment interest, attorney's fees

1 and costs in amount of \$1,495,775.74. Notice of entry of Default Judgment was served on
2 June 26, 2013 and filed on June 27, 2013.

3 WHEREAS, according to an affidavit or a memorandum of costs after judgment, or
4 both, filed herein, it appears that further sums have accrued since the entry of judgment, to wit:

5 \$31,247.50 attorney's fees,

6 \$63,684.40 accrued interest, and

7 \$1,355.17 accrued costs, together with a \$10.00 fee for the issuance of this writ, making a
8 total of:

9 \$96,287.07 as accrued costs, accrued interest, and fees.
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11 Credit must be given for payments and partial satisfactions in the amount of
12 \$0.00 which is to be first credited against the total accrued costs and accrued interest, with any
13 excess credited against the judgment as entered, leaving a net balance of: \$1,592,062.81
14 actually due on the date of the issuance of this writ of which \$1,495,775.74 bears interest at
15 5.25% percent per annum, in the amount of \$215.15 per day from April 19, 2014 to the date of
16 levy, to which must be added the commissions and costs of the officer executing this writ.
17

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1 **NOW, THEREFORE, CONSTABLE/SHERIFF OF CLARK COUNTY**, you are
2 hereby commanded to satisfy this judgment with interest and costs as provided by law, out of
3 the following real property belonging to the debtor in the said county, and make return to this
4 writ within not less than 10 days or more than 60 days endorsed thereon with what you have
5 done.

6 Debtor's real property in Clark County is described as follows:

7 Clark County APN: 071-02-000-005
8 Situs: Moapa Valley
9 Legal Description: PT NE4 NE4 SEC 02 16 68
 Section 02, Township 16, Range 68

10
11 DATED: this ____ day of _____, 2014.

12 ALAN GLOVER, Clerk

13 By: _____, Deputy
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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
5
6
7

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

11
12 JED MARGOLIN, an individual,

13 Plaintiff,

14 vs.

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

22 Defendants.
23

Case No.: 090C00579 1B

Dept. No.: 1

WRIT OF EXECUTION

24 **THE PEOPLE OF THE STATE OF NEVADA:**

25 To the Sheriff/Constable of Clark County, Nevada, Greetings:

26 On June 24, 2013, a judgment was entered by the above entitled Court in the above-
27 entitled action in favor of Plaintiff Jed Margolin as Judgment Creditor and against Defendants,
28 jointly and severally as Judgment Debtor for damages, pre-judgment interest, attorney's fees

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13 excess credited against the judgment as entered, leaving a net balance of: \$1,592,062.81
14 actually due on the date of the issuance of this writ of which \$1,495,775.74 bears interest at
15 5.25% percent per annum, in the amount of \$215.15 per day from April 19, 2014 to the date of
16 levy, to which must be added the commissions and costs of the officer executing this writ.
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1 **NOW, THEREFORE, CONSTABLE/SHERIFF OF CLARK COUNTY**, you are
2 hereby commanded to satisfy this judgment with interest and costs as provided by law, out of
3 the following real property belonging to the debtor in the said county, and make return to this
4 writ within not less than 10 days or more than 60 days endorsed thereon with what you have
5 done.

6 Debtor's real property in Clark County is described as follows:

7 Clark County APN: 071-02-000-013
8 Situs: Moapa Valley
9 Legal Description: PT SE4 NE4 SEC 02 16 68
 Section 02, Township 16, Range 68

10
11 DATED: this ____ day of _____, 2014.

12 ALAN GLOVER, Clerk

13 By: _____, Deputy
14
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28

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 JUL 18 PM 4:09

ALAN GLOVER
BY *[Signature]* 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.

Case No. 09OC00579 1B

Dept. No. I

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.

19
20 **MOTION TO STRIKE, IN PART, REPLY IN SUPPORT OF MOTION FOR**
WRIT OF EXECUTION

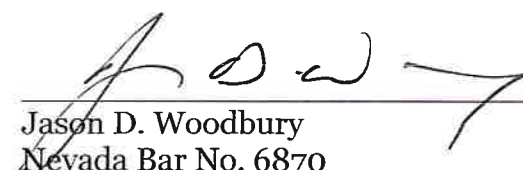
21 COMES NOW, Defendant REZA ZANDIAN (“ZANDIAN”), by and through his
22 attorneys, Kaempfer Crowell, and hereby moves this Honorable Court to strike, in part,
23 the *Reply in Support of Motion for Writ of Execution* (“Reply”) served¹ on July 17, 2014.
24

¹ Presumably, the *Reply* has been filed with this Court as well.

1 This *Motion* is made pursuant to D.C.R. 13 and FJDCR 15, and is based on the attached
2 memorandum of points and authorities, all papers and pleadings on file in this matter
3 and any evidence received and arguments entertained by the Court at any hearing on the
4 *Motion*.

5 DATED this 18th day of July, 2014.

6 **KAEMPFER CROWELL**

7
8 

9 Jason D. Woodbury
10 Nevada Bar No. 6870
11 510 West Fourth Street
12 Carson City, Nevada 89703
13 Telephone: (775) 884-8300
14 Facsimile: (775) 882-0257
15 JWoodbury@kcnvlaw.com
16 ***Attorneys for Reza Zandian***

1 MEMORANDUM OF POINTS AND AUTHORITIES

2 I. Procedural Background

3 On June 18, 2014, Plaintiff served a *Motion for Writ of Execution*. Attached to
4 the *Motion for Writ of Execution* were two exhibits, one of which was a series of 12
5 documents each entitled “*Writ of Execution*” which purport to relate to real property in
6 Washoe County and Clark County.²

7 In accordance with the procedural rules of this Court, on July 7, 2014, ZANDIAN
8 filed an *Opposition to Motion for Writ of Execution* (“*Opposition*”). In part, the
9 *Opposition* challenged the monetary figures in the originally proposed *Writs* on various
10 grounds.³

11 In response, Plaintiff has modified the originally proposed *Writs*, and requested
12 that this Court direct the issuance of the “modified *Writs*” instead of the originally
13 proposed *Writs* included with the *Motion for Writ of Execution*.⁴

14 \\\

15 _____
16 ² See *Exhibit 2 to Motion for Writ of Execution* [hereinafter referred to as the “originally proposed
Writs.”]

17 ³ See *Opposition* at §II.A, 4:1 – 6:4 (July 7, 2014).

18 ⁴ At least that is one interpretation of the revised request in the *Reply*. Another interpretation is that
19 Plaintiff is requesting issuance of *Writs* which are modified to correct the discrepancy between the
20 originally proposed *Writs* and the *Default Judgment*, but not to correct the erroneous interest
21 calculations. See *Reply* at §I – II, 1:25 – 2:24 (“Plaintiff agrees this [the discrepancy between the
22 originally proposed *Writs* and the *Default Judgment*] is an inadvertent error.... Contrary to Defendants’
23 arguments, *Mr. Margolin is not asking the Court to award him interest upon interest*. As such, *without*
24 *waiving any rights*, Plaintiff has changed the writs of execution to calculate any post-judgment interest
on the original *Default Judgment* from April 19, 2014 forward, without including the \$63,684.40 in
interest that accrued from June 27, 2013 to April 18, 2014, and without including interest on the post-
judgment fees and costs.... Therefore, Defendant’s arguments of “double dipping” and/or “retroactive
calculation” of interest are moot and the Plaintiff’s ***Motion*** should be granted.” (emphasis added)), *id.* at
2 n.1 (“Plaintiff is not abandoning his rights or interest in the Order on motion for Order Allowing Costs
and Necessary Disbursements, dated May 19, 2014, as that is a valid and binding order of this Court.”)
And another interpretation is that Plaintiff is requesting issuance of the originally proposed *Writs*—even
though they are, *by Plaintiff’s admission*, wrong. See *Reply* at §IV, 5:2-6 (“Plaintiff hereby requests that
the Court direct the Court Clerk to issue *Writs of Execution*, copies of which are attached hereto as Exhibit
1, so that the Washoe County Sheriff and the Clark County Constable/Sheriff may assist Plaintiff in
executing the *Default Judgment* against Defendants. *The original Writs of Execution are being*
submitted concurrently.” (emphasis added))

1 **II. Argument**

2 **A. This Court should strike Sections I and II and Exhibit 1 of the**
3 **Reply because they are procedurally barred.**

4 The procedural rules of this Court allow a movant to file a reply after a non-
5 movant opposes the initial motion.⁵ But a reply is restricted to the scope of the
6 opposition which, in turn, is restricted to the scope of the original motion.⁶ The purpose
7 of these restrictions is self-evident. An adversarial system of justice requires that each
8 party have an opportunity to address each contention of an adverse party. Without the
9 scope restriction on pleading practice, there is a danger—particularly with replies which
10 constitute the “last word”—that courts will rule on arguments which an adverse party
11 has not had an opportunity to address.

12 And that is precisely the situation here. ZANDIAN opposed the *Motion for Writ*
13 *of Execution*, in part, because the the originally proposed *Writs* themselves were
14 incorrect. Plaintiff now—for the first time—proposes new modified *Writs* which were
15 not included with the original *Motion for Writ of Execution*. This is a material change
16 to which ZANDIAN is entitled to present a response. But by presenting the material
17 change in his *Reply*, Plaintiff seeks to preempt ZANDIAN’s opportunity to do so. This
18 Court should not allow this to occur.

19 Further, the offending portions of Plaintiff’s Reply substantially obscure the relief
20 which Plaintiff requests. At times, Plaintiff seems to indicate that he wishes the
21 “modified *Writs*” to be issued. At others, that he is amenable to correcting the
22 discrepancy between the *Default Judgment* and the originally proposed *Writs*, but not
23 the erroneous interest calculations. But in the conclusion of the *Reply*, Plaintiff notes

24 ⁵ See D.C.R. 13(4); FJDCR 15(4).

⁶ Cf. *Holcomb v. Georgia Pacific*, 128 Nev. Adv. Rep. 56, 289 P.3d 188, 200 n.12 (2012) (party may not raise new issue in reply) (citing *City of Elko v. Zillich*, 100 Nev. 366, 371, 683 P.2d 5, 8 (1984)).

1 that he has elected to “submit concurrently” the originally proposed *Writs*, suggesting
2 that he is requesting that those be issued—despite the admitted error they contain. Of
3 course, compliance with prescribed procedures would eliminate this confusion. Plaintiff
4 may file a new motion to expressly identify the relief which he requests.

5 And, finally, Plaintiff’s *Reply* itself establishes another sound basis to deny his
6 effort to take advantage of the self-imposed procedural irregularities. At several points,
7 Plaintiff’s *Reply* clearly indicates that the “modified *Writs*” do not reflect his
8 interpretation of the relief to which he is entitled.⁷ Indeed, the language practically
9 predicts further efforts by Plaintiff to present his interpretation of those disputed
10 subjects to this Court.⁸ The purpose of this Court’s procedural rules is to allow for
11 comprehensive resolution of an issue—as opposed to inviting piecemeal adjudication of
12 questions. That may serve the interests of one litigant or another, but it does not serve
13 the interest of a process which is supposed to promote the “just, speedy and
14 inexpensive” adjudication of disputes.⁹

15 **B. Alternatively, this Court should exercise its discretion to**
16 **authorize a “sur-reply” by ZANDIAN to address the new issues**
raised in the Reply.

17 The procedural rules of this Court authorize only a motion, opposition, and
18 reply.¹⁰ Within those rules, there is no such thing as a “sur-reply.” Nonetheless, this
19 Court has the authority to permit a “sur-reply” in a circumstance such as this.¹¹ While

20 ⁷ See *Reply* at 2:17 – 2:22, 2 n.1.

21 ⁸ See *Reply* at 2:17-22, (“Contrary to Defendants’ arguments, *Mr. Margolin is not asking the Court to*
22 *award him interest upon interest. As such, without waiving any rights, Plaintiff has changed the writs of*
23 *execution....”* (emphasis added)), 2 n.1 (*Plaintiff is not abandoning his rights or interest in the Order on*
24 *motion for Order Allowing Costs and Necessary Disbursements, dated May 19, 2014, as that is a valid and*
binding order of this Court.” (emphasis added)).

⁹ See NRCP 1.

¹⁰ See D.C.R. 13; FJDCR 15.

¹¹ See D.C.R. 5 (“These rules shall be liberally construed to secure the proper and efficient administration
of the business and affairs of the court and to promote and facilitate the administration of justice by the
2608

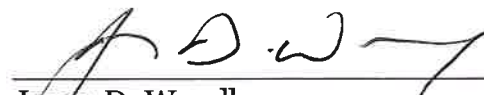
1 ZANDIAN maintains that the *Reply* presents a material change which should be
2 resolved through an entirely independent motion process, if this Court determines that
3 a new motion will not be required, it is respectfully requested that ZANDIAN should at
4 least be given an opportunity to respond to the material change in a sur-reply to the
5 *Reply*. Otherwise, this Court will be adjudicating an argument from the Plaintiff which
6 ZANDIAN has not had an opportunity to address. No interpretation of this Court's
7 procedural rules should allow that.

8 III. Conclusion

9 For all these reasons explained herein, it is respectfully requested that this Court
10 grant this *Motion*.

11 DATED this 18th day of July, 2014.

12 **KAEMPFER CROWELL**

13
14 
15 Jason D. Woodbury
16 Nevada Bar No. 6870
17 510 West Fourth Street
18 Carson City, Nevada 89703
19 Telephone: (775) 884-8300
20 Facsimile: (775) 882-0257
21 JWoodbury@kenvlaw.com
22 ***Attorneys for Reza Zandian***

23
24 court."); FJDCR 1(4) ("Whenever it appears to the Court that a particular situation does not fall within any of these rules, or that the literal application of a rule would work hardship or injustice in any case, the Court shall make such order as the interests of justice require.")

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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 18th July, 2014.

KAEMPFER CROWELL



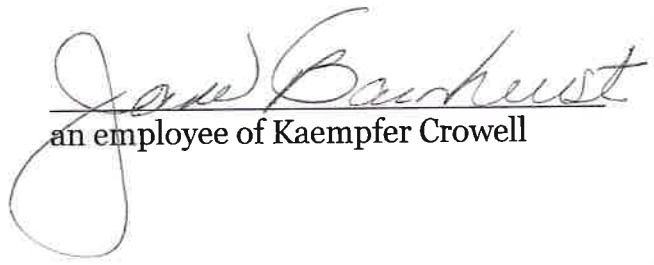
Jason D. Woodbury
Nevada Bar No. 6870
510 West Fourth Street
Carson City, Nevada 89703
Telephone: (775) 884-8300
Facsimile: (775) 882-0257
JWoodbury@kcnvlaw.com
Attorneys for Reza Zandian

1 CERTIFICATE OF SERVICE

2 Pursuant to NRCP 5(b), I hereby certify that service of the foregoing
3 **MOTION TO STRIKE, IN PART, REPLY IN SUPPORT OF MOTION FOR**
4 **WRIT OF EXECUTION** was made this date by depositing a true copy of the same for
5 mailing at Carson City, Nevada, addressed to each 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 18th day of July, 2014.

12 
13 an employee of Kaempfer Crowell

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 JUL 23 PM 3:33
BY ALAN GLOVER
DEPUTY CLERK

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

**REQUEST
FOR SUBMISSION**

27 Plaintiff respectfully requests the following documents be submitted to the Court for
28 decision:

- 1) Motion for Writ of Execution, filed June 18, 2014;
- 2) Opposition to Motion for Writ of Execution, filed July 7, 2014;
- 3) Reply in Support of Motion for Writ of Execution, filed July 17, 2014.

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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 23, 2014.

WATSON ROUNDS

BY: 
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

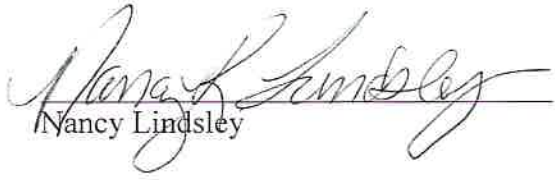
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CERTIFICATE OF SERVICE

Pursuant to 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, **REQUEST FOR SUBMISSION**, addressed as follows:

Jason D. Woodbury
Severin A. Carlson
Kaempfer Crowell
510 West Fourth Street
Carson City, Nevada 89703
Attorneys for Defendant, Reza Zandian

Dated: July 23, 2014


Nancy Lindsley

1 Case No. 09 OC 00579 1B

REC'D & FILED

2 Dept. No. 1

2014 JUL 31 AM 9:42

ALAN CLOVER

BY *[Signature]*

4 IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

5 IN AND FOR CARSON CITY

6 JED MARGOLIN, an individual,

7 Plaintiff,

8 vs.

NOTICE OF ENTRY OF ORDER

9 OPTIMA TECHNOLOGY CORPORATION,
10 a California corporation, OPTIMA
11 TECHNOLOGY CORPORATION, a Nevada
12 corporation, REZA ZANDIAN aka
13 GOLAMREZA ZANDIANJAZI aka
14 GHOLAM REZA ZANDIAN aka REZA
15 JAZI aka J. REZA JAZI aka G. REZA JAZI
16 aka GHONOREZA ZANDIAN JAZI, an
17 individual, DOE Companies 1-10, DOE
18 Corporations 11-20, and DOE Individuals
19 21-30,

20 Defendants.

21 PLEASE TAKE NOTICE THAT ON July 25, 2014, the Court entered its *Order*
22 *Granting Defendant Zandian's Request to File a Sur-Reply* in the above matter. A copy
23 of said *Order* is attached hereto.

24 DATED this 31st day of July, 2014.

[Signature]

Jason D. Woodbury
KAEMPFER CROWELL

Nevada Bar No. 6870
510 West Fourth Street
Carson City, Nevada 89703
Telephone: (775) 884-8300
JWoodbury@kenvlaw.com
Attorneys for Reza Zandian

KAEMPFER CROWELL
510 West Fourth Street
Carson City, Nevada 89703

1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCP 5(b), I hereby certify that service of the foregoing **NOTICE**
3 **OF ENTRY OF ORDER** was made this date by depositing a true copy of the same for
4 mailing at Carson City, Nevada, 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 31 day of July, 2014.

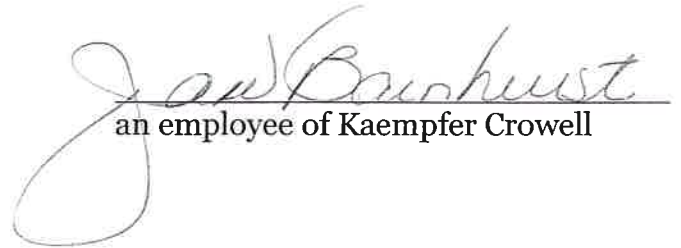
11 
12 an employee of Kaempfer Crowell

EXHIBIT 1

EXHIBIT 1

REC'D & FILED

JUL 25 PM 1:06

ALAN GLOVER

BY [Signature] CLERK
DEPUTY

1 Case No.: 09 OC 00579 1B

2 Dept. No.: 1

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5
6 IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR CARSON CITY

8 JED MARGOLIN, an individual,

9
10 Plaintiff,

11 v.

ORDER GRANTING DEFENDANT
ZANDIAN'S REQUEST TO FILE A SUR-
REPLY

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

23 Defendants.

24 This matter comes before the Court on a Motion for Writ of Execution filed by Plaintiff
25 on June 18, 2014. An Opposition to Motion for Writ of Execution was filed by Defendant
26 Zandian on July 7, 2014. A Reply in Support of Motion for Writ of Execution was filed by
27 Plaintiff on July 17, 2014. A Motion to Strike, in part, Reply in Support of Motion for Writ of
28

1 Execution was filed by Defendant Zandian on July 18, 2014. A Request for Submission was filed
2 by Plaintiff on July 23, 2014.

3 In his Motion to Strike, in part, Reply in Support of Motion for Writ of Execution,
4 Defendant Zandian moved the Court to strike, in part, Plaintiff's Reply, which modified the
5 originally proposed Writs. Alternatively, Defendant Zandian requested that the Court authorize a
6 sur-reply. Defendant Zandian argued that this is procedurally barred because a reply is restricted
7 to the scope of the opposition. Defendant Zandian asserted that he is entitled to present a
8 response to the modified Writs.
9

10 Pursuant to D.C.R. 5 and F.J.D.C.R. 1(4), the Court has determined that it has the
11 discretion to allow a sur-reply by Defendant Zandian in order for Defendant Zandian to address
12 the modified Writs.
13

14 Therefore, based on the foregoing and good cause appearing,

15 IT IS HEREBY ORDERED that Defendant Zandian shall be allowed to file a Sur-Reply
16 in response to Plaintiff's Reply in Support of Motion for Writ of Execution.
17

18 **IT IS SO ORDERED.**

19 Dated this 25 day of July, 2014.

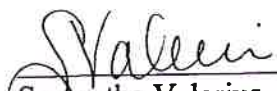
20
21 
22 JAMES T. RUSSELL
23 DISTRICT JUDGE
24
25
26
27
28

CERTIFICATE OF MAILING

I hereby certify that on the 25th day of July, 2014, I served a copy of the foregoing by placing 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

Jason D. Woodbury
Kaempfer Crowell
510 West Fourth Street
Carson City, NV 89703


Samantha Valerius
Law Clerk, Dept. 1

REC'D & FILED

2014 JUL 25 PM 1:05

ALAN GLOVER

BY CLERK
DEPUTY

1 Case No.: 09 OC 00579 1B

2 Dept. No.: 1

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 v.

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

23 Defendants.

**ORDER GRANTING DEFENDANT
ZANDIAN'S REQUEST TO FILE A SUR-
REPLY**

24 This matter comes before the Court on a Motion for Writ of Execution filed by Plaintiff
25 on June 18, 2014. An Opposition to Motion for Writ of Execution was filed by Defendant
26 Zandian on July 7, 2014. A Reply in Support of Motion for Writ of Execution was filed by
27 Plaintiff on July 17, 2014. A Motion to Strike, in part, Reply in Support of Motion for Writ of
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6 sur-reply. Defendant Zandian argued that this is procedurally barred because a reply is restricted
7 to the scope of the opposition. Defendant Zandian asserted that he is entitled to present a
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10 Pursuant to D.C.R. 5 and F.J.D.C.R. 1(4), the Court has determined that it has the
11 discretion to allow a sur-reply by Defendant Zandian in order for Defendant Zandian to address
12 the modified Writs.
13

14 Therefore, based on the foregoing and good cause appearing,

15 IT IS HEREBY ORDERED that Defendant Zandian shall be allowed to file a Sur-Reply
16 in response to Plaintiff's Reply in Support of Motion for Writ of Execution.
17

18 **IT IS SO ORDERED.**

19 Dated this 25 day of July, 2014.


20
21 
22 JAMES T. RUSSELL
23 DISTRICT JUDGE
24
25
26
27
28

1 **CERTIFICATE OF MAILING**

2 I hereby certify that on the 25th day of July, 2014, I served a copy of the foregoing
3 by placing the foregoing in the United States Mail, postage prepaid, addressed as follows:

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9 Reno, NV 89511

10 Jason D. Woodbury
11 Kaempfer Crowell
12 510 West Fourth Street
13 Carson City, NV 89703

14 
15 Samantha Valerius
16 Law Clerk, Dept. 1
17
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19
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1 Matthew D. Francis (6978)
Adam P. McMillen (10678)
2 WATSON ROUNDS
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Telephone: 775-324-4100
4 Facsimile: 775-333-8171
Attorneys for Plaintiff Jed Margolin

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2014 AUG -4 PM 3:50
ALAN GLOVER
BY *[Signature]* CLERK
DEPUTY

6
7 **In The First Judicial District Court of the State of Nevada**
8 **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
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 Companies
19 1-10, DOE Corporations 11-20, and DOE
20 Individuals 21-30,
21 Defendants.

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

**OPPOSITION TO MOTION TO
STRIKE, IN PART, REPLY IN
SUPPORT OF MOTION FOR WRIT
OF EXECUTION**

22 Zandian does not argue that there is anything substantively wrong with the proposed
23 writs attached to Mr. Margolin's Reply in Support of the Motion for Writ of Execution, filed
24 July 17, 2014. Instead, Zandian complains that the proposed writs attached to the Reply are
25 merely different than the originally-proposed writs, and since he did not have an opportunity to
26 respond to them, the Reply and associated writs should be stricken. Zandian's argument is
27 difficult to understand since Zandian's opposition to the Motion for Writ of Execution stated
28

1 that the originally-proposed writs were defective and therefore the Court should decline their
2 issuance. Any such perceived defects have been resolved in the revised writs.

3 Zandian also argues that Mr. Margolin's Reply improperly raised new issues.
4 However, as evidenced by the Reply itself, the Reply only addressed those issues raised in the
5 opposition and Mr. Margolin revised the writs to correct the deficiencies pointed out by
6 Zandian. Therefore, Mr. Margolin's reply and the revised writs are consistent with the general
7 rule that a party may not raise a new issue for the first time in a reply brief. *See Holcomb v.*
8 *Georgia Pac., LLC*, 128 Nev. Adv. Op. 56, 289 P.3d 188, 200 n.12 (2012) (citing *City of Elko*
9 *v. Zillich*, 100 Nev. 366, 371, 683 P.2d 5, 8 (1984) (a party may not raise a new issue for the
10 first time in a reply brief)).

11 Zandian's effort to cast Mr. Margolin's Reply in Support of the Motion for Writ of
12 Execution as an "effort to take advantage of the self-imposed procedural irregularities" is
13 without merit. FJDCR 15(2)-(4) allows for a motion, an opposition, and a reply. *See also*
14 *DCR 13(2)-(4)* (same). The general rule is that "[a] reply shall not present matters that do not
15 relate to the response." *See NRAP 27(a)(4)*; *see also Holcomb*, 289 P.3d at 200 n.12 (citing
16 *Zillich*, 100 Nev. at 371). Mr. Margolin did not present matters unrelated to Zandian's
17 opposition. To the contrary, the Reply addressed only issues raised in Zandian's opposition—
18 head on—and revised the proposed writs as explained in the Reply. Zandian's arguments to
19 the contrary are incorrect, and the fact that the writs were revised to correct perceived errors
20 and to make the changes as more fully explained in the Reply, does not warrant striking the
21 Reply or the writs.

22 The Reply in support of the Motion for Writ of Execution, filed on July 17, 2014,
23 explains why the proposed writs were changed and the Reply is incorporated herein by
24 reference. The original writs of execution were revised to correct the discrepancy between the
25 amount of the Default Judgment and the amount stated in the writs of execution. Correcting
26 the discrepancy is not grounds for striking the proposed writs, and Zandian's technical
27 arguments to the contrary must be rejected.

1 Mr. Margolin's Reply also explains that Mr. Margolin is not seeking interest upon
2 interest and Mr. Margolin revised the proposed writs to calculate any post-judgment interest
3 on the original Default Judgment from April 19, 2014 forward, without including the
4 \$63,684.40 in interest that accrued from June 27, 2013 to April 18, 2014, and without
5 including interest on the post-judgment fees and costs. These issues were directly addressed in
6 Zandian's opposition to the Motion for Writ of Execution.

7 Mr. Margolin further made clear in the Reply that he is not abandoning his rights or
8 interest in the Order on Motion for Order Allowing Costs and Necessary Disbursements, dated
9 May 19, 2014, as that is a valid and binding order of this Court. In that May 19, 2014 Order,
10 the Court awarded Mr. Margolin post-judgment costs in the amount of \$1,355.17, post-
11 judgment attorney's fees in the amount of \$31,247.50 and post-judgment interest in the
12 amount of \$63,684.40, which amounts are included in the proposed writs attached to the Reply
13 in Support of the Motion for Writ of Execution.

14 As explained in the Reply, and contrary to Zandian's erroneous self-serving argument,
15 Mr. Margolin is only pursuing the proposed writs of execution that are attached to the Reply.
16 To be clear, Mr. Margolin is only seeking an order from this Court that directs the Clerk of the
17 Court to issue the revised writs of execution, attached to and as explained in the Reply in
18 support of the Motion for Writ of Execution, filed on July 17, 2014.

19 Pursuant to NRS 21.010 *et seq.*, Mr. Margolin is entitled to pursue writs of execution
20 until he is fully compensated in accordance with the Default Judgment, including until all
21 appropriate interest, post-judgment fees and costs are paid by Zandian. Simply because future
22 writs of execution might be sought to fully compensate Mr. Margolin does not prevent the
23 issuance of the currently proposed writs of execution at this time.

24 Finally, Zandian's sur-reply should be limited to those issues addressed in the Reply in
25 Support of the Motion for Writ of Execution, filed on July 17, 2014.

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Conclusion

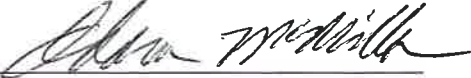
Plaintiff Jed Margolin hereby requests that the Court deny Reza Zandian's Motion to Strike and also limit Mr. Zandian's sur-reply to only those items addressed in Mr. Margolin's Reply in Support of the Motion for Writ of Execution, filed on July 17, 2014.

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: August 4, 2014.

WATSON ROUNDS

By: 
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Adam P. McMillen (10678)
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5 ***Attorneys for Reza Zandian***

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ALAN GLOVER
BY *[Signature]* 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
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GHOLAM REZA ZANDIAN aka REZA
15 JAZI aka J. REZA JAZI aka G. REZA JAZI
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18 Defendants.

Case No. 09OC00579 1B

Dept. No. I

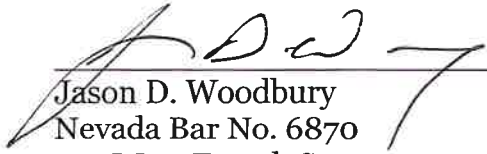
19
20 **SUR-REPLY TO REPLY IN SUPPORT OF**
MOTION FOR WRIT OF EXECUTION

21 COMES NOW, Defendant REZA ZANDIAN ("ZANDIAN"), by and through his
22 attorneys, Kaempfer Crowell, and hereby files this sur-reply to the *Reply in Support of*
23 *Motion for Writ of Execution* filed July 17, 2014 ("Reply"). This *Sur-Reply* is made
24 pursuant to this Court's *Order Granting Defendant Zandian's Request to File a Sur-*

1 *Reply* and is based on the attached memorandum of points and authorities, all papers
2 and pleadings on file in this matter and any evidence received and arguments
3 entertained by the Court at any hearing on the underlying *Motion for Writ of Execution*
4 (*"Motion"*).

5 DATED this 6th day of August, 2014.

6 **KAEMPFER CROWELL**

7
8 
9 Jason D. Woodbury
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510 West Fourth Street
10 Carson City, Nevada 89703
Telephone: (775) 884-8300
11 Facsimile: (775) 882-0257
JWoodbury@kcnvlaw.com
12 ***Attorneys for Reza Zandian***

1 MEMORANDUM OF POINTS AND AUTHORITIES

2 I. Argument

3 A. MARGOLIN requests the issuance of proposed Writs enforcing
4 a “judgment” which is not consistent with this Court’s Default
Judgment.

5 On June 24, 2013, this Court entered its *Default Judgment* in favor of
6 MARGOLIN in the amount of \$1,495,775.74.¹ That *Default Judgment* has never been
7 amended. And yet, MARGOLIN now requests this Court to issue Writs of Execution
8 based on what he believes the *Default Judgment should be*. Not what it is.

9 In his *Motion for Order Allowing Costs and Necessary Disbursements and*
10 *Memorandum of Points and Authorities in Support Thereof* filed with this Court on
11 April 28, 2014, MARGOLIN requested that this Court enter “an order awarding him
12 postjudgment interest, costs and attorneys’ fees.”² In his efforts to acquire an order for
13 “postjudgment interest, costs and attorneys’ fees,” MARGOLIN made no reference to
14 any request that the Default Judgment itself be *amended* to include such sums.³

15 There is good reason that MARGOLIN requested an order rather than an
16 amended judgment. Amendment of the judgment was untimely.⁴ Additionally, the
17 *Default Judgment* was already the subject of an appeal by the time MARGOLIN filed the
18 *Motion for Order Allowing Costs and Necessary Disbursements and Memorandum of*

19 \\\

20
21 ¹ See *Default J.* at 17-18.

22 ² *Motion for Order Allowing Costs and Necessary Disbursements and Memorandum of Points and*
Authorities in Support Thereof at 1:24-25 (April 28, 2014) (emphasis added).

23 ³ See *id.*; *Reply in Support of Motion for Order Allowing Costs and Necessary Disbursements and*
Memorandum of Points and Authorities in Support Thereof (May 12, 2014).

24 ⁴ A motion to alter or amend a judgment must be made within 10 days after service of written notice of
entry of the judgment. See NRCP 59(e) (“A motion to alter or amend the judgment shall be filed no later
than 10 days after service of written notice of entry of the judgment.”) MARGOLIN filed *Notice of Entry*
of Default Judgment on June 27, 2013.

1 *Points and Authorities in Support Thereof* with this Court.⁵ As such, this Court lacked
2 jurisdiction to amend the *Default Judgment*.⁶

3 Despite the absence of such a request in either the *Motion for Order Allowing*
4 *Costs and Necessary Disbursements and Memorandum of Points and Authorities in*
5 *Support Thereof* or the *Reply in Support of Motion for Order Allowing Costs and*
6 *Necessary Disbursements and Memorandum of Points and Authorities in Support*
7 *Thereof*, in its proposed order submitted to this Court, MARGOLIN included language
8 stating:

9 The total amount awarded to Margolin herein is \$96,287.07. *This award shall be*
10 *added to the judgment.*⁷

11 Thereby, MARGOLIN, in effect, accomplished an amendment to the *Default Judgment*,
12 even though such an amendment is clearly disallowed under the law.

13 Arguing that this Court has amended the *Default Judgment* to include these post-
14 judgment sums,⁸ MARGOLIN now endeavors to have this Court issue the proposed
15 *Writs* which purport to execute the *Default Judgment* “as amended.”

16 Nevada law prescribes the form of an enforceable judgment.⁹ And one essential
17 component of the form is that it be contained in a single written document, signed by

18 _____
19 ⁵ See *Notice of Appeal* (Mar. 12, 2014).

20 ⁶ See *Foster v. Dingwall*, 126 Nev. Adv. 5, 228 P.3d 453, 454-55 (2010) (“This court has repeatedly held
21 that the timely filing of a notice of appeal “divests the district court of jurisdiction to act and vests
22 jurisdiction in this court.”” (quoting *Mack-Manley v. Manley*, 122 Nev. 849, 855, 138 P.3d 525, 529
23 (2006) (quoting *Rust v. Clark Cty. School District*, 103 Nev. 686, 688, 747 P.2d 1380, 1382 (1987)))).

24 ⁷ *Order on Motion for Order Allowing Costs and Necessary Disbursements and Memorandum of Points*
and *Authorities in Support Thereof* at 9:1-2 (emphasis added) (May 19, 2014) [hereinafter the “*Order*”].
ZANDIAN had no opportunity to object to the draft before this Court signed the *Order*. Despite the
requirements of F.J.D.C.R. 19(4), counsel for ZANDIAN was not provided a copy of the proposed order
presented to the Court.

⁸ See *Reply* at 2:15-17 (“The *Order on Motion for Order Allowing Costs and Necessary Disbursements*,
dated May 19, 2014, expressly states that the post-judgment interest, fees and costs of \$96,287.07 ‘shall
be added to the judgment.’”)

⁹ See NRCP 58; see generally NRS 17.120 – 17.190; see also NRCP 84, Form 32.

1 the presiding judge and filed with the clerk.¹⁰ Even when the amount of a judgment is
2 supplemented by an award of costs subsequent to the initial entry of judgment, Nevada
3 law requires that this information be reflected on the judgment itself.¹¹

4 Precision is the policy which supports this requirement. Those officials who
5 administer and enforce judgment executions must know or be able to calculate—to the
6 penny¹²--the amount owed by the judgment debtor in order to accomplish a lawful
7 execution. As such, there must be no ambiguity or room for interpretation as a
8 judgment is conveyed to writ of execution. In this case, there is plenty of both.

9 First, the proposed *Writs* require an analysis and interpretation of two separate
10 documents: the *Default Judgment* and the *Order on Motion for Order Allowing Costs*
11 *and Necessary Disbursements and Memorandum of Points and Authorities in Support*
12 *Thereof*. This, in and of itself, is contrary to Nevada law which requires that writs of
13 execution be issued on a judgment reflected in a single written document. Second, it is
14 impossible to precisely determine the amount owed on the judgment because those
15 documents are not consistent with the proposed *Writs*. The *Default Judgment* states

16
17 ¹⁰ See NRCP 58(a); see also NRCP 84, Form 32.

18 ¹¹ See NRS 17.190 (“1. Included in any judgment filed shall be a computation of the costs, if they have been
19 ascertained. The clerk shall insert a computation of the costs in the copies and docket of the judgment. 2.
20 If costs are not ascertained or included in the judgment at the time of entry, the clerk shall, within 2 days
21 after costs are ascertained, *insert the same in a blank left in the judgment for that purpose* and shall
22 make a similar insertion of costs in the copies and docket of the judgment.” (emphasis added)); NRS
23 18.120 (“The clerk shall include in the judgment entered up by the clerk any interest on the verdict or
24 judgment of the court or master, from the time it was rendered or made, and the costs, if the same have
been taxed or ascertained; and the clerk shall, within 2 days after the same shall be taxed or ascertained, if
not included in the judgment, *insert the same in a blank to be left in the judgment for that purpose*, and
shall make a similar insertion of the costs in the copies and docket of the judgment.” (emphasis added));
NRS 18.180 (“Within 2 days after the costs are tried or ascertained, or after the time for making a motion
to tax the same has expired, *the clerk or judge shall enter the amount thereof on the margin of the*
judgment, and thereafter they shall be included together with the amount of the fee charged for issuance
thereof in any execution issued upon such judgment.” (emphasis added)).

¹² See NRS 17.130(1) (“In all judgments and decrees, rendered by any court of justice, for any debt,
damages or costs, and in all executions issued thereon, the amount must be computed, as near as may be,
in dollars and cents, rejecting smaller fractions, and no judgment, or other proceedings, may be
considered erroneous for that omission.”)

1 that interest accrues on the “principal amount ... from the date of default until the
2 judgment is satisfied.”¹³ The *Order on Motion for Order Allowing Costs and Necessary*
3 *Disbursements and Memorandum of Points and Authorities in Support Thereof* then
4 provides that the “total amount awarded ... shall be added to the judgment.” From that
5 language, it is not clear if that amount is to be added to the “principal amount” of the
6 *Default Judgment*—in which case it would be included in the calculation of interest
7 from the “date of default” or whether it is to be added to the judgment after the
8 calculation of interest. If interest is to accrue on the amount awarded in the *Order on*
9 *Motion for Order Allowing Costs and Necessary Disbursements and Memorandum of*
10 *Points and Authorities in Support Thereof* in a fashion differing from that required by
11 the *Default Judgment*—i.e., commencing on a later date—nothing in either document
12 reflects such a result.

13 MARGOLIN cannot save these ambiguities with temporary¹⁴ concessions for the
14 sake of expediting the issuance of improper writs. A writ of execution is—by design—a
15 ministerial product which the Court issues relative to an unambiguous judgment. The
16 insertion of ambiguity into a judgment necessarily precludes performance of this
17 ministerial function. In other words, the content of a judgment controls the content of a
18 writ of execution. This Court should reject MARGOLIN’s attempt to reverse that.

19 MARGOLIN may seek a writ of execution on the *Default Judgment* as issued;
20 MARGOLIN may seek to have the *Default Judgment* supplemented by the Clerk or by
21 this Court to reflect additional costs which have been awarded; or MARGOLIN may
22 move this Court for an amended *Default Judgment* to accurately reflect all sums to
23 which he claims to be entitled. But he may not seek to unilaterally accomplish an

24 ¹³ *Default J.* at 17-23.

¹⁴ *See Reply* at 2:18-22; 2 n.1.

1 amendment to this Court's *Default Judgment* in a fashion that results in the issuance of
2 a writ of execution which is not consistent with the existing *Default Judgment*.¹⁵

3 **B. MARGOLIN is not entitled to interest on attorneys' fees**
4 **awarded post-judgment under NRS 598.0999.**

5 Interest was disallowed under common law. Therefore, interest is imposed only
6 when expressly authorized by statute.¹⁶ Further, because statutes in derogation of
7 common law must be "strictly construed" the imposition of interest must be clear.¹⁷

8 In this case, subsequent to the *Default Judgment*, this Court determined that
9 MARGOLIN was entitled to post-judgment attorneys' fees under NRS 598.0999.¹⁸
10 However, that statute does not provide that interest accrues on an award of attorneys'
11 fees imposed.¹⁹ This Court need consider the matter no further as the requisite
12 statutory authorization directing deviation from common law is absent on this issue.
13 Interest on the award of attorneys' fees is disallowed and the proposed *Writs* are
14 erroneous for including such interest.

15 *Albios v. Horizon Cmtys., Inc.*²⁰ is consistent with this position. In *Albios*,
16 prevailing plaintiffs in a construction defect case were awarded their attorneys' fees

17 ¹⁵ The ambiguity has repercussions beyond judgment enforcement as well. Among others, if the award
18 from the *Order on Motion for Order Allowing Costs and Necessary Disbursements and Memorandum of*
19 *Points and Authorities in Support Thereof* is "added to the judgment," it is not clear whether appellate
20 issues arising therefrom should be addressed in the appeal of the *Default Judgment* pending with the
21 Nevada Supreme Court. If ZANDIAN attempts to address such issues, are they procedurally barred
22 because they arose subsequent to the appealed judgment? If he does not attempt to address such issues,
23 will he waive the right to raise them because the result of the order was "added to the judgment?" These
24 are another category of issues which firm compliance with regular procedure will avoid.

¹⁶ See *Gibellini v. Klindt*, 110 Nev. 1201, 885 P.2d 540 (1994) (citing *Paradise Homes v. Central Surety*,
84 Nev. 109, 116, 437 P.2d 78, 83 (1968)).

¹⁷ *Bergmann v. Boyce*, 109 Nev. 670, 679, 856 P.2d 560, 565-66 (1993) (citing *Calcagagno v.*
Personalcare Heath Management, 565 N.E.2d 1330, 1336 (Ill. Ct. App. 1991) (citing *Commissioners of*
Lincoln Park v. Schmidt, 69 N.E.2d 869 (Ill. 1946))).

¹⁸ See *Order on Motion for Order Allowing Costs and Necessary Disbursements and Memorandum of*
Points and Authorities in Support Thereof at 4:1-4.

¹⁹ See NRS 598.0999.

²⁰ 122 Nev. 409, 132 P.3d 1022 (2006).

1 pursuant to NRS 40.655.²¹ In considering whether the fees would accrue interest, the
2 *Albios* court determined,

3 Thus, when attorney fees are awarded *as damages*, they fall within the plain
4 language of NRS 17.130(1). Accordingly, we hold that when attorney fees are
awarded *as an element of damages*, the prevailing party is entitled to recover
prejudgment interest on the attorney fees.²²

5 The import of the emphasized language is dispositive of the issue before this Court.
6 When attorneys fees are statutorily designated as damages, as in NRS 40.655, and
7 included in a judgment²³, NRS 17.130 authorizes the accrual of interest on those fees.²⁴
8 However, where, as here, fees are awarded under a statute which does not designate
9 them as “damages” and where, as here, the fees are not included in the judgment, NRS
10 17.130 does not authorize the accrual of interest on the awarded fees. Consequently, the
11 accrual of interest on post-judgment attorneys’ fees in this case is in derogation of
12 common law, not expressly authorized by statute, and should be denied.²⁵

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18 _____
19 ²¹ See *Albios*, 122 Nev. at 417-28 , 132 P.3d at 1028-34.

20 ²² *Albios*, 122 Nev. at 430, 132 P.3d at 1036 (emphasis added).

21 ²³ The fees awarded in *Albios* were included in the trial court’s judgment. See *Albios*, 122 Nev. at 415-17,
132 P.3d at 1026-27.

22 ²⁴ NRS 17.130(2).

23 ²⁵ *Waddell v. L.V.R.V. Inc.*, 122 Nev. 15, 125 P.3d 1160 (2006) is not contrary. *Waddell* involved a suit for
24 “both equitable relief and money damages” incurred by plaintiffs’ purchase of a defective RV. *Waddell*,
122 Nev. at 17-18, 125 P.3d at 1161-62. The *Waddell* plaintiffs were awarded attorneys fees, but the basis
for the award is not specified. Further, it is not clear whether or not the fees were included in the original
judgment or the amended judgment in the case. See *id.* In any event, it is clear that *Waddell* did not
involve an interpretation of the statute at issue, NRS 598.0999. Therefore, there is nothing to indicate
that the general language of the *Waddell* case authorizing post-judgment interest on attorneys’ fees
applies in this case.

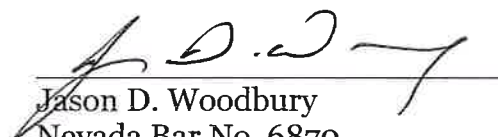
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II. Conclusion

For all these reasons explained herein, it is respectfully requested that this Court deny the *Motion*.

DATED this 6th day of August, 2014.

KAEMPFER CROWELL



Jason D. Woodbury
Nevada Bar No. 6870
510 West Fourth Street
Carson City, Nevada 89703
Telephone: (775) 884-8300
Facsimile: (775) 882-0257
JWoodbury@kcnvlaw.com
Attorneys for Reza Zandian

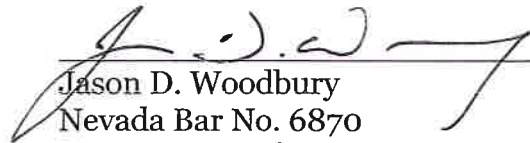
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AFFIRMATION pursuant to NRS 239B.030

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

DATED this 6th August, 2014.

KAEMPFER CROWELL



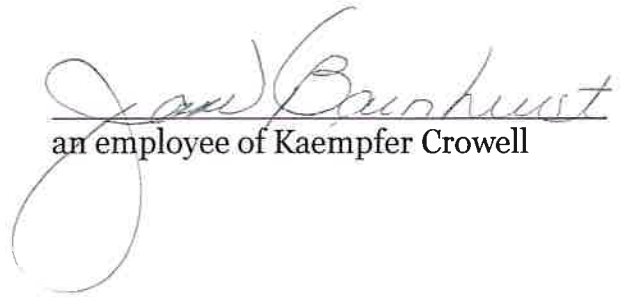
Jason D. Woodbury
Nevada Bar No. 6870
510 West Fourth Street
Carson City, Nevada 89703
Telephone: (775) 884-8300
Facsimile: (775) 882-0257
JWoodbury@kcnvlaw.com
Attorneys for Reza Zandian

1 CERTIFICATE OF SERVICE

2 Pursuant to NRCPC 5(b), I hereby certify that service of the foregoing **SUR-**
3 **REPLY TO REPLY IN SUPPORT OF MOTION FOR WRIT OF EXECUTION**
4 was made this date by depositing a true copy of the same for mailing at Carson City,
5 Nevada, addressed to each 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 6th day of August, 2014.

12 
13 an employee of Kaempfer Crowell

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 AUG -8 PM 3: 20
BY *ALAN DZOVER* 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,**

12 **vs.**

13 **OPTIMA TECHNOLOGY CORPORATION,**
14 **a California corporation, OPTIMA**
TECHNOLOGY CORPORATION, a Nevada
15 **corporation, REZA ZANDIAN**
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
18 **Companies 1-10, DOE Corporations 11-20,**
19 **and DOE Individuals 21-30,**

20 **Defendants.**

Case No.: 090C00579 1B

Dept. No.: 1

**REQUEST
FOR SUBMISSION**

21
22 Plaintiff respectfully requests the following documents be submitted to the Court for
23 decision:

- 24 1) Motion for Writ of Execution, filed June 18, 2014;
25 2) Opposition to Motion for Writ of Execution, filed July 7, 2014;
26 3) Reply in Support of Motion for Writ of Execution, filed July 17, 2014; and,

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4) Sur-Reply to Reply in Support of Motion for Writ of Execution, filed August 6, 2014.

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: August 7, 2014.

WATSON ROUNDS

BY: 
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

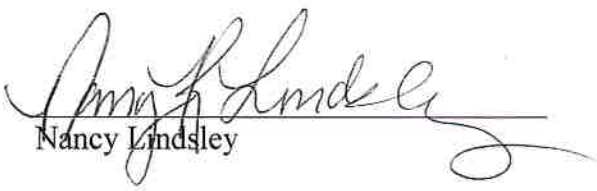
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CERTIFICATE OF SERVICE

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, **REQUEST FOR SUBMISSION**, addressed as follows:

Jason D. Woodbury
Severin A. Carlson
Kaempfer Crowell
510 West Fourth Street
Carson City, Nevada 89703
Attorneys for Defendant, Reza Zandian

Dated: August 8, 2014


Nancy Lindsley

1 A review of this matter reflects that this Court can and should issue a Writ of Execution
2 on the Default Judgment issued on June 24, 2013 and Order on Motion for Order Allowing Costs
3 and Necessary Disbursements et al., dated May 19, 2014. There is no automatic stay with regard
4 to enforcement of judgments. The way to stop enforcement of a judgment is to post a
5 supersedeas bond and request a stay in accordance with NRCP 62(d). This Court is not divested
6 with jurisdiction to issue a Writ of Execution. *Mack-Manley v. Manley*, 122 Nev. 849, 855, 138
7 P.3d 525 (2006) and *Foster v. Dingwall*, 126 Nev. Ad. Op. 5, 228 P.3d 453 (2010).

9 Therefore, good cause appearing,

10 IT IS HEREBY ORDERED that the Clerk at this time will issue a Writ of Execution
11 upon the Default Judgment entered on June 24, 2013 and Order issued on May 19, 2014.

12 **IT IS SO ORDERED.**

13 Dated this 18th day of August, 2014.

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16 
17 JAMES T. RUSSELL
18 DISTRICT JUDGE
19
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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

2014 OCT 21 PM 3:42

ALAN GLOVER
BY *[Signature]* CLERK
DEPUTY

RECEIVED
CLARK COUNTY SHERIFF
2014 OCT -9 P 3:26

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

9 JED MARGOLIN, an individual,

10 Plaintiff,

11 vs.

12 REZA ZANDIAN aka GOLAMREZA
13 ZANDIANJAZI aka GHOLAM REZA
14 ZANDIAN aka REZA JAZI aka J. REZA JAZI
15 aka G. REZA JAZI aka GHONONREZA
16 ZANDIAN JAZI, et al.,

Defendants.

Case No.: 090C00579 1B

Dept. No.: 1

NOTICE OF SHERIFF'S SALE OF
REAL PROPERTY UNDER
EXECUTION

17 **NOTICE OF SHERIFF'S SALE OF REAL PROPERTY UNDER EXECUTION:**

18 By virtue of a Writ of Execution issued out of the First Judicial District Court, Carson City,
19 Nevada, on September 5, 2014, upon a judgment entered in the above-captioned case on June
20 27, 2013, in favor of Plaintiff Jed Margolin and against Reza Zandian aka Golamreza Zandian
21 Jazi aka Gholam Reza Zandian aka Reza Jazi aka J. Reza Jazi aka G. Reza Jazi aka
22 Ghononreza Zandian Jazi ("Defendant Reza Zandian"), in the amount of \$1,592,062.81, which
23 Writ of Execution was delivered to me as Sheriff. I have levied upon all of the right, title,
24 claim and interest of Defendant Reza Zandian in and to that certain real property located in
25 Moapa Valley, Clark County, Nevada 89040 and described as THE SOUTHEAST
26 QUARTER (SE ¼) OF THE NORTHEAST QUARTER (NE ¼) OF THE NORTHEAST
27 QUARTER (NE ¼) OF SECTION 2, TOWNSHIP 16 SOUTH, RANGE 68 EAST, M.D.M.
28 APN 071-02-000-005.

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NOTICE IS HEREBY GIVEN THAT I, the undersigned Sheriff, will sell at Sheriff's Sale to the highest bidder, for cash, without warranty, express or implied, all of the right, title, claim and interest of Defendant Reza Zandian in and to the above-described real property or as much thereof as may be necessary to satisfy said judgment and Writ of Execution, together with interest and costs thereon, on December 9, 2014, at the front steps to the North Entrance to the REGIONAL JUSTICE CENTER, 200 LEWIS ST, LAS VEGAS at 9:00 a.m. This property is being sold subject to all prior liens and encumbrances pending against the property and subject to all easements, restrictions of record, taxes, and special assessments pending against the property. Only Cash or Certified Funds will be accepted and payment must be made in full immediately upon conclusion of the sale.

NOTICE IS FURTHER GIVEN that the purchaser at such sale shall take title to the above described real property subject to a one (1) year right of redemption pursuant to NRS 21.210. **PROSPECTIVE BIDDERS, READ THIS SECTION CAREFULLY.** Before bidding at the sale, a prospective bidder should independently investigate the priority of the lien or interest of the judgment creditor; land use laws and regulations applicable to the property; approved uses for the property; limits on farming or forest practices on the property; rights of neighboring property owners; environmental laws and regulations that affect the property; make their own examination of the title and the condition of the property; and to consult their own attorney before bidding.

DATED: This 10th day of October, 2014.

DOUG GILLESPIE, SHERIFF
CLARK COUNTY, NEVADA
By: D. Flippo, PN 5734
Deputy Sheriff
Lt. G. Jason Flippo
Sheriff's Civil Section

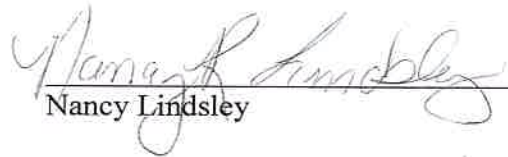
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CERTIFICATE OF SERVICE

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 SHERIFF'S SALE OF REAL PROPERTY UNDER EXECUTION, addressed as follows:

Reza Zandian
c/o Jason D. Woodbury
Severin A. Carlson
Kaempfer Crowell
510 West Fourth Street
Carson City, Nevada 89703
Attorneys for Defendant, Reza Zandian

Dated: October 21, 2014



Nancy Lindsley

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 OCT 21 PM 3:42

ALAN GLOVER
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 REZA ZANDIAN aka GOLAMREZA
ZANDIANJAZI aka GHOLAM REZA
13 ZANDIAN aka REZA JAZI aka J. REZA JAZI
14 aka G. REZA JAZI aka GHONONREZA
ZANDIAN JAZI, et al.,

15 Defendants.

Case No.: 090C00579 18

Dept. No.: 1

19 **NOTICE OF SHERIFF'S SALE OF**
REAL PROPERTY UNDER
20 **EXECUTION**

21 **NOTICE OF SHERIFF'S SALE OF REAL PROPERTY UNDER EXECUTION:**

22 By virtue of a Writ of Execution issued out of the First Judicial District Court, Carson City,
23 Nevada, on September 5, 2014, upon a judgment entered in the above-captioned case on June
24 27, 2013, in favor of Plaintiff Jed Margolin and against Reza Zandian aka Golamreza Zandian
25 Jazi aka Gholam Reza Zandian aka Reza Jazi aka J. Reza Jazi aka G. Reza Jazi aka
26 Ghononreza Zandian Jazi ("Defendant Reza Zandian"), in the amount of \$1,592,062.81, which
27 Writ of Execution was delivered to me as Sheriff. I have levied upon all of the right, title,
28 claim and interest of Defendant Reza Zandian in and to that certain real property located in
Moapa Valley, Clark County, Nevada 89040 and described as THE SOUTH HALF (S ½) OF
THE SOUTHEAST QUARTER (SE ¼) OF THE NORTHEAST QUARTER (NE ¼) OF
SECTION 2, TOWNSHIP 16 SOUTH, RANGE 68 EAST, M.D.M. APN 071-02-000-013.

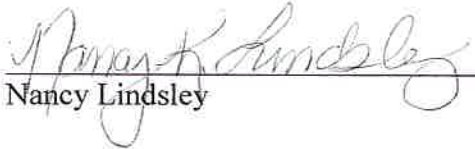
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CERTIFICATE OF SERVICE

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 SHERIFF'S SALE OF REAL PROPERTY UNDER EXECUTION, addressed as follows:

Reza Zandian
c/o Jason D. Woodbury
Severin A. Carlson
Kaempfer Crowell
510 West Fourth Street
Carson City, Nevada 89703
Attorneys for Defendant, Reza Zandian

Dated: October 21, 2014



Nancy Lindsley

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 NOV -4 PM 4:56

BY *ALAN GLOVER*
CLERK
DEPUTY

RECEIVED
CLARK COUNTY SHERIFF
2014 OCT 23 A 10:21

In The First Judicial District Court of the State of Nevada

In and for Carson City

9 JED MARGOLIN, an individual,

10 Plaintiff,

11 vs.

12 REZA ZANDIAN aka GOLAMREZA
13 ZANDIANJAZI aka GHOLAM REZA
14 ZANDIAN aka REZA JAZI aka J. REZA JAZI
15 aka G. REZA JAZI aka GHONONREZA
16 ZANDIAN JAZI, et al.,

Defendants.

Case No.: 090C00579 1B

Dept. No.: 1

AFFIDAVIT OF POSTING
NOTICE OF SHERIFF'S SALE OF
REAL PROPERTY UNDER
EXECUTION

17 STATE OF NEVADA)
18 COUNTY OF CLARK) ss.

19 I, THOMAS SMITH, state:

20 That at all times herein I have been a citizen of the United States, over 18 years of age,
21 and am not a party to, or interested in, the proceeding in which this affidavit is made.

22 1. On the 22ND day of OCTOBER, 2014, I personally posted a copy of the Writ of
23 Execution and the Notice of Sheriff's Sale of Real Property Under Execution, on the property
24 in the manner prescribed under the Nevada Revised Statutes, in a conspicuous place
25 at the property which is located at:
26

27 ///

28 ///

1 APN: 071-02-000-013
2 Situs: Moapa Valley, Clark County, Nevada
3 Legal Description: Section 2, Township 16, Range 68
4 Zip Code: 89040

5 2. On the 22ND day of OCTOBER, 2014, I personally posted a copy of the Notice of
6 Sheriff's Sale of Real Property Under Execution of the above-referenced property in the
7 manner prescribed under the Nevada Revised Statutes, at three (3) public places in Moapa
8 Valley, Nevada.

9 3. On the 22ND day of OCTOBER, 2014, I personally posted a copy of the Notice of
10 Sheriff's Sale of Real Property Under Execution of the above-referenced property in the
11 manner prescribed under the Nevada Revised Statutes, at three (3) public places in Las Vegas,
12 Nevada.

13 I declare under penalty of perjury that the foregoing is true and correct.

14 **CLARK COUNTY SHERIFF**

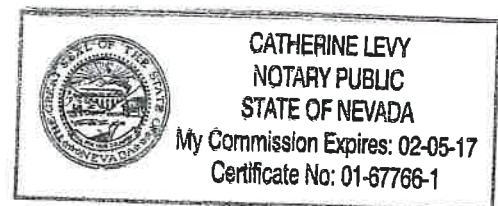
15 *Joshua Lee Ford Thomas Smith*
16 Deputy Sheriff, THOMAS SMITH
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SUBSCRIBED AND SWORN to before me

this 23rd day of October, 2014.

[Signature]

Deputy Clerk or Notary Public





**CLARK COUNTY SHERIFF
CIVIL PROCESS SECTION**

JED MARGOLIN)	E X H I B I T A – Affidavit of Posting
)	
PLAINTIFF)	CASE No. 090C00579 1B
vs)	SHERIFF CIVIL NO.: 14006773
OPTIMA TECHNOLOGY CORPORATION;)	
REZA ZANDIAN, et al.,)	
DEFENDANT)	

STATE OF NEVADA }
 } ss:
 COUNTY OF CLARK }

ATTEMPTS TO LOCATE:

Date: 10/22/2014 @ 11:50 AM - RAW LAND VIRGIN RIVER WEST ROAD MOAPA VALLEY (#013) OVERTON, NV 89040

Attempted By: THOMAS SMITH

Service Type: POSTING.

Notes : POSTED WRIT OF EXECUTION AND NOTICE OF SHERIFF'S SALE OF REAL PROPERTY AT RAW LAND ,20 ACRE PARCEL.

Date: 10/22/2014 @ 11:20 AM - 350 NORTH MOAPA VALLEY ROAD OVERTON, NV 89040

Attempted By: THOMAS SMITH

Service Type: POSTING.

Notes : POSTED ON BULLETIN BOARD NOTICE OF SHERIFF'S SALE OF REAL PROPERTY UNDER EXECUTION.

Date: 10/22/2014 @ 11:26 AM - 320 NORTH MOAPA VALLEY ROAD OVERTON, NV 89040

Attempted By: THOMAS SMITH

Service Type: POSTING.

Notes : POSTED ON BULLETIN BOARD NOTICE OF SHERIFF'S SALE OF REAL PROPERTY UNDER EXECUTION.

Date: 10/22/2014 @ 11:40 AM - 275 NORTH MOAPA VALLEY ROAD OVERTON, NV 89040

Attempted By: THOMAS SMITH

Service Type: POSTING.

Notes : POSTED ON BULLETIN BOARD NOTICE OF SHERIFF'S SALE OF REAL PROPERTY UNDER EXECUTION.



**Date: 10/22/2014 @ 1:45 PM - CLARK COUNTY GOVERNMENT CENTER 500 S GRAND
CENTRAL PARKWAY LAS VEGAS, NV 89155**

Attempted By: THOMAS SMITH

Service Type: POSTING.

**Notes : POSTED ON BULLETIN BOARD NOTICE OF SHERIFF'S SALE OF REAL PROPERTY
UNDER EXECUTION.**

**Date: 10/22/2014 @ 2:00 PM - REGIONAL JUSTICE CENTER 200 LEWIS AVENUE LAS
VEGAS, NV 89101**

Attempted By: THOMAS SMITH

Service Type: POSTING.

**Notes : POSTED ON BULLETIN BOARD NOTICE OF SHERIFF'S SALE OF REAL PROPERTY
UNDER EXECUTION.**

**Date: 10/22/2014 @ 2:15 PM - THIRD STREET COUNTY BUILDING 309 S THIRD STREET LAS
VEGAS, NV 89101**

Attempted By: THOMAS SMITH

Service Type: POSTING.

**Notes : POSTED ON BULLETIN BOARD NOTICE OF SHERIFF'S SALE OF REAL PROPERTY
UNDER EXECUTION.**

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

6 **In The First Judicial District Court of the State of Nevada**
7 **In and for Carson City**

RECORDED
CLARK COUNTY SHERIFF
APR 11 2014 10 3:21

9 JED MARGOLIN, an individual,

10 Plaintiff,

11 vs.

12 REZA ZANDIAN aka GOLAMREZA
13 ZANDIANJAZI aka GHOLAM REZA
ZANDIAN aka REZA JAZI aka J. REZA JAZI
14 aka G. REZA JAZI aka GHONONREZA
ZANDIAN JAZI, et al.,

15 Defendants.
16

Case No.: 090C00579 1B

Dept. No.: 1

NOTICE OF SHERIFF'S SALE OF
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26 THE SOUTHEAST QUARTER (SE ¼) OF THE NORTHEAST QUARTER (NE ¼) OF
27 SECTION 2, TOWNSHIP 16 SOUTH, RANGE 68 EAST, M.D.M. APN 071-02-000-013.
28

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

6 **In The First Judicial District Court of the State of Nevada**
7 **In and for Carson City**

9 JED MARGOLIN, an individual,

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16 ZANDIAN JAZI, et al.,

Defendants.

Case No.: 090C00579 1B

Dept. No.: 1

RECEIVED
CLARK COUNTY SHERIFF
2014 OCT -9 PM 3:25

NOTICE OF SHERIFF'S SALE OF
REAL PROPERTY UNDER
EXECUTION

17 **NOTICE OF SHERIFF'S SALE OF REAL PROPERTY UNDER EXECUTION:**

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27 QUARTER (NE ¼) OF SECTION 2, TOWNSHIP 16 SOUTH, RANGE 68 EAST, M.D.M.
28 APN 071-02-000-005.

05

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 NOV -4 PM 4: 57

BY *[Signature]* CLERK
DEPUTY

2014 OCT 23 A 10: 11

RECEIVED
CLARK COUNTY SHERIFF

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 REZA ZANDIAN aka GOLAMREZA
ZANDIANJAZI aka GHOLAM REZA
13 ZANDIAN aka REZA JAZI aka J. REZA JAZI
14 aka G. REZA JAZI aka GHONONREZA
ZANDIAN JAZI, et al.,

15 Defendants.

Case No.: 090C00579 1B

Dept. No.: 1

AFFIDAVIT OF POSTING
NOTICE OF SHERIFF'S SALE OF
REAL PROPERTY UNDER
EXECUTION

17 STATE OF NEVADA)
18 COUNTY OF CLARK) ss.

19 I, THOMAS SMITH, state:

20 That at all times herein I have been a citizen of the United States, over 18 years of age,
21 and am not a party to, or interested in, the proceeding in which this affidavit is made.

22 1. On the 22ND day of OCTOBER, 2014, I personally posted a copy of the Writ of
23 Execution and the Notice of Sheriff's Sale of Real Property Under Execution, on the property
24 in the manner prescribed under the Nevada Revised Statutes, in a conspicuous place
25 at the property which is located at:
26

27 ///

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CS

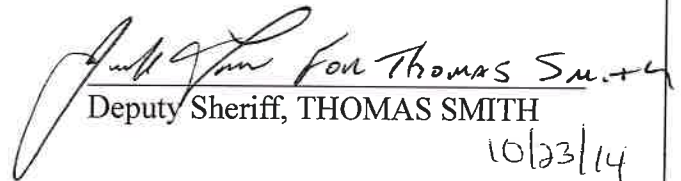
1 APN: 071-02-000-005
2 Situs: Moapa Valley, Clark County, Nevada
3 Legal Description: Section 2, Township 16, Range 68
4 Zip Code: 89040

5 2. On the 22ND day of OCTOBER, 2014, I personally posted a copy of the Notice of
6 Sheriff's Sale of Real Property Under Execution of the above-referenced property in the
7 manner prescribed under the Nevada Revised Statutes, at three (3) public places in Moapa
8 Valley, Nevada.

9 3. On the 22ND day of OCTOBER, 2014, I personally posted a copy of the Notice of
10 Sheriff's Sale of Real Property Under Execution of the above-referenced property in the
11 manner prescribed under the Nevada Revised Statutes, at three (3) public places in Las Vegas,
12 Nevada.

13 I declare under penalty of perjury that the foregoing is true and correct.

14 **CLARK COUNTY SHERIFF**

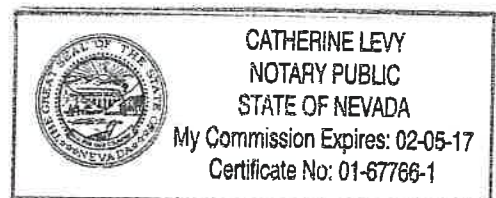
15
16 
17 Deputy Sheriff, THOMAS SMITH
18 10/23/14

19 SUBSCRIBED AND SWORN to before me

20 this 23rd day of October, 2014.

21 

22 Deputy Clerk or Notary





**Date: 10/22/2014 @ 1:45 PM - CLARK COUNTY GOVERNMENT CENTER 500 S GRAND
CENTRAL PARKWAY LAS VEGAS, NV 89155**

Attempted By: THOMAS SMITH

Service Type: POSTING.

**Notes : POSTED ON BULLETIN BOARD NOTICE OF SHERIFF'S SALE OF REAL PROPERTY
UNDER EXECUTION.**

**Date: 10/22/2014 @ 2:00 PM - REGIONAL JUSTICE CENTER 200 LEWIS AVENUE LAS
VEGAS, NV 89101**

Attempted By: THOMAS SMITH

Service Type: POSTING.

**Notes : POSTED ON BULLETIN BOARD NOTICE OF SHERIFF'S SALE OF REAL PROPERTY
UNDER EXECUTION.**

**Date: 10/22/2014 @ 2:15 PM - THIRD STREET COUNTY BUILDING 309 S THIRD STREET LAS
VEGAS, NV 89101**

Attempted By: THOMAS SMITH

Service Type: POSTING.

**Notes : POSTED ON BULLETIN BOARD NOTICE OF SHERIFF'S SALE OF REAL PROPERTY
UNDER EXECUTION.**

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 NOV -6 PM 3: 12
ALAN GLOVER
BY *[Signature]* CLERK
DEPUTY

6
7 **In The First Judicial District Court of the State of Nevada**
8 **In and for Carson City**
9

10
11 JED MARGOLIN, an individual,
12 **Plaintiff,**
13 vs.

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

14 OPTIMA TECHNOLOGY CORPORATION,
a California corporation, OPTIMA
15 TECHNOLOGY CORPORATION, a Nevada
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 Companies
19 1-10, DOE Corporations 11-20, and DOE
20 Individuals 21-30,
21 **Defendants.**

**AFFIDAVIT OF PUBLICATION
OF NOTICE OF SHERIFF'S
SALE OF REAL PROPRTY
UNDER EXECUTION**

22
23 Plaintiff Jed Margolin, through counsel Adam McMillen, presents herewith an
24 Affidavit of Publication of Notice of Sheriff's Sale of Real Property Under Execution as it
25 relates to Clark County APN: 071-02-000-013. Such Affidavit of Publication is attached
26 hereto as Exhibit 1.

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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, 2014.

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, **AFFIDAVIT OF PUBLICATION OF NOTICE OF SHERIFF'S SALE OF REAL PROPRETY UNDER EXECUTION (CLARK COUNTY APN: 071-02-000-013)**, addressed as follows:

Jason D. Woodbury
Severin A. Carlson
Kaempfer Crowell
510 West Fourth Street
Carson City, Nevada 89703
Attorneys for Defendant, Reza Zandian

Dated: November 6, 2014

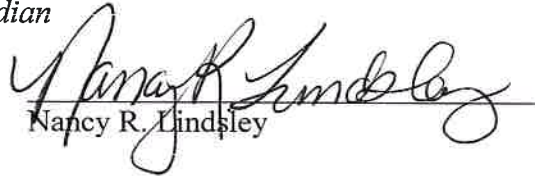

Nancy R. Lindsley

Exhibit 1

Exhibit 1

Affidavit of Publication

STATE OF NEVADA }
COUNTY OF CLARK } SS

I, Rosalie Qualls state:

That I am Assistant Operations Manager of the Nevada Legal News, a daily newspaper of general circulation, printed and published in Las Vegas, Clark County, Nevada; that the publication, a copy of which is attached hereto, was published in the said newspaper on the following dates:

- Oct 17, 2014
- Oct 24, 2014
- Oct 30, 2014

That said newspaper was regularly issued and circulated on those dates. I declare under penalty of perjury that the foregoing is true and correct.

DATED: Oct 30, 2014



Rosalie Qualls

In The First Judicial District Court of the State of Nevada
 In and for Carson City
 Case No.: 090C00579 1B Dept. No.: 1
 JED MARGOLIN, an individual, Plaintiff,
 vs. REZA ZANDIAN aka GOLAMREZA ZANDIANJAZI aka GHOLAM REZA ZANDIAN aka REZA JAZI aka J. REZA JAZI aka G. REZA JAZI aka GHONONREZA ZANDIAN JAZI, et al., Defendants.

NOTICE OF SHERIFF'S SALE OF REAL PROPERTY UNDER EXECUTION
 NOTICE OF SHERIFF'S SALE OF REAL PROPERTY UNDER EXECUTION:
 By virtue of a Writ of Execution issued out of the First Judicial District Court, Carson City, Nevada, on September 5, 2014, upon a judgment entered in the above-captioned case on June 27, 2013, in favor of Plaintiff Jed Margolin and against Reza Zandian aka Golamreza Zandian Jazi aka Gholam Reza Zandian aka Reza Jazi aka J. Reza Jazi aka G. Reza Jazi aka Ghononreza Zandian Jazi ("Defendant Reza Zandian"), in the amount of \$1,592,062.81, which Writ of Execution was delivered to me as Sheriff. I have levied upon all of the right, title, claim and interest of Defendant Reza Zandian in and to that certain real property located in Moapa Valley, Clark County, Nevada 89040 and described as THE SOUTH HALF (S 1/2) OF THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 2, TOWNSHIP 16 SOUTH, RANGE 68 EAST, M.D.M. APN 071-02-000-013. NOTICE IS HEREBY GIVEN THAT I, the undersigned Sheriff, will sell at Sheriff's Sale to the highest bidder, for cash, without warranty, express or implied, all of the right, title, claim and interest of Defendant Reza Zandian in and to the above-described real property or as much thereof as may be necessary to satisfy said judgment and Writ of Execution, together with interest and costs thereon, on December 9, 2014, at the front steps of the North Entrance to the REGIONAL JUSTICE CENTER, 200 LEWIS ST, LAS VEGAS at 9:15 a.m. This property is being sold subject to all prior liens and encumbrances pending against the property and subject to all easements, restrictions of record, taxes, and special assessments pending against the property. Only Cash or Certified Funds will be accepted and payment must be made in full immediately upon conclusion of the sale. NOTICE IS FURTHER GIVEN that the purchaser at such sale shall take title to the above described real property subject to a one (1) year right of redemption pursuant to NRS 21.210. PROSPECTIVE BIDDERS, READ THIS SECTION CAREFULLY. Before bidding at the sale, a prospective bidder should independently investigate the priority of the lien or interest of the judgment creditor; land use laws and regulations applicable to the property; approved uses for the property; limits on farming or forest practices on the property; rights of neighboring property owners; environmental laws and regulations that affect the property; make their own examination of the title and the condition of the property; and to consult their own attorney before bidding.

DATED: This 10th day of October, 2014. DOUG GILLESPIE, SHERIFF, CLARK COUNTY, NEVADA, By: Lt. G. Jason Flippo, PN 5734, Sheriff's Civil Section, Deputy Sheriff, 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
 Published in Nevada Legal News
 October 17, 24, 30, 2014

04100372 00383242

WATSON ROUNDS, ESQS. (RENO)
5371 KIETZKE LANE
RENO, NV 89511

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 NOV -6 PM 3:12
ALAN GLOVER
BY *Alan Glover*
DEPUTY

6
7 **In The First Judicial District Court of the State of Nevada**
8 **In and for Carson City**

9
10
11 JED MARGOLIN, an individual,
12 Plaintiff,

13 vs.

14 OPTIMA TECHNOLOGY CORPORATION,
a California corporation, OPTIMA
15 TECHNOLOGY CORPORATION, a Nevada
16 corporation, REZA ZANDIAN
aka GOLAMREZA ZANDIANJAZI
17 aka GHOLAM REZA ZANDIAN
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
Individuals 21-30,

21 Defendants.

Case No.: 090C00579 1B

Dept. No.: 1

**AFFIDAVIT OF PUBLICATION
OF NOTICE OF SHERIFF'S
SALE OF REAL PROPRETY
UNDER EXECUTION**

22
23 Plaintiff Jed Margolin, through counsel Adam McMillen, presents herewith an
24 Affidavit of Publication of Notice of Sheriff's Sale of Real Property Under Execution as it
25 relates to Clark County APN: 071-02-000-005. Such Affidavit of Publication is attached
26 hereto as Exhibit 1.

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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, **AFFIDAVIT OF PUBLICATION OF NOTICE OF SHERIFF'S SALE OF REAL PROPRETY UNDER EXECUTION (CLARK COUNTY APN: 071-02-000-005)**, addressed as follows:

Jason D. Woodbury
Severin A. Carlson
Kaempfer Crowell
510 West Fourth Street
Carson City, Nevada 89703
Attorneys for Defendant, Reza Zandian

Dated: November 6, 2014

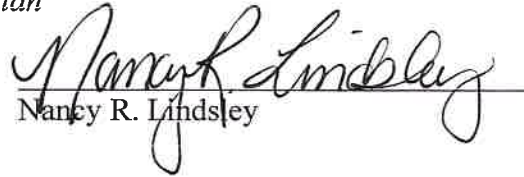

Nancy R. Lindsley

Exhibit 1

Exhibit 1

Affidavit of Publication

STATE OF NEVADA }
COUNTY OF CLARK } SS

I, Rosalie Qualls state:

That I am Assistant Operations Manager of the Nevada Legal News, a daily newspaper of general circulation, printed and published in Las Vegas, Clark County, Nevada; that the publication, a copy of which is attached hereto, was published in the said newspaper on the following dates:

- Oct 17, 2014
- Oct 24, 2014
- Oct 30, 2014

That said newspaper was regularly issued and circulated on those dates. I declare under penalty of perjury that the foregoing is true and correct.

DATED: Oct 30, 2014



 Rosalie Qualls

In The First Judicial District Court of the State of Nevada
 In and for Carson City
 Case No.: 090C00579 1B Dept. No.: 1
 JED MARGOLIN, an individual, Plaintiff,
 vs. REZA ZANDIAN aka GOLAMREZA ZANDIANJAZI aka GHOLAM REZA ZANDIAN aka REZA JAZI aka J. REZA JAZI aka G. REZA JAZI aka GHONONREZA ZANDIAN JAZI, et al., Defendants.
 NOTICE OF SHERIFF'S SALE OF REAL PROPERTY UNDER EXECUTION
 NOTICE OF SHERIFF'S SALE OF REAL PROPERTY UNDER EXECUTION:
 By virtue of a Writ of Execution issued out of the First Judicial District Court, Carson City, Nevada, on September 5, 2014, upon a judgment entered in the above-captioned case on June 27, 2013, in favor of Plaintiff Jed Margolin and against Reza Zandian aka Golamreza Zandian Jazi aka Gholam Reza Zandian aka Reza Jazi aka J. Reza Jazi aka G. Reza Jazi aka Ghononreza Zandian Jazi ("Defendant Reza Zandian"), in the amount of \$1,592,062.81, which Writ of Execution was delivered to me as Sheriff. I have levied upon all of the right, title, claim and interest of Defendant Reza Zandian in and to that certain real property located in Moapa Valley, Clark County, Nevada 89040 and described as THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 2, TOWNSHIP 16 SOUTH, RANGE 68 EAST, M.D.M. APN 071-02-000-005. NOTICE IS HEREBY GIVEN THAT I, the undersigned Sheriff, will sell at Sheriff's Sale to the highest bidder, for cash, without warranty, express or implied, all of the right, title, claim and interest of Defendant Reza Zandian in and to the above-described real property or as much thereof as may be necessary to satisfy said judgment and Writ of Execution, together with interest and costs thereon, on December 9, 2014, at the front steps to the North Entrance to the REGIONAL JUSTICE CENTER, 200 LEWIS ST, LAS VEGAS at 9:00 a.m. This property is being sold subject to all prior liens and encumbrances pending against the property and subject to all easements, restrictions of record, taxes, and special assessments pending against the property. Only Cash or Certified Funds will be accepted and payment must be made in full immediately upon conclusion of the sale. NOTICE IS FURTHER GIVEN that the purchaser at such sale shall take title to the above described real property subject to a one (1) year right of redemption pursuant to NRS 21.210. PROSPECTIVE BIDDERS, READ THIS SECTION CAREFULLY. Before bidding at the sale, a prospective bidder should independently investigate the priority of the lien or interest of the judgment creditor; land use laws and regulations applicable to the property; approved uses for the property; limits on farming or forest practices on the property; rights of neighboring property owners; environmental laws and regulations that affect the property; make their own examination of the title and the condition of the property; and to consult their own attorney before bidding.
 DATED: This 10th day of October, 2014. DOUG GILLESPIE, SHERIFF, CLARK COUNTY, NEVADA, By: Lt. G. Jason Flippo, PN 5734, Sheriff's Civil Section, Deputy Sheriff, 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
 Published in Nevada Legal News
 October 17, 24, 30, 2014

04100372 00383243

WATSON ROUNDS, ESQS. (RENO)
5371 KIETZKE LANE
RENO, NV 89511

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 NOV -6 PM 3:29
BY *[Signature]* 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 REZA ZANDIAN aka GOLAMREZA
15 ZANDIANJAZI aka GHOLAM REZA
16 ZANDIAN aka REZA JAZI aka J. REZA JAZI
17 aka G. REZA JAZI aka GHONONREZA
18 ZANDIAN JAZI, et al.,

19 Defendants.

Case No.: 090C00579 1B

Dept. No.: 1

CERTIFICATE OF SERVICE
OF AFFIDAVITS OF POSTING
NOTICE OF SHERIFF'S SALE OF
REAL PROPERTY UNDER
EXECUTION

20 I, NANCY R. LINDSLEY, certify that I am an employee of WATSON ROUNDS,
21 and on the 5th day of November, 2014, I served the following documents:

22 AFFIDAVIT OF POSTING NOTICE OF SHERIFF'S SALE OF REAL
23 PROPRETY UNDER EXECUTION (CLARK COUNTY APN: 071-02-000-
24 013)

25 AFFIDAVIT OF POSTING NOTICE OF SHERIFF'S SALE OF REAL
26 PROPRETY UNDER EXECUTION (CLARK COUNTY APN: 071-02-000-
27 005)

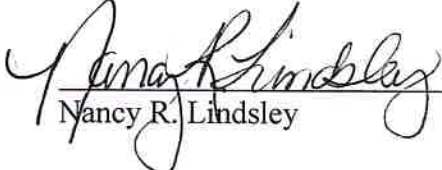
28 Such documents were served on the parties listed below via by placing a true copies thereof
enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail at
Reno, Nevada for delivery, as follows:

Reza Zandian
c/o Jason D. Woodbury

1 Severin A. Carlson
2 Kaempfer Crowell
3 510 West Fourth Street
4 Carson City, Nevada 89703

5 I declare under penalty of perjury that the foregoing is true and correct.

6 Dated: November 5, 2014

7 
8 _____
9 Nancy R. Lindsley
10
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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

ORIGINAL

REC'D & FILED

2015 JAN -8 PM 2:09

SUSAN MERRIWETHER
CLERK
BY *[Signature]*
DEPUTY

6
7
8 **In The First Judicial District Court of the State of Nevada**
9 **In and for Carson City**

11
12 JED MARGOLIN, an individual,
13 Plaintiff,
14 vs.

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

WRIT OF EXECUTION

15 OPTIMA TECHNOLOGY CORPORATION,
a California corporation, OPTIMA
16 TECHNOLOGY CORPORATION, a Nevada
17 corporation, REZA ZANDIAN
aka GOLAMREZA ZANDIANJAZI
18 aka GHOLAM REZA ZANDIAN
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
Individuals 21-30,

22 Defendants.

RECEIVED
CLARK COUNTY CLERK
2015 OCT -9 PM 3:24

23 **THE PEOPLE OF THE STATE OF NEVADA:**

24 **To the Sheriff/Constable of Clark County, Nevada, Greetings:**

25
26 On June 24, 2013, a judgment was entered by the above entitled Court in the above-
27 entitled action in favor of Plaintiff Jed Margolin as Judgment Creditor and against Defendants,
28 jointly and severally as Judgment Debtor for damages, pre-judgment interest, attorney's fees

1 and costs in amount of \$1,495,775.74. Notice of entry of Default Judgment was served on
2 June 26, 2013 and filed on June 27, 2013.

3 WHEREAS, according to an affidavit or a memorandum of costs after judgment, or
4 both, filed herein, it appears that further sums have accrued since the entry of judgment, to wit:
5 \$31,247.50 attorney's fees,
6 \$63,684.40 accrued interest, and
7 \$1,355.17 accrued costs, together with a \$10.00 fee for the issuance of this writ, making a
8 total of:
9
10 \$96,287.07 as accrued costs, accrued interest, and fees.

11 Credit must be given for payments and partial satisfactions in the amount of
12 \$0.00 which is to be first credited against the total accrued costs and accrued interest, with any
13 excess credited against the judgment as entered, leaving a net balance of: \$1,592,062.81
14 actually due on the date of the issuance of this writ of which \$1,495,775.74 bears interest at
15 5.25% percent per annum, in the amount of \$215.15 per day from April 19, 2014 to the date of
16 levy, to which must be added the commissions and costs of the officer executing this writ.

17
18 **NOW, THEREFORE, CONSTABLE/SHERIFF OF CLARK COUNTY**, you are
19 hereby commanded to satisfy this judgment with interest and costs as provided by law, out of
20 the following real property belonging to the debtor in the said county, and make return to this
21 writ within not less than 10 days or more than 60 days endorsed thereon with what you have
22 done.

23 Debtor's real properties in Clark County are described as follows:

- 24 1. Clark County APN: 071-02-000-013
25 Situs: Moapa Valley
26 Legal Description: PT SE4 NE4 SEC 02 16 68
Section 02, Township 16, Range 68

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2. Clark County APN: 071-02-000-005
Situs: Moapa Valley
Legal Description: PT NE4 NE4 SEC 02 16 68
Section 02, Township 16, Range 68

DATED: this 5 day of September, 2014.

ALAN GLOVER, Clerk

By: [Signature], Deputy

<input type="checkbox"/>	Not Satisfied	
<input checked="" type="checkbox"/>	Satisfied In Sum Of	\$ <u>24,000.00</u>
<input checked="" type="checkbox"/>	Costs Incurred	\$ <u>266.00</u>
<input checked="" type="checkbox"/>	Commissions Incurred	\$ <u>230.00</u>
<input type="checkbox"/>	Judgment Debt	\$ <u>0</u>

I hereby certify that I have this date returned the foregoing Writ of Execution with the results of the levy endorsed thereon.

CLARK COUNTY, Sheriff
By: D. Flippo, PN 5734
Deputy Date

Lt. G. Jason Flippo
Sheriff's Civil Section
12/30/14

NOTICE OF EXECUTION

YOUR PROPERTY IS BEING ATTACHED OR
YOUR WAGES ARE BEING GARNISHED

A court has determined that you owe money to _____ (name of person), the judgment creditor. The judgment creditor has begun the procedure to collect that money by garnishing your wages, bank account and other personal property held by third persons or by taking money or other property in your possession.

Certain benefits and property owned by you may be exempt from execution and may not be taken from you. The following is a partial list of exemptions:

1. Payments received pursuant to the federal Social Security Act, including, without limitation, retirement and survivors' benefits, supplemental security income benefits and disability insurance benefits.

2. Payments for benefits or the return of contributions under the Public Employees' Retirement System.

3. Payments for public assistance granted through the Division of Welfare and Supportive Services of the Department of Health and Human Services or a local governmental entity.

4. Proceeds from a policy of life insurance.

5. Payments of benefits under a program of industrial insurance.

6. Payments received as disability, illness or unemployment benefits.

7. Payments received as unemployment compensation.

8. Veteran's benefits.

9. A homestead in a dwelling or a mobile home, not to exceed \$550,000, unless:

(a) The judgment is for a medical bill, in which case all of the primary dwelling, including a mobile or manufactured home, may be exempt.

(b) Allodial title has been established and not relinquished for the dwelling or mobile home, in which case all of the dwelling or mobile home and its appurtenances are exempt, including the land on which they are located, unless a valid waiver executed pursuant to NRS 115.010 is applicable to the judgment.

10. All money reasonably deposited with a landlord by you to secure an agreement to rent or lease a dwelling that is used by you as your primary residence, except that such money is not exempt with respect to a landlord or landlord's successor in interest who seeks to enforce the terms of the agreement to rent or lease the dwelling.

11. A vehicle, if your equity in the vehicle is less than \$15,000.

12. Seventy-five percent of the take-home pay for any workweek, unless the weekly take-home pay is less than 50 times the federal minimum hourly wage, in which case the entire amount may be exempt.

13. Money, not to exceed \$500,000 in present value, held in:

(a) An individual retirement arrangement which conforms with the applicable limitations and requirements of section 408 or 408A of the Internal Revenue Code, 26 U.S.C. §§ 408 and 408A;

(b) A written simplified employee pension plan which conforms with the applicable limitations and requirements of section 408 of the Internal Revenue Code, 26 U.S.C. § 408;

(c) A cash or deferred arrangement that is a qualified plan pursuant to the Internal Revenue Code;

(d) A trust forming part of a stock bonus, pension or profit-sharing plan that is a qualified plan pursuant to sections 401 et seq. of the Internal Revenue Code, 26 U.S.C. §§ 401 et seq.; and

(e) A trust forming part of a qualified tuition program pursuant to chapter 353B of NRS, any applicable regulations adopted pursuant to chapter 353B of NRS and section 529 of the Internal Revenue Code, 26 U.S.C. § 529, unless the money is deposited after the entry of a judgment against the purchaser or account owner or the money will not be used by any beneficiary to attend a college or university.

14. All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support, education and maintenance of a child, whether collected by the judgment debtor or the State.

15. All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support and maintenance of a former spouse, including the amount of any arrearages in the payment of such support and maintenance to which the former spouse may be entitled.

16. Regardless of whether a trust contains a spendthrift provision:

(a) A present or future interest in the income or principal of a trust, if the interest has not been distributed from the trust;

(b) A remainder interest in the trust whereby a beneficiary of the trust will receive property from the trust outright at some time in the future under certain circumstances;

(c) A discretionary power held by a trustee to determine whether to make a distribution from the trust, if the interest has not been distributed from the trust;

(d) The power to direct dispositions of property in the trust, other than such a power held by a trustee to distribute property to a beneficiary of the trust;

(e) Certain powers held by a trust protector or certain other persons;

(f) Any power held by the person who created the trust; and

RECEIVED
CLATSOP COUNTY SHERIFF
OCT - 9 PM 3:58

(g) Any other property of the trust that has not been distributed from the trust. Once the property is distributed from the trust, the property is subject to execution.

17. If a trust contains a spendthrift provision:

(a) A mandatory interest in the trust in which the trustee does not have discretion concerning whether to make the distribution from the trust, if the interest has not been distributed from the trust;

(b) A support interest in the trust in which the standard for distribution may be interpreted by the trustee or a court, if the interest has not been distributed from the trust; and

(c) Any other property of the trust that has not been distributed from the trust. Once the property is distributed from the trust, the property is subject to execution.

18. A vehicle for use by you or your dependent which is specially equipped or modified to provide mobility for a person with a permanent disability.

19. A prosthesis or any equipment prescribed by a physician or dentist for you or your dependent.

20. Payments, in an amount not to exceed \$16,150, received as compensation for personal injury, not including compensation for pain and suffering or actual pecuniary loss, by the judgment debtor or by a person upon whom the judgment debtor is dependent at the time the payment is received.

21. Payments received as compensation for the wrongful death of a person upon whom the judgment debtor was dependent at the time of the wrongful death, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

22. Payments received as compensation for the loss of future earnings of the judgment debtor or of a person upon whom the judgment debtor is dependent at the time the payment is received, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

23. Payments received as restitution for a criminal act.

24. Personal property, not to exceed \$1,000 in total value, if the property is not otherwise exempt from execution.

25. A tax refund received from the earned income credit provided by federal law or a similar state law.

26. Stock of a corporation described in subsection 2 of NRS 78.746 except as set forth in that section.

↳ These exemptions may not apply in certain cases such as a proceeding to enforce a judgment for support of a person or a judgment of foreclosure on a mechanic's lien. You should consult an attorney immediately to assist you in determining whether your property or money is exempt from execution. If you cannot afford an attorney, you may be eligible for assistance through Nevada Legal Services. If you do not wish to consult an attorney or receive legal services from an organization that provides assistance to persons who qualify, you may obtain the form to be used to claim an exemption from the clerk of the court.

PROCEDURE FOR CLAIMING EXEMPT PROPERTY

If you believe that the money or property taken from you is exempt, you must complete and file with the clerk of the court an executed claim of exemption. A copy of the claim of exemption must be served upon the sheriff, the garnishee and the judgment creditor within 10 days after the notice of execution or garnishment is served on you by mail pursuant to NRS 21.076 which identifies the specific property that is being levied on. The property must be released by the garnishee or the sheriff within 9 judicial days after you serve the claim of exemption upon the sheriff, garnishee and judgment creditor, unless the sheriff or garnishee receives a copy of an objection to the claim of exemption and a notice for a hearing to determine the issue of exemption. If this happens, a hearing will be held to determine whether the property or money is exempt. The objection to the claim of exemption and notice for the hearing to determine the issue of exemption must be filed within 8 judicial days after the claim of exemption is served on the judgment creditor by mail or in person and served on the judgment debtor, the sheriff and any garnishee not less than 5 judicial days before the date set for the hearing. The hearing to determine whether the property or money is exempt must be held within 7 judicial days after the objection to the claim of exemption and notice for the hearing is filed. You may be able to have your property released more quickly if you mail to the judgment creditor or the attorney of the judgment creditor written proof that the property is exempt. Such proof may include, without limitation, a letter from the government, an annual statement from a pension fund, receipts for payment, copies of checks, records from financial institutions or any other document which demonstrates that the money in your account is exempt.

IF YOU DO NOT FILE THE EXECUTED CLAIM OF EXEMPTION WITHIN THE TIME SPECIFIED, YOUR PROPERTY MAY BE SOLD AND THE MONEY GIVEN TO THE JUDGMENT CREDITOR, EVEN IF THE PROPERTY OR MONEY IS EXEMPT.

(Added to NRS by 1989, 1135; A 1991, 811, 1412; 1995, 227, 1071; 1997, 265, 3412; 2003, 1010, 1812; 2005, 382, 1012, 2228; 2007, 2708, 3016)

1 Matthew D. Francis (6978)
2 Adam P. McMillen (10678)
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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

2015 JAN -8 PM 2:09

SUSAN MERRIWETHER
CLERK
BY: *[Signature]*
DEPUTY

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

13 JED MARGOLIN, an individual,
14 Plaintiff,
15 vs.

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

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

FILED
CLERK COURT HOUSE
JAN 08 2015 12:30:05

28 **SHERIFF'S CERTIFICATE OF SALE OF REAL PROPERTY**

Under, and by virtue of a Writ of Execution issued on a judgment entered out of the above-entitled court on June 24, 2013 in favor of JED MARGOLIN, Judgment Creditor and against Defendants, jointly and severally as Judgment Debtor, the undersigned was commanded to satisfy such judgment, together with interest and costs, out of the real property, all of which more fully appears from such Writ of Execution.

1 I, the undersigned Deputy Sheriff of Clark County, State of Nevada, do hereby certify
2 that I have levied on the real property situated in Clark County, Nevada, and on December 9,
3 2014 at 9:15 a.m., caused the same to be sold at public auction according to the statutes of the
4 State of Nevada, and after due and legal notice, all the rights, title and interest of
5 Defendants/Judgment Debtor herein and to the following described real property located in the
6 County of Clark, State of Nevada, as follows:

7 Clark County APN: 071-02-000-013
8 Situs: Moapa Valley
9 Legal Description: PT SE4 NE4 SEC 02 16 68
Section 02, Township 16, Range 68

10 That all the interest of Clark County APN: 071-02-000-013 was purchased for the sum
11 of Sixteen Thousand Dollars (\$16,000.00), by Adam P. McMillen, Esquire, agent for Watson
12 Rounds, on behalf of Judgment Creditor Jed Margolin, which was the highest bidder. The real
13 property as stated herein is subject to redemption for one (1) year from the date of sale for the
14 full purchase price plus one-percent (1%) per month pursuant to NRS 21.210 et seq, payable in
15 current, lawful money of the United States of America.

17 DOUGLAS GILLESPIE
18 SHERIFF OF CLARK COUNTY

19 By: D. Flippo, PN 5734
20 Deputy

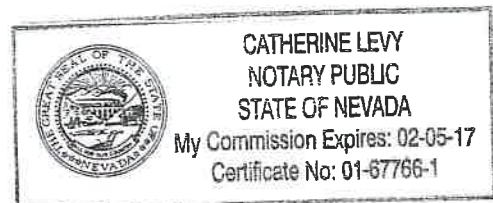
Lt. G. Jason Flippo
Sheriff's Civil Section

21 COUNTY OF CLARK)
22) ss:
23 STATE OF NEVADA)

12/30/14

24 On this 30th day of December 2014, there appeared before me LT. G. JASON FLIPPO,
25 a Deputy Sheriff of Clark County, who is known to me, and who acknowledged to me that he
26 executed the Sheriff's Certificate of Sale set forth herein, and who acknowledged that the
27 information contained therein is true and that he executed his signature thereon freely and
28 voluntarily for the purposes set forth therein.

[Signature]
Notary Public, in and for said
County and State



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
2015 JAN -8 PM 2:09
SUSAN MERRIWETHER
CLERK
BY *[Signature]*
DEPUTY

6
7 **In The First Judicial District Court of the State of Nevada**
8 **In and for Carson City**

9
10
11 JED MARGOLIN, an individual,
12 Plaintiff,
13 vs.

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

14 OPTIMA TECHNOLOGY CORPORATION,
a California corporation, OPTIMA
15 TECHNOLOGY CORPORATION, a Nevada
16 corporation, REZA ZANDIAN
aka GOLAMREZA ZANDIANJAZI
17 aka GHOLAM REZA ZANDIAN
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
Individuals 21-30,
21 Defendants.

2015 JAN 29 PM 3:05
CLERK OF COURT

22
23 **SHERIFF'S CERTIFICATE OF SALE OF REAL PROPERTY**

24 Under, and by virtue of a Writ of Execution issued on a judgment entered out of the
25 above-entitled court on June 24, 2013 in favor of JED MARGOLIN, Judgment Creditor and
26 against Defendants, jointly and severally as Judgment Debtor, the undersigned was
27 commanded to satisfy such judgment, together with interest and costs, out of the real property,
28 all of which more fully appears from such Writ of Execution.

1 I, the undersigned Deputy Sheriff of Clark County, State of Nevada, do hereby certify
2 that I have levied on the real property situated in Clark County, Nevada, and on December 9,
3 2014 at 9:00 a.m., caused the same to be sold at public auction according to the statutes of the
4 State of Nevada, and after due and legal notice, all the rights, title and interest of
5 Defendants/Judgment Debtor herein and to the following described real property located in the
6 County of Clark, State of Nevada, as follows:

7 Clark County APN: 071-02-000-005
8 Situs: Moapa Valley
9 Legal Description: PT NE4 NE4 SEC 02 16 68
Section 02, Township 16, Range 68

10 That all the interest of Clark County APN: 071-02-000-005 was purchased for the sum
11 of Eight Thousand Dollars (\$8,000.00), by Adam P. McMillen, Esquire, agent for Watson
12 Rounds, on behalf of Judgment Creditor Jed Margolin, which was the highest bidder. The real
13 property as stated herein is subject to redemption for one (1) year from the date of sale for the
14 full purchase price plus one-percent (1%) per month pursuant to NRS 21.210 et seq, payable in
15 current, lawful money of the United States of America.

17 DOUGLAS GILLESPIE
18 SHERIFF OF CLARK COUNTY

19 By: D. Flippo, PN 5734
20 Deputy Lt. G. Jason Flippo

Sheriff's Civil Section

12/30/14

21 COUNTY OF CLARK)
22) ss:
23 STATE OF NEVADA)

24 On this 30th day of December, 2014, there appeared before me LT. G. JASON FLIPPO,
25 a Deputy Sheriff of Clark County, who is known to me, and who acknowledged to me that he
26 executed the Sheriff's Certificate of Sale set forth herein, and who acknowledged that the
27 information contained therein is true and that he executed his signature thereon freely and
28 voluntarily for the purposes set forth therein.

[Signature]
Notary Public, in and for said
County and State

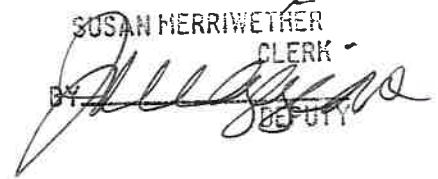


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4 Facsimile: 775-333-8171
Attorneys for Plaintiff Jed Margolin

REC'D & FILED

2015 JAN -8 PM 2:09

SUSAN HERRIWETTER
CLERK

BY  DEPUTY

5
6
7 **In The First Judicial District Court of the State of Nevada**
8 **In and for Carson City**
9

10
11 JED MARGOLIN, an individual,
12 Plaintiff,

13 vs.

14 OPTIMA TECHNOLOGY CORPORATION,
a California corporation, OPTIMA
15 TECHNOLOGY CORPORATION, a Nevada
16 corporation, REZA ZANDIAN
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 Companies
19 1-10, DOE Corporations 11-20, and DOE
20 Individuals 21-30,

21 Defendants.

Case No.: 090C00579 1B

Dept. No.: 1

DECLARATION OF SERVICE

22
23 I, NANCY R. LINDSLEY, declare under the penalty of perjury under the laws of the
24 State of Nevada, as follows:

25 1. Pursuant to NRCP 5(b), I declare that I am an employee of WATSON ROUNDS,
26 P.C.

27 2. On January 6, 2015, I served the following documents upon Defendants' counsel:
28


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- a) Sheriff's Certificate of Sale of Real Property regarding Clark County APN: 071-02-000-005;
- b) Sheriff's Certificate of Sale of Real Property regarding Clark County APN: 071-02-000-013; and,
- c) Writ of Execution, returned by Clark County Sheriff.

3. I declare that I served the foregoing documents by placing a true copies thereof enclosed in a sealed envelope, with first class postage thereon fully prepaid, in the United States mail at Reno, Nevada, addressed as follows:

Jason Woodbury, Esq.
Kaempfer Crowell
510 W. Fourth Street
CarsonCity, NV 89703

EXECUTED at Reno, Nevada, this 6th day of January, 2015.


NANCY R. LINDSLEY

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 ✓
2015 FEB 26 PM 5:00
SUSAN MERRIWETHER
CLERK
BY *[Signature]*
DEPUTY

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

12 JED MARGOLIN, an individual,
13 Plaintiff,
14 vs.

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

WRIT OF EXECUTION

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

23 **THE PEOPLE OF THE STATE OF NEVADA:**

24 **To the Sheriff of Washoe County, Nevada, Greetings:**

25
26 On June 24, 2013, a judgment was entered by the above entitled Court in the above-
27 entitled action in favor of Plaintiff Jed Margolin as Judgment Creditor and against Defendants,
28 jointly and severally as Judgment Debtor for damages, pre-judgment interest, attorney's fees

1 and costs in amount of \$1,495,775.74. Notice of entry of Default Judgment was served on
2 June 26, 2013 and filed on June 27, 2013.

3 WHEREAS, according to an affidavit or a memorandum of costs after judgment, or
4 both, filed herein, it appears that further sums have accrued since the entry of judgment, to wit:

5 \$31,247.50 attorney's fees,

6 \$63,684.40 accrued interest, and

7 \$1,355.17 accrued costs, together with a \$10.00 fee for the issuance of this writ, making a
8 total of:

9 \$96,287.07 as accrued costs, accrued interest, and fees.

10 Credit must be given for payments and partial satisfactions in the amount of
11 \$0.00 which is to be first credited against the total accrued costs and accrued interest, with any
12 excess credited against the judgment as entered, leaving a net balance of: \$1,592,062.81
13 actually due on the date of the issuance of this writ of which \$1,495,775.74 bears interest at
14 5.25% percent per annum, in the amount of \$215.15 per day from April 19, 2014 to the date of
15 levy, to which must be added the commissions and costs of the officer executing this writ.

16 **NOW, THEREFORE, SHERIFF OF WASHOE COUNTY**, you are hereby
17 commanded to satisfy this judgment with interest and costs as provided by law, out of the
18 following real property belonging to the debtor in the said county, and make return to this writ
19 within not less than 10 days or more than 60 days endorsed thereon with what you have done.

20 Washoe County APN: 084-130-07
21 Situs: E Interstate 80
22 Legal Description: The Northwest ¼ and the North ½ of the Southwest ¼
23 and the Government Lot 1 in the Southwest ¼ of Section
24 15, Township 20 North, Range 23 East, M.D.B.&M.

25 DATED: this 23 day of ^{December} ~~November~~, 2014.

26 ALAN GLOVER, Clerk

27 By: [Signature], Deputy
28

NOTICE OF EXECUTION

YOUR PROPERTY IS BEING ATTACHED OR
YOUR WAGES ARE BEING GARNISHED

A court has determined that you owe money to JED MARGOLIN (name of person), the judgment creditor. The judgment creditor has begun the procedure to collect that money by garnishing your wages, bank account and other personal property held by third persons or by taking money or other property in your possession.

Certain benefits and property owned by you may be exempt from execution and may not be taken from you. The following is a partial list of exemptions:

1. Payments received pursuant to the federal Social Security Act, including, without limitation, retirement and survivors' benefits, supplemental security income benefits and disability insurance benefits.
2. Payments for benefits or the return of contributions under the Public Employees' Retirement System.
3. Payments for public assistance granted through the Division of Welfare and Supportive Services of the Department of Health and Human Services or a local governmental entity.
4. Proceeds from a policy of life insurance.
5. Payments of benefits under a program of industrial insurance.
6. Payments received as disability, illness or unemployment benefits.
7. Payments received as unemployment compensation.
8. Veteran's benefits.
9. A homestead in a dwelling or a mobile home, not to exceed \$550,000, unless:
 - (a) The judgment is for a medical bill, in which case all of the primary dwelling, including a mobile or manufactured home, may be exempt.
 - (b) Allodial title has been established and not relinquished for the dwelling or mobile home, in which case all of the dwelling or mobile home and its appurtenances are exempt, including the land on which they are located, unless a valid waiver executed pursuant to NRS 115.010 is applicable to the judgment.
10. All money reasonably deposited with a landlord by you to secure an agreement to rent or lease a dwelling that is used by you as your primary residence, except that such money is not exempt with respect to a landlord or landlord's successor in interest who seeks to enforce the terms of the agreement to rent or lease the dwelling.
11. A vehicle, if your equity in the vehicle is less than \$15,000.
12. Seventy-five percent of the take-home pay for any workweek, unless the weekly take-home pay is less than 50 times the federal minimum hourly wage, in which case the entire amount may be exempt.
13. Money, not to exceed \$500,000 in present value, held in:
 - (a) An individual retirement arrangement which conforms with the applicable limitations and requirements of section 408 or 408A of the Internal Revenue Code, 26 U.S.C. §§ 408 and 408A;
 - (b) A written simplified employee pension plan which conforms with the applicable limitations and requirements of section 408 of the Internal Revenue Code, 26 U.S.C. § 408;
 - (c) A cash or deferred arrangement that is a qualified plan pursuant to the Internal Revenue Code;
 - (d) A trust forming part of a stock bonus, pension or profit-sharing plan that is a qualified plan pursuant to sections 401 et seq. of the Internal Revenue Code, 26 U.S.C. §§ 401 et seq.; and
 - (e) A trust forming part of a qualified tuition program pursuant to chapter 353B of NRS, any applicable regulations adopted pursuant to chapter 353B of NRS and section 529 of the Internal Revenue Code, 26 U.S.C. § 529, unless the money is deposited after the entry of a judgment against the purchaser or account owner or the money will not be used by any beneficiary to attend a college or university.
14. All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support, education and maintenance of a child, whether collected by the judgment debtor or the State.
15. All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support and maintenance of a former spouse, including the amount of any arrearages in the payment of such support and maintenance to which the former spouse may be entitled.
16. Regardless of whether a trust contains a spendthrift provision:
 - (a) A present or future interest in the income or principal of a trust, if the interest has not been distributed from the trust;
 - (b) A remainder interest in the trust whereby a beneficiary of the trust will receive property from the trust outright at some time in the future under certain circumstances;
 - (c) A discretionary power held by a trustee to determine whether to make a distribution from the trust, if the interest has not been distributed from the trust;
 - (d) The power to direct dispositions of property in the trust, other than such a power held by a trustee to distribute property to a beneficiary of the trust;
 - (e) Certain powers held by a trust protector or certain other persons;
 - (f) Any power held by the person who created the trust; and

(g) Any other property of the trust that has not been distributed from the trust. Once the property is distributed from the trust, the property is subject to execution.

17. If a trust contains a spendthrift provision:

(a) A mandatory interest in the trust in which the trustee does not have discretion concerning whether to make the distribution from the trust, if the interest has not been distributed from the trust;

(b) A support interest in the trust in which the standard for distribution may be interpreted by the trustee or a court, if the interest has not been distributed from the trust; and

(c) Any other property of the trust that has not been distributed from the trust. Once the property is distributed from the trust, the property is subject to execution.

18. A vehicle for use by you or your dependent which is specially equipped or modified to provide mobility for a person with a permanent disability.

19. A prosthesis or any equipment prescribed by a physician or dentist for you or your dependent.

20. Payments, in an amount not to exceed \$16,150, received as compensation for personal injury, not including compensation for pain and suffering or actual pecuniary loss, by the judgment debtor or by a person upon whom the judgment debtor is dependent at the time the payment is received.

21. Payments received as compensation for the wrongful death of a person upon whom the judgment debtor was dependent at the time of the wrongful death, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

22. Payments received as compensation for the loss of future earnings of the judgment debtor or of a person upon whom the judgment debtor is dependent at the time the payment is received, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

23. Payments received as restitution for a criminal act.

24. Personal property, not to exceed \$1,000 in total value, if the property is not otherwise exempt from execution.

25. A tax refund received from the earned income credit provided by federal law or a similar state law.

26. Stock of a corporation described in subsection 2 of NRS 78.746 except as set forth in that section.

↳ These exemptions may not apply in certain cases such as a proceeding to enforce a judgment for support of a person or a judgment of foreclosure on a mechanic's lien. You should consult an attorney immediately to assist you in determining whether your property or money is exempt from execution. If you cannot afford an attorney, you may be eligible for assistance through Nevada Legal Services. If you do not wish to consult an attorney or receive legal services from an organization that provides assistance to persons who qualify, you may obtain the form to be used to claim an exemption from the clerk of the court.

PROCEDURE FOR CLAIMING EXEMPT PROPERTY

If you believe that the money or property taken from you is exempt, you must complete and file with the clerk of the court an executed claim of exemption. A copy of the claim of exemption must be served upon the sheriff, the garnishee and the judgment creditor within 10 days after the notice of execution or garnishment is served on you by mail pursuant to NRS 21.076 which identifies the specific property that is being levied on. The property must be released by the garnishee or the sheriff within 9 judicial days after you serve the claim of exemption upon the sheriff, garnishee and judgment creditor, unless the sheriff or garnishee receives a copy of an objection to the claim of exemption and a notice for a hearing to determine the issue of exemption. If this happens, a hearing will be held to determine whether the property or money is exempt. The objection to the claim of exemption and notice for the hearing to determine the issue of exemption must be filed within 8 judicial days after the claim of exemption is served on the judgment creditor by mail or in person and served on the judgment debtor, the sheriff and any garnishee not less than 5 judicial days before the date set for the hearing. The hearing to determine whether the property or money is exempt must be held within 7 judicial days after the objection to the claim of exemption and notice for the hearing is filed. You may be able to have your property released more quickly if you mail to the judgment creditor or the attorney of the judgment creditor written proof that the property is exempt. Such proof may include, without limitation, a letter from the government, an annual statement from a pension fund, receipts for payment, copies of checks, records from financial institutions or any other document which demonstrates that the money in your account is exempt.

IF YOU DO NOT FILE THE EXECUTED CLAIM OF EXEMPTION WITHIN THE TIME SPECIFIED, YOUR PROPERTY MAY BE SOLD AND THE MONEY GIVEN TO THE JUDGMENT CREDITOR, EVEN IF THE PROPERTY OR MONEY IS EXEMPT.

(Added to NRS by 1989, 1135; A 1991, 811, 1412; 1995, 227, 1071; 1997, 265, 3412; 2003, 1010, 1812; 2005, 382, 1012, 2228; 2007, 2708, 3016)

ORIGINAL

REC'D & FILED

2015 FEB 26 PM 5:00

SUSAN MERRIWETHER
CLERK

BY: *[Signature]*
DEPUTY

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Attorneys for Plaintiff Jed Margolin

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8 **In The First Judicial District Court of the State of Nevada**
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12 JED MARGOLIN, an individual,
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14 vs.

15 OPTIMA TECHNOLOGY CORPORATION,
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16 TECHNOLOGY CORPORATION, a Nevada
corporation, REZA ZANDIAN
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ZANDIAN JAZI, an individual, DOE Companies
20 1-10, DOE Corporations 11-20, and DOE
21 Individuals 21-30,

22 Defendants.

Case No.: 090C00579 1B

Dept. No.: 1

WRIT OF EXECUTION

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24 **To the Sheriff of Washoe County, Nevada, Greetings:**

25
26 On June 24, 2013, a judgment was entered by the above entitled Court in the above-
27 entitled action in favor of Plaintiff Jed Margolin as Judgment Creditor and against Defendants,
28 jointly and severally as Judgment Debtor for damages, pre-judgment interest, attorney's fees

1 and costs in amount of \$1,495,775.74. Notice of entry of Default Judgment was served on
2 June 26, 2013 and filed on June 27, 2013.

3 WHEREAS, according to an affidavit or a memorandum of costs after judgment, or
4 both, filed herein, it appears that further sums have accrued since the entry of judgment, to wit:

5 \$31,247.50 attorney's fees,

6 \$63,684.40 accrued interest, and

7 \$1,355.17 accrued costs, together with a \$10.00 fee for the issuance of this writ, making a
8 total of:

9 \$96,287.07 as accrued costs, accrued interest, and fees.

10 Credit must be given for payments and partial satisfactions in the amount of
11 \$0.00 which is to be first credited against the total accrued costs and accrued interest, with any
12 excess credited against the judgment as entered, leaving a net balance of: \$1,592,062.81
13 actually due on the date of the issuance of this writ of which \$1,495,775.74 bears interest at
14 5.25% percent per annum, in the amount of \$215.15 per day from April 19, 2014 to the date of
15 levy, to which must be added the commissions and costs of the officer executing this writ.

16
17 **NOW, THEREFORE, SHERIFF OF WASHOE COUNTY**, you are hereby
18 commanded to satisfy this judgment with interest and costs as provided by law, out of the
19 following real property belonging to the debtor in the said county, and make return to this writ
20 within not less than 10 days or more than 60 days endorsed thereon with what you have done.
21

22 Washoe County APN: 079-150-10
23 Situs: State Route 447
24 Legal Description: Section 31, Township 21 North, Range 23 East,
M.D.B.&M.

25 DATED: this 28 day of ^{December} ~~November~~, 2014.

26 ALAN GLOVER, Clerk

27 By: [Signature], Deputy
28

NOTICE OF EXECUTION

YOUR PROPERTY IS BEING ATTACHED OR
YOUR WAGES ARE BEING GARNISHED

A court has determined that you owe money to JED MARGOLIN (name of person), the judgment creditor. The judgment creditor has begun the procedure to collect that money by garnishing your wages, bank account and other personal property held by third persons or by taking money or other property in your possession.

Certain benefits and property owned by you may be exempt from execution and may not be taken from you. The following is a partial list of exemptions:

1. Payments received pursuant to the federal Social Security Act, including, without limitation, retirement and survivors' benefits, supplemental security income benefits and disability insurance benefits.
2. Payments for benefits or the return of contributions under the Public Employees' Retirement System.
3. Payments for public assistance granted through the Division of Welfare and Supportive Services of the Department of Health and Human Services or a local governmental entity.
4. Proceeds from a policy of life insurance.
5. Payments of benefits under a program of industrial insurance.
6. Payments received as disability, illness or unemployment benefits.
7. Payments received as unemployment compensation.
8. Veteran's benefits.
9. A homestead in a dwelling or a mobile home, not to exceed \$550,000, unless:
 - (a) The judgment is for a medical bill, in which case all of the primary dwelling, including a mobile or manufactured home, may be exempt.
 - (b) Allodial title has been established and not relinquished for the dwelling or mobile home, in which case all of the dwelling or mobile home and its appurtenances are exempt, including the land on which they are located, unless a valid waiver executed pursuant to NRS 115.010 is applicable to the judgment.
10. All money reasonably deposited with a landlord by you to secure an agreement to rent or lease a dwelling that is used by you as your primary residence, except that such money is not exempt with respect to a landlord or landlord's successor in interest who seeks to enforce the terms of the agreement to rent or lease the dwelling.
11. A vehicle, if your equity in the vehicle is less than \$15,000.
12. Seventy-five percent of the take-home pay for any workweek, unless the weekly take-home pay is less than 50 times the federal minimum hourly wage, in which case the entire amount may be exempt.
13. Money, not to exceed \$500,000 in present value, held in:
 - (a) An individual retirement arrangement which conforms with the applicable limitations and requirements of section 408 or 408A of the Internal Revenue Code, 26 U.S.C. §§ 408 and 408A;
 - (b) A written simplified employee pension plan which conforms with the applicable limitations and requirements of section 408 of the Internal Revenue Code, 26 U.S.C. § 408;
 - (c) A cash or deferred arrangement that is a qualified plan pursuant to the Internal Revenue Code;
 - (d) A trust forming part of a stock bonus, pension or profit-sharing plan that is a qualified plan pursuant to sections 401 et seq. of the Internal Revenue Code, 26 U.S.C. §§ 401 et seq.; and
 - (e) A trust forming part of a qualified tuition program pursuant to chapter 353B of NRS, any applicable regulations adopted pursuant to chapter 353B of NRS and section 529 of the Internal Revenue Code, 26 U.S.C. § 529, unless the money is deposited after the entry of a judgment against the purchaser or account owner or the money will not be used by any beneficiary to attend a college or university.
14. All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support, education and maintenance of a child, whether collected by the judgment debtor or the State.
15. All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support and maintenance of a former spouse, including the amount of any arrearages in the payment of such support and maintenance to which the former spouse may be entitled.
16. Regardless of whether a trust contains a spendthrift provision:
 - (a) A present or future interest in the income or principal of a trust, if the interest has not been distributed from the trust;
 - (b) A remainder interest in the trust whereby a beneficiary of the trust will receive property from the trust outright at some time in the future under certain circumstances;
 - (c) A discretionary power held by a trustee to determine whether to make a distribution from the trust, if the interest has not been distributed from the trust;
 - (d) The power to direct dispositions of property in the trust, other than such a power held by a trustee to distribute property to a beneficiary of the trust;
 - (e) Certain powers held by a trust protector or certain other persons;
 - (f) Any power held by the person who created the trust; and

(g) Any other property of the trust that has not been distributed from the trust. Once the property is distributed from the trust, the property is subject to execution.

17. If a trust contains a spendthrift provision:

(a) A mandatory interest in the trust in which the trustee does not have discretion concerning whether to make the distribution from the trust, if the interest has not been distributed from the trust;

(b) A support interest in the trust in which the standard for distribution may be interpreted by the trustee or a court, if the interest has not been distributed from the trust; and

(c) Any other property of the trust that has not been distributed from the trust. Once the property is distributed from the trust, the property is subject to execution.

18. A vehicle for use by you or your dependent which is specially equipped or modified to provide mobility for a person with a permanent disability.

19. A prosthesis or any equipment prescribed by a physician or dentist for you or your dependent.

20. Payments, in an amount not to exceed \$16,150, received as compensation for personal injury, not including compensation for pain and suffering or actual pecuniary loss, by the judgment debtor or by a person upon whom the judgment debtor is dependent at the time the payment is received.

21. Payments received as compensation for the wrongful death of a person upon whom the judgment debtor was dependent at the time of the wrongful death, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

22. Payments received as compensation for the loss of future earnings of the judgment debtor or of a person upon whom the judgment debtor is dependent at the time the payment is received, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

23. Payments received as restitution for a criminal act.

24. Personal property, not to exceed \$1,000 in total value, if the property is not otherwise exempt from execution.

25. A tax refund received from the earned income credit provided by federal law or a similar state law.

26. Stock of a corporation described in subsection 2 of NRS 78.746 except as set forth in that section.

↳ These exemptions may not apply in certain cases such as a proceeding to enforce a judgment for support of a person or a judgment of foreclosure on a mechanic's lien. You should consult an attorney immediately to assist you in determining whether your property or money is exempt from execution. If you cannot afford an attorney, you may be eligible for assistance through Nevada Legal Services. If you do not wish to consult an attorney or receive legal services from an organization that provides assistance to persons who qualify, you may obtain the form to be used to claim an exemption from the clerk of the court.

PROCEDURE FOR CLAIMING EXEMPT PROPERTY

If you believe that the money or property taken from you is exempt, you must complete and file with the clerk of the court an executed claim of exemption. A copy of the claim of exemption must be served upon the sheriff, the garnishee and the judgment creditor within 10 days after the notice of execution or garnishment is served on you by mail pursuant to NRS 21.076 which identifies the specific property that is being levied on. The property must be released by the garnishee or the sheriff within 9 judicial days after you serve the claim of exemption upon the sheriff, garnishee and judgment creditor, unless the sheriff or garnishee receives a copy of an objection to the claim of exemption and a notice for a hearing to determine the issue of exemption. If this happens, a hearing will be held to determine whether the property or money is exempt. The objection to the claim of exemption and notice for the hearing to determine the issue of exemption must be filed within 8 judicial days after the claim of exemption is served on the judgment creditor by mail or in person and served on the judgment debtor, the sheriff and any garnishee not less than 5 judicial days before the date set for the hearing. The hearing to determine whether the property or money is exempt must be held within 7 judicial days after the objection to the claim of exemption and notice for the hearing is filed. You may be able to have your property released more quickly if you mail to the judgment creditor or the attorney of the judgment creditor written proof that the property is exempt. Such proof may include, without limitation, a letter from the government, an annual statement from a pension fund, receipts for payment, copies of checks, records from financial institutions or any other document which demonstrates that the money in your account is exempt.

IF YOU DO NOT FILE THE EXECUTED CLAIM OF EXEMPTION WITHIN THE TIME SPECIFIED, YOUR PROPERTY MAY BE SOLD AND THE MONEY GIVEN TO THE JUDGMENT CREDITOR, EVEN IF THE PROPERTY OR MONEY IS EXEMPT.

(Added to NRS by 1989, 1135; A 1991, 811, 1412; 1995, 227, 1071; 1997, 265, 3412; 2003, 1010, 1812; 2005, 382, 1012, 2228; 2007, 2708, 3016)

ORIGINAL

REC'D & FILED
2015 FEB 26 PM 5:00
SUSAN MERRIWETHER
CLERK
BY *[Signature]*
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

6
7
8 **In The First Judicial District Court of the State of Nevada**
9 **In and for Carson City**

10
11
12 JED MARGOLIN, an individual,
13 Plaintiff,
14 vs.

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

WRIT OF EXECUTION

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

23 **THE PEOPLE OF THE STATE OF NEVADA:**

24 **To the Sheriff of Washoe County, Nevada, Greetings:**

25
26 On June 24, 2013, a judgment was entered by the above entitled Court in the above-
27 entitled action in favor of Plaintiff Jed Margolin as Judgment Creditor and against Defendants,
28 jointly and severally as Judgment Debtor for damages, pre-judgment interest, attorney's fees

1 and costs in amount of \$1,495,775.74. Notice of entry of Default Judgment was served on
2 June 26, 2013 and filed on June 27, 2013.

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12 excess credited against the judgment as entered, leaving a net balance of: \$1,592,062.81
13 actually due on the date of the issuance of this writ of which \$1,495,775.74 bears interest at
14 5.25% percent per annum, in the amount of \$215.15 per day from April 19, 2014 to the date of
15 levy, to which must be added the commissions and costs of the officer executing this writ.

16
17 **NOW, THEREFORE, SHERIFF OF WASHOE COUNTY**, you are hereby
18 commanded to satisfy this judgment with interest and costs as provided by law, out of the
19 following real property belonging to the debtor in the said county, and make return to this writ
20 within not less than 10 days or more than 60 days endorsed thereon with what you have done.
21

22 Washoe County APN: 084-040-02
23 Situs: Pierson Canyon Road
24 Legal Description: Section 5, Township 20 North, Range 23 East,
M.D.B.&M.

25 DATED: this 25 day of ^{December}~~November~~, 2014.

26 ALAN GLOVER, Clerk

27 By:  _____, Deputy
28

NOTICE OF EXECUTION

YOUR PROPERTY IS BEING ATTACHED OR
YOUR WAGES ARE BEING GARNISHED

A court has determined that you owe money to JED MARGOLIN (name of person), the judgment creditor. The judgment creditor has begun the procedure to collect that money by garnishing your wages, bank account and other personal property held by third persons or by taking money or other property in your possession.

Certain benefits and property owned by you may be exempt from execution and may not be taken from you. The following is a partial list of exemptions:

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2. Payments for benefits or the return of contributions under the Public Employees' Retirement System.
3. Payments for public assistance granted through the Division of Welfare and Supportive Services of the Department of Health and Human Services or a local governmental entity.
4. Proceeds from a policy of life insurance.
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7. Payments received as unemployment compensation.
8. Veteran's benefits.
9. A homestead in a dwelling or a mobile home, not to exceed \$550,000, unless:
 - (a) The judgment is for a medical bill, in which case all of the primary dwelling, including a mobile or manufactured home, may be exempt.
 - (b) Allodial title has been established and not relinquished for the dwelling or mobile home, in which case all of the dwelling or mobile home and its appurtenances are exempt, including the land on which they are located, unless a valid waiver executed pursuant to NRS 115.010 is applicable to the judgment.
10. All money reasonably deposited with a landlord by you to secure an agreement to rent or lease a dwelling that is used by you as your primary residence, except that such money is not exempt with respect to a landlord or landlord's successor in interest who seeks to enforce the terms of the agreement to rent or lease the dwelling.
11. A vehicle, if your equity in the vehicle is less than \$15,000.
12. Seventy-five percent of the take-home pay for any workweek, unless the weekly take-home pay is less than 50 times the federal minimum hourly wage, in which case the entire amount may be exempt.
13. Money, not to exceed \$500,000 in present value, held in:
 - (a) An individual retirement arrangement which conforms with the applicable limitations and requirements of section 408 or 408A of the Internal Revenue Code, 26 U.S.C. §§ 408 and 408A;
 - (b) A written simplified employee pension plan which conforms with the applicable limitations and requirements of section 408 of the Internal Revenue Code, 26 U.S.C. § 408;
 - (c) A cash or deferred arrangement that is a qualified plan pursuant to the Internal Revenue Code;
 - (d) A trust forming part of a stock bonus, pension or profit-sharing plan that is a qualified plan pursuant to sections 401 et seq. of the Internal Revenue Code, 26 U.S.C. §§ 401 et seq.; and
 - (e) A trust forming part of a qualified tuition program pursuant to chapter 353B of NRS, any applicable regulations adopted pursuant to chapter 353B of NRS and section 529 of the Internal Revenue Code, 26 U.S.C. § 529, unless the money is deposited after the entry of a judgment against the purchaser or account owner or the money will not be used by any beneficiary to attend a college or university.
14. All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support, education and maintenance of a child, whether collected by the judgment debtor or the State.
15. All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support and maintenance of a former spouse, including the amount of any arrearages in the payment of such support and maintenance to which the former spouse may be entitled.
16. Regardless of whether a trust contains a spendthrift provision:
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 - (b) A remainder interest in the trust whereby a beneficiary of the trust will receive property from the trust outright at some time in the future under certain circumstances;
 - (c) A discretionary power held by a trustee to determine whether to make a distribution from the trust, if the interest has not been distributed from the trust;
 - (d) The power to direct dispositions of property in the trust, other than such a power held by a trustee to distribute property to a beneficiary of the trust;
 - (e) Certain powers held by a trust protector or certain other persons;
 - (f) Any power held by the person who created the trust; and

(g) Any other property of the trust that has not been distributed from the trust. Once the property is distributed from the trust, the property is subject to execution.

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(a) A mandatory interest in the trust in which the trustee does not have discretion concerning whether to make the distribution from the trust, if the interest has not been distributed from the trust;

(b) A support interest in the trust in which the standard for distribution may be interpreted by the trustee or a court, if the interest has not been distributed from the trust; and

(c) Any other property of the trust that has not been distributed from the trust. Once the property is distributed from the trust, the property is subject to execution.

18. A vehicle for use by you or your dependent which is specially equipped or modified to provide mobility for a person with a permanent disability.

19. A prosthesis or any equipment prescribed by a physician or dentist for you or your dependent.

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22. Payments received as compensation for the loss of future earnings of the judgment debtor or of a person upon whom the judgment debtor is dependent at the time the payment is received, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

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24. Personal property, not to exceed \$1,000 in total value, if the property is not otherwise exempt from execution.

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26. Stock of a corporation described in subsection 2 of NRS 78.746 except as set forth in that section.

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PROCEDURE FOR CLAIMING EXEMPT PROPERTY

If you believe that the money or property taken from you is exempt, you must complete and file with the clerk of the court an executed claim of exemption. A copy of the claim of exemption must be served upon the sheriff, the garnishee and the judgment creditor within 10 days after the notice of execution or garnishment is served on you by mail pursuant to NRS 21.076 which identifies the specific property that is being levied on. The property must be released by the garnishee or the sheriff within 9 judicial days after you serve the claim of exemption upon the sheriff, garnishee and judgment creditor, unless the sheriff or garnishee receives a copy of an objection to the claim of exemption and a notice for a hearing to determine the issue of exemption. If this happens, a hearing will be held to determine whether the property or money is exempt. The objection to the claim of exemption and notice for the hearing to determine the issue of exemption must be filed within 8 judicial days after the claim of exemption is served on the judgment creditor by mail or in person and served on the judgment debtor, the sheriff and any garnishee not less than 5 judicial days before the date set for the hearing. The hearing to determine whether the property or money is exempt must be held within 7 judicial days after the objection to the claim of exemption and notice for the hearing is filed. You may be able to have your property released more quickly if you mail to the judgment creditor or the attorney of the judgment creditor written proof that the property is exempt. Such proof may include, without limitation, a letter from the government, an annual statement from a pension fund, receipts for payment, copies of checks, records from financial institutions or any other document which demonstrates that the money in your account is exempt.

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(Added to NRS by 1989, 1135; A 1991, 811, 1412; 1995, 227, 1071; 1997, 265, 3412; 2003, 1010, 1812; 2005, 382, 1012, 2228; 2007, 2708, 3016)

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

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 Jazi aka G. Reza Jazi aka Ghononreza
Zandian Jazi, an individual, DOE Companies 1-10,
DOE Corporations 11-20, and DOE Individuals 21-
30
DEFENDANT

) Dated: 2/23/2015
)
)

) Civil File Number: 15001231
)

) CASE No.: 090C005791B
)

DECLARATION OF SERVICE

STATE OF NEVADA }
 } ss:
COUNTY OF WASHOE }

Steve Wood, being first duly sworn, deposes and says: That affiant is a citizen of the United States, over 18 years of age, not a party to the within entered action, and that in the County of Washoe, State of Nevada, personally served the described documents upon:

Post and Mail: **Reza Zandian, by serving**
Location: **APN: 084-040-02 Pierson Canyon Road Section 5, Township 20 North, Range 23**
 East, Wadsworth, NV 89442
Date: **2/20/2015** **Time: 2:01 PM**

The document(s) served were: WRIT OF EXECUTION-REAL PROPERTY LEVY, NOTICE OF EXECUTION, NOTICE OF ATTACHMENT AND LEVY UPON PROPERTY

I declare under penalty of perjury under the law provided of the State of Nevada that the foregoing is true and correct. No notary is required per NRS 53.045.

CHUCK ALLEN, SHERIFF

By: 
Sheriff's Authorized Agent

Watson Rounds
5371 Kietzke Ln
Reno, NV 89511

ORIGINAL

REC'D & FILED
2015 FEB 26 PM 5:00
SUSAN MERRIWETHER
CLERK
BY: [Signature] 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
5

6
7
8 **In The First Judicial District Court of the State of Nevada**
9 **In and for Carson City**
10

11
12 JED MARGOLIN, an individual,
13 Plaintiff,

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

14 vs.

WRIT OF EXECUTION

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

22 Defendants.

23 **THE PEOPLE OF THE STATE OF NEVADA:**

24 **To the Sheriff of Washoe County, Nevada, Greetings:**

25
26 On June 24, 2013, a judgment was entered by the above entitled Court in the above-
27 entitled action in favor of Plaintiff Jed Margolin as Judgment Creditor and against Defendants,
28 jointly and severally as Judgment Debtor for damages, pre-judgment interest, attorney's fees

1 and costs in amount of \$1,495,775.74. Notice of entry of Default Judgment was served on
2 June 26, 2013 and filed on June 27, 2013.

3 WHEREAS, according to an affidavit or a memorandum of costs after judgment, or
4 both, filed herein, it appears that further sums have accrued since the entry of judgment, to wit:

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13 actually due on the date of the issuance of this writ of which \$1,495,775.74 bears interest at
14 5.25% percent per annum, in the amount of \$215.15 per day from April 19, 2014 to the date of
15 levy, to which must be added the commissions and costs of the officer executing this writ.

16 **NOW, THEREFORE, SHERIFF OF WASHOE COUNTY**, you are hereby
17 commanded to satisfy this judgment with interest and costs as provided by law, out of the
18 following real property belonging to the debtor in the said county, and make return to this writ
19 within not less than 10 days or more than 60 days endorsed thereon with what you have done.

20 Washoe County APN: 079-150-12
21 Situs: State Route 447
22 Legal Description: The Southwest Quarter (SW ¼) of Section 25, Township
23 21 North, Range 23 East, M.D.M.

24 DATED: this 23 day of ^{December} ~~November~~, 2014.

25 ALAN GLOVER, Clerk

26 By:  Deputy

ORIGINAL

REC'D & FILED
2015 FEB 26 PM 5:00
SUSAN MERRIWETHER
CLERK
BY *[Signature]*
DEPUTY

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

11
12 JED MARGOLIN, an individual,
13 Plaintiff,
14 vs.

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

WRIT OF EXECUTION

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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
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25 Individuals 21-30,
26 Defendants.

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19 commanded to satisfy this judgment with interest and costs as provided by law, out of the
20 following real property belonging to the debtor in the said county, and make return to this writ
21 within not less than 10 days or more than 60 days endorsed thereon with what you have done.

22 Washoe County APN: 079-150-12
23 Situs: State Route 447
24 Legal Description: The Southwest Quarter (SW ¼) of Section 25, Township
21 North, Range 23 East, M.D.M.

25 DATED: this 23 day of ^{December}~~November~~, 2014.

26 ALAN GLOVER, Clerk

27
28 By:  Deputy

NOTICE OF EXECUTION

YOUR PROPERTY IS BEING ATTACHED OR
YOUR WAGES ARE BEING GARNISHED

A court has determined that you owe money to JED MARGOLIN (name of person), the judgment creditor. The judgment creditor has begun the procedure to collect that money by garnishing your wages, bank account and other personal property held by third persons or by taking money or other property in your possession.

Certain benefits and property owned by you may be exempt from execution and may not be taken from you. The following is a partial list of exemptions:

1. Payments received pursuant to the federal Social Security Act, including, without limitation, retirement and survivors' benefits, supplemental security income benefits and disability insurance benefits.
2. Payments for benefits or the return of contributions under the Public Employees' Retirement System.
3. Payments for public assistance granted through the Division of Welfare and Supportive Services of the Department of Health and Human Services or a local governmental entity.
4. Proceeds from a policy of life insurance.
5. Payments of benefits under a program of industrial insurance.
6. Payments received as disability, illness or unemployment benefits.
7. Payments received as unemployment compensation.
8. Veteran's benefits.
9. A homestead in a dwelling or a mobile home, not to exceed \$550,000, unless:
 - (a) The judgment is for a medical bill, in which case all of the primary dwelling, including a mobile or manufactured home, may be exempt.
 - (b) Allodial title has been established and not relinquished for the dwelling or mobile home, in which case all of the dwelling or mobile home and its appurtenances are exempt, including the land on which they are located, unless a valid waiver executed pursuant to NRS 115.010 is applicable to the judgment.
10. All money reasonably deposited with a landlord by you to secure an agreement to rent or lease a dwelling that is used by you as your primary residence, except that such money is not exempt with respect to a landlord or landlord's successor in interest who seeks to enforce the terms of the agreement to rent or lease the dwelling.
11. A vehicle, if your equity in the vehicle is less than \$15,000.
12. Seventy-five percent of the take-home pay for any workweek, unless the weekly take-home pay is less than 50 times the federal minimum hourly wage, in which case the entire amount may be exempt.
13. Money, not to exceed \$500,000 in present value, held in:
 - (a) An individual retirement arrangement which conforms with the applicable limitations and requirements of section 408 or 408A of the Internal Revenue Code, 26 U.S.C. §§ 408 and 408A;
 - (b) A written simplified employee pension plan which conforms with the applicable limitations and requirements of section 408 of the Internal Revenue Code, 26 U.S.C. § 408;
 - (c) A cash or deferred arrangement that is a qualified plan pursuant to the Internal Revenue Code;
 - (d) A trust forming part of a stock bonus, pension or profit-sharing plan that is a qualified plan pursuant to sections 401 et seq. of the Internal Revenue Code, 26 U.S.C. §§ 401 et seq.; and
 - (e) A trust forming part of a qualified tuition program pursuant to chapter 353B of NRS, any applicable regulations adopted pursuant to chapter 353B of NRS and section 529 of the Internal Revenue Code, 26 U.S.C. § 529, unless the money is deposited after the entry of a judgment against the purchaser or account owner or the money will not be used by any beneficiary to attend a college or university.
14. All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support, education and maintenance of a child, whether collected by the judgment debtor or the State.
15. All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support and maintenance of a former spouse, including the amount of any arrearages in the payment of such support and maintenance to which the former spouse may be entitled.
16. Regardless of whether a trust contains a spendthrift provision:
 - (a) A present or future interest in the income or principal of a trust, if the interest has not been distributed from the trust;
 - (b) A remainder interest in the trust whereby a beneficiary of the trust will receive property from the trust outright at some time in the future under certain circumstances;
 - (c) A discretionary power held by a trustee to determine whether to make a distribution from the trust, if the interest has not been distributed from the trust;
 - (d) The power to direct dispositions of property in the trust, other than such a power held by a trustee to distribute property to a beneficiary of the trust;
 - (e) Certain powers held by a trust protector or certain other persons;
 - (f) Any power held by the person who created the trust; and

(g) Any other property of the trust that has not been distributed from the trust. Once the property is distributed from the trust, the property is subject to execution.

17. If a trust contains a spendthrift provision:

(a) A mandatory interest in the trust in which the trustee does not have discretion concerning whether to make the distribution from the trust, if the interest has not been distributed from the trust;

(b) A support interest in the trust in which the standard for distribution may be interpreted by the trustee or a court, if the interest has not been distributed from the trust; and

(c) Any other property of the trust that has not been distributed from the trust. Once the property is distributed from the trust, the property is subject to execution.

18. A vehicle for use by you or your dependent which is specially equipped or modified to provide mobility for a person with a permanent disability.

19. A prosthesis or any equipment prescribed by a physician or dentist for you or your dependent.

20. Payments, in an amount not to exceed \$16,150, received as compensation for personal injury, not including compensation for pain and suffering or actual pecuniary loss, by the judgment debtor or by a person upon whom the judgment debtor is dependent at the time the payment is received.

21. Payments received as compensation for the wrongful death of a person upon whom the judgment debtor was dependent at the time of the wrongful death, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

22. Payments received as compensation for the loss of future earnings of the judgment debtor or of a person upon whom the judgment debtor is dependent at the time the payment is received, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

23. Payments received as restitution for a criminal act.

24. Personal property, not to exceed \$1,000 in total value, if the property is not otherwise exempt from execution.

25. A tax refund received from the earned income credit provided by federal law or a similar state law.

26. Stock of a corporation described in subsection 2 of NRS 78.746 except as set forth in that section.

↳ These exemptions may not apply in certain cases such as a proceeding to enforce a judgment for support of a person or a judgment of foreclosure on a mechanic's lien. You should consult an attorney immediately to assist you in determining whether your property or money is exempt from execution. If you cannot afford an attorney, you may be eligible for assistance through Nevada Legal Services. If you do not wish to consult an attorney or receive legal services from an organization that provides assistance to persons who qualify, you may obtain the form to be used to claim an exemption from the clerk of the court.

PROCEDURE FOR CLAIMING EXEMPT PROPERTY

If you believe that the money or property taken from you is exempt, you must complete and file with the clerk of the court an executed claim of exemption. A copy of the claim of exemption must be served upon the sheriff, the garnishee and the judgment creditor within 10 days after the notice of execution or garnishment is served on you by mail pursuant to NRS 21.076 which identifies the specific property that is being levied on. The property must be released by the garnishee or the sheriff within 9 judicial days after you serve the claim of exemption upon the sheriff, garnishee and judgment creditor, unless the sheriff or garnishee receives a copy of an objection to the claim of exemption and a notice for a hearing to determine the issue of exemption. If this happens, a hearing will be held to determine whether the property or money is exempt. The objection to the claim of exemption and notice for the hearing to determine the issue of exemption must be filed within 8 judicial days after the claim of exemption is served on the judgment creditor by mail or in person and served on the judgment debtor, the sheriff and any garnishee not less than 5 judicial days before the date set for the hearing. The hearing to determine whether the property or money is exempt must be held within 7 judicial days after the objection to the claim of exemption and notice for the hearing is filed. You may be able to have your property released more quickly if you mail to the judgment creditor or the attorney of the judgment creditor written proof that the property is exempt. Such proof may include, without limitation, a letter from the government, an annual statement from a pension fund, receipts for payment, copies of checks, records from financial institutions or any other document which demonstrates that the money in your account is exempt.

IF YOU DO NOT FILE THE EXECUTED CLAIM OF EXEMPTION WITHIN THE TIME SPECIFIED, YOUR PROPERTY MAY BE SOLD AND THE MONEY GIVEN TO THE JUDGMENT CREDITOR, EVEN IF THE PROPERTY OR MONEY IS EXEMPT.

(Added to NRS by 1989, 1135; A 1991, 811, 1412; 1995, 227, 1071; 1997, 265, 3412; 2003, 1010, 1812; 2005, 382, 1012, 2228; 2007, 2708, 3016)

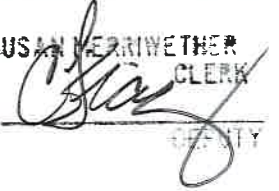
1 Matthew D. Francis (6978)
Adam P. McMillen (10678)
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2 5371 Kietzke Lane
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3 Telephone: 775-324-4100
Facsimile: 775-333-8171
4 Attorneys for Plaintiff Jed Margolin

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SUSAN HERRIWEATHER
CLERK

BY



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**
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

MOTION FOR JUDGMENT DEBTOR
EXAMINATION AND TO PRODUCE
DOCUMENTS

24 PLEASE TAKE NOTICE that Judgment Creditor Jed Margolin (“Margolin”) by and
25 through his attorneys, brings this motion seeking this Court, in light of the civil judgment
26 entered by this Court on June 24, 2013 against Judgment Debtor Reza Zandian (“Zandian”)
27 and pursuant to NRCP 69 and NRS 21.270, to issue the following orders requiring:

28 1. Within 30 days of any such order, that Zandian produce to Margolin’s counsel, so that
counsel may effectively review and question Zandian regarding the documents at a debtor’s
examination, all information and documents identifying, related to, and/or comprising the
following:

- 1 a. Any and all information and documentation identifying real property, computers,
2 cell phones, intellectual property, vehicles, brokerage accounts, bank deposits and
3 all other assets that may be available for execution to satisfy the Judgment entered
4 by the Court, including, but not limited to, information relating to financial
5 accounts, monies owed to Zandian by others, etc.
- 6 b. Documents sufficient to show Zandian's balance sheet for each month for the years
7 2007 to the present.
- 8 c. Documents sufficient to show Zandian's gross revenues for each month for the
9 years 2007 to the present.
- 10 d. Documents sufficient to show Zandian's costs and expenses for each month for the
11 years 2007 to the present.
- 12 e. All tax returns filed by Zandian with any governmental body for the years 2007 to
13 the present, including all schedules, W-2's and 1099's.
- 14 f. All of Zandian's accounting records, computerized electronic and/or printed on
15 paper format for the years 2007 to the present.
- 16 g. All of Zandian's statements, cancelled checks and related banking documents for
17 any bank, brokerage or other financial account at least partially controlled by
18 Zandian, or recorded in the name of Zandian or for Zandian's benefit, for the years
19 2007 to the present.
- 20 h. All of Zandian's checkbooks, checkbook stubs and checkbook entries for the years
21 2007 to the present.
- 22 i. Documents sufficient to show the means and source of payment of Zandian's
23 current residence and any other residence for the years 2007 to the present.
- 24 j. Documents sufficient to show the means and source of payment of Zandian's
25 counsel in this matter.
- 26 k. Any settlement agreements by which another party has agreed to pay money to
27 Zandian.
- 28

1 **B. The Debtor Examination Should Proceed**

2 A Judgment Debtor Examination is necessary to enable Margolin to discover any and
3 all real and personal property of Zandian and facts relating thereto, which will assist in the
4 execution to satisfy the judgment. NRS 21.270(1) entitles Margolin to an order requiring
5 Zandian to appear before a judge or a master appointed by the judge, or an attorney. Margolin
6 requests that the examination take place before Honorable James T. Russell, District Court
7 Judge at an agreed-upon date and time.

8 **C. The Production of Documents Necessary to Identify Assets**

9 Margolin also requests an order requiring the production of the above referenced
10 documents within 30 calendar days of any such order. “The scope of post-judgment discovery
11 is broad, ‘the judgment creditor must be given the freedom to make a broad inquiry to discover
12 hidden or concealed assets of the judgment debtor.’” *British Intern. Ins. Co., Ltd. v. Seguros*
13 *La Republica, S.A.*, 200 F.R.D. 586, 588 (W.D.Tex. 2000) (quoting *Caisson Corp. v. County*
14 *West Building Corp.*, 62 F.R.D. 331, 334 (E.D.Pa. 1974)).

15 Margolin is entitled to discover where Zandian’s assets are located and whether any
16 transfers of those assets, if any, were fraudulent pursuant to NRS 112.180. Post-judgment
17 discovery can be used to gain information relating to, among other things, the “existence or
18 *transfer* of the judgment debtor’s assets.” *British Intern., supra*, 200 F.R.D. at 588 (emphasis
19 added). Margolin is also entitled to discover Zandian’s financial statements, bank statements,
20 investment account statements, and tax returns. *The Edwards Andrews Group, Inc. v.*
21 *Addressing Servs. Co., Inc.*, No. 04 Civ. 6731, 2006 WL 1214984 at *1, 2006 U.S. Dist.
22 LEXIS 28967 at *2 (S.D.N.Y. May 4, 2006); *Libaire v. Kaplan*, 760 F.Supp.2d 288 (E.D.N.Y.
23 2011); Order Granting Debtors Examination, *American Int’l Recovery v. Costa*, Case No.
24 2:07-cv-00123-JCM-PAL (Dkt. 60) (D. Nev. Oct. 13, 2011) (listing documents to be
25 produced).

26 **D. Conclusion**

27 For the reasons stated above, Margolin respectfully requests this Court grant this
28 Motion and issue the proposed Order attached hereto as Exhibit 1.

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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 10th day of June, 2015.


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

Exhibit 1

Exhibit 1

1 Case No. 09 0C 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.

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**
19 **Companies 1-10, DOE Corporations 11-20,**
20 **and DOE Individuals 21-30,**

21 **Defendants.**

[PROPOSED] ORDER GRANTING
PLAINTIFF'S MOTION FOR
DEBTOR EXAMINATION AND
TO PRODUCE DOCUMENTS

22 This matter comes before the Court on Plaintiff Jed Margolin's Motion for Debtor
23 Examination and to Produce Documents, filed on June 10, 2015. The Court finds a Judgment
24 was entered against Defendant Reza Zandian and good cause otherwise exists to grant the
25 Motion for Debtor Examination and to Produce Documents.

26 NOW, THEREFORE, **IT HEREBY IS ORDERED** as follows:

27 1. That Defendant REZA ZANDIAN aka GOLAMREZA ZANDIANJAZI
28 aka GHOLAM REZA ZANDIAN aka REZA JAZI aka J. REZA JAZI aka G. REZA JAZI aka
GHONONREZA ZANDIAN JAZI is hereby ordered to appear before the Court and answer
upon oath or affirmation concerning Defendant's property at a Judgment Debtor Examination

1 under the authority of Judge James T. Russell of the Court on the following date and time:

2 _____ (within 90 days of this order); and,

3 2. That Defendant REZA ZANDIAN aka GOLAMREZA ZANDIANJAZI
4 aka GHOLAM REZA ZANDIAN aka REZA JAZI aka J. REZA JAZI aka G. REZA JAZI aka
5 GHONONREZA ZANDIAN JAZI is hereby ordered to produce to Mr. Margolin's counsel on
6 or before the following date, _____ (within 30 days of this order),
7 so that counsel may effectively review and question Zandian regarding the documents, all
8 information and documents identifying, related to, and/or comprising the following:
9

- 10 a. Any and all information and documentation identifying real property, computers,
11 cell phones, intellectual property, vehicles, brokerage accounts, bank deposits and
12 all other assets that may be available for execution to satisfy the Judgment entered
13 by the Court, including, but not limited to, information relating to financial
14 accounts, monies owed to Zandian by others, etc.
- 15 b. Documents sufficient to show Zandian's balance sheet for each month for the years
16 2007 to the present.
- 17 c. Documents sufficient to show Zandian's gross revenues for each month for the
18 years 2007 to the present.
- 19 d. Documents sufficient to show Zandian's costs and expenses for each month for the
20 years 2007 to the present.
- 21 e. All tax returns filed by Zandian with any governmental body for the years 2007 to
22 the present, including all schedules, W-2's and 1099's.
- 23 f. All of Zandian's accounting records, computerized electronic and/or printed on
24 paper format for the years 2007 to the present.
- 25 g. All of Zandian's statements, cancelled checks and related banking documents for
26 any bank, brokerage or other financial account at least partially controlled by
27 Zandian, or recorded in the name of Zandian or for Zandian's benefit, for the years
28 2007 to the present.

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- h. All of Zandian's checkbooks, checkbook stubs and checkbook entries for the years 2007 to the present.
- i. Documents sufficient to show the means and source of payment of Zandian's current residence and any other residence for the years 2007 to the present.
- j. Documents sufficient to show the means and source of payment of Zandian's counsel in this matter.
- k. Any settlement agreements by which another party has agreed to pay money to Zandian.

DATED: This ____ day of June, 2015.

JAMES T. RUSSELL
DISTRICT COURT JUDGE

1 SEVERIN A. CARLSON
Nevada Bar No. 9373
2 TARA C. ZIMMERMAN
Nevada Bar No. 12146
3 KAEMPFER CROWELL
510 West Fourth Street
4 Carson City, Nevada 89703
Telephone: (775) 882-1311
5 Fax: (775) 882-0257
scarlson@kcnvlaw.com
6 tzimmerman@kcnvlaw.com

7 Attorneys for Defendant
REZA ZANDIAN

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SUSAN T. CROWELL
CLERK
BY  DEPUTY

9 IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEV.
10 IN AND FOR CARSON CITY

11 JED MARGOLIN, an individual,

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

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 JAZI
17 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
19 INDIVIDUALS 21-30,

20 Defendants.

21 **DEFENDANT REZA ZANDIAN'S OPPOSITION TO PLAINTIFF'S MOTION FOR**
22 **JUDGMENT DEBTOR EXAMINATION AND TO PRODUCE DOCUMENTS AND**
23 **MOTION FOR PROTECTIVE ORDER**

24 Defendant REZA ZANDIAN ("Defendant" or "Zandian"), by and through his counsel
Kaempfer Crowell, hereby submits his Opposition (the "Opposition") to Plaintiff JED

KAEMPFER CROWELL
510 West Fourth Street
Carson City, Nevada 89703

1 MARGOLIN's ("Plaintiff" or "Margolin") Motion for Judgment Debtor Examination and to
2 Produce Documents (the "Motion") and Motion for Protective Order. This Opposition and
3 Motion for Protective Order are supported by the papers and pleadings on file herein, the
4 accompanying Memorandum of Points and Authorities, and any oral argument that may be
5 entertained by this Court.

6 DATED this 29th day of June, 2015.

7 KAEMPFER CROWELL

8
9 BY: _____

10 SEVERIN A. CARLSON

Nevada Bar No. 9373

11 TARA C. ZIMMERMAN

Nevada State Bar No. 12146

12 510 West Fourth Street

Carson City, Nevada 89703

Attorneys for Defendant REZA ZANDIAN

13
14 **MEMORANDUM OF POINTS AND AUTHORITIES**

15 **I. INTRODUCTION**

16 Plaintiff seeks expansive discovery from Zandian and a laundry list of third parties.
17 Specifically, Plaintiff asks this Court to have Zandian appear before it to conduct a debtor
18 examination, as well as produce a myriad of documents dating back more than eight years.
19 Plaintiff has also issued subpoenas duces tecum to Bijan Akhavan, Sassan Chakamian, Sean
20 Fayeghi and State Agent Transfer Syndicate, Inc. ("Subpoenas") which request that they produce
21 records in this matter. Copies of the Subpoenas are attached hereto as **Exhibits 1, 2, 3 and 4**,
22 respectively. The right to discovery, however, is not unlimited.

23 As to the debtor examination, Nevada law does not require a judgment debtor, such as
24 Zandian, to appear for a debtor's examination outside the county in which the judgment debtor

1 resides. Zandian is a resident of France, and thus cannot be compelled to appear before this
2 Court for the examination.

3 As to the document requests made upon the judgment debtor and through subpoenas to
4 third-parties, as explained below, the intrusive and harassing discovery that Plaintiff seeks from
5 Zandian and the third-parties is not necessary or warranted. Plaintiff's discovery should be
6 properly limited to discovery relating to existing assets of Zandian that are available to satisfy
7 Plaintiff's judgment. Hence, Plaintiff should be permitted only to conduct discovery relating to
8 the current assets of Zandian. Plaintiff is not entitled to conduct a witch hunt through the
9 financial records of Plaintiff (and third-parties) in the vain hope of finding a "concealed" asset.

10 **II. LEGAL ARGUMENT**

11 **A. Mr. Zandian Cannot Be Made To Appear Before This Court for the** 12 **Requested Judgment Debtor's Examination**

13 Pursuant to NRS 21.270, "no judgment debtor may be required to appear [for a judgment
14 debtor examination] outside the county in which he resides." NRS 21.271 (1)(b). Plaintiff seeks
15 a judgment debtor examination of Zandian before this Court in Carson City, Nevada. However,
16 Zandian is a resident of France, and not of Carson City, and thus the plain language of NRS
17 21.270 precludes Plaintiff from requiring Zandian to travel to Carson City, Nevada for the
18 purposes of conducting the judgment debtor examination. For this reason, Plaintiff's Motion for
19 Judgment Debtor Examination should be denied.

20 **B. The Documents Sought From Zandian Are Overbroad, Oppressive and** 21 **Designed to Harass, and Are Not Likely to Lead to the Discovery of Relevant** 22 **Evidence.**

23 Nevada recognizes that the discovery rules do not provide for a "carte blanche" invasion
24 into a party's private affairs. *Schlatter v. Eighth Judicial District Court*, 93 Nev. 189, 561 P.2d
1342 (1977). "[D]iscovery, like all matters of procedure, has ultimate and necessary

1 boundaries.” *Oppenheimer Fund v. Sanders*, 437 U.S. 340, 351 (1978). The only information
2 relevant in post-judgment proceedings relates to the current assets of the judgment debtor
3 available to satisfy the judgment. Rule 69 permits discovery from the judgment debtor. *See*,
4 *e.g.*,¹ *Caisson Corp. v. County W. Bldg. Corp.*, 62 F.R.D. 331, 334 (E.D. Pa. 1974) (citing NRC
5 69; *see also Monticello Tobacco Co., Inc. v. Am. Tobacco Co.*, 12 F.R.D. 344 (S.D.N.Y. 1952),
6 *aff’d on merits*, 197 F.2d 629 (2nd Cir. 1952), *cert. denied*, 344 U.S. 875 (1958); 7 Moore’s
7 Federal Practice § 69.05(1) (1974); 12 Wright and Miller, Federal Practice and Procedure § 3014
8 (1973)). The discovery rules do not permit abuses of the discovery process at the post-judgment
9 stage or the use of discovery to harass the judgment debtor (or third parties). *Id.* Rather,
10 discovery must be tailored to discovery of the judgment debtor’s assets. *Id.* Parties are not
11 permitted to “roam in the shadow zones of relevancy” in an attempt to explore irrelevant matters
12 on the theory that they may conceivably become so. *In re Surety Assoc. of Am.*, 388 F.2d 412,
13 414 (2nd Cir. 1967).

14 Here, Plaintiff seeks from Zandian eleven categories of financial and other records. The
15 requests amount to an over-sweeping, overly broad, and burdensome review of all of Zandian’s
16 financial records. In fact, three of the requests (a, j and k) are limitless in duration, seeking
17 records regardless of when such documents were generated. The remainder seek records from
18 “2007 to the present,” representing more than eight years’ worth of records and transactions. It
19 is highly unlikely that documents pertaining to Zandian’s financial condition eight years ago will
20 provide information related to Zandian’s current assets available to pay the judgment against him
21 or to otherwise aid in the enforcement of the judgment. *See, e.g., Entrepreneur Media, Inc. v.*
22 *Smith*, 2013 U.S. Dist. LEXIS 168552, *12-13, 2013 WL 6185246 (E.D. Cal. Nov. 25, 2013)

23
24 ¹ “[F]ederal decisions involving the Federal Rules of Civil Procedure provide persuasive authority” when
examining Nevada’s rules. *Foster v. Dingwal*, 228 P.3d 453, 456, 228 P.3d 453 (2010) (quoting *Nelson v. Heer*,
121 Nev. 832, 834, 122 P.3d 1252, 1253 (2005)).

1 (where judgment creditor sought all of defendant's credit card statements and documents relating
2 to defendant's income, regardless of when such documents were generated, court found such
3 requests to be overbroad and limited discovery to the prior three years). Given the overbroad
4 nature of the requests, Zandian requests that the Court deny Plaintiff's Motion to Produce
5 Documents in its entirety. Alternatively, Zandian requests that this Court modify the requests
6 and permit discovery of only such records related to the current assets of the judgment debtor, or
7 those dating back no further than the last three years.

8
9 **C. A Protective Order Prohibiting the Production Requested in the Subpoenas
is Proper**

10 A court can limit discovery on its own initiative or pursuant to a motion for a protective
11 order under NRCP 26(c). *See Seattle Times Co. v. Rhinehart*, 467 U.S. 20, 36 (1984) (a trial
12 court is conferred with broad discretion in determining the application and/or scope of a
13 protective order). Accordingly, pursuant to NRCP 26(c), a court in which the action is pending
14 may make any order which justice requires to protect a party or person from annoyance,
15 embarrassment, oppression, or undue burden or expense, including one or more of the following:

16 (1) that the discovery not be had;

17 (2) that the discovery may be had only on specified terms and
18 conditions, including a designation of the time or place;

19 (3) that the discovery may be had only by a method of discovery other
20 than that selected by the party seeking discovery;

21 (4) that certain matters not be inquired into, or that the scope of the
22 discovery be limited to certain matters. . . .

23 NRCP 26(c)(1)-(4). "All discovery is subject to the limitations imposed by Rule 26(b)(2)(i),
24 (ii), and (iii)," including that where the discovery is obtainable from another source that is more

1 convenient, less burdensome, or less expensive, than a court may alter or limit the discovery
2 sought. NRCP 26(b)(1). Rule 26 specifically allows that protective orders may be entered to
3 both limit the scope of a deposition and to require that highly sensitive or confidential
4 information is maintained as confidential. As has been seen in the Ninth Circuit, for example, “a
5 court may be as inventive as the necessities of a particular case require in order to achieve the
6 benign purposes” of the discovery procedures. *United States v. Columbia Broadcasting System,*
7 *Inc.*, 666 F.2d 364, 369 (9th Cir. 1982) (internal quotations and citations omitted); *see also*
8 *Jackson v. Montgomery Ward & Co., Inc.*, 173 F.R.D. 524, 526 (D. Nev. 1994) (internal
9 quotations and citations omitted) (“The court may also fashion any order which justice requires
10 to protect a party or person from undue burden, oppression or expense.”). Thus, this Court has
11 the discretion to order a protective order limiting both the scope and accessibility of the
12 information Plaintiff seeks.

13 In the instant matter, Zandian has, in good faith, conferred with the other affected parties
14 in an effort to resolve this discovery dispute without court action. *See* declaration of Tara C.
15 Zimmerman, attached hereto as **Exhibit 5** and incorporated herein by this reference. Because
16 said efforts have failed, and due to the extremely sensitive nature of the demanded information,
17 as well as the annoyance, oppressiveness, undue burden and undue expense, Zandian respectfully
18 requests that this Honorable Court invoke the provisions of NRCP 26(c)(1) and order that
19 discovery not be had. Alternatively, Zandian requests that the Court craft a protective order in
20 compliance with NRCP 26(c)(2-4).

21 There is a right to privacy arising in response to discovery requests. *See, e.g., DeMasi v.*
22 *Weiss*, 669 F.2d 114, 119-120 (3rd Cir. 1982) (reversed in part on other grounds by *Weiss v. York*
23 *Hosp.*, 745 F.2d 756 (3d Cir. 1984); *Johnson by Johnson v. Thompson*, 971 F.2d 1487, 1497
24 (10th Cir. 1992); *Miller v. Fed. Express Corp.*, 186 F.R.D. 376 (W.D. Tenn. 1999). Financial

1 information is protected as private and confidential. *DeMasi*, 669 F.2d at 119-120. Against this
2 privacy interest, the district court is required to balance a number of factors, including Plaintiff's
3 need for the information, its materiality and its relevance, especially if the information is
4 available from a less intrusive source. *DeMasi*, 669 F.2d at 120. Moreover, "[a]ll discovery is
5 subject to the limitations imposed by Rule 26(b)(2)(i), (ii), and (iii)," including that where the
6 discovery is obtainable from another source that is more convenient, less burdensome, or less
7 expensive, then a court may alter or limit the discovery sought. NRCp 26(b)(1).

8 As noted, the only proper discovery related to the judgment debtor's assets. The assets of
9 third-parties are irrelevant in post-judgment proceedings. The relevant discovery being sought
10 from third-parties is available from a less-intrusive source – the judgment debtor himself.
11 Plaintiff's discovery requests are extremely overbroad, seeking "any and all documents relating"
12 to Zandian's interest in certain real property and various companies. There are absolutely no
13 time restraints on any of the requests in the subpoenas to third-parties.

14 Plaintiff's requests would be overbroad in any context, and particularly questionable
15 when discovery should be limited to Defendant's current assets available to satisfy the judgment
16 and sensitive financial information is being sought. *Bamberger Int'l, Inc. v. Rohm & Haas Co.*,
17 1998 WL 684263, 1998 U.S. Dist. LEXIS 11141 (D.N.J. 1998) (where propounding party
18 alleged improper transactions of company's shareholder, and was properly denied from seeking
19 financial information regarding the member of the shareholder's immediate and extended family,
20 and "basically every business and financial record" of shareholder and his company without
21 regard to necessity of information or time period on the grounds that the discovery requests were
22 overbroad and constituted a "fishing expedition" of shareholder's financial records). Plaintiff
23 has not articulated his specific need for all the private information, nor its materiality and
24 relevance in ascertaining Zandian's assets, nor his ability to obtain the requisite information from

1 less intrusive requests and sources. The balancing test therefore weighs in favor of denying the
2 overbroad requests and issuing a protective order.

3 To the extent that Plaintiff is seeking this discovery from third-parties under the
4 speculation that Zandian has transferred any interest he may have had in any of the assets
5 mentioned in the Subpoenas, any such speculation is insufficient to permit this discovery. The
6 rules of civil procedure do permit discovery intended as a “fishing expedition” on the basis of the
7 propounding party’s speculation of relevancy. *Zuk v. E. Penn. Psych. Inst.*, 103 F.3d 294, 299
8 (3rd Cir. 1996); *see also Oppenheimer Fund*, 437 U.S. at 351 (stating that “discovery, like all
9 matters of procedure, has ultimate and necessary boundaries”). Here, for example, the subpoena
10 to Sean Fayeghi seeks “any all documents related to [specified property], including any and all
11 transfers of Zandian’s interests.” *See Ex. 3*. To the extent that Plaintiff speculates that Zandian
12 has improperly transferred his assets to third parties for concealment purposes, this mere
13 speculation alone is insufficient. Plaintiff’s Subpoenas are bereft of any specific allegation
14 relating to any specific asset that is allegedly being concealed by any other person, and are silent
15 as to what information he seeks to elicit from the subpoenaed third-parties. There has been no
16 evidence that the persons subject to the Subpoenas are concealing assets belonging to Zandian,
17 have received assets from Zandian, or know anything about Zandian’s assets. In short, Plaintiff
18 is not entitled to open-ended and unlimited discovery based solely on the theory that there may
19 be concealed assets and cannot use this supposition to gain access to financial books and records
20 of third-parties, without concrete evidence that specific assets are being concealed. *Zuk*, 103
21 F.3d at 299. Plaintiff has provided no such information.

22 Based on the above, to the extent that this Court orders that any debtor’s examination is
23 permitted at all, a protective order should be issued limiting the first phase of post-judgment
24 discovery to the judgment debtor only. And such discovery should be limited to information and

1 documents that are relevant to judgment debtor's current assets, meaning at most, such
2 information and documents should be limited to the past three years. Then, only if concrete
3 evidence of a concealed or fraudulently transferred asset is developed, should this Court even
4 consider expanding discovery to any third-party who allegedly has the asset.

5 Should Plaintiff contest this request, Plaintiff must show undue hardship with respect to
6 not being able to proceed without information. *Wardleigh v. Second Judicial Dist. Court*, 111
7 Nev. 345, 891 P.2d 1180 (1995). As shown herein, Plaintiff will not be able to do so given the
8 narrow issue – judgment debtor's present assets currently available to pay the judgment against
9 him.

10 **III. CONCLUSION**

11 For the reasons stated herein, Plaintiff's Motion should be denied in its entirety.
12 Alternatively, to the extent that this Court permits any discovery at all, such discovery should be
13 limited to judgment debtor only, and the information and documents produced by judgment
14 debtor should be limited to the last three years. Additionally, a protective order should be issued
15 with respect to the Subpoenas - if concrete evidence of a concealed or fraudulently transferred
16 asset is developed should this Court even consider expanding discovery to any third party who
17 allegedly has the asset.

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

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DATED this 29th day of June, 2015.

KAEMPFER CROWELL

BY:  _____

SEVERIN A. CARLSON
Nevada Bar No. 9373
TARA C. ZIMMERMAN
State Bar No. 12146
510 West Fourth Street
Carson City, Nevada 89703
Attorneys for Defendant REZA ZANDIAN

1 CERTIFICATE OF SERVICE

2 I, the undersigned, hereby certify that on the 29th day of June, 2015, I caused the
3 foregoing DEFENDANT REZA ZANDIAN'S OPPOSITION TO PLAINTIFF'S MOTION FOR
4 JUDGMENT DEBTOR EXAMINATION AND TO PRODUCE DOCUMENTS AND
5 MOTION FOR PROTECTIVE ORDER to be served this date by depositing a true copy of the
6 same for mailing at Carson City, Nevada, first class postage fully prepaid and addressed to the
7 following:

8 Matthew D. Francis, Esq.
9 Adam P. McMillen, Esq.
10 Watson Rounds
11 5371 Kietzke Lane
12 Reno, Nevada 89511
13 775.324.4100
14 775.333.8171 - facsimile
15 **Attorneys for Plaintiff**

16
17
18
19
20
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22
23
24

an employee of Kaempfer Crowell

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

RECEIVED
JUN 12 2015

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,**
and DOE Individuals 21-30,

20 **Defendants.**

Case No.: 090C00579 1B

Dept. No.: 1

For the Issuance of a California
Subpoena Under CCP §§2029.350

21 **SUBPOENA DUCES TECUM**

22 (Records Only – No Appearance Required)

23 To: Bijan Akhavan
24 15456 Ventura Blvd., Suite 300
Sherman Oaks, CA 91403

25 WE COMMAND YOU produce to the law offices of WATSON ROUNDS, 5371
26 Kietzke Lane, Reno, Nevada (775/324-4100), on or before June 30, 2015, the books,
27 documents, or tangible things set forth on Exhibit "1" attached hereto. All documents shall be
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produced as they are kept in the usual course of business or shall be organized and labeled to correspond with the categories listed. NRCP 45(d)(1).

Pursuant to NRCP 45(c)(2)(A), you need not appear in person at the place of production or inspection. You may forward the record(s) directly to the Law Offices of Watson Rounds, a Professional Corporation (see attached Exhibit "2").

Attached as Exhibit "3" is a Declaration of Custodian of Records for your use in certifying the authenticity of the records to be produced.

For failure to appear, you will be deemed guilty of contempt of court and liable to pay all losses and damages sustained thereby to the parties aggrieved and forfeit ONE HUNDRED DOLLARS (\$100.00) in addition thereto.

AFFIRMATION

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

DATED: June 8, 2015.

WATSON ROUNDS

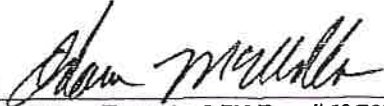
By: 
Matthew D. Francis (NV Bar #6978)
Adam P. McMillen (NV Bar #10678)
5371 Kietzke Lane
Reno, NV 89511
Telephone: 775-324-4100
Facsimile: 775-333-8171
Attorneys for Plaintiff Jed Margolin

Exhibit 1

Exhibit 1

EXHIBIT "1"
TO SUBPOENA DUCES TECUM
(Items to be Produced)

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1. Any and all documents related to real property located in Churchill County, Nevada, parcel 007-151-12, that Mr. Akhavan owns with Defendant Zandian; and,
2. Any and all documents related to Defendant Zandian's interest in Stagecoach Valley LLC.

Exhibit 2

Exhibit 2

EXHIBIT "2"
TO SUBPOENA DUCES TEUCM
(Nevada Rules of Civil Procedure)

Rule 45

(c) Protection of Persons Subject to Subpoena.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it:

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

1 (i) requires disclosure of a trade secret or other confidential research,
development, or commercial information, or

2 (ii) requires disclosure of an unretained expert's opinion or information
3 not describing specific events or occurrences in dispute and resulting from the expert's study
4 made not at the request of any party,

5 the court may, to protect a person subject to or affected by the subpoena, quash or modify the
subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for
6 the testimony or material that cannot be otherwise met without undue hardship and assures that
the person to whom the subpoena is addressed will be reasonably compensated, the court may
7 order appearance or production only upon specified conditions.

[As amended; effective January 1, 2005.]

8 **(d) Duties in Responding to Subpoena.**

9
10 (1) A person responding to a subpoena to produce documents shall produce them as
they are kept in the usual course of business or shall organize and label them to correspond
11 with the categories in the demand.

12 (2) When information subject to a subpoena is withheld on a claim that it is privileged
or subject to protection as trial preparation materials, the claim shall be made expressly and
13 shall be supported by a description of the nature of the documents, communications, or things
not produced that is sufficient to enable the demanding party to contest the claim.

14 [As amended; effective January 1, 2005.]

15 **(e) Contempt.** Failure by any person without adequate excuse to obey a subpoena
16 served upon that person may be deemed a contempt of the court from which the subpoena
issued.

17 [As amended; effective January 1, 2005.]

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Exhibit 3

Exhibit 3

EXHIBIT "3"
TO SUBPOENA DUCES TECUM

DECLARATION OF CUSTODIAN OF RECORDS

I, _____, declare under the penalty of perjury
under the laws of the State of Nevada, as follows:

1. That on the _____ day of June, 2015, the declarant received a Subpoena Duce
Tecum requesting release of certain records.
2. I have examined the original of those records and have made a true and exact copy
of them. The reproduction of such records attached hereto is a true and complete
copy of the originals.
3. To the best of my knowledge, all such records were prepared at or near the time of
the acts or events as occurred.

DATED: This _____ day of June, 2015.

(Signature)

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
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RECEIVED
JUN 12 2015

8 In The First Judicial District Court of the State of Nevada
9 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
18 Companies 1-10, DOE Corporations 11-20,
19 and DOE Individuals 21-30,

20 Defendants.

Case No.: 090C00579 1B

Dept. No.: 1

For the Issuance of a California
Subpoena Under CCP §§2029.350

21 SUBPOENA DUCES TECUM

22 (Records Only – No Appearance Required)

23 To: Sassan Chakamian
24 7590 Fay Avenue, Suite 401
La Jolla, CA 92037

25 WE COMMAND YOU to produce to the law offices of WATSON ROUNDS, 5371
26 Kietzke Lane, Reno, Nevada (775/324-4100), on or before June 30, 2015, the books,
27 documents, or tangible things set forth on Exhibit "1" attached hereto. All documents shall be
28

1 produced as they are kept in the usual course of business or shall be organized and labeled to
2 correspond with the categories listed. NRCP 45(d)(1).

3 Pursuant to NRCP 45(c)(2)(A), you need not appear in person at the place of
4 production or inspection. You may forward the record(s) directly to the Law Offices of
5 Watson Rounds, a Professional Corporation (see attached Exhibit "2").

6 Attached as Exhibit "3" is a Declaration of Custodian of Records for your use in
7 certifying the authenticity of the records to be produced.

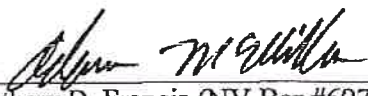
8 For failure to appear, you will be deemed guilty of contempt of court and liable to pay
9 all losses and damages sustained thereby to the parties aggrieved and forfeit ONE HUNDRED
10 DOLLARS (\$100.00) in addition thereto.

11 **AFFIRMATION**

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

14 DATED: June 8, 2015.

15 WATSON ROUNDS

16 By: 
17 Matthew D. Francis (NV Bar #6978)
18 Adam P. McMillen (NV Bar #10678)
19 5371 Kietzke Lane
20 Reno, NV 89511
21 Telephone: 775-324-4100
22 Facsimile: 775-333-8171
23 Attorneys for Plaintiff Jed Margolin

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Exhibit 1

Exhibit 1

EXHIBIT "1"
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(Items to be Produced)

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1. Any and all documents related to real property located in Elko County, Nevada, parcel 006-100-008, that Mr. Chakamian owns with Zandian; and,
2. Any and all documents related to Zandian's interest in Elko North 5th Avenue LLC

Exhibit 2

Exhibit 2

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(Nevada Rules of Civil Procedure)

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(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it:

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

1 (i) requires disclosure of a trade secret or other confidential research,
development, or commercial information, or

2 (ii) requires disclosure of an unretained expert's opinion or information
3 not describing specific events or occurrences in dispute and resulting from the expert's study
made not at the request of any party,

4 the court may, to protect a person subject to or affected by the subpoena, quash or modify the
5 subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for
6 the testimony or material that cannot be otherwise met without undue hardship and assures that
the person to whom the subpoena is addressed will be reasonably compensated, the court may
7 order appearance or production only upon specified conditions.

[As amended; effective January 1, 2005.]

8 **(d) Duties in Responding to Subpoena.**

9 (1) A person responding to a subpoena to produce documents shall produce them as
10 they are kept in the usual course of business or shall organize and label them to correspond
with the categories in the demand.

11 (2) When information subject to a subpoena is withheld on a claim that it is privileged
12 or subject to protection as trial preparation materials, the claim shall be made expressly and
13 shall be supported by a description of the nature of the documents, communications, or things
not produced that is sufficient to enable the demanding party to contest the claim.

14 [As amended; effective January 1, 2005.]

15 **(e) Contempt.** Failure by any person without adequate excuse to obey a subpoena
16 served upon that person may be deemed a contempt of the court from which the subpoena
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17 [As amended; effective January 1, 2005.]

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Exhibit 3

Exhibit 3

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EXHIBIT "3"
TO SUBPOENA DUCES TECUM

DECLARATION OF CUSTODIAN OF RECORDS

I, _____, declare under the penalty of perjury
under the laws of the State of Nevada, as follows:

1. That on the _____ day of June, 2015, the declarant received a Subpoena Duces Tecum requesting release of certain records.
2. I have examined the original of those records and have made a true and exact copy of them. The reproduction of such records attached hereto is a true and complete copy of the originals.
3. To the best of my knowledge, all such records were prepared at or near the time of the acts or events as occurred.

DATED: This _____ day of June, 2015.

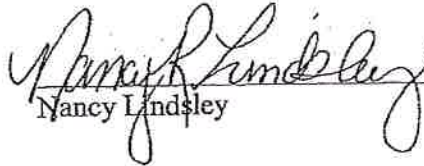
(Signature)

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, SUBPOENA DUCES TECUM, addressed as follows:

Kaempfer Crowell
510 West Fourth Street
Carson City, Nevada 89703
Attorneys for Defendant, Reza Zandian

Dated: June 9th, 2015.


Nancy Lindsley

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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

RECEIVED
JUN 12 2015

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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
Dept. No.: 1

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,**
and DOE Individuals 21-30,

20 **Defendants.**

21 **SUBPOENA DUCES TECUM**
22 **(Records Only – No Appearance Required)**

23 **To: Sean Fayeghi**
1401 Las Vegas Blvd. South
24 **Las Vegas, NV 89104**

25 **WE COMMAND YOU to produce to the law offices of WATSON ROUNDS, 10000 West**
26 **Charleston Blvd., Suite 240, Las Vegas, Nevada 89135 on or before June 30, 2015, documents**
27 **or tangible things set forth on Exhibit 1. All documents shall be produced as they are kept in the**
28