

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

Electronically Filed
Mar 22 2022 12:45 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

IN THE SUPREME COURT OF THE STATE OF NEVADA

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

Appellant,

vs.

JED MARGOLIN, AN INDIVIDUAL,

Respondent.

Supreme Court No. 82559

District Court Case No. 09OC005791B

**RESPONDENT’S REPLY IN SUPPORT OF NRAP 38 MOTION FOR
SANCTIONS**

Respondent Jed Margolin hereby replies to Appellant’s Response to
Respondent’s NRAP 38 Motion for Sanctions.

In his Response, Appellant argues that his unsupported appeal did not rise to
the level of frivolousness required for a fee award under NRAP 38 even though the
present appeal was dismissed for the same reasons his last appeal was dismissed in
2016. Specifically, Appellant argues that since the prior appeal and the present

1 appeal were allegedly “substantively different” and the January 19, 2021 Order he
2 appealed from involved a motion to void deeds (that he never opposed), Appellant
3 should escape having to compensate Respondent for fees. Response, p. 5.

4 Appellant’s attempts to distinguish the appeals and associated arguments fail for a
5 number of reasons.
6

7
8 *First*, in both appeals, Appellant conceded that no statute order rule
9 specifically provided jurisdiction for an appeal from the given order at issue.

10 *Compare* 13 ROA at 3154-55 (Order Dismissing Appeal) with February 16, 2022
11 Order Dismissing Appeal.

12
13 *Second*, in both appeals, this Court cited the same language from *Gumm v.*
14 *Mainor*, holding that the orders appealed from did not “affect the rights of some
15 party to the action, growing out of the judgment previously entered.” *Id.*; *see Gumm*
16 *v. Mainor*, 118 Nev. 912, 914, 59 P.3d 1220, 1221 (2002).
17

18
19 *Third*, in both appeals, this Court found that Respondent’s right to execute on
20 his default judgment arose from his Default Judgment, not the subsequent debtor’s
21 examination order or motion to void deeds order. 13 ROA at 3154-55. Specifically,
22 in this Court’s March 4, 2016 Order Dismissing Appeal, this Court held as follows:

23
24 “Any rights respondent has to execute upon the judgment arise out of the final
25 judgment itself, not from the order directing a debtor’s examination.” 13 ROA at
26 3155. In this Court’s February 16, 2022 Order Dismissing Appeal, this Court held
27 as follows: “Margolin’s right to execute on his default judgment arises from the
28

1 default judgment itself, not the subsequent enforcement order.” The aforementioned
2 language of the two Orders is very similar.

3
4 The undisputed facts show that Appellant’s attempt to repackage an appeal
5 when Appellant conceded no rule or statute allowed for it, and the jurisdictional
6 basis cut directly against the grain of controlling Nevada law, was completely
7 unsupported and frivolous.
8

9 For these reasons and for the reasons stated in Respondent’s Motion,
10 Respondent respectfully requests that this Court impose the monetary sanctions
11 pursuant to NRAP 38 in the manner requested.
12

13 DATED this 22nd day of March, 2022.

14 BROWNSTEIN HYATT FARBER SCHRECK, LLP

15
16
17 By: */s/ Matthew D. Francis*

18 Matthew D. Francis
19 Nevada Bar No. 6978
20 Arthur A. Zorio
21 Nevada Bar No. 6547
22 5520 Kietzke Lane, Suite 110
23 Reno, NV 89511
24 Telephone: 775.324.4100
25 Facsimile: 775.333.8171
26 Email: mfrancis@bhfs.com
27 azorio@bhfs.com
28

Attorneys for Respondent JED MARGOLIN

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

CERTIFICATE OF SERVICE

Pursuant to NRAP 25(b), I certify that I am an employee of Brownstein Hyatt Farber Schreck, LLP, and on this 22nd day of March, 2022, I served the document entitled **RESPONDENT’S REPLY IN SUPPORT OF NRAP 38 MOTION FOR SANCTIONS** on the parties listed below in the manner described below:

Mark Forsberg, Esq.
Rick Oshinski, Esq.
Oshinski & Forsberg, Ltd.
504 E. Musser Street, Suite 202
Carson City, NV 89701
rick@oshinskiforsberg.com
mark@oshinskiforsberg.com

- VIA U.S. MAIL:** by placing a true copy thereof enclosed in a sealed envelope with first class postage thereon fully prepaid, in the United States mail at Reno, Nevada as addressed to the foregoing party.
- VIA COURIER:** by delivering a copy of the document to Federal Express for first priority delivery to the foregoing party in Paris, France.
- VIA ELECTRONIC SERVICE:** by electronically filing the document with the Clerk of the Court using the ECF system which served the foregoing parties electronically:

/s/ Jeff Tillison
Employee of Brownstein Hyatt Farber
Schreck, LLP