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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

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

Pursuant to NRCP 7.285, SCR 77, and other applicable law, Plaintiff Jed Margolin ("Mr. Margolin" or "Plaintiff") hereby moves this Court for an order compelling Defendants Optima Technology Corporation, a California corporation, and Optima Technology Corporation, a Nevada corporation (collectively "Optima Technology Corporations") to retain legal counsel, or, in the alternative, to strike the General Denial of those Corporations filed on March 13, 2012. This Motion is based on the grounds that because the Optima Technology Corporations are no longer represented by counsel, they cannot represent themselves under Nevada Law, and cannot defend, prosecute, or participate in this action. This Motion is based

1 on the attached Memorandum of Points and Authorities, all pleadings and papers on file in this
2 action, and any argument the Court may hear.

3 Dated this 15th day of May, 2012.

WATSON ROUNDS

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5 BY: /s/ Adam P. McMillen
6 Matthew D. Francis (6978)
7 Adam P. McMillen (10678)
8 5371 Kietzke Lane
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13
14 **MEMORANDUM OF POINTS AND AUTHORITIES**

15 **I. BACKGROUND**

16 Mr. Margolin filed the Complaint in this action on December 11, 2009. After
17 extensive briefing regarding service on Defendants concluded, and after the Court denied
18 Defendants' Motion to Dismiss, Defendants served two "General Denials." The first General
19 Denial was served on March 5, 2012 on behalf of the individual Reza Zandian aka Golamreza
20 Andianjazi aka Gholam Reza Zandian aka Reza Jazi aka J. Reza Jazi aka G. Reza Jazi aka
21 Ghononreza Zandian Jazi. The second General Denial was served on March 13, 2012 on
22 behalf of the Optima Technology Corporations.

23 On March 13, 2012, Defense counsel moved to withdraw from representing all of the
24 individual and corporate Defendants in this action. On March 16, 2012, Plaintiff filed a non-
25 opposition to Defense counsel's Motion to Withdraw, and on April 26, 2012, this Court
26 granted Defense counsel's Motion to Withdraw. The undersigned has not been contacted by
27 new Defense counsel for any of the Defendants as of the date of this Motion, and no
28 appearance of counsel has been entered for any of the Defendants as of the date of this Motion.

II. ARGUMENT

29 NRS 7.285 provides that "[n]o person shall practice law in this state unless he is an
30 active member of the State Bar of Nevada pursuant to the rules of the supreme court." The
31 statute further provides that any person who practices law who is not an active member of the
32 State Bar of Nevada is guilty of a misdemeanor. SCR 77 provides that, with certain

1 inapplicable exceptions, no person may practice law as an officer of the courts in this state
 2 who is not an active member of the state bar. Nevada case law is clear on this issue as well.
 3 *See State v. Stu's Bail Bonds*, 115 Nev. 436, n. 1, 991 P.2d 469, 470 n. 1 (1999) ("business
 4 entities are not permitted to appear, or file documents, in proper person"); *Salman v.*
 5 *Newell*, 110 Nev. 1333, 1336, 885 P. 2d 607, 608 (1994) (observing that no statute or rule
 6 permits a non-lawyer to represent an entity and concluding that an entity cannot proceed in
 7 proper person); *Sunde v. Contel of California*, 112 Nev. 541, 542-43, 915 P.2d 298, 299
 8 (1996) (explaining that non-lawyers may not represent entities in court).

9 Courts may strike pleadings when a corporation has failed to retain counsel. *See*
 10 *Trustees of Operating Engineers Pension Trust v. O'Donnell*, 2007 WL 672528, *2 (D. Nev.
 11 2007) (granting motion to compel and alternative motion to strike answer) (citations omitted).

12 Because corporations may not represent themselves, the Optima Technology
 13 Corporations cannot defend, prosecute, or participate in this action without counsel licensed in
 14 the State of Nevada. As such, Plaintiff respectfully requests that the Optima Technology
 15 Corporations be ordered to retain legal counsel no later than June 15, 2012. Plaintiff also
 16 respectfully requests that the March 13, 2012 General Denial filed by Optima Technology
 17 Corporations be stricken if Optima Technology Corporations do not retain new counsel by
 18 June 15, 2012.

19 **III. CONCLUSION**

20 For all of the foregoing reasons, Plaintiff's Motion should be granted in the manner
 21 requested.

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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 15th day of May, 2012.

WATSON ROUNDS

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Adam P. McMillen (10678)
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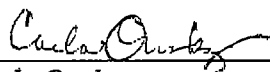
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CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of Watson Rounds, and that on this date, a true and correct copy of the foregoing document, **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**, will be served via first-class mail through the U.S. Postal Service, addressed as follows:

Reza Zandian
8775 Costa Verde Blvd.
San Diego, CA 82122

Dated: May 15, 2012



Carla Ousby