

ORIGINAL

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Attorneys for Plaintiff Jed Margolin

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ALAN GLOVER
BY DEPUTY CLERK

**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

**DECLARATION OF ADAM P.
MCMILLEN IN SUPPORT OF
PLAINTIFF'S APPLICATION FOR
ATTORNEY'S FEES AND COSTS**

I, Adam P. McMillen, do hereby declare and state as follows:

1. I am a lawyer at the law firm of Watson Rounds located at 5371 Kietzke Lane, Reno, Nevada 89511. This declaration is based upon my personal knowledge, and is made in support of Plaintiff's Application for Attorney's Fees and Costs.

2. I am an attorney responsible for the billings in this case. I can authenticate the following information as true and correct. The time and amount billed has been reviewed and edited and the fees and costs charged are reasonable.

1 3. In its January 14, 2013 Order Granting Plaintiff's Motion for Sanctions Under
2 NRC 37, the Court stated that "Plaintiff shall be awarded his fees and costs incurred in
3 bringing his Motion, and file an application for fees and a memorandum of costs relating to
4 his Motion." The following is a list of the fees and costs specifically relating to Plaintiff's
5 Motion for Sanctions Under NRC 37. A true and correct copy of a redacted client ledger for
6 the following entries is attached hereto as Exhibit 1.

7 3A. On December 12, 2012, Matthew Francis, a partner at Watson Rounds, and I
8 spent a total of 4.9 hours drafting the Motion for Sanctions and the accompanying declaration
9 of Adam P. McMillen. Our hourly rate for this matter is \$300 per-hour. The task necessarily
10 required review of legal authorities, chronicling the discovery dispute for the Court,
11 researching, and compiling exhibits for the Motion. See Exhibit 1.

12 3B. On December 12, 2012, my assistant Nancy Lindsley reviewed the draft
13 Motion for Sanctions and declaration of Adam P. McMillen in Support thereof. Ms. Lindsley
14 also prepared the exhibits for the Motion. Additionally, on December 14, 2012, Ms. Lindsley
15 spent .5 revising the draft motion and filing and serving the motion. Ms. Lindsley spent 1.5
16 hours on this project. Her hourly rate as a paralegal for this matter is \$125 per-hour. See
17 Exhibit 1.

18 3C. On January 8, 2013, Matthew Francis and I spent a total of 2.8 hours drafting a
19 proposed order on the motion. Also on January 8, 2013, Ms. Lindsley spent .8 hours on this
20 project, determining if a response or opposition had been filed and in preparing a proposed
21 request for submission of the motion. On January 10, 2013, Ms. Lindsley spent .5 hours
22 revising the request for submission and filing and serving the same; and, on January 16, 2013,
23 Ms. Lindsley prepared a draft Notice of Entry of Order Granting Sanctions and filed and
24 served the same. Ms. Lindsley spent a total of 1.8 hours on this project. Postage, photocopies
25 and courier costs for filing and serving the Motion equated to \$69.20. See Exhibit 1.

26 4. As delineated above and in Exhibit 1, Matthew Francis and I spent a total of
27 7.7 hours in bringing Plaintiff's Motion For Sanctions Under NRC 37, which equates to a
28 grand total of \$2,310.00. Ms. Lindsley spent a total of 3.3 hours of billable work on this

1 project, which equates to a grand total of \$412.50. The total fees requested are therefore
2 \$2,722.50.

3 5. The costs involved with this project equated to \$69.20. The costs requested are
4 therefore \$69.20.

5 I declare under penalty of perjury that the foregoing is true and correct to the best of
6 my knowledge.

7 **AFFIRMATION PURSUANT TO NRS 239B.030**

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

10 DATED this 15th day of February, 2013.

WATSON ROUNDS

11 By: _____

12 Matthew B. Francis

13 Adam P. McMillen

5371 Kietzke Lane

14 Reno, NV 89511

15 Telephone: (775) 324-4100

16 Facsimile: (775) 333-8171

17 Attorneys for Plaintiff

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1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCF 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, **DECLARATION OF ADAM P. MCMILLEN**
5 **IN SUPPORT OF PLAINTIFF'S APPLICATION FOR ATTORNEY'S FEES AND**
6 **COSTS**, addressed as follows:

7 Reza Zandian
8 8775 Costa Verde Blvd.
9 San Diego, CA 92122

10 Reza Zandian
11 8775 Costa Verde Blvd, Apt. 501
12 San Diego, CA 92122

13 Alborz Zandian
14 9 Almanzora
15 Newport Beach, CA 92657-1613

16 Dated: February 15, 2013.

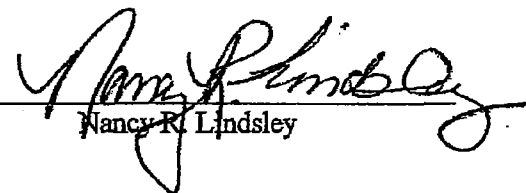

Nancy R. Lindsley

Exhibit 1

Exhibit 1

Date	Received From/Paid To Entry # Explanation	Chq# Rec#	----- General -----		Fees	Bld Inv# Acc	Trust Activity		Balance
			Rcpts	Disbs			Rcpts	Disbs	
5457	Margolin, Jed								

REDACTED

Dec 12/2012	Lawyer: APM 2.60 Hrs X 300.00								
1066012	Draft motion for sanctions against Zandian.				840.00	119477			
Dec 12/2012	Lawyer: APM 0.60 Hrs X 300.00								
1066018	Draft declaration in support of motion for sanctions against Zandian.				180.00	119477			

Dec 12/2012	Lawyer: NRL 1.00 Hrs X 125.00								
1066032	Review/proof Motion for Sanctions; and, Declaration of APM in Support of Same; commence compilation of exhibits to declaration.				125.00	119477			

Dec 13/2012	Lawyer: MDF 1.50 Hrs X 300.00								
1066448	Review and revise motion for sanctions and McMillen declaration in support thereof/Conference with APM re: same				450.00	119477			

Watson Rounds
Client Ledger
Dec/ 1/2012 To Feb/11/2013

Date	Received From/Paid To Entry # Explanation	Chq# Rec#	----- General -----		Fees	Bld ----- Trust Activity -----		Balance
			Rcpts	Disbs		Inv#	Acc	
Dec 14/2012	Lawyer: NRL 0.50 Hrs X 125.00							
1066136	Revise Motion for Sanctions; file and serve same.				62.50	119477		
Dec 14/2012	Expense Recovery							
1066679	Postage	15928		5.70		119477		
Dec 14/2012	Expense Recovery							
1068233	Photocopies 114 @ 0.25 - Motion for sanctions/declaration	15947		28.50		119477		
Dec 17/2012	Reno/Carson Messenger Service, Inc							
1067317	Courier expense			35.00		119477		

REDACTED

Date	Entry #	Received From/Paid To Explanation	Chq# Rec#	----- General -----			Trust Activity			Balance
				Rpts	Disbs	Fees	Inv#	Acc	Rpts	
		119477								
Jan 8/2013	1070095	Lawyer: APM 0.10 Hrs X 300.00 Draft request for submission of motion for sanctions.				30.00	119936			
Jan 8/2013	1070111	Lawyer: APM 0.80 Hrs X 300.00 Draft proposed order granting motion for sanctions.				240.00	119936			
Jan 8/2013	1070137	Lawyer: NRL 0.80 Hrs X 125.00 Telephone conference with Court Clerk to determine if response to Motion for Sanctions had been filed; preparation of of proposed Request for Submission of Motion for Sanctions; review file to determine date General Denial filed; telephone conference with Court Clerk to determine same.				100.00	119936			
Jan 8/2013	1070213	Lawyer: MDF 1.00 Hrs X 300.00 Review proposed order granting motion for sanctions/Draft and review emails to and from APM re: same/Forward order to APM				300.00	119936			
Jan 10/2013	1070820	Lawyer: APM 0.40 Hrs X 300.00 Continue drafting proposed order on motion for sanctions against Zandian.				120.00	119936			
Jan 10/2013	1070844	Lawyer: NRL 0.50 Hrs X 125.00 Revise Request for Submission; serve and file same with proposed Order Granting Motion.				62.50	119936			
Jan 10/2013	1071121	Lawyer: MDF 0.50 Hrs X 300.00 Review proposed order on motion for sanctions/Conference with APM re: same				150.00	119936			

REDACTED

Jan 16/2013	1071451	Lawyer: NRL 0.50 Hrs X 125.00 Preparation of draft Notice of Entry of Order Granting Sanctions; serve and file same.				62.50	119936			
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REDACTED