MEMORANDUM OF POINTS AND AUTHORITIES

A. BACKGROUND

This action arises from Zandian's and the other corporate Defendants' fraudulent assignment of Margolin's patents.

On July 16, 2012, Margolin served Zandian with Margolin's First Set of Requests for Admission, First Set of Interrogatories and First Set of Requests for Production of Documents. McMillen Decl., ¶ 2, Exhibits 1 and 2. Pursuant to NRCP 33, 34 and 36, responses to these discovery requests were due on August 20, 2012. *Id.* Zandian has never provided any responses or documents. *Id.*

On September 10, 2012, Margolin mailed a meet and confer letter to Zandian demanding that he serve responses and documents to the aforementioned discovery no later than September 17, 2012. McMillen Decl., ¶ 5, Exhibit 4. In the September 10, 2012 letter, Margolin demanded that Zandian "respond, without objection, to the requests for admissions, the requests to produce documents (including the actual production of documents), and the interrogatories no later than September 17, 2012." Exhibit 4. Margolin stated that if Zandian failed to comply with this request, Margolin would file a motion to compel with this Court and seek sanctions. *Id.*Margolin also stated that since Margolin did not respond to Margolin's First Set of Requests for Admissions, those admissions were (and are) deemed admitted. Exhibit 4, *citing Wagner v.*Carex Investigations & Sec. Inc., 93 Nev. 627, 630, 572 P.2d 921, 923 (1977). Despite Margolin's efforts to meet and confer, Zandian has not served responses or documents pursuant to any of the aforementioned discovery requests, nor has he responded to the September 10, 2012 letter or otherwise contacted Plaintiff's counsel. See supra, Exhibit 4.

Based on these facts, and the authority stated below, Margolin's Motion for Sanctions should be granted in full, and sanctions should be levied against Zandian for his willful non-compliance with the Nevada Rules of Civil Procedure.

B. ARGUMENT

NRCP 37(a)(2)(B) states that if a party fails to answer an interrogatory submitted under NRCP 33, or if a party fails to respond to a request for production submitted under NRCP 34,

HAWKINS MELLINDRES, P.C. 9555 Hilword Drive, Suine 150 Las Vegas, Nevada 89134 Telephone (702) 318-8900' Facsimile (702) 318-8901	1	AFFIDAVIT OF REZA ZANDIAN IN SUPPORT OF MOTION TO SET ASIDE DEFAULT
	2	JUDGMENT
	3	
	4	COUNTRY OF FRANCE)
	5	COUNTRY OF FRANCE)) SS CITY OF DARIZ)
	6	
	7	I, Reza Zandian, have personal knowledge of the matters set forth herein and being first duly
	8	sworn hereby depose and state as follows:
	9	1. I am a named Defendant in the matter of Jed Margolin vs. Optima Technology
	10	Corporation, et al., Case No. 090C00579 1B.
	11	2. That I am currently a resident of Paris, France and have been living full-time at 6
	12	Rue Edouard Fournier, 75116 Paris, France since August 2011.
	13	3. That I have not resided in the United States since August 2011. Specifically, I have
	14	not resided at 8775 Costa Verde Blvd, San Diego, CA 92122 since August 2011.
	15	4. Since the withdrawal of my previous counsel, John Peter Lee, Esq., on April 26,
	16	2012 I have never received any pleadings or written discovery related to Case No. 090C00579 1B.
	17	5. I learned of the Default Judgment in late November 2013 while visiting the United
	18	States of America on business. I was advised of the Default Judgment by a business associate by
	19	the name of Fred Sadri.
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	24	CAROLINE AL TAWIL Conseillere de Clientèle
	25	Agence Patis Passy
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