

IN THE SUPREME COURT OF THE STATE OF NEVADA

INDICATE FULL CAPTION:

REZA ZANDIAN, AN INDIVIDUAL,  
Appellant,  
vs.  
JED MARGOLIN, AN INDIVIDUAL,  
Respondent.

No. 65960

Electronically Filed  
Jul 22 2014 09:00 a.m.

Tracie K. Lindeman  
Clerk of Supreme Court  
DOCKETING STATEMENT  
CIVIL APPEALS

GENERAL INFORMATION

All appellants not in proper person must complete this docketing statement. NRAP 14(a). The purpose of the docketing statement is to assist the Supreme Court in screening jurisdiction, classifying cases for en banc, panel, or expedited treatment, compiling statistical information and identifying parties and their counsel.

WARNING

This statement must be completed fully, accurately and on time. NRAP 14(c). The Supreme Court may impose sanctions on counsel or appellant if it appears that the information provided is incomplete or inaccurate. *Id.* Failure to fill out the statement completely or to file it in a timely manner constitutes grounds for the imposition of sanctions, including a fine and/or dismissal of the appeal.

A complete list of the documents that must be attached appears as Question 26 on this docketing statement. Failure to attach all required documents will result in the delay of your appeal and may result in the imposition of sanctions.

This court has noted that when attorneys do not take seriously their obligations under NRAP 14 to complete the docketing statement properly and conscientiously, they waste the valuable judicial resources of this court, making the imposition of sanctions appropriate. See KDI Sylvan Pools v. Workman, 107 Nev. 340, 344, 810 P.2d 1217, 1220 (1991). Please use tab dividers to separate any attached documents.

1. Judicial District First Department 1  
County Carson City Judge James T. Russell  
District Ct. Case No. 09 OC 00579 1B

**2. Attorney filing this docketing statement:**

Attorney Jason Woodbury Telephone (775) 884-8300

Firm KAEMPFER CROWELL

Address 510 West Fourth Street  
Carson City, Nevada 89703

Client(s) REZA ZANDIAN

If this is a joint statement by multiple appellants, add the names and addresses of other counsel and the names of their clients on an additional sheet accompanied by a certification that they concur in the filing of this statement.

**3. Attorney(s) representing respondents(s):**

Attorney Matthew D. Francis Telephone (775) 324-4100

Firm WATSON ROUNDS

Address 5371 Kietzke Lane  
Reno, Nevada 89511

Client(s) JED MARGOLIN

Attorney Adam P. McMillen Telephone (775) 324-4100

Firm WATSON ROUNDS

Address 5371 Kietzke Lane  
Reno, Nevada 89511

Client(s) JED MARGOLIN

(List additional counsel on separate sheet if necessary)

**4. Nature of disposition below (check all that apply):**

- |   |   |
|---|---|
| <input type="checkbox"/> Judgment after bench trial         | <input type="checkbox"/> Dismissal:                                     |
| <input type="checkbox"/> Judgment after jury verdict        | <input type="checkbox"/> Lack of jurisdiction                           |
| <input type="checkbox"/> Summary judgment                   | <input type="checkbox"/> Failure to state a claim                       |
| <input checked="" type="checkbox"/> Default judgment        | <input type="checkbox"/> Failure to prosecute                           |
| <input type="checkbox"/> Grant/Denial of NRCP 60(b) relief  | <input type="checkbox"/> Other (specify): _____                         |
| <input type="checkbox"/> Grant/Denial of injunction         | <input type="checkbox"/> Divorce Decree:                                |
| <input type="checkbox"/> Grant/Denial of declaratory relief | <input type="checkbox"/> Original <input type="checkbox"/> Modification |
| <input type="checkbox"/> Review of agency determination     | <input type="checkbox"/> Other disposition (specify): _____             |

**5. Does this appeal raise issues concerning any of the following?**

- Child Custody
- Venue
- Termination of parental rights

**6. Pending and prior proceedings in this court.** List the case name and docket number of all appeals or original proceedings presently or previously pending before this court which are related to this appeal:

Reza Zandian vs. Jed Margolin (Case No. 65205) (presently pending)

**7. Pending and prior proceedings in other courts.** List the case name, number and court of all pending and prior proceedings in other courts which are related to this appeal (e.g., bankruptcy, consolidated or bifurcated proceedings) and their dates of disposition:

None.

**8. Nature of the action.** Briefly describe the nature of the action and the result below:

The subject matter of this case concerns various patents and a dispute over their ownership. Following the entry of a default judgment against Appellant, Zandian, a motion to set aside the default judgment was denied. That denial is the subject of an appeal docketed with this Court as Case No. 65205. Subsequent to that appeal, Respondent, Margolin, filed with the the District Court a Motion for Order Allowing Costs and Necessary Disbursements and Memorandum of Points and Authorities in Support Thereof. After that Motion was briefed, the District Court entered an Order on Motion for Order Allowing Costs and Necessary Disbursements and Memorandum of Points and Authorities in Support Thereof. That Order is the subject of this appeal.

**9. Issues on appeal.** State specifically all issues in this appeal (attach separate sheets as necessary):

Whether the District Court incorrectly granted a motion ordering post-judgment costs and fees in favor of Respondent, Margolin and against Appellant, Zandian.

**10. Pending proceedings in this court raising the same or similar issues.** If you are aware of any proceedings presently pending before this court which raises the same or similar issues raised in this appeal, list the case name and docket numbers and identify the same or similar issue raised:

None.

**11. Constitutional issues.** If this appeal challenges the constitutionality of a statute, and the state, any state agency, or any officer or employee thereof is not a party to this appeal, have you notified the clerk of this court and the attorney general in accordance with NRAP 44 and NRS 30.130?

N/A

Yes

No

If not, explain:

**12. Other issues.** Does this appeal involve any of the following issues?

Reversal of well-settled Nevada precedent (identify the case(s))

An issue arising under the United States and/or Nevada Constitutions

A substantial issue of first impression

An issue of public policy

An issue where en banc consideration is necessary to maintain uniformity of this court's decisions

A ballot question

If so, explain:

**13. Trial.** If this action proceeded to trial, how many days did the trial last? \_\_\_\_\_

Was it a bench or jury trial? \_\_\_\_\_

**14. Judicial Disqualification.** Do you intend to file a motion to disqualify or have a justice recuse him/herself from participation in this appeal? If so, which Justice?  
No.

**TIMELINESS OF NOTICE OF APPEAL**

**15. Date of entry of written judgment or order appealed from** May 19, 2014

If no written judgment or order was filed in the district court, explain the basis for seeking appellate review:

**16. Date written notice of entry of judgment or order was served** May 20, 2014

Was service by:

Delivery

Mail/electronic/fax

**17. If the time for filing the notice of appeal was tolled by a post-judgment motion (NRCP 50(b), 52(b), or 59)**

(a) Specify the type of motion, the date and method of service of the motion, and the date of filing.

NRCP 50(b)      Date of filing \_\_\_\_\_

NRCP 52(b)      Date of filing \_\_\_\_\_

NRCP 59          Date of filing \_\_\_\_\_

**NOTE: Motions made pursuant to NRCP 60 or motions for rehearing or reconsideration may toll the time for filing a notice of appeal. See AA Primo Builders v. Washington, 126 Nev. \_\_\_\_, 245 P.3d 1190 (2010).**

(b) Date of entry of written order resolving tolling motion \_\_\_\_\_

(c) Date written notice of entry of order resolving tolling motion was served \_\_\_\_\_

Was service by:

Delivery

Mail

**18. Date notice of appeal filed** June 23, 2014

If more than one party has appealed from the judgment or order, list the date each notice of appeal was filed and identify by name the party filing the notice of appeal:

**19. Specify statute or rule governing the time limit for filing the notice of appeal, e.g., NRAP 4(a) or other**

NRAP 4(a)

**SUBSTANTIVE APPEALABILITY**

**20. Specify the statute or other authority granting this court jurisdiction to review the judgment or order appealed from:**

(a)

- |  |                                       |
|--|---------------------------------------|
| <input type="checkbox"/> NRAP 3A(b)(1)                                   | <input type="checkbox"/> NRS 38.205   |
| <input type="checkbox"/> NRAP 3A(b)(2)                                   | <input type="checkbox"/> NRS 233B.150 |
| <input type="checkbox"/> NRAP 3A(b)(3)                                   | <input type="checkbox"/> NRS 703.376  |
| <input checked="" type="checkbox"/> Other (specify) <u>NRAP 3A(b)(8)</u> |                                       |

(b) Explain how each authority provides a basis for appeal from the judgment or order:  
The Order on Motion for Order Allowing Costs and Necessary Disbursements and Memorandum of Points and Authorities in Support Thereof is a "special order entered after final judgment" which is the subject of a cognizable appeal under NRAP 3A(b)(8).

**21. List all parties involved in the action or consolidated actions in the district court:**

(a) Parties:

JED MARGOLIN, an individual, Plaintiff

REZA ZANDIAN, an individual, Defendant

OPTIMA TECHNOLOGY CORPORATION, a California corporation, Defendant

OPTIMA TECHNOLOGY CORPORATION, a Nevada corporation, Defendant

(b) If all parties in the district court are not parties to this appeal, explain in detail why those parties are not involved in this appeal, *e.g.*, formally dismissed, not served, or other:

Defendants, OPTIMA TECHNOLOGY CORPORATION, a California corporation, and OPTIMA TECHNOLOGY CORPORATION, a Nevada corporation (collectively "OTC"), were the subjects of a default and default judgment which preceded the default and default judgment to which REZA ZANDIAN was subject. OTC did not move to set aside the default or default judgment to which they were subject.

**22. Give a brief description (3 to 5 words) of each party's separate claims, counterclaims, cross-claims, or third-party claims and the date of formal disposition of each claim.**

Margolin: (1) Conversion; (2) Tortious Interference with Contract; (3) Intentional Interference with Economic Advantage; (4) Unjust Enrichment; (5) Unfair and Deceptive Trade Practices

As to ZANDIAN, all of the claims of MARGOLIN were addressed in the default judgment dated June 24, 2013. By order dated May 19, 2014, the District Court awarded MARGOLIN post-judgment fees and costs.

**23. Did the judgment or order appealed from adjudicate ALL the claims alleged below and the rights and liabilities of ALL the parties to the action or consolidated actions below?**

Yes

No

**24. If you answered "No" to question 23, complete the following:**

(a) Specify the claims remaining pending below:

(b) Specify the parties remaining below:

(c) Did the district court certify the judgment or order appealed from as a final judgment pursuant to NRCP 54(b)?

Yes

No

(d) Did the district court make an express determination, pursuant to NRCP 54(b), that there is no just reason for delay and an express direction for the entry of judgment?

Yes

No

**25. If you answered "No" to any part of question 24, explain the basis for seeking appellate review (e.g., order is independently appealable under NRAP 3A(b)):**

**26. Attach file-stamped copies of the following documents:**

- The latest-filed complaint, counterclaims, cross-claims, and third-party claims
- Any tolling motion(s) and order(s) resolving tolling motion(s)
- Orders of NRCP 41(a) dismissals formally resolving each claim, counterclaims, cross-claims and/or third-party claims asserted in the action or consolidated action below, even if not at issue on appeal
- Any other order challenged on appeal
- Notices of entry for each attached order

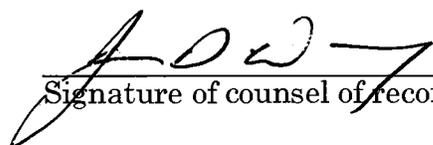
## VERIFICATION

I declare under penalty of perjury that I have read this docketing statement, that the information provided in this docketing statement is true and complete to the best of my knowledge, information and belief, and that I have attached all required documents to this docketing statement.

Reza Zandian  
Name of appellant

Jason Woodbury  
Name of counsel of record

July 21, 2014  
Date

  
Signature of counsel of record

Carson City, Nevada  
State and county where signed

## CERTIFICATE OF SERVICE

I certify that on the 21st day of July, 2014, I served a copy of this completed docketing statement upon all counsel of record:

- By personally serving it upon him/her; or
- By mailing it by first class mail with sufficient postage prepaid to the following address(es): (NOTE: If all names and addresses cannot fit below, please list names below and attach a separate sheet with the addresses.)

Matthew D. Francis  
Adam P. McMillen  
WATSON ROUNDS  
5371 Kietzke Lane  
Reno, NV 89511

Dated this 21st day of July, 2014

  
Signature

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# **ATTACHMENT 1**

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# **ATTACHMENT 1**

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ORIGINAL

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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*

REC'D & FILED ✓

2011 AUG 11 PM 4:05

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

AMENDED COMPLAINT  
(Exemption From Arbitration Requested)

Plaintiff, JED MARGOLIN ("Mr. Margolin"), by and through his counsel of record,  
WATSON ROUNDS, and for his Complaint against Defendants, hereby alleges and complains  
as follows:

The Parties

1. Plaintiff Mr. Margolin is an individual residing in Storey County, Nevada.
2. On information and belief, Defendant Optima Technology Corporation is a  
California corporation with its principal place of business in Irvine, California.



Facts

1  
2           9.     Plaintiff Mr. Margolin is the named inventor on numerous patents and patent  
3 applications, including United States Patent No. 5,566,073 (“the ‘073 Patent”), United States  
4 Patent No. 5,904,724 (“the ‘724 Patent”), United States Patent No. 5,978,488 (“the ‘488  
5 Patent”) and United States Patent No. 6,377,436 (“the ‘436 Patent”) (collectively “the Patents”).

6           10.    Mr. Margolin is the legal owner and owner of record for the ‘488 and ‘436  
7 Patents, and has never assigned those patents.

8           11.    In July 2004, Mr. Margolin granted to Optima Technology Group (“OTG”), a  
9 Cayman Islands Corporation specializing in aerospace technology, a Power of Attorney  
10 regarding the ‘073 and ‘724 Patents. In exchange for the Power of Attorney, OTG agreed to  
11 pay Mr. Margolin royalties based on OTG’s licensing of the ‘073 and ‘724 Patents.

12           12.    In May 2006, OTG and Mr. Margolin licensed the ‘073 and ‘724 Patents to  
13 Geneva Aerospace, Inc., and Mr. Margolin received a royalty payment pursuant to the royalty  
14 agreement between Mr. Margolin and OTG.

15           13.    On about July 20, 2004, Mr. Margolin assigned the ‘073 and ‘724 Patents to  
16 OTG.

17           14.    In about November 2007, OTG licensed the ‘073 Patent to Honeywell  
18 International, Inc., and Mr. Margolin received a royalty payment pursuant to the royalty  
19 agreement between Mr. Margolin and OTG.

20           15.    In December 2007, Defendant Zandian filed with the U.S. Patent and Trademark  
21 Office (“USPTO”) fraudulent assignment documents allegedly assigning all four of the Patents  
22 to Optima Technology Corporation.

23           16.    Upon discovery of the fraudulent filing, Mr. Margolin: (a) filed a report with the  
24 Storey County Sheriff’s Department; (b) took action to regain record title to the ‘488 and ‘436  
25 Patents that he legally owned; and (c) assisted OTG in regaining record title of the ‘073 and  
26 ‘724 Patents that it legally owned and upon which it contracted with Mr. Margolin for royalties.

27           17.    Shortly before this, Mr. Margolin and OTG had been named as defendants in an  
28 action for declaratory relief regarding non-infringement of the ‘073 and ‘724 Patents in the

1 United States District Court for the District of Arizona, in a case titled: *Universal Avionics*  
2 *Systems Corporation v. Optima Technology Group, Inc.*, No. CV 07-588-TUC-RCC (the  
3 "Arizona Action"). In the Arizona Action, Mr. Margolin and OTG filed a cross-claim for  
4 declaratory relief against Optima Technology Corporation (Zandian) in order to obtain legal  
5 title to their respective patents.

6 18. On August 18, 2008, the United States District Court for the District of Arizona  
7 entered a final judgment in favor of Mr. Margolin and OTG on their declaratory relief action,  
8 and ordered that OTC—California and OTC—Nevada had no interest in the '073 or '724  
9 Patents, that the assignment documents filed by Zandian with the USPTO were "forged, invalid,  
10 void, of no force and effect," that the USPTO was to correct its records with respect to any  
11 claim by OTC to the Patents and/or the Power of Attorney, and that OTC was enjoined from  
12 asserting further rights or interests in the Patents and/or Power of Attorney. Attached as Exhibit  
13 A is a copy of the Order from the United States District Court in the Arizona Action.

14 19. Due to Defendants' fraudulent acts, title to the Patents was clouded and  
15 interfered with Plaintiff's and OTG's ability to license the Patents.

16 20. During the period of time Mr. Margolin worked to correct record title of the  
17 Patents in the Arizona Action and with the USPTO, he incurred significant litigation and other  
18 costs associated with those efforts.

19 **Claim 1--Conversion**  
20 **(Against All Defendants)**

21 21. Paragraphs 1-20 of the Complaint set forth above are incorporated herein by  
22 reference.

23 22. Through the fraudulent acts described above, Defendants wrongfully exerted  
24 dominion over the Patents, thereby depriving Mr. Margolin of the use of such property.

25 23. The Patents and the royalties due Mr. Margolin under the Patents were the  
26 personal property of Mr. Margolin.

27 24. As a direct and proximate result of the Defendants' conversion, Mr. Margolin  
28 has suffered damages in excess of ten thousand dollars (\$10,000), entitling him to the relief set

1 forth below.

2 **Claim 2--Tortious Interference With Contract**  
3 **(Against All Defendants)**

4 25. Paragraphs 1-24 of the Complaint set forth above are incorporated herein by  
5 reference.

6 26. Mr. Margolin was a party to a valid contract with OTG for the payment of  
7 royalties based on the license of the '073 and '724 Patents.

8 27. Defendants were aware of Mr. Margolin's contract with OTG.

9 28. Defendants committed intentional acts intended and designed to disrupt and  
10 interfere with the contractual relationship between Mr. Margolin and OTG.

11 29. As a result of the acts of Defendants, Mr. Margolin's contract with OTG was  
12 actually interfered with and disrupted.

13 30. As a direct and proximate result of the Defendants' tortious interference with  
14 contract, Mr. Margolin has suffered damages in excess of ten thousand dollars (\$10,000),  
15 entitling him to the relief set forth below.

16 **Claim 3—Intentional Interference with Prospective Economic Advantage**  
17 **(Against All Defendants)**

18 31. Paragraphs 1-30 of the Complaint set forth above are incorporated herein by  
19 reference.

20 32. Defendants were aware of Mr. Margolin's prospective business relations with  
21 licensees of the Patents.

22 33. Defendants purposely, willfully and improperly attempted to induce Mr.  
23 Margolin's prospective licensees to refrain from engaging in business with Mr. Margolin.

24 34. The foregoing actions by Defendants interfered with the business relationships of  
25 Mr. Margolin, and were done intentionally and occurred without consent or authority of Mr.  
26 Margolin.

27 35. As a direct and proximate result of the Defendants' tortious interference, Mr.  
28 Margolin has suffered damages in excess of ten thousand dollars (\$10,000), entitling him to the  
relief set forth below.

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**Claim 4—Unjust Enrichment**  
**(Against All Defendants)**

36. Paragraphs 1-35 of the Complaint set forth above are incorporated herein by reference.

37. Defendants wrongfully obtained record title to the Patents.

38. Defendants were aware that record title to the Patents was valuable, and were aware of the benefit derived from having record title.

39. Defendants unjustly benefitted from the use of Mr. Margolin's property without compensation to Mr. Margolin.

40. As a direct and proximate result of Defendants' aforementioned acts, Mr. Margolin is entitled to equitable relief.

**Claim 5—Unfair and Deceptive Trade Practices**  
**(Against All Defendants)**

41. Paragraphs 1-40 of the Complaint set forth above are incorporated herein by reference.

42. The Defendants, engaging in the acts and conduct described above, have knowingly and willfully committed unfair and deceptive trade practices under NRS 598.0915 by making false representations.

43. As a direct and proximate result of the Defendants' unfair and deceptive trade practices, Mr. Margolin has suffered damages in excess of ten thousand dollars (\$10,000), entitling him to the relief set forth below.

WHEREFORE, Plaintiff Jed Margolin, prays for judgment against the Defendants as follows:

1. That Plaintiff be awarded damages for Defendants' tortious conduct;
2. That Plaintiff be awarded damages for Defendants' unjust enrichment;
3. That Plaintiff be awarded damages for Defendants' commission of unfair and deceptive trade practices, in an amount to be proven at trial, with said damages being trebled pursuant to NRS 598.0999;

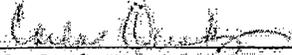


1 **CERTIFICATE OF SERVICE**

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, AMENDED COMPLAINT (Exemption From  
5 Arbitration Requested), addressed as follows:

6 John Peter Lee  
7 John Peter Lee, Ltd.  
8 830 Las Vegas Blvd. South  
9 Las Vegas, NV 89101

10 Dated: August 11, 2011

11   
12 \_\_\_\_\_  
13 Carla Ousby

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# **ATTACHMENT 2**

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# **ATTACHMENT 2**

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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 **I. Postjudgment Costs**

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

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 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  
\$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

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

12                   NRS 598.0999(2) states as follows:

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

20                   NRS 598.0999(2) (emphasis added).

21                   Thus, the phrase, "provisions of NRS 598.0903 to 598.0999," encompasses all actions  
22 brought under those sections. The language, "any action brought pursuant to the provisions of  
23 NRS 598.0903 to 598.0999," does not limit Deceptive Trade Practices actions to district  
24 attorneys or the Attorney General. The only limitation in NRS 598.0999(2) relates to the  
25 district attorney's and the Attorney General being able to pursue the \$5,000 civil penalty. In  
26 contrast, the last sentence of NRS 598.0999(2) stands alone and does not limit attorney fee  
27 awards to district attorneys or the Attorney General and allows the Court, in any Deceptive  
28 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  
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23 According to *Brunzell*, the factors that the district court should consider in awarding  
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- 25 (1) the advocate's qualities, including ability, training, education, experience,  
26 professional standing, and skill;  
27 (2) the character of the work, including its difficulty, intricacy, importance, as  
28 well as the time and skill required, the responsibility imposed, and the  
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15 The amount of attorney’s fees awarded only includes reasonable attorney’s fees from  
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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.<sup>1</sup>

#### 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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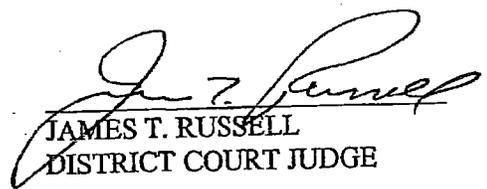
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28 <sup>1</sup> Interest continues to accrue until the judgment is satisfied. *See* NRS 17.130(2).

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

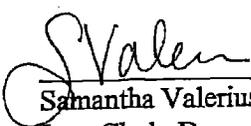
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**CERTIFICATE OF MAILING**

I hereby certify that on the 19<sup>th</sup> 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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# **ATTACHMENT 3**

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# **ATTACHMENT 3**

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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 **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

27 ///

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

10

Attorneys for Plaintiff Jed Margolin

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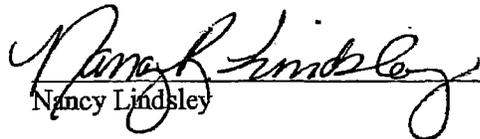
28

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 20<sup>th</sup> day of May, 2014.

13   
14 Nancy Lindsley  
15  
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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 **I. Postjudgment Costs**

9  
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 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  
25 Postage/photocopies (in-house) \$ 481.20  
26 Research 285.31  
27 Witness Fees (Subpoenas) 215.66  
28 Process service/courier fees 373.00  
\$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

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

12                   NRS 598.0999(2) states as follows:

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

20                   NRS 598.0999(2) (emphasis added).

21                   Thus, the phrase, "provisions of NRS 598.0903 to 598.0999," encompasses all actions  
22 brought under those sections. The language, "any action brought pursuant to the provisions of  
23 NRS 598.0903 to 598.0999," does not limit Deceptive Trade Practices actions to district  
24 attorneys or the Attorney General. The only limitation in NRS 598.0999(2) relates to the  
25 district attorney's and the Attorney General being able to pursue the \$5,000 civil penalty. In  
26 contrast, the last sentence of NRS 598.0999(2) stands alone and does not limit attorney fee  
27 awards to district attorneys or the Attorney General and allows the Court, in any Deceptive  
28 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  
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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.<sup>1</sup>

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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<sup>1</sup> Interest continues to accrue until the judgment is satisfied. *See* NRS 17.130(2).



**CERTIFICATE OF MAILING**

I hereby certify that on the 19<sup>th</sup> 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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