

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

Electronically Filed  
Dec 16 2015 08:43 a.m.

Tracie K. Lindeman  
Clerk of Supreme Court

**Nevada Supreme Court**  
**Case No. 69372**

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.

**MOTION TO WITHDRAW AS COUNSEL**  
**FOR APPELLANT REZA ZANDIAN**

Severin A. Carlson (“Carlson”), Tara C. Zimmerman (“Zimmerman”) and Kaempfer Crowell (collectively “Counsel”), counsel for Appellant REZA ZANDIAN aka GOLAMREZA ZANDIANJAZI aka GHOLAM REZA ZANDIAN aka REZA JAZI aka J. REZA JAZI aka G. REZA JAZI aka GHONONREZA ZANDIAN JAZI (“Appellant”), pursuant to Supreme Court Rule (“SCR”) 46 and Nevada Rule of Professional Conduct (“NRPC”) 1.16, move this Court for an order granting Counsel’s motion to withdraw as counsel of record in this matter.

This motion is made based upon the following Points and Authorities and the Affidavit of Severin A. Carlson, attached hereto as **Exhibit 1**.

**MEMORANDUM OF POINTS AND AUTHORITIES**

**I. FACTUAL BACKGROUND**

Kaempfer Crowell entered an appearance in the First Judicial District Court on behalf of Appellant on or about March 3, 2014, to, among other things, seek to set aside orders of the District Court that had been entered against Appellant, directly and via appeals to this Court.

The District Court, in its November 6, 2015 Order Granting Plaintiff's Motion for Debtor Examination and to Produce Documents (the "November 6 Order"), attached hereto as **Exhibit 2**, ordered Appellant to produce to counsel for Respondent JED MARGOLIN ("Respondent"), on or before December 21, 2015, various information and documents as set forth in the November 6 Order. The November 6 Order also directed Appellant to appear for a judgment debtor examination at a location to be specified by Respondent's counsel in San Diego, California in February 2016.

Thereafter, Carlson advised Appellant that Counsel would be seeking to withdraw in the District Court proceedings unless Appellant's obligations were fulfilled. At that time, Appellant advised Carlson that he wished to pursue the instant appeal of the November 6 Order. Given the approaching

deadline for filing an appeal, Carlson agreed to file the Notice of Appeal and Case Appeal Statement with the First Judicial District Court on Appellant's behalf, solely for the purpose of preserving Appellant's appeal. Carlson advised Appellant that Counsel would be seeking to withdraw in both the District Court and Nevada Supreme Court proceedings immediately thereafter. Counsel filed a Motion to Withdraw as Counsel in the District Court proceedings on December 10, 2015, the same day the Notice of Appeal was filed.

During Counsel's representation, Appellant has substantially failed to fulfill his obligations to Counsel regarding their services, despite Appellant having been given reasonable warning that Counsel would withdraw unless the obligations were fulfilled. Further representation would result in an unreasonable financial burden on Counsel. The representation has also been rendered unreasonably difficult as a result of Appellant's failure to meet his obligations to Counsel.

Furthermore, Appellant insists upon taking action that Counsel considers repugnant or with which Counsel has fundamental disagreement, therefore making the immediate request to withdraw reasonable.

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## II. ANALYSIS

Rule 1.16(b)(5) of the Nevada Rules of Professional Conduct provides that an attorney may withdraw from representing a client if “[t]he client fails substantially to fulfill an obligation to the lawyer regarding the lawyer’s services and has been given a reasonable warning that the lawyer will withdraw unless the obligation is fulfilled.”

Rule 1.16(b)(4) of the Nevada Rules of Professional Conduct provides that an attorney may withdraw from representing a client if “[a] client insists upon taking action that the lawyer considers to be repugnant or with which the lawyer has a fundamental disagreement.” Furthermore, SCR 46 provides:

The attorney in an action or special proceeding may be changed at any time before judgment or final determination as follows:

- (2) Upon the order of the court or judge thereof on the application of the attorney or the client.

In this case, Appellant has not only substantially failed to fulfill his obligations to Counsel regarding their services, but also insists upon taking action that Counsel considers to be repugnant or with which Counsel has a fundamental disagreement. Consequently, Counsel hereby request that the Court issue an order allowing withdrawal as Appellant’s counsel.

/. /. /. /

As set forth in the attached Affidavit of Severin A. Carlson, and based upon information and belief, the last known addresses of Appellant are as follows:

Gholam Reza Zandian Jazi  
6 rue Edouard Fournier  
75116 Paris  
France

Reza Zandian  
c/o Alborz Zandian  
9 MacArthur Place, Unit 2105  
Santa Ana, California 92707-6753

rezazand@hotmail.com

This Motion will be served upon Appellant. No judgment or final determination has been filed in this case other than those previously ordered by the District Court and upheld by this Court.

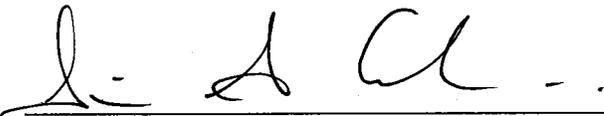
Counsel has complied with all requirements to withdraw as counsel of record. As such, an order allowing Counsel to withdraw is appropriate. Appellant has been provided a copy of the District Court's November 6 Order, after having been informed of the District Court's ruling from the bench, and therefore is readily aware of the deadlines and requirements set forth in the November 6 Order. Appellant has also been advised of the deadlines before this Court, including this Court's assignment of this case to the Mandatory Settlement Program.

**III. CONCLUSION**

For the reasons stated above, Counsel request an order of this Court allowing them to withdraw as counsel of record for Appellant in this action.

DATED this 15<sup>th</sup> day of December, 2015.

KAEMPFER CROWELL

BY: 

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SEVERIN A. CARLSON  
Nevada Bar No. 9373  
TARA C. ZIMMERMAN  
Nevada Bar No. 12146  
510 West Fourth Street  
Carson City, Nevada 89703  
**Attorneys for Appellant**

**CERTIFICATE OF SERVICE**

Pursuant to NRAP 25(d), I, the undersigned, hereby certify that on the 15<sup>th</sup> day of December, 2015, I caused the foregoing **MOTION TO WITHDRAW AS COUNSEL FOR APPELLANT REZA ZANDIAN** to be served this date by depositing a true copy of the same for mailing at Reno, Nevada, first class postage fully prepaid and addressed to:

Matthew D. Francis, Esq.  
Adam P. McMillen, Esq.  
Watson Rounds  
5371 Kietzke Lane  
Reno, Nevada 89511  
775.324.4100  
775.333.8171 - facsimile  
**Attorneys for Respondent**

Reza Zandian  
c/o Alborz Zandian  
9 MacArthur Place, Unit 2105  
Santa Ana, California 92707-6753  
**Appellant**

Gholam Reza Zandian Jazi  
6 rue Edouard Fournier  
75116 Paris  
France  
**Appellant**

I also caused the foregoing Motion to be served this date by e-mail to Appellant as follows:  
  
rezazand@hotmail.com

  
an employee of Kaempfer Crowell

# EXHIBIT 1

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# EXHIBIT 1

**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.

**Nevada Supreme Court  
Case No. 69372**

**AFFIDAVIT OF SEVERIN A. CARLSON IN SUPPORT OF  
MOTION TO WITHDRAW AS COUNSEL  
FOR APPELLANT REZA ZANDIAN**

STATE OF NEVADA            )  
  ) ss.  
COUNTY OF WASHOE        )

1. I am duly licensed to practice law in the State of Nevada and am a partner at the law firm of Kaempfer Crowell, as well as counsel for Appellant REZA ZANDIAN (“Appellant”) in the above-entitled matter.

/./././

/./././

2. I have personal knowledge of the facts stated herein, except for those stated upon information and belief and, as to those, I believe them to be true.

3. I make this Affidavit in support of Kaempfer Crowell's Motion to Withdraw as Counsel for Appellant.

4. Continued representation of Appellant will result in an unreasonable financial burden on Kaempfer Crowell and the representation has been rendered unreasonably difficult.

5. Appellant has been repeatedly reminded of his obligations to Kaempfer Crowell and that failure to meet those obligations could result in Kaempfer Crowell withdrawing as counsel of record.

6. Appellant continues to have substantial outstanding obligations to Kaempfer Crowell that remain unrectified.

7. Despite repeated attempts to counsel Appellant, Appellant insists upon taking action that Kaempfer Crowell and I consider to be repugnant or with which we have a fundamental disagreement.

8. Appellant's current mailing address on file with this office, as well as all other known possible addresses are:

Gholam Reza Zandian Jazi  
6 rue Edouard Fournier  
75116 Paris  
France

Reza Zandian  
c/o Alborz Zandian  
9 MacArthur Place, Unit 2105  
Santa Ana, California 92707-6753

rezazand@hotmail.com

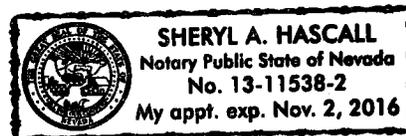
8. That in light of the above, I believe an order allowing Kaempfer Crowell to withdraw from representation in this matter is appropriate and that such withdrawal complies with the applicable rules of professional conduct, Nevada Supreme Court Rules, and Nevada Rules of Appellate Procedure.

FURTHER YOUR AFFIANT SAYETH NAUGHT.

DATED this 15<sup>th</sup> day of December, 2015.

  
SEVERIN A. CARLSON

Subscribed and Sworn to before me  
this 15<sup>th</sup> day of December, 2015, by  
Severin A. Carlson.



  
NOTARY PUBLIC

My Commission Expires: 11/2/2016

# EXHIBIT 2

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# EXHIBIT 2

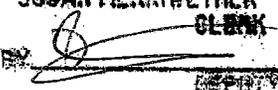
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Case No. 09 0C 00579 1B

Dept. No. I

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SUSAN MERRIWETHER  
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.

**ORDER GRANTING PLAINTIFF'S  
MOTION FOR DEBTOR  
EXAMINATION AND TO  
PRODUCE DOCUMENTS**

This matter comes before the Court on Plaintiff Jed Margolin's Motion for Debtor Examination and to Produce Documents, filed on June 10, 2015. On June 29, 2015, Defendant Reza Zandian filed an Opposition and a Motion for Protective Order. On July 10, 2015, Plaintiff filed a Reply in Support of the Motion for Debtor Examination and to Produce Documents and an Opposition to Defendant's Motion for Protective Order. On July 20, 2015, Defendant filed his Reply in Support of the Motion for Protective Order. On November 5, 2015, the Court held oral argument on the motions.

1 After considering the motions, oppositions, replies, oral argument and the papers and  
2 pleadings on file herein, for good cause appearing, the Court hereby grants the Motion for  
3 Debtor's Examination and to Produce Documents.

4 The Court finds that when Defendants' former attorney, John Peter Lee, withdrew from  
5 this matter he provided a last known address for Defendant Zandian in San Diego, California.  
6 Based upon this fact and other evidence in the record, the Court finds San Diego, California, is  
7 an appropriate location for the debtor's examination of Defendant Reza Zandian.

8  
9 NOW, THEREFORE, **IT HEREBY IS ORDERED** as follows:

10 1. That Defendant Reza Zandian is hereby ordered to appear in San Diego, California,  
11 during the month of February 2016 and answer upon oath or affirmation concerning his  
12 property at a Judgment Debtor Examination, with the specific location in San Diego to be  
13 chosen by Plaintiff; and

14 2. That Defendant Reza Zandian is hereby ordered to produce to Plaintiff's counsel on  
15 or before December 21, 2015, all of the following information and documents identifying,  
16 related to, and/or comprising the following:

- 17
- 18 a. Any and all information and documentation identifying real property, computers,  
19 cell phones, intellectual property, vehicles, brokerage accounts, bank deposits and  
20 all other assets that may be currently available for execution to satisfy the  
21 Judgments entered by the Court, including, but not limited to, information relating  
22 to financial accounts, monies owed to Defendant Zandian by others, etc.
  - 23 b. Documents sufficient to show Zandian's balance sheet for each month from  
24 December 11, 2009 (the date the original complaint was filed) to the present.
  - 25 c. Documents sufficient to show Zandian's gross revenues for each month from  
26 December 11, 2009 to the present.  
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- 1 d. Documents sufficient to show Zandian's costs and expenses for each month from  
2 December 11, 2009 to the present.
- 3 e. All tax returns filed by Zandian with any governmental body for the years 2010 to  
4 the present, including all schedules, W-2's and 1099's.
- 5 f. All of Zandian's accounting records, computerized electronic and/or printed on  
6 paper format for the years 2010 to the present.
- 7 g. All of Zandian's statements, cancelled checks and related banking documents for  
8 any bank, brokerage or other financial account at least partially controlled by  
9 Zandian, or recorded in the name of Zandian or for Zandian's benefit, from  
10 December 11, 2009 to the present.
- 11 h. All of Zandian's checkbooks, checkbook stubs and checkbook entries from  
12 December 11, 2009 to the present.
- 13 i. Documents sufficient to show the means and source of payment of Zandian's  
14 current residence and any other residence from December 11, 2009 to the present.
- 15 j. Documents sufficient to show the means and source of payment of Zandian's  
16 counsel in this matter from December 11, 2009 to the present.
- 17 k. Any settlement agreements by which another party has agreed to pay money to  
18 Zandian from December 11, 2009.
- 19  
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21 DATED: This 6<sup>th</sup> day of November, 2015.

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24   
25 JAMES T. RUSSELL  
26 DISTRICT COURT JUDGE  
27  
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1 **CERTIFICATE OF MAILING**

2 The undersigned, an employee of the First Judicial District Court, hereby certifies that on the  
3 10<sup>th</sup> day of November, 2015, I served a copy of the foregoing Order by United States Mail, postage  
4 prepaid, addressed as follows:

5 Adam P. McMillen, Esq.  
6 5371 Kietzke Lane  
7 Reno, NV 89511

8 Severin A. Carlson, Esq.  
9 Tara C. Zimmerman, Esq.  
10 510 West Fourth Street  
11 Carson City, NV 89703



12 Angela Jeffries  
13 Judicial Assistant, Dept. 1  
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