

IN THE SUPREME COURT OF THE STATE OF NEVADA

REZA ZANDIAN A/K/A GOLAMREZA
ZANDIANJAZI A/K/A GHOLAMREZA
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.

No. 69372

Electronically Filed
Dec 23 2015 08:56 a.m.
Tracie K. Lindeman
Clerk of Supreme Court

**DOCKETING STATEMENT
CIVIL APPEALS**

GENERAL INFORMATION

Appellants must complete this docketing statement in compliance with NRAP 14(a). The purpose of the docketing statement is to assist the Supreme Court in screening jurisdiction, identifying issues on appeal, assessing presumptive assignment to the Court of Appeals under NRAP 17, scheduling cases for oral argument and settlement conferences, classifying cases for expedited treatment and assignment to the Court of Appeals, and compiling statistical information.

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 27 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. 090C00579 1B

2. Attorney filing this docketing statement:

Attorney Severin A. Carlson and Tara C. Zimmerman¹ Telephone (775) 884-8300

Firm Kaempfer Crowell

Address 510 West Fourth Street
Carson City, Nevada 89703

Client(s) Reza Zandian aka Golamreza Zandianjazi aka Gholam Reza Zandian aka Reza
Reza Jazi aka J. Reza Jazi aka G. Reza Jazi aka Ghonoreza Zandian Jazi

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, Esq. Telephone (775) 324-4100

Firm Watson Rounds

5371 Kietzke Lane
Reno, Nevada 89511

Client(s) Jed Margolin

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

Firm Watson Rounds

5371 Kietzke Lane
Reno, Nevada 89511

Client(s) Jed Margolin

¹ On or about December 15, 2015, Severin A. Carlson, Tara C. Zimmerman, and the law firm of Kaempfer Crowell (collectively "Counsel") filed with this Court a Motion to Withdraw as Counsel for Appellant Reza Zandian pursuant to SCR 46 and NRPC 1.16(b)(4) and (5).

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 type="checkbox"/> Default judgment | <input type="checkbox"/> Failure to prosecute |
| <input type="checkbox"/> Grant/Denial of NRC 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 checked="" type="checkbox"/> Other disposition (specify): <u>Final Order</u>
<u>Granting Plaintiff's Motion for Debtor</u>
<u>Examination and to Produce Documents</u> |

5. Does this appeal raise issues concerning any of the following? No.

- 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:

- a. Reza Zandian, etc. vs. Jed Margolin
Docket No. 65205
- b. Reza Zandian, etc. vs. Jed Margolin
Docket No. 65960

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. Plaintiff claims to be the owner of the patents at issue. Plaintiff claims that certain conduct and actions of Optima Technology Corporation, a California corporation, Optima Technology Corporation, a Nevada corporation (together these corporations are referred to hereinafter as the "Corporate Defendants") and Reza Zandian ("Zandian") (collectively the Corporate Defendants and Zandian are referred to as the "Defendants") disrupted his ownership and control over the patents, thereby causing him damages.

On March 28, 2013, the District Court entered a Default against Zandian. Later, pursuant to the application of Plaintiff, the District Court entered a Default Judgment against Defendants in the amount of \$1,495,775.74. Plaintiff filed a Notice of Entry of Default Judgment on June 27, 2013.

On December 20, 2013, Zandian filed a Motion to Set Aside Default Judgment with the District Court. On February 6, 2014, the District Court entered its Order Denying Defendant Reza Zandian's Motion to Set Aside Default Judgment ("2/6/14 Order"). The 2/6/14 Order was affirmed on appeal by this Court in consolidated Docket No. 65960 on October 19, 2015.

Plaintiff has been pursuing post-judgment enforcement remedies against Zandian. On or about June 10, 2015, Plaintiff filed a Motion for Debtor Examination and to Produce Documents ("Motion for Debtor Exam"). On or about November 6, 2015, the Court entered its Order Granting the Motion for Debtor Exam ("Order"). Notice of Entry of said Order was served upon counsel for Zandian via U.S. mail on November 10, 2015.

9. Issues on appeal. State concisely the principal issue(s) in this appeal (attach separate sheets as necessary):

1. Whether the Court erred in ordering Appellant, a resident of Paris, France, to appear for a debtor's examination in San Diego, California in violation of NRS 21.270(1).
2. Whether the Court erred in ordering Appellant to produce documents and records that did not relate to the current assets of the judgment debtor and dated back further than the last three years.

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? No.

- 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. Assignment to the Court of Appeals or retention in the Supreme Court. Briefly set forth whether the matter is presumptively retained by the Supreme Court or assigned to the Court of Appeals under NRAP 17, and cite the subparagraph(s) of the Rule under which the matter falls. If appellant believes that the Supreme Court should retain the case despite its presumptive assignment to the Court of Appeals, identify the specific issue(s) or circumstance(s) that warrant retaining the case, and include an explanation of their importance or significance:

This case does not fall under those case categories delineated in NRAP 17(b) as being presumptively assigned to the Court of Appeals. Rather, this case involves the original jurisdiction of the Nevada Supreme Court, which retains jurisdiction of this matter pursuant to NRAP 17(a)(1).

14. Trial. If this action proceeded to trial, how many days did the trial last? N/A

Was it a bench or jury trial? N/A

15. 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

16. Date of entry of written judgment or order appealed from November 6, 2015 (Order Granting Plaintiff's Motion for Debtor Examination and to Produce Documents is attached as Exhibit 1).

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

17. Date written notice of entry of judgment or order was served November 10, 2015 (Notice of Entry of Order is attached as Exhibit 2).

Was service by:

- Delivery
- Mail/electronic/fax

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

(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

19. Date notice of appeal filed December 10, 2015

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:

20. 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

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

(a)

NRAP 3A(b)(1) NRS 38.205

NRAP 3A(b)(2) NRS 233B.150

NRAP 3A(b)(3) NRS 703.376

Other (specify) NRAP 3A(b)(8)

(b) Explain how each authority provides a basis for appeal from the judgment or order:

NRAP 3A(b)(8): The Order on Respondent's Motion for Debtor Examination and to Produce Documents is a "special order entered after final judgment" which is the subject of a cognizable appeal under NRAP 3A(b)(8).

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

(a) Parties:

Reza Zandian
Jed Margolin
Optima Technology Corporation, a California corporation
Optima Technology Corporation, a Nevada corporation

(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:

The appeal involves a motion for debtor examination and to produce documents filed against Appellant Reza Zandian only, and not against the Corporate Defendants. Additionally, the Corporate Defendants were the subjects of a default and default judgment which preceded the default and default judgment to which Zandian was subject. The Corporate Defendants did not move to set aside the default or default judgment to which they were subject.

23. 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.

24. 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

25. If you answered "No" to question 24, complete the following: N/A

- (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

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

N/A

27. Attach file-stamped copies of the following documents:

- The latest-filed complaint, counterclaims, cross-claims, and third-party claims
See Exhibit 3
- Any tolling motion(s) and order(s) resolving tolling motion(s) N/A
- Orders of NRCP 41(a) dismissals formally resolving each claim, counterclaims, crossclaims and/or third-party claims asserted in the action or consolidated action below, even if not at issue on appeal N/A
- Any other order challenged on appeal *See Exhibit 1*
- Notices of entry for each attached order *See Exhibit 2*

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

December 18, 2015

Date

Washoe County, Nevada

State and county where signed

Severin A. Carlson

Name of counsel of record



Signature of counsel of record

CERTIFICATE OF SERVICE

I certify that on the 22nd day of December, 2015, 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, 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 further certify that I caused the completed docketing statement to be served this date by e-mail to Appellant as follows:

rezazand@hotmail.com


an employee of Kaempfer Crowell

EXHIBIT 1

EXHIBIT 1

1 Case No. 09 0C 00579 1B
2 Dept. No. I

REC'D & FILED

2015 NOV -6 PM 3:38

SUSAN MERRIWETHER

CLERK

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5 In The First Judicial District Court of the State of Nevada
6 In and for Carson City

7 JED MARGOLIN, an individual,

8 Plaintiff,

9 vs.

10 OPTIMA TECHNOLOGY CORPORATION,
11 a California corporation, OPTIMA
12 TECHNOLOGY CORPORATION, a Nevada
13 corporation, REZA ZANDIAN
14 aka GOLAMREZA ZANDIANJAZI
15 aka GHOLAM REZA ZANDIAN
16 aka REZA JAZI aka J. REZA JAZI
17 aka G. REZA JAZI aka GHONONREZA
18 ZANDIAN JAZI, an individual, DOE Companies
1-10, DOE Corporations 11-20, and DOE
Individuals 21-30,

19 Defendants.

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

20 This matter comes before the Court on Plaintiff Jed Margolin's Motion for Debtor
21 Examination and to Produce Documents, filed on June 10, 2015. On June 29, 2015, Defendant
22 Reza Zandian filed an Opposition and a Motion for Protective Order. On July 10, 2015,
23 Plaintiff filed a Reply in Support of the Motion for Debtor Examination and to Produce
24 Documents and an Opposition to Defendant's Motion for Protective Order. On July 20, 2015,
25 Defendant filed his Reply in Support of the Motion for Protective Order. On November 5,
26 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

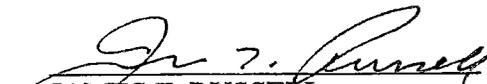
14 2. That Defendant Reza Zandian is hereby ordered to produce to Plaintiff's counsel on
15 or before December 21, 2015, all of the following information and documents identifying,
16 related to, and/or comprising the following:

- 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.
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21 DATED: This 6th day of November, 2015.

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JAMES T. RUSSELL
DISTRICT COURT JUDGE

CERTIFICATE OF MAILING

1
2 The undersigned, an employee of the First Judicial District Court, hereby certifies that on the
3 17th 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



Angela Jeffries
Judicial Assistant, Dept. 1

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EXHIBIT 2

EXHIBIT 2

BROWNSTEIN HYATT FARBER SCHRECK, LLP
5371 Kietzke Lane
Reno, Nevada 89511
775 324-4100

1 Adam P. McMillen, Bar No. 10678
2 amcmillen@bhfs.com
3 BROWNSTEIN HYATT FARBER SCHRECK, LLP
4 5371 Kietzke Lane,
5 Reno, Nevada 89511
6 Telephone: (775) 324-4100
7 Facsimile: (775) 333-8171

8 Attorney for Plaintiff JED MARGOLIN

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IN THE FIRST JUDICIAL COURT OF THE STATE OF NEVADA
IN AND FOR CARSON CITY

JED MARGOLIN, an individual,

Plaintiff,

v.

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 GHONOREZA ZANDIAN JAZI, an individual, DOES Companies 1-10, DOE Corporations 11-20, and DOE Individuals 21-30,
Defendants.

CASE NO.: 090C00579 1B

DEPT NO.: 1

NOTICE OF ENTRY OF ORDER

PLEASE TAKE NOTICE that the Order Granting Plaintiff's Motion for Debtor Examination and to Produce Documents, attached hereto as Exhibit 1, was filed in the above-entitled Court on November 6, 2015.

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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: November 10, 2015.

BROWNSTEIN HYATT FARBER SCHRECK, LLP

By: 
Adam P. McMillen
5371 Kietzke Lane
Reno, Nevada 89511
Attorneys for Plaintiff JED MARGOLIN

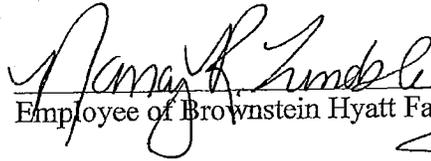
BROWNSTEIN HYATT FARBER SCHRECK, LLP
5371 Kietzke Lane
Reno, Nevada 89511
775-324-4100

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of BROWNSTEIN HYATT FARBER SCHRECK, LLP, and on this 10th day of November, 2015, I served the foregoing document entitled NOTICE OF ENTRY OF ORDER via first class mail, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail at Reno, Nevada for delivery the following:

Severin A. Carlson
Tara C. Zimmerman
Kaempfer Crowell
510 West Fourth Street
Carson City, Nevada 89703

DATED: November 10, 2015


Employee of Brownstein Hyatt Farber Schreck, LLP

BROWNSTEIN HYATT FARBER SCHRECK, LLP
5371 Kietzke Lane
Reno, Nevada 89511
775-324-4100

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Exhibit 1

1 Case No. 09 0C 00579 1B
2 Dept. No. I

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NOV -6 PM 3:38
SUGAN MERRIWETHER
CLERK

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5 In The First Judicial District Court of the State of Nevada
6 In and for Carson City

7 JED MARGOLIN, an individual,
8 Plaintiff,

9 vs.

10 OPTIMA TECHNOLOGY CORPORATION,
11 a California corporation, OPTIMA
12 TECHNOLOGY CORPORATION, a Nevada
13 corporation, REZA ZANDIAN
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**ORDER GRANTING PLAINTIFF'S
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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.
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8 NOW, THEREFORE, **IT HEREBY IS ORDERED** as follows:

9
10 1. That Defendant Reza Zandian is hereby ordered to appear in San Diego, California,
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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 a. Any and all information and documentation identifying real property, computers,
18 cell phones, intellectual property, vehicles, brokerage accounts, bank deposits and
19 all other assets that may be currently available for execution to satisfy the
20 Judgments entered by the Court, including, but not limited to, information relating
21 to financial accounts, monies owed to Defendant Zandian by others, etc.
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23 b. Documents sufficient to show Zandian's balance sheet for each month from
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25
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4 the present, including all schedules, W-2's and 1099's.
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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
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- 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.
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21 DATED: This 6th day of November, 2015.

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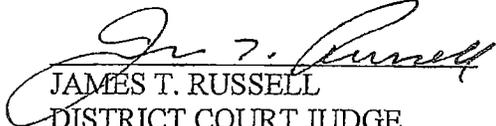
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JAMES T. RUSSELL
DISTRICT COURT JUDGE

CERTIFICATE OF MAILING

1
2 The undersigned, an employee of the First Judicial District Court, hereby certifies that on the
3 10th 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



Angela Jeffries
Judicial Assistant, Dept. 1

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EXHIBIT 3

EXHIBIT 3

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1 Matthew D. Francis (6978)
2 Adam P. McMillen (10678)
3 WATSON ROUNDS
4 5371 Kietzke Lane
5 Reno, NV 89511
6 Telephone: 775-324-4100
7 Facsimile: 775-333-8171
8 *Attorneys for Plaintiff Jed Margolin*

9
10 **In The First Judicial District Court of the State of Nevada**
11 **In and for Carson City**

12 **JED MARGOLIN, an individual,**
13 **Plaintiff,**

14 vs.

15 **OPTIMA TECHNOLOGY CORPORATION,**
16 **a California corporation, OPTIMA**
17 **TECHNOLOGY CORPORATION, a Nevada**
18 **corporation, REZA ZANDIAN**
19 **aka GOLAMREZA ZANDIANJAZI**
20 **aka GHOLAM REZA ZANDIAN**
21 **aka REZA JAZI aka J. REZA JAZI**
22 **aka G. REZA JAZI aka GHONONREZA**
23 **ZANDIAN JAZI, an individual, DOE**
24 **Companies 1-10, DOE Corporations 11-20,**
25 **and DOE Individuals 21-30,**
26 **Defendants.**

Case No.: 090C00579 1B

Dept. No.: 1

AMENDED COMPLAINT
(Exemption From Arbitration Requested)

27 Plaintiff, JED MARGOLIN ("Mr. Margolin"), by and through his counsel of record,
28 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.

1 Facts

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.

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

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

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

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

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

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

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30. As a direct and proximate result of the Defendants' tortious interference with contract, Mr. 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 3--Intentional Interference with Prospective Economic Advantage
(Against All Defendants)

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

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

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

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

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35. As a direct and proximate result of the Defendants' tortious interference, Mr. 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;

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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, I deposited for mailing, in a sealed envelope, with first-class postage prepaid, a true and correct copy of the foregoing document, **AMENDED COMPLAINT** (Exemption From Arbitration Requested), addressed as follows:

John Peter Lee
John Peter Lee, Ltd.
830 Las Vegas Blvd. South
Las Vegas, NV 89101

Dated: August 11, 2011



Carla Ousby