

**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.

**Supreme Court No. 69372**  
District Court Case No. 09OC005791B

**REPLY TO APPELLANT’S RESPONSE TO ORDER TO SHOW CAUSE**

Reza Zandian acknowledges “no statute or court rule explicitly provides for an appeal from an order directing a debtor’s examination or to produce documents...”<sup>1</sup> As a result, Zandian argues the district court’s order “affects the rights of Appellant under the final judgment and NRS 21.270, as triggered by the final judgment, and therefore the order should constitute a special order after final judgment under NRAP 3A(b)(8).”<sup>2</sup>

<sup>1</sup> See Appellant’s Response to Order to Show Cause, filed 2/2/16 (“Appellant’s Response”), 1.

<sup>2</sup> See Appellant’s Response at 2.

1           However, to constitute a special order after final judgment under NRAP  
2 3A(b)(8), the order must affect rights incorporated in the final judgment.<sup>3</sup> In an  
3 attempt to cast his appeal within NRAP 3A(b)(8), Zandian argues that the order  
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5 “affects the Appellant’s rights relative to Respondent’s rights to execute the  
6 judgment.”<sup>4</sup> However, Respondent Jed Margolin’s rights to execute arise out of  
7 the final judgment, not the order directing the debtor’s examination or to produce  
8 documents. As a result, Zandian is not able to explain or show how any rights are  
9 affected much less how any rights arising out of the final judgment are affected by  
10 the order, much less how NRAP 3A(b)(8) applies.  
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13           There is no statute or court rule providing for an appeal from the order  
14 directing the debtor’s examination of Zandian or to produce documents.<sup>5</sup> The  
15 order does not affect any rights incorporated in the final judgment and simply  
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20 <sup>3</sup> See Appellant’s Response at 3 (citing *Gumm v. Mainor*, 118 Nev. 912, 59 P.3d  
21 1220 (2002) (“A special order made after final judgment, to be appealable under  
22 NRAP 3A(b)(2), must be an order affecting the rights of some party to the action,  
23 growing out of the judgment previously entered. It must be an order affecting  
24 rights incorporated in the judgment.”); see also *Wilkinson v. Wilkinson*, 73 Nev.  
143, 145, 311 P.2d 735, 736 (1957) (For order to be appealable, “[i]t must affect  
the rights of the parties growing out of final judgment.”));

25 <sup>4</sup> See Appellant’s Response at 3.

26 <sup>5</sup> See *Wardleigh v. Second Judicial Dist. Court In & For Cty. of Washoe*, 111 Nev.  
345, 351, 891 P.2d 1180, 1184 (1995) (a writ of prohibition will issue to prevent  
27 discovery required by court order entered in excess of the court’s jurisdiction).  
28

1 enforces the final judgment.<sup>6</sup> Zandian has not provided any information or  
2 documentation to the contrary. As a result, the order is not appealable and this  
3 appeal should be dismissed for lack of jurisdiction.  
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5 Dated this 16<sup>th</sup> day of February, 2016.

6 BROWNSTEIN HYATT FARBER SCHRECK, LLP

7 /s/ Adam P. McMillen

8 Matthew D. Francis

9 Nevada Bar No. 6978

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25 <sup>6</sup> On February 3, 2016, the district court issued a bench warrant for Zandian's arrest  
26 for failing to comply with the district court's order to show cause and failing to  
27 appear before the district court regarding Zandian's failure to produce financial  
28 documents related to the execution of the judgment.

**CERTIFICATE OF COMPLIANCE**

I hereby certify that this Reply to Appellant’s Response to Order to Show Cause has been prepared in a proportionally spaced typeface using Microsoft Word in 14 point, double-spaced Times New Roman font, and complies with the formatting requirements of NRAP 32(a)(4), the typeface requirements of NRAP 32(a)(5) and the type style requirements of NRAP 32(a)(6).

I further certify that this response complies with the page or type volume limitations of NRAP 32(a)(7) because, excluding the parts of the response exempted by NRAP 32(a)(7)(c), it is proportionally spaced, has a typeface of 14 points or more and contains 846 words.

I hereby certify that I have read this response and, to the best of my knowledge, information and belief, it is not frivolous or interposed for any improper purpose. I further certify that this response complies with all applicable Nevada Rules of Appellate Procedure.

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1 I understand that I may be subject to sanctions in the event that the  
2 accompanying response is not in conformity with the requirements of the Nevada  
3 Rules of Appellate Procedure.  
4

5 Dated this 16<sup>th</sup> day of February, 2016.

6 BROWNSTEIN HYATT FARBER SCHRECK, LLP

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