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7  
8 **IN THE UNITED STATES BANKRUPTCY COURT**  
9 **FOR THE DISTRICT OF NEVADA**

10 In Re JAZI GHOLAMREZA ZANDIAN,  
11 Debtor.

BK-N-16-50644-BTB  
Chapter 15

Adversary Proceeding: 17-05016-BTB

12 \_\_\_\_\_/  
13 FRED SADRI, AS TRUSTEE FOR THE  
14 STAR LIVING TRUST, DATED APRIL  
15 14, 1997; RAY KOROGHLI AND  
16 SATHSOWI T. KOROGHLI, AS  
MANAGING TRUSTEES FOR  
KOROGHLI MANAGEMENT TRUST,

**STATEMENT OF UNDISPUTED FACTS IN**  
**SUPPORT OF CROSS-DEFENDANT JED**  
**MARGOLIN'S MOTION FOR SUMMARY**  
**JUDGMENT AGAINST CROSS-CLAIMANT**  
**PATRICK CANET**

17 Plaintiffs,

**Hearing Date: May 24, 2018**  
**Hearing Time: 10 a.m.**

18 v.

19 JED MARGOLIN; JAZI GHOLAM REZA  
20 ZANDIAN; and all other parties claiming  
an interest in real properties described in  
this action,

21 Defendants.

22 \_\_\_\_\_/  
23 PATRICK CANET,

24 Counterclaimant,

25 v.

26 FRED SADRI, INDIVIDUALLY AND AS  
27 TRUSTEE FOR THE STAR LIVING  
TRUST; RAY KOROGHLI,  
28 INDIVIDUALLY; RAY KOROGHLI  
AND SATHSOWI T. KOROGHLI, AS  
MANAGING TRUSTEES FOR

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1 KOROGHLI MANAGEMENT TRUST,  
2 Counter-Defendants.

3 \_\_\_\_\_/  
4 PATRICK CANET,  
5 Cross-Claimant,

6 v.

7 JED MARGOLIN,  
8 Cross-Defendant.

9 Pursuant to LR 7056, Cross-Defendant Jed Margolin (“Mr. Margolin”, by and through  
10 undersigned counsel, hereby submits this Statement of Undisputed Facts in Support of his Motion  
11 for Summary Judgment Against Cross-Claimant Patrick Canet (“Canet”).

12 **I. STATEMENT OF UNDISPUTED FACTS (“SUF”)**

13 **A. Admitted General Allegations of Canet’s Cross Claims (ECF No. 15)**

14 1. In December of 2009, Mr. Margolin filed a civil action in the First Judicial District  
15 Court for Carson City, Nevada, Case No. 09 OC 00579 1B (“Carson City Action”) against Reza  
16 Zandian aka Golamreza Zandianjazi, aka Gholam Reza Zandian aka Reza Jazi aka J. Reza Jazi  
17 aka G. Reza Jazi aka Ghononreza Zandian Jazi aka Gholam Reza Jazi Zandian (“Zandian”) and  
18 Optima Technology Corporation, a California corporation and Optima Technology Corporation, a  
19 Nevada corporation (collectively “Optima”). ECF No. 15 at ¶ 42; Margolin’s Answer and  
20 Affirmative Defenses of Jed Margolin to the Cross Claims of Patrick Canet, ECF No. 16, ¶ 42.

21 2. In March 2011, a default judgment was entered against Zandian and Optima in the  
22 Carson City Action. In August 2001, the default judgment was set aside and Margolin filed an  
23 amended complaint. The court in the Carson City Action allowed service of the summons by  
24 publication. ECF No. 15 at ¶ 43; ECF No. 16 at ¶ 43.

25 3. Although Zandian filed a general denial to the amended complaint, in March 2012,  
26 that general denial was stricken by the court and a sanctions motion was granted against Zandian.  
27 ECF No. 15 at ¶ 44; ECF No. 16 at ¶ 44.  
28

1 4. On March 9, 2012, Margolin filed a Notice of Intent To Take Default. ECF No.  
2 15 at ¶ 45; ECF No. 16 at ¶ 45.

3 5. On September 24, 2012, the court entered a default against the Optima  
4 corporations. On October 31, 2012, the court entered default judgment against the Optima  
5 corporations. ECF No. 15 at ¶ 47; ECF No. 16 at ¶ 47.

6 6. In December 2012, Margolin filed a Motion For Sanctions against Zandian and in  
7 January 2013, the court granted sanctions in the form of striking Zandian's general denial and  
8 awarding fees and costs. ECF No. 15 at ¶ 48; ECF No. 16 at ¶ 48.

9 7. On June 24, 2013 default judgment was entered against Zandian in the amount of  
10 \$1,495,775.74. ECF No. 15 at ¶ 49; ECF No. 16 at ¶ 49; March 21, 2018 Declaration of Matthew  
11 D. Francis ("Francis Decl."), ¶ 2, Exhibit A.

12 8. In December 2013, Zandian moved to set aside the default judgment entered in  
13 June of 2013. That motion was denied in February 2014. ECF No. 15 at ¶ 50; ECF No. 16 at ¶  
14 50.

15 9. On March 12, 2014, Zandian filed a Notice of Appeal to the Nevada Supreme  
16 Court. ECF No. 15 at ¶ 51; ECF No. 16 at ¶ 51.

17 10. On August 18, 2014, the court issued its Order Re: Writ of Execution. ECF No.  
18 15 at ¶ 52; ECF No. 16 at ¶ 52; Francis Decl., ¶ 3, Exhibit B.

19 11. On October 19, 2015, the Nevada Supreme Court dismissed Zandian's appeals  
20 numbered 65205 and 65960. ECF No. 15 at ¶ 53; ECF No. 16 at ¶ 53.

21 12. On January 1, 2016, the court entered an Order To Show Cause why Zandian  
22 should not be held in contempt. On March 3, 2016, the court entered its Order holding Zandian in  
23 contempt. In February 2016, the court issued a warrant for Zandian's arrest. ECF No. 15 at ¶ 54;  
24 ECF No. 16 at ¶ 54.

25 13. On May 19, 2016, Canet filed his Chapter 15 Petition For Recognition of Foreign  
26 Proceeding. ECF No. 15 at ¶ 55; ECF No. 16 at ¶ 55.

27 14. At a hearing on September 6, 2016, this Court granted the Canet's request for  
28 recognition of the foreign proceeding. Francis Decl., ¶ 7.

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1 15. Pursuant to a Sheriff's Certificate of Sale of Property, Margolin caused APN 084-  
2 130-07 in Washoe County, Nevada to be sold on April 3, 2015 by Sheriff's Sale for \$3,000 to  
3 himself. ECF No. 15 at ¶ 57; ECF No. 16 at ¶ 57. March 21, 2018 Declaration of Adam P.  
4 McMillen ("McMillen Decl."), ¶ 3, Exhibit B.

5 16. On September 8, 2016 a Sheriff's Deed upon Execution of Real Property was  
6 recorded in Washoe County, Nevada in favor of Margolin with respect to APN 084-130-07. ECF  
7 No. 15 at ¶ 58; ECF No. 16 at ¶ 58.

8 17. Pursuant to a Sheriff's Certificate of Sale of Property, Margolin caused APN 079-  
9 150-10 in Washoe County, Nevada to be sold on April 3, 2015 by Sheriff's Sale for \$5,000 to  
10 himself. ECF No. 15 at ¶ 59; ECF No. 16 at ¶ 59. McMillen Decl., ¶ 4, Exhibit C.

11 18. On September 8, 2016 a Sheriff's Deed Upon Execution Of Real Property was  
12 recorded in Washoe County, Nevada in favor of Margolin with respect to APN 079-150-10. ECF  
13 No. 15 at ¶ 60; ECF No. 16 at ¶ 60.

14 19. Pursuant to a Sheriff's Certificate of Sale of Property, Margolin caused APN 084-  
15 040-02 in Washoe County to be sold on April 3, 2015 by Sheriff's Sale for \$5,000 to himself.  
16 ECF No. 15 at ¶ 61; ECF No. 16 at ¶ 61. McMillen Decl., ¶ 5, Exhibit D.

17 20. On September 8, 2016, a Sheriff's Deed Upon Execution Of Real Property was  
18 recorded in Washoe County in favor of Margolin with respect to APN 084-040-02 . ECF No. 15  
19 at ¶ 62; ECF No. 16 at ¶ 62.

20 21. Pursuant to a Sheriff's Certificate of Sale of Property, Margolin caused APN 079-  
21 150-12 in Washoe County, Nevada to be sold on April 3, 2015 by Sheriff's Sale for \$15,000 to  
22 himself. ECF No. 15 at ¶ 63; ECF No. 16 at ¶ 63. McMillen Decl., ¶ 6, Exhibit E.

23 22. On September 8, 2016 a Sheriff's Deed Upon Execution Of Real Property was  
24 recorded in Washoe County, Nevada in favor of Margolin with respect to APN 079-150-12. ECF  
25 No. 15 at ¶ 64; ECF No. 16 at ¶ 64.

26 23. Pursuant to a Sheriff's Certificate of Sale of Property, Margolin caused APN 071-  
27 02-000-005 in Clark County, Nevada to be sold on December 9, 2014 by Sheriff's Sale for \$8,000  
28 to himself. McMillen Decl., ¶ 2, Exhibit A.

1 24. On October 19, 2016, a Sheriff's Deed Upon Execution was recorded in Clark  
2 County in favor of Margolin with respect to APN 071-02-000-005. ECF No. 15 at ¶ 65; ECF No.  
3 16 at ¶ 65.

4 **B. Canet's Failure to Serve Initial Disclosures or Respond to Discovery**

5 25. On August 21, 2017, the parties in this action entered into a Standard Discovery  
6 Plan (ECF No. 18), and on August 22, 2017, the parties entered into an Amended Standard  
7 Discovery Plan (ECF No. 19). Pursuant to the Amended Standard Discovery Plan, the last day  
8 for parties to serve initial disclosures was September 21, 2017. (ECF No. 19). Discovery closed  
9 on February 26, 2018. *Id.*

10 26. Canet never served initial disclosures or supplemental disclosures pursuant to the  
11 Amended Discovery Plan (ECF No. 19) or Federal Rules of Civil Procedure 26(a) and 26(e).  
12 Francis Decl., ¶ 4; *see* Fed. R. Bnkr. P. 7026;

13 27. Canet never served responses to Mr. Margolin's First Set of Interrogatories to  
14 Patrick Canet or Mr. Margolin's First Set of Requests for Production to Patrick Canet, both  
15 served on February 6, 2018, despite two extensions of time granted by undersigned counsel.  
16 Francis Decl., ¶¶ 5-6, Exhibits C-G.

17 DATED: This 21<sup>st</sup> day of March, 2018.

18 BROWNSTEIN HYATT FARBER SCHRECK, LLP

19  
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**CERTIFICATE OF SERVICE**

Pursuant to Fed. R. Civ. P. 5(b), I certify that I am an employee of BROWNSTEIN HYATT FARBER SCHRECK, LLP, and on this 21<sup>st</sup> day of March, 2018, I served the document entitled **STATEMENT OF UNDISPUTED FACTS IN SUPPORT OF CROSS-DEFENDANT JED MARGOLIN’S MOTION FOR SUMMARY JUDGMENT AGAINST CROSS-CLAIMANT PATRICK CANET** on the parties listed below via the following:

**VIA FIRST CLASS U.S. 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, addressed as follows:

Dana Jonathon Nitz, Esq.  
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**BY PERSONAL SERVICE:** by personally hand-delivering or causing to be hand delivered by such designated individual whose particular duties include delivery of such on behalf of the firm, addressed to the individual(s) listed, signed by such individual or his/her representative accepting on his/her behalf. A receipt of copy signed and dated by such an individual confirming delivery of the document will be maintained with the document and is attached.

**VIA COURIER:** by delivering a copy of the document to a courier service for over-night delivery to the foregoing parties.

**VIA ELECTRONIC SERVICE:** by electronically filing the document with the Clerk of the Court using the ECF system which served the following parties electronically:

/s/ Nancy R. Lindsley  
Employee of Brownstein Hyatt Farber  
Schreck, LLP

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