

1 Matthew D. Francis
Nevada Bar No. 6978
2 mfrancis@bhfs.com
Arthur A. Zorio
3 Nevada Bar No. 6547
azorio@bhfs.com
4 BROWNSTEIN HYATT FARBER SCHRECK, LLP
5371 Kietzke Lane
5 Reno, NV 89511
Telephone: 775.324.4100
6 Facsimile: 775.333.8171
Attorneys for JED MARGOLIN

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,

DECLARATION OF MATTHEW D. FRANCIS
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

BROWNSTEIN HYATT FARBER SCHRECK, LLP
5371 Kietzke Lane
Reno, NV 89511
775.324.4100

1 KOROGHLI MANAGEMENT TRUST,
 2 Counter-Defendants.
 3 _____/
 4 PATRICK CANET,
 5 Cross-Claimant,
 6 v.
 7 JED MARGOLIN,
 8 Cross-Defendant.

9 I, Matthew D. Francis do hereby declare and state as follows:

10 1. I am a partner at the law firm of Brownstein Hyatt Farber Schreck, LLP, and counsel of
 11 record in this action. I have personal knowledge of the facts which are hereinafter related and
 12 make this Declaration on the basis of such personal knowledge. If called to testify at any hearing
 13 or trial regarding the above-matter, I swear I could testify competently to the matters stated herein.
 14 This Declaration is made in support of Jed Margolin’s Statement of Undisputed Facts in Support
 15 of Cross-Defendant Jed Margolin’s Motion for Summary Judgment Against Cross-Claimant
 16 Patrick Canet, and Cross-Defendant Jed Margolin’s Motion for Summary Judgment Against
 17 Cross-Claimant Patrick Canet.

18 2. Attached hereto as Exhibit A is a true and correct copy of a June 24, 2013 Default
 19 Judgment entered in the Carson City Action in the amount of \$1,495,775.74.

20 3. Attached hereto as Exhibit B is a true and correct copy of an Order re: Writ of
 21 Execution entered in the Carson City Action on August 18, 2014.

22 4. Canet never served initial disclosures or supplemental disclosures pursuant to the
 23 parties’ Amended Discovery Plan (ECF No. 19) or Federal Rules of Civil Procedure 26(a) and
 24 26(e). *See* Fed. R. Bnkr. P. 7026.

25 5. On February 6, 2018, Mr. Margolin served Mr. Canet with Defendant Jed Margolin’s
 26 First Set of Interrogatories to Patrick Canet and Defendant Jed Margolin’s First Set of Requests
 27 for Production to Patrick Canet. True and correct copies of these discovery requests are attached
 28

1 respectfully hereto as Exhibits C and D. Canet was also served with Defendant Jed Margolin’s
2 First Set of Requests for Admissions to Patrick Canet on February 6, 2018.

3 6. On February 6, 2018, counsel for Canet, Jeffrey Hartman, emailed me and requested a
4 10 day extension to respond to Mr. Margolin’s first sets of discovery, which I granted. A true and
5 correct copy of a February 6-7, 2018 email string between me and Mr. Hartman is attached hereto
6 as Exhibit E. On February 28, 2018, I granted Mr. Hartman another extension, until noon on
7 March 6, 2018, to respond to the discovery requests. A true and correct copy of a February 28,
8 2018 email string between me and Mr. Hartman is attached hereto as Exhibit F. At 11:49 a.m. on
9 March 6, 2018, Mr. Hartman emailed responses to the requests for admissions. A true and correct
10 copy of a March 6-14, 2018 email string between me and Mr. Hartman is attached hereto as
11 Exhibit G. I did not grant Mr. Hartman a further extension to respond to the Interrogatories or
12 Requests for Production. After I did not receive responses to the Interrogatories or Requests for
13 Production, I emailed Mr. Hartman on March 7, 2018 to inquire whether he had mailed them. *Id.*
14 Mr. Hartman did not respond. *Id.* On March 8, 2018, I emailed Mr. Hartman again. *Id.* In
15 response, he indicated that he had sent “the Answers to Interrogatories to Paris for review and
16 approval” and that he hoped “to have the documents ready by the end of the day tomorrow” – i.e.
17 March 9, 2018. *Id.* I did not receive responses to the Interrogatories or Requests for Production
18 on March 9, 2018. *Id.* On March 13, 2018, I emailed Mr. Hartman to see where the responses
19 were, but he did not respond. *Id.* On March 14, 2018, I emailed him again, but he did not
20 respond. *Id.* No responses to the Interrogatories or Requests for Production have been served, or
21 documents relating thereto.

22 7. At a hearing on September 6, 2016, this Court granted Canet’s request for
23 recognition of the foreign proceeding.

24 ///

25 ///

26 ///

27 ///

28 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

I declare under penalty of perjury that the foregoing is true and correct.

DATED: This 21st day of March, 2018.

BROWNSTEIN HYATT FARBER SCHRECK, LLP

By: /s/ Matthew D. Francis

Matthew D. Francis

Arthur A. Zorio

5371 Kietzke Lane

Reno, NV 89511

Telephone: 775-324-4100

Attorneys for JED MARGOLIN

BROWNSTEIN HYATT FARBER SCHRECK, LLP
5371 Kietzke Lane
Reno, NV 89511
775.324.4100

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 21st day of March, 2018, I served the document entitled **DECLARATION OF MATTHEW D. FRANCIS 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.
Yanxiong Li, Esq.
Wright, Finlay & Zak, LLP
7785 W. Sahara Avenue., Suite 200
Las Vegas, NV 89117
yli@wrightlegal.net

Jeffrey L. Harman, Esq.
HARMAN & HARTMAN
510 West Plumb Lane, Suite B
Reno, NV 89509
notices@bankruptcyreno.com

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

16628616

BROWNSTEIN HYATT FARBER SCHRECK, LLP
5371 Kietzke Lane
Reno, NV 89511
775.324.4100