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10 **UNITED STATES BANKRUPTCY COURT**
11 **DISTRICT OF NEVADA**

12
13 IN RE:
14 PATRICK CANET
15 GHOLAM REZA JAZI ZANDIAN,
16 Debtor(s).

Case No. BK-N-16-50644-BTB

Chapter 15

**REPLY TO RESPONSE TO SUPPLEMENT
TO AMENDED MOTION TO DISMISS
CHAPTER 15 CASE**

Hearing Date: January 2, 2020
Hearing Time: 2:00 PM
Estimated Time for hearing: 1 hour

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19 Jed Margolin (“Mr. Margolin”), by and through his attorneys Brownstein Hyatt Farber
20 Schreck, LLP, hereby files the following Reply to Response to Supplement to Amended Motion
21 to Dismiss Chapter 15 Case, by Fred Sadri as Trustee for The Star Living Trust, dated April 14,
22 1997; Ray Koroghli and Sathsowi T. Koroghli as Managing Trustees for Koroghli Management
23 Trust (“Sadri and Koroghli”), ECF No. 72. To the extent that Sadri and Koroghli have standing
24 to object to Mr. Margolin’s Motion to Dismiss, their Response arguments are without merit as
25 stated below.

26 **I. REPLY ARGUMENTS**

27 As in their Opposition to the Amended Motion to Dismiss, again, Sadri and Koroghli do
28

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1 not oppose or dispute the fact that Canet has failed to prosecute this Case, or that this proceeding
 2 should be dismissed pursuant to Section 1517(d) of the Bankruptcy Code. They do not dispute
 3 that the initial petition was not warranted, they do not dispute that there is no foreign proceeding
 4 for which a Chapter 15 can be initiated, and they do not dispute any of the facts or law stated in
 5 the Supplement to Amended Motion to Dismiss Chapter 15. Instead, they claim they would be
 6 “prejudiced” if the Court’s prior partial summary judgment order was not vacated. Their claims
 7 of prejudice are unfounded and ring hollow especially since Mr. Margolin has already agreed that
 8 they may each have their 1/3 interest (with Mr. Margolin having the remaining 1/3 interest) in the
 9 properties referred to in the Court’s Findings of Fact and Conclusions of Law, *see* Adv. 17-
 10 05016, ECF No. 60.¹

11 Furthermore, the only party that is being prejudiced by Zandian’s unfounded Chapter 15
 12 Petition is Mr. Margolin, since he has had to fight an adversary proceeding which is void *ab initio*
 13 due to this Court lacking subject matter jurisdiction over any putative Chapter 15 and ancillary
 14 adversary proceeding. This Chapter 15 should never have been brought, and the Court should
 15 dismiss the case now.

16 II. CONCLUSION

17 For all of the foregoing reasons, Mr. Margolin’s Amended Motion to Dismiss Chapter 15
 18 Case should be granted in the manner requested.

19 DATED: This 26th day of December, 2019. BROWNSTEIN HYATT FARBER SCHRECK, LLP

21 By: /s/Matthew D. Francis
 22 Matthew D. Francis
 23 Arthur A. Zorio
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28 ¹ The following properties located in Washoe County, Nevada: APN Nos. 079-150-09, 079-150-10, 079-150-13, 084-040-02, 084-040-04, 084-040-06, 084-040-10, 084-130-07, and 084-140-17.

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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 26th day of December, 2019, I served the document entitled **REPLY TO RESPONSE TO SUPPLEMENT TO OPPOSITION TO AMENDED MOTION TO DISMISS CHAPTER 15 CASE** on the parties listed below via the following:

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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 to the foregoing parties.

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 CM/ECF system which served the foregoing parties electronically.

/s/ Jeff Tillison
Employee of Brownstein Hyatt Farber
Schreck, LLP