

1                                   **IN THE SUPREME COURT OF THE STATE OF NEVADA**

2  
3 REZA ZANDIAN A/K/A/ GOLAMREZA  
4 ZANDIANJAZI A/K/A GHOLAM REZA  
5 ZANDIAN A/K/A REZA JAZI A/K/A J.  
6 REZA JAZI, A/K/A/ G. REZA JAZI  
7 A/K/A/ GHONOREZA ZANDIAN JAZI,  
8 AN INDIVIDUAL,

9                                   Appellant,

10                               vs.

11 JED MARGOLIN, AN INDIVIDUAL,

12                                   Respondent.

**Nevada Supreme Court**

**Case No. 65205**

Electronically Filed  
District Court Case No. 090C005791B  
Nov 17 2014 04:51 p.m.

Tracie K. Lindeman  
Clerk of Supreme Court

13                               Appeal from the First Judicial District Court of the State of Nevada  
14   In and For Carson City  
15   The Honorable James T. Russell, District Judge

16   **RESPONDENT'S APPENDIX**  
17   **Volume I of II**

18   Matthew D. Francis  
19   Nevada Bar No. 6978  
20   Adam P. McMillen  
21   Nevada Bar No. 10678  
22   WATSON ROUNDS  
23   5371 Kietzke Lane  
24   Reno, NV 89511  
25   Telephone: 775-324-4100

26   *Attorneys for Respondent Jed Margolin*

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**ALPHABETICAL INDEX TO  
RESPONDENT'S APPENDIX**

***REZA ZANDIANA aka GOLAMREZA ZANDIANJAZI aka GHOLAM REZA  
ZANDIAN aka REZA ZANDIAN aka J. REZA aka G. REZA JAZI aka  
GHONOREZA ZANDIAN JAZI, an individual,***

***Appellant,***

***vs.***

***JED MARGOLIN, an individual,***

***Respondent.***

**Nevada Supreme Court Case Number: 65205**

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Order Granting Plaintiff's Motion for Debtor Examination and to Produce Documents	Jan. 13, 2014	II	414-417
Reply to Opposition to Motion to Dismiss	Dec. 13, 2011	II	350-357

1 Dated this 17<sup>th</sup> day of November, 2014.

2 WATSON ROUNDS, P.C.

3 /s/ Adam P. McMillen

4 Matthew D. Francis, Esq.

5 Nevada Bar No. 6978

6 Adam P. McMillen, Esq.

7 Nevada Bar No. 10678

8 5371 Kietzke Lane

9 Reno, NV 89511

10 Attorneys for Respondent

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**CERTIFICATE OF MAILING**

Pursuant to NRAP 25(1), I hereby certify that I am an employee of the Law Offices of WATSON ROUNDS and that on this date a true copy of the foregoing RESPONDENT’S APPENDIX VOLUME I, by Nevada Supreme Court CM/ECF Electronic Filing addressed to each of the following:

Jason D. Woodbury  
Severin A. Carlson  
Kaempfer Crowell  
510 West Fourth Street  
Carson City, Nevada 89703

DATED: This 17th day of November, 2014.

/s/ Nancy R. Lindsley  
An Employee of Watson Rounds

1 Matthew D. Francis (6978)  
2 Cassandra P. Joseph (9845)  
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*

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

JED MARGOLIN, an individual,

Plaintiff,

vs.

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 GHONONREZA ZANDIAN JAZI,  
an individual, DOE Companies  
1-10, DOE Corporations 11-20, and DOE  
Individuals 21-30,

Defendants.

Case No.: 090C00579 1B

Dept. No.: 1

**APPLICATION FOR DEFAULT  
JUDGMENT; MEMORANDUM OF  
POINTS AND AUTHORITIES IN  
SUPPORT THEREOF**

Plaintiff Jed Margolin hereby applies for a default judgment pursuant to NRCPC  
55(b)(2) against Defendants Reza Zandian ("Zandian"), Optima Technology Corporation, a  
Nevada corporation, and Optima Technology Corporation, a California corporation. This  
Application is based on the following Memorandum of Points and Authorities and all  
pleadings, motions, and papers on file herein.

///

///





1 Zandian on December 2, 2010, and Plaintiff filed and served a Notice of Entry of Default on  
2 Defendant Zandian on December 7, 2010 and on his last known attorney on December 16,  
3 2010. *Id.*, ¶ 4, Exhibit B.

4 The answers of Defendants Optima Technology Corporation, a Nevada corporation,  
5 and Optima Technology Corporation, a California corporation, were due on March 8, 2010,  
6 but Defendants have not answered the Complaint or responded in any way. Joseph Decl., ¶¶  
7 2-3, Exhibit A. Default was entered against Defendants Optima Technology Corporation, a  
8 Nevada corporation, and Optima Technology Corporation, a California corporation on  
9 December 2, 2010, and Plaintiff filed and served a Notice of Entry of Default on the corporate  
10 entities on December 7, 2010 and on their last known attorney on December 16, 2010. *Id.*, ¶ 4,  
11 Exhibit B.

12 **III. ARGUMENT**

13 NRCP 55(b)(2) allows a party to apply to the Court for a default judgment. As set  
14 forth above, Defendants were properly served with Plaintiff's Complaint, but have failed to  
15 answer or otherwise respond. *See supra*. As a result, all of the averments in Plaintiff's  
16 Complaint, other than those as to the amount of damage, are admitted. NRCP 8(d). As set  
17 forth herein, Plaintiff has stated claims for relief for each of his alternative causes of action,  
18 and has presented admissible evidence on the amount of damages he has incurred as a result of  
19 Defendants' various tortious actions. *See supra*.; *see* Complaint, ¶¶ 9-43; Margolin Decl., ¶ 4,  
20 Exhibit C. As such, Plaintiff respectfully requests that judgment be entered in the manner set  
21 forth in the proposed Default Judgment filed and served herewith.

22 Defendants' tortious actions discussed in detail below support Plaintiff's claims for  
23 relief and provide the basis for Plaintiff's damages.

24 **A. MR. MARGOLIN HAS PROVIDED ADMISSIBLE EVIDENCE TO**  
25 **SUPPORT HIS CLAIM FOR CONVERSION**

26 Conversion is "a distinct act of dominion wrongfully exerted over another's personal  
27 property in denial of, or inconsistent with his title or rights therein or in derogation, exclusion,  
28 or defiance of such title or rights." *Evans v. Dean Witter Reynolds, Inc.*, 116 Nev. 598, 606

1 (2002), quoting *Wantz v. Redfield*, 74 Nev. 196, 198 (1958)). Further, conversion is an act of  
2 general intent, which does not require wrongful intent and is not excused by care, good faith,  
3 or lack of knowledge. *Id.*, citing *Bader v. Cerri*, 96 Nev. 352, 357 n. 1 (1980). Conversion  
4 applies to intangible property to the same extent it applies to tangible property. *See M.C.*  
5 *Multi-Family Development, L.L.C. v. Crestdale Associates, Ltd.*, 193 P.3d 536 (Nev. 2008),  
6 citing *Kremen v. Cohen*, 337 F.3d 1024, 1030 (9th Cir.2003)(expressly rejecting the rigid  
7 limitation that personal property must be tangible in order to be the subject of a conversion  
8 claim).

9           When a conversion causes “a serious interference to a party's rights in his property ...  
10 the injured party should receive full compensation for his actual losses.” *Winchell v. Schiff*,  
11 193 P.3d 946, 950-951 (2008), quoting *Bader*, 96 Nev. at 356, overruled on other grounds by  
12 *Evans*, 116 Nev. at 608, 611. The return of the property converted does not nullify the  
13 conversion. *Bader*, 96 Nev. at 356.

14           As set forth in the Complaint, Mr. Margolin owned the ‘488 and ‘436 Patents, and had  
15 a royalty interest in the ‘073 and ‘724 Patents. Complaint, ¶¶ 9-13. Defendants filed false  
16 assignment documents with the USPTO in order to gain dominion over the Patents. *Id.*, ¶15;  
17 Margolin Decl., Exhibit B. Defendants failed to pay Mr. Margolin for interfering with his  
18 property rights in the Patents. *Id.* Defendants’ retention of Mr. Margolin’s Patents is  
19 inconsistent with his ownership interest therein and defied his legal rights thereto. *Id.* As a  
20 direct and proximate result of Defendants’ conversion of Mr. Margolin’s Patents, Mr.  
21 Margolin has suffered damages in the amount of \$90,000, which is the amount Mr. Margolin  
22 paid in attorneys’ fees in the Arizona Action where the Court ordered that the USPTO correct  
23 record title to the Patents (plus pre-judgment interest and costs – discussed below). Margolin  
24 Decl., ¶ 4, Exhibit C.

25           Mr. Margolin has stated a claim for conversion and presented evidence to support that  
26 claim and resulting damages. As a result, default judgment is warranted on at least this claim.

27 ///

28 ///

1                   **B.       MR. MARGOLIN HAS PROVIDED ADMISSIBLE EVIDENCE TO**  
2                   **SUPPORT HIS CLAIMS FOR TORTIOUS INTERFERENCE**

3                    "In Nevada, an action for intentional interference with contract requires: (1) a valid and  
4 existing contract; (2) the defendant's knowledge of the contract; (3) intentional acts intended or  
5 designed to disrupt the contractual relationship; (4) actual disruption of the contract; and (5)  
6 resulting damage." *J.J. Indus., L.L.C. v. Bennett*, 119 Nev. 269, 274 (2003), citing *Sutherland*  
7 *v. Gross*, 105 Nev. 192, 772 P.2d 1287, 1290 (1989)). "At the heart of [an intentional  
8 interference] action is whether Plaintiff has proved intentional acts by Defendant intended or  
9 designed to disrupt Plaintiff's contractual relations...." *Nat. Right to Life P.A. Com. v. Friends*  
10 *of Bryan*, 741 F.Supp. 807, 814 (D.Nev. 1990).

11                   Here, the facts alleged in the Complaint and admitted by Defendants prove that  
12 Defendants intentionally interfered with Mr. Margolin's contract with OTG for the payment of  
13 royalties by filing false assignment documents with the USPTO. Complaint, ¶¶ 26-30.  
14 Because the loss of title to the Patents prevented Mr. Margolin and OTG from licensing the  
15 Patents, no royalties were paid. The illegal act of filing "forged, invalid [and] void"  
16 documents with the USPTO support that Defendants had the requisite intent to interfere with  
17 Mr. Margolin's contract to collect royalties. *See* Margolin Decl., Exhibit B. As a direct and  
18 proximate result of Defendants' interference of Mr. Margolin's contract with OTG, Mr.  
19 Margolin has suffered damages in the amount of at least \$90,000, which is the amount Mr.  
20 Margolin paid in attorneys' fees in the Arizona Action where the Court ordered that the  
21 USPTO correct record title to the Patents (plus pre-judgment interest and costs – discussed  
22 below). Margolin Decl., ¶ 4, Exhibit C.

23                   Interference with prospective economic advantage requires a showing of the following  
24 elements: 1) a prospective contractual relationship between the plaintiff and a third party; 2)  
25 the defendant's knowledge of this prospective relationship; 3) the intent to harm the plaintiff  
26 by preventing the relationship; 4) the absence of privilege or justification by the defendant;  
27 and, 5) actual harm to the plaintiff as a result of the defendant's conduct. *Leavitt v. Leisure*  
28 *Sports Incorporation*, 103 Nev. 81, 88 (Nev. 1987).

1 As alleged in the Complaint, Mr. Margolin and OTG had already licensed the '073 and  
2 '724 Patents and were engaging in negotiations with other prospective licensees of the Patents  
3 when Defendants filed the fraudulent assignment documents with the USPTO with the intent  
4 to disrupt the prospective business. Complaint, ¶¶ 32-35. As a result of Defendants' acts, Mr.  
5 Margolin's prospective business relationships were disrupted and Mr. Margolin has suffered  
6 damages in the amount of \$90,000, which was the amount Mr. Margolin paid in attorneys'  
7 fees in the Arizona Action where the Court ordered that the USPTO correct record title to the  
8 Patents (plus pre-judgment interest and costs – discussed below). Margolin Decl., ¶ 4, Exhibit  
9 C.

10 Mr. Margolin has stated claims for tortious interference and presented evidence to  
11 support the claims and resulting damages. As a result, default judgment is appropriate on at  
12 least these claims.

13 **C. MR. MARGOLIN HAS PROVIDED ADMISSIBLE EVIDENCE TO**  
14 **SUPPORT HIS CLAIM FOR UNJUST ENRICHMENT**

15 Unjust enrichment is the unjust retention of a benefit to the loss of another, or the  
16 retention of money or property of another against the fundamental principles of justice or  
17 equity and good conscience. *Mainor v. Nault*, 120 Nev. 750, 763 (Nev. 2004);  
18 *Nevada Industrial Dev. V. Benedetti*, 103 Nev. 360, 363 n. 2 (1987). The essential elements of  
19 a claim for unjust enrichment are a benefit conferred on the defendant by the plaintiff,  
20 appreciation of the defendant of such benefit, and acceptance and retention by the defendant of  
21 such benefit. *Topaz Mutual Co., Inc. v. Marsh*, 108 Nev. 845, 856 (1992), quoting  
22 *Unionamerica Mtg. v. McDonald*, 97 Nev. 210, 212 (1981).

23 As set forth above and in the Complaint, Mr. Margolin conferred a benefit on  
24 Defendants when Defendants took record title of the Patents. *See* Complaint, ¶ 15.  
25 Defendants retained this benefit for approximately eight months and failed to provide any  
26 payment for title to the Patents *Id.* As a direct result of Defendants' unjust retention of the  
27 benefit conferred on them by Mr. Margolin, Mr. Margolin has suffered damages in the amount  
28 of \$90,000, which is the amount Mr. Margolin spent on attorneys' fees in the Arizona Action

1 where the Court ordered that the USPTO correct record title to the Patents (plus pre-judgment  
2 interest and costs – discussed below). Margolin Decl., ¶ 4, Exhibit C.

3 Mr. Margolin has stated a claim for unjust enrichment and presented evidence to  
4 support that claim and the resulting damages. As a result, default judgment is warranted on at  
5 least this claim.

6  
7 **D. MR. MARGOLIN HAS PROVIDED ADMISSIBLE EVIDENCE TO  
SUPPORT HIS CLAIM FOR UNFAIR TRADE PRACTICES**

8 Under N.R.S. § 598.0915, knowingly making a false representation as to affiliation,  
9 connection, association with another person, or knowingly making a false representation in the  
10 course of business constitutes unfair trade practices. *Id.* By filing a fraudulent assignment  
11 document with the USPTO, Defendants knowingly made a false representation to the USPTO  
12 that Mr. Margolin and OTG had assigned the Patents to Defendants. *See Complaint*, ¶¶ 15,  
13 42-43. As a result of Defendants false representation, Mr. Margolin was deprived of his  
14 ownership interests in the Patents for a period of approximately eight months.

15 The United States District Court for the District of Arizona ruled that OTC had no  
16 interest in the '073 or '724 Patents, and that the assignment documents Defendants filed with  
17 the USPTO were “forged, invalid, void, of no force and effect.” Margolin Decl., Exhibit B.  
18 Accordingly, Mr. Margolin has stated a claim for deceptive trade practices and has presented  
19 evidence to support that claim and the resulting damages in the amount of \$90,000, which was  
20 the amount Mr. Margolin paid in attorneys’ fees in the Arizona Action where the Court  
21 ordered that the USPTO correct record title to the Patents (plus pre-judgment interest and costs  
22 – discussed below). Margolin Decl., ¶ 4, Exhibit C. As such, default judgment is warranted  
23 on at least this claim.

24 **E. MR. MARGOLIN IS ENTITLED TO PREJUDGMENT INTEREST**

25 NRS 99.040(1) provides, in pertinent part:

26  
27 When there is no express contract in writing fixing a different rate of interest,  
28 interest must be allowed at a rate equal to the prime rate at the largest bank in  
Nevada, as ascertained by the Commissioner of Financial Institutions, on

1 January 1, or July 1, as the case may be, immediately preceding the date of the  
transaction, plus 2 percent, upon all money from the time it becomes due....

2 *Id.*

3 In Nevada, the prejudgment interest rate on an award is the rate in effect at the time the  
4 contract between the parties was signed. *Kerala Properties, Inc. v. Familian*, 122 Nev. 601,  
5 604 (2006). As set forth above, Defendants committed the tortious acts on December 12,  
6 2007. *See supra*. The controlling interest rate as of July 1, 2007 was 8.25%. Joseph Decl., ¶  
7 6, Exhibit D. As a result, the proper interest rate for calculating prejudgment interest is  
8 10.25%. *Id.*; NRS 99.040.

9 As of December 12, 2007, the amount of at least \$90,000 was due and owing to Mr.  
10 Margolin. Margolin Decl., ¶ 4, Exhibit C. As a result, that amount has been due and owing  
11 for at least 1,158 days (December 12, 2007 to February 25, 2011). The prejudgment interest  
12 amount is therefore \$29,267 (.1025 x 1,158 days x \$90,000 divided by 365). Joseph Decl., ¶  
13 6, Exhibit D.

14 **F. MR. MARGOLIN IS ENTITLED TO COSTS**

15 NRS §§18.020 provides, in pertinent part:

16  
17 Costs must be allowed of course to the prevailing party against any adverse party  
18 against whom judgment is rendered, in the following cases: 1) in an action for the  
19 recovery of real property or a possessory right thereto; 2) in an action to recover the  
20 possession of personal property, where the value of the property amounts to more  
than \$2,500. The value must be determined by the jury, court or master by whom  
the action is tried; 3) in an action for the recovery of money or damages, where the  
plaintiff seeks to recover more than \$2,500.

21 *Id.*

22 If the Court grants this Application, Mr. Margolin will be the prevailing party under  
23 NRS §§18.020 and will therefore be entitled to costs thereunder. As discussed herein and in  
24 the Complaint, Mr. Margolin is seeking to recover the value of property valued in excess of  
25 \$2,500 as well as money and damages in the amount of \$90,000.

26 To date, Mr. Margolin has incurred costs in the amount of \$2,327.46. Joseph Decl., ¶  
27 5, Exhibit C. When the amount of compensatory damages is combined with prejudgment  
28 interest and costs, the total requested judgment figure is \$121,594.46. *See supra*. Mr.

1 Margolin requests that judgment be entered in his favor, and against Defendants, in this  
2 amount.

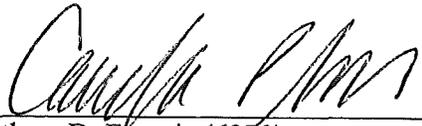
3 **IV. CONCLUSION**

4 In light of the foregoing, Plaintiff's Application for Default Judgment should be  
5 granted, and the attached Default Judgment should be entered.

6  
7 **AFFIRMATION PURSUANT TO NRS 239B.030**

8 The undersigned does hereby affirm that the preceding document does not contain the  
9 social security number of any person.

10  
11 Dated this 28<sup>th</sup> day of February, 2011.

12  
13 BY: 

14 Matthew D. Francis (6978)  
15 Cassandra P. Joseph (9845)  
16 WATSON ROUNDS  
17 5371 Kietzke Lane  
18 Reno, NV 89511  
19 Telephone: 775-324-4100  
20 Facsimile: 775-333-8171  
21 *Attorneys for Plaintiff Jed Margolin*

**CERTIFICATE OF SERVICE**

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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, **Application for Default Judgment** and the **(Proposed) Default Judgment**, addressed as follows:

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

Reza Zandian  
8401 Bonita Downs Road  
Fair Oaks, CA 95628

Optima Technology Corp.  
A California corporation  
8401 Bonita Downs Road  
Fair Oaks, CA 95628

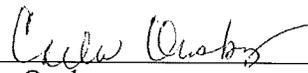
Optima Technology Corp.  
A Nevada corporation  
8401 Bonita Downs Road  
Fair Oaks, CA 95628

Reza Zandian  
8775 Costa Verde Blvd. #501  
San Diego, CA 92122

Optima Technology Corp.  
A California corporation  
8775 Costa Verde Blvd. #501  
San Diego, CA 92122

Optima Technology Corp.  
A Nevada corporation  
8775 Costa Verde Blvd. #501  
San Diego, CA 92122

Dated: February 28, 2011

  
\_\_\_\_\_  
Carla Ousby

1 Matthew D. Francis (6978)  
2 Cassandra P. Joseph (9845)  
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*

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

JED MARGOLIN, an individual,

Plaintiff,

vs.

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 GHONONREZA  
ZANDIAN JAZI, an individual, DOE Companies  
1-10, DOE Corporations 11-20, and DOE  
Individuals 21-30,

Defendants.

Case No.: 090C00579 1B

Dept. No.: 1

**DECLARATION OF CASSANDRA P.  
JOSEPH IN SUPPORT OF  
APPLICATION FOR DEFAULT  
JUDGMENT**

I, Cassandra P. Joseph do hereby declare and state as follows:

1. I am a partner at the law firm of Watson Rounds located at 5371 Kietzke Lane, Reno, Nevada 89511. This declaration is based upon my personal knowledge, and is made in support of Plaintiff's Application for Default Judgment.

2. The Complaint in this action was filed on December 11, 2009, and was personally served upon Defendant Reza Zandian ("Zandian") on February 2, 2010 and on Defendants Optima Technology Corporation, a Nevada corporation, and Optima Technology Corporation, a California corporation on March 21, 2010. True and correct copies of the

1 Affidavits of Service are attached hereto as Exhibit A.

2 3. Answers to the Complaint were due on February 22, 2010 and March 8, 2010,  
3 but Defendants have not answered the Complaint or responded in any way.

4 4. Default was entered against Defendants on December 2, 2010. Plaintiff filed  
5 and served a Notice of Entry of Default for each defendant on December 7, 2010. Plaintiff  
6 served the Application for Default and the Notice of Entry of Default for each defendant on  
7 Defendants' last known attorney on December 16, 2010. A true and correct copy of each  
8 Notice of Entry of Default is attached hereto as Exhibit B.

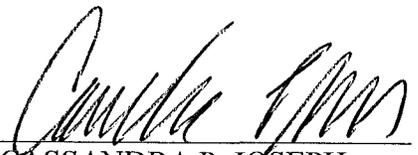
9 5. To date, Plaintiff has incurred billed and unbilled costs in the amount of  
10 \$2,327.46. A true and correct copy of a printout from the Watson Rounds AlSCO client ledger  
11 is attached hereto as Exhibit C. As a result, the total amount of costs incurred in this action to  
12 date total \$2,327.46.

13 6. Attached hereto as Exhibit D is a true and correct printout from  
14 <http://www.moneycafe.com/library/primerate.htm> showing the prime interest rates from 2001-  
15 2011. The prime interest rate as of June 1, 2007 was 8.25%.

16 7. I declare under penalty of perjury that the foregoing is true and correct to the  
17 best of my knowledge.

18  
19 Dated this 28<sup>th</sup> day of February, 2011.

20 By:

  
CASSANDRA P. JOSEPH

21  
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1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCPC 5(b), I certify that I am an employee of Watson Rounds, and that on  
3 this date, I deposited for mailing, in a sealed envelope, with first-class postage prepaid, a true  
4 and correct copy of the foregoing document, **DECLARATION OF CASSANDRA P.**  
5 **JOSEPH IN SUPPORT OF APPLICATION FOR DEFAULT JUDGMENT**, addressed as  
6 follows:

7  
8 John Peter Lee  
9 John Peter Lee, Ltd.  
10 830 Las Vegas Blvd. South  
11 Las Vegas, NV 89101

12 Reza Zandian  
13 8401 Bonita Downs Road  
14 Fair Oaks, CA 95628

15 Optima Technology Corp.  
16 A California corporation  
17 8401 Bonita Downs Road  
18 Fair Oaks, CA 95628

19 Optima Technology Corp.  
20 A Nevada corporation  
21 8401 Bonita Downs Road  
22 Fair Oaks, CA 95628

23 Reza Zandian  
24 8775 Costa Verde Blvd. #501  
25 San Diego, CA 92122

26 Optima Technology Corp.  
27 A California corporation  
28 8775 Costa Verde Blvd. #501  
San Diego, CA 92122

Optima Technology Corp.  
A Nevada corporation  
8775 Costa Verde Blvd. #501  
San Diego, CA 92122

Dated: February 28, 2011

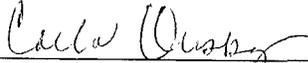
  
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Carla Ousby

Exhibit A

Exhibit A

**COPY**

No. 090C00579 1B

Dept. I

REC'D & FILED  
2010 MAR -9 PM 2:15  
ALAN GLOVER  
BY J. HARKLEROAD  
DEPUTY

In the First Judicial District Court of the State of Nevada  
in and for Carson City

**SUMMONS**

JED MARGOLIN, an individual  
Plaintiff,

<sup>VS.</sup>  
Optima Technology Corporation, a California corporation,  
Optima Technology Corporation, a Nevada corporation, Reza  
Zandian aka Golanreza Zandianjazi aka Gholam Reza Zandian  
aka Reza Jazi aka J. Reza Defendant, Jazi aka G. Reza Jazi  
aka Chononreza Zandian Jazi, an individual, DOE Companies  
1-10, DOE Corporations 11-20, and DOE Individuals 21-30  
DEFENDANTS

THE STATE OF NEVADA SENDS GREETINGS TO THE ABOVE-NAMED DEFENDANT:

**NOTICE! YOU HAVE BEEN SUED. THE COURT MAY DECIDE AGAINST YOU WITHOUT YOUR BEING HEARD UNLESS YOU RESPOND WITHIN 20 DAYS. READ THE INFORMATION BELOW.**

TO THE DEFENDANT: A civil Complaint has been filed by the plaintiff against you.

1. If you wish to defend this lawsuit, you must, within 20 days after this Summons is served on you, exclusive of the day of service, file with this Court a written pleading in response to this Complaint.
2. Unless you respond, your default will be entered upon application of the plaintiff, and this Court may enter a judgment against you for the relief demanded in the Complaint\*, which could result in the taking of money or property or the relief requested in the Complaint.
3. If you wish to seek the advice of an attorney in this matter, you should do so promptly so that your response may be filed on time.
4. You are required to serve your response upon plaintiff's attorney, whose address is

ALAN GLOVER  
Clerk of Court  
By [Signature]  
Deputy Clerk

Date December 15, 2009, 20

\*Note - When service by publication, insert a brief statement of the object of the action. See Rule 4.

RETURN OF SERVICE ON REVERSE SIDE

**AFFIDAVIT OF SERVICE**  
(For General Use)

STATE OF CALIFORNIA }  
COUNTY OF SACRAMENTO } SS.

ROBERT TOTH, declares under penalty of perjury:  
That affiant is, and was on the day when he served the within Summons, over 18 years of age, and not a party to, nor interested in, the within action; that the affiant received the Summons on the 22<sup>ND</sup> day of JANUARY, 20 10, and personally served the same upon REZA ZANDIAN the within named defendant, on the 2<sup>ND</sup> day of FEBRUARY, 20 10, by delivering to the said defendant, personally, in FAIR OAKS, County of SACRAMENTO, State of CALIFORNIA, a copy of the Summons attached to a copy of the Complaint.

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

Executed this 12<sup>TH</sup> day of FEBRUARY, 20 10. Robert Toth  
Signature of person making service

STATE OF NEVADA }  
CARSON CITY } SS.

**NEVADA SHERIFF'S RETURN**  
(For Use of Sheriff of Carson City)

I hereby certify and return that I received the within Summons on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_; and personally served the same upon \_\_\_\_\_, the within named defendant, on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_, by delivering to the said defendant, personally, in Carson City, State of Nevada, a copy of the Summons attached to a copy of the Complaint.

\_\_\_\_\_  
Sheriff of Carson City, Nevada

Date: \_\_\_\_\_, 20 \_\_\_\_ By \_\_\_\_\_ Deputy

STATE OF NEVADA }  
COUNTY OF \_\_\_\_\_ } SS.

**AFFIDAVIT OF MAILING**  
(For Use When Service is by Publication and Mailing)

\_\_\_\_\_, declares under penalty of perjury:  
That affiant is, and was when the herein described mailing took place, over 18 years of age, and not a party to, nor interested in, the within action; that on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_, affiant deposited in the Post Office at \_\_\_\_\_, Nevada, a copy of the within Summons attached to a copy of the Complaint, enclosed in a sealed envelope upon which first class postage was fully prepaid, addressed to \_\_\_\_\_, the within named defendant, at \_\_\_\_\_; that there is a regular communication by mail between the place of mailing and the place so addressed.

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

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

NOTE - If service is made in any manner permitted by Rule 4 other than personally upon the defendant, or is made outside the United States, a special affidavit or return must be made

1 Jed Margolin v. Optima Technology Corp., et al.  
2 Case No. 090C00579 1B  
3 Declaration of Robert Toth

4 I, ROBERT TOTH, hereby declare:

5 I am a registered process server for the State of California. I have personal knowledge of  
6 the facts contained in this Declaration, and if called as a witness, I could and would competently  
7 testify thereto. As to those matters alleged on information and belief, I believe them to be true.

8 I served copies of the Summons and Complaint, on Reza Zandian aka Golamreza  
9 Zandianjaza, aka Gholam Reza Zandian, aka Reza Jazi, aka J. Reza Jazi, aka G. Reza Jazi, aka  
10 Ghononreza Zanian Jazi:

11 On January 26, 2010 at 8:43 a.m., I wen to the residence address at 8401 Bonita Downs  
12 Road, Fair Oaks, California 95628. There was no answer at the door.

13 On January 28, 2010 at 3:47 p.m., I returned to the residence again, and there was no  
14 answer at the door.

15 On January 31, 2010 at 4:13 p.m., I went the residence address, and again there was no  
16 answer at the door.

17 On February 2, 2010 at 5:37 p.m., when I returned to the residence address, I observed no  
18 lights on, no cars parked, but that the trash was set out.

19 On February 2, 2010 at 7:21 p.m., I returned to the residence address. The door was  
20 answered by an elderly man, described as mid to late-60's, middle eastern accent, 5'4" tall, grey  
21 hair, long beard, thin, and wearing glasses. I told him I was looking for Reza. I showed him the  
22 name on the documents with the various names, and made a motion that he knew one or more of  
23 the names. I showed him the photograph that I had. I told him I had legal documents for Reza,  
24 and that I would leave it with him. He took the envelope, opened it and saw the documents. He  
25 told me that he did not want the papers and that he did not live there. I told him that we had  
26 confirmed that was his address. He returned the envelope back. I told him that he needed to  
27 make sure that Reza got the paperwork. I put the envelope by the doorway. He picked up the  
28 envelope and threw it at me as I was leaving. I left the documents there and again told him that  
he had been served for Reza.

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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration is executed this 18<sup>th</sup> day of February, at Citrus Heights, California.



ROBERT M. TOTH  
Registered Process Server

ORIGINAL  
**COPY**

No. 090C00579 1B

Dept. 1

REC'D & FILED  
2010 MAR 26 PM 1:40  
ALAN GLOVER  
RY. C. COOPER, CLERK  
DEPUTY CLERK

In the First Judicial District Court of the State of Nevada  
in and for Carson City

*add'l*  
**SUMMONS**

JED MARGOLIN, an individual

Plaintiff,

vs.

Optima Technology Corporation, a California corporation,  
OPTima Technology Corporation, a Nevada corporation, Reza  
Zandian aka Golanreza Zandianjazi aka Gholam Reza Zandian  
aka Reza Jazi aka J. Reza Defendant, Jazi aka G. Reza Jazi  
aka Chononreza Zandian Jazi, an individual, DOE Companies  
1-10, DOE Corporations 11-20, and DOE Individuals 21-30.

THE STATE OF NEVADA SENDS GREETINGS TO THE ABOVE-NAMED DEFENDANT: Optima  
TEchnology Corporation, a California Corporation

**NOTICE! YOU HAVE BEEN SUED. THE COURT MAY DECIDE AGAINST YOU WITHOUT YOUR BEING  
HEARD UNLESS YOU RESPOND WITHIN 20 DAYS. READ THE INFORMATION BELOW.**

TO THE DEFENDANT: A civil Complaint has been filed by the plaintiff against you.

1. If you wish to defend this lawsuit, you must, within 20 days after this Summons is served on you, exclusive of the day of service, file with this Court a written pleading in response to this Complaint.
2. Unless you respond, your default will be entered upon application of the plaintiff, and this Court may enter a judgment against you for the relief demanded in the Complaint\*, which could result in the taking of money or property or the relief requested in the Complaint.
3. If you wish to seek the advice of an attorney in this matter, you should do so promptly so that your response may be filed on time.
4. You are required to serve your response upon plaintiff's attorney, whose address is

ALAN GLOVER

Clerk of Court

By

*M. Margolin*

Deputy Clerk

Date March 9, 2010

\*Note - When service by publication, insert a brief statement of the object of the action. See Rule 4.

RETURN OF SERVICE ON REVERSE SIDE

**AFFIDAVIT OF SERVICE**  
(For General Use)

STATE OF CALIFORNIA }  
COUNTY OF SACRAMENTO } SS.

I SHAWN SARDIA, declares under penalty of perjury:  
That affiant is, and was on the day when he served the within Summons, over 18 years of age, and not a party to, nor interested in, the within action; that the affiant received the Summons on the 19<sup>th</sup> 20<sup>th</sup> 21<sup>st</sup> day of MARCH, 20 10, and personally served the same upon REZA ZANDIAN, AGENT FOR SERVICE OF PROCESS the within named defendant, on the 21<sup>st</sup> day of MARCH, 20 10, by delivering to the said defendant, personally, in FAIR OAKS, County of SACRAMENTO, State of CALIFORNIA, a copy of the Summons attached to a copy of the Complaint.

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

Executed this 23<sup>rd</sup> day of MARCH, 20 10. Shawn I Sardia #SAC.2008-5  
Signature of person making service

STATE OF NEVADA }  
CARSON CITY } SS.

**NEVADA SHERIFF'S RETURN**  
(For Use of Sheriff of Carson City)

I hereby certify and return that I received the within Summons on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_; and personally served the same upon \_\_\_\_\_, the within named defendant, on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_, by delivering to the said defendant, personally, in Carson City, State of Nevada, a copy of the Summons attached to a copy of the Complaint.

\_\_\_\_\_  
Sheriff of Carson City, Nevada

Date: \_\_\_\_\_, 20 \_\_\_\_ By \_\_\_\_\_ Deputy

STATE OF NEVADA }  
COUNTY OF \_\_\_\_\_ } SS.

**AFFIDAVIT OF MAILING**  
(For Use When Service is by Publication and Mailing)

\_\_\_\_\_, declares under penalty of perjury:  
That affiant is, and was when the herein described mailing took place, over 18 years of age, and not a party to, nor interested in, the within action; that on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_, affiant deposited in the Post Office at \_\_\_\_\_, Nevada, a copy of the within Summons attached to a copy of the Complaint, enclosed in a sealed envelope upon which first class postage was fully prepaid, addressed to \_\_\_\_\_; the within named defendant, at \_\_\_\_\_; that there is a regular communication by mail between the place of mailing and the place so addressed.  
I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

**NOTE -** If service is made in any manner permitted by Rule 4 other than personally upon the defendant, or is made outside the United States, a special affidavit or return must be made

1 Jed Margolin v. Optima Technology Corporation, et al.  
Case No. 090C0500679 1B  
2 Declaration of Robert Toth

3 I, ROBERT TOTH, hereby declare:

4 I am a registered process server for the State of California. I have personal knowledge of  
5 the facts contained in this Declaration, and if called as a witness, I could and would competently  
6 testify thereto. As to those matters alleged on information and belief, I believe them to be true.

7 I attempted service of copies of the Summons, Complaint and Order on Reza Zandian,  
8 agent for process of service for Optima Technoloy Corp, a California Corp and Optima  
9 Technology Corp, A Nevada Corp., as follows:

10 On March 19, 2010 at 4:12 p.m., I went to the residence address at 8401 Bonita Downs  
11 Road Fair Oaks, 95628. There was no answer at the door.

12 On March 20, 2010 at 12:07 p.m. There was no answer at the door.

13 At that time, I turned over the documents to an associated, Shawn Sardia.

14 I declare under penalty of perjury under the laws of the State of California that the  
15 foregoing is true and correct, and that this declaration is executed this 23<sup>rd</sup> day of March, at  
16 Citrus Heights, California.

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18 ROBERT M. TOTH  
19 Registered Process Server  
20 Sacramento #2000-28  
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1 Jed Margolin v. Optima Technology Corporation, et al.  
2 Case No. 090C0500679 1B  
3 Declaration of Shawn Sardia

4 I, SHAWN SARDIA, hereby declare:

5 I am a registered process server for the State of California. I have personal knowledge of  
6 the facts contained in this Declaration, and if called as a witness, I could and would competently  
7 testify thereto. As to those matters alleged on information and belief, I believe them to be true.

8 I served copies of the Summons, Complaint and Order on Reza Zandian, agent for  
9 process of service for Optima Technoloy Corp, a California Corp and Optima Technology Corp,  
10 A Nevada Corp., as follows:

11 On March 20, 2010 at 10:14 a.m., I went to the residence located at 8401 Bonita Downs  
12 Road, Fair Oaks, CA 95628. There was no answer at the door.

13 On March 21, 2010 at 9:45 a.m. I returned to the residence. There was no answer at the  
14 door.

15 On March 21, 2010 at 6:45 p.m. I returned to the resident's address. The door was  
16 answered by an elderly man, described as mid to late-60's, middle eastern accent, 5'4" tall, grey  
17 hair, long beard, thin, wearing glasses and is the subject's father. I told him I had legal documents  
18 for Reza Zandian, and that I would leave it with him. He told me he did not want the papers. I put  
19 the envelope by the doorway and told him he had been served for Reza. He closed the door.

20 I declare under penalty of perjury under the laws of the State of California that the  
21 foregoing is true and correct, and that this declaration is executed this 23<sup>rd</sup> day of March, at  
22 Citrus Heights, California.

23   
24 SHAWN SARDIA  
25 Registered Process Server  
26 Sacramento #2008-5  
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No. 090C00579 1B

Dept. 1

**COPY**

REC'D & FILED  
2010 MAR 26 PM 1:40  
ALAN GLOVER  
BY C. COOPER CLERK

In the First Judicial District Court of the State of Nevada  
in and for Carson City

JED MARGOLIN, an individual

**SUMMONS**

Plaintiff,

vs.

Optima Technology Corporation, a California corporation,  
OPTima Technology Corporation, a Nevada corporation, Reza  
Zandian aka Golanreza Zandianjazi aka Gholam Reza Zandian  
aka Reza Jazi aka J. Rez Defendant. Jazi aka G. Reza Jazi  
aka Chononreza Zandian Jazi, an individual, DOE Companies  
1-10, DOE Corporations 11-20, and DOE Individuals 21-30.

THE STATE OF NEVADA SENDS GREETINGS TO THE ABOVE-NAMED DEFENDANT: Optima  
Technology Corporation, a Nevada Corporation

**NOTICE! YOU HAVE BEEN SUED. THE COURT MAY DECIDE AGAINST YOU WITHOUT YOUR BEING  
HEARD UNLESS YOU RESPOND WITHIN 20 DAYS. READ THE INFORMATION BELOW.**

TO THE DEFENDANT: A civil Complaint has been filed by the plaintiff against you.

1. If you wish to defend this lawsuit, you must, within 20 days after this Summons is served on you, exclusive of the day of service, file with this Court a written pleading in response to this Complaint.
2. Unless you respond, your default will be entered upon application of the plaintiff, and this Court may enter a judgment against you for the relief demanded in the Complaint\*, which could result in the taking of money or property or the relief requested in the Complaint.
3. If you wish to seek the advice of an attorney in this matter, you should do so promptly so that your response may be filed on time.
4. You are required to serve your response upon plaintiff's attorney, whose address is

ALAN GLOVER

Clerk of Court

By

*[Handwritten Signature]*

Deputy Clerk

Date March 9, 20 10

\*Note - When service by publication, insert a brief statement of the object of the action. See Rule 4.

RETURN OF SERVICE ON REVERSE SIDE

**AFFIDAVIT OF SERVICE**  
(For General Use)

STATE OF CALIFORNIA }  
COUNTY OF SACRAMENTO } SS.  
I SHAWN SARDIA

, declares under penalty of perjury:  
That affiant is, and was on the day when he served the within Summons, over 18 years of age, and not a party to, nor interested in, the within action; that the affiant received the Summons on the 19<sup>th</sup> 20<sup>th</sup> 5<sup>5</sup> day of MARCH, 20 10, and personally served the same upon REZA ZANDIAN, AGENT FOR SERVICE OF PROCESS the within named defendant, on the 21<sup>st</sup> day of MARCH, 20 10, by delivering to the said defendant, personally, in EMERSONS, County of SACRAMENTO, State of CALIFORNIA, a copy of the Summons attached to a copy of the Complaint.

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

Executed this 23<sup>rd</sup> day of MARCH, 20 10. Shawn F SARDIA # SAC 2005-5  
Signature of person making service

STATE OF NEVADA }  
CARSON CITY } SS.

**NEVADA SHERIFF'S RETURN**  
(For Use of Sheriff of Carson City)

I hereby certify and return that I received the within Summons on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_; and personally served the same upon \_\_\_\_\_, the within named defendant, on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_, by delivering to the said defendant, personally, in Carson City, State of Nevada, a copy of the Summons attached to a copy of the Complaint.

\_\_\_\_\_  
Sheriff of Carson City, Nevada

Date: \_\_\_\_\_, 20 \_\_\_\_

By \_\_\_\_\_ Deputy

STATE OF NEVADA }  
COUNTY OF \_\_\_\_\_ } SS.

**AFFIDAVIT OF MAILING**  
(For Use When Service is by Publication and Mailing)

, declares under penalty of perjury:  
That affiant is, and was when the herein described mailing took place, over 18 years of age, and not a party to, nor interested in, the within action; that on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_, affiant deposited in the Post Office at \_\_\_\_\_, Nevada, a copy of the within Summons attached to a copy of the Complaint, enclosed in a sealed envelope upon which first class postage was fully prepaid, addressed to \_\_\_\_\_, the within named defendant, at \_\_\_\_\_; that there is a regular communication by mail between the place of mailing and the place so addressed.

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

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

1 Jed Margolin v. Optima Technology Corporation, et al.  
2 Case No. 090C0500679 1B  
3 Declaration of Robert Toth

4 I, ROBERT TOTH, hereby declare:

5 I am a registered process server for the State of California. I have personal knowledge of  
6 the facts contained in this Declaration, and if called as a witness, I could and would competently  
7 testify thereto. As to those matters alleged on information and belief, I believe them to be true.

8 I attempted service of copies of the Summons, Complaint and Order on Reza Zandian,  
9 agent for process of service for Optima Technoloy Corp, a California Corp and Optima  
10 Technology Corp, A Nevada Corp., as follows:

11 On March 19, 2010 at 4:12 p.m., I went to the residence address at 8401 Bonita Downs  
12 Road Fair Oaks, 95628. There was no answer at the door.

13 On March 20, 2010 at 12:07 p.m. There was no answer at the door.

14 On March 19, 2010 I turned over a copy of the documents to an associate, Shawn Sardia.

15 I declare under penalty of perjury under the laws of the State of California that the  
16 foregoing is true and correct, and that this declaration is executed this 23<sup>rd</sup> day of March, at  
17 Citrus Heights, California.



18 ROBERT M. TOTH  
19 Registered Process Server  
20 Sacramento #2000-28  
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1 Jed Margolin v. Optima Technology Corporation, et al.  
2 Case No. 090C0500679 1B  
3 Declaration of Shawn Sardia

4 I, SHAWN SARDIA, hereby declare:

5 I am a registered process server for the State of California. I have personal knowledge of  
6 the facts contained in this Declaration, and if called as a witness, I could and would competently  
7 testify thereto. As to those matters alleged on information and belief, I believe them to be true.

8 I served copies of the Summons, Complaint and Order on Reza Zandian, agent for  
9 process of service for Optima Technoloy Corp, a California Corp and Optima Technology Corp,  
10 A Nevada Corp., as follows:

11 On March 20, 2010 at 10:14 a.m., I went to the residence located at 8401 Bonita Downs  
12 Road, Fair Oaks, CA 95628. There was no answer at the door.

13 On March 21, 2010 at 9:45 a.m. I returned to the residence. There was no answer at the  
14 door.

15 On March 21, 2010 at 6:45 p.m. I returned to the resident's address. The door was  
16 answered by an elderly man, described as mid to late-60's, middle eastern accent, 5'4" tall, grey  
17 hair, long beard, thin, wearing glasses and is the subject's father. I told him I had legal documents  
18 for Reza Zandian, and that I would leave it with him. He told me he did not want the papers. I put  
19 the envelope by the doorway and told him he had been served for Reza. He closed the door.

20 I declare under penalty of perjury under the laws of the State of California that the  
21 foregoing is true and correct, and that this declaration is executed this 23<sup>rd</sup> day of March, at  
22 Citrus Heights, California.

23   
24 SHAWN SARDIA  
25 Registered Process Server  
26 Sacramento #2008-5  
27  
28

Exhibit B

Exhibit B

1 Matthew D. Francis (6978)  
2 Cassandra P. Joseph (9845)  
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*

REC'D & FILED  
2010 DEC -7 PM 2:15  
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CLERK

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

JED MARGOLIN, an individual,  
  
Plaintiff,  
  
vs.  
  
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 GHONONREZA ZANDIAN JAZI,  
an individual, DOE Companies  
1-10, DOE Corporations 11-20, and DOE  
Individuals 21-30,  
  
Defendants.

Case No.: 090C00579 1B  
Dept. No.: 1

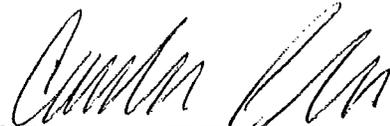
**NOTICE OF ENTRY OF DEFAULT**

To all parties and their counsel of record:

Please take notice that the Default as to Optima Technology Corporation, a Nevada corporation, attached hereto as Exhibit 1 was filed in the above-titled Court on December 2, 2010.

///  
///

1 Dated this 6<sup>th</sup> day of December, 2010.  
2  
3

BY: 

Matthew D. Francis (6978)  
Cassandra P. Joseph (9845)  
WATSON ROUNDS  
5371 Kietzke Lane  
Reno, NV 89511  
Telephone: 775-324-4100  
Facsimile: 775-333-8171  
*Attorneys for Plaintiff Jed Margolin*

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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, **NOTICE OF ENTRY OF DEFAULT**, addressed as follows:

Reza Zandian  
8401 Bonita Downs Road  
Fair Oaks, CA 95628

Optima Technology Corp.  
A California corporation  
8401 Bonita Downs Road  
Fair Oaks, CA 95628

Optima Technology Corp.  
A Nevada corporation  
8401 Bonita Downs Road  
Fair Oaks, CA 95628

Reza Zandian  
8775 Costa Verde Blvd. #501  
San Diego, CA 92122

Optima Technology Corp.  
A California corporation  
8775 Costa Verde Blvd. #501  
San Diego, CA 92122

Optima Technology Corp.  
A Nevada corporation  
8775 Costa Verde Blvd. #501  
San Diego, CA 92122

Dated: December 6, 2010

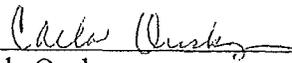
  
\_\_\_\_\_  
Carla Ousby

Exhibit 1

Exhibit 1

1 Matthew D. Francis (6978)  
2 Cassandra P. Joseph (9845)  
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

REC'D & FILED  
2010 DEC -2 PM 1:17  
ALAN GLOVER  
RY. C. COOPER  
DEPUTY CLERK

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

9 **JED MARGOLIN, an individual,**

10 **Plaintiff,**

11 **vs.**

12 **OPTIMA TECHNOLOGY CORPORATION,**  
13 **a California corporation, et al.**

14 **Defendants.**

Case No.: 090C00579 1B

Dept. No.: 1

DEFAULT

16 It appearing that Optima Technology Corporation (a Nevada corporation),  
17 the defendant herein is in default for failure to plead or otherwise defend as required by law.

18 DEFAULT is hereby entered against said defendant this 2 day of

19 December, 2010.

20 ALAN GLOVER, Clerk

21  
22 By: C. COOPER, Deputy

1 Matthew D. Francis (6978)  
2 Cassandra P. Joseph (9845)  
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*

REC'D & FILED  
2010 DEC -7 PM 2:15  
ALAN G. JOVER  
COURT CLERK

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 aka  
19 GOLAMREZA  
20 ZANDIANJAZI aka GHOLAM REZA  
21 ZANDIAN  
22 aka REZA JAZI aka J. REZA JAZI aka G. REZA  
23 JAZI aka GHONONREZA ZANDIAN JAZI,  
24 an individual, DOE Companies  
25 1-10, DOE Corporations 11-20, and DOE  
26 Individuals 21-30,

27 Defendants.

Case No.: 090C00579 1B

Dept. No.: 1

**NOTICE OF ENTRY OF DEFAULT**

28 To all parties and their counsel of record:

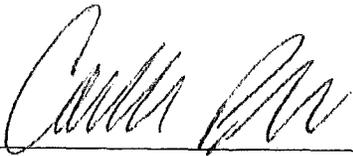
Please take notice that the Default as to Reza Zandian, attached hereto as Exhibit 1 was filed in the above-titled Court on December 2, 2010.

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1 Dated this 6<sup>th</sup> day of December, 2010.

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BY: 

Matthew D. Francis (6978)  
Cassandra P. Joseph (9845)  
WATSON ROUNDS  
5371 Kietzke Lane  
Reno, NV 89511  
Telephone: 775-324-4100  
Facsimile: 775-333-8171  
*Attorneys for Plaintiff Jed Margolin*

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**CERTIFICATE OF SERVICE**

Pursuant to NRC 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, **NOTICE OF ENTRY OF DEFAULT**, addressed as follows:

Reza Zandian  
8401 Bonita Downs Road  
Fair Oaks, CA 95628

Optima Technology Corp.  
A California corporation  
8401 Bonita Downs Road  
Fair Oaks, CA 95628

Optima Technology Corp.  
A Nevada corporation  
8401 Bonita Downs Road  
Fair Oaks, CA 95628

Reza Zandian  
8775 Costa Verde Blvd. #501  
San Diego, CA 92122

Optima Technology Corp.  
A California corporation  
8775 Costa Verde Blvd. #501  
San Diego, CA 92122

Optima Technology Corp.  
A Nevada corporation  
8775 Costa Verde Blvd. #501  
San Diego, CA 92122

Dated: December 6, 2010

  
\_\_\_\_\_  
Carla Ousby

Exhibit 1

Exhibit 1

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Matthew D. Francis (6978)  
Cassandra P. Joseph (9845)  
WATSON ROUNDS  
5371 Kietzke Lane  
Reno, NV 89511  
Telephone: 775-324-4100  
Facsimile: 775-333-8171  
*Attorneys for Plaintiff Jed Margolin*

REC'D & FILED  
2010 DEC -2 PM 1:15  
ALAN GLOVER  
RY ... C. COOPER CLERK  
DEPUTY

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

**JED MARGOLIN, an individual,**  
  
**Plaintiff,**  
  
**vs.**  
  
**OPTIMA TECHNOLOGY CORPORATION,**  
**a California corporation, et al.**  
  
**Defendants.**

Case No.: 090C00579 1B  
Dept. No.: 1  
  
**DEFAULT**

It appearing that Reza Zandian  
the defendant herein is in default for failure to plead or otherwise defend as required by law.

DEFAULT is hereby entered against said defendant this 2 day of  
November, 2010.

ALAN GLOVER, Clerk

By: C. COOPER, Deputy

1 Matthew D. Francis (6978)  
2 Cassandra P. Joseph (9845)  
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*

REC'D & FILED  
2010 DEC -7 PM 2:15  
BLA C. COOPER  
CLERK

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

9 JED MARGOLIN, an individual,  
10  
11 Plaintiff,  
12  
13 vs.  
14  
15 OPTIMA TECHNOLOGY CORPORATION,  
16 a California corporation, OPTIMA  
17 TECHNOLOGY CORPORATION, a Nevada  
18 corporation, REZA ZANDIAN aka  
19 GOLAMREZA  
20 ZANDIANJAZI aka GHOLAM REZA  
21 ZANDIAN  
22 aka REZA JAZI aka J. REZA JAZI aka G. REZA  
23 JAZI aka GHONONREZA ZANDIAN JAZI,  
24 an individual, DOE Companies  
25 1-10, DOE Corporations 11-20, and DOE  
26 Individuals 21-30,  
27  
28 Defendants.

Case No.: 090C00579 1B  
Dept. No.: 1

**NOTICE OF ENTRY OF DEFAULT**

23 To all parties and their counsel of record:

24 Please take notice that the Default as to Optima Technology Corporation, a California  
25 corporation, attached hereto as Exhibit 1 was filed in the above-titled Court on December 2,  
26 2010.

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Dated this 6<sup>th</sup> day of December, 2010.

BY: 

Matthew D. Francis (6978)  
Cassandra P. Joseph (9845)  
WATSON ROUNDS  
5371 Kietzke Lane  
Reno, NV 89511  
Telephone: 775-324-4100  
Facsimile: 775-333-8171  
*Attorneys for Plaintiff Jed Margolin*

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**CERTIFICATE OF SERVICE**

Pursuant to NRC 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, **NOTICE OF ENTRY OF DEFAULT**, addressed as follows:

Reza Zandian  
8401 Bonita Downs Road  
Fair Oaks, CA 95628

Optima Technology Corp.  
A California corporation  
8401 Bonita Downs Road  
Fair Oaks, CA 95628

Optima Technology Corp.  
A Nevada corporation  
8401 Bonita Downs Road  
Fair Oaks, CA 95628

Reza Zandian  
8775 Costa Verde Blvd. #501  
San Diego, CA 92122

Optima Technology Corp.  
A California corporation  
8775 Costa Verde Blvd. #501  
San Diego, CA 92122

Optima Technology Corp.  
A Nevada corporation  
8775 Costa Verde Blvd. #501  
San Diego, CA 92122

Dated: December 6, 2010

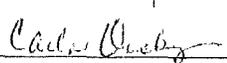
  
\_\_\_\_\_  
Carla Ousby

Exhibit 1

Exhibit 1

1 Matthew D. Francis (6978)  
2 Cassandra P. Joseph (9845)  
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*

REC'D & FILED  
2010 DEC -2 PM 1:18  
ALAN GLOVER  
C. COOPER  
BY \_\_\_\_\_ CLERK  
DEPUTY

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

9 **JED MARGOLIN, an individual,**  
10 **Plaintiff,**  
11 **vs.**  
12 **OPTIMA TECHNOLOGY CORPORATION,**  
13 **a California corporation, et al.**  
14 **Defendants.**

Case No.: 090C00579 1B  
Dept. No.: 1  
DEFAULT

16 It appearing that Optima Technology Corporation (a California corporation)  
17 the defendant herein is in default for failure to plead or otherwise defend as required by law.

18 DEFAULT is hereby entered against said defendant this 2 day of  
19 December, 20 10.

21 ALAN GLOVER, Clerk

22 By: C. COOPER, Deputy

1 Matthew D. Francis (6978)  
2 Cassandra P. Joseph (9845)  
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*

REC'D & FILED  
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M. KALE  
BY \_\_\_\_\_ CLERK  
DEPUTY

7 **In The First Judicial District Court of the State of Nevada**  
8 **In and for Carson City**

9 JED MARGOLIN, an individual,  
10  
11 Plaintiff,

12 vs.

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

23 Defendants.

Case No.: 090C00579 1B  
Dept. No.: 1

**CERTIFICATE OF SERVICE**

21 Pursuant to NRCP 5(b), I certify that I am an employee of Watson Rounds, and that on  
22 December 16, 2010, I deposited for mailing, in a sealed envelope, with first-class postage  
23 prepaid, a true and correct copy of each of the following documents: 1) Application for Entry  
24 of Default as to Optima Technology Corporation, a California corporation; 2) Application for  
25 Entry of Default as to Optima Technology Corporation, a Nevada corporation; 3) Application  
26 for Entry of Default as to Reza Zandian; 4) Notice of Entry of Default as to Optima  
27 Technology Corporation, a California corporation; 5) Notice of Entry of Default as to Optima  
28

1 Technology Corporation, a Nevada corporation, and 6) Notice of Entry of Default as to Reza  
2 Zandian; addressed as follows:

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

Dated: February 25, 2011

  
\_\_\_\_\_  
Carla Ousby

**CERTIFICATE OF SERVICE**

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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, **Certificate of Service**, addressed as follows:

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

Reza Zandian  
8401 Bonita Downs Road  
Fair Oaks, CA 95628

Optima Technology Corp.  
A California corporation  
8401 Bonita Downs Road  
Fair Oaks, CA 95628

Optima Technology Corp.  
A Nevada corporation  
8401 Bonita Downs Road  
Fair Oaks, CA 95628

Reza Zandian  
8775 Costa Verde Blvd. #501  
San Diego, CA 92122

Optima Technology Corp.  
A California corporation  
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San Diego, CA 92122

Optima Technology Corp.  
A Nevada corporation  
8775 Costa Verde Blvd. #501  
San Diego, CA 92122

Dated: February 25, 2011

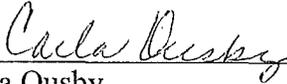
  
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Carla Ousby

Exhibit C

Exhibit C

Date	Received From/Paid To	Chq#	General		Bld	Trust Activity		Balance	
Entry #	Explanation	Rec#	Rcpts	Disbs	Inv#	Acc	Rcpts	Disbs	Balance
5457	Margolin, Jed								
5457.01	Patent theft analysis & litigation								Resp Lawyer: CPJ
Dec 1/2009	Expense Recovery								
869431	Documents downloaded from Westlaw	13610		9.38	103050				
Dec 4/2009	Billing on Invoice 102713								
868174	FEES 1592.50			0.00	102713				
Dec 10/2009	First District Court								
869673	Complaint filing fee	71165		265.00	103050				
Dec 18/2009	E.S.Q. Services, Inc.								
871259	Service fee	71200		120.00	103050				
Dec 18/2009	Expense Recovery								
872376	FEDEX expense	13654		22.44	103050				
Dec 23/2009	Legal Wings, Inc.								
873024	Process service expense			69.50	103050				
Jan 4/2010	Expense Recovery								
876511	Documents downloaded from Westlaw	13695		197.50	103314				
Jan 6/2010	Billing on Invoice 103050								
874834	FEES 6765.00 DISBS 486.32			0.00	103050				
Jan 31/2010	Expense Recovery								
882035	Litigation documents downloaded from Westlaw	13747		14.18	103314				
Feb 10/2010	Billing on Invoice 103314								
882591	FEES 2545.00 DISBS 211.68			0.00	103314				
Feb 22/2010	Legal Wings, Inc.								
887744	Process service expense			75.00	103889				
Feb 23/2010	Legal Wings, Inc.								
887750	Process service expense			110.00	103889				
Mar 11/2010	Billing on Invoice 103889								
888570	DISBS 185.00			0.00	103889				
Apr 1/2010	Expense Recovery								
895217	Litigation documents downloaded from Westlaw	13914		5.95	104529				
Apr 7/2010	Billing on Invoice 104198								
894487	FEES 1950.00			0.00	104198				
May 7/2010	Billing on Invoice 104529								
901087	FEES 1200.00 DISBS 5.95			0.00	104529				
Jun 10/2010	Billing on Invoice 105061								
907799				0.00	105061				
Jul 8/2010	Billing on Invoice 105335								
913421				0.00	105335				
Jul 30/2010	Expense Recovery								
918373	Litigation documents downloaded from Westlaw	14163		11.37	105883				
Aug 9/2010	Billing on Invoice 105883								
919703	FEES 1035.00 DISBS 11.37			0.00	105883				
Aug 24/2010	Watson Rounds								
922556	Retainer to trust	72542		1046.37	106101				
Aug 24/2010	Billing on Invoice 106101								
922560	DISBS 1046.37 RCPTS 1046.37			0.00	106101				
Aug 31/2010	Expense Recovery								
923779	Airfare expense for Cassandra Joseph	14195		323.40	107000				
Sep 1/2010	Expense Recovery								
924558	Rental car/parking expense for Cassandra Joseph	14231		43.05	107441				
Sep 1/2010	Expense Recovery								
924559	Meal expense for Cassandra Joseph	14231		7.00	107441				
Sep 3/2010	Billing on Invoice 107000								
924804	FEES 1380.00 DISBS 323.40			0.00	107000				
Oct 8/2010	Billing on Invoice 107441								
931678	FEES 1530.00 DISBS 50.05			0.00	107441				
Nov 5/2010	Billing on Invoice 107813								
936861	FEES 480.00			0.00	107813				
Dec 6/2010	Expense Recovery								
942182	Postage	14433		7.32	108855				
Dec 10/2010	Billing on Invoice 108188								
942258	FEES 1800.00			0.00	108188				
Jan 13/2011	Billing on Invoice 108855								
947389	FEES 1145.00 DISBS 7.32			0.00	108855				
Feb 4/2011	Billing on Invoice 109186								
951074				0.00	109186				

TOTALS	UNBILLED				BILLED				BALANCES	
	CHE	+ RECOV	+ FEES	= TOTAL	DISBS	+ FEES	+ TAX	- RECEIPTS	= A/R	TRUST
PERIOD	0.00	0.00	1560.00	1560.00	2327.46	21422.50	0.00	23749.96	0.00	5000.00
END DATE	0.00	0.00	1560.00	1560.00	2327.46	21422.50	0.00	23749.96	0.00	5000.00

FIRM TOTALS	UNBILLED				BILLED				BALANCES	
	CHE	+ RECOV	+ FEES	= TOTAL	DISBS	+ FEES	+ TAX	- RECEIPTS	= A/R	TRUST
PERIOD	0.00	0.00	1560.00	1560.00	2327.46	21422.50	0.00	23749.96	0.00	5000.00

Date	Entry #	Received From/Paid To Explanation	Chq# Rec#	----- General -----		Fees	Bld  ----- Trust Activity -----		Balance
				Rcpts	Disbs		Inv#	Acc	
END DATE		0.00 0.00 1560.00	1560.00	2327.46	21422.50	0.00	23749.96	0.00	5000.00

REPORT SELECTIONS - Client Ledger

Layout Template Default  
 Advanced Search Filter None  
 Requested by Kim  
 Finished Wednesday, February 23, 2011 at 11:22:57 AM  
 Ver 10.0 SP4 (10.0.20100617)  
 Matters 5457.01  
 Clients All  
 Major Clients All  
 Client Intro Lawyer All  
 Matter Intro Lawyer All  
 Responsible Lawyer All  
 Assigned Lawyer All  
 Type of Law All  
 Select From Active, Inactive, Archived Matters  
 Matters Sort by Default  
 New Page for Each Lawyer No  
 New Page for Each Matter No  
 No Activity Date Dec 31/2199  
 Firm Totals Only No  
 Totals Only No  
 Entries Shown - Billed Only No  
 Entries Shown - Disbursements Yes  
 Entries Shown - Receipts No  
 Entries Shown - Time or Fees No  
 Entries Shown - Trust No  
 Incl. Matters with Retainer Bal No  
 Incl. Matters with Neg Unbld Disb No  
 Trust Account All  
 Working Lawyer All  
 Include Corrected Entries No  
 Show Check # on Paid Payables No  
 Show Client Address No  
 Consolidate Payments No  
 Show Trust Summary by Account No  
 Show Interest No  
 Interest Up To Feb 23/2011  
 Show Invoices that Payments Were Applied to No  
 Display Entries in Date Order

Exhibit D

Exhibit D

Allstate Car Insurance  
Great Rates on Car Insurance. 24/7  
Service, Easy Claim Handling & More  
www.allstate.com

Historical Prime Rate  
Find more sources/options for what  
your looking for  
www.webcrawler.com

Today's Prime Rate  
Prime, Libor and More Avail Here. Plus  
Rates, News, Advice and More.  
Bankrate.com/Prime

Refinance	Savings / HHA	CDs	Auto Insurance
Product		Natl Avg	Featured
30 Yr Fixed		5.17%	4.74%
15 Yr Fixed		4.48%	4.22%
6/1 ARM		3.83%	3.21%

Reference Rates provided by **HSH**

Prime Rate  
1 Year Treasury (CMT)  
12 Month Treasury Avg (12MTA)

LIBOR Index  
1 Month | 3 Month  
6 Month | 1 Year

11th District Cost of Funds Index (COFI)  
Certificates of Deposit Index (CODI)  
Cost of Savings Index (COSI)

Fed Funds Target Rate  
Fed Funds Historical Graph  
Prime Rate Historical Graph

Mortgage Rates  
Daily Updates of Dozens of Rates  
Comparison Charts

### Prime Rate

[Historical Graph](#) | [Historical Chart](#) | [Other Rates/Indexes](#) | [Add this Page to Your Favorites \(click here\)](#)

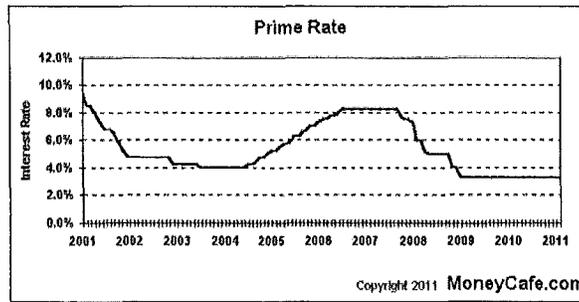
The last reported rate is: **3.25 %** (Effective since December 16, 2008)

[Update January 26, 2011 -- The FOMC kept rates the same at their meeting today. There is no change to the Prime Rate.]

What is the Prime Rate? The Prime Interest Rate is the interest rate charged by banks to their most creditworthy customers (usually the most prominent and stable business customers). The rate is almost always the same amongst major banks. Adjustments to the prime rate are made by banks at the same time; although, the prime rate does not adjust on any regular basis. The Prime Rate is usually adjusted at the same time and in correlation to the adjustments of the Fed Funds Rate. The Prime Rate graph and chart reported below are based upon the prime rates on the first day of each respective month over the past decade. Some banks use the name "Reference Rate" or "Base Lending Rate" to refer to their Prime Lending Rate. Publications may refer to the Wall Street Journal Prime Rate or the WSJ Prime Rate in addition to "Prime Rate".

### Historical Graph

Click here for the complete historical graph of the Prime Rate from 1930 to 2011.



### Historical Chart

Month/Day	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
Jan 1	9.50%	4.75%	4.25%	4.00%	5.25%	7.25%	8.25%	7.25%	3.25%	3.25%	3.25%
Feb 1	8.50%	4.75%	4.25%	4.00%	5.25%	7.50%	8.25%	6.00%	3.25%	3.25%	3.25%
Mar 1	8.50%	4.75%	4.25%	4.00%	5.50%	7.50%	8.25%	6.00%	3.25%	3.25%	
Apr 1	8.00%	4.75%	4.25%	4.00%	5.75%	7.75%	8.25%	5.25%	3.25%	3.25%	
May 1	7.50%	4.75%	4.25%	4.00%	5.75%	7.75%	8.25%	5.00%	3.25%	3.25%	
Jun 1	7.00%	4.75%	4.25%	4.00%	6.00%	8.00%	8.25%	5.00%	3.25%	3.25%	
Jul 1	6.75%	4.75%	4.00%	4.25%	6.25%	8.25%	8.25%	5.00%	3.25%	3.25%	
Aug 1	6.75%	4.75%	4.00%	4.25%	6.25%	8.25%	8.25%	5.00%	3.25%	3.25%	
Sep 1	6.50%	4.75%	4.00%	4.50%	6.50%	8.25%	8.25%	5.00%	3.25%	3.25%	
Oct 1	6.00%	4.75%	4.00%	4.75%	6.75%	8.25%	7.75%	5.00%	3.25%	3.25%	
Nov 1	5.50%	4.75%	4.00%	4.75%	7.00%	8.25%	7.50%	4.00%	3.25%	3.25%	
Dec 1	5.00%	4.25%	4.00%	5.00%	7.00%	8.25%	7.50%	4.00%	3.25%	3.25%	

Copyright 2011 MoneyCafe.com

Source: Federal Reserve Board

[Click here for complete historical graph of the Prime Rate.](#)

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1 Matthew D. Francis (6978)  
2 Cassandra P. Joseph (9845)  
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*

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

JED MARGOLIN, an individual,  
Plaintiff,

vs.

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 GHONONREZA  
ZANDIAN JAZI, an individual, DOE Companies  
1-10, DOE Corporations 11-20, and DOE  
Individuals 21-30,

Defendants.

Case No.: 090C00579 1B

Dept. No.: 1

**DECLARATION OF JED MARGOLIN  
IN SUPPORT OF APPLICATION FOR  
DEFAULT JUDGMENT**

I, Jed Margolin do hereby declare and state as follows:

1. I am the inventor on United States Patent No. 5,566,073 ("the '073 Patent"),  
United States Patent No. 5,904,724 ("the '724 Patent"), United States Patent No. 5,978,488  
("the '488 Patent") and United States Patent No. 6,377,436 ("the '436 Patent") (collectively  
"the Patents").

2. Attached as Exhibit A is a true and correct copy of the Amended Answer,  
Counterclaims, Cross-Claims and Third-Party Claims filed in the action captioned *Universal*

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*Avionics Systems Corporation v. Optima Technology Group, Inc.*, No. CV 07-588-TUC-RCC  
(the "Arizona Action").

3. Attached as Exhibit B is a true and correct copy of the August 18, 2008 Order from the Arizona Action.

4. After Defendant Zandian filed the forged and invalid assignment document with the USPTO relating to the Patents, I was forced to spend \$90,000 in attorneys' fees in the Arizona Action where the Court ordered that the USPTO correct record title to the Patents. Attached as Exhibit C are records from my bank showing three transfers of \$30,000. Two transfers went to Optima Technology Group and one transfer went directly to the attorneys representing Optima Technology Group and myself. The three transfers were for the payment of attorneys' fees in the Arizona Action.

5. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Dated: 2-24-2011

By: Jed Margolin  
JED MARGOLIN

1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRC 5(b), I certify that I am an employee of Watson Rounds, and that on  
3 this date, I deposited for mailing, in a sealed envelope, with first-class postage prepaid, a true  
4 and correct copy of the foregoing document, **DECLARATION OF JED MARGOLIN IN**  
5 **SUPPORT OF APPLICATION FOR DEFAULT JUDGMENT**, addressed as follows:

6  
7 John Peter Lee  
8 John Peter Lee, Ltd.  
9 830 Las Vegas Blvd. South  
10 Las Vegas, NV 89101

11  
12 Reza Zandian  
13 8401 Bonita Downs Road  
14 Fair Oaks, CA 95628

15  
16 Optima Technology Corp.  
17 A California corporation  
18 8401 Bonita Downs Road  
19 Fair Oaks, CA 95628

20  
21 Optima Technology Corp.  
22 A Nevada corporation  
23 8401 Bonita Downs Road  
24 Fair Oaks, CA 95628

25  
26 Reza Zandian  
27 8775 Costa Verde Blvd. #501  
28 San Diego, CA 92122

Optima Technology Corp.  
A California corporation  
8775 Costa Verde Blvd. #501  
San Diego, CA 92122

Optima Technology Corp.  
A Nevada corporation  
8775 Costa Verde Blvd. #501  
San Diego, CA 92122

Dated: February 28, 2011

  
\_\_\_\_\_  
Carla Ousby

Exhibit A

Exhibit A

1 **CHANDLER & UDALL, LLP**

2 **ATTORNEYS AT LAW**

3 **4801 E. BROADWAY BLVD., SUITE 400**

4 **TUCSON, ARIZONA 85711-3638**

5 **Telephone: (520) 623-4353**

6 **Fax: (520)792-3426**

7 Edward Moomjian II, PCC # 65050, SBN 016667

8 Jeanna Chandler Nash, PCC # 65674, SBN 022384

9 Attorneys for Defendants Adams, Margolin and Optima Technology Inc. a/k/a Optima  
10 Technology Group, Inc.

11 **UNITED STATES DISTRICT COURT**

12 **DISTRICT OF ARIZONA**

13 **UNIVERSAL AVIONICS SYSTEMS  
14 CORPORATION,**

15 **Plaintiff,**

16 **vs.**

17 **OPTIMA TECHNOLOGY GROUP, INC.,  
18 OPTIMA TECHNOLOGY CORPORATION,  
19 ROBERT ADAMS and JED MARGOLIN,**

20 **Defendants**

21 **OPTIMA TECHNOLOGY INC. a/k/a  
22 OPTIMA TECHNOLOGY GROUP, INC., a  
23 corporation,**

24 **Counterclaimant,**

25 **vs.**

26 **UNIVERSAL AVIONICS SYSTEMS  
CORPORATION, an Arizona corporation,**

**Counterdefendant**

**OPTIMA TECHNOLOGY INC. a/k/a  
OPTIMA TECHNOLOGY GROUP, INC., a  
corporation,**

**Cross-Claimant,**

**vs.**

**OPTIMA TECHNOLOGY CORPORATION,  
a corporation,**

**Cross-Defendant**

NO. CV-00588-RC

**AMENDED ANSWER,  
COUNTERCLAIMS, CROSS-  
CLAIMS AND THIRD-PARTY  
CLAIMS OF OPTIMA  
TECHNOLOGY INC. A/K/A  
OPTIMA TECHNOLOGY  
GROUP, INC.**

**JURY TRIAL DEMANDED**

*Assigned to: Hon. Raner C. Collins*

1  
2 OPTIMA TECHNOLOGY INC. a/k/a  
3 OPTIMA TECHNOLOGY GROUP, INC., a  
4 corporation,

Third-Party Plaintiff,

5 vs.

6 JOACHIM L. NAIMER and JANE DOE  
7 NAIMER, husband and wife; and FRANK E.  
8 HUMMEL and JANE DOE HUMMEL,

Third-Party Defendants.

9 Defendant/Counterclaimant/Cross-Claimant/Third-Party Plaintiff Optima Technology  
10 Inc. a/k/a Optima Technology Group Inc. (hereinafter "Optima"), by and through undersigned  
11 counsel, hereby submits its *Amended Answer* to the Plaintiff's *Complaint* herein, including its  
12 *Counterclaims*, *Cross-Claims* and *Third-Party Claims* herein.

13 As stated in Optima's original *Answer*, due to its contemporaneously-filed *Motion to*  
14 *Dismiss* asserting that Counts V, VI and VII fail to state a claim against Optima, Optima  
15 answers herein the general allegations of the *Complaint*, and those of Counts I-IV, and will  
16 amend this *Answer* to answer Counts V, VI and/or VII at such time, and to the extent that, the  
17 Court herein denies that *Motion* in whole or in part. *See* Rule 12(a)(4), Fed.R.Civ.P.<sup>1</sup>

18 The following paragraphs are in response to the allegations of the correspondingly  
19 numbered paragraphs of the *Complaint*:

20 **INTRODUCTORY PARAGRAPH**

21 Deny the allegations of Plaintiff's Introductory Paragraph (page 1 line 19 through page

22  
23 <sup>1</sup> The District of Arizona has adopted the majority view "that even though a pending  
24 motion to dismiss may only address some of the claims alleged, the motion to dismiss tolls the  
25 time to respond to all claims." *Pestube Systems, Inc. v. Hometeam Pest Defense, LLC.*, 2006  
26 WL 1441014 \*7 (D.Ariz. 2006). However, because this is an unpublished decision, and only  
to avoid any potential dispute with Plaintiff whether a failure to answer the allegations of  
Counts I-IV of the *Complaint* (i.e., those claims that are not the subject of the *Motion to*  
*Dismiss*) could be deemed a failure to defend those allegations for purposes of a default,  
Optima proceeds to answer those allegations and claims herein.

1 2 line 3 of the *Complaint*).

2 **NATURE OF THE ACTION**

3 1. Admit that the *Complaint* seeks declarations of invalidity and non-infringement  
4 of U.S. Patent Nos. 5,566,073 (the “‘073 patent”) and 5,904,724 (the “‘724 patent”).<sup>2</sup> Admit  
5 that the *Complaint* asserts claims for breach of contract, unfair competition and negligent  
6 interference. Deny validity of all such assertions and claims. Deny all remaining allegations.

7 **THE PARTIES**

8 2. Deny for lack of knowledge.

9 3. Admit. Affirmatively allege that Optima Technology Group Inc. is also known  
10 and has been and does business as Optima Technology Inc.

11 4. Denied. Affirmatively allege that Optima Technology Corporation (hereinafter  
12 “OTC”) has no relationship whatsoever to Optima.

13 5. Denied. Affirmatively alleged that Defendant Robert Adams (“Adams”) is the  
14 Chief Executive Officer of Optima.

15 6. Denied.

16 7. Denied.

17 **JURISDICTION AND VENUE**

18 8. Admit that the *Complaint* seeks declarations of invalidity and non-infringement  
19 of the ‘073 patent and the ‘724 patent, and asserts claims for breach of contract, unfair  
20 competition and negligent interference. Deny validity of all such assertions and claims. Deny  
21 all remaining allegations.

22 9. Admit that the Court has original jurisdiction over Counts I-IV of the *Complaint*  
23 asserting non-infringement and invalidity of the Patents (although Optima denies the assertions  
24 and validity of those claims) as to Defendant Optima. Affirmatively allege that co-Defendant  
25

26 

---

<sup>2</sup> The ‘073 patent and the ‘724 patent are collectively referred to herein as the “Patents.”

1 OTC, to the extent that it purportedly exists, does not own or have any other interest in the  
2 Patents. Deny that the Court has jurisdiction over Counts V, VI and VII of the *Complaint*, and  
3 affirmatively allege that Plaintiff lacks Article III standing with respect thereto. Affirmatively  
4 allege that Counts V, VI and VII fail to state a claim against Optima as asserted in Optima's  
5 *Motion to Dismiss*. Deny that the Court has supplemental jurisdiction over Counts V, VI and  
6 VII of the *Complaint*. Deny all remaining allegations.

7 10. Deny.

8 **THE PATENTS-IN-SUIT**

9 11. Admit that the '073 patent is duly and legally issued and is valid. Admit that a  
10 copy of the '073 patent is attached as Exhibit 1 to the *Complaint*. Admit the '073 patent was  
11 assigned to Optima which is the current owner of the '073 patent. Deny that OTC has any right  
12 or interest in the '073 patent. Deny all remaining allegations.

13 12. Admit that the '724 patent is duly and legally issued and is valid. Admit that a  
14 copy of the '724 patent is attached as Exhibit 2 to the *Complaint*. Admit the '724 patent was  
15 assigned to Optima which is the current owner of the '724 patent. Deny that OTC has any right  
16 or interest in the '724 patent. Deny all remaining allegations.

17 13. Admit that Defendant Jed Margolin at one time granted a Power of Attorney to  
18 Optima. Admit that a copy of the Power of Attorney is attached as Exhibit 3 to the *Complaint*.  
19 Admit that the Power of Attorney appointed "Optima Technology Inc. - Robert Adams, CEO"  
20 as Margolin's agent with respect to the Patents. Affirmatively allege that OTC has and had no  
21 right or interest under the Power of Attorney. Affirmatively allege that the Power of Attorney  
22 was superseded by an assignment of the Patents to Optima prior to the filing of the *Complaint*  
23 herein. Affirmatively allege that the Power of Attorney was subsequently revoked and is no  
24 longer valid or in force. Deny all remaining allegations.

25 **FACTS**

26 14. Admit that Adams communicated (as CEO of Optima) with Plaintiff's counsel.

1 Affirmatively allege that the text of Exhibit 4 to the *Complaint* speaks for itself. Deny all  
2 remaining allegations.

3 15. Admit that Jed Margolin communicated with Adams (as CEO of Optima), and  
4 that Adams (as CEO of Optima) communicated with Plaintiff's counsel. Affirmatively allege  
5 that the text of Exhibit 5 to the *Complaint* speaks for itself. Deny all remaining allegations.

6 16. Admit. Affirmatively allege that Adams' alleged actions as described in  
7 Paragraph 16 of the *Complaint* were in his capacity as CEO of Optima.

8 17. Admit that Plaintiff is/was infringing on the Patents. Admit that Adams (as CEO  
9 of Optima) communicated with Plaintiff's counsel. Affirmatively allege that the text of  
10 Exhibit 5 to the *Complaint* speaks for itself. Deny all remaining allegations.

11 18. Admit that Adams communicated (as CEO of Optima) with Plaintiff and its  
12 counsel. Admit that Plaintiff is/was infringing on the Patents. Affirmatively allege that the text  
13 of Exhibit 5 to the *Complaint* speaks for itself. Deny all remaining allegations.

14 19. Admit that Adams communicated (as CEO of Optima) with Plaintiff and its  
15 counsel. Admit that Plaintiff is/was infringing on the Patents. Deny all remaining allegations.

16 20. Admit that Adams communicated (as CEO of Optima) with Plaintiff and its  
17 counsel. Affirmatively allege that the text of Exhibit 6 to the *Complaint* speaks for itself.  
18 Deny all remaining allegations.

19 21. Admit that Adams communicated (as CEO of Optima) with Plaintiff and its  
20 counsel. Affirmatively allege that the text of Exhibit 7 to the *Complaint* speaks for itself.  
21 Deny all remaining allegations.

22 22. Admit. Affirmatively allege that Adams' alleged actions as described in  
23 Paragraph 22 of the *Complaint* were in his capacity as CEO of Optima.

24 23. Admit. Affirmatively allege that the text of Exhibit 8 to the *Complaint* speaks  
25 for itself. Affirmatively allege that Plaintiff, through its actions, has waived its rights under  
26 Exhibit 8 to the *Complaint*.

1           24.     Affirmatively allege that the text of Exhibit 9 to the *Complaint* speaks for itself.

2     Deny all remaining allegations.

3           25.     Admit second sentence of Paragraph 25 of the *Complaint* to the extent it asserts  
4     that the following persons attended the meeting on behalf of Plaintiff: Donald Berlin, Andria  
5     Poe, Paul DeHerrera, Frank Hummel, Michael P. Delgado, and Scott Bornstein. Deny all  
6     remaining allegations.

7           26.     Admit that Adams communicated (as CEO of Optima) with Plaintiff and its  
8     counsel. Deny all remaining allegations.

9           27.     Admit that Adams communicated (as CEO of Optima) with Plaintiff and its  
10    counsel. Deny all remaining allegations.

11          28.     Deny.

12          29.     Admit that Jed Margolin communicated with Plaintiff. Deny all remaining  
13    allegations.

14          30.     Admit that OTC, which is upon information and belief owned and controlled by  
15    Reza Zandian a/k/a Gholamreza Zandianjazi, may have been involved in filing numerous  
16    and/or frivolous state court lawsuits. Deny all remaining allegations. Affirmatively allege that  
17    OTC, and any such lawsuits, are completely unrelated to Optima.

18          31.     Admit that Adams communicated (as CEO of Optima) with Plaintiff and its  
19    counsel. Affirmatively allege that the text of Exhibit 10 to the *Complaint* speaks for itself.  
20    Deny all remaining allegations.

21          32.     Deny for lack of knowledge.

22          33.     Deny Plaintiff's "conclusion" for lack of knowledge. Deny all remaining  
23    allegations.

24          34.     Admit that Adams communicated (as CEO of Optima) with Plaintiff and its  
25    counsel. Affirmatively allege that the text of Exhibits 11 and 12 to the *Complaint* speak for  
26    themselves. Deny all remaining allegations.



1           45. Deny that Optima made an "unreasonable" licensing demand of Plaintiff.  
2 Otherwise admit with respect to Optima. Deny that OTC has any right or interest in the  
3 Patents. Deny all remaining allegations.

4           46. Deny.

5           47. Admit that Plaintiff seeks a declaration as described in Paragraph 47 of the  
6 *Complaint*. Deny that Plaintiff is entitled to such a declaration. Deny all remaining allegations.

7 **COUNT TWO**

8 **Declaratory Judgment of Invalidity of the '073 Patent**

9           48. Optima repeats and restates the statements of paragraphs 1-47 above as if fully  
10 set forth herein.

11           49. Deny that Optima made an "unreasonable" licensing demand of Plaintiff. Admit  
12 with respect to Optima. Deny that OTC has any right or interest in the Patents. Deny all  
13 remaining allegations.

14           50. Deny.

15           51. Admit that Plaintiff seeks a declaration as described in Paragraph 51 of the  
16 *Complaint*. Deny that Plaintiff is entitled to such a declaration. Deny all remaining allegations.

17 **COUNT THREE**

18 **Declaratory Judgment of Non-Infringement of the '724 Patent**

19           52. Optima repeats and restates the statements of paragraphs 1-51 above as if fully  
20 set forth herein.

21           53. Deny that Optima made an "unreasonable" licensing demand of Plaintiff.  
22 Otherwise admit with respect to Optima. Deny that OTC has any right or interest in the  
23 Patents. Deny all remaining allegations.

24           54. Deny.

25           55. Admit that Plaintiff seeks a declaration as described in Paragraph 55 of the  
26 *Complaint*. Deny that Plaintiff is entitled to such a declaration. Deny all remaining allegations.

1 **COUNT FOUR**

2 **Declaratory Judgment of Invalidity of the '724 Patent**

3 56. Optima repeats and restates the statements of paragraphs 1-55 above as if fully  
4 set forth herein.

5 57. Deny that Optima made an "unreasonable" licensing demand of Plaintiff. Admit  
6 with respect to Optima. Deny that OTC has any right or interest in the Patents. Deny all  
7 remaining allegations.

8 58. Deny.

9 59. Admit that Plaintiff seeks a declaration as described in Paragraph 59 of the  
10 *Complaint*. Deny that Plaintiff is entitled to such a declaration. Deny all remaining allegations.

11 **COUNTS FIVE THROUGH SEVEN**

12 Defendant Optima has contemporaneously filed a *Motion to Dismiss* seeking to dismiss  
13 Counts Five through Seven of the *Complaint* against it for failure to state a claim. As such,  
14 Defendant Optima will amend this *Answer* and respond to Counts V, VI and/or VII of the  
15 *Complaint* at such time, and to the extent that, the Court herein denies that *Motion* in whole or  
16 in part. *See* Rule 12(a)(4), Fed.R.Civ.P.

17 **GENERAL DENIAL**

18 Defendant Optima denies each allegation of Plaintiff's *Complaint* not specifically  
19 admitted herein.

20 **EXCEPTIONAL CASE**

21 This is an exceptional case under 35 U.S.C. § 285 in which Defendant Optima is entitled  
22 to its attorneys' fees and costs incurred in connection Plaintiff's stated claims in bringing this  
23 action.

24 **AFFIRMATIVE DEFENSES**

25 Defendant Optima asserts all available affirmative defenses under Rule 8(c),  
26 Fed.R.Civ.P., including but not limited to those specifically designated as follows (Defendant

1 Optima hereby reserves the right to amend this *Answer* at any time that discovery, disclosure  
2 or additional events reveal the existence of additional affirmative defenses):

3 1. With respect to Counts V, VI and VII of the *Complaint*, Defendant Optima  
4 asserts those Rule 12(b)(6) defenses raised in its contemporaneously filed *Motion to Dismiss*  
5 including but not limited to: waiver; failure to plead in accordance with the standards  
6 expressed under *Bell Atlantic Corp. v. Twombly*, \_\_\_ U.S. \_\_\_, 127 S.Ct. 1955 (2007); failure  
7 to establish Article III standing; lack of jurisdiction; inapplicability of California law to  
8 Optima; and failure to establish "unlawful" or "fraudulent" conduct as a predicate act to a claim  
9 of California statutory Unfair Competition (California Business and Professions code § 17200  
10 *et seq*);

- 11 2. Laches;  
12 3. Waiver; and,  
13 4. Estoppel.

14 **JURY TRIAL DEMAND**

15 Defendant Optima demands a jury trial on all claims and issues to be litigated in this  
16 matter.

17 **PRAYER FOR RELIEF**

18 WHEREFORE Defendant Optima requests that the Court enter judgment in its favor on  
19 Plaintiff's claims, deny Plaintiff any relief herein, grant Optima its attorneys' fees and costs  
20 pursuant to applicable law, including but not limited to 35 U.S.C. § 285, and grant Optima such  
21 other and further relief as the Court deems reasonable and just.

22 **COUNTERCLAIMS, CROSS-CLAIMS & THIRD-PARTY CLAIMS<sup>3</sup>**

23 Counterclaimant/Cross-Claimant/Third-Party Plaintiff Optima brings this civil action  
24 against Counterdefendant Universal Avionics Systems Corporation ("UAS"), against

25 \_\_\_\_\_  
26 <sup>3</sup> Except where otherwise noted, all capitalized terms herein are as defined in the  
foregoing *Amended Answer*.

1 Cross-Defendant Optima Technology Corporation, a corporation (“OTC”), and against  
2 Third-Party Defendants Joachim L. Naimer and Jane Doe Naimer, husband and wife, and Frank  
3 E. Hummel and Jane Doe Hummel.

4 **THE PARTIES**

- 5 1. Counterclaimant Optima is, and at all times relevant hereto has been, a Delaware  
6 corporation engaged in the business of the design, conception and invention of synthetic  
7 vision systems. Optima is the owner of the '073 patent and '724 patent.
- 8 2. Counterdefendant UAS is, upon information and belief, an Arizona corporation who is  
9 headquartered and does business in Arizona.
- 10 3. Cross-Defendant Optima Technology Corporation (“OTC”) is, upon information and  
11 belief, a California corporation.
- 12 4. Third-Party Defendants Joachim L. Naimer and Jane Doe Naimer (individually and  
13 collectively "Naimer") are, upon information and belief, husband and wife who reside  
14 in California. At all times relevant hereto, Naimer was acting for the benefit of his  
15 marital community, and was acting as an agent, employee, servant and/or authorized  
16 representative of UAS, and within the course and scope of such agency, employment,  
17 service and/or representation. Upon information and belief Naimer is the President and  
18 Chief Executive Officer of UAS.
- 19 5. Third-Party Defendants Frank E. Hummel and Jane Doe Hummel (individually and  
20 collectively "Hummel") are, upon information and belief, husband and wife who reside  
21 in Washington. At all times relevant hereto, Hummel was acting for the benefit of his  
22 marital community, and was acting as an agent, employee, servant and/or authorized  
23 representative of UAS, and within the course and scope of such agency, employment,  
24 service and/or representation. Upon information and belief, Hummel is an officer or  
25 managing agent of UAS. Upon information and belief, Hummel is the Vice  
26 President/General Manager of Engineering Research and Development for UAS.

1 6. Upon information and belief, UAS, Naimer, and Hummel have transacted business in  
2 and/or committed one or more acts in Arizona which give rise to the claims herein.

3 **JURISDICTION AND VENUE**

4 7. The statements of all of the foregoing paragraphs are incorporated herein by reference  
5 as if fully set forth herein.

6 8. The Counterclaim, Cross-Claim and Third-Party Claim include claims for patent  
7 infringement and for declaratory judgment relating to ownership/rights in patents, which  
8 arise under the United States Patent Laws, 35 U.S.C. §101 et seq. The amount in  
9 controversy is in excess of \$1,000,000.

10 9. Jurisdiction of this Court is pursuant to 28 U.S.C. §§ 1331, 1367, 1338(a) and (b), and  
11 2201 *et seq.*

12 **FACTS**

13 10. The statements of all of the foregoing paragraphs are incorporated herein by reference  
14 as if fully set forth herein.

15 11. Upon information and belief, with actual and/or constructive knowledge of the Patents  
16 UAS has sold and/or manufactured and/or used and/or advertised/promoted one or more  
17 products including those products designated by UAS as the Vision-1, UNS-1 and  
18 TAWS Terrain and Awareness & Warning systems all of which infringe one or the  
19 other of the Patents in suit ("Infringing Products").

20 12. Optima informed UAS that the Infringing Products infringed upon the Patents prior to  
21 the filing of the *Complaint* herein. Upon information and belief, despite such  
22 notification UAS has continued to sell and/or manufacture and/or use and/or  
23 advertise/promote the Infringing Products.

24 13. Upon information and belief:  
25 a. Naimer was the moving force who originated UAS's concept of the Infringing  
26 Products; and/or

- 1           b.     Naimer was and is the Chief Executive Officer of UAS, thereby controlling UAS  
2                     and its actions, including UAS's decision to create, develop, manufacture,  
3                     market and sell the Infringing Products; and/or
- 4           c.     Naimer knew and/or should have known of the Patents prior to this lawsuit;  
5                     and/or
- 6           d.     Naimer knew of Optima's allegations that UAS infringed upon the Patents prior  
7                     to this lawsuit; and/or
- 8           e.     Naimer knew of UAS's actions in the nature of those described in Paragraphs 25,  
9                     31 and 33 of the *Complaint* and participated in and/or directed those UAS  
10                    actions/efforts; and/or
- 11          f.     It was at all times within Naimer's authority and/or ability to stop UAS's  
12                    continued design, development, manufacturing, marketing and selling of the  
13                    Infringing Products but, after Naimer knew of the Patents, the allegations that  
14                    UAS infringed on the Patents and/or UAS's actions in the nature of those  
15                    described in Paragraphs 25, 31 and 33 of the *Complaint*, he did not stop UAS's  
16                    continued design, development, manufacturing, marketing and selling of the  
17                    Infringing Products; and/or
- 18          g.     It was at all times within Naimer's authority and/or ability to direct UAS to  
19                    redesign, revise and/or redevelop the Infringing Products such that they would  
20                    no longer infringe on the Patents but, after Naimer knew of the Patents, the  
21                    allegations that UAS infringed on the Patents and/or UAS's actions in the nature  
22                    of those described in Paragraphs 25, 31 and 33 of the *Complaint*, he did not  
23                    direct UAS to redesign, revise and/or redevelop the Infringing Products such that  
24                    they would no longer infringe on the Patents; and/or
- 25          h.     Naimer has continued to direct UAS's design, development, manufacturing,  
26                    marketing and selling of the Infringing Products while knowing and/or intending

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for UAS to infringe on the Patents.

14. Upon information and belief:

- a. Hummel was and is the Vice President/General Manager of Engineering Research and Development of UAS, thereby controlling UAS's design, development and/or manufacture of the Infringing Products; and/or
- b. Hummel was intimately involved in UAS's design and/or development of the Infringing Products; and/or
- c. Hummel knew and/or should have known of the Patents prior to this lawsuit; and/or
- d. Hummel knew of Optima's allegations that UAS infringed upon the Patents prior to this lawsuit; and/or
- e. Hummel knew of UAS's actions in the nature of those described in Paragraphs 25, 31 and 33 of the *Complaint* and participated in and/or directed those UAS actions/efforts; and/or
- f. It was at all times within Hummel's authority and/or ability to stop UAS's continued design, development and/or manufacturing of the Infringing Products but, after Hummel knew of the Patents, the allegations that UAS infringed on the Patents and/or UAS's actions in the nature of those described in Paragraphs 25, 31 and 33 of the *Complaint*, he did not stop UAS's continued design, development and/or manufacturing of the Infringing Products; and/or
- g. It was at all times within Hummel's authority and/or ability to direct UAS to redesign, revise and/or redevelop the Infringing Products such that they would no longer infringe on the Patents but, after Naimer knew of the Patents, the allegations that UAS infringed on the Patents and/or UAS's actions in the nature of those described in Paragraphs 25, 31 and 33 of the *Complaint*, he did not direct UAS to redesign, revise and/or redevelop the Infringing Products such that

- 1                   they would no longer infringe on the Patents; and/or
- 2           h.     Hummel has continued to direct UAS's design, development and/or
- 3           manufacturing of the Infringing Products while knowing and/or intending for
- 4           UAS to infringe on the Patents.
- 5 15.    UAS and Optima entered into the contract attached as Exhibit 8 to the *Complaint* herein
- 6           (hereinafter the "Contract"). Pursuant to and under the terms of the Contract, Optima
- 7           provided to UAS a confidential power of attorney (hereinafter the "Power of Attorney")
- 8           that Jed Margolin ("Margolin"), as the inventor and then-owner of the Patents, had
- 9           previously executed. The Power of Attorney provided, *inter alia*, that Margolin
- 10          appointed "Optima Technology Inc. - Robert Adams CEO" as his attorney-in-fact with
- 11          respect to (*inter alia*) the Patents. Under its express terms, the Power of Attorney could
- 12          only be exercised by "Optima Technology Inc. - Robert Adams CEO" and could only
- 13          be exercised by a signature in the following form: "Jed Margolin by Optima
- 14          Technology, Inc., c/o Robert Adams, CEO his attorney in fact." Optima had not and has
- 15          not at any time placed the Power of Attorney in the public domain or otherwise provided
- 16          a copy of it, or made it available, to OTC.
- 17 16.    UAS, through its duly authorized agents, employees and/or attorneys, provided the
- 18          Power of Attorney (or a copy thereof) to OTC principal, director, officer and/or agent
- 19          Gholamreza Zandianjazi a/k/a Reza Zandian ("Zandian"). As of that time, neither
- 20          Zandian nor OTC had ever received, been privy to, obtained or had knowledge of the
- 21          Power of Attorney.
- 22 17.    OTC does not have, and has never had, any right, interest or valid claim to any right,
- 23          title or interest in or to either the Patents or the Power of Attorney.
- 24 18.    UAS, by and through its authorized agents and attorneys Scott Bornstein ("Bornstein")
- 25          and/or Greenberg Traurig, LLP ("GT"), informed, directed, advised, assisted,
- 26          associated, agreed, conspired and/or engaged in a mutual undertaking with

- 1 Zandian/OTC to record the Power of Attorney with the U.S. Patent and Trademark  
2 Office ("PTO") in the name of OTC.
- 3 19. UAS knew or should have known that the Power of Attorney could not be rightfully  
4 exercised by OTC/Zandian and/or recorded with the PTO as:
- 5 a. UAS had been advised and/or knew that OTC was a different corporate entity  
6 than "Optima Technology, Inc" as listed in the Power of Attorney; and/or  
7 b. UAS had been advised and/or knew that "Robert Adams" was not an agent or  
8 employee of OTC and, thus, the Power of Attorney could not be rightfully  
9 exercised by Zandian on behalf of OTC; and/or  
10 c. UAS had been advised and/or knew that OTC had no right or interest whatsoever  
11 in the Patents or the Power of Attorney.
- 12 20. Based upon the information, direction, advice and assistance of UAS, Zandian/OTC  
13 proceeded to publish and record the Power of Attorney to and with the PTO (in  
14 Virginia) as a document in support of a claim of assignment of the Patents to OTC (the  
15 "Assignment"). As a result thereof, the Assignment/Power of Attorney have become  
16 part of the public PTO record on which the U.S. Patent Office, the public and third  
17 parties rely for information regarding title to the Patents.
- 18 21. Robert Adams and Optima did not execute, record or authorize the execution or  
19 recording of any documents purporting to assign or transfer title and/or any interest in  
20 the Patents to OTC with the PTO.
- 21 22. Upon information and belief, Zandian executed such documents by (*inter alia*) utilizing  
22 his signature on behalf of OTC and mis-stating that Zandian/OTC was exercising the  
23 Power of Attorney as the "attorney in fact" of Margolin.
- 24 23. Had UAS not provided the Power of Attorney to Zandian/OTC, OTC would not have  
25 been able to record it as a purported Assignment with the PTO.
- 26 24. The recording of the Assignment and Power of Attorney with the PTO:

- 1 a. Are circumstances under which reliance upon such recordings by a third person  
2 is reasonably foreseeable as the open public records of the PTO are regularly and  
3 normally referred to and/or relied upon by persons in determining legal rights  
4 with respect to patents (including assignments, transfers of rights and licenses  
5 relating thereto), and evaluating such rights with respect to valuation, negotiation  
6 and purchase of rights with respect to patents (including assignments, transfers  
7 of rights and licenses relating thereto); and/or  
8 b. Create a cloud of title, an impairment of vendibility, and/or an appearance of  
9 lessened desirability for purchase, lease, license or other dealings with respect  
10 to the Patents and/or Power of Attorney; and/or  
11 c. Prevent and/or impair sale and/or licensing of the Patents; and/or  
12 d. Otherwise impair and/or lessen the value of the Patents and/or any licenses to be  
13 issued with respect to them; and/or  
14 e. Cast doubt upon the extent of Optima's interests in the Patents and/or under the  
15 Power of Attorney relating thereto and/or upon Optima's power to make an  
16 effective sale, assignment, license or other transfer of rights relating thereto;  
17 and/or  
18 f. Caused damage and harm to Optima; and/or  
19 g. Reasonably necessitated and/or forced Optima to prepare and record documents  
20 with the PTO attempting to correct the public record regarding Optima's rights  
21 with respect to the Patents and/or the Power of Attorney for which Optima  
22 incurred substantial expenses (attorneys' fees and costs) in the preparation and  
23 recording thereof; and/or  
24 h. Irrespective of Optima's filings with the PTO, created a continuing cloud of title,  
25 impairment of vendibility, etc. (as discussed in the foregoing paragraphs) and  
26 continuing harm to Optima reasonably necessitating and forcing Optima to bring

- 1                   its declaratory judgment cross-claim against OTC herein to declare and establish  
2                   true and proper title to the Patents, for which Optima has incurred and will incur  
3                   substantial expenses (attorneys' fees and costs) in the prosecution thereof.
- 4 25.    Upon information and belief, UAS provided additional information to Zandian/OTC  
5           regarding, or of the same nature as that discussed in, Paragraph 33 of and Exhibits 14,  
6           15 and 17 to the *Complaint* herein.
- 7 26.    UAS made the disclosures (*inter alia*) as acknowledged in its *Complaint* herein.
- 8 27.    Upon information and belief, UAS also made the disclosures alleged in Paragraph 34  
9           of, and in Exhibit 12 attached to, the *Complaint*.
- 10 28.    By filing its *Complaint* as part of the open public record in this case, UAS disclosed the  
11           content thereof and the Exhibits attached thereto.
- 12 29.    The actions of UAS and OTC herein were motivated by spite, malice and/or ill-will  
13           toward Optima and were for the purpose of and/or were intended to intermeddle with,  
14           interfere with, trespass upon and/or cause harm to Optima's rights in the Patents and/or  
15           under the Power of Attorney, and/or with knowledge that such intermeddling,  
16           interference, trespass and/or harm was substantially certain to occur.
- 17 30.    Upon information and belief, OTC intends to continue to compete, interfere, and/or  
18           attempt to compete and/or interfere with Optima regarding the Patents and/or the Power  
19           of Attorney. At this time, however, Optima is unaware of any actual attempts yet made  
20           by OTC to purportedly license, sell or otherwise transfer rights regarding the Patents  
21           under its purported Assignment/Power of Attorney (as recorded with the PTO). If and  
22           when Optima becomes aware of such actions, it will timely seek to amend and  
23           supplement the Counterclaims, Cross-Claims, Third-Party Claims and/or remedies  
24           herein as necessary and applicable.
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**COUNT 1**

**PATENT INFRINGEMENT**

- 31. The statements of all of the foregoing paragraphs are incorporated herein by reference as if fully set forth herein.
- 32. This is a cause of action for patent infringement under 35 U.S.C. § 271 *et seq.* At all relevant times, UAS had actual and constructive knowledge of the Patents in suit including the scope and claim coverage thereof.
- 33. UAS's aforesaid activities constitute a direct, contributory and/or inducement of infringement of the aforesaid patents in violation of 35 U.S.C. § 271 *et seq.* UAS's aforesaid infringement is and has, at all relevant times, been willful and knowing.
- 34. Naimer and Hummel, through their forgoing actions, actively aided and abetted and knowingly and/or intentionally induced, and specifically intended to induce, UAS's direct infringement despite their knowledge of the Patents.
- 35. Optima has suffered and will continue to suffer immediate and ongoing irreparable and actual harm and monetary damage as a result of UAS's, Naimer's and Hummel's willful patent infringement in an amount to be proven at trial.

**COUNT 2**

**BREACH OF CONTRACT**

- 36. The statements of all of the foregoing paragraphs are incorporated herein by reference as if fully set forth herein.
- 37. This is a cause of action for breach of contract against UAS pursuant to Arizona law.
- 38. UAS's actions constitute one or more breaches of the contract attached as Exhibit 8 to the *Complaint* herein.
- 39. As a result thereof, Optima has suffered and will continue to suffer immediate and ongoing harm and monetary damage in an amount to be proven at trial.

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**COUNT 3**

**BREACH OF THE IMPLIED COVENANT  
OF GOOD FAITH AND FAIR DEALING**

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40. The statements of all of the foregoing paragraphs are incorporated herein by reference as if fully set forth herein.
41. This is a cause of action for breach of the implied covenant of good faith and fair dealing against UAS pursuant to Arizona law.
42. Under Arizona law, every contract contains an implied covenant of good faith and fair dealing.
43. UAS's actions constitute one or more breaches of covenant of good faith and fair dealing present and implied in the contract attached as Exhibit 8 to the *Complaint* herein.
44. As a result thereof, Optima has suffered and will continue to suffer immediate and ongoing harm and monetary damage in an amount to be proven at trial.

**COUNT 4**

**NEGLIGENCE**

45. The statements of all of the foregoing paragraphs are incorporated herein by reference as if fully set forth herein.
46. This is an cause of action for negligence against UAS pursuant to the law of New York, Delaware, California, Virginia or Arizona.
47. UAS owed a duty of care to Optima as a result of Exhibit 8 to the *Complaint* herein, and the obligations created therein and/or relating thereto.
48. UAS breached these duties through its foregoing actions as alleged herein, including but not limited to:
- a. UAS's inclusion in an openly-accessible public record the allegations of its *Complaint*; and/or



1 invalid and void, and ordering the PTO to correct and expunge its records with respect  
2 to any such claim made by OTC.

3 **COUNT 6**

4 **INJURIOUS FALSEHOOD/SLANDER OF TITLE**

5 56. The statements of all of the foregoing paragraphs are incorporated herein by reference  
6 as if fully set forth herein.

7 57. This is a cause of action for injurious falsehood and/or slander of title against OTC and  
8 UAS pursuant to the law of New York, Delaware, California, Virginia or Arizona.

9 58. The actions of OTC and/or UAS, as alleged above:

10 a. Are/were false and/or disparaging statement(s) and/or publication(s) resulting in  
11 an impairment of vendibility, cloud of title and/or a casting of doubt on the  
12 validity of Optima's right of ownership in the Patents and/or rights under the  
13 Power of Attorney; and/or

14 b. Are/were an effort to persuade third parties from dealing with Optima, and/or to  
15 harm to interests of Optima, regarding the Patents and/or the Power of Attorney;  
16 and/or

17 c. Are/were actions for which OTC and UAS foresaw and/or should have  
18 reasonably foreseen that the false and/or disparaging statement(s) and/or  
19 publication(s) would likely determine the conduct of a third party with respect  
20 to, or would otherwise cause harm to Optima's pecuniary interests with respect  
21 to, the purchase, license or other business dealings regarding Optima's right in  
22 the Patents and/or rights under the Power of Attorney; and/or

23 d. Are/were with knowledge that the statement(s) and/or publication(s) was/were  
24 false; and/or

25 e. Are/were with knowledge of the disparaging nature of the statements; and/or

26 f. Are/were in reckless disregard of the truth or falsity of the statement(s) and/or

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publication(s); and/or

g. Are/were in reckless disregard with being in the nature of disparagement(s); and/or

h. Are/were motivated by ill will toward Optima; and/or

i. Are/were motivated by an intent to injure Optima; and/or

j. Are/were committed with an intent to interfere in an unprivileged manner with Optima's interests; and/or

k. Are/were committed with negligence regarding the truth or falsity of the statement and/or publication and/or with being in the nature of a disparagement.

59. As a result thereof, Optima has suffered and will continue to suffer immediate and ongoing harm and monetary damage in an amount to be proven at trial.

**COUNT 7**

**TRESPASS TO CHATTELS**

60. The statements of all of the foregoing paragraphs are incorporated herein by reference as if fully set forth herein.

61. This is a cause of action for trespass to chattels against OTC and UAS pursuant to the law of New York, Delaware, California, Virginia or Arizona.

62. The actions of OTC and/or UAS, as alleged above:

a. Are/were intentional physical, forcible and/or unlawful interference with the use and enjoyment of rights to the Patents and/or Power of Attorney possessed by Optima without justification or consent; and/or

b. Are/were possession of and/or the exercise of dominion over rights to the Patents and/or Power of Attorney possessed by Optima without justification or consent; and/or

c. Are/were intentional use and/or intermeddling with rights to the Patents and/or Power of Attorney possessed by Optima without authorization; and/or

- 1 d. Resulted in deprivation of Optima's use of and/or rights in the Patents and/or  
2 Power of Attorney for a substantial time; and/or  
3 e. Resulted in impairment of the condition, quality and/or value of Optima's use of  
4 and/or rights in the Patents and/or Power of Attorney; and/or  
5 f. Resulted in harm to the legally protected interests of Optima.  
6 63. As a result thereof, Optima has suffered and will continue to suffer immediate and  
7 ongoing harm and monetary damage in an amount to be proven at trial.

8 **COUNT 8**

9 **UNFAIR COMPETITION**

- 10 64. The statements of all of the foregoing paragraphs are incorporated herein by reference  
11 as if fully set forth herein.  
12 65. This is a cause of action for unfair competition against OTC and UAS pursuant to the  
13 common law of New York, Delaware, California, Virginia or Arizona.  
14 66. The actions of OTC and/or UAS, as alleged above:  
15 a. Are/were an unfair invasion and/or infringement of Optima's property rights of  
16 commercial value with respect to the Patents and/or the Power of Attorney;  
17 and/or  
18 b. Are/were a misappropriation of a benefit and/or property right belonging to  
19 Optima with respect to the Patents and/or the Power of Attorney; and/or  
20 c. Are/were a deceit and/or fraud upon the public with respect to the true ownership  
21 and other rights of Optima relating to the Patents and/or the Power of Attorney;  
22 and/or  
23 d. Are/were likely to cause confusion of the public with respect to the true  
24 ownership and other rights of Optima relating to the Patents and/or the Power of  
25 Attorney; and/or  
26 e. Will cause and/or are likely to cause an unfair diversion of trade whereby any

1 potential purchaser of a license or other rights from OTC with respect to the  
2 Patents and/or Power of Attorney will be cheated into the purchase of something  
3 which it is not in fact getting; and/or

4 f. Are likely to divert the trade of Optima; and/or

5 g. Are likely to cause substantial and irreparable harm to Optima.

6 67. As a result thereof, Optima has suffered and will continue to suffer immediate and  
7 ongoing harm and monetary damage in an amount to be proven at trial.

8 **COUNT 9**

9 **UNFAIR AND DECEPTIVE COMPETITION/BUSINESS PRACTICES**

10 68. The statements of all of the foregoing paragraphs are incorporated herein by reference  
11 as if fully set forth herein.

12 69. This is a cause of action for unfair and deceptive competition/business practices against  
13 OTC and UAS pursuant to the statutory law of Delaware, 6 Del.C. §2531 *et seq.* to the  
14 extent such statutory scheme applies in this matter.

15 70. The actions of OTC and/or UAS, as alleged above:

16 a. Are/were those of a person engaged in a course of a business, vocation, or  
17 occupation; and/or

18 b. Constitute a deceptive trade practice; and/or

19 c. Cause a likelihood of confusion or of misunderstanding as to affiliation,  
20 connection, or association with, or certification by, another; and/or

21 d. Represent that goods or services have sponsorship, approval, characteristics,  
22 ingredients, uses, benefits, or quantities that they do not have, or that a person  
23 has a sponsorship, approval, status, affiliation, or connection that the person does  
24 not have; and/or

25 e. Represent that goods or services are of a particular standard, quality, or grade,  
26 or that goods are of a particular style or model, if they are of another; and/or

- 1 f. Disparage the goods, services, or business of another by false or misleading  
2 representation of fact; and/or  
3 g. Were conduct which similarly creates a likelihood of confusion or of  
4 misunderstanding.
- 5 71. As a result thereof, Optima has suffered and will continue to suffer immediate and  
6 ongoing harm and monetary damage in an amount to be proven at trial.
- 7 72. To the extent Optima is entitled to damages under Delaware common-law it is further  
8 entitled to treble damages pursuant to 6 Del.C. §2533(c).
- 9 73. Optima is entitled to injunctive relief pursuant to 6 Del.C. §2533(a).
- 10 74. The acts were a willful deceptive trade practice entitling Optima to its attorneys' fees  
11 and costs pursuant to 6 Del.C. §2533(b).
- 12 75. This matter is an "exceptional" case also entitling Optima to its attorneys fees pursuant  
13 to 6 Del.C. §2533(b).

14 **COUNT 10**

15 **UNLAWFUL CONSPIRACY TO INJURE TRADE OR BUSINESS**

- 16 76. The statements of all of the foregoing paragraphs are incorporated herein by reference  
17 as if fully set forth herein.
- 18 77. This is a cause of action for unlawful conspiracy to injure trade or business against OTC  
19 and UAS pursuant to the statutory law of Virginia, Va. Code Ann. § 18.2-499 and  
20 § 18.2-500, to the extent such statutory scheme applies in this matter.
- 21 78. The actions of OTC and UAS, as alleged above, were those of two or more persons who  
22 combined, associated, agreed, mutually undertook and/or acted in concert together for  
23 the purpose of willfully and maliciously injuring Optima and its trade and/or business.
- 24 79. As a result thereof, Optima has suffered and will continue to suffer immediate and  
25 ongoing harm and monetary damage in an amount to be proven at trial.
- 26 80. Optima is entitled to treble damages plus attorneys' fees and costs under Va. Code

1 Ann. § 18.2-500,

2 **COUNT 11**

3 **UNFAIR AND DECEPTIVE COMPETITION/BUSINESS PRACTICES**

4 81. The statements of all of the foregoing paragraphs are incorporated herein by reference  
5 as if fully set forth herein.

6 82. This is a cause of action for unfair and deceptive competition/business practices against  
7 OTC and UAS pursuant to the statutory law of California, California Business and  
8 Professions Code § 17200 *et. seq.*, to the extent such statutory scheme applies in this  
9 matter.

10 83. The actions of OTC and/or UAS, as alleged above, constitute one or more unlawful,  
11 unfair or fraudulent business acts or practices including but not limited to the following:

12 a. The acts/practices are/were “fraudulent” as they are/were untrue and/or are/were  
13 likely to deceive the public; and/or

14 b. The acts/practices are/were “unfair” as they constituted conduct that significantly  
15 threatens or harms competition; and/or

16 c. The acts/practices are/were “unfair” as they constitute conduct that offends an  
17 established public policy or when the practice is immoral, unethical, oppressive,  
18 unscrupulous or substantially injurious to consumers; and/or

19 d. The acts/practices are/were “unlawful” as they are/were in violation of the  
20 common-law duties that were owed to Optima; and/or

21 e. The acts/practices are/were “unlawful” as they are/were in violation of the legal  
22 principles expressed in the other Counts herein; and/or

23 f. The acts/practices are/were “unlawful” as they are/were in committed violation  
24 of Va. Code Ann. § 18.2-172 (a class 5 felony); and/or

25 g. The acts/practices are/were “unlawful” as they are/were in committed violation  
26 of Va. Code Ann. § 18.2-499 (a class 1 misdemeanor).

1 84. As a result thereof, Optima has suffered and will continue to suffer immediate and  
2 ongoing harm and monetary damage.

3 85. Optima is without an adequate remedy at law.

4 86. Unless enjoined the acts of OTC and UAS will continue to cause further, great,  
5 immediate and irreparable injury to Optima.

6 87. Optima is entitled to injunctive relief and restitutionary disgorgement pursuant to  
7 California Business and Professions Code § 17203.

8 **COUNT 12**

9 **UAS LIABILITY**

10 88. The statements of all of the foregoing paragraphs are incorporated herein by reference  
11 as if fully set forth herein.

12 89. In addition to any other liability existing as to the acts of UAS described herein UAS  
13 is additionally liable under Counts 6-11 herein because:

14 a. OTC acted as the agent and/or servant of UAS; and/or

15 b. UAS aided and abetted the wrongful conduct of OTC through one or more of the  
16 following:

17 i. UAS provided aid to OTC in its commission of a wrongful act that caused  
18 injury to Optima; and/or

19 ii. UAS substantially assisted and/or encouraged OTC in the principal  
20 violation/wrongful act; and/or

21 iii. UAS was aware of its role as part of overall illegal and/or tortious activity  
22 at the time it provided the assistance; and/or

23 iv. UAS reached a conscious decision to participate in tortious activity for  
24 the purpose of assisting OTC in performing a wrongful act; and/or

25 c. UAS engaged in a civil conspiracy with OTC through an agreement to  
26 accomplish an unlawful purpose and/or to accomplish a lawful object by

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unlawful means, one of whom committed an act in furtherance thereof, thereby causing damages to Optima; and/or

- d. UAS and OTC acted in concert; and/or
- e. UAS provided affirmative aid and/or encouragement to the wrongful conduct of OTC; and/or
- f. UAS directed, ordered and/or induced the wrongful conduct of OTC while knowing (or should have known) of circumstances that would have made the conduct tortious if it were UAS's; and/or
- g. UAS advised OTC to commit the wrongful conduct which resulted in a legal wrong and/or harm to Optima; and/or
- h. UAS acted together with OTC to commit the wrongful conduct pursuant to a common design; and/or
- i. UAS knew that the OTC's conduct would constitute a breach of duty and gave substantial assistance or encouragement to OTC so to conduct itself; and/or
- j. UAS gave substantial assistance to OTC in accomplishing a tortious result and UAS's own conduct, separately considered, constitutes a breach of duty to Optima; and/or
- k. UAS knowingly participated in the wrongful action of OTC.

90. As a result thereof, UAS is jointly and severally liable for any such damages awarded to Optima under Counts 6-11 herein.

**COUNT 13**

**PUNITIVE DAMAGES**

91. The statements of all of the foregoing paragraphs are incorporated herein by reference as if fully set forth herein.

92. This is a claim for punitive damages against OTC and UAS pursuant to the common law and/or statutory law of New York, Delaware, California, Virginia or Arizona.

- 1 93. Through their actions referenced herein, OTC and UAS:
- 2 a. Acted with an intent to injure Optima and/or consciously pursued a course of
- 3 conduct knowing that it created a substantial risk of significant harm to Optima;
- 4 and/or
- 5 b. Acted with an "evil hand" guided by an "evil mind"; and/or
- 6 c. Engaged in intentional and deliberate wrongdoing and with character of outrage
- 7 frequently associated with crime; and/or
- 8 d. Engaged in conduct that may be characterized as gross and morally reprehensible
- 9 and of such wanton dishonesty as to imply criminal indifference to civil
- 10 obligations; and/or
- 11 e. Acted with conduct so reckless and wantonly negligent as to be the equivalent
- 12 of a conscious disregard of the rights of others; and/or
- 13 f. Acted with a fraudulent and/or evil motive; and/or
- 14 g. Acted with aggravation and outrage; and/or
- 15 h. Acted with outrageous conduct with evil motive and/or reckless indifference to
- 16 rights of others; and/or
- 17 i. Acted with wilful and/or wanton disregard for the rights of others; and/or
- 18 j. Were aware of probable dangerous consequences of their conduct and willfully
- 19 and deliberately failed to avoid those consequences; and/or
- 20 k. Acted with the intent to vex, injury or annoy, or with a conscious disregard of the
- 21 right of others; and/or
- 22 l. Engaged in reprehensible and/or fraudulent conduct; and/or
- 23 m. Acted in blatant violation of law or policy; and/or
- 24 n. Acted with extreme indifference to the rights of others; and/or
- 25 o. Are guilty of oppression, fraud and/or malice, as defined by and pursuant to
- 26 Cal.Civ.Code § 3294; and/or

- 1 p. Acted with wilful and wanton conduct so as to evince a conscious disregard of
- 2 the rights of others; and/or
- 3 q. Acted with recklessness and/or negligence so as to evince a conscious disregard
- 4 of the rights of others; and/or
- 5 r. Engaged in malicious conduct; and/or
- 6 s. Engaged in misconduct and/or actual malice.
- 7 94. As a result thereof, Optima is entitled to an award of punitive damages against OTC and
- 8 UAS herein in an amount to be determined by a jury.

9 **EXCEPTIONAL CASE**

10 This is an exceptional case under 35 U.S.C. § 285 in which Counterclaimant and  
11 Cross-Claimant Optima is entitled to its attorneys' fees and costs incurred in connection with  
12 this action.

13 **JURY TRIAL DEMAND**

14 Counterclaimant Optima demands a jury trial on all claims and issues to be litigated in  
15 this matter.

16 **PRAYER FOR RELIEF**

17 WHEREFORE Optima requests that the Court enter judgment in favor of Optima, and  
18 against UAS, OTC, Naimer, and Hummel, on the Counterclaims, Cross-Claims and Third-Party  
19 Claims, as follows:

- 20 1. Declaring that the Infringing Products, and all other of UAS's products shown to be
- 21 encompassed by one or more claims of the asserted Patents infringe said Patents;
- 22 2. Awarding Optima its monetary damages, and a doubling or trebling thereof, incurred
- 23 as a result of Defendants' willful infringement and unlawful conduct, as provided under
- 24 35 U.S.C. § 284;
- 25 3. Declaring that this is an exceptional case pursuant to 35 U.S.C. § 285 and awarding
- 26 Optima its attorneys fees incurred in having to prosecute this action;

- 1 4. Ordering that all of the Counterdefendants, Crossdefendants and Third-Party  
2 Defendants and all those in active concert or privity with them be temporarily,  
3 preliminarily and permanently enjoined from further infringement of U.S. Patent No.  
4 5,566,073 (the '073 patent) and U.S. Patent No. 5,904,724 (the '724 patent);
- 5 5. Awarding Optima its actual, special, compensatory, economic, punitive and other  
6 damages, including but not limited to:
  - 7 a. A reasonable royalty and/or lost profits attributable to defendants' past, present  
8 and ongoing infringement of the Patents;
  - 9 b. The reduced value of the Patents and/or licenses with respect thereto;
  - 10 c. Optima's attorneys' fees and costs incurred in preparing and recording filings  
11 with the PTO; and
  - 12 d. Optima's ongoing attorneys' fees and costs incurred in filing and prosecuting the  
13 cross-claims against OTC herein to establish the invalidity, void nature, etc., of  
14 its filing of the Assignment with the PTO and claim of any right or interest in the  
15 Power of Attorney and/or the Patents, and to otherwise remove the cloud of title,  
16 impairment of vendibility, etc., with respect to Optima's rights in the Patents  
17 and/or the Power of Attorney;
- 18 6. Declaring that OTC has no interest or right in the Patents or the Power of Attorney;
- 19 7. Declaring that the Assignment OTC filed with the PTO is forged, invalid, void, of no  
20 force and effect, should be struck from the records of the PTO, and that the PTO correct  
21 its records with respect to any such claim made by OTC with respect to the Patents  
22 and/or the Power of Attorney;
- 23 8. Enjoining OTC from asserting further rights or interests in the Patents and/or Power of  
24 Attorney;
- 25 9. Enjoining UAS and OTC from further acts of unfair competition;
- 26 10. Granting Optima its attorneys' fees and costs pursuant to applicable law, including but

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not limited to A.R.S. §12-341.01 and § 12-340 and/or the laws of one or more of New York, Virginia, Delaware and/or California;

11. Granting Optima prejudgment and post-judgment interest at the legal rate; and

12. Granting Optima such other and further relief as the Court deems just and proper.

RESPECTFULLY SUBMITTED this 24th day of January, 2008.

CHANDLER & UDALL, LLP

By           /s Edward Moomjian II            
Edward Moomjian II  
Jeanna Chandler Nash  
Attorneys for Defendants Adams, Margolin  
and Optima Technology Inc. a/k/a Optima  
Technology Group, Inc.

**CERTIFICATE OF SERVICE**

I hereby certify that on January 24, 2008, I electronically transmitted the attached document to the Clerk's office using the EM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/DCF registrants:

E. Jeffrey Walsh, Esquire  
Greenberg Traurig, LLP  
2375 East Camelback Road, Suite 700  
Phoenix, Arizona 85016  
*Attorneys for Plaintiff*

Scott Joseph Bornstein, Esquire  
Paul J. Sutton, Esquire  
Allan A. Kassenoff, Esquire  
Greenberg Traurig, LLP  
200 Park Avenue  
New York, New York 10166  
*Attorneys for Plaintiff*

\_\_\_\_\_ s/

Exhibit B

Exhibit B

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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

UNIVERSAL AVIONICS SYSTEMS CORPORATION,

Plaintiff,

vs.

OPTIMA TECHNOLOGY GROUP, INC.,  
OPTIMA TECHNOLOGY CORPORATION, ROBERT ADAMS and  
JED MARGOLIN,

Defendants.

No. CV 07-588-TUC-RCC

**ORDER**

OPTIMA TECHNOLOGY INC. a/k/a  
OPTIMA TECHNOLOGY GROUP, INC.,  
a corporation,

Counterclaimant,

vs.

UNIVERSAL AVIONICS SYSTEMS CORPORATION, an Arizona corporation,

Counterdefendant,

OPTIMA TECHNOLOGY INC. a/k/a  
OPTIMA TECHNOLOGY GROUP, INC.,

Cross-Claimant,

vs.

OPTIMA TECHNOLOGY CORPORATION,

Cross-Defendant.

1 This Court, having considered the Defendants' Application for Entry of Default  
2 Judgment against Cross-Defendant Optima Technology Corporation, finds no just reason to  
3 delay entry of final judgment.

4 Therefore, IT IS HEREBY ORDERED:

5 Final Judgment is entered against Cross-Defendants Optima Technology Corporation,  
6 a California corporation, and Optima Technology Corporation, a Nevada corporation, as  
7 follows:

8 1. Optima Technology Corporation has no interest in U.S. Patents Nos. 5,566,073 and  
9 5,904,724 ("the Patents") or the Durable Power of Attorney from Jed Margolin dated July  
10 20, 2004 ("the Power of Attorney");

11 2. The Assignment Optima Technology Corporation filed with the USPTO is forged,  
12 invalid, void, of no force and effect, and is hereby struck from the records of the USPTO;

13 3. The USPTO is to correct its records with respect to any claim by Optima  
14 Technology Corporation to the Patents and/or the Power of Attorney; and

15 4. OTC is hereby enjoined from asserting further rights or interests in the Patents  
16 and/or Power of Attorney; and

17 5. There is no just reason to delay entry of final judgment as to Optima Technology  
18 Corporation under Federal Rule of Civil Procedure 54(b).

19 DATED this 18<sup>th</sup> day of August, 2008.

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Raner C. Collins  
United States District Judge

Exhibit C

Exhibit C

<b>Section I: Requester/Originator Information</b>							
Name: <u>Jed Margolin</u>		Telephone #: <u>847 7845</u>		Date Wire to be Sent: <u>1/15/08</u>			
Address: <u>1981 Empire Rd</u>		City: <u>Reno</u>		State: <u>NV</u>		Zip: <u>89501</u>	
Customer ID Type	ID#	Issue State/Country	Issue Date	Expiration Date			
1. <u>DL</u>	1. <u>832</u>	1. <u>NV</u>	1. <u>1-6-06</u>	1. <u>2/20/10</u>			
2. <u>BACC</u>		Method of Signature Verification (If Applicable): <u>Sig Card</u>					
<b>Section II: Associate Accepting Wire</b>							
Associate Name: <u>Kmazza</u>		Phone and Fax #: <u>32560216034</u>		Unit Co./CC#: <u>8557</u>		Date: <u>1/15/08</u> Time: <u>1:40</u>	
Callback Required if Phone, Fax or Letter <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A		Name/Number of Person Contacted:		Date/Time:		Approval (required)/Market Approval (if required):	
Callback Completed by:							
<b>Section III: Domestic Payment Instructions</b>							
Amount of Wire: \$ <u>30,000</u>		Debit Account Type (circle one): <u>CHKG</u> SAV ICA GL		Serial # (For ICA/GL) or Repetitive ID#:		Source: <input checked="" type="checkbox"/> OTC <input type="checkbox"/> Fax <input type="checkbox"/> Phone <input type="checkbox"/> Letter	
Account to Debit: <u>[Redacted]</u>		State: <u>NV</u> Available Balance: \$		Account Title: <u>Jed Margolin</u>			
Overdraft Amount: \$		Overdraft Approved by (Name & Signature):		Date:		Wire Fee: \$ <u>25</u>	
<b>Section IV: International Payment Instructions</b> <input type="checkbox"/> Check here if funds must be sent in U.S. Dollars							
USD Amount of Wire: \$		Country:		Rate:		Foreign Currency Code: Foreign Currency Amount:	
Debit Account Type (circle one): <u>CHKG</u> SAV ICA GL		Serial # (For ICA/GL) or Repetitive ID#:		FX Reference ID (if Applicable):		Source: <input type="checkbox"/> OTC <input type="checkbox"/> Fax <input type="checkbox"/> Phone <input type="checkbox"/> Letter	
Account to Debit:		State:		Available Balance: \$		Account Title:	
Overdraft Amount: \$		Overdraft Approved by (Name & Signature):		Date:		Wire Fee: \$	
<b>Section V: Wire Information</b>							
Beneficiary Name: <u>Merrill Lynch</u>				Beneficiary Account # OR IBAN (if IBAN, no further Beneficiary Bank information is required): <u>1011730</u>			
Beneficiary Address: Street:		City:		State:		Country: Zip:	
Beneficiary Bank Name: <u>Mellon Bank</u>				ABA # or SWIFT or National ID: <u>043000261</u>			
Beneficiary Bank Address: Street:		City:		State:		Country: Zip:	
Additional Instructions (Attention To, Phone Advise, Customer Reference, Contact Upon Arrival): <u>F/C to Optima Technology acct 223-07406</u>							
Send Thru Bank/IBK (if available):				ABA # or SWIFT or National ID:			
Send Thru Bank Address: Street:		City:		State:		Country: Zip:	
<b>Section VI: Customer Approval</b>							
I authorize Bank of America to transfer my funds as set forth in the instructions noted herein (including debiting my account if applicable), and agree that such transfer of funds is subject to the Bank of America standard transfer agreement (see reverse side) and applicable fees. If this is a foreign currency wire transfer, I accept the conversion rate provided in Section IV, or, if no rate is entered, the rate provided by Bank of America at the time the wire transfer is sent.							
Customer's Signature: <u>Jed Margolin</u>				Date of Request: <u>1-15-2008</u>			
<b>Section VII: Wire System Entry/Verification</b>							
Wire Entered by: Name/Signature (attach BFT screens prints): <u>Kmazza</u>				BFT System Time: <u>124544</u>		BFT Sequence #: <u>01080115005654</u>	
Print: <u>Kmazza</u>		Signature: <u>Kmazza</u>		Date of Entry and Verification: <u>1-15-08</u>		Verified By (Name/Signature) (Print Verification Screen): <u>Jack Walker</u>	
Print: <u>Jack Walker</u>		Signature: <u>[Signature]</u>		BFT System Time: <u>17:49:27</u>			

Note: Purpose of Wire must be disclosed if sent to an OFAC blocked country - See OFAC in PRO

<b>Section I: Requester/Originator Information</b>					
Name <i>Jed Margolin</i>		Telephone # <i>847-7845</i>		Date Wire to be Sent <i>3-26-08</i>	
Address <i>1981 Empire Rd</i>		City <i>Reno</i>		State Zip <i>NV 89521</i>	
Customer ID Type 1. <i>Driver's Lic</i>	ID# <i>1 8352</i>	Issue State/Country 1. <i>Nevada</i>	Issue Date <i>1-6-06</i>	Expiration Date 1. <i>2/20/10</i>	
2. _____ Method of Signature Verification (If Applicable)					
<b>Section II: Associate Accepting Wire</b>					
Associate Name <i>Janet Saldana</i>		Phone and Fax # <i>775-325-6021</i>	Unit Co#/CC# <i>336/8557</i>	Date <i>3-26-08</i>	Time
Callback Required if Phone, Fax or Letter <input type="checkbox"/> Yes <input type="checkbox"/> N/A		Name/Number of Person Contacted		Date/Time	Approval (required)/Market Approval (if required)
Callback Completed by: _____					
<b>Section III: Domestic Payment Instructions</b>					
Amount of Wire <i>\$ 30,000 -</i>		Debit Account Type (circle one) CHKG <input type="checkbox"/> SAV <input checked="" type="checkbox"/> ICA <input type="checkbox"/> GL <input type="checkbox"/>		Serial # (For ICA/GL) or Repetitive ID#	Source <input checked="" type="checkbox"/> OTC <input type="checkbox"/> Fax <input type="checkbox"/> Phone <input type="checkbox"/> Letter
Account to Debit		State	Available Balance	Account Title <i>Jed Margolin</i>	
Overdraft Amount \$ _____		Overdraft Approved by (Name & Signature)		Date	Wire Fee \$ <i>25 -</i>
<b>Section IV: International Payment Instructions: <input type="checkbox"/> Check here if funds must be sent in US Dollars</b>					
USD Amount of Wire \$ _____		Country	Rate	Foreign Currency Code	Foreign Currency Amount
Debit Account Type (circle one) CHKG <input type="checkbox"/> SAV <input type="checkbox"/> ICA <input type="checkbox"/> GL <input type="checkbox"/>		Serial # (For ICA/GL) or Repetitive ID#		FX Reference ID (If Applicable)	Source <input type="checkbox"/> OTC <input type="checkbox"/> Fax <input type="checkbox"/> Phone <input type="checkbox"/> Letter
Account to Debit		State	Available Balance	Account Title	
Overdraft Amount \$ _____		Overdraft Approved by (Name & Signature)		Date	Wire Fee \$ _____
<b>Section V: Wire Information</b>					
Beneficiary Name <i>Merrill Lynch</i>			Beneficiary Account # OR IBAN (if IBAN, no further Beneficiary Bank information is required) <i>1011730</i>		
Beneficiary Address: Street		City	State	Country	Zip
Beneficiary Bank Name <i>Mellon Bank</i>			ABA # or SWIFT or National ID <i>031223-07406</i>		
Beneficiary Bank Address Street		City	State	Country	Zip <i>043000261</i>
Additional Instructions (Attention To, Phone Advise, Customer Reference, Contact Upon Arrival) <i>F/CR to Optima Technology Group 223-07406</i>					
Send Thru Bank/IBK (if available)			ABA # or SWIFT or National ID		
Send Thru Bank Address Street		City	State	Country	Zip
<b>Section VI: Customer Approval</b>					
I authorize Bank of America to transfer my funds as set forth in the instructions noted herein (including debiting my account if applicable), and agree that such transfer of funds is subject to the Bank of America standard transfer agreement (see reverse side) and applicable fees. If this is a foreign currency wire transfer, I accept the conversion rate provided in Section IV, or, if no rate is entered, the rate provided by Bank of America at the time the wire transfer is sent.					
Customer's Signature: <i>Jed Margolin</i>				Date of Request: <i>3-26-08</i>	
<b>Section VII: Wire System Entry/Verification</b>					
Wire Entered by: Name/Signature (attach BFT screens prints) Print: <i>Janet Saldana</i> Signature: <i>Janet Saldana</i>			BAT Approval Authorization # (if applicable)	BFT System Time <i>15:33:53</i>	BFT Sequence # <i>01080326006579</i>
Date of Entry and Verification		Verified By (Name/Signature) (Print Verification Screen)		BFT System Time	
Print: _____		Signature: _____		BFT System Time	

Note: Purpose of Wire must be disclosed if sent to an OFAC blocked country - See OFAC in PRO

### Section I: Requester/Originator Information

Name <i>Jed Margolin</i>		Telephone # <i>775-847-7845</i>	Date Wire to be Sent <i>6-18-08</i>	
Address <i>1981 Empire Rd</i>		City <i>Reno</i>	State <i>NV</i>	Zip <i>89521-7430</i>
Customer ID Type <i>1. ARIVER License</i>	ID# <i>8352</i>	Issue State/Country <i>1. Nevada</i>	Issue Date <i>1. 01-06-06</i>	Expiration Date <i>1. 02-20-2010</i>
Method of Signature Verification (If Applicable) <i>2. BotA - ATM 5124 EXP 5/2010</i>				

### Section II: Associate Accepting Wire

Associate Name <i>Janet Saldana</i>	Phone and Fax # <i>775-325-6021</i>	Unit Co#/CC# <i>336/8557</i>	Date <i>6-18-08</i>	Time <i>9:32</i>
Callback Required if Phone, Fax or Letter <input type="checkbox"/> Yes <input type="checkbox"/> N/A		Name/Number of Person Contacted	Date/Time	Approval (required)/Market Approval (if required)
Callback Completed by:				

### Section III: Domestic Payment Instructions

Amount of Wire <i>\$ 30,000.-</i>	Debit Account Type (circle one) CHKG <input type="checkbox"/> SAV <input checked="" type="checkbox"/> ICA <input type="checkbox"/> GL <input type="checkbox"/>	Serial # (For ICA/GL) or Repetitive ID#	Source <input type="checkbox"/> Fax <input type="checkbox"/> Phone <input type="checkbox"/> Letter <input checked="" type="checkbox"/> OTC
Account to Debit	State	Available Balance <i>\$ 42,339.52</i>	Account Title <i>Jed Margolin</i>
Overdraft Amount \$	Overdraft Approved by (Name & Signature)		Date <i>6-18-08</i>
			Wire Fee <i>\$ 25.-</i>

### Section IV: International Payment Instructions: Check here if funds must be sent in US Dollars

USD Amount of Wire \$	Country	Rate	Foreign Currency Code	Foreign Currency Amount
Debit Account Type (circle one) CHKG <input type="checkbox"/> SAV <input type="checkbox"/> ICA <input type="checkbox"/> GL <input type="checkbox"/>	Serial # (For ICA/GL) or Repetitive ID#		FX Reference ID (If Applicable)	Source <input type="checkbox"/> Fax <input type="checkbox"/> Phone <input type="checkbox"/> Letter <input type="checkbox"/> OTC
Account to Debit	State	Available Balance	Account Title	
Overdraft Amount \$	Overdraft Approved by (Name & Signature)		Date	Wire Fee \$

### Section V: Wire Information

Beneficiary Name <i>Snell &amp; Wilmer Trust Acct</i>		Beneficiary Account # OR IBAN (if IBAN, no further Beneficiary Bank information is required) <i>411-9025</i>		
Beneficiary Address: Street	City	State	Country	Zip
Beneficiary Bank Name <i>J.P. Morgan Chase NA/Phoenix Trust Acct</i>		ABA # or SWIFT or National ID <i>021000021</i>		
Beneficiary Bank Address: Street	City	State	Country	Zip
Additional Instructions (Attention To, Phone Advise, Customer Reference, Contact Upon Arrival) <i>ATTN: Jeff Willis Client: Optima Technology Group/Jed Margolin</i>				
Send Thru Bank/IBK (if available)		ABA # or SWIFT or National ID		
Send Thru Bank Address: Street	City	State	Country	Zip

### Section VI: Customer Approval

I authorize Bank of America to transfer my funds as set forth in the instructions noted herein (including debiting my account if applicable), and agree that such transfer of funds is subject to the Bank of America standard transfer agreement (see reverse side) and applicable fees. If this is a foreign currency wire transfer, I accept the conversion rate provided in Section IV, or, if no rate is entered, the rate provided by Bank of America at the time the wire transfer is sent.

Customer's Signature: *Jed Margolin* Date of Request: *6-18-08*

### Section VII: Wire System Entry/Verification : BAT Approval Authorization # (if applicable)

Wire Entered by: Name/Signature (attach BFT screens prints) <i>Janet Saldana</i>	BFT System Time <i>12.02.51</i>	BFT Sequence # <i>01080618004513</i>
Date of Entry and Verification	Verified By (Name/Signature) (Print Verification Screen) <i>Janet Saldana</i>	BFT System Time
Print:	Signature:	

Note: Purpose of Wire must be disclosed if sent to an OFAC blocked country - See OFAC in PRO

1 Matthew D. Francis (6978)  
2 Cassandra P. Joseph (9845)  
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*

ORIGINAL

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BY \_\_\_\_\_ CLERK  
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**In The First Judicial District Court of the State of Nevada**  
**In and for Carson City**

JED MARGOLIN, an individual,  
  
Plaintiff,  
  
vs.  
  
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 GHONONREZA ZANDIAN JAZI,  
an individual, DOE Companies  
1-10, DOE Corporations 11-20, and DOE  
Individuals 21-30,  
  
Defendants.

Case No.: 090C00579 1B

Dept. No.: 1

**DEFAULT JUDGMENT**

On December 9, 2009, Plaintiff Margolin filed his Complaint against Defendants Reza Zandian, Optima Technology Corporation, a Nevada corporation, and Optima Technology Corporation, a California corporation for conversion, tortious interference, unjust enrichment and unfair trade practices.

Defendant Zandian was personally served with the Summons and Complaint on February 2, 2010 and Defendants Optima Technology Corporation, a Nevada corporation, and Optima Technology Corporation, a California corporation were served on March 21, 2010.

1 Defendants failed to answer or otherwise plead, and default was subsequently entered against  
2 Defendants on December 2, 2010. On December 7, 2010, Plaintiff filed and served a Notice  
3 of Entry of Default for each defendant, and on December 16, 2010, Plaintiff also served the  
4 Application for Default for each defendant and the Notice of Entry of Default for each  
5 defendant on Defendants' last known attorney.

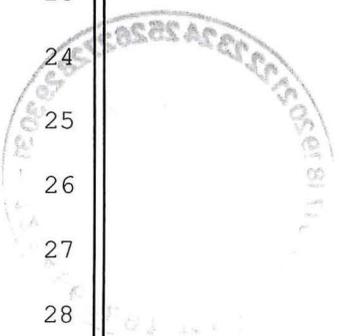
6 After reviewing all pleadings and papers on file in this matter, IT IS HEREBY  
7 ORDERED AS FOLLOWS:

8 Judgment is hereby entered for Plaintiff and against Defendants for damages, along  
9 with pre-judgment interest and costs in the amount of \$121,594.46.

10 IT IS SO ORDERED:

11  
12 Dated: March 1, 2011

  
DISTRICT COURT JUDGE



1 Matthew D. Francis (6978)  
2 Cassandra P. Joseph (9845)  
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*

REC'D & FILED  
March 7, 2011 Date  
ALAN GLOVER  
CLERK  
By M. KALE Deputy

7 **In The First Judicial District Court of the State of Nevada**  
8 **In and for Carson City**

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

Case No.: 090C00579 1B  
Dept. No.: 1

**NOTICE OF ENTRY OF DEFAULT  
JUDGMENT**

21 TO: ALL PARTIES

22 TAKE NOTICE THAT on the 1<sup>st</sup> day of March, 2011, the Court in the above-  
23 entitled matter entered a Default Judgment against Defendants and in favor of Plaintiff in  
24 the amount of \$121,594.46. A copy of said Order is attached hereto as Exhibit A.

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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 this 4<sup>th</sup> day of March, 2011.

BY:   
Matthew D. Francis (6978)  
Cassandra P. Joseph (9845)  
WATSON ROUNDS  
5371 Kietzke Lane  
Reno, NV 89511  
Telephone: 775-324-4100  
Facsimile: 775-333-8171  
*Attorneys for Plaintiff Jed Margolin*

1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCP 5(b), I certify that I am an employee of Watson Rounds, and that on  
3 this date, I deposited for mailing, in a sealed envelope, with first-class postage prepaid, a true  
4 and correct copy of the foregoing document, **NOTICE OF ENTRY OF DEFAULT**  
5 **JUDGMENT**, addressed as follows:

6  
7 John Peter Lee  
8 John Peter Lee, Ltd.  
9 830 Las Vegas Blvd. South  
10 Las Vegas, NV 89101

11  
12 Reza Zandian  
13 8401 Bonita Downs Road  
14 Fair Oaks, CA 95628

15  
16 Optima Technology Corp.  
17 A California corporation  
18 8401 Bonita Downs Road  
19 Fair Oaks, CA 95628

20  
21 Optima Technology Corp.  
22 A Nevada corporation  
23 8401 Bonita Downs Road  
24 Fair Oaks, CA 95628

25  
26 Reza Zandian  
27 8775 Costa Verde Blvd. #501  
28 San Diego, CA 92122

Optima Technology Corp.  
A California corporation  
8775 Costa Verde Blvd. #501  
San Diego, CA 92122

Optima Technology Corp.  
A Nevada corporation  
8775 Costa Verde Blvd. #501  
San Diego, CA 92122

26 Dated: March 4, 2011

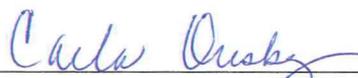
  
\_\_\_\_\_  
Carla Ousby

Exhibit A

Exhibit A

1 Matthew D. Francis (6978)  
2 Cassandra P. Joseph (9845)  
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*

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BY                      CLERK  
OFFICE

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

JED MARGOLIN, an individual,

Plaintiff,

vs.

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 GHONONREZA ZANDIAN JAZI,  
an individual, DOE Companies  
1-10, DOE Corporations 11-20, and DOE  
Individuals 21-30,

Defendants.

Case No.: 090C00579 1B

Dept. No.: 1

**DEFAULT JUDGMENT**

On December 9, 2009, Plaintiff Margolin filed his Complaint against Defendants Reza Zandian, Optima Technology Corporation, a Nevada corporation, and Optima Technology Corporation, a California corporation for conversion, tortious interference, unjust enrichment and unfair trade practices.

Defendant Zandian was personally served with the Summons and Complaint on February 2, 2010 and Defendants Optima Technology Corporation, a Nevada corporation, and Optima Technology Corporation, a California corporation were served on March 21, 2010.

1 Defendants failed to answer or otherwise plead, and default was subsequently entered against  
2 Defendants on December 2, 2010. On December 7, 2010, Plaintiff filed and served a Notice  
3 of Entry of Default for each defendant, and on December 16, 2010, Plaintiff also served the  
4 Application for Default for each defendant and the Notice of Entry of Default for each  
5 defendant on Defendants' last known attorney.

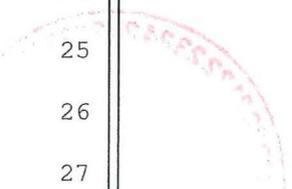
6 After reviewing all pleadings and papers on file in this matter, IT IS HEREBY  
7 ORDERED AS FOLLOWS:

8 Judgment is hereby entered for Plaintiff and against Defendants for damages, along  
9 with pre-judgment interest and costs in the amount of \$121,594.46.

10 IT IS SO ORDERED:

11  
12 Dated: March 1, 2011

*James T. Russell*  
\_\_\_\_\_  
DISTRICT COURT JUDGE



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*

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ALAN GLOVER  
BY                      CLERK  
**G. COOPER**

7 **In The First Judicial District Court of the State of Nevada**  
8 **In and for Carson City**

10 **JED MARGOLIN, an individual,**

11 **Plaintiff,**

12 **vs.**

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

24 **Defendants.**

**Case No.: 090C00579 1B**

**Dept. No.: 1**

**MOTION TO SERVE BY**  
**PUBLICATION**

25 COMES NOW Plaintiff Jed Margolin and hereby files this motion to serve Defendants  
26 Reza Zandian, Optima Technology Corporation, a California Corporation, and Optima  
27 Technology Corporation, a Nevada Corporation (collectively "Zandian"), pursuant to NRC  
28 4(e)(1)(i) via publication.

29 This motion is based on the following Memorandum of Points and Authorities, the  
30 Declaration of Adam P. McMille, Esq., the attached exhibits, and all pleadings, motions, and  
31 papers on file herein.

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**MEMORANDUM OF POINTS AND AUTHORITIES**

**I.**

**STATEMENT OF FACTS**

On December 11, 2009, Plaintiff Jed Margolin filed his Complaint against Defendants Reza Zandian, Optima Technology Corporation, a California Corporation, and Optima Technology Corporation, a Nevada Corporation. All three Summonses were originally issued on December 15, 2009 and March 9, 2010. *See* Summons regarding Defendants Reza Zandian, Optima Technology Corporation, a California Corporation, and Optima Technology Corporation, a Nevada Corporation, attached hereto as **Exhibits 2, 3, and 4**. Thereafter, Plaintiff attempted to serve Defendants at their last-known residential and/or business address of 8401 Bonita Downs Road, Fair Oaks, California 95628. *Id.* The process servers were unable to personally serve Defendants and were unable to locate alternate addresses for Defendants. *Id.*

As Plaintiff was having difficulty serving Defendants, the summons and complaint were mailed to Defendants' attorney, John Peter Lee, on January 8, 2010, and a request for assistance in serving Defendants was made. *See* Letter, dated 1/08/10, from Cassandra Joseph to John Peter Lee, attached hereto as **Exhibit 5**. Despite the fact that Mr. Lee represented Reza Zandian prior to this action, Mr. Lee never responded to Cassandra Joseph's request for assistance in serving the Defendants. *See* Declaration of Adam P. McMillen, Esq., attached hereto as **Exhibit 1**.

Eventually, a notice of entry of default judgment against the Defendants was filed on March 7, 2011. On June 9, 2011, Defendant Reza Zandian, filed a motion to dismiss. On August 3, 2011, this Court set aside the default judgment, denied the motion to dismiss and ordered that Plaintiff shall have 90 days from August 3, 2011 to properly effectuate service on the Defendant.

1 On August 4, 2011, Adam McMillen sent a letter to John Peter Lee requesting that Mr.  
2 Lee accept service on behalf of his client, Reza Zandian. See Letter, dated 8/04/11, from  
3 Adam McMillen to John Peter Lee, attached hereto as **Exhibit 6**. Mr. McMillen also  
4 requested that Mr. Lee provide a current address for Reza Zandian. *Id.*

5 On August 8, 2011, Mr. Lee sent Mr. McMillen a letter stating as follows:

6 We cannot accept service, nor can we give you Reza Zandian's current address.  
7 Except to indicate that he **does not reside** in Nevada **at the present time** and is  
8 not subject to the jurisdiction of the courts of this State within the provisions of  
the litigation commenced by your firm involving an Arizona judgment which  
cannot be domesticated in Nevada.

9 See Letter, dated 8/8/11, from John Peter Lee to Adam McMillen, attached hereto as **Exhibit 7**  
10 (emphasis added).

## 11 II.

### 12 LEGAL AUTHORITY

13 NRCP 4(e) states in pertinent part as follows:

#### 14 (1) Service by Publication.

15 (i) **General.** In addition to methods of personal service, when the person on  
16 whom service is to be made resides out of the state, or has departed from the  
17 state, or cannot, after due diligence, be found within the state, or by  
18 concealment seeks to avoid the service of summons, and the fact shall appear,  
19 by Declaration, to the satisfaction of the court or judge thereof, and it shall  
20 appear, either by Declaration or by a verified complaint on file, that a cause of  
action exists against the defendant in respect to whom the service is to be made,  
and that the defendant is a necessary or proper party to the action, such court or  
judge may grant an order that the service be made by the publication of  
summons.

21 Provided, when said Declaration is based on the fact that the party on whom  
22 service is to be made resides out of the state, and the present address of the  
23 party is unknown, it shall be a sufficient showing of such fact if the affiant shall  
24 state generally in such Declaration that at a previous time such person resided  
25 out of this state in a certain place (naming the place and stating the latest date  
26 known to affiant when such party so resided there); that such place is the last  
27 place in which such party resided to the knowledge of affiant; that such party  
28 no longer resides at such place; that affiant does not know the present place of  
residence of such party or where such party can be found; and that affiant does  
not know and has never been informed and has no reason to believe that such  
party now resides in this state; and, in such case, it shall be presumed that such  
party still resides and remains out of the state, and such Declaration shall be

1 deemed to be a sufficient showing of due diligence to find the defendant. This  
2 rule shall apply to all manner of civil actions, including those for divorce.

3 ...  
4 **(iii) Publication.** The order shall direct the publication to be made in a  
5 newspaper, **published in the State of Nevada**, to be designated by the court or  
6 judge thereof, for a period of 4 weeks, and at least once a week during said  
7 time. In addition to in-state publication, where the present residence of the  
8 defendant is unknown **the order may also direct that publication be made in**  
9 **a newspaper published outside the State of Nevada** whenever the court is of  
10 the opinion that such publication is necessary to give notice that is reasonably  
11 calculated to give a defendant actual notice of the proceedings. In case of  
12 publication, where the residence of a nonresident or absent defendant is known,  
13 the court or judge shall also direct a copy of the summons and complaint to be  
14 deposited in the post office, directed to the person to be served at the person's  
15 place of residence. The service of summons shall be deemed complete in cases  
16 of publication at the expiration of 4 weeks from the first publication, and in  
17 cases when a deposit of a copy of the summons and complaint in the post office  
18 is also required, at the expiration of 4 weeks from such deposit.

19 NRCP 4(e)(1)(i) and (iii)(emphasis added).

20 In the case at bar, the Declaration of Adam P. McMillen, Esq., attached hereto as  
21 **Exhibit 1**, and the Complaint on file herein show that a cause of action exists in favor of  
22 Plaintiff and against Defendants and that Defendants, each of them, are necessary and proper  
23 parties to this action. Moreover, Defendant Reza Zandian no longer resides at his last known  
24 address or is intentionally evading service.

25 Likewise, the above facts and attached Summonses and Declaration of Adam P.  
26 McMillen, Esq. unequivocally demonstrate that due diligence was exercised by Plaintiff and  
27 Plaintiff's process servers in an attempt to personally serve the Defendants at their last known  
28 address. In addition, Defendant Reza Zandian's lawyer will not accept service, will not  
provide a current address, and states that Reza Zandian does not reside in Nevada. As a result,  
Plaintiff now seeks service by publication because Plaintiff does not know Defendants' present  
place of residence or employment.

### 29 III.

### 30 CONCLUSION

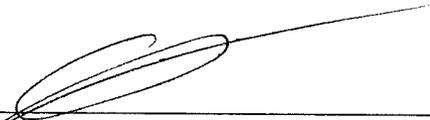
31 Based upon the foregoing, Plaintiff respectfully requests that this Court grant this  
32 motion to effectuate service of process by publication and that such service of process be  
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AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that the preceding document does not contain the social security number of any person.

Dated this 11<sup>th</sup> day of August, 2011.

BY:   
Matthew D. Francis (6978)  
Adam P. McMillen (10678)  
WATSON ROUNDS  
5371 Kietzke Lane  
Reno, NV 89511  
Telephone: 775-324-4100  
Facsimile: 775-333-8171  
*Attorneys for Plaintiff Jed Margolin*

**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, **MOTION TO SERVE BY PUBLICATION**, 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

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INDEX OF EXHIBITS

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Exhibit No.	Title	Number of Pages
1	<i>Declaration</i> Affidavit of Adam P. McMillen	3
2	Returned Summons to Reza Zandian	4
3	Returned Summons to Optima technology Corporation, a California corporation	4
4	Returned Summons to Optima technology Corporation, a Nevada corporation	4
5	January 8, 2010, Letter to John Peter Lee	15
6	August 4, 2011, Letter to John Peter Lee	1
7	August 8, 2011, Letter from John Peter Lee	1
8	Summonses	6

Exhibit 1

Exhibit 1

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

6  
7 **In The First Judicial District Court of the State of Nevada**  
8 **In and for Carson City**  
9

10 **JED MARGOLIN, an individual,**

11 **Plaintiff,**

12 **vs.**

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

20 **Defendants.**

**Case No.: 090C00579 1B**

**Dept. No.: 1**

**DECLARATION OF ADAM P.**  
**MCMILLEN IN SUPPORT OF**  
**MOTION TO SERVE BY**  
**PUBLICATION**

21  
22 I, Adam P. McMillen do hereby declare and state as follows:

23 1. I am an associate at the law firm of Watson Rounds located at 5371 Kietzke  
24 Lane, Reno, Nevada 89511. I represent the Plaintiff, Jed Margolin, in the above referenced  
25 cause of action against the named Defendants, who are necessary parties to this action. This  
26 declaration is based upon my personal knowledge, and is made in support of Plaintiff's Motion  
27 to Serve by Publication.

28 2. The Complaint in this action was filed on December 11, 2009, and personal

1 service was attempted upon Defendant Reza Zandian (“Zandian”) at his last known address at  
2 8401 Bonita Downs Road, Fair Oaks, California 95628 on February 2, 2010 and on  
3 Defendants Optima Technology Corporation, a Nevada corporation, and Optima Technology  
4 Corporation, a California corporation on March 21, 2010. True and correct copies of the  
5 Affidavits of Service are attached hereto as **Exhibit 2, 3, and 4.**

6 3. As we were having difficulty serving Defendant Reza Zandian, the summons  
7 and complaint were mailed to Defendants’ attorney, John Peter Lee, on January 8, 2010, and a  
8 request for assistance in serving Defendants was made. *See* a true and correct copy of the  
9 Letter, dated 1/8/10, from Cassandra Joseph to John Peter Lee, attached hereto as **Exhibit 5.**

10 4. On August 4, 2011, I sent a letter to John Peter Lee requesting that Mr. Lee  
11 accept service on behalf of his client, Reza Zandian, and that he provide a current address for  
12 Mr. Lee. *See* a true and correct copy of the Letter, dated 8/4/11, from Adam McMillen to John  
13 Peter Lee, attached hereto as **Exhibit 6.**

14 5. On August 8, 2011, John Peter Lee sent me a letter stating that he cannot accept  
15 service on behalf of Reza Zandian and that he could not give us Zandian’s current address.  
16 *See* a true and correct copy of the Letter, dated 8/8/11, from John Peter Lee to Adam  
17 McMillen, attached hereto as **Exhibit 7.**

18 6. According to the affidavits attached to the filed summonses, the last known  
19 address of Reza Zandian was 8401 Bonita Downs Road, Fair Oaks, California 95628.  
20 Apparently Reza Zandian does not live at this address, as manifested by his recent motion to  
21 dismiss.

22 7. Affiant does not know the present address of Reza Zandian, or where he resides  
23 or where he may be found; and that after due diligence, Reza Zandian cannot be found within  
24 the State of Nevada or if he was last known to reside outside of the State of Nevada, that  
25 Affiant does not know where he resides, where he may be found and that Affiant has no  
26 knowledge, has never been informed, and has no reason to believe that Reza Zandian currently  
27 resides in the State of Nevada.

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8. Based upon the fact that process servers cannot personally serve Reza Zandian and that his lawyer, John Peter Lee, will not accept service and will not provide a current address for his client, therefore, Affiant believes that Reza Zandian cannot be found at this time.

9. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Dated this 11<sup>th</sup> day of August, 2011.

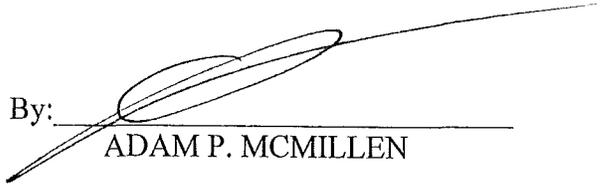
By:   
ADAM P. MCMILLEN

Exhibit 2

Exhibit 2

**COPY**

No. 090C00579 1B

Dept. I

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2010 MAR -9 PM 2:15  
ALAN GLOVER  
BY J. HANKLER  
DEPUTY CLERK

In the First Judicial District Court of the State of Nevada  
in and for Carson City

**SUMMONS**

JED MARGOLIN, an individual  
Plaintiff,

<sup>VS</sup>  
Optima Technology Corporation, a California corporation,  
Optima Technology Corporation, a Nevada corporation, Reza  
Zandian aka Golamreza Zandian, Jazi aka Gholam Reza Zandian  
aka Reza Jazi aka J. Reza Zandian, Jazi aka G. Reza Jazi  
~~aka Chononreza Zandian Jazi, an individual, DOE Companies~~  
1-10, DOE Corporations 11-20, and DOE Individuals 21-30  
DEFENDANTS

THE STATE OF NEVADA SENDS GREETINGS TO THE ABOVE-NAMED DEFENDANT:

**NOTICE! YOU HAVE BEEN SUED. THE COURT MAY DECIDE AGAINST YOU WITHOUT YOUR BEING HEARD UNLESS YOU RESPOND WITHIN 20 DAYS. READ THE INFORMATION BELOW.**

TO THE DEFENDANT: A civil Complaint has been filed by the plaintiff against you.

1. If you wish to defend this lawsuit, you must, within 20 days after this Summons is served on you, exclusive of the day of service, file with this Court a written pleading in response to this Complaint.
2. Unless you respond, your default will be entered upon application of the plaintiff, and this Court may enter a judgment against you for the relief demanded in the Complaint\*, which could result in the taking of money or property or the relief requested in the Complaint.
3. If you wish to seek the advice of an attorney in this matter, you should do so promptly so that your response may be filed on time.
4. You are required to serve your response upon plaintiff's attorney, whose address is

ALAN GLOVER  
Clerk of Court  
By  Deputy Clerk

Date December 15, 2009, 20  

\*Note - When service by publication, insert a brief statement of the object of the action. See Rule 4.

RETURN OF SERVICE ON REVERSE SIDE

**AFFIDAVIT OF SERVICE**  
(For General Use)

STATE OF CALIFORNIA }  
COUNTY OF SACRAMENTO } SS.

ROBERT TOTH, declares under penalty of perjury:  
That affiant is, and was on the day when he served the within Summons, over 18 years of age, and not a party to, nor interested in, the within action; that the affiant received the Summons on the 22<sup>ND</sup> day of JANUARY, 20 10, and personally served the same upon REZA ZANDIAN the within named defendant, on the 2<sup>ND</sup> day of FEBRUARY, 20 10, by delivering to the said defendant, personally, in FAIR OAKS, County of SACRAMENTO, State of CALIFORNIA, a copy of the Summons attached to a copy of the Complaint.

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

Executed this 12<sup>TH</sup> day of FEBRUARY, 20 10. Robert Toth  
Signature of person making service

STATE OF NEVADA }  
CARSON CITY } SS.

**NEVADA SHERIFF'S RETURN**  
(For Use of Sheriff of Carson City)

I hereby certify and return that I received the within Summons on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_; and personally served the same upon \_\_\_\_\_, the within named defendant, on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_, by delivering to the said defendant, personally, in Carson City, State of Nevada, a copy of the Summons attached to a copy of the Complaint.

\_\_\_\_\_  
Sheriff of Carson City, Nevada

Date: \_\_\_\_\_, 20 \_\_\_\_ By \_\_\_\_\_ Deputy

STATE OF NEVADA }  
COUNTY OF \_\_\_\_\_ } SS.

**AFFIDAVIT OF MAILING**  
(For Use When Service Is by Publication and Mailing)

\_\_\_\_\_, declares under penalty of perjury:  
That affiant is, and was when the herein described mailing took place, over 18 years of age, and not a party to, nor interested in, the within action; that on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_, affiant deposited in the Post Office at \_\_\_\_\_, Nevada, a copy of the within Summons attached to a copy of the Complaint, enclosed in a sealed envelope upon which first class postage was fully prepaid, addressed to \_\_\_\_\_, the within named defendant, at \_\_\_\_\_; that there is a regular communication by mail between the place of mailing and the place so addressed.

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

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

**NOTE -** If service is made in any manner permitted by Rule 4 other than personally upon the defendant, or is made outside the United States, a special affidavit or return must be made

1 Jed Margolin v. Optima Technology Corp., et al.  
2 Case No. 090C00579 1B  
3 Declaration of Robert Toth

4 I, ROBERT TOTH, hereby declare:

5 I am a registered process server for the State of California. I have personal knowledge of  
6 the facts contained in this Declaration, and if called as a witness, I could and would competently  
7 testify thereto. As to those matters alleged on information and belief, I believe them to be true.

8 I served copies of the Summons and Complaint, on Reza Zandian aka Golamreza  
9 Zandianjaza, aka Gholam Reza Zandian, aka Reza Jazi, aka J. Reza Jazi, aka G. Reza Jazi, aka  
10 Ghonoureza Zanian Jazi:

11 On January 26, 2010 at 8:43 a.m., I wen to the residence address at 8401 Bonita Downs  
12 Road, Fair Oaks, California 95628. There was no answer at the door.

13 On January 28, 2010 at 3:47 p.m., I returned to the residence again, and there was no  
14 answer at the door.

15 On January 31, 2010 at 4:13 p.m., I went the residence address, and again there was no  
16 answer at the door.

17 On February 2, 2010 at 5:37 p.m., when I returned to the residence address, I observed no  
18 lights on, no cars parked, but that the trash was set out.

19 On February 2, 2010 at 7:21 p.m., I returned to the residence address. The door was  
20 answered by an elderly man, described as mid to late-60's, middle eastern accent, 5'4" tall, grey  
21 hair, long beard, thin, and wearing glasses. I told him I was looking for Reza. I showed him the  
22 name on the documents with the various names, and made a motion that he knew one or more of  
23 the names. I showed him the photograph that I had. I told him I had legal documents for Reza,  
24 and that I would leave it with him. He took the envelope, opened it and saw the documents. He  
25 told me that he did not want the papers and that he did not live there. I told him that we had  
26 confirmed that was his address. He returned the envelope back. I told him that he needed to  
27 make sure that Reza got the paperwork. I put the envelope by the doorway. He picked up the  
28 envelope and threw it at me as I was leaving. I left the documents there and again told him that  
he had been served for Reza.

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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration is executed this 18<sup>th</sup> day of February, at Citrus Heights, California.



ROBERT M. TOTH  
Registered Process Server

Exhibit 3

Exhibit 3

ORIGINAL  
**COPY**

No. 090C00579 1B

Dept. 1

REC'D & FILED  
2010 MAR 26 PM 1:40  
ALAN GLOVER  
BY ~~C. GLOVER~~ CLERK  
DEPUTY

In the First Judicial District Court of the State of Nevada  
in and for Carson City

*add'l*  
**SUMMONS**

JED MARGOLIN, an individual

Plaintiff,

vs.

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. RezDefendant, Jazi aka G. Reza Jazi  
~~aka Chononreza Zandian Jazi, an individual, DOE Companies~~  
1-10, DOE Corporations 11-20, and DOE Individuals 21-30.

THE STATE OF NEVADA SENDS GREETINGS TO THE ABOVE-NAMED DEFENDANT: Optima  
TEchnology Corporation, a California Corporation

**NOTICE! YOU HAVE BEEN SUED. THE COURT MAY DECIDE AGAINST YOU WITHOUT YOUR BEING  
HEARD UNLESS YOU RESPOND WITHIN 20 DAYS. READ THE INFORMATION BELOW.**

TO THE DEFENDANT: A civil Complaint has been filed by the plaintiff against you.

1. If you wish to defend this lawsuit, you must, within 20 days after this Summons is served on you, exclusive of the day of service, file with this Court a written pleading in response to this Complaint.
2. Unless you respond, your default will be entered upon application of the plaintiff, and this Court may enter a judgment against you for the relief demanded in the Complaint\*, which could result in the taking of money or property or the relief requested in the Complaint.
3. If you wish to seek the advice of an attorney in this matter, you should do so promptly so that your response may be filed on time.
4. You are required to serve your response upon plaintiff's attorney, whose address is

ALAN GLOVER  
Clerk of Court

By *M. Anderson*  
Deputy Clerk

Date March 9, 20 10

\*Note - When service by publication, insert a brief statement of the object of the action. See Rule 4.

RETURN OF SERVICE ON REVERSE SIDE

**AFFIDAVIT OF SERVICE**  
(For General Use)

STATE OF CALIFORNIA }  
COUNTY OF SACRAMENTO } SS.  
I SHAWN SARDIA

, declares under penalty of perjury:  
That affiant is, and was on the day when he served the within Summons, over 18 years of age, and not a party to, nor interested in, the within action; that the affiant received the Summons on the 19<sup>th</sup> 20<sup>th</sup> 5<sup>th</sup> day of MARCH, 20 10, and personally served the same upon ROZA ZANDIAN, AGENT FOR SERVICE OF PROCESS the within named defendant, on the 21<sup>st</sup> day of MARCH, 20 10, by delivering to the said defendant, personally, in FAIR OAKS, County of SACRAMENTO, State of CALIFORNIA, a copy of the Summons attached to a copy of the Complaint.

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

Executed this 23<sup>rd</sup> day of MARCH, 20 10. Shawn I Sardia #SAC-2008-5  
Signature of person making service

STATE OF NEVADA }  
CARSON CITY } SS.

**NEVADA SHERIFF'S RETURN**  
(For Use of Sheriff of Carson City)

I hereby certify and return that I received the within Summons on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_; and personally served the same upon \_\_\_\_\_, the within named defendant, on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_, by delivering to the said defendant, personally, in Carson City, State of Nevada, a copy of the Summons attached to a copy of the Complaint.

\_\_\_\_\_  
Sheriff of Carson City, Nevada

Date: \_\_\_\_\_, 20 \_\_\_\_ By \_\_\_\_\_ Deputy

STATE OF NEVADA }  
COUNTY OF \_\_\_\_\_ } SS.

**AFFIDAVIT OF MAILING**  
(For Use When Service is by Publication and Mailing)

, declares under penalty of perjury:  
That affiant is, and was when the herein described mailing took place, over 18 years of age, and not a party to, nor interested in, the within action; that on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_, affiant deposited in the Post Office at \_\_\_\_\_, Nevada, a copy of the within Summons attached to a copy of the Complaint, enclosed in a sealed envelope upon which first class postage was fully prepaid, addressed to \_\_\_\_\_, the within named defendant, at \_\_\_\_\_; that there is a regular communication by mail between the place of mailing and the place so addressed.  
I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

NOTE - If service is made in any manner permitted by Rule 4 other than personally upon the defendant, or is made outside the United States, a special affidavit or return must be made

1 Jed Margolin v. Optima Technology Corporation, et al.  
2 Case No. 090C0500679 1B  
3 Declaration of Robert Toth

4 I, ROBERT TOTH, hereby declare:

5 I am a registered process server for the State of California. I have personal knowledge of  
6 the facts contained in this Declaration, and if called as a witness, I could and would competently  
7 testify thereto. As to those matters alleged on information and belief, I believe them to be true.

8 I attempted service of copies of the Summons, Complaint and Order on Reza Zandian,  
9 agent for process of service for Optima Technoloy Corp, a California Corp and Optima  
10 Technology Corp, A Nevada Corp., as follows:

11 On March 19, 2010 at 4:12 p.m., I went to the residence address at 8401 Bonita Downs  
12 Road Fair Oaks, 95628. There was no answer at the door.

13 On March 20, 2010 at 12:07 p.m. There was no answer at the door.

14 At that time, I turned over the documents to an associated, Shawn Sardia.

15 I declare under penalty of perjury under the laws of the State of California that the  
16 foregoing is true and correct, and that this declaration is executed this 23<sup>rd</sup> day of March, at  
17 Citrus Heights, California.

18   
19 \_\_\_\_\_  
20 ROBERT M. TOTH  
21 Registered Process Server  
22 Sacramento #2000-28  
23  
24  
25  
26  
27  
28

1 Jed Margolin v. Optima Technology Corporation, et al.  
Case No. 090C0500679 1B  
2 Declaration of Shawn Sardia

3 I, SHAWN SARDIA, hereby declare:

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6 testify thereto. As to those matters alleged on information and belief, I believe them to be true.

7 I served copies of the Summons, Complaint and Order on Reza Zandian, agent for  
8 process of service for Optima Technology Corp, a California Corp and Optima Technology Corp,  
9 A Nevada Corp., as follows:

10 On March 20, 2010 at 10:14 a.m., I went to the residence located at 8401 Bonita Downs  
11 Road, Fair Oaks, CA 95628. There was no answer at the door.

12 On March 21, 2010 at 9:45 a.m. I returned to the residence. There was no answer at the  
13 door.

14 On March 21, 2010 at 6:45 p.m. I returned to the resident's address. The door was  
15 answered by an elderly man, described as mid to late-60's, middle eastern accent; 5'4" tall, grey  
16 hair, long beard, thin, wearing glasses and is the subject's father. I told him I had legal documents  
17 for Reza Zandian, and that I would leave it with him. He told me he did not want the papers. I put  
18 the envelope by the doorway and told him he had been served for Reza. He closed the door.

19 I declare under penalty of perjury under the laws of the State of California that the  
20 foregoing is true and correct, and that this declaration is executed this 23<sup>rd</sup> day of March, at  
21 Citrus Heights, California.

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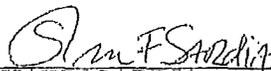
  
SHAWN SARDIA  
Registered Process Server  
Sacramento #2008-5

Exhibit 4

Exhibit 4

No. 090C00579 1B

Dept. 1

**COPY**

REC'D & FILED  
2010 MAR 26 PM 1:40  
ALAN GLOVER  
BY C. COOPER CLERK

In the First Judicial District Court of the State of Nevada  
in and for Carson City

JED MARGOLIN, an individual

**SUMMONS**

Plaintiff,

vs.

Optima Technology Corporation, a California corporation,  
OPTIMA TECHNOLOGY CORPORATION, a Nevada corporation, Reza  
Zandian aka Golanreza Zandianjazi aka Gholam Reza Zandian  
aka Reza Jazi aka J. Reza Defendant, Jazi aka G. Reza Jazi  
aka Chononreza Zandian Jazi, an individual, DOE Companies  
1-10, DOE Corporations 11-20, and DOE Individuals 21-30.

THE STATE OF NEVADA SENDS GREETINGS TO THE ABOVE-NAMED DEFENDANT: Optima  
Technology Corporation, a Nevada Corporation

**NOTICE! YOU HAVE BEEN SUED. THE COURT MAY DECIDE AGAINST YOU WITHOUT YOUR BEING  
HEARD UNLESS YOU RESPOND WITHIN 20 DAYS. READ THE INFORMATION BELOW.**

TO THE DEFENDANT: A civil Complaint has been filed by the plaintiff against you.

1. If you wish to defend this lawsuit, you must, within 20 days after this Summons is served on you, exclusive of the day of service, file with this Court a written pleading in response to this Complaint.
2. Unless you respond, your default will be entered upon application of the plaintiff, and this Court may enter a judgment against you for the relief demanded in the Complaint\*, which could result in the taking of money or property or the relief requested in the Complaint.
3. If you wish to seek the advice of an attorney in this matter, you should do so promptly so that your response may be filed on time.
4. You are required to serve your response upon plaintiff's attorney, whose address is

ALAN GLOVER

Clerk of Court

By M. Hernandez  
Deputy Clerk

Date March 9, 20 10

\*Note - When service by publication, insert a brief statement of the object of the action. See Rule 4.

RETURN OF SERVICE ON REVERSE SIDE

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(For General Use)

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COUNTY OF SACRAMENTO } SS.

I SHAWN SARDIA, declares under penalty of perjury:  
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I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

Executed this 23<sup>rd</sup> day of MARCH, 20 10. Shawn F SARDIA # SAC 2008-5  
Signature of person making service

STATE OF NEVADA }  
CARSON CITY } SS.

**NEVADA SHERIFF'S RETURN**  
(For Use of Sheriff of Carson City)

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\_\_\_\_\_  
Sheriff of Carson City, Nevada

Date: \_\_\_\_\_, 20 \_\_\_\_ By \_\_\_\_\_ Deputy

STATE OF NEVADA }  
COUNTY OF \_\_\_\_\_ } SS.

**AFFIDAVIT OF MAILING**  
(For Use When Service is by Publication and Mailing)

\_\_\_\_\_, declares under penalty of perjury:  
That affiant is, and was when the herein described mailing took place, over 18 years of age, and not a party to, nor interested in, the within action; that on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_, affiant deposited in the Post Office at \_\_\_\_\_, Nevada, a copy of the within Summons attached to a copy of the Complaint, enclosed in a sealed envelope upon which first class postage was fully prepaid, addressed to \_\_\_\_\_, the within named defendant, at \_\_\_\_\_; that there is a regular communication by mail between the place of mailing and the place so addressed.  
I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

NOTE - If service is made in any manner permitted by Rule 4 other than personally upon the defendant, or is made outside the United States, a special affidavit or return must be made.

1 Jed Margolin v. Optima Technology Corporation, et al.  
2 Case No. 090C0500679 1B  
3 Declaration of Robert Toth

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15 I declare under penalty of perjury under the laws of the State of California that the  
16 foregoing is true and correct, and that this declaration is executed this 23<sup>rd</sup> day of March, at  
17 Citrus Heights, California.



18 ROBERT M. TOTH  
19 Registered Process Server  
20 Sacramento #2000-28  
21  
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1 Jed Margolin v. Optima Technology Corporation, et al.  
2 Case No. 090C0500679 1B  
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21 foregoing is true and correct, and that this declaration is executed this 23<sup>rd</sup> day of March, at  
22 Citrus Heights, California.

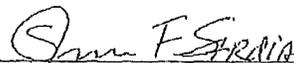
23   
24 SHAWN SARDIA  
25 Registered Process Server  
26 Sacramento #2008-5  
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Exhibit 5

Exhibit 5



January 8, 2010

KELLY G. WATSON <sup>1</sup>  
MICHAEL D. ROUNDS <sup>1</sup>  
MATTHEW D. FRANCIS <sup>2</sup>

ARTHUR A. ZORIO <sup>1</sup>  
CASSANDRA P. JOSEPH <sup>1</sup>  
MELISSA P. BARNARD  
RYAN E. JOHNSON  
TARA A. SHIROFF  
MATTHEW G. HOLLAND  
ADAM P. McMILLEN <sup>2</sup>  
ELIZA BECHTOLD <sup>4</sup>  
ADAM YOWELL

OF COUNSEL-  
MARC D. FOODMAN <sup>1,3</sup>

<sup>1</sup> Also licensed in California  
<sup>2</sup> Also licensed in Utah  
<sup>3</sup> Also licensed in Massachusetts  
<sup>4</sup> Licensed only in California

5371 Klatzko Lane  
Reno, Nevada 89511  
(775) 324-4100  
Fax (775) 333-8171  
e-mail: [reno@watsonrounds.com](mailto:reno@watsonrounds.com)

777 North Rainbow Boulevard  
Suite 350  
Las Vegas, Nevada 89107  
(702) 636-4902  
Fax (702) 636-4904

One Market Street Tower  
Suite 1600  
San Francisco, CA 94105  
(415) 243-4090  
Fax (415) 243-0226

[www.watsonrounds.com](http://www.watsonrounds.com)

Reply to: Reno

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

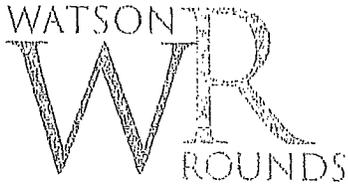
Re: Optima Technology Corporation and Reza Zandian

Dear Mr. Lee:

We represent Mr. Jed Margolin in a case pending in the First Judicial District Court for the State of Nevada in and for Carson City, Case No. 09 0C 00579 1B captioned *Jed Margolin v. Optima Technology Corporation (CA), Optima Technology Corporation (NV), Reza Zandian aka Gohamreza Zandianjazi aka aka Gholam Reza Zandian, aka Reza Jazi, aka J. Reza Jazi, aka G. Reza Jazi, aka Ghononreza Zandian Jazi* (the Action). Copies of the summonses and complaint filed in the Action are enclosed.

We understand that at one time you represented one or more of the Defendants named in the Action. We are attempting to effectuate service of the enclosed summonses and complaint on Mr. Zandian and the Defendant entities and have been unsuccessful thus far. Please inform me whether you currently represent Mr. Zandian or the Defendant entities, and if so, whether you will accept service on behalf of any of the Defendants. If you refuse or cannot accept service on behalf of any of the Defendants, please provide any information possible regarding the whereabouts of any of the Defendants. Alternatively, please provide copies of the summonses and complaint to the Defendants.

Please inform me by January 29, 2010 whether or not you will accept service of the summonses and complaint on behalf of any of the Defendants, or whether you



John Peter Lee, Esq.  
January 8, 2010  
Page 2

will take any other action requested herein. I look forward to hearing from you.

Sincerely,

A handwritten signature in cursive script, appearing to read "Cassandra P. Joseph".

Cassandra P. Joseph  
WATSON ROUNDS  
A Professional Corporation

COPY

1 Case No.: D9 DC 00579 1B

2 Dept. No.: I

REC'D & FILED

2009 DEC 11 PM 4:07

MARGLOVER  
CLERK

BY \_\_\_\_\_ DEPUTY

3  
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5  
6 IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
7 IN AND FOR CARSON CITY

8 JED MARGOLIN, an individual,

9 Plaintiff,

10 vs.

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

23 Defendants.

24  
25 COMPLAINT

(Exemption From Arbitration Requested)

26 Plaintiff, JED MARGOLIN ("Mr. Margolin"), by and through his counsel of record,  
27 WATSON ROUNDS, and for his Complaint against Defendants, hereby alleges and complains  
28 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

1 California corporation with its principal place of business in Irvine, California.

2 3. On information and belief, Defendant Optima Technology Corporation is a  
3 Nevada corporation with its principal place of business in Las Vegas, Nevada.

4 4. On information and belief, Defendant Reza Zandian, aka Golamreza Zandianjazi,  
5 aka Golamreza Zandianjazi, aka Gholam Reza Zandian, aka Reza Jazi, aka J. Reza Jazi, aka G.  
6 Reza Jazi, aka Ghononreza Zandian Jazi (collectively "Zandian"), is an individual who at all  
7 relevant times resided in San Diego, California or Las Vegas, Nevada.

8 5. On information and belief, Defendant Optima Technology Corporation, the  
9 Nevada corporation ("OTC—Nevada") is a wholly owned subsidiary of Optima Technology  
10 Corporation, the California corporation ("OTC—California"), and Defendant Zandian at all  
11 relevant times served as officers of the OTC—California and OTC—Nevada.  
12

13 6. Mr. Margolin believes, and therefore alleges, that at all times herein mentioned,  
14 each of the Defendants was the agent, servant or employee of each of the other Defendant and at  
15 all times was acting within the course and scope of said agency and/or employment and that each  
16 Defendant is liable to Mr. Margolin for the reasons and the facts herein alleged. Relief is sought  
17 herein against each and all of the Defendants jointly and severally, as well as its or their agents,  
18 assistants, successors, employees and all persons acting in concert or cooperation with them or at  
19 their direction. Mr. Margolin will amend his Complaint when such additional persons acting in  
20 concert or cooperation are ascertained.  
21

22 Jurisdiction and Venue

23  
24 7. Pursuant to the Nevada Constitution, Article 6, Section 6, the district courts of the  
25 State of Nevada have original jurisdiction in all cases excluded by law from the original  
26 jurisdiction of the justice courts. This case involves tort claims in an amount in excess of the  
27 jurisdictional limitation of the justice courts and, accordingly, jurisdiction is proper in the district  
28 court.









1  
2 WHEREFORE, Plaintiff Jed Margolin, prays for judgment against the Defendants as  
3 follows:

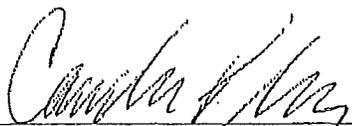
- 4 1. That Plaintiff be awarded damages for Defendants' tortious conduct;  
5 2. That Plaintiff be awarded damages for Defendants' unjust enrichment;  
6 3. That Plaintiff be awarded damages for Defendants' commission of unfair and  
7 deceptive trade practices, in an amount to be proven at trial, with said damages being trebled  
8 pursuant to NRS 598.0999;  
9 4. That Plaintiff be awarded actual, consequential, future, and punitive damages of  
10 whatever type or nature;  
11 5. That the Court award all such further relief that it deems just and proper.

12  
13 **AFFIRMATION**

14 Pursuant to NRS 239B.030, the undersigned does hereby affirm that the preceding  
15 document, filed in District Court, does not contain the social security number of any person.  
16

17 DATED: December 10, 2009

18 WATSON ROUNDS

19 

20 Matthew D. Francis (6978)  
21 Cassandra P. Joseph (9845)  
22 WATSON ROUNDS  
23 5371 Kietzke Lane  
24 Reno, NV 89511  
25 Telephone: 775-324-4100  
26 Facsimile: 775-333-8171

27 *Attorneys for Plaintiff Jed Margolin*  
28

Exhibit 1

Exhibit 1

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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

UNIVERSAL AVIONICS SYSTEMS CORPORATION,

Plaintiff,

vs.

OPTIMA TECHNOLOGY GROUP, INC.,  
OPTIMA TECHNOLOGY CORPORATION, ROBERT ADAMS and  
JED MARGOLIN,

Defendants.

No. CV 07-588-TUC-RCC

**ORDER**

OPTIMA TECHNOLOGY INC. a/k/a  
OPTIMA TECHNOLOGY GROUP, INC.,  
a corporation,

Counterclaimant,

vs.

UNIVERSAL AVIONICS SYSTEMS CORPORATION, an Arizona corporation,

Counterdefendant,

OPTIMA TECHNOLOGY INC. a/k/a  
OPTIMA TECHNOLOGY GROUP, INC.,

Cross-Claimant,

vs.

OPTIMA TECHNOLOGY CORPORATION,

Cross-Defendant.

1 This Court, having considered the Defendants' Application for Entry of Default  
2 Judgment against Cross-Defendant Optima Technology Corporation, finds no just reason to  
3 delay entry of final judgment.

4 Therefore, IT IS HEREBY ORDERED:

5 Final Judgment is entered against Cross-Defendants Optima Technology Corporation,  
6 a California corporation, and Optima Technology Corporation, a Nevada corporation, as  
7 follows:

8 1. Optima Technology Corporation has no interest in U.S. Patents Nos. 5,566,073 and  
9 5,904,724 ("the Patents") or the Durable Power of Attorney from Jed Margolin dated July  
10 20, 2004 ("the Power of Attorney");

11 2. The Assignment Optima Technology Corporation filed with the USPTO is forged,  
12 invalid, void, of no force and effect, and is hereby struck from the records of the USPTO;

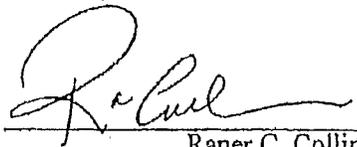
13 3. The USPTO is to correct its records with respect to any claim by Optima  
14 Technology Corporation to the Patents and/or the Power of Attorney; and

15 4. OTC is hereby enjoined from asserting further rights or interests in the Patents  
16 and/or Power of Attorney; and

17 5. There is no just reason to delay entry of final judgment as to Optima Technology  
18 Corporation under Federal Rule of Civil Procedure 54(b).

19 DATED this 18<sup>th</sup> day of August, 2008.

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28

  
\_\_\_\_\_  
Raner C. Collins  
United States District Judge

ORIGINAL

No. 090C00579 1B

Dept. I

In the First Judicial District Court of the State of Nevada  
in and for Carson City

SUMMONS

JED MARGOLIN, an individual  
Plaintiff,

Optima Technology <sup>VS</sup> 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 Defendant, Jazi aka G. Reza Jazi  
aka Chononreza Zandian Jazi, an individual, DOE Companies  
1-10, DOE Corporations 11-20, and DOE Individuals 21-30  
DEFENDANTS

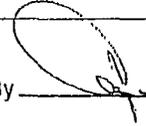
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3. If you wish to seek the advice of an attorney in this matter, you should do so promptly so that your response may be filed on time.
4. You are required to serve your response upon plaintiff's attorney, whose address is

ALAN GLOVER  
Clerk of Court

By  Deputy Clerk

Date December 15, 2009, 20

\*Note - When service by publication, insert a brief statement of the object of the action. See Rule 4.

RETURN OF SERVICE ON REVERSE SIDE

ORIGINAL

No. 090C00579 1B

Dept. I

In the First Judicial District Court of the State of Nevada  
in and for Carson City

*Add /*  
SUMMONS

JED MARGOLIN, an individual  
Plaintiff,

vs.  
Optima Technology Corporation, a California corporation,  
Optima Technology Corporation, a Nevada corporation, Reza  
Zandian aka Golanreza Zandianjazi aka Gholam Reza Zandian  
aka Reza Jazi aka J. Reza Defendant, Jazi aka G. Reza Jazi  
aka Chononreza Zandian Jazi, an individual, DOE Companies  
1-10, DOE Corporations 11-20, and DOE Individuals 21-30  
DEFENDANTS

THE STATE OF NEVADA SENDS GREETINGS TO THE ABOVE-NAMED DEFENDANT:

**NOTICE! YOU HAVE BEEN SUED. THE COURT MAY DECIDE AGAINST YOU WITHOUT YOUR BEING HEARD UNLESS YOU RESPOND WITHIN 20 DAYS. READ THE INFORMATION BELOW.**

TO THE DEFENDANT: A civil Complaint has been filed by the plaintiff against you.

1. If you wish to defend this lawsuit, you must, within 20 days after this Summons is served on you, exclusive of the day of service, file with this Court a written pleading in response to this Complaint.
2. Unless you respond, your default will be entered upon application of the plaintiff, and this Court may enter a judgment against you for the relief demanded in the Complaint\*, which could result in the taking of money or property or the relief requested in the Complaint.
3. If you wish to seek the advice of an attorney in this matter, you should do so promptly so that your response may be filed on time.
4. You are required to serve your response upon plaintiff's attorney, whose address is

ALAN GLOVER

Clerk of Court

By

Deputy Clerk

Date December 15, 2009 20

\*Note - When service by publication, insert a brief statement of the object of the action. See Rule 4.

RETURN OF SERVICE ON REVERSE SIDE

ORIGINAL

No. 090C00579 1B

Dept. I

In the First Judicial District Court of the State of Nevada  
in and for Carson City

*Add'l*  
SUMMONS

JED MARGOLIN, an individual  
Plaintiff,

Optima Technology <sup>vs.</sup> 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 Defendant, Jazi aka G. Reza Jazi  
~~aka Ghonoreza Zandian Jazi, an individual, DOE Companies~~  
1-10, DOE Corporations 11-20, and DOE Individuals 21-30  
DEFENDANTS

THE STATE OF NEVADA SENDS GREETINGS TO THE ABOVE-NAMED DEFENDANT:

**NOTICE! YOU HAVE BEEN SUED. THE COURT MAY DECIDE AGAINST YOU WITHOUT YOUR BEING HEARD UNLESS YOU RESPOND WITHIN 20 DAYS. READ THE INFORMATION BELOW.**

TO THE DEFENDANT: A civil Complaint has been filed by the plaintiff against you.

1. If you wish to defend this lawsuit, you must, within 20 days after this Summons is served on you, exclusive of the day of service, file with this Court a written pleading in response to this Complaint.
2. Unless you respond, your default will be entered upon application of the plaintiff, and this Court may enter a judgment against you for the relief demanded in the Complaint\*, which could result in the taking of money or property or the relief requested in the Complaint.
3. If you wish to seek the advice of an attorney in this matter, you should do so promptly so that your response may be filed on time.
4. You are required to serve your response upon plaintiff's attorney, whose address is

ALAN GLOVER

Clerk of Court

By 

Deputy Clerk

Date December 15, 2009, 20

\*Note - When service by publication, insert a brief statement of the object of the action. See Rule 4.

RETURN OF SERVICE ON REVERSE SIDE

Exhibit 6

Exhibit 6



August 4, 2011

KELLY G. WATSON<sup>1</sup>  
MICHAEL D. ROUNDS<sup>1</sup>  
MATTHEW D. FRANCIS<sup>2</sup>

ARTHUR A. ZORIO<sup>1</sup>  
MELISSA P. BARNARD  
RYAN E. JOHNSON  
MATTHEW G. HOLLAND  
ADAM P. McMILLEN<sup>2</sup>  
ADAM YOWELL  
VINH PHAM<sup>2</sup>

OF COUNSEL-  
MARC D. FOODMAN<sup>1,3</sup>  
STEVEN T. POLIKALAS<sup>1,4</sup>

<sup>1</sup> Also licensed in California  
<sup>2</sup> Also licensed in Utah  
<sup>3</sup> Also licensed in Massachusetts  
<sup>4</sup> Also licensed in Tennessee  
<sup>5</sup> Licensed only in California

5371 Kleitzke Lane  
Reno, Nevada 89511  
(775) 324-4100  
Fax (775) 333-8171  
e-mail: reno@watsonrounds.com

777 North Rainbow Boulevard  
Suite 350  
Las Vegas, Nevada 89107  
(702) 636-4902  
Fax (702) 636-4904

One Market-Stewart Tower  
Suite 1600  
San Francisco, CA 94105  
(415)243-4090  
Fax (415)243-0226

www.watsonrounds.com

Reply to: Reno

VIA FACSIMILE ONLY: 702-383-9950

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

Re: First Judicial District Court Case No. 090C00579

Dear Mr. Lee:

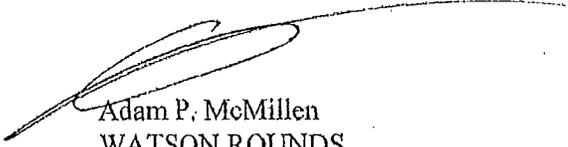
We are in receipt of and have reviewed the Order setting aside Jed Margolin's default judgment against your client in the above referenced matter. Also in the order is a 90 day time period from August 3, 2011 to properly effectuate service on your client.

Please allow this letter to serve as a formal demand that you accept service on behalf of your client, Reza Zandian. Also, it is demanded that you provide us with a current address for your client. It is demanded that you agree to accept service and provide this information to my office by 5:00 p.m. on August 8, 2011.

If you do not agree to accept service on behalf of your client and if you are not willing to provide his current address, please explain why so that we can properly serve your client in this case.

I look forward to your professional cooperation in this matter.

Regards,



Adam P. McMillen  
WATSON ROUNDS  
A Professional Corporation

Exhibit 7

Exhibit 7

JOHN PETER LEE, LTD.

ATTORNEYS AT LAW

830 LAS VEGAS BOULEVARD SOUTH  
LAS VEGAS, NEVADA 89101  
TELEPHONE (702) 382-4044  
FACSIMILE (702) 383-9950  
E-MAIL: info@johnpeterlee.com

August 8, 2011

Fax: (702) 333-8171

Adam P. McMillan  
WATSON ROUNDS  
A Professional Corporation  
777 North Rainbow Boulevard  
Suite 350  
Las Vegas, Nevada 89511

Re: First Judicial District Court Case No. 090C00579

Dear Mr. McMillan:

Your letter of August 4, 2011, is acknowledged. Our response is as follows:

We cannot accept service, nor can we give you Reza Zandian's current address. Except to indicate that he does not reside in Nevada at the present time and is not subject to the jurisdiction of the courts of this State within the provisions of the litigation commenced by your firm involving an Arizona judgment which cannot be domesticated in Nevada,

Yours truly,

JOHN PETER LEE, LTD.

Dictated but not read

John Peter Lee, Esq.

JPL/mh

Exhibit 8

Exhibit 8



**AFFIDAVIT OF SERVICE**  
**(For General Use)**

STATE OF \_\_\_\_\_ }  
COUNTY OF \_\_\_\_\_ } SS.

\_\_\_\_\_, declares under penalty of perjury:  
That affiant is, and was on the day when he served the within Summons, over 18 years of age, and not a party to, nor interested in, the within action; that the affiant received the Summons on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and personally served the same upon \_\_\_\_\_ the within named defendant, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by delivering to the said defendant, personally, in \_\_\_\_\_, County of \_\_\_\_\_, State of \_\_\_\_\_, a copy of the Summons attached to a copy of the Complaint.

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

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. \_\_\_\_\_  
Signature of person making service

STATE OF NEVADA }  
CARSON CITY } SS.

**NEVADA SHERIFF'S RETURN**  
**(For Use of Sheriff of Carson City)**

I hereby certify and return that I received the within Summons on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and personally served the same upon \_\_\_\_\_, the within named defendant, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by delivering to the said defendant, personally, in Carson City, State of Nevada, a copy of the Summons attached to a copy of the Complaint.

\_\_\_\_\_  
Sheriff of Carson City, Nevada

Date: \_\_\_\_\_, 20\_\_\_\_ By \_\_\_\_\_  
Deputy

STATE OF NEVADA }  
COUNTY OF \_\_\_\_\_ } SS.

**AFFIDAVIT OF MAILING**  
**(For Use When Service Is by Publication and Mailing)**

\_\_\_\_\_, declares under penalty of perjury:  
That affiant is, and was when the herein described mailing took place, over 18 years of age, and not a party to, nor interested in, the within action; that on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, affiant deposited in the Post Office at \_\_\_\_\_, Nevada, a copy of the within Summons attached to a copy of the Complaint, enclosed in a sealed envelope upon which first class postage was fully prepaid, addressed to \_\_\_\_\_, the within named defendant, at \_\_\_\_\_; that there is a regular communication by mail between the place of mailing and the place so addressed.

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

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**NOTE -** If service is made in any manner permitted by Rule 4 other than personally upon the defendant, or is made outside the United States, a special affidavit or return must be made.

No. 090C00579 1B

Dept No. 1

In the First Judicial District Court of the State of Nevada  
in and for Carson City

JED MARGOLIN, an individual,  
Plaintiff,

**SUMMONS**

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

THE STATE OF NEVADA SENDS GREETINGS TO: OPTIMA TECHNOLOGY CORPORATION, a Nevada corporation

NOTICE! YOU HAVE BEEN SUED. THIS ACTION IS BROUGHT TO RECOVER DAMAGES AS A RESULT OF THE DEFENDANTS' FRAUDULENT ASSIGNMENT OF DOCUMENTS RELATING TO PATENT NO.'S 5,566,073, 5,904,724 AND 5,978,488 AS MORE FULLY STATED IN THE COMPLAINT. THE COURT MAY DECIDE AGAINST YOU WITHOUT YOUR BEING HEARD UNLESS YOU RESPOND WITHIN 20 DAYS. READ THE INFORMATION BELOW.

TO THE DEFENDANT: A civil complaint or petition has been filed by the plaintiff(s) against you.

1. If you wish to defend this lawsuit, you must, within 20 days after this summons is served on you, exclusive of the day of service, file with the Clerk of the Court a written pleading in response to this Complaint.
2. Unless you respond, a default will be entered upon application of the plaintiff(s) and this Court may enter a judgment against you for the relief demanded in the complaint\*, which could result in the taking of money or property or the relief requested in the Complaint.
3. If you wish to seek the advice of an attorney in this matter, you should do so promptly so that your response may be filed on time.
4. You are required to serve your response upon plaintiff's attorney, whose address is

Matthew D. Francis  
Adam McMillen  
Watson Rounds  
5371 Kietzke Lane  
Reno, Nevada 89511

ALAN GLOVER  
Clerk of Court

By \_\_\_\_\_  
Deputy Clerk

Date \_\_\_\_\_, 20\_\_

\*Note - When served by publication, insert a brief statement of the object of the action. See Rule 4.

RETURN OF SERVICE ON REVERSE SIDE

**AFFIDAVIT OF SERVICE  
(For General Use)**

STATE OF \_\_\_\_\_ }  
COUNTY OF \_\_\_\_\_ } SS.

\_\_\_\_\_, declares under penalty of perjury:  
That affiant is, and was on the day when he served the within Summons, over 18 years of age, and not a party to, nor interested  
in, the within action; that the affiant received the Summons on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,  
and personally served the same upon \_\_\_\_\_  
the within named defendant, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by delivering to the said defendant,  
personally, in \_\_\_\_\_, County of \_\_\_\_\_, State of \_\_\_\_\_,  
a copy of the Summons attached to a copy of the Complaint.

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

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. \_\_\_\_\_  
Signature of person making service

STATE OF NEVADA }  
CARSON CITY } SS.

**NEVADA SHERIFF'S RETURN  
(For Use of Sheriff of Carson City)**

I hereby certify and return that I received the within Summons on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,  
and personally served the same upon \_\_\_\_\_, the within named defendant,  
on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by delivering to the said defendant, personally, in Carson City,  
State of Nevada, a copy of the Summons attached to a copy of the Complaint.

\_\_\_\_\_  
Sheriff of Carson City, Nevada

Date: \_\_\_\_\_, 20\_\_\_\_ By \_\_\_\_\_ Deputy

STATE OF NEVADA }  
COUNTY OF \_\_\_\_\_ } SS.

**AFFIDAVIT OF MAILING  
(For Use When Service Is by Publication and Mailing)**

\_\_\_\_\_, declares under penalty of perjury:  
That affiant is, and was when the herein described mailing took place, over 18 years of age, and not a party to, nor interested  
in, the within action; that on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, affiant deposited in the Post Office at  
\_\_\_\_\_, Nevada, a copy of the within Summons attached to a copy of the Complaint, enclosed in a sealed envelope  
upon which first class postage was fully prepaid, addressed to \_\_\_\_\_,  
the within named defendant, at \_\_\_\_\_;  
that there is a regular communication by mail between the place of mailing and the place so addressed.

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

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**NOTE -** If service is made in any manner permitted by Rule 4 other than personally upon the defendant, or is made  
outside the United States, a special affidavit or return must be made.

No. 090C00579 1B

Dept No. 1

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

JED MARGOLIN, an individual,  
Plaintiff,

**SUMMONS**

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 CHONONREZA ZANDIAN JAZI, an individual, DOE Companies 1-10, DOE Corporations 11-20, and DOE Individuals 21-30,

Defendants. /

THE STATE OF NEVADA SENDS GREETINGS TO: OPTIMA TECHNOLOGY CORPORATION, a California corporation

NOTICE! YOU HAVE BEEN SUED. THIS ACTION IS BROUGHT TO RECOVER DAMAGES AS A RESULT OF THE DEFENDANTS' FRAUDULENT ASSIGNMENT OF DOCUMENTS RELATING TO PATENT NO.'S 5,566,073, 5,904,724 AND 5,978,488 AS MORE FULLY STATED IN THE COMPLAINT. THE COURT MAY DECIDE AGAINST YOU WITHOUT YOUR BEING HEARD UNLESS YOU RESPOND WITHIN 20 DAYS. READ THE INFORMATION BELOW.

TO THE DEFENDANT: A civil complaint or petition has been filed by the plaintiff(s) against you.

1. If you wish to defend this lawsuit, you must, within 20 days after this summons is served on you, exclusive of the day of service, file with the Clerk of the Court a written pleading in response to this Complaint.
2. Unless you respond, a default will be entered upon application of the plaintiff(s) and this Court may enter a judgment against you for the relief demanded in the complaint\*, which could result in the taking of money or property or the relief requested in the Complaint.
3. If you wish to seek the advice of an attorney in this matter, you should do so promptly so that your response may be filed on time.
4. You are required to serve your response upon plaintiff's attorney, whose address is

Matthew D. Francis  
Adam McMillen  
Watson Rounds  
5371 Kietzke Lane  
Reno, Nevada 89511

ALAN GLOVER

Clerk of Court

By \_\_\_\_\_

Deputy Clerk

Date \_\_\_\_\_, 20\_\_

\*Note - When served by publication, insert a brief statement of the object of the action. See Rule 4.

RETURN OF SERVICE ON REVERSE SIDE

**AFFIDAVIT OF SERVICE**  
**(For General Use)**

STATE OF \_\_\_\_\_ }  
COUNTY OF \_\_\_\_\_ } SS.

\_\_\_\_\_, declares under penalty of perjury:  
That affiant is, and was on the day when he served the within Summons, over 18 years of age, and not a party to, nor interested in, the within action; that the affiant received the Summons on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and personally served the same upon \_\_\_\_\_ the within named defendant, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by delivering to the said defendant, personally, in \_\_\_\_\_, County of \_\_\_\_\_, State of \_\_\_\_\_, a copy of the Summons attached to a copy of the Complaint.  
I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. \_\_\_\_\_  
Signature of person making service

STATE OF NEVADA }  
CARSON CITY } SS.

**NEVADA SHERIFF'S RETURN**  
**(For Use of Sheriff of Carson City)**

I hereby certify and return that I received the within Summons on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and personally served the same upon \_\_\_\_\_, the within named defendant, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by delivering to the said defendant, personally, in Carson City, State of Nevada, a copy of the Summons attached to a copy of the Complaint.

\_\_\_\_\_  
Sheriff of Carson City, Nevada

Date: \_\_\_\_\_, 20\_\_\_\_ By \_\_\_\_\_  
Deputy

STATE OF NEVADA }  
COUNTY OF \_\_\_\_\_ } SS.

**AFFIDAVIT OF MAILING**  
**(For Use When Service Is by Publication and Mailing)**

\_\_\_\_\_, declares under penalty of perjury:  
That affiant is, and was when the herein described mailing took place, over 18 years of age, and not a party to, nor interested in, the within action; that on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, affiant deposited in the Post Office at \_\_\_\_\_, Nevada, a copy of the within Summons attached to a copy of the Complaint, enclosed in a sealed envelope upon which first class postage was fully prepaid, addressed to \_\_\_\_\_, the within named defendant, at \_\_\_\_\_; that there is a regular communication by mail between the place of mailing and the place so addressed.  
I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**NOTE -** If service is made in any manner permitted by Rule 4 other than personally upon the defendant, or is made outside the United States, a special affidavit or return must be made.

ORIGINAL

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

REC'D & FILED

2011 SEP 27 PM 5:02

ALAN GLOVER

BY  CLERK  
DEPUTY

7 **In The First Judicial District Court of the State of Nevada**  
8 **In and for Carson City**

10 **JED MARGOLIN, an individual,**

11 **Plaintiff,**

12 **vs.**

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

20 **Defendants.**

Case No.: 090C00579 1B

Dept. No.: 1

**[PROPOSED] AMENDED ORDER**  
**ALLOWING SERVICE BY**  
**PUBLICATION**

21  
22 Plaintiff Jed Margolin has sought the Order of this Court allowing service by publication  
23 as against Defendants Optima Technology Corporation, a California corporation, Optima  
24 Technology Corporation. a Nevada corporation, and Reza Zandian, aka Golamreza Zandianjazi,  
25 aka Gholam Reza Zandian aka Reza Jazi aka J. Reza Jazi aka G. Reza Jazi aka Ghononreza  
26 Zandian Jazi, for up to four weeks following the issuance thereof.

27 This Court has reviewed all pleadings and papers on file herein and is fully informed  
28 concerning all relevant facts and issues. IT IS THEREFORE ORDERED AS FOLLOWS:

1 Service of process as against Defendants may be made by publication by publishing such  
2 Summons in the San Diego Union-Tribune, the Reno Gazette-Journal, and the Las Vegas  
3 Review Journal for a period of four weeks and said publication to occur at least once a week  
4 during said time.

5  
6 IT IS SO ORDERED:

7 Dated: September 27, 2011

  
DISTRICT COURT JUDGE

8  
9  
10  
11  
12  
13  
14  
15  
16  
17 SUBMITTED BY:

  
18  
19 Adam P. McMillen (10678)  
WATSON ROUNDS  
5371 Kietzke Lane  
20 Reno, NV 89511  
21 Telephone: 775-324-4100  
Facsimile: 775-333-8171

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

REC'D & FILED  
2011 DEC -5 PM 4:00  
ALAN GLOVER  
V. GUTIERREZ CLERK  
DEPT 011

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

9  
10 **JED MARGOLIN, an individual,**

11 **Plaintiff,**

12 **vs.**

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

24 **Defendants.**

Case No.: 090C00579 1B

Dept. No.: 1

**OPPOSITION TO MOTION TO**  
**DISMISS**

25 COMES NOW Plaintiff Jed Margolin and hereby files this opposition to Defendant  
26 Reza Zandian's ("Zandian") motion to dismiss the amended complaint on a special appearance  
27 and in the alternative for leave to amend the complaint. This opposition is based on the  
28 following Memorandum of Points and Authorities and all pleadings, motions, and papers on  
file herein.

///

///

///





1 Zandian. Plaintiff then filed and served a Notice of Entry of Default on Zandian on December  
2 7, 2010 and on his last known attorney on December 16, 2010.

3 On February 25, 2011, Plaintiff filed in this Court and served a certificate of service  
4 indicating that the application for entry of default against Zandian was sent to attorney John  
5 Peter Lee. On February 28, 2011, Plaintiff filed an application for default judgment against  
6 Defendants Zandian, Optima Technology Corporation, a California Corporation, and Optima  
7 Technology Corporation, a Nevada Corporation.

8 On March 1, 2011, a default judgment was entered against Zandian and the other  
9 defendants for \$121,594.46. On March 7, 2011, notice of entry of that default was filed and  
10 served by mail on Zandian and his counsel.

11 On June 9, 2011, Zandian filed a motion to dismiss and to set aside the default. On  
12 August 3, 2011, this Court set aside the default, denied the motion to dismiss without prejudice  
13 and granted Plaintiff ninety (90) days from August 3, 2011 to properly effectuate service of the  
14 Complaint and Summons and/or an Amended Complaint.

15 On September 27, 2011, this Court ordered that service of process against Defendants  
16 be made by publication in the San Diego Union-Tribune, the Reno Gazette-Journal and the Las  
17 Vegas Review Journal. As reflected in the affidavits of service filed on November 7, 2011,  
18 Defendants were served by publication in the San Diego Union-Tribune (09/23/2011;  
19 09/30/2011; 10/07/2011; 10/14/2011), the Reno Gazette-Journal (09/16/2011; 09/23/2011;  
20 09/30/2011; 10/07/2011) and the Las Vegas Review Journal (10/07/2011; 10/14/2011;  
21 10/21/2011; 10/28/2011).

### 22 III. ARGUMENT

#### 23 **A. DEFENDANT'S MOTION TO DISMISS CITES MATTERS OUTSIDE** 24 **THE PLEADINGS AND THUS THE MOTION SHOULD BE TREATED** 25 **AS A MOTION FOR SUMMARY JUDGMENT**

26 "If a motion to dismiss for failure to state a claim upon which relief can be granted has  
27 been filed, and matters outside the pleading are presented to and not excluded by the trial  
28 court, the motion shall be treated as a motion for summary judgment." *Kellar v. Snowden*, 87  
Nev. 488, 491-92, 489 P.2d 90, 92-93 (1971). In this case, Defendant Zandian has presented

1 matters outside the Amended Complaint and if the Court does not exclude those matters then  
2 Zandian's motion must be treated as a motion for summary judgment.

3 For example, Defendant Zandian references the Arizona default judgment to argue that  
4 he was not a part of the Arizona action. *See* Zandian's Motion to Dismiss, Exhibit B, and 3:15  
5 and 3:22-23. Another example is where Defendant Zandian argues that he was not served in  
6 the Arizona action and Zandian cites the docket of the Arizona action for support of this  
7 argument. *Id.* at 4:26-27, citing Exhibit C (which is the docket of the Arizona action).

8 As a result of Zandian's citation to matters outside of the pleadings, the motion to  
9 dismiss should be treated as a motion for summary judgment.

10 **B. LEGAL STANDARD FOR SUMMARY JUDGMENT UNDER NRCP 56**

11 Summary judgment under NRCP 56 may not be used as a shortcut to resolving  
12 disputes regarding material facts. *Parmana v. Petricciani*, 70 Nev. 427, 436, 272 P.2d 492  
13 (1954), *abrogated on other grounds by Wood v. Safeway, Inc.*, 121 Nev. 724, 121 P.3d 1026  
14 (2005).

15 A court "should exercise great care in granting motions for summary judgment". *Short*  
16 *v. Hotel Riviera, Inc.*, 79 Nev. 94, 103, 378 P.2d 979, 984 (1963). NRCP 56 authorizes  
17 summary judgment only where the moving party is entitled to judgment as a matter of law and  
18 no genuine issue remains for trial. *Wood v. Safeway, Inc.*, 121 Nev. 724, 731, 121 P.3d 1026,  
19 1031 (2005). All evidence favorable to the party against whom summary judgment was  
20 rendered will be accepted as true. *Bowyer v. Davidson*, 94 Nev. 718, 720, 584 P.2d 686, 687  
21 (1978). The pleadings and other proof must be construed in a light most favorable to the  
22 nonmoving party. *Wood v. Safeway, Inc.*, 121 Nev. 724, 732, 121 P.3d 1026, 1031 (2005).

23 **C. MATERIAL ISSUES OF FACT EXIST AS TO DEFENDANT**  
24 **ZANDIAN'S INVOLVEMENT IN THE UNDERLYING FRAUDULENT**  
25 **ASSIGNMENT**

26 Applying the legal standard for summary judgment to the pleadings and other proof  
27 attached to Zandian's motion to dismiss, and/or submitted in this action, material issues of fact  
28 plainly exist as to whether or not Defendants, including Zandian in his personal capacity,  
executed and filed fraudulent documents with the United States Patent and Trademark Office

1 (“PTO”), among other issues that have caused Plaintiff Margolin’s damages. Zandian has  
2 provided no undisputed fact that he was not personally involved in signing the fraudulent  
3 documents. He merely argues that he was not involved. Clearly, a material issue of fact exists  
4 with that issue alone.

5 **D. IN THE ALTERNATIVE, ADDITIONAL DISCOVERY IS REQUIRED**  
6 **PURSUANT TO NRCP 56(f)**

7 In the alternative that the above is not sufficient to defeat the instant motion for  
8 summary judgment, it should still be denied based upon the complete lack of discovery in this  
9 matter.

10 NRCP 56(f) provides in pertinent part:

11 Should it appear from the affidavits of a party opposing the motion that the  
12 party cannot for reasons stated present by affidavit facts essential to justify the  
13 party’s opposition, the court may refuse the application for judgment or may  
14 order a continuance to permit affidavits to be obtained or depositions to be  
15 taken or discovery to be had or may make such other order as is just. *Id.*

16 “NRCP 56(f) permits a district court to grant a continuance when a party opposing a  
17 motion for summary judgment is unable to marshal facts in support of its opposition. A district  
18 court’s decision to refuse such a continuance is reviewed for abuse of discretion.” *Aviation*  
19 *Ventures, Inc. v. Joan Morris, Inc.*, 121 Nev. 113, 117-18, 110 P.3d 59, 62 (2005). In  
20 addition:

21 In *Halimi v. Blacketor*, this court concluded that a district court had abused its  
22 discretion when it denied an NRCP 56(f) motion for a continuance and granted  
23 summary judgment in a case where the complaint had been filed only a year  
24 before summary judgment was granted. This court noted that summary  
25 judgment is improper when a party seeks additional time to conduct discovery  
26 to compile facts to oppose the motion. Furthermore, this court held that when  
27 no dilatory motive was shown, it was an abuse of discretion to refuse a request  
28 for further discovery at such an early stage in the proceedings.

29 *Aviation Ventures, Inc.*, 121 Nev. at 118, 110 P.3d at 62 (citations omitted).

30 In addition, Nevada courts regularly consult the Federal Rules of Civil Procedure in  
31 interpreting the Nevada rules. *See for example AA Primo Builders, LLC v. Washington*, 245  
32 P.3d 1190, 1193 (Nev. 2010). The case law interpreting the federal counterpart of NRCP 56(f)  
33 states in part as follows:

1 Rule 56(f) “provides a device for litigants to avoid summary judgment when they have  
2 not had sufficient time to develop affirmative evidence.” *Seville Classics, Inc. v. Meskill*  
3 *Enterprises, LLC.*, 2005 WL 6141289, \*1 (C.D. Cal. 2005)(granting plaintiff’s application for  
4 ex parte order under Rule 56(f) denying defendant’s motion for summary judgment), quoting  
5 *United States v. Kitsap Physicians Serv.*, 314 F.3d 995, 1000 (9th Cir. 2002). The purpose of  
6 Rule 56(f) is to serve as a safeguard against an improvident or premature grant of summary  
7 judgment. 10B Charles A. Wright, Arthur R. Miller, *Federal Practice and Procedure* 3d, §  
8 2740 (2009)(citations omitted). As such, courts have held that technical rulings regarding  
9 Rule 56(f) are improper and the Rule “should be applied with a spirit of liberality.” *Id.*

10 “Rule 56(f) motions ‘should be granted almost as a matter of course unless the  
11 nonmoving party has not diligently pursued discovery of the evidence.’” *Caldwell v.*  
12 *Roseville Joint Union High School District*, 2006 WL 3747288, \*1 (E. D. Cal.  
13 2006)(quotations omitted – granting Rule 56(f) ex parte application for continuance).

14 Thus, under NRCP 56(f), a motion for summary judgment should be denied if it  
15 appears that additional discovery will assist in developing the facts of the case. Clearly,  
16 discovery in the form of written discovery and especially the taking of the depositions of the  
17 parties and the fact witnesses (if any), will not only assist in developing the facts of the case  
18 but will likely establish unequivocally whether or not Defendants, including Zandian in his  
19 personal capacity, were responsible for the filing of the fraudulent documents with the PTO  
20 and caused the Plaintiff’s damages.

21 No discovery has been conducted to date as no answer to the complaint or the amended  
22 complaint has been filed by Defendants. *McMillen Aff.*, ¶ 31. The written discovery and  
23 deposition discovery that will assist in developing the facts of this case and will establish  
24 whether Defendants are liable or not for the causes of action filed by Plaintiff is as follows:

25 Discovery needs to be done regarding Zandian’s contention that he never acted in his  
26 individual capacity in such a way to cause a justiciable injury to the Plaintiff, as outlined on  
27 page 3, lines 20-21 of Zandian’s motion to dismiss (see also page 4, lines 6-7). *McMillen*  
28 *Aff.*, ¶ 32. Discovery into all aspects of the Plaintiff’s claims in this matter needs to be

1 accomplished. *Id.* at ¶ 33. The deposition of Defendant Reza Zandian, and written discovery,  
2 needs to be undertaken in order to determine his residency and contacts with the State of  
3 Nevada for jurisdictional purposes and issues related to his role in forging the assignment  
4 documents, among other issues. *Id.* at ¶ 34. Discovery needs to be done regarding issues  
5 related to Plaintiff's claims, including whether or not Defendant Zandian acted in his personal  
6 capacity in such a way to cause a justiciable injury to Plaintiff. *Id.* at ¶ 35. Discovery needs to  
7 be done regarding the Plaintiff's damages. *Id.* at ¶ 36. Discovery into the Defendants' claims  
8 and defenses needs to been done. *Id.* at ¶ 37.

9 The above referenced discovery will assist in developing the facts of this case,  
10 therefore, pursuant to NRCPC 56(f), Defendant Zandian's motion to dismiss/summary judgment  
11 should be denied. *Id.* at ¶ 38.

12 Therefore, it is respectfully requested in the alternative that the instant motion be  
13 denied so that additional discovery can take place.

14 **E. DEFENDANTS HAVE BEEN PROPERLY SERVED WITH THE**  
15 **SUMMONS AND COMPLAINT**

16 NRCPC 4(e)(1)(i) allows service by publication when the person on whom service is to  
17 be made resides out of the state, or has departed from the state, or cannot, after due diligence,  
18 be found within the state, or by concealment seeks to avoid service, and a cause of action  
19 exists against the person to whom service is to be made and is a necessary party. In addition,  
20 NRCPC 4(e)(1)(iii) commands as follows:

21 The order shall direct the publication to be made in a newspaper, **published in**  
22 **the State of Nevada**, to be designated by the court or judge thereof, for a  
23 period of 4 weeks, and at least once a week during said time. In addition to in-  
24 state publication, where the present residence of the defendant is unknown **the**  
25 **order may also direct that publication be made in a newspaper published**  
**outside the State of Nevada** whenever the court is of the opinion that such  
publication is necessary to give notice that is reasonably calculated to give a  
defendant actual notice of the proceedings.

26 NRCPC 4(e)(1)(iii)(emphasis added).

27 In this case, the complaint was filed on December 11, 2009. Plaintiff attempted to  
28 serve Defendants at their last-known residential and/or business address of 8401 Bonita

1 Downs Road, Fair Oaks, California 95628. As Plaintiff was having difficulty serving Zandian,  
2 the summons and complaint were mailed to Zandian's attorney, John Peter Lee, on January 8,  
3 2010, and a request for assistance in serving Zandian was made. *See* Letter, dated 1/8/10,  
4 from Cassandra Joseph to John Peter Lee, attached hereto as **Exhibit 3**.<sup>3</sup> Moreover, an attempt  
5 at personal service of Zandian occurred on February 2, 2010 in Fair Oaks, California.

6 On August 4, 2011, Adam McMillen sent a letter to John Peter Lee requesting that Mr.  
7 Lee accept service on behalf of his client, Reza Zandian. *See* Letter, dated 8/04/11, from  
8 Adam McMillen to John Peter Lee, attached hereto as **Exhibit 4**. Mr. McMillen also  
9 requested that Mr. Lee provide a current address for Reza Zandian. *Id.*

10 On August 8, 2011, Mr. Lee sent Mr. McMillen a letter stating as follows:

11 We cannot accept service, nor can we give you Reza Zandian's current address.  
12 Except to indicate that he **does not reside** in Nevada **at the present time** and is  
13 not subject to the jurisdiction of the courts of this State within the provisions of  
14 the litigation commenced by your firm involving an Arizona judgment which  
15 cannot be domesticated in Nevada.

16 *See* Letter, dated 8/8/11, from John Peter Lee to Adam McMillen, attached hereto as **Exhibit 5**  
17 (emphasis added). Mr. Lee was unwilling to assist the Plaintiff in serving his client.

18 Nevertheless, as stated above, all three Defendants were served by publication prior to  
19 November 2011. Therefore, all three Defendants have been served with the summons and  
20 complaint and were given proper notice of this lawsuit.

21 **F. ZANDIAN'S BUSINESS ACTIVITIES AND PROPERTY HOLDINGS ARE  
22 SUBSTANTIAL, CONTINUOUS AND SYSTEMATIC, AND HE SHOULD BE  
23 DEEMED PRESENT IN THE FORUM**

24 Nevada's long arm statute states as follows:

- 25 1. A court of this state may exercise jurisdiction over a party to a civil action  
26 on any basis not inconsistent with the Constitution of this state or the  
27 Constitution of the United States.
- 28 2. Personal service of summons upon a party outside this state is sufficient to  
confer upon a court of this state jurisdiction over the party so served if the  
service is made by delivering a copy of the summons, together with a copy of

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<sup>3</sup> John Peter Lee never responded to Cassandra Joseph's request for assistance in serving Zandian and the Defendant entities. At least, Mr. Lee never responded until well after the default was entered by filing the instant motion, even though he represented Zandian prior to this action.

1 the complaint, to the party served in the manner provided by statute or rule of  
2 court for service upon a person of like kind within this state.

3 3. The method of service provided in this section is cumulative, and may be  
4 utilized with, after or independently of other methods of service.

5 NRS 14.065(1)-(3).

6 In addition, in Nevada, “[t]here are two types of personal jurisdiction: general and  
7 specific.” *Baker v. Eighth Judicial Dist. Court ex rel. County of Clark*, 116 Nev. 527, 532,  
8 999 P.2d 1020, 1023 (2000). “General jurisdiction is required in matters where a defendant is  
9 held to answer in a forum for causes of action unrelated to his forum activities.” *Baker v.*  
10 *Eighth Judicial Dist. Court ex rel. County of Clark*, 116 Nev. 527, 532, 999 P.2d 1020, 1023  
11 (2000). “General jurisdiction over a nonresident will lie where the nonresident's activities in  
12 the forum are ‘substantial’ or ‘continuous and systematic.’” *Id.* Said another way, “General  
13 jurisdiction over the defendant ‘is appropriate where the defendant's forum activities are so  
14 “substantial” or “continuous and systematic” that [he] may be deemed present in the forum.”  
15 *Freeman v. Second Judicial Dist. Court ex rel. County of Washoe*, 116 Nev. 550, 553, 1 P.3d  
16 963, 965 (2000).

17 In addition, the following citation acknowledges that there must be minimum contacts  
18 for the Court to exercise jurisdiction over a nonresident and states that owning property or  
19 doing business within the state is enough to confer jurisdiction:

20 We acknowledged in *Metal-Matic, Inc. v. 8th Judicial District Court*, 82 Nev.  
21 263, 415 P.2d 617 (1966), citing therein *International Shoe Co. v. State of*  
22 *Washington*, 326 U.S. 310, 66 S.Ct. 154, 90 L.Ed. 95 (1945); *McGee v.*  
23 *International Life*, 355 U.S. 220, 78 S.Ct. 199, 2 L.Ed.2d 223 (1957); and  
24 *Hanson v. Denckla*, 357 U.S. 235, 78 S.Ct. 1228, 2 L.Ed.2d 1283 (1958), that  
25 since *Pennoyer v. Neff*, 5 Otto 714, 95 U.S. 714, 24 L.Ed. 565 (1877), a  
26 jurisdictional evolution has been taking place to such extent that the old  
27 jurisdictional landmarks have been left far behind so that in many instances  
28 states may now properly exercise jurisdiction over nonresidents not amenable  
to service within their borders. The point has not been reached, however, where  
state boundaries are not without significance. There must still be some  
‘affiliating’ circumstances without which the courts of the state may not  
entertain jurisdiction. *Hanson v. Denckla*, supra. Each case depends upon its  
own circumstances, but while we adhere to the generalities of ‘minimal  
contact,’ that contact must be of significance. **In this case it must amount to  
owning property or doing business within this state.**

*McCulloch Corp. v. O'Donnell*, 83 Nev. 396, 398, 433 P.2d 839, 840 (1967) (emphasis added).

1 In this case, Zandian owns property and does business within the state. In fact, as  
2 detailed below, Zandian's forum activities are so "substantial" or "continuous and systematic"  
3 that he may be deemed present in the forum and therefore general jurisdiction is appropriate.

4 Zandian owns real property throughout Nevada. He owns two parcels in Clark County  
5 (30 acres combined).<sup>4</sup> He owns 10 parcels in Washoe County ((APN: 79-150-09: 560  
6 acres)(APN: 079-150-10: 639 acres)(APN: 079-150-13: 560 acres)(APN: 084-040-02: 627  
7 acres)(APN: 084-040-04: 640 acres)(APN: 084-040-06: 633 acres)(APN: 084-040-10: 390  
8 acres)(APN 084-130-07: 275 acres)(APN: 79-150-12:160 acres)).<sup>5</sup> He owns and/or is partial  
9 owner of 6 parcels in Lyon County (330.20 acres combined).<sup>6</sup> He is part owner of two parcels  
10 in Churchill County (56.75 acres combined).<sup>7</sup> He is part owner of one parcel in Elko County  
11 (17.6 acres).<sup>8</sup> It is unknown at this time if he owns other property in other names or through  
12 other entities.

13 With regards to doing business within Nevada, Zandian is a managing member of  
14 Johnson Spring Water Company LLC, a Nevada LLC.<sup>9</sup> Zandian is a managing member of  
15 Wendover Project L.L.C., a Nevada LLC.<sup>10</sup> Zandian is or was recently a manager of 11000  
16 Reno Highway, Fallon, LLC, a Nevada LLC.<sup>11</sup> Currently, 11000 Reno Highway, Fallon, LLC  
17 is listed as the owner of 640 acres of real property in Churchill County.<sup>12</sup>

18 Zandian is or was recently a managing member and registered agent of Misfits  
19 Development LLC, a Nevada LLC.<sup>13</sup> Zandian is or was recently a managing member and  
20  
21

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22 <sup>4</sup> See Zandian's Clark County property information, attached hereto as **Exhibit 6**.

23 <sup>5</sup> See Zandian's Washoe County property information, attached hereto as **Exhibit 7**.

24 <sup>6</sup> See Zandian's Lyon County property information, attached hereto as **Exhibit 8**.

25 <sup>7</sup> See Zandian's Churchill County property information, attached hereto as **Exhibit 9**.

26 <sup>8</sup> See Zandian's Elko County property information, attached hereto as **Exhibit 10**.

27 <sup>9</sup> See Zandian's manager information for Johnson Spring Water Company LLC, attached hereto as **Exhibit 11**.

28 <sup>10</sup> See Zandian's manager information for Wendover Project L.L.C., attached hereto as **Exhibit 12**.

<sup>11</sup> See Zandian's manager information for 11000 Reno Highway, Fallon, L.L.C., attached hereto as **Exhibit 13**.

<sup>12</sup> See 11000 Reno Highway, Fallon, LLC's Churchill County property information, attached hereto as **Exhibit 14**.

<sup>13</sup> See Zandian's managing member and resident agent information for Misfits Development LLC, attached hereto as **Exhibit 15**.

1 registered agent of Elko North 5<sup>th</sup> Avenue, LLC, a Nevada LLC.<sup>14</sup> Zandian is a managing  
2 member and registered agent for Stagecoach Valley LLC, an active Nevada LLC.<sup>15</sup>

3 Zandian acted as the resident agent for a revoked Nevada limited liability company  
4 named Rock and Royalty LLC, where Zandian's resident agent address was 1401 S. Las  
5 Vegas Boulevard, Las Vegas, Nevada 89104.<sup>16</sup> Zandian was a managing member of Gold  
6 Canyon Development LLC, a Nevada LLC that is now in default status.<sup>17</sup> Zandian was a  
7 managing member of High Tech Development LLC, a Nevada LLC that has been dissolved.<sup>18</sup>  
8 Zandian was a managing member of Lyon Park Development LLC, a Nevada LLC that has  
9 been dissolved.<sup>19</sup> Zandian was a managing member of Churchill Park Development LLC, a  
10 Nevada LLC that has been dissolved.<sup>20</sup> Zandian was a manager of Sparks Village LLC, a  
11 Nevada LLC that is in default status.<sup>21</sup> Zandian was president, secretary, treasurer, director  
12 and resident agent of Optima Technology Corporation, a now revoked Nevada close  
13 corporation.<sup>22</sup> Zandian was a managing member of I-50 Plaza LLC, a Nevada LLC in default  
14 status.<sup>23</sup> Zandian was a manager of Dayton Plaza, LLC, a Nevada LLC in default status.<sup>24</sup>  
15 Finally, Zandian was a manager of Reno Highway Plaza, LLC, a Nevada LLC in revoked  
16 status.<sup>25</sup>

17 Also, Zandian listed Carson City and Las Vegas addresses for his registered agent and  
18 officer information for Rock and Royalty LLC, Optima Technology Corporation, High Tech  
19

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20 <sup>14</sup> See Zandian's managing member and resident agent information for Elko North 5<sup>th</sup> Avenue, LLC, attached  
hereto as **Exhibit 16**.

21 <sup>15</sup> See Zandian's managing member and resident agent information for Stagecoach Valley LLC, attached hereto as  
**Exhibit 17**.

22 <sup>16</sup> See Zandian's resident agent information for Rock and Royalty LLC, attached hereto as **Exhibit 18**.

23 <sup>17</sup> See Zandian's managing member information for Gold Canyon Development LLC, attached hereto as **Exhibit**  
**19**.

24 <sup>18</sup> See Zandian's managing member information for High Tech Development LLC, attached hereto as **Exhibit 20**.

<sup>19</sup> See Zandian's managing member information for Lyon Park Development LLC, attached hereto as **Exhibit 21**.

25 <sup>20</sup> See Zandian's managing member information for Churchill Park Development LLC, attached hereto as **Exhibit**  
**22**.

26 <sup>21</sup> See Zandian's manager information for Sparks Village LLC, attached hereto as **Exhibit 23**.

27 <sup>22</sup> See Zandian's information for Optima Technology Corporation, attached hereto as **Exhibit 24**.

<sup>23</sup> See Zandian's information for I-50 Plaza LLC, attached hereto as **Exhibit 25**.

28 <sup>24</sup> See Zandian's information for Dayton Plaza, LLC, attached hereto as **Exhibit 26**.

<sup>25</sup> See Zandian's information for Reno Highway Plaza, LLC, attached hereto as **Exhibit 27**.

1 Development LLC, Lyon Park Development LLC, Churchill Park Development LLC, Sparks  
2 Village, LLC, I-50 Plaza LLC, Dayton Plaza, LLC, 11000 Reno Highway Fallon LLC, Misfits  
3 Development LLC, Elko North 5<sup>th</sup> Ave, LLC, and Stagecoach Valley LLC.<sup>26</sup>

4 As demonstrated above, Zandian clearly owns or partially owns many properties within  
5 and throughout the state of Nevada and Zandian clearly does a significant amount of business  
6 within the state. His property ownership holdings and his business dealings, alone, show that  
7 Zandian’s forum activities are so “substantial” or “continuous and systematic” that he should  
8 be deemed present in the forum and therefore general jurisdiction is appropriate.

9 **G. NEVADA HAS ABROGATED THE DOCTRINE OF SPECIAL/GENERAL**  
10 **APPEARANCES**

11 Zandian argues that he is making a special appearance “for the purpose of testing both  
12 the sufficiency of service and the jurisdiction of the court; thus, Zandian has not consented to  
13 personal jurisdiction of any Nevada court by bringing the instant motion.” See Motion to  
14 Dismiss Amended Complaint on Special Appearance, dated 11/17/11, 2:12-15, on file herein.

15 However, the Nevada Supreme Court has abrogated the doctrine of special/general  
16 appearances. *Hansen v. Eighth Judicial Dist. Court ex rel. County of Clark*, 116 Nev. 650,  
17 656, 6 P.3d 982, 985 (2000). “Now, before a defendant files a responsive pleading such as an  
18 answer, that defendant may move to dismiss for lack of personal jurisdiction, insufficiency of  
19 process, and/or insufficiency of service of process, and such a defense is not ‘waived by being  
20 joined with one or more other defenses.’ Alternatively, a defendant may raise its defenses,  
21 including those relating to jurisdiction and service, in a responsive pleading.” *Hansen*, 116  
22 Nev. at 656, 6 P.3d at 986.

23 Zandian could have raised his alleged defenses of insufficiency of service of process  
24 and lack of jurisdiction in a motion to dismiss without waiving such defenses and his “special”  
25 appearance is a nullity. Therefore, Zandian’s motion is merely a motion to dismiss. However,  
26 as shown above and below, the motion to dismiss is factually and procedurally fatally flawed.

27 **H. ZANDIAN CANNOT MEET THE STANDARD FOR A MOTION TO DISMISS**

28 <sup>26</sup> See Exhibits 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, and 25, attached hereto.

1            “In considering ‘a motion to dismiss, all well-pleaded allegations of material fact are  
2 taken as true and construed in a light most favorable to the non-moving party.’” *Germaine*  
3 *Music v. Universal Songs of Polygram*, 275 F. Supp. 2d 1288, 1294 (D. Nev. 2003) *aff’d in*  
4 *part*, 130 F. App’x. 153 (9th Cir. 2005).

5            In his third paper filed with this Court, Zandian moves this Court to dismiss the case  
6 based upon service of process and jurisdiction. However, as shown above, Zandian was  
7 properly served and his forum contacts are so substantial as to create general jurisdiction over  
8 him in the State of Nevada. *See supra*. Therefore, construing the complaint in the light most  
9 favorable to the Plaintiff, Zandian’s motion to dismiss cannot meet the standard for a motion  
10 to dismiss.

11            **I. RES JUDICATA AND ISSUE PRECLUSION DO NOT PREVENT THIS**  
12            **ACTION**

13            Zandian’s motion to dismiss is difficult to decipher, but it appears that Zandian is  
14 making an argument that res judicata or maybe issue preclusion might apply in this case.  
15 However, Zandian provides no factual or legal authority for his arguments.

16            “The failure of a moving party to file a memorandum of points and authorities in  
17 support of a motion shall constitute a consent to the denial of the motion...” FJDCR 15(5).  
18 Accordingly, Zandian’s motion should be denied.

19            Nevertheless, there is a three-part test for determining whether claim preclusion  
20 applies: (1) the parties or their privies are the same, (2) the final judgment is valid, and (3) the  
21 subsequent action is based on the same claims or any part of them that were or could have  
22 been brought in the first case. *Five Star Capital Corp. v. Ruby*, 124 Nev. 1028, 194 P.3d 709,  
23 713 (Nev. 2008).

24            In this case, the parties/privies are not the same and this action is not based on the same  
25 claims that were or could have been brought in the first case. For example, Zandian argues  
26 that the Arizona action has no application to him: “Because no summons was ever issued as to  
27 Zandian in the underlying U.S. District Court action which forms the basis of the instant  
28 action, any domestication of the U.S. District Court action as it pertains to Zandian is a clear

1 violation of Zandian's constitutional right to notice under the Due Process clauses of the Fifth  
2 and Fourteenth Amendments of the U.S. Constitution." See Motion to Dismiss Amended  
3 Complaint on Special Appearance, dated 11/17/11, 5:5-10, on file herein. While Zandian is  
4 incorrect in his assessment that Plaintiff is trying to domesticate the Arizona judgment,  
5 Zandian is correct that he was not a party to the Arizona case.

6 In addition, the Arizona case was a declaratory judgment action brought by Universal  
7 Avionics Systems Corporation ("Universal") against Plaintiff, OTG, OTC and Jed Margolin.  
8 See Arizona Complaint, dated 7/15/08, attached hereto as **Exhibit 28** (original complaint  
9 sealed). Universal sought a declaratory judgment that the '073 and '724 patents were invalid  
10 and not infringed. *Id.*

11 OTG counterclaimed against Universal and cross-claimed against OTC, Joachim  
12 Naimer, Jane Naimer, Frank Hummel and Jane Doe Hummel. See Arizona Answer,  
13 Counterclaims, Cross-Claims and Third-Party Claims, dated 1/24/08, attached hereto as  
14 **Exhibit 29**. OTG claimed patent infringement against Universal, Naimer and Hummel. *Id.*  
15 OTG claimed breach of contract, breach of the implied covenant of good faith and fair dealing,  
16 and negligence against Universal. *Id.* OTG sought a declaratory judgment against OTC that  
17 OTC had no interest or right in the durable power of attorney from Jed Margolin or the above  
18 mentioned patents, that OTC's filing/recording of documents with the PTO was invalid and  
19 void, and ordering the PTO to correct and expunge its records with regards to the same. *Id.*  
20 OTG claimed injurious falsehood/slander of title, trespass to chattels, unfair competition,  
21 unfair and deceptive competition/business practices, unlawful conspiracy, joint and several  
22 liability, and punitive damages against Universal and OTC. *Id.*

23 In this case, Jed Margolin is claiming conversion, tortious interference with contract,  
24 intentional interference with prospective economic advantage, unjust enrichment, and unfair  
25 and deceptive trade practices against all Defendants in this matter. The parties/privies and  
26 claims in this matter are not the same as the parties/privies and claims in the Arizona action.

27 Therefore, as the parties/privies and claims in the Arizona action are not the same as  
28 the parties/privies and claims in this action, claim preclusion does not apply.

1 Also, there is a four-part test for the application of issue preclusion: ““(1) the issue  
2 decided in the prior litigation must be identical to the issue presented in the current action; (2)  
3 the initial ruling must have been on the merits and have become final; ... (3) the party against  
4 whom the judgment is asserted must have been a party or in privity with a party to the prior  
5 litigation’; and (4) the issue was actually and necessarily litigated.” *Five Star Capital Corp.*,  
6 124 Nev. 1028, 194 P.3d at 713. The only identical issues decided in the Arizona case is the  
7 fact that OTC/Zandian filed a forged assignment with the United States Patent Office and that  
8 OTC/Zandian have no interest in the above mentioned patents or the durable power of  
9 attorney.

10 The Arizona court ordered that OTC “has no interest in U.S. Patents Nos. 5,566,073  
11 and 5,904,724 (“the Patents”) or the Durable Power of Attorney from Jed Margolin dated July  
12 20, 2004.” *See* Exhibit B to Zandian’s Motion to Dismiss Amended Complaint on Special  
13 Appearance, dated 11/17/11, on file herein. The Arizona court also ordered that the  
14 “Assignment Optima Technology Corporation filed with the USPTO is forged, invalid, void,  
15 of no force and effect, and is hereby struck from the records of the USPTO.” *See* Exhibit B to  
16 Zandian’s Motion to Dismiss Amended Complaint on Special Appearance, dated 11/17/11, on  
17 file herein. Therefore, those issues have already been decided. However, the same claims  
18 have not been decided.

19 Therefore, the current action against Zandian and all the other Defendants is properly  
20 before this Court.

#### 21 IV. CONCLUSION

22 Based upon the foregoing, Plaintiff respectfully requests that this Court deny Zandian’s  
23 motion to dismiss/for summary judgment. If this Court decides to grant any of Zandian’s  
24 requests, then Plaintiff respectfully requests leave to amend the Complaint in order to remedy  
25 any defects therein. It is respectfully requested in the alternative that the instant motion be  
26 denied so that additional discovery can take place.

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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 this 5<sup>th</sup> day of December, 2011.

BY: \_\_\_\_\_  
Matthew D. Francis (6978)  
Adam P. McMillen (10678)  
WATSON ROUNDS  
5371 Kietzke Lane  
Reno, NV 89511  
Telephone: 775-324-4100  
Facsimile: 775-333-8171  
*Attorneys for Plaintiff Jed Margolin*

