

VIA ZOOM, WEDNESDAY, AUGUST, 19, 2020 AT 11:10 A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

STATE OF IDAHO, DEPARTMENT OF)

FINANCE, SECURITIES BUREAU,)

Plaintiff-Respondent,)

v.)

SEAN ZARINEGAR,)

Docket No. 47482

Defendant-Appellant,)

And)

PERFORMANCE REALTY)

MANAGEMENT, LLC,)

Defendant.)

Appeal from the district court of the Fourth Judicial District of the
State of Idaho, Ada County. Samuel A. Hoagland, District Judge

Sean Zarinegar, Phoenix, *pro se*, for Appellant.

State of Idaho, Department of Finance, Boise, attorneys for Respondent.

This appeal arises from a civil enforcement action initiated by the Idaho Department of Finance (“Department”) against appellant, Sean Zarinegar, Performance Realty Management, LLC (“PRM”), and other nominal defendants. The complaint alleged Zarinegar and PRM committed securities fraud in violation of Idaho Code sections 30-14-501(2) and 30-14-501(4). The Department moved for summary judgment while Zarinegar and PRM moved for partial summary judgment regarding the alleged violation of section 30-14-501(2). Zarinegar and PRM also moved the district court to strike numerous documents submitted by the Department in support of its motion for summary judgment. A few days before the district court was set to hear arguments regarding the motions filed by the Department and defendants, counsel for Zarinegar and PRM moved the district court for leave to withdraw as counsel of record. At the hearing, the district court preliminarily denied the motion to withdraw, entertained the parties’ arguments, and took all matters under advisement.

The district court later issued its memorandum decision and order denying, in part, Zarinegar and PRM’s motions to strike. The district court also denied Zarinegar and PRM’s motion for partial summary judgment. The district court granted summary judgment for the

Department after finding Zarinegar and PRM misrepresented and omitted material facts in violation of section 30-14-501(2) and fraudulently diverted investor funds for personal use in violation of section 30-14-501(4). The district court then granted the motion to withdraw. The district court entered its final judgment against Zarinegar and PRM on September 30, 2019. Zarinegar, pro se, appealed the judgment. Zarinegar argues: 1) the district court lacked jurisdiction to enter judgment against him; 2) the district court violated his constitutional right to a jury trial and right to counsel; 3) the district court's denial of Zarinegar's motion to strike in its entirety was an abuse of discretion; and 4) the district court erroneously granted summary judgment for the Department.