

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA**

AF HOLDINGS, LLC	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No.
	:	2:12-cv-00262-WCO
RAJESH PATEL,	:	
	:	
Defendant.	:	

Defendant’s Request to File a Motion for Contempt

COMES NOW, Rajesh Patel, by and through counsel, filing this **Defendant’s Request to File a Motion for Contempt**, showing the Court as follows:

Summary of Facts and Request to File a Motion for Contempt

On July 17, 2013, Defendant served Plaintiff with a set of interrogatories and requests for production. [41-42]. In response, on August 13, 2013 Plaintiff filed a motion that it titled as a “Second Motion for Protective Order with Motion to Quash and Motion to Seal.” [60]. On September 5, 2013, Defendant filed motions to compel pertaining to the above discovery. [74-75].

On September 11, 2013, the Court issued an order stating: “The court believes that the current motions on the table are sufficient to articulate both sides’ alleged grievances. Moreover, the court does not believe that further motions or

responses would serve to meaningfully advance the litigation at hand. Therefore, plaintiff and defendant are hereby **ENJOINED** from filing a motion of any kind without this court's prior approval. The Court will set a hearing on all pending motions in the near future." [82].

On September 17, 2013, Defendant sought permission to "file motion[s] regarding the outstanding discovery and to file a response and reply to the pending motions (ECF #63 and 68)." ¹ [84, p.5]. Defendant also asked the Court for "clarification regarding its September 11, 2013 order (ECF # 82)" as to whether it encompassed both "motions/responses." Page 6.

On December 18, 2013, the Court issued an order that *inter alia*:

- denied Plaintiff's motion at, [p.5]
- granted Defendant's two motions to compel, [p.10-11]
- denied Defendant's motion to file motions/seeking clarification [p.23].

The order did not specifically discuss why permission to file motions and for clarification was denied. *Id.* However, the Court did state:

. . . this court's order enjoining the filing of additional motions remains in effect. To the extent that a party believes the opposing party engaged in sanctionable conduct that is not evidenced in the record, the party may bring the matter to the court's attention by filing a

¹ Defendant also asked for other relief not relevant here.

supplemental brief

Id.

Defendant intends to file a “supplemental brief” before the November 20, 2014 hearing that seeks sanctions for the other interrogatories and requests for production that were *not* encompassed by his prior motions to compel [74-75]. Aside from Plaintiff’s refusal to comply with those discovery devices, however, Plaintiff is also refusing to comply with the Court’s order at #90; specifically, the Court’s order compelling compliance to the discovery sought by Defendant’s prior motions to compel, [74-75]. Therefore, Defendant requests permission to file a motion for contempt regarding Plaintiff’s disobedience to the Court’s December 18, 2013 order compelling it to comply with certain discovery.

Respectfully submitted November 13, 2014:

/s/ Blair Chintella

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Local Rule 7.1(D) Certification

I hereby certify that **Defendant’s Request to File a Motion for Contempt** and the accompanying **Memorandum of Law** comply with LR 5.1B.

Dated November 13, 2014:

Respectfully Submitted:

 /s/ Blair Chintella
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