

**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 Motions to Compel and for Sanctions

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

Summary of Facts and Request to File Motions to Compel and for Sanctions

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, requests for production, and the unattended deposition of AF Holdings, items that *were not* encompassed by his prior motions to compel [74-75].² However, Defendant is unsure whether the Court’s these items should be included in the supplemental brief – i.e. whether they were something that the Court intended to address at the hearing – or whether separate motions still needed to be filed. Plaintiff has still not complied with this discovery so Defendant requests permission to file one or more motions to compel and for sanctions regarding the outstanding discovery.

Respectfully submitted November 13, 2014:

/s/ Blair Chintella

Blair Chintella

GA Bar No. 510109

2483 Shoals Ter.

² On page 20 of the December 18, 2013 order [90], one of the shows cause issues Mr. Nazaire and Plaintiff is pertains to “frivolous” motions and discovery objections to discovery requests. Defendant is hesitant to assume 100% that this language encompasses the discovery for which a motion has not yet been filed; therefore, he files this request as well as Dkt. #124.

Decatur, GA 30034
(404) 931-2090
bchintel1@gmail.com

**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.	:	

Local Rule 7.1(D) Certification

I hereby certify that **Defendant's Request to File Motions to Compel and for Sanctions** complies with LR 5.1B.

Dated November 13, 2014:

Respectfully Submitted:

/s/ Blair Chintella
Blair Chintella
GA Bar No. 510109
2483 Shoals Ter.
Decatur, GA 30034
(404) 931-2090
bchintell@gmail.com

**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.	:	

Certificate of Service

I hereby certify that on November 13 2014, I served **Defendant's Request to File Motions to Compel and for Sanctions** on the parties by filing it through the CM/ECF system, which will serve their attorneys of record.

Dated November 13, 2014:

Respectfully Submitted:

/s/ Blair Chintella
Blair Chintella
GA Bar No. 510109
2483 Shoals Ter.
Decatur, GA 30034
(404) 931-2090
bchintell@gmail.com