

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

1  
2  
3 AF HOLDINGS,

4 Plaintiff,

v.

5 RAJESH PATEL

6 Defendant.

Civil Action No: 2:12-00262-WCO

**PLAINTIFF'S REQUEST FOR  
ADMISSIONS TO DEFENDANT**

7  
8 **PROPOUNDING PARTY: AF HOLDINGS**

9 **RESPONDING PARTY: RAJESH PATEL**

10 TO DEFENDANT RAJESH PATEL AND HIS COUNSEL OF RECORD

11 Plaintiff, AF Holdings ("PLAINTIFF"), by and through its undersigned counsel  
12 of record, hereby requests and demands that Defendant, RAJESH PATEL  
13 ("DEFENDANT"), make admission of the following statements of fact, under oath,  
14 which are materially pertinent to the above captioned matter in accordance with  
15 applicable rules, subject to the instructions and definitions set forth below:

16  
17 **DEFINITIONS**

- 18
- 19 I. **"COMPUTER DEVICES"** means any device capable of storing and/or  
20 processing electronic data, including, but not limited to, any computer,  
21 laptop, desktop, hard drive, external storage device, iPod, iPad, PDA,  
iPhone, or Blackberry
  
  - 22 II. **"DOCUMENT"** or **"DOCUMENTS"** mean each and every original or copy  
23 of words or information generated by printing, typing, longhand, electronic  
24 recording, or other process, regardless of the form thereof, and include any  
25 kind of "writing". Such documents include, but are not limited to, published  
26 materials, reports, correspondence, emails, records, memoranda, notices,  
27 notes, marginal notations, messages, teletype printouts, statements, books,  
28 studies, minutes, diagrams, drawings, maps, surveys, plans, charts, graphs,  
data, computer files, computer tapes, computer diskettes, computer printouts,  
computer hard drives, appointment books, telephone message tapes,

1 telephone message slips, drafts, checks, money orders, invoices, billings,  
2 evaluations, photographs, audio tapes, and videotapes.

3 III. Where knowledge or information in possession of DEFENDANT is  
4 requested, such request includes knowledge of that DEFENDANT'S agents,  
5 representatives, and, unless privileged, DEFENDANT'S attorney. When an  
6 answer is made by a corporate affiliate of DEFENDANT, state the name,  
7 address, and title of persons supplying the information and making the  
8 affidavit, and announce the source of his or her information.

9 IV. "**COMPLAINT**" means the document entitled, in part, "Complaint," which  
10 was originally filed in this action to initiate the legal proceedings in this  
11 case.

12 V. "**DEFENSE**" means a defendant's stated reason why the plaintiff has no  
13 valid case

14 VI. "**AFFIRMATIVE DEFENSE**" means a defendant's allegation(s) that, if  
15 true, would defeat plaintiff's claim(s) even if the allegations in the  
16 COMPLAINT are true.

17 VII. "**ISP**" means Internet Service Provider.

18 VIII. "**IP ADDRESS**" means the unique number assigned to DEFENDANT by  
19 DEFENDANT'S ISP at the date/time described in the COMPLAINT.

20 IX. "**INTERNET ACCOUNT**" means the Internet Service provided to an  
21 individual by his or her ISP.

22 X. "**UNAUTHORIZED**" means without permission; as applied here, it refers  
23 to the access of Plaintiff's website without paying money to Plaintiff, as is  
24 required for permissive access to Plaintiff's website.

25 XI. "**HACK,**" "**HACKING**" and/or "**HACKED**" means gaining access without  
26 legal authorization to a computer or computer system, and, specifically in  
27 this situation, using a username/password that was not properly obtained  
28 through a payment to PLAINTIFF for accessing PLAINTIFF'S WEBSITES  
and/or for accessing PLAINTIFF'S WEBITES without PLAINTIFF'S  
permission to view the content of PLAINTIFF'S WEBSITES.

XII. "**DATE/TIME OF THE HACK**" refers to the specific date and time that  
PLAINTIFF observed DEFENDANT'S IP ADDRESS using a HACKED

1 username/password combination to HACK into PLAINTIFF'S  
2 WEBSITE(S) as was fully alleged in the COMPLAINT.

3 XIII. "**IDENTIFY**" means to name an individual and/or entity, one's current  
4 home address (or business address), one's previous addresses for the  
5 previous five (5) years, one's social security number (or Employer  
6 Identification Number), date of birth (or date of organization), and, if an  
7 individual, one's marital status and employer's name and address.

8 XIV. "**PORNOGRAPHIC OR PORNOGRAPHY**" means videos, pictures,  
9 printed or other media containing the explicit description or display of  
10 sexual organs or activity.

11 XV. "**REQUESTS FOR ADMISSION**" means the document entitled, in part,  
12 "Request for Admission," which was served upon YOU simultaneously and  
13 in conjunction with these Interrogatories.

14 XVI. Unless otherwise stated, these Interrogatories refer to the time, place, and  
15 circumstances of DEFENDANT'S IP address was observed HACKING into  
16 PLAINTIFF'S WEBSITES as described in the COMPLAINT.

## 17 **REQUESTS FOR ADMISSION OF TRUTH OF FACTS**

### 18 **REQUEST NUMBER 1**

19 Admit that YOU had no basis to assert as a DEFENSE in the original cause of  
20 action against you.

### 21 **REQUEST NUMBER 2**

22 Admit that YOU were served with a Summons and Complaint in this action and  
23 failed to file an Answer.

### 24 **REQUEST NUMBER 3**

25 Admit that YOU are have no basis for filing a motion for a vexatious lawsuit.

### 26 **REQUEST NUMBER 4**

27 Admit that YOU had no evidence demonstrating a vexatious lawsuit prior to  
28 filing your motion for sanctions and that is why you are NOW seeking discovery.

1 **REQUEST NUMBER 5**

2 Admit that YOU re-opened this case for the purpose of harassing Mark Lutz.

3 **REQUEST NUMBER 6**

4 Admit that you owned two gas stations on December 4, 2011.

5 **REQUEST NUMBER 7**

6 Admit that on December 4, 2011, you had employees who would eventually be  
7 terminated for misconduct.

8 **REQUEST NUMBER 8**

9 Admit that on December 4, 2011, you provided your employees and customers  
10 with unsecured wireless access in at least one of your gas stations.

11 **REQUEST NUMBER 9**

12 Admit that you still possess the device which on December 4, 2011, allowed  
13 your customers and/or employees to have wifi access at one of your locations.

14 **REQUEST NUMBER 10**

15 Admit that on December 4, 2011, IP address 75.89.36.80, was an IP address  
16 being used at the computer referred to in your declaration dated March 4, 2013.

17 **REQUEST NUMBER 11**

18 Admit that YOU belong to a HACKING community where username/hacked  
19 passwords are passed back and forth among the members.

20 **REQUEST NUMBER 12**

21 Admit that YOU accessed username/hacked passwords over the Internet using  
22 your INTERNET ACCOUNT.

23 **REQUEST NUMBER 13**

24 Admit that YOU shared username/hacked passwords over the Internet.  
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1 **REQUEST NUMBER 14**

2 Admit that YOU used username/hacked passwords to access Plaintiff's website  
3 and content.

4 **REQUEST NUMBER 15**

5 Admit that YOU participated with other hackers in the hacker community in  
6 order to disseminate the username/hacked password.

7 **REQUEST NUMBER 16**

8 Admit that YOU intentionally acted to access Plaintiff's website and content  
9 through a username/hacked password.

10 **REQUEST NUMBER 17**

11 Admit that YOU gained unauthorized access to Plaintiff's website.

12 **REQUEST NUMBER 18**

13 Admit that YOU have been falsely guaranteed attorney's fees in the amount of  
14 \$81,000.00 if you continue these proceedings.

15 **REQUEST NUMBER 19**

16 Admit that YOU used username/hacked passwords to gain unlawful access to  
17 the member's sections of Plaintiff's websites.

18 **REQUEST NUMBER 20**

19 Admit that YOU used username/hacked passwords to gain unlawful access to  
20 Plaintiff's website and consume Plaintiff's content as though you were a paying  
21 member.

22 **REQUEST NUMBER 21**

23 Admit that YOU downloaded Plaintiff's private content and disseminated that  
24 information to other unauthorized individuals.

25 **REQUEST NUMBER 22**

26 Admit that YOUR ISP is, or was at some point, Windstream.  
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1 **REQUEST NUMBER 23**

2 Admit that, since YOU accessed Plaintiff's website through a username/hacked  
3 password, YOU were not required to provide any identifying personal information,  
4 such as your true name, address, telephone number, or email address.

5 **REQUEST NUMBER 24**

6 Admit that, on or around December 4, 2011 you used a specific  
7 username/hacked password to knowingly, and with intent to defraud, gain  
8 unauthorized access to Plaintiff's password protected website and protected computer  
9 content.

10 **REQUEST NUMBER 25**

11 Admit that YOUR use of a username/hacked password to gain access to  
12 Plaintiff's website was based on an actual and/or implicit misrepresentation by YOU  
13 that this username/hacked password actually authorized YOU to access Plaintiff's  
14 website and content.

15 **REQUEST NUMBER 26**

16 Admit that YOUR use of a username/hacked password to access Plaintiff's  
17 website was not authorized by Plaintiff.

18 **REQUEST NUMBER 27**

19 Admit that, once YOU gained unauthorized access to Plaintiff's website, YOU  
20 downloaded Plaintiff's private content.

21 **REQUEST NUMBER 28**

22 Admit that, once YOU gained unauthorized access to Plaintiff's website, YOU  
23 downloaded Plaintiff's private content and purposefully disseminated that content to  
24 other unauthorized individuals.

25 **REQUEST NUMBER 29**

26 Admit that YOU did not pay Plaintiff money to access Plaintiff's website.  
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1 **REQUEST NUMBER 30**

2 Admit that, when accessing Plaintiff's website without authorization, YOU  
3 viewed the statement "I have come to this website knowing it's [sic] contents and  
4 agree to view sexually explicit material for my personal use. Viewing such material  
5 does not violate the community standards of the area in which I live."

6 **REQUEST NUMBER 31**

7 Admit that, when accessing Plaintiff's website without authorization, you  
8 agreed to the statement "I have come to this website knowing it's [sic] contents and  
9 agree to view sexually explicit material for my personal use. Viewing such material  
10 does not violate the community standards of the area in which I live."

11 **REQUEST NUMBER 32**

12 Admit that, when accessing Plaintiff's website, YOU knew that YOU were  
13 required to pay money to Plaintiff in order to gain lawful access to Plaintiff's website.

14 **REQUEST NUMBER 33**

15 Admit that, when accessing Plaintiff's website, YOU did not pay any money to  
16 Plaintiff.

17 **REQUEST NUMBER 34**

18 Admit that, when accessing Plaintiff's website without authorization, you did  
19 not perform your obligations under the agreement to which you agreed, which stated  
20 "I have come to this website knowing it's [sic] contents and agree to view sexually  
21 explicit material for my personal use. Viewing such material does not violate the  
community standards of the area in which I live."

22 **REQUEST NUMBER 35**

23 Admit that YOU lawfully accessed Plaintiff's website by paying the requested  
24 fee amount to Plaintiff.

25 **REQUEST NUMBER 36**

26 Admit that YOU did not password protect your INTERNET ACCOUNT.  
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1 **REQUEST NUMBER 37**

2 Admit that YOU did not secure your INTERNET ACCOUNT.

3 **REQUEST NUMBER 38**

4 Admit that YOU permitted a third party to access your INTERNET  
5 ACCOUNT.

6 **REQUEST NUMBER 39**

7 Admit that YOU did not monitor your INTERNET ACCOUNT for  
8 unauthorized use.

9 **REQUEST NUMBER 40**

10 Admit that YOU knew that a third party was accessing your INTERNET  
11 ACCOUNT with YOUR authorization.

12 **REQUEST NUMBER 41**

13 Admit that YOUR failure to monitor your Internet connection caused financial  
14 harm to Plaintiff.

15 **REQUEST NUMBER 42**

16 Admit that YOU have, and have always had, a secured wireless INTERNET  
17 ACCOUNT.

18 **REQUEST NUMBER 43**

19 Admit that YOU are the only individual who uses your INTERNET  
20 ACCOUNT.

21 **REQUEST NUMBER 44**

22 Admit that YOU view PORNOGRAPHIC material over the Internet.

23 **REQUEST NUMBER 45**

24 Admit that YOU download and/or upload videos over the Internet.

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1 **REQUEST NUMBER 46**

2 Admit that between 2011 and 2012, you received a letter notifying you that an  
3 IP address associated with your Internet account was detected as being used to  
4 download a copyrighted movie.

5 **REQUEST NUMBER 47**

6 Admit that after you received the letter stated in request number “46”, you  
7 secured your Internet connection with a password but still gave the password to your  
8 customers

9  
10 Respectfully Submitted,

11 AF HOLDINGS, LLC

12 **DATED: August 1, 2013**

By: /s/ Jacques Nazaire

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