

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

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

Defendant’s Notice of Objection and Request to File a Motion and/or Detailed Objection

COMES NOW, Rajesh Patel, by and through counsel, filing this **Defendant’s Notice of Objection and Request to File Motion and/or Detailed Objection**, showing the Court as follows:

Relevant Facts and Procedural History

An injunction is currently in place in this case. Dkt. No. 82. On November 27, 2014, Mr. Nazaire electronically filed a letter addressed to the Court requesting “permission to submit a motion for sanctions against the defendant or in the alternative suggest that this Court acts *Sue [sic] Sponte* to end the defendant’s continuous violation of this Court’s order [E.C.F. #82].” Two days later, Mr. Nazaire filed a “Notice of Correction” attaching “Exhibit A” in order to “help clarify the record” that contained what purports to be numerous tweets. Dkt. No.

141.¹ Three days after this filing, Mr. Nazaire filed a “Notice of Untimely Discovery Responses” alleging that “defendant has failed to comply with the Plaintiff’s various discovery demands as laid out in the attached Exhibits A-F.” Dkt. 142. The supposed discovery is attached to the motion as well as certificates of service. Dkts. No. 142-1 through 142-6.² On November 30, 2014, Mr. Nazaire filed a “Notice” listing two law firms that allegedly “helped” Defendant in this case. Dkt. No. 143.

Prior to these filings, on November 26, 2014, Defendant objected to the purported affidavit of one “Ray Rogers” located at Dkt. No. 127-1, Dkt. No. 137, which Plaintiff had relied on in two filings. *See* Dkts. No. 132, 136. This objection regarding authenticity formed the basis for Mr. Nazaire’s letter requesting permission to file a sanctions motion. *See* Dkt. No. 139.

Defendant does not want to violate the Court’s injunction in this case and therefore files this succinct Notice and Request.

Objections and Request re Dkt. Nos. 140, 141-1, and 143

Defendant objects to Dkt. No. 141-1 on the grounds of authenticity, best evidence rule, hearsay, and relevance. Defendant is unsure what the purpose of

¹ Mr. Nazaire also filed a request for jury trial on November 29, 2014 but this appears legally benign from Defendant’s perspective so he does not hereby object to it. *See* Dkt. No. 140.

² Identical certificates of service are located at Dkts. No. 50-52.

143 (interested parties?), but to the extent that the Court considers the above filings *possibly* probative of an issue in this case, Defendant would request permission to respond to the substance of the filings.

Objection and Request re Dkt. No. 142

Defendant's objections to Dkt. Nos. 142 through 142-6 are numerous and detailed – he is not entirely sure how Mr. Nazaire seeks to use the requests for admission, for example. To the extent that the Court considers these filings *possibly* probative, Defendant also requests permission to file a detailed objection and/or a motion encompassing *inter alia* the following:

- A detailed objection as to these filings after having a chance to discuss with Mr. Nazaire the purpose(s) for which he filed them and the underlying merits of their purported probative value.
- In all likelihood, an objection and motion to strike that contains factual allegations and legal argument contending that these items were not properly served, or alternatively, if service was proper that Defendant should be able to withdraw any admission(s) that were made, pursuant to Fed. R. Civ. P. 36(b) as explicated by *Perez v. Miami-Dade Cty.*, 297 F.3d 1255 (11th Cir. 2002) and related case law.

Respectfully submitted December 1, 2014:

 /s/ Blair Chintella

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