

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

AF HOLDINGS, LLC,

Civil Action No. 2:12-CV-00262-WCO

Plaintiff,

v.

RAJESH PATEL,

Defendant.

OBJECTION TO DEFENDANT’S BILL OF COSTS

The undersigned hereby objects to Defendant’s Bill of Costs [ECF filing # 151] as follows.

1. No Judgment: This case was CLOSED on March 18, 2013. No judgment was issued in this matter. The undersigned has spoken with the Clerk of this Court who has verified the same. As such no bill of costs should be submitted or approved. The court did however, award attorney’s fees for discovery related issues. However, pursuant to Local Rules (LR) 54.2A (1), expenses incident to attorney’s fees (not ordinarily allowable as taxable costs) shall be requested by special written motion addressed to the court and shall not be included in a cost bill. Also, Rule 54 of the Federal Rules of Civil Procedure, subparagraph “e” clearly states that costs do not apply to claims for fees and expenses as sanctions.

2. Unnecessary Expenses: The Court's Order [ECF filing #148] made clear that a vast number of the documents filed by the defense were unnecessary. As such, costs cannot be recouped for such expenses. For example, Paul Hansmeier is not a party to this action. Expenses related to documents regarding Hansmeier should not be allowed. Additionally, the defense failed to disclose Tamaroff and Tamaroff, PA as attorneys working on this case and therefore, fees for legal services paid to that law firm should not be allowed.

3. Unjust Enrichment: The record in these proceedings clearly establish that as of September 4, 2013 Patel's defense had raised a minimum of \$3,203.00 from a crowd-funder (Please visit <http://pitchinbox.com/pages/1618113852>). His alleged expenses amount to less. As such, the bill of costs is submitted in bad faith.

a. The proponent's exhibits attached to E.C.F. filing #151, prove that the alleged expenses were paid from a Bank of America IOLTA account. It is unknown whether the account was funded from the defendant himself or the crowd funders.

b. There is no evidence that the 70 crowd-funding contributors were reimbursed. The defendant is not at a loss, unless he has reimbursed said funds. If the litigation costs was paid from the defendant's own money (not crowd-funded), there must be an inference that someone has misused the crowd-funded money.

c. The bottom line is that the crowd-funded money remains unaccounted for by the Bankruptcy Court trustee, by Bank of America and by the defense. The

money has apparently disappeared.

d. While the local rules do not obligate any of the attorneys involved in this litigation to report loss of clients' funds, there is nothing to prevent Mr. Patel, three years from now, from alleging that his funds were misused and yet all attorneys involved in this case, including the undersigned, failed to report the matter.

e. Once again, the \$3,203.00 (if not more) drawn by the crowd-funding remains unaccounted for.

4. This Bill of Costs [E.C.F. # 151] is a frivolous filing. The unnecessary filings by defendant continue to cost the current and former attorneys for plaintiff undue stress and expense on a 'CLOSED' case. The defendant will not cease filing unnecessary documents unless he is penalized for the same.

DATED: August 21, 2015

Respectfully Submitted,

/s/ Jacques Nazaire

Jacques Nazaire

(Bar No. 142388)

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FOR THE NORTHERN DISTRICT OF GEORGIA

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

Local Rule 7.1(D) Certification

I hereby certify that the undersigned's Objection to Defendant's Bill of
Costs comply with LR 5.1B.

Dated August 21, 2015

Respectfully Submitted:

/s/ Jacques Nazaire
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RAJESH PATEL,	:	
	:	
Defendant.	:	

Certificate of Service

I hereby certify that on August 21, 2015, I filed the attached Objections to Defendant’s Bill of Costs with the Clerk of Court using the CM/ECF system which will automatically send e-mail notification to all of the attorney(s) of record including:

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Dated August 21, 2015

Respectfully Submitted:

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