

**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**

COMES NOW, Rajesh Patel, by and through counsel, filing this **Defendant’s Notice of Objection**, showing the Court as follows:

**Summary**

On August 13, 2013, Plaintiff filed a motion titled as containing a motion for a protective order, motion to quash, and motion to seal components (“First Motion”). [ECF #60]. On August 26, 2013, Plaintiff filed motion solely titled as a motion to quash (“Second Motion”) that had attached to it multiple non-Georgia subpoenas including a subpoena served on Paul Hansmeier. [ECF #68 & #68-5].

On August 30, 2013, Defendant filed a motion in the United States District Court for the District of Minnesota to compel and for contempt against Paul Hansmeier for failure to comply with a subpoena served on him, a subpoena that was attached the Plaintiff’s motions located at ECF #60 and #68. *AF Holdings,*

*LLC v. Rajesh Patel*, DMN, 0:13-mc-00068-JNE-FLN (“Minnesota Action”).

[ECF #1 & #2 in that case]. On September 3, 2013, Defendant filed a notice in this action regarding the Minnesota Action. [ECF #73].

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.

[ECF #82, page 2].

Relying on the above language, Defendant asked the court for “permission to [*inter alia*] file motions regarding outstanding discovery and to file a response and reply to the pending motions (ECF # 63 and 68).” [ECF #84, page 5].

Defendant also asked the court for “clarification” regarding ECF #82 “concerning the filing of motions/responses”, [ECF #84, page 6], and specifically whether it only applied to “motions/responses filling up the Court’s docket.” [ECF #84, page 7].

On September 24, 2013, Mr. Hansmeier responded to Defendant’s motion in the Minnesota Action. *Id* at ECF #11. On October 21, 2013, the Minnesota Court conducted a consolidated hearing that included Defendant’s motion in the

Minnesota Action and took Defendant's motion under advisement. *AF Holdings v. John Doe(s)*, DMN, 0:12-cv-01445-JNE-FLN, ECF #58 in that case.

On December 18, 2013, the Court issued an order granting Plaintiff's motion to quash [ECF #68] stating as follows:

Plaintiff also filed a motion to quash multiple non-party subpoenas alleging defective form and attorney-client privilege [68]. Defendant did not file a response within fourteen days, so plaintiff's motion to quash is granted. *See* LR 7.1(B), NDGa ("Failure to file a response shall indicate that there is no opposition to the motion.").

On January 13, 2014, the court in Minnesota entered an order granting Defendant's motion to compel Mr. Hansmeier to comply with the subpoena but denying contempt. Minnesota Action, ECF #14. On January 16, 2014, Defendant filed a notice in this court stating his intention to notify the Minnesota Court of a possible conflict, and stating further that "Defendant does not intend to seek to admit as evidence or otherwise use such information at the upcoming hearing unless/until this court, before or during the hearing gives Defendant explicit permission to do so." [ECF #102, page 1].

Later that day, Defendant's local counsel e-mailed a letter to the Minnesota Court regarding the possible conflict. Exhibit A. Mr. Hanseier subsequently filed on the docket in the Minnesota Action a letter regarding the same issue. Minnesota Action, ECF #15. *See* Exhibit B. Defendant was subsequently given permission to

file the letter on the docket and did so on January 21, 2014. Minnesota Action, ECF #16.

### **Objections**

Defendant makes the following objections to #90:

- A Georgia Court does not have jurisdiction to quash or modify any non-Georgia subpoenas. *See generally Matter of Certain Complaints Under Investigation by an Investigating Comm. Of Judicial Council of Eleventh Circuit*, 783 F.2d 1488, 1495 (11th Cir. 1986). Without production responsive to the Google subpoenas in particular, it is unlikely that Defendant will be able to provide sufficient rebuttal evidence concerning, for example, the use and control of [blgibbs@wefightpiracy.com](mailto:blgibbs@wefightpiracy.com) (the email address attached to Plaintiff's complaint in this action) and [docket@wefightpiracy.com](mailto:docket@wefightpiracy.com) (which is receiving notices in this case through the CM/ECF system) and other email addresses incorporated into the subpoenas served on Google. Especially since Mr. Hansmeier is the only person who has contacted Defendant stating that his accounts with Google have been subpoenaed. *See Exhibit C.*

Respectfully submitted January 21, 2014:

/s/ Blair Chintella

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**Certificate of Service**

I hereby certify that on January 21, 2014, I filed the **Defendant’s Notice of Objection** using the Court’s CM/ECF system, which will e-mail a copy to the following attorneys of record:

**Jacques Nazaire (for Plaintiff)**  
**Michael Goldman (for non-party Comcast)**

Dated January 21, 2014:

Respectfully Submitted:

          /s/ Blair Chintella            
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