

**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.	:	

**PLAINTIFF’S REPLY TO DEFENDANT’S RESPONSE TO
PLAINTIFF’S CROSS-MOTION FOR SANCTIONS**

COMES NOW, AF Holdings, LLC, , by and through counsel, files this Plaintiff’s Reply.

1. Plaintiff objects to defendant’s response to its Cross-Motion (E.C. F. No. 25) as well as defendant’s reply (E.C.F. No. 24) because the pleadings were filed late and no requests were made or granted to allow such late filings.

2. Local Rule 7.1 states as follows:

B. Response to Motion. Any party opposing a motion shall serve the party's response, responsive memorandum, affidavits, and any other responsive material not later than fourteen (14) days after service of the motion, except that in cases of motion for summary judgment the time shall be twenty-one (21) days after the service of the motion. Failure to file a response shall indicate that there is no opposition to the motion.

C. Reply. A reply by the movant shall be permitted, but it is not necessary for the movant to file a reply as a routine practice. When the movant deems it necessary to file a reply brief, the reply must be served not later than fourteen (14) days after service of the responsive pleading.

3. Plaintiff's Cross-Motion and Responsive pleadings were filed and served on April 20, 2013. Defendants' Reply and Response were each filed on May 6, 2013, which is **16 days** after plaintiff's papers were served. As such, Defendant's responsive pleadings should be denied. Furthermore, on May 6, 8:15 AM, an electronic notice was filed stating that the motion was submitted to the Judge.

4. Additionally, Defendant's Reply and Response failed to address any pertinent issues in this case. The complaint in this action alleged copyright infringement against defendant. Although, a default was issued against the defendant, the plaintiff voluntarily dismissed the case. However, the defendant is now wasting this Court's time and the finances of all involved, so that it may keep this case going for an agenda unrelated to the case itself.

Wherefore, it is respectfully requested that the Defendant's Motion be denied in its entirety, the Plaintiff's Cross-Motion be granted and this action be dismissed.

Dated May 6, 2013:

Respectfully Submitted:

 /s/ Jacques Nazaire
Jacques Nazaire
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Local Rule 7.1(D) Certification

I hereby certify that Plaintiff's Reply comply with all sections of LR5.

Dated: May 6, 2013:

Respectfully Submitted:

_____/s/ Jacques Nazaire_____
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Certificate of Service

I hereby certify that on May 6, 2013, I filed the Plaintiff's Reply to Defendant's Response to Plaintiff's Cross-Motion for Sanctions with the Clerk of Court using the CM/ECF system which will automatically send e-mail notification to the following attorney(s) of record:

Blair Chintella

Dated: May 6, 2013:

Respectfully Submitted:

/s/ Jacques Nazaire
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