

**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.	:	

**Chintella’s Notice Regarding Comcast’s Notice [#93]**

COMES NOW, Blair Chintella, filing this **Chintella’s Notice Regarding Comcast’s Notice [93]**.

**Facts**

On August 19, 2013, Defendant filed a motion to compel and for contempt against non-party Comcast regarding one or more outstanding subpoenas [#63]. On August 22, attorney Michael Goldman (“Goldman”) filed a notice of appearance for Comcast [#65] and on August 30, 2013 Comcast responded to Defendant’s motion. [#72].

On October 29, 2013, Chintella filed a voluntary petition for Chapter 7 bankruptcy and Comcast was notified of the bankruptcy case through the CM/ECF system [See #89]. On December 18, 2013, the court denied Defendant’s motion to compel and for contempt against Comcast [#90].

On December 31, 2013, Comcast filed a motion under 28 U.S.C. § 1927 seeking sanctions against Chintella individually for “being forced to respond to the ill-advised Motion for Contempt” [#93]. On January 3, 2013, Goldman sent Chintella an e-mail attempting to discuss settlement of Comcast’s motion to the extent it seeks attorneys’ fees and expenses.<sup>1</sup>

On January 6, 2014, Chintella sent Goldman an e-mail stating that it was his position that Comcast’s motion violated the stay (and the scope of a subsequent discharge) and asked Comcast to “withdraw the motion.” On January 8, 2014, Goldman sent Chintella an e-mail stating that Comcast’s other attorney (Seiver) was researching whether Chintella’s bankruptcy case “impacts the right to seek fees under 1927.”

On January 9, 2014 at 1:42 PM EST, Chintella sent Goldman an e-mail asking Comcast’s position regarding the automatic stay and notifying him that he would likely file something tomorrow [January 10, 2014] regarding Comcast’s motion if a response was not received. Goldman responded at 5:42 PM EST, stating that Comcast intended to file a motion in the bankruptcy case seeking relief from the automatic stay and that, “we are fine with giving you an extension for 2 weeks to respond to our 1927 motion while this gets sorted out by the bankruptcy

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<sup>1</sup> Chintella can provide the Court, upon request, with a copy of this and/or any other e-mails referred to herein.

court.”

Chintella received the e-mail at approximately 6:47 PM EST upon returning home. Before Chintella could respond to the e-mail, at approximately 7:08 PM EST Comcast filed a notice with the court stating its intention to seek relief from the stay in Chintella’s bankruptcy case stating that Comcast “offered Defendant’s counsel a two week extension” to respond to Comcast’s motion [#95].

### **Notice**

Chintella files this Notice to inform the court of the following: As a matter of general principal, Chintella does not object to extending the time to respond to motions. However, Chintella has not had a sufficient period of time to research whether such consent can be given or the implications of doing so, but as a general matter is willing to agree to any efficient solution.

It is Chintella’s limited understanding of bankruptcy law that an “automatic” stay springs into existence upon the filing of a Chapter 7 petition. Therefore, it’s unknown whether Chintella could even agree to such an extension in the absence of an order from the bankruptcy court. Moreover, it is unknown whether such an agreement could be construed as assisting Comcast violate the stay or constitute a “waiver” of any subsequent motion for sanctions for violating the stay.

It is also unknown whether “2 weeks” (if agreed to) would be sufficient time

since the motion Comcast intends to file presumably affords Chintella at least two weeks to respond. It is also not certain when, exactly, the bankruptcy court would render its decision.

Lastly, it is Chintella's understanding that the hearing scheduled for January 28, 2014 pertains solely to the issues enumerated in the court's order to show cause [#90]. Chintella notifies the Court of this because Comcast's motion [#93] states on page 3 (footnote 1) that it intends to appear at the hearing and essentially argue its motion for sanctions if certain conditions are not met. Therefore, Chintella also files this Notice to inform the court (and Comcast, for the sake of efficiency and to prevent it from incurring needless attorneys' fees) that *currently* Defendant is only preparing for the issues **as ordered** by the Court in the court's order to show cause, but that Chintella can begin preparing to address any additional issues if the court so wishes.

In the alternative, Chintella was informed by the bankruptcy court Clerk's office that discharge is typically given shortly after the time period expires for creditors to object to discharge, etc., which is set to occur on January 24, 2014. *See attached* "Notice of Chapter 7 Bankruptcy Case, Meeting of Creditors, & Deadlines." Therefore, Chintella would not be opposed postponing the hearing for a month in order for the automatic stay to terminate and the discharge to occur

(barring any objections to the discharge of course) or any other efficient way to handle this issue.

As of this moment, Chintella is preparing to respond to Comcast's motion for § 1927 sanctions unless ordered otherwise by the Court.

Respectfully submitted January 9, 2014:

/s/ Blair Chintella

Blair Chintella  
GA Bar No. 510109  
2483 Shoals Ter.  
Decatur, GA 30034  
404-931-2090  
[bchintell@gmail.com](mailto:bchintell@gmail.com)

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**Certificate of Service**

I hereby certify that on January 9, 2014, I filed **Chintella's Notice Regarding Comcast's Notice** using the Court's CM/ECF system, which will automatically e-mail a copy to:

**Jacques Nazaire (counsel for Plaintiff)**  
**Michael Goldman (counsel for Non-Party Comcast)**

Dated January 9, 2014:

Respectfully Submitted:

/s/ Blair Chintella  
Blair Chintella  
GA Bar No. 510109  
2483 Shoals Ter.  
Decatur, GA 30034  
404-931-2090  
[bhintell@gmail.com](mailto:bhintell@gmail.com)