

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.

PLAINTIFF'S MOTION TO QUASH

1. Plaintiff moves to quash the attached subpoenas which are defective in that they were issued by attorneys not authorized to practice law in or for the Districts which they have been issued. Additionally, the subpoenas seek out documents believed to be covered by the attorney-client privilege.

2. Pursuant to FRCP 45(a) (3) *Issued by Whom*. An attorney also may issue and sign a subpoena as an officer of:

(A) a court in which the attorney is authorized to practice; or

(B) a court for a district where a deposition is to be taken or production is to be made, if the attorney is authorized to practice in the court where the action is pending.

3. The Subpoena issued to Google and attached as **Exhibit A** is signed by Blair Chintella. According to Mr. Chintella's website, he is admitted to practice law in Georgia. Unless he can demonstrate that he is admitted in CA, the subpoena is defective. The subpoena may also be misleading in that it causes the recipient to

believe that Mr. Chintella is a California attorney. If he is, he should verify the same to this Court so that this motion may be modified.

4. Please note that the subpoena appears to be issued by Nicholas Ranallo but is not signed by Mr. Ranallo. As a matter of fact, there is no name printed beneath the signature and the same may cause the recipient to believe that the signature is Mr. Ranallo's.

5. Therefore, the subpoena is defective as to Chintella's signature under (3)(a) and as to being issued by Ranallo under (3)(b). Although the attorneys may argue that the word "or" allows either one to sign the subpoena, the manner in which the subpoena is drafted is misleading and fails to provide proper notice to the recipient.

6. Additionally the subpoena is defective because it is not issued by this Court. Rule 45 (b) states as follows. (2) *Issued from Which Court.* A subpoena must issue as follows: (C) for production or inspection, if separate from a subpoena commanding a person's attendance, **from the court for the district where** the production or inspection is to be made.

7. Although Google is located in California, the production is to be made in Georgia, otherwise it cannot be authenticated. As such, the subpoena is defective.

8. Additionally the subpoena has requested for the documents to be served on August 3, 2013, **a date of production which precedes the date of service.**

9. The same objections go for **Exhibits B, C, D, E F and G**.

10. In addition to the facial defects of the subpoenas, these subpoenas should be quashed because the “Google” and “Comcast” subpoenas are issued for the sole purpose of gathering information of third parties and the undersigned and putting them in display on such websites as “techdirt”, “dietrolldie” and “Popehat”.

11. The Gmail accounts requested most likely will contain private email correspondence containing the social security numbers and bank accounts of certain individuals and in all probability will almost certainly lead to identity theft.

12. For the same reasons stated in “9” and “10” above, **Exhibit G** should be quashed as well. Additionally, in all likelihood Exhibit G contains privileged attorney client information. The undersigned uses Comcast cable to send information to clients who are not related to the above captioned matter.

Additionally Rule 45(c) states:

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the issuing court must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person—except that, subject to [Rule 45\(c\)\(3\)\(B\)\(iii\)](#), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;

(iii) **requires disclosure of privileged or other protected matter**, if no exception or waiver applies;

13. LR 11.1 COUNSEL IDENTIFICATION

Counsel's name, complete address (including post office box or drawer number and street address), telephone number, **facsimile** number and Bar number shall appear on every pleading **and other paper presented** for filing.

14. The defendant's counsel has filed his subpoena as part of his motion for Contempt; however the subpoena displays neither his facsimile number nor a bar number. The defense has been **in violation of LR 11.1** since filing the first defense documents in this case. While this has been ignored in this case, the fact that its facsimile number and bar number is missing from the subpoenas render each and every subpoena defective.

15. Upon information and belief, FRCP 37 and LR 37.1 contain no category which a Motion to Quash falls under.

Wherefore, for the foregoing reasons, plaintiff respectfully requests that this Court issue an Order quashing all of defendant's subpoenas.

Respectfully Submitted,

DATED: August 26, 2013

AF Holdings LLC,

By: /s/ Jacques Nazaire
Jacques Nazaire (Bar No. 142388).
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Facsimile: (678) 559-4499
nazaire.jacques@gmail.com
Attorney for Plaintiff

**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.	:	

Local Rule 7.1(D) Certification

I hereby certify that Plaintiff's Motion to Squash complies with all sections of LR5.1

Dated: August 26, 2013:

Respectfully Submitted:

 /s/ Jacques Nazaire
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nazaire.jacques@gmail.com

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

Certificate of Service

I hereby certify that on August 26, 2013, I filed the Plaintiff's Motion to Quash 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 attorney for Defendant, Patel.

-and-

Michael Jay Goldman attorney for Comcast

Dated: August 26, 2013

Respectfully Submitted:

/s/ Jacques Nazaire

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