

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.

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**PLAINTIFF'S REQUEST TO ENTER DEFAULT**

**TO: THE CLERK OF THE ABOVE-ENTITLED COURT**

Plaintiff AF Holdings, LLC, by and through its counsel, hereby requests that the Clerk of the above-entitled Court enter default in this matter pursuant to Federal Rule of Civil Procedure ("FRCP") Rule 55(a) against Defendant Rajesh Patel on the ground that the said defendant has failed to appear or otherwise respond to Plaintiff's Complaint within the time prescribed Federal Rule of Civil Procedure Rule 12(a). Rajesh Patel was served on February 2, 2013. (Proof of Service, attached hereto as Exhibit A.) Despite being properly served, Defendant has not responded, either through an answer or motion, to Plaintiff's Complaint, nor has Defendant appeared in this case. (See Decl. of Jacques Nazaire Supporting Pl.'s Req. to Enter Default ¶ 5.) Further, Defendant is neither a minor nor an incompetent person. (See Decl. of Jacques Nazaire Supporting Pl.'s Req. to Enter Default ¶ 4.) For the foregoing reasons, Plaintiff respectfully requests that the Clerk of Court enter default as to Defendant.

The above stated facts are set forth in the accompanying Declaration of Jacques Nazaire Supporting Plaintiff's Request to Enter Default, filed herewith.

Respectfully Submitted,

AF Holdings, LLC,

**DATED: February 27, 2013**

By:                   /s/ Jacques Nazaire                  

Jacques Nazaire (Bar No. 142388)  
Of Counsel to Prenda Law Inc.  
125 Town Park Drive, Suite 300  
Kennesaw, Georgia 30144  
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Email: blgibbs@wefightpiracy.com

*Attorney for Plaintiff*

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**DECLARATION OF JACQUES NAZAIRE SUPPORTING  
PLAINTIFF'S REQUEST TO ENTER DEFAULT**

I, Jacques Nazaire, declare as follows:

1. I am an attorney at law licensed to practice in Georgia, and admitted in the Northern District of Georgia. My business address is 125 Town Park Drive, Suite 300, Kennesaw, Georgia 30144. I am counsel of record of Plaintiff in this matter.
2. Attached hereto as Exhibit A is a true and correct copy of a document entitled "Proof of Service" whereby a licensed process server has sworn under the penalty of perjury that he effectuated personal service in accordance with Federal Rule of Civil Procedure Rule 4(e).
3. On information and belief, all necessary forms, including the summons and complaint, were in fact served on Rajesh Patel through substitute service to Shekaki Patel, the Defendant's mother, at 280 Summit Drive, Alto, GA 30510, on February 2, 2013. On information and belief, Plaintiff has satisfactorily served process on Defendant.
4. Defendant is neither a minor nor an incompetent person.

5. Defendant has failed to respond to Plaintiff's Complaint within the specific time parameters laid out in the Federal Rules of Civil Procedure.
6. I declare under penalty of perjury that the foregoing is true and correct based on my own personal knowledge, except for those matters stated on information and belief, and those matters I believe to be true. If called upon to testify, I can and will competently testify as set forth above.

**DATED: February 27, 2013**

By:       /s/      Jacques Nazaire

# EXHIBIT A

AO 440 (Rev. 12/09) Summons in a Civil Action (Page 2)

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* Rajesh Patel  
was received by me on *(date)* Jan. 18, 2013.

I personally served the summons on the \_\_\_\_\_ individual at *(place)* \_\_\_\_\_  
on *(date)* \_\_\_\_\_ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* Shekaki Patel (mother), a person of suitable age and discretion who resides there, on *(date)* Feb. 2, 2013, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_, who is designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I returned the summons unexecuted because \_\_\_\_\_ ; or

Other *(specify)*: \_\_\_\_\_

My fees are \$ NA for travel and \$ NA for services, for a total of \$ NA.

I declare under penalty of perjury that this information is true.

Date: Feb. 4, 2013

  
*Server's signature*  
Kevin Van Danz  
*Printed name and title*

2001 Riverside Dr.  
*Server's address*

Additional information regarding attempted service, etc:

Needa Shourany NP.  
Exp 7-21-13