

**COURT OF APPEALS OF GEORGIA**  
**DOCUMENT RETURN NOTICE FOR BRIEFS OR MOTIONS**

April 2, 2015

**To:** Mr. Viren R. Patel, Post Office Box 529, Lawrenceville, Georgia 30046

**Docket Number:** A15A1202 and A15A1203

**Style:** Viren Patel v. Atlanta Public Schools

Your document(s) is (are) being returned for the following reason(s).

1.  Your Appellant's Brief, was not accompanied by the statutory filing fee (\$300.00 civil; \$80.00 criminal \*Effective July 1, 2009) or a sufficient pauper's affidavit. OCGA§5-6-4 and Rule 5 **Please be advised that your pauper's affidavit should be notarized by a notary public.**
2.  A Request for Oral Argument must be filed as a separate document. Rule 28 (a) (3)
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17.  The Motion to Supplement has not been granted.
18.  Other: \_\_\_\_\_

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APR -1 2015

COURT CLERK  
CLERK COURT OF APPEALS OF GA

IN THE COURT OF APPEALS OF THE STATE OF GEORGIA

VIREN R PATEL, Pro Se  
Appellant

Vs.

ATLANTA PUBLIC SCHOOLS,  
Appellee

Docket No.

A15A1202 &  
A15A1203

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COURT OF APPEALS OF GEORGIA

**APPELLANT'S MOTION FOR RECONSIDERATION  
&  
MOTION TO EXTEND TIME TO FILE DESCRETIONARY APPEAL**

Pro Se Appellant VIREN R. PATEL Files this MOTION FOR RECONSIDERATION before the Court of Appeals of the State of Georgia and shows the following:

- (1) Appellee filed the Motion to Dismiss Appeal on 19<sup>th</sup> March 2015.
- (2) Appellant received the said Motion on 25<sup>th</sup> April 2015.
- (3) Before Appellant files his response, court dismissed the appeal without giving an opportunity to Appellant respond to the said motion.

**UNDISPUTED FACTS**

- (1) Appellant (Plaintiff in the State action) obtained Default Judgement against Appellee in April 8, 2014 in the State Action 13GC213140.  
Appellee did not file Motion to Set aside the judgment until October 24,

2014 which was way outside the time limit allowed to open a default under OCGA 18-4-91.

(2) Appellee failed to serve Appellant his Motion to set Aside the Judgement.

(3) On November 5, 2014 Court sent a notice of hearing. Hearing was scheduled for December 9, 2014 at 9:00 AM (R-68, R-69 and R-70)

(4) When appellant received a notice of hearing, he learned about the Motion to Set Aside being filed. He immediately contact the attorney who had filed the said motion. She emailed the copy of the motion 11/6/2014.

(5) Appellant consulted a counsel and was prepared to defend his case on December 9, 2014 hearing.

(6) But without any prior notice to Appellant court held a hearing on November 18, 2014 and entered an Order to Set Aside the Default Judgment (R-73) which was filed On December 2, 2014, prior to the scheduled hearing date and prior to 30 days that respondent has to file his answer per Uniform Superior Court Rule 6.2 Reply.

(7) Appellant was deprived of his Rights in Civil action to file an answer under OCGA 9-11-12 by this court and fraud by the Appellee's counsel.

## **ARGUMENTS AND CITATION OF AUTHORITY**

It is true that this appeal arises from the Garnishment action in State Court of Fulton County. But the issues Appellant wishes to appeal to Court of Appeals of State of Georgia are not related to Garnishment but are related to procedural error and fundamentals right of any litigant (plaintiff or defendant ) that were violated by the prejudice and abusive state court.

WHEN any citizen's rights are violated this court has the jurisdiction. Subject matter is not the Garnishment. Issues before court is that did in fact lower court abused the discretion and violated all the rights of a pro se litigant. Simply because Appellant was pro se and Appellee is an agency with muscle and power and was represented by an attorney, court did not show any respect for the court rules and rights of Appellant to file answer. Court held a hearing without even notifying the Appellant. Matter of fact, court committed fraud of misguiding the Appellant to believe that hearing was on December 9, 2014 and held the hearing on November 18, 2014 and granted the Motion to Set Aside Judgement and entered it on December 2, 2014 which was also prior to the scheduled hearing.

Appellant filed this Direct Appeal for violation of his Procedural rights and applicable statutes. This court has jurisdiction over direct appeal per OCGA 5-6-34 (a) and (b).

If this court does not hear this appeal such abuses of lower court who else will ? This court has the jurisdiction over this matter and must not dismiss the appeal.

Someone has truly said, "There is no Justice for ordinary citizens. It is only for the people with financial muscles and attorneys who can twist the law at their convenience and get away with fraud.

WHEREFORE for the reasons and arguments mentioned above, Appellant prays the court to reconsider the decision dismissing appeal and allow appellant to file his brief.

**MOTION TO EXTEND TIME TO FILE DICRETIONRY APPEAL**

Appellant is pro se litigant. If court can not set aside the dismissal of this appeal, Appellant prays the court to grant him an extension to file a Discretionary Appeal in this case.

APPEAL No. A15A1203 is a derivative and by product of the Appeal No. A15A1202.

Respectfully submitted this 29<sup>th</sup> Day of March 2015.

Sincerely,



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Viren R. Patel, Appellant, Pro Se  
P O Box 529  
Lawrenceville, GA 30046  
678 670 4155

**CERTIFICATE OF SERVICE**

I, hereby certify that on this 29<sup>th</sup> day of March 2015, a copy of the foregoing motion has been served on Appellee's through their attorney by regular US Mail at the following address:

Anita K Balasubramanian  
Nelson, Mullins, Riley and Scarborough, LLP  
201 17<sup>th</sup> Street NW., Suite 1700  
Atlanta, GA 30363.

Respectfully,



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Viren R. Patel, Appellant, Pro Se