

**FILED**

**FEB 09 2018**

**HON. THOMAS BUCK**

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Attorneys for Plaintiffs

LAKULISH INVESTMENT GROUP, LLC	:SUPERIOR COURT OF NEW JERSEY
	:LAW DIVISION
	:MIDDLESEX COUNTY
Plaintiff,	:
	:Docket No. MID-L-6034-16
	:
vs.	:Civil Action
	:
OJAS PATEL,	:
	:
Defendant.	: <u>WARRANT FOR ARREST</u>

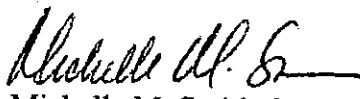
THE STATE OF NEW JERSEY  
TO THE SHERIFF OF MIDDLESEX COUNTY

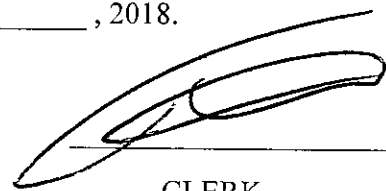
WHEREAS by Order of this Court dated September 18, 2017 the Defendant, Ojas Patel, was directed to appear for deposition and provide discovery in aid of Litigant's Rights, and

WHEREAS a Certification of Defendant's failure or refusal to comply with the Order has been submitted to the Court;

YOU ARE HEREBY COMMANDED to arrest Defendant, Ojas Patel, and bring him forthwith before the Court at the Middlesex County Courthouse, 56 Paterson Street, New Brunswick, New Jersey to answer to the charge of contempt for violating the Order of this Court.

WITNESS, HONORABLE Thomas J. Buck a Judge of the Superior Court, this 9<sup>th</sup> day of February, 2018.

  
Michelle M. Smith, Esq.  
Clerk of Superior Court

  
\_\_\_\_\_  
, CLERK

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:LAW DIVISION  
Plaintiff, :MIDDLESEX COUNTY  
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:Docket No. MID-L-6034-16  
:  
vs. : Civil Action  
:  
OJAS PATEL, :**CERTIFICATION OF COUNSEL**  
:IN SUPPORT OF REQUEST  
Defendants. :**FOR ISSUANCE OF ARREST WARRANT**  
:**TO COMPEL APPEARANCE**  
:

Thomas M. Monahan, of full age, hereby certifies as follows:

1. I am an attorney with the law firm of Simon Monahan & Simon, L.L.C., attorneys for the Plaintiff, Lakulish Investment Group, LLC, in this action. I make this certification in support of Plaintiff's application for a Warrant for Arrest of Defendant, Ojas Patel, for failure to comply with an Order of this Court entered September 18, 2017.
2. On February 13, 2017 Plaintiff obtained a judgment against the Defendant, Ojas Patel, in the amount of \$473,227.28. A copy of the Judgment is annexed hereto as "Exhibit A".
3. On March 1, 2017 Defendant, Ojas Patel, contacted me by telephone to advise that he was in the process of liquidating some investments and would be paying the judgment in full within a few weeks.

4. On March 15, 2017 I served an Information Subpoena upon Ojas Patel by First Class U.S. Mail and by Certified Mail, RRR..
5. On March 20, 2017 Ojas Patel and contacted me by telephone to advise that he was expecting to receive funds from an investment in Florida and expected to pay at least \$200,000.00 of the judgment within one week.
6. I notified Mr. Patel that he was nevertheless required to provide responses to the Information Subpoena.
7. Mr. Patel has never made any payment toward the judgment and did not timely respond to the Information Subpoena.
8. On April 3, 2017 I called the Defendant and left a message advising him of his failure to comply with the information subpoena and of my intention to file a motion to enforce litigant's rights. I did not receive a response to the Subpoena and the Court entered an Order to Enforce Litigant's Rights was entered on April 28, 2017.
9. Defendant subsequently sent an Information Subpoena indicating that he had no sources of income or assets other than a bank account at Wells Fargo.
10. A Writ of Execution issued thereafter to Wells Fargo Bank was returned with a statement that the account was closed.
11. The Defendant's statements that he was awaiting return of investment funds was directly inconsistent with his responses to the Information Subpoena that he had no assets other than the Wells Fargo account which he closed.
12. On June 26, 2017 a Subpoena was issued to Defendant directing him to appear for a deposition on July 11, 2017.

13. The defendant responded to the Subpoena by email on July 7, 2017 advising that he needed to reschedule the deposition.
14. By Order dated September 18, 2017 the defendant was directed to attend a deposition on October 20, 2017 at my office. A copy of the Order is annexed hereto as "Exhibit B". The Order provided that if Defendant failed to comply a warrant for his arrest would be issued.
15. By email dated September 24, 2017 the Defendant acknowledged receipt of the Order and confirmed that he would appear as scheduled. On October 19, 2017, however, Defendant stated that the deposition needed to be rescheduled as he did not have all documents requested. Defendant was reminded that the deposition was Court Ordered and directed to appear with whatever documents he had. The Defendant did not appear despite the Court Order. By email dated November 2, 2017 Defendant stated that he would come to my office the following week to bring documents and a payment toward the judgment. A copy of the series of emails is annexed hereto as Exhibit "C" and incorporated herein.
15. The Defendant never produced any of the requested documents, never appeared for the Court Ordered deposition and has not made any payment as promised.
16. The Defendant has failed and refused to comply with the Order of the Court and it is respectfully requested that the Court issue a warrant for Defendant's arrest to compel his appearance.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

/s/ Thomas M. Monahan  
Thomas M. Monahan, Esq.

Dated: January 2, 2018