

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF NEW YORK

---

In Re:

Lee Waddell a/k/a Lee Charles Waddell, Case No. 12-12411 (Chapter 7)

Debtor

---

Adam Conway,

Plaintiff,

-against-

Ad. Pro. No. 12-90088-1

Lee Waddell a/k/a Lee Charles Waddell,

Defendant.

---

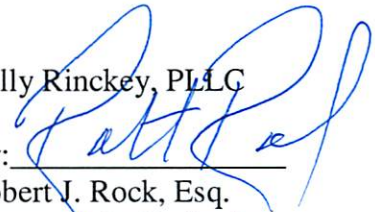
**DEFENDANT'S RESPONSE TO PLAINTIFF'S MOTION FOR SUMMARY  
JUDGMENT AND DEFENDANT'S  
CROSS-MOTION FOR PARTIAL SUMMARY JUDGMENT**

Defendant Lee Waddell ("Waddell" of "defendant"), by and through his undersigned counsel, hereby responds in Opposition to Plaintiff's Motion for Summary Judgment, and cross-moves, pursuant to Rule 56 of the Federal Rules of Civil Procedure as incorporated into rule 7056 of the Federal Rules of Bankruptcy Procedure, and Rule 7056-1 of the Local Rules of Bankruptcy Procedure for the United States Bankruptcy Court for the Northern District of New York for an entry of an order granting summary judgment in favor of defendant and dismissing all claims brought by the plaintiff, Adam Conway ("Conway" or "plaintiff") in the complaint filed December 13, 2012 (the "Complaint"). As grounds therefore, Defendant respectfully refers the Court to the accompanying Memorandum of Law in Opposition to Plaintiff's Motion for Summary Judgment and in Support of Defendant's Cross-Motion for Summary

Judgment, and Defendant's Response to Plaintiff's Statement of Undisputed Material Fact.

Date: Albany, New York  
April 17, 2013

Tully Rinckey, PLLC

By:   
Robert J. Rock, Esq.  
Attorneys for Defendant  
441 New Karner Road  
Albany, New York 12205  
(518) 218-7100