

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

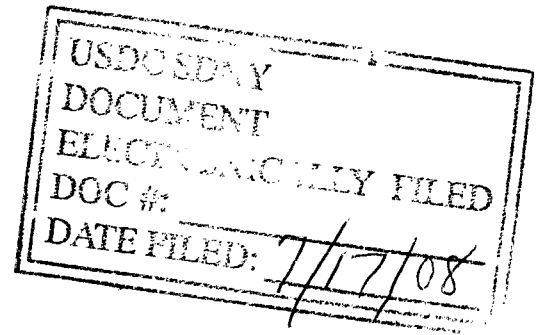
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ELIOT I. BERNSTEIN, et al.,

Plaintiffs,

v.

APPELLATE DIVISION FIRST
DEPARTMENT DISCIPLINARY
COMMITTEE, et al.,

Defendants.
----- X



**[PROPOSED]
ORDER**

07 Civ. 11196 (SAS)

SHIRA A. SCHEINDLIN, U.S.D.J.:

Plaintiff having obtained a Clerk's Certificate noting a default of defendant Proskauer Rose LLP for failure to answer or move with respect to the complaint in this action, dated 7/11/08 (the "Clerk's Certificate"), it appears from the docket that defendant Proskauer Rose LLP timely filed a responsive pleading on May 30, 2008 (*see* Docket entries Nos. 78 and 79), it is hereby

ORDERED, that the Clerk's Certificate obtained by plaintiff is **VACATED**.

SO ORDERED:

Shira A. Scheindlin
U.S.D.J.

Dated: New York, New York
July 17 2008