

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA


VICTOR S. MARTINI,)	
)	
Plaintiff,)	
)	No. 04-354E
vs.)	
)	Hon. Maurice B. Cohill, Jr.
PRESQUE ISLE CAPITAL MANAGEMENT,)	Magistrate Judge Susan
INC. and JAMES H. THOMAS,)	Paradise Baxter
)	
Defendants.)	

**CONSENT MOTION FOR JUDGMENT IN FAVOR OF JAMES H. THOMAS
AND PROPOSED JUDGMENT**

NOW COMES the Parties, though undersigned counsel, respectfully requesting by this consent motion that:

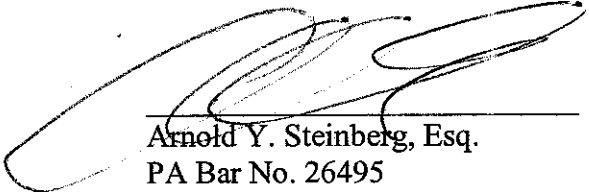
1. The Court enters judgment in favor of James H. Thomas by denying all relief requested in the Complaint. The Parties further request that judgment be set forth on a separate document pursuant to Fed. R. Civ. P. 58(a).
2. James H. Thomas waives any right to seek costs and/or attorneys' fees pursuant to Fed. R. Civ. P. 54(d).
3. Plaintiff waives any right to appeal the judgment requested herein.

June 12, 2006
Dated: ~~May~~, 2006



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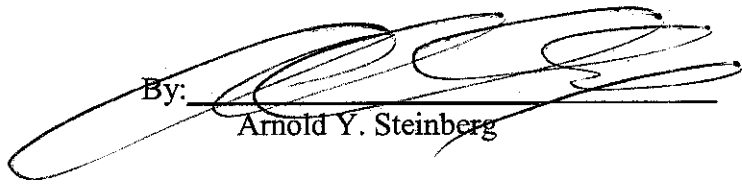
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*Subject to *pro hac vice*
admission

CERTIFICATE OF SERVICE

I hereby certify that on ~~May~~ ^{*June 12*}, 2006, I electronically filed the foregoing with the Clerk of the Court for the U.S. District Court for the Western District of Pennsylvania, by using the CM/ECF system which will send a notice of electronic filing to the following CM/ECF participant:

Robert L. Herskovits, Esq.
Bachner & Herskovits, P.C.
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By: 

Arnold Y. Steinberg