

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JOSEPH J. O'HARA,

Plaintiff,

v.

KEITH A. RANIERE, ET AL,

Defendants.

12-CV-0252 GLS/RFT

**DECLARATION OF
WILLIAM F. SAVINO
IN SUPPORT OF MOTION
FOR RULE 11 SANCTIONS**

WILLIAM F. SAVINO declares pursuant to 28 U.S.C. §1746 as follows:

1. I am a general partner with Damon Morey LLP, attorneys for defendants Damon Morey, LLP, William F. Savino, Beth Ann Bivona, Gregory Zini, and Bernard Schenkler, and I make this Declaration in support of these Defendants' motion for Rule 11 sanctions against pro-se Plaintiff Joseph J. O'Hara ("O'Hara") and a request to take judicial notice of the facts set forth herein.

2. O'Hara O'Hara filed a personal Chapter 7 bankruptcy in the United States Bankruptcy Court, Northern District of New York on June 30, 2008, Case No. 08-12108.

3. Annexed as Exhibit A is a copy of pages from the bankruptcy schedules filed by O'Hara. The list of O'Hara's property in Attachment IV includes unliquidated claims against "NXIVM Corporation d/b/a Executive Success Programs and Related Parties" (named defendants in the O'Hara v. Ranieri complaint); "Potential Legal Claims re: Albany County" (a named defendant in the O'Hara v. Ranieri complaint); and "Potential Legal Claims re: Proskauer Rose, LLP et al" (a named defendant in the O'Hara v. Ranieri complaint).

4. Annexed as Exhibit B is a copy of an Order Authorizing the Trustee to Employ Special Litigation Counsel for the Estate entered May 25, 2012 by Bankruptcy Judge Littlefield

and the supporting Application noting that O'Hara has filed his complaint in O'Hara v. Raniere without the consent of the Trustee and that "to the extent a cause of action against some or all of the defendants existed on the Petition Date, that cause of action is an asset of the bankruptcy estate pursuant to 11 U.S.C. 541(a)."

5. Annexed as Exhibit C is a copy of the claims register in O'Hara's bankruptcy case. The proofs of claim filed totals \$27,438,437.29.

6. Defendants Clare W. Bronfman and Sara R. Bronfmans were scheduled as creditors of O'Hara in his bankruptcy case. They objected to the discharge of the debt owed to them as well as his discharge generally. Bankruptcy Judge Robert E. Littlefield Jr. granted the Bronfmans' motion for summary judgment denying discharge to O'Hara by Memorandum Decision and Order on April 18, 2011 in a Memorandum Decision and Order reported at reported at 2011 Bankr. LEXIS 1420 (Bankr. N.D.N.Y. 2011) is annexed as Exhibit D. That Order is presently on appeal before Judge Kahn. As a result of Judge Littlefield's decision, none of O'Hara's debts were discharged by his bankruptcy.

6. Pursuant to Local Rule 7.1, copies of the unreported decisions cited in the supporting Brief are annexed as Exhibit E.

I declare that the foregoing statements are true and correct under penalty of perjury.

s/ William F. Savino

William F. Savino (#507064)

Dated: Buffalo, New York
June 1, 2012

#1683073