

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

JOSEPH J. O'HARA,

Plaintiff,

vs.

**NOTICE OF MOTION
FOR SANCTIONS**

12-CV-00252-GLS-RFT

KEITH A. RANIERE a/k/a VANGUARD,
NANCY SALZMAN a/k/a PREFECT ,
KRISTIN KEEFFE,
CLARE W. BRONFMAN,
SARA R. BRONFMAN,
EXECUTIVE SUCCESS PROGRAMS, INC.,
a Nevada Corporation,
FIRST PRINCIPLES INCORPORATED,
a Delaware Corporation,
NXIVM CORPORATION d/b/a EXECUTIVE
SUCCESS PROGRAMS, a Delaware Corporation,
NXIVM CORPORATION, a New York Corporation,
NXIVM LLC, a New York Limited Liability
Company,
NXIVM Properties LLC, a New York Limited
Liability Company,
P. DAVID SOARES,
ALBANY COUNTY, NEW YORK,
PROSKAUER ROSE LLP,
SCOTT A. EGGERS,
SCOTT HARSHBARGER,
DOUGLAS C. RENNIE,
PETER J.W. SHERWIN,
O'CONNELL AND ARONOWITZ, Attorneys at Law,
STEPHEN R. COFFEY,
JOSHUA E. McMAHON,
PAMELA A. NICHOLS,
ANDREW J. SAFRANKO,
RICHARD H. WEISKOPF,
DAMON MOREY LLP,
BETH A. BIVONA,
WILLIAM F. SAVINO,
BERNARD SCHENKLER,
GREGORY ZINI,
BARTOLOMEI & ASSOCIATES PC,
JOHN P. BARTOLOMEI,
TO-BE-NAMED CORPORATIONS, LIMITED

John P. Bartolomei & Associates
Attorneys-at-Law
335 Buffalo Avenue, Niagara Falls, New York 14303

LIABILITY COMPANIES, NOT-FOR-PROFIT
CORPORATIONS, PARTNERSHIPS,
UNINCORPORATED BUSINESS ENTITIES,
FOUNDATIONS, TRUSTS AND OTHER ENTITIES,
TO-BE-NAMED NXIVM SENIOR COUNSELORS,
NXIVM SENIOR PROCTORS, NXIVM PROCTORS,
NXIVM SENIOR COACHES AND NXIVM COACHES,
TO-BE-NAMED LAW FIRMS AND INDIVIDUAL
ATTORNEYS

Defendants.

MOTION BY:

Defendants BARTOLOMEI & ASSOCIATES PC,
and JOHN P. BARTOLOMEI

**DATE, TIME & PLACE
OF HEARING:**

August 2, 2012 at 9:30 a.m. or at a time to be set by the
Court. Oral argument is requested.

SUPPORTING PAPERS:

Declaration of John P. Bartolomei; Memorandum of Law.

ANSWERING PAPERS:

Pursuant to Local Rule 7.1(c), the opposing party is
required to file and serve answering papers, if any, at least
eight (8) business days prior to the return date of this
motion. The moving parties intend to file and serve reply
papers.

RELIEF REQUESTED:

An order pursuant to Rule 11 of the Federal Rules of Civil
Procedure, 28 U.S.C. § 1927, and the Court's inherent
authority, imposing sanctions on Plaintiff and Plaintiff's
counsel, based on the motion papers or, if necessary,
following a hearing. Defendants request the opportunity to
prove the legal fees expended at a later time, but seek
sanctions equal to all legal fees incurred, and an additional
amount to deter the conduct of Plaintiff's counsel, together
with the costs of this motion and further relief as this Court
deems proper.

GROUNDS FOR RELIEF:

As set out in the accompanying papers, Plaintiff's action
asserts legal claims that are not warranted under existing
law, or a good faith argument for the extension of existing
law. Further, the Complaint contains many factual
allegations for which there is no evidentiary support.
Finally, the circumstances of the case lead to the conclusion
that the Complaint was filed for the purpose of harassment

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or annoyance and not for any proper purpose. Each is a proper basis for the Court to impose sanctions pursuant to Rule 11, 28 U.S.C. § 1927, or the Court's inherent authority.

Dated: Niagara Falls, New York
June 21, 2012



JOHN P. BARTOLOMEI, ESQ.

John P. Bartolomei Bar Number: 509323

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and John P. Bartolomei*

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