

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JOSEPH J. O'HARA,

12-CV-00252-GLS-RFT

Plaintiff,

vs.

**DECLARATION OF
SERVICE**

KEITH A. RANIERE a/k/a VANGUARD, et al.

Defendants.

State of New York)
County of Niagara) ss.:

MARIA A. NUCHERENO declares pursuant to 28 U.S.C. § 1746 as follows:


1. On June 21, 2012, I mailed a copy of the proposed Notice of Motion for (Rule 11) Sanctions on behalf of John P. Bartolomei and Bartolomei & Associates PC, the supporting Declaration of John P. Bartolomei and the supporting Memorandum of Law to Joseph J. O'Hara at 99 Vly Road, Colonie, New York, 12205 by United States Postal Service First Class Mail. A copy of my transmittal letter is annexed hereto.

2. After more than 21 days, on July 25, 2012, I electronically filed the Notice of Motion for (Rule 11) Sanctions on behalf of John P. Bartolomei and Bartolomei & Associates PC, the supporting Declaration of John P. Bartolomei and the supporting Memorandum of Law with the Clerk of the United States District Court via CM/ECF which transmitted the Notice of Electronic Filing to the following: (1) Brian Breedlove, Esq., Carrie McLoughlin Noll, Esq.; (2) Jeffrey J. Sherrin, Esq.; (3) William F. Savino, Esq.; (4) Adam G. Giangreco, Esq., Kara M. Frank, Esq., Thomas Marcelle, Esq.; and (5) Charles S. Sims, Esq., Jamison Davies, Esq. and Michael T. Mervis, Esq.

3. On July 25, 2012, I served the foregoing via the United States Postal Service First Class Mail on the following CM/ECF non-participant: Joseph J. O'Hara at 99 Vly Road, Colonie, New York, 12205.

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

Dated: July 25, 2012



Maria A. Nucheren

LAW OFFICES OF
JOHN P. BARTOLOMEI
&
ASSOCIATES
ATTORNEYS AT LAW

June 21, 2012

Mr. Joseph J. O'Hara
99 Vly Road
Colonie, New York 12205

Re: O'Hara vs Ranieri, et al.
Motion under Rule 11 for Sanctions

Dear Mr. O'Hara:

Enclosed herewith please find served upon you:

- (1) Notice of Motion for Sanctions;
- (2) Declaration in Support of Motion for Sanctions; and
- (3) Memorandum in Support of Motion for Sanctions.

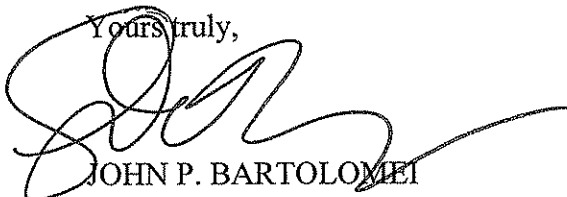
This motion has been served upon you but will not be filed with the Court until July 16, 2012 in order to give you an opportunity to withdraw the Complaint as against Bartolomei & Associates PC and John P. Bartolomei.

In the event you execute the enclosed Stipulation and Discontinuance and forward it to me and file it on or before July 16th, the motion will not be filed.

This procedure is provided for in Rule 11 to afford you a "Safe Harbor" opportunity to avoid sanctions.

I sincerely hope that you will use that opportunity as to Bartolomei & Associates PC and John P. Bartolomei.

Yours truly,



JOHN P. BARTOLOMEI

JPB/man
Enclosures

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

JOSEPH J. O'HARA,

Plaintiff,

vs.

**STIPULATION OF
DISCONTINUANCE**

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
 LIABILITY COMPANIES, NOT-FOR-PROFIT
 CORPORATIONS, PARTNERSHIPS,

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

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.

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned parties, pursuant to Rule 41(1)(A)(ii) of the Federal Rules of Civil Procedure, that this action be, and it hereby is, dismissed with prejudice as against John P. Bartolomei and Bartolomei & Associates PC.

Dated: July ____, 2012

JOSEPH J. O'HARA, ESQ.

Pro Se Plaintiff

99 Vly Road

Colonie, New York 12205

Telephone: (518) 506-3840

JOHN P. BARTOLOMEI, ESQ.

Attorney for Bartolomei & Associates, PC

and John P. Bartolomei

335 Buffalo Avenue

Niagara Falls, New York 14303

Telephone: (716) 282-2774

John P. Bartolomei & Associates
Attorneys-at-Law

335 Buffalo Avenue, Niagara Falls, New York 14303