



July 25, 2012

Hon. Gary L. Sharpe, Chief Judge
James T. Foley U.S. Courthouse
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Albany, NY 12207

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Filed Electronically

Re: *O'Hara v. Ranieri et al.*, No. 1:12-cv-00252 GLS/RFT

Dear Judge Sharpe:

Defendants Scott A. Eggers, Scott Harshbarger, Peter J.W. Sherwin, Douglas C. Rennie and Proskauer Rose LLP (the "Proskauer Defendants") filed a motion to dismiss on June 20, 2012 with respect to the above-entitled action. The Court required plaintiff to respond by July 16th, with a return date of August 2nd. If the plaintiff chose not to respond, he was required to notify the Court and all parties no later than July 19th, fourteen days prior to the scheduled return date. As of today, the plaintiff has filed no response with the clerk's office nor has he served any responsive papers on the Proskauer Defendants. He has also given no notice to the Court or the Proskauer Defendants of his intent not to file a response.

In light of plaintiff's failure to respond and consequent violation of Local Rule 7.1(b)(3), as well as for the reasons outlined in the Proskauer Defendants' Memorandum of Law in Support of the Motion to Dismiss, the Proskauer Defendants petition this Court to grant the motion and summarily dismiss with prejudice all claims as against the Proskauer Defendants.

The Court's consideration is appreciated.

Respectfully submitted,



Charles S. Sims
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