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November 27, 2012

**Filed Electronically**

Hon. Gary L. Sharpe, Chief Judge  
James T. Foley U.S. Courthouse  
445 Broadway, Room 112  
Albany, NY 12207

RE: O'Hara v. Ranieri et al.  
1:12-cv-00252

Dear Judge Sharpe:

Defendants agree with the position submitted by defendant Clare W. Bronfman, et al. (Dkt. No. 88) and request that the Court so-order the Stipulation of Dismissal with Prejudice (Dkt. No. 86-1); and should the court find otherwise, plaintiff's request for an extension should still be denied and his complaint dismissed with prejudice, for the following reasons.

Plaintiff, a lawyer, has had 150 days—almost half a year— to submit an answer to defendant's motion to dismiss. However, plaintiff has, yet again, disregarded the Court imposed deadline for submitting responsive papers. **This is the third time** that plaintiff has slighted the Court and defendants in this manner, failing to even provide a simple notice of his intent not to file prior to the deadline, as required. (See Dkt. No. 73). Enumerated below are the occasions in this litigation in which plaintiff has blown off the deadline to file an answer.

- Plaintiff disregarded the July 16, 2012 deadline, without first requesting extension
- Plaintiff disregarded the August 10, 2012 deadline, without first requesting extension
- Plaintiff disregarded the November 20, 2012 deadline, without first requesting extension

Further, the Court declared after plaintiff ignored the July 16<sup>th</sup> deadline and, then again, after blowing by the August 10<sup>th</sup> deadline that “no further extensions will be permitted absent extraordinary circumstances.” (Dkt. Nos. 73 and 82). As far as defendants have been made aware, “extraordinary circumstances” are not the reason for plaintiff's latest cavalier neglect of failing to apprise the Court, prior to the deadline, of his intent not to file a response. (See Dkt. No. 73).

Plaintiff knows better, but he prefers to take advantage of the Court's good grace. Therefore, defendants request that the Court deny plaintiff a fourth allowance to file an answer and dismiss plaintiff's complaint with prejudice.

Thank you for Your Honor's consideration.

Sincerely yours,

/s/ Adam Giangreco  
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