

ORDERED, that Plaintiff's motion for default judgment against defendants O'Flynn, Harling, and Lapira is denied; and it is further

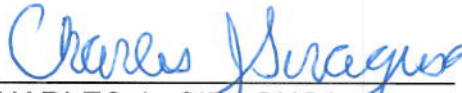
ORDERED, that defendant Beilein provide the Court, not later than November 1, 2012, with evidence showing that his motion to dismiss, which he filed on August 3, 2012, was timely; and it is further

ORDERED, that defendant Beilein's failure to provide the Court with evidence that his motion to dismiss was timely may result in an entry of a default.

IT IS SO ORDERED.

Dated: October 19, 2012
Rochester, New York

ENTER:



CHARLES J. SIRAGUSA
United States District Judge