

**United States Court of Appeals for the Second Circuit  
Thurgood Marshall U.S. Courthouse  
40 Foley Square  
New York, NY 10007**

**DENNIS JACOBS**  
CHIEF JUDGE

**CATHERINE O'HAGAN WOLFE**  
CLERK OF COURT

Date: March 01, 2012  
Docket #: 11-1197cv  
Short Title: Patrick Cariou v. Richard Prince

DC Docket #: 08-cv-11327  
DC Court: SDNY (NEW YORK CITY)  
DC Judge: Batts

**NOTICE OF DEFECTIVE FILING**

On February 29, 2012 the Corrected Brief on behalf of the Amicus Curiae The Andy Wahol Foundation for the Visual Arts, Inc., was submitted in the above referenced case. The document does not comply with the FRAP or the Court's Local Rules for the following reason(s):

- \_\_\_\_\_ Failure to submit acknowledgment and notice of appearance (*Local Rule 12.3*)
- \_\_\_\_\_ Failure to file the Record on Appeal (*FRAP 10, 11*)
- \_\_\_\_\_ Missing motion information statement (*T-1080 - Local Rule 27.1*)
- \_\_\_\_\_ Missing supporting papers for motion (e.g, affidavit/affirmation/declaration) (*FRAP 27*)
- \_\_\_\_\_ Insufficient number of copies (*Local Rules: 21.1, 27.1, 30.1, 31.1*)
- \_\_\_\_\_ Improper proof of service (*FRAP 25*)
  - \_\_\_\_\_ Missing proof of service
  - \_\_\_\_\_ Served to an incorrect address
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- \_\_\_\_\_ Failure to submit document in digital format (*Local Rule 25.1*)
- \_\_\_\_\_ Not Text-Searchable (*Local Rule 25.1, Interim Local Rules 25.2*), click [here](#) for instructions on how to make PDFs text searchable
- \_\_\_\_\_ Failure to file appendix on CD-ROM (*Local Rule 25.1, Interim Local Rules 25.2*)
- \_\_\_\_\_ Failure to file special appendix (*Local Rule 32.1*)
- \_\_\_\_\_ Defective cover (*FRAP 32*)
  - \_\_\_\_\_ Incorrect caption (*FRAP 32*)
  - \_\_\_\_\_ Wrong color cover (*FRAP 32*)
  - \_\_\_\_\_ Docket number font too small (*Local Rule 32.1*)
  - \_\_\_\_\_ Incorrect pagination, click [here](#) for instructions on how to paginate PDFs
- \_\_\_\_\_ Incorrect font (*FRAP 32*)
- \_\_\_\_\_ Oversized filing (*FRAP 32*)
- \_\_\_\_\_ Missing Amicus Curiae filing or motion (*Local Rule 29.1*)
- \_\_\_\_\_ Untimely filing

**\_XXX\_ Incorrect Filing Event Note: As per the Court's order please file this as a Reply Brief. If you cannot select Reply Brief due to your party status please select Amicus Brief and case manager will edit the entry to correctly reflect the Reply Brief status.**

\_\_\_\_\_ Other: \_\_\_\_\_

Please cure the defect(s) and resubmit the document, with the required copies if necessary, no later than **March 5, 2011**. The resubmitted documents, if compliant with FRAP and the Local Rules, will be deemed timely filed.

Failure to cure the defect(s) by the date set forth above will result in the document being stricken. An appellant's failure to cure a defective filing may result in the dismissal of the appeal.

Inquiries regarding this case may be directed to 212-857-8561.