## 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: August 29, 2011 Docket #: 11-2215 cv Short Title: C. v. New York State and Local Retir DC Docket #: 09-cv-5635 DC Court: EDNY (CENTRAL ISLIP) DC Judge: LindsayFeuerstein

## NOTICE OF DEFECTIVE FILING

On August 26, 2011 the appendix 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 Incomplete service (Anders v. California 386 U.S. 738 (1967)) 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) X 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 Incorrect Filing Event X Other: You must paginate the appendix, and re-file both the brief and appendix

again. For the appendix, it is unnecessary to create another cover for the second part of the joint appendix. Because that document is a single bounded book, you must submit the

electronic version in the same manner. If you are unable to fit the entire appendix under one PDF entry, then you must divide that PDF into parts that are acceptable. You do not need to create a new cover for each separate part, but you must paginate all parts of the PDF to reflect the appendix numbering.

Please cure the defect(s) and resubmit the document, with the required copies if necessary, no later than August 31, 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 212-857-8612.