

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

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JOSE ERNESTO MARTINEZ,	:	
an individual,	:	Civil Action No.:
	:	3:07-CV-01212 (VLB)
Plaintiff,	:	
	:	
v.	:	
	:	
FERGUSON LIBRARY, INC.,	:	
and	:	
ERNEST DIMATTIA,	:	
	:	October 9, 2007
Defendants.	:	
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MOTION FOR PRE-FILING CONFERENCE

Pursuant to the Court’s Order on Pre-Trial Deadlines, Defendants Ferguson Library and its President Ernest DiMattia (“Defendants”) hereby request a pre-filing conference in connection with their intent to file a Motion to Dismiss the Complaint pursuant to Federal Rule 12(b)(6) due to Plaintiff’s lack of standing, the undisputable fact that library services, when viewed in their entirety, are accessible and usable to persons with disabilities as required under Title II of the Americans with Disabilities Act and that, with respect to facility deficiencies, if any, the Library has already evaluated the building at issue and is about to commence a major renovation project to include correction of any such deficiencies.

The undersigned attempted to contact Plaintiff’s counsel in order to determine whether they would join in this request, however, were unable to ascertain their position.

WHEREFORE, Defendants respectfully request a Pre-Filing Conference to address their request to file a Motion to Dismiss for the reasons set forth above and to explore whether there is a just, speedy and inexpensive alternative to filing the Motion.

Done at Bridgeport, Connecticut, this 9th day of October, 2007.

/s/

Loraine M. Cortese-Costa (ct03984)
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Attorneys for Defendants

CERTIFICATION

This shall certify that a copy of the foregoing was caused to be served via electronic mail upon the following counsel of record and pro se parties of record on this 9th day of October, 2007.

Ioannis A. Kaloidis, Esq.
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/s/ _____
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