

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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JEAN TOBORG, As Administratrix of the  
Estate of WILLIAM TOBORG, deceased,  
and JEAN TORBORG, Individually

Plaintiff,

-v.-

Civil Action No.  
1:11-cv-150 (GLS/RFT)

UNITED STATES OF AMERICA,

Defendant.

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APPEARANCES:

OF COUNSEL:

**FOR THE PLAINTIFF:**

Zwiebel, Fairbanks Law Firm  
Kingston Office  
72 Maiden Lane  
P.O. Box 3907  
Kingston, New York 12402

JONATHAN FAIRBANKS, ESQ.

**FOR THE DEFENDANT:**

HON. RICHARD S. HARTUNIAN  
United States Attorney  
Office of the United States Attorney  
445 Broadway  
Albany, New York 12207

DIANE CAGINO  
Assistant United States Attorney

GARY L. SHARPE,  
CHIEF JUDGE

## **ORDER**

The above-captioned matter comes to this court following a Report-Recommendation by Magistrate Judge Randolph F. Treece, duly filed October 19, 2012. Following ten days from the service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.

No objections having been filed, and the court having reviewed the Magistrate Judge's Report-Recommendation for clear error, it is hereby

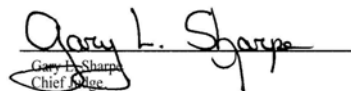
ORDERED, that the Report-Recommendation of Magistrate Judge Randolph F. Treece filed October 19, 2012 is ACCEPTED in its entirety for the reasons state therein; and it is further

ORDERED that Toborg's Counsel, Jonathan Fairbanks, Esq., be sanctioned as follows: (1) that he pay the Government the sum of \$8,359.36 within ninety days of the filing date of the final order issued from this court; and it is further

ORDERED, that he personally assume all costs related to the depositions of Toborg's two experts, consistent with the Judge Treece's Report-Recommendation.

IT IS SO ORDERED.

Dated: November 9, 2012  
Albany, New York

  
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Gary L. Sharpe  
Chief Judge  
U.S. District Court