

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

DOUGLAS A. CASE, JR.,

Plaintiff,

v.

6:10-CV-1102 (NAM/DEP)

**THE TOWN OF NEW HARTFORD, PETER
COLBURN, MICHAEL INSERRA, and
KAREN CASE,**

Defendants.

APPEARANCES:

OF COUNSEL:

FOR PLAINTIFF:

**KELLOGG LAW OFFICE
901 East Brighton Avenue
Syracuse, NY 13205**

BRIAN J. KELLOGG, ESQ.

**FOR DEFENDANTS TOWN OF
NEW HARTFORD and MICHAEL
INSERRA:**

**GOLBERG, SEGALLA LAW FIRM
5789 Widewaters Pkwy.
Syracuse, NY 13214**

**MOLLY M. RYAN, ESQ.
SANDRA J. SABOURIN, ESQ.**

**FOR DEFENDANT PETER
COLBURN:**

**MORRIS, DUFFY LAW FIRM
2 Rector Street
New York, NY 10006**

CARL S. SANDEL, ESQ.

FOR DEFENDANT KAREN CASE:

LONGERETTA LAW OFFICE
298 Genesee Street
Utica, NY 13502

DAVID A. LONGERETTA, ESQ.

NORMAN A. MORDUE, U. S. DISTRICT JUDGE

ORDER

The above matter comes to me following a Report-Recommendation by Magistrate Judge David E. Peebles, duly filed on the 17th day of May 2012. Following fourteen (14) days from the service thereof, the Clerk has sent me the file, including any and all objections filed by the parties herein.

After careful review of all of the papers herein, including the Magistrate Judge's Report-Recommendation, and no objections submitted thereto, it is

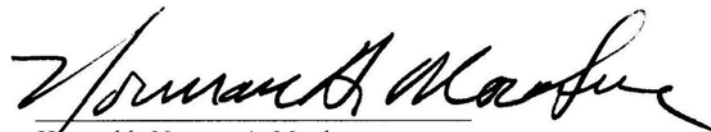
ORDERED that:

1. The Report-Recommendation is hereby adopted in its entirety.
2. Defendants' joint motion to dismiss plaintiff's complaint (Dkt. No. 32) is granted, and plaintiff's complaint (Dkt. No. 1) is dismissed, with prejudice, and with leave to the defendants to apply for an award of costs and attorney's fees under both Rules 11 and Rule 37(b)(2)(C), related to reasonable expenses caused by plaintiff's discovery failure, and pursuant to 42 U.S.C. § 1988.
3. Any application for costs and attorney's fees shall be filed within thirty (30) days of this Order or on or before July 19, 2012 and referred to Magistrate Judge Peebles for a recommendation.
4. The Clerk of the Court shall serve a copy of this Order upon all parties and the

Magistrate Judge assigned to this case

IT IS SO ORDERED.

Dated: June 19, 2012
Syracuse, New York

A handwritten signature in black ink, appearing to read "Norman A. Mordue". The signature is written in a cursive style with a horizontal line underneath the name.

Honorable Norman A. Mordue
U.S. District Judge

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