

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF VERMONT

2012 APR 17 PM 4:28

WALLACE S. NOLEN,)
)
 Plaintiff)
)
 vs.)
)
 ALDRICH PUBLIC LIBRARY,)
)
 NANCY F. POPE, KAREN)
)
 LANE, CITY OF BARRE,)
)
 TIMOTHY BOMBARDIER, ANDREW)
)
 MARCEAU, ROSS WEILAND, and)
)
 JANE DOE 1-20,)
)
 Defendants)


DEPUTY CLERK

Case No. 2:11-cv-183

**DEFENDANTS' RENEWED MOTION FOR DISMISSAL WITHOUT
PREJUDICE AND SUPPORTING MEMORANDUM OF LAW**

NOW COME the Defendants, by and through their respective counsel, and hereby respectfully move the Honorable Court to dismiss this matter without prejudice. For support, Defendants offer the following memorandum of law.

MEMORANDUM OF LAW

The Court has twice stayed this matter due to Plaintiff's health issues. Defendants' Motion for Dismissal Without Prejudice and Supporting Memorandum of Law dated January 4, 2012, was denied by the Court on January 25, 2012.¹ In denying Defendants' motion, the Court ruled that the matter was stayed through March 15, 2012, and that Plaintiff, prior to the second stay's conclusion, was to update the Court in writing as to his ability to proceed. The Court directed that if Plaintiff wished to continue the stay, he was to provide medical documentation in support of his request in that regard. The Court ruled that Plaintiff's failure to do so may result in dismissal for failure to prosecute.

¹ Defendants hereby respectfully incorporate their prior motion (with APPENDIX) as if set forth again in full.

On or about March 1, 2012, the Court received correspondence from Fletcher Allen Health Care ("FAHC") related to Plaintiff's health at that time.

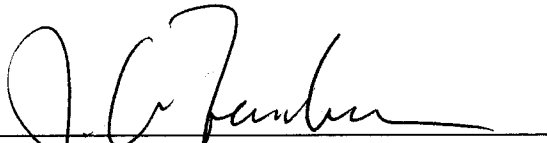
As this is filed, Defendants are unaware of any request by Plaintiff for a continued stay and/or any medical documentation that would support Plaintiff's request for a continued stay, and that would comport with the Court's last rulings in this regard..

Defendants again respectfully request that this matter be dismissed for failure to prosecute.

Dated at Burlington, Vermont, this 17th day of April 2012.

McNEIL, LEDDY & SHEAHAN, P.C.

By:

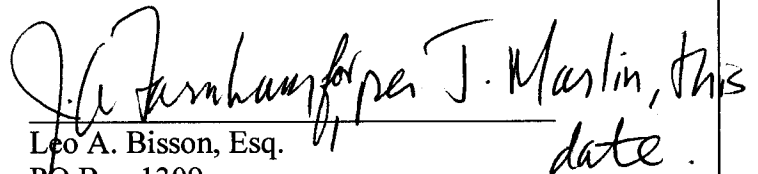


Joseph A. Farnham, Esq.
271 South Union Street
Burlington, VT 05401
Attorneys for Defendants City of Barre,
Timothy Bombardier, Andrew Marceau,
and Ross Weiland

Dated at Montpelier, Vermont, this ___ day of April, 2012.

PRIMMER, PIPER, EGGLESTON
& CRAMER, PC

By:



Leo A. Bisson, Esq.
PO Box 1309
Montpelier, VT 056701-1309
Attorneys for Defendants Aldrich Public
Library, Nancy F. Pope and Karen Lane

date.

Dated at Springfield, Vermont, this 17th day of April, 2012.

ELLIS, BOXER & BLAKE

By: J. D. Farnham, for, per J. Moore
Stephen D. Ellis, Esq. *this date.*
24 Summer Hill Street
PO Box 948
Springfield, VT 05156
Attorneys for Defendant
Aldrich Public Library

400000-00495

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Plaintiff)
vs.) Case No. 2:11-cv-183
ALDRICH PUBLIC LIBRARY,)
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LANE, CITY OF BARRE,)
TIMOTHY BOMBARDIER, ANDREW)
MARCEAU, ROSS WEILAND, and)
JANE DOE 1-20,)
Defendants)

CERTIFICATE OF SERVICE

NOW COME Defendants, by and through their attorneys, McNeil, Leddy & Sheahan, P.C., and hereby certify that they served Defendants' Renewed Motion for Dismissal Without Prejudice and Supporting Memorandum of Law, by mailing a copy of same, first class postage prepaid, to the Plaintiff, Wallace S. Nolen, P.O. Box 1025, Montpelier, VT 05601-1025.

DATED at Burlington, Vermont, this 17th day of April 2012.

McNEIL, LEDDY & SHEAHAN, P.C.

BY: 

Joseph A. Farnham, Esq.
271 South Union St.
Burlington, VT 05401
802-863-4531

c: Jenn Moore, Esq.
Leo Bisson, Esq.
Wallace S. Nolen
Oliver Twombly, Esq.

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