

U.S. DISTRICT COURT
DISTRICT OF VERMONT
FILED
2012 MAY -1 PM 4:04

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF VERMONT

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)

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Case No. 2:11-cv-183

**DEFENDANTS' THIRD 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

On April 19, 2012, the Court ordered that Plaintiff had ten (10) days (from that date) "to submit a formal written response regarding his ability to proceed." Pursuant to F.R.Civ.P. 6(a)(1)(B) and (C). Plaintiff's formal written response was due to the Court on Monday, April 30, 2012. A "PACER" check of the case's docket entries this date showed that Plaintiff did not file the ordered response by Monday, April 30, 2012.

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

Dated at Burlington, Vermont, this 1st day of May 2012.

McNEIL, LEDDY & SHEAHAN, P.C.

By: *J. A. Farnham*

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 1ST day of May, 2012. *JLF 5/1/12*

PRIMMER, PIPER, EGGLESTON
& CRAMER, PC

By: *J. A. Farnham for per e-mail this date*

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

Dated at Springfield, Vermont, this 1ST day of May, 2012. *JLF 5-1-12*

ELLIS, BOXER & BLAKE

By: *J. A. Farnham for per e-mail this date*

Stephen D. Ellis, Esq.
24 Summer Hill Street
PO Box 948
Springfield, VT 05156
Attorneys for Defendant
Aldrich Public Library

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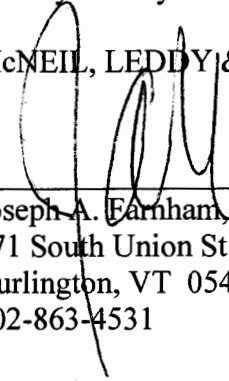
CERTIFICATE OF SERVICE

NOW COME Defendants, by and through their attorneys, McNeil, Leddy & Sheahan, P.C., and hereby certify that they served Defendants' Third 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 1st day of May 2012.

McNEIL, LEDDY & SHEAHAN, P.C.

BY:



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

c: Stephen D. Ellis, Esq.
Leo Bisson, Esq.
Wallace S. Nolen
Oliver Twombly, Esq.

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