

UNITED STATES DISTRICT COURT
DISTRICT OF VERMONT

**WALLACE S. NOLEN for himself
and all other persons similarly situated herein who
have been or will be patrons of the ALDRICH
PUBLIC LIBRARY,**

Plaintiff,

Civil Action No. 2:11-CV-183

v.

**ALDRICH PUBLIC LIBRARY, NANCY F.
POPE, KAREN LANE, "JANE DOE 1-20"
names fictitious and intended to be paid staff
or volunteers employed by Defendant ALDRICH
PUBLIC LIBRARY, CITY OF BARRE, TIMOTHY
BOMBARDIER, ANDREW
MARCEAU, and ROSS WEILAND,**

Defendants.

**DEFENDANTS' JOINT REPLY IN SUPPORT OF (THIRD) MOTION TO
DISMISS WITHOUT PREJUDICE**

The defendants, by and through their undersigned counsel, respectfully submit this Reply in support of their Third Motion to Dismiss.

On April 20, 2012, the Court order plaintiff, on or before April 30, 2012, to "submit a formal written response regarding his ability to proceed. If Plaintiff wishes to continue the stay, he shall provide medical documentation in support of his request. Failure to do so will result in dismissal of the case without prejudice." Plaintiff failed to file any response by April 30th, as ordered. On May 2, 2012, he filed an untimely response, which provides no statement from any medical documentation confirming plaintiff's present or future ability to proceed. Accordingly, this action should be dismissed.

DATED at Springfield, Vermont this 3rd day of May, 2012.

ELLIS, BOXER & BLAKE
Attorneys for Defendant Aldrich Public
Library

By: 

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Dated at Burlington, Vermont this 3rd day of May, 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 3rd day of May, 2012

PRIMMER, PIPER, EGGLESTON
& CRAMER, PC

By: 

Leo A. Bisson, Esq.
P.O. Box 1309
Montpelier, VT 05601
Attorneys for Defendants Aldrich
Public Library, Nancy F. Pope and
Karen Lane