

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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JOSEPH J. O'HARA,

12-CV-252 (GLS/RFT)

Plaintiff,

v.

KEITH A. RANIERE, et. al.

**DECLARATION OF  
SERVICE**

Defendants.

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BERNARD SCHENKLER declares pursuant to 28 U.S.C. §1746 as follows:

1. On June 1, 2012, I mailed a copy of the proposed Notice of Motion (for Rule 11 Sanctions) on behalf of on behalf of Damon Morey LLP, William F. Savino, Beth Ann Bivona, Gregory Zini and Bernard Schenkler, the supporting Declaration of William F. Savino, Esq. with Exhibits, and the supporting Brief, to Joseph J. O'Hara, at 99 Vly Road, Colonie, New York 12205 by United States Post Service First Class Mail. A copy of my transmittal letter is annexed.

2. After more than 21 days, on June 26, 2012, I electronically filed the Notice of Motion (for Rule 11 Sanctions) on behalf of on behalf of Damon Morey LLP, William F. Savino, Beth Ann Bivona, Gregory Zini and Bernard Schenkler, the supporting Declaration of William F. Savino, Esq. with Exhibits, and the supporting Brief with the Clerk of the United States District Court via CM/ECF which transmitted the Notice of Electronic filing to the following: (1) Brian Breedlove Esq., Carrie McLoughlin Noll. Esq. (Ranieri/Keeffe); (2) Jeffrey J. Sherrin, Esq. (O'Connell, Aronowitz defendants/NXVIM Corporation defendants/Salzman); (3) Adam G. Ginagrecio, Esq., Kara M. Frank, Esq., Thomas Marcelle, Esq. (Albany County defendants); (4)

Michael T. Mervis, Esq. (Proskauer defendants); and (5) John P. Bartolomei, Esq. (Bartolomei defendants).

3. On June 26, 2012, I served the foregoing via the United States Postal Service First Class Mail on the following CM/ECF non-participant: Joseph J. O'Hara at 99 Vly Road, Colonie, New York 12205.

I declare that the foregoing statements are true under penalty of perjury.

Dated: June 26, 2012

/s Bernard Schenkler  
Bernard Schenkler(#514856)

Doc #1709479.1

**BERNARD SCHENKLER**  
Special Counsel  
bschenkler@damonmorey.com  
716.844.7075



June 1, 2012

Joseph J. O'Hara  
99 Vly Road  
Colonie, New York 12205

*Re: O'Hara v Ranieri*  
*Docket 12-cv-252*

Dear Mr. O'Hara:

We enclose a proposed Rule 11 motion (Notice of Motion, Declaration with Exhibits and Brief) on behalf of Damon Morey LLP, William F. Savino, Beth Ann Bivona, Gregory Zini and Bernard Schenkler for sanctions in the above captioned matter. If the Complaint is not withdrawn within 21 days, it is our intention to file the enclosed motion.

Very truly yours,

A handwritten signature in black ink, appearing to read "B. Schenkler", written over a white background.

Bernard Schenkler  
for DAMON MOREY LLP

bs/mt  
Enclosure

Doc #1702178.1