CASREF, ECF

U.S. District Court United States District Court for the Southern District of New York (Foley Square) CIVIL DOCKET FOR CASE #: 1:07-cv-09599-SAS-AJP

Anderson v. The State of New York et al Assigned to: Judge Shira A. Scheindlin Referred to: Magistrate Judge Andrew J. Peck

Demand: \$80,000

Related Cases: 1:07-cv-11612-SAS

1:07-cv-11196-SAS 1:08-cv-02391-SAS 1:08-cv-04438-SAS 1:08-cv-03305-SAS

Cause: 42:1981 Civil Rights

Date Filed: 10/26/2007 Jury Demand: Both

Nature of Suit: 440 Civil Rights: Other

Jurisdiction: Federal Question

Plaintiff

Christine C. Anderson

represented by Frederick Kevin Brewington

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TERMINATED: 12/12/2007

LEAD ATTORNEY

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Tembani Selepi Xaba

Tembani S. Xaba, Esq., 227 Riverside Drive #2W New York, NY 10025 (917) 432-9226

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Plaintiff

Eliot I. Bernstein

individually

Plaintiff

Eliot I. Bernstein

on behalf of Shareholders of Iviewit Holdings, Inc.

Plaintiff

P. Stephen Lamont

on behalf of Shareholders of Iviewit Holdings, Inc.

Plaintiff

Iviewit Technologies, Inc.

Plaintiff

Uview.com, Inc.

Plaintiff

Iviewit Holdings, Inc.

Plaintiff

Iviewit Holdings, Inc.

Plaintiff

Iviewit.com

Plaintiff

Iviewit.com, Inc.

Plaintiff

I.C., Inc.

Plaintiff

Iviewit.com LLC

Plaintiff

Iviewit LLC

Plaintiff

Iviewit Corporation

Plaintiff

Iviewit, Inc.

Plaintiff

Iviewit, Inc.

V.

Defendant

The State of New York

represented by Lee Alan Adlerstein

Office of New York State Attorney

General

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ATTORNEY TO BE NOTICED

Defendant

The Office of Court Administration

of Unified Court System

represented by Lee Alan Adlerstein

(See above for address)

ATTORNEY TO BE NOTICED

Wesley Eugene Bauman

(See above for address)

ATTORNEY TO BE NOTICED

Defendant

Hon. John Buckley

in his official and individual capacity

TERMINATED: 01/11/2008

represented by Lee Alan Adlerstein

(See above for address)

ATTORNEY TO BE NOTICED

Defendant

Thomas J. Cahill

in his official and individual capacity

represented by Lee Alan Adlerstein

(See above for address)

ATTORNEY TO BE NOTICED

Wesley Eugene Bauman

(See above for address)

ATTORNEY TO BE NOTICED

Defendant

Sherry K. Cohen

in her official and individual capacity

represented by Lee Alan Adlerstein

(See above for address)

ATTORNEY TO BE NOTICED

Wesley Eugene Bauman

(See above for address)

ATTORNEY TO BE NOTICED

Defendant

Catherine O'Hagen Wolfe

in her official and individual capacity

TERMINATED: 01/11/2008

represented by Lee Alan Adlerstein

(See above for address)

ATTORNEY TO BE NOTICED

Defendant

David Spokony

in his official and individual capacity

represented by Lee Alan Adlerstein

(See above for address)

ATTORNEY TO BE NOTICED

Wesley Eugene Bauman

(See above for address)

ATTORNEY TO BE NOTICED

#	Docket Text		
1	COMPLAINT against David Spokony, The State of New York, The Office of Court Administration of Unified Court System, Hon. John Buckley, Thomas J. Cahill, Sherry K. Cohen, Catherine O'Hagen Wolfe. (Filing Fee \$ 350.00, Receipt Number 631314)Document filed by Christine C. Anderson.(jpo) Additional attachment(s) added on 10/31/2007 (Becerra, Maribel). (Entered: 10/30/2007)		
	SUMMONS ISSUED as to David Spokony, The State of New York, The Office of Court Administration of Unified Court System, Hon. John Buckley, Thomas J. Cahill, Sherry K. Cohen, Catherine O'Hagen Wolfe. (jpo) (Entered: 10/30/2007)		
	Magistrate Judge Douglas F. Eaton is so designated. (jpo) (Entered: 10/30/2007)		
	Case Designated ECF. (jpo) (Entered: 10/30/2007)		
2	AMENDED COMPLAINT amending 1 Complaint, against David Spokony, The State of New York, The Office of Court Administration of Unified Court System, Hon. John Buckley, Thomas J. Cahill, Sherry K. Cohen, Catherine O'Hagen Wolfe.Document filed by Christine C. Anderson. Related document: 1 Complaint, filed by Christine C. Anderson. (jco) (Entered: 11/08/2007)		
	1		

11/12/2007	<u>3</u>	AFFIDAVIT OF SERVICE. The State of New York served on 11/8/2007, answer due 1/7/2008; The Office of Court Administration of Unified Court System served on 11/8/2007, answer due 1/7/2008. Service was accepted by Ms. L. Stone and Deputy Counsel John Eiseman. Service was made by Mail. Document filed by Christine C. Anderson. (Brewington, Frederick) (Entered: 11/12/2007)			
11/19/2007	4	ORDER FOR INITIAL PRETRIAL CONFERENCE: Initial Conference set for 12/12/2007 at 04:30 PM in Courtroom 15C, 500 Pearl Street, New York, NY 10007 before Judge Shira A. Scheindlin. (Signed by Judge Shira A. Scheindlin on 11/16/07) (tro) (Entered: 11/19/2007)			
11/29/2007	<u>5</u>	NOTICE OF APPEARANCE by Lee Alan Adlerstein on behalf of David Spokony, The State of New York, The Office of Court Administration of Unified Court System, Hon. John Buckley, Thomas J. Cahill, Sherry K. Cohen, Catherine O'Hagen Wolfe (Adlerstein, Lee) (Entered: 11/29/2007)			
12/03/2007	<u>6</u>	NOTICE OF APPEARANCE by Lee Alan Adlerstein on behalf of The State of New York, The Office of Court Administration of Unified Court System Adlerstein, Lee) (Entered: 12/03/2007)			
12/04/2007	7	NOTICE OF CHANGE OF ADDRESS by Tembani Selepi Xaba on behalf of Christine C. Anderson. New Address: Tembani S. Xaba, Esq., 227 Riverside Drive, New York, New York, USA 10025, (917) 432-9226. (Xaba, Tembani) (Entered: 12/04/2007)			
12/05/2007	8	NOTICE OF APPEARANCE by Tembani Selepi Xaba on behalf of Christine C. Anderson (Xaba, Tembani) (Entered: 12/05/2007)			
12/11/2007	9	AFFIDAVIT OF SERVICE of Summons and Amended Complaint,. Hon. John Buckley served on 12/10/2007, answer due 12/31/2007. Service was accepted by John Buckley. Document filed by Christine C. Anderson. (Brewington, Frederick) (Entered: 12/11/2007)			
12/11/2007	<u>10</u>	AFFIDAVIT OF SERVICE of Summons and Amended Complaint,. Thomas J. Cahill served on 12/8/2007, answer due 12/28/2007. Service was accepted by Thomas J. Cahill. Document filed by Christine C. Anderson. (Brewington, Frederick) (Entered: 12/11/2007)			
12/11/2007	<u>11</u>	AFFIDAVIT OF SERVICE of Summons and Amended Complaint,. Sherry K. Cohen served on 12/6/2007, answer due 12/26/2007. Service was accepted by Sherry K. Cohen. Document filed by Christine C. Anderson. (Brewington, Frederick) (Entered: 12/11/2007)			
12/11/2007	<u>12</u>	AFFIDAVIT OF SERVICE of Summons and Amended Complaint,. Catherine O'Hagen Wolfe served on 12/6/2007, answer due 12/26/2007. Service was accepted by Catherine O'Hagen Wolfe. Document filed by Christine C. Anderson. (Brewington, Frederick) (Entered: 12/11/2007)			
12/11/2007	<u>13</u>	AFFIDAVIT OF SERVICE of Summons and Amended Complaint,. David Spokony served on 12/7/2007, answer due 12/27/2007. Service was accepted by David Spokony. Document filed by Christine C. Anderson. (Brewington, Frederick) (Entered: 12/11/2007)			

12/12/2007	14	ENDORSED LETTER addressed to Judge Shira A. Scheindlin from Frederick K. Brewington dated 11/11/2007 re: request that this office be relieved as counsel of record for Ms. Anderson, and that we not be required to appear for the Initial Conference set for 12/12/2007. ENDORSEMENT: Counsel's request to withdraw is hereby granted. (Signed by Judge Shira A. Scheindlin on 12/12/2007) (jar) (Entered: 12/12/2007)		
01/08/2008	15	ENDORSED LETTER addressed to Judge Shira A. Scheindlin from Lee Alan Adlerstein dated 1/4/08 re: The parties have agreed upon the following proposed schedule, conprising an extension of seven calendar days from the previously set schedule filing of the Amended Complaint by 1/9/08, answer or motion by defendants by 2/21/08, Opposition to the motionby 3/21/08, reply as to motion by 4/11/08. ENDORSEMENT: The parties request regarding the schedule for filing an amended complaint and an answer or motion is granted. Plaintiff shall file an amended complaint by Jan. 9, 2008. Defendants shall move or answer by Feb. 21, 2008. Plaintiff's opposition is due by March 21 and defendants may reply by April 11, 2008. So Ordered. (Signed by Judge Shira A. Scheindlin on 1/7/08) (js) (Entered: 01/08/2008)		
01/09/2008	<u>16</u>	FILING ERROR - ELECTRONIC FILING FOR NON-ECF DOCUMENT - MOTION to Amend/Correct 1 Complaint(SECOND AMENDED COMPLAINT). Document filed by Christine C. Anderson. Return Date set for 2/21/2008 at 11:59 PM.(Xaba, Tembani) Modified on 1/10/2008 (KA). (Entered: 01/09/2008)		
01/09/2008	<u>17</u>	SCHEDULING ORDER: Deposition of fact witnesses shall be completed by 6/30/08. Depositions of expert witnesses, if any, shall be completed by 8/29/2008. Fact Discovery due by 6/30/08. Expert Discovery due by 8/29/2008. Final Pretrial Conference set for 9/3/2008 at 04:30 PM before Judge Shira A. Scheindlin. Pretrial Order together with trial briefs and either (1) proposed findings of facts and conclusions of law for a non-jury trial, or (2) proposed voir dire questions and proposed jury instruction by 10/16/2008. Defendant shall submit a proposed protective and confidentiality agreement by 1/25/08. The parties shall thereafter jointly submit such protective and confidentiality agreement and order to the Court by 2/1/08. Plaintiff has requested trial by jury. The length of trial, apart from jury selection, is expected to be approximately seven days. (Signed by Judge Shira A. Scheindlin on 1/9/08) (tro) (Entered: 01/10/2008)		
01/09/2008	<u>18</u>	SECOND AMENDED COMPLAINT (NUNC PRO TUNC 1/9/08 - SEE 19 ORDER): amending 1 Complaint against David Spokony, The State of New York, The Office of Court Administration of Unified Court System, Thomas J. Cahill, Sherry K. Cohen. Document filed by Christine C. Anderson. Related document: 1 Complaint filed by Christine C. Anderson.(db) Modified on 1/17/2008 (db). (Entered: 01/14/2008)		
01/10/2008		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT - NON-ECF DOCUMENT ERROR. Note to Attorney Tembani Selepi Xaba to MANUALLY RE-FILE Document No. 16 Second Amended Complaint. This document is not filed via ECF. (KA) (Entered: 01/10/2008)		
01/17/2008	<u>19</u>	ENDORSED LETTER addressed to Judge Shira A. Scheindlin from Tembani		

		S. Xaba dated 1/11/08 re: Plaintiff requests that the Second Amended Complaint's filing date be amended to reflect it's timeliness on 1/9/08. ENDORSEMENT: Plaintiff's request is granted. Plaintiff's second amended complaint is considered to be timely filed nunc pro tunc on 1/9/08. SO ORDERED. (Signed by Judge Shira A. Scheindlin on 1/15/08) (db) (Entered: 01/17/2008)			
01/17/2008	<u>20</u>	NOTICE of Voluntary Dismissal pursuant to Rule 41(a)(1) of the F.R.C.P. Plaintiff Christine C. Anderson voluntarily dismisses Defendant Wolfe from the action without prejudice. (Signed by Judge Shira A. Scheindlin on 1/17/2008) (jar) (Entered: 01/18/2008)			
01/17/2008	<u>21</u>	NOTICE of Voluntary Dismissal pursuant to Rule 41(a)(1) of the F.R.C.P. Plaintiff Christin C. Anderson voluntarily dismisses Defendant Buckley from the action without prejudice. (Signed by Judge Shira A. Scheindlin on 1/16/2008) (jar) (Entered: 01/18/2008)			
01/22/2008	<u>22</u>	RULE 26 DISCLOSURE.Document filed by Christine C. Anderson.(Xaba, Fembani) (Entered: 01/22/2008)			
01/23/2008	<u>23</u>	NOTICE OF APPEARANCE by Lee Alan Adlerstein on behalf of David Spokony, The State of New York, The Office of Court Administration of Unified Court System, Thomas J. Cahill, Sherry K. Cohen (Adlerstein, Lee) (Entered: 01/23/2008)			
01/23/2008	<u>24</u>	RULE 26 DISCLOSURE.Document filed by David Spokony, The State of Ne York, The Office of Court Administration of Unified Court System, Thomas J Cahill, Sherry K. Cohen.(Adlerstein, Lee) (Entered: 01/23/2008)			
01/29/2008	25	TRANSCRIPT of proceedings (Conference) held on 12/12/07 before Judge Shira A. Scheindlin. (ja) (Entered: 01/29/2008)			
02/06/2008	<u>26</u>	ORDER: Plaintiff's counsel shall maintain the confidentiality of any materials obtained from defendants or non-parties that are designated as confidential by defendants, and shall not disclose such materials to any third party or file such material with the Court, in redacted form or otherwise, except on application to this Court, on notice to defendants' counsel. So Ordered. (Signed by Judge Shira A. Scheindlin on 2/5/08) (js) (Entered: 02/06/2008)			
02/13/2008	<u>27</u>	NOTICE OF APPEARANCE by Wesley Eugene Bauman on behalf of David Spokony, The State of New York, The Office of Court Administration of Unified Court System, Thomas J. Cahill, Sherry K. Cohen (Bauman, Wesley) (Entered: 02/13/2008)			
02/20/2008	28	STIPULATION AND ORDER OF CONFIDENTIALITY: This stipulation and order shall govern all depositions, request for discovery, documents produced in response to request for production of documents, responses to interrogatories, and all other discovery taken or obtained in this action, as well as other information hereafter furnished, directly and indirectly, by or on behalf of any party or non-party in connection with this action which that party reasonably believes is privileged and protected form public disclosure pursuant to New York Judiciary Law 90(10) or otherwise contains sensitive or confidential information requiring protection from general or public disclosure,			

		as set forth in this stipulation and order. (Signed by Judge Shira A. Scheindlin on 2/20/2008) (jpo) (Entered: 02/21/2008)			
02/21/2008	<u>29</u>	ANSWER to Amended Complaint with JURY DEMAND. Document filed by David Spokony, The State of New York, The Office of Court Administration of Unified Court System, Thomas J. Cahill, Sherry K. Cohen. Related document: 18 Amended Complaint, filed by Christine C. Anderson.(Adlerstein, Lee) (Entered: 02/21/2008)			
02/21/2008	<u>30</u>	ANSWER to Amended Complaint with JURY DEMAND. Document filed by David Spokony, The State of New York, The Office of Court Administration of Unified Court System, Thomas J. Cahill, Sherry K. Cohen. Related document: 18 Amended Complaint, filed by Christine C. Anderson.(Adlerstein, Lee) (Entered: 02/21/2008)			
02/25/2008	<u>31</u>	ORDER, that the time both parties have to respond to requests for the production of documents be extended to 3/6/08, with the production of documents extended to 3/20/08. (Signed by Judge Shira A. Scheindlin on 2/25/08) (cd). (Entered: 02/26/2008)			
03/13/2008	32	NOTICE OF CHANGE OF ADDRESS by Wesley Eugene Bauman on behalf of Defendants. (pl) (Entered: 03/17/2008)			
03/17/2008	33	ORDER AUTHORIZING FILE PRODUCTION that defendants be and are authorized to produce to plaintiff in this litigation file material requested by plaintiff concerning investigation by DDC of attorneys with names having the following initials: DN, LM, RH, PM, JG, JS, MS, and the file on the complainant with the name commencing with the letters, McI, and as further set forth in this document. (Signed by Judge Shira A. Scheindlin on 3/17/08) (cd) (Entered: 03/18/2008)			
04/29/2008	34	REVISED SCHEDULING ORDER: Deposition due by 10/10/2008. Discovery due by 10/10/2008. Final Pretrial Conference set for 10/17/2008 at 04:30 PM before Judge Shira A. Scheindlin. Pretrial Order due by 11/27/2008. First Requests for the production of documents shall be served by 2/12/08. Fact discovery shall be completed by 8/11/08. Plaintiff shall supply her pretrial orde matters to defendants by 10/28/08. The case will be tried to a jury. The parties anticipate a trial of approximately seven days, excluding jury selection. (Signed by Judge Shira A. Scheindlin on 4/28/08) (dle) (Entered: 04/29/2008)			
05/07/2008	<u>35</u>	ORDER REFERRING CASE TO MAGISTRATE JUDGE. Order that case be referred to the Clerk of Court for assignment to a Magistrate Judge for Specific non-Dispostive Motion/Dispute, motion for disclosure of attorney disciplinary records. Referred to Magistrate Judge Douglas F. Eaton. (Signed by Judge Shira A. Scheindlin on 5/7/2008) (mme) (Entered: 05/07/2008)			
05/09/2008		CASE NO LONGER REFERRED to Magistrate Judge Douglas F. Eaton. I hereby close the above Order of Reference for magistrate judge statistical purposes. This case remains open. Reason: This will confirm my May 8 conversation with Judge Scheindlin's law clerk and my May 8 voice mail to Ms. Guranich. I am a friend of one of the parties, and I hereby recuse myself. As soon as Ms. Guranich notifies me about the replacement Magistrate Judge, I will forward copies of the letters supplied to me by Judge Scheindlin's law			

		clerk.(ae) Modified on 5/29/2008 (ae). (Entered: 05/29/2008)		
05/12/2008	<u>36</u>	NOTICE OF REASSIGNMENT OF A REFERRAL TO ANOTHER MAGISTRATE JUDGE. The referral in the above entitled action has been reassigned to Magistrate Judge Andrew J. Peck, Magistrate Judge Douglas F. Eaton no longer referred to the case. (rdz) (Entered: 05/13/2008)		
05/12/2008	47	AMENDED COMPLAINT amending 18 Amended Complaint, against The State of New York, The Office of Court Administration of Unified Court System, Thomas J. Cahill et al.Document filed by Christine C. Anderson, et al. Related document: 18 Amended Complaint, filed by Christine C. Anderson. (dle) (Entered: 06/13/2008)		
05/13/2008	<u>37</u>	ORDER SCHEDULING DISCOVERY CONFERENCE, a status conference is scheduled for Thursday, May 15, 2008 at 3:30 p.m. before the undersigned in courtroom 20D (500 Pearl Street). (Signed by Magistrate Judge Andrew J. Peckon 5/13/08) (mme) (Entered: 05/13/2008)		
05/15/2008		MEMORANDUM TO THE DOCKET CLERK: Discovery conference held 1/15/08. Motion of "LM" and "PM" that their disciplinary files not be turned over is GRANTED. Plaintiffs could apply to the First Department pursuant to udiciary Law 90(10). Confid. Stip. & Order here is too loose. Plaintiff rec'd 6 of 8 files she requested, which should be enough to prove her case. Plaintiff's eading of 90(10) is rejected. See Transcript for balance of Court's opinion. jmi) (Entered: 05/20/2008)		
05/15/2008		CASE NO LONGER REFERRED to Magistrate Judge Andrew J. Peck. I have closed the above reference for magistrate judge statistical purposes. Reason: Discovery Issue Resolved - Return to D.J. (ae) (Entered: 05/21/2008)		
05/28/2008	38	ORDER REFERRING CASE TO MAGISTRATE JUDGE. Order that case be referred to the Clerk of Court for assignment to a Magistrate Judge for Discovery disputes and deposition scheduling disputes. Referred to Magistrate Judge Andrew J. Peck. (Signed by Judge Shira A. Scheindlin on 5/27/08) (cd) (Entered: 05/28/2008)		
05/29/2008	<u>39</u>	ORDER SCHEDULING DISCOVERY CONFERENCE (Discovery Hearing set for 6/3/2008 at 04:00 PM in Courtroom 20D, 500 Pearl Street, New York, NY 10007 before Magistrate Judge Andrew J. Peck.) Counsel are advised that chambers (Room 1370, 500 Pearl Street) are to be provided with a courtesy copy of all papers hereafter filed with the court. The parties are to follow the "Individual Practices of Magistrate Judge Andrew J. Peck," a copy of which was previously provided. (Signed by Magistrate Judge Andrew J. Peck on 5/29/08) Copies Mailed By Chambers.(mme) (Entered: 05/29/2008)		
05/30/2008		***DELETED DOCUMENT. Deleted document number 40 Order to Extend Order of Dismissal. The document was incorrectly filed in this case. (kkc) (Entered: 06/02/2008)		
05/30/2008	<u>40</u>	ORDER REFERRING CASE TO MAGISTRATE JUDGE. Order that case be referred to the Clerk of Court for assignment to a Magistrate Judge for General Pretrial (includes scheduling, discovery, non-dispositive pretrial motions, and settlement). Referred to Magistrate Judge Andrew J. Peck. (Signed by Judge		

		Shira A. Scheindlin on 5/28/2008) (kkc) (Entered: 06/02/2008)		
06/01/2008	45	LETTER addressed to Clerk of the Court from Tembani S. Xaba dated 5/30/08 e: Plaintiff files this letter-brief objecting to a ruling by Magistrate Judge Peck, tated on the record on 5/15/08. Document filed by Christine C. Anderson.(pl) Entered: 06/05/2008)		
06/03/2008	41	ENDORSED LETTER addressed to Magistrate Judge Andrew J. Peck from Tembani Xaba dated 6/2/08 re: Request for an adjournment of the discovery conference scheduled for tomorrow, 6/3/08 at 4:00 pm. ENDORSEMENT: Since the conf. was to deal with plaintiff's discovery application, the adjournment is GRANTED despite the late request. However, plaintiff is warned that the 8/11 fact cutoff will not be extended! Plaintiff should seek a new conf. date when she is ready. (Signed by Magistrate Judge Andrew J. Peck on 6/3/08) Copies sent by chambers.(cd) (Entered: 06/03/2008)		
06/03/2008	42	ORDER: On May 15. 2008, Judge Peck granted the motion of certain non-parties to prevent disclosures of those records. By letter dated May 30, 2008, plaintiff requested that the Court reject Magistrate Judge Peck's ruling. Pursuant to section 636(b)(1)(A) of title 28 of the United States Code, a district court judge may reconsider a pretrial matter decided by a magistrate judge if the magistrate judge's order is "clearly erroneous or contrary to law". I have review Judge Peck's ruling and find that it is well-reasoned, equitable, and based on a natural construction of the relevant law. I therefore decline to reconsider Judge Peck's decision. (Signed by Judge Shira A. Scheindlin on 6/2/2008) (jfe) (Entered: 06/03/2008)		
06/04/2008	43	ENDORSED LETTER addressed to Magistrate Judge Andrew J. Peck from Wesley E. Bauman dated 6/3/2008 re: Requesting that the conference be put back on the calendar or that a very short deadline be set for the entry of new counsel, or that an extension of the discovery deadline be considered. ENDORSEMENT: The conference is re-scheduled for 6/12/2008 at 9:30 a.m. in Court 20D. Plaintiff's new counsel shall attend if fully up to speed and/or Ms. Xaba must attend. The Court can defer plaintiffs issues but needs to address defendant's issues. (Signed by Magistrate Judge Andrew J. Peck on 6/3/2008) Copies Mailed By Chambers.(jpo) (Entered: 06/04/2008)		
06/04/2008	44	TRANSCRIPT of proceedings held on 5/15/2008 before Magistrate Judge Andrew J. Peck. (ama) (Entered: 06/04/2008)		
06/11/2008	<u>46</u>	NOTICE OF APPEARANCE by John A. Beranbaum on behalf of Christine C. Anderson (Beranbaum, John) (Entered: 06/11/2008)		

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