

Supplemental Affirmation in the matter of Akil Al-Jundi, et al. vs. Estate of Oswald

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK
AKIL AL-JUNDI, et al
-vs-
ESTATE OF OSWALD, et al

75-CV-132E
SUPPLEMENTAL
AFFIRMATION

STATE OF NEW YORK }
COUNTY OF ALBANY } ss. s

JOSHUA J. EFFRON, an attorney at law duly licensed to practice before this Court does hereby affirm:

1. I am trial counsel to Garde, Garde, Lynch and Smith, attorneys of record for the late John W. Norahan and for John S. Keller, appointed administrator of Major Norahan's estate. I am familiar with the facts in this case. I make this supplemental affirmation in support of defendant's motion for an amendment of this Court's order of February 22, 1993 to include a certification pursuant to 28 U.S.C. 1292-b to permit an application to be made to the Second Circuit, and also in opposition to plaintiff's motion for Rule 11, F.R.C.P., sanctions.

2. This Court, by scheduling order dated May 8, 1993 (copy annexed), directed plaintiffs to file responsive papers by May 28, 1993. As of this date no papers have been received from the plaintiffs addressing our motion of April 26, 1993. Plaintiffs have however, filed a motion de novo seeking Rule 11, F.R.C.P. sanctions. We believe there is no basis in law for plaintiffs motion and ask that it be denied in all respects.

3. The basic question in this case, as it pertains to the

Supplemental Affirmation, filed in the United States District Court, Western District of New York, in the matter of Akil Al-Jundi, et al. vs Estate of Oswald, et al. The document, dated June 7, 1993, was filed by Joshua J. Effron in support of defendant's motion for an amendment of this Court's Order of February 22, 1993. A copy of a scheduling order from this Court, dated April 5, 1993, is attached.

Identifier

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Alternate Identifier

Case Files: 75-132

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