

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

ALFRED G. OSTERWEIL,

**NOTICE OF
MOTION/MOTION FOR
AWARD OF COUNSEL
FEES AND COSTS
PURSUANT TO 42 U.S.C.
§1988**

Plaintiff,

09-CV-825
MAD/CFH

-against-

GEORGE R. BARTLETT, III., in his official capacity as
Licensing Officer in the County of Schoharie,

Defendant.

PLEASE TAKE NOTICE that upon the annexed Declaration of Daniel L. Schmutter, Esq., Declaration of Paul D. Clement, Esq, and Declaration of Alfred G. Osterweil, all dated March 10, 2014, the exhibits attached thereto, Memorandum of Law, and upon the pleadings and all prior papers by and between the parties of this action, the undersigned shall move and hereby moves for an order pursuant to 42 U.S.C. §1988 and Fed. R. Civ. P. 54(d)(2) granting Plaintiff counsel fees and costs of no less than \$238,871.32, together with disbursements and expenses in the amount of \$6,180.03, for a total allowance of no less than \$245,051.35 as a prevailing party in this action, together with such other and further relief as the Court may deem just and proper, returnable May 6, 2014, at 9:00 a.m., before the Hon. Mae A. D'Agostino, United States District Judge, United States District Court, Northern District of New York, James T. Foley U.S. Courthouse, 445 Broadway, Albany, NY 12207.

PLEASE TAKE FURTHER NOTICE that Plaintiff does not request oral argument.

DATED: March 10, 2014

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Attorneys for Plaintiff, Alfred G. Osterweil

s/ Daniel L. Schmutter

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