

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

**JOSEPH HENRY AND MICHAEL
MALINKY,**

Plaintiffs,

Civil Action No. 01-CV- 1681

vs.

**CHAMPLAIN ENTERPRISES, INC.,
dba CommutAir, ANTONY VON ELBE,
JOHN ARTHUR SULLIVAN, JR., ERNEST
JAMES DROLLETTE, ANDREW PRICE,
WILLIAMS L. OWENS, CHAMPLAIN AIR,
INC., AND U.S. TRUST COMPANY OF
CALIFORNIA, N.A.,**

Defendants.

**NOTICE OF MOTION TO ALTER OR AMEND THE JUDGMENT
OR, IN THE ALTERNATIVE, FOR RELIEF FROM JUDGMENT**

**TO: Edward A. Scallet
Groom Law Group
101 Pennsylvania Ave., N.W.
Washington, D.C. 20006-5893**

**Edward R. Conan
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COUNSEL:

PLEASE TAKE NOTICE that on the 9th day of March, 2007 at 10 o'clock in the forenoon or as soon thereafter as counsel may be heard, attorneys for Plaintiffs Joseph Henry and Michael Malinky will apply to the United States District Court for the Northern District of New York, before the Honorable David N. Hurd, U.S.D.J., at the Alexander Pirnie Federal Building, 10 Broad Street, Utica, NY 13501-1233, for an Order granting Plaintiffs' Motion to Alter or Amend the Judgment pursuant to Federal Rules of Civil Procedure 59(e) or, in the alternative, Motion for Relief From Judgment pursuant to Federal Rule of Civil Procedure 60(b).

PLEASE TAKE FURTHER NOTICE that we shall rely on the Brief and Declaration of Philip R. Nichols submitted herewith.

Dated: January 16, 2007

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Michael Malinky

CERTIFICATE OF SERVICE

The undersigned certifies that on January 16, 2007, a copy of Plaintiffs' Notice of Motion To Alter Or Amend The Judgment, Or, In The Alternative, For Relief From Judgment was electronically filed with the Clerk of the District Court using the CM/ECF system, which sent notification of such filing to the attorneys below:

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