



remaining defendants" entered thereon by the Clerk of this Court on April 25, 2005.

Said order granted motions brought pursuant to Fed.R.Civ.P. §§ 12(b)(6) and 12(b)(1).

This Notice Of Appeal amends the Notice of Appeal previously filed by the plaintiff/appellant in this matter, on or about February 2, 2005, so as to include the just issued Memorandum and Order and the judgment of dismissal entered thereon, as hereinabove set forth.

The pending appeal, which this notice of appeal will amend and be consolidated with, has not been perfected in the United States Court of Appeals for the Second Circuit as yet. The pending appeal bears Docket Number 05-0609-cv.

Dated: April 28, 2005  
Freeport, New York



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