

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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THOMAS DAMIANO and RITA DAMIANO,

Plaintiffs,

- against -

**Amended Notice of Appeal**

Civil Action No. 04-CV-1012

THE CITY OF AMSTERDAM; GREGORY J. CULICK, Individually and as an Agent and/or Employee and Police Officer of the City of Amsterdam and the City of Amsterdam Police Department; ARIEL SANTIAGO, Individually and as an Agent and/or Employee and Police Officer of the City of Amsterdam and the City of Amsterdam Police Department; OWEN FUHS, Individually and as an Agent and/or Employee and Police Officer of the City of Amsterdam and the City of Amsterdam Police Department; and JOSEPH J. PALMIERI, Individually and as an Agent and/or Employee and Police Officer of the City of Amsterdam and the City of Amsterdam Police Department,

Defendants.  
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NOTICE IS HEREBY GIVEN, that Tobin & Dempf, LLP and Kevin A. Luibrand, attorneys for the plaintiffs in the above-captioned action and the appellants herein, herein and hereby appeal to the United States Court of Appeals for the Second Circuit from the decision and order of Honorable David N. Hurd entered into the record on September 5, 2007 and partially contained in the written order dated and entered September 7, 2007, which set and ordered the amount of legal fees to be paid to Tobin & Dempf, LLP and Kevin A. Luibrand from a settlement and which ordered the execution of a General Release that covered legal fees. The order was made specific to the undersigned, and the above-named appellants appeal from so much of the decision as is applicable to them.

Dated: September 13, 2007

TOBIN AND DEMPFF, LLP and Kevin A. Luibrand

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