

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

MICHAEL GAULTIERI and  
PRO COURIER INC.

v.

TOWN OF WEST HARTFORD, ET AL

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CIV. NO. 3:04CV264 (WWE)

RECOMMENDED RULING ON DEFENDANTS' MOTIONS TO DISMISS

Pursuant to Fed. R. Civ. P. 16(f) and 41(a)(2), remaining defendants Barry Feldman, Ron Van Winkle, James Strillacci, Stephen Estes, Richard Aniolowski and Stepen Kristofak move the Court to dismiss this case with prejudice as to both plaintiffs for failure to comply with this Court's Order dated October 3, 2005. See Doc. #92.

On October 3, 2005, following a telephone conference with the parties, this Court memorialized its order that plaintiff Gualtieri file a pro se appearance by October 28, 2005 and its order that corporate plaintiff Pro Courier Inc. retain counsel. Plaintiffs' counsel withdrew from the case in May 2005. [Doc. ##82-85]. To date there have been no appearances filed and plaintiffs have taken no action in this case for over six (6) months. See D. Conn. L. Civ. R. 41(a). Moreover, plaintiffs are currently in violation of this Court's October 3, 2005 Order.

Accordingly, defendants' Motions to Dismiss with prejudice are **GRANTED**. [Doc. ## 94, 95].

**The Clerk of the Court will mail copies of this ruling to**

plaintiffs at:

Mr. Michael Gualtieri  
17 Colony Road  
West Hartford, CT 06117

Pro Courier, Inc.  
25 Hurlbut Street  
West Hartford, CT 06110

Any objections to this recommended ruling must be filed with the Clerk of the Court within ten (10) days of the receipt of this order. Failure to object within ten (10) days may preclude appellate review. See 28 U.S.C. § 636(b)(1); Rules 72, 6(a) and 6(e) of the Federal Rules of Civil Procedure; Rule 2 of the Local Rules for United States Magistrates; Small v. Secretary of H.H.S., 892 F.2d 15 (2d Cir. 1989) (per curiam); F.D.I.C. v. Hillcrest Assoc., 66 F.3d 566, 569 (2d Cir. 1995).

Dated at Bridgeport this 1st day of March 2006.

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HOLLY B. FITZSIMMONS  
UNITED STATES MAGISTRATE JUDGE