

[ORAL ARGUMENT SCHEDULED FOR DECEMBER 12, 2012]

No. 12-5038

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

EARLE A. PARTINGTON,)
)
)
Appellant,)
)
v.)
)
JAMES W. HOUCK, Vice Admiral, JAGC,)
USN, <i>et al.</i> ,)
)
Appellees.)

**NOTICE TO THE COURT OF APPELLANT’S INTENT TO PRESENT
ORAL ARGUMENT**

Notice is hereby given that the Appellant Earle A. Partington ("Partington") intends to personally present oral argument scheduled for December 12, 2012. In furtherance of this notice, Partington states as follows:

1. Counsel for Partington has been involved in a trial in Massachusetts Superior Court which began on October 29, 2012 (*Commonwealth v. Timothy P. Cahill*, SUCR2012-10348) and anticipates jury deliberation and subsequent proceedings to carry over beyond Wednesday, December 12, 2012, the day of oral argument concerning this appeal;
2. Counsel has an obligation to his client to be present throughout the duration

of trial, including jury deliberation and beyond; and

3. Partington does not intend to request a continuance for the oral argument, but in the alternative intends to present oral argument himself.

DATED: December 11, 2012

Respectfully submitted,
EARLE A. PARTINGTON,
Plaintiff-Appellant

By his Attorney,

/s/ JEFFREY A. DENNER

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11th day of December, 2012, the foregoing Appellant's Notice to the Court of the Appellant's Intent to Present Oral Argument was served via this Court's Electronic Case Filing System.

/s/ JEFFREY A. DENNER

Jeffrey A. Denner