

WAIVER

Supreme Court, U.S.
FILED

DEC 04 2020

OFFICE OF THE CLERK

SUPREME COURT OF THE UNITED STATES

Supreme Court Case No. 20-754

ALBERT VON WEINGARTEN

v. LONNIE CHESTER

(Petitioner)

(Respondent)

I DO NOT INTEND TO FILE A RESPONSE to the petition for a writ of certiorari unless one is requested by the Court.

Please check the appropriate boxes:

☒ Please enter my appearance as Counsel of Record for all respondents.

☐ There are multiple respondents, and I do not represent all respondents. Please enter my appearance as Counsel of Record for the following respondent(s):

☐ I am a member of the Bar of the Supreme Court of the United States.

☒ I am not presently a member of the Bar of this Court. Should a response be requested, the response will be filed by a Bar member.

Signature

Duncan Frey Kilmartin

Date:

December 3, 2020

(Type or print) Name Duncan Frey Kilmartin

☒ Mr. ☐ Ms. ☐ Mrs. ☐ Miss

Firm Rexford and Kilmartin, P.C.

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Zip 05855

Phone 802-249-1800

Email rexkilvt@together.net

A COPY OF THIS FORM MUST BE SENT TO PETITIONER'S COUNSEL OR TO PETITIONER IF *PRO SE*. PLEASE INDICATE BELOW THE NAME(S) OF THE RECIPIENT(S) OF A COPY OF THIS FORM. NO ADDITIONAL CERTIFICATE OF SERVICE IS REQUIRED.

CC: Harold Stevens, Esq.; Thomas McCormick, Esq.

REXFORD & KILMARTIN

DUNCAN FREY KILMARTIN

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December 4, 2020

RE: Supreme Court Case No. 20-754
Albert Von Weingarten, Petitioner
v. Lonnie Chester, Respondent
Petition for Writ of Certiorari

Please find enclosed Respondent Chester's Waiver of filing a Response to the Petition for Writ of Certiorari, docketed Tuesday, December 1, 2020.

Please note: my co-counsel of record, in the 2nd Circuit and the Vermont District Court, below, was:

Thomas McCormick Esq.,
McCormick, Fitzpatrick, Kasper and Burchard,
40 George Street, Burlington, VT 05401.
Email: tem@mc-fitz.com; phone 802-863-3494

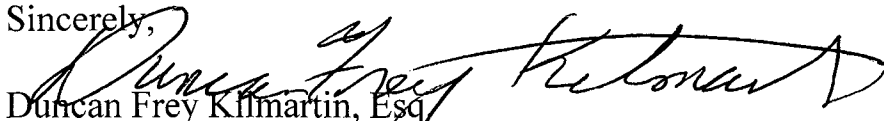
The waiver form did not allow for his inclusion, **and it would be helpful if he could receive the same notices as I will receive.** He is not a member of the bar of the U.S. Supreme Court.

I am semi-retired, seventy-eight years old, and have been involved as counsel of record for Lonnie Chester, Administrator of the Estate of Philomena Weingarten, and the Estate, in "underlying" litigation to which this Petition is directly related, starting in the Probate Courts of Vermont in 2004, over 16 years ago. While I believe I am in good health, I asked Attorney McCormick to serve as co-counsel due to my advancing years, and as requested, it would be helpful if he could be added to the notice list.

If per chance, the Court requests a response to the Petition, an attorney admitted to the bar of the United States Supreme Court will file the Response Brief and related papers.

Please call me at 802-249-1800, with any questions, or further directions.

Sincerely,



Duncan Frey Kilmartin, Esq.
Cc: Harold Stevens, Esq.; Thomas McCormick: email and first class mail.

