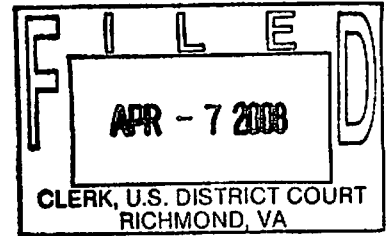


IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
(RICHMOND DIVISION)



VICTOR E. CRETELLA III )  
 )  
 Plaintiff )  
 )  
 v. )  
 )  
 DAVID L. KUZMINSKI )  
 )  
 Defendant )  
 )  
 \_\_\_\_\_ )

Case No. 3:08cv109

**PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION TO  
DISMISS**

Pursuant to Fed. R. Civ. Proc. 12(b)(6), Plaintiff, Victor E. Cretella III ("Plaintiff"), opposes the motion to dismiss filed by Defendant David L. Kuzminski ("Defendant"). For the reasons explained more fully below in the accompanying Brief, the motion to dismiss should be denied.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Victor E. Cretella III", with a long horizontal line extending to the right.

Victor E. Cretella III  
113 East Church St.  
PO Box 151  
Frederick, MD 21705-0151  
301-695-6804  
301-631-9073 (fax)  
vec@publishamerica.com  
Plaintiff, pro se

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Plaintiff's Opposition to Defendant's Motion to Dismiss was sent via first class mail, postage prepaid, to:

David L. Kuzminski  
2581 Pine Hurst Drive  
Petersburg, Virginia

this 4<sup>th</sup> day of April, 2008.

A handwritten signature in black ink, appearing to read "V. Cretella III", written over a horizontal line.

Victor E. Cretella III