

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF NEW YORK**

ROBERT L. SCHULZ (New York), et al.,

Plaintiffs,

v.

STATE OF NEW YORK, Neil Kelleher,  
Douglas Kellner, Evelyn Aquila and Helena  
Moses Donahue, State Board of Elections, et al.,

Defendants.

Case No. 07-CV-0943 LEK/DRH

OREGON DEFENDANTS' MOTION TO  
DISMISS AND NOTICE OF MOTION

PLEASE TAKE NOTICE that on December 21, 2007, or as soon thereafter as is convenient for the court, the undersigned attorney shall and hereby does move the United States District Court for the Northern District of New York to dismiss the above referenced complaint with respect to the Oregon defendants. Oral argument is not requested.

PLEASE TAKE FURTHER NOTICE that in support of this motion, the Oregon defendants shall rely upon the this Notice of Motion, Memorandum of Law in Support of Oregon Defendants' Motion to Dismiss, and the Certification of Mr. Casper submitted herewith.

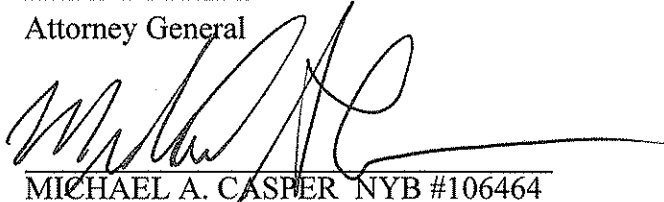
Pursuant to Rule 12(b)(2) of the Federal Rules of Civil Procedure, Defendants State of Oregon and Secretary of State Bill Bradbury move to dismiss plaintiffs' complaint for lack of jurisdiction over their persons. Defendant State of Oregon also moves to dismiss plaintiffs' complaint on the ground that plaintiffs' claims against Defendant State of Oregon are barred by

the Eleventh Amendment to the United States Constitution. This motion is supported by a memorandum submitted herewith.

DATED this 8<sup>th</sup> day of November, 2007.

Respectfully submitted,

HARDY MYERS  
Attorney General



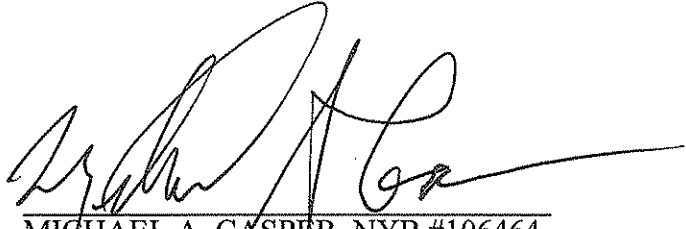
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**CERTIFICATE OF SERVICE**

I certify that on November 8, 2007, I served the foregoing OREGON DEFENDANTS' MOTION TO DISMISS AND NOTICE OF MOTION upon the parties hereto by the method indicated below, and addressed to the following:

ROBERT L. SCHULZ  
2458 Ridge Road  
Queensbury, NY 12804

- HAND DELIVERY
- MAIL DELIVERY
- OVERNIGHT MAIL
- TELECOPY (FAX)
- E-MAIL
- E-FILE



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