

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

ROBERT SCHULZ (New York), et al.,)	
)	C/A No. 1:07-CV-0943 LEK/DRH
Plaintiffs,)	
)	STATE OF NORTH DAKOTA'S
v.)	MOTION TO DISMISS
)	
STATE OF NEW YORK, et al.,)	
)	
Defendants.)	

Defendants State of North Dakota and Alvin Jaeger, North Dakota Secretary of State, move the Court under Rule 12(b), Fed. R. Civ. P., for an order dismissing the Amended Verified Complaint against them. The motion is made on the ground the Court lacks personal jurisdiction over the State of North Dakota and Alvin Jaeger. This motion is supported by the attached State of North Dakota's Memorandum in Support of Motion to Dismiss.

Defendants State of North Dakota and Alvin Jaeger respectfully request that the Court enter an order dismissing the Amended Verified Complaint against them.

Dated this 21st day of November, 2007.

State of North Dakota
Wayne Stenehjem
Attorney General

By: /s/ Douglas A. Bahr
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CERTIFICATE OF SERVICE

C/A No. 1:07-CV-0943 LEK/DRH

I hereby certify that on November 21, 2007, the following document: State of North Dakota's Motion to Dismiss was filed electronically with the Clerk of Court through ECF, and that ECF will send a Notice of Electronic Filing (NEF) on Defendants.

I further certify that a copy of the forgoing document was served upon the following by mailing a true and correct copy thereof to the following non-ECF participant:

Robert L. Schulz
2458 Ridge Road
Queensbury, NY 12804

with postage prepaid, in the United States mail at Bismarck, North Dakota this 20th day of November, 2007.

/s/ Douglas A. Bahr
Douglas A. Bahr
Solicitor General
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