

1) This Court lacks personal jurisdiction over the Wyoming Defendants and, therefore, this action against the Wyoming Defendants should be dismissed pursuant to FED. R. CIV. P. 12(b)(2).

2) This Court is not the proper venue for suit against the Wyoming Defendants and, therefore, this action against the Wyoming Defendants should be dismissed pursuant to FED. R. CIV. P. 12(b)(3).

3) The State of Wyoming is immune from suit pursuant to the Eleventh Amendment of the United States Constitution and, therefore, all claims against the State of Wyoming should be dismissed.

4) A memorandum of law fully setting forth the grounds in support of this motion is filed concurrently and incorporated by this reference as if fully set forth herein.

WHEREFORE, the Wyoming Defendants respectfully request this Court to:

- (1) Dismiss Plaintiffs' AMENDED VERIFIED COMPLAINT with prejudice; and
- (2) Grant the Wyoming Defendants any other relief deemed appropriate by the Court.

RESPECTFULLY SUBMITTED this 4th day of December 2007.

**FOR AND ON BEHALF OF THE STATE OF
WYOMING AND MAX MAXFIELD,
SECRETARY OF STATE OF WYOMING:**

Bruce A. Salzburg
Attorney General

s/ Michael M. Robinson

Michael M. Robinson
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307-777-7970
Admitted *Pro Hac Vice*
Bar Roll Number: 106482

CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of December, 2007, DEFENDANTS STATE OF WYOMING AND MAX MAXFIELD, SECRETARY OF STATE OF WYOMING, NOTICE OF MOTION TO DISMISS and MEMORANDUM IN SUPPORT OF WYOMING DEFENDANTS' MOTION TO DISMISS PLAINTIFFS' AMENDED VERIFIED COMPLAINT was served by depositing a true and correct copy in the United States mail, postage prepaid, addressed to:

Robert L. Schulz
2458 Ridge Road
Queensbury, NY 12804

s/ Michael M. Robinson

Michael M. Robinson
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