

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

ROBERT SCHULZ (New York), et al.,)
)
 Plaintiffs,)
)
 v.)
)
 STATE OF NEW YORK, et al.,)
)
 Defendants.)
)
 _____)

No. 1:07-cv-00943
LEK/DRH

**NOTICE OF ALABAMA DEFENDANTS’ MOTION TO DISMISS
THE PLAINTIFFS’ AMENDED VERIFIED COMPLAINT (DOC. 21)**

The State of Alabama and its Secretary of State, the Honorable Beth Chapman, notify this Court and the parties in this action of their motion to dismiss the Plaintiffs’ Amended Verified Complaint (Doc. 21) pursuant to Rule 12 of the Federal Rules of Civil Procedure. In support of the motion, the State of Alabama and Secretary Chapman state the following:

1. This Court lacks personal jurisdiction over the State of Alabama and Secretary Chapman. *See* Fed. R. Civ. P. 12(b)(2).
2. As to the State of Alabama, this action is barred by the Eleventh Amendment of the United States Constitution. *See* Fed. R. Civ. P. 12(b)(1).
3. The State and Secretary Chapman have attached to this notice a memorandum of law in support of their motion. They respectfully request this Court to grant their motion at its regularly scheduled motion date on January 18, 2008, or as soon thereafter as is convenient for the Court.

Respectfully submitted,

Troy King
Attorney General



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Admitted *Pro Hac Vice*

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Counsel for the Alabama Defendants

CERTIFICATE OF SERVICE

I CERTIFY that on the 4th day of December, 2007, I served the foregoing motion in compliance with this Court's Order of October 30, 2007 (Doc. 18 at ¶3). I filed this document electronically (using the Court's CM/ECF system), and also by regular mail to the Lead Plaintiffs' Representative using the address below.

ROBERT L. SCHULZ
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Queensbury, NY 12804



William G. Parker, Jr.