

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

ROBERT L. SCHULZ, et al.,)	
)	Civil Action No. 1:07-CV-0943 (LEK/DRH)
Plaintiffs,)	
)	
v.)	VERMONT DEFENDANTS' NOTICE OF
STATE OF NEW YORK, et al.,)	MOTION TO DISMISS AND MOTION
)	TO DISMISS
Defendants.)	

PLEASE TAKE NOTICE that upon the accompanying memorandum of law, and upon all prior proceedings, defendants State of Vermont and Deborah Markowitz ("the Vermont defendants") on January 18, 2008, at 9:30 a.m., or as soon thereafter as counsel can be heard, will move the United States District Court, Northern District of New York, Albany, New York, pursuant to Rule 12(b) of the Federal Rules of Civil Procedure for an order dismissing the Amended Verified Complaint against them, together with such other and further relief as may be just. The Vermont defendants move to dismiss on grounds of lack of personal jurisdiction. In addition, defendant State of Vermont moves to dismiss on the ground that plaintiffs' claims against it are barred by the Eleventh Amendment of the United States Constitution.

PLEASE TAKE FURTHER NOTICE, pursuant to Rule 7.1 of the Local Rules of Practice of the United States District Court for the Northern District of Vermont, that any papers

to be submitted in opposition to the within motion must be filed with the Clerk of the Court in Albany, New York and served upon the other parties no later than seventeen (17) days before the above return date of the motion, exclusive of that day.

Dated: December 7, 2007

STATE OF VERMONT

WILLIAM H. SORRELL
ATTORNEY GENERAL OF THE
STATE OF VERMONT

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