

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

ROBERT L. SCHULZ (New York); et al.,	)	
	)	
Plaintiffs,	)	07-943-LEK/DRH
	)	
v.	)	<b>THE ILLINOIS DEFENDANTS'</b>
	)	<b>MEMORANDUM IN SUPPORT</b>
STATE OF NEW YORK, Neil Kelleher,	)	<b>OF MOTION TO DISMISS</b>
Douglas Kellner, Evelyn Aquila and Helena	)	
Moses Donahue, State Board of Elections; et al.,	)	
	)	
Defendants.	)	

**THE ILLINOIS DEFENDANTS' MEMORANDUM**  
**IN SUPPORT OF MOTION TO DISMISS**

NOW COME the Illinois Defendants, State of Illinois, Albert Porter, Bryan Schneider, Jesse Smart, Wanda Rednour, Robert Walters, Patrick Brady, William McGuffage and, John Keith, and Illinois State Board of Elections, by and through their attorney, Lisa Madigan, Attorney General for the State of Illinois, and in support of their Motion to Dismiss state as follows:

1. This Honorable Court lacks personal jurisdiction over the Illinois Defendants because the Illinois Defendants do not have the minimal contacts necessary to subject them to the jurisdiction of New York courts.
2. The Northern District of New York is not the proper venue for Plaintiffs' action against the Illinois Defendants.
3. The action against the State of Illinois is barred by the 11<sup>th</sup> Amendment to the United States Constitution.



**CERTIFICATE OF SERVICE**

I hereby certify that on December 10, 2007, I electronically filed The Illinois Defendants' Memorandum in Support of Their Motion to Dismiss with the Clerk of Court using the CM/ECF system which will send notification of such filing to the Defendants, and I hereby certify that on December 10, 2007, I mailed by United States Postal Service, the document to the following non-registered participant per the Court's October 30, 2007, Order:

Robert L. Schulz  
2458 Ridge Road  
Queensburg, NY 12804  
(Lead Plaintiff)

Respectfully submitted,

s/ Thomas H. Klein  
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