

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

ROBERT L. SCHULZ, et al.,	)	
	)	
Plaintiffs,	)	07-943-LEK/DRH
	)	
v.	)	<b>ILLINOIS DEFENDANTS'</b>
	)	<b>NOTICE OF MOTION</b>
STATE OF NEW YORK, Neil Kelleher, Douglas	)	
Kellner, Evelyn Aquilaand Helena Moses	)	
Donahue, State Board of Elections; et al.,	)	
	)	
Defendants.	)	

**ILLINOIS DEFENDANTS' NOTICE OF MOTION**

PLEASE TAKE NOTICE that upon the annexed motion; all prior filings with the Court; and upon all prior proceedings, 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, on January 4, 2008, at 9:30 a.m., or as soon thereafter as counsel can be heard, will make a motion as a submission before the Honorable Lawrence E. Kahn, at the United States District Court, Northern District of New York, Syracuse, New York, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, for an order dismissing the complaint in its entirety on the grounds that the Court lacks personal jurisdiction over the Illinois Defendants, venue is not proper in the Norther District of New York, and the action against the State of Illinois is barred by the 11<sup>th</sup> Amendment, together with such other or further relief as may be just.

PLEASE TAKE FURTHER NOTICE, that pursuant to Rule 7.1(c) of the Local Rules of Practice of the United States District Court for the Northern District of New York, any papers to be submitted in opposition to the within motion must be filed with Clerk in Syracuse, New York and served upon counsel for the defendants no later than seventeen

(17) days before the return date of the motion, exclusive of that day. These papers must include, at a minimum, a memorandum of law containing relevant factual and legal arguments.

PLEASE BE FURTHER ADVISED that if you do not respond in opposition to the motion, the motion to dismiss, if appropriate, will be granted and judgment will be entered against you. If the motion to dismiss is granted, your case will be dismissed and there will not be any trial concerning any of the issues asserted in your complaint.

Respectfully submitted,

STATE OF ILLINOIS, BOARD OF ELECTIONS,  
BRIAN A. SCHNEIDER, Board Member,  
WANDA REDNOUR, Board Member, JOHN  
KEITH, Board Member, WILLIAM  
MCGUFFAGE, Board Member, ROBERT  
WALTERS, Board Member, PATRICK BRADY,  
Board Member, JESSE R. SMART, Board  
Member, ALBERT PORTER, Chairman,

Defendants,

LISA MADIGAN, Attorney General,  
State of Illinois,

Attorney for Defendants,

Thomas H. Klein, #6271653  
Assistant Attorney General  
500 South Second Street  
Springfield, Illinois 62706  
(217) 782-9014

By: s/ Thomas H. Klein  
THOMAS H. KLEIN  
Assistant Attorney General

Of Counsel.

**CERTIFICATE OF SERVICE**

I hereby certify that on December 10, 2007, I electronically filed The Illinois Defendants' Notice of Motion 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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