

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

ROBERT SCHULZ, <i>et al</i> ,	*	CONNECTICUT DEFENDANT’S
Plaintiffs	*	NOTICE OF MOTION TO DISMISS
	*	
v.	*	CASE NO: 1:07-CV-0943 LEK/DRH
	*	
STATE OF NEW YORK, <i>et al</i> ,	*	
Defendants	*	
	*	

PLEASE TAKE NOTICE that on January 18, 2007, or as soon thereafter as counsel can be heard, defendants State of Connecticut and Susan Bysiewicz, the Connecticut Secretary of the State (the “Connecticut Defendants”), by and through counsel, the Office of the Attorney General for the State of Connecticut, shall and hereby do move the United States District Court, Northern District of New York, pursuant to Rule 12(b)(2) and (3) of the Federal Rules of Civil Procedure, for an order dismissing the amended complaint as to the Connecticut Defendants on the grounds that the court lacks personal jurisdiction over the Connecticut Defendants, the action was not brought against the Connecticut Defendants in the proper venue, and pursuant to the 11th Amendment of the United States Constitution, the State of Connecticut is immune from suit.

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 the clerk 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 amended complaint.

Dated: Hartford, Connecticut
December 12, 2007

Respectfully submitted,

CONNECTICUT DEFENDANTS

By their attorneys,

Richard Blumenthal
ATTORNEY GENERAL

/s/ Robert W. Clark
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was mailed this day, postage prepaid

to:

Robert L. Schulz, *pro se* plaintiff
2458 Ridge Road
Queensbury, NY 12804

/s/ Robert W. Clark
Robert W. Clark
Assistant Attorney General