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6 *and Ross Miller, Secretary of the State of Nevada*

7  
8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF NEW YORK  
10

11 ROBERT L. SCHULZ, et al. )  
12 Plaintiffs, )  
13 vs. )  
14 STATE OF NEW YORK, et al., )  
15 Defendants. )  
16 \_\_\_\_\_ )

Case No. 07cv-0943-LEK/DRH

**STATE OF NEVADA AND  
SECRETARY OF STATE ROSS MILLER'S  
MOTION TO DISMISS**

17 PLEASE TAKE NOTICE that on January 18, 2008, or as soon thereafter as is  
18 convenient for the Court, Defendants State of Nevada and Ross Miller, Secretary of State of  
19 the State of Nevada, move the Court under Fed. R. Civ. P. 12(b), for an order dismissing the  
20 Amended Verified Complaint against them. Oral argument is not requested. This motion is  
21 made on the ground that the Court lacks personal jurisdiction over the State of Nevada and  
22 Ross Miller, that claims against the State of Nevada are barred by the Eleventh Amendment  
23 to the United States Constitution, that venue is not proper in this Court, and that Plaintiffs  
24 lack standing. This motion is supported by the attached State of Nevada's and Ross Miller's  
25 Memorandum in Support of Motion to Dismiss.

26 PLEASE BE FURTHER ADVISED that if you do not respond in opposition to this  
27 motion, the motion to dismiss, if appropriate, will be granted and judgment will be entered  
28 against you, and there will not be any trial concerning the issues asserted in your Complaint.



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**CERTIFICATE OF MAILING**

I hereby certify that I am employed by the Office of the Attorney General of the State of Nevada, and that on this 13th day of December 2007, served the foregoing **DEFENDANT STATE OF NEVADA AND ROSS MILLER'S MOTION TO DISMISS** U.S. Mail (postage prepaid) to:

Robert L. Schulz  
2548 Ridge Rd.  
Queensbury, NY 12804

\_\_\_\_\_  
/s/ Michele Smaltz,  
Employee of the Office of the Attorney General

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