

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

ROBERT L. SCHULZ, et al.,)	
)	
Plaintiffs,)	
)	
v.)	Case No: 1:07CV943LEK/DRH
)	
STATE OF NEW YORK, et al.,)	
)	
Defendants.)	

**NOTICE OF MISSOURI'S MOTION TO DISMISS PURSUANT TO
FED.R.CIV.P. 12(b)(6), 12(b)(3), AND THE 11TH AMENDMENT**

PLEASE TAKE NOTICE that upon the accompanying motion, the prior filings with the Court, and upon the prior proceedings, Defendants State of Missouri and Secretary of State Robin Carnahan (collectively "Missouri," where appropriate), on **January 18, 2008, at 9:30 am**, 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, Albany New York, pursuant to Rules 12(b)(6) and 12(b)(3) of the Federal Rules of Civil Procedure and the Eleventh Amendment to the United States Constitution, for an order dismissing the plaintiffs' claims against Missouri for lack of personal jurisdiction, improper venue, and sovereign immunity, 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 the

Clerk in Albany, 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,

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/s/ James Farnsworth
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ATTORNEY FOR DEFENDANTS
CARNAHAN AND STATE OF MISSOURI

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was mailed, postage prepaid, this 13th day of December, 2007, to:

Robert L. Schulz
2458 Ridge Road
Queensbury New York 12804

Service on appearing Defendants is made through the Court's electronic filing system.

/s/ James Farnsworth
Assistant Attorney General