

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

ROBERT L. SCHULZ (New York), et al.,

Plaintiffs

v.

STATE OF NEW YORK, et al.,

Defendants

Case No. 07-CV-0943 LEK/DRH

MOTION TO DISMISS
FILED BY THE STATE OF RHODE ISLAND

Now come Defendants, State of Rhode Island and A. Ralph Mollis, Secretary of State of Rhode Island (“Rhode Island,” “State” or “Defendants”) and, by and through counsel, the Department of the Attorney General for the State of Rhode Island, hereby move this Honorable Court to dismiss the Amended Verified Complaint (“Complaint”) filed by the Pro Se Plaintiffs in this civil action, Robert L. Schulz, et al. (“Plaintiffs”), pursuant to the following Federal Rules of Civil Procedure:

- Rule 12(b)(2) – for lack of personal jurisdiction;
- Rule 12(b)(3) – for improper venue;
- Rule 12(b)(5) – for insufficiency of service of process; and
- Rule 12(b)(6) – for failure to state a claim upon which relief can be granted.

In support hereof, Defendants file the accompanying Memorandum of Law, which incorporates by reference the dispositive memoranda filed by certain brother and sister states named as Defendants herein; and the requisite Notice of Motion to Dismiss.

WHEREFORE, the Rhode Island Defendants respectfully request that the Motion to Dismiss be granted; that this civil action be denied and dismissed, with prejudice; that a Final Judgment be entered in this civil action; and such other and further relief as the interests of justice may require.

Respectfully submitted,

DEFENDANTS

State of Rhode Island and
A. Ralph Mollis,
Secretary of State of Rhode Island

By their Attorney,

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CERTIFICATION

I hereby certify that I have filed the within Motion via the ECF filing system and caused a copy to be sent on this 13th day of December, 2007 to:

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I hereby certify that I mailed a true copy of the within Motion to Dismiss by first class mail, postage prepaid on this 13th day of December, 2007 to:

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