

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

ROBERT L. SHULZ, et al.

Plaintiffs,

v.

CIVIL ACTION  
NO. 07-00943-LEK-DRH

STATE OF NEW YORK, et al.

Defendants.

**ARKANSAS' MOTION TO DISMISS**

The defendants State of Arkansas and Arkansas Secretary of State Charlie Daniels in his individual and official capacities (collectively “the Arkansas Defendants”) move to dismiss the complaint against them on the same grounds asserted in the motions to dismiss and accompanying memoranda filed by Oregon (Doc. 22), South Carolina (Doc. 23), Michigan (Doc. 70), and Ohio (Doc. No. 175): lack of personal jurisdiction, lack of subject matter jurisdiction, immunity, improper venue, and failure to state a claim upon which relief can be granted.

Rather than filing a duplicative memorandum, the Arkansas Defendants adopt and join in the arguments asserted in the above-referenced motions and memoranda and respectfully request the corresponding relief: dismissal of the complaint as to the defendants State of Arkansas and Arkansas Secretary of State Charlie Daniels in his individual and official capacities.

DUSTIN McDANIEL  
ATTORNEY GENERAL

/s/ Dennis R. Hansen  
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**CERTIFICATE OF SERVICE**

I, hereby certify that a true and correct copy of the foregoing was mailed, postage prepaid, this 14<sup>th</sup> day of December, 2007, to:

Robert L. Shulz  
2458 Ridge Road  
Queensbury, NY 12804

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

/s/ Dennis R. Hansen  
Dennis R. Hansen  
Deputy Attorney General