

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.

NOTICE OF MOTION TO DISMISS PURSUANT TO FRCP 12(b)

PLEASE TAKE NOTICE that upon the annexed motion, defendants, State of Arkansas and Arkansas Secretary of State Charlie Daniels, in his individual and official capacities, have moved, pursuant to Fed. R. Civ. P. 12(b), for an order dismissing the complaint in its entirety on the grounds that this action is barred by lack of personal jurisdiction, lack of subject matter jurisdiction, immunity, improper venue, and failure to state a claim upon which relief can be granted.

PLEASE TAKE FURTHER NOTICE, that pursuant to the Order issued on 12/7/07 (Docket No. 132), any papers to be submitted in opposition to the within motion must be filed with Clerk and served upon counsel for the defendants no later than February 1, 2008. 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.

DUSTIN McDANIEL
ATTORNEY GENERAL

/s/ Dennis R. Hansen
Dennis R. Hansen, N.Y. Bar Roll No. 106495
Deputy Attorney General
323 Center Street, Suite 200
Little Rock, Arkansas 72201
(501) 682-2081
Dennis.Hansen@arkansasag.gov

CERTIFICATE OF SERVICE

I, hereby certify that a true and correct copy of the foregoing was mailed, postage prepaid, this 14th 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