

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF NEW YORK  
(Central Division)

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ROBERT L. SCHULZ (New York), et al.	)	Case No. 1:07-CV-0943 LEK/DRH
	)	
Plaintiffs,	)	<b>STATE OF IOWA</b>
	)	<b>Affidavit joining Motion to Dismiss</b>
v.	)	<b>filed by State of Michigan</b>
	)	
STATE OF NEW YORK, et al.,	)	
	)	
Defendants.	)	

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**Affidavit of Counsel for the State of Iowa & Iowa Secretary of State  
Joining in Motion to Dismiss and Memorandum of Law filed on behalf  
of Michigan Defendants on November 26, 2007 [Docket entry # 70]**

COMES NOW the undersigned, on behalf of Defendants State of Iowa and Michael Mauro, Secretary of State and Commissioner of Elections for the State of Iowa, and joins the Motion to Dismiss and Memorandum of Law filed on behalf of the Michigan Defendants on November 26, 2007 [Docket entry # 70], stating in support thereof:

**I, Christie J. Scase, counsel for the Iowa Defendants, being duly sworn, do hereby attest and affirm:**

1. I have examined the Memorandum of Law in support of the Michigan Defendants' Motion to Dismiss. Each argument advanced on behalf of the Michigan Defendants is equally applicable to the Iowa Defendants.

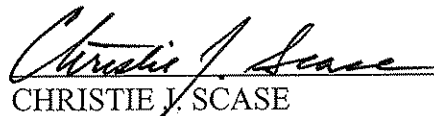
2. The Plaintiffs have failed to plead facts sufficient to establish personal jurisdiction over the Iowa Defendants under the New York long-arm statute or the Due Process Clause of the Fourteenth Amendment; this Court is not the proper venue to bring this action against the Iowa

Defendants; the State of Iowa and Iowa Secretary of State, acting in his official capacity, are immune from suit under the Eleventh Amendment; and the State of Iowa and Iowa Secretary of State, acting in his official capacity, are not persons for purposes of 42 U.S.C. § 1983.

3. Rather than file a motion duplicating the arguments advanced on behalf of the Michigan Defendants, the undersigned, on behalf of Iowa Defendants, hereby adopt and join the Motion filed by the Michigan Defendants.

4. WHEREFORE the State of Iowa and Michael Mauro, Secretary of State and Commissioner of Elections for the State of Iowa, respectfully move the Court to dismiss with prejudice the Plaintiffs' Amended Complaint against the Iowa Defendants and grant such other relief as it may deem just and equitable.

Respectfully submitted,




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ATTORNEY FOR IOWA DEFENDANTS  
Admitted *Pro Hac Vice*

State of Iowa    |  
                          |  
County of Polk   |

Subscribed and sworn before me this 14<sup>th</sup> day of December, 2007.

  
Roxanna Dales  
Notary Public, State of Iowa

