

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

No. 1:07-CV-0943 LEK/DRH

ROBERT SCHULZ, et al.,	)	
	)	
Plaintiffs	)	
	)	
v.	)	NORTH CAROLINA DEFENDANTS’
	)	MEMORANDUM IN SUPPORT OF
	)	MOTION TO DISMISS
STATE OF NEW YORK, et al.,	)	
	)	
Defendants.	)	

NOW COME defendants the State of North Carolina, the State Board of Elections and its members Larry Leake, Lorraine Shinn, Charles Winfree, Genevieve Sims, and Robert Cordle, and submit this memorandum in support of their Motion to Dismiss the amended complaint made pursuant to Fed. R. Civ. P. Rule 12 (b)(2) and (3). Defendants move to dismiss for lack of personal jurisdiction over them and for improper venue. Furthermore, the Eleventh Amendment immunizes the State of North Carolina from this suit. The North Carolina defendants further note that the plaintiffs’ amended complaint fails to allege any facts specifically relating to activities by them in New York or otherwise. In addition, the Affidavit of Gary O. Bartlett, Executive Director of the North Carolina State Board of Elections, filed contemporaneously herewith specifically denies that there is any contractual, business or other connection between the North Carolina defendants and the plaintiffs in this matter.

Rather than filing a duplicative memorandum, the North Carolina defendants adopt and join the arguments asserted in the motions to dismiss and accompanying memoranda filed by Oregon (Doc. No. 22) and Connecticut (Doc. No. 152) with respect to lack of personal jurisdiction, improper venue (Connecticut only), and Eleventh Amendment immunity.

Given the absence of any basis for finding personal jurisdiction over the State of North Carolina, the North Carolina State Board of Elections, and its members, the improper venue, and the absolute bar of the Eleventh Amendment, the North Carolina defendants respectfully request that as to them the plaintiffs' claims be dismissed.

Respectfully submitted, this the 17<sup>th</sup> day of December, 2007.

ROY COOPER  
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\_\_\_\_\_/s/  
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