

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

ROBERT L. SCHULTZ (New York), et al.)	
)	
Plaintiffs,)	
)	
v.)	Case No. 1:07-CV-0943 LEK/DRH
)	
)	NOTICE OF MOTION TO
)	DISMISS ON BEHALF OF
STATE OF NEW YORK, et al.)	OKLAHOMA DEFENDANTS
)	
Defendants.)	

OKLAHOMA DEFENDANTS’ NOTICE OF MOTION TO DISMISS

PLEASE TAKE NOTICE that on January 18,2008, at 9:30 am., or as soon thereafter as is convenient for the Court, the undersigned attorney, Tina L. Izadi, Assistant Attorney General for the State of Oklahoma, shall move and does hereby move the United States District Court of the Northern District of New York to dismiss the Amended Complaint filed herein with respect to the State of Oklahoma, Thomas Prince, Susan Turpen, Ramon Watkins, and State Election Board (“Oklahoma Defendants”), on the grounds that: (1) Plaintiffs have failed to plead facts sufficient to establish personal jurisdiction over Oklahoma Defendants under the New York long-arm statute and the Due Process Clause of the Fourteenth Amendment; (2) the State of Oklahoma and State Election Board are immune from suit under the Eleventh Amendment; and (3) this Court is not the proper venue to bring this action against Oklahoma Defendants.

PLEASE TAKE FURTHER NOTICE that in support of this Motion, Oklahoma Defendants shall rely on this Notice of Motion, Oklahoma Defendants' Memorandum of Law in Support of Motion to Dismiss, and the respective Motions to Dismiss and Memoranda of Law adopted and incorporated therein.

PLEASE TAKE FURTHER NOTICE that, pursuant to Rule 7.1(c) of the Local Rules of Practice of the United States District Court of the Northern District of New York, any papers to be submitted in opposition to the Oklahoma Defendants' Motion must be filed with the Clerk in Albany, New York and served upon counsel for Defendants no later than January 2, 2007 (per the Court's December 17, 2007, Order), unless otherwise ordered by the Court, exclusive of that day. These papers must include, at a minimum, a memorandum of law containing relevant facts and legal arguments.

PLEASE BE FURTHER ADVISED that if you do not respond in opposition to the Motion to Dismiss, the Motion to Dismiss, if appropriate, will be granted and judgment will be entered against you. If the Motion is granted, your case will be dismissed as to the Oklahoma Defendants and there will not be any trial concerning any of the issues asserted in your complaint.

Respectfully submitted,

s/Tina L. Izadi

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*Admitted *Pro Hac Vice*