

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

ROBERT L. SCHULTZ (New York),
et. al.,

Plaintiffs,

v.

NO. 07-CV-0943 LEK/DRH

STATE OF NEW YORK, et. al.,

Defendants.

_____/

**STATE OF FLORIDA'S AND KURT BROWNING'S
MOTION TO DISMISS**

PLEASE TAKE NOTICE that on January 18, 2008, or as soon thereafter as is convenient for the Court, Defendants State of Florida and Kurt Browning, Secretary of State of Florida, move the Court under Fed. R. Civ. P. 12(b), for an order dismissing the Amended Verified Complaint against them. Oral Argument is not Requested. This motion is made on the ground that the Court lacks personal jurisdiction over the State of Florida and Kurt Browning, that the claims against the State of Florida are barred by the Eleventh Amendment to the United States Constitution, that venue is not proper in this Court, and that Plaintiffs lack standing. This motion is supported by the attached State of Florida's and Kurt Browning's Memorandum in Support of Motion to Dismiss.

PLEASE BE FURTHER ADVISED that if you do not respond in opposition to this motion, the motion to dismiss, if appropriate, will be granted and judgment will be entered against you, and there will not be any trial concerning the issues asserted in your Complaint.

Defendants State of Florida and Kurt Browning respectfully request that the Court enter an order dismissing the Amended Verified Complaint against them.

Dated this 17th day of December, 2007.

Respectfully submitted,

BILL MCCOLLUM

Attorney General

s/ Paul J. Martin

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