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6 *and Ross Miller, Secretary of the State of Nevada*

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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF NEW YORK
10

11 ROBERT L. SCHULZ, et al.)
12 Plaintiffs,)
13 vs.)
14 STATE OF NEW YORK, et al.,)
15 Defendants.)
16 _____)

Case No. 07cv-0943-LEK/DRH

**STATE OF NEVADA AND
SECRETARY OF STATE ROSS MILLER'S
MOTION TO DISMISS**

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

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

