

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

ROBERT SCHULZ (New York), et al.	:	C/A NO. 1:07-CV-0943
	:	(LEK) (DRH)
Plaintiffs,	:	
	:	NOTICE OF MOTION TO
v.	:	DISMISS ON BEHALF OF
	:	DEFENDANTS STATE OF NEW
STATE OF NEW YORK, et al.	:	JERSEY AND ANNE MILGRAM
	:	
Defendants,	:	

PLEASE TAKE NOTICE that on January 18, 2008 at 9:30 a.m., or as soon thereafter as is convenient for the Court, the undersigned Anne Milgram, Attorney General of New Jersey, by Jason S. Postelnik, Deputy Attorney General, on behalf of the Defendants State of New Jersey and Anne Milgram, Attorney General of New Jersey ("New Jersey Defendants"), shall move before this Court for an Order dismissing the Plaintiffs' Amended Complaint with prejudice as to the New Jersey Defendants pursuant to Federal Rules of Civil Procedure ("FRCP") 12(b)(2) and 12(b)(6). In support of this motion, the undersigned will rely upon the memorandum of law submitted herewith. A proposed form of Order is submitted hereto.

PLEASE TAKE FURTHER NOTICE, that pursuant to Rule 7.1(b) of the Local Rules of Practice of the United States District Court for the Northern District of New York, any papers to be submitted in opposition to the within motion must be filed with the clerk and served upon counsel for the defendants no later than seventeen (17)

days before the return date of the motion, exclusive of that day. These papers must include, at a minimum, a memorandum of law containing relevant factual and legal arguments.

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

It is respectfully requested that the Court rule upon the moving papers submitted without requiring appearance of counsel pursuant to FRCP 78.

Respectfully submitted,

ANNE MILGRAM
ATTORNEY GENERAL OF NEW JERSEY

By: /s/ Jason S. Postelnik
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December 14, 2007