

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
AT MARTINSBURG

WEST VIRGINIA CITIZENS DEFENSE

LEAGUE, INC., a West Virginia nonprofit
corporation,

Plaintiff,

Civil No.: 3:11-cv-00005-JPB

CITY OF MARTINSBURG, a West Virginia
Municipal Corporation;

GEORGE KAROS, personally and in his official
capacity as the Mayor of the City of
Martinsburg;

MARK S. BALDWIN, personally and in his
official capacity as the City Manager of the
City of Martinsburg; and

KEVIN MILLER, personally and in his
official capacity as the Chief of Police of
the City of Martinsburg,

Defendants

Defendants' Pre-Answer Motion to Dismiss

Comes now The Defendants City of Martinsburg, George Karos, Mark S. Baldwin and Kevin Miller, Defendants in the above-styled action, by and through Counsel, without waiving any defenses as to jurisdiction or service of process, pursuant to Federal Rules of Civil Procedure 12(b)(1) and (b)(6), and moves this Court to dismiss this matter for lack of

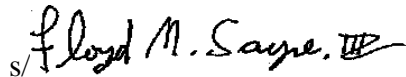
subject matter jurisdiction (standing) and failure to state a claim upon which relief may be granted.

A memorandum of law in support of this Motion is being filed concurrently herewith and is incorporated herein by reference.

Respectfully submitted this the 29th day of March 2011.

CITY OF MARTINSBURG, a West Virginia Municipal Corporation;
GEORGE KAROS, personally and in his official capacity as the Mayor of the City of Martinsburg;
MARK S. BALDWIN, personally and in his official capacity as the City Manager of the City of Martinsburg; and
KEVIN MILLER, personally and in his official capacity as the Chief of Police of the City of Martinsburg

By Counsel



Floyd M. Sayre, III (WVSB 4342)
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Certificate of Service

I, Floyd M. Sayre, III, do hereby certify that on this 29th day of March 2011, I electronically filed the **Motion to Dismiss on Behalf of Defendants** with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following CM/ECF participant:

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s/ Floyd M. Sayre, III

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