

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

CITY OF GARDEN CITY, KANSAS;)
FINNEY COUNTY, KANSAS;)
MARK J. DINKEL;)
GARY E. FULLER; and)
CECIL O'BRATE,)
Plaintiffs,)

v.)

CIVIL CASE NO. 09-1258-JTM

W. CRAIG FUGATE, IN HIS CAPACITY)
AS ADMINISTRATOR OF THE)
FEDERAL EMERGENCY)
MANAGEMENT AGENCY, AN)
AGENCY OF THE UNITED STATES)
GOVERNMENT)
Defendant.)

MOTION TO DISMISS PLAINTIFFS' COMPLAINT AND
MOTION FOR PRELIMINARY INJUNCTION

COMES NOW the United States of America on behalf of the defendant, W. Craig Fugate and the Federal Emergency Management Agency ("FEMA"), by and through its attorneys, Lanny D. Welch, U.S. Attorney, and Robin B. Moore, Assistant U.S. Attorney, for the District of Kansas and moves the Court for Dismissal pursuant to Fed. R.Civ. P. 12(b) (1) and (6). In support of this motion, the United States submits its Memorandum in Support of its Motion for Dismissal, which is hereby incorporated into and made a part of this Motion by reference.

Respectfully submitted,

LANNY D. WELCH
United States Attorney

S/Robin B. Moore

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 26th day of October, 2009, the foregoing Motion for Dismissal on behalf of the United States of America, was filed with the Clerk of the Court using the CM/ECF system which will send a notice of electronic filing to the following:

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Wichita, KS 67206-4466

I further certify that I mailed the forgoing document and the notice of electronic filing by first-class mail to the following non-CM/ECF participants:

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USAKS-Ecfwic (USAKS)

From: KSD_CMECF@ksd.uscourts.gov
Sent: Monday, October 26, 2009 10:43 AM
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U.S. District Court

District of Kansas

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Case Number: 6:09-cv-01258-JTM-DWB
Filer: Federal Emergency Management Agency
Document Number: 7

Docket Text:

MOTION to Dismiss *Plaintiffs' Complaint and Motion for Preliminary Injunction* by Defendant Federal Emergency Management Agency(Moore, Robin)

6:09-cv-01258-JTM-DWB Notice has been electronically mailed to:

David M. Traster dtraster@foulston.com, pballinger@foulston.com

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