


I.

Defendant moves to dismiss the claims of the plaintiffs, pursuant to F.R.C.P. Rule 12(b)(6), because the complaint fails to state a claim against defendant upon which relief can be granted, for the reasons fully set forth in the accompanying memorandum in support of this motion.

Respectfully submitted,

HAMILTON, BROWN & BABST


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CERTIFICATE OF SERVICE

I do hereby certify that a copy of the above and foregoing has been served upon all counsel of record by electronic notice in accordance with Local Rules to those counsel receiving electronic notice, and all others by depositing same in the United States Mail, postage prepaid and properly addressed, this 28th day of February, 2007.


GALEN S. BROWN