

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI

EDWARD F. PLASTINO and,)
SECOND AMENDMENT FOUNDATION,)
INC.,)

Plaintiffs,)

v.)

Case No. 4:12-cv-01316-CAS

CHRIS KOSTER, in his Official Capacity as)
Attorney General of the State of Missouri; and)
TOM NEER, in his Official Capacity as)
Sheriff of St. Charles County, Missouri,)

Defendants.)

MOTION TO DISMISS

Pursuant to Fed. R. Civ. P. 12(b)(6) and 12(b)(7), Defendant Chris Koster (“Defendant”) hereby moves this Court for an order dismissing Edward F. Plastino (“Plastino”) and Second Amendment Foundation, Inc.’s (“SAF”) Complaint. Defendant moves to dismiss because neither Plastino, nor SAF, can assert an injury-in-fact sufficient to confer standing. Plastino did not apply for a concealed carry permit and the SAF did not allege that any of its members had applied and been denied. In addition, the Director of the Missouri Department of Revenue verifies the certificate of qualification issued by the sheriff before issuing the concealed carry endorsement on the applicant’s driver’s (or nondriver’s) license. Without the Director, Plastino cannot be accorded full relief. As a result, the Director is a necessary party under Fed. R. Civ. P. 19(a)(1).

WHEREFORE, Defendant prays that this Court grant Defendant’s motion to

dismiss, dismiss this Complaint with prejudice, and for such other and further relief as this Court deems just and proper.

Respectfully submitted,

CHRIS KOSTER
Attorney General

By: /s/ Andrew M. Hartnett

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ATTORNEYS FOR DEFENDANT CHRIS
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CERTIFICATE OF SERVICE

I hereby certify that on the 21st day of September, 2012, the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system, and also mailed by United States mail, postage prepaid, to:

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