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U.S. DISTRICT COURT  
EASTERN DISTRICT OF LA

2006 JUL 25 AM 9:16

LORETTA G. WHYTE  
CIVIL ACTION NO. CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

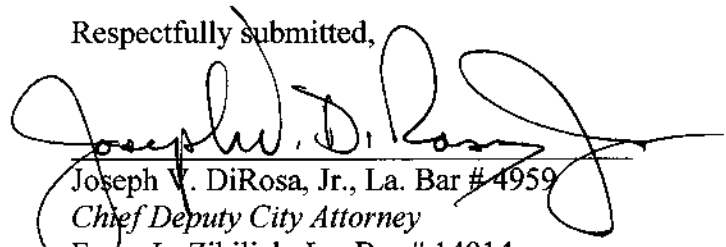
NATIONAL RIFLE ASSOCIATION OF AMERICA, INC.  
SECOND AMENDMENT FOUNDATION, INC.  
v.  
C. RAY NAGIN, Mayor of New Orleans  
P. EDWIN COMPASS III, Superintendent Of Police, New Orleans  
JACK STRAIN, JR., Sheriff, St. Tammany Parish  
JOHN DOES I-VI, Sheriff's Deputies, St. Tammany Parish

\* CIVIL ACTION NO. 05-4234  
\* SECTION "J"  
\* MAGISTRATE 2  
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**DEFENDANTS' RULE 12(b)(1) AND 12(b)(6) MOTION TO DISMISS  
FOR LACK OF SUBJECT MATTER JURISDICTION  
AND FOR FAILURE TO STATE A VIABLE CLAIM**

NOW INTO COURT, through undersigned counsel, come defendants, C. Ray Nagin and P. Edwin Compass, III, who move for dismissal of the plaintiffs' claims against them for lack of subject matter jurisdiction under F.R.C.P. Rule 12 (b)(1), and for plaintiffs' failure to state a claim upon which relief could be granted under F.R.C.P. Rule 12 (b)(6). The defendants' memorandum in support of this motion is attached.

Respectfully submitted,

  
Joseph V. DiRosa, Jr., La. Bar # 4959  
Chief Deputy City Attorney  
Franz L. Zibilich, La. Bar # 14914  
Associate City Attorney  
Heather M. Valliant, La. Bar # 24680  
Assistant City Attorney

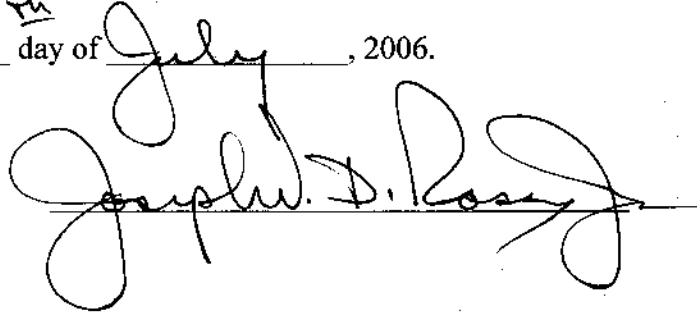
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 CtRrnDep \_\_\_\_\_  
Doc. No \_\_\_\_\_

1300 Perdido Street, Room 5 E 03  
New Orleans, Louisiana 70112  
(504) 658-9800  
(504) 658-9868 (fax)

Penya Moses-Fields, La. Bar. # 24850  
*City Attorney*

**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing motion and supporting memorandum have been sent to counsel of record by depositing same in the United States Mail, postage prepaid and properly addressed, this 25<sup>th</sup> day of July, 2006.

A handwritten signature in black ink, appearing to read "Joseph D. Rose", is written over a horizontal line. The signature is cursive and stylized.