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UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

Charles F. Kerchner, et al.,

Plaintiffs,

v.

Barack Hussein Obama II,
President Elect of the
United States of America,
President of the United States
of America, and Individually,
a/k/a Barry Soetoro;
United States of America; et al.,

Defendants.

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: HONORABLE JEROME B. SIMANDLE
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: CIVIL ACTION NO.: 09-253
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: NOTICE OF MOTION TO DISMISS
: THE COMPLAINT PURSUANT TO
: FED. R. CIV. P. 12(b)(1),
: 12(b)(6), AND 12(f)

TO: CLERK OF THE COURT

Mario Apuzzo, Esquire
Law Offices of Mario Apuzzo
185 Gatzmer Avenue
Jamesburg, NJ 08831
Counsel for Plaintiffs

PLEASE TAKE NOTICE that on July 20, 2009, the Defendants shall move before the Honorable Jerome B. Simandle, United States District Judge, sitting at the Mitchell H. Cohen U.S. Courthouse, One John F. Gerry Plaza, Fourth and Cooper Streets, Camden, New Jersey, for entry of an Order dismissing the action as to those

Defendants pursuant to Fed. R. Civ. P. 12(b)(1) on the grounds that the Court lacks subject matter jurisdiction over the second amended complaint because the Plaintiffs lack standing. Defendants also move to dismiss the complaint under Fed. R. Civ. P. 12(b)(6) for failure to state a claim because these Defendants are immune from suit. Alternatively, these Defendants move to strike the complaint under Fed. R. Civ. P. 12(f) for failing to comply with Rules 8(a) and 15.

PLEASE TAKE NOTICE that in support of the motion, the Defendants shall rely on the accompanying brief. A proposed order is also submitted. The Defendants further request that this motion be decided on the papers submitted, without oral argument, pursuant to Fed. R. Civ. P. 78.

RALPH J. MARRA, JR.
Acting United States Attorney

s/Elizabeth A. Pascal
By: ELIZABETH A. PASCAL
Assistant U.S. Attorney

Dated: June 26, 2009