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Attorneys for the Defendants

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

RONALD JACKSON, RUTH JACKSON,)
ROBERT MANNING, PATRICIA) Cause No. CV-13-65-GF-DLC-RKS
McGESHICK, LAWRENCE WETSIT,)
LANETTE M. CLARK, and BILL)
WHITEHEAD,)

Plaintiffs,)

vs.)

MOTION TO DISMISS

THE BOARD OF TRUSTEES OF WOLF)
POINT, MONTANA, SCHOOL DISTRICT)
NO. 45-45A; MARTIN DEWITT,)
TRACEY JUVE-MIRANDA, GLENN)
STRADER, JANICE WEMMER-KEGLEY,)
JARONN BOYSUN, BRENT NYGARD)
and ED BACH in their official capacities as)
members of the Board of Trustees of Wolf)
Point School District No. 45-45A; and)
NAOMI ERICKSON, in her official)
capacity as School District Clerk and)
Election Administrator,)

Defendants.)

COMES NOW, the above-named Defendants, by and through their counsel of record, and, pursuant to Fed. R. Civ. P. 12(b)(6), hereby move the Court to dismiss the Complaint in the above-entitled matter on the basis that Plaintiffs have failed to state a claim upon which relief can be granted. Counsel for the Plaintiffs has been contacted via e-mail to determine whether they object to the motion, but no response was received as of the time this motion was filed.

DATED this 4th day of October, 2013.

/s/ Tony C. Koenig
Tony C. Koenig
One of the attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that, on the 4th day of October, 2013, a copy of the foregoing document was served on the following persons by the following means:

- 1, 2 CM/ECF
- Hand Delivery
- U.S. Mail, postage prepaid
- Overnight Delivery Service
- Facsimile
- E-Mail
- 1. Clerk, U.S. District Court
- 2. Jon Ellingson
James P. Taylor
ACLU of Montana Foundation
P.O. Box 9138
Missoula, Montana 59802