

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON**

WEST VIRGINIA CITIZENS DEFENSE
LEAGUE, INC., *et al.*

Plaintiffs,

CIVIL ACTION NO. 2:11-cv-0048

vs.

(Copenhaver, J.)

CITY OF CHARLESTON, *et al.*

Defendants.

**THE CHARLESTON DEFENDANTS’
MOTION TO DISMISS PLAINTIFFS’ FIRST AMENDED COMPLAINT**

NOW COME the Defendants City of Charleston; Danny Jones, personally and in his official capacity as the Mayor of the City of Charleston; and Brent Webster, personally and in his official capacity as the Chief of Police of the City of Charleston (together, “Charleston Defendants” or “Defendants”), by their attorneys, and move pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6) to dismiss the First Amended Complaint.

In support of this Motion, Defendants rely upon and incorporate their Memorandum of Law in Support of the Charleston Defendants’ Motion to Dismiss Plaintiffs’ First Amended Complaint, filed contemporaneously herewith.

WHEREFORE, Defendants move, pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(6) for dismissal of the First Amended Complaint.

Respectfully submitted by the
CITY of CHARLESTON, a municipal corporation;
DANNY JONES, Mayor; and
BRENT WEBSTER, Chief of Police

By: /s/ Ricklin Brown
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CERTIFICATE OF SERVICE

I, Ricklin Brown, herby affirm that on this date, March 28, 2011, I caused the foregoing **CHARLESTON DEFENDANTS' MOTION TO DISMISS PLAINTIFFS' FIRST AMENDED COMPLAINT** and **CHARLESTON DEFENDANTS' MEMORANDUM IN SUPPORT OF THEIR MOTION TO DISMISS PLAINTIFFS' FIRST AMENDED COMPLAINT** to be served on the following attorneys with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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