

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
EASTERN DIVISION

TALLADEGA COUNTY	)	
COMMISSION, et al.,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	CASE NUMBER: 15-CV-2337-KOB
	)	
CITY OF LINCOLN, et al.,	)	
	)	JURY TRIAL DEMANDED
Defendants.	)	

MOTION TO DISMISS

COMES NOW the Defendant City of Lincoln, AL, a municipal corporation, and moves this Honorable Court to DISMISS the Complaint in this case pursuant to Fed. R. Civ. P. 12(b) and based upon the following non-exclusive grounds:

1. The Court is without jurisdiction over the parties or the claims.
2. The Complaint fails to state a claim upon which relief can be granted.
3. 28 U.S.C. § 1341 precludes the jurisdiction of this Court.
4. Principles of comity should cause this Court to abstain from exercising jurisdiction.
5. The Court should decline to exercise jurisdiction, if any, under 28 U.S.C. § 1367.
6. Legislative immunity bars the Plaintiffs' claims.
7. The Plaintiffs lack standing to bring the claims alleged.
8. The Plaintiffs' claims are moot.
9. There is no case or controversy as required by Art. III of the U.S. Constitution.
10. This case is not ripe for review.
11. The Complaint fails to comply with Fed. R. Civ. P. 8.

12. The City of Lincoln adopts and incorporates by reference all arguments applicable to it that have been made by co-Defendants, Commissioner McGee, Comptroller White, Attorney General Strange and Governor Bentley in their motions to dismiss the Complaint.

Respectfully submitted,

s/ James W. Porter, II
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing has been electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing upon the following, this the 25th day of January, 2016. If Notice of Electronic Filing indicates that Notice should be delivered by other means to any of the following, I certify that a copy will be sent via U.S. Mail, properly addressed, postage prepaid.

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