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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

AL-HARAMAIN ISLAMIC
FOUNDATION, *et al.*,

CV. 06-274- KI

Plaintiffs,

v.

GEORGE W. BUSH, *et al.*,

Defendants.

**DEFENDANTS'
MOTION TO DISMISS OR,
IN THE ALTERNATIVE,
FOR SUMMARY JUDGMENT**

Pursuant to Rules 12(b)(1) and 56 of the Federal Rules of Civil Procedure, Defendants, through their undersigned counsel, hereby move to dismiss this action or, in the alternative, for summary judgment. The basis for this motion is that the assertion of the military and state secrets privilege and other specified statutory privileges by the United States in this action requires the exclusion of state secrets relevant to the resolution of Plaintiffs' claims. The unavailability of this information requires dismissal or the entry of summary judgment in favor of Defendants.

Defendants' arguments in support of this motion are set forth in the classified *in camera*, *ex parte* and the unclassified versions of Defendants' Memorandum of Points and Authorities in Support of the United States' Assertion of the Military and State Secrets Privilege; and Defendants' Motion to Dismiss or, in the Alternative, Motion for Summary Judgment, and in the declarations accompanying this motion, including those submitted for *in camera*, *ex parte* review. See Defendants' Notice of Lodging of *In Camera*, *Ex Parte* Materials.

Dated: June 21, 2006

Respectfully submitted,

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