

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

DONALD JONES,)	
)	
Plaintiff,)	
)	
v.)	Case No: 1:07-CV-0567-CC-RGV
)	
WACKENHUT % GOOGLE INC.,)	
)	
Defendant.)	

**DEFENDANT THE WACKENHUT CORPORATION’S
MOTION TO DISMISS**

COMES NOW Defendant The Wackenhut Corporation (incorrectly identified in Plaintiff’s Complaint as “Wackenhut % Google Inc.”) (hereinafter “Defendant”), pursuant to Federal Rule of Civil Procedure 12(b)(5), and hereby moves this Court for an Order dismissing the above-captioned matter.

As discussed more fully in the Memorandum of Law in Support of Defendant’s Motion to Dismiss (which is being filed contemporaneously herewith), Plaintiff’s service of process did not comply with Federal Rule of Civil Procedure 4(c)(2) because Plaintiff himself effected service of process upon Defendant.

Because Plaintiff has not properly effected service of process, Defendant respectfully requests that the Court grant its Motion to Dismiss Plaintiff's Complaint.

Respectfully submitted this 5th day of April, 2007.

DUANE MORRIS LLP

/s/ Terry P. Finnerty
Terry P. Finnerty
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The Wackenhut Corporation

CERTIFICATE OF COMPLIANCE

Pursuant to Local Rule 7.1(D), the undersigned counsel hereby certifies that this filing complies with the type-volume limitations set forth in Rule 5.1 of the Local Rules of the United States District Court for the Northern District of Georgia. Counsel hereby states that this filing has been typed in Times New Roman 14 font.

/s/ Terry P. Finnerty
Terry P. Finnerty

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CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of April, 2007, I electronically filed the foregoing **DEFENDANT THE WACKENHUT CORPORATION'S MOTION TO DISMISS** with the Clerk of Court using the CM/ECF system.

I further certify that on this on this 5th day of April, 2007, I have mailed by United States Postal Service the document to the following non-CM/ECF participant:

Donald Jones
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Red Oak, Georgia 30272

/s/ Terry P. Finnerty
Terry P. Finnerty

Attorney for Defendant
The Wackenhut Corporation