

**IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF ILLINOIS**

ANDY MARTIN,)
)
 Plaintiff,)
)
 v.)
)
 WASHINGTON POST COMPANY, DANIEL)
 MORSE, SCOTT SHIRLEY d/b/a/ ADR)
 PRODUCTIONS, GOOGLE , INC., JOHN)
 GILCHRIST, A/K/A JOHN BORLAZA, JIM)
 BROSEMER, MONTGOMERY COUNTY,)
 MARYLAND, JOHN J. MCCARTHY, JOHN)
 DOE AGENT OF MARK KIRK and/or)
 BARACK HUSSEIN OBAMA, WILLIAM G.)
 SIMMONS, EUGENE WOLFE, and CHERYL)
 MCCALLY,)
)
 Defendants.)

Case No. 3:09-cv-03295-JES-BGC
 Magistrate Judge Byron G. Cudmore

**MOTION TO QUASH SERVICE OF SUMMONS AND TO DISMISS
COMPLAINT FOR LACK OF PERSONAL JURISDICTION**

NOW COMES Defendant, MONTGOMERY COUNTY, MARYLAND (hereinafter referred to as “Montgomery County”), by and through its counsel, Thomas W. Kelty, Kelty Law Office, and, pursuant to the Federal Rules of Civil Procedure, moves this Court for an order to quash the service of summons on Defendant Montgomery County, Maryland and dismiss the action against it, and as grounds states as follows:

1. Plaintiff filed this action in the Seventh Judicial Circuit Court, Sangamon County, Illinois on September 4, 2009. The Complaint lists several individuals, businesses, and/or governmental entities as Defendants.
2. Defendant Montgomery County received service of the Complaint by mail on November 9, 2009.

3. The claim against Montgomery County appears to be for its alleged failure to properly protect Plaintiff when he filed a consumer complaint with the Montgomery County Office of Consumer Protection. (Complaint p. 7, para. 3c.B.) Plaintiff claims, without any factual support, that Montgomery County failed “to protect Plaintiff’s right to file a consumer complaint without fear of harassment from the corrupt governmental structure of the county.” (Complaint p. 3, para. 2f.)

4. Based on the facts and allegations in the Complaint, a state court in Illinois lacks personal jurisdiction over Defendant Montgomery County, and should not hear this claim.

5. The Court is directed to the accompanying Memorandum of Grounds and Authorities in support of this Motion to Quash Service of Summons and to Dismiss the Complaint for lack of personal jurisdiction.

WHEREFORE, in view of the foregoing, as well as the grounds and authorities set forth in the accompanying Memorandum, Defendant Montgomery County respectfully requests that this Court grant this Motion, quash the service of the summons and dismiss Plaintiff’s Complaint against it with prejudice, and grant such further relief as this Court deems appropriate.

Respectfully submitted,

**MONTGOMERY COUNTY, MARYLAND,
Defendant**

/s/ Thomas W. Kelty
It’s Attorney

Thomas W. Kelty, No. 1441337
Kelty Law Office
Attorney for Defendant
Montgomery County, Maryland
P.O. Box 2243
Springfield, IL 62705
Telephone: 217/789-8901

STATE OF ILLINOIS)
) SS.
COUNTY OF SANGAMON)

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the above instrument was filed electronically with the Court on December 21, 2009 and shall be served to the following parties electronically:

Donald M. Craven
Donald M. Craven, P.C.
1005 North Seventh Street
Springfield, Illinois 62702

and shall be mailed via first class mail on December 21, 2009 to:

Andy Martin
30 East Huron Street
Suite 4406
Chicago, IL 60611-4723

/s/ Thomas W. Kelty