

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MASSACHUSETTS

ARMENIAN LIBRARY AND MUSEUM OF
AMERICA, INC.,

Plaintiff,

Case No.: 11-cv-11862

v

Hon. Mark L. Wolf

MAYER MORGANROTH,

Defendant.

Harold W. Potter, Jr.
Attorney for Plaintiff
HOLLAND & KNIGHT
10 St. James Avenue
Boston, MA 02116
617-523-2700

Mayer Morganroth
In Pro Per
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248-864-4000

**DEFENDANT'S MOTION TO DISMISS FOR LACK OF PERSONAL JURISDICTION
PURSUANT TO FED. R. CIV. P. 12(b)(2)**

NOW COMES Defendant, Mayer Morganroth (“Morganroth”), *in pro per*, and for his Motion to Dismiss for Lack of Personal Jurisdiction Pursuant to Fed. R. Civ. P. 12(b)(2) states as follows:

1. Morganroth is a resident of the State of Michigan.
2. Morganroth was the attorney for the late Dr. Jack Kevorkian.
3. In July 1999, Dr. Kevorkian permitted the exhibition of certain of his art work (including, without limitation, seventeen paintings, writings, musical compositions and some personal effects) (the “Kevorkian Art Work”) at the Armenian Library and Museum of America, Inc. (“ALMA”) located in Watertown, Massachusetts.
4. In connection with the exhibition of the Kevorkian Art Work, ALMA, by and through its curator, entered into a fully integrated written agreement (the “Agreement”) in the State of Michigan wherein, among other things, ALMA expressly agreed that: (1) it would pick up the Kevorkian Art Work; (2) it would be responsible for the cost of transportation of the Kevorkian Art Work “to and from Royal Oak, Michigan and Watertown, Massachusetts”; (3) it would be responsible for insurance for the Kevorkian Art Work from the time ALMA assumed possession of the Kevorkian Art Work until it was returned to the State of Michigan; (4) the Kevorkian Art Work remained “the exclusive property of Dr. Kevorkian”; and (5) it would return the Kevorkian Art Work “upon the request of Dr. Kevorkian.”
5. Dr. Kevorkian passed away in June 2011 in Michigan.
6. Pursuant to the directions in Dr. Kevorkian’s Last Will and Testament, executed in Michigan and to be construed under the laws of the State of Michigan, Morganroth is the personal representative of the Estate of Dr. Kevorkian (the “Estate”).
7. On September 23, 2011, and thereafter, Morganroth, in his capacity as personal

representative of the Estate, sent communications from Michigan to ALMAN wherein he demanded the return of the Kevorkian Art Work to the State of Michigan in accord with the terms of the Agreement.

8. ALMA has refused to return the Kevorkian Art Work, and, on October 13, 2011, filed the instant Complaint against Morganroth personally in the Superior Court for the Commonwealth of Massachusetts.

9. Morganroth removed the case to this Court based upon the complete diversity of citizenship between the parties.

10. This Court lacks personal jurisdiction over Morganroth inasmuch as he has no contacts with the Commonwealth of Massachusetts in any capacity. In addition, the Estate has had no contacts with the Commonwealth of Massachusetts, and therefore this Court has no jurisdiction over Morganroth in his capacity as personal representative of the Estate.

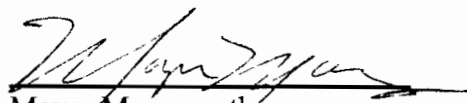
11. Concurrence in the instant Motion was sought but was not granted.

REQUEST FOR ORAL ARGUMENT

12. Oral argument is hereby respectfully requested.

WHEREFORE, Defendant respectfully requests that this Honorable Court grant the instant Motion, and enter an order dismissing Plaintiff's Complaint.

Respectfully submitted,



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Dated: November 7, 2011