

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEBRASKA**

JEREMY SCHOEMAKER,

CASE NO. 8:09-cv-441

Plaintiff,

v.

**DEFENDANT'S MOTION TO DISMISS
COMPLAINT FOR LACK OF
PERSONAL JURISDICTION**

DAVID SULLIVAN, INDIVIDUALLY AND
D/B/A BIG BLUE DOTS LLC,

Defendant.

Pursuant to Rule 12(b)(2) of the Federal Rules of Civil Procedure, Defendant David Sullivan moves this Court to dismiss Plaintiff Jeremy Schoemaker's Complaint. The Court lacks personal jurisdiction over Defendant under the Nebraska Long-Arm Statute and the due process clause of the United States Constitution. Thus, the Court should dismiss the Complaint without prejudice.

This Motion is based on the brief submitted herewith, the arguments of counsel, and all of the files, records, and proceedings herein.

Dated this 5th day of February, 2010.

DAVID SULLIVAN, INDIVIDUALLY AND D/B/A
BIG BLUE DOTS LLC, Defendant

By: s/ John A. Sharp

John A. Sharp (NE# 23111)
of BAIRD HOLM LLP
1500 Woodmen Tower
Omaha, NE 68102-2068
Phone: 402-344-0500
Fax: 402-344-0588
Email: jsharp@bairdholm.com

and

Paul E. Thomas (MN# 279778)
Grant D. Fairbairn (MN# 327785)
FREDRIKSON & BYRON, P.A.
200 South Sixth Street, Ste. 4000
Minneapolis, MN 55402-1425
Phone: 612-492-7000
Fax: 612-492-7077

CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of February, 2010, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent notification of such filing to the following:

Patrick S. Cooper, Esq.
Fraser Stryker PC LLO
500 Energy Plaza
409 South 17th Street
Omaha, NE 68102-2663

s/ John A. Sharp