

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
Case No. 5:07-cv-00210**

BOARD OF LAW EXAMINERS, also known as North Carolina Board of Law Examiners and as The Board of Law Examiners of the State of North Carolina,

Plaintiff

vs.

WEST PUBLISHING CORPORATION and THE THOMSON CORPORATION,

Defendants.

DEFENDANTS' MOTION TO DISMISS

(Fed. R. Civ. P. 12(b)(6))

Defendants West Publishing Corporation and The Thomson Corporation, by and through their undersigned counsel, hereby move this Court to dismiss this action under Rule 12(b)(6) of the Federal Rules of Civil Procedure. The reasons for Defendants' Motion to Dismiss are set forth in the Memorandum in Support of Defendants' Motion to Dismiss which is being filed contemporaneously herewith and incorporated by this reference.

As part of this Motion to Dismiss, Defendants attach copies of the following cases published outside the West Federal Reporter System, the official North Carolina reports and the official United States Supreme Court reports (as attachments A through E), pursuant to Local Civil Rule 7.2(c), EDNC:

- A Op. Att'y Gen. N.C., 1994 WL 1026122 (March 16, 1994)
- B *Teletronics Int'l., Inc. v. CNA Ins. Co./Transp. Ins. Co.*, 120 Fed. Appx. 440 (4th Cir. 2005)
- C *Microdecisions, Inc. v. Skinner*, 889 So. 2d 871 (Fla. Dist. Ct. App. 2004)
- D *Madison Cablevision, Inc. v. City of Morganton*, 1986 WL 22246 (W.D.N.C. 1986)
- E *Daley v. Firetree, Ltd.*, No. 4:CV-04-2213, 2006 WL 148879 (M.D. Pa. Jan. 19, 2006)
- F *Beckwith Builders, Inc. v. Depietri*, No. 04 CV 282 SM, 2006 WL 2645188 (D.N.H. Sept. 15, 2006)

WHEREFORE, Defendants respectfully request that this action be dismissed for failure to state a claim upon which relief can be granted.

This the 10th day of August, 2007.

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CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing **MOTION TO DISMISS** was filed electronically with the Clerk of Court using CM/ECF system with notice of case activity to be generated and sent electronically by the Clerk of Court to the following parties registered to receive such service:

This the 10th day of August, 2007.

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