

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

DAVID F. EVANS; COLLIN FINNERTY;
and READE SELIGMANN,

Plaintiffs,

v.

Case No. 1:07-CV739

THE CITY OF DURHAM, NORTH
CAROLINA; MICHAEL B. NIFONG;
MARK GOTTLIEB; BENJAMIN HIMAN;
DAVID ADDISON; LINWOOD WILSON;
PATRICK BAKER; STEVEN CHALMERS;
BEVERLY COUNCIL; RONALD HODGE;
JEFF LAMB; MICHAEL RIPBERGER;
LEE RUSS; DNA SECURITY, INC.;
RICHARD CLARK; and BRIAN MEEHAN,

Defendants.

MOTION TO DISMISS BY DNA SECURITY, INC. AND RICHARD CLARK

Come now Defendants DNA Security, Inc. and Richard Clark, pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(6), and Local Rule 7.3, and move the Court to dismiss the Amended Complaint in this matter. In support of this Motion, Movants show that the Amended Complaint fails to state a claim upon which relief can be granted as to the Movants, that affirmative defenses bar the claims of the Movants, and that Plaintiffs lack standing to seek injunctive relief. The bases for the present Motion are discussed in detail in the Brief in Support of Motion to Dismiss filed contemporaneously herewith.

WHEREFORE, Defendants DNA Security, Inc. and Richard Clark respectfully request that the Court dismiss all claims asserted against the Movants.

Respectfully submitted,

/s/ Robert J. King III

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CERTIFICATE OF SERVICE

I hereby certify that on January 15, 2008, I electronically filed the foregoing **MOTION TO DISMISS BY DNA SECURITY, INC. AND RICHARD CLARK** with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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