

City was named. Thus, it is not now necessary for the Court to consider pages 14-15 (regarding official capacity claims) in Defendant's initial brief (Docket # 59).

Because of the complexity of the causes of action at issue in this case, Defendant requests oral argument be scheduled on their Motion to Dismiss pursuant to Local Rule 7.3(c)(1).

WHEREFORE, Defendant Addison respectfully prays the Court that:

1. The Action against this Defendant be dismissed;
2. Judgment be entered for Defendant;
3. Plaintiffs have and recover nothing from Defendant; and
4. Defendant have such other and further relief as the Court shall deem just and proper.

Respectfully submitted, this the 10th day of March, 2010.

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By: /s/ James B. Maxwell
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CERTIFICATE OF SERVICE

I hereby certify that I have this day filed the foregoing Defendant, David Addison's, Motion to Dismiss Plaintiffs' First Amended Complaint with the Clerk of Court using the CM/ECF system which will send notification to the following:

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This the 10th day of March, 2010.

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