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Attorneys for Defendants

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

LESTER JON RUSTON,

Plaintiff,

v.

THE CHURCH OF JESUS CHRIST OF
LATTER-DAY SAINTS; GORDON B.
HINCKLEY; VICTOR JAMES RUSTON;
MARGARET ELIZABETH RUSTON;
JERRY HENDERSON; ALLISON RUSTON-
SMITH; MEL CHADWICK; KENT
ROBERTSON; IAN JAMES RUSTON;
BRAD OATES; AND LARRY K.
HERCULES,

Defendants.

MOTION TO DISMISS

Case No.: 2:06cv00526DB

Judge Benson

The undersigned submit this Motion to Dismiss on behalf of Defendants The Church of Jesus Christ of Latter-day Saints, Gordon B. Hinckley, and any other defendant (if any) sued in his or her capacity as an ecclesiastical leader in the LDS Church (the "Church Defendants"). The Church Defendants appear for the limited purpose of moving to dismiss the complaint. Plaintiff's complaint should be dismissed under 28 U.S.C. § 1915(g) for failure to pay the filing

fee and under 28 U.S.C. § 1915(e) because it is frivolous and fails to state a claim.

DATED this __15____ day of November, 2006.

KIRTON & McCONKIE

/s/ _____

Matthew K. Richards

Justin W Starr

Attorneys for The Church of Jesus Christ of Latter-
day Saints and Gordon B. Hinckley

CERTIFICATE OF SERVICE

I hereby certify that on the _15___ day of November, 2006, I caused a true and correct copy of the foregoing **MOTION TO DISMISS** to be mailed to the following:

Lester J. Ruston, Reg. No. 26834-177
Federal Correctional Institution
P.O. Box 9000
Seagoville, TX 75159-9000

_/s/ Debra Domenici_____

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