

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT

CASE TYPE: Civil Other

<p>Destiny Dusosky,</p> <p style="text-align: right;">Plaintiff,</p> <p>v.</p> <p>Michelle Fischbach,</p> <p style="text-align: right;">Defendant.</p>	<p style="text-align: right;">Court File No. 62-CV-18-2348 Chief Judge John H. Guthmann</p> <p style="text-align: center;"><b>DEFENDANT'S NOTICE OF MOTION AND MOTION TO DISMISS</b></p>
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TO: The Honorable John H. Guthmann, Judge of Second District Court, and Charles N. Nauen, Esq, attorney for Plaintiff.

### NOTICE OF MOTION

**PLEASE TAKE NOTICE** that at 9:00 a.m. on June 5, 2018, at the Ramsey County District Courthouse, 15 West Kellogg Boulevard, Saint Paul, Minnesota, Defendant will move the Court for an order granting the following relief:

### MOTION

Defendant Michelle Fischbach moves this Court for an order dismissing Counts I and II of the Complaint for: (1) lack of subject matter jurisdiction; (2) lack of jurisdiction based on standing, ripeness, and the political question doctrine; (3) failure to state a claim upon which relief can be granted; and (4) failure to join an indispensable party. Minn. R. Civ. P. 12.02(a), (e), (f), 12.08(c), 19.02; Minn. Stat. § 555.11. This motion is based upon all the files, records and proceedings herein, including the arguments of counsel.

Respectfully submitted,

Dated: April 30, 2018

**KELLEY, WOLTER & SCOTT, P.A.**

By: 

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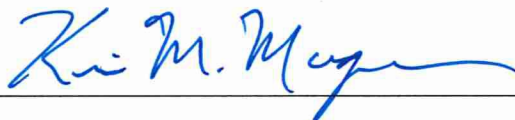
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**ACKNOWLEDGEMENT**

The undersigned acknowledges that sanctions may be imposed pursuant to Minn. Stat.

§ 549.211.

  
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