

STATE OF INDIANA)
)
COUNTY OF MARION)

IN THE MARION SUPERIOR COURT
CIVIL DIVISION
CAUSE NO. 49D13-0211-PL-001946

RUTH MORRISON and)
TERESA STEPHENS, DAVID WENE)
and DAVID SQUIRE, CHARLOTTE)
EGLER and DAWN EGLER.)

Plaintiffs,)

v.)

DORIS ANNE SADLER, in her)
official capacity as Clerk of the Marion)
Circuit Court, SHARON DUGAN, in her)
official capacity as Clerk of the)
Hendricks Circuit Court.)
KENNETH L. MILLER, in his official)
capacity as Commissioner of the Indiana)
Department of Revenue.)

Defendants,)

and)

STEVE CARTER, in his official)
Capacity as Attorney General for the)
State of Indiana.)

Intervenor.)

FILED
JAN 30 2013

**DEFENDANTS' RULE 12(B)(1) and 12(B)(6) MOTION TO DISMISS
PLAINTIFFS' AMENDED COMPLAINT**

Pursuant to Indiana Trial Rules 12(B)(1) and 12(B)(6), Defendants Doris Anne Sadler, in her official capacity as Clerk of the Marion Circuit Court, Sharon Dugan, in her official capacity as Clerk of the Hendricks Circuit Court, Kenneth L. Miller, in his official capacity as Commissioner of the Indiana Department of Revenue, and Intervenor Steve Carter, in his official capacity as Attorney General of Indiana, respectfully move for the Court to dismiss the First

Amended Complaint. In support of this motion, Defendants and the Attorney General assert as follows:

This Court should dismiss the First Amended Complaint to the extent it requests relief concerning the filing of tax returns from the Commissioner of the Indiana Department of Revenue because this Court is without jurisdiction to hear tax matters. Further, this Court should dismiss the First Amended Complaint in its entirety because it fails to state a claim on which relief can be granted.

In further support of this this Motion, Defendants and the Attorney General respectfully refer the Court to their Memorandum in Support of Defendants' Motion to Dismiss, filed herewith.

WHEREFORE, Defendants Doris Anne Sadler, in her official capacity as Clerk of the Marion Circuit Court, Sharon Dugan, in her official capacity as Clerk of the Hendricks Circuit Court, Kenneth L. Miller, in his official capacity as Commissioner of the Indiana Department of Revenue, and Intervenor Steve Carter, in his official capacity as Attorney General of Indiana, respectfully move for the Court to dismiss the First Amended Complaint and that the Court grant such further relief as is just and equitable.

Respectfully submitted,

By: 

STEVE CARTER
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Attorney for Defendant
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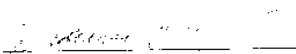
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Attorney for Defendant Sharon Dugan,
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CERTIFICATE OF SERVICE

I do hereby certify that I caused a copy of the foregoing document to be served upon the following counsel of record by United States mail, first class, postage prepaid, this 3rd day of January, 2003:

Sean C. Lemieux
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