

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
EVANSVILLE DIVISION

BERNARD VON NOTHAUS, individually)	
and d/b/a LIBERTY DOLLAR)	
)	
Plaintiff,)	
)	
v.)	Cause No. 3:07-cv-038-RLY-WGH
)	
HENRY M. PAULSON, JR,)	
Secretary of the Treasury,)	
)	
ALBERTO R. GONZALES, Attorney General)	
of the United States,)	
)	
EDMOND C. MOY, Director, United States)	
Mint,)	
)	
Defendants.)	

DEFENDANTS' MOTION TO DISMISS ACTION

The Defendants, Henry M. Paulson, Jr., Secretary of Treasury, Alberto R. Gonzales, Attorney General of the United States, and Edmond C. Moy, Director, United States Mint (jointly "the United States"), by counsel, Susan W. Brooks, United States Attorney, and Debra G. Richards, Assistant United States Attorney, respectfully request that the Court dismiss the Plaintiff's Complaint for lack of subject matter jurisdiction pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6). In support of this Motion, the United States files its Brief in Support of Defendants' Motion to Dismiss Action contemporaneously herewith.

WHEREFORE, the United States respectfully requests that this Court dismiss the

Plaintiff's Complaint pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6) and for all such other relief as is just and proper herein.

Respectfully submitted,

SUSAN W. BROOKS
United States Attorney

By: /s/ Debra G. Richards
Debra G. Richards
Assistant United States Attorney

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing document upon the Plaintiff herein by mailing a copy to the Counsel of Record at the address listed below, this 19th day of July, 2007.

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