

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Lily Poss,

Plaintiff,

v.

Eagle Lake Family Dentistry, P.A.,

Defendant.

Court File No. _____

MOTION TO DISMISS

Pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6), Eagle Lake Family Dentistry, P.A., respectfully moves this Court for an Order dismissing Plaintiff's Complaint in its entirety because: (i) this Court lacks subject-matter jurisdiction over Plaintiff's Complaint due to Plaintiff's lack of standing under Article III of the U.S. Constitution; and (ii) Plaintiff's Complaint fails to state a claim upon which relief can be granted.

This motion shall be based upon all of the files and proceedings herein, a supporting memorandum of law to be submitted by Defendant in support of this motion, and the arguments of counsel.

Dated: October 28, 2013

BRIGGS AND MORGAN, P.A.

By: s/Sally A. Scoggin

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