

2470.24

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

KENNETH SNYDER,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 12-CV-2723 JAR/DJW
)	
WILLIAM JOHNSON, et al)	
)	
Defendants.)	

DEFENDANTS WILLIAM JOHNSON AND ERIC CLARK'S
MOTION TO DISMISS

COME NOW Defendants William Johnson and Eric Clark, pursuant to Fed.R.Civ.P. 12, and based on the pleadings filed herein move this Court for an Order dismissing the claims asserted in Plaintiff's Complaint. Defendants incorporate by reference the arguments and authorities set forth in their memorandum in support filed contemporaneously herewith.¹

WHEREFORE, Defendants William Johnson and Eric Clark respectfully request that the Court dismiss Plaintiff's Complaint against them and that they be awarded their costs, including reasonable attorneys' fees, incurred in defending this action and such other relief as the Court deems fair, just and equitable.

Sieve-Wilson and Wonnell were fully aware that USERRA cases prohibit any costs to be assessed to the service member claiming discrimination: 38 U.S.C. 4323(h)(1)

¹ In filing this motion, Defendants expressly do not waive any affirmative defenses available to them in this action including those enumerated in Fed.R.Civ.P. 8, 9 & 12. To the extent necessary to preserve any such defenses, Defendants raise the same herein.

Respectfully submitted,

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Attorneys for Defendants

CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that a true and correct copy of the above and foregoing was sent electronically pursuant to D.Kan.R. 5.4.2 and 26.3 and via U.S. first-class mail, postage prepaid, to the below listed individuals on this the 6th day of December, 2012.

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/s/ Robert J. Wonnell