

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

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WESTERN WORLD INSURANCE)		
COMPANY,)		
)		
Plaintiff,)	Civil Action File	
)		
v.)	No. 1:12-cv-2117-AT	
)		
NARCONON OF GEORGIA, INC.,)		
NARCONON INTERNATIONAL,)		
PATRICK C. DESMOND AND MARY)		
C. DESMOND, INDIVIDUALLY,)		
AND MARY C. DESMOND AS)		
ADMINISTRATRIX OF THE ESTATE)		
OF PATRICK W. DESMOND, AND)		
NONPROFITS' INSURANCE)		
ALLIANCE OF CALIFORNIA,)		
)		
Defendants.)		
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**DEFENDANT NONPROFITS' INSURANCE
ALLIANCE OF CALIFORNIA'S MOTION TO DISMISS**

COMES NOW Defendant Nonprofits' Insurance Alliance of California ("NIAC") and, pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(2), respectfully moves the Court to dismiss the First Amended Complaint for Declaratory Judgment filed against it by Plaintiff Western World Insurance Company ("Western World").

NIAC shows that Western World lacks standing bring the claims it has asserted against NIAC because it is neither a party to, nor a third-party beneficiary of, the policy with respect to which it seeks a declaration. As such, this Court lacks jurisdiction over the subject matter of those claims. In addition, NIAC shows that this Court lacks personal jurisdiction over it.

WHEREFORE, Defendant NIAC respectfully moves the Court to dismiss all claims asserted against it in this action by Plaintiff Western World.

Respectfully submitted this 21st day of November, 2012.

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Attorneys for Defendant Nonprofits'
Insurance Alliance of California

CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of November, 2012, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF, which will transmit Notices of Electronic Filing generated by CM/ECF to counsel and parties who are authorized to receive electronically Notices of Electronic Filing.

By: Thomas M. Barton
Counsel for Defendant Nonprofits'
Insurance Alliance of California

LR 5.1 B CERTIFICATION OF COUNSEL

Pursuant to Local Rule 7.1D, the undersigned counsel for Defendant Nonprofits' Insurance Alliance of California hereby certifies that the foregoing **“Defendant Nonprofits' Insurance Alliance of California's Motion to Dismiss”** was prepared in Times New Roman 14 point font in accordance with Local Rule 5.1B.

By: Thomas M. Barton
Counsel for Defendant Nonprofits'
Insurance Alliance of California