

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

SHAWN J. TARDY, *et al.*,

\*

*Plaintiffs,*

\*

v.

\*

Civil Case No. 13-cv-02841-CCB

MARTIN O'MALLEY, *et al.*,

\*

*Defendants.*

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\* \* \* \* \*

**DEFENDANTS' MOTION TO DISMISS THIRD AMENDED COMPLAINT**

For the reasons stated in the accompanying memorandum, defendants Governor Martin O'Malley, Attorney General Douglas F. Gansler, Colonel Marcus Brown, all sued in their official capacities, and the Maryland State Police, move to dismiss Counts Two, Three, and Four of the third amended complaint (ECF No. 30), pursuant to Federal Rule of Civil Procedure 12(b)(6), for failure to state a claim on which relief can be granted; and to dismiss the claims of plaintiffs Wink's Sporting Goods, Inc., Atlantic Guns, Inc., Maryland Licensed Firearm Dealers Association, Inc., and, to the extent it purports to represent the interests of member firearms sellers, the National Sports Shooting Foundation, in Counts One and Two of the third amended complaint pursuant to Federal Rule of Civil Procedure 12(b)(1).

A proposed order is attached.

DOUGLAS F. GANSLER  
Attorney General

/s/

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Attorneys for Defendants