

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN
MILWAUKEE DIVISION

WILLIAM SCHMALFELDT,
Plaintiff,

Case No. 2:15-cv-01516-NJ

v.

SARAH PALMER, ET AL.,
Defendants.

**JOINT MOTION TO DISMISS UNDER RULE 12(B)(1), (2), AND (5),
AND OPPOSITION TO LEAVE TO AMEND**

NOW COME Defendants Sarah Palmer and Eric Johnson, by their counsel Aaron J. Walker, Esq., in the above-styled case for the sole purpose of filing this joint motion to dismiss and opposition to leave to amend, without waiving any rights of jurisdiction, notice, process, service of process, joinder, or venue. They pray that this Court issues an order dismissing the original complaint (ECF No. 1) for lack of subject matter jurisdiction, lack of personal jurisdiction, and failure to provide proper service under Fed. R. Civ. P. 12(b)(1), (2), and (5). Further, they pray that that this Court refuses to accept the Plaintiff's proposed amended complaint because it is futile and that this Court dismisses the entirety of this suit. The grounds and basis for this motion and opposition are set forth in more detail in the accompanying memorandum of law and the Declarations of Sarah Palmer and Eric Johnson. Further, a separate motion has been filed simultaneously with this one, seeking leave to file a separate motion to dismiss under Rule 12(b)(6) and to extend the deadline to file such a motion until twenty one days after this Court rules on this motion and opposition.

Tuesday, March 1, 2016

Respectfully submitted,

s/ Aaron J. Walker

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CERTIFICATE OF SERVICE

I certify that on the 1st day of March, 2016, I served copies of this document on William Schmalfeldt at 3209 S. Lake Drive, Apt. 108, St. Francis, Wisconsin 53235 by mail.

s/ Aaron J. Walker
