IN THE CIRCUIT COURT OF MONTGOMERY COUNTY
STATE OF ALABAMA

DONALD CURTIS CASEY, ET AL.	)	
	)	
PLAINTIFFS,	)	
	)	
v.	)	**CASE NUMBER: CV-14-430**
	)	
SENATOR DEL MARSH,	)	
	)	
DEFENDANT.	)	

MOTION TO DISMISS

Comes now the Defendant, Senator Del Marsh, by and through counsel, Luther Strange, Attorney General of Alabama, and Jeffery H. Long, Assistant Attorney General, and pursuant to Rules 12(b)(6) and 12(b)(7) of the Ala.R.Civ.P. and for the grounds state as follows:

1. Plaintiffs' complaint failed to state a cause of action upon which relief can be granted.
2. Plaintiffs failed to join a party under Rule 19.
3. The Defendant is entitled to legislative immunity.
4. A writ of *quo warranto* cannot be used to challenge official actions.
5. A proper security for costs has not been filed.

Respectfully submitted,

LUTHER STRANGE
ATTORNEY GENERAL

s/ *Jeffery H. Long*
Jeffery H. Long (LON015)
Assistant Attorney General