

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
AT MARTINSBURG

West Virginia Citizens Defense League, Inc.,

Plaintiff,

v.

City of Martinsburg, *et al.*, Defendants

Civil Action No.: 3:11-cv-5-JPB

(Bailey, C.J.)

**PLAINTIFF'S MEMORANDUM OF LAW IN RESPONSE AND OPPOSITION TO
DEFENDANTS' FIRST MOTION TO DISMISS**

The Plaintiff, West Virginia Citizens Defense League, Inc. (hereinafter "WVCDL"), by and through its undersigned counsel, respectfully submits the following in response and opposition to Defendants' Pre-Answer Motion to Dismiss filed on March 29, 2011.

I. INTRODUCTION

On January 24, 2011, WVCDL filed the instant action. On March 29, 2011, the Defendants filed a pre-answer motion to dismiss pursuant to Fed. R. Civ. P. 12(b)(1) and (6), alleging lack of standing by WVCDL and failure to state a claim upon which relief may be granted [Doc. 12] and a memorandum of law in support of said motion [Doc. 13]. For the reasons stated herein, WVCDL respectfully requests that this Honorable Court deny Defendants' Pre-Answer Motion to Dismiss or, in the alternative, grant WVCDL leave to file an amended Complaint in light of any deficiencies this Honorable Court may identify.

II. WVCDL HAS STANDING TO SUE ON BEHALF OF ITS MEMBERS.

Defendants' contention that this Honorable Court is without jurisdiction to hear WVCDL's challenge to Martinsburg City Code § 545.14 because WVCDL has not identified an

West Michigan Criminal Defense Motion Manual

Victor M. Corman

A red circular graphic with a gradient, appearing as a partial circle or a stylized 'C' shape, located to the right of the author's name.

West Michigan Criminal Defense Motion Manual:

Defender Motions Book ,2007 West's Michigan Criminal Laws and Rules ,2009 *Legal Looseleafs in Print* ,2005
Manual for Courts-martial, United States ,2012 **Law and Evidence** Charles P. Nemeth,2023-03-08 Law and Evidence
A Primer for Criminal Justice Criminology and Legal Studies Third Edition introduces the complex topic of evidence law in a straightforward and accessible manner The use and function of evidence in both criminal and civil cases is examined to offer a complete understanding of how evidence principles play out in the real world of litigation and advocacy This revised Third Edition includes new discussions of rules and case law analysis forensic cases and evidentiary software programs Key features Every chapter contains new legal authority that applies to traditional legal principles relevant to evidence law Offers full coverage of evidentiary codes and statutes Provides practical forms checklists and additional tools throughout for use by current and future practitioners Course ancillaries including PowerPoint™ lecture slides and an Instructor's Manual with Test Bank are available with qualified course adoption *Defender Trial Book* ,2007 **Annotated Forms of Pleading and Practice at Common Law** John Lewson,1914 American Jurisprudence Trials ,1964 An encyclopedic guide to the modern practices techniques and tactics used in preparing and trying cases with model programs for the handling of all types of litigation *Law and Legal Information Directory* ,1984 **The South Western Reporter** ,1903 Includes the decisions of the Supreme Courts of Missouri Arkansas Tennessee and Texas and Court of Appeals of Kentucky Aug Dec 1886 May Aug 1892 Court of Appeals of Texas Aug 1892 Feb 1893 Jan Feb 1928 Courts of Civil and Criminal Appeals of Texas Apr June 1896 Aug Nov 1907 Court of Appeals of Indian Territory May June 1927 Jan Feb 1928 Courts of Appeals of Missouri and Commission of Appeals of Texas *Law Quadrangle Notes* ,2001 History of Kalamazoo County, Michigan Samuel W. Durant,1880 **The Michigan Digest Annotated** George Foster Longsdorf,1921 Clearinghouse Review ,1986
PEOPLE OF THE STATE OF MICHIGAN V RICHARD ERICK FISHER, 442 MICH 560 (1993) ,1993 92897
North western reporter. Second series. N.W. 2d. Cases argued and determined in the courts of Iowa, Michigan, Minnesota, Nebraska, North Dakota, South Dakota, Wisconsin ,1995 *Subject Catalog* Library of Congress, **The Research Edge** Nancy L. Bosh,1993 Law Books in Print: Subjects Robert L. Buckwalter,1982 **The Martindale-Hubbell Law Directory** ,1998

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