

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

Samuel W. Durant



West Michigan Criminal Defense Motion Manual:

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Manual for Courts-martial, United States ,2012 **Law and Evidence** Charles P. Nemeth,2023-03-08 Law and Evidence
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PEOPLE OF THE STATE OF MICHIGAN V RICHARD ERICK FISHER, 442 MICH 560 (1993) ,1993 92897
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