

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
(SOUTHERN DIVISION)**

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**THOMAS L. MOFFETT, II, et. al.** :

**Plaintiffs** :

**v.** : **CIVIL NO. PJM-05-1547**

**COMPUTER SCIENCES  
CORPORATION, et al.,** :

**Defendants.** :

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**MOTION TO DISMISS FILED BY  
FEDERAL DEFENDANTS**

Defendants the Federal Emergency Management Agency (FEMA); Michael Brown, Under Secretary of the Department of Homeland Security (DHS) for Emergency Preparedness and Response; David Marustad, Acting Federal Insurance Administrator; Ed Connor, Division Director, FEMA; James Shortley, Claims Section Chief. FEMA; and Ramsey Gray, Michael Maroney, Dave Woodward, Debbie Woodward, Richard Woodward and Allied American Adjusting Co.LLP, move to dismiss Counts I, II, III and IV of the Plaintiffs' First Amended Complaint pursuant to Fed. Rule Civ. P. 12(b)(1) as the Court lacks subject matter jurisdiction over the complaint and pursuant to Fed. Rule Civ. P. 12(b)(6) for failure to state claims upon which relief can be granted. The grounds

for the Motion are set forth in the supporting Memorandum.

Respectfully submitted,

Rod J. Rosenstein  
United States Attorney

By: \_\_\_\_\_

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this \_\_\_\_ day of November, 2005, a copy of the foregoing Motion to Dismiss, Memorandum and Order were mailed, first-class, postage prepaid, to all counsel on the attached list.

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Jamie M. Bennett  
Assistant United States Attorney

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**ORDER**

Upon consideration of the Motion to Dismiss filed by the Defendants Federal Emergency Management Agency (FEMA); Michael Brown, Under Secretary of the Department of Homeland Security (DHS) for Emergency Preparedness and Response; David Marustad, Acting Federal Insurance Administrator; Ed Connor, Division Director, FEMA; James Shortley, Claims Section Chief, FEMA; and Ramsey Gray, Michael Maroney, Dave Woodward, Debbie Woodward, Richard Woodward and Allied American Adjusting Co., the memorandum filed in support thereof, the opposition thereto, the record in this case, and the applicable law, it is this \_\_\_ day of \_\_\_\_\_, 2006, by the United States District Court for the District of Maryland, hereby ORDERED;

1) That the Motion to Dismiss is hereby GRANTED;

2) That Count I is hereby dismissed as to federal defendants the Federal Emergency Management Agency, Michael Brown, David Marustad, Ed Connor, James Shortley and Ramsey Gray;

3.) That Counts II, III and IV are dismissed as to federal defendants the Federal Emergency

Management Agency, Michael Brown, David Maurstad, Ed Connor, James Shortley, Ramsey Gray, Michael Maroney, Dave Woodward, Debbie Woodward, Richard Woodward and Allied American Adjusting Co.

4) That the Clerk of the Court shall mail or transmit copies of this order to all counsel of record.

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Peter J. Messitte  
United States District Judge