

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

Rachel Sandford



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Defender Motions Book ,2005 **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 **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 **Defender Trial Book** ,2007 Cybersecurity Operations Handbook John Rittinghouse PhD CISM,William M. Hancock PhD CISSP CISM,2003-10-02 Cybersecurity Operations Handbook is the first book for daily operations teams who install operate and maintain a range of security technologies to protect corporate infrastructure Written by experts in security operations this book provides extensive guidance on almost all aspects of daily operational security asset protection integrity management availability methodology incident response and other issues that operational teams need to know to properly run security products and services in a live environment Provides a master document on Mandatory FCC Best Practices and complete coverage of all critical operational procedures for meeting Homeland Security requirements First book written for daily operations teams Guidance on almost all aspects of daily operational security asset protection integrity management Critical information for compliance with Homeland Security

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