

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**

-----X	:	
FRED HOLLANDER,	:	
	:	
Plaintiff,	:	
	:	
v.	:	
	:	Civ. No. 1:08-cv-00099-JL
SENATOR JOHN MCCAIN, and REPUBLICAN	:	
NATIONAL COMMITTEE,	:	
	:	
Defendants.	:	
	:	
	:	
	:	
	:	
	:	
	:	
	:	
	:	
-----X	:	

**MOTION OF DEFENDANTS SENATOR JOHN MCCAIN AND THE REPUBLICAN
NATIONAL COMMITTEE TO DISMISS THE FIRST AMENDED COMPLAINT**

1. Pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6), Defendants Senator John McCain and the Republican National Committee (“RNC”) respectfully move this Court to dismiss the First Amended Complaint in its entirety. As set forth in the accompanying Memorandum of Law, Plaintiff’s claims are nonjusticiable—and therefore must be dismissed under Federal Rule of Civil Procedure 12(b)(1)—because Plaintiff lacks standing, all of his claims are either moot or not ripe for adjudication, and his claims may also present a nonjusticiable political question. Moreover, even if Plaintiff’s claims were justiciable, dismissal would still be required under Federal Rule of Civil Procedure 12(b)(6) for failure to state a claim upon which relief can be granted because Plaintiff’s claims impermissibly infringe upon

the First Amendment rights of Senator McCain and the RNC and because neither of the Defendants is a state actor.

2. The undersigned has attempted to contact the Plaintiff but was unable to reach him.

WHEREFORE, the Defendants, Senator John McCain and the Republican National Committee, respectfully request that this Honorable Court:

- A. Grant this Motion to Dismiss First Amended Complaint; and
- B. Grant such other and further relief as may be just and equitable.

Respectfully submitted,
SENATOR JOHN MCCAIN and the
REPUBLICAN NATIONAL COMMITTEE
By their attorneys,
DOUGLAS, LEONARD & GARVEY, P.C.

Dated: April 30, 2008

/s/Charles G. Douglas, III

Matthew D. McGill
pro hac vice admission pending
Amir C. Tayrani
pro hac vice admission pending
1050 Connecticut Avenue, N.W.
Washington, D.C. 20036
(202) 955-8500
mmcgill@gibsondunn.com
atayrani@gibsondunn.com

Charles G. Douglas, III NH Bar #669
Douglas, Leonard & Garvey, P.C.
6 Loudon Road, Suite 502
Concord, NH 03301
(603) 224-1988
mail@nhlawoffice.com

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing motion and supporting memorandum of law was served on the *pro se* Plaintiff on April 30, 2008 by e-mail and overnight mail.

/s/ Charles G. Douglas, III

Charles G. Douglas, III