

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

LIONEL GUSTAFSON, et al.)	
)	
Plaintiffs,)	
)	
v.)	CIVIL ACTION NO. 1:05-cv-00352-CG-L
)	
ADRIAN JOHNS, et al.)	THREE-JUDGE COURT
)	
Defendants.)	

MOTION FOR JUDGMENT ON THE PLEADINGS

Pursuant to Federal Rule of Civil Procedure 12(c), Nancy Worley, in her official capacity as Secretary of State of Alabama, a defendant in this action, for herself and on behalf of the 67 Probate Judges who are named as defendants in their official capacities, moves for entry of judgment in her favor and against the Plaintiffs on the pleadings. Secretary of State Worley is entitled to judgment as a matter of law because, among other reasons, Plaintiffs' claims are barred, in whole or in part, by the decision of the three-judge court in *Montiel v. Davis*, 215 F. Supp. 2d 1279 (S.D. Ala. 2002) (three-judge court) and their claims otherwise lack merit. Additional grounds for this Motion and supporting argument are set forth in the Memorandum in Support of Motion for Judgment on the Pleadings that Secretary of State Worley is filing in conjunction with this Motion.

Respectfully submitted,

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BY:

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 15th day of July, 2005, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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And I hereby certify that I have mailed by U.S. Postal Service the document to the following non CM/ECF participants:

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