

PETER D. KEISLER  
Assistant Attorney General  
CHRISTOPHER J. CHRISTIE  
United States Attorney  
VINCENT M. GARVEY  
Deputy Branch Director  
MICHAEL A. CHAGARES (MC5483)  
Chief, Civil Division  
Assistant United States Attorney  
MARK T. QUINLIVAN (MQ9087)  
Senior Trial Counsel  
U.S. Department of Justice

Attorneys for Defendants

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

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FORUM FOR ACADEMIC AND )  
INSTITUTIONAL RIGHTS, INC., ) No. 03 CV 4433 (JCL)  
a New Jersey membership corporation, )  
*et al.*, )  
)  
Plaintiffs, )  
v. )  
)  
DONALD H. RUMSFELD, in his capacity )  
as Secretary of Defense, *et al.* )  
)  
Defendants. )  
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**NOTICE OF MOTION AND DEFENDANTS' MOTION TO DISMISS**

Pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure,  
defendants Donald H. Rumsfeld, in his capacity as Secretary of Defense, *et al.*,

move to dismiss plaintiffs' Complaint for lack of jurisdiction. The reasons for the foregoing motion are more fully set forth in the accompanying Memorandum of Law in Support of Defendants' Motion to Dismiss and Opposition to Plaintiffs' Motion for a Preliminary Injunction.

Respectfully submitted,

PETER D. KEISLER  
Assistant Attorney General

CHRISTOPHER J. CHRISTIE  
United States Attorney

VINCENT M. GARVEY  
Deputy Branch Director

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Assistant United States Attorney



MARK T. QUINLIVAN (MQ9087)  
Senior Trial Counsel  
U.S. Department of Justice  
20 Massachusetts Ave., N.W.; Room 7128  
Washington, D.C. 20530  
Telephone: 202-514-3346

Attorneys for Defendants

Dated: September 26, 2003

## CERTIFICATE OF SERVICE

I, Mark T. Quinlivan, hereby certify that on the 26th day of September 2003, I caused to be served a copy of the foregoing *Defendants' Motion to Dismiss*, by overnight delivery, upon the following counsel of record:

Andrew Dwyer  
Dwyer & Dunnigan, L.L.C.  
17 Academy Street, Suite 1010  
Newark, NJ 07102

E. Joshua Rosenkranz  
Timothy P. Wei  
Sharon E. Frase  
Heller Ehrman White & McAuliffe LLP  
120 West 45th Street  
New York, NY 10036

Warrington S. Parker, III  
Aaron M. Armstrong  
Heller Ehrman White & McAuliffe LLP  
333 Bush Street  
San Francisco, CA 94104-2878



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MARK T. QUINLIVAN