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The Guam Election Commission, John Blas,  
John Taitano, Alice Taijeron, Joseph Mesa,  
Joshua Tenorio, Martha Ruth, John Terlaje  
and Robert Cruz

**IN THE DISTRICT COURT OF GUAM**

CARL T.C. GUTIERREZ, FRANK AGUON, JR.,  
and JOHN and JANE DOE CITIZEN PLAINTIFFS  
1-1000,

Plaintiffs,

vs.

THE GUAM ELECTION COMMISSION, JOHN  
BLAS, JOSHUA TENORIO, JOSEPH MESA,  
ALICE TAIJERON, JOHN TERLAJE, ROBERT  
CRUZ, MARTHA RUTH, JOHN TAITANO,  
EDWARD B. CALVO, RAY TENORIO, and JOHN  
and JANE DOE DEFENDANTS 1-1000,

Defendants.

CIVIL CASE NO. CV10-00031

**NOTICE OF MOTION AND MOTION TO  
DISMISS AMENDED COMPLAINT**

**[ORAL ARGUMENT REQUESTED]**

**NOTICE OF MOTION & MOTION**

TO ALL PARTIES AND THEIR COUNSEL OF RECORD, please take notice that on \_\_\_\_\_, 2010 at \_\_\_\_ or as soon thereafter as this matter can be heard, Defendants The Guam Election Commission and its Executive Director, John Blas, John Taitano, Joshua Tenorio, Joseph Mesa, Alice Taijeron, Martha Ruth, John Terlaje and Robert Cruz (collectively, the "GEC") will and hereby do respectfully move this Court for an order to dismiss the amended complaint. Defendants' motion should be granted because Plaintiffs' claims under federal law do not, and cannot, state a claim on which relief can be granted. Further, Plaintiffs' claim under the Guam election law should be dismissed because there is no subject matter jurisdiction to hear the claim and because it does not, and cannot, state a claim on which relief can be granted. Accordingly, this action should be dismissed with prejudice. This motion is based upon this notice of motion and motion, the memorandum of points and authorities filed concurrently herewith, all pleadings on file in this matter, and any argument that may be heard hereon.

Dated this \_\_\_\_ day of December, 2010.

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JUDGE, DISTRICT COURT OF GUAM

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