IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA ROANOKE DIVISION

WESLEY C. SMITH.

ν.

Plaintiff,

Case No: 7:07-cy-00117

CHERI SMITH, IGOR BAKHIR, et al.

Defendants.

DEFENDANTS CHERI SMITH AND IGOR BAKHIR'S JOINT MOTION TO DISMISS

COMES NOW Defendants Cheri Smith ("Ms. Smith") and Igor Bakhir ("Mr. Bakhir") by counsel, and moves this Honorable Court, as follows:

1. Under Federal Rule of Civil Procedure ("Rule") 12(b)(1), to dismiss all Counts of Plaintiff Wesley C. Smith's ("Mr. Smith") Verified Complaint ("Complaint") as regards the claims against Ms. Smith and Mr. Bakhir, for the reasons set forth in their Brief in Support attached hereto.

2. Under Rule 12(b)(6), to dismiss for failure to state a claim against Ms. Smith and Mr. Bakhir any counts not otherwise dismissed under Rule 12(b)(1), for the reasons set forth in their Brief in Support attached hereto.

This 11th day of April 2007

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Respectfully submitted.

CHERI SMITH and IGOR BAKHIR

By Counsel

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2