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**UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON**

**BRIAN P. CARR,**

**Civil No. 08-398-HA**

**PLAINTIFF,**

v.

**DEFENDANT CITY OF PORTLAND'S  
RULE 12 MOTION TO DISMISS**

**State of Oregon**, through **Hardy Myers** in his official capacity as Attorney General of the State of Oregon and the **City of Portland** through **Linda Meng** in her official capacity as City Attorney for the City of Portland,

(Pursuant to Fed R Civ P 12(b)(6))

**DEFENDANTS.**

Pursuant to Local Rule 7.1, defendant City of Portland has made a good faith effort through telephone conferences to resolve the disputed matters and has been unable to do so.

Defendant City of Portland moves the Court for an Order as follows:

1. Dismissing Counts I, III and IV of plaintiff's complaint for lack of jurisdiction under the Rooker-Feldman doctrine.
2. Dismissing Counts I, II and IV of plaintiff's complaint as barred by *res judicata*;
3. Dismissing Counts III and V of plaintiff's complaint as barred by the applicable

statute of limitations; and

4. Dismissing Counts III and V of plaintiff's complaint for failure to state a claim upon which relief can be granted.

Dated this 3rd day of June, 2008.

Respectfully submitted,

/s/ Tracy Pool Reeve

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