
IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF ILLINOIS

MICHAEL MOORE; CHARLES HOOKS;)
PEGGY FECHTER; JON MAIER; SECOND)
AMENDMENT FOUNDATION, INC.; and)
ILLINOIS CARRY,)

Plaintiffs,)

-vs-)

No. 11-3134

LISA MADIGAN, in her Official Capacity as)
Attorney General of the State of Illinois; and)
HIRAM GRAU, in his Official Capacity as)
Director of the Illinois State Police,)

Defendants.)

MOTION TO DISMISS

Now come defendants, Lisa Madigan, in her official capacity as Attorney General of the State of Illinois and Hiram Grau, in his official capacity as Director of the Illinois State Police, by their attorney, Lisa Madigan, Attorney General of the State of Illinois, and, hereby move pursuant to 12(b)(6) of the Federal Rules of Civil Procedure, to dismiss plaintiffs' complaint.

_____ In support thereof, it is stated:

1. The challenged statutes do not infringe the Second Amendment right to bear arms.
2. The scope of the Second Amendment does not include a right to carry concealed weapons.
3. The court should apply intermediate scrutiny because the "core" of the Second Amendment right does not extend outside of the home.

4. The challenged statutes satisfy intermediate scrutiny.

5. The scope of the second amendment does not extend to carrying weapons outside of the home.

6. Plaintiffs are not entitled to the injunctive relief sought.

WHEREFORE, defendants respectfully request that this honorable Court dismiss plaintiffs' complaint.

Respectfully submitted,

LISA MADIGAN, in her official capacity as
Attorney General of the State of Illinois, a n d
HIRAM GRAU, in his official capacity as Director
of the Illinois State Police,

Defendants,

LISA MADIGAN, Attorney General,
State of Illinois,

Attorney for Defendants.

s/Terence J. Corrigan

Terence J. Corrigan, #6191237

David A. Simpson, #6300876

Assistant Attorneys General

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Certificate of Service

I hereby certify that on July 27, 2011, I presented the foregoing Defendants' Motion to Dismiss to the Clerk of the Court for filing and uploading to the CM/ECF system which will send notification of such filing to the following:

dsigale@sigalelaw.com

david@djensenpllc.com

and I hereby certify that on July 27, 2011, I have mailed by United States Postal Service, the document to the following non-registered participant:

None

Respectfully submitted,

s/Terence J. Corrigan

Terence J. Corrigan, #6191237

David A. Simpson, #6300876

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