

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION

Marva L. Austin

Plaintiff

v.

Case No. 2:07cv376

Richeryl Cooke

Defendant

**DEFENDANTS MOTION TO DISMISS PURSUANT TO FRCP 12(B)(1) AND
12(B)(6)
FOR AN AWARD OF SANCTIONS PURSUANT TO FRCP 11
OR IN THE ALTERNATIVE FOR LEAVE OF COURT TO FILE A LATE ANSWER**

COMES THIS DAY, the Defendant, Richeryl Cooke, by counsel and moves this Court to Dismiss this action pursuant to FRCP 12(b)(1) and 12(b)(6), for an award of Sanctions pursuant to FRCP 11 or in the alternative for Leave of Court to File a Late Answer. The Defendant relies on its accompanying brief in support for the relief requested in this motion.

Respectfully Submitted,

Richeryl Cooke

By: _____/s/_____

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VSB 43803
Counsel for the Defendant

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy was mailed to the Plaintiff this 20th day of November 2007 to:

Marva Austin
145 West Moreell Circle
Norfolk, VA 23505

_____/s/_____
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