

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

The Freedom From Religion
Foundation, *et al.*
Plaintiffs

v.

The United States Congress, *et al.*
Defendants

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Civil Action No. 07-cv-356-SM

MOTION TO DISMISS OF THE HANOVER SCHOOL DISTRICT, THE DRESDEN
SCHOOL DISTRICT AND SCHOOL ADMINISTRATIVE UNIT 70

The Hanover School District, The Dresden School District, and School
Administrative Unit 70 (collectively “the School Districts”) hereby move to dismiss this
action pursuant to Federal Rules of Civil Procedure 12(b)(6).

The School Districts take the position that the outcome of this case will turn on the
constitutionality of RSA 194:15-c and, in turn, 4 U.S.C. § 4 and not on any factual issues
involving the School Districts. The constitutionality of those statutes is really for other
parties in this matter to dispute. The School Districts therefore should not be put to the time,
expense and burden of defending their compliance with RSA 194:15-c.

Nevertheless, for the purpose of placing the constitutionality of these statutes before
the court, the School Districts request that this motion be granted for the reasons set forth in
the Federal Government’s Memorandum in Support of the Federal Defendants’ Motion to
Dismiss (document #16) as to the constitutionality of 4 U.S.C. § 4 and the State of New

Hampshire's Memorandum of Law in Support of Motion to Dismiss (document #14) as to the constitutionality of RSA 194:15-c.

Because this is a dispositive motion, the School Districts have not sought concurrence in this motion.

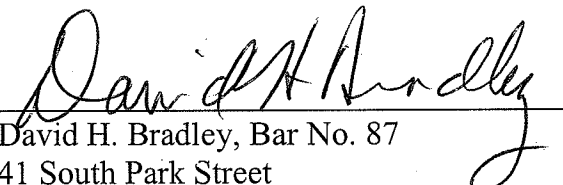
No memorandum of law is being filed with this motion because the School Districts are relying on the above referenced memoranda.

Respectfully submitted,

HANOVER SCHOOL DISTRICT, DRESDEN
SCHOOL DISTRICT, AND SCHOOL
ADMINISTRATIVE UNIT 70

By their attorneys,

STEBBINS, BRADLEY, HARVEY, MILLER &
BROOKS, PA

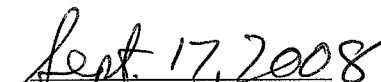


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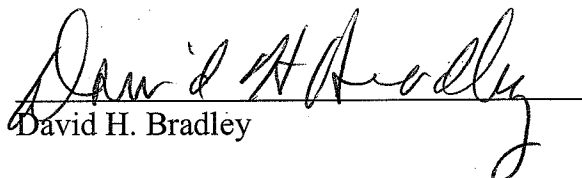
Certification

September 17, 2008

I hereby certify that a copy of the foregoing document was filed electronically and served electronically by operation of the Court's electronic filing system to all attorneys to be noticed.



Date



David H. Bradley