

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

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| Christopher Roller, Plaintiff, v. David Copperfield's Disappearing, Inc., Defendant. | Case No.: 07-CV-1182 (JNE/JJG) DEFENDANT'S MOTION TO DISMISS |
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David Copperfield's Disappearing, Inc., moves to dismiss Plaintiff's Complaint with prejudice pursuant to Federal Rules of Civil Procedure 12(b)(2) and 12(b)(6) because the Complaint fails to state a claim upon which relief can be granted and because the Court lacks jurisdiction.

This motion is based upon all the records, files, and proceedings herein, together with the accompanying memorandum of law and supporting affidavit.

Dated: April 9, 2007

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