

STATE OF INDIANA) IN THE HENDRICKS SUPERIOR COURT
) SS: CIVIL DIVISION
COUNTY OF HENDRICKS) CAUSE NUMBER 32D01-0911-MI-25

JOHN R. FARMER,

(Plaintiff),
v.

STATE OF INDIANA, EX REL. INDIANA
DEPARTMENT OF CORRECTION

And
DAVE GALLOWAY, in his capacity as
HENDRICKS COUNTY SHERIFF,

(Defendant).

2010 JAN 7
AM 10:40
Dunning
H. Galloway

MOTION TO DISMISS

Defendant, Indiana Department of Correction, by counsel, Scott L. Barnhart, Deputy Attorney General, submits a motion to dismiss in response to John Farmer's compliant for declaratory judgment:

1. The plaintiff filed his compliant pursuant to the Uniform Declaratory Judgment Act.
2. A suit pursuant to this act is inappropriate because the plaintiff has full and adequate remedy provided by another cause of action.
3. As such, this action should be dismissed.
4. A supporting memorandum and designation of evidence accompanies this motion.

Wherefore, the defendant respectfully requests that the Court grant defendant's motion to dismiss plaintiff's complaint, and all other just and proper relief.

Respectfully submitted,

GREGORY F. ZOELLER
Indiana Attorney General
Attorney No. 1958-98

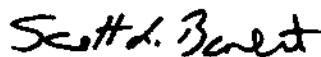
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CERTIFICATE OF SERVICE

I do hereby certify that a copy of the forgoing document has been duly served upon the person(s) listed below by United States mail, first-class postage prepaid, on this 7th day of January, 2010.

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