

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Case No. 07-1296 JRT/FLN

Christopher A. Roller,

Plaintiff,

vs.

**DEFENDANT’S MEMORANDUM IN
SUPPORT OF MOTION TO DISMISS**

Anthony Ostlund & Baer, P.A.,

Defendant.

Pursuant to Rule 12, Anthony Ostlund & Baer, P.A. (“AOB”) moves to dismiss Plaintiff’s Complaint as procedurally defective and as failing to state a claim.

Procedurally, plaintiff sought to add AOB as a defendant to the *Roller v. Randi* litigation through a “supplement” to his underlying Complaint against AOB’s client, the James Randi Educational Foundation, Inc. (“JREF”). There is no such procedure. The main Complaint, however, was also thereafter dismissed by Judge Noel before Mr. Roller’s motion to add AOB as a party was ever heard. Accordingly, as a matter of law no proper Complaint has ever been permitted against AOB as a “supplemental” party or otherwise.



Substantively, it is likewise clear that AOB, acting herein solely as defense counsel to JREF, committed no actionable offense of any sort against Mr. Roller. Accordingly, if the Court were to even reach the merits, the Complaint fails as a matter of law.

The legal flaws in Mr. Roller's claims and his pattern of activity before this Court have been well established. While a sanction award in favor of AOB would be readily sustainable, we simply ask the Court in its Order to clearly state that the purported Complaint against AOB is dismissed and that it is further subject to the existing Order that Mr. Roller may not file litigation in this District that is not signed by an attorney in good standing before this Court.

AOB has filed this motion out of an abundance of caution, since it is believed that Mr. Roller has no pending Complaint against AOB. AOB requests a reference of this motion to Judge Noel and waives oral argument on this motion and, unless requested by Judge Noel, intends to submit this matter on the written record and will not plan to attend the argument on September 28, 2007.

DATE: September 6, 2007

ANTHONY OSTLUND & BAER, P.A.

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