

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 1:12-cv-01953-WYD-MEH

MALIBU MEDIA, LLC,
Plaintiff,

v.

BRIAN BATZ, TARA W. CAMERON, and JOHN DOES
1-1, 5,7, 9-11, and 15-42,
Defendants.

**TARA W. CAMERON'S MOTION TO DISMISS,
ADOPTING JOHN DOE 22'S MOTION TO DISMISS
PLAINTIFF'S COMPLAINT FOR LACK OF STANDING [Doc#: 107]**

COMES NOW Tara W. Cameron, by and through the law firm of Riggs, Abney, Neal, Turpen, Orbison & Lewis, Steven Janiszewski, and, pursuant to F.R.C.P. 12(h)(3), moves this Court to dismiss the Second Amended Complaint and, as grounds therefor, states as follows:

1. Pursuant to F.R.C.P. (h)(3), if the court determines at any time that it lacks subject matter jurisdiction, the court must dismiss the case. The requirement of standing involves both constitutional limitations on federal-court jurisdiction and prudential limitations on its exercise.

State of Utah v. Babbitt, 137 F.3d 1193, 1201-1202 (10th Cir. 1998). Lack of standing is jurisdictional and can be raised at any time, even for the first time on appeal. *Id.*, at footnote 9.

2. Adopting a co-defendant's motion is customarily allowed in this circuit. *See, Johnson v. Rodrigues (Orozoco)*, 226 F.3d 1103, 1107 (10th Cir. 2000)(Defendants, the adoptive parents, moved for dismissal of the complaint and also joined in the motion for summary judgment submitted by the co-defendant, Adoption Center of Choice.).

3. Cameron hereby adopts and incorporates John Doe 22's MOTION TO DISMISS PLAINTIFF'S COMPLAINT FOR LACK OF STANDING [Doc#: 107] in its entirety at this point.

WHEREFORE, Defendant Tara Cameron prays that this Honorable Court dismiss Plaintiff's Second Amended Complaint for the reasons set forth in John Doe 22's Motion To Dismiss Plaintiff's Complaint For Lack Of Standing.

Dated: March 5, 2013

Respectfully Submitted,
Riggs, Abney, Neal, Turpen, Orbison & Lewis
s/Steven Janiszewski
Steven Janiszewski
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CERIFICATE OF SERVICE

I hereby certify that on March 5, 2013, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following e-mail addresses:

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s/ Steven Janiszewski
Steven Janiszewski