

**UNITED STATES DISTRICT COURT  
DISTRICT OF MARYLAND**

<b>IT'S MY PARTY, INC.,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Civil Action No. L-01-3270</b>
	)	
<b>THE UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Defendant.</b>	)	
<hr style="border: 1px solid black;"/>	)	

**UNITED STATES' MOTION TO DISMISS COMPLAINT FOR LACK OF SUBJECT MATTER  
JURISDICTION**

Defendant United States moves to dismiss this action pursuant to Rule 12(b)(1) of the Federal Rules Of Civil Procedure on the grounds that this court lacks jurisdiction over the subject matter of this action because (1) the complaint alleges no ground for waiver of the United States' sovereign immunity applicable to this action, (2) review under the Administrative Procedure Act is precluded because the action challenged is not a final agency action, and (3) the action is not ripe for review under the Declaratory Judgment Act. A Memorandum in support of the United States' Motion to Dismiss accompanies this Motion.

Dated: April 5, 2002

Respectfully Submitted,

Ralph F. Boyd, Jr.  
Assistant Attorney General  
Civil Rights Division  
John L. Wodatch, Chief  
Allison J. Nichol, Deputy Chief  
Disability Rights Section

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**AMANDA MAISELS**  
District of Columbia Bar No. 71325  
**M. LUCIA BLACKSHER**  
Louisiana Bar No. 26605  
Disability Rights Section  
U.S. Department of Justice  
1425 New York Avenue NW, Room 4025B  
Washington, D.C. 20005-2108  
Telephone: (202) 514-1947  
Facsimile: (202) 307-1197

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**THOMAS M. DIBIAGIO**, U.S. Attorney  
**ALLEN F. LOUKS**, Acting Civil Chief  
**LARRY ADAMS**, Assistant U.S. Attorney  
Office of the U.S. Attorney  
District of Maryland  
6625 U.S. Courthouse  
101 W. Lombard Street  
Baltimore, MD 21201  
Telephone: (410) 209-4800  
Facsimile: (410) 962-2310

**CERTIFICATE OF SERVICE**

I hereby certify that on April 5, 2002, I served a copy of the foregoing MOTION TO DISMISS COMPLAINT FOR LACK OF SUBJECT MATTER JURISDICTION and the UNITED STATES' MEMORANDUM IN SUPPORT OF MOTION TO DISMISS COMPLAINT FOR LACK OF SUBJECT MATTER JURISDICTION upon Defendant's counsel in IT'S MY PARTY, INC. V. UNITED STATES OF AMERICA, Civil Action No. L-01-3270, by sending it via facsimile and first class mail, postage pre-paid, to the following address:

Michael R. Biel, Esquire  
O'Toole, Rothwell, Nassau & Steinbach  
1700 K St., N.W.  
Suite 700  
Washington, D.C. 20006-3817  
Telephone: (202) 775-1550  
Facsimile: (202) 775-0008

Dated this 5<sup>th</sup> day of April, 2002

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**THOMAS M. DIBIAGIO**, U.S. Attorney  
**ALLEN F. LOUKS**, Acting Civil Chief  
**LARRY ADAMS**, Assistant U.S. Attorney  
Office of the U.S. Attorney  
District of Maryland  
6625 U.S. Courthouse  
101 W. Lombard Street  
Baltimore, MD 21201  
Telephone: (410) 209-4800  
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