

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION

SUSAN POLGAR,
Plaintiff,

V.

UNITED STATES OF AMERICA
CHESS FEDERATION, INC.
and
BILL GOICHBERG, JIM BERRY,
RANDY BAUER, and
RANDALL HOUGH, all Individually
and in their Representative Capacities as
Members of the Executive Board of the
United States of America Chess Federation;
BILL HALL, Individually and in his
Representative Capacity as Executive
Director of the United States of America
Chess Federation;
BRIAN MOTTERSHEAD;
HAL BOGNER;
CHESS MAGNET, L.L.C.;
CONTINENTAL CHESS INCORPORATED;
JEROME HANKEN;
BRIAN LAFFERTY;
SAM SLOAN;
KARL S. KRONENBERGER; and
KRONENBERGER BURGOYNE, L.L.P.;

Defendants.

CIVIL ACTION NO.

5 - 08 CV 00169 - C

**PLAINTIFF/COUNTER-DEFENDANT SUSAN POLGAR'S MOTION TO DISMISS
FOR FAILURE TO STATE A CLAIM UNDER FED. R. CIV. P. 12(b)(6), OR IN THE
ALTERNATIVE, MOTION FOR A MORE DEFINITE STATEMENT PURSUANT TO
FED. R. CIV. P. 12(e)**

TO THE HONORABLE UNITED STATES DISTRICT JUDGE SAM R. CUMMINGS:

COMES NOW, **SUSAN POLGAR**, Plaintiff and Counter-Defendant herein, files this Her *Motion to Dismiss for Failure to State a Claim under Fed. R. Civ. P. 12(b)(6), or in the Alternative, Motion for a More Definite Statement Pursuant to Fed. R. Civ. P. 12(e)*, and moves the Court as follows:

1. To dismiss Defendant and Counter-Claimant Sam Sloan's Counterclaim in its entirety for failure to state a claim upon which relief can be granted in accordance with Federal Rule of Civil Procedure 12(b)(6).

2. Alternatively, Sloan's Counterclaim is so unintelligible that a responsive pleading cannot be crafted, and Counter-Defendant Susan Polgar moves the Court to order Sloan to plead a more definitive statement of his claims pursuant to Federal Rule of Civil Procedure 12(e).

Prayer

3. WHEREFORE, PREMISES CONSIDERED, **SUSAN POLGAR** respectfully requests Sloan's Counterclaim be dismissed in its entirety in accordance with Federal Rule of Civil Procedure 12(b)(6); that Counter-Claimant **SAM SLOAN** take nothing on his claims; that **SUSAN POLGAR** recover her reasonable and necessary attorneys' fees, costs and court costs; and that **SUSAN POLGAR** recover such other and further relief to which she may show herself justly entitled at law or in equity.

4. Alternatively, **SUSAN POLGAR** respectfully requests that Sloan be ordered to plead a more definitive statement of his claims pursuant to Federal Rule of Civil Procedure 12(e); that the court strike and dismiss Sloan's Counterclaim if he fails to act in accordance with the Court's order and pursuant to Rule 12(e); that **SUSAN POLGAR** recover her reasonable and necessary attorneys'

fees, costs and court costs; and that **SUSAN POLGAR** recover such other and further relief to which she may show herself justly entitled at law or in equity.

5. This Motion is based on the records, pleadings, and papers on file in this case and the attached *Brief in Support of Plaintiff/Counter-Defendant Susan Polgar's Motion to Dismiss for Failure to State a Claim under FED. R. CIV. P. 12(b)(6), or in the Alternative, Motion for a More Definitive Statement Pursuant to FED. R. CIV. P. 12 (e)*.

Respectfully submitted,

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/s/ Samantha Peabody Estrello

James L. Killion
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Attorneys for Plaintiff and Counter-Defendant Susan
Polgar

CERTIFICATE OF SERVICE

I hereby certify that on the 30th day of September, 2008, I electronically filed the foregoing document with the Clerk of the Court for the U.S. District Court, Northern District of Texas, using the ECF system of the Court. The ECF system sent a "Notice of Electronic Filing" to the following attorneys of record, all of whom have consented in writing to accept this Notice as service of this document by electronic means.

/s/ Samantha Peabody Estrello
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I hereby certify that I have served the foregoing document by mailing a copy to the following individuals:

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/s/ Samantha Peabody Estrello
Samantha Peabody Estrello

CERTIFICATE OF CONFERENCE

Pursuant to Local Rule 7.1, on the 30th day of September, 2008, James L. Killion of Killion Law Firm conferred with Defendant Sloan, who represents himself pro se, and Defendant Sloan is opposed to the filing of this motion.

/s/ Samantha Peabody Estrello
Samantha Peabody Estrello