

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

BLUE WATER NAVY VIETNAM)
VETERANS ASSOCIATION, INC., and)
MILITARY-VETERANS ADVOCACY, INC.,)
))
Plaintiffs,)
v.)
))
ERIC K. SHINSEKI, Secretary of)
Veterans Affairs, in his official capacity,)
))
Defendant.)

Case No. 1:13cv1187-EGS

DEFENDANT’S MOTION TO DISMISS

Pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(6), Defendant Eric K. Shinseki, Secretary of Veterans Affairs, hereby moves this Court to dismiss this action for lack of subject matter jurisdiction and failure to state a claim on which relief can be granted. A memorandum of supporting points of law and authority accompanies this motion.

Dated: October 24, 2013

Respectfully submitted,

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Assistant Attorney General

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United States Attorney

JUDRY L. SUBAR
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/s/ Daniel Riess
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CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of October, 2013, I caused the foregoing document to be served via electronic case filing.

/s/ Daniel Riess
Daniel Riess