

2. The complaint fails to state the names of the teachers alleged to have been wrongfully released or the schools' boards involved.

3. The same uncertainty and ambiguity exist for the same reasons stated in 1 and 2 above as to the allegations in the complaint contained in Paragraph VIII.

Wherefore, defendants pray that the Local School Boards and the names of the affected teachers referred to in the complaint be given in a more definite statement as provided in Rule 12, Federal Rules of Civil Procedure.

MOTION TO DISMISS

These defendants also move to dismiss the action on the following grounds:

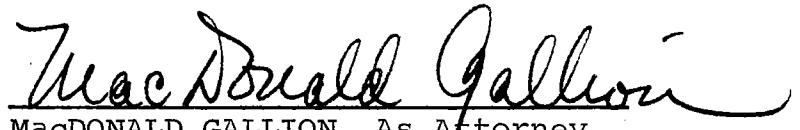
1. The complaint does not state a claim upon which relief can be granted.

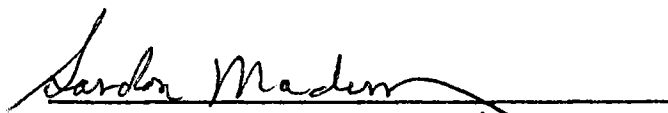
2. The plaintiffs have no standing to sue.

3. The hiring, retention, and dismissal of teachers are with Local Boards of Education subject to the State Teachers Tenure Law and no such Local Boards are made defendants.

4. This court consisting of three-judges has no jurisdiction over the matters alleged in the complaint as these matters instead are for the determination of one judge only.

5. The Local Boards of Education referred to generally in the complaint are necessary parties defendant.

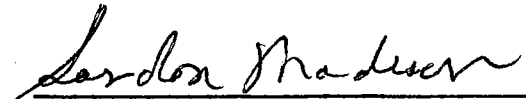

MacDONALD GALLION, As Attorney
General of the State of Alabama


GORDON MADISON, As Assistant Attorney
General of the State of Alabama

Attorneys for said defendants

CERTIFICATE OF SERVICE

I hereby certify that on the 26th day of September, 1967, I served a copy of the above and foregoing Motion upon Gray & Seay, Attorneys, 352 Dexter Avenue, Montgomery, Alabama 36104, by United States mail, properly addressed and postage prepaid.



GORDON MADISON
Assistant Attorney General
State of Alabama