

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA

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CLERK US DISTRICT COURT  
ALEXANDRIA, VIRGINIA

SALT INSTITUTE and the CHAMBER )  
OF COMMERCE OF THE UNITED )  
STATES OF AMERICA )  
 )  
Plaintiffs, )  
 )  
v. )  
 )  
TOMMY G. THOMPSON, Secretary, )  
U.S. Department of Health and Human )  
Services )  
 )  
Defendant. )  
 )

Case No. 04-CV-359 GBL

**DEFENDANT'S MOTION TO DISMISS**

Pursuant to rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure, defendant Tommy G. Thompson, Secretary of the U.S. Department of Health and Human Services, respectfully moves this Court for an order dismissing this action for lack of subject matter jurisdiction and failure to state a claim upon which relief can be granted. The grounds in support of this motion are set out more fully in the attached memorandum.

Respectfully Submitted,

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DATED: June 25, 2004

Attorneys for the Defendant.

**CERTIFICATE OF SERVICE**

I hereby certify that on this date, a true copy of the foregoing was served on plaintiff by first class mail and electronic mail addressed to:

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