

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

ROBERT JEAN, et al.	)	CASE NO. 1:04 CV 1904
)	
Plaintiffs,	)	JUDGE KATHLEEN O'MALLEY
)	
vs.	)	MOTION TO DISMISS FIRST
	)	AMENDED CLASS ACTION
THE STANLEY WORKS, et al.	)	COMPLAINT FOR DAMAGES AND
	)	FOR DECLARATORY AND
Defendants.	)	INJUNCTIVE RELIEF AND JOINED
	)	INDIVIDUAL PLAINTIFFS'
	)	COMPLAINT FOR DECLARATORY
	)	RELIEF AND DAMAGES WITH JURY
	)	DEMAND

Defendant The Stanley Works respectfully moves, pursuant to Rules 8, 9(b), and 12(b)(6) of the Federal Rules of Civil Procedure, for an order dismissing with prejudice all claims asserted by all of the non-ADR plaintiffs, including Vince Bainter, Harlan Grantham, Kenneth Hankins, Robert Jean, Rob Love, Jerry Mead, Stan Schwartz, Fidel Tallet, Rick Williams and Joseph Zollo. The grounds for this Motion are set forth in the Memorandum in Support, and Appendix thereto, which are filed herewith and incorporated herein.

Respectfully submitted,

s/Thomas S. Kilbane

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CERTIFICATE OF SERVICE

The foregoing Motion to Dismiss First Amended Class Action Complaint for Damages and for Declaratory and Injunctive Relief and Joined Individual Plaintiffs' Complaint for Declaratory Relief and Damages with Jury Demand was filed electronically this 10th day of January, 2005. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system.

s/ Thomas S. Kilbane
