

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ATHENS DIVISION

THE NATIONAL ASSOCIATION OF §
BOARDS OF PHARMACY, §

Plaintiff, §

v. §

THE BOARD OF REGENTS OF THE §
UNIVERSITY SYSTEM OF §
GEORGIA and FLYNN WARREN, §
JR., §

Defendants. §

CIVIL ACTION NO. 3:07-CV-84 CDL

DEFENDANT FLYNN WARREN, JR.'S RENEWED
SPECIAL LIMITED APPEARANCE MOTION TO DISMISS

Defendant Flynn Warren, Jr. ("Professor Warren"), subject to and without waiving his objections to the jurisdiction of this court and claim of immunity under the Eleventh Amendment to the United States Constitution and to all other objections and defenses that Professor Warren may raise in responsive pleadings in this case, appears specially and moves this court, pursuant to Fed. R. Civ. P. 12, for an order dismissing this action. This motion is based on the court's lack of subject matter jurisdiction under the Eleventh Amendment to the United States Constitution and state sovereign immunity under the common law; qualified immunity; official immunity; and on the further grounds that the plaintiff's Amended and Restated Verified Complaint dated October 25, 2007 (the "Amended

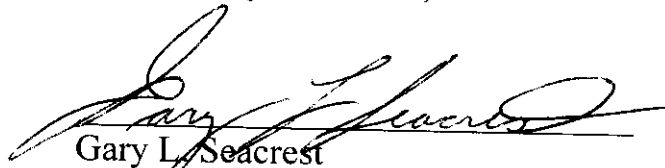
Complaint”) fails to state a claim against Professor Warren upon which relief may be granted. Professor Warren reserves any and all bases and grounds which may be asserted in support of this motion to dismiss.

Pursuant to the court’s order of November 6, 2007, Professor Warren’s brief in support of this motion will be filed on or before December 14, 2007. This motion is a facial challenge to the Amended Complaint, its failure to state a claim against Professor Warren upon which relief may be granted, and to the absence of subject matter jurisdiction.

This motion is brought subject to all objections, rights and defenses that Professor Warren has or may assert in this case in any responsive pleadings.

WHEREFORE, Professor Warren respectfully requests this Court grant his motion to dismiss.

Respectfully submitted,



Gary L. Seacrest

Georgia Bar No. 632900

John G. Haubenreich

Georgia Bar No. 337950

Annarita M. Busbee

Georgia Bar No. 098141

Attorneys for Defendant, Flynn Warren, Jr.

SEACREST, KARESH, TATE & BICKNESE, LLP

56 Perimeter Center East, Suite 450

Atlanta, GA 30346

PH: (770) 804-1800

FX: (770) 804-1400

EM: sktbgary@bellsouth.net

EM: sktbjohn@bellsouth.net

EM: sktbanna@bellsouth.net

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ATHENS DIVISION

THE NATIONAL ASSOCIATION OF §
BOARDS OF PHARMACY, §

Plaintiff, §

v. §

THE BOARD OF REGENTS OF THE §
UNIVERSITY SYSTEM OF §
GEORGIA and FLYNN WARREN, §
JR., §

Defendants. §

CIVIL ACTION NO: 3:07-CV-84

CERTIFICATE OF SERVICE


I hereby certify that I have this day filed a copy of the foregoing
*Defendant Flynn Warren, Jr.'s Renewed Special Limited Appearance Motion to
Dismiss* with the Clerk of Court using the CM/ECF system which will
automatically send e-mail notification of such filing to the following attorneys of
record: :

J. Rodgers Lunsford, III
Smith, Gambrell & Russell, LLP
Suite 3100, Promenade II
1230 Peachtree Street, N.E.
Atlanta, GA 30309-3592

Alan E. Lubel, Esq.
Troutman Sanders, LLP
600 Peachtree Street, Suite 5200
Atlanta, GA 30308

Edward D. Tolley, Esq.
Cook, Noell, Tolley, Bates & Michael, LLP
P.O. Box 1927
Athens, GA 30603

This 16th day of November, 2007


Gary L. Seacrest
Georgia Bar No. 632900