

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

**JUANITA SANCHEZ (ON BEHALF
OF MINOR CHILD DEBORA
RIVERA-SANCHEZ), et al.,**

Plaintiffs,

v.

UNITED STATES OF AMERICA, et al.,

Defendants.

Civil Action No. 3:09-cv-1260 (SEC)

ECF

**DEFENDANT UNITED STATES OF AMERICA’S MOTION TO DISMISS FOR LACK
OF SUBJECT MATTER JURISDICTION UNDER FED. R. CIV. P. 12(B)(1)**

TO THE HONORABLE COURT:

Defendant United States of America hereby moves to dismiss Plaintiffs’ Complaint under Fed. R. Civ. P. 12(b)(1) for lack of subject matter jurisdiction. In support of this motion, the Defendant respectfully submits the attached Memorandum of Points and Authorities, Exhibits, and a Proposed Order.

Dated: May 18, 2009

Respectfully submitted,

ROSA EMILIA RODRIGUEZ-VELEZ
United States Attorney

ISABEL MUNOZ-ACOSTA
Assistant United States Attorney

TONY WEST
Assistant Attorney General, Civil Division

J. PATRICK GLYNN
Director, Torts Branch, Civil Division

DAVID S. FISHBACK
Assistant Director, Torts Branch, Civil Division

/s/ Adam Bain

ADAM BAIN (IN Bar #11134-49)
Senior Trial Counsel
MARGARET JANE MAHONEY
Trial Attorney (PA Bar # 24635)
United States Department of Justice
Torts Branch, Civil Division
1331 Pennsylvania Ave., N.W., Room 8016S
Washington, D.C. 20004
Tel: (202) 616-4209 (Bain)
Fax: (202) 616-4473
Adam.Bain@usdoj.gov

Attorneys for Defendants