

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

DAVID M. WALKER, Comptroller
General of the United States,
Plaintiff,

v.

C.A. No.1:02cv340JDB

RICHARD B. CHENEY, Vice President
of the United States,
Defendant.

**DEFENDANT'S MOTION TO DISMISS AND
OPPOSITION TO PLAINTIFF'S MOTION
FOR SUMMARY JUDGMENT**

Pursuant to Rule 12(b)(1) and (6), defendant moves to dismiss this case as non-justiciable and for failure to state a claim upon which relief can be granted. Defendant further opposes plaintiff's motion for summary judgment. In support of defendant's motion to dismiss and in opposition to plaintiff's motion for summary judgment, defendant respectfully refers the Court to the attached memorandum of points and authorities.

Respectfully submitted,

<p>May 21, 2002</p> <p>ROBERT D. McCALLUM, JR. Assistant Attorney General</p> <p>ROSCOE C. HOWARD, JR. United States Attorney</p> <p>SHANNEN W. COFFIN (DC Bar 449197) Deputy Assistant Attorney General</p> <p>THOMAS MILLET (DC Bar 294405) Attorney, Civil Division</p>	<hr/> <p>THEODORE B. OLSON (DC Bar 367456) Solicitor General</p> <p>PAUL D. CLEMENT (DC Bar 433215) Deputy Solicitor General</p> <p>DAVID B. SALMONS (DC Bar 476299) Assistant to the Solicitor General</p> <p>Department of Justice 10th & Penn. Ave., N.W. Washington, D.C. 20530-0001 Tel: (202) 514-3313 Fax: (202) 616-8202</p> <p>Attorneys for Defendant</p>
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