

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

ROBERT JEAN, et al.,

Plaintiffs,

v.

THE STANLEY WORKS, et al.,

Defendants.

CASE NO. 1:04 CV 01904

JUDGE O'MALLEY

MAGISTRATE JUDGE PERELMAN

**DEFENDANT AMERICAN EXPRESS COMPANY'S
MOTION TO DISMISS COMPLAINT**

Defendant American Express Company ("American Express") hereby moves the Court for an order dismissing the Complaint as against American Express pursuant to Federal Rule of Civil Procedure 12(b)(6). The grounds for the motion are set forth in American Express' accompanying Memorandum in Support of Motion to Dismiss.

Respectfully submitted,

s/ David A. Wallace

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CERTIFICATE OF SERVICE

I CERTIFY that a copy of Defendant American Express Company's Motion to Dismiss Complaint, and Memorandum in Support, were filed electronically on November 24, 2004. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

s/ David A. Wallace

One of the Attorneys for Defendant
American Express Company