

STATE OF INDIANA )  
 )  
COUNTY OF MARION )

IN THE MARION SUPERIOR COURT  
CIVIL DIVISION  
CAUSE NO. 49D01-0604-PL-016414

PHILIP-ANTHONY BONNER, *et al.*, )  
 )  
Plaintiffs, )  
 )  
v. )  
 )  
MITCH DANIELS, )  
Governor of the State of Indiana, *et al.*, )  
 )  
Defendants. )

**FILED**

37

JUL 13 2006

*Doris Ann Suellen*  
CLERK OF THE  
MARION CIRCUIT COURT

**DEFENDANTS' MOTION TO DISMISS**

Pursuant to Indiana Rules of Trial Procedure 12(B)(1) and 12(B)(6), Defendants Mitch Daniels, in his official capacities as Governor of the State of Indiana and Co-Chair of the Education Roundtable; Suellen K. Reed, in her official capacities as Superintendent of Public Instruction, Co-Chair of the State Board of Education, and Co-Chair of the Education Roundtable; and the Indiana State Board of Education respectfully move the Court to dismiss the Plaintiffs' Complaint. For the reasons set forth more fully in their memorandum in support of this motion, Defendants submit that this Court lacks jurisdiction over Plaintiffs' claims and/or that Plaintiffs have failed to state a claim upon which relief can be granted, and requests that this Court dismiss Plaintiffs' Complaint in its entirety.

In support of this motion, Defendants assert as follows.

1. This Court should dismiss the Complaint because the amount and allocation of education funding reflect quintessential legislative judgments and are not subject to judicial second-guessing. The lack of any judicially manageable standards renders the Plaintiffs' claims nonjusticiable.

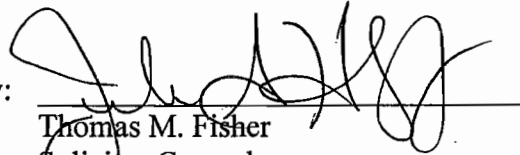
2. This Court should also dismiss the Complaint because Plaintiffs have improperly sued State officials and bodies that cannot provide any meaningful relief that would address the school-funding deficiencies and inequities alleged by the Plaintiffs.

WHEREFORE, Defendants Mitchell E. Daniels, in his official capacities as Governor of the State of Indiana and Co-Chair of the Education Roundtable; Suellen K. Reed, in her official capacities as Superintendent of Public Instruction, Co-Chair of the State Board of Education, and Co-Chair of the Education Roundtable; and the Indiana State Board of Education, respectfully move the Court to dismiss the Complaint and to grant Defendants such further relief as is just and equitable.

Respectfully submitted,

STEVE CARTER  
Indiana Attorney General  
Atty. No. 4150-64

By:



Thomas M. Fisher  
Solicitor General  
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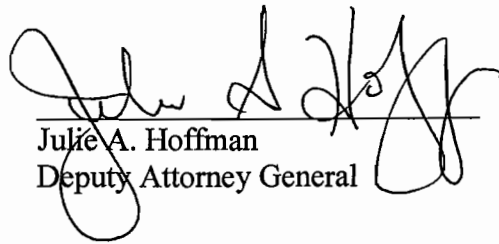
Julie A. Hoffman  
Deputy Attorney General  
Atty. No. 24946-02

**CERTIFICATE OF SERVICE**

I do hereby certify that on the 13th day of July 2006, I caused the foregoing to be served by First-Class United States Mail, postage prepaid, on the following:

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