

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
(NORTHERN DIVISION)

SHAYONNA FEATHERSTONE, et al. *

Plaintiffs *

v. *

Case No. 1:07-cv-01120

KENNEDY KRIEGER INSTITUTE, INC., et al. *

Defendants *

* * * * *

**MOTION TO DISMISS FOR PLAINTIFFS’
FAILURE TO JOIN A RULE 19 PARTY OR,
IN THE ALTERNATIVE,
MOTION TO JOIN THE NATIONAL INSTITUTE OF
ENVIRONMENTAL HEALTH SCIENCES AS A PARTY**

Pursuant to Federal Rules of Civil Procedure 12(b)(7), 19, and 21, Defendants Kennedy Krieger Institute (“Kennedy Krieger”) and Cecilia Davoli, M.D., (collectively referred to as “Kennedy Krieger Defendants”), by their undersigned counsel, respectfully request that the Court dismiss Plaintiffs’ Complaint for failure to join the National Institute of Environmental Health Sciences (“NIEHS”) as a party to the above-entitled action.

Alternatively, the Kennedy Krieger Defendants request that, pursuant to Rule 21, the Court join NIEHS as a party to this action. In support of this Motion, the Kennedy Krieger Defendants refer to their accompanying Memorandum of Law, which is incorporated herein by reference.

A proposed order is attached.

/s/ Barry C. Goldstein

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Inc., and Cecilia Davoli, M.D.**

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of May, 2007, a copy of the foregoing Motion to Dismiss for Plaintiffs' Failure to Name a Rule 19 Party or, In The Alternative, Motion to Join The National Institute Of Environmental Health Sciences as a Party, was electronically filed and mailed, first class, postage prepaid, to:

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