

FILED

JUN 30 2004

LARRY W. PROPPS, CLERK  
CHARLESTON, SC

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION  
CIVIL ACTION NO.: 2:04-1373-23BG

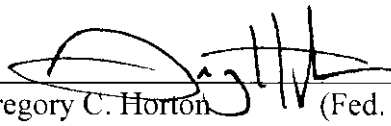
LEE KENT HEMPFLING,	)	
	)	
Plaintiff,	)	
	)	
v.	)	DEFENDANT L.M.
	)	COMMUNICATIONS,
L.M. COMMUNICATIONS, INC., A KENTUCKY	)	INC.'S NOTICE OF MOTION
CORPORATION, L.M. COMMUNICATIONS OF	)	AND MOTION TO
SOUTH CAROLINA, INC., A KENTUCKY	)	DISMISS COMPLAINT
CORPORATION, L.M. COMMUNICATIONS II	)	
OF SOUTH CAROLINA, INC., A KENTUCKY	)	
CORPORATION	)	
	)	
Defendants.	)	
	)	

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TO: LEE KENT HEMPFLING:

YOU WILL PLEASE TAKE NOTICE THAT Defendant, L.M. COMMUNICATIONS, INC. ("LMC"), by and through its undersigned attorneys, will move before the Presiding Judge of the United States District Court for the District of South Carolina, Charleston Division, ten (10) days after service hereof, or at such time and place as the court may direct, for an Order, pursuant to Rule 12(b)(1) and 12(b)(2) of the Federal Rules of Civil Procedure, dismissing the Plaintiff's Complaint. The grounds for this motion are that: (1) The court does not have subject matter jurisdiction over LMC because LMC is not an "employer" as that term is defined under Title VII of the Civil Rights Act of 1964; and (2) the court does not have personal jurisdiction over LMC which is a Kentucky corporation without sufficient contacts with South Carolina to subject it to the jurisdiction of this court.

BUIST MOORE SMYTHE McGEE P.A.

  
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L. Gregory C. Horton (Fed. ID #7103)  
5 Exchange Street, Post Office Box 999  
Charleston, SC 29402  
(843) 722-3400  
ATTORNEYS FOR DEFENDANTS

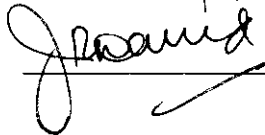
Charleston, South Carolina  
June 28, 2004

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on the 30<sup>th</sup> day of JUNE, 2004, a copy of the within DEFENDANTS' NOTICE OF MOTION AND MOTION TO DISMISS PLAINTIFF'S COMPLAINT in the within entitled matter was served upon the following by sending a copy of same in an envelope, with the correct postage prepaid, and addressed to:

Lee Kent Hempfling, Plaintiff  
11329 East Caballero  
Mesa, AZ 85207

Buist Moore Smythe McGee, P.A.

  
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