

IN THE IOWA DISTRICT COURT
FOR POLK COUNTY

CLERK DISTRICT COURT

04 AUG 31 PM 4:12

LISA KRAGNES,)
)
Plaintiff,) Equity No. 49273
)
vs.) PARTIAL WITHDRAWAL
) OF MOTION TO DISMISS
CITY OF DES MOINES, IOWA,) BY DEFENDANT
) CITY OF DES MOINES
Defendant.)

COME NOW the Defendant, the City of Des Moines, and for its partial withdrawal of Motion to Dismiss states:

1. On or about August 18, 2004, the City filed a Motion to Dismiss.
2. The Motion had five grounds, namely:
 - a. Lack of jurisdiction;
 - b. Failure to state a claim for which relief can be granted;
 - c. Lack of standing;
 - d. Laches; and
 - e. Failure to join indispensable parties.
3. The City hereby withdraws the Motion to Dismiss as it relates to laches.
4. The remainder of the Motion remains unchanged.

WHEREFORE, the City prays the Court allow the City to partially withdraw its Motion to Dismiss, as it pertains to laches, and to proceed forward on the remainder of the Motion as originally filed, and for such other relief as is proper.

Mark Godwin

Mark Godwin
Deputy City Attorney
City Hall
400 East First Street
Des Moines, IA 50309-1891
Telephone: 283-4564
Fax: (515) 237-1748
ATTORNEY FOR DEFENDANT
CITY OF DES MOINES

Original Filed.

Copy to:

Mr. Brad Schroeder
Hartung & Schroeder LLP
Equitable Building, Suite 100
608 Locust Street
Des Moines, IA 50309
ATTORNEY FOR PLAINTIFF

PROOF OF SERVICE

The undersigned certifies that the foregoing instrument was served upon all parties to the above cause to each of the attorneys named herein at their respective addresses disclosed on the pleadings on 8-31-04

By: U.S. Mail FAX
 Hand Delivered Overnight Courier
 Federal Express Other:

Signature Diane Roscoe