

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Matthew T. Zilhaver and Sascha Linn,

Plaintiffs,

v.

UnitedHealth Group Incorporated, *et al.*,

Defendants.

Civil File No. 06-cv-02237 (JMR/FLN)

**Consolidated Motion of Defendants
UnitedHealth Group Incorporated, L.
Robert Dapper, James A. Johnson,
William G. Spears, Mary O. Mundinger
and Stephen J. Hemsley (i) for Summary
Judgment on Claims of Plaintiff Sascha
Linn, (ii) to Dismiss the Claims of Plaintiff
Matthew Zilhaver for Lack of Subject
Matter Jurisdiction, and (iii) to Dismiss
the Claims Asserted Against Defendants
Johnson, Spears, Mundinger and Hemsley
for
Failure to State a Claim Upon Which
Relief Can Be Granted**

TO: Edwin J. Mills, Esq., Stull, Stull & Brody, 6 East 45th Street, New York, NY 10017, and David E. Krause, Esq., Krause & Rollins, 310 Groveland Avenue, Minneapolis, MN 55403.

Pursuant to Rules 12(b)(1), 12(b)(6), and 56 of the Federal Rules of Civil Procedure, defendants UnitedHealth Group Incorporated, L. Robert Dapper, James A. Johnson, William G. Spears, Mary O. Mundinger, and Stephen J. Hemsley hereby move the Court for dismissal of Plaintiffs' Second Amended Class Action Complaint for Violations of ERISA. This Motion is based on all of the records and files herein, including the accompanying Memorandum of Law, Declarations, and Exhibits.

June 22, 2007

Respectfully submitted,

/s/ Thomas S. Gigot

Thomas S. Gigot (admitted *pro hac vice*)

Mark C. Nielsen (admitted *pro hac vice*)

Groom Law Group, Chartered

1701 Pennsylvania Avenue, NW

Washington, DC 20006

Telephone: 202.857.0620

Facsimile: 202.659.4503

Email: tsg@groom.com

mcn@groom.com

Peter W. Carter (#227985)

Thomas Swigert (#266309)

Dorsey & Whitney LLP

Suite 1500

50 South Sixth Street

Minneapolis, MN 55402-1498

Counsel for Defendants UnitedHealth
Group Incorporated, L. Robert Dapper,
James A. Johnson, William G. Spears,
Mary O. Munding, and Stephen J.
Hemsley