

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Matthew T. Zilhaver and Sascha Linn,

Plaintiffs,

vs.

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

Defendants.

Court File No. 06-2237 JMR/FLN

**DEFENDANT WILLIAM W.
MCGUIRE'S MOTION (i) FOR
SUMMARY JUDGMENT ON CLAIMS
OF PLAINTIFF SASCHA LINN; (ii)
TO DISMISS ALL CLAIMS OF
PLAINTIFF MATTHEW T.
ZILHAVER FOR LACK OF SUBJECT
MATTER JURISDICTION UNDER
RULE 12(b)(1); AND (iii) TO DISMISS
THE SECOND AMENDED
COMPLAINT FOR FAILURE TO
STATE A CLAIM UNDER RULE
12(b)(6)**

To: Plaintiff and his attorneys: James B. Hovland and David E. Krause, Krause & Rollins, 310 Groveland Ave., Minneapolis, MN 55403; and Edwin J. Mills, Stull, Stull, & Brody, 6 E. 45th St., Suite 500, New York, NY 10017.

Pursuant to Rule 56(b) of the Federal Rules of Civil Procedure Defendant William W. McGuire (“McGuire”) hereby moves the Court for summary judgment on all claims of Plaintiff Sascha Linn. Defendant McGuire also moves to dismiss all claims of Plaintiff Matthew T. Zilhaver pursuant to Federal Rule of Civil Procedure 12(b)(1), and to dismiss the Second Amended Complaint for failure to state a claim upon which relief can be granted pursuant to Federal Rule of Civil Procedure 12(b)(6). Defendant McGuire bases this motion on all of the pleadings, records, files, and arguments herein, including a memorandum of law and any supporting documents, and a reply memorandum of law to be filed in accordance with Minn. L.R. 7.1.

Dated: June 22, 2007

s/Jodi Furr Colton

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