

FILED
U.S. DISTRICT COURT

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IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

INTERNATIONAL ASSOCIATION OF UNITED WORKERS UNION, *et al.* : **RENEWED MOTION TO DISMISS**
 :
 : **(Oral Argument Requested)**
 Plaintiffs, :
 :
 vs. : Case No. 2:04CV00901
 :
 UNITED MINE WORKERS OF AMERICA, : Judge Dee V. Benson
 et al., :
 :
 Defendants. :

Defendants *The Salt Lake Tribune* and its employees (the "*Tribune* Defendants"), as well as *The Deseret Morning News* and its employees (the "*Morning News*" Defendants) (all hereafter collectively referred to as "Defendants"), by their undersigned counsel of record, hereby jointly file this Renewed Motion to Dismiss in the above-captioned matter.

At the June 14, 2005 hearing on Defendants' initial Motion to Dismiss, this Court instructed Plaintiffs to file a Second Amended Complaint that eliminated any defamation claims against Defendants that were based on attributed statements, and, for the remaining statements, explained why such statements were false *and* why they were defamatory. In response, Plaintiffs filed a Second Amended Complaint that abandons the vast majority of Plaintiffs' defamation claims against the *Tribune* Defendants and *Morning News* Defendants (claims that the parties needlessly spent substantial resources briefing).

However, the Second Amended Complaint still includes statements that are attributed to other parties, fails to identify which of the laundry-list of statements in each paragraph is false, and, most significantly, fails to allege any facts explaining how such statements are defamatory. Plaintiffs have, in short, done nothing to overcome the substantive legal defects in their claims or to fix the substantial confusion generated by their last Complaint.

Thus, Defendants renew their Motion to Dismiss because there remain six independent legal defects in Plaintiffs' claims: (1) defamatory meaning; (2) protected opinion; (3) neutral reportage privilege; (4) public interest privilege; (5) official proceedings privilege; and (6) the "of and concerning" requirement. These points are discussed in greater detail in the supporting memorandum filed with this Motion.

For all these reasons, and the reasons set forth in Defendants' previously-filed Consolidated Memorandum, Defendants respectfully request that their Renewed Motion to Dismiss be granted, and that Plaintiffs' claims against them be dismissed with prejudice and on the merits.

RESPECTFULLY SUBMITTED this 15 day of August 2005.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 15th day of August 2005, a true and correct copy of the foregoing **RENEWED MOTION TO DISMISS** was served, via U.S. Mail, postage prepaid (unless otherwise noted), on the following:

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