

**BEFORE THE PUBLIC SERVICE COMMISSION
STATE OF MISSOURI**

Director of the Manufactured Housing)	
and Modular Units Program of the)	
Public Service Commission,)	
)	
Complainant,)	
)	
v.)	Case No. MC-2004-0079
)	
Amega Sales, Inc.,)	JURY TRIAL DEMANDED
)	
Respondent.)	

MOTION TO DISMISS

COMES NOW Respondent Amega Sales, Inc., and moves to dismiss the Complaint in this cause for the following reasons and on the following grounds:

1. The Complaint in this case was filed by the Director of the Manufactured Housing and Modular Units Program of the Public Service Commission (the "Director"). There is no statutory, constitutional or other authority giving the Director the power, authority, or jurisdiction to file complaints with the Public Service Commission (the "Commission"). Accordingly, the Director does not have the authority to file or prosecute the Complaint in this case.

2. The Director purports to be employed by, part of and a subdivision of the Commission. The finder of fact in this case is the Commission itself. Therefore, both the complaining party and the trier of fact in this cause are essentially one and the same entity and are part of the same governmental agency. Furthermore, the Director has requested that the Commission make a finding that certain criminal statutes (Sections 700.045 RSMo. and 407.020) have been violated in this case. If this case is allowed to

continue, the same governmental entity or agency will be acting as prosecutor, finder of fact and jury. These facts and these circumstances violate the substantive and procedural due process clauses of the United States Constitution and Missouri Constitution, the equal protection clauses of the Missouri Constitution and the United States Constitution, and the Doctrine of Separation of Powers found in the United States Constitution and the Missouri Constitution.

3. All prior defenses, claims, motions to dismiss, motions to strike and all other motions previously filed in this cause by Respondent are incorporated herein by reference and are not waived or abandoned by the filing of this Motion. By filing this Motion, Respondent does not waive or abandon any defense, claim or other matter previously asserted by Respondent in this cause.

WHEREFORE, Respondent prays that the Complaint in this cause be dismissed, that costs in this cause be taxed to Complainant, and for such other and further relief as the Commission deems just and proper.

/s/ Thomas M. Harrison

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The undersigned certifies that a complete and conformed copy of the foregoing document was faxed and mailed to each attorney who represents any party to the foregoing action, by U.S. Mail, postage prepaid in the proper amount, at said attorney's business address.

/s/ Thomas M. Harrison

Dated: June 1, 2004