

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

U.S. DEPARTMENT OF THE
TREASURY,

Court File No.
0:15-cv-01518-DSD-HB

Plaintiff,

v.

**DEFENDANT THOMAS E. HAIDER'S
MOTION TO DISMISS THE
COMPLAINT**

THOMAS E. HAIDER,

Defendant.

Defendant Thomas E. Haider hereby moves, pursuant to Federal Rule of Civil Procedure 12(b), to dismiss the Complaint filed by the U.S. Department of the Treasury. Mr. Haider asserts that the Complaint should be dismissed for the following independent reasons:

1. Title 31, United States Code, Section 5318(a) permits the imposition of a penalty for the failure to maintain a sufficient anti-money laundering program only against an entity, and not an individual;
2. The Complaint's request for injunctive relief is barred by the applicable statute of limitations;
3. Title 18, United States Code, Section 3322 does not permit the Financial Crimes Enforcement Network to receive and then publicly use grand jury information, including Mr. Haider's own immunized testimony, to support its Assessment; and
4. The assessment procedures utilized by FinCEN violated Mr. Haider's due process rights.

The reasons supporting the motion are discussed in the memorandum of law filed contemporaneously herewith.

Dated: May 15, 2015

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CERTIFICATE OF SERVICE

THOMAS E. HAIDER,

Defendant.

I hereby certify that on May 15, 2015, I caused: Defendant Thomas E. Haider's Motion to Dismiss the Complaint to be electronically filed and served on all counsel of record through the Court's Electronic Filing System.

By: /s/ Matthew D. Lee
Matthew D. Lee