

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DONALD J. TRUMP FOR PRESIDENT, INC., <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Civil Action No. 2:20-cv-00966-NR
	)	
KATHY BOOCKVAR, in her capacity as Secretary of the Commonwealth of Pennsylvania, <i>et al.</i> ,	)	Judge J. Nicholas Ranjan
	)	
Defendants.	)	
	)	

**SECRETARY OF THE COMMONWEALTH KATHY BOOCKVAR’S  
MOTION TO DISMISS**

Defendant Secretary of the Commonwealth Kathy Boockvar (the Secretary) by and through their undersigned counsel, hereby moves this Court for an order pursuant to Federal Rules of Civil Procedure 12(b)(1) and/or 12(b)(6) dismissing the Complaint (*see* Proposed Order No. 1), or, in the alternative, for an order dismissing Plaintiffs’ state-law claims, abstaining from adjudicating this matter until further resolution of the pending state-court action, and staying the case pending further order from this Court (*see* Proposed Order No. 2). In support of this motion, the Secretary incorporates the accompanying Memorandum of Law.

Dated: July 24, 2020

Respectfully submitted,

PENNSYLVANIA OFFICE OF  
ATTORNEY GENERAL

PENNSYLVANIA DEPARTMENT OF STATE  
OFFICE OF CHIEF COUNSEL

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*Counsel for Kathy Boockvar  
Secretary of the Commonwealth of Pennsylvania*

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	)	
Defendants.	)	
	)	

**CERTIFICATE OF COUNSEL**

In accordance with § II(c) of this Court’s Practices and Procedures, I certify that on July 23, 2020 counsel for Defendant Boockvar (Kenneth L. Joel, Timothy E. Gates, Keli M. Neary, and Karen M. Romano) met and conferred with counsel for Plaintiffs (Ronald L. Hicks, Jr., Russell D. Giancola, and Jeremy A. Mercer) on Defendant Boockvar’s Rule 12 Motion. Counsel for Defendant Boockvar made a good faith effort to confer with counsel for Plaintiffs and to determine whether the deficiencies articulated by Defendant Boockvar’s counsel properly could be cured. Plaintiffs’ counsel does not believe that the Complaint suffers from any deficiency and that, therefore, there is no need to amend that pleading.

Dated: July 24, 2020

By: /s/ Kenneth L. Joel  
Kenneth L. Joel  
Deputy General Counsel  
*Counsel for Defendant Secretary Boockvar*

**CERTIFICATE OF SERVICE**

I, Kenneth L. Joel, certify that I served the foregoing SECRETARY OF THE COMMONWEALTH KATHY BOOCKVAR'S MOTION TO DISMISS sent automatically by CM/ECF on the following counsel who are registered as CM/ECF filing users who have consented to accepting electronic service through CM/ECF:

*All Counsel of Record*

*/s/ Kenneth L. Joel* \_\_\_\_\_

*Attorney for Secretary of the Commonwealth  
Kathy Boockvar*