

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

DONALD J. TRUMP FOR  
PRESIDENT, INC.; *et al.*,

Plaintiffs,

v.

KATHY BOOCKVAR; *et al.*,

Defendants.

Civil Action

No.: 2:20-CV-966

Judge J. Nicholas Ranjan

**[PROVISIONAL] MOTION TO DISMISS BY  
INTERVENORS NAACP—PENNSYLVANIA STATE CONFERENCE, COMMON  
CAUSE PENNSYLVANIA, LEAGUE OF WOMEN VOTERS OF PENNSYLVANIA,  
PATRICIA M. DEMARCO, DANIELLE GRAHAM ROBINSON,  
AND KATHLEEN WISE**

Proposed intervenors NAACP—Pennsylvania State Conference, Common Cause Pennsylvania, League of Women Voters of Pennsylvania, and Pennsylvania voters Patricia M. DeMarco, Danielle Graham Robinson, and Kathleen Wise (collectively, “Intervenors”) hereby move to dismiss the Plaintiffs’ Complaint pursuant to Fed. R. Civ. P. 12(b)(1), 12(b)(6), and 9(b).

Should Intervenors be allowed to intervene, Intervenors respectfully request this Court to dismiss Plaintiffs’ Complaint, or in the alternative stay this matter, pursuant to *Pullman* abstention and/or *Colorado River* abstention; *i.e.*, to allow the Pennsylvania state courts to resolve the uncertain questions of state law raised in the Complaint. In addition, Plaintiffs’ Complaint should be dismissed because Plaintiffs fail to plead its allegations of fraud, the basis of their alleged injuries, with sufficient particularity under Federal Rule of Civil Procedure 9(b).

In support of this motion, and pursuant to the Court’s July 17, 2020 Scheduling Order, Intervenors hereby join the relief requested in the Motion to Dismiss filed by the Pennsylvania

State Democratic Party. Pa. State Democratic Party Mot. to Dismiss, Dkt. 85-2; Scheduling Order at 3 ¶ (7), Dkt. 124. Intervenor also submit a Memorandum in Support of their [Provisional] Motion to Dismiss.

Dated: July 24, 2020

Respectfully submitted,

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\* *Pro hac vice* forthcoming.

‡ Admission Pending

++ Not admitted in DC; DC practice limited to  
federal court only.

**CERTIFICATE OF SERVICE**

I hereby certify that on this date, the foregoing [Provisional] Motion to Dismiss and Joinder and Memorandum in Support of [Provisional] Motion to Dismiss were filed electronically and served on all counsel of record via the ECF system of the U.S. District Court for the Western District of Pennsylvania.

Dated: July 24, 2020

/s/ Lori A. Martin

Lori A. Martin