

**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 AMENDED COMPLAINT**

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 Amended 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 31, 2020

Respectfully submitted,

PENNSYLVANIA OFFICE OF
ATTORNEY GENERAL

PENNSYLVANIA DEPARTMENT OF STATE
OFFICE OF CHIEF COUNSEL

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Secretary of the Commonwealth of Pennsylvania*

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)	

CERTIFICATE OF COUNSEL

In accordance with § II(c) of this Court’s Practices and Procedures, I certify that on July 31, 2020 counsel for Defendant Boockvar (Kenneth L. Joel, Timothy E. Gates, and Karen M. Romano) met and conferred with counsel for Plaintiffs (Ronald L. Hicks, Jr. and Jeremy A. Mercer) on Defendant Boockvar’s Rule 12 Motion. Counsel for Defendant Boockvar articulated the bases for the Rule 12 Motion 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 Amended Complaint suffers from any deficiency and that, therefore, there is no need to amend that pleading.

Dated: July 31, 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 on this 31st day of July 2020, that I served the foregoing SECRETARY OF THE COMMONWEALTH KATHY BOOCKVAR'S MOTION TO DISMISS AMENDED COMPLAINT 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*