

**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 PLAINTIFFS’ AMENDED COMPLAINT 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’ Amended 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 that the Court dismiss Plaintiffs’ Amended Complaint, or in the alternative stay this matter, pursuant to *Pullman* abstention and/or *Colorado River* abstention to allow the Pennsylvania state courts to resolve the uncertain questions of state law raised in the Amended Complaint. In addition, Plaintiffs’ Amended 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, Intervenor also submit a Memorandum in Support of their [Provisional] Motion to Dismiss Plaintiffs' Amended Complaint.

Dated: July 31, 2020

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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 Memorandum in Support of [Provisional] Motion to Dismiss Plaintiffs' Amended Complaint 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 31, 2020

/s/ Lori A. Martin

Lori A. Martin