

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

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

Plaintiffs,

v.

KATHY BOOCKVAR, *et al.*,

Defendants,

NAACP-PENNSYLVANIA STATE
CONFERENCE, *et al.*,

Intervenor-Defendants,

DNC SERVICES
CORPORATION/DEMOCRATIC
NATIONAL COMMITTEE,

Intervenor-Defendant.

Civil Action

No. 4:20-cv-02078-MWB

Hon. Matthew W. Brann

**MOTION TO DISMISS AMENDED COMPLAINT BY INTERVENOR-
DEFENDANTS NAACP-PENNSYLVANIA STATE CONFERENCE,
BLACK POLITICAL EMPOWERMENT PROJECT, COMMON CAUSE
PENNSYLVANIA, LEAGUE OF WOMEN VOTERS OF PENNSYLVANIA,
JOSEPH AYENI, LUCIA GAJDA, STEPHANIE HIGGINS, MERIL LARA,
RICARDO MORALES, NATALIE PRICE, TIM STEVENS, AND
TAYLOR STOVER**

In light of the Court’s oral ruling at today’s hearing that the previously filed motions to dismiss are moot due to Plaintiffs’ filing of an Amended Complaint, Intervenor-Defendants National Association for the Advancement of Colored People-Pennsylvania State Conference, Black Political Empowerment Project, Common Cause Pennsylvania, League of Women Voters of Pennsylvania, Joseph Ayeni, Lucia Gajda, Stephanie Higgins, Meril Lara, Ricardo Morales, Natalie Price, Tim Stevens, and Taylor Stover (“Voter Intervenors”), confirm that their previously filed briefing should be treated as a motion to dismiss Plaintiffs’ Amended Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6).

The Voter Intervenors’ Reply in Support of Motion to Dismiss filed on November 16, 2020, requested that the Court “treat this reply brief as a renewed motion to dismiss under Rule 12” if “the Court concludes that the amended complaint does moot the pending motions to dismiss.” Dkt. 142 at 4 n.1. Accordingly, the Voter Intervenors respectfully request dismissal of Plaintiffs’ Amended Complaint for the reasons set forth in their Memorandum in Support of Motion to Dismiss (Dkt. 95) and Reply in Support of Motion to Dismiss (Dkt. 142). As set forth in the memoranda, Plaintiffs’ remaining claims should be dismissed based on the doctrine of laches and because the relief sought in the Amended Complaint cannot be granted as a matter of law.¹ Because these issues

¹ Section I of the Voter Intervenors’ Reply is moot in light of today’s ruling.

have been fully briefed, the Voter Intervenors do not intend to file a new memorandum in support of this motion but hereby incorporate the arguments in their previous memoranda. Pursuant to Local Rule 7.1, a proposed order is also attached.

WHEREFORE, the Voter Intervenors request that their Motion be granted and that Plaintiffs' Amended Complaint be dismissed.

Dated: November 17, 2020

Respectfully submitted,

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* Admitted *pro hac vice*

** *Pro hac vice* application forthcoming

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CERTIFICATE OF SERVICE

I hereby certify that on this date, the foregoing motion to dismiss was filed electronically and served on Plaintiffs' counsel of record via the ECF system of the U.S. District Court for the Middle District of Pennsylvania; and via e-mail on counsel for defendants.

Dated: November 17, 2020

/s/ Rani Gupta
Rani Gupta