

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

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JACOB CORMAN, in his official	:	
capacity as Majority Leader of the	:	CIVIL ACTION
Pennsylvania Senate, MICHAEL	:	
FOLMER, in his official capacity as	:	No. 1:18-cv-00443-CCC-KAJ-JBS
Chairman of the Pennsylvania Senate	:	
State Government Committee, LOU	:	Three-Judge Panel
BARLETTA, RYAN COSTELLO,	:	Pursuant to 28 U.S.C. § 2284(a)
MIKE KELLY, TOM MARINO,	:	
SCOTT PERRY, KEITH ROTHFUS,	:	Circuit Judge Kent Jordan
LLOYD SMUCKER, and GLENN	:	Chief Judge Christopher Conner
THOMPSON,	:	District Judge Jerome Simandle
	:	
Plaintiffs,	:	
	:	
v.	:	
	:	
ROBERT TORRES, in his official	:	
capacity as Acting Secretary of the	:	
Commonwealth; JONATHAN M.	:	
MARKS, in his official capacity as	:	
Commissioner of the Bureau of	:	
Commissions, Elections, and Legislation,	:	
	:	
Defendants.	:	
	:	
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**DEFENDANTS’ MOTION TO DISMISS COMPLAINT UNDER
FED. R. CIV. P. 12(B)(1) AND (6)**

Pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6),
Defendants Robert Torres, in his official capacity as Acting Secretary of the
Commonwealth, and Jonathan M. Marks, in his official capacity as Commissioner
of the Bureau of Commissions, Elections, and Legislation, hereby respectfully
move to dismiss Plaintiffs’ Complaint in its entirety and with prejudice for lack of

subject matter jurisdiction and failure to state a claim. The grounds for this Motion are set forth in the accompanying Memorandum of Law, filed contemporaneously with this Motion, which is herein incorporated by reference.

Dated: March 2, 2018

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*Attorneys for Acting Secretary Torres and
Commissioner Marks*

CERTIFICATE OF SERVICE

I, Mark A. Aronchick, certify that on March 2, 2018, a true and correct copy of the foregoing Defendants' Motion to Dismiss Complaint pursuant to Federal Rules of Civil Procedure 12(b)(1) and (6), and Memorandum of Law in Support was electronically filed with the Court and served via the CM/ECF system which will provide notice to all counsel and parties of record.

/s/ Mark A. Aronchick _____

Mark A. Aronchick

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Commissions, Elections, and Legislation,	:	
	:	
Defendants.	:	

**[PROPOSED] ORDER GRANTING DEFENDANTS' MOTION TO
DISMISS COMPLAINT WITH PREJUDICE**

AND NOW, this ___ day of _____, 2018, upon consideration of the Defendants' Motion to Dismiss Complaint with prejudice, the Memorandum of Law in Support of the Motion, and any response to the Motion, for the reasons set forth in the Memorandum of Law, it is hereby

ORDERED that, pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6), the motion is **GRANTED**; and

FURTHER ORDERED that all of Plaintiffs' claims against the Defendants contained in the Complaint are **DISMISSED WITH PREJUDICE**.

BY THE COURT:

J.