

**Colorado Montana Wyoming State Area Conference of the  
NAACP et al v. United States Election Integrity Plan et al**

**Colorado District Court**

Case no. 1:22-cv-00581-CNS-NRN (D. Colo.)

Filed date: March 31, 2023

Docket entry no.: 87

Docket text:

ORDER granting 85 MOTION to Clarify re 81 Order on Motion to Dismiss. Defendants' filed a Motion for Clarification of this Court's Order from January 23, 2023 (ECF No. 81 ), regarding whether their counterclaims were dismissed with prejudice. The Court ruled that Defendants' defamation counterclaim was denied for failure to state a claim because the allegedly defamatory statements are contained within the Complaint and therefore absolutely privileged. This counterclaim was dismissed with prejudice. The Court also ruled that Defendants' second counterclaim, abuse of process, raised arguments that should have been brought under Federal Rule of Civil Procedure 12(b)(6). This counterclaim was also dismissed with prejudice because Defendants had the opportunity to file a Rule 12(b)(6) motion and failed to do so. The Court finds no reason to reconsider its prior order and will not do so. By Judge Charlotte N. Sweeney on 3/31/2023. Text Only Entry(cnssec. ) (Entered: 03/31/2023)

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