

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

Paul Goldman, et al.,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No. 3:22-CV-789-RCY
)	
Glenn Youngkin, Governor of Virginia, in his official capacity, et al.,)	
)	
Defendants.)	

**COMMONWEALTH DEFENDANTS' MOTION TO DISMISS
THE SECOND AMENDED COMPLAINT UNDER
FEDERAL RULES OF CIVIL PROCEDURE 12(b)(1) AND 12(b)(6)**

Pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure, Glenn Youngkin, Robert Brink, John O'Bannon, Georgia Alvis Long, Susan Beals, Donald Merricks, and Angela Chiang (collectively, the Commonwealth Defendants), by counsel, respectfully move this Court to dismiss Plaintiffs' Second Amended Complaint for lack of jurisdiction and move to dismiss Plaintiffs' Second Amended Complaint with prejudice for failure to state a claim upon which relief can be granted. In support, the Commonwealth Defendants rely on the Memorandum in Support filed herewith.

Dated: January 24, 2023

Respectfully submitted,

GLENN YOUNGKIN
ROBERT BRINK
JOHN O'BANNON
GEORGIA ALVIS LONG
SUSAN BEALS
DONALD MERRICKS
ANGELA CHIANG

By: /s/ Andrew N. Ferguson
Andrew N. Ferguson (VSB #86583)
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CERTIFICATE OF SERVICE

THIS IS TO CERTIFY that on January 24, 2023, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to all parties of record.

/s/ Andrew N. Ferguson
Andrew N. Ferguson (VSB #86583)
Counsel for the Commonwealth Defendants