

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

**VOICE of the EXPERIENCED, on behalf of
itself and its members; POWER COALITION
for EQUITY and JUSTICE, on behalf of itself
and its members; and LEAGUE of WOMEN
VOTERS of LOUISIANA, on behalf of itself
and its members**

Case: 3:23-cv-00331-JWD-SDJ

v.

**R. KYLE ARDOIN, in his official capacity as
Secretary of State of Louisiana**

MOTION TO DISMISS PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE

12(B)

NOW INTO COURT, through undersigned counsel, comes Defendant, R. Kyle Ardoin, in his official capacity as Secretary of State of Louisiana, who respectfully moves for dismissal pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6).

1.

The Court lacks subject matter jurisdiction over this matter. Secretary Ardoin is entitled to sovereign immunity for the claims asserted against him arising under the Equal Protection Clause of the Fourteenth Amendment. Additionally, Plaintiffs lack Article III standing to pursue their claims arising under the Fourteenth Amendment and the National Voter Registration Act (NVRA).

2.

Plaintiffs' claims arising under the NVRA fail to state a claim for relief against Secretary Ardoin pursuant to F.R.C.P. 12(b)(6).

3.

Plaintiffs' claims arising under the Fourteenth Amendment should be dismissed pursuant to F.R.C.P. 12(b)(6) as Plaintiffs have failed to state a claim upon which relief may be granted.

WHEREFORE, for the foregoing reasons and for the reasons more fully set forth in the accompanying Memorandum in Support, Secretary Ardoin respectfully requests that this Honorable Court grant this Motion to Dismiss and dismiss all claims asserted against him.

Respectfully submitted:

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 13th day of June, 2023, a copy of the foregoing has on this date been served upon all counsel of record via CM/ECF system and has been filed electronically with the Clerk of Court using the CM/ECF system.

/s/ Caroline M. Tomeny
Caroline M. Tomeny