

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

VICTOR ASHE, et al.,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 3:23-cv-01256
)	Judge Richardson
TRE HARGETT, et al.,)	Magistrate Judge Newbern
)	
Defendants.)	

DEFENDANTS' MOTION TO DISMISS

Defendants, Secretary of State Tre Hargett, Coordinator of Elections Mark Goins, and Attorney General Jonathan Skrmetti, (“Defendants”), sued in their official capacities only, move pursuant to Fed. R. Civ. P. 12 (b)(1) and (6), and L.R. 7.01, to dismiss Plaintiffs’ Complaint on the grounds that Plaintiffs lack standing to sue, Plaintiffs’ claims are barred by sovereign immunity, and the claims are barred by laches and the applicable statute of limitations.

In support of this Motion, Defendants rely on the contemporaneously filed Memorandum of Law in Support of Defendants’ Motion to Dismiss, which is incorporated herein by reference.

Respectfully submitted,

JONATHAN SKRMETTI
Attorney General and Reporter

/s/ Dawn Jordan

DAWN JORDAN
Special Counsel

ZACHARY L. BARKER
Assistant Attorney General

Public Interest Division
Office of Tennessee Attorney General
P.O. Box 20207
Nashville, TN 37202
(615) 741-6440
Dawn.Jordan@ag.tn.gov
Zachary.Barker@ag.tn.gov

RETRIEVED FROM DEMOCRACYDOCKET.COM

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing document has been filed electronically on January 3, 2024. Parties may access this filing through the Court's electronic filing system.

R. Culver Schmid, BPR No. 011128
Baker, Donelson, Bearman, Caldwell & Berkowitz, PC
265 Brookview Centre Way, Suite 600
Knoxville, TN 37919

Collin P. Wedel
Sidley Austin LLP (LA Office)
555 West 5th Street Suite 400
Los Angeles, CA 90013

Gary Shockley, BPR No. 010104
Baker, Donelson, Bearman, Caldwell & Berkowitz, PC
1600 West End Avenue, Suite 2000
Nashville, TN 37203

Eric G. Osborne, BPR No. 029719
Christopher C. Sabis, BPR No. 030032
William L. Harbison, BPR No. 007012
Frances W. Perkins, BPR No. 040534
Sherrard Roe Voigt & Harbison, PLC
150 3rd Avenue South, Suite 1100
Nashville, TN 37201
Counsel for Plaintiffs Victor Ashe and Phil Lawson

John E. Haubenreich, BPR No. 029202
The Protect Democracy Project
2020 Pennsylvania Avenue NW, #163
Washington, DC 20006

Orion Danjuma
The Protect Democracy Project
82 Nassau St. #601
New York, NY 10038

Jillian Sheridan Stonecipher
Rebecca B. Shafer
Sidley Austin LLP
One South Dearborn
Chicago, IL 60603
Counsel for Plaintiff League of Women Voters of Tennessee

/s/ Dawn Jordan
DAWN JORDAN
Special Counsel