

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION

REPUBLICAN NATIONAL COMMITTEE,  
MISSISSIPPI REPUBLICAN PARTY,  
JAMES PERRY, and MATTHEW LAMB,

Plaintiffs,

v.

JUSTIN WETZEL, *in his official capacity as the clerk and registrar of the Circuit Court of Harrison County*; TONI JO DIAZ, BECKY PAYNE, BARBARA KIMBALL, CHRISTENE BRICE, and CAROLYN HANDLER, *in their official capacities as members of the Harrison County Election Commission*; and MICHAEL WATSON, *in his official capacity as the Secretary of State of Mississippi*,

Defendants.

No. 1:24-cv-00025-LG-RPM

**[PROPOSED] INTERVENOR-DEFENDANTS’  
MOTION TO DISMISS PLAINTIFFS’ COMPLAINT PURSUANT TO FEDERAL  
RULES OF CIVIL PROCEDURE 12(B)(1) AND 12(B)(6)**

Intervenor-Defendants Vet Voice Foundation (“Vet Voice”) and the Mississippi Alliance for Retired Americans (the “Alliance”) (together, “Intervenors”), hereby move, pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6), to dismiss Plaintiffs’ Complaint (ECF No. 1) with prejudice for lack of subject matter jurisdiction and for failure to state a claim upon which relief can be granted, for all the reasons set forth in the accompanying Memorandum Brief in support of this motion.

WHEREFORE, Intervenors respectfully request that this Court enter an order granting this Motion to Dismiss and dismiss Plaintiffs’ Complaint with prejudice.

Dated: February 9, 2024

Respectfully submitted,

/s/ Robert B. McDuff

Robert B. McDuff

Paloma Wu

**MISSISSIPPI CENTER FOR JUSTICE**

210 E. Capitol Street

Suite 1800

Jackson, MS 39201

Phone: (601) 259-8484

Fax: (601) 352-4769

[rmcduff@mscenterforjustice.org](mailto:rmcduff@mscenterforjustice.org)

[pwu@mscenterforjustice.org](mailto:pwu@mscenterforjustice.org)

*Counsel for Proposed-Intervenors Vet Voice  
Foundation and the Mississippi Alliance for  
Retired Americans*

RETRIEVED FROM DEMOCRACYDOCKET.COM