

**IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF ILLINOIS
SPRINGFIELD, ILLINOIS**

PUBLIC INTEREST LEGAL,)
FOUNDATION, INC.)

Plaintiff,)

v.)

3:20-cv-03190-SEM-TSH

STEVE SANDVOSS, in his official Capacity as)
Executive Director of the Illinois State Board of)
Elections, KYLE THOMAS, in his official capacity)
as Director of Voting Systems and Registration,)
CHERYL HOBSON in her Official capacity as)
Deputy Director of Voting and Registration, and the)
ILLINOIS STATE BOARD OF ELECTIONS,)

Defendants.)

**DEFENDANTS' ILLINOIS STATE BOARD OF ELECTIONS,
KYLE THOMAS, AND CHERYL HOBSON'S MOTION TO DISMISS**

NOW COME Defendants Illinois State Board of Elections (SBE), Kyle Thomas, and Cheryl Hobson, by and through their attorney, Kwame Raoul, Attorney General for the State of Illinois, and hereby moves this Honorable Court to dismiss Plaintiff's complaint as to SBE, Thomas, and Hobson pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure. In support of its motion, Defendants state as follows:

1. Plaintiff Public Interest Legal Foundation, Inc. (PILF) filed its one-count complaint against on July 27, 2020. Doc 1. Plaintiff named SBE and Steve Sandvoss, in his official capacity as Executive Director of SBE, as defendants. Plaintiff also named Kyle Thomas, in his official capacity as Director of Voting Systems and Registration, and Cheryl Thompson her official capacity as Deputy Director of Voting and Registration.

2. Plaintiff's claim against SBE should be dismissed because the Eleventh

Amendment bars suit against the State and its agencies and departments.

3. Further, Defendants Thomas and Hobson are not proper Defendants to this lawsuit, as they do not have enforcement power pursuant to the NVRA.

For these reasons, and those discussed in Defendants accompanying memorandum of law, Defendants SBE, Thomas, and Hobson request dismissal from this lawsuit.

Respectfully submitted,

ILLINOIS STATE BOARD OF ELECTIONS,
KYLE THOMAS, and CHERYL HOBSON,

Defendants,

KWAME RAOUL, Attorney General,
State of Illinois,

Attorney for Defendants,

Kristina Dion (6312732)
Thomas Ewick (#6279084)
Assistant Attorney General
500 South Second Street
Springfield, Illinois 62701
(217) 782-5819 Phone
E-Mail: kdion@atg.state.il.us
gls@atg.state.il.us

By: s/Kristina Dion
KRISTINA DION
Assistant Attorney General

**IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF ILLINOIS
SPRINGFIELD, ILLINOIS**

PUBLIC INTEREST LEGAL,)
FOUNDATION, INC.)

Plaintiff,)

v.)

3:20-cv-03190-SEM-TSH

STEVE SANDVOSS, in his official Capacity as)
Executive Director of the Illinois State Board of)
Elections, KYLE THOMAS, in his official capacity)
as Director of Voting Systems and Registration,)
CHERYL HOBSON in her Official capacity as)
Deputy Director of Voting and Registration, and the)
ILLINOIS STATE BOARD OF ELECTIONS,)

Defendants.)

CERTIFICATE OF SERVICE

I hereby certify that on October 5, 2020, the foregoing document, *Defendants Illinois State Board of Elections, Kyle Thomas, and Cheryl Hobson’s Motion to Dismiss*, was electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

A. Christine Svenson christine@svensonlawoffices.com
Susan Lyn Becker sbecker@PublicInterestLegal.org

and I hereby certify that on the same date, I caused a copy of the foregoing document to be mailed by United States Postal Service, to the following non-registered participant:

NONE

Respectfully submitted,

By: s/Kristina Dion
Kristina Dion #6312732
Assistant Attorney General
500 South Second Street
Springfield, Illinois 62701
(217) 782-5819 Phone
(217) 524-5091 Fax