

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

COALITION FOR OPEN DEMOCRACY,
et al.,

Plaintiffs,

v.

DAVID M. SCANLAN, in his official capacity
as New Hampshire Secretary of State, *et al.*,

Defendants.

Case No. 1:24-cv-00312-SE-TSM

DEFENDANTS' MOTION TO DISMISS THE COMPLAINT

NOW COME Defendants New Hampshire Secretary of State David M. Scanlan and New Hampshire Attorney General John M. Formella (collectively, the "Defendants"), by and through their counsel, the Office of the Attorney General, and move to dismiss Plaintiffs' Complaint (ECF No. 1), pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure.

WHEREFORE, for the reasons stated in Defendant's attached Memorandum of Law in Support of Their Motion to Dismiss the Complaint, which is incorporated herein by reference, Secretary Scanlan and Attorney General Formella respectfully request that this Honorable Court:

- A. Dismiss the Complaint for lack of subject-matter jurisdiction;
- B. Alternatively, dismiss the Complaint for failure to state a claim upon which the Court may grant relief; and
- C. Grant such further relief as is just and equitable.

Respectfully submitted,

DEFENDANTS DAVID M. SCANLAN, in his
official capacity as New Hampshire Secretary of
State and JOHN M. FORMELLA, in his official
capacity as New Hampshire Attorney General

By their attorney,

JOHN M. FORMELLA
ATTORNEY GENERAL

Date: January 16, 2025

/s/ Michael P. DeGrandis
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served on all parties of record through the Court's e-filing system.

/s/ Michael P. DeGrandis
Michael P. DeGrandis