

STATE OF NORTH CAROLINA
WAKE COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
No.: 24CV041789-910

TELIA KIVETT, *et al.*,

Plaintiffs,

vs.

NORTH CAROLINA STATE BOARD OF
ELECTIONS, *et al.*,

Defendants,

and

DEMOCRATIC NATIONAL COMMITTEE,

Intervenor-Defendant.

**STATE BOARD DEFENDANTS’
MOTION TO DISMISS**

NOW COME Defendants, the North Carolina State Board of Elections, and its Executive Director and its members, all sued in their official capacity only (“State Board Defendants”), to move to dismiss Plaintiffs’ Complaint pursuant to Rule 12(b)(1), (2), (5), and (6) of the Rules of Civil Procedure for lack of subject matter and personal jurisdiction, insufficient service of process, and failure to state a claim upon which relief can be granted.

For these and other reasons to be detailed in a forthcoming brief in support of this motion, State Board Defendants respectfully request that Plaintiffs’ Complaint be dismissed.

Respectfully submitted, this 5th day of February, 2025.

N.C. DEPARTMENT OF JUSTICE

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CERTIFICATE OF SERVICE

I certify that on this day, a copy of the foregoing was filed using the eCourts electronic system, and a .pdf copy of the filing will be served on all parties using that system, including on counsel for Plaintiffs and Defendant-Intervenor at the following email address:

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This the 5th day of February, 2025.

/s/ Mary Carla Babb
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