

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**

UNITED STATES OF AMERICA,

Plaintiff,

v.

DAVID M. SCANLAN in his official
capacity as Secretary of State for the State of
New Hampshire, and the STATE OF NEW
HAMPSHIRE,

Defendants.

Case No. 1:25-cv-00371-AJ

INTERVENOR-DEFENDANTS' MOTION TO DISMISS

NOW COME Intervenor-Defendants Neal Kurk, Robert "Bob" Perry, Louise Spencer, and Christopher Cole, by and through counsel, and move to dismiss Plaintiff's complaint pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure.

WHEREFORE, for the reasons stated in Intervenor-Defendants' attached Memorandum of Law in Support of Motion to Dismiss, which is incorporated herein by reference, Intervenor-Defendants respectfully request that this Honorable Court GRANT their Motion to Dismiss.

Dated: February 9, 2026

Respectfully submitted,

/s/ Steven J. Dutton

Steven J. Dutton, NH Bar No. 17101

McLANE MIDDLETON, P.A.

900 Elm Street

Manchester, New Hampshire 03101

Telephone: (603) 625-6464

steven.dutton@mclane.com

Paul Twomey, NH Bar No. 2589
TWOMEY LAW OFFICE
44 Ring Road
Chichester, New Hampshire 03258
Telephone: (603) 568-3254
polotuama7@gmail.com

Elisabeth C. Frost*
David R. Fox*
Christopher D. Dodge*
Marcos Mocine-McQueen*
ELIAS LAW GROUP LLP
250 Massachusetts Ave NW, Suite 400
Washington, D.C. 20001
Telephone: (202) 968-4490
efrost@elias.law
dfox@elias.law
cdodge@elias.law
mmcqueen@elias.law

Walker McKusick*
ELIAS LAW GROUP LLP
1700 Seventh Avenue, Suite 2100
Seattle, Washington 98101
(206) 656-0177
wmckusick@elias.law

Counsel for Intervenor-Defendants

** Admitted Pro Hac Vice*

CERTIFICATE OF SERVICE

I hereby certify that on February 9, 2026 the foregoing document was served via ECF filing on all counsel of record.

/s/ Steven J. Dutton

RETRIEVED FROM DEMOCRACYDOCKET.COM