

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA,	:	
Plaintiff,	:	No. 2:25-CV-01481
	:	
v.	:	Judge Cathy Bissoon
	:	
AL SCHMIDT, in his official capacity as Secretary of the Commonwealth, and the COMMONWEALTH OF PENNSYLVANIA,	:	Electronically Filed Document
	:	
Defendants.	:	

**COMMONWEALTH OF PENNSYLVANIA’S MOTION TO
DISMISS “THE COMMONWEALTH” AS A PARTY**

The Commonwealth of Pennsylvania, by and through counsel, hereby moves to dismiss Plaintiff’s Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6) and, in support of this Motion, avers as follows:

1. Plaintiff, the United States of America, by and through its Attorney General and the Department of Justice, alleges that Defendants Secretary of the Commonwealth Al Schmidt¹ and the Commonwealth itself are violating the Civil Rights Act of 1960 (“CRA”); the National Voter Registration Act of 1993 (“NVRA”); and the Help America Vote Act of 2002 (“HAVA”). [ECF 1].

2. This action is brought pursuant to the National Voter Registration Act of 1993 (“NVRA”), the Civil Rights Act of 1960 (“CRA”), and the Help America Vote Act of 2002 (“HAVA”).

3. Despite its representations to Plaintiff that the Commonwealth as an entity is not a proper party in Plaintiff’s dispute with the Secretary over voter roll information and compliance

¹ The Secretary of the Commonwealth is separately represented in this matter.

with various federal statutes, Plaintiff has not removed the Commonwealth as a named party in this action.

4. Plaintiff has indicated that they do not take a position on the Commonwealth's motion at this time.

5. The Commonwealth requested that Plaintiff dismiss it as a party by letter and email correspondence dated November 24, 2025.

6. The Commonwealth now moves to dismiss Plaintiff's claims against the Commonwealth.

7. The Commonwealth has herewith filed a Brief in Support of this Motion, providing the reasons in support of the foregoing assertions with greater particularity, and the contents therein are incorporated here by reference.

WHEREFORE, the Commonwealth requests that the foregoing Motion to Dismiss be granted, and that the Commonwealth is dismissed from this action without leave to amend.

Respectfully submitted,

DAVID W. SUNDAY, JR.
Attorney General

By: /s/ Meghan A. Flowers
MEGHAN A. FLOWERS
Deputy Attorney General
Attorney ID 326721

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Date: November 25, 2025

Counsel for the
Commonwealth of Pennsylvania

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CERTIFICATE OF SERVICE

I, Meghan Flowers, Deputy Attorney General for the Commonwealth of Pennsylvania, Office of Attorney General, hereby certify that on November 25, 2025, I caused to be served a true and correct copy of the foregoing document titled COMMONWEALTH OF PENNSYLVANIA’S MOTION TO DISMISS “THE COMMONWEALTH” AS A PARTY via the Court’s CM/ECF filing system upon all counsel of record.

s/ Meghan Flowers
MEGHAN FLOWERS
Deputy Attorney General

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