

**IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF VERMONT**

UNITED STATES OF AMERICA,

Plaintiff,

v.

SARAH COPELAND HANZAS, in her
official capacity as Secretary of State of
Vermont,

Defendant.

Case No. 2:25-cv-00903

**PROPOSED INTERVENOR-DEFENDANTS VERMONT ALLIANCE FOR RETIRED
AMERICANS, RICHARD MONTEROSSO, AND MARY ANDREWS' MOTION TO
DISMISS**

Proposed Intervenor-Defendants the Vermont Alliance for Retired Americans, Richard Monterosso, and Mary Andrews move to dismiss Plaintiff's Complaint under Fed. R. Civ. P. 12(b)(6). For the reasons discussed in the supporting memorandum filed alongside this Motion, Plaintiff's Complaint fails to state a claim upon which relief may be granted.¹

WHEREFORE, Proposed Intervenor-Defendants request that the Court dismiss Plaintiff's Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6).

¹ Proposed Intervenor request that the Court accept this Proposed Motion to Dismiss in the event that the Court grants their Motion to Intervene, ECF No. 6. *See Donald Trump for President, Inc. v. Benson*, No. 1:20-cv-01083-JTN-PJG, 2020 WL 8573863, at *3 (W.D. Mich. Nov. 17, 2020) (granting proposed intervenors' motions to intervene and simultaneously accepting for consideration proposed intervenors' proposed motions to dismiss); *Am. Tradition Inst. v. Colorado*, No. 11-cv-00859-WJM-BNB, 2012 WL 555513, at *3 (D. Colo. Feb. 21, 2012) (similar).

Dated: January 15, 2025

Respectfully submitted,

/s/ Joshua C. Abbuhl

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*Admitted *Pro Hac Vice*

** *Pro hac vice* motion filed

*Counsel for Proposed Intervenor-
Defendants²*

² Attorney Kevin Kowalewski was listed as additional counsel for Proposed Intervenor-Defendants on earlier filings, with a notation that a *pro hac vice* motion was forthcoming. He is admitted to the New York bar and is currently practicing under the supervision of D.C. bar admitted attorneys in Elias Law Group's D.C. office, while his D.C. bar application remains pending. *See* D.C. Bar Rule 49(c)(8). He will therefore not be seeking *pro hac vice* admission or appearing in this matter at this time. *See* D. Vt. L.R. 83.1(b)(2)(D).