

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

PUBLIC INTEREST LEGAL FOUNDATION,

Plaintiff,

No. 1:20-cv-00818

v

HON. HALA Y. JARBOU

JOCELYN BENSON, in her official capacity as
Secretary of State,

Defendant.

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**DEFENDANT SECRETARY OF STATE JOCELYN BENSON'S
MOTION TO DISMISS**

Defendant Jocelyn Benson, Secretary of State for the State of Michigan,
moves for dismissal of Plaintiff Public Interest Legal Foundation's complaint
pursuant to Fed. R. Civ. Proc. 12(b) (6), for the following reasons:

1. Plaintiff's complaint fails to state a claim against the Michigan Secretary of State and must be dismissed.
2. Defendant Michigan Secretary of State does not maintain records of absent ballot applications.
3. Some or all of PILF's claims under the NVRA may be rendered moot by a pending response to PILF's request to the Secretary under Michigan's FOIA.
4. Concurrence in the relief sought in this motion could not be obtained.

For these reasons and the reasons stated more fully in the accompanying brief in support, Defendant Michigan Secretary of State Jocelyn Benson respectfully requests that this Honorable Court enter an order dismissing Plaintiff's complaint in its entirety and with prejudice, pursuant to Fed. R. Civ. Proc. 12(b)(6).

Respectfully submitted,

Dana Nessel
Attorney General

s/Erik A. Grill
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Dated: October 15, 2020

CERTIFICATE OF SERVICE

I hereby certify that on October 15, 2020, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing of the foregoing document as well as via US Mail to all non-ECF participants.

s/Erik A. Grill

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