

JOHN ERIC SUTTON  
J. E. Sutton & Associates  
200 N. 3<sup>rd</sup> St., Ste. 2 & 3  
Boise, Idaho 83701  
Telephone: (208) 336-4444  
Facsimile: (208) 336-4494  
ISB # 1891

Attorney for Idaho Republican Party

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

IDAHO REPUBLICAN PARTY,  
et al.,

Plaintiffs,

vs.

BEN YSURSA, In his Official Capacity as  
the Secretary of State of the State of Idaho,

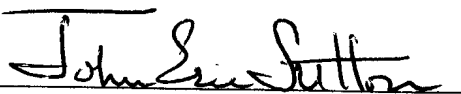
Defendant.

Case No. 1:08-CV-00165-BLW

**PLAINTIFF'S MOTION TO  
DISMISS MOTION FOR  
INTERVENTION AS  
DEFENDANTS- INTERVENORS**

COMES NOW Plaintiff Idaho Republican Party, by and through their counsel of record, John Eric Sutton, and hereby moves this court to dismiss this case as a matter of law, Pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure, due to Defendant Intervenor's lack of standing. This motion is supported by the Response to the Memorandum of Law in Support of Defendant's Motion to Intervene as Defendant-Intervenor, filed herewith.

Dated this 25<sup>th</sup> day of July, 2008

  
John Eric Sutton

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25<sup>th</sup> day of July, 2008, I served a true and correct copy of the foregoing Plaintiff Idaho Republican Party's MOTION TO DISMISS MOTION FOR INTERVENTION AS DEFENDANTS-INTERVENORS upon the following:

Lawrence G. Wasden  
Attorney General  
OFFICE OF THE ATTORNEY GENERAL  
650 W. State Street  
P.O. Box 83720  
Boise, ID 83720-0010

☐ U.S. Mail  
☐ Hand Delivery  
☐ Certified Mail  
☐ Overnight Mail  
☐ Facsimile  
☒ CM/ECF

Brian P. Kane  
Deputy Attorney General  
OFFICE OF THE ATTORNEY GENERAL  
650 W. State Street  
P.O. Box 83720  
Boise, ID 83720-0010

☐ U.S. Mail  
☐ Hand Delivery  
☐ Certified Mail  
☐ Overnight Mail  
☐ Facsimile  
☒ CM/ECF

Gary Allen  
GIVENS PURSLEY  
P.O. Box 2720  
Boise, ID 83701-2720

☐ U.S. Mail  
☐ Hand Delivery  
☐ Certified Mail  
☐ Overnight Mail  
☐ Facsimile  
☒ CM/ECF

Harry Kresky  
LAW OFFICES OF HARRY KRESKY  
250 W. 57<sup>th</sup> Street, Suite 2017  
New York, NY 10107  
(212)581-1516

☐ U.S. Mail  
☐ Hand Delivery  
☐ Certified Mail  
☐ Overnight Mail  
☐ Facsimile  
☒ CM/ECF

  
\_\_\_\_\_  
John Eric Sutton