

**UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF WISCONSIN
(MILWAUKEE DIVISION)**

NANCY A. STENCIL, DANIEL C.
RUSSLER, LISA C. MUELLER,
CHERYL L. MARANTO, GERARD D.
LISI, JAMES B. KURTZ, MARGARET L.
DEMUTH, PAUL DEMAINE, JAMES R.
BOTTSFORD and RICHARD BECHEN,

Plaintiffs,

v.

RONALD H. JOHNSON, THOMAS P.
TIFFANY, and SCOTT L.
FITZGERALD,

Defendants.

Case No.: 22-cv-305-LA

DEFENDANT RONALD H. JOHNSON’S MOTION TO DISMISS

Defendant Ronald H. Johnson moves to dismiss Plaintiffs’ complaint under Federal Rule Civil Procedure 12(b)(1) and (b)(6), and as supported by the attached memorandum. *First*, this Court lacks jurisdiction over Plaintiffs’ declaratory-judgment action because they lack standing and because the U.S. Constitution grants Congress sole authority to decide challenges to Members’ qualifications. *Second*, even if the Court has jurisdiction (it does not), Plaintiffs fail to state a claim upon which relief can be granted. Congress has removed the disabilities imposed by the Section 3 of the Fourteenth Amendment (Disqualification Clause), and Plaintiffs identify no protected personal “rights” to vindicate under the Declaratory Judgment Act. Senator Johnson respectfully requests that the Court dismiss Plaintiffs’ complaint with prejudice.

Dated April 29, 2022

s/ Christopher O. Murray

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Counsel for Senator Ronald H. Johnson

CERTIFICATE OF SERVICE

I certify that on April 29, 2022, I filed **Defendant's Ronald H. Johnson's Motion to Dismiss** via the CM/ECF system for the U.S. District Court for the District of Columbia, which will cause a copy to be served on all registered parties.

*s/ Christopher O. Murray*_____

Christopher O. Murray