

UNITED STATES DISTRICT COURT

DISTRICT OF SOUTH DAKOTA

SOUTHERN DIVISION

G. MATT JOHNSON and)	Civ.18-4108-RAL
LORA HUBBEL,)	
)	
Plaintiffs,)	
)	DEFENDANTS'
v.)	MOTION
)	TO DISMISS
SHANTEL KREBS, Secretary of State,)	
in her official capacity, and MARTY J.)	
JACKLEY, Attorney General, in his)	
official capacity,)	
)	
Defendants.)	

Comes now Defendants, Shantel Krebs and Marty J. Jackley in their official capacities, by and through the undersigned counsel, for the limited purpose of presenting the Court with this Motion and accompanying brief. Defendants assert that this matter should be dismissed pursuant to Fed. R. Civ. P. 12(b)(5) for insufficient service of process and under Fed. R. Civ. P. 12(b)(1) for lack of jurisdiction.

Dated this 21st day of September 2018.

MARTY J. JACKLEY
ATTORNEY GENERAL

/s/ Ann F. Mines Bailey
Ann F. Mines Bailey
Assistant Attorney General
1302 E. Highway 14, Suite 1
Pierre, SD 57501-8501
Telephone: (605) 773-3215
Email: Ann.MinesBailey@state.sd.us
Attorney for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on the 21st day of September 2018, I electronically filed the foregoing with the Clerk of the Court for the United States District Court for the Southern Division by using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system.

I further certify that some of the participants in the case are not CM/ECF users. I have mailed the foregoing document by First-Class mail, postage prepaid, or have dispatched it to a third-party commercial carrier for delivery within 3 calendar days, to the following non-CM/ECF participants:

G. Matt Johnson
204 S 7th Ave.
Brandon, SD 57005

Lora Hubbel
4605 W Graceland Ct.
Sioux Falls, SD 57106

/s/ Ann F. Mines Bailey
Ann F. Mines Bailey
Assistant Attorney General

usdc_AFM G. Matt Johnson and Lora Hubbel v. Shantel Krebs et al. – Motion to Dismiss (cm)