

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION**

Latasha Holloway, et al.,

Plaintiffs,

v.

Case No. 2:18-cv-0069

City of Virginia Beach, et al.,

Defendants.

DEFENDANTS' OPPOSED MOTION TO DISMISS

Pursuant to Federal Rule of Civil Procedure 12(b)(1), Defendants move to dismiss this action.¹ There is no live case or controversy, and Plaintiffs' claim regarding election systems that the City may adopt in the future is unripe. This Court lacks subject matter jurisdiction and must dismiss this action. *See* Fed. R. Civ. P. 12(h)(3).

The bases of Defendants' motion are set forth more fully in the accompanying consolidated brief in support, which is incorporated herein by reference and also serves as an opposition to Plaintiffs' Motion to Stay. ECF 306. For the reasons stated there, Defendants' Motion should be granted and this case must be dismissed.

¹ Counsel for Plaintiffs has advised that Plaintiffs oppose this motion.

DATE: October 18, 2022

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Respectfully submitted,

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Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on October 18, 2022, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will then send a notification of the filing to all parties of record.

/s/ Katherine L. McKnight

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Counsel for Defendants

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[PROPOSED] ORDER

UPON CONSIDERATION of Defendants' Motion to Dismiss, it is hereby

ORDERED that Defendants' Motion to Dismiss is granted; and it is further

ORDERED that this action is DISMISSED.

SO ORDERED.

This _____ day of _____ 2022.

Honorable Raymond A. Jackson
United States District Judge