

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

JOHNNY DUNCAN

Plaintiff

VERSUS

STATE OF LOUISIANA, LOUISIANA  
SECRETARY OF STATE OFFICE,  
SECRETARY OF STATE TOM  
SCHEDLER, TANGIPAHOA PARISH  
COUNSEL, TANGIPAHOA PARISH  
CLERK OF COURT OFFICE, CLERK  
JULIAN DUFRECHE, TANGIPAHOA  
PARISH REGISTRAR OF VOTERS  
OFFICE, AND TANGIPAHOA  
PARISH REGISTRAR OF VOTERS  
JOHN RUSSELL

Defendants

CIVIL ACTION NO. 15-5486

SECTION: "B"

JUDGE: IVAN L.R. LEMELLE

MAG.: SALLY SHUSHAN

TRIAL BY JURY DEMANDED

**STATE DEFENDANTS' MOTION TO DISMISS AMENDED COMPLAINT**  
**PURSUANT TO FED. R. CIV. P. 12(B)(1)**

NOW INTO COURT, through undersigned counsel, come Defendants, State of Louisiana, Louisiana Secretary of State Office, and Secretary of State Tom Schedler, in his official capacity (collectively, the "*State Defendants*"), who file this Motion to Dismiss the claims asserted against them by Plaintiff, Johnny Duncan, in his Amended Complaint, on the grounds that, pursuant to Fed. R. Civ. P. 12(b)(1), this court lacks subject matter jurisdiction over Plaintiff's claims against State Defendants.

WHEREFORE, as more thoroughly set forth in the attached Memorandum, the State Defendants pray that their Motion to Dismiss Amended Complaint pursuant to Fed. R. Civ. P.

12(b)(1) be granted and that this court dismiss all of Plaintiff's claims against the State Defendants with prejudice at Plaintiff's cost.

Respectfully Submitted:

**SHOWS, CALI & WALSH, L.L.P.**

/s/ Kathryn A. Dufrene

E. Wade Shows, La. Bar Roll No. 7637  
John C. Walsh, La. Bar Roll No. 24903  
Grant J. Guillot, La. Bar Roll No. 32484  
Kathryn A. Dufrene, La. Bar Roll No. 35759  
628 St. Louis Street (70802)  
P.O. Drawer 4425  
Baton Rouge, Louisiana 70821  
Telephone: (225) 346-1461  
Facsimile: (225) 346-1467

*Attorneys for Defendants, State of Louisiana,  
Louisiana Secretary of State Office, and  
Secretary of State Tom Schedler*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 8<sup>th</sup> day of February, 2016, a copy of the foregoing has this date been served upon all parties through their respective counsel of record by operation of the Court's electronic filing system and has been filed electronically with the Clerk of Court using the CM/ECF system. A copy of the foregoing has been mailed to the following:

Johnny Duncan  
P.O. Box 723  
Amite, LA 70422

/s/ Kathryn A. Dufrene  
KATHRYN A. DUFRENE