

**IN THE UNITED STATE DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
CHATTANOOGA DIVISION**

MARTIN S. McKAY,)	
)	
Plaintiff,)	
)	
v.)	No. 1:15-cv-224
)	
MARK GOINS, Coordinator of Elections)	
State of Tennessee,)	
TRE HARGETT, Secretary of State, State)	
of Tennessee, and)	
KERRY B. STEELMAN, Administrator of)	
Elections, Hamilton County, Tennessee,)	
)	
Defendants.)	

DEFENDANTS' MOTION TO DISMISS

Come the Defendants, Mark Goins, in his official capacity as Coordinator of Elections for the State of Tennessee, Tre Hargett, in his official capacity as Secretary of State for the State of Tennessee, and Kerry B. Steelman, in his official capacity as Administrator of Elections for Hamilton County, Tennessee, by and through their counsel of record, the Attorney General and Reporter for the State of Tennessee, and hereby respectfully move that this Court dismiss Plaintiff's complaint in its entirety and with prejudice pursuant to Fed. R. Civ. P. 12(b)(6) for failure to state a claim, as Plaintiff's complaint is barred by *res judicata*.

This motion is supported by an accompanying memorandum of law.

Respectfully submitted,

HERBERT H. SLATERY III
Attorney General and Reporter

/s/ Janet M. Kleinfelter
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CERTIFICATE OF SERVICE

The undersigned hereby certifies on the 21st day of September 2015 that a copy of the above document has been served upon the following persons by U.S. Mail, postage prepaid:

Martin S. McKay
P.O. Box 16006
Chattanooga, TN 37416

/s/ Janet M. Kleinfelter
JANET M. KLEINFELTER