

**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' RESPONSE TO MOTION FOR RULING ON PRIVATE RIGHT OF
ACTION**

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 in response to Plaintiff's motion for ruling on private right of action would respectfully state that the question of whether the Sixth Circuit Court of Appeals will recognize a private cause of action under 52 U.S.C. § 10101(a)(2)(B) one that should be submitted to the Sixth Circuit and not this Court. Defendants otherwise rely upon their

previously filed memorandum of law in support of their motion to dismiss (DE 4) and reply in support of their motion to dismiss (DE 14).

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 26th day of October 2015 that a copy of the above document has been served upon the following persons by U.S. Mail, postage prepaid:

Martin S. McKay
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/s/ Janet M. Kleinfelter
JANET M. KLEINFELTER