

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE**

EARLEY STORY,

Plaintiff,

v.

TRE HARGETT, in his official capacity of
Tennessee Secretary of State, RICHARD
HOLDEN, in his official capacity as
Administrator of Elections for Shelby County,
Tennessee, MARC GOINS, in his official
capacity as Tennessee Coordinator of
Elections, and CARA HARR, in her official
capacity as HAVA Attorney for the Tennessee
Secretary of State,

Defendants.

Case No. 2:15-cv-2540-JDT

DEFENDANTS' MOTION TO DISMISS

Come the Defendants, Tre Hargett, in his official capacity as Tennessee Secretary of State, Richard Holden, in his official capacity as Administrator of Elections for Shelby County, Tennessee, Mark Goins, in his official capacity as Coordinator of Elections for the State of Tennessee, and Cara Harr, in her official capacity as HAVA Attorney for the Tennessee Secretary of State, by and through their counsel of record, the Attorney General and Reporter for the State of Tennessee, and hereby respectfully move this Court to dismiss Plaintiff's complaint in its entirety and with prejudice for lack of subject matter jurisdiction and failure to state a claim upon which relief can be granted pursuant to Fed. R. Civ. P. 12(b)(1) and (6).

Pursuant to Fed. R. Civ. P. 10(c) and Fed. R. Civ. P. 12(b)(1), the following exhibits are attached hereto and incorporated herein by reference:

1. Plaintiff's current voter registration; and

2. Letter dated September 18, 2014 from Defendants Mark Goins and Cara Harr to Plaintiff referenced in Paragraph 9 of the Complaint (D.E. 1, PageID 2).

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 13th day of October 2015 that a copy of the above document has been served upon the following persons by Electronic Case Filing (ECF) and first-class U.S. mail, postage pre-paid, to:

Earley Story
4700 Gill Road
Memphis, TN 38109

/s/ Janet M. Kleinfelter
JANET M. KLEINFELTER