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COUNSEL FOR DEFENDANT
Montana Secretary of State

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MONTANA
HELENA DIVISION**

Blackfeet Nation,
Plaintiff,
v.

COREY STAPLETON, in his official capacity as Montana Secretary of State; THE COUNTY OF PONDERA, as a political subdivision organized under the laws of the State of Montana; KODY FARHELL, in her official capacity as Pondera County Clerk & Recorder/Election Administrator; DALE J. SEIFERT, in his official capacity as Pondera County Commissioner; THOMAS A. KUKA, in his official capacity as Pondera County Commissioner; and JIM MORREN, in his official capacity as Pondera County Commissioner; in the United States District Court for the District of Montana.

4:08-cv-08000

**DEFENDANT
SECRETARY OF STATE'S
MOTION TO DISMISS**

COMES NOW Defendant Montana Secretary of State and hereby requests that pursuant to Fed. R. Civ. P. 12(b)(1) and 12 (b)(6) that he be dismissed as a Defendant in this action based on the Courts' lack of jurisdiction over the subject matter of the claim and Plaintiffs' failure to state a claim upon which relief can be granted. A brief in support of this Motion to Dismiss is filed contemporaneously with this Motion.

Plaintiffs have been contacted and did not object or consent to this motion.

Respectfully submitted this 13th day of October, 2020.

By: /s/ Austin Markus James

Austin M. James
Special Assistant Attorney General
Chief Legal Counsel-Secretary of State
Attorney for Defendant Secretary of State

CERTIFICATE OF SERVICE

I certify that on this 13th day of October, 2020, a true and correct copy of the foregoing was electronically served via CM/ECF upon the following:

By: /s/ Austin Markus James
Attorney for Defendant Secretary of State
Special Assistant Attorney General