

Adam M. Shaw
BROWN LAW FIRM, P.C.
269 W. Front Street, Suite A
Missoula, MT 59802
Tel (406) 830-3248
Fax (406) 830-3745
ashaw@brownfirm.com

Attorneys for Defendant Election Systems & Software, LLC

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

ZANE GREY, a Citizen of Montana,

Plaintiff,

vs.

CHRISTI JACOBSEN, as the MONTANA
SECRETARY OF STATE; CHRISTI
JACOBSEN, in her personal capacity;
NICOLE SCRIBNER, as the SANDERS
COUNTY ELECTIONS DIRECTOR;
NICOLE SCRIBNER, in her personal
capacity; ELECTION SYSTEMS &
SOFTWARE, LLC (ES&S),

Defendants.

Cause No. CV-22-82-M-BMM

DEFENDANT ELECTION SYSTEMS
& SOFTWARE, LLC'S
MOTION TO DISMISS

Pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6),
Defendant Election Systems & Software, LLC ("ES&S") respectfully moves the
Court for an Order dismissing Plaintiff's Complaint under *Title 42 USC § 1983, et*
seq. and Jury Demand, Apr. 26, 2022 ("Plaintiff's Complaint") (Doc. 1) against

ES&S. In support of this Motion, ES&S relies upon its Brief in Support, which is being filed contemporaneously herewith and sets forth the reasons why dismissal of Plaintiff's Complaint is proper.

Pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(6), ES&S respectfully requests that the Court enter an Order dismissing Plaintiff Zane Grey's Complaint and Jury Demand, with prejudice, against ES&S for lack of subject-matter jurisdiction and failure to state a claim upon which relief can be granted; and for such other, further and different relief as this Court may deem just and equitable.

Under Local Rule 7.1(c), counsel for Nicole Scribner and Sanders County was contacted and indicated they do not oppose this motion. Counsel for the Secretary of State Christi Jacobsen was contacted and indicated they do not oppose this motion. Plaintiff Zane Grey has been contacted and opposes this motion.

DATED this 17th day of May, 2022.

BROWN LAW FIRM, P.C.

By: /s/ Adam M. Shaw
Attorneys for Defendant
Election Systems & Software, LLC

CERTIFICATE OF SERVICE

I hereby certify that on May 17th, 2022, a copy of the foregoing document was served on the following persons by the following means:

_____ Hand Delivery
_____1_____ Mail
_____ Fax
_____ E-Mail
_____ Overnight Delivery Service

1. Zane Grey
P.O. Box 1550
Noxon, MT 59853
Pro Se Plaintiff

By: /s/ Adam M. Shaw