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*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

**ELECTION SYSTEMS &  
SOFTWARE, LLC'S MOTION TO  
DISMISS PLAINTIFF'S  
AMENDED COMPLAINT**

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 Amended Complaint under *Title 42 USC §§ 1983, 1985(3), 1988(a) et seq.* and Jury Demand, August 4, 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 18th day of August, 2022.

BROWN LAW FIRM, P.C.

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