

ALAN ZACKHEIM
Assistant Attorney General
Agency Legal Services Bureau
1712 Ninth Avenue
P.O. Box 201440
Helena, MT 59620-1440
Phone:(406) 444-5850
Fax: (406) 444-4303
alan.zackheim@mt.gov

Counsel for Defendant Secretary of State

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

ZANE GREY, Plaintiff, v. CHRISTI JACOBSEN, Montana Secretary of State; CHRISTI JACOBSEN (personal capacity); NICOLE SCRIBNER, Sanders County Elections Director; NICOLE SCRIBNER (personal capacity); ELECTIONS SYSTEM & SOFTWARE, LLC; Defendants.	Case No. CV 22-82-M-BMM DEFENDANT SECRETARY OF STATE'S NOTICE OF LATE FILING AND MOTION TO DISMISS
--	--

Defendant Christi Jacobsen, Montana Secretary of State (“the Secretary”), by and through counsel, moves the Court to dismiss Plaintiff Zane Grey’s claims against the Secretary pursuant to Fed. R. Civ. P. 12(b)(1) because Mr. Grey has failed to plead facts which establish standing to bring this action. A brief in support is concurrently filed.

This motion and supporting brief were prepared with the intention of filing them by August 19, 2022. On the evening of August 28, 2022, counsel realized the motion and brief had not been filed. Accordingly, the motion and brief are filed today. The Secretary contends this filing delay will not prejudice Plaintiff. The purpose of this motion is to incorporate the motion to dismiss filed June 14, 2022, (Doc. 20) because Plaintiff has failed to cure the defects in his complaint.

Respectfully submitted this 29th day of August 2022.

By: /s/ Alan Zackheim
ALAN ZACKHEIM
Assistant Attorney General
Counsel for Secretary of State

CERTIFICATE OF SERVICE

I hereby certify that on this date I electronically filed the foregoing document with the clerk of the court for the United States District Court for the District of Montana, using CM/ECF system.

I hereby certify that on August 29, 2022, a copy of the foregoing document was served on the following persons by the following means:

- 1 CM/ECF
- Hand Delivery
- 2 Mail
- Overnight Delivery Service
- Fax
- E-Mail

1. Clerk, U.S. District Court
2. Zane Grey
P.O. Box 1550
Noxon, MT 59853

By: /s/ Alan Zackheim
ALAN ZACKHEIM
Assistant Attorney General
Counsel for Defendants