

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

PARKER TIRRELL and IRIS TURMELLE,

Plaintiffs,

v.

FRANK EDELBLUT, in his official capacity as
Commissioner of the New Hampshire Department
of Education, *et al.*,

Defendants.

Case No. 1:24-cv-00251-LM-TSM

**DEFENDANTS FRANK EDELBLUT, ANDREW CLINE, KATE CASSADY,
ANN LANE, PHILIP NAZZARO, RAJESH NAIR, JAMES FRICCHIONE,
AND JAMES LABOE’S PARTIAL MOTION TO DISMISS
THE FIRST AMENDED COMPLAINT**

NOW COME Defendants Frank Edelblut, Andrew Cline, Kate Cassady, Ann Lane, Philip Nazzaro, Rajesh Nair, James Fricchione, and James Laboe (collectively, the “State Defendants”), by and through counsel, the Office of the Attorney General, and move to dismiss Commissioner Edelblut as a defendant in this case and partially dismiss the First Amended Complaint (ECF No. 78), pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure.

WHEREFORE, for the reasons stated in State Defendants’ attached Memorandum of Law in Support of Their Partial Motion to Dismiss the First Amended Complaint, which is incorporated herein by reference, State Defendants respectfully request that this Honorable Court:

- A. Dismiss Commissioner Edelblut as a party to this action;
- B. Dismiss the First Amended Complaint’s facial claims; and
- C. Grant such further relief as is just and equitable.

Respectfully submitted,

DEFENDANTS FRANK EDELBLUT,
ANDREW CLINE, KATE CASSADY, ANN
LANE, PHILIP NAZZARO, RAJESH NAIR,
JAMES FRICCHIONE, and JAMES LABOE

By their attorneys,

JOHN M. FORMELLA
ATTORNEY GENERAL

Date: December 6, 2024

/s/ Michael P. DeGrandis
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served on all parties of record through the Court's e-filing system.

/s/ Michael P. DeGrandis
Michael P. DeGrandis