

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

BRIAN VALENTI, on his own behalf and	)	
on behalf of a class of those similarly	)	
situated,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Case No. 1:15-cv-1304-WTL-TAB
	)	
INDIANA SECRETARY OF STATE, in her	)	
official capacity; THE INDIVIDUAL	)	
MEMBERS of the INDIANA ELECTION	)	
COMMISSION, in their official capacities; THE	)	
SUPERINTENDENT of the INDIANA STATE	)	
POLICE, in his official capacity; THE	)	
BLACKFORD COUNTY PROSECUTOR, in his	)	
official capacity,	)	
	)	
Defendants.	)	

**MOTION TO DISMISS**

The defendants, the Indiana Secretary of State, the members of the Indiana Election Commission, the Superintendent of the Indiana State Police, and the Blackford County Prosecutor, move this Court to dismiss Brian Valenti's lawsuit under Federal Rule of Civil Procedure 12(b)(1). In support of this motion, the defendants state:

1. Mr. Valenti's lawsuit should be dismissed because Mr. Valenti has not been harmed by Indiana Code § 35-42-4-14. Consequently, there is no case or controversy, Mr. Valenti lacks standing to sue, and this Court lacks subject matter jurisdiction over his claims.

2. A memorandum in support of this motion is being filed with this motion and is incorporated into this motion.

WHEREFORE, for the reasons set forth here and more fully in the accompanying memorandum, the defendants respectfully request this Court to dismiss Mr. Valenti's complaint.

Respectfully submitted,

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Indiana Attorney General  
Attorney No. 1958-98

Date: November 12, 2015

By: *s/ Jefferson S. Garn*

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**CERTIFICATE OF SERVICE**

I certify that on November 12, 2015, a copy of this ***Motion to Dismiss*** was filed electronically. Service of this filing will be made on all ECF-registered counsel by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

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