

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 FIRST AMENDED COMPLAINT**

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 filed his *First Amended Class Action Complaint for Injunctive and Declaratory Relief* on November 25, 2015, after the defendants filed a motion to dismiss Mr. Valenti's original complaint.
2. Mr. Valenti's amended complaint should be dismissed for the same reason as his original complaint: 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.

3. 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,

GREGORY F. ZOELLER  
Indiana Attorney General  
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Date: December 21, 2015

By: s/ Jefferson S. Garn  
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**CERTIFICATE OF SERVICE**

I certify that on December 21, 2015, a copy of this ***Motion to Dismiss First Amended Complaint*** 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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