

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

**VOTE NO ON AMENDMENT ONE, INC.
a West Virginia Corporation; KATHERINE LEWIS;
and STACY NORTH**

Plaintiffs,

v.

**Civil Action No. 2:18-cv-1406
(Honorable Thomas E. Johnston)**

**MAC WARNER, SECRETARY OF
STATE OF THE STATE OF WEST
VIRGINIA, in his official
capacity as Secretary of State**

Defendant.

MOTION TO DISMISS

Pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6), and local rule 7.1, the Defendant, Mac Warner, in his official capacity as Secretary of State of the State of West Virginia, respectfully moves to dismiss the claims against the Secretary of State for lack of jurisdiction or to dismiss the action entirely because it does not state a claim for which relief can be granted.

Respectfully submitted,

/s/ Thomas T. Lampman

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*Counsel for Mac Warner, Secretary of State
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capacity as Secretary of State*

DATE: March 5, 2019

CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of March, 2019, the foregoing has been served electronically on all parties represented by counsel using the Court's CM/ECF system.

/s/ Thomas T. Lampman

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