

**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 Rule of Civil Procedure 12(b)(1) 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.

Respectfully submitted,

/s/ Thomas T. Lampman

Thomas T. Lampman
(WV Bar No. 13353)
Assistant Attorney General
OFFICE OF THE WEST VIRGINIA
ATTORNEY GENERAL
State Capitol
Building 1, Room E-26
Charleston, WV 25305-0220
Telephone: (304) 558-2021
Facsimile: (304) 558-0140
Email: thomas.t.lampman@wvago.gov

*Counsel for Mac Warner, Secretary of State
of the State of West Virginia, in his official
capacity as Secretary of State*

DATE: April 1, 2019

CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of April, 2019, the foregoing has been served electronically on all parties represented by counsel using the Court's CM/ECF system.

/s/ Thomas T. Lampman

Thomas T. Lampman
(WV Bar No. 13353)
Assistant Attorney General
OFFICE OF THE WEST VIRGINIA
ATTORNEY GENERAL
State Capitol
Building 1, Room E-26
Charleston, WV 25305-0220
Telephone: (304) 558-2021
Facsimile: (304) 558-0140
Email: thomas.t.lampman@wvago.gov

*Counsel for Mac Warner, Secretary of State
of the State of West Virginia, in his official
capacity as Secretary of State*