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COUNSEL FOR DEFENDANT

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
HELENA DIVISION

MONTANA GREEN PARTY,  
DANIELLE BRECK, CHERYL  
WOLFE, HARRY C. HOVING,  
DOUG CAMPBELL, STEVE  
KELLY, ANTONIO MORSETTE  
TAMARA R. THOMPSON, and  
ADRIEN OWEN WAGNER,  
  
Plaintiffs,

v.

COREY STAPLETON, in his  
official capacity as Secretary of  
State for the State of Montana,  
  
Defendant.

Cause No. 6:18-cv-00087

**DEFENDANT'S MOTION  
TO DISMISS UNDER  
FED. R. CIV. P. 12(b)(6)**

Corey Stapleton, in his official capacity as Montana Secretary of  
State, moves to dismiss Plaintiffs' complaint for failure to state a claim.

This motion is supported by Defendant's Brief in Support of Motion to Dismiss. Pursuant to Local Rule 7.1(c)(1), the opposing party has been contacted and opposes this motion.

Respectfully submitted this 18th day of October, 2018.

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By: /s/Matthew T. Cochenour  
MATTHEW T. COCHENOUR  
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Counsel for Defendant

**CERTIFICATE OF SERVICE**

I hereby certify that I electronically filed the foregoing document with the clerk of the court for the United States District Court for the District of Montana, using the cm/ecf system. Participants in the case who are registered cm/ecf users will be served by the cm/ecf system.

Dated: October 18, 2018      /s/ Matthew T. Cochenour  
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