

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

UNITED STATES OF AMERICA,

*Plaintiff,*

v.

ANTHONY ALBENCE, in his official  
capacity as State Election Commissioner for  
the State of Delaware,

*Defendant,*

Bethany Jennings and Gemma Lowery,

*Intervenor-Defendants,*

Latin American Community Center, *et al.*,

*Intervenor-Defendants.*

Case No. 25-cv-01453-RGA  
Hon. Richard G. Andrews

---

**BETHANY JENNINGS AND GEMMA LOWERY’S MOTION TO DISMISS**

Intervenors Bethany Jennings and Gemma Lowery move to dismiss Plaintiff’s Complaint for declaratory and injunctive relief, D.I. 1, with prejudice.

For the reasons discussed in the supporting brief filed alongside this Motion, the Complaint fails to state a claim under Federal Rule of Civil Procedure 12(b)(6).

**WHEREFORE**, Intervenors respectfully request that the Court grant their motion to dismiss with prejudice in the above-captioned matter.

February 9, 2026

Elisabeth C. Frost\*  
Jacob D. Shelly\*  
Kevin R. Kowalewski\*  
James J. Pinchak\*  
**ELIAS LAW GROUP LLP**  
250 Massachusetts Ave. NW, Suite 400  
Washington, DC 20001  
Telephone: (202) 968-4490  
efrost@elias.law  
jshelly@elias.law  
kkowalewski@elias.law  
jpinchak@elias.law

\*Appearing *pro hac vice*

*Attorneys for Intervenors*  
*Bethany Jennings and Gemma Lowery*

Respectfully submitted,

/s/ Mark Billion (DE Bar #5263)

Mark M. Billion  
**BILLION LAW**  
20184 Coastal Hwy, Suite 205  
Rehoboth Beach, DE 19971  
Tel.: (302) 428-9400  
markbillion@billionlaw.com