UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

JACQUES L. SOUDELIER, *Plaintiff,* v. DEPARTMENT OF STATE LOUISIANA, R. KYLE ARDOIN, *in his official capacity as Secretary of State of Louisiana*, *Defendants.*	Civil Action No. 2:22-CV-02436-SSV-SPC Judge Sarah S. Vance Magistrate Judge Donna Phillips Currault

DEFENDANTS' MOTION TO DISMISS AND ALTERNATIVE MOTION TO TRANSFER

NOW COME Defendants Department of State Louisiana and R. Kyle Ardoin, in his official capacity as Secretary of State of Louisiana (collectively "Defendants"), by and through undersigned counsel, and pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure, respectfully move this Court for an Order dismissing Plaintiff's Complaint (D.E. 1) and Amended Complaint (D.E. 3), with prejudice, or alternatively, to transfer this matter to the Middle District of Louisiana pursuant to the first-to-file rule and 28 U.S.C. § 1404. In support of this Motion, Defendants provide the following:

1. Plaintiff has failed to state a claim upon which relief may be granted because the alleged sections of the Help America Vote Act ("HAVA") relied upon by Plaintiff do not confer a private right of action.

2. Plaintiff has failed to state a claim upon which relief may be granted because the sections of the Louisiana Election Code relied upon by Plaintiff do not confer a private right of action.

3. Even if the Louisiana Election Code provisions did confer a private right of action, this Court does not have subject matter or supplemental jurisdiction over Plaintiff's state law claims.

4. In the alternative, should the Court decline to dismiss Plaintiff's claims in their entirety, this matter should be transferred to the United States District Court for the Middle District of Louisiana for consolidation with *Jerusalem v. Department of State Louisiana*, *et al.*, No. 3:22-CV-00516 (M.D. La. July 28, 2022) under the first-to-file rule and 28 U.S.C. § 1404.

5. The full rationale and reasons for this Motion are set forth in detail in the contemporaneously filed Defendants' Memorandum of Law in Support of Motion to Dismiss and Alternative Motion to Transfer.

WHEREFORE, for the foregoing reasons, and as set forth in the corresponding memorandum in support of this motion, Defendants respectfully request that this Court enter an order dismissing Plaintiff's claims with prejudice, and for such other and further relief as the Court deems just and proper. Alternatively, should this Court decline to dismiss Plaintiff's claims in their entirety, Defendants request this court transfer the matter to the Middle District of Louisiana for consolidation with *Jerusalem v. Department of State Louisiana*, *et al.*, No. 3:22-CV-00516-SDD-EWD (M.D. La. July 28, 2022).

Respectfully submitted, this the 6th day of September, 2022.

/s/ Phillip J. Strach
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**Admitted pro hac vice*

Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on this the 6th day of September, 2022, I served the foregoing upon the following persons by placing a copy in the United States mail, properly addressed, and with the correct amount of postage affixed thereto:

Jacques L. Soudelier
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Harahan, LA 70123

/s/ Phillip J. Strach
Phillip J. Strach