

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
NORFOLK DIVISION**

Latasha Holloway, et al.,

*Plaintiffs,*

v.

City of Virginia Beach, et al.,

*Defendants.*

Case No. 2:18-cv-0069

**DEFENDANTS' OPPOSED MOTION TO DISMISS**

Pursuant to Federal Rule of Civil Procedure 12(b)(1), Defendants move to dismiss this action.<sup>1</sup> There is no live case or controversy, and Plaintiffs' claim regarding election systems that the City may adopt in the future is unripe. This Court lacks subject matter jurisdiction and must dismiss this action. *See* Fed. R. Civ. P. 12(h)(3).

The bases of Defendants' motion are set forth more fully in the accompanying consolidated brief in support, which is incorporated herein by reference and also serves as an opposition to Plaintiffs' Motion to Stay. ECF 306. For the reasons stated there, Defendants' Motion should be granted and this case must be dismissed.

---

<sup>1</sup> Counsel for Plaintiffs has advised that Plaintiffs oppose this motion.

DATE: October 18, 2022

Mark D. Stiles (VSB No. 30683)  
City Attorney  
Christopher S. Boynton (VSB No. 38501)  
Deputy City Attorney  
Gerald L. Harris (VSB No. 80446)  
Senior City Attorney  
Joseph M. Kurt (VSB No. 90854)  
Assistant City Attorney  
OFFICE OF THE CITY ATTORNEY  
Municipal Center, Building One, Room 260  
2401 Courthouse Drive  
Virginia Beach, Virginia 23456  
Telephone: (757) 385-4531  
Facsimile: (757) 385-5687  
mstiles@vbgov.com  
cboynton@vbgov.com  
glharris@vbgov.com  
jkurt@vbgov.com

Respectfully submitted,

/s/ Katherine L. McKnight  
Katherine L. McKnight (VSB No. 81482)  
Richard B. Raile (VSB No. 84340)  
BAKER & HOSTETLER, LLP  
1050 Connecticut Avenue, N.W.  
Washington, D.C. 20036  
Telephone: (202) 861-1500  
Facsimile: (202) 861-1783  
kmcknight@bakerlaw.com  
rraile@bakerlaw.com

Patrick T. Lewis (*pro hac vice*)  
BAKER & HOSTETLER, LLP  
127 Public Square, Suite 2000  
Cleveland, OH 44114  
Telephone: (216) 621-0200  
Facsimile: (216) 696-0740  
plewis@bakerlaw.com

Erika Dackin Prouty (*pro hac vice*)  
BAKER & HOSTETLER, LLP  
200 Civic Centre Drive, Suite 1200  
Columbus, OH 43215  
(614) 462-4710  
eprouty@bakerlaw.com

*Counsel for Defendants*

**CERTIFICATE OF SERVICE**

I hereby certify that on October 18, 2022, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will then send a notification of the filing to all parties of record.

*/s/ Katherine L. McKnight*

Katherine L. McKnight (VSB No. 81482)

*Counsel for Defendants*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
NORFOLK DIVISION**

Latasha Holloway, et al.,

*Plaintiffs,*

v.

City of Virginia Beach, et al.,

*Defendants.*

Case No. 2:18-cv-0069

**[PROPOSED] ORDER**

UPON CONSIDERATION of Defendants' Motion to Dismiss, it is hereby  
ORDERED that Defendants' Motion to Dismiss is granted; and it is further  
ORDERED that this action is DISMISSED.

SO ORDERED.

This \_\_\_\_\_ day of \_\_\_\_\_ 2022.

\_\_\_\_\_  
Honorable Raymond A. Jackson  
United States District Judge