

STRAFFORD COUNTY

STATE OF NEW HAMPSHIRE

SUPERIOR COURT

219-2022-CV-00224

CITY OF DOVER,
CITY OF ROCHESTER,
DEBRA HACKETT,
ROD WATKINS,
KERMIT WILLIAMS,
EILEEN EHLERS,
JANICE KELBLE,
ERIK JOHNSON,
DEBORAH SUGERMAN,
SUSAN RICE,
DOUGLAS BOGEN, and
JOHN WALLACE

v.

DAVID M. SCANLAN,
in his official capacity as the New Hampshire Secretary of State

&

THE STATE OF NEW HAMPSHIRE

DEFENDANTS' JOINT MOTION TO DISMISS

The Defendants, David Scanlan, in his official capacity as New Hampshire Secretary of State, and the State of New Hampshire, submit the following Motion to Dismiss the Plaintiffs' Complaint for Declaratory and Injunctive Relief. For the reasons stated in the Memorandum of Law in Support of this Motion, which is incorporated herein by reference, the Plaintiffs' claims present a nonjusticiable question and fail to state a claim upon which relief may be granted.

WHEREFORE, the Defendants respectfully request that this Honorable Court:

- A. Dismiss the Plaintiffs' Complaint in its entirety; and
- B. Grant such further relief as the Court deems just and equitable.

Respectfully submitted,

DAVID SCANLAN, SECRETARY OF STATE

and

THE STATE OF NEW HAMPSHIRE

By his attorneys,

JOHN M. FORMELLA
ATTORNEY GENERAL

Date: October 17, 2022

/s/ Myles B. Matteson

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served on all counsel of record through the Court's electronic-filing system.

/s/ Myles Matteson

Myles Matteson