

**UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

WILLIAM C. TOTH, JR., et al,  
*Plaintiffs,*

v.

LEIGH M. CHAPMAN, in her official  
capacity as Acting Secretary of the  
Commonwealth; JESSICA MATHIS, in  
her official capacity as Director for the  
Pennsylvania Bureau of Election Services  
and Notaries; and TOM WOLF, in his  
official capacity as Governor of  
Pennsylvania,

*Defendants.*

No. 1:22 Civ. 208 (JPW)

**DEFENDANTS' MOTION TO DISMISS THE ELECTIONS CLAUSE  
CLAIMS IN THE SECOND AMENDED COMPLAINT PURSUANT TO  
FEDERAL RULE OF CIVIL PROCEDURE 12(b)(1)**

Defendants respectfully move this Court to dismiss the Elections Clause claims asserted by Plaintiffs in their Second Amended Complaint. In support of this Motion, Defendants rely upon the accompanying Memorandum of Law.

Plaintiffs oppose this Motion.

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## **CERTIFICATE OF SERVICE**

I hereby certify that on this 1<sup>st</sup> day of March 2022, a true and correct copy of the foregoing was served upon all counsel of record via the court's CM/ECF electronic filing system.

/s/Joshua Matz

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**ORDER**

Upon consideration of Defendants' Motion to Dismiss the Elections Clause claims in Plaintiffs' Second Amended Complaint and the Memorandum of Law in support thereof, it is hereby ORDERED that the Motion is GRANTED and Plaintiffs' Election Clause claims are DISMISSED.

**BY THE COURT:**

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Jennifer P. Wilson  
United States District Judge