

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA**

JONATHAN R., <i>et al.</i> ,)	
)	
<i>Plaintiffs,</i>)	
)	
v.)	
)	Case No. 3:19-cv-00710
JIM JUSTICE, in his official capacity as)	
Governor of West Virginia, <i>et al.</i> ,)	
)	
<i>Defendants.</i>)	
)	

MOTION TO DISMISS PLAINTIFFS’ COMPLAINT

Defendants by and through their undersigned counsel, hereby move this Honorable Court to dismiss Plaintiffs’ Complaint under Federal Rule of Civil Procedure 12(b) for lack of jurisdiction or, alternatively, for failure to state a claim upon which relief can be granted. The bases for this Motion are set forth in the Defendants’ accompanying Memorandum of Law, which is incorporated by reference.

Respectfully submitted,

November 26, 2019

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Attorneys for Defendants Jim Justice, et al.

CERTIFICATE OF SERVICE

I, Philip J. Peisch, hereby certify that I caused a true and correct copy of Defendants' Motion to Dismiss to be delivered to counsel for Plaintiffs via ECF notification.

November 26, 2019

/s/ Philip J. Peisch

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