

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

Clark, *et al.*,

Plaintiffs,

v.

Edwards, *et al.*,

Defendants,

c/w

Civil Action: 20-cv-308-SDD-RLB

Power Coalition for Equity and Justice, *et al.*,

Plaintiffs,

v.

John Bel Edwards, the Governor of the State
of Louisiana, in his Official Capacity, *et al.*,

Defendants,

and

The State of Louisiana,

Proposed Intervenor.

Civil Action: 20-cv-283-SDD-RLB

**DEFENDANT-INTERVENOR THE STATE OF LOUISIANA’S MOTION TO DISMISS
PLAINTIFFS’ COMPLAINT**

Defendant, the State of Louisiana, by and through its counsel, do hereby move that Plaintiffs’ Complaint be dismissed. This motion is filed with the State’s motion to intervene pursuant to Fed. R. Civ. P. 24(c).

1.

Plaintiffs' filed a Complaint on May 7, 2020, seeking declaratory and injunctive relief respecting Louisiana's voting regulations in light of COVID-19 (the "Virus").

2.

Plaintiffs' claims come too late in the election cycle, and therefore should be dismissed under the Supreme Court's *Purcell* doctrine.

3.

This Court also lacks subject matter jurisdiction. First, Plaintiffs' lack standing because, *inter alia*, the Virus is not state action for the purposes of Plaintiffs claims. Second, Plaintiffs' claims present political questions unfit for judicial review.

4.

Plaintiffs have also failed to state a claim upon which relief can be granted because, once again, the allegations on the face of the complaint point to the Virus, and not the State of Louisiana, as the perpetrator of their alleged harms.

5.

Finally, Plaintiffs have failed to join the necessary parties to afford them relief under Rule 19.

For the reasons more fully set forth in the attached memorandum of law, Defendant State of Louisiana respectfully requests that this Court DISMISS Plaintiffs' Complaint.

Dated: June 5, 2020

RESPECTFULLY SUBMITTED,

JEFF LANDRY
ATTORNEY GENERAL

/s/ Angelique Duhon Freel

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*pro hac vice motions forthcoming

*Counsel for Intervenor-Defendant the State of
Louisiana*

CERTIFICATE OF SERVICE

I do hereby certify that, on this 5th day of June 2020, the foregoing was electronically filed with the Clerk of Court using the CM/ECF system, which gives notice of filing to all counsel of record.

/s/ Angelique Duhon Freel
Angelique Duhon Freel