

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

JOHN DOE, formerly known as)
JANE DOE,)
)
Plaintiff,)

v.)

CASE NO.: 1:16-cv-02431-JMS-DML

MICHAEL PENCE, in his official)
capacity as Governor of the State of)
Indiana; GREGORY ZOELLER, in)
his official capacity as Attorney General)
for the State of Indiana; and MYLA A.)
ELDRIDGE, in her official capacity as)
Marion County Clerk of the Court, and)
Lilia G. Judson, in her official capacity as)
Executive Director of the Indiana)
Supreme Court Division of State Court)
Administration,)
)
Defendants.)

**DEFENDANTS' MICHAEL PENCE, GREGORY ZOELLER, LILIA JUDSON'S
MOTION TO DISMISS FIRST AMENDED COMPLAINT**

Defendants Michael Pence, Greg Zoeller and Lilia Judson (collectively the “State Defendants”) move, pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure, to dismiss Plaintiff’s First Amended Complaint (the “Complaint”) for the reason that Plaintiff’s Complaint fails to establish standing under Article III and fails to state a claim upon which relief can be granted. The State Defendants are simultaneously filing their Memorandum in Support of Motion to Dismiss and incorporate the same herein.

WHEREFORE, the State Defendants respectfully request the Court to dismiss Plaintiff’s Complaint against them, and for all other just and proper relief.

Respectfully submitted,

GREGORY F. ZOELLER
Indiana Attorney General
Attorney No. 1958-98

Date: November 18, 2016

By: /s/ Matthew K. Phillips
Matthew K. Phillips
Deputy Attorney General
Attorney No. 28724-49

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CERTIFICATE OF SERVICE

I hereby certify that on November 18, 2016, a copy of the foregoing *Defendants' Michael Pence, Gregory Zoeller, Lilia Judson's Motion to Dismiss First Amended Complaint* was filed electronically. Service of this filing will be made on all ECF-registered counsel by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Matthew K. Phillips

Matthew K. Phillips
Deputy Attorney General

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