

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

TATI ABU KING, et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Civil Action No. 3:23-cv-408-JAG
	)	
GLENN YOUNGKIN, in his official capacity	)	
as Governor of the Commonwealth of	)	
Virginia, et al.,	)	
	)	
Defendants.	)	

**DEFENDANTS’ MOTION TO DISMISS THE FIRST AMENDED COMPLAINT  
UNDER FEDERAL RULES OF CIVIL PROCEDURE 12(b)(1) AND 12(b)(6)**

Pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure, Glenn Youngkin, Kelly Gee, John O’Bannon, Rosalyn R. Dance, Georgia Alvis-Long, Donald W. Merricks, Matthew Weinstein, Susan Beals, Eric Spicer, and Shannon Williams (collectively, the Defendants), by counsel, respectfully move this Court to dismiss Plaintiffs’ Amended Complaint for lack of jurisdiction and move to dismiss Plaintiffs’ Amended Complaint with prejudice for failure to state a claim upon which relief can be granted. In support, the Defendants rely on the Memorandum in Support and accompanying Exhibits filed herewith.

Dated: September 28, 2023

Respectfully submitted,

GLENN YOUNGKIN  
KELLY GEE  
JOHN O'BANNON  
ROSALYN R. DANCE  
GEORGIA ALVIS-LONG  
DONALD W. MERRICKS  
MATTHEW WEINSTEIN  
SUSAN BEALS  
ERIC SPICER  
SHANNON WILLIAMS

By: /s/ Andrew N. Ferguson  
Andrew N. Ferguson (VSB #86583)  
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**CERTIFICATE OF SERVICE**

THIS IS TO CERTIFY that on September 28, 2023, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to all parties of record.

*/s/ Andrew N. Ferguson*

Andrew N. Ferguson (VSB #86583)

*Solicitor General*