

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

FALLS CHURCH MEDICAL)	
CENTER, LLC d/b/a FALLS CHURCH)	
HEALTHCARE CENTER, et al.,)	
)	
Plaintiffs,)	
)	
v.)	Case No: 3:18-cv-00428-HEH
)	
M. NORMAL OLIVER, Virginia Health)	
Commissioner, et al.,)	
)	
Defendants.)	
)	

MOTION TO DISMISS PLAINTIFFS' COMPLAINT

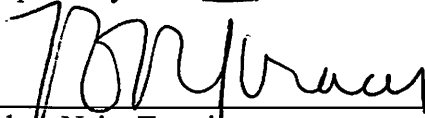
Defendant, Robert N. Tracci, hereby moves to dismiss the complaint in its entirety. For reasons more fully stated in the defendant's accompanying memorandum of law in support of this motion, the defendant respectfully requests that:

1. Count I be dismissed under Rule 12(b)(6) for failure to state a claim upon which relief can be granted;
2. Count II be dismissed under Rule 12(b)(6) for failure to state a claim upon which relief can be granted;
3. Count III be dismissed under Rule 12(b)(6) for failure to state a claim upon which relief can be granted and for lack of subject-matter jurisdiction, because plaintiffs lack standing to bring the claim;

4. Count IV be dismissed under Rule 12(b)(6) for failure to state a claim upon which relief can be granted;
5. Count V be dismissed under Rule 12(b)(6) for failure to state a claim upon which relief can be granted;
6. Count VI be dismissed under Rule 12(b)(6) for failure to state a claim upon which relief can be granted;
7. Count VII be dismissed under Rule 12(b)(6) for failure to state a claim upon which relief can be granted and for lack of subject-matter jurisdiction, because plaintiffs lack standing to bring the claim; and
8. Count VIII be dismissed under Rule 12(b)(6) for failure to state a claim upon which relief can be granted.

Dated: July 16, 2018

Respectfully submitted,



Robert Neira Tracci
Commonwealth Attorney for the County of Albemarle
410 E. High Street
Charlottesville, VA 22902
(434) 972-4072

CERTIFICATE OF SERVICE

I hereby certify that on July 16, 2018, I caused a true and accurate copy of the foregoing pleading to be served on the following counsel of record:

Claire Guthrie Gastanaga
ACLU of Virginia
701 E. Franklin Street
Suite 1412
Richmond, VA 23219
claire@acluva.org

Gail Marie Deady
Jenny Suhjin Ma
Center for Reproductive Rights
199 Water Street
22nd Floor
New York, NY 10038
gdeady@reprorights.org
jma@reprorights.org

Jennifer Sandman
Planned Parenthood Federation of America
123 William Street
New York, NY 10038
Jennifer.sandman@ppfa.org

By:



Robert Neira Tracci