

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

**JOAN HALL, RICHARD PRUITT,
THOMASINA PRUITT, VIVIAN
CURRY, ELIJAH SHARPE, EUNICE
MCMILLAN, JAMES SPELLER,
ROBBIE GARNES and LESLIE
SPEIGHT,**

Plaintiffs,

v.

Civil Action No. 2:03-CV-151

**COMMONWEALTH OF VIRGINIA,
and
JEAN JENSEN, SECRETARY,
STATE BOARD OF ELECTIONS,
in her official capacity,**

Defendants,

MOTION TO DISMISS

NOW COME the Defendants, the Commonwealth of Virginia and Jean Jensen, Secretary of the State Board of Elections, by counsel, and pursuant to the provisions of Fed. R. Civ. P. 12(b)(6), respectfully moves to dismiss all Plaintiffs' claims against Defendants on the ground that, as a matter of law, the Complaint fails to state a legally cognizable claim for violation of Section 2 of the Voting Rights Act, 42 U.S.C. § 1973, and seven of the nine plaintiffs lack standing. The reasons requiring dismissal are set forth in the accompanying Brief in Support which is incorporated by reference. Each and every allegation not expressly admitted should be taken as denied.

WHEREFORE, the Defendants ask this Court to dismiss the Complaint, and award Defendants their attorney's fees and costs incurred in defense of these claims.

Respectfully submitted,

COMMONWEALTH OF VIRGINIA,
and JEAN JENSEN, SECRETARY,
STATE BOARD OF ELECTION.

By _____
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CERTIFICATE OF SERVICE

I hereby certify that on May 9, 2003, true and correct copies of the foregoing Motion to Dismiss were sent by FedEx for delivery on May 12, 2003, to Anita Hodgkiss, Lawyers' Committee for Civil Rights Under Law, 1401 New York Avenue, N.W., Suite 400, Washington, DC 20005-0400; Donald L. Morgan, Esq., Cleary, Gottlieb, Steen & Hamilton, 2000 Pennsylvania Avenue, NW, Washington, DC 20006; J. Gerald Hebert, Esq., Law Office of J. Gerald Hebert, P.C., 5019 Waple Lane, Alexandria, VA 22304, counsel for Plaintiffs; and Michael A. Carvin, Esq., Louis K. Fisher, Esq., and Cody R. Smith, Esq., Jones Day, 51 Louisiana Avenue, NW, Washington, D.. 20001, counsel for Intervenor-Defendants Thompson, et al.
