

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

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ROBERT C. MCCHESENEY, in his official		)	
capacity as Treasurer of Bart McLeay for		)	
U.S. Senate, Inc., <i>et al.</i> ,		)	
		)	
	Plaintiffs,	)	
		)	
v.		)	No. 8:16-cv-168-LSC-FG3
		)	
MATTHEW S. PETERSON [sic], in his		)	
official capacity as Chair of the Federal		)	
Election Commission, <i>et al.</i> ,		)	MOTION TO DISMISS
		)	
		)	
	Defendants.	)	
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**MOTION TO DISMISS THE COMPLAINT FILED BY DEFENDANTS MATTHEW S. PETERSEN AND THE FEDERAL ELECTION COMMISSION**

Defendant Matthew S. Petersen, in his official capacity as Chair of the Federal Election Commission, and defendant Federal Election Commission, through their undersigned counsel, move to dismiss the complaint pursuant to Federal Rule of Civil Procedure 12(b)(6) for failure to state a claim. In support of this motion, defendants Petersen and the Commission rely upon the accompanying memorandum of points and authorities, including the exhibits attached thereto.

Respectfully submitted,  
  
Daniel A. Petalas  
Acting General Counsel  
  
Lisa J. Stevenson  
Deputy General Counsel

Kevin Deeley  
Acting Associate General Counsel

Erin Chlopak  
Acting Assistant General Counsel

/s/ Robert W. Bonham III  
Robert W. Bonham III  
Senior Attorney

June 20, 2016

FOR DEFENDANTS  
MATTHEW S. PETERSEN AND  
FEDERAL ELECTION COMMISSION  
999 E Street, N.W.  
Washington, D.C. 20463  
(202) 694-1650

### **CERTIFICATE OF SERVICE**

I hereby certify that on June 20, 2016, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sends notification of such filing to the following CM/ECF participant in this case:

L. Steven Grasz, Esq., Husch Blackwell, LLP, 13330 California Street, Suite 200, Omaha, NE 68154 (attorney for plaintiffs Robert C. McChesney, in his official capacity as Treasurer of Bart McLeay for U.S. Senate, Inc., and Bart McLeay for U.S. Senate, Inc.).

I also hereby certify that a copy of the same has been served by regular mail, postage prepaid, to the following non-CM/ECF participants: None.

/s/ Robert W. Bonham III  
Robert W. Bonham III  
Senior Attorney