

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RIGHT TO LIFE OF MICHIGAN; AMERICAN ASSOCIATION OF PRO-LIFE OBSTETRICIANS AND GYNECOLOGISTS, on behalf of itself, its members, and their patients; GINA JOHNSEN, Representative, Michigan House of Representatives; LUKE MEERMAN, Representative, Michigan House of Representatives; JOSEPH BELLINO, JR., Senator, Michigan Senate; MELISSA HALVORSON, M.D.; CHRISTIAN MEDICAL AND DENTAL ASSOCIATIONS, on behalf of itself, its members, and their patients; CROSSROADS CARE CENTER; CELINA ASBERG; GRACE FISHER; JANE ROE, a fictitious name on behalf of preborn babies; ANDREA SMITH; JOHN HUBBARD; LARA HUBBARD; SAVE THE 1, on behalf of itself and its members; and REBECCA KIESSLING,

Plaintiffs,

v

GRETCHEN WHITMER, in her official capacity as Governor of the State of Michigan; DANA NESSEL, in her official capacity as Attorney General of the State of Michigan; and JOCELYN BENSON, in her official capacity as Secretary of State of the State of Michigan,

Defendants.

No. 1:23-cv-01189

HON. PAUL L. MALONEY

MAG. JUDGE RAY KENT

**DEFENDANTS' MOTION TO
DISMISS PLAINTIFFS'
COMPLAINT**

**ORAL ARGUMENT
REQUESTED**

Robert J. Muisse (P62849)
David Yerushalmi (Ariz. Bar No. 009616;
DC Bar No. 978179; Cal. Bar No. 132011;
NY Bar No. 4632568)
American Freedom Law Center
Attorneys for Plaintiffs
P.O. Box 131098, Ann Arbor, MI 48113
(734) 635-3756
rmuisse@americanfreedomlawcenter.org
dyerushalmi@americanfreedomlawcenter.org

Linus Banghart-Linn (P73230)
Kyla Barranco (P81082)
Rebecca Aboona (P81977)
Attorneys for Defendants
Mich. Dep't of Attorney General
P.O. Box 30212
Lansing, MI 48909
(517) 335-7622
Banghart-LinnL@michigan.gov
BarrancoK@michigan.gov
AboonaR1@michigan.gov

William Wagner (P79021)
Great Lakes Justice Center
Attorney for Plaintiffs
5600 W. Mount Hope Highway
Suite 2
Lansing, MI 48917
(517) 993-9123
Prof.wwjd@gmail.com

DEFENDANTS' MOTION TO DISMISS PLAINTIFFS' COMPLAINT

ORAL ARGUMENT REQUESTED

Defendants Governor Gretchen Whitmer, Attorney General Dana Nessel, and Secretary of State Jocelyn Benson, through counsel, bring this motion under Fed. R. Civ. P. 12(b)(1) and (6), and ask this Court to enter an order dismissing Plaintiffs' claims for the reasons set forth in the accompanying brief. Counsel for Defendants discussed the filing of this motion with Plaintiffs' counsel on January 24, 2024, and Plaintiffs' counsel indicated that the motion will be opposed.

Respectfully submitted,

/s/ Kyla Barranco
Kyla Barranco (P81082)
Linus Banghart-Linn (P73230)
Rebecca Aboona (P81977)
Attorneys for Defendants Whitmer,
Nessel, and Benson
P.O. Box 30212
Lansing, MI 48909
BarrancoK@michigan.gov
Banghart-LinnL@michigan.gov
AboonaR1@michigan.gov
(517) 335-7622

Dated: January 30, 2024