

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
WESTERN DIVISION

EILEEN JANIS and KIM COLHOFF,

Plaintiffs,

v.

CHRIS NELSON, In his official capacity as Secretary of State of South Dakota, and as a Member of the State Board of Elections;

MATT McCaULLEY, CINDY SCHULTZ, CHRISTOPHER W. MADSEN, RICHARD CASEY, KAREN M. LAYHER, and LINDA LEA M. VIKEN, in their official capacities as Members of the State Board of Elections; SUE GANJE, in her official capacity as Auditor for Shannon County; and LA FAWN CONROY, in her individual and official capacity as a Poll Worker for Shannon County,

Defendants.

Civ. 09-5019

STATE DEFENDANTS NELSON, McCAULLEY, SHULTZ, MADSEN, CASEY, LAYHER, AND VIKEN'S JOINDER OF MOTION TO DISMISS PLAINTIFFS' FOURTEENTH AMENDMENT CLAIMS

[Fed.R.Civ.P.12(c)]

Defendants Nelson, McCaulley, Shultz, Madsen, Casey, Layher, and Viken, hereinafter "State Defendants," by and through their counsel of record Richard M. Williams, Assistant Attorney General, hereby join Defendants Ganje and Conroy's Motion to Dismiss Plaintiffs' Fourteenth Amendment Claims (Document 114), pursuant to Fed.R.Civ.P. 12(c), and the arguments and authorities found in the Memorandum in Support of Defendants Ganje and Conroy's Motion to Dismiss Plaintiffs' Fourteenth Amendment Claims (Document 115) for Judgment on the Pleadings with Regard to Plaintiffs' Fourteenth Amendment Claims (Counts 1 and 2) of Plaintiffs' First Amended

Complaint for Declaratory Relief, Injunctive Relief, and Monetary Damages  
(Document 81).

Dated: January 26, 2010.

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## CERTIFICATE OF SERVICE

I hereby certify that on January 26, 2010, a true and correct copy of State Defendants Nelson, McCaulley, Shultz, Madsen, Casey, Layher, and Viken's Joinder of Motion to Dismiss Plaintiffs' Fourteenth Amendment Claims was served electronically through the CM/ECF system upon the following persons:

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