

1. Pursuant to Rule 12(b)(1), Plaintiffs' claims must be dismissed in entirety because Plaintiffs lack standing to bring their claims;
2. Pursuant to Rule 12(b)(6), Plaintiffs' claims must be dismissed because: 1) Federal law prevents this Court from entering the relief requested because the determination of whether a candidate is constitutionally qualified to hold the office of the President of the United States is left, in the first instance, to the electorate and the United States Congress; 2) the Defendants have an absolute right to nominate whoever they want as their candidate for President of the United States; 3) Plaintiffs cannot show that they will detrimentally rely upon any misrepresentation made by the Defendants and therefore cannot state a claim for either intentional or negligent misrepresentation;
3. Finally and alternatively, pursuant to Rule 12(b)(6), all Defendants but for the TNDP must be dismissed in this case because only the TNDP has the authority to submit a name to the Tennessee Secretary of State Division of Elections identifying the Democratic Party's nominee for President of the United States; and
4. In support of this Motion to Dismiss, the Defendants rely upon the following:
 - a. All pleadings filed to date;
 - b. All papers filed along with the Notice of Removal, filed on February 23, 2012;
 - c. The Memorandum in Support of the Motion To Dismiss filed contemporaneously herewith ("Memo in Support").

In light of the foregoing, and for the reasons articulated in the accompanying Memo in Support, Defendants move this Court to dismiss this action in its entirety, or in the alternative dismiss all Defendants but the TNDP.

Submitted this 1st day of March, 2012.

By: /s/ J. Gerard Stranch, IV
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CERTIFICATE OF SERVICE

I hereby certify that the foregoing was served via US Mail, postage prepaid, on March 1, 2012, upon:

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/s/ J. Gerard Stranch, IV
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