

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

VICTOR LEAL, PATRICK VON	§	
DOHLEN, KIM ARMSTRONG,	§	
<i>Plaintiffs,</i>	§	
	§	
v.	§	NO. 2:20-cv-00185-Z
	§	
ALEX M. AZAR II, et.al.,	§	
<i>Defendants.</i>	§	

STATE DEFENDANTS' MOTION TO DISMISS

Defendants, Texas Department of Insurance (“TDI”) and Kent Sullivan (“Commissioner Sullivan”), in his official capacity as Texas Commissioner of Insurance, (collectively “State Defendants”), file this Motion to pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure. As set forth more fully in the Brief filed in support of this motion, the claim Plaintiff Victor Leal (“Leal”) brings against State Defendants is barred by Eleventh Amendment immunity and lacks standing. Moreover, Leal fails to state a claim upon which relief can be granted. State Defendants respectfully request that the Court grant their Motion and dismiss Leal’s claims against State Defendants with prejudice.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on the 31st day of August 2020, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which automatically provided notice to all counsel of record.

/s/ Matthew Bohuslav
MATTHEW BOHUSLAV
Assistant Attorney General

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ORDER GRANTING STATE DEFENDANTS' MOTION TO DISMISS

Before the Court is State Defendants' Motion to Dismiss and Brief in Support.

After due consideration of the motion, response, and the evidence presented, the Court finds said motion meritorious.

It is hereby ORDERED that State Defendants' Motion to Dismiss is hereby GRANTED.

It is FURTHER ORDERED that all claims against State Defendants are dismissed with prejudice.

SIGNED this the _____ day of _____, 2020.

MATTHEW J. KACSMARYK
UNITED STATES DISTRICT JUDGE