

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

NATIONAL ASSOCIATION OF  
GOVERNMENT EMPLOYEES,

*Plaintiff,*

v.

JANET YELLEN, Secretary of the Treasury,  
and JOSEPH R. BIDEN, JR., President of the  
United States,

*Defendants.*

Civil Action No: 1:23-cv-11001-RGS

**DEFENDANTS' MOTION TO DISMISS FOR LACK OF JURISDICTION**

Defendants Joseph R. Biden, Jr. and Janet Yellen, by and through counsel, hereby move to dismiss Plaintiff's Amended Complaint for lack of subject matter jurisdiction pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure. For the reasons more fully set forth in the accompanying Memorandum of Law, this Court lacks jurisdiction to review Plaintiff's claims because Plaintiff's claims are moot and Plaintiff lacks standing. For these reasons, this case should be dismissed.

Dated: July 24, 2023

Respectfully submitted,

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/s/ Alexander N. Ely  
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*Counsel for Defendants*

### **REQUEST FOR ORAL ARGUMENT**

Per Local Rule 7.1(d), to the extent that oral argument may assist the court in the resolution of the issues contained in this motion, Defendants request oral argument at a date and time at which the parties may be heard.

/s/ Alexander N. Ely  
Alexander N. Ely

*Counsel for Defendants*