UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF WEST VIRGINIA

| JONATHAN R., et al., |) |
|---|--------------------------|
| Plaintiffs, |) |
| V. |) |
| JIM JUSTICE, in his official capacity as Governor of West Virginia, <i>et al.</i> , |) Case No. 3:19-cv-00710 |
| Defendants. |) |

DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

Defendants by and through their undersigned counsel, hereby move this Honorable Court for summary judgment in favor of Defendants on all of Plaintiffs' remaining claims, pursuant to Federal Rule of Civil Procedure 56(a). The bases for this Motion are set forth in Defendants' accompanying Memorandum of Law, which is incorporated by reference.

Respectfully submitted,

July 8, 2024

<u>/s/ Philip J. Peisch</u> Philip J. Peisch (WVSB # 13731) Caroline M. Brown, *pro hac vice* Julia M. Siegenberg, *pro hac vice* Rebecca L. Wolfe, *pro hac vice* Brown & Peisch PLLC 1225 19th Street NW, Ste. 700 Washington, DC 20036

<u>/s/ Steven R. Compton</u> Steven R. Compton (WVSB #6562) West Virginia Attorney General's Office 812 Quarrier Street, 6th Floor Charleston, WV 25301

CERTIFICATE OF SERVICE

I, Philip J. Peisch, hereby certify that I caused a true and correct copy of Defendants'

Motion for Summary Judgment to be delivered to the following via ECF:

Marcia R. Lowry Julia Tebor Laura Welikson A Better Childhood 355 Lexington Ave., Floor 16 New York, NY 10017

Richard W. Walters J. Alexander Meade Shaffer & Schaffer, PLLC 2116 Kanawha Blvd East P.O. Box 3973 Charleston, WV 25304

J. Marty Mazezka Disability Rights of West Virginia 5088 Washington St. W., Suite 300 Charleston, WV 25301

July 8, 2024

<u>/s/ Philip J. Peisch</u> Philip J. Peisch (WVSB # 13731) Caroline M. Brown, *pro hac vice* Julia M. Siegenberg, *pro hac vice* Rebecca L. Wolfe, *pro hac vice* Brown & Peisch PLLC 1225 19th Street NW, Ste. 700 Washington, DC 20036

<u>/s/ Steven R. Compton</u> Steven R. Compton (WVSB #6562) West Virginia Attorney General's Office 812 Quarrier Street, 6th Floor Charleston, WV 25301