

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

NATIONAL WOMEN’S LAW CENTER,)	
et al.)	
)	
Plaintiffs,)	
)	Civil Action No. 17-2458 (TSC)
v.)	
)	
OFFICE OF MANAGEMENT AND)	
BUDGET, et al.)	
)	
Defendants.)	

**DEFENDANTS’ MOTION TO DISMISS
PLAINTIFFS’ COMPLAINT**

Defendants Office of Management and Budget (“OMB”), John Michael Mulvaney, in his official capacity as Director of OMB, Neomi Rao, in her official capacity as Administrator of the Office of Information and Regulatory Affairs (“OIRA”), the United States Equal Employment Opportunity Commission (“the EEOC”), and Victoria A. Lipnic, in her official capacity as Acting Chair of the EEOC, by and through undersigned counsel, respectfully submit this Motion to Dismiss Plaintiffs’ Complaint. As set forth in Defendants’ accompanying Memorandum of Law, this case should be dismissed for either of two threshold reasons. Plaintiffs’ claims should be dismissed pursuant to Federal Rule of Civil Procedure 12(b)(1) because Plaintiffs have failed to demonstrate that they have standing to pursue their claims thus depriving this Court of subject matter jurisdiction. And if the Court concludes that Plaintiffs have standing to pursue their claims, this suit nevertheless merits dismissal under Federal Rule of Civil Procedure 12(b)(6) because Plaintiffs do not challenge final agency action under the Administrative Procedure Act.

Accordingly, for the above-stated reasons, and those explained more fully in the accompanying Memorandum, Defendants respectfully request that the Court dismiss this action.

Dated: February 13, 2018

Respectfully submitted,
CHAD A. READLER
Acting Assistant Attorney General

JESSIE K. LIU
U.S. Attorney for the District of Columbia

CARLOTTA WELLS
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CERTIFICATE OF SERVICE

The undersigned certifies that this Motion to Dismiss Plaintiffs' Complaint was served on all counsel of record via the Court's CM/ECF system on this 13th day of February 2018.

/s/ Tamra T. Moore
TAMRA T. MOORE