

**IN THE UNITED STATES DISTRICT COURT FOR  
THE MIDDLE DISTRICT OF PENNSYLVANIA**

DEB WHITEWOOD and SUSAN WHITEWOOD,  
FREDIA HURDLE and LYNN HURDLE, EDWIN  
HILL and DAVID PALMER, HEATHER  
POEHLER and KATH POEHLER, FERNANDO  
CHANG-MUY and LEN RIESER, DAWN  
PLUMMER and DIANA POLSON, ANGELA  
GILLEM and GAIL LLOYD, HELENA MILLER  
and DARA RASPBERRY, RON  
GEBHARDTSBAUER and GREG WRIGHT,  
MARLA CATTERMOLE and JULIA LOBUR,  
MAUREEN HENNESSEY, and A.W. AND K.W.,  
minor children, by and through their parents and  
next friends, DEB WHITEWOOD and SUSAN  
WHITEWOOD,

Plaintiffs,

v.

THOMAS W. CORBETT, in his official capacity  
as Governor of Pennsylvania; MICHAEL WOLF,  
in his official capacity as Secretary of the  
Pennsylvania Department of Health; KATHLEEN  
KANE, in her official capacity as Attorney General  
of Pennsylvania; MARY JO POKNIS, in her  
official capacity as Register of Wills of Washington  
County; and DONALD PETRILLE, JR., in his  
official capacity as Register of Wills and Clerk of  
Orphans' Court of Bucks County,

Defendants.

Civil Action

No. 13-1861-JEJ

Honorable John E. Jones, III

Type of Pleading:

**MOTION TO DISMISS  
PURSUANT TO FED. R.  
CIV. P. 12(b)(1) AND (6)**

Filed on Behalf of  
Defendants:

Governor Thomas Corbett  
and Secretary of Health  
Michael Wolf

**MOTION TO DISMISS**  
**BY GOVERNOR THOMAS W. CORBETT AND**  
**SECRETARY MICHAEL WOLF**

Defendants, Governor Thomas Corbett and Secretary of Health Michael Wolf, through their attorneys, Lamb McErlane PC, hereby move this Court to dismiss the Complaint filed against them by Plaintiffs, Deb Whitewood, Susan Whitewood, Fredia Hurdle, Lynn Hurdle, Edwin Hill, David Palmer, Heather Poehler, Kath Poehler, Fernando Chang-Muy, Len Rieser, Dawn Plummer, Diana Polson, Angela Gillem, Gail Lloyd, Helena Miller, Dara Raspberry, Ron Gebhardtsbauer, Greg Wright, Marla Cattermole, Julia Lobur, Maureen Hennessey, A.W. and K.W., Minor Children, by and through their parents and Next Friends, Deb Whitewood and Susan Whitewood, pursuant to Fed. R. Civ. P. 12(b)(1) and (6) for lack of jurisdiction and for failure to state a claim upon which relief may be granted. A Brief in Support of this Motion to Dismiss will be timely filed in accordance with this Court's Scheduling Order.

Respectfully submitted,

**LAMB McERLANE PC**

Dated: September 30, 2013

By: /s/William H. Lamb  
William H. Lamb, Esquire  
Attorney I.D. No. 04927  
24 East Market Street  
P.O. Box 565  
West Chester, PA 19381

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**ORDER**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2013, upon consideration of the Motion to Dismiss filed by Defendants, Governor Thomas Corbett and Secretary of Health Michael Wolf, Plaintiffs' response to that Motion, and the briefs filed by all parties, it is hereby ORDERED that the Motion is GRANTED. The Complaint is dismissed with prejudice.

BY THE COURT:

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John E. Jones, III  
U.S. District Judge

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**CERTIFICATE OF CONCURRENCE/NON-CONCURRENCE**

I, William H. Lamb, hereby certify that counsel for all parties were contacted regarding possible concurrence with Defendants Governor Thomas Corbett and Secretary of Health Michael Wolf's Motion to Dismiss. Counsel for co-Defendants Mary Jo Poknis and Donald Petrille, Jr., indicated concurrence with this Motion. Counsel for Plaintiffs indicated non-concurrence with this motion. Counsel for Attorney General Kathleen Kane has indicated that the Attorney General takes no position with regard to this Motion.

Respectfully submitted,

**LAMB McERLANE PC**

Dated: September 30, 2013

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William H. Lamb, Esquire  
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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of Defendants' Governor Thomas W. Corbett and Secretary of Health Michael Wolf's Motion to Dismiss in the above captioned matter was served on this, the 30<sup>th</sup> day of September, 2013, to the attorneys/parties of record as follows:

Mark A. Aronchick, Esquire  
John S. Stapleton, Esquire  
Dylan. Steinberg, Esquire  
Rebecca S. Melley, Esquire  
Hangley Aronchick, Segal, Pudlin & Schiller  
One Logan Square, 27th Floor  
Philadelphia, PA 19103  
Counsel for Plaintiffs

Robert Grimm, Esquire  
Thomas J. Jezewski, Esquire  
Swartz Campbell LLC  
4750 US Steel Tower  
600 Grant Street  
Pittsburgh, PA 15219  
Counsel for Defendant Poknis

James D. Esseks, Esquire  
Leslie Cooper, Esquire  
American Civil Liberties Union Foundation  
125 Broad Street, 18th Floor  
New York, NY 10004  
Counsel for Plaintiffs

Seth F. Kreimer, Esquire  
3400 Chestnut Street  
Philadelphia, PA 19144  
Counsel for Plaintiffs



M. Abbegael Giunta, Deputy Attorney General  
Gregory R. Neuhauser, Chief Deputy Attorney General  
Office of Attorney General  
Strawberry Square, 15th Floor  
Harrisburg, PA 17120  
Counsel for Defendant Kane

Mary Catherine Roper, Esquire  
Molly M. Tack-Hooper, Esquire  
American Civil Liberties Union of Pennsylvania  
P.O. Box 40008  
Philadelphia, PA 19106  
Counsel for Plaintiffs

Witold J. Walczak, Esquire  
American Civil Liberties Union of Pennsylvania  
313 Atwood Street  
Pittsburgh, PA 15213  
Counsel for Plaintiffs

Nathan D. Fox, Esquire  
Begley Carlin & Mandio LLP  
680 Middletown Blvd.  
Langhorne, PA 19047  
Counsel for Defendant Pettrille

**LAMB McERLANE PC**

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