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IN THE UNITED STATES DISTRICT COURT

DISTRICT OF IDAHO

HEALTH FREEDOM DEFENSE
FUND, INC., at. el.,

Plaintiffs,

v.

CITY OF HAILEY, IDAHO, a
municipal corporation; and MARTHA
BURKE, in her official capacity as the
Mayor of the city of Hailey, as well as
her personal capacity for the purposes
of Section 1983 claims

Defendants.

Case No. 1:21-cv-389-DCN

**DEFENDANTS' MOTION
TO DISMISS**

COMES NOW the Defendants, and, pursuant to Rule 12(b)(1) and Rule 12(b)(6)
of the Federal Rules of Civil Procedure, respectfully move this Court for the dismissal of

Plaintiffs' Complaint at the pleading stage because Plaintiffs lack standing to bring this action and their Complaint also fails to state any claim upon which relief can be granted by the Court. Defendants' Memorandum in Support is filed with this motion, along with the current Public Health Emergency Order No. 2021-07, which is attached as Exhibit A to this Motion.

DATED this 19th day of October, 2021.

/s/ Deborah A. Ferguson

FERGUSON DURHAM, PLLC

CERTIFICATE OF SERVICE

I CERTIFY that on the 19th day of October, 2021, I filed the foregoing electronically through the CM/ECF system, which caused the following parties or counsel to be served by electronic means, as more fully reflected on the Notice of

Electronic Filing:

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