

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

<b>VOTER REFERENCE</b>	:	<b>CIVIL ACTION NO. 1:24-CV-294</b>
<b>FOUNDATION, LLC,</b>	:	
	:	<b>(Judge Conner)</b>
<b>Plaintiff</b>	:	
	:	
<b>v.</b>	:	
	:	
<b>ALBERT SCHMIDT,</b>	:	
	:	
<b>Defendant</b>	:	

**ORDER**

AND NOW, this 9th day of December, 2024, upon consideration of the motion (Doc. 12) to dismiss and supporting brief (Doc. 19) filed by defendant Albert Schmidt, Secretary of the Commonwealth of Pennsylvania, and further upon consideration of the parties' cross-motions (Docs. 34, 37) for summary judgment and supporting briefs (Docs. 35-36, 38-39), which focus upon the same legal arguments raised by Secretary Schmidt in his dismissal motion, (compare Doc. 36, and Doc. 39, with Doc. 19, and Doc. 27), and the court concluding that resolution of the pending motion to dismiss is obviated by the parties' cross-motions, and that the court's review of the novel legal issues raised in each motion would benefit from consideration of the summary judgment record, it is hereby ORDERED that Secretary Schmidt's motion (Doc. 12) to dismiss is DENIED as moot.

/S/ CHRISTOPHER C. CONNER  
Christopher C. Conner  
United States District Judge  
Middle District of Pennsylvania