

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WISCONSIN

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Parents Protecting Our Children, an  
Unincorporated association,

Plaintiff,

Case No. 3:22-cv-00508

Eau Claire Area School District,  
Wisconsin; Tim Nordin, President,  
Eau Claire Area Board of Education,  
in his official capacity; Lori Bica, Vice  
President, Eau Claire Area Board of  
Education, in her official capacity;  
Marquell Johnson, Clerk/Governance  
Officer, Eau Claire Area Board of  
Education, in his official capacity;  
Phil Lyons, Treasurer, Eau Claire  
Area Board of Education, in his  
official capacity; Joshua Clements,  
Board Member, Eau Claire Area  
Board of Education, in his official  
capacity; Stephanie Farrar, Board  
Member, Eau Claire Area Board of  
Education, in her official capacity;  
Erica Zerr, Board Member, Eau  
Claire Area Board of Education, in  
her official capacity; Michael  
Johnson, in his official capacity as  
Superintendent of Eau Claire Area  
School District,

Defendants.

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**DEFENDANTS' MOTION TO DISMISS COMPLAINT**

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NOW COME Defendants, Eau Claire Area School District, Wisconsin and Tim Nordin,  
President, Eau Claire Area Board of Education, in his official capacity; Lori Bica, Vice President,  
Eau Claire Area Board of Education, in her official capacity; Marquell Johnson, Clerk/Governance  
Officer, Eau Claire Area Board of Education, in his official capacity; Phil Lyons, Treasurer, Eau

Claire Area Board of Education, in his official capacity; Joshua Clements, Board Member, Eau Claire Area Board of Education, in his official capacity; Stephanie Farrar, Board Member, Eau Claire Area Board of Education, in her official capacity; Erica Zerr, Board Member, Eau Claire Area Board of Education, in her official capacity; Michael Johnson, in his official capacity as Superintendent of Eau Claire Area School District, President, by and through their attorneys, Kopka Pinkus Dolin PC, and hereby respectfully move the Court pursuant to Rules 12(b)(6) and 12(b)(1) of the Federal Rules of Civil Procedure for an order granting Defendants' motion to dismiss for failure to state a claim upon which relief can be granted and/or for lack of a justiciable controversy. The grounds for this motion are set forth in the contemporaneously filed Brief in Support and all other pleadings on file.

Dated this 7<sup>th</sup> Day of November, 2022.

KOPKA PINKUS DOLIN PC  
Attorneys for Defendants

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