

IN THE SUPREME COURT	)	
	)	
Action No. 09 SSC 002	)	
	)	
Zach Dexter and	)	
Saang M. Lee	)	
	)	
Plaintiffs	)	
	)	
versus	)	ORDER GRANTING
	)	DEFENDANT’S MOTION
	)	TO DISMISS
Joseph Levin-Manning,	)	
Speaker of Student Congress	)	
	)	
Defendant	)	

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I. BACKGROUND

On November 11, 2009, Plaintiffs, Zach Dexter and Saang M. Lee, filed a complaint against the Speaker of Student Congress, Joseph Levin-Manning, contesting “the validity of [Congress’s] vote on SCB-91-60.” Plaintiffs alleged that they had standing under III S.G.C. § 407(A). Under Section 407(A),

[s]tanding to bring an action before the Supreme Court based on the invalidity of a legislative act by the Student Congress shall extend to any student or officially recognized student organization whose powers, rights, privileges, benefits or immunities are adversely affected, restricted, impaired or diminished by the legislative act in question.

Defendant filed a motion to dismiss Plaintiffs’ complaint for lack of standing on the grounds that (1) SCB-91-60 was a proposed legislative act and (2) Plaintiffs’ “powers, rights, privileges, benefits or immunities” were not “adversely affected, restricted, impaired or diminished” because President Jones vetoed SCB-91-60.

In a document entitled, “Demurrer the Motion to Dismiss,” Plaintiffs contended that their suit did not “deal with the legality of the text of the bill, (*sic*) but *rather the manner in which it was passed.*” On these grounds, Plaintiffs claimed that their “powers” to vote on SCB 91-60 were “adversely affected, restricted, impaired, or diminished” by the Defendant’s actions.

Plaintiffs were permitted to and did vote on SCB-91-60 in spite of the Defendant’s alleged conduct. Because Defendant’s alleged conduct did not prevent Plaintiffs from voting, their powers were not “adversely affected, restricted, impaired, or diminished.” III S.G.C. § 407(A). Thus, Plaintiffs lack standing under Section 407(A).

II. ORDER

Accordingly, Defendant's motion to dismiss GRANTED.

/s/Emma J. Hodson  
Emma J. Hodson, C.J.  
for the Court