

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

CENTER FOR BIOLOGICAL	)	
DIVERSITY,	)	
	)	Civil Action No. 1:25-CV-590
Plaintiff,	)	
	)	Hon. Judge Neary
v.	)	
	)	
TALEN ENERGY CORPORATION	)	
AND BRUNNER ISLAND, LLC,	)	
	)	
Defendants.	)	

DEFENDANTS’ MOTION TO DISMISS

Defendants Talen Energy Corporation and Brunner Island, LLC (collectively “Brunner”), by and through their undersigned counsel, respectfully move to dismiss Plaintiffs’ complaint for failure to state a claim and lack of jurisdiction under Rules 12 (b)(6) and 12 (b)(1) of the Federal Rules of Civil Procedure. The reasons in support of Brunner’s Motion are fully set forth in the Memorandum of Law being filed contemporaneously with this Motion.

Pursuant to Local Rule 7.1, the undersigned certifies that she sought concurrence in this motion from Plaintiff’s counsel, who declined to concur with the requested dismissal. Brunner is therefore presenting these issues to this Court for resolution.

WHEREFORE, Brunner requests that the Court grant its Motion to Dismiss and dismiss all claims in Plaintiff’s complaint.

/s/ Bonnie A. Barnett

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*Counsel for Defendants Talen Energy
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CERTIFICATE OF SERVICE

I hereby certify that on June 2, 2025, a copy of the foregoing MOTION TO DISMISS was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. Parties may access this filing through the Court's system.

Dated: June 2, 2025

Respectfully submitted,

/s/ Bonnie A. Barnett

Bonnie A. Barnett

Brooks M. Smith (*pro hac vice*)

Lindsey B. Mann (*pro hac vice*)

Counsel for Defendants

*Talen Energy Corporation and Brunner
Island, LLC*

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V.

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Defendants.

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Hon. Judge Neary

ORDER

AND NOW, this ___ day of _____ 2025, IT IS HEREBY ORDERED
that Defendants' Motion to Dismiss is **GRANTED**.

It is further **ORDERED** that Plaintiff does not have standing to bring this matter, and all claims asserted against Defendants in this action are **DISMISSED WITH PREJUDICE**.

BY THE COURT:

Keli M. Neary
United States District Judge