

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

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|------------------------------------|---|-----------------------------|
| MALLORY PATTERSON, <i>et al.</i> , |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| v. |) | |
| |) | Civil Case No.: 3:23-cv-757 |
| VIRGINIA DEPARTMENT OF |) | |
| CORRECTIONS, <i>et al.</i> , |) | |
| |) | |
| Defendants. |) | |

**DEFENDANTS VIRGINIA DEPARTMENT OF CORRECTIONS AND
CHADWICK DOTSON’S MOTION TO DISMISS THE COMPLAINT**

Defendants Virginia Department of Corrections (“VDOC”) and VDOC Director Chadwick Dotson, by counsel and pursuant to Federal Rule of Civil Procedure 12(b)(6), file this Motion to Dismiss the Complaint. The Complaint fails to state a claim under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e, et seq., for disparate treatment discrimination based on sex as alleged in Count I, for disparate impact discrimination based on sex as alleged in Count II, and for a hostile work environment based on sex as alleged in Count III of the Complaint. In addition, the Complaint fails to state a claim for relief under 42 U.S.C. §1983 for violation of the Equal Protection Clause of the U.S. Constitution. The reasons and legal authority in support of this Motion are set forth with particularity in the accompanying Memorandum in Support.

WHEREFORE, Defendants VDOC and Director Chadwick Dotson respectfully request that the Court grant their Motion to Dismiss the Complaint and dismiss the Complaint in its entirety and with prejudice.

Dated: February 23, 2024

Respectfully submitted,

**VIRGINIA DEPARTMENT OF
CORRECTIONS AND
CHADWICK DOTSON**

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CERTIFICATE OF SERVICE

I hereby certify that on the 23rd day of February 2024, I electronically filed the foregoing Motion with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF) to the following:

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