

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
No. 1:19-CV-272-LCB-LPA

MAXWELL KADEL, JASON FLECK,
CONNOR THONEN-FLECK, by his next
friends and parents, JASON FLECK AND
ALEXIS THONEN, JULIA MCKEOWN,
MICHAEL D. BUNTING, JR., C.B., by
his next friends and parents, MICHAEL
D. BUNTING, JR. and SHELLEY K.
BUNTING, and SAM SILVAINE,

Plaintiffs,

v.

DALE FOLWELL, in his official capacity
as State Treasurer of North Carolina, DEE
JONES, in her official capacity as
Executive Administrator of the North
Carolina State Health Plan for Teachers
and State Employees, UNIVERSITY OF
NORTH CAROLINA AT CHAPEL
HILL, NORTH CAROLINA STATE
UNIVERSITY, UNIVERSITY OF
NORTH CAROLINA AT
GREENSBORO, and NORTH
CAROLINA STATE HEALTH PLAN
FOR TEACHERS AND STATE
EMPLOYEES,

Defendants.

**DEFENDANTS UNIVERSITY OF
NORTH CAROLINA AT CHAPEL
HILL, NORTH CAROLINA STATE
UNIVERSITY, AND UNIVERSITY OF
NORTH CAROLINA AT
GREENSBORO'S MOTION TO
DISMISS**

NOW COMES Defendants, University of North Carolina at Chapel Hill, North Carolina State University, and University Of North Carolina at Greensboro ("University Defendants"), appearing specially by and through undersigned counsel, pursuant to Rule

12(b)(1), (2), and (6) of the Federal Rules of Civil Procedure, and move for the dismissal of Plaintiff's Complaint for lack of personal jurisdiction, lack of subject matter jurisdiction, lack of standing, and failure to state a claim upon which relief can be granted. In support of this Motion, University Defendants rely on the Complaint and the detailed arguments and dispositive authorities contained in Defendants University of North Carolina at Chapel Hill, North Carolina State University, and University of North Carolina at Greensboro's Memorandum in Support of Motion to Dismiss filed contemporaneously herewith.

This the 8th day of July, 2019.

JOSHUA H. STEIN
Attorney General

/s/Kimberly D. Potter
Kimberly D. Potter
Special Deputy Attorney General
NC State Bar No. 24314
kpotter@ncdoj.gov

/s/Catherine F. Jordan
Catherine F. Jordan
Special Deputy Attorney General
NC State Bar No. 34030
cjordan@ncdoj.gov

NC Department of Justice
PO Box 629
Raleigh, NC 27602
Tel: 919-716-6920
Fax: 919-716-6764

*Attorneys for Defendants University of North
Carolina at Chapel Hill, North Carolina State
University, and University Of North Carolina at
Greensboro*

CERTIFICATE OF SERVICE

I certify that the foregoing **DEFENDANTS UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL, NORTH CAROLINA STATE UNIVERSITY, AND UNIVERSITY OF NORTH CAROLINA AT GREENSBORO'S MOTION TO DISMISS** was filed electronically with the Clerk of Court using the CM/ECF system which will send notification of such filing to all registered users.

This the 8th day of July, 2019.

/s/Kimberly D. Potter
Kimberly D. Potter
Special Deputy Attorney General