

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

BRAYDEN JOHNSON, LOGAN RHINES, and KAYLA SAVAGE, individually, and on behalf of all others similarly situated,	)	
	)	
<i>Plaintiffs,</i>	)	
	)	
v.	)	Case No. <u>5:24-cv-00495-PRW</u>
	)	
THE UNIVERSITY OF OKLAHOMA, ET AL.	)	
	)	
<i>Defendants.</i>	)	

**DEFENDANTS' AMENDED MOTION TO DISMISS THE COMPLAINT**

Defendants the University of Oklahoma, Joseph Harroz, Jr., Jeff Blahnik, Courtney Henderson, and Dorion Billups respectfully move the Court to dismiss Plaintiffs' Complaint under Rule 12(b)(6) and Rule 12(b)(1).

As discussed fully in the accompanying brief in support, Plaintiffs cannot state a claim against the University under 42 U.S.C. § 1983, for violation of the Equal Protection Clause, because the University is not a "person" covered by § 1983. Further, Plaintiffs cannot state a Title VI claim against the University Officials because Title VI only applies to the University, as an entity, and the *Ex parte Young* fiction is irrelevant for the Title VI claim because the University is subject to injunctive relief, in the event such relief is appropriate (here it is not).

Additionally, Plaintiffs simply fail to state viable claims under the Equal Protection Clause or Title VI because Plaintiffs do not plead facts establishing that the University engaged in, or presently engages in, intentional race discrimination in the awarding of

financial aid. Further, Plaintiffs do not plead facts to demonstrate they were personally deprived of financial aid because of their race. Plaintiffs' failure to plead facts supporting a personal injury resulting from intentional race discrimination, in addition to negating a key element of their claims for purposes of Rule 12(b)(6), also prevents Plaintiffs from establishing Article III standing, necessitating dismissal under Rule 12(b)(1).

**Wherefore**, Defendants respectfully move this Court to dismiss Plaintiffs' Complaint, in its entirety, pursuant to Fed. R. Civ. P. 12(b)(6) and 12(b)(1).

Date: July 15, 2024

Respectfully submitted,

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### **CERTIFICATE OF SERVICE**

I hereby certify that, on July 15, 2024, I filed a copy of the foregoing with the Court using the ECF system, which sent electronic notification to all counsel of record.

/s/ Michael Burrage

Michael Burrage