

**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,

*Plaintiffs,*

V.

THE UNIVERSITY OF OKLAHOMA,  
ET AL.

*Defendants.*

$$\left. \begin{array}{l} ) \\ ) \\ ) \\ ) \\ ) \\ ) \end{array} \right\}$$
Case No. 5:24-cv-00495-PRW

**DEFENDANTS' MOTION TO DISMISS  
PLAINTIFFS' FIRST AMENDED COMPLAINT**

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

As discussed fully in the accompanying brief in support, Plaintiffs fail to state claims under the Equal Protection Clause or Title VI because Plaintiffs do not plead facts plausibly alleging that the University engaged in, or presently engages in, intentional race discrimination in the awarding of financial aid. Plaintiffs also fail to plead facts showing that 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: August 19, 2024

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that, on August 19, 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