

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF FLORIDA  
TALLAHASSEE DIVISION**

LEROY PERNELL, et al.,

*Plaintiffs,*

v.

FLORIDA BOARD OF  
GOVERNORS OF THE STATE  
UNIVERSITY SYSTEM, et al.,

*Defendants.*

Case No. 4:22-cv-00304-MW-MAF

**DEFENDANTS' MOTION TO DISMISS**

Pursuant to FEDERAL RULES OF CIVIL PROCEDURE 12(b)(1) and 12(b)(6), Defendants move to dismiss Plaintiffs' claims on several grounds. First, no Plaintiff has standing to sue any Defendant Board of Trustees other than that of the Plaintiff's home institution. Second, Plaintiff Dunn lacks standing on all claims because the Individual Freedom Act does not apply to his bus tour. Third, no Plaintiff has standing to assert an injury to *other* professors, students, or universities. Fourth, Plaintiff Dauphin lacks standing to challenge the Act as an instructor. Fifth, Plaintiffs lack standing to challenge the first, third, fifth, sixth, and seventh concepts identified in the Act. Sixth, Counts One, Two, and Three should be dismissed because Plaintiffs have failed to state a claim under the Free Speech or Due Process Clauses

of the U.S. Constitution. Seventh and finally, Count Four should be dismissed because Plaintiffs have failed to state a claim under the Equal Protection Clause of the U.S. Constitution.

Date: September 22, 2022

Respectfully submitted,

/s/ Charles J. Cooper

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