

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
Harrisonburg Division

JOANNE HARRIS, et al,)	
)	
<i>Plaintiffs</i>)	
)	
v.)	Civil Action No.: 5:13-cv-77
)	
ROBERT F. McDONNELL, et al,)	
)	
<i>Defendants</i>)	

DEFENDANT ROBERTS' MOTION TO DISMISS

Defendant Thomas E. Roberts, by counsel, files this motion to dismiss pursuant to Fed. R. Civ. P. Rules 12(b)(1) and 12(b)(6) and states as follows:

1. Plaintiffs lack subject matter jurisdiction to assert claims against Roberts and their claims should be dismissed as against him pursuant to Fed. R. Civ. P. 12(b)(1)
2. Alternatively, the claims of Plaintiffs Berghoff and Kidd against Roberts should be dismissed for failure to state a claim upon which relief can be granted pursuant to Fed. R. Civ. P. Rule 12(b)(6).

For these reasons and the additional reasons set forth in his memorandum in support filed herewith, Defendant Roberts respectfully requests that this Court dismiss all claims against him for lack of subject matter jurisdiction, in the alternative, dismiss the claims of Plaintiffs Berghoff and Kidd against him for failure to state a claim upon which relief can be granted, and award him such other and further relief as this Court deems appropriate.

THOMAS E. ROBERTS,

By Counsel

By: /s/ Rosalie Pemberton Fessier

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CERTIFICATE OF SERVICE

I hereby certify that on August 30, 2013, I have electronically filed this document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

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