

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
No. 1:23-cv-00423-WO-JLW

TIMIA CHAPLIN and PAULINO)
CASTELLANOS, on behalf of themselves)
and all others similarly situated,)

Plaintiffs,)

v.)

WILLIE R. ROWE, in his official capacity as)
the Sheriff of Wake County; JOHN DOE)
SURETY, as surety for the Sheriff of Wake)
County; BRIAN ESTES, in his official)
capacity as the Sheriff of Lee County; JOHN)
DOE SURETY, as surety for the Sheriff of)
Lee County; TYLER TECHNOLOGIES,)
INC.; and DOES 1 THROUGH 20,)
INCLUSIVE,)

Defendants.)

**MOTION TO DISMISS OF
DEFENDANT BRIAN ESTES,
IN HIS OFFICIAL
CAPACITY AS SHERIFF
OF LEE COUNTY**

Defendant Brian Estes, in his official capacity as Sheriff of Lee County, by and through the undersigned counsel, hereby moves the Court, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, to dismiss all claims asserted against him by the Plaintiffs.

As grounds for this motion, defendant Brian Estes, in his official capacity as Sheriff of Lee County, would show the Court that the Plaintiffs' Complaint (Doc. 1) fails to state a claim upon which relief can be granted as to defendant Brian Estes in his official capacity

as Sheriff of Lee County. Further grounds for this motion are set forth in Defendant Estes' brief, which is being filed contemporaneously with this motion.

WHEREFORE, Defendant Brian Estes, in his official capacity as Sheriff of Lee County, respectfully submits that his motion to dismiss should be granted.

Respectfully submitted, this the 31st day of August, 2023.

/s/ James R. Morgan, Jr. _____
James R. Morgan, Jr.
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Attorney for Defendant Brian Estes

CERTIFICATE OF SERVICE

I hereby certify that on August 31, 2023, I electronically filed the foregoing **MOTION TO DISMISS OF DEFENDANT BRIAN ESTES, IN HIS OFFICIAL CAPACITY AS SHERIFF OF LEE COUNTY** with the Clerk of Court using the CM/ECF system, which will send notification of the filing to all Counsel of record.

/s/ James R. Morgan, Jr. _____

James R. Morgan, Jr.

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