

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
NO. 1:23-CV-00423

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

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**DEFENDANT WAKE COUNTY SHERIFF WILLIE ROWE'S  
MOTION TO DISMISS IN LIEU OF ANSWER**

NOW COMES defendant Wake County Sheriff, through undersigned counsel, and hereby moves the Court to dismiss this action in its entirety as to defendant Wake County Sheriff pursuant to F.R.Civ. P. 12(a)(4) and 12(b)(6) on the grounds that as a matter of law the complaint fails to state a claim against defendant Wake County Sheriff upon which relief may be granted. The grounds for the motion are more fully set forth in the Memorandum in support of Motion to Dismiss filed contemporaneously with this pleading.

WHEREFORE, defendant Wake County Sheriff respectfully prays the Court enter an order dismissing this action as to this defendant with prejudice and for such other relief as to the Court may seem just.

Respectfully submitted this the 6<sup>th</sup> day of September, 2023.

WAKE COUNTY ATTORNEY'S OFFICE

/s/ Roger A. Askew

Roger A. Askew, NCSB # 18081

Senior Deputy County Attorney

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*Attorney for Defendant Wake County Sheriff*

*Willie Rowe*

/s/ Robert J. Lane

Robert J. Lane, NCSB # 53767

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*Attorney for Defendant Wake County Sheriff*

*Willie Rowe*

**CERTIFICATE OF SERVICE**

I, the undersigned attorney for defendant Wake County, hereby certifies that on the day indicated below the foregoing and attached **DEFENDANT WAKE COUNTY SHERIFF WILLIE ROWE'S MOTION TO DISMISS IN LIEU OF ANSWER** was electronically filed with the Clerk of Court using the CM/ECF filing system and served via electronic transmission through the Court's CM/ECF system in accordance with Rule 5(b)(2)(D) of the Federal Rules of Civil Procedure and applicable local rules upon the CM/ECF participants:

This the 6<sup>th</sup> day of September, 2023.

/s/ Roger A. Askew

Roger A. Askew, NCSB # 18081

Senior Deputy County Attorney

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*Attorney for Defendant Wake County Sheriff*

*Willie Rowe*