

STATE OF NORTH CAROLINA
WAKE COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
24CVS013410-910

RANDOLPH COUNTY BOARD OF
EDUCATION, ex rel. JONATHAN
BURRIS,

Plaintiff,

v.

JOSH STEIN, in his official capacity as
NORTH CAROLINA ATTORNEY
GENERAL, NELS ROSELAND, in his
official capacity as NORTH CAROLINA
CONTROLLER, and ROY COOPER, in
his official capacity as NORTH
CAROLINA GOVERNOR,

Defendants.

**DEFENDANTS'
MOTION TO DISMISS
PLAINTIFF'S AMENDED
COMPLAINT**

NOW COME Defendants Joshua H. Stein, in his official capacity as North Carolina Attorney General, Nels Roseland, in his official capacity as North Carolina Controller, and Roy Cooper, in his official capacity as North Carolina Governor, by and through undersigned counsel and submit its responsive pleading to Plaintiff's Amended Complaint.

Defendants move pursuant to Rules 12(b)(1), 12(b)(2) and 12(b)(6) of the North Carolina Rules of Civil Procedures to dismiss Plaintiff's Amended Complaint. The grounds for dismissal include but are not limited to lack of standing, mootness, sovereign immunity, and failure to state a claim for relief. Plaintiff's claims fail as a matter of law. The legal authorities and arguments in support of Defendants' motion will be provided in a memorandum of law submitted in accordance with the Rules of Civil Procedure and the Local Rules governing the submission of briefs in this matter.

WHEREFORE, Defendants respectfully move the Court to dismiss all of Plaintiff's claims and grant Defendant's motion to dismiss the Amended Complaint in its entirety with prejudice.

Respectfully submitted this the 10th day of May, 2024.

JOSHUA H. STEIN
Attorney General

/s/ Laura McHenry
Laura H. McHenry
Special Deputy Attorney General
N.C. State Bar No. 45005
lmchenry@ncdoj.gov

Matthew Tulchin
Special Deputy Attorney General
N.C. State Bar No. 43921
E-mail: mtulchin@ncdoj.gov

N.C. Department of Justice
Post Office Box 629
Raleigh, North Carolina 27602-0629
Phone: (919) 716-6900
Fax: (919) 716-6763
Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that I have this day caused to be served a copy of the within and foregoing document by filing a copy of same with the Court's electronic filing system, which will provide all parties of record with electronic notice.

This the 10th day of May, 2024.

/s/ Laura McHenry _____
Laura H. McHenry
Special Deputy Attorney General