STATE OF NORTH CAROLINA

COUNTY OF WAKE

ROBERT PAUL GLAD, JR., AS THE ADMINISTRATOR OF THE ESTATE OF SARAH L. GLAD; MEGHAN MANFRA; HADEER METWALLY; KATE NORWALK; SANDRA ALFORD; ERIN BURGESS; MARY MOSS, AS THE ADMINISTRATOR OF THE ESTATE OF KRISTA MOSS; LISA GREGORY; TAYLOR BLANTON, AS THE ADMINISTRATOR OF THE ESTATE OF REBECCA BLANTON; LEANNA GATLIN; LESLIE POLI; and COREY WHITE,

Plaintiffs,

v.

NORTH CAROLINA STATE UNIVERSITY,

Defendant.

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
Case No. 26-CV-002079-910

DEFENDANT'S MOTION TO DISMISS PLAINTIFFS' FIRST AMENDED COMPLAINT

Defendant North Carolina State University ("NC State" or "Defendant"), through undersigned counsel, hereby moves to dismiss all claims contained in the First Amended Complaint filed by Robert Paul Glad, Jr., as the Administrator of the Estate of Sarah L. Glad; Meghan Manfra; Hadeer Metwally; Kate Norwalk; Sandra Alford; Erin Burgess; Mary Moss, as the Administrator of the Estate of Krista Moss; Lisa Gregory; Taylor Blanton, as the Administrator of the Estate of Rebecca Blanton; Leanna Gatlin; Leslie Poli; and Corey White ("Plaintiffs") pursuant to Rules 12(b)(1),

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12(b)(2), and 12(b)(6) of the North Carolina Rules of Civil Procedure. In support of this motion, NC State respectfully states as follows:

1. The claims asserted by Plaintiffs in this action are brought pursuant to *Corum v. University of North Carolina*, 330 N.C. 761 (1992), and are framed as violations of the Constitution of the State of North Carolina, including:

   a. Art. I, Sec. 9 of the North Carolina Constitution Protecting Plaintiffs' Right to Bodily Integrity;

   b. Art. I, Sec. 1 of the North Carolina Constitution Protecting Plaintiffs' Right to the Enjoyment of Fruits of Their Own Labor;

   c. Art. I, Sec. 1 of the North Carolina Constitution Protecting Plaintiffs' Right to Life and the Pursuit of Happiness;

   d. Art. I, Sec. 15 and Art. IX, Sec. 2 of the North Carolina Constitution Protecting Plaintiffs' Right to a Safe Environment Where Learning Can Take Place.

2. Plaintiffs have not stated any colorable constitutional claim because they "fail[] to demonstrate that they have suffered the deprivation of any right protected by the Constitution." *Cholette v. Town of Kure Beach*, 88 N.C. App. 280, 282 (1987). Rather, Plaintiffs' alleged injuries sound in negligence and workers' compensation, not in violations of constitutional rights, and, according to the Amended Complaint, the alleged source of this injury is NC State's alleged failure to warn and protect Plaintiffs from exposure to contamination.

3. Plaintiffs' claims are, in fact, tort claims or workers' compensation claims. *See Doe v. Charlotte-Mecklenburg Bd. of Educ.*, 222 N.C. App. 359, 365 (2012) ("The mere fact that Plaintiff has asserted that certain of her claims are 'constitutional' in nature does not automatically mean that she has stated one or more

valid constitutional claims."). Any assertion that NC State's alleged conduct rises to a constitutional level is not grounded in fact or law.[1] A plaintiff may not "elevat[e] negligence claims by way of *Corum* to bypass governmental immunity." *Taylor v. Wake Cnty.*, 258 N.C. App. 178, 191 (2018).

4. Under *Corum*, a direct constitutional claim may be asserted against the State only where there is no adequate state law remedy. "[A]n adequate remedy is a meaningful one, though not necessarily the one the plaintiff might prefer." *Washington v. Cline*, 385 N.C. 824, 829, 898 S.E.2d 667, 671 (2024). Here, Plaintiffs (who were students and/or employees at NC State) have adequate state law remedies under the Workers' Compensation Act and/or the State Tort Claims Act. Plaintiffs may not bypass those remedies by attempting to recast their allegations as direct constitutional claims under *Corum*, 330 N.C. 761 (1992); *see also Taylor v. Wake County*, 258 N.C. App. 178, 192 (2018).

5. Employees (or former employees) of NC State (and their estates if they are deceased) are provided with an adequate state law remedy through the North Carolina Workers' Compensation Act, N.C. Gen. Stat. § 97-1 *et. seq.*, which includes a limited waiver of NC State's sovereign immunity. The North Carolina Workers Compensation Act "provides the exclusive remedy available to employees seeking relief for work-related injuries resulting from the acts or omissions of their employers," *Blue v. Mountaire Farms, Inc.*, 247 N.C. App. 489, 496 (2016), and the

[1] While NC State does not presently seek sanctions, it expressly reserves the right to pursue remedies under Rule 11 of the North Carolina Rules of Civil Procedure should Plaintiffs continue to assert these claims in the absence of a good-faith basis.

Industrial Commission has exclusive jurisdiction over such claims, N.C. Gen. Stat. § 97-91.

6. Students (or former students) of NC State (and their estates if they are deceased) are provided with an adequate state law remedy through the State Tort Claims Act ("STCA"), which includes a limited waiver of NC State's sovereign immunity. N.C. Gen. Stat. § 143-291 *et. seq.; see Taylor v. Wake Cnty.*, 258 N.C. App. 178, 192 (2018) (holding that a "Tort Claims Act action … is an adequate remedy under state law such that [a plaintiff] is unable to pursue a direct constitutional claim … in superior court."). Tort claims against the State fall within the exclusive jurisdiction of the Industrial Commission. *Guthrie v. N.C. State Ports Auth.*, 307 N.C. 522, 540, 299 S.E.2d 618, 628 (1983).

7. While the North Carolina legislature has expressly waived sovereign immunity for workers' compensation claims and tort claims by enacting the North Carolina Workers' Compensation Act and the State Tort Claims Act that allow such claims to be brought in the Industrial Commission, sovereign immunity bars claims against NC State for tort and workers' compensation claims asserted in Superior Court.

8. Because these adequate state remedies exist, Plaintiffs fail to state a valid *Corum* claim, and the Amended Complaint should be dismissed. *See*, *e.g.*, *Washington*, 385 N.C. at 832, 898 S.E.2d at, 673 (dismissing *Corum* claim and finding law already provided adequate remedy); *Guthrie v. N.C. State Ports Auth.*, 307 N.C.

522, 540, 299 S.E.2d 618, 628 (1983); *Taylor v. Wake County*, 258 N.C. App. 178, 192 (2018).

9. In accordance with N.C. R. Civ. Proc. § 1A-1, Rule 5, NC State will prepare and file a memorandum of law in further support of this Motion.

WHEREFORE, NC State respectfully requests that the Court grant its motion to dismiss all counts in the First Amended Complaint with prejudice pursuant to Rules 12(b)(1), 12(b)(2), and 12(b)(6) of the North Carolina Rules of Civil Procedure and grant such other and further relief as the Court may deem just and proper.

Respectfully submitted, this the 20th day of February 2026.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing document was this day served upon the following counsel of record by email and by serving this document through the North Carolina eCourts eFiling system which will send it to all counsel of record as follows:

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