

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:26-cv-00590-D**

SCOTT LASSITER,

Plaintiff,

v.

WAKE COUNTY BOARD OF
EDUCATION,

Defendant.

MOTION TO DISMISS

Defendant Wake County Board of Education (the “Board”), by and through its attorney, moves the Court pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure to dismiss Plaintiff’s claims against it. In support of its motion, Defendant respectfully shows the Court the following:

1. Plaintiff has failed to state a claim against the Board for fraudulent inducement because he has failed to plausibly plead his claim and failed to meet the heightened pleading requirements of Rule 9 of the Federal Rules of Civil Procedure. Plaintiff’s claim is also subject to dismissal to the extent he seeks inconsistent remedies.
2. Plaintiff has failed to state a claim against the Board pursuant to 42 U.S.C. § 1983 for alleged First Amendment retaliation.
3. With respect to all claims against the Board, Plaintiff has failed to state any claim upon which relief may be granted. Plaintiff’s Complaint should therefore be dismissed with prejudice under Rule 12(b)(6).

Pursuant to Local Civil Rule 7.1, E.D.N.C., a Memorandum of Law in support of this motion is being submitted contemporaneously with the motion.

Respectfully submitted, this the 16th day of September 2026.

THARRINGTON SMITH, LLP

/s/ Colin Shive

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CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of September 2026, I electronically filed the foregoing Motion to Dismiss with the Clerk of the Court using CM/ECF which will send notification of such filing to all counsel of record.

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