

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
No. 1:19-CV-272-LCB-LPA

MAXWELL KADEL, JASON FLECK,  
CONNOR THONEN-FLECK, by his next  
friends and parents, JASON FLECK AND  
ALEXIS THONEN, JULIA MCKEOWN,  
MICHAEL D. BUNTING, JR., C.B., by  
his next friends and parents, MICHAEL  
D. BUNTING, JR. and SHELLEY K.  
BUNTING, and SAM SILVAINE,

Plaintiffs,

v.

DALE FOLWELL, in his official capacity  
as State Treasurer of North Carolina, DEE  
JONES, in her official capacity as  
Executive Administrator of the North  
Carolina State Health Plan for Teachers  
and State Employees, UNIVERSITY OF  
NORTH CAROLINA AT CHAPEL  
HILL, NORTH CAROLINA STATE  
UNIVERSITY, UNIVERSITY OF  
NORTH CAROLINA AT  
GREENSBORO, and NORTH  
CAROLINA STATE HEALTH PLAN  
FOR TEACHERS AND STATE  
EMPLOYEES,

Defendants.

**DEFENDANTS UNIVERSITY OF  
NORTH CAROLINA AT CHAPEL  
HILL, NORTH CAROLINA STATE  
UNIVERSITY, AND UNIVERSITY OF  
NORTH CAROLINA AT  
GREENSBORO'S MOTION TO  
DISMISS**

NOW COMES Defendants, University of North Carolina at Chapel Hill, North Carolina State University, and University Of North Carolina at Greensboro (“University Defendants”), appearing specially by and through undersigned counsel, pursuant to Rule

12(b)(1), (2), and (6) of the Federal Rules of Civil Procedure, and move for the dismissal of Plaintiff's Complaint for lack of personal jurisdiction, lack of subject matter jurisdiction, lack of standing, and failure to state a claim upon which relief can be granted. In support of this Motion, University Defendants rely on the Complaint and the detailed arguments and dispositive authorities contained in Defendants University of North Carolina at Chapel Hill, North Carolina State University, and University of North Carolina at Greensboro's Memorandum in Support of Motion to Dismiss filed contemporaneously herewith.

This the 8th day of July, 2019.

JOSHUA H. STEIN  
Attorney General

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Carolina at Chapel Hill, North Carolina State  
University, and University Of North Carolina at  
Greensboro*

**CERTIFICATE OF SERVICE**

I certify that the foregoing **DEFENDANTS UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL, NORTH CAROLINA STATE UNIVERSITY, AND UNIVERSITY OF NORTH CAROLINA AT GREENSBORO'S MOTION TO DISMISS** was filed electronically with the Clerk of Court using the CM/ECF system which will send notification of such filing to all registered users.

This the 8th day of July, 2019.

/s/Kimberly D. Potter  
Kimberly D. Potter  
Special Deputy Attorney General