

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

ANNE HARDING, RAY	§	
HUEBNER, GREGORY R.	§	
JACOBS, MORGAN	§	
MCCOMB, AND JOHANNES	§	
PETER SCHROER,	§	
Plaintiffs,	§	
	§	C.A. NO. 3:15-CV-00131-D
V.	§	
	§	
COUNTY OF DALLAS, TEXAS	§	
CLAY LEWIS JENKINS, in his	§	
official Capacity as County Judge	§	
of Dallas County, et al.,	§	
Defendants,	§	

DEFENDANTS' MOTION TO DISMISS

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Defendants, County of Dallas, Texas, Clay Lewis Jenkins, in his capacity as County Judge of Dallas County, Texas, and Theresa Daniel, Mike Cantrell, John Wiley Price, and Elba Garcia, in their capacity as County Commissioners (hereinafter collectively referred to as "Defendants") and files this their Motion to Dismiss Pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6), and would respectfully show the Court as follows:

I. ARGUMENT

For the reasons stated in the contemporaneously filed Brief in Support of Defendants' Motion to Dismiss, which is incorporated herein for all purposes, the Court should grant the Motion and dismiss all of Plaintiffs' Complaint. Plaintiffs fail to allege legally cognizable harm which means Plaintiffs lack standing to assert any of the claims alleged. Therefore, the Complaint should be dismissed with prejudice pursuant to Federal Rule of Civil Procedure 12(b)(1). Additionally, Plaintiffs fail to state any claims against Defendants. Therefore, the Complaint should be dismissed with prejudice under Federal Rule of Civil Procedure 12(b)(6).

II. PRAYER

Because Plaintiffs fail to allege legally cognizable harm, Plaintiffs lack standing to assert any of the claims alleged; the Complaint should be dismissed with prejudice pursuant to Federal Rule of Civil Procedure 12(b)(1). Additionally, Plaintiffs fail to state any claims against Defendants. Therefore, the Complaint should be dismissed with prejudice under Federal Rule of Civil Procedure 12(b)(6).

Respectfully submitted,

BRAZIL & DUNN

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CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of March 2015, a true and correct copy of the foregoing was served by the Court's Electronic Case Filing System on all counsel of record.

By: /s/ Chad W. Dunn
Chad W. Dunn