

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:14-cv-00369-BO**

FELICITY M. TODD VEASEY and
SECOND AMENDMENT
FOUNDATION, INC.,
Plaintiffs,

v.

BRINDELL B. WILKINS, JR., in his
official capacity as Sheriff of Granville
County, North Carolina,
PAT McCRORY, in his official capacity
as Governor of North Carolina,
ROY COOPER, in his official capacity
as Attorney General of North Carolina,
and FRANK L. PERRY, in his official
capacity as Secretary of the North
Carolina Department of Public Safety,

Defendants.

**BRINDELL B. WILKINS, JR.'S
MOTION TO DISMISS
THE AMENDED COMPLAINT**

Pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, Defendant Brindell B. Wilkins, Jr. ("Sheriff Wilkins") moves to dismiss the Amended Complaint.

In support of this motion, and pursuant to the Court's January 23, 2015 Order deferring ruling on all pending motions, Sheriff Wilkins relies on his prior memoranda in support of his motion to dismiss the original complaint [DE 15, 25], with the exception of those arguments concerning Plaintiffs' initial failure to join necessary parties and comply with statutory notice requirements [DE 15 at 8-11, 25 at 7-8], which have been rendered moot by the filing of Plaintiffs' Amended Complaint naming various state officials as defendants.

Respectfully submitted the 18th day of February, 2015.

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CERTIFICATE OF SERVICE

I hereby certify that I have this day electronically filed the foregoing document with the Clerk of Court using the CM/ECF system which will send notification of such filing to all counsel and parties of record as follows:

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I further certify that I have this day served a copy of the foregoing by depositing a copy thereof in an envelope bearing sufficient postage in the United States mail, addressed to the following person at the following address which is the last address known to me:

Grayson Kelley
Chief Deputy Attorney General
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This the 18th day of February, 2015.

s/Andrew H. Erteschik
Andrew H. Erteschik