IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 1:16-cv-00425

STATE OF NORTH CAROLINA, et al.,

Defendants.

UNC DEFENDANTS' MOTION TO DISMISS

The University of North Carolina and its Board of Governors (collectively UNC Defendants) move to dismiss the United States' claims against them under Civil Rules 12(b)(1) and 12(b)(6).

1. The UNC Defendants move under Civil Rule 12(b)(1) to dismiss all claims against them (Compl. ¶¶ 53–56, Counts I–III) because the claims are not justiciable or ripe.

2. The UNC Defendants move under Civil Rule 12(b)(6) to dismiss the United States' Title IX claim against them (Compl. ¶ 55, Count II) because the United States lacks a cause of action.

3. The UNC Defendants move under Civil Rule 12(b)(6) to dismiss the prayer for a permanent injunction against them (Compl. ¶ D) because the United States fails to state a claim for such relief.

Dated: July 18, 2016

Respectfully submitted,

/s/ Carolyn C. Pratt Carolyn C. Pratt NC Bar No. 38438 The University of North Carolina P.O. Box 2688 Chapel Hill, NC 27515 Tel: (919) 962-3406 Fax: (919) 962-0477 Email: ccpratt@northcarolina.edu /s/ Noel J. Francisco Noel J. Francisco Glen D. Nager James M. Burnham JONES DAY 51 Louisiana Avenue NW Washington, DC 20001 Tel: (202) 879-3939 Fax: (202) 626-1700 Email: njfrancisco@jonesday.com

Counsel for the University of North Carolina and the Board of Governors of the University of North Carolina

CERTIFICATE OF SERVICE

I certify that on July 18, 2016, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send a notice of electronic filing to all registered parties.

Dated: July 18, 2016

/s/ Noel J. Francisco Noel J. Francisco JONES DAY 51 Louisiana Avenue NW Washington, DC 20001 Tel: (202) 879-3939 Fax: (202) 626-1700 Email: njfrancisco@jonesday.com

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