

STATE OF NORTH CAROLINA  
COUNTY OF DURHAM

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
File No. 7 CVS 6365

SEAN HAUGH, ET AL.,                    )  
    Plaintiffs,                            )  
  )  
  )  
  )  
  )  
  )  
  )  
COUNTY OF DURHAM, ET AL.,        )  
    Defendants.                            )

MOTION TO DISMISS  
(Michael M. Ruffin)  
(DISM)

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NOW COMES the Defendant, Michael M. Ruffin, by and through his undersigned attorney, and moves to dismiss the action for lack of jurisdiction over the subject matter, as the Plaintiffs are not the real parties in interest, as the Defendant is not the real party in interest, and for failure to state a claim upon which relief can be granted pursuant to Rules 12(b)(1) and (6), Rule 17(a) of the North Carolina Rules of Civil Procedure, and N.C. Gen. Stat. § 1-57 on the grounds that the Court lacks subject matter jurisdiction as the Plaintiffs lack standing to bring this action, that the Court lacks subject matter jurisdiction due to the Political Question Doctrine, that the Plaintiffs are not taxpayers in the County of Durham, the Plaintiffs are not the real parties in interest, the named County Manager is not the real party in interest, and that the Plaintiffs have failed to state a claim under existing North Carolina jurisprudence and have failed to name this Defendant in the body of the Complaint.

This the 17<sup>th</sup> day of January, 2008.



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## CERTIFICATE OF SERVICE

This is to certify that I have this date served a copy of the foregoing Motion to Dismiss on the following persons, by depositing a copy hereof in a postpaid wrapper in a post office or official depository under the exclusive care and custody of the United States Post Office properly addressed as listed below, or by hand delivering a copy hereof as indicated below:

Jeanette K. Doran  
225 Hillsborough Street, Suite 245  
Raleigh, NC 27603

Sarah M. Johnson  
Wyrick Robbins Yates & Ponton LLP  
4101 Lake Boone Trail, Suite 300  
Raleigh, NC 27607

This the 17<sup>th</sup> day of January, 2008.

  
S. C. Kitchen  
Durham County Attorney