

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA
EVANSVILLE DIVISION**

ALEXIS SEAY,)	
)	
Plaintiff,)	
)	
v.)	CAUSE NO. 3:18-cv-00147-RLY-MPB
)	
THE UNIVERSITY OF EVANSVILLE,)	
et. al.)	
)	
Defendants.		

**MOTION TO PARTIALLY DISMISS PLAINTIFF’S COMPLAINT, PURSUANT TO
F.R.C.P. 12(b)(6), OF DEFENDANTS THE UNIVERSITY OF EVANSVILLE, DR.
THOMAS KAZEE, AND TRACEY FOLDEN**

Come now Defendants, The University of Evansville (the “University”), and Dr. Thomas Kazee (“Dr. Kazee”) and Dr. Tracey Folden (“Dr. Folden”) in their individual capacities, by counsel, and pursuant to F.R.C.P. 12(b)(6), move to partially dismiss Plaintiff’s Complaint as set forth below:

1. The University moves to dismiss Counts I and II of Plaintiff’s Complaint, which alleges the University violated Title IX of the Education Amendments of 1972, because Plaintiff’s allegations fail to state a claim for which a relief can be granted.

2. The University, and Dr. Kazee and Dr. Folden in their individual capacities, move to dismiss Count VI of Plaintiff’s Complaint, which alleges claims for negligent hiring, training, retention, and supervision, because Plaintiff’s allegations fail to state a claim for which a relief can be granted.

3. The University, and Dr. Kazee and Dr. Folden in their individual capacities, move to dismiss Count V of Plaintiff’s Complaint, which alleges they were negligent, because Plaintiff’s allegations fail to state a claim for which relief can be granted.

4. The University moves to dismiss Count IV of Plaintiff's Complaint, which alleges breach of contract, because Plaintiff's allegations fail to state a claim for which relief can be granted.

5. In support of their Partial Motion to Dismiss, Defendants have contemporaneously filed a Memorandum of Law supporting their Motion, along with a proposed Order.

WHEREFORE, Defendants, the University of Evansville, and Dr. Kazee and Dr. Folden in the individual capacities, move this Court to partially dismiss Plaintiff's Complaint, and for such other relief as this Court deems just and appropriate.

Respectfully submitted,

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By: /s/ Mark A. McAnulty

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CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of October, 2018, a copy of the foregoing was filed electronically. Notice of this filing will be sent to the following party by operation of the Court's CM/ECF system.

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