

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

PAULA KAY HEDGEPEETH, <i>et al.</i>,)	
)	
Plaintiffs,)	
)	
vs.)	Civil No. 15-0067-CG-C
)	
ROBERT BENTLEY, <i>et al.</i>,)	
)	
Defendants.)	

MOTION TO DISMISS OF CHIEF JUSTICE ROY MOORE

COMES NOW Roy Moore, Chief Justice of the Alabama Supreme Court, who has been named as a Defendant in the above-styled action in both his official and individual capacities, and moves pursuant to Rule 12(b)(1) and (6), Fed. R. Civ. P, for a dismissal of the claims against him on the following grounds:

1. Plaintiffs have failed to plead a claim against Chief Justice Moore upon which relief may be granted.
2. Plaintiffs’ claims are moot.
3. The Court lacks subject matter jurisdiction over the claims against Chief Justice Moore under the Eleventh Amendment of the United States Constitution.

4. Chief Justice Moore has qualified immunity from any damages claims.

This motion is supported by a *Brief in Support of Motion to Dismiss of Chief Justice Roy Moore* and the exhibits attached thereto.

Respectfully submitted this 17th day of March, 2015.

Attorneys for Chief Justice Roy Moore

s/ J. Douglas McElvy

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* Motions for admission *pro hac vice* forthcoming

CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of March, 2015, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

Christine Cassie Hernandez
David Graham Kennedy
Harry V. Satterwhite
Joseph Michael Druhan, Jr.
Algert S. Agricola, Jr.
David Byrne, Jr.
James W. Davis
Laura Elizabeth Howell

s/ J. Douglas McElvy
Of Counsel