

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION**

LATASHA HOLLOWAY,

Plaintiff,

v.

CITY OF VIRGINIA BEACH, VIRGINIA,

Defendant.

Civil Action No. 2:18-CV-69

MOTION TO DISMISS ON BEHALF OF THE CITY OF VIRGINIA BEACH

COMES NOW the Defendant, the City of Virginia Beach ("City"), by counsel, and hereby files its Motion to Dismiss Plaintiff's claims pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure on the grounds that Plaintiff's Complaint fails to state a claim against the City upon which relief may be granted. The reasons and legal authorities supporting this Motion are fully set forth in the accompanying Memorandum of Law filed herewith.

WHEREFORE, the City respectfully moves this Court to enter an Order granting this Motion and dismiss Plaintiff's Complaint against the City with prejudice, and for all such other and further relief as the Court deems appropriate.

**LOCAL RULE 7(K) WARNING PURSUANT TO
ROSEBORO V. GARRISON, 528 F.2d 309 (4TH Cir. 1975)**

Plaintiff is advised that:

- (1) A *pro se* party is entitled to file a response opposing the motion and that any such response must be filed within twenty one (21) days of the date on which the dispositive or partially dispositive motion is filed; and
- (2) The Court could dismiss the action on the basis of the moving party's papers if a *pro se* party does not file a response; and
- (3) A *pro se* party must identify all facts stated by the moving party with which the *pro*

se party disagrees and must set forth the *pro se* party's version of the facts by offering affidavits (written statements signed before a notary public and under oath) or by filing sworn statements (bearing a certificate that it is signed under penalty of perjury); and

(4) A *pro se* party is also entitled to file a legal brief in opposition to the one filed by the moving party.

Respectfully Submitted,

CITY OF VIRGINIA BEACH

By: _____/s/_____
Of Counsel

Mark D. Stiles (VSB No. 30683)
City Attorney
Christopher S. Boynton (VSB No. 38501)
Deputy City Attorney
Gerald L. Harris (VSB No. 80446)
Associate City Attorney
Joseph M. Kurt (VSB No. 90854)
Assistant City Attorney
Attorneys for the City of Virginia Beach
Office of the City Attorney
Municipal Center, Building One, Room 260
2401 Courthouse Drive
Virginia Beach, Virginia 23456
(757) 385-4531 (Office)
(757) 385-5687 (Facsimile)
mstiles@vbgov.com
cboynton@vbgov.com
glharris@vbgov.com
jkurt@vbgov.com

CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of April 2018, I will electronically file the foregoing with the Clerk of the Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

Latasha Holloway is a non-filing user of the CM/ECF system. No other parties require notice.

_____/s/
Gerald L. Harris

And I hereby further certify that on this same date I have arranged for service of process through a private process server and have mailed the foregoing document along with a copy of the NEF to the following non-filing user:

Latasha Holloway
3682 Windmill Drive
Virginia Beach, VA 23453

_____/s/
Gerald L. Harris

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