

In the:

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF COLUMBIA

JOSEPH LEE GIBSON

966 Towlston Road

McLean, Virginia 22102,

Plaintiff,

Case Number; 1:04CV00190

Judge:

Deck Type: Pro se General Civil

Date Stamp:

v.

BOY SCOUTS OF AMERICA,

JOHN DOE, No. 1-7,

NATIONAL CAPITAL AREA COUNCIL

BOY SCOUTS OF AMERICA,

and

RICHARD ROE, No. 1-7,

Defendants.

**RULE 12(b)(6) MOTION TO DISMISS**

COME NOW the defendants, Boy Scouts of America and the National Capital Area Council Boy Scouts of America, by counsel, and hereby move this Honorable Court to dismiss them from this action pursuant to Federal Rules of Civil Procedure 12 (b) (6) for failure to state a claim upon which relief can be granted. In support of this Motion a Memorandum of Points and

Authorities is attached.

Please take further notice that the plaintiff has the right to state his position in support of or in opposition to said Motion by filing whatever papers you deem appropriate. Failure to file a response within eleven (11) days of the date of service may result in the Court treating the Motion as conceded, or may result in the Court considering the defendants' Motion without hearing the plaintiff's position.

**BOY SCOUTS OF AMERICA,  
And  
NATIONAL CAPITAL AREA COUNCIL  
BOY SCOUTS OF AMERICA  
By Counsel**

TRICHILO, BANCROFT, McGAVIN, HORVATH & JUDKINS, P.C.  
3920 University Drive  
Fairfax, Virginia 22030-0022  
(703) 385-1000  
(703) 385-1555 (FAX)

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John D. McGavin, Esquire  
D.C. Bar No. 475899  
Counsel for Defendants Boys Scouts of America  
National Capital Area Council Boy Scouts of America

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing **RULE 12(b)(6) MOTION TO DISMISS** was served by mail, first class, postage prepaid on this **20<sup>th</sup> day of May, 2004**, to:

Joseph Lee Gibson  
*Plaintiff pro se*  
966 Towlston Road  
McLean, Virginia 22102

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John D. McGavin