

THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
SOUTHERN DIVISION  
NO: 7:12-CV-20-FL

SHERRYL LYNN JACOBS,	)
	)
Plaintiff,	)
	)
v.	)
	)
ROBESON COUNTY PUBLIC LIBRARY,	)
BOARD OF DIRECTORY FOR ROBESON	)
COUNTY PUBLIC LIBRARY, ROBERT F.	)
FISHER, HORACE STACY, GAYLE MCLEAN,	)
and TINA MELLEN STEPP THOMAS	)
	)
Defendants.	)
	)

**MOTION TO DISMISS**  
**Fed. R. Civ. P. 12 (b)**

The individual Defendants, Robert F. Fisher, Horace Stacy, Gayle McLean, and Tina Mellen Stepp Thomas, as well as the unnamed members of the Board of Directors of the Robeson County Public Library, move the Court pursuant to Rule 12(b) of the Federal Rules of Civil Procedure to dismiss the Complaint against them on the grounds that they are not proper parties under the Americans with Disabilities Act, as they are not "employers" as defined by that Act.

This the 3<sup>rd</sup> day of April, 2012

/s/ William R. Purcell, II  
 William R. Purcell, II  
 Law Office of William R. Purcell, II, PLLC  
 210 West Cronly Street  
 Post Office Box 1567  
 Laurinburg, North Carolina 28352  
 Telephone: (910) 277-1980  
 Facsimile: (910) 277-1480  
[wrp@purcell-law.net](mailto:wrp@purcell-law.net)  
 North Carolina State Bar No: 13080  
 Attorney for Defendants

**CERTIFICATE OF SERVICE**

I herby certify that a copy of the foregoing has been served upon Plaintiff by depositing a copy thereof in the United States mail, first-class, postage prepaid, addressed as follows:

Ms. Sherryl Lynn Jacobs  
Post Office Box 175  
Orrum, North Carolina 28369

This the 3<sup>rd</sup> day of April, 2012

/s/ William R. Purcell, II  
William R. Purcell, II  
Law Office of William R. Purcell, II, PLLC  
210 West Cronly Street  
Post Office Box 1567  
Laurinburg, North Carolina 28352  
Telephone: (910) 277-1980  
Facsimile: (910) 277-1480  
wrp@purcell-law.net  
North Carolina State Bar No: 13080  
Attorney for Defendants