

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

SHERRYL LYNN JACOBS )  
Plaintiff, )  
vs. )  
ROBESON COUNTY PUBLIC LIBRARY )  
BOARD OF DIRECTORY FOR ROBESON )  
COUNTY PUBLIC LIBRARY, ROBERT F. )  
FISHER, HORACE STACY, GAYLE )  
McLEAN, TINA MELLEN-STEPP- )  
THOMAS, ELIZABETH TOWNSEND, )  
LARRY McGOUGAN )  
Defendants. )

**FILED**  
**APR 17 2012**  
JULIE A. RICHARDS, CLERK  
US DISTRICT COURT, EDNC  
BY                      DEP CLK

**SHERRYL LYNN JACOBS' MEMORANDUM IN OPPOSITION  
TO THE DEFENDANT'S MOTION TO DISMISS**

**I. INTRODUCTION**

Defendants Robert F. Fisher, Horace Stacy, Gayle McLean, Tina Mellen-Stepp-Thomas, Elizabeth Townsend, and Larry McGougan requested that the case against them in this matter be dismissed because they were not employers.

**ARGUMENT**

In accordance with SUBCHAPTER I [TITLE I] – EMPLOYMENT, Sec. 12111. (Section 101), Paragraph (5), (A) and Title VII of the Civil Rights Act of 1964 (Pub. L. 88-352) (Title

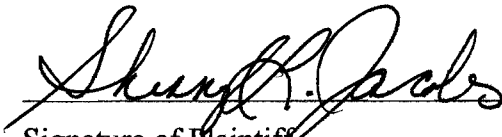
VII), as amended, as it appears in volume 42 of the United States Code, beginning at Section 2000e [Section 701] Paragraph (b)“The term “employer” means a person engaged in an industry affecting commerce who has fifteen or more employees for each working day in each of twenty or more calendar weeks in the current or preceding calendar year, **and any agent of such a person**. Defendants Robert F. Fisher, Horace Stacy, Gayle McLean, Tina Mellen-Stepp-Thomas, Elizabeth Townsend, and Larry McGougan do meet the definition of an employer; as, they do on a regular basis act as agents of the Robeson County Public Library.

### **CONCLUSION**

For the foregoing reasons, I, Sherryl Lynn Jacobs, Plaintiff request that the Defendants Robert F. Fisher, Horace Stacy, Gayle McLean, Tina Mellen-Stepp-Thomas, Elizabeth Townsend, and Larry McGougan’s Motion to Dismiss be denied in it’s entirety and that each of the afore named defendants be held accountable for their actions.

13 April 2012

Date

  
\_\_\_\_\_  
Signature of Plaintiff

Post Office Box 175, Orrum, NC 28369

Phone: 910-740-3683/628-6334

Address and Phone Number of Plaintiff