

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

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|---------------------------------|---|---------------------------------------|
| AARON TOBEY, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Civil Action No. 3:11cv154-HEH |
| |) | |
| JANET NAPOLITANO, et al. |) | |
| |) | |
| Defendants. |) | |

**THE COMMISSION DEFENDANTS’ MOTION TO PARTIALLY DISMISS
COMPLAINT UNDER FED. R. CIV. P. 12(b)(6)**

Pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, Defendants Capital Region Airport Commission (the “Commission”), Victor Williams (“Williams”), and Calvin Vann (“Vann”) (the Commission, Williams and Vann, collectively, the “Commission Defendants”), by counsel, move for the partial dismissal of the Complaint filed by Plaintiff, Aaron Tobey, as more particularly set forth in the accompanying memorandum.

Respectfully Submitted,

CAPITAL REGION AIRPORT COMMISSION,
VICTOR WILLIAMS, and
CALVIN VANN

By Counsel

/s/ Belinda D. Jones
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CERTIFICATE OF SERVICE

I hereby certify that on the 13th day of May, 2011, the foregoing was electronically filed with the Clerk of Court using the CM/ECF system which will send notification of such filing to all counsel of record, including:

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