

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

_____)	
ANN S. REILLY,)	
)	
<i>Plaintiff</i>)	Case No. 1:14-cv-01048
)	(LMB) (TRJ)
v.)	
)	
JENNIFER BRINKLEY)	
and JULES NYSSSEN)	
)	
<i>Defendants</i>)	
_____)	

DEFENDANTS' MOTION TO DISMISS PLAINTIFF'S AMENDED COMPLAINT

Defendants, Jennifer Brinkley and Jules Nyssen, by and through their undersigned attorneys, hereby move to dismiss the Amended Complaint filed by Plaintiff Ann S. Reilly for the reasons stated in the attached Memorandum in Support. As stated in the Memorandum, dismissal is appropriate for two reasons: (1) this Court does not possess personal jurisdiction over either Ms. Brinkley or Mr. Nyssen, and dismissal is appropriate under Fed. R. Civ. P. 12(b)(2) and (2) the Plaintiff fails to state a valid claim, and dismissal is appropriate under Fed. R. Civ. P. 12(b)(6).

WHEREFORE, Defendants Jennifer Brinkley and Jules Nyssen respectfully request that this Court grant its Motion and dismiss Plaintiff's Amended Complaint.

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Respectfully submitted,

Jennifer Brinkley and Jules Nyssen

By: /s/ Barbara G. Werther
Counsel

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DEFENDANTS' WARNING TO *PRO SE* PARTY

As is consistent with the requirements of *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir.

1975), it should be noted by the *pro se* party that:

- (1) The *pro se* party is entitled to file a response opposing this motion and 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 the *pro se* does not file a response; and
- (3) The *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 is signed under penalty of perjury); and
- (4) The *pro se* is also entitled to file a legal brief in opposition to the one filed by the moving party.

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Certificate of Service

I hereby certify that on this 16th day of October 2014, a true and correct copy of Defendants' Motion to Dismiss Plaintiff's Amended Complaint and supporting Memorandum of Law was served via electronic mail and overnight delivery to:

Ann S. Reilly

/s/ Barbara G. Werther

Barbara G. Werther

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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

ANN S. REILLY,
Plaintiff

v.

JENNIFER BRINKLEY
and JULES NYSSEN

Defendants

Case No. 1:14-cv-01048
(LMB) (TRJ)

ORDER

Upon consideration of Defendants’ Motion to Dismiss Plaintiff’s Amended Complaint and the attached Memorandum of Law in Support of Defendants’ Motion to Dismiss and any response thereto, and any arguments by the parties, it is this ____ day of _____ 2014, by the United States District Court for the Eastern District of Virginia:

ORDERED, that Defendants’ Motion to Dismiss the Amended Complaint is hereby GRANTED and the case dismissed with prejudice.

Judge Leonie M. Brinkema
United States District Judge