

STATE OF NORTH CAROLINA  
COUNTY OF NEW HANOVER

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
13 Cvs 2511

JOHN DOE 1, a minor child, by Michelle  
Scibetta, his parent and guardian ad litem, et  
al,

Plaintiffs,

v.

THE NEW HANOVER COUNTY BOARD  
OF EDUCATION, et al.


Defendants.

**ORDER**

This matter came before the undersigned on December 13, 2013, on Defendants' Motion to Dismiss pursuant to Rules 12(b)(1) and 12(b)(6) of the North Carolina Rules of Civil Procedure. Plaintiffs were represented by Gary Shipman, W. Cory Reiss, and Gregory Katzman. Defendants were represented by Jill Wilson, Robert King, and Julia Ambrose.

Having considered the Complaint, the briefs and authorities submitted by the parties, and the arguments of counsel, the Court has determined that the Defendants' Motion to Dismiss under Rule 12(b)(6) should be granted and the Motion under Rule 12(b)(1) should be denied. Accordingly, the Motion to Dismiss for failure to state a claim for which relief can be granted under Rule 12(b)(6) is GRANTED, and the Motion to Dismiss for lack of subject matter jurisdiction under Rule 12(b)(1) is DENIED. It is hereby ORDERED that Plaintiffs' claims are hereby DISMISSED with prejudice.

ORDERED, this the 23 day of January, 2014.

  
The Honorable Allen Baddour  
Superior Court Judge Presiding