

IN THE CIRCUIT COURT, FOURTH
JUDICIAL CIRCUIT, IN AND FOR
DUVAL COUNTY, FLORIDA

CASE NO.: 16-2011-CA-8012
DIVISION: CV-G

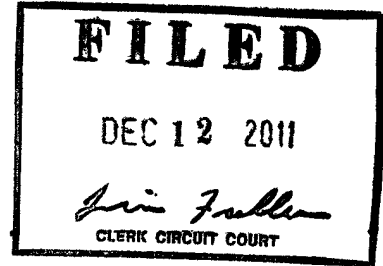
FLORIDA CARRY, INC., and
ALEXANDRIA LAINEZ,

Plaintiffs,

v.

UNIVERSITY OF NORTH FLORIDA, and
JOHN DELANEY,

Defendants.



MOTION TO DISMISS COMPLAINT

Come now Defendants, UNIVERSITY OF NORTH FLORIDA and JOHN DELANEY, by and through their undersigned counsel, pursuant to Rule 1.140(b), Florida Rules of Civil Procedure, and move the court to dismiss the complaint, and state as grounds therefor that:

1. Plaintiffs fail to state a cause of action.
2. Plaintiffs fail to plead sufficient ultimate facts entitling Plaintiffs to relief.
3. Plaintiffs have failed to exhaust their administrative remedies and otherwise fulfill all conditions precedent to bringing their claim pursuant to Section 768.28, Florida Statutes.
4. Defendants' policies comply with expressed general law authorizing Defendants to regulate firearms possession and storage on school property in accordance with Sections 790.115 and 790.251, Florida Statutes.
5. Plaintiffs fail to state a cause of action against John Delaney by failing to plead sufficient ultimate facts alleging that Delaney enacted, or caused to be enforced, any local

ordinance, administrative rule or regulation impinging upon the Legislature's occupation of the field of firearms regulation.

Respectfully submitted,

HOLLAND & KNIGHT LLP

By: George E. Schulz, Jr.
George E. Schulz, Jr., Esq.
Florida Bar No. 169507
Buddy.schulz@hklaw.com
Ben Z. Williamson, Esq.
Florida Bar No. 87454
Ben.williamson@hklaw.com
50 N. Laura Street, Suite 3900
Jacksonville, FL 32202
(904) 353-2000 - Telephone
(904) 358-1872 - Facsimile
Attorneys for Defendants



CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been furnished to Eric J. Friday, Esquire, Fletcher & Phillips, 541 E. Monroe, STE 1, Jacksonville, FL 32202 by mail this 9th day of December, 2011.

Respectfully submitted,

HOLLAND & KNIGHT LLP

By: George E. Schulz, Jr.
George E. Schulz, Jr., Esq.
Florida Bar No. 169507
Buddy.schulz@hkllaw.com
Ben Z. Williamson, Esq.
Florida Bar No. 87454
Ben.williamson@hkllaw.com
50 N. Laura Street, Suite 3900
Jacksonville, FL 32202
(904) 353-2000 - Telephone
(904) 358-1872 - Facsimile
Attorneys for Defendants

[Redacted signature line]

[Redacted signature line]

[Redacted signature line]