

**UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

DeSANTO ROLLINS

PLAINTIFF

v.

CIVIL ACTION NO. 3:23-cv-00356-MPM-RP

**LANE KIFFIN, in his individual capacity and in
his official capacity as the Head Football Coach
for the University of Mississippi; UNIVERSITY
OF MISSISSIPPI; and JOHN DOES 1-10**

DEFENDANTS

DEFENDANTS' MOTION TO DISMISS

Defendants Lane Kiffin ("Kiffin") and the University of Mississippi ("University") file this their Motion to Dismiss pursuant to Rule 12(b)(1) and/or 12(b)(6) of the Federal Rules of Civil Procedure, and in support state as follows:

1. Kiffin is entitled to qualified immunity with respect to Plaintiff's equal protection claim, and a direct equal protection claim cannot lie against an individual.
2. The University is immune from ADA liability under the Eleventh Amendment, and Kiffin cannot be individually liable for ADA violations.
3. Plaintiff cannot state claims under Title VI, Title IX, or the Rehabilitation Act.
4. Plaintiff's negligence claims are barred by sovereign immunity and the Mississippi Tort Claims Act.
5. Kiffin is not liable for intentional infliction of emotional distress.
6. The Court should decline supplemental jurisdiction over Plaintiff's state law claims.
7. In support of their Motion, Defendants rely upon the pleadings and papers filed in this matter, including their accompanying brief in support.

FOR THESE REASONS, Defendants Lane Kiffin and the University of Mississippi respectfully request the Court to dismiss Plaintiff's Complaint in its entirety. Defendants request such other relief as the Court deems appropriate under the circumstances.

Respectfully submitted, this the 8th day of November 2023.

**LANE KIFFIN, in his official capacity
as the Head Football Coach for the
University of Mississippi, and the
UNIVERSITY OF MISSISSIPPI**

/s/ Paul B. Watkins, Jr.

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University of Mississippi*

LANE KIFFIN, in his individual capacity

/s/ Walter G. Watkins, Jr.

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