

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

JEFFREY RYAN FENTON,)	
)	
Plaintiff,)	
)	Case No. 3:24-cv-01282
v.)	
)	
VIRGINIA LEE STORY, ET AL.,)	
)	
Defendants.)	

ELAINE BEELER’S MOTION TO DISMISS

Comes Defendant Elaine Beeler, by and through counsel, and pursuant to Rule 12(b)(5) and (6) of the Federal Rules of Civil Procedure, moves the Court to dismiss¹ the claims raised against her in the Amended Complaint.

For cause, Ms. Beeler would show that she has not been served with process in the time required by applicable law. Further, as to each of the Counts of the Amended Complaint, all claims against her are barred by the statute of limitations.² Even if not barred by the statute of limitations, the claims outlined in the Amended Complaint should be dismissed where Plaintiff fails to plead facts sufficient to state a claim upon which relief can be granted as to any of the claims against Ms. Beeler. In addition, the limited allegations against Beeler related to the Americans with Disabilities Act fail to state a claim because Title II of the Americans with Disabilities Act does not provide for a cause

¹ Ms. Beeler filed a limited appearance in the Western District of Michigan for purposes of challenging venue and jurisdiction in that Court. In light of the Court’s transfer of the claim to the appropriate venue, Ms. Beeler now challenges the Amended Complaint on the basis of Plaintiff’s failure to state a claim upon which relief can be granted.

² Williamson County Sheriff’s Office was not named in the initial Complaint, but only in the Amended Complaint. Accordingly, if it were a separate entity from Williamson County, which it is not, the statute of limitations would bar any action arising more than a year prior to August 21, 2024, a year prior to the filing of the Amended Complaint.

of action against individual officials. For the foregoing reasons and as more specifically outlined in the Memorandum of Law filed herewith, Defendant Elaine Beeler respectfully requests that the claims against her be dismissed.

Respectfully submitted,

/s/Lisa M. Carson

Lisa M. Carson, BPR# 14782

BUERGER, MOSELEY & CARSON, PLC

Attorney for Defendant Elaine Beeler

4068 Rural Plains Circle, Suite 100

Franklin, TN 37064

Telephone: (615) 794-8850

Facsimile: (615) 790-8861

Email: lcarson@buergerlaw.com

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been filed and delivered via U.S. Priority Mail on December 6, 2024, to the following:

Jeffrey Ryan Fenton
17198 Silver Parkway, #150
Fenton, MI 48430-3426

Thomas Anderson
1187 Old Hickory Boulevard, Suite 125
Brentwood, TN 37027

I certify that a true and exact copy of the foregoing has been forwarded via the Court's electronic filing system on December 6, 2024, to the following:

Megan R. Calme
Wilson Elser Moskowitz Edelman & Dicker, LLP
3102 West End Avenue
Suite 400
Nashville, TN 37203

Sarah M. Mathews
Wilson Elser Moskowitz Edelman & Dicker, LLP
3102 West End Avenue
Suite 400
Nashville, TN 37203

Peako Jenkins
Tennessee Attorney General's Office
P.O. Box 20207
Nashville, TN 37202-0207

Anthony M. Noel
Leitner, Williams, Dooley & Napolitan, PLLC
750 Old Hickory Blvd.
Building One, Suite 200
Brentwood, TN 37027

Anica Clarissa Jones
U.S. Attorney's Office
719 Church Street
Suite 3300
Nashville, TN 37203

Sandra J. Densham
Plunkett Cooney
333 Bridge Street, NW, Suite 530
Grand Rapids, MI 49504

George H. Cate, III
Bradley Arant Boult Cummings, LLP
(Nashville, TN Office)
1221 Broadway
Suite 2400
Nashville, TN 37203

Kimberly Michelle Ingram-Hogan
Bradley Arant Boult Cummings, LLP
(Nashville, TN Office)
1221 Broadway
Suite 2400
Nashville, TN 37203

Erik Halvorson
Bradley Arant Boult Cummings, LLP
(Nashville, TN Office)
1221 Broadway
Suite 2400
Nashville, TN 37203

Laura C. Baucus
Dykema Gossett PLLC
39577 Woodward Avenue, Suite 300
Bloomfield Hills, MI 48304

Bret Channess
Rublin Lublin, LLC
3145 Avalon Ridge Place, Suite 100
Peachtree Corners, GA 30071

Benjamin E. Goldammer
Danica G. Suedekum
Kay Griffin, PLLC
222 Second Avenue North
Suite 340-M
Nashville, TN 37201

Dawn Nicole Williams
Dykema Gossett PLLC
Capitol View Building
201 Townsend Street, Suite 900
Lansing, MI 48933

/s/Lisa M. Carson