

IN THE SUPREME COURT

Action No. 10 SSC 001	)	
	)	
Ricky Ingram,	)	MOTION TO
PLAINTIFF	)	DISMISS
	)	
Versus	)	
	)	
Andrew Phillips	)	
Elections Board Chair,	)	
DEFENDANT	)	

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The Defense moves to dismiss one of the allegations made by the Plaintiff on the basis that the statute of limitations for that specific election act has expired. The particular allegation to which the Defense is referring is listed in the Plaintiff's Amended Complaint as "5.a. – General Malfeasance."

In that section of the Complaint, the Plaintiff implies that the election act to which the he is referring is the Elections Board's "Administrative Decision 10-BE-07," published on December 13. That decision allowed Mr. Ian Lee to concurrently run for Student Body President and serve as Student Body Secretary.

The Plaintiff's original Complaint, however, was filed on February 7<sup>th</sup>, 2011. Title III, Section 513.A states that "Actions shall be commenced in the Supreme Court no later than ninety-six (96) hours after the legislative, executive, elections board, or other act which causes injury." Even after one accounts for the exceptions under 513.B, the ninety-six hour deadline has since expired.

Neither the article published by the Daily Tar Heel nor the alleged "public sentiment that the Board of Elections has been generally derelict of its duties" can be said to renew the statute of limitations, as they are not considered elections acts.

Moreover, the Plaintiff cannot argue that the statute of limitations began on the day said article was published. The statute of limitations begins after the "act which causes injury," not when that injury is publicized.

Therefore, the Defense requests that the Court dismiss that allegation "5.a. – General Malfeasance" against the Elections Board on the aforementioned grounds. This specific motion for dismissal in no way affects the Plaintiff's ability to bring action against the Elections Board for other allegations listed in the Amended Complaint.

I do affirm that I have read in full the foregoing motion and that the allegations contained therein are true to the best of my knowledge and belief.

Respectfully Submitted,

Kevin Whitfield

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Filed this the 13<sup>th</sup> day of February, 2011, at 12:07p.m.