

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

JOSEPH JEAN-CHARLES
A/k/a JEAN-CHARLES JOSEPH

Plaintiff,

v.

DOUGLAS PERLITZ; FATHER PAUL E.
CARRIER, S.J.; HOPE E. CARTER; HAITI
FUND, INC.; FAIRFIELD UNIVERSITY; THE
SOCIETY OF JESUS OF NEW ENGLAND; JOHN
DOE ONE; JOHN DOE TWO; JOHN DOE THREE;
JOHN DOE FOUR; JOHN DOE FIVE; JOHN DOE
SIX; JOHN DOE SEVEN; JOHN DOE EIGHT;
JOHN DOE NINE; JOHN DOE TEN; JOHN DOE
ELEVEN; AND JOHN DOE TWELVE

Defendants.

CIVIL ACTION NO.:
3:11-cv-00614 (JCH)

NOVEMBER 16, 2011

**DEFENDANT HOPE CARTER'S MOTION TO DISMISS PURSUANT TO THE
FEDERAL RULES OF CIVIL PROCEDURE 12 (b) (6)**

Pursuant to the Federal Rule of Civil Procedure 12 (b) (6),
the defendant, HOPE CARTER (hereinafter "Carter"), herein moves
to dismiss the claims against her contained in counts two,
seven, nine and ten of the plaintiff's complaint.

As more fully set forth in the accompanying memorandum of
law, and incorporated herein, the claims against Carter in the
plaintiff's complaint must be dismissed as each count fails to

state a claim upon which relief can be granted. As set forth more fully in Carter's attached memorandum of law, pursuant to the pleading standard set forth in Ashcroft v. Iqbal, 129 S. Ct. 1937 (2009):

1. The plaintiff fails to make a plausible claim that Carter aided and abetted Douglas Perlitz in violating 18 U.S.C. § 2423 (b) as alleged in count two.

2. Carter is immune from liability as to plaintiff's state law negligence claims contained in counts seven and nine pursuant to the Volunteer Protection Act. 42 U.S.C. § 14503 (a) and/or Connecticut General Statutes § 52-557m.

3. The plaintiff fails to make a plausible claim of negligent hiring, retention, direction and supervision as to Carter as alleged in count seven.

4. The plaintiff fails to make a plausible claim that there was a fiduciary relationship between the plaintiff and Carter as alleged in count nine.

5. The plaintiff fails to state a plausible claim for vicarious liability as to Carter as alleged in count ten.

THE DEFENDANT,
HOPE CARTER

By 

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CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing was sent via the court's electronic filing system and/or mailed, postage prepaid, to all counsel and pro se parties of record on this 16 day of November, 2011 as follows:

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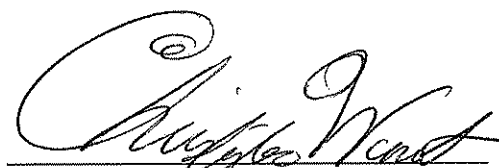
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