

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

eSCHOLAR LLC,

Plaintiff,

v.

**NEBRASKA DEPARTMENT OF
EDUCATION, DEAN FOLKERS, in
his individual capacity, MATT
HASTINGS, in his individual
capacity,**

Defendants.

Case No. 8:20-cv-135

MOTION TO DISMISS

Defendants Nebraska Department of Education, and Dean Folkers and Matt Hastings, in their individual capacities, move to dismiss the Amended Complaint for lack of subject-matter jurisdiction and for failure to state a claim upon which relief can be granted pursuant to Fed. R. Civ. P. 12(b)(1) and (6).

Submitted May 29, 2020.

**NEBRASKA DEPARTMENT OF
EDUCATION, DEAN FOLKERS, in his
individual capacity, MATT
HASTINGS, in his individual
capacity, Defendants.**

BY: DOUGLAS J. PETERSON, # 18146
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BY: s/ Ryan S. Post
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CERTIFICATE OF SERVICE

I hereby certify that on May 29, 2020, I electronically filed the foregoing Motion with the Clerk of the United States District Court for the District of Nebraska using the CM/ECF system causing notice of such filing to be sent to all CM/ECF parties.

BY: s/ Ryan S. Post
Ryan S. Post