

1.

Mr. Warren is entitled to immunity based on the Eleventh Amendment to the United States Constitution to the extent that Plaintiff's suit is against Mr. Warren in his capacity as an employee of The Board of Regents of the University System of the State of Georgia.

2.

Mr. Warren is entitled to qualified immunity to the extent Plaintiff's suit is against Mr. Warren in his individual capacity, as Plaintiff's complaint has failed to allege that Mr. Warren acted in violation of a clearly established statutory or constitutional right, which must be resolved as a threshold issue. Williams v. Alabama State Univ., 102 F.3d 1179, 1182 (11th Cir. 1997).

3.

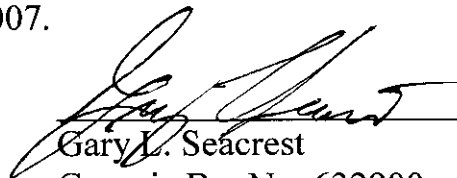
Mr. Warren is entitled to official immunity pursuant to the Georgia Tort Claims Act (GTCA) to the extent Plaintiff's suit alleges any state law claims against him. O.C.G.A. §50-21-25.

WHEREFORE, defendant requests that all claims against him be dismissed based on the above and on other grounds as stated in the supporting Brief of Defendant Warren, filed contemporaneously, as well as the Motion and Brief of

co-defendant Board of Regents, which are incorporated by reference as if set forth fully herein.

Defendant submits this motion for the limited purpose of asking the Court to dismiss this case and subject to all objections, rights and defenses that Defendant has and may assert in this case in his responsive pleadings.

This ~~21ST~~ day of August, 2007.



Gary L. Seacrest

Georgia Bar No. 632900

John G. Haubenreich

Georgia Bar No. 337950

Annarita M. Busbee

Georgia Bar No. 098141

Attorneys for Defendant, Flynn Warren, Jr.

SEACREST, KARESH, TATE & BICKNESE, LLP

56 Perimeter Center East, Suite 450

Atlanta, GA 30346

PH: (770) 804-1800

FX: (770) 804-1400

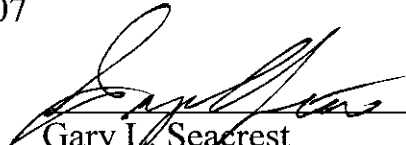
EM: sktbgary@bellsouth.net

EM: sktbjohn@bellsouth.net

EM: sktbanna@bellsouth.net

Alan E. Lubel, Esq.
Troutman Sanders, LLP
600 Peachtree Street, Suite 5200
Atlanta, GA 30308

This 21st day of August, 2007



Gary L. Seacrest
Georgia Bar No. 632900

SEACREST, KARESH, TATE & BICKNESE, LLP
56 Perimeter Center East, Suite 450
Atlanta, GA 30346
PH: (770) 804-1800
FX: (770) 804-1400
EM: sktbgary@bellsouth.net