

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION**

RAJIN PATEL,	§	
	§	
Plaintiff,	§	
v.	§	
	§	
TEXAS TECH UNIVERSITY; DUANE	§	
JONES, individually and in his official	§	
capacity as adjunct professor; WILLIAM	§	
PASEWARK, INDIVIDUALLY and in his	§	
official capacity as TTU Rawls College of	§	CIVIL ACTION NO. 5:17-cv-174-C
Business Associate Dean of Graduate	§	
Programs and Research; ROBERT	§	
RICKETTS, individually and in his	§	
official capacity as Area Coordinator in	§	
Accounting; and BRITTANY TODD,	§	
individually and in her individual capacity	§	
as Associate Director of the Office of	§	
Student Conduct;	§	
Defendants.	§	
	§	

**MOTION FOR RECONSIDERATION OF DEFENDANTS’
MOTION TO DISMISS**

TO THE HONORABLE JUDGE SAMUEL RAY CUMMINGS:

Defendants Texas Tech University (“TTU”), Duane Jones, William Pasewark, Robert Ricketts, and Brittany Todd (collectively, the “Defendants”), file this Motion for Reconsideration of their Motion to Dismiss (the “Motion”) against Rajin Patel (“Plaintiff”), and would respectfully show as follows:

As explained in detail in the brief in support of this Motion, which is filed contemporaneously herewith, Plaintiff’s Motion should be granted and the claims against the Defendants should be dismissed in their entirety for the following reasons: (1) Defendants’ Reply to Plaintiff’s Opposition to Defendants’ Motion to Dismiss was due on September 27, 2017 pursuant to Local Rule 7.1(f); (2) Defendants were in the process of

filing their Reply on September 26, 2017 when the Court issued its Order on Defendants' Motion to Dismiss (Doc. #25) and corresponding Judgment (Doc. #26); (3) the Order states that TTU "did not seek to file any reply to Patel's arguments" and that "[t]he Court reserves the right to revisit this jurisdictional issue if...TTU can later produce evidence..." Doc. #25 at p. 5; (4) Plaintiff's claims are barred by sovereign immunity, and (5) Plaintiff has failed to state a claim upon which relief may be granted.

PRAYER

Defendants Texas Tech University, Duane Jones, William Pasewark, Robert Ricketts, and Brittany Todd respectfully request that this Court consider this Motion and grant their Motion to Dismiss in its entirety, dismiss Plaintiff's claims against them with prejudice, and grant Defendants all other and further relief, at law or in equity, to which they may be justly entitled.

Respectfully submitted,

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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument has been served electronically through the electronic-filing manager on this the 27th day of September, 2017, to:

Jason J. Bach
The Bach Law Group, LLC
2802 Flintrock Trace, Suite 255
Austin, Texas 78738

/s/ Rola Daaboul
Rola Daaboul
Assistant Attorney General