

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

Timothy Brown, et al.,	)	
	)	
Plaintiffs,	)	Civil Action No. 1:20-cv-00460-TCB
	)	
v.	)	
	)	
United Parcel Service of America,	)	
Inc., et al.,	)	
	)	
Defendants.	)	
	)	

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**DEFENDANTS' RULE 12(b)(6) MOTION TO DISMISS**

Pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, Defendants<sup>1</sup> move to dismiss Plaintiffs' claims for failure to exhaust administrative remedies. Accordingly, for the reasons explained more fully in the accompanying Memorandum in Support, Declaration of James Merna, and Exhibits 1-4, Defendants respectfully request the Court dismiss Plaintiffs' claims.

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<sup>1</sup> "Defendants" includes the United Parcel Service of America Inc., the Administrative Committee of the UPS Retirement Plan, and the Board of Trustees of the UPS Pension Plan.

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**CERTIFICATE OF SERVICE AND TYPE-SIZE COMPLIANCE**

Pursuant to LR 5.1C, NDGa., the foregoing pleading is prepared in Times New Roman font, 14 point, and I hereby certify that the foregoing “DEFENDANTS’ RULE 12(b)(6) MOTION TO DISMISS” was filed with the Clerk of Court using the CM/ECF system which will automatically send e-mail notification of such filing to all counsel of record.

/s/ Emily S. Costin

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