IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
GAINESVILLE DIVISION

J.C.R.D. and Y.L.H.A.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Case No. 2:26-cv-00284-RWS
	)	
HABERSHAM COUNTY, GEORGIA, et al.,	)	
	)	
	)	
Defendants.	)	

DEFENDANTS' MOTION TO DISMISS

COME NOW the following named Defendants, Habersham County, Georgia (the "County" or "Habersham County"); Sheriff Robin Krockum, in his official capacity (the "Sheriff"); and Sergeant Adam Ivestor in his individual capacity and in his official capacity only for prospective relief ("Sgt. Ivester") (collectively, "Defendants"), and pursuant to Fed. R. Civ. Pro. 12, including Fed. R. Civ. P. 12(b)(1) and 12(b)(6), hereby file Defendants' Motion to Dismiss respectfully moving this Court to dismiss Plaintiffs' Complaint for Damages, Declaratory Relief, and Injunctive Relief ("Complaint") [Doc. 1] and all claims therein against Defendants. As outlined in the contemporaneously filed Brief in Support of Defendants' Motion to Dismiss, Plaintiffs' Complaint should be dismissed because it constitutes an impermissible shotgun pleading; fails to state a claim against the

County for which relief can be granted; fails to state official capacity claims for prospective injunctive and declaratory relief against the Sheriff and Sgt. Ivester based on various grounds including lack of standing/lack of subject matter jurisdiction/lack of redressability and Eleventh Amendment immunity based on lack of applicability of the Ex parte Young exception to Eleventh Amendment immunity; fails to state a § 1983 claim under Count I for unreasonable seizure in violation of the Fourth Amendment against Sgt. Ivester to overcome Sgt. Ivester's qualified immunity defense; fails to state a negligence claim against Sgt. Ivester to overcome his official immunity defense; fails to state a claim for relief of intentional infliction of emotional distress against Sgt. Ivester under Count VIII; and any and all other grounds raised and set forth in the contemporaneously filed Brief in Support of Defendants' Motion to Dismiss.

In support of this Motion, Defendants rely on all pleadings of record and any exhibits thereto, the contemporaneously filed Brief in Support of Defendants' Motion to Dismiss, and the dash camera footage associated with the underlying traffic stop of Plaintiff Diaz submitted for filing pursuant to Johnson v. City of Atlanta, 107 F.4th 1292, 1300 (11th Cir. 2024).[1]

[1] Pursuant to the Notice of Manual Filing filed contemporaneously herewith, the non-PDF dash camera video has been placed on a thumb drive consisting of the MP4 video file of 13 minutes and 13 seconds in length with the file name *AdamIvester_202602201828_3336-0*.

Respectfully submitted this 3rd day of November 2026.

JARRARD & DAVIS, LLP

/s/ Kenneth P. Robin
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Attorney for Defendants Sheriff Robin Krockum, in his official capacity, Sergeant Adam Ivester, in his individual capacity and in his official capacity only for prospective relief, and Habersham County, Georgia

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CERTIFICATE OF SERVICE

I hereby certify that, in accordance with LR 5.1(A), (N. D. Ga.), I have this date electronically filed the within and foregoing **Defendants' Motion to Dismiss** in the above-styled action with the Clerk of Court by using the Court's CM/ECF system, which will automatically send e-mail notification of such filing to the following attorney of record:

Joshua A. McCall
The McCall Firm, LLC
201 Forrest Avenue, Suite A
Gainesville, Georgia 30501
Email: Josh@mccallatlaw.com

I further certify that the within and foregoing has been prepared in accordance with Local Rule 5.1(C) and is in a 14-point Times New Roman font.

This 3rd day of November 2026.

JARRARD & DAVIS, LLP

/s/ Kenneth P. Robin
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