

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS
KANSAS CITY**

M.F., a minor,)
 Individually and as Heir-at-Law of Elizabeth A.)
 Frost, Deceased, through his Co-Conservators)
 Julie Frost and Sarah Bayless,)
)
 and)
)
 Charles E. Frost, Jr., as Administrator of)
 THE ESTATE OF ELIZABETH FROST,)
)
 Plaintiffs,)
)
 vs.)
)
 ADT, INC., f/k/a PROTECTION ONE, INC.,)
)
 Defendant.)
 _____)

Case No. 2:18-cv-02360-JAR-GEB

**DEFENDANT ADT LLC’S
MOTION TO DISMISS**

Defendant ADT LLC, f/k/a Protection One, Inc. (“ADT”), by and through counsel, respectfully moves this Court to dismiss Plaintiffs’ Third Amended Complaint with prejudice, pursuant to Fed. R. Civ. P. 12(b)(6), for failure to state a claim upon which relief can be granted. In support of its Motion to Dismiss, ADT submits the accompanying Memorandum in Support.

WHEREFORE, for the reasons set forth in the attached Memorandum in Support, ADT respectfully requests that this Court grant its Motion to Dismiss, dismissing all claims alleged against ADT with prejudice; that the Court grant such other and further relief to ADT as it deems just; and that the Court enter judgment in favor of ADT.

Dated: September 5, 2018

Respectfully submitted,

SHOOK, HARDY & BACON L.L.P.

By: /s/ Jason R. Scott

Jason R. Scott (KS Bar No. 26340)
Michael J. Cappo (KS Bar No. 26323)
2555 Grand Boulevard
Kansas City, MO 64108
Telephone: 816-474-6550
Facsimile: 816-421-5547
jscott@shb.com
mcappo@shb.com

*Attorneys for Defendant
ADT LLC, f/k/a
Protection One, Inc.*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 5th day of September, 2018, the foregoing was presented to the Clerk of Court for filing, uploading, and delivery to counsel of record via the CM/ECF system, as follows:

Randall L. Rhodes
Jeffrey D. Rowe
Rachel N. Boden
ROUSE FRETS GENTILE RHODES, LLC.
5250 West 116th Place
Suite 400
Leawood, KS 66211
Telephone: 913-387-1600
Facsimile: 913-928-6739
rrhodes@rousefrets.com
jrowe@rousefrets.com
rboden@rousefrets.com

*Attorneys for Plaintiffs
M.F. and The Estate of Elizabeth Frost*

/s/ Jason R. Scott

Jason R. Scott