IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION

Case No. 4:10-cv-142-D

MARK DANIEL LYTTLE,))	
Plaintiff,	W	OTICE OF FILING OF MOTION THE U.S. JUDICIAL PANEL N MULTIDISTRICT LITIGATION
v.	_	Y ALL FEDERAL DEFENDANTS
UNITED STATES OF AMERICA, et al.,		
Defendants.))	

NOTICE OF FILING

All Federal defendants in this action (the United States, Dashanta Faucette, Dean Caputo, and Robert Kendall) respectfully notify the Court that on today's date they filed a motion with the United States Judicial Panel on Multidistrict Litigation ("MDL Panel") regarding this case and a related action brought by plaintiff, Mark Daniel Lyttle, in the Northern District of Georgia.

See Lyttle v. United States, No.1:10-cv-03302-CAP (N.D. Ga.). In that motion, all Federal defendants in both actions have requested that the MDL Panel consolidate Lyttle's two lawsuits for centralized pretrial proceedings. A copy of that motion is attached as an exhibit hereto and, separately, has been served on the Clerk of this Court in accordance with MDL Panel Rule 4.1(b).

Respectfully submitted this 23rd day of December 2010,

TONY WEST

Assistant Attorney General, Civil Division

TIMOTHY P. GARREN

Director, Torts Branch

C. SALVATORE D'ALESSIO

Senior Trial Counsel, Torts Branch

/s/ James R. Whitman

JAMES R. WHITMAN

Trial Attorney

United States Department of Justice

Torts Branch, Civil Division

P.O. Box 7146, Ben Franklin Station

Washington, D.C. 20044-7146

Tel: (202) 616-4169 Fax: (202) 616-4314

E-mail: james.whitman@usdoj.gov

D.C. Bar No. 987694

GEORGE E.B. HOLDING

United States Attorney

W. ELLIS BOYLE

Assistant United States Attorney

Civil Division

310 New Bern Avenue

Suite 800 Federal Building

Raleigh, NC 27601-1461

Tel: (919) 856-4530 Fax: (919) 856-4821

E-mail: ellis.boyle@usdoj.gov

N.C. Bar No. 33826

Attorneys for the United States, Dashanta Faucette, Dean Caputo, and Robert Kendall

CERTIFICATE OF SERVICE

I certify under penalty of perjury that on December 23, 2010, I electronically filed the foregoing "Notice of Filing" using the Court's CM/ECF system, which will send notification of such filing to the following counsel of record:

COUNSEL FOR PLAINTIFF:

Jeremy L. McKinney Ann Marie Dooley

jeremy@mckinneyandjustice.com annmarie@mckinneyandjustice.com

Michael E. Johnson Brian P. Watt

michael.johnson@troutmansanders.com brian.watt@troutmansanders.com

Alexandria J. Reyes Katherine L. Parker alex.reyes@troutmansanders.com acluncklp@nc.rr.com

Judy Rabinovitz jrabinovitz@aclu.org

COUNSEL FOR DEFENDANT NORTH CAROLINA DEPARTMENT OF CORRECTION:

Joseph Finarelli jfinarelli@ncdoj.gov

/s/ James R. Whitman

JAMES R. WHITMAN

Trial Attorney

United States Department of Justice

Torts Branch, Civil Division

P.O. Box 7146, Ben Franklin Station

Washington, D.C. 20044-7146

Tel: (202) 616-4169 Fax: (202) 616-4314

E-mail: james.whitman@usdoj.gov

D.C. Bar No. 987694