

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
CIVIL ACTION NO. 1:07-CV-00739**

DAVID F. EVANS, *et al.*,

Plaintiffs,

v.

**THE CITY OF DURHAM,
NORTH CAROLINA, *et al.*,**

Defendants.

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**MOTION BY BRIAN MEEHAN
TO DISMISS SECOND AMENDED
COMPLAINT**

Pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6), Defendant Brian Meehan (“Meehan”) respectfully moves the Court to dismiss plaintiffs’ Second Amended Complaint against said defendant for lack of standing and for failure to state a claim upon which relief can be granted.

In support of his Motion, and pursuant to the Court’s February 16, 2010 Order (**D.E. 115**), Meehan incorporates herein by reference his previously filed briefing papers as described below:

- **(D.E. 31)** Joinder in Brief in Support of Motion to Dismiss of Defendants DNA Security, Inc. (“DSI”) and Richard Clark (“Clark”), which joins in and adopts by reference the Brief in Support of Motion to Dismiss of Defendants DSI and Clark (**D.E. 33**);
- **(D.E. 64)** Joinder in Reply in Support of Motion to Dismiss of Defendants DSI and Clark, which joins in and adopts by reference the Reply Brief in Support of Motion to Dismiss by DSI and Clark (**D.E. 63**); and

- **(D.E. 102)** Joinder in Defendants DSI and Clark's Supplemental Brief in Support of Motion to Dismiss, which joins in and adopts by reference the Supplemental Brief in Support of Motion to Dismiss by Defendants DSI and Clark **(D.E. 98)**.

For the reasons set forth therein, Meehan respectfully requests that the claims against him be dismissed.

Respectfully submitted, this the 10th day of March, 2010.

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CERTIFICATE OF SERVICE

I hereby certify that on March 10, 2010, I electronically filed the foregoing **MOTION BY BRIAN MEEHAN TO DISMISS SECOND AMENDED COMPLAINT** with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the following:

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