

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
NO. 1:07CV739

DAVID F. EVANS; COLLIN FINNERTY;	)
and READE SELIGMANN,	)
	)
Plaintiffs,	)
	)
v.	)
	)
THE CITY OF DURHAM, NORTH	)
CAROLINA; MICHAEL B. NIFONG;	)
MARK GOTTLIEB; BENJAMIN	)
HIMAN; DAVID ADDISON; LINWOOD	)
WILSON; STEVEN CHALMERS;	)
BEVERLY COUNCIL; RONALD HODGE;	)
JEFF LAMB; STEPHEN MIHAICH;	)
MICHAEL RIPBERGER; LEE RUSS;	)
DNA SECURITY, INC.; RICHARD	)
CLARK; and BRIAN MEEHAN,	)
	)
Defendants.	)

**MOTION OF DEFENDANTS DNA SECURITY, INC.  
AND RICHARD CLARK TO EXTEND PAGE LIMITATIONS  
FOR BRIEFS IN SUPPORT OF MOTION TO DISMISS**

Defendants DNA Security, Inc. (“DSI”), and Richard Clark, through counsel and pursuant to Local Rule 7.3(b), respectfully move this Court for leave to exceed the page limitations set forth in Local Rule 7.3(d). In support of this Motion, DSI and Mr. Clark show the Court the following:

1. Plaintiffs filed a Civil Complaint in this case on October 5, 2007.
2. DSI and Mr. Clark are scheduled to respond to the Complaint on or before Monday, December 10, 2007.

3. The Complaint raises substantial legal issues regarding the sufficiency of the plaintiffs' claims, including immunity, duty, state action, and the adequacy of the facts pled to state valid causes of action.

4. Consequently, counsel for DSI and Mr. Clark are preparing to file a Motion to Dismiss the claims against them.

5. The plaintiffs' Complaint is 148 pages long, contains 559 paragraphs, and includes more than a dozen separate claims against DSI and Mr. Clark.

6. Therefore, thorough discussion of the legal issues raised by the Civil Complaint will require briefs in excess of the page limits established by Local Rule 7.3(d).

7. After researching and outlining the pertinent legal issues, counsel for DSI and Mr. Clark anticipate that fifty pages will be sufficient for their initial brief, and that twenty-five pages will be adequate for their reply brief.

8. Counsel for DSI and Mr. Clark have consulted about this Motion with the plaintiffs' respective attorneys, by telephone and in writing, and have offered them equivalent extensions—to fifty pages—of the page limits applicable to the plaintiffs' response briefs. Counsel for plaintiff Seligmann expressed consent to the requested extensions. Counsel for plaintiffs Evans and Finnerty have not expressed a position.

WHEREFORE, DSI and Mr. Clark respectfully request that the Court grant them leave to file a Brief in Support of Motion to Dismiss of no more than fifty (50) pages, and leave to file a Reply Brief in Support of Motion to Dismiss of no more than twenty-five (25) pages.

Respectfully submitted this 7<sup>th</sup> day of November, 2007.

/s/ Kearns Davis

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*Attorneys for Defendants DNA Security, Inc.,  
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**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing was electronically filed today with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

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I further certify that a copy of the foregoing was served today upon each of the following non-CM/ECF participants by United States mail, postage prepaid, addressed as follows:

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This the 7<sup>th</sup> day of November, 2007.

/s/ Kearns Davis  
Kearns Davis