

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

DAVID F. EVANS, et al.,

Plaintiffs,

v.

CITY OF DURHAM, N.C., et al.,

Defendants.

Case No. 1:07CV739

NOTICE OF FILING OF WAIVER OF SERVICE OF SUMMONS

Pursuant to Rule 4(d)(4) of the Federal Rules of Civil Procedure, Plaintiffs David F. Evans, Collin Finnerty, and Reade Seligmann, by undersigned counsel, hereby file the attached waiver of service of summons executed on behalf of Defendant Patrick Baker.

The request for this waiver was sent by e-mail on December 11, 2007.

Accordingly, by operation of Rules 4(d)(3) and 12(a)(1)(B) of the Federal Rules of Civil Procedure, the time for Defendant Baker to answer or otherwise respond to the Complaint is extended until February 11, 2008.

Dated: December 27, 2007

Respectfully submitted,

WILLIAMS & CONNOLLY LLP

By: /s/ Charles Davant IV
Brendan V. Sullivan, Jr.*
Robert M. Cary*
Christopher N. Manning*
Charles Davant IV (N.C. Bar #28489)

725 Twelfth Street, N.W.
Washington, D.C. 20005
Tel. (202) 434-5000
Email cmanning@wc.com
Email cdavant@wc.com

Attorneys for Plaintiffs
David F. Evans and Collin Finnerty

(* admitted pro hac vice)

-and-

RUDOLF WIDENHOUSE & FIALKO

By: /s/ David S. Rudolf
David S. Rudolf (N.C. Bar #8587)
312 West Franklin Street
Chapel Hill, NC 27516
Tel. (919) 967-4900
Email dsrudolf@rwf-law.com

BARRY C. SCHECK, ESQ.

Barry C. Scheck*
Attn: Elizabeth Vaca
100 Fifth Avenue
New York, NY 10011
Tel. (212) 364-5390
Email bcsinnocence@aol.com

(* motion for special appearance
to be filed forthwith)

**EMERY CELLI BRINCKERHOFF &
ABADY LLP**

Richard D. Emery*
75 Rockefeller Plaza, 20th Floor
New York, NY 10019
Tel. (212) 763-5000
Fax. (212) 763-5001
Email remery@ecbalaw.com

(* motion for special appearance
to be filed forthwith)

Attorneys for Plaintiff Reade Seligmann

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

DAVID F. EVANS, et al.,

Plaintiffs,

v.

CITY OF DURHAM, N.C., et al.,

Defendants.

Case No. 1:07CV739

CERTIFICATE OF SERVICE

I hereby certify that, on December 27, 2007, I electronically filed the foregoing **NOTICE OF FILING OF WAIVER OF SERVICE OF SUMMONS** with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

James B. Craven III
340 West Main Street
P.O. Box 1366
Durham, N.C. 27702

Counsel for Michael B. Nifong

Reginald B. Gillespie, Jr.
FAISON & GILLESPIE
5517 Durham-Chapel Hill Blvd., Ste.
2000
P.O. Box 51729
Durham, N.C. 27717-1729

*Counsel for Defendant City of Durham,
N.C.*

Joel M. Craig
KENNON CRAVER BELO CRAIG &
MCKEE, PLLC
4011 University Drive, Suite 300
P.O. Box 51579
Durham, N.C. 27717-1579

Counsel for Defendant Benjamin Himan

James B. Maxwell,
MAXWELL, FREEMAN & BOWMAN,
P.A.
P.O. Box 52396
Durham, N.C. 27717-2396

Counsel for Defendant David Addison

Edwin M. Speas
POYNER & SPRUILL, LLP
3600 Glenwood Avenue
Raleigh, N.C. 27612

Counsel for Defendant Mark Gottlieb

Patricia P. Kerner
TROUTMAN SANDERS LLP
434 Fayetteville Street, Suite 1900
Raleigh, N.C. 27601

*Counsel for Defendants Steven
Chalmers, Beverly Council, Ronald
Hodge, Jeff Lamb, Patrick Baker,
Michael Ripberger, and Lee Russ*

Robert A. Sar
Nicholas J. Sanservino, Jr.
OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.
2301 Sugar Bush Road
Suite 600
Raleigh, NC 27612

Counsel for Defendant DNA Security

I further certify that I caused the foregoing document to be served by first-class mail,
postage prepaid, to the following non CM/ECF participants:

Robert J. King III
Kearns Davis
BROOKS, PIERCE, McLENDON,
HUMPHREY & LEONARD, LLP
2000 Renaissance Plaza
Post Office Box 26000
Greensboro, North Carolina 27420

*Counsel for Defendant DNA Security,
Inc. & Richard Clark*

David S. Rudolf
RUDOLF WIDENHOUSE & FIALKO
312 West Franklin Street
Chapel Hill, NC 27516

Counsel for Plaintiff Reade Seligmann

Roger E. Warin
STEPTOE & JOHNSON LLP
1330 Connecticut Ave. N.W.
Washington, D.C. 20036

Counsel for Defendant City of Durham, N.C.

Paul R. Dickinson, Jr.
LEWIS & ROBERTS PLLC
5960 Fairview Rd., Ste. 102
Charlotte, N.C. 28210-3103

James A. Roberts, III
LEWIS & ROBERTS PLLC
1305 Navaho Drive, Suite 400
Raleigh, N.C. 27609-7482

Counsel for Defendant Brian Meehan

Linwood Wilson
6910 Innesbrook Way
Bahama, N.C. 27503-9700

Pro se

Barry C. Scheck
100 Fifth Avenue
New York, NY 10011

Richard D. Emery
EMERY CELLI BRINCKERHOFF & ABADY LLP
75 Rockefeller Plaza, 20th Floor
New York, NY 10019

Counsel for Plaintiff Reade Seligmann

Respectfully submitted,

/s/ Charles Davant IV

Charles Davant IV (N.C. Bar No. 28489)

WILLIAMS & CONNOLLY LLP

725 Twelfth Street, N.W.

Washington, D.C. 20005

Tel. (202) 434-5000

Email: cdavant@wc.com

*Attorney for Plaintiffs David F. Evans and
Collin Finnerty*