

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
Case No.: 1:07-cv-00739

DAVID F. EVANS; COLLIN FINNERTY; and)
READE SELIGMAN,)

Plaintiffs,)

vs.)

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.)

DEFENDANT
DAVID ADDISON'S
MOTION TO DISMISS
(Rule 12(b)(6), F.R.Civ.P.)

Now comes the Defendant, David Addison (hereinafter, "Addison"), by and through his counsel of record, and hereby moves the Court to dismiss the Plaintiffs' Complaint for failure to state a claim upon which relief can be granted pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure.

In support of Addison's Motion to Dismiss is the accompanying Memorandum of Law and Citation of Authorities filed pursuant to Local Rules 7.1(a), 7.2 and 7.3(a), M.D.N.C. Because of the issues raised; the complexity of myriad causes of actions asserted in the Amended Complaint; and the minimal factual allegations made against him, Addison requests that oral argument be scheduled on this Motion to Dismiss pursuant to Local Rule 7.3(c)(1).

This the 15th day of January, 2008.

/S/James B. Maxwell

James B. Maxwell

Maxwell, Freeman & Bowman, P.A.

P. O. Box 52396

Durham, NC 27717

(919) 493-6464

jmaxwell@mfba.com

State Bar No.: 2933

Attorneys for David Addison

Certificate of Service

I hereby certify that I have served a copy of Defendant David Addison's Motion to Dismiss upon the below listed individuals by electronically filing the document with the Court on this date using the CM/ECF system or by placing a copy in the U.S. Mail.

Charles Davant, IV
Brendan V. Sullivan, Jr.
Robert M. Cary
Christopher N. Manning
Williams & Connolly, LLP
725 12th St., N.W.
Washington, DC 20005

David S. Rudolf
Rudolf, Widenhouse & Fialko
312 West Franklin St.
Chapel Hill, NC 27516

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

James B. Craven, III
P. O. Box 1366
Durham, NC 27702

Roger E. Warin
Steptoe & Johnson, LLP
1330 Connecticut Ave., N.W.
Washington, DC 20036

James A. Roberts, III
Paul R. Dickinson, Jr.
Lewis & Roberts, PLLC
1305 Navaho Dr., Ste. 400
Raleigh, NC 27609

Joel M. Craig
Kennon, Craver, Belo, Craig
& McKee, PLLC
P. O. Box 51579
Durham, NC 27717-1579

Edwin M. Speas
Poyner & Spruill, LLP
P. O. Box 10096
Raleigh, NC 27605-0096

Patricia P. Kerner
Troutman Sanders
P. O. Drawer 1389
Raleigh, NC 27602

Reginald B. Gillespie, Jr.
Faison & Gillespie
P. O. Box 51729
Durham, NC 27717

Robert J. King, III
Kearns Davis
Brooks, Pierce, McLendon,
Humphrey & Leonard, LLP
P. O. Box 26000
Greensboro, NC 27420

Linwood Wilson
c/o P. O. Box 2301
Durham, NC 27702

This the 15th day of January, 2008.

/S/James B. Maxwell
Maxwell, Freeman & Bowman, P.A.
Attorneys for David Addison
P. O. Box 52396
Durham, NC 27717-2396
(919) 493-6464
State Bar No.: 2933