

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

DAVID F. EVANS, <i>et al.</i>,)
)
Plaintiffs,)
)
v.)
)
THE CITY OF DURHAM,)
NORTH CAROLINA, <i>et al.</i>,)
)
Defendants.)
)

DEFENDANT BRIAN MEEHAN’S JOINDER IN REPLY IN
SUPPORT OF MOTION TO DISMISS OF DEFENDANTS
DNA SECURITY, INC. AND RICHARD CLARK

COMES NOW defendant Brian Meehan (“Meehan”) and hereby joins in and adopts by reference the Reply in Support of Motion to Dismiss of Defendants DNA Security, Inc. and Richard Clark (“DSI’s Reply”). At the time of the events alleged in the Complaint, Meehan was the Laboratory Director for defendant DNA Security, Inc. (“DSI”), the DNA testing laboratory retained by the State of North Carolina. *See* Amended Complaint ¶ 32. Accordingly, the legal arguments set forth in DSI’s Reply, which refer to Meehan, DSI and Clark collectively as “the DSI Defendants,” apply with equal force to Meehan.

After having read and considered each legal argument raised in DSI’s Reply and in order to avoid burdening the Court with repetitious and duplicative legal memoranda, Meehan adopts by reference DSI’s Reply pursuant to Rule 10 (c) , Fed. R. Civ. P. *See* also,

5A C. Wright & A. Miller, *Federal Practice & Procedure* 1326 (3d ed.2007). For the reasons set forth therein, Meehan respectfully requests that the claims against him be dismissed.

Respectfully submitted, this the 9th day of May, 2008.

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CERTIFICATE OF ELECTRONIC FILING AND SERVICE

The undersigned hereby certifies that, pursuant to Rule 5 of the Rules of Civil Procedure and LR5.3 and LR5.4, MDNC, I electronically filed the foregoing Motion with the Clerk of Court using the CM/ECF system, which system will automatically generate and send Notification of Electronic Filing (NEF) to the undersigned filing user and registered users of record, and that the Court's electronic records show that each party to this action is represented by at least one registered user of record, to each of whom the NEF will be transmitted, except that with respect to the following parties, a copy is being transmitted via first class mail to the following non CM/ECF participants:

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