

**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.

Civil Action No. 1:07-CV-739

**PLAINTIFFS' NOTICE OF LINWOOD WILSON'S OPPOSITION TO
MOTION TO COMPEL DEFENDANTS TO CONFER UNDER RULE 26(f)**

Plaintiffs David F. Evans, Collin Finnerty, and Reade Seligmann hereby file this Notice concerning their pending Motion to Compel Defendants to Confer under Rule 26(f) (Docket No. 67). Plaintiffs' Motion did not seek relief as to Defendant Linwood Wilson because, in response to Plaintiffs' proposal of dates and times for the Rule 26(f) conference, Defendant Wilson responded as follows: "Linwood Wilson is available for any of the times. Please advise what is best for everyone else and I will be available." Ex. 6, Wilson E-Mail. After Plaintiffs filed their Motion, however, Defendant Wilson sent a letter to Plaintiffs notifying them that he "do[es] not agree to a Rule 26(f) conference," and that he "will be filing a response to your Motion." Ex. 7, Wilson Ltr.¹ Accordingly, Plaintiffs respectfully request that their Motion to Compel be construed to seek relief as to all Defendants, including Defendant Wilson.

¹ In his letter, Defendant Wilson explained that he had believed that Plaintiffs were proposing dates for a conference to discuss the scheduling of a Rule 26(f) conference, rather than dates for the Rule 26(f) conference itself. Ex. 7, Wilson Ltr.

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CERTIFICATE OF SERVICE

I hereby certify that on July 1, 2008, I electronically filed the foregoing **NOTICE OF LINWOOD WILSON'S OPPOSITION TO MOTION TO COMPEL DEFENDANTS TO CONFER UNDER RULE 26(f)** 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 I caused the foregoing document to be served by first-class mail, postage prepaid, to the following non CM/ECF participants:

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Respectfully submitted,

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