

**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 WAIVERS OF SERVICE OF SUMMONS  
AND RETURN OF SERVICE**

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 waivers of service of summons executed by or on behalf of Defendants City of Durham, Mark Gottlieb, Benjamin Himan, David Addison, Steven Chalmers, Beverly Council, Ronald Hodge, Jeff Lamb, Stephen Mihaich, Michael Ripberger, and Lee Russ (collectively, “the City of Durham Defendants”) and Defendants DNA Security, Inc., Richard Clark, and Brian Meehan (collectively, the “DNA Security Defendants”).

The requests for these waivers were sent by e-mail on October 9, 2007. Accordingly, by operation of Rules 4(d)(3) and 12(a)(1)(B) of the Federal Rules of Civil Procedure, the time for the City of Durham Defendants and the DNA Security Defendants to answer or otherwise respond to the Complaint is extended until December 10, 2007.

Plaintiffs also hereby file the attached Return of Service showing that the summons and Complaint were served upon Defendant Michael B. Nifong personally on October 12, 2007.

Plaintiffs have agreed to extend the time for Defendant Nifong to respond to the Complaint until December 11, 2007, and expect a consent motion to be forthcoming.

Dated: October 24, 2007

Respectfully submitted,

**WILLIAMS & CONNOLLY LLP**

By:           /s/ Charles Davant IV          

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

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-and-

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(\* motion for special appearance  
to be filed forthwith)

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(\* motion for special appearance  
to be filed forthwith)

*Attorneys for Plaintiff Reade Seligmann*

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Defendants.

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**CERTIFICATE OF SERVICE**

I hereby certify that, on October 24, 2007, I caused the foregoing **Notice of Filing of Waivers of Service of Summons and Return of Service** (including attachments) to be served

by first-class mail, postage prepaid, on:

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

David S. Rudolf  
RUDOLF WIDENHOUSE & FIALKO  
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Chapel Hill, NC 27516

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Bahama, N.C. 27503-9700

Moreover, Reginald B. Gillespie, Jr., counsel for Defendant City of Durham, N.C., has agreed to cause the foregoing **Notice of Filing of Waivers of Service of Summons and Return of Service** (including attachments) to be provided to Defendants Mark Gottlieb, Benjamin Himan, David Addison, Steven Chalmers, Beverly Council, Ronald Hodge, Jeff Lamb, Stephen Mihaich, Michael Ripberger, and Lee Russ, employees of the City of Durham whose addresses the City of Durham has requested not be placed in the public court file.

Respectfully submitted,

/s/ Charles Davant IV  
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