

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

|                                |  |   |                                       |
|--------------------------------|--|---|---------------------------------------|
| <hr/>                          |  | ) |                                       |
| <b>DAVID F. EVANS, et al.,</b> |  | ) |                                       |
|                                |  | ) |                                       |
| <b>Plaintiffs,</b>             |  | ) |                                       |
|                                |  | ) |                                       |
| <b>v.</b>                      |  | ) | <b>Civil Action No. 1:07-CV-00739</b> |
|                                |  | ) |                                       |
| <b>THE CITY OF DURHAM,</b>     |  | ) |                                       |
| <b>NORTH CAROLINA, et al.,</b> |  | ) |                                       |
|                                |  | ) |                                       |
| <b>Defendants.</b>             |  | ) |                                       |
| <hr/>                          |  | ) |                                       |

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that, on October 22, 2008, the Affidavit of Darwin Laws and attached Exhibits 1, 2, and 3 were served electronically on all parties to this action by means of the Case Management/Electronic Case Filing (CM/ECF) system, pursuant to Rule 5(b)(2)(E) of the Federal Rules of Civil Procedure; LR5.4, MDNC; Section E of the *Electronic Case Filing Administrative Policies and Procedures Manual*, United States District Court, Middle District of North Carolina (April 8, 2008); pp. 26-28 of the *Electronic Case Filing CM/ECF User's Manual*, United States District Court, Middle District of North Carolina (February 1, 2007); and *In re: Procedural Rules for Electronic Case Filing*, United States District Court, Middle District of North Carolina, Standing Order No. 34 (January 26, 2005). Service of the Affidavit of Darwin Laws and attached Exhibits 1, 2, and 3 on all parties to this action is demonstrated/confirmed by the following:

1. On October 22, 2008, the Affidavit of Darwin Laws and attached Exhibits 1, 2, and 3 were electronically filed with the Clerk of Court using the CM/ECF system, and docketed as document no. 79, pursuant to Rule 5(d)(3) of the Federal Rules of Civil Procedure; LR5.3, MDNC; Sections A, B, D, I, and K of the *Electronic Case Filing Administrative Policies and Procedures Manual*, United States District Court, Middle District of North Carolina (April 8, 2008); pp. 14-29, 46, 77, and 78 of the *Electronic Case Filing CM/ECF User's Manual*, United States District Court, Middle District of North Carolina (February 1, 2007); and *In re: Procedural Rules for Electronic Case Filing*, United States District Court, Middle District of North Carolina, Standing Order No. 34 (January 26, 2005).

2. The CM/ECF system automatically generates and sends a Notice of Electronic Filing (NEF) to the filing user and registered users of record, and on October 22, 2008, the CM/ECF system automatically generated and sent an NEF to the undersigned with respect to such affidavit and exhibits (doc. 79).

3. The Court's electronic records show that each party to this action is represented by at least one attorney who is admitted to practice before the United States District Court for the Middle District of North Carolina and is a registered user of record, or that the party is a registered user of record in the above-referenced action.

4. The NEF transmitted to the undersigned confirmed that an NEF with respect to the Affidavit of Darwin Laws and attached Exhibits 1, 2, and 3 (doc. 79) was transmitted to each registered user of record.

This the 24th day of October, 2008.

FAISON & GILLESPIE

By: /s/ Reginald B. Gillespie, Jr.

Reginald B. Gillespie, Jr.  
North Carolina State Bar No. 10895  
5517 Chapel Hill Boulevard, Suite 2000  
Post Office Box 51729  
Durham, North Carolina 27717-1729  
Telephone: (919) 489-9001  
Fax: (919) 489-5774  
E-Mail: rgillespie@faison-gillespie.com

Attorneys for Defendant City of Durham, North  
Carolina

CERTIFICATE OF ELECTRONIC FILING AND SERVICE

The undersigned hereby certifies that, pursuant to Rule 5 of the Federal Rules of Civil Procedure and LR5.3 and LR5.4, MDNC, the foregoing pleading, motion, affidavit, notice, or other document/paper has been electronically filed with the Clerk of Court using the CM/ECF system, which system will automatically generate and send a Notice 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 (or that the party is a registered user of record), to each of whom the NEF will be transmitted.

This the 24th day of October, 2008.

FAISON & GILLESPIE

By: /s/ Reginald B. Gillespie, Jr.

Reginald B. Gillespie, Jr.  
North Carolina State Bar No. 10895