

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

DAVID F. EVANS, et al.,

Plaintiffs,

v.

**THE CITY OF DURHAM,
NORTH CAROLINA, et al.,**

Defendants.

Civil Action No. 1:07-CV-00739

CERTIFICATE OF SERVICE

The undersigned hereby certifies that, on December 12, 2008, the documents described below 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 documents described below on all parties to this action is demonstrated/confirmed by the following:

1. On December 12, 2008, the following documents were electronically filed with the Clerk of Court using the CM/ECF system, 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):

(a) Affidavit of Amy M. DeLorenze and attached Exhibit 1, docketed as document nos. 86 and 86-2, respectively; and

(c) Affidavit of Arche L. McAdoo and attached Exhibit 1, docketed as document nos. 87 and 87-2, respectively.

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 December 12, 2008, the CM/ECF system automatically generated and sent an NEF to the undersigned with respect to the documents described in paragraph 1 above.

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 documents described in paragraph 1 above was transmitted to each registered user of record.

This the 15th day of December, 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 15th day of December, 2008.

FAISON & GILLESPIE

By: /s/ Reginald B. Gillespie, Jr.
Reginald B. Gillespie, Jr.
North Carolina State Bar No. 10895