

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

DAVID F. EVANS, et al.,)	
)	
Plaintiffs,)	
)	
v.)	1:07CV739
)	
THE CITY OF DURHAM,)	
NORTH CAROLINA, et al.,)	
)	
Defendants.)	

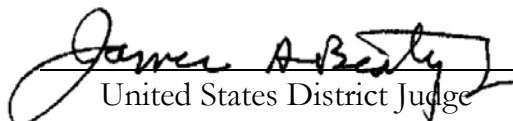
ORDER

This matter is before the Court on Motions to Dismiss [designated as Doc. #42] by the various Defendants in this case seeking to dismiss the claims asserted against them by Plaintiffs David F. Evans (“Evans”), Collin Finnerty (“Finnerty”), and Reade Seligmann (“Seligmann”). In two other cases in this District that have been identified by the parties and the Clerk’s Office as “related” to the present case, Carrington, et al. v. Duke University, et al. (1:08CV119) and McFadyen, et al. v. Duke University, et al. (1:07CV953), certain of the Defendants have filed a Suggestion of Subsequently Decided Authority, citing the recent decision of the United States Supreme Court in Ashcroft v. Iqbal, 129 S. Ct. 1937 (May 18, 2009). Having reviewed this matter, the Court concludes that the parties should be given the opportunity to address the effect of the decision in Iqbal on the resolution of the Motions to Dismiss in the present case. As such, within 20 days of the date of this Order, any of the previously-designated Defendant groups may file a Supplemental Brief, not to exceed 20 pages, addressing the impact of the Supreme Court’s decision in Iqbal on the resolution of the pending Motions to Dismiss. The Supplemental Briefs should be filed jointly to the extent possible. Within 20 days after such

Supplemental Briefs are filed, Plaintiffs may file a Response Brief, not to exceed 20 pages, responding to any issues raised in the Supplemental Briefs. The Court will consider the Supplemental Briefs and the Response Brief in resolving the pending Motions to Dismiss.

IT IS THEREFORE ORDERED that within 20 days of the date of this Order, any of the previously-designated Defendant groups may file a Supplemental Brief, not to exceed 20 pages, addressing the impact of the Supreme Court's decision in Ashcroft v. Iqbal, 129 S. Ct. 1937 (2009), on the resolution of the pending Motions to Dismiss in this case. IT IS FURTHER ORDERED that within 20 days after such Supplemental Briefs are filed, Plaintiffs may file a Response Brief, not to exceed 20 pages, responding to any issues raised in the Supplemental Briefs.

This, the 4th day of June, 2009.


United States District Judge