

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF NORTH CAROLINA
CIVIL ACTION NUMBER 1:07-CV-00953

RYAN MCFADYEN; MATTHEW WILSON; and
BRECK ARCHER,

Plaintiffs,

v.

DUKE UNIVERSITY; DUKE UNIVERSITY
POLICE DEPARTMENT; AARON GRAVES;
ROBERT DEAN; LEILA HUMPHRIES; PHYLLIS
COOPER; WILLIAM F. GARBER, II; JAMES
SCHWAB; JOSEPH FLEMING; JEFFREY O. BEST;
GARY N. SMITH; GREG STOTSENBERG;
ROBERT K. STEEL; RICHARD H. BRODHEAD,
Ph.D.; PETER LANGE, Ph.D.; TALLMAN TRASK,
III, Ph.D.; JOHN BURNES; LARRY MONETA,
Ed.D.; VICTOR J. DZAU, M.D.; ALLISON
HALTON; KEMEL DAWKINS; SUZANNE
WASIOLEK; STEPHEN BRYAN; MATTHEW
DRUMMOND; DUKE UNIVERSITY HEALTH
SYSTEMS, INC.; PRIVATE DIAGNOSTIC CLINIC,
PLLC; JULIE MANLY, M.D.; THERESA ARICO,
R.N.; TARA LEVICY, R.N.; THE CITY OF
DURHAM, NORTH CAROLINA; MICHAEL B.
NIFONG; PATRICK BAKER; STEVEN
CHALMERS; RONALD HODGE; LEE RUSS;
STEPHEN MIHAICH; BEVERLY COUNCIL;
EDWARD SARVIS; JEFF LAMB; MICHAEL
RIPBERGER; LAIRD EVANS; JAMES T.
SOUKUP; KAMMIE MICHAEL; DAVID W.
ADDISON; MARK D. GOTTLIEB; BENJAMIN W.
HIMAN; LINWOOD WILSON; RICHARD D.
CLAYTON; DNA SECURITY, INC.; RICHARD
CLARK; and BRIAN MEEHAN, Ph.D.,

Defendants.

NOTICE OF SPECIAL
APPEARANCE

Pursuant to Local Rule 83.1, please take notice of the special appearance of Jamie Gorelick, of Wilmer Cutler Pickering Hale and Dorr LLP, as counsel of record for the following defendants in the above-captioned civil action: Duke University; Duke University Police Department; Aaron Graves; Robert Dean; Leila Humphries; Phyllis Cooper; William F. Garber, II; James Schwab; Joseph Fleming; Jeffrey O. Best; Gary N. Smith; Greg Stotsenberg; Robert K. Steel; Richard H. Brodhead, Ph.D.; Peter Lange, Ph.D.; Tallman Trask, III, Ph.D.; John Burness; Larry Moneta, Ed.D.; Victor J. Dzau, M.D.; Allison Halton; Kemel Dawkins; Suzanne Wasiolek; Stephen Bryan; and Matthew Drummond.

Ms. Gorelick certifies that she is an active member in good standing of the bars of the District of Columbia, the State of New York, the United States Supreme Court, the United States Court of Appeals for the District of Columbia, the United States Court of Appeals for the Second Circuit, the United States Court of Appeals for the Third Circuit, the United States Court of Appeals for the Fourth Circuit, the United States Court of Appeals for the Fifth Circuit, the United States Claims Court, the United States Court of Appeals for the Federal Circuit, the United States District Court for the District of Columbia, the United States District Court for the District of Maryland, the United States Court of Military Appeals, the United States Court of International Trade, and the United States Tax Court. Ms. Gorelick further certifies that she understands that by entering an appearance she is responsible for ensuring the presence of an attorney who is familiar with the case and has authority to control the litigation at all conferences, hearings, trials

and other proceedings. Ms. Gorelick still further certifies that she submits to the disciplinary jurisdiction of the court for any misconduct in connection with the above-captioned civil action for which she is specially appearing.

Mr. Cowan and Ms. Wells certify that they remain responsible to this court for the conduct of the litigation and acknowledge that one of them must sign all pleadings and papers, except for certificates of service. Mr. Cowan and Ms. Wells further certify that one of them will be present during pretrial conferences, potentially dispositive proceedings, and at trial.

This 4th day of February 2008.

/s/ J. Donald Cowan, Jr.

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/s/ Dixie T. Wells

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/s/ Jamie Gorelick

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Cooper, William F. Garber, II, James Schwab,
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Richard H. Brodhead, Ph.D., Peter Lange,
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Larry Moneta, Ed.D., Victor J. Dzau, M.D.,
Allison Halton, Kemel Dawkins, Suzanne
Wasiolek, Stephen Bryan, and Matthew
Drummond

CERTIFICATE OF SERVICE

I hereby certify that on 4 February 2008, I electronically filed the foregoing Notice of Appearance with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Counsel for the Plaintiffs

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and Richard D. Clayton*

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Counsel for Benjamin W. Himan

Joel Miller Craig

Email: jcraig@kennoncraver.com

As of the date of this filing, no attorney has made an appearance on behalf of any of the following Defendants. I hereby certify that I served the following Defendants by U.S.

Mail:

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Durham, NC 27710

Private Diagnostic Clinic, PLLC
c/o Paul R. Newman, as Registered Agent
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Durham, NC 27710

Theresa Arico, R.N.
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As of the date of this filing, no attorney has made an appearance on behalf of any of the following Defendants, and I have not been able to determine an address whereby service may be had on them:

Julie Manly, M.D.

Steven Chalmers

This 4th day of February 2008.

/s/ Dixie T. Wells

Dixie T. Wells

Attorney for Defendants Duke University,
Duke University Police Department, Aaron
Graves, Robert Dean, Leila Humphries, Phyllis
Cooper, William F. Garber, II, James Schwab,
Joseph Fleming, Jeffrey O. Best, Gary N.
Smith, Greg Stotsenberg, Robert K. Steel,
Richard H. Brodhead, Ph.D., Peter Lange,
Ph.D., Tallman Trask, III, Ph.D., John Burness,
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