

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

RYAN MCFADYEN, MATTHEW WILSON)
and BRECK ARCHER)

Plaintiffs,)

v.)

DUKE UNIVERSITY, et al.,)

Defendants.)

1:07CV953

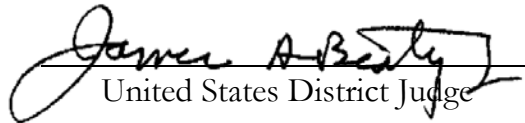
ORDER

This matter is before the Court on Motions to Dismiss [designated as Doc. #61] by the various Defendants in this case seeking to dismiss the claims asserted against them by Plaintiffs Ryan McFadyen (“McFadyen”), Matthew Wilson (“Wilson”), and Breck Archer (“Archer”). Certain of the Defendants, designated as the Duke University Defendants, Duke SANE Defendants and Duke Police 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