

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
Civil Action No. 1:07-CV-953**

RYAN McFADYEN, et al.,)
)
Plaintiffs,)
)
vs.)
)
DUKE UNIVERSITY, et al.)
)
Defendants)
)

**DEFENDANT BRIAN MEEHAN’S JOINDER IN DEFENDANTS DNA SECURITY, INC.
AND RICHARD CLARK’S SUPPLEMENTAL BRIEF IN SUPPORT OF MOTION TO
DISMISS OF DEFENDEANTS DNA SECURITY, INC. AND RICHARD CLARK**

COMES NOW defendant Brian Meehan (“Meehan”) and hereby joins in and adopts by reference the Supplemental Brief in Support of Motion to Dismiss of Defendants DNA Security, Inc. and Richard Clark (D.E. 121). At the time of the events alleged in the Complaint, Meehan was the Laboratory Director for DNA Security, Inc. (“DSI”), the DNA testing laboratory retained by the State of North Carolina. Accordingly, the legal arguments set forth in DSI’s Supplemental Brief in Support of Motion to Dismiss (D.E. 121) which refer to “the DSI Defendants” apply with equal force to Meehan.

After having read and considered each legal argument raised in DSI’s Supplemental Brief in Support of Motion to Dismiss, and in order to avoid burdening the Court with repetitious and duplicative legal memoranda, Meehan adopts by reference DSI’s Supplemental Brief in Support of Motion to Dismiss pursuant to Rule 10(c), Fed. R. Civ. P. *See also*, 5A C. Wright & A. Miller, *Federal Practice & Procedure* 1326 (3d ed.2007). For the reasons set forth therein, Meehan

respectfully requests that the Motion to Dismiss of Defendants DNA Security, Inc. and Richard Clark be allowed as to Meehan.

Respectfully submitted this 24th day of June, 2009.

LEWIS & ROBERTS, PLLC

s/ James A. Roberts, III

James A. Roberts, III

N.C. State Bar No. 10495

E-mail: jimroberts@lewis-roberts.com

3700 Glenwood Avenue, Suite 410

Raleigh, NC 27612

Telephone: 919-981-0192

Facsimile: 919-981-0199

s/Paul R. Dickinson, Jr.

N.C. State Bar No. 20510

E-mail: pauldickinson@lewis-roberts.com

5960 Fairview Road, Suite 102

Charlotte, NC 28210

Telephone: 704-347-8990

Facsimile: 704-347-8929

Attorneys for Defendant Brian Meehan

CERTIFICATE OF SERVICE

I hereby certify that on June 24, 2009, I electronically filed the foregoing **DEFENDANT BRIAN MEEHAN'S JOINDER IN DEFENDANTS DNA SECURITY, INC. AND RICHARD CLARK'S SUPPLEMENTAL BRIEF IN SUPPORT OF MOTION TO DISMISS OF DEFENDEANTS DNA SECURITY, INC. AND RICHARD CLARK** with the Clerk of Court using the CM/ECF system which will send notification of such filing to all parties.

This the 24th day of June, 2009.

LEWIS & ROBERTS, PLLC

s/ James A. Roberts, III

James A. Roberts, III

N.C. State Bar No. 10495

E-mail: jimroberts@lewis-roberts.com

3700 Glenwood Avenue, Suite 410

Raleigh, NC 27612

Telephone: 919-981-0192

Facsimile: 919-981-0199