

AO 399 (Rev. 10/95)

WAIVER OF SERVICE OF SUMMONSTO: Robert C. Ekstrand

(Name of Plaintiff's Attorney or Unrepresented Plaintiff)

I, J. Donald Cowan, acknowledge receipt of your requestthat I waive service of summons in the action of McFadyen et al v. Duke University, et al.

(Caption of Action)

which is case number 1:07-cv-953 in the UNITED STATES DISTRICT COURT
(Docket Number)

for the MIDDLE DISTRICT OF NORTH CAROLINA.

I have also received a copy of the complaint in the action, two copies of this Instrument, and a means by which I can return the signed waiver to you without cost to me.

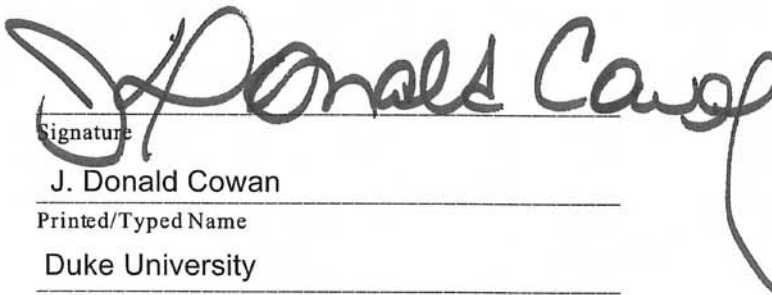
I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the summons or in the service of the summons.

I understand that a judgment may be entered against me (or the party on whose behalf I am acting) if an answer or motion under Rule 12 is not served upon you within 60 days after February 12, 2008, or within 90 days after that date if the request was sent outside the United States.
(Date Request Was Sent)

2-14-08

Date



Signature

J. Donald Cowan

Printed/Typed Name

Duke University

For Defendant

Duty to Avoid Unnecessary Costs of Service of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving costs of service of the summons and complaint. A defendant located in the United States who after being notified of an action and asked by a plaintiff located in the United States to waive service of a summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the complaint is unfounded or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the summons retains all defenses and objections (except any relating to the summons or to the service of the summons), and may later object to the jurisdiction of the Court or to the place where the action has been brought.

A defendant who waives service must within the time specified on the waiver form serve on the plaintiff's attorney (or unrepresented plaintiff) a response to the complaint and must also file a signed copy of the response with the Court. If the answer or motion is not served within this time, a default judgment may be taken against that defendant. By waiving service, a defendant is allowed more time to answer than if the summons had been actually served when the request for waiver of service was received. .

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(Name of Plaintiff's Attorney or Unrepresented Plaintiff)

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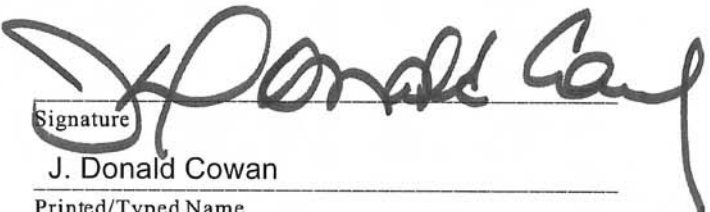
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2-14-08
Date


Signature

J. Donald Cowan
Printed/Typed Name
Duke University Police Department
For Defendant

Duty to Avoid Unnecessary Costs of Service of Summons

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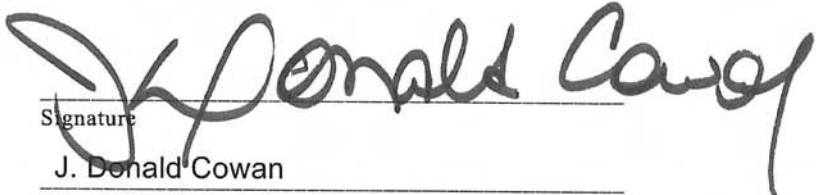
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Signature

J. Donald Cowan
Printed/Typed Name

Aaron Graves
For Defendant

Duty to Avoid Unnecessary Costs of Service of Summons

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J. Donald Cowan
Signature
J. Donald Cowan
Printed/Typed Name

Robert Dean
For Defendant

Duty to Avoid Unnecessary Costs of Service of Summons

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J. Donald Cowan
Signature
J. Donald Cowan
Printed/Typed Name
Leila Humphries
For Defendant

Duty to Avoid Unnecessary Costs of Service of Summons

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J. Donald Cowan
Signature

J. Donald Cowan
Printed/Typed Name

Phyllis Cooper
For Defendant

Duty to Avoid Unnecessary Costs of Service of Summons

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J. Donald Cowan
Signature
J. Donald Cowan
Printed/Typed Name
William F. Garber, II
For Defendant

Duty to Avoid Unnecessary Costs of Service of Summons

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Signature
J. Donald Cowan

Printed/Typed Name

James Schwab

For Defendant

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J. Donald Cowan
Signature

J. Donald Cowan
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Joseph Fleming
For Defendant

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J. Donald Cowan
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J. Donald Cowan
Printed/Typed Name
Jeffrey O. Best
For Defendant

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J. Donald Cowan
Signature
J. Donald Cowan
Printed/Typed Name

Gary N. Smith
For Defendant

Duty to Avoid Unnecessary Costs of Service of Summons

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Greg Stotsenberg
For Defendant

Duty to Avoid Unnecessary Costs of Service of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving costs of service of the summons and complaint. A defendant located in the United States who after being notified of an action and asked by a plaintiff located in the United States to waive service of a summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the complaint is unfounded or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the summons retains all defenses and objections (except any relating to the summons or to the service of the summons), and may later object to the jurisdiction of the Court or to the place where the action has been brought.

A defendant who waives service must within the time specified on the waiver form serve on the plaintiff's attorney (or unrepresented plaintiff) a response to the complaint and must also file a signed copy of the response with the Court. If the answer or motion is not served within this time, a default judgment may be taken against that defendant. By waiving service, a defendant is allowed more time to answer than if the summons had been actually served when the request for waiver of service was received. ...

WAIVER OF SERVICE OF SUMMONS

TO: Robert C. Ekstrand
(Name of Plaintiff's Attorney or Unrepresented Plaintiff)

I, J. Donald Cowan, acknowledge receipt of your request
that I waive service of summons in the action of McFadyen et al v. Duke University, et al.
(Caption of Action)

which is case number 1:07-cv-953 in the UNITED STATES DISTRICT COURT
(Docket Number)

for the MIDDLE DISTRICT OF NORTH CAROLINA.

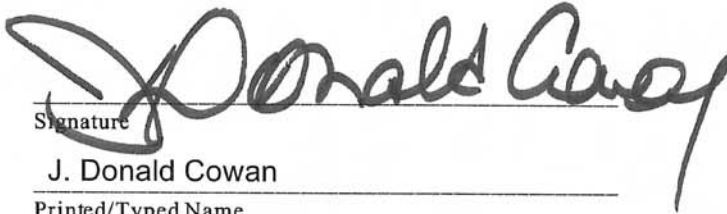
I have also received a copy of the complaint in the action, two copies of this Instrument, and a means by which I can return the signed waiver to you without cost to me.

I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the summons or in the service of the summons.

I understand that a judgment may be entered against me (or the party on whose behalf I am acting) if an answer or motion under Rule 12 is not served upon you within 60 days after February 12, 2008, or within 90 days after that date if the request was sent outside the United States.
(Date Request Was Sent)

2-14-08
Date


Signature

J. Donald Cowan
Printed/Typed Name

Robert K. Steel
For Defendant

Duty to Avoid Unnecessary Costs of Service of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving costs of service of the summons and complaint. A defendant located in the United States who after being notified of an action and asked by a plaintiff located in the United States to waive service of a summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

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WAIVER OF SERVICE OF SUMMONS

TO: Robert C. Ekstrand
(Name of Plaintiff's Attorney or Unrepresented Plaintiff)

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that I waive service of summons in the action of McFadyen et al v. Duke University, et al.
(Caption of Action)

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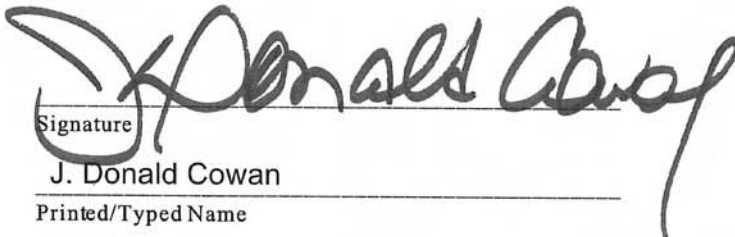
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(Date Request Was Sent)

2-14-08
Date


Signature
J. Donald Cowan
Printed/Typed Name

Richard H. Brodhead, Ph.D.
For Defendant

Duty to Avoid Unnecessary Costs of Service of Summons

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WAIVER OF SERVICE OF SUMMONS

TO: Robert C. Ekstrand
(Name of Plaintiff's Attorney or Unrepresented Plaintiff)

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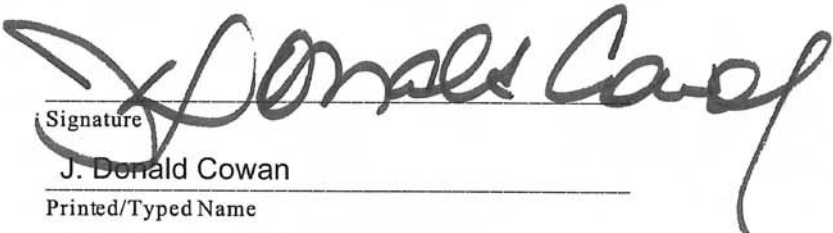
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(Date Request Was Sent)

2-14-08
Date


Signature
J. Donald Cowan
Printed/Typed Name
Peter Lange, Ph.D.
For Defendant

Duty to Avoid Unnecessary Costs of Service of Summons

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WAIVER OF SERVICE OF SUMMONS

TO: Robert C. Ekstrand
(Name of Plaintiff's Attorney or Unrepresented Plaintiff)

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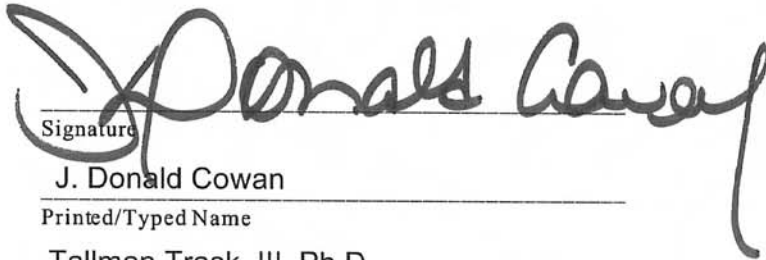
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2-14-08
Date


Signature
J. Donald Cowan
Printed/Typed Name

Tallman Trask, III, Ph.D.
For Defendant

Duty to Avoid Unnecessary Costs of Service of Summons

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WAIVER OF SERVICE OF SUMMONS

TO: Robert C. Ekstrand
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(Date Request Was Sent)

2-14-08
Date

J. Donald Cowan
Signature
J. Donald Cowan
Printed/Typed Name
John Burness
For Defendant

Duty to Avoid Unnecessary Costs of Service of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving costs of service of the summons and complaint. A defendant located in the United States who after being notified of an action and asked by a plaintiff located in the United States to waive service of a summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

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WAIVER OF SERVICE OF SUMMONS

TO: Robert C. Ekstrand
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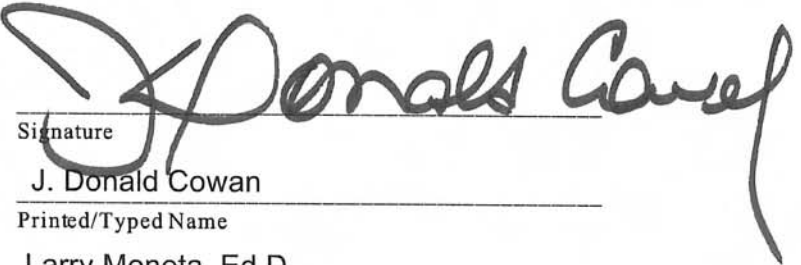
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2-14-08
Date


Signature
J. Donald Cowan
Printed/Typed Name
Larry Moneta, Ed.D.
For Defendant

Duty to Avoid Unnecessary Costs of Service of Summons

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WAIVER OF SERVICE OF SUMMONS

TO: Robert C. Ekstrand
(Name of Plaintiff's Attorney or Unrepresented Plaintiff)

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2-14-08
Date


Signature

J. Donald Cowan
Printed/Typed Name

Victor J. Dzau, M.D.
For Defendant

Duty to Avoid Unnecessary Costs of Service of Summons

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WAIVER OF SERVICE OF SUMMONS

TO: Robert C. Ekstrand
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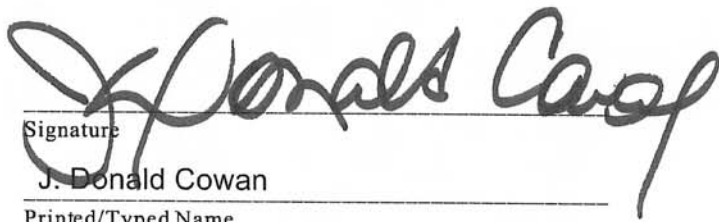
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2-14-08
Date


Signature

J. Donald Cowan
Printed/Typed Name

Allison Halton
For Defendant

Duty to Avoid Unnecessary Costs of Service of Summons

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WAIVER OF SERVICE OF SUMMONS

TO: Robert C. Ekstrand
(Name of Plaintiff's Attorney or Unrepresented Plaintiff)

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(Date Request Was Sent)

2-14-08
Date



Signature
J. Donald Cowan
Printed/Typed Name
Kemel Dawkins
For Defendant

Duty to Avoid Unnecessary Costs of Service of Summons

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WAIVER OF SERVICE OF SUMMONS

TO: Robert C. Ekstrand
(Name of Plaintiff's Attorney or Unrepresented Plaintiff)

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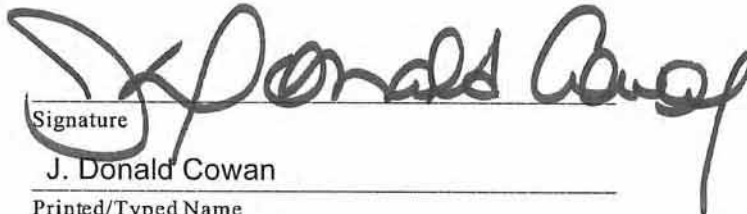
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(Date Request Was Sent)

2-14-08
Date


Signature

J. Donald Cowan
Printed/Typed Name

Suzanne Wasiolek
For Defendant

Duty to Avoid Unnecessary Costs of Service of Summons

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WAIVER OF SERVICE OF SUMMONS

TO: Robert C. Ekstrand

(Name of Plaintiff's Attorney or Unrepresented Plaintiff)

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Date

J. Donald Cowan
Signature
J. Donald Cowan
Printed/Typed Name
Stephen Bryan
For Defendant

Duty to Avoid Unnecessary Costs of Service of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving costs of service of the summons and complaint. A defendant located in the United States who after being notified of an action and asked by a plaintiff located in the United States to waive service of a summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the complaint is unfounded or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the summons retains all defenses and objections (except any relating to the summons or to the service of the summons), and may later object to the jurisdiction of the Court or to the place where the action has been brought.

A defendant who waives service must within the time specified on the waiver form serve on the plaintiff's attorney (or unrepresented plaintiff) a response to the complaint and must also file a signed copy of the response with the Court. If the answer or motion is not served within this time, a default judgment may be taken against that defendant. By waiving service, a defendant is allowed more time to answer than if the summons had been actually served when the request for waiver of service was received. . .

WAIVER OF SERVICE OF SUMMONS

TO: Robert C. Ekstrand

(Name of Plaintiff's Attorney or Unrepresented Plaintiff)

I, J. Donald Cowan, acknowledge receipt of your request

that I waive service of summons in the action of McFadyen et al v. Duke University, et al.
(Caption of Action)

which is case number 1:07-cv-953 in the UNITED STATES DISTRICT COURT
(Docket Number)

for the MIDDLE DISTRICT OF NORTH CAROLINA.

I have also received a copy of the complaint in the action, two copies of this Instrument, and a means by which I can return the signed waiver to you without cost to me.

I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the summons or in the service of the summons.

I understand that a judgment may be entered against me (or the party on whose behalf I am acting) if an answer or motion under Rule 12 is not served upon you within 60 days after February 12, 2008, or within 90 days after that date if the request was sent outside the United States.
(Date Request Was Sent)

2-14-08
Date

J. Donald Cowan
Signature
J. Donald Cowan
Printed/Typed Name
Matthew Drummond

For Defendant

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