

AO 399 (Rev. 10/95)

**WAIVER OF SERVICE OF SUMMONS**TO: Robert C. Ekstrand

(Name of Plaintiff's Attorney or Unrepresented Plaintiff)

I, Dan J. McLamb, 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)

February 18, 2008

Date



Signature

Dan J. McLamb

Printed/Typed Name

Duke University Health Systems, Inc.

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)

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that I waive service of summons in the action of McFadyen et al v. Duke University, et al.  
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(Date Request Was Sent)

February 18, 2008  
Date

  
Signature  
Dan J. McLamb  
Printed/Typed Name  
Private Diagnostic Clinic, PLLC  
For Defendant

**Duty to Avoid Unnecessary Costs of Service of Summons**

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February 18, 2008  
Date

  
Signature

Dan J. McLamb  
Printed/Typed Name

Julie Manly, M.D.  
For Defendant

**Duty to Avoid Unnecessary Costs of Service of Summons**

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(Date Request Was Sent)

February 13, 2008  
Date

  
Signature

Dan J. McLamb  
Printed/Typed Name

Tara Levicy, R.N.  
For Defendant

**Duty to Avoid Unnecessary Costs of Service of Summons**

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(Date Request Was Sent)  
after that date if the request was sent outside the United States.

February 18, 2008  
Date

  
Signature

Dan J. McLamb

Printed/Typed Name

Theresa Arico, R.N.

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)

I, Reginald B. Gillespie, Jr., 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  
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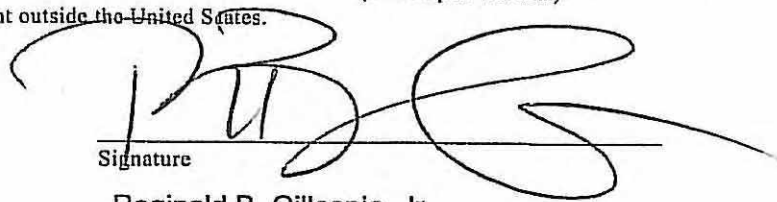
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(Date Request Was Sent)

2/12/2008  
Date



Signature

Reginald B. Gillespie, Jr.

Printed/Typed Name

Edward Sarvis

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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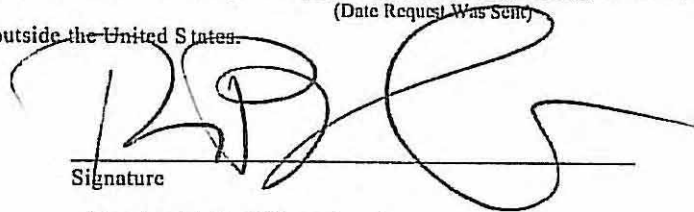
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2/12/2008  
Date



Signature  
Reginald B. Gillespie, Jr.  
Printed/Typed Name  
City of Durham, NC  
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)

I, Patricia P. Kerner, 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)

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(Date Request Was Sent)

2-13-08  
Date

  
Signature

Patricia P. Kerner  
Printed/Typed Name

Stephen Mihaich  
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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(Caption of Action)

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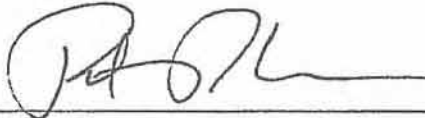
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2-13-08  
Date

  
\_\_\_\_\_  
Signature  
Patricia Kerner  
\_\_\_\_\_  
Printed/Typed Name  
Patrick Baker  
\_\_\_\_\_  
For Defendant

**Duty to Avoid Unnecessary Costs of Service of Summons**

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2-13-08  
Date

  
Signature

Patricia P. Kerner  
Printed/Typed Name

Jeff Lamb  
For Defendant

**Duty to Avoid Unnecessary Costs of Service of Summons**

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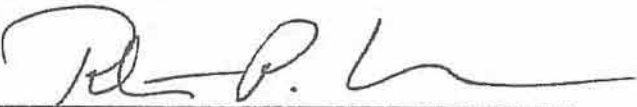
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2-13-08  
Date

  
Signature

Patricia P. Kerner  
Printed/Typed Name

Lee Russ  
For Defendant

**Duty to Avoid Unnecessary Costs of Service of Summons**

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(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.

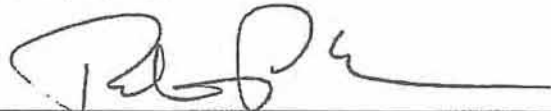
I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the summons or in the service of the summons.

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)

2-13-08

Date



Signature

Patricia P. Kerner

Printed/Typed Name

Steven Chalmers

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, Patricia P. Kerner, 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)

2-13-08  
Date

  
Signature

Patricia P. Kerner  
Printed/Typed Name  
Beverly Council  
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, Patricia P. Kerner, 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)

2-13-08  
Date

  
Signature

Patricia P. Kerner  
Printed/Typed Name

Michael Ripberger  
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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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, Patricia Kerner, 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.

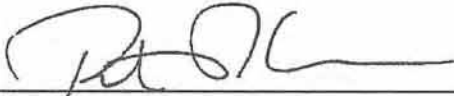
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I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4.

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)

2-13-08  
Date

  
Signature

Patricia Kerner  
Printed/Typed Name

Laird Evans  
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, Patricia P. Kerner, 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.

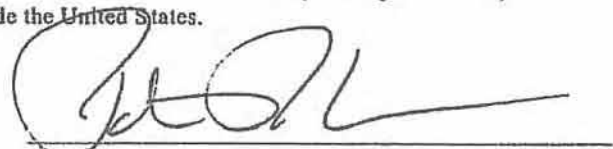
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(Date Request Was Sent)

2-13-08  
Date

  
Signature

Patricia P. Kerner  
Printed/Typed Name  
Ronald Hodge  
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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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, James B. Maxwell, 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  
(Date Request Was Sent)  
after that date if the request was sent outside the United States.

2/13/08  
Date

  
Signature

James B. Maxwell  
Printed/Typed Name

Richard D. Clayton  
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, James B. Maxwell, 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.

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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  
(Date Request Was Sent)  
after that date if the request was sent outside the United States.

2-13-08  
Date

  
Signature

James B. Maxwell  
Printed/Typed Name

James T. Soukup  
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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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, James B. Maxwell, 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)

2-13-08  
Date

  
Signature

James B. Maxwell  
Printed/Typed Name

Kammie Michael  
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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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, James B. Maxwell, 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  
(Date Request Was Sent)  
after that date if the request was sent outside the United States.

2-13-08  
Date

  
Signature

James B. Maxwell  
Printed/Typed Name

David W. Addison  
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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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, Edwin M. Speas, Jr., 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.

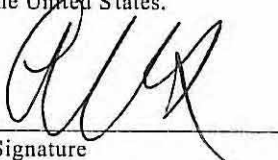
I have also received a copy of the complaint in the action, two copies of this Instrument, and a means by which I can return the signed waiver to you without cost to me.

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

Edwin M. Speas, Jr.  
Printed/Typed Name

Mark D. Gottlieb  
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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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, Joel Miller Craig, 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)

Feb 13 2008  
Date

  
Signature

Joel Miller Craig  
Printed/Typed Name

Benjamin W. Himan  
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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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, Robert James King, III, 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-00953 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  
(Date Request Was Sent) after that date if the request was sent outside the United States.

2/14/08  
Date

  
Signature

Robert James King, III  
Printed/Typed Name

DNA Security, Inc.

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, Robert James King, III, 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-00953 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  
(Date Request Was Sent) after that date if the request was sent outside the United States.

2/14/08  
Date

  
Signature

Robert James King, III  
Printed/Typed Name

Richard Clark  
For Defendant

**Duty to Avoid Unnecessary Costs of Service of Summons**

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