

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

RYAN MCFADYEN, MATTHEW WILSON)
and BRECK ARCHER)

Plaintiffs,)

v.)

1:07CV953

DUKE UNIVERSITY, et al.,)

Defendants.)

ORDER

For the reasons set forth in the Memorandum Opinion filed contemporaneously
herewith,

IT IS ORDERED that the Motions to Dismiss [Doc. #167, 168, 169, 170, 171, 173, 174,
175, 176, 177, 179] are GRANTED IN PART and DENIED IN PART.

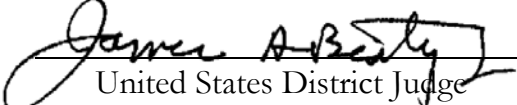
As a result, IT IS ORDERED that Plaintiffs claims will go forward against Defendant
Nifong in Counts 1, 2, 5, and 18; against Defendant Gottlieb in Counts 1, 2, 5, and 18; against
Defendant Himan in Counts 1, 2, and 18; against Defendant Levicy in Counts 1, 2, and 18;
against Defendant Smith in Counts 2 and 24; against Defendant Addison in Count 5; against
Defendant Wilson in Counts 5 and 18; against the City in Counts 1, 2, and 5 (based on the
allegations in Counts 12 and 14), as well as in Counts 18, 25, 26, and 41; against Defendants
Hodge, Baker, Chalmers, Russ, Council, and Ripberger in Counts 1, 2, 5, and 13; against
Defendant Lamb in Counts 1, 2, 5, 13, and 18; against Clark and Meehan in Count 18; against
DSI in Counts 18 and 35; against Steel, Brodhead, Dzau and Burness in Count 18; against
Defendants Graves, Dean, and Drummond in Count 24; against Duke Health in Counts 18 and

32; and against Duke in Counts 18, 21 (to the extent set out in the Memorandum Opinion), 24, and 32.

IT IS THEREFORE ORDERED that all remaining claims are DISMISSED, including all of the claims asserted in Counts 3, 4, 6, 7, 8, 9, 10, 11, 15, 16, 17, 19, 20, 22, 23, 27, 28, 29, 30, 31, 33, 34, 36, 37, 38, 39, and 40, and all of the claims asserted against Defendants Humphries, Cooper, Garber, Schwab, Fleming, Best, Stotsenberg, Lange, Trask, Moneta, Haltom, Dawkins, Wasiolek, Bryan, Private Diagnostic, Manly, Arico, Mihaich, Evans, Soukup, Michael, Clayton, and the Duke Police Department. IT IS FURTHER ORDERED that the claim for punitive damages against the City is DISMISSED.

FINALLY, IT IS ORDERED that the City of Durham's Motion for Summary Judgment [Doc. #86] is DENIED at this time, without prejudice to the City raising the issues asserted therein as part of a comprehensive Motion for Summary Judgment at the close of discovery.

This, the 31st day of March, 2011.


United States District Judge