

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
CIVIL ACTION NO. 1:07-CV-00953**

RYAN MCFADYEN, <i>et al.</i>,)	
)	
Plaintiffs,)	UNOPPOSED MOTION FOR
)	ENLARGEMENT OF TIME
v.)	TO ANSWER PLAINTIFFS'
)	SECOND AMENDED
DUKE UNIVERSITY, <i>et al.</i>,)	COMPLAINT
)	
Defendants.)	
)	
<hr style="width:50%; margin-left:0;"/>)	

NOW COMES defendant Brian Meehan, PhD (“Meehan”), by and through counsel, pursuant to Rule 6(b) of the Federal Rules of Civil Procedure and LR6.1(a) and LR7.3(h), MDNC, and moves the Court for a thirty (30) day extension of time by which he must answer plaintiffs’ Second Amended Complaint.

IN SUPPORT of this Motion, Meehan respectfully shows the Court:

1. Plaintiffs filed their original Complaint (DE 1) on December 18, 2007; their First Amended Complaint (D34) on April 18, 2008; and their Second Amended Complaint (DE 136) on February 23, 2010.
2. Meehan filed his Motion to Dismiss Second Amended Complaint (DE 174) on March 15, 2010. The Court issued its Memorandum Opinion (DE 186) and Order (DE 187) on March 31, 2011, granting in part and denying in part Meehan’s Motion to Dismiss.
3. Pursuant to Fed. R. Civ. P. 12(a)(4)(A), Meehan’s Answer to plaintiffs’ Second Amended Complaint is now due by April 14, 2011. Plaintiffs’ Second Amended Complaint

in this matter totals 428 pages and contains 1,388 numbered paragraphs. The time by which Meehan must serve his Answer has not yet passed and Meehan requires additional time to Answer plaintiffs' Second Amended Complaint.

4. Additionally, Meehan is also a defendant in a related matter, *Evans, et al. v. City of Durham, et al.* (1:07 cv 739), currently pending in this Court.¹

5. Meehan also filed a motion to dismiss in *Evans*, and the Court issued its Order in *Evans* on March 31, 2011, granting in part and denying in part Meehan's Motion to Dismiss. Meehan's answer is also due in *Evans* by April 14, 2011. The *Evans* Complaint is 153 pages in length and contains 572 numbered paragraphs. Meehan is also seeking an extension of time to serve his answer in *Evans*.

6. In light of the numerous issues involved in lengthy complaints in multiple lawsuits, Meehan requires additional time to prepare his answer and defenses and requests an extension to allow sufficient time to do so. Such extension is not being made only for the purpose of delay.

7. Plaintiffs' counsel have been consulted regarding this request and they do not oppose Meehan's request for a thirty (30) day extension of time.

WHEREFORE, defendant Brian Meehan, PhD respectfully prays the Court that this Motion be granted, and that the Court enter an Order extending by thirty (30) days, through

¹As the Court is aware, a third related matter, *Carrington, et al. v. Duke University, et al.* (1:08cv119), is also pending in this Court. Meehan is not a party to the *Carrington* matter.

Respectfully submitted this the 11th day of April, 2011.

/s/ Paul R. Dickinson, Jr.

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CERTIFICATE OF ELECTRONIC FILING AND SERVICE

The undersigned hereby certifies that, pursuant to Rule 5 of the Rules of Civil Procedure and LR5.3 and LR5.4, MDNC, I electronically filed the foregoing Motion with the Clerk of Court using the CM/ECF system, which system will automatically generate and send Notification of Electronic Filing (NEF) to the undersigned filing user and registered users of record, and that the Court's electronic records show that each party to this action is represented by at least one registered user of record, to each of whom the NEF will be transmitted.

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