

governmental immunity. The City Defendants have further appealed other claims based on the doctrine of pendent appellate jurisdiction.

3. The pending appeals divest this Court of jurisdiction over all claims that are on appeal.

4. The City Defendants respectfully submit that this Court should stay discovery and all other proceedings with respect to all claims in this matter, including all claims on appeal and any remaining claims not on appeal. A complete stay of proceedings is necessary to prevent frustrating the purpose of the City Defendants' immunity defenses, and to avoid piecemeal litigation, and its related undue burden and costs.

WHEREFORE, the City Defendants pray that this Motion be granted and that the Court stay all proceedings pending the outcome of the appeals.

Respectfully submitted, this the 13th day of May, 2011.

FAISON & GILLESPIE

STEPTOE & JOHNSON LLP

By: /s/ Reginald B. Gillespie, Jr.
Reginald B. Gillespie, Jr.
North Carolina State Bar No. 10895
Post Office Box 51729 [27717-1729]
5517 Chapel Hill Boulevard
Suite 2000
Durham, North Carolina 27707
Telephone: (919) 489-9001
Fax: (919) 489-5774
E-Mail: rgillespie@faison-gillespie.com

By: /s/ Roger E. Warin
Roger E. Warin*
Michael A. Vatis*
Matthew J. Herrington*
Leah M. Quadrino*
John P. Nolan*
1330 Connecticut Avenue, NW
Washington, DC 20035
Telephone: (202) 429-3000
Fax: (202) 429-3902
E-Mail: rwarin@steptoe.com
*(Motion for Special Appearance to
be filed)

*Attorneys for Defendant the City of Durham,
North Carolina*

*Attorneys for Defendant the City of Durham,
North Carolina*

SIGNATURES OF COUNSEL CONTINUED ON NEXT PAGE

POYNER & SPRUILL LLP

By: /s/ Edwin M. Speas

Edwin M. Speas
North Carolina State Bar No. 4112
Eric P. Stevens
North Carolina State Bar No. 17609
Post Office Box 1801
Raleigh, North Carolina 27602-1801
Telephone: (919) 783-6400
Fax: (919) 783-1075
E-Mail: espeas@poynerspruill.com
E-Mail: estevens@poyners.com

Attorneys for Defendant Mark Gottlieb

KENNON, CRAVER, BELO, CRAIG & MCKEE,
PLLC

By: /s/ Joel M. Craig

Joel M. Craig
North Carolina State Bar No. 9179
Henry W. Sappenfield
North Carolina State Bar No. 37419
4011 University Drive, Suite 300
Post Office Box 51579
Durham, North Carolina 27717-1579
Telephone: (919) 490-0500
Fax: (919) 490-0873
E-Mail: jcraig@kennoncraver.com
E-Mail: hsappenfield@kennoncraver.com

Attorneys for Defendant Benjamin Himan

SIGNATURES OF COUNSEL CONCLUDED ON NEXT PAGE

TROUTMAN SANDERS LLP

By: /s/ Patricia P. Kerner

Patricia P. Kerner
North Carolina State Bar No. 13005
D. Martin Warf
N.C. State Bar No. 32982
434 Fayetteville Street Mall
Two Hannover Square, Suite 1100
Raleigh, North Carolina 27601
Telephone: (919) 835-4100
Fax: (919) 829-8714
E-Mail: tricia.kerner@troutmansanders.com

*Attorneys for Defendants Patrick Baker, Steven
Chalmers, Beverly Council, Ronald Hodge, Jeff
Lamb, Lee Russ, and Michael Ripberger*

MAXWELL, FREEMAN & BOWMAN, P.A.

By: /s/ James B. Maxwell

James B. Maxwell
North Carolina State Bar No. 2933
Post Office Box 52396
Durham, North Carolina 27717
Telephone: (919) 493-6464
Fax: (919) 493-1218
E-Mail: jmaxwell@mfbpa.com

Attorneys for Defendant David Addison

CERTIFICATE OF ELECTRONIC FILING AND SERVICE

The undersigned hereby certifies that, pursuant to Rule 5 of the Federal Rules of Civil Procedure and LR5.3 and LR5.4, MDNC, the foregoing pleading, motion, affidavit, notice, or other document/paper has been electronically filed with the Clerk of Court using the CM/ECF system, which system will automatically generate and send a Notice 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 (or that the party is a registered user of record), to each of whom the NEF will be transmitted.

This the 13th day of May, 2011.

FAISON & GILLESPIE

By: /s/ Reginald B. Gillespie, Jr.
Reginald B. Gillespie, Jr.
North Carolina State Bar No. 10895

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