

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

RYAN MCFADYEN, et al.,)	
)	
Plaintiffs,)	
)	
v.)	ANSWER OF DEFENDANT
)	BRIAN MEEHAN, Ph.D.
DUKE UNIVERSITY, et al.,)	
)	
Defendants.)	
_____)	

NOW COMES Defendant, Brian Meehan, Ph.D. (“Meehan,” “Defendant” or “answering Defendant”), by and through his undersigned counsel, and hereby responds to the Second Amended Complaint as follows:

FIRST DEFENSE

Answering the separately numbered allegations of the Second Amended Complaint, Meehan responds as follows:

SUMMARY OF THE ACTION

1. It is specifically denied that Meehan was a part of any type of “consortium” as alleged in paragraph 1. The remaining allegations which are directed to this answering Defendant are denied.

2. It is specifically denied that Meehan was part of any type of “consortium” as alleged in paragraph 2. The remaining allegations which are directed to this answering Defendant are denied.

3.- 4. The allegations of paragraphs 3 and 4 are denied.

5. It is admitted upon information and belief that the North Carolina Attorney General's office conducted an independent investigation of the allegations made by Ms. Mangum. It is further admitted upon information and belief that on or about April 11, 2007, the North Carolina Attorney General dismissed all charges against David Evans, Collin Finnerty and Reade Seligmann arising from the rape allegations which are the subject of the Second Amended Complaint. The remaining allegations of paragraph 5 are denied.

THE PARTIES

6.- 8. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 6 through 8 and such allegations are therefore denied.

9. It is admitted upon information and belief that Plaintiffs were undergraduates at Duke University and members of its men's lacrosse team during the spring semester of 2006. Defendant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 9 and such allegations are therefore denied.

10. It is admitted only that Duke University is an educational institution with its primary place of business in Durham, North Carolina. The remaining allegations of paragraph 10 do not relate to this answering Defendant and therefore no further response is required. To the extent a response is necessary, Meehan is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 10 and such allegations are therefore denied.

11.- 47. The allegations set forth in paragraphs 11 through 47 relate to claims made by Plaintiffs against Defendants other than this answering Defendant and to which no response by

Meehan is required. To the extent a response is necessary, Meehan is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 11 through 47 and such allegations are therefore denied.

48. It is admitted that the City of Durham is a municipal corporation formed under the laws of the State of North Carolina. Defendant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 48 and such allegations are therefore denied.

49. It is admitted that Michael Nifong was the District Attorney for Durham County. It is further admitted upon information and belief that former District Attorney Nifong was disbarred by the North Carolina State Bar for his actions relating to the prosecution of David Evans, Collin Finnerty and Reade Seligmann. Other than reports of the disbarment proceeding, this answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 48 and such allegations are therefore denied.

50.- 61. The allegations set forth in paragraphs 50 through 61 relate to claims made by Plaintiffs against Defendants other than this answering Defendant and to which no response by Meehan is required. To the extent a response is necessary, Meehan is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 50 through 61 and such allegations are therefore denied.

62. It is admitted upon information and belief that Mark Gottlieb was employed by the Durham Police Department. The allegations set forth in paragraph 62 relate to claims made by Plaintiffs against Defendants other than this answering Defendant and to which no response by

Meehan is required. To the extent a response is necessary, Meehan is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 62 and such allegations are therefore denied.

63. It is admitted upon information and belief that Benjamin W. Himan was employed by the Durham Police Department. The allegations set forth in paragraph 63 relate to claims made by Plaintiffs against Defendants other than this answering Defendant and to which no response by Meehan is required. To the extent a response is necessary, Meehan is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 63 and such allegations are therefore denied.

64. It is admitted upon information and belief that Linwood Wilson was employed by the District Attorney for the Fourteenth Judicial District. The allegations set forth in paragraph 64 relate to claims made by Plaintiffs against Defendants other than this answering Defendant and to which no response by Meehan is required. To the extent a response is necessary, Meehan is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 64 and such allegations are therefore denied.

65.- 72. The allegations set forth in paragraphs 65 through 72 relate to claims made by Plaintiffs against Defendants other than this answering Defendant and to which no response by Meehan is required. To the extent a response is necessary, Meehan is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 65 through 72 and such allegations are therefore denied. It is specifically denied that Meehan had any involvement in any sort of conspiracy or was otherwise engaged in any wrongful conduct as alleged

in the Second Amended Complaint. To the extent said allegations attempt to assert any culpable or actionable conduct by Meehan, all such allegations are expressly denied.

73. It is admitted that DNA Security, Inc. (“DNASI”) is a corporation organized under the laws of the State of North Carolina with its principal place of business located in Burlington, North Carolina. It is further admitted that DNASI was retained to provide DNA testing and analysis services. It is further admitted that, at all times relevant to this action, Meehan was acting within the course and scope of his employment with DNASI. Except as expressly admitted herein, the allegations of paragraph 73 are denied.

74. It is admitted that Richard Clark was, at all times relevant to this action, the President of DNASI. Meehan is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 74 and such allegations are therefore denied.

75. It is admitted that Meehan was, at all times relevant to this action, employed as the Laboratory Director of DNASI. It is further admitted that Meehan had certain supervisory responsibilities with respect to DNASI’s laboratory personnel. It is further admitted that Meehan conducted testing and reporting of DNASI’s forensic DNA testing and analysis. Except as expressly admitted herein, the allegations of paragraph 75 are denied.

76.- 77. It is specifically denied that Meehan was a part of any type of “consortium” and the allegations of paragraphs 76 and 77 are denied.

JURISDICTION AND VENUE

78. It is admitted only that the allegations of the Second Amended Complaint purport to allege violations of 42 U.S.C. § 1983, 42 U.S.C. § 1985, 42 U.S.C. § 1986, 42 U.S.C. § 1988, the

North Carolina statutes and common law. Meehan denies that the allegations of the Second Amended Complaint state claims upon which relief can be granted and further denies the remaining allegations of paragraph 78.

79. It is admitted only that the allegations contained in the Second Amended Complaint place jurisdiction in this Court. Meehan denies that the allegations of the Second Amended Complaint state claims upon which relief can be granted and further denies the remaining allegations of paragraph 79.

80. It is admitted only that the allegations set forth in the Second Amended Complaint place jurisdiction in this Court. Meehan denies that the allegations of the Second Amended Complaint state claims upon which relief can be granted and further denies the remaining allegations of paragraph 80.

81. It is admitted only that the allegations contained in the Second Amended Complaint place venue in the United States District Court for the Middle District of North Carolina. Meehan denies that the allegations of the Second Amended Complaint state claims upon which relief can be granted and further denies the remaining allegations of paragraph 81.

FACTUAL ALLEGATIONS

82.-193. The allegations set forth in paragraphs 82 through 193 relate to claims made by Plaintiffs against Defendants other than this answering Defendant and to which no response by Meehan is required. To the extent a response is necessary, Meehan is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 82 through 193 and such allegations are therefore denied. It is specifically denied that Meehan had any

involvement in any sort of conspiracy or was otherwise engaged in any wrongful conduct as alleged in the Second Amended Complaint. To the extent the allegations contained in paragraphs 82 through 193 attempt to assert any culpable or actionable conduct by Meehan, all such allegations are expressly denied.

194. It is admitted upon information and belief that evidence has been presented in other legal proceedings arising from this same series of events, including the criminal proceedings and the State Bar's proceedings against Michael Nifong, that on March 13, 2006, members of the Duke University men's lacrosse team attended a party at a house located in Durham at 610 North Buchanan Boulevard. Meehan is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 194 and such allegations are therefore denied.

195. It is admitted that evidence has been presented in other legal proceedings arising from this same series of events, including the criminal proceedings and the State Bar's proceedings against Michael Nifong, that some of the members of the Duke University men's lacrosse team chose to hire exotic dancers for a party at 610 North Buchanan Boulevard. Meehan is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 195 and such allegations are therefore denied.

196.- 628. The allegations set forth in paragraphs 196 through 628 relate to claims made by Plaintiffs against Defendants other than this answering Defendant and to which no response by Meehan is required. To the extent a response is necessary, Meehan is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 196

through 628 and such allegations are therefore denied. It is specifically denied that Meehan had any involvement in any sort of conspiracy or was otherwise engaged in any wrongful conduct as alleged in the Second Amended Complaint. To the extent the allegations contained in paragraphs 196 through 628 attempt to assert any culpable or actionable conduct by Meehan, all such allegations are expressly denied.

629. It is specifically denied that Meehan had any involvement in any sort of conspiracy or was otherwise engaged in any wrongful conduct as alleged in the Second Amended Complaint. To the extent the allegations of paragraph 629 attempt to assert any culpable or actionable conduct by Meehan, all such allegations are expressly denied. Meehan is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 629 and such allegations are therefore denied.

630.- 654. The allegations set forth in paragraphs 630 through 654 relate to claims made by Plaintiffs against Defendants other than this answering Defendant and to which no response by Meehan is required. To the extent a response is necessary, Meehan is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 630 through 654. It is specifically denied that Meehan had any involvement in any sort of conspiracy or was otherwise engaged in any wrongful conduct as alleged in the Second Amended Complaint. To the extent the allegations of paragraphs 630 through 654 attempt to assert any culpable or actionable conduct by Meehan, all such allegations are expressly denied.

655. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 655 and such allegations are therefore denied.

656. It is admitted that Meehan spoke with representatives of the City of Durham regarding the capabilities of DNASI regarding DNA testing and analysis. It is further admitted that Investigator Soucie contacted Meehan to discuss the possibility of DNASI providing DNA testing and analysis. It is specifically denied that Meehan had any involvement in any sort of conspiracy or was otherwise engaged in any wrongful conduct as alleged in the Second Amended Complaint. To the extent the allegations contained in paragraph 656 attempt to assert any culpable or actionable conduct by Meehan, all such allegations are expressly denied. Except as expressly admitted herein, the allegations of paragraph 656 are denied.

657. Meehan is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 657 and such allegations are therefore denied.

658. It is expressly denied that Meehan was willing to “bend the rules.” Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 658 which are not directed to this answering Defendant and such allegations are therefore denied. It is specifically denied that Meehan had any involvement in any sort of conspiracy or was otherwise engaged in any wrongful conduct as alleged in the Second Amended Complaint. To the extent the allegations contained in paragraph 658 attempt to assert any culpable or actionable conduct by Meehan, all such allegations are expressly denied.

659.- 687. The allegations set forth in paragraph 659 through 687 relate to claims made by Plaintiffs against Defendants other than this answering Defendant and to which no response by Meehan is required. To the extent a response is necessary, Meehan is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 659

through 687. It is specifically denied that Meehan had any involvement in any sort of conspiracy or was otherwise engaged in any wrongful conduct as alleged in the Second Amended Complaint. To the extent the allegations contained in paragraph 659 through 687 attempt to assert any culpable or actionable conduct by Meehan, all such allegations are expressly denied.

688. It is admitted, upon information and belief, that Judge Stephens signed an Order directing DNA analysis of certain items of evidence by DNASI. The Order speaks for itself and contains the best evidence of its contents. Meehan is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 688 and such allegations are therefore denied. It is specifically denied that Meehan had any involvement in any sort of conspiracy or was otherwise engaged in any wrongful conduct as alleged in the Second Amended Complaint. To the extent the allegations contained in paragraph 688 attempt to assert any culpable or actionable conduct by Meehan, all such allegations are expressly denied.

689. It is admitted, upon information and belief, that Judge Stephens signed an Order directing DNA analysis of certain items of evidence by DNASI. The Order speaks for itself and contains the best evidence of its contents. Meehan is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 689 and such allegations are therefore denied. It is specifically denied that Meehan had any involvement in any sort of conspiracy or was otherwise engaged in any wrongful conduct as alleged in the Second Amended Complaint. To the extent the allegations contained in paragraph 689 attempt to assert any culpable or actionable conduct by Meehan, all such allegations are expressly denied.

690. It is admitted, upon information and belief, that Judge Stephens signed an Order directing the testing of certain evidence from Mangum's rape kit, along with cheek swabbings taken from certain members of the Duke men's lacrosse team. The Order speaks for itself and contains the best evidence of its contents. Meehan is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 690 and such allegations are therefore denied. It is specifically denied that Meehan had any involvement in any sort of conspiracy or was otherwise engaged in any wrongful conduct as alleged in the Second Amended Complaint. To the extent the allegations contained in paragraph 690 attempt to assert any culpable or actionable conduct by Meehan, all such allegations are expressly denied.

691.- 692. Meehan is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 691 and 692 and such allegations are therefore denied.

693. - 745. The allegations set forth in paragraphs 693 through 745 relate to claims made by Plaintiffs against Defendants other than this answering Defendant and to which no response by Meehan is required. To the extent a response is necessary, Meehan is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 693 through 745 and all such allegations are therefore denied. It is specifically denied that Meehan had any involvement in any sort of conspiracy or was otherwise engaged in any wrongful conduct as alleged in the Second Amended Complaint. To the extent the allegations contained in paragraphs 693 through 745 attempt to assert any culpable or actionable conduct by Meehan, all such allegations are expressly denied.

746. It is admitted that on or about April 6, 2006 the panties, cheek scrapings, oral, vaginal and rectal swabs from the rape kit, along with the 46 lacrosse player swabbings were transferred from the SBI to DNASI for DNA testing. It is further admitted that the fingernails were not transferred. It is specifically denied that Meehan had any involvement in any sort of conspiracy or was otherwise engaged in any wrongful conduct as alleged in the Second Amended Complaint. To the extent the allegations contained in paragraph 746 attempt to assert any culpable or actionable conduct by Meehan, all such allegations are expressly denied. Except as expressly admitted herein, the allegations of paragraph 746 are denied.

747. It is admitted that employees of DNASI worked through the weekend to complete DNA testing. It is further admitted that between April 7 and April 10, 2006, DNASI personnel performed testing and analysis of DNA characteristics found in the rape kit items. To the extent the allegations of paragraph 747 relate to the results of DNASI's testing and analysis, the results of such DNA testing and analysis are contained in documents which speak for themselves and contain the best evidence of their contents. To the extent the allegations contained in paragraphs 747 conflict or are inconsistent with the contents of such documents, all such allegations are denied. It is specifically denied that Meehan had any involvement in any sort of conspiracy or was otherwise engaged in any wrongful conduct as alleged in the Second Amended Complaint. To the extent the allegations contained in paragraph 747 attempt to assert any culpable or actionable conduct by Meehan, all such allegations are expressly denied. Except as expressly admitted herein, the allegations of paragraph 747 are denied.

748. It is admitted that prior to the meeting on April 10, 2006, the DNA testing conducted by DNASI had excluded Plaintiffs and their teammates as potential contributors of the DNA that had been analyzed from the rape kit. It is specifically denied that Meehan had any involvement in any sort of conspiracy or was otherwise engaged in any wrongful conduct as alleged in the Second Amended Complaint. To the extent the allegations contained in paragraph 748 attempt to assert any culpable or actionable conduct by Meehan, all such allegations are expressly denied. Except as expressly admitted herein, the allegations of paragraph 748 are denied.

749. It is admitted that on April 10, 2006, Meehan called to report the results of DNASI's testing. It is further admitted that Nifong, Himan and Gottlieb drove to DNASI's offices in Burlington to verbally receive the results of the testing and that Defendant Clark, President of DNASI, was present at the meeting. It is further admitted that Meehan reported the results of DNASI's testing and analysis and that Meehan fully and completely informed Nifong, Himan and Gottlieb that DNASI had identified multiple sources of male DNA on the rape kit swabs and that DNASI had not found "matches" with any of the Duke lacrosse players. It is specifically denied that Meehan had any involvement in any sort of conspiracy or was otherwise engaged in any wrongful conduct as alleged in the Second Amended Complaint. To the extent the allegations contained in paragraph 749 attempt to assert any culpable or actionable conduct by Meehan, all such allegations are expressly denied. Except as expressly admitted herein, the allegations of paragraph 749 are denied.

750. Meehan is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 750 and such allegations are therefore denied.

751.- 752. The allegations set forth in paragraphs 751 and 752 do not relate to this answering Defendant and no further response by Meehan is required. To the extent a response is necessary, Meehan is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 751 and 752. It is specifically denied that Meehan had any involvement in any sort of conspiracy or was otherwise engaged in any wrongful conduct as alleged in the Second Amended Complaint. To the extent the allegations contained in paragraphs 751 and 752 attempt to assert any culpable or actionable conduct by Meehan, all such allegations are expressly denied.

753. The allegations contained in paragraph 753 are admitted.

754. The allegations contained in paragraph 754 relate to claims made by Plaintiffs against Defendants other than this answering Defendant and to which no response by Meehan is required. To the extent a response is necessary, Meehan is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 754 and such allegations are therefore denied. It is specifically denied that Meehan had any involvement in any sort of conspiracy or was otherwise engaged in any wrongful conduct as alleged in the Second Amended Complaint. To the extent the allegations contained in paragraph 754 attempt to assert any culpable or actionable conduct by Meehan, all such allegations are expressly denied.

755. It is admitted that additional meetings occurred between Nifong, Gottlieb, Himan, Meehan and Clark on April 21, 2006 and May 12, 2006, respectively. It is specifically denied that Meehan had any involvement in any sort of conspiracy or was otherwise engaged in any wrongful conduct as alleged in the Second Amended Complaint. To the extent the allegations contained in

paragraph 755 attempt to assert any culpable or actionable conduct by Meehan, all such allegations are expressly denied.

756. It is admitted that on May 12, 2006 a meeting was held at DNASI's offices which was attended by Nifong, Gottlieb, Himan, Meehan and Clark. It is further admitted that at the time and place alleged, Meehan provided a report ("the May 12 report"). The May 12 report is a written document which speaks for itself and contains the best evidence of its contents. The remaining allegations contained in paragraph 756 are denied.

757. Meehan is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 757 and all such allegations are therefore denied.

758. The allegations of paragraph 758 relate to the results of DNASI's testing and analyses which are contained in documents which speak for themselves and contain the best evidence of their contents. To the extent the allegations contained in paragraph 758 conflict or are inconsistent with the contents of such documents, all such allegations are denied. It is specifically denied that Meehan had any involvement in any sort of conspiracy or was otherwise engaged in any wrongful conduct as alleged in the Second Amended Complaint. To the extent the allegations contained in paragraph 758 attempt to assert any culpable or actionable conduct by Meehan, all such allegations are expressly denied. Except as expressly admitted herein, the allegations of paragraph 758 are denied.

759. The statute referenced in paragraph 759 speaks for itself. It is specifically denied that Meehan had any involvement in any sort of conspiracy or was otherwise engaged in any wrongful conduct as alleged in the Second Amended Complaint. To the extent the allegations contained in paragraph 759 attempt to assert any culpable or actionable conduct by Meehan, all such allegations

are expressly denied. Except as admitted herein, the allegations contained in paragraph 759 are denied.

760. -764. The allegations set forth in paragraphs 760 through 764 relate to claims made by Plaintiffs against Defendants other than this answering Defendant and to which no response by Meehan is required. To the extent a response is necessary, Meehan is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 760 through 764. It is specifically denied that Meehan had any involvement in any sort of conspiracy or was otherwise engaged in any wrongful conduct as alleged in the Second Amended Complaint. To the extent the allegations contained in paragraphs 760 through 764 attempt to assert any culpable or actionable conduct by Meehan, all such allegations are expressly denied.

765. It is admitted only that meetings were held between Himan, Gofflieb, Nifong, Meehan and Clark to discuss the results of DNASI's testing. The remaining allegations contained in paragraph 765 are denied.

766. It is admitted only that the referenced May 12 report speaks for itself and contains the best evidence of its contents. To the extent the allegations contained in paragraph 766 conflict or are inconsistent with the contents of the May 12 report, all such allegations are denied. It is further specifically denied that Meehan had any involvement in any sort of conspiracy or was otherwise engaged in any wrongful conduct as alleged in the Second Amended Complaint. To the extent the allegations contained in paragraph 766 attempt to assert any culpable or actionable conduct by Meehan, all such allegations are expressly denied. Except as expressly admitted herein, the allegations contained in paragraph 766 are denied.

767. It is admitted that Meehan fully and completely disclosed to Nifong the results of DNASI's testing and analysis. The testimony of Meehan described in paragraph 767 speaks for itself and to the extent the allegations contained in paragraph 767 conflict or are inconsistent with such testimony, all such allegations are denied. It is specifically denied that Meehan had any involvement in any sort of conspiracy or was otherwise engaged in any wrongful conduct as alleged in the Second Amended Complaint. To the extent the allegations contained in paragraph 767 attempt to assert any culpable or actionable conduct by Meehan, all such allegations are expressly denied. Except as expressly admitted herein, the allegations contained in paragraph 767 are denied.

768. The report described in paragraph 768 speaks for itself and contains the best evidence of its contents. To the extent the allegations contained in paragraph 768 conflict or are inconsistent with the contents of the report, all such allegations are denied. It is specifically denied that Meehan had any involvement in any sort of conspiracy or was otherwise engaged in any wrongful conduct as alleged in the Second Amended Complaint. To the extent the allegations contained in paragraph 768 attempt to assert any culpable or actionable conduct by Meehan, all such allegations are expressly denied. Except as expressly admitted herein, the allegations contained in paragraph 768 are denied.

769. The report described in paragraph 769 speaks for itself and contains the best evidence of its contents. To the extent the allegations contained in paragraphs 769 conflict or are inconsistent with the contents of the report, all such allegations are denied. It is specifically denied that Meehan had any involvement in any sort of conspiracy or was otherwise engaged in any wrongful conduct as alleged in the Second Amended Complaint. To the extent the allegations contained in paragraph

769 attempt to assert any culpable or actionable conduct by Meehan, all such allegations are expressly denied. Except as expressly admitted herein, the allegations contained in paragraph 769 are denied.

770. The allegations contained in paragraph 770 are denied.

771. The allegations contained in paragraph 771 are denied.

772. - 800. The allegations set forth in paragraphs 772 through 800 relate to claims made by Plaintiffs against Defendants other than this answering Defendant and to which no response by Meehan is required. To the extent a response is necessary, Meehan is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 772 through 800 and such allegations are therefore denied. It is specifically denied that Meehan had any involvement in any sort of conspiracy or was otherwise engaged in any wrongful conduct as alleged in the Second Amended Complaint. To the extent the allegations contained in paragraphs 772 through 800 attempt to assert any culpable or actionable conduct by Meehan, all such allegations are expressly denied.

801. It is admitted that on April 10, 2006 Meehan and Clark met Nifong, Gottlieb and Himan at DNASI's offices in Burlington, at which time Meehan fully and completely advised them of the results of DNASI's testing conducted as of that date. It is further admitted that Meehan advised Nifong, Gottlieb and Himan that DNASI's testing and analysis had detected male sources of male sperm and epithelial DNA in Mangum's rape kit and that plaintiffs and their teammates did not match any of the male DNA found in the rape kit. It is specifically denied that Meehan had any involvement in any sort of conspiracy or was otherwise engaged in any wrongful conduct as alleged

in the Second Amended Complaint. To the extent the allegations contained in paragraph 801 attempt to assert any culpable or actionable conduct by Meehan, all such allegations are expressly denied. Except as expressly admitted herein, the allegations contained in paragraph 801 are denied.

802. It is admitted that Meehan fully and completely advised Nifong of the results of the DNA testing and analysis conducted by DNASI. It is specifically denied that Meehan had any involvement in any sort of conspiracy or was otherwise engaged in any wrongful conduct as alleged in the Second Amended Complaint. To the extent the allegations contained in paragraph 802 attempt to assert any culpable or actionable conduct by Meehan, all such allegations are expressly denied. Except as expressly admitted herein, the allegations contained in paragraph 802 are denied.

803. It is admitted that on April 10, 2006 Meehan fully and completely reported the results of DNASI's testing to date. It is further admitted that Meehan disclosed to Nifong, Gottlieb and Himan that there were male sources of DNA present on the rape kit evidence and that no evidence in the rape kit matched any of the DNA provided by Duke lacrosse players. It is specifically denied that Meehan had any involvement in any sort of conspiracy or was otherwise engaged in any wrongful conduct as alleged in the Second Amended Complaint. To the extent the allegations contained in paragraph 803 attempt to assert any culpable or actionable conduct by Meehan, all such allegations are denied. Except as expressly admitted herein, the allegations of paragraph 803 are denied.

804. - 896. The allegations set forth in paragraphs 804 through 896 relate to claims made by Plaintiffs against Defendants other than this answering Defendant and to which no response by Meehan is required. To the extent a response is necessary, Meehan is without knowledge or

information sufficient to form a belief as to the truth of the allegations contained in paragraphs 804 through 896 and such allegations are therefore denied. It is specifically denied that Meehan had any involvement in any sort of conspiracy or was otherwise engaged in any wrongful conduct as alleged in the Second Amended Complaint. To the extent the allegations contained in paragraphs 804 through 896 attempt to assert any culpable or actionable conduct by Meehan, all such allegations are denied.

897. - 900. It is admitted upon information and belief that the North Carolina Attorney General's Office conducted an independent investigation. Other than reports of those findings, Meehan is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 897 through 900 and such allegations are therefore denied. It is specifically denied that Meehan had any involvement in any sort of conspiracy or was otherwise engaged in any wrongful conduct as alleged in the Second Amended Complaint. To the extent the allegations contained in paragraphs 897 through 900 attempt to assert any culpable or actionable conduct by Meehan, all such allegations are denied. Except as expressly admitted herein, the allegations of paragraphs 897 through 900 are denied.

901. It is admitted upon information and belief that former District Attorney Nifong was disbarred by the North Carolina State Bar for his actions relating to the prosecution of David Evans, Colin Finnerty and Reade Seligmann. It is specifically denied that Meehan participated in any way in the alleged "public vilification" of Plaintiffs. Except as expressly admitted herein, the allegations of paragraph 901 are denied.

902. It is admitted upon information and belief that on August 31, 2007, The Honorable Osmond W. Smith III convicted Nifong of criminal contempt. It is specifically denied that Meehan had any involvement in any sort of conspiracy or was otherwise engaged in any wrongful conduct as alleged in the Second Amended Complaint. To the extent the allegations contained in paragraph 902 attempt to assert any culpable or actionable conduct by Meehan, all such allegations are expressly denied. Except as expressly admitted herein, the allegations of paragraph 902 are denied.

903. Meehan is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 903 and the same are therefore denied. It is specifically denied that Meehan had any involvement in any sort of conspiracy or was otherwise engaged in any wrongful conduct as alleged in the Second Amended Complaint. To the extent the allegations contained in paragraph 903 attempt to assert any culpable or actionable conduct by Meehan, all such allegations are expressly denied.

CAUSES OF ACTION

FIRST CAUSE OF ACTION:

SEARCH AND SEIZURE IN VIOLATION OF 42 U.S.C. § 1983 & CONSPIRACY

(Against Nifong in his Individual Capacity and Official Capacity with respect to the City of Durham; Gottlieb, Himan, Levicy, Arico, in Their Individual and Official Capacities, the City of Durham, DUHS and Duke University)

904. Meehan reasserts and incorporates by reference his responses to all previous paragraphs of the Second Amended Complaint as if fully set forth herein.

905.- 917. The allegations set forth in paragraphs 905 through 917 relate to claims made by Plaintiffs against Defendants other than this answering Defendant and to which no response by

Meehan is required. To the extent a response is necessary, Meehan is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 905 through 917. It is specifically denied that Meehan had any involvement in any sort of conspiracy or was otherwise engaged in any wrongful conduct as alleged in the Second Amended Complaint. To the extent the allegations contained in paragraphs 905 through 917 attempt to assert any culpable or actionable conduct by Meehan, all such allegations are expressly denied.

SECOND CAUSE OF ACTION:

SEARCH AND SEIZURE IN VIOLATION OF 42 U.S.C. § 1983 & CONSPIRACY

(Against Nifong, Gottlieb, Himan, Levicy, Arico, Stotsenberg, Smith, the Day Chain of Command, In Their Individual And Official Capacities)

918. Meehan reasserts and incorporates by reference his responses to all previous paragraphs of the Second Amended Complaint as if fully set forth herein.

919. - 928. The allegations set forth in paragraphs 919 through 928 relate to claims made by Plaintiffs against Defendants other than this answering Defendant and to which no response by Meehan is required. To the extent a response is necessary, Meehan is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 919 through 928 and such allegations are therefore denied. It is specifically denied that Meehan had any involvement in any sort of conspiracy or was otherwise engaged in any wrongful conduct as alleged in the Second Amended Complaint. To the extent the allegations contained in paragraphs 919 through 928 attempt to assert any culpable or actionable conduct by Meehan, all such allegations are expressly denied.

THIRD CAUSE OF ACTION:

ABUSE OF PROCESS AND CONSPIRACY IN VIOLATION OF 42 U.S.C. § 1983

*(Against Gottlieb, Himan, Levicy, and Arico, in their individual and official capacities;
Nifong in his individual capacity and his official capacity viz. the City of Durham;
The Chairman, Dzau, DUHS, and Duke University)*

929. Meehan reasserts and incorporates by reference his responses to all previous paragraphs of the Second Amended Complaint as if fully set forth herein.

930. - 940. The Third Cause of Action was dismissed by the Court's Order of March 31, 2011 and no further response is required. To the extent a further response is required, all such allegations in any way directed to this answering Defendant are denied.

FOURTH CAUSE OF ACTION:

DEPRIVATION OF PROPERTY IN VIOLATION OF 42 U.S.C. § 1983

*(Against Nifong, Gottlieb, Himan, Clayton, Meehan, and Clark in their
individual capacities; DNASI and the City of Durham)*

941. Meehan reasserts and incorporates by reference his responses to all previous paragraphs of the Second Amended Complaint as if fully set forth herein.

942.- 953. The Fourth Cause of Action was dismissed by the Court's Order of March 31, 2011 and no further response is required. To the extent a further response is required, all such allegations in any way directed to this answering Defendant are denied.

FIFTH CAUSE OF ACTION:

FALSE PUBLIC STATEMENTS IN VIOLATION OF 42 U.S.C. § 1983

(Against Addison, Gottlieb, Hodge, and Wilson, in their individual and official capacities; Nifong in his individual capacity and his official capacity with respect to the Durham Police; Arico, Steel, Brodhead, Burness, in their individual capacities and official capacities with Duke University)

954. Meehan reasserts and incorporates by reference his responses to all previous paragraphs of the Second Amended Complaint as if fully set forth herein.

955.- 968. The allegations set forth in paragraphs 955 through 968 relate to claims made by Plaintiffs against Defendants other than this answering Defendant and to which no response by Meehan is required. To the extent a response is necessary, Meehan is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 955 through 968. It is specifically denied that Meehan had any involvement in any sort of conspiracy or was otherwise engaged in any wrongful conduct as alleged in the Second Amended Complaint. To the extent the allegations contained in paragraphs 955 through 968 attempt to assert any culpable or actionable conduct by Meehan, all such allegations are expressly denied.

SIXTH CAUSE OF ACTION:

**MANUFACTURE OF FALSE INCULPATORY EVIDENCE & CONSPIRACY IN
VIOLATION OF 42 U.S.C. § 1983**

(Against Nifong, in his individual capacity and in his official capacity with respect to the Durham Police, Gottlieb, Himan, Clayton, the SANE Defendants, the DNASI Defendants, Duke University and the City of Durham)

969.- 977. The Sixth Cause of Action was dismissed by the Court's Order of March 31, 2011 and no further response is required. To the extent a further response is required, all such allegations in any way directed to this answering Defendant are denied.

SEVENTH CAUSE OF ACTION:

**CONCEALMENT OF EXCULPATORY EVIDENCE & CONSPIRACY
IN VIOLATION OF 42 U.S.C. § 1983**

(Against Nifong, in his official capacity with respect to the Durham Police, Gottlieb, Himan, Clayton, the DNASI Defendants, and the SANE Defendants, Steel, Best, Graves, Dean, the City of Durham and Duke University)

978. Meehan reasserts and incorporates by reference his responses to all previous paragraphs of the Second Amended Complaint as if fully set forth herein.

979.- 985. The Seventh Cause of Action was dismissed by the Court's Order of March 31, 2011 and no further response is required. To the extent a further response is required, all such allegations in any way directed to this answering Defendant are denied.

EIGHTH CAUSE OF ACTION:

**INTERFERING WITH RIGHT ENGAGE IN POLITICAL PROCESSES IN VIOLATION
OF 42 U.S.C. § 1983 AND CONSPIRACY**

*(Against Steel, Brodhead, Burness, and Unknown Duke University Employees,
in Their Individual and Official Capacities, and Duke University)*

986. Meehan reasserts and incorporates by reference his responses to all previous paragraphs of the Second Amended Complaint as if fully set forth herein.

987.- 991. The Eighth Cause of Action was dismissed by the Court's Order of March 31, 2011 and no further response is required. To the extent a further response is required, all such allegations in any way directed to this answering Defendant are denied.

NINTH CAUSE OF ACTION:

RETALIATION IN VIOLATION OF 42 U.S.C. § 1983 & CONSPIRACY

(Against Nifong in his individual capacity and official capacity with respect to the Durham Police Department, Gottlieb, Himan, Addison, Michael, Hodge, Steel, Brodhead, Burness, Lange, Stotsenberg, Smith, in their individual and official capacities, the Duke Police Supervising Defendants, Duke University, DUHS, PDC, and the City of Durham)

992. Meehan reasserts and incorporates by reference his responses to all previous paragraphs of the Second Amended Complaint as if fully set forth herein.

993.- 1001. The Ninth Cause of Action was dismissed by the Court's Order of March 31, 2011 and no further response is required. To the extent a further response is required, all such allegations in any way directed to this answering Defendant are denied.

TENTH CAUSE OF ACTION:

**DEPRIVATION OF THE PRIVILEGES AND IMMUNITIES OF NORTH CAROLINA
CITIZENS IN VIOLATION OF 42 U.S.C. § 1983**

(Against All Defendants in their individual and official capacities)

1002. Meehan reasserts and incorporates by reference his responses to all previous paragraphs of the Second Amended Complaint as if fully set forth herein.

1003.- 1007. The Tenth Cause of Action was dismissed by the Court's Order of March 31, 2011 and no further response is required. To the extent a further response is required, all such allegations in any way directed to this answering Defendant are denied.

ELEVENTH CAUSE OF ACTION:

**FAILURE TO PREVENT DEPRIVATION OF CONSTITUTIONAL RIGHTS IN
VIOLATION OF 42 U.S.C. § 1983**

(Against Steel, the CMT Defendants, Dawkins, the Duke Police Department Defendants, the Durham Police Department Defendants, Duke University and the City of Durham)

1008.- 1036. The Eleventh Cause of Action was dismissed by the Court's Order of March 31, 2011 and no further response is required. To the extent a further response is required, all such allegations in any way directed to this answering Defendant are denied.

TWELFTH CAUSE OF ACTION:

MONELL LIABILITY FOR VIOLATIONS OF 42 U.S.C. § 1983

(Against the City of Durham and Duke University)

1037. Meehan reasserts and incorporates by reference his responses to all previous paragraphs of the Second Amended Complaint as if fully set forth herein.

1038.- 1106. The allegations set forth in paragraphs 1038 through 1106 relate to claims made by Plaintiffs against Defendants other than this answering Defendant and to which no response by Meehan is required. To the extent a response is necessary, Meehan is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 1038 through 1106 and such allegations are therefore denied. It is specifically denied that Meehan had any involvement in any sort of conspiracy or was otherwise engaged in any wrongful conduct as alleged in the Second Amended Complaint. To the extent the allegations contained in paragraphs 1038 through 1106 attempt to assert any culpable or actionable conduct by Meehan, all such allegations are expressly denied.

THIRTEENTH CAUSE OF ACTION:

SUPERVISORY LIABILITY FOR VIOLATIONS OF 42 U.S.C. § 1983

*(Against Duke Police Supervising Defendants, Duke Officials Defendants,
Durham Police Supervising Defendants, in their Individual Capacities;
and the City of Durham and Duke University)*

1107. Meehan reasserts and incorporates by reference his responses to all previous paragraphs of the Second Amended Complaint as if fully set forth herein.

1108.- 1140. The allegations set forth in paragraphs 1108 through 1140 relate to claims made by Plaintiffs against Defendants other than this answering Defendant and to which no response by Meehan is required. To the extent a response is necessary, Meehan is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 1108 through 1140 and such allegations are therefore denied. It is specifically denied that Meehan had any involvement in any sort of conspiracy or was otherwise engaged in any wrongful conduct as alleged

in the Second Amended Complaint. To the extent the allegations contained in paragraphs 1108 through 1140 attempt to assert any culpable or actionable conduct by Meehan, all such allegations are expressly denied.

FOURTEENTH CAUSE OF ACTION:

FAILURE TO TRAIN IN VIOLATION OF 42 U.S.C. § 1983

(Against the City of Durham, Duke University, and DNASI)

1141.- 1146. The allegations set forth in paragraphs 1141 through 1146 relate to claims made by Plaintiffs against Defendants other than this answering Defendant and to which no response by Meehan is required. To the extent a response is necessary, Meehan is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 1141 through 1146 and such allegations are therefore denied. It is specifically denied that Meehan had any involvement in any sort of conspiracy or was otherwise engaged in any wrongful conduct as alleged in the Second Amended Complaint. To the extent the allegations contained in paragraphs 1141 through 1146 attempt to assert any culpable or actionable conduct by Meehan, all such allegations are expressly denied.

FIFTEENTH CAUSE OF ACTION:

CONSPIRACY IN VIOLATION OF 42 U.S.C. § 1983

(Against Nifong in his Individual Capacity and in his Official Capacity with Respect to the Durham Police and the City of Durham; and against Wilson, the DNASI Defendants, the Duke University Defendants, and the City of Durham Defendants in their Individual and Official Capacities)

1147. Meehan reasserts and incorporates by reference his responses to all previous paragraphs of the Second Amended Complaint as if fully set forth herein.

1148.- 1155. The Fifteenth Cause of Action was dismissed by the Court's Order of March 31, 2011 and no further response is required. To the extent a further response is required, all such allegations in any way directed to this answering Defendant are denied.

SIXTEENTH CAUSE OF ACTION:

CONSPIRACY IN VIOLATION OF 42 U.S.C. § 1985

(Against Nifong in his Individual Capacity and in his Official Capacity with respect to the Duke Police and Durham Police; Gottlieb, Himan, Wilson, Addison, Michael, Durham Police Supervising Defendants, the Chairman, the Crisis Management Team Defendants, the Duke Police Supervising Defendants, the SANE Defendants, Meehan, Clark, DNASI, in their Individual and Official Capacities, and Nifong in his official capacity with respect to the Durham Police and Duke Police; the City of Durham and Duke University)

1156. Meehan reasserts and incorporates by reference his responses to all previous paragraphs of the Second Amended Complaint as if fully set forth herein.

1157.- 1169. The Sixteenth Cause of Action was dismissed by the Court's Order of March 31, 2011 and no further response is required. To the extent a further response is required, all such allegations in any way directed to this answering Defendant are denied.

SEVENTEENTH CAUSE OF ACTION:

FAILURE TO INTERVENE IN VIOLATION OF 42 U.S.C. § 1986

(Against Nifong in his individual capacity and his official capacity with respect to the Durham Police Department; Steel, Brodhead, Wilson, the Crisis Management Team Defendants, the Duke Police Department Defendants, the SANE Defendants, the DNASI Defendants, the Durham Police Department Defendants, in their individual and official capacities; the City of Durham and Duke University)

1170. Meehan reasserts and incorporates by reference his responses to all previous paragraphs of the Second Amended Complaint as if fully set forth herein.

1171.- 1188. The Seventeenth Cause of Action was dismissed by the Court's Order of March 31, 2011 and no further response is required. To the extent a further response is required, all such allegations in any way directed to this answering Defendant are denied.

EIGHTEENTH CAUSE OF ACTION:

COMMON LAW OBSTRUCTION OF JUSTICE & CONSPIRACY

(Against Nifong in his Individual Capacity and his Official Capacity with Respect to Durham Police; Steel, Brodhead, Burness, Gottlieb, Himan, Lamb, Wilson, Meehan, Clark, DNASI, Levicy, Manly, Arico, and Dzau, in their Individual and Official Capacities; DNASI, PDC, DUHS, and Duke University)

1189. Meehan reasserts and incorporates by reference his responses to all previous paragraphs of the Second Amended Complaint as if fully set forth herein.

1190. The allegations directed to this answering Defendant are expressly denied. Meehan is without knowledge or information sufficient to form a belief as to the truth of those allegations directed to Defendants other than this answering Defendant and such allegations are therefore denied. It is specifically denied that Meehan had any involvement in any sort of conspiracy or was otherwise engaged in any wrongful conduct as alleged in the Second Amended Complaint. To the extent the allegations contained in paragraph 1190 attempt to assert any culpable or actionable conduct by Meehan, all such allegations are expressly denied.

1191. The allegations directed to this answering Defendant are expressly denied. Meehan is without knowledge or information sufficient to form a belief as to those allegations directed at defendants other than this answering Defendant and such allegations are therefore denied.

1192. The allegations set forth in paragraph 1192 relate to claims made by Plaintiffs against Defendants other than this answering Defendant and to which no response by Meehan is required.

To the extent a response is necessary, Meehan is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 1192 which are not directed to this answering Defendant and such allegations are therefore denied. It is specifically denied that Meehan had any involvement in any sort of conspiracy or was otherwise engaged in any wrongful conduct as alleged in the Second Amended Complaint. To the extent the allegations contained in paragraph 1192 attempt to assert any culpable or actionable conduct by Meehan, all such allegations are expressly denied.

1193. The allegations set forth in paragraph 1193 relate to claims made by Plaintiffs against Defendants other than this answering Defendant and to which no response by Meehan is required. To the extent a response is necessary, Meehan is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 1193 which are not directed to this answering Defendant and such allegations are therefore denied. It is specifically denied that Meehan had any involvement in any sort of conspiracy or was otherwise engaged in any wrongful conduct as alleged in the Second Amended Complaint. To the extent the allegations contained in paragraph 1193 attempt to assert any culpable or actionable conduct by Meehan, all such allegations are expressly denied.

1194. The allegations directed to this answering Defendant are expressly denied. Meehan is without knowledge or information sufficient to form a belief as to those allegations directed at Defendants other than this answering Defendant and such allegations are therefore denied. It is specifically denied that Meehan had any involvement in any sort of conspiracy or was otherwise engaged in any wrongful conduct as alleged in the Second Amended Complaint. To the extent the

allegations contained in paragraph 1194 attempt to assert any culpable or actionable conduct by Meehan, all such allegations are expressly denied.

1195. The allegations set forth in paragraph 1195 relate to claims made by Plaintiffs against Defendants other than this answering Defendant and to which no response by Meehan is required. To the extent a response is necessary, Meehan is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 1195 which are not directed to this answering Defendant and such allegations are therefore denied. It is specifically denied that Meehan had any involvement in any sort of conspiracy or was otherwise engaged in any wrongful conduct as alleged in the Second Amended Complaint. To the extent the allegations contained in paragraph 1195 attempt to assert any culpable or actionable conduct by Meehan, all such allegations are expressly denied.

1196. The allegations set forth in paragraph 1196 relate to claims made by Plaintiffs against Defendants other than this answering Defendant and to which no response by Meehan is required. To the extent a response is necessary, Meehan is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 1196 which are not directed to this answering Defendant and such allegations are therefore denied. It is specifically denied that Meehan had any involvement in any sort of conspiracy or was otherwise engaged in any wrongful conduct as alleged in the Second Amended Complaint. To the extent the allegations contained in paragraph 1196 attempt to assert any culpable or actionable conduct by Meehan, all such allegations are expressly denied.

1197. The allegations set forth in paragraph 1197 relate to claims made by Plaintiffs against Defendants other than this answering Defendant and to which no response by Meehan is required. To the extent a response is necessary, Meehan is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 1197 which are not directed to this answering Defendant and such allegations are therefore denied. It is specifically denied that Meehan had any involvement in any sort of conspiracy or was otherwise engaged in any wrongful conduct as alleged in the Second Amended Complaint. To the extent the allegations contained in paragraph 1197 attempt to assert any culpable or actionable conduct by Meehan, all such allegations are expressly denied.

1198. The allegations set forth in paragraph 1198 relate to claims made by Plaintiffs against Defendants other than this answering Defendant and to which no response by Meehan is required. To the extent a response is necessary, Meehan is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 1198 which are not directed to this answering Defendant and such allegations are therefore denied. It is specifically denied that Meehan had any involvement in any sort of conspiracy or was otherwise engaged in any wrongful conduct as alleged in the Second Amended Complaint. To the extent the allegations contained in paragraph 1198 attempt to assert any culpable or actionable conduct by Meehan, all such allegations are expressly denied.

1199. The allegations directed to this answering Defendant are expressly denied. Meehan is without knowledge or information sufficient to form a belief as to those allegations directed to Defendants other than this answering Defendant and such allegations are therefore denied.

1200. The allegations directed to this answering Defendant are expressly denied. Meehan is without knowledge or information sufficient to form a belief as to those allegations directed to Defendants other than this answering Defendant and such allegations are therefore denied.

1201. The allegations directed to this answering Defendant are expressly denied. Meehan is without knowledge or information sufficient to form a belief as to those allegations directed to Defendants other than this answering Defendant and such allegations are therefore denied.

1202. The allegations directed to this answering Defendant are expressly denied. Meehan is without knowledge or information sufficient to form a belief as to those allegations directed to Defendants other than this answering Defendant and such allegations are therefore denied.

NINETEENTH CAUSE OF ACTION:

COMMON LAW ABUSE OF PROCESS & CONSPIRACY

(Against Nifong in his individual capacity and in his official capacity with respect to Durham Police; Addison, Gottlieb, Himan, Clayton, Wilson, the CMT Defendants, the SANE Defendants; in their individual and official capacities; Duke University and the City of Durham)

1203. Meehan reasserts and incorporates by reference his responses to all previous paragraphs of the Second Amended Complaint as if fully set forth herein.

1204.- 1212. The Nineteenth Cause of Action was dismissed by the Court's Order of March 31, 2011 and no further response is required. To the extent a further response is required, all such allegations in any way directed to this answering Defendant are denied.

TWENTIETH CAUSE OF ACTION:

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS AND CONSPIRACY

(Against Gottlieb, Himan, Lamb, Wilson, Meehan, Clark, Addison, Hodge, Steel, Brodhead, Burness, Levicy, Manly, Arico, and Dzau in their individual and official capacities; Nifong in his individual and official capacity as an official with delegated policymaking authority from the City of Durham; DUHS, PDC, Duke University and DNASI)

1213. Meehan reasserts and incorporates by reference his responses to all previous paragraphs of the Second Amended Complaint as if fully set forth herein.

1214.- 1222. The Twentieth Cause of Action was dismissed by the Court's Order of March 31, 2011 and no further response is required. To the extent a further response is required, all such allegations in any way directed to this answering Defendant are denied.

TWENTY-FIRST CAUSE OF ACTION:

BREACH OF CONTRACT

(Against Steel, Brodhead, Lange, Moneta, Bryan and Duke University)

1223. Meehan reasserts and incorporates by reference his responses to all previous paragraphs of the Second Amended Complaint as if fully set forth herein.

1224.- 1228. The allegations set forth in paragraphs 1224 through 1228 relate to claims made by Plaintiffs against Defendants other than this answering Defendant and to which no response by Meehan is required. To the extent a response is necessary, Meehan is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 1224 through 1228 and such allegations are therefore denied. It is specifically denied that Meehan had any involvement in any sort of conspiracy or was otherwise engaged in any wrongful conduct as alleged in the Second Amended Complaint and to the extent the allegations contained in paragraphs 1224

through 1228 attempt to assert any culpable or actionable conduct by Meehan, all such allegations are expressly denied.

TWENTY-SECOND CAUSE OF ACTION:

INVASION OF PRIVACY

*(Against the Chairman, the CMT Defendants, Duke Police
Supervising Defendants, and Duke University)*

1229. Meehan reasserts and incorporates by reference his responses to all previous paragraphs of the Second Amended Complaint as if fully set forth herein.

1230.- 1234. The Twenty-Second Cause of Action was dismissed by the Court's Order of March 31, 2011 and no further response is required. To the extent a further response is required, all such allegations in any way directed to this answering Defendant are denied.

TWENTY-THIRD CAUSE OF ACTION:

BREACH OF FIDUCIARY DUTY & AIDING AND ABETTING

*(Against Steel, Drummond, Dawkins, Moneta, Bryan, Duke University, Gottlieb, Himan,
Ripberger, Lamb, Council, Hodge, Chalmers, and Baker, in their individual and official
capacities, and Nifong in his individual and official capacity with respect to
the City of Durham, and the City of Durham)*

1235. Meehan reasserts and incorporates by reference his responses to all previous paragraphs of the Second Amended Complaint as if fully set forth herein.

1236.- 1248. The Twenty-Third Cause of Action was dismissed by the Court's Order of March 31, 2011 and no further response is required. To the extent a further response is required, all such allegations in any way directed to this answering Defendant are denied.

TWENTY-FOURTH CAUSE OF ACTION:

FRAUD

(Against Drummond, Smith, Dean, Graves and Duke University)

1249. Meehan reasserts and incorporates by reference his responses to all previous paragraphs of the Second Amended Complaint as if fully set forth herein.

1250.- 1260. The allegations set forth in paragraphs 1250 through 1260 relate to claims made by Plaintiffs against Defendants other than this answering Defendant and to which no response by Meehan is required. To the extent a response is necessary, Meehan is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 1250 through 1260 and such allegations are therefore denied. It is specifically denied that Meehan had any involvement in any sort of conspiracy as alleged in the Second Amended Complaint. To the extent the allegations contained in paragraphs 1250 through 1260 attempt to assert any culpable or actionable conduct by Meehan, all such allegations are expressly denied.

TWENTY-FIFTH CAUSE OF ACTION:

NEGLIGENCE (DURHAM POLICE)

(Against Gottlieb, Himan, Addison, Michael, Russ and Hodge in their Individual and Official Capacities, and the City of Durham)

1261. Meehan reasserts and incorporates by reference his responses to all previous paragraphs of the Second Amended Complaint as if fully set forth herein.

1262.- 1267. The allegations set forth in paragraphs 1262 through 1267 relate to claims made by Plaintiffs against Defendants other than this answering Defendant and to which no response by Meehan is required. To the extent a response is necessary, Meehan is without knowledge or

information sufficient to form a belief as to the truth of the allegations contained in paragraphs 1262 through 1267 and such allegations are therefore denied. It is specifically denied that Meehan had any involvement in any sort of conspiracy or was otherwise engaged in any wrongful conduct as alleged in the Second Amended Complaint. To the extent the allegations contained in paragraphs 1262 through 1267 attempt to assert any culpable or actionable conduct by Meehan, all such allegations are expressly denied.

TWENTY-SIXTH CAUSE OF ACTION:

**NEGLIGENT HIRING, RETENTION, SUPERVISION, TRAINING & DISCIPLINE
(DURHAM POLICE)**

*(Against the Durham Police Supervising Defendants in Their Individual
and Official Capacities, and the City of Durham)*

1268. Meehan reasserts and incorporates by reference his responses to all previous paragraphs of the Second Amended Complaint as if fully set forth herein.

1269.- 1276. The allegations set forth in paragraphs 1269 through 1276 relate to claims made by Plaintiffs against Defendants other than this answering Defendant and to which no response by Meehan is required. To the extent a response is necessary, Meehan is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 1269 through 1276 and such allegations are therefore denied. It is specifically denied that Meehan had any involvement in any sort of conspiracy or was otherwise engaged in any wrongful conduct as alleged in the Second Amended Complaint. To the extent the allegations contained in paragraphs 1269 through 1276 attempt to assert any culpable or actionable conduct by Meehan, all such allegations are expressly denied.

TWENTY-SEVENTH CAUSE OF ACTION:

NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS (DURHAM PD)

(Against Gottlieb, Himan, Ripberger, Lamb, Council, Hodge, Mihiach, Addison, Russ and Chalmers, in their Individual and Official Capacities; and the City of Durham and Duke University)

1277. Meehan reasserts and incorporates by reference his responses to all previous paragraphs of the Second Amended Complaint as if fully set forth herein.

1278.- 1282. The Twenty-Seventh Cause of Action was dismissed by the Court's Order of March 31, 2011 and no further response is required. To the extent a further response is required, all such allegations in any way directed to this answering Defendant are denied.

TWENTY-EIGHTH CAUSE OF ACTION:

NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

(Against Nifong in his individual capacity and his official capacity with respect to the Durham Police; Addison, Michael, in their individual and official capacities; the Durham Police Supervising Defendants, in their individual and official capacities; and the City of Durham)

1283. Meehan reasserts and incorporates by reference his responses to all previous paragraphs of the Second Amended Complaint as if fully set forth herein.

1284.- 1288. The Twenty-Eighth Cause of Action was dismissed by the Court's Order of March 31, 2011 and no further response is required. To the extent a further response is required, all such allegations in any way directed to this answering Defendant are denied.

TWENTY-NINTH CAUSE OF ACTION:

NEGLIGENCE (DUKE POLICE)

(Against Duke University and the Duke University Police Department)

1289. Meehan reasserts and incorporates by reference his responses to all previous paragraphs of the Second Amended Complaint as if fully set forth herein.

1290.- 1300. The Twenty-Ninth Cause of Action was dismissed by the Court's Order of March 31, 2011 and no further response is required. To the extent a further response is required, all such allegations in any way directed to this answering Defendant are denied.

THIRTIETH CAUSE OF ACTION:

NEGLIGENCE (DUKE POLICE)

(Duke University Defendants in their Individual and Official Capacities and Duke University)

1301. Meehan reasserts and incorporates by reference his responses to all previous paragraphs of the Second Amended Complaint as if fully set forth herein.

1302.- 1308. The Thirtieth Cause of Action was dismissed by the Court's Order of March 31, 2011 and no further response is required. To the extent a further response is required, all such allegations in any way directed to this answering Defendant are denied.

THIRTY-FIRST CAUSE OF ACTION:

NEGLIGENCE (SANE)

(Against the Levicy, Arico, Manly and Dzau, in their individual and official capacities; PDC, DUHS, and Duke University)

1309. Meehan reasserts and incorporates by reference his responses to all previous paragraphs of the Second Amended Complaint as if fully set forth herein.

1310.- 1317. The Thirty-First Cause of Action was dismissed by the Court's Order of March 31, 2011 and no further response is required. To the extent a further response is required, all such allegations in any way directed to this answering Defendant are denied.

THIRTY-SECOND CAUSE OF ACTION:

**NEGLIGENT HIRING, RETENTION, SUPERVISION, TRAINING & DISCIPLINE
(SANE)**

(Against Arico, Manly the PDC, DUHS, and Duke University)

1318. Meehan reasserts and incorporates by reference his responses to all previous paragraphs of the Second Amended Complaint as if fully set forth herein.

1319.- 1325. The allegations set forth in paragraphs 1319 through 1325 relate to claims made by Plaintiffs against Defendants other than this answering Defendant and to which no response by Meehan is required. To the extent a response is necessary, Meehan is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 1319 through 1325 and such allegations are therefore denied. It is specifically denied that Meehan had any involvement in any sort of conspiracy or was otherwise engaged in any wrongful conduct as alleged in the Second Amended Complaint. To the extent the allegations contained in paragraphs 1319 through 1325 attempt to assert any culpable or actionable conduct by Meehan, all such allegations are expressly denied.

THIRTY-THIRD CAUSE OF ACTION:

NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS (SANE)

(Against Levicy, Arico, Manly, the PDC, DUHS, and Duke University)

1326. Meehan reasserts and incorporates by reference his responses to all previous paragraphs of the Second Amended Complaint as if fully set forth herein.

1327.- 1331. The Thirty-Third Cause of Action was dismissed by the Court's Order of March 31, 2011 and no further response is required. To the extent a further response is required, all such allegations in any way directed to this answering Defendant are denied.

THIRTY-FOURTH CAUSE OF ACTION:

NEGLIGENCE (DNASI)

(Against Clark and Meehan in their individual and official capacities, and DNASI)

1332. Meehan reasserts and incorporates by reference his responses to all previous paragraphs of the Second Amended Complaint as if fully set forth herein.

1333.- 1339. The Thirty-Fourth Cause of Action was dismissed by the Court's Order of March 31, 2011 and no further response is required. To the extent a further response is required, all such allegations in any way directed to this answering Defendant are denied.

THIRTY-FIFTH CAUSE OF ACTION:

**NEGLIGENT SUPERVISION, HIRING, TRAINING, DISCIPLINE AND RETENTION
(DNASI)**

1340. Paragraph 1340 does not appear to set forth allegations and therefore no response is required. To the extent a further response is required, such allegations are denied.

1341. Meehan reasserts and incorporates by reference his responses to all previous paragraphs of the Second Amended Complaint as if fully set forth herein.

1342. It is admitted that, at the time of the events alleged in the Second Amended Complaint, Meehan held a supervisory position at DNASI. Except as admitted herein, the allegations of paragraph 1342 are denied.

1343. The allegations contained in 1343 are denied.

1344. The allegations contained in 1344 are denied.

1345. The allegations contained in 1345 are denied.

1346. The allegations contained in 1346 are denied.

1347. The allegations contained in 1347 are denied.

THIRTY-SIXTH CAUSE OF ACTION:

NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS (DNASI)

(Against Clark and Meehan in their individual and official capacities, and DNASI)

1348. Meehan reasserts and incorporates by reference his responses to all previous paragraphs of the Second Amended Complaint as if fully set forth herein.

1349.- 1353. The Thirty-Sixth Cause of Action was dismissed by the Court's Order of March 31, 2011 and no further response is required. To the extent a further response is required, all such allegations in any way directed to this answering Defendant are denied.

THIRTY-SEVENTH CAUSE OF ACTION:

NEGLIGENCE (DUKE POLICE)

(Against Duke Police Officers Mazurek, Day, Eason, and Falcon, solely in their official capacities with respect to Duke University; Best, Smith, Stotensberg in their individual and official capacities, and Duke University)

1354. Meehan reasserts and incorporates by reference his responses to all previous paragraphs of the Second Amended Complaint as if fully set forth herein.

1355.- 1359. The Thirty-Seventh Cause of Action was dismissed by the Court's Order of March 31, 2011 and no further response is required. To the extent a further response is required, all such allegations in any way directed to this answering Defendant are denied.

THIRTY-EIGHTH CAUSE OF ACTION:

NEGLIGENT SUPERVISION (DUKE POLICE)

(Against the Duke Police Supervising Defendants in their individual and official capacities and Duke University)

1360. Meehan reasserts and incorporates by reference his responses to all previous paragraphs of the Second Amended Complaint as if fully set forth herein.

1361.- 1365. The Thirty-Eighth Cause of Action was dismissed by the Court's Order of March 31, 2011 and no further response is required. To the extent a further response is required, all such allegations in any way directed to this answering Defendant are denied.

THIRTY-NINTH CAUSE OF ACTION:

NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS (DUKE POLICE)

(Steel, Duke CMT Defendants, and the Day Chain of Command, in their individual and official capacities, and Duke University)

1366. Meehan reasserts and incorporates by reference his responses to all previous paragraphs of the Second Amended Complaint as if fully set forth herein.

1367.- 1371. The Thirty-Ninth Cause of Action was dismissed by the Court's Order of March 31, 2011 and no further response is required. To the extent a further response is required, all such allegations in any way directed to this answering Defendant are denied.

FORTIETH CAUSE OF ACTION:

NEGLIGENT ENTRUSTMENT (DUKE POLICE)

(Against Duke University, Duke Police Supervising Defendants, Duke Police)

1372. Meehan reasserts and incorporates by reference his responses to all previous paragraphs of the Second Amended Complaint as if fully set forth herein.

1373.- 1381. The Fortieth Cause of Action was dismissed by the Court's Order of March 31, 2011 and no further response is required. To the extent a further response is required, all such allegations in any way directed to this answering Defendant are denied.

FORTY-FIRST CAUSE OF ACTION:

**VIOLATIONS OF ARTICLE I AND ARTICLE IX OF THE NORTH CAROLINA
CONSTITUTION AND CONSPIRACY**

(Against the City of Durham and Duke University, directly and based on the acts and omissions of their respective employees and agents while acting in their official capacities)

1382. Meehan reasserts and incorporates by reference his responses to all previous paragraphs of the Second Amended Complaint as if fully set forth herein.

1383.- 1385. The allegations set forth in paragraphs 1383 through 1385 relate to claims made by Plaintiffs against Defendants other than this answering Defendant and to which no response by Meehan is required. To the extent a response is necessary, Meehan is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 1383 through 1385 and such allegations are therefore denied. It is specifically denied that Meehan had any involvement in any sort of conspiracy or was otherwise engaged in any wrongful conduct as alleged in the Second Amended Complaint. To the extent the allegations contained in paragraphs 1383 through 1385 attempt to assert any culpable or actionable conduct by Meehan, all such allegations are expressly denied.

RULE 9(J) PRECERTIFICATION

1386. Meehan is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 1386 and such allegations are therefore denied.

JURY DEMAND

1387. It is admitted only that the Second Amended Complaint contains a request for trial by jury. It is specifically denied that Plaintiffs are entitled to any relief from this answering Defendant.

PRAYER FOR RELIEF

1388. Meehan denies Plaintiffs are entitled to the relief set forth in paragraph 1388 as to this answering Defendant.

SECOND DEFENSE

The Second Amended Complaint violates Rule 8 of the Federal Rules of Civil Procedure, which requires a complaint to contain a “short and plain statement of the claims showing that the pleader is entitled to relief.” In violation of Rule 8, the Second Amended Complaint, which consists of 428 pages and 1,388 separate paragraphs, contains a number of implicit allegations which are undefined and are based upon numerous false premises. To the extent not specifically denied above, Meehan denies all material allegations alleging that he was in any way engaged in wrongful or actionable conduct.

THIRD DEFENSE

Plaintiffs’ claims are barred in whole or in part because Meehan owed no legal duties or obligations to Plaintiffs.

FOURTH DEFENSE

Plaintiffs’ claims are barred in whole or in part because Meehan’s actions were in accordance with any applicable standard of care and any duties owed to Plaintiffs (which duties are denied).

FIFTH DEFENSE

Plaintiffs' claims are barred in whole or in part because Meehan acted in good faith and in the reasonable belief that his actions were lawful and authorized, and within the exercise of his best judgment and without malice, corruption or wrongful intent. Moreover, the work undertaken by Meehan was pursuant to an Order of the Court, which directed specific actions.

SIXTH DEFENSE

Plaintiffs' claims are barred in whole or in part because, upon information and belief, the non-testimonial order seeking evidence from Plaintiffs was reasonable and based upon probable cause.

SEVENTH DEFENSE

Plaintiffs' claims are barred in whole or in part because Meehan performed all of his obligations and/or substantially fulfilled all of his legal duties and obligations, if any, imposed upon him.

EIGHTH DEFENSE

Plaintiffs' claims are barred in whole or in part because Meehan provided any information known by him truthfully, honestly, completely and promptly to all those persons to whom he owed any duty to provide such information.

NINTH DEFENSE

Plaintiffs' claims are barred in whole or in part because the actions of Meehan were not a substantial, actual, or proximate cause of Plaintiffs' alleged injuries or damages, if any.

TENTH DEFENSE

Plaintiffs' claims are barred in whole or in part because of their failure to exhaust state or administrative remedies.

ELEVENTH DEFENSE

Plaintiffs' claims are barred in whole or in part to the extent that Meehan relied upon and was subject to the determination of the district attorney's office as to the nature, scope, fashion, timing and format of the evidence to be disclosed, all of which were matters within the control and discretion of the district attorney's office.

TWELFTH DEFENSE

Plaintiffs' claims are barred in whole or in part because Plaintiffs were not subject to arrest, seizure, trial, conviction or punishment and otherwise were not a party to any proceeding that could give rise to any claims against Meehan.

THIRTEENTH DEFENSE

Plaintiffs' claims are barred in whole or in part because Meehan did not deprive Plaintiffs of any right guaranteed under any laws, and moreover did not do so intentionally or knowingly.

FOURTEENTH DEFENSE

Plaintiffs' alleged injuries and damages (if any) were not proximately caused by the alleged wrongful actions of Meehan. Instead, their sole proximate cause was the combination of actions, non-actions, or negligence of a person or persons other than Meehan.

FIFTEENTH DEFENSE

Plaintiffs' alleged injuries and damages (if any) were proximately caused by intervening and/or superseding actions for which Meehan is not responsible, that were not foreseeable to Meehan and that Meehan had no opportunity or right to control.

SIXTEENTH DEFENSE

Plaintiffs' claims are barred in whole or in part to the extent that their injuries and damages (if any) were caused by the intentional behavior and/or negligence of Plaintiffs themselves.

SEVENTEENTH DEFENSE

Plaintiffs are not entitled to recover speculative, incidental or unforeseeable damages.

EIGHTEENTH DEFENSE

Plaintiffs' claims are barred in whole or in part because Meehan is immune from such claims, including but not limited to the doctrines of absolute immunity, witness immunity, quasi-judicial immunity, public official immunity, prosecutorial immunity, good-faith immunity and/or qualified immunity.

NINETEENTH DEFENSE

Plaintiffs' claims are barred in whole or in part because the actions undertaken by Meehan were privileged absolutely or conditionally.

TWENTIETH DEFENSE

Plaintiffs' claims against Meehan are barred in whole or in part because Meehan did not participate in any conspiracy, plan or agreement to violate Plaintiffs' rights.

TWENTY-FIRST DEFENSE

Plaintiffs' claims against Meehan are barred in whole or in part because any communications undertaken by Meehan were undertaken with officials and attorneys who had retained DNASI, and any communications or actions were within the scope of that retention.

TWENTY-SECOND DEFENSE

Plaintiffs are not entitled to recover to the extent that their alleged injuries and damages (if any) were proximately caused by actions of Meehan that were not wrongful.

TWENTY-THIRD DEFENSE

Plaintiffs' claims must be dismissed to the extent they are barred by any applicable statute(s) of limitations or repose.

TWENTY-FOURTH DEFENSE

To the extent Plaintiffs' claims are equitable in nature, such claims are barred by the doctrine of laches.

TWENTY-FIFTH DEFENSE

Plaintiffs' claims are barred in whole or in part by the doctrine of waiver.

TWENTY-SIXTH DEFENSE

Plaintiffs' claims are barred in whole or in part by the doctrine of estoppel.

TWENTY-SEVENTH DEFENSE

Plaintiffs' claims are barred in whole or in part by the principles of unclean hands.

TWENTY-EIGHTH DEFENSE

Plaintiffs' claims are barred in whole or in part by the doctrine of collateral estoppel, res judicata and/or the Court's Order of March 31, 2011.

TWENTY-NINTH DEFENSE

To the extent that Plaintiffs have recovered, or in the future do recover, some or all of their damages from other parties or sources, Meehan is entitled to a credit or setoff of all such recoveries.

THIRTIETH DEFENSE

Plaintiffs' claims against Meehan are barred in whole or in part because they seek to impose liability upon Meehan for the acts of others, including acts that are imposed solely upon the others by law, and Meehan had no duty, right or opportunity to control.

THIRTY-FIRST DEFENSE

Punitive damages may not be recovered from Meehan, nor have grounds for recovery of punitive damages been pled with particularity against Meehan. Further, such recovery would be contrary to public policy, inherently unfair, and would be a denial of Meehan's constitutional rights, including but not limited to the right to equal protection and due process under the United States and North Carolina Constitutions, the prohibition on excessive fines and forfeitures, the right to procedural safeguards for alleged penal conduct, and the right to avoid penalties that do not bear a proportional or rational relationship to any actual damages or to the conduct of Meehan.

THIRTY-SECOND DEFENSE

To the extent not inconsistent with anything pleaded herein, Meehan reserves the right to join in the defenses asserted by any co-Defendants.

THIRTY-THIRD DEFENSE

Meehan reserves and does not waive any additional or further defenses as may be revealed by additional information that may be acquired in discovery or otherwise.

WHEREFORE, Defendant Brian Meehan, Ph.D. respectfully prays the Court for the following relief:

1. Plaintiffs have and recover nothing on their Second Amended Complaint against Meehan;
2. The Second Amended Complaint be dismissed, with prejudice, as to Meehan;
3. The costs of this action, including reasonable attorneys' and experts' fees be taxed against plaintiffs pursuant to 42 U.S.C. § 1988(b) or as otherwise allowed by law;
4. That Meehan have a trial by jury on all issues so triable in this action; and
5. For such other and further relief as the Court deems just and proper.

Respectfully submitted, this the 16th day of May, 2011.

LEWIS & ROBERTS, PLLC

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Attorneys for Defendant Brian Meehan

CERTIFICATE OF SERVICE

I hereby certify that on May 16th, 2011, I electronically filed the foregoing Answer of Defendant Brian Meehan, Ph.D. with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

LEWIS & ROBERTS, PLLC

/s/ James A. Roberts, III

James A. Roberts, III

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