

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

RYAN McFADYEN; MATTHEW WILSON;
BRECK ARCHER,

Plaintiffs,

v.

DUKE UNIVERSITY; DUKE
UNIVERSITY POLICE DEPARTMENT;
AARON GRAVES; ROBERT DEAN;
LEILA HUMPHRIES; PHYLLIS COOPER;
WILLIAM F. GARBER, II; JAMES
SCHWAB; JOSEPH FLEMING; JEFFREY
O. BEST; GARY N. SMITH; GREG
STOTSENBERG; ROBERT K. STEELE;
RICHARD H. BRODHEAD, Ph.D.; PETER
LANGE, Ph.D.; TALLMAN TRASK, III,
Ph.D.; JOHN BURNES; LARRY
MONETA, Ed.D.; VICTOR J. DZAU, M.D.;
ALLISON HALTOM; KEMEL DAWKINS;
SUZANNE WASIOLEK; STEPHEN
BRYAN; MATTHEW DRUMMOND;
DUKE UNIVERSITY HEALTH
SYSTEMS, INC.; PRIVATE DIAGNOSTIC
CLINIC, PLLC; JULIE MANLY, M.D.;
THERESA ARICO, R.N.; TARA LEVICY,
R.N.; THE CITY OF DURHAM, NORTH
CAROLINA; MICHAEL B. NIFONG;
PATRICK BAKER; STEVEN CHALMERS;
RONALD HODGE; LEE RUSS; STEPHEN
MIHAICH; BEVERLY COUNCIL; JEFF
LAMB; MICHAEL RIPBERGER; LAIRD
EVANS; JAMES T. SOUKUP; KAMMIE
MICHAEL; DAVID W. ADDISON; MARK
D. GOTTLIEB; BENJAMIN W. HIMAN;
LINWOOD WILSON; RICHARD D.
CLAYTON; DNA SECURITY, INC.;
RICHARD CLARK; and BRIAN MEEHAN,
Ph.D.

Defendants.

CIVIL ACTION NO. 1:07-CV-953

**JOINDER OF DEFENDANTS RICHARD CLARK, DNA SECURITY, INC., AND
BRIAN MEEHAN IN DEFENDANT CITY OF DURHAM'S AND ALL
INDIVIDUAL CITY DEFENDANTS' MOTION TO STAY PROCEEDINGS**

Defendants DNA Security Inc., Richard Clark, and Brian Meehan (collectively, “Movants”), by and through counsel, hereby file this Joinder in the Motion by Defendant the City of Durham, North Carolina and the individual City Defendants¹ (collectively, the “City Defendants”) for a stay of all proceedings in the above-captioned action pending the outcome of their appeals to the United States Court of Appeals for the Fourth Circuit. In support of this Joinder, Movants state the following:

1. The City Defendants correctly demonstrate, in their Motion to Stay Proceedings (Document No. 205) and the accompanying Brief (Document No. 206), that this action should be stayed in its entirety to promote judicial efficiency and to avoid piecemeal litigation and the attendant undue burden to this Court and the parties.

2. Further, the City Defendants have shown, in their Motion and accompanying Brief, that there is no practical or efficient way to confine discovery proceedings to the claims that are not subject to appeal, since those claims are closely interwoven with the claims on appeal. It, therefore, follows that the simplest and most cost-efficient solution for this Court and the parties to this action is a stay of the action in its entirety pending the Fourth Circuit’s decision on the appeals.

For all of the foregoing reasons, and those stated more fully in the City Defendants’ Motion to Stay Proceedings and their supporting Brief, this Court should

¹ The individual City Defendants consist of Defendants Patrick Baker, Steven Chalmers, Beverly Council, Ronald Hodge, Jeff Lamb, Lee Russ, Michael Ripberger, David Addison, Mark Gottlieb, and Benjamin Himan.

stay all proceedings in the above-captioned matter until such time as the United States Court of Appeals for the Fourth Circuit decides the outcome of the pending appeals.

Respectfully submitted, this the 17th day of May, 2011.

/s/ Robert J. King III

Robert J. King III
N.C. State Bar No. 15946
rking@brookspierce.com
William P.H. Cary
N.C. State Bar No. 7651
wcary@brookspierce.com
Clinton R. Pinyan
N.C. State Bar No. 22260
cpinyan@brookspierce.com
Charnanda T. Reid
N.C. State Bar No. 38927§
creid@brookspierce.com
Brooks, Pierce, McLendon,
Humphrey & Leonard, L.L.P.
Post Office Box 26000
Greensboro, North Carolina 27420
Telephone: 336-373-8850
Facsimile: 336-378-1001

*Counsel for Defendants DNA Security,
Inc. and Richard Clark*

/s/ James A. Roberts III

James A. Roberts III
N.C. State Bar No. 10495
jimroberts@lewis-roberts.com
3700 Glenwood Avenue, Ste. 410 (27612)
PO Box 17529
Raleigh, NC 27619
Telephone: 919-981-0191
Facsimile: 919-981-0199

Counsel for Defendant Brian Meehan, Ph.D.

CERTIFICATE OF SERVICE

I hereby certify that, on this date, the foregoing **Joinder of Defendants DNA Security, Inc., Richard Clark, and Brian Meehan in Defendant City Of Durham's and All Individual City Defendants' Motion to Stay Proceedings** was filed electronically. Notice of this filing will be sent by operation of the Court's Electronic Filing System to all parties indicated on the electronic filing receipt. Parties may access this filing through the Court's system.

WILLIAM P.H. CARY
JAMES DONALD COWAN, JR.
JOEL MILLER CRAIG
KEARNS DAVIS
PAUL R. DICKINSON, JR.
ROBERT C. EKSTRAND
REGINALD B. GILLESPIE, JR.
JAMIE S. GORELICK
PATRICIA P. KERNER
WILLIAM F. LEE
JAMES B. MAXWELL
DAN JOHNSON MCLAMB
JENNIFER M. O'CONNER
CLINTON R. PINYAN
SHIRLEY MARING PRUITT
CHARNANDA T. REID
JAMES AVERY ROBERTS, III
HENRY W. SAPPENFIELD
HANNAH GRAY STYRON
D. MARTIN WARF
DIXIE WELLS
LINWOOD WILSON
PAUL R.Q. WOLFSON
THOMAS CARLTON YOUNGER, III
DAVID W. LONG
ERIC P. STEVENS

wcary@brookspierce.com
Don.cowan@elliswinters.com
jcraig@kennoncraver.com
kdavis@brookspierce.com
pauldickinson@lewis-roberts.com
rce@ninthstreetlaw.com
rgillespie@faison-gillespie.com
Jamie.gorelick@wilmerhale.com
Tricia.kerner@troutmansanders.com
William.lee@wilmerhale.com
jmaxwell@mfba.com
dmclamb@ymwlaw.com
Jennifer.oconnor@wilmerhale.com
cpinyan@brookspierce.com
spruitt@ymwlaw.com
creid@brookspierce.com
jimroberts@lewis-roberts.com
hsappenfield@kennoncraver.com
Hannah.styron@troutmansanders.com
Martin.warf@troutmansanders.com
Dixie.wells@elliswinters.com
linwoodW@aol.com
Paul.Wolfson@wilmerhale.com
cyounger@ymwlaw.com
dwlong@poynerspruill.com
estevens@poyners.com

This the 17th day of May, 2001.

/s/ Robert J. King III
Robert J. King III