

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF NORTH CAROLINA  
CIVIL ACTION NUMBER 1:07-CV-00953

RYAN MCFADYEN; MATTHEW WILSON; and  
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 STOTSSENBERG;  
ROBERT K. STEEL; 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  
HALTON; 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;  
EDWARD SARVIS; 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.


NOTICE OF SPECIAL  
APPEARANCE

Pursuant to Local Rule 83.1, please take notice of the special appearance of Jennifer M. O'Connor, of WilmerHale LLP, as counsel of record for Defendant Duke University in the above-captioned civil action.

Ms. O'Connor certifies that she is an active member in good standing of the bars of the District of Columbia, the State of New York, the United States Court of Appeals for the Fourth Circuit, the United States Court of Appeals for the District of Columbia Circuit, the United States Court of Appeals for the Ninth Circuit, the United States Court of Appeals for the Tenth Circuit, the United States Court of Federal Claims, the United States District Court for the District of Columbia, the United States District Court for the Southern District of New York, and the United States District Court for the Eastern District of New York. Ms. O'Connor further certifies that she understands that by entering an appearance she is responsible for ensuring the presence of an attorney who is familiar with the case and has authority to control the litigation at all conferences, hearings, trials and other proceedings. Ms. O'Connor still further certifies that she submits to the disciplinary jurisdiction of the court for any misconduct in connection with the above-captioned civil action for which he is specially appearing.

Mr. Cowan and Ms. Wells certify that they remain responsible to this Court for the conduct of the litigation and acknowledge that one of them must sign all pleadings and papers, except for certificates of service. Mr. Cowan and Ms. Wells further certify that one of them will be present during pretrial conferences, potentially dispositive proceedings, and at trial.

This 29 day of February 2008.



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/s/ J. Donald Cowan, Jr.

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/s/ Dixie T. Wells

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Attorneys for Defendant Duke University

**CERTIFICATE OF SERVICE**

I hereby certify that on 29 February 2008, I electronically filed the foregoing Notice of Appearance with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

*Counsel for the Plaintiffs*  
Robert C. Ekstrand  
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*Counsel for James T. Soukup; Kammie Michael; David W. Addison;  
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*Counsel for Defendants William F. Garber, II, James Schwab,  
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Tallman Trask, III, Ph.D., John Burness, Larry Moneta, Ed.D.,  
Victor J. Dzau, M.D., Allison Halton, Kemel Dawkins, Suzanne  
Wasiolek, Stephen Bryan, Matthew Drummond, Duke University*

*Police Department, Aaron Graves, Robert Dean, Leila Humphries,  
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As of the date of this filing, no attorney has made an appearance on behalf of any of the following Defendants. I hereby certify that I served the following Defendants by U.S.

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As of the date of this filing, no attorney has made an appearance on behalf of any of the following Defendants, and I have not been able to determine an address whereby service may be had on them:

Steven Chalmers

This 29th day of February 2008.

/s/ Jennifer M. O'Connor  
Jennifer M. O'Connor

Attorney for Defendant Duke University