

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

CIVIL ACTION NUMBER 1:07-CV-00953

RYAN McFADYEN, et al.,

Plaintiffs,

v.

DUKE UNIVERSITY, et al.,

Defendants.

**Motion for an Extension of Time to  
File Reports Required by Rule 26**

COME NOW Plaintiffs and Defendants to seek an extension of time until August 1, 2011, in which to file the reports required under Rule 26 of the Federal Rules of Civil Procedure. In support of this motion, the parties show the following:

1. On June 28, 2011, this Court issued a Notice in the above-captioned case setting a pretrial conference in this case for August 17, 2011. As referenced within that Notice and as required by Local Rule 16.1(b), the parties were to hold their conference as required under Rule 26(f) of the Federal Rules of Civil Procedure at least fourteen days before the pretrial conference and submit to the Court their report within ten days thereafter.
2. On Friday, July 15, the parties met by phone to hold their Rule 26(f) Conference. Because the above-captioned case and Carrington, et al. v. Duke University, et al., No. 1:08-CV-00119 both arise from events occurring after Crystal Mangum accused three members of the Duke University 2005-06

men's lacrosse team of rape, and because of the common discovery that will be needed in the two cases, the Rule 26(f) Conference in the Carrington case was held at the same time. During that telephone conference, that lasted more than two hours, the parties in both cases identified a number of issues to be resolved including how to handle the large number of anticipated depositions, how to handle the large volume of electronically stored information ("ESI"), and how, if at all, to consolidate the cases for discovery.

3. Pursuant to Local Rule 16.1(b), because the conference required under Rule 26(f) was held on July 15, 2011, the Parties' reports are now due on Monday, July 25, which is ten days after the parties' initial meeting.
4. The parties have continued to have active discussions in an attempt to reach agreement in as many areas as possible.
5. The parties seek additional time in which to file the report or reports in the hopes that they will be able to reach agreement on as many matters as possible before the pretrial conference scheduled for August 17, 2011.
6. In support of this motion, the parties show that under the Local Rules of this Court, the parties were not mandated to hold their conference until August 3, 2011. Had the parties held the conference on August 3, 2011, as would be allowed under the rules, the report(s) would not have been due until August 13, 2011, which is only four days before the pretrial conference. In part recognizing the anticipated complexity of discovery in these cases, the parties

voluntarily met well before August 1. If the seven-day extension sought in this Motion is granted, the report(s) will still be filed sixteen days in advance of the pretrial conference scheduled for August 17.

Accordingly, for the reasons stated above, the parties respectfully request an extension of seven days, until August 1, 2011, in which to file the reports required by Rule 26 of the Federal Rules of Civil Procedure.

This the 23rd day of July, 2011.

/s/ Stefanie A. Sparks

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*Counsel for Duke University  
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Police Defendants*

**CERTIFICATE OF SERVICE**

I hereby certify that on July 23, 2011, I electronically filed the foregoing **Motion for Extension of Time to File Reports Required by Rule 26** with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record and to Mr. Linwood Wilson, who is also registered to use the CM/ECF system.

This 23rd day of July, 2011.

/s/ Richard W. Ellis

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