

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.)
)
 DUKE UNIVERSITY, et al.,)
)
 Defendants.)
_____)

**MOTION TO CONSOLIDATE
DISCOVERY**

In accordance with Rule 42(a) of the Federal Rules of Civil Procedure and Rule 5.1 of the Local Rules, Defendants Duke University, Robert Dean, Matthew Drummond, Aaron Graves and Gary N. Smith (“Duke Defendants”) hereby move the Court to consolidate for the purpose of discovery the above-captioned action with the parallel action captioned Carrington, et al. v. Duke University, et al., No. 1:08-CV-00119.¹ In support of this Motion, the Duke Defendants show the Court the following:

1. Both actions arise out of the same set of operative facts in that they involve claims arising from the same sequence of events and present common questions of fact and law.
2. Separate discovery could result in inconsistent rulings on critical common issues.

¹ A virtually identical motion and brief in support of the motion is being filed simultaneously in the Carrington case.

3. Separate discovery would likely subject parties and witnesses to burdensome and duplicative depositions and discovery requests.

4. Consolidation of discovery will promote judicial economy and preserve judicial resources by reducing the time and relative expense of discovery.

WHEREFORE, the Duke Defendants respectfully request that the above-captioned action be consolidated with Carrington, et al. v. Duke University, et al., No. 1:08-CV-00119 for discovery.

This the 1st day of August 2011.

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CERTIFICATE OF SERVICE

I hereby certify that on 1 August 2011, I electronically filed this MOTION TO CONSOLIDATE DISCOVERY 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 1st day of August, 2011.

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