

**EXHIBIT 1**

*McFadyen, et al. v. Duke Univ., et al*  
1:07-CV-953

**Present Causes of Action**

Fraud and Conspiracy to Defraud/ Fraud	COMMON
Constructive Fraud Through Abuse of Confidential Relationship	
Negligent Supervision of Duke Professors and Employees	
Breach of Contract	

**Present Duke Defendants**

Graves	COMMON
Hendricks	
Dean	COMMON
Duke	COMMON
Drummond	COMMON
Smith	
Brodhead	
Trask	
Wasiolek	
Duke University	COMMON

**Future Causes of Action**

Search and Seizure in Violation of 42 U.S.C. 1983 & Conspiracy (NTO)/ Violation of and Conspiracy to Violate Fourth Amendment under 42 U.S.C. 1983 – DNA Samples	COMMON
Search and Seizure in Violation of 42 U.S.C. 1983 & Conspiracy (McFadyen Search)	
Common Law Obstruction of Justice and Conspiracy/ Obstruction of and Conspiracy to Obstruct Public Justice	COMMON
Negligent Hiring, Retention, Supervision, Training, & Discipline (SANE) <sup>1</sup>	
Negligent Supervision of Employees Arico and Levicey	

**Future Duke Defendants**

Levicey	COMMON
Brodhead <sup>2</sup>	
Duke University Health Systems, Inc.	COMMON
Steel	
Dzau	
Burness	
Duke University	COMMON

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<sup>1</sup> Negligent Hiring, Retention, Supervision, Training, & Discipline in *McFadyen* should not be considered in “common” with Negligent Supervision of Employees Arico and Levicey in *Carrington* because the causes of action are distinct in their respective theories of liability. Plaintiffs’ cause of action in *McFadyen* is much broader than the Count alleged in *Carrington*.

<sup>2</sup> Defendant Brodhead is not technically an in “common” defendant because unlike in *Carrington*, Plaintiffs in *McFadyen* are currently stayed from proceeding with discovery pertaining to the Count Brodhead is named. Furthermore, he is not named in any of the Counts stayed in *Carrington*.