

**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.

**DUKE DEFENDANTS' MOTION
FOR LEAVE TO EXCEED PAGE
LIMITATION IN REPLY BRIEF**

Defendants Duke University, Robert Dean, Matthew Drummond, Aaron Graves, and Gary N. Smith (the “Duke Defendants”) respectfully move this Court to enter an order allowing them to file a reply brief in excess of the page limitation set forth in Local Rule 7.3(d) of the United States District Court for the Middle District of North Carolina, and accepting the Duke Defendants’ Reply Brief in Further Support of Motion for Protective Order Concerning Plaintiffs’ Subpoenas Addressed to Burson-Marsteller and Edelman, ECF No. 261 (the “Reply Brief”) as filed. In support of this Motion, the Duke Defendants state as follows:

1. On 8 December 2011, the Duke Defendants filed a motion for protective order concerning two subpoenas served by Plaintiffs. *See* Duke Defs.’ Mot. Prot. Order, Dec. 8, 2011, ECF No. 249. Plaintiffs filed a brief in opposition to that motion on 29 December 2011. *See* Pls.’ Resp. to Duke Defs.’ Mot. Prot.

Order, Dec. 29, 2011, ECF No. 254. On 17 January 2012, the Duke Defendants timely filed the Reply Brief in further support of the motion. *See* Reply Brief, ECF No. 261.

2. For reasons unknown to undersigned counsel, the pagination of the Reply Brief was altered when it was formatted for filing with the Court. The version of the Reply Brief that counsel intended to file fit within the 10-page limit for reply briefs set forth in Local Rule 7.3(d). (A copy of that version of the Reply Brief is attached here as Exhibit A.) The Reply Brief, as filed, exceeds that limit. Otherwise, it appears to be substantively identical to the version that counsel intended to file. *Compare* Reply Brief, ECF No. 261 *and* Ex. A. Apparently, counsel for the Duke Defendants made some inadvertent error in connection with the formatting of the Reply Brief for filing.

3. Having discovered this error, the Duke Defendants now respectfully seek leave to correct it. In particular, the Duke Defendants respectfully request that the Court grant them leave to exceed the page limitation set forth in Local Rule 7.3(d) in the Reply Brief and to accept the Reply Brief, as filed.

4. Counsel for the Duke Defendants have conferred with counsel for Plaintiffs regarding this motion. Counsel for Plaintiffs consents to the relief requested here.

5. For the foregoing reasons, the Duke Defendants respectfully request that the Court grant them leave to exceed the page limitation set forth in Local Rule 7.3(d) and accept the Reply Brief, as filed.

This the 18th day of January, 2012.

/s/ Dixie T. Wells

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CERTIFICATE OF SERVICE

I hereby certify that on January 18, 2012, I electronically filed the foregoing DUKE DEFENDANTS' MOTION FOR LEAVE TO EXCEED PAGE LIMITATION IN BRIEF 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 18th day of January, 2012.

/s/ Dixie T. Wells
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