

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

RYAN McFADYEN, et al., )

Plaintiffs, )

v. )

DUKE UNIVERSITY, et al., )

Defendants. )

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No. 1:07-CV-00953

**NOTICE**

1. On March 26, 2012, Duke University filed a motion (DE 271) seeking entry of a blanket protective order to protect the confidentiality of various documents produced during discovery. Attached to the brief in support of that motion was a proposed order (DE 272, Ex. A). That proposed order contained language indicating incorrectly that the parties were consenting to the entry of the proposed order. By way of explanation but not excuse, that language remained from drafts exchanged between the parties at a time when the parties were hoping to reach an agreement on a proposed order, but it should not have been included in the form of order submitted to the Court. The brief (DE 272) in support of the motion submitted by Duke University made clear that the Plaintiffs did not consent to the entry of the order proposed by Duke University.

2. On April 27, 2012, the Plaintiffs filed a response brief (DE 278) in opposition to that motion, further indicating that they opposed entry of the order.

3. On May 14, 2012, Duke University filed a reply brief (DE 279) in support of its motion, still further indicating that the Plaintiffs opposed entry of the order.

4. On May 16, 2012, the Plaintiffs submitted in an electronic format Plaintiffs' proposed order that was referenced in Plaintiffs' response brief (DE 278). Plaintiffs' proposed order, like Duke University's proposed order, was generated in connection with the parties' unsuccessful attempts to reach agreement prior to the filing of the motion. It also contained language indicating incorrectly that the parties were consenting to the entry of the order proposed by the Plaintiffs.

5. On July 24, 2012, Duke University responded to a request by the Clerk's office and submitted in an electronic format the proposed order that was the subject of its motion and identical in form to Exhibit A to Docket Entry 272.

6. On July 24, 2012, the Court entered an Order (DE 283), in which the Court reasonably – in light of the proposed order that Duke University submitted to the Court – stated, “Although Plaintiffs initially disagreed as to the contents of the order, the parties have now submitted a Stipulated Protective Order for consideration.”

7. Duke University hereby notifies the Court that, to its knowledge, the Plaintiffs have not consented to the language that was contained in the proposed order that accompanied the motion filed by Duke University seeking entry of a blanket protective order.

8. The undersigned counsel regrets the erroneous language in the proposed Order and stands ready to provide the Court with any additional information that would be helpful.

This the 25th day of July, 2012.

/s/ Dixie T. Wells

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## **CERTIFICATE OF SERVICE**

It is hereby certified that on July 25, 2012, I electronically filed the foregoing **NOTICE** 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 the 25th day of July, 2012.

/s/ Dixie T. Wells