

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

RYAN McFADYEN, <i>et al.</i> ,	)	
<i>Plaintiffs,</i>	)	
	)	
v.	)	1:07-cv-953-JAB-JEP
	)	
DUKE UNIVERSITY, <i>et al.</i> ,	)	
<i>Defendants</i>	)	

**CERTIFICATION OF COUNSEL  
(LOCAL RULE 37.1)**

Undersigned counsel for Plaintiffs, Ryan McFadyen, Matthew Wilson, and Breck Archer, respectfully certifies that they have arranged several meetings with counsel for Duke University throughout the discovery period to resolve the issues raised in Plaintiffs’ motion to compel.

Undersigned counsel describes many of those meetings as they specifically related to the discovery requests at issue in the motion to compel; those descriptions of the meetings and the results plaintiffs’ counsels’ diligent efforts to avoid filing the motion to compel are incorporated by reference here.

Despite the diligent efforts of undersigned counsel to resolve the issues raised in the motion, the issues could not be resolved.

Undersigned counsel makes this certification of full compliance with the Court's requirements under Rule 37.1(a) of the Local Rules and Rule 37 of the Federal Rules of Civil Procedure.

The court may treat this Certification as a Declaration given upon the oath of undersigned counsel under penalty of perjury as permitted under 28 U.S.C. §1746.

Respectfully submitted by:

EKSTRAND & EKSTRAND LLP  
*Counsel for Plaintiff*

/s/ Robert Ekstrand  
Robert Ekstrand, N.C. Bar No. 26673