

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

RYAN McFADYEN, et al.,)	
)	
Plaintiffs,)	
)	
v.)	No. 1:07-CV-00953-JAB-JEP
)	
DUKE UNIVERSITY, et al.,)	
)	
Defendants.)	
_____)	

**DUKE UNIVERSITY’S RESPONSE TO MOTION FOR LEAVE TO FILE
REPLY BRIEF**

Defendant Duke University (“Duke”), through counsel, submits this response to Plaintiffs’ Motion for Leave to File Reply Brief. (DE 312).

1. Plaintiffs’ reply brief was due eighteen days ago, on or before 15 October 2012. Plaintiffs have not shown good cause or excusable neglect for their failure timely to file a reply brief, and have offered no reasonable explanation for their delay in moving for leave to file their reply brief out of time.

2. For the reasons stated in Duke’s Motion to Strike Reply Brief and To Declare Briefing Closed on Motion for Protective Order for the Deposition of Plaintiffs’ Litigation Counsel (DE 310, 311), Duke respectfully requests that the Court deny the motion for leave to file reply brief and declare briefing closed as of 18 October 2012.

This the 2nd day of November, 2012.

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CERTIFICATE OF SERVICE

I hereby certify that on 2 November 2012, I electronically filed the foregoing **RESPONSE TO MOTION FOR LEAVE TO FILE REPLY 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 the 2nd day of November, 2012.

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