

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

RYAN McFADYEN, *et al.*, )  
  *Plaintiffs,*  )

v. )

DUKE UNIVERSITY, *et al.*, )  
  *Defendants.*  )

1:07-cv-953-JAB-JEP

**PLAINTIFFS’ RESPONSE IN OPPOSITION TO DUKE’S  
PURPORTED “MOTION TO STRIKE” PLAINTIFFS’ REPLY**

The Duke Defendants have moved improperly “to strike” Plaintiffs’ Reply [ECF # 309] in support of Plaintiffs’ Motion for an extension of time [ECF # 305]. Duke’s Motion to Strike [ECF # 310] has no merit for the obvious reason that the Federal Rules of Civil Procedure do not authorize a motion “to strike”; motions to strike are appropriately directed only to pleadings. Fed. R. Civ. P. 12(f).<sup>1</sup> As this Court previously explained *in this case*:

Motions to Strike are appropriately addressed to pleadings, not to other motions. See Fed. R. Civ. P. 12(f). Therefore, the issues raised in the Motion to Strike ... are not properly the basis for a separate motion.

Order granting Pls’ Mot. for Leave to Amend [ECF #135], Feb. 16, 2010.

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<sup>1</sup> As part of this Response, Plaintiffs incorporate ECF filings #294, 305, 309, and 312 (including exhibits) to address the Duke Defendants’ factual inaccuracies in their Motion to Strike.

## CONCLUSION

Duke's motion is meritless, unauthorized, and must be denied.

November 16, 2012

Respectfully submitted,

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