

FILED: December 17, 2012

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 11-1436 (L)
(1:07-cv-00739-JAB-WWD)

DAVID F. EVANS; COLLIN FINNERTY; READE SELIGMANN

Plaintiffs - Appellees

v.

STEVEN W. CHALMERS; BEVERLY COUNCIL; RONALD HODGE; JEFF
LAMB; MICHAEL RIPBERGER; LEE RUSS; PATRICK BAKER

Defendants - Appellants

and

CITY OF DURHAM, NORTH CAROLINA; MARK GOTTLIEB; BENJAMIN
HIMAN; DAVID ADDISON; MICHAEL NIFONG; LINWOOD WILSON;
STEPHEN MIHAICH; DNA SECURITY, INCORPORATED; RICHARD
CLARK; BRIAN MEEHAN

Defendants

No. 11-1438
(1:07-cv-00739-JAB-WWD)

DAVID F. EVANS; COLLIN FINNERTY; READE SELIGMANN

Plaintiffs - Appellees

v.

CITY OF DURHAM, NORTH CAROLINA; MARK GOTTLIEB; BENJAMIN HIMAN; DAVID ADDISON

Defendants - Appellants

and

MICHAEL NIFONG; LINWOOD WILSON; STEVEN W. CHALMERS; BEVERLY COUNCIL; RONALD HODGE; JEFF LAMB; STEPHEN MIHAICH; MICHAEL RIPBERGER; LEE RUSS; DNA SECURITY, INCORPORATED; RICHARD CLARK; BRIAN MEEHAN; PATRICK BAKER

Defendants

No. 11-1453
(1:08-cv-00119-JAB-WWD)

EDWARD CARRINGTON; CASEY J. CARROLL; MICHAEL P. CATALINO; GALE CATALINO; THOMAS V. CLUTE; KEVIN COLEMAN; JOSHUA R. COVELESKI; EDWARD J. CROTTY; EDWARD S. DOUGLAS; KYLE DOWD; PATRICIA DOWD; DANIEL FLANNERY; RICHARD GIBBS FOGARTY; ZACHARY GREER; IRENE GREER; ERIK S. HENKELMAN; STEVEN W. HENKELMAN; JOHN E. JENNISON; BEN KOESTERER; MARK KOESTERER; JOYCE KOESTERER; FRED KROM; PETER J. LAMADE; ADAM LANGLEY; CHRISTOPHER LOFTUS; DANIEL LOFTUS; BARBARA LOFTUS; ANTHONY MCDEVITT; GLENN NICK; NICHOLAS O'HARA; LYNDA O'HARA; DANIEL OPPEDISANO; SAM PAYTON; JOHN BRADLEY ROSS; KENNETH SAUER, III; STEVE SCHOEFFEL; ROBERT SCHROEDER; DEVON SHERWOOD; DANIEL THEODORIDIS; BRET THOMPSON; CHRISTOPHER TKAC; TRACY TKAC; JOHN WALSH, JR.; MICHAEL WARD; ROBERT WELLINGTON, IV; WILLIAM WOLCOTT; MICHAEL YOUNG

Plaintiffs - Appellees

v.

PATRICK BAKER; STEVEN CHALMERS; RONALD HODGE; LEE RUSS;
BEVERLY COUNCIL; JEFF LAMB; MICHAEL RIPBERGER

Defendants - Appellants

and

DUKE UNIVERSITY; DUKE UNIVERSITY HEALTH SYSTEMS,
INCORPORATED; RICHARD BRODHEAD; PETER LANGE; LARRY
MONETA; JOHN BURNES; TALLMAN TRASK; SUZANNE WASIOLEK;
MATTHEW DRUMMOND; AARON GRAVES; ROBERT DEAN; TARA
LEVICY; THERESA ARICO; J. WESLEY COVINGTON; KATE HENDRICKS;
VICTOR DZAU; CITY OF DURHAM; LINWOOD WILSON; MARK
GOTTLIEB; BENJAMIN HIMAN; STEPHEN MIHAICH; DAVID ADDISON;
MARSHA COVINGTON COVINGTON, Executrix of the Estate of John Wesley
Covington

Defendants

No. 11-1458
(1:07-cv-00953-JAB-WWD)

RYAN MCFADYEN; MATTHEW WILSON; BRECK ARCHER

Plaintiffs - Appellees

v.

PATRICK BAKER; STEVEN CHALMERS; RONALD HODGE; LEE RUSS;
BEVERLY COUNCIL; JEFF LAMB; MICHAEL RIPBERGER

Defendants - Appellants

and

DUKE UNIVERSITY; DUKE UNIVERSITY POLICE DEPARTMENT; AARON GRAVES; ROBERT DEAN; LEILA HUMPHRIES; PHYLLIS COOPER; WILLIAM F. GARBER, III; JAMES SCHWAB; JOSEPH FLEMING; JEFFREY O. BEST; GARY N. SMITH; GREG STOTSENBERG; ROBERT K. STEEL; RICHARD H. BRODHEAD, Ph. D.; PETER LANGE, Ph. D.; TALLMAN TRASK, III, Ph. D.; JOHN BURNES; LARRY MONETA, Ed. D.; DUKE UNIVERSITY HEALTH SYSTEMS, INCORPORATED; PRIVATE DIAGNOSTIC CLINIC, PLLC; JULIE MANLY, MD; THERESA ARICO, R. N.; TARA LEVICY, R. N.; THE CITY OF DURHAM, NORTH CAROLINA; MICHAEL NIFONG; STEPHEN MIHAICH; EDWARD SARVIS; LAIRD EVANS; JAMES T. SOUKUP; KAMMIE MICHAEL; DAVID ADDISON; MARK D. GOTTLIEB; BENJAMIN W. HIMAN; LINWOOD WILSON; RICHARD D. CLAYTON; DNA SECURITY, INCORPORATED; RICHARD CLARK; BRIAN MEEHAN, Ph. D.; VICTOR J. DZAU, MD; ALLISON HALTON; KEMEL DAWKINS; SUZANNE WASIOLEK; STEPHEN BRYAN; MATTHEW DRUMMOND; DUKE POLICE DEFENDANTS

Defendants

No. 11-1460
(1:07-cv-00953-JAB-WWD)

RYAN MCFADYEN; MATTHEW WILSON; BRECK ARCHER

Plaintiffs - Appellees

v.

THE CITY OF DURHAM, NORTH CAROLINA; DAVID ADDISON; MARK GOTTLIEB; BENJAMIN HIMAN

Defendants - Appellants

and

DUKE UNIVERSITY; DUKE UNIVERSITY POLICE DEPARTMENT; AARON GRAVES; ROBERT DEAN; LEILA HUMPHRIES; PHYLLIS COOPER;

WILLIAM F. GARBER, II; JAMES SCHWAB; JOSEPH FLEMING; JEFFREY O. BEST; GARY N. SMITH; GREG STOTSBERG; ROBERT K. STEEL; RICHARD H. BRODHEAD, Ph. D.; PETER LANGE, Ph. D.; TALLMAN TRASK, III, Ph. D.; JOHN BURNES; LARRY MONETA, Ed. D.; DUKE UNIVERSITY HEALTH SYSTEMS, INCORPORATED; PRIVATE DIAGNOSTIC CLINIC, PLLC; JULIE MANLY, MD; THERESA ARICO, R. N.; TARA LEVICY, R. N.; MICHAEL NIFONG; STEPHEN MIHAICH; EDWARD SARVIS; LAIRD EVANS; JAMES T. SOUKUP; KAMMIE MICHAEL; LINWOOD WILSON; RICHARD D. CLAYTON; DNA SECURITY, INCORPORATED; RICHARD CLARK; BRIAN MEEHAN, Ph. D.; VICTOR J. DZAU, MD; ALLISON HALTON; KEMEL DAWKINS; SUZANNE WASIOLEK; STEPHEN BRYAN; MATTHEW DRUMMOND; DUKE POLICE DEFENDANTS; PATRICK BAKER; STEVEN W. CHALMERS; RONALD HODGE; LEE RUSS; BEVERLY COUNCIL; JEFF LAMB; MICHAEL RIPBERGER

Defendants

No. 11-1465
(1:08-cv-00119-JAB-WWD)

EDWARD CARRINGTON; CASEY J. CARROLL; MICHAEL P. CATALINO; GALE CATALINO; THOMAS V. CLUTE; KEVIN COLEMAN; JOSHUA R. COVELESKI; EDWARD J. CROTTY; EDWARD S. DOUGLAS; KYLE DOWD; PATRICIA DOWD; DANIEL FLANNERY; RICHARD GIBBS FOGARTY; ZACHARY GREER; IRENE GREER; ERIK S. HENKELMAN; STEVEN W. HENKELMAN; JOHN E. JENNISON; BEN KOESTERER; MARK KOESTERER; JOYCE KOESTERER; FRED KROM; PETER J. LAMADE; ADAM LANGLEY; CHRISTOPHER LOFTUS; DANIEL LOFTUS; BARBARA LOFTUS; ANTHONY MCDEVITT; GLENN NICK; NICHOLAS O'HARA; LYNDA O'HARA; DANIEL OPPEDISANO; SAM PAYTON; JOHN BRADLEY ROSS; KENNETH SAUER, III; STEVE SCHOEFFEL; ROBERT SCHROEDER; DEVON SHERWOOD; DANIEL THEODORIDIS; BRET THOMPSON; CHRISTOPHER TKAC; TRACY TKAC; JOHN WALSH, JR.; MICHAEL WARD; ROBERT WELLINGTON, IV; WILLIAM WOLCOTT; MICHAEL YOUNG

Plaintiffs - Appellees

v.

CITY OF DURHAM; MARK GOTTLIEB; BENJAMIN HIMAN; DAVID
ADDISON

Defendants - Appellants

and

PATRICK BAKER; STEVEN CHALMERS; RONALD HODGE; LEE RUSS;
BEVERLY COUNCIL; JEFF LAMB; MICHAEL RIPBERGER; DUKE
UNIVERSITY; DUKE UNIVERSITY HEALTH SYSTEMS, INCORPORATED;
RICHARD BRODHEAD; PETER LANGE; LARRY MONETA; JOHN
BURNES; TALLMAN TRASK; SUZANNE WASIOLEK; MATTHEW
DRUMMOND; AARON GRAVES; ROBERT DEAN; TARA LEVICY;
THERESA ARICO; J. WESLEY COVINGTON; KATE HENDRICKS; VICTOR
J. DZAU; LINWOOD WILSON; STEPHEN MIHAICH; MARSHA SAUNDERS
COVINGTON, Executrix of the Estate of John Wesley Covington

Defendants

ORDER

The court consolidates the above-captioned appeal numbers 11-1436,
11-1438, 11-1453, 11-1458, 11-1460, and 11-1465 under lead case number
11-1436(L).

For the Court--By Direction

/s/ Patricia S. Connor, Clerk