

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

RYAN McFADYEN, et al.,)
)
Plaintiffs,)
)
v.)
)
DUKE UNIVERSITY, et al.,)
)
Defendants.)

No. 1:07-CV-00953

NOTICE

1. On 12 November 2012, Duke moved to compel the re-opening of the deposition of Breck Archer. [DE 316 (the “Motion”)]. As an alternative, Duke respectfully requested that the Court compel Mr. Archer to produce the affidavit his counsel agreed to provide in June 2012, after the parties conferred about the dispute. [*Id.*]. Duke also sought its costs in bringing the Motion. [*Id.*].

2. On 6 December 2012, Mr. Archer filed a brief in opposition to the Motion. [DE 320]. Mr. Archer argued that there was “no factual basis to reopen the deposition.” [*Id.*, at 4].

3. On 19 December 2012, Duke filed a reply brief addressing the arguments raised by Mr. Archer. [DE 325].

4. On 3 January 2013, the Motion was referred to United States Magistrate Judge Peake.

5. On 23 January 2013, counsel for Mr. Archer provided the affidavit, signed by him on the same date.

This the 23rd day of January, 2013.

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CERTIFICATE OF SERVICE

I hereby certify that on January 23, 2013, I electronically filed the foregoing 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 23rd day of January, 2013.

/s/ Jeremy M. Falcone