

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
CIVIL ACTION NUMBER 1:07-CV-00953**

RYAN McFADYEN, et al.,

Plaintiffs,

v.

DUKE UNIVERSITY, et al.,

Defendants.

**JOINT MOTION FOR
JUDGMENT ON THE
PLEADINGS BY DEFENDANTS
TARA LEVICY, GARY SMITH,
DUKE UNIVERSITY, AND DUKE
UNIVERSITY HEALTH
SYSTEM, INC.**

Pursuant to Rule 12(c) of the Federal Rules of Civil Procedure and Local Rule 7.3, Defendants hereby move for judgment on the pleadings as to various remaining counts in the Second Amended Complaint filed by Plaintiffs Ryan McFadyen, Breck Archer, and Matthew Wilson: Tara Levicy (“Nurse Levicy”) as to Counts 1, 2, and 18; Gary Smith (“Officer Smith”) as to Count 2; and Duke University (“Duke”) and Duke University Health System, Inc. (“DUHS”), as to Count 32.

The bases for this Motion are presented in detail in the accompanying Joint Brief in Support of Motion for Judgment on the Pleadings by Defendants Tara Levicy, Gary Smith, Duke University, and Duke University Health System, Inc. For the reasons set forth therein, Defendants Levicy, Smith, Duke, and DUHS respectfully request that the Court grant their Joint Motion for Judgment on the

Pleadings.

This the 27th day of February, 2013.

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CERTIFICATE OF SERVICE

I hereby certify that on 27 February 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 27th day of February, 2013.

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