

EXHIBIT A

IN THE SUPREME COURT OF THE UNITED STATES

No. A-_____

RYAN MCFADYEN; MATTHEW WILSON; BRECK ARCHER,
Applicants

v.

CITY OF DURHAM, NORTH CAROLINA; DAVID ADDISON; PATRICK
BAKER; STEVEN CHALMERS; BEVERLY COUNCIL; MARK GOTTLIEB;
BENJAMIN HIMAN; RONALD HODGE; JEFF LAMB; MICHAEL
RIPBERGER; LEE RUSS

APPLICATION FOR AN EXTENSION OF TIME TO FILE APPLICANTS'
PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES
COURT OF APPEALS FOR THE FOURTH CIRCUIT

To the Honorable John G. Roberts, Jr., Chief Justice of the Supreme Court of
the United States and Circuit Justice for the Fourth Circuit:

Pursuant to Rules 13.5 and 30.2 of this Court, undersigned counsel for
Applicants, Ryan McFadyen, Matthew Wilson, and Breck Archer, respectfully
requests a 45-day extension of time to and including May 30, 2013, to file
Applicants' petition for a writ of certiorari to review the Judgment of the
United States Court of Appeals for the Fourth Circuit entered on December
17, 2012. App., *infra*, 1a-58a.

On December 31, 2012, Petitioners timely filed a petition for rehearing *en
banc*, which was denied on January 15, 2013. App., *infra*, 59a-61a. Unless
this Application is granted, the deadline for filing Applicants' petition for a
writ of certiorari is April 15, 2013. Pursuant to Rule 30(2) of this Court, this
Application is filed 10 days before that date, and Applicants invoke this
Court's jurisdiction under 28 U.S.C. 1254(1).

Applicants are former Duke University students and members of the 2005-
2006 Duke University Men's Lacrosse Team. After being subjected to police
misconduct in what became widely known as the "Duke Lacrosse Case,"
Applicants filed a civil action in the United States District Court for the
Middle District of North Carolina against the City of Durham, city officials,
police officers, and others. In their Complaint, Applicants alleged facts

showing that Defendants violated their rights under the Fourth and Fourteenth Amendments to the United States Constitution, the parallel provisions of the North Carolina Constitution and North Carolina's common law. The City, its police officers, and other officials asserted immunities to several of Applicants' claims; and on that basis moved to dismiss some claims, and moved for summary judgment on others. The district court granted Defendants' motions in part and denied them in part. The court of appeals affirmed in part, dismissed in part, reversed in part, and remanded for further proceedings.

Undersigned counsel respectfully requests a 45-day extension of time, to and including May 30, 2013, within which to file a petition for writ of certiorari. The court of appeals' decision in this case raises important issues concerning the appropriate scope of immunity from suit for police officers alleged to have deliberately falsified affidavits and conspired with DNA analysts and a nurse to fabricate evidence to corroborate the false claims the officers made in affidavits they presented to judicial officials to cause them to issue orders authorizing the officers to seize Applicants and compel them to disrobe and submit to close examination of their bodies and collection of their DNA. The court of appeals held that such orders could be justified under the Fourth Amendment by "a minimal amount of objective justification," which is "a 'significantly lower' standard than probable cause." App., *infra*, 30a.

Undersigned counsel presented oral argument in the Fourth Circuit on behalf of Plaintiff-Appellee in *Lance Swick v. James Wilde*, No. 12-2196 on March 28, 2013; prepared Plaintiff-Appellant's opening brief in the Fourth Circuit in *Katharine Rouse v. Duke University*, No. 13-1059 for filing on April 3, 2013; and will be involved in preparing several other briefings on dispositive motions in other cases over the coming month. As a result, undersigned counsel requires additional time to fully present the important issues raised by the court of appeals in Applicants' petition for a writ of certiorari.

April 4, 2013

Respectfully Submitted,

EKSTRAND & EKSTRAND LLP
Counsel of Record

A handwritten signature in black ink, appearing to read 'RCE', is written over a horizontal line.

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