

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
CIVIL ACTION No. 1:07-CV-953**

RYAN MCFADYEN, <i>et al.</i> ,)
)
Plaintiffs,)
)
v.)
)
DUKE UNIVERSITY, <i>et al.</i> ,)
)
Defendants.)
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MOTION TO DISMISS

Defendant Brian Meehan, Ph.D. (“Meehan”), through undersigned counsel and pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6), respectfully moves the Court to dismiss plaintiffs’ Second Amended Complaint for lack of subject matter jurisdiction and for failure to state a claim upon which relief can be granted.

In support of this Motion, Meehan relies on his Joinder in Brief in Support of Motion To Dismiss of Defendants DNA Security, Inc. and Richard Clark. For the reasons set forth therein, Meehan respectfully requests that the claims against him be dismissed.

Respectfully submitted, this the 2nd day of July, 2008.

LEWIS & ROBERTS, PLLC

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CERTIFICATE OF ELECTRONIC FILING AND SERVICE

The undersigned hereby certifies that, on this the 2nd day of July, 2008, pursuant to Rule 5 of the Rules of Civil Procedure and LR5.3 and LR5.4, MDNC, I electronically filed the foregoing Motion with the Clerk of Court using the CM/ECF system, which system will automatically generate and send Notification of Electronic Filing (NEF) to the undersigned filing user and registered users of record, and that the Court's electronic records show that each party to this action is represented by at least one registered user of record, to each of whom the NEF will be transmitted, except that with respect to the following parties, a copy is being transmitted via first class mail to the following non CM/ECF participants:

Linwood Wilson

Pro Se

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Respectfully submitted,

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