

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

RYAN MCFADYEN, et al)	
)	
Plaintiffs,)	
)	
v.)	No. 1:07-CV-953
)	
DUKE UNIVERSITY, et al)	
)	
Defendants.)	

**MOTION TO DISMISS OF DEFENDANTS BAKER, CHALMERS, RUSS,
MIHAICH, COUNCIL, LAMB, RIPBERGER, and EVANS**

Defendants Patrick Baker, Steven Chalmers, Lee Russ, Stephen Mihaich, Beverly Council, Jeff Lamb, Michael Evans, and Laird Evans (“Defendants”) respectfully move the Court, pursuant to FED. R. CIV. P. 12(b)(6), to dismiss Plaintiffs’ Complaint for failure to state a claim upon which relief can be granted. In support thereof, Defendants’ submit their accompanying Memorandum in Support of Motion to Dismiss filed pursuant to Local Rules 7.1(a), 7.2 and 7.3(a), M.D.N.C. Because of complexity of the causes of action at issue in this case, Defendants request oral argument be scheduled on their Motion to Dismiss pursuant to Local Rule 7.3(c)(1).

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

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By: /s/ Patricia P. Kerner_____

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 DUKE UNIVERSITY, *et al*,)
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 Defendants.)

CERTIFICATE OF SERVICE

I hereby certify that the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

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I further certify that a copy of the foregoing was served today upon each of the following non CM/ECF participants by United States mail, postage prepaid, addressed as follows:

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This the 2nd day of July, 2008.

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