

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

RYAN MCFADYEN *et al.*,

Plaintiffs,

v.

DUKE UNIVERSITY *et al.*,

Defendants.

**MOTION TO DISMISS OF DEFENDANTS DNA SECURITY, INC.
AND RICHARD CLARK**

Come now Defendants DNA Security, Inc. and Richard Clark, pursuant to Fed. R. Civ. P. 12(b)(6) and Local Rule 7.3, and move the Court to dismiss the First Amended Complaint in this matter. In support of this Motion, Movants show that the First Amended Complaint fails to state a claim upon which relief can be granted as to the Movants and that affirmative defenses bar the claims of the Movants. The bases for the present Motion are discussed in detail in the Brief in Support of Motion to Dismiss filed contemporaneously herewith.

WHEREFORE, Defendants DNA Security, Inc. and Richard Clark respectfully request that the Court dismiss all claims asserted against the Movants.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on July 2, 2008, I electronically filed the foregoing **Motion to Dismiss of Defendants DNA Security, Inc. and Richard Clark** 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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