

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
No. 1:08-cv-119**

	)
<b>EDWARD CARRINGTON, et al.,</b>	)
	)
<b>Plaintiffs,</b>	)
<b>v.</b>	)
	)
<b>DUKE UNIVERSITY, et al.,</b>	)
	)
<b>Defendants.</b>	)
	)

**PLAINTIFFS' STATEMENT CORRECTING THEIR BRIEFS IN  
OPPOSITION TO THE MOTIONS TO DISMISS OF DEFENDANTS  
CITY OF DURHAM, MARK GOTTLIEB, AND BENJAMIN HIMAN**

It has come to our attention that a factual assertion contained in three of the opposition briefs we filed on August 28, 2008, is apparently in error. Specifically, we stated that Crystal Mangum never told Sergeant Mark Gottlieb or Officer Benjamin Himan that she had been choked during the alleged rape. *See* Plaintiffs' Opposition to Defendant City of Durham's Motion to Dismiss at 31; Plaintiffs' Opposition to Defendant Mark Gottlieb's Motion to Dismiss at 5; Plaintiffs' Opposition to Defendant Benjamin Himan's and Defendant Linwood Wilson's Motions to Dismiss at 4-5. That assertion is not supported by the allegations in the Complaint and appears to be contradicted by the only relevant evidence of which we are currently aware.

Accordingly, we are filing amended versions of these three opposition briefs. We have made only those changes necessary to correct this apparently erroneous assertion and no other changes. We regret any inconvenience our error may have caused the Court

or other parties to this case.

Dated: September 15, 2008

**THOMAS, FERGUSON  
& MULLINS, L.L.P.**

/s/ William J. Thomas  
William J. Thomas, II  
(N.C. Bar # 9004)  
119 East Main Street  
Durham, NC 27701  
Tel. (919) 682-5648  
Email: thomas@tfmattorneys.com

Respectfully submitted,

**COOPER & KIRK, PLLC**

/s/ Charles J. Cooper  
Charles J. Cooper  
Brian S. Koukoutchos  
David H. Thompson  
Howard C. Nielson, Jr.  
Nicole Jo Moss  
(N.C. Bar # 31958)  
David Lehn\*  
1523 New Hampshire Avenue, NW  
Washington, DC 20036  
Tel. (202) 220-9600  
Email: ccooper@cooperkirk.com  
Email: dthompson@cooperkirk.com  
Email: nmoss@cooperkirk.com

(\* motion for special appearance has been filed)

*Attorneys for Plaintiffs*