

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

No. 1:08-cv-119

EDWARD CARRINGTON, CASEY J.)
CARROLL, MICHAEL P. CATALINO,)
GALE CATALINO, THOMAS V.)
CLUTE, KEVIN COLEMAN, JOSHUA)
R. COVELESKI, EDWARD J. CROTTY,)
EDWARD S. DOUGLAS, KYLE DOWD,)
PATRICIA DOWD, DANIEL)
FLANNERY, RICHARD GIBBS)
FOGARTY, ZACHARY GREER, IRENE)
GREER, ERIK S. HENKELMAN,)
STEVEN W. HENKELMAN, JOHN E.)
JENNISON, BEN KOESTERER, MARK)
KOESTERER, JOYCE KOESTERER,)
FRED KROM, PETER J. LAMADE,)
ADAM LANGLEY, CHRISTOPHER)
LOFTUS, DANIEL LOFTUS,)
BARBARA LOFTUS, ANTHONY)
MCDEVITT, GLENN NICK, NICHOLAS)
O'HARA, LYNND A O'HARA, DANIEL)
OPPENDISANO, SAM PAYTON, JOHN)
BRADLEY ROSS, KENNETH SAUER,)
III, STEVE SCHOEFFEL, ROBERT)
SCHROEDER, DEVON SHERWOOD,)
DANIEL THEODORIDUS, BRET)
THOMPSON, CHRISTOPHER TKAC,)
TRACY TKAC, JOHN WALSH, JR.,)
MICHAEL WARD, ROBERT H.)
WELLINGTON, IV, WILLIAM)
WOLCOTT, and MICHAEL YOUNG,)

Plaintiffs,)

v.)

DUKE UNIVERSITY, DUKE)
UNIVERSITY HEALTH SYSTEM, INC.,)
RICHARD BRODHEAD, PETER)

**Motion for Expedited Briefing
and Review**

LANGE, LARRY MONETA, JOHN)
 BURNES, TALLMAN TRASK,)
 SUZANNE WASIOLEK, MATTHEW)
 DRUMMOND, AARON GRAVES,)
 ROBERT DEAN, TARA LEVICY,)
 THERESA ARICO, J. WESLEY)
 COVINGTON, KATE HENDRICKS,)
 VICTOR DZAU, CITY OF DURHAM,)
 LINWOOD WILSON, MARK)
 GOTTLIEB BENJAMIN HIMAN,)
 PATRICK BAKER, STEVEN)
 CHALMERS, RONALD HODGE, LEE)
 RUSS, STEPHEN MIHAICH, BEVERLY)
 COUNCIL, JEFF LAMB, MICHAEL)
 RIPBERGER, and DAVID ADDISON,)
)
 Defendants.)

For the reasons stated in the Motion Regarding Attorney-Initiated and Attorney-Sanctioned Contact with the Media and the Memorandum in support of same, Defendants Duke University, Richard Brodhead, Peter Lange, Larry Moneta, John Burness, Tallman Trask, Suzanne Wasiolek, Matthew Drummond, Aaron Graves, Robert Dean, Kate Hendricks, and Victor Dzau, as well as Defendants Duke University Health System, Inc., Tara Levicy and Theresa Arico (hereinafter the “Duke Defendants”) respectfully request expedited briefing and review of their Motion Regarding Attorney-Initiated and Attorney-Sanctioned Contact with the Media. Specifically, the Duke Defendants request that this Court enter an Order requiring the Plaintiffs to file their response brief within five (5) days from the date of service of the Duke Defendants’ Motion. The Duke Defendants further request that the Court require any reply brief to be filed within three (3) days from the date of service of the Plaintiffs’ response brief.

Counsel for the Duke Defendants has consulted with counsel for the Plaintiffs regarding this motion and was advised that counsel for the Plaintiffs does not consent to an expedited briefing schedule for the Motion Regarding Attorney-Initiated and Attorney-Sanctioned Contact with the Media.

This 29th day of February 2008.

/s/ J. Donald Cowan, Jr.

J. DONALD COWAN, JR.

N.C. State Bar No. 0968

DIXIE T. WELLS

N.C. State Bar No. 26816

L. COOPER HARRELL

N.C. State Bar No. 27875

Smith Moore LLP

300 N. Greene Street

Suite 1400

Greensboro, NC 27401

Telephone: (336) 378-5200

Facsimile: (336) 378-5400

Email: don.cowan@smithmoorelaw.com

Email: dixie.wells@smithmoorelaw.com

Email: cooper.harrell@smithmoorelaw.com

Counsel for Defendants Duke University, Richard H. Brodhead, Peter Lange, Larry Moneta, John Burness, Tallman Trask, Suzanne Wasiolek, Matthew Drummond, Aaron Graves, Robert Dean, Kate Hendricks, and Victor J. Dzau

/s/ Dan J. McLamb

DAN J. MCLAMB

N.C. State Bar No. 6272

Yates, McLamb & Weyher, L.L.P.

One Bank of America Plaza

421 Fayetteville Street, Suite 1200

Raleigh, North Carolina 27601

Telephone: (919) 835-0900

Facsimile: (919) 835-0910

Email: dmclamb@ymwlaw.com

*Counsel for Defendants Duke University Health
System, Inc., Tara Levicy and Theresa Arico*

CERTIFICATE OF SERVICE

I hereby certify that on 29 February 2008, I electronically filed the foregoing Motion for Expedited Briefing and Review with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following counsel:

Counsel for the Plaintiffs

William J. Thomas, II (N.C. Bar # 9004)
119 East Main Street
Durham, NC 27701
Email: thomas@tfmattorneys.com

Counsel for the Plaintiffs

Charles J. Cooper
David H. Thompson
Brian S. Doukoutchos
Nicole Jo Moss (N.C. Bar # 31958)
1523 New Hampshire Avenue, NW
Washington, DC 20036
Phone: (202) 220-9600

As of the date of this filing, no attorney has made an appearance on behalf of the following Defendants. Based on information and belief, the following Defendants are represented by counsel as indicated below and are being served by email:

Counsel for Benjamin W. Himan

Joel Miller Craig
4011 University Drive, Suite 300
Durham, North Carolina 27717-1579
Email: jcraig@kennoncraver.com
Phone: (919) 490-0500

Counsel for David W. Addison

James B. Maxwell
Maxwell, Freeman & Bowman, P.A.
P.O. Box 52396
Durham, NC 27717
Phone: (919) 493-6464
Email: jmaxwell@mfbpa.com

Counsel for Steven Chalmers, Beverly Council, Ronald Hodge, Jeff Lamb, Stephen Mihaich, Michael Ripberger, Lee Russ, and Patrick Baker

Patricia P. Kerner
Troutman Sanders, LLP
P.O. Drawer 1389
Raleigh, NC 27602-1389
Phone: (919) 835-4117
Fax: 919-829-8714
Email: tricia.kerner@troutmansanders.com

Counsel for City of Durham

Reginald B. Gillespie, Jr.
Faison & Gillespie
P.O. Box 5517
Durham, NC 27717
919-489-9001
Fax: 919-489-5774
Email: rgillespie@faison-gillespie.com

Counsel for Mark D. Gottlieb

Edwin M. Speas, Jr., Esq.
N.C. Bar No. 4112
P.O. Box 10096
Raleigh, North Carolina 27605-0096
Phone: (919) 783-6400
Fax: (919) 783-1075
Email: espeas@poynerspruill.com

As of the date of this filing, no attorney has made an appearance on behalf of any of the following Defendants. I hereby certify that I served the following Defendants by U.S.

Mail:

Linwood Wilson
6910 Innesbrook Way
Bahama, NC 27503-9700

J. Wesley Covington
Bryant, Patterson, Covington, Lewis, & Lindsley, P.A.
103 W. Main Street
Durham, NC 27702

This 29th day of February 2008.

/s/ J. Donald Cowan, Jr.

J. DONALD COWAN, JR.

N.C. State Bar No. 0968

Smith Moore LLP

300 N. Greene Street

Suite 1400

Greensboro, NC 27401

Telephone: (336) 378-5200

Facsimile: (336) 378-5400

Email: don.cowan@smithmoorelaw.com

Counsel for Defendants Duke University, Richard H. Brodhead, Peter Lange, Larry Moneta, John Burness, Tallman Trask, Suzanne Wasiolek, Matthew Drummond, Aaron Graves, Robert Dean, Kate Hendricks, and Victor J. Dzau