

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

CIVIL ACTION NUMBER 1:08-CV-00119

EDWARD CARRINGTON, et al.,

Plaintiffs,

v.

DUKE UNIVERSITY, et al.,

Defendants.

**RENEWED MOTION TO DISMISS
FIRST AMENDED COMPLAINT BY
“DUKE SANE DEFENDANTS”**

Pursuant to this Court’s Order of February 16, 2010 (Dkt. 144), Federal Rule of Civil Procedure 12(b)(6), and Local Rules 7.2 and 7.3, the “Duke SANE Defendants” submit this Renewed Motion to Dismiss all claims asserted against them in Plaintiffs’ First Amended Complaint for failure to state a claim on which relief may be granted.

The bases for this Renewed Motion to Dismiss were presented in previous briefing to this Court and, pursuant to this Court’s Order, are incorporated herein by reference, as follows:

1. Motion to Dismiss Complaint by “Duke SANE Defendants” (Dkt. 64);
2. Memorandum in Support of Motion to Dismiss by “Duke SANE Defendants” (Dkt. 65);
3. Reply Brief in Support of Motion to Dismiss by “Duke SANE Defendants” (Dkt. 105); and

4. Joint Supplemental Brief of “Duke University Defendants” and “Duke SANE Defendants” Regarding *Ashcroft v. Iqbal* (Dkt. 133).

For the reasons set forth therein, the “Duke SANE Defendants” respectfully renew their request that the claims asserted against them be dismissed with prejudice. The “Duke SANE Defendants” also renew their request that oral argument be scheduled on their Renewed Motion to Dismiss pursuant to Local Rule 7.3(c)(1).

Respectfully submitted, this 15th day of March, 2010.

/s/ Jamie S. Gorelick

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CERTIFICATE OF SERVICE

I hereby certify that on March 15, 2010, I electronically filed the foregoing Renewed Motion to Dismiss First Amended Complaint by the “Duke SANE Defendants” 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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This 15th day of March 2010.

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