

WAIVER OF SERVICE OF SUMMONS

TO: WILLIAM J. THOMAS, II

*MARSHA SAUNDERS COVINGTON
EXECUTOR OF THE ESTATE OF JOHN
WESLEY COVINGTON*

I, WESLEY COVINGTON, acknowledge receipt of your request that I waive service of summons in the case of CARRINGTON, ET AL. V. DUKE UNIVERSITY, ET AL. which is case number 1:08-CV-119, in the UNITED STATES DISTRICT COURT for the MIDDLE DISTRICT OF NORTH CAROLINA..

I also have received a (i) copy of the Motion to Substitute and complaint in the action, (ii) two copies of this form, and (iii) a means by which I can return the signed waiver to you without cost to me.

I agree to save the costs of service of a summons and an additional copy of the Motion to Substitute and complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Federal Rule of Civil Procedure 4.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections bases on a defect in the summons or in the service of the summons.

I understand that a judgment may be entered against me (or the party on whose behalf I am acting) if an answer or motion under Federal Rule of Civil Procedure 12 is not served upon you within sixty (60) days after May 3, 2010 or within ninety (90) days after that date if the request was sent outside the United States.

May 14, 2010
Date

Marsha Saunders Covington
Signature

*Executor of the Estate of
John Wesley Covington*

Marsha Saunders Covington
Printed/Typed Name

*Executor of the Estate of
John Wesley Covington*

May 14, 2010
Defendant

DUTY TO AVOID UNNECESSARY COSTS OF SERVICE OF SUMMONS

Federal Rule of Civil Procedure 4 requires certain parties to cooperate in avoiding unnecessary costs of service of the summons and complaint. A defendant located in the United States who, after being notified of an action and asked by a plaintiff located in the United States to waive service of a summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

A party's belief that the complaint (i) is unfounded, (ii) that the action has been brought in an improper place or (iii) that the action has been brought in a court that lacks jurisdiction over the subject matter of the action or over its person or property, does not constitute good cause for failure to waive service. Parties who waive service of summons retain all defenses and objections (except any relating to the summons or to the service of the summons) and later may object to the jurisdiction of the court or to the place where the action has been brought.

A defendant who waives service must (i) serve, within the time specified on the waiver form, on the plaintiff's attorney or plaintiff pro se a response to the complaint and (ii) file a signed copy of the response with the court. If the response is not served within this time, a default judgment may be taken against that defendant.