

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF NORTH CAROLINA
CIVIL ACTION NO. 1:08-CV-00119

<hr/>	
EDWARD CARRINGTON, et al.,)
)
Plaintiffs,)
)
vs.)
)
DUKE UNIVERSITY, et al.,)
Defendants.)
<hr/>	

**CITY DEFENDANTS' JOINDER IN DUKE DEFENDANTS' MOTION
REGARDING ATTORNEY-INITIATED AND ATTORNEY-SANCTIONED
CONTACT WITH THE MEDIA**
(EXPEDITED CONSIDERATION REQUESTED)

NOW COME Defendants City of Durham, North Carolina, Mark Gottlieb, Benjamin Himan, Patrick Baker, Steven Chalmers, Ronald Hodge, Lee Russ, Stephen Mihaich, Beverly Council, Jeff Lamb, Michael Ripberger, and David Addison (collectively, the "City Defendants"), herein by and through their respective counsel of record, and pursuant to LR83.1(d) and LR83.10i, MDNC, Rule 3.6 of the Revised Rules of Professional Conduct of the North Carolina State Bar, and this Court's inherent authority to ensure compliance with its Local Rules, join in the motion (docket no. 10) of Defendants Duke University, Duke University Health System, Inc., Richard Brodhead, Peter Lange, Larry Moneta, John Burness, Tallman Trask, Suzanne Wasiolek, Matthew Drummond, Aaron Graves, Robert Dean, Tara Levicy, Theresa Arico, Kate Hendricks, and Victor Dzau (collectively, the "Duke Defendants") that the Court enter an order regarding attorney-initiated and attorney-sanctioned contact with the media. The City Defendants join in the Duke Defendants' motion

for the reasons articulated by the Duke Defendants in their motion, and out of concern that statements have been made and will likely be made in the future that have a substantial likelihood of materially prejudicing an adjudicative proceeding in this matter.

IN SUPPORT WHEREOF, the City Defendants offer the accompanying Affidavit of Beverly B. Thompson and the accompanying brief, and adopt and incorporate by reference the Duke Defendants' motion (docket no. 10) and supporting memorandum (docket no. 11).

WHEREFORE, Defendants City of Durham, North Carolina, Mark Gottlieb, Benjamin Himan, Patrick Baker, Steven Chalmers, Ronald Hodge, Lee Russ, Stephen Mihaich, Beverly Council, Jeff Lamb, Michael Ripberger, and David Addison request that the Court allow the Duke Defendants' motion (docket no. 10), declare that the existing website, the press conference on 21 February 2008, and the press release issued on 21 February 2008 that are the subject of the motion violate Rule 3.6, and grant the Duke Defendants and the City Defendants such other relief as the Court deems appropriate.

This the 13th day of March, 2008.

FAISON & GILLESPIE

By: /s/ Reginald B. Gillespie, Jr.

Reginald B. Gillespie, Jr.

North Carolina State Bar No. 10895

Attorneys for Defendant the City of Durham,
North Carolina

Post Office Box 51729 [27717-1729]

5517 Chapel Hill Boulevard, Suite 2000

Durham, North Carolina 27707

Telephone: (919) 489-9001

Fax: (919) 489-5774

E-Mail: rgillespie@faison-gillespie.com

SIGNATURES OF COUNSEL CONTINUED ON NEXT PAGE

STEPTOE & JOHNSON LLP

By: /s/ Roger E. Warin

Roger E. Warin*
Michael A. Vatis*
Matthew J. Herrington*
John P. Nolan*
Ana H. Voss*

Attorneys for Defendant the City of Durham,
North Carolina
1330 Connecticut Avenue, NW
Washington, DC 20036
Telephone: (202) 429-3000
Fax: (202) 429-3902
E-Mail: rwarin@steptoe.com

*(Motion for Special Appearance to be filed)

POYNER & SPRUILL LLP

By: /s/ Edwin M. Speas

Edwin M. Speas
North Carolina State Bar No. 4112
Attorneys for Defendant Mark Gottlieb
3600 Glenwood Avenue
Raleigh, North Carolina 27612
Telephone: (919) 783-6400
Fax: (919) 783-1075
E-Mail: espeas@poynerspruill.com

SIGNATURES OF COUNSEL CONCLUDED ON NEXT PAGE

KENNON, CRAVER, BELO, CRAIG &
MCKEE, PLLC

By: /s/ Joel M. Craig

Joel M. Craig

North Carolina State Bar No. 9179

Attorneys for Defendant Benjamin Himan

4011 University Drive, Suite 300

Post Office Box 51579

Durham, North Carolina 27717-1579

Telephone: (919) 490-0500

Fax: (919) 490-0873

E-Mail: jcraig@kennoncraver.com

TROUTMAN SANDERS LLP

By: /s/ Patricia P. Kerner

Patricia P. Kerner

North Carolina State Bar No. 13005

Attorneys for Defendants Patrick Baker,

Steven Chalmers, Ronald Hodge, Lee

Russ, Stephen Mihaich, Beverly Council,

Jeff Lamb, and Michael Ripberger

434 Fayetteville Street Mall

Two Hannover Square, Suite 1100

Raleigh, North Carolina 27601

Telephone: (919) 835-4100

Fax: (919) 829-8714

E-Mail: tricia.kerner@troutmansanders.com

MAXWELL, FREEMAN & BOWMAN, P.A.

By: /s/ James B. Maxwell

James B. Maxwell

North Carolina State Bar No. 2933

Attorneys for Defendant David Addison

Post Office Box 52396

Durham, North Carolina 27717

Telephone: (919) 493-6464

Fax: (919) 493-1218

E-Mail: jmaxwell@mfbpa.com

CERTIFICATE OF ELECTRONIC FILING AND SERVICE

The undersigned hereby certifies that, pursuant to Rule 5 of the Federal Rules of Civil Procedure and LR5.3 and LR5.4, MDNC, the foregoing pleading, motion, affidavit, notice, or other document/paper has been electronically filed with the Clerk of Court using the CM/ECF system, which system will automatically generate and send a Notice of Electronic Filing (NEF) to the undersigned filing user and registered users of record, and that the Court's electronic records show that each party to this action is represented by at least one registered user of record, to each of whom the NEF will be transmitted, except that, with respect to the following parties, a copy is being transmitted via first class mail to the address listed below:

Mr. Linwood Wilson

Pro Se

[Home Address redacted per LR 7.1(b), MDNC and ECF P&P Manual, part J]

Mr. J. Wesley Covington

Bryant, Patterson, Covington, Lewis & Lindsley, P.A.

Post Office Box 341

Durham, North Carolina 27702

This the 13th day of March, 2008.

FAISON & GILLESPIE

By: /s/ Reginald B. Gillespie, Jr.

Reginald B. Gillespie, Jr.