

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

)
EDWARD CARRINGTON, et al.,)
)
Plaintiffs,)
)
vs.)
)
DUKE UNIVERSITY, et al.,)
Defendants.)
)

AFFIDAVIT OF BEVERLY B. THOMPSON

BEVERLY B. THOMPSON, being first duly sworn, deposes and says as follows:

1. I am more than eighteen years of age, suffer from no disability, and am competent to testify to the matters set forth herein, all of which are based on personal knowledge, except those matters stated to be upon information and belief.
2. I am employed by Defendant City of Durham, North Carolina (the "City"), in the position of Public Affairs Director. I have been so employed since 1999.
3. In my capacity as the City's Public Affairs Director, I receive inquiries from the media regarding the City and respond to such inquiries.
4. From time to time, I act and serve as the official spokesperson for the City.
5. I am not a lawyer, and never have been a lawyer.
6. On February 20, 2008, I was made aware of an announcement that a news conference had been scheduled to be held on February 21, 2008 regarding the forthcoming commencement of this action.

7. Following the announcement, the conduct of that news conference, and the issuance of a press release on February 21, 2008, the City received from representatives of the news media multiple inquiries and requests for information, a statement, or comment from the City.

8. Following the foregoing events and the commencement of this action, the publicizing of them in the news media, and as a result of the inquiries and requests from the news media, and on behalf of the City, I made the following statement, orally, on February 21, 2008:

This lawsuit isn't coming as a surprise to the City. Our attorneys are currently reviewing the complaint since it was just filed today.

9. The foregoing statement is the only public statement authorized to be made by anyone on behalf of the City relating to this action.

10. The foregoing statement was not initiated, prepared, or made at the request of any lawyer.

11. As part of my job, I monitor the news media and stories carried in/by them relating to the City.

12. From such monitoring, and to the best of my knowledge, information and belief:

(a) The foregoing statement was reported in/by the following news media outlets: WTVD 11 (Durham, North Carolina ABC TV affiliate), North Carolina Public Radio (WUNC 91.5 FM), NBC17 (Durham, North Carolina NBC TV affiliate), and CNN.

(b) This statement is the only statement made by anyone on behalf of the

City that was reported in or carried by any news media outlet.

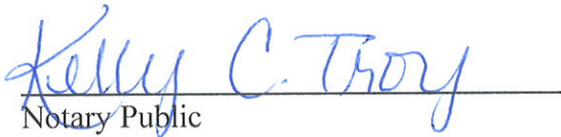
(c) No statement has been made by or on behalf of any other defendant in this action who is or was employed by the City.

This the 13 day of March, 2008.

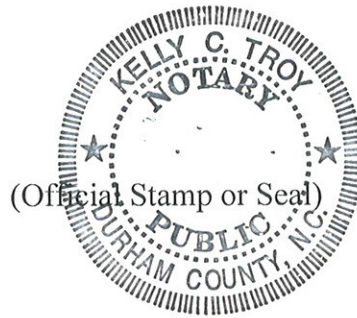

Beverly B. Thompson

Sworn To and Subscribed Before Me

this the 13th day of March, 2008.


Notary Public

My Commission Expires: 4-11-2012



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.

North Carolina State Bar No. 10895

Attorneys for Defendant the City of Durham,
North Carolina

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