

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
No. 1:08-cv-119**

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

**JOINT MOTION TO EXTEND PAGE LIMITATIONS
AND TO ESTABLISH A RULE 12 BRIEFING SCHEDULE**

Counsel for the Parties identified herein respectfully move this Court for leave to exceed the page limitations set forth in Local Rule 7.3, and to establish a briefing schedule for Defendants' anticipated motions to dismiss. In support of this Motion, the parties state as follows:

1. On February 21, 2008, Plaintiffs filed their Complaint in the above-captioned matter. The Complaint is 225 pages in length (excluding introductory tables and attachments), consists of 747 paragraphs, and alleges 31 causes of action.
2. As of April 1, 2008, the following Defendants or Defendant groups had retained separate counsel to represent them in this matter:
 - a. Duke University, Richard Brodhead, Peter Lange, Larry Moneta, John Burness, Tallman Trask, Suzanne Wasiolek, Matthew Drummond, Aaron Graves, Robert Dean, Kate Hendricks, and Victor J. Dzau (collectively, the "Duke University Defendants");

- b. Duke University Health Systems, Inc., Theresa Arico, and Tara Levicy (collectively, the “Duke SANE Defendants”);
- c. The City of Durham, North Carolina;
- d. Patrick Baker, Steven Chalmers, Ronald Hodge, Lee Russ, Stephen Mihaich, Beverly Council, Jeff Lamb, and Michael Ripberger (collectively, the “Durham Police Supervising Defendants”);
- e. David W. Addison
- f. Mark Gottlieb;
- g. Benjamin W. Himan;
- h. J. Wesley Covington

3. As of April 1, 2008, Defendant Linwood Wilson had not retained counsel, and has not yet been served. It is anticipated that Defendant Wilson will appear in this matter *pro se*, as he has in 01:07-cv-739 (*Evans, et al. v. Nifong, et al.*).

4. Each of the above referenced Defendants or Defendant Groups in this matter who have retained counsel have indicated their intention to file motions to dismiss on behalf of their respective clients (“Motions”).

5. Due to the length of the Complaint and the number of causes of action alleged therein, the parties whose signatures appear below have agreed, subject to the Court’s approval, that each Defendant or Defendant-group enumerated above may have up to 50 pages to brief their respective Motions, and up to 25 pages to brief their respective reply memoranda (“Replies”). Further any of these Defendants or Defendant Groups may elect to file their Motions or Replies jointly, but may not aggregate the page limits applicable to their respective Motions and Replies.

6. The parties have agreed, subject to the Court's approval, that, Plaintiffs may have up to 50 pages to respond to each Motion ("Response") and may elect to address multiple Motions in a given Response, but may not aggregate the page limits applicable to Responses.

7. To accommodate the number and length of Defendants' anticipated Motions, the parties have agreed, subject to the Court's approval, to the following Rule 12 briefing schedule:

- a. Motions or answers due: May 30, 2008;
- b. Opposition(s) due: August 28, 2008; and
- c. Replies due: September 29, 2008.

WHEREFORE, undersigned counsel respectfully request that the Court approve the proposed page limitations and briefing schedule. A proposed order is attached.

Dated: April 10, 2008.

Respectfully submitted,

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