

UNITED STATE DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
DURHAM DIVISION

File No. 1:08-CV-119

EDWARD CARRINGTON, CASEY J. CARROLL,
MICHAEL P. CATALINO, GALE CATALINO, THOMAS
V. CLUTE, KEVIN COLEMAN, JOSHUA R.
COVELESKI, EDWARD J. CROTTY, EDWARD S.
DOUGLAS, KYLE DOWD, PATRICIA DOWD, DANIEL
FLANNERY, RICHARD GIBBS FOGARTY, ZACHARY
GREER, IRENE GREER, ERIK S. HENCKELMAN,
STEVEN W. HENKELMAN, JOHN E. JENNISON, BEN
KOESTERER, MARK KOESTERER, JOYCE
KOESTERER, FRED KROM, PETER J. LAMADE,
ADAM LANGLEY, CHRISTOPHER LOFTUS, DANIEL
LOFTUS, BARBARA LOFTUS, ANTHONY
MCDEVITT, GLENN NICK, NICHOLAS O'HARA,
LYNND A O'HARA, DANIEL OPPEDISANO, SAM
PAYTON, JOHN BRADLEY ROSS, KENNETH SAUER,
III, STEVE SCHOEFFEL, ROBERT SCHROEDER,
DEVON SHERWOOD, DANIEL THEODORIDIS, BRET
THOMPSON, CHRISTOPHER TKAC, TRACY TKAC,
JOHN WALSH, JR., MICHAEL WARD, ROBERT H.
WELLINGTON, IV, WILLIAM WOLCOTT, MICHAEL
YOUNG,

Plaintiffs,

vs.

DUKE UNIVERSITY; DUKE UNIVERSITY HEALTH
SYSTEM INC., RICHARD BRODHEAD, PETER
LANGE, LARRY MONETA, JOHN BURNES,
TALLMAN TRASK, SUZANNE WASIOLEK, TRASK,
SUZANNE WASIOLEK, MATTHEW DRUMMOND,
AARON GRAVES, ROBERT DEAN, TARA LEVICY,
THERESA ARICO, J. WESLEY COVINGTON, KATE
HENDRICKS, VICTOR DZAU, CITY OF DURHAM,
LINWOOD WILSON, MARK GOTTLIEB, BENJAMIN
HIMAN, PATRICK BAKER, STEVEN CHALMERS,
RONALD HODGE, LEE RUSS, STEPHEN MIHAICH,
BEVERLY COUNCIL, JEFF LAMB, MICHAEL
RIPBERGER, AND DAVID ADDISON,

Defendants.

DEFENDANT MARK GOTTLIEB'S MOTION TO DISMISS

Defendant Mark Gottlieb, appearing through the undersigned counsel, hereby moves the Court, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, to dismiss all claims asserted in the Complaint against him (specifically, counts 8, 10, 20-26, and 28-30) on grounds that these claims, as they apply to Defendant Gottlieb, fail to state a claim upon which relief can be granted. This Motion is supported by the Memorandum Supporting Defendant Mark Gottlieb's Motion to Dismiss, which is being filed simultaneously herewith.

This the 30th day of May, 2008.

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CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that on May 30 2008, I electronically filed the foregoing Motion to Dismiss with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

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This the 30th day of May, 2008.

/s/Edwin M. Speas, Jr.
Edwin M. Speas, Jr.