

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
CIVIL ACTION NO. 1:08-CV-119

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

**DEFENDANT
J. WESLEY COVINGTON’S
MOTION TO DISMISS
PURSUANT TO RULE 12(b)(6)**

Defendant J. Wesley Covington (hereinafter referred to as “Wes Covington”), by and through his counsel, asserts again his motion to dismiss pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure which he made in his Answer to Plaintiffs’ Complaint, with that Answer having been filed on May 30, 2008. The motion to dismiss is being re-asserted in this separate document pursuant to the request of the Clerk’s Office and Local Rule 7.3(a). As stated in the previously-filed Answer, Plaintiffs’ Complaint fails to state legally cognizable claims against Wes Covington upon which relief may be granted, and therefore, Wes Covington should be dismissed from this lawsuit. Specific grounds and reasons for a dismissal are set forth in a supporting brief that was filed on May 30, 2008.

As stated in the supporting brief, because of the importance and nature of this expansive lawsuit, and the large number of defendants who are moving to dismiss on diverse grounds, Wes Covington respectfully requests that oral argument be held on his motion pursuant to Local Rule 7.3(c)(1).

This the 2nd day of June, 2008.

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CERTIFICATE OF SERVICE

I hereby certify that on the 2nd day of June, 2008, I electronically filed the foregoing Defendant Covington's 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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The said Motion was served upon the following party who has entered an appearance in this lawsuit but to whom electronic notification will not be sent by the Clerk of Court by mailing the Answer via first class U.S. Mail to:

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This the 2nd day of June, 2008.

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