

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

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

**AMENDED MOTION TO CLARIFY OR IN THE ALTERNATIVE EXTEND
TIME TO RESPOND TO DEFENDANT LINWOOD WILSON’S
BRIEF IN SUPPORT OF MOTION TO DISMISS**

Plaintiffs’ filed a Motion to Clarify or in the Alternative Extend Time to Respond to Defendant Linwood Wilson’s Brief In Support of Motion to Dismiss (Doc. No. 83) on July 21, 2008. In that motion Plaintiffs sought to clarify whether the Scheduling Order entered April 14, 2008 (Doc. No. 51) governed the briefing related to Defendant Wilson’s motion to dismiss making Plaintiffs’ response to Wilson’s Brief In Support of Motion to Dismiss due on August 28, 2008. At the time Plaintiffs filed the original motion, they noted they had not been able to communicate with Defendant Wilson as to his position on the motion, but noted his likely agreement based on his own filings. Since filing the original motion, Plaintiffs have now had the opportunity to confer with Defendant Wilson and therefore respectfully file this amended motion to report that both parties are in agreement that the April 14, 2008 Scheduling Order governs the briefing related to Defendant Wilson’s motion to dismiss.

Based on the fact that Defendant Wilson is in agreement that the April 14, 2008 Scheduling Order applies to the briefing in regards to his motion to dismiss, the Plaintiffs have drafted a new proposed consent order that is being filed herewith.

Dated: July 24, 2008.

Respectfully submitted,

COOPER & KIRK, PLLC

/s/ Charles J. Cooper
Charles J. Cooper*
David H. Thompson*
Nicole Jo Moss (N.C. Bar # 31958)
1523 New Hampshire Avenue, NW
Washington, DC 20036
Tel. (202) 220-9600
Email ccooper@cooperkirk.com
Email dthompson@cooperkirk.com
Email nmoss@cooperkirk.com

(* motion for special appearance has been filed)

-and-

THOMAS, FERGUSON & MULLINS, L.L.P.

/s/ William J. Thomas
William J. Thomas, II (N.C. Bar # 9004)
119 East Main Street
Durham, NC 27701
Tel. (919) 682-5648
Email thomas@tfmattorneys.com
Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on July 24, 2008, I electronically filed the foregoing Amended Motion to Clarify or in the Alternative Extend Time to Respond to Defendant Linwood Wilson's Brief in Support of Motion to Dismiss with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following counsel:

TROUTMAN SANDERS LLP

Patricia P. Kerner

N.C. State Bar No. 13005

Hannah Gray Styron

D. Martin Warf

434 Fayetteville Street, Suite 1900

Raleigh, North Carolina 27601

Phone: (919) 835-4117

Fax: (919) 829-8714

Email: tricia.kerner@troutmansanders.com

Email: hannah.styron@troutmansanders.com

Email: martin.warf@troutmansanders.com

*Counsel for Defendants Steven Chalmers,
Patrick Baker, Beverly Council, Ronald
Hodge, Jeff Lamb, Stephen Mihaich, Michael
Ripberger, and Lee Russ*

FAISON & GILLESPIE

Reginald B. Gillespie, Jr.

N.C. State Bar No. 10895

5517 Durham Chapel Hill Boulevard

Suite 2000

Durham, North Carolina 27727-1729

Phone: (919) 489-9001

Fax: (919) 489-5774

Email: rgillespie@faison-gillespie.com

*Counsel for Defendants City of Durham, North
Carolina and Steven Chalmers*

STEPTOE & JOHNSON LLP

Roger E. Warin*

Steptoe & Johnson LLP

1330 Connecticut Avenue, NW

Washington, DC 20036

Telephone: (202) 429-3000

Fax: (202) 429-3902

Email: rwarin@steptoe.com

*(Motion for Special Appearance to be filed)

Counsel for Defendant City of Durham, North Carolina

SMITH MOORE LLP

J. Donald Cowan, Jr.

N.C. State Bar No. 0968

Dixie T. Wells

N.C. State Bar No. 26816

P.O. Box 21927 [27420]

300 N. Greene Street, Suite 1400

Greensboro, North Carolina 27401

Phone: (336) 378-5329

Fax: (336) 378-5400

Email: don.cowan@smithmoorelaw.com

Email: dixie.wells@smithmoorelaw.com

WILMER CUTLER PICKERING HALE AND DORR LLP

Jamie Gorelick*

D.C. Bar No. 101370

Jennifer M. O'Connor

William F. Lee

Paul R.Q. Wolfson

1875 Pennsylvania Avenue, NW

Washington, DC 20006

Telephone: (202) 663-6500

Facsimile: (202) 663-6363

Email: Jamie.gorelick@wilmerhale.com

Email: Jennifer.oconnor@wilmerhale.com

Email: William.lee@wilmerhale.com

Email: Paul.Wolfson@wilmerhale.com

Counsel for Defendants Duke University, Aaron Graves, Robert Dean, Richard H. Brodhead, Peter Lange, Tallman Trask, III, John Burness, Larry Moneta, Victor J. Dzau, M.D., Allison Halton, Kemel Dawkins, Suzanne Wasiolek, Matthew Drummond,

Counsel for Duke University Health Systems, Inc., Theresa Arico, and Tara Levicy

(*motion for special appearance filed)

YATES, McLAMB & WEYHER, L.L.P

Dan Johnson McLamb
N.C. State Bar No. 6272
T. Carlton Younger, III
Shirley Marring Pruitt
POB 2889
RALEIGH, NC 27602-2889
919-835-0900
Fax: 919-835-0910

Email: dmclamb@ymwlaw.com
Email: cyounger@ymwlaw.com
Email: spruitt@ymwlaw.com

*Counsel for Duke University Health Systems, Inc.,
Theresa Arico, and Tara Levicy*

POYNER & SPRUILL LLP

Edwin M. Speas, Jr.
N.C. State Bar No. 4112
P.O. Box 10096
Raleigh, North Carolina 27605-0096
Phone: (919) 783-6400
Fax: (919) 783-1075
Email: espeas@poynerspruill.com

Counsel for Defendant Mark Gottlieb

**KENNON, CRAVER, BELO, CRAIG & MCKEE,
PLLC**

Joel M. Craig
N.C. State Bar No. 9179
Henry W. Sappenfield
P.O. Box 51579
4011 University Drive, Suite 300
Durham, North Carolina 27717-1579
Phone: (919) 490-0500
Fax: (919) 490-0873

Email: jcraig@kennoncraver.com
Email: hsappenfield@kennoncraver.com

Counsel for Defendant Benjamin Himan

MAXWELL FREEMAN & BOWMAN, P.A.

James B. Maxwell
N.C. State Bar No. 2933
P.O. Box 52396

Raleigh, North Carolina 27717-2396
Phone: (919) 493-6464
Fax: (919) 493-1218
Email: jmaxwell@mfbpa.com
Counsel for Defendant David Addison

PINTO COATES KYRE & BROWN, PLLC
Kenneth Kyre Jr. (N.C. Bar # 7848)
Paul D. Coates (N.C. Bar # 9753)
P.O. Box 4848
Greensboro, NC 27404
Email: kkyre@pckb-law.com
Email: pcoates@pckb-law.com
Counsel for J. Wesley Covington

As of the date of this filing, no attorney has made an appearance on behalf of the following Defendant. I hereby certify that I served the following Defendants by U.S.

Mail:

Linwood Wilson
6910 Innesbrook Way
Bahama, NC 27503-9700

/s/ Nicole Jo Moss