

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

EDWARD CARRINGTON, et al.,

Plaintiffs,

v.

DUKE UNIVERSITY, et al.,

Defendants.

Case No. 1:08-cv-119

CONSENT MOTION TO WITHDRAW AS COUNSEL OF RECORD

L. Cooper Harrell and the law firm of Smith Moore Leatherwood LLP (formerly Smith Moore LLP), pursuant to Rule 83.1(e) of the Local Rules of Civil Practice of the United States District Court for the Middle District of North Carolina, hereby move the Court for an Order allowing the undersigned counsel to withdraw as counsel of record for Defendants Duke University, Richard H. Brodhead, Peter Lange, Larry Moneta, John Burness, Tallman Trask, Suzanne Wasiolek, Matthew Drummond, Aaron Graves, Robert Dean, Kate Hendricks, and Victor J. Dzau (the “Duke University Defendants”). In support of this motion, the undersigned counsel shows the following:

1. The undersigned counsel, along with attorneys J. Donald Cowan, Jr. and Dixie T. Wells, was retained to represent the Duke University Defendants in or about February 2008.

2. At the time the undersigned counsel, as well as Mr. Cowan and Ms. Wells, practiced with the law firm of Smith Moore LLP.

3. As of August 1, 2008 Mr. Cowan and Ms. Wells moved their practices from Smith Moore LLP to the law firm of Ellis & Winters LLP.

4. Also, as of August 1, 2008 Smith Moore LLP combined with another firm to form Smith Moore Leatherwood LLP.

5. The undersigned counsel continues to practice at Smith Moore Leatherwood LLP.

6. The Duke University Defendants have made arrangements for Mr. Cowan and Ms. Wells and the law firm of Ellis & Winters LLP to act as counsel of record in this matter. Accordingly, the undersigned counsel is no longer involved in this matter.

7. Representatives for the Duke University Defendants were consulted and consented to the undersigned counsel's withdrawal as counsel of record in this matter.

WHEREFORE, L. Cooper Harrell and the law firm of Smith Moore Leatherwood LLP (formerly Smith Moore LLP) respectfully request that the Consent Motion to Withdraw be granted and that he and Smith Moore Leatherwood LLP be fully discharged from representation of the Duke University Defendants in this matter and have no further responsibility with regard to this case.

Dated: August 6, 2008.

SMITH MOORE LEATHERWOOD LLP

/s/ L. Cooper Harrell

L. Cooper Harrell, Esq.

N.C. State Bar #27875

300 N. Greene Street, Suite 1400

Greensboro, North Carolina 27401

Phone: (336) 378-5362

Fax: (336) 378-5400

Email: cooper.harrell@smithmoorelaw.com

CERTIFICATE OF SERVICE

I hereby certify that on August 6, 2008, I electronically filed the foregoing **Consent Motion to Withdraw as Counsel of Record** with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Counsel for the Plaintiffs

William J. Thomas, II
Email: thomas@tfmattorneys.com
Charles J. Cooper
David H. Thompson
Email: ccooper@cooperkirk.com
Email: dthompson@cooperkirk.com

Counsel for Defendants Duke University, Richard H. Brodhead, Peter Lange, Larry Moneta, John Burness, Tallman Trask, Suzanne Wasiolek, Matthew Drummond, Aaron Graves, Robert Dean, Kate Hendricks, and Victor J. Dzau

J. Donald Cowan, Jr.
Dixie T. Wells
Email: don.cowan@elliswinters.com
Email: dixie.wells@elliswinters.com

Counsel for Defendants Duke University, Duke University Health Systems, Inc., Aaron Graves, Robert Dean, Peter Lange, John Burness, Larry Moneta, Matthew Drummond, Theresa Arico, Tara Levicy, Suzanne Wasiolek, Richard Brodhead, Tallman Trask, Kate Hendricks, Victor Dzau

William F. Lee
Jamie Gorelick
Paul R. Q. Wolfson
Jennifer O'Connor
Email: William.lee@wilmerhale.com
Email: Jamie.gorelick@wilmerhale.com
Email: Paul.wolfson@wilmerhale.com
Email: Jennifer.oconnor@wilmerhale.com

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

Dan McLamb
Shirley Maring Pruitt
Thomas Carlton Younger, III
Email: dmclamb@ymwlaw.com
Email: spruitt@ymwlaw.com
Email: cyounger@ymwlaw.com

Counsel for Defendant City of Durham

Reginald B. Gillespie, Jr.
Email: rgillespie@faison-gillespie.com

Counsel for Defendant Benjamin W. Himan

Henry W. Sappenfield
Joel Miller Craig
Email: hsappenfield@kennoncraver.com
Email: jcraig@kennoncraver.com

Counsel for Defendant David W. Addison

James B. Maxwell
Email: jmaxwell@mfbpa.com

Counsel for Defendant Mark D. Gottlieb

Edwin M. Speas, Jr.
Eric P. Stevens
Email: espeas@poynerspruill.com
Email: estevens@poyners.com

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

Patricia P. Kerner
D. Martin Warf
Hannah Gray Styron
Email: tricia.kerner@troutmansanders.com
Email: martin.warf@troutmansanders.com
Email: hannah.styron@troutmansanders.com

Counsel for Defendant J. Wesley Covington

Kenneth Kyre, Jr.
E-mail: kkyre@pckb-law.com

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 Defendant by U.S.

Mail:

Linwood Wilson
6910 Innesbrook Way
Bahama, NC 27503-9700

/s/ L. Cooper Harrell
L. Cooper Harrell, Esq.
N.C. State Bar #27875