

AO 441 (Rev. 5/85) Third Party Summons in a Civil Action

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**UNITED STATES DISTRICT COURT**


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MIDDLE

District of

NORTH CAROLINA

PLAINTIFF

Duke University and Duke  
University Health System, Inc.  
V. DEFENDANT AND THIRD PARTY PLAINTIFF

**THIRD PARTY SUMMONS IN A  
CIVIL ACTION**

National Union Fire Insurance  
Company of Pittsburgh, PA

Case Number: 1:08-CV-0854

V. THIRD PARTY DEFENDANT

United Educators, a Reciprocal  
Risk Retention Group

To: Name and address of Third Party Defendant

United Educators, a Reciprocal Risk Retention Group  
c/o Janice M. Abraham, President, Two Wisconsin Circle, 4th Floor,  
Chevy Chase, Maryland 20815

YOU ARE HEREBY SUMMONED and required to file with the Clerk of this court and serve upon

PLAINTIFF'S ATTORNEY (name and address)

Gregg E. McDougal  
Kilpatrick Stockton, LLP  
3737 Glenwood Avenue, Suite 400  
Raleigh, North Carolina 27612

DEFENDANT AND THIRD-PARTY PLAINTIFF'S ATTORNEY  
(name and address)

David S. Coats  
Bailey & Dixon, LLP  
Post Office Box 1351  
Raleigh, North Carolina 27602

an answer to the third-party complaint which is herewith served upon you within 20 days after the service of this summons upon you exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the third-party complaint. There is also served upon you herewith a copy of the complaint of the plaintiff. You have the option of answering or not answering the plaintiff's complaint, *unless* (1) this is a case within Rule 9(h) Federal Rules of Civil Procedure, *and* (2) the third-party plaintiff is demanding judgment against you in favor of the original plaintiff under the circumstances described in Rule 14(c) Federal Rules of Civil Procedure, in which situation you are required to make your defenses, if any, to the claim of plaintiff as well as to the claim of the third-party plaintiff.



John S. Brubaker  
Clerk

January 20, 2009  
Date

/s/ Donna Lloyd  
Deputy Clerk

RETURN OF SERVICE		
Service of the Summons and complaint was made by me <sup>(1)</sup>	DATE	
NAME OF SERVER	TITLE	
Check one box below to indicate appropriate method of service		
<input type="checkbox"/> Served personally upon the third-party defendant. Place where served: _____ _____		
<input type="checkbox"/> Left copies thereof at the third-party defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: _____		
<input type="checkbox"/> Returned unexecuted: _____ _____		
<input type="checkbox"/> Other (specify): _____ _____ _____		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL \$0.00
DECLARATION OF SERVER		
I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.		
Executed on _____ Date _____ <i>Signature of Server</i> _____		
_____ <i>Address of Server</i>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.