

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

CIVIL ACTION NUMBER 1:08-CV-00119

EDWARD CARRINGTON, et al.,

Plaintiffs,

v.

DUKE UNIVERSITY, et al.,

Defendants.

**ANSWER OF THE
DUKE UNIVERSITY DEFENDANTS
AND DUKE SANE DEFENDANTS**

Duke University, Richard Brodhead, Tallman Trask, Suzanne Wasiolek, Matthew Drummond, Aaron Graves, Robert Dean, and Kate Hendricks (hereinafter “Duke University Defendants”) and Duke University Health System, Inc. and Tara Levicy (hereinafter “Duke SANE Defendants”) respond as follows to the First Amended Complaint filed in this action:

FIRST DEFENSE

Plaintiffs’ First Amended Complaint violates Rule 8 of the Federal Rules of Civil Procedure, which requires a complaint to contain a “short and plain statement of the claim showing that the pleader is entitled to relief.” Instead, Plaintiffs’ First Amended Complaint includes a large number of implicit allegations that are undefined and bases its allegations on a large number of false premises. It contains 225 pages and 751 numbered paragraphs, “most of which are not relevant to the actual legally-recognized claims that may be available.” (See D.E. 164.3 at 56.)

SECOND DEFENSE

The Duke University Defendants and Duke SANE Defendants deny anything that is not explicitly admitted in the same terms in which it is alleged. It is not the intention of the Duke University Defendants or the Duke SANE Defendants to make any implicit admissions of facts, premises, or concepts that are logically, or otherwise, implied by the allegations within the First Amended Complaint. Where facts, premises, or concepts are admitted, the Duke University Defendants and Duke SANE Defendants will admit those facts, premises or concepts expressly. The Duke University Defendants and the Duke SANE Defendants deny all other allegations within this First Amended Complaint that are not admitted.

THIRD DEFENSE

The Duke University Defendants and Duke SANE Defendants have not engaged in discovery regarding the circumstances of the Plaintiffs' allegations. The Duke University Defendants and Duke SANE Defendants thus expressly reserve the right to move to amend their answer to add additional responses and defenses as discovery progresses and additional information regarding this action becomes available.

FOURTH DEFENSE

To the extent that any of the headings contained within the First Amended Complaint are construed as allegations, the Duke University Defendants and Duke SANE Defendants deny the allegations.

FIFTH DEFENSE

The Duke University Defendants and the Duke SANE Defendants respond as follows to the numbered allegations contained in the First Amended Complaint:

To the extent that the headings that precede Paragraph 1 are construed as allegations, the Duke University Defendants and Duke SANE Defendants deny the allegations.

1. The Duke University Defendants and the Duke SANE Defendants admit that this lawsuit was filed by 38 of the 47 members of the 2006 Duke University men's lacrosse team and by some parents of some of these team members. The Duke University Defendants and the Duke SANE Defendants deny the remaining allegations.

2. The Duke University Defendants and the Duke SANE Defendants admit that Crystal Mangum is not named as a defendant in this action. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, deny the remaining allegations.

3. The Duke University Defendants and the Duke SANE Defendants admit that Plaintiffs have named numerous individual defendants in this lawsuit, including naming as defendants employees of Duke University. The Duke University Defendants and the Duke SANE Defendants deny the remaining allegations.

4. The Duke University Defendants and the Duke SANE Defendants deny the allegations.

5. The Duke University Defendants and the Duke SANE Defendants admit that Michael Nifong was the District Attorney for Durham County at the time of the rape allegations that are the subject of this First Amended Complaint. The Duke University Defendants and the Duke SANE Defendants deny the remaining allegations.

6. The Duke University Defendants and the Duke SANE Defendants admit that Michael Nifong was the District Attorney for Durham County at the time of the rape allegations that are the subject of this First Amended Complaint. The Duke University Defendants and the Duke SANE Defendants further admit that other legal proceedings arose from this same series of events, including the State Bar's proceedings against Michael Nifong. The Duke University Defendants and the Duke SANE Defendants deny that President Richard Brodhead or anyone else at Duke University had access to the evidence that was being evaluated by former District Attorney Nifong. The Duke University Defendants and the Duke SANE Defendants further deny that President Brodhead or anyone else at Duke University suppressed or concealed any exculpatory information. The Duke University Defendants and the Duke SANE Defendants deny the remaining allegations.

7. The claims against Nurse Arico were dismissed by the Court's Order of March 31, 2011.

To the extent that this paragraph relates to Ms. Mangum's protected health information, it is a violation of the Health Insurance Portability and Accountability Act for the Duke SANE Defendants to disclose any of Ms. Mangum's protected health

information. Absent a court order authorizing such disclosure, the Duke SANE Defendants are unable to respond. Therefore, the allegations seeking information relating to Ms. Mangum's protected health information are denied.

Nurse Levicy denies that she played any role in causing or enabling a corrupt investigation. Nurse Levicy likewise denies that she made any statements to members of the Durham Police Department or to investigators working with then District Attorney Nifong that were inconsistent with the examination of Ms. Mangum. Nurse Levicy admits that she is a registered nurse who completed her training as a Sexual Assault Nurse Examiner (hereinafter "SANE") on March 2, 2006, and who received her certificate of completion from that training course late in the afternoon of March 14, 2006. Nurse Levicy further admits that she assisted in conducting a SANE examination and reported the findings of that examination as she was professionally and legally mandated to do. Nurse Levicy denies the remaining allegations.

Duke University Health System, Inc. ("DUHS") denies that Nurse Arico played any role in causing or enabling a corrupt investigation. DUHS denies the remaining allegations.

The Duke University Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

8. The claims against Nurse Arico were dismissed by the Court's Order of March 31, 2011.

To the extent that this paragraph relates to Ms. Mangum's protected health information, it is a violation of the Health Insurance Portability and Accountability Act for the Duke SANE Defendants to disclose any of Ms. Mangum's protected health information. Absent a court order authorizing such disclosure, the Duke SANE Defendants are unable to respond. Therefore, the allegations seeking information relating to Ms. Mangum's protected health information are denied.

Nurse Levicy specifically denies that she made any statements to members of the Durham Police Department or to investigators working with then District Attorney Nifong that were inconsistent with the examination of Ms. Mangum. To the extent this paragraph characterizes Nurse Levicy's statements to law enforcement, Nurse Levicy denies the characterization. Nurse Levicy denies the remaining allegations.

DUHS specifically denies that Nurse Arico misinformed the media regarding Ms. Mangum's injuries, that Nurse Arico described the medical examination of Ms. Mangum in any respect, and that Nurse Arico made any public statements that were false. DUHS denies the remaining allegations.

The Duke University Defendants are without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, deny the remaining allegations.

9. To the extent that this paragraph relates to Ms. Mangum's protected health information, it is a violation of the Health Insurance Portability and Accountability Act for the Duke SANE Defendants to disclose any of Ms. Mangum's protected health

information. Absent a court order authorizing such disclosure, the Duke SANE Defendants are unable to respond. Therefore, the allegations seeking information relating to Ms. Mangum's protected health information are denied.

Nurse Levicy specifically denies that she made any statements to members of the Durham Police Department or to investigators working with then District Attorney Nifong that were inconsistent with the examination of Ms. Mangum. Nurse Levicy specifically denies that she "tailored" or altered statements or documents to conform to the District Attorney's "evidentiary needs." Nurse Levicy denies the remaining allegations.

The Duke University Defendants and the remaining Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the remaining allegations in this paragraph and, therefore, deny the remaining allegations.

10. President Richard Brodhead admits that he played an active role in Duke University's response to the rape allegations against members of the lacrosse team, and that he consulted with former Chairman Steel and members of the Duke University Board of Trustees in connection with the controversy. To the extent this paragraph characterizes statements by former Chairman Steel, Duke University denies those characterizations. President Brodhead and Duke University deny the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

11. President Brodhead denies that he violated the lacrosse players' rights and interests. President Brodhead denies the remaining allegations in the introductory section of this paragraph.

With respect to subparagraph a, Duke University and President Brodhead deny that President Brodhead "failed to disclose" or "suppressed" any material exculpatory evidence. President Brodhead admits that he did not meet with the lacrosse players' lawyers to review "evidence". President Brodhead admits that he had no personal knowledge of the details of Crystal Mangum's medical examination. President Brodhead further admits that he urged everyone with information pertinent to the events of March 13 to cooperate with authorities.

With respect to subparagraph b, President Brodhead denies that he took no steps to enforce Duke's anti-harassment policy and further denies that he condoned harassment of the players.

With respect to subparagraph c, President Brodhead denies that any statements from him were designed to "impute guilt" to the players or to "inflame" public opinion against them. President Brodhead admits that he expressed his belief that "[p]hysical coercion and sexual assault are unacceptable in any setting and will not be tolerated at Duke." President Brodhead denies that this statement "impl[ie]d" falsely that the players

were hiding the truth. President Brodhead admits that he urged everyone with information pertinent to the events of March 13 to cooperate with authorities.

President Brodhead denies the remaining allegations, including the allegations contained in subparagraphs a, b, and c.

With respect to subparagraph a, Duke University denies that it “failed to disclose” or “suppressed” any material exculpatory evidence. Duke University denies that it “discredited” exculpatory evidence that had been publicly disclosed. Duke University admits that the Operations Report, like all operations reports prepared by members of the Duke University Police Department, was not disclosed initially to the general public. To the extent subparagraph a characterizes the contents of an Operations Report written by Officer Day, Duke University denies the characterization.

With respect to subparagraph b, Duke University denies that the full-page, paid announcement that ran in *The Chronicle*, and that identified 88 individuals and contained unattributed quotations, made anything “clear” about what its authors or sponsors believed about the evidence of rape. Duke University admits that the cost of running the announcement was paid, in part, with funds from departments within Duke University.

With respect to subparagraph c, Duke University denies that any statements from Duke University were designed to “impute guilt” to the players or to “inflame” public opinion against them.

Duke University denies the remaining allegations, including the allegations contained in subparagraphs a, b, and c.

The remaining Duke University Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

To the extent that this paragraph relates to Ms. Mangum's protected health information, it is a violation of the Health Insurance Portability and Accountability Act for the Duke SANE Defendants to disclose any of Ms. Mangum's protected health information. Absent a court order authorizing such disclosure, the Duke SANE Defendants are unable to respond. Therefore, the allegations seeking information relating to Ms. Mangum's protected health information are denied. The Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the remaining allegations in this paragraph and, therefore, deny the remaining allegations.

12. The Duke University Defendants and the Duke SANE Defendants deny the remaining allegations.

13. President Brodhead admits that he expressed regret for what the lacrosse players had experienced. President Brodhead denies the remaining allegations.

Duke University admits that on April 5, 2006, its representatives made the decision to cancel the remainder of the 2006 Duke University men's lacrosse season. Duke University further admits that it later successfully petitioned the NCAA to give an extra, full fifth year of athletic eligibility to every member of the 2006 lacrosse team (other than those who had graduated in 2006). Duke University further admits that many

of the players availed themselves of this opportunity. Duke University denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants deny the allegations.

To the extent that the headings that precede Paragraph 10 are construed as allegations, the Duke University Defendants and Duke SANE Defendants deny the allegations.

10.[sic] Duke University admits that Plaintiff Edward Carrington was an undergraduate at Duke University and a member of its men's lacrosse team during the spring semester of 2006. Duke University further admits that Mr. Carrington was a member of its class of 2008. Duke University is without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

11.[sic] Duke University admits that Plaintiff Casey J. Carroll was an undergraduate at Duke University and a member of its men's lacrosse team during the spring semester of 2006. Duke University further admits that Mr. Carroll was a member of its class of 2007. Duke University is without knowledge or information sufficient to

form a belief about the truth of the remaining allegations and, therefore, denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

12.[sic] All claims asserted by Gale Catalino were dismissed by the Court's Order of March 31, 2011.

Duke University admits that Plaintiff Michael P. Catalino was an undergraduate at Duke University and a member of its men's lacrosse team during the spring semester of 2006. Duke University further admits that Mr. Catalino was a member of its class of 2009. Duke University is without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

13.[sic] Duke University admits that Plaintiff Thomas Clute was an undergraduate at Duke University and a member of its men's lacrosse team during the spring semester of 2006. Duke University further admits that Mr. Clute was a member of its class of 2009. Duke University is without knowledge or information sufficient to form a belief

about the truth of the remaining allegations and, therefore, denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

14. Duke University admits that Plaintiff Kevin Coleman was an undergraduate at Duke University and a member of its men's lacrosse team during the spring semester of 2006. Duke University further admits that Mr. Coleman was a member of its class of 2006. Duke University is without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

15. Duke University admits that Plaintiff Joshua R. Coveleski was an undergraduate at Duke University and a member of its men's lacrosse team during the spring semester of 2006. Duke University further admits that Mr. Coveleski was a member of its class of 2008. Duke University is without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

16. Duke University admits that Plaintiff Edward J. Crotty was an undergraduate at Duke University and a member of its men's lacrosse team during the spring semester of 2006. Duke University further admits that Mr. Crotty was a member of its class of 2009. Duke University is without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

17. Duke University admits that Plaintiff Edward S. Douglas was an undergraduate at Duke University and a member of its men's lacrosse team during the spring semester of 2006. Duke University further admits that Mr. Douglas was a member of its class of 2006. Duke University is without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

18. All claims asserted by Patricia Dowd were dismissed by the Court's Order of March 31, 2011.

Duke University admits that Plaintiff Kyle Dowd was an undergraduate at Duke University and a member of its men's lacrosse team during the spring semester of 2006. Duke University further admits that Mr. Dowd was a member of its class of 2006. Duke University is without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

19. Duke University admits that Plaintiff Daniel Flannery was an undergraduate at Duke University and a member of its men's lacrosse team during the spring semester of 2006. Duke University further admits that Mr. Flannery was a member of its class of 2006. Duke University is without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

20. Duke University admits that Plaintiff Richard Gibbs Fogarty was an undergraduate at Duke University and a member of its men's lacrosse team during the

spring semester of 2006. Duke University further admits that Mr. Fogarty was a member of its class of 2009. Duke University is without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

21. All claims asserted by Irene Greer were dismissed by the Court's Order of March 31, 2011.

Duke University admits that Plaintiff Zachary Greer was an undergraduate at Duke University and a member of its men's lacrosse team during the spring semester of 2006. Duke University further admits that Mr. Greer was a member of its class of 2008. Duke University is without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

22. All claims asserted by Steven Henkelman were dismissed by the Court's Order of March 31, 2011.

Duke University admits that Plaintiff Erik S. Henkelman was an undergraduate at Duke University and a member of its men's lacrosse team during the spring semester of

2006. Duke University further admits that Mr. Erik Henkelman was a member of its class of 2006. Duke University is without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

23. Duke University admits that Plaintiff John E. Jennison was an undergraduate at Duke University and a member of its men's lacrosse team during the spring semester of 2006. Duke University further admits that Mr. Jennison was a member of its class of 2008. Duke University is without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

24. All claims asserted by Mark and Joyce Koesterer were dismissed by the Court's Order of March 31, 2011.

Duke University admits that Plaintiff Ben Koesterer was an undergraduate at Duke University and a member of its men's lacrosse team during the spring semester of 2006. Duke University further admits that Mr. Ben Koesterer was a member of its class of

2007. Duke University is without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

25. Duke University admits that Plaintiff Fred Krom was an undergraduate at Duke University and a member of its men's lacrosse team during the spring semester of 2006. Duke University further admits that Mr. Krom was a member of its class of 2007. Duke University is without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

26. Duke University admits that Plaintiff Peter J. Lamade was an undergraduate at Duke University and a member of its men's lacrosse team during the spring semester of 2006. Duke University further admits that Mr. Lamade was a member of its class of 2007. Duke University is without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

27. Duke University admits that Plaintiff Adam Langley was an undergraduate at Duke University and a member of its men's lacrosse team during the spring semester of 2006. Duke University further admits that Mr. Langley was a member of its class of 2008. Duke University is without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

28. All claims asserted by Barbara Loftus were dismissed by the Court's Order of March 31, 2011.

Duke University admits that Plaintiff Christopher Loftus was an undergraduate at Duke University and a member of its men's lacrosse team during the spring semester of 2006. Duke University further admits that Mr. Christopher Loftus was a member of its class of 2007. Duke University further admits that Plaintiff Daniel Loftus was an undergraduate at Duke University and a member of its men's lacrosse team during the spring semester of 2006. Duke University further admits that Mr. Daniel Loftus was a member of its class of 2007. Duke University is without knowledge or information

sufficient to form a belief about the truth of the remaining allegations and, therefore, denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

29. Duke University admits that Plaintiff Anthony McDevitt was an undergraduate at Duke University and a member of its men's lacrosse team during the spring semester of 2006. Duke University further admits that Mr. McDevitt was a member of its class of 2007. Duke University is without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

30. Duke University admits that Plaintiff Glenn Nick was an undergraduate at Duke University and a member of its men's lacrosse team during the spring semester of 2006. Duke University further admits that Mr. Nick was a member of its class of 2006. Duke University is without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

31. All claims asserted by Lynnda O'Hara were dismissed by the Court's Order of March 31, 2011.

Duke University admits that Plaintiff Nicholas O'Hara was an undergraduate at Duke University and a member of its men's lacrosse team during the spring semester of 2006. Duke University further admits that Mr. O'Hara was a member of its class of 2007. Duke University is without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

32. Duke University admits that Plaintiff Daniel Oppedisano was an undergraduate at Duke University and a member of its men's lacrosse team during the spring semester of 2006. Duke University further admits that Mr. Oppedisano was a member of its class of 2007. Duke University is without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

33. Duke University admits that Plaintiff Sam Payton was an undergraduate at Duke University and a member of its men's lacrosse team during the spring semester of 2006. Duke University further admits that Mr. Payton was a member of its class of 2009. Duke University is without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

34. Duke University admits that Plaintiff John Bradley Ross was an undergraduate at Duke University and a member of its men's lacrosse team during the spring semester of 2006. Duke University further admits that Mr. Ross was a member of its class of 2008. Duke University is without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

35. Duke University admits that Plaintiff Kenneth J. Sauer III was an undergraduate at Duke University and a member of its men's lacrosse team during the spring semester of 2006. Duke University further admits that Mr. Sauer was a member of its class of 2006. Duke University is without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

36. Duke University admits that Plaintiff Steve Schoeffel was an undergraduate at Duke University and a member of its men's lacrosse team during the spring semester of 2006. Duke University further admits that Mr. Schoeffel was a member of its class of 2009. Duke University is without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

37. Duke University admits that Plaintiff Robert Schroeder was an undergraduate at Duke University and a member of its men's lacrosse team during the spring semester of 2006. Duke University further admits that Mr. Schroeder was a

member of its class of 2008. Duke University is without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

38. Duke University admits that Plaintiff Devon Sherwood was an undergraduate at Duke University and a member of its men's lacrosse team during the spring semester of 2006. Duke University further admits that Mr. Sherwood was a member of its class of 2009. Duke University is without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

39. Duke University admits that Plaintiff Daniel Theodoridis was an undergraduate at Duke University and a member of its men's lacrosse team during the spring semester of 2006. Duke University further admits that Mr. Theodoridis was a member of its class of 2009. Duke University is without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

40. Duke University admits that Plaintiff Brett Thompson was an undergraduate at Duke University and a member of its men's lacrosse team during the spring semester of 2006. Duke University further admits that Mr. Thompson was a member of its class of 2006. Duke University is without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

41. All claims asserted by Tracy Tkac were dismissed by the Court's Order of March 31, 2011.

Duke University admits that Plaintiff Christopher Tkac was an undergraduate at Duke University and a member of its men's lacrosse team during the spring semester of 2006. Duke University further admits that Mr. Tkac was a member of its class of 2009. Duke University is without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, denies the allegations.

42. Duke University admits that Plaintiff John Walsh, Jr. was an undergraduate at Duke University and a member of its men's lacrosse team during the spring semester of 2006. Duke University further admits that Mr. Walsh was a member of its class of 2007. Duke University is without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

43. Duke University admits that Plaintiff Michael Ward was an undergraduate at Duke University and a member of its men's lacrosse team during the spring semester of 2006. Duke University further admits that Mr. Ward was a member of its class of 2007. Duke University is without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

44. Duke University admits that Plaintiff Robert Wellington was an undergraduate at Duke University and a member of its men's lacrosse team during the spring semester of 2006. Duke University further admits that Mr. Wellington was a member of its class of 2008. Duke University is without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

45. Duke University admits that Plaintiff William Wolcott was an undergraduate at Duke University and a member of its men's lacrosse team during the spring semester of 2006. Duke University further admits that Mr. Wolcott was a member of its class of 2006. Duke University is without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

46. Duke University admits that Plaintiff Michael Young was an undergraduate at Duke University and a member of its men's lacrosse team during the spring semester of 2006. Duke University further admits that Mr. Young was a member of its class of

2008. Duke University is without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

To the extent that the headings that precede Paragraph 47 are construed as allegations, the Duke University Defendants and Duke SANE Defendants deny the allegations.

47. Duke University admits that it is a private research university. Duke University further admits that it is a non-profit corporation organized under North Carolina law. Duke University further admits that the Board of Trustees is the governing body of Duke University. Duke University further admits that there are thirty-seven members of the Board of Trustees, including the President of Duke University. Duke University and Richard Brodhead further admit that Richard Brodhead has served as President of Duke University, including during the period from March 13, 2006 (the date of Plaintiffs' party) to the present. Duke University further admits that Robert Steel served as Chairman of the Board of Trustees, including during the period from March 13, 2006 (the date of Plaintiffs' party) until May 2009. Duke University and DUHS further admit that DUHS is a non-profit corporation organized under North Carolina law for the purpose of operating an integrated academic health care system; that DUHS is a separate

and distinct entity from Duke University and that DUHS is a controlled affiliate of Duke University; that DUHS operates multiple health care facilities including Duke University Hospital, Durham Regional Hospital, and Duke Health Raleigh Hospital; and that Duke University controls all divisions of DUHS. Duke University and DUHS deny the remaining allegations.

The remaining Duke University Defendants and the remaining Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

48. Duke University and DUHS admit that Duke University Medical Center (“DUMC”) includes, but is not limited to, a group of facilities, including Duke University Hospital, Duke Children’s Hospital and Health Center, and Duke Clinics, which are all components of DUHS. DUHS admits that Crystal Mangum came to the Emergency Department at Duke University Hospital on March 14, 2006. Duke University and DUHS deny the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

49. Duke University and DUHS admit that Duke University Hospital, Duke Children’s Hospital and Health Center, and Duke Clinics are components of DUHS. Duke University and DUHS further admit that DUHS is a separate and distinct corporate entity from Duke University but is a controlled affiliate of Duke University. Duke

University and DUHS further admit that Duke University has the authority to appoint members to the Board of Directors for DUHS, and this Board of Directors is responsible for operating and managing DUHS. Duke University and DUHS deny the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

50. Duke University and Richard Brodhead admit that Richard Brodhead has served as President of Duke University, including during the period from March 13, 2006 (the date of Plaintiffs' party) to the present. Duke University and Richard Brodhead further admit that President Brodhead discharged appropriately and fully the responsibilities of President of Duke University. Richard Brodhead further admits that he is a citizen and resident of Durham County in the State of North Carolina. Duke University and Richard Brodhead deny the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

51. The claims against Peter Lange were dismissed by the Court's Order of March 31, 2011.

Duke University admits that Peter Lange has served as Provost of Duke University, including during the period from March 13, 2006 (the date of Plaintiffs'

party) to the present. Duke University further admits that Provost Lange discharged appropriately and fully the responsibilities of Provost of Duke University. Upon information and belief, Duke University admits that Provost Lange is a citizen and resident of North Carolina. Duke University denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

52. Duke University and Tallman Trask III admit that Tallman Trask III has served as Executive Vice President of Duke University, including during the period from March 13, 2006 (the date of Plaintiffs' party) to the present. Duke University and Executive Vice President Trask further admit that Executive Vice President Trask discharged appropriately and fully the responsibilities of Executive Vice President of Duke University. Executive Vice President Trask further admits that he is a citizen and resident of Durham County in the State of North Carolina. Duke University and Executive Vice President Trask deny the remaining allegations.

53. The claims against Vice President Moneta were dismissed by the Court's Order of March 31, 2011.

Duke University admits that Larry Moneta has served as Vice President for Student Affairs at Duke University, including during the period from March 13, 2006 (the date of Plaintiffs' party) to the present. Duke University admits that Vice President Moneta discharged appropriately and fully the responsibilities of Vice President of

Student Affairs at University. Upon information and belief, Duke University admits that Vice President Moneta is a citizen and resident of Durham County in the State of North Carolina.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

54. The claims against former Senior Vice President Burness were dismissed by the Court's Order of March 31, 2011.

Duke University admits that John Burness served as Senior Vice President for Public Affairs and Government Relations at Duke University, including during the period from March 13, 2006 (the date of Plaintiffs' party) until June 30, 2008. Duke University admits that former Senior Vice President Burness was the primary senior liaison to the City of Durham. Duke University denies that former Senior Vice President Burness was the primary liaison to the Durham Police Department. Duke University further admits that former Senior Vice President Burness discharged appropriately and fully the responsibilities of Senior Vice President for Public Affairs and Government Relations of Duke University. Upon information and belief, Duke University admits that former Senior Vice President Burness is a citizen and resident of North Carolina. Duke University denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

55. The claims against Chancellor Dzau were dismissed by the Court's Order of March 31, 2011.

Duke University and DUHS admit that Victor Dzau has served as Chancellor for Health Affairs and President and Chief Executive Officer of DUHS, including during the period from March 13, 2006 (the date of Plaintiffs' party) to the present. Duke University and DUHS further admit that Chancellor Dzau discharged appropriately and fully the responsibilities of Chancellor for Health Affairs and President and Chief Executive Officer of DUHS. Upon information and belief, Duke University and DUHS admit that Dr. Dzau is a citizen and resident of State of North Carolina. Duke University and DUHS deny the remaining allegations.

The remaining Duke University Defendants and the remaining Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

56. Duke University and Suzanne Wasiolek admit that Suzanne Wasiolek has served as Assistant Vice President for Student Affairs and Dean of Students at Duke University, including during the period from March 13, 2006 (the date of Plaintiffs' party) to the present. Duke University and Dean Wasiolek admit that Dean Wasiolek is a member of the North Carolina State Bar and that she practiced law for nine months.

Duke University and Dean Wasiolek further admit that Dean Wasiolek discharged appropriately and fully the responsibilities of Assistant Vice President for Student Affairs and Dean of Students of Duke University. Dean Wasiolek further admits that she is a citizen and resident of North Carolina. Duke University and Dean Wasiolek deny the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

57. Duke University and Matthew Drummond admit that Matthew Drummond served as the Director IT Auxiliary Services-DukeCard, including during the period from March 13, 2006 (the date of Plaintiffs' party) until February of 2011. Former Director Drummond further admits that he is a citizen and resident of North Carolina. Duke University and former Director Drummond deny the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

58. DUHS and Tara Levicy admit that on March 14, 2006, Tara Levicy was a registered nurse who was working as a staff nurse and as a SANE in training in the Emergency Department at Duke University Hospital. Nurse Levicy admits that she is a citizen and resident of New Hampshire. DUHS and Nurse Levicy deny the remaining allegations.

The Duke University Defendants and the remaining Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

59. The claims against Nurse Arico were dismissed by the Court's Order of March 31, 2011.

DUHS admits that Nurse Arico served as the Coordinator of the Sexual Assault Nurse Examiner Program at Duke University Hospital, including during the period from March 13, 2006 (the date of Plaintiffs' party) until the fall of 2006. Upon information and belief, DUHS admits that Nurse Arico is a citizen and resident of North Carolina. DUHS denies the remaining allegations.

The Duke University Defendants and the remaining Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

60. The Duke University Defendants and the Duke SANE Defendants admit upon information and belief that J. Wesley Covington was an attorney in Durham, North Carolina, including during the period from March 13, 2006 (the date of Plaintiffs' party) until 2010. The Duke University Defendants and the Duke SANE Defendants further admit on information and belief that Mr. Covington was a citizen and resident of North Carolina during the time period from March 13, 2006 (the date of Plaintiffs' party) until 2010. On information and belief, the Duke University Defendants and the Duke SANE

Defendants state that Mr. Covington passed away in 2010. The Duke University Defendants and the Duke SANE Defendants deny the remaining allegations.

61. Duke University and Kate Hendricks admit that Kate Hendricks has served as Deputy General Counsel in the Office of University Counsel at Duke University from November 1, 2006 to the present. Duke University and Deputy Counsel Hendricks further admit that Deputy Counsel Hendricks works in the Office of University Counsel at Duke University. Deputy Counsel Hendricks further admits that she is a citizen and resident of Durham County in the State of North Carolina. Duke University and Deputy Counsel Hendricks deny the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

62. Duke University and Aaron Graves admit that Aaron Graves served as the Associate Vice President for Campus Safety and Security for Duke University, including during the period from March 13, 2006 (the date of Plaintiffs' party) until June 30, 2010. Duke University and former Associate Vice President Graves admit that former Associate Vice President Graves discharged appropriately and fully the responsibilities of Associate Vice President for Campus Safety and Security for Duke University. Duke University further admits that Duke University Police Officers are Duke University employees, who are commissioned under North Carolina General Statutes and have the full range of police authority granted any municipal law enforcement officers. The

allegations regarding the jurisdiction of the Duke University Police Department call for a legal conclusion to which no response is required. To the extent that a response is required, Duke University denies the allegations. Former Associate Vice President Graves admits that he was a citizen and resident of North Carolina in 2006. Former Associate Vice President Graves denies that he is now a resident of North Carolina. Duke University and former Associate Vice President Graves deny the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

63. Duke University and Robert Dean admit that Robert Dean was the Director of the Duke University Police Department, including during the period from March 13, 2006 (the date of Plaintiffs' party) until April 2008. Duke University and former Director Dean further admit that former Director Dean discharged appropriately and fully the responsibilities of Director of the Duke University Police Department. Duke University and former Director Dean further admit that former Director Dean reported directly to former Associate Vice President Graves. Former Director Dean further admits that he is a resident of North Carolina. Duke University and former Director Dean deny the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

64. Duke University, former Associate Vice President Graves and former Director Dean admit that former Associate Vice President Graves and former Director Dean worked for Duke University. Duke University, former Associate Vice President Graves and former Director Dean specifically deny that the members of the Duke University Police Department are “persons” acting under color of law as that term is used in 28 U.S.C. § 1983. Duke University, former Associate Vice President Graves and former Director Dean deny the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

To the extent that the headings that precede Paragraph 65 are construed as allegations, the Duke University Defendants and Duke SANE Defendants deny the allegations.

65. Upon information and belief, the Duke University Defendants and the Duke SANE Defendants admit that the City of Durham is a municipal corporation formed under the laws of North Carolina. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, deny the remaining allegations.

66. Upon information and belief, the Duke University Defendants and the Duke SANE Defendants admit that Linwood Wilson was employed by the District Attorney for the Fourteenth Prosecutorial District of North Carolina. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, deny the remaining allegations.

67. Upon information and belief, the Duke University Defendants and the Duke SANE Defendants admit that Mark Gottlieb was employed by the Durham Police Department. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, deny the remaining allegations.

68. Upon information and belief, the Duke University Defendants and the Duke SANE Defendants admit that Benjamin Himan was employed by the Durham Police Department. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, deny the remaining allegations.

69. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

To the extent that the heading that precedes Paragraph 70 is construed as allegations, the Duke University Defendants and Duke SANE Defendants deny the allegations.

70. Upon information and belief, the Duke University Defendants and the Duke SANE Defendants admit that Patrick Baker was the City Manager for the City of Durham. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, deny the remaining allegations.

71. Upon information and belief, the Duke University Defendants and the Duke SANE Defendants admit that Steven Chalmers was the Chief of Police for the Durham Police Department. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, deny the remaining allegations.

72. Upon information and belief, the Duke University Defendants and the Duke SANE Defendants admit that Ronald Hodge was employed by the Durham Police Department. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, deny the remaining allegations.

73. Upon information and belief, the Duke University Defendants and the Duke SANE Defendants admit that Lee Russ was employed by the Durham Police Department. The Duke University Defendants and the Duke SANE Defendants are without knowledge

or information sufficient to form a belief about the truth of the remaining allegations and, therefore, deny the remaining allegations.

74. Upon information and belief, the Duke University Defendants and the Duke SANE Defendants admit that Stephen Mihaich was employed by the Durham Police Department. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, deny the remaining allegations.

75. Upon information and belief, the Duke University Defendants and the Duke SANE Defendants admit that Beverly Council was employed by the Durham Police Department. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, deny the remaining allegations.

76. Upon information and belief, the Duke University Defendants and the Duke SANE Defendants admit that Jeff Lamb was employed by the Durham Police Department. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, deny the remaining allegations.

77. Upon information and belief, the Duke University Defendants and the Duke SANE Defendants admit that Michael Ripberger was employed by the Durham Police Department. The Duke University Defendants and the Duke SANE Defendants are

without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, deny the remaining allegations.

78. Upon information and belief, the Duke University Defendants and the Duke SANE Defendants admit that David Addison was employed by the Durham Police Department. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, deny the remaining allegations.

79. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

80. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

To the extent that the heading that precedes Paragraph 81 is construed as allegations, the Duke University Defendants and Duke SANE Defendants deny the allegations.

81. As a result of the matters alleged in the First Amended Complaint, which are denied, the Duke University Defendants and the Duke SANE Defendants admit that these allegations place jurisdiction in this Court. The Duke University Defendants and the Duke SANE Defendants deny that the allegations in the First Amended Complaint

state claims upon which relief can be granted. The Duke University Defendants and the Duke SANE Defendants deny the remaining allegations.

82. As a result of the matters alleged in the First Amended Complaint, which are denied, the Duke University Defendants and the Duke SANE Defendants admit that these allegations place venue in the United States District Court for the Middle District of North Carolina. The Duke University Defendants and the Duke SANE Defendants deny that the allegations in the First Amended Complaint state claims upon which relief can be granted. The Duke University Defendants and the Duke SANE Defendants deny the remaining allegations.

To the extent that the headings that precede Paragraph 83 are construed as allegations, the Duke University Defendants and Duke SANE Defendants deny the allegations.

83. Duke University admits that Mike Pressler became head coach of the Duke University men's lacrosse team in 1991. Duke University further admits that from 1991 through 2006, the Duke University men's lacrosse team compiled a 153-82 overall record, won three ACC championships, went to the NCAA tournament ten times, and made an appearance in the 2005 Division I men's lacrosse championship game. Duke University further admits that Coach Pressler was a three-time ACC Coach of the Year and the 2005 recipient of the U.S. Intercollegiate Lacrosse Association's National Coach of the Year. Duke University is without knowledge or information sufficient to form a

belief about the truth of the remaining allegations and, therefore, denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

84. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

85. Duke University admits that it has athletic teams that are nationally competitive. Duke University further admits that it has participated in what was once known as the Sears Cup but is now the NACDA Directors' Cup. Duke University admits that the prestige and success of its athletic teams is a factor in the ability of Duke University to recruit students. Duke University is without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

86. Duke University admits that the prestige and success of its athletic teams is a factor in the ability of Duke University to attract donations. Duke University is without

knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

87. Duke University admits that its varsity athletes represent Duke University throughout the world. Duke University admits that the Duke University Student-Athlete Handbook states, “The university’s official policy is that you are excused from classes when you are acting as an official representative of the university (i.e., traveling to away games).” To the extent Paragraph 87 purports to characterize the contents of the Duke University Student-Athlete Handbook, Duke University denies the characterization. Duke University denies the remaining allegations.

Dean Wasiolek admits that an article appeared in *The Herald-Sun* on April 2, 2006, in which she was quoted as saying the words quoted in this paragraph. Dean Wasiolek is without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

88. Duke University admits that the Duke University Student-Athlete Handbook addresses such topics as study halls, class attendance, drug use, and alcohol

use. To the extent Paragraph 88 purports to characterize the contents of the Duke University Student-Athlete Handbook, Duke University denies that characterization. Duke University denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

89. Duke University admits that its men's lacrosse team began the 2005-2006 season with a record of five wins and one loss. Duke University further admits that the one loss was to Maryland, in which Duke University lost by a score of 8-7 in a game that extended into overtime. Duke University is without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

To the extent that the heading that precedes Paragraph 90 is construed as allegations, the Duke University Defendants and Duke SANE Defendants deny the allegations.

90. Upon information and belief, the Duke University Defendants and the Duke SANE Defendants admit that evidence has been presented in other legal proceedings arising from this same series of events, including the criminal proceedings and the State

Bar's proceedings against former District Attorney Nifong, that on March 13, 2006, members of the Duke University men's 2005-2006 lacrosse team attended a party at a house located in Durham at 610 North Buchanan Boulevard. The Duke University Defendants and the Duke SANE Defendants admit that 610 North Buchanan Boulevard is across the street from the East Campus of Duke University in a Durham neighborhood known as Trinity Park.

Duke University further admits that it purchased the property located at 610 North Buchanan Boulevard in February 2006. Duke University further admits that at the time of its purchase by Duke University, the house located at 610 North Buchanan Boulevard was rented to, and inhabited by, three of the lacrosse team's four senior co-captains, David Evans, Matthew Zash, and Daniel Flannery.

Except where otherwise admitted, the Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, deny the remaining allegations.

91. Upon information and belief, the Duke University Defendants and the Duke SANE Defendants admit that evidence has been presented in other legal proceedings arising from this same series of events, including the criminal proceedings and the State Bar's proceedings against former District Attorney Nifong, that some of the members of the 2005-2006 Duke University men's lacrosse team chose to hire dancers for a party at 610 North Buchanan Boulevard at which there was the underage possession and consumption of alcohol. Duke University denies that it has no rules or policies "with

respect to the hiring of exotic dancers to perform at student parties.” The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, deny the remaining allegations.

92. Upon information and belief, the Duke University Defendants and the Duke SANE Defendants admit that evidence has been presented in other legal proceedings arising from this same series of events, including criminal proceedings and the State Bar’s proceedings against former District Attorney Nifong, that the dancers who were hired to perform at the party hosted by members of the lacrosse team, some of whom are also plaintiffs in this action, were Crystal Mangum and Kim Roberts. Other than from public reports of those proceedings, the Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, deny the remaining allegations.

93. Upon information and belief, the Duke University Defendants and the Duke SANE Defendants admit that evidence has been presented in other legal proceedings arising from this same series of events, including the criminal proceedings and the State Bar’s proceedings against former District Attorney Nifong, that one of the dancers who was hired to perform at the party hosted by members of the lacrosse team was Crystal Mangum. The Duke University Defendants and the Duke SANE Defendants admit that evidence has also been presented at those legal proceedings that would tend to show that a woman made allegations, including rape, against members of the 2005-2006 Duke

men's lacrosse team that resulted in the indictment of three members of the lacrosse team, who are not plaintiffs in this action, and in the eventual complete exoneration of those lacrosse team members. Other than from public reports of those proceedings, the Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, deny the remaining allegations.

94. Upon information and belief, the Duke University Defendants and the Duke SANE Defendants admit that evidence has been presented in other legal proceedings arising from this same series of events, including the criminal proceedings and the State Bar's proceedings against former District Attorney Nifong, that one of the dancers who was hired to perform at the party hosted by members of the lacrosse team was Crystal Mangum. The Duke University Defendants and the Duke SANE Defendants further admit that evidence has also been presented at those legal proceedings that would tend to show that Ms. Mangum had engaged in sexual activity with multiple males. Other than from public reports of those proceedings, the Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, deny the remaining allegations.

95. Upon information and belief, the Duke University Defendants and the Duke SANE Defendants admit that evidence has been presented in other legal proceedings arising from this same series of events, including the criminal proceedings and the State Bar's proceedings against former District Attorney Nifong, that the dancers who were

hired to perform at the party hosted by members of the lacrosse team, some of whom are also plaintiffs in this action, were Crystal Mangum and Kim Roberts. Other than from public reports of those proceedings, the Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, deny the remaining allegations.

To the extent that the heading that precedes Paragraph 96 is construed as allegations, the Duke University Defendants and Duke SANE Defendants deny the allegations.

96. Duke University admits that on March 14, 2006, the dispatcher at the Duke University Police Department received a call from Durham 911 informing him that Durham 911 had received a call about racial slurs coming from a house at 610 North Buchanan Boulevard. Duke University specifically denies that members of the Duke University Police Department were aware on March 14, 2006 that Ms. Roberts placed the 911 call referenced. To the extent Paragraph 96 purports to characterize the contents of the 911 call referenced, Duke University denies the characterization. Duke University is without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

97. The Duke University Defendants and Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

98. Duke University admits that officers of the Durham Police Department informed officers of the Duke University Police Department that Ms. Roberts made a 911 call. Duke University specifically denies that members of the Duke University Police Department were aware on March 14, 2006 that Ms. Roberts placed the 911 call referenced. Duke University is without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

99. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

100. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

101. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

102. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

103. DUHS admits that Ms. Mangum was taken to Duke University Hospital. To the extent that this paragraph relates to Ms. Mangum's protected health information, it is a violation of the Health Insurance Portability and Accountability Act for the Duke SANE Defendants to disclose any of Ms. Mangum's protected health information. Absent a court order authorizing such disclosure, the Duke SANE Defendants are unable to respond. Therefore, the allegations seeking information relating to Ms. Mangum's protected health information are denied. The Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, deny the remaining allegations.

The Duke University Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

To the extent that the heading that precedes Paragraph 104 is construed as allegations, the Duke University Defendants and Duke SANE Defendants deny the allegations.

104. DUHS admits that Ms. Mangum arrived at the Emergency Department of Duke University Hospital on March 14, 2006. To the extent that this paragraph relates to Ms. Mangum's protected health information, it is a violation of the Health Insurance Portability and Accountability Act for the Duke SANE Defendants to disclose any of Ms. Mangum's protected health information. Absent a court order authorizing such disclosure, the Duke SANE Defendants are unable to respond. Therefore, the allegations seeking information relating to Ms. Mangum's protected health information are denied. The Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, deny the remaining allegations.

The Duke University Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

105. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

106. To the extent that this paragraph, including its bulleted subparts, relates to Ms. Mangum's protected health information, it is a violation of the Health Insurance Portability and Accountability Act for the Duke SANE Defendants to disclose any of Ms. Mangum's protected health information. Absent a court order authorizing such disclosure, the Duke SANE Defendants are unable to respond. Therefore, the allegations seeking information relating to Ms. Mangum's protected health information are denied.

The Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, deny the remaining allegations.

Duke University admits that Officer Day wrote a March 14, 2006 Operations Report that contains the language quoted in the fourth bulleted paragraph. To the extent this paragraph purports to characterize the contents of the Operations Report, Duke University denies that characterization. Duke University is without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, denies the remaining allegations.

The remaining Duke University Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

107. To the extent that this paragraph relates to Ms. Mangum's protected health information, it is a violation of the Health Insurance Portability and Accountability Act for the Duke SANE Defendants to disclose any of Ms. Mangum's protected health information. Absent a court order authorizing such disclosure, the Duke SANE Defendants are unable to respond. Therefore, the Duke SANE Defendants deny the allegations seeking information relating to Ms. Mangum's protected health information. The Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, deny the remaining allegations.

The Duke University Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

108. To the extent that this paragraph relates to Ms. Mangum's protected health information, it is a violation of the Health Insurance Portability and Accountability Act for the Duke SANE Defendants to disclose any of Ms. Mangum's protected health information. Absent a court order authorizing such disclosure, the Duke SANE Defendants are unable to respond. Therefore, the Duke SANE Defendants deny the allegations seeking information relating to Ms. Mangum's protected health information. The Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, deny the remaining allegations.

The Duke University Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

109. To the extent that this paragraph relates to Ms. Mangum's protected health information, it is a violation of the Health Insurance Portability and Accountability Act for the Duke SANE Defendants to disclose any of Ms. Mangum's protected health information. Absent a court order authorizing such disclosure, the Duke SANE Defendants are unable to respond. Therefore, the Duke SANE Defendants deny the allegations seeking information relating to Ms. Mangum's protected health information. The Duke SANE Defendants are without knowledge or information sufficient to form a

belief about the truth of the remaining allegations and, therefore, deny the remaining allegations.

The Duke University Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

To the extent that the heading that precedes Paragraph 110 is construed as allegations, the Duke University Defendants and Duke SANE Defendants deny the allegations.

110. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

111. Duke University admits that on March 14, 2006, officers of the Durham Police Department spoke with officers of the Duke University Police Department regarding Ms. Mangum's allegations. Duke University denies the remaining allegations.

To the extent any of the remaining Duke University Defendants or Duke SANE Defendants are alleged to be included within "top-level Duke administrators," an undefined term used in Paragraph 111, the remaining Duke University Defendants and Duke SANE Defendants deny that they knew the "facts" alleged in Paragraph 111 on March 14, 2006.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, deny the remaining allegations.

To the extent that the heading that precedes Paragraph 112 is construed as allegations, the Duke University Defendants and Duke SANE Defendants deny the allegations.

112. To the extent that this paragraph relates to Ms. Mangum's protected health information, it is a violation of the Health Insurance Portability and Accountability Act for the Duke SANE Defendants to disclose any of Ms. Mangum's protected health information. Absent a court order authorizing such disclosure, the Duke SANE Defendants are unable to respond. Therefore, the Duke SANE Defendants deny the allegations seeking information relating to Ms. Mangum's protected health information. The Duke SANE Defendants deny the remaining allegations.

The Duke University Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

113. To the extent that this paragraph relates to Ms. Mangum's protected health information, it is a violation of the Health Insurance Portability and Accountability Act for the Duke SANE Defendants to disclose any of Ms. Mangum's protected health information. Absent a court order authorizing such disclosure, the Duke SANE Defendants are unable to respond. Therefore, the Duke SANE Defendants deny the allegations seeking information relating to Ms. Mangum's protected health information. The Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, deny the remaining allegations.

The Duke University Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

114. DUHS admits that Duke University Hospital has policies and procedures that set forth guidelines, not requirements, for sexual assault examinations. DUHS further admits that the policies of Duke University Hospital state that all patients who claim that they have been sexually assaulted will be offered a sexual assault medical forensic examination, but that no person will be forced to undergo a forensic examination. DUHS admits that, as of November 2004, Duke University Hospital employed fourteen staff nurses who were also trained SANE nurses. DUHS denies the remaining allegations.

The Duke University Defendants and the remaining Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

115. DUHS and Nurse Levicy admit that Nurse Levicy began working in the Emergency Department at Duke University Hospital in February 2005. DUHS and Nurse Levicy further admit that this job was Nurse Levicy's first nursing job following receipt of her nursing degree in December 2004. DUHS and Nurse Levicy also admit that Nurse Levicy began her SANE training in August 2005, and that her certificate of completion was effective on March 2, 2006, although she did not receive the certificate until the late afternoon of March 14, 2006. DUHS and Nurse Levicy deny the remaining allegations.

The Duke University Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

116. DUHS and Nurse Levicy admit that Nurse Levicy began training as a SANE nurse on her own initiative with the permission of her employer in August 2005, nine months after receiving her nursing degree. DUHS and Nurse Levicy further admit that Nurse Levicy received a certificate upon completion of her training as a SANE nurse. DUHS and Nurse Levicy deny the remaining allegations.

The Duke University Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

117. DUHS and Nurse Levicy admit that Nurse Levicy was an employee of DUHS and that she assisted in conducting the sexual assault examination at issue in this litigation during her employment. DUHS and Nurse Levicy deny the remaining allegations.

The Duke University Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

118. The Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations regarding the specific quote attributed to the U.S. Department of Justice and, therefore, deny those allegations.

The Duke SANE Defendants admit that SANE nurses by profession are not victim advocates and should remain objective and neutral during the examination. Nurse Levicy specifically admits that she remains both objective and neutral during such examinations.

With regard to the allegations related to the Attorney General's National Protocol for Sexual Assault Medical Forensic Examinations, the Duke SANE Defendants admit that the quoted phrase appears one time on the website, and that examiner neutrality and objectivity is referenced three times. Except as otherwise admitted, the Duke SANE Defendants deny the remaining allegations.

The Duke University Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

119. To the extent that this paragraph relates to Ms. Mangum's protected health information, it is a violation of the Health Insurance Portability and Accountability Act for the Duke SANE Defendants to disclose any of Ms. Mangum's protected health information. Absent a court order authorizing such disclosure, the Duke SANE Defendants are unable to respond. Therefore, the Duke SANE Defendants deny the allegations seeking information relating to Ms. Mangum's protected health information. The Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, deny the remaining allegations.

The Duke University Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

120. To the extent that this paragraph relates to Ms. Mangum's protected health information, it is a violation of the Health Insurance Portability and Accountability Act for the Duke SANE Defendants to disclose any of Ms. Mangum's protected health

information. Absent a court order authorizing such disclosure, the Duke SANE Defendants are unable to respond. Therefore, the Duke SANE Defendants deny the allegations seeking information relating to Ms. Mangum's protected health information. The Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, deny the remaining allegations.

The Duke University Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

121. To the extent that this paragraph relates to Ms. Mangum's protected health information, it is a violation of the Health Insurance Portability and Accountability Act for the Duke SANE Defendants to disclose any of Ms. Mangum's protected health information. Absent a court order authorizing such disclosure, the Duke SANE Defendants are unable to respond. Therefore, the Duke SANE Defendants deny the allegations seeking information relating to Ms. Mangum's protected health information. The Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, deny the remaining allegations.

The Duke University Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

122. To the extent that this paragraph relates to Ms. Mangum's protected health information, it is a violation of the Health Insurance Portability and Accountability Act

for the Duke SANE Defendants to disclose any of Ms. Mangum's protected health information. Absent a court order authorizing such disclosure, the Duke SANE Defendants are unable to respond. Therefore, the Duke SANE Defendants deny the allegations seeking information relating to Ms. Mangum's protected health information.

DUHS and Nurse Levicy deny that Nurse Levicy was not qualified to perform a pelvic examination on March 14, 2006, because she had successfully completed her SANE certification training and was only waiting for her certificate of completion in the mail. DUHS and Nurse Levicy are without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, deny the remaining allegations.

The Duke University Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

123. To the extent that this paragraph relates to Ms. Mangum's protected health information, it is a violation of the Health Insurance Portability and Accountability Act for the Duke SANE Defendants to disclose any of Ms. Mangum's protected health information. Absent a court order authorizing such disclosure, the Duke SANE Defendants are unable to respond. Therefore, the Duke SANE Defendants deny the allegations seeking information relating to Ms. Mangum's protected health information. The Duke SANE Defendants deny any remaining allegations.

The Duke University Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

124. To the extent that this paragraph relates to Ms. Mangum's protected health information, it is a violation of the Health Insurance Portability and Accountability Act for the Duke SANE Defendants to disclose any of Ms. Mangum's protected health information. Absent a court order authorizing such disclosure, the Duke SANE Defendants are unable to respond. Therefore, the Duke SANE Defendants deny the allegations seeking information relating to Ms. Mangum's protected health information. The Duke SANE Defendants deny any remaining allegations.

The Duke University Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

125. To the extent that this paragraph relates to Ms. Mangum's protected health information, it is a violation of the Health Insurance Portability and Accountability Act for the Duke SANE Defendants to disclose any of Ms. Mangum's protected health information. Absent a court order authorizing such disclosure, the Duke SANE Defendants are unable to respond. Therefore, the Duke SANE Defendants deny the allegations seeking information relating to Ms. Mangum's protected health information. The Duke SANE Defendants deny any remaining allegations.

The Duke University Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

126. To the extent that this paragraph relates to Ms. Mangum's protected health information, it is a violation of the Health Insurance Portability and Accountability Act for the Duke SANE Defendants to disclose any of Ms. Mangum's protected health

information. Absent a court order authorizing such disclosure, the Duke SANE Defendants are unable to respond. Therefore, the Duke SANE Defendants deny the allegations seeking information relating to Ms. Mangum's protected health information. The Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, deny the remaining allegations.

The Duke University Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

127. DUHS admits that Dr. Manly met with an attorney representing one of the indicted lacrosse players, and, among other things, informed him that vaginal swelling could be caused by reasons other than sexual assault. DUHS denies the remaining allegations.

The Duke University Defendants and the remaining Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

128. To the extent that this paragraph relates to Ms. Mangum's protected health information, it is a violation of the Health Insurance Portability and Accountability Act for the Duke SANE Defendants to disclose any of Ms. Mangum's protected health information. Absent a court order authorizing such disclosure, the Duke SANE Defendants are unable to respond. Therefore, the Duke SANE Defendants deny the

allegations seeking information relating to Ms. Mangum's protected health information.

The Duke SANE Defendants deny the remaining allegations.

The Duke University Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

129. To the extent that this paragraph relates to Ms. Mangum's protected health information, it is a violation of the Health Insurance Portability and Accountability Act for the Duke SANE Defendants to disclose any of Ms. Mangum's protected health information. Absent a court order authorizing such disclosure, the Duke SANE Defendants are unable to respond. Therefore, the Duke SANE Defendants deny the allegations seeking information relating to Ms. Mangum's protected health information. The Duke SANE Defendants deny any remaining allegations.

The Duke University Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

To the extent that the heading that precedes Paragraph 130 is construed as allegations, the Duke University Defendants and Duke SANE Defendants deny the allegations.

130. DUHS admits that Ms. Mangum was discharged from Duke University Hospital on March 14, 2006. DUHS is without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, denies the remaining allegations.

The Duke University Defendants and the remaining Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

131. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

132. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

133. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

134. The Duke University Defendants and the Duke SANE Defendants deny the allegations.

135. The claims against former Senior Vice President Burness were dismissed by the Court's Order of March 31, 2011.

Duke University and Executive Vice President Trask deny that they or anyone acting on Duke University's behalf was aware that Sergeant Gottlieb had abused his law enforcement power against any Duke University students. Duke University admits that some of its administrators were aware that Sergeant Gottlieb had arrested Duke University students because of alcohol and noise violations. Duke University specifically

denies that the Duke University Police Department had any authority to approve, or approved, the decision made by the Durham Police Department to allow Sergeant Gottlieb, an employee of the Durham Police Department, to take charge of the investigation of Ms. Mangum's allegations. Duke University and Executive Vice President Trask are without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, deny the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

136. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

137. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

To the extent that the heading that precedes Paragraph 138 is construed as allegations, the Duke University Defendants and Duke SANE Defendants deny the allegations.

138. Former Director Dean and Dean Wasiolek admit that on or about March 15, 2006, former Director Dean notified Dean Wasiolek that an unnamed woman had reported being raped at a party at 610 North Buchanan Boulevard. Former Director Dean

is without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, denies the remaining allegations.

Duke University admits that Dean Wasiolek, who has spent most of her career at Duke University, is a well-respected and well-liked Dean of Students. Duke University denies the remaining allegations.

Dean Wasiolek admits that she is a member of the North Carolina State Bar. Dean Wasiolek denies that she is employed as an attorney. Dean Wasiolek denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

139. Former Director Dean and Dean Wasiolek admit that on or about March 15, they discussed the rape allegations. Former Director Dean and Dean Wasiolek further admit that former Director Dean told Dean Wasiolek that the accuser was not credible and that the allegations would likely go away. Dean Wasiolek and former Director Dean deny the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

140. Dean Wasiolek admits that the first statement in this paragraph attributed to her was part of a CNN video clip that was aired on May 9, 2006. Dean Wasiolek admits

that the second statement in this paragraph attributed to her was part of a quote that appeared in an article in *The Herald-Sun* on May 8, 2006. Dean Wasiolek further admits that she had reason to believe that the accuser was not credible. Dean Wasiolek denies the remaining allegations.

Except to the extent that the allegations have been admitted, Duke University denies the allegations.

To the extent any of the remaining Duke University Defendants or Duke SANE Defendants are alleged to be included within “other senior Duke officials,” an undefined term used in Paragraph 140, the remaining Duke University Defendants and Duke SANE Defendants deny the allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of any remaining allegations and, therefore, deny any remaining allegations.

141. Dean Wasiolek admits that on or about March 15, 2006, upon learning of the accusations against the lacrosse team, she contacted Coach Pressler. She further admits that she spoke with one or two of the lacrosse team’s co-captains by telephone. Dean Wasiolek is without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, denies the allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

142. Dean Wasiolek admits that the co-captains with whom she spoke told her that they had hired dancers for a party. Dean Wasiolek further admits that the co-captains also told her that the dancers had not been assaulted at the party. Dean Wasiolek further admits that she told the co-captains that she believed them. Dean Wasiolek further admits that she told the co-captains that she had been told that the accuser was not credible and that the allegations would likely go away. Dean Wasiolek denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

143. Dean Wasiolek denies the allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of allegations and, therefore, deny the allegations.

144. Dean Wasiolek admits that she has a law degree. Dean Wasiolek denies that she is employed as an attorney and denies that she was acting as an attorney when she spoke with the co-captains. Dean Wasiolek is without knowledge or information sufficient to form a belief about the truth of the remaining allegations in this paragraph and, therefore, denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

145. Dean Wasiolek denies the allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of allegations in this paragraph and, therefore, deny the allegations.

146. Dean Wasiolek admits that she has a law degree. Dean Wasiolek denies that she is employed as an attorney and denies that she was acting as an attorney when she spoke with the co-captains. Dean Wasiolek denies that she advised the members of the team that they should not consult an attorney. Dean Wasiolek denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of allegations in this paragraph and, therefore, deny the allegations.

147. Dean Wasiolek denies that she advised the members of the team that they should not consult with an attorney. Dean Wasiolek further denies that she advised the members of the team that they should not tell their parents about the rape allegations. Dean Wasiolek is without knowledge or information sufficient to form a belief about the truth of the remaining allegations, and, therefore, denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

To the extent that the heading that precedes Paragraph 148 is construed as allegations, the Duke University Defendants and Duke SANE Defendants deny the allegations.

148. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

149. Duke University admits that members of the Duke University Police Department gave photographs of the 2005-2006 Duke University men's lacrosse team to members of the Durham Police Department. Duke University further admits that these photographs were downloaded from a website available to the general public. Duke University is without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

150. To the extent that this paragraph relates to Ms. Mangum's protected health information, it is a violation of the Health Insurance Portability and Accountability Act for the Duke SANE Defendants to disclose any of Ms. Mangum's protected health

information. Absent a court order authorizing such disclosure, the Duke SANE Defendants are unable to respond. Therefore, the Duke SANE Defendants deny the allegations seeking information relating to Ms. Mangum's protected health information.

Nurse Levicy admits that on or around March 16, 2006, Investigator Himan contacted her regarding Ms. Mangum's examination and visit to the Emergency Department at Duke University Hospital. Nurse Levicy further admits that she told Investigator Himan that the Health Insurance Portability and Accountability Act prevented her from discussing patient information. Nurse Levicy further admits that she told Investigator Himan that there were signs during the sexual assault examination that were consistent with sexual assault. Nurse Levicy specifically denies that she made any statements to members of the Durham Police Department that were inconsistent with the examination of Ms. Mangum. Nurse Levicy is without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, denies the remaining allegations.

The remaining Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, deny the remaining allegations.

The Duke University Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

151. Nurse Levicy admits that she told Investigator Himan that there were signs during the sexual assault examination that were consistent with sexual assault. Nurse

Levicy specifically denies that she made any statements to members of the Durham Police Department that were inconsistent with the examination of Ms. Mangum. Nurse Levicy is without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, denies the remaining allegations.

DUHS admits that Duke University Hospital was served with a subpoena for Ms. Mangum's medical records on March 21, 2006. DUHS further admits that it complied with the subpoena as it was legally required to do. DUHS denies the remaining allegations.

The Duke University Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

152. To the extent that this paragraph relates to Ms. Mangum's protected health information, it is a violation of the Health Insurance Portability and Accountability Act for the Duke SANE Defendants to disclose any of Ms. Mangum's protected health information. Absent a court order authorizing such disclosure, the Duke SANE Defendants are unable to respond. Therefore, the Duke SANE Defendants deny the allegations seeking information relating to Ms. Mangum's protected health information.

Nurse Levicy specifically denies that she made any statements to members of the Durham Police Department that were inconsistent with the examination of Ms. Mangum. Nurse Levicy further specifically denies that she made any statements with an intentional or reckless disregard for the truth. Nurse Levicy denies the remaining allegations.

The remaining Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, deny the remaining allegations.

The Duke University Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

153. Nurse Levicy specifically denies that she made any statements to members of the Durham Police Department that were inconsistent with the examination of Ms. Mangum. Nurse Levicy denies the remaining allegations.

The Duke University Defendants and the remaining Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

154. The claims against Nurse Arico were dismissed by the Court's Order of March 31, 2011.

DUHS specifically denies that Nurse Arico described the medical examination of Ms. Mangum in any respect. DUHS further specifically denies that Nurse Arico made any public statements that were false. DUHS is without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, denies the remaining allegations.

Nurse Levicy specifically denies that she made any statements to members of the Durham Police Department that were inconsistent with the examination of Ms. Mangum.

Nurse Levicy is without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, denies the remaining allegations.

The Duke University Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

To the extent that the heading that precedes Paragraph 155 is construed as allegations, the Duke University Defendants and Duke SANE Defendants deny the allegations.

155. To the extent that this paragraph relates to Ms. Mangum's protected health information, it is a violation of the Health Insurance Portability and Accountability Act for the Duke SANE Defendants to disclose any of Ms. Mangum's protected health information. Absent a court order authorizing such disclosure, the Duke SANE Defendants are unable to respond. Therefore, the Duke SANE Defendants deny the allegations seeking information relating to Ms. Mangum's protected health information. The Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, deny the remaining allegations.

The Duke University Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

156. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

157. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

158. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

159. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

160. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

161. The Duke University Defendants and the Duke SANE Defendants admit that Michael Nifong was the District Attorney for Durham County. Upon information and belief, it is further admitted that former District Attorney Nifong was disbarred by the North Carolina State Bar for his actions relating to the prosecution of David Evans, Colin Finnerty, and Reade Seligmann. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, deny the remaining allegations.

To the extent that the heading that precedes Paragraph 162 is construed as allegations, the Duke University Defendants and Duke SANE Defendants deny the allegations.

162. Duke University admits that members of the Durham Police Department arrived at 610 North Buchanan Boulevard with a search warrant. Duke University further admits that in February 2006, it purchased 610 North Buchanan Boulevard. Duke University further admits that at the time of its purchase, 610 North Buchanan Boulevard was rented to, and inhabited by, three of the lacrosse team's four senior co-captains – David Evans, Matthew Zash, and Daniel Flannery. Duke University is without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

163. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

164. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

165. Duke University admits that members of the Duke University Police Department provided photographs of the men's lacrosse team to members of the Durham Police Department. Duke University further admits that the photographs were downloaded from a website available to the general public. Duke University specifically denies that DukeCard reports were "illegally" supplied by Duke University. Duke University is without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, denies the allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

166. To the extent that this paragraph relates to protected health information, it is a violation of the Health Insurance Portability and Accountability Act for the Duke SANE Defendants to disclose any protected health information. Absent a court order authorizing such disclosure, the Duke SANE Defendants are unable to respond. Therefore, the Duke SANE Defendants deny the allegations seeking information relating to protected health information.

DUHS admits that Daniel Flannery was examined at Duke University Medical Center on March 17, 2006. The Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of any remaining allegations and, therefore, deny any remaining allegations.

The Duke University Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

167. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

To the extent that the heading that precedes Paragraph 168 is construed as allegations, the Duke University Defendants and Duke SANE Defendants deny the allegations.

168. Duke University admits that the then Senior Associate Director of Athletics, Chris Kennedy, met with Coach Pressler and the four co-captains of the men's lacrosse team on March 17, 2006. Duke University further admits that then Senior Associate Director of Athletics Kennedy told the co-captains to tell their parents about the allegations and to talk with their parents about obtaining legal representation. Duke University further admits that then Senior Associate Director of Athletics Kennedy observed the co-captains using their cellular telephones immediately thereafter. Duke University denies the remaining allegations.

Dean Wasiolek denies that she advised the players that they should not consult an attorney. Dean Wasiolek further denies that she advised the players that they should not tell their parents about the rape allegations. Dean Wasiolek is without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, denies the allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

169. Dean Wasiolek denies that she advised the players that they should not consult an attorney. Dean Wasiolek further denies that she advised the players that they should not tell their parents about the rape allegations. Dean Wasiolek admits that she gave the name of Wes Covington to then Senior Associate Director of Athletics Kennedy as a name of a local attorney that players could contact. Dean Wasiolek further admits that she was complimentary of Mr. Covington and referred to his experience as a former Assistant District Attorney. Dean Wasiolek denies the remaining allegations.

Except to the extent that the allegations have been admitted, Duke University denies the allegations.

The remaining Duke University Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

The Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

170. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

171. Dean Wasiolek specifically denies that she advised the players that they should not tell their parents about the rape allegations. Dean Wasiolek is without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

172. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

173. Dean Wasiolek denies that she advised the players that they should not consult an attorney. Dean Wasiolek further denies that she held herself out as any sort of legal advisor to the players. Dean Wasiolek is without knowledge or information sufficient to form a belief about the truth of the allegations in the paragraph regarding the remaining allegations and, therefore, denies the allegations.

Duke University and the remaining Duke University Defendants specifically deny that Mr. Covington was acting on behalf of Duke University, its administration, or any of the Duke University Defendants. The Duke University Defendants are without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, deny the allegations.

The Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

174. The claims against Larry Moneta were dismissed by the Court's Order of March 31, 2011.

President Brodhead admits that on or about March 20, he read about the rape allegations in an article in *The Chronicle*. President Brodhead further admits that he spoke with Vice President Moneta, who told him that there were allegations that a rape had occurred at 610 North Buchanan Boulevard, that the accuser was not credible, and that the allegations were not likely to amount to anything. President Brodhead denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

175. The Duke University Defendants each expressly deny that Mr. Covington was acting officially or unofficially on behalf of Duke University or on behalf of any of them. The Duke University Defendants are without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, deny the remaining allegations.

The Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

To the extent that the heading that precedes Paragraph 176 is construed as allegations, the Duke University Defendants and Duke SANE Defendants deny the allegations.

176. Duke University denies that members of the Duke University Police Department attempted to arrange or helped to arrange “uncounseled interrogations of all the lacrosse players.” Duke University further denies that anyone acting on its behalf exploited his or her position in any manner. Duke University further denies that anyone acting on its behalf discouraged the players from retaining counsel. Duke University further denies that anyone acting on its behalf discouraged the players from asserting their constitutional rights to representation in interviews with members of the Durham Police Department. Duke University is without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, denies the remaining allegations.

Dean Wasiolek denies that she exploited her position in any manner. Dean Wasiolek further denies that she discouraged the players from retaining counsel. Dean Wasiolek further denies that she discouraged the players from asserting their constitutional rights to representation in interviews with members of the Durham Police Department. Dean Wasiolek is without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

177. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

178. The Duke University Defendants specifically deny that any of them or anyone acting on behalf of Duke University were engaged in “covert discussions” with Mr. Covington regarding an interrogation of the members of the Duke University men’s lacrosse team. The Duke University Defendants are without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, deny the remaining allegations.

The Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

179. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

To the extent that the heading that precedes Paragraph 180 is construed as allegations, the Duke University Defendants and Duke SANE Defendants deny the allegations.

180. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

181. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

182. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

183. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

184. DUHS admits that Duke University Hospital received a subpoena on March 21, 2006, for medical records associated with Ms. Mangum. DUHS denies any remaining allegations.

The Duke University Defendants and the remaining Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, deny the remaining allegations.

To the extent that the heading that precedes Paragraph 185 is construed as allegations, the Duke University Defendants and Duke SANE Defendants deny the allegations.

185. To the extent that this paragraph relates to Ms. Mangum's protected health information, it is a violation of the Health Insurance Portability and Accountability Act for the Duke SANE Defendants to disclose any of Ms. Mangum's protected health information. Absent a court order authorizing such disclosure, the Duke SANE Defendants are unable to respond. Therefore, the Duke SANE Defendants deny the allegations seeking information relating to Ms. Mangum's protected health information.

Nurse Levicy specifically denies that she made any statements to members of the Durham Police Department or any other investigator that were inconsistent with the examination of Ms. Mangum. Nurse Levicy further specifically denies that she made any false or misleading statements to Sergeant Gottlieb or any other investigator. Nurse Levicy denies the remaining allegations.

The remaining Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, deny the remaining allegations.

The Duke University Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

186. To the extent that this paragraph relates to Ms. Mangum's protected health information, it is a violation of the Health Insurance Portability and Accountability Act for the Duke SANE Defendants to disclose any of Ms. Mangum's protected health information. Absent a court order authorizing such disclosure, the Duke SANE

Defendants are unable to respond. Therefore, the Duke SANE Defendants deny the allegations seeking information relating to Ms. Mangum's protected health information.

Nurse Levicy specifically denies that she made any statements to members of the Durham Police Department or any other investigator that were inconsistent with the examination of Ms. Mangum. Nurse Levicy further specifically denies that she made any false or misleading statements to Sergeant Gottlieb or any other investigator. Nurse Levicy denies the remaining allegations.

The remaining Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, deny the remaining allegations.

The Duke University Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

187. To the extent that this paragraph relates to Ms. Mangum's protected health information, it is a violation of the Health Insurance Portability and Accountability Act for the Duke SANE Defendants to disclose any of Ms. Mangum's protected health information. Absent a court order authorizing such disclosure, the Duke SANE Defendants are unable to respond. Therefore, the Duke SANE Defendants deny the allegations seeking information relating to Ms. Mangum's protected health information.

Nurse Levicy specifically denies that she made any statements to members of the Durham Police Department or any other investigator that were inconsistent with the examination of Ms. Mangum. Nurse Levicy further specifically denies that she made any

false or misleading statements to Sergeant Gottlieb or any other investigator. Nurse Levicy denies the remaining allegations.

The remaining Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, deny the remaining allegations.

The Duke University Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

188. To the extent that this paragraph relates to Ms. Mangum's protected health information, it is a violation of the Health Insurance Portability and Accountability Act for the Duke SANE Defendants to disclose any of Ms. Mangum's protected health information. Absent a court order authorizing such disclosure, the Duke SANE Defendants are unable to respond. Therefore, the Duke SANE Defendants deny the allegations seeking information relating to Ms. Mangum's protected health information.

Nurse Levicy specifically denies that she made any statements to members of the Durham Police Department or any other investigator that were inconsistent with the examination of Ms. Mangum. Nurse Levicy further specifically denies that she made any false or misleading statements to Officer Himan or Sergeant Gottlieb or any other investigator. Nurse Levicy denies the remaining allegations.

The remaining Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, deny the remaining allegations.

The Duke University Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

189. To the extent that this paragraph relates to Ms. Mangum's protected health information, it is a violation of the Health Insurance Portability and Accountability Act for the Duke SANE Defendants to disclose any of Ms. Mangum's protected health information. Absent a court order authorizing such disclosure, the Duke SANE Defendants are unable to respond. Therefore, the Duke SANE Defendants deny the allegations seeking information relating to Ms. Mangum's protected health information.

Nurse Levicy specifically denies that she made any statements to members of the Durham Police Department or any other investigator that were inconsistent with the examination of Ms. Mangum. Nurse Levicy further specifically denies that she made any false or misleading statements to Sergeant Gottlieb or any other investigator. Nurse Levicy is without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, denies the remaining allegations.

The remaining Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, deny the remaining allegations.

The Duke University Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

190. Nurse Levicy admits that she met with or conversed with members of the Durham Police Department on a limited number of occasions and responded to questions

from investigators, as is customary for SANE nurses to do during a rape investigation. Nurse Levicy further admits that she met with former District Attorney Nifong in June 2006 and responded to his questions about the sexual assault examination. Nurse Levicy specifically denies that she conspired with any investigators to “prop up and prolong the investigation” as alleged in the First Amended Complaint. Nurse Levicy also specifically denies that she adjusted or elaborated her testimony as alleged in the First Amended Complaint. Nurse Levicy further specifically denies that she made any statements to members of the Durham Police Department, former District Attorney Nifong, or any other investigator that were inconsistent with the examination of Ms. Mangum. Nurse Levicy further specifically denies that she made any false or misleading statements to any member of the Durham Police Department, former District Attorney Nifong, or any other investigator. Nurse Levicy denies the remaining allegations.

The Duke University Defendants and the remaining Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

191. Nurse Levicy admits that she had a meeting with former District Attorney Nifong in or around June 2006. Nurse Levicy denies that she made any statements to Mr. Nifong that were inconsistent with the examination of Ms. Mangum. Nurse Levicy further specifically denies that she made any false or misleading statements to Mr. Nifong. Nurse Levicy is without knowledge or information sufficient to form a belief

about the truth of the remaining allegations and, therefore, denies the remaining allegations.

The Duke University Defendants and the remaining Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

192. Nurse Levicy admits that she met with Linwood Wilson and Investigator Himan in January of 2007. Nurse Levicy further admits that she responded to questions from these investigators, as is customary for SANE nurses to do during a rape investigation. Nurse Levicy specifically denies that she made any statements during that meeting that were false or misleading or that were inconsistent with the examination of Ms. Mangum. Nurse Levicy denies the remaining allegations.

The remaining SANE Defendants and Duke University Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

To the extent that the heading that precedes Paragraph 193 is construed as allegations, the Duke University Defendants and Duke SANE Defendants deny the allegations.

193. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

194. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

195. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

To the extent that the heading that precedes Paragraph 196 is construed as allegations, the Duke University Defendants and Duke SANE Defendants deny the allegations.

196. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

197. Dean Wasiolek denies that she had any “extensive discussions” with Mr. Covington on March 21. Dean Wasiolek is without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

198. The Duke University Defendants and Duke SANE Defendants each deny that there was any “Duke-Durham plan for uncounseled interrogations.” The Duke University Defendants and Duke SANE Defendants deny the remaining allegations.

199. The Duke University Defendants specifically deny that they or anyone acting on behalf of Duke University or themselves instructed the members of the 2005-2006 Duke University men’s lacrosse team to refrain from telling their parents about the rape allegations. The Duke University Defendants are without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, deny the remaining allegations.

The Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

To the extent that the heading that precedes Paragraph 200 is construed as allegations, the Duke University Defendants and Duke SANE Defendants deny the allegations.

200. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

201. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

202. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

203. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

204. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

To the extent that the heading that precedes Paragraph 205 is construed as allegations, the Duke University Defendants and Duke SANE Defendants deny the allegations.

205. Upon information and belief, the Duke University Defendants and the Duke SANE Defendants admit that in other legal proceedings arising from this same series of events, including the criminal proceedings and the State Bar's proceedings against Michael Nifong, it has become established that an NTO application was filed with the Durham County Superior Court on March 23, 2006.

Nurse Levicy admits that she responded to questions from investigators, as is customary for SANE nurses to do during a rape investigation. Nurse Levicy specifically denies that she made any statements that were inconsistent with the examination of Ms. Mangum. Nurse Levicy further specifically denies that she made any false or misleading

statements. Nurse Levicy is without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, denies the remaining allegations.

Other than from public reports of the above-described proceedings, the Duke University Defendants and the remaining Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, deny the remaining allegations.

206. Nurse Levicy admits that she responded to questions from investigators, as is customary for SANE nurses to do during a rape investigation. Nurse Levicy denies that she made any false or misleading statements or any statements inconsistent with the examination of Ms. Mangum.

Nurse Levicy, the Duke University Defendants, and the remaining Duke SANE Defendants further specifically deny that they knew or should have known whether any statements in the NTO application were false. Nurse Levicy, the Duke University Defendants, and the remaining Duke SANE Defendants further deny that they had any authority or obligation to rebut or correct any assertions in any NTO application regardless of the truth of the allegations. Nurse Levicy, the Duke University Defendants and the remaining Duke SANE Defendants deny the remaining allegations.

207. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

208. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

209. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

210. Nurse Levicy denies that she made any false or misleading statements or any statements inconsistent with the examination of Ms. Mangum to any member of the Durham Police Department or to anyone else involved in the investigation of Ms. Mangum's allegations. Nurse Levicy is without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, denies the remaining allegations.

The Duke University Defendants and the remaining Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

211. Nurse Levicy denies that she made any false or misleading statements regarding any physical or medical evidence to any member of the Durham Police Department or to anyone else involved in the investigation of Ms. Mangum's allegations. Nurse Levicy further denies that she made any statements inconsistent with the examination of Ms. Mangum to any member of the Durham Police Department or to

anyone else involved in the investigation of Ms. Mangum's allegations. Nurse Levcy denies the remaining allegations.

The Duke University Defendants and the remaining Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

212. To the extent that this paragraph relates to Ms. Mangum's protected health information, it is a violation of the Health Insurance Portability and Accountability Act for the Duke SANE Defendants to disclose any of Ms. Mangum's protected health information. Absent a court order authorizing such disclosure, the Duke SANE Defendants are unable to respond. Therefore, the Duke SANE Defendants deny the allegations seeking information relating to Ms. Mangum's protected health information. The Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, deny the remaining allegations.

The Duke University Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

213. Upon information and belief, the Duke University Defendants and the Duke SANE Defendants admit that the court records in other legal proceedings arising from this same series of events, namely the criminal proceedings and the State Bar's proceedings against Michael Nifong, shows that Judge Stephens signed an NTO application on March 23, 2006. Other than from this court record, the Duke University

Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, deny the remaining allegations.

214. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

215. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

216. The Duke University Defendants and the Duke SANE Defendants deny that they, or anyone acting on behalf of any of them, took any action intended to “fuel” a national media frenzy. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, deny the remaining allegations.

To the extent that the heading that precedes Paragraph 217 is construed as allegations, the Duke University Defendants and Duke SANE Defendants deny the allegations.

217. Duke University admits that it follows a practice of academic freedom and that professors are free to exercise their individual First Amendment right to free speech. Duke University further admits that individual members of the public gathered to express their personal opinions about the allegations and the ongoing investigation of those

allegations in the Durham community and on the campus of Duke University. Duke University denies that members of the New Black Panther Party conducted a demonstration on the campus of Duke University. Duke University admits that its representatives met with the players' parents to discuss concerns about safety and to discuss possible alternative housing options for the players. Duke University further admits that a full-page, paid announcement that identified 88 individuals containing, among other things, the language quoted in this paragraph, appeared in *The Chronicle*. To the extent this paragraph characterizes that announcement or the statements therein, Duke University denies the characterization. Duke University denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

218. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

219. The Duke University Defendants and the Duke SANE Defendants admit that Michael Nifong was the District Attorney for Durham County. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, deny the remaining allegations.

220. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of these allegations and, therefore, deny the allegations.

221. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of these allegations and, therefore, deny the allegations.

222. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of these allegations and, therefore, deny the allegations.

223. The Duke University Defendants and the Duke SANE Defendants admit that Michael Nifong was the District Attorney for Durham County. Upon information and belief, the Duke University Defendants and the Duke SANE Defendants admit that in other legal proceedings arising from this same series of events, including the criminal proceedings and the State Bar's proceedings against Michael Nifong, it was established that there were ethical charges filed against former District Attorney Nifong by the North Carolina State Bar. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, deny the remaining allegations.

To the extent that the headings that precede Paragraph 224 are construed as allegations, the Duke University Defendants and Duke SANE Defendants deny the allegations.

224. Duke University and President Brodhead admit that President Brodhead played an active role in Duke University's response to the rape allegations, and that President Brodhead consulted with Chairman Steel and with members of Duke University's Board of Trustees. Duke University and President Brodhead deny the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of these allegations and, therefore, deny the allegations.

225. The claims against Vice President Moneta and former Senior Vice President Burness were dismissed by the Court's Order of March 31, 2011.

The Duke University Defendants and Duke SANE Defendants deny the allegations.

226. Executive Vice President Trask admits that on March 24, he met with Coach Pressler, the four co-captains of the lacrosse team, former Director of Athletics Joe Alleva, and then Senior Associate Director of Athletics Kennedy. Executive Vice President Trask further admits that at this meeting, he asked the lacrosse co-captains to explain what had happened at the party. Executive Vice President Trask further admits that the lacrosse co-captains initially told him that their lawyer had advised them not to speak of the events at issue. Executive Vice President Trask denies the remaining allegations.

Duke University specifically denies that it engaged in a “campaign against the lacrosse players.” Duke University denies the remaining allegations.

The remaining Duke University Defendants and Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of allegations and, therefore, deny the allegations.

227. Duke University and Executive Vice President Trask deny that they ever claimed the existence of a “student-administrator privilege” and further deny that they misled the plaintiffs into providing statements that were contrary to their attorney’s advice. Duke University and Executive Vice President Trask deny the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of these allegations and, therefore, deny the allegations.

228. Executive Vice President Trask admits that at the meeting on March 24, the lacrosse co-captains gave him an account of what happened at the party. Executive Vice President Trask denies that he ever disclosed to members of the Durham Police Department what he was told at this meeting. Executive Vice President Trask denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of these allegations and, therefore, deny the allegations.

To the extent that the heading that precedes Paragraph 229 is construed as allegations, the Duke University Defendants and Duke SANE Defendants deny the allegations.

229. President Brodhead denies the allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of these allegations and, therefore, deny the allegations.

230. Duke University denies the allegations.

The remaining Duke University Defendants and Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

231. The claims against former Senior Vice President Burness were dismissed by the Court's Order of March 31, 2011.

Duke University admits that former Senior Vice President Burness spoke with the media many times regarding the rape allegations. Duke University denies that former Senior Vice President Burness ever said or implied that the allegations were true. Former Director Dean admits that he met with former Senior Vice President Burness regarding the rape allegations. Duke University and former Director Dean further admit that former Director Dean and former Senior Vice President Burness did not disclose the Operations Report on March 24, 2006. Duke University and former Director Dean deny the remaining allegations.

The remaining Duke University Defendants and Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of these allegations and, therefore, deny the allegations.

232. The claims against former Senior Vice President Burness were dismissed by the Court's Order of March 31, 2011.

Duke University denies the allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of these allegations and, therefore, deny the allegations.

To the extent that the heading that precedes Paragraph 233 is construed as allegations, the Duke University Defendants and Duke SANE Defendants deny the allegations.

233. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

234. The claims against former Senior Vice President Burness were dismissed by the Court's Order of March 31, 2011.

President Brodhead admits that, on the morning of March 25, he met with various representatives of Duke University at his residence, including Executive Vice President Trask, former Senior Vice President Burness, former Director of Athletics Joe Alleva, and Professor Haagen. President Brodhead denies the remaining allegations.

Executive Vice President Trask admits that he participated in a meeting held at President Brodhead's residence on March 25. Executive Vice President Trask denies the remaining allegations.

Deputy Counsel Hendricks and Dean Wasiolek deny that they participated in a meeting held at President Brodhead's residence on March 25. Deputy Counsel Hendricks and Dean Wasiolek are without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, deny the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of these allegations and, therefore, deny the allegations.

235. The claims against Vice President Moneta, former Senior Vice President Burness and Chancellor Dzau were dismissed by the Court's Order of March 31, 2011.

Duke University admits that its representatives met multiple times to respond to the situation created by the accusations against the lacrosse players. Duke University denies that Chancellor Dzau regularly took part in meetings or communications with this group. Duke University denies the remaining allegations.

President Brodhead and Executive Vice President Trask admit that they attended meetings to respond to the situation created by the accusations against the lacrosse players. President Brodhead and Executive Vice President Trask denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of these allegations and, therefore, deny the allegations.

236. The claims against former Senior Vice President Burness were dismissed by the Court's Order of March 31, 2011.

Duke University admits that its representatives took seriously what had happened in the lacrosse co-captains' house the night of the party, which at a minimum included unlawful underage drinking and the provision of alcohol to minors. Duke University further admits that on March 25, President Brodhead decided to forfeit the next two lacrosse games, in part as punishment for the wrongdoing, which the players admitted, and in part because of concerns for the safety of the players and other members of the Duke University community. Duke University further admits that former Director of Athletics Alleva told Coach Pressler of the decision to forfeit the two games. Duke University denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

237. Duke University admits that its representatives accurately stated that the forfeiture of the two lacrosse games was in part intended as punishment for the players' unlawful underage drinking. Duke University is without knowledge or information sufficient to form a belief about the truth of the allegations regarding the number of

parties where exotic dancers were hired to perform and, therefore, denies the allegations regarding the number of parties where exotic dancers were hired to perform. Duke University denies the remaining allegations.

To the extent any of the remaining Duke University Defendants or Duke SANE Defendants are alleged to be included within “Duke officials,” an undefined term used in Paragraph 237, the remaining Duke University Defendants and Duke SANE Defendants deny the allegations.

The remaining Duke University Defendants and Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of any remaining allegations and, therefore, deny any remaining allegations.

238. Duke University denies the allegations.

The remaining Duke University Defendants and Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

239. Duke University admits that a performance of the “Sex Workers Art Show,” a touring theater group that has performed on numerous college campuses, was held at the Reynolds Theater on the campus of Duke University. Duke University denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

To the extent that the heading that precedes Paragraph 240 is construed as allegations, the Duke University Defendants and Duke SANE Defendants deny the allegations.

240. President Brodhead admits that he met with many people in connection with the allegations that members of the Duke University men's lacrosse team had raped Ms. Mangum, including at certain points parents of lacrosse team members, but that he did not do so on March 25, 2006. President Brodhead admits he did not meet with the lacrosse players' lawyers to "review" evidence. President Brodhead denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of these allegations and, therefore, deny the allegations.

241. President Brodhead admits that he made a speech on September 29, 2007, in which he said, "First and foremost, I regret our failure to reach out to the lacrosse players and their families in this time of extraordinary peril. Given the complexities of the case, getting this communication right would never have been easy. But the fact is that we did not get it right, causing the families to feel abandoned when they most needed support. This was a mistake. I take responsibility for it, and I apologize." To the extent this paragraph purports to characterize this public statement by President Brodhead, President Brodhead denies the characterization. President Brodhead denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of these allegations and, therefore, deny the allegations.

To the extent that the heading that precedes Paragraph 242 is construed as allegations, the Duke University Defendants and Duke SANE Defendants deny the allegations.

242. The claims against Vice President Moneta were dismissed by the Court's Order of March 31, 2011.

Dean Wasiolek and Executive Vice President Trask admit that on March 25, parents of members of the Duke University men's lacrosse team spoke with Dean Wasiolek, Executive Vice President Trask and Vice President Moneta. Dean Wasiolek further admits that she was complimentary of Mr. Covington and referred to his experience as a former Assistant District Attorney. Dean Wasiolek specifically denies that she told the members of the lacrosse team not to tell their parents about the rape allegations. Dean Wasiolek further denies that she decided to "bring Covington into the case as the players' legal advisor." Dean Wasiolek denies the remaining allegations. Executive Vice President Trask is without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of these allegations and, therefore, deny the allegations.

243. The claims against Vice President Moneta were dismissed by the Court's Order of March 31, 2011.

Dean Wasiolek and Executive Vice President Trask admit that at the March 25 meeting, parents of members of the Duke University men's lacrosse team asked that Duke University remove their sons' photographs from the school website. Dean Wasiolek and Executive Vice President Trask are without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, deny the remaining allegations.

Duke University admits that it removed the players' photographs from its website in response to this request. Duke University denies that it "inexplicably delayed" in taking such action. Duke University denies the remaining allegations.

The remaining Duke University Defendants and Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

244. The claims against Vice President Moneta were dismissed by the Court's Order of March 31, 2011.

Duke University denies the allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

245. Executive Vice President Trask and Dean Wasiolek admit that on March 25, 2006, they indicated to some parents that they believed the players' account that they had hired dancers for their party but that no rape had occurred. Executive Vice President Trask further admits that he told the parents that there would be no more statements issued by Duke University that day. Executive Vice President Trask and Dean Wasiolek deny the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of these allegations and, therefore, deny the allegations.

To the extent that the heading that precedes Paragraph 246 is construed as allegations, the Duke University Defendants and Duke SANE Defendants deny the allegations.

246. President Brodhead admits that on March 25, 2006, he issued his first public statement about the rape allegations, which statement included the language quoted in Paragraph 246. To the extent Paragraph 246 suggests that the language quoted therein constituted the entirety of President Brodhead's statement, President Brodhead denies that suggestion. President Brodhead denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of these allegations and, therefore, deny the allegations.

247. President Brodhead denies that his reference to the presumption of innocence was “fleeting.” President Brodhead admits that the first paragraph of the statement said: “The facts are not yet established, however, and there are very different versions of the central events. No charges have been filed, and in our system of law, people are presumed innocent until proven guilty. We also know that many members of the team, including some who were asked to provide DNA samples, did not attend the party.” President Brodhead further denies that his statement was “well calibrated to malign the players in the national media spotlight.” President Brodhead denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of these allegations and, therefore, deny the allegations.

248. Duke University and President Brodhead admit that President Brodhead stated, “I urge everyone to cooperate to the fullest with the police inquiry while we wait to learn the truth.” Duke University and President Brodhead deny that President Brodhead insinuated that the players had refused to cooperate with the police. Duke University and President Brodhead deny the remaining allegations.

To the extent any of the remaining Duke University Defendants or Duke SANE Defendants are alleged to be included within “other Duke officials,” an undefined term used in Paragraph 248, the remaining Duke University Defendants and Duke SANE Defendants deny the allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of any remaining allegations and, therefore, deny any remaining allegations.

249. The claims against former Senior Vice President Burness were dismissed by the Court’s Order of March 31, 2011.

Duke University admits that former Senior Vice President Burness sent an email to members of Duke University’s Board of Trustees. To the extent that this paragraph suggests that former Senior Vice President Burness alleged that the players were guilty, or suggests that former Senior Vice President Burness did anything other than comment on the views of people in the neighborhood who were “predisposed to be angry” with the team, Duke University denies those suggestions. Duke University denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of these allegations and, therefore, deny the allegations.

To the extent that the heading that precedes Paragraph 250 is construed as allegations, the Duke University Defendants and Duke SANE Defendants deny the allegations.

250. Duke University admits that some individuals who were employed by Duke University and some students enrolled at Duke University engaged in their constitutional right of free speech by participating in gatherings such as the ones that occurred on March 25 and March 26, 2006. Duke University admits that its faculty members, employees, and students expressed a wide range of opinions to its administrators regarding what actions the school should take in response to the criminal allegations being levied against the men's lacrosse team. Duke University denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of these allegations and, therefore, deny the allegations.

251. Duke University admits that some individuals who were employed by Duke University engaged in their constitutional right of free speech by participating in gatherings such as the ones that occurred on March 25, 2006. Duke University admits that its faculty members, employees, and students expressed a wide range of opinions to its administrators regarding what actions the school should take in response to the criminal allegations being levied against the men's lacrosse team. Duke University

admits that the lacrosse game against Georgetown University scheduled for March 25, 2006, was forfeited. Duke University denies the remaining allegations.

President Brodhead admits that on March 25, 2006, he decided to have Duke University forfeit the lacrosse game against Georgetown University. President Brodhead is without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, denies the remaining allegations.

The remaining Duke University Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the remaining allegations.

The Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of these allegations and, therefore, deny the allegations.

252. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

253. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

254. The claims against Vice President Moneta were dismissed by the Court's Order of March 31, 2011.

Duke University admits that it owned a duplex at 1103-1105 Urban Avenue. Duke University denies the remaining allegations.

The remaining Duke University Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

The Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

255. The Duke University Defendants admit that some individuals who were employed by Duke University engaged in their constitutional right of free speech by participating in gatherings such as the one that occurred on Sunday, March 26, 2006. The Duke University Defendants further admit that some individuals, who may or may not have been employed by Duke University, displayed various signs expressing their personal opinions and participated in chants expressing their personal opinions. The Duke University Defendants are without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, deny the remaining allegations.

The Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

256. Duke University admits that some of its employees, including Sam Hummel, engaged in their individual constitutional right of free speech by participating in gatherings, posting emails, and otherwise distributing materials. Duke University is without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

257. Duke University admits that it follows a practice of academic freedom and that faculty and students are free to exercise their individual First Amendment right to free speech. Duke University further admits that some of its employees, including Faulkner Fox, Sam Hummel, Kim Curtis, and Tim Tyson, engaged in their constitutional right of free speech by participating in gatherings. Duke University is without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

258. To the extent that Paragraph 258 suggests that President Brodhead himself urged Mayor Bell to make the alleged statement, President Brodhead denies that suggestion. President Brodhead is without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of these allegations and, therefore, deny the allegations.

259. The claims against Vice President Moneta were dismissed by the Court's Order of March 31, 2011.

Duke University denies the last sentence contained in Paragraph 259. Duke University is without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

To the extent that the heading that precedes Paragraph 260 is construed as allegations, the Duke University Defendants and Duke SANE Defendants deny the allegations.

260. Duke University denies the allegations.

To the extent any of the remaining Duke University Defendants or Duke SANE Defendants are alleged to be included within "Duke . . . officials," an undefined term used in Paragraph 260, the remaining Duke University Defendants and Duke SANE Defendants deny the allegations.

The remaining Duke University Defendants and Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of any remaining allegations and, therefore, deny any remaining allegations.

261. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

262. Duke University admits that it told the media that the lacrosse co-captains had offered cooperation to the police. Duke University is without knowledge or information sufficient to form a belief about the truth of the remaining allegations in this paragraph regarding the full extent of the lacrosse co-captains' cooperation with the police and, therefore, denies these allegations. Duke University denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

263. The claims against Vice President Moneta were dismissed by the Court's Order of March 31, 2011.

Duke University admits that it follows a practice of academic freedom and that faculty and students are free to exercise their individual First Amendment right to free speech. Duke University is without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, denies the allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

264. Duke University admits that it follows a practice of academic freedom and that faculty and students are free to exercise their individual First Amendment right to free speech. Duke University is without knowledge or information sufficient to form a belief about the truth of the allegations regarding the content of any statements that Visiting Professor Tyson made on National Public Radio and, therefore, denies the allegations. Duke University denies the remaining allegations.

The remaining Duke University Defendants and Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

265. Duke University admits that it follows a practice of academic freedom and that faculty and students are free to exercise their individual First Amendment right to free speech. Duke University further admits that its faculty and students exercised their individual First Amendment right to free speech by participating in various gatherings. Duke University is without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, denies the remaining allegations.

The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

266. President Brodhead admits that he did not agree to meet with the lawyers for the lacrosse players to review any evidence. President Brodhead denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

To the extent that the heading that precedes Paragraph 267 is construed as allegations, the Duke University Defendants and Duke SANE Defendants deny the allegations.

267. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

268. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

269. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

270. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

To the extent that the heading that precedes Paragraph 271 is construed as allegations, the Duke University Defendants and Duke SANE Defendants deny the allegations.

271. The Duke University Defendants and the Duke SANE Defendants admit that District Attorney Nifong generated significant media coverage regarding the investigation into Ms. Mangum's allegations. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, deny the remaining allegations.

272. Upon information and belief, the Duke University Defendants and the Duke SANE Defendants admit that District Attorney Nifong withdrew from his prosecution of David Evans, Colin Finnerty, and Reade Seligmann and faced ethics charges based on his conduct in that prosecution. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, deny the remaining allegations.

273. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations in the first and second sentences and, therefore, deny the allegations in the first and second sentences. The Duke University Defendants and the Duke SANE Defendants deny the remaining allegations.

To the extent that the heading that precedes Paragraph 274 is construed as allegations, the Duke University Defendants and Duke SANE Defendants deny the allegations.

274. To the extent that this paragraph relates to Ms. Mangum's protected health information, it is a violation of the Health Insurance Portability and Accountability Act for the Duke SANE Defendants to disclose any of Ms. Mangum's protected health information. Absent a court order authorizing such disclosure, the Duke SANE Defendants are unable to respond. Therefore, the Duke SANE Defendants deny the allegations seeking information relating to Ms. Mangum's protected health information.

Nurse Levicy specifically denies that she made any statements to members of the Durham Police Department or to investigators working with then District Attorney Nifong that were false or misleading or inconsistent with the examination of Ms. Mangum. Nurse Levicy is without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, denies the remaining allegations.

The remaining Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, deny the remaining allegations.

The Duke University Defendants are without knowledge or information sufficient to form a belief about the truth of these allegations and, therefore, deny the allegations.

275. To the extent that this paragraph relates to Ms. Mangum's protected health information, it is a violation of the Health Insurance Portability and Accountability Act for the Duke SANE Defendants to disclose any of Ms. Mangum's protected health information. Absent a court order authorizing such disclosure, the Duke SANE

Defendants are unable to respond. Therefore, the Duke SANE Defendants deny the allegations seeking information relating to Ms. Mangum's protected health information.

Nurse Levicy specifically denies that she made any statements that were false or misleading or inconsistent with the examination of Ms. Mangum. Nurse Levicy denies the remaining allegations.

Duke University denies the allegations.

The remaining Duke University Defendants and the remaining Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, deny the remaining allegations.

To the extent that the heading that precedes Paragraph 276 is construed as allegations, the Duke University Defendants and Duke SANE Defendants deny the allegations.

276. To the extent that this paragraph relates to Ms. Mangum's protected health information, it is a violation of the Health Insurance Portability and Accountability Act for the Duke SANE Defendants to disclose any of Ms. Mangum's protected health information. Absent a court order authorizing such disclosure, the Duke SANE Defendants are unable to respond. Therefore, the Duke SANE Defendants deny the allegations seeking information relating to Ms. Mangum's protected health information.

The Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, deny the remaining allegations.

Duke University denies that it had exclusive possession of the March 14 Operations Report prepared by Officer Day and the reports of the medical examination of Ms. Mangum. Duke University further denies the characterization of the March 14 Operations Report prepared by Officer Day and the reports of the medical examination of Ms. Mangum. Duke University is without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, denies the remaining allegations.

The remaining Duke University Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

277. The claims against former Senior Vice President Burness were dismissed by the Court's Order of March 31, 2011.

Duke University admits that operations reports prepared by members of the Duke University Police are confidential, internal documents that are not generally shared with the public. Duke University still further admits that the March 14, 2006 Operations Report was released ultimately to the public by Duke University. Duke University denies that it "suppressed" or discredited the March 14, 2006 Operations Report. Duke University further denies the characterization of the March 14 Operations Report. Duke University further admits that former Director Dean told Dean Wasiolek that the accuser was not credible and that the allegations would likely go away. Duke University denies the remaining allegations.

Former Director Dean and Dean Wasiolek admit that former Director Dean told Dean Wasiolek that the accuser was not credible and that the allegations would likely go away. Former Director Dean and Dean Wasiolek are without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, deny the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

To the extent that the heading that precedes Paragraph 278 is construed as allegations, the Duke University Defendants and Duke SANE Defendants deny the allegations.

278. The Duke University Defendants and the Duke SANE Defendants admit that District Attorney Nifong received significant media coverage regarding the investigation into Ms. Mangum's rape allegations. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, deny the remaining allegations.

279. The claims against Provost Lange were dismissed by the Court's Order of March 31, 2011.

Duke University specifically denies that it knew that District Attorney Nifong's charge of noncooperation was untrue. Duke University is without knowledge or

information sufficient to form a belief about whether Provost Lange said the exact words that he is quoted as having said and, therefore, denies the allegations. To the extent this paragraph purports to characterize statements by Provost Lange, Duke University denies the characterizations. Duke University denies the remaining allegations.

The remaining Duke University Defendants and Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

280. The Duke University Defendants and the Duke SANE Defendants admit that District Attorney Nifong generated significant media coverage regarding the investigation into Ms. Mangum's rape allegations. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, deny the remaining allegations.

281. President Brodhead denies reinforcing "racially inflammatory" comments by former District Attorney Nifong. President Brodhead denies that the quote in this paragraph attributed to him represents the contents or context of what he said in his statement. President Brodhead denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

To the extent that the headings that precede Paragraph 282 are construed as allegations, the Duke University Defendants and Duke SANE Defendants deny the allegations.

282. Dean Wasiolek and former Director Dean admit that they served on the Board of Directors of CrimeStoppers. Dean Wasiolek and former Director Dean deny that they had any involvement in the preparation of the poster described in Paragraph 282 or had any knowledge of it before it was posted. The Duke University Defendants, including Dean Wasiolek and former Director Dean, specifically deny that there was an atmosphere of hostility and harassment on the Duke University Campus that was sanctioned in any manner by any of them, or anyone acting on their behalf. The Duke University Defendants deny the remaining allegations.

The Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

283. Duke University admits that it follows a practice of academic freedom and that employees and students are free to exercise their individual First Amendment right to free speech. Duke University further admits that some of its employees, including Sam Hummel, engaged in their constitutional right of free speech. Duke University admits on information and belief that a poster with the photographs of the Duke University men's lacrosse team was created and distributed by Sam Hummel, who is a former employee of Duke University. Duke University specifically denies that anyone acting on its behalf

was responsible for the production or distribution of the poster described in Paragraph 283. Duke University denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

284. The Duke University Defendants specifically deny that they, or anyone acting on their behalf, had any involvement in the creation, publication, or distribution of the poster described in this paragraph. Duke University admits that it follows a practice of academic freedom and that faculty and students are free to exercise their individual First Amendment right to free speech. Duke University admits that its representatives alerted students on March 31, 2006, of a rumor of a planned “drive-by shooting” of a house near Duke University’s East Campus. Duke University further admits that the Duke University Police Department substantially increased patrol coverage of that area including Trinity Park, Ninth Street and East Campus as a result of the rumor. Duke University denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

285. Duke University admits that one of its professors stated in an email on May 1, 2006, “I reacted with extreme disgust when I became aware that somebody had taken it upon himself or herself to distribute pictures of all the lacrosse players – that changed the

game, and it gave terrible way to the potential injustice that was being done—even *if* it could be proved that the accusations had some basis in the truth.” To the extent this paragraph purports to characterize that statement, Duke University denies the characterization. Duke University denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

To the extent that the heading that precedes Paragraph 286 is construed as allegations, the Duke University Defendants and Duke SANE Defendants deny the allegations.

286. Duke University, President Brodhead, and Deputy Counsel Hendricks admit that on March 28, 2006, the four lacrosse co-captains met with President Brodhead. Duke University, President Brodhead, and Deputy Counsel Hendricks further admit that other representatives of Duke University, including Deputy Counsel Hendricks, were present, as well as the co-captains’ own attorney. Duke University still further admits that some representatives of Duke University were interviewed by members of the Durham Police Department as part of the Durham Police Department’s investigation into the rape allegations, and they answered questions posed by the members of the Durham Police Department. Duke University, President Brodhead, and Deputy Counsel Hendricks deny the remaining allegations.

The remaining Duke University Defendants and Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

287. President Brodhead admits that at a March 28 meeting the lacrosse co-captains stated that they were innocent. President Brodhead admits that he told the players that their actions had caused many problems for Duke University. President Brodhead denies the remaining allegations.

Deputy Counsel Hendricks admits that she discussed with the players' lawyers a possible statement by the players expressing contrition for their actions. Deputy Counsel Hendricks admits that at a March 28 meeting the lacrosse co-captains stated that they were innocent. Deputy Counsel Hendricks denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

288. Duke University admits that the co-captains of the men's lacrosse team issued a statement that included the words quoted in this paragraph. Duke University is without knowledge or information sufficient to form a belief about the truth of the remaining allegations in this paragraph and, therefore, denies the allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

To the extent that the heading that precedes Paragraph 289 is construed as allegations, the Duke University Defendants and Duke SANE Defendants deny the allegations.

289. Duke University and President Brodhead admit that on March 28, 2006, President Brodhead issued a public statement that announced the suspension of the lacrosse season. To the extent this paragraph purports to characterize a portion of this statement, Duke University and President Brodhead deny that characterization. Duke University and President Brodhead deny the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

290. Duke University and President Brodhead admit that President Brodhead made statements that include the language quoted in Paragraph 290. To the extent Paragraph 290 purports to characterize public statements by President Brodhead, Duke University and President Brodhead deny the characterizations. Duke University admits that the Duke University Police Department does not have the power to compel witness testimony from Durham citizens, nor does it have access to sealed warrants and DNA evidence held by other police departments or prosecutors. Duke University further admits that Duke University does not have the power to intervene in or halt an investigation by the Durham Police Department of an alleged crime that took place

within the Durham city limits. Duke University and President Brodhead deny the remaining allegations.

The remaining Duke University Defendants and Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

291. Duke University specifically denies that the Duke University Police Department had any authority to interfere with an investigation already undertaken by the Durham Police Department with respect to an alleged crime committed within the City of Durham. Duke University denies the remaining allegations.

The remaining Duke University Defendants and Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

To the extent that the heading that precedes Paragraph 292 is construed as allegations, the Duke University Defendants and Duke SANE Defendants deny the allegations.

292. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

293. President Brodhead admits that he was asked about a 911 call at a press conference on March 29. President Brodhead further admits that he said at the press conference that he had not heard the 911 call. President Brodhead is without knowledge

or information sufficient to form a belief about the truth of the remaining allegations and, therefore, denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

294. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

295. Duke University denies the allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

296. Duke University and President Brodhead admit that President Brodhead made the statements quoted in Paragraph 296. To the extent Paragraph 296 purports to characterize a public statement by President Brodhead, Duke University and President Brodhead deny the characterization. Duke University and President Brodhead deny that they were aware of any inconsistencies in the 911 tape. Duke University and President Brodhead deny the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of these allegations and, therefore, deny the allegations.

297. To the extent Paragraph 297 purports to characterize a public statement by President Brodhead, President Brodhead and Duke University deny the characterization. President Brodhead denies that he was aware of any inconsistencies in the 911 tape. President Brodhead denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of these allegations and, therefore, deny the allegations.

298. Duke University denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

To the extent that the heading that precedes Paragraph 299 is construed as allegations, the Duke University Defendants and Duke SANE Defendants deny the allegations.

299. The Duke University Defendants deny that they, or anyone acting on behalf of them, distributed the poster described in Paragraph 283. The Duke University Defendants further deny that they, or anyone acting on behalf of them, created an atmosphere of hostility or harassment toward the lacrosse players. The Duke University Defendants deny the remaining allegations.

The Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

300. President Brodhead admits that he met with many people in connection with the allegations that members of the Duke University men's lacrosse team had raped Ms. Mangum, including at certain points parents of lacrosse team members, but that he did not do so on March 29, 2006. President Brodhead admits he did not meet with the lacrosse players' lawyers to "review" evidence. President Brodhead denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of these allegations and, therefore, deny the allegations.

301. Duke University admits that on March 29, 2006, Houston Baker, a former professor at Duke University, wrote a letter to Provost Peter Lange that was released publicly. Duke University further admits that the letter written by Professor Baker included the words quoted in this paragraph. Duke University further admits that it follows a practice of academic freedom and that professors, like Professor Baker, are free to exercise their individual right to free speech guaranteed by the First Amendment. Duke University denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

302. Duke University admits that it follows a practice of academic freedom and that professors, like Professor Baker, are free to exercise their individual right to free

speech guaranteed by the First Amendment. Duke University further admits that Provost Lange, Duke University's top academic officer, publicly responded to Professor Baker's letter and chastised him for his prejudgment. Duke University denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

303. Duke University admits that on March 30, 2006, its Academic Council convened a meeting that was open to all faculty members. Duke University admits that it follows a practice of academic freedom and that professors, like Professor Baker, are free to exercise their individual right to free speech guaranteed by the First Amendment. Duke University further admits that Professor Baker and other faculty members engaged in their constitutional right of free speech in making comments at the meeting on March 30. Duke University further admits that, during this meeting, a wide range of opinions were expressed regarding how the administration should respond to the criminal allegations levied against members of the men's lacrosse team. Duke University denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

To the extent that the headings that precede Paragraph 304 are construed as allegations, the Duke University Defendants and Duke SANE Defendants deny the allegations.

304. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

305. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

306. Former Associate Vice President Graves and former Director Dean admit that on or about March 29, 2006, they met with members of the Durham Police Department and employees of the City of Durham, including Mark Gottlieb, Benjamin Himan and City Manager Patrick Baker. Former Associate Vice President Graves and former Director Dean deny the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

307. The claims against former Senior Vice President Burness were dismissed by the Court's Order of March 31, 2011.

Duke University admits that former Senior Vice President Burness was quoted by the media as saying, "It's my understanding that at that stage it was just about the ways

the university could assist in the investigation, and there was no discussion of the ID session.” To the extent that this paragraph purports to characterize that statement, Duke University denies that characterization. Duke University is without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

308. Duke University, former Associate Vice President Graves, and former Director Dean deny the allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

309. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

310. The claims against Nurse Arico were dismissed by the Court’s Order of March 31, 2011.

To the extent that this paragraph relates to Ms. Mangum’s protected health information, it is a violation of the Health Insurance Portability and Accountability Act for the Duke SANE Defendants to disclose any of Ms. Mangum’s protected health

information. Absent a court order authorizing such disclosure, the Duke SANE Defendants are unable to respond. Therefore, the Duke SANE Defendants deny the allegations seeking information relating to Ms. Mangum's protected health information.

DUHS specifically denies that Nurse Arico described the medical examination of Ms. Mangum in any respect. DUHS is without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, denies the remaining allegations.

The remaining SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, deny the remaining allegations.

Duke University is without knowledge or information sufficient to form a belief about the truth of the allegations in the first sentence and, therefore, denies the allegations. Duke University denies the remaining allegations.

The remaining Duke University Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

311. To the extent that this paragraph relates to Ms. Mangum's protected health information, it is a violation of the Health Insurance Portability and Accountability Act for the Duke SANE Defendants to disclose any of Ms. Mangum's protected health information. Absent a court order authorizing such disclosure, the Duke SANE

Defendants are unable to respond. Therefore, the Duke SANE Defendants deny the allegations seeking information relating to Ms. Mangum's protected health information.

Nurse Levicy specifically denies that she made any changes or alterations to the SANE examination report or any other medical records after completing the examination of Ms. Mangum. Nurse Levicy further specifically denies that she made any false statements with regard to the examination of Ms. Mangum. Nurse Levicy is without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, denies the remaining allegations.

The Duke University Defendants and the remaining Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

312. The Duke University Defendants and the Duke SANE Defendants specifically deny that they had any knowledge of any results from the SBI laboratory until they were made available publicly. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, deny the remaining allegations.

To the extent that the heading that precedes Paragraph 313 is construed as allegations, the Duke University Defendants and Duke SANE Defendants deny the allegations.

313. To the extent that this paragraph relates to Ms. Mangum's protected health information, it is a violation of the Health Insurance Portability and Accountability Act

for the Duke SANE Defendants to disclose any of Ms. Mangum's protected health information. Absent a court order authorizing such disclosure, the Duke SANE Defendants are unable to respond. Therefore, the Duke SANE Defendants deny the allegations seeking information relating to Ms. Mangum's protected health information.

Nurse Levicy denies that she altered her account of Ms. Mangum's medical examination after the examination was completed. Nurse Levicy specifically denies that she made any statements that were inconsistent with the examination of Ms. Mangum. Nurse Levicy further specifically denies that she made any false or misleading statements with regard to the examination of Ms. Mangum. Nurse Levicy is without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, denies the remaining allegations.

The Duke University Defendants and the remaining Duke SANE Defendants specifically deny that they had any ability to disclose protected health information that is protected by the Health Insurance Portability and Accountability Act. Duke University denies the remaining allegations.

The remaining Duke University Defendants and the remaining Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, deny the remaining allegations.

To the extent that the headings that precede Paragraph 314 are construed as allegations, the Duke University Defendants and Duke SANE Defendants deny the allegations.

314. Duke University admits that, on March 30, 2006, its Academic Council convened a meeting that was open to all faculty members. Duke University admits that the Academic Council, and the Executive Committee it elects, are referred to as the chief instruments of faculty governance at Duke University. Duke University admits that the Academic Council consists of approximately 85-90 members who provide for representation of considered faculty opinion to both the Administration of Duke University and, less directly, the Board of Trustees. Duke University admits that President Brodhead and Executive Vice President Trask attended this meeting. Duke University admits that, during this meeting, a wide range of opinions were expressed regarding how the administration should respond to the criminal allegations levied against members of the men's lacrosse team. Duke University admits that Steven Baldwin is a Professor in the Chemistry Department at Duke University. Duke University denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

315. Duke University admits that Professor William Chafe published an article in *The Chronicle* that contained the language (except as altered) quoted in Paragraph 315. To the extent the allegations in this paragraph characterize the contents of the article in *The Chronicle* written by Professor Chafe, Duke University denies that characterization. Duke University denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

316. Duke University denies the allegations in the first sentence. Duke University is without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

To the extent that the heading that precedes Paragraph 317 is construed as allegations, the Duke University Defendants and Duke SANE Defendants deny the allegations.

317. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

318. Duke University admits that Vice President Moneta issued a warning on March 31, 2006, of possible drive-by shootings near campus pursuant to information he had received from the Durham Police Department. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, deny the remaining allegations.

319. The claims against Vice President Moneta were dismissed by the Court's Order of March 31, 2011.

Duke University admits that it was very concerned about the security of its students and all members of the Duke University community and took steps to protect members of its community from harm. Duke University admits that Vice President Moneta issued a warning on March 31, 2006, of possible drive-by shootings near campus pursuant to information he had received from the Durham Police Department. Duke University denies the remaining allegations.

The remaining Duke University Defendants and Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

320. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

321. Duke University admits that, on March 26, 2006, several of its representatives met with parents of some of the lacrosse players to discuss concerns about the players' security and safety. Duke University further admits that it arranged for hotel rooms (at Duke University's expense) for the players who felt unsafe in their own homes. Duke University is without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

To the extent that the headings that precede Paragraph 322 are construed as allegations, the Duke University Defendants and Duke SANE Defendants deny the allegations.

322. The Duke University Defendants and the Duke SANE Defendants specifically deny that they took any actions intended to bolster the credibility of Ms. Mangum's rape allegations. Duke University admits that Officer Day completed a continuation page, which was a continuation of the March 14 Operations Report. To the extent this paragraph purports to characterize the contents of the Operations Report and its continuation page, Duke University denies that characterization. Duke University denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, deny the remaining allegations.

323. Duke University specifically denies that any member of the Duke University Police Department or anyone acting on behalf of Duke University suppressed the Operations Report or suppressed, or directed anyone to suppress, exculpatory information. Duke University admits that the Duke University Police Department

received a request from the District Attorney's office for information related to the rape allegations made by Ms. Mangum. Duke University denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

To the extent that the heading that precedes Paragraph 324 is construed as allegations, the Duke University Defendants and Duke SANE Defendants deny the allegations.

324. Duke University admits that on or about March 31, Gary Smith provided DukeCard information to Sergeant Gottlieb for some of the members of the 2005-2006 Duke University men's lacrosse team for the period of time from March 13, 2006 until March 14, 2006. Duke University denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

325. Duke University admits that the DukeCard reports provided information on when and where certain members of the Duke University men's lacrosse team swiped their Duke University identification cards on Duke University's campus from March 13 until 14, 2006. Duke University denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

326. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

327. Duke University denies the allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

328. Duke University denies the allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

329. Upon information and belief, the Duke University Defendants and the Duke SANE Defendants admit that Durham County Superior Court Judge Kenneth C. Titus held a hearing on a motion to quash the subpoena for the DukeCard information and granted the motion. Duke University denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, deny the remaining allegations.

330. Nurse Levicy specifically denies that she provided any “misinformation” about medical or physical evidence. Nurse Levicy is without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, denies the remaining allegations.

The Duke University Defendants and the remaining Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

To the extent that the heading that precedes Paragraph 331 is construed as allegations, the Duke University Defendants and Duke SANE Defendants deny the allegations.

331. To the extent that this paragraph relates to Ms. Mangum’s protected health information, it is a violation of the Health Insurance Portability and Accountability Act for the Duke SANE Defendants to disclose any of Ms. Mangum’s protected health information. Absent a court order authorizing such disclosure, the Duke SANE Defendants are unable to respond. Therefore, the Duke SANE Defendants deny the allegations seeking information relating to Ms. Mangum’s protected health information.

The Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, deny the allegations.

The Duke University Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

332. To the extent that this paragraph relates to Ms. Mangum's protected health information, it is a violation of the Health Insurance Portability and Accountability Act for the Duke SANE Defendants to disclose any of Ms. Mangum's protected health information. Absent a court order authorizing such disclosure, the Duke SANE Defendants are unable to respond. Therefore, the Duke SANE Defendants deny the allegations seeking information relating to Ms. Mangum's protected health information.

The Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, deny the remaining allegations.

Duke University denies the allegations.

The remaining Duke University Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

To the extent that the heading that precedes Paragraph 333 is construed as allegations, the Duke University Defendants and Duke SANE Defendants deny the allegations.

333. The claims against Nurse Arico were dismissed by the Court's Order of March 31, 2011.

DUHS specifically denies that Nurse Arico described the medical examination of Ms. Mangum in any respect. DUHS further specifically denies that Nurse Arico made public statements that were false. DUHS is without knowledge or information sufficient

to form a belief about the truth of the remaining allegations and, therefore, denies the remaining allegations.

Nurse Levicy specifically denies that she made any statements that were inconsistent with the examination of Ms. Mangum. Nurse Levicy further specifically denies that she made any false statements with regard to the examination of Ms. Mangum. Nurse Levicy is without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, denies the remaining allegations.

Duke University is without knowledge or information sufficient to form a belief about the truth of the allegations in the first sentence and, therefore, denies the allegations in the first sentence. Duke University denies the remaining allegations.

The remaining Duke University Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

334. The claims against Nurse Arico were dismissed by the Court's Order of March 31, 2011.

DUHS specifically denies that Nurse Arico described the medical examination of Ms. Mangum in any respect. DUHS further specifically denies that Nurse Arico made public statements that were false. DUHS denies the remaining allegations.

The Duke University Defendants and the remaining Duke Sane Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

335. The claims against Nurse Arico were dismissed by the Court's Order of March 31, 2011.

To the extent that this paragraph relates to Ms. Mangum's protected health information, it is a violation of the Health Insurance Portability and Accountability Act for the Duke SANE Defendants to disclose any of Ms. Mangum's protected health information. Absent a court order authorizing such disclosure, the Duke SANE Defendants are unable to respond. Therefore, the Duke SANE Defendants deny the allegations seeking information relating to Ms. Mangum's protected health information.

DUHS specifically denies that Nurse Arico described the medical examination of Ms. Mangum in any respect. DUHS further specifically denies that Nurse Arico made public statements that were false. DUHS denies the remaining allegations.

The remaining Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, deny the remaining allegations.

The Duke University Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

336. The claims against Nurse Arico were dismissed by the Court's Order of March 31, 2011.

DUHS admits that Nurse Arico is quoted as stating “I can reasonably say these injuries are consistent with the story she told.” To the extent this paragraph characterizes statements made by Nurse Arico, DUHS denies that characterization. DUHS specifically denies that Nurse Arico described the medical examination of Ms. Mangum in any respect. DUHS further specifically denies that Nurse Arico made public statements that were false. DUHS denies the remaining allegations.

The Duke University Defendants and the remaining Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

337. The claims against Nurse Arico were dismissed by the Court’s Order of March 31, 2011.

DUHS specifically denies that Nurse Arico described the medical examination of Ms. Mangum in any respect. DUHS further specifically denies that Nurse Arico made public statements that were false. DUHS denies the remaining allegations.

The Duke University Defendants and remaining Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

338. Nurse Levicy specifically denies that she provided any false or misleading statements to the Durham Police. Nurse Levicy denies the remaining allegations.

Duke University and DUHS deny the allegations.

The remaining Duke University Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

To the extent that the heading that precedes Paragraph 339 is construed as allegations, the Duke University Defendants and Duke SANE Defendants deny the allegations.

339. Duke University and Deputy Counsel Hendricks admit that Deputy Counsel Hendricks sent a letter to District Attorney Nifong that contained the language quoted in Paragraph 339. To the extent this paragraph characterizes the letter sent by Deputy Counsel Hendricks to former District Attorney Nifong, Duke University and Deputy Counsel Hendricks deny that characterization. Deputy Counsel Hendricks admits that former District Attorney Nifong indicated that he would pursue a court order to compel administrators at Duke University to disclose any information they possessed regarding the rape allegations made by Ms. Mangum if Duke University did not provide such information voluntarily. Deputy Counsel Hendricks is without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, denies the remaining allegations.

Duke University admits that Vice President Moneta and Dean Wasiolek voluntarily submitted to interviews with members of the Durham Police Department. Duke University denies any remaining allegations.

Dean Wasiolek admits that she voluntarily submitted to interviews with members of the Durham Police Department. Dean Wasiolek is without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants deny that they were interviewed by members of the Durham Police Department on April 13, 2006. The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, deny the remaining allegations.

To the extent that the heading that precedes Paragraph 340 is construed as allegations, the Duke University Defendants and Duke SANE Defendants deny the allegations.

340. DUHS admits that Duke University Hospital produced the medical records related to the forensic examination of Ms. Mangum on March 21. DUHS further admits that it produced the DUHS WellSoft record on April 5. DUHS denies the remaining allegations.

Nurse Levicy specifically denies that she made any false or misleading statements with regard to the examination of Ms. Mangum. Nurse Levicy denies the remaining allegations.

The Duke University Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

341. To the extent that this paragraph relates to Ms. Mangum's protected health information, it is a violation of the Health Insurance Portability and Accountability Act for the Duke SANE Defendants to disclose any of Ms. Mangum's protected health information. Absent a court order authorizing such disclosure, the Duke SANE Defendants are unable to respond. Therefore, the Duke SANE Defendants deny the allegations seeking information relating to Ms. Mangum's protected health information.

Nurse Levicy specifically denies the allegations that she falsified or altered any record after completing the examination of Ms. Mangum. Nurse Levicy denies the remaining allegations.

The Duke University Defendants and the remaining Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

To the extent that the heading that precedes Paragraph 342 is construed as allegations, the Duke University Defendants and Duke SANE Defendants deny the allegations.

342. Former Associate Vice President Graves specifically denies that he had any involvement with the photo identification procedure that the Durham Police Department arranged with Ms. Mangum. Former Associate Vice President Graves is without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, denies the allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

343. Duke University specifically denies that it “illegally” supplied the DukeCard reports to the Durham Police Department. Duke University is without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

344. Duke University specifically denies that it “illicitly” provided DukeCard reports to the Durham Police Department. Duke University is without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

345. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

346. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

347. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

348. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

349. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

350. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

351. Duke University specifically denies that it played a role in former District Attorney Nifong's selection of which members of the 2005-2006 Duke University men's lacrosse team to indict. Duke University is without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

352. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

353. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

354. Nurse Levicy admits that she assisted in conducting a sexual assault examination and reported her findings appropriately and professionally. Nurse Levicy is without knowledge or information sufficient to form a belief as to the remaining allegations and, therefore, denies the remaining allegations.

The Duke University Defendants and the remaining Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

To the extent that the heading that precedes Paragraph 355 is construed as allegations, the Duke University Defendants and Duke SANE Defendants deny the allegations.

355. Duke University denies the allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

356. President Brodhead and Duke University admit that the remainder of the 2006 men's lacrosse season was canceled on April 5, 2006. President Brodhead and Duke University further admit that the resignation of Coach Pressler was accepted on April 5, 2006. President Brodhead and Duke University deny the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

357. Duke University and President Brodhead admit that President Brodhead announced Coach Pressler's resignation and the cancellation of the remainder of the 2006 men's lacrosse season. Duke University and President Brodhead admit that President Brodhead made a statement that contains the language quoted in Paragraph 357. To the extent Paragraph 357 purports to characterize that public statement by President Brodhead, Duke University and President Brodhead deny that characterization. Duke University and President Brodhead deny the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

358. Duke University and President Brodhead admit that President Brodhead made a statement that contains the language quoted in Paragraph 358. To the extent Paragraph 358 purports to characterize the public statement by President Brodhead, Duke University and President Brodhead deny that characterization. Duke University and President Brodhead deny the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

359. Duke University and President Brodhead admit that President Brodhead made a statement that contains the language quoted in Paragraph 359. To the extent Paragraph 359 purports to characterize that public statement by President Brodhead, Duke University and President Brodhead deny that characterization. President Brodhead admits that he believed that it was not Duke University's role to intervene in the judicial process or to attempt to adjudicate guilt or innocence for alleged crimes. President Brodhead admits that he did not assume that "Nifong's investigation" was corrupt. President Brodhead admits that he did not meet with the lawyers for the lacrosse players. Duke University and President Brodhead deny the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, deny the remaining allegations.

360. Duke University and President Brodhead admit that President Brodhead made a statement that contains the language quoted in Paragraph 360. To the extent Paragraph 360 purports to characterize that public statement by President Brodhead, Duke University and President Brodhead deny the characterization. Duke University admits that President Brodhead appointed a committee headed by Professor James Coleman to examine the disciplinary records of the lacrosse players, as well as that of students on several other Duke University sports teams, over the previous five years. Duke University admits that the report of the committee chaired by Professor Coleman was released on May 1, 2006. Duke University and President Brodhead deny the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

361. Duke University and President Brodhead admit that President Brodhead made the statement quoted in this paragraph. To the extent Paragraph 361 purports to characterize the public statement by President Brodhead, President Brodhead and Duke University deny the characterization. President Brodhead and Duke University deny that they were indifferent to the truth. President Brodhead and Duke University deny the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

362. President Brodhead and Duke University deny the allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, deny the remaining allegations.

363. Duke University admits that the quote attributed to former Chairman Steel appeared in the *New Yorker*. Duke University denies that the quote accurately conveys former Chairman Steel's statement. Duke University denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

364. President Brodhead denies the allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

365. Duke University and President Brodhead admit that President Brodhead made a statement that included the language quoted in Paragraph 365. To the extent Paragraph 365 purports to characterize that public statement by President Brodhead,

Duke University and President Brodhead deny that characterization. Duke University and President Brodhead deny the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

To the extent that the heading that precedes Paragraph 366 is construed as allegations, the Duke University Defendants and Duke SANE Defendants deny the allegations.

366. Duke University and President Brodhead admit that President Brodhead announced the cancellation of the men's lacrosse season on April 5, 2006, and, on that same day, Coach Pressler resigned from Duke. Duke University admits that on April 6, 2006, a full-page, paid announcement ran in *The Chronicle* that consisted of unattributed quotations that were supported by individuals, many of whom were members of particular academic departments at Duke University. Duke University and President Brodhead deny the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

367. Duke University admits that Wahneema Lubiano is an Associate Professor in its Department of African and African American Studies. Duke University further admits that Wahneema Lubiano sent an email to other faculty members concerning an

announcement to be placed in *The Chronicle*. To the extent this paragraph characterizes that email, Duke University denies the characterization. Duke University denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

368. Duke University admits that an announcement containing, among other things, the language quoted in this paragraph, appeared in *The Chronicle*. To the extent this paragraph characterizes that announcement or the statements therein, Duke University denies the characterization. Duke University denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

369. Duke University admits that the announcement described in Paragraph 369 contained the language quoted in this paragraph. To the extent the paragraph characterizes that language, Duke University denies the characterization. Duke University denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

370. Duke University admits that its funds, at least in part, were used to pay for the announcement referenced in Paragraph 370. Duke University denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

371. Duke University admits that the announcement published in *The Chronicle* contained the website address for the African and African American Studies Department, which identified eighty-eight individuals. Duke University admits that the announcement remained on the website of the African and African American Studies Department for a period of time. Duke University denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

372. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

373. Duke University denies the allegations.

The remaining Duke University Defendants and Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

374. Duke University and President Brodhead admit that President Brodhead made a statement containing the language quoted in Paragraph 374. To the extent this paragraph characterizes that public statement by President Brodhead, Duke University and President Brodhead deny the characterization. Duke University and President Brodhead deny the remaining allegations.

The remaining Duke University Defendants and Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

375. President Brodhead admits that he had a conversation with Kerstin Kimel in April 2006. President Brodhead denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

To the extent that the heading that precedes Paragraph 376 is construed as allegations, the Duke University Defendants and Duke SANE Defendants deny the allegations.

376. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

377. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

378. President Brodhead admits that he did not meet with the lacrosse players' lawyers to review "evidence." President Brodhead is without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, denies the allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

To the extent that the heading that precedes Paragraph 379 is construed as allegations, the Duke University Defendants and Duke SANE Defendants deny the allegations.

379. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

380. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

381. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

382. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

383. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

384. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

385. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

To the extent that the heading that precedes Paragraph 386 is construed as allegations, the Duke University Defendants and Duke SANE Defendants deny the allegations.

386. Duke University is without knowledge or information sufficient to form a belief about the truth of the allegations contained in the first and second sentences and,

therefore, denies the allegations in the first and second sentences. Duke University denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

387. The claims against Nurse Arico were dismissed by the Court's Order of March 31, 2011.

Duke University denies the allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

To the extent that the heading that precedes Paragraph 388 is construed as allegations, the Duke University Defendants and Duke SANE Defendants deny the allegations.

388. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

389. To the extent that this paragraph relates to Ms. Mangum's protected health information, it is a violation of the Health Insurance Portability and Accountability Act for the Duke SANE Defendants to disclose any of Ms. Mangum's protected health information. Absent a court order authorizing such disclosure, the Duke SANE

Defendants are unable to respond. Therefore, the Duke SANE Defendants deny the allegations seeking information relating to Ms. Mangum's protected health information.

Duke University and DUHS specifically deny that they had the authority or the ability to make public statements about Ms. Mangum's medical records. Duke University and DUHS admit any such disclosure by them relating to Ms. Mangum's protected health information would have violated the Health Insurance Portability and Accountability Act. Duke University and DUHS deny the remaining allegations.

The remaining Duke University Defendants and remaining Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

To the extent that the heading that precedes Paragraph 390 is construed as allegations, the Duke University Defendants and Duke SANE Defendants deny the allegations.

390. Duke University and DUHS are without knowledge or information sufficient to form a belief about the truth of the allegations contained in the first and second sentences and, therefore, deny the allegations contained in the first and second sentences. Duke University and DUHS specifically deny that they had the authority or the ability to make public statements about Ms. Mangum's medical records. Duke University and DUHS admit any such disclosure by them relating to Ms. Mangum's protected health information would have violated the Health Insurance Portability and Accountability Act. Duke University and DUHS deny the remaining allegations.

The remaining Duke University Defendants and remaining Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

391. Duke University denies the allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

392. President Brodhead admits that he sent an email message to the parent of a lacrosse player that contains the excerpt quoted in the first sentence. President Brodhead denies that the email stated, “until our students [are] proved innocent.” To the extent this paragraph characterizes that email message, President Brodhead denies that characterization. President Brodhead specifically denies that he had knowledge of Ms. Mangum’s medical records or had the authority or the ability to make public statements about Ms. Mangum’s medical records. President Brodhead admits that any such disclosure relating to Ms. Mangum’s protected health information would have violated the Health Insurance Portability and Accountability Act. With the exception of these protected medical records, President Brodhead denies that he ever refused to disclose exculpatory evidence in the possession of Duke University. President Brodhead denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

393. President Brodhead admits that he made the statements quoted in Paragraph 393. To the extent Paragraph 393 purports to characterize a statement by President Brodhead, President Brodhead denies that characterization. President Brodhead denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

To the extent that the heading that precedes Paragraph 394 is construed as allegations, the Duke University Defendants and Duke SANE Defendants deny the allegations.

394. Duke University admits that members of the Durham Police Department notified members of the Duke University Police Department before visiting a Duke University residence hall. Duke University is without knowledge or information sufficient to form a belief about the truth of the allegations in the first and second sentences and, therefore, denies the allegations in the first and second sentences. Duke University denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

395. Former Associate Vice President Graves admits that he issued a public statement on April 14, 2006. To the extent this paragraph characterizes the statement made by former Associate Vice President Graves, former Associate Vice President Graves denies the characterization. Former Associate Vice President Graves denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

396. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

To the extent that the heading that precedes Paragraph 397 is construed as allegations, the Duke University Defendants and Duke SANE Defendants deny the allegations.

397. Nurse Levicy specifically denies that she made any false statements or any statement that was inconsistent with the examination of Ms. Mangum. Nurse Levicy is without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, denies the remaining allegations.

The Duke University Defendants and the remaining Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

398. Nurse Levicy admits that she assisted in conducting a sexual assault examination of Ms. Mangum and duly noted what she observed during that examination. Nurse Levicy also admits that she responded to questions from investigators and made a statement that there were signs during the examination of Ms. Mangum that were consistent with sexual assault. Nurse Levicy specifically denies making any statements that were inconsistent with the forensic examination of Ms. Mangum. Nurse Levicy is without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, denies the allegations.

The Duke University Defendants and the remaining Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

399. Upon information and belief, the Duke University Defendants and the Duke SANE Defendants admit that a grand jury indicted Reade Seligmann and Colin Finnerty, who were both students at Duke University, on April 17, 2006. Upon information and belief, the Duke University Defendants and the Duke SANE Defendants further admit that a third student, David Evans, was indicted on May 15, 2006. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information

sufficient to form a belief about the truth of the remaining allegations and, therefore, deny the remaining allegations.

400. President Brodhead admits that he spoke at a meeting of the Durham Chamber of Commerce on April 20, 2006. To the extent this paragraph characterizes a statement made by President Brodhead at the Chamber meeting, President Brodhead denies the characterization. President Brodhead denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

To the extent that the heading that precedes Paragraph 401 is construed as allegations, the Duke University Defendants and Duke SANE Defendants deny the allegations.

401. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

402. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

403. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

404. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

To the extent that the heading that precedes Paragraph 405 is construed as allegations, the Duke University Defendants and Duke SANE Defendants deny the allegations.

405. Duke University admits that on May 1, 2006, a group of approximately twenty self-proclaimed members of the New Black Panther Party conducted a demonstration off campus. Duke University is without knowledge or information sufficient to form a belief about the truth of this paragraph's allegations regarding the attire or demands of the marchers and, therefore, denies the allegation. Duke University denies that the decision to keep the Black Panthers from the Duke University campus was unrelated to concerns for the welfare of the lacrosse players. Duke University denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

406. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

407. Duke University is without knowledge or information sufficient to form a belief about the truth of the allegations regarding how lacrosse parents learned of the demonstration, whether the lacrosse players left or remained on campus on the day of that demonstration, and what the workload of the players was on the day of that demonstration and, therefore, denies these allegations. Duke University denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

To the extent that the heading that precedes Paragraph 408 is construed as allegations, the Duke University Defendants and Duke SANE Defendants deny the allegations.

408. Duke University and President Brodhead admit that on April 5, 2006, President Richard Brodhead established the Lacrosse Ad Hoc Review Committee, chaired by Professor James E. Coleman, Jr., a professor at the Duke University School of Law. Duke University further admits that that committee examined the disciplinary records of Duke University's lacrosse players, as well as the disciplinary records of members of other sports teams at Duke University. Duke University further admits that it complies with its obligations under the Clery Act. Duke University denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

409. Duke University denies the allegations.

The remaining Duke University Defendants and Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

410. Duke University admits that the report prepared by the Lacrosse Ad Hoc Review Committee was released on May 1, 2006, accompanied by a press conference. To the extent this paragraph characterizes a statement made by Professor Coleman at the press conference, Duke University denies the characterization. Duke University is without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

411. Duke University is without knowledge or information sufficient to form a belief about the truth of this paragraph's allegations about the content of press reports and, therefore, denies these allegations. To the extent this paragraph characterizes the committee's report, reports by the press, or statements made at any press conference,

Duke University denies the characterizations. Duke University denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

412. To the extent that the allegations in the paragraph purport to describe or characterize the Lacrosse Ad Hoc Review Committee's Report, Duke University denies that characterization. Duke University admits that the report of the Lacrosse Ad Hoc Review Committee states that "[t]he members of the lacrosse team have been academically and athletically responsible students." Duke University further admits that the report of the Lacrosse Ad Hoc Review Committee states that "[t]he lacrosse team's academic performance generally is one of the best among all Duke athletic teams." Duke University further admits that the report of the Lacrosse Ad Hoc Review Committee states that "in contrast to their exemplary academic and athletic performance, a large number of the members of the [lacrosse] team have been socially irresponsible when under the influence of alcohol. They have repeatedly violated the law against underage drinking. They have drunk alcohol excessively. They have disturbed their neighbors with loud music and noise, both on-campus and off-campus. They have publicly urinated both on-campus and off. They have shown disrespect for property. Both the number of team members implicated in this behavior and the number of alcohol-related incidents involving them have been excessive compared to other Duke athletic teams.

Nevertheless, their conduct has not been different in character than the conduct of the typical Duke student who abuses alcohol. Their reported conduct has not involved fighting, sexual harassment, or racist behavior. Moreover, even the people who have complained about their alcohol-related misconduct often add that the students are respectful and appear genuinely remorseful when they are not drinking.” Duke University further admits that the report of the Lacrosse Ad Hoc Review Committee states that “Captain Sarvis said lacrosse players did not represent a special or unique problem in District 2; in fact, none of the houses rented by lacrosse players was among the worst of those whose loud parties attracted hundreds of disorderly Duke students on weekends. Although lacrosse players rented a large house at 1206 W. Markham, Captain Sarvis said it was not among the top 10 houses about which neighbors complained the most.” Duke University denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

413. To the extent that the allegations in the paragraph purport to describe or characterize the Lacrosse Ad Hoc Review Committee’s Report, Duke University denies that characterization. Duke University is without knowledge or information sufficient to form a belief about the truth of the allegations about the media’s portrayal of the lacrosse players and, therefore, denies the allegations. Duke University denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

To the extent that the headings that precede Paragraph 414 are construed as allegations, the Duke University Defendants and Duke SANE Defendants deny the allegations.

414. Duke University denies that it “suppressed” the March 14, 2006 Operations Report. To the extent this paragraph purports to characterize the contents of the Operations Report, Duke University denies the characterization. Duke University admits that the Bowen Committee issued its report on May 8, 2006. To the extent this paragraph purports to characterize the contents of the Bowen Committee’s report, Duke University denies the characterization. Duke University is without knowledge or information sufficient to form a belief about the truth of allegations in this paragraph regarding whether the Operations Report was a surprise to team members, their parents, and their lawyers and, therefore, denies these allegations. Duke University denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

415. Former Director Dean and Dean Wasiolek admit that they were aware of the Operations Report on or about March 14 or 15, 2006. Former Director Dean and Dean Wasiolek deny the remaining allegations.

Former Associate Vice President Graves admits that he was aware of the Operations Report sometime after March 14 or March 15, 2006. Former Associate Vice President Graves denies the remaining allegations.

To the extent that the allegations have not already been admitted, Duke University denies the allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

416. Duke University denies the allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

417. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

418. To the extent this paragraph purports to characterize former Associate Vice President Graves's and former Director Dean's public statements, former Associate Vice President Graves and former Director Dean deny the characterizations. Former Associate

Vice President Graves denies the remaining allegations. Former Director Dean denies that he publicly dismissed the Operations Report. Former Director Dean is without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

419. Former Associate Vice President Graves, former Director Dean, and Duke University are without knowledge or information sufficient to form a belief about the truth of this paragraph's allegations about the date of the convening of the grand jury and, therefore, deny these allegations. Former Associate Vice President Graves, former Director Dean, and Duke University deny the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

420. Duke University denies the allegations.

To the extent any of the remaining Duke University Defendants or Duke SANE Defendants are alleged to be included within "other Duke officers," an undefined term used in Paragraph 420, the remaining Duke University Defendants and Duke SANE Defendants deny the allegations.

The remaining Duke University Defendants and Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of any remaining allegations and, therefore, deny any remaining allegations.

To the extent that the heading that precedes Paragraph 421 is construed as allegations, the Duke University Defendants and Duke SANE Defendants deny the allegations.

421. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

422. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

423. The Duke University Defendants and Duke SANE Defendants specifically deny any participation in any sort of conspiracy as alleged within Paragraph 423. Duke University denies the remaining allegations.

To the extent any of the remaining Duke University Defendants or Duke SANE Defendants are alleged to be included within “other Duke officials,” an undefined term used in Paragraph 423, the remaining Duke University Defendants and Duke SANE Defendants deny the remaining allegations.

The remaining Duke University Defendants and Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of any remaining allegations and, therefore, deny any remaining allegations.

To the extent that the headings that precede Paragraph 424 are construed as allegations, the Duke University Defendants and Duke SANE Defendants deny the allegations.

To the extent the unnumbered paragraph that begins on page 150 of the Plaintiffs' First Amended Complaint and is located under the heading is an allegation, the Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

424. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

425. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

426. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

427. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

428. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

429. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

To the extent that the heading that precedes Paragraph 430 is construed as allegations, the Duke University Defendants and Duke SANE Defendants deny the allegations.

430. The claims against Provost Lange were dismissed by the Court's Order of March 31, 2011.

Duke University admits that Duke University held graduation on May 14, 2006. Duke University denies that Provost Lange uttered the words that are quoted in Paragraph 430. Duke University denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants admit that Duke University held graduation on May 14, 2006. The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or

information sufficient to form a belief about the truth of the remaining allegations and, therefore, deny the remaining allegations.

431. Duke University admits that it owns the Washington Duke Inn. Duke University is without knowledge or information sufficient to form a belief about the truth of the allegations in the second and third sentences and, therefore, denies the allegations in the second and third sentences. Duke University denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

432. Upon information and belief, the Duke University Defendants and the Duke SANE Defendants admit that David Evans was indicted by a Durham County Grand Jury on May 15, 2006. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, deny the allegations.

To the extent that the heading that precedes Paragraph 433 is construed as allegations, the Duke University Defendants and Duke SANE Defendants deny the allegations.

433. Duke University admits that on or about March 31, a member of the Duke University Police Department provided DukeCard information to the Durham Police Department for some of the members of the 2005-2006 Duke University men's lacrosse team. Duke University admits that it did not notify the lacrosse players, their families, or

their lawyers of the disclosure. Duke University is without knowledge or information sufficient to form a belief about the truth of the allegations about how the Durham Police Department might have used the information and, therefore, deny these allegations. Duke University denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

434. Duke University admits that on May 31, 2006, it was served with two subpoenas by the District Attorney, one for the home addresses of the lacrosse players and the other one for certain DukeCard information. Duke University admits that on or about March 31, a member of the Duke University Police Department provided DukeCard information to the Durham Police Department for some of the members of the 2005-2006 Duke University men's lacrosse team. Duke University denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

435. Duke University and former Director Drummond admit that former Director Drummond sent letters to the forty-seven members of the men's lacrosse team that contained the language quoted in Paragraph 435. To the extent this paragraph characterizes the letters sent by former Director Drummond to members of the lacrosse

team, Duke University and former Director Drummond deny that characterization. Duke University and former Director Drummond deny the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

436. Duke University and Deputy Counsel Hendricks admit that a letter was sent to Bill Thomas, who was a criminal defense attorney representing a lacrosse player, as well as other criminal defense attorneys representing other lacrosse players, that contained the language quoted in Paragraph 436. To the extent this paragraph characterizes the letters sent by Deputy Counsel Hendricks to defense attorneys for the lacrosse players, Duke University and Deputy Counsel Hendricks deny that characterization. Duke University and Deputy Counsel Hendricks deny the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

437. Duke University, Deputy Counsel Hendricks and former Director Drummond specifically deny that they had any knowledge that DukeCard information had been provided to members of the Durham Police Department. Duke University, Deputy Counsel Hendricks and former Director Drummond deny the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

438. Duke University, Deputy Counsel Hendricks, former Director Drummond, former Associate Vice President Graves, and former Director Dean deny the allegations.

The remaining Duke University Defendants and Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

439. Duke University, Deputy Counsel Hendricks and former Director Drummond specifically deny that they had any knowledge that DukeCard information had been provided to members of the Durham Police Department. Duke University, Deputy Counsel Hendricks and former Director Drummond are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

440. Upon information and belief, the Duke University Defendants and the Duke SANE Defendants admit that Durham County Superior Court Judge Kenneth C. Titus held a hearing on these motions to quash. Other than court records, the Duke University Defendants and the Duke SANE Defendants are without knowledge or information

sufficient to form a belief about the truth of the remaining allegations and, therefore, deny the remaining allegations.

441. The Duke University Defendants and the Duke SANE Defendants deny the allegations.

442. Upon information and belief, the Duke University Defendants and the Duke SANE Defendants admit that Durham County Superior Court Judge Kenneth C. Titus granted the motion to quash as to the DukeCard information. Other than court records, the Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, deny the remaining allegations.

443. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

To the extent that the heading that precedes Paragraph 444 is construed as allegations, the Duke University Defendants and Duke SANE Defendants deny the allegations.

444. Duke University admits that it has a policy regarding harassment. Duke University admits that its Faculty Handbook contains the language quoted in Paragraph 444. To the extent Paragraph 444 purports to characterize the contents of the document, Duke University denies the characterization. Duke University denies that the language

from the Faculty Handbook quoted in Paragraph 444 sets forth Duke University's policy regarding policy. Duke University denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

445. The claims against former Senior Vice President Burness were dismissed by the Court's Order of March 31, 2011.

The Duke University Defendants deny the allegations.

The Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

446. Duke University admits that its policy regarding harassment prohibits harassment on any demographic basis and on several specific bases, including race and gender. Duke University and President Brodhead admit that President Brodhead announced the cancellation of the lacrosse season and Coach Pressler's resignation on April 5, 2006. Duke University and President Brodhead further admit that President Brodhead announced that William Bowen and Julius Chambers had agreed to review the Duke University administration's performance in responding to Ms. Mangum's allegations on April 5, 2006. Duke University and President Brodhead further admit that Dr. Bowen and Mr. Chambers issued an independent report summarizing their findings on May 4, 2006. Duke University and President Brodhead deny the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

447. Duke University denies the allegations.

The remaining Duke University Defendants and Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

448. Duke University admits that Houston Baker wrote a letter addressed to the Duke University Administration on March 29, 2006. Duke University is without knowledge or information sufficient to form a belief regarding the allegations relating to a June 10, 2006 email and, therefore, denies the allegations in the second sentence. Duke University is without knowledge or information sufficient to form a belief as to what Professor Baker, who left Duke University at the end of the Spring 2006 semester, might have written via email following his tenure at Duke University and, therefore, denies the allegations in the third sentences of Paragraph 448. Duke University denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

449. Duke University admits that William Chafe is a professor in the History Department at Duke University and served as the Dean of Duke University's Arts and

Sciences faculty from 1995 to 2004. Duke University further admits that Professor Chafe published an article in *The Chronicle*, the independent daily newspaper at Duke University, on March 31, 2006. Duke University further admits that the article contained the language quoted in Paragraph 449. To the extent the allegations in this paragraph characterize the contents of the article in *The Chronicle* written by Professor Chafe, Duke University denies that characterization. Duke University denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

450. Duke University admits that Professor John Reeve Huston is an Associate Professor in its History Department. Duke University further admits that Professor Huston taught a course entitled “History of the American Working Class” in the spring of 2006. Duke University further admits that lacrosse team members Ryan McFadyen, Breck Archer, Casey Carroll, Jay Jennison and Rob Schroeder were enrolled in this course during the Spring 2006 semester. Duke University is without knowledge or information sufficient to form a belief about the truth of the allegations about statements made by Professor Huston in his class, or the reactions of the lacrosse players to those statements, and, therefore, denies those allegations. Duke University denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

451. Duke University admits that Tim Tyson was a Visiting Professor at Duke University in the spring of 2006. Duke University admits that it follows a practice of academic freedom and that faculty are free to exercise their individual First Amendment right to free speech. Duke University further admits that some of its employees, including Tim Tyson, engaged in their individual constitutional right of free speech by participating in gatherings. Duke University is without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

452. Duke University admits that Wahneema Lubiano and Karla Holloway are professors at Duke University. Duke University further admits that Professor Lubiano published an online article on April 13, 2006. Duke University further admits that the article contained the language quoted in the first sentence of Paragraph 452. Duke University further admits that Professor Holloway published an online article that contained the language quoted in the second sentence of Paragraph 452. To the extent this paragraph characterizes any articles authored by Professor Lubiano or Professor

Holloway, Duke University denies those characterizations. Duke University denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

453. Duke University admits that in September 2006, Grant Farred was an Associate Professor of Literature at Duke University. Duke University is without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

454. Duke University denies the allegations.

The remaining Duke University Defendants and Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

455. Duke University denies the allegations.

The remaining Duke University Defendants and Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

To the extent that the headings that precede Paragraph 456 are construed as allegations, the Duke University Defendants and Duke SANE Defendants deny the allegations.

456. Upon information and belief, the Duke University Defendants and the Duke SANE Defendants admit that in other legal proceedings arising from this same series of events, including the North Carolina Attorney General's investigation and the State Bar's proceedings against Michael Nifong, it has become established that the criminal case against David Evans, Colin Finnerty and Reade Seligmann was without merit. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, deny the remaining allegations.

457. Upon information and belief, the Duke University Defendants and the Duke SANE Defendants admit that in other legal proceedings arising from this same series of events, including the criminal proceedings, the North Carolina Attorney General's investigation, and the State Bar's proceedings against Michael Nifong, it has become established that DNA results were concealed from David Evans, Colin Finnerty, and Reade Seligmann. The Duke University Defendants and the Duke SANE Defendants further admit that in these same legal proceedings it has become established that former District Attorney Nifong made false representations to the court. The Duke University Defendants and the Duke SANE Defendants further admit that in these same legal proceedings, former District Attorney Nifong was found guilty of criminal contempt and

sentenced to one day in jail. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, deny the remaining allegations.

458. Upon information and belief, the Duke University Defendants and the Duke SANE Defendants admit that in other legal proceedings arising from this same series of events, namely the State Bar's proceedings against Michael Nifong, it has become established that the North Carolina State Bar filed an ethics complaint against former District Attorney Nifong. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, deny the remaining allegations.

459. The Duke University Defendants and the Duke SANE Defendants specifically deny that they knew or should have known that Ms. Mangum's claims were false. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, deny the remaining allegations.

460. The Duke University Defendants and the Duke SANE Defendants specifically deny that they knew or should have known that Ms. Mangum's claims were false. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, deny the remaining allegations.

461. Upon information and belief, the Duke University Defendants and the Duke SANE Defendants admit that Mr. Nifong, as the District Attorney for Durham County acting on behalf of the State of North Carolina, dismissed the rape charges against David Evans, Colin Finnerty, and Reade Seligmann. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, deny the remaining allegations.

462. To the extent that this paragraph relates to Ms. Mangum's protected health information, it is a violation of the Health Insurance Portability and Accountability Act for the Duke SANE Defendants to disclose any of Ms. Mangum's protected health information. Absent a court order authorizing such disclosure, the Duke SANE Defendants are unable to respond. Therefore, the Duke SANE Defendants deny the allegations seeking information relating to Ms. Mangum's protected health information.

Nurse Levicy admits that she met with Investigator Wilson and Officer Himan on January 10, 2007, and responded to their questions. Nurse Levicy specifically denies making any statements that were inconsistent with the examination of Ms. Mangum. Nurse Levicy denies the remaining allegations.

The remaining Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, deny the remaining allegations.

The Duke University Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

To the extent that the heading that precedes Paragraph 463 is construed as allegations, the Duke University Defendants and Duke SANE Defendants deny the allegations.

463. Nurse Levicy admits that she met with Investigator Wilson and Officer Himan on January 10 and responded to their questions about the sexual assault examination. Nurse Levicy denies the remaining allegations.

The remaining Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, deny the remaining allegations.

The Duke University Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

464. Upon information and belief, the Duke University Defendants and the Duke SANE Defendants admit that in other legal proceedings arising from this same series of events, namely the State Bar's proceedings against Michael Nifong, it has become established that on January 12, 2007, former District Attorney Nifong sent a letter to North Carolina Attorney General Roy Cooper asking his office to assume responsibility for the case. Other than reports of those proceedings, the Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form

a belief about the truth of the remaining allegations and, therefore, deny the remaining allegations.

465. Nurse Levicy admits that, after former District Attorney Nifong was removed from the case, she met with investigators from the North Carolina Attorney General's office. To the extent that this paragraph characterizes statements made by Nurse Levicy to an investigator from the North Carolina Attorney General's office, Nurse Levicy denies those characterizations. Nurse Levicy denies the remaining allegations.

The Duke University Defendants and the remaining Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

466. Upon information and belief, the Duke University Defendants and the Duke SANE Defendants admit that in other legal proceedings arising from this same series of events, it has become established that a formal complaint was filed against former District Attorney Nifong on January 24, 2007 by the North Carolina State Bar. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, deny the remaining allegations.

467. Upon information and belief, the Duke University Defendants and the Duke SANE Defendants admit that the North Carolina Attorney General's office conducted an independent investigation of the evidence. Other than reports of those findings, the Duke University Defendants and the Duke SANE Defendants are without knowledge or

information sufficient to form a belief about the truth of the remaining allegations and, therefore, deny the remaining allegations.

468. Upon information and belief, the Duke University Defendants and the Duke SANE Defendants admit that on April 11, 2007, the North Carolina Attorney General dismissed all charges against Reade Seligmann, Colin Finnerty, and David Evans arising from the rape allegations that are the subject of this First Amended Complaint. Other than reports of those findings, the Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, deny the remaining allegations.

469. Upon information and belief, the Duke University Defendants and the Duke SANE Defendants admit that the North Carolina Attorney General issued a report of his review of the evidence relating to the rape allegations that are the subject of this First Amended Complaint. Other than a report of those findings, the Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, deny the remaining allegations.

470. Upon information and belief, the Duke University Defendants and the Duke SANE Defendants admit that the North Carolina Attorney General issued a report of his review of the evidence relating to the rape allegations that are the subject of this First Amended Complaint. Other than a report of those findings, the Duke University Defendants and the Duke SANE Defendants are without knowledge or information

sufficient to form a belief about the truth of the remaining allegations and, therefore, deny the remaining allegations.

To the extent that the heading that precedes Paragraph 471 is construed as allegations, the Duke University Defendants and Duke SANE Defendants deny the allegations.

471. Upon information and belief, the Duke University Defendants and the Duke SANE Defendants admit that former District Attorney Nifong was disbarred by the North Carolina State Bar. Other than reports of the proceedings, the Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, deny the remaining allegations.

To the extent that the heading that precedes Paragraph 472 is construed as allegations, the Duke University Defendants and Duke SANE Defendants deny the allegations.

472. The Duke University Defendants and the Duke SANE Defendants deny the allegations.

473. President Brodhead admits that he stated the words quoted in the second sentence of Paragraph 473. To the extent this paragraph characterizes the statement made by President Brodhead, President Brodhead denies that characterization. President Brodhead denies the remaining allegations.

The remaining Duke University Defendants and Duke SANE Defendants deny the allegations.

474. President Brodhead admits that he said the words quoted in the second sentence of Paragraph 474. To the extent this paragraph characterizes a statement made by President Brodhead, President Brodhead denies that characterization. President Brodhead denies the remaining allegations.

The remaining Duke University Defendants and Duke SANE Defendants deny the allegations.

475. Duke University and President Brodhead admit that President Brodhead made a statement containing the words quoted in Paragraph 475. To the extent the paragraph characterizes the statement by President Brodhead, Duke University and President Brodhead deny the characterization. Duke University and President Brodhead deny the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants deny the allegations.

476. The Duke University Defendants and the Duke SANE Defendants deny the allegations.

477. The Duke University Defendants and the Duke SANE Defendants deny the allegations.

478. The Duke University Defendants and the Duke SANE Defendants deny the allegations.

479. The Duke University Defendants and the Duke SANE Defendants deny the allegations.

480. The Duke University Defendants and the Duke SANE Defendants deny the allegations.

481. The Duke University Defendants and the Duke SANE Defendants deny the allegations.

To the extent that the heading that precedes Paragraph 482 is construed as allegations, the Duke University Defendants and Duke SANE Defendants deny the allegations.

482. The Duke University Defendants and Duke SANE Defendants incorporate by reference and restate their responses to paragraphs 1 through 481 as if fully set forth herein. The Duke University Defendants and Duke SANE Defendants deny the remaining allegations.

483. The cause of action alleged in Count 1 was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

484. The cause of action alleged in Count 1 was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

485. The cause of action alleged in Count 1 was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

486. The cause of action alleged in Count 1 was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

487. The cause of action alleged in Count 1 was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

488. The cause of action alleged in Count 1 was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

To the extent that the heading that precedes Paragraph 489 is construed as allegations, the Duke University Defendants and Duke SANE Defendants deny the allegations.

489. The Duke University Defendants and Duke SANE Defendants incorporate by reference and restate their responses to paragraphs 1 through 488 as if fully set forth herein. The Duke University Defendants and Duke SANE Defendants deny the remaining allegations.

490. The cause of action alleged in Count 2 was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

491. The cause of action alleged in Count 2 was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

492. The cause of action alleged in Count 2 was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

493. The cause of action alleged in Count 2 was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

494. The cause of action alleged in Count 2 was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

495. The cause of action alleged in Count 2 was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

496. The cause of action alleged in Count 2 was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

To the extent that the heading that precedes Paragraph 497 is construed as allegations, the Duke University Defendants and Duke SANE Defendants deny the allegations.

497. The Duke University Defendants and Duke SANE Defendants incorporate by reference and restate their responses to paragraphs 1 through 496 as if fully set forth herein. The Duke University Defendants and Duke SANE Defendants deny the remaining allegations.

498. The claims against Chancellor Dzau and Nurse Arico were dismissed by the Court's Order of March 31, 2011.

The cause of action alleged in Count 3 against President Brodhead was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, President Brodhead denies the allegations.

Duke University and DUHS admit that on March 14, 2006, Nurses Levicy and Arico were employees of DUHS. Duke University and DUHS deny the remaining allegations.

The remaining Duke University Defendants and the remaining Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

499. The claims against Chancellor Dzau and Nurse Arico were dismissed by the Court's Order of March 31, 2011.

The cause of action alleged in Count 3 against President Brodhead was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, President Brodhead denies the allegations.

Duke University and DUHS deny the allegations.

The remaining Duke University Defendants and the remaining Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

500. The claims against Chancellor Dzau and Nurse Arico were dismissed by the Court's Order of March 31, 2011.

The cause of action alleged in Count 3 against President Brodhead was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, President Brodhead denies the allegations.

Duke University and DUHS deny the allegations.

The remaining Duke University Defendants and the remaining Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

501. The claims against Chancellor Dzau and Nurse Arico were dismissed by the Court's Order of March 31, 2011.

The cause of action alleged in Count 3 against President Brodhead was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, President Brodhead denies the allegations.

Duke University and DUHS deny the allegations.

The remaining Duke University Defendants and the remaining Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

502. The claims against Chancellor Dzau and Nurse Arico were dismissed by the Court's Order of March 31, 2011.

The cause of action alleged in Count 3 against President Brodhead was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, President Brodhead denies the allegations.

Duke University and DUHS deny the allegations.

The remaining Duke University Defendants and the remaining Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

503. The claims against Chancellor Dzau and Nurse Arico were dismissed by the Court's Order of March 31, 2011.

The cause of action alleged in Count 3 against President Brodhead was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, President Brodhead denies the allegations.

Duke University and DUHS deny the allegations.

The remaining Duke University Defendants and the remaining Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

To the extent that the heading that precedes Paragraph 504 is construed as allegations, the Duke University Defendants and Duke SANE Defendants deny the allegations.

504. The Duke University Defendants and Duke SANE Defendants incorporate by reference and restate their responses to paragraphs 1 through 503 as if fully set forth herein. The Duke University Defendants and Duke SANE Defendants deny the remaining allegations.

505. The cause of action alleged in Count 4 was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

506. The cause of action alleged in Count 4 was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

507. The cause of action alleged in Count 4 was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

508. The cause of action alleged in Count 4 was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

509. The cause of action alleged in Count 4 was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

To the extent that the heading that precedes Paragraph 510 is construed as allegations, the Duke University Defendants and Duke SANE Defendants deny the allegations.

510. The Duke University Defendants and Duke SANE Defendants incorporate by reference and restate their responses to paragraphs 1 through 509 as if fully set forth herein. The Duke University Defendants and the Duke SANE Defendants deny the remaining allegations.

511. The cause of action alleged in Count 5 was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

512. The cause of action alleged in Count 5 was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

513. The cause of action alleged in Count 5 was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

514. The cause of action alleged in Count 5 was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

515. The cause of action alleged in Count 5 was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

516. The cause of action alleged in Count 5 was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

517. The cause of action alleged in Count 5 was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

To the extent that the heading that precedes Paragraph 518 is construed as allegations, the Duke University Defendants and Duke SANE Defendants deny the allegations.

518. The Duke University Defendants and Duke SANE Defendants incorporate by reference and restate their responses to paragraphs 1 through 517 as if fully set forth

herein. The Duke University Defendants and Duke SANE Defendants deny the remaining allegations.

519. The cause of action alleged in Count 6 was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

520. The cause of action alleged in Count 6 was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

521. The cause of action alleged in Count 6 was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

522. The cause of action alleged in Count 6 was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

523. The cause of action alleged in Count 6 was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

524. The cause of action alleged in Count 6 was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

525. The cause of action alleged in Count 6 was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

To the extent that the heading that precedes Paragraph 526 is construed as allegations, the Duke University Defendants and Duke SANE Defendants deny the allegations.

526. The Duke University Defendants and Duke SANE Defendants incorporate by reference and restate their responses to paragraphs 1 through 525 as if fully set forth herein. The Duke University Defendants and Duke SANE Defendants deny the remaining allegations.

527. The cause of action alleged in Count 7 was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

528. The cause of action alleged in Count 7 was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

529. The cause of action alleged in Count 7 was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

530. The cause of action alleged in Count 7 was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

To the extent that the heading that precedes Paragraph 531 is construed as allegations, the Duke University Defendants and Duke SANE Defendants deny the allegations.

531. The Duke University Defendants and Duke SANE Defendants incorporate by reference and restate their responses to paragraphs 1 through 530 as if fully set forth herein. The Duke University Defendants and Duke SANE Defendants deny the remaining allegations.

532. Duke University, Deputy Counsel Hendricks and former Director Drummond deny the allegations.

Former Associate Vice President Graves and former Director Dean are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

533. Duke University, Deputy Counsel Hendricks and former Director Drummond deny the allegations.

Former Associate Vice President Graves and former Director Dean are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

534. Duke University, Deputy Counsel Hendricks, former Director Drummond, former Associate Vice President Graves and former Director Dean deny the allegations.

To the extent any of the remaining Duke University Defendants or Duke SANE Defendants are alleged to be included within “the senior Duke University . . . officials” as alleged in Paragraph 534, the remaining Duke University Defendants and Duke SANE Defendants deny the allegations.

The remaining Duke University Defendants and the remaining Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of any remaining allegations and, therefore, deny any remaining allegations.

535. Duke University, Deputy Counsel Hendricks, former Director Drummond, former Associate Vice President Graves and former Director Dean deny the allegations.

To the extent any of the remaining Duke University Defendants or Duke SANE Defendants are alleged to be included within “Duke University . . . officials” as alleged in Paragraph 535, the remaining Duke University Defendants and Duke SANE Defendants deny the allegations.

The remaining Duke University Defendants and the remaining Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of any remaining allegations and, therefore, deny any remaining allegations.

536. Duke University, Deputy Counsel Hendricks, former Director Drummond, former Associate Vice President Graves and former Director Dean deny the allegations.

To the extent any of the remaining Duke University Defendants or Duke SANE Defendants are alleged to be included within “Duke University . . . officials” as alleged in Paragraph 535, the remaining Duke University Defendants and Duke SANE Defendants deny the allegations.

The remaining Duke University Defendants and the remaining Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of any remaining allegations and, therefore, deny any remaining allegations.

537. Duke University, Deputy Counsel Hendricks, former Director Drummond, former Associate Vice President Graves and former Director Dean deny the allegations.

To the extent any of the remaining Duke University Defendants or Duke SANE Defendants are alleged to be included within “Defendants” as alleged in Paragraph 537, the remaining Duke University Defendants and Duke SANE Defendants deny the allegations.

The remaining Duke University Defendants and the remaining Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of any remaining allegations and, therefore, deny any remaining allegations.

538. Duke University, Deputy Counsel Hendricks and former Director Drummond, former Associate Vice President Graves and former Director Dean deny the allegations.

To the extent any of the remaining Duke University Defendants or Duke SANE Defendants are alleged to be included within “Duke University officers, directors, trustees, and/or managers,” as alleged in Paragraph 538, the remaining Duke University Defendants and Duke SANE Defendants deny the allegations.

The remaining Duke University Defendants and the remaining Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of any remaining allegations and, therefore, deny any remaining allegations.

To the extent that the heading that precedes Paragraph 539 is construed as allegations, the Duke University Defendants and Duke SANE Defendants deny the allegations.

539. The Duke University Defendants and Duke SANE Defendants incorporate by reference and restate their responses to paragraphs 1 through 538 as if fully set forth herein. The Duke University Defendants and Duke SANE Defendants deny the remaining allegations.

540. The cause of action alleged in Count 9 was dismissed by the Court’s Order of March 31, 2011. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

541. The cause of action alleged in Count 9 was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

To the extent that the heading that precedes Paragraph 542 is construed as allegations, the Duke University Defendants and Duke SANE Defendants deny the allegations.

542. The Duke University Defendants and Duke SANE Defendants incorporate by reference and restate their responses to paragraphs 1 through 541 as if fully set forth herein. The Duke University Defendants and Duke SANE Defendants deny the remaining allegations.

543. The cause of action alleged in Count 10 was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

544. The cause of action alleged in Count 10 was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

545. The cause of action alleged in Count 10 was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

546. The cause of action alleged in Count 10 was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

547. The cause of action alleged in Count 10 was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

548. The cause of action alleged in Count 10 was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

To the extent that the heading that precedes Paragraph 549 is construed as allegations, the Duke University Defendants and Duke SANE Defendants deny the allegations.

549. The Duke University Defendants and Duke SANE Defendants incorporate by reference and restate their responses to paragraphs 1 through 548 as if fully set forth herein. The Duke University Defendants and Duke SANE Defendants deny the remaining allegations.

550. Duke University, Dean Wasiolek, President Brodhead and Executive Vice President Trask deny the allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

551. Duke University, Dean Wasiolek, President Brodhead and Executive Vice President Trask deny the allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

552. Duke University, Dean Wasiolek, President Brodhead and Executive Vice President Trask deny the allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

553. Duke University, President Brodhead, Dean Wasiolek and Executive Vice President Trask deny the allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

554. Duke University, Dean Wasiolek, President Brodhead and Executive Vice President Trask deny the allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

555. Duke University, Dean Wasiolek, President Brodhead and Executive Vice President Trask deny the allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

556. Duke University, Dean Wasiolek, President Brodhead and Executive Vice President Trask deny the allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

557. Duke University, Dean Wasiolek, President Brodhead and Executive Vice President Trask deny the allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

To the extent that the heading that precedes Paragraph 558 is construed as allegations, the Duke University Defendants and Duke SANE Defendants deny the allegations.

558. The Duke University Defendants and Duke SANE Defendants incorporate by reference and restate their responses to paragraphs 1 through 557 as if fully set forth

herein. The Duke University Defendants and Duke SANE Defendants deny the remaining allegations.

559. The cause of action alleged in Count 12 was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

560. The cause of action alleged in Count 12 was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

561. The cause of action alleged in Count 12 was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

562. The cause of action alleged in Count 12 was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

563. The cause of action alleged in Count 12 was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

564. The cause of action alleged in Count 12 was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations

To the extent that the heading that precedes Paragraph 565 is construed as allegations, the Duke University Defendants and Duke SANE Defendants deny the allegations.

565. The Duke University Defendants and Duke SANE Defendants incorporate by reference and restate their responses to paragraphs 1 through 564 as if fully set forth herein. The Duke University Defendants and Duke SANE Defendants deny the remaining allegations.

566. The cause of action alleged in Count 13 was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

567. The cause of action alleged in Count 13 was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

568. The cause of action alleged in Count 13 was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

569. The cause of action alleged in Count 13 was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

570. The cause of action alleged in Count 13 was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

571. The cause of action alleged in Count 13 was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

572. The cause of action alleged in Count 13 was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

573. The cause of action alleged in Count 13 was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

To the extent that the heading that precedes Paragraph 574 is construed as allegations, the Duke University Defendants and Duke SANE Defendants deny the allegations.

574. The Duke University Defendants and Duke SANE Defendants incorporate by reference and restate their responses to paragraphs 1 through 573 as if fully set forth herein. The Duke University Defendants and Duke SANE Defendants deny the remaining allegations.

575. The cause of action alleged in Count 14 was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

576. The cause of action alleged in Count 14 was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

577. The cause of action alleged in Count 14 was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

578. The cause of action alleged in Count 14 was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

579. The cause of action alleged in Count 14 was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

580. The cause of action alleged in Count 14 was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

581. The cause of action alleged in Count 14 was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

To the extent that the heading that precedes Paragraph 582 is construed as allegations, the Duke University Defendants and Duke SANE Defendants deny the allegations.

582. The Duke University Defendants and Duke SANE Defendants incorporate by reference and restate their responses to paragraphs 1 through 581 as if fully set forth herein. The Duke University Defendants and the Duke SANE Defendants deny the remaining allegations.

583. The cause of action alleged in Count 15 was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

584. The cause of action alleged in Count 15 was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

585. The cause of action alleged in Count 15 was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

586. The cause of action alleged in Count 15 was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

587. The cause of action alleged in Count 15 was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

588. The cause of action alleged in Count 15 was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

589. The cause of action alleged in Count 15 was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

590. The cause of action alleged in Count 15 was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

591. The cause of action alleged in Count 15 was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

592. The cause of action alleged in Count 15 was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

593. The cause of action alleged in Count 15 was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

594. The cause of action alleged in Count 15 was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

595. The cause of action alleged in Count 15 was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

596. The cause of action alleged in Count 15 was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

To the extent that the heading that precedes Paragraph 597 is construed as allegations, the Duke University Defendants and Duke SANE Defendants deny the allegations.

597. The Duke University Defendants and Duke SANE Defendants incorporate by reference and restate their responses to paragraphs 1 through 596 as if fully set forth herein. The Duke University Defendants and Duke SANE Defendants deny the remaining allegations.

598. The cause of action alleged in Count 16 was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

599. The cause of action alleged in Count 16 was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

600. The cause of action alleged in Count 16 was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

601. The cause of action alleged in Count 16 was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

To the extent that the heading that precedes Paragraph 602 is construed as allegations, the Duke University Defendants and Duke SANE Defendants deny the allegations.

602. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

603. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

604. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

605. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

To the extent that the heading that precedes Paragraph 606 is construed as allegations, the Duke University Defendants and Duke SANE Defendants deny the allegations.

606. The Duke University Defendants and Duke SANE Defendants incorporate by reference and restate their responses to paragraphs 1 through 605 as if fully set forth herein. The Duke University Defendants and Duke SANE Defendants deny the remaining allegations.

607. The cause of action alleged in Count 18 was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

608. The cause of action alleged in Count 18 was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

609. The cause of action alleged in Count 18 was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

610. The cause of action alleged in Count 18 was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

611. The cause of action alleged in Count 18 was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

612. The cause of action alleged in Count 18 was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

To the extent that the heading that precedes Paragraph 613 is construed as allegations, the Duke University Defendants and Duke SANE Defendants deny the allegations.

613. The Duke University Defendants and Duke SANE Defendants incorporate by reference and restate their responses to paragraphs 1 through 612 as if fully set forth herein. The Duke University Defendants and Duke SANE Defendants deny the remaining allegations.

614. The claims against Vice President Moneta and Provost Lange were dismissed by the Court's Order of March 31, 2011.

Pursuant to the Court's Order of March 31, 2011, the cause of action alleged in Count 19 will go forward based on the underlying torts alleged in Counts 8 and 11. To the extent that a response is required where the allegations contained in this paragraph exceed the scope of the underlying torts alleged in Counts 8 and 11, the Duke University Defendants and Duke SANE Defendants deny the allegations.

The cause of action alleged in Count 19 against President Brodhead and Executive Vice President Trask was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, President Brodhead and Executive Vice President Trask deny the allegations.

Duke University admits that President Brodhead, Vice President Moneta, Provost Lange, Executive Vice President Trask, former Director Drummond, Deputy Counsel Hendricks, former Associate Vice President Graves, former Director Dean and Dean Wasiolek, are employees of Duke University. Duke University denies the remaining allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

615. The claims against Vice President Moneta and Provost Lange were dismissed by the Court's Order of March 31, 2011.

Pursuant to the Court's Order of March 31, 2011, the cause of action alleged in Count 19 will go forward based on the underlying torts alleged in Counts 8 and 11. To the extent that a response is required where the allegations contained in this paragraph exceed the scope of the underlying torts alleged in Counts 8 and 11, the Duke University Defendants and Duke SANE Defendants deny the allegations.

The cause of action alleged in Count 19 against President Brodhead and Executive Vice President Trask was dismissed by the Court's Order of March 31, 2011. To the

extent a response is required, President Brodhead and Executive Vice President Trask deny the allegations.

Duke University denies the allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

616. The claims against Vice President Moneta and Provost Lange were dismissed by the Court's Order of March 31, 2011.

Pursuant to the Court's Order of March 31, 2011, the cause of action alleged in Count 19 will go forward based on the underlying torts alleged in Counts 8 and 11. To the extent that a response is required where the allegations contained in this paragraph exceed the scope of the underlying torts alleged in Counts 8 and 11, the Duke University Defendants and Duke SANE Defendants deny the allegations.

The cause of action alleged in Count 19 against President Brodhead and Executive Vice President Trask was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, President Brodhead and Executive Vice President Trask deny the allegations.

Duke University denies the allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

617. The claims against Vice President Moneta and Provost Lange were dismissed by the Court's Order of March 31, 2011.

Pursuant to the Court's Order of March 31, 2011, the cause of action alleged in Count 19 will go forward based on the underlying torts alleged in Counts 8 and 11. To the extent that a response is required where the allegations contained in this paragraph exceed the scope of the underlying torts alleged in Counts 8 and 11, the Duke University Defendants and Duke SANE Defendants deny the allegations.

The cause of action alleged in Count 19 against President Brodhead and Executive Vice President Trask was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, President Brodhead and Executive Vice President Trask deny the allegations.

Duke University denies the allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

618. The claims against Vice President Moneta and Provost Lange were dismissed by the Court's Order of March 31, 2011.

Pursuant to the Court's Order of March 31, 2011, the cause of action alleged in Count 19 will go forward based on the underlying torts alleged in Counts 8 and 11. To the extent that a response is required where the allegations contained in this paragraph

exceed the scope of the underlying torts alleged in Counts 8 and 11, the Duke University Defendants and Duke SANE Defendants deny the allegations.

The cause of action alleged in Count 19 against President Brodhead and Executive Vice President Trask was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, President Brodhead and Executive Vice President Trask deny the allegations.

Duke University denies the allegations.

The remaining Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

To the extent that the heading that precedes Paragraph 619 is construed as allegations, the Duke University Defendants and Duke SANE Defendants deny the allegations.

619. The Duke University Defendants and Duke SANE Defendants incorporate by reference and restate their responses to paragraphs 1 through 618 as if fully set forth herein. The Duke University Defendants and Duke SANE Defendants deny the remaining allegations.

620. The cause of action alleged in Count 20 was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

621. The cause of action alleged in Count 20 was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

622. The cause of action alleged in Count 20 was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

623. The cause of action alleged in Count 20 was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

624. The cause of action alleged in Count 20 was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

625. The cause of action alleged in Count 20 was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

626. The cause of action alleged in Count 20 was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

To the extent that the heading that precedes Paragraph 627 is construed as allegations, the Duke University Defendants and Duke SANE Defendants deny the allegations.

627. The Duke University Defendants and Duke SANE Defendants incorporate by reference and restate their responses to paragraphs 1 through 626 as if fully set forth herein. The Duke University Defendants and the Duke SANE Defendants deny the remaining allegations.

628. The claims against Nurse Arico were dismissed by the Court's Order of March 31, 2011.

The cause of action alleged in Count 21 against Duke University and DUHS was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, Duke University and DUHS deny the allegations.

Nurse Levicy is without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, denies the allegations.

The remaining Duke University Defendants and the remaining Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

629. The claims against Nurse Arico were dismissed by the Court's Order of March 31, 2011.

The cause of action alleged in Count 21 against Duke University and DUHS was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, Duke University and DUHS deny the allegations.

Nurse Levicy specifically denies that she ever provided false or misleading information to any investigators working for the Durham Police Department or for the

District Attorney's Office or to anyone else. Nurse Levicy is without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, denies the allegations.

The remaining Duke University Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

630. The claims against Nurse Arico were dismissed by the Court's Order of March 31, 2011.

The cause of action alleged in Count 21 against Duke University and DUHS was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, Duke University and DUHS deny the allegations.

Nurse Levicy denies the allegations.

The remaining Duke University Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

631. The claims against Nurse Arico were dismissed by the Court's Order of March 31, 2011.

The cause of action alleged in Count 21 against Duke University and DUHS was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, Duke University and DUHS deny the allegations.

Nurse Levicy denies the allegations.

The remaining Duke University Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

632. The claims against Nurse Arico were dismissed by the Court's Order of March 31, 2011.

The cause of action alleged in Count 21 against Duke University and DUHS was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, Duke University and DUHS deny the allegations.

Nurse Levicy denies the allegations.

The remaining Duke University Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

633. The claims against Nurse Arico were dismissed by the Court's Order of March 31, 2011.

The cause of action alleged in Count 21 against Duke University and DUHS was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, Duke University and DUHS deny the allegations.

Nurse Levicy admits that her participation in the examination of Ms. Mangum was within the scope of her employment. Nurse Levicy denies the remaining allegations.

The remaining Duke University Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

634. The claims against Nurse Arico were dismissed by the Court's Order of March 31, 2011.

The cause of action alleged in Count 21 against Duke University and DUHS was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, Duke University and DUHS deny the allegations.

Nurse Levicy is without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, denies the allegations.

The remaining Duke University Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

To the extent that the heading that precedes Paragraph 635 is construed as allegations, the Duke University Defendants and Duke SANE Defendants deny the allegations.

635. The Duke University Defendants and Duke SANE Defendants incorporate by reference and restate their responses to paragraphs 1 through 634 as if fully set forth herein. The Duke University Defendants and the Duke SANE Defendants deny the remaining allegations.

636. The cause of action alleged in Count 22 was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

637. The cause of action alleged in Count 22 was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

638. The cause of action alleged in Count 22 was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

639. The cause of action alleged in Count 22 was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

640. The cause of action alleged in Count 22 was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

641. The cause of action alleged in Count 22 was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

642. The cause of action alleged in Count 22 was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

To the extent that the heading that precedes Paragraph 643 is construed as allegations, the Duke University Defendants and Duke SANE Defendants deny the allegations.

643. The Duke University Defendants and Duke SANE Defendants incorporate by reference and restate their responses to paragraphs 1 through 642 as if fully set forth herein. The Duke University Defendants and the Duke SANE Defendants deny the remaining allegations.

644. The claims against Provost Lange, Vice President Moneta, former Senior Vice President Burness, Chancellor Dzau, and Nurse Arico were dismissed by the Court's Order of March 31, 2011.

The cause of action alleged in Count 23 against President Brodhead, Executive Vice President Trask, Dean Wasiolek, former Director Drummond, Deputy Counsel Hendricks, former Associate Vice President Graves, and former Director Dean was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, President Brodhead, Executive Vice President Trask, Dean Wasiolek, former Director Drummond, Deputy Counsel Hendricks, former Associate Vice President Graves, and former Director Dean deny the allegations.

Duke University, DUHS and Nurse Levicy deny the allegations.

645. The claims against Provost Lange, Vice President Moneta, former Senior Vice President Burness, Chancellor Dzau, and Nurse Arico were dismissed by the Court's Order of March 31, 2011.

The cause of action alleged in Count 23 against President Brodhead, Executive Vice President Trask, Dean Wasiolek, former Director Drummond, Deputy Counsel Hendricks, former Associate Vice President Graves, and former Director Dean was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, President Brodhead, Executive Vice President Trask, Dean Wasiolek, former Director Drummond, Deputy Counsel Hendricks, former Associate Vice President Graves, and former Director Dean deny the allegations.

Duke University, DUHS and Nurse Levicy deny the allegations.

646. The claims against Provost Lange, Vice President Moneta, former Senior Vice President Burness, Chancellor Dzau, and Nurse Arico were dismissed by the Court's Order of March 31, 2011.

The cause of action alleged in Count 23 against President Brodhead, Executive Vice President Trask, Dean Wasiolek, former Director Drummond, Deputy Counsel Hendricks, former Associate Vice President Graves, and former Director Dean was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, President Brodhead, Executive Vice President Trask, Dean Wasiolek, former Director Drummond, Deputy Counsel Hendricks, former Associate Vice President Graves, and former Director Dean deny the allegations.

Duke University, DUHS and Nurse Levicy deny the allegations.

647. The claims against Provost Lange, Vice President Moneta, former Senior Vice President Burness, Chancellor Dzau, and Nurse Arico were dismissed by the Court's Order of March 31, 2011.

The cause of action alleged in Count 23 against President Brodhead, Executive Vice President Trask, Dean Wasiolek, former Director Drummond, Deputy Counsel Hendricks, former Associate Vice President Graves, and former Director Dean was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, President Brodhead, Executive Vice President Trask, Dean Wasiolek, former Director Drummond, Deputy Counsel Hendricks, former Associate Vice President Graves, and former Director Dean deny the allegations.

Duke University, DUHS, and Nurse Levicy deny the allegations.

648. The claims against Provost Lange, Vice President Moneta, former Senior Vice President Burness, Chancellor Dzau, and Nurse Arico were dismissed by the Court's Order of March 31, 2011.

The cause of action alleged in Count 23 against President Brodhead, Executive Vice President Trask, Dean Wasiolek, former Director Drummond, Deputy Counsel Hendricks, former Associate Vice President Graves, and former Director Dean was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, President Brodhead, Executive Vice President Trask, Dean Wasiolek, former Director Drummond, Deputy Counsel Hendricks, former Associate Vice President Graves, and former Director Dean deny the allegations.

Duke University, DUHS and Nurse Levicy deny the allegations.

To the extent that the heading that precedes Paragraph 649 is construed as allegations, the Duke University Defendants and Duke SANE Defendants deny the allegations.

649. The Duke University Defendants and Duke SANE Defendants incorporate by reference and restate their responses to paragraphs 1 through 648 as if fully set forth herein. The Duke University Defendants and the Duke SANE Defendants deny the remaining allegations.

650. The cause of action alleged in Count 24 was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

651. The cause of action alleged in Count 24 was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

652. The cause of action alleged in Count 24 was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

653. The cause of action alleged in Count 24 was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

To the extent that the heading that precedes Paragraph 654 is construed as allegations, the Duke University Defendants and Duke SANE Defendants deny the allegations.

654. The Duke University Defendants and Duke SANE Defendants incorporate by reference and restate their responses to paragraphs 1 through 653 as if fully set forth herein. The Duke University Defendants and the Duke SANE Defendants deny the remaining allegations.

655. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

656. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

657. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

658. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

659. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

660. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

661. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

662. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

663. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

664. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

To the extent that the heading that precedes Paragraph 665 is construed as allegations, the Duke University Defendants and Duke SANE Defendants deny the allegations.

665. The Duke University Defendants and Duke SANE Defendants incorporate by reference and restate their responses to paragraphs 1 through 664 as if fully set forth herein. The Duke University Defendants and the Duke SANE Defendants deny the remaining allegations.

666. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

To the extent that the heading that precedes Paragraph 667 is construed as allegations, the Duke University Defendants and Duke SANE Defendants deny the allegations.

667. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

668. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

669. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

670. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

671. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

To the extent that the heading that precedes Paragraph 672 is construed as allegations, the Duke University Defendants and Duke SANE Defendants deny the allegations.

672. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

673. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

674. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

675. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

To the extent that the heading that precedes Paragraph 676 is construed as allegations, the Duke University Defendants and Duke SANE Defendants deny the allegations.

676. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

677. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

678. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

679. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

680. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

To the extent that the heading that precedes Paragraph 681 is construed as allegations, the Duke University Defendants and Duke SANE Defendants deny the allegations.

681. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

682. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

683. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

684. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

685. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

686. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

To the extent that the heading that precedes Paragraph 687 is construed as allegations, the Duke University Defendants and Duke SANE Defendants deny the allegations.

687. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

688. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

689. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

To the extent that the heading that precedes Paragraph 690 is construed as allegations, the Duke University Defendants and Duke SANE Defendants deny the allegations.

690. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

691. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

692. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

693. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

694. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

695. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

To the extent that the heading that precedes Paragraph 696 is construed as allegations, the Duke University Defendants and Duke SANE Defendants deny the allegations.

696. The Duke University Defendants and Duke SANE Defendants incorporate by reference and restate their responses to paragraphs 1 through 695 as if fully set forth herein. The Duke University Defendants and the Duke SANE Defendants deny the remaining allegations.

To the extent that the heading that precedes Paragraph 697 is construed as allegations, the Duke University Defendants and Duke SANE Defendants deny the allegations.

697. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

698. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

699. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

700. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

701. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

702. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

703. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

704. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

To the extent that the heading that precedes Paragraph 705 is construed as allegations, the Duke University Defendants and Duke SANE Defendants deny the allegations.

705. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

706. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

707. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

708. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

709. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

710. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

To the extent that the heading that precedes Paragraph 711 is construed as allegations, the Duke University Defendants and Duke SANE Defendants deny the allegations.

711. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

712. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

713. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

714. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

715. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

716. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

717. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

718. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

719. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

720. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

To the extent that the heading that precedes Paragraph 721 is construed as allegations, the Duke University Defendants and Duke SANE Defendants deny the allegations.

721. The Duke University Defendants and Duke SANE Defendants incorporate by reference and restate their responses to paragraphs 1 through 720 as if fully set forth

herein. The Duke University Defendants and the Duke SANE Defendants deny the remaining allegations.

722. The cause of action alleged in Count 28 was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

723. The cause of action alleged in Count 28 was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

724. The cause of action alleged in Count 28 was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

725. The cause of action alleged in Count 28 was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

726. The cause of action alleged in Count 28 was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

727. The cause of action alleged in Count 28 was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

728. The cause of action alleged in Count 28 was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

To the extent that the heading that precedes Paragraph 729 is construed as allegations, the Duke University Defendants and Duke SANE Defendants deny the allegations.

729. The Duke University Defendants and Duke SANE Defendants incorporate by reference and restate their responses to paragraphs 1 through 728 as if fully set forth herein. The Duke University Defendants and the Duke SANE Defendants deny the remaining allegations.

730. The cause of action alleged in Count 29 was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

731. The cause of action alleged in Count 29 was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

732. The cause of action alleged in Count 29 was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

733. The cause of action alleged in Count 29 was dismissed by the Court's Order of March 31, 2011. To the extent a response is required, the Duke University Defendants and the Duke SANE Defendants deny the allegations.

To the extent that the heading that precedes Paragraph 734 is construed as allegations, the Duke University Defendants and Duke SANE Defendants deny the allegations.

734. The Duke University Defendants and Duke SANE Defendants incorporate by reference and restate their responses to paragraphs 1 through 733 as if fully set forth herein. The Duke University Defendants and the Duke SANE Defendants deny the remaining allegations.

735. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

736. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

737. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

738. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

739. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

740. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

741. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

To the extent that the heading that precedes Paragraph 742 is construed as allegations, the Duke University Defendants and Duke SANE Defendants deny the allegations.

742. The Duke University Defendants and Duke SANE Defendants incorporate by reference and restate their responses to paragraphs 1 through 741 as if fully set forth herein. The Duke University Defendants and the Duke SANE Defendants deny the remaining allegations.

743. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

744. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

745. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

746. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

To the extent that the heading that precedes Paragraph 747 is construed as allegations, the Duke University Defendants and Duke SANE Defendants deny the allegations.

747. The Duke University Defendants and Duke SANE Defendants incorporate by reference and restate their responses to paragraphs 1 through 746 as if fully set forth herein. The Duke University Defendants and the Duke SANE Defendants deny the remaining allegations.

748. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

749. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

750. The Duke University Defendants and the Duke SANE Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations and, therefore, deny the allegations.

751. The Duke University Defendants and the Duke SANE Defendants deny the allegations, including the allegations contained in subparagraphs a, b, c, d, and e.

FIRST AFFIRMATIVE DEFENSE

To the extent Plaintiffs seek to hold the Duke University Defendants and the Duke SANE Defendants responsible for the action or inaction of the City of Durham or the Durham Defendants, the Duke University Defendants and the Duke SANE Defendants incorporate any defenses asserted by, or available to, the City of Durham and the Durham Defendants.

SECOND AFFIRMATIVE DEFENSE

To the extent any of the Duke University Defendants or the Duke SANE Defendants, or anyone responsible for their actions, are determined to be state actors, the

Duke University Defendants and the Duke SANE Defendants are entitled to the same privileges and immunities as any other state actor.

THIRD AFFIRMATIVE DEFENSE

Plaintiffs have waived and/or are estopped from asserting any and all claims they may have or have had against the Duke University Defendants and the Duke SANE Defendants.

FOURTH AFFIRMATIVE DEFENSE

The damages sustained by Plaintiffs, if any, were proximately caused by the intervening and superseding acts of other persons or parties over whom the Duke University Defendants and the Duke SANE Defendants had no control and for whose conduct the Duke University Defendants and the Duke SANE Defendants are not reasonably responsible. These intervening and superseding acts were not reasonably foreseeable to the Duke University Defendants or the Duke SANE Defendants. These acts bar and/or diminish Plaintiffs' recovery, if any, against the Duke University Defendants and the Duke SANE Defendants.

By way of example, these intervening and superseding acts include, but are not limited to, the false rape allegations made by Crystal Mangum and the actions of former District Attorney Michael Nifong in directing the investigation of those allegations.

FIFTH AFFIRMATIVE DEFENSE

Plaintiffs failed to mitigate their damages.

SIXTH AFFIRMATIVE DEFENSE

Plaintiffs' claims are barred by the applicable statutes of limitations and periods of limitation and repose. To the extent that any of Plaintiffs' claims are equitable in nature, they are barred by the doctrine of laches.

SEVENTH AFFIRMATIVE DEFENSE

Any award of punitive damages violates the United States Constitution, the Constitution of the State of North Carolina, and other applicable state and federal laws, in that an award of punitive damages is impermissible in this case because it would (1) constitute an excessive fine and forfeiture in contravention of the Eighth Amendment of the United States Constitution and corresponding state constitution provisions, (2) violate the Duke University Defendants' and the Duke SANE Defendants' right to due process and equal protection of the laws in contravention of the Fourteenth Amendment to the United States Constitution and corresponding state constitution provisions, (3) violate the Duke University Defendants' and Duke SANE Defendants' right to procedural safeguards provided by the Sixth Amendment to the United States Constitution for alleged penal conduct, including but not limited to permitting imposition of punitive damages with a burden of proof less than "beyond a reasonable doubt", and (4) bear no proportional or rational relationship to any actual damages or to the type of conduct involved and violates the United States Constitution the Constitution of the State of North Carolina, and other applicable laws, including but not limited to the provisions of Chapter 1D of the North Carolina General Statutes.

The Duke University Defendants and the Duke SANE Defendants reserve the right to assert any additional and further defenses as may be revealed during discovery or upon receipt of additional information.

JURY TRIAL DEMAND

The Duke University Defendants and Duke SANE Defendants respectfully demand trial by jury on all issues so triable in this action.

PRAYER FOR RELIEF

WHEREFORE, the Duke University Defendants and Duke SANE Defendants request that this Court:

1. Dismiss this action with prejudice;
2. Deny any relief to Plaintiffs; and
3. For such other and further relief as the Court deems just and proper.

This the 14th day of April, 2011.

/s/ J. Donald Cowan, Jr.
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Counsel for Duke SANE Defendants

CERTIFICATE OF SERVICE

I hereby certify that on April 14, 2011, I electronically filed the foregoing Answer of Duke University Defendants and Duke SANE Defendants with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record and to Mr. Linwood Wilson, who is also registered to use the CM/ECF system.

This 14th day of April, 2011.

/s/ J. Donald Cowan, Jr.
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