

NORTH CAROLINA
DURHAM COUNTY

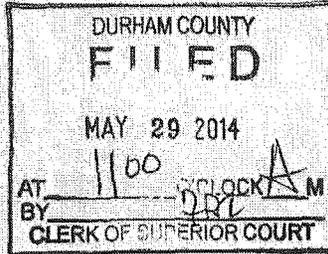
IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
14 CVS 3075

LEWIS M. McLEOD,
Plaintiff

v.

PRELIMINARY INJUNCTION

DUKE UNIVERSITY,
Defendant



THIS MATTER coming on for hearing before the undersigned Judge Presiding at the May 19, 2014 Session of Civil Superior Court of Durham County; and it appearing to the Court, and the Court so finds and concludes, as follows:

1. The complaint was filed herein on May 2, 2014 in which the plaintiff seeks injunctive relief and compensatory damages arising from disciplinary action taken by the defendant against the plaintiff.

2. A temporary restraining order was entered herein on May 7, 2014 and the matter was set for hearing on preliminary injunction on May 14, 2014, later re-scheduled for May 19, 2014.

3. The hearing on preliminary injunction herein was conducted May 19 – May 22, 2014. The parties submitted briefs, legal authorities, oral arguments, testimony of witnesses, exhibits, records, and other evidence. As agreed to by the parties, closing arguments were submitted in writing to the Trial Court Administrator on May 27, 2014 and same were delivered to the Court on May 28, 2014. The Court has reviewed and considered the arguments, the record, the evidence, and the submissions of the parties.

4. By virtue of his status as a student at Duke University, the plaintiff attained various rights related to the misconduct allegations against him and the resulting disciplinary process to address same. This is so, whether those rights be determined to be contractual, pursuant to the defendant's policies, or arising from fundamental fairness under the circumstances and relationship of the parties.

5. The plaintiff has demonstrated a likelihood of success on the merits as to his contentions that the defendant has breached, violated, or otherwise deprived the plaintiff of material rights related to the misconduct allegations against him and the resulting disciplinary process addressing such allegations.

6. The plaintiff is likely to suffer irreparable harm if he is expelled from Duke University pending a final determination on the merits in this action.

7. Such preliminary injunctive relief as hereinafter ordered is necessary to protect the plaintiff's rights pending a final determination on the merits in this action.

8. However, notwithstanding Paragraph No. 5 above, this is not a finding as to whether or not the plaintiff is likely to ultimately prevail on the merits in obtaining his desired permanent injunctive relief of requiring the defendant to grant the plaintiff a degree from Duke University.

9. The record and evidence herein are sufficient to justify granting the plaintiff the preliminary injunctive relief to enjoin the defendant from expelling the plaintiff from Duke University, pending a final determination on the merits in this action, as hereinafter ordered.

10. It is unlikely that the defendant will suffer any damage or loss as a result of this preliminary injunction; and therefore, the Court dispenses with any requirement that the plaintiff post bond or other security in connection with this preliminary injunction, and none shall be ordered.

11. The preliminary injunction as hereinafter ordered should be granted; and except as granted hereby, the plaintiff's request for additional injunctive relief should be denied.

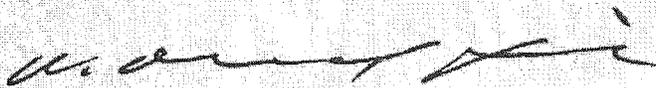
NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED:

1. The defendant is enjoined from expelling the plaintiff from Duke University pending a final determination on the merits in this action, and the plaintiff is, accordingly, granted a preliminary injunction to such effect.

2. The plaintiff's request for a preliminary injunction for relief other than that granted in the preceding paragraph is denied.

3. The requirement for security is dispensed with and none shall be required.

This the 28th day of May, 2014.



W. Osmond Smith III
Judge Presiding

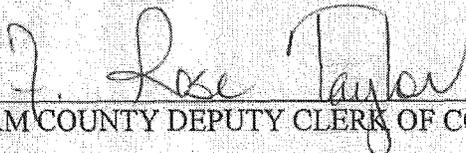
CERTIFICATE OF SERVICE

This is to certify that the undersigned has this day served the foregoing Order in the above captioned action on all parties by depositing a copy hereof in a postpaid wrapper in a post office depository under the exclusive care and custody of the United Postal Service, addressed as follows:

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Brian C. Shaw
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Paul K. Sun, Jr.
Kelly Dagger
ELLIS & WINTERS, PLLC
PO Box 33550
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This the _____ day of May, 2014



DURHAM COUNTY DEPUTY CLERK OF COURT