

STATE OF NORTH CAROLINA
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
10-CVS-019930

BRIAN CECCARELLI and LORI MILLETTE,)
individually and as class representatives,)
Plaintiffs,)
v.)
TOWN OF CARY)
Defendant.)

**PLAINTIFFS' PROPOSED DESIGNATION
OF EXPERT WITNESSES**

NOW COMES the Plaintiff, by and through their attorney, pursuant to Rule 26(b)(4) of the North Carolina Rules of Civil Procedure, and hereby designates the following experts that the Plaintiff expects to call at the trial of this matter.

- 1. Dr. Elizabeth George, Ph.D.**
Wittenberg University
PO Box 720
Springfield, OH 45501

Dr. Elizabeth George is the head of the Department of Physics at Wittenberg University. A copy of her CV has been provided. Dr. George is expected to opine that the yellow times on the signal plans of record oppose the laws of physics by which engineering practices must abide. She will describe how these yellow times force all drivers in certain scenarios to run red lights. Her full testimony has been taken by deposition for use at trial.

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- 2. Dr. Joseph Shovlin, Ph.D.**
Research Scientist
Cree, Inc.
1700 Creekview Drive
Franklinton, NC 27525

Dr. Joseph Shovlin is a Research Scientist at Cree, Inc. in Research Triangle Park. A copy of his resume has been provided. Dr. Shovlin has a Ph.D. in physics. He works daily with engineers. He has worked as an engineer. Dr. Shovlin is expected to opine that the yellow times on the signal plans of record used by NCDOT and the Town of Cary oppose the laws of physics by which engineering practices must abide. He will describe how the yellow times force drivers in certain scenarios to run red lights. Dr. Shovlin will opine about the close relationship of science and engineering since he has professionally done both. He will opine that a practice that violates the laws of physics cannot properly be described as an engineering practice and cannot be described as a proper engineering practice. He is a co-author with Mr. Ceccarelli of "Misapplied Physics" and can opine on the contents thereof as well as the items stated below for Mr. Ceccarelli.

**3. Mr. Brian Ceccarelli
Owner
Talus Software
4605 Woodmill Run
Apex, NC 27539**

Brian Ceccarelli is a software engineer. A copy of his resume is has been provided. Mr. Ceccarelli has a B.S. in physics. Mr. Ceccarelli is expected to opine that the yellow times in question on the signal plans of record oppose the laws of physics by which engineering practices must abide. He will describe how the yellow times can force drivers in certain scenarios to run red lights. He will opine that a practice that violates the laws of physics cannot properly be described as an engineering practice and cannot be described as a proper engineering practice. Mr. Ceccarelli is also prepared to opine about the origin, the derivation and the current use of the ITE Yellow Change Interval Formula. Mr. Ceccarelli can give opinion of the traffic signal plans, the MUTCD, the North Carolina Department of Transportation (NCDOT) specifications and the NCDOT requirements that signed and sealed signal plans must comply with the NCDOT Intelligent Transportation and Signal Systems Unit Design Manual. Mr. Ceccarelli can also describe the raw red light camera data and the patterns in the data which reveal engineering errors.

**4. Dr. Charles R. Manning, Jr. P.E.
Mr. Johnnie P. Hennings, P.E.
Accident Reconstruction Analysis, Inc.
5801 Lease Lane
Raleigh, NC 27617**

Dr. Manning holds a Ph.D. in engineering and was a professor of engineering at North Carolina State University. His associate, Mr. Hennings, is a licensed professional engineer. Their resumes have been provided. Each of them are expected to opine that the formula used by the NCDOT and the Town of Cary for yellow light change intervals does not allow vehicles in certain circumstances the time to slow down at the rate of deceleration assumed by the NCDOT; e.g., vehicles decelerating for a left turn. One or each of them will describe the relationship between physics and engineering and that a practice that violates the laws of physics cannot properly be described as an engineering practice and cannot be described as a proper engineering practice.

This the 29th day of September, 2012.

Attorneys for Plaintiffs,

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