

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.

**MOTION FOR RELIEF FROM ORDER  
DENYING DEFENDANT'S MOTION FOR  
SUMMARY JUDGMENT OF CECCARELLI'S  
CLAIM/ MOTION FOR RECONSIDERATION  
RULE 60(b)(2) AND (6)**

NOW COMES the Defendant, Town of Cary ("Town"), by and through its attorneys, and hereby moves the Court to reconsider its denial of the Defendant Town's motion for summary judgment on Plaintiff Ceccarelli's claim under Rule 60(b)(2) and (6) of the North Carolina Rules of Civil Procedure.

Defendant contends that newly discovered evidence, particularly of Plaintiff's designated expert witnesses, show that there is no genuine issue of fact on Mr. Ceccarelli's claim and that Defendant is entitled to summary judgment on this claim as a matter of law. At the hearing of this matter held on or about December 12, 2011, Plaintiff Ceccarelli through his attorney indicated to the Court that they would secure expert testimony that Defendant Town did not meet the statutory requirements allowing the Town to utilize traffic control photographic systems at the intersections in question. After said hearing, Plaintiffs designated experts and Defendants contend that none of Plaintiffs' experts on this issue are competent to give such testimony.

Therefore Defendants respectfully ask the Court for relief from the order entered December 12, 2011 and signed April 25, 2012, and seek the court enter summary judgment for the Defendant on Mr. Ceccarelli's claim.

This \_\_\_\_\_ day of December, 2012.

MARTINEAU KING PLLC

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Elizabeth A. Martineau  
NC Bar # 26394  
PO Pox 31188  
Charlotte, NC 28230  
Fax 704 943 0543  
[emartineau@martineauking.com](mailto:emartineau@martineauking.com)

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing document was served upon all counsel of Record by FAX and by depositing a copy hereof, postage prepaid, in the United States Mail, addressed to the attorney for each said party as follows:

William Peaslee  
102 Commonwealth Court  
Cary, NC 27511  
FAX: 919.481.2919  
[peaslw@aol.com](mailto:peaslw@aol.com)

Paul Stam  
Stam & Danchi, PLLC  
PO Box 1600  
Apex, NC 27502  
*Attorneys for Plaintiffs.*  
FAX: 919.387.7329  
[paulstam@bellsouth.net](mailto:paulstam@bellsouth.net)

This \_\_\_\_\_ day of \_\_\_\_\_, 2012.

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Tonya Deisn  
Paralegal