

PHYSICAL ADDRESS

227 W. Trade Street
Suite 1490
Charlotte, NC 28202

MARTINEAU KING PLLCMAILING ADDRESS

P.O. Box 31188
Charlotte, NC 28231

TONYA M. DEISN
NC CERTIFIED PARALEGAL
Direct Dial: (704) 247-8522
Facsimile: (704) 973-7850
E-mail: tdeisn@martineauking.com

December 10, 2012

Wake County Superior Court
P.O. Box 351
Raleigh, NC 27602-0351

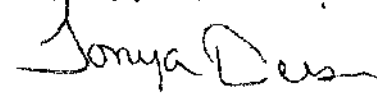
RE: Brian Ceccarelli et al. v. Town of Cary
Wake County Case No.: 10-CVS-19930
Carrier Claim No.: 1334969

Dear Clerk:

Enclosed please find one (1) original and one (1) copy of Defendant's *Supplemental Affidavits Filed in Support of Motion for Summary Judgment* in the above-captioned matter. Please return a filed copy to our office in the self-addressed, stamped envelope provided for your convenience.

Thank you for your assistance in this matter. Please do not hesitate to contact our office with any questions or concerns that you may have.

Very truly yours,



Tonya Deisn

/tmd

Enclosures

Cc: William Peaslee/Paul Stam, Plaintiff Attorneys (w/encl., via facsimile and first class mail)
Lisa Glover/Chris Simpson, Town of Cary (w/encl.)
Jo Anne Mannerer, Scottsdale Insurance (w/encl.)
Hon. Paul Ridgeway (w/encl.)

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.

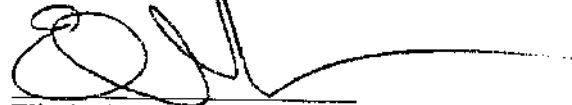
**DEFENDANT TOWN OF CARY'S
SUPPLEMENTAL AFFIDAVIT FILED IN
SUPPORT OF ITS MOTION FOR SUMMARY
JUDGMENT**

NOW COMES the Defendant, Town of Cary ("Town"), by and through its attorneys, and hereby submits the following affidavits in support of its motion for summary judgment.

1. ALFRED GRANDY, JR., NCDOT;

This 10th day of December, 2012.

MARTINEAU KING PLLC



Elizabeth A. Martineau

NC Bar # 26394

PO Pox 31188

Charlotte, NC 28230

Fax 704 943 0543

emartineau@martineauking.com

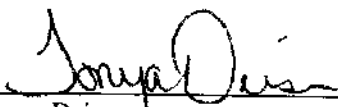
CERTIFICATE OF SERVICE

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

Paul Stam
Stam & Danchi, PLLC
PO Box 1600
Apex, NC 27502
Attorneys for Plaintiffs.
FAX: 919.387.7329
paulstam@bellsouth.net

This 10 day of Dec, 2012.



Tonya Deisn
Paralegal

STATE OF NORTH CAROLINA
COUNTY OF WAKE

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

<p>BRIAN CECCARELLI and LORI MILLETTE,</p> <p style="text-align: right;">Plaintiffs,</p> <p>v.</p> <p>TOWN OF CARY,</p> <p style="text-align: right;">Defendant.</p>

AFFIDAVIT OF
ALFRED GRANDY, JR.

I, Alfred Grandy, Jr., am currently over twenty-one and I am competent to testify to the following facts that are known to me.

1. I have been employed with the North Carolina Department of Transportation since ~~April, 2004~~ ¹⁹⁸⁴. My current job title is Division Traffic Engineer in Division 5, which includes the Town of Cary.

2. Part of my responsibilities as Division Traffic Engineer requires me to be familiar with and to understand the North Carolina General Statutes relating to speed limits on State owned roads throughout the State, and particularly within my division.

3. I am familiar with the intersection of Cary Town Boulevard and Convention Drive (formally known as Western Boulevard Ext. and Convention Drive - Principal Lane), which is located within the Town, but is owned by the State of North Carolina.

4. Speed limits on State owned roads that are located inside incorporated municipal limits are 35 mph unless (1) there is a local ordinance and NCDOT concurring ordinance allowing for a different speed and (2) the new speed limit is posted by signage. See N.C. Gen. Stat. § 20-141.

5. NCDOT is responsible for erecting speed limit signs on State owned roads within the municipal limits of the Town of Cary. NCDOT does not have a municipal maintenance agreement for signage with the Town.

6. We have searched our records to see if NCDOT has any record of when signage was posted for the easterly direction of Cary Towne Boulevard crossing the intersection with Convention Drive.

7. The only records NCDOT has regarding signage on this portion of the above is that on January 12, 2012, NCDOT erected a 45 mph speed limit sign on this section of the above-mentioned roadway. A copy of the NCDOT official business document reflecting the erection of this sign is attached hereto as Exhibit A.

8. Further this affiant says naught.

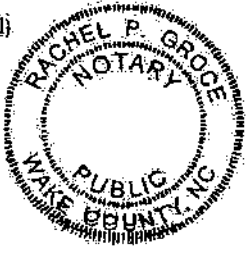
Alfred Grandy, Jr.
Alfred Grandy, Jr.

Docham County, North Carolina

Sworn to and subscribed before me this day by Alfred Grandy, Jr.

Date: 12-10-2012

(Seal)



Rachel P. Groce
Notary Public

Rachel P Groce
Notary Public Printed Name

My Commission Expires: 5-23-2015

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:

Paul Stam
Caroline Nickel
Stam & Danchi, PLLC
PO Box 1600
Apex, NC 27502
Attorneys for Plaintiffs
FAX: 919 387 7329

and William Peaslee
102 Commonwealth Ct
Cary NC 27511
919.481.2919

This 10 day of December, 2012.

Elizabeth A. Martineau
Elizabeth A. Martineau