

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 SUMMARY JUDGMENT**

NOW COMES the Defendant, Town of Cary, by and through its attorneys, and hereby moves the Court to grant it summary judgment on Plaintiff Millette's and the certified class's claims. The Defendant contends that the pleadings, depositions, affidavits show that there is no genuine issues as to any material fact and that the Defendant Town is entitled to summary judgment as a matter of law. Plaintiffs' claims that the Town of Cary was not authorized to utilize traffic control photographic systems at the intersections in question have no merit and summary judgment is proper.

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

MARTINEAU KING PLLC

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**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:

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

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Tonya Deisn  
Paralegal