

NORTH CAROLINA
WAKE COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
05 CVS 4005

2006 SEP 25 P 3: 54

WAKE COUNTY, CSC

KEVIN A. MONCE,

Plaintiff,

vs.

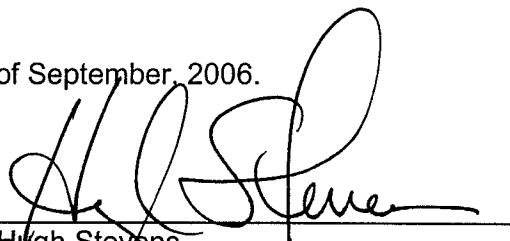
NANCY G. DEAS and EDNA E. DEAS,

Defendants.

**DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT**
(Rule 56, N.C. R. C. P.)

The defendants, through their undersigned counsel of record and pursuant to Rule 56 of the North Carolina Rules of Civil Procedure, respectfully move the court to enter summary judgment in their favor on the grounds that the pleadings, the depositions of the parties and the other information adduced in discovery demonstrate that no facts material to the plaintiff's claim are genuinely in dispute, and that the defendants are entitled to judgment in their favor as a matter of law. Some supporting materials, including one deposition transcript, are not yet available to counsel; accordingly, plaintiff's counsel and the undersigned have agreed that the depositions and other materials in support of this motion shall be filed as soon as all of them are available.

Respectfully submitted this 25th day of September, 2006.



Hugh Stevens
N.C. State Bar No. 4158
C. Amanda Martin
N.C. State Bar No. 21186
EVERETT GASKINS HANCOCK & STEVENS, LLP
127 West Hargett Street, Suite 600 (27602)
P.O. Box 911
Raleigh, NC 27602-0911
919 755 0025
919 755 0009

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing was served on counsel of record by hand delivery to:

Michael Crowell, Esq.
Tharrington Smith, LLP
P.O. Box 1151
209 Fayetteville Street
Raleigh, NC 27602-1151

This the 25th day of September, 2006.



Hugh Stevens

CALENDAR REQUEST FOR WAKE COUNTY SUPERIOR & DISTRICT COURTS

KEVIN A. MONCE

FILE NO. 05 CVS 4005

Vs. 2006 SEP 25 P 3:53

JURY _____ NON-JURY X

NANCY G. DEAS & EDNA E. DEAS

TERM BEGINNING: 13 NOV 2006

TRIAL	PRE-TRIAL	DEFAULT	DIVORCE	SMALL CLAIM APPEAL	MOTION
					X

If Motion, specify type: SUMMARY JUDGMENT

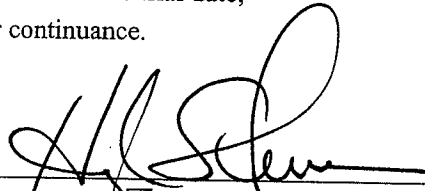
NATURE OF CASE						
CONTRACT	NEGLIGENCE	LAND	WILL	DOMESTIC	ADM. A PPEAL	OTHER (Specify)
						Libel

- *****
- In my opinion, this case will take 1 (one) days/hours to try.
 - Special Request:
 - If opposing counsel cannot be ready during the term specified, notice must be given to the undersigned and to the Trial Court Administrator 24 hours prior to date for setting the calendar, to wit: _____
- *****

CERTIFICATE OF READINESS

I HEREBY CERTIFY:

- All motions existing of record this date have been heard or otherwise disposed of;
- I know of no procedural matters which would delay the trial of the case when called for trial;
- I know of no parties or witnesses desired that will not be available on the trial date;
- I know of no current reason that would cause me to move for continuance.
- I am ready for trial;
- I have/have not attended a pre-trial conference.


 Attorney for Plaintiff Defendant
 (TYPE OR PRINT NAME)
 HUGH STEVENS

This the 25th day of September 2006

HUGH STEVENS

Attorney for Plaintiff Defendant
 (TYPE OR PRINT NAME)

 MAIL CALENDAR REQUEST TO: Trial Court Administrator, Post Office Box 1916, Raleigh, N.C. 27602
 AND A COPY TO: (Give address if out-of-town attorney or of pro se parties)

MICHAEL CROWELL ATTORNEY FOR PLAINTIFF
 ATTORNEY FOR _____

NOTE: SUPERIOR COURT-SEE SESSIONS SCHEDULE FOR DATE REQUESTS ARE DUE
 DISTRICT COURT-REQUESTS ARE DUE FIVE WEEKS IN ADVANCE OF TRIAL/MOTION DATE