

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

DAVID F. EVANS, et al.,
Plaintiffs,
v.
THE CITY OF DURHAM,
NORTH CAROLINA, et al.,
Defendants.
Civil Action No. 1:07-CV-00739

FIRST SUPPLEMENT TO MOTION FOR PARTIAL
SUMMARY JUDGMENT (GOVERNMENTAL IMMUNITY)

NOW COMES Defendant the City of Durham, North Carolina (the "City"), herein
by and through its attorneys, and offers for the Court's consideration in connection with
the City's pending motion for partial summary judgment (doc. no. 78, filed October 22,
2008) the accompanying Exhibit 1, which consists of a certified copy of a letter from
Everest National Insurance Company to the City, dated January 8, 2009.

This the 22nd day of March, 2009.

FAISON & GILLESPIE

By: /s/ Reginald B. Gillespie, Jr.
Reginald B. Gillespie, Jr.
North Carolina State Bar No. 10895
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Attorneys for Defendant City of Durham, North
Carolina

CERTIFICATE OF ELECTRONIC FILING AND SERVICE

The undersigned hereby certifies that, pursuant to Rule 5 of the Federal Rules of Civil Procedure and LR5.3 and LR5.4, MDNC, the foregoing pleading, motion, affidavit, notice, or other document/paper has been electronically filed with the Clerk of Court using the CM/ECF system, which system will automatically generate and send a Notice of Electronic Filing (NEF) to the undersigned filing user and registered users of record, and that the Court's electronic records show that each party to this action is represented by at least one registered user of record (or that the party is a registered user of record), to each of whom the NEF will be transmitted.

This the 22nd day of March, 2009.

FAISON & GILLESPIE

By: /s/ Reginald B. Gillespie, Jr.
Reginald B. Gillespie, Jr.
North Carolina State Bar No. 10895

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