

# North Carolina Court of Appeals

## Docket Sheet

Hardy v Beaufort Co. Bd. of Educ.

**Case Number:** 08-1053  
**As of:** 04/19/2024  
**Case Closed:** Yes **Close Date:** 11-09-2009 **Case Type:** Civil (Civil\_othr) **Mediation:** No

JESSICA HARDY, a minor, by and  
 through her parent, GAIL HARDY,  
 Petitioner,

V

BEAUFORT COUNTY BOARD OF  
 EDUCATION; JEFFREY MOSS,  
 Superintendent, Beaufort County  
 Schools, in his official capacity,  
 Respondents.

<b>Docket Date:</b>	09-10-2008	<b>File Date:</b>	08-28-2008	<b>File Time:</b>	03:09	<b>Acquired Date:</b>	08-28-2008
<b>Bond Collected:</b>	No	<b>Docket Fee:</b>	No	<b>Pauper:</b>	Yes	<b>Print Deposit:</b>	No
						<b>State Appeals:</b>	No

### History

<b>Venue:</b>	Beaufort (2)	<b>Heard In:</b>	Superior Court
<b>To SC:</b>	12-07-2009	<b>From SC:</b>	

### Lower Court Number(s)

**Location:** Beaufort (2)  
**Judge:** William C. Griffin  
**Case #:** 08CVS262

### Tracking/Argue

**Argue Date:** 02-11-2009 #

### Opinion

**Opinion Date:** 10-20-2009 **Cert Date:** 11-09-2009  
**Author:** Honorable Ann Marie Calabria  
**Decision:** Affirmed  
**Opinion Notes:** Geer(d)  
**Opinion Pages:** 10 **Opinion Cost:** \$ 2.00  
**Cite:** 200 NC App 403  
**Slip Opinion:** <https://appellate.nccourts.org/opinions/?c=2&pdf=4586>

### Documents

Document	Date Recvd	Cert of Service	Rec/Brf Due	Resp. Due	Resp. Recvd	Mailed Out	Ruling	Ruling Date
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(1) RECORD	08-28-2008	08-28-2008				09-11-2008		
(2) MOTION	10-02-2008	10-02-2008		10-16-2008			Allowed	10-21-2008
(3) APPELLANT BRIEF	10-13-2008	10-13-2008				10-20-2008		
(4) MOTION	11-07-2008	11-06-2008					Allowed	11-13-2008
(5) AMICUS	11-07-2008	11-06-2008				11-19-2008		
(6) MOTION	11-12-2008	11-12-2008					Allowed	11-12-2008
(7) MOTION	11-18-2008	11-18-2008					Allowed	11-19-2008
(8) APPELLEE BRIEF	11-26-2008	11-26-2008				12-03-2008		
(9) REPLY	12-15-2008					12-19-2008		

## 1 - RECORD

Filed: 08-28-2008 @ 15:09:00

FOR: Petitioner Gail Hardy, ex rel

BY : Ms. Erwin Byrd

LEGAL AID OF NORTH CAROLINA, INC

## 2 - MOTION (Allowed) - 10-21-2008

Filed: 10-02-2008 @ 12:00:00

FOR: Petitioner Gail Hardy, ex rel

BY : Ms. Erwin Byrd

LEGAL AID OF NORTH CAROLINA, INC

The following order was entered:

The motion filed in this cause on the 2nd day of October 2008 and designated Plaintiff-Appellant's Motion to Consolidate Actions COA 08-1053 and COA 08-1038 is allowed. COA08-1038 and COA08-1053 are consolidated for the purpose of hearing only.

By order of the Court this the 21st day of October 2008.

## 3 - APPELLANT BRIEF

Filed: 10-13-2008 @ 16:48:00

FOR: Petitioner Gail Hardy, ex rel

BY : Ms. Erwin Byrd

LEGAL AID OF NORTH CAROLINA, INC

## 4 - MOTION (Allowed) - 11-13-2008

Filed: 11-07-2008 @ 12:00:00

FOR: Amicus

BY : Mr. Christopher Z. Campbell

CAMPBELL SHATLEY, PLLC

The following order was entered:

The motion filed in this cause on the 7th day of November 2008 and designated Motion of North Carolina School Boards Association for Leave to File Amicus Curiae Brief is allowed. The attached brief shall be printed.

By order of the Court this the 13th day of November 2008.

## 5 - OTHER BRIEF AMICUS

Filed: 11-07-2008 @ 11:53:00

FOR: Amicus

BY : Mr. Christopher Z. Campbell

CAMPBELL SHATLEY, PLLC

6 - MOTION (Allowed) - 11-12-2008  
 Filed: 11-12-2008 @ 12:00:00  
 FOR: Respondent Beaufort County Bd. of Educ.  
 BY : Mr. Curtis H. (Trey) Allen, III  
 THARRINGTON SMITH, LLP

The following order was entered:

The motion filed in this cause on the 12th day of November 2008 and designated Motion for Extension of Time to File Defendants-Appellees' Brief is allowed. Defendant-appellees' brief shall be filed on or before 19 November 2008.

By order of the Court this the 12th day of November 2008.

7 - MOTION (Allowed) - 11-19-2008  
 Filed: 11-18-2008 @ 12:00:00  
 FOR: Respondent Beaufort County Bd. of Educ.  
 BY : Mr. Curtis H. (Trey) Allen, III  
 THARRINGTON SMITH, LLP

The following order was entered:

The motion filed in this cause on the 18th day of November 2008 and designated Second Motion for Extension of Time to File Defendants-Appellees' Brief is allowed. Defendant-appellees' brief shall be filed on or before 26 November 2008.

By order of the Court this the 19th day of November 2008.

8 - APPELLEE BRIEF  
 Filed: 11-26-2008 @ 14:20:00  
 FOR: Respondent Beaufort County Bd. of Educ.  
 BY : Mr. Curtis H. (Trey) Allen, III  
 THARRINGTON SMITH, LLP

9 - APPELLANT BRIEF REPLY  
 Filed: 12-15-2008 @ 16:37:00  
 FOR: Petitioner Gail Hardy, ex rel  
 BY : Ms. Erwin Byrd  
 LEGAL AID OF NORTH CAROLINA, INC

#### Financial Information

##### Receipts

Date Charged	Charge Type	Amount Charged	Amount Paid	Document	Pages	Receipt #	Date Paid
10-20-2009	Assess	9.00	9.00			R122104309	12-10-2009
11-19-2010	Retax	9.00	9.00			R122002810	12-03-2010

##### Payments

Payment Date	Payment Type	Amount	Check Number
12-15-2010	Disburse	9.00	35218

#### Exhibits

#### Parties

Party Name	Role
Gail Hardy, ex rel	
Gail Hardy	
Beaufort County Bd. of Educ.	
Hardy, Jessica	Plaintiff-Appellant
Hardy, Gail	Plaintiff-Appellant
Beaufort County Board of Education	Defendant-Appellee
Moss, Jeffrey	Defendant-Appellee

### Attorneys

#### Attorney for Petitioner - Gail Hardy, ex rel

Ms. Erwin Byrd [Primary Attorney]

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Mr. Keith Howard

Mr. Lewis Pitts

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#### Attorney for Petitioner - Gail Hardy

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#### Attorney for Respondent - Beaufort County Bd. of Educ.

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