

North Carolina Court of Appeals

Docket Sheet

Union Cnty. Bd. Of Educ. v Union Cnty. Bd. of Commissioners

Case Number: 14-633

As of: 05/19/2024

Case Closed: Yes

Close Date: 04-27-2015

Case Type: Civil (Civil_othr)

Mediation: No

UNION COUNTY BOARD OF EDUCATION,
Plaintiff,

V

UNION COUNTY BOARD OF COMMISSIONERS,
Defendant.

Docket Date: 06-12-2014	File Date: 06-10-2014	File Time: 12:33	Acquired Date: 06-10-2014
Bond Collected: Yes	Docket Fee: Yes	Pauper: No	Print Deposit: No
			State Appeals: No

History

Venue: Union (30) **Heard In:** Superior Court

To SC: **From SC:**

Lower Court Number(s)

Location: Union (30)

Judge: W. Erwin Spainhour

Case #: 13CVS2063

Tracking/Argue

Argue Date: 12-02-2014 #

Opinion

Opinion Date: 04-07-2015 **Cert Date:** 04-27-2015

Author: Honorable Douglas McCullough

Decision: New Trial

Opinion Notes:

Opinion Pages: 26 **Opinion Cost:** \$ 5.20

Cite:

Slip Opinion: <https://appellate.nccourts.org/opinions/?c=2&pdf=32328>

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	06-10-2014	06-10-2014				06-13-2014		
(2) M-EXT-BR	06-27-2014	06-27-2014					Allowed	06-30-2014

(3) APPELLANT BRIEF	08-13-2014	08-13-2014				08-14-2014		
(4) M-AMICUS	08-13-2014	08-13-2014					Allowed	08-15-2014
(5) AMICUS	08-13-2014	08-13-2014				08-15-2014		
(6) INFORM SHT	08-13-2014	08-13-2014						
(7) M-GEN	09-02-2014	08-29-2014					Allowed	09-02-2014
(8) M-AMICUS	10-15-2014	10-15-2014					Allowed	10-17-2014
(9) APPELLEE BRIEF	10-15-2014					10-16-2014		
(10) AMICUS	10-15-2014					10-17-2014		
(11) REPLY	11-03-2014	11-03-2014				11-04-2014		
(12) REPLY	11-03-2014	11-03-2014				11-04-2014		
(13) PET-REHEAR	05-12-2015	05-12-2015					Denied	05-15-2015

1 - RECORD

Filed: 06-10-2014 @ 12:33:00

FOR: Defendant-Appellant Union County Board of Commissioners

BY : Mr. K. Edward Greene

WYRICK ROBBINS YATES & PONTON LLP

2 - M-EXT-BR (Allowed) - 06-30-2014

Filed: 06-27-2014 @ 09:44:42

FOR: Defendant-Appellant Union County Board of Commissioners

BY : Mr. Tobias S. Hampson

WYRICK ROBBINS YATES & PONTON LLP

The following order was entered:

The motion filed in this cause on the 27th of June 2014 and designated 'Defendant-Appellant's Motion for Extension of Time to File and Serve Appellant's Brief' is allowed. Defendant-appellant's brief shall be filed on or before 13 August 2014.

By order of the Court this the 30th of June 2014.

3 - APPELLANT BRIEF

Filed: 08-13-2014 @ 14:04:00

FOR: Defendant-Appellant Union County Board of Commissioners

BY : Mr. K. Edward Greene

WYRICK ROBBINS YATES & PONTON LLP

4 - M-AMICUS (Allowed) - 08-15-2014

Filed: 08-13-2014 @ 16:00:02

FOR:

BY : Ms. Elizabeth Brooks Scherer

SMITH MOORE LEATHERWOOD, LLP

The following order was entered:

The motion filed in this cause on the 13th of August 2014 and designated 'Motion for Leave to File Amicus Curiae Brief on Behalf of the North Carolina Association of County Commissioners' is allowed. The attached amicus curiae brief shall be printed.

By order of the Court this the 15th of August 2014.

5 - OTHER BRIEF AMICUS

Filed: 08-13-2014 @ 02:24:00

FOR:

BY : Mr. Matthew Nis Leerberg

SMITH MOORE LEATHERWOOD, LLP

6 - AIS INFORM SHT

Filed: 08-13-2014 @ 14:04:00

FOR: Defendant-Appellant Union County Board of Commissioners

BY : Mr. K. Edward Greene

WYRICK ROBBINS YATES & PONTON LLP

7 - MOTION PLAINTIFF-APPELLEE'S MOTION FOR EXTENSION OF TIME TO FILE AND SERVE APPELLEE'S BRIEF (Allowed) - 09-02-2014
 Filed: 09-02-2014 @ 09:13:52
 FOR: Plaintiff-Appellee Union County Board of Education
 BY : Mr. Brian C. Shaw
 SCHWARTZ & SHAW

The following order was entered:

The motion filed in this cause on the 2nd of September 2014 and designated 'Plaintiff-Appellee's Motion for Extension of Time to File and Serve Appellee's Brief' is allowed. Plaintiff-appellee's brief shall be filed on or before 15 October 2014.

By order of the Court this the 2nd of September 2014.

8 - M-AMICUS (Allowed) - 10-17-2014
 Filed: 10-15-2014 @ 15:42:35
 FOR: Plaintiff-Appellee Union County Board of Education
 BY : Ms. Julia C. Ambrose
 BROOKS, PIERCE, MCLENDON, HUMPHREY & LEONARD LLP

The following order was entered:

The motion filed in this cause on the 15th of October 2014 and designated 'Motion for Leave to File Amicus Curiae Brief of the North Carolina School Boards Association' is allowed. The amicus curiae brief shall be printed.

By order of the Court this the 17th of October 2014.

9 - APPELLEE BRIEF
 Filed: 10-15-2014 @ 19:57:20
 FOR: Plaintiff-Appellee Union County Board of Education
 BY : Mr. Brian C. Shaw
 SCHWARTZ & SHAW

10 - OTHER BRIEF AMICUS
 Filed: 10-15-2014 @ 15:52:49
 FOR: Plaintiff-Appellee Union County Board of Education
 BY : Ms. Julia C. Ambrose
 BROOKS, PIERCE, MCLENDON, HUMPHREY & LEONARD LLP

11 - APPELLANT BRIEF REPLY
 Filed: 11-03-2014 @ 04:08:00
 FOR: Defendant-Appellant Union County Board of Commissioners
 BY : Mr. K. Edward Greene
 WYRICK ROBBINS YATES & PONTON LLP

12 - APPELLANT BRIEF REPLY
 Filed: 11-03-2014 @ 04:09:00
 FOR: Defendant-Appellant Union County Board of Commissioners
 BY : Mr. K. Edward Greene
 WYRICK ROBBINS YATES & PONTON LLP

13 - PET-REHEAR (Denied) - 05-15-2015
 Filed: 05-12-2015 @ 23:37:14
 FOR: Plaintiff-Appellee Union County Board of Education
 BY : Mr. Brian C. Shaw

The following order was entered:

The petition filed in this cause on the 12th of May 2015 and designated 'Plaintiff-Appellee's Rule 31 Petition for Rehearing' is denied.

By order of the Court this the 15th of May 2015.

The above order is therefore certified to the Clerk of the Superior Court, Union County.

Financial Information

Receipts

Date Charged	Charge Type	Amount Charged	Amount Paid	Document	Pages	Receipt #	Date Paid
06-12-2014	Docket Fee	10.00	10.00			R062010314	06-12-2014
06-12-2014	Bond	250.00	250.00			R062010314	06-12-2014
06-13-2014	Printing	309.75	309.75	RECORD	177	R062016314	06-20-2014
08-14-2014	Printing	197.75	197.75	APPELLANT BRIEF	113	R082030614	08-20-2014
11-04-2014	Printing	106.75	106.75	APPELLANT BRIEF	61	R112009514	11-10-2014
11-04-2014	Printing	22.75	22.75	APPELLANT BRIEF	13	R112009614	11-10-2014
10-16-2014	Printing	386.75	386.75	APPELLEE BRIEF	221	R102029414	10-22-2014
04-21-2015	Assess	549.25	549.25			R052001115	05-01-2015
02-24-2017	Pet to Rehear	20.00	20.00			R032036217	03-20-2017
10-17-2014	Printing	42.00	42.00	OTHER BRIEF	24	R102035914	10-30-2014
08-15-2014	Printing	140.00	140.00	OTHER BRIEF	80	R082032714	08-22-2014

Payments

Payment Date	Payment Type	Amount	Check Number
05-13-2015	Disburse	790.25	40188

Exhibits

Transcript(s) Electronically Filed

transcript-union-co-boe-v-union-co-bocc-sept-25revised-2013-vol-27.pdf
 transcript-union-co-boe-v-union-co-bocc-sept-20-2013-revised-vol-26.pdf
 transcript-union-co-boe-v-union-co-bocc-sept-26-2013-vol-28.pdf
 transcript-union-co-boe-v-union-co-bocc-sept-27-2013-vol-29.pdf
 transcript-union-co-boe-v-union-co-bocc-sept-30-2013-vol-30.pdf
 transcript-union-co-boe-v-union-co-bocc-oct-1-2013-vol-31.pdf
 transcript-union-co-boe-v-union-co-bocc-oct-2-2013-vol-32.pdf
 transcript-union-co-boe-v-union-co-bocc-oct-3-2013-vol-33.pdf
 transcript-union-co-boe-v-union-co-bocc-oct-4-2013-vol-34.pdf
 transcript-union-co-boe-v-union-co-bocc-oct-7-2013-vol-35.pdf
 union-county-boe-v-bocc-index.pdf
 transcript-13-cvs-2063-volume-i-august-12-2013-union-county-board-ofeducation-vs.union-county-board-of-commissioners.pdf
 transcript-13-cvs-2063-volume-ii-august-13-2013-union-county-board-ofeducation-vs.union-county-board-of-commissioners.pdf
 transcript-13-cvs-2063-volume-iii-august-14-2013-union-county-board-ofeducation-vs.union-county-commissioners.pdf
 transcript-13-cvs-2063-volume-iv-august-15-2013-union-county-board-ofeducation-vs.union-county-commissioners.pdf
 transcript-13-cvs-2063-volume-v-august-16-2013-union-county-board-ofeducation-vs.union-county-commissioners.pdf
 transcript-13-cvs-2063-volume-vi-august-19-2013-union-county-board-ofeducation-vs.union-county-board-of-commissioners.pdf
 transcript-13-cvs-2063-volume-viii-august-21-2013-union-county-board-ofeducation-vs.union-board-of-county-commissioners.pdf
 transcript-13-cvs-2063-volume-ix-august-22-2013-union-county-board-ofeducation-vs.union-county-board-of-commissioners.pdf
 transcript-13-cvs-2063-volume-x-august-23-2013-union-county-board-ofeducation-vs.union-county-board-of-commissioners.pdf
 transcript-13-cvs-2063-volume-x1-august-28-2013-union-county-board-ofeducation-vs.union-board-of-commissioners.pdf
 transcript-13-cvs-2063-volume-xii-august-29-2013-union-county-board-ofeducation-vs.union-county-board-of-commissioners.pdf
 transcript-13-cvs-2063-volume-xiii-august-30-2013-union-county-board-ofeducation-vs.union-county-board-of-commissioners.pdf
 transcript-13-cvs-2063-volume-xiv-september-3-2013-union-county-board-ofeducation-vs.union-county-board-of-commissioners.pdf
 transcript-13-cvs-2063-volume-xv-september-4-2013-union-county-board-ofeducation-vs.union-county-board-of-commissioners.pdf
 transcript-13-cvs-2063-volume-xvi-september-5-2013-union-county-board-ofeducation-vs.union-county-board-of-commissioners.pdf
 transcript-13-cvs-2063-volume-xvii-september-9-2013-union-county-board-ofeducation-vs.union-county-board-of-commissioners.pdf
 transcript-13-cvs-2063-volume-xviii-september-10-2013-union-county-boardof-education-vs.union-county-board-of-commissioners.pdf
 transcript-13-cvs-2063-volume-xix-september-11-2013-union-county-board-ofeducation-vs.union-county-board-of-commissioners.pdf
 transcript-13-cvs-2063-volume-xx-september-12-2013-union-county-board-ofeducation-vs.union-county-board-of-commissiners.pdf
 transcript-volume-xx1-september-13-2013-union-county-board-of-educationvs.union-county-board-of-commissinersss.pdf
 transcript-volume-xxii-september-16-2013-union-county-board-of-educationvs.union-county-board-of-commissioners.pdf
 transcript-volume-xxiii-september-17-2013-union-county-board-of-educationvs.union-county-board-of-commissioners.pdf
 transcript-volume-xxiv-september-18-2013-union-county-board-of-educationvs.union-county-board-of-commissioners.pdf
 transcript-volume-xxv-september-19-2013-union-county-board-of-educationvs.union-board-of-commissioners.pdf
 transcript-13-cvs-2063-certificate-of-delivery.pdf
 transcript-13-cvs-2063-volume-vii-august-20-2013-union-cou.pdf

Parties

Party Name	Role
Union County Board of Education	Plaintiff-Appellee
Union County Board of Commissioners	Defendant-Appellant

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