North Carolina Court of Appeals

Docket Sheet

Beroth Oil Co., v NCDOT

Case Number: P16-901

As of: 03/29/2024

Case Closed: Yes **Close Date:** **Case Type:** Civil (Civil_othr) **Mediation:** No

BEROTH OIL COMPANY; SMITH, PAULA AND
KENNETH; CLAPP, BARBARA; CROCKETT, PAMELA
MOORE; ESTATE OF WR MOORE; N&G PROPERTIES,
INC.; KOONCE, ELTON V.; REPUBLIC
PROPERTIES; KIRBY, EUGENE AND MARTHA;
HARRIS TRIAD HOMES, INC.; HENDRIX
MICHAEL; ENGELKEMIER, DARREN; HUTAGALUNG,
IAN; MAEDL, SYLVIA; STEPT, STEPHEN;
NELSON, JAMES AND PHYLISS; SHUGART
ENTERPRISES, LLC; STUMP, FRANKLIN AND
MINNIE; JADE ASSOCIATED, LLC.; CLAYTON,
ALMA C. ; PEGRAM, ELAINE SMITH; TRIDENT
PROPERTIES, LLC; MCALLISTER, JUDITH T.;
MARSHALL, ANDREW WILLIAM (JOINTLY HELD
FAM. PERPERTY); SEIDELMANN, JOHN H. AND
ROSEMARY; POPE, JAMES AND WANDA; PATEE,
RONNIE AND VESTA; MCFADDEN, KENNETH AND
PAMELA; MANN, RONALD CARSON; HIATT, EARL
B. AND CRISSMAN; LITTLE, LOREN A. AND
MARGARET; LEWIS, HENRY AND REBECCA;
LAWSON, KATHRYN L.; KINNEY, LOIS K.; FULK,
MICHAEL DAVID; EUDY, KRONE EDWARD; DILLON,
CHARLES RAY AND JUDY; BULLINS, BILLIE JOE
AND CAROLYN; CW MYERS TRADING POST, INC.;
BRABHAM, VERDELL & MARLA; DIEHL, SCOTT C.;
HIATT, EVERETT AND TERESA;
LASLEY, KATHRYN M.; OMEGA SEAFOOD(GUS AND
MARIA HODGES); PEAK, GARY W.; SHROPSHIRE,
JOHN AND BESSIE; SMITH, CHESTER MONROE AND
BETTY; THORE, BRENDA SUE, SARAH THORE
HAMMOND, JAMES THORE; TURPIN, JAMES AND
SISTER, MARJORIE HUTCHENS; HOWELL, MARK
AND MELISSA; WATKINS, JAMES AND DELORES;
LEWIS, JERRY B, AND DENNIS; CANIPE,
CONSTANCE FLYNT MULLINEX AND DONALD F.
WEISNER; WEISNER, JOHNNY AND HAZEL
(JOINTLY HELD FAMILY PROPERTY); ALLAN,
PETER AND WIFE, JOAN; BOOSE, THELMA;
MYERS, DALE AND MARY; CONTE, JUDITH A.;
CLINE, JEFFERY AND DANA; PRAFFTOWN
BAPTIST; PROVIDENCE MORAVIAN; GREER, HONEY
CHRISTINE COLLINS AND JEFFEREY; TERRONEZ,
INOCENTE AND SONIA DOMIQUE; FOLK, JOHN
AND MARGARET; HOUCK, SCOTT; BLANCHARD,
PAUL; BERRIER, DON M. AND LINDA;
BLACKFORD, KEN A.; WEEKS, SHAWN D.;
ALEXANDER, JOHN H. AND WIFE KAREN L.;
BAILEY, ROBERT CHRISTOPHER AND KAREN K.;
BARRY, HILDA S.; BUCHANAN, JOHN A. JR. AND
WIFE CAROL JONES, CALDWELL, MELVIN AND
SHERIE; CAMERON, CARMIE J. AND WAYNE R.;
CENTRAL TRIAD CHURCH-LEROY KELLY;
CHURCH, CHRISTOPHER D. AND SHELLEY J.;
CONRAD-WHITTM GLADY B. AND LORETTA C.
WHITT ET AL.; CONRAD, HAROLD GRAY; DARRAH,
ELIZABETH S. AND JASON D.; DAVENPORT,
LEONARD C. AND ELSIE H.; DAVIS, SHELLY L.;
DECKER, DONNA BALLARD; DILLON, TONY LEE
AND TONI P.; DORN; FRANK R.; FABRIZIO,
JEFFREY P. ; FRANCIS, LINDA DENISE; FULP,
JARVIS R. AND GLORIA F.; GIRARD, FRANK J.
AND WIFE CAROL; GRIFFIN, THOMAS J. AND
NANCY C.; HAMMAKER, DOUGLAS E. AND
MELICENT S.; HAMMOCK, HELEN MANOS AND
MARGARET HAMMOCK HOERNER; HAYWORTH, SIBYL
F.; HEMRIC, DANNY W. AND BEVERLY M.;
HENNIS, TAMRA' HOBAN JANET AND CRAIG;
HOLMES, SCOTT P. AND PAMELA A. HILL-
HOLMES, HUBBARD REALTY OF W-S INC,; IRON
CITY INVESTMENTS, LLC; SCOTT SCEARCE;
JONES ESTATE ET AL.; KEITH, MARK A. AND
CATHY E.; KISER, JEFFERY AND ELIZABETH;
LEE/MCDOWELL, LATRICE NICOLE; LOWRY, HARRY
R. AND SANDRA P; LUTHERAN HOME W/S
PROPERTY; MAIN, JEFFREY C. AND AMBER D.;
MARTIN, TERRY W. AND JO ANN H.; MILLER,
CARL JR. AND CURTIS CARPENTER; MITCHELL,
CHRISTOPHER R.; MOORE, HILDA BROWN, WIDOW;
MORAVIAN CHURCH SOUTHERN PROVINCE; NASH,
RICHARD AND MEL; CROWDER, RICK AND SARAH
ET AL.; BOARD OF TRUSTEES OF OAK GROVE
MORAVIAN CHURCH; REGIONAL REALTY, INC.;
KEITH D. NORMAN ET AL.; SHELTON, JC AND
MAGALENE R.; SIMCIS, JOSEPH J. AND REBECCA
M.; SMITH, LINDA G.; SNELL, DAVID P.;
STACK, WILLIAM C. AND DONYA J.; STAFFORD,
VIOLET G.; STEPHENSON, GREGORY J. AND
LE'ANNA H.; SUMNER, JOHN E., SR. AND ANN
H.; SWAIM, DERRICK AND WIFE KRISTINA C.;
TAFFER, LANDON AND EVON; TAFT, LAMAR S.
AND CHARLES V.; THOMASON, PATTIE W. AND
VELMA G PARNELL; VANHOY, DALE C.;
VIOLETTE, MICHAEL E. AND DEBORAH W.;
WHITE, LEE AND AREATHER; WRAY, MEGAN P AND
ALAN MICHAEL; WESTFALL, ROBERT W. AND
KELLI D.; BEHAN, AUSTIN C. AND MARY JEAN;
BENTLEY, CHARLES J., SR. AND BRENDA G.;
BETHANY BAPTIST CHURCH; COOK, SHIRLEY T.
AND COOPER, JENNY C.; WILMOTH-DOUTHIT ET
AL.; DASILVA, GEORGE; FLUITT, JOE AND
PAMELA MARTIN; HANNA, HEATHER W. AND MARK
J.; HUBBARD REALTY; KUHL, WILLIAM A. AND
BRENDA S.; LB3 LLC-HILO ENTERPRISES,
LLC; LINER, DALE S. AND PEGGY; LUPER,
FERRELL M. AND JOYCE; GLASS, LAVONDA; MDC
INVESTMENTS, LLC; SEIVERS, HARVEY W. AND
BETTY C.; SMALLS, SAMPSON H. AND SHARON;
SMITH, SAM & CHRIS; SWAISGOOD, THOMAS D.;
THRUSH, GLENN E., JR.; TROTTER, HELEN L.;
TUCKER, MARGARET; VANCE, LATANDRA T.;
WESTMORELAND, CB HEIRS ET AL.; WHITE,
DORIS T., WIDOW; HICKS, RONALD; SMITH,
LINDA; SNOW, CRAIG; SEDGE GARDEN POOL;
KEARNEY, CLYDE AND HUGH; BEANE, TABITHA;
FLAKE, WILDON C., JR.; ADAMS, WEBB,
THOMAS; GORDON, HELEN; PEARSON, BEVERLY;
BIAS, TERESA; BOYLES, DANTE; CLARK, JON;
FLETCHER, JOSEPH; EMBLER, DEBBIE;
GURSTEIN, SCOTT; HOBBS, STEVEN; THORE,
BOBBY; CHARLES, DEBORAH T.; FORTNEY,
WALTER, NODINE, DENNIS AND ELIZABETH;
MESSICK, BILL (J.G. MESSICK & SON, INC.);
MONROE, ELDER RONALD; WARD, PEGGY;
PERKINS, JERRIE; SHOUSE, CHRISTINE R.
KAUTZ AND PAUL KAUTZ; PEEPLES, WADE AND
MARY LOU; CUNNINGHAM, JOHN AND GAYLE;
CHAPMAN, LEE AND PEGGY - CHAPMAN FAMILY
TRUST; WILLARD, DANIEL; CREWS, RACHEL;
ROGERS, DARRELL AND AMBER; HEMMINGWAY,
REESHEMAH; HOLT, LINDA; ALDRIDGE, MARTHA;
HOOPER, MARY; WESTMORELAND, JACK; BOLIN,
AMBER; BREWER JR.M BOBBY; BRIGGS, JOHN;
BURCHETTE, GLENN & TAMMY; HILL, EUGENE-
ESH RENTAL; HAWKS, HOWARD; SPEAR, JOYCE &
KIMBERLY; STOLTZ, WILLIAM; STIMPSON,
ROBERT; STEWART, ASHLEY; RODDY, TERRY;
NELSON, STEPHEN AND THERESA; MCKINNEY,
MATTHEW AND TANGELA; FLINCHUM, MARLENE,

PLAINTIFFS-APPELLEES,

V.

NORTH CAROLINA DEPARTMENT OF
TRANSPORTATION,

DEFENDANT-APPELLANT.

BELL, KENNETH E.; BARLEY, JO ELLEN AND
MARY B. WATSON; SUMMERS, MICHAEL AND
BRENDA; GRUNDMAN, ROBERT E. AND LINDA L.;
PICKARD, MARK J. AND LINDA J.; FELTS
FAMILY LIMITED PARTNERSHIP,

PLAINTIFFS-APPELLEES,

V.

NORTH CAROLINA DEPARTMENT OF
TRANSPORTATION,

DEFENDANT-APPELLANT.

Docket Date:		**File Date:**		**File Time:**		**Acquired Date:**	11-28-2016		
Bond Collected:	No	**Docket Fee:**	No	**Pauper:**	No	Print Deposit:	No	**State Appeals:**	No

History

Venue: Guilford (24) **Heard In:** Superior Court

To SC: **From SC:**

Lower Court Number(s)

Location: Guilford (24)

Judge:

Case #: 10CVS6926 11CVS2998 11CVS7119 11CVS7120 11CVS8170 11CVS8171-74 11CVS8338 12CVS4851 12CVS4853-59 12CVS4861-70 12CVS4873-76 12CVS4916 12CVS5953-54 12CVS5956-61 12CVS5963 12CVS6321-22 12CVS6652 12CVS7721 12CVS8189 13CVS1645 13CVS4506 13CVS6794 13CVS7129 14CVS10615 14CVS4803-6 14CVS4808-9 14CVS5702-3 14CVS6311 15CVS0301 15CVS0610 15CVS2471-2499 15CVS2500-2532 15CVS3208-3231 15CVS4011-16 15CVS4276 15CVS4277 15CVS4278 15CVS4655-4657 15CVS4799 15CVS5447-5448 15CVS6744 15CVS6926 15CVS7770-72 15CVS7783-4 16CVS0274-76 16CVS0812-14 16CVS1290-93 16CVS2670-88 16CVS3083

Tracking/Argue

Opinion

Documents

Document	Date Recvd	Cert of Service	Rec/Brf Due	Resp. Due	Resp. Recvd	Mailed Out	Ruling	Ruling Date
(1) M-TEMP-STAY	11-28-2016	11-28-2016					Special Order	11-29-2016
(2) PWS-TMPSTA	11-28-2016	11-28-2016		12-13-2016	12-06-2016		Special Order	12-16-2016

1 - M-TEMP-STAY (Special Order) - 11-29-2016
Filed: 11-28-2016 @ 13:27:45
FOR:
BY : Mr. James M. Stanley, Jr.

The following order was entered:

The petition and motion filed in this cause by defendant North Carolina Department of Transportation on 28 November 2016 and designated 'Petition For Writ Of Supersedeas And Motion For Temporary Stay' are decided as follows: The motion for temporary stay is allowed. The 3 October 2016 order entered by Judge John O. Craig in this cause is hereby stayed pending this Court's ruling on defendant's petition for writ of supersedeas. The Court will rule on the petition for writ of supersedeas upon the filing of a response to the petition or the expiration of the time for a response if no response is filed.

By order of the Court this the 29th of November 2016.

2 - PWS-TMPSTA (Special Order) - 12-16-2016
Filed: 11-28-2016 @ 13:28:05
FOR:
BY : Mr. James M. Stanley, Jr.

The following order was entered:

The petition filed in this cause by defendant North Carolina Department of Transportation on 28 November 2016 and designated 'Petition For Writ Of Supersedeas' is allowed. The 3 October 2016 order entered by Judge John O. Craig, III in this cause is hereby stayed pending outcome of the appeal taken by defendant.

By order of the Court this the 16th of December 2016.

RESPONSE TO PWS-TMPSTA
Filed: 12-06-2016
BY : Mr. Matthew H. Bryant
HENDRICK BRYANT NERHOOD & OTIS, LLP

Financial Information

Receipts

Date Charged	Charge Type	Amount Chaged	Amount Paid	Document	Pages	Receipt #	Date Paid
11-28-2016	Pre Docket Fees	20.00	20.00			R012056417	01-27-2017

Exhibits

Parties

Party Name	Role
NCDOT	Defendant-Appellant
Bell, Kenneth E.	Plaintiff-Appellee
Barley, Jo Ellen	Plaintiff-Appellee
Watson, Mary B.	Plaintiff-Appellee
Summers, Michael	Plaintiff-Appellee
Summers, Brenda	Plaintiff-Appellee
Grundman, Robert E.	Plaintiff-Appellee
Grundman, Linda L.	Plaintiff-Appellee
Pickard, Mark J.	Plaintiff-Appellee
Felts Family Limited Partnership	Plaintiff-Appellee

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