

SUPREME COURT OF NORTH CAROLINA**Docket Sheet****Commscope Credit Union v Butler And Burke, LLP, et al****Case Number:** 5PA15**As of:** 11/10/2024**Case Closed:** Yes**Close Date:** 10-13-2016**Case Type:** Civil (Civil_othr)

COMMSCOPE CREDIT UNION, Plaintiff

v

BUTLER & BURKE, LLP, a North Carolina Limited Liability Partnership, Defendant and Third-Party Plaintiff

v

BARRY D. GRAHAM, JAMES L. WRIGHT, ED DUTTON, FRANK GENTRY, GERAL HOLLAR, JOE CRESIMORE, MARK HONEYCUTT, ROSE SIPE, TODD POPE, JASON CUSHING, and SCOTT SAUNDERS, Third-Party Defendants

Docket Date: 01-02-2015**Acquired Date:** 01-02-2015**Bond Collected:** No**Pauper:** No**Rule 16b:** No**History****Venue:** Catawba (19)**Previous Venue:** N.C. Court of Appeals (200)**Lower Court Number(s)**

Location: N.C. Court of Appeals (200)

Judge: Linda Stephens

Case #: 14-273

Location: Catawba (19)

Judge: Richard L. Doughton

Case #: 12CVS3021

Tracking/Argue

Argue Date: 09-01-2015 #

Opinion

Opinion Date: 09-23-2016 Cert Date: 10-13-2016

Author: Honorable Mark D. Martin

Decision: Affirmed in Part, Reversed in Part and Remanded

Opinion Notes: Beasley, J. did not participate in the consideration or decision of this case.

Opinion Pages: 14 Opinion Cost: \$ 2.80

Cite: 369 NC 48

Slip Opinion: <https://appellate.nccourts.org/opinions/?c=1&pdf=34801>**Documents**

Document	Date Recvd	Cert of Service	Rec/Brf Due	Resp. Due	Resp. Recvd	Mailed Out	Ruling	Ruling Date
(1) PDR	01-02-2015				01-12-2015	01-15-2015	Allowed	03-05-2015
(2) M-AMICUS	01-13-2015						Dismissed as moot	03-05-2015
(3) M-AMICUS	01-16-2015						Allowed	03-05-2015
(4) M-AMICUS	01-20-2015						Dismissed as moot	03-05-2015
(5) M-AMICUS	02-20-2015						Dismissed as moot	03-05-2015
(6) M-P-HAC-V	03-30-2015						Allowed	04-02-2015
(7) M-P-HAC-V	03-30-2015						Allowed	04-02-2015
(8) M-AMICUS	04-02-2015						Allowed	04-06-2015
(9) AMICUS	04-02-2015					04-09-2015		
(10) APPELLANT BRIEF	04-06-2015					04-09-2015		
(11) AMICUS	04-06-2015					04-09-2015		
(12) M-AMICUS	04-06-2015						Allowed	04-07-2015
(13) M-AMICUS	04-06-2015						Allowed	04-07-2015
(14) M-AMICUS	04-06-2015						Allowed	04-07-2015
(15) AMICUS	04-06-2015					04-14-2015		
(16) AMICUS	04-06-2015					04-14-2015		
(17) AMICUS	04-07-2015					04-10-2015		
(18) M-AMICUS	04-09-2015						Allowed	04-10-2015
(19) AMICUS	04-09-2015					04-14-2015		
(20) M-EXT-BR	04-23-2015						Allowed	04-23-2015
(21) APPELLEE BRIEF	06-01-2015					06-03-2015		
(22) REPLY	06-17-2015					06-18-2015		
(23) M-GEN	08-19-2015				08-27-2015		Withdrawn	09-02-2015
(24) M-GEN	09-01-2015						Allowed	09-02-2015
(25) M-GEN	04-19-2016						Allowed	04-25-2016
(26) M-GEN	04-19-2016						Allowed	04-25-2016

1 - PDR (Allowed) - 03-05-2015
 Filed: 01-02-2015 @ 15:43:16
 FOR: Defendant-Appellant Butler & Burke, LLP
 BY : Mr. Frederick K. Sharpless
 SHARPLESS & STAVOLA, PA

RESPONSE TO PDR
 Filed: 01-12-2015
 BY : Mr. Alfred P. Carlton, Jr.
 CARLTON LAW PLLC

2 - M-AMICUS (Dismissed as moot) - 03-05-2015
 Filed: 01-13-2015 @ 14:47:55
 FOR: Amicus NCACPA, AICPA, and Center for Audit Quality
 BY : Mr. J. Mitchell Armbruster
 SMITH ANDERSON BLOUNT DORSETT MITCHELL & JERNIGAN, LLP

3 - M-AMICUS (Allowed) - 03-05-2015
 Filed: 01-16-2015 @ 16:14:49
 FOR: Amicus Cherry Bekaert LLP, et al.
 BY : Mr. Brent F. Powell
 WOMBLE CARLYLE SANDRIDGE & RICE

4 - M-AMICUS (Dismissed as moot) - 03-05-2015

Filed: 01-20-2015 @ 15:47:22

FOR: Amicus N.C. Chamber

BY : Mr. Mel J. Garofalo

HEDRICK GARDNER KINCHELOE & GAROFALO, LLP

5 - M-AMICUS (Dismissed as moot) - 03-05-2015

Filed: 02-20-2015 @ 15:11:37

FOR: Amicus National Association of State Boards of Accountancy

BY : Mr. Noel L. Allen

ALLEN, PINNIX & NICHOLS, P.A.

6 - M-P-HAC-V (Allowed) - 04-02-2015

Filed: 03-30-2015 @ 16:42:36

FOR: Defendant-Appellant Butler & Burke, LLP

BY : Mr. Frederick K. Sharpless

SHARPLESS & STAVOLA, PA

7 - M-P-HAC-V (Allowed) - 04-02-2015

Filed: 03-30-2015 @ 16:43:36

FOR: Defendant-Appellant Butler & Burke, LLP

BY : Mr. Frederick K. Sharpless

SHARPLESS & STAVOLA, PA

8 - M-AMICUS (Allowed) - 04-06-2015

Filed: 04-02-2015 @ 14:26:42

FOR: Amicus N.C. Chamber

BY : Mr. Mel J. Garofalo

HEDRICK GARDNER KINCHELOE & GAROFALO, LLP

9 - OTHER BRIEF AMICUS

Filed: 04-02-2015 @ 10:49:49

FOR: Amicus N.C. Chamber

BY : Mr. Mel J. Garofalo

HEDRICK GARDNER KINCHELOE & GAROFALO, LLP

10 - APPELLANT BRIEF

Filed: 04-06-2015 @ 15:27:14

FOR: Defendant-Appellant Butler & Burke, LLP

BY : Mr. Frederick K. Sharpless

SHARPLESS & STAVOLA, PA

11 - OTHER BRIEF AMICUS

Filed: 04-06-2015 @ 15:58:26

FOR: Amicus Cherry Bekaert LLP, et al.

BY : Mr. Brent F. Powell

WOMBLE CARLYLE SANDRIDGE & RICE

12 - M-AMICUS (Allowed) - 04-07-2015

Filed: 04-06-2015 @ 14:47:16

FOR: Amicus National Association of State Boards of Accountancy

BY : Mr. Noel L. Allen

ALLEN, PINNIX & NICHOLS, P.A.

13 - M-AMICUS (Allowed) - 04-07-2015

Filed: 04-06-2015 @ 16:57:34

FOR: Amicus NCACPA, AICPA, and Center for Audit Quality

BY : Mr. J. Mitchell Armbruster

SMITH ANDERSON BLOUNT DORSETT MITCHELL & JERNIGAN, LLP

14 - M-AMICUS (Allowed) - 04-07-2015

Filed: 04-06-2015 @ 17:00:29

FOR: Amicus Chamber of Commerce of the USA

BY : Mr. Brian D. Boone

ALSTON & BIRD, LLP

15 - OTHER BRIEF AMICUS

Filed: 04-06-2015 @ 11:13:31

FOR: Amicus NCACPA, AICPA, and Center for Audit Quality

BY : Mr. J. Mitchell Armbruster

SMITH ANDERSON BLOUNT DORSETT MITCHELL & JERNIGAN, LLP

16 - OTHER BRIEF AMICUS
Filed: 04-06-2015 @ 11:19:47
FOR: Amicus National Association of State Boards of Accountancy
BY : Mr. Noel L. Allen
ALLEN, PINNIX & NICHOLS, P.A.

17 - OTHER BRIEF AMICUS
Filed: 04-07-2015 @ 10:07:32
FOR: Amicus Chamber of Commerce of the USA
BY : Mr. Brian D. Boone
ALSTON & BIRD, LLP

18 - M-AMICUS (Allowed) - 04-10-2015
Filed: 04-09-2015 @ 17:42:20
FOR: Amicus Chamber of Commerce of the USA
BY : Mr. Brian D. Boone
ALSTON & BIRD, LLP

19 - OTHER BRIEF AMICUS
Filed: 04-09-2015 @ 17:43:18
FOR: Amicus Chamber of Commerce of the USA
BY : Mr. Brian D. Boone
ALSTON & BIRD, LLP

20 - M-EXT-BR (Allowed) - 04-23-2015
Filed: 04-23-2015 @ 11:57:53
FOR: Plaintiff-Appellee Commscope Credit Union
BY : Mr. Alfred P. Carlton, Jr.
CARLTON LAW PLLC

21 - APPELLEE BRIEF
Filed: 06-01-2015 @ 17:08:30
FOR: Plaintiff-Appellee Commscope Credit Union
BY : Mr. Alfred P. Carlton, Jr.
CARLTON LAW PLLC

22 - APPELLANT BRIEF REPLY
Filed: 06-17-2015 @ 14:40:07
FOR: Defendant-Appellant Butler & Burke, LLP
BY : Mr. Frederick K. Sharpless
SHARPLESS & STAVOLA, PA

23 - MOTION TO REMOVE JAMES L. WRIGHT THIRD-PARTY DEFENDANT (Withdrawn) - 09-02-2015
Filed: 08-19-2015 @ 14:48:03
FOR: Plaintiff-Appellee Commscope Credit Union
BY : Mr. Alfred P. Carlton, Jr.
CARLTON LAW PLLC

RESPONSE TO MOTION TO REMOVE JAMES L. WRIGHT THIRD-PARTY DEFENDANT
Filed: 08-27-2015
BY : Mr. Frederick K. Sharpless
SHARPLESS & STAVOLA, PA

24 - MOTION TO WITHDRAW MOTION TO REMOVE (Allowed) - 09-02-2015
Filed: 09-01-2015 @ 10:01:08
FOR: Plaintiff-Appellee Commscope Credit Union
BY : Mr. Alfred P. Carlton, Jr.
CARLTON LAW PLLC

25 - MOTION TO WITHDRAW AS COUNSEL OF RECORD (Allowed) - 04-25-2016
Filed: 04-19-2016 @ 12:06:56
FOR: 3rd Party-Appellee Graham, Barry D., et al
BY : Mr. C. Carlisle Lam
NEXSEN PRUET, PLLC

26 - MOTION TO SUBSTITUTE COUNSEL (Allowed) - 04-25-2016
Filed: 04-19-2016 @ 12:19:29
FOR: 3rd Party-Appellee Graham, Barry D., et al
BY : Mr. C. Carlisle Lam
NEXSEN PRUET, PLLC

Financial Information

Receipts

Date Charged	Charge Type	Amount	Amount Paid	Document	Pages	Receipt #	Date Paid
01-15-2015	Printing	133.00	133.00	PETITION	78	R011011415	01-27-2015
Invoice : V011003715							
04-09-2015	Printing	199.50	199.50	APPELLANT BRIEF	114	R041003615	04-27-2015
Invoice : V041001715							
04-14-2015	Pro Hac Vice	450.00	450.00			R041001415	04-14-2015
Invoice : V041003115							
06-18-2015	Printing	33.25	33.25	APPELLANT BRIEF	19	R061004915	06-29-2015
Invoice : V061004715							
	Assessment	365.75	0.00				
Invoice : V091006116							
04-09-2015	Printing	19.25	19.25	OTHER BRIEF	11	R041003715	04-27-2015
Invoice : V041002515							
04-14-2015	Printing	120.75	120.75	OTHER BRIEF	69	R051000115	05-04-2015
Invoice : V041002815							
04-14-2015	Printing	210.00	210.00	OTHER BRIEF	120	R041003815	04-27-2015
Invoice : V041002715							
06-03-2015	Printing	84.00	84.00	APPELLEE BRIEF	48	R071000815	07-08-2015
Invoice : V061000915							
	Assessment	84.00	0.00				
Invoice : V091006216							
04-10-2015	Printing	84.00	84.00	OTHER BRIEF	48	R041003915	04-27-2015
Invoice : V041002615							
04-14-2015	Printing	84.00	84.00	OTHER BRIEF	48	R051000215	05-04-2015
Invoice : V041002915							
04-09-2015	Printing	40.25	40.25	OTHER BRIEF	23	R041002815	04-17-2015
Invoice : V041001815							

Parties

Party Name	Role
Commscope Credit Union	Plaintiff-Appellee
Butler & Burke, LLP	Defendant-Appellant
Graham, Barry D.	3rd Party-Appellee
Wright, James L.	3rd Party-Appellee
Dutton, Ed	3rd Party-Appellee
Gentry, Frank	3rd Party-Appellee
Hollar, Geral	3rd Party-Appellee
Cresimore, Joe	3rd Party-Appellee
Honeycutt, Mark	3rd Party-Appellee
Sipe, Rose	3rd Party-Appellee
Pope, Todd	3rd Party-Appellee
Cushing, Jason	3rd Party-Appellee
Saunders, Scott	3rd Party-Appellee
Graham, Barry D., et al	3rd Party-Appellee
Pope, Todd, et al	3rd Party-Appellee

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