

**SUPREME COURT OF NORTH CAROLINA****Docket Sheet****City of Asheville v State of North Carolina, et al.**

**Case Number:** 391PA15  
**As of:** 05/21/2025  
**Case Closed:** Yes      **Close Date:** 01-10-2017      **Case Type:** Civil (Civil\_othr)

CITY OF ASHEVILLE, a municipal corporation

v

STATE OF NORTH CAROLINA and the METROPOLITAN SEWERAGE DISTRICT OF BUNCOMBE COUNTY

**Docket Date:** 11-24-2015      **Acquired Date:** 11-24-2015  
**Bond Collected:** No      **Docket Fee:** No      **Pauper:** No      **Rule 16b:** No

**History**

**Venue:** Wake (10)      **Previous Venue:** N.C. Court of Appeals (200)

**Lower Court Number(s)**

Location: N.C. Court of Appeals (200)  
Judge: Chris Dillon  
Case #: 14-1255

Location: Wake (10)  
Judge: Howard E. Manning Jr.  
Case #: 13CVS6691

**Tracking/Argue**

Argue Date: 05-17-2016 #

**Opinion**

**Opinion Date:** 12-21-2016      **Cert Date:** 01-10-2017  
**Author:** Honorable Sam J. Ervin, IV  
**Decision:** Reversed  
**Opinion Notes:** Newby, J. dissenting. Martin, C.J. joins in this dissenting opinion.  
**Opinion Pages:** 60      **Opinion Cost:** \$ 12.00  
**Cite:** 369 NC 80  
**Slip Opinion:** <https://appellate.nccourts.org/opinions/?c=1&pdf=35087>

**Documents**

Document	Date Recvd	Cert of Service	Rec/Brf Due	Resp. Due	Resp. Recvd	Mailed Out	Ruling	Ruling Date
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(1) M-TEMP-STAY	11-24-2015						Allowed	11-25-2015
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(2) PWS	11-24-2015							
(3) NA-CQ-RD	11-24-2015					12-22-2015	Retained	01-28-2016
(4) PDR	11-24-2015				12-07-2015			
(5) M-AMICUS	12-01-2015						Allowed	01-28-2016
(6) M-AMICUS	12-04-2015						Allowed	01-28-2016
(7) M-AMICUS	12-04-2015						Allowed	01-28-2016
(8) M-DSSAPP	12-07-2015				12-18-2015		Denied	01-28-2016
(9) M-DSSAPP	12-07-2015				12-18-2015		Denied	01-28-2016
(10) M-AMICUS	12-07-2015						Allowed	01-28-2016
(11) M-EXT-BR	02-16-2016						Allowed	02-16-2016
(12) APPELLANT BRIEF	03-03-2016					03-09-2016		
(13) CORRESPONDENCE	03-03-2016							
(14) AMICUS	03-07-2016					03-09-2016		
(15) AMICUS	03-07-2016					03-09-2016		
(16) AMICUS	03-07-2016					03-10-2016		
(17) SIGNATURE PAGE	03-08-2016							
(18) M-EXT-BR	03-29-2016						Allowed	03-29-2016
(19) M-EXT-BR	03-29-2016						Allowed	03-29-2016
(20) APPELLEE BRIEF	04-15-2016					04-19-2016		
(21) APPELLEE BRIEF	04-15-2016					04-19-2016		
(22) REPLY	04-27-2016					04-28-2016		

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1 - M-TEMP-STAY (Allowed) - 11-25-2015  
 Filed: 11-24-2015 @ 15:39:19  
 FOR: Plaintiff-Appellant City Of Asheville  
 BY : Mr. Matthew W. Sawchak  
 ELLIS & WINTERS LLP

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2 - PWS  
 Filed: 11-24-2015 @ 15:23:47  
 FOR: Plaintiff-Appellant City Of Asheville  
 BY : Mr. Matthew W. Sawchak  
 ELLIS & WINTERS LLP

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3 - NA-CQ-RD (Retained) - 01-28-2016  
 Filed: 11-24-2015 @ 15:16:39  
 FOR: Plaintiff-Appellant City Of Asheville  
 BY : Mr. Matthew W. Sawchak  
 ELLIS & WINTERS LLP

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4 - PDR  
 Filed: 11-24-2015 @ 15:40:46  
 FOR: Plaintiff-Appellant City Of Asheville  
 BY : Mr. Matthew W. Sawchak  
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RESPONSE TO PDR  
 Filed: 12-07-2015  
 BY : Mr. I. Faison Hicks  
 N.C. DEPARTMENT OF JUSTICE

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5 - M-AMICUS (Allowed) - 01-28-2016  
 Filed: 12-01-2015 @ 09:41:37  
 FOR: Amicus International Municipal Lawyers Association  
 BY : Ms. Allegra Collins  
 ALLEGRA COLLINS LAW

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6 - M-AMICUS (Allowed) - 01-28-2016  
Filed: 12-04-2015 @ 09:24:32  
FOR: Amicus Brunswick Regional Water & Sewer H2GO  
BY : Mr. Edward J. Coyne, III  
WARD & SMITH, P.A.

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7 - M-AMICUS (Allowed) - 01-28-2016  
Filed: 12-04-2015 @ 11:05:39  
FOR: Amicus City of Wilson  
BY : Mr. Gabriel Du Sablon  
CAULEY PRIDGEN, P.A.

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8 - M-DSSAPP (Denied) - 01-28-2016  
Filed: 12-07-2015 @ 15:47:28  
FOR: Defendant-Appellee State of North Carolina  
BY : Mr. I. Faison Hicks  
N.C. DEPARTMENT OF JUSTICE

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RESPONSE TO M-DSSAPP  
Filed: 12-18-2015  
BY : Mr. Matthew W. Sawchak  
ELLIS & WINTERS LLP

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9 - M-DSSAPP (Denied) - 01-28-2016  
Filed: 12-07-2015 @ 15:47:28  
FOR: Defendant-Appellee State of North Carolina  
BY : Mr. I. Faison Hicks  
N.C. DEPARTMENT OF JUSTICE

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RESPONSE TO M-DSSAPP  
Filed: 12-18-2015  
BY : Mr. Matthew W. Sawchak  
ELLIS & WINTERS LLP

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10 - M-AMICUS (Allowed) - 01-28-2016  
Filed: 12-07-2015 @ 11:13:27  
FOR: Amicus North Carolina League of Municipalities  
BY : Ms. Kimberly S. Hibbard  
N.C. LEAGUE OF MUNICIPALITIES

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11 - M-EXT-BR (Allowed) - 02-16-2016  
Filed: 02-16-2016 @ 15:03:32  
FOR: Plaintiff-Appellant City Of Asheville  
BY : Mr. Matthew W. Sawchak  
ELLIS & WINTERS LLP

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12 - APPELLANT BRIEF  
Filed: 03-03-2016 @ 14:23:46  
FOR: Plaintiff-Appellant City Of Asheville  
BY : Mr. Matthew W. Sawchak  
ELLIS & WINTERS LLP

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13 - CORRESPONDENCE  
Filed: 03-03-2016 @ 09:24:31  
FOR:  
BY : N.C. Supreme Court Clerk

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14 - OTHER BRIEF AMICUS  
Filed: 03-07-2016 @ 14:27:14  
FOR: Amicus City of Wilson  
BY : Mr. Gabriel Du Sablon  
CAULEY PRIDGEN, P.A.

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15 - OTHER BRIEF AMICUS  
Filed: 03-07-2016 @ 23:42:26  
FOR: Amicus International Municipal Lawyers Association  
BY : Ms. Allegra Collins  
ALLEGRA COLLINS LAW

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16 - OTHER BRIEF AMICUS  
Filed: 03-07-2016 @ 09:38:27  
FOR: Amicus North Carolina League of Municipalities  
BY : Ms. Kimberly S. Hibbard  
N.C. LEAGUE OF MUNICIPALITIES

17 - SIGNATURE PAGE  
 Filed: 03-08-2016 @ 09:23:58  
 FOR:  
 BY : N.C. Supreme Court Clerk

18 - M-EXT-BR (Allowed) - 03-29-2016  
 Filed: 03-29-2016 @ 09:43:27  
 FOR: Defendant-Appellee State of North Carolina  
 BY : Mr. I. Faison Hicks  
 N.C. DEPARTMENT OF JUSTICE

19 - M-EXT-BR (Allowed) - 03-29-2016  
 Filed: 03-29-2016 @ 09:43:27  
 FOR: Defendant-Appellee State of North Carolina  
 BY : Mr. I. Faison Hicks  
 N.C. DEPARTMENT OF JUSTICE

20 - APPELLEE BRIEF  
 Filed: 04-15-2016 @ 17:38:40  
 FOR: Defendant-Appellee State of North Carolina  
 BY : Mr. I. Faison Hicks  
 N.C. DEPARTMENT OF JUSTICE

21 - APPELLEE BRIEF  
 Filed: 04-15-2016 @ 17:38:40  
 FOR: Defendant-Appellee State of North Carolina  
 BY : Mr. I. Faison Hicks  
 N.C. DEPARTMENT OF JUSTICE

22 - APPELLANT BRIEF REPLY  
 Filed: 04-27-2016 @ 15:11:55  
 FOR: Plaintiff-Appellant City Of Asheville  
 BY : Mr. Matthew W. Sawchak  
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**Financial Information**

**Receipts**

Date Charged	Charge Type	Amount	Amount Paid	Document	Pages	Receipt #	Date Paid
04-19-2016	Printing	161.00	161.00	APPELLEE BRIEF	92	R061003716	06-07-2016
Invoice : V041004316							
01-12-2017	Assessment	765.25	765.25			R021006417	02-23-2017
Invoice : V011002117							
03-10-2016	Printing	101.50	101.50	OTHER BRIEF	58	R041005016	04-15-2016
Invoice : V031002316							
03-09-2016	Printing	54.25	54.25	OTHER BRIEF	31	R041004316	04-11-2016
Invoice : V031001916							
03-09-2016	Printing	42.00	42.00	OTHER BRIEF	24	R031002816	03-17-2016
Invoice : V031001816							
11-30-2015	Docket Fee	30.00	30.00			R121000915	12-02-2015
Invoice : V111005915							

12-22-2015      Printing      315.00      315.00      NOTICE      184      R121007315      12-31-2015  
 Invoice : V121004515

03-09-2016      Printing      252.00      252.00      APPELLANT BRIEF      144      R031002916      03-17-2016  
 Invoice : V031000916

04-28-2016      Printing      159.25      159.25      APPELLANT BRIEF      91      R051000716      05-05-2016  
 Invoice : V041006816

**Payments**

Payment Date	Payment Type	Amount	Check Number
02-24-2017	Disburse	756.25	4240

**Parties**

Party Name	Role
City Of Asheville	Plaintiff-Appellant
State of North Carolina	Defendant-Appellee
Metropolitan Sewerage District of Buncombe County	Defendant-Appellee

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