

SUPREME COURT OF NORTH CAROLINA

Docket Sheet

City of Asheville v State of North Carolina, et al.

Case Number: 391PA15
As of: 01/27/2023
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
(1) M-TEMP-STAY	11-24-2015						Allowed	11-25-2015

(2) PWS	11-24-2015							
(3) NA-CQ-RD	11-24-2015					12-22-2015	Retained	01-28-2016
(4) PDR	11-24-2015							
(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						Denied	01-28-2016
(9) M-AMICUS	12-07-2015						Allowed	01-28-2016
(10) M-EXT-BR	02-16-2016						Allowed	02-16-2016
(11) APPELLANT BRIEF	03-03-2016					03-09-2016		
(12) AMICUS	03-07-2016					03-09-2016		
(13) AMICUS	03-07-2016					03-09-2016		
(14) AMICUS	03-07-2016					03-10-2016		
(15) M-EXT-BR	03-29-2016						Allowed	03-29-2016
(16) APPELLEE BRIEF	04-15-2016					04-19-2016		
(17) REPLY	04-27-2016					04-28-2016		

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

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

4 - PDR
 Filed: 11-24-2015 @ 15:40:46
 FOR: Plaintiff-Appellant City Of Asheville
 BY : Mr. Matthew W. Sawchak
 ELLIS & WINTERS LLP

RESPONSE TO PDR
 Filed: 12-07-2015
 BY : Mr. Isham F. Hicks
 N.C. DEPARTMENT OF JUSTICE

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

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.

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.

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

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

9 - 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

10 - 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

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

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

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

14 - 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

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

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

17 - APPELLANT BRIEF REPLY
Filed: 04-27-2016 @ 15:11:55
FOR: Plaintiff-Appellant City Of Asheville
BY : Mr. Matthew W. Sawchak
ELLIS & WINTERS LLP

Financial Information

Receipts

Date Charged	Charge Type	Amount Charged	Amount Paid	Document	Pages	Receipt #	Date Paid
04-19-2016	Printing	161.00	161.00	APPELLEE BRIEF	92	R061003716	06-07-2016
01-12-2017	Assess	765.25	765.25			R021006417	02-23-2017
03-10-2016	Printing	101.50	101.50	OTHER BRIEF	58	R041005016	04-15-2016
03-09-2016	Printing	54.25	54.25	OTHER BRIEF	31	R041004316	04-11-2016
03-09-2016	Printing	42.00	42.00	OTHER BRIEF	24	R031002816	03-17-2016
11-30-2015	Docket Fee	30.00	30.00			R121000915	12-02-2015
12-22-2015	Printing	315.00	315.00	NOTICE	184	R121007315	12-31-2015
03-09-2016	Printing	252.00	252.00	APPELLANT BRIEF	144	R031002916	03-17-2016
04-28-2016	Printing	159.25	159.25	APPELLANT BRIEF	91	R051000716	05-05-2016

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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