

# North Carolina Court of Appeals

## Docket Sheet

DOT v Bradsher

**Case Number:** 97-718

**As of:** 05/01/2024

**Case Closed:** Yes

**Close Date:** 03-03-1998

**Case Type:** Civil (Civil\_othr)

**Mediation:** No

DEPARTMENT OF TRANSPORTATION,  
Plaintiff,

v

DORIS B. BRADSHER,  
Defendant.

<b>Docket Date:</b> 06-17-1997	<b>File Date:</b> 06-16-1997	<b>File Time:</b> 03:46	<b>Acquired Date:</b> 06-16-1997
<b>Bond Collected:</b> No	<b>Docket Fee:</b> Yes	<b>Pauper:</b> No	<b>Print Deposit:</b> No
			<b>State Appeals:</b> Yes

### History

**Venue:** Wake (10) **Heard In:** Superior Court

**To SC:** **From SC:**

### Lower Court Number(s)

**Location:** Wake (10)

**Judge:** Robert L. Farmer

**Case #:** 95CVS7694 95CVS7694 95CVS7694

### Tracking/Argue

### Opinion

**Opinion Date:** 03-03-1998 **Cert Date:** 03-23-1998

**Author:** Honorable Clarence E. Horton, Jr.

**Decision:** Affirmed

**Opinion Notes:**

**Opinion Pages:** 9 **Opinion Cost:** \$ 1.80

**Cite:** 128 NC App 750

**Slip Opinion:** <https://appellate.nccourts.org/opinions/?c=2&pdf=5419>

### 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	06-16-1997					06-24-1997		
(2) RECORD	06-16-1997					06-24-1997		
(3) RECORD	06-16-1997					06-24-1997		

(4) RECORD	06-16-1997					06-24-1997		
(5) RECORD	06-16-1997					06-24-1997		
(6) RECORD	06-16-1997					06-24-1997		
(7) RECORD	06-16-1997					06-24-1997		
(8) RECORD	06-16-1997					06-24-1997		
(9) RECORD	06-16-1997					06-24-1997		
(10) MOTION	07-07-1997	07-07-1997		07-22-1997	07-15-1997		Denied	07-16-1997
(11) MOTION	07-07-1997	07-07-1997		07-22-1997	07-15-1997		Denied	07-16-1997
(12) MOTION	07-07-1997	07-07-1997		07-22-1997	07-15-1997		Denied	07-16-1997
(13) MOTION	07-07-1997	07-07-1997		07-22-1997	07-15-1997		Denied	07-16-1997
(14) MOTION	07-07-1997	07-07-1997		07-22-1997	07-15-1997		Denied	07-16-1997
(15) MOTION	07-07-1997	07-07-1997		07-22-1997	07-15-1997		Denied	07-16-1997
(16) MOTION	07-07-1997	07-07-1997		07-22-1997	07-15-1997		Denied	07-16-1997
(17) MOTION	07-07-1997	07-07-1997		07-22-1997	07-15-1997		Denied	07-16-1997
(18) MOTION	07-07-1997	07-07-1997		07-22-1997	07-15-1997		Denied	07-16-1997
(19) MOTION	07-18-1997	07-18-1997					Allowed	07-18-1997
(20) MOTION	07-18-1997	07-18-1997					Allowed	07-18-1997
(21) MOTION	07-18-1997	07-18-1997					Allowed	07-18-1997
(22) MOTION	07-18-1997	07-18-1997					Allowed	07-18-1997
(23) MOTION	07-18-1997	07-18-1997					Allowed	07-18-1997
(24) MOTION	07-18-1997	07-18-1997					Allowed	07-18-1997
(25) MOTION	07-18-1997	07-18-1997					Allowed	07-18-1997
(26) MOTION	07-18-1997	07-18-1997					Allowed	07-18-1997
(27) MOTION	07-18-1997	07-18-1997					Allowed	07-18-1997
(28) APPELLANT BRIEF	08-25-1997	08-25-1997				09-05-1997		
(29) APPELLANT BRIEF	08-25-1997	08-25-1997				09-05-1997		
(30) APPELLANT BRIEF	08-25-1997	08-25-1997				09-05-1997		
(31) APPELLANT BRIEF	08-25-1997	08-25-1997				09-05-1997		
(32) APPELLANT BRIEF	08-25-1997	08-25-1997				09-05-1997		
(33) APPELLANT BRIEF	08-25-1997	08-25-1997				09-05-1997		
(34) APPELLANT BRIEF	08-25-1997	08-25-1997				09-05-1997		
(35) APPELLANT BRIEF	08-25-1997	08-25-1997				09-05-1997		
(36) APPELLANT BRIEF	08-25-1997	08-25-1997				09-05-1997		
(37) APPELLEE BRIEF	09-29-1997	09-29-1997				10-07-1997		
(38) APPELLEE BRIEF	09-29-1997	09-29-1997				10-07-1997		
(39) APPELLEE BRIEF	09-29-1997	09-29-1997				10-07-1997		
(40) APPELLEE BRIEF	09-29-1997	09-29-1997				10-07-1997		
(41) APPELLEE BRIEF	09-29-1997	09-29-1997				10-07-1997		
(42) APPELLEE BRIEF	09-29-1997	09-29-1997				10-07-1997		
(43) APPELLEE BRIEF	09-29-1997	09-29-1997				10-07-1997		
(44) APPELLEE BRIEF	09-29-1997	09-29-1997				10-07-1997		
(45) APPELLEE BRIEF	09-29-1997	09-29-1997				10-07-1997		

(46) INFORM SHT	11-06-1997	11-06-1997						
(47) INFORM SHT	11-06-1997	11-06-1997						
(48) INFORM SHT	11-06-1997	11-06-1997						
(49) INFORM SHT	11-06-1997	11-06-1997						
(50) INFORM SHT	11-06-1997	11-06-1997						
(51) INFORM SHT	11-06-1997	11-06-1997						
(52) INFORM SHT	11-06-1997	11-06-1997						
(53) INFORM SHT	11-06-1997	11-06-1997						
(54) INFORM SHT	11-06-1997	11-06-1997						

## 1 - RECORD

Filed: 06-16-1997 @ 15:46:00

FOR: Plaintiff-Appellant DOT

BY : Mr. Archie W. Anders

## 2 - RECORD

Filed: 06-16-1997 @ 15:46:00

FOR: Plaintiff-Appellant DOT

BY : Mr. Archie W. Anders

## 3 - RECORD

Filed: 06-16-1997 @ 15:46:00

FOR: Plaintiff-Appellant DOT

BY : Mr. Archie W. Anders

## 4 - RECORD

Filed: 06-16-1997 @ 15:46:00

FOR: Plaintiff-Appellant DOT

BY : Mr. Archie W. Anders

## 5 - RECORD

Filed: 06-16-1997 @ 15:46:00

FOR: Plaintiff-Appellant DOT

BY : Mr. Archie W. Anders

## 6 - RECORD

Filed: 06-16-1997 @ 15:46:00

FOR: Plaintiff-Appellant DOT

BY : Mr. Archie W. Anders

## 7 - RECORD

Filed: 06-16-1997 @ 15:46:00

FOR: Plaintiff-Appellant DOT

BY : Mr. Archie W. Anders

## 8 - RECORD

Filed: 06-16-1997 @ 15:46:00

FOR: Plaintiff-Appellant DOT

BY : Mr. Archie W. Anders

## 9 - RECORD

Filed: 06-16-1997 @ 15:46:00

FOR: Plaintiff-Appellant DOT

BY : Mr. Archie W. Anders

---

10 - MOTION (Denied) - 07-16-1997  
Filed: 07-07-1997 @ 12:00:00  
FOR: Defendant-Appellee Doris B. Bradsher  
BY : Mr. John B. McMillan  
MANNING FULTON & SKINNER, PA

The following order was entered:

The motion filed in this cause on the 7th day of July 1997 and designated Motion to Dismiss Appeal or For Alternative Relief is denied.

By order of the Court this the 16th day of July 1997.

---

RESPONSE TO MOTION  
Filed: 07-15-1997  
BY :

---

11 - MOTION (Denied) - 07-16-1997  
Filed: 07-07-1997 @ 12:00:00  
FOR: Defendant-Appellee Doris B. Bradsher  
BY : Mr. John B. McMillan  
MANNING FULTON & SKINNER, PA

The following order was entered:

The motion filed in this cause on the 7th day of July 1997 and designated Motion to Dismiss Appeal or For Alternative Relief is denied.

By order of the Court this the 16th day of July 1997.

---

RESPONSE TO MOTION  
Filed: 07-15-1997  
BY :

---

12 - MOTION (Denied) - 07-16-1997  
Filed: 07-07-1997 @ 12:00:00  
FOR: Defendant-Appellee Doris B. Bradsher  
BY : Mr. John B. McMillan  
MANNING FULTON & SKINNER, PA

The following order was entered:

The motion filed in this cause on the 7th day of July 1997 and designated Motion to Dismiss Appeal or For Alternative Relief is denied.

By order of the Court this the 16th day of July 1997.

---

RESPONSE TO MOTION  
Filed: 07-15-1997  
BY :

---

13 - MOTION (Denied) - 07-16-1997  
Filed: 07-07-1997 @ 12:00:00  
FOR: Defendant-Appellee Doris B. Bradsher  
BY : Mr. John B. McMillan  
MANNING FULTON & SKINNER, PA

The following order was entered:

The motion filed in this cause on the 7th day of July 1997 and designated Motion to Dismiss Appeal or For Alternative Relief is denied.

By order of the Court this the 16th day of July 1997.

---

RESPONSE TO MOTION  
Filed: 07-15-1997  
BY :

---

14 - MOTION (Denied) - 07-16-1997  
Filed: 07-07-1997 @ 12:00:00  
FOR: Defendant-Appellee Doris B. Bradsher  
BY : Mr. John B. McMillan  
MANNING FULTON & SKINNER, PA

The following order was entered:

The motion filed in this cause on the 7th day of July 1997 and designated Motion to Dismiss Appeal or For Alternative Relief is denied.

By order of the Court this the 16th day of July 1997.

---

RESPONSE TO MOTION  
Filed: 07-15-1997  
BY :

---

15 - MOTION (Denied) - 07-16-1997  
Filed: 07-07-1997 @ 12:00:00  
FOR: Defendant-Appellee Doris B. Bradsher  
BY : Mr. John B. McMillan  
MANNING FULTON & SKINNER, PA

The following order was entered:

The motion filed in this cause on the 7th day of July 1997 and designated Motion to Dismiss Appeal or For Alternative Relief is denied.

By order of the Court this the 16th day of July 1997.

---

RESPONSE TO MOTION  
Filed: 07-15-1997  
BY :

---

16 - MOTION (Denied) - 07-16-1997  
Filed: 07-07-1997 @ 12:00:00  
FOR: Defendant-Appellee Doris B. Bradsher  
BY : Mr. John B. McMillan  
MANNING FULTON & SKINNER, PA

The following order was entered:

The motion filed in this cause on the 7th day of July 1997 and designated Motion to Dismiss Appeal or For Alternative Relief is denied.

By order of the Court this the 16th day of July 1997.

---

RESPONSE TO MOTION  
Filed: 07-15-1997  
BY :

---

17 - MOTION (Denied) - 07-16-1997  
Filed: 07-07-1997 @ 12:00:00  
FOR: Defendant-Appellee Doris B. Bradsher  
BY : Mr. John B. McMillan  
MANNING FULTON & SKINNER, PA

The following order was entered:

The motion filed in this cause on the 7th day of July 1997 and designated Motion to Dismiss Appeal or For Alternative Relief is denied.

By order of the Court this the 16th day of July 1997.

---

RESPONSE TO MOTION  
Filed: 07-15-1997  
BY :

---

18 - MOTION (Denied) - 07-16-1997  
Filed: 07-07-1997 @ 12:00:00  
FOR: Defendant-Appellee Doris B. Bradsher  
BY : Mr. John B. McMillan  
MANNING FULTON & SKINNER, PA

The following order was entered:

The motion filed in this cause on the 7th day of July 1997 and designated Motion to Dismiss Appeal or For Alternative Relief is denied.

By order of the Court this the 16th day of July 1997.

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RESPONSE TO MOTION  
Filed: 07-15-1997  
BY :

---

19 - MOTION (Allowed) - 07-18-1997  
Filed: 07-18-1997 @ 12:00:00  
FOR: Plaintiff-Appellant DOT  
BY : Mr. Archie W. Anders

The following order was entered:

The motion filed in this cause on the 18th day of July 1997 and designated Motion For Extension of Time in Which to File The Brief for The Plaintiff-Appellant is allowed. Plaintiff-appellant's brief shall be filed on or before 25 August 1997.

By order of the Court this the 18th day of July 1997.

---

20 - MOTION (Allowed) - 07-18-1997  
Filed: 07-18-1997 @ 12:00:00  
FOR: Plaintiff-Appellant DOT  
BY : Mr. Archie W. Anders

The following order was entered:

The motion filed in this cause on the 18th day of July 1997 and designated Motion For Extension of Time in Which to File The Brief for The Plaintiff-Appellant is allowed. Plaintiff-appellant's brief shall be filed on or before 25 August 1997.

By order of the Court this the 18th day of July 1997.

---

21 - MOTION (Allowed) - 07-18-1997  
Filed: 07-18-1997 @ 12:00:00  
FOR: Plaintiff-Appellant DOT  
BY : Mr. Archie W. Anders

The following order was entered:

The motion filed in this cause on the 18th day of July 1997 and designated Motion For Extension of Time in Which to File The Brief for The Plaintiff-Appellant is allowed. Plaintiff-appellant's brief shall be filed on or before 25 August 1997.

By order of the Court this the 18th day of July 1997.

---

22 - MOTION (Allowed) - 07-18-1997  
Filed: 07-18-1997 @ 12:00:00  
FOR: Plaintiff-Appellant DOT  
BY : Mr. Archie W. Anders

The following order was entered:

The motion filed in this cause on the 18th day of July 1997 and designated Motion For Extension of Time in Which to File The Brief for The Plaintiff-Appellant is allowed. Plaintiff-appellant's brief shall be filed on or before 25 August 1997.

By order of the Court this the 18th day of July 1997.

---

23 - MOTION (Allowed) - 07-18-1997  
Filed: 07-18-1997 @ 12:00:00  
FOR: Plaintiff-Appellant DOT  
BY : Mr. Archie W. Anders

The following order was entered:

The motion filed in this cause on the 18th day of July 1997 and designated Motion For Extension of Time in Which to File The Brief for The Plaintiff-Appellant is allowed. Plaintiff-appellant's brief shall be filed on or before 25 August 1997.

By order of the Court this the 18th day of July 1997.

---

24 - MOTION (Allowed) - 07-18-1997  
Filed: 07-18-1997 @ 12:00:00  
FOR: Plaintiff-Appellant DOT  
BY : Mr. Archie W. Anders

The following order was entered:

The motion filed in this cause on the 18th day of July 1997 and designated Motion For Extension of Time in Which to File The Brief for The Plaintiff-Appellant is allowed. Plaintiff-appellant's brief shall be filed on or before 25 August 1997.

By order of the Court this the 18th day of July 1997.

---

25 - MOTION (Allowed) - 07-18-1997  
Filed: 07-18-1997 @ 12:00:00  
FOR: Plaintiff-Appellant DOT  
BY : Mr. Archie W. Anders

The following order was entered:

The motion filed in this cause on the 18th day of July 1997 and designated Motion For Extension of Time in Which to File The Brief for The Plaintiff-Appellant is allowed. Plaintiff-appellant's brief shall be filed on or before 25 August 1997.

By order of the Court this the 18th day of July 1997.

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26 - MOTION (Allowed) - 07-18-1997  
Filed: 07-18-1997 @ 12:00:00  
FOR: Plaintiff-Appellant DOT  
BY : Mr. Archie W. Anders

The following order was entered:

The motion filed in this cause on the 18th day of July 1997 and designated Motion For Extension of Time in Which to File The Brief for The Plaintiff-Appellant is allowed. Plaintiff-appellant's brief shall be filed on or before 25 August 1997.

By order of the Court this the 18th day of July 1997.



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27 - MOTION (Allowed) - 07-18-1997  
Filed: 07-18-1997 @ 12:00:00  
FOR: Plaintiff-Appellant DOT  
BY : Mr. Archie W. Anders

The following order was entered:

The motion filed in this cause on the 18th day of July 1997 and designated Motion For Extension of Time in Which to File The Brief for The Plaintiff-Appellant is allowed. Plaintiff-appellant's brief shall be filed on or before 25 August 1997.

By order of the Court this the 18th day of July 1997.

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28 - APPELLANT BRIEF  
Filed: 08-25-1997 @ 17:09:00  
FOR: Plaintiff-Appellant DOT  
BY : Mr. Archie W. Anders

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29 - APPELLANT BRIEF  
Filed: 08-25-1997 @ 17:09:00  
FOR: Plaintiff-Appellant DOT  
BY : Mr. Archie W. Anders

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30 - APPELLANT BRIEF  
Filed: 08-25-1997 @ 17:09:00  
FOR: Plaintiff-Appellant DOT  
BY : Mr. Archie W. Anders

---

31 - APPELLANT BRIEF  
Filed: 08-25-1997 @ 17:09:00  
FOR: Plaintiff-Appellant DOT  
BY : Mr. Archie W. Anders

---

32 - APPELLANT BRIEF  
Filed: 08-25-1997 @ 17:09:00  
FOR: Plaintiff-Appellant DOT  
BY : Mr. Archie W. Anders

---

33 - APPELLANT BRIEF  
Filed: 08-25-1997 @ 17:09:00  
FOR: Plaintiff-Appellant DOT  
BY : Mr. Archie W. Anders

---

34 - APPELLANT BRIEF  
Filed: 08-25-1997 @ 17:09:00  
FOR: Plaintiff-Appellant DOT  
BY : Mr. Archie W. Anders

---

35 - APPELLANT BRIEF  
Filed: 08-25-1997 @ 17:09:00  
FOR: Plaintiff-Appellant DOT  
BY : Mr. Archie W. Anders

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36 - APPELLANT BRIEF  
Filed: 08-25-1997 @ 17:09:00  
FOR: Plaintiff-Appellant DOT  
BY : Mr. Archie W. Anders

---

37 - APPELLEE BRIEF  
Filed: 09-29-1997 @ 15:09:00  
FOR: Defendant-Appellee Doris B. Bradsher  
BY : Mr. John B. McMillan  
MANNING FULTON & SKINNER, PA

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38 - APPELLEE BRIEF  
Filed: 09-29-1997 @ 15:09:00  
FOR: Defendant-Appellee Doris B. Bradsher  
BY : Mr. John B. McMillan  
MANNING FULTON & SKINNER, PA

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39 - APPELLEE BRIEF  
Filed: 09-29-1997 @ 15:09:00  
FOR: Defendant-Appellee Doris B. Bradsher  
BY : Mr. John B. McMillan  
MANNING FULTON & SKINNER, PA

---

40 - APPELLEE BRIEF  
Filed: 09-29-1997 @ 15:09:00  
FOR: Defendant-Appellee Doris B. Bradsher  
BY : Mr. John B. McMillan  
MANNING FULTON & SKINNER, PA

---

41 - APPELLEE BRIEF  
Filed: 09-29-1997 @ 15:09:00  
FOR: Defendant-Appellee Doris B. Bradsher  
BY : Mr. John B. McMillan  
MANNING FULTON & SKINNER, PA

---

42 - APPELLEE BRIEF  
Filed: 09-29-1997 @ 15:09:00  
FOR: Defendant-Appellee Doris B. Bradsher  
BY : Mr. John B. McMillan  
MANNING FULTON & SKINNER, PA

---

43 - APPELLEE BRIEF  
Filed: 09-29-1997 @ 15:09:00  
FOR: Defendant-Appellee Doris B. Bradsher  
BY : Mr. John B. McMillan  
MANNING FULTON & SKINNER, PA

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44 - APPELLEE BRIEF  
Filed: 09-29-1997 @ 15:09:00  
FOR: Defendant-Appellee Doris B. Bradsher  
BY : Mr. John B. McMillan  
MANNING FULTON & SKINNER, PA

---

45 - APPELLEE BRIEF  
Filed: 09-29-1997 @ 15:09:00  
FOR: Defendant-Appellee Doris B. Bradsher  
BY : Mr. John B. McMillan  
MANNING FULTON & SKINNER, PA

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46 - AIS INFORM SHT  
Filed: 11-06-1997 @ 16:04:00  
FOR: Plaintiff-Appellant DOT  
BY : Mr. Archie W. Anders

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47 - AIS INFORM SHT  
Filed: 11-06-1997 @ 16:04:00  
FOR: Plaintiff-Appellant DOT  
BY : Mr. Archie W. Anders

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48 - AIS INFORM SHT  
Filed: 11-06-1997 @ 16:04:00  
FOR: Plaintiff-Appellant DOT  
BY : Mr. Archie W. Anders

---

49 - AIS INFORM SHT  
Filed: 11-06-1997 @ 16:04:00  
FOR: Plaintiff-Appellant DOT  
BY : Mr. Archie W. Anders

50 - AIS INFORM SHT  
 Filed: 11-06-1997 @ 16:04:00  
 FOR: Plaintiff-Appellant DOT  
 BY : Mr. Archie W. Anders

51 - AIS INFORM SHT  
 Filed: 11-06-1997 @ 16:04:00  
 FOR: Plaintiff-Appellant DOT  
 BY : Mr. Archie W. Anders

52 - AIS INFORM SHT  
 Filed: 11-06-1997 @ 16:04:00  
 FOR: Plaintiff-Appellant DOT  
 BY : Mr. Archie W. Anders

53 - AIS INFORM SHT  
 Filed: 11-06-1997 @ 16:04:00  
 FOR: Plaintiff-Appellant DOT  
 BY : Mr. Archie W. Anders

54 - AIS INFORM SHT  
 Filed: 11-06-1997 @ 16:04:00  
 FOR: Plaintiff-Appellant DOT  
 BY : Mr. Archie W. Anders

### Financial Information

#### Receipts

Date Charged	Charge Type	Amount Charged	Amount Paid	Document	Pages	Receipt #	Date Paid
10-07-1997	Printing	66.50	66.50	APPELLEE BRIEF	38	R092017209	10-07-1997
10-07-1997	Printing	66.50	66.50	APPELLEE BRIEF	38	R092017509	10-07-1997
10-07-1997	Printing	66.50	66.50	APPELLEE BRIEF	38	R092018109	10-07-1997
09-05-1997	Printing	38.50	38.50	APPELLANT BRIEF	22	R092017009	10-22-1997
06-24-1997	Printing	190.75	190.75	RECORD	109	R092017109	07-17-1997
09-05-1997	Printing	38.50	38.50	APPELLANT BRIEF	22	R092017309	10-22-1997
06-24-1997	Printing	190.75	190.75	RECORD	109	R092017409	07-17-1997
09-05-1997	Printing	38.50	38.50	APPELLANT BRIEF	22	R092017909	10-22-1997
06-24-1997	Printing	190.75	190.75	RECORD	109	R092018009	07-17-1997
09-21-2009	Other	5.00	5.00			R092018209	09-21-2009

#### Exhibits

#### Parties

Party Name

Role

Department of Transportation

Plaintiff-Appellant

DOT

Plaintiff-Appellant

Doris B. Bradsher

Defendant-Appellee

Department of Transportation	Plaintiff-Appellant
DOT	Plaintiff-Appellant
Doris B. Bradsher	Defendant-Appellee
Department of Transportation	Plaintiff-Appellant
DOT	Plaintiff-Appellant
Doris B. Bradsher	Defendant-Appellee
Bradsher, Doris B.	Defendant-Appellee

### Attorneys

#### Attorney for Plaintiff-Appellant - DOT

Mr. Archie W. Anders [Primary Attorney]

Mr. Archie W. Anders [Primary Attorney]

Mr. Archie W. Anders [Primary Attorney]

#### Attorney for Defendant-Appellee - Doris B. Bradsher

Mr. John B. McMillan [Primary Attorney]

Attorney at Law

Mr. Charles E. Nicholas, Jr.

Mr. John B. McMillan [Primary Attorney]

Attorney at Law

Mr. Charles E. Nicholas, Jr.

Mr. John B. McMillan [Primary Attorney]

Attorney at Law

Mr. Charles E. Nicholas, Jr.

MANNING FULTON & SKINNER, PA

3605 Glenwood Avenue

Suite 500

Raleigh, NC 27612

(919) 510-9250

#### Attorney for Plaintiff-Appellant - DOT

Ms. Emmett B. Haywood [Primary Attorney]

Attorney at Law

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Raleigh, NC 27619

(919) 781-1311