

# North Carolina Court of Appeals

## Docket Sheet

Tyndall, et al v NCDOT

**Case Number:** 98-963

**As of:** 04/30/2024

**Case Closed:** Yes

**Close Date:** 07-26-1999

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

**Mediation:** No

H.D. TYNDALL AND WIFE,  
CATHERINE TYNDALL,  
Plaintiffs,

v

NORTH CAROLINA DEPARTMENT OF  
TRANSPORTATION,  
Defendant.

|                                |                              |                         |  |
|--------------------------------|------------------------------|-------------------------|--|
| <b>Docket Date:</b> 08-28-1998 | <b>File Date:</b> 08-19-1998 | <b>File Time:</b> 10:25 | <b>Acquired Date:</b> 08-19-1998           |
| <b>Bond Collected:</b> No      | <b>Docket Fee:</b> No        | <b>Pauper:</b> No       | Print Deposit: No <b>State Appeals:</b> No |

**History**

|                         |                                 |
|-------------------------|---------------------------------|
| <b>Venue:</b> Wayne (9) | <b>Heard In:</b> Superior Court |
| <b>To SC:</b>           | <b>From SC:</b>                 |

**Lower Court Number(s)**

Location: Wayne (9)  
 Judge: Knox Jenkins  
 Case #: 96CVS102

**Tracking/Argue**

**Argue Date:** 05-10-1999 (No oral argument by Rule 30(f))

**Opinion**

Opinion Date: 07-06-1999      Cert Date: 07-26-1999  
 Author: Honorable Sidney S. Eagles, Jr.  
 Decision: Affirmed  
 Opinion Notes:  
 Opinion Pages: 10      Opinion Cost: \$ 2.00  
 Cite: 134 NC App 188  
 Slip Opinion: <https://appellate.nccourts.org/opinions/?c=2&pdf=15689>

**Documents**

| Document   | Date Recvd | Cert of Service | Rec/Brf Due | Resp. Due | Resp. Recvd | Mailed Out | Ruling | Ruling Date |
|------------|------------|-----------------|-------------|-----------|-------------|------------|--------|-------------|
| (1) RECORD | 08-19-1998 |                 |             |           |             | 09-08-1998 |        |             |

|                     |            |            |  |  |  |            |         |            |
|---------------------|------------|------------|--|--|--|------------|---------|------------|
| (2) MOTION          | 10-05-1998 | 10-01-1998 |  |  |  |            | Allowed | 10-05-1998 |
| (3) INFORM SHT      | 10-22-1998 | 10-21-1998 |  |  |  |            |         |            |
| (4) APPELLANT BRIEF | 11-09-1998 | 11-06-1998 |  |  |  | 12-07-1998 |         |            |
| (5) MOTION          | 12-07-1998 | 12-07-1998 |  |  |  |            | Allowed | 12-07-1998 |
| (6) APPELLEE BRIEF  | 01-11-1999 | 01-11-1999 |  |  |  | 01-29-1999 |         |            |
| (7) REPLY           | 03-22-1999 | 03-19-1999 |  |  |  | 03-26-1999 |         |            |

1 - RECORD

Filed: 08-19-1998 @ 10:25:00  
 FOR: Plaintiff-Appellant H.D. Tyndall, et al  
 BY : Mr. John P. Marshall  
 WHITE & ALLEN, PA

2 - MOTION (Allowed) - 10-05-1998

Filed: 10-05-1998 @ 12:00:00  
 FOR: Plaintiff-Appellant H.D. Tyndall, et al  
 BY : Mr. John P. Marshall  
 WHITE & ALLEN, PA

The following order was entered:

The motion filed in this cause on the 5th day of October 1998 and designated Motion For Extension of Time is allowed. Plaintiff-appellants shall file their brief on or before 7 November 1998.

By order of the Court this the 5th day of October 1998.

3 - AIS INFORM SHT

Filed: 10-22-1998 @ 09:00:00  
 FOR: Plaintiff-Appellant H.D. Tyndall, et al  
 BY : Mr. John P. Marshall  
 WHITE & ALLEN, PA

4 - APPELLANT BRIEF

Filed: 11-09-1998 @ 08:43:00  
 FOR: Plaintiff-Appellant H.D. Tyndall, et al  
 BY : Mr. John P. Marshall  
 WHITE & ALLEN, PA

5 - MOTION (Allowed) - 12-07-1998

Filed: 12-07-1998 @ 12:00:00  
 FOR: Defendant-Appellee NCDOT  
 BY : Ms. Elizabeth N. Strickland

The following order was entered:

The motion filed in this cause on the 7th day of December 1998 and designated Motion for Extension of Time to File Brief for Defendant-Appellee is allowed. Defendant-appellee's brief shall be filed on or before 11 January 1999.

By order of the Court this the 7th day of December 1998.

6 - APPELLEE BRIEF

Filed: 01-11-1999 @ 04:43:00  
 FOR: Defendant-Appellee NCDOT  
 BY : Ms. Elizabeth N. Strickland

7 - APPELLANT BRIEF REPLY

Filed: 03-22-1999 @ 08:55:00  
 FOR: Plaintiff-Appellant H.D. Tyndall, et al  
 BY : Mr. John P. Marshall  
 WHITE & ALLEN, PA

**Receipts**

| Date Charged | Charge Type | Amount Charged | Amount Paid | Document        | Pages | Receipt #   | Date Paid  |
|--------------|-------------|----------------|-------------|-----------------|-------|-------------|------------|
| 01-29-1999   | Printing    | 68.25          | 68.25       | APPELLEE BRIEF  | 39    | R012004199A | 03-01-1999 |
| 09-08-1998   | Printing    | 470.75         | 470.75      | RECORD          | 269   | R092027998A | 09-08-1998 |
| 12-07-1998   | Printing    | 40.25          | 40.25       | APPELLANT BRIEF | 23    | R122008798A | 12-07-1998 |
| 03-26-1999   | Printing    | 12.25          | 12.25       | APPELLANT BRIEF | 7     | R032000899A | 03-26-1999 |

**Exhibits**

**Parties**

| Party Name                        | Role                |
|-----------------------------------|---------------------|
| Tyndall, H.D.                     | Plaintiff-Appellant |
| Tyndall, Catherine                | Plaintiff-Appellant |
| N.C. Department of Transportation | Defendant-Appellee  |
| NCDOT                             | Defendant-Appellee  |

**Attorneys**

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