

# North Carolina Court of Appeals

## Docket Sheet

Davis, et al v JMX, Inc., et al

**Case Number:** 99-332

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

**Case Closed:** Yes

**Close Date:** 04-24-2000

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

**Mediation:** No

L'TANYA D. DAVIS,  
EXECUTRIX OF ESTATE OF  
KENNETH A. DAVIS,  
Plaintiff,

v

J.M.X., INCORPORATED,  
AND ESAU ROOSEVELT DIXON,  
Defendants/Appellants,

v

ANTOINETTE PADILLA TOLER,  
REA CONSTRUCTION COMPANY,  
PROTECTION SERVICES, INC., AND  
STATE OF NORTH CAROLINA, EX REL  
NCDOT,  
Third-Party Defendants-Appellees.

AND

L'TANYA DURANTE DAVIS,  
Plaintiff

v

J.M.X., INCORPORATED,  
AND ESAU ROOSEVELT DIXON,  
Defendants/Appellants

v

ANTOINETTE PADILLA TOLER,  
REA CONSTRUCTION COMPANY,  
PROTECTION SERVICES, INC., AND  
STATE OF NORTH CAROLINA, EX REL  
NCDOT,  
Third-Party Defendants-Appellees  
and

E. ANN CHRISTIAN,  
AS GUARDIAN AD LITEM FOR  
LEONARD AARON DAVIS, II  
Plaintiff,

J.M.X., INCORPORATED,  
AND ESAU ROOSEVELT DIXON,  
Defendants/Appellants,

v

ANTOINETTE PADILLA TOLER,  
REA CONSTRUCTION COMPANY,  
PROTECTION SERVICES, INC., AND  
STATE OF NORTH CAROLINA, EX REL  
NCDOT,  
Third-Party Defendants-Appellees

AND

ROBERTA E. JOHNSON, AS  
ADMINISTRATRIX OF THE ESTATE OF  
THELMA P. BITTING,  
Plaintiff

v

J.M.X., INCORPORATED,  
AND ESAU ROOSEVELT DIXON,  
Defendants/Appellants

v

ANTOINETTE PADILLA TOLER,  
REA CONSTRUCTIN COMPANY,  
PROTECTION SERVICES, INC., AND  
STATE OF NORTH CAROLINA, EX REL  
NCDOT,  
Third-Party Defendants-Appellees  
Appellees.

**Docket Date:** 03-23-1999    **File Date:** 03-22-1999    **File Time:** 02:47    **Acquired Date:** 03-22-1999  
**Bond Collected:** Yes    **Docket Fee:** Yes    **Pauper:** No    **Print Deposit:** No    **State Appeals:** No

### History

**Venue:** Durham (16)    **Heard In:** Superior Court  
**To SC:** 06-05-2000    **From SC:** 10-06-2000

### Lower Court Number(s)

**Location:** Durham (16)  
**Judge:** E. Lynn Johnson  
**Case #:** 97CVS00714 97CVS00713 97CVS00687 97CVS02051

### Tracking/Argue

**Argue Date:** 01-03-2000 #

### Opinion

**Opinion Date:** 04-04-2000    **Cert Date:** 04-24-2000  
**Author:** Honorable Ralph A. Walker  
**Decision:** Affirmed in part and reversed in part.  
**Opinion Notes:**  
**Opinion Pages:** 13    **Opinion Cost:** \$ 2.60  
**Cite:** 137 NC App 267  
**Slip Opinion:** <https://appellate.nccourts.org/opinions/?c=2&pdf=16572>

### Documents

Document	Date Recvd	Cert of Service	Rec/Brf Due	Resp. Due	Resp. Recvd	Mailed Out	Ruling	Ruling Date
(1) RECORD	03-22-1999					05-25-1999		
(2) MOTION	03-22-1999	03-22-1999					Dismissed	03-25-1999
(3) APPELLANT BRIEF	06-24-1999	06-24-1999				07-02-1999		
(4) INFORM SHT	06-24-1999	06-24-1999						
(5) MOTION	07-14-1999	07-14-1999					Allowed	07-15-1999
(6) MOTION	07-16-1999	07-16-1999					Allowed	07-19-1999
(7) APPELLEE BRIEF	08-23-1999	08-23-1999				09-13-1999		

1 - RECORD  
 Filed: 03-22-1999 @ 02:47:00  
 FOR: Defendant-Appellant J.M.X. Inc., et al  
 BY : William E. Anderson  
 MCDANIEL, ANDERSON, & STEPHENSON, LLP

2 - MOTION (Dismissed) - 03-25-1999  
 Filed: 03-22-1999 @ 12:00:00  
 FOR: Defendant-Appellant J.M.X. Inc., et al  
 BY : William E. Anderson  
 MCDANIEL, ANDERSON, & STEPHENSON, LLP

The following order was entered:

The motion filed in this cause on the 22nd day of March 1999 and designated (Untitled) is dismissed in as much as only one record on appeal has been filed, and only one set of briefs will be required to be filed.

By order of the Court this the 25th day of March 1999.

3 - APPELLANT BRIEF  
 Filed: 06-24-1999 @ 01:49:00  
 FOR: Defendant-Appellant J.M.X. Inc., et al  
 BY : William E. Anderson  
 MCDANIEL, ANDERSON, & STEPHENSON, LLP

4 - AIS INFORM SHT  
 Filed: 06-24-1999 @ 01:49:00  
 FOR: Defendant-Appellant J.M.X. Inc., et al  
 BY : William E. Anderson  
 MCDANIEL, ANDERSON, & STEPHENSON, LLP

5 - MOTION (Allowed) - 07-15-1999  
 Filed: 07-14-1999 @ 12:00:00  
 FOR: Defendant-Appellee REA Construction Co.  
 BY : Mr. Rodney E. Pettey  
 YATES, MCLAMB & WEHYER, LLP

The following order was entered:

The motion filed in this cause on the 14th day of July 1999 and designated Appellee's Motion For Order Extending Time is allowed. The brief of appellee Rea Construction Company shall be filed on or before 24 August 1999.

By order of the Court this the 15th day of July 1999.

6 - MOTION (Allowed) - 07-19-1999  
 Filed: 07-16-1999 @ 12:00:00  
 FOR: Defendant-Appellee Protection Services  
 BY : Mr. James D. Blount, Jr.  
 SMITH ANDERSON BLOUNT

The following order was entered:

The motion filed in this cause on the 16th day of July 1999 and designated Appellee's Motion for Order Extending Time is allowed. The brief of appellee Protection Services, Inc. shall be filed on or before 23 August 1999.

By order of the Court this the 19th day of July 1999.

7 - APPELLEE BRIEF  
 Filed: 08-23-1999 @ 12:00:00  
 FOR: Defendant-Appellee Protection Services  
 BY : Mr. James D. Blount, Jr.  
 SMITH ANDERSON BLOUNT

## Financial Information

### Receipts

Date Charged	Charge Type	Amount Charged	Amount Paid	Document	Pages	Receipt #	Date Paid
05-25-1999	Printing	2308.25	2301.25	RECORD	1319	R052035499A	05-25-1999

05-25-1999	Balance	7.00	7.00	RECORD	1319	R052035599A	06-07-1999
07-02-1999	Printing	89.25	89.25	APPELLANT BRIEF	51	R072007099A	07-12-1999
09-13-1999	Printing	283.50	283.50	APPELLEE BRIEF	162	R092001399A	09-13-1999

### Exhibits

### Parties

Party Name	Role
Davis, L'Tanya D.	Plaintiff-Appellee
Davis, Kenneth A.	
J.M.X. Incorporated	Defendant-Appellant
ESAU Roosevelt Dixon	Defendant-Appellant
Toler, Antoinette Padilla	3rd Party-Appellee
REA Construction Company	3rd Party-Appellee
Protection Services, Inc.	3rd Party-Appellee
N.C.Department of Transportation	3rd Party-Appellee
Johnson, Roberta E.	Plaintiff-Appellee
Bitting, Thelma P.	Plaintiff-Appellee
Protection Services	Defendant-Appellee
REA Construction Co.	Defendant-Appellee
NCDOT	Defendant-Appellee

### Attorneys

#### Attorney for Defendant-Appellant - J.M.X. Inc., et al

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#### Attorney for Defendant-Appellee - Protection Services

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Ms. Deanna L. Davis

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**Attorney for Defendant-Appellee - NCDOT**

Mr. Wallace R. Young, Jr. [Primary Attorney]

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