

North Carolina Court of Appeals

Docket Sheet

Department of Transportation v Blue

Case Number: 00-995
As of: 04/30/2024
Case Closed: Yes **Close Date:** 01-07-2002 **Case Type:** Civil (Civil_othr) **Mediation:** No

DEPARTMENT OF TRANSPORTATION,
 Plaintiff,
 v

MACK BLUE AND BRENDA BLUE,
 Defendants.

DEPARTMENT OF TRANSPORTATION,
 Plaintiff,
 v

PIERCE B. IRBY, ET AL,
 Defendants.

Docket Date: 09-19-2000 **File Date:** 08-28-2000 **File Time:** 04:41 **Acquired Date:** 08-28-2000
Bond Collected: Yes **Docket Fee:** Yes **Pauper:** No **Print Deposit:** No **State Appeals:** Yes

History

Venue: Moore (29) **Heard In:** Superior Court
To SC: **From SC:** 11-21-2002

Lower Court Number(s)

Location: Moore (29)
Judge: Lindsay R. Davis Jr.
Case #: 99CVS913 99CVS911 99CVS914 99CVS912 99CVS916

Tracking/Argue

Argue Date: 08-27-2001 #

Opinion

Opinion Date: 12-18-2001 **Cert Date:** 01-07-2002
Author: Honorable Sidney S. Eagles, Jr.
Decision: Affirmed
Opinion Notes:
Opinion Pages: 20 **Opinion Cost:** \$ 4.00
Cite: 147 NC App 596
Slip Opinion: <https://appellate.nccourts.org/opinions/?c=2&pdf=18609>

Documents

Document	Date Recvd	Cert of Service	Rec/Brf Due	Resp. Due	Resp. Recvd	Mailed Out	Ruling	Ruling Date
(1) RECORD	08-28-2000					09-26-2000		
(2) RECORD	08-28-2000					09-26-2000		
(3) MOTION	08-29-2000	08-29-2000					Allowed	12-21-2001
(4) INFORM SHT	09-22-2000	09-22-2000						
(5) MOTION	10-25-2000	10-23-2000					Allowed	10-26-2000
(6) APPELLANT BRIEF	10-26-2000	10-26-2000				11-07-2000		
(7) MOTION	11-27-2000	11-22-2000					Allowed	11-28-2000
(8) MOTION	12-27-2000	12-22-2000					Allowed	12-27-2000
(9) APPELLANT BRIEF	01-18-2001	01-16-2001				01-24-2001		
(10) APPELLEE BRIEF	01-18-2001	01-16-2001				01-23-2001		
(11) MOTION	02-14-2001	02-14-2001					Allowed	02-14-2001
(12) APPELLEE BRIEF	03-16-2001	03-16-2001				03-30-2001		
(13) INFORM SHT	03-21-2001	03-23-2001						
(14) MOTION	08-02-2001	08-02-2001					Special Order	08-02-2001
(15) ADD-AUTH	08-22-2001	08-22-2001						
(16) ADD-AUTH	08-23-2001	08-23-2001						
(17) MOTION	08-23-2001	08-23-2001			08-27-2001		Denied	12-21-2001
(18) INFORM SHT	08-27-2001	08-27-2001						

1 - RECORD

Filed: 08-28-2000 @ 04:41:00
FOR: Plaintiff-Appellant DOT
BY : Mr. Fred Lamar

2 - RECORD

Filed: 08-28-2000 @ 04:41:00
FOR: Defendant-Appellant Mack & Brenda Blue
BY : Stephen S. Schmidly
MOSEY, SCHMIDLY, MASON & ROOSE

3 - MOTION (Allowed) - 12-21-2001

Filed: 08-29-2000 @ 12:00:00
FOR: Plaintiff-Appellant DOT
BY : Mr. Fred Lamar

The following order was entered:

The motion filed in this cause on the 29th day of August 2000 and designated Motion To Amend Record On Appeal is allowed.
By order of the Court this the 21st day of December 2001.

4 - AIS INFORM SHT

Filed: 09-22-2000 @ 03:53:00
FOR: Plaintiff-Appellant DOT
BY : Mr. Fred Lamar

5 - MOTION (Allowed) - 10-26-2000
Filed: 10-25-2000 @ 12:00:00
FOR: Defendant-Appellant Mack & Brenda Blue
BY : Stephen S. Schmidly
MOSER, SCHMIDLY, MASON & ROOSE

The following order was entered:

The motion filed in this cause on the 25th day of October 2000 and designated Motion For Extension Of Time is allowed. Defendant-appellants' brief shall be filed on or before 27 November 2000.

By order of the Court this the 26th day of October 2000.

6 - APPELLANT BRIEF
Filed: 10-26-2000 @ 03:53:00
FOR: Plaintiff-Appellant DOT
BY : Mr. Fred Lamar

7 - MOTION (Allowed) - 11-28-2000
Filed: 11-27-2000 @ 12:00:00
FOR: Defendant-Appellant Mack & Brenda Blue
BY : Stephen S. Schmidly
MOSER, SCHMIDLY, MASON & ROOSE

The following order was entered:

The motion filed in this cause on the 27th day of November 2000 and designated Motion For Extension Of Time is allowed as follows: The appellant's brief and the appellee's brief of defendants shall be filed on or before 27 December 2000.

By order of the Court this the 28th day of November 2000.

8 - MOTION (Allowed) - 12-27-2000
Filed: 12-27-2000 @ 12:00:00
FOR: Defendant-Appellant Mack & Brenda Blue
BY : Stephen S. Schmidly
MOSER, SCHMIDLY, MASON & ROOSE

The following order was entered:

The motion filed in this cause on the 27th day of December 2000 and designated Motion For Extension Of Time is allowed only as follows: Defendants' appellant and appellee briefs shall be filed on or before 16 January 2001.

By order of the Court this the 27th day of December 2000.

9 - APPELLANT BRIEF
Filed: 01-18-2001 @ 11:00:00
FOR: Defendant-Appellant Mack & Brenda Blue
BY : Stephen S. Schmidly
MOSER, SCHMIDLY, MASON & ROOSE

10 - APPELLEE BRIEF
Filed: 01-18-2001 @ 11:00:00
FOR: Defendant-Appellant Mack & Brenda Blue
BY : Stephen S. Schmidly
MOSER, SCHMIDLY, MASON & ROOSE

11 - MOTION (Allowed) - 02-14-2001
Filed: 02-14-2001 @ 12:00:00
FOR: Plaintiff-Appellant DOT
BY : Mr. Fred Lamar

The following order was entered:

The motion filed in this cause on the 14th day of February 2001 and designated Motion For Extension Of Time To File Plaintiff-Appellee's Brief is allowed. Plaintiff-appellee's brief shall be filed on or before 19 March 2001.

By order of the Court this the 14th day of February 2001.

12 - APPELLEE BRIEF
Filed: 03-16-2001 @ 02:55:00
FOR: Plaintiff-Appellant DOT
BY : Mr. Fred Lamar

13 - AIS INFORM SHT
Filed: 03-21-2001 @ 08:50:00
FOR: Defendant-Appellant Mack & Brenda Blue
BY : Stephen S. Schmidly
MOSEK, SCHMIDLY, MASON & ROOSE

14 - MOTION (Special Order) - 08-02-2001
Filed: 08-02-2001 @ 12:00:00
FOR: For the Court Farrar, Fletcher Lewis
BY : Hon. S Eagles, Jr.

The following order was entered:

The Court, ex mero motu, hereby moves the above matter for hearing on Monday, 13 August, 2001 to Monday, 27 August, 2001 in the 3rd Floor Courtroom of the Court of Appeals.

By order of the Court this the 2nd day of August 2001.

15 - MEMOS ADD-AUTH
Filed: 08-22-2001 @ 02:27:00
FOR: Plaintiff-Appellant DOT
BY : Mr. Fred Lamar

16 - MEMOS ADD-AUTH
Filed: 08-23-2001 @ 04:20:00
FOR: Defendant-Appellant Mack & Brenda Blue
BY : Mr. Marsh Smith
CUNNINGHAM, DEDMOND, PETERSEN & SMITH

17 - MOTION (Denied) - 12-21-2001
Filed: 08-23-2001 @ 12:00:00
FOR: Defendant-Appellant Mack & Brenda Blue
BY : Mr. Marsh Smith
CUNNINGHAM, DEDMOND, PETERSEN & SMITH

The following order was entered:

The motion filed in this cause on the 23rd day of August 2001 and designated Defendants' Motion To Supplement The Record On Appeal is denied.

By order of the Court this the 21st day of December 2001.

RESPONSE TO MOTION
Filed: 08-27-2001
BY :

18 - AIS INFORM SHT
 Filed: 08-27-2001 @ 12:33:00
 FOR: Defendant-Appellant Mack & Brenda Blue
 BY : Mr. Marsh Smith
 CUNNINGHAM, DEDMOND, PETERSEN & SMITH

Financial Information

Receipts

Date Charged	Charge Type	Amount Charged	Amount Paid	Document	Pages	Receipt #	Date Paid
09-26-2000	Printing	238.00	238.00	RECORD	136	R092042300A	11-06-2000
08-28-2000	Docket Fee	10.00	10.00			R082048400A	09-29-2000
11-07-2000	Printing	43.75	43.75	APPELLANT BRIEF	25	R112014600A	01-25-2001
03-30-2001	Printing	73.50	73.50	APPELLEE BRIEF	42	R032084801A	05-30-2001
09-26-2000	Printing	238.00	238.00	RECORD	136	R092042200A	09-26-2000
01-23-2001	Printing	64.75	64.75	APPELLEE BRIEF	37	R012059401A	01-23-2001
01-24-2001	Printing	59.50	59.50	APPELLANT BRIEF	34	R012064901A	01-24-2001

Payments

Payment Date	Payment Type	Amount	Check Number
02-14-2002	Disburse	245.50	21616

Exhibits

Parties

Party Name	Role
Department of Transportation	Plaintiff-Appellant
Blue, Mack	Defendant-Appellant
Blue, Brenda C.	Defendant-Appellant
Irby, Pierce B.	Defendant-Appellant
DOT	Plaintiff-Appellant
Mack & Brenda Blue	Defendant-Appellant

Attorneys

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