

# North Carolina Court of Appeals

## Docket Sheet

### Toomer v Garrett

**Case Number:** 01-1385  
**As of:** 05/01/2024  
**Case Closed:** Yes      **Close Date:** 01-21-2003      **Case Type:** Civil (Civil\_othr)      **Mediation:** No

ALGIE D. TOOMER, JR.,  
 Plaintiff,

V

GARLAND GARRETT, JOHN DOE #1,  
 JOHN DOE #2, individually and in their  
 official capacities; STATE OF NORTH  
 CAROLINA; NORTH CAROLINA  
 DEPARTMENT OF TRANSPORTATION  
 and NORTH CAROLINA DEPARTMENT  
 OF CORRECTION,  
 Defendants.

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<b>Docket Date:</b> 11-08-2001	<b>File Date:</b> 11-05-2001	<b>File Time:</b> 11:25	<b>Acquired Date:</b> 11-05-2001
<b>Bond Collected:</b> Yes	<b>Docket Fee:</b> Yes	<b>Pauper:</b> No	<b>Print Deposit:</b> No <b>State Appeals:</b> No

**History**

<b>Venue:</b> Wake (10)	<b>Heard In:</b> Superior Court
<b>To SC:</b> 03-07-2003	<b>From SC:</b> 03-27-2003

**Lower Court Number(s)**

Location: Wake (10)  
 Judge: Narley L. Cashwell  
 Case #: 00CVS1807

**Tracking/Argue**

**Argue Date:** 09-17-2002 #

**Opinion**

Opinion Date: 12-31-2002      Cert Date: 01-21-2003  
 Author: Honorable John C. Martin  
 Decision: Affirmed in part, reversed in part, and remanded  
 Opinion Notes:  
 Opinion Pages: 30      Opinion Cost: \$ 6.00  
 Cite: 155 NC App 462  
 Slip Opinion: <https://appellate.nccourts.org/opinions/?c=2&pdf=20332>

## Documents

Document	Date Recvd	Cert of Service	Rec/Brf Due	Resp. Due	Resp. Recvd	Mailed Out	Ruling	Ruling Date
(1) RECORD	11-05-2001					12-03-2001		
(2) INFORM SHT	11-16-2001	11-14-2001						
(3) MOTION	12-10-2001	12-07-2001					Allowed	12-10-2001
(4) MOTION	12-12-2001	12-11-2001		12-27-2001			Allowed	12-31-2001
(5) APPELLANT BRIEF	02-14-2002	02-14-2002				02-27-2002		
(6) MOTION	03-13-2002	03-13-2002					Allowed	03-13-2002
(7) MOTION	04-05-2002	04-05-2002					Denied	04-10-2002
(8) APPELLEE BRIEF	04-17-2002	04-17-2002				05-08-2002		
(9) APPELLEE BRIEF	04-17-2002	04-17-2002				04-26-2002		
(10) AMICUS	04-30-2002	04-29-2002				05-10-2002		
(11) REPLY	05-02-2002	05-01-2002				05-16-2002		
(12) REPLY	05-02-2002	05-01-2002				05-16-2002		
(13) MOTION	05-07-2002	05-07-2002		05-21-2002	05-16-2002		Allowed	09-17-2002
(14) MOTION	06-10-2002	06-07-2002		06-21-2002			Allowed	07-09-2002
(15) ADD-AUTH	09-12-2002	09-12-2002						

## 1 - RECORD

Filed: 11-05-2001 @ 11:25:00

FOR: Plaintiff-Appellant Algie D. Toomer, Jr.

BY : Mr. J. Michael McGuinness

## 2 - AIS INFORM SHT

Filed: 11-16-2001 @ 08:45:00

FOR: Plaintiff-Appellant Algie D. Toomer, Jr.

BY : Mr. J. Michael McGuinness

## 3 - MOTION (Allowed) - 12-10-2001

Filed: 12-10-2001 @ 12:00:00

FOR: Plaintiff-Appellant Algie D. Toomer, Jr.

BY : Mr. J. Michael McGuinness

The following order was entered:

The motion filed in this cause on the 10th day of December 2001 and designated Motion To Enlarge Time For Filing Brief is allowed. Plaintiff-appellant's brief shall be filed on or before 15 February 2002.

By order of the Court this the 10th day of December 2001.

## 4 - MOTION (Allowed) - 12-31-2001

Filed: 12-12-2001 @ 12:00:00

FOR: Amicus Stanfield, Mary C.

BY : Mr. William Hill

MOSS, MASON &amp; HILL

The following order was entered:

The motion filed in this cause on the 12th day of December 2001 and designated Motion By Police Benevolent Association To Appear As Amicus Curiae And For Leave To File An Amicus Curiae Brief is allowed as follows: The brief, which shall not exceed ten pages in length, shall be filed within ten days of the filing of the defendant-appellees' brief.

By order of the Court this the 31st day of December 2001.

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5 - APPELLANT BRIEF

Filed: 02-14-2002 @ 03:39:00

FOR: Plaintiff-Appellant Algie D. Toomer, Jr.

BY : Mr. J. Michael McGuinness

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6 - MOTION (Allowed) - 03-13-2002

Filed: 03-13-2002 @ 12:00:00

FOR: Defendant-Appellee Garland Garrett, et al.

BY : Ms. Tiare B. Smiley

The following order was entered:

The motion filed in this cause on the 13th day of March 2002 and designated Motion for Extension of Time to File Defendant-Appellees' Brief is allowed. Defendant-appellees' brief shall be filed on or before 17 April 2002.

By order of the Court this the 13th day of March 2002.

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7 - MOTION (Denied) - 04-10-2002

Filed: 04-05-2002 @ 12:00:00

FOR: Defendant-Appellee Garland Garrett, et al.

BY : Ms. Tiare B. Smiley

The following order was entered:

The motion filed in this cause on the 5th day of April 2002 and designated Motion To Extend Page Limitation For Defendant-Appellees' Brief is denied. Allowance of this motion would give defendant-appellees an unfair advantage because plaintiff-appellant has filed a brief in compliance with the page limitation of N.C.R. App. P. 28(j).  
By order of the Court this the 10th day of April 2002.

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8 - APPELLEE BRIEF

Filed: 04-17-2002 @ 04:39:00

FOR: Defendant-Appellee Garland Garrett, et al.

BY : Ms. Tiare B. Smiley

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9 - APPELLEE BRIEF

Filed: 04-17-2002 @ 04:39:00

FOR: Defendant-Appellee Garland Garrett, et al.

BY : Ms. Tiare B. Smiley

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10 - OTHER BRIEF AMICUS

Filed: 04-30-2002 @ 08:53:00

FOR: Amicus Stanfield, Mary C.

BY : Mr. William Hill

MOSS, MASON & HILL

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11 - APPELLANT BRIEF REPLY

Filed: 05-02-2002 @ 10:11:00

FOR: Plaintiff-Appellant Algie D. Toomer, Jr.

BY : Mr. J. Michael McGuinness

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12 - APPELLANT BRIEF REPLY

Filed: 05-02-2002 @ 10:11:00

FOR: Plaintiff-Appellant Algie D. Toomer, Jr.

BY : Mr. J. Michael McGuinness

13 - MOTION (Allowed) - 09-17-2002  
 Filed: 05-07-2002 @ 12:00:00  
 FOR: Defendant-Appellee Garland Garrett, et al.  
 BY : Ms. Tiare B. Smiley

The following order was entered:

The motion filed in this cause on the 7th day of May 2002 and designated Motion To Strike Plaintiff-Appellant's Reply Brief (Filed In Reply To Defendant-Appellees' Brief) is allowed.  
 By order of the Court this the 17th day of September 2002.

RESPONSE TO MOTION  
 Filed: 05-16-2002  
 BY :

14 - MOTION (Allowed) - 07-09-2002  
 Filed: 06-10-2002 @ 12:00:00  
 FOR: Plaintiff-Appellant Algie D. Toomer, Jr.  
 BY : Mr. J. Michael McGuinness

The following order was entered:

The motion filed in this cause on the 10th day of June 2002 and designated Appellant's Motion/Request For Oral Argument is allowed. This case is calendared for oral argument at Wake Forest Law School on 17 September 2002 at 3:00 p.m.  
 By order of the Court this the 9th day of July 2002.

15 - MEMOS ADD-AUTH  
 Filed: 09-12-2002 @ 04:27:00  
 FOR: Plaintiff-Appellant Algie D. Toomer, Jr.  
 BY : Mr. J. Michael McGuinness

**Financial Information**

**Receipts**

Date Charged	Charge Type	Amount Charged	Amount Paid	Document	Pages	Receipt #	Date Paid
04-26-2002	Printing	29.75	29.75	APPELLEE BRIEF	17	R042059302A	06-24-2002
05-08-2002	Printing	106.75	106.75	APPELLEE BRIEF	61	R052006102A	07-15-2002
12-31-2002	Assess	86.50	86.50			R122044502A	02-07-2003
11-08-2001	Bond	250.00	250.00			R112024001A	11-08-2001
11-08-2001	Docket Fee	10.00	10.00			R112024001A	11-08-2001
12-03-2001	Printing	154.00	154.00	RECORD	88	R122005301A	12-03-2001
02-27-2002	Printing	89.25	89.25	APPELLANT BRIEF	51	R022053102A	02-27-2002
05-16-2002	Printing	28.00	35.00	APPELLANT BRIEF	16	R052040702A	05-16-2002
05-16-2002	Printing	42.00	35.00	APPELLANT BRIEF	24	R052040802A	05-16-2002
05-16-2002	Balance	7.00	0.00	APPELLANT BRIEF	24		
05-10-2002	Printing	29.75	29.75	OTHER BRIEF	17	R052013702A	05-10-2002

**Payments**

Payment Date	Payment Type	Amount	Check Number
12-31-2002	Disburse	245.50	23218

02-11-2003 Disburse 82.00 23447

**Exhibits**

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**Parties**

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Party Name	Role
Toomer, Algie D. (Jr.)	Plaintiff-Appellant
Garrett, Garland	Defendant-Appellee
Doe, John (#1)	Defendant-Appellee
Doe, John (#2)	Defendant-Appellee
State of North Carolina	Defendant-Appellee
NC Department Of Transportation	Defendant-Appellee
NC Department of Correction	Defendant-Appellee
Algie D. Toomer, Jr.	Plaintiff-Appellant

**Attorneys**

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**Attorney for Plaintiff-Appellant - Algie D. Toomer, Jr.**

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 Raleigh, NC 27604

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