

# North Carolina Court of Appeals

## Docket Sheet

### Payne v Department of Transportation

**Case Number:** 01-1547

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

**Case Closed:** Yes

**Close Date:** 01-21-2003

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

**Mediation:** No

THOMAS L. PAYNE and his wife,  
JERLEAN BOLES PAYNE,  
Plaintiffs,

V

DEPARTMENT OF TRANSPORTATION  
of the STATE OF NORTH CAROLINA,  
Defendant.

**Docket Date:** 12-19-2001

**File Date:** 12-13-2001

**File Time:** 04:05

**Acquired Date:** 12-13-2001

**Bond Collected:** No

**Docket Fee:** No

**Pauper:** No

Print Deposit: No

**State Appeals:** Yes

#### History

**Venue:** Surry (23)

**Heard In:** Superior Court

**To SC:**

**From SC:**

#### Lower Court Number(s)

Location: Surry (23)

Judge: William H. Freeman

Case #: 98CVS62

#### Tracking/Argue

**Argue Date:** 10-08-2002 (No oral argument by Rule 30(f))

#### Opinion

Opinion Date: 12-31-2002

Cert Date: 01-21-2003

Author: Honorable Linda M. McGee

Decision: Reversed and remanded

Opinion Notes:

Opinion Pages: 8

Opinion Cost: \$ 1.60

Cite: 155 NC App 221

Slip Opinion: <https://appellate.nccourts.org/opinions/?c=2&pdf=20481>

#### Documents

Document	Date Recvd	Cert of Service	Rec/Brt Due	Resp. Due	Resp. Recvd	Mailed Out	Ruling	Ruling Date
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(1) RECORD	12-13-2001					01-09-2002		
(2) INFORM SHT	01-25-2002	01-23-2002						
(3) MOTION	02-04-2002	02-04-2002					Allowed	02-05-2002
(4) APPELLANT BRIEF	03-11-2002	03-08-2002				03-21-2002		
(5) MOTION	04-08-2002	04-05-2002					Allowed	04-08-2002
(6) APPELLEE BRIEF	05-13-2002	05-10-2002				05-29-2002		

**1 - RECORD**

Filed: 12-13-2001 @ 04:05:00

FOR: Defendant-Appellant DOT of the State of NC

BY : Mr. W. Richard Moore

**2 - AIS INFORM SHT**

Filed: 01-25-2002 @ 09:02:00

FOR: Defendant-Appellant DOT of the State of NC

BY : Mr. W. Richard Moore

**3 - MOTION (Allowed) - 02-05-2002**

Filed: 02-04-2002 @ 12:00:00

FOR: Defendant-Appellant DOT of the State of NC

BY : Mr. W. Richard Moore

The following order was entered:

The motion filed in this cause on the 4th day of February 2002 and designated Motion For Extension Of Time To File Appellant's Brief is allowed. Defendant-appellant's brief shall be filed on or before 8 March 2002.

By order of the Court this the 5th day of February 2002.

**4 - APPELLANT BRIEF**

Filed: 03-11-2002 @ 08:53:00

FOR: Defendant-Appellant DOT of the State of NC

BY : Mr. W. Richard Moore

**5 - MOTION (Allowed) - 04-08-2002**

Filed: 04-08-2002 @ 12:00:00

FOR: Plaintiff-Appellee Thomas &amp; Jerlean Payne

BY : Mr. Max Ballinger

The following order was entered:

The motion filed in this cause on the 8th day of April 2002 and designated Plaintiff-Appellees' Motion For Extension Of Time To File Brief is allowed. Plaintiff-appellees' brief shall be filed on or before 10 May 2002.

By order of the Court this the 8th day of April 2002.

**6 - APPELLEE BRIEF**

Filed: 05-13-2002 @ 09:17:00

FOR: Plaintiff-Appellee Thomas &amp; Jerlean Payne

BY : Mr. Max Ballinger

<b>Financial Information</b>
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<b>Receipts</b>
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Date Charged	Charge Type	Amount Charged	Amount Paid	Document	Pages	Receipt #	Date Paid
01-09-2002	Printing	185.50	185.50	RECORD	106	R012006102A	03-04-2002

01-18-2002	Docket Fee	10.00	10.00			R012036802A	01-18-2002
03-21-2002	Printing	63.00	63.00	APPELLANT BRIEF	36	R032034702A	05-23-2002
05-29-2002	Printing	40.25	40.25	APPELLEE BRIEF	23	R052062702A	05-29-2002
12-31-2002	Assess	267.50	0.00				

### Exhibits

### Parties

Party Name	Role
Payne, Thomas L.	Plaintiff-Appellee
Payne, Jerlean Boles	Plaintiff-Appellee
Department of Transportation of NC	Defendant-Appellant
DOT of the State of NC	Defendant-Appellant
Thomas & Jerlean Payne	Plaintiff-Appellee

### Attorneys

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