

North Carolina Court of Appeals

Docket Sheet

DOT v Stout

Case Number: 02-79

As of: 04/30/2024

Case Closed: Yes

Close Date: 08-25-2003

Case Type: Civil (Civil_othr)

Mediation: No

DEPARTMENT OF TRANSPORTATION,
Plaintiff,

V

SAMUEL BLAKE STOUT and wife,
KATHY NEEL STOUT,
Defendants.

Docket Date:	01-25-2002	File Date:	01-15-2002	File Time:	01:54	Acquired Date:	01-15-2002
Bond Collected:	Yes	Docket Fee:	Yes	Pauper:	No	Print Deposit:	No
						State Appeals:	No

History

Venue:	Moore (29)	Heard In:	Superior Court
To SC:		From SC:	

Lower Court Number(s)

Location: Moore (29)

Judge: Melzer A. Morgan Jr.

Case #: 01CVS180

Tracking/Argue

Argue Date: 05-12-2003 #

Opinion

Opinion Date: 08-05-2003 **Cert Date:** 08-25-2003

Author: Honorable Sidney S. Eagles, Jr.

Decision: Dismissed

Opinion Notes:

Opinion Pages: 8 **Opinion Cost:** \$ 1.60

Cite:

Slip Opinion: <https://appellate.nccourts.org/opinions/?c=2&pdf=20611>

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	01-15-2002					02-11-2002		
(2) MOTION	03-14-2002	03-13-2002		04-01-2002			Allowed	04-02-2002
(3) MOTION	03-14-2002	03-13-2002					Allowed	03-14-2002
(4) MOTION	04-15-2002	04-11-2002					Allowed	04-16-2002
(5) MOTION	05-20-2002	05-17-2002					Allowed	05-21-2002
(6) MOTION	06-17-2002	06-12-2002					Allowed	06-18-2002
(7) MOTION	07-24-2002	07-22-2002		08-05-2002			Allowed	08-08-2002
(8) MOTION	08-23-2002	08-21-2002		09-04-2002			Allowed	09-05-2002
(9) APPELLANT BRIEF	09-23-2002	09-20-2002				10-07-2002		
(10) MOTION	10-10-2002	10-10-2002					Allowed	10-11-2002
(11) MOTION	11-18-2002	11-18-2002					Allowed	11-20-2002
(12) APPELLEE BRIEF	12-20-2002	12-20-2002				01-10-2003		
(13) MOTION	01-06-2003	01-03-2003					Allowed	01-06-2003
(14) MOTION	02-03-2003	01-31-2003					Allowed	02-05-2003
(15) MOTION	03-07-2003	03-05-2003		03-19-2003			Denied	03-21-2003
(16) REPLY	04-03-2003	03-31-2003				04-10-2003		
(17) MOTION	04-08-2003	04-08-2003		04-22-2003			Allowed	08-14-2003
(18) ADD-AUTH	05-12-2003	05-12-2003						
(19) INFORM SHT	05-12-2003	05-12-2003						

1 - RECORD

Filed: 01-15-2002 @ 01:54:00

FOR: Defendant-Appellant Samuel & Kathy Stout

BY : Mr. Marsh Smith

CUNNINGHAM, DEDMOND, PETERSEN & SMITH, LLP

2 - MOTION (Allowed) - 04-02-2002

Filed: 03-14-2002 @ 12:00:00

FOR: Defendant-Appellant Samuel & Kathy Stout

BY : Mr. Marsh Smith

CUNNINGHAM, DEDMOND, PETERSEN & SMITH, LLP

The following order was entered:

The motion filed in this cause on the 14th day of March 2002 and designated Motion To Consolidate is allowed. COA02-79 and COA02-80 are consolidated for the purposes of briefing and argument. By order of the Court this the 2nd day of April 2002.

3 - MOTION (Allowed) - 03-14-2002

Filed: 03-14-2002 @ 12:00:00

FOR: Defendant-Appellant Samuel & Kathy Stout

BY : Mr. Marsh Smith

CUNNINGHAM, DEDMOND, PETERSEN & SMITH, LLP

The following order was entered:

The motion filed in this cause on the 14th day of March 2002 and designated Motion for Extension of Time is allowed. Defendant-appellants' brief shall be filed on or before 12 April 2002.

By order of the Court this the 14th day of March 2002.

4 - MOTION (Allowed) - 04-16-2002
Filed: 04-15-2002 @ 12:00:00
FOR: Defendant-Appellant Samuel & Kathy Stout
BY : Mr. Marsh Smith
CUNNINGHAM, DEDMOND, PETERSEN & SMITH, LLP

The following order was entered:

The motion filed in this cause on the 15th day of April 2002 and designated Motion For Extension Of Time is allowed. Defendant-appellants' brief shall be filed on or before 20 May 2002.
By order of the Court this the 16th day of April 2002.

5 - MOTION (Allowed) - 05-21-2002
Filed: 05-20-2002 @ 12:00:00
FOR: Defendant-Appellant Samuel & Kathy Stout
BY : Stephen S. Schmidly
MOSER SCHMIDLY & ROOSE

The following order was entered:

The motion filed in this cause on the 20th day of May 2002 and designated Motion For Extension Of Time is allowed. Defendant-appellants' brief shall be filed on or before 20 June 2002.
By order of the Court this the 21st day of May 2002.

6 - MOTION (Allowed) - 06-18-2002
Filed: 06-17-2002 @ 12:00:00
FOR: Defendant-Appellant Samuel & Kathy Stout
BY : Stephen S. Schmidly
MOSER SCHMIDLY & ROOSE

The following order was entered:

The motion filed in this cause on the 17th day of June 2002 and designated Motion For Extension Of Time is allowed. Defendant-appellants' brief shall be filed on or before 22 July 2002.
By order of the Court this the 18th day of June 2002.

7 - MOTION (Allowed) - 08-08-2002
Filed: 07-24-2002 @ 12:00:00
FOR: Defendant-Appellant Samuel & Kathy Stout
BY : Stephen S. Schmidly
MOSER SCHMIDLY & ROOSE

The following order was entered:

The motion filed in this cause on the 24th day of July 2002 and designated Motion For Extension Of Time is allowed. Defendant-appellants' brief shall be filed on or before 21 August 2002.
By order of the Court this the 8th day of August 2002.

8 - MOTION (Allowed) - 09-05-2002
Filed: 08-23-2002 @ 12:00:00
FOR: Defendant-Appellant Samuel & Kathy Stout
BY : Stephen S. Schmidly
MOSER SCHMIDLY & ROOSE

The following order was entered:

The motion filed in this cause on the 23rd day of August 2002 and designated Motion For Extension Of Time is allowed as follows: Defendant-appellants' brief shall be filed on or before 20 September 2002.

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

9 - APPELLANT BRIEF
Filed: 09-23-2002 @ 09:10:00
FOR: Defendant-Appellant Samuel & Kathy Stout
BY : Mr. Marsh Smith
CUNNINGHAM, DEDMOND, PETERSEN & SMITH, LLP

10 - MOTION (Allowed) - 10-11-2002
Filed: 10-10-2002 @ 12:00:00
FOR: Plaintiff-Appellee Department of Transportation
BY : Mr. Fred Lamar

The following order was entered:

The motion filed in this cause on the 10th day of October 2002 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 22 November 2002. By order of the Court this the 11th day of October 2002.

11 - MOTION (Allowed) - 11-20-2002
Filed: 11-18-2002 @ 12:00:00
FOR: Plaintiff-Appellee Department of Transportation
BY : Mr. Fred Lamar

The following order was entered:

The motion filed in this cause on the 18th day of November 2002 and designated Second Motion For Extension Of Time To File Plaintiff-Appellee's Brief is allowed. Plaintiff-appellee's brief shall be filed on or before 23 December 2002. By order of the Court this the 20th day of November 2002.

12 - APPELLEE BRIEF
Filed: 12-20-2002 @ 11:25:00
FOR: Plaintiff-Appellee Department of Transportation
BY : Mr. Fred Lamar

13 - MOTION (Allowed) - 01-06-2003
Filed: 01-06-2003 @ 12:00:00
FOR: Defendant-Appellant Samuel & Kathy Stout
BY : Stephen S. Schmidly
MOSER SCHMIDLY & ROOSE

The following order was entered:

The motion filed in this cause on the 6th day of January 2003 and designated Motion For Extension Of Time is allowed as follows: Defendant-appellants' reply brief, if permitted by N.C.R. App. P. 28(h), shall be filed on or before 3 February 2003. By order of the Court this the 6th day of January 2003.

14 - MOTION (Allowed) - 02-05-2003
Filed: 02-03-2003 @ 12:00:00
FOR: Defendant-Appellant Samuel & Kathy Stout
BY : Mr. Marsh Smith
CUNNINGHAM, DEDMOND, PETERSEN & SMITH, LLP

The following order was entered:

The motion filed in this cause on the 3rd day of February 2003 and designated Motion for Extension of Time is allowed. Defendant-appellants' reply brief, if permitted by N.C.R. App. P. 28(h), shall be filed on or before 5 March 2003.

By order of the Court this the 5th day of February 2003.

15 - MOTION (Denied) - 03-21-2003
 Filed: 03-07-2003 @ 12:00:00
 FOR: Defendant-Appellant Samuel & Kathy Stout
 BY : Mr. Marsh Smith
 CUNNINGHAM, DEDMOND, PETERSEN & SMITH, LLP

The following order was entered:

The motion filed in this cause on the 7th day of March 2003 and designated Motion For Extension Of Time is denied.

By order of the Court this the 21st day of March 2003.

16 - APPELLANT BRIEF REPLY
 Filed: 04-03-2003 @ 08:46:00
 FOR: Defendant-Appellant Samuel & Kathy Stout
 BY : Mr. Marsh Smith
 CUNNINGHAM, DEDMOND, PETERSEN & SMITH, LLP

17 - MOTION (Allowed) - 08-14-2003
 Filed: 04-08-2003 @ 12:00:00
 FOR: Plaintiff-Appellee Department of Transportation
 BY : Mr. Fred Lamar

The following order was entered:

The motion filed in this cause on the 8th day of April 2003 and designated Plaintiff-Appellee's Motion To Strike Defendant-Appellants' Reply Brief is allowed.

By order of the Court this the 14th day of August 2003.

18 - MEMOS ADD-AUTH
 Filed: 05-12-2003 @ 01:08:00
 FOR: Defendant-Appellant Samuel & Kathy Stout
 BY : Mr. Marsh Smith
 CUNNINGHAM, DEDMOND, PETERSEN & SMITH, LLP

19 - AIS INFORM SHT
 Filed: 05-12-2003 @ 01:08:00
 FOR: Defendant-Appellant Samuel & Kathy Stout
 BY : Mr. Marsh Smith
 CUNNINGHAM, DEDMOND, PETERSEN & SMITH, LLP

Financial Information

Receipts

Date Charged	Charge Type	Amount Charged	Amount Paid	Document	Pages	Receipt #	Date Paid
01-25-2002	Bond	250.00	250.00			R012049102A	01-25-2002
01-25-2002	Docket Fee	10.00	10.00			R012049102A	01-25-2002
02-11-2002	Printing	171.50	171.50	RECORD	98	R022004702A	02-11-2002
10-07-2002	Printing	56.00	56.00	APPELLANT BRIEF	32	R102010002A	10-16-2002
04-10-2003	Printing	47.25	47.25	APPELLANT BRIEF	27	R042021803A	05-09-2003
01-10-2003	Printing	40.25	40.25	APPELLEE BRIEF	23	R012020103A	03-24-2003

Payments

Payment Date	Payment Type	Amount	Check Number
08-05-2003	Disburse	40.25	24257
08-05-2003	Disburse	200.75	24258

Exhibits

Parties

Party Name	Role
Department of Transportation	Plaintiff-Appellee
Stout, Samuel Blake	Defendant-Appellant
Stout, Kathy Neel	Defendant-Appellant
Samuel & Kathy Stout	Defendant-Appellant

Attorneys

Attorney for Defendant-Appellant - Samuel & Kathy Stout

Mr. Marsh Smith [Primary Attorney]

Attorney at Law

marsh@marshsmithlaw.com

CUNNINGHAM, DEDMOND, PETERSEN & SMITH, LLP

P.O. Box 1468

Southern Pines, NC 28388

(910) 695-0800

Attorney for Defendant-Appellant - Samuel & Kathy Stout

Stephen S. Schmidly [Primary Attorney]

ssschmidly@msmrlaw1.com

MOSER SCHMIDLY & ROOSE

19 South Fayetteville Street Suite 400

Asheboro, NC 27203

(336) 626-8000

Attorney for Plaintiff-Appellee - Department of Transportation

Mr. Fred Lamar [Primary Attorney]

Special Deputy Attorney General

flamar@ncdoj.gov

Ms. Lisa C. Glover

Assistant Attorney General

lcglover@ncdoj.gov

P.O. Box 629

Raleigh, NC 27602

Attorney for -

N. C. Dept. of Justice [Primary Attorney]
N.C. DEPARTMENT OF JUSTICE
P.O. Box 629
Raleigh, NC 27602

Attorney for Plaintiff-Appellee - Department of Transportation

Mr. Clinton Hicks
1505 Mail Service Center
Raleigh, NC 27699
