

# North Carolina Court of Appeals

## Docket Sheet

DOT v Peele

**Case Number:** 02-80

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

**Case Closed:** Yes

**Close Date:** 08-25-2003

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

**Mediation:** No

DEPARTMENT OF TRANSPORTATION,  
Plaintiff,

V

CLINTON G. PEELE and wife,  
KAY KEITH PEELE,  
Defendants.

<b>Docket Date:</b>	01-25-2002	<b>File Date:</b>	01-15-2002	<b>File Time:</b>	01:54	<b>Acquired Date:</b>	01-15-2002
<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>	Moore (29)	<b>Heard In:</b>	Superior Court
<b>To SC:</b>		<b>From SC:</b>	

### Lower Court Number(s)

**Location:** Moore (29)

**Judge:** Melzer A. Morgan Jr.

**Case #:** 00CVS975

### 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=20612>

### 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					Allowed	03-14-2002
(3) MOTION	03-14-2002	03-13-2002		04-01-2002			Allowed	04-02-2002
(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 Clinton &amp; Kay Peele

BY : Mr. Marsh Smith

CUNNINGHAM, DEDMOND, PETERSEN &amp; SMITH, LLP

## 2 - MOTION (Allowed) - 03-14-2002

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

FOR: Defendant-Appellant Clinton &amp; Kay Peele

BY : Mr. Marsh Smith

CUNNINGHAM, DEDMOND, PETERSEN &amp; 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.

## 3 - MOTION (Allowed) - 04-02-2002

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

FOR: Defendant-Appellant Clinton &amp; Kay Peele

BY : Mr. Marsh Smith

CUNNINGHAM, DEDMOND, PETERSEN &amp; 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 Appeal 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.

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4 - MOTION (Allowed) - 04-16-2002  
Filed: 04-15-2002 @ 12:00:00  
FOR: Defendant-Appellant Clinton & Kay Peele  
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.

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5 - MOTION (Allowed) - 05-21-2002  
Filed: 05-20-2002 @ 12:00:00  
FOR: Defendant-Appellant Clinton & Kay Peele  
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.

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6 - MOTION (Allowed) - 06-18-2002  
Filed: 06-17-2002 @ 12:00:00  
FOR: Defendant-Appellant Clinton & Kay Peele  
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.

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7 - MOTION (Allowed) - 08-08-2002  
Filed: 07-24-2002 @ 12:00:00  
FOR: Defendant-Appellant Clinton & Kay Peele  
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.

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8 - MOTION (Allowed) - 09-05-2002  
Filed: 08-23-2002 @ 12:00:00  
FOR: Defendant-Appellant Clinton & Kay Peele  
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.

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

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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.

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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.

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

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13 - MOTION (Allowed) - 01-06-2003  
Filed: 01-06-2003 @ 12:00:00  
FOR: Defendant-Appellant Clinton & Kay Peele  
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.

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

19 - AIS INFORM SHT  
 Filed: 05-12-2003 @ 01:08:00  
 FOR: Defendant-Appellant Clinton & Kay Peele  
 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			R012049302A	01-25-2002
01-25-2002	Docket Fee	10.00	10.00			R012049302A	01-25-2002
02-11-2002	Printing	178.50	178.50	RECORD	102	R022004802A	02-11-2002
10-07-2002	Printing	56.00	56.00	APPELLANT BRIEF	32	R102010102A	10-16-2002
04-10-2003	Printing	47.25	47.25	APPELLANT BRIEF	27	R042021903A	05-09-2003
01-10-2003	Printing	40.25	40.25	APPELLEE BRIEF	23	R012020203A	03-24-2003

#### Payments

Payment Date	Payment Type	Amount	Check Number
08-05-2003	Disburse	40.25	24259
08-05-2003	Disburse	200.75	24260

<b>Exhibits</b>
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<b>Parties</b>
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Party Name	Role
Department of Transportation	Plaintiff-Appellee
Peele, Clinton G.	Defendant-Appellant
Peele, Kay Keith	Defendant-Appellant
Clinton & Kay Peele	Defendant-Appellant

<b>Attorneys</b>
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**Attorney for Defendant-Appellant - Clinton & Kay Peele**

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Attorney at Law

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