

# North Carolina Court of Appeals

## Docket Sheet

### Battle Ridge Companies v NC DOT

**Case Number:** 02-973

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

**Case Closed:** Yes

**Close Date:** 11-24-2003

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

**Mediation:** No

BATTLE RIDGE COMPANIES,  
Plaintiff,

V

NORTH CAROLINA DEPARTMENT  
OF TRANSPORTATION,  
Defendant.

<b>Docket Date:</b> 07-26-2002	<b>File Date:</b> 07-24-2002	<b>File Time:</b> 01:05	<b>Acquired Date:</b> 07-24-2002
<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> Wake (10)	<b>Heard In:</b> Superior Court
<b>To SC:</b>	<b>From SC:</b> 03-04-2004

#### Lower Court Number(s)

**Location:** Wake (10)

**Judge:** Orlando F. Hudson

**Case #:** 99CVS8414

#### Tracking/Argue

**Argue Date:** 06-10-2003 #

#### Opinion

**Opinion Date:** 11-04-2003    **Cert Date:** 11-24-2003

**Author:** Honorable Robin Hudson

**Decision:** Reversed and remanded

**Opinion Notes:**

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

**Cite:** 161 NC App 156

**Slip Opinion:** <https://appellate.nccourts.org/opinions/?c=2&pdf=21410>

#### Documents

Document	Date Recvd	Cert of Service	Rec/Brf Due	Resp. Due	Resp. Recvd	Mailed Out	Ruling	Ruling Date
----------	------------	-----------------	-------------	-----------	-------------	------------	--------	-------------

(1) RECORD	07-24-2002					08-22-2002		
(2) MOTION	09-19-2002	09-18-2002					Allowed	09-19-2002
(3) APPELLANT BRIEF	10-18-2002	10-17-2002				10-30-2002		
(4) MOTION	11-12-2002	11-12-2002					Allowed	11-12-2002
(5) MOTION	12-10-2002	12-10-2002					Allowed	12-11-2002
(6) APPELLEE BRIEF	01-21-2003	01-21-2003				02-05-2003		

---

1 - RECORD

Filed: 07-24-2002 @ 01:05:00

FOR: Plaintiff-Appellant Battle Ridge Companies

BY : Harry R. Bivens

SMITH, CURRIE &amp; HANCOCK, LLP

---

2 - MOTION (Allowed) - 09-19-2002

Filed: 09-19-2002 @ 12:00:00

FOR: Plaintiff-Appellant Battle Ridge Companies

BY : Harry R. Bivens

SMITH, CURRIE &amp; HANCOCK, LLP

The following order was entered:

The motion filed in this cause on the 19th day of September 2002 and designated Motion For Extension Of Time is allowed. Plaintiff-appellant's brief shall be filed on or before 21 October 2002.

By order of the Court this the 19th day of September 2002.

---

3 - APPELLANT BRIEF

Filed: 10-18-2002 @ 09:37:00

FOR: Plaintiff-Appellant Battle Ridge Companies

BY : Harry R. Bivens

SMITH, CURRIE &amp; HANCOCK, LLP

---

4 - MOTION (Allowed) - 11-12-2002

Filed: 11-12-2002 @ 12:00:00

FOR: Defendant-Appellee NC Dept. of Transportation

BY : Mr. Joseph E. Herrin

The following order was entered:

The motion filed in this cause on the 12th day of November 2002 and designated Motion For Extension Of Time To File Defendant-Appellee's Brief is allowed. Defendant-appellee's brief shall be filed on or before 19 December 2002.

By order of the Court this the 12th day of November 2002.

---

5 - MOTION (Allowed) - 12-11-2002

Filed: 12-10-2002 @ 12:00:00

FOR: Defendant-Appellee NC Dept. of Transportation

BY : Mr. Joseph E. Herrin

The following order was entered:

The motion filed in this cause on the 10th day of December 2002 and designated Motion For Extension Of Time To File Defendant-Appellee's Brief is allowed. Defendant-appellee's brief shall be filed on or before 21 January 2003.

By order of the Court this the 11th day of December 2002.

6 - APPELLEE BRIEF  
 Filed: 01-21-2003 @ 04:58:00  
 FOR: Defendant-Appellee NC Dept. of Transportation  
 BY : Mr. Joseph E. Herrin

### Financial Information

#### Receipts

Date Charged	Charge Type	Amount Charged	Amount Paid	Document	Pages	Receipt #	Date Paid
02-05-2003	Printing	134.75	134.75	APPELLEE BRIEF	77	R022011803A	07-18-2003
11-04-2003	Assess	344.50	344.50			R112000903A	12-17-2003
07-26-2002	Bond	250.00	250.00			R072056102A	07-26-2002
07-26-2002	Docket Fee	10.00	10.00			R072056102A	07-26-2002
08-22-2002	Printing	274.75	274.75	RECORD	157	R082037702A	08-22-2002
10-30-2002	Printing	50.75	50.75	APPELLANT BRIEF	29	R102065702A	11-25-2002

#### Payments

Payment Date	Payment Type	Amount	Check Number
11-04-2003	Disburse	250.00	24689
12-18-2003	Disburse	335.50	24989

### Exhibits

### Parties

Party Name	Role
Battle Ridge Companies	Plaintiff-Appellant
NC Department Of Transportation	Defendant-Appellee
NC Dept. of Transportation	Defendant-Appellee

### Attorneys

#### Attorney for Plaintiff-Appellant - Battle Ridge Companies

Harry R. Bivens [Primary Attorney]  
 hrbivens@smithcurrie.com  
 SMITH, CURRIE & HANCOCK, LLP  
 1023 West Morehead Street  
 Suite 301  
 Charlotte, NC 28028  
 (704) 334-3459

**Attorney for Defendant-Appellee - NC Dept. of Transportation**

Mr. Joseph E. Herrin [Primary Attorney]

Special Deputy Attorney General

JHerrin@ncdoj.gov

1505 Mail Service Center

Raleigh, NC 27699

(919) 707-4480

---

**Attorney for Defendant-Appellee - NC Dept. of Transportation**

Mr. Steven Armstrong

Special Deputy Attorney General

sarmst@ncdoj.gov

P.O. Box 629

Raleigh, NC 27602

(919) 716-6500

---