

North Carolina Court of Appeals

Docket Sheet

Rifenburg Constr. v Brier Creek Assoc.

Case Number: 02-1391

As of: 05/01/2024

Case Closed: Yes

Close Date: 11-10-2003

Case Type: Civil (Civil_othr)

Mediation: No

RIFENBURG CONSTRUCTION, INC.,
Plaintiff,

V

BRIER CREEK ASSOCIATES LIMITED
PARTNERSHIP, NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION,
RTP ASSEMBLAGE ASSOCIATES, LLC,
ATHENA AIRPORT ASSEMBLAGE, LP,
and ATHENA AIRPORT ASSEMBLAGE CORP.,
Defendants.

Docket Date: 10-17-2002

File Date: 10-11-2002

File Time: 11:19

Acquired Date: 10-11-2002

Bond Collected: No

Docket Fee: Yes

Pauper: No

Print Deposit: No

State Appeals: Yes

History

Venue: Wake (10)

Heard In: Superior Court

To SC: 11-19-2003

From SC: 04-02-2004

Lower Court Number(s)

Location: Wake (10)

Judge: Leon Stanback

Case #: 01CVS13549

Tracking/Argue

Argue Date: 09-16-2003 (No oral argument by Rule 30(f))

Opinion

Opinion Date: 10-21-2003

Cert Date: 11-10-2003

Author: Honorable John M. Tyson

Decision: Reversed and remanded

Opinion Notes:

Opinion Pages: 0

Opinion Cost: \$ 0.00

Cite: 160 NC App 626

Slip Opinion: <https://appellate.nccourts.org/opinions/?c=2&pdf=21766>

Documents

Document	Date Recvd	Cert of Service	Rec/Brf Due	Resp. Due	Resp. Recvd	Mailed Out	Ruling	Ruling Date
(1) RECORD	10-11-2002					10-30-2002		
(2) INFORM SHT	10-11-2002	10-11-2002						
(3) MOTION	11-25-2002	11-25-2002					Allowed	11-26-2002
(4) APPELLANT BRIEF	01-02-2003	01-02-2003				01-15-2003		
(5) MOTION	01-22-2003	01-22-2003					Allowed	01-24-2003
(6) MOTION	01-22-2003	01-22-2003					Allowed	01-24-2003
(7) MOTION	02-24-2003	02-24-2003					Allowed	02-26-2003
(8) MOTION	02-24-2003	02-24-2003					Allowed	02-26-2003
(9) APPELLEE BRIEF	04-21-2003	04-21-2003				05-02-2003		
(10) APPELLEE BRIEF	04-21-2003	04-21-2003				05-02-2003		
(11) REPLY	05-09-2003	05-09-2003				05-23-2003		
(12) MOTION	05-20-2003	05-20-2003		06-03-2003			Denied	10-24-2003
(13) MOTION	05-20-2003	05-20-2003		06-03-2003			Denied	10-24-2003
(14) MOTION	05-27-2003	05-27-2003					Allowed	05-28-2003
(15) MOTION	11-06-2003	11-04-2003					Allowed	11-13-2003
(16) MOTION	11-06-2003	11-05-2003					Allowed	11-13-2003
(17) MOTION	11-06-2003	11-05-2003					Allowed	11-13-2003

1 - RECORD

Filed: 10-11-2002 @ 11:19:00
FOR: Defendant-Appellant NC DOT
BY : Mr. Joseph E. Herrin

2 - AIS INFORM SHT

Filed: 10-11-2002 @ 11:20:00
FOR: Defendant-Appellant NC DOT
BY : Mr. Joseph E. Herrin

3 - MOTION (Allowed) - 11-26-2002

Filed: 11-25-2002 @ 12:00:00
FOR: Defendant-Appellant NC DOT
BY : Mr. Joseph E. Herrin

The following order was entered:

The motion filed in this cause on the 25th day of November 2002 and designated Motion For Extension Of Time To File Defendant-Appellant's Brief is allowed. Defendant-appellant's brief shall be filed on or before 2 January 2003.

By order of the Court this the 26th day of November 2002.

4 - APPELLANT BRIEF

Filed: 01-02-2003 @ 02:19:00
FOR: Defendant-Appellant NC DOT
BY : Mr. Joseph E. Herrin

5 - MOTION (Allowed) - 01-24-2003
Filed: 01-22-2003 @ 12:00:00
FOR: Plaintiff-Appellee Rifenburg Construction, INC
BY : Mr. Perry R. Safran
SAFRAN LAW OFFICE

The following order was entered:

The motion filed in this cause on the 22nd day of January 2003 and designated Motion For Extension Of Time is allowed. Plaintiff-appellee's brief shall be filed on or before 6 March 2003.

By order of the Court this the 24th day of January 2003.

6 - MOTION (Allowed) - 01-24-2003
Filed: 01-22-2003 @ 12:00:00
FOR: Rifenburg Co.
BY : Mr. Perry R. Safran
SAFRAN LAW OFFICE

The following order was entered:

The motion filed in this cause on the 22nd day of January 2003 and designated Motion For Extension Of Time is allowed. Plaintiff-appellee's brief shall be filed on or before 6 March 2003.

By order of the Court this the 24th day of January 2003.

7 - MOTION (Allowed) - 02-26-2003
Filed: 02-24-2003 @ 12:00:00
FOR: Plaintiff-Appellee Rifenburg Construction, INC
BY : Mr. Perry R. Safran
SAFRAN LAW OFFICE

The following order was entered:

The motion filed in this cause on the 24th day of February 2003 and designated Motion For Extension Of Time is allowed. Plaintiff-appellee's brief shall be filed on or before 21 April 2003.

By order of the Court this the 26th day of February 2003.

8 - MOTION (Allowed) - 02-26-2003
Filed: 02-24-2003 @ 12:00:00
FOR: Rifenburg Co.
BY : Mr. Perry R. Safran
SAFRAN LAW OFFICE

The following order was entered:

The motion filed in this cause on the 24th day of February 2003 and designated Motion For Extension Of Time is allowed. Plaintiff-appellee's brief shall be filed on or before 21 April 2003.

By order of the Court this the 26th day of February 2003.

9 - APPELLEE BRIEF
Filed: 04-21-2003 @ 04:05:00
FOR: Plaintiff-Appellee Rifenburg Construction, INC
BY : Mr. Perry R. Safran
SAFRAN LAW OFFICE

10 - APPELLEE BRIEF
Filed: 04-21-2003 @ 04:05:00
FOR: Rifenburg Co.
BY : Mr. Perry R. Safran
SAFRAN LAW OFFICE

11 - APPELLANT BRIEF REPLY
Filed: 05-09-2003 @ 02:35:00
FOR: Defendant-Appellant NC DOT
BY : Mr. Joseph E. Herrin

12 - MOTION (Denied) - 10-24-2003
Filed: 05-20-2003 @ 12:00:00
FOR: Plaintiff-Appellee Rifenburg Construction, INC
BY : Mr. Perry R. Safran
SAFRAN LAW OFFICE

The following order was entered:

The motion filed in this cause on the 20th day of May 2003 and designated Plaintiff/Appellee Rifenburg Construction, Inc.'s Motion To Strike is denied.
By order of the Court this the 24th day of October 2003.

13 - MOTION (Denied) - 10-24-2003
Filed: 05-20-2003 @ 12:00:00
FOR: Rifenburg Co.
BY : Mr. Perry R. Safran
SAFRAN LAW OFFICE

The following order was entered:

The motion filed in this cause on the 20th day of May 2003 and designated Plaintiff/Appellee Rifenburg Construction, Inc.'s Motion To Strike is denied.
By order of the Court this the 24th day of October 2003.

14 - MOTION (Allowed) - 05-28-2003
Filed: 05-27-2003 @ 12:00:00
FOR: Defendant-Appellant NC DOT
BY : Mr. Joseph E. Herrin

The following order was entered:

The motion filed in this cause on the 27th day of May 2003 and designated State's Motion For Brief To Be Deemed Timely Filed is allowed. Defendant-appellant's reply brief is deemed timely filed.
By order of the Court this the 28th day of May 2003.

15 - MOTION (Allowed) - 11-13-2003
Filed: 11-06-2003 @ 12:00:00
FOR: Plaintiff-Appellee Rifenburg Construction, INC
BY : Mr. V.A. Anderson, Jr.
ANDERSON JONES & GENGO, PLLC

The following order was entered:

The motion filed in this cause on the 6th day of November 2003 and designated Motion To Withdraw By Counsel For Plaintiff/Appellee Rifenburg Construction, Inc. is allowed.
By order of the Court this the 13th day of November 2003.

16 - MOTION (Allowed) - 11-13-2003
Filed: 11-06-2003 @ 12:00:00
FOR: Plaintiff-Appellee Rifenburg Construction, INC
BY : Mr. Bonnor E. Hudson, III
BUGG & WOLF, PA

The following order was entered:

The motion filed in this cause on the 6th day of November 2003 and designated Motion To Withdraw By Counsel For Plaintiff/Appellee Rifenburg Construction, Inc. is allowed.
By order of the Court this the 13th day of November 2003.

17 - MOTION (Allowed) - 11-13-2003
 Filed: 11-06-2003 @ 12:00:00
 FOR: Plaintiff-Appellee Rifenburg Construction, INC
 BY : Mr. Bonnor E. Hudson, III
 BUGG & WOLF, PA

The following order was entered:

The motion filed in this cause on the 6th day of November 2003 and designated Motion To Withdraw By Counsel For Plaintiff/Appellee Rifenburg Construction, Inc. is allowed.
 By order of the Court this the 13th day of November 2003.

Financial Information

Receipts

Date Charged	Charge Type	Amount Charged	Amount Paid	Document	Pages	Receipt #	Date Paid
05-02-2003	Printing	70.00	70.00	APPELLEE BRIEF	40	R052004703A	07-10-2003
10-21-2003	Assess	370.75	370.75			R102023903A	09-01-2004
10-30-2002	Printing	281.75	281.75	RECORD	161	R102063502A	12-16-2002
01-15-2003	Printing	49.00	49.00	APPELLANT BRIEF	28	R012036503A	03-24-2003
04-08-2003	Docket Fee	10.00	10.00			R042017203A	04-08-2003
05-23-2003	Printing	21.00	21.00	APPELLANT BRIEF	12	R052047003A	07-25-2003

Payments

Payment Date	Payment Type	Amount	Check Number
09-09-2004	Disburse	361.75	26144

Exhibits

Parties

Party Name	Role
Rifenburg Construction, Inc.	Plaintiff-Appellee
Brier Creek Associates Limited	Defendant-Appellee
NC Department Of Transportation	Defendant-Appellant
RTP Assemblage Associates, LLC	Defendant-Appellee
Athena Airport Assemblage, LP	Defendant-Appellee
Athena Airport Assemblage Corp.	Defendant-Appellee
NC DOT	Defendant-Appellant
Rifenburg Construction, INC	Plaintiff-Appellee

Attorneys

Attorney for Defendant-Appellant - NC DOT

Mr. Joseph E. Herrin [Primary Attorney]

Special Deputy Attorney General

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Attorney for Defendant-Appellee - Brier Creek Assoc., et al.

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Attorney for - Rifenburg Co.

Mr. Perry R. Safran [Primary Attorney]

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Attorney for -

N.C. Dept of Justice [Primary Attorney]

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