

# North Carolina Court of Appeals

## Docket Sheet

### Underwood v Boyer

**Case Number:** 02-1471  
**As of:** 05/01/2024  
**Case Closed:** Yes      **Close Date:** 11-10-2003      **Case Type:** Civil (Civil\_othr)      **Mediation:** No

RUBY CARLAND UNDERWOOD,  
 Guardian of JEANETTE CARLAND  
 McLENDON,  
 Plaintiff,

V

LARRY WEBB BOYER,  
 WERNER ENTERPRISES, INC.,  
 HENDRIX & DAIL, INC.,  
 Defendants,  
 Third-Party Plaintiffs,

V

NORTH CAROLINA DEPARTMENT  
 OF TRANSPORTATION,  
 Third-Party Defendant.

<b>Docket Date:</b> 11-04-2002	<b>File Date:</b> 10-30-2002	<b>File Time:</b> 10:09	<b>Acquired Date:</b> 10-30-2002
<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> Buncombe (40)	<b>Heard In:</b> Superior Court
<b>To SC:</b>	<b>From SC:</b> 02-05-2004

**Lower Court Number(s)**

**Location:** Buncombe (40)  
**Judge:** Dennis J. Winner  
**Case #:** 99CVS3626

**Tracking/Argue**

**Argue Date:** 09-08-2003 #

**Opinion**

**Opinion Date:** 10-21-2003      **Cert Date:** 11-10-2003  
**Author:** Honorable Sidney S. Eagles, Jr.  
**Decision:** Reversed and remanded

Opinion Notes:

Opinion Pages: 4                      Opinion Cost: \$ 0.80

Cite: 160 NC App 710

Slip Opinion: <https://appellate.nccourts.org/opinions/?c=2&pdf=21836>

**Documents**

Document	Date Recvd	Cert of Service	Rec/Brf Due	Resp. Due	Resp. Recvd	Mailed Out	Ruling	Ruling Date
(1) RECORD	10-30-2002					11-14-2002		
(2) APPELLANT BRIEF	12-23-2002	12-16-2002				01-16-2003		
(3) MOTION	12-23-2002	12-16-2002		12-30-2002			Allowed	10-14-2003
(4) INFORM SHT	12-23-2002	12-16-2002						
(5) MOTION	01-16-2003	01-15-2003					Allowed	01-16-2003
(6) APPELLEE BRIEF	02-21-2003	02-19-2003				03-11-2003		
(7) MOTION	02-24-2003	02-21-2003		03-07-2003			Allowed	03-10-2003
(8) ADD-AUTH	10-22-2003	10-17-2003						

1 - RECORD

Filed: 10-30-2002 @ 10:09:00  
 FOR: Plaintiff-Appellant Ruby Carland Underwood  
 BY : Mr. Joseph P. McGuire  
 MCGUIRE, WOOD & BISSETT, PA

2 - APPELLANT BRIEF

Filed: 12-23-2002 @ 03:38:00  
 FOR: Plaintiff-Appellant Ruby Carland Underwood  
 BY : Mr. Joseph P. McGuire  
 MCGUIRE, WOOD & BISSETT, PA

3 - MOTION (Allowed) - 10-14-2003

Filed: 12-23-2002 @ 12:00:00  
 FOR: Plaintiff-Appellant Ruby Carland Underwood  
 BY : Mr. Joseph P. McGuire  
 MCGUIRE, WOOD & BISSETT, PA

The following order was entered:

The motion filed in this cause on the 23rd day of December 2002 and designated Motion To Make Addition To Record On Appeal is allowed.  
 By order of the Court this the 14th day of October 2003.

4 - AIS INFORM SHT

Filed: 12-23-2002 @ 03:36:00  
 FOR: Plaintiff-Appellant Ruby Carland Underwood  
 BY : Mr. Joseph P. McGuire  
 MCGUIRE, WOOD & BISSETT, PA

5 - MOTION (Allowed) - 01-16-2003  
 Filed: 01-16-2003 @ 12:00:00  
 FOR: Defendant-Appellee NC DOT  
 BY : Mr. Phillip T. Jackson  
 DAMERON, BURGIN & PARKER, PA

The following order was entered:

The motion filed in this cause on the 16th day of January 2003 and designated Defendant's/Appellee's Motion For Extension Of Time In Which To Serve Its' Brief is allowed. The brief of appellee North Carolina Department of Transportation shall be filed on or before 19 February 2003.  
 By order of the Court this the 16th day of January 2003.

6 - APPELLEE BRIEF  
 Filed: 02-21-2003 @ 09:17:00  
 FOR: Defendant-Appellee NC DOT  
 BY : Ms. Donna B. Wojcik

7 - MOTION (Allowed) - 03-10-2003  
 Filed: 02-24-2003 @ 12:00:00  
 FOR: Plaintiff-Appellant Ruby Carland Underwood  
 BY : Mr. Joseph P. McGuire  
 MCGUIRE, WOOD & BISSETT, PA

The following order was entered:

The motion filed in this cause on the 24th day of February 2003 and designated Motion To Amend Plaintiff Appellant's Brief is allowed. Counsel shall make arrangements with the Clerk of this Court to add the assignments of error information in the copies of the existing brief.  
 By order of the Court this the 10th day of March 2003.

8 - MEMOS ADD-AUTH  
 Filed: 10-22-2003 @ 08:58:00  
 FOR: Plaintiff-Appellant Ruby Carland Underwood  
 BY : Mr. Joseph P. McGuire  
 MCGUIRE, WOOD & BISSETT, PA

### Financial Information

#### Receipts

Date Charged	Charge Type	Amount Charged	Amount Paid	Document	Pages	Receipt #	Date Paid
03-11-2003	Printing	31.50	31.50	APPELLEE BRIEF	18	R032009203A	07-18-2003
10-21-2003	Assess	421.50	421.50			R102023203A	11-29-2004
11-04-2002	Bond	250.00	250.00			R112000902A	11-04-2002
11-04-2002	Docket Fee	10.00	10.00			R112000902A	11-04-2002
11-14-2002	Printing	374.50	374.50	RECORD	214	R112024902A	11-14-2002
01-16-2003	Printing	28.00	28.00	APPELLANT BRIEF	16	R012040503A	01-16-2003

#### Payments

Payment Date	Payment Type	Amount	Check Number
10-21-2003	Disburse	250.00	24649
09-13-2004	Disburse	250.00	26181
11-29-2004	Disburse	412.50	26447

#### Exhibits

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**Parties**


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Party Name	Role
Underwood, Ruby Carland	Plaintiff-Appellant
McLendon, Jeanette Carland	
Boyer, Larry Webb	Defendant-Appellee
Boyer, Larry Webb	Defendant-Appellee
Werner Enterprises, Inc.	Defendant-Appellee
Werner Enterprises, Inc.	Defendant-Appellee
Hendrix & Dail, Inc.	Defendant-Appellee
Hendrix & Dail, Inc.	Defendant-Appellee
NC Department Of Transportation	3rd Party-Appellee
Ruby Carland Underwood	Plaintiff-Appellant
NC DOT	Defendant-Appellee

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**Attorneys**


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**Attorney for Plaintiff-Appellant - Ruby Carland Underwood**

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Attorney at Law

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T. Douglas Wilson, Jr.

Mr. Frederick S. Barbour

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