

# North Carolina Court of Appeals

## Docket Sheet

Viar v NC DOT

**Case Number:** 03-25

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

**Case Closed:** Yes      **Close Date:** 02-23-2004      **Case Type:** Civil (Civil\_othr)      **Mediation:** No

CLAUDE M. VIAR, JR., Co-administrator  
of the Estate of MEGAN RAE VIAR,  
Deceased, and Co-administrator of the  
Estate of MACEY LAUREN VIAR, Deceased,  
Plaintiff,

V

N.C. DEPARTMENT OF TRANSPORTATION,  
Defendant.

**Docket Date:** 01-14-2003      **File Date:** 01-07-2003      **File Time:** 08:39      **Acquired Date:** 01-07-2003  
**Bond Collected:** Yes      **Docket Fee:** Yes      **Pauper:** No      **Print Deposit:** No      **State Appeals:** No

**History**

**Venue:** N.C. Industrial Commission (204)      **Heard In:** N.C. Industrial Commission  
**To SC:** 04-01-2004      **From SC:** 11-03-2005

**Lower Court Number(s)**

**Location:** N.C. Industrial Commission (204)  
**Judge:**  
**Case #:** TA15490 TA15491

**Tracking/Argue**

**Argue Date:** 10-07-2003 #

**Opinion**

**Opinion Date:** 02-03-2004      **Cert Date:** 02-23-2004  
**Author:** Honorable Eric Levinson  
**Decision:** Reversed  
**Opinion Notes:**  
**Opinion Pages:** 36      **Opinion Cost:** \$ 7.20  
**Cite:** 162 NC App 362  
**Slip Opinion:** <https://appellate.nccourts.org/opinions/?c=2&pdf=22110>

**Documents**

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

(1) RECORD	01-07-2003					01-31-2003		
(2) INFORM SHT	02-10-2003	02-07-2003						
(3) APPELLANT BRIEF	02-27-2003	02-26-2003				03-12-2003		
(4) ADD-AUTH	03-03-2003	02-28-2003						
(5) MOTION	03-13-2003	03-13-2003					Allowed	03-14-2003
(6) OTHER	03-18-2003						Special Order	03-18-2003
(7) SUBSTITUTE	03-24-2003	03-21-2003				04-09-2003		
(8) APPELLEE BRIEF	05-05-2003	04-30-2003				05-22-2003		
(9) OTHER	09-22-2003						Special Order	09-22-2003

## 1 - RECORD

Filed: 01-07-2003 @ 08:39:00

FOR: Plaintiff-Appellant Claude M. Viar, Jr.

BY : Mr. Fred W. DeVore, III

DEVORE, ACTON &amp; STAFFORD, PA

## 2 - AIS INFORM SHT

Filed: 02-10-2003 @ 09:25:00

FOR: Plaintiff-Appellant Claude M. Viar, Jr.

BY : Mr. Fred W. DeVore, III

DEVORE, ACTON &amp; STAFFORD, PA

## 3 - APPELLANT BRIEF

Filed: 02-27-2003 @ 01:47:00

FOR: Plaintiff-Appellant Claude M. Viar, Jr.

BY : Mr. Fred W. DeVore, III

DEVORE, ACTON &amp; STAFFORD, PA

## 4 - MEMOS ADD-AUTH

Filed: 03-03-2003 @ 08:51:00

FOR: Plaintiff-Appellant Claude M. Viar, Jr.

BY : Mr. Fred W. DeVore, III

DEVORE, ACTON &amp; STAFFORD, PA

## 5 - MOTION (Allowed) - 03-14-2003

Filed: 03-13-2003 @ 12:00:00

FOR: Defendant-Appellee NC DOT

BY : Mr. William H. Borden

The following order was entered:

The motion filed in this cause on the 13th day of March 2003 and designated Motion For Extension Of Time To File Brief is allowed. Defendant-appellee's brief shall be filed on or before 30 April 2003.

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

## 6 - OTHER (Special Order) - 03-18-2003

Filed: 03-18-2003 @ 08:44:00

FOR: For the Court Farrar, Fletcher Lewis

BY : Hon. S Eagles, Jr.

## 7 - APPELLANT BRIEF SUBSTITUTE

Filed: 03-24-2003 @ 09:17:00

FOR: Plaintiff-Appellant Claude M. Viar, Jr.

BY : Mr. Fred W. DeVore, III

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## 8 - APPELLEE BRIEF

Filed: 05-05-2003 @ 09:12:00

FOR: Defendant-Appellee NC DOT

BY : Mr. William H. Borden

9 - OTHER (Special Order) - 09-22-2003  
 Filed: 09-22-2003 @ 12:00:00  
 FOR: For the Court Farrar, Fletcher Lewis  
 BY : Hon. S Eagles, Jr.

**Financial Information**

**Receipts**

Date Charged	Charge Type	Amount Charged	Amount Paid	Document	Pages	Receipt #	Date Paid
01-14-2003	Bond	250.00	250.00			R012043203A	01-14-2003
01-14-2003	Docket Fee	10.00	10.00			R012043203A	01-14-2003
01-31-2003	Printing	152.25	152.25	RECORD	87	R012065703A	01-31-2003
03-12-2003	Printing	63.00	66.50	APPELLANT BRIEF	36	R032017003A	03-12-2003
04-09-2003	Printing	80.50	80.50	APPELLANT BRIEF	46	R042013503A	04-09-2003
06-06-2005	Assess	319.50	319.50			R062007105A	06-13-2005
05-22-2003	Printing	57.75	57.75	APPELLEE BRIEF	33	R052040803A	07-25-2003
02-03-2004	Assess	251.75	251.75			R022003804A	03-17-2004

**Payments**

Payment Date	Payment Type	Amount	Check Number
03-18-2004	Disburse	242.75	25342
03-18-2004	Disburse	250.00	25348
06-13-2005	Disburse	309.50	27408
08-05-2008	Refund	3.50	35672

**Exhibits**

**Parties**

Party Name	Role
Viar, Claude M. (Jr.)	Plaintiff-Appellant
Viar, Megan Rae (Estate of)	
Viar, Macey Lauren (Estate of)	
NC Department Of Transportation	Defendant-Appellee
Claude M. Viar, Jr.	Plaintiff-Appellant
NC DOT	Defendant-Appellee

**Attorneys**

**Attorney for Plaintiff-Appellant - Claude M. Viar, Jr.**

Mr. Fred W. DeVore, III [Primary Attorney]

Attorney at Law

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**Attorney for Defendant-Appellee - NC DOT**

Mr. William H. Borden [Primary Attorney]

Special Deputy Attorney General

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P.O. Box 629

Raleigh, NC 27602

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**Attorney for -**

N.C. Dept of Justice [Primary Attorney]

N.C. DEPARTMENT OF JUSTICE

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