

# North Carolina Court of Appeals

## Docket Sheet

Alan Stone Excavating v Jones Bros.

**Case Number:** 03-960

**As of:** 04/30/2024

**Case Closed:** Yes

**Close Date:** 07-26-2004

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

**Mediation:** No

ALAN STONE EXCAVATING, INC.,  
Plaintiff,

V

JONES BROS., INC., SHIPMON  
TRUCKING SERVICE, INC., and FIREMAN'S  
FUND INSURANCE COMPANY,  
Defendants,

JONES BROS., INC., and FIREMAN'S  
FUND INSURANCE COMPANY,  
Third-Party Plaintiffs,

V

NORTH CAROLINA DEPARTMENT  
OF TRANSPORTATION,  
Third-Party Defendant.

**Docket Date:** 07-28-2003

**File Date:** 07-24-2003

**File Time:** 08:42

**Acquired Date:** 07-24-2003

**Bond Collected:** Yes

**Docket Fee:** Yes

**Pauper:** No

Print Deposit: No

**State Appeals:** No

### History

**Venue:** Chatham (18)

**Heard In:** Superior Court

**To SC:**

**From SC:**

### Lower Court Number(s)

Location: Chatham (18)

Judge: E. Lynn Johnson

Case #: 02CVS381

### Tracking/Argue

**Argue Date:** 04-22-2004 (No oral argument by Rule 30(f))

### Opinion

Opinion Date: 07-06-2004

Cert Date: 07-26-2004

Author: Honorable Robin Hudson  
 Decision: Affirmed  
 Opinion Notes:  
 Opinion Pages: 5 Opinion Cost: \$ 1.00  
 Cite: 165 NC App 274  
 Slip Opinion: <https://appellate.nccourts.org/opinions/?c=2&pdf=22897>

## Documents

Document	Date Recvd	Cert of Service	Rec/Brf Due	Resp. Due	Resp. Recvd	Mailed Out	Ruling	Ruling Date
(1) RECORD	07-24-2003					08-06-2003		
(2) MOTION	08-11-2003	08-11-2003		08-26-2003			Dismissed	08-28-2003
(3) MOTION	08-13-2003	08-12-2003		08-26-2003			Allowed	08-28-2003
(4) APPELLANT BRIEF	09-08-2003	09-05-2003				09-18-2003		
(5) INFORM SHT	09-08-2003	09-05-2003						
(6) MOTION	09-10-2003	09-09-2003		09-23-2003			Allowed	09-24-2003
(7) APPELLEE BRIEF	10-03-2003	10-03-2003				10-16-2003		

### 1 - RECORD

Filed: 07-24-2003 @ 08:42:00  
 FOR: Defendant-Appellant Shipmon Trucking Service, INC  
 BY : Mr. E. Lawson Brown, Jr.  
 VERNON, VERNON, WOOTEN, ANDREWS & GARRETT

### 2 - MOTION (Dismissed) - 08-28-2003

Filed: 08-11-2003 @ 12:00:00  
 FOR: Defendant-Appellant Shipmon Trucking Service, INC  
 BY : Mr. E. Lawson Brown, Jr.  
 VERNON, VERNON, WOOTEN, ANDREWS & GARRETT

The following order was entered:

The motion filed in this cause on the 11th day of August 2003 and designated Motion To Amend Record On Appeal is dismissed as moot.  
 By order of the Court this the 28th day of August 2003.

### 3 - MOTION (Allowed) - 08-28-2003

Filed: 08-13-2003 @ 12:00:00  
 FOR: Defendant-Appellant Shipmon Trucking Service, INC  
 BY : Mr. E. Lawson Brown, Jr.  
 VERNON, VERNON, WOOTEN, ANDREWS & GARRETT

The following order was entered:

The motion filed in this cause on the 13th day of August 2003 and designated Motion To Amend Record On Appeal is allowed. The attached verification and certificate of service shall be exhibits to the record on appeal.  
 By order of the Court this the 28th day of August 2003.

### 4 - APPELLANT BRIEF

Filed: 09-08-2003 @ 09:09:00  
 FOR: Defendant-Appellant Shipmon Trucking Service, INC  
 BY : Mr. E. Lawson Brown, Jr.  
 VERNON, VERNON, WOOTEN, ANDREWS & GARRETT

5 - AIS INFORM SHT  
 Filed: 09-08-2003 @ 09:09:00  
 FOR: Defendant-Appellant Shipmon Trucking Service, INC  
 BY : Mr. E. Lawson Brown, Jr.  
 VERNON, VERNON, WOOTEN, ANDREWS & GARRETT

6 - MOTION (Allowed) - 09-24-2003  
 Filed: 09-10-2003 @ 12:00:00  
 FOR: Defendant-Appellant Shipmon Trucking Service, INC  
 BY : Mr. E. Lawson Brown, Jr.  
 VERNON, VERNON, WOOTEN, ANDREWS & GARRETT

The following order was entered:

The motion filed in this cause on the 10th day of September 2003 and designated Motion To Amend Record On Appeal is allowed as follows: Counsel shall make arrangements with the Clerk of this Court to personally amend the printed copies of the record on appeal to include the record page numbers in the assignment of error.  
 By order of the Court this the 24th day of September 2003.

7 - APPELLEE BRIEF  
 Filed: 10-03-2003 @ 01:47:00  
 FOR: Plaintiff-Appellee Alan Stone Excavating, INC  
 BY : Ms. Caren D. Enloe  
 SMITH, DEBNAM, HIBBERT, LLP

### Financial Information

#### Receipts

Date Charged	Charge Type	Amount Charged	Amount Paid	Document	Pages	Receipt #	Date Paid
07-28-2003	Bond	250.00	250.00			R072050403A	07-28-2003
07-28-2003	Docket Fee	10.00	10.00			R072050403A	07-28-2003
08-06-2003	Printing	304.50	304.50	RECORD	174	R082005703A	08-06-2003
09-18-2003	Printing	33.25	25.50	APPELLANT BRIEF	19	R092043503A	09-18-2003
09-18-2003	Balance	7.75	7.75	APPELLANT BRIEF	19	R092043603A	09-24-2003
10-16-2003	Printing	22.75	22.75	APPELLEE BRIEF	13	R102032003A	10-16-2003

#### Payments

Payment Date	Payment Type	Amount	Check Number
07-06-2004	Disburse	22.75	25804
07-06-2004	Disburse	218.25	25806

### Exhibits

### Parties

Party Name	Role
Alan Stone Excavating, Inc.	Plaintiff-Appellee
Jones Bros., Inc.	Defendant-Appellee
Shipmon Trucking Service, Inc.	Defendant-Appellant

Fireman's Fund Insurance Company	Defendant-Appellee
Jones Bros., Inc.	Defendant-Appellee
Fireman's Fund Insurance Company	Defendant-Appellee
NC Department Of Transportation	3rd Party-Appellee
Shipmon Trucking Service, INC	Defendant-Appellant
Alan Stone Excavating, INC	Plaintiff-Appellee

### Attorneys

#### Attorney for Defendant-Appellant - Shipmon Trucking Service, INC

Mr. E. Lawson Brown, Jr. [Primary Attorney]

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#### Attorney for Plaintiff-Appellee - Alan Stone Excavating, INC

Ms. Caren D. Enloe [Primary Attorney]

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