

North Carolina Court of Appeals

Docket Sheet

A.H. Beck Foundation v Jones Bros.

Case Number: 03-1431

As of: 05/01/2024

Case Closed: Yes

Close Date: 11-22-2004

Case Type: Civil (Civil_othr)

Mediation: No

A.H. BECK FOUNDATION COMPANY, INC.,
Plaintiff,

V

JONES BROS., INC., and AMERICAN
HOME ASSURANCE CO.,
Defendants,

JONES BROS., INC.,
Third-Party Plaintiff,

V

NORTH CAROLINA DEPARTMENT
OF TRANSPORTATION,
Third-Party Defendant.

Docket Date: 11-10-2003

File Date: 10-28-2003

File Time: 01:30

Acquired Date: 10-28-2003

Bond Collected: No

Docket Fee: Yes

Pauper: No

Print Deposit: No

State Appeals: Yes

History

Venue: Rowan (27)

Heard In: Superior Court

To SC: 12-23-2004

From SC: 02-03-2005

Lower Court Number(s)

Location: Rowan (27)

Judge: Larry G. Ford

Case #: 00CVS1082

Tracking/Argue

Argue Date: 10-11-2004 (No oral argument by Rule 30(f))

Opinion

Opinion Date: 11-02-2004

Cert Date: 11-22-2004

Author: Honorable Patricia Timmons-Goodson

Decision: Reversed

Opinion Notes:

Opinion Pages: 17

Opinion Cost: \$ 3.40

Cite: 166 NC App 672

Slip Opinion: <https://appellate.nccourts.org/opinions/?c=2&pdf=23279>

Documents

Document	Date Recvd	Cert of Service	Rec/Brt Due	Resp. Due	Resp. Recvd	Mailed Out	Ruling	Ruling Date
(1) RECORD	10-28-2003					11-19-2003		
(2) RECORD	10-28-2003							
(3) INFORM SHT	10-28-2003	10-28-2003						
(4) MOTION	12-17-2003	12-17-2003					Allowed	12-17-2003
(5) APPELLANT BRIEF	01-21-2004	01-21-2004				02-27-2004		
(6) MOTION	02-06-2004	02-06-2004					Allowed	02-09-2004
(7) MOTION	02-16-2004	02-16-2004		03-01-2004			Allowed	03-05-2004
(8) ADDENDUM	03-05-2004					04-12-2004		
(9) MOTION	03-24-2004	03-24-2004					Allowed	03-29-2004
(10) APPELLEE BRIEF	03-24-2004	03-24-2004				04-15-2004		
(11) REPLY	04-12-2004	04-12-2004				05-11-2004		

1 - RECORD

Filed: 10-28-2003 @ 01:30:00
 FOR: Defendant-Appellant NC DOT
 BY : Mr. Joseph E. Herrin

2 - RECORD

Filed: 10-28-2003 @ 12:00:00
 FOR: Defendant-Appellant NC DOT
 BY : Mr. Joseph E. Herrin

3 - AIS INFORM SHT

Filed: 10-28-2003 @ 01:32:00
 FOR: Defendant-Appellant NC DOT
 BY : Mr. Joseph E. Herrin

4 - MOTION (Allowed) - 12-17-2003

Filed: 12-17-2003 @ 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 17th day of December 2003 and designated Motion For Extension Of Time In Which To File The Brief For The State is allowed. The brief of third-party defendant-appellant shall be filed on or before 21 January 2004.

By order of the Court this the 17th day of December 2003.

5 - APPELLANT BRIEF

Filed: 01-21-2004 @ 04:57:00
 FOR: Defendant-Appellant NC DOT
 BY : Mr. Joseph E. Herrin

6 - MOTION (Allowed) - 02-09-2004
 Filed: 02-06-2004 @ 12:00:00
 FOR: Defendant-Appellee Jones Bros., INC
 BY : Mr. Timothy Barber
 WOMBLE CARLYLE SANDRIDGE & RICE

The following order was entered:

The motion filed in this cause on the 6th day of February 2004 and designated Motion For Extension Of Time is allowed. Defendant-appellee's brief shall be filed on or before 24 March 2004.
 By order of the Court this the 9th day of February 2004.

7 - MOTION (Allowed) - 03-05-2004
 Filed: 02-16-2004 @ 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 16th day of February 2004 and designated Third-Party Defendant-Appellant's Motion To Amend Record On Appeal is allowed. The two corrected pages shall be printed as an addendum to the record on appeal.
 By order of the Court this the 5th day of March 2004.

8 - RECORD ADDENDUM
 Filed: 03-05-2004 @ 12:00:00
 FOR: Defendant-Appellant NC DOT
 BY : Mr. Joseph E. Herrin

9 - MOTION (Allowed) - 03-29-2004
 Filed: 03-24-2004 @ 12:00:00
 FOR: Defendant-Appellee Jones Bros., INC
 BY : Mr. Paul Lewis
 LEWIS & MCKENNA

The following order was entered:

The motion filed in this cause on the 24th day of March 2004 and designated Motion To Admit Counsel Pro Hac Vice is allowed. Some panels of this Court require sponsoring counsel to be present for oral argument.
 By order of the Court this the 29th day of March 2004.

10 - APPELLEE BRIEF
 Filed: 03-24-2004 @ 03:01:00
 FOR: Defendant-Appellee Jones Brothers
 BY : Hon. Burley B. Mitchell, Jr.
 WOMBLE, CARLYLE

11 - APPELLANT BRIEF REPLY
 Filed: 04-12-2004 @ 05:39:00
 FOR: Defendant-Appellant NC DOT
 BY : Mr. Joseph E. Herrin

Financial Information

Receipts

Date Charged	Charge Type	Amount Charged	Amount Paid	Document	Pages	Receipt #	Date Paid
04-15-2004	Printing	213.50	162.75	APPELLEE BRIEF	122	R042019804A	04-15-2004
04-15-2004	Balance	50.75	50.75	APPELLEE BRIEF	122	R042019904A	04-27-2004
11-02-2004	Assess	1023.50	1023.50			R112000104A	11-29-2004
11-19-2003	Printing	906.50	906.50	RECORD	518	R112029503A	05-04-2004

12-17-2003	Docket Fee	10.00	10.00			R122035503A	12-17-2003
02-27-2004	Printing	71.75	71.75	APPELLANT BRIEF	41	R022060704A	05-04-2004
04-12-2004	Printing	7.00	7.00	RECORD	4	R042009204A	07-28-2004
05-11-2004	Printing	19.25	19.25	APPELLANT BRIEF	11	R052029704A	07-28-2004

Payments

Payment Date	Payment Type	Amount	Check Number
11-29-2004	Disburse	1014.50	26450

Exhibits

Parties

Party Name	Role
A.H. Beck Foundation Company, Inc.	Plaintiff-Appellee
Jones Bros., Inc.	Defendant-Appellee
American Home Assurance Co.	Defendant-Appellee
Jones Bros., Inc.	Defendant-Appellee
NC Department Of Transportation	3rd Party-Appellant
NC DOT	Defendant-Appellant
A.H. Beck Foundation Co., INC	Plaintiff-Appellee
Jones Bros., INC	Defendant-Appellee
Jones Brothers	Defendant-Appellee

Attorneys

Attorney for Defendant-Appellant - NC DOT

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 Plaintiff-Appellee - A.H. Beck Foundation Co., INC

Mr. John Taylor [Primary Attorney]

TAYLOR PENRY RASH & RIEMANN

Lake Point Corporate Ctr. 2

2359 Perimeter Pointe Parkway

Suite 3

Charlotte, NC 28208

Attorney for Defendant-Appellee - Jones Bros., INC

Mr. Timothy Barber [Primary Attorney]

Mr. Mark P. Henriques

Attorney at Law

Mark.Henriques@wbd-us.com

WOMBLE CARLYLE SANDRIDGE & RICE

301 S. College Street

Suite 3500

Charlotte, NC 28202

(704) 331-4912

Attorney for Defendant-Appellee - Jones Bros., INC

Mr. Paul Lewis [Primary Attorney]

LEWIS & MCKENNA

82 East Allendale Road

Saddle River, NJ 07458

Attorney for Defendant-Appellee - American Home Assurance Co.

Roman C. Pibl [Primary Attorney]

rcp@rowanlawyer.com

131 North Main Street

Salisbury, NC 28144

(704) 636-7100

Attorney for Defendant-Appellee - Jones Brothers

Hon. Burley B. Mitchell, Jr. [Primary Attorney]

Attorney at Law

bmittell@wcsr.com

Mr. Sean E. Andrussier

WOMBLE, CARLYLE

P.O. Box 831

Raleigh, NC 27602

Attorney for -

N.C. Dept of Justice [Primary Attorney]

N.C. DEPARTMENT OF JUSTICE

P.O. Box 629

Raleigh, NC 27602
