

North Carolina Court of Appeals

Docket Sheet

DOT v Jamestown Village Associates

Case Number: 07-381

As of: 05/01/2024

Case Closed: Yes

Close Date: 01-15-2008

Case Type: Civil (Civil_othr)

Mediation: No

DEPARTMENT OF TRANSPORTATION,
Plaintiff,

V

JAMESTOWN VILLAGE ASSOCIATES, L.L.C.,
Defendant.

Docket Date: 04-04-2007	File Date: 04-03-2007	File Time: 04:19	Acquired Date: 04-03-2007
Bond Collected: Yes	Docket Fee: Yes	Pauper: No	Print Deposit: No State Appeals: No

History

Venue: Guilford (24)	Heard In: Superior Court
To SC:	From SC:

Lower Court Number(s)

Location: Guilford (24)
 Judge: John Craig
 Case #: 05CVS4161

Tracking/Argue

Argue Date: 10-17-2007 (No oral argument by Rule 30(f))

Opinion

Opinion Date: 01-15-2008 Cert Date: 02-04-2008
 Author: Honorable Wanda G. Bryant
 Decision: Dismissed and remanded
 Opinion Notes:
 Opinion Pages: 5 Opinion Cost: \$ 1.00
 Cite: 188 NC App 164
 Slip Opinion: <https://appellate.nccourts.org/opinions/?c=2&pdf=2621>

Documents

Document	Date Recvd	Cert of Service	Rec/Brf Due	Resp. Due	Resp. Recvd	Mailed Out	Ruling	Ruling Date
(1) RECORD	04-03-2007	04-02-2007				04-10-2007		

(2) INFORM SHT	05-07-2007	05-03-2007						
(3) MOTION	05-09-2007	05-07-2007					Allowed	05-09-2007
(4) APPELLANT BRIEF	05-18-2007	05-17-2007				05-23-2007		
(5) APPELLEE BRIEF	06-19-2007	06-19-2007				06-21-2007		
(6) MOTION	07-09-2007	07-06-2007		07-20-2007			Allowed	07-23-2007
(7) REPLY	07-09-2007	07-06-2007				07-31-2007		
(8) MOTION	07-10-2007	07-09-2007					Allowed	07-12-2007
(9) MOTION	07-11-2007	07-10-2007		07-24-2007			Allowed	07-27-2007

1 - RECORD

Filed: 04-03-2007 @ 16:19:00
 FOR: Defendant-Appellant Jamestown Village Associates
 BY : Mr. Jeffrey McClain Davis
 HUNTER, HIGGINS, MILES & BENJAMIN, PLLC

2 - AIS INFORM SHT

Filed: 05-07-2007 @ 08:51:00
 FOR: Defendant-Appellant Jamestown Village Associates
 BY : Mr. Jeffrey McClain Davis
 HUNTER, HIGGINS, MILES & BENJAMIN, PLLC

3 - MOTION (Allowed) - 05-09-2007

Filed: 05-09-2007 @ 12:00:00
 FOR: Defendant-Appellant Jamestown Village Associates
 BY : Mr. Jeffrey McClain Davis
 HUNTER, HIGGINS, MILES & BENJAMIN, PLLC

The following order was entered:

The motion filed in this cause on the 9th day of May 2007 and designated Motion for Extension of Time is allowed. Defendant-appellant's brief shall be filed on or before 17 May 2007.

By order of the Court this the 9th day of May 2007.

4 - APPELLANT BRIEF

Filed: 05-18-2007 @ 09:22:00
 FOR: Defendant-Appellant Jamestown Village Associates
 BY : Mr. Jeffrey McClain Davis
 HUNTER, HIGGINS, MILES & BENJAMIN, PLLC

5 - APPELLEE BRIEF

Filed: 06-19-2007 @ 15:26:00
 FOR: Plaintiff-Appellee DOT
 BY : Ms. Hilda Burnett-Baker

6 - MOTION (Allowed) - 07-23-2007

Filed: 07-09-2007 @ 12:00:00
 FOR: Defendant-Appellant Jamestown Village Associates
 BY : Mr. Jeffrey McClain Davis
 HUNTER, HIGGINS, MILES & BENJAMIN, PLLC

The following order was entered:

The motion filed in this cause on the 9th day of July 2007 and designated Motion to Strike/Motion for Leave to File Reply Brief is decided as follows: The filing of the attached reply brief shall be allowed, and it shall be printed.

By order of the Court this the 23rd day of July 2007.

7 - APPELLANT BRIEF REPLY
 Filed: 07-09-2007 @ 09:15:00
 FOR: Defendant-Appellant Jamestown Village Associates
 BY : Mr. Jeffrey McClain Davis
 HUNTER, HIGGINS, MILES & BENJAMIN, PLLC

8 - MOTION (Allowed) - 07-12-2007
 Filed: 07-10-2007 @ 12:00:00
 FOR: Defendant-Appellant Jamestown Village Associates
 BY : Mr. Jeffrey McClain Davis
 HUNTER, HIGGINS, MILES & BENJAMIN, PLLC

The following order was entered:

The motion filed in this cause on the 10th day of July 2007 and designated Motion to Refund Appeal Bond and Costs is allowed in part. The Clerk's Office is instructed to refund the appeal bond to defendant-appellant.

By order of the Court this the 12th day of July 2007.

9 - MOTION (Allowed) - 07-27-2007
 Filed: 07-11-2007 @ 12:00:00
 FOR: Defendant-Appellant Jamestown Village Associates
 BY : Mr. Jeffrey McClain Davis
 HUNTER, HIGGINS, MILES & BENJAMIN, PLLC

The following order was entered:

The motion filed in this cause on the 11th day of July 2007 and designated Motion to Remand/Notification of Rule 60 (b) Motion is allowed. This matter is remanded for the limited purpose of the trial court conducting an evidentiary hearing on the Rule 60 motion pending before it. The trial court shall then reduce its findings of fact and conclusions of law to writing and shall indicate what action it would be inclined to take were an appeal not pending before this Court. The trial court shall forward its findings and conclusions to this Court within a reasonable time.

By order of the Court this the 27th day of July 2007.

Financial Information

Receipts

Date Charged	Charge Type	Amount Charged	Amount Paid	Document	Pages	Receipt #	Date Paid
06-21-2007	Printing	43.75	43.75	APPELLEE BRIEF	25	R062035707	10-11-2007
01-15-2008	Assess	75.13	75.13			R012026508	02-12-2008
04-03-2007	Docket Fee	10.00	10.00			R042009007	04-04-2007
04-03-2007	Bond	250.00	250.00			R042009007	04-04-2007
04-10-2007	Printing	131.25	131.25	RECORD	75	R042011007	04-10-2007
05-23-2007	Printing	49.00	49.00	APPELLANT BRIEF	28	R052040307	06-04-2007
07-31-2007	Printing	28.00	28.00	APPELLANT BRIEF	16	R072057207	08-09-2007
01-15-2008	Assess	4.50	4.50			R012026608	01-25-2008

Payments

Payment Date	Payment Type	Amount	Check Number
07-11-2007	Disburse	250.00	30637
02-13-2008	Disburse	70.63	31534

Exhibits

Parties

Party Name	Role
Department of Transportation	Plaintiff-Appellee
Jamestown Village Associates	Defendant-Appellant
DOT	Plaintiff-Appellee
Jamestown Village Associates, LLC	Defendant-Appellant

Attorneys

Attorney for Defendant-Appellant - Jamestown Village Associates

Mr. Jeffrey McClain Davis [Primary Attorney]

Ms. Jennifer F. Adams

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