

# North Carolina Court of Appeals

## Docket Sheet

DOT v Holmes Oil

**Case Number:** 07-456

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

**Case Closed:** Yes      **Close Date:** 06-21-2007      **Case Type:** Civil (Civil\_othr)      **Mediation:** Yes

DEPARTMENT OF TRANSPORTATION,  
Plaintiff,

V

HOLMES OIL COMPANY, INC.,  
Defendant.

**Docket Date:** 04-25-2007      **File Date:** 04-17-2007      **File Time:** 04:35      **Acquired Date:** 04-17-2007  
**Bond Collected:** No      **Docket Fee:** Yes      **Pauper:** No      **Print Deposit:** No      **State Appeals:** Yes

### History

**Venue:** Durham (16)      **Heard In:** Superior Court

**To SC:**      **From SC:**

### Lower Court Number(s)

**Location:** Durham (16)

**Judge:** A. Leon Stanback

**Case #:** 03CVS3316

### Tracking/Argue

### Opinion

### Documents

Document	Date Recvd	Cert of Service	Rec/Brf Due	Resp. Due	Resp. Recvd	Mailed Out	Ruling	Ruling Date
(1) RECORD	04-17-2007	04-17-2007				05-02-2007		
(2) MOTION	04-17-2007	04-17-2007		05-01-2007			Allowed	05-02-2007
(3) ADDENDUM	05-02-2007					05-09-2007		
(4) MOTION	05-30-2007	05-30-2007					Allowed	05-30-2007
(5) INFORM SHT	05-30-2007	05-30-2007						
(6) MOTION	06-18-2007	06-18-2007					Allowed	06-21-2007
(8) MOTION	07-25-2007	07-25-2007					Dismissed	07-27-2007

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1 - RECORD

Filed: 04-17-2007 @ 16:35:00

FOR: Plaintiff-Appellant Department of Transportation

BY : Mr. Spurgeon Fields, III

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2 - MOTION (Allowed) - 05-02-2007

Filed: 04-17-2007 @ 12:00:00

FOR: Plaintiff-Appellant Department of Transportation

BY : Mr. Spurgeon Fields, III

The following order was entered:

The motion filed in this cause on the 17th day of April 2007 and designated Motion to Amend Record on Appeal is allowed. The attached assignment of error shall be printed as an addendum to the record on appeal.

By order of the Court this the 2nd day of May 2007.

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3 - RECORD ADDENDUM

Filed: 05-02-2007 @ 12:00:00

FOR: Plaintiff-Appellant Department of Transportation

BY : Mr. Spurgeon Fields, III

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4 - MOTION (Allowed) - 05-30-2007

Filed: 05-30-2007 @ 12:00:00

FOR: Plaintiff-Appellant Department of Transportation

BY : Mr. Spurgeon Fields, III

The following order was entered:

The motion filed in this cause on the 30th day of May 2007 and designated Motion for Extension of Time is allowed. Plaintiff-appellant's brief shall be filed on or before 29 June 2007.

By order of the Court this the 30th day of May 2007.

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5 - AIS INFORM SHT

Filed: 05-30-2007 @ 09:17:00

FOR: Plaintiff-Appellant Department of Transportation

BY : Mr. Spurgeon Fields, III

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6 - MOTION (Allowed) - 06-21-2007

Filed: 06-18-2007 @ 12:00:00

FOR: Plaintiff-Appellant Department of Transportation

BY : Mr. Spurgeon Fields, III

The following order was entered:

The motion filed in this cause on the 18th day of June 2007 and designated Joint Motion to Dismiss Appeal is allowed. Appeal dismissed. Appellant to pay costs.

And it is considered and adjudged further, that the Appellant, Department of Transportation, do pay the costs of the appeal in this Court incurred, to wit, the sum of Nine Dollars and 00/100 (\$9.00), and execution issue therefor.

By order of the Court this the 21st day of June 2007.

8 - MOTION (Dismissed) - 07-27-2007  
 Filed: 07-25-2007 @ 12:00:00  
 FOR: Plaintiff-Appellant Department of Transportation  
 BY : Mr. Spurgeon Fields, III

The following order was entered:

The motion filed in this cause on the 25th day of July 2007 and designated Motion to Dismiss is decided as follows:  
 Because this appeal was dismissed by order entered 21 June 2007, this motion is dismissed as moot.

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
04-17-2007	Docket Fee	10.00	10.00			R042040007	06-05-2007
05-02-2007	Printing	269.50	269.50	RECORD	154	R052003207	06-28-2007
05-09-2007	Printing	5.25	5.25	RECORD	3	R052013807	06-28-2007
06-21-2007	Assess	9.00	9.00			R062036207	07-11-2007

#### Exhibits

#### Parties

Party Name	Role
Department of Transportation	Plaintiff-Appellant
Holmes Oil Company, INC	Defendant-Appellee
Holmes Oil Company, Inc.	Defendant-Appellee

#### Attorneys

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N.C. DEPARTMENT OF JUSTICE

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