

# North Carolina Court of Appeals

## Docket Sheet

DeHart v NC DOT

**Case Number:** 08-216

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

**Case Closed:** Yes

**Close Date:** 02-17-2009

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

**Mediation:** No

ALLEN CHARLES DEHART and  
MARTHA LUEARTTIE DEHART,  
Plaintiffs,

V

NORTH CAROLINA DEPARTMENT  
OF TRANSPORTATION,  
Defendant.

**Docket Date:** 03-04-2008

**File Date:** 02-25-2008

**File Time:** 09:16

**Acquired Date:** 02-25-2008

**Bond Collected:** Yes

**Docket Fee:** Yes

**Pauper:** No

**Print Deposit:** No

**State Appeals:** No

### History

**Venue:** Graham (43)

**Heard In:** Superior Court

**To SC:**

**From SC:**

### Lower Court Number(s)

**Location:** Graham (43)

**Judge:** Dennis J. Winner

**Case #:** 02CVS188

### Tracking/Argue

**Argue Date:** 08-28-2008 (No oral argument by Rule 30(f))

### Opinion

**Opinion Date:** 02-17-2009

**Cert Date:** 03-09-2009

**Author:** Honorable Martha A. Geer

**Decision:** Affirmed

**Opinion Notes:**

**Opinion Pages:** 9

**Opinion Cost:** \$ 1.80

**Cite:** 195 NC App 417

**Slip Opinion:** <https://appellate.nccourts.org/opinions/?c=2&pdf=3864>

### Documents

Document	Date Recvd	Cert of Service	Rec/Brf Due	Resp. Due	Resp. Recvd	Mailed Out	Ruling	Ruling Date
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(1) RECORD	02-25-2008	02-20-2008				03-12-2008		
(2) INFORM SHT	03-17-2008	03-14-2008						
(3) MOTION	04-01-2008	03-28-2008		04-11-2008	04-08-2008		Denied	02-17-2009
(4) APPELLANT BRIEF	04-14-2008	04-09-2008				04-17-2008		
(5) APPELLEE BRIEF	05-12-2008	05-08-2008				05-14-2008		

1 - RECORD

Filed: 02-25-2008 @ 09:16:00  
 FOR: Plaintiff-Appellant Allen & Martha DeHart  
 BY : Mr. Fred H. Moody, Jr.  
 MOODY & BRIGHAM, PLLC

2 - AIS INFORM SHT

Filed: 03-17-2008 @ 08:33:00  
 FOR: Plaintiff-Appellant Allen & Martha DeHart  
 BY : Mr. Fred H. Moody, Jr.  
 MOODY & BRIGHAM, PLLC

3 - MOTION (Denied) - 02-17-2009

Filed: 04-01-2008 @ 12:00:00  
 FOR: Defendant-Appellee NC Dept. of Transportation  
 BY : Mr. David P. Brenskelle

The following order was entered:

The motion filed in this cause on the 1st day of April 2008 and designated Motion to Dismiss Plaintiffs' Appeal is denied.  
 By order of the Court this the 17th day of February 2009.

RESPONSE TO MOTION  
 Filed: 04-08-2008  
 BY :

4 - APPELLANT BRIEF

Filed: 04-14-2008 @ 08:43:00  
 FOR: Plaintiff-Appellant Allen & Martha DeHart  
 BY : Mr. Fred H. Moody, Jr.  
 MOODY & BRIGHAM, PLLC

5 - APPELLEE BRIEF

Filed: 05-12-2008 @ 08:34:00  
 FOR: Defendant-Appellee NC Dept. of Transportation  
 BY : Mr. David P. Brenskelle

**Financial Information**

**Receipts**

Date Charged	Charge Type	Amount Charged	Amount Paid	Document	Pages	Receipt #	Date Paid
05-14-2008	Printing	33.25	33.25	APPELLEE BRIEF	19	R052021108	08-12-2008
03-12-2008	Printing	85.75	75.75	RECORD	49	R032005608	03-12-2008
03-12-2008	Balance	10.00	10.00	RECORD	49	R032005708	03-20-2008
04-17-2008	Printing	26.25	26.25	APPELLANT BRIEF	15	R042033408	04-17-2008

**Payments**

Payment Date	Payment Type	Amount	Check Number
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02-17-2009 Disburse 207.75 33150

**Exhibits**

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**Parties**

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Party Name	Role
NC Department Of Transportation	Defendant-Appellee
Allen & Martha DeHart	Plaintiff-Appellant
NC Dept. of Transportation	Defendant-Appellee
DeHart, Allen Charles	Plaintiff-Appellant
DeHart, Martha Luearttie	Plaintiff-Appellant

**Attorneys**

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**Attorney for Plaintiff-Appellant - Allen & Martha DeHart**

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N.C. DEPARTMENT OF JUSTICE

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