

North Carolina Court of Appeals

Docket Sheet

Rivas v N.C. DOT

Case Number: 09-122

As of: 04/30/2024

Case Closed: Yes

Close Date: 12-28-2009

Case Type: Civil (Civil_othr)

Mediation: No

JERRY RIVAS,
Petitioner,

V

N.C. DEPARTMENT OF
TRANSPORTATION,
Respondent.

Docket Date: 02-16-2009

File Date: 01-29-2009

File Time: 07:48

Acquired Date: 01-29-2009

Bond Collected: Yes

Docket Fee: Yes

Pauper: No

Print Deposit: No

State Appeals: No

History

Venue: Wake (10)

Heard In: Superior Court

To SC:

From SC:

Lower Court Number(s)

Location: Wake (10)

Judge: Orlando F. Hudson

Case #: 07CVS18949

Tracking/Argue

Argue Date: 09-14-2009 (No oral argument by Rule 30(f))

Opinion

Opinion Date: 12-08-2009

Cert Date: 12-28-2009

Author: Honorable Robert C. Hunter

Decision: Reversed and Remanded

Opinion Notes:

Opinion Pages: 18

Opinion Cost: \$ 3.60

Cite:

Slip Opinion: <https://appellate.nccourts.org/opinions/?c=2&pdf=5738>

Documents

Document	Date Recvd	Cert of Service	Rec/Brf Due	Resp. Due	Resp. Recvd	Mailed Out	Ruling	Ruling Date
----------	------------	-----------------	-------------	-----------	-------------	------------	--------	-------------

(1) RECORD	01-29-2009	01-25-2009				02-18-2009		
(2) MOTION	03-18-2009	03-16-2009					Allowed	03-18-2009
(3) APPELLANT BRIEF	04-22-2009	04-18-2009				04-27-2009		
(4) MOTION	05-20-2009	05-20-2009					Allowed	05-21-2009
(5) APPELLEE BRIEF	06-18-2009	06-18-2009				07-14-2009		

1 - RECORD

Filed: 01-29-2009 @ 07:48:00

FOR: Petitioner Jerry Rivas

BY : Mr. Alan McSurely

2 - MOTION (Allowed) - 03-18-2009

Filed: 03-18-2009 @ 12:00:00

FOR: Petitioner Jerry Rivas

BY : Mr. Alan McSurely

The following order was entered:

The motion filed in this cause on the 18th day of March 2009 and designated Motion for Extension of Time is allowed. Petitioner-appellant's brief shall be filed on or before 20 April 2009.

By order of the Court this the 18th day of March 2009.

3 - APPELLANT BRIEF

Filed: 04-22-2009 @ 08:19:00

FOR: Petitioner Jerry Rivas

BY : Mr. Alan McSurely

4 - MOTION (Allowed) - 05-21-2009

Filed: 05-20-2009 @ 12:00:00

FOR: Respondent N.C. DOT

BY : Ms. Tina A. Krasner

The following order was entered:

The motion filed in this cause on the 20th day of May 2009 and designated Motion for Extension of Time is allowed. Respondent-appellee's brief shall be filed on or before 18 June 2009.

By order of the Court this the 21st day of May 2009.

5 - APPELLEE BRIEF

Filed: 06-18-2009 @ 16:29:00

FOR: Respondent N.C. DOT

BY : Ms. Tina A. Krasner

Financial Information

Receipts

Date Charged	Charge Type	Amount Charged	Amount Paid	Document	Pages	Receipt #	Date Paid
11-06-2009	Printing	45.50	45.50	APPELLEE BRIEF	26	R122011509	12-10-2009
12-08-2009	Assess	178.25	178.25			R022019210	02-11-2010
02-04-2009	Docket Fee	10.00	10.00			R022029509	02-16-2009
02-04-2009	Bond	250.00	250.00			R022029509	02-16-2009

02-18-2009	Printing	92.75	92.75	RECORD	53	R022031009	02-18-2009
04-27-2009	Printing	66.50	66.50	APPELLANT BRIEF	38	R042046309	06-05-2009

Payments

Payment Date	Payment Type	Amount	Check Number
09-21-2016	Disburse	419.25	41831

Exhibits**Parties**

Party Name	Role
N.C. Department of Transportation	Respondent-Appellee
Jerry Rivas	
N.C. DOT	
Rivas, Jerry	Petitioner-Appellant

Attorneys**Attorney for Petitioner - Jerry Rivas**

Mr. Alan McSurely [Primary Attorney]

Attorney at Law

lawyers@mcsurely.com

144 Leake Street
 Carthage, NC 28327
 (919) 381-0856

Attorney for Respondent - N.C. DOT

Ms. Tina A. Krasner [Primary Attorney]

Assistant Attorney General

tkrasner@ncdoj.gov

N.C. DEPARTMENT OF JUSTICE
 P.O. Box 629
 Raleigh, NC 27602
 (919) 716-6800