

# North Carolina Court of Appeals

## Docket Sheet

### Powell v NC DOT

**Case Number:** 10-490

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

**Case Closed:** Yes

**Close Date:** 02-07-2011

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

**Mediation:** Yes

WALTER POWELL, SR.,  
Petitioner,

V

NORTH CAROLINA DEPARTMENT  
OF TRANSPORTATION,  
Respondent.

**Docket Date:** 05-05-2010

**File Date:** 04-26-2010

**File Time:** 01:46

**Acquired Date:** 04-26-2010

**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: Henry W. Hight

Case #: 08CVS11737

#### Tracking/Argue

**Argue Date:** 11-02-2010 (No oral argument by Rule 30(f))

#### Opinion

Opinion Date: 01-18-2011

Cert Date: 02-07-2011

Author: Honorable Wanda G. Bryant

Decision: Reversed and Remanded

Opinion Notes:

Opinion Pages: 20

Opinion Cost: \$ 4.00

Cite: 209 NC App 284

Slip Opinion: <https://appellate.nccourts.org/opinions/?c=2&pdf=7264>

#### 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	04-26-2010	04-15-2010				05-11-2010		
(2) INFORM SHT	06-10-2010							

(3) APPELLANT BRIEF	06-11-2010					06-15-2010		
(4) M-GEN	06-23-2010	06-22-2010					Allowed	06-24-2010
(5) AMENDED	06-23-2010	06-21-2010				07-08-2010		
(6) M-GEN	07-09-2010	07-08-2010					Allowed	07-09-2010
(7) APPELLEE BRIEF	08-11-2010					08-25-2010		
(8) REPLY	10-27-2010					11-01-2010		

1 - RECORD

Filed: 04-26-2010 @ 13:46:00  
 FOR: Petitioner-Appellant Powell, Walter (Sr.)  
 BY : Mr. Craig D. Justus  
 THE VAN WINKLE LAW FIRM

2 - AIS INFORM SHT

Filed: 06-10-2010 @ 18:27:00  
 FOR: Petitioner-Appellant Powell, Walter (Sr.)  
 BY : Mr. Craig D. Justus  
 THE VAN WINKLE LAW FIRM

3 - APPELLANT BRIEF

Filed: 06-11-2010 @ 08:06:51  
 FOR: Petitioner-Appellant Powell, Walter (Sr.)  
 BY : Mr. Craig D. Justus  
 THE VAN WINKLE LAW FIRM

4 - MOTION PETITIONER-APPELLANT'S MOTION TO AMEND PETITIONER-APPELLANT'S BRIEF (Allowed) - 06-24-2010

Filed: 06-23-2010 @ 12:26:58  
 FOR: Petitioner-Appellant Powell, Walter (Sr.)  
 BY : Mr. Craig D. Justus  
 THE VAN WINKLE LAW FIRM

The following order was entered:

The motion filed in this cause on the 23rd of June 2010 and designated 'Petitioner-Appellant's Motion to Amend Petitioner-Appellant's Brief' is decided as follows: Petitioner-appellant's brief is stricken, and the attached amended brief shall be substituted and printed. The time for the filing of respondent-appellee's brief shall run from the date that the original brief was served. See N.C.R. App. P. 13(a)(1). If additional time is needed, respondent-appellee may seek an extension of time from this Court pursuant to N.C.R. App. P. 27(c)(1).

By order of the Court this the 24th of June 2010.

5 - APPELLANT BRIEF AMENDED

Filed: 06-23-2010 @ 12:29:00  
 FOR: Petitioner-Appellant Powell, Walter (Sr.)  
 BY : Mr. Craig D. Justus  
 THE VAN WINKLE LAW FIRM

6 - MOTION MOTION FOR EXTENSION OF TIME TO FILE RESPONDENT-APPELLEE'S BRIEF (Allowed) - 07-09-2010

Filed: 07-09-2010 @ 07:43:08  
 FOR: Respondent-Appellee NC Department Of Transportation  
 BY : Ms. Ebony J. Pittman  
 N.C. DEPARTMENT OF JUSTICE

The following order was entered:

The motion filed in this cause on the 9th of July 2010 and designated 'Motion for Extension of Time to File Respondent-Appellee's Brief' is allowed. Respondent-Appellee's brief shall be filed on or before 11 August 2010.

By order of the Court this the 9th of July 2010.

7 - APPELLEE BRIEF

Filed: 08-11-2010 @ 18:08:29  
 FOR: Respondent-Appellee NC Department Of Transportation  
 BY : Ms. Ebony J. Pittman  
 N.C. DEPARTMENT OF JUSTICE

8 - OTHER BRIEF REPLY  
 Filed: 10-27-2010 @ 18:46:17  
 FOR: Petitioner-Appellant Powell, Walter (Sr.)  
 BY : Mr. Craig D. Justus  
 THE VAN WINKLE LAW FIRM

### Financial Information

#### Receipts

Date Charged	Charge Type	Amount Charged	Amount Paid	Document	Pages	Receipt #	Date Paid
09-13-2010	Printing	70.00	70.00	APPELLEE BRIEF	40	R102013410	10-04-2010
01-18-2011	Assess	423.25	423.25			R022076311	02-18-2011
05-05-2010	Docket Fee	10.00	10.00			R052004610	05-05-2010
05-05-2010	Bond	250.00	250.00			R052004610	05-05-2010
05-11-2010	Printing	262.50	262.50	RECORD	150	R062007010	06-07-2010
06-15-2010	Printing	106.75	106.75	APPELLANT BRIEF	61	R062036110	06-22-2010
07-08-2010	Printing	78.75	78.75	APPELLANT BRIEF	45	R072010010	07-15-2010
11-01-2010	Printing	35.00	35.00	OTHER BRIEF	20	R112019610	11-08-2010

#### Payments

Payment Date	Payment Type	Amount	Check Number
03-10-2011	Disburse	664.25	35543

### Exhibits

#### Parties

Party Name	Role
Powell, Walter (Sr.)	Petitioner-Appellant
NC Department Of Transportation	Respondent-Appellee

#### Attorneys

##### Attorney for Petitioner-Appellant - Powell, Walter (Sr.)

Mr. Craig D. Justus [Primary Attorney]

Attorney at Law

cjustus@vwlawfirm.com

THE VAN WINKLE LAW FIRM

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**Attorney for Respondent-Appellee - NC Department Of Transportation**

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N.C. DEPARTMENT OF JUSTICE

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