

# North Carolina Court of Appeals

## Docket Sheet

Justus Business Center, LLC v NC DOT

**Case Number:** 10-1611

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

**Case Closed:** Yes **Close Date:** 02-16-2011 **Case Type:** Civil (Civil\_othr) **Mediation:** No

JUSTUS BUSINESS CENTER, LLC,  
A North Carolina Limited Liability  
Company,

Plaintiff,

V

NORTH CAROLINA DEPARTMENT OF  
TRANSPORTATION, an Agency of the  
State of North Carolina,  
Defendant.

**Docket Date:** 01-07-2011 **File Date:** 12-28-2010 **File Time:** 08:10 **Acquired Date:** 12-28-2010  
**Bond Collected:** No **Docket Fee:** No **Pauper:** No **Print Deposit:** No **State Appeals:** Yes

### History

**Venue:** Henderson (42) **Heard In:** Superior Court

**To SC:** **From SC:**

### Lower Court Number(s)

**Location:** Henderson (42)

**Judge:** C. Philip Ginn

**Case #:** 09CVS1289

### Tracking/Argue

### Opinion

### Documents

Document	Date Recvd	Cert of Service	Rec/Brf Due	Resp. Due	Resp. Recvd	Mailed Out	Ruling	Ruling Date
(1) RECORD	12-28-2010	12-17-2010				01-18-2011		
(2) M-GEN	02-15-2011						Allowed	02-16-2011
(3) M-GEN	02-15-2011						Allowed	02-15-2011

1 - RECORD

Filed: 12-28-2010 @ 08:10:00

FOR: Defendant-Appellant NC Department Of Transportation

BY : Mr. Thomas O. Lawton, III

2 - MOTION JOINT MOTION TO DISMISS APPEAL (Allowed) - 02-16-2011  
 Filed: 02-15-2011 @ 09:55:53  
 FOR: Defendant-Appellant NC Department Of Transportation  
 BY : Mr. Thomas O. Lawton, III

The following order was entered:

The motion filed in this cause on the 15th of February 2011 and designated 'Joint Motion to Dismiss Appeal' is allowed. Appeal dismissed. Defendant-appellant to pay costs.

And it is considered and adjudged further, that the Defendant-appellant, North Carolina 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 16th of February 2011.

3 - MOTION MOTION TO SUSPEND BRIEFING SCHEDULE PENDING RESOLUTION OF THE JOINT MOTION TO DISMISS APPEAL (Allowed) - 02-15-2011  
 Filed: 02-15-2011 @ 09:56:46  
 FOR: Defendant-Appellant NC Department Of Transportation  
 BY : Mr. Thomas O. Lawton, III

The following order was entered:

The motion filed in this cause on the 15th of February 2011 and designated 'Motion to Suspend Briefing Schedule Pending Resolution of the Joint Motion to Dismiss Appeal' is decided as follows: Defendant-appellant's brief shall be filed on or before 3 March 2011.

By order of the Court this the 15th of February 2011.

#### Financial Information

##### Receipts

Date Charged	Charge Type	Amount Charged	Amount Paid	Document	Pages	Receipt #	Date Paid
02-01-2011	Printing	283.50	283.50	RECORD	162	R022067711	02-15-2011
02-16-2011	Assess	9.00	9.00			R032047911	03-24-2011

##### Exhibits

#### Parties

Party Name	Role
Justus Business Center, LLC	Plaintiff-Appellee
NC Department Of Transportation	Defendant-Appellant

#### Attorneys

##### Attorney for Defendant-Appellant - NC Department Of Transportation

Mr. Thomas O. Lawton, III [Primary Attorney]

Special Deputy Attorney General

TLawton@ncdoj.gov

60 Court Plaza  
Asheville, NC 28801  
(828) 393-6816

---

**Attorney for Plaintiff-Appellee - Justus Business Center, LLC**

Mr. W. Perry Fisher, II [Primary Attorney]

Attorney at Law

perry@fisherstark.com

Mr. Brad A. Stark

Attorney at Law

brad@fisherstark.com

FISHER STARK, P.A.

35 N. Market Street  
Asheville, NC 28801  
(828) 505-4300

---