

# North Carolina Court of Appeals

## Docket Sheet

Ray, et al v N.C. DOT

**Case Number:** 11-17  
**As of:** 05/01/2024  
**Case Closed:** Yes **Close Date:** 01-09-2012 **Case Type:** Civil (Civil\_othr) **Mediation:** No

JENIFER RAY, Administratrix of the Estate of MICKELA  
 NICHOLSON; LINDA JUDGE, Administratrix of the Estate of  
 MARIANNE DAUSCHER; and EILEEN and ROGER LAYAOU,  
 Co-Administrators of the Estate of MICHAEL LAYAOU,  
 Plaintiffs,

V

N.C. DEPARTMENT OF TRANSPORTATION,  
 Defendant.

|                                |                              |                         |   |
|--------------------------------|------------------------------|-------------------------|---|
| <b>Docket Date:</b> 01-12-2011 | <b>File Date:</b> 01-05-2011 | <b>File Time:</b> 03:38 | <b>Acquired Date:</b> 01-05-2011                  |
| <b>Bond Collected:</b> Yes     | <b>Docket Fee:</b> Yes       | <b>Pauper:</b> No       | <b>Print Deposit:</b> No <b>State Appeals:</b> No |

### History

**Venue:** N.C. Industrial Commission (204) **Heard In:** N.C. Industrial Commission  
**To SC:** **From SC:**

### Lower Court Number(s)

**Location:** N.C. Industrial Commission (204)  
**Judge:**  
**Case #:** TA-18568 TA-18694 TA-18699

### Tracking/Argue

**Argue Date:** 08-17-2011 #

### Opinion

**Opinion Date:** 12-20-2011 **Cert Date:** 01-09-2012  
**Author:** Honorable Robert N. Hunter, Jr.  
**Decision:** Reversed and Remanded  
**Opinion Notes:** Robert C. Hunter (d)  
**Opinion Pages:** 20 **Opinion Cost:** \$ 4.00  
**Cite:** 217 NC App 500  
**Slip Opinion:** <https://appellate.nccourts.org/opinions/?c=2&pdf=27399>

### Documents

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

|                     |            |            |  |  |  |            |         |            |
|---------------------|------------|------------|--|--|--|------------|---------|------------|
| (1) RECORD          | 01-05-2011 | 01-05-2011 |  |  |  | 01-19-2011 |         |            |
| (2) M-GEN           | 01-31-2011 | 01-31-2011 |  |  |  |            | Allowed | 02-01-2011 |
| (3) APPELLANT BRIEF | 03-21-2011 | 03-21-2011 |  |  |  | 03-23-2011 |         |            |
| (4) M-GEN           | 03-21-2011 | 03-21-2011 |  |  |  |            | Allowed | 03-24-2011 |
| (5) AMICUS          | 03-21-2011 |            |  |  |  | 03-28-2011 |         |            |
| (6) M-GEN           | 04-12-2011 | 04-12-2011 |  |  |  |            | Allowed | 04-13-2011 |
| (7) APPELLEE BRIEF  | 05-19-2011 | 05-19-2011 |  |  |  | 05-23-2011 |         |            |
| (8) ADD-AUTH        | 08-18-2011 | 08-16-2011 |  |  |  |            |         |            |
| (9) ADD-AUTH        | 08-18-2011 | 08-17-2011 |  |  |  |            |         |            |

## 1 - RECORD

Filed: 01-05-2011 @ 03:38:00

FOR: Appellant Ray, Jenifer, et al

BY : Mr. Robert E. Zaytoun  
ZAYTOUN LAW FIRM, PLLC

## 2 - MOTION APPELLANTS' MOTION FOR EXTENSION OF TIME TO FILE AND SERVE BRIEF (Allowed) - 02-01-2011

Filed: 01-31-2011 @ 15:50:42

FOR:

BY : Mr. Matthew D. Ballew  
ZAYTOUN LAW FIRM, PLLC

The following order was entered:

The motion filed in this cause on the 31st of January 2011 and designated 'Appellants' Motion for Extension of Time to File and Serve Brief' is allowed. Plaintiff-appellants' brief shall be filed on or before 21 March 2011.

By order of the Court this the 1st of February 2011.

## 3 - APPELLANT BRIEF

Filed: 03-21-2011 @ 02:54:00

FOR: Appellant Ray, Jenifer, et al

BY : Mr. Robert E. Zaytoun  
ZAYTOUN LAW FIRM, PLLC

## 4 - MOTION MOTION OF NORTH CAROLINA ADVOCATES FOR JUSTICE FOR LEAVE TO FILE AMICUS CURIAE BRIEF (Allowed) - 03-24-2011

Filed: 03-21-2011 @ 19:07:34

FOR: Amicus

BY : Mr. Burton Craige  
PATTERSON HARKAVY LLP

The following order was entered:

The motion filed in this cause on the 21st of March 2011 and designated 'Motion of North Carolina Advocates for Justice for leave to File Amicus Curiae Brief' is allowed. The brief shall be printed.

By order of the Court this the 24th of March 2011.

## 5 - OTHER BRIEF AMICUS

Filed: 03-21-2011 @ 19:14:10

FOR: Amicus

BY : Mr. Burton Craige  
PATTERSON HARKAVY LLP

6 - MOTION DEFENDANT'S MOTION FOR EXTENSION OF TIME (Allowed) - 04-13-2011

Filed: 04-12-2011 @ 01:42:00

FOR: Defendant-Appellee N.C. Department of Transportation

BY : Mr. Amar Majmundar

N.C. DEPARTMENT OF JUSTICE

The following order was entered:

The motion filed in this cause on the 12th of April 2011 and designated 'Defendant's Motion for Extension of Time' is allowed. Defendant-appellee's brief shall be filed on or before 23 May 2011.

By order of the Court this the 13th of April 2011.

7 - APPELLEE BRIEF

Filed: 05-19-2011 @ 12:08:00

FOR: Defendant-Appellee N.C. Department of Transportation

BY : Mr. Amar Majmundar

N.C. DEPARTMENT OF JUSTICE

8 - MEMOS ADD-AUTH

Filed: 08-18-2011 @ 10:45:41

FOR: Defendant-Appellee N.C. Department of Transportation

BY : Mr. Amar Majmundar

N.C. DEPARTMENT OF JUSTICE

9 - MEMOS ADD-AUTH

Filed: 08-18-2011 @ 10:46:13

FOR: Appellant Ray, Jenifer, et al

BY : Mr. Robert E. Zaytoun

ZAYTOUN LAW FIRM, PLLC

## Financial Information

### Receipts

| Date Charged | Charge Type | Amount Charged | Amount Paid | Document        | Pages | Recelpt #  | Date Paid  |
|--------------|-------------|----------------|-------------|-----------------|-------|------------|------------|
| 03-28-2011   | Printing    | 29.75          | 29.75       | OTHER BRIEF     | 17    | R052006511 | 05-06-2011 |
| 06-06-2011   | Printing    | 73.50          | 73.50       | APPELLEE BRIEF  | 42    | R072046011 | 07-22-2011 |
| 12-20-2011   | Assess      | 1126.75        | 1126.75     |                 |       | R022010812 | 02-10-2012 |
| 01-30-2012   | Cert Fee    | 10.00          | 10.00       |                 |       | R022010912 | 02-10-2012 |
|              | Docket Fee  | 10.00          | 10.00       |                 |       | R012015711 | 01-12-2011 |
|              | Bond        | 250.00         | 250.00      |                 |       | R012015711 | 01-12-2011 |
| 01-19-2011   | Printing    | 1048.25        | 1048.25     | RECORD          | 599   | R032040811 | 03-17-2011 |
| 03-23-2011   | Printing    | 59.50          | 59.50       | APPELLANT BRIEF | 34    | R042001911 | 04-04-2011 |

### Payments

| Payment Date | Payment Type | Amount  | Check Number |
|--------------|--------------|---------|--------------|
| 02-28-2012   | Disburse     | 1367.75 | 36982        |

### Exhibits

### Parties

Party Name

Role

|                                   |                     |
|-----------------------------------|---------------------|
| Ray, Jenifer                      | Plaintiff-Appellant |
| Nicholson, Mickela (Estate of)    | Plaintiff-Appellant |
| Judge, Linda                      | Plaintiff-Appellant |
| Dauscher, Marianne (Estate of)    | Plaintiff-Appellant |
| Layaou, Eileen                    | Plaintiff-Appellant |
| Layaou, Roger                     | Plaintiff-Appellant |
| Layaou, Michael (Estate of)       | Plaintiff-Appellant |
| N.C. Department of Transportation | Defendant-Appellee  |

### Attorneys

#### Attorney for Appellant - Ray, Jenifer, et al

Mr. Robert E. Zaytoun [Primary Attorney]

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N.C. DEPARTMENT OF JUSTICE

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