

North Carolina Court of Appeals

Docket Sheet

High Rock Lake Partners, LLC, et al v NC DOT

Case Number: 11-309

As of: 04/30/2024

Case Closed: Yes

Close Date: 01-09-2012

Case Type: Civil (Civil_othr)

Mediation: No

HIGH ROCK LAKE PARTNERS, LLC,
A North Carolina Limited Liability
Company, and JOHN DOLVEN,
Petitioners,

V

NORTH CAROLINA DEPARTMENT
OF TRANSPORTATION,
Respondent.

Docket Date: 03-15-2011	File Date: 03-11-2011	File Time: 09:23	Acquired Date: 03-11-2011
Bond Collected: Yes	Docket Fee: Yes	Pauper: No	Print Deposit: No
			State Appeals: Yes

History

Venue: Mecklenburg (26)	Heard In: Superior Court
To SC:	From SC:

Lower Court Number(s)

Location: Mecklenburg (26)

Judge: F. Lane Williamson

Case #: 07CVS18706

Tracking/Argue

Argue Date: 09-12-2011 #

Opinion

Opinion Date: 12-20-2011 **Cert Date:** 01-09-2012

Author: Honorable John C. Martin

Decision: Affirmed

Opinion Notes:

Opinion Pages: 21 **Opinion Cost:** \$ 4.20

Cite: 217 NC App 442

Slip Opinion: <https://appellate.nccourts.org/opinions/?c=2&pdf=27515>

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	03-11-2011	03-09-2011				03-16-2011		
(2) M-GEN	03-31-2011	03-31-2011					Allowed	03-31-2011
(3) APPELLANT BRIEF	04-20-2011	04-15-2011				04-21-2011		
(4) INFORM SHT	04-20-2011	04-15-2011						
(5) M-GEN	04-21-2011	04-18-2011		05-02-2011			Allowed	05-03-2011
(6) SUBSTITUTE	04-21-2011	04-18-2011				05-05-2011		
(7) APPELLANT BRIEF	04-28-2011	04-28-2011				05-03-2011		
(8) INFORM SHT	04-28-2011	04-28-2011						
(9) APPELLEE BRIEF	05-17-2011	05-17-2011				05-18-2011		
(10) M-GEN	06-06-2011	05-31-2011		06-14-2011			Allowed	06-16-2011
(11) APPELLEE BRIEF	06-06-2011	06-03-2011				06-08-2011		
(12) M-GEN	06-17-2011	06-17-2011					Allowed	06-17-2011
(13) REPLY	06-17-2011	06-17-2011				06-24-2011		
(14) M-GEN	06-17-2011	06-17-2011		07-01-2011			Allowed	07-01-2011
(15) M-GEN	07-05-2011	07-01-2011					Allowed	07-05-2011
(16) M-GEN	08-24-2011	08-24-2011					Allowed	08-26-2011
(17) REPLY	09-01-2011					09-02-2011		
(18) ADD-AUTH	09-09-2011	09-08-2011						
(19) ADD-AUTH	09-12-2011	09-11-2011						
(20) ADD-AUTH	09-12-2011	09-12-2011						

1 - RECORD

Filed: 03-11-2011 @ 09:23:00

FOR: Appellant High Rock Lake Partners, LLC, et al

BY : Mr. Craig D. Justus

THE VAN WINKLE LAW FIRM

2 - MOTION MOTION FOR EXTENSION OF TIME TO FILE AND SERVE BRIEF (Allowed) - 03-31-2011

Filed: 03-31-2011 @ 09:22:49

FOR: Respondent-Appellant NC Department Of Transportation

BY : Mr. James M. Stanley, Jr.

N.C. DEPARTMENT OF JUSTICE

The following order was entered:

The motion filed in this cause on the 31st of March 2011 and designated 'Motion for Extension of Time to File and Serve Brief' is allowed. Respondent-appellant's brief shall be filed on or before 29 April 2011.

By order of the Court this the 31st of March 2011.

3 - APPELLANT BRIEF

Filed: 04-20-2011 @ 07:49:00

FOR: Appellant High Rock Lake Partners, LLC, et al

BY : Mr. Craig D. Justus

THE VAN WINKLE LAW FIRM

4 - AIS INFORM SHT

Filed: 04-20-2011 @ 07:49:00

FOR: Appellant High Rock Lake Partners, LLC, et al

BY : Mr. Craig D. Justus

THE VAN WINKLE LAW FIRM

5 - MOTION PETITIONERS-APPELLANTS' MOTION TO AMEND BRIEF (Allowed) - 05-03-2011

Filed: 04-21-2011 @ 08:14:12

FOR: Appellant High Rock Lake Partners, LLC, et al

BY : Mr. Craig D. Justus

THE VAN WINKLE LAW FIRM

The following order was entered:

The motion filed in this cause on the 21st of April 2011 and designated 'Petitioners-Appellants' Motion to Amend Brief' is allowed. The previously-filed brief is stricken, and the attached brief shall be substituted and printed.

By order of the Court this the 3rd of May 2011.

6 - APPELLANT BRIEF SUBSTITUTE

Filed: 04-21-2011 @ 07:59:00

FOR: Appellant High Rock Lake Partners, LLC, et al

BY : Mr. Craig D. Justus

THE VAN WINKLE LAW FIRM

7 - APPELLANT BRIEF

Filed: 04-28-2011 @ 02:38:00

FOR: Respondent-Appellant NC Department Of Transportation

BY : Mr. James M. Stanley, Jr.

N.C. DEPARTMENT OF JUSTICE

8 - AIS INFORM SHT

Filed: 04-28-2011 @ 02:38:00

FOR: Respondent-Appellant NC Department Of Transportation

BY : Mr. Scott K. Beaver

N.C. DEPARTMENT OF JUSTICE

9 - APPELLEE BRIEF

Filed: 05-17-2011 @ 12:56:00

FOR: Respondent-Appellant NC Department Of Transportation

BY : Mr. James M. Stanley, Jr.

N.C. DEPARTMENT OF JUSTICE

10 - MOTION MOTION TO AMEND RECORD ON APPEAL (Allowed) - 06-16-2011

Filed: 06-06-2011 @ 09:14:34

FOR: Appellant High Rock Lake Partners, LLC, et al

BY : Mr. Craig D. Justus

THE VAN WINKLE LAW FIRM

The following order was entered:

The motion filed in this cause on the 6th of June 2011 and designated 'Motion to Amend Record on Appeal' is allowed. The attached affidavit shall be an exhibit to the record on appeal.

By order of the Court this the 16th of June 2011.

11 - APPELLEE BRIEF

Filed: 06-06-2011 @ 08:16:00

FOR: Appellant High Rock Lake Partners, LLC, et al

BY : Mr. Craig D. Justus

THE VAN WINKLE LAW FIRM

12 - MOTION MOTION TO AMEND RECORD ON APPEAL (Allowed) - 06-17-2011

Filed: 06-17-2011 @ 10:25:17

FOR: Respondent-Appellant NC Department Of Transportation

BY : Mr. James M. Stanley, Jr.

N.C. DEPARTMENT OF JUSTICE

The following order was entered:

The motion filed in this cause on the 17th of June 2011 and designated 'Motion to Amend Record on Appeal' is dismissed without prejudice to refile this motion with the documents which respondent-appellant seeks to add to the record on appeal.

By order of the Court this the 17th of June 2011.

13 - APPELLANT BRIEF REPLY

Filed: 06-17-2011 @ 10:22:00

FOR: Respondent-Appellant NC Department Of Transportation

BY : Mr. James M. Stanley, Jr.

N.C. DEPARTMENT OF JUSTICE

14 - MOTION MOTION TO AMEND RECORD ON APPEAL (Allowed) - 07-01-2011

Filed: 06-17-2011 @ 11:30:35

FOR: Respondent-Appellant NC Department Of Transportation

BY : Mr. James M. Stanley, Jr.

N.C. DEPARTMENT OF JUSTICE

The following order was entered:

The motion filed in this cause on the 17th of June 2011 and designated 'Motion to Amend Record on Appeal' is allowed. The attached Rule 9(b)(5) supplement shall be added to the record on appeal.

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

15 - MOTION MOTION TO AMEND RECORD ON APPEAL (Allowed) - 07-05-2011

Filed: 07-05-2011 @ 08:31:51

FOR: Appellant High Rock Lake Partners, LLC, et al

BY : Mr. Craig D. Justus

THE VAN WINKLE LAW FIRM

The following order was entered:

The motion filed in this cause on the 5th of July 2011 and designated 'Motion to Amend Record on Appeal' is allowed. The attached transcript shall be an exhibit to the record on appeal.

By order of the Court this the 5th of July 2011.

16 - MOTION MOTION FOR LEAVE TO FILE REPLY BRIEF (Allowed) - 08-26-2011

Filed: 08-24-2011 @ 20:12:25

FOR: Appellant High Rock Lake Partners, LLC, et al

BY : Mr. Craig D. Justus

THE VAN WINKLE LAW FIRM

The following order was entered:

The motion filed in this cause on the 24th of August 2011 and designated 'Motion for Leave to File Reply Brief' is allowed. Petitioner-appellants may file their reply brief on or before 1 September 2011. The reply brief shall then be printed.

By order of the Court this the 26th of August 2011.

17 - OTHER BRIEF REPLY

Filed: 09-01-2011 @ 18:42:06

FOR: Appellant High Rock Lake Partners, LLC, et al

BY : Mr. Craig D. Justus

THE VAN WINKLE LAW FIRM

18 - MEMOS ADD-AUTH

Filed: 09-09-2011 @ 12:07:39

FOR: Appellant High Rock Lake Partners, LLC, et al

BY : Mr. Craig D. Justus

THE VAN WINKLE LAW FIRM

19 - MEMOS ADD-AUTH

Filed: 09-12-2011 @ 11:26:27

FOR: Respondent-Appellant NC Department Of Transportation

BY : Mr. Scott K. Beaver

N.C. DEPARTMENT OF JUSTICE

20 - MEMOS ADD-AUTH

Filed: 09-12-2011 @ 11:39:33

FOR: Appellant High Rock Lake Partners, LLC, et al

BY : Mr. Craig D. Justus

THE VAN WINKLE LAW FIRM

Receipts

Date Charged	Charge Type	Amount Charged	Amount Paid	Document	Pages	Receipt #	Date Paid
03-15-2011	Docket Fee	10.00	10.00			R012022412	01-24-2012
06-06-2011	Printing	47.25	47.25	APPELLANT BRIEF	27	R072039911	07-22-2011
06-06-2011	Printing	120.75	120.75	APPELLEE BRIEF	69	R072045311	07-22-2011
06-24-2011	Printing	26.25	26.25	APPELLANT BRIEF	15	R072053311	07-22-2011
12-20-2011	Assess	4.50	4.50			R012011812	01-12-2012
01-17-2013	Retax	696.50	696.50			R032007713	03-08-2013
	Docket Fee	10.00	10.00			R032038111	03-15-2011
	Bond	250.00	250.00			R032038111	03-15-2011
03-16-2011	Printing	455.00	455.00	RECORD	260	R032056411	03-31-2011
04-21-2011	Printing	80.50	80.50	APPELLANT BRIEF	46	R052002811	05-02-2011
05-05-2011	Printing	82.25	82.25	APPELLANT BRIEF	47	R052013911	05-13-2011
06-08-2011	Printing	99.75	99.75	APPELLEE BRIEF	57	R062034811	06-23-2011
09-02-2011	Printing	35.00	35.00	OTHER BRIEF	20	R092012611	09-16-2011
02-01-2012	Cert Fee	10.00	10.00			R022041212	02-15-2012

Payments

Payment Date	Payment Type	Amount	Check Number
01-19-2012	Disburse	245.50	36873
03-20-2013	Disburse	696.50	38279

Exhibits**Transcript(s) Electronically Filed**

7314-07-CVS-18706 HIGH ROCK LAKE V NC DOT.pdf
High Rock Lake Vs NC DOT.pdf

Parties

Party Name	Role
High Rock Lake Partners, LLC	Petitioner-Appellant
Dolven, John	Petitioner-Appellant
NC Department Of Transportation	Respondent-Appellant

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