

# North Carolina Court of Appeals

## Docket Sheet

Beroth Oil Company, et al v NC DOT

**Case Number:** 11-1012

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

**Case Closed:** Yes

**Close Date:** 06-04-2012

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

**Mediation:** No

BEROTH OIL COMPANY, PAULA  
AND KENNETH SMITH, BARBARA  
CLAPP, PAMELA MOORE  
CROCKETT, W.R. MOORE, N&G  
PROPERTIES, INC. and ELTON  
V. KOONCE,  
Plaintiffs,

V

NORTH CAROLINA DEPARTMENT  
OF TRANSPORTATION,  
Defendant.

**Docket Date:** 08-23-2011

**File Date:** 08-17-2011

**File Time:** 02:18

**Acquired Date:** 08-17-2011

**Bond Collected:** Yes

**Docket Fee:** Yes

**Pauper:** No

**Print Deposit:** No

**State Appeals:** No

### History

**Venue:** Forsyth (31)

**Heard In:** Superior Court

**To SC:**

**From SC:**

### Lower Court Number(s)

**Location:** Forsyth (31)

**Judge:** Lindsay R. Davis Jr.

**Case #:** 10CVS6926

### Tracking/Argue

**Argue Date:** 02-08-2012 #

### Opinion

**Opinion Date:** 05-15-2012 **Cert Date:** 06-04-2012

**Author:** Honorable Robert N. Hunter, Jr.

**Decision:** Affirmed

**Opinion Notes:**

**Opinion Pages:** 46 **Opinion Cost:** \$ 9.20

**Cite:**

**Slip Opinion:** <https://appellate.nccourts.org/opinions/?c=2&pdf=28740>

### Documents

Document	Date Recvd	Cert of Service	Rec/Brf Due	Resp. Due	Resp. Recvd	Mailed Out	Ruling	Ruling Date
(1) RECORD	08-17-2011	08-17-2011				08-24-2011		
(2) INFORM SHT	09-02-2011	08-31-2011						
(3) APPELLANT BRIEF	09-23-2011	09-22-2011				09-27-2011		
(4) M-GEN	10-13-2011	10-13-2011					Allowed	10-14-2011
(5) APPELLEE BRIEF	11-14-2011	11-08-2011				11-14-2011		
(6) M-GEN	01-19-2012	01-19-2012					Allowed	01-30-2012
(7) REPLY	01-31-2012					02-01-2012		
(8) ADD-AUTH	02-03-2012	02-01-2012						
(9) ADD-AUTH	02-09-2012	02-07-2012						

## 1 - RECORD

Filed: 08-17-2011 @ 02:18:00

FOR: Appellant Beroth Oil Company, et al

BY : Mr. Matthew H. Bryant

HENDRICK BRYANT NERHOOD &amp; OTIS, LLP

## 2 - AIS INFORM SHT

Filed: 09-02-2011 @ 07:40:00

FOR: Appellant Beroth Oil Company, et al

BY : Mr. Matthew H. Bryant

HENDRICK BRYANT NERHOOD &amp; OTIS, LLP

## 3 - APPELLANT BRIEF

Filed: 09-23-2011 @ 11:17:00

FOR: Appellant Beroth Oil Company, et al

BY : Mr. Matthew H. Bryant

HENDRICK BRYANT NERHOOD &amp; OTIS, LLP

## 4 - MOTION MOTION FOR EXTENSION OF TIME TO FILE BRIEF (Allowed) - 10-14-2011

Filed: 10-13-2011 @ 08:07:22

FOR: Defendant-Appellee NC Department Of Transportation

BY : Mr. Dahr Joseph Tanoury

N.C. DEPARTMENT OF JUSTICE

The following order was entered:

The motion filed in this cause on the 13th of October 2011 and designated 'Motion for Extension of Time to File Brief' is allowed. Defendant-appellee's brief shall be filed on or before 8 November 2011.

By order of the Court this the 14th of October 2011.

## 5 - APPELLEE BRIEF

Filed: 11-14-2011 @ 08:10:00

FOR: Defendant-Appellee NC Department Of Transportation

BY : Mr. Dahr Joseph Tanoury

N.C. DEPARTMENT OF JUSTICE

## 6 - MOTION APPELLANTS' MOTION TO FILE REPLY BRIEF (Allowed) - 01-30-2012

Filed: 01-19-2012 @ 14:23:58

FOR: Appellant Beroth Oil Company, et al

BY : Mr. Matthew H. Bryant

HENDRICK BRYANT NERHOOD &amp; OTIS, LLP

The following order was entered:

The motion filed in this cause on the 19th of January 2012 and designated 'Appellants' Motion to File Reply Brief' is allowed.

By order of the Court this the 30th of January 2012.

7 - APPELLANT BRIEF REPLY  
 Filed: 01-31-2012 @ 10:13:07  
 FOR: Appellant Beroth Oil Company, et al  
 BY : Mr. Matthew H. Bryant  
 HENDRICK BRYANT NERHOOD & OTIS, LLP

8 - MEMOS ADD-AUTH  
 Filed: 02-03-2012 @ 09:35:06  
 FOR: Appellant Beroth Oil Company, et al  
 BY : Mr. Matthew H. Bryant  
 HENDRICK BRYANT NERHOOD & OTIS, LLP

9 - MEMOS ADD-AUTH  
 Filed: 02-09-2012 @ 10:38:57  
 FOR: Defendant-Appellee NC Department Of Transportation  
 BY : Mr. Dahr Joseph Tanoury  
 N.C. DEPARTMENT OF JUSTICE

### Financial Information

#### Receipts

Date Charged	Charge Type	Amount Charged	Amount Paid	Document	Pages	Receipt #	Date Paid
12-08-2011	Printing	71.75	71.75	APPELLEE BRIEF	41	R122035111	12-22-2011
08-23-2011	Docket Fee	10.00	10.00			R082046411	08-23-2011
08-23-2011	Bond	250.00	250.00			R082046411	08-23-2011
08-24-2011	Printing	582.75	582.75	RECORD	333	R082052611	08-29-2011
09-27-2011	Printing	73.50	73.50	APPELLANT BRIEF	42	R102001311	10-03-2011
02-01-2012	Printing	50.75	50.75	APPELLANT BRIEF	29	R022003712	02-06-2012
06-19-2012	Cert Fee	10.00	10.00			R072000112	07-02-2012

#### Payments

Payment Date	Payment Type	Amount	Check Number
06-05-2012	Disburse	71.75	37323
06-05-2012	Disburse	169.25	37324

### Exhibits

### Parties

Party Name	Role
Beroth Oil Company	Plaintiff-Appellant
Smith, Paula	Plaintiff-Appellant
Smith, Kenneth	Plaintiff-Appellant
Clapp, Barbara	Plaintiff-Appellant
Crockett, Pamela Moore	Plaintiff-Appellant
Moore, W.R.	Plaintiff-Appellant

N&G Properties, Inc.	Plaintiff-Appellant
Koonce, Elton V.	Plaintiff-Appellant
NC Department Of Transportation	Defendant-Appellee

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**Attorneys**


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