

# North Carolina Court of Appeals

## Docket Sheet

Jamestown Pender, L.P. v. NC DOT

**Case Number:** 15-925  
**As of:** 04/30/2024  
**Case Closed:** Yes      **Close Date:** 11-21-2016      **Case Type:** Civil (Civil\_othr)      **Mediation:** No

JAMESTOWN PENDER, L.P.,  
Plaintiff,

v.

NORTH CAROLINA DEPARTMENT  
OF TRANSPORTATION AND  
WILMINGTON URBAN AREA  
METROPOLITAN PLANNING  
ORGANIZATION,  
Defendants.

**Docket Date:** 08-19-2015      **File Date:** 08-18-2015      **File Time:** 07:21      **Acquired Date:** 08-18-2015  
**Bond Collected:** Yes      **Docket Fee:** Yes      **Pauper:** No      **Print Deposit:** No      **State Appeals:** No

### History

**Venue:** Pender (6)      **Heard In:** Superior Court  
**To SC:**      **From SC:**

### Lower Court Number(s)

**Location:** Pender (6)  
**Judge:** Gary E. Trawick  
**Case #:** 14CVS528

### Tracking/Argue

**Argue Date:** 01-27-2016 #

### Opinion

**Opinion Date:** 11-01-2016      **Cert Date:** 11-21-2016  
**Author:** Honorable Ann Marie Calabria  
**Decision:** Dismissed in part; Affirmed in part.  
**Opinion Notes:**  
**Opinion Pages:** 19      **Opinion Cost:** \$ 3.80  
**Cite:**  
**Slip Opinion:** <https://appellate.nccourts.org/opinions/?c=2&pdf=33858>

### 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	08-18-2015	08-14-2015				08-19-2015		
(2) M-EXT-BR	09-08-2015	09-08-2015					Allowed	09-09-2015
(3) M-EXT-BR	09-09-2015	09-09-2015					Allowed	09-10-2015
(4) APPELLANT BRIEF	10-16-2015					10-19-2015		
(5) INFORM SHT	10-16-2015							
(6) APPELLANT BRIEF	10-19-2015					10-20-2015		
(7) INFORM SHT	10-26-2015	10-26-2015						
(8) APPELLEE BRIEF	11-18-2015					11-19-2015		
(9) ADD-AUTH	01-25-2016	01-25-2016						
(10) M-GEN	01-26-2016	01-26-2016					Allowed	01-26-2016
(11) ADD-AUTH	01-26-2016	01-22-2016						
(12) M-GEN	01-27-2016	01-27-2016					Allowed	01-28-2016
(13) ADD-AUTH	06-13-2016	06-13-2016						
(14) SUPPLEMENTAL	09-07-2016	09-07-2016				09-07-2016		
(15) SUPPLEMENTAL	09-08-2016					09-09-2016		
(16) SUPPLEMENTAL	10-10-2016					10-12-2016		
(17) M-GEN	11-08-2016	11-08-2016					Allowed	11-10-2016

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1 - RECORD

Filed: 08-18-2015 @ 07:21:00

FOR: Defendant-Appellant Wilmington Urban Area Metropolitan Planning Organization

BY : Mr. Kenneth A. Shanklin  
SHANKLIN & NICHOLS, LLP

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2 - M-EXT-BR (Allowed) - 09-09-2015

Filed: 09-08-2015 @ 15:11:26

FOR: Defendant-Appellant Wilmington Urban Area Metropolitan Planning Organization

BY : Mr. Kenneth A. Shanklin  
SHANKLIN & NICHOLS, LLP

The following order was entered:

The motion filed in this cause on the 8th of September 2015 and designated 'Motion for Extension of Time to File Defendant-Appellant's Brief' is allowed. The brief of defendant-appellant Wilmington Urban Area Metropolitan Planning Organization shall be filed on or before 19 October 2015.

By order of the Court this the 9th of September 2015.

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3 - M-EXT-BR (Allowed) - 09-10-2015

Filed: 09-09-2015 @ 12:11:48

FOR: Defendant-Appellant North Carolina Department Of Transportation

BY : Mr. James M. Stanley, Jr.

The following order was entered:

The motion filed in this cause on the 9th of September 2015 and designated 'Motion for Extension of Time to File Brief' is allowed. The brief of defendant-appellant North Carolina Department of Transportation shall be filed on or before 19 October 2015.

By order of the Court this the 10th of September 2015.

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4 - APPELLANT BRIEF

Filed: 10-16-2015 @ 16:12:13

FOR: Defendant-Appellant Wilmington Urban Area Metropolitan Planning Organization

BY : Mr. Kenneth A. Shanklin  
SHANKLIN & NICHOLS, LLP

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5 - AIS INFORM SHT  
Filed: 10-16-2015 @ 16:10:54  
FOR: Defendant-Appellant Wilmington Urban Area Metropolitan Planning Organization  
BY : Mr. Kenneth A. Shanklin  
SHANKLIN & NICHOLS, LLP

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6 - APPELLANT BRIEF  
Filed: 10-19-2015 @ 22:56:40  
FOR: Defendant-Appellant North Carolina Department Of Transportation  
BY : Mr. James M. Stanley, Jr.  
N.C. DEPARTMENT OF JUSTICE

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7 - AIS INFORM SHT  
Filed: 10-26-2015 @ 11:58:00  
FOR: Defendant-Appellant North Carolina Department Of Transportation  
BY : Mr. James M. Stanley, Jr.

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8 - APPELLEE BRIEF  
Filed: 11-18-2015 @ 15:46:55  
FOR: Plaintiff-Appellee Jamestown Pender, L.P.  
BY : Mr. Ryal W. Tayloe  
WARD & SMITH, P.A.

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9 - MEMOS ADD-AUTH  
Filed: 01-25-2016 @ 11:44:50  
FOR: Defendant-Appellant North Carolina Department Of Transportation  
BY : Mr. James M. Stanley, Jr.

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10 - MOTION MOTION OF THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION TO RESCHEDULE ORAL ARGUMENT  
(Allowed) - 01-26-2016  
Filed: 01-26-2016 @ 09:21:08  
FOR:  
BY : Mr. John F. Maddrey

The following order was entered:

The motion filed in this cause on the 26th of January 2016 and designated 'Motion of the North Carolina Department of Transportation to Reschedule Oral Argument' is granted.

By order of the Court this the 26th of January 2016.

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11 - MEMOS ADD-AUTH  
Filed: 01-26-2016 @ 13:28:51  
FOR: Defendant-Appellant Wilmington Urban Area Metropolitan Planning Organization  
BY : Mr. Matthew A. Nichols  
SMITH MOORE LEATHERWOOD LLP

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12 - MOTION MOTION TO WITHDRAW (Allowed) - 01-28-2016  
Filed: 01-27-2016 @ 13:40:40  
FOR: Defendant-Appellant North Carolina Department Of Transportation  
BY : Mr. James M. Stanley, Jr.  
CITY OF RALEIGH ATTORNEY'S OFFICE

The following order was entered:

The motion filed in this cause on the 27th of January 2016 and designated 'Motion to Withdraw' is allowed. Dahr Joseph Tanoury is permitted to withdraw as counsel of record.

By order of the Court this the 28th of January 2016.

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13 - MEMOS ADD-AUTH  
Filed: 06-13-2016 @ 15:57:23  
FOR: Plaintiff-Appellee Jamestown Pender, L.P.  
BY : Mr. Alexander C. Dale

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14 - APPELLANT BRIEF SUPPLEMENTAL  
Filed: 09-07-2016 @ 11:05:00  
FOR: Defendant-Appellant North Carolina Department Of Transportation  
BY : Mr. James M. Stanley, Jr.

15 - APPELLANT BRIEF SUPPLEMENTAL

Filed: 09-08-2016 @ 11:25:56

FOR: Defendant-Appellant Wilmington Urban Area Metropolitan Planning Organization

BY : Mr. Matthew A. Nichols

SMITH MOORE LEATHERWOOD LLP

16 - APPELLEE BRIEF SUPPLEMENTAL

Filed: 10-10-2016 @ 12:08:53

FOR: Plaintiff-Appellee Jamestown Pender, L.P.

BY : Mr. Ryal W. Tayloe

WARD & SMITH, P.A.

17 - MOTION MOTION FOR PUBLICATION OF UNPUBLISHED OPINION (Allowed) - 11-10-2016

Filed: 11-08-2016 @ 15:14:51

FOR: Plaintiff-Appellee Jamestown Pender, L.P.

BY : Mr. Alexander C. Dale

WARD & SMITH, P.A.

The following order was entered:

The motion filed in this cause on the 8th of November 2016 and designated 'Motion for Publication of Unpublished Opinion' is granted.

By order of the Court this the 10th of November 2016.

**Financial Information**

**Receipts**

Date Charged	Charge Type	Amount Charged	Amount Paid	Document	Pages	Receipt #	Date Paid
09-16-2015	Docket Fee	10.00	10.00			R092011915	09-16-2015
10-30-2015	Printing	71.75	71.75	APPELLANT BRIEF	41	R112051915	11-25-2015
09-07-2016	Printing	33.25	33.25	APPELLANT BRIEF	19	R102011716	10-14-2016
11-21-2016	Assess	134.00	134.00			R122003816	12-05-2016
11-19-2015	Printing	147.00	147.00	APPELLEE BRIEF	84	R122032115	12-28-2015
10-12-2016	Printing	112.00	112.00	APPELLEE BRIEF	64	R102038816	10-24-2016
08-19-2015	Docket Fee	10.00	10.00			R082015315	08-19-2015
08-19-2015	Bond	250.00	250.00			R082015315	08-19-2015
08-19-2015	Printing	546.00	546.00	RECORD	312	R082037515	08-25-2015
10-19-2015	Printing	168.00	168.00	APPELLANT BRIEF	96	R102035015	10-23-2015
09-09-2016	Printing	38.50	38.50	APPELLANT BRIEF	22	R092015416	09-19-2016

**Payments**

Payment Date	Payment Type	Amount	Check Number
12-15-2016	Disburse	116.00	42130
12-15-2016	Disburse	259.00	42129

**Exhibits**

Transcript(s) Electronically Filed

transcript-jamestown-pender-v.ncdot-may-15-2015-vol.i-of-i.pdf  
 transcript-jamestown-pender-v.dot-and-wmp-march-15-2015-volume-i-of-i.pdf  
 transcript-jamestown-pender-v.ncdot-december-17-2014-volume-i-of-i.pdf

**Parties**

Party Name	Role
Jamestown Pender, L.P.	Plaintiff-Appellee
North Carolina Department Of Transportation	Defendant-Appellant
Wilmington Urban Area Metropolitan Planning Organization	Defendant-Appellant

**Attorneys**

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