

# North Carolina Court of Appeals

## Docket Sheet

DOT v. Ashcroft Dev., LLC

**Case Number:** 15-1080

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

**Case Closed:** Yes

**Close Date:** 06-27-2016

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

**Mediation:** No

DEPARTMENT OF TRANSPORTATION,  
Plaintiff,

v.

ASHCROFT DEVELOPMENT, LLC,  
Defendant.

**Docket Date:** 09-30-2015

**File Date:** 09-30-2015

**File Time:** 09:52

**Acquired Date:** 09-30-2015

**Bond Collected:** Yes

**Docket Fee:** Yes

**Pauper:** No

Print Deposit: No

**State Appeals:** Yes

### History

**Venue:** Rockingham (22)

**Heard In:** Superior Court

**To SC:**

**From SC:**

### Lower Court Number(s)

Location: Rockingham (22)

Judge: Patrice A. Hinnant

Case #: 10CVS1365

### Tracking/Argue

**Argue Date:** 03-09-2016 (No oral argument by Rule 30(f))

### Opinion

Opinion Date: 06-07-2016

Cert Date: 06-27-2016

Author: Honorable Robert N. Hunter, Jr.

Decision: Affirmed

Opinion Notes:

Opinion Pages: 7

Opinion Cost: \$ 1.40

Cite:

Slip Opinion: <https://appellate.nccourts.org/opinions/?c=2&pdf=34011>

### Documents

Document	Date Recvd	Cert of Service	Rec/Brt Due	Resp. Due	Resp. Recvd	Mailed Out	Ruling	Ruling Date
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(1) RECORD	09-30-2015	09-30-2015				10-05-2015		
(2) M-GEN	09-30-2015	09-30-2015					Allowed	10-02-2015

(3) INFORM SHT	10-05-2015	09-30-2015						
(4) M-EXT-BR	11-03-2015	11-03-2015					Allowed	11-04-2015
(5) M-EXT-BR	11-04-2015	11-03-2015					Allowed	11-04-2015
(6) APPELLANT BRIEF	12-04-2015	12-04-2015				12-07-2015		
(7) APPELLEE BRIEF	01-04-2016					01-04-2016		
(8) REPLY	01-21-2016	01-21-2016				01-21-2016		

**1 - RECORD**

Filed: 09-30-2015 @ 09:52:00

FOR: Plaintiff-Appellant Department of Transportation

BY : Mr. J. Aldean Webster, III

N.C. DEPARTMENT OF JUSTICE

**2 - MOTION PLAINTIFF'S MOTION TO HAVE RECORD ON APPEAL AMENDED (Allowed) - 10-02-2015**

Filed: 09-30-2015 @ 12:39:41

FOR: Plaintiff-Appellant Department of Transportation

BY : Mr. J. Aldean Webster, III

N.C. DEPARTMENT OF JUSTICE

The following order was entered:

The motion filed in this cause on the 30th of September 2015 and designated 'Plaintiff's Motion to Have Record on Appeal Amended' is allowed. The corrected pages have been substituted in the existing record on appeal.

By order of the Court this the 2nd of October 2015.

**3 - AIS INFORM SHT**

Filed: 10-05-2015 @ 07:29:00

FOR: Plaintiff-Appellant Department of Transportation

BY : Mr. J. Aldean Webster, III

N.C. DEPARTMENT OF JUSTICE

**4 - M-EXT-BR (Allowed) - 11-04-2015**

Filed: 11-03-2015 @ 07:31:02

FOR: Plaintiff-Appellant Department of Transportation

BY : Mr. J. Aldean Webster, III

N.C. DEPARTMENT OF JUSTICE

The following order was entered:

The motion filed in this cause on the 3rd of November 2015 and designated 'Plaintiff's Motion for Extension of Time for its Appellant's Brief' is allowed. Plaintiff-appellant's brief shall be filed on or before 4 December 2015.

By order of the Court this the 4th of November 2015.

**5 - M-EXT-BR (Allowed) - 11-04-2015**

Filed: 11-04-2015 @ 07:27:56

FOR: Plaintiff-Appellant Department of Transportation

BY : Mr. J. Aldean Webster, III

N.C. DEPARTMENT OF JUSTICE

The following order was entered:

The motion filed in this cause on the 4th of November 2015 and designated 'Amended Plaintiff's Motion for Extension of Time for its Appellant's Brief' is allowed. Plaintiff-appellant's brief shall be filed on or before 4 December 2015.

By order of the Court this the 4th of November 2015.

**6 - APPELLANT BRIEF**

Filed: 12-04-2015 @ 02:49:00

FOR: Plaintiff-Appellant Department of Transportation

BY : Mr. J. Aldean Webster, III

N.C. DEPARTMENT OF JUSTICE

7 - APPELLEE BRIEF  
 Filed: 01-04-2016 @ 14:25:08  
 FOR: Defendant-Appellee Ashcroft Development, LLC  
 BY : Ms. Rachel Scott Decker  
 CARRUTHERS & ROTH, P.A.

8 - APPELLANT BRIEF REPLY  
 Filed: 01-21-2016 @ 11:05:00  
 FOR: Plaintiff-Appellant Department of Transportation  
 BY : Mr. J. Aldean Webster, III  
 N.C. DEPARTMENT OF JUSTICE

### Financial Information

#### Receipts

Date Charged	Charge Type	Amount Charged	Amount Paid	Document	Pages	Receipt #	Date Paid
09-30-2015	Docket Fee	10.00	10.00			R092043815	09-30-2015
09-30-2015	Bond	250.00	250.00			R092043815	09-30-2015
10-30-2015	Printing	112.00	112.00	RECORD	64	R112047715	11-25-2015
01-05-2016	Printing	45.50	45.50	APPELLANT BRIEF	26	R042006616	04-08-2016
02-03-2016	Printing	26.25	26.25	APPELLANT BRIEF	14	R042014516	04-08-2016
01-04-2016	Printing	26.25	26.25	APPELLEE BRIEF	15	R012009316	01-12-2016

#### Payments

Payment Date	Payment Type	Amount	Check Number
07-01-2016	Disburse	26.25	41583
07-01-2016	Disburse	214.75	41584

### Exhibits

### Parties

Party Name	Role
Department of Transportation	Plaintiff-Appellant
Ashcroft Development, LLC	Defendant-Appellee

### Attorneys

#### Attorney for Plaintiff-Appellant - Department of Transportation

Mr. J. Aldean Webster, III [Primary Attorney]

Special Deputy Attorney General

jwebster@ncdoj.gov

N.C. DEPARTMENT OF JUSTICE

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(919) 707-4480

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