

# North Carolina Court of Appeals

## Docket Sheet

### NC Dept. of Transp. v. Mission Battleground Park

**Case Number:** 16-125  
**As of:** 04/30/2024  
**Case Closed:** Yes      **Close Date:** 09-26-2016      **Case Type:** Civil (Civil\_othr)      **Mediation:** No

NORTH CAROLINA DEPARTMENT OF  
TRANSPORTATION,

Plaintiff,

v.

MISSION BATTLEGROUND PARK, DST;  
MISSION BATTLEGROUND PARK  
LEASECO, LLC, LESSEE; LASALLE  
BANK NATIONAL ASSOCIATION, as  
Trustee for the Registered Holders  
of CD 2006-CD3 Commercial Mortgage  
Pass-Through Certificates; and LAT  
BATTLEGROUND PARK, LLC,  
Defendants.

<b>Docket Date:</b>	02-09-2016	<b>File Date:</b>	02-08-2016	<b>File Time:</b>	03:58	<b>Acquired Date:</b>	02-08-2016	
<b>Bond Collected:</b>	Yes	<b>Docket Fee:</b>	Yes	<b>Pauper:</b>	No	Print Deposit:	No	
							<b>State Appeals:</b>	No

**History**

**Venue:** Guilford (24)      **Heard In:** Superior Court  
**To SC:**      **From SC:**

**Lower Court Number(s)**

Location: Guilford (24)  
 Judge: Richard S. Gottlieb  
 Case #: 13CVS4061

**Tracking/Argue**

**Argue Date:** 08-09-2016 #

**Opinion**

Opinion Date: 09-06-2016      Cert Date: 09-26-2016  
 Author: Honorable John M. Tyson  
 Decision: No Error  
 Opinion Notes:  
 Opinion Pages: 20      Opinion Cost: \$ 4.00  
 Cite:  
 Slip Opinion: <https://appellate.nccourts.org/opinions/?c=2&pdf=34443>

## Documents

Document	Date Recvd	Cert of Service	Rec/Brf Due	Resp. Due	Resp. Recvd	Mailed Out	Ruling	Ruling Date
(1) RECORD	02-08-2016	02-08-2016				02-09-2016		
(2) RECORD	02-08-2016	02-08-2016				02-09-2016		
(3) APPELLANT BRIEF	03-10-2016					03-11-2016		
(4) APPELLANT BRIEF	03-10-2016					03-11-2016		
(5) INFORM SHT	03-10-2016							
(6) INFORM SHT	03-10-2016							
(7) APPELLEE BRIEF	04-12-2016	04-12-2016				04-13-2016		
(8) REPLY	04-29-2016					04-29-2016		
(9) REPLY	04-29-2016					04-29-2016		
(10) ADD-AUTH	08-08-2016	08-08-2016						
(11) ADD-AUTH	08-08-2016	08-08-2016						

## 1 - RECORD

Filed: 02-08-2016 @ 03:58:00

FOR: Appellant Mission Battleground Park, DST, et al

BY : Mr. Patrick M. Kane

SMITH MOORE LEATHERWOOD LLP

## 2 - RECORD

Filed: 02-08-2016 @ 03:58:00

FOR:

BY : Mr. Patrick M. Kane

SMITH MOORE LEATHERWOOD LLP

## 3 - APPELLANT BRIEF

Filed: 03-10-2016 @ 18:20:38

FOR: Appellant Mission Battleground Park, DST, et al

BY : Mr. Patrick M. Kane

SMITH MOORE LEATHERWOOD LLP

## 4 - APPELLANT BRIEF

Filed: 03-10-2016 @ 18:20:38

FOR:

BY : Mr. Patrick M. Kane

SMITH MOORE LEATHERWOOD LLP

## 5 - AIS INFORM SHT

Filed: 03-10-2016 @ 18:23:39

FOR: Appellant Mission Battleground Park, DST, et al

BY : Mr. Patrick M. Kane

SMITH MOORE LLP

## 6 - AIS INFORM SHT

Filed: 03-10-2016 @ 18:23:39

FOR:

BY : Mr. Patrick M. Kane

SMITH MOORE LLP

## 7 - APPELLEE BRIEF

Filed: 04-12-2016 @ 01:02:00

FOR: Plaintiff-Appellee NC Department Of Transportation

BY : Ms. Hilda Burnett-Baker

N.C. DEPARTMENT OF JUSTICE

## 8 - APPELLANT BRIEF REPLY

Filed: 04-29-2016 @ 11:35:36

FOR: Appellant Mission Battleground Park, DST, et al

BY : Mr. Patrick M. Kane

SMITH MOORE LEATHERWOOD LLP

9 - APPELLANT BRIEF REPLY  
 Filed: 04-29-2016 @ 11:35:36  
 FOR:  
 BY : Mr. Patrick M. Kane  
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10 - MEMOS ADD-AUTH  
 Filed: 08-08-2016 @ 12:52:50  
 FOR: Appellant Mission Battleground Park, DST, et al  
 BY : Mr. Patrick M. Kane  
 SMITH MOORE LLP

11 - MEMOS ADD-AUTH  
 Filed: 08-08-2016 @ 12:52:50  
 FOR:  
 BY : Mr. Patrick M. Kane  
 SMITH MOORE LLP

**Financial Information**

**Receipts**

Date Charged	Charge Type	Amount Charged	Amount Paid	Document	Pages	Receipt #	Date Paid
05-02-2016	Printing	71.75	71.75	APPELLEE BRIEF	41	R052028916	05-13-2016
04-10-2018	Retax	591.37	591.37			R042037518	04-18-2018
02-09-2016	Docket Fee	10.00	10.00			R022008916	02-09-2016
02-09-2016	Bond	250.00	250.00			R022008916	02-09-2016
02-09-2016	Printing	1020.25	1020.25	RECORD	583	R022030316	02-22-2016
03-11-2016	Printing	367.50	367.50	APPELLANT BRIEF	210	R032028616	03-28-2016
04-29-2016	Printing	94.50	94.50	APPELLANT BRIEF	54	R052006216	05-10-2016

**Payments**

Payment Date	Payment Type	Amount	Check Number
09-29-2016	Disburse	71.75	41882
09-29-2016	Disburse	169.25	41883
05-21-2018	Disburse	591.37	43516

**Exhibits**

**Transcript(s) Electronically Filed**

transcript-dot-vs-mission-battleground-6-29-2015-vol-i-of-vi.pdf  
 transcript-dot-vs-mission-battleground-6-30-2015-vol-ii-of-vi.pdf  
 transcript-dot-vs-mission-battleground-7-1-2015-vol-iii-of-vi.pdf  
 transcript-dot-vs-mission-battleground-7-2-2015-vol-iv-of-vi.pdf

**Parties**

Party Name	Role
NC Department Of Transportation	Plaintiff-Appellee

Mission Battleground Park, DST	Defendant-Appellant
Mission Battleground Park Leaseco, LLC	Defendant-Appellant
LaSalle Bank National Association	Defendant-Appellant
LAT Battleground Park, LLC	Defendant-Appellant

**Attorneys**

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