

North Carolina Court of Appeals

Docket Sheet

Dep't of Transp. v. Riddle

Case Number: 16-445

As of: 04/30/2024

Case Closed: Yes

Close Date: 05-30-2017

Case Type: Civil (Civil_othr)

Mediation: No

DEPARTMENT OF TRANSPORTATION,

Plaintiff,

Vs.

JOSEPH P. RIDDLE, III, and wife, TRINA T.
RIDDLE, ET AL.,

Defendants.

Docket Date: 05-05-2016

File Date: 05-05-2016

File Time: 08:28

Acquired Date: 05-05-2016

Bond Collected: Yes

Docket Fee: Yes

Pauper: No

Print Deposit: No

State Appeals: -

History

Venue: Cumberland (14)

Heard In: Superior Court

To SC:

From SC:

Lower Court Number(s)

Location: Cumberland (14)

Judge: Mary Ann Tally

Case #: 12CVS3993 12CVS4714

Tracking/Argue

Argue Date: 10-18-2016 (No oral argument by Rule 30(f))

Opinion

Opinion Date: 04-18-2017

Cert Date: 05-30-2017

Author: Honorable Chris Dillon

Decision: Affirmed in Part and Reversed in Part

Opinion Notes:

Opinion Pages: 14

Opinion Cost: \$ 2.80

Cite:

Slip Opinion: <https://appellate.nccourts.org/opinions/?c=2&pdf=35503>

Documents

Document

Date Recvd

Cert of Service

Rec/Brl Due

Resp. Due

Resp. Recvd

Mailed Out

Ruling

Ruling Date

(1) RECORD	05-05-2016					05-05-2016		
(2) INFORM SHT	05-09-2016	05-09-2016						
(3) M-EXT-BR	05-31-2016	05-31-2016					Allowed	06-01-2016
(4) APPELLANT BRIEF	06-06-2016					06-07-2016		
(5) INFORM SHT	06-06-2016							
(6) M-EXT-BR	06-27-2016	06-27-2016					Allowed	06-29-2016
(7) APPELLANT BRIEF	07-25-2016	07-25-2016				07-26-2016		
(8) M-EXT-BR	08-03-2016	08-03-2016					Allowed	08-04-2016
(9) APPELLEE BRIEF	08-18-2016					08-19-2016		
(10) APPELLEE BRIEF	08-22-2016	08-22-2016				08-23-2016		
(11) REPLY	09-01-2016					09-01-2016		
(12) M-EN-BANC-HEARING	01-13-2017	01-13-2017			01-25-2017		Dismissed	02-09-2017
(13) M-TEMP-STAY	01-13-2017	01-13-2017					Allowed	01-13-2017
(14) PET-REHEAR	01-13-2017	01-13-2017			01-25-2017		Dismissed as moot	02-14-2017
(15) COURT ORDER	02-09-2017						Special Order	02-09-2017
(16) COURT ORDER	02-09-2017						Special Order	02-09-2017
(17) M-EN-BANC-REHEARING	05-03-2017	05-03-2017			05-16-2017		Denied	05-30-2017
(18) M-TEMP-STAY	05-03-2017	05-03-2017					Special Order	05-04-2017

1 - RECORD

Filed: 05-05-2016 @ 08:28:00

FOR: Appellant Riddle, Joseph P. (III), et al

BY : Mr. Lonnie M. Player, Jr.

THE LAW OFFICES OF LONNIE M. PLAYER, JR. PLLC

2 - AIS INFORM SHT

Filed: 05-09-2016 @ 12:56:00

FOR: Plaintiff-Appellant Department of Transportation

BY : Mr. Alvin William Keller, Jr.

N.C. DEPARTMENT OF JUSTICE

3 - M-EXT-BR (Allowed) - 06-01-2016

Filed: 05-31-2016 @ 07:42:55

FOR: Plaintiff-Appellant Department of Transportation

BY : Ms. Elizabeth N. Strickland

N.C. DEPARTMENT OF JUSTICE

The following order was entered:

The motion filed in this cause on the 31st of May 2016 and designated 'Motion for Extension of Time to File the Cross-Appellant Brief for the Department of Transportation' is allowed. North Carolina Department of Transportation shall file its Cross-Appellant brief on or before 5 July 2016.

By order of the Court this the 1st of June 2016.

4 - APPELLANT BRIEF

Filed: 06-06-2016 @ 15:41:08

FOR: Appellant Riddle, Joseph P. (III), et al

BY : Mr. Lonnie M. Player, Jr.

THE LAW OFFICES OF LONNIE M. PLAYER, JR. PLLC

5 - AIS INFORM SHT

Filed: 06-06-2016 @ 15:38:49

FOR: Appellant Riddle, Joseph P. (III), et al

BY : Ms. Jennifer L. Malone

THE LAW OFFICES OF LONNIE M. PLAYER, JR. PLLC

6 - M-EXT-BR (Allowed) - 06-29-2016
Filed: 06-27-2016 @ 15:44:52
FOR: Plaintiff-Appellant Department of Transportation
BY : Ms. Elizabeth N. Strickland
N.C. DEPARTMENT OF JUSTICE

The following order was entered:

The motion filed in this cause on the 27th of June 2016 and designated 'Motion for Second Extension of Time to File the Cross-Appellant Brief and First Extension of Time to File the Plaintiff-Appellee Brief' is allowed. Plaintiff Cross-appellant's brief shall be filed on or before 26 July 2016. Plaintiff-appellee's brief shall be filed on or before 8 August 2016.

By order of the Court this the 29th of June 2016.

7 - APPELLANT BRIEF
Filed: 07-25-2016 @ 04:52:00
FOR: Plaintiff-Appellant Department of Transportation
BY : Ms. Elizabeth N. Strickland
N.C. DEPARTMENT OF JUSTICE

8 - M-EXT-BR (Allowed) - 08-04-2016
Filed: 08-03-2016 @ 12:48:41
FOR: Plaintiff-Appellant Department of Transportation
BY : Mr. Alvin William Keller, Jr.
N.C. DEPARTMENT OF JUSTICE

The following order was entered:

The motion filed in this cause on the 3rd of August 2016 and designated 'Motion for Second Extension of Time to File the Plaintiff-Appellee Brief' is allowed. Plaintiff-Appellee's brief shall be filed on or before 22 August 2016.

By order of the Court this the 4th of August 2016.

9 - APPELLEE BRIEF
Filed: 08-18-2016 @ 16:16:47
FOR: Appellant Riddle, Joseph P. (III), et al
BY : Mr. Lonnie M. Player, Jr.
THE LAW OFFICES OF LONNIE M. PLAYER, JR. PLLC

10 - APPELLEE BRIEF
Filed: 08-22-2016 @ 03:39:00
FOR: Plaintiff-Appellant Department of Transportation
BY : Ms. Elizabeth N. Strickland
N.C. DEPARTMENT OF JUSTICE

11 - APPELLANT BRIEF REPLY
Filed: 09-01-2016 @ 11:27:51
FOR: Appellant Riddle, Joseph P. (III), et al
BY : Mr. Lonnie M. Player, Jr.
THE LAW OFFICES OF LONNIE M. PLAYER, JR. PLLC

12 - M-EN-BANC-HEARING (Dismissed) - 02-09-2017
Filed: 01-13-2017 @ 09:46:03
FOR: Appellant Riddle, Joseph P. (III), et al
BY : Ms. Jennifer L. Malone
THE LAW OFFICES OF LONNIE M. PLAYER, JR. PLLC

The following order was entered:

The motion filed in this cause on the 13th of January 2017 and designated 'Defendants-Appellants' Petition for En Banc Rehearing' is dismissed without prejudice to its refiling if appropriate after the withdrawn opinion has been refiled.

By order of the Court this the 9th of February 2017.

RESPONSE TO M-EN-BANC-HEARING
Filed: 01-25-2017
BY : Mr. Alvin William Keller, Jr.
N.C. DEPARTMENT OF JUSTICE

13 - M-TEMP-STAY (Allowed) - 01-13-2017
Filed: 01-13-2017 @ 09:47:30
FOR: Appellant Riddle, Joseph P. (III), et al
BY : Ms. Jennifer L. Malone
THE LAW OFFICES OF LONNIE M. PLAYER, JR. PLLC

The following order was entered:

The motion for en banc rehearing was filed in this cause on the 13th day of January 2017. The issuance of the mandate is hereby stayed.

By order of the Court this the 13th of January 2017.

14 - PET-REHEAR (Dismissed as moot) - 02-14-2017
Filed: 01-13-2017 @ 14:55:36
FOR: Appellant Riddle, Joseph P. (III), et al
BY : Ms. Jennifer L. Malone
THE LAW OFFICES OF LONNIE M. PLAYER, JR. PLLC

The following order was entered:

The petition filed in this cause on the 13th of January 2017 and designated 'Defendants-Appellants' Petition for Rehearing' is dismissed as moot.

By order of the Court this the 14th of February 2017.

The above order is therefore certified to the Clerk of the Superior Court, Cumberland County.

RESPONSE TO PET-REHEAR
Filed: 01-25-2017
BY : Mr. Alvin William Keller, Jr.
N.C. DEPARTMENT OF JUSTICE

15 - CT_ORDER COURT ORDER (Special Order) - 02-09-2017
Filed: 02-09-2017 @ 15:13:52
FOR:
BY : Hon. Linda M. McGee

The following Order was entered:

The above referenced case was placed on the court calendar for 18 October 2016 and was assigned to a panel consisting of Judge Wanda Bryant, Judge Ann Marie Calabria and Judge Linda Stephens.

Because of the departure of Judge Linda Stephens from the Court of Appeals after the determination of the case, the panel to review this matter will now consist of Judge Wanda Bryant, Judge Ann Marie Calabria and Judge Chris Dillon.

The Clerk of this Court is directed to certify copies of this order to the attorneys of record and to provide copies of this order to the members of the newly assigned panel.

16 - CT_ORDER COURT ORDER (Special Order) - 02-09-2017
Filed: 02-09-2017 @ 15:22:02
FOR:
BY : Hon. Linda M. McGee

The following Order was entered:

IT IS HEREBY ORDERED that the opinion filed in this case on 30 December 2016 be withdrawn. The Clerk of the Court of Appeals is hereby directed not to certify said opinion. This cause is retained by this Court for disposition by the panel to which it is assigned.

17 - M-EN-BANC-REHEARING (Denied) - 05-30-2017
 Filed: 05-03-2017 @ 11:19:52
 FOR: Appellant Riddle, Joseph P. (III), et al
 BY : Mr. Lonnie M. Player, Jr.
 THE LAW OFFICES OF LONNIE M. PLAYER, JR. PLLC

The following order was entered:

The motion filed in this cause on 3 May 2017 requesting an en banc rehearing is denied. This Court's stay of the mandate entered 4 May 2017 is hereby dissolved, and the mandate shall be deemed issued as of the date of this order.

By order of the Court this the 30th of May 2017.

RESPONSE TO M-EN-BANC-REHEARING
 Filed: 05-16-2017
 BY : Ms. Elizabeth N. Strickland
 N.C. DEPARTMENT OF JUSTICE

18 - M-TEMP-STAY (Special Order) - 05-04-2017
 Filed: 05-03-2017 @ 11:23:56
 FOR: Appellant Riddle, Joseph P. (III), et al
 BY : Mr. Lonnie M. Player, Jr.
 THE LAW OFFICES OF LONNIE M. PLAYER, JR. PLLC

The following order was entered:

The motion for en banc rehearing was filed in this cause on the 3rd day of May 2017. The issuance of the mandate is hereby stayed.

By order of the Court this the 4th of May 2017.

Financial Information

Receipts

Date Charged	Charge Type	Amount Charged	Amount Paid	Document	Pages	Recelpt #	Date Paid
05-05-2016	Docket Fee	10.00	10.00			R062015116	06-17-2016
08-01-2016	Printing	91.00	91.00	APPELLANT BRIEF	52	R082015316	08-12-2016
09-06-2016	Printing	73.50	73.50	APPELLEE BRIEF	42	R092023016	09-23-2016
01-04-2017	Assess	392.12	392.12			R012011117	01-10-2017
05-05-2016	Docket Fee	10.00	10.00			R052002916	05-05-2016
05-05-2016	Bond	250.00	250.00			R052002916	05-05-2016
05-05-2016	Printing	775.25	775.25	RECORD	443	R052009816	05-12-2016
06-07-2016	Printing	70.00	70.00	APPELLANT BRIEF	40	R062013316	06-16-2016
08-19-2016	Printing	63.00	63.00	APPELLEE BRIEF	36	R082041016	08-25-2016
09-01-2016	Printing	22.75	22.75	APPELLANT BRIEF	13	R092012116	09-15-2016
02-22-2017	Pet to Rehear	20.00	20.00			R042002217	04-03-2017

Payments

Payment Date	Payment Type	Amount	Check Number
06-19-2017	Disburse	566.62	42628

Exhibits

Transcript(s) Electronically Filed

transcript-dept-of-transportation-03-24-14.pdf
transcript-dept-of-transportation-03-26-14.pdf
dot-vs-joseph-riddle-hearing.pdf

Parties

Party Name	Role
Department of Transportation	Plaintiff-Appellant
Riddle, Joseph P. (III)	Defendant-Appellant
Riddle, Trina T.	Defendant-Appellant
Family Dollar Stores Of North Carolina, Inc.	Defendant-Appellee
Food Lion, LLC	Defendant-Appellee

Attorneys

Attorney for Appellant - Riddle, Joseph P. (III), et al

Mr. Lonnie M. Player, Jr. [Primary Attorney]

Attorney at Law

lonnie@playermclean.com

Ms. Jennifer L. Malone [Primary Attorney]

Attorney at Law

Jennifer@lonnieplayerlaw.com

THE LAW OFFICES OF LONNIE M. PLAYER, JR. PLLC

P.O. Box 88095

Fayetteville, NC 28304

(910) 426-5291

Attorney for Plaintiff-Appellant - Department of Transportation

Ms. Elizabeth N. Strickland [Primary Attorney]

Assistant Attorney General

bstrickl@ncdoj.gov

Mr. Alvin William Keller, Jr.

Special Deputy Attorney General

akeller@ncdoj.gov

Mr. Shawn R. Evans [Primary Attorney]

Attorney at Law

shawnrevans@gmail.com

N.C. DEPARTMENT OF JUSTICE

P.O. Box 629

Raleigh, NC 27602

(910) 599-1051