

North Carolina Court of Appeals

Docket Sheet

Deans v. NC Dep't of Transp.

Case Number: 17-228

As of: 05/01/2024

Case Closed: Yes

Close Date: 11-29-2017

Case Type: Civil (Civil_othr)

Mediation: No

JAMES D. DEANS and wife CAROL A. DEANS and MOSE B. WISEMAN, JR. and wife MARTHA D. WISEMAN and VERONICA WILLIAMS WOODRUFF, DAVID LAVON ENNIS and T.G. ENNIS, TAWFIQ ABDEL GHANI and SULEMAN ASAD, EARL R. WINGO, JR. and wife KELLEY LYNNE WINGO, WINIFRED ARNOLD, WILLE B. MILLS, and wife EVA L. MILLS, KINSTON D. WILLIAMS, and wife EULA WILLIAMS, and KENNETH WILLIAMS, FRANK T. MERRILL, and wife DEBORAH D. MERRILL, THURSTON A. DICKERSON and wife TRUDY DICKERSON, GRANT V. COLEMAN, and wife SUSAN G. COLEMAN, STEPHEN M. BRANGLE, and wife ROSEMARIE BRANGLE, DONALD KEITH PHILLIPPE, and MARIAN PHILLIPPE ROBERTS, and CHARITY SUZANNE MEEKS, and ERIC A. PHILLIPPE, GENE BARDEN, and wife VIRGINIA BARDEN, BILLY F. COLE, Trustee of THE COLE FAMILY TRUST, WALTER E. SIMPKINS and wife HILDA J. SIMPKINS; and SUSAN S. LASSITER; and HILDA S. PENDERGRAFT; and BETTY H. (WALDO) MILLER; and DENISE H. AMMONS; and AMY L. HUMPHERSON) HATCHER and BILLY G. BRITT and wife DOROTHY D. BRITT, LEON S. WARREN, JR. and wife BETTY O. WARREN, HELEN A. WALTON, WAKE ACQUISITIONS, LLC, H&B STEPHENSON FAMILY, LLC, MARSHALL A. SAULS and BRENDA W. SAULS, WINSTON G. PERRY and CARL JOY PERRY, WAYNE M. BEAVERS, MALCOM E. GOODMAN, JR. and PENNY B. GOODMAN, GETTIS G. HAMRICK and PHYLLIS HAMRICK, MARGARET SUTTON MATTHEWS, CLEO S. SORRELL and CARLA RENEE SORRELL, GENE ALEXANDER YATES and WILLIE L. YATES' FAMILY HEIRS, known and unknown,

Plaintiffs,

v.

NORTH CAROLINA DEPARTMENT OF TRANSPORTATION and
NORTH CAROLINA TURNPIKE AUTHORITY,

Defendants.

Docket Date: 03-14-2017

File Date: 03-01-2017

File Time: 03:30

Acquired Date: 03-01-2017

Bond Collected: Yes

Docket Fee: Yes

Pauper: No

Print Deposit: No

State Appeals: No

History

Venue: Wake (10)

Heard In: Superior Court

To SC:

From SC:

Lower Court Number(s)

Location: Wake (10)

Judge: G. Bryan Collins Jr.

Case #: 11CVS14291 14CVS12949-50 14CVS13039 15CVS10360 15CVS10372-73 15CVS6346-51 15CVS6417-21 15CVS6423
15CVS784 16CVS18 16CVS2067 16CVS2093-94 16CVS2254 16CVS4997

Tracking/Argue

Argue Date: 09-21-2017 (No oral argument by Rule 30(f))**Opinion****Documents**

Document	Date Recvd	Cert of Service	Rec/Brf Due	Resp. Due	Resp. Recvd	Mailed Out	Ruling	Ruling Date
(1) RECORD	03-01-2017	03-01-2017				03-15-2017		
(2) APPELLANT BRIEF	04-17-2017	04-17-2017				04-18-2017		
(3) INFORM SHT	05-04-2017	05-04-2017						
(4) M-DSSAPP	05-17-2017	05-17-2017		05-30-2017	05-30-2017		Dismissed as moot	11-29-2017
(5) APPELLEE BRIEF	05-17-2017	05-17-2017				05-25-2017		
(6) REPLY	05-30-2017	05-30-2017				05-31-2017		
(7) M-GEN	11-27-2017	11-27-2017					Allowed	11-29-2017

1 - RECORD

Filed: 03-01-2017 @ 03:30:00

FOR: Appellant NC Department Of Transportation, et al

BY : Mr. William H. Moss

SMITH ANDERSON BLOUNT DORSETT MITCHELL & JERNIGAN, LLP

2 - APPELLANT BRIEF

Filed: 04-17-2017 @ 13:42:00

FOR: Appellant NC Department Of Transportation, et al

BY : Mr. James M. Stanley, Jr.

N.C. DEPARTMENT OF JUSTICE

3 - AIS INFORM SHT

Filed: 05-04-2017 @ 14:46:00

FOR: Appellant NC Department Of Transportation, et al

BY : Mr. William H. Moss

SMITH ANDERSON BLOUNT DORSETT MITCHELL & JERNIGAN, LLP

4 - M-DSSAPP (Dismissed as moot) - 11-29-2017

Filed: 05-17-2017 @ 15:18:07

FOR: Appellant Deans, James D., et al

BY : Mr. Kieran J. Shanahan

SHANAHAN MCDUGAL

The following order was entered:

The motion filed in this cause on the 17th of May 2017 and designated 'Plaintiffs-Appellees' Motion to Dismiss Defendants-Appellants' Appeal as Interlocutory' is dismissed as moot.

By order of the Court this the 29th of November 2017.

RESPONSE TO M-DSSAPP

Filed: 05-30-2017

BY : Mr. William H. Moss

SMITH ANDERSON BLOUNT DORSETT MITCHELL & JERNIGAN, LLP

5 - APPELLEE BRIEF

Filed: 05-17-2017 @ 11:18:00

FOR: Appellant Deans, James D., et al

BY : Mr. Kieran J. Shanahan

SHANAHAN MCDUGAL

6 - APPELLANT BRIEF REPLY

Filed: 05-30-2017 @ 10:27:00

FOR: Appellant NC Department Of Transportation, et al

BY : Mr. William H. Moss

SMITH ANDERSON BLOUNT DORSETT MITCHELL & JERNIGAN, LLP

7 - MOTION DEFENDANT-APPELLANT'S MOTION FOR LEAVE TO WITHDRAW APPEALS (Allowed) - 11-29-2017

Filed: 11-27-2017 @ 09:27:01

FOR: Appellant NC Department Of Transportation, et al

BY : Mr. James M. Stanley, Jr.

N.C. DEPARTMENT OF JUSTICE

The following order was entered:

The motion filed in this cause on the 27th of November 2017 and designated 'Defendant-Appellant's Motion for Leave to Withdraw Appeals' is allowed. Appeal dismissed. Appellant to pay costs.

And it is considered and adjudged further, that the Appellant, North Carolina Department of Transportation and North Carolina Turnpike Authority, do pay the costs of the appeal in this Court incurred, to wit, the sum of One Hundred Seventy Three Dollars and 00/100 (\$173.00), and execution issue therefor.

By order of the Court this the 29th of November 2017.

Financial Information

Receipts

Date Charged	Charge Type	Amount Charged	Amount Paid	Document	Pages	Receipt #	Date Paid
03-02-2017	Docket Fee	10.00	10.00			R032030117	03-14-2017
03-02-2017	Bond	250.00	250.00			R032030117	03-14-2017
03-15-2017	Printing	3424.75	3424.75	RECORD	1957	R042021717	04-19-2017
05-31-2017	Printing	50.75	50.75	APPELLANT BRIEF	29	R072000217	07-03-2017
05-02-2017	Printing	70.00	70.00	APPELLANT BRIEF	40	R052021517	05-19-2017
03-02-2017	Docket Fee	10.00	10.00			R032030217	03-14-2017
03-02-2017	Bond	250.00	250.00			R032030217	03-14-2017
05-25-2017	Printing	154.00	154.00	APPELLEE BRIEF	88	R062094817	06-19-2017

Payments

Payment Date	Payment Type	Amount	Check Number
12-11-2017	Disburse	154.00	43137
12-11-2017	Disburse	260.00	43138
09-20-2019	Disburse	77.00	44821

Exhibits

Transcript(s) Electronically Filed

ennis-et-al-v-ncdot-et-al-14cvs12949.pdf

Parties

Party Name	Role
Deans, James D.	Plaintiff-Appellant
Deans, Carol A.	Plaintiff-Appellant

Wiseman, Mose B. (Jr.)	Plaintiff-Appellant
Wiseman, Martha D.	Plaintiff-Appellant
Woodruff, Veronica Williams	Plaintiff-Appellant
Ennis, David Lavon	Plaintiff-Appellant
Ennis, T.G.	Plaintiff-Appellant
Ghani, Tawfiq Abdel	Plaintiff-Appellant
Asad, Suleman	Plaintiff-Appellant
Wingo, Earl R. (Jr.)	Plaintiff-Appellant
Wingo, Kelley Lynne	Plaintiff-Appellant
Arnold, Winifred	Plaintiff-Appellant
Mills, Wille B.	Plaintiff-Appellant
Mills, Eva L.	Plaintiff-Appellant
Williams, Kinston D.	Plaintiff-Appellant
Williams, Eula	Plaintiff-Appellant
Williams, Kenneth	Plaintiff-Appellant
Merrill, Frank T.	Plaintiff-Appellant
Merrill, Deborah D.	Plaintiff-Appellant
Dickerson, Thurston A.	Plaintiff-Appellant
Coleman, Grant V.	Plaintiff-Appellant
Coleman, Susan G.	Plaintiff-Appellant
Brangle, Stephen M.	Plaintiff-Appellant
Brangle, Rosemarie	Plaintiff-Appellant
Phillippe, Donald Keith	Plaintiff-Appellant
Roberts, Marian Phillippe	Plaintiff-Appellant
Meeks, Charity Suzanne	Plaintiff-Appellant
Phillippe, Eric A.	Plaintiff-Appellant
Barden, Gene	Plaintiff-Appellant
Barden, Virginia	Plaintiff-Appellant
Cole, Billy F. (Trustee)	Plaintiff-Appellant
The Cole Family Trust	Plaintiff-Appellant
Simpkins, Walter E.	Plaintiff-Appellant
Simpkins, Hilda J.	Plaintiff-Appellant
Lassiter, Susan S.	Plaintiff-Appellant
Pendergraft, Hilda S.	Plaintiff-Appellant
Miller, Betty H. (Waldo)	Plaintiff-Appellant
Ammons, Denise H.	Plaintiff-Appellant
Hatcher, Amy L. (Humpherson)	Plaintiff-Appellant
Britt, Billy G.	Plaintiff-Appellant
Britt, Dorothy D.	Plaintiff-Appellant
Warren, Leon S. (Jr.)	Plaintiff-Appellant
Warren, Betty O.	Plaintiff-Appellant
Walton, Helen A.	Plaintiff-Appellant

Wake Acquisitions, LLC	Plaintiff-Appellant
H&B Stephenson Family, LLC	Plaintiff-Appellant
Sauls, Marshall A.	Plaintiff-Appellant
Sauls, Brenda W.	Plaintiff-Appellant
Perry, Winston G.	Plaintiff-Appellant
Perry, Carl Joy	Plaintiff-Appellant
Beavers, Wayne M.	Plaintiff-Appellant
Goodman, Malcom E. (Jr.)	Plaintiff-Appellant
Goodman, Penny B.	Plaintiff-Appellant
Hamrick, Gettis G.	Plaintiff-Appellant
Hamrick, Phyllis	Plaintiff-Appellant
Matthews, Margaret Sutton	Plaintiff-Appellant
Sorrell, Cleo S.	Plaintiff-Appellant
Sorrell, Carla Renee	Plaintiff-Appellant
Yates, Gene Alexander	Plaintiff-Appellant
Willie L. Yates' Family Heirs	Plaintiff-Appellant
NC Department Of Transportation	Defendant-Appellant
North Carolina Turnpike Authority	Defendant-Appellant
Dickerson, Trudy	Plaintiff-Appellant

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