

North Carolina Court of Appeals

Docket Sheet

Sullivan v. NC Dep't of Transp.

Case Number: 17-327

As of: 05/01/2024

Case Closed: Yes

Close Date: 11-29-2017

Case Type: Civil (Civil_othr)

Mediation: No

LARRY D. SULLIVAN and wife, YONGSUN SULLIVAN, and OTHA T. MCFADYEN; TED P. CHAPPELL and wife, SARAH S. CHAPPELL; DENNIS LEE CAMPBELL and wife, TERRILYNN CAMPBELL; EUGENE MANUEL; JAMES MICHAEL SPELL; JUDY BAREFOOT CAMERON and husband, BARRY WAYNE CAMERON; JAMES A. SHECKELS and wife, REBECCA L. SHECKELS; ORVILLE H. BENNETT and wife, AMELIA P. BENNETT f/k/a Amelia Perry Watts; ROLAND D. YOUNG; JANICE MCFADYEN f/k/a JANICE GARVEY MELTON; EDITH JACKSON FITZGERALD; ALA MOHAMMAD HITO; HASAN M. HATTO and wife, SUHAD HATA; MARK BOAHN; LARRY O. WILLIAMS and wife, THERESA T. WILLIAMS; JACK A. THOMPSON, LISA THOMPSON f/k/a LISA T. SHORT, ALEX J. THOMPSON, DELORES T. AMMONS, REBECCA T. BYRD f/k/a REBECCA R. THOMPSON, JESSE H. BYRD, JR., FRANK L. THOMPSON and CLAIRE TUTTLE f/k/a CLAIRE T. SLOAN; FRANCES ADCOX MOYE and husband, TERRELL ROMEL MOYE; GUSTAVIUS B. PARKER, JR.; NORMA PARKER STROTHER, NORMA PARKER STROTHER, GUSTAVIUS B. PARKER, JR. and OTHA T. MCFADYEN; DELMER WILTON BAREFOOT and wife, JUANITA BAREFOOT; GILLIS DEVELOPMENT CORPORATION, INC.; BARBARA M. JOHNSON; JUDY GILLIS MCKETHAN DIBACCO, MALCOLM RANDALL GILLIS, JOHN MCNATT GILLIS, JR. and wife, RUTH F. GILLIS, ROY TURNER and wife, JANE GILLIS TURNER, JAMES D. GILLIS and JOSEPH H. GILLIS and wife, BETTY H. GILLIS; JOSEPH H. GILLIS and wife, BETTY H. GILLIS; SPURGEON D. WATSON and wife, LOIS WATSON; CHAD A. VUYOVICH and wife, CHERISH M. VUYOVICH; FREDDIE MCLEAN and wife, KANICE MCLEAN; WR KING, JR. and wife, MARY KING; JAMES DAVID GILLIS, JOSEPH HARMON GILLIS and wife, BETTY H. GILLIS, MALCOLM RANDALL GILLIS, ROY TURNER and wife, MARY G. TURNER and GF MOODY PROPERTIES, LLC; BRADFORD SCOTT HANCOX, Guardian for the Estate of VERA KING; PEARTREE VENTURES, LLC; CAMDEN GLEN DEVELOPMENT, LLC; WILLIAM C. WHITTED; WALTER & MAUDE ESTATE, LLC; DONNA WIENAND; PEGGY LANE; ROBERT BRYAN MYERS and wife, CHRYSTAL MICHELLE MYERS; DAYNE CAPPS CRUMPLER and husband, G. FRANKLIN CRUMPLER; ROBERT EARL CAPPS, SR. and wife, EDNA MARIE CAPPS; BONNIE MAGNUM, THOMAS T. TEETERS and wife, DORIT L. TEETERS; WILLIAM GAMBLE and wife, NAOMI GAMBLE; ROBERT ROTAN and wife, CHARLOTTE ROTAN; DIVON SMITH and wife, VIVIANA MORILLO-SMITH and IMILSE MORILLO;

Plaintiffs,

v.

NORTH CAROLINA DEPARTMENT OF TRANSPORTATION,
Defendant.

GILBERT TAYLOR; JAMES UNG SIK CHOI and wife, YONG SUK CHOI; TERRY W. SPELL AND JAN D. SPELL; FRANKLIN WADE CASHWELL, JR. and wife, JUDY CASHWELL; TRACEY M. TAYLOR, MARIE MCKETHAN, JAMES MCKETHAN, JR., and ESTHER MCKETHAN; ESTHER MCKETHAN,

Plaintiffs,

v.

NORTH CAROLINA DEPARTMENT OF TRANSPORTATION,
Defendant.

Docket Date: 03-28-2017

File Date: 03-28-2017

File Time: 11:18

Acquired Date: 03-28-2017

Bond Collected: Yes

Docket Fee: Yes

Pauper: No

Print Deposit: No

State Appeals: No

History

Venue: Cumberland (14) **Heard In:** Superior Court
To SC: **From SC:**

Lower Court Number(s)

Location: Robeson (20)
 Judge: Mary Ann Tally
 Case #: 14CVS2963 15CVS0944 15CVS1556 16CVS2010 16CVS2016 16CVS267

Location: Cumberland (14)
 Judge: Mary Ann Tally
 Case #: 14CVS7875 14CVS9407-9410 14CVS9512-9513 15CVS1875-1877 15CVS2894-2896 15CVS338-340 15CVS3997-4000
 15CVS4399 15CVS8904 15CVS9315 15CVS9372-9373 15CVS9476-9477 16CVS1192 16CVS1435 16CVS1733-1734
 16CVS2064 16CVS3109 16CVS4041 16CVS5177-5178 16CVS5400-5402 16CVS5456 16CVS5745 16CVS608
 16CVS6448 16CVS911

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	03-28-2017					03-30-2017		
(2) M-DSSAPP	04-19-2017	04-19-2017		05-02-2017	05-01-2017		Dismissed as moot	11-29-2017
(3) APPELLANT BRIEF	05-01-2017	05-01-2017				05-02-2017		
(4) INFORM SHT	05-04-2017	05-04-2017						
(5) M-EXT-BR	05-19-2017	05-19-2017					Allowed	05-22-2017
(6) APPELLEE BRIEF	06-05-2017					06-06-2017		
(7) REPLY	06-21-2017	06-21-2017				06-22-2017		
(8) M-GEN	11-27-2017	11-27-2017					Allowed	11-29-2017

1 - RECORD
 Filed: 03-28-2017 @ 11:18:00
 FOR: Defendant-Appellant North Carolina Department Of Transportation
 BY : Mr. William H. Moss
 SMITH ANDERSON BLOUNT DORSETT MITCHELL & JERNIGAN, LLP

2 - M-DSSAPP (Dismissed as moot) - 11-29-2017
 Filed: 04-19-2017 @ 16:20:22
 FOR: Appellee Sullivan, Larry D., et al
 BY : Mr. Garris Neil Yarborough
 YARBOROUGH, WINTERS & NEVILLE

The following order was entered:

The motion filed in this cause on the 19th of April 2017 and designated 'Plaintiffs-Appellees' Motion to Dismiss Appeal as Interlocutory, Not Affecting a Substantial Right' is dismissed as moot.

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

RESPONSE TO M-DSSAPP

Filed: 05-01-2017

BY : Mr. William H. Moss

SMITH ANDERSON BLOUNT DORSETT MITCHELL & JERNIGAN, LLP

3 - APPELLANT BRIEF

Filed: 05-01-2017 @ 13:59:00

FOR: Defendant-Appellant North Carolina Department Of Transportation

BY : Mr. William H. Moss

SMITH ANDERSON BLOUNT DORSETT MITCHELL & JERNIGAN, LLP

4 - AIS INFORM SHT

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

FOR: Defendant-Appellant North Carolina Department Of Transportation

BY : Mr. William H. Moss

SMITH ANDERSON BLOUNT DORSETT MITCHELL & JERNIGAN, LLP

5 - M-EXT-BR (Allowed) - 05-22-2017

Filed: 05-19-2017 @ 13:25:36

FOR: Appellee Sullivan, Larry D., et al

BY : Mr. Garris Neil Yarborough

YARBOROUGH, WINTERS & NEVILLE

The following order was entered:

The motion filed in this cause on the 19th of May 2017 and designated 'Plaintiffs-Appellees' Motion for Extension of Time to File Plaintiffs-Appellees' Brief' is allowed. Plaintiffs-Appellees' brief shall be filed on or before 5 June 2017.

By order of the Court this the 22nd of May 2017.

6 - APPELLEE BRIEF

Filed: 06-05-2017 @ 16:25:26

FOR: Appellee Sullivan, Larry D., et al

BY : Mr. Garris Neil Yarborough

YARBOROUGH, WINTERS & NEVILLE

7 - APPELLANT BRIEF REPLY

Filed: 06-21-2017 @ 03:11:00

FOR: Defendant-Appellant North Carolina Department Of Transportation

BY : Mr. William H. Moss

SMITH ANDERSON BLOUNT DORSETT MITCHELL & JERNIGAN, LLP

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

Filed: 11-27-2017 @ 09:15:21

FOR: Defendant-Appellant North Carolina Department Of Transportation

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, do pay the costs of the appeal in this Court incurred, to wit, the sum of Eighty Seven Dollars and 75/100 (\$87.75), 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
03-28-2017	Docket Fee	10.00	10.00			R032044717	03-28-2017
03-28-2017	Bond	250.00	250.00			R032044717	03-28-2017
03-30-2017	Printing	3927.00	3927.00	RECORD	2244	R042006017	04-06-2017
05-02-2017	Printing	92.75	92.75	APPELLANT BRIEF	53	R052011817	05-11-2017

06-22-2017	Printing	57.75	57.75	APPELLANT BRIEF	33	R072050717	07-31-2017
06-06-2017	Printing	78.75	78.75	APPELLEE BRIEF	45	R062064517	06-16-2017

Payments

Payment Date	Payment Type	Amount	Check Number
12-11-2017	Disburse	78.75	43131
09-20-2019	Disburse	162.25	44822

Exhibits

Transcript(s) Electronically Filed

transcript-sullivan-v.ncdot-november-18-2016.pdf
certificate-of-delivery-sullivan-v.ncdot-november-18-2016.pdf

Parties

Party Name	Role
Sullivan, Larry D.	Plaintiff-Appellee
Sullivan, Yongsun	Plaintiff-Appellee
McFadyen, Otha T.	Plaintiff-Appellee
Chappell, Ted P.	Plaintiff-Appellee
Chappell, Sarah S.	Plaintiff-Appellee
Campbell, Dennis Lee	Plaintiff-Appellee
Campbell, Terrilynn	Plaintiff-Appellee
Manuel, Eugene	Plaintiff-Appellee
Spell, James Michael	Plaintiff-Appellee
Cameron, Judy Barefoot	Plaintiff-Appellee
Cameron, Barry Wayne	Plaintiff-Appellee
Sheckels, James A.	Plaintiff-Appellee
Sheckels, Rebecca L.	Plaintiff-Appellee
Bennett, Orville H.	Plaintiff-Appellee
Bennett, Amelia P.	Plaintiff-Appellee
Watts, Amelia Perry (f/k/a)	Plaintiff-Appellee
Young, Roland D.	Plaintiff-Appellee
McFadyen, Janice	Plaintiff-Appellee
Melton, Janice Garvey (f/k/a)	Plaintiff-Appellee
Fitzgerald, Edith Jackson	Plaintiff-Appellee
Hito, Ala Mohammad	Plaintiff-Appellee
Hatto, Hasan M.	Plaintiff-Appellee
Hata, Suhad	Plaintiff-Appellee

Boahn, Mark	Plaintiff-Appellee
Williams, Larry O.	Plaintiff-Appellee
Williams, Theresa T.	Plaintiff-Appellee
Thompson, Jack A.	Plaintiff-Appellee
Thompson, Lisa	Plaintiff-Appellee
Short, Lisa T. (f/k/a)	Plaintiff-Appellee
Thompson, Alex J.	Plaintiff-Appellee
Ammons, Delores T.	Plaintiff-Appellee
Byrd, Rebecca T.	Plaintiff-Appellee
Thompson, Rebecca R. (f/k/a)	Plaintiff-Appellee
Byrd, Jesse H. (Jr.)	Plaintiff-Appellee
Thompson, Frank L.	Plaintiff-Appellee
Tuttle, Claire	Plaintiff-Appellee
Sloan, Claire T. (f/k/a)	Plaintiff-Appellee
Moye, Frances Adcox	Plaintiff-Appellee
Moye, Terrell Romel	Plaintiff-Appellee
Parker, Gustavus B. (Jr.)	Plaintiff-Appellee
Strother, Norma Parker	Plaintiff-Appellee
Barefoot, Delmer Wilton	Plaintiff-Appellee
Barefoot, Juanita	Plaintiff-Appellee
Gillis Development Corporation, Inc.	Plaintiff-Appellee
Johnson, Barbara M.	Plaintiff-Appellee
Dibacco, Judy Gillis McKethan	Plaintiff-Appellee
Gillis, Malcolm Randall	Plaintiff-Appellee
Gillis, John McNatt (Jr.)	Plaintiff-Appellee
Gillis, Ruth F.	Plaintiff-Appellee
Turner, Roy	Plaintiff-Appellee
Turner, Jane Gillis	Plaintiff-Appellee
Gillis, James D.	Plaintiff-Appellee
Gillis, Joseph H.	Plaintiff-Appellee
Watson, Spurgeon D.	Plaintiff-Appellee
Watson, Lois	Plaintiff-Appellee
Vuyovich, Chad A.	Plaintiff-Appellee
Vuyovich, Cherish M.	Plaintiff-Appellee
McLean, Freddie	Plaintiff-Appellee
McLean, Kanice	Plaintiff-Appellee
King, WR (Jr.)	Plaintiff-Appellee
King, Mary	Plaintiff-Appellee
Gillis, James David	Plaintiff-Appellee
Gillis, Joseph Harmon	Plaintiff-Appellee
Gillis, Betty H.	Plaintiff-Appellee
Gillis, Malcolm Randall	Plaintiff-Appellee

Turner, Roy	Plaintiff-Appellee
Turner, Mary G.	Plaintiff-Appellee
GF Moody Properties, LLC	Plaintiff-Appellee
Hancox, Bradford Scott	Plaintiff-Appellee
King, Vera (Estate of)	Plaintiff-Appellee
Peartree Ventures, LLC	Plaintiff-Appellee
Camden Glen Development, LLC	Plaintiff-Appellee
Whitted, William C.	Plaintiff-Appellee
Walter & Maude Estate, LLC	Plaintiff-Appellee
Wienand, Donna	Plaintiff-Appellee
Lane, Peggy	Plaintiff-Appellee
Myers, Robert Bryan	Plaintiff-Appellee
Myers, Chrystal Michelle	Plaintiff-Appellee
Crumpler, Dayne Capps	Plaintiff-Appellee
Crumpler, G. Franklin	Plaintiff-Appellee
Capps, Robert Earl (Sr.)	Plaintiff-Appellee
Capps, Edna Marie	Plaintiff-Appellee
Magnum, Bonnie	Plaintiff-Appellee
Teeters, Thomas T.	Plaintiff-Appellee
Teeters, Dorit L.	Plaintiff-Appellee
Gamble, William	Plaintiff-Appellee
Gamble, Naomi	Plaintiff-Appellee
Rotan, Robert	Plaintiff-Appellee
Rotan, Charlotte	Plaintiff-Appellee
Smith, Divon	Plaintiff-Appellee
Morillo-Smith, Viviana	Plaintiff-Appellee
Morillo, Imilse	Plaintiff-Appellee
North Carolina Department Of Transportation	Defendant-Appellant
Choi, James Ung Sik	Plaintiff-Appellee
Choi, Yong Suk	Plaintiff-Appellee
Spell, Terry W.	Plaintiff-Appellee
Spell, Jan D.	Plaintiff-Appellee
Cashwell, Franklin Wade (Jr.)	Plaintiff-Appellee
Cashwell, Judy	Plaintiff-Appellee
Taylor, Tracey M.	Plaintiff-Appellee
McKethan, Marie	Plaintiff-Appellee
McKethan, James (Jr.)	Plaintiff-Appellee
McKethan, Esther	Plaintiff-Appellee
Taylor, Gilbert	Plaintiff-Appellee

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