

# North Carolina Court of Appeals

## Docket Sheet

Dep't of Transp. v. Stimpson

**Case Number:** 17-596

**As of:** 04/30/2024

**Case Closed:** Yes **Close Date:** 04-09-2018 **Case Type:** Civil (Civil\_othr) **Mediation:** No

DEPARTMENT OF TRANSPORTATION,  
Plaintiff,

v.

ROBERT B. STIMPSON; and BANK  
OF AMERICA, NATIONAL ASSOCIATION,  
Defendant.

**Docket Date:** 06-07-2017 **File Date:** 06-06-2017 **File Time:** 03:29 **Acquired Date:** 06-06-2017  
**Bond Collected:** No **Docket Fee:** No **Pauper:** No **Print Deposit:** No **State Appeals:** Yes

### History

**Venue:** Forsyth (31) **Heard In:** Superior Court

**To SC:** **From SC:**

### Lower Court Number(s)

**Location:** Forsyth (31)

**Judge:** John O. Craig III

**Case #:** 16CVS7555

### Tracking/Argue

**Argue Date:** 11-13-2017 #

### Opinion

**Opinion Date:** 03-20-2018 **Cert Date:** 04-09-2018

**Author:** Honorable Linda M. McGee

**Decision:** Affirmed

**Opinion Notes:**

**Opinion Pages:** 19 **Opinion Cost:** \$ 3.80

**Cite:**

**Slip Opinion:** <https://appellate.nccourts.org/opinions/?c=2&pdf=36146>

### Documents

Document	Date Recvd	Cert of Service	Rec/Brf Due	Resp. Due	Resp. Recvd	Mailed Out	Ruling	Ruling Date
(1) RECORD	06-06-2017	06-06-2017				06-08-2017		
(2) M-GEN	06-08-2017	06-08-2017		06-21-2017			Allowed	06-26-2017

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(1) RECORD	06-06-2017	06-06-2017				06-08-2017		
(2) M-GEN	06-08-2017	06-08-2017		06-21-2017			Allowed	06-26-2017

(3) ADDENDUM	06-08-2017	06-08-2017				06-27-2017		
(4) APPELLANT BRIEF	07-10-2017	07-10-2017				07-11-2017		
(5) M-GEN	07-19-2017	07-19-2017		08-01-2017	07-26-2017		Denied	08-02-2017
(6) M-EXT-BR	07-19-2017	07-19-2017					Allowed	07-20-2017
(7) APPELLEE BRIEF	09-18-2017					09-18-2017		
(8) REPLY	10-02-2017	10-02-2017				10-03-2017		
(9) INFORM SHT	10-12-2017	10-12-2017						
(10) M-GEN	10-31-2017	10-31-2017					Allowed	11-08-2017
(11) ADD-AUTH	11-10-2017							
(12) ADD-AUTH	11-10-2017							
(13) ADD-AUTH	11-10-2017							

## 1 - RECORD

Filed: 06-06-2017 @ 03:29:00

FOR: Plaintiff-Appellant Department of Transportation

BY : Mr. James M. Stanley, Jr.

N.C. DEPARTMENT OF JUSTICE

## 2 - MOTION MOTION TO FILE ADDENDUM TO RECORD ON APPEAL (Allowed) - 06-26-2017

Filed: 06-08-2017 @ 07:32:09

FOR: Plaintiff-Appellant Department of Transportation

BY : Mr. William A. Smith

N.C. DEPARTMENT OF JUSTICE

The following order was entered:

The motion filed in this cause on the 8th of June 2017 and designated 'Motion to File Addendum to Record on Appeal' is allowed. The attached addendum shall be printed as an addendum to the record on appeal.

By order of the Court this the 26th of June 2017.

## 3 - RECORD ADDENDUM

Filed: 06-08-2017 @ 11:28:24

FOR: Plaintiff-Appellant Department of Transportation

BY : Mr. James M. Stanley, Jr.

N.C. DEPARTMENT OF JUSTICE

## 4 - APPELLANT BRIEF

Filed: 07-10-2017 @ 14:36:00

FOR: Plaintiff-Appellant Department of Transportation

BY : Mr. James M. Stanley, Jr.

N.C. DEPARTMENT OF JUSTICE

## 5 - MOTION MOTION TO CONSOLIDATE CASES AND REVISE BRIEFING SCHEDULE (Denied) - 08-02-2017

Filed: 07-19-2017 @ 15:51:49

FOR: Defendant-Appellee Stimpson, Robert B.

BY : Mr. Matthew H. Bryant

HENDRICK BRYANT NERHOOD SANDERS &amp; OTIS, LLP

The following order was entered:

The motion filed in this cause on the 19th of July 2017 and designated 'Motion to Consolidate Cases and Revise Briefing Schedule' is denied.

By order of the Court this the 2nd of August 2017.

## RESPONSE TO MOTION MOTION TO CONSOLIDATE CASES AND REVISE BRIEFING SCHEDULE

Filed: 07-26-2017

BY : Mr. James M. Stanley, Jr.

N.C. DEPARTMENT OF JUSTICE

6 - M-EXT-BR (Allowed) - 07-20-2017  
 Filed: 07-19-2017 @ 15:52:40  
 FOR: Defendant-Appellee Stimpson, Robert B.  
 BY : Mr. Matthew H. Bryant  
 HENDRICK BRYANT NERHOOD SANDERS & OTIS, LLP

The following order was entered:

The motion filed in this cause on the 19th of July 2017 and designated 'Appellees' Motion to Extend Time to File Brief' is allowed. Appellees' brief shall be filed on or before 18 September 2017.

By order of the Court this the 20th of July 2017.

7 - APPELLEE BRIEF  
 Filed: 09-18-2017 @ 11:54:42  
 FOR: Defendant-Appellee Stimpson, Robert B.  
 BY : Mr. Matthew H. Bryant  
 HENDRICK BRYANT NERHOOD SANDERS & OTIS, LLP

8 - APPELLANT BRIEF REPLY  
 Filed: 10-02-2017 @ 11:03:00  
 FOR: Plaintiff-Appellant Department of Transportation  
 BY : Mr. James M. Stanley, Jr.  
 N.C. DEPARTMENT OF JUSTICE

9 - AIS INFORM SHT  
 Filed: 10-12-2017 @ 13:07:00  
 FOR: Plaintiff-Appellant Department of Transportation  
 BY : Mr. William A. Smith  
 N.C. DEPARTMENT OF JUSTICE

10 - MOTION MOTION TO CONSOLIDATE APPEALS APPELLATE RULE 40 (Allowed) - 11-08-2017  
 Filed: 10-31-2017 @ 09:47:16  
 FOR: Plaintiff-Appellant 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 31st of October 2017 and designated 'Motion to Consolidate Appeals Appellate Rule 40' is granted to allow consolidation of these three appeals for hearing on 13 November 2017, with a total of one hour of consolidated argument for these appeals.

By order of the Court this the 8th of November 2017.

11 - MEMOS ADD-AUTH  
 Filed: 11-10-2017 @ 14:30:16  
 FOR: Defendant-Appellee Stimpson, Robert B.  
 BY : Mr. Matthew H. Bryant  
 HENDRICK BRYANT NERHOOD SANDERS & OTIS, LLP

12 - MEMOS ADD-AUTH  
 Filed: 11-10-2017 @ 15:16:28  
 FOR: Defendant-Appellee Stimpson, Robert B.  
 BY : Mr. Matthew H. Bryant  
 HENDRICK BRYANT NERHOOD SANDERS & OTIS, LLP

13 - MEMOS ADD-AUTH  
 Filed: 11-10-2017 @ 15:17:07  
 FOR: Defendant-Appellee Stimpson, Robert B.  
 BY : Mr. Matthew H. Bryant  
 HENDRICK BRYANT NERHOOD SANDERS & OTIS, LLP

## Financial Information

### Receipts

Date Charged	Charge Type	Amount Charged	Amount Paid	Document	Pages	Recelpt #	Date Paid
06-07-2017	Docket Fee	10.00	10.00			R062094117	06-19-2017
07-06-2017	Printing	343.00	343.00	RECORD	196	R072036517	07-21-2017

07-06-2017	Printing	12.25	12.25	RECORD	7	R072040617	07-21-2017
08-07-2017	Printing	122.50	122.50	APPELLANT BRIEF	70	R082040117	08-25-2017
12-12-2017	Printing	50.75	50.75	APPELLANT BRIEF	29	R122054717	12-29-2017
03-21-2018	Assess	152.50	152.50			R042003518	04-04-2018
09-18-2017	Printing	143.50	143.50	APPELLEE BRIEF	82	R092041617	09-28-2017

**Payments**

Payment Date	Payment Type	Amount	Check Number
04-24-2018	Disburse	143.50	43447

**Exhibits****Transcript(s) Electronically Filed**

021317dotfp.pdf  
transcript-ncdot-v.mdc-investments-april-3-2017-volume-i-of-i.pdf  
transcript-ncdot-v.mdc-investments-april-10-2017-volume-i-of-i.pdf

**Parties**

Party Name	Role
Department of Transportation	Plaintiff-Appellant
Stimpson, Robert B.	Defendant-Appellee
Bank of America	Defendant-Appellee
National Association	Defendant-Appellee

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