

North Carolina Court of Appeals

Docket Sheet

Dep't of Transp. v. MDC Invs., LLC

Case Number: 17-598

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.

MDC INVESTMENTS, LLC
and FIRST COMMUNITY BANK,
Defendant.

| | | | |
|--------------------------------|------------------------------|-------------------------|----------------------------------|
| Docket Date: 06-07-2017 | File Date: 06-06-2017 | File Time: 03:30 | Acquired Date: 06-06-2017 |
| Bond Collected: No | Docket Fee: No | Pauper: No | Print Deposit: No |
| | | | State Appeals: No |

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 #: 17CVS246

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: 4 **Opinion Cost:** \$ 0.80

Cite:

Slip Opinion: <https://appellate.nccourts.org/opinions/?c=2&pdf=36148>

Documents

| Document | Date Recvd | Cert of Service | Rec/Brf Due | Resp. Due | Resp. Recvd | Mailed Out | Ruling | Ruling Date |
|----------|------------|-----------------|-------------|-----------|-------------|------------|--------|-------------|
|----------|------------|-----------------|-------------|-----------|-------------|------------|--------|-------------|

| | | | | | | | | |
|---------------------|------------|------------|--|--|--|------------|--|--|
| (1) RECORD | 06-06-2017 | | | | | 06-08-2017 | | |
| (2) APPELLANT BRIEF | 07-07-2017 | 07-07-2017 | | | | 07-10-2017 | | |

| | | | | | | | | |
|--------------------|------------|------------|--|------------|------------|------------|---------|------------|
| (3) M-EXT-BR | 07-19-2017 | 07-19-2017 | | | | | Allowed | 07-20-2017 |
| (4) M-GEN | 07-19-2017 | 07-19-2017 | | 08-01-2017 | 07-26-2017 | | Denied | 08-02-2017 |
| (5) APPELLEE BRIEF | 09-15-2017 | | | | | 09-18-2017 | | |
| (6) REPLY | 09-29-2017 | 09-29-2017 | | | | 10-02-2017 | | |
| (7) INFORM SHT | 10-12-2017 | 10-12-2017 | | | | | | |
| (8) M-GEN | 10-31-2017 | 10-31-2017 | | | | | Allowed | 11-08-2017 |

1 - RECORD

Filed: 06-06-2017 @ 03:30:00

FOR: Plaintiff-Appellant Department of Transportation

BY : Mr. James M. Stanley, Jr.

N.C. DEPARTMENT OF JUSTICE

2 - APPELLANT BRIEF

Filed: 07-07-2017 @ 14:56:00

FOR: Plaintiff-Appellant Department of Transportation

BY : Mr. James M. Stanley, Jr.

N.C. DEPARTMENT OF JUSTICE

3 - M-EXT-BR (Allowed) - 07-20-2017

Filed: 07-19-2017 @ 07:17:24

FOR: Defendant-Appellee MDC Investments, LLC

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.

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

Filed: 07-19-2017 @ 07:18:09

FOR: Defendant-Appellee MDC Investments, LLC

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 '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

5 - APPELLEE BRIEF

Filed: 09-15-2017 @ 16:06:52

FOR: Defendant-Appellee MDC Investments, LLC

BY : Mr. Matthew H. Bryant

HENDRICK BRYANT NERHOOD SANDERS & OTIS, LLP

6 - APPELLANT BRIEF REPLY

Filed: 09-29-2017 @ 11:48:00

FOR: Plaintiff-Appellant Department of Transportation

BY : Mr. James M. Stanley, Jr.

N.C. DEPARTMENT OF JUSTICE

7 - 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

8 - MOTION MOTION TO CONSOLIDATE APPEALS APPELLATE RULE 40 (Allowed) - 11-08-2017

Filed: 10-31-2017 @ 09:43:09

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.

Financial Information

Receipts

| Date Charged | Charge Type | Amount Charged | Amount Paid | Document | Pages | Receipt # | Date Paid |
|--------------|-------------|----------------|-------------|-----------------|-------|------------|------------|
| 06-07-2017 | Docket Fee | 10.00 | 10.00 | | | R062094317 | 06-19-2017 |
| 07-06-2017 | Printing | 332.50 | 332.50 | RECORD | 190 | R072036817 | 07-21-2017 |
| 08-07-2017 | Printing | 127.75 | 127.75 | APPELLANT BRIEF | 73 | R082039817 | 08-25-2017 |
| 12-12-2017 | Printing | 50.75 | 50.75 | APPELLANT BRIEF | 29 | R122054517 | 12-29-2017 |
| 03-21-2018 | Assess | 157.75 | 157.75 | | | R042000318 | 04-02-2018 |
| 09-18-2017 | Printing | 148.75 | 148.75 | APPELLEE BRIEF | 85 | R092041917 | 09-28-2017 |

Payments

| Payment Date | Payment Type | Amount | Check Number |
|--------------|--------------|--------|--------------|
| 04-24-2018 | Disburse | 148.75 | 43451 |

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 |
| MDC Investments, LLC | Defendant-Appellee |
| First Community Bank | Defendant-Appellee |

Attorneys

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