

North Carolina Court of Appeals

Docket Sheet

DOT v. Jay Butmataji, LLC

Case Number: 17-689

As of: 05/01/2024

Case Closed: Yes

Close Date: 08-27-2018

Case Type: Civil (Civil_othr)

Mediation: No

DEPARTMENT OF TRANSPORTATION,
Plaintiff,

v.

JAY BUTMATAJI, LLC; BYRD, BYRD,
ERVIN, MCMAHON & DENTON, P.A.,
Trustee; MUKTI, INC., BB&T
COLLATERAL SERVICE CORPORATION,
Trustee, and BRANCH BANKING AND
TRUST COMPANY,
Defendant.

Docket Date: 06-29-2017

File Date: 06-28-2017

File Time: 04:10

Acquired Date: 06-28-2017

Bond Collected: Yes

Docket Fee: Yes

Pauper: No

Print Deposit: No

State Appeals: No

History

Venue: Burke (36)

Heard In: Superior Court

To SC:

From SC:

Lower Court Number(s)

Location: Burke (36)

Judge: W. Robert Bell

Case #: 11CVS785

Tracking/Argue

Argue Date: 01-11-2018 (No oral argument by Rule 30(f))

Opinion

Opinion Date: 08-07-2018

Cert Date: 08-27-2018

Author: Honorable Donna Stroud

Decision: Affirmed

Opinion Notes:

Opinion Pages: 14

Opinion Cost: \$ 2.80

Cite:

Slip Opinion: <https://appellate.nccourts.org/opinions/?c=2&pdf=36345>

Documents

Document

Date Recvd

Cert of Service

Rec/Brt Due

Resp. Due

Resp. Recvd

Mailed Out

Ruling

Ruling Date

(1) RECORD	06-28-2017	06-23-2017				06-29-2017		
(2) NOTICE OF APPEARANCE	07-11-2017							
(3) M-EXT-BR	07-26-2017	07-26-2017					Allowed	07-26-2017
(4) APPELLANT BRIEF	08-28-2017					08-29-2017		
(5) M-EXT-BR	09-21-2017	09-21-2017					Allowed	09-22-2017
(6) APPELLEE BRIEF	10-26-2017					10-27-2017		
(7) REPLY	11-09-2017					11-13-2017		
(8) INFORM SHT	11-20-2017	07-12-2017						

1 - RECORD

Filed: 06-28-2017 @ 04:10:00

FOR: Defendant-Appellant Jay Butmataji, LLC

BY : Mr. Andrew J. Howell

SIGMON, CLARK, MACKIE, HANVEY & FERRELL, P.A.

2 - NOTICE OF APPEARANCE

Filed: 07-11-2017 @ 15:45:30

FOR: Plaintiff-Appellee Department of Transportation

BY : Mr. Kevin G. Mahoney

3 - M-EXT-BR (Allowed) - 07-26-2017

Filed: 07-26-2017 @ 12:03:06

FOR: Defendant-Appellant Jay Butmataji, LLC

BY : Mr. Andrew J. Howell

SIGMON, CLARK, MACKIE, HANVEY & FERRELL, P.A.

The following order was entered:

The motion filed in this cause on the 26th of July 2017 and designated 'Motion for Extension of Time to File Brief' is allowed. Defendant-Appellant's brief shall be filed on or before 28 August 2017.

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

4 - APPELLANT BRIEF

Filed: 08-28-2017 @ 16:49:19

FOR: Defendant-Appellant Jay Butmataji, LLC

BY : Mr. Andrew J. Howell

SIGMON, CLARK, MACKIE, HANVEY & FERRELL, P.A.

5 - M-EXT-BR (Allowed) - 09-22-2017

Filed: 09-21-2017 @ 14:51:28

FOR: Plaintiff-Appellee Department of Transportation

BY : Mr. Kevin G. Mahoney

The following order was entered:

The motion filed in this cause on the 21st of September 2017 and designated 'Motion for Extension of Time to File State's Brief' is allowed. State's brief shall be filed on or before 30 October 2017.

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

6 - APPELLEE BRIEF

Filed: 10-26-2017 @ 11:44:56

FOR: Plaintiff-Appellee Department of Transportation

BY : Mr. Kevin G. Mahoney

N. C. DEPARTMENT OF JUSTICE

7 - APPELLANT BRIEF REPLY

Filed: 11-09-2017 @ 17:49:09

FOR: Defendant-Appellant Jay Butmataji, LLC

BY : Mr. Andrew J. Howell

SIGMON, CLARK, MACKIE, HANVEY & FERRELL, P.A.

8 - AIS INFORM SHT
 Filed: 11-20-2017 @ 10:16:00
 FOR: Defendant-Appellant Jay Butmataji, LLC
 BY : Mr. Andrew J. Howell
 SIGMON, CLARK, MACKIE, HANVEY & FERRELL, P.A.

Financial Information

Receipts

Date Charged	Charge Type	Amount Charged	Amount Paid	Document	Pages	Receipt #	Date Paid
10-27-2017	Printing	63.00	63.00	APPELLEE BRIEF	36	R122060017	12-29-2017
06-29-2017	Docket Fee	10.00	10.00			R062106917	06-29-2017
06-29-2017	Bond	250.00	250.00			R062106917	06-29-2017
06-29-2017	Printing	523.25	523.25	RECORD	299	R072005917	07-11-2017
08-29-2017	Printing	43.75	43.75	APPELLANT BRIEF	25	R092003517	09-06-2017
11-13-2017	Printing	26.25	26.25	APPELLANT BRIEF	15	R112031817	11-21-2017

Payments

Payment Date	Payment Type	Amount	Check Number
09-20-2018	Disburse	63.00	43842
09-20-2018	Disburse	178.00	43843

Exhibits

Transcript(s) Electronically Filed

transcript-ncdot-vs.jay-butmataji-llc-et-al-august-11-12-2016-vol.iii-of-iii.pdf
 transcript-dot-v.jay-butmataji-llc-aug.9-10-2016-vol.i-of-iii.pdf
 transcript-dot-v.jay-butmataji-llc-aug.9-10-2016-vol.ii-of-iii.pdf
 transcript-dot-v.jay-butmataji-llc-aug.9-10-2016-vols.i-ii-master-index.pdf

Parties

Party Name	Role
Department of Transportation	Plaintiff-Appellee
Jay Butmataji, LLC	Defendant-Appellant
Byrd, Byrd, Ervin, McMahon & Denton, P.A.	Defendant-Appellee
Mukti, Inc.	Defendant-Appellee
BB&T Collateral Service Corporation	Defendant-Appellee
Branch Banking and Trust Company	Defendant-Appellee

Attorneys

Attorney for Defendant-Appellant - Jay Butmataji, LLC

Mr. Forrest A. Ferrell [Primary Attorney]

Attorney at Law

forrest.ferrell@sigmonclark.com

Mr. Andrew J. Howell [Primary Attorney]

Attorney at Law

Andy.Howell@sigmonclark.com

SIGMON, CLARK, MACKIE, HANVEY & FERRELL, P.A.

P.O. Drawer 1470

Hickory, NC 28603

(828) 328-2596

Attorney for Plaintiff-Appellee - Department of Transportation

Ms. L. Charlene Coggins-Franks [Primary Attorney]

Assistant Attorney General

cfranks@ncdoj.gov

ATTORNEY GENERAL'S OFFICE

101 Manning Drive

4th Floor, Med Wing E

Chapel Hill, NC 27514

(828) 251-6083

Attorney for Plaintiff-Appellee - Department of Transportation

Mr. Kevin G. Mahoney [Primary Attorney]

kmahoney@nceminentdomain.com

N. C. DEPARTMENT OF JUSTICE

P O Box 629

Raleigh, NC 27602

(828) 552-8240
