

North Carolina Court of Appeals

Docket Sheet

Hanpen Land Co., LLC v. NC Dep't of Transp.

Case Number: 17-757
As of: 04/30/2024
Case Closed: Yes **Close Date:** 11-29-2017 **Case Type:** Civil (Civil_othr) **Mediation:** No

HANPEN LAND COMPANY, LLC; RUSSELL B. HUNT and FLORITA HUNT;
 HANPEN LAND COMPANY, LLC; BUYERS BROKERS and CONSULTANTS,
 INC.; NOELLE HOLDINGS, LLC; GERALD DEAN HARDISON, JR. and
 HARDISON RENTALS, LLC; PATRICK W. ADAMS; GREGORY K. BECK and
 CHRISTINA N. BECK, Tenants by the entirety; ELAINE SPILLER
 BROWN; CHARLES E. BRYANT; ERNEST DEVON BRYANT, JR. and ROSE
 SPILLER BRYANT; JIMMY MELVIN BURNS, MARILYN BURGESS BURNS;
 MARTIN J. EVANS and FRANCESCA M. EVANS; RACHEL P. GAINES;
 FRANK GOVERNALE and wife, JOYCE GOVERNALE; SHIRLEY M. HERMAN;
 SANDRA KAY POWELL KING; SUSAN LORUSSO; LOFTIN A. McCULLEN, SR.;
 ELIZABETH ANN MOBLEY; NORMA C. MOORE; SHIRLEY SMITH OVERDIEP,
 ANNE SMITH HEARD, JAMES D. SMITH, and ALICE SMITH WHITAKER;
 AARON D. CASE, Attorney in Fact on behalf of FRANCIS M. REDDY;
 BARBARA J. ROBERTS; JULIA SMITH JONES; MICHAEL MILLARD SPAHR,
 Plaintiffs,

v.

NORTH CAROLINA DEPARTMENT OF TRANSPORTATION and WILMINGTON
 URBAN AREA METROPOLITAN PLANNING ORGANIZATION,
 Defendants.

Docket Date:	07-18-2017	File Date:	07-12-2017	File Time:	12:06	Acquired Date:	07-12-2017	
Bond Collected:	No	Docket Fee:	No	Pauper:	No	Print Deposit:	No	State Appeals: Yes

History

Venue: New Hanover (6) **Heard In:** Superior Court

To SC: **From SC:**

Lower Court Number(s)

Location: Pender (6)

Judge: John E. Nobles Jr.

Case #: 14CVS1036 15CVS1160 15CVS1174 15CVS1198 15CVS1199 15CVS1200 15CVS433 15CVS434 15CVS554
 15CVS555 15CVS556 15CVS557 15CVS624 15CVS694 15CVS788 15CVS790 15CVS844 15CVS911 15CVS963
 16CVS202 16CVS241 16CVS242 16CVS309 16CVS496

Location: New Hanover (6)

Judge: John E. Nobles Jr.

Case #: 15CVS1579 16CVS795

Tracking/Argue

Opinion

Documents

Document	Date Recvd	Cert of Service	Rec/Brf Due	Resp. Due	Resp. Recvd	Mailed Out	Ruling	Ruling Date
(1) RECORD	07-12-2017	07-12-2017				07-20-2017		
(2) M-DSSAPP	08-02-2017	08-02-2017		08-15-2017	08-14-2017		Referred	08-17-2017
(3) M-GEN	08-10-2017	08-10-2017					Allowed	08-11-2017
(4) APPELLANT BRIEF	09-18-2017	09-18-2017				09-20-2017		
(5) M-EXT-BR	10-12-2017	10-12-2017					Allowed	10-12-2017
(6) APPELLEE BRIEF	11-20-2017					11-22-2017		
(7) M-GEN	11-22-2017	11-22-2017					Allowed	11-27-2017
(8) ADD-AUTH	11-22-2017	11-22-2017						
(9) SUBSTITUTE	11-22-2017	11-22-2017						
(10) M-GEN	11-27-2017	11-27-2017					Allowed	11-29-2017

1 - RECORD

Filed: 07-12-2017 @ 12:06:00

FOR: Defendant-Appellant North Carolina Department Of Transportation

BY : Mr. Elijah A.T. Huston
HOGUE HILL, LLP

2 - M-DSSAPP (Referred) - 08-17-2017

Filed: 08-02-2017 @ 13:53:11

FOR: Appellee Hanpen Land Company, LLC, et al

BY : Ms. Anne Duvoisin Fisher
HENSON & FUERST, PA

The following order was entered:

The motion filed in this cause on the 2nd of August 2017 and designated 'Plaintiffs-Appellees' Motion to Dismiss Appeal as Interlocutory, Not Affecting a Substantial Right' is referred to the panel that will be assigned to hear the case.

By order of the Court this the 17th of August 2017.

RESPONSE TO M-DSSAPP

Filed: 08-14-2017

BY : Mr. James M. Stanley, Jr.
N.C. DEPARTMENT OF JUSTICE

3 - MOTION MOTION FOR EXTENSION OF TIME TO FILE AND SERVE APPELLANT'S BRIEF (Allowed) - 08-11-2017

Filed: 08-10-2017 @ 15:41:10

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 10th of August 2017 and designated 'Motion for Extension of Time to File and Serve Appellant's Brief' is allowed. State's appellant brief shall be filed on or before 18 September 2017.

By order of the Court this the 11th of August 2017.

4 - APPELLANT BRIEF

Filed: 09-18-2017 @ 13:10:00

FOR: Defendant-Appellant North Carolina Department Of Transportation

BY : Mr. James M. Stanley, Jr.
N.C. DEPARTMENT OF JUSTICE

5 - M-EXT-BR (Allowed) - 10-12-2017
 Filed: 10-12-2017 @ 11:15:32
 FOR: Appellee Hanpen Land Company, LLC, et al
 BY : Mr. Alan E. Toll
 FLETCHER, TOLL & RAY

The following order was entered:

The motion filed in this cause on the 12th of October 2017 and designated 'Motion for Extension of Time to File and Serve Plaintiffs-Appellees' Brief' is allowed. Plaintiffs-Appellees' brief shall be filed on or before 20 November 2017.

By order of the Court this the 12th of October 2017.

6 - APPELLEE BRIEF
 Filed: 11-20-2017 @ 16:40:32
 FOR: Appellee Hanpen Land Company, LLC, et al
 BY : Mr. Alan E. Toll
 FLETCHER, TOLL & RAY

7 - MOTION PLAINTIFFS/APPELLEES MOTION TO CORRECT BRIEF (Allowed) - 11-27-2017
 Filed: 11-22-2017 @ 14:59:33
 FOR: Appellee Hanpen Land Company, LLC, et al
 BY : Mr. Alan E. Toll
 FLETCHER, TOLL & RAY

The following order was entered:

The motion filed in this cause on the 22nd of November 2017 and designated 'Plaintiffs/Appellees Motion to Correct Brief' is allowed. The previously-filed brief is stricken. The attached Plaintiffs/Appellees' corrected brief shall be scanned and not printed.

By order of the Court this the 27th of November 2017.

8 - MEMOS ADD-AUTH
 Filed: 11-22-2017 @ 14:02:45
 FOR: Appellee Hanpen Land Company, LLC, et al
 BY : Mr. Alan E. Toll
 FLETCHER, TOLL & RAY

9 - APPELLEE BRIEF SUBSTITUTE
 Filed: 11-22-2017 @ 08:58:13
 FOR: Appellee Hanpen Land Company, LLC, et al
 BY : Mr. Alan E. Toll
 FLETCHER, TOLL & RAY

10 - MOTION DEFENDANT-APPELLANT'S MOTION FOR LEAVE TO WITHDRAW APPEALS (Allowed) - 11-29-2017
 Filed: 11-27-2017 @ 09:11:55
 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 Sixty Five Dollars and 00/100 (\$65.00), 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
10-03-2017	Printing	54.25	54.25	APPELLANT BRIEF	31	R112025817	11-17-2017
11-29-2017	Assess	65.00	65.00			R122002717	12-04-2017

11-22-2017	Printing	56.00	56.00	APPELLEE BRIEF	32	R012012418	01-09-2018
07-18-2017	Docket Fee	10.00	10.00			R072050117	07-28-2017
07-20-2017	Printing	3741.50	3741.50	RECORD	2138	R082046417	08-28-2017

Payments

Payment Date	Payment Type	Amount	Check Number
01-09-2018	Disburse	56.00	43193

Exhibits

Transcript(s) Electronically Filed

transcript-01-18-17-hanpen-land-co-v-nc-dot-15-cvs-1579-motions.pdf

Parties

Party Name	Role
Hanpen Land Company, LLC	Plaintiff-Appellee
Hunt, Russell B.	Plaintiff-Appellee
Hunt, Florita	Plaintiff-Appellee
Buyers Brokers and Consultants, Inc.	Plaintiff-Appellee
Noelle Holdings, LLC	Plaintiff-Appellee
Hardison, Gerald Dean (Jr.)	Plaintiff-Appellee
Hardison Rentals, LLC	Plaintiff-Appellee
Adams, Patrick W.	Plaintiff-Appellee
Beck, Gregory K.	Plaintiff-Appellee
Beck, Christina N.	Plaintiff-Appellee
Brown, Elaine Spiller	Plaintiff-Appellee
Bryant, Charles E.	Plaintiff-Appellee
Bryant, Ernest Devon (Jr.)	Plaintiff-Appellee
Bryant, Rose Spiller	Plaintiff-Appellee
Burns, Jimmy Melvin	Plaintiff-Appellee
Burns, Marilyn Burgess	Plaintiff-Appellee
Evans, Martin J.	Plaintiff-Appellee
Evans, Francesa M.	Plaintiff-Appellee
Gaines, Rachel P.	Plaintiff-Appellee
Governale, Frank	Plaintiff-Appellee
Governale, Joyce	Plaintiff-Appellee
Herman, Shirley M.	Plaintiff-Appellee
King, Sandra Kay Powell	Plaintiff-Appellee

Lorusso, Susan	Plaintiff-Appellee
McCullen, Loftin A. (Sr.)	Plaintiff-Appellee
Mobley, Elizabeth Ann	Plaintiff-Appellee
Moore, Norma C.	Plaintiff-Appellee
Overdiep, Shirley Smith	Plaintiff-Appellee
Heard, Anne Smith	Plaintiff-Appellee
Smith, James D.	Plaintiff-Appellee
Whitaker, Alice Smith	Plaintiff-Appellee
Case, Aaron D.	Plaintiff-Appellee
Reddy, Francis M.	Plaintiff-Appellee
Roberts, Barbara J.	Plaintiff-Appellee
Jones, Julia Smith	Plaintiff-Appellee
Spahr, Michael Millard	Plaintiff-Appellee
North Carolina Department Of Transportation	Defendant-Appellant
Wilmington Urban Area Metropolitan Planning Organization	Defendant-Appellee

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NC COURT OF APPEALS

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