

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	Recelpt #	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

Attorneys

Attorney for Defendant-Appellant - North Carolina Department Of Transportation

Mr. David A. Nash [Primary Attorney]

Attorney at Law

dnash@hoguehill.com

Mr. Elijah A.T. Huston

Attorney at Law

ethuston@email.wm.edu

HOGUE HILL, LLP

P.O. Drawer 2178

Wilmington, NC 28402

(910) 254-1060

Attorney for Defendant-Appellant - North Carolina Department Of Transportation

Mr. James M. Stanley, Jr. [Primary Attorney]

Special Deputy Attorney General

jstanley@ncdoj.gov

N.C. DEPARTMENT OF JUSTICE

Transportation Section

1505 Mail Service Center

Raleigh, NC 27699

(919) 707-4480

Attorney for Defendant-Appellee - Wilmington Urban Area Metropolitan Planning Organization

Mr. H. Mark Hamlet [Primary Attorney]

Attorney at Law

mhamlet@hamletandassociates.com

Ms. Nicole B. Slaughter
Attorney at Law
nslaughter@hamletandassociates.com
Ms. Jessica S. Humphries
Attorney at Law
jhumphries@hamletandassociates.com
HAMLET & ASSOCIATES, PLLC
5215 Junction Park Circle
Suite 202
Wilmington, NC 28412
(910) 777-5995

Attorney for Appellee - Hanpen Land Company, LLC, et al

Ms. Anne Duvoisin Fisher [Primary Attorney]
Attorney at Law
aduvoisin@nclandlawyer.com
Mr. David Henson
Attorney at Law
dhenson@lawmed.com
HENSON & FUERST, PA
P.O. Box 7008
Rocky Mount, NC 27804
(252) 443-2111

Attorney for Appellee - Hanpen Land Company, LLC, et al

Mr. Gary K. Shipman [Primary Attorney]
Attorney at Law
gshipman@shipmanlaw.com
Mr. William G. Wright
Attorney at Law
wwright@shipmanlaw.com
SHIPMAN & WRIGHT, LLP
575 Military Cutoff Road Suite 106
Wilmington, NC 28405
(910) 762-1990

Attorney for Appellee - Hanpen Land Company, LLC, et al

Mr. Alan E. Toll [Primary Attorney]
Attorney at Law
atoll@tollraylaw.com
FLETCHER, TOLL & RAY
131 Racine Drive, Suite 201
Wilmington, NC 28403
(910) 251-9900

Attorney for Appellee - Hanpen Land Company, LLC, et al

Mr. Garris Neil Yarborough [Primary Attorney]

Attorney at Law

gnyesq@ywnlaw.com

Mr. H. Addison Winters

Attorney at Law

adwinters@ywnlaw.com

YARBOROUGH, WINTERS & NEVILLE

P. O. Box 705

Fayetteville, NC 28302

(910) 433-4433

Attorney for Defendant-Appellant - North Carolina Department Of Transportation

Mr. Daniel T. Blue, III [Primary Attorney]

Attorney at Law

dtb3@blueelp.com

205 Fayetteville St., Suite 300

Raleigh, NC 27601

(919) 833-1931

Attorney for -

Mr. Matthew W. Skidmore [Primary Attorney]

Attorney at Law

Matt@skidmorelawgroup.com

Mr. Jacob H. Wellman

Attorney at Law

jwellman@tcdg.com

TEAGUE, CAMPBELL, DENNIS, & GORHAM, LLP

P.O. Box 19207

Raleigh, NC 27619

(919) 873-0166

Attorney for -

N.C. Court of Appeals [Primary Attorney]

NC COURT OF APPEALS

1 West Morgan Street

Raleigh, NC 27601

(919) 831-3600
