

# North Carolina Court of Appeals

## Docket Sheet

Dep't of Transp. v. Laxmi Hotels of Spring Lake, Inc.

**Case Number:** 17-951

**As of:** 05/01/2024

**Case Closed:** Yes

**Close Date:** 06-04-2018

**Case Type:** Civil (Civil\_othr)

**Mediation:** No

DEPARTMENT OF TRANSPORTATION,  
Plaintiff,

v.

LAXMI HOTELS OF SPRING LAKE, INC.;  
CIENA CAPITAL FUNDING, LLC; and  
AMERICAN BUSINESS LENDING, INC.,  
Defendants.

**Docket Date:** 09-07-2017

**File Date:** 09-06-2017

**File Time:** 12:54

**Acquired Date:** 09-06-2017

**Bond Collected:** No

**Docket Fee:** No

**Pauper:** No

Print Deposit: No

**State Appeals:** Yes

### History

**Venue:** Cumberland (14)

**Heard In:** Superior Court

**To SC:**

**From SC:**

### Lower Court Number(s)

Location: Cumberland (14)

Judge: Mary Ann Tally

Case #: 13CVS6416

### Tracking/Argue

**Argue Date:** 02-22-2018 (No oral argument by Rule 30(f))

### Opinion

Opinion Date: 05-15-2018

Cert Date: 06-04-2018

Author: Honorable Valerie J. Zachary

Decision: Affirmed

Opinion Notes:

Opinion Pages: 25

Opinion Cost: \$ 5.00

Cite:

Slip Opinion: <https://appellate.nccourts.org/opinions/?c=2&pdf=36518>

### Documents

Document	Date Recvd	Cert of Service	Rec/Brt Due	Resp. Due	Resp. Recvd	Mailed Out	Ruling	Ruling Date
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(1) RECORD	09-06-2017	09-06-2017				09-08-2017		
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(2) PWC	09-27-2017	09-27-2017		10-13-2017			Allowed	04-26-2018
(3) APPELLANT BRIEF	10-09-2017	10-09-2017				10-10-2017		
(4) M-EXT-BR	11-02-2017	11-02-2017					Allowed	11-03-2017
(5) APPELLEE BRIEF	12-07-2017					12-11-2017		
(6) M-GEN	12-12-2017	12-12-2017					Allowed	12-13-2017
(7) REPLY	12-21-2017	12-21-2017				12-29-2017		

**1 - RECORD**

Filed: 09-06-2017 @ 12:54:00

FOR: Plaintiff-Appellant Department of Transportation

BY : Mr. Alvin William Keller, Jr.

N.C. DEPARTMENT OF JUSTICE

**2 - PWC (Allowed) - 04-26-2018**

Filed: 09-27-2017 @ 08:40:01

FOR: Plaintiff-Appellant Department of Transportation

BY : Mr. Alvin William Keller, Jr.

N.C. DEPARTMENT OF JUSTICE

The following order was entered:

The petition filed in this cause on the 27th of September 2017 and designated 'Petition for Writ of Certiorari' is granted.

By order of the Court this the 26th of April 2018.

The above order is therefore certified to the Clerk of the Superior Court, Cumberland County.

**3 - APPELLANT BRIEF**

Filed: 10-09-2017 @ 16:15:00

FOR: Plaintiff-Appellant Department of Transportation

BY : Mr. Alvin William Keller, Jr.

N.C. DEPARTMENT OF JUSTICE

**4 - M-EXT-BR (Allowed) - 11-03-2017**

Filed: 11-02-2017 @ 16:26:07

FOR: Defendant-Appellee Laxmi Hotels of Spring Lake, Inc.

BY : Mr. Kenneth B. Dantine

The following order was entered:

The motion filed in this cause on the 2nd of November 2017 and designated 'Motion by Defendant-Appellee Laxmi Hotels of Spring Lake, Inc. for Extension of Time to File and Serve Brief' is allowed. Defendant-Appellee Laxmi Hotels of Spring Lake, Inc.'s brief shall be filed on or before 7 December 2017.

By order of the Court this the 3rd of November 2017.

**5 - APPELLEE BRIEF**

Filed: 12-07-2017 @ 10:59:35

FOR: Defendant-Appellee Laxmi Hotels of Spring Lake, Inc.

BY : Mr. Kenneth B. Dantine

MCCOY WIGGINS CLEVELAND &amp; MCLEAN PLLC

**6 - MOTION MOTION FOR WITHDRAWAL OF APPEARANCE OF KENNETH B. DANTINNE (Allowed) - 12-13-2017**

Filed: 12-12-2017 @ 10:57:32

FOR: Defendant-Appellee Laxmi Hotels of Spring Lake, Inc.

BY : Mr. Kenneth B. Dantine

MCCOY WIGGINS CLEVELAND &amp; MCLEAN PLLC

The following order was entered:

The motion filed in this cause on the 12th of December 2017 and designated 'Motion for Withdrawal of Appearance of Kenneth B. Dantine' is allowed. Kenneth B. Dantine is permitted to withdraw as counsel of record, and Richard M. Wiggins shall remain as counsel of record.

By order of the Court this the 13th of December 2017.

## 7 - APPELLANT BRIEF REPLY

Filed: 12-21-2017 @ 15:48:00

FOR: Plaintiff-Appellant Department of Transportation

BY : Mr. Alvin William Keller, Jr.

N.C. DEPARTMENT OF JUSTICE

**Financial Information****Receipts**

Date Charged	Charge Type	Amount Charged	Amount Paid	Document	Pages	Receipt #	Date Paid
09-07-2017	Docket Fee	10.00	10.00			R052046118	05-30-2018
10-03-2017	Printing	421.75	421.75	RECORD	241	R112023617	11-17-2017
12-12-2017	Printing	50.75	50.75	APPELLANT BRIEF	29	R122056317	12-29-2017
01-03-2018	Printing	26.25	26.25	APPELLANT BRIEF	15	R012054818	01-26-2018
05-17-2018	Assess	71.50	71.50			R052046018	05-30-2018
12-11-2017	Printing	52.50	52.50	APPELLEE BRIEF	30	R122019017	12-21-2017

**Payments**

Payment Date	Payment Type	Amount	Check Number
06-13-2018	Disburse	52.50	43636

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

ncdot-v-laxmi-hotels-of-spring-lake-final-certified.pdf

**Parties**

Party Name	Role
Department of Transportation	Plaintiff-Appellant
Laxmi Hotels of Spring Lake, Inc.	Defendant-Appellee
Ciena Capital Funding, LLC	Defendant-Appellee
American Business Lending, Inc.	Defendant-Appellee

**Attorneys****Attorney for Plaintiff-Appellant - Department of Transportation**

Mr. Alvin William Keller, Jr. [Primary Attorney]

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Mr. James Aldean Webster, III

Assistant Attorney General

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N.C. DEPARTMENT OF JUSTICE

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**Attorney for Defendant-Appellee - Laxmi Hotels of Spring Lake, Inc.**

Mr. Richard M. Wiggins [Primary Attorney]

Attorney at Law

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