

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 | | |
|------------|------------|------------|--|--|--|------------|--|--|

| | | | | | | | | |
|---------------------|------------|------------|--|------------|--|------------|---------|------------|
| (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 & 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 & 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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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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