

# North Carolina Court of Appeals

## Docket Sheet

Dep't of Transp. v. McKinney

**Case Number:** 17-1037

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

**Case Closed:** Yes

**Close Date:** 04-13-2018

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

**Mediation:** No

DEPARTMENT OF TRANSPORTATION,  
Plaintiff,

v.

MATTHEW MCKINNEY and wife,  
TANGELA J. MCKINNEY,  
Defendants.

**Docket Date:** 09-25-2017

**File Date:** 09-22-2017

**File Time:** 03:37

**Acquired Date:** 09-22-2017

**Bond Collected:** No

**Docket Fee:** Yes

**Pauper:** No

Print Deposit: No

**State Appeals:** Yes

### History

**Venue:** Forsyth (31)

**Heard In:** Superior Court

**To SC:**

**From SC:**

### Lower Court Number(s)

Location: Forsyth (31)

Judge: John O. Craig III

Case #: 17CVS1164

### Tracking/Argue

**Argue Date:** 04-02-2018 (No oral argument by Rule 30(f))

### Opinion

### Documents

Document	Date Recvd	Cert of Service	Rec/Brf Due	Resp. Due	Resp. Recvd	Mailed Out	Ruling	Ruling Date
(1) RECORD	09-22-2017	09-25-2017				09-26-2017		
(2) APPELLANT BRIEF	10-26-2017	10-26-2017				10-30-2017		
(3) M-EXT-RS	11-20-2017	11-20-2017					Allowed	11-21-2017
(4) APPELLEE BRIEF	12-27-2017					12-29-2017		
(5) REPLY	01-10-2018	01-10-2018				01-11-2018		
(6) M-GEN	04-11-2018	04-11-2018					Allowed	04-13-2018

**1 - RECORD**

Filed: 09-22-2017 @ 03:37:00

FOR: Plaintiff-Appellant Department of Transportation

BY : Mr. James M. Stanley, Jr.

N.C. DEPARTMENT OF JUSTICE

**2 - APPELLANT BRIEF**

Filed: 10-26-2017 @ 15:11:00

FOR: Plaintiff-Appellant Department of Transportation

BY : Mr. James M. Stanley, Jr.

N.C. DEPARTMENT OF JUSTICE

**3 - M-EXT-RS (Allowed) - 11-21-2017**

Filed: 11-20-2017 @ 11:19:33

FOR: Appellee McKinney, Matthew, et al

BY : Mr. Matthew H. Bryant

HENDRICK BRYANT NERHOOD SANDERS &amp; OTIS, LLP

The following order was entered:

The motion filed in this cause on the 20th of November 2017 and designated 'Appellees' Motion to Extend Time to File Brief' is allowed. Defendant-Appellees' brief shall be filed on or before 2 January 2018.

By order of the Court this the 21st of November 2017.

**4 - APPELLEE BRIEF**

Filed: 12-27-2017 @ 16:57:09

FOR: Appellee McKinney, Matthew, et al

BY : Mr. Matthew H. Bryant

HENDRICK BRYANT NERHOOD SANDERS &amp; OTIS, LLP

**5 - APPELLANT BRIEF REPLY**

Filed: 01-10-2018 @ 14:16:00

FOR: Plaintiff-Appellant Department of Transportation

BY : Mr. James M. Stanley, Jr.

N.C. DEPARTMENT OF JUSTICE

**6 - MOTION DEFENDANT-APPELLANT'S MOTION FOR LEAVE TO WITHDRAW APPEALS (Allowed) - 04-13-2018**

Filed: 04-11-2018 @ 08:14:54

FOR: Plaintiff-Appellant 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 11th of April 2018 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 Eighty Four Dollars and 25/100 (\$84.25), and execution issue therefor.

By order of the Court this the 13th of April 2018.

<b>Financial Information</b>
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<b>Receipts</b>							
<b>Date Charged</b>	<b>Charge Type</b>	<b>Amount Charged</b>	<b>Amount Paid</b>	<b>Document</b>	<b>Pages</b>	<b>Receipt #</b>	<b>Date Paid</b>
09-25-2017	Docket Fee	10.00	10.00			R102009717	10-10-2017
10-03-2017	Printing	612.50	612.50	RECORD	350	R112027117	11-17-2017
12-12-2017	Printing	124.25	124.25	APPELLANT BRIEF	71	R122060617	12-29-2017
02-01-2018	Printing	40.25	40.25	APPELLANT BRIEF	23	R032005718	03-02-2018
04-13-2018	Assess	84.25	84.25			R042049918	04-25-2018
12-29-2017	Printing	75.25	75.25	APPELLEE BRIEF	43	R012045818	01-26-2018

Receipts							
Date Charged	Charge Type	Amount Charged	Amount Paid	Document	Pages	Receipt #	Date Paid
09-25-2017	Docket Fee	10.00	10.00			R102009717	10-10-2017
10-03-2017	Printing	612.50	612.50	RECORD	350	R112027117	11-17-2017
12-12-2017	Printing	124.25	124.25	APPELLANT BRIEF	71	R122060617	12-29-2017
02-01-2018	Printing	40.25	40.25	APPELLANT BRIEF	23	R032005718	03-02-2018
04-13-2018	Assess	84.25	84.25			R042049918	04-25-2018
12-29-2017	Printing	75.25	75.25	APPELLEE BRIEF	43	R012045818	01-26-2018

**Payments**

Payment Date	Payment Type	Amount	Check Number
05-21-2018	Disburse	75.25	43537

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

dot-5-30-2017-tues-forsyth-judge-john-o-craig-5c-civil.pdf

**Parties**

Party Name	Role
Department of Transportation	Plaintiff-Appellant
McKinney, Matthew	Defendant-Appellee
McKinney, Tangela J.	Defendant-Appellee

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

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