

North Carolina Court of Appeals

Docket Sheet

Dep't of Transp. v. Marshall

Case Number: 17-1044

As of: 04/30/2024

Case Closed: Yes

Close Date: 04-13-2018

Case Type: Civil (Civil_othr)

Mediation: No

DEPARTMENT OF TRANSPORTATION,
Plaintiff,

v.

ANDREW WILLIAM MARSHALL,
LAURA JANE STYERS,
JAMES DAVIS MARSHALL,
JENNIFER ANN HERRIN,
SUSAN ELIZABETH PHILLIPS,
Defendants.

Docket Date: 09-26-2017

File Date: 09-22-2017

File Time: 03:36

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 #: 17CVS1422

Tracking/Argue

Argue Date: 04-16-2018 (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 | | | | 09-27-2017 | | |
| (2) M-EXT-BR | 10-24-2017 | 10-24-2017 | | | | | Allowed | 10-25-2017 |
| (3) APPELLANT BRIEF | 11-27-2017 | 11-27-2017 | | | | 12-01-2017 | | |
| (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 @ 03:36:00

FOR: Plaintiff-Appellant Department of Transportation

BY : Mr. James M. Stanley, Jr.

N.C. DEPARTMENT OF JUSTICE

2 - M-EXT-BR (Allowed) - 10-25-2017

Filed: 10-24-2017 @ 07:53:31

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 24th of October 2017 and designated 'Motion for Extension of Time to File and Serve Appellant's Brief' is allowed. Plaintiff-Appellant's brief shall be filed on or before 27 November 2017.

By order of the Court this the 25th of October 2017.

3 - APPELLANT BRIEF

Filed: 11-27-2017 @ 16:54:00

FOR: Plaintiff-Appellant Department of Transportation

BY : Mr. James M. Stanley, Jr.

N.C. DEPARTMENT OF JUSTICE

4 - APPELLEE BRIEF

Filed: 12-27-2017 @ 17:02:16

FOR: Appellee Marshall, Andrew William, et al

BY : Mr. Matthew H. Bryant

HENDRICK BRYANT NERHOOD SANDERS & OTIS, LLP

5 - APPELLANT BRIEF REPLY

Filed: 01-10-2018 @ 16:39:00

FOR: Plaintiff-Appellant Department of Transportation

BY : Mr. Steven M. Sartorio

SMITH ANDERSON BLOUNT DORSETT MITCHELL & JERNIGAN, LLP

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

Filed: 04-11-2018 @ 08:18:31

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.

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| Financial Information |
|------------------------------|

| Receipts | | | | | | | |
|---------------------|--------------------|-----------------------|--------------------|-----------------|--------------|------------------|------------------|
| Date Charged | Charge Type | Amount Charged | Amount Paid | Document | Pages | Receipt # | Date Paid |
| 09-26-2017 | Docket Fee | 10.00 | 10.00 | | | R102010417 | 10-10-2017 |
| 10-03-2017 | Printing | 544.25 | 544.25 | RECORD | 311 | R112028517 | 11-17-2017 |
| 12-01-2017 | Printing | 126.00 | 126.00 | APPELLANT BRIEF | 72 | R012047118 | 01-26-2018 |
| 04-13-2018 | Assess | 84.25 | 84.25 | | | R042050518 | 04-25-2018 |
| 01-11-2018 | Printing | 49.00 | 49.00 | APPELLANT BRIEF | 28 | R022001618 | 02-02-2018 |
| 12-29-2017 | Printing | 75.25 | 75.25 | APPELLEE BRIEF | 43 | R012045518 | 01-26-2018 |

| Date Charged | Charge Type | Amount Charged | Amount Paid | Document | Pages | Receipt # | Date Paid |
|--------------|-------------|----------------|-------------|-----------------|-------|------------|------------|
| 09-26-2017 | Docket Fee | 10.00 | 10.00 | | | R102010417 | 10-10-2017 |
| 10-03-2017 | Printing | 544.25 | 544.25 | RECORD | 311 | R112028517 | 11-17-2017 |
| 12-01-2017 | Printing | 126.00 | 126.00 | APPELLANT BRIEF | 72 | R012047118 | 01-26-2018 |
| 04-13-2018 | Assess | 84.25 | 84.25 | | | R042050518 | 04-25-2018 |
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| 12-29-2017 | Printing | 75.25 | 75.25 | APPELLEE BRIEF | 43 | R012045518 | 01-26-2018 |

Payments

| Payment Date | Payment Type | Amount | Check Number |
|--------------|--------------|--------|--------------|
| 05-21-2018 | Disburse | 75.25 | 43531 |

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 |
| Marshall, Andrew William | Defendant-Appellee |
| Styers, Laura Jane | Defendant-Appellee |
| Marshall, James Davis | Defendant-Appellee |
| Herrin, Jennifer Ann | Defendant-Appellee |
| Phillips, Susan Elizabeth | Defendant-Appellee |

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