

North Carolina Court of Appeals

Docket Sheet

Thompson v. NC Dep't of Transp.

Case Number: 19-72

As of: 04/30/2024

Case Closed: Yes

Close Date: 12-21-2020

Case Type: Civil (Tort, Contract, Real Property)

Mediation: No

JACK A. THOMPSON, LISA THOMPSON
f/k/a LISA T. SHORT, ALEX J. THOMPSON,
DELORES T. AMMONS, REBECCA T. BYRD f/k/a
REBECCA R. THOMPSON, JESSE H. BYRD, JR.,
FRANK L. THOMPSON and CLAIRE TUTTLE f/k/a
CLAIRE T. SLOAN,

Plaintiffs,

v.

NC DEPARTMENT OF TRANSPORTATION,
Defendant.

Docket Date: 01-22-2019

File Date: 01-22-2019

File Time: 12:47

Acquired Date: 01-22-2019

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 #: 15CVS2896

Tracking/Argue

Argue Date: 08-11-2020 (No oral argument by Rule 30(f))

Opinion

Opinion Date: 12-01-2020

Cert Date: 12-21-2020

Author: Honorable Linda M. McGee

Decision: Affirmed in Part, Remanded in part

Opinion Notes:

Opinion Pages: 14

Opinion Cost: \$ 2.80

Cite:

Slip Opinion: <https://appellate.nccourts.org/opinions/?c=2&pdf=39453>

Documents

Document	Date Recvd	Cert of Service	Rec/Brf Due	Resp. Due	Resp. Recvd	Mailed Out	Ruling	Ruling Date
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(1) RECORD	01-22-2019	01-22-2019				01-23-2019		
(2) EXHIBIT	01-22-2019							
(3) EXHIBIT	01-22-2019							
(4) EXHIBIT	01-22-2019							
(5) EXHIBIT	01-22-2019							
(6) EXHIBIT	01-22-2019							
(7) EXHIBIT	01-22-2019							
(8) EXHIBIT	01-22-2019							
(9) APPELLANT BRIEF	02-21-2019					02-22-2019		
(10) M-EXT-BR	03-08-2019	03-08-2019					Allowed	03-08-2019
(11) APPELLEE BRIEF	04-22-2019					04-23-2019		
(12) M-GEN	04-29-2019	04-29-2019					Allowed	05-01-2019
(13) REPLY	05-16-2019					05-17-2019		
(14) M-GEN	07-10-2019	07-10-2019					Allowed	07-12-2019
(15) OTHER	05-12-2020	05-12-2020						
(16) M-GEN	05-29-2020	05-29-2020			see below		Referred	06-04-2020

1 - RECORD

Filed: 01-22-2019 @ 12:47:00

FOR: Defendant-Appellant NC Department Of Transportation

BY : Mr. James M. Stanley, Jr.

N.C. DEPARTMENT OF JUSTICE

2 - EXHIBIT

Filed: 01-22-2019 @ 16:49:12

FOR: Defendant-Appellant NC Department Of Transportation

BY : Mr. James M. Stanley, Jr.

N.C. DEPARTMENT OF JUSTICE

3 - EXHIBIT

Filed: 01-22-2019 @ 16:51:49

FOR: Defendant-Appellant NC Department Of Transportation

BY : Mr. James M. Stanley, Jr.

N.C. DEPARTMENT OF JUSTICE

4 - EXHIBIT

Filed: 01-22-2019 @ 16:54:17

FOR: Defendant-Appellant NC Department Of Transportation

BY : Mr. James M. Stanley, Jr.

N.C. DEPARTMENT OF JUSTICE

5 - EXHIBIT

Filed: 01-22-2019 @ 17:00:51

FOR: Defendant-Appellant NC Department Of Transportation

BY : Mr. James M. Stanley, Jr.

N.C. DEPARTMENT OF JUSTICE

6 - EXHIBIT

Filed: 01-22-2019 @ 17:02:47

FOR: Defendant-Appellant NC Department Of Transportation

BY : Mr. James M. Stanley, Jr.

N.C. DEPARTMENT OF JUSTICE

7 - EXHIBIT

Filed: 01-22-2019 @ 17:05:16

FOR: Defendant-Appellant NC Department Of Transportation

BY : Mr. James M. Stanley, Jr.

N.C. DEPARTMENT OF JUSTICE

8 - EXHIBIT

Filed: 01-22-2019 @ 17:09:48
FOR: Defendant-Appellant NC Department Of Transportation
BY : Mr. James M. Stanley, Jr.
N.C. DEPARTMENT OF JUSTICE

9 - APPELLANT BRIEF

Filed: 02-21-2019 @ 15:26:14
FOR: Defendant-Appellant NC Department Of Transportation
BY : Mr. James M. Stanley, Jr.
N.C. DEPARTMENT OF JUSTICE

10 - M-EXT-BR (Allowed) - 03-08-2019

Filed: 03-08-2019 @ 08:30:11
FOR: Appellee Thompson, Jack A., et al
BY : Mr. Garris Neil Yarborough
YARBOROUGH, WINTERS & NEVILLE

The following order was entered:

The motion filed in this cause on the 8th of March 2019 and designated 'Plaintiffs-Appellees' Motion for Extension of Time to File Plaintiffs-Appelles' Brief' is allowed. Plaintiffs-Appellees' brief shall be filed on or before 22 April 2019.

By order of the Court this the 8th of March 2019.

11 - APPELLEE BRIEF

Filed: 04-22-2019 @ 16:03:56
FOR: Appellee Thompson, Jack A., et al
BY : Mr. Garris Neil Yarborough
YARBOROUGH, WINTERS & NEVILLE

12 - MOTION DEFENDANT-APPELLANT'S MOTION FOR EXTENSION OF TIME TO FILE REPLY BRIEF (Allowed) - 05-01-2019

Filed: 04-29-2019 @ 09:02:13
FOR: Defendant-Appellant NC Department Of Transportation
BY : Mr. Steven M. Sartorio
SMITH ANDERSON BLOUNT DORSETT MITCHELL & JERNIGAN, LLP

The following order was entered:

The motion filed in this cause on the 29th of April 2019 and designated 'Defendant-Appellant's Motion for Extension of Time to File Reply Brief' is allowed. Defendant-Appellant's reply brief shall be filed on or before 17 May 2019.

By order of the Court this the 1st of May 2019.

13 - APPELLANT BRIEF REPLY

Filed: 05-16-2019 @ 14:35:23
FOR: Defendant-Appellant NC Department Of Transportation
BY : Mr. William H. Moss
SMITH ANDERSON BLOUNT DORSETT MITCHELL & JERNIGAN, LLP

14 - MOTION DEFENDANT-APPELLANT'S MOTION TO STAY (Allowed) - 07-12-2019

Filed: 07-10-2019 @ 08:32:19
FOR: Defendant-Appellant NC 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 July 2019 and designated 'Defendant-Appellant's Motion to Stay' is allowed as follows: The appeal in this matter shall be held in abeyance pending determination of Chappell v. N.C. Department of Transportation, No. 51PA19-1 by the North Carolina Supreme Court. The attorneys of record shall notify this Court immediately of the Supreme Court's disposition of that appeal.

By order of the Court this the 12th of July 2019.

15 - OTHER

Filed: 05-12-2020 @ 17:26:04
FOR: Defendant-Appellant NC Department Of Transportation
BY : Ms. Alexandra M. Hightower
N.C. DEPARTMENT OF JUSTICE

16 - MOTION APPELLEES' MOTION FOR EXPEDITED, SUMMARY DECISION (Referred) - 06-04-2020

Filed: 05-29-2020 @ 12:05:24

FOR: Appellee Thompson, Jack A., et al

BY : Mr. Garris Neil Yarborough
YARBOROUGH, WINTERS & NEVILLE

The following order was entered:

The motion filed in this cause on the 29th of May 2020 and designated 'Appellees' Motion for Expedited, Summary Decision' is decided as follows: The appeal shall be calendared for the earliest possible date. The motion to summarily adopt the North Carolina Supreme Court's opinion filed 1 May 2020 in Chappell v. NCDOT (51PA19) is referred to the panel that will be assigned to hear the appeal.

By order of the Court this the 4th of June 2020.

RESPONSE TO MOTION APPELLEES' MOTION FOR EXPEDITED, SUMMARY DECISION

Filed: 06-05-2020

BY : Mr. Jacob H. Wellman
TEAGUE, CAMPBELL, DENNIS, & GORHAM, LLP

RESPONSE TO MOTION APPELLEES' MOTION FOR EXPEDITED, SUMMARY DECISION

Filed: 06-10-2020

BY : Mr. Garris Neil Yarborough
YARBOROUGH, WINTERS & NEVILLE

Financial Information

Receipts

Date Charged	Charge Type	Amount Charged	Amount Paid	Document	Pages	Receipt #	Date Paid
05-17-2019	Printing	182.00	182.00	APPELLANT BRIEF	104	R062002019	06-03-2019
01-22-2019	Docket Fee	10.00	10.00			R082033121	08-30-2021
02-06-2019	Printing	642.25	642.25	RECORD	367	R062008219	06-07-2019
03-08-2019	Printing	217.00	217.00	APPELLANT BRIEF	124	R062014819	06-07-2019
12-02-2020	Assess	9.50	9.50			R012012521	01-19-2021
04-23-2019	Printing	157.50	157.50	APPELLEE BRIEF	90	R042044419	04-29-2019
12-02-2020	Assess	330.62	330.62			R022007121	02-05-2021

Payments

Payment Date	Payment Type	Amount	Check Number
08-30-2021	Disburse	321.12	46078

Exhibits

Transcript(s) Electronically Filed

transcript-sullivan-v.ncdot-november-18-2016.pdf
transcript-sullivan-v.ncdot-november-18-2016.pdf
chappell-thompson-v.nc-dot-3.26.18-volume-i-of-iv.pdf
chappell-thompson-v.nc-dot-3.27.18-volume-ii-of-iv.pdf
chappell-thompson-v.nc-dot-3.28.18-volume-iii-of-iv.pdf
chappell-thompson-v.nc-dot-3.29.18-volume-iv-of-iv.pdf
transcript-chappell-thompson-v.nc-dot-4.26.18.pdf
transcript-chappell-thompson-v.nc-dot-6.14.18.pdf
transcript-thompson-v.nc-dot-4.2.18-volume-i.pdf
transcript-thompson-v.nc-dot-4.3.18-volume-ii.pdf
transcript-thompson-v.nc-dot-4.4.18-volume-iii.pdf
transcript-thompson-v.nc-dot-4.5.18-volume-iv.pdf
sullivan-et-al-v.nc-dot-10.5.2015.pdf
sullivan-et-all-v.nc-dot-1.5.2018.pdf

Parties

Party Name	Role
Thompson, Jack A.	Plaintiff-Appellee
Thompson, Lisa	Plaintiff-Appellee
Short, Lisa T. (f/k/a)	Plaintiff-Appellee
Thompson, Alex J.	Plaintiff-Appellee
Ammons, Delores T.	Plaintiff-Appellee
Byrd, Rebecca T.	Plaintiff-Appellee
Byrd, Jesse H. (Jr.)	Plaintiff-Appellee
Thompson, Frank L.	Plaintiff-Appellee
Tuttle, Claire	Plaintiff-Appellee
Sloan, Claire T. (f/k/a)	Plaintiff-Appellee
NC Department Of Transportation	Defendant-Appellant
Thompson, Rebecca R. (f/k/a)	Plaintiff-Appellee

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