

North Carolina Court of Appeals

Docket Sheet

Dep't of Transp. v. Canady

Case Number: 19-716

As of: 04/30/2024

Case Closed: Yes

Close Date: 01-20-2021

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

Mediation: No

DEPARTMENT OF TRANSPORTATION,
Plaintiff,

v.

JOHN L. CANADY and wife,
JANICE B. CANADY,
Defendants.

Docket Date: 08-16-2019

File Date: 08-12-2019

File Time: 12:00

Acquired Date: 08-12-2019

Bond Collected: Yes

Docket Fee: Yes

Pauper: No

Print Deposit: No

State Appeals: -

History

Venue: Cumberland (14)

Heard In: Superior Court

To SC:

From SC:

Lower Court Number(s)

Location: Cumberland (14)

Judge: Gale M. Adams

Case #: 18CVS4548

Tracking/Argue

Argue Date: 02-18-2020 (No oral argument by Rule 30(f))

Opinion

Opinion Date: 12-31-2020

Cert Date: 01-20-2021

Author: Honorable Donna Stroud

Decision: Reversed and Remanded

Opinion Notes:

Opinion Pages: 29

Opinion Cost: \$ 5.80

Cite:

Slip Opinion: <https://appellate.nccourts.org/opinions/?c=2&pdf=38874>

Documents

Document	Date Recvd	Cert of Service	Rec/Brl Due	Resp. Due	Resp. Recvd	Mailed Out	Ruling	Ruling Date
(1) RECORD	08-12-2019	08-12-2019				08-19-2019		
(2) M-EXT-BR	09-03-2019	09-03-2019					Allowed	09-04-2019

(3) APPELLANT BRIEF	10-03-2019					10-07-2019		
(4) M-EXT-BR	11-01-2019	11-01-2019					Allowed	11-05-2019
(5) APPELLEE BRIEF	12-05-2019					12-11-2019		
(6) REPLY	12-19-2019					12-20-2019		
(7) M-GEN	01-28-2020	01-28-2020					Allowed	02-05-2020
(8) M-GEN	02-28-2020	02-28-2020					Allowed	03-04-2020
(9) ADD-AUTH	05-01-2020	05-01-2020						
(10) M-GEN	01-07-2021	01-07-2021					Denied	01-08-2021

1 - RECORD

Filed: 08-12-2019 @ 12:00:00

FOR: Appellant Canady, John L., et al

BY : Mr. Garris Neil Yarborough

YARBOROUGH, WINTERS & NEVILLE

2 - M-EXT-BR (Allowed) - 09-04-2019

Filed: 09-03-2019 @ 14:08:58

FOR: Appellant Canady, John L., et al

BY : Mr. Garris Neil Yarborough

YARBOROUGH, WINTERS & NEVILLE

The following order was entered:

The motion filed in this cause on the 3rd of September 2019 and designated 'Defendants-Appellants' Motion for Extension of Time to File Defendants-Appellants' Brief' is allowed. Defendants-Appellants' brief shall be filed on or before 11 October 2019.

By order of the Court this the 4th of September 2019.

3 - APPELLANT BRIEF

Filed: 10-03-2019 @ 13:34:13

FOR: Appellant Canady, John L., et al

BY : Mr. Garris Neil Yarborough

YARBOROUGH, WINTERS & NEVILLE

4 - M-EXT-BR (Allowed) - 11-05-2019

Filed: 11-01-2019 @ 08:13:22

FOR: Plaintiff-Appellee Department of Transportation

BY : Mr. Alvin William Keller, Jr.

NC DEPARTMENT OF JUSTICE

The following order was entered:

The motion filed in this cause on the 1st of November 2019 and designated 'Motion for Extension of Time to File and Serve Plaintiff-Appellee's Brief' is allowed. Plaintiff-Appellee's brief shall be filed on or before 5 December 2019.

By order of the Court this the 5th of November 2019.

5 - APPELLEE BRIEF

Filed: 12-05-2019 @ 11:26:11

FOR: Plaintiff-Appellee Department of Transportation

BY : Mr. Nicholas Walker Yates

N.C. DEPARTMENT OF JUSTICE

6 - APPELLANT BRIEF REPLY

Filed: 12-19-2019 @ 14:15:59

FOR: Appellant Canady, John L., et al

BY : Mr. Garris Neil Yarborough

YARBOROUGH, WINTERS & NEVILLE

7 - MOTION DEFENDANT-APPELLANTS' MOTION FOR ORAL ARGUMENT (Allowed) - 02-05-2020

Filed: 01-28-2020 @ 14:36:39

FOR: Appellant Canady, John L., et al

BY : Mr. Garris Neil Yarborough

YARBOROUGH, WINTERS & NEVILLE

The following order was entered:

The motion filed in this cause on the 28th of January 2020 and designated 'Defendant-Appellants' Motion for Oral Argument' is allowed. The case shall be orally argued during the 2:00 p.m. session of Court on Tuesday, 18 February 2020.

By order of the Court this the 5th of February 2020.

8 - MOTION DEFENDANTS-APPELLANTS' MOTION TO ADD TO THE RECORD ON APPEAL (Allowed) - 03-04-2020

Filed: 02-28-2020 @ 12:24:41

FOR: Appellant Canady, John L., et al

BY : Mr. Garris Neil Yarborough

YARBOROUGH, WINTERS & NEVILLE

The following order was entered:

The motion filed in this cause on the 28th of February 2020 and designated 'Defendants-Appellants' Motion to Add to the Record on Appeal' is allowed.

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

9 - MEMOS ADD-AUTH

Filed: 05-01-2020 @ 16:06:12

FOR: Appellant Canady, John L., et al

BY : Mr. Garris Neil Yarborough

YARBOROUGH, WINTERS & NEVILLE

10 - MOTION DEFENDANTS-APPELLANTS' MOTION FOR PUBLICATION OF UNPUBLISHED OPINION (Denied) - 01-08-2021

Filed: 01-07-2021 @ 13:45:07

FOR: Appellant Canady, John L., et al

BY : Mr. Garris Neil Yarborough

YARBOROUGH, WINTERS & NEVILLE

The following order was entered:

The motion filed in this cause on the 7th of January 2021 and designated 'Defendants-Appellants' Motion for Publication of Unpublished Opinion' is denied.

By order of the Court this the 8th of January 2021.

Financial Information**Receipts**

Date Charged	Charge Type	Amount Charged	Amount Paid	Document	Pages	Receipt #	Date Paid
08-16-2019	Docket Fee	10.00	10.00			R082028419	08-16-2019
08-16-2019	Bond	250.00	250.00			R082028419	08-16-2019
08-19-2019	Printing	294.00	294.00	RECORD	168	R092008519	09-10-2019
10-07-2019	Printing	105.00	105.00	APPELLANT BRIEF	60	R102020619	10-23-2019
12-20-2019	Printing	52.50	52.50	APPELLANT BRIEF	30	R012000320	01-02-2020
01-06-2020	Printing	77.00	77.00	APPELLEE BRIEF	44	R012052720	01-31-2020
01-13-2021	Assess	470.50	470.50			R022013121	02-12-2021

Payments

Payment Date	Payment Type	Amount	Check Number
--------------	--------------	--------	--------------

04-30-2021 Disburse 711.50 45790

Exhibits**Transcript(s) Electronically Filed**

2019.0422.dot-v-canady-final.pdf
 2019.0513.dot-v.canady.final.pdf

Parties

Party Name	Role
Department of Transportation	Plaintiff-Appellee
Canady, John L.	Defendant-Appellant
Canady, Janice B.	Defendant-Appellant

Attorneys**Attorney for Appellant - Canady, John L., et al**

Mr. Garris Neil Yarborough [Primary Attorney]

Attorney at Law

gnyesq@ywnlaw.com

YARBOROUGH, WINTERS & NEVILLE

P. O. Box 705

Fayetteville, NC 28302

(910) 433-4433

Attorney for Plaintiff-Appellee - Department of Transportation

Mr. Alvin William Keller, Jr.

Special Deputy Attorney General

akeller@ncdoj.gov

NC DEPARTMENT OF JUSTICE

P. O. Box 629

Raleigh, NC 27602

(919) 707-4539

Attorney for Plaintiff-Appellee - Department of Transportation

Mr. Nicholas Walker Yates [Primary Attorney]

Assistant District Attorney

nyates@ncdoj.gov

N.C. DEPARTMENT OF JUSTICE

Transportation Section

1505 Mail Service Center

Raleigh, NC 27699

(919) 707-4488
