

# 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/Brf 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
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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]

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