

North Carolina Court of Appeals

Docket Sheet

Fairley v. NC Dep't of Transp.

Case Number: 19-784
As of: 05/01/2024
Case Closed: Yes **Close Date:** 08-19-2020 **Case Type:** Civil (Civil_othr) **Mediation:** No

ANTHONY B. FAIRLEY,
 Petitioner,

v.

NORTH CAROLINA DEPARTMENT
 OF TRANSPORTATION,
 Respondent.

Docket Date: 09-04-2019 **File Date:** 09-03-2019 **File Time:** 03:23 **Acquired Date:** 09-03-2019
Bond Collected: Yes **Docket Fee:** Yes **Pauper:** No Print Deposit: No **State Appeals:**

History

Venue: Wake (10) **Heard In:** Superior Court
To SC: **From SC:**

Lower Court Number(s)

Location: Wake (10)
 Judge: A. Graham Shirley II
 Case #: 16CVS14587

Tracking/Argue

Argue Date: 04-14-2020 (No oral argument by Rule 30(f))

Opinion

Opinion Date: 07-21-2020 Cert Date: 08-19-2020
 Author: Honorable Linda M. McGee
 Decision: Dismissed
 Opinion Notes:
 Opinion Pages: 15 Opinion Cost: \$ 3.00
 Cite:
 Slip Opinion: <https://appellate.nccourts.org/opinions/?c=2&pdf=39166>

Documents

Document	Date Recvd	Cert of Service	Rec/Brf Due	Resp. Due	Resp. Recvd	Mailed Out	Ruling	Ruling Date
----------	------------	-----------------	-------------	-----------	-------------	------------	--------	-------------

(1) RECORD	09-03-2019	09-03-2019				09-10-2019		
(2) M-EXT-BR	09-27-2019	09-27-2019					Allowed	10-01-2019

(3) M-GEN	09-27-2019	09-27-2019		10-10-2019	10-01-2019		Denied	10-03-2019
(4) APPELLANT BRIEF	10-31-2019	10-31-2019				11-01-2019		
(5) M-GEN	11-04-2019				11-05-2019		Denied	11-06-2019
(6) M-EXT-BR	11-21-2019	11-21-2019					Allowed	11-22-2019
(7) M-EXT-BR	11-21-2019	11-21-2019					Allowed	11-22-2019
(8) APPELLEE BRIEF	12-04-2019	12-04-2019				12-11-2019		
(9) APPELLEE BRIEF	12-04-2019	12-04-2019				12-11-2019		
(10) M-DSSAPP	12-04-2019	12-04-2019		12-17-2019	see below		Referred	12-20-2019
(11) M-DSSAPP	12-04-2019	12-04-2019		12-17-2019	see below		Referred	12-20-2019
(12) REPLY	12-18-2019	12-17-2019				12-20-2019		
(13) M-EN-BANC-REHEARING	07-30-2020					08-06-2020	Denied	08-19-2020
(14) COURT ORDER	08-04-2020						Other	08-04-2020
(16) PET-REHEAR	09-02-2020	08-31-2020					Denied	09-09-2020

1 - RECORD

Filed: 09-03-2019 @ 03:23:00

FOR: Petitioner-Appellant Fairley, Anthony B.

BY : Mr. Anthony B. Fairley

2 - M-EXT-BR (Allowed) - 10-01-2019

Filed: 09-27-2019 @ 15:20:29

FOR: Petitioner-Appellant Fairley, Anthony B.

BY : Mr. Anthony B. Fairley

The following order was entered:

The motion filed in this cause on the 27th of September 2019 and designated 'Motion for Extension of Time to File the Brief' is allowed. Plaintiff-Appellant's brief shall be filed on or before 1 November 2019.

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

3 - MOTION MOTION TO AMEND THE RECORD ON APPEAL (Denied) - 10-03-2019

Filed: 09-27-2019 @ 15:22:12

FOR: Petitioner-Appellant Fairley, Anthony B.

BY : Mr. Anthony B. Fairley

The following order was entered:

The motion filed in this cause on the 27th of September 2019 and designated 'Motion to Amend the Record on Appeal' is denied.

By order of the Court this the 3rd of October 2019.

RESPONSE TO MOTION MOTION TO AMEND THE RECORD ON APPEAL

Filed: 10-01-2019

BY : Mr. Thomas H. Moore

NC DEPARTMENT OF JUSTICE

4 - APPELLANT BRIEF

Filed: 10-31-2019 @ 15:38:00

FOR: Petitioner-Appellant Fairley, Anthony B.

BY : Mr. Anthony B. Fairley

5 - MOTION MOTION TO RECONSIDER AMENDING RECORD ON APPEAL (Denied) - 11-06-2019
Filed: 11-04-2019 @ 14:27:36
FOR: Petitioner-Appellant Fairley, Anthony B.
BY : Mr. Anthony B. Fairley

The following order was entered:

The motion filed in this cause on the 4th of November 2019 and designated 'Motion to Reconsider Amending Record on Appeal' is denied.

By order of the Court this the 6th of November 2019.

RESPONSE TO MOTION MOTION TO RECONSIDER AMENDING RECORD ON APPEAL
Filed: 11-05-2019
BY : Mr. Thomas H. Moore
NC DEPARTMENT OF JUSTICE

6 - M-EXT-BR (Allowed) - 11-22-2019
Filed: 11-21-2019 @ 08:20:52
FOR: Respondent-Appellee NC Department Of Transportation
BY : Mr. Thomas H. Moore
NC DEPARTMENT OF JUSTICE

The following order was entered:

The motion filed in this cause on the 21st of November 2019 and designated 'Motion for Extension of Time to File Brief for the Respondent-Appellee' is allowed. Respondent-Appellee's brief shall be filed on or before 13 December 2019.

By order of the Court this the 22nd of November 2019.

7 - M-EXT-BR (Allowed) - 11-22-2019
Filed: 11-21-2019 @ 08:20:52
FOR:
BY : Mr. Thomas H. Moore
NC DEPARTMENT OF JUSTICE

The following order was entered:

The motion filed in this cause on the 21st of November 2019 and designated 'Motion for Extension of Time to File Brief for the Respondent-Appellee' is allowed. Respondent-Appellee's brief shall be filed on or before 13 December 2019.

By order of the Court this the 22nd of November 2019.

8 - APPELLEE BRIEF
Filed: 12-04-2019 @ 13:41:00
FOR: Respondent-Appellee NC Department Of Transportation
BY : Mr. Thomas H. Moore
NC DEPARTMENT OF JUSTICE

9 - APPELLEE BRIEF
Filed: 12-04-2019 @ 13:41:00
FOR:
BY : Mr. Thomas H. Moore
NC DEPARTMENT OF JUSTICE

10 - M-DSSAPP (Referred) - 12-20-2019
Filed: 12-04-2019 @ 08:07:42
FOR: Respondent-Appellee NC Department Of Transportation
BY : Mr. Thomas H. Moore
NC DEPARTMENT OF JUSTICE

The following order was entered:

The motion filed in this cause on the 4th of December 2019 and designated 'Respondent-Appellee's Motion to Dismiss Appeal' is referred to the panel that will be assigned to hear the appeal.

By order of the Court this the 20th of December 2019.

RESPONSE TO M-DSSAPP
Filed: 12-18-2019
BY : Mr. Anthony B. Fairley

RESPONSE TO M-DSSAPP
Filed: 12-16-2019
BY : Mr. Anthony B. Fairley

RESPONSE TO M-DSSAPP
Filed: 12-23-2019
BY : Mr. Anthony B. Fairley

11 - M-DSSAPP (Referred) - 12-20-2019
Filed: 12-04-2019 @ 08:07:42
FOR:
BY : Mr. Thomas H. Moore
NC DEPARTMENT OF JUSTICE

The following order was entered:

The motion filed in this cause on the 4th of December 2019 and designated 'Respondent-Appellee's Motion to Dismiss Appeal' is referred to the panel that will be assigned to hear the appeal.

By order of the Court this the 20th of December 2019.

RESPONSE TO M-DSSAPP
Filed: 12-18-2019
BY : Mr. Anthony B. Fairley

RESPONSE TO M-DSSAPP
Filed: 12-16-2019
BY : Mr. Anthony B. Fairley

RESPONSE TO M-DSSAPP
Filed: 12-23-2019
BY : Mr. Anthony B. Fairley

12 - APPELLANT BRIEF REPLY
Filed: 12-18-2019 @ 08:52:10
FOR: Petitioner-Appellant Fairley, Anthony B.
BY : Mr. Anthony B. Fairley

13 - M-EN-BANC-REHEARING (Denied) - 08-19-2020
Filed: 07-30-2020 @ 09:23:49
FOR: Petitioner-Appellant Fairley, Anthony B.
BY : Mr. Anthony B. Fairley

The following order was entered:

The motion filed in this cause on the 30th day of July 2020 and designated 'Motion to Request an En Banc Rehearing' is denied. This Court's stay of the mandate entered 4 August 2020 is hereby dissolved, and the mandate shall be deemed issued as of the date of this order.

By order of the Court this the 19th of August 2020.

RESPONSE TO M-EN-BANC-REHEARING
Filed: 08-06-2020
BY : Mr. Thomas H. Moore
N.C. DEPARTMENT OF JUSTICE

14 - CT_ORDER COURT ORDER (Other) - 08-04-2020
 Filed: 08-04-2020 @ 08:26:01
 FOR:
 BY : Hon. Linda M. McGee

The following Order was entered:

A motion for en banc rehearing was filed in this cause on the 30th day of July 2020. The issuance of the mandate is hereby stayed.

16 - PET-REHEAR (Denied) - 09-09-2020
 Filed: 09-02-2020 @ 11:23:37
 FOR: Petitioner-Appellant Fairley, Anthony B.
 BY : Mr. Anthony B. Fairley

The following order was entered:

The motion filed in this cause on the 2nd of September 2020 and designated 'Motion to Request a Petition for Rehearing' is denied.

By order of the Court this the 9th of September 2020.

Financial Information

Receipts

Date Charged	Charge Type	Amount Charged	Amount Paid	Document	Pages	Receipt #	Date Paid
01-06-2020	Printing	33.25	33.25	APPELLEE BRIEF	19	R012052520	01-31-2020
09-04-2019	Docket Fee	10.00	10.00			R092002919	09-04-2019
09-04-2019	Bond	250.00	250.00			R092002919	09-04-2019
09-10-2019	Printing	486.50	486.00	RECORD	278	R112000819	11-01-2019
11-01-2019	Printing	40.25	40.25	APPELLANT BRIEF	23	R122024919	12-16-2019
12-20-2019	Printing	21.00	21.00	APPELLANT BRIEF	12	R012025820	01-16-2020
09-08-2020	Pet to Rehear	20.00	20.00			R102044420	10-23-2020
10-01-2020	Cert Fee	10.00	10.00			R102044320	10-23-2020
10-28-2020	Printing	0.50	0.50			R102049120	10-29-2020

Payments

Payment Date	Payment Type	Amount	Check Number
10-28-2020	Disburse	33.25	45585
10-28-2020	Disburse	0.50	45586
10-28-2020	Disburse	207.25	45587

Exhibits

Parties

Party Name Role

Fairley, Anthony B.

Petitioner-Appellant

NC Department Of Transportation

Respondent-Appellee

Attorneys

Attorney for Petitioner-Appellant - Fairley, Anthony B.

Mr. Anthony B. Fairley [Primary Attorney]

Pro Se

abf@professionalvideo-abf.com

80 Wellington Court

Garner, NC 27529

(919) 779-7467

Attorney for Respondent-Appellee - NC Department Of Transportation

Mr. Thomas H. Moore [Primary Attorney]

Assistant Attorney General

tmoore@ncdoj.gov

NC DEPARTMENT OF JUSTICE

P. O. Box 629

Raleigh, NC 27602

(919) 707-4486

Attorney for -

Mr. Thomas H. Moore [Primary Attorney]

Assistant Attorney General

tmoore@ncdoj.gov

N.C. DEPARTMENT OF JUSTICE

Transportation Section

1505 Mail Service Center

Raleigh, NC 27699

(919) 707-4486
