

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: No

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/Brt 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 | 01-15-2020 |
| 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.

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