

# North Carolina Court of Appeals

## Docket Sheet

In re: A.C.

**Case Number:** 20-508

**As of:** 03/19/2024

**Case Closed:** Yes

**Close Date:** 12-06-2021

**Case Type:** Civil (3.1-Other)

**Mediation:** No

IN THE MATTER OF:

A.C.

**Docket Date:** 07-21-2020

**File Date:** 07-20-2020

**File Time:** 12:40

**Acquired Date:** 07-20-2020

**Bond Collected:** No

**Docket Fee:** No

**Pauper:** Yes

Print Deposit: No

**State Appeals:** -

### History

**Venue:** New Hanover (6)

**Heard In:** District Courts

**To SC:**

**From SC:**

### Lower Court Number(s)

Location: New Hanover (6)

Judge: J. H. Corpening II

Case #: 16JA60

### Tracking/Argue

**Argue Date:** 03-09-2021 (No oral argument by Rule 30(f))

### Opinion

Opinion Date: 11-16-2021

Cert Date: 12-06-2021

Author: Honorable Fred Gore

Decision: Vacated and Remanded

Opinion Notes:

Opinion Pages: 13

Opinion Cost: \$ 2.60

Cite:

Slip Opinion: <https://appellate.nccourts.org/opinions/?c=2&pdf=40047>

### Documents

**Document**

**Date Recvd**

**Cert of Service**

**Rec/Brf Due**

**Resp. Due**

**Resp. Recvd**

**Mailed Out**

**Ruling**

**Ruling Date**

(1) RECORD	07-20-2020	07-20-2020				07-22-2020		
(2) SUPERSEDED EXHIBIT RULE 9(D)(2)	07-22-2020							
(3) APPELLANT BRIEF	08-19-2020					08-20-2020		

(4) APPELLEE BRIEF	09-17-2020					09-18-2020		
(5) APPELLEE BRIEF	09-18-2020					09-18-2020		
(6) REPLY	10-02-2020					10-07-2020		
(7) M-EN-BANC-REHEARING	06-30-2021	06-30-2021			see below		Allowed	07-30-2021
(8) PET-REHEAR	06-30-2021	06-30-2021					Dismissed as moot	09-01-2021
(9) COURT ORDER	07-01-2021						Special Order	07-01-2021
(10) ADD-AUTH	07-21-2021	07-21-2021						
(11) COURT ORDER	08-12-2021						Other	08-12-2021
(12) COURT ORDER	08-31-2021						Special Order	08-31-2021

## 1 - RECORD

Filed: 07-20-2020 @ 12:40:07

FOR: Respondent-Appellant

BY : Mr. Benjamin J. Kull

BJK LEGAL

## 2 - RECORD SUPERSEDED EXHIBIT RULE 9(D)(2)

Filed: 07-22-2020 @ 12:32:49

FOR: Respondent-Appellant

BY : Mr. Benjamin J. Kull

BJK LEGAL

## 3 - APPELLANT BRIEF

Filed: 08-19-2020 @ 13:40:39

FOR: Respondent-Appellant

BY : Mr. Benjamin J. Kull

BJK LEGAL

## 4 - APPELLEE BRIEF

Filed: 09-17-2020 @ 11:26:37

FOR: Other-Appellee

BY : Mr. Matthew D. Wunsche

## 5 - APPELLEE BRIEF

Filed: 09-18-2020 @ 11:13:21

FOR: Petitioner-Appellee

BY : Ms. Jennifer G. Cooke

NEW HANOVER COUNTY DEPARTMENT OF SOCIAL SERVICES

## 6 - APPELLANT BRIEF REPLY

Filed: 10-02-2020 @ 16:23:55

FOR: Respondent-Appellant

BY : Mr. Benjamin J. Kull

BJK LEGAL

## 7 - M-EN-BANC-REHEARING (Allowed) - 07-30-2021

Filed: 06-30-2021 @ 10:08:50

FOR: Respondent-Appellant

BY : Mr. Benjamin J. Kull

BJK LEGAL

The following order was entered:

The motion filed in this cause by respondent-appellant father on 30 June 2021 and designated 'Motion for En Banc Rehearing' is allowed. The appeal shall be reheard before the Court en banc. Decisions on supplemental briefing and scheduling of oral arguments, if determined to be needed by the Court, shall be made in future orders.

By order of the Court this the 30th of July 2021.

## RESPONSE TO M-EN-BANC-REHEARING

Filed: 07-12-2021

BY : Mr. Matthew D. Wunsche

## RESPONSE TO M-EN-BANC-REHEARING

Filed: 07-13-2021

BY : Ms. Jennifer G. Cooke

NEW HANOVER COUNTY DEPARTMENT OF SOCIAL SERVICES

## 8 - PET-REHEAR (Dismissed as moot) - 09-01-2021

Filed: 06-30-2021 @ 10:11:42

FOR: Respondent-Appellant

BY : Mr. Benjamin J. Kull

BJK LEGAL

The following order was entered:

The petition for rehearing filed in this cause on the 30th of June 2021 is dismissed as moot.

By order of the Court this the 1st of September 2021.

## 9 - CT\_ORDER COURT ORDER (Special Order) - 07-01-2021

Filed: 07-01-2021 @ 15:14:10

FOR:

BY : Hon. Donna Stroud

The following Order was entered:

A motion for en banc rehearing was filed in this cause on the 30th day of June 2021. This issuance of the mandate is hereby stayed.

## 10 - MEMOS ADD-AUTH

Filed: 07-21-2021 @ 17:49:18

FOR: Respondent-Appellant

BY : Mr. Benjamin J. Kull

BJK LEGAL

## 11 - CT\_ORDER COURT ORDER (Other) - 08-12-2021

Filed: 08-12-2021 @ 15:14:09

FOR:

BY : Hon. Donna Stroud

The following order was entered:

IT IS HEREBY ORDERED by majority vote that the opinion filed in this case on 6 July 2021 be withdrawn. The Clerk of the Court of Appeals is hereby directed not to certify said opinion. This cause is retained by this Court pending further orders.

By order of the Court this the 12th of August 2021.

## 12 - CT\_ORDER COURT ORDER (Special Order) - 08-31-2021

Filed: 08-31-2021 @ 10:49:05

FOR:

BY : Hon. Donna Stroud

The following order was entered:

This appeal was heard on 9 March 2021 before a panel consisting of Judge Tyson, Judge Murphy, and Judge Gore, which filed an opinion in the matter on 6 July 2021. By order entered 30 July 2021, this Court allowed respondent-appellant father's "Motion for En Banc Rehearing" and ordered the appeal to be reheard before the Court en banc. The opinion of the original panel was withdrawn by order entered 12 August 2021.

IT IS NOW ORDERED that, after further consideration by the Court as a whole, the Court's 30 July 2021 order allowing en banc rehearing of the appeal is rescinded. The appeal is returned to the original panel for further consideration.

By order of the Court this the 31st of August 2021.

**Financial Information****Receipts**

Date Charged	Charge Type	Amount Chaged	Amount Paid	Document	Pages	Receipt #	Date Paid
08-03-2020	Printing	631.75	631.75	RECORD	361	R082025220	08-14-2020
09-04-2020	Printing	84.00	84.00	APPELLANT BRIEF	48	R092038620	09-25-2020
11-04-2020	Printing	29.75	29.75	APPELLANT BRIEF	17	R112016620	11-20-2020
10-06-2020	Printing	40.25	40.25	APPELLEE BRIEF	23	R102021120	10-15-2020
12-01-2021	Assess	9.00	9.00			R012003122	01-03-2022
10-06-2020	Printing	50.75	50.75	APPELLEE BRIEF	29	R102020020	10-15-2020

### Exhibits

### Parties

Parties Restricted

### Attorneys

#### Attorney for Respondent-Appellant

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