

# North Carolina Court of Appeals

## Docket Sheet

Dep't of Transp. v. Bloomsbury Est., LLC

**Case Number:** 21-323  
**As of:** 05/01/2024  
**Case Closed:** Yes **Close Date:** 03-07-2022 **Case Type:** Civil (Tort, Contract, Real Property) **Mediation:** No

DEPARTMENT OF TRANSPORTATION,  
Plaintiff,

v.

BLOOMSBURY ESTATES, LLC;  
BLOOMSBURY ESTATES CONDOMINIUM  
HOMEOWNERS ASSOCIATION, INC.,  
Defendants.

**Docket Date:** 06-21-2021 **File Date:** 06-15-2021 **File Time:** 09:20 **Acquired Date:** 06-15-2021  
**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:** Winston M. Rozier Jr.  
**Case #:** 15CVS9786

### Tracking/Argue

**Argue Date:** 01-11-2022 (No oral argument by Rule 30(f))

### Opinion

**Opinion Date:** 02-15-2022 **Cert Date:** 03-07-2022  
**Author:** Honorable John M. Tyson  
**Decision:** Reversed in part, affirmed in part, and remanded.  
**Opinion Notes:**  
**Opinion Pages:** 14 **Opinion Cost:** \$ 2.80  
**Cite:**  
**Slip Opinion:** <https://appellate.nccourts.org/opinions/?c=2&pdf=40921>

### Documents

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

|            |            |  |  |  |  |            |  |  |
|------------|------------|--|--|--|--|------------|--|--|
| (1) RECORD | 06-15-2021 |  |  |  |  | 06-21-2021 |  |  |
|------------|------------|--|--|--|--|------------|--|--|

|                                     |            |            |  |            |            |            |         |            |
|-------------------------------------|------------|------------|--|------------|------------|------------|---------|------------|
| (2) SUPERSEDED EXHIBIT RULE 9(D)(2) | 06-15-2021 |            |  |            |            |            |         |            |
| (3) PWS                             | 06-29-2021 | 06-29-2021 |  | 07-15-2021 | 07-09-2021 |            | Denied  | 07-14-2021 |
| (4) M-TEMP-STAY                     | 06-29-2021 | 06-29-2021 |  |            |            |            | Allowed | 07-01-2021 |
| (5) M-EXT-BR                        | 07-08-2021 | 07-08-2021 |  |            |            |            | Allowed | 07-08-2021 |
| (6) APPELLANT BRIEF                 | 08-16-2021 | 08-16-2021 |  |            |            | 08-24-2021 |         |            |
| (7) M-EXT-BR                        | 09-08-2021 | 09-08-2021 |  |            |            |            | Allowed | 09-08-2021 |
| (8) APPELLEE BRIEF                  | 10-15-2021 | 10-15-2021 |  |            |            | 10-15-2021 |         |            |

## 1 - RECORD

Filed: 06-15-2021 @ 09:20:53

FOR: Defendant-Appellant Bloomsbury Estates Condominium Homeowners Association, Inc.

BY : Ms. Harmony W. Taylor  
LAW FIRM CAROLINAS

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

Filed: 06-15-2021 @ 16:24:36

FOR: Defendant-Appellant Bloomsbury Estates Condominium Homeowners Association, Inc.

BY : Ms. Harmony W. Taylor  
LAW FIRM CAROLINAS

## 3 - PWS (Denied) - 07-14-2021

Filed: 06-29-2021 @ 13:22:54

FOR: Defendant-Appellant Bloomsbury Estates Condominium Homeowners Association, Inc.

BY : Mr. T. Keith Black  
LAW FIRM CAROLINAS

The following order was entered:

The motion for temporary stay and petition for writ of supersedeas filed in this cause by petitioner Bloomsbury Estates Condominium Homeowners Association, Inc., on 29 June 2021 are decided as follows: The petition for writ of supersedeas is denied. The temporary stay entered by this Court on 1 July 2021 is hereby dissolved.

By order of the Court this the 14th of July 2021.

The above order is therefore certified to the Clerk of the Superior Court, Wake County.

## RESPONSE TO PWS

Filed: 07-09-2021

BY : Mr. Jay H. Ferguson  
THOMAS, FERGUSON & BESKIND, LLP

## 4 - M-TEMP-STAY (Allowed) - 07-01-2021

Filed: 06-29-2021 @ 13:24:03

FOR: Defendant-Appellant Bloomsbury Estates Condominium Homeowners Association, Inc.

BY : Mr. T. Keith Black  
LAW FIRM CAROLINAS

The following order was entered:

The motion for temporary stay and petition for writ of supersedeas filed in this cause by petitioner Bloomsbury Estates Condominium Homeowners Association, Inc., on 29 June 2021 are decided as follows: The motion for temporary stay is allowed. The 'Order and Final Judgment' entered 3 March 2021 is hereby stayed pending this Court's ruling on the petition for writ of supersedeas. A ruling on the petition for writ of supersedeas will be made upon the filing of a response to the petition or the expiration of the time for a response if no response is filed.

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

5 - M-EXT-BR (Allowed) - 07-08-2021

Filed: 07-08-2021 @ 12:56:53

FOR: Defendant-Appellant Bloomsbury Estates Condominium Homeowners Association, Inc.

BY : Ms. Harmony W. Taylor  
LAW FIRM CAROLINAS

The following order was entered:

The motion filed in this cause on the 8th of July 2021 and designated 'Motion for Extension of Time to File Brief' is allowed. Defendant-Appellant's brief shall be filed on or before 16 August 2021.

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

6 - APPELLANT BRIEF

Filed: 08-16-2021 @ 16:10:14

FOR: Defendant-Appellant Bloomsbury Estates Condominium Homeowners Association, Inc.

BY : Ms. Harmony W. Taylor  
LAW FIRM CAROLINAS

7 - M-EXT-BR (Allowed) - 09-08-2021

Filed: 09-08-2021 @ 07:45:11

FOR: Defendant-Appellee Bloomsbury Estates, LLC

BY : Mr. Jay H. Ferguson  
THOMAS, FERGUSON & BESKIND, LLP

The following order was entered:

The motion filed in this cause on the 8th of September 2021 and designated 'Defendant-Appellee Bloomsbury Estates, LLC's Motion for Extension of Time to File Brief' is allowed. Defendant-Appellee Bloomsbury Estates, LLC's brief shall be filed on or before 15 October 2021.

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

8 - APPELLEE BRIEF

Filed: 10-15-2021 @ 05:33:54

FOR: Defendant-Appellee Bloomsbury Estates, LLC

BY : Mr. Jay H. Ferguson  
THOMAS, FERGUSON & BESKIND, LLP**Financial Information****Receipts**

| Date Charged | Charge Type | Amount Charged | Amount Paid | Document        | Pages | Receipt #  | Date Paid  |
|--------------|-------------|----------------|-------------|-----------------|-------|------------|------------|
| 10-15-2021   | Printing    | 66.50          | 66.50       | APPELLEE BRIEF  | 38    | R102024821 | 10-20-2021 |
| 02-25-2022   | Assess      | 126.75         | 126.75      |                 |       | R032006322 | 03-09-2022 |
| 06-21-2021   | Docket Fee  | 10.00          | 10.00       |                 |       | R062029121 | 06-21-2021 |
| 06-21-2021   | Bond        | 250.00         | 250.00      |                 |       | R062029121 | 06-21-2021 |
| 06-21-2021   | Printing    | 234.50         | 234.50      | RECORD          | 134   | R062032321 | 06-24-2021 |
| 08-24-2021   | Printing    | 70.00          | 70.00       | APPELLANT BRIEF | 40    | R082036021 | 08-31-2021 |

**Payments**

| Payment Date | Payment Type | Amount | Check Number |
|--------------|--------------|--------|--------------|
| 04-27-2022   | Disburse     | 367.75 | 46657        |

**Exhibits**

|                |
|----------------|
| <b>Parties</b> |
|----------------|

| Party Name  | Role                |
|---|---------------------|
| Bloomsbury Estates Condominium Homeowners Association, Inc. | Defendant-Appellant |
| Bloomsbury Estates, LLC                                     | Defendant-Appellee  |
| Department of Transportation                                | Plaintiff-Appellee  |

|                  |
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| <b>Attorneys</b> |
|------------------|

**Attorney for Defendant-Appellant - Bloomsbury Estates Condominium Homeowners Association, Inc.**

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