

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/Brl 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(2) SUPERSEDED EXHIBIT RULE 9(D)(2)	06-15-2021							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2 - RECORD SUPERSEDED EXHIBIT RULE 9(D)(2)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

Parties

Party Name

Role

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

Bloomsbury Estates, LLC	Defendant-Appellee
-------------------------	--------------------

Department of Transportation	Plaintiff-Appellee
------------------------------	--------------------

Attorneys

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

Ms. Harmony W. Taylor [Primary Attorney]

Attorney at Law

htaylor@lawfirmcarolinas.com

Mr. T. Keith Black [Primary Attorney]

Attorney at Law

tkblack@lawfirmcarolinas.com

LAW FIRM CAROLINAS

3623 N. Elm St., Suite 200

P.O. Box 41027 (27404)

Greensboro, NC 27455

(336) 278-1899

Attorney for Defendant-Appellee - Bloomsbury Estates, LLC

Mr. Jay H. Ferguson [Primary Attorney]

Attorney at Law

ferguson@tfblawyers.com

THOMAS, FERGUSON & BESKIND, LLP

119 E. Main Street

Durham, NC 27701

(252) 633-3131