

North Carolina Court of Appeals

Docket Sheet

Savage v. N.C. Dep't of Transp.

Case Number: 22-673

As of: 05/01/2024

Case Closed: Yes

Close Date: 09-18-2023

Case Type: Civil (Admin)

Mediation: No

THURMAN CROFTON SAVAGE,
Petitioner,

v.

N.C. DEPARTMENT OF
TRANSPORTATION,
Respondent.

Docket Date: 08-19-2022

File Date: 08-19-2022

File Time: 10:38

Acquired Date: 08-19-2022

Bond Collected: No

Docket Fee: Yes

Pauper: No

Print Deposit: No

State Appeal: --

History

Venue: Office of Admin. Hearings (10)

Heard In: Admin. Hearings

To SC:

From SC:

Lower Court Number(s)

Location: Office of Admin. Hearings (10)

Judge: J. Randolph Ward

Case #: 20OSP01641

Tracking/Argue

Argue Date: 03-08-2023 (No oral argument by Rule 30(f))

Opinion

Opinion Date: 08-15-2023

Cert Date: 09-18-2023

Author: Honorable Chris Dillon

Decision: Reversed

Opinion Notes:

Opinion Pages: 5

Opinion Cost: \$ 1.00

Cite:

Slip Opinion: <https://appellate.nccourts.org/opinions/?c=2&pdf=42213>

Documents

Document

Date Recvd

Cert of Service

Rec/Brf Due

Resp. Due

Resp. Recvd

Mailed Out

Ruling

Ruling Date

(1) RECORD	08-19-2022	08-19-2022				08-19-2022		
(2) RULE 9(D) COPIES OF EXHIBITS AND OTHER ITEMS	08-19-2022							

(3) RULE 9(D) COPIES OF EXHIBITS AND OTHER ITEMS	08-19-2022							
(4) M-EXT-BR	09-15-2022	09-15-2022					Allowed	09-15-2022
(5) APPELLANT BRIEF	10-19-2022	10-19-2022				10-20-2022		
(6) M-EXT-BR	11-09-2022	11-09-2022					Allowed	11-09-2022
(7) M-GEN	11-22-2022	11-22-2022					Denied	11-23-2022
(8) APPELLEE BRIEF	12-19-2022	12-19-2022				12-20-2022		
(9) M-EXT-BR	12-22-2022	12-22-2022			12-22-2022		Allowed	12-22-2022
(10) REPLY	01-19-2023	01-19-2023				01-19-2023		
(11) COURT ORDER	03-17-2023						Special Order	03-17-2023
(12) M-EN-BANC-REHEARING	08-30-2023	08-30-2023			09-11-2023		Denied	09-18-2023
(13) M-STAY-MAN	08-30-2023	08-30-2023					Allowed	08-30-2023

1 - RECORD

Filed: 08-19-2022 @ 10:38:05

FOR: Respondent-Appellant NC Department Of Transportation

BY : Mr. Jonathan J. Evans

NC DEPARTMENT OF JUSTICE

2 - RECORD RULE 9(D) COPIES OF EXHIBITS AND OTHER ITEMS

Filed: 08-19-2022 @ 10:39:12

FOR: Respondent-Appellant NC Department Of Transportation

BY : Mr. Jonathan J. Evans

NC DEPARTMENT OF JUSTICE

3 - RECORD RULE 9(D) COPIES OF EXHIBITS AND OTHER ITEMS

Filed: 08-19-2022 @ 10:40:48

FOR: Respondent-Appellant NC Department Of Transportation

BY : Mr. Jonathan J. Evans

NC DEPARTMENT OF JUSTICE

4 - M-EXT-BR (Allowed) - 09-15-2022

Filed: 09-15-2022 @ 09:29:38

FOR: Respondent-Appellant NC Department Of Transportation

BY : Ms. Kathryne E. Hathcock

The following order was entered:

The motion filed in this cause on the 15th of September 2022 and designated 'Motion for Extension of Time to File Respondent-Appellant's Brief' is allowed. Respondent-Appellant's brief shall be filed on or before 19 October 2022.

By order of the Court this the 15th of September 2022.

5 - APPELLANT BRIEF

Filed: 10-19-2022 @ 17:01:51

FOR: Respondent-Appellant NC Department Of Transportation

BY : Mr. Jonathan J. Evans

6 - M-EXT-BR (Allowed) - 11-09-2022

Filed: 11-09-2022 @ 12:10:52

FOR: Petitioner-Appellee Savage, Thurman Crofton

BY : Mr. Ben G. Irons, II

IRONS & IRONS, PA

The following order was entered:

The motion filed in this cause on the 9th of November 2022 and designated 'Motion for Extension of Time to File the Petitioner-Appellee's Brief' is allowed. Petitioner-Appellee's brief shall be filed on or before 19 December 2022.

By order of the Court this the 9th of November 2022.

7 - MOTION MOTION FOR EXPANSION OF WORD COUNT LIMITATIONS FOR PETITIONER-APPELLEE'S BRIEF (Denied) - 11-23-2022

Filed: 11-22-2022 @ 15:19:25

FOR: Petitioner-Appellee Savage, Thurman Crofton

BY : Mr. Ben G. Irons, II
IRONS & IRONS, PA

The following order was entered:

The motion filed in this cause on the 22nd of November 2022 and designated 'Motion for Expansion of Word Count Limitations for Petitioner-Appellee's Brief' is denied.

By order of the Court this the 23rd of November 2022.

8 - APPELLEE BRIEF

Filed: 12-19-2022 @ 20:59:58

FOR: Petitioner-Appellee Savage, Thurman Crofton

BY : Mr. Ben G. Irons, II
IRONS & IRONS, PA

9 - M-EXT-BR (Allowed) - 12-22-2022

Filed: 12-22-2022 @ 09:35:22

FOR: Respondent-Appellant NC Department Of Transportation

BY : Ms. Kathryne E. Hathcock
N.C. DEPARTMENT OF JUSTICE

The following order was entered:

The motion filed in this cause on the 22nd of December 2022 and designated 'Motion for Extension of Time to File Respondent-Appellant's Reply Brief' is allowed. Respondent-Appellant's reply brief shall be filed on or before 19 January 2023.

By order of the Court this the 22nd of December 2022.

RESPONSE TO M-EXT-BR

Filed: 12-22-2022

BY : Mr. Ben G. Irons, II
IRONS & IRONS, PA

10 - APPELLANT BRIEF REPLY

Filed: 01-19-2023 @ 13:04:34

FOR: Respondent-Appellant NC Department Of Transportation

BY : Mr. Jonathan J. Evans

11 - CT_ORDER COURT ORDER (Special Order) - 03-17-2023

Filed: 03-17-2023 @ 11:05:19

FOR:

BY : N.C. Court of Appeals

The following order was entered:

This case was originally calendared to be heard without oral argument on Wednesday, 8 March 2023 before a panel consisting of Judge Chris Dillon, Judge John Tyson, and Judge Fred Gore.

IT IS NOW ORDERED that this case shall be heard without oral argument before a panel consisting of Judge Chris Dillon, Judge Allegra Collins, and Judge Fred Gore.

By order of the Court this the 17th of March 2023.

12 - M-EN-BANC-REHEARING (Denied) - 09-18-2023
 Filed: 08-30-2023 @ 11:21:37
 FOR: Petitioner-Appellee Savage, Thurman Crofton
 BY : Mr. Ben G. Irons, II
 IRONS & IRONS, PA

The following order was entered:

The motion filed in this cause on 30 August 2023 and designated "Petitioner-Appellee's Motion for En Banc Rehearing" is decided as follows: having received no votes to allow, the motion is denied.

The Court's stay of its mandate, entered 30 August 2023, is hereby dissolved and the mandate shall be deemed issued as of the date of this order.

By order of the Court this the 18th of September 2023.

RESPONSE TO M-EN-BANC-REHEARING
 Filed: 09-11-2023
 BY : Mr. Jonathan J. Evans
 N.C. DEPARTMENT OF JUSTICE

13 - M-STAY-MAN (Allowed) - 08-30-2023
 Filed: 08-30-2023 @ 11:31:49
 FOR: Petitioner-Appellee Savage, Thurman Crofton
 BY : Mr. Ben G. Irons, II
 IRONS & IRONS, PA

The following order was entered:

A motion for en banc rehearing was filed in this cause on the 30th day of August 2023. The issuance of the mandate is hereby stayed.

By order of the Court this the 30th of August 2023.

Financial Information

Receipts

Date Charged	Charge Type	Amount Charged	Amount Paid	Document	Pages	Receipt #	Date Paid
12-20-2022	Printing	99.75	99.75	APPELLEE BRIEF	57	R122024822	12-28-2022
08-21-2023	Assess	608.75	608.75			R102016423	10-11-2023
08-19-2022	Docket Fee	10.00	10.00			R102008522	10-10-2022
08-19-2022	Printing	442.75	442.75	RECORD	253	R102000122	10-03-2022
10-20-2022	Printing	105.00	105.00	APPELLANT BRIEF	60	R102042322	10-31-2022
01-19-2023	Printing	42.00	42.00	APPELLANT BRIEF	24	R012028923	01-30-2023

Payments

Payment Date	Payment Type	Amount	Check Number
--------------	--------------	--------	--------------

Exhibits

Transcript(s) Electronically Filed

transcript-savage-v-ncdot-nov-16-2020-vol-1-of-3.pdf
transcript-savage-v-ncdot-nov-17-2020-vol-2-of-3.pdf
transcript-savage-v-ncdot-dec-3-2020-vol-3-of-3.pdf
master-table-of-contents-savage-v-ncdot.pdf

Parties

Party Name	Role
Savage, Thurman Crofton	Petitioner-Appellee
N.C. Department of Transportation	Respondent-Appellant

Attorneys

Attorney for Respondent-Appellant - NC Department Of Transportation

Mr. Jonathan J. Evans [Primary Attorney]

Assistant Attorney General

jevans@ncdoj.gov

Ms. Kathryne E. Hathcock

Special Deputy Attorney General

khathcock@ncdoj.gov

NC DEPARTMENT OF JUSTICE

P. O. Box 629

Raleigh, NC 27602

(919) 716-6650

Attorney for Petitioner-Appellee - Savage, Thurman Crofton

Mr. Ben G. Irons, II [Primary Attorney]

Attorney at Law

benirons@theironslawfirm.com

IRONS & IRONS, PA

P.O. Box 727

Greenville, NC 27835

(252) 215-3000