

North Carolina Court of Appeals

Docket Sheet

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

Case Number: 23-757

As of: 04/30/2024

Case Closed: No

Close Date:

Case Type:

Civil (Industrial Commission)

Mediation:

No

CHERRY JONES, by and through her
General Guardian, JEFFREY S. JONES,
Plaintiff,

v.

NORTH CAROLINA DEPARTMENT OF
TRANSPORTATION,
Defendant.

Docket Date: 08-29-2023

File Date: 08-14-2023

File Time: 04:30

Acquired Date: 08-14-2023

Bond Collected: Yes

Docket Fee: Yes

Pauper: No

Print Deposit: No

State Appeals:

History

Venue: N.C. Industrial Commission (204)

Heard In: N.C. Industrial Commission

To SC:

From SC:

Lower Court Number(s)

Location: N.C. Industrial Commission (204)

Judge:

Case #: TA-27225

Tracking/Argue

Argue Date: 03-19-2024 (No oral argument by Rule 30(f))

Opinion

Opinion Date: 04-16-2024

Cert Date: 05-06-2024

Author: Honorable Tobias Hampson

Decision: Affirmed

Opinion Notes:

Opinion Pages: 7

Opinion Cost: \$ 1.40

Cite:

Slip Opinion: <https://appellate.nccourts.org/opinions/?c=2&pdf=43385>

Documents

Document

Date Recvd

Cert of Service

Rec/Brf Due

Resp. Due

Resp. Recvd

Mailed Out

Ruling

Ruling Date

(1) RECORD

08-14-2023

08-29-2023

(2) RULE 9(D) COPIES OF EXHIBITS AND OTHER ITEMS	08-14-2023							
(3) APPELLANT BRIEF	09-13-2023	09-13-2023				09-15-2023		
(4) SUPPLEMENT	09-27-2023	09-27-2023						
(5) M-EXT-BR	10-10-2023	10-10-2023					Allowed	10-10-2023
(6) M-SUB-COUNSEL	11-08-2023	11-08-2023					Allowed	11-08-2023
(7) M-EXT-BR	11-08-2023	11-08-2023					Allowed	11-08-2023
(8) M-EXT-BR	12-06-2023	12-06-2023					Allowed	12-07-2023
(9) APPELLEE BRIEF	01-16-2024	01-16-2024				01-17-2024		

1 - RECORD

Filed: 08-14-2023 @ 16:30:51
 FOR: Appellant Jones, Cherry, et al
 BY : Mr. Richard E. Batts
 RICHARD E. BATTS, PLLC

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

Filed: 08-14-2023 @ 16:34:31
 FOR: Appellant Jones, Cherry, et al
 BY : Mr. Richard E. Batts
 RICHARD E. BATTS, PLLC

3 - APPELLANT BRIEF

Filed: 09-13-2023 @ 19:50:33
 FOR: Appellant Jones, Cherry, et al
 BY : Mr. Richard E. Batts
 RICHARD E. BATTS, PLLC

4 - RECORD SUPPLEMENT

Filed: 09-27-2023 @ 11:42:16
 FOR: Appellant Jones, Cherry, et al
 BY : Mr. Richard E. Batts
 RICHARD E. BATTS, PLLC

5 - M-EXT-BR (Allowed) - 10-10-2023

Filed: 10-10-2023 @ 11:26:33
 FOR: Defendant-Appellee North Carolina Department Of Transportation
 BY : Mr. Alexander G. Walton
 NC DEPARTMENT OF JUSTICE

The following order was entered:

The motion filed in this cause on the 10th of October 2023 and designated 'Motion for Extension of Time to File Defendant-Appellee's Brief' is allowed. Defendant-Appellee's brief shall be filed on or before 15 November 2023.

By order of the Court this the 10th of October 2023.

6 - M-SUB-COUNSEL (Allowed) - 11-08-2023

Filed: 11-08-2023 @ 09:31:00
 FOR: Defendant-Appellee North Carolina Department Of Transportation
 BY : Mr. David D. Larson, Jr.
 N.C. DEPARTMENT OF JUSTICE

The following order was entered:

The motion filed in this cause on the 8th of November 2023 and designated 'Motion to Withdraw and Substitute Counsel' is allowed. Alexander G. Walton is permitted to withdraw as counsel of record, and David Larson, Jr., shall be substituted as counsel of record.

By order of the Court this the 8th of November 2023.

7 - M-EXT-BR (Allowed) - 11-08-2023
 Filed: 11-08-2023 @ 09:32:55
 FOR: Defendant-Appellee North Carolina Department Of Transportation
 BY : Mr. David D. Larson, Jr.
 N.C. DEPARTMENT OF JUSTICE

The following order was entered:

The motion filed in this cause on the 8th of November 2023 and designated 'Motion for Extension of Time to File Defendant-Appellee's Brief' is allowed. Defendant-Appellee's brief shall be filed on or before 15 December 2023.

By order of the Court this the 8th of November 2023.

8 - M-EXT-BR (Allowed) - 12-07-2023
 Filed: 12-06-2023 @ 17:02:11
 FOR: Defendant-Appellee North Carolina Department Of Transportation
 BY : Mr. David D. Larson, Jr.
 N.C. DEPARTMENT OF JUSTICE

The following order was entered:

The motion filed in this cause on the 6th of December 2023 and designated 'Motion for Extension of Time to File Defendant-Appellee's Brief' is allowed. Defendant-Appellee's brief shall be filed on or before 16 January 2024.

By order of the Court this the 7th of December 2023.

9 - APPELLEE BRIEF
 Filed: 01-16-2024 @ 16:17:15
 FOR: Defendant-Appellee North Carolina Department Of Transportation
 BY : Mr. David D. Larson, Jr.
 N.C. DEPARTMENT OF JUSTICE

Financial Information

Receipts

Date Charged	Charge Type	Amount Charged	Amount Paid	Document	Pages	Receipt #	Date Paid
08-29-2023	Docket Fee	10.00	10.00			R082054323	08-29-2023
08-29-2023	Bond	250.00	250.00			R082054323	08-29-2023
08-29-2023	Printing	169.75	169.75	RECORD	97	R092001523	09-06-2023
09-15-2023	Printing	35.00	35.00	APPELLANT BRIEF	20	R092036623	09-26-2023
02-01-2024	Printing	31.50	31.50	APPELLEE BRIEF	18	R032015724	03-15-2024

Payments

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

Exhibits

Transcript(s) Electronically Filed

2202071.pdf
 220324-jones-v.ncdt-volume-ii-of-transcript-nov-17-18-2021-jones-adw.pdf

Parties

Party Name	Role
------------	------

North Carolina Department Of Transportation	Defendant-Appellee
Jones, Cherry	Plaintiff-Appellant
Jones, Jeffrey S. (General Guardian)	Plaintiff-Appellant

Attorneys

Attorney for Appellant - Jones, Cherry, et al

Mr. Richard E. Batts [Primary Attorney]

Attorney at Law

rbatts@attorneyrichardbatts.com

RICHARD E. BATTS, PLLC

1330 Benvenue Road
Rocky Mount, NC 27804
(252) 210-3421

Attorney for Defendant-Appellee - North Carolina Department Of Transportation

Mr. Alexander G. Walton WITHDREW

Special Deputy Attorney General

awalton@ncdoj.gov

NC DEPARTMENT OF JUSTICE

P. O. Box 629
Raleigh, NC 27602
(919) 716-6500

Attorney for Defendant-Appellee - North Carolina Department Of Transportation

Mr. David D. Larson, Jr. [Primary Attorney]

Assistant Attorney General

dlarson@ncdoj.gov

N.C. DEPARTMENT OF JUSTICE

P.O. Box 629
Raleigh, NC 27602
(919) 716-6500
