

North Carolina Court of Appeals

Docket Sheet

Moheballi v. Hayes

Case Number: 24-454
As of: 03/11/2026
Case Closed: Yes **Close Date:** 09-09-2025 **Case Type:** Civil (Tort, Contract, Real Property) **Mediation:** No

ALLISON SWEENEY MOHEBALLI,
 Plaintiff,

v.

JOHN DAVID HAYES, M.D. AND
 HARVEST MOON WOMEN'S HEALTH,
 PLLC,
 Defendants.

Docket Date: 05-28-2024 **File Date:** 05-22-2024 **File Time:** 05:54 **Acquired Date:** 05-22-2024
Bond Collected: Yes **Docket Fee:** Yes **Pauper:** No **Print Deposit:** No **State Appeals:** -

History

Venue: Buncombe (40) **Heard In:** Superior Court
To SC: **From SC:**

Lower Court Number(s)

Location: Buncombe (40)
Judge: Steven R. Warren
Case #: 21CVS2884

Tracking/Argue

Argue Date: 02-26-2025 #

Opinion

Opinion Date: 08-20-2025 **Cert Date:** 09-09-2025
Author: Honorable Chris Dillon
Decision: Affirmed
Opinion Notes:
Opinion Pages: 15 **Opinion Cost:** \$ 3.00
Cite:
Slip Opinion: <https://appellate.nccourts.org/opinions/?c=2&pdf=44455>

Documents

Document	Date Recvd	Cert of Service	Rec/Brf Due	Resp. Due	Resp. Recvd	Mailed Out	Ruling	Ruling Date
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(1) RECORD	05-22-2024	05-22-2024				05-29-2024		
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(2) RULE 9(D) COPIES OF EXHIBITS AND OTHER ITEMS	05-22-2024							
(3) RULE 9(D) COPIES OF EXHIBITS AND OTHER ITEMS	05-22-2024							
(4) M-EXT-BR	06-10-2024	06-10-2024					Allowed	06-10-2024
(5) COURT ORDER	06-13-2024						Special Order	06-13-2024
(6) APPELLANT BRIEF	07-22-2024	07-22-2024				07-23-2024		
(7) OTHER	07-22-2024	07-22-2024						
(8) M-EXT-BR	08-01-2024	08-01-2024					Allowed	08-02-2024
(9) M-GEN	08-09-2024	08-09-2024		08-22-2024			Allowed	08-26-2024
(10) M-EXT-BR	09-09-2024	09-09-2024					Allowed	09-09-2024
(11) AMICUS	10-01-2024	10-01-2024				10-02-2024		
(12) M-EXT-BR	10-04-2024	10-04-2024					Allowed	10-07-2024
(13) M-AMICUS	10-07-2024	10-07-2024					Allowed	10-08-2024
(14) AMICUS	10-07-2024	10-07-2024				10-09-2024		
(15) M-AMICUS	10-08-2024	10-08-2024					Allowed	10-08-2024
(16) M-AMICUS	10-08-2024	10-08-2024					Allowed	10-09-2024
(17) AMICUS	10-08-2024	10-08-2024				10-09-2024		
(18) AMICUS	10-08-2024	10-08-2024				11-18-2024		
(19) M-EXT-BR	11-07-2024						Allowed	11-08-2024
(20) M-AMICUS	11-12-2024	11-12-2024					Allowed	11-14-2024
(21) M-GEN	11-25-2024	11-25-2024		12-08-2024	12-09-2024		Denied	08-20-2025
(22) REPLY	11-25-2024	11-25-2024				11-26-2024		
(23) M-AMICUS	12-13-2024	12-13-2024					Allowed	12-18-2024
(24) AMICUS	12-13-2024	12-13-2024				12-19-2024		
(25) ADD-AUTH	02-18-2025	02-18-2025						

1 - RECORD

Filed: 05-22-2024 @ 17:54:00

FOR: Plaintiff-Appellant Mohebali, Allison Sweeney

BY : Mr. Matthew D. Ballew

ZAYTOUN BALLEW & TAYLOR, PLLC

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

Filed: 05-22-2024 @ 17:54:55

FOR: Plaintiff-Appellant Mohebali, Allison Sweeney

BY : Mr. Matthew D. Ballew

ZAYTOUN BALLEW & TAYLOR, PLLC

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

Filed: 05-22-2024 @ 17:55:13

FOR: Plaintiff-Appellant Mohebali, Allison Sweeney

BY : Mr. Matthew D. Ballew

ZAYTOUN BALLEW & TAYLOR, PLLC

4 - M-EXT-BR (Allowed) - 06-10-2024
Filed: 06-10-2024 @ 12:19:00
FOR: Plaintiff-Appellant Moheballi, Allison Sweeney
BY : Mr. Jeremy M. Wilson
WARD & SMITH, P.A.

The following order was entered:

The motion filed in this cause on the 10th of June 2024 and designated 'Motion for Extension of Time to File Plaintiff-Appellant's Brief' is allowed. Plaintiff-Appellant's brief shall be filed on or before 22 July 2024.

By order of the Court this the 10th of June 2024.

5 - CT_ORDER COURT ORDER (Special Order) - 06-13-2024
Filed: 06-13-2024 @ 16:12:37
FOR: For the Court
BY : N.C. Court of Appeals

The following order was entered:

The Court appoints Mr. Martin Warf to appear as court-assigned amicus curiae in the above-captioned appeal to defend the ruling of the trial court.

Plaintiff-appellant's brief shall be served on Mr. Warf, and Mr. Warf shall file an amicus curiae brief not exceeding 8,750 words in length within thirty days of service of respondent-appellant's brief. Plaintiff-appellant may file a reply brief not exceeding 3,750 words in length in response to the amicus curiae brief within fourteen days after service of that brief. Printing and processing costs for the amicus curiae brief are waived.

Oral argument shall be scheduled upon completion of briefing. The Court requests the participation of Mr. Warf at oral argument to defend the ruling of the trial court.

By order of the Court this the 13th of June 2024.

6 - APPELLANT BRIEF
Filed: 07-22-2024 @ 18:29:27
FOR: Plaintiff-Appellant Moheballi, Allison Sweeney
BY : Mr. Matthew D. Ballew
BALLEW PURYEAR PLLC

7 - OTHER
Filed: 07-22-2024 @ 14:50:50
FOR: Plaintiff-Appellant Moheballi, Allison Sweeney
BY : Mr. Matthew D. Ballew
BALLEW PURYEAR PLLC

8 - M-EXT-BR (Allowed) - 08-02-2024
Filed: 08-01-2024 @ 16:06:44
FOR: Amicus
BY : Mr. D. Martin Warf
NELSON MULLINS RILEY & SCARBOROUGH, LLP

The following order was entered:

The motion filed in this cause on the 1st of August 2024 and designated 'Amicus Curiae's Motion to Extend Time' is allowed. Amicus Curiae's brief shall be filed on or before 20 September 2024.

By order of the Court this the 2nd of August 2024.

9 - MOTION PROPOSED AMICUS CURIAE'S MOTION TO CLARIFY TIME FOR AMICUS FILINGS (Allowed) - 08-26-2024
Filed: 08-09-2024 @ 11:24:20
FOR: Amicus
BY : Mr. Matthew W. Sawchak
ROBINSON, BRADSHAW & HINSON, P.A.

The following order was entered:

The motion filed in this cause on the 9th of August 2024 and designated 'Proposed Amicus Curiae's Motion to Clarify Time for Amicus Filings' is decided as follows: The Medical Society's amicus curiae brief shall be filed no later than seven days after the court-assigned amicus curiae brief is filed. Other amicus curiae briefs in support of Appellees shall be filed no later than seven days after the court-assigned amicus curiae brief is filed.

By order of the Court this the 26th of August 2024.

10 - M-EXT-BR (Allowed) - 09-09-2024
Filed: 09-09-2024 @ 10:51:39
FOR: Amicus
BY : Mr. D. Martin Warf
NELSON MULLINS RILEY & SCARBOROUGH, LLP

The following order was entered:

The motion filed in this cause on the 9th of September 2024 and designated 'Amicus Curiae's Motion to Extend Time' is allowed. Amicus Curiae's brief shall be filed on or before 1 October 2024.

By order of the Court this the 9th of September 2024.

11 - OTHER BRIEF AMICUS
Filed: 10-01-2024 @ 18:01:09
FOR: Amicus
BY : Mr. D. Martin Warf
NELSON MULLINS RILEY & SCARBOROUGH, LLP

12 - M-EXT-BR (Allowed) - 10-07-2024
Filed: 10-04-2024 @ 16:42:50
FOR: Plaintiff-Appellant Moheballi, Allison Sweeney
BY : Mr. Matthew D. Ballew
BALLEW PURYEAR PLLC

The following order was entered:

The motion filed in this cause on the 4th of October 2024 and designated 'Motion for Extension of Time to File Plaintiff-Appellant's Reply Brief' is allowed. Plaintiff-Appellant's reply brief shall be filed on or before 14 November 2024.

By order of the Court, sitting as a three-judge panel, this the 7th of October 2024.

13 - M-AMICUS (Allowed) - 10-08-2024
Filed: 10-07-2024 @ 16:14:02
FOR:
BY : Ms. Caroline Marie Gieser
SHOOK, HARDY & BACON, LLP

The following order was entered:

The motion filed in this cause on the 7th of October 2024 and designated 'Unopposed Motion of the American Property Casualty Insurance Association, Chamber of Commerce of the United States of America, and American Tort Reform Association for Leave to File Brief as Amici Curiae Supporting the Constitutionality of NC. Gen. Stat. 90-21.19' is allowed. Amici Curiae brief shall be printed.

By order of the Court, sitting as a three-judge panel, this the 8th of October 2024.

14 - OTHER BRIEF AMICUS
Filed: 10-07-2024 @ 16:14:02
FOR:
BY : Ms. Caroline Marie Gieser
SHOOK, HARDY & BACON, LLP

15 - M-AMICUS (Allowed) - 10-08-2024
Filed: 10-08-2024 @ 11:22:50
FOR:
BY : Mr. Stephen V. Carey
PARKER, POE, ADAMS & BERNSTEIN, LLP

The following order was entered:

The motion filed in this cause on the 8th of October 2024 and designated 'Unopposed Motion for Leave to File Amicus Brief by North Carolina Chamber Legal Institute, North Carolina Association of Defense Attorneys, North Carolina Farm Bureau Federation, Inc., North Carolina Home Builders Association, and North Carolina Retail Merchants Association' is allowed. Amici Curiae brief shall be printed.

By order of the Court, sitting as a three-judge panel, this the 8th of October 2024.

16 - M-AMICUS (Allowed) - 10-09-2024
Filed: 10-08-2024 @ 13:27:12
FOR: Amicus
BY : Mr. Matthew W. Sawchak
ROBINSON, BRADSHAW & HINSON, P.A.

The following order was entered:

The motion filed in this cause on the 8th of October 2024 and designated 'Unopposed Motion for Leave to File Amicus Brief by North Carolina Medical Society Et Al' is allowed. Amici curiae brief shall be printed.

By order of the Court, sitting as a three-judge panel, this the 9th of October 2024.

17 - OTHER BRIEF AMICUS
Filed: 10-08-2024 @ 11:22:50
FOR:
BY : Mr. Stephen V. Carey
PARKER, POE, ADAMS & BERNSTEIN, LLP

18 - OTHER BRIEF AMICUS
Filed: 10-08-2024 @ 13:27:12
FOR: Amicus
BY : Mr. Matthew W. Sawchak
ROBINSON, BRADSHAW & HINSON, P.A.

19 - M-EXT-BR (Allowed) - 11-08-2024
Filed: 11-07-2024 @ 16:17:25
FOR: Plaintiff-Appellant Moheballi, Allison Sweeney
BY : Mr. Matthew D. Ballew
BALLEW PURYEAR PLLC

The following order was entered:

The motion filed in this cause on the 7th of November 2024 and designated 'Motion for Extension of Time to File Plaintiff-Appellant's Reply Brief' is allowed. Plaintiff-Appellant's reply brief shall be filed on or before 25 November 2024.

By order of the Court, sitting as a three-judge panel, this the 8th of November 2024.

20 - M-AMICUS (Allowed) - 11-14-2024
Filed: 11-12-2024 @ 16:36:27
FOR: Plaintiff-Appellant Moheballi, Allison Sweeney
BY : Mr. Matthew D. Ballew
BALLEW PURYEAR PLLC

The following order was entered:

The motion filed in this cause on the 12th of November 2024 and designated 'Motion for Leave for Additional Amici Curiae to File Briefs' is allowed as follows: Potential amici in support of Plaintiff-Appellant shall file motions and briefing on their own behalf on or before 13 December 2024.

By order of the Court, sitting as a three-judge panel, this the 14th of November 2024.

21 - MOTION PLAINTIFF-APPELLANT'S MOTION TO STRIKE AMICUS'S FIRST ARGUMENT OR IN THE ALTERNATIVE TO EXTEND PLAINTIFF'S REPLY BRIEF WORD LIMIT (Denied) - 08-20-2025
Filed: 11-25-2024 @ 16:46:55
FOR: Plaintiff-Appellant Moheballi, Allison Sweeney
BY : Mr. Matthew D. Ballew
BALLEW PURYEAR PLLC

The following order was entered:

The motion filed in this cause on the 25th of November 2024 and designated 'Plaintiff-Appellant's Motion to Strike Amicus's First Argument or in the Alternative to Extend Plaintiff's Reply Brief Word Limit' is denied.

By order of the Court, sitting as a three-judge panel, this the 20th of August 2025.

RESPONSE TO MOTION PLAINTIFF-APPELLANT'S MOTION TO STRIKE AMICUS'S FIRST ARGUMENT OR IN THE ALTERNATIVE TO EXTEND PLAINTIFF'S REPLY BRIEF WORD LIMIT
Filed: 12-09-2024
BY : Mr. D. Martin Warf
NELSON MULLINS RILEY & SCARBOROUGH, LLP

22 - APPELLANT BRIEF REPLY
 Filed: 11-25-2024 @ 19:12:48
 FOR: Plaintiff-Appellant Moheballi, Allison Sweeney
 BY : Mr. Matthew D. Ballew
 BALLEW PURYEAR PLLC

23 - M-AMICUS (Allowed) - 12-18-2024
 Filed: 12-13-2024 @ 13:46:41
 FOR:
 BY : Mr. Robert Neal Hunter, Jr.
 HIGGINS BENJAMIN, PLLC

The following order was entered:

The motion filed in this cause on the 13th of December 2024 and designated 'Motion for Leave to File Amicus Brief by North Carolina Institute for Constitutional Law, et al' is allowed. Amicus brief shall be printed.

By order of the Court, sitting as a three-judge panel, this the 18th of December 2024.

24 - OTHER BRIEF AMICUS
 Filed: 12-13-2024 @ 13:46:41
 FOR:
 BY : Mr. Robert Neal Hunter, Jr.
 HIGGINS BENJAMIN, PLLC

25 - MEMOS ADD-AUTH
 Filed: 02-18-2025 @ 17:34:33
 FOR: Plaintiff-Appellant Moheballi, Allison Sweeney
 BY : Mr. Matthew D. Ballew
 BALLEW PURYEAR PLLC

Financial Information

Receipts

Date Charged	Charge Type	Amount	Amount Paid	Document	Pages	Receipt #	Date Paid
12-19-2024	Printing	43.75	43.75	OTHER BRIEF	25	R122027924	12-23-2024
Invoice : V122042724							
	Printing	68.25	0.00	OTHER BRIEF	39		
Invoice : V102003424 (Waived by Court)							
10-09-2024	Printing	64.75	64.75	OTHER BRIEF	37	R102034824	10-17-2024
Invoice : V102015624							
11-18-2024	Printing	164.50	164.50	OTHER BRIEF	94	R112032924	11-19-2024
Invoice : V102020224							
10-09-2024	Printing	43.75	43.75	OTHER BRIEF	25	R102032424	10-14-2024
Invoice : V102015524							
05-28-2024	Docket Fee	10.00	10.00			R052030324	05-28-2024
Invoice : V052047424							
05-28-2024	Bond	250.00	250.00			R052030324	05-28-2024
Invoice : V052047424							

05-29-2024	Printing	882.00	882.00	RECORD	504	R062011524	06-12-2024
Invoice : V052050124							
07-23-2024	Printing	85.75	85.75	APPELLANT BRIEF	49	R082037624	08-28-2024
Invoice : V072048724							
11-26-2024	Printing	45.50	45.50	APPELLANT BRIEF	26	R122009624	12-10-2024
Invoice : V112050024							
	Assessment	9.00	9.00			R082023525	08-22-2025
Invoice : V082043825							

Payments

Payment Date	Payment Type	Amount	Check Number
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Exhibits

Transcript(s) Electronically Filed

transcript-moheballi-v.hayes-md-et-al.buncombe-county-07182023-vol-1-of-2.pdf
 transcript-moheballi-v.hayes-md-et-al.buncombe-county-07192023-vol-2-of-2.pdf
 transcript-moheballi-v.hayes-12-8-23-entry-of-judgment.pdf

Parties

Party Name	Role
Moheballi, Allison Sweeney	Plaintiff-Appellant
Hayes, John David (M.D.)	Defendant-Appellee
Harvest Moon Women's Health, PLLC	Defendant-Appellee

Attorneys

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