

An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority. Citation is disfavored, but may be permitted in accordance with the provisions of Rule 30(e)(3) of the North Carolina Rules of Appellate Procedure.

IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA23-1141

Filed 16 July 2024

Wake County, Nos. 19CVS3464-910

WONDER DAY PARTNERSHIP, a North Carolina General Partnership, Plaintiff,

v.

NORTH CAROLINA DEPARTMENT OF TRANSPORTATION and NORTH  
CAROLINA TURNPIKE AUTHORITY, Defendants.

Appeal by defendant from judgment entered 6 June 2023 by Judge G. Bryan  
Collins, Jr. in Wake County Superior Court. Heard in the Court of Appeals 29 May  
2024.

*Cranfill Sumner LLP, by George B. Autry, Jr., Stephanie H. Autry, and Jeremy  
P. Hopkins, for the plaintiff-appellee.*

*Attorney General Joshua H. Stein, by Assistant Attorney General, Jeanne  
Washburn, for the defendants-appellants.*

*Smith Anderson Blount Dorsett Mitchell & Jernigan, LLP, by William H. Moss,  
and The Banks Law Firm, P.A., by Howard B. Rhodes, for the defendants-  
appellants.*

TYSON, Judge.

This appeal was consolidated by order for hearing with *Mata v. N.C. Dep't of*

*Opinion of the Court*

*Transp.*, COA23-1140. Both cases arise from similar actual issues and raise identical legal issues.

For the reasons stated in this Court's published opinion in *Mata v. N.C. Dep't of Transp.*, COA23-1140, the order is affirmed in part, reversed in part, and remanded for further proceedings consistent with that opinion. *It is so ordered.*

AFFIRMED IN PART, REVERSED IN PART, AND REMANDED.

Judge CARPENTER concurs.

Judge MURPHY concurs in part and dissents in part by separate opinion.

Report per Rule 30(e).

No. COA23-1141– *Wonder Day P'ship v. N.C. Dep't of Transp.*

MURPHY, Judge, concurring in part and dissenting in part.

I concur in part and dissent in part for the reasons stated in my partial dissent in *Mata*, COA23-1140.