

North Carolina Court of Appeals

Docket Sheet

M.E. v. T.J.

Case Number: 18-1045

As of: 07/21/2021

Case Closed: Yes

Close Date: 01-20-2021

Case Type: Civil (Domestic)

Mediation: No

M.E.,
Plaintiff,

v.

T.J.,
Defendant.

Docket Date: 10-22-2018

File Date: 10-15-2018

File Time: 08:09

Acquired Date: 10-15-2018

Bond Collected: No

Docket Fee: Yes

Pauper: No

Print Deposit: No

State Appeals: -

History

Venue: Wake (10)

Heard In: District Courts

To SC:

From SC:

Lower Court Number(s)

Location: Wake (10)

Judge: Anna Worley

Case #: 18CVD600773

Tracking/Argue

Argue Date: 05-21-2019 (No oral argument by Rule 30(e)) colspan=5

Opinion

Opinion Date: 12-31-2020

Cert Date: 01-20-2021

Author: Honorable Linda M. McGee

Decision: Reversed and Remanded

Opinion Notes: John Tyson(d)

Opinion Pages: 110

Opinion Cost: \$ 22.00

Cite:

Slip Opinion: <https://appellate.nccourts.org/opinions/?c=2&pdf=38184>

Documents

Document	Date Recvd	Cert of Service	Rec/Brf Due	Resp. Due	Resp. Recvd	Mailed Out	Ruling	Ruling Date
(1) RECORD	10-15-2018	10-11-2018				10-24-2018		
(2) M-EXT-BR	11-08-2018	11-08-2018					Allowed	11-09-2018
(3) APPELLANT BRIEF	01-07-2019					01-09-2019		
(4) M-AMICUS	01-07-2019	01-07-2019					Allowed	01-09-2019
(5) M-AMICUS	01-07-2019	01-07-2019					Allowed	01-09-2019
(6) M-GEN	01-07-2019	01-07-2019					Allowed	01-14-2019
(7) M-AMICUS	01-07-2019	01-07-2019					Allowed	01-09-2019
(8) M-GEN	01-08-2019	01-08-2019					Allowed	01-09-2019
(9) M-AMICUS	01-09-2019	01-07-2019					Allowed	01-11-2019
(10) AMICUS	01-08-2019					01-10-2019		
(11) AMICUS	01-07-2019					01-17-2019		
(12) AMICUS	01-07-2019					01-10-2019		
(13) M-GEN	01-10-2019	01-10-2019					Allowed	01-16-2019
(14) OTHER	01-10-2019							
(15) M-GEN	04-17-2019	04-17-2019					Allowed	04-18-2019
(16) COURT ORDER	05-03-2019						Other	05-03-2019
(17) M-EXT-BR	05-08-2019	05-08-2019					Allowed	05-10-2019
(18) M-GEN	05-21-2019	05-21-2019					Allowed	05-30-2019
(19) M-DSSAPP	07-03-2019	07-03-2019		07-16-2019	see below		Referred	07-18-2019
(20) M-SEAL	07-03-2019	07-03-2019					Allowed	07-08-2019
(21) AMICUS	07-03-2019					07-08-2019		
(22) SUPPLEMENT	07-08-2019							
(23) M-SEAL	07-15-2019	07-15-2019					Allowed	07-18-2019
(24) REPLY	07-17-2019					07-22-2019		
(25) SUPPLEMENT	07-15-2019	07-15-2019						
(26) M-GEN	07-19-2019	07-19-2019					Allowed	07-24-2019
(27) COURT ORDER	08-19-2019						Special Order	08-19-2019
(28) M-SEAL	10-28-2019	10-28-2019					Dismissed as moot	11-08-2019
(29) M-SEAL	10-31-2019					10-31-2019		
(30) ADD-AUTH	06-15-2020							
(31) NA-DISSNT	01-14-2021							
(32) NA-DISSNT	02-01-2021							

1 - RECORD

Filed: 10-15-2018 @ 08:09:00

FOR: Plaintiff-Appellant M.E.

BY : Ms. Irena Como

ACLU OF NORTH CAROLINA LEGAL FOUNDATION

2 - M-EXT-BR (Allowed) - 11-09-2018
Filed: 11-08-2018 @ 16:01:12
FOR: Plaintiff-Appellant M.E.
BY : Ms. Amily McCool
SCHARFF LAW FIRM, PLLC

The following order was entered:

The motion filed in this cause on the 8th of November 2018 and designated 'Plaintiff-Appellant's Motion for Extension of Time to File Brief' is allowed. Plaintiff-Appellant's brief shall be filed on or before 7 January 2019.

By order of the Court this the 9th of November 2018.

3 - APPELLANT BRIEF
Filed: 01-07-2019 @ 16:12:28
FOR: Plaintiff-Appellant M.E.
BY : Ms. Irena Como
ACLU OF NORTH CAROLINA LEGAL FOUNDATION

4 - M-AMICUS (Allowed) - 01-09-2019
Filed: 01-07-2019 @ 16:15:21
FOR: Amicus
BY : Ms. Amalia Manolagas
WOMBLE BOND DICKINSON (US) LLP

The following order was entered:

The motion filed in this cause on the 7th of January 2019 and designated 'Motion to File Brief of Amici Curiae in Support of Plaintiff-Appellant' is allowed. The brief shall comply with N.C.R. App. P. 28(i) and (j).

By order of the Court this the 9th of January 2019.

5 - M-AMICUS (Allowed) - 01-09-2019
Filed: 01-07-2019 @ 16:23:55
FOR:
BY : Ms. Sarah M. Saint

The following order was entered:

The motion filed in this cause on the 7th of January 2019 and designated 'Motion for Leave to File Amici Curiae Brief by North Carolina LGBTQ+ Non-Profit Organizations' is allowed. The brief shall comply with N.C.R. App. P. 28 (i) and (j).

By order of the Court this the 9th of January 2019.

6 - MOTION MOTION FOR ADMISSION PRO HAC VICE (Allowed) - 01-14-2019
Filed: 01-07-2019 @ 16:24:14
FOR: Amicus
BY : Ms. Amalia Manolagas
WOMBLE BOND DICKINSON (US) LLP

The following order was entered:

The motion filed in this cause on the 7th of January 2019 and designated 'Motion for Admission Pro Hac Vice' is allowed. Kevin A. Hall is admitted to practice pro hac vice.

By order of the Court this the 14th of January 2019.

7 - M-AMICUS (Allowed) - 01-09-2019
Filed: 01-07-2019 @ 17:06:06
FOR:
BY : Mr. Ryan Y. Park

The following order was entered:

The motion filed in this cause on the 7th of January 2019 and designated 'Motion by State of North Carolina to File a Brief as Amicus Curiae in Support of Plaintiff-Appellant' is allowed. The brief shall comply with N.C.R. App. P. 28(i) and (j).

By order of the Court this the 9th of January 2019.

8 - MOTION MOTION TO DEEM BRIEF OF AMICI CURIAE IN SUPPORT OF PLAINTIFF-APPELLANT TIMELY FILED (Allowed) -

01-09-2019

Filed: 01-08-2019 @ 09:43:17

FOR: Amicus

BY : Ms. Amalia Manolagas

WOMBLE BOND DICKINSON (US) LLP

The following order was entered:

The motion filed in this cause on the 8th of January 2019 and designated 'Motion to Deem Brief of Amici Curiae in Support of Plaintiff-Appellant Timely Filed' is allowed. Amici Curiae brief is deemed timely filed.

By order of the Court this the 9th of January 2019.

9 - M-AMICUS (Allowed) - 01-11-2019

Filed: 01-09-2019 @ 12:38:08

FOR:

BY : Mr. Ryan Y. Park

The following order was entered:

The motion filed in this cause on the 9th of January 2019 and designated 'Motion by Governor Roy A Cooper, III to Join State's Brief Filed as Amicus Curiae in Support of Plaintiff-Appellant' is allowed.

By order of the Court this the 11th of January 2019.

10 - OTHER BRIEF AMICUS

Filed: 01-08-2019 @ 09:46:18

FOR: Amicus

BY : Ms. Amalia Manolagas

WOMBLE BOND DICKINSON (US) LLP

11 - OTHER BRIEF AMICUS

Filed: 01-07-2019 @ 17:07:12

FOR:

BY : Mr. Ryan Y. Park

12 - OTHER BRIEF AMICUS

Filed: 01-07-2019 @ 16:24:58

FOR:

BY : Ms. Sarah M. Saint

13 - MOTION MOTION TO REDACT IDENTIFYING INFORMATION OR SUBSTITUTE INITIALS (Allowed) - 01-16-2019

Filed: 01-10-2019 @ 13:55:45

FOR: Plaintiff-Appellant M.E.

BY : Ms. Amily McCool

SCHARFF LAW FIRM, PLLC

The following order was entered:

The motion filed in this cause on the 10th of January 2019 and designated 'Motion to Redact Identifying Information or Substitute Initials' is allowed. Consistent with this Court's 19 October 2018 order, initials have been substituted for the parties' names as counsel requested on page three of the motion.

By order of the Court this the 16th of January 2019.

14 - OTHER

Filed: 01-10-2019 @ 16:32:12

FOR: Plaintiff-Appellant M.E.

BY : Ms. Amily McCool

SCHARFF LAW FIRM, PLLC

15 - MOTION MOTION TO WITHDRAW AS COUNSEL (Allowed) - 04-18-2019

Filed: 04-17-2019 @ 15:39:54

FOR: Plaintiff-Appellant M.E.

BY : Ms. Amily McCool
SCHARFF LAW FIRM, PLLC

The following order was entered:

The motion filed in this cause on the 17th of April 2019 and designated 'Motion to Withdraw as Counsel' is allowed. Christopher A. Brook is permitted to withdraw as counsel of record, and remaining counsel of record shall continue to represent Plaintiff-Appellant.

By order of the Court this the 18th of April 2019.

16 - CT_ORDER COURT ORDER (Other) - 05-03-2019

Filed: 05-03-2019 @ 12:55:45

FOR:

BY : Hon. Linda M. McGee

The following Order was entered:

In the absence of a brief on behalf of appellee, the Court appoints Lorin Lapidus to appear as court-assigned amicus curiae in the above-captioned appeal to defend the ruling of the trial court.

Mr. Lapidus shall file an amicus curiae brief not exceeding 8,750 words in length within thirty days of the date of this order. The appellant may file a reply brief not exceeding 3,750 words in length in response to the brief of amicus curiae within fourteen days after service of that brief.

The case was calendared to be heard on Tuesday, 21 May 2019 before a panel consisting of Chief Judge Linda McGee, Judge Lucy Inman and Judge John Arrowood. The hearing is continued and oral argument shall be scheduled before the same panel after the brief(s) are filed.

17 - M-EXT-BR (Allowed) - 05-10-2019

Filed: 05-08-2019 @ 15:47:42

FOR: Amicus Amicus

BY : Mr. Lorin J. Lapidus

The following order was entered:

The motion filed in this cause on the 8th of May 2019 and designated 'Court Assigned Amicus Curiae's Motion for Extension of Time to File Brief' is granted. Court assigned amicus curiae's brief shall be filed on or before 3 July 2019.

By order of the Court this the 10th of May 2019.

18 - MOTION UNOPPOSED MOTION FOR PEREMPTORY SETTING (Allowed) - 05-30-2019

Filed: 05-21-2019 @ 12:12:37

FOR: Plaintiff-Appellant M.E.

BY : Ms. Irena Como
ACLU OF NORTH CAROLINA LEGAL FOUNDATION

The following order was entered:

The motion filed in this cause on the 21st of May 2019 and designated 'Unopposed Motion for Peremptory Setting' is granted. This appeal shall be calendared for oral argument on 20 August 2019 at 9:30 a.m. before a panel of Chief Judge McGee, Judge Inman, and Judge Arrowood.

By order of the Court this the 30th of May 2019.

19 - M-DSSAPP (Referred) - 07-18-2019
Filed: 07-03-2019 @ 13:28:48
FOR: Amicus Amicus
BY : Mr. Lorin J. Lapidus
NELSON MULLINS RILEY & SCARBOROUGH LLP

The following order was entered:

The motion filed in this cause on the 3rd of July 2019 and designated 'Court Assigned Amicus Curiae's Motion to Dismiss Appeal' is referred to the panel that will be assigned to hear the appeal.

By order of the Court this the 18th of July 2019.

RESPONSE TO M-DSSAPP
Filed: 07-15-2019
BY : Ms. Irena Como
ACLU OF NORTH CAROLINA LEGAL FOUNDATION

RESPONSE TO M-DSSAPP
Filed: 07-16-2019
BY : Ms. Emily E. Seawell

20 - M-SEAL (Allowed) - 07-08-2019
Filed: 07-03-2019 @ 13:28:00
FOR: Amicus Amicus
BY : Mr. Lorin J. Lapidus
NELSON MULLINS RILEY & SCARBOROUGH LLP

The following order was entered:

The motion filed in this cause on the 3rd of July 2019 and designated 'Court Assigned Amicus Curiae's Motion to Seal Rule 9(B)(5) Supplement' is allowed. The attached Rule 9(b)(5) Supplement shall be filed under seal and shall not be made public in the absence of an order of this Court authorizing disclosure.

By order of the Court this the 8th of July 2019.

21 - OTHER BRIEF AMICUS
Filed: 07-03-2019 @ 13:29:22
FOR: Amicus Amicus
BY : Mr. Lorin J. Lapidus
NELSON MULLINS RILEY & SCARBOROUGH LLP

22 - RECORD SUPPLEMENT
Filed: 07-08-2019 @ 09:58:26
FOR: Amicus Amicus
BY : Mr. Lorin J. Lapidus

23 - M-SEAL (Allowed) - 07-18-2019
Filed: 07-15-2019 @ 17:00:18
FOR: Plaintiff-Appellant M.E.
BY : Ms. Irena Como
ACLU OF NORTH CAROLINA LEGAL FOUNDATION

The following order was entered:

The motion filed in this cause on the 15th of July 2019 and designated 'Plaintiff-Appellant's Motion to Seal' is allowed. The attached affidavit and Rule 9(B)(5) Supplement shall be treated as filed under seal and shall not be made public in the absence of an order of this Court authorizing such publication.

By order of the Court this the 18th of July 2019.

24 - APPELLANT BRIEF REPLY
Filed: 07-17-2019 @ 22:33:59
FOR: Plaintiff-Appellant M.E.
BY : Ms. Irena Como
ACLU OF NORTH CAROLINA LEGAL FOUNDATION

25 - RECORD SUPPLEMENT
Filed: 07-15-2019 @ 15:06:18
FOR: Plaintiff-Appellant M.E.
BY : Ms. Emily E. Seawell
ACLU OF NC

26 - MOTION CONSENT MOTION TO SET ORAL ARGUMENT SCHEDULE (Allowed) - 07-24-2019
Filed: 07-19-2019 @ 13:49:34
FOR:
BY : Mr. Ryan Y. Park
N.C. DEPARTMENT OF JUSTICE

The following order was entered:

The motion filed in this cause on the 19th of July 2019 and designated 'Consent Motion to Set Oral Argument Schedule' is allowed as requested in the motion.

By order of the Court this the 24th of July 2019.

27 - CT_ORDER COURT ORDER (Special Order) - 08-19-2019
Filed: 08-19-2019 @ 13:53:34
FOR:
BY : Hon. Linda M. McGee

The following order was entered:

This case by order was continued for oral argument and is currently scheduled to be heard on Tuesday, 20 August 2019, at 9:30 a.m. before a panel consisting of Chief Judge Linda M. McGee, Judge Lucy Inman and Judge John Arrowood. It is ordered that Judge Wanda Bryant and Judge John M. Tyson be substituted for Judge Inman and Judge Arrowood on this case.

IT IS NOW ORDERED that this case shall be orally argued before a panel consisting of Chief Judge Linda M. McGee, Judge Wanda Bryant and Judge John M. Tyson on Tuesday, 17 September 2019, at 9:30 a.m.

By order of the Court this the 19th of August 2019.

28 - M-SEAL (Dismissed as moot) - 11-08-2019
Filed: 10-28-2019 @ 17:00:59
FOR: Plaintiff-Appellant M.E.
BY : Ms. Emily McCool

The following order was entered:

The motion filed in this cause on the 28th of October 2019 and designated 'Appellant's Motion to Seal Rule 9(b)(6) Supplement' is dismissed as moot.

By order of the Court this the 8th of November 2019.

29 - M-SEAL
Filed: 10-31-2019 @ 13:52:58
FOR: Plaintiff-Appellant M.E.
BY : Ms. Emily E. Seawell
ACLU OF NORTH CAROLINA LEGAL FOUNDATION

The following order was entered:

The motion filed in this cause on the 31st of October 2019 and designated 'Plaintiff-Appellant's Motion to Supplement Record on Appeal and to Seal' is allowed. The attached supplement shall be treated as filed under seal and shall not be made public in the absence of an order of this Court.

By order of the Court this the 8th of November 2019.

30 - MEMOS ADD-AUTH
Filed: 06-15-2020 @ 21:08:00
FOR: Plaintiff-Appellant M.E.
BY : Ms. Irena Como
ACLU OF NORTH CAROLINA LEGAL FOUNDATION

31 - NA-DISSNT
 Filed: 01-14-2021 @ 12:55:07
 FOR: Amicus Amicus
 BY : Mr. Lorin J. Lapidus
 NELSON MULLINS RILEY & SCARBOROUGH LLP

32 - NA-DISSNT
 Filed: 02-01-2021 @ 12:05:40
 FOR: Amicus Amicus
 BY : Mr. Lorin J. Lapidus
 NELSON MULLINS RILEY & SCARBOROUGH LLP

Financial Information

Receipts

Date Charged	Charge Type	Amount Charged	Amount Paid	Document	Pages	Receipt #	Date Paid
07-08-2019	Printing	35.00	35.00	OTHER BRIEF	20	R072012919	07-17-2019
01-17-2019	Printing	52.50	52.50	OTHER BRIEF	30	R062005719	06-07-2019
01-10-2019	Printing	45.50	45.50	OTHER BRIEF	26	R022026919	02-11-2019
01-16-2021	Cert Fee	10.00	0.00				
01-17-2021	Assess	236.00	0.00				
01-10-2019	Printing	42.00	42.00	OTHER BRIEF	24	R012025019	01-23-2019
01-18-2019	Pro Hac Vice	225.00	225.00			R012019719	01-18-2019
10-22-2018	Docket Fee	10.00	10.00			R102032918	10-22-2018
10-22-2018	Bond	250.00	250.00			R102032918	10-22-2018
10-24-2018	Printing	80.50	80.50	RECORD	46	R112010918	11-06-2018
01-09-2019	Printing	92.75	92.75	APPELLANT BRIEF	53	R012029719	01-29-2019
07-22-2019	Printing	43.75	43.75	APPELLANT BRIEF	25	R082003619	08-05-2019

Payments

Payment Date	Payment Type	Amount	Check Number
	Disburse	477.00	0

Exhibits

Transcript(s) Electronically Filed

transcript-me-v-tj-june-7-2018-plaintiffs-50b-and-50c-motions-volume-1-of-1.pdf.pdf

Parties

Party Name	Role
M.E.	Plaintiff-Appellant
T.J.	Defendant-Appellee

Attorneys

Attorney for Plaintiff-Appellant - M.E.

Ms. Amily McCool [Primary Attorney]

Attorney at Law

amily@scharfflawfirm.com

SCHARFF LAW FIRM, PLLC

827 N. Bloodworth Street

Raleigh, NC 27604

(919) 457-1954

Attorney for Defendant-Appellee - T.J.

T. J. [Primary Attorney]

Pro Se

2211 Rada Drive

Durham, NC 27703

Attorney for - Amicus

Ms. Amalia Manolagas [Primary Attorney]

Attorney

avmanolagas@gmail.com

WOMBLE BOND DICKINSON (US) LLP

1 W. 4th Street

Winston-Salem, NC 27101

(501) 607-1784

Attorney for -

Ms. Celia Pistolis [Primary Attorney]

Attorney at Law

celiap@legalaiddnc.org

LEGAL AID OF NORTH CAROLINA, INC.

224 S. Dawson Street

Raleigh, NC 27601

(919) 856-2133

Attorney for -

Ms. Amy Vukovich [Primary Attorney]

Attorney at Law

amyv@legalaiddnc.org

LEGAL AID OF NORTH CAROLINA, INC

P.O. Box 26087

Raleigh, NC 27611

(919) 863-1453

Attorney for -

Ms. Sarah M. Saint [Primary Attorney]
Attorney at Law
ssaint@brookspierce.com
P.O. Box 26000
Greensboro, NC 27420
(336) 373-8850

Attorney for -

Mr. Eric M. David [Primary Attorney]
Attorney at Law
edavid@brookspierce.com
BROOKS, PIERCE, MCLENDON, HUMPHREY & LEONARD, L.L.P.
1700 Wells Fargo Capitol Center
150 Fayetteville Street
Raleigh, NC 27601
(919) 839-0300

Attorney for -

Mr. Kevin Hall [Primary Attorney]
kevin.hall@wbd-us.com
WOMBLE BOND DICKINSON
1221 Main Street
Suite 1600
Columbia, SC 29201
(803) 454-6504

Attorney for -

Mr. Ryan Y. Park [Primary Attorney]
Solicitor General
rpark@ncdoj.gov
P.O. Box 629
Raleigh, NC 27602
(919) 716-6900

Attorney for Plaintiff-Appellant - M.E.

Ms. Irena Como [Primary Attorney]
Attorney at Law
icom@acluofnc.org
ACLU OF NORTH CAROLINA LEGAL FOUNDATION
P.O. Box 28004
Raleigh, NC 27611
(919) 834-3466

Attorney for Plaintiff-Appellant - M.E.

Ms. Emily E. Seawell [Primary Attorney]

Attorney at Law

eseawell@acluofnc.org

ACLU OF NC

P. O. Box 28004

Raleigh, NC 27611

(919) 323-3380

Attorney for Amicus - Amicus

Mr. Lorin J. Lapidus [Primary Attorney]

Attorney at Law

lorin.lapidus@nelsonmullins.com

380 Knollwood Street

Suite 530

Winston-Salem, NC 27103

(336) 774-3329
