

MAY 25 2022

STATE OF NORTH CAROLINA
COUNTY OF HAYWOOD

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

FILE NUMBER: 19-CVS-1194

THE TOWN OF WAYNESVILLE,
a North Carolina Municipal Corporation,

Plaintiff,

v.

TRAVIS D. SMITH,

Defendant.

JOINT STIPULATION OF VOLUNTARY DISMISSAL

NOW COME the Plaintiff and the Defendant in the above-captioned matter, by and through undersigned counsel, pursuant to Rule 41 of the North Carolina Rules of Civil Procedure, and hereby give notice of their joint **VOLUNTARY DISMISSAL WITHOUT PREJUDICE** as to ALL CLAIMS, COUNTERCLAIMS, AND DEFENSES pled by BOTH PARTIES in the matter.

The Parties further stipulate that this notice of voluntary dismissal shall not be deemed as a waiver of any rights or remedies that either may have regarding the subject matter of the dispute between them, and likewise agree that the doctrines of collateral estoppel, judicial estoppel, issue preclusion, or res judicata shall not apply to either party in any future dispute between them as a result of this voluntary dismissal.

This 25th day of January, 2022.

LAW OFFICE OF MARTHA SHARPE
BRADLEY, PLLC

By: Martha Sharpe Bradley
Martha Sharpe Bradley
NC Bar No. 44243
Attorneys for Plaintiff
37 Church St., Ste. 2800
Waynesville, NC 28786
T/ (828) 220-4292

F/ (828) 220-5753

martha@sosharpe.com

THE SUTTON FIRM, P.A.

By: 

John R. Sutton, Jr.

70 Pisgah Hwy

P.O. Box 145

Candler, NC 28715

T/ (828) 667-5476

F/ (828) 667-0976

jsuttonjr@suttonfirm.com

HAYWOOD County

In The General Court Of Justice
Superior Court Division

Name Of Plaintiff(s)
TOWN OF WAYNESVILLE

VERSUS

Name Of Defendant(s)
TRAVIS SMITH

REPORT OF
MEDIATOR IN SUPERIOR
COURT CIVIL ACTION

Name And Address Of Mediator
W.O. BRAZIL III
77 CENTRAL AVENUE, SUITE E
ASHEVILLE, NC 28801

G.S. 7A-38.1; Rule 6(b)(4) of the Rules for Mediated
Settlement Conferences and Other Settlement
Procedures in Superior Court Civil Actions

Telephone No. Of Mediator
828-777-9997

Fax No. Of Mediator (if applicable)

- The undersigned mediator reports the following results of a mediated settlement conference either
 ordered or voluntarily conducted in this case:
 - Conference was held. was not held.
 - If held, date conference was completed: 12/21/2002
 - If not held, the reasons were: _____
- If the case was reported settled prior to or during a recess of the conference, provide the name(s) of the person(s) who reported the case settled: _____
- The parties reached an: agreement on all issues. impasse.
- If the case was settled, then, as required by MSC Rule 6(b)(4)(b), the mediator has advised the parties that MSC Rule 4(c) requires that closing documents be filed with the court within 30 days of settlement (or 90 days if a State or political subdivision is involved) or before expiration of the mediation deadline, whichever is longer. The following closing document is to be filed:
 - consent judgment. voluntary dismissal with prejudice. voluntary dismissal without prejudice.
 - Name, address, email, and telephone number of party or attorney who is to file the closing document:
 Name: _____
 Address: 37 Church St. Suite 2800 Waynesville NC
 Telephone number: (828) 220-4292 Email Address: martha@sshharpe.com
- Names of those who attended the conference:

Name	Affiliation (e.g., party, attorney, insurance company representative, lienholder, or other)
Martha Sharpe	Atty
Robert Hites	Town Administrator
Byron Hickox	Town Zoning Officer
Tom McGuire	Building Inspector
Travis Smith	Talender
John Sutter	Army

Original-File Copy-Senior Resident Superior Court Judge or his/her designee Copy-Plaintiff Copy-Defendant
(Over)

Name	Affiliation (e.g., party, attorney, insurance company representative, lienholder, or other)

	MEDIATOR'S FEE	
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	Court-Appointed Mediator	Party-Selected Mediator
ADMINISTRATIVE FEE (MSC Rule 7(b) or as privately agreed with party-selected mediator)	\$ 175.00	\$ 300.00
MEDIATION FEE (MSC Rule 7(b): \$150.00 per hour for time spent in conference for court-appointed mediator, billed in quarter hour segments, or privately set fee for party-selected mediator) Total Time Spent in Mediated Settlement Conference(s): <u>2</u> Hours <u>15</u> Minutes	\$	\$ 675
POSTPONEMENT/CANCELLATION FEE (MSC Rule 7(e) or as privately agreed with party-selected mediator)	\$	\$
TOTAL FEE	\$ 175.00	\$ 975.00

All fees of the mediator have been paid, except as follows:

Name Of Party Owning Balance	Address Of Party	Amount Of Balance
		\$
		\$
		\$
		\$

Name of any party filing Petition For Relief From Obligation To Pay Mediator's Fee: *(Please attach Petition For Relief.)*

I have filed this report with the Court as required within ten (10) days after conclusion of the conference or within ten (10) days of being advised by a party that this case settled before the date scheduled for mediation or during a recess of the conference.

Date 12/21/2021	Name Of Mediator (type or print) W.O. BRAZIL III	Signature Of Mediator
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STATE OF NORTH CAROLINA

File No.

19 CVS 1194

HAYWOOD

County

NOV 23 PM 4:05

In The General Court Of Justice
Superior Court Division

Name Of Plaintiff(s)

THE TOWN OF WAYNESVILLE, A NC Municipal Corporation

VERSUS

BY

MOTION AND ORDER FOR CONTINUANCE
(CIVIL SUPERIOR CASES)

Name Of Defendant(s)

TRAVIS D. SMITH

NOTE: This form is made available for use by parties, but its use is not mandatory and the form is not intended to replace local forms or procedures that may be in place for the requesting of continuances. If by Local Rule a different form or procedure is prescribed, then this form should not be used.

Previous Number Of Continuances

4

Date Case Filed

11/05/2019

Calendared Trial Date

11/29/2021

Opposing Counsel/Pro Se Parties

Martha Bradley

Copy(ies) Distributed To Opposing Counsel(s)/Party(ies) By

U.S. Mail Facsimile Hand Delivery Atty Box

Date

11/22/2021

Provide Addresses Here:

37 Church Street, Suite 2800
Waynesville, NC 28786

Reason(s) For Continuance Request (attach additional sheet if necessary)

The Town of Waynesville has recently retained counsel, having released its prior attorney. The undersigned has discussed settlement of the matter with The Town of Waynesville's new counsel and the parties desire to return to mediation. Additional time is necessary to schedule a mediated settlement conference. The undersigned has not requested a continuance previously in this matter.

Requested Reschedule Date Or Carryover Date

12/15/2021

Name And Address Of Movant

John R. Sutton, Jr.

The Sutton Firm, P.A.

P.O. Box 145

Candler,

NC 28715

Telephone No.

828-667-5476

Has Client(s) Been Notified Of Continuance Request?

(not applicable if pro se)

Yes No

Signature Of Movant

Date Issued

11/22/2021

Opposing party

consents to this motion. does not consent to this motion.

Other:

TO BE COMPLETED BY JUDICIAL SUPPORT STAFF

Objection(s) Received?

(attach written objections)

Yes No

Date

Case Age:

Less Than 12 Months 12 to 18 Months
 More Than 18 Months

Total No. Of Cases On Trial Calendar

Current Ranking Of This Case On Trial Calendar

Date Case Set On This Trial Calendar

Attorney input into trial setting?

Yes No

Ruling:

Denied Granted

Date Rescheduled

1/24/22

Counsel Notified Of Ruling By

Date

Date

11/23/21

Name Of Senior Resident Superior Court Judge/Designee (type or print)

Hon. Bradley B. Letts

Signature Of Senior Resident Superior Court Judge/Designee

Original - Case File

STATE OF NORTH CAROLINA

File No.

19 CVS 1194

HAYWOOD County

In The General Court Of Justice
Superior Court Division

FILED

Name Of Plaintiff(s)

THE TOWN OF WAYNESVILLE, A NC Municipal Corporation

2021 NOV 21

P 1:05

MOTION AND ORDER FOR CONTINUANCE
(CIVIL SUPERIOR CASES)

VERSUS

Name Of Defendant(s)

TRAVIS D. SMITH

HAYWOOD CO., C.S.C.
BY

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Previous Number Of Continuances

4

Date Case Filed

11/05/2019

Calendared Trial Date

11/29/2021

Opposing Counsel/Pro Se Parties

Martha Bradley

Copy(ies) Distributed To Opposing Counsel(s)/Party(ies) By

U.S. Mail Facsimile Hand Delivery Atty Box

Date

11/22/2021

Provide Addresses Here:

37 Church Street, Suite 2800
Waynesville, NC 28786

Reason(s) For Continuance Request (attach additional sheet if necessary)

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Requested Reschedule Date Or Carryover Date

12/15/2021

Name And Address Of Movant

John R. Sutton, Jr.

The Sutton Firm, P.A.

P.O. Box 145

Candler,

NC

28715

Telephone No.

828-667-5476

Has Client(s) Been Notified Of Continuance Request?

(not applicable if pro se)

Yes No

Date Issued

11/22/2021

Signature Of Movant

Opposing party

consents to this motion. does not consent to this motion.

Other:

TO BE COMPLETED BY JUDICIAL SUPPORT STAFF

Objection(s) Received?

(attach written objections)

Yes No

Date

Case Age:

Less Than 12 Months 12 to 18 Months

More Than 18 Months

Total No. Of Cases On Trial Calendar

Current Ranking Of This Case On Trial Calendar

Date Case Set On This Trial Calendar

Attorney input into trial setting?

Yes No

Ruling:

Denied Granted

Date Rescheduled

Counsel Notified Of Ruling By

Date

Date

Name Of Senior Resident Superior Court Judge/Designee (type or print)

Signature Of Senior Resident Superior Court Judge/Designee

Original - Case File

FILED

STATE OF NORTH CAROLINA
COUNTY OF HAYWOOD

NOV 28 AM 11:11
HAYWOOD COUNTY, C.S.C.

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
File 19 CvS 1194

TOWN OF WAYNESVILLE,
a North Carolina Municipal Corporation)
)
)
Plaintiff,)
)
)
vs.)
)
TRAVIS D. SMITH)
Defendant.)
_____)

**ORDER ALLOWING
WITHDRAWAL OF ATTORNEY**

THIS MOTION of the attorney Ronald E. Sneed to withdraw as attorney for the Plaintiff for the Plaintiff coming on to be heard and being considered by the undersigned judge presiding over the Superior Court for Buncombe County, North Carolina, and the Court having considered the circumstances and noted the appearance in this matter of a new attorney for the Plaintiff, as well as the time before this matter will come on for trial which will allow new counsel to prepare for trial if this matter is not otherwise resolved.

This Court finds that the interests of the parties are protected and will not be prejudiced by the withdrawal of Ronald E. Sneed as attorney for the Plaintiff,

IT IS NOW, THEREFORE, ORDERED that Ronald E. Sneed is hereby allowed to withdraw and is removed as attorney of record for the Plaintiff.

This the 15th day of October, 2021.

Judge Presiding *B. Leth*

I consent:
[Signature]

John R. Sutton, Jr.
Attorney for Defendant

FILED

STATE OF NORTH CAROLINA
COUNTY OF HAYWOOD 2021 OCT 28 AM 10:11

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
File 19 CvS 1194

WAYWOOD COUNTY, C.S.C.

TOWN OF WAYNESVILLE,)
a North Carolina Municipal Corporation)

Plaintiff,)

vs.)

TRAVIS D. SMITH)
Defendant.)

MOTION TO WITHDRAW

NOW COMES the undersigned Ronald E. Sneed who shows unto the Court that he is no longer the attorney for the Plaintiff Town of Waynesville, North Carolina, as he appeared in this case in his capacity as interim town attorney, the Town has now selected a new town attorney who has filed her Notice of Appearance in this matter and the attorney for the Defendant has indicated his consent to the withdrawal of the undersigned.

Trial of this matter is not imminent and the new Town Attorney will have adequate time to prepare for trial if the case is not otherwise resolved.

This the 5 day of October, 2021.

RONALD E. SNEED, P.A.

By: 


Ronald E. Sneed
PO Box 995
Black Mountain, NC 28711
Phone: 828-669-7953
Fax: 828-669-4322
State Bar No. 8513

FILED

CERTIFICATE OF SERVICE

This is to certify that I have this day served John R. Sutton, Jr., Attorney for Defendant in the above entitled action, with a copy of this Notice of Appearance by depositing in the United States mail a copy of same in a properly addressed envelope with adequate postage thereon in the manner prescribed by Rule 5 of the Rules of Civil Procedure.

This the 5 day of October, 2021.



Ronald E. Sneed

Attorney for Plaintiff
P.O. Box 995
Black Mountain, NC 28711
(828) 669-7953

STATE OF NORTH CAROLINA
COUNTY OF HAYWOOD

FILED
SEP 17 2021
HAYWOOD COUNTY, N.C.

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

File 19 CvS 1194

TOWN OF WAYNESVILLE,)
a North Carolina Municipal Corporation)

Plaintiff,)

vs.)

TRAVIS D. SMITH)
Defendant.)

NOTICE OF APPEARANCE

NOW COMES the undersigned Martha Sharpe Bradley who makes this general appearance in the above styled matter on behalf of the Plaintiff and hereby gives notice of such general appearance.

This the 16th day of September, 2021.

Law Office of Martha Sharpe Bradley, PLLC

By: Martha Sharpe Bradley

Martha Sharpe Bradley
37 Church Street, Suite 2800
Waynesville, NC 28786
Phone/Fax: 828-220-4292
State Bar No. 44243

CERTIFICATE OF SERVICE

This is to certify that I have this day served John R. Sutton, Jr., Attorney for Defendant in the above entitled action, with a copy of this Notice of Appearance by depositing in the United States mail a copy of same in a properly addressed envelope with adequate postage thereon in the manner prescribed by Rule 5 of the Rules of Civil Procedure.

This the 16th day of September, 2021.

Martha Sharpe Bradley
Law Office of Martha Sharpe Bradley, PLLC
37 Church St., Ste. 2800
Waynesville, NC 28786
T/F (828) 220-4292
martha@sosharpe.com

FILED
2021 SEP 17 AM 8:11
AYRHOOD COUNTY, N.C.

STATE OF NORTH CAROLINA

File No.

19 Cvs 1194

HAYWOOD County

In The General Court Of Justice Superior Court Division

Name Of Plaintiff(s) THE TOWN OF WAYNESVILLE, a North Carolina Municipal Coporation

VERSUS

Name Of Defendant(s) TRAVIS D SMITH

FILED

2021 JUL 21

HAYWOOD CO., C.S.C.

MOTION AND ORDER FOR CONTINUANCE (CIVIL SUPERIOR CASES)

NOTE: This form is made available for use by parties, but its use is not mandatory and the form is not intended to replace local forms or procedures that may be in place for the requesting of continuances. If by Local Rule a different form or procedure is prescribed, then this form should not be used.

Previous Number Of Continuances 3

Date Case Filed 11/05/2019

Calendared Trial Date 07/26/2021

Opposing Counsel/Pro Se Parties John R. Sutton, Jr.

Copy(ies) Distributed To Opposing Counsel(s)/Party(ies) By [X] U.S. Mail [X] Facsimile [] Hand Delivery [] Atty Box

Date 07/19/2021

Provide Addresses Here: PO Box 145 Candler, NC 28715

Reason(s) For Continuance Request (attach additional sheet if necessary)

The Town of Waynesville released its prior attorney and the undersigned, the interim town attorney, has had insufficient time to familiarize himself with the case, explore settlement possibilities that prior counsel may not have considered or had the authority to propose, or to prepare for trial

Requested Reschedule Date Or Carryover Date 10/04/2021

Name And Address Of Movant Ronald E Sneed PO Box 995

Has Client(s) Been Notified Of Continuance Request? (not applicable if pro se) [X] Yes [] No

Black Mountain NC 28711 Telephone No. 828-669-7953

Date Issued

Signature Of Movant [Signature]

Opposing party [] consents to this motion. [] does not consent to this motion. [X] Other: Unknown on this date as counsel is out of office until Wednesday, July 21, 2021

TO BE COMPLETED BY JUDICIAL SUPPORT STAFF

Objection(s) Received? (attach written objections) [] Yes [] No

Date

Case Age: [] Less Than 12 Months [] 12 to 18 Months [] More Than 18 Months

Total No. Of Cases On Trial Calendar

Current Ranking Of This Case On Trial Calendar

Date Case Set On This Trial Calendar

Attorney input into trial setting? [] Yes [] No

Ruling: [] Denied [X] Granted

Date Rescheduled 11/29/21

Counsel Notified Of Ruling By

Date

Date 7/26/21

Name Of Senior Resident Superior Court Judge/Designee (type or print) Hon. Bradley B. Letts

Signature Of Senior Resident Superior Court Judge/Designee [Signature]

Original - Case File

FILED

STATE OF NORTH CAROLINA
COUNTY OF HAYWOOD

2021 JUL 13 PM 4:06

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
File 19 Cvs 1194

HAYWOOD COUNTY, C.S.C.

TOWN OF WAYNESVILLE,
a North Carolina Municipal Corporation)

Plaintiff,)

vs.)

TRAVIS D. SMITH,
Defendant.)

NOTICE OF APPEARANCE

NOW COMES the undersigned Ronald E. Sneed who makes this general appearance in the above styled matter on behalf of the Plaintiff and hereby gives notice of such general appearance.

This the 13 day of July, 2021.

RONALD E. SNEED, P.A.

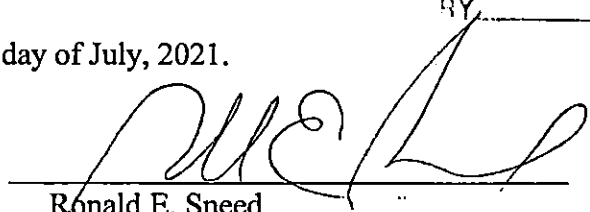
By: 

Ronald E. Sneed
PO Box 995
Black Mountain, NC 28711
Phone: 828-669-7953
Fax: 828-669- 4322
State Bar No. 8513

CERTIFICATE OF SERVICE FILED

This is to certify that I have this day served John R. Sutton, Jr., Attorney for Defendant in the above entitled action, with a copy of this Notice of Appearance by depositing in the United States mail a copy of same in a properly addressed envelope with adequate postage thereon in the manner prescribed by Rule 5 of the Rules of Civil Procedure.

This the 13 day of July, 2021.



Ronald E. Sneed
Attorney for Plaintiff
P.O. Box 995
Black Mountain, NC 28711
(828) 669-7953

STATE OF NORTH CAROLINA

File No.

19 Cvs 1194

HAYWOOD County

FILED

In The General Court Of Justice
District Superior Court Division

Name And Address Of Plaintiff 1
TOWN OF WAYNESVILLE
PO Box 100

2021 JUL 13 PM 4:06

Waynesville NC

HAYWOOD COUNTY, C.S.C. 28786

GENERAL

CIVIL ACTION COVER SHEET

Name And Address Of Plaintiff 2

INITIAL FILING SUBSEQUENT FILING

Rule 5(b) of the General Rules of Practice for the Superior and District Courts

VERSUS

Name And Address Of Defendant 1

TRAVIS D SMITH
140 Brown Avenue

Name And Address Of Attorney Or Party, If Not Represented
(complete for initial appearance or change of address)

Ronald E Sneed
PO Box 995

Waynesville NC 28786

Black Mountain NC 28711

Summons Submitted

Yes No

Telephone No.

828-669-7953

Cellular Telephone No.

NC Attorney Bar No.

8513

Attorney Email Address

ron@sneedlaw.com

Name And Address Of Defendant 2

Initial Appearance in Case Change of Address

Name Of Firm

Ronald E Sneed PA

Fax No.

828-669-4322

Summons Submitted

Yes No

Counsel For

All Plaintiffs All Defendants Only (list party(ies) represented)

Jury Demanded In Pleading Complex Litigation Stipulate to Arbitration

TYPE OF PLEADING

(check all that apply)

- Amend (AMND)
Amended Answer/Reply (AMND-Response)
Amended Complaint (AMND)
Assess Costs (COST)
Answer/Reply (ANSW-Response) (see Note)
Change Venue (CHVN)
Complaint (COMP)
Confession Of Judgment (CNFJ)
Consent Order (CONS)
Consolidate (CNSL)
Contempt (CNTP)
Continue (CNTN)
Compel (CMPL)
Counterclaim (CTCL) Assess Court Costs
Crossclaim (list on back) (CRSS) Assess Court Costs
Dismiss (DISM) Assess Court Costs
Exempt/Waive Mediation (EXMD)
Extend Statute Of Limitations, Rule 9 (ESOL)
Extend Time For Complaint (EXCO)
Failure To Join Necessary Party (FJNP)

- Failure To State A Claim (FASC)
Implementation Of Wage Withholding In Non-IV-D Cases (OTHR)
Improper Venue/Division (IMVN)
Including Attorney's Fees (ATTY)
Intervene (INTR)
Interplead (OTHR)
Lack Of Jurisdiction (Person) (LJPN)
Lack Of Jurisdiction (Subject Matter) (LJSM)
Modification Of Child Support In IV-D Actions (MSUP)
Notice Of Dismissal With Or Without Prejudice (VOLD)
Petition To Sue As Indigent (OTHR)
Rule 12 Motion In Lieu Of Answer (MDLA)
Sanctions (SANC)
Set Aside (OTHR)
Show Cause (SHOW)
Transfer (TRFR)
Third Party Complaint (list Third Party Defendants on back) (TPCL)
Vacate/Modify Judgment (VCMD)
Withdraw As Counsel (WDCN)
Other (specify and list each separately)
NOTICE OF APPEARANCE

NOTE: All filings in civil actions shall include as the first page of the filing a cover sheet summarizing the critical elements of the filing in a format prescribed by the Administrative Office of the Courts, and the Clerk of Superior Court shall require a party to refile a filing which does not include the required cover sheet. For subsequent filings in civil actions, the filing party must include either a General Civil (AOC-CV-751), Motion (AOC-CV-752), or Court Action (AOC-CV-753) cover sheet.

(Over)