

An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority.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

2022-NCCOA-866

No. COA22-322

Filed 20 December 2022

Moore County, No. 21 CVS 902

MCLENDON HILLS EQUESTRIAN CENTER, LLC, Plaintiff,

v.

NORTH CAROLINA DEPARTMENT OF TRANSPORTATION, Defendant.

Appeal by Plaintiff from order entered on 20 October 2021 by Judge James M. Webb in Moore County Superior Court. Heard in the Court of Appeals 1 November 2022.

*The Justice Firm, LLC, by Keenya T. Justice, for Plaintiff-Appellant.*

*Attorney General Joshua H. Stein, by Assistant Attorney General Kelly A. Moore, for Defendant-Appellee.*

JACKSON, Judge.

¶ 1

This case is identical to *Equestrian Lakes, LLC v. North Carolina Department of Transportation*, 2022-NCCOA-321, except this case involves a different parcel of land for which Plaintiff seeks damages for Defendant's alleged interference with the land. The trial court heard both cases simultaneously, and dismissed both with

prejudice.

¶ 2

For the reasons stated in *Equestrian Lakes*, we affirm the trial court's order. The Deed for Highway Right of Way attached to Plaintiff's complaint as Exhibit C was an affirmative bar to Plaintiff's recovery because the complaint quoted a release identical to that in *Equestrian Lakes* and Defendant compensated Plaintiff. Accordingly, the trial court properly dismissed Plaintiff's complaint.

AFFIRMED.

Chief Judge STROUD and Judge HAMPSON concur.

Report per Rule 30(e).