No. 409PA15 THREE-B DISTRICT

## Supreme Court of North Carolina

## **GREGORY P. NIES and DIANE S. NIES**

٧

## TOWN OF EMERALD ISLE, a North Carolina Municipality

From N.C. Court of Appeals ( 15-169 ) From Carteret ( 11CVS1569 )

14 December 2016

Appeal dismissed ex mero motu by order of the Court in Conference, this the 14th day of December 2016.

s/ Ervin, J. For the Court

WITNESS my hand and the seal of the Supreme Court of North Carolina, this the 14th day of December,

2016.



J. Bryan Boyd

Clerk, Supreme Court of North Carolina

M. C. Hackney

Assistant Clerk, Supreme Court Of North Carolina

Copy to:

North Carolina Court of Appeals

Mr. J. David Breemer, Attorney at Law, For Nies, Gregory P., et al

Mr. Keith P. Anthony, Attorney at Law, For Nies, Gregory P., et al

Mr. Brian E. Edes, Attorney at Law, For Town of Emerald Isle

Mr. Norwood P. Blanchard, III, Attorney at Law, For Town of Emerald Isle

Mr. Elliot Engstrom, Attorney at Law, For Civitas Institute Center for Law and Freedom

Mr. Robert H. Thomas, Attorney at Law, Pro Hac Vice, For Owners' Counsel of America, et al.

Mr. Jason T. Campbell, Attorney at Law, For Owners' Counsel of America, et al.

Mr. James Patrick Longest, Jr., Attorney at Law, For Surfrider Foundation

Mr. Geoffrey R. Gisler, Attorney at Law, For Southern Environmental Law Center

Mr. Derb S. Carter, Jr., Attorney at Law, For Southern Environmental Law Center

Ms. Mary Louise Lucasse, Special Deputy Attorney General, For N.C. Coastal Resources Commission

Mr. Todd S. Roessler, Attorney at Law, For Graham Kenan Profeesor of Law Emeritus Joseph Kalo, et al.

Mr. Phillip A. Harris, Jr., Attorney at Law, For Graham Kenan Profeesor of Law Emeritus Joseph Kalo, et al.

Mr. Joseph S. Dowdy, Attorney at Law, For Graham Kenan Profeesor of Law Emeritus Joseph Kalo, et al.

Mr. Joseph J. Kalo, Attorney at Law, For Graham Kenan Profeesor of Law Emeritus Joseph Kalo, et al.

Ms. Amy Y. Bason, General Counsel, For Graham Kenan Profeesor of Law Emeritus Joseph Kalo, et al.

Mr. Walter Derrickson Taylor, Attorney at Law, For Graham Kenan Profeesor of Law Emeritus Joseph Kalo, et al.

Mr. Neil B. Whitford, Attorney at Law, For Graham Kenan Profeesor of Law Emeritus Joseph Kalo, et al.

Mr. Garris Neil Yarborough, Attorney at Law, For Graham Kenan Profeesor of Law Emeritus Joseph Kalo, et al.

Mr. Charles S. Lanier, Attorney at Law, For Graham Kenan Profeesor of Law Emeritus Joseph Kalo, et al.

Mr. Carl W. Thurman, III, Attorney at Law, For Graham Kenan Profeesor of Law Emeritus Joseph Kalo, et al.

Mr. Stephen D. Coggins, Attorney at Law, For Graham Kenan Profeesor of Law Emeritus Joseph Kalo, et al.

Ms. Wanda M. Copley, County Attorney, For Graham Kenan Profeesor of Law Emeritus Joseph Kalo, et al.

Mr. John C. Wessell, III, Attorney at Law, For Graham Kenan Profeesor of Law Emeritus Joseph Kalo, et al.

Ms. Charlotte Noel Fox, Attorney at Law, For Graham Kenan Profeesor of Law Emeritus Joseph Kalo, et al.

Mr. A. A. Canoutas, Attorney at Law, For Graham Kenan Profeesor of Law Emeritus Joseph Kalo, et al.

Mr. Robert V. Shaver, Jr., Attorney at Law, For Graham Kenan Profeesor of Law Emeritus Joseph Kalo, et al.

Mr. Charles S. Baldwin, IV, Attorney at Law, For Graham Kenan Profeesor of Law Emeritus Joseph Kalo, et al.

Mr. Justin K. Humphries, Attorney at Law, For Graham Kenan Profeesor of Law Emeritus Joseph Kalo, et al.

Mr. Michael R. Isenberg, Attorney at Law, For Graham Kenan Profeesor of Law Emeritus Joseph Kalo, et al.

Mr. G. Grady Richardson, Jr., Attorney at Law, For Graham Kenan Profeesor of Law Emeritus Joseph Kalo, et al.

Mr. John F. Maddrey, Solicitor General, For State of North Carolina Ex Rel. Attorney General Roy Cooper

Ms. Elizabeth A. Fisher, Assistant Solicitor General, For State of North Carolina Ex Rel. Attorney General Roy Cooper

Mr. Marc Bernstein, Special Deputy Attorney General, For State of North Carolina Ex Rel. Attorney General Roy Cooper

Mr. J. Mitchell Armbruster, Attorney at Law, For N.C. Travel and Tourism Coalition, et al.

Mr. B. Davis Horne, Jr., Attorney at Law, For N.C. Travel and Tourism Coalition, et al.

Ms. Eva G. Frongello, Attorney at Law, For N.C. Travel and Tourism Coalition, et al.

Mr. Sam Hayes, Attorney at Law, For Department of Environmental Quality, et al.

Mr. David B. Efird, Deputy General Counsel, For Department of Envirnmental Quality, et al.

Ms. Beth A. Onyenwoke, Attorney at Law, For Department of Envirnmental Quality, et al.

Mr. Kevin V. Howell, Attorney at Law, For Department of Envirnmental Quality, et al.

Mr. Benjamin Marshall Gallop, Attorney at Law, For County of Dare, et al.

Mr. John D. Leidy, Attorney at Law, For County of Dare, et al.

Mr. Robert B. Hobbs, Jr., Attorney at Law, For County of Dare, et al.

Mr. Donald I. McRee, Jr., Currituck County Attorney, For County of Dare, et al.

Mr. Ronald G. Baker, Attorney at Law, For County of Dare, et al.

Mr. Casey C. Varnell, Attorney at Law, For County of Dare, et al.

Mr. J. Allen Jernigan, Attorney at Law, For Town of Emerald Isle

West Publishing

Lexis-Nexis