

# North Carolina Court of Appeals

Court of Appeals Building  
One West Morgan Street  
Raleigh, North Carolina 27601

## Supplemental Calendar

Monday, 2 March 2009

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT DURING THE WEEK OF **2 MARCH 2009** BY PANEL TO BE DESIGNATED BY THE CHIEF JUDGE. COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v Byrd	08-636	Mecklenburg
State v Orr	08-744	Mecklenburg
State v Reardon	08-780	Cleveland
State v McMurrin	08-838	Pasquotank
State v Sweat	08-848	Lee
State v Hatten	08-874	Cleveland
State v Chafin	08-895	Burke
State v Platt	08-926	Guilford
In the Matter of: M.A.M.	08-968	Guilford

Sent Date: 27 January 2009

# North Carolina Court of Appeals

Court of Appeals Building  
One West Morgan Street  
Raleigh, North Carolina 27601

This calendar is available at: <https://appellate.nccourts.org/calendar.php?court=2>

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## COURT CALENDAR BY PANEL

Monday, 9 March 2009

### PANEL NO. 1

HONORABLE JOHN C. MARTIN  
HONORABLE JAMES A. WYNN, JR.  
HONORABLE SAM J. ERVIN, IV

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **MONDAY, 9TH OF MARCH 2009 AT 1:00 p.m.**

State v Seneca-Cayuga Tobacco Company	08-812	Wake
Bauman v WoodLake Partners, LLC	08-897	Moore
Hamby v Profile Products, LLC	08-942	Caldwell

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **MONDAY, 9TH OF MARCH 2009.** COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v Faulise	08-1124	Mecklenburg
State v Reaves	08-1128	Columbus
State v Via	08-1147	Nash
Fields v Gurkin Construction Co., et al	08-419	N.C. Industrial Commission
Smith v Adams	08-763	Mecklenburg
Murray v Lorillard Tobacco Company	08-778	N.C. Industrial Commission
Pruitt v Pruitt	08-879	Mecklenburg
Boor v Spectrum Homes, Inc.	08-888	Wake
Silva v Lowe's Home Improvement	08-943	N.C. Industrial Commission

Sent Date: 6 February 2009

# North Carolina Court of Appeals

Court of Appeals Building  
One West Morgan Street  
Raleigh, North Carolina 27601

## Supplemental Calendar

Monday, 9 March 2009

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT DURING THE WEEK OF **9 MARCH 2009** BY PANEL TO BE DESIGNATED BY THE CHIEF JUDGE. COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

In The Matter Of: D.L.M., et al	08-1113	Pasquotank
In The Matter Of: J.C., D.C., K.C.	08-1339	Onslow
In The Matter Of: K..L.	08-1353	Davidson
In The Matter Of: J.M.W. and R.M.W.	08-1427	Alamance
In Re: A.L.	08-1439	Harnett
In Re: G.V., C.A., Z.H.	08-1487	Currituck

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## COURT CALENDAR BY PANEL

Tuesday, 10 March 2009

### PANEL NO. 2

HONORABLE LINDA M. MCGEE  
HONORABLE MARTHA A. GEER  
HONORABLE CHERI BEASLEY

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **TUESDAY, 10TH OF MARCH 2009 AT 9:30 a.m.**

Granger v University of NC	08-992	Wake
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THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **TUESDAY, 10TH OF MARCH 2009.** COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v Wilson	08-782	Guilford
State v Lowry	08-845	Pasquotank
State v Burton	08-973	Caswell
In the Matter of: M.S.	08-1016	Guilford
Sullivan v Pender County	08-1037	Pender
Keal v Keal	08-1067	Mecklenburg
Hewett v Brunswick County	08-1071	Brunswick
In The Matter of: D.S.	08-1078	Robeson
East Camp, L.L.C. v Spruill, et al	08-1081	Tyrrell
Clayton v Mini Data Forms, Inc.	08-1119	N.C. Industrial Commission
Webb v Webb	08-1150	Alamance

Sent Date: 6 February 2009

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## COURT CALENDAR BY PANEL

Wednesday, 11 March 2009

### PANEL NO. 3

HONORABLE ROBERT C. HUNTER  
HONORABLE ANN MARIE CALABRIA  
HONORABLE ROBERT N. HUNTER, JR.

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **WEDNESDAY, 11TH OF MARCH 2009 AT 9:30 a.m.**

Sanders v State Personnel Commission	08-1179	Wake
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THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 11TH OF MARCH 2009**. COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v Graham	08-1046	Guilford
State v Simpson	08-1059	Mecklenburg
State v Crocker	08-1062	Rowan
Onslow County v Willingham	08-1120	Onslow
Woods v Mangum	08-1134	Durham
Christopher Brown BS v Healthsoft, Inc.	08-1173	Catawba
Peach v City of High Point	08-1174	Guilford
Badstein v Badstein	08-1176	Orange
Sutton v Sutton	08-1178	Wayne
Raef v Union County Public Schools	08-1196	Union
State, Midgett v Midgett	08-1198	Dare

Sent Date: 6 February 2009

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## COURT CALENDAR BY PANEL

Wednesday, 11 March 2009

### PANEL NO. 4

HONORABLE WANDA G. BRYANT  
HONORABLE RICK ELMORE  
HONORABLE SANFORD STEELMAN

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **WEDNESDAY, 11TH OF MARCH 2009 AT 1:00 p.m.**

Mileski v McConville	08-1216	Guilford
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THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 11TH OF MARCH 2009**. COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v Mintz	08-1075	Haywood
State v Hernandez	08-1112	Forsyth
State v Disroe	08-1121	Wake
NC Farm Bureau v Morgan, et al	08-1206	Wake
Miller v Progressive American Ins. Co.	08-1207	Wake
FMB, Inc. v Creech, et al	08-1208	Wilson
Smithey v Nationwide Mutual Ins. Co.	08-1221	Wilkes
Masood v Erwin Oil Company	08-1226	N.C. Industrial Commission
Tatum v The Skin Surgery Center P.A.	08-1243	Forsyth
Duffy v Hanesbrands, Inc.	08-1247	N.C. Industrial Commission
Branham v Jackson	08-1254	Harnett

Sent Date: 6 February 2009

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## COURT CALENDAR BY PANEL

Thursday, 12 March 2009

### PANEL NO. 5

HONORABLE BARBARA JACKSON  
HONORABLE LINDA STEPHENS  
HONORABLE DONNA STROUD

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **THURSDAY, 12TH OF MARCH 2009 AT 9:30 a.m.**

In The Matter Of: Bradburn	08-1263	Iredell
Kaplan v O.K. Technologies, et al	08-1297	Guilford

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **THURSDAY, 12TH OF MARCH 2009.** COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v Canady	08-1168	Guilford
State v McNeil	08-1169	Wilson
State v Black	08-1180	Mecklenburg
Ford v Rodriguez	08-1266	Wake
Pigg v Massagee	08-1270	Henderson
Lefever v Taylor	08-1278	Watauga
Goodson v Affiliated Computer Services	08-1281	N.C. Industrial Commission
Smart v State of NC	08-1286	Pasquotank
Garland v BB&T, et al	08-1296	Harnett
Pearman v Dennis	08-1317	Guilford

Sent Date: 6 February 2009

# North Carolina Court of Appeals

Court of Appeals Building  
One West Morgan Street  
Raleigh, North Carolina 27601

## Supplemental Calendar

Monday, 16 March 2009

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT DURING THE WEEK OF **16 MARCH 2009** BY PANEL TO BE DESIGNATED BY THE CHIEF JUDGE. COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v Ingram	08-810	Henderson
State v Williams	08-875	Wake
In The Matter Of: W.W.	08-893	Mecklenburg
Cadlerock, L.L.C. v Carolina Koolers	08-974	Mecklenburg
CadleRock, L.L.C. v Carolina Koolers	08-975	Mecklenburg
State v McFadden	08-1125	Mecklenburg

Sent Date: 16 February 2009



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## COURT CALENDAR BY PANEL

Thursday, 19 March 2009

### PANEL NO. 3

HONORABLE ROBERT C. HUNTER  
HONORABLE ANN MARIE CALABRIA  
HONORABLE ROBERT N. HUNTER, JR.

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **THURSDAY, 19TH OF MARCH 2009 AT 9:30 a.m.**

State v Roach	08-720	Guilford
The NC State Bar v Sossomon	08-1248	N.C. State Bar

**NOTE:** Oral argument will be held at the following location:

**Elon University School of Law**

# North Carolina Court of Appeals

Court of Appeals Building  
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Raleigh, North Carolina 27601

## Supplemental Calendar

Monday, 23 March 2009

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT DURING THE WEEK OF **23 MARCH 2009** BY PANEL TO BE DESIGNATED BY THE CHIEF JUDGE. COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

Gabice v Harbor	08-634	Mecklenburg
State v Blood	08-645	Mecklenburg
State v Amick	08-760	Wake
State v Bakri	08-853	Johnston
State v Davidson	08-850	Buncombe
State v Walston	08-889	Wake
State v Warran	08-931	Perquimans
State v Shive	08-921	Gaston
State v Murphy	08-956	Davidson
State v Johnson	08-990	Mecklenburg
State v Underwood	08-949	Jackson
State v Smith	08-1031	Wayne
State v Barnes	08-1096	Moore
State v Lynch	08-1175	Nash
State v Kingston	08-1201	Rockingham
State v George	08-1301	Guilford
State v McDuffie	08-1302	Forsyth
State v Wells	08-1310	Sampson
State v Flowe	08-1311	Mecklenburg

Sent Date: 20 February 2009

# North Carolina Court of Appeals

Court of Appeals Building  
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Raleigh, North Carolina 27601

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## COURT CALENDAR BY PANEL

Tuesday, 24 March 2009

### PANEL NO. 2

HONORABLE LINDA M. MCGEE  
HONORABLE MARTHA A. GEER  
HONORABLE CHERI BEASLEY

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **TUESDAY, 24TH OF MARCH 2009 AT 9:30 a.m.**

Brackney v Brackney	08-1044	Forsyth
SPX Corporation v Ace Property	08-1064	Mecklenburg

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **TUESDAY, 24TH OF MARCH 2009.** COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v Watterson	08-1110	Guilford
State v Cruse	08-1133	Lenoir
State v Goode	08-1145	Wake
State v Crockett	08-1161	Forsyth
State v Norman	08-1165	Chowan
State v Yarborough	08-1185	Nash
Tabor v Kaufman	08-1249	Watauga
Baker v Rosner	08-1298	Union
Casella v Alden	08-1316	Chatham
Burton v Barbee	08-1325	Mecklenburg
Merritt v Hemmings	08-1333	Durham

Sent Date: 20 February 2009

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## COURT CALENDAR BY PANEL

Wednesday, 25 March 2009

### PANEL NO. 4

HONORABLE WANDA G. BRYANT  
HONORABLE RICK ELMORE  
HONORABLE SANFORD STEELMAN

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **WEDNESDAY, 25TH OF MARCH 2009 AT 10:00 a.m.**

State v Mohamud	08-1111	Mecklenburg
State v Corbett	08-1300	Forsyth

**NOTE:** Oral argument will be held at the following location:

### NCCU SCHOOL OF LAW

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 25TH OF MARCH 2009**. COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v Moore	08-1276	Mecklenburg
State v McGee	08-1285	Forsyth
State v Douglas	08-1287	Cabarrus
State v Tomlinson	08-1290	Burke
Moore v Sullbark Builders, Inc.	08-1348	N.C. Industrial Commission
Pardue v Brinegar	08-1367	Wilkes
Evans v Conwood LLC, et al	08-1368	N.C. Industrial Commission
Williams v Kane	08-1369	Wake
Nolan v Cooke, et al	08-1371	Warren
Worthington v Walter Poole Realty	08-1390	Lenoir

**Sent Date: 20 February 2009**

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## COURT CALENDAR BY PANEL

Wednesday, 25 March 2009

### PANEL NO. 3

HONORABLE ROBERT C. HUNTER  
HONORABLE ANN MARIE CALABRIA  
HONORABLE ROBERT N. HUNTER, JR.

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 25TH OF MARCH 2009**. COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v Poole	08-876	Caswell
State v Brunson	08-1001	Guilford
State v Harris	08-1086	Forsyth
State v Cooper	08-1098	Wake
State v James	08-1109	Wake
Turner v Beatty	08-1100	Guilford
Sunshine Heavy Hauling v Beatty	08-1101	Wake
Head v Mosier	08-1132	Rutherford
Beach v Hughes	08-1192	Mecklenburg
D'Aquisto v Mission St. Joseph's Health	08-1238	N.C. Industrial Commission

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## COURT CALENDAR BY PANEL

Thursday, 26 March 2009

### PANEL NO. 5

HONORABLE BARBARA JACKSON  
HONORABLE LINDA STEPHENS  
HONORABLE DONNA STROUD

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **THURSDAY, 26TH OF MARCH 2009 AT 9:30 a.m.**

Quets v Needham	08-857	Wake
Hoke Co. Bd. of Educ., et al v State	08-1036	Wake
McMillan v Town of Tryon	08-1253	Polk

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **THURSDAY, 26TH OF MARCH 2009**. COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v Tucker	08-1189	Forsyth
State v Walker	08-1224	Rockingham
State v Dawkins	08-1257	Guilford
State v Perez	08-1274	Carteret
State v Hubbard	08-1314	Forsyth
State v Davis	08-1318	Gaston
Johnson v Kidde Technologies, Inc.	08-1005	Wilson
Phillips v NC State University	08-1029	N.C. Industrial Commission
Lang v Lang	08-1251	Guilford

Sent Date: 20 February 2009

# North Carolina Court of Appeals

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## Supplemental Calendar

Monday, 30 March 2009

PANEL NO. 0

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In Re: J.R.B. and N.B.B.	08-1232	Robeson
In The Matter Of: A.L.V.M.	08-1351	Guilford
In Re: J.D., D.D., J.D., T.D.	08-1401	Harnett
In The Matter Of: D.J.D. and O.D.D.	08-1431	Wayne
In The Matter Of: K.K.	08-1473	Buncombe
In The Matter Of: R.C., J.C., N.R.	08-1480	Mecklenburg

Sent Date: 6 March 2009