

# 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>

All oral arguments on this calendar will be heard via Webex, subject to change based on courtroom safety. Cases will be called on the days calendared in the order listed. The Court, however, may reorder the schedule in the event it grants a request for an oral argument to occur by Webex.

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## COURT CALENDAR BY PANEL

Monday, 1 November 2010

### PANEL NO. 1

HONORABLE JOHN C. MARTIN  
HONORABLE LINDA M. MCGEE  
HONORABLE SAM J. ERVIN, IV

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **MONDAY, 1ST OF NOVEMBER 2010.** COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v Perry	10-461	Durham
State v Patton	10-526	Henderson
State v Dunn	10-543	New Hanover
State v Rider	10-558	Buncombe
State v Williams	10-571	Guilford
State v Hean	10-630	Guilford
Baumann-Chacon v Baumann	10-359	Wake
Kennedy v Polumbo, et al	10-389	Cumberland
Ji v Gaskins	10-492	Wake
Capps v Southeastern Cable	10-505	N.C. Industrial Commission
Dillingham v Dillingham	10-514	Buncombe
Kennedy, et al v Polumbo, et al	10-586	Cumberland

# North Carolina Court of Appeals

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

## 3.1 Calendar

Monday, 1 November 2010

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT DURING THE WEEK OF **1 NOVEMBER 2010** 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 RE: E.E.L.	10-343	Burke
In The Matter Of: M.C., T.C., E.M.	10-651	Wake
In The Matter Of: N.M.J.I.	10-704	Guilford
In Re: J.J.	10-719	Stanly
In The Matter Of: E.R.	10-724	Guilford
In Re: S.D.D., S.L.B., D.L.D., M.L.D., S...	10-815	Gaston

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## COURT CALENDAR BY PANEL

Tuesday, 2 November 2010

### PANEL NO. 2

HONORABLE WANDA G. BRYANT  
HONORABLE DONNA STROUD  
HONORABLE CHERI BEASLEY

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **TUESDAY, 2ND OF NOVEMBER 2010 AT 9:30 a.m.**

State v Taylor

10-551

Cleveland

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **TUESDAY, 2ND OF NOVEMBER 2010**. COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v Williams

10-465

Gaston

State v McCain

10-534

Person

State v DeWalt

10-559

Forsyth

State v McLean

10-601

Wayne

State v McCain

10-647

Person

Lamar Outdoor Advertising v NC DOT

10-481

Wake

Powell v NC DOT

10-490

Wake

Estate of Williams v Pasquotank County P...

10-491

Pasquotank

Majewski Enterprises, Inc. v The Parks A...

10-496

Wake

Phillips And Jordan Investment., et al v...

10-507

Graham

S.T. Wooten Corporation v Board of Adjus...

10-515

Wake

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## COURT CALENDAR BY PANEL

Wednesday, 3 November 2010

### PANEL NO. 3

HONORABLE SANFORD STEELMAN  
HONORABLE LINDA STEPHENS  
HONORABLE ROBERT N. HUNTER, JR.

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **WEDNESDAY, 3RD OF NOVEMBER 2010 AT 9:30 a.m.**

Stratton v Royal Bank of Canada	10-489	Wake
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THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 3RD OF NOVEMBER 2010**. COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v Johnson	10-519	Washington
State v Patterson	10-538	Randolph
State v Cobos	10-557	Wake
State v Odueso	10-567	Mecklenburg
State v Marks	10-628	Wake
State v Johnson	10-642	Rockingham
The NC State Bar v Wood	10-463	N.C. State Bar
Integon National Ins. Co. v Sechrist, et...	10-484	Guilford
Smith v Heath	10-501	Pitt
George, et al v Greyhound Lines, Inc., e...	10-512	Wilson
Steelman v Select Medical Corporation, e...	10-521	N.C. Industrial Commission

Sent Date: 13 October 2010

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## COURT CALENDAR BY PANEL

Wednesday, 3 November 2010

### PANEL NO. 4

HONORABLE ROBERT C. HUNTER  
HONORABLE RICK ELMORE  
HONORABLE BARBARA JACKSON

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 3RD OF NOVEMBER 2010**. COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v Joyner	10-353	Sampson
State v Kirk	10-566	Mecklenburg
State v Chillo	10-622	Pitt
State v Wilkins	10-634	Nash
State v Lee	10-663	Onslow
State v Pollard	10-677	Pitt
Raprager v Raprager	10-289	Granville
Wills Grove Homeowners Association, Inc....	10-610	Wake
Hartman v Robertson	10-636	Iredell
In Re: V.L.J.	10-356	Stanly
In The Matter Of: T.E.L.	10-528	Guilford
In Re: D.P.H.	10-624	Burke

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## COURT CALENDAR BY PANEL

Thursday, 4 November 2010

### PANEL NO. 5

HONORABLE ANN MARIE CALABRIA  
HONORABLE MARTHA A. GEER  
HONORABLE CRESSIE H. THIGPEN, JR.

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **THURSDAY, 4TH OF NOVEMBER 2010**. COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v Bonds	10-562	Catawba
State v Jeffries	10-595	Rockingham
State v Sanders	10-633	Mecklenburg
State v Martin	10-662	Macon
State v Goble	10-665	Iredell
State v Freck	10-700	Buncombe
Bacstrom v Foye	10-568	Franklin
State Farm Fire And Casualty Co., et al ...	10-611	Orange
Carolina Orthopaedic Specialists, PA v S...	10-657	Catawba
In The Matters Of: J.K., S.K., S.C.	10-649	Burke
In The Matter Of: S.A.F.	10-674	New Hanover
In The Matter Of: Z.H. and T.H.	10-684	Mecklenburg

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## COURT CALENDAR BY PANEL

Monday, 15 November 2010

### PANEL NO. 1

HONORABLE JOHN C. MARTIN  
HONORABLE LINDA M. MCGEE  
HONORABLE SAM J. ERVIN, IV

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **MONDAY, 15TH OF NOVEMBER 2010 AT 1:00 p.m.**

Cunningham, et al v City of Greensboro	10-584	Guilford
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THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **MONDAY, 15TH OF NOVEMBER 2010**. COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v Hughes	10-495	Northampton
State v Hayes	10-656	Craven
State v Pierce	10-691	Onslow
Williams v Williams	10-530	Iredell
Tincher v Adecco, et al	10-548	N.C. Industrial Commission
Wachovia Mortgage, FSB v Davis, et al	10-572	Wake
Adams v Parts Unlimited, et al	10-592	N.C. Industrial Commission
Robinson v Robinson	10-604	Guilford
In The Matter Of The Estate Of: Reeder	10-618	Alamance
B. Kelley Enterprises, Inc. v Vitacost.c...	10-645	Forsyth
In The Matter Of: A.W.	10-713	Onslow

Sent Date: 21 October 2010

# North Carolina Court of Appeals

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

## 3.1 Calendar

Monday, 15 November 2010

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT DURING THE WEEK OF **15 NOVEMBER 2010** 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: A.M., S.G., A.G., P.G....	10-688	Mecklenburg
In The Matter Of: P.W.	10-705	Lenoir
In The Matter Of: K.B.,K.R.B.,J.W.B.,M.J...	10-771	Polk
In The Matter Of: S.E.P. and L.U.E.	10-778	Iredell
In The Matter Of: O.J.C. and C.B.H.	10-783	Alleghany
In The Matter Of: D.L.M.	10-907	Pasquotank



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## COURT CALENDAR BY PANEL

Tuesday, 16 November 2010

### PANEL NO. 2

HONORABLE WANDA G. BRYANT  
HONORABLE DONNA STROUD  
HONORABLE CHERI BEASLEY

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **TUESDAY, 16TH OF NOVEMBER 2010**. COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v Oliver	10-431	Cleveland
State v Leyshon	10-556	Watauga
State v Parker	10-672	Forsyth
Dunkle v Utley	10-429	Carteret
Oak Health Care Investors of NC, Inc., e...	10-535	Wake
Gentry, ex rel v Big Creek Underground U...	10-550	Surry
Williams, et al v SunTrust Bank, Inc., e...	10-576	Orange
Weaver's Asphalt And Maintenance Company...	10-585	Nash
Inland American Winston Hotels, Inc. v C...	10-593	Wake
Blair v Randolph County Board of Educati...	10-605	Randolph
Alliance Mutual Insurance Company v Guil...	10-619	New Hanover
Dougherty Equipment Company, Inc. v M.C....	10-646	Guilford

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## COURT CALENDAR BY PANEL

Wednesday, 17 November 2010

### PANEL NO. 3

HONORABLE SANFORD STEELMAN  
HONORABLE LINDA STEPHENS  
HONORABLE ROBERT N. HUNTER, JR.

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **WEDNESDAY, 17TH OF NOVEMBER 2010 AT 9:30 a.m.**

Health Management Associates, Inc., et a...	10-577	Franklin
Graham Cty. Bd. Of Elections v Graham Ct...	10-653	Graham

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 17TH OF NOVEMBER 2010**. COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v Morgan	10-460	Rowan
State v Barnette	10-620	Alamance
State v Gorham	10-673	Wake
Ensley v FMC Corporation, et al	10-522	N.C. Industrial Commission
Blanton v Melvin, et al	10-537	New Hanover
Builders Mutual Insurance Company v Mitc...	10-553	New Hanover
Sampson County, et al v Parker Family Re...	10-588	Sampson
Williamson, ex rel v Windsor House One, ...	10-594	Bertie
Steele v Surry County, et al	10-607	N.C. Industrial Commission
Dobson v Substitute Trustee Services, In...	10-632	Duplin

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## COURT CALENDAR BY PANEL

Wednesday, 17 November 2010

### PANEL NO. 4

HONORABLE ROBERT C. HUNTER  
HONORABLE RICK ELMORE  
HONORABLE BARBARA JACKSON

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **WEDNESDAY, 17TH OF NOVEMBER 2010 AT 1:00 p.m.**

Cleveland Construction, Inc. v Ellis-Don...	10-525	Wake
Edmondson, et al v The City of Rocky Mou...	10-669	Nash

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 17TH OF NOVEMBER 2010**. COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v Ford	10-470	Mecklenburg
State v Kerley	10-643	Mecklenburg
State v Vasquez-Guardo	10-683	Mecklenburg
Lamm v Lamm	10-536	Pasquotank
Johnson-White v White	10-569	New Hanover
Spears v Betsy Johnson Memorial Hospital...	10-580	N.C. Industrial Commission
Boyd v Sandling, et al	10-590	Vance
Long v Gateway Communities, LLC, et al	10-599	Mecklenburg
Unrue v Haynes	10-612	Henderson
Shepherd v National Federation, et al	10-638	N.C. Industrial Commission

Sent Date: 21 October 2010

# North Carolina Court of Appeals

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

## 3.1 Calendar

Monday, 22 November 2010

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT DURING THE WEEK OF **22 NOVEMBER 2010** 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: S.K.	10-641	Buncombe
In Re: D.H.H.	10-722	Robeson
In Re: W.S.P., Jr.	10-775	Rowan
In The Matter Of: I.R.T.	10-790	Cleveland
In Re: A.T., T.L., I.T.	10-803	Person
In The Matter Of: W.B.	10-806	Durham

Sent Date: 2 November 2010

# North Carolina Court of Appeals

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

## Supplemental Calendar

Monday, 29 November 2010

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT DURING THE WEEK OF **29 NOVEMBER 2010** 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 Santamaria	10-239	Wake
State v Ross	10-354	Cleveland
State v Wood	10-372	Buncombe
State v Cornelison	10-387	Guilford
State v Ross	10-391	Buncombe
State v Jacobs	10-416	Sampson
State v Muhammad	10-434	Guilford
State v Evans	10-511	Durham
State v Lowe	10-532	Onslow
State v Shogar	10-661	Guilford

Sent Date: 1 November 2010

# North Carolina Court of Appeals

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## COURT CALENDAR BY PANEL

Tuesday, 30 November 2010

### PANEL NO. 2

HONORABLE WANDA G. BRYANT  
HONORABLE DONNA STROUD  
HONORABLE CHERI BEASLEY

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **TUESDAY, 30TH OF NOVEMBER 2010 AT 9:30 a.m.**

Association For Home And Hospice Care v ...	10-710	Wake
In The Matter Of The Foreclosure Of: Hac...	10-757	Henderson

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **TUESDAY, 30TH OF NOVEMBER 2010**. COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v Pickett	10-702	Mecklenburg
State v Oates	10-725	Sampson
State v Streater	10-740	Davidson
State v Moore	10-764	Buncombe
State v Griffin	10-795	Buncombe
State v Bailey	10-827	Durham
Rodriguez v Rodriguez	10-690	Brunswick
Town of Apex v Whitehurst, et al	10-697	Wake
The Villages At Red Bridge, LLC v Weisne...	10-723	Cabarrus
Cawthorn v Mission Hospital, Inc.	10-748	N.C. Industrial Commission

Sent Date: 3 November 2010

# North Carolina Court of Appeals

Court of Appeals Building  
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## 3.1 Calendar

Tuesday, 30 November 2010

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT DURING THE WEEK OF **30 NOVEMBER 2010** 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: T.L.T., J.W.T., Jr., A...	10-807	Rockingham
In The Matter Of: H.M.H.	10-819	Granville
In The Matter Of: T.M., IV	10-835	Durham
In The Matter Of: S.L.R., Jr. and A.D.R.	10-857	Randolph
In The Matter Of: N.A.	10-861	Cumberland
In The Matter Of: A.H.	10-922	Wake