North Carolina Court of Appeals

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

3.1 Calendar

Monday, 1 August 2011

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT DURING THE WEEK OF 1 AUGUST 2011 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: J.H-S.	11-112	Buncombe
In The Matter Of: D.D.D., D.D.D., K.A.D....	11-114	Cherokee
In The Matter Of: C.T., C.R., D.B., D.B.	11-236	Durham
In The Matter Of: H.M.	11-286	Mecklenburg
In Re: L.D.G.	11-338	Gaston
In Re: P.C.H.	11-419	Rutherford

Sent Date: 12 July 2011

North Carolina Court of Appeals

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

3.1 Calendar

Monday, 15 August 2011

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT DURING THE WEEK OF 15 AUGUST 2011 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: B.E., C.C., L.C.	11-140	New Hanover
In Re: N.S.	11-232	Columbus
In The Matter Of: T.O. and A.H.	11-377	Mecklenburg
In The Matter Of: J.E.	11-378	Wake
In The Matter Of: A.M.W.	11-452	Mecklenburg
In The Matter Of: M.S.H., Jr.	11-458	Greene

Sent Date: 27 July 2011

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.

All arguments, in-person or by WebEx, are recorded and the livestream for each case will start when the argument begins and will be available for viewing at: http://govu.us/nc-coa-oral-arguments ***

COURT CALENDAR BY PANEL

Tuesday, 16 August 2011

PANEL NO. 2
HONORABLE LINDA M. MCGEE
HONORABLE SAM J. ERVIN, IV
HONORABLE DOUGLAS MCCULLOUGH

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON TUESDAY, 16TH OF AUGUST 2011. COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v Cortez, et al	10-1211	Johnston
State v Bouknight	10-1528	Durham
State v Dumas	10-1614	Guilford
State v Poole	11-21	Carteret
State v Carter	11-36	Iredell
State v Williams	11-84	Washington
DLD Engineering, Inc., et al v Tidewater...	10-1486	New Hanover
Campos-Brizuela v Rocha Masonry, L.L.C.,...	10-1571	N.C. Industrial Commission
Sellers v FMC Corporation, et al	11-12	N.C. Industrial Commission
Citibank, South Dakota, N.A. v Graudin	11-77	Nash
In The Matter Of: J.M.	11-138	Johnston
Bertucci v Bertucci	11-156	Mecklenburg

Sent Date: 15 July 2011

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

Wednesday, 17 August 2011

PANEL NO. 3
HONORABLE ROBERT C. HUNTER
HONORABLE DONNA STROUD
HONORABLE ROBERT N. HUNTER, JR.

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **WEDNESDAY, 17TH OF AUGUST 2011 AT 9:30 a.m.**

IN RE RELEASE OF THE SILK PLANT FOREST C...	10-1516	Forsyth
Ray, et al v N.C. DOT	11-17	N.C. Industrial Commission

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 17TH OF AUGUST 2011.** COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v Griffin	10-1357	Forsyth
State v Martinez	10-1530	Buncombe
State v Toler	11-5	Lenoir
State v Jones	11-22	Onslow
State v Teague	11-39	Randolph
State v Crawley	11-93	Durham
In The Matter Of: Brooks	10-1609	Property Tax Commission
The City of Charlotte v Combs, et al	11-107	Mecklenburg
Ross v Ross	11-141	Carteret
Cinoman, et al v The University of NC, e...	11-160	Wake

Sent Date: 15 July 2011

North Carolina Court of Appeals

Court of Appeals Building
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COURT CALENDAR BY PANEL

Wednesday, 17 August 2011

PANEL NO. 4
HONORABLE WANDA G. BRYANT
HONORABLE MARTHA A. GEER
HONORABLE CHERI BEASLEY

Chief John C. Martin will sit for Judge Wanda G. Bryant for the orally argued case.

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **WEDNESDAY, 17TH OF AUGUST 2011 AT 1:00 p.m.**

42 East, LLC v D.R. Horton, Inc.	10-1570	Wake

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 17TH OF AUGUST 2011.** COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v Kidwell	10-1407	Durham
State v Patel	10-1564	Wake
State v Harris	11-14	Mecklenburg
State v McDowell	11-28	Cleveland
State v Stroud	11-72	Mecklenburg
State v Marcus	11-95	Mecklenburg
Wetherby v B6USA, Inc., et al	10-1613	Wake
Bald Head Association v Curnin	11-23	Brunswick
Birtha, et al v Stonemor, et al	11-79	Mecklenburg
Hardin, et al v York Memorial Park, et a...	11-80	Mecklenburg
Russo v Russo	11-162	Craven

Sent Date: 15 July 2011

North Carolina Court of Appeals

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COURT CALENDAR BY PANEL

Thursday, 18 August 2011

PANEL NO. 5
HONORABLE ANN MARIE CALABRIA
HONORABLE RICK ELMORE
HONORABLE SANFORD STEELMAN

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **THURSDAY, 18TH OF AUGUST 2011 AT 9:30 a.m.**

Tillet, et al v Onslow Memorial Hospital...	11-116	Onslow

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **THURSDAY, 18TH OF AUGUST 2011.** COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v McConico	10-1424	Guilford
State v Scriven	10-1565	Scotland
State v Peterson	11-20	Wake
State v Little	11-32	Anson
State v Clark	11-75	Cleveland
State v Dunn	11-99	Cleveland
Collier, et al v Bryant, et al	10-1579	Guilford
GMAC Mortgage, LLC v Miller, et al	11-55	Surry
In The Matter Of: M.C.	11-153	Durham
Sartori v NC Department of Corrections, ...	11-167	Mitchell

Sent Date: 15 July 2011

North Carolina Court of Appeals

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

Supplemental Calendar

Monday, 22 August 2011

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT DURING THE WEEK OF 22 AUGUST 2011 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 Hayes	10-1437	Guilford
State v Jacobs	11-47	Durham
State v Smalls	11-130	Hoke
State v Harding	11-161	Cumberland
State v Williams	11-183	Johnston
In The Matter Of: D.T.F.	11-257	Columbus
State v Autry	11-274	Sampson
State v McKoy	11-280	Johnston
State v Chaney	11-366	Brunswick
State v Messer	11-387	Buncombe

Sent Date: 22 July 2011

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.

All arguments, in-person or by WebEx, are recorded and the livestream for each case will start when the argument begins and will be available for viewing at: http://govu.us/nc-coa-oral-arguments ***

COURT CALENDAR BY PANEL

Monday, 29 August 2011

PANEL NO. 1
HONORABLE JOHN C. MARTIN
HONORABLE WANDA G. BRYANT
HONORABLE ANN MARIE CALABRIA

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **MONDAY, 29TH OF AUGUST 2011 AT 1:00 p.m.**

J.T. Russell And Sons, Inc. v Silver Bir...	11-159	Stanly

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **MONDAY, 29TH OF AUGUST 2011.** 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	11-101	Sampson
State v Green	11-109	Columbus
State v Hurst	11-145	Buncombe
State v Dunn	11-155	Moore
State v Hodge	11-179	Wake
State v Burgess	11-193	Yadkin
Variety Wholesalers, Inc. v Prime Appare...	11-191	Vance
Marso v United Parcel Service, Inc.	11-201	Wayne
Mussa v Palmer-Mussa	11-209	Wake
Martin v OSI Restaurant Partners, LLC, e...	11-226	Forsyth
Clark v Chavis, et al	11-234	N.C. Industrial Commission

Sent Date: 29 July 2011

North Carolina Court of Appeals

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

3.1 Calendar

Monday, 29 August 2011

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT DURING THE WEEK OF 29 AUGUST 2011 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: B.K.B.P.	11-197	Cumberland
In The Matter Of: D.L., Jr., D.M., A.D....	11-256	Buncombe
In The Matter of: D.K.	11-329	New Hanover
In The Matter Of: F.E.P., Jr.	11-348	Brunswick
In Re: D.A.H-C., B.H-C., and E.H-C.	11-379	Catawba
In The Matter Of: D.F.M., Jr. and D.F.M....	11-380	New Hanover

Sent Date: 5 August 2011

North Carolina Court of Appeals

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

Supplemental Calendar

Monday, 29 August 2011

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT DURING THE WEEK OF 29 AUGUST 2011 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 Hefner	11-269	Catawba
State v Weathers	11-261	Mecklenburg
State v Jacobs	11-214	Sampson
State v Floyd	11-175	Wake
State v Miller	11-121	Guilford
State v Parker	11-123	Guilford
State v McFadden	11-131	Catawba
State v Sampson	11-62	Wilson
State v Wilson-Lopez	11-69	Randolph

Sent Date: 28 July 2011

North Carolina Court of Appeals

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

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COURT CALENDAR BY PANEL

Tuesday, 30 August 2011

PANEL NO. 2
HONORABLE LINDA M. MCGEE
HONORABLE RICK ELMORE
HONORABLE ROBERT N. HUNTER, JR.

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **TUESDAY, 30TH OF AUGUST 2011 AT 9:30 a.m.**

State v Neal	11-110	Wayne
Bojangles Restaurants, Inc. v The Town o...	11-202	Mecklenburg
Allison v Davidson	11-217	McDowell

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **TUESDAY, 30TH OF AUGUST 2011.** COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v McNeil	11-103	Mecklenburg
State v Gillespie	11-146	Wake
State v Hargraves	11-157	Guilford
State v Twitty	11-182	Moore
State v Locklear	11-194	Robeson
In The Matter Of: C.C.	11-173	Wayne
White, ex rel v Maxim Healthcare Service...	11-192	Mecklenburg
NC Farm Bureau Mutual Insurance Co. v	11-227	Gaston
Bailey v Roberts Protection And Investig...	11-235	N.C. Industrial Commission

Sent Date: 29 July 2011

North Carolina Court of Appeals

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Raleigh, North Carolina 27601

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COURT CALENDAR BY PANEL

Wednesday, 31 August 2011

PANEL NO. 3
HONORABLE ROBERT C. HUNTER
HONORABLE SANFORD STEELMAN
HONORABLE DOUGLAS MCCULLOUGH

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **WEDNESDAY, 31ST OF AUGUST 2011 AT 9:30 a.m.**

Portfolio Recovery Associates, LLC v Fre...	11-220	Wake

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 31ST OF AUGUST 2011.** COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v McDonald	11-104	Cabarrus
State v Hayes	11-122	Richmond
State v Jones	11-149	Martin
State v Seamster	11-170	Forsyth
State v Sims	11-187	Buncombe
State v Collins	11-207	Craven
Preis v Yoas	11-177	New Hanover
Harmon v Eastern Dermatology and Patholo...	11-195	Bertie
Lovallo v Sabato	11-203	Mecklenburg
Greene v Uptown Day Shelter, Inc., et al	11-230	Mecklenburg
In The Matter Of: Kenneth E. Allison	11-245	Buncombe

North Carolina Court of Appeals

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COURT CALENDAR BY PANEL

Wednesday, 31 August 2011

PANEL NO. 4
HONORABLE LINDA STEPHENS
HONORABLE SAM J. ERVIN, IV
HONORABLE CHERI BEASLEY

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **WEDNESDAY, 31ST OF AUGUST 2011 AT 1:00 p.m.**

State v Privette and Smith	11-139	Wake

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 31ST OF AUGUST 2011.** COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v Wright	11-105	Buncombe
State v Leftdwrige	11-152	Wayne
State v Moore	11-172	Columbus
State v Otto	11-189	Pitt
State v McMickle	11-215	Gaston
Mooney v Mooney	11-178	Henderson
Gupton v Son-Lan Development Co., Inc., ...	11-198	Harnett
International Son-Rys Enterprises, Inc.,...	11-204	Mecklenburg
Church v Church	11-222	Caldwell
Davenport v D.M. Rental Properties, Inc.	11-231	Gaston
Alawar v Courtyard Marriott North, et al	11-248	N.C. Industrial Commission

Sent Date: 29 July 2011