

# North Carolina Court of Appeals

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

## Supplemental Calendar

Monday, 4 August 2008

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT ON **4 AUGUST 2008** 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: L.O.	08-323	Alleghany
In The Matter Of: E.H., Jr., et al	08-362	Durham
In The Matter Of: N.C.H., et al	08-413	Davidson
In Re: T.S., et al	08-436	Harnett
In the Matter of: A.M., J.M.	08-484	Chatham
In the Matter of: Tr.D., Ju.D., et al	08-483	Iredell

Sent Date: 16 July 2008

# 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, 18 August 2008

### PANEL NO. 1

HONORABLE JOHN C. MARTIN  
HONORABLE JAMES A. WYNN, JR.  
HONORABLE ROBERT C. HUNTER

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **MONDAY, 18TH OF AUGUST 2008.** COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v Hinchman	07-1549	Pitt
State v Murray	07-1555	Cabarrus
State v Welch	07-1557	Stokes
State v Walston	08-15	Wake
State v Branch	08-20	Cumberland
State v Windom	08-28	Guilford
Fiel v Weil	08-125	Duplin
State of NC, ex rel. v Overcash	08-127	Cabarrus
Johnson v Schultz	08-133	Johnston
RE: Foreclosure Deed of Elkins	08-150	Forsyth
Locklar v Brokers, Incorporated	08-154	Davidson
Greene v Colby	08-155	Brunswick

Sent Date: 16 July 2008

# North Carolina Court of Appeals

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

## Supplemental Calendar

Monday, 18 August 2008

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT ON **18 AUGUST 2008** 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 McDougal	08-9	Cabarrus
State v Brown	08-16	Mecklenburg
State v Squires	08-50	Beaufort
State v Sholar	08-89	Duplin
In The Matter Of: A.M.	08-92	Guilford
State v Pigford	08-109	Lenoir
Elrod v Elrod	08-115	Buncombe
State v Duane	08-141	Burke
State v Arazie	08-166	Stanly

Sent Date: 18 July 2008

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## COURT CALENDAR BY PANEL

Tuesday, 19 August 2008

### PANEL NO. 2

HONORABLE LINDA M. MCGEE  
HONORABLE DOUGLAS MCCULLOUGH  
HONORABLE DONNA STROUD

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **TUESDAY, 19TH OF AUGUST 2008 AT 9:30 a.m.**

State v Hall	07-1412	Gaston
Teague v Bayer AG, et al	07-1108	Buncombe

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **TUESDAY, 19TH OF AUGUST 2008.** COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v Kemp	07-1369	Wake
State v Villatoro	07-1458	Mecklenburg
State v Martin	07-1471	Rutherford
State v Lawson	07-1507	Alamance
State v Lofton	07-1530	Cumberland
Hunt v NC State University	07-1374	N.C. Industrial Commission
Holleman v Aiken, et al	07-1425	Wake
Woods v Sentry Insurance A Mutual Co.	08-49	Wayne
Bryson v Cort	08-51	Mecklenburg
Xiong v Marks	08-52	Montgomery

Sent Date: 16 July 2008

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## COURT CALENDAR BY PANEL

Wednesday, 20 August 2008

### PANEL NO. 3

HONORABLE JOHN M. TYSON  
HONORABLE ANN MARIE CALABRIA  
HONORABLE RICK ELMORE

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **WEDNESDAY, 20TH OF AUGUST 2008**  
**AT 9:30 a.m.**

Newberne v Department of Crime Control	07-1570	Wake
State v Philip Morris USA, Inc., et al	07-1572	Wake
Helm v Appalachian State University	08-30	Watauga

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 20TH OF AUGUST 2008**. COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v Gabriel	08-59	Mecklenburg
State v Harley	08-60	Rowan
State v Simmons	08-65	Cumberland
State v Butler	08-66	Iredell
State v Bynum	08-72	Mecklenburg
State v Pineda	08-74	Mecklenburg
Jones v Jones	07-1542	Brunswick
Williams v New Hope Foundation, Inc.	08-19	Hertford
In The Matter Of: S.S.	08-29	Cumberland

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## COURT CALENDAR BY PANEL

Wednesday, 20 August 2008

### PANEL NO. 4

HONORABLE WANDA G. BRYANT  
HONORABLE BARBARA JACKSON  
HONORABLE JOHN ARROWOOD

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **WEDNESDAY, 20TH OF AUGUST 2008**  
**AT 1:00 p.m.**

State v Narron	08-129	Pitt
State v Parks	08-145	Cleveland

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 20TH OF AUGUST 2008**. COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v Bunch	08-91	Hertford
State v Jackson	08-119	Pasquotank
State v Jordan	08-142	Forsyth
State v Green	08-144	New Hanover
Helms v Landry	08-33	Mecklenburg
Jones v Coward	08-37	Jackson
Robinson v Seto's Texaco, Inc.	08-57	N.C. Industrial Commission
Lumamba v Technocom Business	08-61	N.C. Industrial Commission
Hudson v Hudson	08-76	Alamance

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## COURT CALENDAR BY PANEL

Thursday, 21 August 2008

### PANEL NO. 5

HONORABLE SANFORD STEELMAN  
HONORABLE MARTHA A. GEER  
HONORABLE LINDA STEPHENS

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **THURSDAY, 21ST OF AUGUST 2008 AT 9:30 a.m.**

Schlieper v Johnson	07-1476	Guilford
County of Durham, et al v Daye, et al	07-1532	Durham

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **THURSDAY, 21ST OF AUGUST 2008.** COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v Milligan	08-151	Brunswick
State v Cummings	08-163	Robeson
State v Johnston	08-173	Wilson
State v Dale	08-180	Franklin
State v Casey	08-183	Randolph
State v Webb	08-186	Macon
D.E.F. Of Hickory, LLC v Honeycutt	07-1493	Catawba
Persis Nova Construction v Edwards	07-1501	Catawba
Moser v Smith	07-1508	Catawba
Patrick v NC Dept. of Health	07-1515	N.C. Industrial Commission

Sent Date: 16 July 2008

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## COURT CALENDAR BY PANEL

Monday, 25 August 2008

### PANEL NO. 1

HONORABLE JOHN C. MARTIN  
HONORABLE JAMES A. WYNN, JR.  
HONORABLE ROBERT C. HUNTER

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **MONDAY, 25TH OF AUGUST 2008 AT 1:00 p.m.**

Early v County of Durham DSS	08-96	Wake
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THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **MONDAY, 25TH OF AUGUST 2008.** COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v Dix	07-1440	Randolph
State v Hassoumiou	08-87	Guilford
State v Lee	08-122	Wilkes
Nemchin v Nemchin	08-107	Guilford
Pellom v Pellom	08-113	Durham
Langley v Sue-Lynn Textiles Inc.	08-117	N.C. Industrial Commission
Bailey, et al v Town of Maggie Valley	08-123	Haywood
Linsenmayer v Omni Homes, Inc.	08-164	Gaston
In the Matter of: T.R.C.	08-423	Burke
In The Matter Of: E.A.S.H.	08-438	Wake
In the Matter of: K.W.	08-535	Mecklenburg

Sent Date: 24 July 2008



# North Carolina Court of Appeals

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

## Supplemental Calendar

Monday, 25 August 2008

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT ON **25 AUGUST 2008** 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.T.	08-448	Stanly
In the Matter of: J.J.B., J.R.B.	08-460	Stokes
In the Matter of: N.T.	08-465	Mecklenburg
In the Matter of: D.I.M.	08-493	Wake
In Re: M.M. and A.E.	08-549	Harnett
In The Matter Of: C.L.B., et al	08-647	Johnston

Sent Date: 7 August 2008

# 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, 26 August 2008

### PANEL NO. 2

HONORABLE LINDA M. MCGEE  
HONORABLE DOUGLAS MCCULLOUGH  
HONORABLE DONNA STROUD

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **TUESDAY, 26TH OF AUGUST 2008 AT 9:30 a.m.**

Medical Staffing Network v Ridgway	07-1486	Wake
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THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **TUESDAY, 26TH OF AUGUST 2008.** COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v Moody	08-134	Mecklenburg
State v May	08-146	Beaufort
State v Rogers	08-188	Davidson
In The Matter Of: Nebenzahl	07-1324	Guilford
Gainey v Gainey	07-1573	Guilford
Alala v Hardie, et al	08-77	Durham
Smith v Smith	08-78	Union
D&R Construction v Blanchard's Grove	08-94	Gates
In Re: J.A., K.A., D.A.	08-486	Macon
In the Matter of: M.A.A., I.A.A.	08-492	Randolph
In The Matter Of: J.A.C. and S.J.C.	08-509	Surry

Sent Date: 24 July 2008

# North Carolina Court of Appeals

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## COURT CALENDAR BY PANEL

Wednesday, 27 August 2008

### PANEL NO. 3

HONORABLE JOHN M. TYSON  
HONORABLE ANN MARIE CALABRIA  
HONORABLE RICK ELMORE

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **WEDNESDAY, 27TH OF AUGUST 2008**  
**AT 9:30 a.m.**

Stallings v NC Dept. Of The State	08-165	N.C. Industrial Commission
Wilkins v CSX Transportation, Inc.	08-181	Northampton

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 27TH OF AUGUST 2008**. COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v Webb	08-198	Catawba
State v Patton	08-199	Henderson
State v Washington	08-201	Mecklenburg
In Re: Schiphof, Widowed Foreclosure	08-159	Stokes
Bailey v Winston Salem State University	08-167	Forsyth
United Leasing Corp. v Guthrie	08-169	Wake
Rochester Midland Corporation v Sellers	08-172	Randolph
Troutman v Troutman	08-174	Iredell
In the matter of: D.M.	08-175	Sampson
Emick v Sunset Beach & Twin Lakes, Inc.	08-184	Brunswick

Sent Date: 24 July 2008

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## COURT CALENDAR BY PANEL

Wednesday, 27 August 2008

### PANEL NO. 4

HONORABLE WANDA G. BRYANT  
HONORABLE BARBARA JACKSON  
HONORABLE JOHN ARROWOOD

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **WEDNESDAY, 27TH OF AUGUST 2008**  
**AT 1:00 p.m.**

In The Matter Of The Estate Of: Severt      08-203      Ashe

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 27TH OF AUGUST 2008**. COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v Thomas	08-210	Wake
State v Allen	08-215	Onslow
State v Aiken	08-224	Buncombe
Morris v Dixon	08-187	Dare
Dawes v Autumn Care of Marshville	08-190	N.C. Industrial Commission
Bird v Bird	08-192	Guilford
Cacv of Colorado, LLC v Wells	08-195	Brunswick
Melton-Riddle v NC Bd. of Funeral Serv.	08-205	Wake
In The Matter Of: N.A.L. and A.E.L., Jr	08-510	Caldwell
In Re: H.K.	08-517	Gaston
In The Matter Of: K.M.F. and K.B.D.	08-519	Yadkin

Sent Date: 24 July 2008

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## COURT CALENDAR BY PANEL

Thursday, 28 August 2008

### PANEL NO. 5

HONORABLE SANFORD STEELMAN  
HONORABLE MARTHA A. GEER  
HONORABLE LINDA STEPHENS

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **THURSDAY, 28TH OF AUGUST 2008 AT 9:30 a.m.**

Thrash Limited v County of Buncombe	08-229	Buncombe
Thrash Ltd v County of Buncombe	08-327	Buncombe

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **THURSDAY, 28TH OF AUGUST 2008.** COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

Ridge Care v N.C. Dept. of Health	08-237	N.C. Dept. of Health & Human Svcs
State v Downs	08-225	Chowan
State v Ratliff	08-235	Anson
State v Liggons	08-238	Cumberland
Daugherty v Cherry Hospital, et al	08-211	N.C. Industrial Commission
DeHart v NC DOT	08-216	Graham
Walker, et al v New Hanover Co. Bd.	08-218	New Hanover
In The Matter Of: P.S.	08-540	Alexander
In the Matter of: A.E.	08-556	Chatham
In Re: S.R.M., C.P.S.H., S.A.M.	08-571	Cabarrus

Sent Date: 24 July 2008