

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.

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, 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

North Carolina Court of Appeals

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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

North Carolina Court of Appeals

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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 |

Sent Date: 16 July 2008

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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 |

Sent Date: 16 July 2008

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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 |
|------------------------------|-------|------|

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 |
|------------------------------------|---------|------|

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 |

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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 |

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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