

# 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>

## 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  |

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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                 |

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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 |

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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                |

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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       |

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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 Liggins                     | 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                          |