

# 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, 4 February 2008

### PANEL NO. 1

HONORABLE JOHN C. MARTIN  
HONORABLE SANFORD STEELMAN  
HONORABLE LINDA STEPHENS

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **MONDAY, 4TH OF FEBRUARY 2008 AT 1:00 p.m.**

City of Asheville v State of NC	07-516	Wake
In Re: Marshall	07-629	Forsyth

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **MONDAY, 4TH OF FEBRUARY 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 Southards	07-546	Swain
State v McDonald	07-710	Durham
State v Tweed	07-740	Randolph
Haywood Council v Mathis & ESC	07-554	Haywood
Warner v Brickhouse (Chatham)	07-640	Johnston
Lisk v Lisk, et al	07-661	Anson
McNeill v McNeill	07-679	Randolph
Frey v Best	07-703	Durham
Coulter, et al v Catawba County Bd.	07-717	N.C. Industrial Commission
Isaac v Wells	07-1039	Buncombe

Sent Date: 4 January 2008

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## COURT CALENDAR BY PANEL

Tuesday, 5 February 2008

### PANEL NO. 2

HONORABLE JAMES A. WYNN, JR.  
HONORABLE LINDA M. MCGEE  
HONORABLE ANN MARIE CALABRIA

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **TUESDAY, 5TH OF FEBRUARY 2008 AT 9:30 a.m.**

State v Morgan	07-745	Mecklenburg
Babb, et al v Graham, et al	07-848	Forsyth

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **TUESDAY, 5TH OF FEBRUARY 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 Rutledge	07-795	Guilford
State v Parker	07-854	Beaufort
Lapidus v Siemens Power Transmission	07-784	N.C. Industrial Commission
Garner v Garner	07-790	Greene
Bryce Hamilton, LLC v The Family	07-793	Wake
Jones v Parsons	07-826	Wake
Carolina First Bank v Stark Inc., et al	07-833	Mecklenburg
Cartrette v Duke University Medical	07-834	Durham
Lapidus v Siemens Power Transmission	07-836	N.C. Industrial Commission

Sent Date: 4 January 2008

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## COURT CALENDAR BY PANEL

Wednesday, 6 February 2008

### PANEL NO. 3

HONORABLE ROBERT C. HUNTER  
HONORABLE WANDA G. BRYANT  
HONORABLE BARBARA JACKSON

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **WEDNESDAY, 6TH OF FEBRUARY 2008**  
**AT 9:30 a.m.**

Villepigue v City of Danville	07-876	Caswell
Meares v Town of Beaufort	07-889	Carteret

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 6TH OF FEBRUARY 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 Ballard	07-860	McDowell
State v Irons	07-909	Robeson
State v Wood	07-912	Forsyth
Gray v Bryant, et al	07-840	Lee
Parnell v Parnell	07-844	Guilford
Kerr v Long	07-916	Wake
Price and Price Mechanical v Miken	07-932	Buncombe
Kirkland v Continental Tire	07-941	N.C. Industrial Commission
McQuillin v Perez	07-949	Forsyth

Sent Date: 4 January 2008

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## COURT CALENDAR BY PANEL

Wednesday, 6 February 2008

### PANEL NO. 4

HONORABLE DOUGLAS MCCULLOUGH  
HONORABLE RICK ELMORE  
HONORABLE JOHN ARROWOOD

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **WEDNESDAY, 6TH OF FEBRUARY 2008**  
**AT 1:00 p.m.**

Heatzig v MacLean	07-875	Orange
Fulmore v Howell	07-984	Wayne
Lynnwood Found. v NC Dept. of Revenue	07-945	Mecklenburg

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 6TH OF FEBRUARY 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 Delrosario	07-953	Wake
State v Johnson	07-971	Cleveland
State v Bogar	07-1019	Mecklenburg
Moore v Mills	07-955	Martin
Thomas v Thomas	07-957	Stanly
Gress v The Rowboat Company, Inc.	07-961	Iredell
Felts v Felts	07-967	Cabarrus
Robinson v Altria Group, Inc.	07-976	N.C. Industrial Commission
Lee v Lee	07-979	Lenoir
Bowick-Richardson v Fayetteville State	07-983	Cumberland

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## COURT CALENDAR BY PANEL

Thursday, 7 February 2008

### PANEL NO. 5

HONORABLE JOHN M. TYSON  
HONORABLE MARTHA A. GEER  
HONORABLE DONNA STROUD

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **THURSDAY, 7TH OF FEBRUARY 2008 AT 9:30 a.m.**

Harleysville Mutual v Buzz Off Insect	07-1002	Guilford
Nucor Corporation v Prudential Equity	07-1007	Mecklenburg
In The Matter Of: E.S.	07-1054	New Hanover

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **THURSDAY, 7TH OF FEBRUARY 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 Davis	07-1023	Wake
State v Pelham	07-1024	Brunswick
State v Goodwin	07-1028	Guilford
In The Matter Of: D.K.H.	07-1003	Mecklenburg
Sisk v Amini	07-1013	Union
Barnard v N.C. DOT	07-1015	N.C. Industrial Commission
Eaker v Gower	07-1025	Alexander
Brown v Via Electric Company	07-1027	N.C. Industrial Commission
Reinhardt v Glendale Companies, Inc.	07-1123	Jackson

Sent Date: 4 January 2008

# North Carolina Court of Appeals

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## Supplemental Calendar

Monday, 11 February 2008

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT DURING THE WEEK OF **11 FEBRUARY 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 Leach	07-411	Guilford
Ink Pen Retreat Corp. v Hunter Heath	07-418	Onslow
State v Brinkley	07-521	Edgecombe
State v Rhodes aka Miller	07-632	Mecklenburg
State v Dockery	07-649	Cumberland
State v Kearns	07-666	Forsyth
State v Payne	07-773	Caldwell
Carolina Tailors, et al v Wagner	07-776	Carteret
State v Brown	07-843	Mecklenburg
State v Crowell	07-954	Forsyth

Sent Date: 11 January 2008

# North Carolina Court of Appeals

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

## Supplemental Calendar

Monday, 18 February 2008

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT DURING THE WEEK OF **18 FEBRUARY 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: J.L., J.E., M.L.	07-1224	Durham
In The Matter Of: E.X.J. and A.J.J.	07-1235	Rutherford
In The Matter Of: J.M., et al	07-1246	Rockingham
In The Matter Of: D.A.A.W.	07-1248	Burke
In The Matters Of: L.F., T.F., K.S.	07-1253	Craven
In The Matter Of: K.H.	07-1277	Cumberland
In the Matter of: B.L.H., Z.L.H.	07-1313	Buncombe
In Re: A.F.H-G	07-1346	Cumberland
In The Matter Of: M.J.M. and M.L.S.	07-1350	New Hanover
In Re: J.T., J.T., A.J.	07-1372	Cumberland
In The Matter Of: K.J.H.	07-1408	Cleveland
In Re: J.E.C.M. and R.E.S.	07-1424	Carteret

Sent Date: 25 January 2008

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## COURT CALENDAR BY PANEL

Tuesday, 19 February 2008

### PANEL NO. 2

HONORABLE JAMES A. WYNN, JR.  
HONORABLE LINDA M. MCGEE  
HONORABLE ANN MARIE CALABRIA

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

State v Bodden	07-719	Durham
Odell v Legal Bucks, LLC	07-1094	Rockingham

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **TUESDAY, 19TH OF FEBRUARY 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 Borkar	07-815	Swain
State v Batchelor	07-863	Nash
Bradley v Maxim Healthcare	07-1052	N.C. Industrial Commission
Backman v Backman	07-1055	Watauga
Salter v Willis	07-1059	Carteret
Bank One, N.A. v Friedman	07-1068	Iredell
Sellers v Morton	07-1069	Guilford
Harrington v Gerald	07-1070	New Hanover
Johnson, et al v Lucas, et al	07-1084	Wake
Bradley v Continental General Tire	07-1093	N.C. Industrial Commission

Sent Date: 16 January 2008

# North Carolina Court of Appeals

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## COURT CALENDAR BY PANEL

Wednesday, 20 February 2008

### PANEL NO. 3

HONORABLE ROBERT C. HUNTER  
HONORABLE WANDA G. BRYANT  
HONORABLE BARBARA JACKSON

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

Meares v Town of Beaufort, et al	07-882	Carteret
Muchmore v Trask	07-995	Wake

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 20TH OF FEBRUARY 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 Satanek	07-890	Onslow
State v Oakman	07-929	New Hanover
State v Webber	07-934	Cleveland
Guilford County v Puckett	07-761	Guilford
Allen v Care Focus, et al	07-852	N.C. Industrial Commission
Mankes v NC State Education Assistance	07-944	Wake
Matthews v Davis	07-946	Onslow
Polk v Nationwide Recyclers, Inc.	07-1001	N.C. Industrial Commission
Nationwide Mutual Fire v Mnatsakanov	07-1004	Mecklenburg
Food Lion, LLC v Finazzle Corporation	07-1029	Wake

Sent Date: 16 January 2008

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## COURT CALENDAR BY PANEL

Wednesday, 20 February 2008

### PANEL NO. 4

HONORABLE DOUGLAS MCCULLOUGH  
HONORABLE RICK ELMORE  
HONORABLE JOHN ARROWOOD

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

State v Hinkle and Cook	07-1014	Hertford
Austin v Bald II, L.L.C.	07-1152	Pasquotank

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 20TH OF FEBRUARY 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 Oliver	07-972	Mecklenburg
State v Sandres	07-1022	Wayne
Bailey v Bruch	07-1101	Durham
Phillips & Jordan Inv. v Greun Madainn	07-1105	Graham
Clontz v Hollar & Greene Produce Co.	07-1118	N.C. Industrial Commission
Jackson v Carland	07-1122	Henderson
Shehan v Gaston County, et al	07-1138	Gaston
Table Rock v Environmental Management	07-1153	Burke
Guilford County v Holbrook	07-1165	Guilford

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## COURT CALENDAR BY PANEL

Thursday, 21 February 2008

### PANEL NO. 5

HONORABLE JOHN M. TYSON  
HONORABLE MARTHA A. GEER  
HONORABLE DONNA STROUD

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

State v Haddock	07-1050	Guilford
Z.A. Sneed's Sons, Inc. v ZP No. 116	07-1031	New Hanover

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

County of Durham v Daye	07-1036	Durham
State v McKoy	07-1040	Harnett
State v Jeffries	07-1049	Buncombe
Eaker v Naber Chrysler	07-1033	Randolph
Free Spirit Aviation v Rutherford Co.	07-1034	Rutherford
Trotter v NC Dept. of Health	07-1035	Orange
Goulston Technologies v Devan Chemicals	07-1043	Union
Lewis v Beachview Exxon Service	07-1046	N.C. Industrial Commission
In the Matter of: S.J.E.	07-1047	Durham
Orix Financial v Raspberry Logging	07-1051	Craven

Sent Date: 16 January 2008

# North Carolina Court of Appeals

Court of Appeals Building  
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## Supplemental Calendar

Monday, 25 February 2008

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT DURING THE WEEK OF **25 FEBRUARY 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 Hill	07-769	Onslow
State v Horton	07-771	Wilkes
Elixson v Advanced Residuals Management	07-841	N.C. Industrial Commission
State v Mitchell	07-956	Wake
State v Gray	07-962	Rutherford
In the Matter of: M.A.R.	07-991	Mecklenburg
Wallace v Estate of Wallace, et al	07-1053	Richmond
State v Phillips	07-1061	Rutherford

Sent Date: 24 January 2008