

# 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, 3 March 2008

### PANEL NO. 1

HONORABLE JOHN C. MARTIN  
HONORABLE ANN MARIE CALABRIA  
HONORABLE MARTHA A. GEER

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **MONDAY, 3RD OF MARCH 2008 AT 1:00 p.m.**

White Fox Construction v Mountain Grove	07-963	Caldwell
Swink v Weintraub	07-1088	Guilford

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **MONDAY, 3RD OF MARCH 2008.** COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

Swink v Weintraub	07-960	Guilford
State v Watkins	07-774	Buncombe
State v Lugo	07-906	Macon
State v Lazaro	07-937	Mecklenburg
State v Rodrigo	07-938	Mecklenburg
State v Viera	07-968	Wake
State v Bailey	07-989	Cabarrus
Norman v N.C. Dept. of Transportation	07-894	N.C. Industrial Commission
Crocker v Crocker	07-964	Catawba
Smith v Barbour	07-1083	Wake

Sent Date: 8 February 2008

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## COURT CALENDAR BY PANEL

Tuesday, 4 March 2008

### PANEL NO. 2

HONORABLE JAMES A. WYNN, JR.  
HONORABLE WANDA G. BRYANT  
HONORABLE BARBARA JACKSON

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **TUESDAY, 4TH OF MARCH 2008 AT 9:30 a.m.**

State v Williams	07-1057	Cumberland
Kitchin v Halifax County, et al	07-965	Halifax
CIM Insurance v Cascade Auto Glass	07-1079	Wake

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **TUESDAY, 4TH OF MARCH 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 McDougald	07-993	Harnett
State v Jenkins	07-1006	Transylvania
State v Moore	07-1048	Edgecombe
State v Dietze	07-1066	Durham
State v Sherrod	07-1071	Wayne
Miller v Miller	07-1032	Harnett
Childress v Gamewell Mechanical	07-1072	N.C. Industrial Commission
Herman v Herman	07-1081	Catawba

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## COURT CALENDAR BY PANEL

Tuesday, 4 March 2008

### PANEL NO. 5

HONORABLE DOUGLAS MCCULLOUGH  
HONORABLE SANFORD STEELMAN  
HONORABLE JOHN ARROWOOD

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **TUESDAY, 4TH OF MARCH 2008.** COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

Ross v Ross

07-981

Carteret

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## COURT CALENDAR BY PANEL

Wednesday, 5 March 2008

### PANEL NO. 3

HONORABLE LINDA M. MCGEE  
HONORABLE JOHN M. TYSON  
HONORABLE LINDA STEPHENS

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

Moody v Sears Roebuck And Co.	07-1089	New Hanover
Shepard v Bonita Vista Properties	07-1095	Scotland

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 5TH OF MARCH 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 Wilson	07-1077	Carteret
State v Williams	07-1080	Union
State v Hatley	07-1091	Cabarrus
State v Cook	07-1096	Cumberland
State v Hallyburton	07-1114	Catawba
State v McCain	07-1115	Guilford
Helms v Helms	07-1090	Pender
Cyprus Group, LLC v Twiss and Holland	07-1127	Wake
Clay v Monroe	07-1136	Wake
Countrywide Home Loans v Bank One, N.A.	07-1137	Iredell

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## COURT CALENDAR BY PANEL

Wednesday, 5 March 2008

### PANEL NO. 4

HONORABLE ROBERT C. HUNTER  
HONORABLE RICK ELMORE  
HONORABLE DONNA STROUD

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 5TH OF MARCH 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 Hairston	07-1119	Onslow
State v Stafford	07-1124	Forsyth
State v Tollison	07-1125	Guilford
State v Riffe	07-1130	Randolph
State v Simmons	07-1131	New Hanover
State v Baldwin	07-1132	Forsyth
Hinson v Jarvis	07-1142	Wilkes
Hawkins v Hawkins	07-1146	Forsyth
Hawkins v Wiseman	07-1149	Forsyth
Lanier v Eddie Romanelle's	07-1154	N.C. Industrial Commission
Durham County v Graham	07-1158	Durham
Deason v Owens-Illinois, Inc.	07-1159	N.C. Industrial Commission

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## COURT CALENDAR BY PANEL

Thursday, 6 March 2008

### PANEL NO. 5

HONORABLE DOUGLAS MCCULLOUGH  
HONORABLE SANFORD STEELMAN  
HONORABLE JOHN ARROWOOD

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

State v Sapp	07-1135	Mecklenburg
Harris v Stewart	07-1174	Orange
Petroleum Traders Corp. v State	07-1176	Wake

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **THURSDAY, 6TH OF MARCH 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 Atkins	07-1134	Wayne
State v Clark	07-1151	Robeson
State v Vick	07-1163	Edgecombe
State v Cox	07-1171	Wayne
State v Robinson	07-1180	Guilford
Hines v Wal-Mart Stores East, L.P.	07-1160	Wilson
In The Matter Of: K.L.K.	07-1169	Mecklenburg
Covington v Triad Financial Corporation	07-1172	Lincoln
Baker v Baker	07-1175	Wake

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## COURT CALENDAR BY PANEL

Monday, 17 March 2008

### PANEL NO. 1

HONORABLE JOHN C. MARTIN  
HONORABLE ANN MARIE CALABRIA  
HONORABLE MARTHA A. GEER

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **MONDAY, 17TH OF MARCH 2008 AT 1:00 p.m.**

Miles v Koon	07-1181	Mecklenburg
In The Matter Of: Ernst & Young, LLP	07-1219	Wake

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **MONDAY, 17TH OF MARCH 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 Palmer	07-811	Rutherford
State v Salazar	07-893	Guilford
State v Ceesay	07-897	Wake
In The Matter Of: Little Pig Properties	07-673	Wilson
Parker v Scott	07-935	Davie
Goolsby v Yadkin Valley Motor Co.	07-958	N.C. Industrial Commission
Foster v Unifi, Inc.	07-1016	Mecklenburg
Radcliff v Orders Distributing Company	07-1041	Guilford
Hyer v Hyer	07-1102	Buncombe
In The Matters Of: A.J.W. and K.S.W.	07-1229	Alexander

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## COURT CALENDAR BY PANEL

Tuesday, 18 March 2008

### PANEL NO. 2

HONORABLE JAMES A. WYNN, JR.  
HONORABLE WANDA G. BRYANT  
HONORABLE BARBARA JACKSON

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **TUESDAY, 18TH OF MARCH 2008 AT 9:30 a.m.**

Carolina Power & Light Co. v ESC	07-1247	Wake
A.D. Myers Builders v Deluxe Cleaners	07-1261	Durham
Murray v County of Person, et al	07-1260	Person

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **TUESDAY, 18TH OF MARCH 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 Hobbs	07-914	Pitt
State v Credle	07-1021	Beaufort
State v Bollinger	07-1062	Cabarrus
In The Matter Of: D.C.	07-1186	Mecklenburg
Monger v Durham Housing Authority	07-1187	N.C. Industrial Commission
Carey v Norment Security Industries	07-1188	N.C. Industrial Commission
Gardner v Ebenezer, LLC	07-1190	Dare
King v Lingerfelt	07-1193	Catawba
Glenn v TDM Corporation	07-1194	N.C. Industrial Commission

Sent Date: 19 February 2008



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## COURT CALENDAR BY PANEL

Wednesday, 19 March 2008

### PANEL NO. 3

HONORABLE LINDA M. MCGEE  
HONORABLE JOHN M. TYSON  
HONORABLE LINDA STEPHENS

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

Carl v State of NC	07-1288	Wake
St. Regis of Onslow County v Johnson	07-1295	Onslow

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 19TH OF MARCH 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 Brill	07-1143	Alamance
State v Rosales-Villa	07-1144	Wayne
State v Williams	07-1155	Brunswick
Yorke v Novant Health, Inc., et al	07-1206	Forsyth
Queen v Queen	07-1207	Lincoln
Schneider v Hoff	07-1209	Cabarrus
Markley v Markley	07-1210	Wake
Webb v Nash General Hospital	07-1215	N.C. Industrial Commission
Willow Bend Homeowners v Robinson	07-1290	Cumberland
Chapel Hill Title v Town of Chapel Hill	07-1292	Orange

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## COURT CALENDAR BY PANEL

Wednesday, 19 March 2008

### PANEL NO. 4

HONORABLE ROBERT C. HUNTER  
HONORABLE RICK ELMORE  
HONORABLE DONNA STROUD

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

State v Carter	07-1156	Wake
Corbett v Gray	07-1239	Wake

**NOTE:** Oral argument will be held at the following location:

### NCCU LAW SCHOOL

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State v Abshire	07-1185	Caldwell
State v Spencer	07-1191	Iredell
Hardy v Masterbrand Cabinets, Inc.	07-1195	N.C. Industrial Commission
Priest v Safety-Kleen Systems, Inc.	07-1201	Bladen
Fayetteville Publ'g v Advanced Internet	07-1203	Cumberland
Egen v Excalibur Resort	07-1204	N.C. Industrial Commission
Clark v Clark	07-1205	Dare
Powers v Goodyear Tire & Rubber Co.	07-1218	N.C. Industrial Commission
Foster v Nash-Rocky Mount Co. Bd.	07-1233	Nash
Benz v American Airlines	07-1343	N.C. Industrial Commission

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## COURT CALENDAR BY PANEL

Thursday, 20 March 2008

### PANEL NO. 5

HONORABLE DOUGLAS MCCULLOUGH  
HONORABLE SANFORD STEELMAN  
HONORABLE JOHN ARROWOOD

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

State v Oxendine and Locklear	07-1162	Robeson
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THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **THURSDAY, 20TH OF MARCH 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 Daniels	07-1202	Hoke
State v Rorer	07-1214	Iredell
Harrell v Sagebrush of NC, LLC	07-1264	Duplin
Kaylor v Fox	07-1272	Caldwell
Naik v HR Providence Road, LLC	07-1285	Mecklenburg
Christmas v Cabarrus County, et al	07-1301	Cabarrus
Mitchell County v Buchanan, et al	07-1307	Mitchell
Mincey-Smith v Smith	07-1325	Forsyth
Grandy v Midgett	07-1332	Dare
Bailey v Bailey	07-1340	Wilson

Sent Date: 19 February 2008