

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, 1 December 2008

PANEL NO. 1

HONORABLE JOHN C. MARTIN
HONORABLE JAMES A. WYNN, JR.
HONORABLE LINDA STEPHENS

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

| | | |
|--|--------|-----------|
| Cypress Capital v Firestone | 08-459 | Wake |
| Jones v Graham County Bd. of Educ. | 08-477 | Graham |
| Outer Banks Water v R.P.C. Contracting | 08-709 | Currituck |

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **MONDAY, 1ST OF DECEMBER 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 Harris | 08-409 | Lee |
| State v Freeman | 08-445 | Columbus |
| State v Huetto | 08-503 | Randolph |
| Demurry v NC Dept. of Corrections | 08-442 | Onslow |
| Chaisson v Red Simpson, et al | 08-704 | N.C. Industrial Commission |
| Braswell v St. Paul Mercury Ins. Co. | 08-710 | Wayne |
| Cooper v BHT Enterprises | 08-711 | N.C. Industrial Commission |
| Moses H. Cone Memorial v Hawley | 08-712 | Guilford |
| Santoni v Sundown Cove, LLC, et al | 08-715 | Iredell |

Sent Date: 6 November 2008

North Carolina Court of Appeals

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COURT CALENDAR BY PANEL

Wednesday, 3 December 2008

PANEL NO. 3

HONORABLE LINDA M. MCGEE
HONORABLE WANDA G. BRYANT
HONORABLE MARTHA A. GEER

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **WEDNESDAY, 3RD OF DECEMBER 2008**
AT 9:30 a.m.

| | | |
|---------------------------|--------|--------|
| Brind'Amour v Brind'Amour | 08-543 | Wake |
| Blitz v Agean, Inc. | 08-686 | Durham |

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 3RD OF DECEMBER 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 Smith and Brown | 08-680 | Martin |
| State v Bethea | 08-705 | Buncombe |
| State v Peele | 08-713 | Martin |
| WHD, L.P. v Mayflower Capital, et al | 08-541 | Wake |
| Fussell v NC Farm Bureau, et al | 08-597 | Wake |
| Wallis v Cambron | 08-673 | Carteret |
| Fulford, ex rel v Jenkins, et al | 08-675 | Duplin |
| Krueger v NC Criminal Justice Educ. | 08-679 | Wake |
| Timber Ridge v Caldwell | 08-689 | Mecklenburg |
| Nazzaro v Sagun | 08-691 | Dare |

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COURT CALENDAR BY PANEL

Wednesday, 3 December 2008

PANEL NO. 4

HONORABLE ROBERT C. HUNTER
HONORABLE RICK ELMORE
HONORABLE BARBARA JACKSON

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

| | | |
|---|--------|----------|
| McMillan, et al v Town of Tryon | 08-642 | Polk |
| JMW Concrete v John W. Daniel & Company | 08-643 | Alamance |
| Jones v McLeod | 08-702 | Johnston |

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 3RD OF DECEMBER 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 Smart | 08-714 | Wake |
| State v Hairston | 08-767 | Forsyth |
| State v Miller | 08-770 | Wilkes |
| Crawford v Phillips | 08-615 | N.C. Industrial Commission |
| Frink, et al v Batten, et al | 08-696 | Robeson |
| Tony Sterwerf Trucking v Beatty | 08-698 | Wake |
| West Side v NC Dept. of Crime Control | 08-908 | Wake |
| Valley Transp. v NC Dept. of Crime | 08-909 | Wake |
| Keen Transport v NC Dept. of Crime | 08-910 | Wake |

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COURT CALENDAR BY PANEL

Thursday, 4 December 2008

PANEL NO. 5

HONORABLE ANN MARIE CALABRIA
HONORABLE SANFORD STEELMAN
HONORABLE DONNA STROUD

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

| | | |
|------------------------------------|--------|----------|
| Scotland County Schools v Locklear | 08-795 | Scotland |
|------------------------------------|--------|----------|

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **THURSDAY, 4TH OF DECEMBER 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 Rooks | 08-551 | Hoke |
| State v Kilby | 08-655 | Wilkes |
| State v Perry | 08-676 | Franklin |
| Hammer Publications v The Knights Party | 08-654 | Guilford |
| Hamby v Williams | 08-662 | Rowan |
| On Trading Corp. v NC Insurance | 08-669 | Dare |
| In The Matter Of: M.B. | 08-768 | Mecklenburg |
| State of NC, ex rel v State Properties | 08-779 | Wake |
| Collins v Citation Foundry, et al | 08-786 | N.C. Industrial Commission |
| Parata Systems, LLC v Navajo Health | 08-793 | Durham |
| File v File | 08-797 | Rowan |

Sent Date: 6 November 2008

North Carolina Court of Appeals

Court of Appeals Building
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Raleigh, North Carolina 27601

Supplemental Calendar

Monday, 8 December 2008

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT ON **8 DECEMBER 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 Jones | 08-208 | Forsyth |
| State v Wagner | 08-240 | Forsyth |
| State v Hill | 08-417 | Mecklenburg |
| State v Wood | 08-429 | Guilford |
| State v Jackson | 08-455 | Wake |
| State v Pegues | 08-545 | Sampson |
| State v Woods | 08-596 | Catawba |
| State v Gatling | 08-607 | Hertford |
| State v Lewis | 08-661 | Buncombe |
| State v Wheeler | 08-694 | Cabarrus |
| State v Maysonet | 08-566 | Iredell |
| State v Bell | 08-567 | Onslow |
| State v Stephens | 08-590 | Forsyth |
| State v Jones | 08-606 | Mecklenburg |
| State v Harvey | 08-658 | Johnston |
| State v Ferguson | 08-735 | Mecklenburg |
| State v Gladden | 08-726 | Rowan |
| State v Jones | 08-866 | Iredell |
| State v Harlow | 08-878 | Columbus |

Sent Date: 10 November 2008

North Carolina Court of Appeals

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COURT CALENDAR BY PANEL

Wednesday, 10 December 2008

PANEL NO. 4

HONORABLE ROBERT C. HUNTER
HONORABLE RICK ELMORE
HONORABLE BARBARA JACKSON

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **WEDNESDAY, 10TH OF DECEMBER 2008 AT 1:00 p.m.**

| | | |
|--|--------|----------------------------|
| Media Network, Inc. v Long Haymes Carr | 08-801 | Mecklenburg |
| Holloway v N.C. Dept. of Crime Control | 08-802 | N.C. Industrial Commission |

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 10TH OF DECEMBER 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 Mabry | 08-729 | Stanly |
| State v Morgan | 08-742 | Wake |
| State v Moore | 08-800 | Wake |
| Christoph v Pennell | 08-505 | Forsyth |
| In The Matter Of: U.V.M. | 08-586 | Guilford |
| In The Matter Of: D.M.B. | 08-618 | Nash |
| Estes v Comstock Homebuilding, et al | 08-730 | Wake |

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COURT CALENDAR BY PANEL

Wednesday, 10 December 2008

PANEL NO. 3

HONORABLE LINDA M. MCGEE
HONORABLE WANDA G. BRYANT
HONORABLE MARTHA A. GEER

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 10TH OF DECEMBER 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 Rawlinson | 08-585 | Iredell |
| State v Johnson | 08-604 | Guilford |
| State v Ewart | 08-681 | Haywood |
| Eleen v Heil | 08-861 | Onslow |
| Blanton v Isenhower | 08-864 | Catawba |
| Hill v Town of Robbins | 08-890 | Moore |
| Malloy v Cooper | 08-892 | Granville |
| Biggerstaff v Petsmart, Inc. | 08-937 | N.C. Industrial Commission |
| Southeast Land Co. v Liberty Mutual | 08-972 | Guilford |

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COURT CALENDAR BY PANEL

Thursday, 11 December 2008

PANEL NO. 5

HONORABLE ANN MARIE CALABRIA
HONORABLE SANFORD STEELMAN
HONORABLE DONNA STROUD

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **THURSDAY, 11TH OF DECEMBER 2008**
AT 9:30 a.m.

Lail v Bowman Gray School of Medicine 08-811 Catawba

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **THURSDAY, 11TH OF DECEMBER 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 Massey | 08-831 | Mecklenburg |
| State v Long | 08-846 | Craven |
| State v Robinson | 08-865 | Carteret |
| Womble v G & D Transportation, et al | 08-804 | N.C. Industrial Commission |
| Cascadden v Household Realty Corp. | 08-805 | Onslow |
| Bynum v Nash-Rocky Mount Board of Educ. | 08-823 | Edgecombe |
| Carolina Pole, Inc. v FirstEnergy Corp. | 08-829 | Brunswick |
| Lane v American National Can Company | 08-835 | N.C. Industrial Commission |

North Carolina Court of Appeals

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Supplemental Calendar

Monday, 15 December 2008

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT ON **15 DECEMBER 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: N.F. | 08-906 | Buncombe |
| In The Matter Of: M.B. | 08-932 | Cumberland |
| In The Matter Of: N.R. | 08-930 | Wake |
| In The Matter Of: B.G.R. | 08-938 | Catawba |
| In The Matter Of: E.L.W. and E.M.W. | 08-941 | Guilford |
| In Re: T.L. | 08-993 | Robeson |

North Carolina Court of Appeals

Court of Appeals Building
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Supplemental Calendar

Monday, 22 December 2008

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT ON **22 DECEMBER 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.R.G. | 08-954 | Gaston |
| In Re: J.L.W. | 08-1011 | Harnett |
| In Re: J.S. | 08-1030 | Lee |
| In Re: L.E.L. & P.P.L., II | 08-1055 | Jackson |
| In The Matter Of: E.R.A. | 08-1072 | Wake |
| In The Matter Of: N.B., I.B., A.F. | 08-1082 | Orange |

Sent Date: 1 December 2008

North Carolina Court of Appeals

Court of Appeals Building
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Supplemental Calendar

Monday, 29 December 2008

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT ON **29 DECEMBER 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 Cooper | 08-527 | Wake |
| State v Desmore | 08-762 | Mecklenburg |
| State v Carr | 08-791 | Pitt |
| State v Lundy | 08-799 | Forsyth |
| State v White | 08-837 | Burke |
| State v Doster | 08-925 | Forsyth |
| In The Matter Of: K.H.U.E. and N.I.E. | 08-950 | Mecklenburg |
| In the Matter of: R.A.E. | 08-1024 | Wilkes |
| In Re: L.M.S.L. | 08-1056 | Yadkin |
| In Re: J.M. | 08-1184 | Harnett |
| In The Matter Of: J.M.P. | 08-1187 | Greene |
| In The Matter Of: S.L.T. and A.A.T. | 08-1223 | Davidson |

Sent Date: 2 December 2008