

# 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

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

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

# 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

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

Sent Date: 6 November 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

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  
One West Morgan Street  
Raleigh, North Carolina 27601

## Supplemental Calendar

Monday, 8 December 2008

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT DURING THE WEEK OF **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

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

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

# 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

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

# 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

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

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

## Supplemental Calendar

Monday, 15 December 2008

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT DURING THE WEEK OF **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  
One West Morgan Street  
Raleigh, North Carolina 27601

## Supplemental Calendar

Monday, 22 December 2008

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT DURING THE WEEK OF **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

# North Carolina Court of Appeals

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

## Supplemental Calendar

Monday, 29 December 2008

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT DURING THE WEEK OF **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