

# 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, 6 April 2009

### PANEL NO. 1

HONORABLE JOHN C. MARTIN  
HONORABLE ANN MARIE CALABRIA  
HONORABLE SANFORD STEELMAN

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **MONDAY, 6TH OF APRIL 2009 AT 9:30 a.m.**

State v Gettys	08-927	Burke
State v Wallace & Benton	08-1429	Richmond
Whiteheart v Waller	08-1261	Forsyth

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

**Charlotte School of Law**

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **MONDAY, 6TH OF APRIL 2009.** COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v Burgess	08-781	Wake
State v Lamond	08-940	Durham
State v Thacker	08-1090	Alamance
State v Marengo	08-1104	Onslow
Mooney v Mooney	08-998	Henderson
Overcash v NC Dept. of Environment	08-1205	Cabarrus
Laster, et al v Francis, et al	08-1230	Wake
Paul v Mechworks Mechanical Contractors	08-1245	N.C. Industrial Commission
Voller Realty & Const. v D.V. Holdings	08-1271	Chatham

Sent Date: 6 March 2009

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## COURT CALENDAR BY PANEL

Tuesday, 7 April 2009

### PANEL NO. 2

HONORABLE JAMES A. WYNN, JR.  
HONORABLE BARBARA JACKSON  
HONORABLE ROBERT N. HUNTER, JR.

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **TUESDAY, 7TH OF APRIL 2009 AT 9:30 a.m.**

State v Mello	08-1054	Forsyth
Boryla-Lett v Psychiatric Solutions	08-1357	Wake
Greene, ex rel v Barrick, et al	08-1358	Franklin

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **TUESDAY, 7TH OF APRIL 2009.** COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v Mello	08-1052	Forsyth
State v Laurel	08-1114	Forsyth
State v Bartlett	08-1123	Durham
State v Fulton	08-1210	Forsyth
State v Lawrence	08-1231	Durham
Rowell v Bowling	08-1352	New Hanover
Bryant v Jones	08-1404	Jackson
Carcano v JBSS, LLC	08-1423	Rutherford
Welch v Lumpkin	08-1424	Mecklenburg

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## COURT CALENDAR BY PANEL

Wednesday, 8 April 2009

### PANEL NO. 3

HONORABLE LINDA M. MCGEE  
HONORABLE ROBERT C. HUNTER  
HONORABLE CHERI BEASLEY

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **WEDNESDAY, 8TH OF APRIL 2009 AT 9:30 a.m.**

Streadwick v Warren	08-1193	Henderson
In Re: Cooper	08-1280	Wake
Pinewild Project v Village of Pinehurst	08-1288	Moore

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 8TH OF APRIL 2009.** COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v Spruiell	08-1244	Lee
State v Young	08-1264	Forsyth
State v Davis	08-1275	Mecklenburg
State v Vines	08-1292	Edgecombe
State v Payton	08-1315	Mecklenburg
State v Ray	08-1329	Hoke
City of Durham v Safety National	08-1149	Durham
Follum v NC State University	08-1291	Wake
In The Matter Of: J.L.	08-1306	Mecklenburg

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## COURT CALENDAR BY PANEL

Wednesday, 8 April 2009

### PANEL NO. 4

HONORABLE RICK ELMORE  
HONORABLE DONNA STROUD  
HONORABLE SAM J. ERVIN, IV

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **WEDNESDAY, 8TH OF APRIL 2009 AT 1:00 p.m.**

Carolina Digestive v NC Dept. of Health	08-952	N.C. Dept. of Health & Human Svcs
Gray v Allen	08-1092	Stanly

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State v Dunn	08-1331	Onslow
State v Williams	08-1334	Wake
State v Reese	08-1336	Wake
State v Brewton	08-1338	Bertie
State v Hill	08-1347	Pitt
State v Laliberte	08-1354	Camden
Clark v Tyco International, Inc.	08-1041	Harnett
In Re: Clark	08-1043	Harnett
Mitchell v Mitchell (now Norwich)	08-1069	Durham
Underwood v Underwood	08-1131	Catawba

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## COURT CALENDAR BY PANEL

Thursday, 9 April 2009

### PANEL NO. 5

HONORABLE WANDA G. BRYANT  
HONORABLE MARTHA A. GEER  
HONORABLE LINDA STEPHENS

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **THURSDAY, 9TH OF APRIL 2009 AT 9:30 a.m.**

Heflin, et al v G.R. Hammonds Roofing	08-1309	N.C. Industrial Commission
Housecalls Home Health v State of NC	08-1322	Wake

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **THURSDAY, 9TH OF APRIL 2009.** COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v Crocker	08-1363	Davidson
State v Cumbee	08-1366	Harnett
State v Giddens	08-1385	Macon
State v Potter	08-1398	Iredell
State v Stines	08-1418	Catawba
State v Stephens	08-1420	Robeson
Monaghan v Schilling	08-1308	Rutherford
Milks v Mills	08-1313	Forsyth
Lovick v Farris	08-1335	Lee
Rigsbee v Special Flowers, Inc.	08-1340	Durham

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## COURT CALENDAR BY PANEL

Monday, 20 April 2009

### PANEL NO. 1

HONORABLE JOHN C. MARTIN  
HONORABLE ANN MARIE CALABRIA  
HONORABLE SANFORD STEELMAN

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **MONDAY, 20TH OF APRIL 2009 AT 1:00 p.m.**

Yurek v Shaffer	08-1410	Granville
Libertarian Party, et al v State, et al	08-1413	Wake
Reese v Mecklenburg County	08-1417	Mecklenburg

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **MONDAY, 20TH OF APRIL 2009.** COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v Stanback	08-1000	Forsyth
State v Jackson	08-1058	Wayne
State v Randolph	08-1138	Beaufort
State v Biggs	08-1170	Chowan
State v Strickland	08-1186	Person
State v Brown	08-1214	Cumberland
State, Ex. Rel. v Eason	08-1432	Camden
Hawkins v General Electric Co.	08-1436	N.C. Industrial Commission
Keith v Wallerich	08-1444	New Hanover

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## COURT CALENDAR BY PANEL

Tuesday, 21 April 2009

### PANEL NO. 2

HONORABLE JAMES A. WYNN, JR.  
HONORABLE BARBARA JACKSON  
HONORABLE ROBERT N. HUNTER, JR.

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **TUESDAY, 21ST OF APRIL 2009 AT 9:30 a.m.**

Moss Creek Homeowners v Bissette	08-1156	Guilford
Laotian Culture Center v Wat Lao	08-1255	Mecklenburg

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **TUESDAY, 21ST OF APRIL 2009.** COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v Whitley	08-1246	Martin
State v Parker	08-1260	Columbus
State v Owens	08-1279	Cherokee
State v Vlahakis	08-1299	Onslow
State v Cole & Cole	08-1304	Moore
State v Garcia	08-1312	Forsyth
Bennett v News and Observer	08-1212	Wake
Templeton Properties LP v Town of Boone	08-1237	Watauga
Self-Help Ventures Fund v Custom Finish	08-1482	Durham
First-Citizens Bank v Darwin Medical	08-1486	Cumberland

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## COURT CALENDAR BY PANEL

Wednesday, 22 April 2009

### PANEL NO. 3

HONORABLE LINDA M. MCGEE  
HONORABLE ROBERT C. HUNTER  
HONORABLE CHERI BEASLEY

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **WEDNESDAY, 22ND OF APRIL 2009 AT 9:30 a.m.**

Calabria v NC State Board of Elections	08-1269	Wake
NC Dept. of Revenue v Nicolai	08-1356	Wake

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 22ND OF APRIL 2009.** COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v Troy	08-1332	Columbus
State v Rogers	08-1344	Cabarrus
State v Arrington	08-1355	Halifax
State v Brown	08-1359	Jones
State v Hunt	08-1377	Durham
State v Bonds	08-1397	Catawba
In The Matter Of: A.B.	08-1349	Buncombe
Pigg v NC Department of Correction	08-1373	N.C. Industrial Commission
Downey v Martin	08-1380	Yancey
Twin Tower Erection v Beatty	08-1437	Forsyth



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Wednesday, 22 April 2009

### PANEL NO. 4

HONORABLE RICK ELMORE  
HONORABLE DONNA STROUD  
HONORABLE SAM J. ERVIN, IV

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **WEDNESDAY, 22ND OF APRIL 2009 AT 1:00 p.m.**

NC Dept. of Revenue v Bill Davis Racing	08-1387	Wake
Harleysville Mutual v Buzz Off Insect	08-1393	Guilford
Fischer Investment v Catawba Dev.	08-1407	Buncombe

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State v Davis	08-1405	Halifax
State v Whitaker	08-1406	Moore
State v Sturdivant	08-1422	Davidson
State v Vogt	08-1441	Mecklenburg
State v Cannady	08-1459	Franklin
State v Smith	08-1463	Haywood
Barloworld Fleet v Palmetto Forest	08-1391	Mecklenburg
Dean v Bruno	08-1498	Cabarrus
In The Matter Of: Carter	08-1503	Catawba

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## COURT CALENDAR BY PANEL

Thursday, 23 April 2009

### PANEL NO. 5

HONORABLE WANDA G. BRYANT  
HONORABLE MARTHA A. GEER  
HONORABLE LINDA STEPHENS

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **THURSDAY, 23RD OF APRIL 2009 AT 9:30 a.m.**

Everhart v O'Charley's, Inc.	08-1454	Forsyth
Schwarz & Schwarz v Caldwell Co.	08-1458	Caldwell

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **THURSDAY, 23RD OF APRIL 2009.** COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v Parker	08-1471	Alamance
State v Raynor	08-1490	Brunswick
State v Jackson	08-1517	Rutherford
State v Brewington	08-1521	Forsyth
State v Causby	08-1533	Rutherford
State v Bradshaw	08-1534	Orange
Petty v Petty	08-1447	Cabarrus
Augusta Homes, Inc. v Feuerstein	08-1456	Iredell
Southern Furniture Company v Anderson	08-1468	Catawba
Bryant v Newcon, Inc., et al	08-1477	N.C. Industrial Commission