

# 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

Tuesday, 1 September 2009

### PANEL NO. 2

HONORABLE JAMES A. WYNN, JR.  
HONORABLE ANN MARIE CALABRIA  
HONORABLE RICK ELMORE

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **TUESDAY, 1ST OF SEPTEMBER 2009**  
**AT 9:30 a.m.**

Hardy and King v Beaufort Co. Board	09-132	Beaufort
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THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **TUESDAY, 1ST OF SEPTEMBER 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 May	09-175	Beaufort
State v Williams	09-184	Stanly
State v Tyson	09-185	Gaston
State v Belk	09-187	Mecklenburg
State v Dunn	09-188	Durham
State v Hooker	09-190	Wake
Rieper v Pearce	09-131	Wake
BenBow & Assoc. v Altamont Development	09-138	Buncombe
Barbour v Dinkel	09-140	Cumberland
Davis v Cook	09-141	Cherokee
Kluttz v Next Safety, Inc.	09-153	Ashe

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## COURT CALENDAR BY PANEL

Wednesday, 2 September 2009

### PANEL NO. 3

HONORABLE LINDA M. MCGEE  
HONORABLE SANFORD STEELMAN  
HONORABLE BARBARA JACKSON

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **WEDNESDAY, 2ND OF SEPTEMBER 2009 AT 9:30 a.m.**

Haugh, et al v County of Durham, et al	09-167	Durham
Progress Energy Carolinas v Strickland	09-170	Columbus

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 2ND OF SEPTEMBER 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 Battle	09-201	Granville
State v Hines	09-202	Union
State v Dickerson	09-211	Wayne
State v Davison	09-212	Forsyth
State v Anderson	09-220	Forsyth
State v Stover	09-229	Buncombe
Hutchinson v Fender	09-156	Buncombe
Blyth, et al v McCrary, et al	09-163	Haywood
E.B. Harris, Inc. v Wiggins	09-169	Warren
Telerent Leasing Corp. v Boaziz	09-171	Wake

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## COURT CALENDAR BY PANEL

Wednesday, 2 September 2009

### PANEL NO. 4

HONORABLE MARTHA A. GEER  
HONORABLE DONNA STROUD  
HONORABLE SAM J. ERVIN, IV

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **WEDNESDAY, 2ND OF SEPTEMBER 2009 AT 1:00 p.m.**

State v Sargeant	09-262	Watauga
Kelley v Agnoli	09-179	Forsyth
Cunningham v Selman	09-199	Davidson

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 2ND OF SEPTEMBER 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 Johnson	09-232	McDowell
State v Smith	09-235	Transylvania
State v Valentine	09-261	Vance
State v Singleton	09-263	Guilford
State v Simmons	09-268	Forsyth
Whisnant v Carolina Farm Credit	09-180	Cleveland
Ivey's Retail Condo. v Wachovia Bank	09-181	Mecklenburg
Tyburski v Stewart	09-182	Wake
Taylor v Batts	09-196	Wilson

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## COURT CALENDAR BY PANEL

Thursday, 3 September 2009

### PANEL NO. 5

HONORABLE LINDA STEPHENS  
HONORABLE ROBERT N. HUNTER, JR.  
HONORABLE CHERI BEASLEY

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **THURSDAY, 3RD OF SEPTEMBER 2009**  
**AT 9:30 a.m.**

State v Davis	09-278	Mecklenburg
In The Matter Of: W.B.M.	09-205	New Hanover

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **THURSDAY, 3RD OF SEPTEMBER 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 Lederer-Hughes	09-280	Wake
State v Hughes	09-288	Guilford
State v Williams	09-289	Wake
State v Mumford	09-300	Greene
State v Wray	09-304	Cleveland
Self, et al v Yelton	09-207	Cleveland
Garner v Cheek	09-214	Wake
Harrison v Lands End of Emerald Isle	09-215	Carteret
Wilson v Division of Social Services	09-216	Mecklenburg
Woodard v NC DOT	09-217	Wake

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## COURT CALENDAR BY PANEL

Monday, 14 September 2009

### PANEL NO. 1

HONORABLE JOHN C. MARTIN  
HONORABLE ROBERT C. HUNTER  
HONORABLE WANDA G. BRYANT

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **MONDAY, 14TH OF SEPTEMBER 2009**  
**AT 1:00 p.m.**

State v Graham	09-135	Mecklenburg
Bernold v Board of Governors	09-165	Wake

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **MONDAY, 14TH OF SEPTEMBER 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 Williams	08-1578	Wayne
State v Stitt	09-90	Cumberland
State v Mobley	09-139	Mecklenburg
State v Small	09-222	Davidson
State v Duren	09-248	Forsyth
Rivas v N.C. DOT	09-122	Wake
Hodges v Hodges	09-128	Henderson
Hodges v Hodges	09-129	Henderson
Hodges v Hodges	09-130	Henderson
Thompson v Thompson	09-162	Robeson

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## COURT CALENDAR BY PANEL

Tuesday, 15 September 2009

### PANEL NO. 2

HONORABLE JAMES A. WYNN, JR.  
HONORABLE ANN MARIE CALABRIA  
HONORABLE RICK ELMORE

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **TUESDAY, 15TH OF SEPTEMBER 2009**  
**AT 9:30 a.m.**

State v Coleman	09-307	Lincoln
In The Matter Of: Amusements	09-234	Property Tax Commission

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **TUESDAY, 15TH OF SEPTEMBER 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 Boothe	09-264	Forsyth
State v Valvere-Liborio	09-296	Forsyth
State v Neal	09-312	Guilford
State v Busias	09-322	Onslow
State v Perry	09-323	Guilford
Harris v Harris	09-224	New Hanover
Hill v Thompson	09-231	Wake
Scheerer, et al v Fisher, et al	09-236	Haywood
Fairbanks, et al v Brewington, et al	09-237	Guilford
Cury v Mitchell	09-238	Buncombe

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## COURT CALENDAR BY PANEL

Wednesday, 16 September 2009

### PANEL NO. 3

HONORABLE LINDA M. MCGEE  
HONORABLE SANFORD STEELMAN  
HONORABLE BARBARA JACKSON

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **WEDNESDAY, 16TH OF SEPTEMBER 2009 AT 9:30 a.m.**

State v Allen	09-344	New Hanover
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THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 16TH OF SEPTEMBER 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 Biber	09-331	Buncombe
State v Price	09-336	Jackson
State v Tellez	09-338	Johnston
State v Mewborn	09-343	Lenoir
State v Black	09-351	Cleveland
Morgan v Morgan	09-246	Henderson
Musarra v Bock	09-249	Macon
Joyner v Bowen	09-250	Nash
Peters v Onslow County School District	09-259	N.C. Industrial Commission
Lexington Furniture v Furnco Int'l	09-265	Guilford

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## COURT CALENDAR BY PANEL

Wednesday, 16 September 2009

### PANEL NO. 4

HONORABLE MARTHA A. GEER  
HONORABLE DONNA STROUD  
HONORABLE SAM J. ERVIN, IV

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **WEDNESDAY, 16TH OF SEPTEMBER 2009 AT 1:00 p.m.**

In The Matter Of: Will of Durham	09-274	Chatham
Frontier Leasing Corp. v Hunt	09-275	Wayne

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 16TH OF SEPTEMBER 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 Johnson	09-352	Forsyth
State v Grier	09-359	Forsyth
State v Pauley	09-364	Mecklenburg
State v Peterson	09-365	Guilford
State v Batchelor	09-366	Person
State v Revels	09-380	Scotland
Bryson v Haywood Regional Medical Ctr.	09-270	Haywood
Mosteller v Duke Energy Corp.	09-277	Gaston
Greene v Richardson	09-271	Wake
Pope v Johns Manville	09-281	N.C. Industrial Commission



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## COURT CALENDAR BY PANEL

Thursday, 17 September 2009

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **THURSDAY, 17TH OF SEPTEMBER 2009**. COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

Blackwell v Hatley, et al

09-298

Rowan

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## COURT CALENDAR BY PANEL

Thursday, 17 September 2009

### PANEL NO. 5

HONORABLE LINDA STEPHENS  
HONORABLE ROBERT N. HUNTER, JR.  
HONORABLE CHERI BEASLEY

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **THURSDAY, 17TH OF SEPTEMBER 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 Dexter	09-385	Pamlico
State v Cruz	09-386	Robeson
State v Williams	09-388	Forsyth
State v Neville	09-412	Edgecombe
State v Salvetti	09-504	Forsyth
State v Aretz	09-588	Onslow
Blackwell v Hatley, et al	09-298	Rowan
Blackwell v Hatley, et al	09-299	Rowan
Seagraves v Seagraves	09-302	Cabarrus
Davis v Hospice & Palliative Care	09-306	N.C. Industrial Commission
Bricker v Rhoney Furniture House	09-314	N.C. Industrial Commission
In The Matter Of: Estate of Seagraves	09-402	Cabarrus

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## COURT CALENDAR BY PANEL

Tuesday, 29 September 2009

### PANEL NO. 2

HONORABLE JAMES A. WYNN, JR.  
HONORABLE ANN MARIE CALABRIA  
HONORABLE RICK ELMORE

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **TUESDAY, 29TH OF SEPTEMBER 2009**  
**AT 9:30 a.m.**

State v Clodfelter and Jessup	09-356	Forsyth
Edwards v GE Lighting Systems, Inc.	09-247	Henderson

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **TUESDAY, 29TH OF SEPTEMBER 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 Shockley	09-241	Wake
State v Owens	09-332	Wake
Snow v Wake Forest University	09-189	Forsyth
Cordell v Doyle	09-313	Buncombe
State, ex rel v Hamrick	09-315	Cleveland
Al-Nasra v Cleveland County	09-316	Cleveland
Woodard v Cleveland County	09-317	Cleveland
State ex rel v Overcash	09-318	Cabarrus
Davis v Swan	09-321	Buncombe
Wilson v Wilson	09-325	New Hanover

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## COURT CALENDAR BY PANEL

Wednesday, 30 September 2009

### PANEL NO. 3

HONORABLE LINDA M. MCGEE  
HONORABLE SANFORD STEELMAN  
HONORABLE BARBARA JACKSON

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

Barris v Town of Long Beach, et al	09-333	Brunswick
Midkiff v Compton	09-254	Carteret

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 30TH OF SEPTEMBER 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 McMahan	09-408	Buncombe
State v Beam	09-422	Cabarrus
State v Aleem	09-425	Alamance
Rice v Coholan	09-326	Mecklenburg
In Re: Edwards	09-329	Cumberland
Huber Engineered Woods v Canal Ins.	09-335	Mecklenburg
NC State Bd. of Dental Examiner v Woods	09-341	Wake
Bare, et al v Atwood, et al	09-342	Ashe
Cleveland Const. Inc. v Mecklenburg Co.	09-355	Mecklenburg
In The Matter Of: D.K.L.	09-357	Pamlico
In The Matter Of: N.S.H.	09-371	Macon

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## COURT CALENDAR BY PANEL

Wednesday, 30 September 2009

### PANEL NO. 4

HONORABLE MARTHA A. GEER  
HONORABLE DONNA STROUD  
HONORABLE SAM J. ERVIN, IV

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 30TH OF SEPTEMBER 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 Archie	09-434	Cleveland
State v Wilson	09-438	Mecklenburg
State v Best	09-439	Mecklenburg
Brattain v Nutri-Lawn, Inc.	09-377	N.C. Industrial Commission
Henry v Knudsen	09-381	Wake
Plummer v Norandal USA, Inc.	09-382	N.C. Industrial Commission
Pepper v Norandal USA, Inc.	09-383	N.C. Industrial Commission
Bowles v Norandal USA, Inc.	09-384	N.C. Industrial Commission
Sperry v Koury Corporation	09-391	N.C. Industrial Commission
Pinkney v HMS Host USA, Inc.	09-393	Mecklenburg
Rockingham County DSS v Tate	09-394	Rockingham
PPD Dev., LP v Cognition Pharmaceutical	09-396	New Hanover