

# 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

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

Sent Date: 29 July 2009

# North Carolina Court of Appeals

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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

Sent Date: 29 July 2009

# North Carolina Court of Appeals

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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

Sent Date: 29 July 2009

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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

Sent Date: 29 July 2009

# North Carolina Court of Appeals

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

## 3.1 Calendar

Monday, 7 September 2009

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT DURING THE WEEK OF **7 SEPTEMBER 2009** 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: M.X.	09-514	Mecklenburg
In The Matter Of: E.J.T.	09-562	Johnston
In Re: T.B.	09-575	Scotland
In The Matter Of: A.M. and J.M.	09-591	Chatham
In The Matter Of: W.R.A.	09-592	Franklin
In The Matter Of: B.H. and T.B.	09-597	Buncombe

# North Carolina Court of Appeals

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

## Supplemental Calendar

Monday, 7 September 2009

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT DURING THE WEEK OF **7 SEPTEMBER 2009** 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 Walker	08-1565	Caswell
State v Shepard	09-86	Martin
State v Christian	09-210	Guilford
State v Sykes	09-228	Stanly
State v Jones	09-252	Cabarrus
State v Worley	09-269	Catawba
State v Flores	09-272	Wake
State v Jackson	09-284	Mecklenburg
State v Hawkins	09-305	New Hanover

Sent Date: 17 August 2009

# North Carolina Court of Appeals

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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

Sent Date: 25 August 2009

# North Carolina Court of Appeals

Court of Appeals Building  
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## 3.1 Calendar

Monday, 14 September 2009

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT DURING THE WEEK OF **14 SEPTEMBER 2009** 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: F.G.J. and M.G.J.	09-522	Johnston
In The Matter Of: J.K.B.	09-580	Buncombe
In Re: W.L.A. and O.C.A.	09-628	Graham
In The Matter Of: T.G.W.	09-693	Buncombe
In The Matter Of: B.M.J.	09-726	Henderson
In The Matter Of: N.B., I.B., A.F.	09-811	Orange

Sent Date: 25 August 2009



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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

Sent Date: 14 August 2009

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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

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

Sent Date: 14 August 2009

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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

Sent Date: 14 August 2009

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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

# North Carolina Court of Appeals

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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

Sent Date: 14 August 2009

# North Carolina Court of Appeals

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

## 3.1 Calendar

Monday, 28 September 2009

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT DURING THE WEEK OF **28 SEPTEMBER 2009** 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: J.J.	09-649	Guilford
In Re: C.B. and S.B.	09-669	Macon
In The Matter Of: J.J.R.	09-689	Wake
In Re: C.E.L.P.	09-775	Wilkes
In The Matter Of: S.R.G.	09-789	Gaston
In The Matter Of: H.R.H.	09-793	Catawba

Sent Date: 3 September 2009

# North Carolina Court of Appeals

Court of Appeals Building  
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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

Sent Date: 27 August 2009

# North Carolina Court of Appeals

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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

Sent Date: 27 August 2009



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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

Sent Date: 27 August 2009