

# 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

Monday, 12 January 2009

### PANEL NO. 1

HONORABLE JOHN C. MARTIN  
HONORABLE WANDA G. BRYANT  
HONORABLE CHERI BEASLEY

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **MONDAY, 12TH OF JANUARY 2009 AT 1:00 p.m.**

Batts v Batts v NC DOT	08-522	Wilson
Sony Ericsson Mobile v Agere Systems	08-525	Wake

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **MONDAY, 12TH OF JANUARY 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 Cortes-Serrano	08-591	Brunswick
State v Winchester	08-595	Rockingham
State v Thomas	08-599	Union
State v Moore	08-616	Lenoir
State v Bryson	08-625	Buncombe
State v Cook	08-628	Haywood
In the Matter of: J.D.B.	08-499	Orange
Pulley v City of Wilson	08-716	N.C. Industrial Commission
Wiles v City of Concord Zoning Board	08-717	Cabarrus
Vestal v Capital Marble Creations, Inc.	08-739	Wake

Sent Date: 11 December 2008

# North Carolina Court of Appeals

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

## Supplemental Calendar

Monday, 12 January 2009

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT DURING THE WEEK OF **12 JANUARY 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 Bell	08-281	Brunswick
State v Justice	08-328	Wake
State v Braddy	08-333	Robeson
State v Hilliker	08-348	Pitt
State v Gary	08-361	Polk
State v Cross	08-379	Iredell
State v Corbett	08-410	Alamance
State v Pruitt	08-412	Rutherford
State v Graham	08-462	Scotland
State v Franklin	08-467	Forsyth

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## COURT CALENDAR BY PANEL

Tuesday, 13 January 2009

### PANEL NO. 2

HONORABLE JAMES A. WYNN, JR.  
HONORABLE ROBERT C. HUNTER  
HONORABLE SAM J. ERVIN, IV

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **TUESDAY, 13TH OF JANUARY 2009 AT 9:30 a.m.**

Wachovia Bank, et al v Harbinger, et al	08-629	Mecklenburg
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THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **TUESDAY, 13TH OF JANUARY 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 Land	08-407	Wake
State v Miller	08-427	Bladen
State v McSwain	08-507	Cleveland
State v Ward	08-524	New Hanover
State v Bailey	08-544	Harnett
State v Battle	08-580	Edgecombe
Guyton v FM Lending Services, Inc.	08-614	Wake
In The Matter Of: Estate of McIntosh	08-638	Carteret
Azalea Garden Board & Care v Vanhoy	08-640	Davidson
Sharyn's Jewelers v IPayment, et al	08-651	Carteret

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## COURT CALENDAR BY PANEL

Wednesday, 14 January 2009

### PANEL NO. 3

HONORABLE LINDA M. MCGEE  
HONORABLE BARBARA JACKSON  
HONORABLE ROBERT N. HUNTER, JR.

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **WEDNESDAY, 14TH OF JANUARY 2009**  
**AT 9:30 a.m.**

Meherrin Indian, et al v Lewis, et al	08-928	Hertford
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THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 14TH OF JANUARY 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 Beavers	08-550	Buncombe
State v Madures	08-602	Rowan
State v Fields	08-627	Columbus
State v Neal	08-690	Johnston
State v Wesley	08-695	Rutherford
State v Rowland	08-753	Harnett
Broyhill v Broyhill	08-512	Wilkes
City of Greensboro v Morse	08-547	Guilford
Shepherd v Lowe's Home Centers, Inc.	08-757	N.C. Industrial Commission
Fields v Pitt County Memorial Hospital	08-761	N.C. Industrial Commission
Lawyer v City of Elizabeth City NC	08-765	Pasquotank

Sent Date: 11 December 2008

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## COURT CALENDAR BY PANEL

Wednesday, 14 January 2009

### PANEL NO. 4

HONORABLE ANN MARIE CALABRIA  
HONORABLE RICK ELMORE  
HONORABLE DONNA STROUD

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

Bullard v Tall House Building Co.	08-839	Wake
Pressler v Duke University	08-859	Durham

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON WEDNESDAY, 14TH OF JANUARY 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 Allen	08-773	Person
State v Richardson	08-788	Orange
State v Webb	08-806	Macon
State v Wilkerson	08-819	Johnston
State v Valdez	08-820	McDowell
State v Murray	08-826	Buncombe
Bare v Catawissa Lumber & Specialty Co.	08-842	N.C. Industrial Commission
Drake v Hance	08-849	Union
La Costa Dev. v Town of North Topsail	08-855	Onslow
Harmon v Frangis	08-858	Wake

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## COURT CALENDAR BY PANEL

Thursday, 15 January 2009

### PANEL NO. 5

HONORABLE SANFORD STEELMAN  
HONORABLE MARTHA A. GEER  
HONORABLE LINDA STEPHENS

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

State v Maynard	08-847	Nash
Transportation Services v Wake Co. Bd.	08-664	Wake

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **THURSDAY, 15TH OF JANUARY 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 Dalton	08-873	Forsyth
State v Stacey	08-883	Forsyth
State v Brown	08-916	Mecklenburg
State v LaFountain	08-924	Clay
State v Ford	08-936	Durham
In the Matter of: C.G.	08-552	Mecklenburg
Wiggins v Bright	08-557	Lenoir
In The Matter Of: Sullivan	08-635	Property Tax Commission
Burress v Burress	08-660	Caldwell
Garner v Garner	08-670	Pitt

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## COURT CALENDAR BY PANEL

Monday, 26 January 2009

### PANEL NO. 1

HONORABLE JOHN C. MARTIN  
HONORABLE WANDA G. BRYANT  
HONORABLE CHERI BEASLEY

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **MONDAY, 26TH OF JANUARY 2009 AT 1:00 p.m.**

State v Palmer	08-633	Davidson
State v Fowler	08-652	Mecklenburg
Boseman v Jarrell	08-957	New Hanover

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **MONDAY, 26TH OF JANUARY 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 Baker	08-743	Wayne
Gentry v Big Creek Underground	08-922	Surry
In The Matter Of: N.W.	08-935	Guilford
Norton v Goods	08-963	Caswell
Schwartz v Banbury Woods Homeowners	08-964	Wake
Johnson v Nash Community College	08-969	Nash
Proctor v Local Government Employees'	08-976	Wake
Robinson v Trantham	08-979	Henderson
Stanton Barrett v Innovative Tech.	08-983	Cabarrus

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## Supplemental Calendar

Monday, 26 January 2009

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT DURING THE WEEK OF **26 JANUARY 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: A.N., A.W. and I.N.	08-901	Wake
In Re: N.L.O.	08-1014	Guilford
In The Matter Of: C.T.	08-1025	Craven
In The Matter Of: H.M. and N.M.	08-1073	Pasquotank
In The Matter Of: R.M.H. and C.N.P.	08-1089	New Hanover
In The Matter Of: A.S., J.B., B.L.S.	08-1225	Brunswick

Sent Date: 6 January 2009



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## COURT CALENDAR BY PANEL

Tuesday, 27 January 2009

### PANEL NO. 2

HONORABLE JAMES A. WYNN, JR.  
HONORABLE ROBERT C. HUNTER  
HONORABLE SAM J. ERVIN, IV

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **TUESDAY, 27TH OF JANUARY 2009 AT 9:30 a.m.**

Williams v Williams	08-692	Iredell
Cochran v Cochran	08-697	Rutherford
Vigus v Milton A. Latta & Sons	08-700	Durham

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **TUESDAY, 27TH OF JANUARY 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 Gayton-Barbossa	08-863	Wake
State v Washington	08-868	Forsyth
State v Burroughs	08-891	Mecklenburg
Johann v Johann	08-671	Orange
Machinery Transport, Inc., v Beatty	08-699	Wake
Simms v Simms	08-719	Wake
Parker v Hyatt	08-907	Macon
Seagle v Cross	08-911	Buncombe
Atkins v Black & Decker	08-912	N.C. Industrial Commission

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## COURT CALENDAR BY PANEL

Wednesday, 28 January 2009

### PANEL NO. 3

HONORABLE LINDA M. MCGEE  
HONORABLE BARBARA JACKSON  
HONORABLE ROBERT N. HUNTER, JR.

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **WEDNESDAY, 28TH OF JANUARY 2009**  
**AT 9:30 a.m.**

Ray v Forgy	08-721	Burke
Goldston v State	08-754	Wake
Five C's, Inc. v County of Pasquotank	08-771	Pasquotank

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 28TH OF JANUARY 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 McKoy	08-923	Wake
State v Carter	08-960	Beaufort
State v Streater	08-961	Davidson
Trophy Tracks, Inc. v Massachusetts Bay	08-733	Pitt
In the Matter of: M.S.	08-774	Mecklenburg
Davis v Barr	08-775	Union
APAC-Atlantic v 7 Star Construction Co.	08-913	Mecklenburg
Insulation Systems, Inc. v Fisher	08-915	Guilford
McNeely v McNeely	08-917	Transylvania

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## COURT CALENDAR BY PANEL

Wednesday, 28 January 2009

### PANEL NO. 4

HONORABLE ANN MARIE CALABRIA  
HONORABLE RICK ELMORE  
HONORABLE DONNA STROUD

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON WEDNESDAY, 28TH OF JANUARY 2009  
AT 1:00 p.m.

Newcomb v Greensboro Pipe Company	08-783	N.C. Industrial Commission
Schaeffer v Town of Hillsborough	08-796	Orange

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON WEDNESDAY, 28TH OF JANUARY 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 Wagoner	08-982	Wilkes
State v Popp	08-985	Craven
State v Kittrell	08-988	Wake
Bennett v Merchandise Mart Properties	08-784	Guilford
Tucker v Tucker	08-789	Moore
Town of Leland, NC v HWW, LLC	08-987	Brunswick
Liptrap v Coyne	08-991	Carteret
The North Carolina State Bar v McGee	08-995	N.C. State Bar
Gibson v Ussery	08-1002	Richmond

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## COURT CALENDAR BY PANEL

Thursday, 29 January 2009

### PANEL NO. 5

HONORABLE SANFORD STEELMAN  
HONORABLE MARTHA A. GEER  
HONORABLE LINDA STEPHENS

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

Murdock v Chatham County	08-809	Chatham
Jeffers v D'Alessandro	08-813	Mecklenburg

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **THURSDAY, 29TH OF JANUARY 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 Bryant	08-962	Forsyth
State v Keller	08-967	Nash
State v Gaddy	08-971	Durham
Jackson v Daniels	08-822	Craven
In The Matter Of: J.C.	08-851	Mecklenburg
In The Matter Of: Hayes	08-894	Forsyth
Town of Oriental v Henry	08-896	Pamlico
NC Farm Bureau v Simpson	08-898	Wake
Lupo v Share of NC, Inc.	08-899	Guilford
Shew v Wal-Mart Stores East, L.P.	08-902	Rowan