

# 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, 10 February 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, 10TH OF FEBRUARY 2009**  
**AT 9:30 a.m.**

|                             |        |        |
|-----------------------------|--------|--------|
| In The Matter Of: NC IDEA   | 08-561 | Wake   |
| Brown, et al v Meter, et al | 08-944 | Onslow |
| Turner v City of Greenville | 08-630 | Pitt   |

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **TUESDAY, 10TH OF FEBRUARY 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 Wolfe                          | 08-38  | Alamance                   |
| State v Miller                         | 08-650 | New Hanover                |
| State v Boggess                        | 08-746 | Durham                     |
| In the Matter of: K.H.                 | 08-528 | Durham                     |
| Franco v Liposcience, Inc.             | 08-785 | Wake                       |
| Adams v Winston-Salem/Forsyth County   | 08-815 | N.C. Industrial Commission |
| Dalenko v Monroe                       | 08-844 | Wake                       |
| Shore Acres Co. v Town of Wrightsville | 08-919 | New Hanover                |
| Northwest Property v Town of Carrboro  | 08-929 | Orange                     |
| White v Thompson                       | 08-953 | Columbus                   |

# 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

Wednesday, 11 February 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, 11TH OF FEBRUARY 2009 AT 9:30 a.m.**

|                                       |         |          |
|---------------------------------------|---------|----------|
| Hudgins v Wagoner                     | 08-1004 | Alamance |
| North Iredell Neighbors v Iredell Co. | 08-1010 | Iredell  |
| North Iredell Neighbors v Iredell Co. | 08-1068 | Iredell  |

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 11TH OF FEBRUARY 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 Castaneda                       | 08-790  | Forsyth     |
| State v Keaton                          | 08-840  | Mecklenburg |
| State v Rush                            | 08-871  | Guilford    |
| Fletcher v Bowser                       | 08-958  | Forsyth     |
| Griffith v NC Dept. of Correction       | 08-966  | Anson       |
| In The Matter Of: S.M.S.                | 08-970  | Pitt        |
| Northland Cable v Highlands Cable Group | 08-997  | Macon       |
| Hejl v Hood Hargett & Associates, Inc.  | 08-1065 | Mecklenburg |
| Bell Road Injury Ctr. v AllState Ins.   | 08-1066 | Graham      |

# 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

Wednesday, 11 February 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, 11TH OF FEBRUARY 2009 AT 1:00 p.m.**

|                                     |         |            |
|-------------------------------------|---------|------------|
| King v Beaufort Co. Bd. of Educ.    | 08-1038 | Beaufort   |
| Hardy v Beaufort Co. Bd. of Educ.   | 08-1053 | Beaufort   |
| Tonter Investments v Pasquotank Co. | 08-1057 | Pasquotank |

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 11TH OF FEBRUARY 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 Morrow                          | 08-867  | Wilkes                     |
| State v Brewington                      | 08-980  | Lee                        |
| State v Gardner                         | 08-1094 | Randolph                   |
| Sykes v Moss Trucking                   | 08-1039 | N.C. Industrial Commission |
| Siquar USA v Wang, et al                | 08-1049 | Catawba                    |
| Carter v Fresenius Medical Center       | 08-1063 | N.C. Industrial Commission |
| Gesel v Miller Orthopaedic Clinic, Inc. | 08-1077 | N.C. Industrial Commission |
| Manitius v Guthrie                      | 08-1083 | Carteret                   |
| In The Matter Of: SAS Institute Inc.    | 08-1106 | Property Tax Commission    |

# 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

Thursday, 12 February 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, 12TH OF FEBRUARY 2009**  
**AT 9:30 a.m.**

|                                   |         |          |
|-----------------------------------|---------|----------|
| Ford v Paddock                    | 08-1012 | Johnston |
| Panos v Timco Engine Center, Inc. | 08-1018 | Guilford |

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **THURSDAY, 12TH OF FEBRUARY 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 Kennedy                        | 08-877  | Lincoln                    |
| State v Webb                           | 08-904  | Union                      |
| State v Blackburn                      | 08-914  | Forsyth                    |
| First Gaston Bank v City of Hickory    | 08-1017 | Catawba                    |
| In the Matter of: D.L.H.               | 08-1019 | Guilford                   |
| Tallman v The City of Gastonia         | 08-1021 | Gaston                     |
| Leggett v AAA Cooper Transportation    | 08-1027 | Halifax                    |
| Munns v Precision Franchising, Inc.    | 08-1034 | N.C. Industrial Commission |
| Asheville Sports v City of Asheville   | 08-1085 | Buncombe                   |
| Livesay, et al v Carolina First, et al | 08-1102 | Henderson                  |

# 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, 23 February 2009

### PANEL NO. 1

HONORABLE JOHN C. MARTIN  
HONORABLE JAMES A. WYNN, JR.  
HONORABLE SAM J. ERVIN, IV

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **MONDAY, 23RD OF FEBRUARY 2009 AT 1:00 p.m.**

|                                    |        |          |
|------------------------------------|--------|----------|
| DOT v Marston Baptist Church, Inc. | 08-856 | Richmond |
| NC Dept. of Revenue v Hudson       | 08-945 | Wake     |

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **MONDAY, 23RD OF FEBRUARY 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 Pone                         | 08-656  | Sampson                    |
| State v Hinton                       | 08-758  | Mecklenburg                |
| State v Koonce                       | 08-777  | Lenoir                     |
| State v Sadler                       | 08-843  | Gaston                     |
| State v Young                        | 08-872  | Wake                       |
| State v Ward                         | 08-978  | New Hanover                |
| Lynn-Cliff, Inc. v Poole             | 08-741  | Pender                     |
| Battle v Sabates                     | 08-860  | Mecklenburg                |
| Berardi v Craven Co. School District | 08-920  | N.C. Industrial Commission |
| Pait v Southeastern Regional         | 08-955  | N.C. Industrial Commission |
| State v Carr                         | 08-1337 | Cabarrus                   |

# 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, 24 February 2009

### PANEL NO. 2

HONORABLE LINDA M. MCGEE  
HONORABLE MARTHA A. GEER  
HONORABLE CHERI BEASLEY

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **TUESDAY, 24TH OF FEBRUARY 2009**  
**AT 9:30 a.m.**

|                                        |         |      |
|----------------------------------------|---------|------|
| Craig v Sandy Creek Condominium, et al | 08-1048 | Wake |
|----------------------------------------|---------|------|

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **TUESDAY, 24TH OF FEBRUARY 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 Chandler                    | 08-885  | Chatham     |
| State v Trombley                    | 08-947  | Mitchell    |
| State v Bell                        | 08-959  | Gaston      |
| State v Cotton                      | 08-984  | Rowan       |
| State v Witherspoon                 | 08-1003 | Iredell     |
| State v Woods                       | 08-1006 | Alamance    |
| Connette v Jones                    | 08-981  | Brunswick   |
| Hardin v KCS International, Inc.    | 08-996  | New Hanover |
| Wein II, LLC v Porter, et al        | 08-1033 | Buncombe    |
| Brock & Scott Holdings, Inc. v West | 08-1051 | Pender      |

# 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

Wednesday, 25 February 2009

### PANEL NO. 3

HONORABLE ROBERT C. HUNTER  
HONORABLE ANN MARIE CALABRIA  
HONORABLE ROBERT N. HUNTER, JR.

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **WEDNESDAY, 25TH OF FEBRUARY 2009 AT 9:30 a.m.**

|                   |         |        |
|-------------------|---------|--------|
| State v Nicholson | 08-1007 | Durham |
|-------------------|---------|--------|

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 25TH OF FEBRUARY 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 Black                          | 08-1009 | Durham                     |
| State v Bettie                         | 08-1015 | Clay                       |
| State v Morton                         | 08-1020 | Person                     |
| State v Quick                          | 08-1023 | Guilford                   |
| State v Giddings                       | 08-1032 | Buncombe                   |
| Henson v Green Tree Servicing, LLC     | 08-1074 | Henderson                  |
| Hicks v Dunn-Benson Ford, Inc.         | 08-1088 | Sampson                    |
| Raper v Mansfield Systems, Inc.        | 08-1099 | N.C. Industrial Commission |
| Williamson v Blounts Bay Land Co., LLC | 08-1105 | Beaufort                   |
| Belviso v Rosenke                      | 08-1107 | Pasquotank                 |
| Harbin Yin Hai v Greentree Financial   | 08-1115 | Mecklenburg                |

# 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

Wednesday, 25 February 2009

### PANEL NO. 4

HONORABLE WANDA G. BRYANT  
HONORABLE RICK ELMORE  
HONORABLE SANFORD STEELMAN

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **WEDNESDAY, 25TH OF FEBRUARY 2009 AT 1:00 p.m.**

|                              |         |      |
|------------------------------|---------|------|
| Martini v Companion Property | 08-1127 | Wake |
| Bumpers v Community Bank     | 08-1135 | Wake |

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 25TH OF FEBRUARY 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 Vincent                    | 08-1137 | Northampton                |
| State v Burns                      | 08-1181 | Wake                       |
| State v Osorio                     | 08-1199 | Forsyth                    |
| State v Rinehart                   | 08-1209 | Forsyth                    |
| State v Allen                      | 08-1213 | Randolph                   |
| State v Frady                      | 08-1215 | Buncombe                   |
| Garner v Smith                     | 08-1117 | Carteret                   |
| West Durham Lumber v SunTrust Bank | 08-1136 | Durham                     |
| Griessel v Tamas Eye Center, P.C.  | 08-1139 | Forsyth                    |
| Lassiter v Town of Selma           | 08-1148 | N.C. Industrial Commission |



# 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

Thursday, 26 February 2009

### PANEL NO. 5

HONORABLE BARBARA JACKSON  
HONORABLE LINDA STEPHENS  
HONORABLE DONNA STROUD

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **THURSDAY, 26TH OF FEBRUARY 2009**  
**AT 9:30 a.m.**

|                               |         |        |
|-------------------------------|---------|--------|
| Noble v Hooters of Greenville | 08-1144 | Greene |
|-------------------------------|---------|--------|

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **THURSDAY, 26TH OF FEBRUARY 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 Rivens                        | 08-1042 | Mecklenburg |
| State v Taylor                        | 08-1045 | Mecklenburg |
| State v Rose                          | 08-1050 | New Hanover |
| State v Kotecki                       | 08-1070 | Forsyth     |
| State v Majett                        | 08-1076 | Forsyth     |
| State v Largent                       | 08-1108 | Watauga     |
| Tands, Inc. v Coastal Plains Realty   | 08-1143 | Lenoir      |
| Mosler v Druid Hills Land Co., Inc.   | 08-1146 | Henderson   |
| Plummer v Plummer                     | 08-1158 | Gaston      |
| Catawba County v Wyant                | 08-1159 | Catawba     |
| Fairway Outdoor Advertising v Edwards | 08-1172 | Cabarrus    |