

North Carolina Court of Appeals

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

Supplemental Calendar

Monday, 2 March 2009

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT DURING THE WEEK OF **2 MARCH 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 Byrd | 08-636 | Mecklenburg |
| State v Orr | 08-744 | Mecklenburg |
| State v Reardon | 08-780 | Cleveland |
| State v McMurrin | 08-838 | Pasquotank |
| State v Sweat | 08-848 | Lee |
| State v Hatten | 08-874 | Cleveland |
| State v Chafin | 08-895 | Burke |
| State v Platt | 08-926 | Guilford |
| In the Matter of: M.A.M. | 08-968 | Guilford |

Sent Date: 27 January 2009

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.

All arguments, in-person or by WebEx, are recorded and the livestream for each case will start when the argument begins and will be available for viewing at: <http://govu.us/nc-coa-oral-arguments> ***

COURT CALENDAR BY PANEL

Monday, 9 March 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, 9TH OF MARCH 2009 AT 1:00 p.m.**

| | | |
|---------------------------------------|--------|----------|
| State v Seneca-Cayuga Tobacco Company | 08-812 | Wake |
| Bauman v WoodLake Partners, LLC | 08-897 | Moore |
| Hamby v Profile Products, LLC | 08-942 | Caldwell |

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **MONDAY, 9TH OF MARCH 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 Faulise | 08-1124 | Mecklenburg |
| State v Reaves | 08-1128 | Columbus |
| State v Via | 08-1147 | Nash |
| Fields v Gurkin Construction Co., et al | 08-419 | N.C. Industrial Commission |
| Smith v Adams | 08-763 | Mecklenburg |
| Murray v Lorillard Tobacco Company | 08-778 | N.C. Industrial Commission |
| Pruitt v Pruitt | 08-879 | Mecklenburg |
| Boor v Spectrum Homes, Inc. | 08-888 | Wake |
| Silva v Lowe's Home Improvement | 08-943 | N.C. Industrial Commission |

Sent Date: 6 February 2009

North Carolina Court of Appeals

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

Supplemental Calendar

Monday, 9 March 2009

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT DURING THE WEEK OF **9 MARCH 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: D.L.M., et al | 08-1113 | Pasquotank |
| In The Matter Of: J.C., D.C., K.C. | 08-1339 | Onslow |
| In The Matter Of: K..L. | 08-1353 | Davidson |
| In The Matter Of: J.M.W. and R.M.W. | 08-1427 | Alamance |
| In Re: A.L. | 08-1439 | Harnett |
| In Re: G.V., C.A., Z.H. | 08-1487 | Currituck |

Sent Date: 18 February 2009

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>

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COURT CALENDAR BY PANEL

Tuesday, 10 March 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, 10TH OF MARCH 2009 AT 9:30 a.m.**

| | | |
|----------------------------|--------|------|
| Granger v University of NC | 08-992 | Wake |
|----------------------------|--------|------|

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **TUESDAY, 10TH OF MARCH 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 Wilson | 08-782 | Guilford |
| State v Lowry | 08-845 | Pasquotank |
| State v Burton | 08-973 | Caswell |
| In the Matter of: M.S. | 08-1016 | Guilford |
| Sullivan v Pender County | 08-1037 | Pender |
| Keal v Keal | 08-1067 | Mecklenburg |
| Hewett v Brunswick County | 08-1071 | Brunswick |
| In The Matter of: D.S. | 08-1078 | Robeson |
| East Camp, L.L.C. v Spruill, et al | 08-1081 | Tyrrell |
| Clayton v Mini Data Forms, Inc. | 08-1119 | N.C. Industrial Commission |
| Webb v Webb | 08-1150 | Alamance |

Sent Date: 6 February 2009

North Carolina Court of Appeals

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

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COURT CALENDAR BY PANEL

Wednesday, 11 March 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, 11TH OF MARCH 2009 AT 9:30 a.m.**

| | | |
|--------------------------------------|---------|------|
| Sanders v State Personnel Commission | 08-1179 | Wake |
|--------------------------------------|---------|------|

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 11TH OF MARCH 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 Graham | 08-1046 | Guilford |
| State v Simpson | 08-1059 | Mecklenburg |
| State v Crocker | 08-1062 | Rowan |
| Onslow County v Willingham | 08-1120 | Onslow |
| Woods v Mangum | 08-1134 | Durham |
| Christopher Brown BS v Healthsoft, Inc. | 08-1173 | Catawba |
| Peach v City of High Point | 08-1174 | Guilford |
| Badstein v Badstein | 08-1176 | Orange |
| Sutton v Sutton | 08-1178 | Wayne |
| Raef v Union County Public Schools | 08-1196 | Union |
| State, Midgett v Midgett | 08-1198 | Dare |

Sent Date: 6 February 2009

North Carolina Court of Appeals

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COURT CALENDAR BY PANEL

Wednesday, 11 March 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, 11TH OF MARCH 2009 AT 1:00 p.m.**

| | | |
|----------------------|---------|----------|
| Mileski v McConville | 08-1216 | Guilford |
|----------------------|---------|----------|

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 11TH OF MARCH 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 Mintz | 08-1075 | Haywood |
| State v Hernandez | 08-1112 | Forsyth |
| State v Disroe | 08-1121 | Wake |
| NC Farm Bureau v Morgan, et al | 08-1206 | Wake |
| Miller v Progressive American Ins. Co. | 08-1207 | Wake |
| FMB, Inc. v Creech, et al | 08-1208 | Wilson |
| Smithey v Nationwide Mutual Ins. Co. | 08-1221 | Wilkes |
| Masood v Erwin Oil Company | 08-1226 | N.C. Industrial Commission |
| Tatum v The Skin Surgery Center P.A. | 08-1243 | Forsyth |
| Duffy v Hanesbrands, Inc. | 08-1247 | N.C. Industrial Commission |
| Branham v Jackson | 08-1254 | Harnett |

Sent Date: 6 February 2009

North Carolina Court of Appeals

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

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COURT CALENDAR BY PANEL

Thursday, 12 March 2009

PANEL NO. 5

HONORABLE BARBARA JACKSON
HONORABLE LINDA STEPHENS
HONORABLE DONNA STROUD

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **THURSDAY, 12TH OF MARCH 2009 AT 9:30 a.m.**

| | | |
|-----------------------------------|---------|----------|
| In The Matter Of: Bradburn | 08-1263 | Iredell |
| Kaplan v O.K. Technologies, et al | 08-1297 | Guilford |

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **THURSDAY, 12TH OF MARCH 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 Canady | 08-1168 | Guilford |
| State v McNeil | 08-1169 | Wilson |
| State v Black | 08-1180 | Mecklenburg |
| Ford v Rodriguez | 08-1266 | Wake |
| Pigg v Massagee | 08-1270 | Henderson |
| Lefever v Taylor | 08-1278 | Watauga |
| Goodson v Affiliated Computer Services | 08-1281 | N.C. Industrial Commission |
| Smart v State of NC | 08-1286 | Pasquotank |
| Garland v BB&T, et al | 08-1296 | Harnett |
| Pearman v Dennis | 08-1317 | Guilford |

Sent Date: 6 February 2009

North Carolina Court of Appeals

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

Supplemental Calendar

Monday, 16 March 2009

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT DURING THE WEEK OF **16 MARCH 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 Ingram | 08-810 | Henderson |
| State v Williams | 08-875 | Wake |
| In The Matter Of: W.W. | 08-893 | Mecklenburg |
| Cadlerock, L.L.C. v Carolina Koolers | 08-974 | Mecklenburg |
| CadleRock, L.L.C. v Carolina Koolers | 08-975 | Mecklenburg |
| State v McFadden | 08-1125 | Mecklenburg |

Sent Date: 16 February 2009

North Carolina Court of Appeals

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

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COURT CALENDAR BY PANEL

Thursday, 19 March 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 **THURSDAY, 19TH OF MARCH 2009 AT 9:30 a.m.**

| | | |
|-----------------------------|---------|----------------|
| State v Roach | 08-720 | Guilford |
| The NC State Bar v Sossomon | 08-1248 | N.C. State Bar |

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

Elon University School of Law

North Carolina Court of Appeals

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

Supplemental Calendar

Monday, 23 March 2009

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT DURING THE WEEK OF **23 MARCH 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.

| | | |
|-------------------|---------|-------------|
| Gabice v Harbor | 08-634 | Mecklenburg |
| State v Blood | 08-645 | Mecklenburg |
| State v Amick | 08-760 | Wake |
| State v Bakri | 08-853 | Johnston |
| State v Davidson | 08-850 | Buncombe |
| State v Walston | 08-889 | Wake |
| State v Warran | 08-931 | Perquimans |
| State v Shive | 08-921 | Gaston |
| State v Murphy | 08-956 | Davidson |
| State v Johnson | 08-990 | Mecklenburg |
| State v Underwood | 08-949 | Jackson |
| State v Smith | 08-1031 | Wayne |
| State v Barnes | 08-1096 | Moore |
| State v Lynch | 08-1175 | Nash |
| State v Kingston | 08-1201 | Rockingham |
| State v George | 08-1301 | Guilford |
| State v McDuffie | 08-1302 | Forsyth |
| State v Wells | 08-1310 | Sampson |
| State v Flowe | 08-1311 | Mecklenburg |

Sent Date: 20 February 2009

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>

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COURT CALENDAR BY PANEL

Tuesday, 24 March 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 MARCH 2009 AT 9:30 a.m.**

| | | |
|--------------------------------|---------|-------------|
| Brackney v Brackney | 08-1044 | Forsyth |
| SPX Corporation v Ace Property | 08-1064 | Mecklenburg |

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **TUESDAY, 24TH OF MARCH 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 Watterson | 08-1110 | Guilford |
| State v Cruse | 08-1133 | Lenoir |
| State v Goode | 08-1145 | Wake |
| State v Crockett | 08-1161 | Forsyth |
| State v Norman | 08-1165 | Chowan |
| State v Yarborough | 08-1185 | Nash |
| Tabor v Kaufman | 08-1249 | Watauga |
| Baker v Rosner | 08-1298 | Union |
| Casella v Alden | 08-1316 | Chatham |
| Burton v Barbee | 08-1325 | Mecklenburg |
| Merritt v Hemmings | 08-1333 | Durham |

Sent Date: 20 February 2009

North Carolina Court of Appeals

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COURT CALENDAR BY PANEL

Wednesday, 25 March 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 MARCH 2009 AT 10:00 a.m.**

| | | |
|-----------------|---------|-------------|
| State v Mohamud | 08-1111 | Mecklenburg |
| State v Corbett | 08-1300 | Forsyth |

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

NCCU SCHOOL OF LAW

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 25TH OF MARCH 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 Moore | 08-1276 | Mecklenburg |
| State v McGee | 08-1285 | Forsyth |
| State v Douglas | 08-1287 | Cabarrus |
| State v Tomlinson | 08-1290 | Burke |
| Moore v Sullbark Builders, Inc. | 08-1348 | N.C. Industrial Commission |
| Pardue v Brinegar | 08-1367 | Wilkes |
| Evans v Conwood LLC, et al | 08-1368 | N.C. Industrial Commission |
| Williams v Kane | 08-1369 | Wake |
| Nolan v Cooke, et al | 08-1371 | Warren |
| Worthington v Walter Poole Realty | 08-1390 | Lenoir |

Sent Date: 20 February 2009

North Carolina Court of Appeals

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COURT CALENDAR BY PANEL

Wednesday, 25 March 2009

PANEL NO. 3

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

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 25TH OF MARCH 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 Poole | 08-876 | Caswell |
| State v Brunson | 08-1001 | Guilford |
| State v Harris | 08-1086 | Forsyth |
| State v Cooper | 08-1098 | Wake |
| State v James | 08-1109 | Wake |
| Turner v Beatty | 08-1100 | Guilford |
| Sunshine Heavy Hauling v Beatty | 08-1101 | Wake |
| Head v Mosier | 08-1132 | Rutherford |
| Beach v Hughes | 08-1192 | Mecklenburg |
| D'Aquisto v Mission St. Joseph's Health | 08-1238 | N.C. Industrial Commission |

Sent Date: 20 February 2009

North Carolina Court of Appeals

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COURT CALENDAR BY PANEL

Thursday, 26 March 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 MARCH 2009 AT 9:30 a.m.**

| | | |
|--------------------------------------|---------|------|
| Quets v Needham | 08-857 | Wake |
| Hoke Co. Bd. of Educ., et al v State | 08-1036 | Wake |
| McMillan v Town of Tryon | 08-1253 | Polk |

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **THURSDAY, 26TH OF MARCH 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 Tucker | 08-1189 | Forsyth |
| State v Walker | 08-1224 | Rockingham |
| State v Dawkins | 08-1257 | Guilford |
| State v Perez | 08-1274 | Carteret |
| State v Hubbard | 08-1314 | Forsyth |
| State v Davis | 08-1318 | Gaston |
| Johnson v Kidde Technologies, Inc. | 08-1005 | Wilson |
| Phillips v NC State University | 08-1029 | N.C. Industrial Commission |
| Lang v Lang | 08-1251 | Guilford |

Sent Date: 20 February 2009

North Carolina Court of Appeals

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

Supplemental Calendar

Monday, 30 March 2009

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT DURING THE WEEK OF **30 MARCH 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 Re: J.R.B. and N.B.B. | 08-1232 | Robeson |
| In The Matter Of: A.L.V.M. | 08-1351 | Guilford |
| In Re: J.D., D.D., J.D., T.D. | 08-1401 | Harnett |
| In The Matter Of: D.J.D. and O.D.D. | 08-1431 | Wayne |
| In The Matter Of: K.K. | 08-1473 | Buncombe |
| In The Matter Of: R.C., J.C., N.R. | 08-1480 | Mecklenburg |

Sent Date: 6 March 2009