

# 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, 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

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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
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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

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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
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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

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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
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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
Smithy 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

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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

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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**

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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

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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

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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

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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