

# 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, 3 November 2009

### PANEL NO. 2

HONORABLE JAMES A. WYNN, JR.  
HONORABLE LINDA M. MCGEE  
HONORABLE WANDA G. BRYANT

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **TUESDAY, 3RD OF NOVEMBER 2009 AT 9:30 a.m.**

I-Conn Healthcare v Advanced Internet	09-81	Cumberland
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THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **TUESDAY, 3RD OF NOVEMBER 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 Evans	09-361	Johnston
State v Smith	09-267	Wake
State v Early	09-389	Rockingham
Herbert v Herbert	09-225	Pitt
LaValley v LaValley	09-230	Carteret
Hargett v Schulz	09-291	Union
Coleman v Moon, et al	09-292	Pender
Miller v Miller	09-311	Guilford
Martin v Martin	09-328	Forsyth
Lawrence v Alejandro	09-395	Durham
Husketh v NC Dept. of Correction	09-411	N.C. Industrial Commission

Sent Date: 7 October 2009

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## COURT CALENDAR BY PANEL

Wednesday, 4 November 2009

### PANEL NO. 3

HONORABLE ROBERT C. HUNTER  
HONORABLE ANN MARIE CALABRIA  
HONORABLE MARTHA A. GEER

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **WEDNESDAY, 4TH OF NOVEMBER 2009**  
**AT 9:30 a.m.**

Latta v Rainey	09-511	Wilson
Miller v First Bank	09-607	Guilford

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 4TH OF NOVEMBER 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 Hosch	09-583	Cleveland
State v Berrio	09-608	Union
State v Ebersole	09-617	Wilkes
McKoy v McKoy	09-447	Forsyth
Helms v Landry	09-473	Mecklenburg
Fennell v Fennell	09-481	Pasquotank
Watson-Green v Wake County Bd. of Educ.	09-530	Wake
Day, et al v Brant, et al	09-573	Iredell
Burton v Williams	09-582	Durham
Parrott (Kriss) v Kriss	09-593	Lenoir

Sent Date: 7 October 2009

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## COURT CALENDAR BY PANEL

Wednesday, 4 November 2009

### PANEL NO. 4

HONORABLE RICK ELMORE  
HONORABLE SANFORD STEELMAN  
HONORABLE ROBERT N. HUNTER, JR.

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **WEDNESDAY, 4TH OF NOVEMBER 2009**  
**AT 1:00 p.m.**

Ford, et al v Mann, et al	09-677	Alamance
Piedmont Area Mental v City of Monroe	09-683	Union

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 4TH OF NOVEMBER 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 Richardson	09-621	Pitt
State v Haas	09-647	Randolph
State v Espinoza-Valenzuela	09-661	Wake
Cole v Industrial Maintenance, et al	09-600	N.C. Industrial Commission
Waddell v Metropolitan Sewerage	09-620	Buncombe
George v Greyhound Lines, Inc.	09-634	Wilson
Starling v Alexander Place Townhome	09-640	Wake
White v Oblinger	09-694	Wake
Williams v Rainey	09-707	Cumberland
Kelly v Regency Centers Corp.	09-715	Wake

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## COURT CALENDAR BY PANEL

Thursday, 5 November 2009

### PANEL NO. 5

HONORABLE LINDA STEPHENS  
HONORABLE DONNA STROUD  
HONORABLE CHERI BEASLEY

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **THURSDAY, 5TH OF NOVEMBER 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 Lewis	09-662	Orange
State v Smith	09-681	Cabarrus
State v Gainey	09-686	Mecklenburg
Dixon v Sears Roebuck & Co.	09-716	N.C. Industrial Commission
Lato Holdings v Bank of NC	09-731	Guilford
Littleton v Willis	09-732	Carteret
Newport v Newport	09-738	Alamance
McLaughlin v Staffing Solutions	09-739	N.C. Industrial Commission
Gray v Bryant	09-749	Lee
Watkins v Trogon Masonry, Inc.	09-758	N.C. Industrial Commission
Collier v Collier	09-786	Wake
Cape Fear Public Utility v Costa	09-798	New Hanover

Sent Date: 7 October 2009

# North Carolina Court of Appeals

Court of Appeals Building  
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## 3.1 Calendar

Monday, 9 November 2009

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT DURING THE WEEK OF **9 NOVEMBER 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 Matters Of: M.K.M., et al	09-838	Caldwell
Obo v Steven B., & Sabine B.	09-845	Carteret
In the Matter of: K.C.	09-854	Cleveland
In the Matter of: M.L.B.	09-897	Surry
In The Matter Of: J.C.C. and J.N.K.	09-924	Henderson
In The Matters Of: C.P., A.P., T.P., and...	09-1017	Caldwell

# North Carolina Court of Appeals

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## 3.1 Calendar

Tuesday, 10 November 2009

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT DURING THE WEEK OF **10 NOVEMBER 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: Z.D.H.	09-832	Guilford
In The Matter Of: A.K., et al	09-892	Wilson
In Re: D.S.A.	09-905	Yadkin
In Re: B.H.	09-982	Harnett
In The Matter Of: M.L.J.	09-1038	Davie
In The Matter Of: T.I., M.I., J.H., J.H....	09-1072	Durham

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## COURT CALENDAR BY PANEL

Monday, 16 November 2009

### PANEL NO. 1

HONORABLE JOHN C. MARTIN  
HONORABLE RICK ELMORE  
HONORABLE MARTHA A. GEER

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **MONDAY, 16TH OF NOVEMBER 2009 AT 1:00 p.m.**

State v Wright	09-674	Wake
Arce v Mountain Wood Forestry, Inc.	09-490	N.C. Industrial Commission

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **MONDAY, 16TH OF NOVEMBER 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 Mendoza	09-327	Wayne
State v Bivens	09-483	Stanly
State v Bryant	09-657	Forsyth
State v Mack	09-672	Gaston
State v Moore	09-678	Beaufort
Carolina Homes By Design v Lyons	09-74	Macon
Berrier, et al v Recovery Const., et al	09-376	N.C. Industrial Commission
Crocker v Crocker	09-501	Catawba
Canady, et al v NC Coastal Res., et al	09-545	New Hanover
Beckles-Palomares v Logan	09-567	Forsyth

Sent Date: 16 October 2009

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## COURT CALENDAR BY PANEL

Tuesday, 17 November 2009

### PANEL NO. 2

HONORABLE JAMES A. WYNN, JR.  
HONORABLE ANN MARIE CALABRIA  
HONORABLE CHERI BEASLEY

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **TUESDAY, 17TH OF NOVEMBER 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 Garcia	09-684	Forsyth
State v Blakeman	09-699	Johnston
State v Sullivan	09-705	Pender
State v Simpson	09-710	Mecklenburg
State v Larson	09-723	Davidson
State v Germain	09-727	Jackson
Hardin, ex rel v Liberty Commons, et al	09-570	Alamance
Johnson v Baxter Healthcare Corp.	09-579	N.C. Industrial Commission
Woodard v Cleveland County, et al	09-598	Cleveland
Thompson v NC Respiratory Care Board	09-599	Wake
Lacarrubba v Lacarrubba	09-612	Carteret
Al-Nasra v Cleveland County, et al	09-675	Cleveland



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## COURT CALENDAR BY PANEL

Wednesday, 18 November 2009

### PANEL NO. 3

HONORABLE LINDA M. MCGEE  
HONORABLE SANFORD STEELMAN  
HONORABLE LINDA STEPHENS

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **WEDNESDAY, 18TH OF NOVEMBER 2009 AT 9:30 a.m.**

State v Barron	09-770	Cumberland
Adkins v Stanly County Board, et al	09-638	Stanly
Signature Dev. v Sandler Commercial	09-646	Union

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 18TH OF NOVEMBER 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 Little	09-761	Wayne
State v Jacobs	09-762	Mecklenburg
State v Keener	09-771	Martin
State v Freeman	09-774	Mecklenburg
State v Noel	09-784	Onslow
Lucas v Rockingham County Schools	09-641	N.C. Industrial Commission
McKyer v McKyer	09-695	Mecklenburg
Berardi v Craven County Schools	09-702	N.C. Industrial Commission
Farlow v Farlow	09-714	Guilford

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## COURT CALENDAR BY PANEL

Wednesday, 18 November 2009

### PANEL NO. 4

HONORABLE ROBERT C. HUNTER  
HONORABLE WANDA G. BRYANT  
HONORABLE BARBARA JACKSON

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **WEDNESDAY, 18TH OF NOVEMBER 2009 AT 1:00 p.m.**

Green, et al v Kearney, et al	09-787	Franklin
Cary Creek Limited v Town of Cary	09-799	Wake
Conoley, et al v Town of Wendell, et al	09-810	Wake

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 18TH OF NOVEMBER 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 Hough	09-790	Mecklenburg
State v Parham	09-791	Durham
State v Moore	09-801	Mecklenburg
State v Zeiglar	09-814	Guilford
State v Moore	09-817	Pitt
State v Hawkins	09-821	Davidson
McCaskill v Dept. of State Treasurer	09-778	Durham
Del-Rio v Clarendon America Ins. Co.	09-780	Pitt
Brooks Millwork Company v Levine	09-781	Mecklenburg

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## COURT CALENDAR BY PANEL

Thursday, 19 November 2009

### PANEL NO. 5

HONORABLE DONNA STROUD  
HONORABLE ROBERT N. HUNTER, JR.  
HONORABLE SAM J. ERVIN, IV

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **THURSDAY, 19TH OF NOVEMBER 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 McCoy	09-827	Harnett
State v Bethea	09-833	Richmond
State v Williams	09-837	Henderson
State v Rominger	09-855	Forsyth
State v Sears	09-864	Cumberland
State v Taylor	09-885	Wake
DeRossett, et al v Duke Energy, et al	09-820	Graham
Burgess v Burgess	09-825	Rowan
Lee, et al v Winget Road, LLC, et al	09-828	Mecklenburg
Bioletti v Bioletti	09-876	Mecklenburg
Nelson, ex rel v Bennett, et al	09-896	Chatham
Strickland v City of Raleigh	09-962	Wake

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## COURT CALENDAR BY PANEL

Monday, 30 November 2009

### PANEL NO. 1

HONORABLE JOHN C. MARTIN  
HONORABLE RICK ELMORE  
HONORABLE MARTHA A. GEER

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **MONDAY, 30TH OF NOVEMBER 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 Sullivan	09-526	Pender
State v Graves	09-595	Rockingham
State v Dallas	09-644	Perquimans
Apgar, et al v Crawford	09-362	Haywood
Brock & Scott Holdings, Inc. v Lee	09-703	Cumberland
In The Matter Of: Webber	09-760	Cleveland
Johnson v The University of NC	09-783	Wake
Llull v Rose Furniture	09-804	N.C. Industrial Commission
Free Spirit Aviation v Rutherford Airpor...	09-806	Rutherford

# North Carolina Court of Appeals

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## 3.1 Calendar

Monday, 30 November 2009

PANEL NO. 0

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In Re: K.M.F. and J.K.F.	09-613	Rowan
In The Matter of: S.R.W.	09-704	Rockingham
In The Matter Of: T.H., C.H., K.B.	09-835	Forsyth
In Re: M.P.A.	09-856	Polk
In The Matter Of: D.A.H.	09-920	Burke
In The Matter Of: S'N.A.S., et al	09-959	Pitt

Sent Date: 10 November 2009

# North Carolina Court of Appeals

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## Supplemental Calendar

Monday, 30 November 2009

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT DURING THE WEEK OF **30 NOVEMBER 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 Walls	09-176	Iredell
State v Avery	09-206	Johnston
State v Allen	09-260	Forsyth
State v Pore	09-273	Moore
State v Conn	09-290	Henderson
State v Davis	09-297	Edgecombe
State v Graham	09-416	Guilford
State v Bishop	09-419	Sampson
In The Matter Of: Z.D.H.	09-436	Iredell
State v Weatherly	09-453	Guilford

Sent Date: 10 November 2009