

# 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, 7 April 2014

### PANEL NO. 1

HONORABLE JOHN C. MARTIN  
HONORABLE LINDA M. MCGEE  
HONORABLE ANN MARIE CALABRIA

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **MONDAY, 7TH OF APRIL 2014.**  
COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v Davey	13-1177	Cleveland
State v Posey	13-1342	Forsyth
State v Parker	13-1381	Durham
Integon Nat'l Ins. Co. v Helping Hands S...	13-1266	Forsyth
Evans v Evans	13-1305	Durham
Jacokes v APM Builders, Inc.	13-1329	Pender
Knowles v Bennett	13-1340	Union
Meyer v Race City Classics, LLC	13-1371	Iredell
Huttig Bldg. Prods., Inc. v McDonald	13-1419	Wake

# North Carolina Court of Appeals

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

## 3.1 Calendar

Monday, 7 April 2014

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT DURING THE WEEK OF **7 APRIL 2014** 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.D.V.	13-1061	Onslow
In re: S.M.	13-1241	Wake
In re: K.A.F.	13-1270	Guilford
In re: J.W.	13-1346	Buncombe
In re: B.M., D.C., A.C.	13-1354	Durham
In re: K.L.C.	13-1365	Davidson

Sent Date: 12 March 2014

# North Carolina Court of Appeals

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

## Supplemental Calendar

Monday, 7 April 2014

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT DURING THE WEEK OF **7 APRIL 2014** 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 Dilworth	13-856	Guilford
State v Strayhorn	13-924	Sampson
State v Kornegay	13-1011	Johnston
State v Miller	13-1024	Cabarrus
State v Barkley	13-1025	Wake
State v Wash	13-1152	Rowan
State v Shine	13-1183	Person
State v Johnson	13-1206	Cumberland
State v Martin	13-1218	Edgecombe
State v Boothe	13-1233	Stokes

Sent Date: 6 March 2014

# North Carolina Court of Appeals

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One West Morgan Street  
Raleigh, North Carolina 27601

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## COURT CALENDAR BY PANEL

Tuesday, 8 April 2014

### PANEL NO. 2

HONORABLE ROBERT C. HUNTER  
HONORABLE WANDA G. BRYANT  
HONORABLE SANFORD STEELMAN

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **TUESDAY, 8TH OF APRIL 2014.** COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v Berry	13-953	Alamance
State v Spellman	13-1192	Edgecombe
State v Cataldo	13-1343	Rockingham
Burroughs v Laser Recharge of Carolinas,...	12-1238	N.C. Industrial Commission
Hous. Auth. Of The City Of Raleigh v McN...	13-1278	Wake
Miller v Mission Hosp., Inc.	13-1310	N.C. Industrial Commission
Nelson v Alliance Hospitality Mgmt., LLC...	13-1325	Wake
Poole v UNC-Chapel Hill,	13-1345	N.C. Industrial Commission
Geoscience Grp., Inc. v Waters Constr. C...	13-1375	Mecklenburg

Sent Date: 17 March 2014

# North Carolina Court of Appeals

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Raleigh, North Carolina 27601

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## COURT CALENDAR BY PANEL

Wednesday, 9 April 2014

### PANEL NO. 4

HONORABLE MARTHA A. GEER  
HONORABLE LINDA STEPHENS  
HONORABLE SAM J. ERVIN, IV

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **WEDNESDAY, 9TH OF APRIL 2014 AT 1:00 p.m.**

Robertson, v Steris Corp.,	13-1301	Brunswick
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THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 9TH OF APRIL 2014.** COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v Mack	13-1173	Cleveland
State v Davis	13-1311	Henderson
State v Nelson	13-1355	Mecklenburg
Pasut v Robertson,	13-1245	Pitt
Cebula v The Givens Est., Inc.	13-1316	Buncombe
Jackson v The Charlotte Mecklenburg Hosp...	13-1338	Mecklenburg
In re: C.B.	13-1349	Durham
Bradley v Doe,	13-1392	Nash

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## COURT CALENDAR BY PANEL

Wednesday, 9 April 2014

### PANEL NO. 3

HONORABLE RICK ELMORE  
HONORABLE DOUGLAS MCCULLOUGH  
HONORABLE MARK A. DAVIS

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 9TH OF APRIL 2014.** COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v Rouse	13-1104	Pender
State v Triplett	13-1289	Wilkes
State v Jenrette	13-1353	Columbus
Hinshaw v Kuntz	13-1184	Mecklenburg
Folmar v Kesiah,	13-1297	Union
In re: King	13-1314	Property Tax Commission
Goodman v Living Ctrs. - Se., Inc.,	13-1336	Rowan
Fleming v Fleming	13-1347	Gaston
Mazzeo v City of Charlotte	13-1388	Mecklenburg

Sent Date: 17 March 2014

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## COURT CALENDAR BY PANEL

Thursday, 10 April 2014

### PANEL NO. 5

HONORABLE DONNA STROUD  
HONORABLE ROBERT N. HUNTER, JR.  
HONORABLE CHRIS DILLON

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **THURSDAY, 10TH OF APRIL 2014 AT 9:30 a.m.**

Swan Beach Corolla, L.L.C., v Cnty. of C...	13-1272	Currituck
DOT v Schad	13-1302	Stanly

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **THURSDAY, 10TH OF APRIL 2014.** COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v Mutter	13-1167	Buncombe
State v Jamison	13-1328	Cleveland
State v McKenzie	13-1366	Cumberland
Larrimore v Dillard, Inc.,	13-1317	N.C. Industrial Commission
In re The Est. Of: Heiman	13-1339	Orange
Harrison v Gemma Power Sys., LLC	13-1358	N.C. Industrial Commission
Powe v Centerpoint Hum. Servs.,	13-1410	N.C. Industrial Commission

# North Carolina Court of Appeals

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

## 3.1 Calendar

Monday, 14 April 2014

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT DURING THE WEEK OF **14 APRIL 2014** 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: J.A., J.J., J.J.	13-832	Mecklenburg
In re: J.R. & J.R.	13-1019	Mecklenburg
In re: S.B.A. & T.L.A.	13-1029	Greene
In re: S.H., J.H., T.H.	13-1037	Davidson
In re: E.W.P. & J.W.P.	13-1114	Brunswick
In re: K.I. & A.I.	13-1403	Catawba

Sent Date: 11 March 2014



# North Carolina Court of Appeals

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## COURT CALENDAR BY PANEL

Tuesday, 22 April 2014

### PANEL NO. 2

HONORABLE ROBERT C. HUNTER  
HONORABLE WANDA G. BRYANT  
HONORABLE SANFORD STEELMAN

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **TUESDAY, 22ND OF APRIL 2014 AT 9:30 a.m.**

In re The Appeal Of: Grandfather Mountai...	13-1447	Property Tax Commission
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THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **TUESDAY, 22ND OF APRIL 2014.** COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v Jones	13-1181	Craven
State v Williams	13-1280	Mecklenburg
State v Satterthwaite	13-1323	Beaufort
State v Hughes	13-1400	Gaston
State v. Massenburg	13-1434	Wake
State v Williams	14-1	Buncombe
In re: Stanback	13-1295	Durham
Brewster v Verbal	13-1344	Durham
Promenade At Surf City, LLC, v Nikkis On...	13-1422	Pender
Wiggins & Small v. E. Carolina Health-Ch...	13-1428	Chowan
Kiker v Winfield	13-1471	Harnett

Sent Date: 1 April 2014

# North Carolina Court of Appeals

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## COURT CALENDAR BY PANEL

Wednesday, 23 April 2014

### PANEL NO. 3

HONORABLE RICK ELMORE  
HONORABLE DOUGLAS MCCULLOUGH  
HONORABLE MARK A. DAVIS

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **WEDNESDAY, 23RD OF APRIL 2014 AT 9:30 a.m.**

State v McCanless	13-1292	Buncombe
Kindsgrab v State of N. Carolina Bd. Of ...	13-1321	Wake

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 23RD OF APRIL 2014.** COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v Davis	13-1092	Jackson
State v Griffin	13-1213	Mecklenburg
State v Godley	13-1337	Beaufort
State v Veal	13-1407	Buncombe
State v. Razo	13-1435	Guilford
Harris v Ballantine	13-1041	Guilford
Gift Surplus, LLC, v Bonfoey,	13-1361	Macon
Abdelaziz v. Asmar	13-1424	Mecklenburg
Carmichael v. Lively	13-1429	Mecklenburg
FIA Card Servs., N.A. v Caviness	13-1442	Wake

Sent Date: 1 April 2014

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## COURT CALENDAR BY PANEL

Wednesday, 23 April 2014

### PANEL NO. 4

HONORABLE MARTHA A. GEER  
HONORABLE LINDA STEPHENS  
HONORABLE SAM J. ERVIN, IV

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **WEDNESDAY, 23RD OF APRIL 2014 AT 2:00 p.m.**

Surgical Care Affiliates, LLC, v N.C. De...	13-1322	Office of Admin. Hearings
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THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 23RD OF APRIL 2014.** COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v Carter	13-1146	Davidson
State v Haizlip	13-1286	Guilford
State v Thomas	13-1298	Wake
State v Tsilimos	13-1369	Mecklenburg
State v Surratt	13-1413	Cleveland
State v Barr	13-1461	McDowell
Cox v Town Of Oriental,	13-1222	Pamlico
In re: Gibbs	13-1396	Dare
Wally, v. City of Kannapolis	13-1425	Cabarrus
In re: Mills	13-1440	Cabarrus
4U Homes & Sales, Inc. v McCoy	13-1450	Mecklenburg

Sent Date: 1 April 2014

# North Carolina Court of Appeals

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## COURT CALENDAR BY PANEL

Thursday, 24 April 2014

### PANEL NO. 5

HONORABLE DONNA STROUD  
HONORABLE ROBERT N. HUNTER, JR.  
HONORABLE CHRIS DILLON

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **THURSDAY, 24TH OF APRIL 2014 AT 9:30 a.m.**

State v Bernard	13-1470	Guilford
N. Star Mgmt. v. Sedlacek	13-1427	Guilford

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **THURSDAY, 24TH OF APRIL 2014.** COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v McGirth	13-1172	Gaston
State v Brown	13-1265	Cabarrus
State v Honeycutt	13-1307	Mecklenburg
State v Granger	13-1382	New Hanover
State v Cloer	13-1423	Mecklenburg
Townsend v Simmons,	13-1320	Guilford
Lynn v Fed. Nat'l Mortg. Ass'n,	13-1334	Union
ELJ, Inc. v Jefferys,	13-1420	Onslow
Okafor v Okafor,	13-1441	Guilford
Rochester v W. Carolina Univ.	14-2	N.C. Industrial Commission

Sent Date: 1 April 2014

# North Carolina Court of Appeals

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

## 3.1 Calendar

Monday, 28 April 2014

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT DURING THE WEEK OF **28 APRIL 2014** 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.M. & S.M.	13-1154	Johnston
In re: A.R.S., E.D.S., M.S.S.	13-1300	New Hanover
In re: E.I.O.	13-1341	Mitchell
In Re: M.A.H.	13-1379	Guilford
In re: W.S.	13-1452	Chatham
In re: H.M.B., H.N.C., N.J.D., B.L.D.	13-1474	Johnston

Sent Date: 25 March 2014

# North Carolina Court of Appeals

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

## Supplemental Calendar

Monday, 28 April 2014

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT DURING THE WEEK OF **28 APRIL 2014** 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 Wilson	13-969	Cleveland
State v McMillan	13-1045	Hoke
State v Davis	13-1110	Mecklenburg
State v Watts	13-1145	New Hanover
State v Turner	13-1157	Duplin
State v Spencer	13-1158	Tyrrell
State v Reynosa	13-1160	Graham
State v Link	13-1171	Person
State v Morgan	13-1227	Union
State v Wood	13-1258	Rutherford

Sent Date: 26 March 2014