

# 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, 3 October 2016

### PANEL NO. 1

HONORABLE LINDA M. MCGEE  
HONORABLE RICHARD DIETZ  
HONORABLE JOHN M. TYSON

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **MONDAY, 3RD OF OCTOBER 2016 AT 1:00 p.m.**

State v. Schalow	16-330	Henderson
Wiley v. L3 Commc'ns Vertex Aerospace, ...	16-460	Cumberland

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **MONDAY, 3RD OF OCTOBER 2016.** 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	16-224	Forsyth
State v. Whitehead	16-294	Nash
State v. Butler	16-412	Guilford
State v. Walker	16-423	Forsyth
State v. Stanley	16-436	Forsyth
Harris v. N.C. Dep't of Pub. Safety	16-341	Office of Admin. Hearings
Jackson/Hill Aviation, Inc. v. Town of O...	16-396	Brunswick
Lee v. Moore	16-415	Bladen
Mastny v. Mastny	16-440	Wake
Norton v. Scotland Mem'l Hosp., Inc.	16-530	Scotland

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## COURT CALENDAR BY PANEL

Tuesday, 4 October 2016

### PANEL NO. 2

HONORABLE WANDA G. BRYANT  
HONORABLE ANN MARIE CALABRIA  
HONORABLE JOHN M. TYSON

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **TUESDAY, 4TH OF OCTOBER 2016 AT 3:00 p.m.**

State v. Bass	16-421	Wake
Hildebran Heritage & Dev. Ass'n, Inc. v....	16-568	Burke

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

**Wake Forest University School of Law  
Worrell Professional Center  
Room 1312  
Winston Salem, N. C. 27106**

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## COURT CALENDAR BY PANEL

Tuesday, 4 October 2016

### PANEL NO. 2

HONORABLE WANDA G. BRYANT  
HONORABLE ANN MARIE CALABRIA  
HONORABLE LINDA STEPHENS

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **TUESDAY, 4TH OF OCTOBER 2016**. COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v. Whatley	16-284	Mecklenburg
State v. Howell	16-303	Transylvania
State v. Courtney	16-366	Wake
State v. Manning	16-442	Wake
State v. Wilson	16-496	Lenoir
Dillon v. Dillon	16-349	Mecklenburg
Sparrow v. Tyco Integrated Sec.	16-409	N.C. Industrial Commission
Kanellos v. Kanellos	16-416	Union
Doss v. Adams	16-446	Nash
Townsend v. N.C. Dep't of Transp.	16-478	N.C. Industrial Commission

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## COURT CALENDAR BY PANEL

Wednesday, 5 October 2016

### PANEL NO. 3

HONORABLE RICK ELMORE  
HONORABLE ROBERT N. HUNTER, JR.  
HONORABLE CHRIS DILLON

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **WEDNESDAY, 5TH OF OCTOBER 2016**  
**AT 9:30 a.m.**

State v. Hyman	16-398	Bertie
Almason v. Almason	16-258	Mecklenburg

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 5TH OF OCTOBER 2016**. COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v. Rios	16-108	Guilford
State v. Smith	16-236	Forsyth
State v. James	16-314	Mecklenburg
State v. Moore	16-422	Cabarrus
State v. Frazier	16-449	Randolph
Edwards v. Edwards	16-346	New Hanover
Flynn v. Schamens	16-410	Mecklenburg
Baker v. Gibbons	16-417	Hoke
Parker v. West Pharm. Servs.	16-447	N.C. Industrial Commission
Goodwin v. Four Cty. Electric Care Tr., ...	16-481	Sampson

Sent Date: 13 September 2016

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## COURT CALENDAR BY PANEL

Wednesday, 5 October 2016

### PANEL NO. 4

HONORABLE MARK A. DAVIS  
HONORABLE LUCY N. INMAN  
HONORABLE WENDY M. ENOCHS

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **WEDNESDAY, 5TH OF OCTOBER 2016**  
**AT 1:00 p.m.**

Pittsboro Matters, Inc. v. Town of Pitts...	16-323	Chatham
Beal v. Coastal Carriers, Inc.	16-420	N.C. Industrial Commission

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 5TH OF OCTOBER 2016**. COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v. Marshall	16-22	Johnston
State v. Flood	16-252	Alamance
State v. Zubiena	16-316	Buncombe
State v. Hogg	16-379	Watauga
State v. Johnson	16-465	Onslow
State v. Robinson	16-490	Onslow
McKnight v. Lowe's Home Ctrs., LLC	16-391	N.C. Industrial Commission
Hartford v. Hartford	16-413	Moore
Utleigh v. Smith	16-463	Wake
Sergeef v. Sergeef	16-489	New Hanover

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## COURT CALENDAR BY PANEL

Thursday, 6 October 2016

### PANEL NO. 5

HONORABLE DONNA STROUD  
HONORABLE DOUGLAS MCCULLOUGH  
HONORABLE VALERIE J. ZACHARY

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **THURSDAY, 6TH OF OCTOBER 2016 AT 9:30 a.m.**

Williford v. NC Dep't of Health & Hum. S...	16-393	Sampson
WASCO LLC v. N.C. Dep't Of Env't & Nat. ...	16-414	Wake

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **THURSDAY, 6TH OF OCTOBER 2016**. COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v. Locklear	16-179	Catawba
State v. Davis	16-288	Forsyth
State v. Faulkner	16-319	Person
State v. Kirkman	16-407	Guilford
State v. Williams	16-432	New Hanover
State v. Cooper	16-483	Columbus
Porter v. Porter	16-329	New Hanover
Terrell v. Kernersville Chrysler Dodge, ...	16-429	Forsyth
Shelley v. Cty. of Henderson	16-475	Henderson
City of Greensboro v. Fewell	16-501	Guilford

Sent Date: 13 September 2016

# North Carolina Court of Appeals

Court of Appeals Building  
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Raleigh, North Carolina 27601

## 3.1 Calendar

Monday, 10 October 2016

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT ON **10 OCTOBER 2016** 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: S.I.P. & T.E.P.	16-208	Cleveland
In re: A.M.	16-331	Alleghany
In re: A.K. & A.K.	16-368	Rockingham
In re: M.J.H.	16-371	Ashe
In re: J.R., A.R., K.R.	16-384	Rutherford
In re: A.J.P.	16-473	New Hanover

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## COURT CALENDAR BY PANEL

Monday, 17 October 2016

### PANEL NO. 1

HONORABLE LINDA M. MCGEE  
HONORABLE JOHN M. TYSON  
HONORABLE WENDY M. ENOCHS

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **MONDAY, 17TH OF OCTOBER 2016 AT 2:00 p.m.**

NC Farm Bureau Mut. Ins. Co. v. Hull	16-522	Davidson
Head v. Gould Killian CPA Grp., P.A.	16-525	Buncombe

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

**Davidson County Courthouse  
Courtroom A  
110 West Center Street  
Lexington, N. C. 27292**



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## COURT CALENDAR BY PANEL

Monday, 17 October 2016

### PANEL NO. 1

HONORABLE LINDA M. MCGEE  
HONORABLE RICHARD DIETZ  
HONORABLE JOHN M. TYSON

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **MONDAY, 17TH OF OCTOBER 2016.** COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v. Weaver	16-378	Currituck
State v. Hargett	16-452	Craven
State v. Johnson	16-509	Wake
Cole v. N.C. Dep't of Pub. Safety	16-340	Office of Admin. Hearings
In re: A.E.C.	16-495	Cumberland
In re: K.R. & K.R.	16-583	Guilford
In re: P.T.W.	16-632	Wake

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## COURT CALENDAR BY PANEL

Tuesday, 18 October 2016

### PANEL NO. 2

HONORABLE WANDA G. BRYANT  
HONORABLE ANN MARIE CALABRIA  
HONORABLE LINDA STEPHENS

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **TUESDAY, 18TH OF OCTOBER 2016 AT 9:30 a.m.**

State v. Curtis	16-458	Caldwell
State v. Turner	16-656	Caldwell

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **TUESDAY, 18TH OF OCTOBER 2016.** COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v. Holloway	16-381	Rutherford
Dep't of Transp. v. Riddle	16-445	Cumberland
Randall v. Cloud & Williams, PLLC	16-477	Mecklenburg
Reece v. Sodexo, Inc.	16-508	N.C. Industrial Commission
In re: K.D.	16-546	New Hanover
In re: J.B. & J.B.	16-585	Wake
In re: A.S., S.S., B.S., L.S.	16-664	Wayne

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## COURT CALENDAR BY PANEL

Wednesday, 19 October 2016

### PANEL NO. 3

HONORABLE RICK ELMORE  
HONORABLE ROBERT N. HUNTER, JR.  
HONORABLE CHRIS DILLON

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **WEDNESDAY, 19TH OF OCTOBER 2016 AT 9:30 a.m.**

The Times News Publ'g Co. v. The Alamanc...	16-588	Alamance
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THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 19TH OF OCTOBER 2016**. COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v. Hudson	16-431	Mecklenburg
State v. Moore	16-493	Orange
State v. Williams	16-514	Sampson
McVicker v. Bogue Sound Yacht Club, Inc.	16-456	Carteret
In re: J.M.C.	16-485	Cabarrus
In re: D.M.O.	16-575	Orange
In re: T.S.	16-587	Forsyth
In re: A.G.	16-687	Scotland

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## COURT CALENDAR BY PANEL

Wednesday, 19 October 2016

### PANEL NO. 4

HONORABLE MARK A. DAVIS  
HONORABLE LUCY N. INMAN  
HONORABLE WENDY M. ENOCHS

**Note: Chief Linda McGee will sit for Judge Davis - COA#16-373.**

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **WEDNESDAY, 19TH OF OCTOBER 2016 AT 1:00 p.m.**

Town of Belhaven, NC v. Pantego Creek, L...	16-373	Beaufort
Lennon v. NC Jud'I Dep't	16-476	N.C. Industrial Commission

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 19TH OF OCTOBER 2016**. COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v. Bagley	16-262	Durham
State v. Beary	16-433	Wake
State v. Tolliver	16-500	Haywood
Mills v. NC Dep't of Health & Hum. Servs...	16-487	Haywood
In re: Patron	16-322	Randolph
In re: A.H. & C.H.	16-581	Durham
In re: T.R.	16-597	Wake

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## COURT CALENDAR BY PANEL

Thursday, 20 October 2016

### PANEL NO. 5

HONORABLE RICK ELMORE  
HONORABLE DONNA STROUD  
HONORABLE DOUGLAS MCCULLOUGH

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **THURSDAY, 20TH OF OCTOBER 2016 AT 10:00 a.m.**

State v. Talbert	16-389	Henderson
State v. McLean	16-484	Scotland

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

**North Carolina Central University School of Law  
640 Nelson Street  
Durham, N. C. 27707**

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## COURT CALENDAR BY PANEL

Thursday, 20 October 2016

### PANEL NO. 5

HONORABLE DONNA STROUD  
HONORABLE DOUGLAS MCCULLOUGH  
HONORABLE VALERIE J. ZACHARY

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **THURSDAY, 20TH OF OCTOBER 2016**. COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v. Mitchell	16-448	Wake
Mitchell v. Pruden	16-428	New Hanover
Judith M. Daly Att'y at L., P.A. v. McKe...	16-466	Iredell
Huff v. Caudle	16-507	Transylvania
In re: K.D.I.	16-467	Sampson
In re: B.S., D.S., J.S.	16-582	Wake
In re: C.W.G.	16-598	Cleveland

# North Carolina Court of Appeals

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## 3.1 Calendar

Monday, 24 October 2016

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT ON **24 OCTOBER 2016** 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: W.C.D.	16-351	Wake
In re: J.T.O. & J.Q.O.	16-383	Greene
In re: M.F.B., L.B., III, M.E.W.B. Jr., ...	16-388	Guilford
In re: K.D.M.H.	16-457	Guilford
In re: D.P. & B.P.	16-529	Guilford
In re: G.H.W. & E.M.M.	16-541	Wake

# North Carolina Court of Appeals

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## Supplemental Calendar

Monday, 24 October 2016

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT ON **24 OCTOBER 2016** 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. Hammonds	16-199	Mecklenburg
State v. Coles	16-223	Forsyth
State v. King	16-261	Greene
State v. Davidson	16-272	Macon
State v. Lilly	16-277	Guilford
State v. Hines	16-287	Wilson
State v. Jones	16-345	New Hanover
State v. Banks	16-492	Rowan
State v. Lunsford	16-505	Wake

Sent Date: 10 October 2016