

# 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 April 2017

### PANEL NO. 1

HONORABLE LINDA M. MCGEE  
HONORABLE ROBERT N. HUNTER, JR.  
HONORABLE VALERIE J. ZACHARY

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **MONDAY, 3RD OF APRIL 2017.** COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v. Abney	16-840	Guilford
State v. Waters	16-985	Henderson
State v. Whitehurst	16-1021	Pasquotank
State v. Williams	16-1048	Gaston
State v. Bowden	16-1074	Montgomery
Brewington v. N.C. Dep't Of Pub. Safety	16-913	Office of Admin. Hearings
Grosslight v. NC Dep't of Transp.	16-983	Cumberland

Sent Date: 14 March 2017

# North Carolina Court of Appeals

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

## 3.1 Calendar

Monday, 3 April 2017

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT ON **3 APRIL 2017** 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: M.J. & M.J.	16-957	Alleghany
In re: L.C.	16-1009	Guilford
In re: A.P.	16-1010	Mecklenburg
In re: A.B., C.B., J.B., A.B.	16-1040	Cabarrus
In re: A.G.	16-1066	Rowan
In re: J.D.A.D.	16-1076	Yancey

Sent Date: 8 March 2017

# North Carolina Court of Appeals

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

## Supplemental Calendar

Monday, 3 April 2017

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT ON **3 APRIL 2017** 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. McDougald	16-574	Guilford
State v. Smith	16-718	Iredell
State v. Jones	16-797	Mecklenburg
State v. Simmons	16-861	Gaston
State v. Hoeun	16-888	Mecklenburg
State v. Castruita	16-1007	Guilford
State v. Barrera	16-1049	Mecklenburg
State v. Williams	16-1162	Durham

Sent Date: 20 March 2017

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## COURT CALENDAR BY PANEL

Tuesday, 4 April 2017

### PANEL NO. 2

HONORABLE WANDA G. BRYANT  
HONORABLE DONNA STROUD  
HONORABLE MARK A. DAVIS

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **TUESDAY, 4TH OF APRIL 2017 AT 9:30 a.m.**

State v. Powell	16-1022	Catawba
Holden v. Inficare, Inc.	16-1061	Forsyth

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **TUESDAY, 4TH OF APRIL 2017.** COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v. Tate	16-865	Greene
State v. Chancellor	16-993	Forsyth
State v. Gallegos	16-1058	Wake
State v. Pena	16-1075	Mecklenburg
State v. Kluttz	16-1097	Davie
Meza v. BCR Janitorial Servs., Inc.	16-944	N.C. Industrial Commission
NC Farm Bureau Mut. Ins. Co. v. Lilley	16-998	Wake

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## COURT CALENDAR BY PANEL

Tuesday, 4 April 2017

### PANEL NO. 1

HONORABLE LINDA M. MCGEE  
HONORABLE ROBERT N. HUNTER, JR.  
HONORABLE DOUGLAS MCCULLOUGH

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **TUESDAY, 4TH OF APRIL 2017 AT 2:00 p.m.**

State v. Ervin	16-1126	Mecklenburg
Massengill v. Bailey	16-1084	Johnston

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

**Carteret County Courthouse  
Courtroom #1  
300 Court House Square  
Beaufort, NC 28516**

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## COURT CALENDAR BY PANEL

Wednesday, 5 April 2017

### PANEL NO. 3

HONORABLE ANN MARIE CALABRIA  
HONORABLE RICHARD DIETZ  
HONORABLE HUNTER MURPHY

**Note: Judge P. Berger will sit for Judge H. Murphy - COA#16-951.**

**Note: Judge M. Davis will sit for Judge R. Dietz - COA#16-1031.**

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **WEDNESDAY, 5TH OF APRIL 2017 AT 9:30 a.m.**

State v. Langley	16-1107	Pitt
State of NC v. NC Sustainable Energy Ass...	16-1067	N.C. Utilities Commission

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 5TH OF APRIL 2017.** COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v. Ellis	16-938	Wayne
State v. LaFortuna	16-1000	Guilford
State v. Scaturro	16-1026	New Hanover
State v. Cannon	16-1059	Lincoln
State v. Melton	16-1088	Transylvania
Edwards v. PCC Airfoils	16-951	N.C. Industrial Commission
Jennings v. The Univ. of NC	16-1031	Washington

Sent Date: 14 March 2017

# North Carolina Court of Appeals

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## COURT CALENDAR BY PANEL

Wednesday, 5 April 2017

### PANEL NO. 5

HONORABLE LINDA M. MCGEE  
HONORABLE DOUGLAS MCCULLOUGH  
HONORABLE CHRIS DILLON

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **WEDNESDAY, 5TH OF APRIL 2017 AT 10:00 a.m.**

State v. Daye	16-1119	Iredell
Haarhuis v. Cheek	16-961	Chatham

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

**Craven County Courthouse  
Courtroom # 1  
302 Broad Street  
New Bern, NC 28560**

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## COURT CALENDAR BY PANEL

Wednesday, 5 April 2017

### PANEL NO. 4

HONORABLE RICK ELMORE  
HONORABLE LUCY N. INMAN  
HONORABLE PHIL BERGER, JR.

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 5TH OF APRIL 2017.** COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v. Worley	16-941	Transylvania
State v. St. Clair	16-1003	Washington
State v. Tayloe	16-1032	Forsyth
State v. Simmons	16-1065	Surry
State v. Gardner	16-1089	Pitt
State v. Villa	16-1104	Johnston
In re: Clayton	16-960	Henderson
Ring v. Moore Cty.	16-1034	Moore
Plum Props., LLC v. NC Farm Bureau Mut. ...	16-1078	Guilford

Sent Date: 14 March 2017



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## COURT CALENDAR BY PANEL

Thursday, 6 April 2017

### PANEL NO. 5

HONORABLE DOUGLAS MCCULLOUGH  
HONORABLE CHRIS DILLON  
HONORABLE JOHN M. TYSON

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **THURSDAY, 6TH OF APRIL 2017.** COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v. Simmons	16-975	Mecklenburg
State v. Norman	16-1005	Washington
State v. Wilson	16-1043	Iredell
State v. Cox	16-1068	Mecklenburg
State v. Boyd	16-1090	Pitt
Rowe v. Rowe	16-1072	Carteret
Rowe v. Rowe	16-1073	Carteret

# North Carolina Court of Appeals

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

## 3.1 Calendar

Monday, 17 April 2017

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT ON **17 APRIL 2017** 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: K.B.	16-970	Durham
In re: B.N.M.	16-1012	Watauga
In re: B.D. & M.E.D.	16-1037	Mecklenburg
In The Matters Of: J.R.E., J.J.E., J.L.E...	16-1140	Ashe
In re: J.F.	16-1169	New Hanover
In re: J.S.C.	16-1222	New Hanover

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## COURT CALENDAR BY PANEL

Tuesday, 18 April 2017

### PANEL NO. 2

HONORABLE WANDA G. BRYANT  
HONORABLE DONNA STROUD  
HONORABLE MARK A. DAVIS

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **TUESDAY, 18TH OF APRIL 2017.** COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v. Hensley	16-689	Burke
State v. Hendricksen	16-1019	Johnston
State v. Wilkins	16-1146	Wake
State v. Johnson	16-1170	Watauga
State v. Pastore	16-1205	Wake
State v. Baskins	16-1237	Guilford
Henson v. Henson	16-1064	Cabarrus
Adame v. Aerotek	16-1118	N.C. Industrial Commission
Barbee v. Whap, P.A.	16-1154	Forsyth
Penney v. UNC Hosps.	16-1166	N.C. Industrial Commission
Raymond v. Raymond	16-1179	Mecklenburg
Cox v. City of Kannapolis	16-1183	Cabarrus

Sent Date: 28 March 2017

# North Carolina Court of Appeals

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## COURT CALENDAR BY PANEL

Wednesday, 19 April 2017

### PANEL NO. 4

HONORABLE RICK ELMORE  
HONORABLE LUCY N. INMAN  
HONORABLE PHIL BERGER, JR.

**Note: Judge John M. Tyson will sit for Judge Lucy N. Inman - COA#16-841.**

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **WEDNESDAY, 19TH OF APRIL 2017 AT 1:00 p.m.**

State v. Broyhill	16-841	Wake
Swan Beach Corolla, L.L.C. v. Cty. of Cu...	16-804	Currituck

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 19TH OF APRIL 2017.** COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v. White	16-945	Graham
State v. Rogers	16-1112	New Hanover
State v. Benton	16-1149	Durham
State v. Antone	16-1203	Columbus
State v. Guerrero	16-1227	Catawba
Glover v. Dailey	16-1108	Durham
C. Terry Hunt Indus., Inc. v. Klausner L...	16-1136	Halifax
Rash v. Waterway Landing Homeowners Ass'...	16-1158	Brunswick
Bost v. Heller	16-1176	Iredell
Rivas v. Fred Smith Constr., Inc.	16-1187	Wake

Sent Date: 28 March 2017

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## COURT CALENDAR BY PANEL

Wednesday, 19 April 2017

### PANEL NO. 3

HONORABLE ANN MARIE CALABRIA  
HONORABLE RICHARD DIETZ  
HONORABLE HUNTER MURPHY

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 19TH OF APRIL 2017.** COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v. Bolder	16-814	Cabarrus
State v. Roberson	16-939	Davidson
State v. Fitts	16-1106	Wake
State v. Allen	16-1147	Union
State v. Henley	16-1171	Mecklenburg
State v. Thompson	16-1211	Pitt
Thompson v. Gerlach	16-770	Durham
Smith Debnam Narron Drake Saintsing & My...	16-1079	Wake
Hanna v. Wright	16-1134	Currituck
Riddle v. Buncombe Cty. Bd. of Educ.	16-1155	Buncombe
In re: McLean	16-1173	Franklin
Niksich v. Caldwell	16-1190	Wake

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## COURT CALENDAR BY PANEL

Thursday, 20 April 2017

### PANEL NO. 5

HONORABLE LINDA M. MCGEE  
HONORABLE CHRIS DILLON  
HONORABLE JOHN M. TYSON

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **THURSDAY, 20TH OF APRIL 2017.** COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v. Yisrael	16-873	Wake
State v. Carter	16-946	Clay
State v. Hester	16-1120	New Hanover
State v. Voltz	16-1164	Catawba
State v. Bailey	16-1192	Beaufort
State v. Mostafavi	16-1233	Forsyth
Tucker v. The Clerk of Ct. of Forsyth Ct...	16-926	Forsyth
Nichols v. Univ. of NC at Chapel Hill	16-1117	Office of Admin. Hearings
Mills v. Majette	16-1145	Forsyth
Davis v. Davis	16-1159	Rowan
Grissom v. Cohen	16-1177	Mecklenburg
Kings Harbor Homeowners Ass'n, Inc. v. G...	16-1189	Onslow

Sent Date: 28 March 2017

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## COURT CALENDAR BY PANEL

Wednesday, 26 April 2017

### PANEL NO. 1

HONORABLE LINDA M. MCGEE  
HONORABLE ANN MARIE CALABRIA  
HONORABLE JOHN M. TYSON

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **WEDNESDAY, 26TH OF APRIL 2017 AT 10:00 a.m.**

State v. Greene	16-1309	Mecklenburg
Innovative Solar 55, LLC v. Robeson Cty.	16-1101	Robeson

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

**Old Historic Cumberland County Courthouse**  
130 Gillespie Street  
Fayetteville, N. C. 28301