

# 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, 5 September 2017

### PANEL NO. 2

HONORABLE WANDA G. BRYANT  
HONORABLE MARK A. DAVIS  
HONORABLE LUCY N. INMAN

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

|                             |        |             |
|-----------------------------|--------|-------------|
| Byron v. Synco Props., Inc. | 17-318 | Mecklenburg |
|-----------------------------|--------|-------------|

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **TUESDAY, 5TH OF SEPTEMBER 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. Dixon                   | 17-25  | Mecklenburg                     |
| State v. McCurry                 | 17-169 | Rutherford                      |
| State v. Watson                  | 17-253 | Durham                          |
| State v. Rogers                  | 17-271 | New Hanover                     |
| State v. Sing                    | 17-296 | Mecklenburg                     |
| State v. Campola                 | 17-354 | Mecklenburg                     |
| Turnage v. Cunningham            | 17-222 | Greene                          |
| Aoun & Cole, Inc. v. Fitzpatrick | 17-240 | Wake                            |
| In re: Ivey                      | 17-264 | Haywood                         |
| The NC State Bar v. Livingston   | 17-277 | Disciplinary Hearing Commission |
| Boone v. Hayes-Boone             | 17-312 | Iredell                         |

Sent Date: 14 August 2017

# North Carolina Court of Appeals

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## COURT CALENDAR BY PANEL

Wednesday, 6 September 2017

### PANEL NO. 3

HONORABLE ANN MARIE CALABRIA  
HONORABLE VALERIE J. ZACHARY  
HONORABLE HUNTER MURPHY

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **WEDNESDAY, 6TH OF SEPTEMBER 2017 AT 9:30 a.m.**

|                                     |        |                            |
|-------------------------------------|--------|----------------------------|
| Booth v. Hackney Acquisition Co.    | 17-274 | N.C. Industrial Commission |
| Jacobs-Sams v. Duke Univ. Med. Ctr. | 17-298 | N.C. Industrial Commission |

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 6TH OF SEPTEMBER 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. Borsello                    | 17-40  | Lincoln                    |
| State v. Jones                       | 17-193 | Guilford                   |
| State v. Leonard                     | 17-266 | Mecklenburg                |
| State v. Krider                      | 17-272 | Iredell                    |
| State v. Greene                      | 17-311 | Pitt                       |
| State v. Walker                      | 17-357 | Brunswick                  |
| Jenkins v. Thomas                    | 17-224 | Hertford                   |
| Martin v. Orange Water & Sewer Auth. | 17-242 | N.C. Industrial Commission |
| Parsons v. Parsons                   | 17-278 | Ashe                       |
| In re: R.S.M.                        | 17-499 | Hoke                       |

Sent Date: 14 August 2017

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## COURT CALENDAR BY PANEL

Wednesday, 6 September 2017

### PANEL NO. 4

HONORABLE RICK ELMORE  
HONORABLE DONNA STROUD  
HONORABLE JOHN M. TYSON

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **WEDNESDAY, 6TH OF SEPTEMBER 2017 AT 1:00 p.m.**

|   |        |      |
|---|--------|------|
| Perry v. West Marine, Inc.                  | 17-243 | Wake |
| Discovery Ins. Co. v. The NC Dep't of In... | 17-285 | Wake |

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 6TH OF SEPTEMBER 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. Goodman             | 16-1263 | Gates       |
| State v. Pegues              | 17-70   | Guilford    |
| State v. Miller              | 17-216  | Union       |
| State v. Terrell             | 17-268  | Onslow      |
| State v. McAlister           | 17-282  | Yancey      |
| State v. Ervin               | 17-324  | Wake        |
| Adams Creek Assocs. v. Davis | 16-1080 | Carteret    |
| In re: Rivera                | 17-227  | Mecklenburg |
| Drury v. Drury               | 17-273  | Henderson   |
| In re: Hendrix               | 17-281  | Forsyth     |

Sent Date: 14 August 2017

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## COURT CALENDAR BY PANEL

Thursday, 7 September 2017

### PANEL NO. 5

HONORABLE ROBERT N. HUNTER, JR.  
HONORABLE CHRIS DILLON  
HONORABLE JOHN ARWOOD

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **THURSDAY, 7TH OF SEPTEMBER 2017** **AT 9:30 a.m.**

|                 |        |          |
|-----------------|--------|----------|
| State v. Mosley | 17-345 | McDowell |
|-----------------|--------|----------|

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **THURSDAY, 7TH OF SEPTEMBER 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. Malone                             | 16-1290 | Alamance                   |
| State v. Bobich                             | 17-145  | Surry                      |
| State v. McDonald                           | 17-246  | Mecklenburg                |
| State v. Villalobos                         | 17-269  | Mecklenburg                |
| State v. Brawley                            | 17-287  | Rowan                      |
| McLawhorn v. N.C. Dep't of Env't & Nat. ... | 17-206  | N.C. Industrial Commission |
| Pitts v. Tart                               | 17-232  | Wilson                     |
| Bartlett v. Bartlett                        | 17-248  | New Hanover                |
| Brown v. N.C. Dep't of Pub. Instruction     | 17-276  | N.C. Industrial Commission |
| Nationwide Prop. & Cas. Ins. Co. v. Smit... | 17-283  | Duplin                     |
| Brady v. Best Buy Co., Inc.                 | 17-315  | N.C. Industrial Commission |

Sent Date: 14 August 2017

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## COURT CALENDAR BY PANEL

Monday, 18 September 2017

### PANEL NO. 1

HONORABLE LINDA M. MCGEE  
HONORABLE RICHARD DIETZ  
HONORABLE PHIL BERGER, JR.

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **MONDAY, 18TH OF SEPTEMBER 2017** **AT 1:00 p.m.**

|   |        |          |
|---|--------|----------|
| Clark v. Nash Hosps., Inc.                  | 17-331 | Nash     |
| Brown v. Cox                                | 17-436 | Guilford |
| Chatham Forest Homeowners Ass'n, Inc. v.... | 17-417 | Chatham  |

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **MONDAY, 18TH OF SEPTEMBER 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. Smith                              | 17-153 | Mecklenburg |
| State v. Dale                               | 17-320 | Wake        |
| State v. Johnson                            | 17-364 | Mecklenburg |
| Proffitt v. Gosnell                         | 17-233 | Buncombe    |
| Walker v. Hoke Cty.                         | 17-341 | Hoke        |
| Waste Connections of NC, Inc. v. Rubicon... | 17-398 | Mecklenburg |

Sent Date: 29 August 2017

# North Carolina Court of Appeals

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## COURT CALENDAR BY PANEL

Tuesday, 19 September 2017

### PANEL NO. 2

HONORABLE WANDA G. BRYANT  
HONORABLE MARK A. DAVIS  
HONORABLE LUCY N. INMAN

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **TUESDAY, 19TH OF SEPTEMBER 2017**  
**AT 9:30 a.m.**

|                                 |        |                            |
|---------------------------------|--------|----------------------------|
| Peyton v. N.C. Dep't of Transp. | 17-257 | N.C. Industrial Commission |
|---------------------------------|--------|----------------------------|

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **TUESDAY, 19TH OF SEPTEMBER 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                            | 17-155 | Mecklenburg |
| State v. Armistead                          | 17-323 | Pitt        |
| State v. Griffin                            | 17-386 | Craven      |
| Faircloth v. Faircloth                      | 17-332 | Rockingham  |
| Mkt. Am., Inc. v. Lee                       | 17-342 | Guilford    |
| Lesh v. Lesh                                | 17-399 | Currituck   |
| Swan Beach Corolla, L.L.C. v. Cty. of Cu... | 17-411 | Currituck   |
| Serenity Counseling & Res. Ctr., Inc. v.... | 17-439 | Guilford    |

Sent Date: 29 August 2017

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## COURT CALENDAR BY PANEL

Wednesday, 20 September 2017

### PANEL NO. 3

HONORABLE ANN MARIE CALABRIA  
HONORABLE VALERIE J. ZACHARY  
HONORABLE HUNTER MURPHY

**Note: Judge Richard Dietz will sit for Judge Hunter Murphy - COA#17-429.**

**Note: Chief Judge Linda M. McGee will sit for Judge Ann Marie Calabria - COA#17-366.**

**Note: Judge John M. Tyson will sit for Judge Hunter Murphy - COA#17-409.**

**Note: Judge Lucy N. Inman will sit for Judge Hunter Murphy - COA#17-418.**

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **WEDNESDAY, 20TH OF SEPTEMBER 2017 AT 9:30 a.m.**

Hall v. U.S. Xpress, Inc.

17-333

N.C. Industrial Commission

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

Town of Pinebluff v. Moore Cty.

17-286

Moore

State v. Rose

17-190

Durham

State v. Harris

17-346

Lenoir

State v. Faulk

17-429

Columbus

Conry v. Destafino

17-366

Guilford

Ball v. Cogdill

17-409

Jackson

Metcalf v. Call

17-418

Swain

Garrett v. The Goodyear Tire & Rubber Co...

17-500

N.C. Industrial Commission

Sent Date: 29 August 2017

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## COURT CALENDAR BY PANEL

Wednesday, 20 September 2017

### PANEL NO. 4

HONORABLE RICK ELMORE  
HONORABLE DONNA STROUD  
HONORABLE JOHN M. TYSON

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **WEDNESDAY, 20TH OF SEPTEMBER 2017 AT 1:00 p.m.**

|  |        |                            |
|--|--------|----------------------------|
| McGuine v. Nat'l Copier Logistics, LLC | 17-336 | N.C. Industrial Commission |
| Cooper v. Berger                       | 17-367 | Wake                       |

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 20TH OF SEPTEMBER 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. Brown               | 17-209 | Durham                     |
| State v. Tomlin              | 17-351 | Guilford                   |
| State v. Bethea              | 17-459 | Chatham                    |
| Norman v. NC Dep't of Admin. | 17-328 | Wake                       |
| Honeycutt v. Weaver          | 17-410 | Forsyth                    |
| Mathieu v. Bank of Am.       | 17-420 | N.C. Industrial Commission |
| Lasecki v. Lasecki           | 17-544 | Iredell                    |

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## COURT CALENDAR BY PANEL

Thursday, 21 September 2017

### PANEL NO. 5

HONORABLE ROBERT N. HUNTER, JR.  
HONORABLE CHRIS DILLON  
HONORABLE JOHN ARROWOOD

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **THURSDAY, 21ST OF SEPTEMBER 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. Isom                            | 17-24  | Cabarrus                   |
| State v. Casey                           | 17-263 | Rockingham                 |
| State v. Bell                            | 17-361 | Henderson                  |
| Deans v. NC Dep't of Transp.             | 17-228 | Wake                       |
| Sullivan v. NC Dep't of Transp.          | 17-327 | Cumberland                 |
| Aragon v. Legacy Imps., Inc.             | 17-339 | Wake                       |
| Stewart v. Shipley                       | 17-378 | Surry                      |
| Thompson v. Speller                      | 17-416 | Carteret                   |
| Brewer v. First Stop Core & Battery, LLC | 17-424 | N.C. Industrial Commission |

Sent Date: 29 August 2017

# North Carolina Court of Appeals

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

## Supplemental Calendar

Monday, 25 September 2017

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT ON **25 SEPTEMBER 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. Surratt   | 17-65  | Cleveland   |
| State v. Butler    | 17-144 | Edgecombe   |
| State v. Thomas    | 17-162 | Richmond    |
| State v. Ramsey    | 17-175 | Mecklenburg |
| State v. Jackson   | 17-250 | Rowan       |
| State v. Clyburn   | 17-258 | Union       |
| In re: T.R.K.      | 17-303 | Catawba     |
| State v. McKendall | 17-335 | Lee         |
| State v. Elliott   | 17-338 | Cumberland  |

Sent Date: 18 September 2017

# North Carolina Court of Appeals

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## COURT CALENDAR BY PANEL

Tuesday, 26 September 2017

### PANEL NO. 2

HONORABLE WANDA G. BRYANT  
HONORABLE JOHN M. TYSON  
HONORABLE LUCY N. INMAN

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **TUESDAY, 26TH OF SEPTEMBER 2017**  
**AT 2:00 p.m.**

|                       |        |             |
|-----------------------|--------|-------------|
| State v. Gore         | 17-267 | Columbus    |
| Parker v. Desherbinin | 17-377 | New Hanover |

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

**David R. Sandifer Administration Building**  
**Commission Chambers**  
**30 Government Center Drive, NE**  
**Bolivia, NC 28422**

# North Carolina Court of Appeals

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## COURT CALENDAR BY PANEL

Wednesday, 27 September 2017

### PANEL NO. 4

HONORABLE DONNA STROUD  
HONORABLE ROBERT N. HUNTER, JR.  
HONORABLE MARK A. DAVIS

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **WEDNESDAY, 27TH OF SEPTEMBER 2017 AT 10:00 a.m.**

|                    |        |          |
|--------------------|--------|----------|
| State v. Santifort | 17-202 | Johnston |
| State v. Mitchell  | 17-212 | Wake     |

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

**Lenoir County Courthouse  
130 S. Queen St.  
Kinston, NC 28501**