

# 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>

## 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
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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

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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

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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

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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 ARROWOOD

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
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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

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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

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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
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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

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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

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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 ARWOOD

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

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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**

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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**