

# 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

Wednesday, 1 November 2017

### PANEL NO. 3

HONORABLE RICK ELMORE  
HONORABLE RICHARD DIETZ  
HONORABLE LUCY N. INMAN

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **WEDNESDAY, 1ST OF NOVEMBER 2017** **AT 9:30 a.m.**

State v. Santillan	17-251	Wake
Martin v. Pope	17-389	Harnett

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 1ST OF NOVEMBER 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. Jackson	16-1141	Lee
State v. Freeman	17-347	Orange
State v. Harding	17-448	Buncombe
State v. Miles	17-494	Mecklenburg
State v. Gardner	17-511	Beaufort
Hagerman v. Union Cty. Bd. of Adjustment	17-319	Union
Pressley v. Jones	17-445	Rowan

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## COURT CALENDAR BY PANEL

Wednesday, 1 November 2017

### PANEL NO. 4

HONORABLE DONNA STROUD  
HONORABLE ROBERT N. HUNTER, JR.  
HONORABLE JOHN M. TYSON

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

State v. Devega	16-1302	Wake
McDowell v. Randolph Cty.	17-401	Randolph
Little River, LLC v. Lee Cty.	17-461	Lee

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 1ST OF NOVEMBER 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. Dail	17-294	Lenoir
State v. Matthews	17-349	Guilford
State v. Melgar-Argueta	17-434	Wilkes
State v. Fuller	17-495	Davidson
State v. Hill	17-529	Forsyth
In re: C.D.W.	17-352	Buncombe

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## COURT CALENDAR BY PANEL

Thursday, 2 November 2017

### PANEL NO. 5

HONORABLE MARK A. DAVIS  
HONORABLE VALERIE J. ZACHARY  
HONORABLE PHIL BERGER, JR.

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **THURSDAY, 2ND OF NOVEMBER 2017**  
**AT 9:30 a.m.**

State v. Norwood	17-301	Mecklenburg
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THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **THURSDAY, 2ND OF NOVEMBER 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	17-142	Franklin
State v. Crowder	17-393	Mecklenburg
State v. Coley	17-470	Nash
State v. Smith	17-496	Johnston
State v. Cozart	17-535	Wake
Cook v. Cook	17-359	Wake
Fuller v. Fuller	17-430	Mecklenburg
Johnson v. Johnson	17-502	Iredell

# North Carolina Court of Appeals

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## 3.1 Calendar

Thursday, 2 November 2017

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT ON **2 NOVEMBER 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: S.R.F-H.	17-381	Mecklenburg
In re: R.D.H., III	17-383	Buncombe
In re: C.L.C. & D.D.C.	17-522	Alamance
In re: J.C.	17-548	Ashe
In re: X.L.S.	17-590	Wilkes
In re: L.G.S. & C.D.S.	17-599	Haywood

Sent Date: 3 October 2017

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## COURT CALENDAR BY PANEL

Tuesday, 7 November 2017

### PANEL NO. 1

HONORABLE LINDA M. MCGEE  
HONORABLE ROBERT N. HUNTER, JR.  
HONORABLE HUNTER MURPHY

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **TUESDAY, 7TH OF NOVEMBER 2017 AT 2:00 p.m.**

Int'l Prop. Dev., LLC v. K Constr. & Roo...	17-509	Cabarrus
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**NOTE:** Oral argument will be held at the following location:

**Iredell County Historic Courthouse**  
**200 South Center Street**  
**Statesville, N. C. 28677**

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## COURT CALENDAR BY PANEL

Monday, 13 November 2017

### PANEL NO. 1

HONORABLE LINDA M. MCGEE  
HONORABLE RICK ELMORE  
HONORABLE HUNTER MURPHY

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **MONDAY, 13TH OF NOVEMBER 2017 AT 1:00 p.m.**

State v. Solomon	17-651	Durham
Dep't of Transp. v. Stimpson	17-596	Forsyth
Dep't of Transp. v. Chapman	17-597	Forsyth
Dep't of Transp. v. MDC Invs., LLC	17-598	Forsyth

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **MONDAY, 13TH OF NOVEMBER 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. Hillard	17-437	Rowan
State v. Webb	17-612	New Hanover
In re: Ward	17-454	New Hanover
Perez v. Perez	17-512	Rowan
Mayberry v. J & L Meadows, Inc.	17-665	Forsyth

# North Carolina Court of Appeals

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## Supplemental Calendar

Monday, 13 November 2017

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT ON **13 NOVEMBER 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.

Freeman v. NC Dep't of Health & Hum. Ser...	17-299	Office of Admin. Hearings
State v. Locklear	17-310	Robeson
State v. Harrington	17-362	Wake
State v. Green	17-375	Lenoir
State v. Blackmon	17-397	Onslow
State v. Costin	17-521	Brunswick
State v. White	17-530	Carteret
Riggsbee v. Taylor	17-560	N.C. Industrial Commission
State v. Cook	17-610	Gaston

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## COURT CALENDAR BY PANEL

Tuesday, 14 November 2017

### PANEL NO. 2

HONORABLE WANDA G. BRYANT  
HONORABLE CHRIS DILLON  
HONORABLE RICHARD DIETZ

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **TUESDAY, 14TH OF NOVEMBER 2017 AT 9:30 a.m.**

Prosperity-Heath, LLC v. Capital Bank, N...	17-449	Mecklenburg
Kaiser v. Kaiser	17-553	New Hanover

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **TUESDAY, 14TH OF NOVEMBER 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. Baker	17-563	Cabarrus
State v. McAllister	17-614	Wilson
State v. Springle	17-652	Carteret
In re: S.P.	17-616	Wake
Gorelick v. Peck	17-624	Mecklenburg
In re: T.S.P.	17-653	Granville
Abdeljabar v. Khalil	17-667	Nash



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## COURT CALENDAR BY PANEL

Wednesday, 15 November 2017

### PANEL NO. 3

HONORABLE ANN MARIE CALABRIA  
HONORABLE MARK A. DAVIS  
HONORABLE JOHN M. TYSON

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **WEDNESDAY, 15TH OF NOVEMBER 2017 AT 9:30 a.m.**

Martinez v. Wake Cty. Bd. of Educ.	17-475	N.C. Industrial Commission
Makino, Inc. v. Vibration Solutions, LLC	17-580	Mecklenburg
Ecoplexus Inc. v. Cty. of Currituck	17-656	Currituck

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 15TH OF NOVEMBER 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. Pegram	17-566	Stokes
State v. Davis	17-615	Wake
State v. Johnson	17-670	Mecklenburg
Cabrera v. City of Durham	17-617	Durham
Fed. Nat'l Mortg. Ass'n v. Price	17-672	Ashe
Fabco Constr., Inc. v. Wilson	17-682	Forsyth

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## COURT CALENDAR BY PANEL

Wednesday, 15 November 2017

### PANEL NO. 4

HONORABLE DONNA STROUD  
HONORABLE VALERIE J. ZACHARY  
HONORABLE JOHN ARROWOOD

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **WEDNESDAY, 15TH OF NOVEMBER 2017 AT 1:00 p.m.**

The City of Charlotte v. Univ. Fin. Prop...	17-388	Mecklenburg
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THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 15TH OF NOVEMBER 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. Whitfield & Banner	17-184	Cabarrus
State v. Briggs	17-583	Union
State v. Mayes	17-621	Mitchell
Hopkins v. Thomas	17-474	Pamlico
Pair v. The Charlotte-Mecklenburg Hosp. ...	17-586	Mecklenburg
Vincoli v. N.C. Dep't of Pub. Safety	17-618	Office of Admin. Hearings
Whitehurst v. East Carolina Univ.	17-629	Office of Admin. Hearings
Bernard v. DeBlanco	17-659	Mecklenburg

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## COURT CALENDAR BY PANEL

Thursday, 16 November 2017

### PANEL NO. 5

HONORABLE ROBERT N. HUNTER, JR.  
HONORABLE LUCY N. INMAN  
HONORABLE PHIL BERGER, JR.

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **THURSDAY, 16TH OF NOVEMBER 2017**  
**AT 9:30 a.m.**

Town of Nags Head v. Richardson	17-498	Dare
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THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **THURSDAY, 16TH OF NOVEMBER 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. Fox	17-355	Guilford
State v. Williams	17-611	Cumberland
State v. Crooms	17-640	Wilson
Warner v. Warner	17-421	Dare
In re: Quattlebaum	17-591	Brunswick
Sargent v. Edwards	17-623	Buncombe
Greater Harvest Global Ministries, Inc. ...	17-630	Cumberland
Cumberland Cty. v. Manning	17-662	Cumberland

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## 3.1 Calendar

Thursday, 16 November 2017

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT ON **16 NOVEMBER 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: T.M.B.	17-484	Guilford
In re: J.S.K. & J.E.K.	17-486	Cabarrus
In re: A.L.Z.	17-507	Rockingham
In re: K.Q., Jr.	17-533	Durham
In re: R.H., III	17-536	Cumberland
In re: H.D.T. & K.R.T.	17-587	Watauga

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## COURT CALENDAR BY PANEL

Monday, 27 November 2017

### PANEL NO. 1

HONORABLE LINDA M. MCGEE  
HONORABLE RICK ELMORE  
HONORABLE HUNTER MURPHY

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **MONDAY, 27TH OF NOVEMBER 2017 AT 1:00 p.m.**

State v. Smith	17-680	Wake
Jeffries v. Cty. of Harnett	17-729	Harnett

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **MONDAY, 27TH OF NOVEMBER 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. Russell	17-427	Granville
State v. Forney	17-631	Watauga
Holton v. Holton	17-467	Mecklenburg
Hardy v. NC Cent. Univ.	17-664	Office of Admin. Hearings
Dass v. Dass	17-702	Mecklenburg
In re: Blackwell	17-806	Mecklenburg
Byrd v. Lowe's Home Ctrs., Inc.	17-841	N.C. Industrial Commission

Sent Date: 6 November 2017

# North Carolina Court of Appeals

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## COURT CALENDAR BY PANEL

Tuesday, 28 November 2017

### PANEL NO. 2

HONORABLE WANDA G. BRYANT  
HONORABLE CHRIS DILLON  
HONORABLE RICHARD DIETZ

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **TUESDAY, 28TH OF NOVEMBER 2017 AT 9:30 a.m.**

State v. Crump	17-488	Mecklenburg
IO Moonwalkers, Inc. v. Banc Of Am. Merc...	17-703	Mecklenburg

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **TUESDAY, 28TH OF NOVEMBER 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. Bridges	17-579	Swain
State v. Dorsey	17-684	Guilford
Cecchetti v. Cecchetti	17-556	Wake
Brown v. Swann	17-683	Transylvania
Smith v. Smith	17-753	Lincoln
Mahaffey v. Boyd	17-812	Buncombe
Branch Banking & Tr. Co. v. Surane	17-842	Mecklenburg

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## COURT CALENDAR BY PANEL

Wednesday, 29 November 2017

### PANEL NO. 3

HONORABLE ANN MARIE CALABRIA  
HONORABLE MARK A. DAVIS  
HONORABLE JOHN M. TYSON

**Note: Judge Phil Berger, Jr. will sit for Judge Ann Marie Calabria - COA#17-778.**

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **WEDNESDAY, 29TH OF NOVEMBER 2017 AT 9:30 a.m.**

State v. Kuhns	17-519	Alexander
Briggs v. Debbie's Staffing, Inc.	17-778	N.C. Industrial Commission

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 29TH OF NOVEMBER 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. Battle	17-673	Nash
State v. Fuller	17-692	Mecklenburg
Moore v. Jordan	17-577	Orange
In re: E.D.	17-693	Wake
Azar v. Town of Indian Trail Bd. of Adju...	17-704	Union
Walton NC, LLC v. The City of Concord	17-822	Cabarrus
Keena v. Cedar Street Invs., LLC	17-852	Mecklenburg

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## COURT CALENDAR BY PANEL

Wednesday, 29 November 2017

### PANEL NO. 4

HONORABLE DONNA STROUD  
HONORABLE VALERIE J. ZACHARY  
HONORABLE JOHN ARROWOOD

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **WEDNESDAY, 29TH OF NOVEMBER 2017 AT 1:00 p.m.**

Badin Shores Resort Owners Ass'n, Inc. v...	17-718	Montgomery
Ragsdale v. Whitley	17-860	Cumberland

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 29TH OF NOVEMBER 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. Barbour	17-537	Johnston
State v. Lindsey	17-676	Craven
State v. Herrera	17-695	Forsyth
Blair v. Blair	17-585	Caldwell
M.T.N. v. McRae	17-698	Richmond
In re: HORACE MEDLIN	17-784	Wake
Kelly v. Polk Cty. NC	17-832	Polk



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## COURT CALENDAR BY PANEL

Thursday, 30 November 2017

### PANEL NO. 5

HONORABLE ROBERT N. HUNTER, JR.  
HONORABLE LUCY N. INMAN  
HONORABLE PHIL BERGER, JR.

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

NC Ambulatory Surgical Ctr. Ass'n v. NC ...	17-701	Wake
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THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **THURSDAY, 30TH OF NOVEMBER 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. Stephens-Maddox	17-542	Rowan
State v. Potter	17-677	Pamlico
State v. Fowler	17-723	Rutherford
Dalton v. Dalton	17-622	Onslow
Teague & Glover, P.A. v. Kane & Silverma...	17-727	Pasquotank
Picotte v. Hull	17-786	Durham
Doran v. The Fresh Mkt.	17-836	N.C. Industrial Commission
The Tractor Place, Inc. v. Bolton	17-878	Wake