

# 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, 2 April 2018

### PANEL NO. 1

HONORABLE LINDA M. MCGEE  
HONORABLE DONNA STROUD  
HONORABLE PHIL BERGER, JR.

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **MONDAY, 2ND OF APRIL 2018.**  
COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v. Cox	17-862	Macon
State v. Bennett	17-1027	Sampson
State v. Barnette	17-1082	Cabarrus
Dep't of Transp. v. Hoerner	17-1035	Forsyth
Dep't of Transp. v. Oak Grove Moravian C...	17-1036	Forsyth
Dep't of Transp. v. McKinney	17-1037	Forsyth
Dep't of Transp. v. Oak Grove Moravian C...	17-1038	Forsyth
Dep't of Transp. v. Vanhoy	17-1039	Forsyth
Dep't of Transp. v. Caldwell	17-1040	Forsyth

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## COURT CALENDAR BY PANEL

Tuesday, 3 April 2018

### PANEL NO. 2

HONORABLE WANDA G. BRYANT  
HONORABLE ANN MARIE CALABRIA  
HONORABLE ROBERT N. HUNTER, JR.

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **TUESDAY, 3RD OF APRIL 2018.** COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v. Hines	17-968	Johnston
State v. Bowman	17-1053	Pitt
State v. Scott	17-1181	Mecklenburg
Holcombe v. Oak Island Aircraft Hous., L...	17-1081	Brunswick
Church v. Decker	17-1119	Caldwell
Church v. Decker	17-1120	Caldwell
Stewart v. Steel Creek Prop. Owners Ass'...	17-1213	Transylvania
Grodensky v. McLendon	17-1258	Durham
In re: E.J.B.	17-1432	Onslow

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## COURT CALENDAR BY PANEL

Wednesday, 4 April 2018

### PANEL NO. 3

HONORABLE RICK ELMORE  
HONORABLE JOHN M. TYSON  
HONORABLE VALERIE J. ZACHARY

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **WEDNESDAY, 4TH OF APRIL 2018 AT 9:30 a.m.**

French Broad Place, LLC v. Asheville Sav...	17-1087	Transylvania
Savage Towing, Inc. v. Town of Cary	17-1228	Wake

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 4TH OF APRIL 2018.** COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v. Buchanan	17-746	Lee
State v. Bennett	17-986	Wake
State v. Freeman	17-1066	Wake
Stippich v. Reese's Transit, Inc.	17-997	N.C. Industrial Commission
McCleave v. Dover Volunteer Fire Dept.	17-1123	Craven
Giusto v. Robertson Ventures, Inc.	17-1205	Wake
In re: Worsham	17-1268	Mecklenburg

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## COURT CALENDAR BY PANEL

Wednesday, 4 April 2018

### PANEL NO. 4

HONORABLE CHRIS DILLON  
HONORABLE RICHARD DIETZ  
HONORABLE JOHN ARROWOOD

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 4TH OF APRIL 2018.** COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v. Garcia	17-912	Haywood
State v. Foster	17-989	Vance
State v. Parker	17-1067	Pitt
Mathis v. Mathis	17-1071	Harnett
Preferred Concrete Polishing, Inc. v. Pi...	17-1092	Forsyth
Hill v. Hill	17-1125	Buncombe
Averitt v. Averitt	17-1206	Cumberland
Midgette v. Concepcion	17-1230	Pitt
Lewis v. Lowe's Home Ctrs., LLC	17-1272	N.C. Industrial Commission

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## COURT CALENDAR BY PANEL

Thursday, 5 April 2018

### PANEL NO. 5

HONORABLE MARK A. DAVIS  
HONORABLE LUCY N. INMAN  
HONORABLE HUNTER MURPHY

**Note: Judge John M. Tyson will sit for Judge Hunter Murphy - COA#17-1080.**

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **THURSDAY, 5TH OF APRIL 2018 AT 9:30 a.m.**

Smith v. USAA Cas. Ins. Co.

17-1080

Hoke

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **THURSDAY, 5TH OF APRIL 2018.** 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

17-925

Gaston

State v. McKoy

17-1025

Guilford

State v. Latham

17-1075

Union

Gaines v. Gaines

17-1114

Iredell

Radlinger v. Asheville Sch., Inc.

17-1173

Buncombe

Brooks v. City of Winston-Salem

17-1208

N.C. Industrial Commission

Coffey v. Coffey

17-1243

Carteret

Bus. Improvement Techs., Inc. v. World F...

17-1274

Wake

# North Carolina Court of Appeals

Court of Appeals Building  
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## 3.1 Calendar

Thursday, 5 April 2018

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT ON **5 APRIL 2018** 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: I.G.M.	17-1065	New Hanover
In re: S.C.N.C. & C.X.D.T.	17-1202	Mecklenburg
In re: C.B.T.	17-1209	Person
In re: S.W.	17-1297	Hoke
In re: J.M.	17-1413	Mecklenburg
In re: K.R.R.	18-19	Catawba

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## COURT CALENDAR BY PANEL

Wednesday, 11 April 2018

### PANEL NO. 3

HONORABLE RICK ELMORE  
HONORABLE ROBERT N. HUNTER, JR.  
HONORABLE MARK A. DAVIS

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **WEDNESDAY, 11TH OF APRIL 2018 AT 2:00 p.m.**

State v. Winchester	17-1099	Guilford
Brubach v. Peterson	17-1200	New Hanover

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

**North Carolina Business Court  
Elon University School of Law  
201 N. Greene Street  
Greensboro, N.C. 27401**

# North Carolina Court of Appeals

Court of Appeals Building  
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Raleigh, North Carolina 27601

## Supplemental Calendar

Thursday, 12 April 2018

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT ON **12 APRIL 2018** 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.

Leonard v. Tojeiro	17-895	Iredell
State v. McPhaul	17-942	Robeson
In re: Cooke	17-948	Northampton
Miller v. Cooke	17-949	Hertford
State v. Henricksen	17-953	Guilford
State v. Bittle	17-999	Mecklenburg
State v. Richbourg	17-1007	Davidson
State v. Dick	17-1251	Guilford
State v. Keatts	17-1260	Rockingham

Sent Date: 27 March 2018



# North Carolina Court of Appeals

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## COURT CALENDAR BY PANEL

Monday, 16 April 2018

### PANEL NO. 1

HONORABLE LINDA M. MCGEE  
HONORABLE DONNA STROUD  
HONORABLE PHIL BERGER, JR.

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **MONDAY, 16TH OF APRIL 2018.**  
COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v. Degand	17-1026	Wake
State v. Clapp	17-1104	Wilkes
State v. Eller	17-1124	Davidson
Dep't of Transp. v. Ferrell Constr. Co.	17-1041	Forsyth
Dep't of Transp. v. Thore	17-1043	Forsyth
Dep't of Transp. v. Marshall	17-1044	Forsyth
Dep't of Transp. v. Miller	17-1045	Forsyth
Dep't of Transp. v. Decker	17-1046	Forsyth
Kings Harbor Homeowners Ass'n, Inc. v. G...	17-1301	Onslow

Sent Date: 27 March 2018

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## COURT CALENDAR BY PANEL

Tuesday, 17 April 2018

### PANEL NO. 2

HONORABLE WANDA G. BRYANT  
HONORABLE ANN MARIE CALABRIA  
HONORABLE ROBERT N. HUNTER, JR.

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **TUESDAY, 17TH OF APRIL 2018.** COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v. Davis	17-1083	Brunswick
State v. Hicks	17-1109	Mecklenburg
State v. Miller	17-1130	Guilford
In re: Byrd	17-1150	Guilford
Krause v. RK Motors, LLC	17-1168	Mecklenburg
Branton v. Branton	17-1207	Alexander
Brown v. NC Dep't of Pub. Safety	17-1220	N.C. Industrial Commission
Andrews v. Northview Constr., LLC	17-1309	Orange
In re: Menendez	17-1341	Guilford

Sent Date: 27 March 2018

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## COURT CALENDAR BY PANEL

Wednesday, 18 April 2018

### PANEL NO. 3

HONORABLE RICK ELMORE  
HONORABLE JOHN M. TYSON  
HONORABLE VALERIE J. ZACHARY

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **WEDNESDAY, 18TH OF APRIL 2018 AT 9:30 a.m.**

State v. Courtney	17-1095	Wake
LMSP, LLC v. Town of Boone	17-1241	Watauga

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 18TH OF APRIL 2018.** 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	17-1110	Mecklenburg
State v. Orellana	17-1133	Guilford
Davis v. Rizzo	17-1153	Durham
Mastny v. Mastny	17-1171	Wake
Yancey Cty. v. Jones	17-1214	Yancey
McDonald v. The Bank of N.Y. Mellon Tr. ...	17-1310	Cumberland
Burgess v. Smith	17-1352	Haywood

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## COURT CALENDAR BY PANEL

Wednesday, 18 April 2018

### PANEL NO. 4

HONORABLE CHRIS DILLON  
HONORABLE RICHARD DIETZ  
HONORABLE JOHN ARROWOOD

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 18TH OF APRIL 2018.** COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v. Charles	17-937	Henderson
State v. Lewis	17-1096	Hoke
State v. Smith	17-1116	Rowan
Khaja v. Husna	17-763	Wake
Kennihan v. Kennihan	17-1154	Chatham
In re: M.D.	17-1198	Wake
Strazzanti v. Dolce	17-1217	Mecklenburg
Scheinert v. Scheinert	17-1227	Randolph
Kish v. Frye Reg'l Med. Ctr.	17-1314	N.C. Industrial Commission

Sent Date: 27 March 2018

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## COURT CALENDAR BY PANEL

Thursday, 19 April 2018

### PANEL NO. 5

HONORABLE MARK A. DAVIS  
HONORABLE LUCY N. INMAN  
HONORABLE HUNTER MURPHY

**Note: Judge Robert N. Hunter, Jr., will sit for Judge Mark A. Davis - COA#17-1126.  
Judge Rick Elmore will sit for Judge Mark A. Davis - COA#17-1155.**

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **THURSDAY, 19TH OF APRIL 2018 AT 9:30 a.m.**

State v. Stanley	17-1000	Durham
Moch v. A.M. Pappas & Assocs., LLC	17-1126	Orange

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **THURSDAY, 19TH OF APRIL 2018.** COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v. Dancy	17-1103	Cabarrus
State v. LaClaire	17-1122	Robeson
Phifer v. Pasquotank Cty.	17-1155	Pasquotank
Silver v. Chase Props., Inc.	17-1204	Orange
Fuller v. Rafael E. Negron-Medina, M.D.	17-1218	Vance
In re: Coggins	17-1275	Property Tax Commission
Rolls v. Just Stumps, Inc.	17-1322	N.C. Industrial Commission

Sent Date: 27 March 2018

# North Carolina Court of Appeals

Court of Appeals Building  
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## 3.1 Calendar

Thursday, 19 April 2018

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT ON **19 APRIL 2018** 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: X.M.C. & S.M.H-C.	17-1057	Davidson
In re: E.D.	17-1254	Catawba
In re: J.W.	17-1278	Harnett
In Re: T.D.W., H.M.W., A.R.R.	17-1290	Cherokee
In re: A.L., N.L., & E.L.	17-1298	Durham
In re: T.L.B.	17-1326	Wake

Sent Date: 2 April 2018