

# 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

Thursday, 1 November 2018

### PANEL NO. 5

HONORABLE ROBERT N. HUNTER, JR.  
HONORABLE MARK A. DAVIS  
HONORABLE HUNTER MURPHY

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **THURSDAY, 1ST OF NOVEMBER 2018**  
**AT 9:30 a.m.**

|   |       |                            |
|---|-------|----------------------------|
| Rodriguez-Hernandez v. Callaghan & Calla... | 18-98 | N.C. Industrial Commission |
|---|-------|----------------------------|

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **THURSDAY, 1ST OF NOVEMBER 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. Warren                             | 18-223 | Pitt        |
| State v. Applewhite                         | 18-340 | Wayne       |
| State v. Gould                              | 18-425 | Bertie      |
| Banyan GW, LLC v. Wayne Preparatory Acad... | 18-378 | Wake        |
| Helbein v. Helbein                          | 18-383 | Mecklenburg |
| In re: B.W.                                 | 18-437 | Wake        |
| Bank of Am., N.A. v. McFarland              | 18-489 | Durham      |
| Frangiosa v. Adams Auto Grp. Inc.           | 18-516 | Mecklenburg |

Sent Date: 1 October 2018

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## COURT CALENDAR BY PANEL

Tuesday, 13 November 2018

### PANEL NO. 2

HONORABLE WANDA G. BRYANT  
HONORABLE CHRIS DILLON  
HONORABLE VALERIE J. ZACHARY

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **TUESDAY, 13TH OF NOVEMBER 2018 AT 9:30 a.m.**

|                 |        |       |
|-----------------|--------|-------|
| State v. Conley | 18-305 | Macon |
|-----------------|--------|-------|

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|   |        |                            |
|---|--------|----------------------------|
| State v. Shuler                             | 18-416 | Swain                      |
| State v. Hinton                             | 18-530 | Wake                       |
| Onizuk v. Onizuk                            | 18-461 | Craven                     |
| The Est. of William Belk v. Boise Cascad... | 18-542 | Lee                        |
| Ramsey v. Ramsey                            | 18-600 | Buncombe                   |
| Swanson v. Enloe                            | 18-617 | Caldwell                   |
| Dingeman v. Mission Health Sys., Inc.       | 18-634 | N.C. Industrial Commission |
| In re: E.M.                                 | 18-685 | Mecklenburg                |

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## COURT CALENDAR BY PANEL

Wednesday, 14 November 2018

### PANEL NO. 3

HONORABLE ROBERT N. HUNTER, JR.  
HONORABLE MARK A. DAVIS  
HONORABLE PHIL BERGER, JR.

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **WEDNESDAY, 14TH OF NOVEMBER 2018 AT 9:30 a.m.**

|                              |        |           |
|------------------------------|--------|-----------|
| BDM Invs. v. Lenhil, Inc.    | 18-533 | Brunswick |
| Marlin Leasing Corp. v. Essa | 18-610 | Wake      |

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 14TH OF NOVEMBER 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. Schricker                          | 18-338 | Wake        |
| State v. Ardrey                             | 18-460 | Mecklenburg |
| State v. Bunkley                            | 18-545 | Cumberland  |
| Makar v. Mimosa Bay Homeowners Ass'n, In... | 18-547 | Onslow      |
| Rmah v. USAA Cas. Ins. Co.                  | 18-623 | Wake        |
| In re: Toulouse                             | 18-635 | Greene      |
| Fischer v. Fagan                            | 18-713 | Polk        |

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## COURT CALENDAR BY PANEL

Wednesday, 14 November 2018

### PANEL NO. 1

HONORABLE LINDA M. MCGEE  
HONORABLE RICHARD DIETZ  
HONORABLE JOHN ARROWOOD

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **WEDNESDAY, 14TH OF NOVEMBER 2018 AT 10:00 a.m.**

Lamb v. Styles                      18-350                      Madison

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

**Catawba County Justice Center  
100 Government Drive, Room #2009  
Newton, N. C. 28658**

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## COURT CALENDAR BY PANEL

Wednesday, 14 November 2018

### PANEL NO. 4

HONORABLE DONNA STROUD  
HONORABLE RICHARD DIETZ  
HONORABLE HUNTER MURPHY

**Note: Judge Chris Dillon will sit for Judge Richard Dietz - COA#18-553.**

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 14TH OF NOVEMBER 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. Stancil                            | 18-346 | Wayne       |
| State v. Anthony                            | 18-403 | Mecklenburg |
| State v. Gilchrist                          | 18-479 | Moore       |
| Stern v. Stern                              | 18-523 | Mecklenburg |
| Winston Affordable Hous., L.L.C. v. Robe... | 18-553 | Forsyth     |
| Kennedy v. DeAngelo                         | 18-603 | Wake        |
| Spencer v. Portfolio Recovery Assocs., L... | 18-629 | Yadkin      |
| Foster v. Wells Fargo Bank, N.A.            | 18-643 | Durham      |
| Jackson v. The Timken Co.                   | 18-695 | Gaston      |

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## COURT CALENDAR BY PANEL

Thursday, 15 November 2018

### PANEL NO. 5

HONORABLE JOHN M. TYSON  
HONORABLE LUCY N. INMAN  
HONORABLE JOHN ARROWOOD

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **THURSDAY, 15TH OF NOVEMBER 2018**  
**AT 9:30 a.m.**

|   |        |           |
|---|--------|-----------|
| State v. Baker                              | 18-527 | Pitt      |
| Brinkley Props. of Kings Mountain, LLC v... | 18-615 | Cleveland |

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **THURSDAY, 15TH OF NOVEMBER 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. Noble                         | 18-299 | Onslow                     |
| State v. Stancill                      | 18-528 | Pitt                       |
| Peeler v. Joseph                       | 18-488 | Mecklenburg                |
| Sides v. Ashley Furniture Indus., Inc. | 18-588 | N.C. Industrial Commission |
| Zak v. Sweatt                          | 18-616 | Moore                      |
| Funderburk v. City of Greensboro, NC   | 18-632 | Guilford                   |
| Carey v. Cherubini                     | 18-678 | Pender                     |

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## COURT CALENDAR BY PANEL

Thursday, 15 November 2018

### PANEL NO. 1

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

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **THURSDAY, 15TH OF NOVEMBER 2018**  
**AT 9:30 a.m.**

|                                 |        |          |
|---------------------------------|--------|----------|
| State v. Cody                   | 18-503 | Guilford |
| Snowshoe LTC Grp., LLC v. Foust | 18-474 | Guilford |

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

**Guilford County Courthouse**  
**201 South Eugene Street**  
**Room 3H**  
**Greensboro, N. C. 27401**

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## COURT CALENDAR BY PANEL

Tuesday, 27 November 2018

### PANEL NO. 2

HONORABLE WANDA G. BRYANT  
HONORABLE CHRIS DILLON  
HONORABLE VALERIE J. ZACHARY

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **TUESDAY, 27TH OF NOVEMBER 2018 AT 9:30 a.m.**

|                  |        |             |
|------------------|--------|-------------|
| State v. Disorda | 18-620 | Lincoln     |
| In re: George    | 18-611 | Mecklenburg |

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **TUESDAY, 27TH OF NOVEMBER 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. Kingsberry             | 18-226 | Vance                     |
| State v. Mooney                 | 18-368 | Transylvania              |
| State v. Gibson                 | 18-454 | Catawba                   |
| State v. Jones                  | 18-502 | Mecklenburg               |
| State v. Juene                  | 18-526 | Guilford                  |
| State v. Wilson                 | 18-550 | Union                     |
| State v. Sydnor                 | 18-589 | Chowan                    |
| State v. Blue                   | 18-677 | Davidson                  |
| Flores v. Flores                | 18-230 | Lenoir                    |
| Gray v. NC Dep't of Pub. Safety | 18-446 | Office of Admin. Hearings |

Sent Date: 30 October 2018



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## COURT CALENDAR BY PANEL

Wednesday, 28 November 2018

### PANEL NO. 3

HONORABLE ROBERT N. HUNTER, JR.  
HONORABLE MARK A. DAVIS  
HONORABLE PHIL BERGER, JR.

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **WEDNESDAY, 28TH OF NOVEMBER 2018 AT 9:30 a.m.**

|                  |        |       |
|------------------|--------|-------|
| State v. Steen   | 18-233 | Rowan |
| State v. Morales | 18-539 | Wake  |

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 28TH OF NOVEMBER 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. Woods                      | 18-442 | Guilford    |
| State v. Clemons                    | 18-469 | Forsyth     |
| State v. Willis                     | 18-507 | Lenoir      |
| State v. Hopper                     | 18-558 | Cabarrus    |
| State v. Moore                      | 18-591 | Pitt        |
| State v. Hughes                     | 18-631 | Randolph    |
| State v. Newsome                    | 18-707 | New Hanover |
| Morgan v. Defeo                     | 18-322 | Iredell     |
| Assoc. Behav. Servs., Inc. v. Smith | 18-463 | Robeson     |
| Cannizzaro v. Set in Stone, Inc.    | 18-594 | Iredell     |

Sent Date: 30 October 2018

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## COURT CALENDAR BY PANEL

Wednesday, 28 November 2018

### PANEL NO. 4

HONORABLE DONNA STROUD  
HONORABLE RICHARD DIETZ  
HONORABLE HUNTER MURPHY

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **WEDNESDAY, 28TH OF NOVEMBER 2018 AT 1:00 p.m.**

|   |        |             |
|---|--------|-------------|
| Harper v. Vohra Wound Physicians of NY      | 18-355 | Mecklenburg |
| Julian v. The Univ. of NC Health Care Sy... | 18-477 | Orange      |

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 28TH OF NOVEMBER 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. Parks   | 18-422 | Wake       |
| State v. Everett | 18-449 | Scotland   |
| State v. Rollins | 18-490 | Watauga    |
| State v. Brewer  | 18-546 | Pender     |
| State v. Otto    | 18-574 | Forsyth    |
| State v. Guevara | 18-582 | Alamance   |
| State v. Bryan   | 18-605 | Cumberland |
| State v. Cooper  | 18-637 | Beaufort   |
| State v. Benson  | 18-732 | Person     |
| Walsh v. Jones   | 18-496 | Duplin     |

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## COURT CALENDAR BY PANEL

Thursday, 29 November 2018

### PANEL NO. 5

HONORABLE JOHN M. TYSON  
HONORABLE LUCY N. INMAN  
HONORABLE JOHN ARROWOOD

**Note: Judge Robert N. Hunter, Jr. will sit for Judge Lucy N. Inman - COA#17-1280.**

**Note: Judge Wanda G. Bryant will sit for Judge John Arrowood - COA#17-1280.**

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **THURSDAY, 29TH OF NOVEMBER 2018 AT 9:30 a.m.**

|   |         |        |
|---|---------|--------|
| State v. Smith                              | 18-518  | Wake   |
| Lake v. State Health Plan For Teachers &... | 17-1280 | Gaston |

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **THURSDAY, 29TH OF NOVEMBER 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. Timmons | 18-618 | Mecklenburg |
| State v. Hayward | 18-650 | Mecklenburg |
| State v. Floars  | 18-699 | Pitt        |
| State v. Jones   | 18-700 | Pitt        |
| State v. Gross   | 18-701 | Pitt        |
| State v. Hill    | 18-702 | Pitt        |
| State v. Joyner  | 18-703 | Pitt        |
| State v. Weaver  | 18-740 | Burke       |
| Walton v. Walton | 18-410 | New Hanover |
| Jones v. Jones   | 18-478 | Lee         |

Sent Date: 30 October 2018