

# North Carolina Court of Appeals

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

## 3.1 Calendar

Monday, 5 April 2010

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT ON **5 APRIL 2010** 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 The Matter Of: L.B.G.	09-1498	Yancey
In The Matter Of: S.L.B.	09-1515	Cleveland
In Re: E.T.T., et al	09-1520	Nash
In The Matter Of: T.E.S.	09-1556	Cleveland
In The Matter Of: C.S., et al	09-1560	Mecklenburg
In The Matter Of: Z.T. and E.T.	09-1576	Cumberland

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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, 12 April 2010

### PANEL NO. 1

HONORABLE JOHN C. MARTIN  
HONORABLE BARBARA JACKSON  
HONORABLE CHERI BEASLEY

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **MONDAY, 12TH OF APRIL 2010 AT 1:00 p.m.**

Land v The Village Of Wesley Chapel, et ...	09-1465	Union
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THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **MONDAY, 12TH OF APRIL 2010.** COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v Barts	09-1296	Alamance
State v Smith	09-1393	Martin
State v Hudson	09-1421	Wilson
State v Owens	09-1441	Sampson
State v Watkins	09-1502	Wake
State v Wooten	09-1551	Wayne
In The Matter Of: M.L.A.	09-1354	Mecklenburg
Gardner v McLean Foods, Inc.	09-1373	N.C. Industrial Commission
Woodliff v Fitzpatrick, et al	09-1447	N.C. Industrial Commission
In The Matter Of The Foreclosure: Adams	09-1455	Wake
Jarrell v Charlotte-Mecklenburg Hospital...	09-1518	Mecklenburg

Sent Date: 19 March 2010

# North Carolina Court of Appeals

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

## 3.1 Calendar

Monday, 12 April 2010

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT ON **12 APRIL 2010** 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: M. M. E.	09-1456	Harnett
In The Matter Of: E.K. and J.R.	09-1571	Duplin
In The Matter Of: K.J.D.	09-1579	Buncombe
In The Matter Of: M.K.O.	09-1615	Wake
In The Matter Of: J.V.	09-1619	Stokes
In The Matter Of: I.E., E.E., A.E.	09-1655	Orange

Sent Date: 22 March 2010

# North Carolina Court of Appeals

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

## Supplemental Calendar

Monday, 12 April 2010

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT ON **12 APRIL 2010** 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 Lipscomb	09-656	Guilford
State v Wright	09-868	Bladen
State v Howard	09-900	Mecklenburg
State v Bell	09-999	Pitt
State v Mosley	09-1060	Rutherford
State v Carter	09-1073	Guilford
State v Miller	09-1123	Guilford
State v Cannon	09-1156	Catawba
State v Webb	09-1221	Greene
Owens-Bey v The County of Forsyth, et al	09-1307	Forsyth

Sent Date: 15 March 2010

# North Carolina Court of Appeals

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## COURT CALENDAR BY PANEL

Tuesday, 13 April 2010

### PANEL NO. 2

HONORABLE JAMES A. WYNN, JR.  
HONORABLE ANN MARIE CALABRIA  
HONORABLE SANFORD STEELMAN

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **TUESDAY, 13TH OF APRIL 2010 AT 9:30 a.m.**

State v Lytle	09-1427	Wake
Taylor v Town of Garner, et al	09-1522	N.C. Industrial Commission

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **TUESDAY, 13TH OF APRIL 2010.** COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v Roman	09-1363	Davidson
State v Richardson	09-1394	Halifax
State v Braswell	09-1477	Durham
State v Allen	09-1505	Stokes
State v McNeill	09-1585	Vance
LVNV Funding, LLC v Landry	09-1356	Mecklenburg
Ayers v Cooper Standard Automotive	09-1377	N.C. Industrial Commission
Pegram-West v Sandra Anderson Builders, ...	09-1448	Guilford
Pete Wall Plumbing v Sandra Anderson Bui...	09-1449	Guilford
Follum v NC State University	09-1466	Wake

Sent Date: 19 March 2010

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## COURT CALENDAR BY PANEL

Wednesday, 14 April 2010

### PANEL NO. 3

HONORABLE LINDA M. MCGEE  
HONORABLE DONNA STROUD  
HONORABLE ROBERT N. HUNTER, JR.

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **WEDNESDAY, 14TH OF APRIL 2010 AT 9:30 a.m.**

State v Mbacke	09-1395	Forsyth
Profile Investments v Ammons East Corp.	09-1471	Wake
Rodrigues v Southern Assisted Living, et...	09-1526	Union

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 14TH OF APRIL 2010.** COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v Graham	09-1371	Chowan
State v Chambers	09-1430	Forsyth
State v Mitchell	09-1479	Cumberland
State v Nickerson	09-1511	Orange
State v Davis	09-1589	Buncombe
Kittridge v Hegney	09-1357	Mitchell
Dance v Manning, et al	09-1402	Pitt
Honeycutt v Honeycutt	09-1450	Mecklenburg
Weeks v Jackson, et al	09-1460	Wake

Sent Date: 19 March 2010

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## COURT CALENDAR BY PANEL

Wednesday, 14 April 2010

### PANEL NO. 4

HONORABLE ROBERT C. HUNTER  
HONORABLE MARTHA A. GEER  
HONORABLE LINDA STEPHENS

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **WEDNESDAY, 14TH OF APRIL 2010 AT 1:00 p.m.**

Speedway Motorsports v Bronwen Energy	09-1451	Mecklenburg
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THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 14TH OF APRIL 2010.** COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v Pringle	09-1246	Guilford
State v Davis	09-1378	Sampson
State v Horton	09-1396	Wake
State v Cromartie	09-1431	Bladen
State v Spearman	09-1482	Sampson
State v Welch	09-1512	Mecklenburg
Currituck Associates v Coastland Corp.	09-1279	Currituck
Southeast Brunswick v City of Southport	09-1369	Brunswick
Reese v Brooklyn Village, et al	09-1412	Mecklenburg
Lyons-Hart v Hart	09-1461	Hyde
Stephenson, et al v Langdon, et al	09-1494	Johnston

Sent Date: 19 March 2010

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## COURT CALENDAR BY PANEL

Thursday, 15 April 2010

### PANEL NO. 5

HONORABLE WANDA G. BRYANT  
HONORABLE RICK ELMORE  
HONORABLE SAM J. ERVIN, IV

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **THURSDAY, 15TH OF APRIL 2010 AT 9:30 a.m.**

State v Wilson	09-1438	Person
Dare County, et al v NC Dept. of Insuran...	09-1171	Wake
Dare County, et al v NC Dept. of Insuran...	09-1172	Wake

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **THURSDAY, 15TH OF APRIL 2010.** COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v Shelley	09-1265	Mecklenburg
State v Rucker	09-1389	Forsyth
State v Cowan	09-1415	Rowan
State v Bowens	09-1485	Mecklenburg
State v Lee	09-1533	Yancey
Schwarz Properties v Town of Franklinvil...	09-1446	Randolph
Martin v Martin	09-1454	Buncombe
Walker v United Parcel Service	09-1463	N.C. Industrial Commission
Autry v Autry	09-1495	Sampson

Sent Date: 19 March 2010

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## Supplemental Calendar

Monday, 19 April 2010

PANEL NO. 0

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State v Cooper	09-795	Durham
State v McNeill	09-925	Randolph
In the Matter of: M.W.	09-941	Wake
State v Todd	09-969	Buncombe
State v Taylor	09-988	Mecklenburg
State v Peterson	09-998	Forsyth
State v Miles	09-1055	Guilford
State v Manning	09-1008	Wake
State v Simmons	09-1093	New Hanover
State v Greene	09-1098	Mecklenburg

Sent Date: 19 March 2010

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## COURT CALENDAR BY PANEL

Monday, 26 April 2010

### PANEL NO. 1

HONORABLE JOHN C. MARTIN  
HONORABLE BARBARA JACKSON  
HONORABLE CHERI BEASLEY

Judge Ervin will sit for Judge Beasley for the cases orally argued on 26 April.

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **MONDAY, 26TH OF APRIL 2010 AT 1:00 p.m.**

Huffman, et al v Moore County, et al	09-1324	N.C. Industrial Commission
Harbour Point Homeowners v DJF Enterpris...	09-1545	New Hanover

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **MONDAY, 26TH OF APRIL 2010.** COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v Harrison	09-1334	Cumberland
State v Pastuer	09-1432	Franklin
State v Chestang	09-1500	Sampson
Watts v N.C. Department of Environmental	09-1499	N.C. Industrial Commission
Blackard Properties v Garcia	09-1529	Alamance
MRD Motorsports v Trail Motorsports, et ...	09-1566	Cabarrus
Antonellis v Cumberland County Schools B...	09-1618	Cumberland
In The Matter Of: J.P. and J.C.C.	09-1222	Davidson
In Re: M.A.F.	09-1651	Onslow
In The Matter Of: D.F.	09-1716	Chowan

Sent Date: 6 April 2010

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## COURT CALENDAR BY PANEL

Tuesday, 27 April 2010

### PANEL NO. 2

HONORABLE JAMES A. WYNN, JR.  
HONORABLE ANN MARIE CALABRIA  
HONORABLE SANFORD STEELMAN

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **TUESDAY, 27TH OF APRIL 2010 AT 9:30 a.m.**

State v Ferguson

09-1507

Mecklenburg

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **TUESDAY, 27TH OF APRIL 2010.** COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v Dickerson

09-1380

Wake

State v Williamson

09-1475

Forsyth

Richardson v Mancil, et al

09-1400

Union

War Eagle, Inc. v Belair

09-1516

Catawba

Langston v Richardson

09-1535

Perquimans

Shupe v City of Charlotte

09-1555

N.C. Industrial Commission

McMahon And Associates v Future Serenity...

09-1580

Iredell

In The Matter Of: McCray

09-1623

Wake

In The Matter Of: T.L.P.

09-1564

Catawba

In The Matter Of: W.Q.K.

09-1654

Buncombe

In Re: C.R.C.

09-1726

Bertie

Sent Date: 6 April 2010

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## COURT CALENDAR BY PANEL

Wednesday, 28 April 2010

### PANEL NO. 3

HONORABLE LINDA M. MCGEE  
HONORABLE DONNA STROUD  
HONORABLE ROBERT N. HUNTER, JR.

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **WEDNESDAY, 28TH OF APRIL 2010 AT 9:30 a.m.**

State v Davis	09-1537	Gaston
Perkins v Anderson	09-1630	Pitt

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 28TH OF APRIL 2010.** 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	09-1397	Sampson
State v Blackwell	09-1476	Person
Repath v Dugger, et al	09-1404	Catawba
NC Farm Bureau Mutual v Jenkins	09-1523	Surry
McGuire v Dixon	09-1536	Dare
King v King	09-1559	Buncombe
Hasselmann v Barnes	09-1583	New Hanover
In Re: A.J.M.P.	09-1609	Harnett
In The Matter Of: K.C.P.	09-1708	Catawba
In The Matter Of: J.H.K. and J.D.K.	10-12	Guilford

Sent Date: 6 April 2010

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## COURT CALENDAR BY PANEL

Wednesday, 28 April 2010

### PANEL NO. 4

HONORABLE ROBERT C. HUNTER  
HONORABLE MARTHA A. GEER  
HONORABLE LINDA STEPHENS

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 28TH OF APRIL 2010.** COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v Autry	09-1423	Swain
State v Dobbs	09-1478	Onslow
State v Millner	09-1538	Mecklenburg
In The Matter Of: R.N.	09-1406	Guilford
Bain v Unitrin Auto And Home Ins. Co.	09-1524	Guilford
Alston v Granville Health System, et al	09-1540	Granville
Whitlock v Triangle Grading Contractors	09-1557	Wake
Jacobs v Department of Correction	09-1588	N.C. Industrial Commission
Gray v Gray	09-1687	Stokes
In The Matter Of: S.H.	09-1616	Mecklenburg
In The Matter Of: C.L.T. and B.D.T.	09-1713	Lincoln
In The Matter Of: Y.Y.E.T.	10-14	Mecklenburg

Sent Date: 6 April 2010

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## COURT CALENDAR BY PANEL

Thursday, 29 April 2010

### PANEL NO. 5

HONORABLE WANDA G. BRYANT  
HONORABLE RICK ELMORE  
HONORABLE SAM J. ERVIN, IV

**Judge Beasley will sit for Judge Ervin for the cases orally argued on 29 April.**

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **THURSDAY, 29TH OF APRIL 2010 AT 9:30 a.m.**

State v Absher, et al	09-1426	Wilkes
State v Bordeaux	09-1484	New Hanover
In Re: The Adoption Of K.A.R.	09-1544	Durham

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **THURSDAY, 29TH OF APRIL 2010.** 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	09-1213	Johnston
Eastern Carolina v NC Dept. of Health	09-1278	N.C. Dept. of Health & Human Svcs
Jacobs v Kaba Ilco Corporation	09-1527	N.C. Industrial Commission
Reaves v Industrial Pump Service, et al	09-1561	N.C. Industrial Commission
Gidco, Inc. v Country Lane, LLC	09-1612	Johnston
Lynch v Pecharka	10-6	Lee
In The Matter Of: P.R.B., Jr.	09-1646	Wilkes
In The Matter Of: J.A.C.	09-1715	Lincoln
In The Matter Of: C.E.L., A.M.L., R.A.L.	10-174	Mecklenburg

Sent Date: 6 April 2010