North Carolina Court of Appeals

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

3.1 Calendar

Monday, 10 May 2010

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT ON 10 MAY 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: I.S.W.	09-1577	Wake
In Re: K.O.L., H.E.L., K.M.S.	09-1699	Rutherford
In The Matter Of: K.Q.R. and S.R.	10-41	Martin
In The Matter Of: J.D.W-S.	10-42	New Hanover
In The Matter Of: O.M.B.	10-66	Cumberland
In The Matter Of: P.C.H.	10-89	Rutherford

Sent Date: 21 April 2010

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.

All arguments, in-person or by WebEx, are recorded and the livestream for each case will start when the argument begins and will be available for viewing at: http://govu.us/nc-coa-oral-arguments ***

COURT CALENDAR BY PANEL

Tuesday, 11 May 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, 11TH OF MAY 2010 AT 9:30 a.m.**

Parkway Urology v NC Dept. of Health, et...	09-1490	N.C. Dept. of Health & Human Svcs
Johnson v Causey, et al	09-1712	New Hanover

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **TUESDAY, 11TH OF MAY 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 Moses	09-1468	Durham
State v Davis	09-1552	Mecklenburg
State v Harper	09-1604	Moore
Cooper v Cooper	09-1220	Chatham
Apple Tree, et al v Grandfather Mountain...	09-1410	Avery
Earley v Haywood County DSS and Beaman	09-1558	Haywood
Shay v Rowan Salisbury Schools	09-1587	N.C. Industrial Commission
Cherry v Thomas	09-1608	Guilford
Daniel, et al v Gullzar, et al	09-1644	Wake
Brown & Brown Enterprises v Brown	09-1665	Martin

Sent Date: 21 April 2010

North Carolina Court of Appeals

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

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COURT CALENDAR BY PANEL

Wednesday, 12 May 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, 12TH OF MAY 2010 AT 9:30 a.m.**

In The Matter Of: Duke Energy Carolinas	09-1273	N.C. Utilities Commission
Cobb, et al v Town of Blowing Rock, et a...	09-1443	Watauga
Lunsford, et al v Renn, et al	09-1592	Granville

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 12TH OF MAY 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 McCoy	09-1487	Edgecombe
State v Dye	09-1574	Durham
State v Kirby	09-1631	Wake
Cummings v Ortega	09-1491	Harnett
Sheffer v Rardin	09-1562	Dare
Gayatri Maa, Inc. v Terrible T. LLC	09-1614	Onslow
Garcia v Huffbo, LLC, et al	09-1657	N.C. Industrial Commission
Foreclosure of: Gilmore	09-1676	Forsyth
In The Matter Of The Foreclosure Of: Vog...	09-1714	Alamance

Sent Date: 21 April 2010

North Carolina Court of Appeals

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COURT CALENDAR BY PANEL

Wednesday, 12 May 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, 12TH OF MAY 2010 AT 1:00 p.m.**

Lawyers Title Ins., et al v Zogreo, LLC,...	09-1304	Wake
Burgess v Hamrick, et al	09-1690	Cleveland

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 12TH OF MAY 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 Wolfe	09-1546	Onslow
State v Guthrie	09-1595	Mecklenburg
State v Spellman	09-1636	Johnston
David v Sossoman	09-1453	Macon
Superior Construction v Intracoastal Liv...	09-1543	Brunswick
Spruill v NC Department of Agriculture	09-1581	N.C. Industrial Commission
U.S. Bank, ex rel v Cuthbertson, et al	09-1605	Rowan
Smith Architectural Metals v American Ra...	09-1620	Alamance
Garrett v Burris	09-1662	Iredell
Bissette v Auto-Owners Insurance Company	09-1721	Wilson

Sent Date: 21 April 2010

North Carolina Court of Appeals

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COURT CALENDAR BY PANEL

Thursday, 13 May 2010

PANEL NO. 5
HONORABLE WANDA G. BRYANT
HONORABLE RICK ELMORE
HONORABLE SAM J. ERVIN, IV

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON THURSDAY, 13TH OF MAY 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 Wooten	09-1550	Lenoir
State v Brown	09-1601	Brunswick
State v Kincer	09-1639	Pitt
In The Matter Of: J.T.H.	09-1383	Guilford
Owensby, et al v Phillips, et al	09-1469	Rutherford
Speights v Forbes	09-1554	Durham
Johnston v Duke University Medical Ctr.	09-1582	N.C. Industrial Commission
Haynie v NC State Board of Examiners of ...	09-1606	Wake
Haynie, et al v NC State Board of Examin...	09-1607	Wake
Agapion v The City of Greensboro	09-1664	Guilford
One Beacon Ins. Co., et al v United Mech...	09-1691	Mecklenburg
Ellis-Walker Builders, Inc. v Don Reynol...	10-32	New Hanover

Sent Date: 21 April 2010

North Carolina Court of Appeals

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

Supplemental Calendar

Monday, 17 May 2010

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT ON 17 MAY 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 Tucker	09-1112	Rowan
State v Brown	09-1163	Carteret
State v Milling	09-1216	Buncombe
State v Frazier	09-1503	Nash
State v Witherspoon	09-1303	Cleveland
State v Sexton	09-1311	Buncombe
State v Molix	09-1435	Mecklenburg

Sent Date: 19 April 2010

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, 24 May 2010

PANEL NO. 1
HONORABLE JOHN C. MARTIN
HONORABLE WANDA G. BRYANT
HONORABLE RICK ELMORE

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **MONDAY, 24TH OF MAY 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 Dark	09-1287	Granville
State v Smith	09-1626	Moore
State v Armstrong	09-1649	Edgecombe
State v Scott	09-1668	McDowell
State v Blymer	09-1722	Rowan
State v Frazier	10-19	Craven
Morales-Rodriguez v Carolina Quality	07-1389	N.C. Industrial Commission
Lee v Allstate Insurance Company	09-1694	Cumberland
Harbor Baptist Church v City of Charlott...	10-3	Mecklenburg

Sent Date: 4 May 2010

North Carolina Court of Appeals

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

Supplemental Calendar

Monday, 24 May 2010

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT ON 24 MAY 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 Stanley	09-958	Guilford
State v Campbell	09-992	Pitt
State v Evans	09-1104	Mecklenburg
State v Pendleton	09-1134	Davie
State v Simmons	09-1170	Guilford
State v Oxendine	09-1185	Davidson
State v Martin	09-1195	Mecklenburg
State v Depaulis	09-1212	Forsyth
State v Harris	09-1219	Guilford
State v Oates	09-1420	Henderson

Sent Date: 28 April 2010

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

Tuesday, 25 May 2010

PANEL NO. 2
HONORABLE JAMES A. WYNN, JR.
HONORABLE ROBERT C. HUNTER
HONORABLE ANN MARIE CALABRIA

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **TUESDAY, 25TH OF MAY 2010 AT 9:30 a.m.**

State v Greene	09-1327	Cabarrus

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **TUESDAY, 25TH OF MAY 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 Bratton	09-1627	Forsyth
State v Wiggins	09-1650	Martin
State v Rucker	09-1686	Cabarrus
State v Pierce	10-1	Guilford
State v Westrom	10-22	Durham
Frank, et al v Savage, et al	09-1413	Yancey
Mathis, et al v Daly, et al	09-1696	Haywood
Langdon v American Vinyl, et al	10-18	N.C. Industrial Commission

Sent Date: 4 May 2010

North Carolina Court of Appeals

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

3.1 Calendar

Tuesday, 25 May 2010

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT ON 25 MAY 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.E.M. and G.O.W.	10-20	Guilford
In The Matter Of: T.M.S.	10-78	Guilford
In The Matter Of: S.N.W. and A.Z.W.	10-119	Haywood
In The Matter Of: A.R.D.	10-153	Alleghany
In The Matter Of: L.D.B.	10-177	Sampson
In The Matter Of: D.I., V.M., D.I., R.M....	10-241	Johnston

North Carolina Court of Appeals

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COURT CALENDAR BY PANEL

Wednesday, 26 May 2010

PANEL NO. 3
HONORABLE LINDA M. MCGEE
HONORABLE DONNA STROUD
HONORABLE SAM J. ERVIN, IV

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **WEDNESDAY, 26TH OF MAY 2010 AT 9:30 a.m.**

Kucan, et al v Advance America, et al	09-1492	New Hanover
McQuillan, et al v Check 'N Go of NC, et...	09-1525	New Hanover

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 26TH OF MAY 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 Yonce	09-1504	Randolph
State v Clary	09-1628	Alamance
State v Williams	09-1656	Martin
State v Miller	09-1702	Forsyth
State v Wallace	10-4	Cabarrus
State v Boyd	10-51	Halifax
Williams v Houses of Distinction, Inc.	10-30	Brunswick

Sent Date: 4 May 2010

North Carolina Court of Appeals

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COURT CALENDAR BY PANEL

Wednesday, 26 May 2010

PANEL NO. 4
HONORABLE SANFORD STEELMAN
HONORABLE LINDA STEPHENS
HONORABLE ROBERT N. HUNTER, JR.

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

State v Starling	09-1703	Robeson
Chase Development, et al v Fisher Clinar...	09-1521	Guilford
Draper, et al v Yelvington, et al	10-34	Johnston

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 26TH OF MAY 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 McLean	09-1602	Lee
State v Smith	09-1640	Wake
State v Isaac	09-1658	Person
State v Cline	10-7	Gaston
State v Effler	10-53	McDowell
Barfield, et al v Matos	09-1711	Mecklenburg

Sent Date: 4 May 2010

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COURT CALENDAR BY PANEL

Thursday, 27 May 2010

PANEL NO. 5
HONORABLE MARTHA A. GEER
HONORABLE BARBARA JACKSON
HONORABLE CHERI BEASLEY

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **THURSDAY, 27TH OF MAY 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 Capers	09-1613	Cleveland
State v Mabe	09-1648	Forsyth
State v King	09-1659	Buncombe
State v Robertson	09-1706	Davie
State v Wood	10-16	Randolph
State v Minton	10-85	Orange
Vintage Condominiums Assoc. v Richardson	09-1678	Union
Bradley v Gay	09-1723	Halifax
Bauer v Douglas Aquatics, Inc., et al	10-47	Mecklenburg

Sent Date: 4 May 2010