

# 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 September 2010

### PANEL NO. 3

HONORABLE LINDA M. MCGEE  
HONORABLE ANN MARIE CALABRIA  
HONORABLE MARTHA A. GEER

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 1ST OF SEPTEMBER 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 Fortune	10-81	Durham
State v Keys	10-112	Cumberland
State v Maynard	10-134	Davidson
State v ONeil	10-142	Forsyth
State v Vaughan	10-166	Rockingham
State v Sneed	10-189	Wake
Sutton, et al v Driver, et al	10-82	Carteret
Hyatt v N.C. Department of Correction	10-107	N.C. Industrial Commission
Bodie v Bodie	10-145	Transylvania
Blake v Cree, Inc., et al	10-161	N.C. Industrial Commission
Chidnese v Chidnese	10-195	Buncombe
Genworth Life And Annuity Ins. v Abernat...	10-242	Gaston

Sent Date: 27 July 2010

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## COURT CALENDAR BY PANEL

Wednesday, 1 September 2010

### PANEL NO. 4

HONORABLE WANDA G. BRYANT  
HONORABLE SANFORD STEELMAN  
HONORABLE CHERI BEASLEY

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State v Reid	10-83	Cabarrus
State v Chester	10-116	Caldwell
State v Edwards	10-137	Guilford
State v Johnson	10-143	Pitt
State v Luke	10-169	Buncombe
State v Gould	10-194	Onslow
Cook v Lowes Home Centers, Inc., et al	10-88	Guilford
Howard, et al v Orthocarolina, P.A., et ...	10-108	Mecklenburg
Garner v Capital Area Transit, et al	10-149	N.C. Industrial Commission
Boggs v Davis	10-163	Carteret
Beaver v Fountain	10-198	Chatham
Boyce & Isley, et al v Cooper, et al	10-243	Wake

Sent Date: 27 July 2010

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## COURT CALENDAR BY PANEL

Thursday, 2 September 2010

### PANEL NO. 5

HONORABLE RICK ELMORE  
HONORABLE BARBARA JACKSON  
HONORABLE LINDA STEPHENS

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **THURSDAY, 2ND OF SEPTEMBER 2010** **AT 9:30 a.m.**

Gates Four Homeowners Assoc., et al v Ci...	10-60	Cumberland
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THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **THURSDAY, 2ND OF SEPTEMBER 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 Rayburn	09-1634	Cherokee
State v Baker	10-98	Halifax
State v Davis	10-118	Caldwell
State v Cole	10-139	Durham
State v Chambers	10-146	Rowan
State v Nabors	10-176	Harnett
Bear v Exotic Imports, Inc., et al	10-95	Dare
Garrett v Murphy	10-129	Cherokee
Perry v The Presbyterian Hospital, et al	10-150	Mecklenburg
Bluejack Enterprises, LLC v Town of Eden...	10-171	Chowan
White v Collins Building, Inc., et al	10-216	New Hanover

Sent Date: 27 July 2010

# North Carolina Court of Appeals

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

## 3.1 Calendar

Monday, 6 September 2010

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT ON **6 SEPTEMBER 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: J.D.	10-422	Wake
In Re: J.J. and J.J.	10-458	Gaston
In The Matter Of: A.B.P., V.A.P., M.N.M....	10-466	Gaston
In The Matter Of: C.R.E.A.	10-467	Yancey
In The Matter Of: S.N.W. and A.Z.W.	10-468	Haywood
In The Matter Of: L.H.	10-523	Wayne

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## COURT CALENDAR BY PANEL

Monday, 13 September 2010

### PANEL NO. 1

HONORABLE JOHN C. MARTIN  
HONORABLE DONNA STROUD  
HONORABLE SAM J. ERVIN, IV

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **MONDAY, 13TH OF SEPTEMBER 2010**  
**AT 1:00 p.m.**

Munn, ex rel v Haymount Rehabilitation, ...	10-105	Cumberland
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THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **MONDAY, 13TH OF SEPTEMBER 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 Williams	10-58	Mecklenburg
State v Beckelheimer	10-203	Chatham
State v Pearson	10-229	Gaston
State v Kotecki	10-260	Brunswick
State v Buddington	10-286	Rockingham
State v Devone	10-317	Johnston
In The Matter Of: C.O.H.	09-1652	Transylvania
Dawes v Autumn Corporation	10-249	N.C. Industrial Commission
Inforzato v Mai Healthcare, Inc.	10-269	N.C. Industrial Commission
Webb v Price	10-284	New Hanover
In The Matter Of: Hasty	10-298	Property Tax Commission

Sent Date: 16 August 2010

# North Carolina Court of Appeals

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

## Supplemental Calendar

Monday, 13 September 2010

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT ON **13 SEPTEMBER 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 Ross	09-1638	Stokes
State v Spears	10-52	Caldwell
State v Lewis	10-59	Forsyth
State v Barnhill	10-74	New Hanover
State v Bateman	10-102	Cherokee
State v Hobgood	10-206	Moore
State v Melvin	10-264	Onslow
State v Chavis	10-285	Moore
State v Briggs	10-306	Pender
State v Whitley	10-316	Mecklenburg

Sent Date: 11 August 2010

# North Carolina Court of Appeals

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## COURT CALENDAR BY PANEL

Tuesday, 14 September 2010

### PANEL NO. 2

HONORABLE ROBERT C. HUNTER  
HONORABLE ROBERT N. HUNTER, JR.

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

Peters v Pennington	10-91	Mecklenburg
Cape Hatteras Electric Membership Corpor...	10-271	Dare

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **TUESDAY, 14TH OF SEPTEMBER 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 Debiase	10-113	Transylvania
State v Derbyshire	10-205	Wake
State v Sanders	10-233	Carteret
State v Grant	10-261	Gaston
State v Treadway	10-287	Alexander
State v Bullock	10-320	Durham
Gaynor v Gaynor	09-1675	Pitt
Miller v Ellwood	10-256	Wake
Hunter v Transylvania County DSS	10-288	Transylvania
Domingue v Nehemiah II, Inc., et al	10-300	Pasquotank

Sent Date: 16 August 2010

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## COURT CALENDAR BY PANEL

Wednesday, 15 September 2010

### PANEL NO. 3

HONORABLE LINDA M. MCGEE  
HONORABLE ANN MARIE CALABRIA  
HONORABLE MARTHA A. GEER

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

Ashley, et al v The City of Lexington	10-314	Davidson
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THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 15TH OF SEPTEMBER 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 Benavides	10-135	Buncombe
State v Neal	10-210	Mecklenburg
State v Clark	10-235	Rockingham
State v Truesdale	10-262	Cumberland
State v Ramirez	10-293	Mecklenburg
State v Crudup	10-326	Franklin
Burns v Burns	10-50	Anson
Guy C. Lee Building Materials v Harris C...	10-221	Wayne
Guy C. Lee Building Materials v Harris C...	10-222	Wayne
Guy C. Lee Building v Harris Constructio...	10-223	Wayne
Guy C. Lee Building Materials v Harris C...	10-224	Wayne

Sent Date: 16 August 2010



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## COURT CALENDAR BY PANEL

Wednesday, 15 September 2010

### PANEL NO. 4

HONORABLE WANDA G. BRYANT  
HONORABLE SANFORD STEELMAN  
HONORABLE CHERI BEASLEY

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 15TH OF SEPTEMBER 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 Patino	10-201	Henderson
State v White	10-212	Wake
State v Hicks	10-247	Buncombe
State v Wilson	10-268	Wake
State v Clagon and Wilkins	10-299	Martin
State v Tillman	10-340	Moore
Valenzuela v Pallet Express, Inc., et al	10-87	Guilford
Thompson v Aramark, Inc., et al	10-246	N.C. Industrial Commission
Hughes v Craddock, et al	10-266	Randolph
In The Matter Of: T.A.S.	10-275	Brunswick
Rollins v Tyco Electronics	10-294	N.C. Industrial Commission
Nobles v Coastal Power & Electric, Inc.,...	10-321	N.C. Industrial Commission

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## COURT CALENDAR BY PANEL

Thursday, 16 September 2010

### PANEL NO. 5

HONORABLE RICK ELMORE  
HONORABLE BARBARA JACKSON  
HONORABLE LINDA STEPHENS

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **THURSDAY, 16TH OF SEPTEMBER 2010**  
**AT 9:30 a.m.**

Williams v American Eagle Airlines, Inc.	10-267	Durham
Town of Midland v Morris, et al	10-322	Cabarrus

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **THURSDAY, 16TH OF SEPTEMBER 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 Newkirk	10-202	Duplin
State v Wooten	10-215	Gaston
State v Saeidifar	10-252	Onslow
State v Walters	10-281	Robeson
State v Szucs	10-305	Mecklenburg
State v Williams	10-347	Wake
Treadway v Diez, et al	10-99	Buncombe
Treadway v Diez, et al	10-100	Buncombe
Johnson v Johnson	10-276	Carteret
Gore, et al v Assurance Company of Ameri...	10-295	Cumberland

Sent Date: 16 August 2010

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## COURT CALENDAR BY PANEL

Tuesday, 28 September 2010

### PANEL NO. 2

HONORABLE LINDA M. MCGEE  
HONORABLE ROBERT N. HUNTER, JR.  
HONORABLE CHERI BEASLEY

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

France v France	10-313	Mecklenburg
France v France	10-425	Mecklenburg

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **TUESDAY, 28TH OF SEPTEMBER 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 Robison	10-219	Guilford
State v Lawrence	10-348	Hoke
State v Bartlett	10-360	Camden
State v Hill	10-399	Buncombe
State v Towe	10-401	Surry
State v Pell	10-415	Johnston
Earley v Willow Ridge of NC, et al	09-1593	Rutherford
Scheller v Otterberg, et al	10-257	Catawba
Maynard v Bowles	10-274	Davidson
McDonalds Corporation v Five Stars, Inc....	10-346	Hoke

Sent Date: 30 August 2010

# North Carolina Court of Appeals

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## COURT CALENDAR BY PANEL

Wednesday, 29 September 2010

### PANEL NO. 3

HONORABLE WANDA G. BRYANT  
HONORABLE SANFORD STEELMAN  
HONORABLE SAM J. ERVIN, IV

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

State v Dubose	10-213	Johnston
Hamilton v Mortgage Information Services...	10-45	Wake
Brown, et al v NC Dept. of Environment, ...	10-315	Wake

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 29TH OF SEPTEMBER 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 Green	10-84	Wake
State v Ardrey	10-312	Buncombe
State v Bonilla	10-351	Harnett
State v Dobbs	10-388	Brunswick
State v Clark	10-403	Burke
Honeycutt Contractors, Inc., et al v Ott...	10-270	McDowell
The Travelers Indemnity Company v Wall, ...	10-292	Mecklenburg
Rolls v Rolls	10-328	Guilford
Boyles v NC Real Estate Commission	10-367	Henderson

Sent Date: 30 August 2010

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## COURT CALENDAR BY PANEL

Wednesday, 29 September 2010

### PANEL NO. 4

HONORABLE ROBERT C. HUNTER  
HONORABLE ANN MARIE CALABRIA  
HONORABLE MARTHA A. GEER

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State v Kelly	09-1598	Wayne
State v Williams	10-2	Mecklenburg
State v McLeod	10-157	Moore
State v Dancy	10-258	Guilford
State v Lee	10-381	Wake
State v Roseboro	10-418	Guilford
Harrell v General Electric, et al	10-358	N.C. Industrial Commission
In The Matter Of: Watson	10-365	Durham
Campbell v Campbell	10-369	Mecklenburg
In The Matter Of: C.W. and D.H.	10-385	Wayne
In The Matter Of: J.N.S., A.L.M., J.N.S....	10-499	Guilford
In The Matter Of: M.L.	10-508	New Hanover

Sent Date: 30 August 2010

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## COURT CALENDAR BY PANEL

Thursday, 30 September 2010

### PANEL NO. 5

HONORABLE RICK ELMORE  
HONORABLE BARBARA JACKSON  
HONORABLE CRESSIE H. THIGPEN, JR.

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **THURSDAY, 30TH OF SEPTEMBER 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 Davis	09-1707	Forsyth
State v Valencia	10-232	Guilford
State v Middleton	10-364	Sampson
State v Smith	10-400	New Hanover
State v Blackmon	10-417	Mecklenburg
State v Brown	10-419	Mecklenburg
In The Matter Of: S.B.	10-68	Davidson
In Re: Williams	10-325	Wake
In The Matter Of: S.M.D.	10-363	Mecklenburg
In The Matter Of: M.I.M.	10-539	Lee
In Re: A.K.L.	10-541	Perquimans
In Re: J.W.S.	10-575	Wilkes

Sent Date: 30 August 2010