

# 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>

## 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

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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 Orthocarlina, 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

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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

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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

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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

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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

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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

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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



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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

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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

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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

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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