

# 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, 11 April 2011

### PANEL NO. 1

HONORABLE JOHN C. MARTIN  
HONORABLE RICK ELMORE  
HONORABLE MARTHA A. GEER

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **MONDAY, 11TH OF APRIL 2011 AT 1:00 p.m.**

State v Hayden	10-1306	Onslow
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THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **MONDAY, 11TH OF APRIL 2011.** COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v Sebastian	10-884	Davidson
State v Trogdon	10-1344	Randolph
State v Leonard	10-1387	Wake
State v Bratton	10-1431	Catawba
State v Little	10-1459	Buncombe
Rothrock v Blue River Ridge At Blowing R...	10-753	Caldwell
Unitrin Auto And Home Insurance v McNeil...	10-1192	Forsyth
In The Matter Of: D.A.Q.	10-1325	Wake
Metz v Metz	10-1382	Mecklenburg
In The Matter Of: M.D., Jr.	10-1411	Wake
Couick v Couick	10-1438	Union

Sent Date: 15 March 2011

# North Carolina Court of Appeals

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

## Supplemental Calendar

Monday, 11 April 2011

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT ON **11 APRIL 2011** 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 Vasquez	10-1027	Mecklenburg
State v Robinson	10-1099	Forsyth
State v Gill	10-1198	Carteret
State v Arrington	10-1205	Lenoir
State v Phifer	10-1256	Mecklenburg
State v Madden	10-1301	Buncombe
State v Prestwood	10-1302	Buncombe
State v Nix	10-1371	Guilford
State v Hill	10-1463	Catawba

Sent Date: 14 March 2011

# North Carolina Court of Appeals

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## COURT CALENDAR BY PANEL

Tuesday, 12 April 2011

### PANEL NO. 2

HONORABLE LINDA M. MCGEE  
HONORABLE DONNA STROUD  
HONORABLE CHERI BEASLEY

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **TUESDAY, 12TH OF APRIL 2011 AT 9:30 a.m.**

State v Jordan	10-1432	Caldwell
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THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **TUESDAY, 12TH OF APRIL 2011.** COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v Burch	10-1227	Guilford
State v Ortiz-Zape	10-1307	Mecklenburg
State v Becton	10-1359	Wake
State v Johnson	10-1410	Onslow
State v Carrothers	10-1470	Mecklenburg
Wells Fargo Bank, et al v Winston-Salem ...	10-1038	Forsyth
Crocker, et al v Roethling, et al	10-1214	Johnston
Orr v King	10-1303	Pender
Town of Manteo v Fearing	10-1377	Dare
Mehaffey v Burger King, et al	10-1421	N.C. Industrial Commission
Merrill Lynch Commercial Finance Corp. v...	10-1443	Forsyth

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## COURT CALENDAR BY PANEL

Wednesday, 13 April 2011

### PANEL NO. 3

HONORABLE ROBERT C. HUNTER  
HONORABLE WANDA G. BRYANT  
HONORABLE DOUGLAS MCCULLOUGH

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **WEDNESDAY, 13TH OF APRIL 2011 AT 1:00 p.m.**

State v Jones	10-1202	Buncombe
State of NC, ex rel v Herbin	10-1178	Guilford

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

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 13TH OF APRIL 2011.** COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v King	10-1237	Moore
State v Herron	10-1360	Mecklenburg
State v Billinger	10-1412	Hoke
State v McKeever	10-1436	Durham
State v Grier	10-1472	Mecklenburg
Howe v Howe	10-1243	Cleveland
Puckett v NC Dept. of Correction, et al	10-1341	Wake
Hunter v Bowden, et al	10-1391	Guilford
Hunter v Harris, et al	10-1392	Guilford
In The Matter Of The Estate Of: Mangum	10-1454	Wake

**Sent Date: 15 March 2011**

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## COURT CALENDAR BY PANEL

Wednesday, 13 April 2011

### 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, 13TH OF APRIL 2011 AT 1:00 p.m.**

Alliance Mutual Insurance Company v Dove	10-1395	Scotland
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THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 13TH OF APRIL 2011.** COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v Griffin	10-1274	Forsyth
State v Twitty	10-1320	Alamance
State v Adams	10-1363	Pitt
State v Downey	10-1413	Mecklenburg
State v Riddick	10-1448	Washington
State v Williams	10-1482	Forsyth
Hoots v Robertson	10-1119	Randolph
Mace v LaPrade	10-1268	Orange
Price v Mental Health Association, et al	10-1366	N.C. Industrial Commission
Sessions v Five C's, Inc., et al	10-1426	Pasquotank
Moore v Proper, et al	10-1475	Madison

Sent Date: 15 March 2011

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## COURT CALENDAR BY PANEL

Thursday, 14 April 2011

### PANEL NO. 5

HONORABLE ANN MARIE CALABRIA  
HONORABLE SAM J. ERVIN, IV  
HONORABLE CRESSIE H. THIGPEN, JR.

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **THURSDAY, 14TH OF APRIL 2011 AT 9:30 a.m.**

LeDoyen, et al v Village of Marvin	10-1287	Union
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THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **THURSDAY, 14TH OF APRIL 2011.** COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v Lofton	10-1291	New Hanover
State v Smalls	10-1337	Johnston
State v Smith	10-1386	Onslow
State v Hulse	10-1417	Wayne
State v Carr	10-1452	Pender
State v Hunt	10-1526	Robeson
Hailey v Hollier, et al	10-1171	Union
Herrin v Herrin	10-1367	Gaston
Carter v Maximov, et al	10-1408	Mecklenburg
Nicholson v Thom	10-1433	Robeson
D.G., II, LLC v Nix, et al	10-1458	Dare

Sent Date: 15 March 2011

# North Carolina Court of Appeals

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

## 3.1 Calendar

Monday, 18 April 2011

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT ON **18 APRIL 2011** 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: D.Z.B.	10-1270	Edgecombe
In The Matter Of: V.A.S., R.D.S., A.L.S.	10-1308	Henderson
In The Matter Of: L.H.	10-1398	Wake
In The Matter Of: D.T.H.	10-1403	Yancey
In The Matter Of: H.K.L.	10-1478	Randolph
In The Matter Of: S.G., Ka.G., H.G., and...	10-1495	Alleghany

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## COURT CALENDAR BY PANEL

Monday, 25 April 2011

### PANEL NO. 1

HONORABLE JOHN C. MARTIN  
HONORABLE RICK ELMORE  
HONORABLE MARTHA A. GEER

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **MONDAY, 25TH OF APRIL 2011 AT 1:00 p.m.**

In The Matter Of: Blue Ridge Mall LLC      10-1487      Property Tax Commission

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **MONDAY, 25TH OF APRIL 2011.** COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v Roberts	10-1277	Mecklenburg
State v Gaines	10-1327	Mecklenburg
State v Black	10-1374	Lenoir
State v Herrin	10-1446	Gaston
State v Sauer	10-1491	Dare
State v Morales	10-1572	Mecklenburg
TWanda v D&D Technical Services, Inc., e...	10-1354	Wayne
Baldwin v A Southern Season, Inc., et al	10-1430	N.C. Industrial Commission
In The Matter Of: D.B.	10-1476	Durham
In The Matter Of The Adoption Of: S.K.N.	10-1515	Catawba
Taylor v Miller	10-1535	Carteret

Sent Date: 29 March 2011



# North Carolina Court of Appeals

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

## Supplemental Calendar

Monday, 25 April 2011

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT ON **25 APRIL 2011** 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 Bobbitt	10-826	Guilford
State v Camarata	10-853	Johnston
State v Haymond	10-1050	Wilkes
State v Davis	10-1080	Sampson
State v Maxwell	10-1081	Cabarrus
State v Smith	10-1131	Pitt
State v Barnett	10-1161	Iredell
State v Bennett	10-1164	Forsyth
State v McIntosh	10-1165	Forsyth
In The Matter Of: J.T.K.	10-1215	Wayne

Sent Date: 31 March 2011

# North Carolina Court of Appeals

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One West Morgan Street  
Raleigh, North Carolina 27601

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## COURT CALENDAR BY PANEL

Tuesday, 26 April 2011

### PANEL NO. 2

HONORABLE LINDA M. MCGEE  
HONORABLE DONNA STROUD  
HONORABLE CHERI BEASLEY

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **TUESDAY, 26TH OF APRIL 2011 AT 9:30 a.m.**

Group Health Plan v Integon National Ins...	10-1282	Edgecombe
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THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **TUESDAY, 26TH OF APRIL 2011.** COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v Ouaja	10-1224	Durham
State v Richmond	10-1296	Person
State v Williams	10-1343	Wayne
State v Moore	10-1383	Edgecombe
State v Caudill	10-1466	Brunswick
State v Hill	10-1504	Guilford
Miller, et al v The Mill At Tar Branch C...	10-1361	Forsyth
Minor v United Health Services, Inc., et...	10-1434	N.C. Industrial Commission
Capps, et al v City of Kinston	10-1477	Lenoir
Best v Gallup	10-1488	Wake
In The Matter Of: Midgett	10-1518	Dare

Sent Date: 29 March 2011

# North Carolina Court of Appeals

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

## 3.1 Calendar

Tuesday, 26 April 2011

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT ON **26 APRIL 2011** 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: N.N., K.N., D.N.	10-1340	Union
In The Matter Of: R.S.	10-1381	Union
In The Matter Of: C.L.C.	10-1396	Mecklenburg
In The Matter Of: C.N.	10-1450	Mecklenburg
In The Matter Of: J.A.S.	10-1511	Buncombe
In The Matter Of: J.L.H.	10-1557	Chatham

Sent Date: 1 April 2011

# North Carolina Court of Appeals

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Raleigh, North Carolina 27601

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## COURT CALENDAR BY PANEL

Wednesday, 27 April 2011

### 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, 27TH OF APRIL 2011 AT 1:00 p.m.**

Ridge Care, Inc., et al v NC Dept. of He...	10-1316	Wake
In The Matter Of The Estate Of: Raney	10-1480	Iredell
Shelf v Wachovia Bank, et al	10-1510	Wake

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 27TH OF APRIL 2011.** COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v Lee	10-1263	Wayne
State v Mangum	10-1317	Johnston
State v Stanley	10-1352	Greene
State v McMillan	10-1419	Cumberland
State v Watson	10-1468	Halifax
State v Williams	10-1540	Harnett
Smith v Smith	10-1420	Union
Burgess v NC Criminal Justice Education	10-1456	Wake
Hatley v Continental General Tire, et al	10-1527	N.C. Industrial Commission

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## COURT CALENDAR BY PANEL

Wednesday, 27 April 2011

### PANEL NO. 3

HONORABLE ROBERT C. HUNTER  
HONORABLE WANDA G. BRYANT  
HONORABLE DOUGLAS MCCULLOUGH

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 27TH OF APRIL 2011.** COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v Souther	10-1235	Ashe
State v Merrell	10-1304	Carteret
State v Ellis	10-1346	Wilson
State v Wingate	10-1385	Lincoln
State v Speight	10-1467	Durham
State v Williams	10-1508	Wilson
Cosentino Hi-Line Auto Repair v Hersch	10-1315	Mecklenburg
Parson v Oasis Legal Finance, et al	10-1414	Guilford
Johnson v Covil Corp.	10-1440	N.C. Industrial Commission
Braun v Trust Development Group, LLC, et..	10-1479	Mecklenburg
Penick, et al v Go Postal In Boone, Inc.	10-1493	Watauga
Gregory v W.A. Brown & Sons, et al	10-1521	N.C. Industrial Commission

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## COURT CALENDAR BY PANEL

Thursday, 28 April 2011

### PANEL NO. 5

HONORABLE ANN MARIE CALABRIA  
HONORABLE SAM J. ERVIN, IV  
HONORABLE CRESSIE H. THIGPEN, JR.

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **THURSDAY, 28TH OF APRIL 2011 AT 9:30 a.m.**

State v Reaves	10-1246	Wake
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THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **THURSDAY, 28TH OF APRIL 2011.** COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v Kelly	10-1318	Mecklenburg
State v Baldwin	10-1373	Mecklenburg
State v Nackab	10-1444	Cumberland
State v Howard	10-1484	Durham
State v Jackson	10-1566	Orange
In The Matter Of: A.J.M-B.	10-1350	Cabarrus
Church v Decker	10-1422	Caldwell
Williams, et al v Peabody, et al	10-1461	Cumberland
Havelock Yacht Club, Inc. v Crystal Lake...	10-1481	Craven
Church v Decker	10-1502	Caldwell
Belch v Delhaize America, Inc., et al	10-1532	N.C. Industrial Commission

Sent Date: 29 March 2011