

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

Thursday, 1 September 2011

PANEL NO. 5

HONORABLE MARTHA A. GEER
HONORABLE DONNA STROUD
HONORABLE CRESSIE H. THIGPEN, JR.

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **THURSDAY, 1ST OF SEPTEMBER 2011**
AT 9:30 a.m.

McCracken And Amick, Inc., et al v Perdu...	11-199	Wake
Fairfield Harbour Property Owners Associ...	11-205	Craven
Hamm v Blue Cross And Blue Shield Of NC	11-251	Durham

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **THURSDAY, 1ST OF SEPTEMBER 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 Mabry	11-108	Stanly
State v Wilson	11-137	Mecklenburg
State v Tucker	11-154	Guilford
State v Finch	11-174	Buncombe
State v Hester	11-190	Bladen
State v McNair and McNair	11-219	Edgecombe
Balawejder v Balawejder	11-184	Mecklenburg
Jackson, ex rel v ES&J Enterprises, Inc...	11-225	Columbus
Krutch v Wake Medical Center, et al	11-233	N.C. Industrial Commission

Sent Date: 29 July 2011

North Carolina Court of Appeals

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

3.1 Calendar

Monday, 5 September 2011

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT ON **5 SEPTEMBER 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: K.M.B. and M.M.B.	11-346	Guilford
In The Matter Of: D.A.M.	11-396	Alleghany
In The Matter Of: A.R.G. and D.T.G.	11-435	Macon
In The Matter Of: K.N.S. and H.M.N.M	11-477	Wake
In The Matter Of: Q.J. and Q.W.	11-512	Mecklenburg
In The Matter Of: J.L. and S.L.	11-603	Haywood

North Carolina Court of Appeals

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

Supplemental Calendar

Tuesday, 6 September 2011

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT ON **6 SEPTEMBER 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 Hudgins	10-1600	Buncombe
State v Pace	11-266	Forsyth
State v Baines	11-279	Nash
State v Hoover	11-320	Mecklenburg
State v Moore	11-333	Cabarrus
State v Owens	11-357	Cumberland
State v Graham	11-363	Cabarrus
State v Spencer	11-391	Guilford
State v Graves	11-392	Randolph
State v Logan	11-521	Buncombe

Sent Date: 3 August 2011

North Carolina Court of Appeals

Court of Appeals Building
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COURT CALENDAR BY PANEL

Monday, 12 September 2011

PANEL NO. 1

HONORABLE JOHN C. MARTIN
HONORABLE WANDA G. BRYANT
HONORABLE ANN MARIE CALABRIA

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **MONDAY, 12TH OF SEPTEMBER 2011**
AT 1:00 p.m.

High Rock Lake Partners, LLC, et al v NC...	11-309	Mecklenburg
Arendas, et al v NC High School Athletic...	11-359	Guilford

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **MONDAY, 12TH OF SEPTEMBER 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 Mitchell	11-228	Guilford
State v Holloway	11-240	Wake
State v McClellan	11-265	Mecklenburg
State v Fox	11-273	Carteret
State v Hicks	11-295	Nash
State v Williams	11-319	Northampton
Tripp v Tripp	11-259	New Hanover
Shaw v US Airways, Inc., et al	11-284	N.C. Industrial Commission
Fraleigh v Griffin	11-300	Orange
Fitta v Burke	11-332	Onslow

Sent Date: 10 August 2011

North Carolina Court of Appeals

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

3.1 Calendar

Monday, 12 September 2011

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT ON **12 SEPTEMBER 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: A.S.R.	11-402	Greene
In The Matter Of: A.C.G.	11-420	Caldwell
In Re: B.N.H. and Z.E.H.	11-447	Nash
In The Matter Of: W.D.P., III	11-501	Stokes
In Re: J.T. and M.T.	11-522	Robeson
In The Matter Of: C.S.R., Jr., N.J.R., N...	11-684	Mecklenburg

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COURT CALENDAR BY PANEL

Tuesday, 13 September 2011

PANEL NO. 2

HONORABLE LINDA M. MCGEE
HONORABLE RICK ELMORE
HONORABLE ROBERT N. HUNTER, JR.

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **TUESDAY, 13TH OF SEPTEMBER 2011**
AT 9:30 a.m.

State v Chapman	11-229	Duplin
Seidner v Town of Oak Island	11-361	Brunswick

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **TUESDAY, 13TH OF SEPTEMBER 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 Phillips	11-242	Burke
State v Moore	11-267	Alamance
State v LaSalle	11-275	Lincoln
State v Smith	11-296	Wake
State v Cole	11-323	Randolph
Williams v City of Wilmington, et al	11-260	N.C. Industrial Commission
Blue Ridge Savings Bank, Inc. v Mitchell...	11-289	Buncombe
JMK, Inc. v The McAllister Group, Inc., ...	11-302	Mecklenburg
Caldwell County DSS ex. rel. v Howe	11-314	Caldwell
White v Trew	11-337	Wake

Sent Date: 10 August 2011

North Carolina Court of Appeals

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COURT CALENDAR BY PANEL

Wednesday, 14 September 2011

PANEL NO. 3

HONORABLE ROBERT C. HUNTER
HONORABLE SANFORD STEELMAN
HONORABLE DOUGLAS MCCULLOUGH

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

Edgewater Services, Inc., et al v Epic L...	11-176	Wake
Franklin County Board of Education v NC ...	11-290	Wake

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 14TH OF SEPTEMBER 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 Mendez	11-120	Anson
State v Underwood-Howell	11-237	Johnston
State v James	11-244	Mecklenburg
State v Rivera	11-268	Wake
State v Page	11-278	Guilford
State v Sullivan	11-297	Buncombe
Ruffin v Domtar Paper Company, et al	11-277	N.C. Industrial Commission
In Re: Peacock	11-317	Macon
In The Matter Of: J.L.J., Jr.	11-342	Cumberland

Sent Date: 10 August 2011

North Carolina Court of Appeals

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COURT CALENDAR BY PANEL

Wednesday, 14 September 2011

PANEL NO. 4

HONORABLE LINDA STEPHENS
HONORABLE SAM J. ERVIN, IV
HONORABLE CHERI BEASLEY

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **WEDNESDAY, 14TH OF SEPTEMBER 2011 AT 1:00 p.m.**

In Re: Fifth Third Bank	11-128	Mecklenburg
In Re: Fifth Third Bank	11-310	Mecklenburg

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 14TH OF SEPTEMBER 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 Alston	11-169	Nash
State v Ross	11-238	Forsyth
State v Garcia	11-262	Wake
State v Murray	11-270	Cumberland
State v Jones	11-287	Gaston
State v Bowden	11-305	Mecklenburg
Spooner v Clemmons	11-276	Brunswick
McCarran, et al v Village of Pinehurst	11-291	Moore
Evans v Neill, et al	11-321	Cumberland
Shaner v Shaner	11-345	Iredell

Sent Date: 10 August 2011

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COURT CALENDAR BY PANEL

Thursday, 15 September 2011

PANEL NO. 5

HONORABLE MARTHA A. GEER
HONORABLE DONNA STROUD
HONORABLE CRESSIE H. THIGPEN, JR.

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **THURSDAY, 15TH OF SEPTEMBER 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 Littleton	11-224	Onslow
State v Surratt	11-239	Forsyth
State v Friday	11-264	Guilford
State v Hammonds	11-271	Mecklenburg
State v Watlington	11-288	Rockingham
In re: Borden	11-306	Guilford
Taylor v Taylor	11-258	Duplin
Barbarino v Cappuccine, Inc.	11-283	Cabarrus
Diversified Financial v F And F Excavati...	11-292	Macon
Gentry v Gentry	11-307	Madison
Petty v City of Kannapolis	11-322	Cabarrus
Johnson v Lynch, et al	11-347	Carteret

Sent Date: 10 August 2011

North Carolina Court of Appeals

Court of Appeals Building
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Raleigh, North Carolina 27601

Supplemental Calendar

Monday, 19 September 2011

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT ON **19 SEPTEMBER 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 Smith	11-216	Alamance
State v Graveran	11-218	Wake
In The Matter Of: S.D.G.	11-336	Alamance
State v Pratt	11-358	Forsyth
State v Parks	11-364	Cabarrus
State v Bryant	11-372	Franklin
State v Reyes	11-389	Guilford
State v Speaks	11-390	Davidson
State v Pittman	11-485	Edgecombe

Sent Date: 18 August 2011

North Carolina Court of Appeals

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

3.1 Calendar

Monday, 26 September 2011

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT ON **26 SEPTEMBER 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: C.G.R. and M.A.C-R.	11-263	Chatham
In The Matter Of: C.C.	11-401	Durham
In The Matter Of: K.R.M.	11-505	Haywood
In The Matter Of: S.A.C. and H.D.	11-596	Orange
In The Matter Of: J.K., B.K., L.F.G.K., ...	11-626	Cleveland
In The Matter Of: K.T., T.T., A.T.	11-761	Wake

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COURT CALENDAR BY PANEL

Tuesday, 27 September 2011

PANEL NO. 2

HONORABLE LINDA M. MCGEE
HONORABLE RICK ELMORE
HONORABLE ROBERT N. HUNTER, JR.

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **TUESDAY, 27TH OF SEPTEMBER 2011**
AT 9:30 a.m.

Carden v Owle Construction, LLC	11-298	Durham
Southern Seeding Service, Inc. v W.C. En...	11-381	Guilford

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **TUESDAY, 27TH OF SEPTEMBER 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 Reid	11-243	Wake
State v Williams	11-328	Harnett
State v Keels	11-350	Robeson
State v Matthews	11-356	Mecklenburg
State v Dail	11-384	Brunswick
State v Demaio	11-407	Chatham
Kelly v Shoaf v Wood	11-335	Brunswick
Bryan v Mattick	11-427	Mecklenburg
Trivette v Yount	11-446	Catawba
Quiroz v Metropolis Statuary, Inc., et al	11-466	N.C. Industrial Commission

Sent Date: 26 August 2011

North Carolina Court of Appeals

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COURT CALENDAR BY PANEL

Wednesday, 28 September 2011

PANEL NO. 3

HONORABLE ROBERT C. HUNTER
HONORABLE SANFORD STEELMAN
HONORABLE DOUGLAS MCCULLOUGH

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

State v Khan	11-368	Wake
The Charlotte-Mecklenburg Hospital v N.C...	11-339	Office of Admin. Hearings

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 28TH OF SEPTEMBER 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 Richardson	11-285	Durham
State v Prestwood	11-340	Catawba
State v Henderson	11-351	Johnston
State v Wooten	11-385	Columbus
State v Estes	11-408	Avery
Moore Printing, Inc. v Automated Print S...	11-308	Mecklenburg
Bell v Mozley	11-393	Caldwell
Andrews v Andrews	11-433	Wake
Thompson v Fedex Ground/RPS, Inc.	11-448	N.C. Industrial Commission
Fox v Fox	11-468	Person

Sent Date: 26 August 2011

North Carolina Court of Appeals

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COURT CALENDAR BY PANEL

Wednesday, 28 September 2011

PANEL NO. 4

HONORABLE LINDA STEPHENS
HONORABLE SAM J. ERVIN, IV
HONORABLE CHERI BEASLEY

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **WEDNESDAY, 28TH OF SEPTEMBER 2011 AT 1:00 p.m.**

State v Pierce	10-1588	New Hanover
Baysden v State	11-395	Wake

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 28TH OF SEPTEMBER 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 Johnson	11-325	Buncombe
State v Wiebe	11-341	Buncombe
State v Forney	11-352	Mecklenburg
State v Yuckel	11-371	Cabarrus
State v Chavis	11-388	Robeson
Williams v Lincoln County Emergency Medi...	11-212	Lincoln
Williams v Lincoln County Emergency Medi...	11-213	Lincoln
Harrison, et al v Duke University Health...	11-374	Durham
In The Matter Of: C.L.	11-434	Onslow
Haddock v Barker Realty, Inc., et al	11-449	Wake

Sent Date: 26 August 2011

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COURT CALENDAR BY PANEL

Thursday, 29 September 2011

PANEL NO. 5

HONORABLE MARTHA A. GEER
HONORABLE DONNA STROUD
HONORABLE CRESSIE H. THIGPEN, JR.

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **THURSDAY, 29TH OF SEPTEMBER 2011**
AT 9:30 a.m.

State v Harrison	11-343	Watauga
State v Jackson	11-344	Watauga
Waste Industries USA, Inc., et al v Stat...	11-246	Wake
Green, et al v Kearney, et al	11-439	Franklin

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **THURSDAY, 29TH OF SEPTEMBER 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 Cornelius	11-94	Forsyth
State v Cannon	11-327	Martin
State v Stokes	11-373	Cleveland
State v Sloan	11-406	Buncombe
Coastal Federal Credit Union v Falls, et...	11-331	Gaston
In The Matter Of: Carver Pond I	11-367	Durham
Wright v Oakley	11-426	Rowan
Manone v Coffee	11-450	Durham

Sent Date: 26 August 2011