

# 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, 10 January 2011

### PANEL NO. 1

HONORABLE JOHN C. MARTIN  
HONORABLE ROBERT C. HUNTER  
HONORABLE CRESSIE H. THIGPEN, JR.

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **MONDAY, 10TH OF JANUARY 2011 AT 1:00 p.m.**

Saine, et al v State of NC, et al	10-832	Wake
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THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **MONDAY, 10TH OF JANUARY 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 Hemphill	10-603	Transylvania
State v Lacy	10-755	Mecklenburg
State v Leskiw	10-834	Pitt
State v Wiggins	10-871	Chowan
State v Elkins	10-916	Buncombe
State v Vereen	10-940	Columbus
Diaz v Smith, et al	10-694	N.C. Industrial Commission
Shackleton, ex rel v Southern Flooring &...	10-734	N.C. Industrial Commission
Mullis, et al v Southeast Renal Associat...	10-763	Mecklenburg
In The Matter Of: Militana	10-880	Cherokee
Holden v Brickey Acoustical, Inc.	10-901	N.C. Industrial Commission

# North Carolina Court of Appeals

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

## 3.1 Calendar

Monday, 10 January 2011

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT DURING THE WEEK OF **10 JANUARY 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: L.H.	10-829	Mecklenburg
In The Matter Of: I.M. and A.M.	10-852	Beaufort
In The Matters Of: H.S.B., D.M.M.B., F.L...	10-947	Jackson
In Re: M.I.W.	10-1058	Harnett
In The Matters Of: A.R.P. and J.B.A.P.	10-1086	Burke
In The Matter Of: A.J.Q. and N.J.Q.	10-1212	Dare

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## COURT CALENDAR BY PANEL

Tuesday, 11 January 2011

### PANEL NO. 2

HONORABLE LINDA M. MCGEE  
HONORABLE WANDA G. BRYANT  
HONORABLE CHERI BEASLEY

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **TUESDAY, 11TH OF JANUARY 2011 AT 9:30 a.m.**

State v Wilkes	10-765	Wilson
SPX Corporation v Liberty Mutual, et al	10-745	Mecklenburg

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **TUESDAY, 11TH OF JANUARY 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 Santos	10-668	Hoke
State v Graham	10-841	Forsyth
State v Durham	10-873	Forsyth
State v Scruggs	10-921	Guilford
State v White	10-949	Durham
Harrington v Wall	10-696	Orange
Ray v Greer, et al	10-767	Catawba
Lucas v R.K. Lock And Associates, et al	10-874	Bladen
Harrison v Aegis Corporation, et al	10-875	Bladen
Hunt v R.K. Lock And Associates, et al	10-891	Bladen

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## COURT CALENDAR BY PANEL

Wednesday, 12 January 2011

### PANEL NO. 3

HONORABLE ANN MARIE CALABRIA  
HONORABLE DONNA STROUD  
HONORABLE ROBERT N. HUNTER, JR.

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 12TH OF JANUARY 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 Mungo	10-718	Mecklenburg
State v Ricks	10-791	Edgecombe
State v Flint	10-845	New Hanover
State v Martinez	10-885	Granville
State v Edwards	10-930	Union
State v Midgett	10-953	Beaufort
James v First National Insurance Company...	10-706	Caswell
Tri-Arc Food Systems, Inc. v Towns	10-746	Wake
Wright v Frye	10-800	Davidson
Premier Plastic Surgery Center, PLLC, et...	10-863	Mecklenburg
D.G. II, LLC v Nix, et al	10-882	Dare
Graham v Keith	10-917	New Hanover

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## COURT CALENDAR BY PANEL

Wednesday, 12 January 2011

### PANEL NO. 4

HONORABLE RICK ELMORE  
HONORABLE SANFORD STEELMAN  
HONORABLE SAM J. ERVIN, IV

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 12TH OF JANUARY 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 Brodie	10-737	Wayne
State v Gillespie	10-798	Rowan
State v Petty	10-846	Mecklenburg
State v Anderson	10-888	Wilson
State v Pope	10-932	Harnett
State v Fox	10-955	Rowan
NC DOT v Cromartie, et al	10-709	Bladen
Gray v United Parcel Services, Inc., et ...	10-754	N.C. Industrial Commission
Leadman v Leadman	10-821	New Hanover
Nexsen Pruet, PLLC v Martin, et al	10-848	Guilford
Davis v Green, et al	10-894	Iredell
Stewart v Hodge	10-926	Gaston

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## COURT CALENDAR BY PANEL

Thursday, 13 January 2011

### PANEL NO. 5

HONORABLE MARTHA A. GEER  
HONORABLE LINDA STEPHENS

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

State v Ferguson	09-1507	Mecklenburg
State v Whitted	10-739	Cumberland
Canadian American Association v Rapidz, ...	10-758	Forsyth
Piraino Brothers, LLC v Atlantic Financi...	10-831	Mecklenburg

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **THURSDAY, 13TH OF JANUARY 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 Davis	10-824	Randolph
State v Murray	10-868	Buncombe
State v Miller	10-911	Rowan
State v Poteat	10-934	Lincoln
Powers v Wagner	10-689	Johnston
The City of Charlotte v Williams	10-715	Mecklenburg
Herbert v Marcaccio, et al	10-876	Nash
Reid v Hospira, Inc., et al	10-895	N.C. Industrial Commission

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## COURT CALENDAR BY PANEL

Monday, 24 January 2011

### PANEL NO. 1

HONORABLE JOHN C. MARTIN  
HONORABLE ROBERT C. HUNTER  
HONORABLE CRESSIE H. THIGPEN, JR.

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **MONDAY, 24TH OF JANUARY 2011 AT 1:00 p.m.**

State v Wright

10-854

Bladen

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **MONDAY, 24TH OF JANUARY 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

10-597

Durham

State v Clark

10-980

Buncombe

Crenshaw v Williams

10-720

Mecklenburg

Universal Insurance Company v Patterson,...

10-896

Mecklenburg

Ford, et al v All-Dry Of The Carolinas, ...

10-931

Haywood

Engelhard v Engelhard

10-944

Wake

Yous v Greif, Inc., et al

10-962

N.C. Industrial Commission

In The Matter Of: J.S.W.

10-981

Cumberland

Heatherly v The Hollingsworth Company, I...

10-994

N.C. Industrial Commission

Edwards v County of Bladen

10-1029

Bladen

Arce v Bassett Furniture Industries, Inc...

10-1064

N.C. Industrial Commission

Sent Date: 5 January 2011

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## COURT CALENDAR BY PANEL

Tuesday, 25 January 2011

### PANEL NO. 2

HONORABLE LINDA M. MCGEE  
HONORABLE WANDA G. BRYANT  
HONORABLE CHERI BEASLEY

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **TUESDAY, 25TH OF JANUARY 2011 AT 9:30 a.m.**

Wake Radiology Services v NC Department ...	10-933	N.C. Dept. of Health & Human Svcs
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THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **TUESDAY, 25TH OF JANUARY 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 Williams	10-738	Iredell
State v Sullivan	10-925	Pender
State v Brent	10-989	Forsyth
Johnson v Southern Tire Sales And Servic...	10-770	N.C. Industrial Commission
Williams v Devere Construction Company, ...	10-900	Randolph
Sander v Sander	10-948	Henderson
Schaefer, et al v Town of Hillsborough	10-968	Orange
Durand v Krispy Kreme Doughnuts, Inc.	10-983	Gaston
Myers v Myers	10-1008	Forsyth
Smith v White	10-1042	Cleveland
Blakeney v Blythe Construction, Inc., et...	10-1066	N.C. Industrial Commission

Sent Date: 5 January 2011



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## COURT CALENDAR BY PANEL

Wednesday, 26 January 2011

### PANEL NO. 4

HONORABLE RICK ELMORE  
HONORABLE SANFORD STEELMAN  
HONORABLE SAM J. ERVIN, IV

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **WEDNESDAY, 26TH OF JANUARY 2011**  
**AT 1:00 p.m.**

Wake Forest Golf & Country Club, Inc. v ...	10-972	Wake
Aetna Health of the Carolinas, et al v P...	10-1049	Mecklenburg

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 26TH OF JANUARY 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 Mills	10-820	Buncombe
State v Tucker	10-938	Guilford
State v Ketter	10-1006	Mecklenburg
Lomax Construction, Inc. v Triad Sheet M...	10-869	Guilford
Feierstein v N.C. Department of Environm...	10-912	N.C. Industrial Commission
Huston v Huston	10-941	Cumberland
Yost, et al v Yost	10-957	Buncombe
Wynn v United Health Services, et al	10-991	N.C. Industrial Commission
Childress v Concord Hospitality Associat...	10-1019	Cabarrus
Winston v Livingstone College, Inc., et ...	10-1070	Rowan

Sent Date: 5 January 2011

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## COURT CALENDAR BY PANEL

Wednesday, 26 January 2011

### PANEL NO. 3

HONORABLE ANN MARIE CALABRIA  
HONORABLE DONNA STROUD  
HONORABLE ROBERT N. HUNTER, JR.

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 26TH OF JANUARY 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 Hernandez	10-776	Johnston
State v Banks	10-935	Johnston
State v Frasier	10-997	Johnston
Lyles v Turner	10-842	Polk
Newnam v New Hanover Regional Medical Ce...	10-905	N.C. Industrial Commission
Songwooyarn Trading Company v Sox Eleven...	10-939	Mecklenburg
Stunzi v Medlin Motors, Inc., et al	10-954	Wake
Wilson v City of Mebane Board of Adjustm...	10-971	Alamance
Hairston v Hairston	10-990	Forsyth
Lee v City Cab of Tarboro	10-1017	N.C. Industrial Commission
Griffith v NC Department of Correction, ...	10-1043	Anson
McCall v P.H. Glatfelter Company	10-1069	N.C. Industrial Commission

Sent Date: 5 January 2011

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## COURT CALENDAR BY PANEL

Thursday, 27 January 2011

### PANEL NO. 5

HONORABLE MARTHA A. GEER  
HONORABLE LINDA STEPHENS  
HONORABLE DOUGLAS MCCULLOUGH

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

Greensboro Rubber Stamp Co., et al v Sou...	10-914	Guilford
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THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **THURSDAY, 27TH OF JANUARY 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 Tucci-Casselli	10-825	Macon
State v Bardney	10-973	Henderson
State v Watterson	10-1007	Gaston
Laboratory Corporation v Caccuro, et al	10-877	Alamance
Ward v Deal Care Inn, Inc., et al	10-942	Rowan
Lake Colony Construction, Inc. v Boyd, e...	10-959	Jackson
Hodges v Young, et al	10-975	Moore
White, et al v Northwest Property Group-...	10-992	Henderson
Sutton v Bender	10-1024	Wake
Rushing v Aldridge	10-1059	Davidson
In The Matter Of: J.V.J.	10-1074	Orange

Sent Date: 5 January 2011

# North Carolina Court of Appeals

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

## 3.1 Calendar

Monday, 31 January 2011

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT DURING THE WEEK OF **31 JANUARY 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: N.R.B., Z.R.B., A.A.B.	10-908	Gaston
In Re: D.N.W.	10-919	Buncombe
In The Matter Of: J.L.C., Jr.	10-1051	Chatham
In Re: J.S. and A.S.	10-1054	Stokes
In Re: M.A.W.	10-1128	Wilkes
In Re: N.T.S.	10-1154	Columbus

Sent Date: 7 January 2011