

# North Carolina Court of Appeals

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

## Supplemental Calendar

Monday, 7 February 2011

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT ON **7 FEBRUARY 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 Daniels	10-408	Wake
State v Fisher	10-579	McDowell
State v Medlin	10-629	Wake
State v Hairston	10-655	Person
State v Smith	10-708	Nash
State v Poston	10-730	Cleveland
State v Jacobs	10-797	Mecklenburg
State v Davis	10-822	Mecklenburg
State v Smith	10-889	Pender
State v Simpson	10-915	Guilford

Sent Date: 5 January 2011

# 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.

All arguments, in-person or by WebEx, are recorded and the livestream for each case will start when the argument begins and will be available for viewing at: <http://govu.us/nc-coa-oral-arguments> \*\*\*

## COURT CALENDAR BY PANEL

Tuesday, 8 February 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, 8TH OF FEBRUARY 2011 AT 9:30 a.m.**

State v Castillo	10-814	Orange
Harston v Tippet	10-840	Wake
Liebes, et al v Guilford County Departme...	10-979	Guilford

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **TUESDAY, 8TH OF FEBRUARY 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 Smith	10-998	Buncombe
State v Southern	10-1025	Rockingham
Runnels v Robinson	10-923	Polk
Bost Construction Company v Blondy	10-1014	Chatham
Garland Gourmet Mushrooms v Black Diamon...	10-1041	Orange
Singletary v P and A Investments, Inc., ...	10-1089	Anson
Derian v Derian	10-1106	Orange
Russ v Russ	10-1141	Cumberland
Stevenson v N.C. Department of Correctio...	10-1168	N.C. Industrial Commission

Sent Date: 12 January 2011

# 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.

All arguments, in-person or by WebEx, are recorded and the livestream for each case will start when the argument begins and will be available for viewing at: <http://govu.us/nc-coa-oral-arguments> \*\*\*

## COURT CALENDAR BY PANEL

Wednesday, 9 February 2011

### PANEL NO. 3

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

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

Ehrenhaus v Baker, et al	10-1034	Mecklenburg
--------------------------	---------	-------------

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 9TH OF FEBRUARY 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	10-898	Cleveland
State v Bynem	10-999	Johnston
State v Khouri	10-1030	Avery
Dorwani v Dorwani	10-849	Pasquotank
Stephens v Stephens	10-943	Harnett
Baker v Chizek Transport, Inc.	10-985	N.C. Industrial Commission
Vickers v Street	10-1016	Rutherford
Barfield, et al v Matos	10-1090	Mecklenburg
In The Matter Of: J.R.V.	10-1116	Rockingham
Thompson v Carolina Cabinet Company, et ...	10-1142	N.C. Industrial Commission
Norman v Food Lion, et al	10-1175	N.C. Industrial Commission

Sent Date: 12 January 2011

# 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.

All arguments, in-person or by WebEx, are recorded and the livestream for each case will start when the argument begins and will be available for viewing at: <http://govu.us/nc-coa-oral-arguments> \*\*\*

## COURT CALENDAR BY PANEL

Wednesday, 9 February 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, 9TH OF FEBRUARY 2011**  
**AT 1:00 p.m.**

The Travelers Indemnity Company v Triple...	10-862	Forsyth
Sugar Creek Charter School, Inc., et al ...	10-965	Mecklenburg
Thomas Jefferson Classical Academy, et a...	10-1121	Rutherford

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 9TH OF FEBRUARY 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 Adams and Sowell	10-906	Rowan
State v Singleton and Fuller	10-1010	Forsyth
State v Johnson	10-1031	Guilford
Church v Decker	10-993	Caldwell
Wang v UNC-CH School of Medicine, et al	10-1021	Orange
State Farm v Bustos-Ramirez, et al	10-1087	Forsyth
Lewis v Stanley	10-1092	Johnston
Watson, et al v Brinkley, et al	10-1145	Halifax
Wynter v County of Wake	10-1176	Wake

Sent Date: 12 January 2011

# 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.

All arguments, in-person or by WebEx, are recorded and the livestream for each case will start when the argument begins and will be available for viewing at: <http://govu.us/nc-coa-oral-arguments> \*\*\*

## COURT CALENDAR BY PANEL

Thursday, 10 February 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, 10TH OF FEBRUARY 2011**  
**AT 9:30 a.m.**

L And S Water Power, et al v Piedmont Tr...	10-1063	Guilford
---	---------	----------

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **THURSDAY, 10TH OF FEBRUARY 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 Cherry	10-988	Mecklenburg
State v Boozer and Covington	10-1018	Wake
State v Czyzewski	10-1035	Greene
Polston v Ingles Markets	10-878	N.C. Industrial Commission
Bell v Hype Manufacturing, LLC, et al	10-952	N.C. Industrial Commission
In The Matter Of: Hall	10-1002	Dare
Powe v Centerpoint Human Services, et al	10-1022	N.C. Industrial Commission
Morgan v John Wieland Homes, Inc.	10-1095	N.C. Industrial Commission
Crump v NC Dept. of Environment And Natu...	10-1138	N.C. Industrial Commission
Ewendt v Carter, et al	10-1149	Burke
Hutson v Thalacker	10-1177	Union

Sent Date: 12 January 2011

# North Carolina Court of Appeals

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

## 3.1 Calendar

Monday, 14 February 2011

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT ON **14 FEBRUARY 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: J.M.D.	10-1001	Greene
In The Matter Of: J.M.D.W.	10-1005	Guilford
In The Matter Of: J.P.	10-1039	Watauga
In The Matter Of: C.C.S.	10-1040	Vance
In The Matter Of: C.G.P.	10-1052	Surry
In The Matter Of: I.C.	10-1057	Mecklenburg

Sent Date: 27 January 2011

# 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.

All arguments, in-person or by WebEx, are recorded and the livestream for each case will start when the argument begins and will be available for viewing at: <http://govu.us/nc-coa-oral-arguments> \*\*\*

## COURT CALENDAR BY PANEL

Monday, 21 February 2011

### PANEL NO. 1

HONORABLE JOHN C. MARTIN  
HONORABLE LINDA M. MCGEE  
HONORABLE DOUGLAS MCCULLOUGH

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **MONDAY, 21ST OF FEBRUARY 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 Coffield	10-956	Pitt
State v Sellers	10-1012	Wayne
State v McCain	10-1047	Guilford
State v Deaton	10-1079	Cleveland
State v Norman	10-1108	Wilkes
State v Woodard	10-1172	Avery
Allison v Wal-Mart Stores, et al	10-1023	N.C. Industrial Commission
Wayne Street Mobile Home Park, LLC v Nor...	10-1111	Brunswick
Griffith v NC Dept. of Correction, et al	10-1157	Anson
Shalom House Apartments v Safaro	10-1187	Beaufort
Williams, et al v Biesecker, et al	10-1206	Transylvania
Wellikoff v Progress Development Corp., ...	10-1232	Henderson
In The Matter Of: C.J.M.	10-1183	Sampson

Sent Date: 25 January 2011

# North Carolina Court of Appeals

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

## Supplemental Calendar

Monday, 21 February 2011

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT ON **21 FEBRUARY 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 Ford	10-318	Mecklenburg
State v Stanley	10-554	Lenoir
State v Harris	10-555	Pitt
Lewis v New Hanover County Schools, et a...	10-721	N.C. Industrial Commission
State v Griffin	10-796	Buncombe
State v Lasane	10-809	Mecklenburg
State v Holmes	10-830	Wake
State v Weathers	10-890	Gaston
State v Byers	10-904	Forsyth

Sent Date: 19 January 2011



# 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.

All arguments, in-person or by WebEx, are recorded and the livestream for each case will start when the argument begins and will be available for viewing at: <http://govu.us/nc-coa-oral-arguments> \*\*\*

## COURT CALENDAR BY PANEL

Tuesday, 22 February 2011

### PANEL NO. 2

HONORABLE ROBERT C. HUNTER  
HONORABLE LINDA STEPHENS  
HONORABLE SAM J. ERVIN, IV

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **TUESDAY, 22ND OF FEBRUARY 2011 AT 9:30 a.m.**

Wachovia Bank National, et al v Superior...	10-1158	Mecklenburg
Murdock, et al v Thomas, et al	10-1209	Iredell

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **TUESDAY, 22ND OF FEBRUARY 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 Hartley	10-964	Sampson
State v Joe	10-1037	Forsyth
State v Beckelheimer	10-1055	Chatham
State v Foust	10-1083	Alamance
State v Shropshire	10-1113	Mecklenburg
State v Ramey	10-1197	Forsyth
Carney v Greenville TV & Appliance, Inc....	10-1088	N.C. Industrial Commission
Watson v Price, et al	10-1112	Durham
Ritchie v Ritchie	10-1189	Stanly
Walls v City of Winston-Salem	10-1248	Forsyth

Sent Date: 25 January 2011

# North Carolina Court of Appeals

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

## 3.1 Calendar

Tuesday, 22 February 2011

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT ON **22 FEBRUARY 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: J.B.	10-1127	New Hanover
In Re: L.D.	10-1193	Harnett
In The Matter Of: P.A.N.Y.	10-1269	Haywood
In The Matter Of: D.M.	10-1280	Orange
In The Matter Of: T.T. and L.C-T.	10-1300	Mecklenburg
In The Matter Of: A.C.N.B.	10-1397	Iredell

Sent Date: 2 February 2011

# 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.

All arguments, in-person or by WebEx, are recorded and the livestream for each case will start when the argument begins and will be available for viewing at: <http://govu.us/nc-coa-oral-arguments> \*\*\*

## COURT CALENDAR BY PANEL

Wednesday, 23 February 2011

### PANEL NO. 4

HONORABLE ANN MARIE CALABRIA  
HONORABLE SANFORD STEELMAN  
HONORABLE CHERI BEASLEY

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **WEDNESDAY, 23RD OF FEBRUARY 2011 AT 1:00 p.m.**

RS&M Appraisal Services, Inc. v Alamance...	10-1194	Alamance
---	---------	----------

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 23RD OF FEBRUARY 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 Maynor	10-945	Buncombe
State v Barnhill	10-1000	New Hanover
State v Padgett	10-1045	Forsyth
State v House	10-1071	Brunswick
State v Chambers	10-1101	Rowan
State v Russell	10-1140	Wayne
Jim Lorenz, Inc. v O'Haire	10-984	Jackson
Waddell v Goodyear Tire And Rubber Co., ...	10-1102	N.C. Industrial Commission
Stepp v Awakening Heart, P.A., et al	10-1118	Henderson
Stevenson v N.C. Department of Correctio...	10-1169	N.C. Industrial Commission
STB Of Charlotte, Inc. v The Zoning Boar...	10-1220	Mecklenburg

Sent Date: 25 January 2011

# 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.

All arguments, in-person or by WebEx, are recorded and the livestream for each case will start when the argument begins and will be available for viewing at: <http://govu.us/nc-coa-oral-arguments> \*\*\*

## COURT CALENDAR BY PANEL

Wednesday, 23 February 2011

### PANEL NO. 3

HONORABLE WANDA G. BRYANT  
HONORABLE RICK ELMORE  
HONORABLE MARTHA A. GEER

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 23RD OF FEBRUARY 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 Payton	10-804	Mecklenburg
State v Barrow	10-978	Cleveland
State v Flaughner	10-1044	New Hanover
State v Sealy	10-1060	Moore
State v Floyd	10-1098	Buncombe
State v Williams	10-1133	Johnston
In The Matter Of: K.L.D.	10-679	Sampson
Phelps v Stabilus, et al	10-1097	N.C. Industrial Commission
Melvin v Wachovia Bank, N.A.	10-1115	Macon
Barton v Barton	10-1160	Wake
Board of Directors Of Queens Towers, et ...	10-1190	Mecklenburg
Elliott v Enka-Candler Fire And Rescue D...	10-1219	Buncombe

# 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.

All arguments, in-person or by WebEx, are recorded and the livestream for each case will start when the argument begins and will be available for viewing at: <http://govu.us/nc-coa-oral-arguments> \*\*\*

## COURT CALENDAR BY PANEL

Thursday, 24 February 2011

### PANEL NO. 5

HONORABLE DONNA STROUD  
HONORABLE ROBERT N. HUNTER, JR.  
HONORABLE CRESSIE H. THIGPEN, JR.

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **THURSDAY, 24TH OF FEBRUARY 2011**  
**AT 9:30 a.m.**

Garlock, et al v Wake County Board of Ed...	10-1123	Wake
---	---------	------

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **THURSDAY, 24TH OF FEBRUARY 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 Brown	10-920	Wayne
State v Moore	10-1009	New Hanover
State v Whetstone	10-1046	Catawba
State v Woodard	10-1078	Buncombe
State v Durham	10-1107	Wake
State v Davis	10-1156	Mecklenburg
Wigmore v G&D Transportation, et al	10-995	N.C. Industrial Commission
High Point Bank and Trust Company v Hoff...	10-1181	Guilford
Cain v Ingersoll Rand, et al	10-1203	N.C. Industrial Commission
D.P. Solutions, Inc. v Xplore-Tech Servi...	10-1229	Guilford

Sent Date: 25 January 2011

# North Carolina Court of Appeals

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

## Supplemental Calendar

Monday, 28 February 2011

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT ON **28 FEBRUARY 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 Bright	10-544	Wake
State v Jordan	10-675	Wake
State v Sloan	10-756	Mecklenburg
State v Rout	10-768	Buncombe
State v Ford	10-799	Mecklenburg
State v Massey	10-855	Cabarrus
State v Cady	10-872	Wake
State v Bryant	10-909	Guilford
State v Lowery	10-986	Union
State v Owens	10-1026	Davidson

Sent Date: 21 January 2011