

# 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, 3 October 2011

### PANEL NO. 4

HONORABLE SANFORD STEELMAN  
HONORABLE SAM J. ERVIN, IV  
HONORABLE DOUGLAS MCCULLOUGH

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **MONDAY, 3RD OF OCTOBER 2011 AT 1:30 p.m.**

State v Lopez	11-697	Buncombe
Robinson v Hope, et al	11-665	Henderson

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

**Western Carolina University  
The University Center on Campus  
Cullowhee, NC 28723**

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## COURT CALENDAR BY PANEL

Monday, 10 October 2011

### PANEL NO. 1

HONORABLE JOHN C. MARTIN  
HONORABLE MARTHA A. GEER  
HONORABLE DONNA STROUD

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

Carter v TD Ameritrade Holding Corporati...	11-254	Durham
Smith v Marez, et al	11-475	Brunswick

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **MONDAY, 10TH OF OCTOBER 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 Page	11-365	Gaston
State v Oakes	11-418	Forsyth
State v Dowell	11-441	Forsyth
State v Burgess	11-460	Robeson
State v Marin	11-481	Onslow
State v Stephens	11-490	Robeson
Praver v Raus	11-413	Mecklenburg
Edwards v Southern Maintenance	11-509	N.C. Industrial Commission
Patterson v The City of Gastonia	11-520	Gaston
Klingstubbins Southeast, Inc. v 301 Hill...	11-549	Wake

Sent Date: 13 September 2011

# North Carolina Court of Appeals

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

## 3.1 Calendar

Monday, 10 October 2011

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT ON **10 OCTOBER 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: M.L.S.	11-410	Wake
In The Matter Of: P.W.	11-422	Lenoir
In The Matter Of: H.T.	11-563	Orange
In Re: C.C.W., J.M.W., A.L.A., J.D.T.	11-617	Harnett
In The Matter Of: A.W.A.	11-690	Catawba
In Re: N.E.D., I.D.D., E.J.D., S.L.D.	11-704	Gaston

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## COURT CALENDAR BY PANEL

Tuesday, 11 October 2011

### PANEL NO. 2

HONORABLE LINDA M. MCGEE  
HONORABLE ROBERT C. HUNTER  
HONORABLE ANN MARIE CALABRIA

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

Nguyen, et al v Taylor, et al	11-369	Guilford
Cambridge Southport, LLC v Southeast Bru...	11-438	Brunswick

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **TUESDAY, 11TH OF OCTOBER 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 Gutierrez	11-411	Gaston
State v Smith	11-424	Robeson
State v Mills	11-442	Mecklenburg
State v Culross	11-462	Wake
State v Reeves	11-480	Union
State v Gamble	11-491	Edgecombe
Malloy v Davis Mechanical, Inc., et al	11-476	N.C. Industrial Commission
Spanish Moss, LLC, et al v Wachovia, et ...	11-510	Mecklenburg
Taylor-Butler v Food Lion, Inc.	11-539	Carteret
Peters v North State Partners, LLC, et a...	11-551	New Hanover

Sent Date: 13 September 2011

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## COURT CALENDAR BY PANEL

Wednesday, 12 October 2011

### PANEL NO. 3

HONORABLE WANDA G. BRYANT  
HONORABLE RICK ELMORE  
HONORABLE LINDA STEPHENS

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

Orange County v Town of Hillsborough, et...	11-375	Orange
Orange County v Town of Hillsborough, et...	11-386	Orange

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 12TH OF OCTOBER 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	11-412	Mecklenburg
State v Harrison	11-425	Nash
State v Johnson	11-443	New Hanover
State v Oaks	11-463	Mecklenburg
State v Moore	11-487	Durham
State v Dover	11-502	Lincoln
Greco v Penn National Security Insurance...	11-483	Craven
Salomon v The Oaks Of Carolina, et al	11-511	N.C. Industrial Commission
In The Matter Of: Family Tree Farm, LLC	11-540	Property Tax Commission
Osae v Osae	11-560	Wake

Sent Date: 13 September 2011

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## COURT CALENDAR BY PANEL

Wednesday, 12 October 2011

### PANEL NO. 4

HONORABLE SANFORD STEELMAN  
HONORABLE SAM J. ERVIN, IV  
HONORABLE DOUGLAS MCCULLOUGH

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 12TH OF OCTOBER 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 McGill	11-416	Cleveland
State v Surret	11-428	Haywood
State v Hudson	11-444	Mecklenburg
State v Young	11-488	Wayne
State v Sprouse	11-518	Haywood
In The Matter Of: R.P.	11-370	Durham
In Re: Petition For Reinstatement of McG...	11-471	Disciplinary Hearing Commission
Simpson v Raymer	11-499	Cabarrus
Durham Hosiery Mill Limited Partnership ...	11-515	Durham
Sutton v Sutton	11-547	Onslow

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## COURT CALENDAR BY PANEL

Thursday, 13 October 2011

### PANEL NO. 5

HONORABLE ROBERT N. HUNTER, JR.  
HONORABLE CHERI BEASLEY  
HONORABLE CRESSIE H. THIGPEN, JR.

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

Jenkins, et al v Hearn Vascular Surgery,...	11-454	Forsyth
Apac-Atlantic, Inc. v Firemens Insurance...	11-541	Scotland

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **THURSDAY, 13TH OF OCTOBER 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 Black	11-354	Mecklenburg
State v White	11-417	Guilford
State v Miller	11-431	Buncombe
State v Gibson	11-465	Pitt
State v Perry	11-455	Martin
State v Costner	11-489	Cleveland
The NC State Bar v Hunter	11-221	Disciplinary Hearing Commission
Morales, et al v Greensboro Contracting ...	11-376	N.C. Industrial Commission
McKinney v McKinney	11-496	Guilford
Underwood v Underwood	11-519	Mitchell

Sent Date: 13 September 2011

# North Carolina Court of Appeals

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## Supplemental Calendar

Monday, 17 October 2011

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT ON **17 OCTOBER 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 Surber	11-241	Caldwell
State v Fleming	11-316	New Hanover
State v Steele	11-318	Durham
State v Canipe	11-334	Catawba
State v Icenhour	11-360	Johnston
State v Carle	11-383	Catawba
State v Johnson	11-399	Cabarrus
State v Solomon	11-513	Cabarrus
State v Ray	11-543	Caswell
State v Burke	11-544	Catawba



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## 3.1 Calendar

Monday, 24 October 2011

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT ON **24 OCTOBER 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: Z.M.	11-473	Mecklenburg
In The Matter Of: C.A.	11-554	Johnston
In Re: J.L.H.	11-575	Onslow
In Re: M.G.	11-589	Macon
In The Matter Of: S.H. and S.M.	11-745	Wake
In The Matter Of: S.H., W.L. III, E.L.	11-756	Caswell

Sent Date: 3 October 2011

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## COURT CALENDAR BY PANEL

Tuesday, 25 October 2011

### PANEL NO. 2

HONORABLE LINDA M. MCGEE  
HONORABLE ROBERT C. HUNTER  
HONORABLE ANN MARIE CALABRIA

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

State v King	11-526	Haywood
Sandhill Amusements, Inc., et al v State...	11-301	Wake
Hest Technologies, Inc., et al v State o...	11-459	Guilford

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **TUESDAY, 25TH OF OCTOBER 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 Hunter	11-478	Durham
State v Reynolds	11-536	Lincoln
State v White	11-558	Perquimans
State v Thompson	11-582	Mecklenburg
State v Childers	11-593	Hoke
Emmanuel African Methodist Episcopal Chu...	11-498	Durham
Nationwide Mutual Insurance Company v Er...	11-559	Wake
Bowers, et al v Wayne Temple, et al	11-566	Carteret
Formyduval, et al v Yeddo, et al	11-584	Brunswick

Sent Date: 26 September 2011

# North Carolina Court of Appeals

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## COURT CALENDAR BY PANEL

Wednesday, 26 October 2011

### PANEL NO. 4

HONORABLE SANFORD STEELMAN  
HONORABLE MARTHA A. GEER  
HONORABLE CHERI BEASLEY

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

State v Friend	11-572	Pitt
Bryan Beatty v Charles Jones	11-414	Wake

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 26TH OF OCTOBER 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 Coleman	11-486	Mecklenburg
State v Collins	11-529	Columbus
State v Perez-Roman	11-545	Craven
State v Davis	11-591	Johnston
State v Cardenas-Zavala	11-599	Catawba
Woodard v Sun Bay Condominium Owners Ass...	11-492	Wilson
Weaver v Thomas	11-514	Cleveland
Crop Production Services, Inc. v McDonal...	11-567	Franklin
Danius, et al v Rodgers	11-586	Mecklenburg

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## COURT CALENDAR BY PANEL

Wednesday, 26 October 2011

### PANEL NO. 3

HONORABLE WANDA G. BRYANT  
HONORABLE RICK ELMORE  
HONORABLE LINDA STEPHENS

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 26TH OF OCTOBER 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 Rogers	11-482	Orange
State v Pascasio	11-527	Forsyth
State v Corbitt	11-542	Forsyth
State v King	11-568	Buncombe
State v Rivera-Ocana	11-583	Mecklenburg
State v Burney	11-597	Pitt
Archie v Kirk, et al	11-436	N.C. Industrial Commission
Captran Nevada Corp. v The Kirklin Law F...	11-474	Moore
Ginsberg v Board of Governors Of The Uni...	11-506	Orange
Morgan v Cadieu, et al	11-564	Mecklenburg
The Vue-Charlotte, LLC, et al v Sherman	11-594	Mecklenburg
Jafari, et al v The Vue-Charlotte, LLC, ...	11-595	Mecklenburg

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## COURT CALENDAR BY PANEL

Thursday, 27 October 2011

### PANEL NO. 5

HONORABLE ROBERT N. HUNTER, JR.  
HONORABLE CRESSIE H. THIGPEN, JR.  
HONORABLE DOUGLAS MCCULLOUGH

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

State v Gillikin	11-607	Carteret
Phelps Staffing, LLC v S.C. Phelps, Inc....	11-472	Franklin

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **THURSDAY, 27TH OF OCTOBER 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 Brason	11-517	Wilkes
State v Pegues	11-530	Mecklenburg
State v Oliver	11-546	Mecklenburg
State v Thomas	11-573	Alamance
State v Branch	11-592	Wake
Pierce v The Atlantic Group, Inc., et al	11-494	Robeson
Nelson, et al v Brown, et al	11-535	Orange
In The Matter Of: Bass	11-565	Durham
Solomon v NC State Veterans Nursing Home...	11-571	N.C. Industrial Commission
Chandler v Atlantic Scrap And Processing...	11-618	N.C. Industrial Commission

Sent Date: 26 September 2011

# North Carolina Court of Appeals

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## 3.1 Calendar

Monday, 31 October 2011

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT ON **31 OCTOBER 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: S.C.R.	11-451	Watauga
In The Matter Of: J.M.G.	11-555	Haywood
In Re: M.M.F.	11-587	Sampson
In Re: T.P.	11-645	Richmond
In Re: S.M.S.	11-746	Cabarrus
In The Matter Of: J.P.	11-793	Watauga

# North Carolina Court of Appeals

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## Supplemental Calendar

Monday, 31 October 2011

PANEL NO. 0

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State v Black	11-252	Stanly
State v Smith	11-362	Guilford
State v Shipp	11-415	Alamance
State v Lee	11-429	Cleveland
State v Wood	11-464	Buncombe
State v Williams	11-470	Mecklenburg
State v House	11-479	Mecklenburg
State v Hart	11-538	Wilkes
Brookshire v County of Buncombe, et al	11-585	Transylvania

Sent Date: 4 October 2011