

# 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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Raleigh, North Carolina 27601

## 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     |

# North Carolina Court of Appeals

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One West Morgan Street  
Raleigh, North Carolina 27601

## 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     |

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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

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

## 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

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

## Supplemental 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.

|  |        |              |
|--|--------|--------------|
| 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