

# 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

Tuesday, 8 May 2012

### PANEL NO. 2

HONORABLE LINDA M. MCGEE  
HONORABLE LINDA STEPHENS  
HONORABLE ROBERT N. HUNTER, JR.

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **TUESDAY, 8TH OF MAY 2012 AT 9:30 a.m.**

|   |         |           |
|---|---------|-----------|
| Synovus Bank v The County Of Henderson, ... | 11-1601 | Henderson |
| New Bar Partnership v W.D. Martin, Jr., ... | 12-64   | Wake      |

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **TUESDAY, 8TH OF MAY 2012.** 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-Gonzalez                  | 11-1497 | Mecklenburg |
| State v Mercer                              | 11-1532 | Brunswick   |
| State v Joa                                 | 11-1573 | Wake        |
| Binder v Binder                             | 11-1502 | Guilford    |
| Blueridge General, Inc. v Currituck Coun... | 11-1572 | Currituck   |
| Jones v Southern General Insurance Compa... | 12-44   | Wake        |
| Raether v GCO Energy Corp, et al            | 12-86   | Wake        |

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## COURT CALENDAR BY PANEL

Wednesday, 9 May 2012

### PANEL NO. 3

HONORABLE ROBERT C. HUNTER  
HONORABLE DONNA STROUD  
HONORABLE SAM J. ERVIN, IV

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 9TH OF MAY 2012.** COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

|   |         |                            |
|---|---------|----------------------------|
| State v Stewart                             | 11-1512 | Forsyth                    |
| State v Hight                               | 11-1533 | Vance                      |
| State v Richardson                          | 11-1581 | Mecklenburg                |
| Albright, et al v Nash County               | 11-1530 | Nash                       |
| Morgan, et al v Nash County                 | 11-1544 | Nash                       |
| Parker, et al v Big Rock Transportation,... | 11-1603 | N.C. Industrial Commission |
| King v Capital of Cary, et al               | 12-35   | N.C. Industrial Commission |
| Putnam v Sweep Rite, Inc., et al            | 12-73   | N.C. Industrial Commission |
| Prouse v Bituminous Casualty Corporation... | 12-160  | Stanly                     |

Sent Date: 17 April 2012

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## COURT CALENDAR BY PANEL

Wednesday, 9 May 2012

### PANEL NO. 4

HONORABLE ANN MARIE CALABRIA  
HONORABLE SANFORD STEELMAN  
HONORABLE CHERI BEASLEY

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|   |         |                            |
|---|---------|----------------------------|
| State v Pettis                              | 11-1438 | Gaston                     |
| State v Creef                               | 11-1516 | Orange                     |
| State v Boyd                                | 11-1549 | Lincoln                    |
| Harmon v Hunt, et al                        | 11-1395 | Wake                       |
| In The Matter Of The Foreclosure Of: Joh... | 11-1529 | Moore                      |
| Phelps v Stabilus, et al                    | 11-1589 | N.C. Industrial Commission |
| Newsome v Newsome                           | 12-10   | Alamance                   |
| Johnston v State                            | 12-45   | Caswell                    |
| Grancrete, Inc. v SSA Cooper, LLC           | 12-77   | Wake                       |

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## COURT CALENDAR BY PANEL

Thursday, 10 May 2012

### PANEL NO. 5

HONORABLE RICK ELMORE  
HONORABLE MARTHA A. GEER  
HONORABLE CRESSIE H. THIGPEN, JR.

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **THURSDAY, 10TH OF MAY 2012 AT 9:30 a.m.**

|               |         |          |
|---------------|---------|----------|
| State v Ramos | 11-1551 | Buncombe |
|---------------|---------|----------|

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **THURSDAY, 10TH OF MAY 2012.** COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

|  |         |                            |
|--|---------|----------------------------|
| State v Land                             | 11-1484 | Mecklenburg                |
| State v Davis                            | 11-1526 | Columbus                   |
| Rushing v Barron, et al                  | 11-1471 | Burke                      |
| In The Matter Of The Will Of: Barron     | 11-1472 | Burke                      |
| Flora v Flora                            | 11-1600 | Nash                       |
| Whitworth v Whitworth                    | 12-24   | Wilkes                     |
| The Glens Of Ironduff Property v Daly    | 12-52   | Haywood                    |
| Tunell v Resource MFG/Prologistix, et al | 12-103  | N.C. Industrial Commission |

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## COURT CALENDAR BY PANEL

Monday, 21 May 2012

### PANEL NO. 1

HONORABLE JOHN C. MARTIN  
HONORABLE RICK ELMORE  
HONORABLE ROBERT N. HUNTER, JR.

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **MONDAY, 21ST OF MAY 2012.**  
COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

|   |         |                            |
|---|---------|----------------------------|
| State v Pigford                             | 11-1411 | Cumberland                 |
| State v Gee                                 | 11-1507 | Rowan                      |
| State v Askew                               | 11-1598 | Pasquotank                 |
| State v Wright                              | 12-48   | Bladen                     |
| State v Slade                               | 12-92   | Guilford                   |
| State v Talbert                             | 12-240  | Buncombe                   |
| James v Charlotte-Mecklenburg County Boa... | 11-1376 | Mecklenburg                |
| Haithcox v Flynt Amtex, Inc., et al         | 11-1568 | N.C. Industrial Commission |
| Bryson v Coastal Plain League, LLC, et a... | 12-65   | Gaston                     |

Sent Date: 1 May 2012

# North Carolina Court of Appeals

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## COURT CALENDAR BY PANEL

Tuesday, 22 May 2012

### PANEL NO. 2

HONORABLE LINDA M. MCGEE  
HONORABLE SANFORD STEELMAN  
HONORABLE SAM J. ERVIN, IV

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **TUESDAY, 22ND OF MAY 2012 AT 9:30 a.m.**

|                      |         |         |
|----------------------|---------|---------|
| Creed v Smith, et al | 11-1469 | Catawba |
|----------------------|---------|---------|

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **TUESDAY, 22ND OF MAY 2012.** COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

|   |         |             |
|---|---------|-------------|
| State v Parker                              | 11-1413 | Durham      |
| State v Upchurch                            | 11-1509 | Guilford    |
| State v Kremski                             | 12-30   | Robeson     |
| State v Mobley                              | 12-54   | Mecklenburg |
| State v Edwards                             | 12-117  | Orange      |
| State v O'Connor                            | 12-167  | Durham      |
| Bigger v Arnold, et al                      | 11-1604 | Mecklenburg |
| Scott v NC Dept. of Crime Control And Pu... | 12-67   | Wake        |

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## COURT CALENDAR BY PANEL

Wednesday, 23 May 2012

### PANEL NO. 4

HONORABLE WANDA G. BRYANT  
HONORABLE LINDA STEPHENS  
HONORABLE CRESSIE H. THIGPEN, JR.

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **WEDNESDAY, 23RD OF MAY 2012 AT 1:00 p.m.**

|                                   |       |          |
|-----------------------------------|-------|----------|
| Wilcox v City of Asheville, et al | 12-12 | Buncombe |
|-----------------------------------|-------|----------|

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 23RD OF MAY 2012.** COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

|                             |         |                            |
|-----------------------------|---------|----------------------------|
| State v Harris and Whitaker | 11-1449 | Halifax                    |
| State v Butler              | 11-1583 | Transylvania               |
| State v Phair               | 12-46   | Guilford                   |
| State v Frederick           | 12-76   | Sampson                    |
| State v Pendergrass         | 12-128  | Mecklenburg                |
| State v Chavis              | 12-193  | Richmond                   |
| Turner, et al v NC DOT      | 11-1514 | N.C. Industrial Commission |
| In The Matter Of: C.L.K.C.  | 12-94   | Forsyth                    |

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## COURT CALENDAR BY PANEL

Wednesday, 23 May 2012

PANEL NO. 3

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|                      |         |          |
|----------------------|---------|----------|
| State v Osterhoudt   | 11-1428 | Pitt     |
| State v Cogdell      | 11-1562 | Johnston |
| State v Gaines       | 12-31   | Wayne    |
| State v Huffman      | 12-59   | Rowan    |
| State v Romero       | 12-127  | Johnston |
| State v Pasour       | 12-190  | Gaston   |
| Harmon v Leeuwenburg | 11-1498 | Onslow   |
| Keyes v Johnson      | 12-81   | Harnett  |

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## COURT CALENDAR BY PANEL

Thursday, 24 May 2012

### PANEL NO. 5

HONORABLE ANN MARIE CALABRIA  
HONORABLE DONNA STROUD  
HONORABLE DOUGLAS MCCULLOUGH

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **THURSDAY, 24TH OF MAY 2012 AT 9:30 a.m.**

|                  |         |          |
|------------------|---------|----------|
| State v Robinson | 11-1584 | Buncombe |
|------------------|---------|----------|

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **THURSDAY, 24TH OF MAY 2012.** COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

|                         |         |            |
|-------------------------|---------|------------|
| State v Miles           | 11-1383 | Wilkes     |
| State v Avent           | 11-1506 | Nash       |
| State v Pennix          | 12-47   | Guilford   |
| State v Brunson         | 12-85   | Cumberland |
| State v Morston         | 12-133  | Hoke       |
| Starcher v Kea          | 11-601  | Duplin     |
| Plomaritis v Plomaritis | 11-1554 | Guilford   |
| Trevarthen v Treadwell  | 12-11   | Wake       |

Sent Date: 1 May 2012