

# North Carolina Court of Appeals

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

## 3.1 Calendar

Monday, 3 September 2012

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT ON **3 SEPTEMBER 2012** 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.R.G. and Z.R.G.	12-232	Catawba
In The Matter Of: M.P.	12-363	Durham
In The Matter Of: J.S.C. and A.M.L.C.	12-486	Haywood
In The Matter Of: G.J.M.	12-515	Cumberland
In The Matter Of: B.M.A.	12-640	Henderson
In Re: C.M.S. and C.R.S.	12-649	Beaufort

# 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, 11 September 2012

### PANEL NO. 1

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

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **TUESDAY, 11TH OF SEPTEMBER 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 Stimpson	12-176	Guilford
State v Owens	12-251	Buncombe
State v Johnson	12-324	Iredell
State v Keever	12-342	Mecklenburg
State v Glover	12-361	Mecklenburg
State v Cameron	12-395	Durham
Steele v Safeco Insurance Company of Ame...	12-266	Mecklenburg
Finney v Finney	12-292	Haywood
In The Matter Of: Visser	12-370	Property Tax Commission
Mendieta, et al v Wave Energy Drink, LLC...	12-386	Mecklenburg
Little v Little	12-414	Randolph
Hernandez v Coldwell Banker Sea Coast Re...	12-430	New Hanover

Sent Date: 13 August 2012

# 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, 11 September 2012

### PANEL NO. 2

HONORABLE LINDA M. MCGEE  
HONORABLE CHERI BEASLEY  
HONORABLE CRESSIE H. THIGPEN, JR.

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **TUESDAY, 11TH OF SEPTEMBER 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 McRae	12-180	Cumberland
State v McKenzie	12-290	Guilford
State v Oakley	12-325	Guilford
State v Vasquez and Locklear	12-346	Robeson
State v Barnett	12-381	Iredell
State v Baird	12-407	Mecklenburg
Helms v Seagraves, et al	12-267	Cabarrus
Thompson v Thompson	12-298	Stanly
Reale v Reale	12-374	Wake
Duncan v Duncan	12-399	Macon
Grier, et al v Guy, et al	12-416	Mecklenburg
In The Matter Of: R.D.	12-437	Alamance

Sent Date: 13 August 2012

# 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, 12 September 2012

### PANEL NO. 4

HONORABLE ANN MARIE CALABRIA  
HONORABLE RICK ELMORE  
HONORABLE LINDA STEPHENS

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **WEDNESDAY, 12TH OF SEPTEMBER 2012 AT 1:00 p.m.**

Hodgin v United Community Bank	12-383	Macon
--------------------------------	--------	-------

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 12TH OF SEPTEMBER 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 Boyd	12-75	Scotland
State v Almogaded	12-220	Wayne
State v Powell	12-317	Mecklenburg
State v Sergakis	12-336	New Hanover
State v Patterson	12-356	Alamance
State v Griffin	12-390	Pamlico
Ebert v Ebert	12-241	Mecklenburg
Kelly v Riley	12-273	Cabarrus
Kennedy v Langston	12-329	Bladen
Fields v City of Goldsboro	12-402	Wayne
Ammons v Goodyear Tire And Rubber Compan...	12-424	N.C. Industrial Commission

Sent Date: 13 August 2012

# 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, 12 September 2012

### PANEL NO. 3

HONORABLE ROBERT C. HUNTER  
HONORABLE WANDA G. BRYANT  
HONORABLE SANFORD STEELMAN

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 12TH OF SEPTEMBER 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 Lejeune	12-208	Cumberland
State v Ward	12-295	Lenoir
State v Anderson	12-332	Wilson
State v Burton	12-354	Durham
State v Rouson	12-382	Martin
State v Glover	12-411	Mecklenburg
In The Matter Of The Adoption Of: S.K.N.	12-275	Catawba
Burton v ArvinMeritor, Inc.	12-320	N.C. Industrial Commission
In The Matter Of: Lorenzo Richardson	12-376	Granville
In The Matter Of: Kill Devil Hills Polic...	12-398	Dare
Haughton v HSBC Bank USA, et al	12-420	Mecklenburg
The Affordable Housing Group, et al v Th...	12-435	Iredell

Sent Date: 13 August 2012

# 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, 13 September 2012

### PANEL NO. 5

HONORABLE ROBERT N. HUNTER, JR.  
HONORABLE SAM J. ERVIN, IV  
HONORABLE DOUGLAS MCCULLOUGH

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **THURSDAY, 13TH OF SEPTEMBER 2012**  
**AT 9:30 a.m.**

McAdoo v University of North Carolina At...	12-256	Durham
---	--------	--------

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **THURSDAY, 13TH OF SEPTEMBER 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 Rubio	12-109	Lee
State v Alexander	12-242	Catawba
State v Miles	12-323	Vance
State v Reid	12-340	Wake
State v Roberts	12-360	Forsyth
State v Townes	12-394	Mecklenburg
Broughton v County Commission of Wake Co...	12-287	Wake
Allender v Starr Electric Company, Inc.,...	12-349	N.C. Industrial Commission
Kirklands Stores, Inc. v Cleveland Gasto...	12-397	Wake
McCrary v King Bio, Inc., et al	12-405	N.C. Industrial Commission
Metts v Metts	12-426	New Hanover

Sent Date: 13 August 2012

# 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, 25 September 2012

### PANEL NO. 2

HONORABLE LINDA M. MCGEE  
HONORABLE CHERI BEASLEY  
HONORABLE CRESSIE H. THIGPEN, JR.

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **TUESDAY, 25TH OF SEPTEMBER 2012**  
**AT 9:30 a.m.**

State v Daniels	12-417	Dare
-----------------	--------	------

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **TUESDAY, 25TH OF SEPTEMBER 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 Johnson	12-221	Mecklenburg
State v Barbour	12-378	Wake
State v Sexton	12-445	Buncombe
State v Brown	12-469	Moore
State v Ruiz	12-497	New Hanover
Braden v Lowe, et al	12-211	Forsyth
Ward, et al v Borum Healthcare, LLC	12-418	Watauga
Garrett v Burris	12-451	Iredell
Reams v Riggan	12-470	Vance
Young v Young	12-484	Durham
First South Bank v Biltmore Corporation,...	12-513	Beaufort

Sent Date: 22 August 2012

# 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, 26 September 2012

### PANEL NO. 4

HONORABLE ANN MARIE CALABRIA  
HONORABLE RICK ELMORE  
HONORABLE LINDA STEPHENS

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **WEDNESDAY, 26TH OF SEPTEMBER 2012 AT 1:00 p.m.**

State of NC, Ex Rel. v Carolina Water Se...	12-475	N.C. Utilities Commission
---	--------	---------------------------

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 26TH OF SEPTEMBER 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 Okwara	12-330	Mecklenburg
State v Arrowood	12-400	Burke
State v Holloway	12-433	Mecklenburg
State v Blevins	12-447	Carteret
State v Hester	12-480	Mecklenburg
State v Pruner	12-514	Durham
In The Matter Of: Davis	12-272	Clay
VC3, Inc. v Vanguard Wireless Technologi...	12-441	Mecklenburg
Delote Builders, LLC v Conley, et al	12-461	Union
Frank Lill & Son, Inc. v State of NC	12-496	Wake
Coderre, et al v Futrell, et al	12-517	New Hanover

Sent Date: 22 August 2012



# 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, 26 September 2012

### PANEL NO. 3

HONORABLE ROBERT C. HUNTER  
HONORABLE WANDA G. BRYANT  
HONORABLE SANFORD STEELMAN

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 26TH OF SEPTEMBER 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 McFadden	12-302	Mecklenburg
State v Carle	12-389	Catawba
State v Navey	12-432	Mecklenburg
State v Sasser	12-446	Columbus
State v Silver	12-479	Edgecombe
State v Brason	12-508	Wilkes
In The Matter Of: Beauchemin	12-230	Jackson
Lake Toxaway Cmty. Ass'n, Inc. v RYF Ent...	12-422	Transylvania
Grayson v First Charlotte Perfusion Serv...	12-454	N.C. Industrial Commission
Blakeney v University of North Carolina ...	12-471	Mecklenburg
Carden v Owle Construction, LLC	12-493	Durham
Idol, et al v Idol	12-503	Forsyth

Sent Date: 22 August 2012

# 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, 27 September 2012

### PANEL NO. 5

HONORABLE ROBERT N. HUNTER, JR.  
HONORABLE SAM J. ERVIN, IV  
HONORABLE DOUGLAS MCCULLOUGH

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **THURSDAY, 27TH OF SEPTEMBER 2012**  
**AT 9:30 a.m.**

State v Dorman	12-97	Durham
Stark v N.C. Department of Environment, ...	12-449	Clay

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **THURSDAY, 27TH OF SEPTEMBER 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 Horton	12-366	Gaston
State v Ogburn	12-408	Moore
State v Roy	12-443	New Hanover
State v Moretti	12-468	Cumberland
State v Wells	12-491	Guilford
Litwin v University of North Carolina	12-171	Orange
Farley v Farley	12-377	Guilford
Bobbitt v Eizenga	12-464	Davie
In The Matter Of: A.N.C., JR.	12-482	Forsyth
Tate v Calloway, et al	12-501	Mecklenburg

Sent Date: 22 August 2012