

North Carolina Court of Appeals

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

3.1 Calendar

Tuesday, 3 January 2012

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT DURING THE WEEK OF **3 JANUARY 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: F.T.	11-851	Wake
In The Matter Of: J.S.S.	11-1038	Chatham
In The Matter Of: T.J.	11-1071	Wayne
In The Matters Of: S.R. and E.Q.R.	11-1109	Burke
In The Matters Of: A.R.P. and J.B.A.P.	11-1116	Burke
In The Matter Of: Z.D.N.T.	11-1146	Craven

North Carolina Court of Appeals

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Supplemental Calendar

Tuesday, 3 January 2012

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT DURING THE WEEK OF **3 JANUARY 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.

State v White	11-656	Catawba
State v Merritt	11-660	Cumberland
State v Lewis	11-672	Wake
State v Payseur	11-692	Gaston
State v Luker	11-699	Jackson
State v Parker	11-736	Wake
State v Sisk	11-741	Cleveland
State v Montgomery	11-838	Wake
Wayne Hood Construction, Inc. v Hennesse...	11-771	Mecklenburg
Charnoff v Calder, et al	11-777	New Hanover

North Carolina Court of Appeals

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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, 10 January 2012

PANEL NO. 1

HONORABLE JOHN C. MARTIN
HONORABLE LINDA M. MCGEE
HONORABLE ANN MARIE CALABRIA

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **TUESDAY, 10TH OF JANUARY 2012 AT 1:00 p.m.**

Mynhardt v Elon University, et al	11-668	Alamance
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THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **TUESDAY, 10TH OF JANUARY 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 Springs	11-799	Catawba
State v Flood	11-856	Alamance
State v Glenn	11-897	New Hanover
State v Davis	11-960	Gaston
State v Woresly	11-1036	Wayne
State v Ellis	11-1084	Cleveland
Simpson v Robertson, et al	11-858	Mecklenburg
Allran, et al v Wells Fargo, et al	11-967	Lincoln
Lingerfelt v Advance Transportation, Inc...	11-983	N.C. Industrial Commission
Meadlock v American Family Life Assuranc...	11-1009	Caldwell
Wachovia Bank of Delaware, N.A. v Askew	11-1039	Lenoir

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COURT CALENDAR BY PANEL

Tuesday, 10 January 2012

PANEL NO. 2

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

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

Delhaize America, Inc. v Hoyle	11-868	Wake
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THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **TUESDAY, 10TH OF JANUARY 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 Hare	11-818	Wake
State v Errichiello	11-857	Guilford
State v Holder	11-919	Johnston
State v Fisher	11-980	Wayne
State v Fullwood	11-1054	Buncombe
State v Schiro	11-1092	Moore
Inspection Station v The NC Division of ...	11-688	Wake
Bramblett v Bramblett	11-970	Forsyth
In The Matter Of The Foreclosure Of: Pug...	11-990	New Hanover
Baker v Baker	11-1010	Guilford
The NC State Bar v Staples	11-1040	N.C. State Bar

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COURT CALENDAR BY PANEL

Wednesday, 11 January 2012

PANEL NO. 3

HONORABLE WANDA G. BRYANT
HONORABLE RICK ELMORE
HONORABLE SAM J. ERVIN, IV

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **WEDNESDAY, 11TH OF JANUARY 2012** **AT 9:30 a.m.**

NRC Golf Course, LLC v JMR Golf, LLC, et...	11-738	Carteret
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THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 11TH OF JANUARY 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	11-829	Forsyth
State v Webster	11-862	Onslow
State v Barts	11-937	Alamance
State v Fisher	11-981	Cumberland
State v Ellerbee	11-1055	Robeson
State v Walker	11-1093	Cleveland
Meherrin Tribe of NC v NC State Commissi...	11-885	Wake
Rawls v Yellow Roadway Corporation, et a...	11-971	N.C. Industrial Commission
Bodie v Bodie	11-999	Transylvania
Procar II, Inc. v Dennis, et al	11-1018	Mecklenburg
Fields v McMahan	11-1043	Chatham

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COURT CALENDAR BY PANEL

Wednesday, 11 January 2012

PANEL NO. 4

HONORABLE SANFORD STEELMAN
HONORABLE MARTHA A. GEER
HONORABLE ROBERT N. HUNTER, JR.

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 11TH OF JANUARY 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	11-834	Cabarrus
State v Bell	11-864	Person
State v Eaton	11-956	Forsyth
State v Armstrong	11-1013	Mecklenburg
State v Scott	11-1063	Robeson
State v Blackley	11-1133	Durham
Wood v Nunnery, et al	11-750	Forsyth
Cullen, et al v Emanuel And Dunn, PLLC, ...	11-921	Columbus
Livesay v Livesay	11-973	Henderson
Stevens v United States Cold Storage, In...	11-1000	N.C. Industrial Commission
Bullard v Wake County, et al	11-1022	Wake
Cantillana v Five Oaks Homeowners Associ...	11-1048	Durham

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COURT CALENDAR BY PANEL

Thursday, 12 January 2012

PANEL NO. 5

HONORABLE LINDA STEPHENS
HONORABLE DONNA STROUD
HONORABLE CHERI BEASLEY

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **THURSDAY, 12TH OF JANUARY 2012 AT 9:30 a.m.**

Edwards, et al v Pitt County Health Dire...	11-754	Pitt
Town of Nags Head v Cherry, Inc.	11-931	Dare

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **THURSDAY, 12TH OF JANUARY 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 Tyson	11-855	Beaufort
State v Shaw	11-874	Wake
State v Lopez	11-957	Guilford
State v Spearman	11-991	New Hanover
State v Lawrence	11-1083	Mecklenburg
State v Pittman	11-1143	Nash
Clark v Pepsi Bottling Ventures, et al	11-974	N.C. Industrial Commission
McCorkle v Emmanuel Baptist Church	11-1002	Union
Templeton Properties, L.P. v Town of Boo...	11-1025	Watauga
Diane K. Troum, Inc. v Amini Innovation ...	11-1045	Guilford

North Carolina Court of Appeals

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Supplemental Calendar

Monday, 16 January 2012

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT DURING THE WEEK OF **16 JANUARY 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.

State v Swinson	11-557	Pitt
State v Davis	11-694	Guilford
State v Swartz	11-872	Surry
In The Matter Of: R.K.	11-900	Buncombe
State v Few	11-902	Transylvania
State v Stewart	11-985	Union
State v Bell	11-1006	Wayne
State v Grier	11-1015	Cleveland
State v Miller	11-1161	Buncombe

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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, 23 January 2012

PANEL NO. 1

HONORABLE JOHN C. MARTIN
HONORABLE LINDA M. MCGEE
HONORABLE ANN MARIE CALABRIA

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

Fairway Forest Townhouses v Fairfield Sa...	11-942	Jackson
Land, et al v Land, et al	11-1027	Guilford

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **MONDAY, 23RD OF JANUARY 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 Mitchell	11-890	Mecklenburg
State v Radford	11-1050	Surry
State v Felton	11-1145	Wayne
Haltiwanger v Phoenix Ski Corporation, e...	11-1075	Haywood
Seal Polymer Industries v Med-Express, I...	11-1101	Buncombe
Bank Of The Carolinas v Burkett	11-1115	Forsyth
Miller v Orcutt, et al	11-1128	Wake

Sent Date: 4 January 2012

North Carolina Court of Appeals

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3.1 Calendar

Monday, 23 January 2012

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT DURING THE WEEK OF **23 JANUARY 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 Re: J.S.L.	11-928	Robeson
In The Matter Of: A.S.Y.	11-952	Orange
In Re: S.P.	11-1052	Nash
In Re: V.M.F.	11-1166	Transylvania
In The Matter Of: K.K.	11-1180	Forsyth
In The Matter Of: K.D.C.T.J. and K.M.W.J...	11-1200	Greene

North Carolina Court of Appeals

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Supplemental Calendar

Monday, 23 January 2012

PANEL NO. 0

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State v Brown	11-528	Moore
In The Matter Of: S.C.U.	11-550	Buncombe
State v Cox	11-742	Sampson
Brooks v Coastal Transport, Inc., et al	11-824	N.C. Industrial Commission
State v Kelly	11-887	Buncombe
State v Johnson	11-898	Mecklenburg
State v Rogers	11-907	Lenoir
State v Parker	11-939	Duplin
State v Harris	11-987	Harnett
State v Haqq	11-993	Burke

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COURT CALENDAR BY PANEL

Tuesday, 24 January 2012

PANEL NO. 2

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

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

State v Underwood	11-891	Johnston
Shera v N.C. State University Veterinary...	11-1102	N.C. Industrial Commission

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **TUESDAY, 24TH OF JANUARY 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 McNeil	11-708	Wake
State v Huffman	11-1103	Catawba
Craver, et al v Raymond, et al	11-600	Watauga
Camacho, et al v Flowers	11-949	Cumberland
Bess v County of Cumberland, et al	11-1044	Cumberland
Erie Insurance Exchange v Salazar, et al	11-1080	Mecklenburg
Hayes v Time Warner Cable, Inc., et al	11-1120	Durham

Sent Date: 4 January 2012

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COURT CALENDAR BY PANEL

Wednesday, 25 January 2012

PANEL NO. 3

HONORABLE WANDA G. BRYANT
HONORABLE RICK ELMORE
HONORABLE SAM J. ERVIN, IV

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

Lovette and Lynch v The NC Department of...	11-1081	Wake
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THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 25TH OF JANUARY 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 Henderson	11-730	Wake
State v Adams	11-930	Wake
State v Anderson	11-1061	Forsyth
State o/b/o Davis v McCommons	11-666	Union
Micro Capital Investors, Inc. v Broyhill...	11-982	Caldwell
Rev O, Inc. v Woo	11-1051	Wake
Coomer v Lee County Board of Education	11-1105	Lee
State Farm Mutual Automobile Insurance v...	11-1125	Cabarrus

Sent Date: 4 January 2012

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COURT CALENDAR BY PANEL

Wednesday, 25 January 2012

PANEL NO. 4

HONORABLE SANFORD STEELMAN
HONORABLE MARTHA A. GEER
HONORABLE ROBERT N. HUNTER, JR.

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **WEDNESDAY, 25TH OF JANUARY 2012**
AT 1:00 p.m.

Whitworth v Whitworth	11-989	Wilkes
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THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 25TH OF JANUARY 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 Wright	11-841	Wayne
State v Harris	11-936	Buncombe
State v Boney	11-1123	Cumberland
Warren v NC Department of Crime Control	11-884	Wake
In The Matter Of: Five Oaks Recreational...	11-1053	Durham
Beatty v Greenfield	11-1086	New Hanover
Stern v Cinoman	11-1106	Durham
Williams v Habul, et al	11-1126	Mecklenburg

Sent Date: 4 January 2012

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COURT CALENDAR BY PANEL

Thursday, 26 January 2012

PANEL NO. 5

HONORABLE LINDA STEPHENS
HONORABLE DONNA STROUD
HONORABLE CHERI BEASLEY

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **THURSDAY, 26TH OF JANUARY 2012 AT 9:30 a.m.**

In The Matter Of: Ocean Isle Palms LLC 11-1127 Property Tax Commission

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **THURSDAY, 26TH OF JANUARY 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 Imhoff	11-871	Swain
State v Watson	11-1037	Wake
State v Weathers	11-1132	Mecklenburg
Vaseleniuck Engine Development, LLC v Sa...	11-870	Lincoln
Young v Kimberly-Clark Corporation, et a...	11-1020	Haywood
McK Enterprises, LLC v Levi	11-1070	McDowell
Jernigan v McLamb, et al	11-1100	Sampson
Hurley v Wal-Mart Stores, Inc., et al	11-1107	N.C. Industrial Commission

Sent Date: 4 January 2012