

# North Carolina Court of Appeals

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

## 3.1 Calendar

Monday, 1 April 2013

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT DURING THE WEEK OF **1 APRIL 2013** 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: H.S.G.	12-1012	Wilkes
In Re: B.S.L.R.	12-1100	Gaston
In The Matter Of: J.C.	12-1182	Wake
In Re: N.A.R.	12-1240	Jackson
In The Matter Of: D.W.L.	12-1251	Buncombe
In Re: H.J.C., II	12-1432	Catawba

Sent Date: 28 February 2013

# 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, 9 April 2013

### PANEL NO. 2

HONORABLE LINDA M. MCGEE  
HONORABLE MARTHA A. GEER  
HONORABLE MARK A. DAVIS

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **TUESDAY, 9TH OF APRIL 2013 AT 9:30 a.m.**

State v Cooper	12-926	Wake
Tong, et al v Dunn, et al	12-1261	Orange

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **TUESDAY, 9TH OF APRIL 2013.** COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v Jones	12-1320	Mecklenburg
State v. Gosnell	12-1328	Caldwell
State v Dickens	12-1353	Alamance
State v Jolly	12-1389	Cleveland
State v Helms	12-1436	Hoke
Tuttle v Tuttle	12-728	Cabarrus
Charlotte Motor Speedway v County of Cab...	12-1361	Cabarrus
Tuttle v Tuttle	12-1437	Cabarrus
County of Durham, ex rel v Roberts	12-1471	Durham
Washburn v Washburn	12-1535	Rutherford

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## COURT CALENDAR BY PANEL

Wednesday, 10 April 2013

### PANEL NO. 3

HONORABLE WANDA G. BRYANT  
HONORABLE ROBERT N. HUNTER, JR.  
HONORABLE DOUGLAS MCCULLOUGH

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **WEDNESDAY, 10TH OF APRIL 2013 AT 9:30 a.m.**

Riggings Homeowners, Inc. v Coastal Reso...	12-1299	New Hanover
Tinsley v City of Charlotte	12-1543	N.C. Industrial Commission

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 10TH OF APRIL 2013.** COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v Jordan	12-1264	Mecklenburg
State v Kivett	12-1324	Guilford
State v. Massey	12-1329	Mecklenburg
State v Caldwell	12-1358	Iredell
State v Holliday	12-1401	Pitt
State v Blount	12-1465	Wayne
Richardson v PCS Phosphate Company, Inc....	12-824	N.C. Industrial Commission
In The Matter Of: S.R.H.	12-1363	Wilson
Christie v Hartley Construction, Inc., e...	12-1385	Orange
Good v Omega V, LLC, et al	12-1490	Watauga

Sent Date: 19 March 2013

# North Carolina Court of Appeals

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## COURT CALENDAR BY PANEL

Wednesday, 10 April 2013

### PANEL NO. 4

HONORABLE ANN MARIE CALABRIA  
HONORABLE SAM J. ERVIN, IV  
HONORABLE CHRIS DILLON

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 10TH OF APRIL 2013.** COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v Nieves and Lemons	12-1277	Guilford
State v Kelly	12-1326	Buncombe
State v Boshers	12-1344	Union
State v Williams	12-1376	Pitt
State v Moreno	12-1402	Randolph
State v Romero	12-1499	Johnston
Ross v Ross	12-1141	Carteret
Rutherford Plantation, LLC v The Challen...	12-1305	Rutherford
Rutherford Plantation, LLC v The Challen...	12-1308	Rutherford
Bryant v AP Industries, et al	12-1456	Catawba
Debaun v Kuszaj, et al	12-1520	Durham
Barker v Barker	12-1551	Avery

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## COURT CALENDAR BY PANEL

Thursday, 11 April 2013

### PANEL NO. 5

HONORABLE RICK ELMORE  
HONORABLE SANFORD STEELMAN  
HONORABLE DONNA STROUD

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **THURSDAY, 11TH OF APRIL 2013 AT 9:30 a.m.**

In The Matter Of: Bunch	12-1367	Cleveland
Booth v State	13-2	Wake

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **THURSDAY, 11TH OF APRIL 2013.** COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v Kirkman	12-1288	Lenoir
State v Ingram	12-1327	Wayne
State v Fuller	12-1351	Mecklenburg
State v Weeks	12-1388	Wayne
State v Rogers	12-1415	Bladen
State v Bell	12-1514	Rutherford
In The Matter Of: Manning	12-1247	Union
Johnson, et al v Forsyth County, et al	12-1339	Forsyth
Jones v Kidde Technologies, Inc., et al	12-1463	N.C. Industrial Commission
Malloy v Preslar, et al	12-1523	Anson

Sent Date: 19 March 2013

# North Carolina Court of Appeals

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

## Supplemental Calendar

Monday, 15 April 2013

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT DURING THE WEEK OF **15 APRIL 2013** 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 McLean	12-910	Wake
State v Johnson	12-1026	Forsyth
State v Leavitt	12-1045	Alexander
State v Martin	12-1076	Mecklenburg
State v Fuentes	12-1148	Durham
State v Bynum	12-1180	Durham
State v Sanders	12-1192	Mecklenburg
State v Anderson	12-1218	New Hanover
State v Lincourt	12-1249	Harnett
In The Matter Of: E.R.	12-1302	Durham

Sent Date: 14 March 2013

# North Carolina Court of Appeals

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

## 3.1 Calendar

Tuesday, 16 April 2013

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT DURING THE WEEK OF **16 APRIL 2013** 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: V.C.B. and J.V.W.	12-1162	Bertie
In Re: C.S.E.	12-1207	New Hanover
In the Matter of: J.P.	12-1343	Wake
In Re: L.M.W.	12-1373	Forsyth
In The Matter Of: J.B., IV and D.B.	12-1393	Dare
In The Matter Of: J.K.T.	12-1409	Forsyth

Sent Date: 21 March 2013

# North Carolina Court of Appeals

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

## 3.1 Calendar

Wednesday, 17 April 2013

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT DURING THE WEEK OF **17 APRIL 2013** 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: I.K.	12-1053	Orange
In Re: A.K.D., O.R.D.	12-1355	Dare
In Re: K.A.T.B.	12-1419	Catawba
In The Matter Of: K.C.	12-1536	Cumberland
In The Matter Of: R.L.M. and J.A.M.	12-1538	Cumberland
In re: A.C., M.A.C., M.B.J., N.R.J.	13-28	New Hanover

Sent Date: 27 March 2013



# North Carolina Court of Appeals

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## COURT CALENDAR BY PANEL

Monday, 22 April 2013

### PANEL NO. 1

HONORABLE JOHN C. MARTIN  
HONORABLE WANDA G. BRYANT  
HONORABLE MARK A. DAVIS

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **MONDAY, 22ND OF APRIL 2013 AT 1:00 p.m.**

State v McCoy	12-1210	Cumberland
Hammond v Saini, et al	12-1493	Cumberland

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **MONDAY, 22ND OF APRIL 2013.** COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v Locklear	12-1348	Robeson
State v Warrick	12-1424	Wilson
State v Blackwell	12-1472	Person
State v Hill	12-1502	Catawba
State v Barrett	12-1530	Union
Washburn v Washburn	12-1364	Onslow
TD Bank, N.A. v McGee	12-1412	Henderson
Edgerton v Oliver	12-1455	Buncombe
Watts v Bell,	12-1553	Iredell
Duke Univ. Health Sys., Inc. v Sparrow	13-12	Durham

Sent Date: 3 April 2013

# North Carolina Court of Appeals

Court of Appeals Building  
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## Supplemental Calendar

Monday, 22 April 2013

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT DURING THE WEEK OF **22 APRIL 2013** 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 Shelton	12-968	Buncombe
State v Grimes	12-1096	Pitt
State v Williamson	12-1215	Moore
State v Townsend	12-1228	Robeson
State v Mayes	12-1241	Cumberland
State v Price	12-1317	Wayne
State v Allen	12-1338	Pender
State v Adams	12-1345	Iredell

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## COURT CALENDAR BY PANEL

Tuesday, 23 April 2013

### 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, 23RD OF APRIL 2013 AT 9:30 a.m.**

Time Warner Entm't Advance/Newhouse P'sh...	13-22	Rowan
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THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **TUESDAY, 23RD OF APRIL 2013.** COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v Hunt	12-1242	Mecklenburg
State v Derbyshire	12-1382	Wake
State v Rankins	12-1444	Guilford
State v Smith	12-1477	Person
State v Bajja	12-1515	Gaston
State v Waller	12-1531	Durham
Rogers v Smithson	12-1374	Pitt
Salmony, et al v Bank of America Corpora...	12-1414	Wake
James v Schoonderwoerd, et al	12-1457	Wake
Delancey v Delancey	12-1512	Rockingham
Anderson v Sodexo,	12-1575	N.C. Industrial Commission

Sent Date: 3 April 2013

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## COURT CALENDAR BY PANEL

Wednesday, 24 April 2013

### PANEL NO. 3

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

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **WEDNESDAY, 24TH OF APRIL 2013 AT 9:30 a.m.**

State v Peterson	12-1047	Durham
Johns v Welker, et al	12-1154	Mecklenburg

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 24TH OF APRIL 2013.** COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v King	12-1275	Mecklenburg
State v Fisher	12-1404	Henderson
State v Grice	12-1448	Mecklenburg
State v Cathcart	12-1478	Forsyth
State v Sammons	12-1522	Buncombe
In The Matter Of The Foreclosure Of: Sha...	12-1380	Wake
Lockhart, et al v Tri-State Housing, Ltd...	12-1418	Scotland
Tate v Loftus	12-1468	N.C. Industrial Commission
Smith, v Lake Bay E., LLC,	12-1541	Bladen
Burnham v S & L Sawmill, Inc.,	12-1581	Mecklenburg

Sent Date: 3 April 2013

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## COURT CALENDAR BY PANEL

Wednesday, 24 April 2013

### PANEL NO. 4

HONORABLE ANN MARIE CALABRIA  
HONORABLE SANFORD STEELMAN  
HONORABLE DOUGLAS MCCULLOUGH

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **WEDNESDAY, 24TH OF APRIL 2013 AT 1:00 p.m.**

Myers Park Homeowners v City of Charlott...	12-1346	Mecklenburg
Historical Preservation Action Committee...	12-1386	Rockingham
Lockerman, et al v South River Electric ...	12-1450	Sampson

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 24TH OF APRIL 2013.** COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v Royal	12-1063	New Hanover
State v Dial	12-1334	Chatham
State v Marino	12-1422	Moore
State v Francis	12-1464	Durham
State v Gamez	12-1488	Wake
State v Smith	12-1527	Person
Anway, et al v Silver Creek Community Pr...	12-1460	Burke
Hess v Hermann-Hess	12-1544	Henderson
Yeager v Yeager	12-1583	Mecklenburg

Sent Date: 3 April 2013

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## COURT CALENDAR BY PANEL

Thursday, 25 April 2013

### PANEL NO. 5

HONORABLE RICK ELMORE  
HONORABLE MARTHA A. GEER  
HONORABLE CHRIS DILLON

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **THURSDAY, 25TH OF APRIL 2013.** COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v Layton	12-1197	Cabarrus
State v Kirkwood & McDaniel	12-1359	Johnston
State v Evans	12-1423	Wake
State v Markham	12-1470	Durham
State v Everette	12-1500	Wake
State v Wiggs	12-1529	Cumberland
Jackson v Cape Fear Turf Farm, Inc.	12-1347	Bladen
McNeill v McNeill, et al	12-1396	N.C. Industrial Commission
Bost Constr. Co. v Blondy,	12-1454	Chatham
Halifax Regional Medical Center, Inc. v ...	12-1480	Duplin
The NC State Bar v Small	12-1545	Disciplinary Hearing Commission
Simmons v Kross Lieberman & Stone, Inc.	13-10	Durham

Sent Date: 3 April 2013