

# North Carolina Court of Appeals

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

## 3.1 Calendar

Monday, 5 August 2013

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT DURING THE WEEK OF **5 AUGUST 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: A.D.S. & M.S.	13-147	Currituck
In re: A.W. & C.P.	13-161	Chatham
In re: G.P.C. & T.J.C.	13-327	Henderson
In Re: N.B., N.C., N.B.	13-419	Robeson
In The Matters Of: S.S., A.S., L.S.	13-420	Currituck
In re: L.L.	13-454	Orange

Sent Date: 12 July 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.

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, 13 August 2013

### 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, 13TH OF AUGUST 2013 AT 9:30 a.m.**

Naylor Concrete Constr., Co., Inc. v Mid...	13-83	Mecklenburg
Rockford-Cohen Grp., LLC, v NC Dep't of ...	13-124	Wake

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **TUESDAY, 13TH OF AUGUST 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 Holland	12-1447	New Hanover
State v Inman	12-1561	Robeson
State v Smith	13-15	Wake
Irving v Charlotte Mecklenburg Bd. of Ed...	12-1496	N.C. Industrial Commission
Irving v Charlotte-Mecklenburg Bd. Of Ed...	13-34	Mecklenburg
DOT v Ashcroft Commons, LLC,	13-140	Rockingham
Stevens v United States Cold Storage, In...	13-150	N.C. Industrial Commission
Fox, v The City of Greensboro,	13-171	Guilford
Wilkerson v Duke Univ.,	13-181	Durham
Robinson v Discovery Ins. Co.	13-226	Duplin

Sent Date: 16 July 2013

# North Carolina Court of Appeals

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Raleigh, North Carolina 27601

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## COURT CALENDAR BY PANEL

Wednesday, 14 August 2013

### PANEL NO. 3

HONORABLE ROBERT C. HUNTER  
HONORABLE MARTHA A. GEER  
HONORABLE DOUGLAS MCCULLOUGH

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **WEDNESDAY, 14TH OF AUGUST 2013**  
**AT 9:30 a.m.**

Johnson v Crossroads Ford, Inc.	13-173	Wake
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THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 14TH OF AUGUST 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 Goldman	12-1509	Forsyth
State v Bowman	12-1565	Davidson
State v Marlow	13-18	Cleveland
Liberatore v Liberatore	12-1571	Cleveland
Coral di v Pickett,	13-43	New Hanover
Harvell v Wix Filtration, LLC	13-100	N.C. Industrial Commission
Morgan v Morgan	13-134	Onslow
Stainless Valve Co. v Safefresh Techs., ...	13-144	Union
Owen v Hogsed,	13-157	N.C. Industrial Commission
FSI, Inc. v Andy Newson & Benton & Parke...	13-219	Mecklenburg
FSI, Inc. v Andy Newson & Benton & Parke...	13-222	Mecklenburg

Sent Date: 16 July 2013

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## COURT CALENDAR BY PANEL

Wednesday, 14 August 2013

### PANEL NO. 4

HONORABLE WANDA G. BRYANT  
HONORABLE LINDA STEPHENS  
HONORABLE CHRIS DILLON

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **WEDNESDAY, 14TH OF AUGUST 2013**  
**AT 1:00 p.m.**

State v Stepp	13-46	Wake
N. Carolina State Bd. of Educ. v N. Caro...	13-179	Wake
Espinosa v Tradesource, Inc.,	13-220	N.C. Industrial Commission

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 14TH OF AUGUST 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 High	12-1549	New Hanover
State v Gaston	13-1	Mecklenburg
Moore, v G & I VI Forest Hills GP, LLC,	13-3	New Hanover
In re: N.J.	13-53	Durham
In re The Foreclosure Of: J & J Wilson, ...	13-112	Wilson
In re: J.C.	13-136	Mecklenburg
Craft v The City Of New Bern	13-148	Craven
Brown v Cavit Sci., Inc.,	13-165	Mecklenburg
Quackenbush v Steelman	13-240	Wake

Sent Date: 16 July 2013

# North Carolina Court of Appeals

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## COURT CALENDAR BY PANEL

Thursday, 15 August 2013

### PANEL NO. 5

HONORABLE ANN MARIE CALABRIA  
HONORABLE DONNA STROUD  
HONORABLE MARK A. DAVIS

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **THURSDAY, 15TH OF AUGUST 2013 AT 9:30 a.m.**

Bank of Am., N.A. v Rice,	13-180	Mecklenburg
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THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **THURSDAY, 15TH OF AUGUST 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 Blankenship	12-1560	Buncombe
State v Fish	13-11	Lincoln
State v Troxler	13-79	Guilford
In Re: Twin Cnty. Motorsports, Inc.	13-21	Nash
Thompson v Gutierrez,	13-59	Forsyth
Davis v Davis	13-113	Union
Alston v N.C. A & T State Univ.,	13-137	N.C. Industrial Commission
In re: Lawrence Bullock III	13-149	Granville
Powells Med. Facility, v NC Dept. of Hea...	13-166	Sampson
In Re: Jerrys Shell, LLC	13-223	Rowan
Foot Locker, Inc. v Best	13-248	Wake

Sent Date: 16 July 2013

# North Carolina Court of Appeals

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

## Supplemental Calendar

Monday, 19 August 2013

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT DURING THE WEEK OF **19 AUGUST 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 Nixon	12-1439	Gaston
State v Bivens	12-1462	Union
State v Harris	12-1532	Guilford
State v Weiss	12-1566	Catawba
In re: C.L.Y.	12-1570	Mecklenburg
State v Malachi	13-45	Mecklenburg
State v Roby	13-61	Rowan
State v Bryant	13-62	Craven
State v Wilson	13-70	Person
State v Brown	13-77	Cleveland

Sent Date: 23 July 2013

# North Carolina Court of Appeals

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## COURT CALENDAR BY PANEL

Monday, 26 August 2013

### PANEL NO. 1

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

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **MONDAY, 26TH OF AUGUST 2013 AT 1:00 p.m.**

Americus Retail Holdings, LLC, v Ball v ...	13-281	Mecklenburg
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THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **MONDAY, 26TH OF AUGUST 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 Wilson	13-110	Mecklenburg
State v Hall	13-154	Forsyth
State v Garrett	13-206	Craven
State v Williams	13-246	Wilson
State v Call	13-266	Rockingham
State v McKenzie	13-294	Onslow
Ward v Carmona,	13-258	Wake
WRI/Raleigh LP v Richardson,	13-291	Wake
Bhathela v Currie	13-319	Wake
Premiere Auto, L.L.C., v Wachovia Bank, ...	13-328	Cumberland
Okitenbo v Charlotte Mecklenburg Sch.	13-349	Mecklenburg

Sent Date: 8 August 2013

# North Carolina Court of Appeals

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## COURT CALENDAR BY PANEL

Tuesday, 27 August 2013

### PANEL NO. 2

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

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **TUESDAY, 27TH OF AUGUST 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 Weichelt	13-111	Moore
State v Larson	13-163	Guilford
State v Harris	13-212	Guilford
State v Simpson	13-253	Onslow
State v Norris	13-282	Rutherford
State v Locklear	13-301	Robeson
Elizabeth Townes Homeowners Ass'n, Inc.,...	13-262	Mecklenburg
In re: Hendrick	13-284	Cleveland
Vogel v Health Sci. Found., Inc.,	13-303	New Hanover
In Re: Timothy Edward Gordon	13-322	Chatham
Simpson v Sears, Roebuck & Co.,	13-329	Buncombe
Etheridge v Levitsky	13-350	Currituck

Sent Date: 8 August 2013

# North Carolina Court of Appeals

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## COURT CALENDAR BY PANEL

Wednesday, 28 August 2013

### PANEL NO. 3

HONORABLE ROBERT C. HUNTER  
HONORABLE MARTHA A. GEER  
HONORABLE DOUGLAS MCCULLOUGH

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 28TH OF AUGUST 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 Mott	13-88	Henderson
State v Lalinde	13-115	Pender
State v Garner	13-182	Wayne
State v Miller	13-216	Duplin
State v Lewis	13-254	Johnston
State v Stewart	13-283	Moore
Wash., v Cline,	13-224	Durham
Embark, LLC, v 1105 Media, Inc.	13-263	Mitchell
In re: Radisi	13-285	Iredell
Skanska USA Bldg., Inc. v Blythe Dev. Co...	13-314	Wake
Brown v Town of Chapel Hill,	13-323	Orange
Chaffins v Tar Heel Capital Corp.,	13-332	N.C. Industrial Commission

Sent Date: 8 August 2013

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## COURT CALENDAR BY PANEL

Wednesday, 28 August 2013

### PANEL NO. 4

HONORABLE WANDA G. BRYANT  
HONORABLE LINDA STEPHENS  
HONORABLE CHRIS DILLON

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 28TH OF AUGUST 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 Morris	13-99	Cleveland
State v Villanueva	13-116	Alamance
State v Blackwell	13-196	Robeson
State v Monroe	13-232	Forsyth
State v Carr	13-259	Cumberland
State v Jones	13-286	Buncombe
Berrier, v Carefusion 203, Inc.,	13-251	Guilford
Wells Fargo Equip. Fin., Inc., v Millar,...	13-265	Mecklenburg
Rettig v Rettig	13-287	Cumberland
Guilford Cnty., ex rel v Sutton	13-310	Guilford
In re: Webb	13-324	Mecklenburg
Espinosa v Tradesource, Inc.,	13-466	N.C. Industrial Commission

Sent Date: 8 August 2013

# North Carolina Court of Appeals

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## COURT CALENDAR BY PANEL

Thursday, 29 August 2013

### PANEL NO. 5

HONORABLE ANN MARIE CALABRIA  
HONORABLE DONNA STROUD  
HONORABLE MARK A. DAVIS

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **THURSDAY, 29TH OF AUGUST 2013 AT 9:30 a.m.**

Holmes v Solon Automated Servs.,	13-325	N.C. Industrial Commission
Premier, Inc. v Peterson,	13-344	Mecklenburg

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **THURSDAY, 29TH OF AUGUST 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 Meggett	13-107	Wake
State v Tolson	13-121	Mecklenburg
State v Lee	13-205	Onslow
State v Wiggins	13-233	Nash
State v Watkins	13-260	Buncombe
State v Smith	13-293	Duplin
Pace v State of NC	13-252	Henderson
Schmidt v Petty,	13-278	Macon
Krueger v NC Crim. Justice Educ. & Train...	13-288	Wake
Zaldana v Smith,	13-318	N.C. Industrial Commission

Sent Date: 8 August 2013