

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 |

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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, 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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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 |
|---------------------------------|--------|------|

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 |
| Coraldi 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

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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 |
|---------------------------|--------|-------------|

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 |
|---|--------|-------------|

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

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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

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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