

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

Monday, 9 September 2013

PANEL NO. 1

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

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **MONDAY, 9TH OF SEPTEMBER 2013 AT 1:00 p.m.**

| | | |
|---|--------|---------------------------|
| Eq. Solutions Of The Carolinas, Inc. v N... | 13-300 | Wake |
| In re: Town of Smithfield | 13-435 | N.C. Utilities Commission |

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **MONDAY, 9TH OF SEPTEMBER 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 Moore | 13-135 | Anson |
| State v Hudson | 13-230 | Transylvania |
| State v Ashe | 13-298 | Harnett |
| State v Mayweather | 13-316 | New Hanover |
| State v Wynn | 13-337 | Hertford |
| State v Rollins | 13-362 | Henderson |
| Raymond v NC Police Benevolent Ass'n, In... | 13-192 | Buncombe |
| City of Asheville v Resurgence Dev. Co.,... | 13-341 | Buncombe |
| Fed. Nat'l Mortg. Ass'n v McLean | 13-364 | Buncombe |
| Britt v Cusick, | 13-387 | Mecklenburg |

Sent Date: 14 August 2013

North Carolina Court of Appeals

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

Supplemental Calendar

Monday, 9 September 2013

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT DURING THE WEEK OF **9 SEPTEMBER 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 Peacock | 13-187 | Duplin |
| State v Najjar | 13-204 | Guilford |
| State v Phillips | 13-231 | Burke |
| State v Austin | 13-268 | Gaston |
| State v Shah | 13-307 | Cabarrus |
| State v McClain | 13-371 | Wake |
| State v Smith | 13-397 | Columbus |
| State v Jennings | 13-411 | Mecklenburg |
| State v Alsbrooks | 13-414 | Union |

Sent Date: 14 August 2013

North Carolina Court of Appeals

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COURT CALENDAR BY PANEL

Tuesday, 10 September 2013

PANEL NO. 2

HONORABLE LINDA M. MCGEE
HONORABLE DOUGLAS MCCULLOUGH
HONORABLE CHRIS DILLON

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

| | | |
|---|--------|------------|
| Webb v Wake Forest Univ. Baptist Med. Ct... | 13-221 | Forsyth |
| Joyner v Perquimans Cnty. Bd. Of Educ. | 13-446 | Perquimans |

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **TUESDAY, 10TH OF SEPTEMBER 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 Thomas | 13-175 | Columbus |
| State v Carson | 13-235 | Mecklenburg |
| State v Dahlquist | 13-276 | Mecklenburg |
| State v Davis | 13-317 | Alamance |
| State v Scott | 13-345 | Davidson |
| State v Brice | 13-363 | Mecklenburg |
| Frye Reg'l Med. Ctr., Inc. v Hostetter &... | 13-313 | Mecklenburg |
| In re: Razack | 13-342 | Mecklenburg |
| Ford v City of Wilson, | 13-376 | Wilson |
| John Wm. Brown Co., Inc. v SECU | 13-388 | Wake |

Sent Date: 14 August 2013

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COURT CALENDAR BY PANEL

Wednesday, 11 September 2013

PANEL NO. 3

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

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

| | | |
|------------------------|--------|-------------|
| GE Betz Inc. v Conrad, | 13-239 | New Hanover |
|------------------------|--------|-------------|

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 11TH OF SEPTEMBER 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 Cyr | 13-183 | Wake |
| State v Greene | 13-245 | Edgecombe |
| State v Benters | 13-305 | Vance |
| State v Owens | 13-321 | Forsyth |
| State v James | 13-353 | Wayne |
| State v Whitaker | 13-370 | Nash |

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COURT CALENDAR BY PANEL

Wednesday, 11 September 2013

PANEL NO. 4

HONORABLE ANN MARIE CALABRIA
HONORABLE RICK ELMORE
HONORABLE LINDA STEPHENS

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 11TH OF SEPTEMBER 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 Allison | 13-129 | Gaston |
| State v Shannon | 13-214 | Swain |
| State v Muir | 13-267 | Wake |
| State v Rowe | 13-308 | Henderson |
| State v Foote | 13-334 | Rockingham |
| State v Jackson | 13-357 | Durham |
| Simon v Simon | 13-249 | Iredell |
| Wahl v Porter, | 13-333 | Avery |
| Bass v Harnett Cnty. | 13-356 | N.C. Industrial Commission |
| Mathis v Dowling, | 13-380 | Haywood |
| Beck Electric, LLC v Neighboring Concept... | 13-391 | Mecklenburg |
| The Est. of Gary Vaughn v Pike Electric,... | 13-448 | Rutherford |

Sent Date: 14 August 2013

North Carolina Court of Appeals

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COURT CALENDAR BY PANEL

Thursday, 12 September 2013

PANEL NO. 5

HONORABLE ROBERT N. HUNTER, JR.
HONORABLE SAM J. ERVIN, IV
HONORABLE MARK A. DAVIS

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **THURSDAY, 12TH OF SEPTEMBER 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 Newson | 13-131 | Cumberland |
| State v Minton | 13-218 | Orange |
| State v Nwanguma | 13-274 | Durham |
| State v Chukwu | 13-315 | Mecklenburg |
| State v McGarva | 13-336 | Carteret |
| State v Carlton | 13-359 | Wayne |
| In re: G.C. | 13-152 | Cumberland |
| Copypro, Inc. v Musgrove | 13-297 | Pitt |
| Spoon v Spoon | 13-340 | Alamance |
| JP Morgan Chase Bank v Browning, | 13-358 | Cherokee |
| In Re: J.L.H. | 13-385 | Nash |
| Willard v VP Builders, Inc., | 13-413 | N.C. Industrial Commission |

Sent Date: 14 August 2013

North Carolina Court of Appeals

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

3.1 Calendar

Monday, 16 September 2013

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT DURING THE WEEK OF **16 SEPTEMBER 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: Z.A., T.B., P.H. | 13-457 | Durham |
| In Re: J.D.M. | 13-491 | Rowan |
| In re: D.C. | 13-502 | Chatham |
| In re: R.B. & E.O. | 13-503 | Brunswick |
| In Re: R.N.H. & O.R.H. | 13-506 | Yadkin |
| In re: E.G., Jr. | 13-538 | Mecklenburg |

North Carolina Court of Appeals

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COURT CALENDAR BY PANEL

Monday, 23 September 2013

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 **MONDAY, 23RD OF SEPTEMBER 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 Walton | 13-203 | Mecklenburg |
| State v Johnson | 13-360 | Wake |
| State v Chaplin | 13-393 | Guilford |
| State v Wiley | 13-409 | Jackson |
| State v Alexander | 13-461 | Catawba |
| State v Childress | 13-470 | Pasquotank |
| Coats v NC Dep't of Health & Hum. Servs.... | 13-275 | Wake |
| Rudder v Rudder | 13-424 | Carteret |
| In re: McNeil | 13-451 | Wake |
| Lipinski v Town of Summerfield | 13-468 | Guilford |
| Carpenter v McKinney, | 13-516 | Guilford |
| Podrebarac v Perry, Bundy, Plyler, Long ... | 13-534 | Mecklenburg |

Sent Date: 28 August 2013

North Carolina Court of Appeals

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

Supplemental Calendar

Monday, 23 September 2013

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT DURING THE WEEK OF **23 SEPTEMBER 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 Chester | 12-1487 | Catawba |
| State v Carter | 12-1550 | Mecklenburg |
| State v Holmes | 12-1580 | Cumberland |
| State v Watts | 13-24 | Union |
| State v Chestnut | 13-32 | Columbus |
| State v Parker | 13-97 | Nash |
| Walker v N.C. Dep't of Corr. | 13-189 | N.C. Industrial Commission |
| State v Sutton | 13-229 | Carteret |
| Cebula v The Givens Est., Inc. | 13-242 | Buncombe |
| State v Ramos | 13-255 | Guilford |

Sent Date: 21 August 2013

North Carolina Court of Appeals

Court of Appeals Building
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COURT CALENDAR BY PANEL

Tuesday, 24 September 2013

PANEL NO. 2

HONORABLE LINDA M. MCGEE
HONORABLE DOUGLAS MCCULLOUGH
HONORABLE CHRIS DILLON

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

| | | |
|---|--------|----------------------------|
| High Point Bank & Tr. Co. v Highmark Pro... | 13-331 | Guilford |
| Tovar-Mauricio, v T.R. Driscoll, Inc., | 13-517 | N.C. Industrial Commission |

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **TUESDAY, 24TH OF SEPTEMBER 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 Haley | 13-261 | Wake |
| State v Malunda | 13-372 | Wake |
| State v Turner | 13-395 | Cleveland |
| State v Collins | 13-410 | Moore |
| State v Dahlquist | 13-437 | Wake |
| State v Bartlett | 13-471 | Durham |
| Garmon v Hagans | 13-441 | Rowan |
| Church v Decker | 13-455 | Caldwell |
| Church v Decker | 13-456 | Caldwell |
| Flowers v Williams | 13-535 | Buncombe |

Sent Date: 28 August 2013

North Carolina Court of Appeals

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COURT CALENDAR BY PANEL

Wednesday, 25 September 2013

PANEL NO. 4

HONORABLE ANN MARIE CALABRIA
HONORABLE RICK ELMORE
HONORABLE LINDA STEPHENS

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 25TH OF SEPTEMBER 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 Long | 13-347 | Mecklenburg |
| State v McKinney | 13-384 | Guilford |
| State v Tomlinson | 13-398 | Edgecombe |
| State v Lewis | 13-418 | Pitt |
| State v Smith | 13-463 | Swain |
| State v Mills | 13-497 | McDowell |
| First Bank v S&R Grandview, L.L.C., | 13-343 | Montgomery |
| In re: C.W.F. | 13-444 | Moore |
| Smith v Smith | 13-459 | Craven |
| Branch Banking & Tr. Co. v Harris | 13-489 | Pitt |
| Atkinson v Reikowsky | 13-526 | Surry |
| Cnty. of Durham o/b/o Brooks v Lofton | 13-551 | Durham |

Sent Date: 28 August 2013

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COURT CALENDAR BY PANEL

Thursday, 26 September 2013

PANEL NO. 3

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

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **THURSDAY, 26TH OF SEPTEMBER 2013**
AT 10:00 a.m.

| | | |
|-----------------------------|--------|-------------|
| THZ Holdings, LLC v McCrea, | 13-425 | Mecklenburg |
| Scott v Murray | 13-436 | Union |

NOTE: Oral argument will be held at the following location:

Richmond County Judicial Center
105 W. Franklin Street
Rockingham, NC 28379

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **THURSDAY, 26TH OF SEPTEMBER 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 Bowden | 13-290 | Montgomery |
| State v Johnson & Williams | 13-368 | Harnett |
| State v Floyd | 13-396 | Mecklenburg |
| State v Robinson | 13-415 | Wake |
| State v Phillips | 13-449 | Stanly |
| State v Epps | 13-495 | Gaston |
| Lloyd v Norfolk S. Ry. Co., | 13-379 | Mecklenburg |
| Bailey v Div. of Emp't Sec. | 13-452 | Buncombe |

North Carolina Court of Appeals

Williams v Wilson Cnty. Bd. Of Educ.

13-481

N.C. Industrial Commission

Binder v Binder

13-522

Guilford

North Carolina Court of Appeals

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COURT CALENDAR BY PANEL

Thursday, 26 September 2013

PANEL NO. 5

HONORABLE ROBERT N. HUNTER, JR.
HONORABLE SAM J. ERVIN, IV
HONORABLE MARK A. DAVIS

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **THURSDAY, 26TH OF SEPTEMBER 2013**
AT 9:30 a.m.

| | | |
|----------------------------------|--------|----------|
| Atl. Coast Conf. v Univ. Of Md., | 13-532 | Guilford |
|----------------------------------|--------|----------|

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **THURSDAY, 26TH OF SEPTEMBER 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 Marion | 13-200 | Swain |
| State v Wilkerson | 13-365 | Cumberland |
| State v Salter | 13-386 | Carteret |
| State v Lukoskie | 13-399 | Mecklenburg |
| State v Nieto | 13-430 | Montgomery |
| State v Nobles | 13-469 | Columbus |
| Oraefo v Pounds | 13-101 | Wake |
| Farlow v Brookbank | 13-403 | Guilford |
| First Fed. Bank v Aldridge | 13-450 | Brunswick |
| Stein v Brasington | 13-460 | Wake |
| Currin v Rex Healthcare, Inc., | 13-515 | Harnett |

Sent Date: 28 August 2013

North Carolina Court of Appeals

Court of Appeals Building
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Supplemental Calendar

Monday, 30 September 2013

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT DURING THE WEEK OF **30 SEPTEMBER 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 Wash. | 13-108 | Craven |
| State v Horn | 13-141 | Wayne |
| State v Blackwell | 13-296 | Person |
| State v Gresham | 13-326 | Martin |
| State v Coleman | 13-373 | Alamance |
| State v Lillie | 13-390 | Durham |
| Morales v Morales | 13-406 | Pitt |
| State v Gregory | 13-416 | Wake |
| State v Smith | 13-473 | Randolph |
| State v Toomer | 13-541 | Durham |

Sent Date: 29 August 2013