

# 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

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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
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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

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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

Sent Date: 16 August 2013

# 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

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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

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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
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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
Curriu v Rex Healthcare, Inc.,	13-515	Harnett

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, 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