

# 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, 11 February 2013

### PANEL NO. 1

HONORABLE JOHN C. MARTIN  
HONORABLE LINDA M. MCGEE  
HONORABLE ANN MARIE CALABRIA

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **MONDAY, 11TH OF FEBRUARY 2013 AT 1:00 p.m.**

Hardison v KIA Motors America, Inc.	12-981	Craven
Blitz v Agean, Inc.	12-1133	Durham

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **MONDAY, 11TH OF FEBRUARY 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 Hodges	12-915	Caldwell
State v Bradsher	12-1010	Wake
State v Sweatt	12-1050	Cumberland
State v Steen	12-1069	Lincoln
State v Hazel	12-1102	Mecklenburg
State v Askew	12-1187	Martin
City of Wilson v The Batten Family, L.L....	12-1103	Wilson
Trantham v Michael L. Martin, Inc., et a...	12-1160	Henderson
McKee v Smith	12-1194	Onslow
Krupinski v Forrest	12-1225	Durham

Sent Date: 22 January 2013

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## COURT CALENDAR BY PANEL

Tuesday, 12 February 2013

### PANEL NO. 2

HONORABLE ROBERT C. HUNTER  
HONORABLE DOUGLAS MCCULLOUGH  
HONORABLE MARK A. DAVIS

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **TUESDAY, 12TH OF FEBRUARY 2013 AT 9:30 a.m.**

Revolutionary Concepts, Inc., et al v Cl...	12-1167	Mecklenburg
Adams Creek Associates v Davis, et al	12-1200	Carteret
Smallwood v Smallwood	12-1229	Alamance

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **TUESDAY, 12TH OF FEBRUARY 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 Tarleton	12-916	Union
State v Burroughs	12-1015	Durham
State v Lewis	12-1056	Wayne
State v Narron	12-1077	Johnston
State v Primus	12-1106	Scotland
State v Woods	12-1189	Alamance
Scheerer, et al v Fisher, et al	12-1002	Haywood
Avent v PLT Construction, et al	12-1107	N.C. Industrial Commission
Edwards v Hackney	12-1146	Alleghany

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## COURT CALENDAR BY PANEL

Wednesday, 13 February 2013

### PANEL NO. 3

HONORABLE WANDA G. BRYANT  
HONORABLE RICK ELMORE  
HONORABLE SAM J. ERVIN, IV

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **WEDNESDAY, 13TH OF FEBRUARY 2013**  
**AT 9:30 a.m.**

Outdoor Lighting Perspectives Franchisin...	12-1204	Mecklenburg
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THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 13TH OF FEBRUARY 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 Kanapaux	12-739	Brunswick
State v Fennell	12-993	Pender
State v Gentry	12-1017	Person
State v Caudill	12-1064	Brunswick
State v Jenkins	12-1085	Guilford
State v Rorie	12-1110	Mecklenburg
Hubble v Hubble	12-936	Forsyth
Quality Built Homes, Inc. v NC Departmen...	12-1020	Moore
Toney v Colonial Properties Trust	12-1114	N.C. Industrial Commission
Covington v Service Corporation Internat...	12-1149	Forsyth
McCallister v Lee, et al	12-1168	Onslow

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## COURT CALENDAR BY PANEL

Wednesday, 13 February 2013

### PANEL NO. 4

HONORABLE SANFORD STEELMAN  
HONORABLE MARTHA A. GEER  
HONORABLE ROBERT N. HUNTER, JR.

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **WEDNESDAY, 13TH OF FEBRUARY 2013**  
**AT 1:00 p.m.**

In The Matter Of: Cline	12-964	Durham
Caromont Health, Inc., et al v NC DHHS	12-1044	N.C. Dept. of Health & Human Svcs

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 13TH OF FEBRUARY 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 Marley	12-770	Caldwell
State v Ellerbee	12-1007	Hoke
State v Hunnicutt	12-1018	Guilford
State v Agustin	12-1065	Burke
State v Gibert	12-1087	Forsyth
State v McMillian	12-1170	Moore
In Re: Foreclosure of Raynor	12-1116	New Hanover
McKinney v McKinney	12-1152	Guilford
In Re: Whittacre	12-1175	Wake
Walters v Cooper	12-1221	Nash

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## COURT CALENDAR BY PANEL

Thursday, 14 February 2013

### PANEL NO. 5

HONORABLE LINDA STEPHENS  
HONORABLE DONNA STROUD  
HONORABLE CHRIS DILLON

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **THURSDAY, 14TH OF FEBRUARY 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 Torres-Gonzalez	12-831	Guilford
State v Combs	12-1008	Ashe
State v Galloway	12-1049	Stokes
State v Farmer	12-1067	Cabarrus
State v McRae	12-1088	Hoke
State v Johnson	12-1184	Mecklenburg
Ussery v Branch Banking And Trust	12-940	Richmond
Carle, et al v Wyrick, Robbins, Yates An...	12-1093	Wake
Moore v Smith	12-1118	Buncombe
In The Matter Of: K.C.	12-1157	Mecklenburg
Anglin v Dunbar Armored, Inc., et al	12-1176	Mecklenburg
HPT IHG Properties Trust, et al v The Sh...	12-1223	Mecklenburg

Sent Date: 22 January 2013

# North Carolina Court of Appeals

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## 3.1 Calendar

Monday, 18 February 2013

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT ON **18 FEBRUARY 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: H.C.S.	12-879	Rockingham
In The Matter Of: J.W., J.B., J.B.	12-880	Rowan
In Re: W.D.W., III	12-894	Gaston
In Re: K.N.E.S.	12-1003	Cumberland
In Re: J.M. and J.N.J.	12-1014	Robeson
In The Matter Of: K.L. and Z.L.	12-1023	Robeson

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## COURT CALENDAR BY PANEL

Tuesday, 26 February 2013

### PANEL NO. 2

HONORABLE ROBERT C. HUNTER  
HONORABLE DOUGLAS MCCULLOUGH  
HONORABLE MARK A. DAVIS

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **TUESDAY, 26TH OF FEBRUARY 2013 AT 3:00 p.m.**

State v Tucker	12-1068	Guilford
Sasso, et al v Statesville Flying Servic...	12-935	Iredell

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

**Wake Forest University School of Law  
Worrell Professional Center  
Wake Forest Road  
Winston-Salem, N. C. 27106**

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **TUESDAY, 26TH OF FEBRUARY 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 Gardner	12-969	Pitt
State v Womack	12-1006	Guilford
State v Williams	12-1097	Pasquotank
State v Baber	12-1121	Brunswick
State v Salgado	12-1178	Wake
State v McCullers	12-1214	Wake
State v Rojas	12-1255	Cabarrus

## North Carolina Court of Appeals

State v McCray	12-1309	Hoke
Erie Insurance Exchange, et al v Builder...	12-1104	Rutherford
McKinnon v CV Industries, Inc.	12-1165	Catawba



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## COURT CALENDAR BY PANEL

Wednesday, 27 February 2013

### PANEL NO. 3

HONORABLE WANDA G. BRYANT  
HONORABLE RICK ELMORE  
HONORABLE SAM J. ERVIN, IV

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **WEDNESDAY, 27TH OF FEBRUARY 2013**  
**AT 9:30 a.m.**

State v Oliphant and Hamilton	12-1219	Mecklenburg
State v Harwood	12-1301	Buncombe

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 27TH OF FEBRUARY 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	12-979	Rowan
State v Davis	12-1054	Henderson
State v Martin	12-1080	Wayne
State v Hanif	12-1108	Forsyth
State v Phifer	12-1124	Rowan
State v Shaw	12-1186	Forsyth
State v Long	12-1263	Guilford
Bell And Watson Telecom Consulting Group...	12-1036	Catawba
Gordon v Gordon	12-1126	Guilford
Snider v Snider	12-1181	Rowan

Sent Date: 5 February 2013

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## COURT CALENDAR BY PANEL

Wednesday, 27 February 2013

### PANEL NO. 4

HONORABLE SANFORD STEELMAN  
HONORABLE MARTHA A. GEER  
HONORABLE ROBERT N. HUNTER, JR.

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State v Harris	12-864	Mecklenburg
State v Williams	12-995	Moore
State v Cates	12-1055	Durham
State v Haire	12-1086	Moore
State v Quick	12-1111	Cumberland
State v Ward	12-1125	Alamance
State v Scriven	12-1188	Wayne
State v Williams	12-1227	Mecklenburg
State v Webb	12-1268	Craven
Johnson v Robertson, et al	12-959	Wake
NC Board Of Pharmacy v Najarian	12-1140	Wake
Wellons v White v Wellons	12-1205	New Hanover

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## COURT CALENDAR BY PANEL

Thursday, 28 February 2013

### PANEL NO. 5

HONORABLE LINDA STEPHENS  
HONORABLE DONNA STROUD  
HONORABLE CHRIS DILLON

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **THURSDAY, 28TH OF FEBRUARY 2013**  
**AT 9:30 a.m.**

State v Brown	12-952	Cumberland
In the Matter of V.C.R.	12-1127	Wake

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **THURSDAY, 28TH OF FEBRUARY 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 Williams	12-1034	Wake
State v Murray	12-1066	Cleveland
State v James	12-1089	Guilford
State v Davis	12-1120	Mecklenburg
State v Jiggetts	12-1172	Robeson
State v Thompson	12-1193	Cumberland
State v Sessoms	12-1232	Bladen
State v Threadgill	12-1293	Moore
Higginbotham v DAmico, et al	12-1099	Durham
In The Matter Of: E.K.H.	12-1253	Mecklenburg

Sent Date: 5 February 2013