

# North Carolina Court of Appeals

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

## Supplemental Calendar

Monday, 4 March 2013

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT DURING THE WEEK OF **4 MARCH 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 Rice	12-735	Wayne
State v Zinkand	12-756	Macon
State v Kee	12-784	Pender
State v Miller	12-818	Mecklenburg
State v Bennett	12-870	Rowan
State v Burris	12-892	Onslow
State v Jones	12-934	Forsyth
In The Matter Of: Zheng, et al	12-942	Mecklenburg
State v Pollock	12-971	Randolph
State v Moore	12-1025	Buncombe

Sent Date: 1 February 2013

# North Carolina Court of Appeals

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

## 3.1 Calendar

Tuesday, 5 March 2013

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT DURING THE WEEK OF **5 MARCH 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: S.S.	12-1011	Wake
In Re: K.A.U.	12-1046	Caldwell
In The Matter Of: D.A.D.	12-1091	Ashe
In The Matter Of: A.J.W. and R.A.W., II	12-1138	Guilford
In Re: T.R.	12-1291	Yadkin
In Re: P.L.R. Jr., Y.M.S., M.C.S., M.J.S...	12-1341	Randolph

Sent Date: 6 February 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.

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## COURT CALENDAR BY PANEL

Monday, 11 March 2013

### PANEL NO. 1

HONORABLE JOHN C. MARTIN  
HONORABLE ROBERT C. HUNTER  
HONORABLE LINDA STEPHENS

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

Brown v Isley, et al	12-1208	Mecklenburg
King v Town of Chapel Hill	12-1262	Orange

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **MONDAY, 11TH OF MARCH 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	12-991	Onslow
State v Corbett	12-1122	New Hanover
State v Vaughn	12-1179	Guilford
IN THE MATTER OF: KEVIN MCCLAIN	12-1258	New Hanover
State v Facyson	12-1300	Durham
State v Kaalund	12-1335	Durham
R.D. Furr Construction, Inc. v Porters N...	12-1092	New Hanover
Furr v Porters Neck Country Club, Inc., ...	12-1095	New Hanover
Davis, et al v Chase Home Finance, LLC, ...	12-1246	Randolph
Williams v Hampton	12-1273	Wake

Sent Date: 19 February 2013

# North Carolina Court of Appeals

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## COURT CALENDAR BY PANEL

Tuesday, 12 March 2013

### PANEL NO. 2

HONORABLE LINDA M. MCGEE  
HONORABLE MARTHA A. GEER  
HONORABLE MARK A. DAVIS

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

State v. Williams	12-1128	Robeson
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THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **TUESDAY, 12TH OF MARCH 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 Milanese	12-1061	Cumberland
State v Hilliard	12-1196	Edgecombe
State v Pennell	12-1269	Iredell
State v Divinie	12-1311	Rockingham
State v Williams	12-1337	Duplin
Bigelow, et al v Town of Chapel Hill, et...	12-1105	Orange
Security Credit Corporation, et al v Mid...	12-1174	Johnston
Moore v The Goodyear Tire And Rubber Co....	12-1212	N.C. Industrial Commission
McClain v McClain	12-1250	Cumberland
Peery v Hall, et al	12-1265	Durham
Horne v Cumberland County Hospital Syste...	12-1276	Cumberland

Sent Date: 19 February 2013

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## COURT CALENDAR BY PANEL

Wednesday, 13 March 2013

### PANEL NO. 3

HONORABLE WANDA G. BRYANT  
HONORABLE ROBERT N. HUNTER, JR.  
HONORABLE DOUGLAS MCCULLOUGH

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

State v Bowden	12-1072	Cumberland
Lendingtree, LLC v Anderson	12-1266	Mecklenburg

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 13TH OF MARCH 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 Floyd	12-1123	Robeson
State v Marley	12-1216	Iredell
State v Thompson	12-1274	Mecklenburg
State v Lindsay	12-1319	Cabarrus
State v Sheppard	12-1435	Forsyth
Huff v CBS Quality Cars, Inc.	12-1134	Durham
In Re: Estate of Livesay	12-1177	Henderson
In Re: Foreclosure of Young	12-1224	Mecklenburg
Bernhardt v NC State Highway Patrol	12-1254	N.C. Industrial Commission
Whitson v Camden County Board of Commiss...	12-1282	Camden

Sent Date: 19 February 2013

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## COURT CALENDAR BY PANEL

Wednesday, 13 March 2013

### PANEL NO. 4

HONORABLE ANN MARIE CALABRIA  
HONORABLE SAM J. ERVIN, IV  
HONORABLE CHRIS DILLON

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

State v Stanley	12-1354	Guilford
RL Regi North Carolina, LLC v Lighthouse...	12-1279	New Hanover

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 13TH OF MARCH 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 Cherry	12-1074	Nash
State v. Richardson	12-1130	Halifax
State v Johnson	12-1248	Martin
State v Stubbs	12-1280	Robeson
State v Murchison	12-1321	Moore
Watkins v Watkins	12-1135	Buncombe
Stewart, et al v County of Harnett	12-1202	Harnett
Simpson v Avila	12-1234	Chatham
Fox v PGML, LLC, et al	12-1257	Beaufort
Barrett v SSC Charlotte Operating Compan...	12-1271	Mecklenburg

Sent Date: 19 February 2013

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## COURT CALENDAR BY PANEL

Thursday, 14 March 2013

### PANEL NO. 5

HONORABLE RICK ELMORE  
HONORABLE SANFORD STEELMAN  
HONORABLE DONNA STROUD

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **THURSDAY, 14TH OF MARCH 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 Hernandez	12-899	Moore
State v Armstrong and Randolph	12-1109	Edgecombe
State v Wingo	12-1156	Union
State v Cameron	12-1256	Johnston
State v Washington	12-1294	New Hanover
State v Arrington	12-1333	Nash
Hinkle v Hinkle	12-781	Catawba
Hill v Hill	12-1155	Buncombe
Novak, et al v Daigle, Inc., et al	12-1206	Brunswick
Strategic Funding, LP v Riddick	12-1236	Perquimans
Leake v NC Department of Correction, et ...	12-1272	N.C. Industrial Commission
Nunn v N.C. Department of Correction	12-1307	N.C. Industrial Commission

Sent Date: 19 February 2013

# North Carolina Court of Appeals

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

## 3.1 Calendar

Monday, 18 March 2013

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT DURING THE WEEK OF **18 MARCH 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: Z.K.M., N.T.M., J.L.A....	12-1161	Randolph
In The Matter Of: L.C.R., O.N.R., and J....	12-1195	Wilkes
In The Matter Of: K.C.P.	12-1230	Gaston
In the Matter of: J.M.	12-1340	Mitchell
In the Matter of: A.C., D.C., H.C.	12-1342	Greene
In The Matter Of: R.D.	12-1400	Mecklenburg



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## COURT CALENDAR BY PANEL

Monday, 25 March 2013

### PANEL NO. 1

HONORABLE JOHN C. MARTIN  
HONORABLE ROBERT C. HUNTER  
HONORABLE LINDA STEPHENS

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **MONDAY, 25TH OF MARCH 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 Coleman	12-1075	Mecklenburg
State v Coleman	12-1173	Wake
State v Gerald	12-1231	Richmond
The Estate of Donna S. Ray, et al v B. K...	12-1071	Burke
Gunter v Gunter	12-1222	Wayne
Consoli, et al v Global Supply And Logis...	12-1283	Mecklenburg
State Board Of Examiners of Plumbing, He...	12-1306	Catawba
Holmes v Wake County	12-1332	Wake
Young v Young	12-1360	Transylvania
Connor v Jesco Construction Corporation	12-1390	Craven
Lumbermans Financial, LLC v Poccia	12-1410	Mecklenburg
Teague, et al v Forbes, et al	12-1421	Pasquotank

Sent Date: 5 March 2013

# North Carolina Court of Appeals

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

## Supplemental Calendar

Monday, 25 March 2013

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT DURING THE WEEK OF **25 MARCH 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 Stevens	12-843	Wayne
State v Mayhew	12-866	Mecklenburg
State v Medley	12-900	Durham
State v Taylor	12-945	Mecklenburg
State v Shuler	12-986	Catawba
State v Finney	12-997	Moore
State v Simpson	12-1024	Transylvania
State v Navarrete-Garcia	12-1039	Forsyth
State v Clubb	12-1185	Gaston
State v Kirkpatrick	12-1198	Mecklenburg

Sent Date: 21 February 2013

# North Carolina Court of Appeals

Court of Appeals Building  
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Raleigh, North Carolina 27601

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## COURT CALENDAR BY PANEL

Tuesday, 26 March 2013

### PANEL NO. 2

HONORABLE LINDA M. MCGEE  
HONORABLE MARTHA A. GEER  
HONORABLE MARK A. DAVIS

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

HDM Furniture Industries, Inc. v Hamilto...	12-1413	Burke
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THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **TUESDAY, 26TH OF MARCH 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 Kinston	12-1119	New Hanover
State v Grooms	12-1183	New Hanover
State v Seagle	12-1267	Lincoln
Thrush v Jones, et al	12-1147	Richmond
Myers v Ben Mynatt Chevrolet Cadillac, e...	12-1211	N.C. Industrial Commission
Izydore v City of Durham, et al	12-1284	Durham
Hackos v Goodman, Allen & Filetti, PLLC,...	12-1314	Durham
Ennis v Munn	12-1349	New Hanover
Spencer v Johnson And Wales University, ...	12-1365	N.C. Industrial Commission
In The Matter Of: G.R.	12-1391	Sampson
Gilmore v Gilmore, et al	12-1426	Cabarrus

Sent Date: 5 March 2013

# North Carolina Court of Appeals

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## COURT CALENDAR BY PANEL

Wednesday, 27 March 2013

### PANEL NO. 3

HONORABLE WANDA G. BRYANT  
HONORABLE ROBERT N. HUNTER, JR.  
HONORABLE DOUGLAS MCCULLOUGH

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

Hurst, et al v Moorehead I, LLC, et al	12-1285	Cabarrus
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THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 27TH OF MARCH 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. Lowery	12-1129	Forsyth
State v Harte	12-1191	Mecklenburg
State v Hopkins	12-1296	Mecklenburg
Tincher v Adecco, et al	12-1153	N.C. Industrial Commission
Couchon v N.C. DOT, et al	12-1226	N.C. Industrial Commission
Nieto-Espinoza v Lowder Construction, In...	12-1316	N.C. Industrial Commission
In the Matter of: Suttles	12-1350	Burke
Mast, Mast, Johnson, Wells And Trimyer, ...	12-1378	Johnston
Lentz v Phils Toy Store, et al	12-1395	N.C. Industrial Commission
Carolina Builders, Inc. v Bible Way Comm...	12-1416	Cumberland
Minar v Murray	12-1428	Guilford

Sent Date: 5 March 2013

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## COURT CALENDAR BY PANEL

Wednesday, 27 March 2013

### PANEL NO. 4

HONORABLE ANN MARIE CALABRIA  
HONORABLE SAM J. ERVIN, IV  
HONORABLE CHRIS DILLON

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **WEDNESDAY, 27TH OF MARCH 2013 AT 1:00 p.m.**

Town of Midland v Wayne	12-1163	Cabarrus
Nowlin v Moravian Church In America, et ...	12-1290	Forsyth

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 27TH OF MARCH 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 Tindall	12-1145	Moore
State v Karmo	12-1209	Mecklenburg
State v Armistead	12-1315	Beaufort
Allmond v Goodnight	12-1270	Guilford
Mountain 1st Bank And Trust v Galdena, L...	12-1322	Henderson
Roberts v Huckabee	12-1352	Orange
Yeager v Yeager	12-1379	Mecklenburg
Tedder v High	12-1397	Columbus
James v Integon National Insurance Compa...	12-1417	Durham
NC Farm Bureau Mutual Ins. Co. v Smith, ...	12-1442	Gaston

Sent Date: 5 March 2013

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## COURT CALENDAR BY PANEL

Thursday, 28 March 2013

### PANEL NO. 5

HONORABLE RICK ELMORE  
HONORABLE SANFORD STEELMAN  
HONORABLE DONNA STROUD

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

State v Poole	12-1150	Buncombe
Mancuso v City of Durham	12-1331	Durham

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **THURSDAY, 28TH OF MARCH 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 Connor and Johnson	12-1220	Robeson
State v Williams	12-1323	Forsyth
In Re: Foreclosure of Connard	12-1166	Wilkes
Allred v Exceptional Landscapes, Inc., e...	12-1278	N.C. Industrial Commission
Highland Paving Company, LLC v First Ban...	12-1297	Harnett
Metts v Parkinson	12-1357	Durham
Fulmore v Howell, et al	12-1384	Wayne
Ludlum v State	12-1398	Bladen
Nall Farm Road, LLC v Watson, et al	12-1420	Macon
Howard v County of Durham	12-1484	Durham

Sent Date: 5 March 2013