

SUPREME COURT OF NORTH CAROLINA

PETITIONS

30 APRIL 2009

012P09	Johnny Fink, Employee v. Goodyear Tire & Rubber Co., Employer, Liberty Mutual Ins. Co. Carrier	1. Defs' Motion for Temporary Stay (COA07-1371) 2. Defs' Petition for Writ of Supersedeas 3. Defs' PDR Under N.C.G.S. § 7A-31	1. Allowed 01/08/09 Dissolved the Stay 04/30/09 2. Denied 3. Denied Hudson, J., Recused
022A09	In the Matter of: J.Y. N.Y.	Respondent's (Mother) Motion to Dispense with Oral Argument	Allowed 03/31/09
036A09	State v. Michael Allen Ford	1. Def-Appellant's NOA (Dissent) 2. Def-Appellant's PDR (COA08-227) 3. State's Motion to Deny NOA	1. Dismissed <i>Ex</i> <i>Mero Motu</i> 2. Denied 3. Dismissed as Moot
048A08	State v. Mario Lynn Phillips	Def's Motion to Bypass COA	Allowed

059A09	Department of Transportation v. David C. Blevins	<p>1. Plt's NOA (Dissent) (COA08-266)</p> <p>2. Plt's PDR as to Additional Issues</p> <p>3. Def's NOA Based Upon a Constitutional Question</p> <p>4. Def's PDR Under N.C.G.S. § 7A-31</p> <p>5. Plt's Motion to Dismiss Appeal</p>	<p>1. - - -</p> <p>2. Denied</p> <p>3. - - -</p> <p>4. Denied</p> <p>5. Allowed</p>
061P09	State v. Steven Craig Miller	<p>1. Def's NOA Based Upon a Constitutional Question (COA08-770)</p> <p>2. Def's PDR Under N.C.G.S. § 7A-31</p> <p>3. State's Motion to Dismiss Appeal</p>	<p>1. - - -</p> <p>2. Denied</p> <p>3. Allowed</p>
067P09	Kimberly Sisk, Individually and as Guardian ad Litem of Slade Axel Sisk, a minor v. Transylvania Community Hospital, Inc.; Abbott Laboratories; and Abbott Laboratories, Inc.	<p>1. Defs' (Abbott Lab) PDR Under N.C.G.S. § 7A-31 (COA08-471)</p> <p>2. Plt's Conditional PDR Under N.C.G.S. § 7A-31</p>	<p>1. Allowed</p> <p>2. Allowed</p>

068A09	State of North Carolina ex rel Utilities Commission, et al. v. Town of Kill Devil Hills	1. Intervenor's (Town of Kill Devil Hills) NOA (Dissent) (COA08-42) 2. Intervenor's (Town of Kill Devil Hills) NOA Based Upon a Constitutional Question	1. - - - 2. Dismissed <i>Ex Mero Motu</i>
068A99-3	State v. Michael Lemark Ward	1. Def's PWC to Review Order of Halifax Superior Court 2. Def's Motion for Stay Pending Resolution of Petition for Writ of Certiorari	1. 2. Allowed 04/28/09
070P09	State v. Cameron Lawrence Kuegel	1. Def's Motion for Temporary Stay (COA08-587) 2. Def's Petition for Writ of Supersedeas 3. Def's PDR Under N.C.G.S. § 7A-31	1. Allowed 02/13/09 2. 3.
076P09	State v. Luiz Arriaga	1. Def's PWC to Review Order of COA (COAP08-181) 2. State's Motion for Extension of Time to File Response to PWC	1. 2. Allowed 03/25/09

094P09-2	Said Abdullah Hakim v. Sandra F. Thomas, Supt. IV	1. Plt's Motion for Evidentiary Hearing 2. Plt's Petition for Writ of Habeas Corpus	1. Denied 03/24/09 2. Denied 03/24/09
095P09	State v. Donavon D. Fleming	1. Def's NOA Based Upon a Constitutional Question (COA08- 433) 2. Def's PDR Under N.C.G.S. § 7A-31 3. State's Motion to Dismiss Appeal	1. - - - 2. Denied 3. Allowed
102A08-2	Penny M. Rumble Richardson, Employee v. Maxim Healthcare/Allegis Group, Employer and Kemper Ins. Co./American Protection Ins. c/o Specialty Risk Services	Defs' Petition for Rehearing	Denied 04/06/09

103P09	Harold K. Jordan & Co., Inc. v. Shady Grove Development, Inc., Village Landing, LLC	<p>1. Def's (Village Landing) Motion for Temporary Stay (COA08-1204)</p> <p>2. Def's (Village Landing) Petition for Writ of Supersedeas</p> <p>3. Def's (Village Landing) PWC To Review Order of COA</p> <p>4. Def's (Village Landing) Motion to Amend Record on Appeal</p>	<p>1. Allowed 03/10/09</p> <p>2.</p> <p>3.</p> <p>4.</p>
109P09	David E. Simpson v. District Attorney of Union County, State of NC	Plt's Motion for "Writ of Mandanna for Relief"	Dismissed 04/16/09
111P09	State v. Wayne Anthony Williams	Def's Motion for "Petition for Discretionary Review" (COAP09-94)	Dismissed
112P09	State v. Terry Dean Corry	<p>1. Def's PWC to Review the Decision of the COA (COA08-11)</p> <p>2. Def's Motion to Appoint Counsel</p>	<p>1. Denied</p> <p>2. Dismissed as Moot</p>

113P09	State v. Mark Stephen Thomas	<p>1. State's Motion for Temporary Stay (COA08-599)</p> <p>2. State's Petition for Writ of Supersedeas</p> <p>3. State's PDR Under N.C.G.S. § 7A-31</p>	<p>1. Allowed 03/19/09</p> <p>2.</p> <p>3.</p>
114P09	State v. Jerome Stacey Smith	<p>1. Def's NOA Based Upon a Constitutional Question (COA08-559)</p> <p>2. Def's PDR Under N.C.G.S. § 7A-31</p> <p>3. State's Motion to Deny [sic] Appeal</p>	<p>1. - - -</p> <p>2. Denied</p> <p>3. Allowed</p>
115P09	State v. Bobby Ray Jones	<p>1. Def's PWC to Review the Order of the COA (COAP09-54)</p> <p>2. Def's Motion to Appoint Counsel</p> <p>3. Def's Motion to Proceed in Forma Pauperis</p>	<p>1. Dismissed</p> <p>2. Dismissed as Moot</p> <p>3. Allowed</p>
116P09	Paul Yongo v. Nationwide Mutual Insurance, Harold C. Rhudy, Sharren A. Davis-Henley, and Nationwide Claims Dept.	Plt's Motion for "Notice of Appeal and Request for a Writ of Certiorari"	Dismissed <i>Ex Mero Motu</i>
119P09	State v. Roderick Williams	Def's "Notice of Appeal" (COAP09-120)	Dismissed <i>Ex Mero Motu</i>

126P09	State v. Bridgette Leigh Mabry	Def's PDR Under N.C.G.S. § 7A-31 (COA08-729)	Denied
131P09	Linda S. Allen, Employee v. Care Focus - Durham, Employer and Constitution state Services Co., Carrier and Linda S. Allen, Employee v. Health Management Associates, Employer, and Liberty Mutual Insurance Co., Carrier	Defs' (Health Mgmt. & Liberty Mutual) PDR Under N.C.G.S. § 7A-31 (COA07-852)	Denied
134P09	State v. Carroll Lee Owens	Def's Motion for "Notice of Appeal" (COAP09-93)	Dismissed <i>Ex Mero Motu</i>
135P09	State v. Muhammed Abdullah	1. Def's Motion for Emergency Informal Application for Writ of Certiorari (COAP08-185) 2. Def's Motion for Leave to File Belated Appeal Due to Inaccurately Perceived Exhaustion of State Remedies, Caused By Superior Court's Misguidance	1. Denied 2. Dismissed <i>Ex Mero Motu</i>
136P09	Corinda Greene v. Lorenzo Richardson	Def's PWC (COAP09-30, COA09-271)	Dismissed

137P09	State v. Adele Downey Maynard	1. Def's Motion for Temporary Stay (COA08-847) 2. Def's Petition for Writ of Supersedeas 3. Def's PDR Under N.C.G.S. § 7A-31	1. Allowed 04/01/09 Dissolved the Stay 04/30/09 2. Denied 3. Denied
139P09	State v. Duane E. Fields	1. State's Motion for Temporary stay (COA08-627) 2. State's Petition for Writ of Supersedeas 3. State's PDR Under N.C.G.S. § 7A-31	1. Allowed 04/02/09 2. 3.
144P09	State v. John Everett, Mary Everett	Defs' Motion for "Notice of Appeal" (COA09-69)	Dismissed <i>Ex Mero Motu</i>
159P09	John M. Hagaman v. Robert C. Lewis, Director-Division of Prisons Alvin Keller, Secretary of Corrections	Plt's Petition for Writ of Mandamus	Denied 04/15/09
166P06-3	State v. Billy Todd Watkins	Def's PWC to Review Order of COA (COAP08-1006)	Denied
168P09	State v. Clyde Kirby Whitley	Def's PWC to Review Order of Nash County Superior Court (COAP09-234)	Dismissed

187PA06	Theresa D. Hall, et al. v. Toreros, II, Inc.	Def's Motion for Extension of Time to File Response to Rule 2 Motion	Allowed 04/15/09 Martin, J., Recused
187PA06	Theresa D. Hall, Administratrix of the Estate of Michael H. Hall, and Theresa D. Hall, Individually v. Toreros, II, Inc.	Plts' Verified Motion for Relief Pursuant to Rule 2	Denied Martin, J., Recused
198A08-2	Joseph Horry, Jr. v. David H. Woodbury, Individually and as Executor of the Estate of Ruth N. Horry	Def's Petition for Rehearing	Denied 04/13/09
281P06-6	Joseph E. Teague, Jr., P.E., C.M. v. NC DOT, et al Lyndo Tippet and T.A. Krasner	1. Plt-Appellant's Motion for Temporary Stay 2. Plt-Appellant's PWC Based on Additional Issues	1. Denied 07/22/08 2. Edmunds, J., Recused
296P08	R. Kenneth Babb, et al. v. Anne Newton Graham, et al.	Def's (Jerry L. Newton, III) PDR Under N.C.G.S. § 7A-31 (COA07-848)	Denied
340A08	Robin Joyce Helms v. Donald Ray Helms	Def's Motion to Withdraw Appeal	Allowed 03/25/09

419P08-2	<p>Chad J. Chapman, Lauren B. Chapman v. Lila M. Payne and Washington Investor's Group, LLC</p>	<p>1. Def's (Lila M. Payne) Petition for Writ of Mandamus</p> <p>2. Def's (Lila M. Payne) PWC to Review Order of Guilford County Superior Court</p> <p>3. Def's (Lila M. Payne) PWC to Review Order of COA (COAP08-652)</p>	<p>1. Denied</p> <p>2. Dismissed</p> <p>3. Dismissed</p>
447P07-2	<p>Jacinda Burton, Adm. of the Estate of Michael C. Burton v. Phoenix Fabricators and Erectors, Inc., et al.</p> <hr/> <p>Donna Davis, Adm. of the Estate of Charles M. Davis v. Phoenix Fabricators and Erectors, Inc., et al.</p>	<p>Plts' (Burton and Davis) PDR Under N.C.G.S. § 7A-31 (COA06-1195-2)</p>	<p>Denied</p>

466P08	Nancy E. Odell, Individually and on behalf of those similarly situated v. Legal Bucks, LLC, a NC Limited Liability Co., James Keith Tart and Lynn Davies Tart	1. Defs' PDR Under N.C.G.S. § 7A-31 (COA07-1094) 2. Motion by CALB for Leave to File Amicus Curiae Brief in Support of Petition 3. Motion by American Legal Finance Assoc. For Leave to File Amicus Curiae Brief 4. Plt's Conditional PDR Under N.C.G.S. § 7A-31	1. Denied 2. Dismissed as Moot 3. Dismissed as Moot 4. Dismissed as Moot
474P08	State v. Samuel Travis Tanner	1. State's Motion for Temporary Stay (COA08-251) 2. State's Petition for Writ of Supersedeas 3. State's PDR Under N.C.G.S. § 7A-31	1. Allowed 10/20/08 2. 3.
480P08	Robert H. Alphin, Employee v. Tart L.P. Gas Company, Employer, Aetna Life & Casualty Co., Carrier	1. Plt's PDR Under N.C.G.S. § 7A-31 (COA07-731) 2. Defs' Conditional PDR Under N.C.G.S. § 7A-31	1. Denied 2. Dismissed as Moot

485P08	Tammy D. Yorke, Executor of the Estate of William R. Yorke, Jr. v. Novant Health, Inc., Novant Health Triad Region, LLC, Forsyth Mem. Hosp., Inc., all d/b/a Forsyth Medical Center and Tanesa McCaskill-Gainey	1. Plt's PDR Under N.C.G.S. § 7A-31 (COA07-503) 2. Defs' Motion to Strike Plt's "Reply to Defendants' Response to the Petition for Discretionary Review"	1. Denied 2. Allowed
488P08	Barbara Stacy, Administratrix of the Estate of Joshua Quentin Mitchell Stacy, Deceased v. Dr. James G. Merrill, et al.	Plt's PDR Under N.C.G.S. § 7A-31 (COA08-437)	Denied
514P08	State v. Bobby E. Bowden	1. State's Motion for Temporary Stay (COA08-372) 2. State's Petition for Writ of Supersedeas 3. State's PDR Under N.C.G.S. § 7A-31 4. Def's Motion to Dismiss PDR	1. Allowed 11/21/08 2. Allowed 3. Allowed 4. Dismissed as Moot
519P08-2	State v. Herston Eugene Barnes	Def's Motion for Reconsideration of Order "Dismissing Certiorari Petitions 519P08/P08-280"	Dismissed
526A08	Angell Copper, et al. v. Ann T. Denlinger, et al.	Motion by Amici Curiae (N.C. Justice Center, et al.) for Leave to Participate in Oral Argument	Allowed 4/27/09

526A08	Angell Copper, et al. v. Ann T. Denlinger, et al.	Defs' Joint Motion to Strike Brief and Prevent Oral Argument by Plts	Denied 04/27/09
534P08	State v. Tracy Glen Smith	1. State's Motion for Temporary Stay (COA08-533) 2. State's Petition for Writ of Supersedeas 3. State's PDR Under N.C.G.S. § 7A-31	1. Allowed 12/05/08 2. 3.
535A08	State v. Geraldine Lewis Ramos	Def's Motion to Amend Final Record on Appeal	Allowed 03/27/09
551P08	State v. Terry Lee Dix	1. Def's Motion for Temporary Stay (COA07-1440) 2. Def's Petition for Writ of Supersedeas	1. Allowed 12/18/08 2.

565P08	<p>Welliver McGuire, Inc., Plaintiff v. Members Interior Construction, Inc., Defendant & Third Party Plaintiff v. Hughes Supply, Inc., The Home Depot, Inc., and United States Fidelity and Guaranty Co., Third Party Defendants</p> <p>Hughes Supply, Inc., Additional Third Party Plaintiff v. Tamki Building Products, Inc., f/k/a Tamko Roofing Products, Inc., Additional Third Party Defendant</p>	<p>Def and Third Party Plt 's (Members Interior Construction) PDR Under N.C.G.S. § 7A-31 (COA08-408)</p>	<p>Denied</p>
--------	--	--	---------------

635P04-2	State v. Frederick L. Washington	<p>1. Def-Appellant's () Motion for "Notice of Appeal (Constitutional Question)"</p> <p>2. Def-Appellant's Motion for "Petition for Discretionary Review"</p> <p>3. Def's "Notice of Appeal (Constitutional Question)"</p> <p>4. Def's Motion for "Petition for Discretionary Review Under N.C.G.S. § 7A-31(b)(1); (b)(2)(b)(3); and (c)(3)"</p> <p>5. Def's Motion for Interlocutory Judgment to Discretionary Review N.C.G.S. § 7A-31</p> <p>6. Def's Motion for No-Answer Default Judgment to Notice of Appeal (Constitutional Question) and Petition for Discretionary Review N.C.G.S. § 7A-31</p>	<p>1. Dismissed <i>Ex Mero Motu</i></p> <p>2. Dismissed</p> <p>3. Dismissed <i>Ex Mero Motu</i></p> <p>4. Dismissed</p> <p>5. Denied</p> <p>6. Dismissed</p>
----------	----------------------------------	--	--

635P04-2	State v. Frederick L. Washington	7. Def's Motion for No-Answer Judgment to Notice of Appeal (Constitutional Question) and Petition for Discretionary Review Under N.C.G.S. § 7A-31	7. Dismissed
----------	----------------------------------	---	--------------