

SUPREME COURT OF NORTH CAROLINA

**PETITIONS
29 April 2020**

5P20	State v. Rocky Dustin Nance	Def's PDR Under N.C.G.S. § 7A-31	Denied
29A20	Stacy Griffin, Employee v. Absolute Fire Control, Employer, Everest National Ins. Co. & Gallagher Bassett Servs., Carrier	1. Defs' Notice of Appeal Based Upon a Dissent 2. Plt's PDR Under N.C.G.S. § 7A-31 3. Defs' Conditional PDR Under N.C.G.S. § 7A-31	1. --- 2. Allowed 3. Allowed
36P20	State v. Bartholomew R. Scott	1. Def's Notice of Appeal Based Upon a Constitutional Question 2. Def's PDR Under N.C.G.S. § 7A-31 3. State's Motion to Dismiss Appeal	1. --- 2. Denied 3. Allowed
47P20	State v. Anthony Dewan Moore	Def's PDR Under N.C.G.S. § 7A-31	Denied

48P20	State v. Lyneil Antonio Washington, Jr.	<p>1. Def's Motion for Temporary Stay</p> <p>2. Def's Petition for Writ of Supersedeas</p> <p>3. Def's PDR Under N.C.G.S. § 7A-31</p>	<p>1. Allowed 02/06/2020 Dissolved 04/29/2020</p> <p>2. Denied</p> <p>3. Denied</p>
51P20	Sarah E. Riopelle (Cooper), Plaintiff v. Jason B. Riopelle, Defendant v. Lindsey and Avery Fuller, Intervenors	<p>1. Def's Pro Se Motion for Temporary Stay</p> <p>2. Def's Pro Se Petition for Writ of Supersedeas</p> <p>3. Def's Pro Se Petition for Writ of Certiorari to Review Decision of the COA</p>	<p>1. Denied 02/10/2020</p> <p>2. Denied</p> <p>3. Denied</p>
54A19-3	State v. Rogelio Albino Diaz-Tomas	<p>1. Def's Motion for Temporary Stay</p> <p>2. Def's Petition for Writ of Supersedeas</p>	<p>1. Allowed 04/21/2020</p> <p>2.</p>
61P20	Crop Production Services, Inc., Plaintiff v. Matthew C. Pearson and Helen F. Pearson, Defendants and Third-Party Plaintiffs v. Perdue Agribusiness LLC, d/b/a Perdue-Agrirecycle, and Perdue-Agrirecycle, LLC, Third-Party Defendants	<p>1. Defs' Notice of Appeal Based Upon a Constitutional Question</p> <p>2. Defs' PDR Under N.C.G.S. § 7A-31</p> <p>3. Third Party Def's (Perdue) Motion to Dismiss Appeal</p>	<p>1. ---</p> <p>2. Denied</p> <p>3. Allowed</p>

69P18-3	State v. Nell Monette Baldwin	<p>1. Def's Pro Se Motion to Proceed Without Prepaying Costs</p> <p>2. Def's Pro Se Motion to Consolidate the Civil Case and Criminal Case</p> <p>3. Def's Pro Se Motion for an Order of Judicial Notice</p> <p>4. Def's Pro Se Motion to Disqualify Opposing Counsel</p> <p>5. Def's Pro Se Motion for Judicial Disciplinary Action</p> <p>6. Def's Pro Se Motion for Discretionary Review</p> <p>7. Def's Pro Se Motion in the Alternative for Petition for Writ of Certiorari (Civil and Criminal)</p> <p>8. Def's Pro Se Motion for Appropriate Relief</p>	<p>1. Dismissed</p> <p>2. Dismissed</p> <p>3. Dismissed</p> <p>4. Dismissed</p> <p>5. Dismissed</p> <p>6. Dismissed</p> <p>7. Dismissed</p> <p>8. Dismissed</p> <p>Beasley, C.J., recused Morgan, J., recused</p>
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72P20	Cynthia Clark, Employee v. US Airways, Inc., Employer, American Insurance Group Plan, Carrier (Sedgwick CMS, Third-Party Administrator)	Plt's PDR Under N.C.G.S. § 7A-31	Denied
81P20	State v. Tamika Latonya Horne	Def's PDR Under N.C.G.S. § 7A-31	Denied
82P20	Debbie Thompson Hampton; as Executrix of the Estate of Delacy Beatrice Thompson Miles, Deceased v. Andrew Taylor Hearn, M.D.	Plt's PDR Under N.C.G.S. § 7A-31	Denied
83P20	State v. Jerry Leon Phifer	Def's PDR Under N.C.G.S. § 7A-31	Denied
86A02-2	State v. Bryan Christopher Bell	1. Def's Petition for Writ of Certiorari to Review Order of Superior Court, Onslow County 2. State's Motion to Hold Defendant's Petition for Writ of Certiorari Prematurely Filed in Violation of this Court's Order Dated 25 January 2013	1. 2. Special Order
90P20	Kristen Martin v. Hillary Irwin and Erinviene Holdings, LLC	Plt's PDR Under N.C.G.S. § 7A-31	Denied

101P20	Necus A. Jackson, Employee v. General Electric Company, Employer and Electric Insurance Company, Carrier	1. Plt's Pro Se Motion for Notice of Appeal 2. Plt's Pro Se Motion to Proceed <i>In Forma Pauperis</i> 3. Def's Motion to Dismiss Appeal	1. --- 2. Allowed 3. Allowed
102P20	Chester Taylor, III, Ronda and Brian Warlick, Lori Mendez, Lori Martinez, Crystal Price, Jeanette and Andrew Aleshire, Marquita Perry, Whitney Whiteside, Kimberly Stephan, Keith Peacock, Zelmon McBride v. Bank of America, N.A.	Plts' PDR Prior to a Determination by the COA	Denied
104P20	State v. Reggie Joe Beal	Def's Petition for Writ of Certiorari to Review Order of the COA	Special Order Ervin, J., recused
107P20	Lennar Carolinas, LLC v. County of Union	1. Def's PDR Under N.C.G.S. § 7A-31 2. Def's Petition for Writ of Certiorari to Review Order of Superior Court, Union County	1. Denied 2. Denied

108P20	True Homes, LLC v. County of Union	1. Def's PDR Under N.C.G.S. § 7A-31 2. Def's Petition for Writ of Certiorari to Review Order of Superior Court, Union County	1. Denied 2. Denied
109P20	Shea Homes, LLC, et al. v. County of Union	1. Def's PDR Under N.C.G.S. § 7A-31 2. Def's Petition for Writ of Certiorari to Review Order of Superior Court, Union County	1. Denied 2. Denied
110P20	Shops at Chestnut, LLC v. County of Union	1. Def's PDR Under N.C.G.S. § 7A-31 2. Def's Petition for Writ of Certiorari to Review Order of Superior Court, Union County	1. Denied 2. Denied
111P20	M/I Homes of Charlotte, LLC v. County of Union	1. Def's PDR Under N.C.G.S. § 7A-31 2. Def's Petition for Writ of Certiorari to Review Order of Superior Court, Union County	1. Denied 2. Denied
112P20	Calatlantic Group, Inc., et al. v. County of Union	1. Def's PDR Under N.C.G.S. § 7A-31 2. Def's Petition for Writ of Certiorari to Review Order of Superior Court, Union County	1. Denied 2. Denied

113P20	McInnis Construction Co., et al. v. County of Union	1. Def's PDR Under N.C.G.S. § 7A-31 2. Def's Petition for Writ of Certiorari to Review Order of Superior Court, Union County	1. Denied 2. Denied
114P20	Eastwood Construction Co., Inc., et al. v. County of Union	1. Def's PDR Under N.C.G.S. § 7A-31 2. Def's Petition for Writ of Certiorari to Review Order of Superior Court, Union County	1. Denied 2. Denied
115P20	Pace/Dowd Properties LTD., et al. v. County of Union	1. Def's PDR Under N.C.G.S. § 7A-31 2. Def's Petition for Writ of Certiorari to Review Order of Superior Court, Union County	1. Denied 2. Denied
118P20	Joseph L. Carrington, Jr. v. Carolina Day School, Inc.	Plt's PDR Under N.C.G.S. § 7A-31	Denied
124P20	State v. Donovan Burney	Def's Pro Se Motion to Appoint Counsel	Dismissed 04/06/2020
125P20	State v. Alexander Asanov	1. Def's Petition for Writ of Certiorari to Review Order of the COA 2. Def's Petition for Writ of Certiorari to Review Order of Superior Court, Wake County 3. Def's Petition for Writ of Certiorari to Review Decision of District Court, Wake County	1. Dismissed 2. Dismissed 3. Dismissed

126P19	State v. Gregory Jerome Wynn, Jr.	1. Def's PDR Under N.C.G.S. § 7A-31 2. Def's Motion to Amend PDR Under N.C.G.S. § 7A-31 3. Def's Motion in the Alternative to Remand	1. Special Order 2. Special Order 3. Special Order
128A20	James Rickenbaugh and Mary Rickenbaugh, Husband and Wife, Individually and on Behalf of All Others Similarly Situated v. Power Home Solar, LLC, a Delaware Limited Liability Company	1. Def's Motion for Temporary Stay 2. Def's Petition for Writ of Supersedeas	1. Allowed 03/20/2020 2. Allowed 04/03/2020
131P20	State v. Kevin Lamonte White	Def's Pro Se PDR Under N.C.G.S. § 7A-31	Denied
143P20-2	Henderson v. Vaughn	1. Petitioner's Pro Se Petition for Writ of Habeas Corpus 2. Petitioner's Pro Se Motion for Order to Show Cause and to Prove Personal and Subject Matter Jurisdiction	1. Denied 04/06/2020 2. Dismissed 04/06/2020 Ervin, J., recused
143P20-3	Henderson v. Vaughn	Petitioner's Pro Se Motion for PDR	Denied 04/14/2020 Ervin, J., recused

146P20	State v. Charles Edgerton	Def's Pro Se Motion to Appeal	Dismissed <i>ex mero motu</i>
147P20	Nathan Nathaniel v. State of North Carolina, Vance County District Court	Petitioner's Pro Se Petition for Writ of Mandamus	Dismissed
148P20	In re: James Wilson	Petitioner's Pro Se Petition for Writ of Certiorari to Review Order of the COA	Denied
155P20	State v. John D. Graham	1. Def's Motion for Temporary Stay 2. Def's Petition for Writ of Supersedeas	1. Allowed 04/03/2020 2.
156P20	State v. David Warren Taylor	1. State's Motion for a Temporary Stay 2. State's Petition for a Writ of Supersedeas	1. Allowed 04/07/2020 2.

160P20	<p>North Carolina State Conference of the NAACP, Disability Rights North Carolina, American Civil Liberties Union of North Carolina Legal Foundation, Alberta Elaine White, Kim T. Caldwell, John E. Sturdivant, Sandara Kay Dowell, and Christina Rhodes v. Roy Cooper, in his official capacity as Governor of North Carolina; and Erik A. Hooks, in his official capacity as Secretary of the North Carolina Department of Public Safety</p>	<p>1. Petitioners' Emergency Petition for Writ of Mandamus</p> <p>2. Petitioners' Motion to Expedite Response to Petition for Writ of Mandamus</p> <p>3. North Carolina Justice Center's Motion for Leave to File Amicus Brief</p> <p>4. Petitioners' Motion to Substitute Corrected Affidavit</p>	<p>1. Dismissed Without Prejudice 04/17/2020</p> <p>2. Special Order 04/09/2020</p> <p>3. Allowed 04/15/2020</p> <p>4. Allowed 04/17/2020</p>
163P20	<p>State v. Wilmer de Jesus Cruz</p>	<p>1. Def's Motion for Temporary Stay</p> <p>2. Def's Petition for Writ of Supersedeas</p> <p>3. Def's Petition for Writ of Mandamus</p> <p>4. Def's Petition for Writ of Certiorari to Review Order of District Court, Lee County</p>	<p>1. Denied 04/15/2020</p> <p>2. Denied 04/15/2020</p> <p>3. Dismissed 04/15/2020</p> <p>4. Dismissed 04/15/2020</p>

164P20	State v. Wilmer de Jesus Cruz	<p>1. Def's Motion for Temporary Stay</p> <p>2. Def's Petition for Writ of Supersedeas</p> <p>3. Def's Petition for Writ of Certiorari to Review Order of the COA</p> <p>4. Def's Petition for Writ of Certiorari to Review Order of Superior Court, Hoke County</p>	<p>1. Denied 04/15/2020</p> <p>2. Denied 04/15/2020</p> <p>3. Denied 04/15/2020</p> <p>4. Denied 04/15/2020</p>
184A20	State v. Fabiola Rosales Chavez	<p>1. State's Motion for Temporary Stay</p> <p>2. State's Petition for Writ of Supersedeas</p>	<p>1. Allowed 04/24/2020</p> <p>2.</p>
218P19	Wanda Stathum-Ward v. Wal-Mart Stores, Inc. d/b/a Wal-Mart Supercenter Store #5254; Wal-Mart Real Estate Business Trust; Wal-Mart Stores East, LP; Wal-Mart Stores East, Inc.; Wal-Mart Louisiana, LLC; and Wal-Mart Stores Texas, LLC	Plt's PDR Under N.C.G.S. § 7A-31	Denied

219P17-3	Courtney NC, LLC d/b/a Oakwood Raleigh at Brier Creek v. Monette Baldwin a/k/a Nell Monette Baldwin	<p>1. Def's Pro Se Motion to Proceed Without Prepaying Costs</p> <p>2. Def's Pro Se Motion to Consolidate the Civil Case and Criminal Case</p> <p>3. Def's Pro Se Motion for an Order of Judicial Notice</p> <p>4. Def's Pro Se Motion to Disqualify Opposing Counsel</p> <p>5. Def's Pro Se Motion for Judicial Disciplinary Action</p> <p>6. Def's Pro Se Motion for Discretionary Review</p> <p>7. Def's Pro Se Motion in the Alternative for Petition for Writ of Certiorari (Civil and Criminal)</p> <p>8. Def's Pro Se Motion for Appropriate Relief</p>	<p>1. Dismissed</p> <p>2. Dismissed</p> <p>3. Dismissed</p> <p>4. Dismissed</p> <p>5. Dismissed</p> <p>6. Dismissed</p> <p>7. Dismissed</p> <p>8. Dismissed</p> <p>Beasley, C.J., recused</p> <p>Morgan, J., recused</p>
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306P18-2	Hunter F. Grodner v. Andrzej Grodner (now Andrew Grodner)	<p>1. Def's Pro Se Petition for Writ of Certiorari to Review Order of the COA</p> <p>2. Def's Pro Se Motion for Temporary Suspension of N.C.R.A.P. Rule 11 Pending Review of Petition for Writ of Certiorari</p> <p>3. Def's Pro Se Motion of Expedited Review</p> <p>4. Plt's Motion to Tax Costs and Attorney Fees</p> <p>5. Def's Pro Se Motion to Disqualify Opposing Counsel</p>	<p>1. Denied</p> <p>2. Dismissed as moot</p> <p>3. Dismissed as moot</p> <p>4. Denied</p> <p>5. Dismissed as moot</p>
312P18-2	State v. Aaron Lee Gordon	<p>1. State's Motion for Temporary Stay</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 04/02/2020</p> <p>2.</p> <p>3.</p>

321P19	Gary Dellinger, Virginia Dellinger, and Timothy S. Dellinger v. Lincoln County, Lincoln County Board of Commissioners, and Strata Solar, LLC and Mark Morgan, Bridgette Morgan, Timothy Mooney, Nadine Mooney, Andrew Schott, Wendy Schott, Robert Bonner, Michelle Bonner, Jeffrey Deluca, Lisa Deluca, Martha McLean, Charleen Montgomery, Robert Montgomery, David Ward, Intervenors	1. Intervenors' Motion for Temporary Stay 2. Intervenors' Petition for Writ of Supersedeas 3. Intervenors' PDR Under N.C.G.S. § 7A-31	1. Allowed 08/16/2019 2. Special Order 3. Special Order
339A19	In the Matter of: D.M., M.M., D.M.	1. Petitioner and Guardian <i>ad Litem's</i> Motion to Dismiss Appeal 2. Petitioner and GAL's Motion for Guidance Concerning Petition for Writ of Certiorari	1. Dismissed 04/06/2020 2. Denied 04/06/2020
370P18	Wilkes County Board of Education v. Board of Trustees, Teachers' and State Employees' Retirement System; Dale R. Folwell, State Treasurer (in official capacity only); Steven C. Toole, Director, Retirement Systems Division (in official capacity only)	1. Respondents' PDR Under N.C.G.S. § 7A-31 2. Respondent's Motion to Withdraw as Counsel of Record	1. Special Order 2. Allowed 03/30/2020

372P18	Wilkes County Board of Education v. Department of State Treasurer, Retirement Systems Division; Dale R. Folwell, State Treasurer (in official capacity only); Steven C. Toole, Director, Retirement Systems Division (in official capacity only)	1. Respondents' PDR Under N.C.G.S. § 7A-31 2. Respondent's Motion to Withdraw as Counsel of Record	1. Special Order 2. Allowed 03/30/2020
373P18	Johnston County Board of Education v. Department of State Treasurer, Retirement Systems Division; Dale R. Folwell, State Treasurer (in official capacity only); Steven C. Toole, Director, Retirement Systems Division (in official capacity only)	1. Respondents' PDR Under N.C.G.S. § 7A-31 2. Respondent's Motion to Withdraw as Counsel of Record	1. Special Order 2. Allowed 03/30/2020
374P18	Union County Board of Education v. Department of State Treasurer, Retirement Systems Division; Dale R. Folwell, State Treasurer (in official capacity only); Steven C. Toole, Director, Retirement Systems Division (in official capacity only)	1. Respondents' PDR Under N.C.G.S. § 7A-31 2. Respondent's Motion to Withdraw as Counsel of Record	1. Special Order 2. Allowed 03/30/2020

375P18	Union County Board of Education v. Board of Trustees, Teachers' and State Employees' Retirement System; Dale R. Folwell, State Treasurer (in official capacity only); Steven C. Toole, Director, Retirement Systems Division (in official capacity only)	1. Respondents' PDR Under N.C.G.S. § 7A-31 2. Respondent's Motion to Withdraw as Counsel of Record	1. Special Order 2. Allowed 03/30/2020
376P18	Johnston County Board of Education v. Board of Trustees, Teachers' and State Employees' Retirement System; Dale R. Folwell, State Treasurer (in official capacity only); Steven C. Toole, Director, Retirement Systems Division (in official capacity only)	1. Respondents' PDR Under N.C.G.S. § 7A-31 2. Respondent's Motion to Withdraw as Counsel of Record	1. Special Order 2. Allowed 03/30/2020
378P18-6	State v. Napier Sandford Fuller	Def's Pro Se Motion for Disability Access Policy	Dismissed as moot
384P19	State v. Shenika Chennel Shamberger	Def's PDR Under N.C.G.S. § 7A-31	Denied
385P19	Raleigh Housing Authority v. Patricia Winston	1. Def's Motion for Temporary Stay 2. Def's Petition for Writ of Supersedeas 3. Def's PDR Under N.C.G.S. § 7A-31	1. Allowed 10/04/2019 2. Allowed 3. Allowed Davis, J., recused

387P19	State v. Larry McCann	Def's PDR Under N.C.G.S. § 7A-31	Denied
399P19	State v. Stevenson Gulberto Trice	Def's PDR Under N.C.G.S. § 7A-31	Denied
410P19	In the Matter of: K.J.	Respondent's PDR Under N.C.G.S. § 7A-31	Denied
414A19	Lisa Gurkin, as Executrix for the Estate of Robert Gurkin and the Estate of Robert Gurkin v. Robert Thomas Sofield, Jr.; Equity Investments Associates, LLC; Southeast Property Acquisitions, LLC f/k/a Appalachian Property Holdings, LLC; Carolina Forests, LLC; Appalachian Property Holdings, LLC; Pine Forest Development Company, LLC; SPG Property, LLC; GPS Holdings, LLC; Sofield Holdings Management, Inc.; RTS-DMC 1, LLC; HS Green Family Irrevocable Trust; HS Portante Family Irrevocable Trust; and RT Sofield III Irrevocable Trust	1. Defs' Motion to Dismiss Appeal 2. Plts' Motion for Extension of Time to Respond to Motion to Dismiss Appeal 3. Plts' Motion to Supplement the Record on Appeal 4. Plts' Amended Motion to Supplement the Record	1. Allowed 2. Allowed 02/26/2020 3. Dismissed as moot 4. Denied

419P19	Lisa A. Garrett, Employee v. The Goodyear Tire & Rubber Co., Employer, Liberty Mutual Insurance Company, Carrier	Plt's PDR Under N.C.G.S. § 7A-31	Denied
423P19	In Re: Moorehead I, LLC, Foreclosure of that Deed of Trust Dated March 8, 2007, Recorded in Book 7393 at Page 19, Cabarrus County Registry, Under Foreclosure by: H.L. Ruth, III, Substitute Trustee	Intervenors' PDR Under N.C.G.S. § 7A-31	Denied
435P19	State v. Joseph Odell Spencer	Def's Pro Se PDR Under N.C.G.S. § 7A-31	Denied
444P19	State v. Garry Joseph Gupton	1. Def's PDR Under N.C.G.S. § 7A-31 2. State's Motion to Dismiss Request for Discretionary Review	1. Denied 2. Dismissed as moot
465P19	State v. Christopher Willis Jenkins	Def's PDR Under N.C.G.S. § 7A-31	Denied

466P19	Jorge Macias, Employee v. BSI Associates, Inc. d/b/a Carolina Chimney, Employer, Travelers Insurance Company, Carrier	<p>1. Defs' Motion for Temporary Stay</p> <p>2. Defs' Petition for Writ of Supersedeas</p> <p>3. Defs' PDR Under N.C.G.S. § 7A-31</p>	<p>1. Allowed 12/10/2019 Dissolved 04/29/2020</p> <p>2. Denied</p> <p>3. Denied</p> <p>Davis, J., recused</p>
470A19	U.S. Bank National Association, as Trustee for the Holders of the Sami II Inc., Bear Sterns Arm Trust, Mortgage Pass-Through Certificates, Series 2005-12 v. Estate of John G. Wood, III a/k/a John G. Wood, Jr., Annette F. Wood, Edward W. Wood, and Mary G. Wood	<p>1. Def's (Mary G. Wood) Notice of Appeal Based Upon a Dissent</p> <p>2. Def's (Mary G. Wood) Motion to Dismiss Appeal</p>	<p>1. ---</p> <p>2. Allowed 04/20/2020</p>
481P13-2	State v. Danny Lamont Thomas	Def's PDR Under N.C.G.S. § 7A-31	Denied

485P19	State v. Cashaun K. Harvin	1. State's Motion for Temporary Stay 2. State's Petition for Writ of Supersedeas 3. Def's Motion to Lift the Stay 4. State's Motion to Maintain the Stay 5. State's Petition for Writ of Certiorari to Review Decision of the COA 6. State's Second Petition for Writ of Certiorari to Review Decision of the COA	1. Allowed 12/20/2019 2. Allowed 3. Denied 4. Allowed 5. Allowed 6. Denied
542P11-3	State v. Jeffrey Harliss Freeman	Def's Pro Se Motion for PDR Under N.C.G.S. § 7A-31	Dismissed Ervin, J., recused