

SUPREME COURT OF NORTH CAROLINA

PETITIONS

Decided by the Court in Conference: 7 October 1999

{Posted on the Internet Web Site: 12 October 1999 at 11:50 a.m.}

{Revised Listed Posted: 14 October 1999 at 9:35 a.m.}

Revised List includes entries for: 376P99, 395P99, 398P99, 410P99, and 420P99

COMMON ABBREVIATIONS

Abbreviation	Full Term
PWC	Petition for Writ of Certiorari
MAR	Motion for Appropriate Relief
COA	North Carolina Court of Appeals
MTS	Motion for Temporary Stay
Def	Defendant
NOA	Notice of Appeal
Plt	Plaintiff
PDR	Petition for Discretionary Review
Cert	Certiorari
AG	Attorney General

30A81 - 5	State v. Brown	(1) Def's PWC (2) AG's Motion to Vacate Stay of Execution (3) AG's PWC	(1) Denied (2) Allowed (3) Dismissed as moot
30A81 - 4	State v. Brown, a/k/a Muhammad	(1) AG's Motion to Vacate Stay of Execution (2) AG's PWC to Review Order of Superior Court	(1) Allowed (2) Denied

62PA97 - 2	Virmani v. Presbyterian Health Services	Pet. for Rehearing	Denied 9/17/99
70A86 - 6	State v. Allen	Def's PWC	Allowed for the limited purpose of remanding to the trial court for determination on the merits of def.'s second MAR
76A95 - 2	State v. Walker	(1) Def's PWC (2) Def's Motion to Summary Reversal	(1) Denied (2) Denied
91A95 - 3	State v. Thomas	(1) Def-Appellant's Motion to Reconsider Denial of Cert. (2) AG's Motion to Respond	(1) Denied 9/15/99 (2) Denied 9/15/99
124P99	State v. Carrillo	Def's Pro Se PWC	Denied
132P99	Transcontinental Gas Pipe Line v. Calco	(1) Def's PDR (2) Plt's Cond'l PDR AS TO ADD'L ISSUES	(1) Denied (2) Denied as moot
148A91 - 3	State v. McHone	Def's Motion to Reconsider Denial of Remand for an Evidentiary Hearing	Dismissed
149PA99*	Patrick v. Insurance	Plt's Pet. for Rehearing	Denied 9/13/99
158A92 - 3	Ward v. French	Ward's Motion Concerning Counsel	Dismissed
161PA99	State v. Rich	(1) Motion for Leave to File Amicus (2) Motion for Extension of Time	(1) Allowed (2) Allowed to file by 9/27/99 (3) Allowed; due by 10/7/99

		(3) AG's Request to file Response	
185P99	Mextaxas v. Hendrick	Defs' PDR	Denied
190A93 - 3	State v. Powell	AG's PWC	Denied
193PA98	Piazza v. Little	Plt's Pet. for Rehearing	Denied 9/14/99
224P99	State v. Barber	(1) Def's Pro Se PWC to Review Order of COA (2) Def's Pro Se NOA (3) Def's Pro Se PWC to Review Order of Judicial Standards Comm.	(1) Denied (2) Dismissed (3) Dismissed
227P99	Wood v. Southside Oil	Def's PDR	Denied
228P99	Hughes v. Chappell	Def's PDR	Denied
230P98 - 2	State v. Alexander	Def's Pro Se PWC	Denied
231P99	State v. Fite	Def's PWC	Denied
241P99	Collins v. Dean	(1) Def's Pro Se NOA (2) Defs' Pro Se NOA (3) Def's PWC	(1) Dismissed (2) Dismissed (3) Denied
245A99*	Stafford v. Stafford	Submit case on briefs; no oral argument	Allowed
248P99	State v. Cleveland	(1) Def's Pro Se PWC (2) Def's pro Se Motion to Proceed in <i>Forma Pauperis</i>	(1) Denied (2) Allowed
251P99	In the Matter of: T.S., Juvenile	(1) AG's Motion for Temp. Stay	(1) Allowed 6/8/99

		(2) AG's Pet. for Writ of Supersedeas (3) AG's PDR	(2) Denied; dissolve temp. stay (3) Denied
255A99	Couch v. Private Diagnostic Clinic & Duke University	Bishop's Motion to be Allowed to Admit Sperando Pro Hac Vice	Allowed 9/10/99
259P95 - 2	State v. Rankins	(1) Def's Pro Se NOA (2) Def's Pro Se PWC	(1) Dismissed ex mero motu (2) Dismissed
265P99	Van Sipe v. Service America	(1) Plt's Pro Se NOA (2) Plt's Pro Se PDR (3) Defs' Motion to Dismiss Appeal	(1) - - - (2) Denied (3) Allowed
266P99	Perritt v. Pierre et al	Def's (Greensboro) PDR	Denied
267PA99	Thompson v. Watters	Def's Motion to be Allowed to Withdraw Conditional Petition	Allowed
275P99	State v. Quick	Def's Pro Se PWC	Denied
280P99	State v. Smith	Def's PWC	Denied
285P99	Bartlett v. Bartlett	Plt's PDR	Denied
288P99	State v. Pittman	Def's Pro Se PWC	Denied
294P99	Harborgate Property v. Mtn. Lake Shores	Prospective Intervenor's PDR	Denied
299A99	Hardy v. Moore Co.	(1)Plt-Appellant's Motion for Ext. of Time to File Brief (2) Defs' (Moore Co. et al) Motion to Dismiss for Appellant's Failure to Timely File New Brief	(1) Allowed 8/25/99 (2) Denied 8/25/99

		(3) Defs' (Barrett and Ellen) Motion to Dismiss Appeal for Failure to Timely File New Brief	(3) Denied 8/25/99
305P99	Cap Care v. McDonald	(1) Def-Appellants' PDR (2) Plt' Conditional PDR As to Additional Issues	(1) Denied (2) Dismissed
306P99	Thomas v. Bullock	Def's PDR	Denied
309A98	Hearne v. Sherman	Plt's Pet. for Rehearing	Denied MARTIN, J. RECUSED
320P99	Tyson v. Henry	Plt's PDR	Denied
322P99	State v. Blanton	Def's PDR	Denied WAINWRIGHT, J. RECUSED
323P99	State v. Shores	(1) Def's Pro Se NOA (2) Def's Pro Se PDR	(1) Denied (2) Denied
325P99	Thacker v. State	Plt's Pro Se PWC	Denied
329P99	State v. Little	(1) Def's NOA (2) Def's PDR (3) AG's Motion to Dismiss Appeal	(1) - - - (2) Denied (3) Allowed
334P99	State v. Parker	(1) Def's NOA (2) Def's PDR (3) AG's Motion to Dismiss Appeal	(1) - - - (2) Denied (3) Allowed

335P99	Faulkenbury v. Teachers	(1) Defs' Pet. for Writ of Supersedeas (2) Defs' MTS (3) Defs' PDR (4) Plt' PWC	(1) Denied; dissolve temp. stay (2) Allowed 7/22/99 (3) Denied (4) Denied
336P99	In re: Sprinkle et al	Def's (Richard Leon Sprinkle) PDR	Denied
337P99	State v. Owen	(1) Def's Motion to Dismiss Indictment and Arrest Judgment (2) Def's PDR	(1) Denied (2) Denied
339P99	Hoisington v. Smith v. Tree Factory	(1) Plt's PDR (2) 3rd-Party Def's PDR	(1) Allowed (2) Allowed
341P99	Telesca v. SAS	Plt's PDR	Denied
344P99	Francis v. Beach Medical	(1) Plt's NOA (2) Plt's PDR (3) Def's Motion to Dismiss	(1) - - - (2) Denied (3) Allowed
346P99	Nichols v. Rose, Hartford Ins.	Plt's PDR	Denied
347P98 - 3	State v. Patton	Def's Pet. for Writ of Mandamus	Denied
348P99	In the Matters of: Baker and Baker	Respondent's (Heather Baker) PDR	Denied
350P99	State v. Alston	Def's PWC	Denied
351P99	State v. Parks	Def's Motion for Clarification, Requesting a written Opinion of Case Denial Order	Dismissed

352P99	State v. Campbell	Def's Pro Se PDR	Denied
353P99	Leach v. Kelly Springfield	Plt-Appellant's PDR	Denied
354P99	Morgan v. Western Piedmont Radiology	Plt's PWC	Denied
355P99	State v. McCoy	(1) Def's PWC to Review COA (2) Def's PWC to Review Orders	(1) Denied (2) Denied
357P99	State v. May	Def's PWC	Denied
358P99	State v. Romero	Def's Pro Se PWC	Denied
359P99	State v. Ellis	Def's Pro Se PWC	Denied
364P99	State v. Grigsby	(1) AG's Pet. for Writ of Supersedeas (2) AG's MTS (3) Def's NOA (4) AG's PDR (5) AG's Motion to Dismiss Appeal for Lack of Sub. Const. Question	(1) Allowed (2) Allowed 8/9/99 (3) - - - (4) Allowed (5) Allowed
365P99	Buckingham v. Buckingham	Plt's PDR	Denied
368P99	Matter of: Declaratory Rule by NC Comm. of Insurance	(1) Petitioner's NOA (2) Respondent's Motion to Dismiss Appeal (3) Petitioner's PDR	(1) - - - (2) Allowed (3) Denied
369P99	Bradley v. US Packaging	Def's PDR	Denied MARTIN, J. RECUSED

370P99	Harris v. Union Camp Corp.	Defs' PDR	Denied
371A99	State v. Batts	(1) Def's NOA (2) AG's Motion to Dismiss Appeal	(1) - - - (2) Allowed
372A99	State v. Earhart	(1) Def's NOA (2) AG's Motion to Dismiss	(1) Denied (2) Allowed
374P99	State v. Scott	(1) Def's NOA (2) Def's PDR (3) State's Motion to Dismiss Appeal	(1) - - - (2) Denied (3) Allowed
375P99	State v. Gallop	Def's PDR	Denied
376P99	Brisson v. Santoriello	Defs' PDR	Allowed
377P99	State v. Buckner	Def's PDR	Denied
379P99	Schnitzlein v. Hardee's	(1) Defs' PDR (2) NCADA Motion to File Amicus	(1) Denied (2) Dismissed as moot
380P95 - 2	State v. Hinton	Def's PWC	Denied
380P99	State v. MacDonald	Def's PWC	Denied
381P99	State v. King	Def's Pro Se PWC	Denied
383P99	State v. Frye	Def's PWC	Denied
385A84 - 7*	State v. Green	(1) AG's Motion to Lift Stay of Execution (2) AG's Pet. for Writ of Prohibition (3) State's Pet. for Writ of Supersedeas	(1) Allowed 9/23/99 (2) Allowed at 4:10 p.m., 23 Sept. 1999, to prohibit J. Weeks from holding the scheduled 4:45 pm hearing in Superior Court, Wake County

		(4) State's Pet. for Writ of Cert.	or from otherwise proceeding in this matter. (3) Dismissed as Moot 9/23/99 (4) Dismissed as Moot 9/23/99
385A84 - 6*	State v. Green	(1) Def's Motion for Stay of Execution (2) Def's PWC	(1) Denied 9/20/99 (2) Denied 9/20/99
386A99	Holshouser v. Hotel	(1) Defs' PDR (2) Plt's Motion to Dismiss NOA	(1) Denied (2) Denied
388P99	State v. Walker	Def's Pro Se PWC	Denied
389P99	Bryant v. Caledonia Prison	Plt's (Pro Se) PWC	Denied
390P99	Daniels v. State	Plt-Appellant's Pro Se Petition	Dismissed
391P99	Hernandez v. State	Plt-Appellant's Pro Se MAR	Denied
394P99	Key v. Burchette	Def's PDR	Denied
395A91 - 5	State v. Jones	Def's Motion to Correct Misstatements of Law and Fact in the Special order, or, in the Alternative, to Remand for Findings Necessary to the Court's Conclusion of Harmless Error	Dismissed
395P99	Kath v. H.D.A. Entertainment	Def's (Katz) PDR	Denied
396P99	Dukes v. Winston- Salem	Plts' PDR	Denied

398P99	Easthaven v. Smith	Def's PDR	Denied
399P99	State v. Parker	Def's PWC	Denied
400P99	State v. Moore	Def's PWC	Dismissed
401P99	Burns v. Granny Squirrel Mtn. Club	(1) Plt's PWC (2) Plt's Pet. for Writ of Supersedeas (3) Plt's MTS	(1) Denied (2) Denied (3) Denied 9/27/99
402P99	Staley v. Lingerfelt	Plts' PDR	Denied
407P99	Coolidge v. Tromblay	(1) Plt's MTS (2) Plt's Pet. for Writ of Supersedeas (3) Plt's PWC	(1) Denied 9/3/99 (2) Denied (3) Denied
409P99	State v. Coastland	Def's PWC	Denied
410P99	Buchanan v. Thomasville	Plt's PDR	Denied
412P99	In re: Martin	Plt's Pet. for Writ of Mandamus	Denied 9/9/99
413A95-2	State v. Frogge	Def's Motion to Bypass COA	Allowed 8/31/99
413P99	State v. Hamer	Def's PWC	Denied
415P99	Allison v. State	Pet's PWC	Denied
416P99*	State ex rel Hunter v. Superior Court	(1) Plt' Pet. for Writ of Prohibition (2) Plt' Pet. for Writ of Mandamus (3) Defs' Motion for Sanctions	(1) Denied 9/17 (2) Denied 9/17 (3) Denied 9/17

420P99	State v. McGee	Def's PDR	Denied
421P99	State v. Rudd	Petitioner's PDR	Denied
423P99	State v. Linsley	Def's PDR	Denied
425PA98*	Furr v. Realty	Def's Motion for Ext. of Time for Oral Argument	Denied 9/10/99
425P99	State v. Martin	(1) Def's NOA (2) AG's Motion to Dismiss	(1) - - - (2) Allowed
426P99	State v. Pretty	(1) Def's NOA (2) Def's PDR (3) AG's Motion to Dismiss	(1) - - - (2) Denied (3) Allowed
427P99	Kindley v. Skipper's	(1) Plt' MTS (2) Plt's Pet. for Writ of Supersedeas (3) Plt' PWC	(1) Denied 9/14/99 (2) Denied 9/14/99 (3) Denied 9/14/99
431P99	Crawford v. NC & Warden Lee	Plt's Pet. for Writ of Habeas Corpus	Denied
432P99	Brantley v. Glenn	Plt's PWC	Denied
441A98*	State v. Golphin	Def's Motion to Amend Record	Allowed 10/6/99
444A93 - 2	State v. Buckner	Motion of the NCATL & Nat'l Assoc. of Criminal Defense Lawyers for Leave to Appear as Amici in Support of Def's Brief	Allowed 8/26/99
453A98 - 2	Union Carbide v. Offerman	(1) Motion for Admission of Counsel to Appear Pro Hac Vice (2) Motion to Leave to File Amicus Brief	(1) Allowed 9/10/99 (2) Allowed

			9/10/99 MARTIN, J. RECUSED
499A91 - 4	State v. Sexton	(1) AG's MTS (2) AG's Pet. for Writ of Supersedeas (3) AG's PWC (4) Def's Motion to Reconsider	(1) Allowed 9/28/99 (2) Allowed 9/28/99 (3) Allowed 9/28/99 (4) Denied
523A98	Knight Pub. v. Chase Manhattan Bank	See special order	Case remanded to COA; special order 9/27/99
530A98	State v. Steen	Def's Motion to Amend Record on Appeal	Allowed 9/9/99
531A94 - 2	State v. Hartman	Def's PWC	Denied
539A98*	State v. Love	(1) Def's Pro Se Motion to Proceed In Forma Pauperis (2) Def's PWC	(1) Allowed 8/26/99 (2) Denied 8/26/99
540P98	Rush v. Employers Ins. of Wausau	(1) Plt's PDR (2) Plt's (Alternative) PWC (3) Plt's Motion to Amend PDR, or, in the Alternative, PWC	(1) (2) (3) Allowed 4/8/99

name> No. 523A98

TWENTY-SIXTH DISTRICT

SUPREME COURT OF NORTH CAROLINA

THE KNIGHT PUBLISHING COMPANY, INC.

v.

THE CHASE MANHATTAN BANK, N.A. and FIRST UNION NATIONAL BANK OF
NORTH CAROLINA

From Mecklenburg

ORDER

The majority holding in *Knight Publ'g Co. v. Chase Manhattan Bank, N.A.*, 131 N.C. App. 257, 506 S.E.2d 728 (1998), *disc. rev. denied*, 350 N.C. 309, ___ S.E.2d ___ (1999), is found in Judge Walker's concurring in part and dissenting in part opinion. This opinion format is unacceptable. *See Jones v. Asheville Radiological Group, P.A.*, ___ N.C. ___, ___ S.E.2d ___ (July 23, 1999) (No. 242A98).

Accordingly, this case is remanded to the Court of Appeals to modify its opinion.

By the Court in Conference, this the 27th day of September, 1999.

Freeman, J.

For the Court

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