

# NORTH CAROLINA COURT OF APPEALS

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

This calendar is available at: <http://www.nccourts.org/Courts/Appellate/Appeal/Default.asp>

## COURT CALENDAR BY PANEL

**Monday, 18 August 2008**

PANEL NO. 1

JOHN C. MARTIN  
JAMES A. WYNN, JR.  
ROBERT C. HUNTER

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **MONDAY, 18TH OF AUGUST 2008**.  
COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH  
CAROLINA RULES OF APPELLATE PROCEDURE.

State v Hinchman	07-1549	Pitt
State v Murray	07-1555	Cabarrus
State v Welch	07-1557	Stokes
State v Walston	08-15	Wake
State v Branch	08-20	Cumberland
State v Windom	08-28	Guilford
Fiel v Weil	08-125	Duplin
State of NC, ex rel. v Overcash	08-127	Cabarrus
Johnson v Schultz	08-133	Johnston
RE: Foreclosure Deed of Elkins	08-150	Forsyth
Locklar v Brokers, Incorporated	08-154	Davidson
Greene v Colby	08-155	Brunswick

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## COURT CALENDAR BY PANEL

**Tuesday, 19 August 2008**

PANEL NO. 2

LINDA M. MCGEE  
DOUGLAS MCCULLOUGH  
DONNA STROUD

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **TUESDAY, 19TH OF AUGUST 2008 AT 9:30 a.m.**

State v Hall	07-1412	Gaston
Teague v Bayer AG, et al	07-1108	Buncombe

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **TUESDAY, 19TH OF AUGUST 2008.** COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v Kemp	07-1369	Wake
State v Villatoro	07-1458	Mecklenburg
State v Martin	07-1471	Rutherford
State v Lawson	07-1507	Alamance
State v Lofton	07-1530	Cumberland
Hunt v NC State University	07-1374	NC Industrial Commission
Holleman v Aiken, et al	07-1425	Wake
Woods v Sentry Insurance A Mutual Co.	08-49	Wayne
Bryson v Cort	08-51	Mecklenburg
Xiong v Marks	08-52	Montgomery

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## COURT CALENDAR BY PANEL

**Wednesday, 20 August 2008**

PANEL NO. 3

JOHN M. TYSON  
ANN MARIE CALABRIA  
RICK ELMORE

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **WEDNESDAY, 20TH OF AUGUST 2008 AT 9:30 a.m.**

Newberne v Department of Crime Control	07-1570	Wake
State v Philip Morris USA, Inc., et al	07-1572	Wake
Helm v Appalachian State University	08-30	Watauga

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 20TH OF AUGUST 2008.** COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v Gabriel	08-59	Mecklenburg
State v Harley	08-60	Rowan
State v Simmons	08-65	Cumberland
State v Butler	08-66	Iredell
State v Bynum	08-72	Mecklenburg
State v Pineda	08-74	Mecklenburg
Jones v Jones	07-1542	Brunswick
Williams v New Hope Foundation, Inc.	08-19	Hertford
In The Matter Of: S.S.	08-29	Cumberland

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## COURT CALENDAR BY PANEL

**Wednesday, 20 August 2008**

PANEL NO. 4

WANDA G. BRYANT  
BARBARA JACKSON  
JOHN ARROWOOD

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **WEDNESDAY, 20TH OF AUGUST 2008 AT 1:00 p.m.**

State v Narron	08-129	Pitt
State v Parks	08-145	Cleveland

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 20TH OF AUGUST 2008.** COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v Bunch	08-91	Hertford
State v Jackson	08-119	Pasquotank
State v Jordan	08-142	Forsyth
State v Green	08-144	New Hanover
Helms v Landry	08-33	Mecklenburg
Jones v Coward	08-37	Jackson
Robinson v Seto's Texaco, Inc.	08-57	NC Industrial Commission
Lumamba v Technocom Business	08-61	NC Industrial Commission
Hudson v Hudson	08-76	Alamance

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## COURT CALENDAR BY PANEL

**Thursday, 21 August 2008**

PANEL NO. 5

SANFORD STEELMAN  
MARTHA GEER  
LINDA STEPHENS

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **THURSDAY, 21ST OF AUGUST 2008 AT 9:30 a.m.**

Schlieper v Johnson	07-1476	Guilford
County of Durham, et al v Daye, et al	07-1532	Durham

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **THURSDAY, 21ST OF AUGUST 2008.** COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v Milligan	08-151	Brunswick
State v Cummings	08-163	Robeson
State v Johnston	08-173	Wilson
State v Dale	08-180	Franklin
State v Casey	08-183	Randolph
State v Webb	08-186	Macon
D.E.F. Of Hickory, LLC v Honeycutt	07-1493	Catawba
Persis Nova Construction v Edwards	07-1501	Catawba
Moser v Smith	07-1508	Catawba
Patrick v NC Dept. of Health	07-1515	NC Industrial Commission

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## COURT CALENDAR BY PANEL

**Monday, 25 August 2008**

PANEL NO. 1

JOHN C. MARTIN  
JAMES A. WYNN, JR.  
ROBERT C. HUNTER

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **MONDAY, 25TH OF AUGUST 2008 AT 1:00 p.m.**

Early v County of Durham DSS      08-96      Wake

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **MONDAY, 25TH OF AUGUST 2008.** COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v Dix	07-1440	Randolph
State v Hassoumiou	08-87	Guilford
State v Lee	08-122	Wilkes
Nemchin v Nemchin	08-107	Guilford
Pellom v Pellom	08-113	Durham
Langley v Sue-Lynn Textiles Inc.	08-117	NC Industrial Commission
Bailey, et al v Town of Maggie Valley	08-123	Haywood
Linsenmayer v Omni Homes, Inc.	08-164	Gaston
In the Matter of: T.R.C.	08-423	Burke
In The Matter Of: E.A.S.H.	08-438	Wake
In the Matter of: K.W.	08-535	Mecklenburg

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## COURT CALENDAR BY PANEL

**Tuesday, 26 August 2008**

PANEL NO. 2

LINDA M. MCGEE  
DOUGLAS MCCULLOUGH  
DONNA STROUD

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **TUESDAY, 26TH OF AUGUST 2008 AT 9:30 a.m.**

Medical Staffing Network v Ridgway      07-1486      Wake

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **TUESDAY, 26TH OF AUGUST 2008.** COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v Moody	08-134	Mecklenburg
State v May	08-146	Beaufort
State v Rogers	08-188	Davidson
In The Matter Of: Nebenzahl	07-1324	Guilford
Gainey v Gainey	07-1573	Guilford
Alala v Hardie, et al	08-77	Durham
Smith v Smith	08-78	Union
D&R Construction v Blanchard's Grove	08-94	Gates
In Re: J.A., K.A., D.A.	08-486	Macon
In the Matter of: M.A.A., I.A.A.	08-492	Randolph
In The Matter Of: J.A.C. and S.J.C.	08-509	Surry

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## COURT CALENDAR BY PANEL

**Wednesday, 27 August 2008**

PANEL NO. 3

JOHN M. TYSON  
ANN MARIE CALABRIA  
RICK ELMORE

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **WEDNESDAY, 27TH OF AUGUST 2008 AT 9:30 a.m.**

Stallings v NC Dept. Of The State	08-165	NC Industrial Commission
Wilkins v CSX Transportation, Inc.	08-181	Northampton

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 27TH OF AUGUST 2008.** COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v Webb	08-198	Catawba
State v Patton	08-199	Henderson
State v Washington	08-201	Mecklenburg
In Re: Schiphof, Widowed Foreclosure	08-159	Stokes
Bailey v Winston Salem State University	08-167	Forsyth
United Leasing Corp. v Guthrie	08-169	Wake
Rochester Midland Corporation v Sellers	08-172	Randolph
Troutman v Troutman	08-174	Iredell
In the matter of: D.M.	08-175	Sampson
Emick v Sunset Beach & Twin Lakes, Inc.	08-184	Brunswick

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## COURT CALENDAR BY PANEL

**Wednesday, 27 August 2008**

PANEL NO. 4

WANDA G. BRYANT  
BARBARA JACKSON  
JOHN ARROWOOD

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **WEDNESDAY, 27TH OF AUGUST 2008 AT 1:00 p.m.**

In The Matter Of The Estate Of: Severt      08-203      Ashe

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 27TH OF AUGUST 2008.** 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	08-210	Wake
State v Allen	08-215	Onslow
State v Aiken	08-224	Buncombe
Morris v Dixon	08-187	Dare
Dawes v Autumn Care of Marshville	08-190	NC Industrial Commission
Bird v Bird	08-192	Guilford
Cacv of Colorado, LLC v Wells	08-195	Brunswick
Melton-Riddle v NC Bd. of Funeral Serv.	08-205	Wake
In The Matter Of: N.A.L. and A.E.L., Jr	08-510	Caldwell
In Re: H.K.	08-517	Gaston
In The Matter Of: K.M.F. and K.B.D.	08-519	Yadkin

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## COURT CALENDAR BY PANEL

**Thursday, 28 August 2008**

PANEL NO. 5

SANFORD STEELMAN  
MARTHA GEER  
LINDA STEPHENS

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **THURSDAY, 28TH OF AUGUST 2008 AT 9:30 a.m.**

Thrash Limited v County of Buncombe	08-229	Buncombe
Thrash Ltd v County of Buncombe	08-327	Buncombe

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **THURSDAY, 28TH OF AUGUST 2008.** COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

Ridge Care v N.C. Dept. of Health	08-237	Dept. of Health & Human Ser
State v Downs	08-225	Chowan
State v Ratliff	08-235	Anson
State v Liggons	08-238	Cumberland
Daugherty v Cherry Hospital, et al	08-211	NC Industrial Commission
DeHart v NC DOT	08-216	Graham
Walker, et al v New Hanover Co. Bd.	08-218	New Hanover
In The Matter Of: P.S.	08-540	Alexander
In the Matter of: A.E.	08-556	Chatham
In Re: S.R.M., C.P.S.H., S.A.M.	08-571	Cabarrus