

Philip A. Baddour, III, Chair  
Myra L. Griffin, Vice-Chair  
James C. Gillen, Commissioner



Kenneth L. Goodman, Commissioner  
Adrian A. Phillips, Commissioner  
Wanda Blanche Taylor, Commissioner

## NORTH CAROLINA INDUSTRIAL COMMISSION

February 7, 2023

### IMPORTANT NOTICE TO ALL PARTIES

The cases listed on the attached calendar are scheduled for disposition by the Full Commission. Pursuant to the Commission's current hearing policy due to COVID-19, Full Commission hearings are being held via videoconference. Some cases may be determined without oral argument pursuant to Rule 11 NCAC 23A .0701(h) or Rule 11 NCAC 23B .0301. The parties will be notified by the Commission prior to the hearing dates below if oral argument is waived. If no such notification is provided, oral argument will be held as scheduled below:

**MARCH 8, 15 AND 22, 2023  
VIA VIDEOCONFERENCE (PER COMMISSION ORDER)**

(You will receive an email with instructions for videoconference participation at a later date.)

Please review the enclosed calendar to determine the exact date on which your case will be heard. The hearing time may change based on the number of cases scheduled on the hearing day and will be reflected in the email you receive at a later date. Please note that the cases docketed prior to your case may be dismissed or continued. **If you do not appear at the videoconference, the Full Commission will consider the record and will render its decision without hearing oral argument.**

For cases appearing on the enclosed calendar, all motions, including requests for continuances, should be addressed to the chair of the panel and must be filed in accordance with Rule 11 NCAC 23A .0108 for workers' compensation cases, or Rule 11 NCAC 23B .0104 for tort cases. Requests for continuances should be submitted at least two weeks prior to the date of hearing. An exception may be made for unexpected emergencies, in which case the continuance request should be filed as described above and followed up with a telephone call or electronic mail. **In the event a case is continued, the case will be heard before the same panel at a later date.** In lieu of a continuance, oral argument may be waived for the party requesting the continuance.

ALL BRIEFS AND FORMS 44 must be filed in accordance with Rule 11 NCAC 23A .0108 for workers' compensation cases or Rule 11 NCAC 23B .0104 for tort cases. For help with EDFP registration, please visit <http://www.ic.nc.gov/EDFPRegistrationInstructions.pdf>. A party who fails to timely file a brief may be denied oral argument.

For additional information, please consult the Rules of the Industrial Commission as they apply to hearings before the Full Commission.

NORTH CAROLINA INDUSTRIAL COMMISSION  
Emily M. Baucom  
Clerk of the Industrial Commission

**NORTH CAROLINA INDUSTRIAL COMMISSION  
FULL COMMISSION REVIEW DOCKET**

**KENNETH L. GOODMAN, COMMISSIONER AND PANEL CHAIR  
ADRIAN A. PHILLIPS, COMMISSIONER  
WANDA BLANCHE TAYLOR, COMMISSIONER**

**WEDNESDAY, MARCH 8, 2023  
VIDEOCONFERENCE**

<b>I.C. NUMBER</b>		<b>ATTORNEY</b>	
<b>20-051831 LTS</b>	<b>FRED PRUETT v. YELLOW CORPORATION SELF-INSURED (SEDGWICK CMS)</b>	<b>PLF:</b>	<b>J. ADAM BRIDWELL HARDISON &amp; COCHRAN RALEIGH, NC</b>
		<b>DFT:</b>	<b>DANIEL ELLER DAN ELLER LAW FIRM GREENVILLE, SC</b>
<b>TA-30182 TA-30183 TA-30212 TA-30213 TS</b>	<b>ROBERT L. TERRELL, III v. NC DIVISION OF MOTOR VEHICLES</b>	<b>PLF:</b>	<b>PRO SE</b>
		<b>DFT:</b>	<b>ASHLEY WEATHERS NC DEPARTMENT OF JUSTICE RALEIGH, NC</b>

**NORTH CAROLINA INDUSTRIAL COMMISSION  
FULL COMMISSION REVIEW DOCKET**

**KENNETH L. GOODMAN, COMMISSIONER AND PANEL CHAIR  
ADRIAN A. PHILLIPS, COMMISSIONER  
WANDA BLANCHE TAYLOR, COMMISSIONER**

**WEDNESDAY, MARCH 15, 2023  
VIDEOCONFERENCE**

<b>I.C. NUMBER</b>		<b>ATTORNEY</b>	
<b>762806</b>	<b>EMERSON THOMPSON</b>	<b>PLF:</b>	<b>VERNON SUMWALT</b>
<b>DMH</b>	<b>v.</b>		<b>THE SUMWALT GROUP</b>
			<b>CHARLOTTE, NC</b>
		<b>PLF:</b>	<b>STEVEN HAYES</b>
			<b>FINK &amp; HAYES</b>
			<b>CHARLOTTE, NC</b>
	<b>CRANFILL SUMNER</b>	<b>DFT:</b>	<b>NEIL ANDREWS</b>
	<b>THE PHOENIX INSURANCE COMPANY</b>		<b>HEDRICK GARDNER KINCHELOE &amp;</b>
			<b>GAROFALO; CHARLOTTE, NC</b>

---

NORTH CAROLINA INDUSTRIAL COMMISSION  
FULL COMMISSION REVIEW DOCKET

KENNETH L. GOODMAN, COMMISSIONER AND PANEL CHAIR  
ADRIAN A. PHILLIPS, COMMISSIONER  
WANDA BLANCHE TAYLOR, COMMISSIONER

WEDNESDAY, MARCH 22, 2023  
VIDEOCONFERENCE

I.C. NUMBER		ATTORNEY
135011 ET	JO ANN BENFIELD, WIDOW AND ADMINISTRATRIX OF THE ESTATE OF RICHARD BENFIELD, DECEASED  v.  CONTINENTAL TIRE THE AMERICAS SELF-INSURED  LIBERTY MUTUAL INSURANCE COMPANY	PLF: EDWARD PAULEY WALLACE AND GRAHAM SALISBURY, NC  DFT: JERI WHITFIELD/LISA SHORTT/ PATRICK KANE; FOX ROTHSCHILD SALISBURY, NC  DFT: JOHN RUSSELL MULLEN HOLLAND & COOPER GASTONIA, NC
W11602 ET	BARBARA BIGHAM, EXECUTRIX OF THE ESTATE OF LEROY BIGHAM, DECEASED  v.  CONTINENTAL TIRE THE AMERICAS SELF-INSURED  LIBERTY MUTUAL INSURANCE COMPANY	PLF: EDWARD PAULEY WALLACE AND GRAHAM SALISBURY, NC  DFT: JERI WHITFIELD/LISA SHORTT/ PATRICK KANE; FOX ROTHSCHILD SALISBURY, NC  DFT: JOHN RUSSELL MULLEN HOLLAND & COOPER GASTONIA, NC
888074 ET	CARL EUGENE DRY, II  v.  CONTINENTAL TIRE THE AMERICAS SELF-INSURED	PLF: EDWARD PAULEY WALLACE AND GRAHAM SALISBURY, NC  DFT: JERI WHITFIELD/LISA SHORTT/ PATRICK KANE; FOX ROTHSCHILD SALISBURY, NC
14-716075 ET	DEBRA GAIL M. FUNDERBURK, WIDOW AND ADMINISTRATRIX OF THE ESTATE OF MARION RALPH FUNDERBURK, DECEASED  v.  CONTINENTAL TIRE THE AMERICAS SELF-INSURED  LIBERTY MUTUAL INSURANCE COMPANY	PLF: EDWARD PAULEY WALLACE AND GRAHAM SALISBURY, NC  DFT: JERI WHITFIELD/LISA SHORTT/ PATRICK KANE; FOX ROTHSCHILD SALISBURY, NC  DFT: JOHN RUSSELL MULLEN HOLLAND & COOPER GASTONIA, NC
W11597 ET	CHARLES E. GIBSON, JR., PERSONAL REPRESENTATIVE OF THE ESTATE OF CHARLES E. GIBSON, SR, DECEASED  v.  CONTINENTAL TIRE THE AMERICAS SELF-INSURED  LIBERTY MUTUAL INSURANCE COMPANY	PLF: EDWARD PAULEY WALLACE AND GRAHAM SALISBURY, NC  DFT: JERI WHITFIELD/LISA SHORTT/ PATRICK KANE; FOX ROTHSCHILD SALISBURY, NC  DFT: JOHN RUSSELL MULLEN HOLLAND & COOPER GASTONIA, NC

NORTH CAROLINA INDUSTRIAL COMMISSION  
FULL COMMISSION REVIEW DOCKET

KENNETH L. GOODMAN, COMMISSIONER AND PANEL CHAIR  
ADRIAN A. PHILLIPS, COMMISSIONER  
WANDA BLANCHE TAYLOR, COMMISSIONER

WEDNESDAY, MARCH 22, 2023  
VIDEOCONFERENCE

I.C. NUMBER		ATTORNEY
W15975 ET	MARTHA JACOBS HUNT, EXECUTRIX OF THE ESTATE OF HOMER HUNT, DECEASED <p style="text-align:center">v.</p> CONTINENTAL TIRE THE AMERICAS SELF-INSURED	PLF: EDWARD PAULEY WALLACE AND GRAHAM SALISBURY, NC  DFT: JERI WHITFIELD/LISA SHORTT/ PATRICK KANE; FOX ROTHSCHILD SALISBURY, NC
W36504 ET	JULIA LANHAM, ADMINISTRATRIX OF THE ESTATE OF JOHNNIE ARTHUR JONES, DECEASED <p style="text-align:center">v.</p> CONTINENTAL TIRE THE AMERICAS SELF-INSURED  LIBERTY MUTUAL INSURANCE COMPANY	PLF: EDWARD PAULEY WALLACE AND GRAHAM SALISBURY, NC  DFT: JERI WHITFIELD/LISA SHORTT/ PATRICK KANE; FOX ROTHSCHILD SALISBURY, NC  DFT: JOHN RUSSELL MULLEN HOLLAND & COOPER GASTONIA, NC
089001 ET	LYNN MORRISON, EXECUTRIX OF THE ESTATE OF DAVID K. MORRISON, DECEASED <p style="text-align:center">v.</p> CONTINENTAL TIRE THE AMERICAS SELF-INSURED	PLF: EDWARD PAULEY WALLACE AND GRAHAM SALISBURY, NC  DFT: JERI WHITFIELD/LISA SHORTT/ PATRICK KANE; FOX ROTHSCHILD SALISBURY, NC
X58154 ET	ERNEST DANIEL RICE <p style="text-align:center">v.</p> CONTINENTAL TIRE THE AMERICAS SELF-INSURED  LIBERTY MUTUAL INSURANCE COMPANY	PLF: EDWARD PAULEY WALLACE AND GRAHAM SALISBURY, NC  DFT: JERI WHITFIELD/LISA SHORTT/ PATRICK KANE; FOX ROTHSCHILD SALISBURY, NC  DFT: JOHN RUSSELL MULLEN HOLLAND & COOPER GASTONIA, NC
X08595 ET	HAROLD E. SCOTT <p style="text-align:center">v.</p> CONTINENTAL TIRE THE AMERICAS SELF-INSURED  LIBERTY MUTUAL INSURANCE COMPANY	PLF: EDWARD PAULEY WALLACE AND GRAHAM SALISBURY, NC  DFT: JERI WHITFIELD/LISA SHORTT/ PATRICK KANE; FOX ROTHSCHILD SALISBURY, NC  DFT: JOHN RUSSELL MULLEN HOLLAND & COOPER GASTONIA, NC

NORTH CAROLINA INDUSTRIAL COMMISSION  
FULL COMMISSION REVIEW DOCKET

KENNETH L. GOODMAN, COMMISSIONER AND PANEL CHAIR  
ADRIAN A. PHILLIPS, COMMISSIONER  
WANDA BLANCHE TAYLOR, COMMISSIONER

WEDNESDAY, MARCH 22, 2023  
VIDEOCONFERENCE

I.C. NUMBER		ATTORNEY
X51763 ET	COREY A. STEWART, ADMINISTRATOR OF THE ESTATE OF CHARLES STEWART, JR., DECEASED  v. CONTINENTAL TIRE THE AMERICAS SELF-INSURED  LIBERTY MUTUAL INSURANCE COMPANY	PLF: EDWARD PAULEY WALLACE AND GRAHAM SALISBURY, NC  DFT: JERI WHITFIELD/LISA SHORTT/ PATRICK KANE; FOX ROTHSCHILD SALISBURY, NC  DFT: JOHN RUSSELL MULLEN HOLLAND & COOPER GASTONIA, NC
196013 ET	KENNETH M. SMYTH, SPECIAL ADMINISTRATOR OF THE ESTATE OF LEOPOLD TAPERK, DECEASED  v. CONTINENTAL TIRE THE AMERICAS SELF-INSURED	PLF: EDWARD PAULEY WALLACE AND GRAHAM SALISBURY, NC  DFT: JERI WHITFIELD/LISA SHORTT/ PATRICK KANE; FOX ROTHSCHILD SALISBURY, NC
16-764789 16-764790 ET	KAREN DENISE BLUE GILBERT, ADMINISTRATOR OF THE ESTATE OF GILBERT BILLY LARSON BLUE, DECEASED  v. CONTINENTAL TIRE THE AMERICAS SELF-INSURED  GENERAL TIRE, INC./GENCORP, INC. LIBERTY MUTUAL INSURANCE COMPANY	PLF: EDWARD PAULEY WALLACE AND GRAHAM SALISBURY, NC  DFT: JERI WHITFIELD/LISA SHORTT/ PATRICK KANE; FOX ROTHSCHILD SALISBURY, NC  DFT: JOHN RUSSELL MULLEN HOLLAND & COOPER GASTONIA, NC
16-753066 ET	WILLIAM WESLEY HUFFSTETLER  v. CONTINENTAL TIRE THE AMERICAS SELF-INSURED  GENERAL TIRE, INC./GENCORP, INC. LIBERTY MUTUAL INSURANCE COMPANY	PLF: EDWARD PAULEY WALLACE AND GRAHAM SALISBURY, NC  DFT: JERI WHITFIELD/LISA SHORTT/ PATRICK KANE; FOX ROTHSCHILD SALISBURY, NC  DFT: JOHN RUSSELL MULLEN HOLLAND & COOPER GASTONIA, NC