

Beverly Eaves Perdue, Governor  
Pamela T. Young, Chair



Bernadine S. Ballance, Commissioner  
Laura K. Mavretic, Commissioner  
Danny L. McDonald, Commissioner  
Staci Meyer, Commissioner  
Christopher Scott, Commissioner  
Dianne C. Sellers, Commissioner

## North Carolina Industrial Commission

### IMPORTANT NOTICE TO ALL PARTIES

Your attention is directed to the Rules of the Industrial Commission as they apply to hearings before the Full Commission. All briefs or motions to the Commission should be submitted in triplicate.

**For cases set on the attached calendar before the Full Commission on May 12, 14, and 19, 2009, all motions, requests for continuances, and telephone inquiries should be directed to the attention of Monica Jackson, Legal Specialist to Commissioner Bernadine S. Ballance, Dobbs Building, 430 N. Salisbury Street, Raleigh, North Carolina 27611. The telephone number for Ms. Jackson is (919) 807-2647. The appropriate contact person varies with each calendar and will be identified as above.**

Requests for continuances must be submitted at least two weeks prior to the date of hearing or oral argument may be waived in lieu of continuances for the requesting parties. Unexpected emergencies will be the exception. **In the event a case is continued, the case will be heard before the same panel at a later date.**

ALL BRIEFS AND FORMS 44 should be directed to the attention of Linda Langdon, Docket Director. Stipulations for first extensions of time to file Forms 44 or briefs may be submitted in writing and also directed to the attention of Linda Langdon., Docket Director. If both parties agree to the extension of time, there will be no need to submit a formal Order to the Commission; however, please inform the Commission, in writing, as to the extension of time agreed between the parties. A party represented by counsel who fails to timely file a brief may not be allowed oral argument before the Full Commission.

The attached cases are scheduled for disposition by the Full Commission. Some may be determined without oral argument per I. C. Rule 701(8). The parties will be notified by Order of the Commission a week prior to the hearing dates below if oral argument is declined. If no such Order is issued, oral arguments will be held as scheduled below:

**MAY 12, 14 & 19, 2009  
DOBBS BUILDING  
SECOND FLOOR, ROOM 2173  
430 NORTH SALISBURY STREET  
RALEIGH, NC 27611**

Hearings will be held in the Industrial Commission Hearing Room, Room No. 2173, (Second Floor) Dobbs Building, Raleigh, North Carolina. The Dobbs Building has now been secured. Please enter the building through the receptionist's area located on the third floor (on the mall area).

Please review the enclosed calendar to determine the exact date on which your case will be heard. The docket prior to your case may be dismissed or continued. If you are not present in court when your case is reached, the Commission will consider the record and will render its decision without hearing oral argument.

NORTH CAROLINA INDUSTRIAL COMMISSION

Linda Langdon  
Docket Director

NORTH CAROLINA INDUSTRIAL COMMISSION  
FULL COMMISSION  
REVIEW          DOCKET

BERNADINE S. BALLANCE, PANEL CHAIR  
STACI MEYER, COMMISSIONER  
DIANNE C. SELLERS, COMMISSIONER

TUESDAY, MAY 12, 2009

9:30 A.M.

RALEIGH, NORTH CAROLINA

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792104 BD 9:30	ANNA BAILEY v ANN'S FLOWERS NC FARM BUREAU MUTUAL INS COMPANY	PLF: OFFICES OF JAMES SCOTT FARRIN DURHAM, N.C.  DFT: YOUNG MOORE & HENDERSON RALEIGH, N.C.
300571 BH 9:30	DEBORAH MATEO v WINDSOR POINT, INC. KEY RISK MANAGEMENT SERVICES, INC.	PLF: SINNO LAW OFFICE SMITHFIELD, N.C.  DFT: MCANGUS GOUDELOCK & COURIE RALEIGH, N.C.
657406 BD 9:30	BECKY HARRINGTON v OAK HAVEN ASSISTED LIVING FIRST COMP INSURANCE CO.	PLF: KEEL O'MALLEY TUNSTALL TARBORO, N.C.  DFT: MCANGUS GOUDELOCK & COURIE RALEIGH, N.C.
778112 BH 9:30	J. R. POE v VARIETY WHOLESALERS SELF-INSURED (HEWITT COLEMAN & ASSOCIATES)	PLF: THE HODGMAN LAW FIRM GREENSBORO, N.C.  DFT: MCANGUS GOUDELOCK & COURIE RALEIGH, N.C.
632226 & 780073 BD 9:30	RAY G. GARDNER v MCLEAN FOODS, INC. THE HARTFORD AND 4438 MEISNER, INC. D/B/A IHOP CRAWFORD & COMPANY	PLF: LAWYERS EAST GREENVILLE, N.C.  DFT: CRANFILL SUMNER & HARTZOG RALEIGH, N.C.  HEDRICK GARDNER KINCHELOE & GAROFALO, RALEIGH, N.C.

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**COURT RECESS  
(ORAL ARGUMENT TO RESUME AT 1:30 P.M.)**

NORTH CAROLINA INDUSTRIAL COMMISSION  
FULL COMMISSION  
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BERNADINE S. BALLANCE, PANEL CHAIR  
STACI MEYER, COMMISSIONER  
DIANNE C. SELLERS, COMMISSIONER

TUESDAY, MAY 12, 2009

1:30 P.M.

RALEIGH, NORTH CAROLINA

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561065 BH 1:30	ANGELA THORNBURG v DR. JED LEVITAS THE HARTFORD	PLF: LAW OFFICE OF LYNN BISHOP CHARLOTTE, N.C.  DFT: HEDRICK GARDNER KINCHELOE & GAROFALO, CHARLOTTE, N.C.
323827 JG 1:30	SMITH L. UNDERWOOD v DELHAIZE AMERICA, INC./ FOOD LION RISK MANAGEMENT SERVICES, INC.	PLF: POISSON POISSON & BOWER WADESBORO, N.C.  DFT: HEDRICK GARDNER KINCHELOE & GAROFALO, CHARLOTTE, N.C.
793845 PH 1:30	KIM GILMAN v WAL-MART CLAIMS MANAGEMENT INC.	PLF: GREG JONES & ASSOCIATES WILMINGTON, N.C.  DFT: HEDRICK GARDNER KINCHELOE & GAROFALO, CHARLOTTE, N.C.
389047 BH 1:30	WILLIE L. WHITFIELD, JR. v TIMOTHY SCHULIEN D/B/A ADVANCED TREE CARE FEDERAL INSURANCE CO.	PLF: PRO SE  DFT: HEDRICK GARDNER KINCHELOE & GAROFALO, RALEIGH, N.C.

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NORTH CAROLINA INDUSTRIAL COMMISSION  
 FULL COMMISSION  
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BERNADINE S. BALLANCE, PANEL CHAIR  
 STACI MEYER, COMMISSIONER  
 DIANNE C. SELLERS, COMMISSIONER

THURSDAY, MAY 14, 2009

9:30 A. M.

RALEIGH, NORTH CAROLINA

779808	CANDACE HEDGES	PLF:	HARDISON & COCHRAN
KL	v		RALEIGH, N.C.
9:30	WAKE COUNTY PUBLIC SCHOOL SYSTEM	DFT:	TEAGUE CAMPBELL DENNIS &
	SELF-INSURED		GORHAM, RALEIGH, N.C.
	(KEY RISK MANAGEMENT SERVICES)		

746959	ALAN WILLIAMS	PLF:	HARDISON & ASSOCIATES
KL	v		RALEIGH, N.C.
9:30	DAVID WILLIAMS LOGGING	DFT:	TEAGUE CAMPBELL DENNIS &
	BITUMINOUS INSURANCE CO.		GORHAM, RALEIGH, N.C.

849101	BARBARA B. LELAND	PLF:	SMITH JAMES ROWLETT & COHEN
BH	v		GREENSBORO, N.C.
9:30	GUILFORD COUNTY BOARD OF	DFT:	NC DEPARTMENT OF JUSTICE
	EDUCATION/DEPARTMENT OF		RALEIGH, N.C.
	PUBLIC INSTRUCTION		
	SELF-INSURED		
	(KEY RISK MANAGEMENT SERVICES, INC.)		

696402	MARK A. LAMB	PLF:	CHARLES T. BROWNE
BD	v		ASHEBORO, N.C.
9:30	RANDOLPH COUNTY SCHOOLS		-----
	KEY RISK INSURANCE CO.		ROBERT S. BOYAN
			HIGH POINT, N.C.
		DFT:	HEDRICK GARDNER KINCHELOE &
			GAROFALO, RALEIGH, N.C.

798617	FLOYD EUGENE JACOBS	PLF:	PRO SE
BH	v		
9:30	KABA ILCO CORPORATION	DFT:	DAVIS & HAMRICK
	LIBERTY MUTUAL INSURANCE CO.		WINSTON-SALEM, N.C.

**COURT RECESS**  
**(ORAL ARGUMENTS TO RESUME AT 1:30 P.M.)**



NORTH CAROLINA INDUSTRIAL COMMISSION  
FULL COMMISSION  
REVIEW            DOCKET

BERNADINE S. BALLANCE, PANEL CHAIR  
STACI MEYER, COMMISSIONER  
DIANNE C. SELLERS, COMMISSIONER

TUESDAY, MAY 19, 2009

9:30 A. M.

RALEIGH, NORTH CAROLINA

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832175 & PH-1981 RWR 9:30	NATHANIEL EDMUNDSON v REYNOLDS CONSTRUCTION CO. NON-INSURED, & AND LEROY REYNOLDS, INDIVIDUALLY,  NORTH CAROLINA INDUSTRIAL COMMISSION v REYNOLDS CONSTRUCTION CO NON-INSURED, AND LEROY REYNOLDS, INDIVIDUALLY	PLF: LAW OFFICE OF JESSE SHAPIRO APEX, N.C. ----- N.C. DEPARTMENT OF JUSTICE RALEIGH, N.C.  DFT: CRANFILL SUMNER & HARTZOG RALEIGH, N.C.
395456 KL 9:30	CINDY L. ELKINS v WAL-MART ASSOCIATES, INC. AMERICAN HOME ASSURANCE (CLAIMS MANAGEMENT, INC.)	PLF: CHRISTINA RIVENBARK & ASSOCIATES WILMINGTON, N.C.  DFT: HEDRICK GARDNER KINCHELOE & GAROFALO, WILMINGTON, N.C.
894688 & 897771 PH 9:30	MARTIN N. JOHNSON v DAVENPORT TRANSPORTATION/ DT EXPRESS, INC. BRIDGEFIELD CASUALTY INS CO.	PLF: SCHLOSSER & PRITCHETT GREENSBORO, N.C.  DFT: HEDRICK GARDNER KINCHELOE & GAROFALO, WILMINGTON, N.C.
776627 JG 9:30	JOHNNY RAY BURRIS v R & L CARRIERS, INC SELF-INSURED (BROADSPIRE)	PLF: WALLACE & GRAHAM SALISBURY, N.C.  DFT: CRANFILL SUMNER & HARTZOG RALEIGH, N.C.
546579 RR 9:30	LANNY D. THOMPSON v ALCO, INC. SELF-INSURED (SPECIALTY RISK SERVICES)	PLF: WALLACE & GRAHAM SALISBURY, N.C.  DFT: OGLETREE DEAKINS NASH SMOAK & STEWART, GREENSBORO, N.C.

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BERNADINE S. BALLANCE, PANEL CHAIR  
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DIANNE C. SELLERS, COMMISSIONER

TUESDAY, MAY 19, 2009

1:30 P.M. RALEIGH, NORTH CAROLINA

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686579 ADELE MCWHIRTER  
AP v  
1:30 ALL WAYS IN STORE SOUTH  
ONE BEACON INSURANCE

PLF: JUDITH C. FRASER  
ASHEVILLE, N.C.  
DFT: YOUNG MOORE & HENDERSON  
RALEIGH, N.C.

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647687 TESSIE K. JOSLIN  
AP v  
1:30 STAFF ONE, INC.  
WAUSAU UNDERWRITERS INS CO.

PLF: BRUMBAUGH MU & KING  
JACKSONVILLE, N.C.  
DFT: CRANFILL SUMNER & HARTZOG  
WILMINGTON, N.C.

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336305 ALDON FORSYTHE  
GH v  
1:30 SUNLAND DEVELOPMENT AND  
CONSTRUCTION  
KEY RISK INSURANCE CO., INC.

PLF: BRUMBAUGH MU & KING  
JACKSONVILLE, N.C.  
DFT: ALLEN KOPET & ASSOCIATES  
RALEIGH, N.C.

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