

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 June 2, 4, and 10, 2009, all motions, requests for continuances, and telephone inquiries should be directed to the attention of Michelle D. Denning, Legal Specialist to Commissioner Dianne C. Sellers, Dobbs Building, 4336 Mail Service Center, Raleigh, North Carolina 27699. The telephone number for Ms. Denning is (919) 807-2668. 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:

**JUNE 2, 4 & 10, 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

DIANNE C. SELLERS, PANEL CHAIR
LAURA K. MAVRETIC, COMMISSIONER
STACI MEYER, COMMISSIONER

TUESDAY, JUNE 2, 2009

9:30 A.M.

RALEIGH, NORTH CAROLINA

886433 & PH-2012 AP 9:30	ERNEST TODD WOODLIFF v THOMAS FITZPATRICK D/B/A CUSTOM WOODWORK UNLIMITED, NON-INSURED, AND THOMAS FITZPATRICK, INDIVIDUALLY NORTH CAROLINA INDUSTRIAL COMMISSION v THOMAS FITZPATRICK D/B/A CUSTOM WOODWORK UNLIMITED, NON-INSURED, AND THOMAS FITZPATRICK, INDIVIDUALLY	PLF: RICHARD W. FORRESTER GREENSBORO, N.C. ----- N.C. DEPARTMENT OF JUSTICE RALEIGH, N.C. DFT: J.D. PRATHER RALEIGH, N.C.
791216 KL 9:30	MARY JO EDGERTON v WYTHE ADVANTAGE, SELF-INSURED, AND NCME FUND, C/O ISURITY, INC.	PLF: CLAYTON MYRICK MCCLANAHAN & COULTER, DURHAM, N.C. DFT: ORBOCK RUARK & DILLARD WINSTON-SALEM, N.C.
709328 JG 9:30	COLLIE WOOTEN v DILLARD'S, INC. GALLAGHER BASSETT	PLF: LAW OFFICES TIMOTHY D. WELBORN WINSTON-SALEM, N.C. DFT: MCANGUS GOUDELOCK & COURIE CHARLOTTE, N.C.
769813 BH 9:30	DESSIE D. FOX v NORTH CAROLINA STATE VETERANS HOME PHOENIX INSURANCE COMPANY	PLF: PRO SE DFT: HEDRICK GARDNER KINCHELOE & GAROFALO, CHARLOTTE, N.C.

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

NORTH CAROLINA INDUSTRIAL COMMISSION
FULL COMMISSION
REVIEW DOCKET

DIANNE C. SELLERS, PANEL CHAIR
LAURA K. MAVRETIC, COMMISSIONER
STACI MEYER, COMMISSIONER

TUESDAY, JUNE 2, 2009

1:30 P.M.

RALEIGH, NORTH CAROLINA

239411	HEATH COLLINS	PLF:	JUDITH FRASER
&	v		WAYNESVILLE, N.C.
266663	WAL-MART STORES, INC.	DFT:	HEDRICK GARDNER KINCHELOE &
JD	AMERICAN HOME ASSURANCE		GARAFALO, WILMINGTON, N.C.
1:30			

(BALLANCE*, MEYER & YOUNG)

697673	LARRY E. WILSON	PLF:	ROOT & ROOT
&	v		WEAVERVILLE, N.C.
PH-1873	MARK HINSON D/B/A		
RWR	HINSON'S PROFESSIONAL LAWN		N.C. DEPARTMENT OF JUSTICE
1:30	CARE AND LANDSCAPING,		RALEIGH, N.C.
	NON-INSURED, AND	DFT:	LEICHT & OLINGER
	MARK HINSON, INDIVIDUALLY		ASHEVILLE, N.C.
	NORTH CAROLINA INDUSTRIAL		
	COMMISSION		
	v		
	MARK HINSON D/B/A		
	HINSON'S PROFESSIONAL LAWN		
	CARE AND LANDSCAPING,		
	NON-INSURED, AND		
	MARK HINSON, INDIVIDUALLY		

NORTH CAROLINA INDUSTRIAL COMMISSION
FULL COMMISSION
REVIEW DOCKET

DIANNE C. SELLERS, PANEL CHAIR
LAURA K. MAVRETIC, COMMISSIONER
STACI MEYER, COMMISSIONER

THURSDAY, JUNE 4, 2009

1:30 P.M.

RALEIGH, NORTH CAROLINA

764722 DARYL ALEXANDER BEY-EL
JD v

1:30 MAX DAETWYLER
RESET THE HARTFORD

PLF: PRO SE

DFT: HEDRICK GARDNER KINCHELOE &
GAROFALO, CHARLOTTE, N.C.

(MAVRETIC*, SCOTT & SELLERS)

779904 PATRICIA L. ALONZO
BD v

1:30 LOVING HANDS CLEANING
LIBERTY MUTUAL INSURANCE CO.

PLF: WILLIS & WILLIS
HARBINGER, N.C.

DFT: MULLEN HOLLAND & COOPER
GASTONIA, N.C.

NORTH CAROLINA INDUSTRIAL COMMISSION
FULL COMMISSION
REVIEW DOCKET

DIANNE C. SELLERS, PANEL CHAIR
LAURA K. MAVRETIC, COMMISSIONER
STACI MEYER, COMMISSIONER

WEDNESDAY, JUNE 10, 2009

9:30 A.M.

RALEIGH, NORTH CAROLINA

813557 & PH-2040 RWR 9:30	GEORGE W. BROWN v KVS CONSTRUCTION (SUB), ALLEGED NON-INSURED, AND/OR FLAHERTY & COLLINS, INC. (GEN) AND/OR WESTFIELD INS CO. AND/OR AIG CLAIM SERVICES NORTH CAROLINA INDUSTRIAL COMMISSION v KVS CONSTRUCTION (SUB), ALLEGED NON-INSURED, AND JAMES FLEMING, INDIVIDUALLY, AND KEITH SUGGS, INDIVIDUALLY	PLF: LAW OFFICE OF K. GREGORY GUNTER RALEIGH, N.C. N.C. DEPARTMENT OF JUSTICE RALEIGH, N.C. DFT: HEDRICK GARDNER KINCHELOE & GAROFALO, RALEIGH, NC ----- TEAGUE CAMPBELL DENNIS & GORHAM, RALEIGH, N.C.
255772 PH 9:30	DORIS P. SIMMONS v MELLON HR SOLUTIONS THE TRAVELERS INSURANCE	PLF: PERRY PERRY & PERRY DURHAM, N.C. DFT: HEDRICK GARDNER KINCHELOE & GAROFALO, RALEIGH, N.C.
796024 AP 9:30	PAUL E. HAYES v MCLANE COMPANY NEW HAMPSHIRE INSURANCE CO., C/O AIG CLAIMS SERVICES, INC.	PLF: ROSE RAND WILSON, N.C. DFT: ROBINSON & LAWING WINSTON-SALEM, N.C.
600139 GG 9:30	DANIEL W. PHILLIPS v WAKE FOREST UNIVERSITY SCHOOL OF MEDICINE NORTH CAROLINA BAPTIST HOSPITAL	PLF: CHARLES PEED & ASSOCIATES WINSTON-SALEM, N.C. DFT: WOMBLE CARLYLE SANDRIDGE & RICE, WINSTON-SALEM, N.C.

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

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FULL COMMISSION
REVIEW DOCKET

DIANNE C. SELLERS, PANEL CHAIR
LAURA K. MAVRETIC, COMMISSIONER
STACI MEYER, COMMISSIONER

WEDNESDAY, JUNE 10, 2009

1:30 P.M.

RALEIGH, NORTH CAROLINA

664422 JG 1:30	GERALD E. DOWLING v PHILLIP MORRIS USA, INC. ESIS	PLF: DORAN SHELBY PETHEL & HUDSON SALISBURY, N.C. DFT: HUNTON & WILLIAMS CHARLOTTE, N.C.
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899133 & PH-2058 RWR 1:30	DAMION HERNANDEZ v KELLY DURHAM, D/B/A DBL CONSTRUCTION, A/K/A D&D BUILDERS (SUB), NON-INSURED, AND/OR MONTEITH CONSTRUCTION CORP (GEN) AND/OR BERKELEY MID-ATLANTIC, T.P.A. FOR UNION INS CO., AND/OR WILLIAM C. REAMES, D/B/A BILL REAMES INSURANCE AGENCY, AND/OR NATIONWIDE INSURANCE NORTH CAROLINA INDUSTRIAL COMMISSION v. KELLY DURHAM D/B/A DBL CONSTRUCTION, A/K/A D&D BUILDERS (SUB), NON-INSURED, AND KELLY DURHAM, INDIVIDUALLY	PLF: THE OLIVE LAW FIRM CHARLOTTE, N.C. ----- N.C. DEPARTMENT OF JUSTICE RALEIGH, N.C. DFT: KELLY DURHAM, PRO SE KANNAPOLIS, N.C. ----- YOUNG MOORE & HENDERSON RALEIGH, N.C. ----- MCGUIRE WOODS CHARLOTTE, N.C. ----- MCCORMICK & ASSOCIATES, CHAPEL HILL, N.C. ----- MCANGUS GOUDELOCK & COURIE CHARLOTTE, N.C.
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