

Michael F. Easley, Governor  
Buck Lattimore, Chairman



## North Carolina Industrial Commission

Thomas J. Bolch, Commissioner  
Laura K. Mavretic, Commissioner  
Christopher Scott, Commissioner  
Dianne C. Sellers, Commissioner  
Pamela T. Young, Commissioner

### 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 15, 16 & 27, 2005, all motions, requests for continuances, and telephone inquiries should be directed to the attention of Christina Kesler, Agency Legal Specialist to Chairman Buck Lattimore, Dobbs Building, 430 N. Salisbury Street, Raleigh, North Carolina 27611. The telephone number for Ms. Kesler is (919) 807-2510. 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 15, 16 & 27, 2005  
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

A handwritten signature in cursive script that reads "Linda D. Langdon".

Linda D. Langdon  
Docket Director

NORTH CAROLINA INDUSTRIAL COMMISSION  
FULL COMMISSION  
REVIEW                      DOCKET

BUCK LATIMORE, CHAIRMAN  
BERNADINE BALLANCE, COMMISSIONER  
PAMELA YOUNG, COMMISSIONER

WEDNESDAY, JUNE 15, 2005

9:30 A.M. RALEIGH, NORTH CAROLINA

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| 299018<br>AP<br>9:30 | REBA DUNCAN<br>v<br>GUILFORD COUNTY SCHOOLS<br>KEY RISK MANAGEMENT SERVICE         | PLF: PATTERSON HARKAVY<br>CHAPEL HILL, N.C.<br><br>DFT: OFFICE OF THE ATTORNEY GENERAL'S<br>LAURA GENDY, RALEIGH, N.C. |
| 293511<br>KL<br>9:30 | OPAL R. JETT<br>v<br>CAMPBELL OIL COMPANY<br>FEDERATED MUTUAL INS CO.              | PLF: BRUMBAUGH MU & KING<br>JACKSONVILLE, N.C.<br><br>DFT: HEDRICK EATMAN GARDNER &<br>KINCHELOE, RALEIGH, N.C.        |
| 282627<br>BH<br>9:30 | PAM M. RAYL<br>v<br>BALD HEAD ISLAND<br>KEMPER INSURANCE CO.                       | PLF: BRUMBAUGH MU & KING<br>JACKSONVILLE, N.C.<br><br>DFT: WILSON & RATLEDGE<br>RALEIGH, N.C.                          |
| 136817<br>TS<br>9:30 | JOHN MCCOY<br>v<br>WAL-MART<br>AMERICAN HOME ASSURANCE                             | PLF: HUGGINS POUNDS & DAVIS<br>LUMBERTON, N.C.<br><br>DFT: YOUNG MOORE & HENDERSON<br>RALEIGH, N.C.                    |
| 266566<br>AP<br>9:30 | ROBERT L. PITTS, JR.<br>v<br>UNITED PARCEL SERVICES, INC<br>LIBERTY MUTUAL INS CO. | PLF: THE MAYNARD LAW FIRM<br>ELIZABETHTOWN, N.C.<br><br>DFT: HEDRICK EATMAN GARDNER<br>KINCHELOE, CHARLOTTE, N.C.      |

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

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WEDNESDAY, JUNE 15, 2005

1:30 P.M. RALEIGH, NORTH CAROLINA

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| 205836<br>GG<br>1:30 | LEWIS JUSTIS<br>v<br>SECURE TERMITE & PEST<br>LEGION INSURANCE/ COMP<br>FIRST | PLF: ANDERSON LAW FIRM<br>GREENVILLE, S.C.<br><br>DFT: HEDRICK EATMAN GARDNER &<br>KINCHELOE, CHARLOTTE, N.C.                |
| 328571<br>AP<br>1:30 | SCOTT MULLIS<br>v<br>MBM CORPORATION<br>TRAVELERS INSURANCE CO.               | PLF: DORN SHELBY PETHEL &<br>HUDSON, SALISBURY, N.C.<br><br>DFT: HEDRICK EATMAN GARDNER &<br>KINCHELOE, CHARLOTTE, N.C.      |
| 933687<br>SG         | KARLA KOVASH<br>v<br>JONES INTERCABLE, INC.<br>LIBERTY MUTUAL INSURANCE CO.   | PLF: FURGUSON STEIN CHAMBERS ADKINS<br>GRESHAM & SUMTER, CHARLOTTE, NC<br><br>DFT: MULLEN HOLLAND & COOPER<br>GASTONIA, N.C. |

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BERNADINE BALLANCE, COMMISSIONER  
PAMELA YOUNG, COMMISSIONER

THURSDAY, JUNE 16, 2005

9:30 A.M. RALEIGH, NORTH CAROLINA

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| 363819<br>BH<br>9:30    | DAVID M. COSTIN<br>v<br>LOUISIANA PACIFIC CORP<br>SELF-INSURED                           | PLF: LAW OFFICE OF MELINDA H. CROUCH<br>WILMINGTON, N.C.<br><br>DFT: CRANFILL SUMNER & HARTZOG<br>WILMINGTON, N.C. |
| 351171<br>CS<br>9:30    | DARRELL C. MORRIS<br>v<br>BARNES TRANSPORTATION SERVICES<br>NATIONAL BENEFIT AMERICA     | PLF: KEEL O'MALLEY<br>TARBORO, N.C.<br><br>DFT: HEDRICK EATMAN GARDNER &<br>KINCHELOE, RALEIGH, N.C.               |
| 202273<br>KL<br>9:30    | LAWRENCE M. NOBLES<br>v<br>MID ATLANTIC TOOL & DIE, INC.<br>THE HARTFORD                 | PLF: KELL O'MALLEY<br>TARBORO, N.C.<br><br>DFT: CRANFILL SUMNER & HARTZOG<br>RALEIGH, N.C.                         |
| 234937<br>WT/NT<br>9:30 | VICTOR EVERHART<br>v<br>WALGREEN'S<br>AMERICAN MANUFACTURERS<br>MUTUAL INSURANCE COMPANY | PLF: HODGMAN & OXNER<br>GREENSBORO, N.C.<br><br>DFT: BROTHERTON FORD YEOMAN &<br>WORLEY, GREENSBORO, N.C.          |

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WEDNESDAY, JUNE 16, 2005

1:30 P.M. RALEIGH, NORTH CAROLINA

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| 345811<br>NG<br>1:30                | JOLIE EVANS AND MINOR CHILDREN<br>AVERY ALLEN EVANS AND DEVIN<br>JOHN MULLER BY AND THROUGH<br>THEIR GAL MARTHA ODOM AND<br>MINOR CHILDREN CARNELL<br>ANTONIO MULLER AND JUSTIN<br>LAMAR MULLER BY AND THROUGH<br>THEIR GAL SHUNTE MCLEMORE AND<br>JOHN MULLER, DECEASED<br><br>v<br>SOUTH LUBES, INC.<br>ZENITH INSURANCE COMPANY<br>(LATTIMORE, * YOUNG & SCOTT) | PLF: FERGUSON STEIN CHAMBERS ADKINS<br>GRESHAM & SUMTER, CHARLOTTE, NC<br><br>-----<br>MURPHY & CHAPMAN<br>CHARLOTTE, N.C.<br><br>-----<br>CARNELL ANTONIO MULLER AND<br>JUSTIN LAMAR MULLER, PRO SE.<br><br>DFT: MORRIS YORK WILLIAMS SURLES &<br>BARRINGER, CHARLOTTE, N.C. |
| 350814<br>BH<br>1:30                | KENNETH CHAVERS<br><br>v<br>POLYVISION CORP<br>LIBERTY MUTUAL INSURANCE CO.  | PLF: THE SUMWALT LAW FIRM<br>CHARLOTTE, N.C.<br><br>DFT: VAN WINKLE LAW FIRM<br>ASHEVILLE, N.C.   |
| 359776<br>GH<br>1:30<br><br>PH-1101 | HERMAN S. MORRIS<br><br>v<br>TRAID MECHANICAL AND WELDING, INC.<br>NON-INSURED<br>NORTH CAROLINA INDUSTRIAL<br>COMMISSION<br><br>v<br>TRIAD MECHANICAL AND WELDING, INC.<br>NON-INSURED  | PLF: CRUMLEY & ASSOCIATES<br>ASHEBORO, N.C.<br><br>-----<br>OFFICE OF THE ATTORNEY GENERAL<br>SCARLETTE GARDNER, RALEIGH, N.C.<br><br>DFT: CONSTANGY BROOKS & SMITH<br>ASHEVILLE, N.C.  |

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BUCK LATTIMORE, CHAIRMAN  
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MONDAY, JUNE 27, 2005

9:30 A.M. RALEIGH, NORTH CAROLINA

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| 346691<br>TS<br>9:30 | NORMA G. HOLLIN<br>v<br>JOHNSTON COUNTY COUNCIL<br>ON AGING<br>LIBERTY MUTUAL INSURANCE CO. | PLF: BRENT ADAMS & ASSOCIATES<br>DUNN, N.C.<br><br>DFT: HEDRICK EATMAN GARDNER &<br>KINCHELOE, RALEIGH, N.C.         |
| 352884<br>BD<br>9:30 | CAROLYN D. SMITH<br>v<br>MORTEX CORPORATION<br>KEY RISK INSURANCE COMPANY                   | PLF: MORRISON LAW FIRM<br>WILSON, N.C.<br><br>ROSE RAND<br>WILSON, N.C.<br><br>DFT: LEWIS & ROBERTS<br>RALEIGH, N.C. |
| 985709<br>CS<br>9:30 | SHIRLEY NICHOLSON<br>v<br>MAY APPAREL GROUP<br>AMERICAN PROTECTION INS CO.                  | PLF: EARLY & CHANDLER<br>ROCKY MOUNT, N.C.<br><br>DFT: LEWIS & ROBERTS<br>RALEIGH, N.C.                              |
| 383755<br>AP<br>9:30 | GLENN B. MOORE<br>v<br>COVENANT TRANSPORT, ET AL<br>REGAL INSURANCE COMPANY<br>OF TENNESSEE | PLF: LAW OFFICE RAYMOND M. MARSHALL<br>WINSTON-SALEM, N.C.<br><br>DFT: BROWN CRUMP VANORE & TIERNEY<br>RALEIGH, N.C. |
| 243394<br>GG<br>9:30 | VERA PARKER<br>v<br>WAL-MART<br>AMERICAN HOME ASSURANCE                                     | PLF: ANNA E. CALDWELL & ASSOCIATES<br>WINSTON-SALEM, N.C.<br><br>DFT: YOUNG MOORE & HENDERSON<br>RALEIGH, N.C.       |

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MONDAY, JUNE 27, 2005

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| V-00021<br>LD<br>1:30                    | ANDREW GOETZ AND CATHERINE<br>GOETZ GAL FOR THE MINOR CHILD<br>HAYDEN L. GOETZ<br>v<br>WYETH-LEDERLE VACCINES<br>AND N.C. DEPARTMENT OF HEALTH<br>AND HUMAN SERVICES | PLF: WALLACE CREECH & SARDA<br>RALEIGH, N.C.<br><br>DFT: ATTORNEY GENERAL'S OFFICE<br>RALEIGH, N.C.          |
| <b>(BALLANCE, BOLCH &amp; MAVRETIC)</b>  |  |  |
| 371596<br>LD<br>1:30                     | OCTAVIO L. ALVARADO<br>v<br>TYSON FOODS, INC<br>SELF-INSURED   | PLF: WALDEN & WALDEN<br>WINSTON-SALEM, N.C.<br><br>DFT: ORBOCK BOWDEN RUARK & DILLARD<br>WINSTON-SALEM, N.C. |
| 241745<br>GG<br>1:30                     | RANDOLPH BLOUNT<br>v<br>RUDDICK CORPORATION<br>RSKCO   | PLF: MICHAEL C.D'AGATA<br>CHARLOTTE, N.C.<br><br>DFT: ALALA MULLEN HOLLAND &<br>COOPER, GASTONIA, N.C.       |
| 257248<br>234355<br>261201<br>GG<br>1:30 | RAYMOND M. ARD<br>v<br>OWENS-ILLINOIS<br>GAB ROBINS NORTH AMERICA, INC.  | PLF: POISSON POISSON BOWER &<br>CLODFELTER, WADESBORO, N.C.<br><br>DFT: BROOKS STEVENS & POPE<br>CARY, N.C.  |

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