

Michael F. Easley, Governor
Buck Lattimore, Chairman



Bernadine S. Ballance, Commissioner
Thomas J. Bolch, Commissioner
Laura K. Mavretic, Commissioner
Christopher Scott, Commissioner
Dianne C. Sellers, Commissioner
Pamela T. Young, 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 July 18 & 20, 2006, all motions, requests for continuances, and telephone inquiries should be directed to the attention of Kristi Bellamy, Agency Legal Specialist to Commissioner Bernadine S. Ballance, Dobbs Building, 4336 Mail Service Center, Raleigh, North Carolina 27699. The telephone number for Ms. Bellamy is (919) 807-2542. 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 the 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:

JULY 18 & 20, 2006
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. 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

BERNADINE BALLANCE, CHAIR
CHRISTOPHER SCOTT, COMMISSIONER
PAMELA T. YOUNG, COMMISSIONER

TUESDAY , JULY 18, 2006

9:30 A.M. RALEIGH, NORTH CAROLINA

301097 PB 9:30	JUAN F. VILLAREAL v TARGET STORES SELF-INSURED (SEDGWICK JAMES CAROLINA)	PLF: SCUDDER & HEDRICK RALEIGH, N.C. DFT: CRANFILL SUMNER & HARTZOG RALEIGH, N.C.
635281 KL 9:30	MICHAEL L. HUNTER v APAC/BARRUS CONSTRUCTION CO. ESIS	PLF: WARD & SMITH RALEIGH, N.C. DFT: WOMBLE CARLYLE SANDRIDGE & RICE, RALEIGH, N.C.
273029 RR 9:30	JIMMY K. WILLIAMSON v FLUOR CORPORATION SELF-INSURED (CNA)	PLF: BRENT ADAMS & ASSOCIATES DUNN, N.C. DFT: TEAGUE CAMPBELL DENNIS & GORHAM, RALEIGH, N.C.
292466 KL 9:30	SYLVIA L. PERKINS v PITT COUNTY MEMORIAL HOSPITAL SELF-INSURED AEGIS ADMINISTRATIVE SERVICES	PLF: PERRY ANTHONY & SOSNA ROCKY MOUNT, N.C. DFT: TEAGUE CAMPBELL DENNIS & GORHAM, RALEIGH, N.C.
428107 MC 9:30	JACKIE SHACKLEFORD v DOBBS SCHOOL/N.C. DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION SELF-INSURED (KEY RISK MANAGEMENT)	PLF: HARRINGTON SAUNDERS & JONES GREENVILLE, N.C. DFT: NC DEPARTMENT OF JUSTICE GARY SCARZAFAVA, RALEIGH, N.C.
159628 MG 9:30	BEVERLY LYNN MCKIVER v BURLINGTON INDUSTRIES INC. SELF-INSURED (CRAWFORD & COMPANY)	PLF: HARRINGTON SAUNDER & JONES GREENVILLE, N.C. DFT: HEDRICK EATMAN GARDNER & KINCHELOE, CHARLOTTE, N.C.

CONTINUED

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TUESDAY , JULY 18, 2006

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062477	LOUIS DAN BORDEAUX	PLF:	KATHLEEN SHANNON GLANCY
&	v		WILMINGTON, N.C.

405994	MURPHY FAMILY FARMS		
MC	CLARENDON NATIONAL INS CO.	DFT:	TEAGUE CAMPBELL DENNIS &
9:30	(NORTH AMERICAN RISK AND		GORHAM, RALEIGH, N.C.
	FORMERLY KEY RISK MANAGEMENT)		-----
	AND/OR		LEWIS & ROBERTS
	DISCOVERY INSURANCE CO.		RALEIGH, N.C.
	(GALLAGHER BASSETT)		-----

PRATHER LAW FIRM
J.D. PRATHER, RALEIGH, N.C.

HEDRICK EATMAN GARDNER &
KINCHELOE, CHARLOTTE, N.C.

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

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TUESDAY, JULY 18, 2006

1:30 P.M. RALEIGH, NORTH CAROLINA

302118 DB 1:30 RE-SET	VONDA KAY BROWN v THE KROGER CO. SEDGWICK CLAIMS MANAGEMENT (SCOTT *, LATTIMORE & YOUNG)	PLF: THE LAW OFFICE OF FAITH HERNDON RALEIGH, N.C. DFT: TEAGUE CAMPBELL DENNIS & GORHAM, RALEIGH, N.C.
432693 & 567020 LD 1:30 RESET	MELINDA S. PURDY-BILCHECK v IBM CORPORATION LIBERTY MUTUAL INSURANCE CO. (BALLANCE*, YOUNG & SCOTT)	PLF: LAW OFFICES OF GEORGE W. LENNON, RALEIGH, N.C. DFT: CRANFILL SUMNER & HARTZOG RALEIGH, N.C.
407143 BH 1:30	BRUCE BOWLIN v CORNERSTONE REALTY TRUST PMA GROUP	PLF: LAW OFFICE OF GARY A. DODD ASHEVILLE, N.C. DFT: HEDRICK EATMAN GARDNER & KINCHELOE, CHARLOTTE, N.C.
451639 KL 1:30	KENNETH HEATHERLY v THE HOLLINGSWORTH CO, INC. STONEWOOD INSURANCE CO.	PLF: BAZZLE & CARR ASHEVILLE, N.C. DFT: BROOKS STEVENS & POPE CARY, N.C.

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THURSDAY, JULY 20, 2006

9:30 A.M. RALEIGH, NORTH CAROLINA

411574 PB 9:30	RAMIRO CRUZ-MENDOZA v STAFF MARK AIG, AND C & F FOODS, AND SAFECO	PLF: THE JERNIGAN LAW FIRM RALEIGH, N.C. ----- SCUDDER & HEDRICK RALEIGH, N.C. DFT: TEAGUE CAMPBELL DENNIS & GORHAM, RALEIGH, N.C. ----- STILES BYRUM & HORNE CHARLOTTE, N.C.
366204 BD 9:30	MICHAEL ATKINS v GOODYEAR TIRE & RUBBER CO., D/B/A KELLY SPRINGFIELD LIBERTY MUTUAL GROUP	PLF: LAW OFFICES OF KATHLEEN SUMNER GREENSBORO, N.C. DFT: CRANFILL SUMNER & HARTZOG RALEIGH, N.C.
398549 & 405782 JDE 9:30	JEFFREY D. CLABO v DELHAIZE AMERICA D/B/A FOOD LION RISK MANAGEMENT SERVICES	PLF: LAW OFFICE OF KATHLEEN SUMNER GREENSBORO, N.C. DFT: HEDRICK EATMAN GARDNER & KINCHELOE, RALEIGH, N.C.
368245 MC 9:30	CHARLES D. MEADOWS v RMG CORPORATION D/B/A ROBERTO'S RESTAURANT EVEREST REINSURANCE COMPANY (F.A. RICHARDSON & ASSOCIATES)	PLF: BRUMBAUGH MU & KING JACKSONVILLE, N.C. DFT: BROTHERTON FORD YEOMAN & WORLEY, GREENSBORO, N.C.

CONTINUED

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9:30 A.M. RALEIGH, NORTH CAROLINA

419069	ROBERT L. GREEN	PLF:	BRUMBAUGH MU & KING
MG	v		JACKSONVILLE, N.C.

9:30	STOCK BUILDING SUPPLY, INC. LIBERTY MUTUAL INSURANCE	DFT:	WILSON & RATLEDGE RALEIGH, N.C.
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342769	LEONOR R. BRAMMER	PLF:	BRUMBAUGH MU & KING
PH	v		JACKSONVILLE, N.C.

9:30	FREEDOM COMMUNICATIONS KEY RISK MANAGEMENT SERVICES	DFT:	TEAGUE CAMPBELL DENNIS & RALEIGH, N.C.
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J.D. PRATHER, RALEIGH, N.C.

443219	MICHAEL TILLERY	PLF:	BRUMBAUGH MU & KING
MG	v		JACKSONVILLE, N.C.

9:30	ROBERSON CONTRACTING, INC. AMERISURE INSURANCE	DFT:	CRANFILL SUMNER & HARTZOG RALEIGH, N.C.
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(COURT RECESS)
(ORAL ARGUMENTS TO RESUME AT 1:30 P.M)

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1:30 P.M. RALEIGH, NORTH CAROLINA

405357 PH 1:30	ROBERT N. BAKER v GRAYSTONE CONSTRUCTION BUILDERS MUTUAL INSURANCE CO.	PLF: BRUMBAUGH MU & KING JACKSONVILLE, N.C. DFT: LEWIS & ROBERTS RALEIGH, N.C.
488005 &	NATHAN ERIK FRANKLIN v WISE LANDSCAPING & TREE SERVICE NON-INSURED AND JOHN SAMUEL WISE D/B/A WISE LANDSCAPING AND TREE SERVICE AND JOHN SAMUEL WISE, INDIVIDUALLY, J. TRAVIS WISE AND E. SEAN WISE D/B/A WISE TREE SERVICE	PLF: PRO SE. DFT: YOUNG MORPHIS BACH & TAYLOR HICKORY, N.C.
PH-1363 GH 1:30	N.C. INDUSTRIAL COMMISSION v WISE LANDSCAPING & TREE SERVICE NON-INSURED AND JOHN SAMUEL WISE D/B/A WISE LANDSCAPING AND TREE SERVICE AND JOHN SAMUEL WISE, INDIVIDUALLY, SHIRLEY WISE, INDIVIDUALLY, J. TRAVIS WISE, INDIVIDUALLY, AND E SEAN WISE, INDIVIDUALLY	PLF: NC DEPARTMENT OF JUSTICE RALEIGH, N.C. DFT: YOUNG MORPHIS BACH & TAYLOR HICKORY, N.C.
737918 GG 1:30	OLIN THOMAS CHILDRESS v GAMEWELL MECHANICAL THE NORTH CAROLINA INSURANCE GUARNANTY ASSOCIATION FOR IOWA NATIONAL MUTUAL INSURANCE CO.	PLF: WALLACE & GRAHAM SALISBURY, N.C. DFT: TEAGUE CAMPBELL DENNIS & GORHAM, RALEIGH, N.C.

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THURSDAY, JULY 20, 2006

1:30 P.M. RALEIGH, NORTH CAROLINA

718064	WILLIAM R. MIDGETT	PLF:	FORBES & FORBES
JG	v		ELIZABETH CITY, N.C.
1:30	BUILT BY DWAYNE, INC.		
	BUILDERS MUTUAL INSURANCE CO.	DFT:	LEWIS & ROBERTS
			RALEIGH, N.C.

433596	DORIS HELTON MELLON	PLF:	RANDY D. DUNCAN
MG	v		HICKORY, N.C.
1:30	WHITENER HOSIERY & FINISHING CO.		
	OHIO CASUALTY INS CO.	DFT:	CRANFILL SUMNER & HARTZOG
			CHARLOTTE, N.C.
