

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 August 4, 6, and 11, 2009, all motions, requests for continuances, and telephone inquiries should be directed to the attention of James Vaughan, Agency Legal Specialist to Commissioner Dianne C. Sellers, 4336 Mail Service Center, Raleigh, North Carolina 27699. The telephone number for Mr. Vaughan is (919) 807-2522. 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:

**AUGUST 4, 6 & 11, 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

REVIEW

DOCKET

STACI MEYER, PANEL CHAIR
DANNY L. MCDONALD, COMMISSIONER
PAMELA T. YOUNG, CHAIR

TUESDAY, AUGUST 4, 2009

9:30 A.M.

RALEIGH, NORTH CAROLINA

789811 REFUGIO PERIANEZ PLF: THE BRICIO LAW FIRM
JD v CARY, N.C.

9:30 LYNN STANLEY CARR/CARR FARMS
N.C. FARM BUREAU MUTUAL INS. DFT: LEWIS & ROBERTS,
RALEIGH, N.C.

461897 WILLIAM ANDREW POINDEXTER PLF: LEWIS & DAGGETT
TS v WINSTON-SALEM, N.C.

9:30 N.C. DEPARTMENT OF CORRECTION
SELF-INSURED DFT: NC DEPARTMENT OF JUSTICE,
(KEY RISK MANAGEMENT SERVICES) RALEIGH, N.C.

789550 MARIA ESTELA MONTALVO PLF: LAW OFFICES OF K. GREGORY GUNTER
RWR v RALEIGH, N.C.

9:30 PILGRIM'S PRIDE CORPORATION
OLD REPUBLIC INS CO. DFT: MCANGUS GOUDELOCK & COURIE
CHARLOTTE, N.C.

883435 JUDY CARDWELL PLF: POPE MCMILLAN KUTTEH SIMON &
CS v PRIVETTE, STATESVILLE, N.C.

9:30 JENKINS CLEANERS, INC.
MIDWEST EMPLOYERS CASUALTY DFT: MCANGUS GOUDELOCK & COURIE
(KEY RISK INSURANCE COMPANY) CHARLOTTE, N.C.

CONTINUED

NORTH CAROLINA INDUSTRIAL COMMISSION
FULL COMMISSION
REVIEW DOCKET

STACI MEYER, PANEL CHAIR
DANNY L. MCDONALD, COMMISSIONER
PAMELA T. YOUNG, CHAIR

TUESDAY, AUGUST 4, 2009

9:30 A.M.

RALEIGH, NORTH CAROLINA

764987 &	ADOLFO SANCHEZ MARIO v A+ TREE AND CRANE SERVICES, INC., NON-INSURED, AND KENNETH ELLIS, INDIVIDUALLY; SWIFT CREEK INSURANCE & REALTY; LINDA HICKS D/B/A SWIFT CREEK INSURANCE & REALTY; AND LINDA HICKS, INDIVIDUALLY	PLF:	YOUNCE & VTIPIL RALEIGH, N.C.
			----- NC DEPARTMENT OF JUSTICE RALEIGH, N.C.
		DFT:	THIGPEN BLUE STEPHENS & FELLERS DURHAM, N.C.
			----- LINDA HICKS, RALEIGH, N.C., PRO SE

PH-1878 RWR 9:30	N.C. INDUSTRIAL COMMISSION v A+ TREE AND CRANE SERVICES, INC., NON-INSURED, AND KENNETH ELLIS, INDIVIDUALLY; SWIFT CREEK INSURANCE & REALTY; LINDA HICKS D/B/A SWIFT CREEK INSURANCE & REALTY; AND LINDA HICKS, INDIVIDUALLY
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COURT RECESS
ORAL ARGUMENT TO RESUME AT 1:30 P.M.

NORTH CAROLINA INDUSTRIAL COMMISSION
FULL COMMISSION
REVIEW DOCKET

STACI MEYER, PANEL CHAIR
DANNY MCDONALD, COMMISSIONER
PAMELA T. YOUNG, CHAIR

TUESDAY, AUGUST 4, 2009

1:30 P.M.

RALEIGH, NORTH CAROLINA

249021 JAMES H. GREEN
MG v
1:30 AUSTIN QUALITY FOODS
 GALLAGHER BASSETT
 SERVICES, INC.

PLF: LENNON & CAMAK
 RALEIGH, N.C.

DFT: PATTERSON DILTHEY
 RALEIGH, N.C.

(MEYER*, YOUNG & BALLANCE)

155195 ALFRED T. DAYWALT
WT v
1:30 NORANDAL USA, INC.
 ST. PAUL TRAVELERS

PLF: WALLACE & GRAHAM
 SALISBURY, N.C.

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

(YOUNG*, SCOTT & BALLANCE)

541184 TOBBI BOLDEN
SM v
ADM TRANSIT MANAGEMENT OF
APP CHARLOTTE, SELF-INSURED
1:30 (COMPENSATION CLAIMS SOLUTION)

PLF: PRO SE

DFT: SMITH LAW FIRM
 CHARLOTTE, N.C.

(SCOTT*, YOUNG & MEYER)

NORTH CAROLINA INDUSTRIAL COMMISSION
FULL COMMISSION
REVIEW DOCKET

DIANNE SELLERS, PANEL CHAIR
DANNY MCDONALD, COMMISSIONER
STACI MEYER, COMMISSIONER

THURSDAY, AUGUST 6, 2009

9:30 A.M.

RALEIGH, NORTH CAROLINA

567707 & 583817 MC 9:30	SELMA E. WASHINGTON v POLYMER GROUP, INC. D/B/A CHICOPEE THE HARTFORD INS CO.	PLF: RICCI LAW FIRM GREENVILLE, N.C. DFT: CRANFILL SUMNER & HARTZOG RALEIGH, N.C.
691819 & 700776 JG 9:30	JACQUES REVILLE v N.C. DEPARTMENT OF CORRECTION SELF-INSURED (KEY RISK MANAGEMENT SERVICES)	PLF: WOODROW W. GUNTER, II ROCKINGHAM, N.C. DFT: NC DEPARTMENT OF JUSTICE RALEIGH, N.C.
851577 GH 9:30	ANNIE SAWYER v GLENCARE ASSISTED LIVING KEY RISK INSURANCE COMPANY	PLF: BRUMBAUGH MU & KING JACKSONVILLE, N.C. DFT: BROOKS STEVENS & POPE RALEIGH, N.C.
648377 GH 9:30	TERI MCELMURRY v CAMP LEJEUNE SERVICE SOURCE EMPLOYMENT SERVICES THE HARTFORD INSURANCE	PLF: BRUMBAUGH MU & KING JACKSONVILLE, N.C. DFT: CRANFILL SUMNER & HARTZOG WILMINGTON, N.C.
787369 BH 9:30	KIZZY L. HUNTER v CITIBANK CARDS TRAVELERS INSURANCE CO.	PLF: PRO SE DFT: ORBOCK RUARK & DILLARD WINSTON-SALEM, N.C.

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

NORTH CAROLINA INDUSTRIAL COMMISSION
FULL COMMISSION
REVIEW DOCKET

DIANNE SELLERS, PANEL CHAIR
DANNY MCDONALD, COMMISSIONER
STACI MEYER, COMMISSIONER

THURSDAY, AUGUST 6, 2009

1:30 P.M.

RALEIGH, NORTH CAROLINA

019947 MONA LISA SMYTHE
JD v
1:30 WAFFLE HOUSE
 BRENTWOOD CLAIMS

 (SELLERS*, YOUNG & SCOTT)

PLF: GANLY & RAMER
 ASHEVILLE, N.C.

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

369771 JANE SHIRLEY HENRY REEVES
& v
885946 WAL-MART
CS CLAIMS MANAGEMENT, INC.
1:30

PLF: RANDY D. DUNCAN
 HICKORY, N.C.

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

790487 RALPH PRESLAR
CS v
1:30 C.R. LAINE FURNITURE
 PMA INSURANCE GROUP, AND
 TRAVELERS INDEMNITY COMPANY
 OF AMERICA

PLF: RANDY D. DUNCAN
 HICKORY, N.C.

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

MCANGUS GOUDELOCK & COURIE
CHARLOTTE, N.C.

RUDISILL WHITE & KAPLAN
CHARLOTTE, N.C.

NORTH CAROLINA INDUSTRIAL COMMISSION
FULL COMMISSION
REVIEW DOCKET

DIANNE SELLERS, PANEL CHAIR
DANNY MCDONALD, COMMISSIONER
STACI MEYER, COMMISSIONER

TUESDAY, AUGUST 11, 2009

9:30 A.M.

RALEIGH, NORTH CAROLINA

867633 STAPHANY PORTER
RWR v
9:30 ST. AUGUSTINE'S COLLEGE
 SYNERGY COVERAGE SOLUTIONS

PLF: OXNER THOMAS & PERMAR
RALEIGH, N.C.

DFT: CRANFILL SUMNER & HARTZOG
RALEIGH, N.C.

872829 BRENDA STEWART
PH v
9:30 THE MOSES H. CONE MEMORIAL
 HOSPITAL CORPORATION/ MOSES
 CONE HEALTH SYSTEM
 SELF-INSURED
 (CORVEL CORPORATION)

PLF: THE DEUTERMAN LAW GROUP
GREENSBORO, N.C.

DFT: SMITH MOORE LEATHERWOOD
GREENSBORO, N.C.

440919 RANFERI D. PEREZ
MG v
9:30 STEVEN CLARK D/B/A
 YOUNG BUCKS CONSTRUCTION
 STATE FARM FIRE & CASUALTY CO.

PLF: POISSON POISSON & BOWER
WADESBORO, N.C.

DFT: BROOKS STEVENS & POPE
RALEIGH, N.C.

765217 ORLANDO MERCADO
RR v
9:30 BALD HEAD LIMITED, LLC,
 WAUSAU INSURANCE COMPANY

PLF: DAVID & ASSOCIATES
WILMINGTON, N.C.

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

860446 ROBERT E. HARVEST
JD v
9:30 PROFESSIONAL HEATING, AIR
 CONDITIONING & VENTILATION,
 INC.
 GENERAL CASUALTY INS CO.

PLF: KELLUM LAW FIRM
NEW BERN, N.C.

DFT: TEAGUE CAMPBELL DENNIS &
GORHAM, RALEIGH, NC

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

NORTH CAROLINA INDUSTRIAL COMMISSION
FULL COMMISSION
REVIEW DOCKET

DIANNE SELLERS, PANEL CHAIR
DANNY MCDONALD, COMMISSIONER
STACI MEYER, COMMISSIONER

TUESDAY, AUGUST 11, 2009

1:30 P.M.

RALEIGH, NORTH CAROLINA

787524 RH 1:30	HENRY LEWIS v ACTION ELECTRIC CO., INC. NATIONAL TRUST INSURANCE CO., C/O FCCI INSURANCE CO.	PLF: GARY DODD ASHEVILLE, N.C. DFT: MCANGUS GOUDELOCK & COURIE CHARLOTTE, N.C.
802224 PH 1:30	JAMES FERGUSON v PILGRIM'S PRIDE SEDGWICK CMS	PLF: LAW OFFICES OF TIMOTHY D. WELBORN, WILKESBORO, N.C. DFT: CRANFILL SUMNER & HARTZOG CHARLOTTE, N.C.
839371 PH 1:30	JONATHAN FARMER v BOONE FORD LINCOLN MERCURY BRENTWOOD SERVICES INC.	PLF: LAW OFFICES OF TIMOTHY D. WELBORN, WILKESBORO, N.C. DFT: TEAGUE CAMPBELL DENNIS & GORHAM, RALEIGH, N.C.
