

Beverly Eaves Perdue, Governor  
Pamela T. Young, Chair



Bernadine S. Ballance, Commissioner  
Linda Cheatham, Commissioner  
Danny L. McDonald, Commissioner  
Staci Meyer, Commissioner  
Christopher Scott, 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 9, 10, and 11, 2011, all motions, requests for continuances, and telephone inquiries should be directed to the attention of Janet Miller, Legal Assistant to Commissioner Bernadine Ballance, Dobbs Building, 4336 Mail Service Center, Raleigh, North Carolina 27699. The telephone number for Ms. Miller is (919) 807-2515. 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:

**AUGUST 9, 10 & 11, 2011  
DOBBS BUILDING  
SECOND FLOOR, ROOM 2173  
430 NORTH SALISBURY STREET  
RALEIGH, NC 27603**

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  
DANNY L. MCDONALD, COMMISSIONER  
STACI MEYER, COMMISSIONER

TUESDAY, AUGUST 9, 2011

9:00 A.M.

RALEIGH, NORTH CAROLINA

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350745 BD 9:00	CARLTON L. EVERETT v DANNY'S MOBILE HOME SERVICE PRINCETON INSURANCE COMPANY	PLF: K. GREGORY GUNTER RALEIGH, N.C. DFT: TEAGUE CAMPBELL DENNIS & GORHAM, RALEIGH, N.C.
899298 GH 9:00	ALFORD K. IRBY v VERTELLUS SPECIALTIES, INC. AMERICAN HOME INSURANCE	PLF: OXNER THOMAS + PERMAR GREENSBORO, N.C. DFT: HEDRICK GARDNER KINCHELOE & GAROFALO, CHARLOTTE, N.C.
199429 GH 9:00	LARRY CHAVIS v ASM CONSTRUCTION COMMERCE & INDUSTRY INSURANCE COMPANY C/O CHARTIS CLAIMS INC.	PLF: OXNER THOMAS + PERMAR RALEIGH, N.C. DFT: MCANGUS GOUDELOCK & COURIE CHARLOTTE, N.C.
W48934 VH 9:00	ROBERTO LOPEZ v CONCRETE SUPPLY COMPANY THE PHOENIX INSURANCE COMPANY	PLF: THE LAW OFFICES OF MICHAEL A. DEMAYO, CHARLOTTE, N.C. DFT: MCANGUS GOUDELOCK & COURIE CHARLOTTE, N.C.

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

NORTH CAROLINA INDUSTRIAL COMMISSION  
FULL COMMISSION  
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BERNADINE S. BALLANCE, PANEL CHAIR  
DANNY L. MCDONALD, COMMISSIONER  
STACI MEYER, COMMISSIONER

TUESDAY, AUGUST 9, 2011

1:30 P.M.

RALEIGH, NORTH CAROLINA

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770627 KL 1:30	RONALD K. MERRILL v JUPITER VOLUNTEER FIRE DEPARTMENT VOLUNTEER SAFETY WORKERS COMPENSATION FUND	PLF: GARY A. DODD ASHEVILLE, N.C.  DFT: CRANFILL SUMNER & HARTZOG RALEIGH, N.C.
990433 PB 1:30	TIMOTHY W. JONES v MORRIS JENKINS HEATING & COOLING STONEWOOD INSURANCE COMPANY	PLF: THE ROBERTS LAW FIRM GASTONIA, N.C.  DFT: YOUNG MOORE & HENDERSON RALEIGH, N.C.
W76158 VH 1:30	JAMES THOMAS HARWOOD, II v MODERN TOWER SOLUTIONS AMERICAN INTERSTATE INSURANCE COMPANY	PLF: THE OLIVE LAW FIRM CHARLOTTE, N.C.  DFT: CRANFILL SUMNER & HARTZOG CHARLOTTE, N.C.

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STACI MEYER, COMMISSIONER

WEDNESDAY, AUGUST 10, 2011

9:00 A.M.

RALEIGH, NORTH CAROLINA

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676118 KL 9:00	PAMELA HAYWOOD v DIYAHS HOMES, INC. TRAVELERS INSURANCE COMPANY	PLF: ADAMS BURGE & BOUGHMAN FAYETTEVILLE, N.C.  DFT: HEDRICK GARDNER KINCHELOE & GAROFALO, RALEIGH, N.C.
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W00027 RH 9:00	TODD BUNKER v N.C. DEPARTMENT OF CORRECTION (CORVEL CORPORATION)	PLF: RIDDLE & BRANTLEY GOLDSBORO, N.C.  DFT: N.C. DEPARTMENT OF JUSTICE RALEIGH, N.C.
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W21424 CS 9:00	JACKIE LYNAUGH v CVS PHARMACY GAB ROBINS RISK MANAGEMENT SERVICES	PLF: LENNON & CAMAK RALEIGH, N.C.  DFT: DICKIE MCCAMEY & CHILCOTE CHARLOTTE, N.C.
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W72238 MG 9:00	JAMES SMITH v CAPE FEAR VALLEY HEALTH SYSTEM SELF-INSURED	PLF: H. BRIGHT LINDLER ROCKINGHAM, N.C.  DFT: DICKIE MCCAMEY & CHILCOTE CHARLOTTE, N.C.
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BERNADINE S. BALLANCE, PANEL CHAIR  
DANNY L. MCDONALD, COMMISSIONER  
STACI MEYER, COMMISSIONER

THURSDAY, AUGUST 11, 2011

9:00 A.M.

RALEIGH, NORTH CAROLINA

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W71723 RH 9:00	CYNTHIA MINTZ v VERIZON WIRELESS AMERICAN INSURANCE GROUP PLAN, INC. (SEDGWICK CMS)	PLF: GREG JONES LAW WILMINGTON, N.C.  DFT: HEDRICK GARDNER KINCHELOE & GAROFALO, WILMINGTON, N.C.
W41653 PB 9:00	JAMES CALVIN KIRKLEY v VALLEY PROTEINS, INC. ACE, USA	PLF: POISSON POISSON & BOWER WADESBORO, N.C.  DFT: GOODMAN MCGUFFEY LINDSEY & JOHNSON, CHARLOTTE, N.C.
W70494 BH 9:00	JANE WASHBURN v GENTIVA HEALTH SERVICES GALLAGHER BASSETT SERVICES, INC.	PLF: HARDEE & HARDEE GREENVILLE, N.C.  DFT: WILLSON JONES CARTER & BAXLEY RALEIGH, N.C.
W51771 &	JAMES ARTHUR SMITH v DENROSS CONTRACTING, U.S., INC., NON-INSURED THE NEW YORK STATE INSURANCE FUND KAPSTONE KRAFT PAPER SENTRY INSURANCE	PLF: WALLACE AND GRAHAM SALISBURY, N.C. ----- N.C. DEPARTMENT OF JUSTICE RALEIGH, N.C.  DFT: MCANGUS GOUDELOCK & COURIE CHARLOTTE, N.C.
PH-2483 AP 9:00	N.C. INDUSTRIAL COMMISSION v DENROSS CONTRACTING, U.S., INC., NON-INSURED DENNIS BARRETT, INDIVIDUALLY	HEDRICK GARDNER KINCHELOE & GAROFALO, CHARLOTTE, N.C. ----- CRANFILL SUMNER & HARTZOG CHARLOTTE, N.C.

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THURSDAY, AUGUST 11, 2011

1:30 P.M.

RALEIGH, NORTH CAROLINA

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W41569	ANTHONY G. ANDERSON	PLF:	LAW OFFICE OF RICHARD B. HARPER
VH	v		SYLVA, N.C.
1:30	BUTLER INTERNATIONAL, INC.	DFT:	HEDRICK GARDNER KINCHELOE &
	ACE AMERICAN		GAROFALO, CHARLOTTE, N.C.
	INSURANCE COMPANY		

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588249	WALTER CHILDERS	PLF:	LAW OFFICE OF LYNDON R. HELTON
KL	v		HICKORY, N.C.
1:30	WAL-MART STORES, INC.	DFT:	HEDRICK GARDNER KINCHELOE &
	AMERICAN HOME ASSURANCE C/O		GAROFALO, CHARLOTTE, N.C.
	CLAIMS MANAGEMENT, INC.		

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