

Pat McCrory, Governor
Andrew T. Heath, Chairman



Bernadine S. Ballance, Commissioner
Linda Cheatham, Commissioner
Danny L. McDonald, Commissioner
Tammy R. Nance, 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 August 13, 15, and 20, 2013, all motions, requests for continuances, and telephone inquiries should be directed to the attention of Nikki S. Williams, Law Clerk to Commissioner Bernadine S. Ballance, Dobbs Building, 4336 Mail Service Center, Raleigh, North Carolina 27699. The telephone number for Ms. Williams is (919) 807-2514. 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 13, 15 & 20, 2013
DOBBS BUILDING
SECOND FLOOR, ROOM 2173
430 NORTH SALISBURY STREET
RALEIGH, NORTH CAROLINA 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 BALLANCE, CHAIR OF PANEL
DANNY L. MCDONALD, COMMISSIONER
TAMMY R. NANCE, COMMISSIONER

TUESDAY, AUGUST 13, 2013

9:00 A.M.

RALEIGH, NORTH CAROLINA

W96236 & X57740 MWG 9:00	NATHANIEL ROYSTER v FOOD LION, LLC SELF-INSURED (RISK MANAGEMENT SERVICES, INC.)	PLF: SCUDDER & HEDRICK RALEIGH, N.C. DFT: HEDRICK GARDNER KINCHELOE & GAROFALO, RALEIGH, N.C.
W28283 RH 9:00	DAVID J. SPAIN v DAVID J. SPAIN D/B/A SPAIN'S MOBIL HOME MOVERS COMPANION PROPERTY & CASUALTY GROUP	PLF: MAST MAST JOHNSON WELLS & TRIMYER, SMITHFIELD, N.C. DFT: HEDRICK GARDNER KINCHELOE & GAROFALO, WILMINGTON, N.C.
W08552 KL 9:00	JAMES A. CANADY v WAL-MART STORES, INC. INSURANCE COMPANY OF THE STATE OF PENNSYLVANIA	PLF: LAW OFFICE OF ROBERTA L. EDWARDS ROCKY MOUNT, N.C. DFT: HEDRICK GARDNER KINCHELOE & GAROFALO, RALEIGH, N.C.
W34518 KML 9:00	WILLIAM ROBERTSON v NEW HANOVER COUNTY (PMA MANAGEMENT CORPORATION)	PLF: HALL & GREEN WILMINGTON, N.C. DFT: HEDRICK GARDNER KINCHELOE & GAROFALO, WILMINGTON, N.C.

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

NORTH CAROLINA INDUSTRIAL COMMISSION
FULL COMMISSION
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BERNADINE BALLANCE, CHAIR OF PANEL
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TAMMY R. NANCE, COMMISSIONER

TUESDAY, AUGUST 13, 2013

1:30 P.M.

RALEIGH, NORTH CAROLINA

786766	KUM C. MELENDEZ	PLF:	LYNN BISHOP
CS	v		CHARLOTTE, N.C.
1:30	FEDERAL EXPRESS CORPORATION	DFT:	HEDRICK GARDNER KINCHELOE &
	SEDGWICK CMS, INC.		GAROFALO, CHARLOTTE, N.C.

Y07518	MARIE N. DOBSON OSBORNE	PLF:	PRO SE.
PH	v		
1:30	WAYNE FARMS, LLC, A SUBSIDIARY	DFT:	HEDRICK GARDNER KINCHELOE &
	OF CONTINENTAL GRAIN COMPANY		GAROFALO, CHARLOTTE, N.C.
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NORTH CAROLINA INDUSTRIAL COMMISSION
FULL COMMISSION
REVIEW DOCKET

BERNADINE BALLANCE, CHAIR OF PANEL
DANNY L. MCDONALD, COMMISSIONER
LINDA CHEATHAM, COMMISSIONER

THURSDAY, AUGUST 15, 2013

9:00 A.M.

RALEIGH, NORTH CAROLINA

X31623 RH 9:00	WAYNE CORBETT v HOUSE OF RAEFORD SELF-INSURED (PMA MANAGEMENT CORPORATION)	PLF: THE LAW OFFICES OF JAMES B. GILLESPIE, WILMINGTON, N.C. DFT: HEDRICK GARDNER KINCHELOE & GAROFALO, WILMINGTON, N.C.
X26567 & W45799 BD 9:00	JOHN O. WILKERSON v GOODYEAR TIRE & RUBBER COMPANY LIBERTY MUTUAL INSURANCE GROUP	PLF: LAW OFFICE OF KATHLEEN G. SUMNER GREENSBORO, N.C. DFT: HEDRICK GARDNER KINCHELOE & GAROFALO, RALEIGH, N.C.
X78208 MV 9:00	VIRGINIA HOWELL-WYATT v RESPITE CARE OF WILKES COUNTY ACE USA/ESIS	PLF: LAW OFFICES OF TIMOTHY D. WELBORN, WILKESBORO, N.C. 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

BERNADINE BALLANCE, CHAIR OF PANEL
DANNY L. MCDONALD, COMMISSIONER
LINDA CHEATHAM, COMMISSIONER

THURSDAY, AUGUST 15, 2013

1:30 P.M.

RALEIGH, NORTH CAROLINA

X60056 CS 1:30	REFIK ADEMOVIC v TAXI USA, LLC D/B/A YELLOW CAB OF CHARLOTTE RIVERPORT INSURANCE COMPANY (KEY RISK MANAGEMENT SERVICES, INC.)	PLF: THE SUMWALT LAW FIRM CHARLOTTE, N.C.
		DFT: HEDRICK GARDNER KINCHELOE & GAROFALO, CHARLOTTE, N.C.
		----- CRANFILL SUMNER & HARTZOG CHARLOTTE, N.C.
X26574 &	TRACY PORTER v JENNIFER LOCKLEAR D/B/A J & D MOBILE HOME MOVERS, NON-INSURED, AND TRAVELERS INDEMNITY COMPANY	PLF: THE ROBERTS LAW FIRM GASTONIA, N.C.
		----- N.C. DEPARTMENT OF JUSTICE RALEIGH, N.C.
PH-2712 AP 1:30	N.C. INDUSTRIAL COMMISSION v JENNIFER LOCKLEAR D/B/A J & D MOBILE HOME MOVERS NON-INSURED, AND JENNIFER LOCKLEAR, INDIVIDUALLY	DFT: HEDRICK GARDNER KINCHELOE & GAROFALO, CHARLOTTE, N.C.
		----- ANDERSON JOHNSON LAWRENCE & BUTLER, FAYETTEVILLE, N.C.
X58911 RH 1:30	MARK TOOLE v BEAUFORT HISTORICAL ASSOCIATION TRAVELERS PROPERTY CASUALTY COMPANY OF AMERICA	PLF: WHITLEY LAW FIRM NEW BERN, N.C.
		DFT: HEDRICK GARDNER KINCHELOE & GAROFALO, CHARLOTTE, N.C.

NORTH CAROLINA INDUSTRIAL COMMISSION
FULL COMMISSION
REVIEW DOCKET

BERNADINE BALLANCE, CHAIR OF PANEL
DANNY L. MCDONALD, COMMISSIONER
ANDREW T. HEATH, CHAIRMAN

TUESDAY, AUGUST 20, 2013

9:00 A.M.

RALEIGH, NORTH CAROLINA

TA-22283 BD 9:00	ESTATE OF JEFFREY S. HARBIN, BY AND THROUGH DONNA SHELTON, ADMINISTRATRIX, v NORTH CAROLINA DEPARTMENT OF HEALTH AND HUMAN RESOURCES	PLF: MARTIN & JONES RALEIGH, N.C. DFT: N.C. DEPARTMENT OF JUSTICE RALEIGH, N.C.
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X65648 TS 9:00	MELISSA B. BASS v HARNETT COUNTY SELF-INSURED (KEY RISK MANAGEMENT SERVICES)	PLF: LUCAS DENNING & ELLERBE SELMA, N.C. DFT: PRATHER LAW FIRM RALEIGH, N.C.
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X20068 KL 9:00	BETTY MORGAN v CRAVEN COUNTY SCHOOL SYSTEM SELF-INSURED (CORVEL CORPORATION)	PLF: CURTIS C. COLEMAN, III GREENVILLE, N.C. DFT: N.C. DEPARTMENT OF JUSTICE RALEIGH, N.C.
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