Mike Causey, Commissioner of Insurance Philip A. Baddour, III, Chair Myra L. Griffin, Vice-Chair



Charlton L. Allen, Commissioner James C. Gillen, Commissioner Kenneth L. Goodman, Commissioner Christopher C. Loutit, Commissioner

# North Carolina Industrial Commission

July 23, 2019

# IMPORTANT NOTICE TO ALL PARTIES

The cases listed on the attached calendar are scheduled for disposition by the Full Commission. Some cases may be determined without oral argument pursuant to Rule 11 NCAC 23A .0701(h) or Rule 11 NCAC 23B .0301. The parties will be notified by the Commission prior to the hearing dates below if oral argument is waived. If no such notification is provided, oral argument will be held as scheduled below:

#### SEPTEMBER 4, 5, 11, AND 18, 2019 DOBBS BUILDING, SECOND FLOOR, ROOM 2173 430 NORTH SALISBURY STREET RALEIGH, NORTH CAROLINA 27603

Please enter the building through the security desk area located on the third floor (on the mall area). You will be required to present a photo ID in order to enter the building.

Please review the enclosed calendar to determine the exact date on which your case will be heard. Please note that the cases docketed prior to your case may be dismissed or continued. If you are not present in court when your case is reached, the Full Commission will consider the record and will render its decision without hearing oral argument.

For cases appearing on the enclosed calendar, all motions, including requests for continuances, should be addressed to the chair of the panel and must be filed in accordance with Rule 11 NCAC 23A .0108 for workers' compensation cases, or Rule 11 NCAC 23B .0104 for tort cases. Requests for continuances should be submitted at least two weeks prior to the date of hearing. An exception may be made for unexpected emergencies, in which case the continuance request should be filed as described above and followed up with a telephone call or electronic mail to the law clerk identified below. In the event a case is continued, the case will be heard before the same panel at a later date. In lieu of a continuance, oral argument may be waived for the party requesting the continuance.

Other inquiries regarding the cases appearing on the enclosed calendar should be directed to Cara Byrne, Law Clerk to Commissioner James C. Gillen, Dobbs Building, 1236 Mail Service Center, Raleigh, North Carolina 27699-1236. The telephone number for Ms. Byrne is (919) 807-2521, and the electronic mail address is <u>cara.byrne@ic.nc.gov</u>.

ALL BRIEFS AND FORMS 44 must be filed in accordance with Rule 11 NCAC 23A .0108 for workers' compensation cases or Rule 11 NCAC 23B .0104 for tort cases. For help with EDFP registration, please visit <u>http://www.ic.nc.gov/EDFPregistrationInstructions.pdf</u>. A party who fails to timely file a brief may be denied oral argument.

For additional information, please consult the Rules of the Industrial Commission as they apply to hearings before the Full Commission.

NORTH CAROLINA INDUSTRIAL COMMISSION

Emily M. Baucom Clerk of the Industrial Commission

PHILIP A. BADDOUR, III, CHAIR MYRA L. GRIFFIN, VICE-CHAIR CHARLTON L. ALLEN, COMMISSIONER JAMES C. GILLEN, CHAIR OF PANEL KENNETH L. GOODMAN, COMMISSIONER CHRISTOPHER C. LOUTIT, COMMISSIONER

WEDNESDAY, SEPTEMBER 4, 2019 9:30 A.M. RALEIGH, NORTH CAROLINA \_\_\_\_\_

LH-0491 IN THE MATTER OF DONALD R. CLAIMANT: BD FONVILLE, DECEASED 9:30 RESET

PRO SE.

**RESPONDENT:** 

N.C. DEPARTMENT OF JUSTICE RALEIGH, N.C.

#### (CHAIR BADDOUR, VICE-CHAIR GRIFFIN AND COMMISSIONER ALLEN)

PLEASE NOTE THAT SOME CASES SET FOR HEARING ON THIS DATE BY ORDER OF THE FULL COMMISSION MAY NOT APPEAR IN THIS LIST. IF YOU HAVE ANY QUESTIONS ABOUT WHETHER A CASE IS SET FOR HEARING ON THIS DATE, PLEASE CONTACT THE LAW CLERK LISTED ON THE FIRST PAGE OF THIS CALENDAR.

JAMES C. GILLEN, CHAIR OF PANEL PHILIP A. BADDOUR, III, CHAIR MYRA L. GRIFFIN, VICE-CHAIR									
THURSDAY, SEPTEMBER 5, 2019	9:30 A.M.	RALEIGH, NORTH CAROLINA							
18-001640 JOHNNY POTTER WP v. 9:30 KIDD PLUMBING SERVICES, IN FFVA MUTUAL INSURANCE COMPANY	C. DFT: CR	ARTIN & JONES LEIGH, NC ANFILL SUMNER & HARTZOG LEIGH NC							
17-791945EFREN VIEYRA-HERNANDEZDMHv.9:30GUSTAVO FUENTES D/B/A	PLF: LA CH	RALEIGH, NC LATORRE LAW FIRM CHARLOTTE, NC							
SAENZ FRAMING TRAVELERS INDEMNITY COMF		LLSON JONES CARTER & BAXLEY ARLOTTE, NC							
TA-26178 ROBERT BELCHER, JR. BD v. 9:30 NC DEPARTMENT OF	PLF: FA CH	FAITH FOX CHARLOTTE, NC							
TRANSPORTATION		GARY WILLIAMS PARENTI WATSON & GARY; STUART, FL							
		DEPARTMENT OF JUSTICE LEIGH, NC							

JAMES C. GILLEN, CHAIR OF PANEL PHILIP A. BADDOUR, III, CHAIR MYRA L. GRIFFIN, VICE-CHAIR								
WEDNESDAY, SEPTEMBER 11, 2019		9:30 A	M. RA	ALEIGH, NORTH CAROLINA				
MCB	ALVARO ZABALETA v. ELORZA CONSTRUCTION, INC.		LF: DEUTERMAN LAW GROUP GREENSBORO, NC					
	ERIE INSURANCE EXCHANGE	DFT:	MCANGUS GOUDELOCK & COURIE CHARLOTTE, NC					
MWG	JOHN L. WHITE, JR. v. WIELAND CORPORATION AMERISURE MUTUAL INSURANCE COMPANY	PLF:	PLF: COX AND GAGE MORGANTON, NC					
		DFT:	MCANGUS GOUDELOCK & COURIE RALEIGH, NC					
16-023538 AM	WANDA HUDSON	PLF:	PRO SE.					
	VOLUNTEERS OF AMERICA HOME CARE OF NORTH CAROLINA THE PHOENIX INSURANCE COMPANY		WILLSON JOI RALEIGH, NC	NES CARTER & BAXLEY				

# JAMES C. GILLEN, CHAIR OF PANEL PHILIP A. BADDOUR, III, CHAIR MYRA L. GRIFFIN, VICE-CHAIR

WEDNESD	DAY, SEPTEMBER 18, 2019	9:30 A	A.M.	RALEIGH, NORTH CAROLINA
· · · · · · · · · · · · · · · · · · ·	V.	PLF:		FICES OF JAMES SCOTT DURHAM, NC
	ARCH INSURANCE GROUP, INC. (GALLAGHER BASSETT SERVICES)	DFT:	BREWER DEFENSE GROUP RALEIGH, NC	
TA-27096 DMH 9:30	GREGORY MCKEE v. NC DEPARTMENT OF	PLF:		TICE OF THOMAS D. DNER; CHARLOTTE, NC
	TRANSPORTATION	DFT:	NC DEPA RALEIGH	RTMENT OF JUSTICE I, NC
TA-27349TERRI MCKEEDMHv.9:30NC DEPARTMENT OF TRANSPORTATION	PLF:		FICE OF THOMAS D. RDNER; CHARLOTTE, NC	
		DFT:	NC DEPA RALEIGH	RTMENT OF JUSTICE I, NC