

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 24, 2020

### IMPORTANT NOTICE TO ALL PARTIES

The cases listed on the attached calendar are scheduled for disposition by the Full Commission. Pursuant to the Commission's current hearing policy due to COVID-19, Full Commission hearings are being held telephonically. 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 10, 15, 22 AND 29, 2020**

**TELEPHONICALLY (PER COMMISSION ORDER)**

(You will receive an Order with instructions for telephonic participation at a later date)

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 do not appear telephonically, 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 Seth Lumpkins, Law Clerk to Chair Philip A. Baddour, III, Dobbs Building, 1236 Mail Service Center, Raleigh, North Carolina 27699-1236. The telephone number for Mr. Lumpkins is (919) 807-2656, and the electronic mail address is [seth.lumpkins@ic.nc.gov](mailto:seth.lumpkins@ic.nc.gov).

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 <http://www.ic.nc.gov/EDFPRegistrationInstructions.pdf>. 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

NORTH CAROLINA INDUSTRIAL COMMISSION  
FULL COMMISSION  
REVIEW DOCKET

PHILIP A. BADDOUR, III, CHAIR AND CHAIR OF PANEL  
MYRA L. GRIFFIN, VICE-CHAIR  
JESSE M. TILLMAN, III, DEPUTY COMMISSIONER

THURSDAY, SEPTEMBER 10, 2020

9:30 A.M.

RALEIGH, NORTH CAROLINA

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| 17-034680<br>BP<br>9:30 | DENNIS NEAL BENSON<br>v.<br>COASTAL PIEDMONT DEVELOPERS<br>LIBERTY MUTUAL INSURANCE<br>COMPANY | PLF: STEVEN CORRIVEAU<br>MARTIN & JONES<br>RALEIGH, NC<br>DFT: MICHAEL CONNELL/JAMES BLACK, IV<br>CRANFILL SUMNER & HARTZOG<br>RALEIGH, NC                            |
| 18-733001<br>SG<br>9:30 | CARLTON MCKOY<br>v.<br>RALEIGH CONCRETE, LLC<br>HARFORD MUTUAL INSURANCE<br>COMPANY            | PLF: MATTHEW HARBIN/RYAN BLISS<br>LAW OFFICES OF JAMES SCOTT FARRIN<br>DURHAM, NC<br>DFT: DAWN RAYNOR/JEFFERSON WHISENANT<br>YOUNG MOORE AND HENDERSON<br>RALEIGH, NC |
| 17-044849<br>TY<br>9:30 | ADOLFO ARELLANO<br>v.<br>NEO CORPORATION<br>STARR INDEMNITY AND LIABILITY<br>INSURANCE COMPANY | PLF: THOMAS RAMER<br>GANLY & RAMER<br>ASHEVILLE, NC<br>DFT: JEFFREY LINDER/JEFFERSON WHISENANT<br>YOUNG MOORE AND HENDERSON<br>RALEIGH, NC                            |

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NORTH CAROLINA INDUSTRIAL COMMISSION  
FULL COMMISSION  
REVIEW DOCKET

PHILIP A. BADDOUR, III, CHAIR AND CHAIR OF PANEL  
MYRA L. GRIFFIN, VICE-CHAIR  
ERIN F. TAYLOR, DEPUTY COMMISSIONER

TUESDAY, SEPTEMBER 15, 2020

9:30 A.M.

RALEIGH, NORTH CAROLINA

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| X16872<br>BD<br>9:30    | WAYNE BUTLER<br>v.<br>MURPHY BROWN<br>ESIS<br>(ACE USA COMPANY)                                                                                            | PLF: H. BRIGHT LINDLER<br>ATTORNEY AT LAW<br>ROCKINGHAM, NC<br>DFT: TIMOTHY RIORDAN<br>LEWIS & ROBERTS<br>RALEIGH, NC                                                                         |
| 18-728773<br>&          | MITCHELL SADLER<br>v.<br>CAROLINA QUALITY BUILDERS, LLC<br>NON-INSURED                                                                                     | PLF: J. KEVIN JONES<br>DODGE JONES LAW FIRM<br>MOREHEAD CITY, NC<br>PLF: GRACE LINTHICUM<br>NC DEPARTMENT OF JUSTICE<br>RALEIGH, NC<br>DFT: TIMOTHY CARRAWAY<br>CAULEY PRIDGEN<br>RALEIGH, NC |
| PH-6548<br>AP<br>9:30   | NC INDUSTRIAL COMMISSION<br>v.<br>CAROLINA QUALITY BUILDERS, LLC<br>NON-INSURED<br>IRA BLAINE, INDIVIDUALLY AND<br>MARILYNN WALKER-BLAINE,<br>INDIVIDUALLY |                                                                                                                                                                                               |
| 18-030560<br>SG<br>9:30 | MAXIMILIANO CRUZ CORTEZ<br>v.<br>DONLEY'S CONCRETE GROUP, LLC<br>TRISTAR RISK MANAGEMENT                                                                   | PLF: PRO SE.<br>DFT: JENNIFER RUIZ<br>HEDRICK GARDNER KINCHELOE &<br>GAROFALO; RALEIGH, NC                                                                                                    |

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NORTH CAROLINA INDUSTRIAL COMMISSION  
FULL COMMISSION  
REVIEW DOCKET

PHILIP A. BADDOUR, III, CHAIR AND CHAIR OF PANEL  
MYRA L. GRIFFIN, VICE-CHAIR  
ASHLEY M. MOORE, DEPUTY COMMISSIONER

TUESDAY, SEPTEMBER 22, 2020

9:30 A.M.

RALEIGH, NORTH CAROLINA

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| 18-032200<br>TY<br>9:30  | MARIA LEIVA<br>v.<br><br>JBS HOLDINGS<br>SEDGWICK CLAIMS MANAGEMENT<br>SERVICES, INC.                          | PLF: SCOTT GALIGER<br>RAMSAY LAW FIRM<br>CHARLOTTE, NC<br>DFT: RICHARD HAYWOOD/ANDREW USSERY<br>MCANGUS GOUDELOCK & COURIE<br>CHARLOTTE, NC                                                                         |
| 19-005284<br>AWB<br>9:30 | ROXANNA L. SMITH<br>v.<br><br>WALMART, INC.<br>NEW HAMPSHIRE INSURANCE<br>COMPANY<br>(CLAIMS MANAGEMENT, INC.) | PLF: JAMIE JOHNSON<br>CRUMLEY ROBERTS<br>GREENSBORO, NC<br>DFT: PAUL LAWRENCE/WILLIAM MYERS<br>HEDRICK GARDNER KINCHELOE &<br>GAROFALO; CHARLOTTE, NC                                                               |
| TA-25822<br>DMH<br>9:30  | LUIS GRAEF, INDIVIDUALLY AND<br>HANSEL GRAEF, INDIVIDUALLY<br>v.<br><br>NC DEPARTMENT OF<br>TRANSPORTATION     | PLF: WILLIAM L. GARDO, II<br>ATTORNEY AT LAW<br>HENDERSONVILLE, NC<br>PLF: FRANK JACKSON<br>F.B. JACKSON & ASSOCIATES LAW FIRM<br>HENDERSONVILLE, NC<br>DFT: DONNA WOJCIK<br>NC DEPARTMENT OF JUSTICE<br>MARION, NC |

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NORTH CAROLINA INDUSTRIAL COMMISSION  
FULL COMMISSION  
REVIEW DOCKET

PHILIP A. BADDOUR, III, CHAIR AND CHAIR OF PANEL  
MYRA L. GRIFFIN, VICE-CHAIR  
SUMIT GUPTA, DEPUTY COMMISSIONER

TUESDAY, SEPTEMBER 29, 2020

9:30 A.M.

RALEIGH, NORTH CAROLINA

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| 18-759519<br>TP<br>9:30 | LUCILLE HEATH<br>v.<br><br>ALLCARE HOME HEALTH AGENCY<br>WESCO INSURANCE COMPANY                                                                                                               | PLF: J. ADAM BRIDWELL<br>HARDISON & COCHRAN<br>RALEIGH, NC<br>DFT: CHARLES HICKS/C.D. TAYLOR PACE<br>CRANFILL SUMNER & HARTZOG<br>RALEIGH, NC                                                                                                                                                        |
| 16-020411<br>BD<br>9:30 | JAMES THOMAS<br>v.<br><br>DUKE UNIVERSITY (ALL ENTITIES)<br>SELF-INSURED                                                                                                                       | PLF: TAURUS BECTON<br>THE BECTON LAW GROUP<br>RALEIGH, NC<br>DFT: BRUCE HAMILTON<br>TEAGUE CAMPBELL DENNIS &<br>GORHAM; RALEIGH, NC                                                                                                                                                                  |
| 16-750265<br>&          | DANIEL LORENZO CERIN<br>v.<br><br>JCU CONSTRUCTION, INC./<br>UMANZOR CONSTRUCTION, INC.<br>NON-INSURED, AND/OR<br>EXTERIOR CONTRACTING SERVICES<br>CONTINENTAL CASUALTY COMPANY<br>(TRAVELERS) | PLF: MATTHEW HARBIN<br>LAW OFFICES OF JAMES SCOTT FARRIN<br>DURHAM, NC<br>PLF: GRACE LINTHICUM<br>NC DEPARTMENT OF JUSTICE<br>RALEIGH, NC<br>DFT: WESLEY MAYBERRY/NEIL ANDREWS<br>HEDRICK GARDNER KINCHELOE &<br>GAROFALO; CHARLOTTE, NC<br>DFT: TIMOTHY CARRAWAY<br>CAULEY & PRIDGEN<br>RALEIGH, NC |
| PH-7696<br>AP<br>9:30   | NC INDUSTRIAL COMMISSION<br>v.<br><br>JCU CONSTRUCTION, INC/<br>UMANZOR CONSTRUCTION, INC.<br>NON-INSURED<br>JOSE UMANZOR, INDIVIDUALLY                                                        |                                                                                                                                                                                                                                                                                                      |

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