

Michael F. Easley, Governor
Buck Lattimore, Chairman



North Carolina Industrial Commission

Thomas J. Bolch, Commissioner
Laura K. Mavretic, Commissioner
Christopher Scott, Commissioner
Dianne C. Sellers, Commissioner
Pamela T. Young, Commissioner

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 December 2, 7 & 9, 2004, all motions, requests for continuances, and telephone inquiries should be directed to the attention of Pamela Williams, Agency Legal Specialist to Commissioner Bernadine S. Ballance, Dobbs Building, 430 N. Salisbury Street, Raleigh, North Carolina 27611. The telephone number for Ms. Williams is (919) 807-2542. 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:

DECEMBER 2, 7 & 9, 2004
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 D. Langdon
Docket Director

NORTH CAROLINA INDUSTRIAL COMMISSION
FULL COMMISSION
REVIEW DOCKET

BERNADINE S. BALLANCE-CHAIR
LAURA K. MAVRETIC, COMMISSIONER
DIANNE C. SELLERS, COMMISSIONER

THURSDAY, DECEMBER 2, 2004

9:30 A.M. RALEIGH, NORTH CAROLINA

165715 KL 9:30	GLENDA PHILLIPS v GROCERY OUTLET NATIONAL UNION FIRE C/O AIGCS	PLF: WALLACE & GRAHAM SALISBURY, N.C. DFT: ROBINSON & LAWING WINSTON-SALEM, N.C.
244774 BH 9:30	DAVID BEACHAM v HARDEE COMPANY, INC. PENN NATIONAL INSURANCE	PLF: EDWARD & RICCI GREENVILLE, N.C. DFT: LEWIS & ROBERTS RALEIGH, N.C.
134711 CS 9:30	CHARLES KUNES v COX RIGGING BUILDERS MUTUAL INSURANCE CO.	PLF: PRO SE. DFT: LEWIS & ROBERTS RALEIGH, N.C.
032438 CS 9:30	MICHAEL A. MITCHELL v USF HOLLAND CONSTITUTION STATE SERVICE CO.	PLF: BRANTLEY JENKINS RIDDLE HARDEE & HARDEE, GOLDSBORO, N.C. DFT: HEDRICK EATMAN GARDNER & KINCHELOE, RALEIGH, N.C.

(COURT RECESS)
(ORAL ARGUMENT TO RESUME AT 1:30)

NORTH CAROLINA INDUSTRIAL COMMISSION
FULL COMMISSION
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BERNADINE S. BALLANCE-CHAIR
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DIANNE C. SELLERS, COMMISSIONER

THURSDAY, DECEMBER 2, 2004

1:30 P.M. RALEIGH, NORTH CAROLINA

023011 PH 1:30	THURMOND C. WEST, III v PARKER MOTOR COMPANY COMPANION PROPERTY & CASUALTY	PLF: CHARLES G. MONNETT, III & ASSOC CHARLOTTE, N.C. DFT: MCANGUS GOUDELOCK & COURIE CHARLOTTE, N.C.
145591 CS 1:30	JAMES DIETRICH v WINSTON-SALEM INDUSTRIES FOR THE BLIND SELF-INSURED	PLF: WALDEN & WALDEN WINSTON-SALEM, N.C. DFT: MCANGUS GOUDELOCK & COURIE CHARLOTTE, N.C.
338200 NG 1:30	BARBARA CASS v MT.ULLA BEAR VOLUNTEER FIRE DEPT LIBERTYMUTUAL INSURANCE	PLF: REBECCA THOMAS CHARLOTTE, N.C. DFT: HEDRICK EATMAN GARDNER & KINCHELOE, CHARLOTTE, N.C.

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DIANNE C. SELLERS, COMMISSIONER

TUESDAY, DECEMBER 7, 2004

9:30 A.M. RALEIGH, NORTH CAROLINA

146740 KL 9:30	LONNIE HUNT v ROGOSIN CONVERTERS ZENITH INSURANCE CO.	PLF: HUGGINS POUNDS & DAVIS LUMBERTON, N.C.
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DFT: STILES BYRUM & HORNE
CHARLOTTE, N.C.

235617 PH 9:30	PRICELLA M. CURTIS v NORTH CAROLINA A & T UNIVERSITY KEY RISK MANAGEMENT SERVICE	PLF: THE DEUTERMAN LAW GROUP GREENSBORO, N.C.
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DFT: NC DEPARTMENT OF JUSTICE
LAURA J. GENDY, RALEIGH, N.C.

203362 173800 PB 9:30	DEBBIE JACKSON v CUMBERLAND COUNTY SELF-INSURED	PLF: GOODWIN LAW OFFICE ROCKINGHAM, N.C.
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DFT: TEAGUE CAMPBELL DENNIS &
GORHAM, RALEIGH, N.C.

219324 MC 9:30	KATHY DIXON GAINNEY, WIDOW OF JERRY RAY GAINNEY, DECEASED v JERRY S. SHELTON TRUCKING COMPANION PROPERTY & CASUALTY COMPANY	PLF: WOODROW W. GUNTER, II ROCKINGHAM, N.C.
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DFT: MCANGUS GOUDELOCK & COURIE
CHARLOTTE, N.C.

312034 PH 9:30	ASHFORD E. MATTHEWS v NC DEPARTMENT OF CORRECTION KEY RISK MANAGEMENT SERVICE	PLF: POISSON POISSON BOWER & CLODFELTER, WADESBORO, N.C.
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DFT: NC DEPARTMENT OF JUSTICE
MARC X. SNEED, RALEIGH, N.C.

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NORTH CAROLINA INDUSTRIAL COMMISSION
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TUESDAY, DECEMBER 7, 2004

1:30 P.M. RALEIGH, NORTH CAROLINA

TA-16452 GG 1:30	JOHN LUCAS BY HIS GAL SUSIE LUCAS v ROCKINGHAM COUNTY SCHOOLS	PLF: GRAY NEWELL JOHNSON & BLACKMON, GREENSBORO, N.C. DFT: NC DEPARTMENT OF JUSTICE TINA LLOYD HLABSE, RALEIGH, N.C.
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204944 BH 1:30	MARVIN SILVERS v MASTERCRAFT FABRICS SELF-INSURED (HEWITT-COLEMAN & ASSOCIATES, INC.)	PLF: THE SUMWALT LAW FIRM CHARLOTTE, N.C. DFT: OGELETREE DEAKINS NASH SMOAK & STEWART, GREENVILLE, S.C.
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TA-17753 GG 1:30	VICKIE BURNIE v GUILFORD TECHNICAL COMMUNITY COLLEGE SELF-INSURED	PLF: DOUGLAS S. HARRIS GREENSBORO, N.C. DFT: PINTO COATES DYRE & BROWN GREENSBORO, N.C.
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LAURA K. MAVRETIC, COMMISSIONER
DIANNE C. SELLERS, COMMISSIONER

THURSDAY, DECEMBER 9, 2004

9:30 A.M. RALEIGH, NORTH CAROLINA

137086 203424 JD 9:30	ROBIN NOLAND v MASCO CORP. D/B/A EASTERN INSULATION TRAVELERS INSURANCE CO.	PLF: BRUMBAUGH MU & KING JACKSONVILLE, N.C. DFT: BROOKS STEVENS & POPE CARY, N.C.
001680 TS 9:30	DAKOTA SHARPE v ADEECO/TAD TECHNICAL CONSTITUTION STATE SERVICES	PLF: BRUMBAUGH MU & KING JACKSONVILLE, N.C. DFT: CROSSLEY MCINTOSH PRIOR & COLLIER, WILMINGTON, N.C.
114590 CS 9:30	LESLIE K. LOVITT-LYLES v FAMILY DOLLAR STORES OF NORTH CAROLINA, INC. TRAVELERS INDEMNITY COMPANY OF ILLINOIS	PLF: KEN HARRIS & ASSOCIATES CHARLOTTE, N.C. DFT: MORRIS YORK WILLIAMS SURLES & BARRINGER, CHARLOTTE, N.C.
460796 SG 9:30	CYNTHIA BELL v PERDUE FARMS, INC. SELF-INSURED (BALLANCE, MAVRETIC & SELLERS)	PLF: PRO SE. DFT: HAYNESWORTH BALDWIN JOHNSON & GREAVES, GREENSBORO, N.C.
306328 BD 9:30	EDITH SMITH-GARY v WINSTON-SALEM STATE UNIVERSITY SELF-INSURED	PLF: HINSHAW JACOBS & THORNTON WINSTON-SALEM, N.C. DFT: NC DEPARTMENT OF JUSTICE GARY A. SCARZAFAVA, RALEIGH, N.C.

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THURSDAY, DECEMBER 9, 2004

1:30 P.M. RALEIGH, NORTH CAROLINA

045556 LD 1:30	JOYCE STROUP FOLGER v WESTPOINT STEVENS, INC. CONSTITUTION STATE SERVICE CO.	PLF: RANDY D. DUNCAN HICKORY, N.C. DFT: OGLETREE DEAKINS NASH SMOAK & STEWART, GREENSBORO, N.C.
213539 298782 AP 1:30	PEGI CAIRNES v GENERAL ELECTRIC COMPANY SEDGWICK OF NEW YORK	PLF: BAZZLE & CARR HENDERSONVILLE, N.C. DFT: TEAGUE CAMPBELL DENNIS & GORHAM, RALEIGH, N.C.
946465 KL 1:30	CHARLES S. CUMBO v EAST-WEST, INC. CAMBRIDGE INTEGRATED SERVICES	PLF: JAY A. KERRY, JR. ASHEVILLE, N.C. DFT: HEDRICK EATMAN GARDNER & KINCHELOE, CHARLOTTE, N.C.
