Mike Causey, Commissioner of Insurance Charlton L. Allen, Chairman Yolanda K. Stith, Vice-Chairman



Philip A. Baddour, III, Commissioner Myra L. Griffin, Commissioner A. Robinson Hassell, Commissioner Christopher C. Loutit, Commissioner

## North Carolina Industrial Commission

October 16, 2018

# 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:

#### DECEMBER 3, 4, 12, AND 18, 2018 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 .0307 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 Rachel Brunswig, Law Clerk to Commissioner Myra L. Griffin, Dobbs Building, 1236 Mail Service Center, Raleigh, North Carolina 27699-1236. The telephone number for Ms. Brunswig is (919) 807-2568, and the electronic mail address is rachel.brunswig@ic.nc.gov.

ALL BRIEFS AND FORMS 44 must be filed in accordance with Rule 11 NCAC 23A .0108 for workers' compensation cases. Briefs and Forms T-44 filed in tort cases may be filed by electronic mail to <u>dockets@ic.nc.gov</u> or via EDFP. 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 Office of The Clerk • 1236 Mail Service Center • Raleigh, North Carolina 27699-1236 Telephone: (919) 807-2504 • Fax: (919) 715-0282 Internet Address: http://www.ic.nc.gov/

### MYRA L. GRIFFIN, CHAIR OF PANEL CHARLTON L. ALLEN, CHAIRMAN PHILIP A. BADDOUR, III, COMMISSIONER

MONDAY, DECEMBER 3, 2018		9:00 A.M.		RALEIGH, NORTH CAROLINA
17-816210 TY 9:00	DENISE MCLEMORE v. N.C. DEPARTMENT OF PUBLIC INSTRUCTION SEDGWICK CMS	PLF: OXNER + GREENSE		PERMAR BORO, N.C.
		DFT:	N.C. DEPA RALEIGH	ARTMENT OF JUSTICE , N.C.
16-760689 JT 9:00	DARRELL NICHOLS v. UNITED PAINTING SERVICES, INC. LIBERTY MUTUAL INSURANCE COMPANY	PLF:	CHILDER CHARLOT	S & WALLACE ITE, N.C.
		DFT:	CRANFILI CHARLOT	L SUMNER & HARTZOG ITE, N.C.
16-750703 MS 9:00	TONI JOHNSON v. HERBALIFE HARTFORD INSURANCE COMPANY	PLF:		PERMAR BORO, N.C.
		DFT:	RUDISILL CHARLOT	
16-764154 JT	MELVINA PORTER v.	PLF:	PRO SE.	
9:00	TRANSIT MANAGEMENT OF CHARLOTTE, INC. COMPENSATION CLAIMS MANAGEMENT OF CHARLOTTE	DFT:	SMITH LA CHARLOT	

CHARLTON L. ALLEN, CHAIRMAN YOLANDA K. STITH, VICE-CHAIRMAN PHILIP A. BADDOUR, III, COMMISSIONER MYRA L. GRIFFIN, CHAIR OF PANEL A. ROBINSON HASSELL, COMMISSIONER CHRISTOPHER C. LOUTIT, COMMISSIONER

TUESDAY, DECEMBER 4, 2018

9:00 A.M. RALEIGH, NORTH CAROLINA

PLEASE NOTE: TUESDAY, DECEMBER 4, 2018, IS RESERVED FOR ANY CASES RESET BY ORDER OF THE FULL COMMISSION. 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.

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### MYRA L. GRIFFIN, CHAIR OF PANEL CHARLTON L. ALLEN, CHAIRMAN PHILIP A. BADDOUR, III, COMMISSIONER

WEDNESDAY, DECEMBER 12, 2018		9:00 A.M.		RALEIGH, NORTH CAROLINA
16-048810 MS 9:00	JASON KASSON v. BOJANGLES' RESTAURANTS, INC.			N-SALEM, N.C.
	KEY RISK INSURANCE COMPANY	DFT:	-	GARDNER KINCHELOE & LO, RALEIGH, N.C.
17-001613 DMH	KATHERINE SHERER v.	PLF:	ROBERTS GASTONI	LAW FIRM A, N.C.
9:00	OUTBACK STEAKHOUSE (OS RESTAURANT SERVICES, LLC) SAFETY NATIONAL CASUALTY (GALLAGHER BASSETT SERVICES)	DFT:		GARDNER KINCHELOE & LO, CHARLOTTE, N.C.
15-769318 DMH 9:00	ROBIN ENOCH v. MONARCH	PLF:	POISSON WADESBO	POISSON & BOWER ORO, N.C.
	AMERICAN BUILDERS INSURANCE COMPANY (SYNERGY COVERAGE SOLUTIONS)	DFT:	MCANGU CHARLOT	S GOUDELOCK & COURIE ΓΤΕ, Ν.C.
TA-26734 JG	SONIA NEAL & EADWAN NEAL v.	PLF:	PRO SE.	
9:00 ADM APP	N.C. STATE HIGHWAY PATROL	DFT:	N.C. DEPA RALEIGH	ARTMENT OF JUSTICE , N.C.

### MYRA L. GRIFFIN, CHAIR OF PANEL CHARLTON L. ALLEN, CHAIRMAN PHILIP A. BADDOUR, III, COMMISSIONER

TUESDAY, DECEMBER 18, 2018		9:00 A.M.		RALEIGH, NORTH CAROLINA	
TA-26019 RH 9:00	C.R. ENGLAND, INC. v. N.C. DEPARTMENT OF TRANSPORTATION	PLF:	YOUNG MOORE AND HENDERSON RALEIGH, N.C.		
2.00		DFT:	N.C. DEPA RALEIGH	ARTMENT OF JUSTICE , N.C.	
TA-26870 RH 9:00	P.A.M TRANSPORT, INC. AND CHEROKEE INSURANCE COMPANY V.	PLF:	YOUNG N RALEIGH	MOORE AND HENDERSON I, N.C.	
	N.C. DEPARTMENT OF TRANSPORTATION	DFT:	N.C. DEPA RALEIGH	ARTMENT OF JUSTICE , N.C.	
15-034657 & PH-4886 AP 9:00	JULIO C. AYALA v. DARRIGAN CONTRACTING, INC., NON-INSURED, AND CHAMPION HOME BUILDERS, INC., INSURANCE COMPANY OF THE STATE OF PENNSYLVANIA c/o GALLAGHER BASSETT SERVICES, INC., AND AMERICAN SHOWCASE MODULARS, LLC N.C. INDUSTRIAL COMMISSION v. DARRIGAN CONTRACTING, INC., NON-INSURED, AND MICHAEL DARRIGAN, INDIVIDUALLY	DFT:	GUNTER RALEIGH	LAW GROUP , N.C.	
			N.C. DEPA RALEIGH	ARTMENT OF JUSTICE , N.C.	
			MCANGU CHARLO	IS GOUDELOCK & COURIE ITE, N.C.	
				& BENJAMIN 30RO, N.C.	
			DUNNAG RALEIGH	AN LAW OFFICE , N.C.	
			ANDERSO RALEIGH	DN NEWTON , N.C.	