

Michael F. Easley, Governor
Buck Lattimore, Chairman



Bernadine S. Ballance, Commissioner
Thomas J. Bolch, Commissioner
Laura K. Mavretic, Commissioner
Christopher Scott, Commissioner
Dianne C. Sellers, 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 December 4, 6 & 12, 2006, all motions, requests for continuances, and telephone inquiries should be directed to the attention of Carrie Geddie, Agency Legal Specialist to Commissioner Laura K. Mavretic, Dobbs Building, 4336 Mail Service Center, Raleigh, North Carolina 27699. The telephone number for Ms. Geddie is (919) 807-2512. 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:

DECEMBER 4, 6 & 12, 2006
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. 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

A handwritten signature in cursive script that reads "Linda D. Langdon".

Linda D. Langdon
Docket Director

NORTH CAROLINA INDUSTRIAL COMMISSION
FULL COMMISSION
REVIEW DOCKET

LAURA K. MAVRETIC, CHAIR
DIANNE C. SELLER, COMMISSIONER
PAMELA T. YOUNG, COMMISSIONER

MONDAY, DECEMBER 4, 2006

9:30 A.M. RALEIGH, NORTH CAROLINA

371985 BD 9:30	DONNA SMITH v WARREN OIL COMPANY AIG CLAIMS SERVICES	PLF: BRENT ADAMS & ASSOCIATES RALEIGH, N.C. DFT: CRANFILL SUMNER & HARTZOG RALEIGH, N.C.
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366744 JDE 9:30	JACQUELINE SMITH v TRIUMPH, LLC KEY RISK MANAGEMENT SERVICES	PLF: MARTIN & JONES RALEIGH, N.C. DFT: HEDRICK EATMAN GARDNER & KINCHELOE, RALEIGH, N.C.
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508720 & 515848 RWR 9:30	MONTY HERRIN v DOMINION NORTH CAROLINA POWER ACORDIA EMPLOYER'S SERVICE	PLF: LEDBETTER & TITSWORTH CARY, N.C. DFT: TEAGUE CAMPBELL DENNIS & GORHAM, RALEIGH, N.C.
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479081 RWR 9:30	SHARRON JONES v EMCO WHEATON RETAIL CORP KEY RISK INSURANCE CO.	PLF: ROSE RAND WILSON, N.C. DFT: PRATHER LAW FIRM RALEIGH, N.C.
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515903 AP 9:30	JACOB WEARING v BOVIS LEND LEASE INSURANCE COMPANY OF THE STATE OF PENNSYLVANIA/AIG CLAIMS SERVICE	PLF: PRO SE. DFT: CRANFILL SUMNER & HARTZOG RALEIGH, N.C.
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(COURT RECESS)
(ORAL ARGUMENT TO RESUME AT 1:30 P.M.)

NORTH CAROLINA INDUSTRIAL COMMISSION
FULL COMMISSION
REVIEW DOCKET

LAURA K. MAVRETIC, CHAIR
DIANNE C. SELLERS, COMMISSIONER
PAMELA T. YOUNG, COMMISSIONER

MONDAY, DECEMBER 4, 2006

1:30 P.M. RALEIGH, NORTH CAROLINA

364962 424104 & 458670 PB 1:30	MARCOS ALBARRAN v FOOD LION SELF-INSURED (RISK MANAGEMENT SERVICES, INC.)	PLF: KEN WAYNE & ASSOCIATES CHARLOTTE, N.C. DFT: HEDRICK EATMAN GARDNER & KINCHELOE, CHARLOTTE, N.C.
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406813 GG 1:30	CAROLLENE K. GARDIN v GENTIVA HEALTH SERVICES GALLAGHER BASSETT INC.	PLF: CRUMLEY & ASSOCIATES CONCORD, N.C. DFT: HEDRICK EATMAN GARDNER & KINCHELOE, CHARLOTTE, N.C.
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537835 JD 1:30	PEGGY KIRKLAND v CONTINENTAL TIRE SELF-INSURED (GATES MCDONALD)	PLF: COBOURN & SALEEBY SPARTANBURG, S.C. DFT: HEDRICK EATMAN GARDNER & KINCHELOE, CHARLOTTE, N.C.
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211466 JDE 1:30	JAMES LOCKLEAR v CENTEX SOUTHEAST LIBERTY MUTUAL INSURANCE CO.	PLF: PRO SE. DFT: HEDRICK EATMAN GARDNER & KINCHELOE, CHARLOTTE, N.C.
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431575 JDE 1:30	WAYNE MCKINNEY v CARPENTER CO. BROADSPIRE	PLF: LAW OFFICES OF LYNDON R. HELTON HICKORY, N.C. DFT: ORBOCK RUARK & DILLARD WINSTON-SALEM, N.C.
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NORTH CAROLINA INDUSTRIAL COMMISSION
FULL COMMISSION
REVIEW DOCKET

LAURA K. MAVRETIC, CHAIR
DIANNE C. SELLERS, COMMISSIONER
PAMELA T. YOUNG, COMMISSIONER

WEDNESDAY, DECEMBER 6, 2006

9:30 A.M. RALEIGH, NORTH CAROLINA

434189 SHERRY WARD
KL v
9:30 FIRST UNION CORPORATION
ACE USA

PLF: HEDRICK & MORGAN
WILMINGTON, N.C.
DFT: CRANFILL SUMNER & HARTZOG
WILMINGTON, N.C.

214297 ANGELA P. RUSS
BH v
9:30 NORTH CAROLINA DEPARTMENT
OF TRANSPORTATION
SELF-INSURED

PLF: BRUMBAUGH MU & KING
JACKSONVILLE, N.C.
DFT: NC DEPARTMENT OF JUSTICE
RALEIGH, N.C.

391148 RICHARD KINTER
RH v
9:30 ROUZER MOTOR PARTS CO.
FAIRFIELD INSURANCE CO.

PLF: WALLACE & GRAHAM
SALISBURY, N.C.
DFT: CRANFILL SUMNER & HARTZOG
RALEIGH, N.C.

207787 ROBERT A. LOTHORP
PH v
9:30 BERENFIELD CONTAINERS, INC.
NATIONAL FIRE OF HARTFORD

PLF: LAW OFFICE OF C. MURPHY
ARCHIBALD, CHARLOTTE, N.C.
DFT: JONES HEWSON & WOOLARD
CHARLOTTE, N.C.

381351 GREGORY EUGENE MORGAN
PH v
9:30 GREGORY EUGENE MORGAN D/B/A
MORGAN'S CABLE SPLICERS, INC.
CAPITAL CITY INSURANCE CO.
(SOUTHEASTERN CLAIMS SERVICES)

PLF: PRO SE.
DFT: CRANFILL SUMNER & HARTZOG
RALEIGH, N.C.

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

NORTH CAROLINA INDUSTRIAL COMMISSION
FULL COMMISSION
REVIEW DOCKET

LAURA K. MAVRETIC, CHAIR
DIANNE C. SELLERS, COMMISSIONER
PAMELA T. YOUNG, COMMISSIONER

TUESDAY, DECEMBER 12, 2006

9:30 A.M. RALEIGH, NORTH CAROLINA

504754 &	ALRED CRAWFORD v MIKE PHILLIPS D/B/A MEN AT WORK CAR CARE CENTER NON-INSURED	PLF: SCUDDER & HEDRICK RALEIGH, N.C.
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		NC DEPARTMENT OF JUSTICE RALEIGH, N.C.
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PH-1327 GH 9:30	NORTH CAROLINA INDUSTRIAL COMMISSION v MIKE PHILLIPS D/B/A MEN AT WORK CAR CARE CENTER NON-INSURED	DFT: LARRY S. HEIGHT RALEIGH, N.C.
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243303 RH 9:30	JOSE CAMARENA v SEARS CONTRACT, INC. THE HARTFORD	PLF: SCUDDER & HEDRICK RALEIGH, N.C.
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		DFT: CRANFILL SUMNER & HARTZOG RALEIGH, N.C.
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505373 &	ROBERT WOODSON v THOMAS DISTRIBUTING, INC. NON-INSURED	PLF: JEFFREY ALLEN HOWARD CHAPEL HILL, N.C.
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		NC DEPARTMENT OF JUSTICE RALEIGH, N.C.
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PH-1418 GH 9:30	NORTH CAROLINA INDUSTRIAL COMMISSION v THOMAS DISTRIBUTING, INC. NON-INSURED AND LEON R.THOMAS, INDIVIDUALLY, AND CATHY LUNN, INDIVIDUALLY	DFT: RICHARD E.HERTHNECK ROCKY RIVER, OHIO
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		LEWIS & ROBERTS RALEIGH, N.C.
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TA-18752 WT 9:30	RITA BROWN v NORTH CAROLINA DEPARTMENT OF TRANSPORTATION	PLF: PRO SE.
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		DFT: NC DEPARTMENT OF JUSTICE RALEIGH, N.C.
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NORTH CAROLINA INDUSTRIAL COMMISSION
FULL COMMISSION
REVIEW DOCKET

TUESDAY, DECEMBER 12, 2006

9:30 A.M. & 1:30 P.M. RALEIGH, NORTH CAROLINA

002259	CHICO DEBERRY, SR.	PLF: JONES & JONES
MG	v	DUNN, N.C.
ADM	LINPAC PLASTIC	
APP	SENTRY INSURANCE CO.	DAVID CURTIS SMITH & ASSOCIATES
9:30		DURHAM, N.C.
		DFT: CRANFILL SUMNER & HARTZOG
		RALEIGH, N.C.

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

388812	FRANCIS DAVIS	PLF: FREDERICK R. STANN
MG	v	GASTONIA, N.C.
1:30	GASTON MEMORIAL HOSPITAL	
	SELF-INSURED	DFT: CRANFILL SUMNER & HARTZOG
	(TIMCO)	CHARLOTTE, N.C.

181772	CLARENCE WILLARD	PLF: FREDERICK R. STANN
RR	v	GASTONIA, N.C.
1:30	R.E. MCLEAN TANK CO.	
	N.C. GUARANTY FUND	DFT: MORRIS YORK WILLIAMS SURLES &
		BARRINGER, CHARLOTTE, N.C.

273266	JAMES STACY	PLF: GRIMES & TEICH
KL	v	ASHEVILLE, N.C.
1:30	WHITLEY PRODUCTS, INC.	
	THE HARTFORD	DFT: MORRIS YORK WILLIAMS SURLES &
		BARRINGER, CHARLOTTE, N.C.

420761	GLEND A W. HODGE	PLF: DAVID GANTT
428337	v	ASHEVILLE, N.C.
&	MEDICAL ACTION INDUSTRIES, INC.	
465163	ROYAL & SUNALLIANCE INS CO.	DFT: MCANGUS GOUDELOCK & COURIE
MC	AND/OR	CHARLOTTE, N.C.
1:30	COMPANION PROPERTY & CASUALTY	

290838	EARL PENNINGTON	PLF: LAW OFFICE OF TIMOTHY WELBORN
RH	v	WILKESBORO, N.C.
1:30	RACO, INC.	
	LIBERTY MUTUAL INSURANCE CO.	DFT: DAVIS & HAMRICK
		WINSTON-SALEM, N.C.
