

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 6, 8 & 14, 2005, all motions, requests for continuances, and telephone inquiries should be directed to the attention of Chrystina Kesler, Agency Legal Specialist to Chairman Buck Lattimore, Dobbs Building, 4336 Mail Service Center, Raleigh, North Carolina 27699. The telephone number for Ms. Kesler is (919) 807-2510. 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 6, 8 & 14, 2005
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

BUCK LATTIMORE-CHAIRMAN
CHRISTOPHER SCOTT, COMMISSIONER
THOMAS BOLCH, COMMISSIONER

TUESDAY, DECEMBER 6, 2005

9:30 A.M. RALEIGH, NORTH CAROLINA

241904 CATHERINE ESCALERA
PB v
9:30 LANCOME
 ZURICH AMERICAN INSURANCE
 COMPANY

PLF: SCUDDER & HEDRICK
 RALEIGH, N.C.

DFT: LEWIS & ROBERTS
 RALEIGH, N.C.

TA-16216 JESSICA T. KELLY
WT v
9:30 N.C. STATE UNIVERSITY

PLF: CAPITAL DISTRICT LAW OFFICES
 RALEIGH, N.C.

DFT: NC DEPARTMENT OF JUSTICE
 TINA HLABSE, RALEIGH, N.C.

255772 DORIS P. SIMMONS
WT v
9:30 MELLON HR SOLUTIONS
 TRAVELERS INSURANCE CO.

PLF: PERRY PERRY & PERRY
 DURHAM

DFT: HEDRICK EATMAN GARDNER &
 KINCHELOE, RALEIGH, N.C.

486832 ALEJANDRO ASUNCION-RODRIGUEZ
AP v
9:30 RICHARD ABERNATHY D/B/A
 RICHARD'S HOME IMPROVEMENT
 TRAVELERS INSURANCE CO.

PLF: PRO SE.

DFT: PRO SE.

CRANFILL SUMNER & HARTZOG
RALEIGH, N.C.

142471 COZETTE I. ABREU
BH v
9:30 KENNAMETAL, INC.
 ACE USA

PLF: LAW OFFICE OF RANDOLPH M. JAMES
 WINSTON-SALEM, N.C.

DFT: TEAGUE CAMPBELL DENNIS &
 GORHAM, RALEIGH, N.C.

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

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THOMAS BOLCH, COMMISSIONER

TUESDAY, DECEMBER 6, 2005

1:30 P.M. RALEIGH, NORTH CAROLINA

365892 DARRELL ROUSE
& v
PH-1009 CITY AUTO PARTS
GH NON-INSURED
1:30

PLF: CRUMLEY & ASSOCIATES
WINSTON-SALEM, N.C.

NC DEPARTMENT OF JUSTICE
RALEIGH, N.C.

DFT: ARTHUR M. BLUE
CARTHAGE, N.C.

235130 CATHERINE L. TRIPLETT
WT v
1:30 CITY OF HICKORY
SELECTIVE INSURANCE

PLF: BYRD BYRD ERVIN WHISNANT
MORGANTON, N.C.

DFT: RUDISILL WHITE & KAPLAN
CHARLOTTE, N.C.

064038 ROCKY BURRIS EUDY
BD v
1:30 MICHELIN NORTH AMERICA, INC.
ACE USA INSURANCE COMPANY

PLF: BOLLINGER & PIEMONTE
CHARLOTTE, N.C.

DFT: HEDRICK EATMAN GARDNER &
KINCHELOE, CHARLOTTE, N.C.

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BUCK LATTIMORE-CHAIRMAN
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THOMAS BOLCH, COMMISSIONER

THURSDAY, DECEMBER 8, 2005

9:30 A.M. RALEIGH, NORTH CAROLINA

331785 & 347389 TS 9:30	DOREEN FINCHER v GOODYEAR TIRE & RUBBER D/B/A KELLY SPRINGFIELD TIRE LIBERTY MUTUAL	PLF: THE JERNIGAN LAW FIRM RALEIGH, N.C. DFT: CRANFILL SUMNER & HARTZOG RALEIGH, N.C.
385824 PH 9:30	ROSEMARIE SANCHEZ v INTERIM HEALTHCARE GALLAGHER-BASSETT SERVICE	PLF: LAW OFFICES OF JAMES SCOTT FARRIN, DURHAM, N.C. DFT: LEWIS & ROBERTS RALEIGH, N.C.
392379 WT 9:30	DAVID WASHINGTON, JR. v TRAFFIC MARKINGS, INC. LIBERTY MUTUAL INSURANCE CO.	PLF: SUSAN B. KILZER DURHAM, N.C. DFT: CRANFILL SUMNER & HARTZOG RALEIGH, N.C.
204335 PH 9:30	BOBBY YEATTS v GUILFORD COUNTY SCHOOLS KEY RISK MANAGEMENT SERVICE	PLF: DOUGLAS S. HARRIS GREENSBORO, N.C. DFT: NC DEPARTMENT OF JUSTICE LAURA GENDY, RALEIGH, N.C.
327802 WT 9:30	CHO SON ANDERSON v KAO SPECIALTIES AMERICAS, INC. WAUSAU INSURANCE CO.	PLF: OXNER THOMAS & PERMAR GREENSBORO, N.C. DFT: CRANFILL SUMNER & HARTZOG RALEIGH, N.C.

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

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CHRISTOPHER SCOTT, COMMISSIONER
THOMAS BOLCH, COMMISSIONER

THURSDAY, DECEMBER 8, 2005

1:30 P.M. RALEIGH, NORTH CAROLINA

218656 WT 1:30	PEDRO RAMON GONZALEZ v DAVID GRIMES, JR. D/B/A GRIMES CONSTRUCTION N.C. FARM BUREAU INSURANCE CO.	PLF: LAW OFFICES OF MARK T. ATKINSON WINSTON-SALEM, N.C. DFT: YOUNG MOORE & HENDERSON RALEIGH, N.C.
378408 AP 1:30	GLADYS E. MAWYIN v LIBERTY HOMES AIG CLAIM SERVICES	PLF: ROBERT J. DEWEY CHARLOTTE, N.C. DFT: CRANFILL SUMNER & HARTZOG CHARLOTTE, N.C.
148560 KL 1:30	SCOTT PORTER v PPG INDUSTRIES, INC. SELF-INSURED (KEY RISK MANAGEMENT SERVICE)	PLF: PRO SE. DFT: STILES BYRUM & HORNE CHARLOTTE, N.C.

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BUCK LATTIMORE-CHAIRMAN
CHRISTOPHER SCOTT, COMMISSIONER
THOMAS BOLCH, COMMISSIONER

WEDNESDAY, DECEMBER 14, 2005

9:30 A.M. RALEIGH, NORTH CAROLINA

345152 MC 9:30	NANCY RENE JONES v HOLT HOISERY MILLS, INC. PMA GROUP INSURANCE CO.	PLF: BRUMBAUGH MU & KING JACKSONVILLE, N.C. DFT: HEDRICK EATMAN GARDNER & KINCHELOE, WILMINGTON, N.C.
360560 PH 9:30	DOUGLAS CROMARTIE v CHOPTANK TRANSPORT D/B/A L & W TRUCKING GALLAGHER-BASSETT SERVICE	PLF: BRUMBAUGH MU & KING JACKSONVILLE, N.C. DFT: YOUNG MOORE & HENDERSON RALEIGH, N.C.
260559 BD 9:30	BOBBY BRITT v GATOR WOOD, INC. NATIONAL SURETY CORP	PLF: ROBERT A. LAUVER KERNERSVILLE, N.C. DFT: HEDRICK EATMAN GARDNER & KINCHELOE, RALEIGH, N.C.
860689 SG 9:30	FREDDIE A. DANCE v MISSION ST. JOSEPH'S HEALTH SYSTEM SELF-INSURED (CAMBRIDGE INTEGRATED SERVICES GROUP, INC.)	PLF: PRO SE. DFT: VAN WINKLE BUCK WALL STARNES & DAVIS, ASHEVILLE, N.C.
334484 BH 9:30	DIANNE R. GAGNON v DUKE UNIVERSITY SELF-INSURED	PLF: KELLUM LAW FIRM NEW BERN, N.C. DFT: CRANFILL SUMNER & HARTZOG RALEIGH, N.C.
353936 BH 9:30	ESTATE OF DAVID WILLIAM KAY, JR. (DECEASED) v EXCEL BODY WORKS, INC. COMMERCIAL UNDERWRITERS	PLF: THE JERNIGAN LAW FIRM RALEIGH, N.C. DFT: CRANFILL SUMNER & HARTZOG RALEIGH, N.C.
