

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

1. **Name**: State full name (include any former names used).

Catherine Caldwell Eagles (formerly Catherine Diane Caldwell)

2. **Position**: State the position for which you have been nominated.

United States District Judge for the Middle District of North Carolina

3. **Address**: List current office address. If city and state of residence differs from your place of employment, please list the city and state where you currently reside.

Superior Court Judges Chambers
201 South Eugene Street, 4th Floor
Greensboro, North Carolina 27402

4. **Birthplace**: State year and place of birth.

1958; Memphis, Tennessee

5. **Education**: List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

1979-1982, National Law Center at George Washington University; J.D., 1982
1975-1979, Rhodes College (f/k/a Southwestern at Memphis); B.A., 1979

6. **Employment Record**: List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

1993 – Present
Superior Court of North Carolina
201 South Eugene Street
Greensboro, North Carolina 27402
Senior Resident Superior Court Judge (2006 – Present)
Resident Superior Court Judge (1993 – 2005)

1984 – 1993

Smith Helms Mullis & Moore (now known as Smith Moore Leatherwood)
300 North Greene Street
Greensboro, North Carolina 27401
Partner (1990 – 1993)
Associate (1984 – 1989)

1982 – 1984

United States Court of Appeals for the Eighth Circuit
Thomas F. Eagleton United States Courthouse (current address)
111 South 10th Street
St. Louis, Missouri 63102
Law Clerk to Hon. J. Smith Henley (Harrison, Arkansas) (1983 – 1984)
Staff Law Clerk to Court of Appeals (St. Louis, Missouri) (1982 – 1983)

1981 – 1982

Leva Hawes Symington Martin & Oppenheimer (since dissolved)
815 Connecticut Avenue, N.W.
Washington, D.C. 20006
Law Clerk (part-time)

1981

Morgan Associates (since dissolved)
1899 L Street, N.W.
Washington, D.C. 20036
Summer Law Clerk

1980

Consumer Product Safety Commission
1111 18th Street, N.W.
Washington, D.C. 20036
FOIA Law Clerk (full-time in summer, part-time during academic year)

1979

Courier-Index and Twin City Tribune
P.O. Box 569
Marianna, Arkansas 72360
Summer Reporter

Other Affiliations

2009 – Present

The Club at Green Valley
1909 Lendew Street
Greensboro, North Carolina 27408
Substitute Health & Fitness Instructor (part-time)

2004 – Present

University of North Carolina School of Government Foundation
Knapp-Sanders Building
Campus Box 3330
Chapel Hill, North Carolina 27599
Vice Chair, Board of Directors (2006 – Present) (uncompensated)
Director (2004 – Present) (uncompensated)

2007 – 2009

North Carolina Conference of Superior Court Judges
c/o Hon. Allen Cobb, President
316 Princess Street, Room 346
Wilmington, North Carolina 28401
Director (uncompensated)

2000 – 2006

New Garden Friends School
1128 New Garden Road
Greensboro, North Carolina 27410
Trustee (uncompensated)

2004 – 2005

Our Children's Place
P.O. Box 1086
Chapel Hill, North Carolina 27514
Director (uncompensated)

1997 – 2004

Summit House
1589 Skeet Club Road
High Point, North Carolina 27265
Vice Chair, Board of Governors (2000 – 2004) (uncompensated)
Governor (1997 – 2004) (uncompensated)

1995 – 1998

North Carolina Yearly Meeting (Religious Society of Friends)
4811 Hilltop Road
Greensboro, North Carolina 27407
Trustee (uncompensated)

1990 – 1991 (approximate)

Women's Professional Forum
P.O. Box 38594
Greensboro, North Carolina 27358
Director (uncompensated)

1988 – 1992
Greensboro YWCA
One YWCA Place
Greensboro, North Carolina 27401
Director (uncompensated)

7. **Military Service and Draft Status:** Identify any service in the U.S. Military, including dates of service, branch of service, rank or rate, serial number (if different from social security number) and type of discharge received, and whether you have registered for selective service.

I have not served in the military. I have not registered for Selective Service as I was not eligible to do so.

8. **Honors and Awards:** List any scholarships, fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement.

North Carolina Association of Trial Lawyers, Trial Judge of the Year (2004)
North Carolina Association of Women Attorneys, Gwyneth P. Davis Public Service Award (2000)
George Washington Law Review (1980 – 1982)
Order of the Coif (1982)
Phi Beta Kappa (1979)
Who's Who in Colleges and Universities (1979)

9. **Bar Associations:** List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member, and give the titles and dates of any offices which you have held in such groups.

American Bar Association
Tort and Insurance Practice Section
Associate Editor, Tort and Insurance Journal (1992 – 1994)
American Judicature Society
American Judges Association
Defense Research Institute
Greensboro Bar Association
Chair, Dispute Resolution Committee & Member, Executive Committee (1992 – 1993)
Guilford Inn of Court
Joseph Branch Inn of Court
North Carolina Association of Defense Attorneys
National Association of Women Judges
North Carolina Association of Women Attorneys
Chair of Judicial Division (2000 – 2001)
North Carolina Bar Association
Board of Governors and Vice-President (2001 – 2002)

Task Force on Women in the Profession (1999 – 2001)
 Nominating Committee (1998 – 1999)
 Litigation Section Council (1994 – 1997)
 Litigation Section Nominating Committee (1998)
 Dispute Resolution Section Council (1993 – 1995)
 Dispute Resolution Committee (1991 – 1993)
 North Carolina Conference of Superior Court Judges
 Chair, Education Committee (2005 – Present)
 Education Committee (2000 – Present)
 Executive Committee and Board of Directors (2007-2009)
 Chair, Public Relations Committee (2000 – 2005)
 North Carolina Dispute Resolution Commission
 Vice-Chair and Chair of Rules Committee (1997 – 2001)
 North Carolina Judicial College Advisory Board (2005 – Present)
 North Carolina Judicial Council
 Dispute Resolution Committee (2000 – 2005)
 North Carolina Legislative Criminal Procedure Study Commission (1997)
 Supreme Court of North Carolina
 Chief Justice's Commission on Professionalism (2000 – 2003)
 Chief Justice's Task Force on Dispute Resolution (2000)

10. Bar and Court Admission:

- a. List the date(s) you were admitted to the bar of any state and any lapses in membership. Please explain the reason for any lapse in membership.

Arkansas, 1983
 Missouri, 1982
 North Carolina, 1984

There have been no lapses in my Arkansas and North Carolina memberships. I allowed my membership in the Missouri bar to lapse in 2002 because I was not practicing law in Missouri and had no other connections to the state.

- b. List all courts in which you have been admitted to practice, including dates of admission and any lapses in membership. Please explain the reason for any lapse in membership. Give the same information for administrative bodies that require special admission to practice.

United States Court of Appeals for the Fourth Circuit, 1985
 United States Court of Appeals for the Eighth Circuit, 1982
 United States District Court for the Eastern District of North Carolina, 1985
 United States District Court for the Middle District of North Carolina, 1984
 United States District Court for the Western District of North Carolina, 1986

There have been no lapses in membership.

11. Memberships:

- a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

American Association of University Women (1997 – Present)

By-Laws Chair, Greensboro Branch (1997 – Present)

Greensboro YWCA (approximately 1984 – 1996)

Board of Directors (1988 – 1992)

Volunteer (1985 – 1993)

League of Women Voters of the Piedmont Triad (1994 – Present)

New Garden Friends School

Board of Directors (2000 – 2006)

Our Children's Place

Board of Directors (2004 – 2005)

Summit House

Vice Chair (2000 – 2004)

Board of Governors (1997-2004)

University of North Carolina School of Government Foundation

Vice Chair (2006 – Present)

Board of Directors (2004 – Present)

Women's Professional Forum (1985 – 1993)

Education Committee Chair & Membership Chair

Yoga Alliance (2009 – Present)

- b. The American Bar Association's Commentary to its Code of Judicial Conduct states that it is inappropriate for a judge to hold membership in any organization that invidiously discriminates on the basis of race, sex, or religion, or national origin. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

None of the organizations listed now discriminates or has discriminated during the time I have been a member. To my knowledge, the Women's Professional Forum and my local branch of the American Association of University Women have only women members, but both permit membership by men. At least one of the organizations listed, the Greensboro YWCA, historically discriminated on the basis of race, but ceased to discriminate several decades before I first joined. In addition, I was a member of the Delta Delta Delta Sorority while in college, which limits its membership to college women. Although I occasionally receive

mailings from the organization, I have not considered myself a member since graduating from college.

12. Published Writings and Public Statements:

- a. List the titles, publishers, and dates of books, articles, reports, letters to the editor, editorial pieces, or other published material you have written or edited, including material published only on the Internet. Supply four (4) copies of all published material to the Committee.

NORTH CAROLINA EVIDENTIARY FOUNDATIONS (2d. ed. 2006) (Co-Author)

A Symposium on the 1993 Amendments to the Federal Rules of Civil Procedure,
29 Tort & Ins. L.J. 467 (1994) (I wrote a short introduction and edited the
volume.)

North Carolina, in PRODUCTS LIABILITY DEFENSES: A STATE-BY-STATE
COMPENDIUM NC1-NC15 (Davidson Ream, ed., 1992)

Case Note, *Administrative Law* - Federal Trade Commission v. Standard Oil Co.,
50 Geo. W. L. Rev. 349 (1982)

- b. Supply four (4) copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. If you do not have a copy of a report, memorandum or policy statement, give the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.

The Chief Justice's Task Force on Dispute Resolution prepared a report in 2000 suggesting a method of selecting members for the Dispute Resolution Commission. I do not have a copy of the report. The Task Force is no longer in existence and has no address.

In June 2005, I drafted and presented to the Superior Court Judges Conference a Resolution concerning proposed legislation on handling of exhibits in the courtroom.

- c. Supply four (4) copies of any testimony, official statements or other communications relating, in whole or in part, to matters of public policy or legal interpretation, that you have issued or provided or that others presented on your behalf to public bodies or public officials.

I occasionally have been asked by North Carolina legislative committees to informally discuss proposed legislation, especially since I became Senior Resident Superior Court Judge in 2006. These comments have largely related to court

administration. I occasionally have written or e-mailed individual state legislators and county commissioners on my own initiative concerning various proposed legislation of interest to the court system, but I have not found copies in my files. I do not recall any communications about matters of legal interpretation.

- d. Supply four (4) copies, transcripts or recordings of all speeches or talks delivered by you, including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

Remarks at Ceremony to Administer the Oath of Office to Judge Patrice Hinnant, Superior Court for Guilford County, Greensboro, NC (Nov. 6, 2009)

“Practical Tips for Trying Medical Negligence Cases,” Superior Court Judges Conference, Chapel Hill, NC (Oct. 2009)

“Selected Evidence Issues in Medical Negligence Cases,” Superior Court Judges Conference, Chapel Hill, NC (Oct. 2009)

Remarks at Ceremony to Administer the Oath Admitting New Attorneys to Practice, Superior Court for Guilford County, Greensboro, NC (Oct. 2, 2009)

“Ex Parte Contacts,” Guilford Inn of Court, Greensboro, NC (March 2009)

“Helpful Hints for the Occasional Visitor to Civil Superior Court,” Greensboro Bar Association Seminar (Feb. 19, 2009)

Remarks at Ceremony to Administer the Oath of Office to New District Court Judges, Superior Court for Guilford County, Greensboro, NC (January 5, 2009)

“Making the Transition to the Superior Court Bench,” New Judges School at the North Carolina Judicial College, Chapel Hill, NC (Jan. 2009 and earlier dates)

“Jury Management,” New Judges School at the North Carolina Judicial College, Chapel Hill, NC (Jan. 2009)

“Resolving Scheduling Conflicts,” School for New Senior Residents and Chief District Court Judges, North Carolina Judicial College, Chapel Hill, NC (2009 and earlier dates)

Remarks at Ceremony to Administer the Oath Admitting New Attorneys to Practice, Greensboro, NC (Oct. 3, 2008)

“Evidence Update,” Superior Court Judges Conference, Carolina Beach, NC (June 2008)

Remarks at Ceremony to Administer the Oath Admitting New Attorneys to Practice, Greensboro, NC (Oct. 12, 2007)

“Preliminary Questions of Evidence: Rule 104,” Superior Court Judges Conference, Asheville, NC (June 2007)

Remarks at Ceremony to Administer the Oath Admitting New Attorneys to Practice, Greensboro, NC (Sept. 15, 2006)

Remarks Made at Dinner Honoring Hon. W. Douglas Albright upon his retirement, Greensboro, NC (Spring 2006)

"Perspective from the Bench," Greensboro Bar Association and CJCP Seminar on Professionalism, Greensboro, NC (no notes) (Apr. 20, 2006)

"Effective Strategies in the Courtroom," North Carolina Association of Defense Attorneys Seminar, Elon Law School, Greensboro, NC (2006 or 2007)

"Co-Defendants, Accomplices, and Co-Conspirators" Superior Court Judges Conference, Chapel Hill, NC (Fall 2005)

"Impeachment, Corroboration, Rehabilitation, and Opening the Door," Superior Court Judges Conference, Chapel Hill, NC (Nov. 2004)

"Professional Standards Viewed from the Bench," Speech recorded by Chief Justice's Commission on Professionalism for Video on Professionalism, Greensboro, NC (July 1, 2004)

"Collected Materials on Character Evidence: The Interplay between Rules of Evidence 404(a), 405, 607, 608, 609, and 611," Superior Court Judges Conference, Fayetteville, NC (Oct. 2003)

Remarks at Ceremony to Administer the Oath Admitting New Attorneys to Practice, Greensboro, NC (Sept. 12, 2003)

"Mechanics of Running a Courtroom," NC Industrial Commission Professionalism Program organized by the Chief Justice's Commission on Professionalism, Raleigh, NC (no notes) (Aug. 14, 2003)

Speech to Women's Professional Forum, Greensboro, NC (Spring 2003)

"View From the Bench" (2003)

Remarks at Ceremony to Administer the Oath Admitting New Attorneys to Practice, Greensboro, NC (Sept. 12, 2002)

"Civility and Demeanor in Jury Selection and Jury Argument," presented with Margaret Burnham (no notes) (Feb. 8, 2002)

Challenges with Judicial Discipline of Lawyers, presentation to Chief Justice's Commission on Professionalism, NC (June 21, 2000)

"Responsibilities of the Trial Judge," North Carolina Bar Association Seminar, Panel discussion on with Judge Osteen, Greensboro, North Carolina (no notes) (June 18, 2001)

"Selected Cases on Discovery Issues" Superior Court Judges Conference, Asheville, NC (June 2001)

"Dealing With Difficult Lawyers," District Court Judges Conference, Atlantic Beach, NC (June 2001)

"Judicial Discipline of Attorneys," Superior Court Judges Conference, Winston-Salem, NC (Nov. 2000)

"Disciplining Lawyers," Superior Court Judges Conference, Pinehurst, NC (June 23, 2000)

"Trial Evidence," North Carolina Bar Association Seminar, Greensboro, NC (no notes) (Dec. 8, 2000)

“Life After Impasse” and “How Ethics and Professionalism Play a Role in the Mediation Process,” North Carolina Bar Association Seminar, Cary, NC (no notes) (Sept. 22, 2000)

“Leading Medical Evidentiary Issues,” Panel Discussion at North Carolina Bar Association Seminar, Greensboro, NC (no notes) (Mar. 26, 1999)

“Products Liability Law in North Carolina: Overview and Synopsis of Issues Relevant to Construction and Insurance Disputes,” and Panel Discussion on “Other Types of Insurance,” North Carolina Bar Association Construction Law Section Seminar, Pinehurst, NC (Sept. 18, 1992)

“Educating a Superior Court Judge on the Law and the Facts,” North Carolina Association of Trial Lawyers Products Liability Seminar, Raleigh, NC (no notes) (Jan. 12, 1996)

“ADR and the Judicial System,” Leadership Greensboro, Greensboro, NC (no notes) (Mar. 14, 1995)

“Serving the Legal Needs in Rural Areas,” (panel discussion) North Carolina Bar Association Pro Bono Conference, Raleigh, NC (no notes) (Nov. 17, 1994)

Remarks on Sexual Harassment to the Greensboro Branch of the American Association of University Women, Greensboro, NC (no notes) (Oct. 1994)

“ADR and ‘Informed Consent,’” Greensboro Bar Association Seminar, Greensboro, NC (no notes) (Feb. 7, 1994)

Remarks to New Lawyers at “Bridge the Gap” program presented by the Greensboro Bar Association Young Lawyers, Greensboro, NC (no notes) (Nov. 12, 1993)

Panel Discussion on “What Should North Carolina’s Rules of Professional Conduct Say?” North Carolina Bar Association Seminar, Durham, North Carolina (no notes) (Nov. 5, 1993)

Speech for Fifth Grade Graduation, Claxton, Elementary School, Greensboro, North Carolina (Date not remembered)

I assembled this list from review of my paper and electronic files. In addition to the specific speeches I identified, I speak regularly to school groups and to civic organizations about topics such as our court system, sentencing and criminal law, and being a woman judge (this last topic primarily in the 1990s). I may have participated in other continuing legal education or bench-bar forums of similar types to the speeches I list above.

- e. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews and four (4) copies of the clips or transcripts of these interviews where they are available to you.

Doug Clark, “Earls May Be Perfect Judge for Obama,” NEWS & RECORD (Greensboro, NC), July 22, 2009, at A11.

“What I’m Reading,” NEWS & RECORD (Greensboro, NC), Oct. 4, 2009, at H5

“Judges Shouldn’t Need Guns,” NEWS & RECORD (Greensboro, NC), Mar. 19, 2007, at A8

“Eagles to Replace Albright on Court,” NEWS & RECORD (Greensboro, NC), Dec. 24, 2005, at A1.

Libby Lewis, “Mediation Background an Asset: Greensboro Lawyer Named to Judgeship,” NEWS & RECORD (Greensboro, NC), Apr. 2, 1993, at B1.

In addition, I recall a television interview about a decade ago concerning a shortage of jurors showing up in Guilford County; I do not remember the date or the interviewer. I have listed all interviews with the News & Record that I have been able to identify, but I have spoken with that publication’s reporters on other dates that I do not specifically recall about topics related to the courts.

13. **Judicial Office:** State (chronologically) any judicial offices you have held, including positions as an administrative law judge, whether such position was elected or appointed, and a description of the jurisdiction of each such court.

I was appointed to a vacancy on the Superior Court bench by Governor James B. Hunt, Jr., in 1993. I was thereafter elected in 1994 and re-elected in 1996 and 2004. I became Senior Resident Superior Court Judge in 2006; this happens by seniority pursuant to statute. I preside over criminal and civil court including jury trials, sentence convicted offenders, and decide motions in the state’s highest court of general jurisdiction. As Senior Resident Judge, I am responsible for organization of court schedules and the civil Superior Court docket, appointment of magistrates, and numerous other statutory and traditional duties, in addition to court duties.

- a. Approximately how many cases have you presided over that have gone to verdict or judgment?

I estimate I have presided over at least 500 civil and criminal trials to verdict over the last sixteen years. I have taken thousands of guilty pleas and sentenced thousands of persons. I have heard hundreds of civil motions and scores of criminal motions.

- i. Of these, approximately what percent were:

jury trials:	98%
bench trials:	2%
civil proceedings:	40%
criminal proceedings:	60%

- b. Provide citations for all opinions you have written, including concurrences and dissents.

Under the general practices of our court, judges typically issue in writing only short orders that dispose of motions and cases. Occasionally, in complex cases assigned to me by the Chief Justice and in other civil and criminal cases where circumstances required, I have issued longer orders that set forth a reasoned legal basis for my decision. These orders are not reported, however, and I have not maintained a list of them. There is no mechanism in our court's information systems to generate such a list.

- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (3) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).

1. *State v. Sanders*, 94 CrS 13383 (Cabarrus County). The defendant was charged with first degree murder of his wife. This was the first capital murder trial over which I presided; the case was tried in the fall of 1995. The defendant was acquitted.

Prosecution: then District Attorney Mark Speas. I have been unable to locate current contact information. Defense: Larry E. Harris, 92 Union St. S., Concord, NC 28025, (704) 788-9001, and Rick Locklear, P.O. Box 56, Landis, NC 28088, (704) 857-6181. I do not have a copy of any orders I signed in this case.

2. *State v. Moses*, 96 CrS 19456-57 (Forsyth County), *aff'd*, 350 N.C. 741 (1999). The defendant was charged with two counts of first degree murder and tried capitally; I presided. At his trial in November 1997, the jury found him guilty and recommended two death sentences. Under North Carolina law, that recommendation is binding on the trial court, and I imposed the sentences.

On appeal, the defendant challenged my decisions to join the two murders for trial, to grant the state's motion to challenge a particular juror for cause, to admit evidence under N.C.R.Evid. 404(b), and in allowing the jury to consider each murder to support an aggravating factor for the imposition of the death penalty for the other murder. The Supreme Court of North Carolina affirmed in an opinion that since has been cited numerous times, primarily on the joinder issue.

Prosecution: Assistant District Attorneys Vince Rabil, 301 N. Main St. Suite 1100, Winston-Salem, NC 27101, (336) 725-1304, and David Spence, 300 Courthouse Square, Beaufort, NC 28516, (252) 838-8142. Defense: Clark Fischer, Randolph & Fischer, 200 Brook Town Ave. Suite 304, Winston-Salem, NC 27101, (336) 724-3513, and Pete Clary, 8 W. 3rd St. Suite 400, Winston-Salem, NC 27101, (336) 761-2510.

3. *State v. Rivera*, 96 CrS 19465-66 (Forsyth County), *rev'd* 350 N.C. 285 (1999). The defendant was charged with two counts of first degree murder and

tried capitally; I presided. At his first trial in October 1997, the jury found defendant guilty and recommended two death sentences. Under North Carolina law, that recommendation is binding on the trial court, and I imposed the sentences. The Supreme Court of North Carolina ruled I improperly excluded defense evidence concerning out-of-court statements by a non-testifying co-defendant and remanded for a new trial. I presided over the retrials in November 1999, at which the jury acquitted the defendant.

Prosecution (first trial): Assistant District Attorneys Rob Lang, now Assistant U.S. Attorney, P.O. Box 1858, Greensboro, NC 27402, (336) 333-5351, and Pansy Glanton, P.O. Box 20083, Winston-Salem, NC 27120, (336) 761-2214.

Prosecution (retrial): Assistant District Attorneys David Spence, 300 Courthouse Square, Beaufort, NC 28516, 252/838-8142, and Randall Galyon, now Assistant U.S. Attorney, P.O. Box 1858, Greensboro, NC 27402, (336) 333-5351. Defense (both trials): Dick Ramsey, 250 Executive Park Blvd. Suite 250, Winston-Salem, NC 27103, (336) 765-1600, and Doug Meis, 8 W. 3rd St. Suite 210, Winston-Salem, NC 27101, (336) 725-9090.

4. *State v. Boczkowski*, 94 CrS 20209 (Guilford County), *aff'd*, 130 N.C.App. 702 (1998). The defendant was charged with first degree murder of his wife. At the trial in the fall of 1996, he was found Guilty of First Degree Murder. The jury recommended a sentence of Life in Prison Without Parole, which I imposed. The conviction and sentence were upheld by the North Carolina Court of Appeals.

Prosecution: Assistant District Attorney Randy Carroll, 1801 Westchester Dr., Suite 1801, P.O. Box 2756, High Point, NC 27261, (336) 885-9533. Defense: Fred Lind, Greensboro Public Defender's Office, 201 S Eugene St., Greensboro, NC 27401 (336) 412-7777, and Doug Harris, 1698 Natchez Trace, Greensboro, NC 27455 (336) 288-0284. I do not have a copy of the judgments I signed.

5. *Richardson v. NationsCredit Fin. Servs. Corp.*, 02 CvS 2398 (Durham County); 643 S.E.2d 410 (N.C. Ct. App. 2007), *disc. rev. improvidently allowed*, 362 N.C. 227 (2008). I was assigned to preside over this case and a companion case by the Chief Justice pursuant to Rule 2.1 of the General Rules of Practice, as complex civil cases. The plaintiffs sought class certification on claims that the defendant bank sold them illegal insurance as part of refinancing home loans and engaged in other predatory lending practices. I certified a class and granted summary judgment on all liability issues, some in favor of the defendants and some in favor of the plaintiffs. I further decided the way damages would be calculated. These decisions and others were certified for immediate appeal and were reviewed and affirmed by the North Carolina Court of Appeals; after granting a petition for discretionary review and hearing oral argument, the North Carolina Supreme Court found discretionary review had been improvidently granted and left the ruling of the Court of Appeals in place. On remand, the case was settled with Court approval.

Counsel for Plaintiffs and Class were John Alan Jones and Christopher Olson, Jones Martin Parris & Tessener Law Offices, P.L.L.C., 410 Glenwood Avenue, Suite 200, Raleigh, NC 27603, (919) 821-0005. Counsel for the defendants initially was David Dreifus, Poyner & Spruill, P.O. Box 1801, Raleigh, NC 27602-1801, (919) 716-9000, and later was John H. Culver III and Amy P. Williams, K&L/Gates, 214 North Tryon Street, 47th Floor, Charlotte, NC 28202 (704) 331-7453.

6. *Finesse Couch v. Private Diagnostic Center*, 94 CvS 454 (Durham County), *aff'd in part, rev'd in part*, 146 N.C.App. 658 (2001), *petition for disc. review denied*, 355 N.C. 348 (2002). I was assigned to preside over this case by the Chief Justice pursuant to Rule 2.1 of the General Rules of Practice, after remand from the Supreme Court of North Carolina, for the specific purpose of determining sanctions against a lawyer who had made an improper closing argument during trial before another judge. My sanctions decision was affirmed by the North Carolina Court of Appeals on every issue except one, on which the Court of Appeals remanded for more detailed findings of fact on the amount of attorney's fees awarded.

Counsel for the Plaintiff was Keith A. Bishop, Suite 105 Madison Centre, 1802 Martin Luther King Parkway, Durham, NC, 27707, (919) 490-1855. Counsel for the defendant was James B. Maxwell, Maxwell Freeman & Bowman, 2741 University Drive, Durham, NC 27717, (919) 493-6464. Initial counsel for the attorney was Vance Barron, 310 S. Greene Street, Greensboro, NC, 27401, (336) 274-4782. On appeal and on remand for the recalculation of attorney's fees, the attorney was represented by Stephen T. Smith, McMillan Smith & Plyler, PO Box 150 Raleigh, NC 27602, (919) 821-5124. The State Bar was represented by Carolin Bakewell, then with the North Carolina State Bar, and Assistant Attorney General Staci Tolliver Meyer. Ms. Bakewell may now be contacted at the Board of Dental Examiners, 507 Airport Blvd, Suite 105, Morrisville, NC, 27560, (919) 678-8223. Ms. Meyer may now be contacted at the N.C. Industrial Commission, 4336 Mail Service Center, Raleigh, NC 27699-4336, (800) 688-8349.

7. *Whiteheart v. Waller*, 08 CVS 818, Forsyth County, *aff'd*, 681 S.E.2d 419 (N.C. Ct. App. 2009). Plaintiff sued Defendant and her law firm for legal malpractice arising out of actions leading up to a lawsuit against Plaintiff which resulted in a verdict against Plaintiff on claims of, *inter alia*, malicious prosecution and libel. Plaintiff claimed that Defendant advised the Plaintiff to take the actions which later resulted in liability, and sought to recover the damages he had to pay. In a case of first impression in North Carolina, I found that the *in pari delicto* doctrine was a valid defense to a legal negligence claim and that the previous verdicts against Plaintiff established Plaintiff's intentional wrongdoing as a matter of law. The North Carolina Court of Appeals affirmed.

Counsel for Plaintiff was Randolph James, 116 N. Spruce Street, Winston-Salem, NC 27101, (336) 724-7707. Counsel for the defendant was E. Fitzgerald Parnell, Poyner Spruill, 301 College Street, Suite 2300, Charlotte, NC 28202, 704/342-5252.

8. *State v. Anderson*, 06 CRS 57340, 58002, Forsyth County, *aff'd*, 2009 WL 3320311 (N.C. Ct. App., Oct. 6, 2009). In this representative felony child abuse trial, I admitted demonstrative evidence about “shaken baby syndrome.” The jury found the defendant guilty. The Court of Appeals affirmed.

Counsel in the *Anderson* case were: Prosecution: Jennifer Martin, Forsyth County District Attorney’s Office, P.O. Box 20083, Winston-Salem, NC 27120, (336) 761-2214; Defense: Marilyn Massey, Forsyth County Public Defender’s Office, Suite 400, 8 W 3rd St, Winston Salem, NC 27101(336) 761-2510.

9. *Dep’t of Transp. v. Blue*, 99 CVS 911 (Moore County), *aff’d*, 147 N.C.App. 596 (2001), *disc. review den.*, 356 N.C. 434 (2002). This case and several companion cases began as condemnations actions by the Department of Transportation (DOT) to take and compensate Defendants for land. Defendants filed numerous defenses and counterclaims, raising several questions of first impression concerning the overlap of condemnation law and federal environmental statutes. I handled preliminary motions to dismiss in this case: I denied DOT’s motion to strike the Second Defense and allowed DOT’s motion to dismiss the counterclaims. These preliminary motion rulings were immediately appealed and the Court of Appeals affirmed.

Counsel for the Plaintiff was Assistant Attorney Generals Fred Lamar and Lisa C. Glover 9001 Mail Service Center Raleigh, NC 27699, (919) 716-6400. Counsel for the defendants was Marsh Smith, 255 West New York Ave., P.O. Box 1075, Southern Pines, NC 28387, 910/695-0800, and Stephen S. Schmidly, Moser, Schmidly, Mason & Roose, LLP, 115 S Fayetteville St, Suite 400, Asheboro, NC 27203. (336) 626-8000.

10. *Webster Enters. Inc. v. Selective Ins. Co.*, 91 CvS 10127 (Guilford County), *aff’d*, 125 N.C.App. 36 (1997). Plaintiff sued the defendant insurance company for damages arising out of a fire, asserting coverage under an insurance policy issued by defendant to the plaintiff. The case was mistried, and I presided at the retrial. My rulings on whether a statement was a judicial admission, directed verdict motions on several insurance coverage issues, and joinder questions were affirmed by the North Carolina Court of Appeals.

Counsel for the Plaintiff was A. Wayland Cooke, Harrison, North, Cooke & Landreth, 100 S. Elm Street, Suite 300, Greensboro, NC 27401, (336) 275-9867, and William L. Osteen, Jr., then with Adams & Osteen, now a United States District Court Judge, United States Courthouse, 324 West Market Street, Greensboro, NC 27401, (336) 332-6090. Counsel for the defendant was

Randolph James, 116 N. Spruce Street, Winston-Salem, NC 27101, (336) 724-7707.

- d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.

Decisions by Resident Superior Court Judges in North Carolina are not published and are usually not in the form of opinions.

1. *Whiteheart v. Waller*, 08 CVS 818, slip op. (N.C. Super. Ct. Forsyth County Aug. 7, 2008). Counsel for the plaintiff was Randolph James, 116 N. Spruce Street, Winston-Salem, NC 27101, (336) 724-7707. Counsel for the defendant was E. Fitzgerald Parnell, Poyner Spruill, 301 College Street, Suite 2300, Charlotte, NC 28202, (704) 342-5252.

2. *Richardson v. NationsCredit Fin. Servs. Corp.*, 02 CvS 2398, slip op. (N.C. Super. Ct. Durham County Mar. 3, 2005) (hereinafter *Richardson*). I ruled on several preliminary aspects of pending summary judgment motions, including issues related to pre-emption, the Fixed Rate Doctrine, and unjust enrichment, denying summary judgment as to some claims and granting it as to others. The individual plaintiffs and the class were represented by John Alan Jones and Christopher Olson, Jones Martin Parris & Tessener Law Offices, P.L.L.C., 410 Glenwood Avenue, Suite 200, Raleigh, North Carolina 27603, (919) 821-0005. The defendants were represented by John H. Culver III and Amy P. Williams, K&L/Gates, 214 North Tryon Street, 47th Floor, Charlotte, North Carolina 28202, (704) 331-7453.

3. *Richardson*, slip op. (N.C. Super. Ct. Durham County Apr. 14, 2005). I denied Defendant's Motion for Partial Summary Judgment on the plaintiffs' claim for breach of the duty of good faith and fair dealing.

4. *Richardson*, slip op. (N.C. Super. Ct. Durham County June 16, 2005). I granted partial summary judgment for the plaintiffs, ruling that as a matter of law it was an unfair trade practice to sell insurance prohibited by law and that it was a violation of the duty of good faith and fair dealing to sell insurance prohibited by law.

5. *Richardson*, slip op. (N.C. Super. Ct. Durham County Oct. 10, 2005). I granted partial summary judgment for the defendants on plaintiffs' claims against Bank of America, seeking to hold it responsible for the acts of a subsidiary and denied partial summary judgment for the defendants on plaintiffs' punitive damages claim, ruling the evidence established material questions of fact sufficient to require a jury trial.

6. *Richardson*, slip op. (N.C. Super. Ct. Durham County Oct. 10, 2005). I determined the method by which damages would be calculated for the plaintiffs' claims for unfair and deceptive trade practices and breach of the duty of good faith and fair dealing.

7. *Finesse Couch v. Private Diagnostic Ctr.*, 94 CvS 454, slip op. (N.C. Super Ct. Durham County May 30, 2000). Counsel for the plaintiff was Keith A. Bishop, Suite 105 Madison Centre, 1802 Martin Luther King, Jr. Parkway, Durham, NC, 27707, (919) 490-1855. Counsel for the defendants was James B. Maxwell, Maxwell Freeman & Bowman, 2741 University Drive, Durham, NC 27717, (919) 493-6464. Initial counsel for the attorney was Vance Barron, 310 S. Greene Street, Greensboro, NC, 27401, (336) 274-4782. On appeal and on remand for the recalculation of attorney's fees, the attorney was represented by Stephen T. Smith, McMillan Smith & Plyler, PO Box 150 Raleigh, NC 27602, (919) 821-5124. The State was represented by Carolin Bakewell, then with the North Carolina State Bar, and Assistant Attorney General Staci Tolliver Meyer. Ms. Bakewell may now be contacted at the Board of Dental Examiners, 507 Airport Blvd, Suite 105, Morrisville, NC, 27560, (919) 678-8223. Ms. Meyer may now be contacted at the N.C. Industrial Commission, 4336 Mail Service Center, Raleigh, NC 27699-4336, 1-800-688-8349.

8. *North Carolina v. Simpson*, 84 CrS 9828, slip op. (N.C. Super Ct. Rockingham County May 26, 1999). The defendant was represented by Polly Sizemore, who can now be reached at the District Court Judges Chambers, Greensboro Courthouse, 201 South Eugene Street, Greensboro, NC, 27401, (336) 412-7814. The State was represented by Barry S. McNeill of the Attorney General's Office, 9001 Mail Service Center Raleigh, NC 27699-9001, (919) 716-6400.

9. *North Carolina v. Page*, 95 CrS 100004, slip op. (N.C. Super Ct. Forsyth County Feb. 2, 1999). The defendant was represented by Bill Causey and Alec Carpenter, 1840 Eastchester Drive, Suite 202, High Point, NC, 27265, (336) 885-2600. The State was represented by Valerie Spalding of the Attorney General's Office, 9001 Mail Service Center Raleigh, NC 27699-9001, (919) 716-6400.

10. *Cooper v Donohoe Constr. Co.*, 93 CvS 7155, slip op. (N.C. Super Ct. Forsyth County Sept. 20, 1995). Plaintiff Cooper was represented by Tom Comerford & Jerry Smith, 250 W. 1st St. Suite 200, Winston-Salem, NC 27101, (336) 631-8510. Defendant Donohoe Construction Company was represented by Richard Bennett, Bennett and Guthrie, 1560 Westbrook Plaza Dr., Winston-Salem, NC 27103, (336) 765-3121. Defendants Master Steel Erectors and M&J Materials, Inc. were represented by Gregory York, York, Williams, Barringer, Lewis & Briggs, 1915 Rexford Rd. Suite 200, P.O. Box 36858, Charlotte, NC 28236, 704/375-4480, and Jack Bayliss, Jr., Carruthers & Roth, P.O. Box 540, Greensboro, NC 27402, (336) 379-8651.

- e. Provide a list of all cases in which certiorari was requested or granted.

The two cases of which I am aware are *State v. McDonald*, 165 N.C. App. 237 (2004), *disc. rev. denied*, 359 N.C. 195 (2004), *cert. denied*, 544 U.S. 988 (2005), and *State v. Ballenger*, 94 CRS 63378, 94 CRS 63379, Guilford County, *rev'd*, 123 N.C.App. 179 (1996), *aff'd*, 345 N.C. 626 (1997), *cert denied*, 522 U.S. 817 (1997). I am not aware of others.

- f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.

APAC-Atlantic, Inc. v. 7 Star Constr. Co., Inc., 07 CVS 5312, Mecklenburg County, *rev'd*, unreported per Rule 30(e), COA08-913. North Carolina Court of Appeals reversed grant of partial summary judgment.

Billingsley v. Keystone Foods, 02 CVS 2194, Rockingham County, *rev'd*, unreported per Rule 30(e), COA 03-745. The North Carolina Court of Appeals reversed the dismissal of Plaintiff's claims under the North Carolina Retaliatory Employment Discrimination Act.

Brevorka v. Wolfe Constr., Inc., 01 CVS 3911, Guilford County, *rev'd*, 155 N.C.App. 353 (2002), *rev'd*, 357 NC 566 (2003). The North Carolina Supreme Court affirmed my ruling denying a motion to stay pending arbitration, after the North Carolina Court of Appeals had reversed.

Carl v. State, 06 CVS 13617, Wake County, *aff'd in part, rev'd in part*, 665 S.E.2d 787 (NC 2008). I denied the State's motions to dismiss Plaintiff's three claims against the state and Co-defendant's cross-claims; the North Carolina Court of Appeals reversed as to one of Plaintiff's claims and both of the cross-claims, and affirmed as to the other two claims by plaintiff.

Caudill v. Bd. of Adjustments for City of Greensboro, 03 CVS 5259, Guilford County, *vacated*, unreported per Rule 30(e), COA03-1352. The North Carolina Court of Appeals reversed my decision that Petitioner had standing to appeal a zoning decision.

Couch v. Private Diagnostic Clinic, et al., 94 CvS 454 (Durham County), *aff' in part, rev'd in part*, 146 N.C.App. 658 (2001), *petition for disc. rev. denied*, 355 N.C. 348 (2002). I was assigned to this case after remand from the North Carolina Supreme Court for the specific purpose of determining sanctions against a lawyer for an improper closing argument. My decision imposing sanctions was affirmed in large part by the North Carolina Court of Appeals, but remanded for additional findings on the amount of the attorney's fees.

Dep't of Transportation v. Byerly, 98 CVS 3991, Guilford County, *rev'd*, 154 N.C.App. 454 (2002). The Court of Appeals vacated my decision that the defendants had failed to prove adverse possession, remanding for additional findings of fact.

FCR Greensboro, Inc. v. C&M Investments of High Point, Inc., 93 CVS 10899, Guilford County, *aff'd in part, rev'd in part*, 119 N.C.App. 575 (1995). I denied Defendant's motion to vacate an arbitration award and granted Plaintiff's motion for judgment on the arbitration award. The North Carolina Court of Appeals reversed in part, finding some the arbitrator exceeded his authority as to some of the relief awarded.

Estate of Fennell ex rel. Fennell v. Stephenson, 98 CVS 7949, Guilford County, *aff'd in part, rev'd in part*, 137 N.C.App. 430 (2000), *rev'd*, 354 N.C. 327 (2001). I granted the individual Defendants' motion to dismiss Plaintiff's claims, finding all claims were barred by the statute of limitations and that two claims failed to state a claim upon which relief could be granted. I dismissed Plaintiff's claim against the North Carolina State Highway Patrol, finding that the claim was barred by the doctrine of sovereign immunity. The North Carolina Court of Appeals reversed only as to the claim against the North Carolina State Highway Patrol, affirming all other decisions. The Supreme Court of North Carolina reversed the Court of Appeals, thus affirming my ruling.

Hancock v. McGee, 93-CVS-8175, Guilford County, *aff'd in part, rev'd in part*, unreported per Rule 30(e), COA94-888. At trial of this motor vehicle negligence case, Defendant admitted negligence and the jury awarded nominal damages of \$1. The North Carolina Court of Appeals affirmed my rulings on issues to submit, jury instructions, and costs, but reversed entry of judgment for \$1, finding uncontroverted evidence of \$503.60 in medical expenses caused by the accident, and remanded for entry of judgment in that amount.

Hodgson Constr., Inc. v. Howard, 05 CVS 363, Wilkes County, *rev'd*, 654 S.E.2d 7 (NC 2007). The North Carolina Court of Appeals reversed my ruling granting judgment notwithstanding the verdict in favor of the defendant and remanded for reinstatement of the jury verdict for the plaintiff.

Howard v. Oakwood Homes, 98 CVS 5609, Guilford County, *rev'd*, 134 N.C.App. 116 (1999). The North Carolina Court of Appeals reversed my ruling that no agreement to arbitrate existed.

In re Krantz, 98 CVS 1089, Guilford County, *rev'd*, 135 N.C.App. 354 (1999). The North Carolina Court of Appeals reversed my decision granting summary judgment in a case concerning a nuncupative will.

Mabry v. Huneycutt, 00 CVS 1488, Stanly County, *rev'd*, 149 N.C.App. 630 (2002). The North Carolina Court of Appeals reversed my decision dismissing Plaintiff's action for personal injuries based on the statute of limitations.

Middleton v. The Russell Group, 93 CvS 10048, Guilford County, *aff'd in part, rev'd in part*, 126 N.C.App. 1 (1997), *subsequent appeal*, 132 N.C.App. 792 (1999). After a jury trial resulting in a plaintiff's verdict on an ERISA/COBRA claim, I awarded attorney's fees to Plaintiffs, and enhanced Plaintiffs' attorney fees by a factor of 1.5. I denied Defendant's motion for summary judgment on its cross-claim against other Defendants. The North Carolina Court of Appeals upheld numerous pre-trial and trial rulings but reversed my decision to enhance attorney's fees. The Court also reversed my decision as to one of Defendant's cross-claims. Both issues were remanded for further proceedings, and my rulings were upheld on subsequent appeal.

Mutual Community Savings Bank v. Boyd, 94 CVS 5415, Guilford County, *aff'd in part, rev'd in part*, 125 N.C.App. 118 (1997). The North Carolina Court of Appeals reversed my decision granting partial summary judgment in a case concerning whether rights of survivorship were created in a certificate of deposit.

Oakes v. Wooten, 02 CVS 112, Guilford County, *aff'd in part, rev'd in part*, 173 N.C.App. 506 (2005). I entered judgment consistent with a jury verdict finding Defendants negligent and awarded costs and attorney's fees to Plaintiffs. The North Carolina Court of Appeals found no error at trial, but reversed as to attorney's fees and to a portion of the costs that were awarded.

Peach v. City of High Point, 06 CVS 1653, Guilford County, *rev'd*, ____ N.C.App. ____ (September 1, 2009), COA08-1174. The North Carolina Court of Appeals reversed my ruling granting summary judgment in favor of the City of High Point in an inverse condemnation claim based on the statute of limitations.

Precision Fabrics Group, Inc. v. Transformer Sales & Service, Inc., 92 CVS 7199, Guilford County, *aff'd*, 120 N.C.App. 866 (1995), *rev'd*, 344 N.C. 713 (1996). The North Carolina Supreme Court reversed my decision excluding an affidavit from consideration at summary judgment.

Printing Svcs v. Am. Cap. Group, 04 CvS 11876, Guilford County, *aff'd in part, rev'd in part*, 637 S.E.2d 230 (NC 2006), *aff'd*, 361 N.C.347 (2007). The North Carolina Court of Appeals affirmed various substantive rulings in a case under the Loan Broker Act but remanded for additional findings of fact concerning the reasonableness of the attorneys' fee awarded.

Pugh v. Koury Corp., 97 CVS 2380, Guilford County, *rev'd*, unreported per Rule 30(e), COA98-1599. The North Carolina Court of Appeals reversed my decision granting Defendant's motion for summary judgment in a negligence case.

Slaughter v. Swicegood, 01 CVS 12394, Guilford County, *aff'd in part, rev'd in part*, 162 N.C.App. 457 (2004). The North Carolina Court of Appeals affirmed my decision on an arbitration issue, but reversed my decision to allow the individual Plaintiffs to proceed.

State v. Allen, 94 CRS 2883, Forsyth County, *rev'd*, 127 N.C.App. 182 (1997). The North Carolina Court of Appeals reversed my decision on a hearsay issue in Defendant's trial for second degree murder.

State v. Ballenger, 94 CRS 63378, 94 CRS 63379, Guilford County, *rev'd*, 123 N.C.App. 179 (1996), *aff'd*, 345 N.C. 626 (1997), *cert denied*, 522 U.S. 817 (1997). The Supreme Court of North Carolina reversed my dismissal of criminal charges against Defendant for violation of the North Carolina Controlled Substances Act based on a finding that the charges violated the Double Jeopardy Clause.

State v. Barnes, 94 CRS 55069, 94 CRS 20614, Guilford County, *rev'd*, 121 N.C.App. 503 (1996), *aff'd*, 345 N.C. 146 (1996). The Supreme Court of North Carolina vacated the felony larceny judgment and remanded the matter for entry as a conviction of misdemeanor larceny.

State v. Brown, 03 CRS 96328, 03 CRS 96332-33, Guilford County, *aff'd in part, rev'd in part*, 182 N.C.App. 277 (2007). The North Carolina Court of Appeals vacated defendant's conviction for possession of a stolen firearm and upheld his conviction on a drug charge.

State v. Canty, 04 CRS 024100-04, 024300, 024303, 068556, Guilford County, *rev'd*, unreported per Rule 30(e), COA06-42. The North Carolina Court of Appeals vacated judgments I had entered on Defendant's guilty plea to six counts of embezzlement.

State v. Cole, 03 CRS 24682, 03 CRS 99364, Guilford County, *rev'd*, unreported per Rule 30(e), COA06-1595. The North Carolina Court of Appeals upheld the defendant's conviction on a drug charge but remanded for a new sentencing hearing.

State v. Corpening, 03 CRS 50040, 03 CRS 51027, Surry County, *aff'd in part, rev'd in part*, 634 S.E.2d 273 (N.C.App. 2006). The North Carolina Court of Appeals vacated defendant's conviction for resisting a public officer but upheld the conviction on a cocaine charge. I had presided at his jury trial.

State v. Dilworth, 98 CRS 23683-4, 98 CRS 65055-8, 98 CRS 65210, 98 CRS 102191-92, 99 CRS 23257, Guilford County, *rev'd*, unpublished per Rule 30(e), COA02-112. The North Carolina Court of Appeals upheld the defendant's convictions but remanded for a new sentencing hearing.

State v. Dumas, 95 CRS 0750, 95 CRS 20017, Guilford County, *rev'd*, 127 N.C.App. 556 (1997). The North Carolina Court of Appeals reversed Defendant's conviction on murder and armed robbery, finding error in an evidence ruling and a failure to instruct the jury on a lesser included offense.

State v. Dye, 97 CRS 52921, Guilford County, *rev'd*, 139 N.C.App. 148 (2000). The North Carolina Court of Appeals reversed my ruling that the Double Jeopardy Clause did not bar Defendant's prosecution for domestic criminal trespass, when she had previously been convicted of criminal contempt.

State v. Falana, 93 CRS 46360, 93 CRS 46361, Guilford County, *rev'd*, 129 N.C.App. 813 (1998). I denied Defendant's motion to suppress evidence seized during a search of his vehicle. The North Carolina Court of Appeals reversed, in light of an intervening decision by the Supreme Court of North Carolina.

State v. Hargett, 00-CRS-052546, 00-CRS-3607, Forsyth County, *rev'd*, unpublished per Rule 30(e), COA01-835. The North Carolina Court of Appeals reversed Defendant's convictions of indecent liberties with a minor and statutory rape based on error in allowing a Forensic Nurse Examiner to testify about the victim's out-of-court statement under the medical diagnosis hearsay exception.

State v. Ledbetter, 95 CRS 20001, Guilford County, *rev'd*, 132 N.C.App. 135 (1999). The North Carolina Court of Appeals reversed my decision on Defendant's claim of ineffective assistance of counsel, finding counsel was ineffective for failing to request a jury instruction on a lesser included offense.

State v. Mack, 93 CRS 40684, 93 CRS 40685, 93 CRS 20556, Guilford County, *aff'd in part, rev'd in part*, 119 N.C. App. 443 (1995). I denied Defendant's motion to dismiss charges of felony possession of cocaine, intentionally maintaining a dwelling for the keeping of a controlled substance, and habitual felon. The North Carolina Court of Appeals reversed my decision only as to the charge of maintaining a dwelling for keeping controlled substances, finding insufficient evidence.

State v. Mathurin, 03 CRS 59477, Forsyth County, *rev'd*, unreported per Rule 30(e), COA05-350. The North Carolina Court of Appeals reversed my findings of aggravating factors at sentencing in light of an intervening decision by the North Carolina Supreme Court.

State v. Middleton, 97 CRS 3661, Rockingham County, *rev'd*, 134 N.C.App. 187 (1999). The North Carolina Court of Appeals reversed my ruling on a Double Jeopardy issue raised in connection with Defendant's drug charges, based on an intervening appellate decision.

State v. Miller, 05 CRS 042576, 05 CRS 064796, Forsyth County, *rev'd*, 191 N.C.App. 124 (2008), *rev'd*, 363 N.C. 96 (2009). At the close of the state's

evidence, I denied Defendant's motion to dismiss a charge of possession of cocaine and Defendant was found guilty. The North Carolina Court of Appeals reversed. The North Carolina Supreme Court then reversed the Court of Appeals, affirming my ruling that there was sufficient evidence to support the jury verdict.

State v. Moses, 05 CRS 57750, Forsyth County, *arrested*, unreported per Rule 30(e), COA07-853. I sentenced Defendant to a range of 114 to 146 months of imprisonment for robbery with a dangerous weapon. The North Carolina Court of Appeals arrested this judgment because the indictment did not name or identify the dangerous weapon that was used.

State v. Oglesby, 02 CRS 60325, 60329, Forsyth County, *aff'd in part, rev'd in part*, 174 N.C.App. 658 (2005), *aff'd in part and vacated in part* 361 N.C. 550 (2007), *decision after remand*, unreported per Rule 30(e), COA 04-1534-2. Defendant was found guilty by the jury of felony murder, first-degree kidnapping, and robbery charges. I found aggravating factors for the two counts of robbery. The North Carolina Court of Appeals affirmed my ruling admitting into evidence a confession by the juvenile defendant, but remanded for resentencing based on an intervening appellate decision. The Supreme Court of North Carolina agreed the confession had been properly admitted, but found that the robbery sentences should not be vacated; rather remand for a decision on harmless error was more appropriate. The convictions and sentences were otherwise affirmed. On remand, the Court of Appeals found harmless error.

State v. Rivera, judgment entered on October 24, 1997, Forsyth County, *rev'd*, 350 N.C. 285 (1999). At Defendant's capital murder trial, I excluded testimony offered by a defense witness as inadmissible hearsay. The Supreme Court of North Carolina reversed and remanded for a new trial.

State v. Scurlock, 99 CRS 11172, Randolph County, *rev'd*, unreported per Rule 30(e), COA00-1365. In reliance on two waivers of counsel signed by the defendant and other judges, I denied Defendant's request for appointment of counsel made when the case was called for trial. Defendant was convicted of first degree kidnapping. The North Carolina Court of Appeals ordered a new trial, finding that because the judges who accepted his waivers had failed to advise the defendant of the maximum punishment, his waiver of counsel was not valid.

State v. Torres, 01 CRS 082537-39, 01 CRS 082546-47, Guilford County, *aff'd in part, vacated in part*, unreported per Rule 30(e), COA02-946. The North Carolina Court of Appeals affirmed my decisions on numerous decisions made at trial, but vacated the defendant's conspiracy conviction due to an acquittal by a co-defendant.

State v. Walker, 98 CRS 7302, 98 CRS 23043, 98 CRS 23065, Guilford County, *aff'd in part, rev'd in part*, 139 N.C.App. 512 (2000). The North Carolina Court

of Appeals vacated Defendant's conviction of attempted first-degree rape for insufficiency of the evidence and affirmed the assault conviction.

State v. White, 93 CRS 20505-06, 93 CRS 33228, Guilford County, *aff'd in part, rev'd in part*, 127 N.C.App. 565 (1997). Defendant was convicted by a jury of robbery, two counts of first degree rape, two counts of first degree sexual offense, and three counts of first degree kidnapping. The North Carolina Court of Appeals found the evidence insufficient to support first degree kidnapping, otherwise found no error, and remanded for resentencing.

Tart v. Martin, 98 CVS 9674, Guilford County, *aff'd in part, rev'd in part*, 137 N.C. App. 371 (2000), *rev'd*, 353 N.C. 252 (2000). I granted summary judgment for Defendants on Plaintiff's two negligence claims. The North Carolina Court of Appeals reversed only as to one claim. The Supreme Court of North Carolina reversed the Court of Appeals, thus affirming my ruling.

- g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.

All decisions by Resident Superior Court Judges in North Carolina are unpublished. I sign hundreds of Orders and Judgments each year. They can be found in official court files maintained by the Clerk of Court in the county where the case was heard. Since my appointment in April 1993, I remember holding court in the following counties in North Carolina: Alamance, Ashe, Allegheny, Alexander, Anson, Buncombe, Cabarrus, Chatham, Cleveland, Davie, Davidson, Durham, Forsyth, Gaston, Guilford, Harnett, Iredell, Johnston, Mecklenburg, Montgomery, Moore, Onslow, Orange, Randolph, Rockingham, Rutherford, Stanly, Stokes, Surry, Union, Wake, Watauga, Wilkes, and Yadkin. There is no comprehensive database which can easily be searched by the name of the presiding judge.

- h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.

State v. Marcus Dwayne Hunter, 04 CrS 75420, Guilford County.
Decisions entered March 27, 2009, and April 17, 2009.

- i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.

I have not sat by designation on a federal court of appeals.

14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an "automatic" recusal system

by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

- a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;
- b. a brief description of the asserted conflict of interest or other ground for recusal;
- c. the procedure you followed in determining whether or not to recuse yourself;
- d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

I have followed the North Carolina Code of Judicial Conduct, particularly Canon 3C, in evaluating the necessity or propriety of recusal. I do not hear any cases involving the law firm in which my husband practices. In the first two years or so I was a judge, I did not hear cases involving my former law firm. During election campaigns, I did not hear cases involving the firms with which my treasurer and campaign chairs practiced, absent consent of other parties, and I did not hear cases in which my opponent in the election represented a party. I handle other conflicts of interest as they arise. I recall issuing written recusal orders in the following cases:

In *Brooks v. S. Nat'l Corp.*, et al, 95 CvS 1394, Rockingham County, I recused myself on my own motion after my husband inherited stock in one of the corporate parties.

In *L&S Water Power, Inc., v. Piedmont Triad Reg'l Water Auth.*, 08 CvS 7106, Guilford County, I identified a potential conflict of interest while reviewing the file in connection with a pending motion. I recused myself and later entered a written recusal Order.

In addition, I have entered written recusal orders on a few occasions in connection with administrative matters I would ordinarily handle as Senior Resident Superior Court Judge; these have usually involved cases in which my husband's law firm was appearing. I do not have a list or any way to search for these Orders.

I recall one written motion to recuse on motion of a party in a case. *Blue Rhino Corp. v. PriceWaterhouseCoopers*, 99 CvS 9706, Forsyth County. The litigant suggested that because I had ruled against it on a number of issues and because the attorney for the other party had been counsel to Governor Hunt during the time I was appointed to the bench, I should recuse myself. I referred the motion to another judge for decision. At the hearing, the litigant did not proceed or present any evidence on the allegations concerning my relationship with opposing counsel. The recusal motion was denied by Judge Seay.

15. **Public Office, Political Activities and Affiliations:**

- a. List chronologically any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. If appointed, please include the name of the individual who appointed you. Also, state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.

I have not held public office other than judicial office. I have not had any unsuccessful candidacies for elective office or unsuccessful nominations for appointed office.

- b. List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

I ran my own campaigns for judicial office 1994, 1996, and 2004. I have been a member of the Guilford County Democratic Women since 1993. I recall stuffing envelopes for mailings on a volunteer basis on behalf of Mary Seymour when she ran for the North Carolina State Senate sometime in the mid-1980s.

16. **Legal Career:** Answer each part separately.

- a. Describe chronologically your law practice and legal experience after graduation from law school including:

- i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;

In 1982-1983, I worked as a staff law clerk for the United States Court of Appeals for the Eighth Circuit, assigned primarily to Judge J. Smith Henley and Judge Theodore McMillian. In 1983-1984, I worked as a chambers law clerk to Judge Henley.

- ii. whether you practiced alone, and if so, the addresses and dates;

I have never practiced law alone.

- iii. the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been affiliated, and the nature of your affiliation with each.

1984 – 1993

Smith Helms Mullis & Moore (now known as Smith Moore Leatherwood)
300 North Greene Street
Greensboro, North Carolina 27401
Partner (1990 – 1993)
Associate (1984 – 1989)

- iv. whether you served as a mediator or arbitrator in alternative dispute resolution proceedings and, if so, a description of the 10 most significant matters with which you were involved in that capacity.

I was certified as a mediator by the North Carolina Dispute Resolution Commission in 1992 and mediated a number of Superior Court cases. I gave up my certification sometime after my appointment to the bench in 1993. I have no records available to identify or describe the proceedings I mediated. They were typical Superior Court civil cases involving personal injury claims and business disputes.

I was an approved arbitrator in the United States District Court for the Middle District of North Carolina. I recall arbitrating only one case, a civil dispute over a claim that well water was contaminated. I do not recall the name of the case and have no records available to identify or describe these proceedings further.

b. Describe:

- i. the general character of your law practice and indicate by date when its character has changed over the years.

During my clerkship with the Eighth Circuit from 1982-1984, I worked on a variety of criminal and civil appeals covering a wide range of issues. I prepared bench memoranda about cases being argued and assisted the judges in work needed to prepare of opinions.

In private practice from 1984-1993, I had a general civil litigation practice with a focus on products liability cases, personal injury cases, and cases involving covenants not to compete and trade secrets. I began in 1984 working with partners on cases and, by the time I left practice in 1993, I became the responsible attorney on most cases in which I was involved. After 1985, I spent most of my time on large products liability cases.

- ii. your typical clients and the areas at each period of your legal career, if any, in which you have specialized.

Most product liability clients were large corporations. Most clients in covenants not to compete and trade secret disputes were small businesses

or individuals. I represented some companies and individuals upon being retained by insurance companies on their behalves. I worked on at least one plaintiff's personal injury case in which my client was an individual. I am not and never have been a North Carolina Bar board-certified specialist.

- c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.

- i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|-----|
| 1. federal courts: | 75% |
| 2. state courts of record: | 23% |
| 3. other courts: | 1% |
| 4. administrative agencies: | 1% |

- ii. Indicate the percentage of your practice in:

- | | |
|--------------------------|------|
| 1. civil proceedings: | 100% |
| 2. criminal proceedings: | 0% |

- d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

I tried at least nine cases to verdict. I assisted other lawyers in trying at least three jury trials, I tried at least two jury cases as sole counsel, and I was chief counsel in at least two jury trials. I had at least two jury trials where my role was to supervise and be available to assist an associate trying a first case. I also had at least two trials on Social Security cases before an Administrative Law Judge. I believe I participated in the trial of other cases, but I do not recall the details.

- i. What percentage of these trials were:

- | | |
|--------------|-----|
| 1. jury: | 90% |
| 2. non-jury: | 10% |

- e. Describe your practice, if any, before the Supreme Court of the United States. Supply four (4) copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

I have not practiced before the Supreme Court of the United States.

17. **Litigation:** Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of

the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

- a. the date of representation;
- b. the name of the court and the name of the judge or judges before whom the case was litigated; and
- c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

1. 1991-93: I defended Showa-Denko as local counsel in a number of North Carolina lawsuits filed in connection with claims that L-tryptophan manufactured by my client caused personal injuries. I was the partner primarily responsible for these cases in North Carolina, though others in the firm worked on them as need arose. There were at least fifteen of these cases, with many lawyers involved for the various plaintiffs and a number of co-defendants. Many of these cases were managed by the Court through MultiDistrict Litigation orders. I handled discovery matters for the client and several mediations. A number of the cases settled but some were still pending when I left private practice.

Co-counsel: Larry Sitton, Smith Moore Leatherwood, 300 N. Greene St., Greensboro, NC, 27401, (336) 378-5200 & Mitchell Herr & Juliet Drake, Cleary Gottlieb, One Liberty Plaza, New York, NY 10006, (212)225-2748. Opposing Counsel in *Earnheart v. Goldline Laboratories*, 3:92CV00253 (WDNC before Judge Potter): S. Luke Largess, Tin Fulton Walker & Owen, 301 East Park Ave., Charlotte, NC 28203, (704) 338-1220. Opposing counsel in *West v. Showa Denko*, 3:92CV00365 (WDNC before Judge Mullen), *Garrison v. Showa Denko*, 4:91CV00518 (MDNC assigned to Judge Erwin), and *Dawson v. Showa Denko*, 4:91CV00519 (MDNC assigned to Judge Erwin): Bill Horsley, 500-D State Street, Greensboro, NC 27405, (336) 691-0077. Opposing counsel in *Middleton v. Henry Schein, Inc.*, 5:91CV00305 (WDNC before Judge Fox), *Vaughn v. P. Leiner*, 2:91CV00392 (MDNC assigned to Judge Erwin), and several other cases was Greg Martin, Martin and Jones, 410 Glenwood Avenue, Suite 200, Raleigh, NC 27603, (919) 821-0005.

2. 1990-1992: *Carroll's Foods, Inc. v. Solvay Animal Health*, et al., 7:90-cv-00128 (EDNC assigned to Judge Britt). Along with co-counsel, I defended Solvay Animal Health in a lawsuit filed by a large poultry producer in Eastern North Carolina. The case concerned claims that an antigen manufactured by Solvay did not accurately disclose a contagious disease, which plaintiffs asserted spread throughout their turkey houses and caused damages. After significant discovery and depositions, the case was settled. In consultation with a senior partner, I managed all discovery in the case, supervised the associates on the case, and took and defended several depositions.

Co-counsel: Bynum Hunter, Smith Moore Leatherwood, 300 N. Greene Street, Greensboro, NC 27401, (336) 378-5200 & Andrew Chamberlin, Ellis & Winters, 333 N.

Greene St., Suite 200, Greensboro, NC 27401, (336) 217-4195. Opposing counsel: Kenneth Wooten & Charles Ellis, Ward & Smith, P.O. Box 867, New Bern, NC 28563, (252) 672-5400.

3. 1992: The last jury trial I handled before moving to the bench was in Alamance County Superior Court. I represented Schneider Trucking in a personal injury case. The Plaintiff was seeking to recover damages for injuries sustained when he was hit at a loading dock by a truck driven by a Schneider driver. I tried the case to verdict with the assistance of an associate before Hon. E. Lynn Johnson. The jury awarded the Plaintiff money in the amount we had offered to settle before trial. There was no appeal and no reported decision. Due to the passage of time, I do not recall the Plaintiff's name and have been unable to locate the case number.

Co-counsel: Debbie Hayes, 5 Glenagle Court, Greensboro, NC 27408, (336) 282-7262. Opposing counsel: Bob Clay, Young Moore and Henderson, P.O. Box 31627, Raleigh, NC 27622, (919) 782-6860.

4. 1987 – 1991: *McHenry v. Shiley*, 2:87CV00349 (MDNC assigned to Judge Erwin). Along with co-counsel, I defended Pfizer and its subsidiary Shiley in this lawsuit concerning a heart valve manufactured by the Pfizer subsidiary. I worked under the direction of two partners and drafted pleadings, worked on discovery, and researched motions. After the case settled, I continued to represent Pfizer and its subsidiaries in other North Carolina litigation and did substantial work in general support of national coordinating counsel for the heart valve litigation nationwide.

Co-counsel: Larry Sitton, Smith Moore Leatherwood, 300 N. Greene St., Greensboro, NC, 27401, (336) 378-5200 & Bill Young, 129 Valley View Rd., Blowing Rock, NC 28605, (828) 295-6585. Opposing counsel: John Haworth, 1801 Westchester Drive, High Point, NC 27262, (336) 883-6177.

5. 1985 – 1991: *Deadwyler v. Volkswagen*, [ST-C-85-38] United States District Court for the Western District of North Carolina. This was a nationwide class action brought pursuant to the Magnuson-Moss Act claiming excessive oil use in Volkswagen Rabbits. Judge James McMillan presided over the case through trial. Judge Woodrow Jones presided after remand. The case was tried to verdict for the defense in the summer of 1987. It continued for several years thereafter with an appeal and subsequent questions concerning attorney's fees. This was a large case which occupied much of my time for several years, and was my first involvement in a products liability case. During discovery, I handled document production, took depositions, wrote many briefs in coordination with co-counsel, and argued several motions. At trial, I organized presentation of many defense witnesses, examined several witnesses, and was primarily responsible for arguing evidentiary objections. After trial, I continued to work with New York counsel on the appellate briefs and subsequent briefs required on remand.

Some of the decisions in this case, rendered by the United States Court of Appeals for the Fourth Circuit, the Honorable James McMillan, and the Honorable Woodrow Jones, are

reported at: 1986 US Dist Lexis 284 (1986); 884 F.2d 779 (1989) *cert. denied*, 493 US 1078 (1990); 1990 US Dist. Lexis 14423 (1990); 748 F.Supp. 1146 (1990); 134 F.R.D. 128 (1991), *affirmed without opinion*, 1992 US App Lexis 14891 (1992).

Co-counsel: Bynum Hunter, Smith Moore Leatherwood, 300 N. Greene Street, Greensboro, NC 27401, (336) 378-5200 & Daniel Gsovski, Herzfeld & Rubin, P.C., 40 Wall Street, New York, NY 10005, (212) 471-8500. Opposing Counsel: Beverly C. Moore, Jr. (since deceased) & B. Ervin Brown, 1014 West Fifth St., Winston-Salem, NC 27101, (336) 723-7966.

6. (Around 1990) *Keeling v. Plomaritis*, Rockingham County Superior Court. Along with a partner in my firm, I represented the defendant doctor in a lawsuit filed by his former employer to enforce a covenant not to compete. I handled the expedited discovery and assisted my partner at the hearing on the motion for preliminary injunction. The case was settled after the hearing. I do not remember details because of the passage of time and because the case did not last long, but it was typical of the kinds of cases I handled for the firm in connection with covenants not to compete. I have not been able to locate the case file number and I do not remember opposing counsel.

Co-counsel: Alan Duncan, Smith Moore Leatherwood, 300 N. Greene St., Greensboro, NC 27401, (336) 378-5200.

7. 1986 - 1988: In the spring of 1986, in Chatham County Superior Court in Pittsboro, North Carolina, I tried my first jury trial. I defended a man in a civil assault case brought by a former employee at the plant where both worked. The plaintiff was pro se. I do not recall my client's name. Judge Gordon Battle presided. After a jury verdict in my client's favor, the plaintiff brought several more identical lawsuits in various other counties, all of which were dismissed as a result of motions I filed and prosecuted. I have not been able to find the file numbers.

8. (1986-87). *Contract Steel Sales, Inc. v. Freedom Constr. Co.*, 84 N.C.App., 460 (1987) and 321 N.C. 215 (1987). I worked with a partner to prepare the briefs on appeal to the North Carolina Court of Appeals and then the Supreme Court of North Carolina. This case concerned whether a subcontractor was entitled to a materialmen's lien under North Carolina law. We represented the defendants, who prevailed at the trial court but were unsuccessful on appeal.

Co-counsel: Robert A. Wicker, 10 Foxglove Lane, Greensboro, NC 27455, (336) 282-0629. Opposing Counsel: Allen Holt Gwyn, Conner Gwyn & Schenck, 306 E. Market St., Greensboro, NC 27401, (336) 691-9222.

9. (1984-1987). *Star Auto. Co. v. Saab-Scania of America, Inc.*, 84 N.C. App. 531 (1987). I worked with two partners to prepare the briefs on appeal to the North Carolina Court of Appeals. The case concerned whether the petitioner, a Saab automobile dealer, had timely filed a request for a hearing before the Commissioner of Motor Vehicles to review the respondent's decision to add another Saab franchise to the area. In the first

appeal, which is not reported, the Court found that the record was insufficient to determine on what date the petition had been filed; in the second appeal, the Court of Appeals affirmed the trial court's ruling that the petition had been timely filed. We represented the respondent, Saab, which was unsuccessful in arguing that the petition was untimely.

Co-counsel: David M. Moore & Stephen W. Earp, Smith Moore Leatherwood, 300 N. Greene St., Greensboro, NC 27401, (336) 378-5200. Opposing counsel: John W. Kirkman, Jr., 100 S. Elm St., Greensboro, NC 27401, (336) 274-7898.

10. (1984-85) *Candid Camera Video World, Inc. v. Mathews*, 76 N.C. App. 634 (1985). I worked with a partner to prepare the briefs on appeal to the North Carolina Court of Appeals. This case concerned whether an indemnification clause in a lease protected the agent of the landlord from liability on tenant's claims arising out of a theft from its store. We represented the defendants, who prevailed at the trial court but were unsuccessful on appeal.

Co-counsel: Robert A. Wicker, 10 Foxglove Lane, Greensboro, NC 27455, (336) 282-0629. Opposing counsel: Joseph F. Brotherton, 127 N. Greene St., Greensboro, NC 27401, (336) 346-1116 & J. Reed Johnston, Jr., 101 N. Greene St., Greensboro, NC 27401.

18. **Legal Activities:** Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

While in private practice, I was involved in a number of large product liability cases on the defense side. These included working as statewide counsel for businesses which were involved in lawsuits on a national scale, and working more directly to assist national counsel on work not specifically related to a particular case. I participated in one federal court trial of a nationwide class action. I wrote the trial brief and examined several witnesses, and was primarily responsible for evidentiary objections and the charge conference. Other products liability matters resolved prior to trial. My role ranged from associate acting with substantial oversight from a partner, to associate with substantial independence, to partner with primary responsibility.

I also developed substantial expertise in cases involving covenants not to compete and trade secrets. For the last several years I was in private practice, I was typically the lawyer in the Greensboro office who handled these matters. These cases often involved fast-paced hearings on motions for temporary restraining orders and preliminary injunctions, as well as expedited discovery. Most were settled after the preliminary injunction issue was decided by a court.

While in private practice, I was involved in litigation practice management within the firm and led in-house education efforts for the firm's products liability group. For a time, I hired and supervised legal assistants. I mentored younger lawyers, assisting several with first trials. I was in the second group of certified mediators in the state and was active in several efforts to promote alternative dispute resolution in the state courts.

While on the bench, I have remained active in local and state bar activities. I have served as a Vice-President of the North Carolina Bar Association and regularly participate in continuing education programs. I have taught at New Judges School for new Superior Court Judges for a number of years and regularly teach at our educational programs. I have been on the Education Committee of the Judges Conference for years and have been the chair for the last four years, working closely with faculty at the School of Government, University of North Carolina at Chapel Hill, to plan the programs, recruit faculty, and insure good quality of the programs.

I have not done any lobbying on behalf of any client or organization.

19. **Teaching:** What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide four (4) copies to the committee.

I have not taught any courses at a college or university.

20. **Deferred Income/ Future Benefits:** List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

I expect to receive retirement benefits from the State of North Carolina Consolidated Judicial Retirement System and through a 401(k) upon my retirement. I have no deferred income arrangements from stock, options, uncompleted contracts or other future benefits which I expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or customers. I am a co-author of the book "North Carolina Evidentiary Foundations" and receive periodic royalties for book sales. I have no other business interests outside my employment.

21. **Outside Commitments During Court Service:** Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the court? If so, explain.

If my judicial workload permits and if allowed by the applicable ethics rules, I plan to continue to work with the co-authors to update and revise the book "North Carolina

Evidentiary Foundations” until a new co-author is in place. I have no other plans, commitments, or agreements to pursue outside employment.

22. **Sources of Income:** List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, licensing fees, honoraria, and other items exceeding \$500 or more (if you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here).

See attached Financial Disclosure Report.

23. **Statement of Net Worth:** Please complete the attached financial net worth statement in detail (add schedules as called for).

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

- a. Identify the family members or other persons, parties, categories of litigation, and financial arrangements that are likely to present potential conflicts-of-interest when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to arise.

My husband is a practicing lawyer and, if confirmed, I would recuse myself from any cases in which he or his firm, Higgins Benjamin Eagles & Adams, appear. My husband and I own shares in a number of publicly-held companies which might require recusal under federal rules. I have sentenced hundreds of defendants in criminal court, who may have post-conviction proceedings come before the federal court. In all cases, I would look carefully for any conflicts and follow the applicable rules, codes of conduct, and ethical guidance on treating conflicts.

- b. Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern.

I would resolve any potential conflicts consistent with federal law and the requirements of the Code of Conduct for United States Judges.

25. **Pro Bono Work:** An ethical consideration under Canon 2 of the American Bar Association’s Code of Professional Responsibility calls for “every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged.” Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.

Soon after I moved to Greensboro, I began volunteering at the YWCA as a mentor to a pregnant teenager. I soon joined the Board of Directors of the YWCA. I handled several matters for pro bono clients.

As a judge, I am prohibited from providing legal representation to anyone, pro bono or otherwise. However, I have been active in a number of civic and charitable organizations over the years which benefit the disadvantaged, including work on the Boards of Our Children's Place, a non-profit working to establish a prison unit where incarcerated women could live with their young children, and Summit House, an alternative to incarceration for offenders with young children. I regularly respond to requests to speak to school and youth groups, both at the courthouse and in the schools.

I participated in a Mini-Internship Program in June 1996 offered by the Greater Greensboro Society of Medicine at Urban Ministry's Health Serve Clinic, and I participated in the Greensboro Mosaic Partnership Program from 2004-2005, organized by the Mayor of Greensboro.

26. Selection Process:

- a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, please include that process in your description, as well as whether the commission recommended your nomination. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding this nomination. Do not include any contacts with Federal Bureau of Investigation personnel concerning your nomination.

I expressed my interest in the district court to Senator Kay Hagan in a telephone call shortly after she was elected in 2008. I wrote letters to Senator Hagan and Senator Burr in January 2009 expressing my interest more formally. I met personally with Senator Burr's General Counsel at his request on February 17, 2009.

Senator Hagan established a Committee to review and recommend candidates for federal court vacancies, chaired by former North Carolina Chief Justice Burley Mitchell. I had some logistical conversations with Senator Hagan's staff about this Committee's work and was interviewed by this Committee on May 20, 2009. In July 2009, I was informed by Senator Hagan's staff that I would be on the list of three persons she recommended for appointment to the Middle District vacancy.

In the late spring or early summer of 2009, I was contacted by the North Carolina Association of Women Attorneys concerning this vacancy. I was endorsed by the NCAWA for this appointment in July 2009.

Since November 2009, I have been in communication with pre-nomination staff in the Department of Justice. On January 8, 2010, I interviewed in Washington, D.C., with attorneys from the Department of Justice and the Office of White House Counsel. On March 10, 2010, the President submitted my nomination to the Senate.

- b. Has anyone involved in the process of selecting you as a judicial nominee discussed with you any currently pending or specific case, legal issue or question in a manner that could reasonably be interpreted as seeking any express or implied assurances concerning your position on such case, issue, or question? If so, explain fully.

No.

FINANCIAL DISCLOSURE REPORT NOMINATION FILING

Report Required by the Ethics
in Government Act of 1978
(5 U.S.C. app. §§ 101-111)

1. Person Reporting (last name, first, middle initial) Eagles, Catherine C.	2. Court or Organization Middle District of North Carolina	3. Date of Report 3/11/2010
4. Title (Article III judges indicate active or senior status; magistrate judges indicate full- or part-time) District Judge - Nominee	5a. Report Type (check appropriate type) ☒ Nomination, Date 3/10/2010 ☐ Initial ☐ Annual ☐ Final 5b. ☐ Amended Report	6. Reporting Period 01/01/2009 to 2/28/2010
7. Chambers or Office Address 201 S. Eugene Street, Fourth Floor Greensboro, NC 27402	8. On the basis of the information contained in this Report and any modifications pertaining thereto, it is, in my opinion, in compliance with applicable laws and regulations. Reviewing Officer _____ Date _____	
IMPORTANT NOTES: The instructions accompanying this form must be followed. Complete all parts, checking the NONE box for each part where you have no reportable information. Sign on last page.		

I. POSITIONS. (Reporting individual only; see pp. 9-13 of filing instructions.)

☐ NONE (No reportable positions.)

POSITION

NAME OF ORGANIZATION/ENTITY

1. Member, Board of Directors	School of Government Foundation, Chapel Hill, NC
2. Member, Board of Directors	North Carolina Conference of Superior Court Judges
3.	
4.	
5.	

II. AGREEMENTS. (Reporting individual only; see pp. 14-16 of filing instructions.)

☐ NONE (No reportable agreements.)

DATE

PARTIES AND TERMS

1. 1998	401(k) NC Supplemental Retirement Plan, managed by The Prudential Company of America; Manager chooses available funds; I control fund allocation
2. 1986-2009	401(k); Smith Moore Leatherwood LLP Profit Sharing & Savings Plan; managed by Charles Schwab; Manger chose a available funds; I controlled fund allocation
3.	

FINANCIAL DISCLOSURE REPORT

Page 2 of 8

Name of Person Reporting

Eagles, Catherine C.

Date of Report

3/11/2010

III. NON-INVESTMENT INCOME. *(Reporting individual and spouse; see pp. 17-24 of filing instructions.)***A. Filer's Non-Investment Income**☐ NONE *(No reportable non-investment income.)*

<u>DATE</u>	<u>SOURCE AND TYPE</u>	<u>INCOME</u> (yours, not spouse's)
1. 2008	Salary, State of North Carolina	\$123488.00
2. 2008	Matthew Bender & Co - Book Royalties	\$865.16
3. 2009	Salary, State of North Carolina	\$122,757.07
4. 2009	Wages, Pyramids Wellness Centers, LLC	\$840.00
5. 2009	Matthew Bender & Co - Book Royalties	\$227.13
6. 2010	Salary, State of North Carolina	\$24,396.00

B. Spouse's Non-Investment Income - If you were married during any portion of the reporting year, complete this section.*(Dollar amount not required except for honoraria.)*☐ NONE *(No reportable non-investment income.)*

<u>DATE</u>	<u>SOURCE AND TYPE</u>
1. 2009	Higgins, Benjaim, Eagles & Adams, PLLC - share of PLLC income
2. 2009	Elon University Law School - earnings for teaching a class
3. 2010	Higgins Benjamin Eagles & Adams, PLLC - share of PLLC income
4. 2010	Elon University Law School -earnings for teaching a class

IV. REIMBURSEMENTS -- *transportation, lodging, food, entertainment.**(Includes those to spouse and dependent children; see pp. 25-27 of filing instructions.)*☐ NONE *(No reportable reimbursements.)*

<u>SOURCE</u>	<u>DATES</u>	<u>LOCATION</u>	<u>PURPOSE</u>	<u>ITEMS PAID OR PROVIDED</u>
1. exempt				
2.				
3.				
4.				
5.				

FINANCIAL DISCLOSURE REPORT

Page 3 of 8

Name of Person Reporting

Eagles, Catherine C.

Date of Report

3/11/2010

V. GIFTS. *(Includes those to spouse and dependent children; see pp. 28-31 of filing instructions.)*☐ NONE *(No reportable gifts.)*

<u>SOURCE</u>	<u>DESCRIPTION</u>	<u>VALUE</u>
1. exempt		
2.		
3.		
4.		
5.		

VI. LIABILITIES. *(Includes those of spouse and dependent children; see pp. 32-33 of filing instructions.)*☒ NONE *(No reportable liabilities.)*

<u>CREDITOR</u>	<u>DESCRIPTION</u>	<u>VALUE CODE</u>
1.		
2.		
3.		
4.		
5.		

FINANCIAL DISCLOSURE REPORT

Page 4 of 8

Name of Person Reporting

Eagles, Catherine C.

Date of Report

3/11/2010

VII. INVESTMENTS and TRUSTS – income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

☐ NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets) Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date Month - Day	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
1. Brokerage Account #1					Exempt				
2. - BB&T stock	C	Dividend	L	T					
3. -BNC Bancorp Stock	A	Dividend	J	T					
4. -Citicorp ctock	A	Dividend	J	T					
5. -Dominion Res Inc VA New Stock	B	Dividend	L	T					
6. -Duke Energy Corp stock	C	Dividend	L	T					
7. -GlaxoSmithKline stock	A	Dividend							
8. -Lincoln National Corp Ind stock	B	Dividend							
9. -Piedmont Natural Gas Co stock	B	Dividend	K	T					
10. -Progress Energy Inc stock	A	Dividend	J	T					
11. -Public Svce Enterprise Group stock	A	Dividend	J	T					
12. - Southern Bankshares NC Inc stock	A	Dividend	L	T					
13. -Spectra Energy Corp stock	B	Dividend	K	T					
14. -The Southern Company stock		None	J	T					
15. -Sprint stock		None	J	T					
16. Brokerage Account #1									
17. -AIM Equity Funds In Charter FD-A Mutual Fund	A	Dividend	J	T					

1. Income Gain Codes: (See Columns B1 and D4)	A = \$1,000 or less F = \$50,001 - \$100,000 J = \$15,000 or less N = \$250,001 - \$500,000 P3 = \$25,000,001 - \$50,000,000	B = \$1,001 - \$2,500 G = \$100,001 - \$1,000,000 K = \$15,001 - \$50,000 O = \$500,001 - \$1,000,000	C = \$2,501 - \$5,000 H1 = \$1,000,001 - \$5,000,000 L = \$50,001 - \$100,000 P1 = \$1,000,001 - \$5,000,000 P4 = More than \$50,000,000	D = \$5,001 - \$15,000 H2 = More than \$5,000,000 M = \$100,001 - \$250,000 P2 = \$5,000,001 - \$25,000,000	E = \$15,001 - \$50,000
2. Value Codes (See Columns C1 and D3)	Q = Appraisal U = Book Value	R = Cost (Real Estate Only) V = Other	S = Assessment W = Estimated	T = Cash Market	
3. Value Method Codes (See Column C2)					

FINANCIAL DISCLOSURE REPORT

Page 5 of 8

Name of Person Reporting

Eagles, Catherine C.

Date of Report

3/11/2010

VII. INVESTMENTS and TRUSTS – income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

☐

NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets) Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date Month - Day	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
18. -Growth Fund America CL A Mutual Fund	A	Dividend	L	T					
19. -Inv. Co Am CL A AIVSX mutual fund	D	Dividend	N	T					
20. -Wash Mutl Invs Fd Inc Mutual Fund	A	Dividend	K	T					
21. Inv. Co of Am Class A	A	Dividend	J	T					
22. IRA #1									
23. -Amer Balanced FD CL A Mutual Fund	B	Distribution	L	T					
24. -Inv. Co. of America CL A	C	Distribution	M	T					
25. IRA #2									
26. -Evergreen Equity Income FD CL A	A	Distribution	L	T					
27. IRA #3				T					
28. -Growth Fund Am. CL A	A	Distribution	J	T					
29. IRA #4									
30. -Cash	A	Int./Div.	M	T					
31. -Inv. Co Am CL A AIVSX	B	Distribution	M	T					
32. IRA #5									
33. -Growth Fund Am CL A AGTHX	A	Distribution	J	T					
34. 401k #1									

1. Income Gain Codes: (See Columns B1 and D4)	A = \$1,000 or less F = \$50,001 - \$100,000	B = \$1,001 - \$2,500 G = \$100,001 - \$1,000,000	C = \$2,501 - \$5,000 H1 = \$1,000,001 - \$5,000,000	D = \$5,001 - \$15,000 H2 = More than \$5,000,000	E = \$15,001 - \$50,000
2. Value Codes (See Columns C1 and D3)	J = \$15,000 or less N = \$250,001 - \$500,000 P3 = \$25,000,001 - \$50,000,000	K = \$15,001 - \$50,000 O = \$500,001 - \$1,000,000	L = \$50,001 - \$100,000 P1 = \$1,000,001 - \$5,000,000 P4 = More than \$50,000,000	M = \$100,001 - \$250,000 P2 = \$5,000,001 - \$25,000,000	
3. Value Method Codes (See Column C2)	Q = Appraisal U = Book Value	R = Cost (Real Estate Only) V = Other	S = Assessment W = Estimated	T = Cash Market	

FINANCIAL DISCLOSURE REPORT

Page 6 of 8

Name of Person Reporting

Eagles, Catherine C.

Date of Report

3/11/2010

VII. INVESTMENTS and TRUSTS – income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

☐ NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets) Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date Month - Day	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
35. - NC Large Cap Index Fund Mutual Fund		None	L	T					
36. -NC Large Cap Value Fund Mutual Fund		None	K	T					
37. -NC Large Cap Growth Fund Mutual Fund		None	K	T					
38. 401k #2									
39. - Growth Fund -America R2 Mutual Fund		None	K	T					
40. -Capital Income Builder -R2 mutual fund		None	K	T					
41. Lincoln National Life Insurance Co policies Surrender Value		None	L	T					
42. Wells Fargo Advisors Money Market Account	A	Interest	M	T					
43. Wachovia Bank account	A	Interest	J	T					
44. Eagles Farms LLC	G	Distribution	M	W					
45. Bank of America account	A	Int./Div.	K	T					

1. Income Gain Codes: (See Columns B1 and D4)	A = \$1,000 or less F = \$50,001 - \$100,000 J = \$15,000 or less N = \$250,001 - \$500,000 P3 = \$25,000,001 - \$50,000,000	B = \$1,001 - \$2,500 G = \$100,001 - \$1,000,000 K = \$15,001 - \$50,000 O = \$500,001 - \$1,000,000	C = \$2,501 - \$5,000 H1 = \$1,000,001 - \$5,000,000 L = \$50,001 - \$100,000 P1 = \$1,000,001 - \$5,000,000 P4 = More than \$50,000,000	D = \$5,001 - \$15,000 H2 = More than \$5,000,000 M = \$100,001 - \$250,000 P2 = \$5,000,001 - \$25,000,000	E = \$15,001 - \$50,000
2. Value Codes (See Columns C1 and D3)	Q = Appraisal U = Book Value	R = Cost (Real Estate Only) V = Other	S = Assessment W = Estimated	T = Cash Market	
3. Value Method Codes (See Column C2)					

FINANCIAL DISCLOSURE REPORT

Page 7 of 8

Name of Person Reporting

Eagles, Catherine C.

Date of Report

3/11/2010

VIII. ADDITIONAL INFORMATION OR EXPLANATIONS. *(Indicate part of Report.)*

Part VII.

Glaxo Smith Kline stock sold before end of reporting period.
Lincoln National stock sold before end of reporting period.

Eagles Farms LLC valued based on tax value of real estate owned by LLC and annual income -

FINANCIAL DISCLOSURE REPORT

Page 8 of 8

Name of Person Reporting

Eagles, Catherine C.

Date of Report

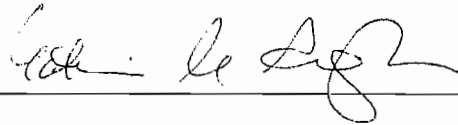
3/11/2010

IX. CERTIFICATION.

I certify that all information given above (including information pertaining to my spouse and minor or dependent children, if any) is accurate, true, and complete to the best of my knowledge and belief, and that any information not reported was withheld because it met applicable statutory provisions permitting non-disclosure.

I further certify that earned income from outside employment and honoraria and the acceptance of gifts which have been reported are in compliance with the provisions of 5 U.S.C. app. § 501 et. seq., 5 U.S.C. § 7353, and Judicial Conference regulations.

Signature



NOTE: ANY INDIVIDUAL WHO KNOWINGLY AND WILFULLY FALSIFIES OR FAILS TO FILE THIS REPORT MAY BE SUBJECT TO CIVIL AND CRIMINAL SANCTIONS (5 U.S.C. app. § 104)

FILING INSTRUCTIONS

Mail signed original and 3 additional copies to:

Committee on Financial Disclosure
Administrative Office of the United States Courts
Suite 2-301
One Columbus Circle, N.E.
Washington, D.C. 20544

FINANCIAL STATEMENT

NET WORTH

Provide a complete, current financial net worth statement which itemizes in detail all assets (including bank accounts, real estate, securities, trusts, investments, and other financial holdings) all liabilities (including debts, mortgages, loans, and other financial obligations) of yourself, your spouse, and other immediate members of your household.

ASSETS				LIABILITIES			
Cash on hand and in banks		202	899	Notes payable to banks-secured			
U.S. Government securities-add schedule				Notes payable to banks-unsecured			
Listed securities-add schedule	1	277	186	Notes payable to relatives			
Unlisted securities--add schedule				Notes payable to others			
Accounts and notes receivable:				Accounts and bills due			
Due from relatives and friends				Unpaid income tax			
Due from others				Other unpaid income and interest			
Doubtful				Real estate mortgages payable-add schedule		183	320
Real estate owned-add schedule		397	800	Chattel mortgages and other liens payable			
Real estate mortgages receivable				Other debts-itemize:			
Autos and other personal property		34	570				
Cash value-life insurance		72	302				
Other assets itemize:							
Cash in IRA accounts		244	448				
Eagles Farms, LLC		150	000				
Higgins Benjamin Eagles & Adams PLLC		15	000	Total liabilities		183	320
				Net Worth	2	210	885
Total Assets	2	394	205	Total liabilities and net worth	2	394	205
CONTINGENT LIABILITIES				GENERAL INFORMATION			
As endorser, comaker or guarantor				Are any assets pledged? (Add schedule)	NO		
On leases or contracts		3	000	Are you a defendant in any suits or legal actions?	NO		
Legal Claims				Have you ever taken bankruptcy?	NO		
Provision for Federal Income Tax							
Other special debt							

FINANCIAL STATEMENT

NET WORTH SCHEDULES

Listed Securities

BB&T Corp.	\$ 66,446
BNC Bancorp	2,125
Citigroup Inc	1,326
Dominions Res Inc VA New	53,186
Duke Energy Corp	62,588
Piedmont Natural Gas Co	20,251
Progress Energy Inc	6,701
Public Svce Enterprise Group	9,332
Southern Bankshares NC Inc	84,000
Spectra Energy Corp	41,856
Sprint	1,345
The Southern Company	6,354
Aim Equity Funds Inc Charter FD-A	5,194
Growth Fund America CL A	82,304
Investment Co America Clas A	262,159
Wash Mutl Invs Fd Inc	19,601
Investment Co America Clas A/Acct 2	10,569
NC Large Capindex Fund	44,302
NC Large Cap Value Fund	55,303
NC Large Cap Growth Fund	15,916
Growth Fund America – R2	36,744
Capital Income Builder – R2	37,892
Amer Balanced FD CL A	53,462
Investment Co America Clas A	114,406
Evergreen Equity Income FD CL A	62,164
Growth Fund America CL A	3,251
Investment Co America Clas A	112,680
Growth Fund America CL A	5,729
Total Listed Securities	<u>\$ 1,277,186</u>

Real Estate Owned

Personal residence	\$ 397,800
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Real Estate Mortgages Payable

Personal residence	\$ 183,230
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Contingent liabilities – guarantor on lease.

AFFIDAVIT

I, Catherine C. Eagles, do swear
that the information provided in this statement is, to the best
of my knowledge, true and accurate.

3/1/2010
(DATE)

Catherine C. Eagles
(NAME)

Sharon Allford - 2/20/2011
(NOTARY)