

WATAUGA COUNTY SUPERIOR COURT CIVIL CALENDAR

SESSION BEGINNING MONDAY, MAY 13, 2024

COURTROOM NUMBER 0SUP

W. TODD POMEROY ,PRESIDING JUDGE

MOTIONS BEGINNING MONDAY, MAY 13, 2024 AT 10:00 AM

ANY QUESTIONS INVOLVING THIS CALENDAR MAY BE DIRECTED TO MS. GINA BYRD, SUPERIOR COURT  
MANAGER AT 828-268-6616 OR GINA.M.BYRD@NCCOURTS.ORG.

\*\*\*\*Please note new Local Rules for District 35 (formerly District 24) were effective  
January 1, 2023. Local Rules may be found on the NCCourts.gov website.\*\*\*\*\*

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MOTIONS CALENDAR

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# 1

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21-CVS-000636 BULLOCK,JOHN

BULLOCK,MARGARET

-VS-

FIRST NATIONAL BANK OF  
PENNSYLVANIA  
BRYAN,ANTHONY

MCLEOD,SEAN,A

MCTIER,TY,K

MCTIER,TY,K

SIMPSON, RYAN

ADAMS,JAMES,C,II

MILLER,NATHAN,ARTHUR

EVENT: MOTIONS CALENDAR

ISSUES: UNFAIR AND DECEPTIVE TRA  
CONTRACT  
ORDER TO MEDIATED SETTLEMENT  
WITHDRAW AS COUNSEL  
SUMMARY JUDGMENT  
OBJECTION TO CONT  
SCHEDULING ORDER  
ATTORNEY FEES

DAYS SINCE FILING: 871

Order due from 4/22/2024 motions hearing-Pomeroy-McTier

22-CVS-000599 KARCHMER, ERIC

PRO SE

-VS-

APPALACHIAN STATE UNIVERSITY

PHILLIPS, ANNE, HAMILTON

EVERTS, SHERI CHANCELLOR OF

PHILLIPS, ANNE, HAMILTON

APPALACHIAN STATE UNIVE

EVENT: MOTIONS CALENDAR

ISSUES: PETITION FOR JUDICIAL RE

DENIAL OF DUE PROCESS

EXTENSION OF TIME

DISMISS (INVOLUNTARY)

PRETRIAL DISCOVERY & SCH

DAYS SINCE FILING: 516

Order Due from hearing held 4/22/2024-Pomeroy-Martin

|               |                                 |                        |
|---------------|---------------------------------|------------------------|
| 23-CVS-000127 | DAVIS,WALTER,GLEN,JR TTE WALTER | MOFFATT, TYLER, RYAN   |
|               | DAVIS JR REV LVNG               |                        |
|               | DAVIS, FLORENCE, S              | MOFFATT, TYLER, RYAN   |
|               | -VS-                            |                        |
|               | FOXX, THOMAS, A                 | MILLER, NATHAN, ARTHUR |
|               | FOXX, VIRGINIA, A               | MILLER, NATHAN, ARTHUR |
|               | DAVIS, WALTER, GLEN, JR         | PRO SE                 |

EVENT: MOTIONS CALENDAR

ISSUES: DECLARATORY JUDGMENT  
BREACH OF EASEMENT  
PRELIMINARY INJUNCTION  
INJUNCTION  
DECLARATORY JUDGMENT  
BREACH OF EASEMENT  
PRIVATE NUISANCE  
TRESPASS  
INJUNCTION  
PRELIMINARY INJUNCTION  
DISMISS (INVOLUNTARY)  
DAMAGE TO REAL PROPERTY  
PRELIMINARY INJUNCTION  
INJUNCTION  
INJUNCTION  
PRELIMINARY INJUNCTION  
DAMAGE TO REAL PROPERTY  
ORDER TO MEDIATED SETTLEMENT  
DESIGNATE A MEDIATOR  
PRELIMINARY INJUNCTION  
IN LIMINE  
SUMMARY JUDGMENT  
NOTICE OF FILING DEPOSIT  
JURY VIEW OF REAL PROPER  
DEEM MOTN SUMMARY JUDGME

DAYS SINCE FILING: 423

Summary Judgment-denied-Moffatt to prepare order  
Jury view-granted-Moffat to prepare order  
For entry of decision from bench trial held 4/22/2024 session

23-CVS-000403 AMPS4 LLC

JESSUP,ROBERT,HENRY,IV  
RODIO,LEE,A

-VS-

THOMASON,MELISSA  
YOW,RYAN  
YOW,JANICE  
DOE,JANE  
VACASA LLC  
VACASA NORTH CAROLINA LLC  
AIRBNB INC

PHARR,HENRY,N,III  
PHARR,HENRY,N,III  
PHARR,HENRY,N,III  
PHARR,HENRY,N,III  
PHARR,HENRY,N,III  
PHARR,HENRY,N,III  
PAPPAYLIOU,DIANE,K  
LEWIS,J,SCOTT

EVENT: MOTIONS CALENDAR

ISSUES: NEGLIGENCE - OTHER  
CONTRACT  
BREACH OF FIDUCIARY DUTY  
CONSTRUCTIVE FRAUD  
UNFAIR AND DECEPTIVE TRA  
DISMISS (INVOLUNTARY)  
COMPEL MEDIATION/ARBITRA  
ORDER TO MEDIATED SETTLEMENT  
DESIGNATE A MEDIATOR  
DISMISS (INVOLUNTARY)

DAYS SINCE FILING: 258

Defendant Airbnb, Inc.'s Motion to Dismiss  
(30 minutes)

23-CVS-000604 MILLER,NATHANIEL BY AND THROUGH  
GAL JOSEPH CHAMBLI

CHAMBLISS,JOSEPH,B

-VS-

MILLER,CHRISTY,MICHELLE

WENDORF,JANELLE,E

EVENT: MOTIONS CALENDAR

ISSUES: MINOR SETTLEMENT

DAYS SINCE FILING: 140

Minor Settlement Approval  
(20 minutes)  
(VIA WEBEX)

|               |                                  |                        |
|---------------|----------------------------------|------------------------|
| 24-CVS-000193 | MERCHEN, GREGG, A                | MILLER, NATHAN, ARTHUR |
|               | MERCHEN, KAREN, B                | MILLER, NATHAN, ARTHUR |
|               | MERCHEN, GREGG, A TTE OF GREGG & | MILLER, NATHAN, ARTHUR |
|               | KAREN MERCHEN REV T              |                        |
|               | MERCHEN, KAREN, B TTE OF GREGG & | MILLER, NATHAN, ARTHUR |
|               | KAREN MERCHEN REV T              |                        |
|               | -VS-                             |                        |
|               | MILLS, EDWARD, DONNIE            | PRO SE                 |
|               | MCLAURIN, CIRINA, ELLEN          | PRO SE                 |

EVENT: MOTIONS CALENDAR

ISSUES: INJUNCTION  
PRESCRIPTIVE EASEMENT  
SERVICEMEMBER CIVIL RELI

DAYS SINCE FILING: 3

Plaintiffs Motion for Injunctive Relief  
(20 minutes)

AVERY COUNTY MATTER TO BE HEARD IN WATAUGA COUNTY:

|               |                            |                      |
|---------------|----------------------------|----------------------|
| 22-CVS-000174 | SCOTTSDALE CO THE          | MOFFATT, TYLER, RYAN |
|               | LINVILLE RIDGE DEVELOPMENT | MOFFATT, TYLER, RYAN |
|               | COMPANY                    |                      |
|               | TIMBER STRUCTURES INC      | CULPEPPER, PAUL, E   |
|               | MEJIA, ANTONIO             | PRO SE               |
|               | MEJIA MASONRY              | PRO SE               |
|               | -VS-                       |                      |
|               | TIMBER STRUCTURES INC      | CULPEPPER, PAUL, E   |
|               | MAJIA, ANTONIA             | PRO SE               |
|               | MAJIA MASONRY              | PRO SE               |
|               | MARTINEZ, OSVALDO          | MCKINNEY, GERALD, R  |
|               | SEAMLESS GUTTERING AND     | MCKINNEY, GERALD, R  |
|               | CONSTRUCTION               |                      |
|               | GP CONSTRUCTION CO LLC     | GUNST, ROBERT, C JR  |
|               | GREEN, STEVE               | PRO SE               |
|               | SEALING AGENTS INC         | ECKL, JAMIE, LAUREN  |

EVENT: MOTIONS CALENDAR

ISSUES: SERVICEMEMBER CIVIL RELI  
NEGLIGENCE - OTHER  
CONTRACT  
EXTENSION OF TIME  
NEGLIGENCE - OTHER  
MONEY OWED  
CONTRACT  
ORDER FOR MEDIATED SETTL  
NOTICE OF PLAINTIFFS DIS  
DESIGNATE A MEDIATOR  
AFFIDAVIT OF SERVICE OF

DAYS SINCE FILING: 585

Motion to withdraw of Gerald McKinney  
(Avery County motion to be heard in Watauga County)  
(Scheduled for trial 11/4/2024)

\*\*\*END\*\*\*