

IN THE SUPREME COURT OF NORTH CAROLINA

No. 449A97

FILED: 6 MARCH 1998

MARK REGAN

v.

AMERIMARK BUILDING PRODUCTS, INC., CLEM FOX and MICHAEL WLOCK

Appeal by plaintiffs pursuant to N.C.G.S. § 7A-30(2) from the decision of a divided panel of the Court of Appeals, ___ N.C. App. ___, 489 S.E.2d 421 (1997), affirming the trial court's order entered by Barnette, J., on 10 September 1996, in Superior Court, Wake County, granting summary judgment in favor of defendants. Heard in the Supreme Court 18 December 1997.

Glenn, Mills and Fisher, P.A., by Robert B. Glenn, Jr., for plaintiff-appellant.

Cranfill, Sumner & Hartzog, L.L.P., by David H. Batten, for defendant-appellee AmeriMark Building Products; and Womble, Carlyle, Sandridge & Rice, by David A. Irvin, for defendants-appellees Clem Fox and Michael Wlock.

PER CURIAM.

Chief Justice Mitchell and Justices Webb, Parker, and Lake voted to affirm the decision of the Court of Appeals for the reasons stated in the majority opinion by Walker, J. Justices Frye, Whichard, and Orr voted to reverse the decision of the Court of Appeals for the reasons stated in the dissenting opinion by Greene, J. Accordingly, the decision of the Court of Appeals is affirmed.

AFFIRMED.

