

IN THE SUPREME COURT OF NORTH CAROLINA

No. 469A97

FILED: 6 MARCH 1998

CAROL S. KELLY

v.

FOOD LION, INC.

Appeal by defendant pursuant to N.C.G.S. § 7A-30(2) from an unpublished decision of a divided panel of the Court of Appeals, \_\_\_ N.C. App. \_\_\_, 490 S.E.2d 254 (1997), reversing the superior court's order entered by Spencer, J., on 29 July 1996, in Superior Court, Alamance County, granting summary judgment in favor of defendant. Heard in the Supreme Court 12 February 1998.

*David I. Smith for plaintiff-appellee.*

*Womble Carlyle Sandridge & Rice, P.L.L.C., by Robert S. Pierce, for defendant-appellant.*

PER CURIAM.

AFFIRMED.