

IN THE SUPREME COURT OF NORTH CAROLINA

No. 356A97

FILED: 3 APRIL 1998

JAMES KEVIN CISSELL, Administrator of the Estate of CARLA T.
CISSELL

v.

GLOVER LANDSCAPE SUPPLY, INC. and ROBERT C. GLOVER

Appeal by defendants pursuant to N.C.G.S. § 7A-30(2) from the decision of a divided panel of the Court of Appeals, 126 N.C. App. 667, 486 S.E.2d 472 (1997), setting aside a judgment entered on 7 May 1996 by Stephens (Donald W.), J., in Superior Court, Vance County, and awarding a new trial. Heard in the Supreme Court 10 March 1998.

Perry, Kittrell, Blackburn & Blackburn, by Charles F. Blackburn, for plaintiff-appellee.

Broughton, Wilkins, Webb & Sugg, P.A., by Charles P. Wilkins, for defendant-appellants.

PER CURIAM.

For the reasons stated in the dissenting opinion for the Court of Appeals by John, J., the decision of the Court of Appeals is reversed. The case is remanded to that court for further remand to the Superior Court, Vance County, for reinstatement of the judgment entered on the jury verdict in favor of defendants.

REVERSED AND REMANDED.