

IN THE SUPREME COURT OF NORTH CAROLINA

No. 522A97

FILED: 3 APRIL 1998

ANNIE C. SWANN and CAROLYN D. SMITH

v.

LEN-CARE REST HOME, INC., ANDREW STEWART, and SHELBYA NORRIS

Appeal by defendants pursuant to N.C.G.S. § 7A-30(2) from the decision of a divided panel of the Court of Appeals, \_\_\_ N.C. App. \_\_\_, 490 S.E.2d 572 (1997), affirming in part and reversing in part a judgment, entered by Brewer, J., 29 May 1996 in Superior Court, Cumberland County, directing a verdict for defendants on plaintiff Smith's claim for negligent infliction of emotional distress and on plaintiff Swann's claim for negligence. Heard in the Supreme Court 11 March 1998.

*The Lee Law Firm, P.A., by C. Leon Lee, II, for plaintiff-appellee Swann.*

*Wishart, Norris, Henninger & Pittman, P.A., by Jim H. Joyner, Jr., for defendant-appellants.*

PER CURIAM.

For the reasons stated in the dissenting opinion by Judge John C. Martin, *Swann v. Len-Care Rest Home*, \_\_\_ N.C. App. \_\_\_, \_\_\_, 490 S.E.2d 572, 575-76 (1997), the decision of the Court of Appeals reversing the directed verdict as to plaintiff Swann's claim is reversed; and the case is remanded to the Court of Appeals for further remand to the Superior Court, Cumberland County, for reinstatement of the trial court's judgment.

REVERSED AND REMANDED.