

IN THE SUPREME COURT OF NORTH CAROLINA

No. 421PA97

FILED: 9 JULY 1998

MARTIN MARIETTA TECHNOLOGIES, INC. AND MARTIN MARIETTA
MATERIALS, INC.

v.

BRUNSWICK COUNTY, NORTH CAROLINA

On discretionary review pursuant to N.C.G.S. § 7A-31 from a unanimous decision of the Court of Appeals, 126 N.C. App. 806, 487 S.E.2d 145 (1997), dismissing the defendant's appeal from orders entered by Stephens (Ronald L.), J., on 3 August 1995, 11 June 1996 and 11 July 1996, in Superior Court, Brunswick County. Heard in the Supreme Court 9 March 1998.

Poyner & Spruill, L.L.P., by Cecil W. Harrison, Jr., and Robin T. Morris, for plaintiff-appellants.

Faison & Gillespie, by Reginald B. Gillespie, Jr., Michael R. Ortiz, and Keith D. Burns, for defendant-appellee.

PER CURIAM.

Pursuant to this Court's opinion in *DKH Corp. v. Rankin-Patterson Oil Co., Inc.*, ___ N.C. ___, ___ S.E.2d ___ (July 9, 1998) (No. 353PA97), the decision of the Court of Appeals is reversed and this case is remanded to that court to hear the appeal and decide the case on its merits.

REVERSED AND REMANDED.