

IN THE SUPREME COURT OF NORTH CAROLINA

No. 591A97

WILLIAM Z. DEASON

v.

J. KING HARRISON CO., INC. d/b/a J. KING HARRISON TRANSPORTATION CO., INC. and AMERICAN NATIONAL FIRE INSURANCE COMPANY

Appeal by plaintiff pursuant to N.C.G.S. § 7A-30(2) from the decision of a divided panel of the Court of Appeals, 127 N.C. App. 514, 491 S.E.2d 666 (1997), affirming a judgment entered 26 September 1996 by Morgan (Melzer A., Jr.), J., in Superior Court, Mecklenburg County. On 7 May 1998, the Supreme Court granted discretionary review of an additional issue. Heard in the Supreme Court 28 September 1998.

*Waggoner, Hamrick, Hasty, Monteith and Kratt, P.L.L.C., by S. Dean Hamrick, for plaintiff-appellant.*

*Womble Carlyle Sandridge & Rice, P.L.L.C., by Richard T. Rice and Lawrence B. Somers, for defendant-appellee American National Fire Insurance Company.*

PER CURIAM.

AFFIRMED IN PART; DISCRETIONARY REVIEW IMPROVIDENTLY ALLOWED IN PART.

Justice WYNN did not participate in the consideration or decision of this case.