

IN THE SUPREME COURT OF NORTH CAROLINA

No. 147A99

AMERICAN CONTINENTAL INSURANCE COMPANY

v.

PHICO INSURANCE COMPANY

Appeal by defendant pursuant to N.C.G.S. § 7A-30(2) from the decision of a divided panel of the Court of Appeals, \_\_\_ N.C. App. \_\_\_, 512 S.E.2d 490 (1999), affirming in part, reversing in part and remanding a judgment entered by Cashwell, J., on 20 April 1998 in Superior Court, Wake County. Heard in the Supreme Court 17 September 1999.

*Smith, Anderson, Blount, Dorsett, Mitchell & Jernigan, L.L.P., by Michael E. Weddington and James Y. Kerr, II, for plaintiff-appellee.*

*Cranfill, Sumner & Hartzog, L.L.P., by Richard T. Boyette and Kari R. Johnson, for defendant-appellant.*

PER CURIAM.

AFFIRMED.