

IN THE SUPREME COURT OF NORTH CAROLINA

No. 397A99

FILED 3 DECEMBER 1999

JAMES L. FREEMAN, JR.

v.

SUGAR MOUNTAIN RESORT, INC.

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. ____, 516 S.E.2d 616 (1999), reversing an order for summary judgment entered by Winner, J., on 2 September 1997 in Superior Court, Avery County, and remanding for trial. Heard in the Supreme Court 15 November 1999.

Campbell & Taylor, by Jason E. Taylor, for plaintiff-appellee.

Robert E. Riddle, P.A., by Robert E. Riddle, for defendant-appellant.

PER CURIAM.

For the reasons stated in the dissenting opinion by Judge Lewis, the decision of the Court of Appeals is reversed and the case is remanded to the Court of Appeals for further remand to the Superior Court, Avery County, for reinstatement of its summary judgment in favor of defendant.

REVERSED AND REMANDED.