

IN THE SUPREME COURT OF NORTH CAROLINA

No. 485PA98

FILED: 3 MARCH 2000

DOROTHY JOHNSON and PAULA SMITH

v.

FIRST UNION CORPORATION and/or FIRST UNION MORTGAGE CORPORATION;
KAY L. BAILEY; CIGNA PROPERTY & CASUALTY INSURANCE COMPANY and/or
ESIS, INC.; ROBIN DEFFENBAUGH; INTERNATIONAL REHABILITATION
ASSOCIATES, INC. (INTRACORP); and PAT EDWARDS, R.N.

On discretionary review pursuant to N.C.G.S. § 7A-31 of a unanimous decision of the Court of Appeals, 131 N.C. App. 142, 504 S.E.2d 808 (1998), affirming an order granting defendants' motions to dismiss signed by Barnette, J., on 18 September 1996 in Superior Court, Wake County. On 30 December 1998, the Supreme Court allowed conditional discretionary review of an additional issue. Heard in the Supreme Court 14 April 1999.

Charles R. Hassell, Jr., and Stephen Neal Camak for plaintiff-appellants and -appellees.

Smith, Anderson, Blount, Dorsett, Mitchell & Jernigan, L.L.P., by Robin K. Vinson, for defendant-appellees First Union Corporation, First Union Mortgage Corporation, and Kay Bailey.

Maupin Taylor & Ellis, P.A., by Elizabeth D. Scott, M. Keith Kapp, and Joanne J. Lambert, for defendant-appellees International Rehabilitation Associates, Inc. (Intracorp) and Pat Edwards.

Cranfill, Sumner & Hartzog, L.L.P., by Beth R. Fleishman; and Yates, McLamb & Weyher, L.L.P., by Derek M. Crump, for defendant-appellants and -appellees CIGNA Property & Casualty Insurance Company, ESIS, and Robin Deffenbaugh.

Richard M. Lewis and John H. Ruocchio on behalf of Builders Mutual Insurance Company, amicus curiae.

Bailey & Dixon, L.L.P., by David M. Britt, Alan J. Miles, and Dayatra T. King, on behalf of American Insurance Association, amicus curiae.

Hedrick, Eatman, Gardner & Kincheloe, L.L.P., by Hatcher Kincheloe and Kenneth Lautenschlager, on behalf of The Travelers Insurance Company, amicus curiae.

Young Moore and Henderson P.A., by J.D. Prather and Joe E. Austin, Jr., on behalf of the North Carolina Association of Self-Insurers, amicus curiae.

Womble Carlyle Sandridge & Rice, P.L.L.C., by Clayton M. Custer and Alison R. Bost, on behalf of Key Risk Management Services, Inc., amicus curiae.

Smith Helms Mulliss & Moore, L.L.P., by James G. Exum, Jr.; Caroline H. Lock; and Manning A. Connors, on behalf of North Carolina Association of Defense Attorneys, amicus curiae.

Donaldson & Black, by Jay A. Gervasi, Jr.; Patterson, Harkavy & Lawrence, L.L.P., by Martha A. Geer; and Jernigan Law Firm, by N. Victor Farah, on behalf of North Carolina Academy of Trial Lawyers, amicus curiae.

PER CURIAM.

DISCRETIONARY REVIEW IMPROVIDENTLY ALLOWED.

Justices MARTIN and FREEMAN did not participate in the consideration or decision of this case.