

IN THE SUPREME COURT OF NORTH CAROLINA

No. 463PA99

FILED: 3 MARCH 2000

ALAN E. GOGGINS

v.

KLEOMENIS BALATSIAS, d/b/a COPAL GRILL, COPAL GRILL, INC., d/b/a COPAL RESTAURANT, AND JOE MOODY, d/b/a PIEDMONT FIRE PROTECTION COMPANY

On discretionary review pursuant to N.C.G.S. § 7A-31 of an unpublished, unanimous decision of the Court of Appeals, ___ N.C. App. ___, ___ S.E.2d ___ (Sept. 7, 1999) (No. COA98-1195), affirming an order of summary judgment entered 9 June 1998 by Johnston, J., in Superior Court, Mecklenburg County. Heard in the Supreme Court 14 February 2000.

Price, Smith, Hargett, Petho & Anderson, by Wm. Benjamin Smith, for plaintiff-appellant.

Crews & Klein, P.C., by James N. Freeman, Jr., for defendant-appellees Kleomenis Balatsias and Copal Grill, Inc.

Patterson, Harkavy & Lawrence, L.L.P., by Burton Craige, on behalf of North Carolina Academy of Trial Lawyers, amicus curiae.

PER CURIAM.

DISCRETIONARY REVIEW IMPROVIDENTLY ALLOWED.

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