

IN THE SUPREME COURT OF NORTH CAROLINA

No. 339PA99

FILED: 3 MARCH 2000

WALTER L. HOISINGTON, as Guardian Ad Litem for JILL LEE MARKER,
an incompetent,
Plaintiff

v.

ZT-WINSTON-SALEM ASSOCIATES, ZAREMBA ASSOCIATES LIMITED
PARTNERSHIP, ZAREMBA REALTY CORPORATION, TOYS "R" US, INC., TOYS
"R" US-DELAWARE, INC., WINSTON-SALEM RETAIL ASSOCIATES LIMITED
PARTNERSHIP, CENTERPOINT SOUTHERN, INC., and THE WACKENHUT
CORPORATION,

Defendants

and

ZT-WINSTON-SALEM ASSOCIATES, ZAREMBA ASSOCIATES LIMITED
PARTNERSHIP, ZAREMBA REALTY CORPORATION, TOYS "R" US, INC., TOYS
"R" US-DELAWARE, INC., WINSTON-SALEM RETAIL ASSOCIATES LIMITED
PARTNERSHIP, and CENTERPOINT SOUTHERN, INC.,

Defendants/Third-Party Plaintiffs

v.

THE TREE FACTORY, INC., d/b/a THE SILK PLANT FOREST,
Third-Party Defendant

On discretionary review pursuant to N.C.G.S. § 7A-31
and on writ of certiorari pursuant to N.C.G.S. § 7A-32(b) of a
unanimous decision of the Court of Appeals, ___ N.C. App. ___,
516 S.E.2d 176 (1999), affirming an order of summary judgment in
favor of defendant Wackenhut Corporation entered by Wood, J., on
16 April 1998 in Superior Court, Forsyth County, and dismissing
the appeal of third-party defendant The Tree Factory. Heard in
the Supreme Court 17 February 2000.

*Comerford & Britt, L.L.P., by W. Thompson Comerford,
Jr., and Clifford Britt, for plaintiff-appellant Walter
Hoisington.*

Moss & Mason, by Joseph W. Moss and Matthew L. Mason, for defendant/third-party plaintiff-appellants ZT-Winston-Salem Associates; Zaremba Associates Limited Partnership; Zaremba Realty Corporation; Toys "R" US-Delaware, Inc.; and Winston-Salem Retail Associates Limited Partnership.

Womble Carlyle Sandridge & Rice, P.L.L.C., by Allan R. Gitter, Richard T. Rice, and Jack M. Strauch, for defendant-appellee The Wackenhut Corporation.

Hedrick, Eatman, Gardner & Kincheloe, L.L.P., by Paul C. Lawrence, for third-party defendant-appellant The Tree Factory, Inc.

PER CURIAM.

DISCRETIONARY REVIEW AND WRIT OF CERTIORARI

IMPROVIDENTLY ALLOWED.

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