

IN THE SUPREME COURT OF NORTH CAROLINA

No. 439A99

FILED: 3 MARCH 2000

JUDITH E. HARTWELL

v.

ROBERT G. MAHAN, M.D.

Appeal pursuant to N.C.G.S. § 7A-30(2) from an unpublished decision of a divided panel of the Court of Appeals, ___ N.C. App. ___, ___ S.E.2d ___ (1999), affirming an order of dismissal entered 29 April 1998 by Helms (William H.), J., in Superior Court, Davidson County. Heard in the Supreme Court 17 February 2000.

Shelley Blum for plaintiff-appellant.

Kluttz, Reamer, Blankenship, Hayes & Randolph, L.L.P., by Richard R. Reamer and Roman C. Pibl, for defendant-appellee.

PER CURIAM.

For the reasons stated in the dissenting opinion of Judge Walker, the decision of the Court of Appeals is reversed.

REVERSED.