

IN THE SUPREME COURT OF NORTH CAROLINA

No. 453PA99

FILED: 3 MARCH 2000

RODERICK TODD McIVER and TERRIE GENTRY

v.

JAMES SUGGS SMITH and FORSYTH COUNTY

On discretionary review pursuant to N.C.G.S. § 7A-31 of a unanimous decision of the Court of Appeals, ___ N.C. App. ___, 518 S.E.2d 522 (1999), affirming an order for summary judgment entered by Martin (Lester P.), J., on 7 January 1998, in Superior Court, Forsyth County. Heard in the Supreme Court 14 February 2000.

Roderick Todd McIver for plaintiff-appellants.

Womble Carlyle Sandridge & Rice, P.L.L.C., by Alison R. Bost, for defendant-appellees.

PER CURIAM.

DISCRETIONARY REVIEW IMPROVIDENTLY ALLOWED.

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