

IN THE SUPREME COURT OF NORTH CAROLINA

No. 549A99

FILED 16 JUNE 2000

GREGORY OSBURN and JOY C. OSBURN

v.

DANEK MEDICAL, INC., SOFAMOR-DANEK GROUP, INC., WARSAW
ORTHOPAEDIC, INC., KEITH M. MAXWELL, M.D., KEITH M. MAXWELL,
M.D., P.A., and ST. JOSEPH'S HOSPITAL

Appeal pursuant to N.C.G.S. § 7A-30(2) from the decision of
a divided panel of the Court of Appeals, ___ N.C. App. ___, 520
S.E.2d 88 (1999), finding no error in a judgment entered
29 August 1997 by Payne, J., in Superior Court, Buncombe County.
Heard in the Supreme Court 18 May 2000.

Donald B. Hunt for plaintiff-appellants.

*Young Moore and Henderson P.A., by Joseph W. Williford and
Brian O. Beverly, for defendant-appellees Keith M. Maxwell,
M.D., and Keith M. Maxwell, M.D., P.A.*

*Smith Helms Mulliss & Moore, L.L.P., by J. Donald Cowan,
Jr., on behalf of American Medical Association, North
Carolina Medical Society, and American Academy of
Orthopaedic Surgeons, amici curiae.*

PER CURIAM.

AFFIRMED.

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