

MEDICAL MUTUAL INSURANCE COMPANY OF NORTH CAROLINA v. GARY EUGENE
MAULDIN, M.D., and SYLVA ANESTHESIOLOGY, P.A.

No. 222PA00

Filed 6 April 2001

No headnotes.

On discretionary review pursuant to N.C.G.S. § 7A-31 of a unanimous decision of the Court of Appeals, 137 N.C. App. 690, 529 S.E.2d 697 (2000), reversing an order for summary judgment entered 30 September 1998 by Downs, J., in Superior Court, Macon County, and remanding for further proceedings. Heard in the Supreme Court 12 February 2001.

Roberts & Stevens, P.A., by James W. Williams and Gary T. Bruce, for plaintiff-appellee.

Wade E. Byrd; and Van Winkle, Buck, Wall, Starnes & Davis, P.A., by Steven B. Williamson, for defendant-appellants.

Clifford Britt, of counsel, North Carolina Academy of Trial Lawyers, amicus curiae.

Womble Carlyle Sandridge & Rice, PLLC, by James P. Cooney III, on behalf of the North Carolina Association of Defense Attorneys, amicus curiae.

PER CURIAM.

Justice MARTIN did not participate in the consideration or decision of this case. The remaining members of the Court are equally divided, with three members voting to affirm and three members voting to reverse the decision of the Court of Appeals. Accordingly, the decision of the Court of Appeals is left undisturbed and stands without precedential value.

AFFIRMED.