

MARY EVELYN JAMES v. WAL-MART STORES, INC.

No. 112A01

(Filed 5 October 2001)

Appeal pursuant to N.C.G.S. § 7A-30(2) from the decision of a divided panel of the Court of Appeals, 141 N.C. App. 721, 543 S.E.2d 158 (2001), finding error in a judgment entered 16 June 1999 by Cobb, J., in Superior Court, Pender County, and ordering a new trial. Heard in the Supreme Court 12 September 2001.

*Sherman, Smith and Slaughter, P.L.L.C., by L. Bryan Smith, for plaintiff-appellee.*

*Poyner & Spruill L.L.P., by Timothy W. Wilson, for defendant-appellant.*

PER CURIAM.

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

REVERSED.

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