

GEORGE E. GROVES v. THE TRAVELERS INSURANCE COMPANY, CHRISTINE DE SIMONE, ANDY GREEN, and PORCELANITE, INC., f/k/a P&M TILE, INC., f/k/a MANNINGTON CERAMIC TILE, INC.

No. 468A00

(Filed 5 October 2001)

Emotional Distress--intentional infliction--insufficient allegations

An action for intentional infliction of emotional distress is remanded to the Court of Appeals for further remand to the superior court for reinstatement of its order granting judgment on the pleadings for defendants for the reason stated in the dissenting opinion in the Court of Appeals that defendants' alleged actions did not constitute extreme and outrageous conduct sufficient to support such a claim.

Appeal pursuant to N.C.G.S. § 7A-30(2) from the decision of a divided panel of the Court of Appeals, 139 N.C. App. 795, 535 S.E.2d 105 (2000), affirming in part and reversing in part an order entered 28 April 1999 by Rousseau, J., in Superior Court, Guilford County. Heard in the Supreme Court 13 March 2001.

Donaldson & Black, P.A., by Rachel Scott Decker and Arthur J. Donaldson, for plaintiff-appellee.

Womble, Carlyle, Sandridge & Rice, P.L.L.C., by Richard T. Rice and Garth A. Gersten, for defendant-appellants.

Mark T. Sumwalt, P.A., by Vernon Sumwalt, on behalf of the North Carolina Academy of Trial Lawyers, amicus curiae.

Cranfill, Sumner & Hartzog, L.L.P., by Gloria T. Becker, on behalf of the North Carolina Association of Self-Insurers, amicus curiae.

PER CURIAM.

As to the issue of plaintiff's claim for intentional infliction of emotional distress, we reverse the decision of the Court of Appeals for the reasons stated in the dissenting opinion of Judge McGee. Accordingly, we remand this case to the Court of Appeals for further remand to the Superior Court, Guilford County, for reinstatement of its order granting judgment on the

pleadings in favor of defendants.

REVERSED.

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