

IN THE SUPREME COURT OF NORTH CAROLINA

No. 549A01

FILED: 7 MARCH 2002

JAMES DEWEY MILON and ROSA P. MILON

v.

DUKE UNIVERSITY; DUKE UNIVERSITY HEALTH SYSTEM, INC.; PRIVATE DIAGNOSTIC CLINIC, L.L.P.; PRIVATE DIAGNOSTIC CLINIC, PLLC; DAVID F. PAULSON, M.D.; PETER S.A. GLASS, M.D.; and MARY CRODELLE, CRNA

Appeal pursuant to N.C.G.S. § 7A-30(2) from the decision of a divided panel of the Court of Appeals, 145 N.C. App. 609, 551 S.E.2d 561 (2001), reversing and remanding an order entered 26 June 2000 by Spencer, J., in Superior Court, Durham County. Heard in the Supreme Court 14 February 2002.

Bugg, Wolf & Wilkerson, P.A., by John A. Bugg and William J. Wolf; Miller & Martin LLP, by Gayle Malone, Jr., pro hac vice; and Center for Constitutional Litigation, PC, by John Vail, pro hac vice, for plaintiff-appellants.

Fulbright & Jaworski L.L.P., by John M. Simpson; and Moore & Van Allen, PLLC, by Charles R. Holton, for defendant-appellees Duke University; Duke University Health System, Inc.; Private Diagnostic Clinic, L.L.P.; Private Diagnostic, P.L.L.C.; Peter S.A. Glass, M.D.; and Mary Crodelle, C.R.N.A.; and Patterson, Dilthey, Clay & Bryson, by Mark E. Anderson, for defendant-appellee David F. Paulson, M.D.

Financial Protection Law Center, by Chandra T. Taylor and Mallam J. Maynard, amicus curiae.

Triggs, Beskind, Strickland & Rabenau, P.A., by Donald R. Strickland and Karen M. Rabenau, on behalf of the North Carolina Academy of Trial Lawyers, amicus curiae.

North Carolina Justice & Community Development Center, by Carlene McNulty, amicus curiae.

*Friends of Residents in Long Term Care, Inc. by
Thomas W. Henson, Jr., amicus curiae.*

PER CURIAM.

For the reasons stated in the dissenting opinion, we
reverse the decision of the Court of Appeals.

REVERSED.