

RALPH LINDSEY, JR. v. BODDIE-NOELL ENTERPRISES, INC., d/b/a
HARDEE'S SKAT-THRU

No. 679A01

Filed 10 May 2002

No Headnotes.

Appeal pursuant to N.C.G.S. § 7A-30(2) from the decision of a divided panel of the Court of Appeals, 147 N.C. App. 166, 555 S.E.2d 369 (2001), ordering a new trial after appeal from a judgment entered 21 July 1999 and an order signed 22 February 2000 by Klass, J., in Superior Court, Guilford County. Heard in the Supreme Court 15 April 2002.

Brooks, Pierce, McLendon, Humphrey & Leonard, L.L.P., by L.P. McLendon, Jr.; John W. Ormand III; and Teresa DeLoatch Bryant, for plaintiff-appellee.

Cranfill, Sumner & Hartzog, L.L.P., by H. Lee Evans, for defendant-appellant.

PER CURIAM.

The decision of the Court of Appeals is reversed for the reasons stated in the dissenting opinion.

REVERSED.