

IN THE SUPREME COURT OF NORTH CAROLINA

No. 658A02

FILED: 13 JUNE 2003

A. NEAL BRUMLEY, Executor of the Estate of William Glenn
Dellinger, Deceased

v.

MALLARD, L.L.C. and BONN A. GILBERT, JR., a/k/a Bonn Gilbert

Appeal pursuant to N.C.G.S. § 7A-30(2) from the
decision of a divided panel of the Court of Appeals, ___ N.C.
App. ___, 575 S.E.2d 35 (2002), affirming an order denying
defendants' motion for summary judgment and an order granting
plaintiff's motion for summary judgment entered 30 May 2001 by
Judge James E. Lanning in Superior Court, Mecklenburg County.
Heard in the Supreme Court 9 April 2003.

Richard H. Robertson for plaintiff-appellee.

Richard H. Tomberlin for defendant-appellants.

PER CURIAM.

AFFIRMED.