

IN THE SUPREME COURT OF NORTH CAROLINA

No. 45A03

FILED: 2 OCTOBER 2003

RICHARD ALLEN OVERTON

v.

WILLIAM ROBERT PURVIS

Appeal pursuant to N.C.G.S. § 7A-30(2) from the decision of a divided panel of the Court of Appeals, 154 N.C. App. 543, 573 S.E.2d 219 (2002), reversing and remanding an amended judgment entered 18 June 2001 by Judge Quentin T. Sumner in Superior Court, Pitt County. Heard in the Supreme Court 9 September 2003.

*The Blount Law Firm, PA, by Marvin K. Blount III, for plaintiff-appellant.*

*Walker, Clark, Allen, Grice & Ammons, LLP, by Jerry A. Allen and Gay P. Stanley, for defendant-appellee.*

PER CURIAM.

For the reasons stated in the dissenting opinion, we reverse the decision of the Court of Appeals addressing only defendant's assignment of error as to the last clear chance doctrine. The result in the Court of Appeals did not require it to reach other issues properly preserved by defendant and raised on appeal. These remaining issues relate not only to the amended judgment reversed and remanded by the Court of Appeals, but also to three additional orders entered 6 June 2001 and appealed by defendant in his notice of appeal to the Court of Appeals. Because we now reverse the Court of Appeals' decision as to the

only issue it addressed, on remand, that court should also consider defendant's remaining issues.

REVERSED.