

IN THE SUPREME COURT OF NORTH CAROLINA

No. 640A03

FILED: 2 APRIL 2004

FANNY LEE BROWN, Individually and as Guardian Ad Litem for
SCOTTIE NOBLES, a minor

v.

FLOYD TRAVIS MILLSAP

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. ___, 588 S.E.2d 71 (2003), reversing a judgment signed
28 September 2002 *nunc pro tunc* by Judge Wiley F. Bowen in
Superior Court, Columbus County. Heard in the Supreme Court
17 March 2004.

T. Craig Wright for plaintiff-appellee.

*Russ, Worth, Cheatwood & Hancox, by Philip H.
Cheatwood, for defendant-appellant.*

*Cranfill, Sumner & Hartzog, L.L.P., by Robert
H. Griffin and Jaye E. Bingham, on behalf of
Nationwide Insurance Company, amicus curiae.*

PER CURIAM.

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

REVERSED.