

IN THE SUPREME COURT OF NORTH CAROLINA

No. 518PA04

FILED: 5 MAY 2005

CITY OF BURLINGTON, a Municipal Corporation

v.

BONEY PUBLISHERS, INC., D/B/A *THE ALAMANCE NEWS*

On discretionary review pursuant to N.C.G.S. § 7A-31 of a unanimous decision of the Court of Appeals, \_\_\_ N.C. App. \_\_\_, 600 S.E.2d 872 (2004), reversing an order entered by Judge James C. Spencer, Jr. on 20 November 2002 in Superior Court, Alamance County. Heard in the Supreme Court 19 April 2005.

*Thomas, Ferguson & Mullins, L.L.P., by Jay H. Ferguson, and Robert M. Ward, City Attorney, for plaintiff-appellant.*

*Everett, Gaskins, Hancock & Stevens, LLP, by Hugh Stevens and C. Amanda Martin, for defendant-appellee.*

*Andrew L. Romanet, Jr., General Counsel, and Gregory F. Schwitzgebel, III, Senior Assistant General Counsel, North Carolina League of Municipalities, amicus curiae.*

*Brooks, Pierce, McLendon, Humphrey & Leonard, L.L.P., by Charles F. Marshall, for North Carolina Press Association and North Carolina Association of Broadcasters, amici curiae.*

*Ellis & Winters, LLP, by Julia F. Youngman, for American Civil Liberties Union of North Carolina Legal Foundation, and Hunter, Higgins, Miles, Elam & Benjamin, PLLC, by Robert N. Hunter, Jr., for John Locke Foundation, amici curiae.*

PER CURIAM.

DISCRETIONARY REVIEW IMPROVIDENTLY ALLOWED.