

NEILL GRADING & CONSTRUCTION COMPANY, INC. v. DAVID B. LINGAFELT
and NEWTON CONOVER COMMUNICATIONS, INC.

No. 112PA05

FILED: 16 DECEMBER 2005

On discretionary review pursuant to N.C.G.S. § 7A-31 of a unanimous decision of the Court of Appeals, 168 N.C. App. 36, 606 S.E.2d 734 (2005), dismissing an interlocutory appeal from an order denying summary judgment entered 17 November 2003 by Judge Robert C. Ervin in Superior Court, Catawba County. Heard in the Supreme Court 16 November 2005.

Patrick, Harper & Dixon L.L.P., by Stephen M. Thomas and Michael J. Barnett, for plaintiff-appellee.

Brooks, Pierce, McLendon, Humphrey & Leonard, L.L.P., by Mark J. Prak and Charles E. Coble, for defendant-appellants.

The Bussian Law Firm, PLLC, by John A. Bussian, for North Carolina Association of Broadcasters and North Carolina Press Association, amici curiae.

PER CURIAM.

DISCRETIONARY REVIEW IMPROVIDENTLY ALLOWED.