

VAN REYPEN ASSOCIATES, INC. d/b/a THE GIN MILL v. GERALD EUGENE
TEETER, and GORDEN LEWIS d/b/a GORDEN'S EXCAVATING SERVICE

No. 84PA06

FILED: 15 DECEMBER 2006

On discretionary review pursuant to N.C.G.S. § 7A-31 of
a unanimous decision of the Court of Appeals, 175 N.C. App. 535,
624 S.E.2d 401 (2006), affirming an order entered 29 April 2004
by Judge David S. Cayer and an order entered 4 August 2004 by
Judge Robert C. Ervin, both in Superior Court, Mecklenburg
County. Heard in the Supreme Court 20 November 2006.

*James, McElroy & Diehl, P.A., by Charles M. Viser,
Preston O. Odom, III, and Fred P. Parker, IV, for
plaintiff-appellant.*

*Stiles Byrum & Horne, L.L.P., by Lane Matthews, for
defendant-appellees.*

*The Avery, P.C., by Isaac T. Avery, III, for North
Carolina Association of Police Attorneys, and Kimberly
N. Overton for North Carolina Conference of District
Attorneys, amici curiae.*

*Christopher G. Browning, Jr., Solicitor General; John
F. Maddrey, Assistant Solicitor General; and Robert C.
Montgomery and Hal F. Askins, Special Deputy Attorneys
General, for Roy Cooper, Attorney General, amicus
curiae.*

PER CURIAM.

DISCRETIONARY REVIEW IMPROVIDENTLY ALLOWED.