

IN THE SUPREME COURT OF NORTH CAROLINA

No. 412PA06

FILED: 9 NOVEMBER 2007

LEVEL 3 COMMUNICATIONS, LLC,  
Petitioner

v.

CHARLES G. COUCH, JR.; JOE C. YOUNG, TRUSTEE, U/A DATED DECEMBER 24, 1992 WITH WAYNE T. UPCHURCH AND ELIZABETH C. UPCHURCH, KNOWN AS THE BARRY UPCHURCH TRUST; JOE C. YOUNG, TRUSTEE, U/A DATED DECEMBER 24, 1992 WITH WAYNE T. UPCHURCH AND ELIZABETH C. UPCHURCH, KNOWN AS THE GRAVES UPCHURCH TRUST,  
Respondents

# Supreme Court

On discretionary review pursuant to N.C.G.S. § 7A-31 of a unanimous, unpublished decision of the Court of Appeals, 178 N.C. App. 390, 631 S.E.2d 23 (2006), affirming a judgment entered on 30 March 2005 and an order entered on 26 May 2005, both by Judge Timothy L. Patti in Superior Court, Mecklenburg County. Heard in the Supreme Court 16 October 2007.

# Slip Opinion

*Womble Carlyle Sandridge & Rice, PLLC, by Burley B. Mitchell, Jr., Mark P. Henriques, and Sarah A. Motley, for petitioner-appellant.*

*James, McElroy & Diehl, P.A., by Bruce M. Simpson, for respondent-appellees.*

PER CURIAM.

DISCRETIONARY REVIEW IMPROVIDENTLY ALLOWED.

Justice HUDSON did not participate in the consideration or decision of this case.