

DARVELLA JONES v. HARRELSON AND SMITH CONTRACTORS, LLC, a North Carolina Corporation, and RODNEY S. TURNER d/b/a RODNEY S. TURNER HOUSEMOVERS

No. 36A07

FILED: 7 MARCH 2008

Appeal pursuant to N.C.G.S. § 7A-30(2) from the decision of a divided panel of the Court of Appeals, 180 N.C. App. 478, 638 S.E.2d 222 (2006), dismissing plaintiff's appeal from a judgment entered on 10 May 2005 by Judge Jerry Braswell in Superior Court, Pamlico County. Heard in the Supreme Court 10 December 2007.

Supreme Court

Smith Moore LLP, by J. Donald Cowan, Jr. and Elizabeth Brooks Scherer, for plaintiff-appellant.

Hopf & Higley, P.A., by Donald S. Higley, II, for defendant-appellee Harrelson and Smith Contractors, LLC.

Slip Opinion

Troutman Sanders, LLP, by Hannan G. Styron and D. Martin Warf, for North Carolina Association of Defense Attorneys; and Elliot Pishko Morgan, P.A., by David C. Pishko, for North Carolina Academy of Trial Lawyers, amici curiae.

PER CURIAM.

The decision of the Court of Appeals is reversed, and this case is remanded to that court for reconsideration in light of *Dogwood Development & Management Co. v. White Oak Transport Co.*, 362 N.C. __, __ S.E.2d __ (2008) (303A07), and *State v. Hart*, 361 N.C. 309, 644 S.E.2d 201 (2007).

REVERSED AND REMANDED.