

KENNETH WAYNE WEAVER and ANN WEAVER v. CHARLES MICHAEL SHEPPA, M.D., LESLIE PATRICIA MARSHALL, M.D., and RALEIGH EMERGENCY MEDICINE ASSOCIATES, INC.

No. 558PA07

FILED: 12 JUNE 2008

On discretionary review pursuant to N.C.G.S. § 7A-31 of a unanimous decision of the Court of Appeals, 186 N.C. App. ___, 651 S.E.2d 395 (2007), reversing entry of judgment notwithstanding the verdict in defendants' favor on 24 July 2006 by Judge A. Leon Stanback, Jr. in Superior Court, Wake County. Heard in the Supreme Court 6 May 2008.

Knott & Berger, L.L.P., by Joe Thomas Knott, III and Bruce W. Berger, for plaintiff-appellees.

Young Moore and Henderson P.A., by William P. Daniell; and Ellis & Winters, LLP, by Leslie C. O'Toole, for defendant-appellants.

PER CURIAM.

Justice NEWBY took no part in the consideration or decision of this case. The remaining members of the Court are equally divided, with three members voting to affirm and three members voting to reverse the decision of the Court of Appeals. Accordingly, the decision of the Court of Appeals is left undisturbed and stands without precedential value. See *Crawford v. Commercial Union Midwest Ins. Co.*, 356 N.C. 609, 572 S.E.2d 781 (2002).

AFFIRMED.