

JOSEPH O'MARA, a minor, by and through his Guardian ad Litem, Larry Reavis; and JANELLA O'MARA v. WAKE FOREST UNIVERSITY HEALTH SCIENCES; NORTH CAROLINA BAPTIST HOSPITAL; FORSYTH MEMORIAL HOSPITAL, INC., and NOVANT HEALTH, INC.

No. 414PA07

FILED: 20 MARCH 2009

On discretionary review pursuant to N.C.G.S. § 7A-31 of a unanimous decision of the Court of Appeals, 184 N.C. App. 428, 646 S.E.2d 400 (2007), finding no error in a judgment entered on 30 November 2005 dismissing plaintiffs' complaint with prejudice and an order entered on 6 January 2006 denying plaintiffs' motion for a new trial, but reversing in part an order also entered on 6 January 2006 awarding costs to defendants, all by Judge Michael E. Helms in Superior Court, Yadkin County. Heard in the Supreme Court on 6 May 2008. On 9 May 2008, the Supreme Court further allowed plaintiffs' petition for discretionary review as to additional issues. Determined without further oral argument pursuant to N.C. R. App. P. 30(f)(1).

*Law Offices of Wade E. Byrd, P.A., by Wade E. Byrd; and The Lawing Firm, P.A., by Sally A. Lawing, for plaintiff-appellants.*

*Wilson & Coffey, L.L.P., by Tamara D. Coffey, Linda L. Helms, and Amanda B. Palmieri, for defendant-appellees.*

*Patterson Harkavy LLP, by Burton Craige, for North Carolina Academy of Trial Lawyers, amicus curiae.*

*Yates, McLamb & Weyher, L.L.P., by John W. Minier, for North Carolina Association of Defense Attorneys, amicus curiae.*

PER CURIAM.

DISCRETIONARY REVIEW IMPROVIDENTLY ALLOWED.