

THERESA D. HALL, Administratrix of the Estate of MICHAEL H. HALL,  
and THERESA D. HALL, Individually v. TOREROS II, INC.

No. 187PA06

FILED: 20 MARCH 2009

On discretionary review pursuant to N.C.G.S. § 7A-31 of  
a unanimous decision of the Court of Appeals, 176 N.C. App. 309,  
626 S.E.2d 861 (2006), affirming entry of judgment  
notwithstanding the verdict in defendant's favor on 1 April 2004  
by Judge Abraham Penn Jones in Superior Court, Durham County.  
Heard in the Supreme Court 13 November 2007.

*Thomas, Ferguson & Mullins, L.L.P., by Jay H. Ferguson;  
and Twiggs, Beskind, Strickland & Rabenau, P.A., by  
Howard F. Twiggs, Donald H. Beskind, and Jesse H.  
Rigsby, IV, for plaintiff-appellants.*

*Patterson, Dilthey, Clay & Bryson, L.L.P., by Phillip  
J. Anthony and Christopher J. Derrenbacher, for  
defendant-appellee.*

*Jordan Price Wall Gray Jones & Carlton, by R. Frank  
Gray, for North Carolina Restaurant and Lodging  
Association, amicus curiae.*

PER CURIAM.

Justice MARTIN 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, e.g.,  
*Barham v. Hawk*, 360 N.C. 358, 625 S.E.2d 778 (2006).

AFFIRMED.