

DEBRA SIZEMORE HENSLEY, Administratrix of the Estate of ASHLEY NICOLE HENSLEY RAYMER, Deceased v. NATIONAL FREIGHT TRANSPORTATION, INC.; TDY INDUSTRIES, INC. d/b/a ALLVAC; LARRY ALLEN SMITH, Individually and d/b/a LARRY ALLEN SMITH TRUCKING; PAUL WAYNE SMITH, Individually and d/b/a LARRY ALLEN SMITH TRUCKING; ROBERT E. SMITH, Individually and d/b/a LARRY ALLEN SMITH TRUCKING; and LARRY ALLEN SMITH TRUCKING, a de facto North Carolina Partnership

No. 536A08

FILED: 1 MAY 2009

Appeal pursuant to N.C.G.S. § 7A-30(2) from the decision of a divided panel of the Court of Appeals, 193 N.C. App. \_\_\_, 668 S.E.2d 349 (2008), reversing an order granting summary judgment for defendant TDY Industries, Inc. d/b/a ALLVAC entered on 23 August 2007 by Judge Timothy L. Patti in Superior Court, Mecklenburg County, and remanding for further proceedings. Heard in the Supreme Court 31 March 2009.

*Guthrie, Davis, Henderson & Staton, P.L.L.C., by Dennis L. Guthrie, John H. Hasty, and Justin N. Davis, for plaintiff-appellee.*

*Womble Carlyle Sandridge & Rice, PLLC, by James P. Cooney and Tricia Morvan Derr, for defendant-appellant TDY Industries, Inc. d/b/a ALLVAC.*

PER CURIAM.

AFFIRMED.