

IN THE SUPREME COURT OF NORTH CAROLINA

No. 36A07-2

FILED: 18 JUNE 2009

DARVELLA JONES

v.

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

Appeal pursuant to N.C.G.S. § 7A-30(2) from the decision of a divided panel of the Court of Appeals, ___ N.C. App. ___, 670 S.E.2d 242 (2008), affirming in part, reversing in part, and remanding a judgment entered on 10 May 2005 by Judge Jerry Braswell in Superior Court, Pamlico County, following this Court's opinion reported at 362 N.C. 226, 657 S.E.2d 352 (2008) (per curiam), reversing a decision of the Court of Appeals dismissing plaintiff's appeal, 180 N.C. App. 478, 638 S.E.2d 222 (2006), and remanding this case to that court for reconsideration. Heard in the Supreme Court 4 May 2009.

Ellis & Winters, by J. Donald Cowan, Jr.; and Smith Moore Leatherwood LLP, by Sidney S. Eagles, Jr., for plaintiff-appellee.

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

PER CURIAM.

AFFIRMED.