

IN THE SUPREME COURT OF NORTH CAROLINA

No. 67PA07-2

FILED: 28 AUGUST 2009

SANDY MUSH PROPERTIES, INC. and FLORIDA ROCK INDUSTRIES, INC.

v.

RUTHERFORD COUNTY, by and through THE RUTHERFORD COUNTY BOARD OF COMMISSIONERS

On discretionary review pursuant to N.C.G.S. § 7A-31 of a unanimous decision of the Court of Appeals, 187 N.C. App. 809, 654 S.E.2d 253 (2007), affirming an order granting summary judgment entered 7 December 2005 by Judge Forrest Donald Bridges in Superior Court, Rutherford County, following this Court's remand of this case to the Court of Appeals on 23 August 2007 for reconsideration of its decision reported at 181 N.C. App. 224, 638 S.E.2d 557 (2007), affirming the same order. Heard in the Supreme Court 14 October 2008.

*K & L Gates LLP, by Roy H. Michaux, Jr., for plaintiff-appellant Sandy Mush Properties, Inc.*

*Sigmon, Clark, Mackie, Hutton, Hanvey, & Ferrell, P.A., by Warren A. Hutton, Forrest A. Ferrell, and Stephen L. Palmer, for defendant-appellee.*

PER CURIAM.

DISCRETIONARY REVIEW IMPROVIDENTLY ALLOWED.