

IN THE SUPREME COURT OF NORTH CAROLINA

No. 255A09

FILED: 11 DECEMBER 2009

RICHARD A. FRANCO, JR.

v.

LIPOSCIENCE, INC.

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. \_\_\_, 676 S.E.2d 500 (2009), affirming an order and judgment dated 8 August 2007 and an order entered on 19 October 2007, both by Judge R. Allen Baddour, Jr. in Superior Court, Wake County. Heard in the Supreme Court 16 November 2009.

*James, McElroy & Diehl, P.A., by Richard B. Fennell and Preston O. Odom, III, for plaintiff-appellant.*

*Ogletree, Deakins, Nash, Smoak & Stewart, P.C., by Phillip J. Strach, for defendant-appellee.*

PER CURIAM.

AFFIRMED.