

IN THE SUPREME COURT OF NORTH CAROLINA

No. 387A09

FILED: 29 JANUARY 2010

ELIZABETH ELAINE PARDUE

v.

MICHAEL BRINEGAR and wife, APRIL B. BRINEGAR; FRANCES BRINEGAR

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. ___, 681 S.E.2d 435 (2009), affirming both an order denying plaintiff's motion for judgment notwithstanding the verdict and a judgment entered on 16 May 2008 by Judge Michael D. Duncan in District Court, Wilkes County. Heard in the Supreme Court 6 January 2010.

McElwee Firm, PLLC, by John M. Logsdon, for plaintiff-appellant.

Stone & Christy, P.A., by Bryant D. Webster, for defendant-appellees.

PER CURIAM.

For the reasons stated in the dissenting opinion, the decision of the Court of Appeals is reversed and the case is remanded to that court for further remand to the trial court for entry of judgment for plaintiff.

REVERSED AND REMANDED.